

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 26th July, 2000

The House met at 9.00 a.m.

[Mr. Speaker in the Chair]

PRAYERS

NOTICE OF MOTION

COMPENSATION FOR FAMILIES OF
WORLD WAR VETERANS

Mr. Muchiri: Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, cognisant of the fact that some Kenyans lost their lives while fighting along the British forces during the First World War and the Second World War, and noting that thousands of Kenyans were maimed, imprisoned, detained or executed during the struggle for Independence, this House urges the Government to liaise with the British Government with a view to having those who were affected or their families compensated by the British Government.

ORAL ANSWERS TO QUESTIONS

Question No.425

COMPLETION OF MATETE DIVISIONAL HEADQUARTERS

Mr. Speaker: Mr. Shitanda is not here? We will leave the Question until the end. Next Question. Mr. Kamande Mwangi!

Question No.504

DISAPPEARANCE OF LATE KIMANI'S BODY

Mr. P.K. Mwangi asked the Minister of State, Office of the President:-

- (a) if he is aware that the body of Mr. Peter Kimani of Nginda Location was retrieved from Maragwa River by the police on 8th May;
- (b) if he is further aware that the body was taken to Murang'a District Mortuary on the same day to await postmortem and burial; and,
- (c) how the body disappeared from the morgue.

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that the body of the late Peter Kimani of Nginda Location was retrieved from Maragwa River by police on 8th May, 1996.

(b) I am also aware that the body was taken to Murang'a District Mortuary on the same day to await postmortem and burial.

(c) It is suspected that the body of the late Peter Kimani was handed over to unknown persons in circumstances that are still unclear. Murang'a Inquiry File No.3 of 1996 was opened in this regard.

Mr. P.K. Mwangi: Mr. Speaker, Sir, this is a very sorry state of affairs which happened in Nginda location back in 1996. Mr. Peter Kimani was 20 years old by then. He was murdered and his body thrown into Maragwa River. Afterwards, the body was retrieved by police from Maragwa Police Station, who then took it to Murang'a Mortuary. However, by the time of going for the postmortem, the family members were told to go and---

Mr. Speaker: Mr. K. Mwangi, all this has been agreed to by the Assistant Minister. Could you now put the relevant question.

Mr. P.K. Mwangi: Mr. Speaker, Sir, the family members were told to go and look for the body at Mathira River. I think it is the responsibility of this Government to protect the lives and property of Kenyans. According to Africans traditions, dead bodies are property. When will the Government hand over this body to the relatives of the late Mr. Peter Kimani of Nginda Location so that he can be accorded a respectful burial? This is because it is known that it is the police who are trying to conceal the murder.

Mr. Samoei: Mr. Speaker, Sir, unfortunate as the incident is, I am in no position to give any specific dates on the retrieval of the body because it is not in the mortuary. When this body was taken to the mortuary by the policemen who retrieved it from the river, the responsibility of holding the body in the mortuary was up to the mortuary attendants who are under the Ministry of Health. Unfortunately, the body was removed from the mortuary under circumstances that are not very clear to us. If there was anything, it was between the mortuary attendants and the people who came to collect the body. Unfortunately, the people who came to collect the body were not relatives of the late Peter Kimani and so I cannot give any specific dates on its retrieval.

Mr. Magara: Mr. Speaker, Sir, I think it is very interesting when the Assistant Minister says that the body was taken from the mortuary, and I believe it was during the day. Mr. Assistant Minister, are you trying to say that you are incapable of arresting the persons who were responsible for releasing this body on which a postmortem was supposed to be performed? The culprits should be arrested and prosecuted. You mean that you cannot know? The body was released during the day. Why can you not tell us that you are unable to arrest these culprits and you are concealing something?

Mr. Samoei: Mr. Speaker, Sir, I do not think that anybody is trying to conceal anything, and I think the unfortunate thing is that the body was given to and buried by the wrong people, and we cannot trace it.

Col. Kiluta: Mr. Speaker, Sir, it is over four years since this body disappeared in 1996. Is the Assistant Minister admitting that the Government is unable to trace the whereabouts of this body? Is he admitting that they have virtually failed? If so, then they should inform the late Kimani's relatives so that they can give up and perform a ceremonial burial.

Mr. Samoei: Mr. Speaker, Sir, the Government has not failed in tracing the late Peter Kimani's body, but the body was collected from the mortuary.

Mr. Ojode: Mr. Speaker, Sir, I think the Assistant Minister is misleading this House. There is no way one can collect a body from the mortuary without identification. Whenever one goes to collect a body, he must give some sort of identification. Could the Assistant Minister tell us whether this body was collected on identification or not? If it was not taken after an identification, he should tell the House when he will give the body to the relatives to bury?

Mr. Samoei: Mr. Speaker, Sir, I said that the circumstances under which the body was collected are unclear to us. That is why I went ahead and opened an Inquiry File No.3/96. One mortuary attendant has been held and charged in court in relation to this particular issue. We are pursuing the matter.

Mr. P.K. Mwangi: Mr. Speaker, Sir, the body of the late Peter Kimani was a police exhibit since he was murdered and the murderers were picked up for trial. It is clear and known that the doctor has to certify as to the cause of death. The family of the late Peter Kimani has been living in anguish since they have never even been issued with a death certificate and they have never buried their man. Could the Assistant Minister now undertake to issue the family of the late Peter Kimani with a death certificate so that they can inherit his estate?

Mr. Samoei: We shall proceed to do that once this file is closed.

Question No.082

DEPARTMENT OF DEFENCE PAYMENTS
TO NANYUKI MUNICIPALITY

Mr. Kiunjuri asked the Minister of State, Office of the President, when the Department of Defence will pay Nanyuki Municipal Council the outstanding payment of Kshs20 million for services provided to the Department in order to enable the council meet its obligations.

Mr. Speaker: Mr. Samoei!

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Speaker, Sir, my colleague, hon. Sunkuli, was supposed to answer that Question. I think he is on his way here.

Mr. Kiunjuri: Mr. Speaker, Sir, I will wait, but you should note that I already have a written answer.

Mr. Speaker: Okay, we will wait, Mr. Kiunjuri, for a while.

Question No.475

REHABILITATION OF ROADS IN SUBA DISTRICT

Mr. Speaker: Mr. Kajwang is not here? Next Question, hon. Gatabaki.

Question No.435

SALE OF STATE CORPORATIONS

Mr. Gatabaki asked the Minister for Finance:-

- (a) how many Statecorporations had been sold as at 31st December, 1999, and how many are prioritised to be sold;
- (b) how much revenue the Government has realised; and,
- (c) how the proceeds from these sales were utilised.

Mr. Speaker: The Minister for Finance? Well, we will wait a little. Hon. Wamunyinyi's Question!

Question No.460

TELEPHONE EXCHANGE FOR DOROFU SHOPPING CENTRE

Mr. Wamunyinyi asked the Minister for Information, Transport and Communications when a telephone exchange will be installed at Dorofu Shopping Centre in Kanduyi Division.

Mr. Speaker: Is there anyone from the Ministry of Information, Transport and Communications? We will wait for a while.

Mr. Angwenyi: Mr. Speaker, Sir, although I have not received a written answer, I will ask my Question.

Question No.252

REHABILITATION OF KIARENI WATER PROJECT

Mr. Angwenyi asked the Minister for Water Development:-

- (a) if he is aware that Kiareni Water Project stalled many years back;
- (b) whether he is further aware that clean water has increasingly become a scarce resource in Kitutu Chache; and,
- (c) what immediate steps he will take to rehabilitate the Kiareni Water Project, and how much money has been allocated to the project during the current financial year.

Mr. Speaker: Is there anyone from the Ministry of Water Development? Next Question!

Mr. Gatabaki: On a point of order, Mr. Speaker, Sir. Are you aware that on the Front Bench, there are only three Assistant Ministers and one Minister who is walking to our Benches?

Mr. Speaker: What is wrong with that?

Mr. Gatabaki: Mr. Speaker, Sir, this shows the lack of seriousness by this Government to this Parliament. Time and time again, you have pointed out that--

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Dr. Ochuodho! Hon. Gatabaki is on a point of order.

Mr. Gatabaki: Mr. Speaker, Sir, time and time again, you have pointed out that this Government is not serious about the business of Parliament. It is not serious about defending the President's record, which is appalling. You can see why Kenya has been denied foreign aid, and it is collapsing because of lack of seriousness.

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir. To be fair to the Opposition side, could the House consider that, in future, whenever a KANU Parliamentary Group meeting is being held, we do not have Parliament sitting? That is why the Front Bench is empty.

The Assistant Minister for Health (Mr. Koskei): On a point of order, Mr. Speaker, Sir. I think my colleagues are creating a wrong impression. We are here and actually there is no KANU Parliamentary Group meeting taking place as Dr. Ochuodho has alleged. I also want to put the record straight, that the Government takes the business of Parliament seriously and that is why we are here.

Hon. Members: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, hon. Members! Hon. Members must see for themselves what is happening. It is quite apparent that this morning, we have only got one Question answered. Just one Question! We have held on, on the other Questions because there are no Ministers to reply. Mr. Samoei, what else can I say? Where are the Ministers?

The Assistant Minister, Office of the President (Mr. Samoei): We are here!

Mr. Speaker: If you insist that you are here, then answer the Questions.

The Assistant Minister, Office of the President (Mr. Samoei): On a point of order, Mr. Speaker, Sir. Having said what you have said, it would also be fair for you to point out that Question No.425 was not answered because the Questioner was not there.

Mr. Kiunjuri: On a point of order, Mr. Speaker, Sir. Hon. Members are asking a very important question. However, you should know that for the last one week, the Ministers have been so tired because of defending themselves over "the list of shame". They only had yesterday to celebrate, and that is the reason why, after over-celebrating, they are now still asleep.

(Loud consultations)

The Assistant Minister for Health (Dr. Galgalo): On a point of order, Mr. Speaker, Sir. To be fair to everybody, generally, both sides of the House are equally empty. You will realise that Questions Nos.245 and 475 were not answered because hon. Shitanda and hon. Kajwang are not here to ask them. So, there is a general malaise on both sides, and it is not a Government issue.

(Loud consultations)

Mr. Speaker: Order, all of you! I think what the Assistant Minister has said is correct. There are also hon. Members from the Back Benches who are not present to ask Questions. Can we go through the motions and see whether we can get them here? But my general attitude, and it has always been the same, is that hon. Members from both sides of the House must attend to the business of the House. That is my attitude, and I believe it should be the attitude of the House as a whole. So, can we wait for a while?

Mr. Magara: On a point of order, Mr. Speaker, Sir. Would I be in order to request the Speaker to use the supremacy of this House to recommend to His Excellency the President to appoint the present Assistant Ministers in the House as Ministers? This is because they are the only serious Assistant Ministers that we have.

Mr. Ojode: On a point of order, Mr. Speaker, Sir. We have heard what the Chair has to say in regard to the Ministers who absent themselves from the House. What will the Chair do, now that it has reprimanded Ministers for not taking their work seriously? What will the Chair do now that Ministers have not even reported in the House and will not answer these Questions?

Mr. Speaker: Let us wait for a while.

Mr. Ojode: Until when?

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. I have raised this matter many times that the Front Bench is preoccupied with matters outside this House and they are failing our Government, the Government of KANU. I am making a similar request like the one made by the Member for South Mugirango, that you appeal to the President to appoint these clean Assistant Ministers to be full Ministers and get the rotten ones out.

(Applause)

Mr. Speaker: Order! Order! Where had we gone to?

Hon. Members: The clean ones!

Mr. Speaker: Next Question, Mr. Muihia!

Mr. Muihia: Mr. Speaker, Sir, I have not received a written reply and this Ministry has got the tendency of never giving us written answers. We are groping in darkness.

Question No.431

RESEALING OF ROADS IN GATUNDU SOUTH

Mr. Muihia asked the Minister for Roads and Public Works:-

(a) if he is aware that M/S S.S. Mehta and Sons Limited were given a contract in 1997/98 to reseal 78 kilometres of tarmac roads:- D397 - Thika Road to Gatundu, and D398 - Ruiru - Ng'enda-Kiganjo-Ichaweri, in Gatundu South Constituency and paid a total of Kshs228 million;

(b) if he is further aware that only a stretch of 24 kilometres was resealed and a further 28-kilometres stretch of potholes patched up; and,

(c) if he could inform the House who was paid the amount for the 26 kilometres of roads not resealed and what action he intends to take to recover the funds paid for incomplete work.

The Assistant Minister for Roads and Public Works (Eng. Rotich): Mr. Speaker, Sir, I do not think we have the habit of not giving written answers. I have a problem with this particular Question and I request that it be deferred until tomorrow. There are certain details I have not received, but I will be able to answer it tomorrow afternoon.

Mr. Speaker: Very well!

Mr. Muihia: Mr. Speaker, Sir, I would concede to that because there is an enormous amount of pilferage from that account. I would like the Assistant Minister to come fully armed, because I have thoroughly armed myself.

Mr. Speaker: Very well. Next Question, Mr. Kikuyu!

(Question deferred)

Question No.502

REHABILITATION OF MACHAKOS-KITUI ROAD

Mr. Ndilinge on behalf of **Mr. Kikuyu**, asked the Minister for Roads and Public Works:-

(a) how much money has been set aside for the filling of potholes on the Machakos-Kitui Road; and,

(b) if the amount includes recarpeting and repair of the shoulders.

The Assistant Minister for Roads and Public Works (Eng. Rotich): Mr. Speaker, Sir, I beg to reply.

(a) My Ministry intends to use Kshs4 million for routine maintenance of Machakos-Kitui Road - C97.

(b) The above routine maintenance works shall include pothole patching, bush clearing, spot improvements on shoulders, and clearing of drainage.

Mr. Ndilinge: Thank you, Mr. Speaker, Sir. Now that the Assistant Minister has confirmed that his Ministry is going to use about Kshs4 million on Machakos-Kitui Road, can he also tell the House whether he has set aside some money for recarpeting of the same road?

Eng. Rotich: Mr. Speaker, Sir, we have not set aside money during this financial year for recarpeting, but for pothole patching.

Col. Kiluta: Mr. Speaker, Sir, while I thank the Assistant Minister for considering to repair the road, which is in a terrible situation at the moment, can he tell us how soon he intends to start this work because it is in urgent need of repair?

Eng. Rotich: Mr. Speaker, Sir, we intend to start in August, 2000.

Mr. Angwenyi: Mr. Speaker, Sir, we know that to reseal one kilometre of the road takes Kshs5 million. How many kilometres will the Kshs4 million do?

Eng. Rotich: Mr. Speaker, Sir, I did not say "reseal", but routine maintenance. The scope of work is pothole patching, bush clearing and spot improvement. I did not say resealing.

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. The Assistant Minister is misleading this House. The Question was to include recarpeting, and he said it would be done. Recarpeting means resealing. Why is the Assistant Minister misleading the House by saying that Kshs4 million will be enough to repair the road, which is about 100 kilometres, when it cannot be sufficient for even half a kilometre?

Eng. Rotich: Mr. Speaker, Sir, we are not recarpeting or resealing the road.

Mr. Ndilinge: Thank you, Mr. Speaker, Sir. This is a very serious Question because we all know that potholes on this particular road and others are causing accidents. Is the Assistant Minister aware that several accidents have already occurred between Machakos and Kitui due to those potholes?

Eng. Rotich: Mr. Speaker, Sir, I am aware. That is why we are doing this job. I have said we are doing pothole patching and spot improvement.

Mr. Speaker: Very well. For the second time, Mr. Shitanda's Question!

Question No.425
COMPLETION OF MATETE
DIVISIONAL HEADQUARTERS

Mr. Speaker: Is Mr. Shitanda not here? The Question is dropped.

(Question dropped)

Mr. Speaker: For the second time, Mr. Kiunjuri.

