

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Thursday, 9<sup>th</sup> June, 2022

*The House met at the Senate Chamber,  
Parliament Buildings, at 2.30 p.m.*

*[The Speaker (Hon. Lusaka) in the Chair]*

### PRAYER

### COMMUNICATIONS FROM THE CHAIR

#### VISITING DELEGATION FROM STEPPING STONES ELEMENTARY SCHOOL KITENGELA, KAJIADO COUNTY

**The Speaker** (Hon. Lusaka): Hon. Senators, I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting teachers and students from the Stepping Stones Elementary School Kitengela, Kajiado County, who are on an academic trip.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and on behalf of the Senate and my own behalf, wish them a fruitful visit.

*(Applause)*

#### VISITING DELEGATION FROM CHANIA GIRLS HIGH SCHOOL, KIAMBU COUNTY

Hon. Senators, I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting teachers and History students from Chania Girls High School in Kiambu County who are on an academic trip.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them, and on behalf of the Senate and my own behalf, wish them a fruitful visit.

I thank you.

*(Applause)*

**Sen. Pareno:** Mr. Speaker, Sir, I join you to welcome the students from both schools. I come from Kitengela, and I am happy to see students from Kitengela. You are welcome to the Senate, as our Speaker has told you.

Do the best to learn from the best, because I believe that this Senate has the best brains in terms of Members who are here. You will see what we do, so that you are inspired to become leaders. Today, we are the Senators, but tomorrow it shall be you.

Thank you for coming.

**The Speaker** (Hon. Lusaka): Sen. Pogishio, please, proceed.

**The Senate Majority Leader** (Sen. Poghishio): Mr. Speaker, Sir, I would like to add my voice to that of Sen. Pareno and yours by joining you in welcoming these young students who have visited the Senate.

I would like to tell them that they are welcome another time. These are the final days of our time here. The term of the Twelfth Parliament is coming to an end.

*Karibu*, but please find another time to visit so that you understand what goes on here. The business of the House is all for the welfare of the nation and the counties particularly. That is what the Senate does.

I would like to welcome both schools that have come. Feel at home. This is the House of the people and we represent the people. Send our greetings when you go back to your homes and schools.

**Sen. (Dr.) Musuruve:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to join you in welcoming the students to the House.

I would like to thank the teachers of Chania Girls High School for deciding to bring students to the Senate, so that they understand what exactly happens in terms of legislation. I can see that History students from Chania Girls High School have bright faces and are brilliant. This class is going to write our history.

I am happy to see that the girls are keen to follow the proceedings of the Senate. It is clear that we have to mentor our girls. This trip is important for them because they will forever remember that they visited the Senate. Girls, you need to work hard.

Most of us were where you are many years ago. I was also a student of History and was keen on leadership. I can see good leaders, doctors and legislators before us. Girls, I would like to tell you that it is doable and the girl-child can go very far.

The fact that you have come here, you are already leaders in the making. Take advantage of the History class and ensure that you fly the flag of our country high because people have realised that a girl can also be educated and lead. It is in the right mood and the right tune for you to be here.

Thank you teachers for making it a priority to bring students here for a trip before the term of this Senate comes to an end. I am sure that later on, some of these girls will come here for attachment and it will be a boom for them in the academic and leadership ladder.

**The Speaker** (Hon. Lusaka): Sen. Wambua, please, proceed.

**Sen. Wambua:** Mr. Speaker, Sir, thank you for this opportunity. I also thank my colleagues as I join you in welcoming the visiting delegation of teachers and students from Kitengela and Kiambu.

This visit is important because it is an opportunity for the students at their age to prepare themselves for leadership roles now and in the future. As they follow proceedings of this august House, I urge them to be keen and to aspire to occupy the leadership positions now and in the future.

**The Speaker** (Hon. Lusaka): Next Order.

Senate Majority Leader, you can Table the reports. We have just approved them.

### PETITIONS

**The Senate Majority Leader** (Sen. Poghio): Mr. Speaker, Sir, I beg to lay the following Petition Reports on the Table of the Senate, today 9<sup>th</sup> June, 2022.

#### REPORT ON PETITION: ILLEGAL ALIENATION OF PARCEL OF LAND BY CHILD WELFARE SOCIETY

Report of the Senate Standing Committee on Lands, Environment and Natural Resources on the Petition concerning illegal alienation of parcel of land Embu/Municipality/375 leasehold by Child Welfare Society of Kenya.

#### REPORT ON PETITION: APPROVAL OF THE PROPOSED ENVIRONMENT INSTITUTE OF KENYA BILL

Report of the Standing Committee on Lands, Environment and Natural Resources on the petition to approve the proposed Environment Institute of Kenya (EIK) Bill.

#### REPORT ON PETITION: EXPANSION OF OFFENSIVE PROVISIONS IN THE WATER SERVICES REGULATIONS 2021 AND WATER RESOURCES REGULATIONS

Report of the Senate Standing Committee on Lands, Environment and Natural Resources on a Petition to expand the alleged offensive provisions in the Water Services Regulations 2021 and the Water Resources Regulations.

#### REPORT ON PETITION: INJUSTICES AGAINST SAMBURU COMMUNITY LIVING IN LAIKIPIA COUNTY

Report on the Senate Standing Committee on Lands, Environment and Natural Resources on a petition by Kirimon residents regarding historical line injustices against Samburu community living in the Kirimon, Laikipia North, Laikipia County.

*(Sen. Poghio laid the documents on the Table)*

**The Speaker** (Hon. Lusaka): Next Order.

Senate Majority Leader, you can proceed.

### PAPER LAID

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REPORT ON A STUDY VISIT ON SPORTS DEVELOPMENT  
AND MANAGEMENT IN THE UNITED KINGDOM

**The Senate Majority Leader** (Sen. Poghio): Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, 9<sup>th</sup> June, 2022-

Report of the Standing Committee on Labour and Social Welfare on a study visit on Sports Development and Management in the United Kingdom.

*(Sen. Poghio laid the documents on the Table)*

**The Speaker** (Hon. Lusaka): Next Order.

Sen. Pareno, please, proceed.

