

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 10th June, 2025

Afternoon Sitting

*The House met at the Senate Chamber,
Parliament Buildings at 2.34 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 Chair)

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

(The Quorum Bell was rung)

Hon. Senators, we now have quorum. We will now proceed with today's business.
Clerk, kindly proceed to call the first Order.

(Sen. Nyamu stood in her place)

Sen. Karen, take your seat, please. I need to communicate a Message.

MESSAGES FROM THE NATIONAL ASSEMBLY

NATIONAL ASSEMBLY DECISION ON SENATE AMENDMENTS
TO THE DIVISION OF REVENUE BILL (NATIONAL
ASSEMBLY BILLS NO.10 OF 2025)

Hon. Senators, I wish to report to the Senate that I have, pursuant to Standing Order No.46(3) and (4), received the following Message from the Speaker of the National

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.*

Assembly regarding the decision of the National Assembly on the Senate amendments to the Division of Revenue Bill (National Assembly Bills No.10 of 2025).

The Message dated Wednesday, 4th June, 2025 was received in the Office of the Clerk of the Senate on the same date. Pursuant to Standing Order No.46(4), I now report the Message.

Pursuant to the provisions of Standing Order Nos.41(1) and 148(b) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS on Wednesday, 9th April, 2025, the National Assembly passed the Division of Revenue Bill (National Assembly Bills No.10 of 2025) without amendments and thereafter referred the Bill to the Senate for consideration in accordance with the provisions of Article 110(4) of the Constitution;

AND WHEREAS on Wednesday, 28th May, 2025, the Senate considered and passed the same Bill with amendments and referred it back to the National Assembly for reconsideration in accordance with the provisions of Article 112(1)(b) of the Constitution;

FURTHER, whereas on Tuesday, 3rd June, 2025, the National Assembly negated the Motion on consideration of the Senate amendments to the Division of Revenue Bill (National Assembly Bills No.10 of 2025), thereby committing the Bill to a Mediation Committee in accordance with the provisions of Article 112(2)(b) of the Constitution.

NOW, THEREFORE, in accordance with the provisions of Article 112 of the Constitution and Standing Orders Nos.41(1) and 148(b) of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate and seek the appointment of nine Senators to a Mediation Committee to consider the Bill in accordance with the provisions of Article 113 of the Constitution.

Hon. Senators, consequent to the said decision, the Speaker of the National Assembly appointed the following Members of the National Assembly to the Mediation Committee to consider the Bill in accordance with Article 113 of the Constitution.

- (1) Hon. Samuel Atandi, MP;
- (2) Hon. Owen Baya, CBS, MP;
- (3) Hon. (Dr). Robert Pukose, CBS, MP;
- (4) Hon. George Kariuki, CBS, MP;
- (5) Hon. Marianne Keitany, MP;
- (6) Hon. Christopher Aseka, MP;
- (7) Hon. Naisula Lesuuda, OGW, MP;
- (8) Hon. Leah Sankaire, MP; and,
- (9) Hon. Zamzam Mohammed, MP.

Hon. Senators, pursuant to the provisions of Standing Order No. 166(2) of the Senate and in consultation with the Senate Majority and Minority Leaders, I will at the appropriate time, appoint Senators to the Mediation Committee.

(Several Senators walked into the Chamber)

Hon. Senators, you may walk in and take your seats before I deliver the second Message.

(Sen. Ogola and Sen. Mumma consulted loudly)

Sen. Beatrice Akinyi and Sen. Cathy, you are out of order.

NATIONAL ASSEMBLY DECISION ON THE REQUEST FOR WITHDRAWAL
OF THE PUBLIC TRANSPORT (MOTORCYCLE REGULATION)
BILL (SENATE BILLS NO.38 OF 2023)

Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.46(3), I received the following Message from the Speaker of the National Assembly regarding the decision of the National Assembly on the request for withdrawal of the Public Transport (Motorcycle Regulation) Bill (Senate Bills No.38 of 2023). The Message dated Thursday 5th June, 2025 was received in the office of the Clerk of the Senate on the same date.

Pursuant to Standing Order No.46(4), I now report the Message. Pursuant to the provisions of Standing Order No.41(1) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS the Public Transport (Motorcycle Regulation) Bill (Senate Bills No.38 of 2023) was published *vide* the Kenya Gazette Supplement No. 158 of 1st September, 2023 as a Bill seeking to establish a legal framework to regulate the use of motorcycles (*boda bodas*) in the country by introducing new provisions for their registration, operation and safety at the county level, passed by the Senate on the 5th December, 2024 and referred to the National Assembly for consideration in accordance with the provisions of Article 110(4) of the Constitution;

AND WHEREAS on the 7th March, 2025, the Senate conveyed a request for withdrawal of the Public Transport (Motorcycle Regulation) Bill (Senate Bills No.38 of 2023) from further consideration by the National Assembly.

Further, whereas on Wednesday, the 28th May, 2025, the National Assembly considered the proposed withdrawal and rejected the Motion for discharge of the Second Reading of the Bill.

NOW, THEREFORE, in accordance with the provisions of Standing Order No.41 of the National Assembly Standing Orders, I hereby convey the decision of the National Assembly to the Senate, which is that the National Assembly shall proceed with the consideration of the Bill in accordance with the provisions of Article 110 of the Constitution.

Hon. Senators, for your information, the request and the reference was made by the sponsor of the Bill; the Senator for Kakamega, Sen. (Dr.) Boni Khalwale, CBS, MP, and conveyed to the National Assembly through my Office.

I thank you.

Let us move on to the next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

Statements pursuant to Standing Order No.53(1), Senator for Turkana County, Hon. James Lomenen, proceed.

STATE OF KONOO IRRIGATION SCHEME
IN TURKANA COUNTY

Sen. Lomenen: Mr. Speaker, Sir, thank you for this opportunity. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources on a matter of county-wide concern, regarding state of Konoo Irrigation Scheme in Turkana County.

The Konoo Irrigation Scheme is a 300-acre surface irrigation project located in Loima Sub-County, Turkana County. The project commenced in 2012 as part of the Kenyans for Kenya Drought Initiative. This was a response to the 2009 and 2010 droughts targeting Kaikol Location with a projected implementation period of 12 months. The scheme aims to open up land for irrigation in three villages.

Mr. Speaker, Sir, as of 30th June, 2020, only 27 per cent of the project has been completed. The incomplete infrastructure has significantly limited the Scheme's potential thereby hindering the realisation of its intended benefits for the local population.

In this Statement, the Committee should address the following-

(1) The current status of the Konoo Irrigation Scheme, including the extent of work completed and the reasons for stalling of the project.

(2) The measures taken by the Ministry to address the contractor's non-performance and the steps being implemented to resume and complete the project.

(3) The plans in place to support the farmer household who are to benefit from the scheme, including any interim measures to enhance water provision for the irrigation and agricultural activity.

(4) The accountability mechanism established to prevent similar occurrences in future projects under the drought resilience and sustainable livelihood programmes and other Government-funded initiatives.

Mr. Speaker, Sir, I have another one.

The Speaker (Hon. Kingi): Proceed to read your second Statement.

PERSISTENT SHORTAGE OF ESSENTIAL MEDICINE IN
HEALTH FACILITIES ACROSS TURKANA COUNTY

Sen. Lomenen: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health on a matter of county-wide concern regarding the persistent shortage of essential medicine in health facility across Turkana County.

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.*

Health facilities across Turkana County, including sub-county referral hospitals such as Katilu, Kakuma Mission Hospital, Lokitaung, Kaikor, Lokichar, Lokori, Lorugum and even the Lodwar County Referral Hospital, continue to face frequent stock outs of essential medicine.

Consequently, patients, particularly those from low-income and remote communities, are often compelled to purchase prescribed medicine from private pharmacies, which are either unaffordable or inaccessible.

In the Statement, the Committee should address the following-

(1) The availability status of essential medicine in public health facilities across Turkana County from July, 2024 to date.

(2) The procurement and distribution procedures for medical supplies within the county, including any identified challenges.

(3) The measures being undertaken by both the county and national Government to ensure a consistent supply of medicine, particularly in remote and underserved areas.

(4) Whether there are existing or planned initiatives to enhance pharmaceutical storage, transportation and tracking systems for improved accountability and to prevent recurrent shortages.

(5) The interventions being considered or implemented to strengthen the overall supply chain and improve accessibility to essential medicine in Turkana County.

Thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Karen Nyamu.

UNRESOLVED CASES OF MEDICAL NEGLIGENCE IN PRIVATE HOSPITALS

Sen. Nyamu: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health on a matter of countrywide concern regarding the incessant unresolved cases of medical negligence in several private hospitals in the country.

Mr. Speaker, Sir, in June, 2024, two doctors in Oloitoktok were facing allegations of negligence regarding the death of a baby born in the facility. Another institution, Omnicare Medical Clinic, operating under the name Body by Design, is under investigation following the death of a patient after a liposuction procedure on 16th October, 2024. More recent is a case at Scion Hospital in Imara Daima in May, 2025, where the maternity wing was closed due to claims of staff negligence resulting in a stillbirth.

The Kenya Medical Practitioners and Dentists Council (KMPDC) has launched formal inquiries to investigate the cases. However, the wheel of justice for this and other families seems to be very slow as KMPDC is currently managing a backlog of over 150 medical negligence cases. These investigations cover a range of complaints, including misdiagnosis, incorrect treatments, emergency care errors and failures in diagnosis across health facilities in the country.

In the Statement, the Committee should address the following-

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.*

(1) The status and preliminary findings of the investigations into the case by the KMPDC, particularly that involving Scion Hospital in Imara Daima.

(2) Regulatory actions taken by the Ministry of Health and other agencies in response to incidents, including reports of the number of maternal and infant deaths attributed to medical negligence in both public and private hospitals over the last five years.

(3) Existing policies and enforcement mechanisms aimed at ensuring quality maternal and other patient care as well as interventions, including possible sanctions and reforms to prevent recurrence of such incidences in both public and private health facilities and to ensure justice for the affected families.

I thank you.

DEATH OF ALBERT OMONDI OJWANG'
WHILE UNDER POLICE CUSTODY

Sen. Oketch Gicheru: Thank you, Mr. Speaker, Sir, for giving me this opportunity. With a very heavy heart and a bleeding soul, I request for a Statement on the unfortunate death of Albert Omondi Ojwang' while under police custody.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee of National Security, Defence and Foreign Relations on a matter of national concern regarding the tragic death of Mr. Albert Omondi Ojwang', a resident of both Migori County and Homa Bay County, under police custody. The death of Mr. Ojwang' has caused widespread grief and outrage within the country.

The late Mr. Ojwang' sustained fatal head injuries while in police custody at the Central Police Station in Nairobi following his arrest by police officers in Homa Bay County. This raises serious questions about police brutality, abuse of authority and the lack of immediate accountability by the responsible officers.

In this Statement, the Committee should address the following-

(1) The circumstances that led to the death of Mr. Albert Omondi Ojwang', including a detailed account of the events surrounding his fatal injuries.

(2) Address actions that have been taken by the National Police Service (NPS) and the Independent Policing Oversight Authority (IPOA) to investigate the incident, including whether any officers involved have not only been interdicted, but also subjected to disciplinary or criminal proceedings.

(3) Address the measures the Ministry of Interior and National Administration and the National Police Service are implementing to prevent police brutality and ensure accountability, particularly in handling civilians during law enforcement operations.

I thank you.

The Speaker (Hon. Kingi): Hon. Senators, I will allow comments for not more than 30 minutes. What is your issue, Senator for Kilifi?

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Nakubaliana na wewe kabisa lakini nilikuwa ninasema kwamba majadiliano haya aliyoleta ndugu yangu, Sen. Eddy, ni ya muhimu sana kwa taifa letu la Kenya. Tumempoteza mmoja wa Wakenya katika hali tetesi.

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.*

Katika orodha yetu tuko na mambo mengine ambayo lazima tuyashughulikie. Lakini kwa sababu hili ni jambo la muhimu na la kitaifa na linahusika na kitengo cha polisi ambacho kimefanya kitendo kama hicho, ingekuwa bora zaidi kama Bunge hili la Seneti lingepewa nafasi kujadiliana sasa hivi ikiwa itawezekana. Naomba.

Asante.

The Speaker (Hon. Kingi): Senator for Kilifi County, that is exactly what I was going to do, to give hon. Senators time to comment on, not just that statement by Sen. Eddy, but also any of the statements that have been read out. In the event that the 30 minutes are spent and still hon. Senators wish to speak, the Chair will give further guidance. For now, let us stick to the 30 minutes. In any event, Senator for Kilifi County, I am not seeing your name on the dashboard.

Proceed, Sen. Joe Nyutu.

Sen. Joe Nyutu: Mr. Speaker, Sir, I have conversed with you. I had applied that we adjourn this sitting. As you are well aware, I had requested that we adjourn the sitting to discuss this very important matter. Although you have ruled on the matter of discussing it as a Statement, I beseech you that you may allow us to adjourn this House to discuss this matter as I had requested. Kindly, it is a matter of national importance. I feel strongly that we may not be able to exhaust what we may want to say about this matter. With due respect and for your kindness, please, allow my Motion of Adjournment to proceed.

The Speaker (Hon. Kingi): Hon. Nyutu, you are out of order. One, I have not seen that Motion. Secondly, if you look at the Standing Orders, it should reach my desk at least two hours before the start of business.

As far as I am concerned, there is no Motion of that nature that is pending. We will proceed with the comments. I will give you your three minutes to proceed to make comments on the Statement sought by Sen. Eddy. You may proceed.

Sen. Joe Nyutu: Thank you, Mr. Speaker, Sir. You know where I come from, we say that rules can even lead to uprooting of coffee. Therefore, I abide by your rules.

The Statement raised by Sen. Eddy Oketch is a matter of national importance. It becomes even more grievous because the complainant is the Deputy Inspector General (DIG) of Police, Eliud Lagat, who has been reported to be perpetrating violation of human rights.

There is no reason why Mr. Ojwang' was transported all the way from Migori to Nairobi just for a matter that was supposed to be a civil case and not a criminal case. If somebody is accused of libel or even of mudslinging somebody's name; that is a civil case and the lawyers here led by Sen. Sifuna of Nairobi City County, can guide us. This particular young man should have been made to face civil charges and the DIG, Eliud Lagat, should have sued for damages.

Mr. Speaker, Sir, we saw the parent of this particular young man crying because it was something that nobody would have thought could have happened. The results of the autopsy are out and they indicate that this young man could not have hit his head against the wall as it was earlier alleged. We have seen images of the body. I suspect that even the eyes have been gouged out because you can see clear injuries along the eyes.

We are very sad this afternoon because this is proof that the sitting Government led by President William Ruto is increasingly becoming very intolerant, especially of young people. We must get to know, through the Committee, what this Government fears from young people; from Njeri who made a platform where people were supposed to express their feelings about the budget to Butere Girls.

It is not lost on us what happened a few years ago at Lang'ata Road Primary School where some young pupils were tear gassed when they were fighting against the grabbing of their playfield. We must condemn this. The blood of Albert Ojwang' and the blood of all the Gen Zs that have been killed by this Government will haunt this Government forever.

This Government has a leader by the name of William Ruto. He should come out and fire DIG Eliud Lagat before we proceed with anything else. This matter must be taken very seriously. The Committee should invite that DIG Eliud Lagat---

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

Sen. Osotsi: Thank you, Mr. Speaker, Sir. Allow me to also contribute to the Statement by Sen. Eddy.

Clearly, something is wrong with what happened to this young man, Albert Ojwang'. This country requires answers because the postmortem that has been done, so far, indicates that this young man died out of neck compression and those injuries were inflicted through torture.

We require proper answers from the police. I also want to agree with the position that by now, instead of terminating the services of junior policemen, we want to see senior police officers, the Inspector General and the DIG, resigning or being fired by the President.

Mr. Speaker, Sir, my party, where I am the Deputy Party Leader, signed a Memorandum of Understanding (MoU) with the United Democratic Alliance (UDA). One of the things we agreed on was that we will not have abductions and killings like this one. If we do not get proper answers from UDA side, we will consider this as a material breach of the MoU we have with them.

The Orange Democratic Movement (ODM) is very serious about this. I am talking as a Deputy Party Leader of ODM. We are a party that believes in protecting the lives of Kenyans. Therefore, we want to see action from the UDA Government on the issue of the DIG of Police. He should not be in office by now because this young man was arrested for posting something against the DIG.

Why is the DIG still in office? Why are you going for junior police officers; terminating their services while their bosses are still enjoying lunch and breakfast as our young man is decaying in the morgue? This matter is very serious. We call for speedy action not just by the police, but also the Government through the President. We are beginning to see the coming back of intolerance in this country. This cannot be allowed to go on. We need answers, which are supposed to come from the Government and the police. We cannot allow the police to mislead this country that the young man hit his head on the wall. If you look at the injuries sustained by that---

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

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. We have to be serious. We are playing with fire.

I was an adult when there was detention without trial in this country. Detention without trial was a bad thing, but being killed in a police cell is worse. It reminds me of the impunity we saw when the then Vice-President Moi lied to the country that Josiah Mwangi Kariuki travelled out of the country when they had killed him.

We saw the same impunity when the police told the country that Dr. Robert Ouko had committed suicide when they had killed him. It is the same impunity that I saw in South Africa in 1977 when an intellectual, Steve Biko, was brutalized in a police station and they faced the world and told the world that the guy had died from starvation. The whole world woke up and moved against South Africa to stop apartheid.

I am asking that this matter be escalated to a level whereby we must bring fear in Government for the Government to respect human life. It is not enough to ask that the DIG resign. We want the same speed which we saw when our colleague was killed last month when arrests were made. We want Mr. Eliud Lagat to be arrested, so that he can record a statement from a police station for it to be clearer to him that he has a responsibility. The police officers who went to Migori and brought this boy from home to Nairobi, so that Lagat could see him when they were slapping him around should equally be arrested. Why are they walking free? As far as I am concerned, seeing the shape of that face, the guy could not possibly have wanted to hit the wall using the front of his head.

We must protect our children. Members of Parliament in the National Assembly and here, that boy who is lying there, is not in any way different from our own children. It is this Parliament that will bring this to an end. It is too much and the thing must escalate.

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

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Jambo la kwanza, ningependa kusema pole kwa jamii waliompoteza yule kijana Albert Ojwang’.

Tunamwambia babake pole kwa sababu huyo ndiye aliyekuwa mtoto wake wa pekee. Babake alikuwa na matumaini kuwa mtoto wake atafaulu maishani. Hiyo ndio sababu alikuwa anafanya kazi ya kuchimba na kuchonga mawe ili kumsomesha mwanawe.

