



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

VOL. II NO. 62

THE HANSARD

Thursday, 27th July 2023

The House met at 2.30 p.m.

[The Speaker (Hon. Moses Wetang'ula) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Serjeant-at-Arms, continue ringing the Quorum Bell.

(The Quorum Bell was rung)

(Several Members walked into the Chamber)

Order, Hon. Members. We now have quorum to transact business. Clerk-at-the-Table, start.

COMMUNICATIONS FROM THE CHAIR

DELEGATION OF MEMBERS OF PARLIAMENT FROM VARIOUS AFRICAN COUNTRIES ATTENDING THE GLOBAL TUBERCULOSIS CAUCUS - 4TH AFRICA TB SUMMIT

Hon. Members, allow me to recognise Members of Parliament from various African countries attending the Global Tuberculosis Caucus, the 4th African TB Summit. I wish to introduce to you a delegation of Members of Parliament from across the African continent, seated in the Speaker's Gallery. They are quite many. Bear with me.

(Several Hon. Members stood in the gangways)

Members standing, take your seats. This is quite a long list.

(Hon. Atieno Bensuda and Hon. Rose Mumo walked into the Chamber)

Hon. Bensuda, take the nearest seat. Excellent. I should give the Member for Makueni a minute to sit, being a PWD Member. Hon. Rose Museo, take the nearest seat.

(Hon. Atieno Bensuda and Hon. Rose Museo took their seats)

Thank you, Rose.

Hon. Members, the colleagues in the Speaker's Gallery are:

1. Hon. Halima Alima Daud, Deputy Minister of Health of Malawi.
2. Hon. Pierre Flambeau Ngayap, Member of Senate, Bureau of the Republic of Cameroon. He is a Francophone Co-Chair.

3. Hon. Eso Libanza Leon, Member of Parliament from the Democratic Republic of Congo.
4. Hon. Mahamat Ahmat Taha, Member of Parliament from Chad.
5. Hon. Sakahairoun Khalia, Member of Parliament from Chad.
6. Hon. Zakaria Hassan from Chad's Ministry of Health.
7. Hon. Joseph Nyan Somwarbi, Member of Parliament from Liberia.
8. Hon. Jean Patrice France, Member of Parliament from Mauritius and the Pan African Parliament.
9. Hon. Elisha Cliff Ishaku, Member of the Senate from Nigeria.
10. Hon. Mark Kurt Nawaane, Member of Parliament from Ghana.
11. Hon. Christopher Kalila, Member of Parliament from Zambia. He is an Anglophone Co- Chair.
12. Hon. Joseph S. Munsanje, Member of Parliament from Zambia.
13. Hon. Gotthard Kasuto, Member of Parliament from Namibia.
14. Hon. Sansan K. Noufe, Member of Parliament from Côte d'Ivoire.
15. Hon. Daniel Molokele, Member of Parliament from Zimbabwe.
16. Hon. Ruth Labode, Member of Parliament from Zimbabwe.
17. Hon. Neema Lugangira, Member of Parliament from Tanzania.
18. Hon. Fatima Toufiq, Member of Parliament from Tanzania.
19. Hon. Faustine Ndugulile, Member of Parliament from Tanzania.
20. Hon. Abuk Payiti Ayik, Member of Parliament from South Sudan.
21. Hon. Elcina E. Marindze, Member of Parliament from Mozambique and Lusophone Co-Chair.
22. Hon. Nouhou Arba, Member of Parliament from the Republic of the Niger and the Pan African Parliament.
23. Hon. Joel Ssebikaali, Member of Parliament from Uganda.

(Applause)

The delegation is accompanied by Ms Evaline Kibuchi, National Coordinator, Stop TB Partnership Kenya; Ms Debra Ibevi, Francophone Countries Coordinator, Global TB Caucus; Mr. Paidamoyo Magaya, Anglophone Countries Coordinator, Global TB Caucus; and, Chief Austin Obiefuna, Vice Board Chair, Stop TB Partnership Geneva.

The delegation is in the country to attend the Global Tuberculosis Caucus - 4th African TB Summit 2023 under the theme: "Future-proof: Africa TB Summit 2023, Driving High-Level Political Will to Meet United Nations High-Level Meeting (UN HLM) Targets of Ending TB."

The Summit brings together parliamentarians, civil society organisations experts, and technical partners from across Africa. The Summit provides an opportunity for parliamentarians and relevant stakeholders to discuss how to collaborate better within their countries to ensure an impactful TB response in preparation for the UN High-Level Meeting on TB in September 2023.

The Global Parliamentary TB Caucus is an international network of MPs across the world who came together with the sole objective of addressing TB globally and in their individual countries. It was founded and launched in 2014 as a platform for improved political commitment to tackle TB, one of the world's most infectious killer diseases.

The National Assembly of Kenya TB Caucus was established in 2016 with a membership of thirty (30) Members of Parliament drawn from across the various political parties represented in the House. It is currently led by the Member for Matungulu Constituency, Hon. Stephen Mule, MP, who is also the Co-Chair of the African Region TB Caucus. The

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National Assembly caucus is spearheading the Global Tuberculosis Caucus - 4th African TB Summit 2023.

Hon. Members, on my own behalf and that of the National Assembly, I welcome the delegation to Parliament and wish them fruitful engagements during their stay in the country.

It is important to note that from the World Health Organisation (WHO) sources, TB is the most resurgent disease today ravaging Africa. So, we want to thank Hon. Mule. When I finish the next Communication, I will give him a minute to acknowledge his colleagues. I encourage all Members, starting with the Chairperson of the Departmental Committee on Health, Hon. Pukose, to take a serious attitude and concern about the resurgence of TB that is ravaging people everywhere in Africa.

Hon. Members the next Communication is recognition of a delegation from the County Assembly Service Board of Elgeyo Marakwet.

DELEGATION FROM THE COUNTY ASSEMBLY
SERVICE BOARD OF ELGEYO MARAKWET

I wish to introduce to you a delegation from the County Assembly Service Board of Elgeyo Marakwet who are seated in the Speaker's Gallery. The delegation comprises Members of the County Assembly of the Elgeyo Marakwet Service Board. They are:

- | | | |
|----------------------------------|---|---|
| 1. Hon. Philemon Sabulei | - | Speaker of County Assembly/
Chairperson of the Service Board |
| 2. Hon. Hillary Kiplagat | - | Vice-Chairperson |
| 3. Hon. Lawi Kibire | - | Member |
| 4. Hon. Livingstone Talel | - | Member |
| 5. The Hon. Elizabeth J. Keitany | - | Member |

The delegation is accompanied by the Clerk of the County Assembly, Ms. Jane Kiptum Mutai and other Assembly staff. The delegation is attending an Induction Training at the Centre for Parliamentary Studies and Training (CPST) in Karen, Nairobi to enhance skills and expertise required in the execution of their mandate.

On my own behalf and that of the National Assembly, I welcome them to Parliament and wish them success in their programme.

Hon. Members, I will give 20 minutes to Members who want to comment on the TB issue given its importance as I understand it. I will give Hon. Mule two minutes and the rest of the Members who want to speak, one-and-a-half minutes each.

Hon. Stephen Mule (Matungulu, WDM): Thank you very much Hon. Speaker. I take this early opportunity to thank you for your overwhelming support to this endeavour. I rise to welcome my colleagues from all over the African nations to our National Assembly of Kenya.

The Global Tuberculosis (TB) Caucus is a unique international network of political representatives with support from more than 150 countries which work exclusively in dealing with the high burden of TB across the globe. It has helped 57 countries to form National TB Caucuses all over the world and Kenya has not been left behind. We have the Kenya-Chapter.

The Caucus aims at accelerating progress made against the global TB epidemic through targeted actions at the global, regional and national level. Over 2,500 Members of Parliament work to raise the awareness of the disease and enable cross-cutting policies to transform the response to TB globally.

The National Assembly's TB Caucus was formed in 2016 and has a membership of thirty (30) Members of Parliament. The Caucus is chaired by myself, Member for Matungulu,

Hon. Stephen Mule. I am also the Chair of the African TB Caucus and the Vice-President globally.

Since its inception, the Caucus has been championing initiatives towards ending the TB epidemic in the country and the globe at large through collaborative efforts in Non-Governmental Organisations (NGOs), Civil Society Organisations (CSOs) and all other stakeholders involved in the fight against the TB epidemic.

Hon. Speaker, the ongoing 4th Africa Global TB Caucus Summit themed, “Future-Proof: Africa TB Summit 2023, Driving High-Level Political Will to Meet UN High-Level Meeting Targets of Ending TB” is being held from today up to Saturday in Nairobi. The Summit seeks to bring together parliamentarians, CSOs, experts and technical partners from Anglophone, Francophone, and Lusophone Africa to meet alongside members of the Kenya-Chapter TB Caucus, media, and the Ministry of Health.

Hon. Speaker: Finish up. Your time is up. Summarise.

Hon. Stephen Mule (Matungulu, WDM): All right Hon. Speaker.

This morning we had very fruitful engagements with the Ministry of Health and the Members you have seen there. I believe on Saturday we are going to have the Nairobi Declaration, where we are calling on all African presidents to be available in New York in September to make an African case. We must end TB once and for all, in Africa by 2030.

Hon. Speaker, I want to appreciate you in person. The Members in the Speaker’s Gallery have asked me to request you to be their patron the way your predecessor, Hon. Muturi, was, globally.

Hon. Speaker: Thank you, Hon. Mule. I will oblige you. Hon. Pukose, the Chairperson, Departmental Committee on Health, two minutes. Encourage your colleagues to attend the meeting.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you Hon. Speaker for allowing me to join Hon. Mule in congratulating the Hon. Members from the African region for attending the Nairobi Summit on TB.

Hon. Speaker, just for your information and for the information of the House, we had Members from the Departmental Committee on Health: Dr Nyikal, Hon. Sunkuli and others, who attended the meeting this morning. It was a very important sensitisation meeting. I was there when the Kenyan Chapter of this Caucus was being started and even when we joined our global brothers in Barcelona to launch the Global TB Caucus for Members of Parliament. I have been a member up to date.

We have made tremendous achievements. This Caucus encourages local resource mobilisation to end TB. It is important to understand that globally, for us to end TB, our target is around US\$57 billion. Currently, we are putting in around US\$0.9 per year and that is way below; that is, about 0.015 per cent. We need Members to understand that this is doable. If we come together, we can mobilise resources and eliminate TB.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. (Dr) Pukose. Hon. (Dr) Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Speaker for giving me this opportunity. May I take this opportunity to congratulate and welcome our colleagues, the delegation from across the continent of Africa, for taking the time to be here and for focusing on the issue of TB.

I had the opportunity to attend this morning’s session with them and two things came out that I would really flag in the one hour or so that you will be the Chair. I think it should be pursued by all the Members of Parliament and the Caucus. This was about how to ‘finance TB’. There is an arrangement called a debt swap – debt for health. This is so that if we have debt with the World Bank, the money we are repaying can be used to ‘finance TB’ in our country. I think it is a great thing that our colleagues and specifically the Budget and

Appropriations Committee should focus on. This is so that instead of paying this as debt, we use it to ‘finance TB’ in our country and eventually in the whole continent.

With that Hon. Speaker, I support.

Hon. Speaker: Hon. (Dr) Nyikal, for the record, are you talking about financing the eradication of TB or ‘financing TB’?

(Laughter)

Hon. (Dr) James Nyikal (Seme, ODM): In our world, when we say ‘financing TB’, it is understood to be financing the management and eradication of TB.

(Laughter)

Hon. Speaker: Thank you. Hon. Gitonga Murugara.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Speaker.

I also rise to welcome the delegation from across Africa to Parliament and to Nairobi for this important Global Summit which deals with one of the greatest ailments, especially in Africa. Tuberculosis is known to cut short the lives of many people, including young children, the vulnerable, and those who are not able to afford proper medical care.

The Caucus on TB, in its deliberations, should make a provision in that protocol that you have mentioned, that governments must be prepared to put aside money to finance the management and eradication of TB. There is likelihood that it can be properly managed and even eradicated from the surface of the earth.

Hon. Speaker: Thank you *Bwana* Murugara. The next chance will go to Hon. Didmus.

Hon. Didmus Barasa (Kimilili, UDA): Thank you, Hon. Speaker. I take this opportunity to laud the efforts being spearheaded by the competent Member of Parliament for Matungulu who has used the better part of the last three weeks trying to see how we are going to combat TB menace.

I want to ask my very good friend, Hon. Opiyo Wandayi, to learn from the Member of Parliament for Matungulu to use his energy positively. He should not waste his time on unhelpful things that do not take this country forward.

Hon. Speaker: Hon. Opiyo Wandayi.

(Laughter)

Hon. Opiyo Wandayi (Ugunja, ODM): Let me take this opportunity to welcome the eminent delegation from the continent of Africa on this mission to eradicate TB.

I also wish to acknowledge the County Public Service Board from Elgeyo Marakwet. I know they are doing a wonderful job down there.

Let me thank my good friend, the Member for Matungulu, Hon. Mule. Since the 11th Parliament, he has been associated with this fight against TB, and consistently so. If there is a Member of Parliament whose dedication is to fight TB, and needs to be recognised, it is Hon. Mule. The fight against TB, just like the fight against any other disease, requires political goodwill from both the Executive and the Legislature, and I suppose that this mission will not be in vain. That it will add impetus to the fight against TB.

Hon. Speaker: Hon. Rahim Dawood.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Speaker. I would like to welcome the delegation, Members of Parliament from the African continent, and my namesake, Hon. Dawood, a Member of Parliament from another country. They should know there is another Hon. Dawood, of a different colour.

Let me congratulate *Mheshimiwa* Mule on his leadership on issues of TB within Africa. Hon. Speaker, worldwide, up to the year 2021, we lost 1.6 million people because of TB. More than 10 million people have had TB up to 2021. We need a lot of interventions to stop TB. In Meru General Hospital, we used to have a ward dedicated to patients suffering from TB.

As the Legislature, we will join hands with *Mheshimiwa* Mule and the Executive in eradicating TB completely.

Hon. Speaker: Hon. Timothy Kipchumba.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Speaker for giving me the opportunity to speak on the subject matter. Before that, I would like to welcome the delegation from the County Assembly of Elgeyo Marakwet. Prior to joining Parliament, I served in the County Assembly of Elgeyo Marakwet from the 2013 to 2022 as their legal counsel. I learnt a lot from the County Assembly of Marakwet. I, therefore, welcome the delegation.

Hon. Speaker, that is my contribution. Thank you.

Hon. Speaker: Thank you. Hon. Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much, Hon. Speaker. Let me join the Hon. Members and yourself in welcoming this delegation comprising our colleagues from Africa. I also want to single out two of them, whom we served together in the Commonwealth Parliamentary Association Executive Committee (CPA EXCO) Africa Region: Hon. Kasuto from Namibia and Hon. Christopher Kalila from Zambia. Once more, you are most welcome to Kenya.

Hon. Speaker, this Caucus is doing a good job for this country, the rest of Africa, and internationally. I wish them well. As a House, the only thing we can do is to support the Caucus which is led by my colleague, Hon. Mule and more so, provide resources for the eradication of TB.

Thank you very much.

Hon. Speaker: Thank you. Hon. Martha Wangari.

Hon. Martha Wangari (Gilgil, UDA): Thank you, Hon. Speaker. I also join my colleagues in welcoming the delegation and congratulating Hon. Mule for his consistency in the fight against TB. This is also part of the Sustainable Development Goals (SDGs). We recently held a high-level political forum in New York on SDGs. This is part of the SDG3 of good health and well-being.

More importantly, TB in children is very hard to diagnose and by the time it is diagnosed, it is usually very late. The sick children are normally treated for other ailments and not TB! It, therefore, becomes fatal yet it can be prevented and treated. I want to encourage the team to continue its good work and for all of us to support it in the fight against TB in the country, the globe, and in this continent.

Thank you, Hon. Speaker.

Hon. Speaker: The Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. Let me take this opportunity to welcome the Global Caucus on TB.

Africa is one of the places where this disease is prevalent. It is mostly because of our crowded neighborhoods, especially in urban areas where there are slums and people live in very abhorrent conditions. Such communicable diseases would, therefore, become very easy to spread.