**STATEMENTS**

**Sen. Pareno:** Mr. Speaker, Sir, I have just given out a copy of that Statement for photocopying. I ask for a few minutes for me to be able to read it.

**The Speaker** (Hon. Lusaka): Okay. Sen. Wambua can read his if he is ready.

ATTACK ON RESIDENTS IN IKANDANI AREA,  
KITUI COUNTY BY GUN WIELDING BANDITS

**Sen. Wambua:** Thank you Mr. Speaker, Sir. I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on National Security and Foreign Relations regarding heightened insecurity perpetuated by gun wielding bandits who have invaded and attacked residents of Ikandani area in Mutha Ward of Kitui South Constituency in Kitui County.

Mr. Speaker, Sir, Mr. Munyau Mutia, an innocent citizen, was shot by the attackers on Sunday 5<sup>th</sup> June, 2022. I am happy that I am raising this Statement when the Senate Majority Leader is in the House. Even if the Chairman of the Committee on National Security and Foreign Relations is not around, he should take note because this is a serious matter.

In the Statement, the Committee should -

1. Appraise the Senate on the measures that the national Government has put in place in response to the current insecurity in Ikandani area in Mutha Ward of Kitui South Constituency, Kitui County in securing lives and properties of the residents, giving clear timelines. The people of the affected area are aware that the Government is taking stern measures elsewhere in the country to deal with an issue similar to what they are facing today.
2. The Committee should state the reasons for the delay in resolving this incessant banditry attacks while providing targeted interventions in strengthening security.
3. The Committee should clarify whether the Ministry of Interior and Coordination of national Government has established additional police posts in the affected areas or deployed Rapid Deployment Units (RDUs) and the National Police Reservists to complement security apparatus, to ensure effective addressing of the conflict.

4. State targeted measures, if any, in seeking sustainable solutions to the banditry attacks, stating whether communities in the area have been involved through public participation in seeking these solutions.

Mr. Speaker, Sir, indulge me for a minute. This matter has been a serious issue in this area for many years. Last year, the Minister for Interior and Coordination of National Government accompanied by the Inspector General of Police tried to address this issue, but it has come back.

Elsewhere in the country, we have seen the Government moving very swiftly to issue curfew notices and disarming people that are illegally owning guns. Here is a situation where for the longest time, every now and then, when there is a drought, our people living in almost the entire Mutha Ward are attacked by people who are herding camels.

When these animals get into the farms belonging to the people of Mutha Ward and they try to repulse those animals, they are attacked or even killed. We want a lasting solution to this menace.

**The Speaker** (Hon. Lusaka): Sen. (Dr.) Musuruve, please, proceed.

**Sen. (Dr.) Musuruve:** Mr. Speaker, Sir, I would like to support Sen. Wambua in seeking for this Statement. There is need for a sustainable solution with regard to banditry attacks and the fact that guns are on the loose. This is something that should be checked thoroughly because guns are supposed to be with specific people, especially our security forces, so that they can help in protecting us. However, when we have guns on the loose, it means that there is something not right.

As we are talking about banditry attacks in the area that the Senator has mentioned, there are also parts of this country that are in dire need of security measures because of banditry attacks. There is need for an investigation to be done whether the *Nyumba Kumi* Initiative is working and village elders are being used to ensure that there is peace all over. This is because, most of the time, when there are bandits or thugs in an area, some of these thugs are known and it is possible for *Nyumba Kumi* to come out and say clearly who are the thugs in that area.

This is a very important Statement and there is need for investigation and a lasting solution, to ensure that all Kenyans are safe wherever they are.

Thank you for the opportunity you have given me to support this Statement.

**The Speaker** (Hon. Lusaka): Thank you, Sen. (Dr.) Musuruve.

Next Statement from Sen. Pareno.

#### KILLING OF FIVE BYSTANDERS BY GSU OFFICERS IN MASIMBA AREA, KAJIADO COUNTY.

**Sen. Pareno:** Mr. Speaker, Sir, I rise to make a Statement pursuant to Standing Order No.48(1) on the killing of five by-standers by General Service Unit (GSU) officers in Masimba Area in Kenyawa Poka Ward in Kajiado county.

Pursuant to Standing Order No.48 (1), I seek a Statement from the Standing Committee on National Security Defence and Foreign Relations on the killing of five

bystanders by GSU officers in Masimba Area in Kenyewa-Poka Ward in Kajiado County.

In the Statement, the Committee should:

(1) Appraise the Senate on the circumstances that led to the killing of five bystanders during demonstrations by women who were protesting the murder of another seven persons killed by rogue elephants in the area.

(2) State the progress of the investigations into the alleged use of excessive force and live bullets against the demonstrators by police officers during the demonstrations.

(3) State whether any arrests have been made, and if not, state the reasons why and what measures have been put in place to ensure that the GSU officers responsible for the death of the bystanders are held responsible.

Mr. Speaker, Sir, initially, the elephants killed some people and there were demonstrations. Then, the GSU came and killed more people.

The people who were killed by the elephants are: Pellow Muterian, Sonke Marona, Tarkor Purkisalie and Felix Molowma Kilapai. Those who were injured and are still at Makindu Hospital. They are Kibaki Kindi and Kindi Mollomaa. During the demonstrations, the police killed Tindu Terreu, Lemomir Topoika, and Duncan Munge.

(4) Outline the measures, if any, to compensate the families of the deceased whose deaths were caused by the elephants and those whose deaths were caused by the GSU officers;

(5) Explain the measures taken by Kenya Wildlife Service (KWS) to move and contain the rogue elephants in the area as they continue to cause mayhem and kill more people;

(6) State the measures, if any, to evict trespassers from the park, who are majorly the cause for the displacements of the elephants, and which in turn causes the displacement of the community, mayhem and death.

I submit.

**Sen. Cherargei:** Thank you, Mr. Speaker, Sir. I want to tell the Senate Majority Leader that we are always following the proceedings online and are aware of the Order Paper.

I wish to convey by my deepest condolences and our thoughts and prayers are with the families.

This issue of extrajudicial killings has reached a time that we must have a candid conversation, and I am happy that Sen. Pareno is a Member of the Committee on National Security and Foreign Relations.