Nampa kongole mzee huyo kwa sababu alisomesha kijana wake ambaye hakupoteza ndoto ya babake kwa kusoma hadi alipofuzu katika chuo kikuu. Babake amesema kuwa anataka kupelekwa mbele ya mtu anayeitwa Bw. Eliud Lagat apigwe risasi ili naye pia afariki. Huo ndio uchungu ambao babake anahisi wakati huu. Tunakemea sana kifo hicho.

Jambo la pili ni kuwa huyo alikuwa kijana wa miaka 31. Bibi yake ni msichana mwenye umri wa Sen. Methu. Kijana huyo alioa kutoka jamii ya Wagirima kule kwetu. Bibi yake ni mtu tuliye na uhusiano naye. Kwa hivyo, yule aliyemua aliu shemeji yangu. Kwa hivyo, dadangu ni mjane aliye na mtoto wa mwaka mmoja. *Shame on that officer!* Aibu kubwa sana ambayo imetokea katika nchi yetu ya Kenya.

Kama ningekuwa Mhe. Rais, saa hii, ningekuwa nimeshawafuta kazi maofisa katika ofisi hiyo. Mtu huyo anaitwa Eliud Lagat hafai kuwa ndani ya ofisi hiyo hata

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.*

dakika moja. Hii ni kwa sababu alisababisha kifo cha kijana mdogo ambaye alikuwa na *future* katika nchi hii.

Sisi hatutakubali kifo hicho kifichwe. Kwa sababu yeye ni DIG anafikiri anaweza kudanganya Wakenya wote. Alisema eti marehemu alijigonga kwenye ukuta kisha akaanguka chini na kufa. Kwani alikuwa anacheza mpira huko ndani? Ukuta si mpira; ukuta ni ukuta na hauwezi kuua. Hakuna mtu alijigonga ndani ya *police cell* isipokuwa kama alijinyonga.

Bw. Spika, lazima hatua ichukuliwe kuhusu kitendo alichofanyiwa marehemu na mtu huyo. Huwezi kutoa mtu huko upite stesheni za polisi nyingi hadi Central Police Station kisha umuulie hapo. Hawawezi kukataa---

The Speaker (Hon. Kingi): Proceed, Sen. Ali Roba.

Sen. Ali Roba: Mr. Speaker, Sir, so that my brother, Sen. Osotsi, understands that this is not a matter of parties, I stand here as the party leader of the United Democratic Movement (UDM) to condemn the incident that happened. That is the ugliest incident of the season when you get a suspect reprimanded and put under police custody being brutally murdered. There are claims that the suspect hit his head on the wall. However, there is no case of epilepsy or issues of medical conditions that the suspect was suffering from or presumed to have a prevailing condition.

Suspension of police officers is just the beginning. I believe with conviction as Ali Ibrahim Roba, that there are people who are hell-bent on setting up and spoiling the image of the President in this country. It seems to be deliberate. The President must act swiftly to make sure that protection happens.

Unless somebody is gifted with thickness, how can you pick somebody, put them behind bars, kill them and start telling the public that the person hit his head on the wall? That is inconceivable. In this day, age and era, I do not believe it is something that will have an angle to the Government position, but rather a complete setup by individuals who are hell-bent on spoiling the image of the President.

Mr. Speaker, Sir, just as my brother, Sen. (Dr.) Khalwale said, I believe only Parliament can objectively intervene and investigate this matter to its logical conclusion. We demand for swift action. The Directorate of Criminal Investigations (DCI) must establish culpability and pin it to an individual. They should not suspend individuals because that is Public Relations (PR) exercise. We want swift action. Otherwise, the people setting up the President should be unearthed because what happened is something meant to spoil the image. Unless there is stupidity that cannot be quantified, you cannot do what you have done in a Government of democracy like the Government of Kenya.

Mr. Speaker, Sir, there should be no cover-up. Justice must be served and delivered because the nation is waiting.

I thank you.

The Speaker (Hon. Kingi): Next is Sen. Wambua.

Sen. Wambua: Mr. Speaker, Sir, this is very disturbing. The questions I asked myself are: What happens if and when a police station becomes a scene of crime? What happens if that crime is murder? What is it that we are supposed to do?

I have heard people say that they want justice for Albert Omondi Ojwang'. How does justice look like for a young man killed in the hands of police officers? What is it

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 must be done for the lifeless body of Albert Omondi Ojwang' to receive justice? What exactly is it that must happen?

Mr. Speaker, Sir, of late, our country is doing extremely badly in terms of insecurity. In April, I saw the Senate Majority Leader confronting the Inspector General of Police over some killings in Angata Barakoi in Narok County. A few weeks ago, three people were killed by the police in the same area in Narok. What is happening in our country in relation to security that needs to be fixed? That is the question we should address ourselves to.

The killing of that young man has the capacity to throw this country into serious anarchy if it is not handled properly. Do you remember what happened in Tunisia when Mohamed Bouazizi blew himself up outside Parliament? Just an act of one person brought about the Arab Spring in an entire region.

Mr. Speaker, Sir, I call upon the President on this matter. He must speak with courage and determination and heads must roll. He must reset the security apparatus in this country from the top to the bottom. It cannot be that a person is arrested in---

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

Sen. Cherarkey: Mr. Speaker, Sir, on my own behalf and on behalf of the great people of Nandi, allow me to pass my deepest condolences to the family for that tragic death. As my colleagues have said, even during the era of detention without trial in this country, no one was killed in a police cell.

As a professional guest of the state on many occasions who has had privileges of spending nights in almost five police stations in Nairobi, it is very unfortunate. The only place one should feel safe is in a police station. I agree with my colleagues that heads must roll.

On many occasions, I have stated that there is a problem with the Ministry of Interior and National Administration. As I speak, those who killed Fr. Alois Bett and Fr. Maina are not known. In Angata Barakoi, six people were buried without the killers being known. The same has happened in Kerio Valley.

I agree with my colleagues that there are people whose intention is to sabotage President William Ruto's Government. Those people are led by the Cabinet Secretary, Ministry of Interior and National Administration. The Cabinet Secretary should take personal political responsibility on this matter and resign. The Parliament Committee is incompetent. If you transfer that incompetence from roads to lives, we end up losing lives. We have lost a 31-year old young man who had just married. Those people must be held accountable. I request Parliament, through the Committee on National Security, Defence and Foreign Relations, to conduct an inquest into the unexplained deaths in this Republic. They can even form a judicial inquiry to look at the allegations of extrajudicial killings from the last session up to this Session.

It cannot be that, as a Senate, we are just sitting and allowing insecurity to thrive in this country. If you go to Mombasa, you will get a woman dressed in *buibui* and you might think that she is a beautiful lady just to find out that it is a man who has worn a *buibui* and is carrying a machete. As we talk today, there are criminal gangs ruling Mombasa. If you go to Nakuru, you will find that the gangs have turned that place into their playground. The same thing is happening in Kerio Valley and many other places.

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 President is a very decisive man. I appeal to him that heads must roll starting with the Cabinet Secretary for Interior and National Administration, the Inspector General of Police and all his subordinates. The Officer Commanding Station (OCS) from Homa Bay who gave out the link and Safaricom, who gave out the location of the suspect, should also not be spared. When I was to be arrested some time back, I left my phone in Kibos. The police went to look for me in Kibos yet I was sleeping in Eldoret.

Sen. (Dr.) Oburu: Thank you, Mr. Speaker, Sir, for the opportunity. This is a sad day for us in the Senate because we are discussing the death of a young man who was the only child of his family. The young man died in a police cell where people are supposed to run for safety. The question is: where else do you go when you feel threatened by anybody, if not a police station? It is very serious when one goes to a police station and he is killed.

There was a time in this country when people who used to speak their mind would be picked never to be seen. Sometimes, you would see them in courts pleading guilty after being tortured in the cells. We have been struggling for these things to be a thing of the past. It is sad to see injustice rearing its head again.

This is not about the small boys. The big boys must have organised this kind of thing. I have never heard somebody being charged for making somebody infamous. I do not know the type of fame that a senior police officer would be looking for. Where does he want to go with that fame? This is something that should have been taken to a civil court. Somebody does not have to be arrested and put in cell because he has made somebody infamous.

Mr. Speaker, Sir, I have even seen people in this county share pictures of the President in the cells yet they have never been arrested. Is this police officer bigger than the President? Why can he not be arrested and interrogated? If we do not tackle this particular case up to the end, Kenyans will not believe us. Kenyans will not believe that we, leaders, are serious.

I come from that region. What am I going to tell the people of Homa Bay when I go there? Can I tell them that we are in broad-based government yet I cannot explain to them how their son was picked and then put in some police cell? There are many police cells on the way starting with Oyugis. We also have police cells in Homa Bay, Kisii and Kisumu. There are so many police cells around there. Why this particular police station---

Sen. (Dr.) Murango: Asante, Mstahiki Spika, kwa kunipa nafisi hii ili niweze kuzungumzia jambo la kusikitisha kuhusu kijana Albert Ojwang’.

Hata kama Wakenya ni vikaragosi, hakuna vile tutaambiwa ya kwamba yule kijana alikuja kujipigisha kichwa kwa ukuta hapa Nairobi. Kwani wanataka kusema ya kwamba hakuna ukuta kule Homa Bay? Kivuli cha fimbo hakiwezi kuficha mtu jua. Kwa hivyo, hata wakijaribu kuficha jambo hili, bado litatokea wazi.

Juzi, maofisa wakuu katika idara ya polisi walisema ya kwamba wale wadogo wao ndio walifanya hicho kitendo. Samaki wote hunuka lakini walimshuku kambare. Kama kuna harufu ama muozo, basi, tutaangalia idara nzima ya polisi, kuanzia juu mpaka chini. Hawawezi kusema ya kwamba ni wale wadogo ndio walifanya kitendo hicho.

Ingekuwa ni bwenyenye ambaye ameuawa, watu wangekuwa wamekamatwa. Kuna msemu wa Kiswahili ambao unasema mkata hendi mkele na angenda mkele,

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.*

akipakia jahazi mtele tele hurudi na upele. Hatua ambayo huchukuliwa wakati wakubwa wameuawa ndio pia inafaa kuchukuliwa wakati huu kijana huyu ameuawa.

Ukiona kesi inakaa sana katika kasiri ya mfalme, jua ya kwamba tajiri ana makosa. Hii kesi ya huyu kijana imezungushwa. Hiyo ni ishara ya kwamba kuna wadosi fulani ambao wako na makosa. Tusifanye jambo hili liwe la kisiasa. Ukiona kivuli cha mtu mfupi kimeanza kuwa kirefu, jua ya kwamba kunakucha ama ni machweo. Siku moja, machweo itakuja kutufikia.

Ninaomba Serikali na taasisi za usalama kuhakikisha ya kwamba wamevalia junga swala hili. Wahakikishe ya kwamba kifo cha Ojwang' kisiwe tu mtu mwingine amepotea na hakuna kitu kimefanyika.

Sen. Omogeni: Mr. Speaker, Sir, as we address Kenyans this afternoon, a post mortem report has come out and it states that the late Ojwang' died due to neck compression. This means that he was squeezed with an intention of being killed. It has also stated that he suffered soft tissue injuries all over the body. That means that a gang, inside a police cell of the Republic of Kenya, was used to murder this young boy. The post mortem has also stated that he had head injuries. The conclusion from five pathologists associate these injuries with external forces inflicted in keeping with assault.

Mr. Speaker, Sir, you are a lawyer. What this assault means is that we have police officers in the Republic of Kenya who arrest citizens, assault them and murder them yet we are behaving as if it is normal. We are here speaking for three minutes in the Senate of the Republic of Kenya.

This is a serious matter. It can bring a revolution. We cannot tolerate a situation where a Government that is supposed to take care of citizens is watching as innocent citizens are murdered in a police cell. Picture this: this young man is the sole child of his aged parents. He has left behind a wife with a three year old and three months old children. What will prick our conscious if this one does not? We cannot allow this.

We get abused on social media every day. I have seen occasions where even the President has faced attacks on social media, but we do not react by murdering people. I am asking the Committee on National Security, Defence and Foreign Relations to summon all heads of security to this House tomorrow. It should not be the day after tomorrow, but tomorrow. They should come and give us an explanation. If not, we have no reason to speak as people who have been elected to represent the people.

We cannot have a case like this in a country that is democratic and independent. I am speaking with a lot of anger because I am a father. How would you feel if it were you? Picture yourself, your child, being arrested in Nyanza, brought to Nairobi, and killed in a police station.

If that had happened, Sen. (Dr.) Oburu Oginga, you would not be here. Even the Rt. Hon. Raila Odinga would not be alive today if successive governments had behaved the way we are behaving. These are extraordinary times. At the end of this Statement, we expect you to issue a directive that---

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

Sen. Nyamu: Mr. Speaker, Sir, thank you for this opportunity. The images of that young man's father crying and holding a title deed that he had brought all the way to bail

out his son, are haunting this country. We cannot shake off those images. They keep recurring in our minds. You can imagine what is building up in Kenyans right now.

What is shocking is that even after driving him 400 kilometres from Kisumu, he was not booked in the Occurrence Book (OB), even as he was led into the cell. That in itself is a red flag that points to the intentions of the officers who arrested him.

As I speak, the police officers concerned have been indicted. What that means is that as much as they will not continue to carry out their duties, they will continue to earn half their salary. That is dancing on the grave of that young man. We want those police officers implicated to be removed from the National Police Service immediately. We want them to take a plea. We want them to be charged.

To the complainant who is the DIG of police, we are very disappointed; we are embarrassed that you are so intolerant. Right now, I am trending because I goofed by politicising the matter. I have been trolled, but I cannot fathom getting angry to an extent of even trying to be vengeful with anyone who is trolling me.

As a country, we are treading dangerously. We want the President to take charge of this situation. He has committed, time and again, that he will protect the youth of this country and their future. We are watching.

Mr. President, the country is watching. We want to see how you handle this matter because that will tell us a lot about you.

The Speaker (Hon. Kingi): Sen. M. Kajwang', you may proceed.

Sen. M. Kajwang': Mr. Speaker, Sir, Mr. Albert Omondi Ojwang' comes from Kokwanyo Kakelo Ward in Kabondo Kasipul in Homa Bay County. People are shedding tears here. I am mourning someone from the county I represent. I have buried too many young people following the Gen Z protests.

Just one year ago, I buried about seven young people who were killed. Some of them were discovered in quarries, extrajudicial killings and enforced disappearances. In the post-election violence, I buried about 10 young people, again, to extrajudicial killings.

During the protest, when the Rt. Hon. Raila Odinga came back from the United States of America (USA), I buried about 10 people who were killed by the police. We have felt the pain. We have shed tears. This must come to an end.

The problem I have with Parliament today is that we are mourning like we have no hope. We are speaking here like bloggers are speaking out there. Parliament is the one that vetted the IG of Police. As a result, the IG of Police is answerable and accountable to this House. Tomorrow, the IG of Police should and must be here. This gentleman did not die. This gentleman was killed.

(Applause)

If you look at the definition of "to be killed and to die," this gentleman was killed, murdered by the police, who are supposed to be the custodians and the safeguards of law and order in this country.

On 25th of June, we will be marking the first anniversary of the Gen. Z protest. I want to challenge Sen. Cheruiyot and the Senate Minority Leader because last year in

June, you brought a Motion to this House and we said a lot of things. We said a lot of English---

Let us mark the anniversary of 25th June in this Parliament because, in the other House, everyone ran away. We were the only ones who were here. Let us come back here, take stock of the things we said. We talked of extrajudicial killings, enforced disappearances, corruption and tribalism. What have we done about it?

(Applause)

This is a shameful act. I send my condolences to the people of Kasipul Kabondo, the people of Homa Bay County and the entire nation.

Under these circumstances, the Cabinet Secretary for Interior and National Administration and the IG of Police should have resigned, if it were in an organized society.

(Applause)

Let us have them here in this Parliament tomorrow. Anything short of that, we will not be any better than any other member of the public who is complaining outside there.

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

Sen. Seki: Thank you so much, Mr. Speaker, Sir. I also want to send my heartfelt condolences to the family of Mr. Albert Ojwang' and the entire nation. Today, it is a very sad day for this country.

It is true we do not know where to start and we do not know what to say. If a young man, Mr. Ojwang', can die in a police cell and people would dare say that he committed suicide--- We have several Kenyans who have died in the hands of the police. I remember the citizens who died in the hands of the police with bullets in Angata Barakoi.

Just recently, we had several members of the community of Majimoto, in Narok County, again, who died at the hands of police with bullets. Just recently, a day ago, in Nakuru, somebody was shot dead. This is becoming too much for Kenyans to bear.

As most of our colleagues have said here, we want to demand that the IG of Police, whom I participated in his vetting in the Committee of National Security, Defence and Foreign Relations. We want him in this House. We want to demand him, not later than tomorrow. We want to ask him because the responsibility stands and the buck stops with him.

The President should also take this because he is the Commander-in-Chief of the Armed Forces; he needs to take responsibility for the same. We cannot keep having Kenyans dying under his watch and there is no action. I want to stop on that, but I also want to support this Statement fully. Action must be taken.

The Speaker (Hon. Kingi): Sen. Mwaruma, you have the Floor.

Sen. Mwaruma: Asante, Bw. Spika, kwa fursa hii ambayo umenipa ili kuchangia Hoja hii ya kifo cha Bw. Albert Ojwang'. Bw. Albert Ojwang' alikuwa ni mwalimu katika Shule ya Kituma kule Bura Ward, Taita Taveta na ni mtu ambaye nilimfahamu.

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.*

Nimehuzunika sana kwa kifo chake kwa sababu Bw. Albert Ojwang' vile tumeambiwa alikuwa ni mtoto wa pekee katika familia yao. Pia, vile tumeona katika vyombo vya habari, ninajua kuwa babake alikuwa masikini. Alibebwa kutoka Homa Bay hadi kituo cha polisi hapa Nairobi kama kwamba hakuna vituo vya polisi kule Homa Bay.

Ni jambo la kuhuzunisha kwamba asasi za usalama zinatumika ili kuwanyamazisha Wakenya kwa sababu ya kuongea ukweli. Kama mambo hayaendi sawa, watu lazima wawe na uhuru wa kuongea. Tusirudishwe miaka ya zamani kwa sababu wakati huu tumeenda mbali sana.

Bw. Spika, ninakumbuka wakati wa miaka ya tisini ilikuwa ukiongea unaangalia nyuma na hata ukiwa ndani ya nyumba unasema kuta zina masikio. Kila mahali kulikuwa na majasusi. Hatutaki kurudi maeneo hayo. Ni lazima uchunguzi ufanywe vizuri.