Hon. Speaker, as I welcome them, let me make a commitment that in September when the United Nations high level meeting will be convened in New York, the President of the Republic of Kenya will join other presidents in supporting the fight against Tuberculosis (TB) in the world.

We are a nation that has committed immense resources, not just in the fight against TB and other communicable diseases, but also in ensuring that there is universal health care in this country. As Members of the National Assembly and the Parliament of Kenya, we commit to support this Caucus in the fight against TB. There is a very good nexus between the prevalence of TB and Human Immunodeficiency Virus (HIV) and AIDS. Through the Caucus, I hope we will be able to articulate all these things. I welcome them to the Republic of Kenya, the greatest nation in Africa.

Hon. Speaker: Thank you, Leader of the Majority Party. I think we will end there. Hon. Members, those who have contributed have spoken for all of you. I know that TB is something very frightening. Please, visit your local hospitals and you will see the pain that the TB patients are going through.

Hon. Members, I want to acknowledge the following schools in the Public Gallery:

1. St. Augustine Mwingi Boys High School, Mwingi Central, Kitui;
2. Kimuri Primary School, Kinangop, Nyandarua;
3. Sunrays Primary School, Ruaraka, Nairobi;
4. Zion Peak Primary School, Rongai, Nakuru; and,
5. St. Bonaventure Secondary School, Maara, Tharaka Nithi.

On my own behalf and that of the House, I welcome the students and their teachers to the House of Parliament.

Next Order!

PETITION

DEREGISTRATION AND DISMISSAL OF MR. JOSEPH KIMELI CHEBII BY THE TSC

Hon. Speaker: Hon. Kipchumba, do you have a Petition to present?

Hon. Timothy Kipchumba (Marakwet West, Independent): Yes. Thank you, Hon. Speaker for giving me this opportunity to prosecute this Petition on the Floor of this House. I rise pursuant to Article 119 of the Constitution and Standing Order 219 to raise a Petition regarding deregistration and dismissal of Mr. Joseph Kimeli Chebii by the Teachers Service Commission (TSC). On behalf of Mr. Kimeli Chebii, a resident of Marakwet West, where I come from, I wish to draw the attention of the House to the following issues:

THAT, Mr. Joseph Kimeli Chebii of National Identity Number 7372032 was engaged as a teacher by TSC in May, 1990 and deployed to various schools including Kibigos Primary School, Kokwongoi Primary School and Kiberech Primary School in Marakwet West;

THAT, when serving as the head teacher of Kiberech Primary School, Mr. Chebii was interdicted on 14th May 2014 by the TSC for allegedly having carnal knowledge with one of the pupils;

THAT, on 23rd May 2014, he was charged before Iten Magistrates Court with the offence of defilement whereupon he was released on bond;

THAT, Mr. Chebii appeared before the TSC County Director in Eldoret for the hearing of his disciplinary case, during which he was neither represented by counsel nor given an opportunity to address or cross-examine the key witness who was the complainant, thereby infringing upon his right to fair hearing;

THAT, on 13th July 2015, he received two letters from the TSC informing him of the Commission's decision to remove his name from the register of teachers and to dismiss him from service on the alleged but unsubstantiated grounds;

THAT, despite his appeal, the Commission upheld his deregistration and dismissal without informing him of his right of being accompanied by an advocate;

THAT, the deregistration and dismissal constituted grave injustice since the TSC did not properly investigate the allegations levelled against him, and arrived at its decision solely on hearsay;

THAT, the complainant in the defilement case gave birth to a child whom she claimed as belonging to Mr. Chebii, but the resultant DNA test turned negative as contained in the Government's Chemist's letter dated 21st June 2017;

THAT, based on the DNA test, the court acquitted Mr. Chebii on 24th January 2018, and the High Court further dismissed the complainant's application for revision on 24th July 2019, marking the end of the protracted legal battle;

THAT, since his unlawful dismissal, Mr. Chebii has suffered great prejudices and irreparable harm, and efforts to seek his reinstatement and re-registration by the TSC in light of his acquittal have been futile;

THAT, the issues in respect of which this Petition is raised are not pending before any court of law, or any other constitutional or legal body.

Therefore, your humble petitioner prays that the National Assembly, through the Public Petitions Committee:

1. investigates the matter with a view of declaring Mr. Chebii's deregistration and dismissal from service by the TSC as unfair, irregular and unlawful;
2. inquires into the matter in order to secure the reversal of his dismissal, reinstatement by TSC, re-registration in the register of teachers as well as remittance of all his dues from the date of his unfair dismissal;
3. reviews and strengthens the existing TSC policies on disciplinary procedures and to ensure that allegations of sexual misconduct involving teachers and learners are thoroughly investigated and dealt with in a fair and just manner; and,
4. considers enacting legislation or amending existing laws on disciplinary procedures and to provide better safeguards for teachers against arbitrary and unjust dismissals based on the unfounded allegations, thereby upholding their rights to due process and a fair hearing.

Hon. Speaker, in summary, this teacher was employed and served...

Hon. Speaker: Order, Hon. Timothy. You are going beyond what the Standing Orders allow you. You present the Petition as given to you by your constituent. The only forum you may have is going to the Public Petitions Committee and help your friend, client or constituent, in prosecuting the Petition.

Hon. Members, that Petition stands committed to the Public Petitions Committee under Standing Order 227.

Next Order.

PAPERS

Hon. Speaker: The Leader of the Majority Party.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Speaker.

I beg to lay the following papers on the Table:

1. Annual Report and Financial Statements of Kirinyaga University for the year ended 30th June, 2022;
2. National Government Budget Implementation Review Report for the First nine months of the Financial Year 2022/23 from the Office of the Controller of Budget.

3. Reports of the Auditor-General and Financial Statements in respect of the following Constituencies for the year ended 30th June 2022 and the certificates therein: -
- (a) Ruaraka;
 - (b) Kasarani;
 - (c) Endebess;
 - (d) Makadara;
 - (e) Kuria East;
 - (f) Gatundu South;
 - (g) Gatundu North;
 - (h) Embakasi North;
 - (i) Turkana North;
 - (j) Igembe North;
 - (k) Thika Town;
 - (l) Nyaribari Chache;
 - (m) Ugenya;
 - (n) Soy;
 - (o) Seme;
 - (p) Chepalungu;
 - (q) Makueni;
 - (r) Naivasha;
 - (s) Kiminini;
 - (t) Ndhiwa;
 - (u) Borabu;
 - (v) Nyakach;
 - (w) Hamisi;
 - (x) Limuru;
 - (y) Ruiru; and
 - (z) Ainamoi.

Thank you, Hon. Speaker.

Hon. Speaker: Chairperson of the Decentralised Funds Accounts Committee, Hon. Gideon Mulyungi.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Thank you, Hon. Speaker. I beg to lay the following Paper on the Table:

Report of the Decentralised Funds Accounts Committee on its consideration of the reports of the Auditor-General on the financial statements of the National Government Constituencies Development Fund for 12 constituencies in Kakamega County for the Financial Years 2013/2014, 2014/2015 and 2015/2016.

Hon. Speaker: Thank you. Next is the Chairperson of the Public Petitions Committee.

Hon. Janet Sitienei (Turbo, UDA): Thank you, Hon. Speaker. I beg to lay the following Papers on the Table:

Reports of the Public Petitions Committee on its consideration of the following Petitions:

1. Public Petition No.6 of 2022 by Hon. (Dr) James Nyikal regarding compensation for Nyanza–Western Kenya Caucus of Internally Displaced Persons.
2. Public Petition No.12 of 2023 by Hon. Edith Nyenze regarding the de-siltation of Masinga Dam.

Hon. Speaker: Next Order.

NOTICE OF MOTION**ADOPTION OF REPORT ON FINANCIAL STATEMENTS
FOR CONSTITUENCIES IN KAKAMEGA COUNTY**

Hon. Speaker: Chairperson of the Decentralised Funds Accounts Committee, Hon. Mulyungi Gideon.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Thank you, Hon. Speaker. I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Decentralised Funds Committee on its consideration of the Reports of the Auditor-General on the Financial Statements for the National Government Constituencies Development Fund for 12 Constituencies in Kakamega County for the Financial Years 2013/2014, 2014/2015 and 2015/2016, laid on the Table of the House today.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Mulyungi. Next Order. Sorry, Hon. Rozaah Buyu.

**NOTICE OF ADJOURNMENT ON A MATTER
OF URGENT NATIONAL IMPORTANCE****INCREASED CASES OF POLICE BRUTALITY IN THE COUNTRY**

Hon. Rozaah Buyu (Kisumu West, ODM): Thank you, Hon. Speaker. Pursuant to Standing Order 33(1), I seek leave for the adjournment of the House for purposes of discussing a definite matter of urgent national importance regarding reported police brutality in various parts of the country.

Hon. Speaker, Article 37 of the Constitution provides for the right of every person to assemble, demonstrate and picket. Additionally, the Constitution, in Article 36, confers all citizens with the freedom of association. Over the last few weeks, citizens from all walks of life have been exercising their constitutional freedom and right to associate, assemble and demonstrate across the country against the high cost of living. Sadly, there have been cases of obstruction of the exercise of these freedoms and rights by the police, including reported incidents of harassment and police brutality. This unwarranted use of force against unarmed civilians has especially been experienced in Nairobi, Kisii, Kisumu, Migori, Busia, Makueni and Homa Bay counties. This has led to the death of more than 20 people as well fatal injuries to numerous citizens.

It is against this background that I seek leave for the adjournment of the House to discuss this matter of great national concern, with a view to exploring possible and lasting solutions to this unjustified contravention of the law.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Rozaah Buyu, do you have the requisite numbers to support you?

(Several Members stood in their places)

The support is overwhelming. You may take your seats.

(Loud consultations)

Take your seats. Order!

Hon. Rozaah Buyu, you will be allocated time to move your Motion after the debate at Order No.9. That will depend on how things go. But when that Order is called, we will allocate it one hour. After the one hour, you can then move your Motion.

Hon. Ruku GK (Mbeere North, DP): On a point of order, Hon. Speaker.

Hon. Speaker: Yes, Hon. Ruku.

Hon. Ruku GK (Mbeere North, DP): Hon. Speaker, I thank you. I think the Motion is defective because the Mover has not quoted the Constitution properly. The Constitution says that the public has the right to, peacefully and unarmed, demonstrate and picket.

(Some Members spoke off the record)

Hon. Speaker: He is on a point of order!

Hon. Ruku GK (Mbeere North, DP): I repeat: peacefully and unarmed. She has not quoted that part of Article 37 of the Constitution.

(Loud consultations)

Hon. Speaker: Order, Hon. Members! I am sure you know very well that when a Member is on a point of order, you cannot rise on another point of order. When he has finished, then you can claim a point of order. Hon. Ruku is on a point of order.

Hon. Ruku GK (Mbeere North, DP): Thank you, Hon. Speaker, for protecting me. What I am saying is the fact that Article 37 of the Constitution gives us two conditions for us to be able to demonstrate, picket, present petitions to public authorities and to assemble. We must do that in an unarmed and peaceful manner. The Mover of the Motion has not quoted Article 37 of the Constitution the way it is supposed to be. That Motion is defective.

Thank you, Hon. Speaker.

(Loud consultations)

Hon. Speaker: Order, Hon. Members! Order! I do not see what is agitating you. He has risen on a point of order to draw the Hon. Speaker's attention to what he thinks is a defect in the Motion. Leave that to the Speaker to deal with. The Motion came to my office, I read through and was satisfied that it is a proper Motion. As such, I approved it. That is why it is before the House.

(Applause)

Hon. Ruku is entitled to his argument. I invite you to vibrantly debate the Motion and put those arguments forward when that time comes.

Next Order.

(Hon. Opiyo Wandayi spoke off the record)

Not on that same matter. You are anticipating debate. I hope it is not about this Motion. If it is on this Motion, I will stop you, Hon. Wandayi.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, I have no issue whatsoever about the character of the Motion. I just want to request you that in accordance with the traditions and rules, easy traditions if I may say so, be kind enough to give us a specific time for the debate on this Motion rather than leaving it open in the manner you have implied.

Hon. Speaker: I think I have been very specific, Hon Wandayi. The next order is a question to be put. I directed that Order No.9 be debated for a maximum one hour. If it ends earlier, this Motion will start earlier, but we will give it one hour. Thereafter, the Motion will come. It cannot be any more definite than that.

(Laughter)

Yes, Senior Counsel Hon. Otiende Amollo.

Hon (Dr) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Speaker. We are all well guided and we respect your ruling. There is a practice that now needs to be called out. When Members want to debate, they stand on a point of order. They forget that Standing Order 107(1)(b) makes it a disorderly conduct to knowingly raise a false point of order. I urge that in such cases, it is not enough to let the Member finish and sit down. That is wasting this august House's time. It is important that we guide the House accordingly, so that we can move.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Otiende Amollo, I know that we can rigidly apply the Standing Orders as you say. I also know that we need some comic relief in the House at certain times.

(Laughter)

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of order for comic relief.

Hon. Speaker: Not allowed.

(Laughter)

Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

Hon. Speaker: Order, Hon. Members. Hon. Naomi Waqo, take your seat. Hon. Members, we are in Order No.7. We have a very important Statement from Hon. Ng'elechei.

RECOGNITION OF KENYAN WORLD RECORD HOLDERS' ATHLETES

Hon. Caroline Ng'elechei (Elgeyo Marakwet County, Independent): Thank you, Hon. Speaker. I rise pursuant to Standing Order 259D (2)(b) to notify the House of the great achievements in the past few weeks of Ms. Faith Kipyegon and Mr. Ferdinand Omanyala. I take note that Ms. Faith Kipyegon is a resident of Elgeyo Marakwet County. Therefore, I wish to recognise her.

In the past month, Ms. Faith Kipyegon— a world-renowned Kenyan athlete— participated in various competitions, including the Monaco Diamond League. Her performance is exceptional and reflects the Kenyan spirit of hard work, discipline and perseverance. Notably, on 2nd June 2023, Ms. Kipyegon broke the 1,500 metres world record in Florence, Italy with a new time of 3:49.11 seconds. One week later on 9th June 2023, she again broke the 5,000 metres world record at the Paris Diamond League with a new world record of 14:05.20. In a further display of her consistency and hard work, on 21st July 2023, Ms. Faith Kipyegon shattered the one-mile world record at the Diamond League in Monaco with a time of 4:07.64.

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These exceptional achievements ought to be celebrated by all Kenyans. Ms. Kipyegon has previously won both the Olympic and World Athletics Championships in 1,500 metres titles. She is an iconic athlete who ought to be emulated by our youth and all. We wholeheartedly congratulate her for this iconic achievement. *Hongera Dada Kipyegon. Kongoi Faith!*

(Applause)

On the other hand, another son of our soil, Mr. Ferdinand Omanyala, has consistently outperformed other sprinters in Africa and beyond to emerge victorious. He is the current Commonwealth Games 100 metres race champion. He made history after becoming the first Kenyan to win the 100 metres race at the Diamond League on Friday, 21st July 2023 in Monaco. He is also the reigning Africa 100 metres race champion. Mr. Omanyala's unwavering commitment and unyielding passion for the sport has propelled him to the new heights, solidifying his place among elite sprinters of his generation. We congratulate him for this feat. *Hongera Kaka Omanyala!*

The achievements by Ms. Faith Kipyegon and Mr. Ferdinand Omanyala remind us that with steadfast dedication, resilience, focus and desire to succeed, anything is possible. These Kenyans also serve as a great inspiration, especially to young Kenyans. We also have many other athletes in this Republic like Ms. Mercy Cheron, who is a champion in the road race and 5, 000 metres. We also have Ms. Hellen Obiri, Ms. Teresa Chirchir, Ms. Faith Cheruiyot, among others. We have gentlemen like Mr. Geoffrey Kamworor, Mr. Emmanuel Korir, Mr. Evans Chebet and Mr. Kelvin Kiptum, who is predicted to further lower the marathon world record.

It is on this basis that I wish to notify the House of these achievements and request that the tributes of the House be recorded in honour of Ms. Faith Kipyegon and Mr. Ferdinand Omanyala.

