

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday 8th May, 2024

Morning Sitting

*The House met at the Senate Chamber,
Parliament Buildings, at 9.30 a.m.*

[The Speaker (Hon. Kingi) in the Chair]

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have quorum?

(The Clerk-at-the-Table consulted with the Speaker)

Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Order, hon. Senators! I am informed that we now have quorum. We shall proceed with today's business.

Clerk, kindly proceed to call the first Order.

QUESTIONS AND STATEMENTS

QUESTIONS

The Speaker (Hon. Kingi): Hon. Senators, we have five Questions today, which are all directed to the Cabinet Secretary for Interior and National Administration.

Clerk, do we have the Cabinet Secretary present. You may proceed to usher the Cabinet Secretary into the Chamber, kindly.

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(The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki) was ushered into the Chamber)

Hon. Senators, the Cabinet Secretary for Interior and National Administration is in the House. Therefore, we shall proceed because we have five Questions. I believe that quite a number of supplementary questions will flow from these. I wish to rearrange the order in which these five Questions will be responded to.

The Senate Deputy Speaker, who is also the Senator of Meru County, is scheduled to address the Meru County Assembly today at 2.30 p.m. His Question is No.038. We shall allow him to ask the Question first. Thereafter, we shall go to Question No.001 by the hon. Senator of Kisumu County, Sen. (Prof.) Tom Odhiambo Ojienda, SC. Senator for Meru County, you may proceed to ask the Question.

Question No. 038

STATUS OF INVESTIGATIONS INTO THE EXECUTION OF
MR. DANIEL MUTHIANI BERNARD

Sen. Kathuri: Much obliged, Mr. Speaker, Sir.

(a) What is the status of investigations into the abduction, torture and execution of Mr. Daniel Muthiani Bernard (deceased), alias Sniper, who went missing on 2nd December, 2023 and whose mutilated body was found dumped in River Mutonga in Tharaka-Nithi County on 16th December, 2023?

(b) Could the Cabinet Secretary explain the inordinate delay in conclusion of the said investigations?

(c) Why has there not been regular communication on the status of the investigations, in light of the public interest in the matter?

Thank you.

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, welcome back to the Senate. You may proceed to respond to Question No.038.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Thank you, Mr. Speaker, Sir.

With regard to the Question by the Senator for Meru County, Sen. Kathuri Murungi, I state as follows -

The late Daniel Muthiani Bernard alias Sniper was a resident of Rikathi Village, Igembe South Sub-County, in Meru County. Until his death, he was a political blogger who criticised the Governor of Meru County and her administration. He used his social media platforms to deliver his messages to the Governor, the County Government of Meru, friends and close relatives of the Governor.

Investigations so far have established that on 2nd December, 2023, the deceased was at his home when he received a call from one Vincent Murithi, alias Supuu, who requested to meet with him at Meru Town to attend an alleged meeting with the Governor

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of Meru County to discuss their differences, so that the deceased could stop attacking her on social media.

Upon arrival at Meru Town, he was abducted and driven to Mutonga River in an area called Chiakariga in Tharaka-Nithi County. He was killed and his body thrown into River Mutonga, at a place called Mutonga Bridge, where it remained for several days undiscovered.

Mr. Speaker, Sir, his disappearance was reported at Maua Police Station by the family members and investigations commenced immediately. A police file No.CR434295/2023 was opened. The body of the deceased was discovered on 6th December, 2023 by a resident of Karikithi area, at a place called Majarani, where they normally fetch water. She reported the same to the police station.

Police officers from Chiakariga Police Station and the Directorate of Criminal Investigations (DCI) from Tharaka South visited the scene and the unknown deceased's body, which had some visible injuries, was retrieved from the River Mutonga on 7th December, 2023. The body was taken to Marimanti Level 4 Hospital Mortuary in Tharaka-Nithi County, where the crime happened for preservation awaiting identification and postmortem.

Mr. Speaker, Sir, the relatives to the deceased managed to positively identify the said body as that of their kin, Daniel Muthiani Bernard, alias Snipper on 18th December, 2023. The same day, detectives from the Homicide Investigations, a unit in Nairobi, took over the investigations from the area police. This was because of the highly politicised and sectional emotional sentiments that were coming, and are still coming, about the commission of that grievous crime against the deceased. Therefore, we sent a team of detectives from the Homicide Unit in Nairobi to take over from the local police authorities in Meru.

A postmortem was conducted by the Chief Government Pathologist, Dr. Johansen Oduor, on 22nd December, 2023. In his opinion, the cause of death was asphyxia due to ligature strangulation. Investigations have placed five accused persons at the scene of the abduction; Vincent Murithi Kirimi, Kenneth Murangiri Guantai, Christus Manyala Kiambi, Brian Mwenda and Boniface Kithinji Njuhia. These five were together with the deceased from Meru Town, all the way to Mutonga River where the body was dumped.

Further, samples collected during the postmortem examination and submitted to the Government Chemist for analysis indicated that it contained Acetamiprid and cyhalothrin, systemic insecticides. Kenneth Murangiri Guantai was particularly in constant communication with Vincent Murithi alias Supuu, during the time of luring the deceased, abduction and disposal of the body. He thereafter met Vincent and the other accused persons at Makutano Suburb of Meru County after the execution of the crime.

At the close of the investigations on those five, a charge of murder contrary to Section 203 as read together with Section 204 of the Penal Code was recommended against Vincent Mureithi alias Supuu, Kenneth Murangiri Guantai alias Tali, Christus Kiambi Manyala alias Chris, Brian Mwenda alias Brayoy and Boniface Kithinji Njuhia alias DJ Kabum.

All the five accused persons were charged before the High Court at Kiambu in High Court Criminal Case E001/2024 and they all pleaded not guilty. They are remanded

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at Nairobi and Kitengela remand prisons. The case was last mentioned on 23rd April, 2024. Hearing of this case has been set to be on 24th, 25th and 26th and the ruling on bail is set on 16th May, 2024, which is next week.

Mr. Speaker, Sir, investigations were commenced immediately the report was made and from the foregoing, it is not true that there has been delay in investigations.

We believe that this is a very complicated crime. There could have been other people apart from the five who may be responsible, but we are yet to establish any direct or circumstantial evidence in order to open additional charges for any additional persons. However, for the five, we have a watertight murder case against them.

Mr. Speaker, Sir, the Government is committed to uphold the freedom of expression and right of information as enshrined in the Constitution. Any journalist or blogger who is intimidated or harassed is encouraged to report to the nearest police station or even report anonymously, so that action can be taken.

I assure the House that the Government is committed to making sure that our agencies for law enforcement act fairly and enforce the law against all persons, without fear or favour, discrimination or bias. Our police officers have been sensitized on upholding the rule of law and constitutionalism and, therefore, no one should feel unsafe or feel as if they are not protected by the law of Kenya or by the law enforcement agencies of our country.

Mr. Speaker, Sir, I submit.

The Speaker (Hon. Kingi): Senator for Meru, you have an opportunity to ask two supplementary questions pursuant to Standing Order No.51(c)(7).

Sen. Kathuri: Thank you, Mr. Speaker, Sir. I first thank the Cabinet Secretary for the comprehensive brief he has given this House. I also commend him because he is one of the visible Cabinet Secretaries we have in this country who is doing good work.

I wanted to ask whether investigations have been concluded because he has touched on them. The reason I am asking is that the homicide department of the police force has not delved on the sponsors or the people who paid the five who are already in jail. There is no link to any other persons in this matter.

My first supplementary question is why this investigating body has not touched on the sponsors of this murder, noting that Sniper is still in the morgue. He has never been buried. The wife, the family and the entire Meru community is waiting for justice for Sniper. The whole community agreed that Sniper will not be buried until he gets justice.

If we could know the sponsors because the Cabinet Secretary's statement was very clear on who Sniper was---

The Speaker (Hon. Kingi): Senator for Meru?

Sen. Kathuri: Mr. Speaker, Sir, let me ask only this supplementary question.

The Speaker (Hon. Kingi): Let me guide you. I am not going to gag you.

Hon. Senator for Meru, you are expressing an opinion. If you look at Standing Order No.51B, which gives you the parameters of a question, it says that a question shall not--- It goes on to give many components. However, No.51B (f) says, "seek an expression of an opinion".

The opinion you are giving is that there are sponsors behind this homicide. You are trying to get into a space, and you may be called upon to substantiate. I do not think you will be in a position to do that comfortably. Therefore, as you ask your supplementary question, avoid giving your opinion on this matter.

Proceed, hon. Deputy Speaker.

Sen. Kathuri: Well guided, Mr. Speaker, Sir. I then request the Cabinet Secretary for speedy investigations and whatever bit that is remaining. The Meru community also requests for speedy investigations, so that this matter is concluded because the hon. Cabinet Secretary has said that investigations are still ongoing, so as to ascertain whether there are other people involved.

I request that he expedites the investigations, so that Sniper can get justice and we put him to rest because he is still in the morgue.

The Speaker (Hon. Kingi): Hon. Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Mr. Speaker, Sir, investigations are not concluded and the murder file on the deceased is still open. Murder files are never closed and there is no statute of limitations on murder offences. Therefore, I assure the House that all persons who may have participated in any way, directly or indirectly, in the heinous and cruel murder of the deceased will be held accountable.

As the Cabinet Secretary responsible for our national security, I assure the Senate that the Government has full confidence in the work of the Directorate of Criminal Investigations (DCI), particularly in the investigations being carried out by the Homicide Unit in this matter and all the other matters and, therefore, there is no cause of alarm.

Finally, Mr. Speaker, Sir, in the event that any member of the public has any information that can help us link anyone or they think that there is evidence linking anyone to this murder, please, give us the evidence. However, at the moment, we are analysing data and from the request of the hon. Senator, I will be asking the agencies to expedite without interfering with the work that is being done. We want to make sure that by the time we take people to court, we will have them convicted. For these five persons, I see no room for manoeuvre. They will have to be held accountable because the evidence is watertight.

The Speaker (Hon. Kingi): Sen. Wambua, kindly.

Sen. Wambua: I thank you, Mr. Speaker, Sir. I wish the Cabinet Secretary and his department well as they try to establish a nexus between this crime and those people they are saying have not been netted yet. Mine is a related question and a request to the Cabinet Secretary.

Mr. Speaker, Sir, remember, yesterday on the Floor of this House, I brought the matter of the seven Kenyans from Kitui who were murdered in a terror attack in Mandera on 29th April. The bodies of those Kenyans are lying at the City Mortuary and four are admitted at the Kenyatta National Hospital (KNH).

This is a live matter and maybe the Cabinet Secretary may not have the fine details of each of these cases, but I would like to extract a comment from him on the request that the families are making for reprieve and help in the treatment of those in the hospital and the footing of the medical bills. There is also the making of arrangements of

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burial expenses and body reconstruction for those who were blown up to pieces by the blast. As I mentioned yesterday, all of them are neighbours of the Cabinet Secretary. Of course, he is a national Government official. The seven of them come from Mwingi West and Mwingi Central constituencies. Can the Cabinet Secretary make an undertaking that he will facilitate the taking care of the bills for those people that have been blasted in that attack?

The Speaker (Hon. Kingi): Hon. Wambua, that is not a supplementary question. It is a substantive question and, therefore, hon. Cabinet Secretary, if you are in a position to respond to it, you may proceed. If you are not, you do not have to because it is not a supplementary question as defined by our Standing Orders.

Proceed, hon. Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Mr. Speaker, Sir, we have a long tradition in this country for governments, and not just this particular administration, to support Kenyans in distress.

Although the Senator for Kitui, my brother, Sen. Wambua, has ambushed me, invoking neighbourhood and other true facts, I want to assure him that the Government will lend a hand of support to our brothers who were affected by that unfortunate attack in Mandera on 29th April, 2024. The Senator is encouraged to get in touch with me this afternoon, so that we avail what the Government can do to support all the affected families.

(Applause)

The Speaker (Hon. Kingi): A supplementary question must relate to the primary Question.

Proceed, Sen. Tabitha Mutinda.

Sen. Tabitha Mutinda: Mr. Speaker, Sir, I will start by appreciating the Cabinet Secretary for the great work that he is doing.

On the issue of Sniper, key evidence for any murder is the body, weapon used and the motive. In this case, you have the body and the motive was criticizing the governor. Among the five accused people, we have Ken who is a brother to the governor and *Supuu*, who is the Personal Assistant (PA) to the husband of the governor. We also have the crime scene that you investigated. That is the home of the governor.

My question is---

The Speaker (Hon. Kingi): Sen. Tabitha, are those facts contained in the response by the Cabinet Secretary?

Sen. Tabitha Mutinda: Yes, they are. That is why I am basing my question on the feedback.

The Speaker (Hon. Kingi): I mean the relationship between these people and the governor. Are those facts contained in the response?

Sen. Tabitha Mutinda: It is in the public domain that some of them are relatives to the governor. I am putting it that way to make the Cabinet Secretary understand my question.

My question to the Cabinet Secretary is this, with those common denominators that focus on one person, the Governor of Meru, are you seeing any connection of this killing by the said person? Was there any financing by the governor to these people? As you indicated, the call from *Supuu* was to discuss how the late Sniper would stop criticizing the governor.

Lastly, mortuary costs are still accruing every day, simply because the family cannot afford to give a decent send-off to their loved one. Is the Government going to cater for the costs because the delay is on its side? If this case had been closed, the family would have had an opportunity to rest their loved one.

The Speaker (Hon. Kingi): Before the Cabinet Secretary responds, hon. Senators, do not bring in facts that you may be called upon to either prove or substantiate. The fact that some of them are relatives to the governor is not a matter in the public knowledge. I am a member of the public, but I am not aware of those facts. Therefore, do not assume the role of a witness to give evidence.