Nilileta taarifa katika Seneti ambayo haijapata suluhisho. Ilihusu mtu aliyeuawa kule kwetu Weruga ndani ya mikono ya polisi alikiwa seli. Mwangoji wa Meliza aliuawa na mpaka wakati huu, kamati husika haijaleta ripoti kamili.

Ningependa kushinikisha kwamba ripoti hiyo iletwe ili tujue Mwangoji alifanya makosa gani na ni kitendo gani kilifanywa na wale polisi ili afe katika mikono yao.

Bw. Spika, ni lazima suala hili liangaliwe kwa undani. Wakenya wasinyamaze wakati kuna mambo ya kashfa kwa sababu ni haki yao kuongea na baada ya kuongea walindwe. Sio kusema kuwa mtu akiongea ukweli huna haki ya kulindwa. Ni lazima tujue tuna katiba inayolinda kila Mkenya. Kulikuwa na uwezekano wa Mwalimu Albert kupelekwa kortini na kufunguliwa mashtaka lakini sio kumwua ndani ya seli.

Sen. Kathuri: Thank you, Mr. Speaker, Sir, for this opportunity to give my condolences to this young soul which we have lost under very crude circumstances.

Kenya is bleeding this afternoon since we learnt of the death of Albert. As my colleagues have clearly put it, the Committee on National Security, Defence and Foreign Relations of this House should lead by example. The Chairperson, Sen. Dullo, should suspend any other activity that they have for this week.

I am speaking as the Chair of the Liaison Committee with the powers bestowed on me by the Committee and the Standing Orders. When we have matters such as this, at least, the Chair or Vice-Chairperson should be taking notes of what the Members are saying, so that whatever they do in the Committee, they will get input from the Senators. We are not just talking in vain. They should be here to take notes, so that when they meet the IG of Police and anybody else, they have facts and issues to raise with them.

I do not want to communicate with you directly, Sen. Dullo, but thank you for coming back because what we are discussing is a matter of national importance that needs a lot of attention. Maybe this week, you should suspend any other activity you have as the Committee and deal with this matter "perpendicularly".

How I wish you will summon all these police commanders, the IG of the Police and all the others. Even the Cabinet Secretary can appear not before your Committee, but the Plenary, so that we can ask serious questions that the nine Committee Members may be unable to handle.

Mr. Speaker, Sir, today I am very sad that just the other day, we lost a Member of Parliament from Homa Bay. Now, we have lost a very young man from the same county who could have aspired to become the next Member of Parliament for Kasipul Kabondo.

This is a matter that needs a lot of attention. It is an afternoon that we need not even to talk of parties. Whether there is a coalition or broad based agreement or not, no Kenyan should die in a police cell. Do not tell us about the agreements on political parties. We are talking of a Kenyan; a young man who has passed on. Let us forget the parties; whether I am in the United Democratic Alliance (UDA) or not. The party also condemns this death in the strongest terms possible. I am a very senior member of UDA. Personally, I am not happy that the man died that way.

Sen. Kibwana: Mr. Speaker, Sir, I am deeply saddened by Albert's death. I am sure all of sure will be talking about Albert's soul resting in peace. Is his soul going to rest in peace after all what happened? Did he deserve what happened to him?

Freedom of expression must never be a death Sentence. You can imagine a young life that has been lost. It is sad indeed. We call for thorough investigation. Albert's voice should not be silenced. I hear the OCS has been interdicted, but does that mean anything? The story remains the same. It is sad indeed. It is devastating for this loss of a young life.

Mr. Speaker, Sir, let us just stand by justice. It is painful. I do not have words for someone just to be in a cell and died suddenly with a lot of stories about banging his head on the wall. The story does not add up in any way. Justice delayed, we say is justice denied. Can this matter be dealt with as soon as possible? Can it be tomorrow if not today?

I stand with the family and I feel the pain. We hope that his soul is going to rest in peace only after justice has been done. I am so deeply saddened; so pained that I do not know how to express myself on this one. May his family have strength and comfort to go through during this time for the loss of their son.

I support.

Sen. Abass: Mr. Speaker, Sir, first and foremost, I join my colleagues to send condolences to the family of Albert and the people of Homa Bay County. It is very unfortunate situation that today, we have lost a very young man who was a teacher in this country.

Albert was driven all the way from Homa Bay, 350 kilometres to Nairobi. In Homa Bay County, we have police stations and a high court. I do not know why this man had to be driven all the way up to Nairobi. That means somebody was ready to see him dead.

Some of the police officers implicated are today denying that they were on duty. It means there is something hidden. Since the current Government took over, 20 Kenyans have died in police cells. It is unfortunate the way we lost the young man in the cell.

Mr. Speaker, Sir, the Kenya Police want to see this country go into chaos. They want to see this Government fail because every day, we hear that people are being shot and killed. The police are on a go-slow to show the world that they want to see that the current Government is not in support of their life or whatever. I do not know what the problem is. However, if this has happened, the highest security leadership in this country must resign. That is the Cabinet Secretary, the Principal Secretary and the Inspector

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.*

General of Police. They should all resign to show that this matter must stop. It should not just be about suspending very junior officers.

Mr. Speaker, Sir, if the Government feels that they cannot tolerate comments - this guy only tweeted something, then these social platforms like *TikTok* and *WhatsApp* should be banned in this country instead of killing young men. I think that is the only best way. If you cannot tolerate comments, then they should ban the social networks.

Finally, I request you, in solidarity with the family, through you, Hon. Speaker, that this House observes one minute silence in support of the family.

Thank you so much.

(Applause)

The Speaker (Hon. Kingi): Sen. Onyonka Richard.

Sen. Onyonka: Mr. Speaker, Sir, I, with a lot of humility, accept the possibility that you have allowed me to vent on this matter. I want my colleagues in this House to listen to me carefully. I have frequently been in the public saying that we need to stop killing our children and that we must accept that we are the ones, as adults in the House, who have been messing up in this Republic.

I have listened to all of us discuss in this House, and I hear everybody saying, no, no, no, no, no, no. Let us make sure that this guy is arrested and all. What was Ojwang' discussing that made this man kill him? It is corruption. The reason this young man was killed is because he said the police service receives close to Kshs56 billion every year. This is the story. This is the big thing in this House. However, we are talking about, oh, Ojwang' is killed, we need to arrest so-and-so. This country has to be fixed and you are the people to fix it, and you are refusing to fix it. This is because we are part and parcel of the mess of our country. When we are discussing this issue, you politicise them. You say, "oh, it is broad-based, oh, it is all about those people, the ones who are on the other side." When this thing collapses, all of you will be in the same boat, I tell you. You will hang separately. You are the people betraying this Republic. The police officers are a consequence of our failure. That is the reality.

We have refused to accept that we can fix this country, that we can work together, that we do not have to be tribal. That we can actually act as adults, but we behave like children when everybody outside is crying saying, where are the adults in the House? I beg you, people, let us sit and fix our country. What happened to Ojwang' is a consequence of a failed system.

Thank you, Mr. Speaker, Sir.

(Applause)

The Speaker (Hon. Kingi): Sen. Chute.

Sen. Chute: Asante sana, Bw. Spika. Kwanza nachukua nafasi hii kuomboleza na familia, marafiki na watu wa Homa Bay kwa kifo cha Albert Ojwang', ambaye alikuwa na miaka 31.

Leo ukiliendesha gari, na ukikimbishwa na wakora, mahali utakimbilia kwanza uokoe maisha yako ni *police station*. Sasa, ukienda *police station* ya Kenya na utauawa, ukikimbizwa na wezi, utaenda wapi? Huna mahali pa kwenda kwa sababu mahali unakimbilia na mahali unaenda pia kuna kifo. Hayo ndiyo maisha tuliyo nayo.

Askari walioko Kenya ni 108,000 - askari polisi na askari wa Utawala. Nikisimama hapa, nikiwakilisha Marsabit, sitaki kuwalaumu polisi wote. Siku tano zilizopita, mahali panaitwa Loiyangalani, *Lake Turkana, Marsabit County*, watu wanne waliuawa. Napeana pole kwa familia hiyo. Kama polisi wanaoitwa *QRU - Quick Response Unit* – hawangefika huko, saa hizi watu karibu 100 wangukuwa wamekufa. Nawapongeza polisi hao vile walifanya kazi hapo.

Mwaka wa 1990 – leo Gavana Orenge alikuja mbele yetu – alikuwa juu ya Toyota Stout akipigania *Constitution* mpya. Kama angeuawa siku hiyo, hatungepata hiyo *Constitution* mpya. Kwa hivyo, ni vyema Serikali ivumilie kelele za wananchi na *Gen Z*.

Kuna watu wanasema kuna Broad Based Government na wanataka kumlaumu Rais, Mhe. Ruto. Kama wewe uko kwa hiyo Serikali, kwa nini unamlaumu Ruto? Wewe umeingia kwa Serikali, uko ndani, kwa nini unasema Ruto, Ruto, Ruto? Si ufanye kitu hata wewe kwa sababu umeingia kwa Serikali? Umepatiwa Uwaziri, pesa na kila kitu mnachotaka – usikae huko ndani halafu unajifanya kama uko nje. Ukiona mambo mabaya unalaumu Serikali. Ukiona mambo mazuri, unasema, tuko kwa hiyo Serikali. Wacha ku-*double deal*, kaa ndani ama kaa nje. Ukikaa ndani, wacha kuilaumu Serikali – wewe fanya kazi hiyo. Unasema Rais, Rais, Rais – Rais anafanya makosa gani---

The Speaker (Hon. Kingi): Sen. Catherine.

Sen. Mumma: Mr. Speaker, Sir, thank you for this opportunity to speak. This matter is grave. It is painful for those of us who are mothers. Albert was about the age of my son, and Albert shares a name with my husband. I have just learnt that Albert is a young man I worked with when I served as Chairperson of the ODM Elections Board.

What has happened is serious. In my view, if not taken seriously, it may very well be the last straw. We need to take this seriously. Hon. Colleagues, even as we comment and plan---

(Sen. Okiya Omtatah and Sen. M. Kajwang' consulted loudly)

Mr. Speaker, Sir, can you ask Omtatah and M. Kajwang' to tone their voices?

As we plan to call the IG, honorable colleagues, I want to ask you, is the IG capable of investigating this case? I do not think he is capable of investigating this case. The Deputy Inspector General (DIG) of Police need to do this country a favour. He needs to resign. As the first step of showing respect to the family of Albert Ojwang', the DIG needs to resign. He does not even need to go through the process of being fired.

Secondly, I do not think the IG is capable of investigating this case. This is because it is his number two who was supposed to be a complainant over a freedom of expression issue. I am asking that we consider this matter being guided as an inquest, so that somebody other than the IG or the DIG deals with this matter. I am asking colleagues to put their heads together to seriously consider, so that we can get justice for this family. For those of you who are able, who are close to the President, please, give

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.*

him this advice. This may very well be the last straw in this country. It is sad for this family.

(Sen. Sifuna spoke off record)

No, I am not threatening anybody.

It is sad and painful for this nation. Anybody who is a mother or a father feels that this is not acceptable---

The Speaker (Hon. Kingi): Sen. Methu.

Sen. Methu: Thank you, Mr. Speaker, Sir. I am being disrupted by my cousin, Sen. Sifuna. If the tears of the father of the late Albert Ojwang' do not prick the conscience of the Members of this House, I do not understand what will ever do so.

I must also inform the House that I went to school with the late Albert Ojwang' at Pwani University. When I graduated in 2017, he was a first-year. How fragile are the egos of those tasked with the security apparatus of this Republic? A person of the stature of the Deputy Inspector General, who has training and holds a Master's in Counterterrorism, is trained to deal with terrorists, yet he could not handle a simple *Facebook* post. He had to send for this young man on a weekend.

There is no record that the late Albert Ojwang' was summoned to appear in any police station and he refused. He was arrested on a weekend in the presence of his parents. The father came to Nairobi with a title deed to secure the bail of his son, only to be given the body of his son in a body bag.

I wonder, even as we debate this Statement, did you see that the complainant in this case; the Deputy Inspector General of the Kenya Police Service, Eliud Langat, was standing behind the Inspector General of Police when they announced the start of the investigations? How can a person who, in my opinion, is the lead suspect in the murder of the late Albert Ojwang' be standing right behind those expected to carry out the investigations?

Secondly, I also wonder how cold and heartless is the President that to this minute, he has not even issued a condolence. Everything in the country is running as if nothing has happened. We have also not seen the condolence message from the Cabinet Secretary for Interior and National Administration.

If the President wants the young people to believe that he loves them, as he has been saying, he must crack the whip on Eliud Langat. I dare ask, who is protecting Eliud Langat? How powerful is he that he can commit a crime of this magnitude and continue serving as the Deputy Inspector General of Police? Even as we summon them to this House, he should have done this country a favour by resigning. In a functioning democracy, Eliud Langat cannot and should not continue serving in that position.

Finally, the life of the late Ojwang' is as important as the life of Ong'ondo Were. In two days, the Principal Secretary for Interior and National Administration was giving an update of what had happened, including the arrest of suspects.

The Speaker (Hon. Kingi): Sen. Issa Boy.

Sen. Boy: Asante sana, Mhe. Spika, kwa kunipa fursa kuchangia Kauli hii. Kwanza, natoa risala za rambirambi kwa familia ya Albert kwa niaba yangu na watu wa

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.*

Kaunti ya Kwale kwa kifo cha kijana mdogo sana, mwenye umri wa miaka 31. Hili ni jambo la kusikitisha sana.

Kijana huyu alisomea Chuo Kikuu cha Pwani na akahitimu. Babake alikuwa anafanya kazi kwa timbo za mawe ili kusomesha mtoto wake na hatimaye alihitimu na kupata kazi ya ualimu. Kutokea kwa kisanga hiki kumehuzunisha nchi yote ya Kenya. Ningeomba uchunguzi ufanywe ili familia yake ipate haki na wale waliohusika na kifo cha Albert wachukuliwe hatua za kisheria.

Asante.

The Speaker (Hon. Kingi): Sen. Veronica Maina.

Sen. Veronica Maina: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I also thank Sen. Eddy for bringing an important Statement before the Floor of this House. I want to believe this is a dream. I have never imagined in my whole life, even as a trained advocate, that an accused person, charged with a misdemeanor, not a felony, not an offence of such gravity, could be killed within the precincts of a police station. There would not be any justification for such an act, even if the suspect were charged with a serious offence.

I want to believe it is a dream that Albert was actually picked up by persons who identified themselves as police officers. He was picked from his home, handed over to the police by his parents, who were following behind to help him in secure a bond, so that he could stand trial.

He was taken to a police station and after a few hours, Albert died from head injuries, neck compression and multiple soft tissue trauma. Pathologists have ruled out self-inflicted injuries. This is very sad. I must admit that it must not happen to anybody within the Republic of Kenya.

The other day, Boniface Mwangi, the activist who went to Tanzania with his friends, some of whom we do not even support, were tortured there. Kenyans were up in arms because of how the Tanzanian police behaved. How much more when Kenya is a leader in democracy and political expression, should our police act within the constitutional parameters granted to them?

I want to take a moment to reflect because I worked on a police reform programme with Laikipia University. We introduced human rights training to the police. Any time an accused person is arrested, they have rights under the Constitution. The Bill of Rights protects them.

I condemn, in the strongest terms possible, the murder of Albert Ojwang' while in police custody. It is embarrassing. Whoever did it is sabotaging the Government of the day. It is very wrong. Action must be taken, a thorough investigation carried out, and all those found culpable must be held accountable. Let the Independent Policing Oversight Authority (IPOA) now do its work. We are looking to see that IPOA can, for once, hold police officers responsible for---

The Speaker (Hon. Kingi): Sen. Beatrice Akinyi.

Sen. Ogola: Mr. Speaker, Sir, a country that kills its young people is a country that kills its future. Last week, I stood here as a proud leader from Homa Bay County. I shared with this House our happiness during the Madaraka Day Celebrations in Homa Bay County. However, this morning, I asked myself: was this the celebration we had in

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.*

Homa Bay County on the 1st of June? Is this the aftermath of what we rejoiced over on the celebrations? All the developments we proudly counted in this House are not equal to the life of one young man, Albert Omondi.

(Applause)

This morning, as I was having a breakfast with my son, I saw a young man shed tears over this death. My son preciously asked me, “Mum, why do we, as a country, take two steps forward and then five steps back?”

I ask the President: Mr. President, who is this person so determined to tarnish the image of our country? Are you not able to deal with that individual? I have heard a number of politicians make statements since the death of Albert and a number of them are sorting themselves across the board. I want to tell them to keep their sentiments away on this matter because a life has been lost. I speak as a parent. Why are we on some of these seats, including any seat anybody has, if we cannot face such challenges? Let us allow our young people to grow. If you cannot fathom any challenge, do not run for any seat.

The President must just address this. I think it is by design that after the celebration of Madaraka Day in Homa Bay, somebody wants us to shed some darkness in this country. Let us move forward. We have been told of a young man who could have committed suicide. This is the only country where we saw a---

The Speaker (Hon. Kingi): Proceed, Sen. Thang’wa.

Sen. Thang’wa: Mr. Speaker, Sir, I am equally sad as we discuss this issue of a lost soul. One Pastor Martin Niemöller from Germany said, first they came for the socialists, I did not say anything because I was not a socialist. Then they came for the trade unionists, I did not say anything because I was not a trade unionist. Then they came for the Jews. I did not say anything because I was not a Jew. Then they came for me and there was no one to speak for me.

As a country and as the Senate, we are all affected. We are all affected, not just as a nation. We are affected as people who have been entrusted to take care of the people. Even the Government pathologist who has been conducting postmortems on such cases has also been affected, saying it is a relative brought on a table for him to check what killed him.

As a country and as this Senate, we must give an ultimatum that by 25th June, if this Senate has not done anything, if this Lagat Deputy Inspector General has not resigned, Kenyans should come out in large numbers on 25th as a memorial day and deal with whoever is not doing what he is supposed to do. This is because the police who have been mandated to take care of Kenyans are quick to act on some useless issues.

Today, as we speak, there is a police officer by the name Samidoh, a musician, who was granted leave to go to America. He was supposed to return yesterday. However, today, there is a warrant of arrest on him for absconding duty. If the police can issue a warrant of arrest for somebody because of missing work and yet we have a police officer whose name has been implicated on every murder and yet they are not doing anything, then I think as a Senate, we need to do something.

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 same police force told us that a Member of Parliament had kidnapped himself and that he slept in a certain hotel. We did nothing because he does not come from our region. Today, the same police are saying that Albert Ojwang' hit his head on the wall. At least, we can say we are here now discussing issues because we have been all affected by the death of Albert Ojwang'---

The Speaker (Hon. Kingi): Proceed, Sen. Kavindu Muthama.