I thank you, Hon. Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Ng'elechei. Indeed, the two athletes and many others whom you have mentioned join the long array of great Kenyans. They confirm what Mr. Eliud Kipchoge said that no human is limited.

Next Order.

Hon. Members: We want to pay tribute.

Hon. Speaker: Do you want to pay tribute?

Hon. Members: Yes.

Hon. Speaker: Hon. Nguna.

Hon. Charles Nguna (Mwingi West, WDM): Thank you, Hon. Speaker, for giving me this opportunity to congratulate our athletes for the exemplary performance internationally. I am a serious and passionate sportsman. I have never seen anyone breaking world records in three consecutive races. Congratulations to Ms. Faith Kipyegon for that exemplary performance.

Mr. Ferdinand Omanyala became the first Kenyan man to win a 100-metre race in the Diamond League, which is another world record. I also recognise many people who have been watching these athletes lately. We are fabulous. I wish them all the best in the coming World Athletics Championships in Budapest, Hungary as they conquer the world.

Thank you, Hon. Speaker, for giving me this opportunity. I call upon Members of Parliament to pay glowing tribute or congratulate our athletes, and stand with them firmly to ensure we get as many of them as possible on the world stage.

Hon. Speaker: Thank you, Hon. Nguna. Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. I take this opportunity to thank Hon. Ng'elechei for thinking of paying tribute or congratulating Ms. Faith, who has done marvelously for this country. Her achievements in the last few months of breaking three world records together with Mr. Omanyala is no mean feat. We congratulate and thank her for raising our flag very high. Internationally, it looked like there was nothing good coming out of our country other than people chasing each other in the streets. At least, we saw a young lady from the Great Rift doing marvelous things around the world and putting our name on the world map.

Hon. Speaker, protect me from this young Member who is gesturing at me menacingly.

(Laughter)

I do not know his name. As time goes by, I will know him. Maybe, Hon. Junet will teach him how to behave in the House. You do not menacingly...

(A few Members spoke off the record)

(Laughter)

He is called Hon. Clive. I have been told he is an old boy of the school... If he was there when I was the prefect in charge of discipline, I would have taught him how to behave in the House.

Ms. Faith and Mr. Omanyala have done great honour to this country. I hope the Chairperson of the Departmental Committee on Sports and Culture is here. Besides these athletes being honoured in State House when they come back, we need to come to a point where Parliament can honour them on behalf of Kenyans. I hope the Chairperson of the Departmental Committee on Sports and Culture is taking notes, and will ensure that we not only honour these athletes, but also grow talents. There are very many other Faiths in Kenya who need nurturing through development of sporting facilities around the country. If we support them through our Departmental Committee on Sports and Culture, I am sure we will nurture more Omanyalas and Faiths, including in other sports like football that has been going down over the years.

I thank Hon. Ng'elechei for that honour to Ms. Faith, Mr. Omanyala and all our wonderful athletes in this country. Thank you, Hon. Speaker.

Hon. Speaker: Go ahead and issue your Thursday's Statement.

STATEMENT

CONSIDERATION OF BUSINESS FOR THE WEEK

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. On the usual Thursday statement, on behalf of the House Business Committee (HBC), and pursuant to Standing Order 442(a), I wish to give the following Statement that on Tuesday 25th July, 2023 the HBC met for the consideration of the business for the week.

I wish to officially welcome Members from the short recess. I hope we have all come back reinvigorated and ready to perform our roles for the remainder of this Session. The House awaits reports on various items of business. I urge Committees to expedite and finalise their reports on Bills, treaties, enquiries, responses to Statements and Questions to be considered before the House.

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With regard to the business for Tuesday, next week the House is expected to continue with Second Reading of the following Bills should they not be concluded today:

1. The National Rating Bill (National Assembly Bill No.55 of 2022)
2. The Food and Feed Safety Control Coordination Bill (National Assembly Bill, No.21 of 2023)
3. The Statute Law (Miscellaneous Amendments Bill), (National Assembly Bill No.60 of 2022)
4. The Conflict of Interest Bill (National Assembly Bill, No.12 of 2023)

I hope the Hon. Chairs of the Committee on Health and Committee on Agriculture have noted that the Food Feed Safety Coordination Bill 2023, which they had begun public participation is slated for next week. Hopefully, they would have finished and Tabled their report by next week.

Debate will also be undertaken on the following Motions if they are not finished today.

1. Report on The United Nations Convention Against Corruption (UNCAC) and Global Parliamentarians Against Corruption (GOPAC) Meeting.
2. Report on a visit to semi-autonomous institutions of the East African Community (EAC).
3. Inquiry into the Maize Flour Subsidy Programme for the Financial Year 2022/2023.
4. Report of the Kenya Delegation to the 146th Assembly of the Inter-Parliamentary Union (IPU) and related meetings held in the Kingdom of Bahrain.
5. Consideration of reports of the Auditor-General on the Financial Statements for various funds.
6. Consideration of the reports of the Auditor-General on the Financial Statements of State Corporations (Regulatory and Governance agencies).

In accordance with the provisions of Standing Order 42(a)(5)(6), I wish to convey that the following Cabinet Secretaries are scheduled to appear before the House on the afternoon of Wednesday, 2nd August 2023 to respond to questions.

(Loud consultations)

Hon. Speaker, if you can protect me from these Members from Nyandarua County. They are discussing about the growth of potatoes and cabbages.

(Laughter)

I appreciate potatoes and cabbages are grown in Nyandarua, but the Members for Ol Jolorok and Nyandarua are disrupting me. I cannot bear listening to how prices of the same have come down. They cannot be complaining about the prices of potatoes and cabbages coming down when we are looking at the cost of food prices coming down.

Hon. Speaker: Order, Hon. Wanjiku Muhia and your team. Maintain silence and order.

Hon. Kimani Ichung'wah (Kikuyu, UDA): The Cabinet Secretary for Agriculture and Livestock Development will respond to the following:

1. Question 101/2023 by Hon. Caroli Omondi regarding the re-emergency of animal diseases and proliferation of unlicensed and unregulated animal medicines in the county.
2. Question 154/2023 by Hon. Peter Salasya regarding the production and supply of BT Cotton seeds to farmers.

3. Question 155/2023 by Hon. Reuben Kiborek regarding the establishment of a revolving fund to facilitate the purchase of hides and skins for processing by the Ewaso Nyiro South Development Authority.
4. Question 156/2023 by Hon. Gitonga Mukunji regarding the poor pricing of Macadamia nuts in the county.
5. Question 222/2023 by Hon. Agnes Pareiyo regarding the Revival of Emeng'etia NCPB depots in Narok North Constituency.
6. Question 223/2023 by Hon. Gideon Kimaiyo regarding the skyrocketing fertiliser prices especially CAN.
7. Question 224/2023 by Hon. Oku Kaunya regarding the availability and distribution of subsidised fertiliser across the 290 constituencies.
8. Question 225/2023 by Hon. Abdul Haro regarding the agreement that the country has with Zambia for the production of maize.
9. Question 290/2023 by Hon. Rindikiri Mugambi regarding the quantity of fertiliser distributed to farmers in Buuri Constituency Meru County.

The Cabinet Secretary for Labour and Social Protection will respond to the following questions:

1. Question 088/2023 by Hon. Brighton Yegon regarding the welfare of Kenyan workers working in Saudi Arabia and efforts geared towards regulated licensing of recruiting agencies.
2. Question 089/2023 by Hon. Omar Basil regarding the incorporation of senior citizens into the older persons cash transfer scheme.
3. Question 090/2023 by Hon. Brighton Yegon regarding the formulation policy framework to support the children whose parents or guardians are incarcerated.
4. Question 091/2023 by Hon. Joyce Kamene regarding the plight of orphans, widows and widowers in the country.
5. Question 092/2023 by Hon. Njeri Maina regarding the effectiveness of Inua Jamii program since its inception.
6. Question 160/2023 by Hon. Machua Waithaka regarding eligibility of cancer survivors being registered as persons with disabilities.
7. Question 189/2023 by Hon. Zamzam Mohammed regarding compliance by institutions to the minimum accessibility standards to the persons with disabilities.
8. Question 190/2023 by Hon. Ngonzi Rai regarding the questioning of elderly persons under the Inua Jamii programme.
9. Question 326/2023 by Hon. Gideon Kimaiyo regarding the unemployment of youths in Keiyo South Constituency.
10. Question 327/2023 by Hon. Caleb Mule regarding the registration and de-registration of beneficiaries of Inua Jamii programme in Machakos Town Constituency.
11. Question 328/2023 by Hon. Mishi Mboko regarding status of beneficiaries under Inua Jamii programme in Likoni sub county.
12. Question 329/2023 by Hon. Gonzi Rai regarding provision of hardship allowance to civil servants in Kinango Constituency.

The HBC will reconvene on Tuesday, 1st August 2023 to schedule the business for the rest of the week.

Hon. Speaker, I beg to lay the following Papers on the Table of the House.

(Hon. Kimani Ichung'wah laid the documents)

Allow me to congratulate Hon. Oki Kaunya and Hon. Abdul Haro. These two Members have been very keen in utilising Standing Order 42 (a)(5)(6) in putting questions before Cabinet Secretaries frequently. Hon. Kaunya being a seasoned Member has sat through question time. I encourage other Members to put in your questions to be answered by these Cabinet Secretaries so that you hold them accountable

Hon. Speaker: Thank you, Hon. Kimani Ichung'wah.
Next Order.

BILL

(Second Reading)

THE PUBLIC SERVICE (VALUES AND PRINCIPLES) (AMENDMENT)
BILL (National Assembly Bill No. 46 of 2022)

(Question put and agreed to)

*(The Bill was read a Second Time and
Committed to Committee of the whole House)*

Hon. Speaker: Hon. Members, before I go to the next order, allow me to acknowledge the following schools in the Public Gallery: Koibatek Primary School, Eldama Ravine Constituency, Baringo County; Ntumu Primary School, Maara Constituency, Tharaka Nithi County; Nzauni Secondary School, Mwingi West Constituency, Kitui County; Kiandu Primary School, Tetu Constituency, Nyeri County and in the Speaker's Gallery: Kilimani Secondary School, Kilome Constituency, Makueni County and Kenyatta Secondary School, Nakuru West Constituency, Nakuru County. On my behalf and on your behalf Hon. Members, we welcome the students and their teachers to the House of Parliament.

Next Order!

BILL

Second Reading

THE NATIONAL RATING BILL
(National Assembly Bill No.55 of 2022)

(Moved by Hon. Kimani Ichung'wah on 25.7.2023)

(Resumption of debate interrupted on 25.7.2023)

Hon. Speaker: Who was on the Floor at the time of the rise of the House? Yes, Hon. Junet.

Hon. Junet Mohamed (Suna East, ODM): Thank you, Hon. Speaker, for giving me a chance to say something. I stand under Standing Order No.95. Will I be in order to ask the Mover to be called upon to reply? The Question should be put to the House to decide.

(Laughter)

Hon. Speaker: What are you seconding?

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Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Speaker, you know there are always new developments in the House. Ordinarily, it is not seconded but this is a very important matter raised by Hon. Junet. He normally does not sit in the House. So, I am seconding this one.

Hon. Speaker: There was no requirement to second. Is that the mood of the House?

Hon. Members: Yes.

Hon. Speaker: Are there Members who still want to contribute to this Bill? Okay, if that is the mood of the House, I will put the question.

(Question, that the Mover be now called upon to reply, put and agreed to)

Mover.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you Hon. Speaker. Let me thank the Minority Whip because I am sure in as much as he was not in the House, he was watching the number of people who contributed to this debate. We still have another chance to debate during the Third Reading because this Bill concerns counties and will head to the Senate. We will allow Senators time to debate and send it back to us for concurrence. Allow me to thank all the Members who contributed to this debate on Tuesday and Wednesday.

As I said when moving and as was repeated by many Members, this Bill is important because it will help all county governments to realise their vision of growing their counties and revenue streams. I want to encourage all counties to start mapping properties that are rate-able and even work with Information Communication Technology (ICT) experts for geo-positioning of all their properties. So, when this Bill becomes an Act of Parliament, they will use modern technology to determine the level of rates chargeable to properties.

Among the issues Members touched on was the question of agricultural land and the need to protect it and rangeland for pastoral communities. I remember Hon. Sarah Korere was very particular on protection of community land. This is the case so that communities in the pastoral areas do not lose their land through auction by county governments because of being unable to pay rates for community land and rangeland they use for herding their livestock.

I hope the Chairperson of the Departmental Committee on Lands took note of all those issues and they will be taken care of during the Third Reading. I am sure the Senators were listening and will do the necessary justice to this Bill when it gets to them.

Hon. Speaker, with those very many remarks, I beg to reply.

Hon. Speaker: Hon. Members, I now put the question.

(Question put and agreed to)

(The Bill was read a Second Time and committed to the Committee of the whole House)

Hon. Speaker: Hon. Members, I gave direction that at the end of Order No.9, we will go to the Motion of Adjournment. Before I call the Mover to move the Motion, the House must be guided. One, you debate this Motion and at the end there is no vote. So, this is an issue you debate soberly. It is arising out of a very tight situation in our country. I encourage each one who will contribute to avoid raising unnecessary emotions in the country.

We are seeing some positive vibes from the leadership of the country. I urge we be more encouraging to sober up our country than to fan the fire or spill more inflammable material on it. This country needs peace. Even for Members to do their work, they need peace. We all need peace that will escalate to development in our country and in our neighbourhood.

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So, I urge you Members and the substantive Speaker will be very firm as you debate and will not tolerate shouting at each other across the aisle. If a Member says something you are uncomfortable with, you will be given an opportunity to counter with another argument, other than shouting at each other. Hon. Rozaah Buyu you may now move your Motion.

**MOTION OF ADJOURNMENT ON A MATTER
OF URGENT NATIONAL IMPORTANCE**

INCREASED CASES OF POLICE BRUTALITY IN THE COUNTRY

Hon. Rozaah Buyu (Kisumu East, ODM): Thank you Hon. Speaker. Before I move this Motion, I would like to thank you for being very considerate. I requested to move it on Tuesday but because of unforeseen circumstances, it was not possible. You provided for Wednesday and when I put in the request you moved it to today. So, I thank you for that.

Hon. Speaker, I rise to move the Motion regarding reported police brutality in various parts of the country. Hon. Speaker, Article 37 of the Constitution provides for the...

Hon. Speaker: Rozaah, you start by reading the Motion as you framed it then debate.

Hon. Rozaah Buyu (Kisumu East, ODM): Hon. Speaker, pursuant to Standing Order 33(1), I seek leave for adjournment of the House for the purpose of discussing a definite matter of urgent national importance, regarding the reported police brutality in various parts across the country. Article 37 of the Constitution provides for the right of every person to assemble, to demonstrate and to picket. Additionally, the Constitution in Article 36 confers all citizens with the freedom of association.

[The Speaker (Hon. Moses Wetang'ula) left the Chair]

[The Temporary Speaker (Hon. Martha Wangari) took the Chair]

Mr. Speaker, over the last few weeks, citizens from all walks of life have been exercising their constitutional freedoms...

The Temporary Speaker (Hon. Martha Wangari): Hon. Rozaah, it is Madam Temporary Speaker. Thank you.

(Laughter)

Hon. Rozaah Buyu (Kisumu East, ODM): Thank you, Madam Temporary Speaker. I should have been the first one to correct that. Over the last few weeks, citizens from all walks of life have been exercising their constitutional freedoms and right to associate, assemble and demonstrate across the country against the high cost of living. Sadly, there have been cases of obstruction of exercise of this freedom and rights by the police, including reported incidences of harassment and police brutality. The unwarranted use of force against unarmed civilians has especially been experienced in Nairobi, Kisii, Kisumu, Migori, Busia, Mombasa, Makueni and Homabay counties and has led to the death of more than 20 people as well numerous serious injuries.

It is against this background that I seek leave for adjournment of the House to discuss this matter of great national importance with a view to exploring lasting solutions to unjustified contravention of the law.

