



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. IV NO. 41**

## THE HANSARD

Tuesday, 27<sup>th</sup> May 2025

The House met at 2.30 p.m.

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

### PRAYERS

### QUORUM

**Hon. Speaker:** Serjeant-at-Arms, can you ring the Quorum Bell? Hon. Owen Baya, where are the Whips of the Majority Party and Minority Party?

*(The Quorum Bell was rung)*

Order, Members. We now have quorum to transact business.

*(Several Members stood up in their places)*

Take your seats.

### COMMUNICATIONS FROM THE CHAIR

#### RESUMPTION OF SITTINGS AND PRIORITY BUSINESS FOR THE SECOND PART OF THE FOURTH SESSION

*(Hon. Samuel Chepkong'a and Hon. Yusuf Hassan  
stood in the gangway)*

**Hon. Speaker:** Hon. Chepkong'a and Hon. Hassan, take your seats or the nearest seats.

Hon. Members, I wish to welcome you back to the House from the just concluded long recess. I believe you are geared up to embark on the legislative business as the House commences the Second Part of the Fourth Session which is characterised by the consideration of the Budget and related business. Therefore, it is christened as the Budget Session.

Having said that, I am aware that the recess period was a working recess given the enormous amount of time that you employed towards public hearings on the Constitution of Kenya (Amendment) Bill, (National Assembly Bill No. 4 of 2025), and the consideration of the Budget Estimates for the Financial Year 2025/2026.

Hon. Members, as we commence the Second Part of this Session, the House will prioritise Budget-related business appreciating the strict statutory timelines therein. Specifically, the House will soon consider the Report of the Budget and Appropriations Committee on the Estimates for the Financial Year 2025/2026. This will, in turn, pave way for the consideration of the Estimates in the Committee of Supply and the attendant legislations, including the Appropriations Bill, 2025, and the Finance Bill, 2025.

The House is further expected to consider the Senate amendments to the Division of Revenue Bill, 2025, if any, and the County Allocation of Revenue Bill upon their receipt from the Senate.

In addition, the Cabinet Secretary for the National Treasury and Economic Planning is

scheduled to make a public pronouncement of the Budget Policy Highlights and Revenue-raising Measures for the National Government for the Financial Year 2025/2026 on 12<sup>th</sup> June 2025 in line with Section 40 of the Public Finance Management Act, Cap. 412A. We have been notified that this date has been agreed to by the Member States of the East African Community (EAC) in line with the established practice of synchronising the Budget Speech Day.

Hon. Members, the timely consideration of the critical House business that I have highlighted calls for your utmost dedication. I urge each Member to rise to the occasion so that, together, we deliver on the legislative mandate of this House in line with the Constitution.

Additionally, further to my earlier Communication regarding the hosting of the 22<sup>nd</sup> National Prayer Breakfast which was scheduled to be held on Thursday, 29<sup>th</sup> May 2025, this is to inform you that due to unavoidable circumstances, the event will now be held tomorrow, Wednesday, 28<sup>th</sup> May 2025, at the Safari Park Hotel, Nairobi, at 7.00 a.m. Consequently, the Women's Convocation and the National Conversation were also rescheduled to today Tuesday, 27<sup>th</sup> May 2025, and are ongoing at the same venue. I am aware that the arrangements for the successful hosting of the Prayer Breakfast tomorrow are at an advanced stage, if not ready. I take this opportunity to, once again, invite all of you to come together to pray for our nation and yourselves.

#### DEMISE OF THE MEMBER FOR KASIPUL CONSTITUENCY

**Hon. Speaker:** Hon. Members, as you are aware, the First Part of the Fourth Session ended on a sad note for the National Assembly and, indeed, the country, following the tragic shooting of the Member for Kasipul, Hon. Charles Ong'ondo Were, on Wednesday, 30<sup>th</sup> April 2025. He succumbed to injuries that he sustained after being shot at close range by a gunman on a motorcycle along Ngong Road in Nairobi.

Following the shooting of the late Hon. Ong'ondo Were, I notified the House and, indeed, the general public, via Notification No.5 of 2025 issued on 30<sup>th</sup> April 2025. Further, I appointed an *Ad hoc* Funeral Committee chaired by Hon. Peter Opondo Kaluma, CBS. It ably coordinated Parliament's support to the family in the funeral arrangements that culminated in the befitting send-off that was accorded the late Hon. Were at his rural home in Karabok, Homa Bay County, on Friday, 9<sup>th</sup> May 2025. On my behalf, and that of the House and the Parliamentary Service Commission, I extend our sincere gratitude to all Members of Parliament and the parliamentary fraternity for supporting the family of the late Hon. Were in their moment of grief.

Hon. Members, as indicated in my Notification, the National Assembly, Kasipul Constituency and, indeed, the nation, lost a dependable and astute legislator who served his constituents and the nation with utmost dedication. Although the late Hon. Were has already been laid to rest, we continue to convey our heartfelt condolences to his family, the people of Kasipul Constituency, and all his relatives and friends for the loss of a gallant leader.

I urge the security agencies to ensure that the perpetrators of the heinous killing of the late Hon. Ong'ondo Were are brought to book and his family receives justice for the loss of their loved one. For the Members who accompanied 'yours truly' to the funeral, I thank you very much for being there for your colleague.

Hon. Members, in honour of our departed colleague, Hon. Charles Ong'ondo Were, I request that we all be upstanding and observe a moment of silence.

*(Hon. Members observed a moment of silence)*

May his soul rest in eternal peace.

*(Several Members walked into the Chamber)*

Members at the back, please take the nearest seats.

Hon. Members, I am sure you saw in the media yesterday that your colleague, the Member for Juja, Hon. Koimburi, was reported missing by his family on Sunday. Yesterday, news bulletins stated that he had been found in a coffee plantation. Fortunately, he was alive.

He has been taken to one of the leading hospitals in Nairobi, where he is currently admitted and recuperating. This morning, I instructed the Chairperson of the Departmental Committee on Administration and Internal Security, Hon. Tongoyo, to liaise with the Inspector-General of Police and other security agencies, including the Cabinet Secretary for Interior and National Administration, so that they can obtain, at least, some preliminary facts to present to the House.

I have been advised by the hospital where he was admitted that the family had given strict instructions not to allow visitors. However, we saw in the media some visitors around the Member, but we have been informed that they are not allowing visitors, including officers from the Directorate of Criminal Investigations (DCI) who wanted to visit and ascertain what may have happened. I am told they were turned away. Be that as it may, I have directed the Chairperson of the Departmental Committee on Administration and Internal Security, and the Member for Turkana West, Hon. Epuyo Nanok, who is also the Chairperson of the Committee that Hon. Koimburi serves, to visit the Member in hospital this afternoon. I hope you will be permitted to see him so that tomorrow, I can give Hon. Tongoyo an opportunity to update the House on the situation regarding our Member.

I want to encourage the security agencies that, as they carry out thorough investigations in the fatal shooting of Hon. Ong'ondo Were, to also investigate the circumstances leading to the disappearance and reappearance of Hon. Koimburi on the dates that I have mentioned, so that we get to know. In the meantime, I encourage all of you Members and, indeed, all Kenyans to be conscious of your security and the surroundings and the people you associate with wherever you are, so that you do not have your security compromised at any one time leading to unfortunate incidents like the loss of life of Hon. Were and the disappearance and reappearance of Hon. Koimburi.

Hon. Tongoyo, do you want to comment on this?

*(Hon. Gabriel Tongoyo spoke off the record)*

No! I have directed you to go, visit him and bring a report tomorrow. Have you visited him? You will visit him together with Hon. Nanok and bring us an update tomorrow. What you want to give us may be hearsay. I want to get the facts right.

Thank you, Members. Next Order.

*(Hon. Major (Rtd) Abdullahi Sheikh and several other Members walked into the Chamber)*

Members at the back, take the nearest seats. Hon. Bashir, take your seat. I have a few short messages to convey.

## MESSAGES

### NOMINATION OF PERSONS FOR APPOINTMENT AS MEMBERS OF IEBC

**Hon. Speaker:** Hon. Members, Standing Order 42(2) relating to Messages from the President provides that—

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If a message is received from the President, at a time when the House is not in session, the Speaker shall forthwith cause the message to be transmitted to every Member and shall report the message to the House on the day the House next sits.

In this regard, I wish to report to the House that during the recess period, I received a Message from His Excellency the President relating to the nomination of persons for appointment to the positions of Chairperson and members of the Independent Electoral and Boundaries Commission (IEBC).

In the Message, His Excellency the President conveyed that, in accordance with the procedure set out in section 5 and the first schedule of the Independent Electoral and Boundaries Commission Act, CAP. 7C, and sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, CAP. 7F, he had nominated Dr Erastus Edung Etheke from Turkana County as the Chairperson of the Independent Electoral and Boundaries Commission (IEBC) and the following other persons as members of the Commission—

- |                                |   |                     |
|--------------------------------|---|---------------------|
| 1. Ms Ann Njeru Nderitu        | - | Nyandarua County;   |
| 2. Mr Moses Alutalala Mukwhana | - | Kakamega County;    |
| 3. Ms Mary Karen Sorobit       | - | Uasin Gishu County; |
| 4. Mr Hassan Noor Hassan       | - | Mandera County;     |
| 5. Mr Francis Odhiambo Aduol   | - | Kisumu County; and, |
| 6. Mr Fahima Araphat Abdallah  | - | Lamu County.        |

You will recall that on Friday, 9<sup>th</sup> May 2025, I issued Notification No. 007 of 2025 in which I conveyed that I had received a Message from His Excellency the President, and pursuant to Standing Order 42(3)(c), referred the said Message together with the Certificate of Presidential nomination and Curricula Vitae of the nominees to the Departmental Committee on Justice and Legal Affairs. The Committee was to undertake the necessary approval hearings pursuant to the provisions of Standing Order 45 and the Resolution of the House of 13<sup>th</sup> February 2025. I also directed the Clerk to transmit the Notification to all Members of the National Assembly.

In this regard, we shall wait for the Departmental Committee on Justice and Legal Affairs to notify the House as soon as it concludes the approval hearings.

The House is accordingly guided.

*(Hon. Cecilia A. Ngitiit, Hon. Adagala Beatrice,  
and several other Members walked into the Chamber)*

Hon. Members at the back, please take your seats. Member for Turkana County, the nearest seat does not include sprinting across the Floor. Member for Vihiga, what is your idea of the nearest seat? Yes, Hon. Otiende Amollo.

**Hon. (Dr) Otiende Amollo** (Rarieda, ODM): Thank you, Hon. Speaker. In consideration of your Communication, it may not be my place to speak, as my Chairman is present, but I do not wish to lose the moment. Having forwarded the nominees to the Departmental Committee on Justice and Legal Affairs, I was hoping you would provide further direction in light of events that have since occurred.

The Chairperson, Hon. Murugara, informed us and we were notified of a court case that was subsequently filed and that a stay was issued and that the matter is coming up again on the 29<sup>th</sup>. I believe this has placed the Committee in limbo and prevented it from undertaking what it ought to have and yet, the wording of Section 8 of the Act to which you have just referred appears to be mandatory, within 14 days.

Therefore, you may need to give further guidance to us and the House on the following:

1. Whether, in view of the wording of that decision, the entire process is suspended until the matter is determined.

2. Whether, in any event, time ceases to run from the moment the court order was issued such that the 14 days is extended.
3. Whether, depending on the decision made on Thursday the 29<sup>th</sup>, the process may still be validly undertaken within the prescribed time.

I am hoping, Hon. Speaker, you will provide the House with further guidance. Thank

**Hon. Speaker:** And No. 4, if I may assist, whether a parliamentary process can be injunctioned.

**Hon. (Dr) Otiende Amollo** (Rarieda, ODM): Indeed, I had canvassed that within the first point, by asking whether in light of the nature of the orders given, the process may continue or be suspended. I believe that is the most fundamental issue.

**Hon. Speaker:** Absolutely, Senior Counsel. My mind is very clear. I shall give you directions tomorrow. Both yourself and Hon. Murugara and, indeed, your Committee, may wish, after the Prayer Breakfast tomorrow, to come to my Chamber, so that we may have a jurisprudential *tête-à-tête*.

*(Hon. Major (Rtd) Abdullahi Sheikh stood in the gangway)*

Hon. Bashir, you appear very mobile today. Can you take your seat? Thank you.

#### APPOINTMENT OF NOMINEES TO THE NATIONAL POLICE SERVICE COMMISSION

**Hon. Speaker:** Hon. Members, pursuant to the provisions of Standing Order 42, I wish to convey a Message from His Excellency the President regarding the nomination of persons for appointment as members of the National Police Service Commission.

In the Message, His Excellency the President conveys that in exercise of powers conferred on him by Articles 246(2) and 250(2) of the Constitution and section 6(5) of the National Police Service Commission Act, Cap. 85, he has nominated the following persons for appointment as members of the National Police Service Commission and now seeks approval for appointment by this House —

1. Ms Peris Muthoni Kimani, nominated pursuant to Article 246(2)(ii) of the Constitution, being a retired senior officer of the Kenya Police Service (KPS);
2. Mr Benjamin Juma Imai, nominated pursuant to Article 246(2)(ii) of the Constitution, being a retired senior officer of the Administration Police Service (APS); and,
3. Prof. Collette A. Suda, PhD, nominated pursuant to Article 246(2)(iii) of the Constitution, being a person of integrity who has served the public with distinction.