Sen. Kavindu Muthama: Asante, Bw. Spika, kwa kunipa fursa hii ili niweze kuongeza sauti yangu kwa hili jambo ambalo linahuzunisha sana.

Kwanza, ningependa kuwaambia wazazi wa huyu kijana, pole. Kila mzazi hutarajia kuzikwa na mtoto wake. Hakuna mzazi hata mmoja hutarajia kuzika mtoto wake. Hili jambo linaleta uchungu sana kuona watoto wetu wanauawa kama ndege.

Ikifika tarehe ishirini na tano mwezi huu, tutakuwa tumefikisha mwaka tukikumbuka Gen Z wetu walivyouawa. Nilikuwa kwa hili Bunge na nilitoka pale nje tukaenda kule Bunge Tower. Tulikaa masaa matatu kule Bunge Tower lakini ilikuwa kama mwaka mzima. Nikiwa huko wakati nilipokuwa nasikia bunduki ikilipuliwa "tu!" nilikuwa nasikia kama tumbo yangu inatoka kwa sababu mimi ni mama na hiyo bunduki ilikuwa inapiga mtoto.

Hivi sasa, tunaongea kuhusu mtoto ambaye ameuwawa na watu ambao wanastahili kuwa wanalinda kila mwananchi katika taifa hili. Kama tutauliwa kule tunastahili kukimbilia usalama, basi, tutapata usalama wapi Kenya hii? Hii ni kuonyesha kwamba taifa letu limeanguka kabisa.

Ninaita President wa hii taifa, Bw. William Samoei Ruto, tafadhali, simama kama President sasa hivi, kama sio jana, na uongee kuhusu huyu kijana. Wale ambao wamesababisha hicho kifo chake, watendewe kile wanastahili kutendewa kwa sababu hatutanyamaza watoto wetu wakiendelea kuuawa. Wakifa wote, tutabaki na akina nani kama taifa? Vijana ndio wenye nguvu ya kuweza kuendelea taifa. Tukizidi kuwauwa, tutapata wapi wengine wa kuendelea taifa hili?

Kama mtu yoyote amefanya makosa, kuna mahakama. Apelekwe mahakama na ahukumiwe. Kama nikufungwa, afungwe. Kama hakuna hatia, aachiliwe. Ninakashifu hili jambo la kuuawa kwa sababu hakuna haki wakati mtu anapoteza uhai wake bila sababu yoyote na ndio mtoto wa pekee wa wazazi wake.

Hao wazazi hata labda umri wao hauwaruhusu kuwa na mtoto mwingine. Watapata mtoto mwingine wapi? Hata kama watalipwa fidia, hiyo fidia hailinganishwi na huyo mtoto. Tunaomba haki itendeke hata kwa wale Gen Z waliokufa katika taifa hili.

Sen. Okenyuri: Asante, Bw. Spika, kwa kunipa nafasi hii. Kwanza ningependa kutoa pole zangu kwa familia ya marehemu Albert Ojwang'. Ni kisa ambacho kimenisikitisha mno.

Sisi kama vijana tumeondoka nyumbani kwenye umaskini kuja mijini ili kujitafutia. Nimehuzunishwa na kisa hiki ambapo Albert alichukuliwa na maafisa wale. Ripoti za upasuaji wa maiti zimeonyesha kuwa Albert hakujiuwa, aliuawa na maafisa wale.

Singependa kujiunga na wenzangu ambao wananung'unika. Maafisa wale ambao walimbeba Albert kutoka kwao washtakiwe kwa makosa ya mauaji ili waseme ni nani aliyewatuma kuangamiza yule kijana. Ni jambo ambalo linasikitisha kwa sababu kama

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.*

vijana wa taifa watatendewa unyama kama ule, sisi viongozi tunabaki hapa tukinung'unika, hii sio hali ya kawaida. Mauaji ya wanablogi yamekithiri. Sisi kama viongozi tumezoea kuwekewa makosa kwenye mitandao lakini hatujawahi kuwa na hasira kiwango cha kutaka kuwaua wale wanaotutusi pale kwenye mitandao.

Kwa sababu tuko kwenye nafasi za uongozi, mambo kama yale yakitokea, hatupaswi kuchukua hatua kama zile. Kwa hivyo, maafisa wale ambao walimchukua kijana huyu Albert kutoka nyumbani kwao akiwa salama washtakiwe kwa makosa ya mauaji ili waweze kuliambia Bunge hili na taifa kiini kikuu cha wao, na ni nani ambaye aliwatuma kumwangamiza kijana huyu. Roho yake isilale pema peponi. Iweze kuwasumbua wale ambao wamefanya mambo hayo katika taifa hili.

Asante sana.

Sen. Okiya Omtatah: Mr. Speaker, Sir, to begin with, I want to read Article 238 of the Constitution. It reads as follows-

“(1) National security is the protection against internal and external threats to Kenya’s territorial integrity and sovereignty, its people, their rights, freedoms, property, peace, stability and prosperity and other national interests.

(2) The national security of Kenya shall be promoted and guaranteed in accordance with the following principles-

(a) national security is subject to the authority of this Constitution and Parliament;

(b) national security shall be pursued in compliance with the law and with the utmost respect for the rule of law, democracy, human rights and fundamental freedoms;

(c) in performing their functions and exercising their powers, national security organs shall respect the diverse culture of the communities within Kenya; and,

(d) recruitment by the national security organs shall reflect the diversity of the Kenyan people in equitable proportions.”

Parliament has the power to investigate this crime. We have gotten to a point where we should form a Parliamentary Committee of Inquiry. That committee should get to the ground, call witnesses and unearth this problem.

Mr. Speaker, Sir, the Commission of Inquiry Act is another guide. You can ask the President to form a committee. If he cannot, Parliament can constitute itself into a committee. When J.M. Kariuki died, Parliament constituted a Committee of Inquiry. The tradition in this House is that we have inquired matters like this. Therefore, given the weight of this matter, my submission is that Parliament should investigate this matter. The police have nothing to investigate---

The Speaker (Hon. Kingi): Sen. Omtatah, would you wish to be informed by the Senator for Migori?

Sen. Okiya Omtatah: Yes, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): You may proceed, Sen. Eddy.

Sen. Oketch Gicheru: Mr. Speaker, Sir, my brother, Sen. Omtatah, has called for the formation of a commission of inquiry. I am very emotional, Mr. Speaker, Sir, you will forgive me. He has called for a commission of inquiry on the death of a young man

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.*

when it is a matter of public knowledge that there is someone who has been alleged to have reported that Ojwang' had published something about him. How does the justice system work? Can it be---

The Speaker (Hon. Kingi): Sen. Eddy, what is this information that you would wish to share to aid Sen. Omtatah's contention?

Sen. Oketch Gicheru: I would like to share with Sen. Omtatah that there is a serious person working in the police rank who had an issue with this young man and there is nothing to inquire about him. At the very least, let the young people of Kenya see that this person is behind bars or at least, he has recorded a statement, which can form a basis for any kind of inquiry. There is nothing to inquire about a DIG who had an issue with this young person. What is there to inquire and he is the one who sent for him, Mr. Speaker, Sir?

The Speaker (Hon. Kingi): Sen. Eddy, I have given you some latitude because we wanted to understand the information you wanted to volunteer. Nevertheless, if that is helpful, Sen. Omtatah, you may proceed.

Sen. Okiya Omtatah: Well, it is helpful if you have not seen the tweets. I have not seen the tweets that have been referred to or the insulting statement that is alleged. Naturally, this thing would have been floating around. It therefore looks like if there was one, there was a very heavy cover-up that we could not leave it to the ordinary law enforcement mechanisms to get to the root of this matter.

That is why I would like people like Sen. Sifuna here, Sen. Mandago and the Bull of Nandi, Sen. Cherarkey, to sit on this issue and try to bring closure to this matter. We had Gen Zs killed in this country. It is close to a year today. No stone has been turned. If it has been turned, we were not told what was seen under that stone.

As the ultimate House, national security is our business. That is why I read Article 238 (2)(a) of the Constitution. National security includes the lives of Kenyans. A life of a Kenyan has been lost. Many lives have been lost and no one has been held accountable. That is why I am saying that in this matter, we should form a committee of inquiry, the way it was done when J.M. Kariuki died and even recently when a lady was killed by British soldiers.

We should unearth the evidence we can get and force law enforcement to act. If we leave it to law enforcement, we are going to complain; daylight, sunset and things will go cold. Let this House take charge and get to the bottom of this matter, turn whatever stone that needs to be turned, look under that stone and tell the world what they see. That is what we need. Otherwise, we are going to end up nowhere. They are going to sanitize this thing and it is going to disappear.

Mr. Speaker, Sir, this was a murder. We even have information that this guy was taken to Central Police Station when he was bleeding. We would like these people to have a forum where they can come and tell us what they saw without the fear of being victimized. That is why I am asking for a Parliamentary Commission of Inquiry.

I thank you.

The Speaker (Hon. Kingi): Sen. Nderitu.

Sen. Kinyua: Asante, Bw. Spika, kwa kunipa fursa hii. Kwanza, ninaleta risala za rambirambi kutoka kwangu na watu wa Laikipia kwa familia ya Albert Omondi

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.*

Ojwang'. Ninampongeza pia Seneta wa Migori kwa kuleta Kauli hii. Wakati huu, nchi nzima kuna tanzia kwa sababu ya kumpoteza kijana barubaru, kijana aliyekuwa na maono.

Hii imekuwa ni kama kawaida kwa sababu inaonekana watu wanaongea na polisi – maafisa wa usalama wamezoea kuwa watu wataongea na watanyamaza. Ninasema hivyo kwa sababu, kuna kauli ile tungetaka kujua wale waliua Padre John Maina Ndegwa Waboiman. Vile vile, kuna Kauli kuhusu Padre Alloys Cheruiyot Bett. Ikiwa huwezi ukapata kauli kama hizi, wanajua ya kwamba, hata huyu kijana tunaambiwa na maafisa watafanya uchunguzi, hatutapata.

Uchunguzi wa kwanza walisema, huko ndani ya seli, Ojwang' alijigongesha kwa ukuta. Huyu Ojwang' hakuna mahali panasemekana alikuwa na ugonjwa wa kifafa ama kuanguka. Ni wazi ijulikane kwamba, alipochukuliwa kutoka Homa Bay, maafisa wa usalama walihakikishia wazazi wake kwamba, alikuwa sawa sawa na atapatikana akiwa vile vile.

Bw. Spika, alitoka huko akiwa buheri wa afya lakini ukiangalia ripoti ya upasuaji wa mwili wake, inaonyeshana ya kwamba alinyongwa na alipigwa kichapo cha mbwa kuingia msikitini. Hii ni aibu kwa maafisa wa usalama kwa sababu, hao ndio wamepewa jukumu la kulinda mali na maisha ya wananchi. Sasa inafika mahali wananchi wanashindwa wakimbilie majambazi, hapana. Wakimbilie polisi, hapana.

Bw. Spika, Inspekta Generali wa Polisi anapaswa kuitwa hapa aelezee kinaga ubaga. Naye naibu wa Inspekta Generali wa Polisi anayetuhumiwa ya kwamba haya mambo yametendeka kwake, anapaswa kuwa amejiuzulu. Si yeye peke yake. Samaki huanza kuoza kutoka kwa kichwa. Waziri wa Usalama, Kipchumba Murkomen, akija hapa kesho anapaswa kutueleza vizuri na akishindwa, ajiuzulu kwa sababu, yeye ndiye tunategemea na yeye ndiye amepewa hilo jukumu kama Waziri.

Ningependa kushukuru vijana wa hapa, Seneta Eddy na Kiogosi wa Wengi ---

The Speaker (Hon. Kingi): Sen. Asige.

Sen. Crystal Asige: Thank you, Mr. Speaker, Sir. In June, 2024, the streets were the crime scene during the Gen Zs protests. Right now, young people are being executed in a new place. It seems that police stations have become the new crime scene. As I proceed, I want to call for the IG and his Deputy, who have had far too many extra-judicial killings under their belt in just one year, fired with immediate effect!

This is because, there are too many rights that have been violated through the death and the killing of Albert; Articles 26, 28, 20 and other Articles of the Constitution. Why was Albert Ojwang' arrested without a warrant or a clear explanation of the charges contrary to Article 49? Why was he transferred over 350 kilometers from Homa Bay to Nairobi instead of being processed locally? On what basis was he even detained in Nairobi?

Why was his safety not guaranteed while in police custody as mandated by Section 59 of the National Police Service Act? If the allegations of corruption that he made were worth killing him, then why are we not precisely investigating this because only a hit dog hollers?

Mr. Speaker, Sir, the Directorate of Criminal Investigations (DCI) should not be seen anywhere near this investigation. A judgment by Justice Mugambi on the 9th May,

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.*

2025 clarified that only the Independent Policing Oversight Authority (IPOA) has the mandate to investigate deaths and injuries caused by police officers who are on duty or occur in custody, not DCI, or any other department of the police.

The Security Laws (Amendment) Act was introduced in Parliament to expand IPOA's oversight powers and give it more teeth, not just recommendations, but actually allow them to make arrests. However, the National Assembly has blocked this Bill. We know that. They said that it does not concern counties, thereby stalling a legislative process in this Senate and, therefore, obstructing real justice. We have to fight as a Senate to bring that Bill.

Mr. Speaker, Sir, dead people do not tell tales. The collective voice of Kenyans demands that this tale be told and justice be served, immediately.

I thank you.

The Speaker (Hon. Kingi): Sen. Kisang', please proceed.

Sen. Kisang: Thank you, Mr. Speaker, Sir. I also join my colleagues to condemn the killing of Albert Ojwang', who was a young teacher. I would like to send condolences to the people of Homa Bay County, and Taita Taveta County where he was teaching, and to his parents because he was the only child. It is unfortunate that he had to die in a police cell. I do not know if the police are aware that there is a law that was passed in 2019 called the Computer Misuse and Cybercrimes Act, that if anybody abuses you on the social media platforms, you can report, take them to court and charge them. So, there was no need to kill this innocent young man.

Mr. Speaker, Sir, in my opinion, it is time for the National Police Service to put Closed Circuit Televisions (CCTV) in the cells because we have lost many people in the cells and there is no record to show what could have happened. The National Assembly needs to allocate some resources to the NPS, so that all our cells in the country have CCTVs, so that there will be no excuse to say that somebody committed suicide. The autopsy report is already out, and the pathologists have said that Albert did not die because of self-inflicted injuries. This was basically done by the police officers.

Mr. Speaker, Sir, it is unfortunate and that should not happen in a democracy like Kenya. We have a very progressive Constitution, and such incidences should not happen.

Thank you.

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

Sen. Dullo: Thank you, Mr. Speaker, Sir. I wish to join my colleagues in condemning what happened to Albert. Of late, there are so many insecurity incidences that are happening in the country. Therefore, it is high time that we have taken serious action against the happenings as far as insecurity is concerned.

Mr. Speaker, Sir, I saw the father of Albert on the media, trying to explain what happened to the son. You can imagine Albert having *ugali* and *sukuma* under a tree, the police officers come using a motorbike and arrest the innocent young man. The father said, the wife and the child were also seated there. He did not even finish eating his *ugali*.

Mr Speaker, Sir, we should not allow loss of life in our country. This is happening. There are gangs all over, recruited by so many people in the country, especially the politicians. Yesterday, when this matter came up, so many of my colleagues came to me and said that we must summon the Inspector General of Police

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.*

(IG) to come and explain this matter to us. We summoned the IG to come and explain this matter this morning, at 11.00 a.m. Unfortunately, it did not work out. However, the National Assembly has requested the IG to appear before them on Thursday, morning at 10.00 a.m. They have also requested him to appear before the Senate on Thursday, at midday.

Mr. Speaker, Sir, this is a matter that the police should not investigate because they will be investigating themselves. IPOA is in place, and should move with speed and ensure that investigations are carried out, and those who are concerned are brought to book. I would like to request that, Thursday, midday should be the Committee of the Whole, where we shall be able to address all the matters affecting insecurity in the country.

I pass my condolences to the family of Albert, the widow and child. This is a very serious matter that needs to be dealt with and put to a stop.

I thank you.

The Speaker (Hon. Kingi): The Senate Majority Leader, the floor is yours.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, on my behalf and that of the people of Kericho County, I join the rest of the country in passing condolences to the family of Albert Ojwang’.

Mr. Speaker, Sir, I have sat here wondering, beyond the things that we say as legislators, what else? What happens next? The unfortunate thing is that we have abetted this kind of crimes for too long as legislators. We want to sit here, get clips on *TikTok* and say, “I expressed my rage”. Look at the House. It is virtually empty, because people have shared what they wanted to say and have gotten theirs for the afternoon without a recourse.

Mr. Speaker, Sir, I have said more than 100 times on this Floor, that if we had adhered to the Motion that we passed here after the June 25th protest, there were specific things that we asked each of our committees to do. The arrest procedures, was part and parcel of what we passed in that particular Motion, as well as rights of protesters. If that had been addressed, the young people of Angata Barikoi would not have been killed. If we had done the arrest procedures, Albert Ojwang’ would not have been picked from Homa Bay to Nairobi. Up to when do we want to be a House of lamentations? Let us be serious with our work.

The people of our individual counties did not vote us in here to come and lament like them. We should be embarrassed. This is not a matter that we should even be addressing, because we know that we have the power. If you, as a Member of Parliament, whine, what do you expect young people to do? I would like to urge ourselves that for once, let us take our duty seriously. Let us ask the Senate Standing Committee on National Security, Defense and Foreign Relations, to lead us into a conversation, in a sitting of the entire plenary, the same way the late Sen. Yusuf Haji led us in this House in a sitting of the entire plenary when our three colleagues were arrested, arbitrarily.

Mr. Speaker, Sir, let us stop this hypocrisy of just speaking and going home. People are disappointed in our actions. Prof. Ojienda, the Vice-Chairperson of the Senate Standing Committee on National Security, Defence and Foreign Relations, together with Sen. Fatuma Dullo, for how long do you want us to speak about these issues? Surely, can

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 lead the country into making the right decisions on how to handle protesters and arrested people and how IPOA, can do their job without being interfered with?

Last month, they told us they are investigating those who killed people in Angata Barikoi. To date, we do not know who it is. How difficult is it to tell the country, even just to know who are the officers that went for Albert in Homa Bay County? Up to now, we do not know who they are yet, when one of our own died, we were being given a blow-by-blow explanation, hour-by-hour. The life of Albert Ojwang' is more important--

-

The Speaker (Hon. Kingi): Sen. Prof. Ojienda, please, proceed.

