

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

**Tuesday, 25<sup>th</sup> February, 2025**

*The House met at the Senate Chamber,  
Parliament Buildings, at 2.32 p.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 the Speaker)*

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

*(The Quorum Bell was rung)*

I am informed we do have quorum now. Therefore, we will proceed with this afternoon's business. Clerk, you may proceed to call the first Order.

*(Sen. (Dr.) Khalwale consulted Sen. Gataya Mo Fire)*

Sen. Boni, take your seat.

#### COMMUNICATION FROM THE CHAIR

#### VISITING DELEGATION FROM THE SENATE OF THE KINGDOM OF LESOTHO

**The Speaker** (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of a visiting delegation from the Senate of the Kingdom of Lesotho.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

The delegation comprises Hon. Senators and parliamentary staff who are attending a capacity-building programme on legislative leadership and governance at the Centre for Parliamentary Studies and Training (CPST).

Hon. Senators, I request each Member of the delegation to stand when called out, so that they may be acknowledged in the Senate tradition –

- (1) Hon. Sen. Khoabane Theko, MP - The Chief Whip and Leader of the delegation.
- (2) Hon. Sen. (Dr.) Thabiso Lebese, MP
- (3) Hon. Sen. Tumane Matela, MP
- (4) Hon. Sen. Mamolapo Majara, MP
- (5) Hon. Sen. Makholu Moshoeshe, MP
- (6) Hon. Sen. Mawinnie Kanetsi, MP
- (7) Hon. Sen. Seabata Motsamai, MP
- (8) Advocate Tseliso Molise – Clerk of the Senate of Lesotho
- (9) Mr. Maduma Tsepene – Clerk Assistant

Now, on behalf of the Senate and on my own behalf, I extend a warm welcome and wish you a fruitful visit.

I thank you.

I will allow the Senate Majority Leader when he resumes his seat to extend a word of welcome and thereafter the Deputy Minority Leader to also have one minute to extend a word of welcome.

The Senate Deputy Minority Leader may proceed.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir. I take this opportunity on behalf of the minority side of the Senate to join you in extending a warm welcome to the visiting delegation from the Kingdom of Lesotho. We feel humbled that you chose to pay a visit to our Senate and are grateful that they have chosen to come and visit with us. We will continue to engage even as we seek to do transfer of best practices in terms of legislation and the business of the House.

On behalf of the minority side of the Senate, I extend my warm welcome to the delegation.

I thank you.

**The Speaker** (Hon. Kingi): The Senate Majority Leader, please proceed.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I join you, together with all our other colleagues, in welcoming this visiting delegation from the Kingdom of Lesotho. This is a delightful occasion for us to have this delegation, particularly in the study that they are undertaking at the CPST; a key premium training institution run by the Parliament of Kenya. It enjoys good relations with other parliaments from across the region and globally.

That is the heart of what we do here in Parliament. I am sure that our colleagues will have a full value for that which they sought out to look for when they set foot from their country to this Republic.

On behalf of this Senate, I appreciate them. I hope that one day we shall do what we colloquially refer to here as ‘revenge.’ That is a counterpart visit. Unfortunately, I

have never been to the Kingdom of Lesotho and I have read interesting things about them. I would wish to go and see those things live.

Mr. Speaker, Sir, on that trip, I would wish to be accompanied by the Deputy Minority Whip, Sen. Sifuna, because I know he loves those kinds of things as well.

I thank you.

**The Speaker** (Hon. Kingi): Next Order. The Senate Majority Leader, please proceed.

## PAPERS LAID

### REPORTS OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS OF VARIOUS ENTITIES

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today, Tuesday, 25<sup>th</sup> February, 2025.

These are the reports of the Auditor-General on the Financial Statements of Kilifi County for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the County Executive of Kilifi for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the Kilifi County Assembly for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the County Revenue Fund – County government of Kilifi for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the Receiver of Revenue - County government of Kilifi for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the Kilifi County Assembly Members Mortgage and Car Loan Scheme Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the Kilifi County Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the Kilifi County Assembly (Staff) Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Kilifi County Emergency Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Kilifi County Microfinance (*Wezesha*) Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Kilifi County Ward Scholarship Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the Municipality of Kilifi for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the Municipality of Malindi for the year ended 30<sup>th</sup> June, 2024.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Report of the Auditor-General on Financial Statements of the Kilifi County Health Services Improvement Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Kilifi County Referral Hospital – County Government of Kilifi for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Mtwapa Sub-County Level 4 Hospital – County Government of Kilifi for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Jibana Sub-County Level 4 Hospital – County Government of Kilifi for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Bamba Sub-County Level 4 Hospital – County Government of Kilifi for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Malindi Sub-County Level 4 Hospital – County Government of Kilifi for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Marafa Sub-County Level 4 Hospital – County Government of Kilifi for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Mariakani Sub-County Level 4 Hospital – County Government of Kilifi for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Gede Sub-County Level 4 Hospital – County Government of Kilifi for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Rabai Sub-County Level 4 Hospital – County Government of Kilifi for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Malindi Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Kilifi – Mariakani Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Kilifi County Climate Change Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Kilifi County Climate Change Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the County Executive of Taita Taveta for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the Taita Taveta County Assembly for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the County Revenue Fund – Taita Taveta County Government for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the Receiver of Revenue - Taita Taveta County Government for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Taita Taveta County Assembly Members Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Taita Taveta County Executive Staff Car Loan and Mortgage Revolving Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Taita Taveta County Assembly Staff Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June, 2024.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Report of the Auditor-General on Financial Statements of Taita Taveta County Emergency Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Taita Taveta County Education Fund Board for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Taita Taveta County Facilities Improvement Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Taita Taveta Investment and Development Corporation for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Taita Taveta Municipality for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Special Municipality of Mwatate for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Voi Municipality for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Moi (Voi) County Referral Hospital – Taita Taveta County Government for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Taveta Sub-County Hospital – Taita Taveta County Government for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Wesu Sub-County Hospital – Taita Taveta County Government for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Mwatate Sub-County Hospital – Taita Taveta County Government for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of TAVEVO Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Financing Locally Led Climate Actions (FLLOCA) – IDA V 319 – KE (P173065) for the County Government of Taita Taveta for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on the Financial Statements of Laikipia County financing locally led climate action programme for the year ended 30<sup>th</sup> June, 2024.

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

**The Speaker** (Hon. Kingi): Hon. Senators, you will notice that there are two Order Papers. Kindly switch to the Supplementary Order Paper.

Next Order, Clerk.

The Senate Majority Leader, please proceed.

## NOTICES OF MOTION

### ADOPTION OF REPORT ON VARIATION OF SENATE RESOLUTION ON THE CONDUCT OF SEN. GLORIA ORWOBA, MP

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I rise to give Notice of the following Motion, which is the variation of Resolution of the Senate on the

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

report of the Committee of Powers and Privileges on the conduct of Sen. Gloria Orwoba, MP.

THAT AWARE THAT, on 20<sup>th</sup> September, 2023, the Senate adopted the Report of the Committee of Powers and Privileges on the conduct of Sen. Gloria Orwoba, MP, and resolved to suspend the Senator from the precincts of Parliament for the remainder of the Second Session of the Thirteenth Parliament which period amounted to seventy-nine (79) calendar days.

COGNIZANT THAT, Sen. Orwoba subsequently sought judicial intervention, obtaining a court order that stayed the implementation of the Senate's resolution until the matter was determined, and that the High Court, in its judgment delivered on 15<sup>th</sup> January, 2025, dismissed the petition, thereby reinstating the suspension;

CONSIDERING THAT Sen. Orwoba has shown considerable level of remorse and that following the Communication by the Speaker on Wednesday, 12<sup>th</sup> February, 2025, on the implementation of the resolution of the Senate on the "Report of the Committee of Powers and Privileges on the conduct of Sen. Gloria Orwoba, MP", the Senator was apologetic of her conduct.

NOW THEREFORE, pursuant to Section 17(3)(d) and (g) of the Parliamentary Powers and Privileges Act, the Senate resolves to vary its resolution made on 20<sup>th</sup> September, 2023, suspending Sen. Orwoba from the Senate and precincts of Parliament for seventy-nine (79) calendar days and reduces the suspension period to thirty (30) calendar days, commencing 12<sup>th</sup> February, 2025 to 13<sup>th</sup> March 2025, after which the Senator shall be allowed back to the Senate and the precincts of Parliament, on the terms resolved by the Senate on 20<sup>th</sup> September, 2023.

**The Speaker** (Hon. Kingi): The Chairperson Standing Committee on Education, the floor is yours.

*(Applause)*

Who is the Chairperson, Standing Committee on Education?

ADOPTION OF REPORT ON PETITION ON DISCRIMINATION ON  
PAYMENT OF HARDSHIP AND ENHANCED HOUSE ALLOWANCE  
TO TEACHERS IN KILIFI AND TAITA TAVETA COUNTIES

**Sen. Betty Montet:** Mr. Speaker, Sir, I rise to give Notice of the following Motion-

THAT, the Senate adopts the Report of the Standing Committee on Education on a Petition to the Senate regarding the discrimination by Teachers Service Commission (TSC) on payment of hardship and

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

enhanced house allowances to some teachers in Kilifi and Taita Taveta counties, laid on the Table of the Senate on Tuesday, 8<sup>th</sup> October, 2024.

**The Speaker** (Hon. Kingi): The Chairperson Standing Committee on Energy, please proceed.

Hon. Senators, let us be alert. If you have been given some responsibilities through the reorganization of committees, please get used to those responsibilities. Proceed, Sen. Kisang.

ADOPTION OF REPORT ON INQUIRY INTO THE LPG  
EXPLOSION IN MRADI, NAIROBI CITY COUNTY

**Sen. Kisang:** Mr. Speaker, Sir, I beg to give Notice of the following Motion- THAT, the Senate adopts the Report of the Standing Committee on Energy on its inquiry into the Liquefied Petroleum Gas (LPG) explosion in Mradi Area, Embakasi, Nairobi City County, laid on the Table of the Senate on Thursday, 8<sup>th</sup> August, 2024.

**The Speaker** (Hon. Kingi): The Chairperson Standing Committee on Devolution and Intergovernmental Relations, please proceed.

ADOPTION OF REPORT ON INQUIRY INTO THE PERSONAL  
SECURITY CONCERNS RAISED BY HON. PHILOMENA  
KAPKORY, DEPUTY GOVERNOR, TRANS-NZOIA COUNTY

**Sen. (Dr.) Lelegwe Ltumbesi:** Mr. Speaker, Sir, I beg to give Notice of the following Motion-

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on its inquiry into the allegations on personal security concerns raised by Hon. Philomena Kapkory, Deputy Governor, Trans Nzoia County, laid on the Table of the Senate on Tuesday, 1<sup>st</sup> October, 2024.

**The Speaker** (Hon. Kingi): There are two Notices of Motion. So, proceed to give the second one.

ADOPTION OF REPORT ON INQUIRY INTO THE STATE OF  
MARKETS IN VIHIGA AND BUNGOMA COUNTIES

**Sen. (Dr. Lelegwe Ltumbesi:** Mr. Speaker, Sir, I beg to give Notice of the following Motion-

THAT, the Senate adopts Reports of the Standing Committee on Devolution and Intergovernmental Relations on its inquiry into the state of markets in Vihiga and Bungoma counties arising from statements sought by Sen. Godfrey Osotsi, MP, and Sen. David Wafula Wakoli, MP, laid on the Table of the Senate on Tuesday, 1<sup>st</sup> October, 2024.

**The Speaker** (Hon. Kingi): Next order.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

## QUESTIONS AND STATEMENTS

### STATEMENTS

**The Speaker** (Hon. Kingi): Statement pursuant to Standing Order No.53 (1), Sen. Kisang, you have the Floor.

#### REMOVAL OF SPEED BUMPS AND PAVEMENTS ALONG MOIBEN ROAD JUNCTION TO KAPULIOT

**Sen. Kisang:** Thank you, Mr. Speaker, Sir. I rise, pursuant to Standing Order No.53 (1), to seek a statement from the Standing Committee on Roads, Transportation and Housing regarding the removal of speed bumps and pavements along the Moiben Road Junction to Kapuliot Junction leading to Iten in Uasin Gishu and Elgeyo Marakwet counties, respectively, during the Confederation of African Cycling (CSC) Road Cycling Championships in October, 2024.

In the statement, the committee should-

- (1) State the reasons why the speed bumps and pavements have not been reinstated since the removal in October, 2024.
- (2) Provide a timeline for the reinstatement of the pavements and speed bumps to ensure the safety of both pedestrians and motorists.
- (3) Explain the measures the Ministry is taking to ensure that road safety features such as pavements and speed bumps are properly restored after events that necessitate their temporary removal.

**The Speaker** (Hon. Kingi): Sen. Hamida Kibwana, please proceed.

#### DECRIMINALISATION OF ATTEMPTED SUICIDE

**Sen. Kibwana:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.52(1) to make a statement on an issue of general topical concern and national importance regarding the recent landmark ruling by the High Court of Kenya in Constitution Petition No. E045 of 2022, which declared Section 226 of the Penal Code unconstitutional, thereby decriminalizing attempted suicide in Kenya.

This ruling is a victory for mental health advocacy and the dignity of the individual suffering from mental health conditions. For far too long, those battling depression, Post-Traumatic Stress Disorder (PTSD) and other mental health challenges have been treated as criminals instead of patients in need of urgent care and support.

The decriminalization of attempted suicide has not only stigmatized victims, but also deterred them from seeking the help they desperately need. I take this---

*(Loud consultations)*

Mr. Speaker, kindly protect me. From here, I am being distracted.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*



**The Speaker** (Hon. Kingi): The Senate Minority Leader, you may want to hear your colleague in silence.

**Sen. Kibwana:** Mr. Speaker, Sir, I take this opportunity to commend and congratulate the petitioners, including the Kenya National Commission of Human Rights (KNCHR), Charity Muturi, the Kenya Psychiatrists Association and other stakeholders for their unwavering commitment to this noble cause. These efforts have set a precedent for a more compassionate and evidence-based approach to mental health in our country.

This ruling aligns with our constitutional values under Article 43, which guarantees every Kenyan the right to the highest attainable standard of health, including mental health.

It further upholds the principles of equality, non-discrimination and human dignity enshrined in Articles 27 and 28 of the Constitution. However, the decriminalization of attempted suicide is a significant milestone. It is only the beginning. As legislators, we must now focus on strengthening mental health care in Kenya.

In this regard, I wish to propose the following urgent interventions-

(1) Amendment of relevant laws; parliament must swiftly repeal all provisions of the penal code that decriminalize mental health-related conditions and align our legal framework with global best practices.

(2) Increase budgetary allocation for mental health; there is a critical need for more resources in mental health services, including counseling, rehabilitation and suicide prevention programs at all levels of health care.

(3) Public awareness and destigmatization campaigns; the Ministry of Health in collaboration with other stakeholders, should intensify public education on mental health, emphasizing that suicide is a medical condition and not a crime.

(4) Establishment of crisis response units; counties should establish well-equipped mental health crisis response teams to provide timely intervention for individuals in distress.

(5) Implementation of the Suicide Prevention Strategy 2021-2026; the Government must fully implement the existing strategy, focusing on early detection, intervention and community-based mental health support programs.

Mr. Speaker, Sir, this ruling reaffirms the critical role of the judiciary in safeguarding fundamental rights and protecting vulnerable members of our society.

It is now upon us as the Senate to complement this progress by ensuring that the necessary legislative and policy measures are enacted to promote a supportive, rehabilitative and dignified approach to mental health care in Kenya.

I urge all my colleagues to join hands in this mission to transform Kenya into a country that treats mental health with the urgency, care and humanity it deserves.

I thank you.

**The Speaker** (Hon. Kingi): Sen. Olekina, you may proceed.

#### PLIGHT OF WHEAT FARMERS IN NAROK COUNTY

**Sen. Olekina:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Agriculture, Livestock and Fisheries

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

regarding the plight of wheat farmers in Narok County and the whole of Kenya due to the influx of imported wheat into the country.

In the statement, the committee should-

(1) State whether the Cabinet Secretary for Agriculture, Livestock and Fisheries and the Cabinet Secretary for Finance and Economic Planning are working together to determine what would be the shortage of wheat after swiping all locally available wheat. They ought to do so before agreeing to the quota allocated by the Council of East African Ministers under Legal Notice No. EAC/204/2024, which is a total of 3,096,500 metric tonnes of wheat grains, that has caused tremendous suffering of local farmers whose produce for 2024 is still in their stores.

Mr. Speaker, Sir, millers opt to import cheap grains rather than buy local produce. The local farmers' frustrations yesterday led to a six-hour farmers' demonstration where all farmers parked their tractors and farm implements along Narok-Nairobi Road causing tremendous distractions for businesses in Narok town and traffic snarl up, which affected ordinary Kenyans.

(2) State the current wheat deficit in the country.

(3) State the total wheat production in Narok County and how much of it has been bought by the local millers.

(4) The following are some of the millers that have been given the mandate to import the varying quantities of wheat grains into the country.

(i) Capwell Industries - 65,000 metric tonnes.

(ii) Lukenya Flour Mills Limited - 33,000 metric tonnes.

(iii) Karibu Flour Mills - 60,000 metric tonnes.

(iv) Malindi Flour Millers Limited - 27,500 metric tonnes.

(v) Bakex Millers Limited - 50,000 metric tonnes.

(vi) Wittebix East African Limited - 5,000 metric tonnes.

(vii) Eldoret Grains Limited - 5,000 metric tonnes.

(viii) Joy Millers Limited - 200,000 metric tonnes.

(ix) Kitui Flour Mills - 324,000 metric tonnes.

(x) Rafiki Millers Limited - 40,000 metric tonnes.

(xi) Jamii Milling Limited - 24,000 metric tonnes.

(xii) Alpha Grain Millers Limited - 45,000 metric tonnes.