I remember in Lessos, a few years ago, the police killed one of my people because of not wearing a mask and it brought hue and cry. The National Police Service, the Inspector-General of Police, the Ministry of Interior and Coordination of National Government promised to prosecute and dismiss officers involved, but up to date the families continue to suffer in Lessos.

Remember the aftermath was burning of a police station because of the anger. We saw this issue on media and Sen. Pareno has brought it before the House. Where are we going as a county? The sanctity of life is provided for under Article 26 of the Constitution.

The use of live bullets should be the last resort. There are rubber bullets and many other ways of subduing or arresting anybody who is affront to the law. Therefore, losing these people because our officers just want to kill to ensure they contain them is unfortunate.

I remember the Ministry of Interior and Coordination of National Government and the Inspector-General of Police appeared before this Parliament and assured us of the sanctity of life. There is nowhere in the Constitution that says when you get somebody stealing, you are supposed to execute them.

We appreciate that there are so many good police officers, but there are few elements who have criminalised the police. Therefore, I expected that by the time Sen. Pareno brings this Statement, those GSU officers would have been suspended and faced prosecution through the Independent Policing Oversight Authority (IPOA).

**The Speaker** (Hon. Lusaka): What is your point of information, Sen. Pareno. I hope he wants to be informed.

**Sen Pareno:** Mr. Speaker, Sir, I want to inform him two things. First, the people who were killed were bystanders, who were simply standing by the roadside watching a protest by women. They did not kill them while they were trying to control them. They killed bystanders who were watching a protest. The women were protesting, but they killed five men who were bystanders and five are in hospitals.

The other thing is that they have not arrested even a single person up to now, yet it was clear that they were GSU officers who just drove by, sprayed bullets and left.

**The Speaker** (Hon. Lusaka): Okay, Sen. Cherargei, please, proceed.

**Sen Cherargei:** Thank you, Sen. Pareno for that information. You know, it is hard to prosecute police officers or the GSU officers because they cannot investigate themselves. I thought it could be easy because they could just collect bullet cartridges and do the forensic tests since Government bullets are known. It is very unfortunate. Where are we safe?

It is very sad if bystanders can be shot and no one has been arrested and there are no investigations. No one should direct the Director of Public Prosecutions (DPP) or even the IPOA to do their job. They can start their own investigation.

It is unfortunate because even before those people are buried, if the investigations had begun, there should be a way of ensuring that post-mortem results are retrieved and the scene of crime is well secured.

Sen. Pareno and I, being practitioners of Law, know that they wanted to tamper with the scene and ensure that some of the vital evidence gets lost, so that at the end of the day, when those officers face the prosecution, they do not have an opportunity to be prosecuted.

Mr. Speaker, Sir, this is a very serious issue. I request the Committee to give a progress report. The Office of the Director of Public Prosecutions (ODPP), the Inspector-

General (IG) of Police, the Ministry of Interior and Coordination of National Government and the General Service Unit (GSU) Commandant should tell us what really happened.

We cannot operate like that. We have been having security issues in places like Mandera County. Three children were killed in Kerio Valley. They were just young and maybe around the same age as our young visitors that are in the Gallery. They were shot dead by bandits and were buried.

I know that the Senate Majority Leader, who neighbours Elgeyo-Marakwet County, has a clear picture of what is happening. Insecurity is an issue that must---

**The Speaker** (Hon. Lusaka): Order. What do you mean when you say that the Senator has a clear picture of what is happening? Do you mean he knows what is going on or is part of it?

**Sen. Cherargei:** Mr. Speaker, Sir, I am saying that as a Senator who comes from the same region with me, we have a clear picture and know what is happening. I am not saying that the Senate Majority Leader is aware of what is happening.

**Sen. Poghiso:** On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Sen. Poghiso, what is your point of intervention?

**The Senate Majority Leader** (Sen. Poghiso): Thank you, Mr. Speaker, Sir. You can see that Sen. Cherargei is struggling to explain himself because he knows he has taken himself to a corner.

I hope he is not contemplating that I have an idea of what is happening in Kerio Valley. For his information, Kerio Valley is made up of the Pokots and the Marakwets who live there. Both groups have made losses of each other and that is generally a security situation. However, he is not pointing a finger at anyone because he knows the truth.

**Sen. Kinyua:** On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): What is your point of order, Sen. Kinyua?

**Sen. Kinyua:** Mr. Speaker, Sir, Sen. Cherargei made it clear that the Senate Majority Leader has a clear picture. I do not know why he is struggling to explain because he said that the Senate Majority Leader has a clear picture. The two words are very clear to us.

**The Speaker** (Hon. Lusaka): I think in his explanation, he tried to be part of those who were in the picture. That is what he was trying to explain but that is not what he said initially. However, let us allow him to proceed.

**Sen. Cherargei:** Mr. Speaker, Sir, my apologies if that statement was misinterpreted. I know that Sen. Poghiso is a peace-loving Kenyan and has been a long-standing leader in this Republic. He is also the Chair of the Prayer Breakfast Committee and I saw him lead the National Prayer Breakfast. Therefore, he is also a prayerful man, and I hope he prays for all of us.

In conclusion, I appeal to Sen. Pareno to commence private prosecution against these officers, even as the Committee seizes the matter. I hope that the witnesses who were there cannot get intimidated. We know of many cases that face some of the rogue elements within our security sector. I do now want to say that amongst the police, GSU and other security agents, there are some who are rogue, but most of them are good.



I hope that Sen. Pareno will write and commence prosecution if the office of the DPP will not, so that these people can get justice.

It is very painful. I can imagine the agony and pain that the families, beneficiaries and dependants of the deceased are going through. We pray for their families. If Sen. Pareno needs any other support from this House such as contributions for the wellbeing of the families and funeral arrangements, I assure her that she has the full support of the Senate.

Mr. Speaker, Sir, I hope that the security managers are watching and will take action. They should ensure that these criminals within GSU are prosecuted and face the full force of the law.

**The Speaker** (Hon. Lusaka): Sen. Wambua, proceed.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir. I stand with my colleague and sister, Sen. Pareno, and the families that lost their loved ones in this unfortunate incident.