Standing Order 45 provides that upon receipt of notification of a nomination for appointment, such nomination shall stand committed to the relevant Departmental Committee for consideration. In this regard, I hereby refer the Message from His Excellency the President, together with the curricula vitae, the Report of the Selection Panel and other testimonials of the nominees to the Departmental Committee on Administration & Internal Security for consideration.

Section 6(6) of the National Police Service Commission Act, Cap. 85, provides that the relevant committee of the National Assembly shall consider the nominees and table a report in the House within twenty-one (21) days. In this regard, the Committee is expected to immediately commence the approval process and notify the nominees and the general public of the time and place for holding the approval hearings. Thereafter, upon conclusion of the hearings, the Committee should table its report on or before Wednesday, 11<sup>th</sup> June 2025, to enable the House to consider the matter within the statutory timelines.

Thank you.

APPROVAL OF NOMINEES FOR APPOINTMENT TO THE  
BOARD OF THE CENTRAL BANK OF KENYA

**Hon. Speaker:** Hon. Members, pursuant to the provisions of Standing Order 41(4) relating to Messages from the Senate, I wish to report to the House that I have received a Message from the Senate dated 7<sup>th</sup> May 2025 regarding the approval of nominees for appointment to the Board of Central Bank of Kenya (CBK).

The Message conveys that by a Resolution made on the 7<sup>th</sup> May 2025, the Senate approved the appointment of the following persons as members of the Board of CBK:

1. FCPS Sophie Moturi.
2. CPA Abdoulaye Mohamed Abdi.
3. Ms Beatrice Kosgei.
4. Mr David Simpson Osawa Owuor.

Hon. Members, you will recall that the respective Committees of the Houses of Parliament jointly conducted the approval process for the nominees to the position of members of the Board of CBK. You will further recall that on 30<sup>th</sup> April 2025, the National Assembly approved the appointment of the nominees. In this regard, the approval by the Senate now concludes the bicameral approval of the appointments. The appointing authority has since been notified.

The House is accordingly guided.

*(Hon. Musa Sirma and several other Members walked into the Chamber)*

Members at the back, take the nearest seats. Hon. Musa Sirma, take the nearest seat. The last Message, Hon. Members, is from the Judiciary.

NOMINATION OF PERSONS FOR APPOINTMENT AS CHAIRPERSON  
AND MEMBERS OF PUBLIC BENEFIT ORGANISATIONS DISPUTES TRIBUNAL

Hon. Members, I wish to report to the House that I have received a Message from the Hon. Chief Justice who is the President of the Supreme Court of Kenya regarding the nomination of persons for appointment as chairperson and members of the Public Benefit Organisations Disputes Tribunal.

In the Message, the Hon. Chief Justice conveys that in accordance with the provisions of Section 50 of the Public Benefit Organisations Act of 2013, she has appointed the following persons as Chairperson and members of the Public Benefit Organisations Disputes Tribunal, and now seeks the approval of the National Assembly:

1. Ms Eunice Adoyo Otieno Arwa, chairperson.
2. Ms Christabel Mideva Eboso, member.
3. Ms Elizabeth Mbithe Mulwa, member.
4. Dr Leonard Kinyulusi, member.
5. Mr Mohamed Sheikh Noor, member.

For clarity, Section 50 of the Public Benefit Organisations Act of 2013 provides that, and I quote:

“There is hereby established a tribunal to be known as the Public Benefit Organisations Disputes Tribunal which shall consist of members appointed by the Chief Justice and approved by the National Assembly as follows:

1. A chairperson who shall be an advocate of the High Court of Kenya of not less than seven years’ standing.
2. Two advocates of the High Court of not less than five years’ standing.
3. Two persons having such specialised skill or knowledge necessary for the

discharge of the functions of the tribunal.”

Standing Order 45(1) provides that, upon receipt of a notification of nomination for appointment to a state office or such other office, the nomination shall stand committed to the relevant Departmental Committee of the House for consideration. In this regard, I hereby refer the names, together with the curricula vitae and other testimonials of the nominees to the Departmental Committee on Justice and Legal Affairs to undertake the necessary approval hearings.

Whereas the Public Benefit Organisations Act of 2013 does not expressly provide for the timeline within which the House will consider the respective nominees, Section 8 of the Public Appointments (Parliamentary Approval) Act Cap 7(f) requires the Committee to which nominations are referred to, to consider such matters and table a Report in the House for debate and decision within 28 days.

In this regard, therefore, the Committee is directed to expeditiously commence the approval process and notify the nominees and the public of the time and place for holding the approval hearings. The Committee shall table its Report by Wednesday, 18<sup>th</sup> June 2025, to enable the House to consider the matter within statutory timelines. I thank you.

Next Order.

## PAPERS

**Hon. Speaker:** Deputy Leader of the Majority Party.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

1. Legal Notice No.195 of 2024 relating to the Public Finance Management (Public Officers Medical Scheme Fund) Regulations of 2024 and the Explanatory Memorandum from the Ministry of National Treasury and Economic Planning.
2. Legal Notice No.38 of 2025 relating to the Central Depositories (Regulation of Central Depositories) (Amendment) Rules of 2025, evidence of stakeholder engagement, and the Explanatory Memorandum from the Ministry of National Treasury and Economic Planning.
3. Legal Notice No.88 of 2025 relating to the Code of Conduct for Media Practice for 2025 from the Ministry of Information, Communications and the Digital Economy.
4. Legal Notice No.6256 of 2025 relating to the Masalani National Intelligence Service Campus Protected Area Order, 2025, and the Explanatory Memorandum from the Ministry of Interior and National Administration.
5. The agreement between the Government of the Republic of Singapore and the Government of the Republic of Kenya for the elimination of double taxation with respect to taxes on income and prevention of tax evasion and avoidance between the Government of the Republic of Kenya and the Government of the Republic of Singapore from the Ministry of National Treasury and Economic Planning.
6. Submission of nominees for the National Government Constituencies Development Fund (NG-CDF) for the following constituencies:



- |                       |                        |
|-----------------------|------------------------|
| (a) Banissa.          | (v) Loima.             |
| (b) Bomachoge Chache. | (w) Lugari.            |
| (c) Matayos.          | (x) Moyale.            |
| (d) Matungu.          | (y) Msambweni.         |
| (e) Butere.           | (z) Muhoroni.          |
| (f) Buuri.            | (aa) Mvita.            |
| (g) Embakasi Central. | (bb) Nyali.            |
| (h) Galole.           | (cc) Nyando.           |
| (i) Ganze.            | (dd) Nyaribari Masaba. |
| (j) Garissa.          | (ee) Nyatike.          |
| (k) Ijara.            | (ff) Rabai.            |
| (l) Jomvu.            | (gg) Rangwe.           |
| (m) Juja.             | (hh) Samburu East.     |
| (n) Kabuchai          | (ii) Sotik.            |
| (o) Kaiti.            | (jj) Suna West.        |
| (p) Kamukunji.        | (kk) Taveta.           |
| (q) Kilifi.           | (ll) Teso North.       |
| (r) Kilome.           | (mm) Tongaren.         |
| (s) Kimilili.         | (nn) Turkana Central.  |
| (t) Kuria East.       | (oo) Turkana West.     |
| (u) Lagdera.          | (pp) Vihiga.           |

I thank you.

**Hon. Speaker:** Chairperson of the Committee on Regional Integration. Who is the Chairperson? Hon. Irene, go ahead.

**Hon. Irene Mayaka** (Nominated, ODM): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Committee on Regional Integration on a study visit to the European Union and the European Parliament from the 9<sup>th</sup> to 13<sup>th</sup> September 2024.

I thank you.

**Hon. Speaker:** Thank you. Next Order by Hon. Junet Mohamed.

### NOTICE OF MOTION OF ADJOURNMENT ON DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE

#### THREATS BY FORMER DEPUTY PRESIDENT ON RECURRENCE OF POST-ELECTION VIOLENCE IN THE COUNTRY

**Hon. Junet Mohamed** (Suna East, ODM): Thank you, Hon. Speaker.

Pursuant to the provisions of Standing Order 33(1), I beg to give notice of adjournment of the House to discuss a definite matter of urgent national importance regarding threats by the former Deputy President on recurrence of post-election violence in the country.

While attending an interview on 16<sup>th</sup> May 2025, the former Deputy President was on record alluding to recurrence of the post-election violence experienced in 2007 and 2008. Arising from the alleged planned electoral malpractices in the upcoming 2027 general elections, the former Deputy President issued veiled threats and calls to violence. Left unchecked, they are likely to endanger the security and well-being of our nation. Given the recommendations of the Truth, Justice and Reconciliation Commission (TJRC), and the Commission of Inquiry into the Post-Election Violence that led to persons being taken to the Hague, it behooves this House to discuss and condemn any person who is dreaming or aspiring to take the country to the dark days.

Hon. Speaker, it is against this background that I seek leave for the adjournment of the House to discuss the matter of great national concern.

I thank you.

**Hon. Speaker:** Do you have the requisite support?

**Hon. Members:** Yes.

*(Several Members stood up in their places)*

**Hon. Speaker:** The support is overwhelming. Take your seats, Hon. Members. I will direct that this matter be disposed of in the shortest time possible. I will allocate one and a half hours to the Motion starting at 4.00 p.m. this afternoon. In the event we get to 4.00 p.m. while still having business like statements, they will be stepped down, go to the Motion, and then thereafter we can proceed with what is left of the other businesses.

Hon. Members, allow me to acknowledge, in the Speaker's Gallery, staff from the Parliament of Ghana. I wish to introduce to you two staff members from the Parliament of Ghana who are seated in the Speaker's Gallery. The officers are on a week-long benchmarking visit to Parliament and are collaborating with our Directorate of Legal Services to enhance the capacity of the legal officers in areas relating to comparative legal frameworks, governance and law reform processes, technology and innovation in legal service delivery, committee support systems with legal frameworks, and judicial processes and practices. On my behalf and on behalf of the House, I welcome the members of staff from the Parliament of Ghana, and as they say in Ghana, *akwaaba*. Members, *akwaaba* means *karibu*.

Hon. Members, also in the Speaker's Gallery, I acknowledge St. Teresa's Bikeke High School from Kiminini, Trans Nzoia County. Students, when your school is mentioned, you stand up for acknowledgement, and then you take your seats.

*(The students stood up in the Gallery)*

Very good! You can now take your seats.

In the Public Gallery, we have:

Tengecha Boys High School from Bureti, Kericho County; Ndururumo High School from Laikipia West, Laikipia County and Syungii Secondary School from Mwingi Central, Kitui County. I have been requested by the Member for Mwingi Central to welcome the school from his constituency and, in the same vein, Hon. Mulyungi, you can welcome all the other students on behalf of your colleagues in one minute.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM): Thank you, Hon. Speaker. I take this opportunity to welcome all the schools which are here to Parliament and, in particular, my school, Syungii Secondary School, which I work with. I want to encourage all the students who are here to work very hard so that one day, they can aspire to be Members of Parliament and senior public officers.

Thank you very much, Hon. Speaker.

**Hon. Speaker:** Thank you Next Order.

## QUESTIONS AND STATEMENTS

### REQUESTS FOR STATEMENT

#### ENVIRONMENTAL POLLUTION AND HEALTH HAZARDS IN KILIFI COUNTY

**Hon. Speaker:** Member for Kilifi, Hon. Gertrude Mbeyu. Where is she? Is Hon.

Gertrude Mbeyu in the House? I do not think she is. That statement is dropped.

*(The request for statement dropped)*

#### IMPACT OF WITHDRAWAL OF USAID FUNDING ON THE HEALTHCARE

**Hon. Speaker:** Hon. Amina Mnyazi, Member for Malindi. Go ahead.

**Hon. Amina Mnyazi** (Malindi, ODM): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Health regarding the impact of the recent withdrawal of United States Agency for International Development (USAID) funding on healthcare financing in the country.

On 20<sup>th</sup> January 2025, the USA President Donald J. Trump issued an Executive Order titled *Re-evaluating and Realigning United States Foreign Aid*. The Order imposed a 90-day pause on all US foreign development assistance programmes to allow for a comprehensive review. This decision has disrupted billions of dollars earmarked for health, education and development worldwide, with no exemptions for essential health programmes such as the Presidential Emergency Plan for AIDS relief.

Access to healthcare services is not only a right guaranteed under Article 43 of the Constitution, but also a vital driver of economic growth, public health and environmental sustainability. The USAID has historically been a major contributor to Kenya's health sector funding programmes in HIV/AIDS treatment, malaria prevention and maternal healthcare. Notably, over 25 per cent of the country's annual HIV-related health budget relies on US Government funding, and direct US support accounts for 29 per cent of the HIV medicines available in the country. Unfortunately, all USAID health programmes in the country are scheduled to end by September 2025. The resulting funding gap threatens to disrupt life-saving treatments and services, directly impacting thousands of patients across the country. It is projected that 54,000 healthcare workers could lose their jobs while institutions such as the Kenya Medical Supplies Authority (KEMSA) face deficits amounting to Ksh600 million, thus hampering the availability of critical medical supplies that are essential for both prevention and ongoing patient support.