Again, you have to know that this matter is active in court. The reason I approved this Question was because it sought to get a general status of the investigations and what the Government has put in place to stop this kind of homicide. Beyond that, we will be going deep into the merits and demerits of this case, which I may not allow.

Hon. Cabinet Secretary, you may proceed to respond to the last limb of the question by Sen. Tabitha.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Mr. Speaker, Sir, thank you for protecting me.

The basic principle of criminal law presupposes individual criminal responsibility. One is connected with a crime as an individual and not through family relationships. Therefore, to us, it is not important who is related to who. What is important to the investigators is whoever participated in any way directly, indirectly, or by being an accessory after the fact, an aider or abettor of the crime will be brought to book. I will leave it at that point and appeal that we keep political and other things outside this. This is purely a criminal investigation and justice will be served.

The Speaker (Hon. Kingi): Proceed, Sen. Maanzo.

Sen. Maanzo: Mr. Speaker, Sir, I would like to ask a supplementary question in relation to the delay of decent burial of the deceased.

The Cabinet Secretary for Interior and National Administration is studious with a clear mind on what he is doing. Bearing in mind that a murder trial can last for many years, could the Cabinet Secretary explain or indicate whether there is a way his office can liaise with the family to have the deceased laid to rest, now that some ground has been covered and people have been charged? If they are waiting for somebody to be convicted, the case could go on for even 10 years. Is there anything he can do as a Cabinet Secretary to convince the family to have the deceased laid to rest?

The Speaker (Hon. Kingi): Proceed, hon. Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Mr. Speaker, Sir, we would encourage the family to rest their loved one because criminal investigations are never closed. Criminal files are alive forever.

Criminal investigations are also complex. By the time you take someone to court, you must have good evidence, so that you do not just engage in an act of futility, where you arrest anybody who is mentioned without sufficient evidence, then they are acquitted by court.

In line with the request and suggestion by the distinguished Senator for Makueni, my friend, Sen. Maanzo, we are trying to informally reach out and talk to the family and the community to rest their loved ones. In case of anything, as Members of this House are aware, we even exhume people when it is necessary through a court order. Keeping the body unburied does not serve the purpose. In any case, the Government does not require any form of pressure to do what is right and just. Whether the victim is buried or not, we will still do what we must do. We will informally reach out as suggested, but the decision and discretion on when to rest the loved one lies with the family.

The Speaker (Hon. Kingi): Proceed, Sen. Mariam.

Sen. Mariam Omar: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I want to ask the Hon. Cabinet Secretary the matter of *Al Shabaab*.

The Speaker (Hon. Kingi): No! I am afraid, hon. Senator, that I will not allow you to go that route. This is because under our Standing Orders, the only thing you can do is to ask a supplementary question related to the primary question. If you look at the Question and the response by the Cabinet Secretary, there is nothing *Al Shabaab* in that matter. So, if you have a burning question on *Al Shabaab*, please, file it with the Clerk. I will gladly approve it, so that the Cabinet Secretary can respond to it.

Sen. Mariam Omar: Mr. Speaker, Sir, I stand guided. However, my question is related. Also, the Cabinet Secretary is in charge of the interior and security. He knows what is going on.

The Speaker (Hon. Kingi): Sen. Mariam, I did not say the Cabinet Secretary is in charge of agriculture. I am aware that he is in charge of Interior.

I am trying to guide you. If you look at your Standing Orders, just before you, Standing Order No.51(c)(7)(a) and (b), you are allowed to ask a supplementary question. That is a right given to you by the Standing Orders. However, you are not supposed to ask any Question that falls within the sphere of Interior. You are supposed to pick a question that flows from the primary Question. The Question that is before the House, as we speak, relates to the murder of a blogger. So, pick it from there. Let your supplementary question flow from that. If not, you may take your seat.

Sen. Mariam Omar: Mr. Speaker, Sir, I stand guided, but this is a burning question. Manderu is insecure.

The Speaker (Hon. Kingi): File a question with the Clerk, and the Cabinet Secretary will gladly respond to it.

Sen. Mariam Omar: Mr. Speaker, please---

The Speaker (Hon. Kingi): Sen. Mariam, you are out of order. Take your seat. If you insist, I may ask you to leave the Chamber. Please, take your seat.

Thank you.

Sen. Osotsi: Thank you, Mr. Speaker, Sir, for the opportunity to also ask a supplementary question. This matter is about a blogger who was murdered for expressing

himself using the online media. We have had so many cases of this nature where bloggers have been killed and sometimes injured by the people they accuse.

So, even as the Cabinet Secretary handles this case of Meru, we would like to know what the Ministry has done over numerous other cases of this nature involving bloggers. The Cabinet Secretary can tell us more about cases of this nature, which have been reported in the past. This is a country where there is freedom of speech. We would like people to express themselves in all manner of ways. However, if we allow this incident to go on, then we will be curtailing freedom of speech in this country. So, can the Cabinet Secretary tell us about other cases of this nature which have happened in the past, and what the Ministry is doing about it?

The Speaker (Hon. Kingi): Hon. Osotsi, have you gone through the primary response by the Cabinet Secretary, more particularly the last paragraph on page three?

Sen. Osotsi: I have listened to the Cabinet Secretary---

The Speaker (Hon. Kingi): That is one of the primary questions asked by the Senator for Meru and the written response captures that.

Nevertheless, Cabinet Secretary, if you have anything to add beyond what you have already stated in your written response, you may proceed.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Mr. Speaker, Sir, over and above my written statement, I want to confirm, just as stated by the distinguished Sen. Osotsi, that we have very many cases across the country of formerly lodged complaints by bloggers and people in the cyberspace, who have been threatened for expressing political or other views on the cyberspace.

We have established a special unit within the Directorate of Criminal Investigation (DCI), which is handling threats and criminal activities that are being perpetuated on bloggers and people who exercise their freedom of expression through cyberspace and get intimidated, harassed or punished for it.

So, we have set up a special unit which is monitoring content that could be hateful or perhaps incite violence. At the same time, that is the same unit that is responsible for protecting the freedom of expression through the cyberspace to ensure that bloggers and other people who express themselves do not attract criminal responses.

Sen. Mbugua: Thank you, Mr. Speaker, Sir. I want the Cabinet Secretary to tell this House what assurance he can give to the family of the deceased and the residents of Meru County. For example, because of the nature of this case, there will be no interference whatsoever and justice will be served and seen to be served.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Mr. Speaker, Sir, I assure the family and the community from where this crime was committed, that the Government will ensure impartial and comprehensive investigations.

I also assure that no one will interfere with this investigation. All the people where evidence has led us to investigate have been investigated, including the home of the Governor, and nobody is above the law. Anybody who is linked to this crime will be punished. Also, nobody has the capability and the capacity to try to interfere with this matter because we will not allow crime to thrive because of interference. Nobody is

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powerful enough to interfere with the statecraft, especially on sensitive issues like national security.

Sen. Dullo: Thank you, Mr. Speaker. Mr. Speaker, Sir. I would like to thank the Cabinet Secretary for the information given on the blogger who was killed. In line with the same, I know there is so much threat on the ground, and more specifically, to the bloggers. I am sure the Cabinet Secretary is aware that sometimes security agencies are also used by those who are in power to silence those bloggers.

Secondly, there are counties where governors are recruiting youth in the name of *Jeshi* this and that. I do not know whether he is aware, but it is something that is worrying in most of the counties. I can speak for Isiolo County. The Cabinet Secretary should be on top of those things. If it is happening, they should look for ways of stopping those kinds of arrangements.

The Cabinet Secretary for Interior and National Administration (Prof.) Kithure Kindiki: Mr. Speaker, Sir, I want to confirm that the cyberspace is being used, first of all, for freedom of expression, which is very good. However, as I have just intimated a while ago, it is being used to incite violence and go overboard, even in some of those expressions. So, that is one side of the story. The other side of the story is that there are people who may want to use security officials to try and suppress opinions and harass people who express alternative political opinions.

We are aware and I want to confirm what the distinguished Senator for Isiolo County has said; that we have active investigations as we speak in 19 counties, of leaders and other influencers who have organized teams of online people to harass, intimidate and incite violence using cyberspace.

I want to assure the nation that the idea of setting up criminal gangs and groups to either physically attack people for political or other reasons; the idea of organizing groups of criminals to attack opponents and people of a divergent opinion online and propagate violence, we have to deal with that problem before it goes overboard.

Therefore, in 19 counties, we are actively investigating groups of both physical and online gangs that are propagating violence in the name of freedom of expression. We will take action against all the actors, whether they are persuaded to support the Government or they are in the opposition because it is a threat to our security as a nation, and we must arrest this matter before it gets out of hand.

The Speaker (Hon. Kingi): Hon. Senators, we will now proceed to Question No.001 by the Senator for Kisumu.

Sen. (Prof.) Tom Ojienda, you may now proceed to ask your Question.

Question No.001

INTER-COMMUNAL CLASHES IN SONDU TOWN

Sen. (Prof.) Tom Ojienda Odhiambo, SC.: Thank you, Mr. Speaker, Sir. I will proceed to ask Question No.001.

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(a) Could the Cabinet Secretary provide a status update on investigations into the inter-communal clashes that occurred in Sondu Town, which lies in the border region of Kericho and Kisumu counties, during the demonstrations in June and July, 2023?

(b) What progress has the Government made in the disarmament of armed groups in the town?

(c) What measures has the Government put in place to promote peaceful coexistence and prevent a recurrence of inter-communal clashes in the town?

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, proceed to respond.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Thank you, Mr. Speaker, Sir. In response to Question No.001 by the Senator for Kisumu County, Sen. (Prof.) Tom Ojienda, I state as follows-

The conflicts in Sondu area along the Kericho-Kisumu border has been there for a long time intermittently, but the particular episode that is the subject matter of this Question occurred around June and July, 2023, and it was caused by two things.

First, a boundary dispute between two sub-counties; Soin-Sigowet in Kericho County and Nyakach Sub-county in Kisumu County. Both counties have been claiming that Sondu Town is within their respective counties.

Secondly, these clashes and violence was triggered by revenue collection activities, where both counties, Kericho and Kisumu wanted to collect revenue, as is the case with several other neighbouring counties across the country.

What action has the Government taken? We commenced investigations, but even the immediate action we did to de-escalate the violence was to post the elite General Service Unit (GSU) formation to de-escalate the violence and restore law and order. Other than the deployment of the GSU, we commenced investigations on all the criminals who were responsible for that mayhem and opened criminal suits and inquiries in the following cases-

Inquest No.3 of 2023 - the deceased person Mr. Melzedek Odhiambo is pending before the court;

Inquest No.7/2002 - Brian Odhiambo Owino is pending under investigations;

Inquest No.9 of 2002 - Nicole Ouko is pending under investigation;

Inquest No.9/2002 - David Otieno pending under investigations;

Inquest No.9 of 2003 - Collins Auma pending under investigations;

Inquest No.5 of 2002 - an assault case has also been subject to the inquiry.

Further inquiry Case No.10 of 2023, Charles Auma is pending before the ODPP for directions to prosecute.

Mr. Speaker, Sir, we believe that there are no armed groups in Sondu Town. We believe that there are groups and gangs of youths from both sides; the Kericho side and the Kisumu side, who arm themselves with bows and arrows from time to time. What we have done to make sure that these gangs do not regroup is that we have issued a security directive against the bearing of arms on both sides. No one is supposed to carry arms, and as I have said, we have deployed a very effective GSU contingent, which has been patrolling that area for close to a year now with a lot of success.

These are the measures that the Government has taken to promote peaceful coexistence in the Sondu Town area. First, the deployment of the elite GSU squad, which

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is already stationed in the area. The officers are conducting a 24-hour patrol within the affected areas.

Secondly, we changed the deployment. We did transfers of all police officers from both sides who had served there for a long time because the evidence was pointing to some of them having been compromised and conflicted with the local issues in that area.

Thirdly, we are encouraging the security teams from the Kericho side and the Kisumu side to carry joint patrols together, so that we make it clear to the residents of that area that security is a national asset; security is a national good and it has nothing to do with boundaries. Therefore, the National Police Service of Kenya, for example, whether they are serving in Kericho or Kisumu, is the National Police Service of the Republic of Kenya and so, they are doing joint patrols. So, on the Kericho side, the team from Kisumu and the team from Kericho are patrolling together.

Then occasionally also, on the Kisumu side, the two teams patrol together. We believe this way, we will demystify, or rather reduce the notion which was there, that the police on either side were trying to protect the interest of each side. These are National Police Service officers and they serve the country equally.

Thirdly, we have arrested and prosecuted suspects. In those skirmishes, there have been cases of livestock theft. It is low scale, but quite disruptive in that area. The following accused persons have been arrested and arraigned before court for cattle theft-

1. Festus Chepkwony
2. Charles Kipkemboi
3. Walter Omolo Ogutu
4. Gabriel Obusa Bolo
5. Barrack Omondi
6. Paul Geso

We have also enhanced the sharing of intelligence among the security agencies and enhanced the collaboration with both State and non-State actors, including peace organizations and other organizations in that area, who are helping us with peace. The National Cohesion and Integration Commission (NCIC) has also been facilitating communities there to engage with each other. This is also a Government initiative.

Finally, on behalf of the national Government, I want to commend the efforts taken by the governors of the two counties recently - the Governor of Kericho County and the Governor of Kisumu County - who have helped communities talk to each other and made sure that we have longstanding peace in that area. The measures that have been put in place are effective because normalcy has been returned in that area. The schools that had been closed have been reopened, businesses have resumed and the Sondu open-air market is currently operational.

I submit.

The Speaker (Hon. Kingi): Hon. Senator for Kisumu, pursuant to Standing Order No. 51(c) (7), proceed to ask two supplementary questions.