Mr. Speaker, Sir, these are some of the millers that are importing instead of buying local produce.

I beg to request.

**The Speaker** (Hon. Kingi): Next Order. Clerk, just a moment. I will allow 15 minutes of intervention on the three statements that have been read out. I will start with Sen. Sifuna Edwin.

**Sen. Sifuna:** Thank you, Mr. Speaker, Sir. Allow me to welcome you back. Since the delegation from Lesotho is still here, I want them to pass my regards to the former Prime Minister, Moeketsi Majoro, who is my personal friend. He was the head of delegation for the Observer Mission for the Somaliland election. Tell him his friend from Nairobi says, hi.

I want to comment on the statement that has been brought by the Senator for Narok County, Hon. Ledama Olekina, regarding the status of the farmers in Narok who are currently staring at very serious losses. As a country, we have at least pretended to take care of our farmers. When we do something on one side, we seem to take with equal measure on the other side.

As sugarcane farmers, we have complained for a very long time. The newly minted Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries, the Senator for Bungoma County, will tell you that as long as you allow a wanton importation of sugar, you are hurting the local farmer in the sugarcane growing areas.

That is the same situation now with wheat. I am quite surprised that Kenya would subscribe to such a situation, where we have farmers in Narok whose crop is literally rotting in their stores and yet we have allowed importation of wheat to this extent.

The legal notice that the Senator has brought is a copy of the East African Community Gazette. There is a legal notice here that has been signed by Hon. Deng Alor Kuol who is the Chairperson and Council of Ministers for the East African Community (EAC). He is allowing a total of three million tonnes of wheat to be imported into the country. This is unacceptable.

When we speak about these issues, some people say we do not like certain individuals in certain offices. The Cabinet Secretary for the National Treasury and Economic Planning is a former Chairperson of the Orange Democratic Movement (ODM) party. The ODM party, through the acting party leader, Hon. Anyang' Nyong'o issued a statement on the same issue about two weeks ago. If he was a good man, he would have listened then. It would not take the Senator for Narok County to bring this matter before this House again before it is resolved.

Hon. Speaker, I stand with the Senator for Narok County and the farmers in Narok County. We must give priority to our own people when they are trying to get themselves out of the economic mess. We cannot have our own farmers produce rotting and yet we are allowing importation of the same commodity we have in plenty here.

This committee must have both the Cabinet Secretary for Agriculture, Livestock and Fisheries and the Cabinet Secretary for the National Treasury and Economic Planning to appear before it and make sure that we put an end to this and get explanations.

Mr. Speaker, Sir, I am also getting tired of explanations. The farmers in Narok do not want an explanation. They want to be put in the right place in terms of compensation for what they have lost after putting their sweat in their land and being let down by their own Government.

I thank you.

*(Applause)*

**The Speaker** (Hon. Kingi): Senator for Nandi County, let us speak for three minutes to allow as many Senators to speak.

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir. Maize farmers have been demonstrating for long. I thought that the wheat farmers are better off. It looks like

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

whenever maize farmers speak, you must support us because we are in the same boat. As cereal farmers, we must agree.

We are suffering because we did not get the correct pricing in maize of Kshs4,000. The sad reality of maize is that we sell in 90 kilogrammes while wheat is being sold in 50 kilogrammes. I stand with the wheat farmers in Narok County. I know they caused a lot of traffic jam yesterday. I was worried for our colleague, Sen. Ledama. However, I am happy he managed to pull through.

Mr. Speaker, Sir, we must stop this. The Kenya National Trading Corporation (KNTC) and Agriculture and Food Authority (AFA) must be called out. Who authorized importation of sugar, rice and maize, yet we are in the harvesting season? This gazette notice must be degazetted by the Ministry of the National Treasury and Economic Planning. We expect Hon. Mbadi to do better by revoking most of those gazette notices.

It is good that Sen. Sifuna is here. He should advise him accordingly. When we are in the harvesting season of maize or any other produce, we must stop importation.

Finally, food security is a threat. We get subsidised fertiliser at Kshs2,500, but the cost of seeds that are supposed be used to plant in this season is very high. We, therefore, ask the new Chairman of the Standing Committee on Agriculture, Livestock and Fisheries, Sen. Wakoli, who has taken over, to review so that we can protect our food security. How can you buy two kilogrammes of seeds at Kshs700? How many Kenyans can afford that?

Mr. Speaker, Sir, I wish the wheat farmers all the best. They have our unconditional support. I support the statement.

**The Speaker** (Hon. Kingi): Sen. Kavindu, proceed.

**Sen. Kavindu Muthama:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to comment on the statement by Sen. Hamida about mental health and suicidal cases. Mental health illness is like any other illness and should be treated---

**The Speaker** (Hon. Kingi): Sen. Kavindu, that statement was raised pursuant to Standing Order No.52, if I am not mistaken. It does not attract comments from Hon. Senators. So, either you pick the remaining two or you yield and allow another colleague to take to the floor.

**Sen. Kavindu Muthama:** Thank you, Mr. Speaker, Sir. I wish you could allow me to say something on this.

**The Speaker** (Hon. Kingi): Okay. Conclude.

**Sen. Kavindu Muthama:** Thank you, Mr. Speaker, Sir. There are many suicidal cases in almost all the counties, especially in a sub-county called Mwala in Machakos County. We have lost more than 20 youths by now. This is an illness like any other. I request that whoever will deal with this statement to come up with a strategic plan. Counties must have centres for counselling such patients.

These patients should be taken with kindness. They should not be discriminated against either by family members or society in general.

There are so many people who are walking normally, but they are suffering mentally. Many of them are confined by their relatives in their homes. They cannot come out and say that they are suffering mentally because they do not know whether they are suffering or not. Some of them are afraid of discrimination. We should have funds set

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

aside for counselling and talking care of these people and make their relatives understand that mental illness is like any other disease.

**The Speaker** (Hon. Kingi): The Senate Majority Leader, proceed.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I rise to comment on this statement by Sen. Olekina on the importation of wheat.

We have just had our elections and members are about to take over their responsibilities. There must be a proper plan and guidance for the country. Listening to many of my colleagues this afternoon, it is clear they do not understand that certain matters are beyond the reach of Kenya alone. This is because the legal notice that Sen. Olekina is referring to is an East African Community (EAC) regional notice, which Kenya is a signatory to.

It is not as simple as just having either the Council of Ministers say this or the other; these are some of the things we be raising at the Heads of State Summit, considering that certain---

**Sen. Olekina**: Mr. Speaker, Sir, on a point of information.

**The Speaker** (Hon. Kingi): Sen. Cheruiyot, would you wish to be informed by Sen. Olekina?

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I do not mind being informed.

**Sen. Olekina**: Thank you, Mr. Speaker, Sir. Also, I thank the Senate Majority Leader for allowing me to inform him. The Council of Ministers, whose chairman is the current Cabinet Secretary in charge of the Treasury in South Sudan, is comprised of Cabinet Secretaries of East Africa who deal with the Treasury. So, these are the members who go and sit together to agree on what will be zero-rated to allow millers to import wheat.

We expect our Cabinet Secretary to agree with the Council. However, before signing, mop up all the locally produced wheat. This is the issue. The Cabinet Secretary of Treasury in Kenya – If you look at the list, I am happy to share the legal notice with everyone. All the companies listed are Kenyan companies. All of them are trading in Kenya. They are the millers.

They are the local millers who are buying. In fact, to add to the information tomorrow, we have secured a meeting with the Cabinet Secretary for Agriculture, Livestock and Fisheries because he was not aware of this legal notice. It is a matter of full disclosure. We must also consider the needs and interests of our people.

Thank you.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you for that additional information. Sen. Olekina, you agree with what I said that, it is beyond Kenya alone to make certain decisions.

We know what we are good at. Sen. Olekina, the point I wanted to make is that certain countries such as Tanzania and others, have excess maize production. The Tanzanian President spoke about the fact that they produced in anticipation that their traditional market, Kenya, would be available. Unfortunately, or fortunately for the Kenyan people, thanks to the overproduction on our side, that market is not available.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

What we expect from our Cabinet Secretaries, which is the point that I wanted to make before you volunteered additional information, is to bring this information to the fore. However, Sen. Olekina, there is a question that we must ask ourselves. What is it that makes these millers prefer to bring wheat or whatever they are importing from out of the country in total disregard of locally available stocks?

Once that question is answered, we will help our farmers produce. Is it a question of quality? Is it a question of price? Whatever the case might be, our millers prefer imports from outside the country. I believe that it is possible for us, as either policymakers or legislators, to find ways in which we can support our farmers.

If it is an issue of quality, farmers could produce the kind of quality that the millers are looking for. If it is an issue of price, then we need to ensure that we subsidise them to the point that they become competitive so that the millers can buy.

Mr. Speaker, Sir, I hope that our newly constituted Committee on Agriculture, Livestock and Fisheries will investigate the full details of this particular issue so that we can provide the right intervention to ensure that the farmers enjoy the product of their sweat. On the other hand, the millers also get a product that is available to them at the right quantity, quality and price. That is how a thriving economy works.

Let us turn to the committee on Agriculture, Livestock and Fisheries with this new challenge that our country faces.

I thank you.

**The Speaker** (Hon. Kingi): Sen. Faki, proceed.

**Sen. Faki:** Asante, Bw. Spika, kwa kunipa fursa hii kuchangia kauli mbili ambazo zimeletwa na Sen. Olekina pamoja na Sen. Kibwana.

Nitaanza na kauli ya Sen. Olekina. Matatizo yaliyotokea kutokana na uagizaji kutoka nje wa ngano imetokona na kutojua kwa watu wetu kwenye Wizara ya Ukulima na kwenye Wizara ya mambo ya nje. Yale makubaliano yanayofanyika katika vikao vinavyofanyika mara kwa mara katika Jumuiya ya Afrika Mashariki.

Yale yanayozungumzwa katika vikao vile hayafiki mashinani kwa wananchi. Kamati ya Usalama wa Taifa, Ulinzi na Uhusiano wa Kimataifa inafaa iingilie kati kutatua suala hili.

Wakulima wa nchi jirani wanajua masoko yao yako vipi. Wakulima wetu hawana habari hizo. Kwa mfano, mara nyingi sukari ya Common Market for Eastern and Southern Africa (COMESA) inaletwa nchini ilhali tuna sukari yetu nchini.

Pia mahindi inatolewa sehemu za Malawi kuingia Kenya lakini bidhaa hii inapandwa kwa wingi na hatuwezi kununua kwa bei ambayo Serikali inaamua.

Hivi sasa kumechaguliwa wenyeviti wapya wa kamati, inafaa waangalie kwa makini masuala haya ili wananchi wajue taarifa kuhusu mazao. Chakula tunacholima lazima kwanza kinunuliwe hapa kwetu, kile ambacho ni kizuri labda tuuze nje. Tusiwe tunaleta kila zao kutoka nchi, kwani tutawahujumu wakulima wetu.

Afya ya akili ni suala ambalo liko wazi katika jamii zetu. Mara nyingi utapata mtu amejiua ama ameadhiri familia yake. Juzi kuna mama mmoja aliuwa watoto wake watatu hapa Nairobi. Kuna visa vingi kama hizi ambazo zinaripotwa.

Mtu kutaka kujitua uhai haipaswi kuwa hatia. Huyu ni mtu ambaye anaogua afya ya akili na inafaa apewe matibabu na usaidizi ili aepukane na janga hili. Ipo haja ya kufanya marekebisho kwa sheria---

**The Speaker** (Hon. Kingi): Your time is up. Sen. (Dr.) Murango, proceed.

**Sen. (Dr.) Murango:** Asante sana, Bw. Spika. Ni jambo la fedheha wakati wakulima wanapanda, kupalilia mimea na wanapovuna hawapati walichokuwa wanatarajia. Hili ni jambo linalotokana na makadirio ya bajeti ambayo yanafanywa na Bunge la Kitaifa.

Sasa hivi ukiangalia fedha ambazo zimetengwa kwa ajili ya kununua mahindi utapata kiasi. Ukiangalia fedha kwenye bajeti ambazo zimetengwa kwa sababu ya ngano, utapata hakuna. Pia hakuna pesa zilizotengwa kusaidia wakulima wa mimea mingine.

Wakati wakulima watavuna, hata Mhe. Rais wa nchi atasema nendeni mnunue ngano. Hata hivyo, kwa sababu wakulima hawa hawana soko, utapata kuwa hakuna bajeti. Jambo la kusikitisha ni kuwa hakuna mahali Seneti inahusishwa kikamilifu katika makadirio ya bajeti. Tunafaa kuweka fikira zetu pale ili tuwasidie watu wetu.

Bw. Spika, siyo ngano na mahindi pekee. Vile vile kuna sheria zingine katika nchi hii ambazo zinahitaji Waziri kuhakikisha kuwa wakulima wamefaidika. Nchi zingine zinaruzuku wakulima wao kuuza bidhaa zao kwa bei rahisi katika nchi ya Kenya. Sisi tumekuwa kama jaa la kununua kila kitu kwa sababu bei ni rahisi.

Ningependa kuzungumzia mazao ya makadamia. Ningependa kwanza kumpongeza Sen. Wakoli ambaye sasa ndiye Mwenyekiti wa Kamati ya Kilimo, Mifugo na Uvuvi. Tulienda naye kwenye ofisi ya aliyekuwa Waziri, Mhe. Mithika Linturi, kwa sababu kuna sheria ambayo ilikuwa imebuniwa mwaka 2023 ambayo ilikuwa inasema lazima utoe maganda kwenye makadamia kabla ya kuuza katika nchi za nje.

Mabwenyenye waliungana na kujenga viwanda vikubwa vikubwa. Maskini lazima angepeleka mazao yake kule. Sasa hivi, kuna sheria hiyo kwamba mkulima hawezi kuuza makadamia nje ya nchi kama haijatolewa maganda. Kwa nini mkulima asiruhusiwe kufuga mbuzi wake mahali kuna nyasi? Kwa nini nilime kisha nikuletee kwa lazima kuambatana na sheria?

Hilo ni jambo la kufedhehesha. Ni vizuri wakulima wa ngano waangaliwe haraka iwezekanavyo. Inafaa kuwa hivyo hivyo kwa wakulima wa mahindi na wengineo.

**The Speaker** (Hon. Kingi): Senate Minority Leader, proceed.

**The Senate Minority Leader** (Sen. Madzayo): Bw. Spika, ningependa kuunga mkono taarifa hii kuhusu mambo ya ngano. Wakulima wa ngano lazima waangaliwe pia ili mazao yao yanunuliwe katika masoko ya nje.

Ni jambo la kusikitisha na madharau kwa wakulima wa ngano kutoonyeshwa kuwa ngano pia ni muhimu. Wakulima wengi hawajui watafanya nini na ngano waliovuna, mmojawao akiwa Sen. Wakili Sigei. Tulipokuwa tukizungumza naye, aliniambia kuwa amevuna ngano nyingi lakini hana mahali pa kuipeleka. Ni kama atapeana bure ama akae nayo na hatimaye iharibike.

Taarifa hii ambayo imeletwa na Seneta wa Narok ni muhimu. Wakulima hao wanafaa kuangaziwa ili kuendeleza shughuli zao. Haina haja kuagiza ngano kutoka nje, hali ambayo itakandamiza wakulima wetu. Ni lazima wakulima hao waangaliwe na

kutetewa na Wizara. Suala hili linafaa kuangaliwa na Kamati ya Kilimo, Mifugo na Uvuvi ambayo inafaa kuchunguza vizuri na kutupatia mwelekeo.

**The Speaker** (Hon. Kingi): Let us go to the next Order.

## MOTION

### CELEBRATING THE LIFE OF THE LATE LEONARD MAMBO MBOTELA

**Sen. Faki:** Mr. Speaker, Sir, I stand here, on behalf of Sen. Mungatana, the Senator for Tana River County, to move the following Motion-

THAT AWARE THAT the late Leonard Mambo Mbotela, a renowned media personality passed away on 7<sup>th</sup> February, 2025, at the age of 84;

COGNIZANT THAT he had an illustrious career in media spanning over five decades, and was one of the most influential voices in Kenyan radio, especially through his long running radio and television programme, “*Je, huu ni ungwana?*”;

FURTHER COGNIZANT THAT his command of the Kiswahili language kept Kenyans informed on many topics while his exceptional football commentaries on radio brought joy to many people and popularized the sport at a time when live football on television was rare;

APPRECIATING the lasting legacy that he leaves in the media industry and the high esteem in which he was held by colleagues and persons from all walks of life;

NOW THEREFORE the Senate expresses its deep sadness at the death of Mr. Mbotela, records its celebration and appreciation of his remarkable life, and extends its heartfelt sympathy and condolences to his family, friends and the nation.

Mr. Speaker, Sir, the late Leonard Mambo Mbotela was a great media personality. He was one of the pioneer radio and television presenters who worked for the Kenya Broadcasting Corporation (KBC). At that time, it was the only station in our beloved country that was operating.

He was in the league of Amina Faki, Khadija Ali, Ali Salim Manga, the late Mohammed Juma Njuguna and many others who I cannot remember off head. They were real nationalists who promoted Kiswahili language and nationhood in this Republic. The late Mbotela with his programme; *Je, huu ni ungwana?*, was able to impart nationalism, cultural values and many other things which would make many Kenyans flock to their television stations to listen.

He contributed a lot to this country. It fits that as a country and the Senate of the Republic to celebrate and appreciate his life as a remarkable Kenyan.

The late Mbotela was one of the pioneer slaves who were being ferried from Nyasaland, currently Malawi, to West Africa. At the time of the abolishment of slave trade, they were settled in Kenya. Part of the family settled in Mombasa County at a place called Frere Town. There is a thriving community of those people who have since become Kenyans.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*



There are many people other communities that settled in Kenya before Independence. However, some of them have not gotten Identification (ID) cards up to now. For instance, the Pemba Community that was recognised recently. We also have the Makonde Community and many others who have been here for long, but have not been considered as Kenyans throughout their lives.