Sen. (Prof.) Tom Odhiambo Ojienda, SC: Thank you, Mr. Speaker, Sir.

Let me join colleagues to commiserate with the family of the late Albert Ojwang', but also condemn in the strongest terms possible, though I am the Vice-Chairperson of the Senate Standing Committee on National Security, Defence and Foreign Relations, and to undertake that the Committee, as the Chairperson spoke, will ensure that this matter is dealt with as required by law.

Mr. Speaker, Sir, it is clear that under the Independent Policing Oversight Authority Act, 2011, this matter must and ought to be investigated first by IPOA. I am glad that I saw the Chairperson of IPOA Commissioner Ahmed Issack Hassan, together with the IG, Deputy Inspector General of Police (DIG) and other police officers at the Central Police Station, which was the crime scene.

Mr. Speaker, Sir, there are two issues that I want to point out. This afternoon, colleagues in this House have spoken and made a number of suggestions. The first suggestion is that the matter be dealt with by a commission of inquiry appointed under the Commissions of Inquiry Act, Cap.102 of the Laws of Kenya.

Since the law clearly spells out the role of IPOA under Sections 5 and 6, this matter would be best investigated by IPOA. Unlike my colleagues who have come before me, it is important that every person involved in that process is investigated. It is also important that at this point in time, we do not call upon resignation of individuals, including the Deputy Inspector General, Mr. Lagat, who had filed a complaint, but we do investigations in depth to establish who was responsible for the death of Albert Ojwang'.

Secondly, Mr. Speaker, Sir, it is clear that a murder as prescribed under Sections 204 and 207 of the Penal Code of the laws of this country has been committed. Police officers who are culpable or linked to that offence, including those who were in charge of Albert Ojwang' right from the time of arrest, must all be arraigned in court.

We want to see action in the same manner and fashion like it happened in the case of the late Ong'ondo Were. It is not enough to call upon officers to resign before they are investigated. Let us have a report that will come to us. As the Senate, we will undertake our function under the chairmanship of Sen. Dullo and I as the Vice-Chair---

The Speaker (Hon. Kingi): Next is Sen. Tobiko.

Sen. Tobiko: Mr. Speaker, Sir, I am grateful that I have gotten this opportunity to join my colleagues to mourn the loss of Albert Ojwang' and condole with the family, the people of Homa Bay and young Kenyans.

It is extremely sad that we are losing lives that we should not. The worst is when we lose a person in a police cell because that is supposed to be a place for protection until one is proven guilty or otherwise. One should be safe in a police station.

We are not passing judgment to anybody, but instead asking for accountability and someone must take responsibility for the loss of the life of Albert Ojwang'. Who else can do that if not the top leadership of the police? The Inspector General of Police and Deputy Inspector General of Police must answer to Kenyans on what happened to Albert Ojwang'.

The President should keenly look at this case because it has come immediately after a warm reception in Homa Bay. There could be people working to undermine the Government. The President should find out what is happening in the police force. The IPOA should come through for Kenyans in this case because we do not trust the police to investigate themselves.

It is extremely sad that even our young people have lost trust in us because we continue to lose them in circumstances that we should not. Imagine a situation where a parent has only one child and they lose them? Imagine the pain of those parents? Who is the future of that family?

Mr. Speaker, Sir, Parliament should take its rightful place to hold the Executive accountable for what is happening in our country. That is sad and unfortunate. We must apologise to Kenyans for letting them down. We must come through as an independent House that will stand for Kenyans.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Tabitha Keroche.

Sen. Tabitha Keroche: Thank you, Mr. Speaker, Sir, for also giving me this opportunity to stand as the Senator for Nakuru County, on behalf of my Nakuru County people and my family, to sincerely send our condolences to the family of Albert Omondi Ojwang'. I condemn the killing of Albert Omondi Ojwang'.

When I saw a photo of how he was tortured in the police cell, I could not hold my tears. When I read the story of Albert Omondi; that he was the only child of his mother and father, a newly wedded man, a father of one-year old child, and a graduate from an institution in Migori--- You can imagine how hard it is for parents of that status to educate their child up to university. I can only imagine how hard they worked to ensure that their child gets the right education, but he is now no more. It is sad for that to happen in the hands of our security officers.

Mine is just to ask for justice for Omondi and his family. There is nothing else we are asking for. It is justice for now because he is gone. I support the Senate Majority Leader. He said that we should not just be people who come to this House to talk, but there is no action.

We, parents, have cried enough. I am a victim because my daughter was murdered in 2020. However, up to date, I have not gotten any justice that I am pushing for. What does that tell you? If Omondi's family decides to seek for justice, you can imagine how long it will take them. Enough is enough. This is the "Upper House". We should ensure that such things come to an end. Our children should not be killed just because of

expressing their opinion. Those people should know that they are spoiling for our Government, which is working hard every day.

Let me mention this. The rising insecurity in Nakuru---

The Speaker (Hon. Kingi): Hon. Senator, your time is up.

COMMUNICATION FROM THE CHAIR

SITTING OF THE SENATE TO INTERROGATE THE CS FOR INTERIOR AND
NATIONAL ADMINISTRATION, THE IG OF POLICE, IPOA AND
THE NPSC ON CIRCUMSTANCES SURROUNDING
DEATH OF MR. ALBERT OJWANG'

The Speaker (Hon. Kingi): Hon. Senators, this is a very weighty matter. Kenyans are asking questions and justifiably so and we owe them the answers. The patience of this country is being stretched beyond its elasticity.

The hon. Cabinet Secretary for Interior and National Administration is scheduled to appear before the Senate tomorrow morning for purposes of responding to 15 Questions that have been requested by hon. Senators. I wish to give the following as a way forward. As a result of the urgency of this matter, the Cabinet Secretary should appear tomorrow. However, before he embarks to respond to those 15 Questions, we will first have the House move to a Committee of the Whole to interrogate this particular matter. After that session, we will move to Questions Time.

While the Cabinet Secretary is preparing to appear tomorrow, secretariat, inform the Ministry that tomorrow the Cabinet Secretary must appear with the following persons: The Inspector General of Police, the Chairperson of the IPOA and the Chairperson of the National Police Service Commission (NPSC). Those are the persons supposed to accompany the Cabinet Secretary tomorrow when we have the Committee of the Whole. Thereafter, we will proceed to Questions Time as contained in the Order Paper.

Let us move on to the next Order.

MOTION

ADOPTION OF REPORT ON THE FOURTH BASIS FOR ALLOCATING
SHARE OF NATIONAL REVENUE AMONG COUNTIES

THAT, the Senate notes the Report of the Standing Committee on Finance and Budget on the Fourth Basis for Allocating the Share of National Revenue Among the Counties, laid on the Table of the Senate on Thursday, 17th April, 2025, and that pursuant to Article 217(1) of the Constitution, approves the Fourth Basis for Allocating the Share of National Revenue Among the Counties for the Financial Years 2025/2026 to 2029/2030 as follows-

**County Allocation = (Baseline Allocation Ratio*Ksh.387.425 billion) +
(Ksh. 2 billion shared equally among the identified 11 counties) +**

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.*

$\{[(0.45 \times \text{Population Index}) + (0.35 \times \text{Equal Share Index}) + (0.12 \times \text{Poverty Index}) + (0.08 \times \text{Geographical Size Index})] \times \text{Additional County Equitable Share above Ksh. 389.425 billion}\}$.

Where –

- i. Baseline Allocation Ratio = The allocation factor derived from each County's allocation for the Financial Year 2024/2025;
- ii. The 11 identified counties are: - Elgeyo/Marakwet, Embu, Isiolo, Kirinyaga, Laikipia, Lamu, Nyamira, Samburu, Taita/Taveta, Tharaka Nithi and Vihiga;
- iii. The Population Index is based on the 2019 Kenya Population and Housing Census (KPHC);
- iv. The Poverty Index is based on the 2022 Kenya Poverty Report by the Kenya National Bureau of Statistics (KNBS); and
- v. Geographical Size is capped at 10%.

(Sen. Ali Roba on 03.06.2025)

(Resumption of debate interrupted on 05.06.2025)

The Speaker (Hon. Kingi): Now, hon. Senators, when debate was interrupted on Thursday, 5th June, 2025, Sen. Mungatana had the Floor and he had a balance of eight minutes. I cannot see Sen. Mungatana in the House. Therefore, the Floor is open for debate.

Now, hon. Senators, the debate is on the amendments as proposed by Sen. Omogeni and not on the entire formula.

(Sen. (Dr.) Khalwale stood at his place)

Senator for Kakamega County, if you want to hug, you have the lounge.

So, hon. Senators, the debate that is supposed to continue is the debate on the proposed amendments by Sen. Omogeni.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I rise to speak to the amendment by Sen. Omogeni. Last week, we mentioned that this formula will run for five-years hence, this division of revenue and amendment is critical. I will begin by saying the following.

This is a House of equity. That is why the vote of Nairobi City County, Nandi County, Kakamega County and Elgeyo Marakwet County are subjected to the principle of equity. The amendment brought by Sen. Omogeni on Kshs4.46 billion to be shared to 11 counties namely, Isiolo, Lamu, Elgeyo Marakwet, among others, is in the principle of equity that we want to see.

(Sen. Omogeni consulted Sen. Munyi Mundigi)

Mr. Speaker, Sir, I wish the Mover of the amendment would listen together with the Senator for Embu County.

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.

I want to insist that this is a principle of equity. When we were coming up with the formula, we wanted to ensure that each county does not lose and that no county gains more. In this simulation, I have seen some counties gaining Kshs2 billion and others are only gaining Kshs200 million. Giving Kshs200 million to counties like Elgeyo Marakwet, Taita Taveta, Embu or Isiolo is not in good faith. Therefore, the simulation where each and every county will gain Kshs405.6 million will be very significant. That is why most of these counties cannot do significant or important developments in their counties.

As we look at this simulation, we must be aware of this. I have seen that the budget will be read on Thursday, a budget worth Kshs4 trillion. It is sad that Members of National Assembly rejected an increment to counties of Kshs465 billion. That is an affront to the principle of equity and division of revenue.

I stand today on the basis of win-win for Lamu County. I stand today for the win-win for Taita Taveta County. I stand today in support of Kirinyaga, Embu, Nyamira, Isiolo and Elgeyo Marakwet counties because they deserve equity like all of us. If Elgeyo Marakwet wins, Nandi wins. If Isiolo wins, Mandera wins. If Nyamira wins, Nakuru wins. We must push the principle of equity. It cannot be that a county gets Kshs2 billion yet a small county like Nyamira gets a paltry millions of shillings.

I rise on the pedestal of history, on the principle of equity. It is said that when the madness of an entire nation disturbs a solitary mind, it is not enough to say the man is mad. We must push for a win-win situation. As we push, we cannot blame Elgeyo Marakwet, Taita Taveta, Nyamira, Isiolo, Embu and Lamu counties for underdevelopment yet when we are doing division of resources, we do not consider their uniqueness.

I support the amendment by my Senior. *Leo ninarudisha mkono*. He defended me when I was in police custody. He dismantled my charges within seconds. He actually did it in one minute and 59 seconds. Therefore, I rise to support the people of Lamu.

As a Senate, we should not reduce ourselves to our own counties. There is a reason as to why we say that we are Senators of the Republic of Kenya, elected by respective counties to represent the interests of all counties. When I speak here, I speak on behalf of Nandi, Nakuru, Nyamira, Kirinyaga, Wajir, Nyandarua, Laikipia, Migori, Taita Taveta, Kajiado, Elgeyo Marakwet and Uasin Gishu counties. I also speak on behalf of Embu County.

If there is a time when I have been proud of my senior colleague in the profession, Sen. Omogeni, the Commissioner, then it is today. This is because he is pushing us to look at the principle of equity. I want to challenge the Members of National Assembly. When we demand for more resources, they tell us that there is corruption in the counties. My question is: What are they doing about corruption in the national Government? What are they doing? It is shameful for them to tell us that they cannot add money to our people who are suffering.

In fact, we are going to scrap the National Government-Constituencies Development Fund (NG-CDF) because it is an unconstitutional kitty. It violates the Constitution. I want to stand with the decision of the Supreme Court that we should only channel funds to two entities: national executive and counties. If Members 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.*

National Assembly want to run resources and manage money, let them run for two positions: governor or the presidency.

Mr. Speaker, Sir, Articles 94 and 96 of the Constitution of Kenya 2010 gives us the mandate to legislate, represent, oversight and participate in the budget-making process. It cannot be that the biggest threat to devolution in this country today, are Members of the National Assembly. How can they appropriate and pass a budget of Kshs4 trillion and give counties a paltry Kshs400 billion? It is a shame. I want to tell Kenyans who are watching us, the reason there is underdevelopment in mashinani is because of the Members of the National Assembly. Of the Kshs4 trillion, we should be pushing that Kshs1 trillion or 50 per cent or Kshs4 trillion of the budget, should go to mashinani; which is counties.

Today, the people of Nyamira, Elgeyo-Marakwet, Kajiado, Taita-Taveta, Isiolo, Lamu, Embu and Kitui counties--- We must come up with a formula of win-win, Kenyans for Kenyans.

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

[The Temporary Speaker (Sen. Veronica Maina) in the Chair]

Madam Temporary Speaker, this is the only House that will change the trajectory of development in this country. We want to devolve resources that somebody in Kericho County, in Kapchebet, where Sen. Aron Cheruiyot comes from, does not care who the President is. Somebody from Kilifi County, where our esteemed, respected Speaker, Governor-Senator Amason Jeffah Kingi, will not care who the president is because there are enough resources in Kilifi County.

I pray for that country, where we will not care who you are, but will share resources based on the principle of equity. Therefore, as Martin Luther King Jr. said, an injustice somewhere is an injustice everywhere. I will not be happy if I am given so much to take to Nandi County while Nyamira County is losing. I will not be happy when Mandera County is given so much when Lamu County is losing.

We are all Kenyans, including Embu County, where the deputy party leader comes from, Mr. Speaker, Sir.

The Temporary Speaker (Sen. Veronica Maina): Sen. Cherarkey, I do not want to disturb your flow of thoughts, but I hope I do not look like a man. Why are you addressing me as Mr. Speaker? You will clarify as we move along. Can you appropriately address me?

Sen. Cherarkey: Madam Temporary Speaker, the spirit of equity has overtaken my faculties, but I profusely withdraw and apologise. My mind was caught up when you were doing an exchange with a substantive Speaker. My apologies. We respect you.

We know Murang'a County will stand on the issue of equity. I hope that the delegation of Murang'a County means what they say on top of cars wherever they move around the country. They must enforce this principle of equity.

Therefore, I want to challenge this country. The future of Kenya is only in equity. I am calling upon the Chairperson, Senate Committee on Finance and Budget, my very

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.*

good friend, whom I have tremendous respect for, a principal of the Kenya Kwanza Government, a Party Leader, Sen. Ali Roba, that we amend this formula.

The pride of your committee, through Madam Temporary Speaker, is to ensure no county goes home crying. Let us take care of these counties. I have sat in the County Public Accounts Committee (CPAC) for almost eight years now. We have seen the financial statements. They cannot do anything. We went to Nyamira County when my brother, His Excellency Nyagarama, was a good man. I do not know about the current one. Senior Counsel Sen. Omogeni will tell us. When we visited the county, they were begging for Kshs100 million to complete--- while we are giving counties money. Can you believe it?

We also need to look at own-source revenue. In a county like Nairobi City County, the CRA revenue potential is Kshs63 billion. We are giving it close to Kshs20 billion. They have a pending bill of around Kshs120 billion.

I want to appeal to the Senate Standing Committee on Finance and Budget, that you cannot compare the revenue potential of Nairobi City County and Nyamira, despite the fact that they are growing tea.

Even as we talk, Nyamira County grows tea just as Nandi County does. Are you aware that our tea prices, cumulatively per kilo, have fallen? Now, it is Kshs19 per Kg. About Kshs9 is being taken by mchunaji chai and Kshs10 remains with the farmer. Even if you discuss the own-source revenue of Nyamira County, it will fall because of the dynamic demand and supply.

I saw Nairobi City County celebrating that they have collected Kshs12 billion, yet their revenue potential is Kshs63 billion. What are they telling us? They have a programme called “Dishi na County”. That programme is not extending to all children, yet we are giving them the highest allocation.

Look at Turkana County, we are giving them the highest amount, but the information I have is that the Governor of Turkana County, whenever he goes to a function, dishes out Kshs1,000 in handouts, yet, the Senator for Turkana County brought a statement, saying it is only in Turkana where you get a Form Four leaver dispensing out medicine. That one does not happen even in Gatanga, Murang’a County, where you come from.

Let us not be selfish. This country belongs to all of us. If we want to end corruption and inequity in this country, we must be willing to accommodate each other. The future of this nation is a united nation, not based on tribes or families. Whether you want to call yourselves cousins or whatever, we must look at the bigger picture at the end of the day.

Sen. Eddy, I want to challenge you, although you are mourning and we continue to empathise with your people, that as you go back to Migori County, you should report back and say, when I was in the Senate, when Lamu, Nyamira, Taita Taveta, Wajir, Embu; Elgeyo Marakwet and Isiolo counties where our sisters served with distinction---

I want to call out my friend, the Governor, in future, do not make derogatory remarks against women's leadership. I would have expected women from this House to protest.

(A Senator spoke off record)

Did she?

Yeah, Sen. Dullo should be listening to this. I think she is busy because of issues of insecurity. We cannot allow governors to make derogatory remarks against esteemed ranking Members of the Senate. We demand an apology. The Governor of Isiolo County is a good friend of mine. I have also expressed my displeasure. He confirmed to me that he has withdrawn, but I want a formal apology.

(Sen. Omogeni spoke off the record)

Has he not withdrawn?

The Temporary Speaker (Sen. Veronica Maina): Sen. Cherarkey, would you like to be informed by Sen. Omogeni?

Sen. Cherarkey: Madam Temporary Speaker, today, I am free to be informed by Sen. Omogeni because he is doing a good job.

The Temporary Speaker (Sen. Veronica Maina): Okay. Sen. Omogeni, you can proceed.

Sen. Omogeni: Madam Temporary Speaker, I wanted to inform the Senator for Nandi County that he should inform the Governor of Isiolo County that through this formula, the good lady, our ranking Senator, is going to add to Isiolo County another Kshs400 million. So, the Governor should actually appreciate and acknowledge the good work of Sen. Fatuma Dullo, not to haul abuses at the Senator.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Omogeni.

Proceed, Sen. Cherarkey.

Sen. Cherarkey: Madam Temporary Speaker, it is the proudest moment, because the Senator for Isiolo County is adding Kshs400 million plus. We are proud of women's leadership in this country, including yours.