Sen. (Prof.) Tom Ojienda Odhiambo, SC: Mr. Speaker, Sir, my supplementary question is on the floods that have afflicted the same victims of the clashes. I would like

the Cabinet Secretary to tell the House when he intends to visit the flood-affected victims of the Sondu clashes.

The Sub-County of Nyakach has been afflicted by floods, as have the sub-counties of Nyando and Kisumu. Kapuotho, Nyakach and Kabonyo/Kanyagwal have suffered from the backflow of Lake Victoria. I want the Cabinet Secretary to tell the House when he is visiting Kisumu together with me. We want to know that the Government is concerned about us.

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, proceed.

The Cabinet Secretary for Interior and National Administration, (Hon. (Prof.) (Kithure Kindiki): Mr. Speaker, Sir, I do not know whether it will be in order for me to say that I will visit very soon. The reasons are mainly two. Right now, the whole country is engulfed in a huge crisis and we are trying to ensure that we respond and are available to as many emergencies as possible, including the emergency right now in Nyando.

Secondly, we do not have the privilege of having publicly available long-term calendars published. However, I will be in Kisumu County soon, in the next few days, and will notify the Senator for Kisumu County.

The Speaker (Hon. Kingi): Sen. Cheruiyot, proceed.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I would like to welcome the Majority Leader *emeritus*, who is the Cabinet Secretary for Interior and National Administration, to this House. He is always diligent in finding time to come and respond to the issues of Members. I appreciate it when he takes the time to engage us, like he has done this morning.

I had earlier requested to speak, but you did not grant me an opportunity. Serving in a position of responsibility or leadership in the House comes with its cost sometimes; part of which includes not picketing at the Speaker when they do not grant you an opportunity to speak. Therefore, I missed out on an opportunity to ask the Cabinet Secretary questions when we were talking about bloggers and people who have been hurt.

At the time when he was coming into office, there was a serious case of two Indian nationals who used to work in the communications team of President William Ruto, who were brutally murdered, just like---

The Speaker (Hon. Kingi): Senate Majority Leader, let me use the limited powers given to me under Standing Order No.1 to allow you to ask that question, and then you can pick one for this particular question.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. That is another privilege of being the Senate Majority Leader.

If the Cabinet Secretary finds it well within his means, he could give a response to this. If not, he could file a response later to this House. This is the matter of these two bloggers of Indian descent, who worked in the Presidential communications team of the then-candidate, but now President William Ruto, who were abducted and murdered.

I know there had been investigations, but up to date, I have never heard if anyone has been taken to court on that particular matter. It would be important for the Cabinet Secretary to brief the House because this is something that caused great agony to the young families of these two gentlemen who worked with us in the communications team.

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On this particular issue of Sondu, I want to first appreciate the Cabinet Secretary for the steps he took at the height of that difficult time. He intervened during that season when there were clashes in Sondu. I would like to request him if he can confirm to this House whether there are plans to make the General Service Unit (GSU) camp that he has referred to, to be in existence on a permanent basis, given this is an area of high potential threat. Every time there are either political disagreements or otherwise.

If we can have that GSU camp permanently there, then it would deter people who are known to commit acts of violence or theft. Apart from the clashes that are of a political nature, within the same vicinity there are challenges also of cattle rustling on the boundaries of Kericho and Kisumu. Therefore, it would serve us well in providing calm and peace in the region if this GSU camp could be permanently located in that location.

Finally, is to request the Cabinet Secretary to now go the full-hog. Apart from restoring calm militarily, which has been done by the use of police, there is a need to pacify the area by engaging elders and local leaders, which is a promise he had made to us when he visited at that time. One of the issues that continue to cause problems is a market that the County Government of Kericho built, but up to date, they are not able to allocate traders to use the market or collect cess, yet, they used resources to build the market. Therefore, the people on the Kericho side continue to feel hard done that the county government put up a market from which, unfortunately, they are not able to collect rates. This is something that causes animosity.

I would like to find out from the Cabinet Secretary if there are plans to move this conversation on peace beyond police intervention and get it to the level of community integration, so that we can have either elders or leaders meet to make commitments.

I am aware that at least at the county government level, something is being done between the Governor of Kericho and the Governor of Kisumu. I saw a press release last week. However, we still feel there is a need for a deeper understanding and well-organized interaction between the two communities, so that we can bury this challenge once and for all.

Thank you, Mr. Speaker, Sir, for indulging me.

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, proceed.

The Cabinet Secretary for Interior and National Administration, (Hon. (Prof.) (Kithure Kindiki): Mr. Speaker, Sir, the Majority Leader has raised two issues in one. He has used the privilege of his office to get away and receive the kind of orders and directives he has received under Standing Order No.1.

I would like to respond as follows. First is the issue of whether or not we have made headway with regard to the Indian nationals who disappeared and are believed to have been murdered just before the elections. We have made some progress, but because this is a legal process matter, I request the question be conveyed to us in writing, so that we get accurate information, which is up to date. However, from where I sit, I know some progress has been made. We may not have nailed the suspects, but we will be more than happy to provide a status update if a request is made to us in writing from the Senate Majority Leader.

On the second issue, at a time when I visited Sondu at the height of the episode in June-July last year, the political leaders from both Kericho and Kisumu had requested to

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meet with us. We were not very keen at that time, which is one of the occupational hazards I suffer these days.

Sometimes I am even forced to avoid my very best friends at least for a while especially where, for example, an active security matter is pointing to the direction of their friends, supporters, *et cetera*. Therefore, I avoided my good friend, the Senate Majority Leader, whom I believe is doing a great job in profiling the position of the leadership of the Senate in this House. I am sure you will do much better than us who are trying to figure out what this office was all about at the beginning.

Mr. Speaker, Sir, we avoided political engagement with political actors at that time because the evidence was leading us to stay neutral. Nonetheless, I am happy to report to you, the Senate Majority Leader through the Speaker, that we are in a good place now. I now want to honour the promise that I made. I will take the initiative to bring the teams from the Kericho and Kisumu side together.

The House might want to know that the Sondu matter is not as complicated as some of the other issues we are handling. These are brothers, sisters and neighbours who understand each other. Therefore, with regard to the question of meeting political leaders for a permanent solution, we should be beginning that as soon as possible.

Finally, on the request or the suggestion from the Leader of the Majority about the General Service Unit (GSU) Camp, he had already approached me informally outside the House. Also, my senior the Senator of Kisumu had requested the same as a sign of ensuring that there is stability in the area. We will make that camp at Sondu permanent and will increase its strength. We realized that is a matter where the presence of law enforcement can 99 per cent resolve the matter.

The Speaker (Hon. Kingi): Proceed, Sen. Maanzo.

Sen. Maanzo: Thank you, Mr. Speaker, Sir. In relation to the same matter, I remember one time it was on this Floor and at that moment it was blamed to a stolen motorbike. Right now, it has graduated to other factors.

We just made a law here, which has gone to the National Assembly. Hon. Cabinet Secretary, while looking for a permanent solution, what are you going to do in terms of the boundaries of the counties that have been a dispute? There is a market built by one county, but they cannot collect any cess or anything out of it. This means there is still a dispute up to now.

Hon. Cabinet Secretary, what are you doing about the disputed boundaries which cause a similar problem and it is likely to cause a similar problem in other parts of the country as in the case of Makueni and Taita-Taveta?

I thank you.

The Speaker (Hon. Kingi): Proceed, hon. Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Mr. Speaker, Sir, it is true that about 27 counties in Kenya are having border-related issues between one county and the other. This is not a matter that has started today, but it has been there for many decades as long as Kenya has been established in the manner in which it has been established.

It is also true that border issues of neighbouring communities is a world-over phenomenon. It is not new to Kenya. Our worry though as security managers is the

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increasing approach of politicisation, ethnicization and criminalisation of border-related disputes. That is where we have an issue.

Influencers be they political or otherwise want to take advantage of the differing opinions, on where beacons and borderlines lie among neighbours to bring in crime, politics and to divide the people of Kenya.

We have made it clear in the national security sector that we are not going to allow criminals and characters who want to bring violence, crime, negative ethnicity and destructive politics in a very honest discussion among neighbours as to where borderlines lie.

One may ask, if politics, ethnicity and the rest are removed from borders, then why should we have borders? Borders are still relevant for commercial reasons. For instance, the Majority Leader, who is the Senator of Kericho and the Senator of Kisumu, that discussion they are having around Sondu has some revenue commercial-related matters. The same with the distinguished Senator of Makueni and their neighbours in Taita Taveta. We have no problem with neighbours canvassing boundary disputes, so that they can deal with commercial and other issues that are innocent. What we will not allow is violence, incitement, negative and destructive ethnicity.

Since I was asked what plans we have, going forward all these 27 counties, where there is that discussion among neighbouring communities, we are going as community managers, to facilitate communities to discuss and resolve that issue minus crime. The first thing we are demanding is that there should be no crime, incitement or perpetuation of ethnic anger as a way of canvassing border disputes.

As soon as any counties that are affected remove crime, negative politics, ethnic profiling and incitements from the discussions, we will move in and I am sure we will find a lasting solution, so that commercial and other issues that are relevant continue unhindered. That includes what the Senator of Kericho has said that a market like that should be used to help generate the wealth of the people of Kenya. Whether they are in the Kericho or Kisumu side, they are the people of the Republic of Kenya.

The Speaker (Hon. Kingi): Proceed, Sen. Cherarkey.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I want to congratulate the Deputy Speaker *emeritus* for the wonderful job he is doing. I think he is the best Cabinet Secretary and he knows what he is doing unlike the others.

(Laughter)

Mr. Speaker, Sir, you need to protect me. I do not know why the House is excited. However, let me move quickly to my supplementary question.

The Speaker (Hon. Kingi): You will be protected as long as you stop protecting yourself.

Sen. Cherarkey: Mr. Speaker, Sir, we are also secure because the Cabinet Secretary for Interior and National Administration is here. A quick one, I wish to do a follow-up on the issue of Kisumu and Nandi; Kakamega and Nandi. We have had issues in the past. What triggers these ethnic and border clashes is sometimes beyond the hardware of the security sector. It could involve issues of land, historical injustice,

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amongst others. What is the Cabinet Secretary doing to work closely with other agencies like the National Land Commission (NLC), National Cohesion and Integration Commission (NCIC) among others, to ensure these issues that trigger border clashes along the borders across the country are permanently resolved, so that he does not need to go with the hardware or software to secure the sector?

I thank you.

The Speaker (Hon. Kingi): Proceed, hon. Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Mr. Speaker, Sir, I am discovering that I am former many things. Sometimes I am the former Deputy Speaker, and other times the former Senate Majority Leader.

Mr. Speaker, Sir, the matter raised by the distinguished Senator for Nandi County is true. What we have been doing in the past, which we are now correcting is, we have been addressing border disputes in a piecemeal and silo way. For example, as we are aware, the Independent Electoral and Boundaries Commission (IEBC), for example, has a role in consistency and ward boundaries. As we are aware also, the Constitution of Kenya provides in Article 188 that boundaries between counties will be determined by a boundaries commission, which in my interpretation is not the IEBC.

I know at least one case, which I brought earlier on in my earlier life as a legal practitioner, challenging that issue. It was around electoral disputes where two counties were involved, and the court said that the IEBC deals only with electoral and ward boundaries. However, inter-county boundaries is the role of the commission envisaged in Article 188, which is not the IEBC. I know Senator *emeritus* Mutula Kilonzo Jr. of Makeni County brought a Bill at some point to have this commission established. I do not know how that matter has progressed.

Therefore, going forward, we want to make sure that we deal with boundary disputes comprehensively. Since boundaries are emotive and can lead to breach of public order, we have determined through our county security teams across the country and us in Nairobi, that we are going to address each of the cases involved in a multi-agency manner and security-led because of the sensitivity of issues, but also bringing on board all other actors, like the NLC, NCIC, and others including IEBC, but led by our security formations and security management to ensure that we comprehensively deal with those issues.

Mr. Speaker, Sir, let me submit as follows as I finish on this matter. If we removed incitement to violence and unnecessarily ethnicizing and politicizing these issues, we will resolve all the 28 inter-county boundaries in this country in a very short period of time. We will be moving in that direction. I could perhaps be put to task that after three months I brief the House and the country where we have started on that programme.

I submit.

The Speaker (Hon. Dulo): Sen. Dullo.

Sen. Dullo: Thank you, Mr. Speaker, Sir. I rise on an intervention along the line of operations where there is conflict. It could be a policy issue or a training issue. I totally agree with operations that are carried out in our pastoral areas because it is a matter of

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concern. However, my worry is the way those operations are carried out. For example, two weeks ago there was an operation in Isiolo County in Ngare-Mara and Kula-Mawe areas. Those security agencies are destroying property, especially in semi-permanent houses. Women and kids are beaten up. I request the Cabinet Secretary to find a way we can deal with those issues because those security agencies are taking away the animals of innocent people.

Hon. Cabinet Secretary, I am sure you have very good, experienced officers in your Ministry who can advise you or you can take them for in-service training where they will be taught on how to carry out operations in a humane manner. We are contributing money in *harambees* to build houses for those people whose houses were destroyed. It is very sad. Something needs to be done.

I thank you.

The Speaker (Hon. Kingi): Proceed, hon. Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Mr. Speaker, Sir, the Government does not condone destruction of property or inhumane treatment of the people of Kenya in our security operations, however difficult or challenging they are. Therefore, I will be interested. If there is evidence of any excesses, action will be taken.

Finally, with regard to special operations in cases where, for example, we are tackling complicated, organized criminal activity like cattle rustling and terrorism, we have deployed special forces to ensure that we get to the bottom of the matter and destroy the infrastructure of organized criminal terror groups that have caused a lot of pain to the people of Kenya for many years. For that, we will go at any length to make sure that we destroy this coach that is giving our country such pain and a bad image. When other nations of the world are going forward to modernize their economies, integrate communities and look into the fifth industrial revolution, we are basically killing each other and stealing each other's cows, and killing women and children in the process.