Mr. Speaker, Sir, the passing on of Mbotela who mentored many radio and television presenters in this country, has been a great loss to our Republic. On behalf of the people of Mombasa, where he originated from, I convey my sincere condolences to the family, friends and workmates on the demise of this great person.

I beg to move and invite Sen. Cherarkey Senator for Nandi County to second this Motion.

Thank you, Mr. Speaker, Sir.

**Sen. Cherarkey:** Sen. Mungatana requested Sen. Faki and I to move and to subsequently second. I will be very brief. Our heartfelt condolences and messages of goodwill to the family and friends of the late prolific radio and media personality, Leonard Mambo Mbotela.

We continue to commiserate with the family. Many of us grew up listening to radio. Radio, unlike TV and other modes of communication has the highest coverage anywhere in the world, particularly in Kenya. For us who studied Geography, History and Civics (GHC), we will tell you modes of communication, include radio and other forms such as horns.

The late Leonard Mambo Mbotela was one of the celebrated media personalities with high integrity. With the advent of brown envelope journalism, Leonard Mambo Mbotela stood against intimidation and blackmail. He resisted any form of brown envelope journalism that has engulfed the country.

Secondly, as a country, we must learn to celebrate and honour our heroes. Sadly, Leonard Mambo Mbotela was interred at Lang'ata Cemetery. Somebody would say that in death all of us are equal. However, I was proposing that we have a heroes' corner. When you go to Harare, Zimbabwe, heroes of the nation have a designated area where they can be buried not because they are better or because of class in death. No but to allow the generations that will come after have heritage where they can learn and know who these personalities are.

Mr. Speaker, Sir, I am proposing and I hope the Ministry of Sports and Youth Affairs and Nairobi City County that is in charge can designate land where the national heroes should be buried. At some point, it was said Langata Cemetery was overflowing or there was no space anymore. So, I hope in future we should have a heroes' corner where people of integrity who have served this nation with distinction that have been celebrated can be buried.

I remember before the advent of devolution, there was a proposal to relocate Langata Cemetery to Mavoko. We know what happened because of the *makaburi* or the cemetery scandal that befell the Nairobi Local Government then through the Ministry of Local Government. This is a challenge.

I hope the Nairobi City County has the foresight to even do that. However, I do not think they have foresight, if they can take dirt at the front of Electricity House. That is another story for another day.

The second thing such heroes whom we have full recognition of, should be honoured through a state burial. This is somebody who said, “*Je, huu ni Ungwana?*” If Leonard Mambo Mbotela would have a chance again in life, he would ask “*Je, huu ni Ungwana?*” for most things that are happening in this country, including corruption, lethargy, poor governance, poverty, lack of water et cetera.

Many Kenyans are going without food, including even those in Nairobi, like Mukuru kwa Njenga, Kibra and others. He would ask us as leaders, “*Je, huu ni ungwana?*” We would be ashamed of it. It does not bring the goodness of what “*Je huu ni ungwana*” would resonate well with many people.

Under the National Heroes Council, I expected the brand-new Chairperson of the Standing Committee on Lands, Environment and Natural Resources, Sen. Faki, to propose a street to be named after Mambo Mbotela in Mombasa City County. We also want to ask the Government to name at least one or two streets in Nairobi and other cities in the country to celebrate him.

Sometimes we have names that even do not belong to us and to the local people or local leadership. So, I want to ask national Government and the county government with a lot of respect to seize the moment and name one of the streets after Mambo Mbotela.

The Kenyan Institute of Mass Communication (KIMC) here in Nairobi should be named after Leonard Mambo Mbotela so that the young men and women who study journalism there can learn how to be a good journalists, so that we do not have journalism that incites. We have a few branches of mass communication.

On several occasions, I am very disappointed that every time I wake up, I see the national headlines of respectable newspapers inciting Kenyans against the Government of the day. Sometimes you wonder what the editorial policy of some of these media houses are. They put up funny things. One of these newspapers is *The Nairobiian*.

They are embarrassing Members of longstanding, like my brother from Turkana and many other Members. I am asking myself what is the editorial policy before publishing a screaming headline. Yesterday, the headline of the *Daily Nation* Newspaper was on how the Government is paying the elderly people their stipend through M-Pesa. However, when the Cabinet Secretary of Labour and Social Protection came, he gave the correct position.

Why is it that way? I think Mambo Mbotela must be turning in his grave. The media and editorial policies that we have have been sensational. You read the headline and the story, the headline says something different from the story. Even in the reporting of the radio and news anchors.

I do not know whether it is Kenyans who like negative news or is it that all media houses have decided to just be negative. You watch the Kenyan news. From item number one to number ten is only negative news. Somebody has been killed, people have demonstrated against the Government, somebody’s wife has been murdered somewhere, a church in Bomet called Bethel is beating worshippers and somebody is running away without clothes to the Indian Ocean. That is what we have glorified.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

We must agree that in the spirit of protecting the independence of media, under Articles 34 and 35, they must also be responsible. That is why we are hesitant to regulate the media. We believe they should have self-regulation. I know of colleagues who have taken the media to court over misinformation and misrepresentation of facts. It is not hard. We respect and we celebrate the media. They are a medium of communication. They communicate to the people.

As the proceedings continue in this House; it is media that we rely on to communicate through national televisions or local dialects. You saw yesterday and on many occasions, even in television interviews, when somebody made a glaring misinformation. However, the journalists were not seeking evidence to that effect.

I do not think Mambo Mbotela envisaged a media that can be used as a tool of incitement. He envisaged a media that could rely on, accurate, verified and, most importantly, information that would protect the integrity of media in the country. We are not saying people should not criticise Parliament or the Judiciary or any other sector. We agree they have a role to play. However, we as a country, must demand that the media reports, accurate, verified and information with integrity.

So, in the celebration of the life of Mambo Mbotela, we must do things that when he ask “*Je, huu ni ungwana?*” We would carry ourselves as leaders with dignity, respect and we must build the nation. I think that was the clarion call of the late Mambo Mbotela.

I want to call upon national heroes to continue to award Mambo Mbotela posthumously with the highest honours so that many young journalists who are with us now can aspire to be at the level of Mambo Mbotela.

With those very many remarks, as I second. I wish the family of late Mambo Mbotela the grace that surpasses human understanding. As they mourn their father, their husband, their grandfather, they also have a hope that the country continues to celebrate the great strides and achievements in the media industry.

Mr. Speaker, Sir, with those many remarks, I second.

*(Sen. (Dr.) Oburu entered the Chamber)*

**The Speaker** (Hon. Kingi): Senator for Siaya, we are waiting for you to take your seat.

*(Sen. (Dr.) Oburu approached the Speaker)*

You may take your seat, Senator.

*(Question proposed)*

Hon. Senators, the Floor is open for contribution. The Senate Majority Leader, what is your point of information.

*(Interruption of debate on Motion)*

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

**PROCEDURAL MOTION**

## LIMITATION OF DEBATE ON MOTION

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I rise under Standing Order No.111 on Limitation of Debate. The reason why I want us to limit debates is because this person has since been buried more than a month or three weeks ago. However, that does not take away the great contribution he made to the country.

Given that at 5 o'clock we know the events that many of us will be attending, then it will be in order if we limit debates so that as many people as possible get a chance to speak. Looking at the time that we hardly have barely just an hour, if time permits, we can see how many people can speak from both sides.

I request that this debate be limited to two minutes per speaker. I think three minutes will be reasonable as opposed to two minutes because by the time you arise, two minutes are over.

**The Speaker** (Hon. Kingi): Hon. Senators, we may do this procedurally or through consensus. Therefore, three minutes; each speaker speaking for not more than three minutes.

Hon. Senators, because we would wish to hear all of you, especially those wishing to speak and looking at the business ahead, I would urge we stick with the three minutes. However, this is in your hands. Do we then by consensus take three minutes as the timing for each Senator speaking?

**Hon. Senators:** Yes.

**The Speaker** (Hon. Kingi): Hon. Senators, I will call those who have indicated to speak. The time as agreed should not be more than three minutes. Are we good?

**Hon. Senators:** Yes.

**The Speaker** (Hon. Kingi): We are spending more time on this matter, time that ought to have gone to the actual debate. Thus three minutes it is.

Proceed, Sen. Kinyua.

*(Resumption of debate on Motion)*

**Sen. Kinyua:** Asante, Bw. Spika, kwa kunipa fursa hii. Kwanza, kabisa nataka kuchukua fursa hii kutuma risala zangu za rambirambi kwa familia, jamii na marafiki wa Leonard Mambo Mbotela.

Bw. Spika, itakumbukwa kwamba mtangazaji Leonard Mambo Mbotela alikuwa ni ngwiji wa Kiswahili. Nilimuenzi na hata kukipenda Kiswahili kwa sababu yake na watangazaji wengine kama Billy Omala, Njuguna Gatei pamoja na Mohammed Juma na wale wengine.

Kusudi la kumpenda ni kwa sababu yeye alifanya kazi nzuri ya kuikosoa jamii na kile kipindi chake cha “*Je, huu ni ungwana?*” Jambo ambalo lilionekana kwamba halikukubalika katika jamii, alikuwa ni mwepesi wa kukosoa bila kuogopa.

Bw. Spika, ninakumbuka kwa wakati ule aliweza kuwakosoa wazee wakati ambapo walikuwa wamepewa *bonus*. Ilitokea kwamba mzee alikwenda akajivinjari na

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

mvinyo hata hakuenda nyumbani na kutosomesha watoto. Alikuwa akiuliza “je, huu ni ungwana kwa nyinyi wazee, baada ya watoto na mama kufanya kazi ngumu lakini baada ya kupokea malipo, unapata hakuna manufaa yoyote.”

Hayo maswali pengine angelikuwa hivi leo angeuliza, “Je huu ni ungwana kwa wakulima wa Narok kufanya kazi ngumu ya kukuza ngano na hatimaye kutoweza kuiuza? Hayo ni maswali ambayo aliyafanya kwa kuweza kuikosoa jamii.

Sio hivyo tu, aliweza kutangaza mpira. Vilel alivyokuwa akitangaza mpira na alivyokuwa akitohoa maneno, niliweza kujua mambo mengi pale. Hii ni kwa sababu alisema hasa sisi, Wakikuyu, tuna ile shida ya lahaja. Aliweza kufafanua vile ambavyo ungeweza kutoathiriwa na lugha ya mama. Hiyo ndiyo lahaja. Ninamuona Seneta wa Mombasa ameniangalia. Kwa hivyo, aliweza kuelezea vile ambavyo ungeweza kuongea lugha ya Kiswahili. Pengine nikamwiga na nikaweza kupata mambo mawili au matatu.

Nikimalizia nakumbuka vile ambavyo alikuwa akisoma taarifa zake na vile alivyokuwa akiongea. Nakumbuka akisema vile ambavyo Mhe. Rais wa Jamhuri ya Kenya alipokuwa mwaka wa 1982 wakati yeye mwenyewe alipokuwa Kenya Broadcasting Corporation (KBC) ama Voice of Kenya (VOK) na vile alivyoshambuliwa. Aliweza kusimulia na ukisikia akisimulia ile hadithi, unaipenda. Kwa hivyo, siku ya leo sisi tunamsherehekea na tunamuenzi.

Pengine vile Seneta wa Nandi alivyosema ---

**The Speaker** (Hon. Kingi): Proceed, Sen. Ogola.

**Sen. Ogola:** Mr. Speaker, Sir, I join my colleagues in celebrating the life of an illustrious career person in the media fraternity, the late Leonard Mambo Mbotela. We celebrate him because of the legacy he leaves behind. We remain very proud of him. We thank God he lived up to the last years of his life. We continue to condole with the family.

As we celebrate him, we celebrate him because of the influential voice he had all over in the radio. Along with him, we have also had influential voices like the late Agawo Patrobas and the late Sen. Ben Oluoch Okello who died while serving as a Senator.

Hon. Speaker, Sir, we remain proud of Mambo Mbotela. Each one of us grew knowing that voice. Even when you were not close to the radio or television, you could identify the voice.

On the same note, I celebrate some of the illustrious people that we have had in my community like the late Owino Misiani who was a musician, the late Oguta Bobo and the late Ayany Jowi. A number of you might not have been part of the enjoyment our communities had through the musicians that I have mentioned, but they were people that were common in the media then.

Mr. Speaker, Sir, I celebrate Leonard Mambo Mbotela as we continue to condole with the family.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Karungo, please, proceed.

**Sen. Thang’wa:** Asante, Bw. Spika, kwa kunipa hii nafasi nilete masikitiko yangu pamoja na kujiunga na Wabunge wenzangu kutoa rambirambi zetu. Nimesikia Sen. Cherarkey akisema tunafaa kuwa na shule au barabara inayoitwa Mambo Mbotela.

Hio ni sawa. Sasa inayoweza kufanyika kwa haraka ni sisi sote kujadilia hii Hoja kwa lugha ya Kiswahili, ambayo Mambo Mbotela alikuwa anatumia kutangaza.

Tulipokuwa tunakua, huyu muungwana alikuwa kielelezo cha kuigwa. Baada ya masomo yangu, niliingia katika chuo kusomea utangazaji. Nimekuwa mtangazaji kwa miaka zaidi ya saba. Alikuwa kielelezo cha kuigwa na wengi wetu tulipenda vile alikuwa akitangaza.

Kama vile Seneta wa Kaunti ya Laikipia amesema, wengi wetu sisi ambao tumetoka “murima”, tuna shida ya matamshi ya ‘l’ na ‘r’, ambayo wiki iliyopita iliniweka kwa shida wakati niliposema *looting*, kumbe nilikuwa namaanisha *routing*.

Tulipokuwa tunamsikiza, tulikuwa tunamuiga alivyokuwa akisoma taarifa ya habari, akiuliza “*Je, huu ni ungwana?*” na tunazunguka kwa kijiji tukisema vilevile. Kwa hivyo, alitusaidia sisi ambao tulikuwa tunamsikiliza kurekebisha ama kufanya Kiswahili chetu kiwe sanifu.

Nasema pole kwa familia. Ningalijua hii Hoja ilikuwa yaja leo, tungeweka watu wengine wengi kule ndani ambao pia walitoa huduma kwa taifa hili kama Wafula Chebukati. Tungemweka pale kwa sababu pia yeye ametoa huduma kwa taifa hili. Tungeongezea wengine ili tulete masikitiko na rambirambi zetu.

Bw. Spika, naunga Hoja hii mkono.

**The Speaker** (Hon. Kingi): Sen. Sifuna, please, proceed.

**Sen. Sifuna:** Mhe. Spika, kwanza ningependa kumkosoa Kiongozi wa Walio Wengi kwamba haijachukua siku zaidi ya kumi tangu tumzike Mhe. Leonard Mambo Mbotela. Tulimlaza pale Langata tarehe 15 mwezi huu. Najua Kiongozi wa Walio Wengi labda hiyo tarehe inakuchanganya kwa sababu ulikuwa katika maeneo ya Addis Ababa kwa shughuli ya uchaguzi wa Mwenyekiti wa African Union Commission (AUC).

Mnavyojua, mimi ni mtu wa mkono wa Mhe. Raila Odinga. Kwa hivyo, nilisalia hapa na tukajiunga pamoja na mwakilishi wa kina mama wa Kaunti ya Jiji Kuu la Nairobi, Mhe. Esther Passaris, pamoja na familia ya Mwenda zake Leonard Mambo Mbotela katika maombi pale All Saints Cathedral. Ilikuwa ni siku ambayo sote tulimkumbuka huyu shujaa wa utangazaji wa habari katika taifa letu la Kenya.

Bw. Spika, kinachonishangaza ni kwamba unakuta Seneta kama Sen. Cherarkey anatumia fursa hii ambayo tunamuenzi mtangazaji mkuu katika taifa letu kuwakosoa waandishi wa habari. Mhe. Spika, habari unazochagua kuona ni *upto you*, yaani, ni wewe utachagua ile *channel* utataka kwa sababu tulipokuwa tunakua, kulikuwa na kituo kimoja cha matangazo ambacho kilikuwa cha mama na baba. Wakati huu kuna vituo vingi. Ikiwa unaona kuna kimoja ambacho habari zake zinakukera, uko huru wa kubadilisha mitabendi, kama walivyokuwa wakisema.

Bw. Spika, ninavyojua ni kwamba, stesheni za kutangaza zitatangaza matukio jinsi ambavyo yalifanyika. Kwa mfano, leo Sifuna alirushwa nje ya Bunge la Seneti. Hautarajii kwamba waseme hakurushwa nje. Kwa hivyo, tuvipe vyombo vyetu vya matangazo nguvu ya kufanya kazi zao.

Bw. Spika, tulikuwa na pendekezo mwaka wa 2007 kwamba tuwe na Heroes Corner katika kiwanja chetu cha Uhuru Gardens. Nimesema hapa mara nyingi kwamba kiwanja hicho kilitwaliwa na jeshi na mpaka sasa hatujaweza kufanya kazi hiyo ya kuweka Heroes Corner pale.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Kuna sharia inayojulikana kama Kenya Heroes Act. Sheria hii inasema kwamba tuwatunze na kutoa njia ya kuwatunza hawa mashujaa wetu. Nilishtuka sana kuona Spika mwenzako katika Bunge la Kitaifa akisema ameshangazwa na kusikia kwamba Leonard mambo amezikwa katika makaburi ya Langata.

Bw. Spika, sheria hiyo inataka Bunge, yaani sisi, tutoe fedha ili kuwasaidia hawa mashujaa wetu. Hamna mtu mwingine mwenye kupewa hilo jukumu. Kwa hivyo, Spika wa Bunge la Kitaifa pamoja na wale ambao wanaratibu jinsi pesa zetu zinatumiwa, waweke fedha katika hii Heroes Act ama Heroes Support Fund ili waweze kupata hiyo *support* ambayo watu wanasema wanahitaji kupata.