As we come to the tail-end of the 12<sup>th</sup> Parliament, one thing is clear; that slowly but surely, police officers are sliding back to the dark days of extrajudicial killings. It is this House that will have to make a bold statement through action, to ensure that these things do not happen. The bold action will also ensure that we meaningfully progress from a police force to a police service. Innocent Kenyans look up to police officers for assistance and service. They run to them to seek refuge if and when things are not going on very well for them.

Mr. Speaker, Sir, today is a dark day in this country. Members will remember that on the day this incident happened, our own colleague, the Senate Minority Whip, Sen. Mutula Kilonzo Jnr., was attacked at the same place.

I take this opportunity to specifically address the IG. At a time like this, this sort of thing happening is bad. Innocent people are lining the streets to watch the mayhem that is taking place and somebody drives through shooting them dead, and goes away. To date, almost a week later, not a single person has been arrested or even made to record a statement for that action.

Today, those innocent people in Kajiado County have very little other recourse apart from, perhaps, Sen. Pareno. They will just collect the bodies of the dead, bury them and that is it. Tomorrow, it could be someone else.

As we prepare to adjourn, I request the Committee on National Security, Defence and Foreign Relations to make sure that Sen. Pareno's Statement sends the right message to KPS; that Kenyans are not ready or willing to slide back to the dark days, when police officers would kill people at will and get away with it.

**The Speaker** (Hon. Lusaka): Sen. Kinyua, proceed.

**Sen. Kinyua:** Bw. Spika, asante kwa kunipa fursa hii. Kwanza kabisa ninatoa risala zangu za rambirambi kwa jamaa na familia waliopoteza wapendwa wao. Ni jambo la kuhuzunisha sana.

Jambo ambalo linaudhi ni kwamba wale watu kutoka Masimba, walikua wakiandamana kisheria. Sheria zetu zinaruhusu mtu yeyote kufanya maandamano. Kisa na maana ya wao kuandamana ni wenzao saba kuvamiwa na kuuawa na ndovu.

Tukio hilo liliwatuma kufanya maandamano, wakidhania kwamba watapata msaada. Cha kusikitisha ni kwamba watu watano ambao hawakua katika yale maandamano, walipigwa risasi na kuuawa. Watu hao walikua tu wakiangalia ile vurumai ikitendeka. Ukijumuisha, unapata kwamba zaidi ya watu 13 wameuawa.

Bw. Spika, Kuna wimbo nakumbuka ukiimbwa na sasa wananchi wa pale Kajiado wanashindwa; tukimbilie polisi, hapana; tukimbilie msituni mahali ndovu waliko, hapana. Popote watakapoenda watauwawa. Ata pengine wanaona ndovu ni wazuri kushinda askari kwa sababu ndovu waliwauwa watu wanne ilhali askari wamewauwa watu watano na wengine tano wako hospitali.

Mkuu wa polisi pamoja na Waziri Matiangi walishughulikie jambo hili kwa dharura kwa sababu vile watu wanavyotaka ni haki yao. Hao majamaa wanaoshughulikia mbuga zetu washughulikie hao wanyama kwa sababu hawa Wanyama wakivamia mashamba ya watu pale Masimba au Laikipia, sio hoja. Ndovu wakiwaua watu sio hoja lakini ingekuwa ni mtu wa Masimba, Rumuruti au Kimanjo huko Laikipia amemuua ndovu mmoja, hapo ndipo ungejuwa ya kwamba Serikali ina mkono mrefu.

Je, wanyama wanafaida zaidi kushinda wananchi au wananchi wana faida kushinda wanyama? Hilo ni swali ambalo limekuwa kizungumkuti kwetu na ni jambo la kuvunja moyo sana. Kwa hivyo, Kamati ambayo itapewa jukumu hili washughulikie hili jambo kwa haraka iwezekanavyo ndio watu waweze kupata haki yao.

Taarifa hii inasema ya kwamba hajulikani ni nani aliua nani. Hakuna yeyote aliyeshikwa. Hivi majuzi wakati kulisemekana ya kwamba simba alikuwa ameuawa, niliona magari karibu 100 ya askari polisi ikiwa huko ikiwinda wananchi kama swara. Lakini wananchi wakiuawa inasemekana ni kawaida; watu wanapelekwa kwa *mortuary* na hiyo inakuwa kawaida.

Kamati hii ishughulikie jambo hili kwa dharura na wale watu waweze kupata haki yao. Swali ninalojiuliza ni: Nani atakayefidia hizi familia?

Asante Bw. Spika.

**The Speaker** (Hon. Lusaka): Proceed, Sen. Mutula Kilonzo Jnr, on *Zoom*.

**Sen. Mutula Kilonzo Jnr**: Mr. Speaker, Sir, first of all, I offer my condolences--- Mr. Speaker, Sir, can you hear me?

**The Speaker** (Hon. Lusaka): Yes, I can hear you.

**Sen. Mutula Kilonzo Jnr**: My condolences to the family of the five people who lost their lives during that incident.

As Sen. Wambua has pointed out before, I was a victim because I accidentally ran into that protest. Had it not been for the quick action of both my driver and my bodyguard, I would have possibly lost my life during that demonstration because the demonstrators were so angry. They would throw stones indiscriminately at my official car. Of course, I attempted to calm them down when I got off my vehicle, but luckily, I escaped unhurt.

I also tried to look for the Governor of Kajiado on my way to Makindu, which is part of that particular place. Although we have similar issues in Makueni, protestants do not become violent to block the road. In any case, the families get the attendance and are compensated as quickly as possible. We have not had such an incident; it is unfortunate.

Surprisingly, the demonstrators were all women. The people who were obviously on the sideline protecting the women were some men, but the demonstrators were women.

I was very concerned four hours later to learn that five people had been shot at the same roadblock. It was unnecessary. The Government should have found an opportunity for either the Governor of Kajiado or the Cabinet Secretary in charge of security, Dr. Matiang'i, who later went to Kajiado. Likewise, the Cabinet Secretary in charge of Tourism should have gone to the said demonstration to address demonstrators instead of using such excessive force.

It was unnecessary because the women who were demonstrating were not armed, but carrying twigs. It is so unfortunate that a demonstration of human-wildlife conflict would end up with five burials. It is even more unfortunate that although they stoned my car indiscriminately, half of the people who were injured ended up in hospitals in Makueni.