Question No.082
DEPARTMENT OF DEFENCE PAYMENTS
TO NANYUKI MUNICIPALITY

Mr. Kiunjuri asked the Minister of State, Office of the President, when the Department of Defence (DOD) will pay Nanyuki Municipal Council the outstanding bill of Kshs20 million for services provided to the Department in order to enable the council meet its obligations.

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Speaker, Sir, I apologise, hon. Sunkuli who was supposed to answer this Question has gone to attend a meeting in Nanyuki. I would, on his behalf, beg to reply.

The DOD does not owe the Nanyuki Municipal Council Kshs20 million as alleged. The council has always been paid water bills as and when they have been received by the DOD. By 31st October, 1999, the DOD had paid the Municipal Council Kshs12 million for the services rendered. The only water bill the DOD has not honoured is for Kshs1.4 million, and the same is being processed and will be paid as soon as possible.

Mr. Ojode: On a point of order, Mr. Speaker, Sir. Are you satisfied that the Assistant Minister is telling the truth to the House? This Question came when he was in the House and he, himself sought to be excused because "hon. Baba Dennis", was not around. Now he is saying that he has gone to Nanyuki; that means he did not know that the Minister had gone to Nanyuki.

(Laughter)

Mr. Murungi: On a point of order, Mr. Speaker, Sir. I think every Member of Parliament in this House has a proper name by which he should be addressed. Could the hon. Member tell us who this "Baba Dennis" he is talking about is?

(Applause)

Mr. Speaker: Order! Order! I suppose that most, if not all, hon. Members are "baba and mama somebody". But that is not how we address each other in this House. We address each other as hon. Members; the hon. So-and-so, the hon. Ojode or the hon. Member for Ndhiwa. So, can we, please--

Mr. Wamunyinyi: Can he tell us who this Baba Dennis is?

Mr. Speaker: Order! Order! Can we, please, respect each other and the House?

Mr. Muihia: Mr. Speaker, Sir, do we have such an hon. Member of Parliament in this House; the one hon. Ojode is addressing?

Mr. Speaker: Order! Order! Mr. Muihia, you are reviving what I have put to rest, and it will not be revived.

Hon. Members: Shame! Shame!

Mr. Kiunjuri: Mr. Speaker, Sir, I would wish to support hon. Ojode that we are not being told the truth. Hon. Sunkuli, *alias* Baba Dennis, was here yesterday evening and now, we are being cheated that he is in a meeting.

Mr. Speaker: Order, Mr. Kiunjuri! We do not use those words in the House.

Mr. Kiunjuri: Mr. Speaker, Sir, the answer I have is not the same as the one the Assistant Minister has read. The last paragraph reads: "...as soon as possible", and the one I have here reads: "... as funds become available". Those are two different answers. Can we trust these answers?

Mr. Speaker: Order! Order! Can I be fair to all of you and remove all these by postponing this Question? Will he be available, Mr. Samoei?

Mr. Samoei: Mr. Speaker, Sir, to the best of my knowledge, this Question is answered.

Hon. Members: No! No!

Mr. Ojode: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Mr. Ojode! Mr. Kiunjuri is the one with facts; can we give him a chance to ask his first question?

Mr. Ojode: But the answers are different, Mr. Speaker, Sir---

Mr. Speaker: Order! Order, hon. Members! How do you know? To the best of my knowledge, you have been sitting there; you have not gone to talk to Mr. Kiunjuri. Why do we not hear him first?

Mr. Kiunjuri: Mr. Speaker, Sir, this answer is not convincing! However, the Kenya Army has not been paying Nanyuki Municipal Council the money owed, while they have money to pay their salaries. Would I be in order to request that the Minister explains to this House why Nanyuki Municipal Council should not disconnect water supply to the Kenya Army until funds are available?

Mr. Samoei: Mr. Speaker, Sir, since water is always available, it would not be fair for Nanyuki Municipal Council to disconnect it. The Department of Defence has not refused to pay the Nanyuki Municipal Council, and I have said that the outstanding money, Kshs1.4 million, will be paid.

Mr. P.K. Mwangi: Mr. Speaker, Sir, the Assistant Minister has just said that water is very essential to the Kenya Army, but he should note that funds are also very essential to Nanyuki Municipal Council! Mr. Assistant Minister, could you undertake to pay this amount of money to Nanyuki Municipal Council?

Mr. Speaker: Address the Speaker!

Mr. P.K. Mwangi: Mr. Speaker, Sir, could the Assistant Minister undertake to pay Nanyuki Municipal Council the money owed because this House has already allocated money for use by the Kenya Army? Where is the money?

Mr. Samoei: Mr. Speaker, Sir, I think I have already stated that we will pay.

Mr. Muchiri: Mr. Speaker, Sir, could the Assistant Minister tell this House whether they would have paid this money by next Monday morning?

Mr. Samoei: Mr. Speaker, Sir, I cannot give that undertaking, but as I have already said, the DOD will pay this money in the next 60 days.

Dr. Ochuodho: Mr. Speaker, Sir, the Department of Defence is one of the best endowed departments of the Government in terms of Budget allocations, including the recent salary increments. Why can the Assistant Minister not tell the House why they have been late in paying this little money here? What caused the delay?

Mr. Samoei: Mr. Speaker, Sir, money is allocated to the DOD for specific responsibilities. Unfortunately, money meant for services such as this one ran out in the last financial year, and as I have said, we have made a provision in this financial year.

Mr. Kiunjuri: Mr. Speaker, Sir, I believe the DOD has money but it does not want to pay Nanyuki Municipal Council. However, now that those men in uniform have a lot of machines lying idle and we have no roads in Nanyuki Municipality Council, could the Assistant Minister consider ordering his men to go and construct some roads in Laikipia District worth Kshs1.4 million, to serve as payment of that money?

Mr. Samoei: Mr. Speaker, Sir, that is an issue that we can consider on other grounds. The DOD does not engage in the grading of roads on commercial basis, but they can do that on humanitarian grounds.

Mr. Speaker: Question No.475 for the second time. Mr. Otieno-Kajwang'!

Question No.475

REHABILITATION OF ROADS IN SUBA DISTRICT

Dr. Ochuodho: Mr. Speaker, Sir, for reasons already explained to the Chair, can I request that this Question be deferred to tomorrow?

Mr. Speaker: Very well, the Question is deferred!

(Question deferred)

Mr. Speaker: For the second time, Mr. Njehu Gatabaki's Question!

Question No.435

SALE OF STATE CORPORATIONS

Mr. Gatabaki asked the Minister for Finance:-

- (a) how many State corporations had been sold as at 31st December, 1999, and how many are prioritised to be sold;
- (b) how much revenue the Government has realised; and,
- (c) how the proceeds from these sales were utilized.

The Assistant Minister for Finance (Mr. Lomada): Mr. Speaker, Sir, I am sorry to say that I have not received the answer but I am getting in touch with the office to see if there is an answer.

Mr. Speaker: What is your reaction, Mr. Gatabaki?

Mr. Gatabaki: Mr. Speaker, Sir, I did not hear what the hon. Assistant Minister said. Could he repeat what he said?

Mr. Speaker: Mr. Lomada, what did you say?

The Assistant Minister for Finance (Mr. Lomada): Mr. Speaker, Sir, I am saying that the answer is not ready and, therefore, I ask that the Question be deferred until tomorrow.

Mr. Speaker: What is your reaction now, Mr. Gatabaki?

Mr. Gatabaki: Mr. Speaker, Sir, I have the reply to the Question. I am seeking the indulgence of the Chair. Again and again, we have repeated that there are two Governments; one is run by Biwott, and the other one by Dr. Leakey. Where does this Assistant Minister fall? We must be serious! This Government must be sleeping!

Mr. Speaker: Order, Mr. Gatabaki!

Mr. Ojode: On a point of order, Mr. Speaker, Sir. You have heard hon. Gatabaki say that there are two governments in Kenya, one run by hon. Biwott and the other one by Dr. Leakey. Could he substantiate how and yet we only know of President Moi, and Raila waiting? Yes!

(Laughter)

Mr. Gatabaki: Mr. Speaker, Sir, that is for Mr. Biwott!

The Assistant Minister for Finance (Mr. Lomada): Mr. Speaker, Sir, I deny categorically, the allegation by the hon. Member that there are two governments in this country. There is only one Government!

Mr. Muihia: On a point of order, Mr. Speaker, Sir. Earlier on, we heard from the Assistant Minister that the answer to the Question is not yet ready, and we have also heard hon. Gatabaki say that he has an answer. Could the Assistant Minister desist from answering that Question because he does not know where he belongs?

The Assistant Minister for Finance (Mr. Lomada): Mr. Speaker, Sir, I saw the answer, but I was not satisfied with its contents. Therefore, I have requested that the Question be deferred until tomorrow.

(Loud consultations)

Mr. Speaker: Order, all of you! Order!

Mr. N. Nyagah: Mr. Speaker, Sir, here is a question of integrity. The Assistant Minister, purporting to answer the Question, said that the answer was not ready. That was the initial statement that he gave. He then said that--

An hon. Member: He is not the one who asked the Question!

Mr. Speaker: Order, all of you! Mr. Nyagah is addressing me!

Mr. N. Nyagah: Mr. Speaker, Sir, his second request to the Chair was that the Question be deferred because that answer was not available. Did the Assistant Minister go through his office to find out whether this answer was available or not? What answer is he now saying he is not satisfied with? Which is which?

The Assistant Minister for Finance (Mr. Lomada): Mr. Speaker, Sir, I do not know how hon. Nyagah would like to interpret my explanation to this House. I have said that the answer is not satisfactory and, therefore, I have asked for more time to answer this Question tomorrow!

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. Since the invasion of KANU by NDP, our Ministers have been immobilised. Shall we not be receiving answers from the "NDP government"?

(Laughter)

Mr. Ojode: On a point of order, Mr. Speaker, Sir. Is it in order for Mr. Angwenyi to involve NDP in a weakness which they, themselves, have? You will agree with me that Mr. Angwenyi was dismissed as an Assistant

Minister and that is why he is so much on NDP, thinking that NDP will take over the Government. But, in any case, we will---

Mr. Speaker: Order! I do not know whether hon. Members think this is good for the House when they keeping on going at each other. Let us respect one another---

An hon. Member: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! I am not responsible for promotions or dismissals. Neither do I keep a register of those dismissed or retained. I learn like every one of you. So, can, we on that strength, now proceed? Mr. Gatabaki, you see the fate of your Question? I think, in all honesty, the best I can do for your Question is to defer it to tomorrow. Is that so?

Mr. Gatabaki: Mr. Speaker, Sir, I agree with you, but, really, we have seen total lack of co-ordination in this Government. With all due respect, could you put it to His Excellency the President that his Government has "died" and it has been proven in this House?

Mr. Speaker: Very well. The Question is deferred.

(Question deferred)

Mr. Speaker: For the second time, the Question by Wamunyinyi.

Question No.460

TELEPHONE EXCHANGE FOR DOROFU SHOPPING CENTRE

Mr. Wamunyinyi asked the Minister for Information, Transport and Communications when a telephone exchange will be installed at Dorofu Shopping Centre in Kanduyi Division.

The Assistant Minister for Information, Transport and Communications (Mr. Keah): Mr. Speaker, Sir, I am sorry, I was not here when the Question was first asked. I was caught up in a traffic jam. I am aware that hon. Wamunyinyi has not got the written reply. It is on its way because we were making some corrections on it. However, I beg to reply.

Presently, there are no plans to install---

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir. The Assistant Minister in charge of information, transport and communications is saying that he came late because he was caught up in a traffic jam. Are you satisfied that, that is a good reason for him to come late?

Mr. Speaker: Order! I am not satisfied, whether from the Assistant Minister for Information, Transport and Communications or any other Minister. That is not good enough a reason for any hon. Member or Minister not to attend the House because I, too, am not exempt from traffic jams.

The Assistant Minister for Information, Transport and Communications (Mr. Keah): Mr. Speaker, Sir, that has been heard loud and clear. Let me proceed to answer the Question.

Presently, there are no plans to install a telephone exchange at Dorofu Shopping Centre. Several surveys, since 1991, have been carried out, the last one having been carried out in 1999, and it shows that there are only 30 consumers on the waiting list. In order to enable us to install a telephone exchange, we require a minimum of 70 consumers and until we have that capacity, it is not intended that Telkom Kenya installs a telephone exchange because it will not be economically viable.

Mr. Wamunyinyi: Mr. Speaker, Sir, I am surprised by the answer given by the Assistant Minister. I have personally helped officers from Telkom Kenya to identify over 100 consumers in that particular area. Therefore, for the Assistant Minister to tell this House there are not enough consumers to enable them install a telephone exchange in that area is misleading. Now that he is aware that there are more than 100 consumers in that area, could he order his officers to install a telephone exchange in that centre? Residents in Dorofu area go to Kakamega Town or Bungoma Town to make telephone calls. This costs them over Kshs100. Now that the Assistant Minister is aware that there are more than 100 consumers, could he order his officers to install a telephone exchange at Dorofu?

Mr. Keah: Mr. Speaker, Sir, ordering is out of the question. But I have taken note of the fact that he alleges there are over 100 consumers. I want to assure this House that if he could give me the list of 100 consumers, I will then liaise with Telkom Kenya, to see what can be done. Otherwise, the information I have from Telkom Kenya is that the survey carried out as at the end of 1999 shows there were only 30 consumers. I wish to give this undertaking, that if he can give me that list of 100 consumers, I will appropriately liaise with Telkom Kenya for the services to be made available.

Mr. Mwenje: Mr. Speaker, Sir, since it is now clear that Telkom Kenya is not able to provide the services that the people of this country require, and taking into consideration that recently, we passed a Bill in this House on liberalisation of telephone services in this country, could he tell us how many other companies have been licensed to provided these services?

Mr. Keah: Mr. Speaker, Sir, I disagree with that wholesome condemnation that Telkom Kenya has failed or cannot provide services to Kenyans. It is only where it is not economically viable that Telkom Kenya does not provide services. So, let us get that clear. On the question of how many companies have been licensed, the Communications Commission of Kenya (CCK) is in the process of reviewing these. At the moment, there are six companies that have been licensed.

Dr. Ochuodho: Mr. Speaker, Sir, in Nairobi, there are 100,000 applicants for Telekom services, and here it is economically viable. So, the Assistant Minister was misleading the House. In view of the earlier answer to hon. Wamunyinyi, by considering economic viability, is the Government, therefore, renegeing in its promise that the new Regional Telecom Operators (RTO), by the year 2005, will be giving at least two telephone booths in every sub-location? Here we are talking of a division. Is the Government renegeing on that? If not, could he tell us when the RTO will start providing telephone services in rural areas, including Dorofu Shopping Centre?

Mr. Keah: Mr. Speaker, Sir, the Government will not renege on any of its promises, unless there are changing circumstances. The promise to make the telephone services available at that level by the year 2005 still remains, and unless the circumstances drastically change, we intend to live to that promise.

Mr. Wamunyinyi: Mr. Speaker, Sir, could the Assistant Minister confirm to the House that if I give him a list of 100 consumers, he will make sure a telephone exchange is installed at Dorofu?

Mr. Speaker: He said so. Mr. Angwenyi's Question, for the second time.

Question No.252

REHABILITATION OF KIARENI WATER PROJECT

Mr. Angwenyi asked the Minister for Water Development:-

- (a) if he is aware that Kiareni Water Project stalled many years back;
- (b) whether he is further aware that clean water has increasingly become a scarce resource in Kitutu Chache; and,
- (c) what immediate steps he will take to rehabilitate the Kiareni Water Project, and how much money has been allocated to the project during the current financial year.

Mr. Speaker: Is there anyone from the Ministry of Water Development? Mr. Angwenyi, I am afraid I have to defer your Question.