Hon. Temporary Speaker, this afternoon, I hold the Constitution of Kenya in my hand. This Constitution, which we approved overwhelmingly as Kenyans, means two things to me. Firstly, this Constitution makes every Kenyan citizen equal to the other. In all the things that

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are subscribed in this Constitution, there is no Kenyan who has been left behind. In cases where there has been noticed discrimination, this Constitution has clauses that talk about affirmative action so that every Kenyan is brought up to as near equal to other Kenyans as possible. In other words, there is no Kenyan who is less of a Kenyan.

Secondly, in order to mitigate against situations like the bloodshed of 2007 and 2008, this Constitution, in Article 244, introduced the National Police Service - and radically so - to replace the Kenya Police Force that existed previously. The framers of this Constitution recognised the fact that in 2007 and 2008, the defunct Kenya Police Force brutalised Kenyans and a lot of lives were lost as a result. Under Article 244(c) specifically, the National Police Service is required to comply with the constitutional standards of human rights and fundamental freedoms. One such freedom as enshrined under Article 37 of this Constitution is that every Kenyan has a right, and must be given an opportunity, to picket and demonstrate if they so wish.

An honourable Member said that we should not overlook the “peacefully” or “peaceably” and “unarmed”. I stand here to say that in the recent past, all the *maandamo* or demonstrations that had no police presence ended up being very peaceful. One such demonstration happened in Siaya and was covered in our local television stations. Another such demonstration happened in Kisumu West Constituency two weeks ago without police presence. The citizens demonstrated peacefully between 11.00 a.m. and 5.30 p.m. and went home without any incidents.

It is proven that, the police, instead of playing their protection role, actually provoke demonstrators who are otherwise very peaceful. In the ensuing melee, the police deploy teargas canisters and water cannons. They also use live bullets to shoot at innocent, peaceful and unarmed demonstrators. I have stood in this House several times to defend the police officers and argue for their better living standards. However, in this front, the National Police Service has failed Kenyans. They have turned into a killer squad. Today, I stand here wearing a black headscarf. I am mourning two young men from my sub-location. One was killed in Kondele at the flyover way beyond the time of the demonstration. As he walked home from work, a police officer who was at the flyover shot at him. The boy had absolutely nothing. The other one was killed in Kitengela.

Of the 20 reported deaths, most of the victims were shot on the back. When you shoot people on the back, it only means that they were moving away from the shooter at the time of the shooting. They were not moving towards the shooter for the shooter to feel threatened. So, the police officers chose to shoot the demonstrators simply because the officers have the power of the gun.

In many parts of this country today, Kenyans are mourning. Many of those young people will be buried this weekend. We cannot just sit and watch this tragedy happen without discussing it to see how it can be stopped. If we do not stop it, tomorrow it will happen to you or to your child or relative.

Despite the fact that the police became a service and not a force, the training curriculum still remains the same. Therefore, this House must ensure that even the training curriculum for police officers changes to align it with the “service” idea of this security outfit as opposed to “force.” It does not matter to which side of the political divide you belong right now. When a time comes for you to face a policeman with a gun - who has only been trained to shoot - you will die, irrespective of the political divide you currently belong to.

Hon. Temporary Speaker, I urge Members to discuss this matter with a view to coming up with ways of ensuring that all those young Kenyans who have been slain by the bullet not only get justice, but justice is, indeed, seen to be done for them.

With those remarks, I beg to move.

The Temporary Speaker (Hon. Martha Wangari): Thank you, Hon. Rozaah. As guided by the Hon. Speaker and our Standing Orders, every subsequent speaker to this debate will have a maximum of five minutes. No addition. We will debate in decorum since this is a very important Motion. This is the right place to bring this matter.

The next chance will go to the Member for Endebess, Hon. Robert Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Speaker. As Hon. Rozaah Buyu puts it, some of those victims were shot at the back. I asked myself who was shooting them on the back when they are throwing stones at the police? Was there somebody armed with guns at the back who was planning to make sure that those people were shot in order to create a bad situation?

I have watched news on many of the television stations. People on the other side of the political divide have been claiming that the victims were shot on the back. Yes, they were shot on the back, but we know that those people were throwing stones at the police who were at the front. It would mean that some demonstrators were probably armed and were shooting other demonstrators from the back to create a bad situation.

What we have seen is a very sad situation where politicians...

Hon. (Dr) Otiende Amollo (Rarieda, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): What is out of order, Hon. Otiende?

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Hon. Temporary Speaker, I really like the spirit and guidance the Hon. Speaker gave. I hope we can abide by it.

Hon. Pukose stood and said that these people were throwing stones at the police. Could he substantiate that allegation? If he cannot, then he should withdraw it.

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Otiende Amollo. You are the one who raised the issue of abuse of the provision for point of order. Hon. Rozaah Buyu also made allegations that were not countered. Please, give the Member a chance to complete his contributions. Do not use the provision for points of order to debate.

Hon. Pukose, please, continue.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Speaker for protecting me from Hon. Otiende Amollo. We have seen what has happened. The court made a ruling giving stay orders on the petition on the Finance Bill. So, whenever the issue of demonstrations comes up, I wonder what it is that we are demonstrating against. If it is a question of sitting down and negotiating, we had a committee that was formed, headed by Hon. Otiende Amollo and our good friend, Hon. Gitonga Murugara, the Member for Tharaka. The two are Members of this House. This committee suspended its activities because the minority side, under its leadership, called for demonstrations to press against the Finance Bill, whose implementation the court has since suspended. When they talk about the cost of living, the Government is instituting measures to make corrections... It is creating employment and bringing the cost of food down through subsidies on fertilisers.

The other day we saw “*Baba*”, the former Prime Minister, Hon. Raila Amolo Odinga come out clearly and say that the President of Tanzania was in the country to mediate on these issues. That is okay. However, what are the issues he wants to negotiate about? If it is about the cost of living and the cost of food, the Government is putting measures in place to address the issues. If he has better ideas, it will be better for him to sit down with our President. We should see him recognising that President Ruto won the elections fairly. He should sit down with President Ruto and tell him how he is not implementing projects that will bring down the prices of food commodities. What we have heard the former Prime Minister say is that people should hold vigils in honour of those who died during the demonstrations. This is tantamount to shedding crocodile tears. If he had not called for demonstrations, we would not have lost lives. When these Members hold the vigils, they pretend to be holier than thou...

Hon. Eve Obara (Kabondo Kasipul, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Pukose! What is out of order, Hon. Eve Obara?

Hon. Eve Obara (Kabondo Kasipul, ODM): Hon. Temporary Speaker, we are here to discuss matters of police brutality. Why are we bringing in *Baba's* name? We have been asked to discuss this matter soberly. Please...

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Member! You will get a chance to debate the Motion. Hon. Members, we are all here. We know the context of this debate. Hon. Rosaah Buyu has done very well in moving this Motion. I will give all of you chance to contribute.

Hon. Pukose, you have few minutes left. Please, wind up.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Speaker. I saw some of the Members of the minority coalition putting on white clothes while holding the vigils. To me, that was shedding crocodile tears. If they had not called for demonstrations, we would not have lost those lives.

With those few remarks, I note my comments.

The Temporary Speaker (Hon. Martha Wangari): Order, Members!

(An Hon. Member spoke off record)

There is no Member on the Floor. There cannot be anything possibly out of order.

The next chance goes to the Member for Alego Usonga, Hon. Samuel Atandi.

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you, Hon. Temporary Speaker for giving me this opportunity. I rise to support the Motion which has been moved by my colleague, Hon. Rozaah Buyu.

This matter is very serious. It is very sad when I hear my colleague, Hon. (Dr) Pukose, speak like we are here to joke. I am one of the people who participated in the peaceful demonstrations. The police decided to engage in acts of genocide in this country. We know that the police serve the regime that is in power. The regime which is in power...

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): What is out of order, Leader of the Majority Party?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, Standing Order 87 is very clear on matters of statement of fact. Protect me from Hon. Otiende Amollo, the Senior Counsel. Ask him to hold his emotions and allow me to say what I have to say.

Hon. Samuel Atandi has said that the police engaged in acts of genocide. Unless the Member substantiates how the police engaged in acts of genocide, he should withdraw that statement. The substantive Speaker told us to stop playing to the gallery and saying things that are emotive. When one says that the police engaged in acts of genocide, I can also stand here and say that someone else - I do not want to mention names - engaged in acts of genocide. That is not going to help us. It will only be fair if Hon. Atandi either withdraws the word "genocide" or substantiates its usage.

The Temporary Speaker (Hon. Martha Wangari): Hon. Atandi, I want to refer you to Standing Order 87(1)-(6). Kindly, be careful with your wording. On your claim about genocide, you have to substantiate. You know the definition of "genocide." You either substantiate or withdraw.

(Loud consultations)

Order, Members! Information can only go to the Member. Hon. Atandi, do you want to be informed by the Leader of the Minority Party?

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Temporary Speaker, I have only five minutes to execute my point. So, I will ignore the Leader of the Majority Party because he has not given me any point.

The Temporary Speaker (Hon. Martha Wangari): You cannot ignore.

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Temporary Speaker, I have a list of the people who were killed by the police during the demonstrations. Ninety per cent of the people who were killed are members of the Luo community. Do you want me to define “genocide” for you? Do you want me to read the list of the people who have been killed? On the list that I have here, 90 per cent of the names of the people who were killed are members of the Luo community. So, what are you telling me?

The Temporary Speaker (Hon. Martha Wangari): Order, Members! Hon. Atandi, I want to confirm that you have just been supplied with that list before my own eyes.

(Hon. Atandi Spoke off record)

Yes, it does not matter. However, I will give guidance. You know how “genocide” is defined in the Constitution and in the dictionary. You will not use uncertified information on the Floor of this House. We will need to know the source of that list. It has to be certified and tabled.

(Loud consultations)

Order, Members! We will not waste time doing ping-pong on this Motion. Hon. Atandi, if you have a certified document, you know what to do. That cannot be hearsay.

Hon. (Dr) Robert Pukose (Endebess, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): What is out of order, Hon. Pukose?

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Speaker, Hon Atandi has made a very serious allegation. He claims that 90 per cent of the people who were killed are members of the Luo community. That is wrong. It is profiling a community. He is out of order. We should not encourage profiling of communities. That is not right.

The Temporary Speaker (Hon. Martha Wangari): Hon Atandi has already said he does not want to be informed. Continue, Hon. Atandi.

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Temporary Speaker, before I allow my leader to inform me, I want to urge you not to be partisan on this debate. What you are doing to me is partisan. You are encouraging Hon. Pukose to stand on a very useless point of order when you gave us guidelines not to use useless points of order.

The Temporary Speaker (Hon. Martha Wangari): Hon. Atandi, you will not cast aspersions on the Chair. I will not allow that. Kindly, you will either substantiate or withdraw.

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Temporary Speaker, I want to give this chance to my leader to give me some information.

The Temporary Speaker (Hon. Martha Wangari): It is not up to you to give your leader the chance. Continue.

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Temporary Speaker, the point I was raising is that the police serve every regime that comes into power. The police officers who are shooting our people today are the same ones who were serving the previous regimes. The regime in power gave the police express instructions to go and shoot our people. This was done

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after a meeting that was allegedly held in State House, where a decision was made that the police must go out and discipline our people.

(Loud consultations)

The Temporary Speaker (Hon. Martha Wangari): Order, Members! What is out of order, Chair of Departmental Committee on Administration and Internal Affairs? Hold on, Hon. Atandi. Leader of the Minority Party, you said it is a point of information. The Member on the Floor said he does not want your information.

The Member seeking to raise a point of order, continue.

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Temporary Speaker, you already made some kind of a ruling - that we cannot use uncertified documents on the Floor of the House, and that the Hon. Member must withdraw the word “genocide” before we move on. I think the Speaker made it very clear when we started. He said that we must handle this issue with a lot of decorum.

The Temporary Speaker (Hon. Martha Wangari): Do not debate, Hon. Tongoyo. No debate.

Hon. Gabriel Tongoyo (Narok West, UDA): Fine. Let the Member withdraw. We want certified documents.

The Temporary Speaker (Hon. Martha Wangari): No, your time is up. Do not debate. Continue, Hon. Atandi.

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Temporary Speaker, thank you very much. Let us not pretend that the police, on their own, can wake up one morning and shoot people on the streets.

The Temporary Speaker (Hon. Martha Wangari): Hon. Atandi, are you able to table a certified document on the numbers and the names? If you are not able to, you will withdraw your allegation. Do not read the document. Order, Members.

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Temporary Speaker, give me a chance to make my point.

The Temporary Speaker (Hon. Martha Wangari): Do not read. Table the document.

(Loud consultations)

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Temporary Speaker, give me a chance to make my point. My point is very clear.

The Temporary Speaker (Hon. Martha Wangari): Hon. Atandi, we are in agreement. I am not gagging you. The issue of contention is the claim of genocide. There are two ways to go about it. You either table a certified list here or you withdraw the allegation. There are just two ways of going about it.

Hon. Samuel Atandi (Alego Usonga, ODM): Senior Counsel, (Dr) Otiende Amollo, has certified the list I want to table. The list is here. Let me table the list for you to look at it.

(Applause)

The Temporary Speaker (Hon. Martha Wangari): Hon. Atandi, approach the Table.

(Hon. Samuel Atandi laid the document on the Table)

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Temporary Speaker, having tabled the certified list of members of our community that the police killed, I want to read it out.

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The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Atandi. We will do this the right way. We are a House of records. The Hon. Speaker ruled very clearly during the 11th Parliament that any document tabled here must have a letterhead of the source and it must be stamped. The list I have here is a random one. Hon. (Dr) Otiende Amollo has just signed it as we watched. It is not admissible. These are not my rules.

(Hon. Mwengi Mutuse and Hon. Millie Odhiambo-Mabona stood up)

Order, Members! Order, Hon. Mutuse. Order, Hon. Millie Odhiambo! We are not castigating the capacity of Senior Counsel, Otiende Amollo. However, this list is not admissible. It will not be used in the House. Hon. Atandi, you will withdraw the word “genocide” and continue.

(Hon. Junet Mohamed stood in his place)

The Temporary Speaker (Hon. Martha Wangari): You do not have to rise, Hon. Junet. Order, Hon. Junet. Hon. Atandi, we are waiting for you. Hold on.

Hon. Samuel Atandi (Alego Usonga, ODM): I will not withdraw what I have said. I want permission to continue. What I will do is that I am allowed to proceed.

Hon. Junet Mohamed (Suna East, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): What is out of order, Hon Junet?

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, this is a House of procedure. As you have said very well, a document tabled by a Member must have a letterhead and be authenticated. Allow me to ask you a question as the Speaker presiding over this House now. How do you expect dead bodies to have letterheads? These are dead people. Where do you expect them to get letterheads? These people are already dead. Where do you get their letterheads? Where do you get letterheads for dead people?

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Junet. Hon. Junet, how did they write these names if they are dead? Order, Hon. Junet. We have sources of statistics in this country. You do not have to be alive. You can be a part of statistics even when you are not alive. Hon. Atandi, wind up. Withdraw the word “genocide”.

Hon. Samuel Atandi (Alego Usonga, ODM): For the record, I will not withdraw what I have said. I want to clarify that the police decided to go to Kisumu and Busia, remove people from their houses and shoot them dead. I am not going to add anything. I am not going to withdraw my statement.

Hon. Temporary Speaker, I want to conclude.

Hon. Kimani Ichung’wah (Kikuyu, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Hon. Atandi, order. What is your point of order, Leader of the Majority Party?

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Temporary Speaker, you know we are a House of rules. Maybe, you could ask Hon. Atandi to take his seat so that we become orderly. Standing Order 107A (1) is on gross disorderly conduct. Just for the record, I may read for Hon. Atandi. The Standing Order says that a Member commits an act of gross disorderly conduct if the Member defies a ruling or direction of the Speaker or Chairperson of Committees.

Hon. Temporary Speaker, you have given a direct order asking Hon. Atandi to withdraw the use of the word “genocide” and proceed with his speech. He has categorically told you that he shall not withdraw. I want to ask that you take action against Hon. Atandi. In line with

Standing Order 108. Hon. Samuel Atandi should be named for defying a directive from the presiding Speaker. If we allow this House to transact business this way, tomorrow I will allege that Hon. Junet has directed someone to shoot someone else and say all manner of unpalatable things without substantiating, and chest-thump here that he will not withdraw. We must protect the dignity of the debating chamber.