Kwa ajili ya kuenzi huyu shujaa wetu, ni lazima tuangalie hii sheria---

**The Speaker** (Hon. Kingi): Please, give the hon. Senator another thirty seconds.

**Sen Sifuna:** Bw. Spika, sisi kama Bunge ili tusije hapa tena kulalama jinsi ambavyo mashujaa wengine wanatelekezwa, tuweke fedha katika Bajeti ya mwaka huu kwa sababu tuko katika hiyo cycle ya Bajeti, katika Bunge la Kitaifa na hata hapa. Tuweke pesa kwa ajili ya hii National Heroes Assistance Fund ili tusije kupigwa na butwaa jinsi nilivyomwona Mhe. Wetangula akishtuka.

Asante.

**The Speaker** (Hon. Kingi): The Senate Majority Leader, please proceed.

**The Senate Majority Leader** (Sen. Cheruiyot): Bw. Spika, najumuika na Maseneta wenzangu kutoa rambirambi na pia kumshabikia huyu mwanahabari ambaye ni tajika katika taifa letu la Kenya kwa kazi yake aliyoifanya kwa ustadi hadi alipofikia.

Kila mwanafunzi wa masomo ya uanahabari, waliokuwa wakati ambapo alikuwa kazini na hata alipostaafu, walikuwa wanatamani wafanye kazi alipofanya. Kwa hivyo, najumuika na wenzangu kutoa pole zetu kama Seneti. Pili, najumuika na Wakenya wote ambao walimshabikia na kusema asante, heko shujaa wetu kwa kazi ambayo umeifanya kwa hali ambayo imewafurahisha Wakenya wote na kusema kweli hapa kulikuwa na mwanahabari.

Siyo kila siku ambapo tunapata mtu ambaye baada ya kutuaga, watu wanamshabikia na kusema "Huyo, katika kazi zake, alifanya ilivyotakikana." Pengine kuna wengine wanajiuliza itakuaje baada ya siku karibu kumi vile tulivyoelezwa na kiongozi, Seneta wa Jiji Kuu la Nairobi, kwamba imekuwa ni siku kumi tangu walipomlaza ndiposa Bunge inazungumzia maswala haya. Ni kwa sababu kazi yake hata baada ya karne kumi bado itakua inakumbukwa katika taifa hili.

Jambo la mwisho, nimesikia Maseneta wengi wakitoa mawazo kwamba ingekuwa vizuri kama tungekuwa na Heroes Corner ya kuwashabikia mashujaa wetu. Sisi kama Seneti tunafaa kuwa na kumbukumbu yetu, hata siyo Bunge kwa jumla. Wakenya ama binadamu yeyote ambaye amefanya mambo ambayo sisi kwa kimo chetu kama Seneti tunaona kwamba wamechangia kufika mahali ambapo tunafaa tuwakumbuke. Kwa lugha ya kimombo inaitwa "*hall of fame*".

Katika institutions mbalimbali duniani unapata sehemu ambayo wameitenga na kusema kuwa kulingana na sisi tunaona bwana fulani amefanya mambo yake vizuri na inabidi sisi kama chuo au wizara tuwe na kona yetu ya kuwakumbuka watu kama hao.

Imefika wakati ambapo ni lazima tuwakumbuke wale ambao wametoa mchango mkubwa kuhakikisha kuwa taifa letu limekuwa bora. Inabidi tuanze na wale waliojitolea

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

kuhakiksha kwamba tuna ugatuzi. Tuwaandike na kusema kuwa fulani ni wa kwanza. Hii ni kwa sababu tunajua mchango wake katika kuhakikisha kuwa Kenya kuna ugatuzi. Pengine wale ambao wamezidi katika miaka ya baadaye kuhakikisha kwamba ugatuzi umekita mizizi.

**The Speaker** (Hon. Kingi): Sen. (Dr.) Oburu, you may proceed.

**Sen. (Dr.) Oburu:** Thank you, Mr. Speaker, Sir. I also want to give a word on the demise of my friend, Leonard Mambo Mbotela. This great man of Kenya came from a very, very humble background of those slaves who were freed and brought to Kenya to some place called Frere Town.

One of his uncles was a councillor here in Nairobi and there is an estate here in Nairobi called Mbotela.

This man started also from very junior ranks in the Kenya Broadcasting Corporation (KBC) which we used to call Voice of Kenya (VoK). He grew up through the ranks to become so famous that everybody in Kenya knew who Leonard Mbotela was.

I was in Mombasa where I used to work. One day in 1982, when there was a coup in this country, a sister-in-law of mine woke me up at six o'clock and told me, "Oburu, have you heard that there is a change of Government? Switch on your radio and you will hear what is happening.

I heard the voice of Mr. Leonard Mambo Mbotela and I thought this thing was complete. If Leonard Mambo Mbotela can announce this event and say, "*polisi wakae kama raia, polisi wakae kama raia.*" Immediately, I came out of my house, which was in the centre of town. I saw Makupa Police Station, all the policemen were walking there in civilian clothes as Mbotela had announced. However, things started changing by noon.

People thought he was involved in the coup. He was involved in that coup. However, he was hijacked by those people who were involved in coup and forced to make those announcements; which he did.

So, I think this needs to be clear, that Leonard Mambo Mbotela was not part of the coup, but he made that great announcement.

**The Speaker** (Hon. Kingi): Sen. Veronica Maina, you may proceed.

**Sen. Veronica Maina:** Thank you, Mr. Speaker, for this opportunity. Let me also take this chance to offer my deepest condolences to the family of the late Leonard Mambo Mbotela. He preceded other key anchors in the media sector today, the likes of Caroline Mutoko, with a commanding voice, and who brought into the nation the culture of honour.

When we were growing up, that is what we saw. His voice was synonymous with radio. We could not tell the difference between Mr. Leonard Mbotela's voice and the radio itself, because they looked as though they were Siamese twins.

He brought such a culture of honour, an honour which I wish was carried along by other anchors who came over to our radios and media stations. Every time there was a certain culture that went off against the African principles, or value system, he was quick to ask the people, "*Je, huu ni ungwana?*"

He did a lot of corrections on our morals over the radio and everybody respected him. It is sad to imagine that where he was buried may not have been distinctively

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*



marked for him. He may not have received the honour he should have received because he introduced that culture. He deserved to have an icon of honour, even at his departure.

We pray for his family that the legacy that he left in this nation, the legacy that he planted in very many of us, will live on. Pray that they will have a beaming light in that family that will carry on the rich legacy that Leonard Mambo Mbotela left with us.

I hope one of the young anchors will see the kind of work that was begun by Leonard Mambo Mbotela, pick it up and help the younger generation to work with that programme of “*Je, huu ni ungwana?*”

I thank you.

**The Speaker** (Hon. Kingi): The Senate Minority Leader, you have the Floor.

**The Senate Minority Leader** (Se. Madzayo): Asante, Bw. Spika. Jambo la kwanza ni kuwatakia kila la heri wajane walioachwa nyuma, watoto pamoja na vitukuu wake. Tunayo imani ya kwamba Mwenyezi Mungu atailaza roho ya marehemu mahali pema walipolala wema.

Ninamfahamu Bw. Leonard Mambo Mbotela kwa miaka mingi. Alikuwa ni mtu muungwana na hata hilo jambo la kusema “*Je, huu ni ungwana*” ni kwa sababu yeye mwenyewe alikuwa na tabia zake ambazo ni za heshima na za ungwana. Alikuwa sio mtu wa kutaka fujo. Saa zote alijaribu *ku-encourage* jamii ili iweze kutenda vyema katika maisha yao.

Kijiji cha Frere Town kule Kisauni ambako wazee wake walitoka ni mahali pa heshima. Ijapokuwa siku hizi kumekuwa na watu wengi, lakini panajulikana mpaka hivi sasa ambapo Mzee Mambo alipozaliwa.

Jambo ambalo tunaweza kulifanya ili kukumbuka shujaa Bw. Leonard Mambo Mbotela ni kwamba Serikali iweze kuangalia kama itakuwa ni barabara moja, vile tunavyoona mashujaa wengi hapa wamepewa majina katika ya barabara za Nairobi.

Bw. Leonard Mambo Mbotela ameishi katika Jiji la Nairobi wakati wake mwingi. Ingekuwa jambo nzuri ikiwa hapa Nairobi, Mhe. Sakaja akiwa Gavana wa Kaunti Kuu la Nairobi, kushirikiana na wenzake waweze kutafuta barabara nzuri ambayo inajulikana wazi kwa wakati wowote kama vile Harry Thuku Road ama Jomo Kenyatta Avenue ili kuona ya kwamba hata baada ya miaka mingi itayokuja jina la Leonard Mambo Mbotela liwe linajulikana.

Iwapo hatutafanya hivyo, basi itakuwa sio ungwana kwa sababu yeye mwenyewe hapo alipo atauuliza, “*je, huu ni ungwana ikiwa mimi niliwaitendea haya yote nikawa ninawaeleza njia ya kuenda ni ipi na leo hivi hata hamuwezi kunikumbuka katika miaka yangu niliyokuwa na nyinyi nikijaribu kutengeza mazuri.*”

Tukikosa kujibu hayo maswali ninaona suluhu kubwa ni kuona ya kwamba tumemkabidhi barabara fulani iitwe jina lake ili liweze kuishi kwa muda mrefu katika fikra za Wakenya.

**The Speaker** (Hon. Kingi): Sen. Essy.

**Sen. Okenyuri:** Asante sana, Bw. Spika, kwa kunipa nafasi hii. Ningependa kumkumbuka marehemu Leonard Mambo Mbotela na kutuma pole zangu kwa familia.

Kama taifa tunazidi kumkumbuka. Nilikutana na marehemu Leonard Mambo Mbotela mwaka uliopita nilipokuwa nikifuatilia mambo ya shujaa Moraa Ng’iti huko

Kisii. Nilipoenda kwa ofisi za National Heroes Council (NHC) nilimpata pale. Walikuwa wametenga siku hiyo kunipokea. Nilifurahishwa na jinsi nilivyopokelewa pale.

Marehemu Mambo Mbotela alikuwa mmoja wa wale walioniita na kuomba tupigwe picha pamoja nikikabidhiwa tuzo ambalo Moraa Ng'iti alikuwa amepewa.

Kwa hayo, nitamkumbuka kama kiongozi ambaye anakua. Ninajua kuna waandishi wa habari wanaozungumzia mambo tofauti. Huko Kisii kuna mwanahabari anayeitwa Sorobi Moturi anayejaribu kumkaribia mwenye kipindi kama cha marehemu katika redio ya Egesa. Ana kipindi kama “je huu ni ungwana” lakini kwa lugha ya Kisii. Ningependa kumtambua pamoja na wengine wanaofuata nyayo za marehemu Mambo Mbotela.

Mwenyezi Mungu ailaze roho yake mahali pema peponi.

Asante.

**The Speaker** (Hon. Kingi): Sen. Olekina.

**Sen. Olekina:** Bw. Spika, je huu ni ungwana? Kumlazimisha----What do we call a Whip?

**The Speaker** (Hon. Kingi): Sen. Ledama, choose your language and stick to it.

**Sen. Olekina:** Mhe. Spika, je huu ni ungwana kumlazimisha kiranja wa walio wachache kuzungumza Kiswahili?

*(Applause)*

Leo hii tunaeka kumbukumbu ya milele tukimkumbuka marehemu Leonard Mambo Mbotela, mtangazaji ambaye tutamkumbuka kama mmoja wa aliyetumia ucheshi ili kukosoa maadili yetu kama Wakenya.

Nakumbukuka vizuri nilisoma ya kwamba mwaka wa 1982 wakati wa mapinduzi hapa Kenya, aliwekewa bunduki na kulazimishwa kusema ya kwamba “serikali imepinduliwa.” Lakini alipomaliza, aliuliza, “Je huu ni ungwana?” Kumaanisha ya kwamba tunaweza kutumia ucheshi ili kukosoa wakenya kwa mambo wanayofanya. Ni lazima tuhakikishe ya kwamba kumbukumbu hizi za milele tunazozieka hazitabaki katika makaburi ya Langata.

Ningeomba tuwaenzi na kuwaheshimu watu waliojitolea kutuweka vizuri kama wananchi wa Kenya. Lazima mwili wake ufukuliwe na kuzikwa mahali ambapo Wakenya wote watamkumbuka kwa miaka nenda, miaka rudi.

Bw. Spika, nilimuenzi sana marehemu mpaka nikaenda kusomea uandishi wa habari. Nilipokuwa Marekani, jambo la kwanza nililosomea ni uandishi wa habari. Hiyo ni kwa sababu nilimuenzi marehemu Leonard Mambo Mbotela ambaye tunaweka kumbukumbu zake sasa.

Nawatakia familia yake, jamii yake yote na Wakenya wote heri na fanaka wanapozungumza na kuweka kumbukumbu hii ya milele. Asante.

**The Speaker** (Hon. Kingi): Asante, Sen. Olekina. Sen. Karen. Nyamu.

**Sen. Nyamu:** Asante sana, Bw. Spika. Namkumbuka marehemu Leonard Mambo Mbotela kama mwanahabari aliyeongea Kiswahili bora na kitamu. Ungesamehewa kudhani kwamba ametoka pwani ya Kenya. Nikiwa mtoto mdogo, nakumbuka wazazi wangu walisikiliza kipindi chake na ilitubidi tumsikilize, upende usipende. Hapo ndipo

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

nilifurahia kipindi hicho na nilikuwa nasubiria kwa hamu kipindi kinachofuata ili kujua angezungumzia nini.

Marehemu alikuwa analenga sana tabia za jamii. Nakumbuka nilikuwa nikiangalia watu wazima kama wanafanya vitu vya ungwana kulingana na matarajio ya marehemu kama ungwana. Alichangia pakubwa kuunda tabia njema katika jamii. Wanahabari wengi wanakosa maadili hayo kwa uanahabari wao. Tungependa wanahabari waangalie jinsi wanavyosaidia jamii. Wasikubali kutumiwa na wanasisia na watu wengine kwa sababu ya fedha.

Asante, Mhe. Spika.

**The Speaker** (Hon. Kingi): Sen. Hamida.

**Sen. Kibwana:** Asante, Bw. Spika. Pia mimi naomboleza kwa kutoa rambirambi zangu na kuunga mkono ndugu zangu walioongea kuhusu kifo cha mtaalamu wa Kiswahili, mwandishi na mwanahabari, marehemu Mambo Mbotela.

Bw. Spika, siwezi kusahau kuwa juzijuzi ni kama alikuja kutuaga. Alikuwa tukazungumza na kupiga picha pamoja. Nakumbuka nikimtania na kumwuliza kana hapa kuna ungwana. Aliniambia, hapa kwa Bw. Spika kuna ungwana maana amenikaribisha. Kila nikikumbuka, chozi linanitoka kwa kumkumbuka. Wewe pia utakumbuka kuwa alipata nafasi ya kuja kuzungumza na wewe na kukuaga.

Marehemu Leonard alitutumbeza sote tukiwa nyumbani. Tulikusanyika sote kusubiri kipindi chake cha redio na televisheni. Alitufundisha Kiswahili. Marehemu Mbotela ameacha urithi mkubwa wa tasnia ya uandishi na uanahabari. Nakumbuka Sen. (Dr.) Oburu alivyosema kuwa alilazimika kutangaza kupitia televisheni kuwa Serikali imepinduliwa mwaka wa 1982. Alikuwa na roho nzito kufanya hivyo. Ilikuwa jambo gumu kwake kushikwa kwa nguvu kutangaza hayo.

Mchango wake utakumbukwa sana vizazi na vizazi vijavyo, kipindi chake pamoja na jinsi alivyotuonyesha umahiri wake kwa uanahabari. Tunaomba Serikali iwapatie familia yake nafasi yoyote serikalini na iwasaidie kwani kuna mjane aliyeachwa.

Tunaomba Mwenyezi Mungu ailaze roho yake mahali pema peponi penye wema. Asante.

**Sen. Boy:** Asante sana, Bw. Spika, kwa kunipa fursa hii kuchangia Hoja hii kuhusu mzee wetu Leonard Mambo Mbotela ambaye alikuwa maarufu. Alijulika nchini na pia nchi za Afrika mashariki.

Tulipokuwa wachanga, Kenya Broadcasting Corporation (KBC) ilikuwa inafungulia saa kumi na moja na kufunga saa tatu usiku. Kabla habari za saa moja, kuna wakati Leonard Mambo Mbotela angesoma habari.

Ni mzee mmoja aliyejulikana kwa sifa zake nzuri. Alizaliwa sehemu za Frere Town. Naomba Seneta wa Mombasa, Sen. Faki, Gavana wa Mombasa na Wabunge kutoka Kaunti ya Mombasa, haswa Kisauni, shule inayoitwa Frere Town wabadilishe jina iitwe Leonard Mambo Mbotela Primary School Free Town kwa sababu kwao ni Free Town.

Bw. Spika, sio vibaya kubadilisha jina la shule. Jina hili litahusishwa na shule hii milele. Vitukuu watajua kulikuwa na shujaa aliyekuwa akitangaza katika redio.

Leonard Mambo Mbotela alikuwa anajulikana sana. Wakati wake kulikuwa na watangazaji wengine kama Ali Salim Manga, yuko hai. Huyu alikuwa mtangazaji

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

maarufu sana. Sammy Lui aliyekuwa amebobea na yuko hai. Amestaafu tu lakini bado anajulikana.

Sitasema mengi, ila naomba Seneta wa Mombasa Sen. Faki, akazane na Gavana wa Mombasa Abdullswamad Sherrif Nassir wabadilishwe jina la shule ile. Bunge la Kaunti ya Mombasa ipitishwe Hoja kuwa shule iliyoko Free Town ibadilishwe jina na kuitwa Leonard Mambo Mbotela Primary School.