Therefore, where we are dealing with special cases of entrenched organized crimes like terror and banditry, we have special forces. However, even where we apply special forces, they are bound to operate under the Constitution, to respect human dignity and achieve the objective we want them to achieve without violating fundamental rights and freedoms.

We ask political leaders, sometimes when you listen to your supporters, they do not tell you the whole story. However, I am willing to be informed, maybe later by the distinguished Senator for Isiolo County, who is my neighbor at home. If there are any issues that need to be addressed, we will address them. We have nothing to hide. We have a job to do to make sure that Isiolo County and Kenyans are safe.

The Speaker (Hon. Kingi): Hon. Senators, we have under two hours to allow the hon. Cabinet Secretary to respond to three questions. Therefore, we will terminate interventions on Question No.001 and proceed to Question No.002 by the hon. Senator for Tharaka Nithi County.

Sen. Gataya Mo Fire, you may proceed to ask your Question.

*Question No.002*CONSTRUCTION OF OFFICES FOR ADMINISTRATIVE
OFFICERS IN CHIAKARIGA SUB-COUNTY

Sen. Gataya Mo Fire: Thank you, Mr. Speaker, Sir. I wish to ask this Question to the Cabinet Secretary and at the same time congratulate him for making us proud as a House and country. He is doing good and exemplary work.

I would like to know the following from the Cabinet Secretary-

(a) Are there plans by the national Government to construct offices, deploy administrative officers and provide necessary equipment to Chiakariga Sub-County in Tharaka-Nithi County, which was established in 2022, but remains non-functional and, if so, could the Cabinet Secretary provide timelines for the same?

(b) What specific measures has the Ministry also undertaken to fast-track the establishment of offices for other Government institutions, including the National Treasury Office, within the Sub-County?

(c) Could the Cabinet Secretary provide a status update on the construction of a divisional police headquarters as well as required police stations in the Sub-County?

(d) What other specific measures has the Government taken to enhance access to national Government services by residents of the Sub-County?

I thank you.

[The Speaker (Hon. Kingi) left the Chair]

[The Temporary Speaker (Sen. Abdul Haji) in the Chair]

The Temporary Speaker (Sen. Abdul Haji): Go ahead hon. Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kindiki Kithure): Mr. Temporary Speaker, Sir, in the response of the Question and Statement sought by the Senator for Tharaka Nithi County, I state as follows-

Chiakariga Sub County was established and carved out from Tharaka South Sub-County in 2022. It was gazetted in 2022 and the Deputy County Commissioner (DCC) was posted at that time to take charge of the Sub-County. At the moment the Sub-County is functional and operational.

There are some staff who are yet to be posted and we are working with other ministries who have not deployed staff to do so in the soonest time possible. Therefore, one of the things I want to inform the House on at this juncture is that there is need for us to improve the infrastructure, so that we can host the pending public officers who are yet to be posted and deployed. We have not had adequate funds, but we have made arrangements in the 2023/2024 Financial Year to avail funds to expand the infrastructural offices of the Sub-County.

Mr. Temporary Speaker, Sir, at the moment, other than the Deputy County Commissioner (DCC), the Teachers Service Commission (TSC) have already posted an officer from Nairobi City County. We, the Ministry of Interior and National

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Administration, have also recently posted a registrar of persons to the Sub-County together with other members of the Sub-County security committee, including the Sub-County police commander, the Intelligence head as well as the Directorate of Criminal Investigation (DCI) head.

The Sub-County is operational, but there are departments of the national Government that are yet to post staff. We are working with them to deploy staff, but also on our part as a Ministry, we have factored in the Financial Year 2023/2024 budget monies to build or enlarge the infrastructure to provide office space even as we do so for about 16 other Sub-County headquarters that are in a similar situation as Chiakariga at the moment.

Service delivery is ongoing and where certain state departments are yet to post or deploy officers; the officers from the mother Sub-County, which is Tharaka South, continue to serve the new Sub-County. That is the case all over the country. New sub-counties have a gradual separation with their mother sub-counties.

We shall do whatever it takes to expedite that process. Before I sit down, it is good manners as a public officer to declare that this Question is about a Sub-County in the county I come from. I have an obligation before the House and that is the position on this matter.

The Temporary Speaker (Sen. Abdul Haji): Thank you. Sen. Gataya Mo Fire, do you have a supplementary Question.

Sen. Gataya Mo Fire: Mr. Temporary Speaker, Sir, I only want to agree with the Cabinet Secretary that what he has stated is true. We have seen some senior officers being transferred to Chiakariga Sub-County. We have seen the TSC, and the National Registration Officer who is doing very well. We trust that what he has just said shall be realised in the next budget and the Sub County is going to be operational.

I sincerely thank him for that response.

The Temporary Speaker (Sen. Abdul Haji): I will allow supplementary questions related to the original Question.

Sen. Osotsi proceed.

Sen. Osotsi: Thank you, Mr. Temporary Speaker, Sir and Cabinet Secretary for that answer. My supplementary Question is that---

The Temporary Speaker (Sen. Abdul Haji): What is your point of order Sen. Kisang'?

(Sen. Kisang' spoke off the record)

Sen. Kisang': Mr. Temporary Speaker, Sir, it is a supplementary Question.

The Temporary Speaker (Sen. Abdul Haji): Kindly proceed Sen. Osotsi.

Sen. Osotsi: Mr. Temporary Speaker, Sir, my supplementary Question is in relation to the new sub-counties, which have recently been gazetted by the Cabinet Secretary. Maybe he can tell the House the status of those new sub-counties. When are you posting the DCCs and have you made arrangements for their settlement and also for the inauguration of those sub-counties? Case in point is Hamisi Sub-County, in Vihiga County, which was recently gazetted. Kindly tell us about that.

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The Temporary Speaker (Sen. Abdul Haji): Proceed Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kindiki Kithure): Mr. Temporary Speaker, Sir, all the sub-counties that were gazetted on 14th February, 2024 will be operationalized in the coming Financial Year 2023/2024. We encourage Senators to liaise with members of the National Assembly from their counties to prioritize the National Government Constituencies Development Fund (NG-CDF) in the building of infrastructure for the DCCs because it expedites the operationalization process.

We have some money, but it is not enough to serve all the needs that we have because of the fiscal space of the country and its budget. Where Members of the National Assembly have invested and contributed to what we have in order to complete the infrastructure projects for offices and residences for the DCCs, we shall be more than happy to operationalize that even as we look for money for the other sub-county offices.

I assure the distinguished Senator of Vihiga County, that Hamisi Sub-County will be operationalized. We will deploy the DCC and all the departmental heads at the Sub-County level within the financial year starting 1st July, 2024.

The Temporary Speaker (Sen. Abdul Haji): Thank you. Proceed Sen. Kisang’.

Sen. Kisang’: Thank you, Mr. Temporary Speaker, Sir. My Question was similar to that of Sen. Osotsi. We have a new sub-county called Kerio Valley. Moreover, because of the security situation along the valley we expected that the Cabinet Secretary would have sent the DCC by now. The Member of Parliament (MP) for Marakwet East is Hon. Bowen Kangogo. He put up the Assistant County Commissioner’s (ACC) office near Chesongoch centre or town. We had proposed the Deputy County Commissioner (DCC) to start from there as he gives priority to allocate more resources from July, to do a proper DCC office.

Secondly, in the same line, the Cabinet Secretary needs to tell us when he will operationalise the other units, especially, locations and sub locations that were gazetted before the elections of 2017 by the late Cabinet Secretary, Hon. Nkaissery.

The last one is that we had requested---

The Temporary Speaker (Sen. Abdul Haji): Sen. Kisang’, you are only allowed one supplementary question.

Sen. Kisang’: That is okay. Finally, just to congratulate the Cabinet Secretary, he is doing a very good job. Thank you very much also on how you assisted me to be elected as a Senator.

The Temporary Speaker (Sen. Abdul Haji): Cabinet Secretary, you can answer the question.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): I hope that does not conflict us.

Mr. Temporary Speaker, Sir, with regard to the supplementary question of the distinguished Senator for Elgeyo Marakwet County, I confirm that because of the security situation in North Rift, particularly, Elgeyo Marakwet and Baringo counties, the two sub-counties that are critical to securing that area namely, Kerio Valley and Kolowa in Tiaty in Baringo County, will be operationalised within the next 30 days.

The Temporary Speaker (Sen. Abdul Haji): Sen. Wambua, you may have the Floor.

Sen. Wambua: Thank you, Mr. Temporary Speaker, Sir. I believe this will not be another ambush to the Cabinet Secretary.

My question is in relation to a matter that the Cabinet Secretary knows very well; the matter of the Tharaka Thagishu Sub-County. He knows because he was part and parcel of the push to get that Sub-county. It has been operationalised and given a sub county code. However, the people of Tharaka Thagishu continue to suffer as though they do not have a sub-county. I say this because in the last recruitment of the Kenya Defense Forces (KDF), they were denied an opportunity to carry out their own recruitment in their own sub-county even after they have been issued with a sub-county code. They were forced to move to Momoni Ward to compete for positions there. We tried to raise this matter with the authorities, but we were not successful.

I am happy and the people of Tharaka are lucky. That, the person who actually pushed the creation of that sub-county is here to respond to that question and give them the assurance that, in the coming recruitments, the people of Tharaka Thagishu will exercise the right of recruitment on account of their own sub county code.

I thank you.

The Temporary Speaker (Sen. Abdul Haji): Mr. Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): My good neighbor at home, Sen. Wambua, is correct. He has not ambushed me this time. The only clarification I will make for ethical reasons is that he has said that I was part of the people who pushed for this sub-county. However, he has forgotten to clarify that, I did so before I became a cabinet secretary. I was in active politics and generally, that is where I come from. It was also a deserving case.

Sen. Wambua and I, as Senators from the two counties, were very critical in trying to make sure that area is given an additional sub-county. I thank Sen. Wambua for the support he gave towards that process as well. At the moment, I am not allowed to push for anything, I am allowed to only serve and push Kenya forward as a whole.

Mr. Temporary Speaker, Sir, just like many sub-counties which have been established, it is true that, it takes time before all the agencies and departments realise and actualise the need for their autonomy and grant them the fair allocation of their resources including, recruitment into the public service.

Therefore, it is unfortunate that incident happened. I request the Senator for Kitui County and any other Senator, who has a similar situation in their county, to let us know when there is any agency that is recruiting and they feel that there is a sub-county has not been factored yet the sub-county is already established, given a code and is operational. This is because some of the public officers who prepare those advertisements may not be up to date with the recent developments in terms of creation of new units. Sometimes, it not their fault. Let us work together and make sure that we do not have a repeat of that.

I assure the Senator for Kitui County, the people of Kitui and particularly the Sub-County of Tharaka Thagishu that, all recruitment for all agencies, ministries and departments in the public service will factor in this sub-county because it is an operational and autonomous sub-county that should be treated as such.

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The President visited that sub-county on 13th July, 2023 or thereabout. Also, there is a presidential directive, which we are hoping to implement in the 2023/2024 budget. We are directed to construct the sub-county offices, a residence and provide a vehicle for the DCC and other members of the sub-county security committee.

I submit.

The Temporary Speaker (Sen. Abdul Haji): Thank you.

Sen. Munyi Mundigi, you may have the Floor.

Sen. Munyi Mundigi: Asante Bw. Spika wa Muda. Swali langu ni la kijumla. Sijui kama utaniruhusu kuuliza kwa sababu ni la upande wa *security*.

The Temporary Speaker (Sen. Abdul Haji): Sen. Mundigi, lazima swali lihusiane na lile swali ambalo liliulizwa na Sen. Mo Fire.

(Sen. Munyi Mundigi spoke off record)

Pengine tutakupa nafasi tukimaliza kuuliza maswali yote. Sio saa hii.

Sen. Munyi Mundigi: Bw. Spika wa muda, ungeniruhusu kwa dakika moja niweze kuuliza swali langu.

The Temporary Speaker (Sen. Abdul Haji): Ni sawa.

Sen. Munyi Mundigi: Bw. Spika wa muda, kwa ajili ya ulinzi, serikali ya Kenya Kwanza na Profesa, wanafanya kazi nzuri. Lakini, kwa wakati huu ambao mvua inanyesha sana, tungetaka amani. Tumeona viongozi wengi wakienda kusaidia watu kule vijijini. Kwa mfano, wale ambao walienda Mukuru kwa Njenga na kwa Reuben wakiambia watu wasitoke pahali wamejenga karibu na mto ilhali tunajua ya kwamba, wakijenga hapo, watasombwa na maji.

Na kuuliza hili swali kwa sababu wewe ni mchapa kazi. Kwa ajili ya maslahi ya hao watu, mmechukuwa jukumu gani kwa wale watu ambao walichochea watu wasihame? Tunastahili kujua kama wamefungwa au wamepelekwa kortini ili jambo kama hilo lisifanyike tena. Na pia, tunajua kwamba walitamka matusi mabaya ya kusema kwamba watu wengine wanalala. Ukiwachukulia hatua kuanzia saa hii, itachukua muda kiasi gani ndio hawa watu wawekwe ndani ili tuwe na amani katika Serikali ya Kenya Kwanza.

Asante.

The Temporary Speaker (Sen. Abdul Haji): Waziri, unaweza jibu ukipenda na kama unaona sio swali ambalo linahusiana na wewe---

The Cabinet Secretary for Interior and National Administration (Hon. (Prof) Kithure Kindiki): Mr. Temporary Speaker, Sir, it is an ambush, but I am subject to the authority of your directive. Generally, let me submit as follows in response to the matter raised by the distinguished Senator for Embu County.