Mr. Angwenyi: Mr. Speaker, Sir, I want the whole Republic of Kenya to know that this is the result of having a suspected criminal continuing to hold an office in a Government---

Mr. Speaker: Order, Mr. Angwenyi!

Mr. Mwenje: On a point of order, Mr. Speaker, Sir. I think I agree with hon. Angwenyi. Is it in order for the Minister who we already know is a very bad Minister, and is supposed to appear in court; and has been flying the flag despite being taken to court; to now defy attending Parliament to answer Questions? Could he resign today, wherever he is?

Mr. Ojode: On a point of order, Mr. Speaker, Sir. We need your guidance. Since when did hon. Angwenyi become a judge to know that the hon. Minister for Water Development is a criminal? He is a suspect and not a criminal.

Mr. Wanjala: What is your co-operation about?

Mr. Speaker: Order, hon. Members! I think hon. Members can see clearly that we are developing a very dangerous trend; verbally assaulting each other in the House. It is not good for the House, the Members themselves and the country. Let us keep some decorum; let us have some respect. But that does not mean, of course, that I am condoning the absence of either Ministers or hon. Members of the House to attend to its business. I am on record, hundreds of times, saying that I do not.

Mr. Mwenje, I did say this morning that I want everybody to come to the House to answer Questions. So, I share your sentiments. Everybody must come to answer Questions put by hon. Members. In the same breath, every hon. Member who has a Question on the Order Paper must also come and ask it. I hope that we will all take that seriously. We have finished with that.

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Mr. Angwenyi, I have deferred your Question.

Mr. Wamunyinyi: Mr. Speaker, Sir, I wish to seek your guidance over this matter. In normal circumstances, when a civil servant is taken to court for criminal charges, he is interdicted or suspended.

Hon. Members: Wacha hiyo!

Mr. Wamunyinyi: Mr. Speaker, Sir, in this case, the Minister is not interdicted or suspended. Could you give a ruling over this matter in this House?

Mr. Speaker: Order! Order! I think you are asking me to do things that I am not empowered to do. My business is to preside over the business of this House. What you are asking me to do is outside my jurisdiction.

Hon. Members: You are right!

Mr. Speaker: Order! The only thing that I like about being a Speaker is that I am not in a position ever to fire anybody. So, I would like it to stay that way.

Mr. Magara: On a point of order, Mr. Speaker, Sir. Indeed, you are talking about decorum; we should just behave in a manner that shows that we are hon. Members. I am requesting the Chair to get time and, sit down with the Leader of Government and advise the President to assist us in rooting out these people who are thieves and are in courts.

(Applause)

Mr. Speaker: Again, Mr. Magara, you are taking us back to what I have said. Please, understand this; you are a lawyer. To accuse is another thing, while to prove is a totally different issue, but beyond that, and above it, is the question of this House. Please, let us keep this House a place of honour. Let us keep it a place of integrity. That is all I am asking on your behalf. **Dr. Ochuodho:** On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, now! We must leave this issue.

Mr. Wanjala: On a point of order, Mr. Speaker, Sir. I agree with you that this is a House of hon. Members. In 1992, when hon. Biwott was adversely mentioned in the late Dr. Ouko's murder and arrested, he was sacked. The late Oyugi was also sacked when he was arrested, and the same case applied to Mr. Anguka. Recently, when hon. Twaha brought into this country sugar and evaded paying tax and was taken to court, he was sacked. Again, recently, when Mr. Kimalat was taken to court, he was sacked. This is a House of hon. Members. I am embarrassed when I go out there on the streets to be called an hon. Member of Parliament, when I am sitting with criminals in the House! Why should you be called an hon. Member when you are appearing in court?

(Applause)

Mr. Speaker: Order! Order! Mr. Wanjala, please, show me the Standing Order that allows me to sack you from this House, or any other person, if he is charged. So, please, do not ask me to do the impossible. If it is something within the Standing Orders, ask me; anything out of the Standing Orders, do not ask me.

Let us move on to the next Question.

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: I am sorry, there is no more point of order! I defer your Question to tomorrow.

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

AIRFORCE JETS TRAINING MANOEUVRES OVER RESIDENTIAL AREAS

Eng. Toro: Mr. Speaker, Sir, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

(a) Is the Minister aware that on 12th July, 2000 at about 4.00 p.m. a Kenya Airforce jet flying at supersonic speed flew over Kandara Town, thereby causing a scare to Kandara residents and even prompted Mrs. Wangari Kamau to give birth prematurely?

(b) Could the Minister assure the House that such airforce training manoeuvres will be carried out in non-residential areas?

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that one Mrs. Wangari Kamau gave birth prematurely as a result of a Kenya Airforce jet

flying over Kandara Town.

(b) We will take precautions in future so that such training does not take place over residential areas.

Eng. Toro: Mr. Speaker, Sir, the Assistant Minister has not even answered part "a" of the Question, which asked whether he is aware that, that jet flew over Kandara Township. When this Kenya Airforce jet flew over Kandara Town, which is densely populated, it caused a very big scare. When this jet flew over the town, this woman, who was watering cabbages along the river, fell down and was unconscious. When she was taken home, she started experiencing premature labour pains and she was taken to Thika where she delivered a premature baby who, fortunately, survived. I would like to inform this House that many people were scared and they fell down. The Assistant Minister has not said that he is aware that, that jet flew over Kandara Town. He has not answered that Question.

Mr. Samoei: Mr. Speaker, Sir, I did say that I was not aware of that incident, but I did say that if, indeed, it did happen, it will not happen again.

Mr. Muite: Mr. Speaker, Sir, could we have your assistance in getting Ministers to effectively answer Questions in this House? This is because the hon. Member for Kandara Constituency, surely, submitted a written Question which was taken to the Ministry. Is the Assistant Minister not really misleading the House? When he got the written Question, why did he not carry out investigations to come to this House and effectively answer the Question? Is the Chair satisfied that after the written Question is submitted, it is enough for the Assistant Minister to come to this House and say that he is not aware? He was made aware when the Question was sent to his office.

Mr. Samoei: Mr. Speaker, Sir, my investigations, indeed, did not reveal that any of our aircraft overflew Kandara Town. But I have said that it is not normal practice for the Department of Defence to overfly towns and such areas which are populated. I have undertaken that it will not happen.

Mr. Muchiri: Mr. Speaker, Sir, now that the Assistant Minister has been told that, that is what happened, what action will he take?

Mr. Samoei: Mr. Speaker, Sir, as I have said, there is nothing I can do for now, but I have made a pledge to this House that it is not the practice of the Department of Defence to overfly areas that are populated. We shall not do it now and in future.

Mr. Wamalwa: Mr. Speaker, Sir, if Eng. Toro can adduce evidence to show that the premature delivery by this lady in question was directly caused by the overflying of this Airforce jet, would the Ministry consider paying her some kind of damages for the suffering she went through?

Mr. Samoei: Mr. Speaker, Sir, unfortunately, the Department of Defence does not have such a provision.

Mr. Speaker: Ask the last question Eng. Toro.

Eng. Toro: Mr. Speaker, Sir, in this Question, I have given specific date and time when the Kenya Air Force jet overflew Kandara Town. However, the Assistant Minister has said that he is not aware the said jet overflew Kandara Town. Is he telling this House that I am a liar, or that he cannot find out from the Kenya Air Force personnel whether, indeed, that jet overflew Kandara Town? Kenya Air Force air craft do not fly in cognito. The Kenya Air Force has a logo, which indicates the particular jet that overflew a particular area on a particular day and time. The Assistant Ministry is now saying that he does not know that, that particular jet overflew Kandara Town on that day. So, what is the correct position?

Mr. Samoei: Mr. Speaker, Sir, on that particular day, there were Kenya Air Force jets on routine exercise. Normally, such exercises take place between Moi Air Base and Nanyuki Town. I have said that I do not have specific information to the effect that the said jet overflew Kandara Town. More importantly, I have said that it is not common practice for military jets to overfly populated areas; that will never happen.

Mr. Speaker: Very well; let us proceed to Mr. Katuku's Question.

UNINTERRUPTED POWER SUPPLY TO
MACHAKOS GENERAL HOSPITAL

Mr. Katuku: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Energy the following Question by Private Notice.

(a) Could the Minister explain why Machakos District General Hospital has not been exempted from the on-going power rationing?

(b) Is he aware that the hospital is unable to cope with patients, consequently resulting in several deaths while others are turned away unattended?

(c) Could the Minister, as a matter of urgency, consider supplying Machakos General Hospital with power on a 24-hour basis?

The Minister for Energy (Mr. F.P. Lotodo): Mr. Speaker, Sir, I beg to reply.

(a) No district hospital has been exempted from the on-going power rationing. Only Provincial hospitals have been exempted from power rationing. Machakos District Hospital is not one of these hospitals.

(b) I am not aware that the hospital is unable to cope with patients, consequently resulting in several deaths while others are turned away unattended.

(c) I cannot consider supplying Machakos District Hospital with power on a 24-hour basis. However, through the Ministry of Health, the hospital may purchase a generator.

Mr. Katuku: Mr. Speaker, Sir, you have heard the Minister say, in reply, that Machakos District Hospital is not exempted from the on-going power rationing. The fact of the matter is that several children have died at that hospital due to lack of power. Several other patients have died at the same hospital for the same reason. The situation there is very serious. In his reply, the Minister went further and said that if the hospital wishes, may buy a generator. Is he not the Minister concerned with power supply? Why can he not give that hospital a generator if he cannot supply it with power?

Mr. F.P. Lotodo: Mr. Speaker, Sir, I do not have a generator to give to Machakos District Hospital. However, the hospital has a generator that is out of order. The hospital's management can use proceeds from the cost-sharing programme to repair that generator, so it can continue supplying electricity.

Mr. Ndilinge: Mr. Speaker, Sir, you have heard the Minister tell this House that the said hospital is not a provincial hospital. We know very well that Machakos Hospital is a provincial hospital.

An hon. Member: For which province is it?

Mr. Ndilinge: Mr. Speaker, Sir, now that the Minister is aware that Machakos Hospital is a provincial hospital, and given that provincial hospitals are supposed to be exempted from the on-going power rationing, could he restore power supply to that hospital?

Mr. F.P. Lotodo: Mr. Speaker, Sir, what I know is that the provincial hospital for Eastern Province is in Embu Town, and not in Machakos Town. If the provincial hospital for that province was in Machakos Town some years ago, that is no longer the case today.

Mr. N. Nyagah: Mr. Speaker, Sir, I would just like to understand the rationale of cutting power from district hospitals. Why would the Ministry only cater for provincial hospitals, yet both district and provincial hospitals treat patients? Could the Minister consider, at least, buying generators for district hospitals, if I am not asking for too much?

Mr. F.P. Lotodo: Mr. Speaker, Sir, the hon. Member is asking for too much from me. One, I do not have the money with which to buy generators now. Two, it is not only Machakos District Hospital that is experiencing this problem. Kapenguria District Hospital, where I come from, is experiencing a similar problem. Similarly, Kitui and Mwingi District Hospitals do not get power. The power supply to all those hospitals is controlled from Masinga. Once power on that line is put off, Kitui, Mwingi and other towns that are supplied with power through that line remain without electricity. So, this is a problem that is being experienced all over the country, and not just by Machakos District.

Mr. Wambua: Mr. Speaker, Sir, you heard the Minister say that he did not have a generator to give to Machakos District Hospital when asked whether he could provide the hospital with a generator. We are not asking the Minister to provide the hospital with his personal generator. We are asking the Government to provide the hospital with a generator, so that the people of Machakos District can be cared for. Is the Ministry prepared to provide the hospital with a generator or repair the one that is out of order at the hospital? It is as simple as that.

Mr. F.P. Lotodo: Mr. Speaker, Sir, as the hon. Member has put it, it is simpler to repair the generator that is at the hospital than buying a new one. I do not have any money with which to buy a new generator for that hospital. However, the hospital management can repair the generator that is out of order at the hospital using proceeds from the cost-sharing programme.

Mr. Muihia: On a point of order, Mr. Speaker, Sir, I think the Minister is taking this matter very lightly. Is it in order for him to keep on saying that the hospital can repair the generator that is out of order when we know that we are dealing with human lives? As the Minister has said, that problem is not being experienced in Machakos District alone; it is also being experienced by hospitals in Gatundu Division and in other areas. Could the Minister take this matter seriously and ensure that all hospitals are supplied with emergency generators?

Mr. Speaker: Mr. Muihia, that is a legitimate question, but not a point of order.

Mr. Muchiri: Mr. Speaker, Sir, the Ministry has the habit of cutting off power from Nairobi estates and restoring it at 12.00 midnight. Really, at 12.00 midnight everybody in the estates is asleep. Could the Minister change the timings of rationing such that power supply can be restored to residential estates by 6.00 p.m., to enable Nairobi residents to have electricity in their houses?

Mr. F.P. Lotodo: Mr. Speaker, Sir, I have changed the timings of power rationing for Nairobi four times. I

am not going to change those times for the fifth time.

Mr. Speaker: Could you ask your final question Mr. Katuku?

Mr. Katuku: Mr. Speaker, Sir, the issue at hand is very serious. The same district hospital is experiencing a serious water shortage problem. We know very well that a water project, Nouturesh, whose water source is Mount Kilimanjaro, is supposed to benefit Machakos District Hospital, but it is not doing that, because that water has been diverted to other areas. Here is a similar case where electricity that is meant for that hospital is not reaching it simply because if power on the only electricity line that serves that area is put on to cater for the hospital, Machakos Town will also benefit. Could the Minister look for a way of having electricity being supplied direct to Machakos District Hospital without necessarily having power going to the residential areas of the district? If not so, could he switch power off the entire line that serves that area? I have been told that some people who grow flowers along Athi River are getting power. How come Machakos District is not getting power?

Mr. F.P. Lotodo: Mr. Speaker, Sir, power supply to the electricity line being referred to by the hon. Member is controlled from Nairobi. Once power on that line is switched off from Nairobi, the whole of Machakos Town is engulfed in darkness. So, I am not aware of other people who get power within Machakos District. That is not true.

Mrs. Ngilu: Mr. Speaker, Sir, when all those hospitals do not have power, although all patients suffer, women suffer most, especially those who have to go through some form of operation such as a caesarean operation. So, could the Minister consider providing every district hospital with electricity, countrywide? Essentially, most district hospitals are used as referral hospitals for whole districts.

Mr. F.P. Lotodo: Mr. Speaker, Sir, that is impossible now. It is only possible if this House will give the Ministry more funds so that we have separate lines for universities and other public institutions like hospitals. I am a contractor, and my business is only putting up the lines, if I have the money. If I do not have the money, there is very little I can do.

Mrs. Ngilu: Mr. Speaker, Sir, I am just talking about the hospitals; about so many women who have lost lives in hospitals. The most affected is the woman, and I am asking whether we should not rather do without power in this House and give it to the district hospitals.

Mr. F.P. Lotodo: Mr. Speaker, Sir, money has to be used for the purpose the hon. Gracious Lady is talking about. I need cash, and if you give it to me, and I will do the job. Give me the money now, and I will do the job the following day.

Mr. Wamalwa: Mr. Speaker, Sir, by implication, the Minister said that they have given power to the universities. What criterion did he use in giving power to the universities, and not hospitals where lives are in danger? Is it because the Government is afraid of students rioting?

Mr. F.P. Lotodo: Mr. Speaker, Sir, I did not say that. I do not know why he is putting into my mouth things that I have never said. I said that even public universities do not want power to be rationed. That is we had to move nine generators which were lying idle in the Nairobi Prison, which were imported several years ago, and install them in every public university. They have not become operational, but they will do so in the next three to four weeks.

RESETTLEMENT OF SQUATTERS AT SIRMON

Mr. Mwiraria: Mr. Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice.