Hon. Speaker, it is against this background that I seek a statement from the Chairperson of the Departmental Committee on Health on the following:

1. Report on the measures being undertaken by the Government to address the impact of the recent withdrawal of USAID funding in Kenya, which has previously supported critical health sectors such as HIV/AIDS treatment, malaria prevention and maternal care.
2. Current status of essential drug supplies for all the critical sectors that are supported by USAID, including whether there are sufficient stocks available and indicate how long those supplies are expected to last given the current national demand.
3. The immediate and long-term action plans by the Government to mitigate the negative effects arising from the USAID funding withdrawal, including ensuring uninterrupted healthcare services for the affected populations.

I thank you, Hon. Speaker.

**Hon. Speaker:** Chairman of the Departmental Committee on Health, how much time do you need to bring a response?

**Hon. (Dr) James Nyikal** (Seme, ODM): We will get the response in under two weeks.

**Hon. Speaker:** In under two weeks. Can you do it next week?

**Hon. (Dr) James Nyikal** (Seme, ODM): Yes, I can do it next week.

**Hon. Speaker:** Okay, Thursday next week.

SOCIAL-ECONOMIC IMPACT OF REPORTED PLANS TO BAN MITUMBA IMPORTATION

**Hon. Speaker:** Hon. Amos Mwago? Hon. Amos Mwago, Member for Starehe. For the third time, Hon. Amos Mwago? The request for statement is dropped.

*(The request for statement dropped)*

Hon. Members, I will have a re-organisation of the order of business in a small way. I am sure you have seen your Supplementary Order Paper. We can go to Order No.8 for the Leader of the Majority Party to move a Procedural Motion. Thereafter, we do First Readings at Orders No. 9 and 10, and then we come back to the Statements.

So, read out Order No. 8.

## MOTION

### ALTERATION OF THE CALENDAR OF THE HOUSE

**Hon. Speaker:** The Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. Before I move, allow me to take this opportunity to welcome Members back for this Session after the three weeks working recess. I also want to thank all Members, especially those who are members of departmental committees, for taking the time during the recess to consider the Budget Estimates for the next Financial Year and the Supplementary III Budget Estimates. I thank them for the time they have committed to the work of the House. It is their work that has made it possible for us to resume and have business to process.

Moving on, I beg to move the following Motion:

THAT, notwithstanding the Resolution of the House of 13<sup>th</sup> February 2025 and pursuant to the provisions of Standing Orders 28(4) (Calendar of the Assembly) and 30(3) (Hours of meeting), this House resolves to alter its Calendar as follows –

- (i) not to hold a Morning sitting on Wednesday, 28<sup>th</sup> May, 2025;
- (ii) to commence the short recess of the Second Part on Friday, 27<sup>th</sup> June 2025; and,
- (iii) to resume Regular Sittings on Tuesday, 22<sup>nd</sup> July 2025, to continue with the Second Part of the Fourth Session.

As you have mentioned, this is a Procedural Motion that will allow Members, as you communicated, to have time to attend the National Prayer Breakfast tomorrow morning. For the benefit of those who were not present earlier, the National Prayer Breakfast is scheduled to be held tomorrow morning at 6.45 a.m. at the Safari Park Hotel in Nairobi. All Members are invited. Therefore, we will not have our usual Wednesday Morning Sitting. We will resume our sittings tomorrow in the afternoon. That is the first change.

Two, if you may recall, we cut our recess short by one week. We ought to have resumed next week. That was occasioned by the National Prayer Breakfast. We are simply realigning the Calendar so that we can have a five-week session, followed by a short recess, and then resume for another five weeks before taking a long recess in mid-August. We will proceed with the normal business once we are done with the priority business that has been lined up, especially the budget-related business, at the end of this month. Remember all these things must be passed by 30<sup>th</sup> June, which is a Monday. Therefore, the last sitting day will be on Thursday 26<sup>th</sup> June. We will proceed with our short recess on 27<sup>th</sup> June and resume on Tuesday, 22<sup>nd</sup> July, to continue with the second part of the Fourth Session. With that, I want to request

the Minority Whip, Hon. Millie Odhiambo-Mabona, to second.

Thank you.

**Hon. Speaker:** Hon. Millie.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Speaker. This is a fairly straightforward matter. I second.

*(Hon. Yegon remained upstanding)*

**Hon. Speaker:** Hon. Yegon, take your seat.

*(Hon. Gikaria consulted loudly)*

Order, Hon. Gikaria! When you come to sit closer to the Speaker, you should be better armed with order.

*(Question proposed)*

**Hon. Members:** Put the Question!

**Hon. Speaker:** Hon. Members, is it the mood of the House that I put the Question?

**Hon. Members:** Yes!

*(Question put and agreed to)*

Next Order.

## BILLS

### *First Readings*

#### THE FINANCE BILL

(National Assembly Bill No. 19 of 2025)

#### THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL

(Senate Bill No. 34 of 2023)

*(The Bills were read a First Time and referred to relevant Committees)*

**Hon. Speaker:** Thank you. We will go back to Order No. 7 on statements and responses to statements. The Member for Saboti, Hon. Caleb Hamisi. Is he in the House? Hon. Tongoyo, this is your response, and the Member is not in the House. So, we will skip that.

The Member for Kilgoris, Hon. Julius ole Sunkuli. Again, Hon. Tongoyo, Hon. Sunkuli called the Speaker to indicate that he is away in Geneva. I request that his request for statement be responded to by Thursday this week. Clerk, schedule it for Thursday at 2.30 p.m.

Hon. James Onyango K'oyoo. The Chairman of Departmental Committee on Agriculture and Livestock, Hon. Dr. Mutunga. Does anybody have a brief from the Committee? Is Hon. K'oyoo in the House? That is a double tragedy! Hon. K'oyoo and the Chair are not here. The Statement response is stayed.

Hon Caroli Omondi. The Chairman of the Departmental Committee on Agriculture and Livestock is not in the House.

*(Hon. Caroli spoke off the record)*

I said to you, Hon. Caroli, the Chair of the Departmental Committee on Agriculture and Livestock, is not in the House. So, we will stay the response to later in the week. The Clerk will juggle with the numbers. We have many statements that we put in for the first week after recess.

Yes, Hon. Caroli.

**Hon. Caroli Omondi** (Suba South, ODM): Hon. Speaker, it is quite unfortunate that we do not have the Chair of the Departmental Committee on Agriculture and Livestock. However, so much is happening in the sugar sector that is causing a lot of disquiet to farmers and other stakeholders. The Chair has to take this matter very seriously. That is part of the reason I have come to caucus with Hon. Wangwe and the other Members from western Kenya. We need those answers. We must address the issue of the illegal leasing of sugar mills without consultation and public participation and the creation of cartels, whereas we are supposed to be dealing with other issues.

Please use your powers to ensure that he comes to the Floor of this House and explain what happened.

**Hon. Speaker:** The Leader of the Majority Party, please ensure that the Chair of the Departmental Committee on Agriculture and Livestock responds to this Statement on Tuesday afternoon.

Hon. Dekow Barrow, Garissa Town. He is in the House. The Chair of the Departmental Committee on Education. Does anybody have a brief from Hon. Melly, the Chair of the Departmental Committee on Education? The Leader of the Majority Party, where are your chairmen today?

Hon. Dekow, we will stay the Statement to next week.

Hon. Julius Taitumu. Is he in the House? Yes, he is. The Chair of the Departmental Committee on Education? Hon. Taitumu, you will suffer the same fate because he is not here. So, we will stay your response to next week.

Hon. Joseph Lekuton, Member for Laisamis. Very good. You are present. The Chairperson of the Departmental Committee on Energy, Hon. Gikaria.

**Hon. David Gikaria** (Nakuru Town East, UDA): Hon. Speaker, we responded to this, but the Member said he is not satisfied. We have called the Cabinet Secretary to appear before us on Tuesday. We will be inviting the Member of Parliament to attend the meeting.

**Hon. Speaker:** Tuesday next week?

**Hon. David Gikaria** (Nakuru Town East, UDA): Yes, Tuesday next week.

**Hon. Speaker:** Is that 3rd June?

**Hon. David Gikaria** (Nakuru Town East, UDA): Yes, 3rd June.

**Hon. Speaker:** Hon. Lekuton, you go and prosecute your Statement before the Committee on Tuesday.

**Hon. Joseph Lekuton** (Laisamis, UDM): Thank you, Hon. Speaker. I will do that.

**Hon. Speaker:** Hon. Martha Wangari, Member of Parliament for Gilgil, response from the Departmental Committee on Finance and National Planning. Hon. Wangari, I recall that I gave the Departmental Committee on Finance and National Planning authority to sit for the whole of today to take public views on the proposed Finance Bill. They are legitimately away. We will stay your request to next week. It can be put for Wednesday afternoon next week.

Hon. Joshua Kimilu, Member for Kaiti. Is he in the House? He is not in the House. Hon. Alice Ng'ang'a, the Chairlady of the Departmental Committee on Social Protection. She is not here. Response stayed to next week.

Hon. Muchangi Karemba, Member for Runyenjes. The Chairman of the Departmental Committee on Transport and Infrastructure, Hon. GK? If the Member is not here, we will stay the Statement to next week.

Member for Mukurweini, Hon. Kaguchia John? Members, two Committees have been

allowed to sit and, probably, some of those Members are in those Committees. That is the Departmental Committee on Finance and National Planning and the Budget and Appropriations Committee.

The Chairman of the Departmental Committee on Transport and Infrastructure, are you ready with the response to the Statement? Hon. Kaguchia is not here. We stay it to next week.

Hon. Members, that brings us to the end of statements, both requests and responses. We go back to the Order Paper. Now, we go to Order No.11. Clerks-at-the-Table.

## MOTIONS

### RATIFICATION OF THE TREATY ESTABLISHING THE INTER-GOVERNMENTAL AUTHORITY ON DEVELOPMENT

THAT, this House adopts the Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its consideration of the Treaty establishing the Inter-Governmental Authority on Development, laid on the Table of the House on Tuesday, 1<sup>st</sup> April 2025 and, pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, Cap 4D, approves the ratification of the Treaty Establishing the Inter-Governmental Authority on Development.

*(Moved by Hon. Millie Odhiambo-Mabona on 30.4.2025)*

*(Resumption of Debate interrupted on 30.4.2025)*

**Hon. Speaker:** Hold on. Hon. Members, my record shows that Hon. Raso had concluded his contribution to this Motion.

Yes, Hon. Owen Baya.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you very much, Hon. Speaker. On the Motion under Order No.11, we conversed. Members agreed, and the interest was overwhelming. The most important things were said that day. If you allow, then we could ask the Mover to reply on this Motion so that...

**Hon. Speaker:** You do not need to make a speech.

*(Laughter)*

You simply say: "I beg to move that the Mover be now called upon to reply."

**Hon. Owen Baya** (Kilifi North, UDA): Exactly like you have said, Hon. Speaker. I beg to request that the Mover be now called upon to reply. Thank you.

**Hon. Speaker:** Is that the mood of the House?

**Hon. Members:** Yes.

**Hon. Speaker:** Mover. Is that Hon. Koech or Hon. Bashir? Hon. Bashir, go ahead and reply.

**Hon. Major (Rtd) Abdullahi Sheikh** (Mandera North, UDM): Hon. Speaker, I beg to reply.

*(Hon. Richard Yegon stood up in his place)*

**Hon. Speaker:** Order, Hon. Yegon, Take your seat.

*(Question put and agreed to)*

Next Order. Is this Hon. Rangwe?

**Hon. Emmanuel Wangwe** (Navakholo, ODM): Yes

**Hon. Speaker:** Hon. Wangwe, proceed to move your Motion.

ADOPTION OF REPORT ON CONSIDERATION OF THE AUDITED  
ACCOUNTS OF SPECIFIED CORPORATIONS

**Hon. Emmanuel Wangwe** (Navakholo, ODM): Thank you, Hon. Speaker. I beg to move the following Motion:

THAT, this House adopts the Third Report of the Public Investments Committee on Social Services, Administration and Agriculture on its consideration of the Report of the Auditor-General on the Financial Statements of the following State Corporations, laid on the Table of the House on Tuesday, 30<sup>th</sup> July 2024.

1. Kenyatta National Hospital (KNH), Financial Years 2018/2019 and 2019/2020.
2. Kenya Medical Supplies Authority (KEMSA), Financial Years 2017/2018 and 2018/2019.
3. Kenya Veterinary Board (KVB), Financial Years 2018/2019, 2019/2020 and 2020/2021.
4. National Authority for the Campaign against Alcohol and Drug Abuse (NACADA), Financial Years 2017/2018, 2018/2019, 2019/2020 and 2020/2021.
5. Kenya Broadcasting Corporation (KBC), Financial Years 2000/2001, 2001/2002, 2002/2003, 2003/2004, 2004/2005, 2005/2006, 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013).

Hon. Speaker, looking at the financial statements of various State agencies as listed on the Order Paper, they range from 2018/2019, and some also date back to the years 2000/2013. Without really going into the history of the functions of the Public Investments Committee, we did make various observations; some were general and some specific. To look at the general issues across the five state agencies as listed on the Order Paper, the Committee observed and noted with concern that KNH, KEMSA and KBC did not possess title deed documents for parcels of land and buildings in their occupation.