Bw. Spika, kwa hayo machache, asante sana.

**The Speaker** (Hon. Kingi): Sen. Oketch Gicheru, proceed.

**Sen. Oketch Gicheru:** Bw. Spika, nachukua fursa hii kukupa pole, kwa kumpoteza babako. Naomba Mungu aipoze roho yako.

Pili, kama kijana nchini, mimi hutazama mbele wakati ambapo sisi kama Wakenya tutakuwa na maadili mema. Katika Katiba yetu, Sura ya Sita, kuna maadili ambayo imeashiriwa. Natazamia siku moja ambayo Wakenya watakuwa na maadili mema.

Namkumbuka marehemu Leonard Mambo Mbotela kwa kipindi ambacho alikuwa anatangaza. Kipindi hiki kiliangazia maadili ya jamii. Licha ya kuwa na Serikali na polisi, inawezekana jamii iwe na maadili mema. Kipindi cha “Je, huu ni ungana.” hakikuwa kipindi tu kwangu. Nimekitazama kwenye *Youtube*. Kipindi hiki kiliangazia maadili mema katika jamii.

Hapa nchini watu hawana maadili. Wanasiasa wako na changamoto ya tamaa. Inafaa wanasiasa wasome kutokana na mafunzo ya Leonard Mambo Mbotela. Wanafanyi biashara pia hawama maadili. Waendeshaji pikipiki na matatu hawana taadhima wala utu barabarani. Masuala haya ndio Leonard Mambo Mbotela alikuwa anayezungumzia.

Tunapoomboleza ndugu yetu, naiombea familia yake mema. Naomba Mungu awafariji. Kama taifa, tuzingatie yale aliyokuwa akiyasema kwenye kipindi chake. Na tusikuwe na tamaa---

**The Speaker** (Hon. Kingi): Sen. Oketch Gicheru, you have 30 seconds to conclude your thoughts.

**Sen. Oketch Gicheru:** Asante, Bw. Spika, kwa kuniongeza muda. Tusiwe na tamaa ya mali kama jamii, bali tuwe na maadili mema ya kujenga jamii ya usawa.

**The Speaker** (Hon. Kingi): Sen. Korir, proceed.

**Sen. Korir:** Asante sana, Bw. Spika. Nachukua nafasi hii kutoa risala za rambirambi kwa Spika kwa kupoteza baba mzazi. Poleni sana. Tumepoteza viongozi ambao wamefanya kazi ya kuifunza jamii na kuitunza familia. Siku ya leo tunashuhudia matunda ya kazi yao.

Leonard Mambo Mbotela alikuwa na kipindi ambacho alitumia kufunza Wakenya mambo mengi. Kuna mambo mengi ambayo yanaendelea hivi sasa yanayoshtua jamii. Tabia ambazo ziko kwenye mitandao haziandamani na maadili ya kijamii.

Leonard Mambo Mbotela alifanya kazi nzuri. Alichangia kwenye michezo. Tumempoteza mtu mashuhuri. Pole kwa familia na nchi nzima.

Asante, Bw. Spika.

**The Speaker** (Hon. Kingi): Hon. Senators, I will proceed to put the question. Clerk, before I put the question, please, confirm if we have the requisite quorum.

*(The Clerk confirmed quorum)*

Sen. Madzayo, approach the Chair.

*(Sen. Madzayo approached the Speaker)*

Sen. Faki, you may proceed to reply before I put the question.

**Sen. Faki:** Asante, Bw. Spika, kwa kunipa fursa hii. Kwanza, ningependa kushukuru na kuwapongeza Maseneta wote ambao wamechangia Hoja hii. Shukrani maalum ziwaendee Maseneta wafuatao: Sen. Cherarkey, Sen. Kinyua, Sen. Ogola, Sen. Thang'wa, Sen. Sifuna, Sen. Cheruiyot, Sen. Madzayo. Sen. Veronica Maina, Sen. Olekina, Sen. Nyamu, Sen. Kibwana, Sen. Oketch Gicheru, Sen. Korir na Sen. (Dr.) Oburu kwa michango yao.

Ni wazi kwamba mchango wa mwendazake Leonard Mambo Mbotela ulikuwa mkubwa sana kwa taifa letu. Hivyo basi, haitakuwa sawa kutofanya jambo lolote litakaloweke jina lake katika nyoyo zetu milele. Kwa mfano, Sen. Boy wa Kwale amependekeza kuwa Shule ya Frere Town iliyoko katika Kaunti ya Mombasa ipewe jina la Mbotela. Vile vile, pale Frere Town kuna ukumbi ambao unaweza kupewa jina lake. Hiyo inaweza kufanyika pia Nairobi kwa sababu hapa ndipo alifanya kazi kwa muda mrefu.

Bw. Spika, ipo haja ya kuwa na kigezo kitakachotumika kukumbuka jina lake. Tunaiombea roho yake iwekwe mahali pema peponi.

**The Speaker** (Hon. Kingi): Thank you, hon. Senators. I will now proceed to put the question.

Sen. Omtatah and Sen. Sigei, kindly take your seats.

*(Sen. Okiya Omtatah and Sen. Wakili Sigei  
sat at their places)*

*(Question put and agreed to)*

Hon. Senators, before we move to the next Order, I have a communication to make.

### COMMUNICATION FROM THE CHAIR

SUBSTANTIATION OF REMARKS MADE BY SEN. OKIYA  
OMTATAH ON WEDNESDAY, 19<sup>TH</sup> FEBRUARY, 2025

**The Speaker** (Hon. Kingi): Hon. Senators, as you may recall, at the Afternoon Sitting of the Senate held on Wednesday, 19<sup>th</sup> February, 2025, the Senator for Vihiga County, Sen. Osotsi, CBS, rose on a point of order, pursuant to Standing Order No.105(1) to require the Senator for Busia County, Sen. Okiya Omtatah, MP, to substantiate statements made in the course of a debate.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

The utterances by Sen. Okiya Omtatah, MP, were made while the Senator was contributing to the Motion on the thanks of the Senate on Kenya's attempt for the position of the Chairperson of the African Union Commission (AUC).

In the point of order, Sen. Osotsi, MP, stated as follows-

"I think it is important for us to be told more about this Janjaweed. My little knowledge about Janjaweed is that it is a terrorist group that operates in the Sahel Region of Sudan, Chad and Yemen. Sen. Okiya Omtatah, whom I respect a lot, and I know has a lot of information, has said that they have opened an office in Kenya. I think it is a serious matter that even I, as a representative of the people, would like to know more about it."

The Senator further stated that-

"Have these people opened an office in Kenya and what action can we take as representatives of the people? If indeed they are in Kenya, and I do not want to doubt what Sen. Okiya Omtatah is saying because he has always proven whatever he says. He has researched very well and I think I need to know more about that."

From the reading of the HANSARD, the statements that Sen. Okiya Omtatah, MP, was required to substantiate were as follows-

"Here we are, that today in Nairobi, we have the Janjaweed being allowed to open an office. This is a genocidal organ that tried to eliminate black people. It is now on record. It is a matter of public notoriety that the Janjaweed, which has now been given an office in Nairobi to operate from, has a history of trying to eliminate black people.

The Executive behaves like it is a law upon itself. That is why the Janjaweed can be given an office in Nairobi at the whims of an individual and claim that the people of Kenya have welcomed the Janjaweed to come and run its genocidal government from Nairobi. It is extremely sad."

Hon. Senators, Standing Order No.105(1) states as follows-

"A Senator shall be responsible for the accuracy of any facts that the Senator alleges to be true and may be required to substantiate any such facts instantly."

Further, Standing Order No.105(2) states as follows-

"If a Senator has sufficient reason to convince the Speaker that the Senator is unable to substantiate the allegations instantly, the Speaker shall require that such Senator substantiates the allegations not later than the next sitting day, failure to which the Senator shall be deemed to be disorderly within the meaning of Standing Order 121 (Disorderly conduct) unless the Senator withdraws the allegations and gives a suitable apology, if the Speaker requires so."

Hon. Senators, various Senators rose to make comments on the point of order raised by Sen. Osotsi, including Sen. Oketch Gicheru, who further sought the intervention of the Speaker to require Sen. Okiya Omtatah to give evidence that, indeed, the Janjaweed is based in Kenya or otherwise has an office in Nairobi; Sen. (Dr.) Khalwale, who gave information in support of Sen. Okiya Omtatah argument that the Janjaweed is a terrorist group that operates in the Sahel Region of Africa; and, Sen. Cherarkey, who

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

informed the Senate on how the Janjaweed came to be and its metamorphosis to Rapid Support Forces (RSF). Other Senators who made comments to the point of order included Sen. Kinyua, Sen. Methu and Sen. Omogeni.

Sen. Okiya Omtatah's response to the point of order by Sen. Osotsi was to refer the Senate to a URL; <https://www.cfr.org/global-conflict-tracker/conflict-power-struggle-sudan>, despite being directed severally by the Chair to submit the same as evidence for substantiation with the Clerks-at-the-Table. His argument was that he had provided a URL as evidence for substantiation to the point of order raised by Sen. Osotsi.

Sen. Okiya Omtatah subsequently walked out of the Chamber, while comments on the point of order by other Senators referred to above were being made. Although he had exited the Chamber, the Chair required Sen. Okiya Omtatah to submit evidence to the claim he made regarding the Janjaweed.

At the subsequent sitting held on Thursday, 20<sup>th</sup> February, 2025, the Chair, by way of Communication from the Chair, invited Sen. Okiya Omtatah to submit evidence in support of his claim referred to above.

Sen. Okiya Omtatah maintained his argument that the URL he had uttered was sufficient substantiation, pursuant to Standing Order No.105. That being the case, I undertook to review the material and give a ruling on the matter, as it was not practical to make a determination then.

Hon. Senators, from the foregoing, two items stand out for substantiation with respect to the point of order by Sen. Osotsi.

- (1) Who the Janjaweed group is in general; and,
- (2) Whether the Janjaweed has a base of operation or an office in Kenya.

As you may recall, I have on several occasions issued communications from the Chair, stating that any document or evidence tabled by a Senator in the Senate as evidence for substantiation of any allegations made under Standing Order No.105, must pass a certain threshold.

The obligation of the speaker in such matters is to review the document or evidence tabled, determine the admissibility, establish whether the documents, if admissible, provide evidence of the claims made and finally make a ruling whether, accordingly, the threshold under Standing Order No. 105 has been met.

In undertaking the foregoing assessment, the following are the parameters that guide the Speaker.

- (1) Is the evidence tabled from a source from which by parliamentary practice, is official and admissible?
- (2) If the answer to (1) is in the affirmative, does the evidence relate to and verify the claim that was made and for which substantiation was required?

Hon. Senators, you will appreciate that media has evolved across different digital platforms in the field of Information Communication Technology (ICT).

It is, therefore, imperative for Parliament and specifically the Senate, to adapt to the changing technological times and where necessary, amend its rules to accommodate digital electronic evidence. Having reviewed the URL uttered by Sen. Omtatah, I now turn to the parameters of admissibility that I have referred to.

As regards the first parameter, which is whether the evidence tabled or submitted was from a source, which by parliamentary practice, is official and admissible. Upon accessing the URL <https://www.cfr.org/global-conflict-tracker//conflict-power-struggle-sudan>, it directs you to an article under the heading Civil War in Sudan by the Centre for Preventive Action, published on the website of the Council on Foreign Relations, CFR-CFR, and dated the 3<sup>rd</sup> October, 2024.

Upon review of the URL referred to above, it indicates that CFR is a nonpartisan, independent national membership organisation, think-tank, educator and publisher, including of foreign affairs. It generates policy-relevant ideas and analysis, convenes experts and policymakers and promotes informed public discussion all to have an impact on the most consequential issues facing the United States and the world.

The website appears to be the official website for CFR. There is no evidence to suggest the contrary that this document is accordingly admissible.

Hon. Senators, the second parameter is, does the evidence relates to and verifies the claim that was made and for which a substantiation was required? The URL provided by Sen. Omtatah sought to substantiate who the Janjaweed Group is and whether the Janjaweed has an office in Kenya.

In the first instance, the information on the URL illustrates the conflict in Sudan and the players involved. It also highlights the various efforts at mediation and conflict resolution by players such as the United Nations (UN) and the Intergovernmental Authority on Development (IGAD).

The article refers to atrocities committed by the Janjaweed militia in Darfur and other parts of Sudan. It also makes further reference that RSF was created or has its roots in the Janjaweed militia. To this extent, the information satisfies the point of order by Senator Godfrey Osotsi on the need to know more about the Janjaweed.

Hon. Senators, as regards the second part of Senator Osotsi's point of order, the article on the URL does not give any indication that the outfit has a base in Nairobi or has an office in Kenya, as alleged by Sen. Omtatah.

Sen. Omtatah needed to substantiate his claim by either giving a physical or postal address where Janjaweed has established an office in Nairobi. This has neither been done by the Senator nor has it been indicated in the article submitted for substantiation.

Accordingly, I find and rule that the claim by Sen. Omtatah that the Janjaweed has an office in Nairobi has not been substantiated. In accordance with my findings and the failure to meet the threshold of substantiation pursuant to Standing Order No.105(2), I direct the Senator to withdraw the remarks he made on Wednesday, the 19<sup>th</sup> of February, 2025 and apologise.

Hon. Senators, related to the process of substantiation required of Sen. Okiya Omtatah on this matter, having reviewed the HANSARD of the proceedings of Wednesday, 19<sup>th</sup> of February, 2025, afternoon sitting, the Senator made the following utterances-

“Mr. Deputy Speaker, Sir, it is shameful that you can stand there and read a sanitised version of events. Very many Senators contributed to that Motion and unless you give a correct record of what happened, I am not going to be invited into that murky bubble in which you want this House to exist. I will not.”

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*



The Senator went further to state the following.

“Mr. Deputy Speaker, Sir, I think we should conduct proceedings in this House in mother tongue.”

Now, Hon. Senators, I find these statements to be extremely disrespectful and condescending on the Chair and the House. Consequently, I direct the Senator to proceed and apologise to the House, as this is a serious affront to the orderly conduct of proceedings and a risk to the dignity of the House.

All Senators, without exception, must conduct themselves with respect and decorum.

I now invite Senator Omtatah to withdraw the remarks on the allegations made in the House in the course of the debate and apologise to the House on the disrespectful remarks.

I caution, as provided for in Standing Order No.105 (2), that failure to withdraw and apologise will be deemed to be disorderly within the meaning of Standing Order No.121.

Hon. Omtatah, the Floor is yours.

**Sen. Okiya Omtatah:** Mr. Speaker, Sir, I thank you for the opportunity to address this House. The last time in this House, if the record of the HANSARD will serve us right, I was told to bring the URLs I was referring to.

It was not one. In your review, you have reviewed one URL, which was the second URL I had given. The first one was on *Wikipedia*, upon which Sen. (Dr.) Khalwale commented.

I still do not understand why you cannot give a full version of what transpired in this House. I do not understand why. I had a total of 12 URLs. I kept on being interrupted when I was substantiating. I thought when somebody is asked to substantiate, he is called upon to perform a solemn duty, which the House must listen to in silence.

Accord the person challenged to substantiate the chance to do so. You cannot challenge me to substantiate, gag me, block me from substantiating and then demand that I apologise for having failed to substantiate. I find that difficult to carry in my conscience.

So, Mr. Speaker, Sir, I reiterate my position that the Janjaweed is in Nairobi. The RSF is a matter of public notoriety, that RSF---

**The Speaker** (Hon. Kingi): Sen. Omtatah, I am trying to accommodate you.

**Sen. Okiya Omtatah:** I approach the Chair?

**The Speaker** (Hon. Kingi): You need not to. The ruling has been made by the Chair. You have two options; either to withdraw and apologise or sit and wait for further orders from the Chair. Those are the only two options available, where we are now.

**Sen. Okiya Omtatah:** Well, this is my first time in this House. If that is how this House operates, for the sake of the people I represent in this House and the need for their representation to be in this House and not for my own sake---

My conscience is not allowing me to say what I am going to say. I am going through this outside my body. I will take responsibility for the challenges this House has had engaging with me. I will say that because I was denied the chance to table the 10 URLs, which I was relying on, a copy of which I emailed to the HANSARD office when

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

they sent me a draft of what had been said here. I emailed an entire list of the 12 URLs to the Senate office. I gave a copy.

**The Speaker** (Hon. Kingi): Sen. Omtatah.

**Sen. Okiya Omtatah:** I will proceed. If you do not want me to contextualize, what I am going to say is that I will withdraw and apologise. If that pleases the conscience of this House, so be it. Nonetheless, it is a sad day for this country.

**The Speaker** (Hon. Kingi): Next, Order.

Proceed, the Senate Majority Leader.

## MOTION

### VARIATION OF SENATE RESOLUTION ON THE CONDUCT OF SEN. GLORIA ORWOBA, MP

**The Senate Majority Leader** (Sen. Cheruiyot): Here is a matter of a Member who did not find difficulty in apologising.

*(Laughter)*

Mr. Speaker, Sir, there is a variation of the resolution of the Senate on the report of the Committee of Powers and Privileges on the conduct of Sen. Gloria Orwoba.