(a) Is the Minister aware that the District Commissioner, Meru Central, is making arrangements to resettle squatters who have been living in Mt. Kenya Forest since 1986, in the recently degazetted forest land at Sirmon?

(b) Is he further aware that the squatters are being charged Kshs5,500 each as a pre-condition for resettlement even though many of them cannot afford this payment?

(c) Could the Minister inform the House the proposed use of the levy, and the reasons why 119 squatters have been refused registration.

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the DC, Meru Central, is making arrangements to resettle squatters who have been living in Mt. Kenya Forest since 1986 in the recently degazetted forest land at Sirmon.

(b) I am aware that the squatters have been charged Kshs5,500 each as a pre-condition for settlement by the DC.

(c) I am also aware of the proposed use of the levy that had been collected to facilitate survey. The selection of the squatters is yet to be finalised. The issue, therefore, of being refused registration does not arise.

Mr. Mwiraria: Mr. Speaker, Sir, let me thank the hon. Minister for his answer and tell him that the problem we are dealing with here is much more sensitive than, perhaps, he is aware. The squatters had paid earlier Kshs1,000

each for survey works. In addition, they are now paying Kshs5,500, and they are doing that when the Ministry has a survey team in Meru Town, who are sitting idle. Has the Ministry abdicated its responsibility for doing survey work for Kenyan citizens? This is a Government project, and what justification does the Minister give for charging people Kshs6,500 for survey work?

Mr. J. Nyagah: Mr. Speaker, Sir, when requested, the projects of that nature do sometimes use services of private surveyors. In that particular case, the people of the area requested that in order to speed up the process, and because the Survey of Kenya has shortage of manpower would lead to delays, they preferred that faster system of using the private surveyor who would ensure that work was completed at a much faster rate, and that was why this system had been used.

Mr. Kiunjuri: Mr. Speaker, Sir, the people who are affected are poor, and that is why they are squatters. Secondly, since there is drought in the country, and those people do not have money to buy food for consumption. Could the Minister consider, at least, settling the squatters back and then entering into a contract with them on how to pay in the future?

Mr. J. Nyagah: Mr. Speaker, Sir, we have even been accepting partial payments because we recognise the problem the hon. Member has raised, and, therefore, members of the public have been paying in instalments in order to help them get to the Kshs5,500 mark.

Mr. Murungi: Mr. Speaker, Sir, we have reliable information that the Kshs5,500 being paid out is not all being used for survey fees. As a matter of fact, an additional sum of Kshs1,000 is being asked for, which goes into pockets of the DC. The DC is the Idi Amin of Meru; the most corrupt DC that the Government has posted to Meru over the years, and in addition to that, he is charging Kshs4,000 for every Land Control Board consent which he is personally giving, and he is not allowing the DOs to be involved in that process. The DC is also sending the GOK vehicles for minor repairs all the way to Nakuru where a friend's garage is repairing those vehicles. We would like the Minister to investigate, because those allegations are rife, and find out if, as a matter of fact, that DC is taking this money corruptly, and then, he should be sacked, or retired in public interest and taken to court. So, could he promise to investigate whether the Kshs5,500 and the extra Kshs1,000 which the DC is asking for is not actually going into his own pockets?

Mr. J. Nyagah: Mr. Speaker, Sir, we do confirm that Kshs5,500 is being collected, and a Government receipt is being issued. We are not aware of an additional charge of the Kshs1,000 that the hon. Member is talking about. We will double-check, but at the moment, we are not aware, and we do not believe that a DC could be doing such a thing. It is impossible.

Mr. Mwiraria: Mr. Speaker, Sir, there is a part of the Question that the Minister did not reply to. What has happened is that there are 119 squatters, as I mentioned in my Question, who have gone to the DO's office to pay the Kshs5,500 so that they are accepted as squatters who will be resettled. Their Kshs5,500 have been refused. Now, for the Minister to say that the question of being refused registration does not arise, is not fair. The issue here is that there are other people who do not live in the forest, and are not squatters, and they are paying between Kshs30,000 to Kshs60,000 and they are also being allowed to pay the service fee so that they are registered for resettlement. Does the Minister consider that to be a fair thing to be happening to our citizens?

Mr. J. Nyagah: Mr. Speaker, Sir, I find it very difficult to believe that such a thing is happening in Kenya. I was advised that the 119 people the hon. Member is talking about are his constituents whom he brought from other areas of his constituency and that they are not squatters from the forest. I will be very happy to look at that particular issue of the 119 people in order to ensure that we look after them. If, indeed, he is correct, I will look into it.

Mr. Mwiraria: I did not quite get the Minister. Is he alleging that he was told by the DC that the 119 people who were refused registration are not squatters and that they are people I personally took to him to register?

Mr. J. Nyagah: Mr. Speaker, Sir, the answer is "yes." According to the information I have, local leaders including the Member of Parliament have been involved in the selection of those people. The 119 people are from the rest of his constituency and he was trying to get them into the settlement scheme. Due to the contradiction in the information I have and the one he has, I have undertaken to go and look at the situation again. I will send my people to review the issue and, if necessary, make appropriate correction.

Mr. Mwiraria: Mr. Speaker, Sir, I have copies of letters which these squatters have addressed to the Head of the Public Service with copies to the hon. Minister. I am ready to table my copies here and provide enough copies to the Minister.

(Mr. Mwiraria laid the documents on the Table)

I do challenge the Minister to come back to this House after he has carried out investigations. In fact, I would

challenge him to send somebody to find out whether each of my 119 constituents actually have land in the forest so that none of them is left out of resettlement because there is discrimination going on and a lot of corruptions taking place.

Mr. Speaker: Very well. We have to finish now and go to the debate. Mr. Minister do you have anything to say?

Mr. J. Nyagah: Mr. Speaker, Sir, I have nothing additional to add except to say that I will go to double check, investigate and come back with the information.

Mr. Mwenje: Mr. Speaker, Sir, while we are still on the subject of squatters, yesterday the Nairobi Provincial Commissioner said that the squatters in Nairobi will now be settled where they are. This is an encouraging statement which we have always been asking for and we are quite happy. Can the Minister confirm that this is the Government policy and it will be implemented?

Mr. J. Nyagah: Mr. Speaker, Sir, the KANU Government has been doing that since Independence. We are doing it in Kibera, Pumwani and we will continue to do it wherever possible. So, it is the Government policy. As to whether we can find land for every single squatter, that is a different question, but we are doing it wherever possible, like in the cases of Kibera and Pumwani.

Mr. Speaker: Very well. Next Order!

MOTION

SELECT COMMITTEE FOR REPARATIONS TO POLITICAL PERSECUTION VICTIMS

THAT, noting with grave concern the persecution of political dissenters by the Government between 1965 and 1991 when Kenya was either a *de facto* or a *de jure* one party state; aware that some Kenyans were arrested, harassed and detained without trial, this House, in the spirit of unity and reconciliation, resolves:

- (a) that the Government should unconditionally apologise to all those whose political and human rights were violated during the period and a national honours list be prepared accordingly;
- (b) that compensation be paid out to those arbitrarily arrested, harassed or detained without trial;
- (c) that in the event the person died or has since died, the compensation be paid posthumously to his/her next of kin, estate or *bona vacatia* to the State; and,
- (d) that a Parliamentary Select Committee to determine the identity of the victims and the quantum of compensation to be paid be set up and that the following be Members of the said Committee:

The hon. G.M. Anyona, M.P.
 The hon. P.A. Awiti, M.P.
 The hon. M.A. Galgalo, M.P.
 The hon. Dr. Mukhisa Kituyi, M.P.
 The hon. A.N. Kathangu, M.P.
 The hon. Wanyiri Kihoro, M.P.
 The hon. F.N. Maina, M.P.
 The hon. Kiraitu Murungi, M.P.
 The hon. J.K. Munyao, M.P.
 The hon. Mrs. C.K.M. Ngilu, M.P.
 The hon. Prof. Anyang'-Nyong'o, M.P.
 The hon. Raila Odinga, M.P.
 The hon. G.M. Parpai, M.P.
 The hon. J.K. Sambu, M.P.
 The hon. A.I. Shaaban, M.P.

(Mr. Kihoro on 12.7.2000)

(Resumption of Debate interrupted on 12.7.2000)

Mr. Speaker: Who was on the Floor? Mr. Kihoro!

Mr. Kihoro: Mr. Speaker, Sir, I will continue with the Motion that I was moving last time before the House adjourned. I want to point out at this stage that after reading the list of 109 people who were detained during the period

in question, that is between 1965 and 1991, the detention notices of all those who were detained from 1982 up to 1991 have never been de-gazetted. So, officially, these people remain in detention. It is very important to comply with the law in this country. Had it not been for the law that some many Kenyans have tried to uphold, we would all be in a state of chaos today. All the 109 people, some of them repeated two times and some three times, are former KANU members. All of them were detained when they were KANU members and it is very important we do fairness in this particular matter. We want to be fair to our people.

The humanity of these people was violated irrespective of whether they were KANU members or not. Due to our love for justice, it is important to bring this Motion at this time. I hope that nobody will oppose this Motion whatever instructions they might have. Whether it is passed today or not, I am sure that this Motion will see the light of day, today or in the future and nobody, however, big or small, will stop it. I must say that the law has never been complied with in respect of detainees in this country. From the time the Preservation of Public Security Act was enacted in 1966, the requirement of that law has never been followed. From 1966 up to 1981 officially there was never a state of emergency in this country. The requirement of the law was that anybody can only be detained if there was a state of emergency, but this was never officially declared in this country to warrant anybody being detained.

The ordinary law of the land in this country contained in the Penal Code in respect of criminal conduct has never been applied in respect of detainees. If only that was done; if for instance there was an allegation of treason or sedition, there has always been law to punish that kind of conduct by the Special Branch or the regular police force. I can see hon. Lotodo - a cabinet Minister who has also been a victim at one point sitting there and listening very keenly. The ordinary law of the land in respect of treason and sedition should have been applied and not detention of any particular Kenyan. The compensation that I am asking to be paid is also within the purview of the Preservation of Public Security Act. Section Seven sub-section 2(c) permits payment of compensation in respect of breach of regulation. That is the law of this country. That is what I am asking to be done; for the Government to comply with the law.

Some of these people have been tortured. In my particular situation, I lived in Nyayo House for 24 days in water like an animal without food and clothes. What was done to me is contrary to Section 14 of the Police Act. The police are not empowered to torture anybody in this country, but that was done to me. This is first-hand evidence. Section 74 of the Constitution of Kenya also prohibits torture, but that was also violated. I can again attest in my own respect that I was tortured which is contrary, not only to the Police Act, but also to the Constitution of Kenya. There is a whole arsenal of international law that prohibits detention without trial and that has been violated in this country.

The universal declaration on human rights, article five prohibits torture. Kenya has been a party to that international statute since 1963. That has been violated in respect of detainees or some people who have also found themselves in police custody. Section four of the International Covenant on Civil and Political Rights also prohibits torture. If I may quote that particular section, it states that nobody should be tortured. In Article Four it states:

"In time of public emergency which threatens the life of the nation, the existence of which is officially proclaimed, the states party to the present covenant may take measures derogating from the abrogation under the covenant to the extent strictly required under the exigencies of the situation."

Mr. Speaker, Sir, what I am saying is that, even in respect of Article Four of the International Covenant on Civil and Political Rights, which Kenya became a party to in March, 1976, it has also been violated. There are other international statutes which have also been violated. There is the United Nations Covenant against torture and other cruel inhuman degrading treatment and punishment and Article Five of the African Charter of human and peoples' rights. This country must comply with the national laws and international statutes that relate to political prisoners. People who have been arrested and found themselves in the hands of the Special Branch or the police have been tortured. They have a right to be recognised and paid compensation. This is a country that fought for its Independence for a period of eight years. There are other heroes that I know about. From Waiyaki Wahinga down to Koitalel arap Samoei, Muindi Mbingu and Tume Katilili. The Government has a duty to accept that a violation of the law has taken place. It must respect that law.

Mr. Speaker, Sir, other countries have paid compensation. Zimbabwe paid compensation to its former freedom fighters. It has also paid them a pension. Namibia has also done the same. After the Second World War, the United States of America (USA), after detaining some of its citizens of Japanese origin, who were alleged to have supported the imperial Japanese war machine, recognised and compensated them!

The Assistant Minister for Local Government (Mr. Affey): On a point of order, Mr. Speaker, Sir. The hon. Member has just stated that the Zimbabwe Government paid freedom fighters compensation. Is he in order to mislead the House that the fellows he is claiming were detained by the Government were actually freedom fighters? They were not detainees.

Mr. Kihoro: Mr. Speaker, Sir, if only he can look at the list that I submitted before the House, many of the detained people were his brothers and fathers! He stands here to take some minutes to explain a point that is so

obvious to the rest of the world and also, to this side of the House. What I am saying is that, if you look at the list that I have submitted before this House, it contains names of Kenyans from North-Eastern Province to Coast Province. There is Tsuma Wache Kajiwe and Korokoro from the Coast. There are so many people. In fact, I had the opportunity of showing the list to Mr. Affey before I came here. I showed him his brothers who were detained. He is now the first one to look as if he will oppose! The list contains names of Kenyans, from the Coast up to Kisumu; from Northern Kenya down to Loitokitok. It contains a whole cross-section of Kenyans. It is a national list. The question of fighting for the human rights of Kenyans in this country has been done by all Kenyans. My hope is, and can see the Attorney-General is around, that nobody will oppose this Motion, that will give fairness and honour to the victims. There is some honour in recognising some of us who have worked so hard to bring about the present environment in this country. We even have an Opposition in this country. For the period in question, Kenya was either a *de jure* or a *de facto* one-party State. But now, we have got a multi-party State and recognition has got to be given. I know many of the Mau Mau freedom fighters were forgotten. But this time round, we are determined to make sure that, there will be recognition given to those people.

In my particular situation, I wasted three years because when I was at the university, I protested. The people caught up with me 14 years later. I had to waste fuel.

With those few remarks, I beg to move and request Dr. Kituyi to second.

Dr. Kituyi: Thank you, Mr. Speaker, Sir. First, I wish to congratulate hon. Kihoro for bringing this important Motion before the House, and for the very able way in which he has moved it.

Mr. Speaker, Sir, Kenyans have been frustrated by very many things that we have done over the past one decade. But if there is one thing that has mediated the frustration and the bitterness, it is the detention and imprisonment without trial and, hopefully, the end of the third phase in the history of this country. But the absence of political detainees in the country today, cannot in, itself, be seen as the end of the horror that Kenyans have suffered and, still suffer, due to this primitive exercise of power. There are very many Kenyans today, whose psyche is still very much scarred by the traumatic experiences that they went through. There are very many families which were split because of detention, and the de-humanising politics of the 1970s and, particularly, the late 80s. There are many people who do not understand why their loved ones were detained or even died in police custody because of the views they held.

Mr. Speaker, Sir, there is no modern society which can be founded on a practice of running away from its history. In most civilised societies, one of the foundations of democratic governance is collective soul-searching about the past. The re-generation of democracy in Chile has been partly founded on opening up questions about the desperados and the butchering regime of General Pinochet. In fact, the Mover of the Motion is very generous. Instead of seeking punishment for perpetrators of those heinous crimes against Kenyans, he is only asking us to pretend that they are not criminals, and accept a collective guilt by the Government. In most societies, they will say: "Those who presided over the detention of innocent Kenyans, and those who presided over the regime that led to the disappearance and deaths of heroes like Adungosi, should be tried, just like the way Chileans are trying General Pinochet today. But he is being generous. A Government which wants to be forgiven for its ills and, those high commanders and sultans of that primitive history, should be happy when a Parliament wants to absolve them of individual responsibility and say: "Let us collectively accept that we made a mistake. Let us apologise and forgive the individuals who actually, by international law, will be held personally responsible for the crimes they committed against Kenyans." It is the shortest and the most convenient way to the Government.