Mr. Speaker, Sir, action should be taken. More importantly, the Government must be sensitive to the plight of Kenyans. It was quite unfortunate to learn from them that so many weeks after that incident of the elephant killing a lady, the Kenya Wildlife Service (KWS) had not bothered to go to the family. The KWS had not bothered to attend to them. They were obviously angry and rightly so because a government that does not care for its citizens is not a government.

Similar incidents have been reported in Makueni, Kitui and Taita-Taveta. I have a case where I am holding brief for a family. A young Form Four student who was found by mistake in the park two years ago was shot to death by KWS officers while on his knees. However, when Kenyans demonstrate that elephants get out of the park and kill people, the result is that five people are dead.

It is not right that, in fact, the media managed to make sure that this incident did not find itself anywhere in the press. Nobody knows that five demonstrators on a highway for simply protesting against KWS not taking responsibility for elephants that are roaming around the human habitat as if they have become tourists.

Mr. Speaker, Sir, I support this Statement and condemn the action of the police and the belated action by a Government, where they sent Cabinet Secretaries after victims had been killed. The seven victims of the human-wildlife attack have not been compensated and there is no word from the Government on when those victims should be compensated.

Since we have agreed as a country that we must have national parks next to human habitats, the Government must take action to ensure these elephants do not cross into human habitats. In a place like Laikipia where Sen. Kinyua comes from, they have built an elaborate corridor for the migration of elephants. They walk around like they are part and parcel of Kenya. However, in places like Kajiado, Taita-Taveta, Kitui and a place called Evingoni Zambale in Makueni, the elephants come out at five O'clock as if they are on a roll call. One of the elephants is named Mwanzia because it walks around at five O'clock.

It is unfortunate that although this is our natural heritage, the Government is making 9 per cent of the Gross Domestic Product (GDP) from our parks. The people next to those parks are the greatest victims of these human-wildlife conflicts.

The elephants have destroyed our crops and killed our people, yet you do not get compensation. On the other hand, a child found picking firewood in the park is fined Kshs200,000 on the spot. It is a country of unequal. The animals in our parks live and are treated better than the human beings of this country. It is very unfortunate.

I support the Statement.

**The Speaker** (Hon. Lusaka): Sen. Pareno, what is your point of intervention?

**Sen. Pareno:** It is unfortunate that Sen. Mutula Kilonzo Jnr. is on *Zoom*. I was wondering how to intervene so that I could give him more information on what happened.

One of the bystanders who was shot was a man who was pushing a *mkokoteni*. He was in his daily chores when he stopped to see what is happening and was shot dead.

The other one was a man and a wife. The man was coming from a slaughterhouse; he is a slaughter man. He was with his wife and had just come from slaughtering when the bullet fell on him, leaving the woman standing there. Another one of the victims is my own campaign supporter, whom I know; a young man in university. He simply said: "Please, hold me, I feel like I have been shot." That was the end of that young man.

On the day that the CS, Dr. Matiang'i, came to the ground when all the leaders were there, they ordered that helicopters come to drive away the elephants, who can only be driven away by helicopter noise. When they came what did they do? Another three people were injured as they tried to drive away the elephants.

I wanted Sen. Mutula Kilonzo Jnr., to hear this because he drove into that protest. Some of the women are said to have been knocked down as he was trying to escape. Immediately Sen. Mutula Kilonzo Jnr. left, the people were sprayed. We do not know the relationship between what happened on the ground, why they came and who told them to come.

When the Cabinet Secretary, Dr. Matiangi came, he said that they will be arrested and held accountable. When he promised to bring food, I almost told him we do not need food because of our dead people. It is true we have drought, but at that moment, we did not need food. What we needed is the life of our people protected.

I wanted to inform Sen. Mutula Kilonzo Jnr., on *Zoom* but it was not possible.

**The Speaker** (Hon. Lusaka): So that you do not debate your own Statement, let us have Sen. Poghio.

**The Senate Majority Leader** (Sen. Poghio): In as much as the matter is serious, I think Sen. Pareno was beginning to speak more than once to her own Statement.

My condolences for the lives lost and the families affected. In such circumstances, there is no Government and Opposition sides because we all feel about the people. When people fall victims of security gone wrong, everyone is affected.

It is unfortunate that such a serious matter is coming to the House towards the tail end of our time here, when we only have a few days before we go on recess, *sine die*.

However, a matter like this can be handled by calling for a special sitting because it is crucial.

We have heard the story about the people of Kandani, Muthaa, Kerio Valley, Baringo and so on. Such issues affect all of us. Some people think that it is the Pokot and the Marakwet but that is not the case because everyone suffers. It is just that we hear a lot about one or two communities who make loud claims. Some communities like mine are quiet; they never say anything when their people are killed.

We do not support people who buy illegal arms to go and kill others because that is wrong. We condemn them just as much. That is why as I speak, the Government has gone ahead and declared a curfew in Marakwet, Pokot and Baringo. There are no innocent and guilty people. They are all in this mix that has become a headache for the security forces.

Moving to the issue of human-wildlife conflict in that particular incident, I was hoping that Sen. Pareno would bring us at least some encouraging news that now that the Cabinet Secretary, the Inspector-General of Police and other leaders were there, at least something happened to the understanding of the people. That was a good show that they were there to deal with that matter.

We should see the effort of the Government. The immediate response is an indication that the Government cares about what happens to the people. You may not solve an issue entirely, but at least a quick response shows that you care.

I am sorry for what happened. I know Sen. Mutula Kilonzo Jnr., was attacked in the same incident. I am wondering why people wanted to kill our Senate Minority Whip. I hope they are not related as you said but his life was in danger.

The response should be quick. Since we are seized of this matter, I will also do my best as the Senate Majority Leader to make sure that the committee and the concerned parties, including Government security agents, address this matter urgently.

Even if we go on recess *sine die*, we will still have these matters to deal with. We should deal with them once and for all, because human-wildlife conflict will be with us as long as we have not created the corridors for wildlife to pass through. This is a serious Statement. It should be a priority for us to make sure that a solution is found.