I want to request and demand that the Governor of Isiolo County withdraws and instead appreciates the distinguished Senator, who is a ranking member, a three-term Senator. Do you think he will be re-elected in this county?

You are our Secretary General (SG) in the United Democratic Alliance (UDA). You see people crying, taking diabetes and pressure pills to calm down. This is a distinguished Senator who is serving her third term. We must respect women's leadership in this country. The governor must apologize and appreciate that we are adding over Kshs400 million to Isiolo, among other counties. We are also giving Kshs4.46 billion to 11 countries.

In conclusion, the future of this country is in devolution. This amendment will bring justice. I request Members of the Senate, especially heads of delegations, the Minority Leader, Sen. Kamau Murango, the distinguished Senator for Kirinyaga, who is the next Governor of Kirinyaga, the incoming Governor of Kitui, Governor Bishop Enock Wambua and Sen. Chute, who I see is restless today, and Sen. Kisang, that we think through and not rush. The formula we will pass will run for five years.

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.*

In the last Session, we took almost six months to agree to pass a win-win formula. At that time, there were Senators for Kenya. Sen. Madzayo and Sen. Wambua were Kenyans. I am told the financier and engine of that moment was Sen. Ali Roba, who was leading the onslaught. Sen. Kinyua and I were one-man-one-vote-one shilling. Today, we are saying that we all win as a country.

The Temporary Speaker (Sen. Veronica Maina): Sen. Cherarkey, hold on a minute. There is a point of order by Sen. Ali Roba. What is your point of order?

Sen. Ali Roba: Madam Temporary Speaker, Sen. Cherarkey has referred to me as a financier at that time. I would like him to substantiate the truthfulness of the statement he has made. It might send a bad signal out there. I was not in this Chamber in the last Senate.

The Temporary Speaker (Sen. Veronica Maina): Sen. Cherarkey, you have alluded to an allegation that he was a financier. We do not know what he was financing. Please, clarify.

Sen. Cherarkey: Madam Temporary Speaker, I did not say he was the one financing the formula. I was saying he was the beneficiary of a win-win that we did that time because Mandera was losing.

The Temporary Speaker (Sen. Veronica Maina): So, it was just a question of grammar.

Sen. Cherarkey: I think it was a grammatical error. I meant the beneficiary, not the financier.

The Temporary Speaker (Sen. Veronica Maina): Okay. Let us proceed.

Sen. Cherarkey: I support this amendment with all my body organs. I am very sure, as a leader, I want to see equitable development across the country. Some of us will aspire for higher seats in this country in future.

I want one day when I am in Nyamira, Sen. Omogeni will tell me, “because of the decision that you voted, this is what we have done.”

When I visit Kirinyaga, I do not know whether they will accept me because I do not know whether I am their “cousin” or not, they will appreciate and tell me, “you are our cousin, this is the money you voted for, this is what we have done.”

I want when I visit my neighbors, Elgeyo-Marakwet, Sen. Kisang, the Senator for Taita-Taveta and my Vice Chair of County Public Accounts, Sen. Mwaruma Mwalimu, will tell me, “now I am the Governor of Taita-Taveta, and this is what we have done.”

I support this amendment with all my faculties.

(Interruption of debate on Motion)

COMMUNICATION FROM THE CHAIR

VISITING TEACHERS AND STUDENTS FROM
SEVEN FOLKS SCHOOLS, EMBU COUNTY

The Temporary Speaker (Sen. Veronica Maina): Before we proceed with debate on this Motion, I want to give Communication from the Chair.

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.*

Hon. Senators, I would like to acknowledge the presence in the public gallery this afternoon, of visiting teachers and students from Seven Folks Schools in Embu County. The delegation comprises 177 students and nine teachers, who are in the Senate for a one-day academic exposition.

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 on my own behalf, I wish them a fruitful visit.

I thank you.

Proceed, Sen. Mundigi, from the great County of Embu.

Sen. Munyi Mundigi: Asante, Bi. Spika wa Muda, kwa kunipa nafasi nikaribishe shule hii iliyoko Mbeere South, Embu County. Karibuni sana muone yale tunatenda hapa. Tunaangalia mambo ya usalama na vile kaunti zetu zinaweza kupata pesa.

Shule hii imejengwa na KenGen, lakini shule zingine za maeneo hayo zina shida. Maeneo hayo hayana maji, hospitali au chochote. Tumekuwa tukisema marupurupu ya hardship yasiondolewe. Pia, tunasema kaunti zote ziongezewe pesa ili Kaunti ya Embu iweze kutengeneza barabara, hospitali au mambo ya kilimo iendelee vizuri.

Mkikaa vizuri na msikilize mambo ya walimu; mjiepushe na dawa za kulevya, miaka ijayo mtakuwa Maseneta na mengine. Ninawakaribisha. Mkirudi Nyumbani Embu, muende na salamu na pia safari njema.

(Resumption of debate on Motion)

Sen. Oketch Gicheru: Madam Speaker, I know today has been a very emotional day because as a young person, it is very hurtful to see a fellow young man succumb to no disease nor any condition of physical harm, but dying in the arms of the police.

Madam Temporary Speaker, before I contribute here, I want to thank Mr. Speaker so much for the kindness he had extended and the urgency he has put on the matter of the death of Albert Ojwang' by making sure that the Cabinet Secretary (CS) as well as the officers who are in charge of our security can be in this House tomorrow.

I want to urge all my colleagues, Senators, that this is the time that the nation needs you most. Tomorrow, we should not have a quorum hitch or even delay of debate and engagement. All Senators should come on time, so that we can interrogate the matter of Albert Ojwang' at 9.00 a.m. We will be here, so that by 9.30 a.m., when the House rises, then we can deal with that issue.

I want to thank all the Senators for taking this issue seriously and the comments that you have made. I do extend my heartfelt condolences and sympathies to the family of Albert Ojwang'. I know I will try and control my emotions, so that I can contribute on this equally important matter of the formula, which we push forward to be able to share resources among counties.

Madam Temporary Speaker, I am a Member of the Committee on Finance and Budget, and I was part of the team, therefore, that tried to think about what would be the best Fourth Basis formula for us to be able to share the resources that we have for counties horizontally. While there were a number of suggestions by the CRA on the matter of sharing revenue, we felt very strongly that it is important that we have one

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.*

parameter. That parameter is that there is no county that should lose in this avenue of sharing resources after what we have gotten from the national coffers.

Therefore, when we created the formula, everything we considered was to make sure that principle abides. We suggested that we come up with a baseline that will always ensure that when resources are shared in this country or when the basis for sharing resources is considered, then no county ever loses what they have gotten. There is a reason behind this. The reason is very simple; counties get to commit to different projects and non-discretionary and discretionary budgetary requirements. Therefore, if you put any formula that makes any county lose a shilling, you inconvenience that county.

Additionally, the issue of inflation will always catch up with counties. For instance, if you think about the wage drift that is a big consideration that adjusts itself by five per cent in our payroll systems every year automatically - if you deny a county a shilling from what they got in the previous allocation - then you end up being injurious to their planning purposes. Therefore, the idea of the baseline of Kshs387 billion is in itself a very important one.

I, therefore, dissuade any amendment that augments that baseline that brings it to zero or any other thing, but now when we came to this House, the issue was raised about the smaller counties that are going to gain from the previous CRA formula. The rationale behind these small counties not getting what I would call adequate resources to make them run is because these 11 counties in particular have faced a serious challenge of viability. However, if you look at the spirit of the Constitution when the counties were being created under Article 6, and subsequent Article that divide resources in our country, the principle of the Constitution is that the counties must be viable. What are the viability options for the counties? The viability of counties, number one, is that they be able to run a government - counties are governments and those governments must be run on the basis of non-discretionary expenses. Those direct expenses must go and run staff and recurrent expenditure. The viability of counties does not stop at running non-discretionary expenses. A county is only viable if after employing people, the county can, one, provide services to its constituents and, two, be able to have some sort of development to its constituents.

What we have seen in the counties of Isiolo, Vihiga, Samburu, Tharaka Nithi, Laikipia, Nyamira, Taita-Taveta, Lamu, Elgeyo-Marakwet, Kirinyaga and lastly, Embu, is that they can only run their non-discretionary expenses and recurrent expenses. So, they send money to these counties and the money in whichever formula is shared is so small that they can only finance salaries and run vehicles and utility bills. That is not the viability of counties as was intended by the Constitution. This is because then the people in those counties end up never seeing any development.

[The Temporary Speaker (Sen. Veronica Maina) left the Chair]

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

So, by virtue of not giving them enough and adequate resources to be able to run services and development budgets, we end up only giving money to individuals in those

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.*

counties who if they misappropriate the non-discretionary expenses, then we are only really creating 11 billionaires every five years in those counties, in the form of governors. So, this is a rot in the redistricting or rather the formula that was used to draw the counties by using the 1992 districts, and that rot cannot be corrected by simple element of delineation. It can be corrected by finding a formula that can enable those counties get monies to run budgets for development and services. Therefore, that is why when we got here as the Committee on Finance and Budget and listen to Senators, the Senators did propose that *in lieu* of that problem, let us seclude about Kshs2 billion to make sure that we give these counties, and if possible, pass a law to ring-fence that money to go to development of those counties.

Now, the reason for this amendment by Sen. Omogeni from Nyamira is that which is being ring-fenced of Kshs2 billion, which every county will get an average of about Kshs181 million, is not adequate to cushion development. It is not adequate enough to cushion service delivery. We understand that. However, the proposal of Kshs4.46 billion, I think might be edging it too far, reason being that there is no scientific formula that guarantees all the county governments, which part of the money they receive they put for development.

While I agree with the principle that we need to add just a little bit more money above the Kshs2 billion, I think that Kshs4.42 billion might be prohibitive to a conversation with other delegations from other counties. So, for us to be magnanimous with these counties, I want a way forward. I plead with the Senators. First of all, the 11 Senators who have brought this amendment through Sen. Omogeni, and then the other colleagues from other bigger counties, why can we not make it Kshs3 billion?

I think Kshs3 billion can be a compromise that allows for proper ring-fencing money for development for these counties, but also is not prohibitive enough to make us not pass this formula this week. This is because there is urgency in passing this formula this week. I will tell you why.

While we are fighting for Kshs387 billion, there is a bigger conversation about costing of county functions. We have never sat, as a Senate, so that we use the instrument of costing county functions as a conversation between us and the national Government. So, we need to pass this formula with urgency this week and then we retreat, prepare, come back to fight with the national Government on how much must counties get. The issue of DORA is the next conversation that we must now invite all of us. When we are going to that table of fighting for that money, all of us must go. We must not have some Senators from the 11 counties on crying this other side, while the Senators from the 36 counties also crying on the other side. We must move together. Let us all agree that, yes, the Kshs2 billion is small, but Kshs4.46 billion might also be on the higher side.

I, therefore, plead with my colleagues, let us make it Kshs3 billion and let us not debate it further. Let us sit down, get the Kshs3 billion to these smaller counties, give them the power to run development, ring-fence that money for development and then, now we start talking about the Kshs465 billion. That is the bigger cake. Even if we give these counties Kshs3 billion, it will barely be enough for development in Lamu.

Madam Temporary Speaker, when I went to visit my brother, Sen. Omogeni, I found out that things like water are still a dream for people in those areas. If you are 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.*

close to any stream of water, then women in Nyamira County still wake up very early in the morning to go and fetch water. I have also visited Sen. Osotsi. Women in Vihiga County still wake up very early in the morning to go and fetch water. The same applies to Samburu County.

This money will not be enough for them, even if you were to give them Kshs465 billion. That amount is still not enough to solve the problems in Nyamira, Elgeyo-Marakwet and Embu counties. We were sent here to fight for counties to receive resources adequate enough to make the devolved functions work. They cannot work with Kshs405 billion. They can only work if we fight to ensure that counties get Kshs465 billion.

Yesterday, I saw the Cabinet Secretary for the National Treasury and Economic Planning speaking very proudly about the allocation of billions of shillings to the national Government to deal with primary health care and issues of water. The Ministry was allocated over Kshs100 billion, yet, counties are left here fighting over Kshs47 billion to manage a devolved health function. We cannot accept this.

It cannot be that the Ministry of Water, Sanitation and irrigation is given more money than counties combined, when the entire provision of water is devolved. The Water Service Providers (WSPs) are struggling with loans without any effort by the national Government to save them. Assets have not been transferred to these WSPs. They do not even have proper asset registers because the national Government has not accepted to transfer those assets to them.

The moment we allow that every year we are going to be given a budget in this House that keeps on funding devolved functions through the Ministries, Departments, and Agencies (MDAs), we are doing a disservice to all these devolved functions. If the National Treasury wants to have a genuine conversation with the Senate about ensuring service to the people, it must begin with the real cost of running functions in the counties.

What is the cost of running policy functions in health care and the cost of operating referral hospitals, which are the only two functions of the national Government, *vis-à-vis* managing public health services, hospitals, primary health care, and Social Health Authority (SHA)? All these must be fully transferred to the counties.

Madam Temporary Speaker, I urge you, as I support this amendment, that we quickly move to agree on a position, which I have proposed to be Kshs3 billion. Let us support our brothers from smaller counties and then go fight for more resources. We must fight for those resources starting next week. Therefore, let us pass this formula this week and then face the national Government on the issue of Kshs465 billion that must go to counties.

When we finish that fight, the next one will be with governors on accountability and corruption. We cannot fight for Kshs465 billion to go to counties, only for governors to waste it by acquiring fleets of vehicles or turning themselves into billionaires. Every five years, we end up creating 47 billionaires in these counties in the name of governors. It must stop. Yes, we are going to fight for our people to receive the Kshs465 billion. However, once that is done, we are coming for the governors. They must stop this scourge of corruption involving money meant for the grassroots. That fight begins next week.

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.*

Therefore, I support Sen. Omogeni's amendments. If it suits the 11 Senators, let us settle at Kshs3 billion. Let us move forward together and begin the fight for The Division of Revenue Bill (National Assembly Bills No.10 of 2025) next week.

Madam Temporary Speaker, with that, I thank you for the opportunity. I support.

(Applause)

The Temporary Speaker (Sen. Mumma): Sen. Kinyua, proceed.

Sen. Kinyua: Asante, Bi. Spika wa Muda, kwa kunipa fursa hii. Naunga mkono Hoja ya marekebisho iliyoletwa na Sen. Okong'o Omogeni. Ni dhahiri shahiri kwamba pesa zinapaswa kuambatana na majukumu. Majukumu mengi yamehamishwa kutoka kwa Serikali Kuu hadi kwa kaunti. Ni vigumi kwa kaunti yoyote inayopata chini ya Shilingi 6 bilioni kwa mgao wa fedha kufanya maendeleo kama kutengeneza barabara, kununua dawa katika hospitali ama kujenga shule za chekechea.

Kwanza, namshukuru Mwenyekiti wa Kamati ya Fedha na Bajeti, Sen. Ali Roba, kwa nia njema waliyokuwa nayo walipoandaa Hoja hii kwa kupendekeza kaunti zenye ushuru mdogo zinapaswa kuongezewa bilioni mbili. Marekebisho ya Mswada yaliyoletwa hapa siku ya leo yanapendekeza kaunti 11 ndogo ziongozewe shilingi 4 bilioni.

Muhula wa Seneti iliyopita, tulifanya kazi kwa umoja na tukaweza kuongeza takribani shilingi 50 bilioni. Hata sasa sina shaka rohoni mwangu kwamba tukifanya kazi kwa umoja, tutaweza kuongeza pesa zinazoenda kwa gatuji zetu. Kama Seneti, tulipendekeza shilingi 465 bilioni kuenda kwa kaunti zetu, lakini Bunge la Kitaifa, kwa ujuzi au ukosefu wa ujuzi, wakapendekeza shilingi 405 bilioni kuenda kwa kaunti. Hawaelewi majukumu ya gatuji zetu. Majukumu ya kutengeneza barabara, maji na afya yamehamishwa kwa kaunti. Nilidhani wanafaa kukubaliana na sisi kwani tunajua mambo ya gatuji zaidi.

Hata hivyo, nakubaliana na pesa zilizopendekezwa na mapendekezo ya Sen. Okong'o Omogeni kuhusu fedha za usawazishaji wa kaunti. Kamati ya Fedha na Bajeti ilikuwa na nia njema kwa kupendekeza Shilingi 2 bilioni, lakini hizo ni pesa kidogo ukilinganisha na majukumu.

Nakubaliana na maoni ya Sen. Eddy kwamba tuongeze Shilingi 1 bilioni ili zile kaunti zinazosemekana ni ndogo ziongozewe Shilingi 3 bilioni ili tuwe na usawa. Tukifanya hivyo, tutasaidia gatuji zetu katika ukulima, afya, kutengeneza barabara na elimu ya chekechea.

Kaunti ya Laikipia ikiwa na shida yoyote ya ukosefu wa pesa, vile vile kaunti za Nyamira, Homa Bay na Taita-Taveta zitakuwa na shida kwa sababu tumeunganika na ni kitu kimoja. Ni vizuri tutembea kwa umoja na kukubaliana ili tupate pesa hizi.

Pia, hatufai kukomea kwa kupigania fedha ambazo zinaenda kwa gatuji zetu kwa sababu utagundua kuwa pesa hizi hufujwa kwa ufiisadi. Kaunti kama Nyamira ina mabunge mawili ya kujadili mambo yao. Wengine wanajadili katika sebule na wengine katika mahali panapofaa. Huo ni ufujaji wa pesa. Itakuwa ni vigumu kwa Seneta wa Kaunti ya Nyamira kutetea ongezeko la pesa, ilhali pesa zinafujwa. Kunawezaje kuwa na mabunge mawili ilhali Katiba imesema vizuri kwamba kutakuwa na bunge moja katika

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.*

Kaunti ya Nyamira? Kwa hivyo, haya mambo ni mpaka yaangaliwe. Namsihi Sen. Omogeni kwa sababu ameleta Hoja hii akiwa na nia njema ya kusaidia Nyamira, lakini pesa zikifika Nyamira, zinatumiwa vibaya. Sen. Omogeni, baada ya sisi kupitisha Mswada huu, tutalivalia njuga mambo ya ufisadi na ufujaji wa pesa za umma.