Specifically, Kenyatta National Hospital (KNH) does not possess title deeds for the various parcels of land. Some were illegally and un-procedurally curved out and registered in the name of private developers who were compensated by the Government after compulsory acquisition. Furthermore, the Kenya Medical Supplies Authority (KEMSA) does not have title deeds for seven parcels of land spread across the country, valued at Ksh158 million. Additionally, the Kenya Broadcasting Corporation (KBC) lacks title deeds or other legal ownership documents for 32 parcels of land. Notably, the title deed, LR NO. 209/5918, for the Broadcasting House in Nairobi, measuring 2.8 acres where the KBC headquarters are located, is registered in the name of the Chief Secretary, Colony and Protectorate of Kenya, a corporate body established by the Chief Secretary (Incorporation) Ordinance of 1958. As we speak, KBC is operating on land that does not belong to it. We do not understand why, to date, the documents have not been updated to reflect KBC or its most recent name.

It should be noted that under the International Public Sector Accounting Standards (IPSAS), an entity can only recognise sales in its books of accounts if it possesses ownership documents for those assets. Even as we estimate the figures at Ksh158 million for the land, this is based on original costs and not current valuations, as no assessments could be conducted due



to the absence of title deeds.

Hon. Speaker, the Committee recommends, with specifications that, within three months of the adoption of this Report, the accounting officers should liaise with the relevant Government agencies, namely the Ministry of Lands and the National Land Commission (NLC), to secure ownership documents for all corporation land and report back to the National Assembly. We also recommend that, within two months of the adoption of this Report, the Cabinet Secretary for Lands, Housing, and Urban Development, along with the Chairperson of the NLC, should place caveats on all parcels of State corporation land currently in private hands and report back to the National Assembly. Here, we are particularly addressing the issue of land in private hands at the KNH and the KBC. Additionally, within six months following the adoption of this Report, let the accounting officers, through the NLC, prioritise and expedite the resolution of ownership issues concerning parcels of land belonging to the State corporations and report back to the National Assembly.

We also noted cross-cutting issues and delays in availing documents to the Auditor-General. Among the five corporations, we found significant delays in furnishing documents to the Office of the Auditor-General. I want to draw the attention of the House to a specific entity like the KBC, whose accounting documents for a five-year period are missing. During an audit year, they do not have records for an entire five-year span. It defies logic to claim that a corporation lacks documents for auditing by the Auditor-General. This is a serious issue, and it is important that this House adopts this Report to enforce compliance with the requirements for filing documents with the Office of the Auditor-General. In that regard, we recommend that the accounting officers comply with the provisions of Section 68, Part II of the Public Finance and Management (PFM) Act, 2012, which mandates that they must submit the documents for audit within the specified years.

The cross-cutting issues that we also noted among the five state agencies were poor governance and weak internal controls. There were delays in appointing the boards of directors. There is a tendency by the Executive to delay the appointment of the boards of directors of the various State corporations and, particularly, what we noted was the issue of KEMSA, which did not have a substantive board chairperson since October 2015, following the expiry of the second term of the Chair. It did not have a substantive chief executive officer from 1<sup>st</sup> January 2017 to 30<sup>th</sup> June 2018. It defeats logic that a State corporation can exist without a chairperson and yet, we needed it to spend and to be accountable. Moreover, like the issue of KEMSA, there was no CEO for a period within which we were sitting. Furthermore, the tenure of the Kenya Veterinary Board of Directors ended on 30<sup>th</sup> March 2021, and a new board had not been appointed as at 30<sup>th</sup> June 2021. This is a big variance; we need to have a board in place.

Hon. Speaker, our recommendation is that within three months of the adoption of this Report, the Inspector-General of State Corporations, with the help of the National Assembly, should initiate the process of amending the State Corporations Act to make it clear that no entity should be allowed to make any financial commitment without a properly constituted board.

Matters pending in court were also cutting across the various agencies. The Committee observed that a number of litigations concerning land ownership, state corporations, and other legal matters have been pending before the courts for a long period, despite the resolutions of the House through previous Public Investment Committee reports. All those five state agencies have matters in Court dating back to 2008 to date, which have not been resolved. As a Committee, we felt in our recommendation that the Inspector-General of State Corporations should carry out a review of all entities with pending court cases, prepare a comprehensive status report, and submit it to the National Assembly, with a copy to the Attorney-General, who will initiate the process of fast-tracking the conclusion of the cases within a reasonable time.

We also noted cross-cutting issues on the delay in the accountability of imprest. The

Committee noted that some State corporations were in breach of Section 71 of the PFM Act 2012 and in their attendant regulations, which require the rendering of imprest within seven days upon the conclusion of the assignment for which the said imprest was issued. We noted that most of those agencies take more than seven days – even some take two years and some even take four years - without surrendering the imprest. Therefore, where the said agency has not surrendered the imprest, the Committee recommended that the accounting officer must ensure the imprest advanced to officers is surrendered within the stipulated period. Two, that within six months of the adoption of this Report, the accounting officers who fail to take the necessary steps to ensure that all the outstanding imprests within their jurisdiction are recovered by the due date, should be surcharged the full amount due. The onus of collecting the imprest lies with the accounting officer. If they fail to recover the imprest, they should be surcharged. Hon. Speaker, allow me now to look at the specific issues that affected specific institutions.

Kenyatta National Hospital had issues with unconfirmed borrowing balances. This issue was addressed as contained in the 24<sup>th</sup> PIC Report. However, the National Treasury and the KNH were yet to reconcile, despite the fact that it had been captured in the 24<sup>th</sup> Report, and come up with a true figure of the loan status. It had taken a loan taken in 2006 to have the subsidiary grant agreement converted from an on-lend loan to an on-grant loan, which was fully signed on 4<sup>th</sup> August 2022. However, the Board's approval for passing the necessary book entries to correct the anomaly in the financial statements was granted in September 2022.

There was also the issue of land under property plan and equipment. There is a parcel of land at Kenyatta National Hospital that was excised off the main land of KNH. The Committee observed that the plots were irregularly excised and allocated to third parties in previous years. The matter was discussed in the 19<sup>th</sup> PIC Report, but the NLC was yet to make the recommendations.

Hon. Speaker, the second issue regarding the land under the KNH was that the EACC had initiated an investigation into the aforesaid land, but had not finalised the matter by the time we were compiling this Report. The Committee recommended that the accounting officer of the NLC, the EACC, the Inspector-General of State Corporations, KNH and the Committee on Implementation should expedite the process of implementing the Committee's recommendations in the 24<sup>th</sup> Report and our Report within three months of the adoption of this Report. They should combine the Resolutions of this Report with those of the 24<sup>th</sup> PIC Report to be fast-tracked, as they are the same.

The real cause of the inconsistency in the depreciation of assets is that the hospital erred in applying the reducing balance at the rate of 30 per cent instead of the prescribed straight-line method of depreciation, which misrepresented the current value of computers and related accessories.

In the next Report, which we will be looking at, the effect was such that the hospital adopted the reducing balance method of depreciation, which reduced the price of most assets to zero. Without anticipating debate, this observation is reflected in the next Report, where an asset of Ksh146 million was sold at Ksh1.4 million. That information will be tabled in a future report.

Therefore, our recommendation is that the Committee reprimands the then Accounting Officer and the then officers in the accounting and internal audit departments who were involved in the preparation and review of financial statements for failing to adhere to the requirements of the International Public Sector Accounting Standards (IPSAS) as prescribed in the PFM Act Cap 412A.

The hospital also had an unconfirmed NHIF receivable balance, which represents the reconciliation between the amount the NHIF was demanding and the hospital's records. This reconciliation is yet to be finalised despite the fact that the NHIF has now been collapsed into the Social Health Authority (SHA).

Hon. Speaker, the next agency we looked at...

**Hon. Speaker:** Go on.

**Hon. Emmanuel Wangwe** (Navakholo, ODM): Thank you, Hon. Speaker. KNH had many issues, but let me go to the next agency.

The other agency we looked at was the Kenya Medical Supplies Authority (KEMSA), specifically on issues to do with staff costs. The Committee observed that a similar audit query had been raised in the 2016/2017 Financial Year. Our current observations are as follows:

The Board had approved an establishment of 341 staff and, in the 2017/2018 Financial Year, KEMSA had 329 in-post staff after receiving 40 more in the 2016/2017 Financial Year. The in-post figure stood at 324 against an expected staff figure of 369 if no staff had exited. However, KEMSA did not provide any documentary proof that 45 staff members had exited KEMSA during the 2017/2018 Financial Year either through retirement, natural attrition, dismissal or resignation. That could lead to the existence of ghost workers.

We came up with the recommendation that within three months of the adoption of this Report, the Auditor-General should carry out a comprehensive special audit on the staff and payroll of KEMSA for a period of five years, from the 2017/2018 Financial Year to the 2021/2022 Financial Year, both years inclusive, to establish the status of staffing and report its findings to the National Assembly. Should the Report establish any irregularities, the then accounting officers should be reprimanded and held accountable for any financial losses during their tenure.

Hon. Speaker, we also picked up on issues relating to expired drugs. A similar issue which recurs year-in, year-out, was cited by the PIC in the 2016/2017 Financial Year and discussed in the 22<sup>nd</sup> Report. However, our Committee notes as follows:

1. The expiry of drugs was not due to a breach of contractual terms but due to changes in drug regimens, indicating poor planning by KEMSA. The authority should ordinarily be aware of which drugs are obsolete and which ones will be introduced into the market. KEMSA has the ability to know when a drug is about to expire, but they decided to have just one way of disbursing drugs and no other. Rigidity in decision-making led to the Authority having a huge stock of expired drugs. KEMSA could not even donate drugs which were about to expire to needy institutions but, instead, chose to stick to one way. The opinion of the Committee was that KEMSA needs to be versatile and observe that likely challenge.
2. KEMSA indicated that they had devised strategies to determine the demand for drugs across the counties, which included constant engagement and collecting data to avoid the expiry of drugs, as well as other strategies such as prioritising the shelf life of drugs.

Therefore, the Committee recommended that the accounting officer should be reprimanded for laxity in minimising the wastage of public funds through procurement and stocking of expired drugs. The accounting officer should know when to procure drugs and their shelf life.

Within three months of the adoption of our Report, the Auditor-General should conduct a compliance audit on the procurement of drugs, stocking accountability, and destruction of expired drugs by KEMSA for a period of five years, from the 2017/2018 Financial Year to the 2021/2022 Financial Year.

Within three months of the adoption of this Report, the management should submit to the National Assembly a copy of the documented strategies that have been approved by the Board and the Principal Secretary in the State Department for Medical Services.

What also emerged from the inquiry was the issue of Board expenses. The response by KEMSA was too general, as it failed to address the specific audit query raised regarding the

Ksh1.6 million paid in sitting and lunch allowances to four board members, which was not supported by invitation letters or minutes of meetings held.

KEMSA has continued to experience serious governance issues arising from a deliberate lack of substantive office holders, as indicated. KEMSA has not had a substantive board chairperson since 9<sup>th</sup> October 2015, following the expiry of the second term of the then Chairman.

Now that they went ahead and spent money on Board expenses, we recommend that the Committee reprimands the then Cabinet Secretary for failing to bring to the attention of the appointing authority the vacancies of the board chairperson and the chief executive officer (CEO). There was no board chairperson or CEO within that period. The Committee recommends that, within three months upon adoption of this Report, the Principal Secretary for the Ministry of Health, in collaboration with the Inspector-General of the State Corporations, should ensure that the then Accounting Officer who authorized the payment of the sitting and lunch allowance of Ksh1, 669,999 to the four board members, which were not supported by invitation letters and minutes of sitting, is surcharged for the amount paid.

There was also the issue of land that we observed in KEMSA. The Committee observed that the Agency had taken time to register the title deeds despite having the necessary documentation in place. The situation has not changed seven years down the line. The Committee was concerned that KEMSA had engaged M/s Priority Management Limited as conveyancing experts through M/s KTK Advocates to handle the issue in the Financial Year 2012/2013 but, so far, they had nothing positive to show with regard to land ownership documentation. KEMSA had engaged professional services but, as at the date of the audit, there was nothing and yet, those professional services had been paid for.

The lawyers contracted to register the leases and title deeds of lands belonging to KEMSA, as per the 22<sup>nd</sup> Public Investments Committee (PIC) Report, had been paid approximately Ksh2,000,000 then for the titles registered. However, the total payments to date could not be established, and the consultants or lawyers could have continued to draw money from KEMSA with no corresponding services rendered.

**Hon. Speaker:** Hon. Wangwe, I think that is a convenient point to disrupt your moving of the Motion. You have 37 minutes to go. I direct that you stop there as a convenient position and reorganize your thoughts for continuation when we return to you.

Hon. Members, I now call upon the Leader of the Minority Party to move a Motion of Adjournment, which has been allocated one-and-half hours. It will, therefore, be done by 5.30 p.m. Hon. Wangwe will then continue from where he has stopped.

Proceed, Hon. Junet Mohamed.

*(Debate on Motion temporarily adjourned)*

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

### **ALLEGED THREATS BY FORMER DEPUTY PRESIDENT TO INSTIGATE POST-2027 ELECTION VIOLENCE**

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Speaker, I beg to move a Motion of Adjournment on a definite matter of urgent national importance to discuss the threats by the former Deputy President on recurrence of post-election violence in the country.