Mr. Speaker, Sir, I support both Statements and wish those in hospital quick recovery. I hope that this matter will be dealt with.

I thank you.

**The Speaker** (Hon. Lusaka): Sen. (Dr.) Musuruve, you have the Floor.

**Sen. (Dr.) Musuruve:** Mr. Speaker, Sir, I rise to support this Statement by Sen. Pareno. It is unfortunate that 12 people died in the incident. On behalf of my family and myself, I condole with the families of the 12, the five bystanders and the seven who were killed by rogue elephants.

It is clear that the genesis of that incident was human-wildlife conflict. As a country, we must see how to resolve such conflict because wildlife attracts tourists and helps in generating revenue. However, that should not be at the expense of *wananchi*.

There is need to have officers of the Kenya Wildlife Service (KWS) appear before us. Even when the Senate goes on recess, *sine die*, this is an issue that needs to be

interrogated. The KWS should be sanctioned for any human life lost because of wildlife. They need to be sanctioned so that they are careful, so that people do not die.

Mr. Speaker, Sir, you can imagine 12 people died. Some of them were breadwinners for their families. You can imagine the number of children who will not go to school because their parent died in the incident.

When it comes to compensation of the families, the KWS should take responsibility and ensure that they educate the school-going children up to the highest level they want. If they go to colleges or university, then KWS should take responsibility. We must act seriously so that the KWS also ensures that they protect human beings because it is a painful state of affairs that lives are being lost.

When it comes to compensation, there are cases that have come on the Floor of this House where human beings were attacked by wildlife and some of them have become Persons with Disabilities (PWDs). I wonder whether the KWS has been compensating Kenyans who have become PWDs because of being attacked by wildlife.

There is need to investigate this matter thoroughly. We should also find out why the police decided to kill the bystanders. Thorough investigation will enable us to know exactly what happened on the ground. We have to inform Kenyans of what happens. We have to assure Kenyans that we are here to protect all of them.

Mr. Speaker, Sir, I support this Statement and hope that the committee that is going to investigate this matter will do it to conclusion, so that justice is served to the families that have lost their loved ones.

I thank you for the opportunity.

**The Speaker** (Hon. Lusaka): We have Sen. Kavindu Muthama *via* zoom. Seemingly she is not there.

Finally, let us have Sen. Shiyonga.

**Sen. Shiyonga:** Thank you Mr. Speaker, Sir, for giving me this opportunity to support the Statement by Sen. Pareno.

For the people who were killed by the General Service Unit Officers (GSU), it is not worthy killing a life. If human beings are being killed because of wildlife and the wildlife is being defended more than human beings, who is going to take care of that wildlife and yet we are the same people who take care of the wildlife? We pay taxes because we want the wildlife to be protected.

In as much as those animals are taken care of and they give the Government a lot of money through the tourism sector, we need to be protected as human beings. This is not the first or the second time we have seen people being killed haphazardly. Since I came to this Parliament and previously, members of the community that live near the game parks and the game reserves have been killed. We have had so many complaints of people being killed by the wild animals and the officers who take care of these game parks.

I urge the Government to take into consideration what has been underlined here by the Senator and stop killing people. Additionally, if these officers are known, let them be held accountable as to why they are not protecting human life. However, if they are

protecting the wildlife, why are they protecting the wildlife more by killing humans. Why should you kill a person because you are protecting wild animals?

The five GSU officers who are going to be held accountable for this, need to be brought to book. I think this is a matter of urgency. Even if the Senate is going to adjourn, the matter should be taken seriously.

These people need to be charged and even sacked, because it is not worthy killing a human being because of a wild animal. Notwithstanding, the fact that the wild animals bring benefits to the human beings. The officers went overboard in this matter.

Even if they trespass the parks, they are free to do that. There is no problem. We go to those parks but we should not be taken as victims of circumstances just because we are crossing the park. We were born when these game parks were not anybody's territory.

I conclude by saying that, I salute the -----

**The Speaker** (Hon. Lusaka): What is your point of order Sen. Cherargei? She was just winding up.

**Sen. Cherargei**: Mr. Speaker, Sir, so that it does not go to the HANSARD, I do not know if my good neighbour, sister Sen. Shiyonga encourages trespass which is illegal in law. If it goes to the HANSARD, we do not want the Senate to be misquoted that we are encouraging trespass, which is illegal.

**Sen. Shiyonga**: Thank you Sen. Cherargei. I am not saying that trespass should be allowed. I am saying that before even the game park territories were marked, people used to crisscross with these wild animals. Although, we are having demarcations, previously people used to live with these animals and there were no killings and nobody was there to protect these people and animals. We were living with these animals as part and parcel of our lives.

I correct you as I said that game parks should be protected. I salute the sponsor of the Statement.

**The Speaker** (Hon. Lusaka): Hon. Senators, I think that is a very critical Statement. It has been a matter with us for a long time. I remember in my other tour of service, I worked in Kajiado as a District Commissioner and we had a lot of those challenges where you find that sometimes animals are given more preference to human beings.

For the human, there is no spare life. It is very unfortunate because once you lose people you have lost them especially in those circumstances. We appreciate that the Cabinet Secretary (CS) arrived there immediately. That happens to bring down the peoples' emotions but I think it should not end at that.

That is why the Committee must bring a report before we go on recess next week on what action has been taken against those officers who killed people as promised by the CS, and what other remedial measures are going to be put in place so that we avoid unnecessary loss of life.

I always tell people; even as a police officer or in any position you are in, you should always put yourself in the shoe of the other person. For instance, it could have been you pushing the cart and not being the police officer. So, let us always put ourselves in those shoes, so that we do not take extreme action and make our people lose life. I can

imagine what those families are going through especially for the university students. Additionally, every life is very important.

Having said that, I direct that the Committee, the National Committee on Security produces a report by next week Wednesday on what comprehensive report on action that has been taken.

I have a Communication.