We encourage the people of Kenya to see the ongoing environmental crisis for what it is and nothing else. Just like in all other matters, this is a national crisis. Kenya is paying a huge price for this environmental crisis that we have nothing to do with. It is the pollution and degradation of the environment, mainly by the big polluters of the world that is responsible for the devastation we are going through.

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Unfortunately, today in our country and in our order of national security priorities, the effect of climate change is assuming a very crucial and an important ranking in those priorities. The people we have lost in the last one month in this country are almost 80 percent of all the people we have lost to terrorism in the last 10 years. That is how serious the climate crisis is and yet, the rains are not over.

Directly to what the Senator for Embu has said, we want to ask leaders, influencers, politicians and all other people in positions of authority and influence to desist politicizing or even inciting the public, especially when security alerts and security orders are issued. They are for public safety. They are not for politics or for other things. We hope that this is the last time we are going to have our people being carried away by raging waters when they are sleeping at home.

Mr. Temporary Speaker, Sir, we have issued directives on recovery of all riparian rivers and other fragile ecosystems. Those are security directives. They are not requests and we will deal with any leader who tries to interfere with security operations the same way we deal with other leaders who threaten our national security.

As I have already said, this matter is costing us so much pain and death. It is now equivalent to what terrorism, banditry and other serious crimes are doing to Kenya. The orders that are issued for public safety are mandatory and they are not political, sectarian and they should not be trivialized by leaders going to incite communities, telling them to stay there until what happens. This is because, you will endanger the lives of families who might get carried away by raging floods and you will be nowhere to answer when those families are crying.

Very soon in the course of the day, the Government will be announcing on how we should be responding on long-term basis to confront the climate crisis before it destroys our country. We are already at 20 percent of the Gross Domestic Produce (GDP) and the resources we have produced have already been taken over by our response expenditure to try and mitigate loss of life and property.

I submit.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Sen. George Mbugua.

Sen. Mbugua: Thank you, Mr. Temporary Speaker, Sir. I would like the able Cabinet Secretary to tell this House the criteria used by the Government to create sub-counties and the optimal number of sub-counties the country should have.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Mr. Temporary Speaker, Sir, that is a good question like all the others. It is important for the country to know that the creation of administrative units is not a whimsical or discretionary activity. It is an activity that is guided by certain parameters. Some of them are constitutional obligations to ensure the people of Kenya access public services as close as possible to where they live.

One important parameter is that a request must come from communities. Secondly, we expect that request to be subjected to public participation as required by our Constitution. Any request that does not have the support of adequate public participation at the local level is not even considered. We return it back to where it has come from.

Thirdly, we look at other factors, including how easy it is for the affected people to access critical services. There are dynamics and parameters. The objective set of

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criteria we use is not whimsical, political or temperamental activity where we wake up and say, we are creating this unit and are not creating that other unit.

Mr. Temporary Speaker, Sir, I have on my table a number of deserving cases from many parts of the country. I can see my brother here, the Senator for Marsabit is waiting for Ileret sub-county and my officers here are aware of that. I am sure he can see that. We have to create that sub-county because it is one of the neediest part of this country where access to Government services is extremely difficult. For your information, Ileret is 998 kms from where we are seated today.

(Applause)

The Temporary Speaker (Sen. Abdul Haji): Sen. Andrew Omtatah

Sen. Okiya Omtatah: Thank you, Mr. Temporary Speaker, Sir, for this opportunity. I would like to ask the Cabinet Secretary a related question regarding Teso Central.

The people of Teso were grateful when Teso Central was created and headquartered at Amukura. However, upon the sub-division of Teso South into two sub-counties, all the assets that were at Amukura were moved to the new offices of Teso South and Teso Central was left without any facility that would enable them to operate. The police do not have a patrol vehicle and there is no stationery in the offices. Even the Deputy County Commissioner (DCC) has nothing, and the offices are just bare. What plans does the Cabinet Secretary have to make sure that Teso Central in Amukura becomes fully functional? This is because right now, people are not getting the services they deserve.

The Temporary Speaker (Sen. Abdul Haji): Mr. Cabinet Secretary?

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Mr. Temporary Speaker, Sir, what the distinguished Senator for Busia County has said is true. Teso is one of the areas where additional administrative units have been provided and we will continue to provide more for the reasons I stated earlier.

It is also true that the creation of Teso Central created an asymmetry in terms of infrastructure between Teso South and Teso Central. We are constrained for budget, but I would like to inform the distinguished Senator for Busia that we were instructed in a Presidential directive to re-allocate available finances in our budget in the 2023/2024 Financial Year so as to get resources to provide infrastructure. This is so that all counties have symmetrical infrastructural facilities.

Mr. Temporary Speaker, Sir, even at the lower level, we have operationalized two or three divisions. I have been to Teso once, but I will be going back there next month because we have outstanding work at the divisional level. I ask the Senator for Busia County to be a little patient and we will see how we can work together in the new financial year. Hopefully, the National Government-Constituencies Development Fund (NG-CDF), which is relevant there, could support. Either way, we have to create infrastructural symmetry that is required to make sure that Teso South, Teso North and Teso Central sub-counties have adequate infrastructure to serve the local communities for them to access Government services as is envisaged under our Constitution.

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I submit.

The Temporary Speaker (Sen. Abdul Haji): Thank you, hon. Cabinet Secretary. Proceed, Sen. Karungo Thang'wa.

Sen. Thang'wa: Mr. Temporary Speaker, Sir, I have a question to the Cabinet Secretary whom we used to look up to before we started running for this seat. Up to now, he is still our role model even in that position.

We all agree as a Senate that the police need to be facilitated to execute their mandate. In line with that, out of 15 police divisions in Kiambu County, five do not have police vehicles. The five are Githunguri, Githurai, Kiambaa, Ruiru, and Ndeiya Officers Commanding Police Divisions (OCPDs). Out of 59 police stations in Kiambu County, 35 do not have police vehicles. My question to the Cabinet Secretary is this. When are you likely to facilitate those police officers, especially at this time when we are fighting floods and insecurity in some areas of Kiambu County?

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Mr. Temporary Speaker, Sir, the question from the distinguished Senator for Kiambu County is legitimate.

At the moment, out of the 1,300 police stations we have in Kenya, about 700 do not have vehicles. That is more than half of the police stations in our country. A number of police divisions do not also have facilities. We have been engaged as a Ministry with the National Treasury for the past one year, so that we can renew and expand the leasing programme, which had provided us with space to equip and provide vehicles for our law enforcement officials.

Due to the fiscal situation that the country has been going through for the past two years, we have been negotiating with the National Treasury. Our demand for police, national Government administration officers and all the players, including the Directorate of Criminal Investigations (DCI), is that we asked for 4,000 vehicles through the leasing programme. However, we have been brought to the reality that the economy cannot carry that request.

In the last two weeks, we almost agreed on an allocation of 1,600 vehicles for all our agencies in the Ministry of Interior and National Administration. We shall allocate to the various agencies prudently and on a need basis. We shall give priority to the police because they are on the frontline of law enforcement and making sure that we have public safety. Therefore, I want to assure the distinguished Senator for Kiambu County, who almost got me worried when he said they used to look up to us, I almost asked what happened, but then he acquitted himself by saying that we still do. I remain available to support brilliant young leadership in both Houses of Parliament.

It is my sincere statement that this Senate is doing better than the previous Houses. I have always told the Senate Majority Leader that he is likely, consequentially, to be the greatest Senate Majority Leader until he is dethroned by another Senate Majority Leader who will succeed him. He now has the title of the greatest Senate Majority Leader.

Having said so, Mr. Temporary Speaker, Sir, I assure the Senator for Kiambu that we should remain in touch. We will give priority to the needs of Kiambu when we

finalize the new contract for leasing equipment. We may not give you everything, but definitely, more equipment and vehicles as we also give to the rest of the country.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Cabinet Secretary. It is good to know that you have elevated the Senate Majority Leader to the Greatest of All Time (GOAT).

Proceed, Sen. Joseph Githuku.

Sen. Githuku: Mr. Temporary Speaker, Sir, I wish to take this opportunity to congratulate *Waziri* for the good job he is doing. Lamu has been in the limelight for a long time for the obvious bad reasons. Now it is a peaceful county. We had many security problems since 2014, but as of now, things are okay.

I wanted to ask *Waziri* two questions.

The Temporary Speaker (Sen. Abdul Haji): Senator for Lamu, you can only ask one question.

Sen. Githuku: That is okay. I stand guided, Mr. Temporary Speaker, Sir.

We have a sub-county in Lamu that was gazetted a while ago. That is Lamu West Sub-County whose headquarters is supposed to be Mpeketoni. What does the Government intend to do to see to it that the sub-county headquarters is constructed?

Finally, in relation to that, some police stations were constructed by the current Member of Parliament through the NG-CDF, but they are still understaffed. What is the Cabinet Secretary planning to do to see to it that those police stations are staffed?

The Temporary Speaker (Sen. Abdul Haji): I see a lot of interest in this Question. I am not sure if we are going to have enough time to take the other two Questions remaining. I request Senators to be brief. We will take three questions, so that the Cabinet Secretary can answer them at the same time in order to proceed much faster.

Proceed, Sen. (Dr.) Steve Lelegwe.

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Temporary Speaker, Sir, I have one supplementary question to the Cabinet Secretary. Could the Cabinet Secretary update the House on the timelines for gazetting the next batch of new administrative units that have met the threshold for upgrade, particularly those that are facing security challenges?

The Temporary Speaker (Sen. Abdul Haji): Proceed, Sen. (Dr.) Oburu Oginga.

Sen. (Dr.) Oburu: Mr. Temporary Speaker, Sir, *Waziri* is in a familiar territory, having been the Deputy Speaker here.

I want to ask him about something in Bondo Sub-County. There was gazettelement of Usigu Division as a sub-county, but it has not been operationalised. Could we know when it will be operationalised?

Mr. Temporary Speaker, Sir, allow me to mention something on security. There is a lot of insecurity at a market in Bondo Constituency called Ndira, which is just opposite Raila Odinga's home. People are beaten there and some boys maraud shops and steal people's telephones. Reports are made to the police. There is a woman who even caught some people in police uniform on camera. However, no action has been taken. The market is called the Ndira market. If may be the Cabinet Secretary does not know anything about it, he could investigate and let us know. However, if he knows anything about it, we would like to know the situation of security there.

Thank you very much.

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The Temporary Speaker (Sen. Abdul Haji): Thank you. *Bwana* Cabinet Secretary?

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Thank you, Mr. Temporary Speaker. With regards to the statement raised by the distinguished Senator for Lamu County, just as he has thanked us; my colleagues and I in the Ministry, we are also very grateful to the political leadership of Lamu County. We had started with a little bit of turbulence. We had a very unpleasant engagement at the beginning with the political leaders of Lamu County, including the Governor, the Senator, the Woman Representative and the Members of Parliament (MPs). We had a very turbulent and unpleasant encounter, which as I said earlier on, comes with this territory. National security is like that.

National security and politics are not 100 per cent symmetrical. There are rough patches along the way. I can see others here, some of them looking at me, for whom we have had some moments and later those moments have gone and we have the good moments. So, I am very grateful to the political leaders of Lamu County. Much of the current normalcy that we continue to engage in, although we are still on high alert, has been contributed by the maturity, sobriety and leadership of Lamu County. We are very grateful.

Many of our national security problems are caused by us. We sometimes take advantage of insecurity. We rope in politics, religion and other things and complicate a problem, which would have been resolved easily. I am very grateful for Lamu and many other counties, which had issues and now we are managing them together with their leaders. The Government will provide money during the Financial Year 2024/2025 to start the construction of the offices for the Deputy County Commissioner (DCC) for Lamu West at Mpeketoni.

Regarding staffing of police stations, police posts and patrol bases within Lamu, I have already asked the Inspector General (IG) of the National Police Service (NPS) to gazette. This is because for police stations, it is the IG who gazettes those facilities after sending a team to inspect them and ensure they have the basic amenities like the armoury and other critical facilities like a cell for men, women and children which is now standard in all our police facilities.

As soon as the IG is satisfied with the structural integrity of that space, he will gazette, and we will deploy. We have enough officers in this country. We have 106,000 police officers for a population of slightly above 50 million. We have enough officers to post to Lamu and all the other parts of the country that are needy.

I have also been asked a question by the distinguished Senator for Samburu County, which is one of the counties that has experienced very painful moments because of criminal activities and organized crime. I want to respond by saying that, yes, the process of establishing an additional sub-county and other administrative units in that county is underway.

I already engaged the leaders and we agreed on what they needed to do in consultation and, of course, with the DCC and the County Commissioner (CC) in Samburu, so that the public participation process is impeccable. Once we conclude and gazette, we are not taken to courts over headquarters and the other issues. In any case, the

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Constitution demands that public participation must be carried out by any public official or any institution that is making a decision. So, we will conclude that process. I am hopeful possibly before the end of the year, we will have another cohort. Again, broadly for the country, not just for Samburu County, because our obligation as a nation, is to carry everybody along.

Finally, my senior, the Senator for Siaya County, Sen. Oburu Odinga, has raised two issues. The first one he asked about was on Usigu sub-county, which is supposed to create an additional sub-county within the larger Bondo sub-county. By the way, Bondo is one of the largest sub-counties we have in the country in terms of population and very deserving case.

I had scheduled to go and operationalize the Usigu sub-county last month when I was doing countrywide tours of various counties for security duties. However, I think the MP was away and there was a logistical issue. As such, I said it is good for all the parties to consult, and we will reschedule a date for the operationalization of Usigu any time that all the parties are ready.

Normally, operationalization of our sub-counties is a public event. We like involving all stakeholders unlike our other security operational tours which we take without telling anybody. We have been bashed by very many of our friends who ask why we visit without telling them? Over time, I think they have agreed with us. Sometimes, when it is an operational trip, we are not in a position, first of all, to tell anybody, let alone the elected leader, even for our safety.