I beg to move the following Motion-

THAT AWARE THAT on 20<sup>th</sup> September 2023, the Senate adopted the Report of the Committee of Powers and Privileges on the conduct of Sen. Gloria Orwoba, MP, and resolved to suspend the Senator from the precincts of Parliament for the remainder of the Second Session of the Thirteenth Parliament which period amounted to seventy-nine (79) calendar days;

COGNIZANT THAT Sen. Orwoba subsequently sought judicial intervention, obtaining a court order that stayed the implementation of the Senate's resolution until the matter was determined, and that the High Court, in its judgment delivered on 15<sup>th</sup> January, 2025, dismissed the petition, thereby reinstating the suspension;

CONSIDERING THAT Sen. Orwoba has shown considerable level of remorse and that following the Communication by the Speaker on Wednesday, 12<sup>th</sup> February, 2025, on the implementation of the resolution of the Senate on the "*Report of the Committee of Powers and Privileges on the conduct of Sen. Gloria Orwoba, MP*", the Senator was apologetic of her conduct;

NOW THEREFORE, pursuant to section 17(3)(d) and (g) of the Parliamentary Powers and Privileges Act, the Senate resolves to vary its resolution made on 20<sup>th</sup> September, 2023 suspending Sen. Orwoba from the Senate and precincts of Parliament for seventy-nine (79) calendar days and reduces the suspension period to thirty (30) calendar days, commencing 12<sup>th</sup> February, 2025 to 13<sup>th</sup> March 2025, after which the Senator shall be allowed back

to the Senate and the precincts of Parliament, on the terms resolved by the Senate on 20<sup>th</sup> September, 2023.

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

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

Mr. Temporary Speaker, Sir, this is a request that I want to make to the House *via* this Motion. Once a colleague has approached us in the way that Sen. Orwoba did after he realisation that her conduct was not in line with what is expected of a Senator. She has since apologised to the House on record, the way she did on the day that she was asked to leave the Chamber.

I want to call upon the collective wisdom of colleague Senators to consider reducing the sentence from 79 days, which is almost three months to have a colleague out of the precincts of Parliament, to 30 days. This is one month. She will have served the sentence and even then, the final bit of this Motion is that when she resumes, she will do other things which the Motion that suspended her required of her to do after the 79 days.

The only reprieve that this Senator is asking, or that I want to request colleague Senators to pass in this House, is to reduce from 79 to 30 days calendar days. It is a humble request to colleague Senators that I want to request that we be fair and accord.

With those many remarks, I want to request my brother, the Minority Leader Senator, Rtd. Justice Stewart Madzayo to second this Motion.

I thank you.

*(Interruption of debate on Motion)*

**The Temporary Speaker** (Sen. Abdul Haji): Just one moment, Minority Leader. I have a communication to make.

### COMMUNICATION FROM THE CHAIR

#### VISITING DELEGATION FROM KAPKISIARA GIRLS HIGH SCHOOL

**The Temporary Speaker** (Sen. Abdul Haji): Hon. Senators, I would like to acknowledge the presence in the public gallery this afternoon, visiting teachers and students from Kapkisiara Girls High School in Kericho County. The delegation comprises eight teachers and 103 students, who are in the Senate for a one-day academic exposure.

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

The Senate Majority Leader, would you take a minute to welcome them?

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Temporary Speaker, Sir. I welcome these students from Kapkisiara Girls Secondary School in Bureti

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Sub-County. It is one of the top performing schools from the county, who are here on a visit to the institution.

I hope that they have enjoyed the full value of the time that they have taken. They have seen us debate. What you have just seen your Senator do, is to move a Motion and the seconder is about to take to the Floor.

Mr. Temporary Speaker, Sir, after their visit, as is the tradition of this Senate, I will walk behind to greet them and wish them safe travel back home.

I thank you.

**The Temporary Speaker** (Sen. Abdul Haji): The Senator for Bomet, did you want to welcome them as well?

**Sen. Wakili Sigei**: Thank you, Mr. Temporary Speaker, Sir. I initially wanted to bring to your attention the fact that they were about to leave the public gallery before you acknowledged them. I appreciate the intervention that you took, so that they also feel the presence of being welcomed by their Senator in the House.

I join my neighbour, Sen. Cheruiyot, who is the Senate Majority Leader of the House, in welcoming them to this House as well. I know that they have learnt a lot by being present here. I equally will join him being a good neighbour, to welcome them behind the Chamber of the Senate.

I thank you.

**The Temporary Speaker** (Sen. Abdul Haji): The Senate Minority Leader, you can second the Motion.

*(Resumption of debate on Motion)*

**The Senate Minority Leader** (Sen. Madzayo): Asante, Bw. Spika wa Muda. Jambo la kwanza yule ambaye alikuwa amefanya makosa na ikabainika wazi ya kwamba kweli Seneta alikuwa amefanya makosa, aliweza kuomba msamaha wakati alipatikana kuwa na hiyo hatia.

Kwa kawaida unaona ule ugumu wa mtu akiwa amekosea na akiwa hajui, na akiwa amekosea na akiwa anajua. Wengi huwa pengine wanaweza kukataa kuomba msamaha ama wengine wakaweza kuomba msamaha. Sasa hivi tayari ndugu yetu Omtatah alikuwa hapa na amesema ijapokuwa akijivua yeye nguo yake anaweza kuomba msamaha, lakini kwa vile ambavyo ameona ajigawanye mara mbili, akasema yeye pia amesema pole sana na anaomba msamaha na hii Seneti ikamsamehe.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Madzayo, kwanza, Sen. Omtatah hakusema lolote kuhusu kuvua nguo yake. Kama unaweza, rekebisha hayo matamshi yako---

**The Senate Minority Leader** (Sen. Madzayo): Nilisema kujitenga mwili wake na vile alivyotamka---

**The Temporary Speaker** (Sen. Abdul Haji): Hujasema hivo, umesema kuvua nguo.

**The Senate Minority Leader** (Sen. Madzayo): Pole, Bw. Spika wa Muda. Pengine ulimi uliteleza ndio nikaskia sauti ya Sifuna akicheka.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Kila binadamu hufanya makossa. Vile vile huwa anaweza kuomba msamaha ama kukataa kuomba msamaha. Dada yetu Orwoba Gloria aliomba msamaha. Kwa hivyo, sioni jambo gumu ya kwamba kutakuwa na mushkil ambao hatuwezi kumsamehe.

Nimeona siku alizopewa, 79, za kuadhibiwa. Alipooamba msamaha, sisi wote tulikuwa na mioyo mikunjufu na tukakubaliana. Naona ya kwamba kuzipunguza siku hisi ili dada na Seneta mwenzetu arudi, hakuna shida.

Naunga mkono hii Hoja ya kugeuza kutoka siku 79 hadi 30, ili dada yetu arudi katika Bunge hili la Senate aendelee kama kawaida yake, kusaidia Wakenya katika maisha yao.

Asante, Bw. Spika wa Muda. Naunga mkono Hoja hii.

*(Question proposed)*

**The Temporary Speaker** (Sen. Abdul Haji): Hon. Senators, we shall allow debate on this matter.

Sen. Joyce Korir, please, proceed.

**Sen. Korir:** Asante, Bw. Spika wa Muda. Yangu ni kusimama na Mhe. Gloria, kwa sababu kila mtu hufanya makosa. Katika kielezo, imefafanua ya kwamba Mhe. Gloria ameomba msamaha. Nimesema awali, kila mtu hufanya makosa. Sisi sote tunatenda makossa na ni vizuri kusameheana ili tuweze kutekeleza majukumu yetu.

Kwa hivyo, Bw. Spika wa Muda, ningependa kusimama na yeye. Ninaunga mkono arudi hio tarehe 12 kama ambayo imeandikwa.

Asante.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Tabitha Keroche, please proceed.

**Sen. Tabitha Keroche:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity.

I would like to rise and support the House on what they have resolved to pardon Sen. Gloria for the mistakes that she made. However, I hope, even as we forgive and want her to come back on 12<sup>th</sup> March, we shall ensure she has written letters to the persons who were affected by her utterances, to apologize on a personal level. This is because some of the utterances affected people with families.

So, I hope that she will take it upon herself to ensure that she has written a letter on a personal level to the people that were affected by her bad utterances.

As Senators, we will forgive her because of the letter of apology that she wrote. However, we do not want to forgive her, move forward and leave other people behind, especially the people who were affected by her utterances.

This will also set an example that you cannot just be talking bad things about people and then you just write a letter and apologize. So, there must be some measures taken to ensure the people who were affected, have been apologized to on a personal level. As a House, we need her to come back. We will always welcome her back. I also support that we forgive her.

Mr. Temporary Speaker, Sir, as I said, she should personally apologize to the people who were affected by her utterances. Let her do so at a personal level so that we move together.

Some of them are people that we rely on in this House. For instance, the Clerk of this House. She need to apologise to him.

Thank you, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Murgor.

**Sen. Murgor:** Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity. I also join my colleagues and concur with their views that we should forgive her. This is because to miss business of House for more than two months is long time. A lot would have gone under the bridge and she would have missed a lot. So, the reduction to 30 days is appropriate and good enough for her to learn the lesson that she needs.

I hope she learned a lesson that she will not walk the same path again. When she comes back, I hope she will change her attitude, ways and language. I welcome the view that we forgive her. As I said, it is my hope that she has learned enough lessons that will change the way she talks and her attitude towards others.

I hope she will take our forgiveness seriously not like a play. I join my colleagues to forgive her and to welcome her back.

Thank you.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Edwin Sifuna, please proceed.

**Sen. Sifuna:** Mr. Temporary Speaker, Sir, perhaps the Senate Majority Leader - who unfortunately I did not have the opportunity to speak to prior to the introduction of his Motion - because we are a House of record - could address legal and constitutional principles behind the decision that the House wants to take.

I have looked at the section of the Powers and Privileges Act that you have invoked. Section 17(3)(d) and (g) of the Powers and Privileges Act and the Standing Orders of the Senate. There is no reference at all to rescinding decisions that have been passed by this House.

Perhaps he can demonstrate to us, maybe when he is replying to the Motion, how this sits. He understand that there are grievous matters such as when a Bill is rejected in this House, in terms of the period within which it can be reintroduced.

Lastly, perhaps the Senate Majority Leader in his reply can also speak to whether the subject of the attacks, the victims themselves, have said anything on this matter, so that as a House we also do not appear as if we are taking one side of the story.

It would be nice to know whether there is any communication from the persons affected by the conduct of the Senator, so that when we are making that decision, we decide out of appreciation of the full facts.

Those are going to be my only comments; we do not need to belabour. I thank you.

**The Temporary Speaker** (Sen. Abdul Haji): Very well.

Sen. John Kinyua, you may proceed.

**Sen. Kinyua:** Asante, Bw. Spika wa Muda. Mimi ninakubaliana na haya maombi. Pia ninakubaliana na Sen. Sifuna ya kwamba ijapokuwa tunamsamehe Sen. Orwoba, yule ambaye alikuwa ameathirika na matamshi yake, yeye amesema nini?

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Hii ni kwa sababu unapofanya makosa na kuyajutia, unapaswa kumuomba msamaha yule ambaye ulimkosea ili naye aweze kukubali msamaha huo. Sisi kama Seneti tunaweza kukubaliana lakini yule ambaye aliathirika bado yuko na uchungu.

Ni vizuru Sen. Orwoba amuombe msamaha yule ambaye aliathirika kwa sababu Kitabu Kitakatifu cha Mungu kinasema kuwa kile ambacho kimesamehewa humu duniani, hata mbinguni kimesamehewa.

Mimi ninakubaliana na wenzangu lakini kwa sababu yule hakosei ni mia kwa mia ni Mungu peke yake. Ni vizuri hata sisi tusamehe kwa sababu leo ni mimi, kesho ni wewe.

Ni mtindo mzuri kwa watu kusameheana tukiwa katika dunia hii, ninaweza nikakukwaruza na kesho unikwaruzwe na mwingine. Ule uzoevu wa kusameheana utakuwa ni mfano mzuri katika nchi yetu ya Kenya.

Tumekuwa tukijadili hii Hoja ya Bw. Leonard Mambo Mbotela, itakuwa ni ungwana kwetu sisi kuwasamehe wenzetu.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Wakili Sigei, you have the floor.

**Sen. Wakili Sigei:** Thank you once again, Mr. Temporary Speaker, Sir. As I rise to also comment on the Motion by the Senate Majority Leader. It is not lost on us that the hon. Sen. Gloria Orwoba, did indeed exercise her right to seek judicial intervention and a finding was made by the court.

As to her choice not to pursue an appeal against the decision, which went against her, could be a revelation on her part as to the importance of seeking to apologize before the House. This is because that decision seeking to challenge, was occasioned by the decision of this House.

The House had decided to punish her for a period of 79 days. I believe her apology to the Members, including the victim of the actions that led to the punishment by the House, is sufficient in the circumstances, particularly where the Mover of the Motion has not completely proposed that the punishment be rescinded, but only be reduced from 79 days to 30 days.

From where I sit, having a colleague who has without hesitation sought to be forgiven by the Members who could have been or could not have been affected by the decision that was made should be considered. The period of punishment be reduced as proposed by the Senate Majority Leader suffices.

I am very sure that the Senate Majority Leader will also speak to a few of the issues that Members have raised here in the context of a decision having been made and also the position of the victim of the utterances that led to the subject we are debating this afternoon.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Eddie Oketch.

**Sen. Oketch Gicheru:** Mr. Temporary Speaker, this is a very difficult issue for me to speak about because I am a new Member of this House. As a new Member of this House, I depend on the different legal instruments of this House on such matters.

One of the things that I never want to vary is the wisdom of the leadership of the House when such a Motion has been sponsored by the Senate Majority Leader. I never

want to vary it because there is wisdom in that leadership. That is why you have leadership in the House.

What will guide my judgment in supporting or not supporting this Motion? First is just guidance from the Senate Majority Leader whether the decisions of this magnitude made in this House merit as *functus officio*?

Under Article 125 of the Constitution, where the Powers and Privileges Committee comes and pronounces itself, then we make a judicious decision. Fundamentally, it means that that decision is made in the context of a High Court of Kenya. That is what the Constitution gives us the power to do.

There was evidence that was required when the hon. Senator sat in the Powers and Prerogatives Committee, which then falls within Article 125. So, the question in layman's language is, once a court has made its decision, can it eat that decision? Can it come back and vary that decision? If I am guided so as a judge, I can talk about it.

Secondly, the matter was further escalated by the hon. Senator to the judicial courts. We are a quasi-judicial House, but the matter was related to the courts and the courts had a pronouncement on this matter.

I know that on the side of the Senate Minority side, the Senate Minority Leader is a former judge. So again, my wisdom cannot in any way dispute whatever guidance he would give us on our side as a Minority.

Mr. Temporary Speaker, Sir, when the matter was escalated to court, and the court made a pronouncement on it, can we vary the pronouncement of that court. Can we say that even though the court pronounced itself that the Senator must serve the entire suspension, is this still our decision, or is this still the decision of the court?

Lastly, it is on the very important issue that the Senator of Nairobi City County, Sen. Sifuna has raised. The matter we are looking at here was not about the Senator. It was about the Senator *vis-a-vis* senior staff members who are serving the institution of the Senate and Parliament.

We should not have opened that window of apology after the court's decision. Does that apology, in his assessment, mean withdrawal of all the allegations against those members of the staff to the extent that we need to be judicious, not only just the Senator, but also to the staff members who were involved?

So, would that mean, by extension, that there would be a requirement, whether a pseudo-requirement or an active requirement on the side of the Senator, to withdraw all those allegations that were found to be baseless? Then that way, it would be a House that is fair to both parties that are involved.

It might not be a question of just voting, Senate Majority Leader, I think that this is just not a question that we might just discuss on the Floor of the House, but also might need wisdom on a small *kamukunji* perhaps. Where we can discuss and see how we also maintain and protect the sanctity of the House because we are setting a precedent for future generations.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Mumma.

**Sen. Mumma:** Thank you, Mr. Temporary Speaker, Sir, for giving me an opportunity to contribute to this Motion by the Senate Majority Leader. I will not be long on this issue. This matter was decided in court. I wish to bring it to the attention of the

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*



Senate just in case it is not aware that another case on this matter is still pending before the courts.

My suggestion is that before we make a decision because this involves a matter that might fall within character assassination of an individual, I do not know whether the Senate has the capacity to forgive on a matter on behalf of someone who is not before the Senate to express themselves.

My suggestion is that we get the Standing Committee on Justice, Legal Affairs and Human Rights to give us a view on what this means. I pick the committee instead of the Directorate of Legal Services because it is a matter between a Senator and a member of staff. I am suggesting that a committee of the Senate be the one to look at these issues and advise on whether we have the capability of giving the reprieve we want to give as we are proposing.

I also suggest that we need a policy in Parliament on matters relating to sexual harassment that touches on Members of Parliament (MP). I have read the policy on sexual harassment following what has happened in this House. That policy only covers members of staff.

We need to move the Parliamentary Service Commission (PSC) to put in place a policy and procedures on how to handle matters similar to this. This is because part of the challenge by the affected Senator was that they did not have confidence in whatever process that we had. However, having gone to court, they were not able to persuade the court in the manner of this procedure.

My view is that it would be unfair for us to step in the shoe of the affected person and purport to make a decision on their behalf on this matter having decided. We can revisit it. I personally have no problem in forgiving anybody. However, we need the Standing Committee on Justice, Legal Affairs and Human Rights to give us a view on how we should handle this matter.

Thank you.

**The Temporary Speaker** (Sen. Abdul Haji): May the Senate Majority Leader reply.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Temporary Speaker, Sir. I thank colleagues who have taken time to speak to this matter. Indeed, it is an interesting matter because it is not one that I would have very strong feelings on how a member decides. At the end of the day, I believe an apology has been rendered. The punishment that this House rendered on the offences that were committed by Sen. Gloria Orwoba are personal. Therefore, if a Member feels that indeed that Member has owned up their mistakes and has requested the House to be given a lighter punishment, it is on that basis that I moved the House to reduce the sentence and the Senate to vary its resolution.

There are a few things that have come up, which I will attempt to respond to. First is what Sen. Sifuna raised with reference to the Motion coming back to the House within a period less than six months. This Motion was moved on 20<sup>th</sup> September, 2023. Therefore, it is far more beyond the six-month period upon which you can bring a Motion separate to the one that had earlier been resolved.