Vile vile, tukisema kwamba pesa zifuate majukumu, ukiangalia kama afya, pesa nyingi, zaidi ya asilimia 70 zinabaki katika Serikali ya kitaifa. Ukiangalia katika Serikali ya kitaifa, mambo ambayo wanashughulikia sana ni *policy* na vile vile hospitali za kitaifa ni chache. Kwa mfano, kuna Mathari Mental Hospital, Moi Teaching and Referral Hospital, Spinal Injury na Kenyatta National Hospital. Hizo tu ndizo hospitali ambazo zimebaki katika Serikali ya Kitaifa. Kwa hivyo, tukisema ya kwamba majukumu yafuatwe na pesa, tunamaanisha yale majukumu tayari yamepelekwa katika gatu zetu.

Bi. Spika wa Muda, ingekuwa bora ikiwa tunaweza kukubaliana kwa sababu wakati huu pesa haziendi katika kaunti zetu. Tukikubaliana, tutaweza kupeleka hela katika gatu zetu kwa sababu Waswahili wanasema, ngoja ngoja huumiza matumbo.

Ningeomba Kamati ambayo inaongozwa na Mwenyekiti wa Fedha, Sen. Ali Roba, kwamba pesa hizi ambazo tunagawana, zikipita kiwango cha Shilingi 415 bilioni, tuweze kuongeza pesa ambazo zinaenda katika hizi gatu zetu ambazo zinasemekana ni ndogo tuweze kupewa Shilingi 4.6 bilioni.

Wale Maseneta watakaoenda kutuwakilisha katika ile kamati ya kuleta uwiano, tupeleke Maseneta ambao wataweza kukaa ngumu. Ningeomba Seneta wa Mandera, Sen. Ali Roba, kwa sababu amekuwa akishabikia hayo mambo na ana uwezo, ujuzi na amebobea, awe mmoja wao pale ndio aweze kupeleka ujuzi pale na awaambie kinaga ubaga kisa na maana ya sisi katika Seneti kutaka pesa zaidi.

Kaunti zote za Jamhuri ya Kenya zinahitaji pesa hasa hizi kaunti ndogo kama Laikipia, Nyamira, Elgeyo-Marakwet, Taita-Taveta, Kirinyaga, Embu, zinahitaji pesa ndio ziweze kujikimu na waweze kufanya majukumu waliyopewa.

Leo, nataka kuunga mkono Hoja hii. Nimeketi nikasikia kuna kaunti ambazo zinapata ushuru mwingi kwa hivyo hawapati kupewa pesa zaidi. Kwa mfano, Laikipia kwa sababu sisi tunapata ushuru mwingi, hatupaswi kupewa pesa zaidi.

Huwezi ukamkata mtu mkono kwa kazi nzuri aliyoifanya. Sisi tunafanya kazi nzuri ya kuweza kupata ushuru mwingi. Kwa hivyo, katika asilimia fulani, inapaswa iongezwe kwa wale ambao majukumu yao kama ni kupata ushuru, tunafanya hivyo kwa ustadi lakini sio kutukemea na kutukejeli kwa sababu tumeweza kupata pesa nyingi kutoka kwa ushuru, halafu ukifika katika Seneti, unapata Seneti hii ndio inatumia nguvu zake.

Ninakurai, Mwenyekiti wa Kamati, mkirudi katika Kamati, kuangaliwe asilimia iongezwe kwa wale ambao wanafanya kazi kwa ustadi. Lakini sio kuzawadi umaskini kusema kwamba asilimia ya wale ni maskini na wamekuwa katika gatu zetu hizi wapewe pesa nyingi kwa sababu ni maskini, ilhali wamekuwa katika gatu kwa miaka zaidi ya 12. Tunapaswa kuwatuza na kuwapa heko wale wanaofanya kazi ambayo wanapaswa kufanya.

Ni wazi tunapofanya hii kazi, hawa magavana wakiitwa katika Seneti ndio waweze kuulizwa maswali, na hawaulizwi maswali kuhusu mashamba yao au boma zao, wanaulizwa maswali kuhusu pesa ambazo sisi wenyewe kama Seneti tulijadili tukatetea

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.*

ndio waweze kuongezewa na kupelekewa katika kaunti zao. Wakiitwa, wanapaswa kuja na kujibu maswali.

Hilo ndilo jukumu letu kikatiba; kuuliza maswali, tuweze kujibiwa ndio tuweze kuwa sisi ndio macho ya wananchi waliotuchagua katika gatuji zetu. Magavana wengine wakiitwa wanaona wao ni kama miungu wa gatuji walizotoka. Wanapaswa kuwajibika na kujibu maswali yale ambayo wameulizwa katika Seneti hii.

Itakuwa ni kinaya kwetu sisi kuja hapa kuteta na kusema pesa zinapaswa kuongezwa, lakini baada ya wao kupata zile pesa, inakuwa sasa hawawezi kuja wakiitwa ndio waweze kuwajibika katika Seneti hii.

Siku ya leo, hili ndilo jukumu letu kubwa sana kama Seneti; kulinda na kutetea gatuji zetu. Lakini ikiwa kazi yetu itakuwa tu ni kutetea gatuji zetu lakini baada ya wao kupata zile pesa inakuwa ni vigumu wao kuja hapa kwetu---

Inaonekana kuna nia njema. Nataka kumpongeza Mwenyekiti na Kamati yake kwa vile wamesema hawataki kaunti yoyote ibaki nyuma. Sisi sote tunapaswa kutembea pamoja. Kwa sababu ya huo upendo na hiyo nia njema, tunawapongeza. Ninaomba kamati na Bunge hili, tafadhali tupigie kura hayo marekebisho yaliyoletwa na Sen. Omogeni ndio hizi kaunti ambazo zinapata pesa kidogo ziweze kupata pesa ambazo zinaweza kukimu zile kaunti.

Lakini ningependa kuwaambia Maseneta wa Embu, Kirinyaga, Elgeyo-Marakwet, Tana River na Nyamira kwamba hizi pesa tunazozitetea hapa zikiongezwa, magavana ambao hizo kaunti pesa zinaenda wanapswa kuwajibika. Hizo pesa zisitumiwe kiholela, zitumiwe kwa kazi ambayo inafaa; kazi ya kuimarisha maisha ya wananchi wa gatuji hizo.

Hizo pesa hatuwapatii ili waweze kujitajirisha wenyewe ama iwe pesa yao ya mfuko ndio mtu anatembea katika ile gatuji, kwa mfano, Gavana wa Laikipia anatembea Rumuruti, Olmorani, Doldol, huku akipeana pesa kiholela. Hizi pesa ni za maendeleo na kuimarisha uchumi katika gatuji ambazo tunapeleka hizo pesa.

Sen. Eddy, ninakubaliana na wewe ulivyosema bilioni tatu. Lakini, hizi pesa zikitumiwa vibaya, tutakataa leo, kesho, mtondo goo na hata milele.

Nikimalizia, naunga mkono marekebisho yaliyoletwa na Sen. Omogeni na vile vile yale mambo ambayo Sen. Eddy amesema, kwa sababu yeye ni mwanakamati wa Kamati ya Fedha na Bajeti. Sikudhani ana ule mwelekeo na ujuzi wa pesa vile alivyoeleza hayo maneno hapa. Ule ujuzi ambao amesema hapa, sijui kama Sen. Omogeni alimsikia. Alisema badala ya Shilingi 4 bilioni na si Shilingi 2 bilioni, akaja akasimama katikati. Nikaona ueledi alionao. Kwanza, pole kwa kumpoteza yule kijana barubaru aliyeuwawa na hawa wakora wanaosema ni maafisa wa polisi. Wameua huyo kijana na tutasimama wima kutetea haki katika Jamhuri ya Kenya.

Bi. Spika wa Muda, ningependa kurudia kwa sababu hapa ndipo nina uchungu. Pesa hizi tunapeleka kwa gatuji zetu tutazilinda kwa hali na mali na kwa uhai wetu na damu yetu. Ni uchungu tunakaa hapa, tunaongea kuhusu pesa na hatimaye, zikienda kwa gatuji zetu, zinaingia kwa mifuko ya watu.

Ningeomba Sen. Okong'o Omogeni--- *Yes, I would like to be informed.*

The Temporary Speaker (Sen. Mumma): Proceed.

Sen. Oketch Gicheru: Madam Temporary Speaker, the good Senator for Laikipia has spoken very passionately and repeatedly. When someone repeats something, it means that it is important to him. He has spoken and repeated the issue on the wastage of resources in the counties.

I wanted to inform him that in the watchdog committees that we sit in, though I do not know whether he sits in one, we always have our partners come to those committees. One of those partners is the Ethics and the Anti-Corruption Commission (EACC), which should be in the forefront of fighting against the mismanagement for resources in the counties.

He should speak strongly to the EACC because we have never seen the EACC roll any head of a governor, and yet, the Senate does a good job.

The Temporary Speaker (Sen. Mumma): Sen. Eddy, what is the point of information, that he should use the EACC?

Sen. Oketch Gicheru: Yes, and to partner with our watchdog committees.

Sen. Kinyua: Asante, Bi. Spika wa Muda, hayo ni maarifa mazuri na yameniarifu kuhusu taasisi hii ambayo inapaswa kuchangamkia mambo ya ufasadi. Hii ni kwa sababu, ufasadi ndio kigezo kikubwa kinachofanya mambo yasitendeke. Kwa sababu siko kwa kamati yeyote aliyetaja na kuna taasisi inayopaswa kushugulikia haya mambo, hii taasisi inapaswa kuwajibika kabisa ndio Kenya iende mbele. Kenya itaenda mbele namna gani ikiwa gatuji zetu zitasonga mbele?

Bi. Spika wa Muda, nikimalizia, ninaunga mkono. Pia, nilitaka kueleza Sen. Okong'o Omogeni juu ya haya marekebisho. Alisema kwamba, hizi hela zimeongezwa, zisemekane ni za kazi gani, ni za kutengeneza barabara au zahanati ndio zisitumiwe kiholela. Zikifika kwa gatuji ziwe hazina kazi. Tunafaa tuziweke ziwe na sababu fulani. Zinaenda kutengeneza mabwawa ya maji, shule za chekechea ama ni za kutengeneza barabara? Ikiwa ni barabara, ni barabara kiasi na aina gani? Nashukuru kwa kunipa fursa hii.

The Temporary Speaker (Sen. Mumma): Sen. Mwaruma.

Sen. Mwaruma: Thank you, Madam Temporary Speaker, for this opportunity to support the amendment on the basis of sharing revenue by Sen. Okong'o Omogeni, the Senator for Nyamira. I must say that we have come from very far. Previously, in the 1980s, we had a one-party state and we had resources being shared centrally.

In 1965, there was Sessional Paper No.1 that stated that we had Independence. How do we share our resources to ensure that we get development and have speedy economic growth? According to Sessional Paper No.1, resources were sent to areas with high potential, areas with rainfall and fertile soils. There were areas that were left behind in terms of development. These areas were mainly in the Lower Eastern, Coastal Region and the Northern Frontier Districts in the Northern Eastern Region.

In 2003, we saw the passage of the Constituencies Development Fund (CDF), where we saw some semblance of redistribution of resources through the CDF. We had money going to constituencies, although Members of the National Assembly have misused that Fund. They have become like implementers, but thanks to the courts of law which have pronounced themselves that this money should not be used or applied by

Members of the National Assembly because they are not implementers of projects and programmes. It is only the Executive that is supposed to implement projects.

Madam Temporary Speaker, the clamour for a new Constitution started after the repeal of Section 2A in 1992, and in 2005, there was an attempt to change the Constitution. The reason that did not go through was because there was no devolution. Some of us coming from the coastal region of Kenya wanted *majimbo*, or regionalism, but the people making the constitution felt that we would be balkanizing our country into former provinces. Therefore, that constitution did not see the light of the day. We then saw the advent of movements like the Orange Democratic Movement (ODM).

In 2010, we gave ourselves a new Constitution that saw, to a great extent, redistribution of resources, where we had money coming from the center – Nairobi – to the counties. I must say that the counties are too small and they are largely, not viable.

In 2020, some of us who felt that our counties are too small and non-viable supported the Building Bridges Initiative (BBI). It had one suggestion of reducing the counties to 14. That clause did not see the light of the day and it was removed at the initial stages of BBI. Later on, we said we should remain with the 47, but increase money to the counties to at least 35 per cent. The rest is history because the BBI did not go through because the courts declared it unconstitutional.

Madam Temporary Speaker, the best thing that we gave ourselves as Kenyans in the 2010 Constitution was devolution. Some of our counties are very small. In Taita-Taveta, we have only 384,000 people and the registered voters are around 160,000, whereas such a number in some constituencies in Central, like Ruiru has over 200,000 voters. In our county, that is just the whole county.

In order to get resources, we would be asked; how many votes are you bringing on the table, so that we give you development? Our votes really were very few. Therefore, in the advent of devolution, we thought we had a panacea to the problems that existed in our county. However, by and by and as we look at how devolution is working, the identified small counties; Taita Taveta, Isiolo, Elgeyo-Marakwet, Nyamira, Laikipia, Vihiga, Kirinyaga and Embu are too small and unviable and the money they get is less than Kshs6 billion. It goes to paying salaries and operations. Very little money is left to do development.

Madam Temporary Speaker, we are again discussing the Fourth Basis for sharing revenue, something that we did in 2020. I can assure you that then, it was extremely divisive. As other speakers have said, it took months to pass that Third Basis for sharing revenue. In fact, it took the intervention of the Rt. hon. Raila Odinga.

I remember I went to State House with the Rt. hon. Raila Odinga with the leadership of the Senate. I was representing Team Kenya because we were in the mood of ‘handshake’ then. The Rt. honourable implored upon the then President, Uhuru Kenyatta, to add some money to counties so that no county could lose money.

I remember in 2020, in the new revenue sharing formula, Taita-Taveta County was going to lose Kshs400 million. However, some counties were going to gain. The highest gainer was Nandi County, which was going to gain Kshs1.4 billion. Then, we were sharing the same cake as that we shared in Financial Year 2019/2020, of Kshs316.5 billion.

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.*

In the Financial Year 2020/2021, we were called upon to share the same cake, but with a new basis, with a new formula. So, definitely, if we are sharing the same cake with a new formula, some counties would lose and others would gain. The counties that would lose were 19 in total, and Taita-Taveta County was one of them. However, as we were negotiating with others, I remember imploring the late Senator for Machakos County, whose county was gaining. We asked him, if he comes from the Lower Eastern region, and Makueni and Kitui counties were losing, why would he not support them, so that they do not lose money, since they were their ‘cousins?’ Sen. Kabaka, may God rest his soul in eternal peace, accepted to join the fray.

We also spoke to Sen. Malala of Kakamega County, because his county was gaining while Vihiga County was losing. We requested him to join the fray, because their ‘cousins’ were also losing. I also like the magnanimity of the then Senator for Nairobi City County, Sen. Sakaja, and Sen. Murkomen, who agreed that much as their counties were gaining money in the new basis for sharing revenue, we were still one Senate of Kenya, whose sole role is to defend counties and their governments. So, they decided to support us. We started as 19 people, and at the end, we were 27.

However, in the wisdom of the Hon. Raila Odinga, he said, we would divide the Senate and country across the middle. That, we would balkanize it to people who deserve to have more and others less money. So, when he talked to the then President, he agreed to add the shareable revenue, or have the Division of Revenue Act (DORA) pass the shareable revenue from Kshs316 billion to counties to Kshs370 billion, an increment of Kshs53.5 billion. I remember, my county then was supposed to lose Kshs400 million, but instead, it gained Kshs600 million, and got a leap from Kshs4.2 billion to Kshs4.8 billion, which was quite a leap. An increment in DORA of Kshs50 billion was the largest that I have ever seen in Kenya.

Madam Temporary Speaker, I would like to thank the Senate Standing Committee on Finance and Budget, led by a Hon. Roba, for ensuring that the new revenue sharing formula, or the Fourth Basis for sharing revenue, is not going to divide us. Previously, we could not even sleep. We could have people making calls from State House and all over Kenya, because they wanted us to vote. I remember my Governor calling me, telling me not to worry; that, I was not going to lose money that year, but I would get it the following year. I told him that was rubbish. How can he agree that we could lose Kshs400 million, since when you lose Kshs400 million, you are losing it for five years, and that is Kshs2 billion?

I am happy that the Senate Standing Committee on Finance and Budget has agreed to hold counties harmless by making sure that we share Kshs387.5 billion to all the counties using the Third Basis of sharing revenue, and the additional amount which will be determined by DORA, be shared using the new basis. Even when we use the new basis to share revenue, Taita-Taveta County will only get a leap from Kshs5.0 billion to Kshs5.25 billion, which is little money.

Through negotiation, discussions and seducing the Members of the Senate Standing Committee on Finance and Budget, they agreed to put Kshs2 billion, that would ensure that the 11 small counties in question, get at least some little money on top, and that is taking Taita Taveta at Kshs5.3 billion. That is still little, because our wage bill is at

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.*

56 per cent. Even if we add around Kshs250 million, that would still be much below what we require to do development.

What is in the budget for development for Taita-Taveta County is Kshs1 billion. So, even if you add the Kshs300 million, it would just be Kshs1.3 billion. We would want to push this money to go to Kshs6 billion. That was our view. However, even as we fight for Kshs6 billion for the small counties, I am agreeable to the discussants and contributors of this Motion, that, if we add on top of the Kshs2 billion, Kshs2.6 billion to make it Kshs4.6 billion, Taita-Taveta County will get Kshs400 million on top, which would take us to Kshs5.7 billion. This is still a far cry from Kshs6 billion, but it is much better.

So, Madam Temporary Speaker, I would like to thank Sen. Okong'o Omogeni for bringing this Motion over to amend, so that we add Kshs2.6 billion more, because at the counties there are many things that we would like to do as governments. For example, counties need to do budgets that are predictable. If we have some counties losing money, then we will not achieve the objectives of our budgets.

Most counties have Collective Bargaining Agreements (CBAs) for doctors that are waiting for this basis, new budget and DORA to pass, so that the CBAs can be honoured, and so that we stop our medics from going on strike and tampering with service delivery in the counties.

Madam Temporary Speaker, all the county workers require a pay rise, given that our Government has been adding taxes, one over another. Right now, they have Social Health Authority (SHA), National Social Security Fund (NSSF) that has been enhanced and the new housing levy, which is largely being used, I would say unconstitutionally, because there was no public participation that the housing levy would be used to fix the Nairobi River, build markets and roads, as has been said the Head of State.

So, these people require to have enhanced salaries, so that for those, because of the new taxes, have had their salaries go to below a third, which is unconstitutional, and they are causing their employees pecuniary embarrassment, and they are infringing on the laws of employment, they require a salary increment. They will only get a salary increment if, we get that paltry Kshs4.6 billion for the small counties.