I rise under Standing Order 33(1) to address a grave and urgent matter that threatens the very peace and unity of our nation – the incitement of citizens to participate in post-election violence by political leaders, especially by the former Deputy President.

Hon. Speaker, our country has made significant strides in strengthening our democratic institutions since the painful memories of the 2007/2008 post-election violence. We have established a constitutional order as anchored in our Constitution – which provides for lawful, peaceful and democratic mechanisms to resolve electoral disputes. Let us not undo that progress.

Article 37 of the Constitution guarantees every Kenyan the right to assemble, demonstrate and picket peacefully and unarmed, but that right ends where violence begins. No leader, including the former Deputy President, has a right to manipulate public sentiments to incite unrest and call for destruction of private property – a situation that may lead to loss of innocent lives.

We are all aware of the tensions that arose following the announcement of the presidential results of the 2022 general elections. We witnessed legal challenges filed in the Supreme Court pursuant to Article 140. We commend all the parties who chose to pursue justice through institutional means as expected of constitutional democracies.

But, be that as it may, in recent days and weeks, we have seen reckless utterances from the former Deputy President. Whether intentionally, by negligence or out of foolishness, those utterances have slowly begun to incite pockets of unrest in parts of this country, especially in the areas surrounding Wamunyor and Mathira. Let it be known that words have consequences. When leaders stand on podiums or go live on national television and call for confrontation instead of dialogue, they betray the very people they purport to represent.

Section 13 of the National Cohesion and Integration Act, No.12 of 2008, criminalizes hate speech and incitement to violence. It is not a suggestion. It is the law. That law must be enforced uniformly and decisively.

*(A member spoke off the record)*

The Member will have his time to say something. Why can he not just wait? You can oppose the Motion.

Hon. Speaker, we recall with sorrow...

**Hon. Speaker:** For the guidance of the House, Hon. Junet, you have ten minutes, and every other speaker to the Motion has five minutes.

**Hon. Junet Mohamed** (Suna East, ODM): Okay, Hon. Speaker. We recall with sorrow the 2007/2008 post-election violence, when over 1,000 lives were lost and more than 600,000 people were displaced. We vowed to never again go that route. “Never again” must be more than a slogan. It must be a commitment that must be upheld by this House and its Members.

Let me be clear. We do not oppose peaceful protest. We do not silence legitimate dissent. However, we will not condone the mobilization of youth into mobs, the stoking of ethnic divisions, or the incitement of the citizenry to turn against each other. Kenya is greater than any political contest or individual's ego. I call this House to condemn, in the strongest terms possible, any form of political incitement, violence, displacement of people and hate speech.

*(Applause)*

It is very sad to have somebody who has served as Deputy President of the Republic of Kenya inciting people to violence. I am, however, also very happy because this House, in its own wisdom, impeached him. It is now becoming very clear to the people what kind of person we impeached and why we impeached him. The person we impeached is the same person who is inciting Kenyans to violence. He wants to see displacement of people through violence. He is propagating ethnic hatred amongst Kenyans. This is the same person who last week told

musicians – very noble people who use their talents to eke out a living – not to sing unless they support a certain course of politics. A small man called Ngaruiya...

**Hon. Geoffrey Wandeto** (Tetu, UDA): On a point of order, Hon. Speaker.

**Hon. Speaker:** Hold on, Hon. Junet. What is your point of order?

**Hon. Geoffrey Wandeto** (Tetu, UDA): Hon. Speaker, I rise under Standing Order 34. I would like you to confirm if we have quorum to transact business.

Thank you.

**Hon. Speaker:** Hon. Member, your point of order is invalid to the extent that you have quoted a wrong Standing Order.

Go on, Hon. Junet.

*(Applause)*

**Hon. Junet Mohamed** (Suna East, ODM): Thank you, Hon Speaker...

**Hon. Geoffrey Wandeto** (Kajiado North, UDA): On a point of order, Hon. Speaker.

*(Hon. Geoffrey Wandeto stood up in his place)*

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Speaker, I seek your protection because I am still moving the Motion.

**Hon. Speaker:** Order, Hon. Wandeto. Resume your seat.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Speaker, I am still moving the Motion. I seek your protection.

**Hon. Speaker:** Go on.

**Hon. Junet Mohamed** (Suna East, ODM): The person that this House overwhelmingly impeached, with over 300 members, is the same person who is telling Kenyans: “Unless you follow this direction or follow my party, or follow my wild thoughts of discriminating against other people, you will not be a valid Kenyan or citizen of this country.”

Hon. Speaker, this House addresses matters of concern to the people. That is our constitutional mandate. If we do not arrest this matter as early as now, as the Swahili say, *usipoziba ufa, utajenga ukuta*. This is a man who has lost his head and soul and wants to take this country to the precipice so that people can fight.

I take pride in what I do. Initially, I did not know I was impeaching a man of this type. I impeached him based on gross violation of the Constitution and other things but I have since realised that being mad and having mental problems is not just manifested in walking naked in the streets. You could also be dressed in a suit and tie but you are a mad man. He is a leader who wants to lead a political party in the country, but he is almost making an entire region of this country to look alien. He wants to fence it off like the Aberdare Forest so that if you want to visit, you must get permission from him. You cannot even visit a relative there or do any politics in that area unless you get permission from him. This country has experienced such retrogressive scenarios before. We shall not allow a repeat of the same. Every Kenyan has a right to live and do politics and business in any part of this country – be it in Migori, Kakamega, Busia, Nyeri, Murang’a, Embu, Kilifi or anywhere else in the country. There is constitutional freedom to do what you would want to do anywhere in this country.

This country has constitutional commissions with specific mandates. The National Cohesion and Integration Commission (NCIC) summoned the former Deputy President, but he refused to appear before it as if he is above the law. He said he cannot appear before the Commission even though it is funded by taxpayers’ money.

**Hon. Speaker:** Give him one minute to finish.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Speaker, my allocation is supposed to

be 15 minutes according to the Standing Orders.

**Hon. Speaker:** It is 10 minutes.

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

**Hon. Speaker:** Wind up in two minutes.

**Hon. Junet Mohamed** (Suna East, ODM): The NCIC summoned the suspect to appear before it so that he could answer to allegations of inciting the public against each other, but he refused to appear. He is now trying to use human shields to commit crimes that can take people to The Hague to defend himself. If he is invited by the Directorate of Criminal Investigations (DCI), the NCIC or the Ethics and Anti-Corruption Commission (EACC) to record a statement and he refuses, who on earth is going to protect us from this monster called Rigathi Gachagua? It looks like the Government is unable to take action against him. If this Government were to be formed by the Orange Democratic Movement (ODM), this man would be in jail by now. I can assure you of that without fear of contradiction.

I ask Kenyans not to listen to people who incite them or who want to divide them according to their tribes or those who have formed regional, tribal or ethnic political parties. The Constitution does not allow the formation of ethnic political parties or religions. The party that was formed by the former district commissioner the other day is an ethnic one. We hear him talk about “my community, my community, my community and Wamunyoro village.” He should talk about Kenyans. Political parties are formed for purposes of enhancing democracy by bringing all Kenyans and communities together to be part of that political party.

With those few remarks, I condemn in the strongest terms, the former Deputy President, who is embattled, malicious and impeached.

I request the Leader of the Majority Party to second me.

**Hon. Onesmus Ngogoyo** (Kajiado North, UDA): On a point of order, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Ngogoyo. What is your point of order?

**Hon. Onesmus Ngogoyo** (Kajiado North, UDA): Thank you, Hon. Speaker. I rise under Standing Order 35. The House lacks quorum to transact business.

**Hon. Speaker:** Clerk, how many Members do we have?

*(Hon. Speaker consulted the leading  
Clerk-at-the-Table)*

We have 39 members. We need 11 more Members. Serjeant-at-Arms, ring the Quorum Bell.

*(The Quorum Bell was rung)*

**Hon. Speaker:** Order, Hon. Members. We now have quorum to transact business. Proceed, Leader of Majority Party.

**Hon. Kimani Ichung’wah** (Kikuyu, UDA): Thank you, Hon. Speaker. I take this opportunity to, first, thank the Leader of the Minority Party for moving this Motion of Adjournment, which I fully support.

In the run-up to the impeachment of the former Deputy President, I quoted a good friend of mine who described somebody as having a very black heart. I dare add today that this is not just a man with a black heart, but a very dark soul to the extent that he believes that the death of Kenyans, the bloodshed this country witnessed in 2007, unfortunate as it was, can be equated to a Christmas party. That tells you that, that is, indeed, a man with a very dark soul. You may have a dark soul and believe in death and celebrate the death of innocent people as if it were a Christmas party, and anticipate that even after the next elections, there will be more bloodshed. As I said over the weekend, when you harbour such thoughts - dark thoughts such as black

thoughts and evil thoughts - you do not deserve to be a leader anywhere.

*(Applause)*

That is somebody who now pontificates as if he is God. You heard what he told artists in Mount Kenya region over the weekend. The artists had sought his help when he was holding a high Government office, but he did not have time for them. He told them to sort out their copyright issues with Skiza Tunes. He now wants to command them on who they will sing to, what songs they will sing, when they will sing and how they will sing. He told them that unless they sing songs of praise to him, they should not perform. He even dared businesses owned by entrepreneurial hardworking Kenyans who have established clubs. He is inciting Kenyans to storm those clubs and destroy them because an artist whom he does not like performs in such clubs. This is the height of evil minds and thoughts by an evil man who sees nothing good in this country except that which satisfies his insatiable greed - greed that even public coffers could not satisfy.

You have seen him admonish other leaders because of programmes that empower the same people for whom we advance the Bottom-up Economic Transformation Agenda (BETA), because they are now being supported by leaders who utilise resources in the right way. You are in high office and you use public office to acquire private resources, including stealing from your own family? That is somebody who can steal from a widow and orphans. These are allegations that were tabled here during the impeachment process. He forged the will of his late brother – the hardworking former governor of Nyeri – disinherited the widows and the orphans of the family and used his high office to intimidate and threaten that family not to speak. Thank God, this House rose to the occasion to save not just that family, but the country against the machinations of a very evil and dark soul.

I will take you back to the events of last year. Kenyans will remember, after what happened on 25<sup>th</sup> June, the kind of incitement they saw from the same person because he believes in bloodshed. Unless people die, he cannot achieve his mission. From the Floor of this House, let us say that no other Kenyan will die to satisfy the insatiable greed of a dark man with a dark soul and a very evil mind. No Kenyan should ever die for politics. I agree with Hon. Junet that never again should we entertain politics of bloodshed in this country. The last election vindicated Kenyans by showing that they believe in one unitary nation, a nation that cannot be divided by the insatiable greed for power and material wealth by one man.

*(Hon. Kimani Ichung'wah spoke off the record)*

**Hon. Speaker:** Give him one minute to wind up.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Kenyans across the board voted for the Kenya Kwanza Government. Many other Kenyans voted for the Azimio la Umoja-One Kenya Coalition, irrespective of their ethnic background. There were many members of the Kikuyu ethnic community who voted for Raila Odinga because they wanted a better Kenya. There were many members of the Luo ethnic community who voted for William Ruto because they believed he had an agenda for Kenya. Yet now we see a man who wants to take this country back, not just to the politics of ethnic balkanisation and mobilisation, but to the backward thought that it is only through bloodshed and death that you can achieve what you want. We must, in one accord as a House, not just condemn this behaviour, but also ask the Government of the Republic of Kenya and, more so, the Inspector-General of Police – and I know that he hails from Mathira as well - to apply the law without fear or favour.

Last night, I saw in the news that their lawyer had written to the National Cohesion and Integration Commission (NCIC). The NCIC did not summon a lawyer. They summoned a



person who is not above the law, and the law must take its due course. I encourage the NCIC to get the help of the Inspector-General of Police to enforce the law as it is. When you are summoned by the NCIC, which is a constitutional commission to answer to charges levelled against you, you must appear before it. If you do not appear, action must be taken. Otherwise, if we take that route, what will stop anybody from inciting Kenyans tomorrow based on ethnicity or whatever they like to kill and slaughter one another with abandon? The law must take its course. Nobody is above the law. I repeat that nobody is above the law in this country, whether you are Hon. Junet Mohamed, Kimani Ichung'wah or whoever you think you are. Who the hell do you think you are that you can celebrate the death of Kenyans, calling it a Christmas party? Shame on you! Shame on you for describing such unfortunate incidents in such a way.

Let me finish by telling you, before we get to the 2027 elections, that Kenyans now know you better. Kenyans now can see clearly why 284 Members of this House voted to impeach you. It is because these Members knew you were a danger not just to the society and the nation of Kenya, but you are even a danger to yourself and to your own family. Shame on you!