Secondly, Sen. Sifuna also enquired on the provisions cited; Section 17 (3) (d) and (g) of the Parliamentary Powers and Privileges Act. The reference to them was on the punishment, not that the House has powers to do. The punishment that was meted to Sen. Gloria by this House is with reference to that specific Section. That she be asked to leave the House for a certain period and also apologise.

That is why in the final part of the Motion, I have stated that when Sen. Gloria Orwoba returns should Members agree with this Motion, she will be admitted to this House on terms resolved by the Senate on 20<sup>th</sup> September, 2023. You have to ask yourself, what were the terms?

If you have observed what happened previously when a Member has been kicked out of this House, it is a very difficult experience. It is not as easy as walking back to the House. When she comes back, it is almost similar to the first day we came to this House, where you have the rostrum placed at the door. They formally apologise to all the people they have wronged before the House finally agrees that they be admitted back.

Mr. Temporary Speaker, Sir, it is not like we are making this sentence lighter. I have listened to Sen. Catherine Mumma and there are two things that you may need to remember. There were two cases on this matter. One is where she contested the decision of the Senate, which a full determination has been made. The courts agreed with the decision of the Senate that we acted rightfully within the law to suspend her. That is why the sentence now holds.

The second matter is the issue you are referring to where Members are saying that there is an individual who was maligned and name tarnished. That matter is still active before the court. There is no way that matter before the court can be ruled this way or the other.

Sen. Mumma, what we are resolving as a House is on the issue of the number of the days that she serves the suspension. Is it 79 or 30 days? After consulting with colleagues, I felt that she will serve the punishment anyway because it needs to serve as a lesson.

I sometimes see us disrespect our own authority as a House. Every time I do something that is disrespectful in this House, I am disrespecting the collective standing of this House before colleague Senators and the country. Therefore, I agree with the decision that was made by the Powers and Privilege Committee that Sen. Gloria Orwoba's conduct must be punished.

The only thing that I referenced is the fact that when granted an opportunity by the Speaker, she apologised to the House. This means that she has admitted before all of us that there is a way in which she behaved that was not up to the standing of a Senator. If that be the case, I request the House that we review the punishment from 79 to 30 calendar days, which I find to be a fair ask of us. They say, "To err is human". That we can all sometimes mess.

Sen. Eddy, this does not in any way take away the rights of the individual you are speaking about; the Clerk of the Senate. I am sure that matter is before the court. I would not wish to speak long on the issue of the dispute between them so as not to appear as if I am in support of this or the other person. He strongly feels that his rights were violated and that matter is before the court.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

What is before us is a review of the punishment that this House passed on her. Remember, there is a case between the person who is accusing her that she maligned him and a case between her and Senators. The Senators felt that she had behaved inappropriately and, therefore, punished her.

This request concerns the Senators and the Senate of the Republic of Kenya versus our colleague. We are saying that since our colleague has publicly come before us and said, "I apologise," let us review that particular sentence.

I thought that would be clear and not *prejudice* the other matter that is in the courts.

With those many remarks, I beg to reply.

In accordance with Standing Order No. 66, I beg that we defer the putting of the question, given that I can see the number of people that are in the House would not be sufficient to take a vote.

This is one such matter where I would wish that we had as many Senators as possible in the House when we take the vote.

Thank you, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. Abdul Haji): Hon. Senators, we will defer putting the question until tomorrow when we have quorum.

We will go to the next order.

*(Putting of the Question on the Motion deferred)*

## MOTION

### ADOPTION OF REPORT ON THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILLS NO.12 OF 2023)

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Wakili Sigei, proceed. Give Sen. Wakili Sigei the microphone.

**Sen. Wakili Sigei:** Thank you, Mr. Temporary Speaker, Sir. I already have it.

I beg to move that-

The Senate adopt the report of the Mediation Committee on the Conflict of Interest Bill (National Assembly Bill No. 12 of 2023).

This particular report was laid on the table of the house on 5<sup>th</sup> December, 2024.

As I move this particular Motion, it is incumbent upon me to run Members through the very salient issues we dealt with during the joint sitting of the National Assembly and the Senate Justice Legal Affairs and Human Rights Committees.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Wakili Sigei, I am sorry. Could you please move the Motion properly as indicated on the Order Paper, and then you can explain?

**Sen. Wakili Sigei:** Thank you, Mr. Temporary Speaker, Sir. I will go through it again.

I beg to move-

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

THAT, the Senate adopts the Report of the Mediation Committee on the Conflict of Interest Bill (National Assembly Bills No. 12 of 2023), laid on the table of the Senate on Thursday, 5<sup>th</sup> December, 2024 and further that pursuant to Article 113(2) of the Constitution and Standing Order 167(3) of the Senate, approves the mediated version of the Bill.

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

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

Thank you, Madam Temporary Speaker. I needed to allow the Chair to settle down before proceeding.

The National Assembly passed this particular Bill on the 30<sup>th</sup> November, 2023. It was amended and passed by this House, that is, the Senate, on the 4<sup>th</sup> June, 2024.

The Senate's amendments were thereafter forwarded to the National Assembly for consideration. Thereupon, on 24<sup>th</sup> July, 2024, the National Assembly rejected the proposals for amendments made by this House in the course of its consideration of the Bill.

Pursuant to this particular rejection, a Mediation Committee was established. This committee, for purposes of record for this House, comprised the following Members: Sen. Omogeni, Sen. Mohamed Faki, Sen. Maanzo, Sen. Crystal Asige, Sen. Gloria Orwoba, Sen. Mungatana, Sen. Joe Nyutu and Sen. Chute.

I co-chaired this committee with Hon. Murugara, the Chairperson of the Justice and Legal Affairs Committee of the National Assembly.

We had seven sittings, during which we went through the various contentious issues and clauses on this particular Bill. I will just highlight a few of them. This Bill is an admission of the conflict of interest aspect, which, in line with Article 79 of the Constitution, was to reinstate the administration to the Ethics and Anti-Corruption Commission (EACC) as a primary enforcement authority or body.

The earlier proposal and the amendments that this House made had expanded the primary authority not to domicile from the EACC, but other bodies. Following consideration by the joint committee, the committee concluded that it is incumbent upon the EACC to be the primary authority or the primary organ to administer the Act, and the two Houses mutually agreed. That is membership from the National Assembly and membership from this particular House.

Secondly, another important provision that was agreed upon was regarding a public officer having personal gain in situations where a conflict of interest can be apparent. In this particular case, Members agreed that as long as you were holding a public office, there was a high likelihood that you would have personal gain in an aspect where a conflict of interest can be seen to be apparent.

Madam Temporary Speaker, in instances where, for example, an issue is before the House being debated in one or two of the proceedings of the House, as a member, you must, or you are required by law, and in this case, this particular law, to disclose that fact.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

You make a choice or the praesidium at that time makes a choice as to whether you should be allowed to participate in such proceedings or not.

It will affect not only the Committee of the Whole, but also the various standing committees of the National Assembly and the Senate. Where a Member has disclosed that a conflict of interest could exist, it is upon the chairperson who is presiding over that particular committee to choose whether such a member will continue sitting in the committee or not.

This provision was unilaterally agreed upon. This is because of the desire to guard and protect the public and state officers from being exposed while participating in proceedings. They will be seen to have either influenced or, in one way or another, involved themselves in making sure that a position that would be either prejudicial to the public or in benefit to them if they are allowed to participate. That is one crucial provision that members agreed to.

Thirdly, there is also a provision that was a bit contentious regarding the prohibition by law of dual employment of public officers. In this particular aspect, the Senate declined it. However, the National Assembly pushed that we need not have a public officer have dual employment. The position the committee took already exists in other laws.

Madam Temporary Speaker, just for the sake of this Conflict of Interest Bill, including it is redundancy in the enactment of laws. Members agreed unanimously to reject the inclusion of that provision because it is already a provision in the Public Officers Ethics Act, which is an existing law. It was superfluous to include that particular provision in the Conflict of Interest Bill. The committee jointly agreed that that provision be deleted.

In regards to the aspect of the declaration of income, assets or liabilities by members; in this particular Bill, the EACC was required to be involved in ensuring that such forms are filled in a more extensive way than the one that exists currently in law. The committee was cognizant of the fact that the Public Officer Ethics Act has a provision requiring any public officer to make annual declaration of their assets, liabilities and income.

There is an existing schedule that shows how people are supposed to fill and disclose those particular requirements on an annual basis. Therefore, where there is such an existing provision, it will not be necessary to introduce it in law. Similarly, it was agreed by members that it will be unnecessary to amend the schedule which serves that particular purpose in the existing law. Therefore, members unanimously agreed that that particular provision be excluded in the final draft.

Another interesting provision that was considered in the course of this particular engagement by the joint committee was the requirement of a public officer who is subject to investigation to be asked to step out of office for the entire period of investigations. We are all aware that in this country, whenever there is any investigation, it is not known for how long the process can take to conclude.

This law seeks to introduce a limitation on the time of suspension from an infinite period to 90 days. Whether or not investigations are concluded within 90 days; if the period lapses, the person should be allowed to resume office. If the investigating agency

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

seeks to extend that period, they should do so pursuant to a judicial process, so that we protect the interest of a person who is a subject of investigation as well as the public entity in the event of abuse of office or resources. In the event of abuse of office, we are able to protect both the victim and the office. If we allow investigations to continue forever, people might abuse it.

In most cases, when we do not want people to get back to office, they delay investigations, for instance, until when their contract or term in office ends or for whatever period of time they deem appropriate in the interest of those doing investigations.

As a committee, we agreed that if you are a subject of investigation, the timeline within which investigations should be done is 90 days. Failure to which, the agencies must seek an extension through the normal process, whether judicial or otherwise. They must formally do that, so that we enable and facilitate such investigative agencies to be efficient and conclude investigations. If it is a matter of protecting public resources, that can be done within a reasonable time.

Madam Temporary Speaker, I want to conclude by saying that the entirety of the Bill and concerns which were contentious as raised by the Senate and the National Assembly were dealt with by the joint committee in the seven sittings that were convened and a final draft has been tabled before this House.

I request Members of this House to support this Motion, so that the Bill can finally be approved and enacted by the National Assembly, having put into consideration the concerns that were raised by those who participated in the stakeholder engagement or public participation. The fact that the National Assembly having also done their bit in public participation prior to them coming up with the Bill.

This House has considered contributions from a number of stakeholders, including the EACC, which will be the primary entity that will administer this Act, among other players, who also brought in their concerns, which were considered by the Committee on Justice, Legal Affairs and Human Rights. Ultimately, the draft that was brought back is the subject of this particular Motion.

The Motion before this House today is one that has put into consideration matters beyond the committee and House. Therefore, I urge Members to support it.

Madam Temporary Speaker, I would like to request Sen. Eddie Oketch to second this Motion. I thank you.

**The Temporary Speaker** (Sen. Mumma): Proceed, Sen. Oketch.

**Sen. Oketch Gicheru:** Thank you, Madam Temporary Speaker, for giving me this opportunity. I also want to thank my brother, the good Senator for Bomet, for seeing it fit that I second this Motion. In my view, there is no other important Bill that can be of serious attention to us than the one that is at the backbone of this report.

The joint committee comprising Members of the National Assembly and the Senate looked at this report. My reasoning is very simple. All the country's problems lie on what this report and the subsequent meditated version of the Bill says. All our problems as a country come from this issue of conflict of interest.

We have the Ndegwa Commission Report of 1971. That report was presented to Mzee Jomo Kenyatta, the first President of Kenya, in May 1971. It is available online and

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

probably in the Parliament Library. The 398-page report is rich just like the Sessional Papers that were written by amazing patriots like Tom Mboya.

There is a part of that report that has been seriously disastrous to our country. In that report, it was suggested that civil servants can do business while employed by the Government. Despite the good intentions of the report, that is our biggest problem as a country. The report was written by some of the best professors. I find it extremely rich in terms of rethinking the public service structure as well as remuneration of public servants.

Before 1971, public servants in this country used to earn the lowest amounts of money. Alongside that, they were not allowed to do business because service meant service. You were called on duty to serve as a public servant of the nation, but the remuneration was very shallow.

The moment this country opened an opportunity for public servants to do business and create great wealth for themselves, it did not just stop at the idea of participating in the free market economy. It also meant that public servants would go ahead and engage in doing business with the Government and that is where the rot in this country started.

Years later, it has now become an endemic problem in our budget-making process, especially when you think about Parliament and the Executive. This problem is not only in the national Government, especially Parliament which comprise the Senate and the National Assembly. It is also becoming a serious replica even in the county structure or devolved units of this country.

The budgeting process is done by civil servants, having secured a number of procurement opportunities that defray the public from services that they need in various ways. They have become synonymous with the porosity of serious resources getting into Government. However, the public can just never see where this money is going.

It is easy today for Gen Zs and the younger generation to fight the symptoms of why our country is hemorrhaging in terms of serious taxation, but without service. However, we can never get to the root cause of that problem if we do not give life to this report. I see it as the first attempt to undo the wrongs of the Ndegwa Commission Report.

Look at other countries, including Nordic countries today where our young people admire the quality of a good life there. You will find that they have the highest form of taxation. However, people there do not riot against taxation. Citizens of those countries, never complain about any taxation because tax raised by the government goes to provide services for the population.

Today, if you are in Norway, Denmark or Sweden, some services are provided by the government, but there are also what we call tax benefits. Even women in those countries today can go to work knowing very well that the government will even invest in the aftercare for their children when they are at work.

Madam Temporary Speaaker, in our country today, the tax that is raised finds its way into the pocket of individual because civil servants are doing business with the Government. This is the crust of what I call a conflict of interest. Others are not as bad as this. Today in Parliament, individuals have perfected the art of scavenging for what will be put in the budget tomorrow. Which road will belong to who? Which pseudo company

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

will I put, including some proxies that will supply or do a certain work for the Government?

They are sitting at the seats of accountability; they cannot hold themselves to account. Nobody else can hold them to account because the moment they have put several budgetary allocations to projects that they want to do with serious and dubious companies, then when it comes to this Parliament, they sanitise themselves.

Madam Temporary Speaker, almost 70 per cent of our taxes never go to do any job. Inflation in the procurement processes in this country is an endemic that is becoming difficult to address. We have put in the DNA and the psyche of Kenyans that you do not need to be an entrepreneur in this country. You do not need to think about an enterprising economy.

The simplest way to get and amass wealth, whether primitively or in a pseudo manner is simply to join the Government. Whether you join the Government as a legislator, as a subordinate judiciary, or in the executive, you can be rest assured that you will be wealthier than any entrepreneur who has spent 20 years doing business in this country.

This is a menace that young people and serious patriots in this country must rise to look at the eye of what the mediated version of this Bill is proposing so that we can deal with this menace, once and for all.

It is not going to be easy. From 1970 to date, Duncan Ndegwa in the Central Bank of Kenya (CBK) sat to rethink about the public service structure of this country. They endorsed this kind of commission report. The resultant behaviour of public servants harvesting from the public coffers to date is not an easy thing to fight.

Even as we support this report and agree as a House with our partners in the National Assembly to make this Bill come to life, we have a serious war to wage against enterprising within Government. It is a big problem. It is so big that once it becomes law and we do not give it some teeth, it will never be easy to run the Government. It will end up with abuse of office. People only abuse office because they have power to procure the services of entities that are supposed to enforce laws that are in this country.

There is a debate right now on what is going on in the Judiciary. In 2007 after the crisis that we had in this country, people rethought and invested in our Constitution. Some of the patriots in this country, including Hon. Raila Amolo Odinga at that time fought so hard for a Judiciary Ombudsman so that as we thought about independent commissions in this country. We could also have an ombudsman for the independent Judiciary, but people did not want it.

Today, I dare say confidently that one of the most procured institutions for enforcing our laws in this country is the Judiciary. How do you explain this? A matter of urgency is put before a court of law in this country for a determination within two or three days like what happened in the National Assembly. A determination was needed to be made on who are the majority leaders in the House. Then the judgment came two years later. How do you explain that if it is not the procurement of the services of judges in this country? Who oversees our judges? The Parliament can be overseen by the Judiciary. The Executive can be overseen by Parliament. Who oversees our judges?

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*



The abuse of office has come to the extent that this House has witnessed the creation of an independent institution called the EACC. We sit in these committees of the House every single day. Today I was in three committees. We look at the reports by the office of the Auditor General (AG). We find serious variances that have led to public loss of funds in counties. We pronounce ourselves in those committees and send them to the EACC. Two years later, no Government, even a single one, is held to account.

What is that if it is not procuring EACC? What is that if it is not procuring the Director of Public Prosecution (DPP) in this country? What is that if it is not procuring the Directorate of Criminal Investigation (DCI)? The abuse of office is not just a simple issue of the backlog and the bottlenecks that we have with the investigations. It is intertwined with the public service, which has allowed public servants to make a humongous amount of money.

We have made a country where people in Government have built a bad system where they are protecting themselves and do not allow taxes of this country to go back and serve our people.

As a young person in this country who has sat in this House time without a number, I have listened to my elders and ranking Members in this House speak about the challenges of providing water, gas and medicine in this country. I know when I sit in the Finance and Budget Committee, that it is possible not to borrow money and provide these services to our people. We have the capacity raise taxes. However, the hemorrhage of those taxes and the lifestyle that our people see the politicians, the judges and the people in the executive live, merely one or two months after getting into office, is a pandemic in this country that we must confront through this Bill.

I have never been happier about a committee that has sat together in a joint session and mediated the version of this Bill. I thank my brothers and sisters from the Senate and the National Assembly for the version they have come up with. They have done something unknowingly in dealing with the Ndegwa Commission Report that brought us this menace in our country.

I hope that we can fast-track this particular Bill to come to this House. We need to agree on that mediated version, give it life and go further to make sure that we will champion its implementation outside the precincts of Parliament. We are leaders who have been elected by the confidence of people in this country and we have been given the mandate and trust.