Mr. Speaker, Sir, in fact, if I was in this Government today, I would have advised them that, the easiest way for them to escape some of the crimes of the past, is to accept the Motion which only asks the Government to apologise and be absolved from all those crimes against the citizens of this country. If you do not accept that---

The Assistant Minister for Local Government (Mr. Hashim): On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to mislead the House, the way he misled the House that TSS was a drug trafficker? He was questioning the integrity of a member of the public. The hon. Member is using the immunity of this House to attack others unnecessarily.

Mr. Speaker: That is not a point of order! Proceed!

Dr. Kituyi: Mr. Speaker, Sir, hon. Hashim is fairly young in this House and I have been trying to educate him on Standing Orders. But it is very difficult! I even tried this morning. The Chair will have to help me, because some people may take a bit long to understand the Standing Orders.

Mr. Speaker: Order, Dr. Kituyi! Do not debate him now. Proceed with the Motion.

Dr. Kituyi: Mr. Speaker, Sir, this is a serious matter which this country cannot run away from. Individuals who have something to hide may try to run away from history, but as a country, we do not have the right and possibility of running away from any ugly history. Those of us who were politically mature in the dark 1980s saw how promising, intelligent, young men were hunted down like wild animals and driven into exile. They were arrested and

beaten up to confess to crimes they never committed or knew about. These were young men who were victims of brutal political machines led by persons without the capacity to understand what freedom of expression is, and who thought it was nice to run small informal armies and to go and collect money at the end of the day. They were terrorising people who stood up for their rights. That painful history cannot be hidden away from us forever. History has its ways of reminding us that if we do not own up, it will catch up with us.

Mr. Speaker, Sir, this Motion accords us an opportunity to do what is only decent or civil. Let us open up and know what led to these things in our society and how we can guarantee posterity that such criminal use of power shall never be visited upon the citizens of Kenya again. Democracy may have a very low price for those who never suffered the consequences of not having democracy. The only foundation of long term democracy in our country, is to identify those things that represented the pain of the absence of democracy; the pain of dictatorship and collectively commit ourselves to never repeating them.

Mr. Speaker, Sir, the Motion before the House is giving us that opportunity to reach out to the families that were hurt by the abuse of high office in the 1980s and earlier to commiserate with them; show solidarity and salute the heroes who struggled for a limited opening up of democratic space that others have walked into and appreciated without ever sacrificing for. The only way those who have benefited from the tranquillity of reduced dictatorship; the only way they can congratulate those who fought for it is by being ready to support an initiative that appreciates efforts, and commits us all never to repeat such primitive abuse of power.

Mr. Speaker, Sir, you have seen both inside and outside of this House the cost that has been born by people who have been held in custody. You have seen strong spirits broken; you have seen heroic strugglers championing liberty reduced to vegetables. That horror cannot just be wished away. It needs to come back to us so that we can acknowledge that we brutalised the citizens of this country. We need to acknowledge that we drove too many young men and women into exile; and that such primitive exercise of power should never come again to our country. It can look very light to those who do not know the sequence of events through which societies cleanse themselves of past effects. Apart from those who see the value of saluting the heroic sons of this country, who suffered, but stood up for a just society, it is incumbent upon those who administered violence on them to recognize their guilt and hide behind the blanket offered to the Government as a collective entity. They should state clearly that what happened those days was wrong and that they should stand for a changed country.

Mr. Speaker, Sir, part of the crisis we have in this country is that those who have sinned are not ready to confess. They expect forgiveness without repentance. The truth can only set you free if you acknowledge your guilt and responsibility for some of the evils that you presided over. If the Kenyan Government today appreciates the need for reconciliation in our country and the need for us to commit ourselves to a future without undue harassment and primitive abuse of office, detention, exile and deaths then, it cannot continue on the path of the crime of hubris - arrogance fighting against everything that it thinks it can win without knowing what social costs it inflicts upon itself and posterity.

With those remarks, I beg to second.

(Question proposed)

The Vice-President (Prof. Saitoti): Mr. Speaker, Sir, I think time has come for this House to reject the various attempts that are being made to hoodwink it into moving away from its major role - legislation- and taking over matters that are clearly judicial in nature. We went through such a Motion in the last two weeks trying to pass judgement on who is guilty and who is not guilty.

Mr. Speaker, Sir, we must appreciate that the role of the House is to legislate, and we must confine ourselves to that. I would like to say that we went through a similar Motion yesterday which came through the back door and the House was being asked to come and usurp the role of the Judiciary; to decide who is guilty, who is not guilty, who should go to prison and who should not. This particular Motion once again is asking this House to decide on the people who actually suffered and decide the amount of compensation. However, painful this may be, we must respect the Constitution and the democratic structure as it is today. The Government is going to reject this Motion, because we have had enough of our colleagues trying to bring into the House issues which belong to the Judiciary.

Mr. Speaker, Sir, if indeed, there are people who suffered and they want compensation of some kind, they are at liberty to take advantage of the law as it is. There are courts and it is only them that can look at their evidence, pass judgement as to whether there was violation of human rights and decide the amount of compensation.

Mr. Speaker, Sir, this is a self fulfilling Motion of a small group of people. They may have suffered, but the Motion before the House is for the so called political dissenters within a given period of time. If, indeed, the concern was the violation of human rights and suffering, there are also many people from North Eastern Province who should

have been considered in this Motion. This is an extremely narrow perspective and we cannot accept it.

If indeed, we are serious about looking for compensation of people who have suffered, it is not the independent Government of Kenya that has made Kenyans suffer. It is the colonial Government. Why does the hon. Member not bring a motion that is fairly embracing? There are thousands of Kenyans who, during the struggle for Independence suffered. They were tortured, killed and lost property. But they are not included here.

Dr. Kituyi: On a point of information, Mr. Speaker, Sir.

The Vice-President (Prof. Saitoti): Mr. Speaker, Sir, I do not need information from him. We have heard his voice before.

If we had a fairly broad embracing motion asking for the British colonial Government to compensate Kenyans, who shed their blood, then that would be a very balanced motion. But we are not going to be hoodwinked into accepting a motion which is narrow, targeting certain people to be beneficiaries. They should better use the courts.

Mr. Kihoro: On a point of order, Mr. Speaker, Sir. The Vice-President is talking about a Motion that is already on the Parliamentary weekly list of Motions as proposed by hon. Muchiri. This is a Motion to look at the whole case from the time of colonization in 1885 up to 1963. That Motion is on page 11.

Mr. Speaker: Order! I am informed that what hon. Kihoro is referring to is the weekly rooster which contains all the Motions that are likely to be taken by this House. I am informed that the Motion filed is the one that he is referring to. So, maybe it would serve the House to concentrate on this one. Do not anticipate on any other.

The Vice-President (Prof. Saitoti): Mr. Speaker, Sir, that Motion has not yet been moved. In any case, the centrality of the argument in both of them has to do with human rights and torture. I would like to say that this is a very narrow based Motion and we cannot accept it.

[Mr. Speaker left the Chair]

*[The Temporary Deputy Speaker
(Mr. Poghiso) took the Chair]*

Mr. Speaker, Sir, if, indeed, we want to talk about violation of human rights and prosecution, that is a very good area, but you cannot go and parcel Kenyans into little boxes and say certain Kenyans should enjoy privileges.

Prof. Anyang'-Nyong'o: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is Prof. Saitoti correct in saying that the Motion is narrow, when part "a" of the Motion states that the Government should unconditionally apologise to all those whose political and human rights have been violated? It is not parcelling Kenyans into bits and pieces.

The Vice-President (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, I apologise to the Professor for lack of being numerate in his own field. This happened between 1965 and 1991. I am sorry, I may be more numerate than him.

Mr. Temporary Deputy Speaker, Sir, more fundamentally is the fact that, if indeed, there are people who believe their human rights have been violated through persecution, the court is there and that is its domain. They are at liberty to go there. There are even lawyers here like Mr. Kihoro himself and Mr. Muite. They can even offer free services to go and argue their cases there. If the court agrees, compensation will be given. But for goodness sake, we cannot agree to be asked every time to adjudicate on matters which belong to the courts. We are not going to allow that. That is the point we drove home yesterday and the other day when we said that no committee of this House should go and draft a list of people out there, say they are corrupt and condemn them here.

Mr. Temporary Deputy Speaker, Sir, it also ought to be very clear to this House that we are a multiparty parliamentary system and there are several parties that are represented in this House. Therefore, any proposal to set up a select committee must be in conformity with the proportional representation of the parties here. I am astounded that an hon. Member goes and draws a list of those who ought to be in a select committee without consulting with the various political parties that are represented here. Here is a proposal to set up a select committee of 15 hon. Members of this House with only three Members of KANU. Whether we like it or not, KANU is the largest political party here. This particular proportion does not take recognition of KANU's dominance in this Parliament and there is no way we can accept it.

I beg to oppose this Motion.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion and to remind the hon. Vice-President that Cap 37, Section 3 of the Laws of Kenya, Public Authorities Limitation Act makes it difficult for people who are affected by this kind of thing to raise this issue after one year. Secondly, it is important to realise that the National Assembly of the sovereign Republic of Kenya makes laws and it can also review laws that are finally adjudicated by the courts of law of the Republic of Kenya, So, hon. Kihoro is within his rights as a Member of

Parliament of the National Assembly to bring here a Motion that goes towards the making of laws regarding those whose human rights that have been violated. The Opposition will not, and I repeat, not be in any way intimidated by any amount of arrogance on the part of the Government when it comes to the human rights of the people of Kenya.

Mr. Temporary Deputy Speaker, Sir, I come to support this Motion as a Kenyan whose rights have been violated, because I have been confined to police cells and arbitrarily arrested in the sovereign Republic of Kenya since Independence, at least, ten times. Twice in 1978, twice in 1979, twice in 1980, once in 1989, twice in 1993 and once in 1994. In each of these occasions, the State had no case against me except the fact that I expressed political opinions contrary to those who ran the authoritarian Presidential regime in this country.

Mr. Temporary Deputy Speaker, Sir, in one of these instances at the University of Nairobi, we as members of staff and as students, were doing none other than calling for the registration of the University Staff Union. If you recall, all those members of the University of Nairobi who were members of the University Staff Union Committee, were subsequently either detained, arrested, ran out of the country or actually died. I can mention men like Dr. Willy Mutunga, the late Mwalimu Mukaru Ng'ang'a, Prof. Micere Mugo, Prof. Edward Oyugi, Prof. Mkangi, Prof. Mike Chege, myself and many more. All that these university dons were asking for was for the recognition and registration of the University Staff Union in line with the Constitution of the Republic of Kenya. It is during that time in 1980 that the Staff Union and the students decided to hold a demonstration to protest against British sale of arms to South Africa.

Mr. Temporary Deputy Speaker, Sir, the people of Kenya were together with the people of South Africa in the fight against apartheid and what we did was to demonstrate against the sale of arms to South Africa and the murder in the West Indies of Prof. Walter Rodney. The demonstration was peaceful but the end result was that I was arrested, confined and tortured in police cells for three days. I was released when the students demonstrated and in that incident, to divert attention of the students and staff from what was going on in the University of Nairobi, my younger brother who resembled me was mysteriously killed in Mombasa. He disappeared and we have never recovered the body up to this very day.

Mr. Temporary Deputy Speaker, Sir, I went to Mombasa to try and recover the body of my brother and I never succeeded. Ten years later in 1990, when I went to consult the late Patrick Shaw who was then a police officer and who was very sympathetic to what had gone on--- After ten years, we as a family had to make a decision on what to do about my brother. The late Patrick Shaw took me to a field at Starehe School and we went to stand in the middle of the field with his Volvo car at the edge of the field. This is because even Patrick Shaw himself was not quite sure whether he was not being bugged. So, we stood in the middle of the field and Patrick Shaw told me: "I know this case very well. If you want to pursue it, I will assure you that there will be no police inquiry in the High Court because the Attorney-General will not allow it and I also want to warn you that if you pursue this case, you may be in a lot of danger". That was in 1990.

Mr. Temporary Deputy Speaker, Sir, I dare say that in 1989 before Mr. Patrick Shaw gave me this warning, I had been picked up by the police, Special Branch officers, taken to Nyayo House where I was confined for a month and I was being questioned why I was trying to overthrow the Government of the Republic of Kenya. I was not trying to overthrow the Government of the Republic of Kenya. We were at that point in time plotting to introduce a multi-party system in this country and hon. Muite will bear me witness. We were within our rights to try and struggle against repression in this country and I was confined in Nyayo House for four weeks, tortured, denied basic human civilised human existence and one day I was questioned by a barrage of 17 Special Branch officials two of whom I remember by name as a Mr. Opiyo and a Mr. Chelimo. One day which I remember was May Day when I was being questioned, the day that Prof. Saitoti was appointed Vice-President and this Chelimo man was warning me by saying: "Where you are sitting, many people have sat and they have disappeared and some of those people who have tried to be smart like you are trying to be, have disappeared and died", and he did mention the name of the late T.J. Mboya in a very ethnic slur.

Mr. Temporary Deputy Speaker, Sir, so, we have a right in independent Kenya in the multi-party era to come before this House and ask this Government to---

The Assistant Minister for Tourism, Trade and Industry (Mr. Sankori): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member not misleading the House when he says where he sat, the late hon. Mboya sat there when we know that Nyayo House was not built at that time?

Prof. Anyang-Nyong'o: Mr. Temporary Deputy Speaker, Sir, I am not responsible for the poor understanding of the English language by the hon. Member. I said that he used ethnic slurs to tell me: "Many people have disappeared including the hon. T.J. Mboya". He then went on to say that where I was sitting, many people had sat and had disappeared. Those are two different English sentences with a full stop in the middle. We have a right as Kenyan citizens to demand apology from this Government and to demand to be paid compensation.

Mr. Temporary Deputy Speaker, Sir, I will repeat another story. In about October, 1990, I had just come from the United States of America and the next day the Special Branch were in my office accusing me of bringing money to

overthrow the Government. They told me that I should not tell anybody, but I should use that money to go and stand for elections the next year. I told them: "I will never stand for elections in this country so long as this country is a one party state ruled by one President." I said: "I will only stand for elections when we have a multi-party system." Hon. Muite came to my defence that day and the next day the news was in the papers, that this Government that some of us will never play to their music until there is democracy in this country.

Mr. Temporary Deputy Speaker, Sir, the spirit of this Motion is to say that for democracy to come to this country in its true sense, this Government must accept the travesties it has committed against the people of Kenya. This Government must accept that there are people borne in the graves who could be alive today fighting for the freedom of this country in this millennium. These people could have been alive today adding to the national wealth of this country. These people could be alive today; they could be inventors and scientists, men and women, who could even be Secretary Generals of the United Nations, had it not been for the repression that this Government has meted in this nation for the last 20 or 30 years. I excuse nobody. The Vice-President is not correct to say that if we want to correct injustices since 1965, we are excusing injustices before then. We are condemning all forms of discrimination, injustices and political repression whether committed by the colonial regime, the Kenyatta regime, the Moi regime and by whatever regime that is forthcoming and that Kenyans are waiting for. Those regimes will stand to be condemned and rejected by the people of Kenya because violation of human rights is violation of human rights and it does not matter what era, by what regime and by what colour. So, the Motion simply takes a specific time in Kenya's history. It does not excuse any other time in Kenya's history when it comes to violation of human rights. We demand that compensation be paid to all those of us who have been abused and whose rights have been trodden on by this authoritarian Presidential regime of Daniel Toroitich arap Moi.

With those few remarks, I beg to support the Motion.

The Assistant Minister for Agriculture and Rural Development (Mr. J.D. Lotodo): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion.