The Temporary Speaker (Hon. Martha Wangari): You have made your point, Leader of Majority Party. I was reluctant to apply it because I thought this House is meant for this kind of ventilation. Standing Orders 107 and 108 are very clear. Hon. Atandi and Hon. Junet, you are totally out of order.

(Loud consultations)

Order, Members! Hon. Atandi, instead of using Standing Order 107, I will apply Standing Order 91(1) on responsibility of statement of fact.

In the first paragraph, Standing Order 91 says that a Member shall be responsible for the accuracy of any facts which the Member alleges to be true and will be required to substantiate any facts instantly.

In the second paragraph, the Standing Order says that if a Member has sufficient reason to convince the Speaker, but then the Member is unable to substantiate the allegation instantly, the Speaker shall require such Member to substantiate the allegation not later than the next sitting day, failure to which the Member shall be deemed to be disorderly within the meaning of Standing Order 107.

Therefore, Hon. Atandi, in accordance with the second paragraph of Standing Order 91, I give you up to the end of this Sitting to either substantiate or withdraw your allegation. If you do not comply, Standing Order 107 will be applied.

Order Members. We will go on with the debate. The next chance will go to - I think a female Member might bring some sanity - Hon. Phylis Bartoo.

Hon. Phylis Bartoo (Moiben, UDA): Hon. Temporary Speaker, I rise to put my voice on this Motion.

The genesis of the demonstrations was a call that was made by someone for people to demonstrate and people died as a result. For the first time, the police worked really hard to sort out the situations. They were overwhelmed, abused and stoned. The demonstrators looted shops. For example, Quickmart Supermarkets in Nairobi were the most affected. The demonstrators broke into those shops and stole everything. To come here and start condemning our police, who work under oath, is very unfortunate. We saw some Hon. Members of Parliament on the streets holding vigils where they lit candles. Had they planned for the deaths so that they could have something to do? It is like they had prepared a timetable. They have a timetable of what they are supposed to be doing. Their calendar is full of activities that range from causing people to die to calling for vigils, where they light candles, to having a day for burials. Is it the police who are doing that?

It is unfortunate that Members come here and start condemning our police yet the root cause of the problem is *maandamano*. Who called for the *maandamano*? Some of the Hon. Members condemning the police are the people who always call on members of the public to go to the streets. Who will protect people doing their business? Who will protect people in their shops? It is high time we created a picketing space for those people who want to *andamana* so that instead of going to destroy people's properties and disturb the peace of people who are doing their daily business, they go to those spaces, make noise, picket, scream and at the end of the day, go back home.

I come from Moiben Constituency, where we are maize farmers. Our people are very busy in the farms growing maize. The price of maize at the moment is good because people are

working hard. Why do they want to call other people to go to the streets? How will the cost of living come down? How can the price of maize be reduced when people are in the streets?

Let the police do their duty. It is not the police who killed those people. Can they go and find out who killed those people? They know. They even have a list of the dead. How did they know? Can they tell us who killed these people? Can they come out clear and tell us the people behind the deaths? Our police are very innocent. Some of them, too, lost their lives. Can they tell us who killed the police officers? Let them tell us who killed people and the police.

Thank you, Hon. Temporary Speaker.

(Loud consultations)

The Temporary Speaker (Hon. Martha Wangari): Order, Members. The Member for Kimilili is next.

Hon. Didmus Barasa (Kimilili, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to wade into this matter.

As we proceed, we have to be aware of what is factual. We had armed young men who entered a mortuary in Kisumu Town, threw in bodies of dead people and took everything away. That is a fact. It is also a fact that the same young men went into a supermarket belonging to a Mr Hussein and looted everything to a tune of more than Ksh200 million. That is another fact. In Nairobi, we had men who went into Eastmatt Supermarket in Kitengela Town and looted everything. That is also a fact. We have seen on television police officers being chased by demonstrators.

This Motion has been brought here to serve two purposes. The first one is to sanitise the same fellas who are causing anarchy - the people who are arming young people in this country and who are destroying properties of innocent Kenyans, including police stations. This Motion has also been brought here...

Hon. Peter Masara (Suna West, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): What is out of order, Hon. Masara?

Hon. Peter Masara (Suna West, ODM): Thank you, Hon. Temporary Speaker. It is quite unfortunate that Hon. Didmus Barasa is misleading this House. Let him produce documents showing those who looted those supermarkets. Let us not reduce the status of Parliament to a level where someone who has been charged with murder, having killed by a gun, comes here to lecture people on issues of...

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Masara!

(Loud consultations)

Hon. Masara, you know the Standing Orders. I do not need to remind you. You are a repeat Member. I will ignore that one. Continue Hon. Didmus.

Hon. Didmus Barasa (Kimilili, UDA): Hon. Temporary Speaker, I said, and I repeat; that, the aim of this Motion is to intimidate the Inspector-General of the National Police Service. I ask him not to be intimidated by this Motion. Kenyans are with him. He must protect properties and the lives of Kenyans.

(Loud consultations)

Hon. Rozaah Buyu (Kisumu West, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Order Members. What is out of order? It had better be out of order Hon. Rozaah.

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Hon. Rozaah Buyu (Kisumu West, ODM): Hon. Temporary Speaker, I moved this Motion because I wanted to discuss the brutality of the police, which is in the glaring limelight of everyone. Is the Member in order to claim that I, Rozaah Akinyi Buyu, brought this Motion so that it can be a cleansing act for some people that he is imagining of? Is he in order?

(Loud consultations)

The Temporary Speaker (Hon. Martha Wangari): Order, Members. Hon. Rozaah, you have already raised your point of order.

The Speaker approved this Motion. It went through the scrutiny that is required and it is properly before this House. As you debate, Hon. Didmus, restrict yourself to the Motion. Do not cast aspersions on your colleagues - not even those on the other side of the political divide. Proceed.

Hon. Didmus Barasa (Kimilili, UDA): Hon. Temporary Speaker, looking at the content of the Motion, it has statistics that are not proven. When you debate a Motion, you do so in a language that will package your facts in the manner you want them packaged. This Motion was brought here to intimidate the National Police Service from discharging their constitutional duties.

I want to tell all the security agencies that Kenyans are with them. I want to make it very clear that there are Members from the Opposition who have been hiding in my house in the servant quarters for fear of being arrested. If they keep on engaging in the things they are doing, I will ask them to vacate. Let them be arrested. I will no longer provide refuge for suspected criminals who are destroying properties in this country.

(Laughter)

Hon. Temporary Speaker (Hon. Martha Wangari): Order, Order! Order, Hon. Members. Order, Hon. Didmus.

Hon. Didmus Barasa (Kimilili, UDA): Hon. Temporary Speaker, kindly protect me.

(Hon. Millie Odhiambo-Mabona and Hon. Atieno Bensuda shouted across the Aisle)

Hon. Temporary Speaker (Hon. Martha Wangari): Order, Members! Hon. Millie Odhiambo and Hon. Bensuda, let us not shout across the aisle. Hon. Didmus, how come some of the Opposition Members came to your servant quarters? Please, get them out through the same route they used to come in.

(Loud consultations)

Order, Members! Order, Hon. Millie! Hon. Didmus, please, wind up. You only have a few minutes.

Hon. Didmus Barasa (Kimilili, UDA): Hon. Temporary Speaker, I want to summarise by saying that those leaders who will continue to radicalise the children of this country by arming them with machetes and *rungus* to loot and destroy private properties should have nowhere to hide.

(Hon. Catherine Omanyong consulted loudly)

Hon. Temporary Speaker (Hon. Martha Wangari): Hon. Catherine, you are out of Order!

Hon. Didmus Barasa (Kimilili, UDA): The police should carry out their duties. The police should execute their constitutional mandate of protecting lives and properties. Leaders who are found radicalising young men and arming them with *rungus* and machetes should be dealt with. Their sponsors, too, should be dealt with accordingly.

Hon. Temporary Speaker (Hon. Martha Wangari): Your time is up. The next chance will go to the Member for Siaya, Hon. Christine Ombaka.

Hon. (Dr) Christine Ombaka (Siaya County, ODM): Thank you, Hon. Temporary Speaker for giving me this opportunity.

We are discussing police brutality. How sad is it for this country to belittle the horror that has been perpetrated by the police? The police demonstrated that they are actually killing the nation, as one musician once sang. The people who kill the nation are the ones who are supposed to protect the very nation that they are serving.

The country looks so bad in the eyes of the international community. When you kill people of all categories including women, men, elderly people and youths, who are simply demonstrating because of the high cost of living, then you really do not know what you are doing.

Demonstration is a right all over the world. Kenya is not the only country where demonstrations have taken place. There is no single police who goes to the streets to shoot-to-kill young people who are simply expressing their rights. This country, therefore, needs to apologise to its citizens.

The leadership of this country needs to apologise to the families whose kins were murdered or maimed. The image of this Government is very poor. It is so heart breaking and horrifying. The police officers need to apologise and compensate the families whose kins have been affected in one way or the other. The image of this country is very poor. It is heart-breaking and horrifying. Otherwise, this country is going down the drain. You have no right to kill your own people. Brothers are killing their own brothers. You are killing your own sisters and mothers. You should be ashamed as a Government. You cannot continue to do that when you know very well that the people who are demonstrating are not armed. The people who were demonstrating were simply walking. I was in Siaya and there was no violence at all. You, therefore, cannot talk about violence when the police themselves are violent. You cannot carry live bullets and shoot, throw tear gas to the people and expect them not to die. The Members who are here, who do not seem to have a heart for humanity, your time is coming. You cannot kill and continue to celebrate that you have killed. You should face other people who have guns like you and fight them, but not people who are not armed at all. The image of this country is very bad. The image of the Government is very bad. You owe the nation an apology and you must compensate for the lives you have taken.

Thank you for giving me this opportunity.

Hon. Temporary Speaker (Hon. Martha Wangari): Thank you, Hon. (Dr) Ombaka.

The next chance we will go to the Member for Kipkelion West, Hon. Hilary.

Hon. Hilary Kosgei (Kipkelion West, UDA): Thank you, Hon. Temporary Speaker. The matter before the House this afternoon is very serious. Hon. Rosa Buyu, while condemning...

Hon. Members: Rozaah!

Hon. Hilary Kosgei (Kipkelion West, UDA): She is Hon. Rozaah Akinyi Buyu. I am sorry.

Hon. Temporary Speaker, as we condemn the police, we must also be factual to the Republic of Kenya. Why did the police reach to the point where they did what they did? I am speaking as a Member of Parliament who neighbours Muhoroni and Nyanza constituencies.

What happens in Nyanza during demonstrations are activities perpetrated by criminal networks - a mungiki - like organised network that extorts money from the members of the public. When I travel from my homestead to Ahero, I pass through 200 roadblocks erected by the Orange Democratic Movement (ODM) goons, and you want the police to sit and watch as my right is infringed? We will not allow!

The police conducted themselves with utmost restraint. I want to urge the Kenya police to take charge and dismantle all the criminal networks. The nation has a thread of these activities. There is a leader in this country who during election campaigns comes up with an M-Pesa number where money is sent to, but people do not know where the money goes. The members of these networks have been extorting people. As my Senator from Bomet travelled from Kapsabet to Sitotwet, he ended up parting with Ksh70,000 - an illegal tax by a group of people who kept on saying that they were collecting money for "Baba."

(Loud consultations)

Probably, the money was meant to put up a hotel in Malindi. It is a shame. In as much as we condemn the police, we must also condemn the hooligans who have taken the law into their own hands.

(Hon. Junet Mohamed rose on a point of order)

Hon. Temporary Speaker (Hon. Martha Wangari): Hold on, Hon. Hilary. What is out of order, Hon. Junet?

(An Hon. Member shouted)

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, I am on a point of order. The Member from Kipkelion West is not a new Member. I would not keep quiet the way I would if new Members learning the ropes would have spoken that way. This is a Member who is serving his second term.

Hon. Temporary Speaker (Hon. Martha Wangari): What is out of order?

Hon. Junet Mohamed (Suna East, ODM): This is a House of records. He alleges that taxes amounting to Ksh70,000 was collected from a Senator. We have the Standing Order on relevance. What relevance has that to do with police brutality, unless he is the lead goon who was instructing those goons to do what they were doing? If you do not guide this debate on relevance, then Members are going to speak about their land, farms, potatoes and everything else. Let us discuss issues pertaining to police brutality. That is all.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Hon. Members, the Motion is very clear and what Hon. Rozaah Buyu brought to this House cuts across the country. You cannot also gag Members; Dr Ombaka will speak about Siaya and someone else will speak about Mombasa because it is part of the context. Unless someone is totally out of order, let us give Members a chance to finish so that everyone can get the opportunity to talk.

(Hon. Kimani Ichung'wah spoke off record)

Hon. Hilary, do you want to be informed by the Leader of the Majority Party?

Hon. Hilary Kosgei (Kipkelion East, UDA): Yes, Hon. Temporary Speaker.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I wanted to inform Hon. Hilary that he was quite in order. Indeed, the Whip of the Minority Party has confirmed what Hon. Hilary was saying. He is not denying the fact that there are people

collecting illegal taxes. He only had a problem with relevance. Therefore, Hon. Hilary, let me inform you that you are perfectly in order. There are cartels in this country using violence to collect illegal taxes. They must be dealt with.

The Temporary Speaker (Hon. Martha Wangari): Order, Leader of the Majority Party. We are already guided.

Hon. Hilary, please, continue.

Hon. Hilary Kosgei (Kipkelion East, UDA): Thank you, Hon. Temporary Speaker. I want to inform my friend, Hon. Junet, that I was using this point to justify why it was necessary for the police to deal with these criminal gangs.

In conclusion, I want to urge the Inspector-General of Police not to blink. He should deal with all criminal networks not necessarily in Luo Nyanza, but in the entire republic so as to bring order.

Thank you.

(Several Members spoke off record)

The Temporary Speaker (Hon. Martha Wangari): The Member has already wound up. Your time is up.

Next is the Leader of the Minority Party.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Temporary Speaker, thank you for giving me this opportunity. I want you to indulge me to speak for about 10 minutes.

(Several Members spoke off record)

I am the Leader of the Minority Party. Why are you anxious?

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Members. In my discretion, the leaders of the majority and minority parties will each have 10 minutes.

Hon. Opiyo Wandayi (Ugunja, ODM): I want to help reduce the temperatures. Let me start by saying that sometimes when I sit here and listen to Members speak, I really get amazed. I have seen Members from the 11th Parliament who were then very supportive of these kinds of atrocities by the police, but come the 12th Parliament, they were here crying. They cried throughout. Now, come the 13th Parliament, they have gone back to their 11th Parliament position.

You can protect a monster which will eventually devour you. I can vividly remember that sometime in 2014, there were attempts by this House to remove powers from the National Police Service Commission and vest them in the Inspector-General of Police. I stood here and warned Members, but I have since been vindicated.

In this country, there were times under the previous constitutional dispensation when you could not even get a chance, not only to demonstrate, but to also meet publicly. There were times in this country when you could not even speak freely on the Floor of this House. The Constitution of Kenya 2010 is a product of a very long and painful struggle. Our Constitution is known the world over for its robust and elaborate Bill of Rights, which provides for the right to demonstrate, picket and do whatever you want to do under Article 37.

No authority or person has power to suspend the operations of Article 37 of the Constitution. In this country, it has now become common place that demonstrations of whatever kind, especially the ones currently underway, are always peaceful until and unless the police intervene with brutal force. That is a fact.

If you care to listen, please, listen to me. It will be a very sad day if our country were to be allowed to slide to the status of the failed States that we know of. Why do I say so? As we speak - I am speaking from a point of knowledge - there seems to be parallel commands

and structures in the National Police Service. Nearly all the persons who died recently were killed by officers who, first and foremost, were in plain clothes. Secondly, they seem not to report to anybody. Thirdly, they seem to be part of a militia that has been enlisted to reign terror on hapless citizenry.

If we allow this culture of militia, goons and thuggery to permeate the National Police Service which we support, we shall be setting a very dangerous precedent.

Hon. John Kiarie (Dagoretti South, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): What is out of order, Member for Dagoretti South?