### MESSAGE FROM THE NATIONAL ASSEMBLY

#### APPROVAL OF THE PUBLIC FINANCE MANAGEMENT NATIONAL GOVERNMENT AMENDMENT REGULATIONS, 2022 LEGAL NOTICE NO. 89 OF 26<sup>TH</sup> MAY, 2022

Hon. Senators, I wish to report to Senate, that pursuant to Standing Order No. 41(3), I have received the following Message from the Speaker of the National Assembly of the Public Finance Management National Government Amendment Regulations, 2022 legal Notice No89 of 26<sup>th</sup> May,2022.

Pursuant to the said Standing Order, I now report the Message -

THAT, pursuant to the provisions of Standing Order Nos.41(1) and 210(4) (b) (2) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly -

WHEREAS section 52 of the Public Finance Management Act,2012 requires that the limit for public debt be set by Parliament.

FURTHER, WHEREAS the CS for the National Treasury and planning published a statutory instrument cited as legal Notice No.89 of 26<sup>th</sup> May,2022 being Public Finance Management National Government Amendment Regulations,2022 which amends regulations 26(1) of the Public Finance National Government Regulations, 2015 principal regulations by deleting paragraphs “c” and submitting therefore the following paragraph “c” pursuant to the provision of Section 52 of the Act, the public debt shall not exceed Kshs10trillion.

AND WHEREAS, the National Assembly by a resolution made on Tuesday, 7<sup>th</sup> June,2022 considered and approved the said legal Notice in the form published and submitted to Parliament, thereby raising the public debt to an amount not exceeding Kshs10 trillion.

NOW THEREFORE in accordance with the provision of section 52, of the Public Finance Management Act,2012 and Standing Order No.41(1) and 210(4) (b) (2) of the National Assembly Standing Orders, I hereby refer the said Legal Notice to Senate for concurrence.

Hon. Senators, these regulations were Tabled in the Senate on Tuesday,7<sup>th</sup> June,2022 and the Sessional Committee on Delegated Legislation is currently seized of the matter.

I direct that the Committee considers and concludes its consideration of the matter and Table its report on Tuesday, 14<sup>th</sup> June,2022.

I thank you.



Proceed, Sen. Poghisio, Leader of Majority.

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY, 14<sup>TH</sup> JUNE, 2022

**The Senate Majority Leader** (Sen. Poghisio): Mr. Speaker, Sir, pursuant to Standing Order No.52(1), I hereby present to the Senate, the business of the House for the week commencing Tuesday, 14<sup>th</sup> June, 2022.

Before I proceed with the Statement, allow me to take this opportunity to welcome Hon. Senators back from the short two-week recess, which was full of political activities in preparation for the next general elections.

On Tuesday 14<sup>th</sup> June, 2022, the Senate Business Committee will meet to consider and approve the business for the week. Subject to approval to the Committee, the Senate will consider Bills at the Second Reading Stage, Bills at the Committee of the Whole Stage and Motions on Reports filed by the Select Committees.

On Wednesday, the 15<sup>th</sup> June, 2022, the Senate will continue with the business that will not be not concluded on Tuesday 14<sup>th</sup> June, 2022, and any other business scheduled by the Senate Business Committee (SBC) while on Thursday, 16<sup>th</sup> June, 2022, the Senate will continue with business that will not have been concluded on Wednesday 15<sup>th</sup> June, 2022, and any other business scheduled by the SBC.

In so far as legislative business is concerned, the agenda before the Senate is quite weighty. There are seven Bills at the Second Reading Stage; a total of 22 Bills at the Committee of the Whole Stage, six of which are pending Divisions as indicated in today's Order Paper, from Order Nos. 11 to 16. Additionally, there are six Motions on adoption of various reports from the Standing Committees, at Order Nos. 10, 19 and 23 in today's Order Paper.

I take this opportunity to thank all Senators for availing themselves during the sitting of the Senate on Wednesday the 8<sup>th</sup> June, 2022 for the Division on the County Allocation of Revenue Bill (Senate Bills No. 1 of 2022), at the Second Reading Stage, Committee of the Whole Stage and Third Reading; National Assembly Amendment to the Mental Health Bill, (Senate Bill No. 28 of 2020) and other Bills that were pending at the Second Reading Stage.

Other business before the Senate includes, 46 Petitions and Statements, pursuant to Standing Order Nos. 47 and 48. In this regard, I also urge Standing Committees to expedite consideration of the business pending before their respective committees and table the reports accordingly pursuant to the Standing Orders before the end of this 12<sup>th</sup> Parliament.

Allow me to remind hon. Senators that apart from today, the Senate has only three sittings days before the *Sine Die* adjournment of the Senate. To that point, I would like to point out, that it is imperative that we dispense with all pending business before the adjournment.

I therefore urge the Senate Majority Whip and the Senate Minority Whip, to ensure that the requisite number of Senators is present in the House for us to conclude consideration of these matters.

In conclusion, I wish to aver that we have a brief period to determine the kind of legacy that we wish to leave behind as Senators serving during the 12<sup>th</sup> Parliament. I therefore urge all of us to take a personal initiative in order for us to conclude the business pending before the Senate that we may leave a befitting legacy, which we will be proud of.

I hereby lay the Statement on the Table of the Senate.

*[Sen. Poghiso laid the document on the Table]*

*[The Speaker (Hon. Lusaka) left the Chair]*

*[The Temporary Speaker (Sen. Pareno) in the Chair]*

**The Temporary Speaker** (Sen. Pareno): Let us move to the Next Order.

Sen. Cherargei, proceed.

**Sen. Cherargei:** Thank you, Madam Temporary Speaker. The Senate Majority Leader has given us the business for next week. My only concern is that there are Statements and Motions that take 14 days or the parliamentary time, and by that time we might have adjourned *Sine Die*. My question is what happens in that case?

Madam Temporary Speaker, for instance, the Statement that you made normally takes two weeks to get a response and maybe by that time we might have adjourned. Some of these issues might not extend to the next Parliament due to time limitations.

My request is that, by the direction of the Speaker and under Standing Order No. 1, is there a way that the House can allow the period for the feedback on Statements, Motions and Petitions to be shortened, so that we can get feedback before we adjourn *Sine Die* and go for elections?

I hope that the Senate Business Committee - and the Senate Majority Leader is here - as they meet on Tuesday, they will give us a direction on how to go about it, considering the time frame that some of these Statements, Motions and Petitions might take time? Is there a way that it can be shortened for us to get answers or for progress to be made and allow implementation of those resolutions that the House will make?