We talk of people who were incarcerated during the period from 1965 to 1991, but I thought the Motion could have included those people who were tortured during the colonial regime. We know very well that the Motion before us does not indicate that there were some Kenyans who suffered during the struggle for Independence, while it is true that there are people who suffered even before 1965 as we struggled for the Independence of this country. We know that 109 people cannot be compensated and then leave out the rest of Kenyans. Therefore, if we are serious, we should look in totality into the struggle for Independence in this country. It is not a particular ethnic group which fought for Independence in this country. So many people across the country suffered as they struggled for Independence. This Motion seems to have a specific motive. In that connection, I would like to oppose it.

One thing that I want to state here categorically is that we have suffered and nobody has ever given that coverage anywhere. For example, on 24th May, 1960, 3,000 Pokots were killed by the colonialists and nobody has been compensated. These are some of the issues that we would like to bring forth if compensation has to be made.

Mr. Murathe: On a point of order, Mr. Temporary Deputy Speaker, Sir. This matter has been tackled again successfully this morning in this House which the hon. Member is having. There Motion is seeking compensation and urging the Government to liaise with the British Government, with a view to having those affected, for example, the case that hon. J. Lotodo has talked about. Why can the hon. Members not read what is on the Order Paper and stop referring to matters which are already being dealt by other Motions?

Mr. Temporary Deputy Speaker (Mr. Poghisio): Order! The Chair has actually made a ruling in that respect.

The Assistant Minister for Agriculture and Rural Development (Mr. J.D. Lotodo): Thank you, Mr. Temporary Deputy Speaker, Sir. I was building up my argument and giving the background of all the problems that Kenyans have undergone. If the hon. Member believes that I should only talk of those specific people, then I will not do that. I would like to stress that there were also other Kenyans who suffered. That is why I said that on 24th May, 1960, 3,000 Pokots were killed by the white man and nobody compensated them. At that particular time, three white men and one tribal policeman were killed. These were Messrs George Mills Taylor, who was a Superintendent of police; Robin Grants Cameroon; who was an Assistant Inspector of police; Allan James Stephens, who was a District Officer and Kipkoech Kibirir, a tribal policeman. We were forced to compensate those colonialists and as a result so many animals were taken from our people. So, in the same breath, I would like to state that when we give a list of 109 as the only people who have suffered in the struggle for Independence, this is not fair. Therefore, we would like to look into this thing in totality---

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. J.D. Lotodo! I take it that you know the period given in the Motion.

The Assistant Minister for Agriculture and Rural Development (Mr. J.D. Lotodo): Mr. Temporary Deputy Speaker, Sir, I am coming to that. So, when we talk of the period from 1965 to 1991, I know that during the

struggle for Independence and thereafter, so many people also contributed to the well being of this country. It is not proper to say that we will only compensate the 109 people. We have to look into it in totality, and in any case, we have the Judiciary which should look into this matter and verify who should be compensated and who are not to be.

Therefore, I would like to state that this Motion is sort of one-sided and, therefore, I will not support it. In so doing, I would like to call upon the House to reject it. Thank you.

Mr. Murathe: Mr. Temporary Deputy Speaker, Sir, I am shocked that the Government can seek to oppose a Motion which seeks to give its Members protection the minute they will be out of Government in a two years' time.

This Motion seeks to ensure that this sort of thing will never happen again to a Kenyan. This is the institutional framework that we will put in place to guarantee that nobody will take, for example, hon. ole Ntimama to Nyayo House, once he is out of power, yet the Government stands here and says that it will oppose this Motion. The Government is thinking about compensation. I think that is the whole problem with this House. The other day, hon. Members were dwelling on names instead of the substance of the objective of the Anti-Corruption Report, which was the Anti-Corruption and Economic Crimes Bill, 2000. Nobody attempted to tackle the Bill itself, because all speakers engaged in name calling. Look at the Government now. It is talking about compensation as if the money is what is important in the spirit of this Motion. The spirit of this Motion is to purge the conscience of this nation, and say that something very bad happened; something very wrong was done to Kenyans; there were violation of humans rights of Kenyans under the one-party rule and that we should never again let it happen.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghio): Order, hon. Members! I realise that consultations are taking place in every corner. I will suggest that you consult in very low tones because we would like to hear what the hon. Member on the Floor is saying.

Mr. Murathe: Mr. Temporary Deputy Speaker, Sir, you had better protect me from hon. Ekirapa. He is the one who is causing all this noise.

(Applause)

Mr. Orengo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Did I hear hon. Murathe ask you to protect him from hon. Ekirapa? If his own brother-in-law cannot hear him, how can we hear him?

Mr. Murathe: Mr. Temporary Deputy Speaker, Sir, I think I know what hon. Orengo has talked about. Hon. Ekirapa just happens to be a hawk. I am sure you have never seen Cabinet Ministers coming here on a Wednesday morning. They come here to defeat this Motion. Let them defeat it today, because I can see hon. Biwott smiling, but I want to tell them that the spirit of this Motion, which is to purging the conscience of the nation--- This sort of thing should never happen again to a Kenyan. They do not know the person who will take over the Government after them. We will still have that Nyayo House Chamber where I was held for more than 85 days, I know how it is and what happens in there. As regards Chief Justice, whom we are being told by the Vice-President to take these claims to, was the prosecutor at that time. He took us to court at 7.00 o'clock at night. If one pleaded not guilty to the charges, he would be taken back to Nyayo House until he pleaded guilty, yet the Vice-President has told us to take these claims back to the Chief Justice to seek justice. Social justice is about the institutional framework and not about people. The Cabinet Ministers all know the kind of things that were happening in those days. This was due to witch-hunting.

Mr. Temporary Deputy Speaker, Sir, I do not know what is wrong with the Government. If it does not pass this Motion, they should realise we might have a bad leader taking over the Government and starting witch-hunting. The Government dealt with communists the way it dealt with us during the *Mwakenya* trials. I think this Motion is for the Government's good. I know that hon. Members have been instructed to come and defeat this Motion. Probably, they have the numbers to defeat the Motion, but I am not worried. We have gone through it all and you cannot show us anything more than what you have shown us. But Cabinet Ministers have never undergone this torture.

Detention, Mr. Temporary Deputy Speaker, Sir, that was my point. Tell that guy to sit down---

Temporary Deputy Speaker (Mr. Poghio): Order! Mr. Murathe, address the Chair. Proceed.

Mr. Murathe: The Minister was my junior at University, I do not know why he wants to interrupt me.

The Minister for Vocational Training (Mr. I. Ruto): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to threaten, or to appear to be threatening anybody who is not agreeing with his point of view?

Mr. Murathe: Mr. Temporary Deputy Speaker, Sir, he did not hear me right. I just said that it is in their own interest that we put in place an institutional framework that will guarantee that this sort of thing never happens to

another Kenyan. That Minister used to give us a lot of problems at the University. He was the Vice-Chairman of SONU and he used to work with the same people who were torturing us.

Dr. Ochuodho: On a point of information, Mr. Temporary Deputy Speaker, Sir, Messrs. Murathe and Ruto, and Dr. Ochuodho were SONU leaders at the same time. But hon. Ruto was a seller-out; he was an informer. He never tasted the wrath; the 10 months we spent in jail with Murathe and his brothers, he was not there.

(Applause)

The Temporary Deputy Speaker (Mr. Poghismo): Order! Why is that turning out to be the Motion?

The Minister for Vocational Training (Mr. I. Ruto): On a point of order, Mr. Temporary Deputy Speaker, Sir. It is true that we were all of us at the University, including the hon. Orengo and we were all properly--- Is it in order for Dr. Ochuodho to bring in irrelevant issues when we have got a serious debate? He knows he is always used to frivolous points of order.

The Temporary Deputy Speaker (Mr. Poghismo): We are not debating the conduct of any Member here.

Mr. Murathe: Mr. Temporary Deputy Speaker, Sir, they are both wasting my time. If the problem is about the Committee which has been proposed in terms of the numbers or the mandate, probably the Government can come up with some amendments which in their own view, can either broaden or narrow the mandate. But we have programmes of the Truth and Reconciliation, even in other countries. Kenya is a signatory to the Convention on the Prevention of the Violation of Human Rights; the UN Charter. We cannot, therefore, expect that the same Government which has signed that Charter would then stand here and oppose this Motion, whose spirit quite clearly, most of these Members have not understood.

Mr. Temporary Deputy Speaker, Sir, we are young people and we want to chart out for Kenya a new vision, a new programme or agenda, devoid of vendetta. This generation which has been fighting all the time to bring each other down and threatening everybody else, we want to give a hand of reconciliation and say: "Look, if you want us to forget the past, you must accept those mistakes." That is the whole essence about the apology. That is what they did in South Africa. The other day, somebody called Kamlesh Pattni went to church and said he got saved. If he got saved, let him confess his sins. Once you go to church and get saved, you confess your sins. You tell the congregation: "I used to be a thief, a murderer, I used to do this and Jesus has saved me." We are challenging Kamlesh Pattni to confess in the same manner that we are asking the Government to apologise for the violations they have done to their fellow Kenyans.

Dr. Omamo: On a point of information, Mr. Temporary Deputy Speaker, Sir. I want to give him information about confession. "Confession is very good for the soul, but very bad for reputation".

(Laughter)

Mr. Murathe: Thank you, Dr. Omamo. But on a very serious note, this is not about the Legislature assuming the role of the Judiciary. We know we can get justice from the courts but as currently constituted, we do not expect that we can get justice in those courts. We want to legislate something that will cover everybody now and in the future. Social justice is about making sure that whoever has been wronged, has an avenue for being compensated in one way or another. Clearly, it is not about money. The Mover of this Motion has already been awarded Kshs400,000 by the Government of Kenya for wrongful confinement, money which he has refused to take so long as other people who have suffered a similar fate as him, have not been considered. It is in that spirit that we are supporting the Motion in totality and probably ask the Mover to reconsider the composition of the Members of the Committee, if that is what is going to make the Government try to "shoot down" this Motion; that is something that is open for discussion.

With those few remarks, I beg to support.

The Minister of State, Office of the President (Mr. Nassir): Bw. Naibu Spika wa Muda, maneno yangu ni machache. Katika Bunge hili, tuna mawakili na maprofesa. Lakini bahati mbaya ubongo wao mzima ni kuona asubuhi watasoma katika gazeti wanaandikwa nini, wanasema nini, lakini sio kufanya nini kwa wakati huu.

Bw. Naibu Spika wa Muda, tukitaka kutoa hadithi za zamani, wengine watalia hapa. Tukitaka kutoa hadithi juu ya mambo waliotenda katika Kenya hii na mpaka leo, wengine watalia kutambua kwamba kumbe kulikuwa na Kenya ya namna hii kuliko sasa ambapo tulivyo kwa kujenga nchi. Nilifikiria kuwa kila Hoja inayokuja hapa leo ni kuangalia hali ya Kenya ilivyo, si hadithi za zamani. Maneno wahe. Wabunge wenzangu waliosema nikiyasema mimi, wengine watatapika damu kwa ule uchafu uliokuwako. Lakini hatuna haja kuangalia nyuma kila mara. Bahati yao waliingia Bunge juu na wangesema maneno haya katika Bunge lile nilikuwa mimi, wengine wangejipata kule kwa Maasai! Lakini kwa sababu mmepata bahati kuwa Wabunge wakati Rais Moi amekubali mfumo wa vyama vingi, tunaendelea kufanya kazi pamoja na kuleta Hoja hapa kuwasaidia watu.

(Applause)

Bw. Naibu Spika wa Muda, leo, hata ninawaambia watu wa magazeti wasifanye vita kati yangu na mhe. Mbunge mwingine kuwa vikubwa. Waseme taabu tulionayo na kama ni wajuzi kweli, watupe maoni jinsi ya kusuluhisha taabu ya chakula. Wasiandike jinsi mhe. Orenge alivyosema, lakini waandike maoni yao kama wahariri au waandishi wa habari. Wakati huu wanafunzi hawana chakula na si kwa sababu ya ukame peke yake, lakini hakuna kazi. Ikiwa wanasema mambo ya zamani, mimi ninasema ya leo. Sitaki watu waandike juu ya yale yaliyopita; ninataka waandike juu ya mambo ya leo, ili kesho wakileta Hoja isaidie Serikali na watu wote.

Bw. Naibu Spika wa Muda, kuhusu habari ya kulinda uchumi, Kenya iko katika hali hiyo ya kulinda uchumi. Wabunge wengi walioko hapa ni mawakili ambao wanajua ule ukweli ambao watu wengine wanataka kuficha. Kulinda uchumi wa sasa si kama ule wa zamani. Zamani hatukukuwa na ulinzi wa uchumi. Ukiongea juu ya kulinda uchumi unaambiwa kwamba: "Sema maneno yako na ufanye adabu yako".

Wengi wa Wabunge katika Bunge hili hawajakuwa Wabunge kwa miaka mingi. Mimi nimekuwa Mbunge kwa miaka 27. Kwa hivyo, yafaa mhe. Kihoro atafute kitu kitakachotwezesha kuondoa taabu katika jamii. Haifai kutoa hadithi tu! Kama ni kuhadithia watu hadithi, hilo ni jambo baya! Wabunge wa upande wa Upinzani wametaja mambo mawili au matatu mabaya. Lakini tukiyataja yale mabaya, hasa yale ya hapo awali, watu wengi watakimbia mbio hapa. Yafaa tumwombe Mungu, tuwe na demokrasia na kuishi kwa upendo.

Bw. Naibu Spika wa Muda, ningomba tutafute mipango ya kuwawezesha watu kusaidiwa. Katika nchi hii ya Kenya, watu wana taabu. Afadhali sisi tuliongezewa mishahara, mileage na tumepewa mikopo ya magari. Lakini wenzetu hawapati hata kifungua kinywa! Tukipigiwa kura kuja hapa, tufikirie jinsi ya kuwasaidia wale waliotupigia kura. Kwa hivyo, ijapokuwa ninapinga jambo hili, si kwa sababu mimi ni Waziri--- Ikiwa kitu ni cha kweli na cha kusaidia mwananchi wa Kenya, awe ni wa kabila lolote lile, niko tayari kukiunga mkono. Lakini ikiwa ni hadithi, tusikumbushane mambo mengine!

Waswahili husema kwamba: "Usikiguse kidonda, maana ukikigusa, kitatoka usaha." Kwa hivyo, tusahau mambo haya ya leo, lakini ya siku nyingine, tuyapigie kura ili tuweze kuwasaidia wananchi kwa sababu hicho ndicho kitu cha maana.

Bw. Naibu Spika wa Muda, nafikiri sisi sote katika Bunge la Nane, tunafurahia mtindo wa watu kuketi na kuyachunguza mambo. Lakini kama tutaendelea kutoa hadithi za zamani kuhusu ni nani aliyekuwa mbaya, waliobaki wote kutoka pande zote mbili za Bunge hili, upande wa Serikali hata upande wa Upinzani, si watu wabaya. Lakini wanapenda kusema mambo hayo na pia waandishi wa magazeti huyaandika katika kurasa za kwanza kila asubuhi. Lakini Wakenya wengine ambao walitupigia kura hawasomi magazeti kwa sababu hawana pesa za kununua magazeti kwa sababu wana taabu. Tufikirie njia ya kuwasaidia ili tuweze kupeleka Kenya yetu vizuri.

Bw. Naibu Spika wa Muda, makosa ya jana hayawezi kutengeneza mambo ya leo. Katika siku hizi jambo muhimu ni vitendo. Siku hizi wananchi wa Kenya ni waerevu sana. Wajinga wako kaburini na waliobakia wote ni waerevu. Sisi tumejaliwa kuja katika Bunge lakini waliotuchagua ni hodari kushinda sisi.

Kwa hivyo, yangu machache ni kusema kwamba, yafaa mwenye kuipendekeza hoja hii aiondoe kuliko kungojea ishindwe.