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Speaker, I have utmost respect for the Leader of the Minority Party. I was keen to listen through to his speech so that I can respond when I get an opportunity. However, it would be wrong for the Leader of the Minority Party to misguide this House by giving information that is not true. I am sure the Leader of the Minority Party will not substantiate the fact that there are two centres of command for the police. It is very clear what the chain of command for police in Kenya is.

Secondly, the Leader of the Minority Party is claiming that there is a militia. If I get an opportunity to speak, I will talk about the anatomy of demonstrations when...

The Temporary Speaker (Hon. Martha Wangari): Do not debate.

Hon. John Kiarie (Dagoretti South, UDA): The Leader of the Minority Party must substantiate where that militia is, under whose command, and why they think they can benefit from a mischief they manufacture themselves and come to this House to shed crocodile tears after...

The Temporary Speaker (Hon. Martha Wangari): Do not debate, Hon. KJ. That is a point of debate.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Temporary Speaker, I said at the outset that I will try to be very cautious and temperate. It is not for me to investigate militias. That cannot be my work. Not long ago, I heard a Member say here that those who have been killed were not killed by police. Then it means they were killed by non-police persons, who could only be part of a militia. Whoever is responsible can investigate and tell us who these militia are.

If you want to make this country retain its status in the community of nations, we must be very careful about whatever is currently happening. Over the years, the National Police Service has been known to be a service of repute. It cannot be allowed to descend to the level it is currently descending. You cannot accuse hapless and unarmed citizens who are going about exercising their right under Article 37 of the Constitution. Having been provoked with water cannons, teargas, police truncheons, and bullets, they have to defend themselves. The right to defence is also acknowledged, not only nationally, but internationally.

Today, we are talking about people throwing stones in defence of their rights to demonstrate. One day, they may graduate from stones to something else, and that is when you will realise that peace is a very precious commodity.

Hon. Temporary Speaker, the Member for Gatanga is daring me to try. I do not think he knows me. This country has witnessed something that has never been witnessed in the past four regimes. I have been lucky to live through those four regimes. The kind of brutality that has been meted out on innocent, unarmed citizens in the last couple of months is unprecedented. Those of us who lived under Jomo Kenyatta, Daniel Moi, Mwai Kibaki and Uhuru Kenyatta are amazed at the kind of brutality that is being encouraged by officialdom. I want to repeat what I said yesterday. You may gloat and be happy that these injustices are being misused against your so-called opponents, but tomorrow, the same injustice will be committed against you. I repeat that however long it takes, the authors, commanders and planners of these

atrocities will have to be held to account. It might take 10, 20, 30 or even 100 years. We are aware of people who have been tried and convicted posthumously, and that will happen one day.

For us to move forward as a country, the issues that the people are demonstrating against are not and cannot be about Raila Odinga. Kenyans are simply tired. They are feeling overburdened and have been pushed to the wall by unjust and punitive taxes that have been imposed by this regime. Kenyans are within their right to demonstrate against those unjustified taxation measures. They will do it today, tomorrow, the day after or up to next year whether Raila Odinga is involved or not. Therefore, this unnecessary obsession with one Raila Amolo Odinga must stop forthwith. Do not be overly obsessed with Raila Odinga. Deal with the problems that we are facing as a country. Once you are in power, regardless of how you got power, it is your duty to solve the problems of Kenyans and not to scapegoat. Stop scapegoating and deal with the problems of Kenyans. Stop blaming Raila and Uhuru. For those talking about retirement...

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Ruto, Hon. Serгон and Hon. Muriu.

Hon. Opiyo Wandayi (Ugunja, ODM): Leave them to me. I will deal with them. I can handle them. The solution to the current problem is not scapegoating. Face the problems squarely. If I were in power, I would deal with those problems. If your policies have failed or seem to be failing, stop venting your anger on helpless unarmed Kenyan youth. Those youth you are killing require jobs, not bullets. Those youth you are killing using the police and militia require jobs that you promised them. Stop killing them. That is the message Kenyans are sending to you, Kenya Kwanza. That message will be sent to you whether Raila Odinga is involved or not.

Hon. Temporary Speaker, let me conclude by saying that you cannot solve a governance problem through strong arm tactics and deploying the police to hunt leaders. I can tell you that no number of arrests, incarcerations and intimidation can silence Kenyans. You do not have enough space in the prisons to jail everyone. You do not have enough bullets to kill all Kenyans. You will kill some today and those who will remain will continue to remind you of your failures. You better go back, relax and start governing before we remove you from power.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Order, Members. The next chance will go to the Member for Thika.

Hon. Alice Ng'ang'a (Thika Town, UDA): Thank you, Hon. Temporary Speaker. Whatever we are discussing today is very important. We need to conclusively address this matter. Policemen and policewomen are human beings. They also have families at home. Their job is to protect citizens and their businesses. If you use a sling and a stone to hit a police officer in front of you, are you not aware that you are also hitting a father, someone's husband or someone's child? As we discuss deaths, we should remember that even police officers are persons who do not deserve to be killed. There is no way we can ever condone militia to take advantage of demonstrations to hurt others. You would not wish on anyone what we saw on television. We saw police officers bleeding and being carried to hospital. It was not fair.

If people want to demonstrate according to Article 37 of the Constitution, they should do so in an orderly manner. Do not come out as thugs and criminals snatching people's handbags and hurting them. It is not fair. People are supposed to be demonstrating on the roads, but they were out there hurting school children during the purported demonstrations. They pick a date to demonstrate, not caring that Form Four, Standard Eight, and Grade Six students will be sitting their examinations in two months' time. They do not care about anyone else apart from themselves and their benefit.

Hon. Temporary Speaker, what we are telling them is, because they want the presidency clean and fair; they should sit, relax and enjoy seeing us, Kenya Kwanza, leading this nation to greater heights instead of going to the streets and damaging roads. Can you imagine that? Ambulances use those roads when people are sick. The same people use the roads when going to the airport yet they are here saying that it is about demonstrations. Which demonstration? It is mass destruction and yet I have not seen anyone saying that was wrong. They are very happy that they have succeeded. This time round, the police said that enough is enough. No more looting and destruction and that is why people are crying. The police only did what they were supposed to be doing, which is to protect the rights and businesses of the people. There is nothing wrong that they did.

When it came to *maandamano*, the leaders came on television and announced that they would have three days of demonstration. I looked for the leaders during the *maandamano*, but I did not see them anywhere. Some came down with a flu while others admitted themselves in hospitals. Others took trips to far places so that they could not be held accountable, leaving men and militia demonstrating on the streets. The people who hail from my region do not want to hear the word “militia.” We know what it does and did to our people.

Hon. Temporary Speaker, people were stealing. They would enter a supermarket and rob it. They robbed people on the way and nobody talked about it. We have just come out of the season of COVID-19. When businesses are starting to pick, you close them for three days. You saw buses and matatus being torched, which is not fair. Nobody condemned that. Some leaders said they were suffering from flu and I do not know where others were. If you call for demonstrations, come out and lead from the front. Let me stop there.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Hon. Junet, are you ready? Before Hon. Junet contributes, I will give the opportunity to Hon. Korere.

Hon. Sarah Korere (Laikipia North, JP): Shukrani, Mhe. Spika wa Muda. Kama Mbunge wa Laikipia Kaskazini, ninapenda kumshukuru Mhe. Rozaah na pia kumpa pole zangu, pole za akina mama wote na wazazi ambao wamepoteza watoto.

Ninapenda kuongea kama mama. Waswahili husema mkuki kwa nguruwe ni mtamu na ni mchungu kwa binadamu. Lengo la Mhe. Rozaah kuwasilisha Hoja hii ni ili tujadiliane na tupate njia kabambe ya kuweza kutatua shida iliyo mbele yetu. Tuseme ukweli. Unajua uhuni haukubaliki iwapo unatoka kwa polisi ama raia. Kila mara tunakashifu polisi na tunasahau kwamba hawajatolewa nje ya nchi hii. Ni sisi tuliwazaa.

Kuna shida kubwa sana Kenya tunapozungumza sasa hivi. Watu wengi wamesongwa na mawazo. Kumekuwa na matatizo ya akili na polisi hawajasazwa. Pia wao wako na hiyo shida. Ninaomba wakati tunapoongea maneno kama haya tuelewe kwamba kuna wazazi wanalia kwa sababu wamepoteza watoto. Kwa hivyo, tusiweke msumari moto kwenye kidonda. Lakini pia ndugu zetu kutoka upande wa upinzani, ningependa kuomba kwa heshima. Iwapo hawa vijana watakuwa wanakufa kila wiki, jameni na nyinyi teremsheni kiburi chenu na msimamisha haya maandamano. Iwapo hiyo haiwezekani, hakikisheni kwamba mara nyingine tukijadiliana hapa, Wabunge watatu wawe wamepigwa risasi ili tujue vile nyinyi mtasikia.

(Kicheko)

Nimesema hivi kwa sababu mimi ni Mwanachama wa Chama cha Jubilee. Sitaki kujua ni nani atakasirika ama atafurahi nikiongea. Nilitazama matukio ya maandamano kwenye runinga na nikajiuliza swali. Mimi nimewahi panga maandamano katika Eneo Bunge la Laikipia Kaskazini nikilalamikia matatizo yaliyokuwa yanawakumba wakazi katika eneo Bunge langu. Kila wakati niliwacha shuhuli za Bunge na nikaongoza hayo maandamano. Siku

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moja nilipewa kichapo cha mbwa na polisi. Kwa hivyo, inastahili sisi kama Wabunge na Kamati ya Utawala na Usalama wa Taifa tuchunguze ili tujue haswa polisi na waandamanaji walifanya makosa gani. Tusianze kuzungumza kufurahisha nafsi zetu na kusahau kwamba iwapo Kenya itachomeka hamna nchi iningine mtaita nchi. Kenya ikichomeka, Kenya kwanza na Azimio zitachomeka.

Mhe. Spika wa Muda, ningetaka kuwarai ndugu zetu. Tuliweza kuweka mfano mzuri wa kuigwa katika kanda ya Afrika na dunia nzima wakati tulipopiga kura. Ijapokuwa kiongozi wa Azimio hakukubaliana na uamuzi wa majaji, aliyaheshimu. Unajua kuna kukubaliana na kuheshimu. Hakukubaliana na uamuzi huo lakini aliyaheshimu. Tuliweka mfano wa kuigwa katika dunia hii. Kwa hivyo, ndugu zangu, Waswahili wanasema mgema akisifiwa, tembo hulitia maji. Tusije tena tumeheshimika na punde si punde tuharibu hiyo heshima. Ndugu zangu, ninawaomba, mnapojadili Hoja hii, mfanye hivyo mkijua kwamba wale vijana ambao wamekufa ni watoto wa binadamu. Pia, polisi wamekufa. Na kama polisi walikufa, waliuawa na nani? Sidhani polisi waliuawa na polisi wenzao. Kuna makosa yametokea.

The Temporary Speaker (Hon. Martha Wangari): Asante, Mhe. Korere. Muda wako umeisha. Sasa tumsikize Mhe. Junet Mohamed.

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, I thank you for giving me an opportunity to contribute.

Firstly, I want to bring something to the attention of the House. We are discussing the National Police Service of the Republic of Kenya that is funded by taxpayers' money. Their allowances and salaries are paid by Kenyan taxpayers.

Kenyans are both in this side of the House and that other one. We all represent Kenyans. The people whom we represent in this country are also Kenyans. We do not represent Tanzanians or Ugandans. Let us not use the Floor of this House to create a picture of a partisan police service. We must be careful of that. When the Mover moved the Motion, the next thing we should have done in this House is to observe a moment of silence in honour of those people who were killed or died and are in mortuaries. Let us now stand up and observe a moment of silence for people who are in mortuaries in our constituencies. We are just putting on suits here, but we are not happy. Stand up and observe a moment of silence.

(Several Members stood in their places)

The Temporary Speaker (Hon. Martha Wangari): Order, Members. Take your seats. Hon. Junet, we will observe a moment of silence after your contribution.

(Laughter)

Hon. Junet Mohamed (Suna East, ODM): Thank you, Hon. Temporary Speaker. My time is running out.

The most shocking thing in our country is that the more things change, the more they remain the same. People have been complaining about police force since Independence. A new Constitution was brought to this country. We changed the name "Kenya Police Force" under the command of a Commissioner of Police to the current "National Police Service" under the leadership of the Inspector-General. The Constitution is very clear. It says that national security is subject to authority of this Constitution and Parliament. We are supposed to hold the police accountable. That is what we are doing this afternoon. This is where they are supposed to be held accountable for their actions, commissions and omissions. If we are the ones who are defending them as if they are our gardeners or staff at home, we are lost. Where else will they be held accountable, if it is not on the Floor of this House?

If we do not question the death of 30 or 40 Kenyans on the Floor of this House, where else are we going to ask about these atrocities? Is it on the streets? We must take the responsibility of the House very seriously? This is where issues of concern to the people are discussed. We lost people in my constituency, and I do not think we lost them in the right way. They died deaths that were not theirs. I was listening to Hon. Pukose and he said that some of the people were shot from the back. This happened because they were running away from the police. I want to tell you that those people were shot because they were running away from the police. When you are running away, it is your back that faces the police and not your face. When you face them and they shoot a tear gas canister on your face, you run away, but then they shoot at your back. That is how they died.

Let me proceed by asking you something...

Hon. (Dr) Robert Pukose (Endebess, UDA): On a point of order.

The Temporary Speaker (Hon. Martha Wangari): What is out of order Hon. Pukose?

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you. Hon. Temporary Speaker, you were being distracted when Hon. Junet was making this allegation that I said the people who were shot were shot from the back. It was Hon. Buyu in her statement who said that they were shot from the back. What I said is that if they were shot on the back and we saw clearly that the demonstrators were throwing stones, this means the people who shot them were shooting from behind them and not from the front.

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, let me proceed.

The Temporary Speaker (Hon. Martha Wangari): Hon. Junet, please proceed. In all these demonstrations that happen in the country, I have not seen any recorded death from stones. There is nobody who has been killed because of throwing stones. People have been killed because of bullets. Who owns the bullets? Is it the public or the police?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of information, Hon. Temporary Speaker.

Hon. Junet Mohamed (Suna East, ODM): I want to be informed by Hon. Millie who has some information, with your indulgence, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Hon. Millie Odhiambo.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I wish to inform Hon. Junet Mohamed that videos going around are very clear that the gunshots were coming directly from the police, those in uniform and those without. There were police officers whom we can see their faces.

Hon. Eric Kahugu (Mathira, UDA): On a point of order.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I am on a point of information. Why am I being interrupted?

The Temporary Speaker (Hon. Martha Wangari): Hon. Millie Odhiambo, I do not want us to use points of order and information to debate. Hon. Member for Mathira, what is out of order?

Hon. Eric Kahugu (Mathira, UDA): Thank you, Hon. Temporary Speaker. I stand on Standing Order 91, which requires a Member to substantiate. I believe Hon. Junet is out of order when he says that those who are shot were shot by police officers.

The Temporary Speaker (Hon. Martha Wangari): Order, Members. Order Hon. Wamumbi. Hon. Junet was right to quote Hon. (Dr) Pukose who has put his information properly. Hon. Rozaah had made some allegations, same as Hon. (Dr) Pukose which have been cleared. So, let Hon. Junet finish.

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, a lot of my time has been consumed. Let us agree on one thing as a nation: if we do not want Article 37 of the Constitution, let us do a constitutional amendment and repeal it. But so long as that Article is in the Constitution, people must be allowed to exercise their freedoms and their rights under it.

Hon. Temporary Speaker, if you go to Article 239, it is very clear. It states:

“(3) In performing their functions and exercising their powers, the national security organs and every member of the national security organs shall not-
(a) act in a partisan manner.”

We cannot have a partisan police service, Hon. Temporary Speaker. That cannot happen in this country over the watch of these Members.

“(b) further any interest of a political party or cause;”

If Kenya Kwanza Government wants to advance its agenda, let them, like KANU previously, have Kenya Kwanza goons and youth wingers. You cannot use the police to propagate. The police are there to protect and defend the rights of every Kenyan. Once that is lost, it the beginning of anarchy in this country.