**Hon. Speaker:** Hon. Zamzam.

**Hon. Zamzam Mohamed** (Mombasa County, ODM): Ahsante sana, Mhe. Spika. Namuunga mkono ndugu yangu Mhe. Junet Mohamed kwa kusema kuwa Kenya ni yetu sisi sote. Inasikitisha kuwa Bw. Gachagua hajakubali kuwa hako kwenye mamlaka tena. Ikiwa kitu kikitolewa kwa Wakenya wote ni udhalimu lakini kikitolewa kwa sehemu moja ni furaha yake, basi anakosea Wakenya. Nikimnukuu, alisema: "Hii Kenya, ikiwa mtu mwingine ataingia katika uongozi, taharuki ya mwaka wa 2007/2008 itakuwa kama harusi. Kitakachofanyika kitakuwa balaa zaidi." Jamani, huyu ni mtu kweli? Nataka nimwambie Gachagua kwamba nchi hii si yake peke yake. Usipotoshe Wakenya. Ulikuwa ukituambia wewe ndiye mlinzi kwenye mlango. Ulikuwa ukituambia vitu vilivyofanyika vilikuwa sawa. Leo hii, kwa utepetevu wako, uko nje ya Serikali kwa kunyang'anya wajane na mayatima haki zao na kufanya siasa za hisa. Wakenya wakasema: "Toka nje." Leo unaanza siasa za kugonganisha Wakenya.

Ninaona ameshikana na Mhe. Ndindi Nyoro. Kuna siku nililalamika hapa kwa sababu ya shida ya mafuriko kule Mombasa. Nikalia sana hapa lakini hatukupata pesa za kuhimili majanga, ama *disaster preparedness* kwa lugha ya kimombo. Na Mhe. Ndindi Nyoro akanionyesha shilingi billion 4 za World Bank ambazo ziliwekwa kwenye bajeti ya Ofisi ya Naibu Rais wa wakati ule, Gachagua, na akaniambia *ameziramba*. Akanionyesha shilingi bilioni 6 ambazo zilikuwa katika bajeti na akaniambia Gachagua *ameziramba*. Leo yeye ndiye anarudi huku nyuma, kwa sababu tunaambiwa kwamba nyani akikosa ndizi husema mgomba umeteleza. Haiwezekani. Kama wao ni wendawazimu, waache wale ambao wako na akili zao waweze kuongoza Kenya.

Leo tuko na Naibu wa Rais anayefanya kazi. Anazunguka huku na kule na tunaona anafanya maendeleo na Wakenya wanafurahia. Sisi hapa tulikuwa tunampinga Rais na leo tumeaibika kwa sababu gani? Ule ushuru wa nyumba tulikuwa tunalia kuhusu, leo tumeona *Mukuru kwa Njenga* watu wameingia kwenye nyumba za kisasa. Wametoka kwenye vibanda. Ilikuwa ni uchungu kwa sababu hii Kenya uchumi umekuwa mbaya na kila mtu alikuwa anasikia uchungu wa uchumi. Lakini mimi leo nampongeza Rais. Ndiyo, alitufinya, lakini sasa tunaona kupitia *Social Health Authority* (SHA), yule maskini, tajiri na wote wanatibiwa. Upande wa makazi, maskini na matajiri wanakaa vizuri. Unga sasa imeshuka bei, na mafuta yameshuka bei.

Mheshimiwa Spika, Rais anaipoleka Kenya vizuri kwa sababu amepata kile kikosi ambacho kimemuongezea nguvu na sasa anafanya kazi vizuri. Namwambia Rais asimwangelie yule mwendawazimu aliyemfurusha kule Ikulu. Rais aangelie kazi yake. Yule mwendawazimu tutamshuhulikia. Mimi namngoja Mombasa kule na ananijua. Hawezi kuja kutuchafua kule Mombasa. Hatuwezi kukubali. Tunataka Kenya ambayo ina amani. Tunataka Kenya ambayo

itasonga mbele bila bugdha. Mhe. Gachagua aangalie, ajiite mkutano ajiulize. Amekuwa kama yule mtoto ambaye wageni wakija myumbani unamficha kwa sababu ataharibu. Mpe kipaza sauti tu kidogo, ashaharibu kila kitu. Kama juzi, alienda kuchapa wale wasanii ambao walikuwa wanamsaidia. Leo amewachapa. Kesho atafanya mengine na mengine. Kwa hivyo, sisi tunasema Rais ashike kasi. Sisi tuko ndani ya *Broad-Based Government* na tutakusukuma mbele.

Ahsante sana, Mhe. Spika.

**Hon. Speaker:** Hon. Osoro.

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

*[The Deputy Speaker (Hon. Gladys Boss) took the Chair]*

**Hon. Silvanus Osoro** (South Mugirango, UDA): Thank you very much, Hon. Speaker. Anytime I listen to the former Deputy President speak, I cannot help but to wish that there was another way to have him brought back to this House to be impeached again for the second time or even the third time. This is because I do not understand how an individual can hold such venom in his mind. The post-election violence of 2007/2008 has been referred to by Hon. Gachagua. I was in the university then but at the time the skirmishes were happening, I was in Molo as a *boda boda* rider. I remember being accosted by about five people who wanted me to speak in a certain language that I did not understand. They took away my motorcycle and I had to run for my life. I found myself in a petroleum tanker. I did not know where I was going, only to find myself in Lungalunga Road in Industrial Area. How can a person describe that as a Christmas party? As we drove all the way from Molo, through Elburgon, on the entire route, we could see bodies of people sprawled all over. When a person stands on a podium and says if in 2027, such-and-such does not happen..." Every time the guy speaks, his description is only about himself. Issues are about him. It is about time we advised him to see a psychiatric. He needs to see a doctor. He needs to do a mental check-up. I think the doctors here should identify some very serious psychiatrics to check on him. It is quite unfortunate that anything he speaks about is about his area or his village. That is a disease I refer to as '*villagisis*' such that whenever you wake up, the only place you love is one village. When you speak, you speak about one area. Even the meeting you hold is from one village. How selfish can you be such that any person who does not subscribe to your line of thought becomes your enemy? Your particular line of thought, be it about artists who are working hard for themselves or politicians who are engaging in political associations across the country, is that those people are your enemies. How selfish can an individual be? Even within our own family, you are so selfish that you take over everything that belongs to your late brother's family by taking advantage of the position that you hold.

In the political scene, you are extremely selfish such that if you see artists visiting a serving Deputy President, you take offence and go out there complaining and ranting about them. It is about time we called out the NCIC, the Inspector-General, the National Police Service for being selective on matters to do with law enforcement. It is about time that 'Wamunyoro' is arrested. Hon. Gachagua should be behind bars for the statements he made. If those statements were made in the previous regime, perhaps, somebody would be running up and down with a 'battalion' of lawyers. I think we are too tolerant. I believe even the independent bodies that are enshrined in the Constitution are becoming too tolerant and they are going to affect this country. You are being summoned by a constitutional body and then you refer them to a lawyer and tell them you cannot attend because you are this and that and when you are arrested, you say that it is political persecution.

Hon. Rigathi Gachagua should be a guest of the State latest this weekend. He should be

charged with incitement under the NCIC laws, and he should not be allowed to run up and down spitting venom and calling everybody else all kinds of names. The drama must end, especially now that we are heading towards elections.

With those remarks, I support Hon. Junet.

**Hon. Deputy Speaker:** Hon. Otiende Amollo.

**Hon. (Dr) Otiende Amollo** (Rareida, ODM): Thank you, Hon. Deputy Speaker. I think if any Kenyan doubted why we impeached the former Deputy President, now they are clear that it was legitimate and proper for the more he speaks, the more he acts and the more he invites action for impeachment in any other circumstance. It is sad to refer to 2007 and to threaten that we could go back there. In 2007, we came to the brink of the precipice. We came to as greater disaster as we possibly could and it took the backing down of the Rt. Hon. Raila Amollo Odinga for us to continue as a State and as a nation. No one should refer to those events and to do so is dangerous. It is because of 2007 that we now have a Constitution that prohibits that kind of conduct and speech. It is an express limitation to the speech. It is because of it that we even had Agenda 4 Commissions. That is why we created the National Cohesion and Integration Commission (NCIC). That is why we have the Ethics and Anti-Corruption Commission (EACC), the Commission on Administrative Justice (CAJ), the Kenya National Human Right Commission (KNHRC) and others institutions. This is not just about politics. This is about our country.

Hon. Deputy Speaker, it is important to note that, as a House of Parliament, we impeached the Deputy President. Some people do not remember that one of the grounds cited was failure to uphold the dictates of the office under Article 75 (2) (c). Under Article 75 (2) (c), once you are removed from office, Article 75 (3) comes automatically into play. That is to say you can no longer hold any other State or public office. We did not pronounce ourselves on that bit because at the time we were focusing on the question of impeachment. I think now what we should address ourselves to on this matter that has been brought by Hon. Junet is how we now invoke Article 75 (3) that pronounces that Hon. Rigathi Gachagua can no longer hold a State or public office. That is when these things will reduce. I invite you, Hon. Deputy Speaker; that, through the Speaker's Communication, it might be important to guide this House on whether we can do so by way of a petition or by way of a Special Motion or by way of a Special Inquiry by the House. We need to pronounce ourselves on this matter. This is important because while Hon. Rigathi Gachagua went to court and sought to stop this whole process, the court did not find merit in his petition. The court is desirous of going to the logical conclusion, including re-declaration of unfitness to hold office. To pre-empt that, Hon. Rigathi Gachagua has now withdrawn his petitions.

I will highlight two things. One, I urge this House, through its lawyers, to insist to the court to consider the merit of the matter. We would like the court to declare whether Parliament was wrong or not, including the fitness to hold office. Two, we need to re-examine that very matter. The NCIC was established for this very purpose. I have served as a commissioner and I never saw a day when anybody dared the Commission in defiance over summons. That is the height of impunity. If we were to get there, then we would no longer have a country. This is because we are all capable of saying a lot of bad things. I urge the NCIC to come of age and do what it needs to do. The NCIC must be seen to bite. Hon. Rigathi Gachagua cannot say that he will not honour the summons because there are others who have uttered things but have not been summoned. Anyone who says such things should be summoned. In law, you cannot say that you are not guilty because Otiende Amollo is also not guilty. No! Guilt is personal. Accept your own guilt and let others be dealt with. It is the same way you cannot confess on behalf of others.

Lastly, this matter is so serious that it should not be left at the level of a general discussion as we are doing. It must be concretised. We found Hon. Rigathi Gachagua unfit to

hold office. It is not just the courts that can find one unfit to hold office. Even a House of Parliament can do that, with the consequence that the person cannot hold any other public office.

I so submit, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Nyamita.

**Hon. Mark Nyamita** (Uriri, ODM): Thank you, Hon. Deputy Speaker. I rise to also support this Motion by Hon. Junet. Where I come from, particularly in my constituency, there are families that buried bodies without heads and families that buried heads without bodies. In the same region, there are families that are yet to account for their loved ones. There are people in Naivasha whose children were butchered as they watched. Additionally, there are people who have not recovered from what happened in 2007. Some had lived in certain regions all their lives, got their children, established businesses and had their lives going on very well. But because of the 2007 PEV they have never known home. This is because even when they went back to their homes, they found they had no land and there was nowhere to settle. Today, there are IDPs who are yet to be compensated. They have even petitioned this House to be compensated. That has not happened.

Different communities live in different parts of the country. I dare say that members of the community of the former Deputy President live in different regions of this country. They have established businesses, families and they run their lives from those areas. That a leader can say that whatever happened in 2007/2008 was like a Christmas party, or to imagine that such a leader would want to be elected and have many other Christmases, is unfortunate. As a House, we have never felt more vindicated. We feel completely vindicated by the action we took to impeach the ‘mistake of a Deputy President’ that we had. Even if we were to rewind time, we would still do the same.

As if that is not enough, subsequent statements from that very gentleman, including during last weekend, indicate that he is now almost dictating the uniform or dress code of the people from his region. Further, he is dictating who you speak to, which church you attend, which car you drive or what food you eat. I would like to inform Kenyans that no one should listen to Rigathi Gachagua. He is not only dangerous to this country, but also to himself. In fact, part of the allegations that were tabled before the National Assembly were to do with him grabbing property from his family. We feel vindicated. I sympathise with the people who follow him every weekend, saying that he is the leader we want for this country.

The current President might have his own issues. I dare say that he will not solve all our problems, even if we gave him 15 years. But he is taking us through the right path on how our problems in this nation will be resolved. I condemn the utterances by Rigathi Gachagua in the strongest terms possible. Yesterday, he said that the President has set up a killer squad. I call upon the police to take action because his utterances mean he knows something. He should be called to record a statement. He is not above the law. I ask the leadership of this House to call the Inspector-General of Police to explain to us why one Geoffrey Rigathi Gachagua has not recorded a statement and continues to make inciting statements across this nation.

**Hon. Deputy Speaker:** Hon. Ahmed Abdisirat

**Hon. Abdisirat Khalif** (Nominated, UDA): Thank you, Hon. Deputy Speaker. I join this debate by condemning the utterance by the former Deputy President. It is a known fact that he was impeached after he violated the Constitution of Kenya. We thought we had stopped that reckless person but, unfortunately, he has become more dangerous. This House found that he was unfit to hold any office. We can now see that he is unfit to live with the public. Therefore, he needs to be behind bars. Unfortunately, laws in this country are applied selectively. If a small person commits petty crimes, they are brutally arrested and charged. But when a reckless leader breaks the laws of this country, they are not taken to account for their actions, which is unfair. Petty crimes can be forgiven, but when somebody who calls himself a leader tries to

burn our country, he must be stopped.