Madam Temporary Speaker, with Kshs387.7 billion in DORA, we are getting Kshs5.066 billion, while with the new basis and Kshs405 billion, as has been passed by the National Assembly, we are getting Kshs5.3 billion. However, if we fight, to get Kshs465 billion, then Taita-Taveta County would go to Kshs6.149 billion. So, we must continue fighting, so that in DORA, we pass Kshs465 billion, that has been suggested by the Senate. I have already said that our wage bill is at 54 per cent as Taita-Taveta County, and 11 per cent for the County Assembly. We are remaining with very slim resources to do development.

In regards to Own Source Revenue (OSR), which is one area that we can leverage on so that we can get some development, our OSR has been hampered by the national Government refusing to disburse royalties to Taita-Taveta County.

Madam Temporary Speaker, there is a lot of money that has been collected in terms of royalties, but it has not been disbursed to our county. Therefore, our Own Source Revenue (OSR) is still below par.

Madam Temporary Speaker, we are also clamouring for a share of Tsavo National Park. None other than the President decreed that we get 50-50 revenue sharing with the Kenya Wildlife Service (KWS). However, that is not forthcoming. We have followed it up through a Motion in this Senate. I also followed it up through a statement in this Senate, but nobody seems to be helping us in implementing the Executive edict by the President to ensure that we get 50-50 revenue sharing with KWS.

Our counties are small. Corruption notwithstanding, even with the little money, we are not able to do much. I do not know what is wrong with Members of the National Assembly. The money being devolved to the counties is going to people in their constituencies. Why are they hell-bent on passing very little money to go to the counties? After all, some of them want to be governors. There are many Members of Parliament (MPs) who have become governors. We have the Governor of Tharaka-Nithi and the Governor of Vihiga who were MPs. What is the problem? They pass very little money to go to the counties but when they become governors, they find that money to be very little and say they cannot do much.

Let us fight to ensure that we get Kshs465 billion as sharable revenue to our counties. Over and above, I implore fellow Senators to ensure that we get Kshs2.6 billion. As Sen. Oketch said, even if we were to give and take, some little amount would not be so averse to it.

Madam Temporary Speaker, I implore all the Senators to support this amendment by the Senator for Nyamira, Senior Counsel, Okong'o Omogeni, so that our counties get development.

I submit and support that amendment.

The Temporary Speaker (Sen. Mumma): Next is Sen. Murango.

Sen. (Dr.) Murango: Asante sana, Bi. Spika wa Muda, kwa kunipa nafasi hii. Kwanza, ningependa kushukuru Kamati ya Fedha na Bajeti inayoongozwa na Mwenyekiti ambaye ni Sen. Ali Roba kutoka Manderu. Amedhihirisha tajriba na weledi wa kuongoza Kamati hiyo kwa sababu mbinu ya kugawa pesa waliopendekeza imefanya kuwe na amani hapa katika Seneti. Hata kama kuna marekebisho yatakayofanywa, ameonyesha kwamba ni kiongozi asiyejipendelea. Kwa hivyo, namshukuru kwa hilo.

(Loud consultations)

Bi. Spika wa Muda, kabla ya Kiongozi wa Wengi katika Seneti na Sen. Methu kuingia, kulikuwa na utulivu hapa ndani. Mtiririko wangu wa mawazo unapotea kwa sababu ya mazungumzo yanayoendelea.

The Temporary Speaker (Sen. Mumma): Kiongozi wa Wengi katika Seneti, naomba mmusikilize mwenzenu.

Sen. (Dr.) Murango: Asante sana, Bi. Spika wa Muda. Nilikuwa nasema kwamba kazi iliyofanywa hapo mwanzo na Mwenyekiti wa Kamati ya Fedha na Bajeti inadhihirisha weledi na tajriba kwa sababu imekuwa chanzo cha marekebisho kidogo

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.*

ambayo tutafanya katika Hoja hii. Uzuri ni kwamba tulipokaa chini, aliweza kusikiliza wale tuliokuwa na maoni tofauti kidogo. Nikiwa na wazo la kujinyonga, ni vyema uje usikie ninayosema kuliko kuhudhuria matanga yangu. Ametusikia sisi ambao tunatoka katika kaunti ndogondogo.

Katika hekima ya Sen. Omogeni ambaye in Seneta wa Nyamira, alipendekeza marekebisho ambayo yatahakikisha kwamba tunaanza mfumo mpya wa kugawa pesa bila tashwishi au kelele zozote na vile vile bila kubadilisha mfumo uliopendekezwa na Kamati ya Fedha na Bajeti inayoongozwa na Sen. Ali Roba.

Sababu kubwa ya kutaka marekebisho ni kuwa vigezo vilivyotumika katika ugavi wa fedha mwaka huu ungefanya kaunti ndogo ndogo zisifaidike kwa kiwango kubwa. Kama ni ukubwa, kaunti ndogo sio kubwa. Ukiangalia wingi wa watu, utapata ya kwamba hizo kaunti ndogo hazina watu wengi. Hizo kaunti ziko na uzito wa watu sehemu fulani lakini hazina watu wengi. Ukiangalia kiwango cha ufukara, utapata ya kwamba hizo kaunti, na hata Kirinyaga, haziko hapo. Baada ya kusikizana, tumejenga ukuruba na usuhuba ya kwamba wakati Bunge itakapoendelea kujadili mfumo, hakutakuwa na shida yoyote kuipitisha.

Ninasema hivi lakini kuna kitu ambacho ningependa kumwambia Gavana wangu, Gavana Anne Waiguru. Saa hizi, tunapigania huu mfumo mpya ili tuweze kupeleka pesa katika gatuji zote za Kenya na moja wapo ni ile ya Kirinyaga. Nyumba ya Seneti huwa inatumika na magavana kama tinga tinga. Kazi yetu ni kubomoa mlima. Barabara inapopatikana, sisi huwa tunawekwa juu ya lori ili tusiharibu barabara. Ukienda katika gatuji nyingi, Seneta anapouliza jambo fulani lifafanuliwe, unapata ya kwamba anachukuliwa kama adui na gavana. Ningependa kumwambia gavana wangu ya kwamba, katika shamba la mpunga wa Mwea, barabara hazijawahi kutengenezwa kutoka wakati wa ukoloni mpaka tukapata uhuru.

Saa hii, katika mfumo mpya ambao tumejadili, tukasikilizana na tukajenga usuhuba kama Bunge la Seneti ni kwamba Kirinyaga itapata zaidi ya Shilingi 300 milioni juu. Ninaomba Seneti iweze kujua ya kwamba fedha zile zinafanya kazi gani. Pesa zikiongezewa Kirinyaga, ziweze kuangalia zile barabara za shamba ya mpunga wa Mwea. Wakulima wamekuwa wakiogelea katika hizo barabara badala ya kutembelea kwa sababu kukinyesha, zinakuwa ziwa na zingine zinakaa mahandaki ambayo zinatumika na jeshi letu la Kenya.

Ninamwomba Gavana ya kwamba akipata hizi pesa ambazo ni zaidi ya Shilingi 200 milioni aziweke katika mfumo na kutengeneza miundo msingi katika gatuji ya Kirinyaga, atengeneze barabara. Mbeleni alikuwa akisema ya kwamba hana pesa. Mtu akikuambia ya kwamba ameshika chura kwa mkia na akamrusha, jua ya kwamba hiyo ni uongo. Sasa, hatakuwa na sababu ya kushika chura kwa mkia. Pesa ikimfikia, ajenge barabara na aweke dawa kwa hospitali.

Mwakilishi wadi kutoka eneo la Mwea lazima ajue ya kwamba kuna mhunzi na mfyatua moto. Sisi ni wahunzi na tushawatengenezea. Hao waende wafyatue moto wakati wanatengeneza bajeti. Lazima wahakikishe ya kwamba pesa ambazo tumeng'ang'ania kama Maseneta na wakazipata zimefanya kazi vilivyo.

Nitaongea juu ya Bunge la Kitaifa. Tumeongea kama Bunge la Seneti tukisema ya kwamba tunafaa kupewa mamlaka kamili ili tuweze kuangalia na kutathmini bajeti ya

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.*

kitaifa. Huwa tunaenda katika Bunge la Kitaifa na kuomba. Sisi husema ya kwamba Seneti imepitisha sheria ya *Division of Revenue Bill* na tunataka Shilingi 465 bilioni. Tunapofika pale, huwa wanageuza na kusema ya kwamba watatupea Shilingi 405 bilioni. Sababu wanayopeana ni kwamba kuna wizi wa fedha katika kaunti zetu. Hiyo ni kweli lakini, pia kuna wizi wa pesa katika mfumo mzima wa pesa ambayo inaitwa NG-CDF. Kinachotendeka ni kwamba nyani haoni kundule.

Kamati ya maridhiano inaenda kukaa chini. Lazima waende na wajifunge kibwebwe. Inafaa wajue ya kwamba watakabaliana namna gani wao wenyewe. Hii ni kwa sababu ukimwalika mbu katika kongamano la kutafuta dawa ya malaria, hakuna suluhisho ambalo atakuja nalo. Sababu ni kwamba yeye ndio jawabu ya shida ya malaria. Bunge la Kitaifa ni kama mbu ambaye amelikwa katika kongamano ya kutafuta dawa ya malaria. Hii ni kwa sababu hao ndio wamekuwa shida kubwa. Wamekuwa wakitunyima pesa za ugutuzi.

Tunafaa kujua ya kwamba nguvu ya kutengeneza mvua ikipewa muuza mwavuli, hakutakesha mvua. Hii ni kwa sababu atataka nafasi mzuri ya kuuza mwavuli wakati wote.

Bi. Spika wa Muda, Bunge la Kitaifa limekuwa na nguvu ya kutengeneza mvua na ndiyo maana kila siku kunanyesha machozi ya fedha kutofika katika gatu zetu. Kwa hivyo, hata tukiongea hapa, mpaka na sisi tujifunge kimbwembwe. Shida hizi tumekuwa nazo kwa muda. Miaka kama mitano imeisha na bado tulikuwa tunang'ang'ana na Bunge la Kitaifa.

Iwapo uko katika msitu, na uone mti mmoja mara mbili ujue kwamba umepotea. Hata sisi tunapokaa katika Seneti hii na kubweka, inafaa ufike wakati ambao tunafaa kuuma. Kumbuka hata mbwa abwekaye bila kuuma, hakuna siku atapewa heshima. Tukitaka kupewa heshima ni lazima tupambane na tuhakikishe kwamba tuko na nguvu zetu katika Seneti. Hivyo tu ndivyo tutaweza kusaidia ugutuzi.

Kuna wengi wanasema kwamba tunafaa kuongea. Hivyo tutafanya katika kamati ya maridhiano ambayo itatengenezwa na Kiongozi wa walio Wengi Bungeni. Lakini wakati wanaenda pale, tunasitia mazungumzo ambayo yanatoka katika Bunge la Kitaifa. Ni mazungumzo ambayo hayafai.

Inafika mahali ambapo hata kama kuna heshima, hata mtoto akikunja ngumi wakati mwingine inabidi agongwe kama mtu mzima kama amefikisha kiwango na amekosa heshima. Tutaenda pale, tupambane katika kamati ile na tuhakikishe kwamba tumepata pesa.

Kitu ambacho hatutafanya ni kuwajibu katika mitandao wakati tunaongea mambo ya muhimu kama mambo ya hospitali na madawa kwa sababu unapopigwa teke na punda, nawe upige punda teke, nyote ni punda. Kunapaswa kuwe na tofauti kati yetu na wao, kwamba katika mitandao ya kijamii, hatutajibizana na wao lakini ile kamati ambayo tunaituma, inafaa ijifunge kimbwembwe kuhakikisha ya kwamba sisi tumepata haki yetu.

Seneti hii ina akili timamu kupitisha Kshs465 bilioni. Sisi sio wanasesere kwamba hatukuwa na akili. Sisi sio vikaragosi. Kwa hivyo tunapofanya sheria kama zile na zinapofika katika Bunge la Kitaifa tunaonyeshwa madharau, ni jambo ambalo hatufai kukimya na kuacha liendeleo kufanyika.

Kuna jambo lingine ninapomalizia. Nimeona kwa muda, wale wawakilishi wadi, katika gatuzy nyingi ikiwemo Kaunti ya Kirinyaga, wameongea na wamesisitiza ya kwamba wanataka fedha zaidi ziweze kuenda katika wadi zao. Ningependa kuwahakikishia ya kwamba sasa pesa tunaongezea. Kwa sababu ile iliyokuweco pale awali ya kwamba hamna pesa, sasa hamna. Basi tunapopitisha mfumo mpya, muendeleo kupambana kuhakikisha kwamba pesa hizi zinawafikia. Hiyo ndiyo njia pekee ambayo tutaweza kufanya maendeleo katika kona zote za nchi.

Ningependa kumwambia Gavana pia, pesa zinapoongezwa, inafaa zimalize umaskini na kuhakikisha kwamba biashara zinaendelea kwa sababu ya kutengeneza miundo msingi na pia kupeana huduma ambazo zinafaa. Kwa hivyo pesa zile ambazo tunaokota zinafaa kuongezeka.

Pesa nyingi sana ambazo zinaokotwa katika Kaunti ya Kirinyaga zinapotea. Mimi mwenyewe huwa ninazunguka ilhali wale ambao wanaokota kodi bado wanalipwa pesa kidogo. Ukienda kwa wale ambao wanahusika katika jambo ambalo linafaa kutuongezea fedha wenyewe hawaridhishwi na mishahara lakini bado pesa zinaendelea kupotea. Ni jawabu ambalo itabidi tulipate kutoka kwa Gavana wakati anapofika katika kamati tofauti tofauti.

Kama ni shule za chekechea, Kaunti ya Kirinyaga yenyewe haina mpango wowote wa kupeana chakula kwa watoto wa shule za chekechea. Tunakaa na wewe katika Kamati yetu ya Elimu. Magavana wengi ambao wamekuja katika kamati ile wako na mifumo na mipango ya kupeana chakula katika shule za chekechea. Katika Kaunti ya Kirinyaga, hatuna. Pesa zinapoongezewa, ningetaka kumwambia Gavana aweke bajeti kwa sababu watoto wengi wanaumia wakati wanapoenda shule.

Unapoangalia sisi watu wakubwa na ambao tuna miaka mingi; wengi wetu washakuwa wahenga hapa. Ifikapo saa nne kila siku, kuna chai tunawekewa pale pamoja na mkate, mandazi na viazi vitamu na hiyo ni baada tu ya kuchukuwa staffahi zetu katika nyumba zetu asubuhi. Je, na mtoto aliyewekwa darasani kuanzia saa moja bila kula chochote? Hilo halifai kufanyika hasa katika wakati tuliomo na katika ugatuzi ambao tayari umefanyika katika nchi yetu.

Bi. Spika wa Muda, kuna jambo la maji katika kaunti zetu. Vyanzo vingi sana vya maji na visima vinatoka katika eneo la Kirinyaga. Utakuja kushangaa ya kwamba hadi leo, wakazi wengi kutoka eneo la Mwea wanakunywa maji machafu.

Mchele mwingi tunaouenzi unatoka eneo la Mwea--- Umenikumbusha nikuletee angalau kilo mbili. Nitaifanya hivyo, Bi. Spika. Maji ya kunywa Mwea yameadimika kama wali wa daku ama kaburi la baniani. Ukienda kule aidha uende kunywa mtoni au yaletwe kwa punda na ni maji machafu.

Hakuna sababu yoyote katika Karne hii kwamba baada ya pesa kwenda katika gatuzy zetu, gavana hawezi kuwa na mpango maalum. Juzi tu ndipo tuliona taasisi ya kupambana na ufisadi ikishika watu waliofuja pesa zilizotengewa mfumo wa maji wa Mwea-Makiba. Fedha zinaibiwa kutoka kaunti na kwenda katika mifuko ya watu.

Wengine wanaiba mpaka dawa za hospitali. Kuna siku nilisema na si maombi mabaya kwamba ukipewa nafasi ya kununua dawa na kupea wagonjwa, uibe zile pesa uende ukazitumie na familia yako. Mungu aliye juu, Jalali asiyelala, siku moja atakufanya utumie zile dawa kwa sababu ulizitafuta mwenyewe.

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.*

Hospitali zetu hazina dawa lakini kuna mtu mwenye tumbo kubwa kama mpira na alipoajiriwa juzi alikuwa amenyooka kama mikaratusi ya Lebanoni. Wakati ameingia pale mara moja amefura kama kupe hata hajamaliza miaka miwili au mitatu. Nguo haziwatoshei. Wengine wanavaa nguo zinazoka kama marinda na ni wanaume kwa sababu ya kuzidisha. Maskini anapoamka kukimbia asubuhi kwenda kutafuta lishe, naye Mungu anafanya wakimbie asubuhi kupunguza Kisukari, Shinikizo la Damu na uzito. Hayo ndiyo mambo ya Mungu.

Ninawaonya wale ambao wamekuwa wezi katika kaunti zetu. Kila siku tukiwaita wengine wanakuja. Wengine wanaongea vibaya ni kama fisi wakirudi. Tumeona Gavana wa Isiolo juzi akitusi hata Maseneta katika chumba maalum ambapo wanafaa kuwa wakifanyia kazi zao.

Wanawaona Maseneta ni wasumbufu, hawafai. Kama Seneti, tumekomaa. Mbwa hawezi mfupa uliomshida fisi. Sisi tukikaa ngumu huo mfupa wanafikiria hatuuwezi, tutauweza tukifuata sheria vizuri tufuatilie pesa za watu wetu.

Akina mama ni muhimu sana katika nchi ya Kenya na wako katika kaunti zote. Afya yao na mahali wanapoenda kujifungua ni muhimu sana. Kunafa kuwe na malazi safi. Hata Bibilia tukufu inasema kwamba ndoa ziheshimiwe na malazi iwe safi.

Kuna sababu hata ukichukua mshipi mpya kufunga suruali iliyoraruka haitabadilisha mambo. Bado utakuwa unaonesha uchi wako. Uchi ulio katika hospitali za kaunti zetu umezidi. Unapata watu watatu wanalalia kitanda kimoja. Nguo wanazolalia ni mbaya, dawa hakuna. Hospitali kuu ya Kerugoya unaambiwa ununue dawa. Kimbimbi hakuna dawa. Hata wanaotaka kupigwa picha, huduma hiyo haiko katika hospitali zetu. Inafika watu kuuliza ugatuzi unafanya kazi gani. Magavana wenyewe ndio watafanya ugatuzi uonekana kwamba unafanya kazi.

The Temporary Speaker (Sen. Mumma): Sen. Murango, you have a balance of two minutes when debate resumes.

ADJOURNMENT

Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate stands adjourned until tomorrow, Wednesday, 11th June, 2025, at 9.30 a.m.

The Senate rose at 6.30 p.m.