Mr. Kathangu: Ninakushuru sana, Bw. Naibu Spika wa Muda. Kwanza, ninamshukuru Mzee Nassir kwa mawazo yake ambayo ametupatia kama watoto wake, wengine wetu. Amesema kwamba yaliyopita yafaa yasahauliwe kwa sababu ikiwa tutazungumzia kuhusu mambo yaliyopita kila wakati, tutakuwa tukikumbushana mambo mengi sana. Hayo ni mawaidha ambayo yametoka kwa Mzee Nassir.

Bw. Naibu Spika wa Muda, dini ya Kikristo yasema hivi: Siku moja Yesu Kristo alikuwa njiani kuelekea sehemu mbalimbali wakati alisalimiwa na watu wengi waliokuwa wanajikokota mahali fulani. Mtu mmoja kwa jina la Zakayo alikuwa juu ya mti kwa sababu alikuwa mfupi na alitaka kumwona Yesu Kristo.

Bw. Zakayo alitaka kumfuata Yesu Kristo ili aweze kubadilisha mienendo yake kwanza, na pili, aweze kuwa karibu na Mwokozi, ambaye aliambiwa anakuja. Kwa sababu ya yale ambayo aligundua, Bw. Zakayo alijua kwamba, ikiwa atabadilisha mienendo yake, ni lazima arekebisha yale yote ambayo alikuwa amefanya katika siku zilizopita. Wakati huo huo alipokuwa anarekebisha mienendo yake ndipo Yesu Kristo alipomwambia kwamba: "Ikiwa umegundua makosa ambayo umeyafanya, tafadhali nenda ukawalipe wale ambao uliwakosea na ulipe zile mali ambazo ulichukuwa kwa njia isiyo halali. Kwenda ukalipe kodi ambazo hazikuwa zimelipwa" Ni wakati huo huo Zakayo aliposema kwamba atayafanya yote yale. Alipoyafanya yote yale, Zakayo alikuwa mmoja wa kuketi kwenye mkono wa kuume wa Yesu Kristo katika karamu zote ambazo Yesu Kristo alikuwa anaandaliwa.

Bw. Naibu Spika wa Muda, mawaidha ambayo yametoka kwa Mzee Nassir ni ya kweli; kwamba---

The Vice-President (Prof. Saitoti): Jambo la Nidhamu, Bw. Naibu Spika wa Muda. Tunafurahia yale ambayo mhe. Kathangu anasema. Lakini tunataka kujua ikiwa anazungumza kama Kasisi au kama Mbunge?

Mr. Kathangu: Bw. Naibu Spika wa Muda, nilipokuwa ninaingia katika Kanisa Kuu la Holy Family Basilica hapa Nairobi, majuma kama sita yaliyopita, nilikutana na gari la Makamu wa Rais likitoka. Yale yaliyohubiriwa siku

hiyo katika Misa ya kwanza, ya pili, ya tatu na ya nne; ni kuhusu jambo moja: Mahubiri hayo yalisema kwamba: "Kaeni kama kitu kimoja; tafadhali lipeni madeni yanayowahusu. Hii ni kwa sababu bila kulipa madeni mtasumbuana bure." Unakumbuka hayo ndiyo yaliyokuwa mahubiri ya siku hiyo, Bw. Makamu wa Rais?

Kwa hivyo, niacheni niseme hivi: Mzee Nassir anatoka katika ukanda wa Pwani ambako kulifanyika madhambi mengi sana wakati wa biashara ya utumwa. Katika biashara ya utumwa itakumbukwa kwamba watumwa waliondolewa kutoka nchi hii na kupelekwa nchi za Uarabuni, Marekani, Ulaya na katika nchi za Mashariki ya Mbali.

Bw. Naibu Spika wa Muda, jambo ambalo linastaajabisha sana ni kwamba, katika nchi ya Marekani, watu weusi wanafanya biashara na kuongoza nchi, na katika sehemu za Ulaya watu weusi wanafanya hivyo hivyo. Katika Bara la Asia, utakuta kwamba wengi wao walitolewa uume na uke wao ili wasije wakazaa watoto na waanze kuyatawala makabila yaliyokuwa katika Bara Asia. Hii ndiyo sababu tunasema kwamba, kama kuna wale ambao walihusika katika madhambi kama hayo, ni lazima katika maisha yetu duniani humu tuone kwamba udhalimu kama huo umelipishwa kisasi. Na hiyo ni katika Afrika ambayo itakuwa inasema hivyo; ni Kenya ambayo itasema hivyo; si Bunge hili.

The Minister of State, Office of the President (Mr. Nassir): Jambo la nidhamu, Bw. Naibu Spika wa Muda.

Bw. Kathangu amezungumza juu ya biashara ya utumwa. Lakini ni heri utumwa wa zamani kwa sababu watu wetu walikuwa maskini sana, kuliko utumwa wa kununuliwa na matajiri. Matajiri wanataka kuongoza Serikali ya Kenya kwa nguvu za pesa zao.

Mr. Kathangu: Bw. Naibu Spika wa Muda, Bw. Nassir ni mzee na hajui mambo yanayohusu nidhamu au Kanuni za Bunge. Hata hivyo, ningependa kumkumbusha Bw. Nassir kwamba, mambo ya zamani ambayo ni lazima tuyasahau, watu wengi walikufa kutokana na vita mbalimbali. Kwa mfano, vita vya ukoloni, Mau Mau, uchochezi na watu kupigana wakifuata mali zao. Muindi Mbingu alikuwa anafuata mambo ambayo yalihusiana na ng'ombe na nyumba. Alipinga vikali kodi ya nyumba na tunajua hasara iliyopatikana na msimamo wake.

Tunajua katika utawala wa Ukoloni na Serikali huru ya hayati Mzee Kenyatta na Rais Moi, mambo mabaya yalifanyika. Pengine Rais Kenyatta au Rais Moi hawakujua mambo hayo yalifanyika katika enzi zao. Nimesikia waheshimiwa Wabunge wakisema walishikwa na kupelekwa Nyayo House na kwingineko. Ningependa kuwashukuru polisi wote walionishika, Rais Moi aliyeamuru nishikwe na watu wote walionitesa. Wote walikuwa ni watu wa maana sana. Hii ni kwa sababu bila makosa na ujinga wao, pengine mvumo wa vyama vingi vya kisiasa haungeanzishwa hapa nchini. Wakati huo Waziri Biwott na viongozi wengine wa KANU walisema kuwa chama cha KANU kitaongoza miaka 100 bila vyama vingi vya kisiasa. Baadaye, waligundua kwamba mvumo wa vyama vingi katika nchi hii ulikuwa ni lazima kuanzishwa hapa. Hata hivyo, walitekeleza hila zao kwa njia mbalimbali. Kwa mfano, waliwatumia viongozi kama vile Mabwana; John Keen, Spika wa Bunge wa wakati huo na Bw. Opiyo kutayarisha orodha la Baraza la Mawaziri na kudai kuwa mabwana Anyona, Kathangu, Oyugi na Ngotho walikuwa na njama ya kuipindua Serikali na tayari, walikuwa wameunda Serikali mpya. Waliwasilisha orodha hiyo ya Mawaziri hapa Bungeni. Ni lazima mhe. John Keen, Spika huyo wa zamani na Bw. James Opiyo waseme sababu za kupanga njama za kufanya Wakenya ambao hawakuwa na hatia kushikwa na kufungwa miaka mingi gerezani. Kwa mfano, Bw. George Anyona alifungwa miaka 15; Kathangu miaka 14, Oyugi na Ngotho miaka 7 kila mmoja wao. Viongozi hawa huja kunywa chai hapa Bungeni, huko wakijigamba ya kwamba ni lazima Rais Moi atawale na vyama vyingi vidumu nchini. Ni lazima watu sabuli hiyo wafahamu ya kwamba walifanya makosa na ni lazima Serikali yetu iwafidie wote walioathiriwa.

Bw. Naibu Spika wa Muda, tunapozungumza juu ya njaa, upungufu wa fedha na shida za umeme, ni lazima tujiulize itakuwaje siku za usoni ikiwa wakati huo hatuna vyakula vya kutosha wananchi wetu. Ni aibu kuwa zaidi ya watu milioni 16 ambao Rais Moi alikuwa akizungumza juu yao kule Nanyuki watakuwa wamekufa. Kwa hivyo, wengi wa wananchi wetu watakuwa wamekufa kutokana na ukosefu wa chakula. Hata wale wangemchagua mhe. Nassir, hawatakuweko. Ni lazima tukubali ya kwamba njana tulifanya makosa na tuyarekebishe, ili yasirudiwe tena siku za usoni.

Ningeomba waheshimiwa Wabunge wote kuunga mkono Hoja hii, ili tuanze historia mpya katika maisha yetu ya kusameheana kwa njia ya haki, ili wazee wetu watupilie mbali chuki za jana na sisi vijana tujiandae vilivyo, kukabiliana na shida za kesho.

Kwa hayo machache, Bw. Naibu Spika wa Muda, ninaunga mkono.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Hon. Members, it is now time to call upon the Government side to respond.

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, I beg to respond. First of all, no person who is humane can condone and tolerate torture; no person who is sane can condone or practice torture and nobody can quarrel with compensation being awarded to somebody who has been tortured. But what we are saying is that, this must be done in accordance with the laws of the land. Let me, first of all, address myself to the issues of the past---

Mr. Kombo: On a point of order, Mr. Temporary Deputy Speaker, Sir. You heard the Attorney-General saying no sane person can condone torture. But we know that torture has taken place in this country. Is he saying that the Government is made up of insane people?

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, let him sit and listen until I conclude my speech.

Mr. Temporary Deputy Speaker, Sir, let me talk about the past because hon. Kathangu and hon. Nassir have addressed the issues of the past. In fact, hon. Kathangu did quote from the Bible and, in particular, Zacchaeus and what he was told to do by Jesus. I would add other quotations as far as the past is concerned. Jesus Christ also said, if somebody slapped you on your one cheek--- In other words, if somebody tortures you, turn the other cheek, so that he further tortures you. St. Paul said that we should forget the past and trail forward towards Christ. But the emphasis here was to forget the past and move on and he also asked his followers to forgive 77 times seven. The point I am trying to make is that, when we bring in Biblical quotations---

Mr. Orenge: On a point of order, Mr. Temporary Deputy Speaker, Sir. Would you now allow the Attorney-General to make statements which are tantamount to sacrilege, particularly when the Bible is being quoted out of context? This is because I thought St. Paul said we forget the past, having repented of our sins. You cannot be a good Christian without repenting. So, can he put the Bible in the right context, instead of spoiling the good book? Otherwise, he should leave it alone and talk about the law which he knows better.

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, in fact, that is the very point I am making. It is very dangerous to quote one part of the Bible and leave out another. Hon. Orenge is quoting yet another piece of the Bible. The very major point I am making about biblical quotations is that, this issue about the past is a very difficult issue to grapple with. Therefore, taking into account the entire context of biblical quotation, it shows that we cannot deal with these issues really, within the confine of this debate. There is a big problem when we are talking about problems of torture or other problems, as were discussed then the other day. These are big national issues which are, first of all, best discussed in a good atmosphere outside this Chamber. In other words, these are issues worthy of a national debate rather than trying to come here and point accusing fingers at "a", "b" or "c".

Mr. Temporary Deputy Speaker, Sir, when talking about the future, I would like to take the point of hon. Murathe; that, we have to put in place an institutional framework, so that torture never occurs again. I would like to state that the Government is following the policy of "zero-tolerance" towards torture. What one can say in this Motion is that, it is complaining about persons being detained without trial. As you know, the law has already been amended as far as detention is concerned. No person can be detained without trial, in accordance with the Statutory Law Miscellaneous (Amendment) Bill which was passed in 1997.

Mr. Temporary Deputy Speaker, Sir, according to the Criminal Law (Amendment) Bill which this House will hopefully debate before the end of this year, the Government has again tried to grapple with the issue of torture in outlawing, first of all, corporal punishment, which is primitive and inhuman. The Government has also tried to grapple with the issue of torture---

Dr. Ochuodho: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Attorney-General in order to mislead the House that the Government has stopped detention without trial, when they have instead resulted to "permanent" detention, like they did in the case of the late hon. Kaptain? That was permanent detention!

An hon. Member: What is "permanent" detention?

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, I was not aware of that and neither did the hon. Member mention that fact during the funeral and burial ceremony of the late hon. Kaptain.

The Temporary Deputy Speaker (Mr. Poghisio): Order! I think, Dr. Ochuodho, that was really frivolous and there are better ways of bringing out the issue than trying to use that method.

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, I was saying that the Government's policy is towards "zero tolerance", and it is putting in place legal framework in which torture will become very difficult in future. I was referring to the Criminal Law (Amendment) Bill where we shall outlaw corporal punishment and confessions before the police which have been the motivating factor in the law enforcement officials torturing persons.

The Attorney-General has already written to the Commissioner of Police to ensure that P3 forms are readily available to those people who allege or make allegations of torture on the part of law enforcement officers at police stations, because that has been one of the problems. People have complained that they have been tortured, but they cannot get P3 forms to enable them lodge formal complaints. The Commissioner of Police will now be making those forms readily available. The Government is currently discussing ways and means---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghio): Order! Order! Hon. Members, we cannot hear the Government Responder and we would like to hear him. So, if you want to consult, do so in low tones. We are getting to the end of this debate. So, let us hear the Government Responder.

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, the Government is currently looking into ways and means in which independent investigations can be mounted when a complaint arises from a member of the public about any conduct of the law enforcement officers, particularly if it results in injury, which means torture. So, this Government is very much committed to ensuring that the instances of torture are reduced to the minimum; to ensuring that, in fact, there should be no further incidents of torture in this country. I think we are progressing. So, as far as the future is concerned, we are on the move. As far as this Motion is concerned now-

Mr. Muite: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Standing Orders of this House prohibit irrelevancies. The Motion before the House is about compensation for the people who have been tortured in the past. The Attorney-General is now telling us about what they are in the process of doing. All the time, we hear that the Government is in the process of doing this and that. Could the Chair get the Attorney-General to be focused and relevant? Is he, as the Official Responder of the Government, supporting this Motion or not supporting it regarding the torture in the past?

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, the hon. Member has been sitting there throughout the debate of this Motion. We must be concerned about the future, as stated by hon. Murathe and other hon. Members, and the hon. Member of Parliament did not object. As a Responder, I have to respond to the statements that have come from the Floor of this House. So, as far as the future is concerned, the Government has put and is putting in place the legal framework where torture will be minimised, if not eliminated all together.

Mr. Temporary Deputy Speaker, Sir, you may recall that when this Motion initially came, I did express some reservations in a letter addressed to the Speaker, dated 10th May, 2000. My reservations were mainly connected to the legality, as it were, of this particular Motion, particularly taking into account the fact of the current existing law. Hon. Prof. Anyang'-Nyong'o made a very pertinent comment that this Parliament makes laws and it must review them. As far as the current law is concerned on this matter, particularly the Public Limitation Authority Act, the actions which are complained of in this Motion are already time barred. In other words, not even the courts can look at them; not even the courts can entertain a suit and award compensation in this particular instance. They are time barred according to the Public Limitation Authority Act. We have to do these things with the due process of law taking into account the division of power amongst the various organs, which are Parliament, the Judiciary and the Executive.

Mr. Temporary Deputy Speaker, Sir, it therefore appears to me that what is required and what has happened in other countries which have been quoted is an amendment to the legislation to ensure that these type of cases are dealt with. We cannot amend laws by a mere Motion.

Mr. Nderitu: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am at a loss here. Is the Responder saying that because their cases are time barred, the people who were injured as a result of torture cannot get compensation?

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, I think I am in order to point out the legal provisions. If you were injured more than one year ago and you went to court, that case would not be entertained. That is the reality of the matter, and that is why I thought that if we are serious in dealing with this issue, then the issues of law have to be addressed.