Secondly, it is not possible, for some of the things we do, to have the public with us. However, whenever we have a community event like operationalizing a sub-county, as security managers, we make sure we inform everyone. Members of the public come so that we are all together. The distinguished Senator for Siaya, we will do that for Usigu in the shortest time possible. We are ready. The budget has already been aligned to reflect that.

Finally, regarding the Ndira issue, I have seen one of the reports from my daily security briefs. Every morning, we have daily briefs and threat assessments. I think that general area, parts of Vihiga, and the boundary between Kakamega and Siaya, there are many criminal groups who are perpetuating violent crime, stock theft, most peculiarly. They steal one cow and another. If you add the cows stolen in that area, within a week, you find that it is like 150, but each cow was stolen separately.

We are asking ourselves, what is the difference between this and what is happening in North Rift? In the North Rift, there will be one raid of 100 cows. Here, it is many raids, but in instalments. However, the total is the same. We are taking action, Sen. Oburu. The issue of youth who are organized to commit a crime, either by themselves or by other people, is of concern to us. If we do not tame that tight, many countries, which have gone that route, have found it impossible to reverse it. Even among political leaders, please, those of us who are festering groups of people who are using violence to perpetuate whatever outcomes, you are endangering our national security; stop it. We will be very brutal.

Last week, we saw what happened in Kisii and this goes across the board. We saw politicians from the Kenya Kwanza group and politicians from the Azimio group; it is

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localized there with young people terrorizing others and disrupting meetings. We have many of those groups here and in many other places. I do not have time to enumerate. Groupings like those, if they fester for a long time, mutate and assume a life of their own. They even overturn their sponsors and become their own institutional arrangements. That is how certain parts of Haiti fell under the control of criminals. We will be very harsh and here again, there will be nothing political about it. If you are a political leader, you are on the Government side and you have a gang of criminals terrorizing your opponents, we will come for you as we come for those boys.

If you are in the opposition also and you have a group of youngsters whom you have given money, drugs and alcohol to terrorize your opponents, even within the opposition, we will also come for you and you will not invoke the usual sentiments that you are being fought because you are in the opposition. I thought that was a good space as I answered my brother and elder, Sen. (Dr.) Oburu that we are worried about the increase of small pockets of organized groups of criminals, inflicting violence on people, but also advancing other objectives, including political objectives.

Mr. Temporary Speaker, Sir, I submit.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Hon. Cabinet Secretary.

Hon. Senators, I want to propose that you keep your questions; keep the buttons as they are. Let us take the remaining two questions from the Senator of Turkana County and the Senator of Tana River County. Once they are done with their Questions and supplementary questions, I will go back to the questions that you have and I will allow supplementary questions thereafter.

The Senator for Turkana County, you may proceed.

Question No.039

IMPACT OF CURFEW IN PARTS OF TURKANA COUNTY

Sen Lomenen: Mr. Thank you, Mr. Temporary Speaker, Sir. I want to ask Question No.039 to our hardworking Cabinet Secretary-

(a) Has the Ministry undertaken an impact assessment of the curfew imposed in major towns and centers in Turkana County, particularly Lokichar, Nakabosan, Kekunyuk, Kalemngorok, Kaputir, Kakongu, and Kainuk areas and if so, could the Cabinet Secretary indicate the extent to which the curfew has achieved its intended purpose?

(b) Could the Cabinet Secretary explain the higher prevalence of crime during curfew hours compared to non-curfew hours and clarify whether this is attributable to security personnel allowing unauthorized vehicles and individuals to move around during curfew hours?

(c) Are there plans to lift the curfew in light of the negative impact it has had on the livelihoods of the residents and, if so, could the Cabinet Secretary indicate the timelines for the same?

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(d) What alternative measures has the Ministry taken to effectively tackle insecurity in the region and could the Cabinet Secretary also indicate any initiative by the Government to strengthen community policing which is a more sustainable approach?

The Temporary Speaker (Sen. Abdul Haji): Hon. Cabinet Secretary, you may proceed to answer.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Mr. Temporary Speaker, Sir, in relation to the Question by the distinguished Senator for Turkana County, I state as follows-

Major town centers in Turkana County, especially Turkana South, that is Kakong, Kainuk, Kaputir and Lokichar, are currently under a curfew. We are reviewing whether there may be a need to isolate specific town centers that may not be contributing to the security challenge we have in that area and remove them from the renewal of the curfew orders. That assessment has been going on for the last two months.

There are indications that some of the town centers will be removed from the curfew orders. The same way we did with some of the urban centers that had been included in the curfew orders within Samburu County. However, the curfew orders in Turkana County and other counties where it has been determined that the state of insecurity categorizes them as dangerous and disturbed, those orders will subsist.

We have no timelines; we will not say when those orders will expire. Those orders will expire when we are convinced that the current threat has been extinguished. Just for the avoidance of doubt, I have said that the Government will only consider on a case-by-case basis particular towns and urban centers, especially around the highway: the Kitale-Kapenguria-Kainuk-Lokichar-Lodwar Highway. A few of those urban centers may be exempted, but only within the urban centers, so that we do not affect commercial activities which should not be the case. However, the general area still remains volatile. We have made some advances in the past year, especially with regard to highway robberies, but we are still experiencing challenges and therefore, the curfew orders will subsist.

In particular, the area that is giving us a bit of a challenge is the KWS area and the Turkana South Game Reserve. Some of the breaches of security that we continue to see sporadically are emanating from that space. We are taking special security measures to secure the Turkana South Game Reserve and make it inaccessible to criminals. We do not agree that there is a surge of crime linked to the curfew orders. We have checked on all police station occurrence books within Turkana and particularly Turkana South sub-counties and the daily reports from the national Government administrative offices and our conclusion is that there has been a drop in petty and major crimes in the towns under the curfew. Crime has not been eradicated, but there is a drop in incidents. Therefore, it is also the position of the Government that only authorized vehicles that are in the schedule for the curfew orders are allowed to operate beyond the curfew hours. In the curfew orders, there is an annexure of the listed essential security providers who are exempted from the curfew.

If the distinguished Senator for Turkana County has any information of any misconduct of our law enforcement officials who might be abusing the curfew orders to

permit the unauthorized movement of vehicles beyond the curfew hours, we would be happy to get the information even on a confidential basis.

Mr. Temporary Speaker, Sir, apart from the ongoing security operation, the Government has taken additional measures to address insecurity issues within Turkana County. They include but are not limited to the following-

First, we are encouraging communities to develop and foster a culture of peace. No amount of security hardware, no amount of hard enforcement can replace the sustainability that comes with community-generated peace-building activities. Therefore, we are encouraging that. We have already changed the security personnel in that general area in the last two months. The last posting order that I made was for the chairpersons of county security teams, who are the county commissioners. You have seen in North Rift we have done some redeployment. The same applies to county police commanders, the National Intelligence Service (NIS) coordinators, and the Directorate of Criminal Investigation (DCI) coordinators in those counties.

We have made some personnel changes to encourage a mix of both the hard enforcement measures and also peace-building measures, especially through National Government Administrative Officers (NGAO). We have seen an improvement after the last personnel deployment changes.

Secondly, sensitizing the communities to embrace other forms of livelihoods because a single approach to livestock as the source of livelihood is the reason why this problem has persisted.

Thirdly, we are discouraging herders from settlements within the Turkana South Game Reserve because this is where bandits are hiding, pretending to be herders looking for pasture. The attacks that we have had on the Kitale-Kapenguria- Lokichar-Lodwar Highway, the hideout for these criminals, the planning of the attacks and the retreat after the attack has always been in the Turkana South Game Reserve, which we want to clean up through a special security operation to make it inaccessible. Then, we can have durable peace and security in that area, especially along that beautiful road that connects our country with the neighboring South Sudan.

We have continuously increased the recruitment, training and deployment of National Police Reservists. We are also increasing the strength of regular and special forces within the security and law enforcement officials. We are also engaging in stakeholder engagement. As we continue to stabilize the incidents of insecurity, we will involve other stakeholders, including civil society, religious organizations and political leaders, to support what the security agencies are doing.

Once more, I am proud of the political leadership of Turkana and West Pokot counties. About a year ago, we had a very turbulent patch in terms of our relationship as security managers and as elected leaders. However, it is now healing because the issues that were dividing us have been addressed. I am getting a lot of support from political leaders from the West Pokot and Turkana counties.

Therefore, I submit.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Cabinet Secretary. Senator for Turkana, do you have a supplementary question?

Sen. Lomenen: Mr. Temporary Speaker, Sir, I would like to thank the Cabinet Secretary for what he has submitted. It is true that the security officers in Kainuk, Turkana South and Turkana East are doing good work. However, I want to inform the Cabinet Secretary that the officers in Turkana South, who are securing the A1 Road have the biggest challenge. When they want to confront the bandits or the highway robbers, the highway robbers hide themselves in the bushes along the feeder roads. There are feeder roads from Kainuk to Loiyapat and from the wildlife reserve to Kakong. During the rainy periods, it is hard for the security personnel to patrol or tackle the bandits in those areas.

Cabinet Secretary, I request that you collaborate with the Cabinet Secretary for Roads and Transport to maintain those feeder roads and ensure they are passable. Recently, a raid occurred and the Kenya Defence Forces used drones. They saw the bandits, but there was no way for them to access the bandits and counter them. The presence of access roads is important.

Finally, I will ask the supplementary question which I wanted to ask. Cabinet Secretary, I thank you for bringing services closer to this nation's furthest counties, such as Marsabit. I was in Ileret and I met almost 4,000 people who do not have national IDs. I asked them whether they were Kenyans and they said they are Kenyans. They also appreciated the President and your office for the giving them the additional sub-counties.

Secondly, you also considered Turkana County, especially areas that are bordering Uganda, Southern Sudan and Ethiopia. You added new sub-counties: Lokichogio, Lokiriama, Aroo and Suguta. The only thing that we have been waiting for is your promise and I know your promise will be implemented immediately. We are set with the infrastructure to accommodate the Deputy County Commissioner. When are you coming to operationalize the Suguta and Aroo sub-counties?

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Sen. Lomenen, you have given information to the Cabinet Secretary and appreciated him. I did not hear your question in your long summary. It is okay. The only question the Cabinet Secretary would answer is when would you operationalize in sub-counties? Let us keep it brief hon. Cabinet Secretary, so that we can go to the next question.

Mr. Temporary Speaker, Sir, I will be brief, but also, the distinguished Senator for Turkana has asked about the security roads in the area between Kakong, Kenya Wildlife Service (KWS), and Kainuk. I assure him that between the local Member of Parliament (MP), the Chief of Defence Forces (CDF), the Cabinet Secretary for Transport and Roads, and ourselves, it is on our priority list to have those security roads maintained as soon as the rains subside.

Secondly and lastly, is on the sub-counties. Out of the four sub-counties that had been gazetted, but are not operational, I have already presided over the operationalization of Lokichogio. However, three more are remaining. We have Aror, for instance, where there is a disagreement at the community level involving even the elected leaders. The MP, the Governor and the community are not giving us a concurrence on where the headquarters will be. Those are some of the things that delay us. Therefore, because it is a facility to serve the public, we are not in a hurry either to take sides or a decision contrary to what the majority of the people want it to be, as opposed to individual leaders.

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We are waiting for the conclusion of public participation and engagement for Aror. Immediately that matter is resolved, we will operationalize it. As the distinguished Senator of Turkana said, the word of the Cabinet Secretary is his bond.

Nonetheless, above the promise of the Cabinet Secretary, the Cabinet Secretary is also under Presidential directive. There is a double weight on me. First of all, my weight, and then some other bigger weight, which is pushing me to make sure that as soon as possible, the people of Turkana and all the other counties that are similarly situated have operational units.

Finally, we have two other sub-counties in that county, one is Lokiriyama. The problem why we have delayed a little bit with Lokiriyama is the infrastructure, at least to house the Deputy County Commissioner (DCC) and a few heads of department. We are working on it. Suguta is ready. I had scheduled to do it, but the rains began. As soon as the floods and the current rains subside, we will operationalize Suguta.

I submit.

The Temporary Speaker (Sen. Abdul Haji): Thank you, hon. Cabinet Secretary. Question No.043 by the Senator of Tana River.

Question No.043

RE-ESTABLISHMENT OF WEMA GSU
CAMP IN TANA RIVER COUNTY

Sen. Mungatana, MGH: Thank you, Mr. Temporary Speaker, Sir. I rise to ask question No.043-

Are there plans to re-establish the Wema General Service Unit (GSU) camp in Tana River County, which was closed after it was marooned by floods during the heavy rains experienced across the country in December, 2023 and if so, could the Cabinet Secretary provide the timelines for the same?

I thank you.

The Temporary Speaker (Sen. Abdul Haji): Proceed, Hon. Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Mr. Temporary Speaker, Sir, this is where I will take the shortest time possible because the statement is short. It is true what the distinguished Senator of Tana River County has said. Namely, we were compelled to relocate the Wema GSU Camp during the El Nino rains at the end of last year. The camp was marooned and flooded and after that, what we have done is to make sure that between the December floods and the current floods, we have been trying to see whether it is feasible to return that camp there.

In essence, as we had anticipated, even if we had returned that camp to the same site after the El Nino floods, it would be now still underwater. It is good that we had the two seasons just to figure out whether what happened in December was temporary or is likely to be repeated every other rainy season.

We are of the view now that the location where this GSU Camp was cannot be the place where it will be situated. Therefore, to answer the question by the distinguished Sen. Mungatana, I want to commit that the Government will re-establish the Wema GSU

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Camp, but at an alternative site. A site which has already been identified. Therefore, that new site is somewhere in Kulesa Village, Maziwa sub-location, Salama location in Tana Delta Sub-county. That area has been identified by our security committee in Tana River in liaison with the Community there.