I appeal to our security agencies to arrest that gentleman and take him to court. I know some people fear that his community or this and that community will bring something, but we do not care. There are 42 communities in Kenya and the law should be applied as it is, fair and square. I implore this House and the Government to take action before we lose our country. We have a history of violence in this country. It is known that in 2007; we almost lost our country. We lost lives, businesses and property. Somebody is daring us that he will take us back there because he wants to lead us through violence. We will not accept that. Democracy in this country is such that you can win an election using the right processes. We will not allow bloodshed and anarchy to win an election. It is not acceptable and it cannot be allowed.

Finally, if we allow such people to get away with such heinous crimes, what are we showing our youth? We were complaining about Gen. Zs and others taking the law in their own hands. An old man should not be allowed to get away with such crimes. There is no other action other than arresting Rigathi Gachagua. He is unfit to hold any office. He is even more unfit to stay with the public.

**Hon. Deputy Speaker:** Hon. Mugambi Rindikiri.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Thank you, Hon. Temporary Speaker. I join my colleagues in condemning the actions, utterances and unqualified statement by Rigathi Gachagua. This country, courtesy of our citizens, gave Gachagua an opportunity to serve as Deputy President. For two years, Gachagua never uttered any word to support the Government or to execute, on behalf of the presidency and the people of Kenya, any developmental activity. Gachagua is only known for talking about *murima*. That was his speech for two years. For those two years, he was known for amassing wealth. He never spoke about the poor. He never stood to execute any matters relating to our children, mothers or older members of this country.

*[The Deputy Speaker (Hon. Gladys Boss) left the Chair]*

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

That man was impeached, and all he does is continuously insult people. Gachagua's history in the media is insulting the President, Members of Parliament and the same mothers who gave birth to him. He is claiming that whatever empowerment we are doing is wasting money without considering his views. That man is so selfish. During his time in Government, his activities were only to purchase hotels, land and expensive things. That is what he did, but the tap has now been closed. We cannot allow him to turn this country into war just because it suits him.

*(Several Members raised their hands)*

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, why are you raising your hands? Please, use your cards.

*(Loud consultations)*

**The Temporary Speaker** (Hon. Martha Wangari): Proceed, Hon. Rindikiri.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Thank you, Hon. Temporary Speaker. Do not worry. The Member is one of the followers. He is in the battalion that is insulting Kenyans everywhere. Today, you notice that Mr Gachagua is known for organising criminal activities. We know for sure that, that man organised what is circulating in the media today, that one Member of Parliament has been abducted and yet, he was with them an hour before that. He is

also known to run to hospital. You will recall that is what he did during his impeachment. He is the chief advisor to Hon. George Koimburi, who insulted us by saying that we had been given money.

We must resist that man at whatever cost. He is teaching Kenyans bad manners because he is a comfortable man. He is a man who should not be encouraged to continue doing what he is doing. We have seen that he even has some battalions in Meru. Those are people who were given an opportunity to serve this country, failed and were impeached. Somehow, they survived, but they are now teaming up together. People who have failed are the ones with whom he is managing his politics. We have seen him with Muturi and Linturi, who are failures. We have seen all other failures who are trying to manage this country. We will not accept that kind of politics in this land. Kenyans should be given the freedom to operate, manage businesses and development. We have no time for that kind of person.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Deputy Speaker.

**Hon. Gladys Boss** (Uasin Gishu County, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity. As I listen to the discussions from my colleagues, we are speaking as if these are just bare facts. What we are discussing are crimes committed by the former Deputy President. His crime are offences that are set out in the National Cohesion and Integration Commission (NCIC) Act. We even have past history where people have made utterances that were assumed to be wrong and they were arrested and yet, they were not even guilty. I am calling upon the Chairperson of NCIC, Reverend Kobia, to act and not allow people to get away with it.

Prior to the 2022 elections, you will recall that 300 police officers were sent to Uasin Gishu County to arrest Hon. Oscar Sudi for making remarks that did not reach the threshold of the National Cohesion and Integration Act. Reverend Kobia was the Chairman then and we expect him to act now. Similarly, Hon. Linturi made some remarks and he was picked at night.

**An Hon. Member:** *Madoadoa?*

**Hon. Gladys Boss** (Uasin Gishu County, UDA): Yes. He mentioned that word in Uasin Gishu and he was picked swiftly by the police and ferried to Nairobi at night. The same thing happened to Hon. Oscar Sudi. Why has the former Deputy President not been arrested? In fact, this House must hold the NCIC to account because they cannot have double standards when they are dealing with people. You need to read the NCIC Act, and that is what we must say. Speaking as a Member of Parliament for Uasin Gishu County, which bore the brunt of the post-election violence, we cannot allow anyone to mention that again. We made peace. The pastors and the elders had a meeting in Kuresoi and the that matter was settled, and we promised ourselves that we shall never mention it again.

On behalf of the people of Uasin Gishu County, we are very offended by the remarks of the former Deputy President. Statements have been issued by members of the Uasin Gishu County declaring that they will not allow him to take us there. Such a person is not a leader. He is a criminal. We should be discussing how to have him arrested and charged for those crimes contrary to the NCIC Act.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. (Dr) Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker. It is important for a country to accept the truth, reality and live the talk. Democracy is a process; it is not an event. An election is not conducted on the day of the election; it is a process. Many of us were there in 1992 when there were clashes after elections. Many of us were there in 2007-2008 when the clashes happened. On all those occasions, the clashes arose because some members were dissatisfied with the process leading to the final outcome. I would be reluctant to bash anybody who raises a red flag. Being forewarned is forearmed. It is very insensitive for anybody in this country to believe that anybody who raises anything that could improve the

management of the next election becomes a point to bash left, right and centre.

Hon. Deputy Speaker, the danger we have in this country is to kill the messenger, hoping the message will go away.

*(Applause)*

We must listen. Even if the devil is talking to us, allow Kenyans to listen. There are grievances. In the last election, 2022, there was a charade that was the 'Cherera Four.' This is a matter that should never be allowed to repeat itself in a decent and democratic country like Kenya. Therefore, as we debate here today and waste very important hours of Parliament that we could have debated more important matters, talking about somebody who is a political entity, as the Members on the other side are talking about...

**Hon. Omboko Milemba** (Emuhaya, ANC): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order, Hon. Milemba? Let us listen to it.

**Hon. Omboko Milemba** (Emuhaya, ANC): Hon. Deputy Speaker, I have listened to a very eloquent and seasoned speaker in this House, Hon. Oundo.

*(Hon. Onesmus Ngogoyo spoke off the record)*

Please relax. I am a very senior person and more experienced than you in this House. Please chill!

**Hon. Deputy Speaker:** Hon. Ngogoyo, it is not your place to do my job.

**Hon. Omboko Milemba** (Emuhaya, ANC): Hon. Oundo has mentioned to Kenyans that even when the devil is talking to you, you need to allow your family, children and other people to listen to him. I ask him to withdraw that because the devil is never good for your family, siblings and Kenyans. If the devil is trying to talk to us, we must rebuke it in the spirit and use the name of Jesus Christ to do it. May he apologise because he is a Christian?

**Hon. Deputy Speaker:** Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Let me continue and answer my in-law later, as I conclude. We must learn from history. Henry Kissinger said that a nationalist leader who does not learn from history is in danger of spiraling into anarchy. It will be unfair. Believing what happened in 2007/2008 cannot happen in this country is like an ostrich burying its head in the sand. We are misleading and lying to ourselves. Let us not kill the messenger, hoping the message will go away. Let us prepare for the next elections properly, adequately or sufficiently to avoid any point anybody anywhere will feel that it is not held in a fair, transparent and verifiable manner. We should be careful on the appointment of managers of the election. Mr Kivuitu said he did not know who won the election and we went to war.

If Baba Raila Amolo Odinga did not restrain himself in 2022 when the Cherera Four said the election was not done properly, we would have gone into the abyss. I beseech you and the country to please remember the message, but disregard the messenger. You have already killed him. I am so surprised that men are running helter-skelter after one single man who has no vote. He has nothing. Men, style up!

Thank you, Hon. Deputy Speaker.

*(Applause)*

**Hon. Deputy Speaker:** Hon. Nyikal.

**Hon. Members:** He has left.

**Hon. Deputy Speaker:** Okay. Hon. Irene Mayaka.

**Hon. Irene Mayaka** (Nominated, ODM): Thank you, Hon. Deputy Speaker. I stand to

support this Motion by the Leader of the Minority Party, Hon. Junet. Even as I speak, I am a very sad person. First of all, the former Deputy President needs to be sued for destroying the image of Christmas in the children of this country by equating the 2007 post-election violence to a Christmas party. Some of us have family members whose homes were ruined in Kericho and they walked to Nyamira. We have a family whose home was destroyed in Kisumu. They walked back to Kisii because of what happened in 2007.

We have Kenyans who were in Naivasha and the Rift Valley who lost their homes. Some of them were burnt. Very serious things happened during that particular time. People are still suffering from the injuries, both emotional and physical, that happened to them in 2007. When the former Deputy President said it was a Christmas party, he was already pre-empting to us, as a country, that we would go back to that kind of anarchy.

The children who were born in that year, 2007, are now turning 18 years old. You can imagine how that would feel to them come the year 2027, and then we are told that whatever happened before was like a Christmas party. I am just imagining that this same person was summoned to go and speak to the things that he said, but he refused. He does not follow or plan to obey the rule of law. What kind of example is that kind of leader giving to our young people in this country?

The reason we have the Supreme Court in place and allocation for anyone who is aggrieved by the general election to go to the Supreme Court is because we are a country that follows the rule of law. Kenya is a very fantastic example to the rest of the African countries and the rest of the world in how we manage our political process. I support this Motion because I cannot imagine in any way, as a country and the young people in this country, that we can be taken back to what happened in 2007. Anyone who supports that kind of utterance, shame on you.

I support the Motion.

**Hon. Deputy Speaker:** Hon. Murugara, Member for Tharaka.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Deputy Speaker. I also rise to support this Motion which is highly merited, as we debate this afternoon. The correct position is that 2007 and early 2008 were years that we do not wish to remember. For the first time, because some of us were senior enough at that time, we were in tears as we watched.

*(Hon. Jayne Kihara spoke off the record)*

**Hon. Deputy Speaker:** Order, Hon. Jayne Kihara. The other Members who do not have cards have come to request to be given an opportunity to contribute, but have been told to wait.

*(Hon. Jayne Kihara spoke off the record and walked out of the Chamber)*

We may proceed.

**Hon. George Murugara** (Tharaka, UDA): We may proceed because we believe the subject of this discussion is not alone in this. We have been told that some of us are suffering from mental issues. This is a demonstration of such a case, possibly, when you just go out of the House yelling and trying to call things in a different direction when it is not possible. We were senior enough in 2007/2008. We went into tears because of what was happening, simply because there were disputes regarding an election.

It, therefore, gives us a very heavy heart to hear the former Deputy President, Hon. Rigathi Gachagua, call that particular period a Christmas season. We should never, under any circumstances, have such words repeated in our country. Nobody is above the law. It must be called in. If you commit a crime, you must be prosecuted, whether you are who or who. One



such crime is when you make divisive statements to Kenyans. If you wish to make a cautionary statement, this is how you do it. I hope he is listening because he goes around bragging that people from a certain region which he prefers to call murima, the Mount Kenya region, are elected fools. I do not believe that any of us who comes from that region is a fool. If we are fools, he is also one because he was elected from that region.

Dividing and profiling the country is not good and cannot be encouraged at all. Mount Kenya is not inhabited by one community, but by several communities. We always speak of the unity of that region, as we emphasise the unity of the entire country. To isolate the rest of the communities, an emphasis is placed on one community to balkanise it. To say we will stand alone against the rest of the country is not encouraging. It should be condemned in the strongest terms possible. If the law has been breached, we must have the culprits brought to book. We have always said this is how it is supposed to be done. You should listen to us.

There is no problem with warning Kenyans not to rig elections. We have always said that if you do so, we will meet you wherever the law provides we should meet. You will be dealt with as per the law. There is nothing wrong with that. To, however, say that if you try to do this, we will bring turmoil and the country into war, cannot be encouraged because this is what caused the events of 2007/2008.

As we move forward, it has been demonstrated through the acts of His Excellency the President that we want to have a country that is united. That is the message he is taking across the entire country. This is why he went on to craft the broad-based Government. That is the reason why he is sending his Deputy President across the country to bring the people together. We must, therefore, preach unity at all times. We should never be seen at any one time trying to divide, balkanise or profile the people of Kenya in their ethnic communities.

I do support this.

**Hon. Deputy Speaker:** Thank you. Hon. Millie Odhiambo, Member for Suba North.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Deputy Speaker, for giving me this opportunity. I want to indicate, at the outset, that some of the issues that we are raising here for some people may sound like abstract ideas. I joined Parliament immediately after the post-election violence. I was part of a humanitarian committee for my party, Orange Democratic Movement (ODM), that documented cases of post-election violence. I remember documenting cases of young girls in school uniforms who had been shot by the police. I remember a woman who had her husband's head decapitated and had to carry it to Kisumu. I remember people from Kisii who were displaced. I remember people who were from Central Kenya, but in the diaspora, who were displaced. We went to a specific camp where people were all displaced, but they were in different groups. There was a camp that had predominantly the Kikuyus, and then there was a camp that had the Luos, Luhyas and the Kisiis. They were all with the same problem, but for ethnic reasons, they had been balkanised. I know the country is in the mood for politicking. The tragedy in Kenya is that we start politicking a day after the elections. For a stranger who would be visiting Kenya, you would think that the presidential elections are in two days' time. There is nothing wrong with that because Kenya is a fairly democratic country. But it is extremely unfortunate if we can use language that would incite ethnic animosity and violence to create the kind of violence that we saw.