The Temporary Speaker (Hon. Martha Wangari): Hon. Junet, your time is up. The next chance goes to the Hon. Leader of the Majority Party.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I will begin by telling Hon. Junet that the Kenya Kwanza Government has no desire or plans to enlist the services of goons. Those who enlist the services of goons and anarchy are well known in this country. I want to join you in saying that the police should and must act fairly, objectively and in line with the law. I thank Hon. Rozaah Buyu for bringing this Motion, not necessarily to discuss the police, but to have an opportunity to have a conversation and a debate on violence and its use as a currency for political engagement in this country.

We have all been very keen to quote Article 37 of the Constitution on the right to picket and demonstrate, but conveniently, our brothers leave out a very critical part of that provision in the Constitution, that you have the right to demonstrate and picket peaceably and unarmed. What we have witnessed in this country in the last seven or so months is not demonstrations and picketing but sheer anarchy. It is rioting and anarchy.

(Hon. Jematiah Sergon spoke off record)

Hon. Temporary Speaker, please protect me from the Member for Baringo. She will have her opportunity. She can stop contributing. I have a very good brain to make my contribution. I was saying it is sheer anarchy. We have witnessed a campaign of people being mobilised into riots, lawlessness, thuggery and robbery at times. We have seen people being robbed in the streets, shops being looted and very expensive highways and newly built roads, like ABC - Rironi at Kangemi being destroyed. I saw the other day, tyres being lit there and now there is a pothole in the middle of that highway. Tomorrow, there will likely be an accident there and we will all be questioning, why is the Cabinet Secretary not doing this?

What about the person who lit a tyre to destroy that public infrastructure? I remember the last term when President Uhuru Kenyatta said, as he commissioned the Nairobi – Naivasha Railway, that any person who destroyed public infrastructure, he would not hesitate... In fact, if I quote, he said, “*Haki ya Mungu, nitaweka sahihi anyongwe.*” The former President swore to sign into law provisions to have people executed if they destroyed property. I am not saying President Ruto should sign so that those who destroy the expressway are harmed or executed, but I am saying we must be responsible as leaders. Today, we are using heavy words here and that is why I take great exception to the use of the term ‘genocide’ by Hon. Samuel Atandi. We have used phrases like “communities are being targeted,” and “the Luo nation is under siege/being targeted.”

There have, indeed, been these violent riots. I must hesitate using the word ‘demonstration’ because there has not been a single incident of demonstration or picketing until yesterday. I must commend a group I saw in Kisii County yesterday holding a vigil peaceably and unarmed. Hopefully, it was Irene Mayaka who was leading them. I would like to encourage

her to go back and lead them again to peaceably have a procession. This is because they made a point without a single person getting injured, shot or stone hurled at any policeman. That is the kind of country we should be building.

I dare ask, how much violence is enough?

Hon. Catherine Omanyo (Busia County, ODM): On a point of information.

The Temporary Speaker (Hon. Martha Wangari): Hon. Ichung'wah, do you want to be informed by Hon. Catherine Omanyo?

Hon. Kimani Ichung'wah (Kikuyu, UDA): She has no capacity, Hon. Temporary Speaker, to inform me on anything or any subject. I was asking how much violence and bloodshed is enough. I believe you will protect me from this unnecessary noise.

(Loud consultations)

I was asking, how much violence and bloodshed is enough? I say this because I see several leaders from Luo Nyanza and I want to look at you in the eye and ask you how much blood; how many litres of blood is enough? How many bodies do you want us to count for you to say enough is enough? The Mover of this Motion...

(Loud consultations)

Hon. (Dr) Otiende Amollo (Rarieda, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Hon. Otiende, what is out of order?

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Temporary Speaker. I think the Leader of the Majority Party was progressing quite well, even though the Motion is about police conduct which maybe political but that is his discretion. Is it in order for him to single out a community and talk of blood? Is he imputing that the Luo community have spilled blood when they are bearing the brunt of all violence in this country every year? Could he please withdraw that statement?

(Hon. Rozaah Buyu shouted)

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, please protect me from Hon. Rozaah Buyu or you can allow her to say what she wants on record for us to stop fighting.

(Hon. Rozaah Buyu and Hon. Millie Odhiambo-Mabona shouted)

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Members! You shall not address Members across the aisle. If you need to catch the Speaker's eye you know what to do. Hon. Rozaah Buyu and Hon. Millie Odhiambo do not shout across the Floor. You are out of order.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I have tremendous respect for Senior Counsel Otiende Amollo because he listens and responds as we should in a debating chamber instead of shouting. I must clarify, I was speaking to the leadership from Luo-Nyanza and saying a time must come for them to say enough is enough. They cannot continue mobilising people for riots in the name of Article 37 of the Constitution. Then they cry foul... Hon. Temporary Speaker, I hope you will add my time.

Hon. Martin Owino (Ndhiwa, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Order, Leader of the Majority Party! Hon. Owino what is out of order?

Hon. Martin Owino (Ndhiwa, ODM): Hon. Temporary Speaker, in this House I hardly interrupt people but some positions need to be respected: know what to say, how to say it and to whom. This is not about the Luo. Is he in order to say what he said, profile the Luo here and in the same vein send Hon. Atandi out? He must also be subjected to the same standard. Shame!

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, some of these issues are not necessary to respond to because if someone keenly listens to what I am saying, they will get my point.

(Loud consultations)

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Members! I indulge you to observe decorum. Hon. Otiende Amollo you can confirm this came from the side on my left. I request we observe our Standing Orders. Do not cast aspersions to leaders or get out of topic. Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you Hon. Temporary Speaker, for bringing order back to the House. As I said, if anyone keenly listened to what I said, I was responding to the use of terms like 'genocide' and 'targeting of communities.'

The Temporary Speaker (Hon. Martha Wangari): Leader of the Majority Party, we already ruled on that. Avoid it.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, as leaders whether from Kiambu or Luo-Nyanza, we must take responsibility. I like what Hon. Sarah Korere said, that you can lead your people in a demonstration peacefully and unarmed. Last week in Kangemi there were people firing gunshots at the police. In Mlolongo and Kitengela there was use of firearms by people who are not policemen. We have used heavy terms like, 'militia' and I remember when Hon. K.J...

(Loud consultations)

Hon. Temporary Speaker, can you protect me because they are only three Members. You have capacity to protect me.

The Temporary Speaker (Hon. Martha Wangari): Order, Members! We have done very well until this point. So, let us not shout across the Floor. If you want to put an intervention you know what to do.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Temporary Speaker.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I have been here long enough to know these tactics...

The Temporary Speaker (Hon. Martha Wangari): Hon. Millie what is out of order?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. The Leader is a good friend of mine. He is alleging that members of the public shot at the police without substantiating. You ruled me out of order when I gave information about the police shooting at the public and said I substantiate. What about him? He is also making allegations without information.

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Members! I have listened to all of you. These allegations have come from both sides of the House. I have heard Members saying people were shot from the back, others from the front or the police were shot at. If we are to progress, let us be keen on what we present. Hon. Ichung'wah please substantiate.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, you know I never stand here to speak carelessly. There is a report which was released the day before yesterday by the Ministry of Interior and National Administration which is in public domain; that 158 police vehicles were destroyed, 305 officers injured and one policeman killed. When I said there was shooting towards the police in Kangemi. Indeed, I happened to be in the vicinity that day attending a funeral in a church. Hon. K.J. can clarify because I was with him. Policemen had to take cover because there were gunshots from the crowd.

Hon. Opiyo Wandayi was challenged for using the word 'militia'. I want to state it is true there was militia that was used in those riots purported to be demonstrations.

(Loud consultations)

You saw our mainstream media houses covering incidences in Kitengela where members of the public were alluding to the fact that all the people who were purportedly demonstrating there were outsiders ferried using public service vehicles.

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Members!

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, you must add me time.

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Members! I know many of you want to speak. I want to confirm we have a lot of time for everyone to speak. We have an hour-and-a-half to go. So, we will give the Leader of the Majority Party time to wind up because his time is up.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, add me time because I have been disrupted. I have three minutes and 20 seconds. If you listened to the people in Kitengela, they said the people were brought in the morning. The violence that was mooted in Mlolongo was not by the people of Mlolongo or Mavoko but outsiders who were brought in. When we speak about militia, we know the criminal gangs used in this country since time immemorial. We know who heads the *Mungiki* sect and militia. We know who works with them.

Hon. Junet Mohamed (Suna East, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): What is out of order, Hon. Junet?

(Loud consultations)

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, my point of order is, with tremendous respect to the Leader of the Majority Party, he is alluding there were people ferried to Kitengela. My question is what kind of inept and useless government is he running not to know people were ferried at night to cause chaos. He should have known this at night.

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Members! I do not remember Hon. Ichung'wah being the National Intelligence Service boss or anything like that.

Hon. Ichung'wah, please continue.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I allowed Hon. Junet because he is a serious leader and he will never shout aimlessly. The day I will run a Government, he will know that. I am not running any Government now.

Hon. Temporary Speaker, I am just stating facts. Criminal elements have been mobilised. The police must deal with all criminals whether within or outside the political circles. Hon. Junet knows where he was when people were demolishing the expressway. He knows that...

(Loud consultations)

The Temporary Speaker (Hon. Martha Wangari): Order, Members! Kindly remove your interventions because I cannot differentiate who is on a point of order and who wants to contribute. I am following the main list.

(Loud consultations)

Hon. (Dr) Otiende, are you on a point of order or are you waiting to contribute?

Hon. (Dr) Otiende Amollo (Rarieda, ODM): I am waiting to contribute.

The Temporary Speaker (Hon. Martha Wangari): Hon. Kamket, are you on a point of order too? If you are waiting to speak please remove your intervention. Leader of the Majority Party, you have one minute to wind up.

(Hon. Millie Odhiambo-Mabona consulted loudly)

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, it is unfair to give me a minute, but I cannot speak as Hon. Millie Odhiambo is shouting. You are shouting for me not to say the truth but I will speak the truth here. As leaders from Luo Nyanza you must lead from the front. You must stop mobilising your people to death. You must say, "Enough is enough" and "No more bloodshed." How many litres of blood do you want for you to negotiate yourselves to power? You shall no longer use bloodshed to negotiate yourselves to power. No more bloodshed in this country.

(Loud consultations)

The Temporary Speaker (Hon. Martha Wangari): Order, Members. Order!

Order Hon. Irene Mayaka, Hon. (Dr) Christine Ombaka, Hon. Irene Njoki, Hon. Ferdinand Wanyonyi, Hon. Njuguna Kawanjiku, Hon. John Paul, Hon. Wamacukuru, Hon. Dorothy Muthoni, Hon. Janet Sitienei, Hon. Yegon, Hon. Mashinani, Hon. Catherine Omanyo and Hon. Mishi Mboko. Please take your seats.

Order, Members. On the request by Hon. Junet, I order that we stand for a moment of silence.

(Loud consultations)

Hon. Fatuma and Hon. Kawanjiku please be quiet. This moment of silence is for everyone—for the police and all the rest.

(Hon. Rozaah Buyu consulted loudly)

Order, Hon. Rozaah Buyu. This is your Motion.

(Hon. Members observed a moment of silence)

Hon. Members, take your seats. We will continue with the Motion. We have a lot of interest on this Motion. We want to give Members time to ventilate on it because it is important. So, I ask all of you to maintain decorum in the House. Leader of the Majority Party, you have 30 seconds to conclude.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker, for bringing us back to order. In conclusion, as leaders, we must declare that enough is enough. No more blood should be shed in this country. No more blood should be used as a currency for political negotiation. As the Government's spokesperson in this House, even with the bloodshed, there shall be no handshake. We shall not allow people to use bloodshed, violence and anarchy as currency for political negotiations.

The Temporary Speaker (Hon. Martha Wangari): Your time is up.

(Loud consultations)

Order, Members. There is a lot of interest on this Motion and I want as many of us to contribute. Next to speak is the Member for Makueni, Hon. Suzanne Kiamba.

Hon. Suzanne Kiamba (Makueni, WDM): Thank you, Hon. Temporary Speaker, for giving me an opportunity to make my contribution on this very important Motion. I thank *Mheshimiwa* Rozaah Buyu for bringing it to the Floor of the House.

First and foremost, I am among the Members who are in Parliament for their first term. One of the reasons why I wanted to come to Parliament was because I had been in community development. I wanted to come to a place where, with one press of a button, we can institutionalise change. I came to Parliament because I thought it is the place where, if you want this country to change in a split of a second, we agree on something and it changes the whole country.

Hon. Naomi Waqo (Marsabit County, UDA): On a point of order, Hon. Temporary Speaker.

Hon. Suzanne Kiamba (Makueni, WDM): Hon. Temporary Speaker, I am contributing to this Motion. Basically, in this country...

The Temporary Speaker (Hon. Martha Wangari): Hon. Waqo what is out of order?

Hon. Suzanne Kiamba (Makueni, WDM): All the Members in this particular...

The Temporary Speaker (Hon. Martha Wangari): Hon. Suzanne, order.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you for giving me the microphone, Hon. Temporary Speaker. I would not want to interrupt my friend *Mheshimiwa*, but what she is saying... You know it is true that this is a place to come and reason and debate so that we can bring changes. How can we do that when others interfere with us, make noise like my good friend, Hon. Millie Odhiambo? How can we debate soberly?

(Hon. Millie Odhiambo-Mabona shouted from her place)

The Temporary Speaker (Hon. Martha Wangari): Hon. Waqo, no. What is your point of order? Hon. Millie Odhiambo, shouting across the aisle is actually out of order. Hon. Suzanne Kiamba was going on very well. Let the Member for Makueni Constituency continue.

Hon. Suzanne Kiamba (Makueni, WDM): Hon. Temporary Speaker, thank you for your protection. What I was saying is that we are very privileged to be the 349 people who make decisions for 50 million Kenyans. We are among the most educated Kenyans. We have the best exposure courtesy of our communities. I think...

The Temporary Speaker (Hon. Martha Wangari): Hon. Member for Makueni Constituency, address the Chair.

Hon. Suzanne Kiamba (Makueni, WDM): Hon. Temporary Speaker, the statistics that I have given you represent a house of honour, a house of respect, and a house representing all Kenyans despite their political divide. When a Kenyan dies, there is no blood that is United Democratic Alliance (UDA), Orange Democratic Movement (ODM), or Kenya Kwanza. All blood is red and is for Kenyan citizens.

I am very disappointed when I see Members thinking that the death of any Kenyan... Any death, whether the Kenyan is from Makueni, Luoland, or Kikuyu must worry us as representatives.

(Applause)

So, when deaths of people do not worry us, I feel that as a House we are degrading the status that this nation has given us — to make decisions on behalf of the 50 million Kenyans.

I once worked in South Sudan, and I thought it was crazy when one time I took my colleague who had an accident to a mediation place. The person who was mediating said, “We are going to jail you Kenyan, because if you did not leave Kenya, this accident would not have happened.” I thought that was very absurd until I heard it in this honourable House when somebody said, “You would not have been killed if you were not on the streets.”

Hon. Members: Yes!

Hon. Suzanne Kiamba (Makueni, WDM): There is no law in this country that allows anybody to be killed because they were found somewhere stealing.

Hon. Kimani Ichungw’ah (Kikuyu, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): What is out of order, Leader of the Majority Party?

Hon. Suzanne Kiamba (Makueni, WDM): There are methods which can be used. Can I continue?

The Temporary Speaker (Hon. Martha Wangari): Order, Members.

Hon. Kimani Ichungw’ah (Kikuyu, UDA): The Member on her feet is quoting...

The Temporary Speaker (Hon. Martha Wangari): What is out of order?

Hon. Kimani Ichungw’ah (Kikuyu, UDA): Hon. Temporary Speaker, I was waiting for the ones who have a trophy in shouting to finish shouting then I articulate my point of order. The Member who was on her feet, clearly articulating very good points about incidences in South Sudan, is alleging that a Member, without naming that Member... If I remember...

(Loud consultations)

Hon. Temporary Speaker, if you can protect me from these ones, the Member who spoke about people being mobilised....

The Temporary Speaker (Hon. Martha Wangari): What is out of order?