Once again, we do not want to have a push and pull on security measures. I am very grateful to the elected leaders there, like I am to all the other leaders. I have received as the security Cabinet Secretary, the utmost cooperation from the leaders of Tana River County. I urge and implore them, in case there are any issues on the site that we have identified, let us know in good time. However, as soon as the current rains have subsided, which should be in another month or so, we shall return to the GSU Camp and put in the new location and also increase the strength in terms of the number of officers we will deploy there.

The Temporary Speaker (Sen. Abdul Haji): The Senator for Tana River, do you have a supplementary question?

Sen. Mungatana, MGH: Thank you, Mr. Temporary Speaker, Sir. Mimi ninamshukuru sana Waziri wetu wa usalama kwa kazi anayofanya Kenya na pia hasa kwa kazi anayofanya Tana River.

Makosa yalifanyika mara ya kwanza walipokuwa wanaweka ile kambi ya GSU, ni kuwa hawakuongea na jamii pale. Walienda wakatafuta mahali na watu wa usalama pekee yao na wakaweka. Hata hivyo, ninashukuru kwa sababu sasa amesema ya kwamba wameongea na wananchi. Ukweli ni kuwa Kulesa *Village* iko juu na wakiweka hapo kambi ya GSU, hatutapata hasara ya kuzama tena. Asante sana Bw. Waziri. Jambo ambalo umesahau ni kujibu sehemu ile ya swali kuhusu pengine ni lini ambapo unakisia tutaregesha ile kambi ya GSU. Hii ni kwa sababu sehemu ile haiko mbali sana na msitu wa Boni ambao uko na mushkil kila wakati. Kwa hivyo, ungetupatia huo muda tungeshukuru.

Swali langu la pili na la mwisho ni kuhusiana na usalama wa sehemu hiyo. Tunashukuru sana Bw. Waziri alitupatia kaunti ndogo mpya, Tarasa. Waziri aligazeti hiyo kaunti ndogo, lakini hakugazeti makao makuu. Kweli kuna ushirikishaji wa umma uliofanyika na pengine ulipata maoni ya umma lakini baaadaye kulikuja maombi ya kugeuza hayo mazugumzo yaliyofanyika.

Bw. Waziri, shida kubwa ni kuwa, kuna wasiwasi kwamba mvua ikiwa nyingi, mafuriko yataathiri sehemu iliyotajwa. Kwa hivyo, badala ya Serikali kuu kuingia hasara kama tulivyolingia hasara ya Kambi ya GSU, ingekuwa bora usifuate maneno yangu au ya viongozi wengine, lakini utume wataalamu wako mwenyewe, wakaangalie ni sehemu gani ingefaa ambayo hailoi maji. Huu ndio wakati mzuri kwa sababu mtu hawezi kukudanganya ununue shamba ambayo inaloa maji. Mtu hawezi kukudanyanga uweke *sub-county headquarters* mahali pataloo maji halafu tupate hasara. Badala ya kwenda mbele, turudi nyuma.

Swali langu la pili na la mwisho ni, ni lini utatuma wataalamu waende wakaangalie mahali pazuri? Kisha, uta *gazette* lini ripoti hiyo ya wataalamu?

Asante, Bw. Waziri.

The Temporary Speaker (Sen. Abdul Haji): Hon. Cabinet Secretary, proceed.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Asante sana, Bw. Spika wa Muda. Ni kweli tulifanya makosa katika kuanzisha kambi yetu ya kikosi cha GSU katika sehemu ile ambayo baadaye tuligundua ni sehemu inayokumbwa na mafuriko. Kama Waziri, naomba msamaha kwa niaba ya wenzangu wote.

Vilevile, tumerekebisha hayo makosa. Safari hii, kabla tuanzishe kambi mpya, lazima tuhisishie jamii kwa sababu wale maofisaa tunaotuma kwa kambi sio wetu, bali ni wa manufaa ya wananchi wa pale. Kwa hivyo, safari hii tumerekebisha makosa. Kama nilivyosema, naomba msamaha kwa sababu safari ya kwanza, hatukufanya mashauriano ya kutosha na umma na viongozi wa pale.

Jambo la pili na la mwisho, Seneta wa Kaunti ya Tana River, Sen. Mungatana, amezungumzia suala la kaunti ndogo ya Tarasaa ambayo ilikuwa katika ile orodha ya kaunti ndogo kumi na sita ambazo tulizitangaza tarehe 10/2/2024. Ilikuwa ya kwanza kwa sababu, kati ya zile kaunti ndogo tulizokuwa tunatangaza siku ile, ilikuwa *the most needy case*. Zote zilikuwa na uhitaji mkuu, lakini hiyo *was a special case. That is why we started with Tarasaa*.

Ni kweli hatukutangaza makao makuu ya kaunti ndogo na ilikuwa maksudi kwa sababu wakati tunapotangaza eneo la Serikali na kuweka katika gazeti rasmi ya Serkali, tunatangaza makao makuu kama jamii ya pale imeshakubaliana, *through a participatory process and there is no difference of opinion*. At least a majority of the people have agreed and there is evidence because, ukishaweka katika gazeti rasmi la Serkali, inakuwa sheria.

Pili, hungetaka Serikali iwe inaingiliana na wananchi wakati wanaamua mambo yao. Ungetaka uwaache wananchi waamue, na pindi watakapopata maamuzi ya walio wengi, Serikali inakuja kutekeleza matakwa ya wananchi. Hiyo ndio maana ya *public participation*. Kwa hivyo, tumekubaliana ya kwamba tutaondoa kambi mpya ya GSU mahali ilipo, tuiweke mahali palipo juu. Tutafanya hivyo chini ya siku thelathini kutoka leo. Vile vile, kwa sababu lile ni eneo hatari ambalo liko pembeni mwa msitu wa Boni, tutafanya hivyo. Nimeshatoa amri kwa maafisa wangu wakuu hapa. *I have some senior officers here*. Tutatuma wataalam wasioegemea upande wowote kuangalia hali ilivyo sasa kwa sababu maji yako sehemu ya chini.

Hiyo team itatumwa kufikia Ijumaa na tunatarajia wapewe wiki moja ili walete ripoti. Hio ripoti ikifika tutawajulisha viongozi halafu tutaweka kambi kwa muda wa siku 30.

Ni hayo tu kwa sasa, nashukuru Bw. Spika wa Muda.

The Temporary Speaker (Sen. Abdul Haji): Asante. What is your point of order?

Sen. Mungatana, MGH Mr. Temporary Speaker, Sir, Bw. Waziri alikuwa anaeleza vizuri na akaongelea kuhusu kambi rasmi ya GSU. Pia amenena kuhusu ripoti ya wataalam ambayo inahusika na suala la *Sub-County headquarters*. Nafikiri hakuyaelezea mawazo yake vizuri maanake haya ni masuala mawili tofauti.

Angeeleza ni lini atawatuma wataalam kwenda kuangalia sehemu ambayo *Sub-County headquarters* zitakuwa. Hii ni tofauti na swala la GSU *camp* ambayo amemaliza nayo. Suala la *sub-county* liko na mushkil. Naomba atueleze vizuri. Asante.

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The Temporary Speaker (Sen. Abdul Haji): Waziri, toa jibu lako.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kindiki Kithure): Bw. Spika wa Muda, ni kweli kuwa nimetazizika pale kidogo. Sen. Mungatana, MGH amesema kweli kuwa wataalam hawatahusika katika mambo ya kambi ya GSU. Wataalam wanahusika kukagua ni sehemu gani isiyo na maji ili tujue kama patafaa kuweka makao makuu ya kaunti ndogo ya Tarasa.

The Temporary Speaker (Sen. Abdul Haji): Asante. Hon. Senators, I will take three supplementary questions for the Cabinet Secretary to answer, then another round of three. The first three will be from Sen. Murgor, Sen. Faki and Sen. Orwoba in that order. Very quickly. Kindly proceed.

Sen. Murgor: Thank you, Mr. Temporary Speaker, Sir. I would like to take this opportunity to thank the Cabinet Secretary for his efforts together with his team. North Rift region is now very peaceful. My question concerns the triangle sub-counties of Kerio Valley, Kolowa-East Pokot or Tiaty. I thought the other was in Sigor area. There are three legs standing together for the sake of security. When answering the hon. Senator for Elgeyo Marakwet County, you did not mention the West Pokot side.

The Temporary Speaker (Sen. Abdul Haji): Sen. Faki proceed.

Sen. Faki: Thank you, Mr. Temporary Speaker, Sir. First of all, I also want to congratulate the hon. Cabinet Secretary for the good work he is doing even in the Coast province on the fight against illicit drugs. I have one question on the issue of extra judicial killings. I want the Cabinet Secretary to confirm whether the government policy is to still eliminate people extra judicially. So far, I have heard about three people who have suspectedly died in the hands of the police. One is Mr. Swaleh Ahmed Yussuf formerly known as 'Kanderani' whose body was found beside the Malindi Highway sometime in March this year. The other two who were taken away by security officers are; Jamal from Kidogo Basi and Nabil Ahmed from Makupa in Mvita Constituency, Mombasa County. He may not have the answers ready, but I would want him to explain whether it is still the Government's policy to eliminate people extra-judicially.

The Temporary Speaker (Sen. Abdul Haji): Sen. Orwoba.

Sen. Orwoba: Thank you, Mr. Temporary Speaker, Sir. First of all, *Waziri* (Prof.) Kindiki, congratulations for the hard work that you continue to put in security.

In 2004, the National Police Service (NPS) launched gender desks in the sub-counties. I am not sure whether you are aware that there is a spike in gender-based violence, intimate partner violence and even these criminal activities being carried out by the foreigners. Is it possible to get a report on the state of the gender desks in the sub-counties?

If possible, can we try and do something to highlight the processes because, I know there are no frameworks within the gender desks to ensure that we have convictions on these criminal activities on our women particularly.

Thank you.

The Temporary Speaker (Sen. Abdul Haji): Cabinet Secretary, you can proceed with the three questions.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki): Thank you, Mr. Temporary Speaker, Sir and the three Senators who have raised the respective matters.

With regard to the statement and concern from the distinguished Senator for West Pokot County, the Rev. (Sen.) Murgor, I agree that Sigor is a deserving matter. I have been in that area and I know it is in the triangle that the Senator for West Pokot is talking about. It is not a happy triangle because, that is where we have lost many people from Baringo across the Kolowa bridge to Tot in Marakwet East. We have added a sub-county on the Baringo Kolowa side. On the Elgeyo Marakwet side, we are trying to resolve the issue by creating the Kerio Valley Sub-County, which will solve the Tot-Liten problem in Kaben area.

It is true that; that area in Sigor, near Cheptulel in West Pokot County, is the area where this country recently lost one of its most industrious sons in the line of duty. Therefore, it is a deserving case subject to public participation procedures as has been done in other cases. The Government will be more than happy to expedite the establishment of an additional sub-county, so as to bring equity among the communities and counties in that triangle. This is so that every part of our country and that region feels protected by the Government as is their right.

Mr. Temporary Speaker, Sir, the distinguished Senator for Mombasa County, my old colleague Sen. Faki and my professional senior has asked whether this administration condones extra judicial killings. I inform the House and the country without fear of contradiction that this Government does not condone the use of the weapons that are for the protection of the people of Kenya, entrusted by law in our law enforcement agencies, to destroy lives and kill people outside the law.

Mr. Temporary Speaker, Sir, one of the first administrative measures that President William Ruto took early in this administration was to disband a unit within the National Police Service (NPS) which had been incriminated with going out of their mandate to torture and kill the people of Kenya outside the law. This Government does not tolerate the use of the security machinery of the state to kill people and citizens of Kenya. The weapons we have are to protect the nation and the people, not to kill and harass them.

With regard to the three issues the hon. Senator has raised and so that we are structured, thorough and deliberate, I encourage that request to come as a specific question addressed to us. We would like to know whether a report has been made and what the Occurrence Book (OB) number is, so that the answer we give the House and the country will be extremely accurate and can be relied on.

Mr. Temporary Speaker, Sir, I will not comment on these individual cases unless there is a specific written question with information that can help us track whether a report has already been done to enable us identify those cases. People can say Mr. so and so is lost, but where is the report?

One way of helping the police and investigative authorities to investigate an issue or the civil society to ascertain the truth is when there is an OB number and when someone has formally entered a complaint of a missing person or a person they suspect

has been killed outside the law. I request that to be provided and I will be more than happy to give feedback on those cases.

Mr. Temporary Speaker, Sir, I am glad the Senator for Mombasa started by appreciating what the Government is doing to fight drug traffickers and the people who have profited from the lives of the people of Kenya; by selling cocaine and dangerous drugs that have rendered a big number of our able-bodied and productive young people zombies, useless and unable to contribute to the nation building. I assure him and the people of Kenya, Mombasa and the Coast Region that the three greatest enemies to the sustainability of our nation are drug traffickers, terrorists and other organized criminals, including the banditry cartels. We will be very merciless with those ones.

(Applause)

We will use whatever method, way or resources to bring down organized groups of killers. I want to isolate those three categories. The drug traffickers who have destroyed many of our children. Secondly, the terrorists who continue to hurt many parts of our country and thirdly, all those who are the centre of organizing and perpetuating organized crime, including banditry. I reiterate that we will be very merciless with them. I talked about the weapons we have in our possession. They are meant to neutralize and bring those characters down.

(Applause)

Mr. Temporary Speaker, Sir, that is all I can submit.

Thirdly and lastly, my good sister here, the distinguished Sen. Orwoba has asked about the gender desk. It is true that we have seen a recent spike in deaths related to gender violence. Our women, children and mothers and are being killed brutally by people, whether family members or intimate partners or neighbours, and that is worrying us. It is also true that we have had gender desks since 2004.