The people who suffer in such situations are women and children. Many women were raped and, to date, have not been compensated. Many children were killed. There is a young girl who has written a book, which she gave to me, where she has documented that there were young children who were playing somewhere in the Rift Valley, and they were neighbours of all tribes. Her book is called *Hop Skip and Jump*. She is called Scholar Akinyi. She documents how she changed from being an innocent child to looking at her neighbours from a tribal lens. She was raped. She underwent violation and lost her childhood.

There are things we cannot afford to joke with or play with. I want to encourage the former Deputy President, as I know he is feeling very bitter at the way things turned around. He feels that he fought and brought this Government into power. I am sure it can feel very bad when you feel that you brought the Government into power, and now you are the one who is outside watching from *Viusasa*. The way to go about it is not through bitterness and anger because there is a point at which leadership becomes beyond you. I know he has only served one term in Parliament and half a term as a Deputy President and so, he may not understand. There are always opportunities. Let him relax because he says he is a man of God or, at least, he says his wife, Dorcas, is a woman of God. Let them appeal to God and use their godly words to bring unity to the country. There are things we do not joke around with. There are things we do not politic around with, and one of them is the peace and security of this country.

In terms of sharing, having views, going around and talking to people, that is all very well. Kenya is a democratic country. But let us not ever dream about what happened in 2007/2008. I know he was not in this Parliament, but some of us who were here went through post-traumatic stress disorder.

With those few remarks, I beg that we change our language.

**Hon. Deputy Speaker:** Hon. Melly, Member for Tinderet.

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Deputy Speaker. I also rise to support the Motion. That our country went through a lot of upheavals in 2007 is something we all know. We saw over 1,000 people lose their lives. Thousands lost their properties across major cities in this country. The economic upheaval that came out of that election was as a result of anger. It was as a result of talks that incited communities against one another as a result of the purported rigging of elections.

As much as leaders want to have certain positions in society, we should always know that we do not get them at the expense of the peace and tranquilly of our country. The late Vice-President, Prof. George Saitoti, did say that there is a time when a country is greater than ourselves. I want all the leaders within, and the former Deputy President, to know that. As said earlier by the Deputy Whip of the Majority Party, he must be a very bitter person. He must know that, as much as he is bitter, feeling sad and has been out of power, this country called Kenya will live beyond him. This country will outlive all of us. In this country, we have a responsibility as current leaders to hand it over to the next generation.

The Chief Executive Officer (CEO) of the National Cohesion and Integration Commission (NCIC) needs to act against individuals who have committed crimes that incite Kenyans against one another. A case in point, and I think this has been said, is when a number of Members in this House, in the last Parliament, made utterances, and most of them were arrested. They were taken before the courts, and they answered to their charges. This is not victimisation. It is trying to bring order to this country and tell leaders that they are supposed to talk responsibly. As much as you want positions in power, you know that you have a country to carry on. Our former Deputy President knows very well that after serving five or 10 years, for example, a leader will have to vacate office. The former President is now in retirement, enjoying his peace and tranquilly. It is not proper for him to say that if he cannot get the position, then he has to burn the whole country and bring the people down. It is quite immoral, wrong and illegal. We have election disputes all over. We have a court system, all the way from the High Court to the Supreme Court. We know very well that we have timelines to solve cases.

The Rt. Hon. Prime Minister has lost several cases and it is very honourable enough of him that he has not burned this country. He is one of the people who have run for elections for the longest time in this country. I advise Members and colleagues in the House that, despite us admonishing wrong talks and asking leaders to speak correctly, it does not mean we are against an individual. We are telling him that his utterances are wrong. He is a Kenyan like any other. He is supposed to ensure that what he utters and preaches is peaceful, including when assisting

women through the harambee system and all the things we do in our societies that have really assisted members of our society.

I rise to support the Motion and say that the actions of the Deputy President were not right.

**Hon. Deputy Speaker:** He is a former Deputy President.

**Hon. Julius Melly** (Tinderet, UDA): Yes, the former Deputy President.

**Hon. Deputy Speaker:** Next is the Member for Saku, Hon. Dido Raso.

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Deputy Speaker. I rise to support this special Motion by Hon. Junet.

We come from 42 different nationalities in this nation, the many and the few. Some have never had the privilege of holding office, let alone senior offices like Deputy President or President. However, the nationalities have lived in this country in peace.

I had just been commissioned into the Army in 1982, and I was involved in putting out that *coup* of 1982. I was a senior officer in the Army in 2007. This country would have gone to the dogs if the Army was divided. I like how some of our colleagues talk with much gusto about not killing the messenger or the devil. You must be killed if you give wrong devilish messages. There is no looking away.

There are three serious offences in any country, namely, espionage, sabotage and terrorism. What we are hearing from our media - social, print and television - is both espionage and sabotage. It simply means putting Kenya at crossroads and against other States when somebody openly says in the mainstream media that Kenya was involved in the Sudan conflict. Sudan is our neighbour and partner in the Intergovernmental Authority on Development (IGAD) and the African Union.

Hon. Deputy Speaker, I am not a Christian. I am a Muslim. However, our Christian brothers and sisters must not allow misuse of pulpits. Churches are houses of God and houses of worship. They should not be used to divide this country or used as playground of vitriol or for anybody to bad-mouth other leaders. There are different avenues through which to raise our voices. What is happening now will divide Kenya right across the middle, pitting us against each other.

A small radio called Radio Télévision Libre des Mille Collines instigated the Rwanda genocide. Initially, people were kind of celebrating when the radio was fanning out much vitriol, hate speech, and incitement. That is because they were on that side. However, nobody knew who was going to be spared as soon as killings happened. I think Kenya is bigger than that. We go for elections every five years. Let anybody wanting to change the leadership of this country wait for his or her time. On the presidency, there is only one President in Kenya at any one time. We have had the late President Kenyatta, the late President Mwai Kibaki, the late President Moi, and President Uhuru Kenyatta. They served their time and walked away. Anybody who believes that Ruto must go away must remove him through an election, not what was staged on 25<sup>th</sup> June 2024. It was in itself an attempted *coup*. We tried to look away.

With that, I support. We must call an end to this.

**Hon. Deputy Speaker:** Next is the Member of Igembe North. Has he left?

**Hon. Members:** Yes.

**Hon. Deputy Speaker:** Hon. Owen Baya, I see you on the list.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Deputy Speaker, I stand to support the Motion by Hon. Junet Mohamed.

The events of 2007 are very fresh in my minds. Hearing somebody speak about them in such flowery language, that it would be like a Christmas party, pushes a chill down my spine. I was in Mwatate with my wife and my two children when the post-election violence started in 2007. One child was just six months old. I had to travel all the way from Mwatate to Voi to Kilifi when people started saying: “*Kila mtu aende kwao*”.

Getting means of transport to move from Mwatate with a six-month-old baby was one of the most horrendous things I have ever gone through. I remember we boarded a lorry that was carrying cabbages. We were thrown at the back just to be protected and to avoid being seen. We were Giriama in Taita at that time. Look at that, Hon. Deputy Speaker, inciting one community against the other.

We got to Voi and tried to get means of transport to Mombasa. It was difficult. A van carrying and selling *The Nation* Newspapers came by and stopped while we were there. They offered to take us to Voi in exchange of Ksh10,000. We did not have the money. One gentleman there said: “*Namjua huyu mwalimu*”. I was a teacher then. They bundled my wife, our three-year-old girl, the six-month-baby, and I at the back with the newspapers. There was no oxygen. There was nothing. I remember my three-year-old daughter actually passed out because we were being carried at the back of that van.

The van traversed, but could not go through Mombasa because there was chaos. We had to go through the Mariakani route. It was not tarmacked then. We went through Kaloleni until we got to Kilifi.

Hon. Deputy Speaker, I will never forget when we got to a place called Mtondia in Kilifi, the road had been barricaded. At that time, very many Luos lived in Mtondia. The Giriama wanted the Luos to go back to their home. I watched death approach my family. People came hitting that vehicle with *pangas* and asking: “Who is being ferried in here? They must get out.” We alighted out there shaken, with a six-month-old baby and a three-year-old girl. Just one old man said: “I know the father of this man.” That is how we were saved from death.

I do not understand what kind of a mind is in a leader who stands up to remind us that 2007 will look like a Christmas party if elections do not go a certain way. Yet that person calls himself a leader. That person must remain condemned. I seconded the Motion of his impeachment when it came to this House, but I think it was not enough. Hon. Geoffrey Rigathi Gachagua must be brought back to this House for another impeachment for the kind of things he is talking about and inciting Kenyans against each other. We need to hold this country together. The country must remain united and never again will one tribe be set against the other. What Hon. Geoffrey Rigathi Gachagua is doing is trying to set the tribes against one another. He sees himself as a leader of one section and tribe in this country against other Kenyans. That can never happen. Kikuyu people are good. They are all over the country. We love and respect them. We marry them and they marry from us. Therefore, we have integrated.

However, you cannot sit down and say: “I am the leader of these people and, therefore, I cannot allow even a musician to visit the Office of the Deputy President.” Next time, he will tell the Kikuyus in my constituency not to visit Hon. Owen Baya because he is a Giriama and they are Kikuyus.

Hon. Deputy Speaker, we cannot get to that level and we should not allow it to happen. Hon. Geoffrey Rigathi Gachagua is out of order and what he is doing is dangerous to this country and its fabric. I want to ask the National Cohesion and Integration Commission (NCIC) to act since they have a law and powers. They need to come out of their cocoon and act. If we allow one person to make those utterances, another person and leader will also pick it up, and it will become a chorus and this country will go to the dogs.

I want to ask you, Hon. Geoffrey Rigathi Gachagua, the man that I once hosted in my home for lunch, to stop what you are doing. You are out of order and you must come out as a leader. If you think this space is not enough for you, stay at your Wamunyororo home, take care of your children, wife, goats and cows. Leave this country to be led by those who are capable of doing it.

**Hon. Deputy Speaker:** Hon. Speaker had given us up to what time?

**Hon. Members:** 5.30 pm.

**Hon. Deputy Speaker:** 5.30 p.m.? Okay. Therefore, I guess we will stop there.

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

**Hon. Deputy Speaker:** What is your point of order, Hon. Junet?

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Deputy Speaker, having moved the Motion of Adjournment, I seek your indulgence to thank Members for their huge contributions. Hon. Members have spoken on behalf of Kenyans as the representatives of the people.

Having said that, I also want to invite you to look at Article 75(3) of the Constitution, which states:

“A person who has been dismissed or otherwise removed from office for a contravention of the provisions mentioned in Clause (2), is disqualified from holding any other State office.”

Therefore, we are going to take this matter forward. We are either going to bring a Special Motion or a Petition to the House in accordance with Article 75(2) of the Constitution, to declare and pass on the Floor of the House that Hon. Geoffrey Rigathi Gachagua cannot hold any other public office in the Republic of Kenya. Maybe, he can hold an office in Tanzania, Uganda, South Africa or Somalia. Even by being a party leader to a party that intends to get money from the exchequer under the Political Parties Act, you become a State officer. He cannot become a leader of a political party in this country for that village party - the District Commissioners Party - that he has formed.

Hon. Deputy Speaker, with those few remarks, I want to thank all the Members for their contribution. This is the way to go. It is our responsibility to defend and uphold the Constitution. On the first day we appeared in this House, the very first thing we did was take an oath of office, which said that we must uphold and defend the Constitution. Defending Kenyans from anarchy, violence and disruption of their livelihoods is part and parcel of defending the Constitution.

Thank you, Hon. Deputy Speaker. May God Bless Kenya.

**Hon. Deputy Speaker:** Let us go to the next Order. I think we are resuming Hon. Wangwe's Motion.

*(Hon. Deputy Speaker consulted the Clerks-at-the-Table)*

Hon. Wangwe, we still have 37 minutes. I do not know if you are done or you just want to reply.

**Hon. Emmanuel Wangwe** (Navakholo, ODM): Thank you...

#### QUORUM

**Hon. Suleka Harun** (Nominated, UDM): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order?

**Hon. Suleka Harun** (Nominated, UDM): I rise on Standing Order 35, that we do not have quorum to continue with business.

**Hon. Deputy Speaker:** I direct that the Quorum Bell be rung for 10 minutes.

*(The Quorum Bell was rung)*

*(The Deputy Speaker (Hon. Gladys Boss) left the Chair)*

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

*(Several Members walked out of the Chamber)*

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, it is out of order to leave the chamber when the Bell is ringing.

Hon. Members, having not raised the requisite quorum, we must adjourn. Be upstanding.

### ADJOURNMENT

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, the time now being 5.47 p.m., this House stands adjourned until tomorrow, Wednesday, 28<sup>th</sup> May 2025, at 2.30 p.m.

The House rose at 5.47 p.m.

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