Madam Temporary Speaker, I dare say that I know that the President today is facing a lot of scathing attacks on the issue of taxation, high cost of living and on why he has entered deeper into the pockets of individuals who are getting salaries in this country.

Madam Temporary Speakere, that is not the issue. The issue is that people have lost confidence and trust in the public service in this country. This is because of the lifestyle we have chosen to live and the services we have chosen not to give our people. Simply by being able to trade with Government and enrich ourselves as public servants and state officers who do not allow the taxes to go back to our people.

It is possible that we can have high taxation as well as higher services to our people. It is possible in our generation. It is possible to restore the confidence of our people in governance in this country. The journey of that confidence of our people on the

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

President, on us legislators and on the judges in this country, starts with making sure that the Conflict of Interest Bill is given life. It is not simply passed by mere action of Parliament. Nevertheless, it is given life and make sure that the idea of enterprising in Government that people are scared of confronting and the Members of Parliament are scared of facing, can come to an end in this country.

Madam Temporary Speaker, if you go to a place like Britain today and you are a public servant, you have to give the private sector the opportunity to serve the government as the first market in an economy. Let the private sector thrive in making a stronger market economy that can truly give jobs to people. Jobs that will not only be quality in scale, but also vast and diverse in scale.

Consequently, the idea that public service has become a place where people come with the concept of ghost workers is now becoming a menace in our country. Why is that possible? It is only possible because of conflict of interest. People in Government have become very comfortable with the idea that if I am in a place of power, I can create jobs that don't exist. Therefore, pay money where there is no value for that money and be okay that I am protecting my own.

If I am a Kikuyu, Kalenjin or Luo, I am protecting people from my tribe because I have an opportunity to employ them for jobs that do not exist. Spending money that is hard earned by Kenyans where I do not need to spend it, when I could as well easily stop the conflict of interest of employing my own and simply empower and endorse a market economy where the private sector can not only create good jobs, but also go ahead and build an economy that works.

Today I was looking at the Budget Policy Statement (BPS) before us in the House. I can see the inflation has gone down. However, I cannot relate the inflation with the cost of goods and services in this economy. I am seeing the current account of Government is looking very positive. Nonetheless, that current account is not because of export increase in our economy. It is because of import decrease in our economy, meaning that the economy is not thriving. There is no production that is happening in this economy. Nobody sees where the tax is going because it is not empowering businesses or providing services.

Right now, we have had a big scare with United States Agency for International Development (USAID). If you look at Official Development Assistance (ODA) in Government, the services that are supposed to be done by ministerial agencies that we get grants for are not in Government. For instance, where USAID comes in place to give a few grants to do things like providing water in the slums and Medicare for people who cannot afford it, most of that money ends up going to the pocket of individuals in terms of administrative costs.

Madam Temporary Speaker, I want you to think about it if you give me a minute. With the pronouncement of Donald Trump, the President of the United States, that USAID will not give us any money. Have we imagined as a country where we will go to with services that were being rendered by this---

**The Temporary Speaker** (Sen. Veronica Maina): Please give him a minute.

**Sen. Oketch Gicheru:** What will happen? Our Government will be forced to start thinking about spending our taxes in offering services in that gap. We are sitting on a

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

time bomb, because when these seepages still go on in Government and that menace of ODA's again comes to the Government, we will face a crisis in this country that can lead to another uninformed revolution that can make this country ungovernable.

I will not only stop at seconding this Bill as I am seconding it, but also urging us to go back and reflect as a people and as leaders in this country. We want to go with this unsustainable idea of trading and primitively accumulating wealth from Government. I do not think we want that because if we collapse our country based on ---

*(Question proposed)*

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Cherarkey, are you there?

**Sen. Cherarkey:** Thank you, Madam Temporary Speaker, for this opportunity. I have read the committee report, but I found it was just a clean-up. I am a strong believer in institutions. This country is facing non-implementation of development of institutions. We do not have a shortage of laws that can fight corruption in this country.

This report on the conflict of interest is and should be that the EACC cannot have capacity to fight white-collar crimes and even transnational crimes. If you can recall, in United Kingdom (UK), we had the famous case of Chicken gate. The UK could nail down the suspects, but Kenya is yet to. Additionally, we have the issue Itare dam in Nakuru where even the DCI had to travel to Italy, but nothing came out of it.

As Parliament, what we should be discussing is that are we appropriating enough funds, capacity, human resource and ability for EACC to prosecute white-collar crimes. That should be the question that we are having today in the evening. If you look at the report that the EACC has brought before the Senate, it is about conviction of conviction of bribery of Kshs20,000, Kshs10,000 and traffic officers.

Meanwhile, the governors and senior national Government officials are facing allegations of corruption, but have never been convicted. The only case that we saw that has made a headway is the one of Waititu case, where close to Kshs600 million was being adjudicated upon. Consequently, people feel that there was no proper and punitive decision by the court.

From the onset, there are many laws that can fight corruption. Section 42, of the Anti-Corruption and Economic Crimes Act has defined what conflict of interest is.

*(Sen. Oketch Gicheru and Sen. Betty Montent consulted loudly)*

**The Temporary Speaker** (Sen. Mumma): Order, Sen. Eddie and Sen. Montet, please consult in low tones.

**Sen. Cherarkey:** Madam Temporary Speaker, the new chairpersons should be taken for a retreat. You know, when you become a chairperson, there is some decorum that is expected of you.

Madam Temporary Speaker, Anti-Corruption and Economic Crimes Act, as revised in 2015, Section 42 defines what conflict of interest is. Corruption offenses are outlined in Section 2-

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

"corruption" means—

- (a) an offence under any of the provisions of sections 39, 44, 46 and 47;
- (b) bribery;
- (c) fraud;
- (d) embezzlement or misappropriation of public funds;
- (e) abuse of office;
- (f) breach of trust; or
- (g) an offence involving dishonesty—
- (i) in connection with any tax, rate or impost levied under any Act; or
- (ii) under any written law relating to the elections of persons to public

office;

Madam Temporary Speaker, does it mean that we will have to do a law on, for example, bribery act? I know it is there. Does it mean we will do about embezzlement or bid rigging? The anti-corruption law is already there. The aspect that we should be discussing is about its enforcement and the fight against corruption. That is when Kenyans will build up on the issue. The issue of whether public servants are doing business with Government is neither here nor there. That is a moving target.

Madam Temporary Speaker, if conflict of interest, for example, today was passed as is, all of us who do farming as a side hustle or selling animals, like the Sen. Murgor, or anybody else, would have to stop. So, we need to be careful so that we do not---

Madam Temporary Speaker, with the thinning of the payslip of many Kenyan workers, they are forced to do side hustles. Does it mean it is conflict of interest when after the Senate is adjourned and you go to look at your *kuku, ngombe et cetera*? I seek your indulgence on the use of Kiswahili words.

The point is we need to be honest. What should happen? I have seen the EACC and Sen. Okiya Omtatah, the indomitable lion of Busia County, charging people with conflict of interest, yet they cannot establish the link.

Madam Temporary Speaker, in Nandi County, the other day, when the scandal of payroll emerged, close relatives of Governor Sang were found to be in the county payroll. No one up to date has been charged. The EACC cannot argue today that they do not have the law to charge.

Section 42 of Anti-Corruption Economic Crimes Act of 2003 as revised in 2016 provides the definition of what is conflict of interest. It is about the enforcement and fight against corruption. It is not about anything else. We need to appropriate more resources.

I know there is an issue with the Supreme Court now, but there are procedures on how that one can be handled.

I would like to appeal that what we are having now is serious because I have seen that the committee observed that the Bill seeks to consolidate role of conflict of interest in public service. However, I expected the Joint Committee of the National Assembly and the Senate, to come up with how we can clean up. They have not given that to us. In all referrals that they have done, they have said, they will consolidate the laws relating to conflict of interest in public service.

Why did the committee not come up with a proposal of legislative? How long will it take? We know we are mid-term of the Senate. Can the Joint Committee of Mediation,

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

come up with a version of legislative intervention agreeable by both Houses so that we can fast-track, to make it easy?

The committee should have given us a legislative intervention on how to consolidate the laws relating to conflict of interest in public service.

Madam Temporary Speaker, I have told you most of the civil servants, have side hustles. Some people are hiring and tilling land in Narok County. They are planting wheat. If you are a principal of school YX. On weekend when you are off, you are working on your wheat in Narok County, does it mean that is conflict of interest because you are earning from different sources? So, we need a legislative intervention that will tell us how the conflict of interest is handled in the public service.

Madam Temporary Speaker, assume that your husband is hired as an EACC officer in Malindi. You are a chief somewhere in Nyakach, in Kisumu County. What does the law say? You are related by marriage. Or, your son applies for a job and you are not aware. You are a Senator here and your son applies for a job in the Public Service Commission and they are hired. Can somebody say that is conflict of interest? We need to be clear so that we do not play.

I have seen people getting excited about this Bill because the United Nations and Non-Governmental Organisations (NGOs) have said that we need to pass it.

Madam Temporary Speaker, when you look at principles of law, we should do the law that functions within the society of Kenya. This is a law that has been brought by the NGOs and people who want to look nice before the Western countries. The other day, they stopped USAID. So, we need to be careful so that we do not import things that can easily abort in our society.

You and I know that you can have as many cousins as thousands. What does it mean if the cousin of your cousin of your cousin is hired, for example, in the county government and you are the Senator? What does it say about conflict of interest? So, let us not rush. This mediation version should have involved both Houses, so that we do not set ourselves up against our own society.

Another aspect that I would like to point out because I have three points is Clause 41. I agree that we need to limit the time of suspension to be 90 days with the leave of court if there is extension.

We saw a number of governors when they were under investigation of corruption cases, were suspended because they have executive powers. The 90 days are enough. In fact, during my time as the Chairperson of the Senate Standing Committee on Justice, Legal Affairs and Human Rights (JLAHR), we had even proposed that the case of corruption should be heard and dispensed within 24 months.

In the last Session, we came up with a proposal. In fact, at that time, we had a multi-agency team that was co-chaired by the Chairpersons of JLAHR in the National Assembly and the Senate. Members were Attorney General (AG), National Intelligence Service (NIS), and the Kenya Revenue Authority (KRA). We sat in the same Chamber and agreed that corruption cases must and should be dispensed within 24 months. I agree with the Chairperson that some people could take advantage.

How do we prevent when they gossip and your political saboteurs want to remove you from office? We must guard against that. I agree with the committee that these 90

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

days are more than sufficient. Let somebody be suspended from the office, for instance, a governor, but let us make it 90 days. Let them investigate and prosecute.

Madam Temporary Speaker, the committee should have added that corruption cases must be heard and dispensed within two years. We know the backlog that there is in the courts of law. The fight against corruption cannot be won easily.

You remember the former President. The current Cabinet Secretary (CS) said we lose Kshs2 billion through corruption. This is true. The Government has tried to streamline payment of services through E-Citizen. However, we are yet to see the benefit. If we are losing Kshs2 billion per day, it looks like we have domesticated corruption. We must be stringent on the fight against corruption. Therefore, 90 days should and must be applied, including to governors because they have executive powers. The cases should be heard and determined within two years.

The Judiciary should take the lead. I know Judiciary is facing a lot of challenges at the moment. I have heard people saying we should have formed Judiciary ombudsman to listen to the complaints. However, I believe the Judicial Service Commission has powers to do so. In any case, we do not want *juripesa*.

You saw the ruling on the Majority and Minority. It took two years for the court to determine. What was hard about it?

Madam Temporary Speaker, in the last Session led by our Speaker Emeritus, Kenneth Makelo Lusaka and the then Deputy Speaker, who is the current Deputy President and yours truly was the Chairperson of the Senate Standing Committee on Justice, Legal Affairs and Human Rights. We did draft pleadings and moved to Milimani Law Court, before Justice Weldon Korir on 24 legislations passed without concurrence of the Senate by the National Assembly, including the health laws and yet health is devolved.

Madam Temporary Speaker, can you believe the courts have never given a direction about such interventions up to today? That is why sometimes, the judiciary is not beyond criticism which is why we are telling them, to do their job and fasttrack these cases.

We even have land cases that have stayed for 30 or even 40 years. That is why we are talking of backlog in the Judiciary and also to blame Parliament to some extent.

If, for example, the Judiciary requests for Kshs40 billion and then we give them Kshs18 billion, or 20 billion. What are we saying? They do not have the capacity, ability or even human resources to dispense the cases.

So even as we blame the Judiciary for slowing judgments, we must also as a Parliament blame ourselves. We have not allocated enough resources to the Judiciary to dispense of the cases.

Clause 46 which is my second last point is on the liability question against the EACC, or person. I do not know why this question has not been answered by the committee.

That sometimes the EACC officers or any other entity can act overzealous. Sometimes there can be private prosecutions. Where does it fall where they destroy property when they are arresting somebody?

The committee says it is an entity mandated to ensure compliance and enforcement of Chapter 6 of the Constitution, which includes the conflict of interest.

The Senate had prevented them, but where do you stop the liability? We do not want to see EACC coming to your house and turning upside down everything without proper investigative mechanisms.

What happens if, for example, they arrest you with milk or tomatoes and they take you to custody? Those things gets spoilt. Who should be held accountable and liable?

I agree that we need to prevent these people from being subject to civil and criminal proceedings. To what extent? I think that is what we need to do. Even the President can be given exemption from liability to a particular level. They should have said “on discharge of official duties.” That should have been the essence of moving.

On the issue of management of conflict of interest, the committee has said repeal of the Public Officer Ethics Act is necessary, which I agree. However, all said and done, this matter has been captured in the Leadership and Integrity Act.

Lastly, I also agree that we need to clean up the laws that we use to fight against corruption in this country. However, it is not about the laws, but our values as a society as Article 10 says. It is the ability and capacity to give resources to EACC. Does EACC have enough capacity to fight white-collar crimes since most of these thieves steal through papers? Do they have resources to follow up?

Sen. Okiya Omtatah, I do not know whether you remember the tax havens such as Cayman Island where they used to hide the loot. Do you remember the famous case of KPLC, Gichuru and the rest? Does it have the capacity to go and follow up in Dubai and many other cases?

Can lifestyle audit be done to officers who just get offices? When you go to the village or when pass big towns, you are told that such and such apartments belong to so and so. The other day, he could not even afford to pay even one or two litres for 2,000cc vehicle. Now you find a gentleman driving 5,700cc.

Madam Temporary Speaker, we were even told of an officer who used to fly from here to Machakos by helicopter because they had a lot of money at their disposal. So, we need also to work on the lifestyle audit.

We do not want to criminalize wealth and glorify poverty, but we must be very realistic. One of the reasons the Gen Z rose up - and the seconder of the Motion pointed to it - was opulence. There is a former United States of America ambassador who was here who said that we were eating and vomiting on their shoes. That is what is happening.

Civil servants should ensure they discharge their duty with all their power, but also we must be realistic as a country. What works for us and what is important as a country?

Madam Temporary Speaker, I have realized this mediated version conflict of interest Bill was more of a clean-up. Let us be careful and not pass the laws to just make the World Bank and other Bretton Woods institutions happy at the expense of Kenyans. Some things can work and others that cannot. This Conflict of Interest Bill is one that has been defined.

I want to clarify that the conflict of interest under Section 42 of the Anti-Corruption Economic Crimes Act is already defined. So, the question is, what is it that they want to achieve? If we look at this Bill, it will be very bad and I am still disappointed. I challenge the committee that let us also now push for the EACC to prosecute people, even if it is in Nandi County, Bomet, or even West Pokot counties.

Sen. Okiya Omtatah, I can see your governor is constructing many things here in Karen and all over the place. Yet when he was not a governor, he was not doing those things. I will give you such information in private on what is happening. People are having unexplained wealth.

I oppose.

**The Temporary Speaker** (Sen. Mumma): Sen. Okiya Omtatah, you may proceed.

**Sen. Okiya Omtatah:** Madam Temporary Speaker, thank you very much for the opportunity to address this August House. It is always a big honour to speak after the bull of Nandi, the indomitable Sen. Cherarkey. Thank you, for the contribution you have made.

Having looked at the report, we are making a new law called the Conflict of Interest Act, but is still a Bill right now. In the long Title, it calls itself “A Bill for an Act of Parliament to provide for the management and regulation of conflict of interest and for connected purposes.”

I wish it had read “A Bill to stop the theft of public assets.” We run the risk of covering the theft of public assets into very many poetic and beautiful words. Yes, we will have this law. However, I do not see its capacity to resolve the question of theft of public assets, which is the problem at the heart of the issue.

It is important and I agree that “the conflict of interest” as the Bill says, be managed and regulated. We have many provisions that say where somebody is conflicted; they pronounce their conflict. If it is going to blur their judgment as suppose to recuse themselves from a particular process.

We wait to see how far this Bill will go when it becomes law---

**The Temporary Speaker** (Sen. Mumma): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate.

Sen. Okiya Omtatah, you have 18 minutes to go when we resume debate.

For the record, I would like to report that Orders No.10, 11 and 12 have been deferred.

## BILL

### *Second Reading*

#### THE PUBLIC FUNDRAISING APPEALS BILL (SENATE BILLS NO.36 OF 2024)

*(Bill deferred)*

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*



**BILL***Second Reading*

THE ENVIRONMENT LAWS (AMENDMENT)  
BILL (SENATE BILLS NO.23 OF 2024)

*(Bill deferred)*

**BILL***Second Reading*

THE COUNTY CIVIC EDUCATION BILL  
(SENATE BILLS NO.4 OF 2024)

*(Bill deferred)*

**ADJOURNMENT**

**The Temporary Speaker** (Sen. Mumma): Hon. Senators, the Senate stands adjourned until tomorrow, Wednesday, 26<sup>th</sup> February, 2025, at 9.30 a.m.

The Senate rose at 6.30 p.m.