Through the Speaker, I promise Sen. Orwoba, the House, and the country at large, that this is a good moment for us to revamp the efficacy of gender desks and also track the whole process and ensure that accountability leads to very harsh convictions for people who are killing our children, spouses and sisters; taking advantage of the innocent setup of the relationship between men and women in a family or social setup.

I challenge Sen. Orwoba and all parliamentarians to help us, as a law enforcement body, develop a policy framework that can track this problem and provide a solution beyond just having a gender desk, where a woman can go and report crime. We should have a register and find ways of humiliating and embarrassing all these people in our midst who attack and kill our women and children by taking advantage of their proximity through relationships and family arrangements.

I submit.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Cabinet Secretary.

We will proceed to the next set of questions. I will allow four questions because of time. They should come in this order; Sen. Mohamed Chute, Sen. Muthama Agnes,

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Sen. Veronica Maina and lastly, Sen. John Kinyua. Please be brief because there is no time.

Sen. Chute: Mr. Temporary Speaker, Sir, I had two supplementary questions the last time the Cabinet Secretary appeared before this House. One question was on the issue of National Police Reservists (NPR) recruitment in Marsabit. The second one was on Ileret Sub-County. He promised us that it will take 60 days. I want to thank him because he has kept his promise. The NPR recruitment was done. They were well-trained and deployed. I also thank him on the issue of Ileret, which he has mentioned.

The question I have is on Hillo Gold Mining Site that was closed at 0630 hours on 14th March, 2024. I would like to know if the hon. Cabinet Secretary is going to call leaders from Marsabit County to discuss the issue of Hillo in the bell of Marsabit County. On the issue of Ileret, if possible, I would like the Cabinet Secretary to visit and look at the living conditions of police officers in that police station.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Sen. Chute. Proceed, Sen. Agnes Muthama.

Sen. Kavindu Muthama: Mr. Temporary Speaker, Sir, allow me to start by congratulating the Cabinet Secretary. Whenever he is called here, he always comes unless he is busy doing his job. I commend you for that because others are called here, but they do not appear.

My question is about the recently gazetted sub-counties. I remember well when you assumed office, you called us as leaders of Machakos County led by the governor. We all came to your office and you requested us to give you our first priorities that we needed to be done for Machakos. We requested that Kalama be separated from Machakos as a sub-county. We also requested Kibaoni to be separated from Mwala Sub-County and Muthesya-Ndithini to be separated from Masinga.

Cabinet Secretary, a person travelling from Masinga Town to Muthesya Ndithini takes the same time that one travels to Nairobi or Machakos. It is quite a distance. You remember we also discussed the bridge where people just cross anyhow. We wanted to know when you are going to make a bridge there even if it is to do something like what is in Mombasa, Likoni Ferry for those people to cross with dignity. This is because many of them are killed by crocodiles and hippos as they cross.

Thank you, Mr. Temporary Speaker. I submit.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator.

Sen. Veronica Maina?

Sen. Veronica Maina: Hon. Cabinet Secretary, thank you for coming back to the Senate and for the good job you are doing. We are proud of how you are managing the docket. You are very aware and conversant with the issues that are being raised across the 47 counties.

My two questions are, I am still not clear on how many sub-counties the Ministry has so far gazetted and when they are going to be operationalized. I think it is important that you come out very clear on that issue because of the impact that a gazettelement has on any upcoming elections in 2027.

Then the other issue---

The Temporary Speaker (Sen. Abdul Haji): Sen. Veronica, one question please. You can see the time.

Sen. Veronica Maina: It is a very crucial one, Mr. Temporary Speaker, Sir. It is about the re-tooling and re-skilling of security forces to be able to handle disaster management, especially because one person, Samuel Kamau Kagwanja had a very bad accident two days ago and dived into the very big River Sagana. He and his vehicle have not been retrieved. Personnel who are believed to be Navy officers tried to retrieve and were unable to do so and exited the scene. I do not know whether you have information on that and what the Ministry doing to re-tool and re-skill security forces to intervene in disaster management in a situation like what we are in right now in Kenya of the extensive floods. Is there any effort to re-tool and re-skill at the county and sub-county levels, so that we can have critical interventions to saving lives across the 47 counties?

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator.

Sen. John Kinyua?

Sen. Kinyua: Asante sana Bw. Spika wa Muda kunipa fursa hii. Kwanza namshukuru Waziri wa Usalama kwa kazi nzuri anayotenda. Sio kwa mambo ya mafuriko na usalama peke yake.

Swali langu ni hili. Kuna hii Independent Policing Oversight Authority (IPOA). Sijui mnafanya kazi nayo namna gani. Nikitembea Kaunti ya Laikipia, maafisa wengi wa usalama nasikia hawana motisha. Hii ni kwa sababu, juzi mahali panaitwa Kariunga askari wa National Police Reservists (NPR) alipigwa risasi na kuawa. Mahali panaitwa Mutara, mzee wa Kanisa anaitwa Muriuki alipigwa risasi na kuawa. Hapo karibu kuna pia askari polisi wa Anti Stock Theft Unit (ASTU). Lakini, askari wanapofika na wanaona majambazi, badala ya kuwapiga risasi moja kwa moja, wanafyatua risasi hewani kwa sababu wanaogopa wakiitwa na IPOA. Wao na familia zao watakuwa katika shida.

Sijui Waziri mnafanya kazi kwa njia gani na IPOA kwa sababu inavunja moyo askari wetu wa usalama. Nimekuwa nikiongea na wao, wanaogopa. Wananiambia, Seneta, mimi nikipiga mwizi risasi, nitaulizwa maswali. Sasa nashindwa kama IPOA ndio watakuwa wakitulinda ama polisi?

Asante.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator. *Bwana* Cabinet Secretary?

The Cabinet Secretary for Interior and National Administration (Prof.) Kindiki): Regarding those three questions, with your indulgence, I forgot to inform the House and the country that the question that was asked by Sen. Orwoba on gender-based violence, had a component of what we are doing with foreign nationals who come to the country and then they start harassing and killing our women and girls. I must say we have become extremely harsh to such people who misuse the hospitality of Kenya to come and cause us harm. The reason I have mentioned this is because it should go on record that we are doing a lot and we are deporting all. We are doing a lot and we are deporting all characters who are misusing our hospitality and we are not even thinking twice about it.

I want to particularly thank Sen. Orwoba, the Principal Secretary for Gender and all the women leaders here who helped us just this week to deport a character who had

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attacked a disabled woman who was in a relationship with them. I thought that should go on record; it is in the interest of the country.

I applaud you, Sen. Orwoba, and all the other leaders.

The Temporary Speaker (Sen. Abdul Haji): Just to interrupt you, hon. Cabinet Secretary. The House will rise as soon as you conclude answering the questions because we are already out of time.

The Cabinet Secretary for Interior and National Administration (Hon. Kithure Kindiki): Thank you, Mr. Temporary Speaker, Sir.

Then the three last questions that have been asked by the various Senators. The first one is from the Senator for Marsabit County, Senator Chute. I am grateful for the remarks he has made about me and the work we are doing together. I am also grateful for the support that he and the entire political leadership of Marsabit continue to give us as security managers in dealing with a very delicate county with a lot of dynamics. Thank you very much, Senator, for the good leadership.

We will be calling the leaders of Marsabit County to discuss the closure of Jilo Mining Sites in Dabel. We had a very bad situation in March where we lost seven people as a result of violence that erupted in the mines. Part of that violence involved foreign nationals who are not Kenyans. We had to shut down that mine because it was a big threat to national security.

We will not reopen it until we are in concurrence with the communities and the leaders of the modalities of making sure that the sites will not be infiltrated by armed elements some of whom were planning attacks on Kenyan territory from those mines.

The place had been infiltrated by elements associated with terror groups and others associated with insurgent groups and fighting groups from other countries. We had no option but to shut it down and cordon it off. Therefore we will be calling the leaders of Marsabit in the coming weeks once the prevailing emergency goes down so that we can sit down and discuss the modalities of reopening the Jilo Mining Site.

I have been there in person and it is a beautiful place. The people of Marsabit and the people of Kenya should benefit from the huge wealth that is there. We will do so without undermining national security and prevent terror groups and other fighting groups, even from outside our country from using that to stage attacks and cause instability in our land. I will visit Ileret as requested by Sen. Chute. I will inform him and we will go together.

The Senator for Machakos County, Sen. Kavindu Muthama has asked about the request for Machakos. I want to say the following-

When we published the Gazette Notice of 14th February, 2024, if you look at the national diversity, which we are very keen to make sure we maintain, only 32 counties featured there. We believe each of the remaining 16 counties, including Machakos, are deserving cases of not necessarily sub-counties everywhere, but even lower-level administrative units, like divisions, locations, and sub-locations. The request, particularly from the leadership of Machakos, is deserving. It is a large county and some of the sub-counties like Masinga are big and even lower-level administrative units will be created.

The next Gazette notice, which hopefully once we collate another cohort of counties will implement as much as possible the recommendations and the wishes of the

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leaders of Machakos County and the public, so that that consultation we had is not reduced to just talking.

Lastly, I will mention what has been raised by my brother, the Senator for Laikipia County, with whom I have very fond memories of our time together in this House. There was a time when I got into political trouble in this House for no reason and the Senator for Laikipia County was one of the seven gallant Senators who stood with me at a very difficult time and helped me carry the cross because there was nothing wrong I had done. He helped me to bear the pain of what sometimes is bad politics in our country. I am very grateful to Sen. Kinyua and others like Sen. Cherarkey, who has left.

Mr. Temporary Speaker, Sir, the Independent Policing Oversight Authority (IPOA) is a statutory body established under law. The mandate of IPOA is essentially crucial for the democratization and enhanced transparency and accountability of the security formations. It is in line with our constitutional order that says that national security organs must be subordinate to civilian oversight. This is why even the Commander-in-Chief of the Defence Forces is a civilian. This ensures that all national security organs, the National Police Service, the National Intelligence Service, and the Kenya Defence Forces, are subordinated to civilian authority.

Therefore, the role of the IPOA is important in our democracy, as it makes the police accountable. Within the National Police Service, we have an internal affairs unit that looks at maladministration, misuse or abuse of power and excesses. However, IPOA as a separate independent entity is important. However, and this is my last submission, we are engaging with IPOA to sensitize them to the fact that, with due respect to the institution, they concentrate on their mandate. Their mandate is to make sure that police officers since they wield a lot of power because of the weapons and the law behind them in terms of the actions and decisions they can take, they should not misuse those weapons and the power they have to harm the public or to conduct what Sen. Faki was talking about the extrajudicial killings.

Nonetheless, any excesses from any institution, including IPOA, are not permitted to interfere with the sacred duty of our national security organs to protect the public and the safety of the people of Kenya. The fight against organized crime, including banditry and terrorism, is a very serious and solemn engagement. It is not a laughing matter. Therefore, I would expect IPOA to rapidly arrest and prosecute a drunk and disorderly officer who goes to a bar and opens fire because he has drunk people's beer and has no money to pay for it. This officer should be arrested.

These kinds of officers are a minority in the National Police Service. The majority of our officers, including officers in the frontline, protect the country in very risky environments like the ones Sen. Kinyua is talking about here in the North Rift, North Eastern, and Boni Forest. The officers there are not having a holiday. They are confronted with great risk to their safety. We have directed them to use their weapons to protect themselves and the people of Kenya. Any officer who uses their weapons in accordance with the Constitution and the law of our country to protect themselves from criminals and terrorists or to protect the people of Kenya, will not be prosecuted by anybody. They will not be taken anywhere. We cannot allow our police officers to be brought down by the fire of a criminal. We cannot allow that situation to happen. We

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have directed them that they must bring down dangerous criminals before they harm them. They must take them down before they take our officers or the people of Kenya down, period. However, we have very few police officers who sometimes go on excess and are involved in issues not related to security and law enforcement, whereby, they misuse their firearms. On those ones, we do not even need to be consulted. The Inspector General (IG) of Police also told me he does not need to be told or give consent. Let them be prosecuted and be jailed for very many years.

I submit.

(Several Senators stood up in their places)

The Temporary Speaker (Sen. Abdul Haji): One moment, Senators. Resume your seats. Hon. Cabinet Secretary, there was a question by Sen. Veronica Maina regarding re-tooling and retraining of police officers to deal with floods.

The Cabinet Secretary for Interior and National Administration (Hon. (Prof.) Kithure Kindiki):

Mr. Temporary Speaker, Sir, I am sorry I forgot to respond to the question by the distinguished Sen. Veronica Maina, who was also a comrade in my previous life. We struggled together. We indeed have to look at the curriculum that we teach our recruits. The issue of disaster management and disaster response should be a very important component of the curriculum of every law enforcement and security official. That said, before this House, soon the Government will be presenting the National Disaster Risk Mitigation Bill, which addresses some of these things in terms of making sure that disaster response management search and rescue coordination is much more efficient.

That Bill is very crucial. It will reduce the kinds of incidents we are having when we have serious disasters such as what we are having in the country. However, in terms of our officers, it is going to be an important part of the initial entry-level training curriculum, but also in terms of continuous on-the-job training for our officers.

Additionally, on that point, we are modernizing and increasing the Coast Guard. The Coast Guard is not just for protecting the territorial waters of Kenya, but also any inland activities where search and rescue in water-related situations are happening. The Coast Guard will be empowered to support those kinds of rescue. I will check on that particular matter raised by Sen. Veronica Maina. She is free to meet me outside the Chamber, so that we can give her feedback which she can tell the people of Murang'a on where we are.

I submit.

ADJOURNMENT

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, it is now 1.13 p.m. and having concluded the business for which I extended the hours of sitting, pursuant to Standing Order No.34(2)(a), the Senate stands adjourned until today, Wednesday, 8th May, 2024 at 2.30 p.m.

The Senate rose at 1.13 p.m.

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