Hon. Kimani Ichungw’ah (Kikuyu, UDA): The Member who spoke about people being mobilised was Hon. Pukose. I also alluded to the fact that there are people who are mobilising others to riot. Nobody alluded to the fact that if you were not in the streets you would not have been shot. This is because you have the right to protest but you must do so peacefully. When you hire *Mungiki* to go and terrorise people in Kitengela, those are people who must be dealt with in line with the law. Therefore, criminals must...

The Temporary Speaker (Hon. Martha Wangari): Leader of the Majority Party, that is a point for debate. Member for Makueni Constituency, wait for the microphone.

Hon. Suzanne Kiamba (Makueni, WDM): Thank you, Hon. Temporary Speaker, for your protection. I am making a very strong point. Even if a Kenyan is found stealing, the first point is not to kill him. We have trained police who can arrest and can do anything else apart from killing. The last option a police officer has is to kill, but in very rare circumstances. I find it very difficult when anybody justifies killing, like breaking cups...

Hon. Ruku GK (Mbeere North, DP): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Member for Mbeere North Constituency, what is your point of order? Order, Hon. Member.

Hon. Ruku GK (Mbeere North, DP): It is important to inform....

The Temporary Speaker (Hon. Martha Wangari): Is it a point of information?

Hon. Ruku GK (Mbeere North, DP): It is a point of order, that the police have the right to defend their rights as well. The police have the cardinal right to defend their rights...

(Loud consultations)

The Temporary Speaker (Hon. Martha Wangari): Order, Members. What is out of order?

Hon. Suzanne Kiamba (Makueni, WDM): Thank you, Hon. Temporary Speaker...

Hon. (Dr) Robert Pukose (Endebess, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): What is your point of order? Hold on, Hon. Suzanne.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Speaker. Is the Member in order to justify the fact that people were called to demonstrate and, therefore, they had a right to be there, and had a right to be shot by police? I think that is what I heard her say. And they congratulate...

The Temporary Speaker (Hon. Martha Wangari): Member for Endebess Constituency...

Hon. Members, at the start of this sitting, Senior Counsel Otiende Amollo raised a very important point on abuse of points of order. So, please, if something is not out of order, let us let the Members finish what they are saying.

Hon. John Kiarie (Dagoretti South, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): What is out of order?

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Speaker, under your watch, there has been perennial inobservance of the laws of this House. There is a reason why Standing Orders provide instruments with which Members can bring issues to the Floor. Heckling is not one of the instruments.

The Temporary Speaker (Hon. Martha Wangari): What is out of order?

Hon. John Kiarie (Dagoretti South, UDA): If any individual wants to prosecute a matter... There is a reason why they brought this Adjournment Motion. You cannot use unconventional instruments on this House while you are the sponsor of the Adjournment Motion. If you wanted to prosecute the matter by heckling, you could have done so elsewhere. You cannot sponsor an Adjournment Motion and heckle all through.

The Temporary Speaker (Hon. Martha Wangari): Order, Members. Hon. K.J, you have made your point but I want to agree with you that the heckling is unparliamentary, and out of order.

(Hon. Members shouted)

Let me finish. Order Members. Heckling is not a preserve of one side. I would really request both sides to maintain decorum.

Member for Makueni, please continue.

Hon. Suzanne Kiamba (Makueni, WDM): Thank you, Hon. Temporary Speaker, for your continued protection.

All of us should agree in unison that we should talk about police brutality in this country.

The Temporary Speaker (Hon. Martha Wangari): Are you done?

Hon. Suzanne Kiamba (Makueni, WDM): Yes.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of information.

The Temporary Speaker (Hon. Martha Wangari): Order, Members. The point of information has to be allowed by the Speaker and the Member, but her time is already up.

Order, Members. What is it? Hon. Suzanne, I will give you a minute to wind up then I will give chance to the next person.

Hon. Suzanne Kiamba (Makueni, WDM): If you do an analysis of the people who were killed, they were between the ages of 13 and 23. Anybody who has ever studied Sociology knows how young people behave when there is commotion.

If you kill a person of that age, and some people were just going about their business, it is not right. In my constituency, for example, the young man who was killed was just fetching water and when commotion started, he went to check what was going on and unfortunately, he was killed. How can a police force that we have employed continue killing young people, as young as 13 to 23 years? We have all the data. I think this House, with all due respect, should rise to the occasion and make the police accountable to this House.

Hon. Julius Rutto (Kesses, UDA): On a point of order.

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Suzanne. What is your point of order, Hon. Rutto?

Hon. Julius Rutto (Kesses, UDA): Hon. Temporary Speaker, thank you for this opportunity.

Is it in order for the Member to allege that the police shot at a 13-year-old child? Why did a 13-year-old child take part in the demonstration? The police dispersed demonstrators who were causing destruction. Those are allegations, and should be substantiated according to the Standing Orders. This is an honourable House and it should not go on record that a 13-year-old child was shot in demonstrations. If that was the case, then somebody has to bear the responsibility of involving a child in demonstrations.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Irene Mayaka. Shouting across the aisle will not be permitted. Let us maintain decorum. All of us will get a chance to speak.

I will give the next chance to the Member for Buuri, Hon. Rindikiri Mugambi.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker.

Death is death. I am not used to making allegations but when I was in my farm in Narok, one of my shops was being raided in Kitengela. As a community of businessmen in Kitengela, we were very keen to know the people who participated in the demonstrations. What came out clearly was that no one from Kitengela did. They were strangers, and did what they did. We should not play all though to please our masters. What we need to address is, who organised these gangs to go and terrorise people's businesses? It is true that you have the freedom to demonstrate but it is equally upon the organisers to ensure that there is law and order.

We are trivialising issues here. I do not believe in shouting. Where I come from, we do not shout. We listen and speak. The Members who are shouting here should not think that the others who are quiet, know nothing. Shouting is not a preserve of certain people.

We are here as a House of decorum, and we are addressing an issue that has been brought forward by a Member. People must learn to say the truth, and must stand with it. The demonstrations taking place have nothing to do with the cost of living. From my observation, and I beg for attention, it is a trend that paves way for post-election violence. All of us including Hon. Junet have vast and deep information that the master organisers are known, and they are

not the police yet we come here and play to the gallery. The matter is very serious, and we must get to the root cause. We must address the issue of where these people came from, and whoever organised and funded them. We have to know why somebody who lives and works in Kisumu was killed in Kitengela. We have to know who organised the demonstrations and made a 13-year-old boy go and destroy the expressway. The demonstrations were not simultaneous.

(Hon. Rozaah Buyu shouted)

Madam Buyu, I have a lot of respect for you. Kindly allow me to finish because you already executed your case.

Hon. Rozaah Buyu (Kisumu West, ODM): On a point of order.

The Temporary Speaker (Hon. Martha Wangari): I will give a chance to Hon. Buyu. What is out of order? Kindly give her the microphone.

Hon. Rozaah Buyu (Kisumu West, ODM): Thank you, Hon. Temporary Speaker.

Is Hon. Rindikiri in order to intimate that if a person is born somewhere and lives there, that the place they should die or get killed should also be in the same place yet we know that in Kenya there is freedom of association? You can go anywhere and carry out your businesses, and if death finds you in another place, there is no crime in that.

Thank you.

Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Temporary Speaker, with due respect...

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a point of information.

The Temporary Speaker (Hon. Martha Wangari): Hon. Rindikiri, do you want to be informed by the Leader of the Majority Party?

Hon. Mugambi Rindikiri (Buuri, UDA): Yes.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I just want to inform Hon. Rindikiri that it is true that people who work and live outside were ferried using public service vehicles to Kitengela. These are facts that speak for themselves. What Hon. Rindikiri is asking is true. We must know who mobilised them. That is why I was telling Hon. Rozaah Buyu that you cannot mobilise people from Kisumu to come and cause chaos in Nairobi then start pretending that you are now crying for them, yet you are the mobilisers.

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Members. Leader of the Majority Party, the point of information was supposed to go Hon. Rindikiri. Hon. Rindikiri, you have a minute to wind up.

Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Temporary Speaker, we have to know the mobilisers. Let us not pretend anymore.

(Hon. Junet Mohamed rose on a point of order)

The Temporary Speaker (Hon. Martha Wangari): Hon. Rindikiri, hold on. What is out of order, Hon. Junet?

Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Temporary Speaker, I need to proceed because my time is almost up.

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker...

The Temporary Speaker (Hon. Martha Wangari): Order, Members. Order, Hon. Buyu. Order, Hon. Members. Hon. Junet.

Hon. Junet Mohamed (Suna East, ODM): Can I say something? If I was to listen to what the Leader of the Majority Party is saying, there are people who have been ferried to Kitengela to maim people. The question I want to ask in this House today is: who ferried people to Northlands, the farm of Uhuru Kenyatta?

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Junet.

Hon. Junet Mohamed (Suna East, ODM): Is it not the same people who ferried people to Kitengela? I am reliably informed that it is the people in Government who were ferrying people.

(Loud consultations)

The Temporary Speaker (Martha Wangari): Order. Order, Hon. Members. The Leader of the Majority Party was on a point of order. He was not contributing. You will not react to the point of order. Hon. Rindikiri, that was a point of information.

Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Temporary Speaker, my three minutes have gone. The other question that we need to ask ourselves is, how can a civilian walk into a police station, destroy a vehicle and the armoury, and expect the police to keep quiet? I cannot believe that the police can destroy and kill themselves. There is an attempt to have organised criminals by the word “demonstrations”. That is exactly what happened. These people have destroyed police stations in Kisumu, Homa Bay and Migori. This is the attempt.

Hon. Opiyo Wandayi (Ugunja, ODM): On a point of order.

The Temporary Speaker (Hon. Martha Wangari): What is your point of order, Leader of the Minority Party?

Hon. Opiyo Wandayi (Ugunja, ODM): I am on a point of order. Is it in order for the speaker on the Floor to be allowed to go on and on, to profile members of the Luo community, and to be headed by the Leader of the Majority Party? Is this House going to turn itself into a forum or arena for profiling the Luo community? It is good to know so that we deal with it.

Hon. Temporary Speaker, are you the one allowing that? Are you allowing this House to become an arena or a forum for vilifying the Luo community? Is that the policy of this Government? Is it one of the policies of this Government to profile the Luo community? Tell us so that we can deal with you.

The Temporary Speaker (Hon. Martha Wangari): Order, Members. Order Members. This is a House of record. Hon. Rindikiri, I know Members are saying I do not allow points of order but it is a right by the Standing Orders. I will not allow frivolous points of order because many Members want to contribute.

Hon. Rindikiri, wind up and I give a chance to the next person.

Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Temporary Speaker, I am not talking about things not documented by the Government. There are statistics of destruction of police installations by the so-called demonstrations. We will produce them in this House so that people can say whether that is right. Why were police stations in other areas of this country never destroyed?

(Loud consultations)

The Temporary Speaker (Hon. Martha Wangari): Order, Members.

Hon. Mugambi Rindikiri (Buuri, UDA): How come all of them are in one region? What are we talking about? We can pretend for now but the fact remains that we have statistics of destroyed police stations.

(Hon. Members shouted)

The Temporary Speaker (Hon. Martha Wangari): Order, Members.

Hon. Rindikiri, your time is up. Let us keep the decorum of this House. I am also struggling to hear. I want to know what a Member said when you raise a point of order. You

are making too much noise across the aisle. There is no one on the Floor good people. Allow me to give the next opportunity to the Chairman of the Departmental Committee on Administration and Internal Affairs. Hon. Tongoyo.

Hon. Gabriel Tongoyo (Narok West, UDA): First, I really appreciate Hon. Buyu who is a Member of my committee for bringing a very important Motion. I had expected Members to approach this with a lot of decorum and adhere to standing procedures and the Standing Orders of this House.

I want to start by passing my condolences to the families of the affected people.

Hon. Junet Mohamed (Suna East, ODM): On a point of order.

The Temporary Speaker (Hon. Martha Wangari): What is out of order?

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, I want to seek your indulgence on whether we should treat the Chairman of the Departmental Committee on Administration and Internal Affairs as a suspect or a Member who is contributing. He is the Chairperson of a Committee that oversees the police. So, where do we place him?

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Junet. Even the Mover of this Motion is a Member of the same committee. Let us not go there. Hon. Rozaah is a Member of the committee.

Hon. Tongoyo, please continue.

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Temporary Speaker, I think we should ignore that because as you alluded to it, even the Member who brought up the Motion should be treated that way, if that is the case. I had expected Members to pay attention because it is an important subject.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Hon. Millie, what is out of order?

Hon. Gabriel Tongoyo (Narok West, UDA): Protect me, Hon. Temporary Speaker.

(Several Members stood in their places)

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, please take your seat. Hon. Millie, what is your point of order?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I am rising on a point order. First of all, I want to thank you for giving me this opportunity. I had tried to get your attention earlier. My point of order is that I have pressed my button almost five times...

The Temporary Speaker (Hon. Martha Wangari): Hon. Millie Odhiambo, I have given you this microphone more than once.

(Hon. Millie Odhiambo-Mabona spoke off the record)

Order, Hon. Millie Odhiambo. Order, Hon. Millie. You are an experienced Member of this House. I have already given you the microphone. I will ignore that.

Continue, Hon. Tongoyo.

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a point of information, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Do you want to be informed by the Leader of the Majority Party?

Hon. Members: Yes.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I wanted to inform Hon. Tongoyo to ignore Hon. Millie because she says she knows me. I know what she is alluding to and I am not interested.

Secondly, the Leader of the Minority Party justifiably said that we must not turn this debating House to a Chamber of profiling a particular community. I completely agree with Hon. Opiyo Wandayi. When I spoke to the leadership in Luo Nyanza, I pleaded with them especially the Mover of this Motion, being a Member of the Departmental Committee on Administration and Internal Affairs chaired by Hon. Tongoyo, not to profile their own people. Kisumu is home to thousands of Kenyans not just the Luo. Hon. Rozaah, it is also no coincidence that Kitengela is home to many Kenyans, and not just a particular community.

Therefore, I want to inform Hon. Tongoyo that in his Departmental Committee on Administration and Internal Affairs, he must deal with leaders who are profiling their own communities.

The Temporary Speaker (Hon. Martha Wangari): Hon. Tongoyo, continue.

(Several Members stood in their places)

You will not stand. Take your seats. In fact, I have only two people who have put interventions here. Hon. Tongoyo, please continue.

Hon. Harrison Kombe (Magarini, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Hon. Harrison Kombe, what is your point of order?

Hon. Harrison Kombe (Magarini, ODM): Thank you, Hon. Temporary Speaker. Would I be in order to ask the people rising on points of order to state the Standing Order they are rising on? Thank you.

Hon. Samuel Chepkonga (Ainabkoi, UDA): On a point of order.

The Temporary Speaker (Hon. Martha Wangari): Hon. Chepkonga, what is out of order?

Hon. Samuel Chepkonga (Ainabkoi, UDA): Hon. Temporary Speaker, I hope Hon. Kombe knows that I am a lawyer and I know what I am doing.

Secondly, this House has degenerated to chaos because we have refused to follow Standing Orders. Standing Order 83 is very clear that no Member should rise without stating the Standing Order on which the point of order is based.

QUORUM

Hon. Temporary Speaker, I rise on Standing Order 83 as read together with Standing Order 35 to state that there is no quorum in the House. We cannot continue debating very serious matters when there is no quorum. There is nothing to fear. The truth is that there is no quorum in the House. I am in order.

(Loud consultations)

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Members! A Member has risen in his place under Standing Order 35. Therefore, I order the Serjeant-at-Arms to ring the bell for 10 minutes. Serjeant-at-Arms, ascertain the numbers in the House. Serjeant-at-Arms, I cannot hear the bell. Is the bell being rung?

(The Quorum Bell was rung)

(Loud consultations)

Order, Members, Hon. Amos Mwago and Hon. Mark Mwenje. We have not attained the required numbers. Therefore, we will all be upstanding, Hon. Members.

ADJOURNMENT

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, the time being 6.21 p.m., this House stands adjourned until Tuesday, 1st August 2023, at 2.30 p.m.

The House rose at 6.21 p.m.

Published by
Clerk of the National Assembly
Parliament Buildings
Nairobi