I thank you.

**The Temporary Speaker** (Sen. Pareno): I note your concern, which is also our concern. We are making Statements this late hour and we are about to adjourn. However, I am advised that the committees have already been directed to try and conclude the business that is within their hands within the time that is available.

I have noted that the Statement that I just made was given on Wednesday, so that the Committee is able to report by that day. Committees are directed to try and conclude

with the businesses, especially, the urgent ones within the available time before we adjourn *Sine Die*.

Next Order.

### **BILL**

#### *First Reading*

#### THE PERSONS WITH DISABILITIES BILL (NATIONAL ASSEMBLY BILLS NO. 61 OF 2021)

*(Orders for First Readings read – Read the First Time and ordered to be referred to the relevant Departmental Committee)*

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, looking at the numbers that we have, we cannot go forward with the rest of the Orders. Therefore, I now proceed to defer Order Nos. 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 to another date.

### **BILL**

#### *Second Reading*

#### THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATION BILL (SENATE BILLS NO. 2 OF 2022) *(Bill deferred)*

### **MOTION**

#### ADOPTION OF THE REPORT ON COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS CASH DISBURSEMENT SCHEDULE FOR FINANCIAL YEAR 2021/2022 AND APPROVAL OF COUNTY GOVERNMENTS ADDITIONAL ALLOCATION CASH DISBURSEMENT SCHEDULE FOR THE FINANCIAL YEAR 2021/2022

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the County Governments Additional Allocations Cash Disbursement Schedule for the Financial Year 2021/2022 and approval of the County Governments Additional Allocations Cash Disbursement Schedule for the Financial Year 2021/2022 laid on the Table of the Senate on Wednesday, 8<sup>th</sup> June, 2022, and that pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 183 (3), the Senate approves the County Governments Additional Allocations Cash Disbursement Schedule for Financial Year 2021/2022.

*(Motion deferred)*

**COMMITTEE OF THE WHOLE**

THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL  
(SENATE BILLS NO.37 OF 2021)  
*(Committee of the Whole deferred)*

**COMMITTEE OF THE WHOLE**

THE LAW OF SUCCESSION (AMENDMENT) BILL  
(SENATE BILLS NO. 15 OF 2021)  
*(Committee of the Whole deferred)*

**COMMITTEE OF THE WHOLE**

THE PRESERVATION OF HUMAN DIGNITY AND  
ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL  
(SENATE BILLS NO.21 OF 2021)

*(Committee of the Whole deferred)*

**COMMITTEE OF THE WHOLE**

THE LIFESTYLE AUDIT BILL  
(SENATE BILLS NO. 36 OF 2021)

*(Committee of the Whole deferred)*

**COMMITTEE OF THE WHOLE**

THE SPECIAL NEEDS EDUCATION BILL  
(SENATE BILLS NO. 44 OF 2021)

*(Committee of the Whole deferred)*

**COMMITTEE OF THE WHOLE**

THE IRRIGATION (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILLS NO. 12 OF 2021)

*(Committee of the Whole deferred)*

**COMMITTEE OF THE WHOLE**

THE COUNTY GOVERNMENTS ADDITIONAL  
ALLOCATION BILL (SENATE BILLS NO. 2 OF 2022)

*(Committee of the Whole deferred)*

**COMMITTEE OF THE WHOLE**

THE KENYA MEDICAL SUPPLIES AUTHORITY  
(AMENDMENT) BILL (SENATE BILLS NO. 53 OF 2021)

*(Committee of the Whole deferred)*

**MOTIONS**

ADOPTION OF THE REPORT ON THE  
INQUIRY INTO THE ECDE LANDSCAPE

THAT, the Senate adopts the Report of the Standing Committee on Education on the inquiry into the Early Childhood Development Education (ECDE) landscape in the country, laid on the Table of the Senate on Tuesday, 10<sup>th</sup> May, 2022.

*(Motion deferred)*

ADOPTION OF FIRST PROGRESS REPORT ON  
COVID-19 PANDEMIC SITUATION IN KENYA

THAT, the Senate adopts the First Progress Report of the Standing Committee on Health on the Covid-19 pandemic situation in Kenya, laid on the Table of the Senate on Tuesday, 30th March, 2021.

*(Motion deferred)*

**The Temporary Speaker** (Sen. Pareno): The Chairperson of the Committee on Health is not available for Orders No.21, 22 and 23. So, they are deferred.

ADOPTION OF SECOND PROGRESS REPORT ON

COVID-19 SITUATION IN KENYA AND SPECIAL  
AUDIT REPORT ON UTILIZATION OF COVID-19 FUNDS

THAT, the Senate adopts the Second Progress Report of the Standing Committee on Health on the COVID-19 situation in Kenya and preliminary findings of the Committee, on the Special Audit Report on the Utilization of COVID-19 funds by County Governments, laid on the table of the Senate on Tuesday, 30<sup>th</sup> March, 2021.

*(Motion deferred)*

ADOPTION OF THE THIRD PROGRESS REPORT ON THE  
NATIONWIDE COVID-19 VACCINE ROLL OUT

THAT, the Senate adopts the Third Progress Report of the Standing Committee on Health on the COVID-19 situation in Kenya and preliminary findings on the nationwide COVID-19 vaccine roll out, laid on the Table of the Senate on Tuesday, 21st September, 2021.

*(Motion deferred)*

ADOPTION OF FOURTH PROGRESS REPORT OF  
COVID-19 PANDEMIC SITUATION AND IMPLEMENTATION OF  
NATIONWIDE COVID-19 VACCINE DEPLOYMENT

THAT, the Senate adopts the Fourth Progress Report of the Standing Committee on Health on the Covid-19 pandemic situation and the implementation of the Nationwide Covid-19 vaccine deployment, laid on the Table of the Senate on Thursday, 2nd December, 2021.

*(Motion deferred)*

**ADJOURNMENT**

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, there being no other business, the House stands adjourned until, Tuesday, 14<sup>th</sup> June, 2022 at 2.30 p.m.

The Senate rose at 3.51 p.m.