Mr. Gatabaki: On a point of order, Mr. Temporary Deputy Speaker, Sir. Clause "a" is very specific: That the Government should unconditionally apologise. Is the Attorney-General in order in bringing limitation as to apologies? Does apology--- Let him apologise!

An hon. Member: He should apologise to who?

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, I am talking about the Motion which is before Parliament. I will come to that point. I am now dealing with the issue of compensation; I am dealing with the issue of identifying persons and so on. We need to have a legal---

Mr. Murungi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Attorney-General to keep on yapping about compensation before this House when, as a matter of fact, we took---

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports (Mr. Sumbeiywo): On a point of order, Mr. Temporary Deputy Speaker, Sir!

The Temporary Deputy Speaker (Mr. Poghio): Order! Mr. Sumbeiywo, you cannot rise on a point of order when another hon. Member is actually on a point of order. You will get your time when he is through.

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, is it in order for the Attorney-General to keep on misleading the House that we should seek for compensation through the law and all that when, as a matter of fact, my

law firm filed a case for hon. Kihoro, for torture in which he was forced to drink his urine and eat his faeces? The Court of Appeal ordered that he be paid Kshs400,000 in 1998, and to-date, the Attorney-General has not paid this money. What legal process is he telling us to follow when he is not implementing even the court order?

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, I am very happy that my shadow colleague has queried that case. That is one of the many cases that have been filed in court, which have proof and demonstrate the point that, really, victims of torture have to lodge claims in court, prove their cases, and that it is only the courts that are competent to assess the damages that will be awarded to particular persons. That is one of the cases that have been filed in court, relating to torture. There are many other such cases---

Mr. Kihoro: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghismo): Order! Mr. Kihoro, you are going to have your chance to respond. Why do you not let the Attorney-General finish? Some of his time has already been spent on points of order.

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, as I have told this House time and again, the issue of payment has always been difficult because of financial constraints.

Mr. Temporary Deputy Speaker, Sir, the issue of payment is not just going to be there because this Motion has been passed. It is an issue that can be dealt with separately. Right now, we are trying to identify the institution that is best placed to identify the victims of torture, assess the injuries inflicted on them and the amount payable to them in damages. We are saying that the institution that is best suited for that work is the court. It is no use objecting to the courts, as hon. Murathe said, just because the current Chief Justice used to be the prosecutor. He was a very good prosecutor, indeed. I can assure you that he can also be a very good Chief Justice. The cases that will be filed will be listened to. But what we have to get---

Mr. Magara: On a point of order, Mr. Temporary Deputy Speaker, Sir. Would I be in order to request through the Chair that, since hon. Anyona has been very useful to the Government side for the last one year, and since he was also a victim of torture, the Government supports this Motion, so that he can be assisted?

(Laughter)

The Attorney-General (Mr. Wako): Mr. Deputy Speaker, Sir, I am, in fact, very happy that the hon. Member has raised the issue of hon. Anyona. I can assure him that hon. Anyona has followed the law to the letter. He has filed a suit, which will either be heard or settled. In fact, hon. Anyona's case proves my point that, really, the institution that is best placed to handle this matter is the court. The courts are there for any person who feels aggrieved. One only has to place a claim with the court. A number of people, such as hon. Nassir and others, were also tortured during the colonial times, but felt that they should forgive and forget. Hon. Nassir and others have forgiven and forgotten, and nobody can force them to institute legal proceedings against the colonial authorities. Therefore, the onus is on the person who has been tortured. If one wants to lodge a claim, he should do so with the court, so that his case can be heard and proper assessment done.

So, the only way through which one can be assisted is I think through a specific law as far as this particular issue is concerned. As I stated earlier, therefore, we are all concerned and have to go out to all those who have been tortured in the course of time. The issue is a very big one. It can be dealt with outside this House. Alternatively, it must be dealt with in accordance with the laws of this land. If that issue has to be addressed, it means that part of the laws of this land have to be amended in such a way that the aggrieved parties will take their claims to court for identification and assessment. In my view, the proposed Select Committee cannot properly and objectively identify the victims of torture, assess the injuries inflicted on them and, properly, assess, without any emotion, the damages to be awarded to the persons who may prove their claims. The proper institution for doing this is the Judiciary. Therefore, we must have a legal framework that can enable the Judiciary to undertake that particular exercise.

Mr. Temporary Deputy Speaker, Sir, for those technical reasons, I beg to oppose the Motion.

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, is he in order to keep on referring Kenyan citizens to the High Court when he knows very well that today justice is the most expensive commodity in this country, when we consider that 60 per cent of Kenyans are poor people, and they cannot afford the charges in court?

The Temporary Deputy Speaker (Mr. Poghismo): Order! It is time for the Mover to reply.

Mr. Kihoro: Thank you, Mr. Temporary Deputy Speaker, Sir. I am requesting your indulgence so that I can donate three of my minutes to hon. Murungi and another three minutes to hon. Orengo.

Mr. Murungi: Thank you, Mr. Temporary Deputy Speaker, Sir. I beg to support this Motion, and in the process of doing so, I would like your permission to lay on the Table hon. Kihoro's book titled: *Never Say Die, The Chronicle of a Political Prisoner* which explains in very great detail the grisly torture and gross abuse of human rights which the detainees went through in this process.

The Temporary Deputy Speaker (Mr. Poghisio): Order! That is a book that can be bought anywhere in Kenya.

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, we are donating it to the House.

The Temporary Deputy Speaker (Mr. Poghisio): Order! It is impossible for you to lay it on the Table because it is already available in the Parliament's Library. So, you can donate it to the Library.

Mr. Murungi: Thank you, Mr. Temporary Deputy Speaker, Sir. The book will be donated to the Library.

This House is becoming a great shame, embarrassment and a disgrace to the people of Kenya. We are no longer the august House, and we have been appropriately called "the House of shame." We are becoming a House of shame because Parliament has been captured by a very powerful clique of reactionary forces.

(Applause)

The Vice-President (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, I am sorry. He is not talking about me, and I am not afraid, but really: Is it in order for an hon. Member to start harassing and condemning the House when the Standing Orders are very clear; that if an hon. Member wants to condemn an hon. Member, he or she does so severally through a substantive Motion? But he cannot, according to the Standing Orders, stand to condemn hon. Members of this House.

The Temporary Deputy Speaker (Mr. Poghisio): Order! I think hon. Murungi, depending on how you say it, you are not---

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, I am not condemning the House; I am saying that this House has been captured by some very powerful forces which are manipulating the processes of the House, first of all, to support corruption; and secondly, they are also using it to support gross abuse of human rights and torture.

The Assistant Minister for Information, Transport and Communications (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, is hon. Murungi in order to condemn us by saying that we are people of "shame" when we have here decent hon. Members in this House?

Mr. Murungi: Hon. Keah, please, do not judge yourself; Kenyans are judging you! Those who voted against the "List of Shame" are the same people who will vote against this Motion. We are saying that even if you vote against this Motion, it is not the end of that issue. There is time for everything, and history will judge you. There will be a time when the history will judge the vampires of this country, who have drunk the blood of our people, and they will pay for it.

With those few remarks, I beg to support.

(Applause)

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, I have been given a few minutes, and I just want to say the following very quickly; that, a nation that is scared of its past cannot have the resolve to move into the future with a sense of purpose. This Motion is about healing and reconciliation, and you have known how the Germans have gone out of their way to try and reconcile themselves with the holocaust and how the Japanese have tried, not only to apologise to Koreans and Chinese about the atrocities committed during the Second World War. They have done it as a nation and not through institutions like the way the Attorney-General is trying to do today. Unfortunately, this House, particularly the opposite side, is in a "killing" mood. They have come here to "kill" this Motion. They have been in a "killing" mood since 1965 when Tom Mboya was killed, 1975 when J.M. Kariuki was killed and 1990 when Robert Ouko was killed.

The Late Kenyatta said we shall forgive, but not forget because we have got to reconcile with the past. You will remember yesterday, even the issue of the late Muliro came up during the discussion. Somebody was going to say that, in fact, Muliro was murdered by hon. Biwott because we cannot---

(Laughter)

The Minister for Tourism, Trade and Industry (Mr. Biwott): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to associate me with Muliro's death when he knows very well that what he is saying is a deliberate provocation? I insist he will have to withdraw and apologise. I demand that he withdraws and apologises!

(Loud consultations)

Mr. Kihoro: Mr. Temporary Deputy Speaker, Sir, I stand to conclude the debate---

The Temporary Deputy Speaker (Mr. Poghisio): Order, both of you! If as it were, that hon. Orengo associated hon. Biwott with the murder, then he has the honour to withdraw the remark and apologise.

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, I cannot withdraw that remark because yesterday hon. Anyona made an allegation here that somebody else killed Muliro. I was informed by another hon. Member who was going to rise on a point of order---

Hon. Members: No! No!

Mr. Orengo: ---to give details that hon. Biwott was on that plane. He knew that Muliro had a pistol on him. I am saying this---

The Minister for Vocational Training (Mr. I.K. Ruto): On a point of order, Mr. Temporary Deputy Speaker, Sir!

Mr. Orengo: I am on a point of order!

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Ruto! Mr. Orengo, as I have said, if the personal conduct of a Member of Parliament is being touched on, or if it involves casting aspersions on another Member of Parliament, the issue must come via a Motion. If you are associating hon. Biwott with the death of Muliro, you should withdraw the remarks because it will create a lot of problems for nothing to you.

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, I am glad that you are talking about casting aspersions. The man who is behind every dirt in this country---

The Minister for Tourism, Trade and Industry (Mr. Biwott): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to persist in maligning my name, when he knows that he is doing it deliberately? He must withdraw and apologise! Otherwise, he cannot continue with his madness about Biwott! We have got a madman here and he needs to be taken to Mathare!

The Temporary Deputy Speaker (Mr. Poghisio): Order! You cannot deal with a point of order with disorder! I cannot allow that to happen. I think both of you gentlemen know what best to do. But, Mr. Orengo, you did not really conclude what I asked you to do. You are taking away our time when we should be ending this debate.

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, yesterday, an allegation---

The Temporary Deputy Speaker (Mr. Poghisio): Order! I will not allow that! Mr. Orengo, if you are not going to withdraw---

(Loud consultations)

Order! The point of order was raised that he withdraws and apologises to the House!

Mr. Orengo: On what, particularly?

The Temporary Deputy Speaker (Mr. Poghisio): Order! Mr. Orengo, you cannot associate the character of a Member of Parliament---

Mr. Mwenje: He was reported! He was not associated! He cannot call him mad either!

The Temporary Deputy Speaker (Mr. Poghisio): Order! His character is in question! All you have to do is to support or withdraw your remarks.

An hon. Member: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): We have not dealt with this particular point of order! Otherwise, I will ask Mr. Orengo to withdraw from the Chamber!

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, hon. Mrs. Charity Ngilu is the one who gave me the information! She is willing---

The Temporary Deputy Speaker (Mr. Poghisio): Order! I take it that Mr. Orengo is hesitant to withdraw that reference---

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, let me say that, I am glad to be thrown out because I can never apologise for calling hon. Biwott a murderer! I cannot!

(Applause)

(Mr. Orengo withdrew from the Chamber)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Mr. Orengo has withdrawn from the Chamber. I am going to ask hon. Biwott to withdraw his remarks that the hon. Member, much as he has been thrown out, was a

madman!

The Minister for Tourism, Trade and Industry (Mr. Biwott): Mr. Temporary Deputy Speaker, Sir, because I am a gentleman and a civilised man, I can tolerate the delinquency of the hon. Member by withdrawing what--

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghiso): Order!

The Minister for Tourism, Trade and Industry (Mr. Biwott): Mr. Temporary Deputy Speaker, Sir, I withdraw!

The Temporary Deputy Speaker (Mr. Poghiso): Order, hon. Members! We have time to go by. Hon. Kihoro has three minutes to conclude!

Mr. Kihoro: Mr. Temporary Deputy Speaker, Sir, I thank the hon. Members who contributed on this Motion. The principle aim of this Motion was to seek compensation for people like Pio Gama Pinto, Kungu Karumba, J.M. Kariuki, Robert Ouko, Masinde Muliro and Titus Adungosi who was sentenced to 10 years for no reason at all, to mention but just a few. We shall never give up the cause for human rights and justice for all the victims. Whether we lose today, the cause will continue. We will fight it until we get justice in this country.

The Nuremberg trials took 10 years to complete after the Second World War. The Tokyo International trials took the same period to complete. Those people never gave up. We shall never give up too. The cause for Independence for this country took 68 years and multiparty democracy took 22 years to be realized. Democracy and justice demand that each one of us continues fighting until we get honour. There is a list of honour that we need to draw. Many of you have been in the list of shame, but we have a list of honour to draw for those people who believe in a good Kenya for the posterity. That will happen, whether hon. Biwott will be alive or not. Maybe, I will be dead or alive, but I know that there will be honour that day when we will appreciate those people who brought Independence to all of you who are seated here, including the hon. Attorney-General. This Government has got an infinite capacity for corruption. The hon. Attorney-General was a famous international lawyer who went to North Korea and now, he has been "bought".

With that, I beg to move.

The Temporary Deputy Speaker (Mr. Poghiso): Order! Order, hon. Members! We need to proceed now with the vote.

(Hon. Mwenje stood up in his place)

Order, hon. Mwenje! Hon. Mwenje, surely, do you know that you should be seated when the Chair is on its feet? Hon. Members, you have recently had so many divisions and I think you already know the process. We do not have to go through it for too long. The tellers are going to be as follows: For the "Ayes", we will have hon. Obwocha and hon. E. Morogo. For the "Noes", we will have hon. Kombe and hon. Mwangi Kamande. The "Ayes" will go to my right and the "Noes" will go to my left, and 15 minutes after the commencement, the doors will be closed and anybody who has not voted at that time will forfeit the opportunity to vote. Now, those who would wish to abstain will have to register their names with the clerks-at-the-Table and so now you may move to vote.

DIVISION

(Question put and the House divided)

(Question defeated by 80 votes to 45)

AYES: Prof. Anyang'-Nyong'o, Messrs. Ayoki, Galgallo M.M., Gatabaki, Gitonga, Kamanda, Kamau, Kathangu, Katuku, Kihara, Kihoro, Kiunjuri, Kombo, Kuria, Magara, Maina, Maitha, Mboko, Muchiri, Muite, Muniyao, Murathe, Dr. Murungaru, Messrs. Murungi, Mutahi, Muya, Mwangi O.K., Mwangi P.G., Mwangi P.K., Mwenda, Mwenje, Nderitu, Ndwiga, Mrs. Ngilu, Messrs. Ngure, Nyagah N.M., Obwocha, Dr. Ochuodho, Mr. Omamba, Dr. Omamo, Messrs. Parpai, Shitanda, Mrs. Sinyo, Messrs. Waithaka and Wamae.

Tellers of the Ayes: Messrs. E.T. Morogo and Obwocha.

NOES: Dr. Ali, Mr. Amin, Dr. Anangwe, Messrs. Angwenyi, Awori, Badawy, Biwott, Chanzu, Choge, Ekirapa, Dr. Galgallo G.B., Messrs. Gumo, Haji, Kalulu, Kalweo, Kamolleh, Kamotho, Keah, Khaniri, Col. Kiluta, Messrs. Kimeto, Kimkung, Kiptoon, Kirui, Kitur, Kochalle, Kombe, Kosgey, Koske, Lagat, Lengees, Lomada, Lotodo

J.D., Lotodo F.P.L., Maj. Madoka, Messrs. Maizs, Manga, Marrirmoi, Mbela, Mkalla, Mohamed, Mohamud, Mokku, Morogo E.T., Morogo W.C., Muchilwa, Mudavadi, Mugalla, Musila, Musyoka, Nassir, Ngala, Ng'eny, Ngutu, Nooru, Ntimama, Ntutu, Nyagah J.W, Nyenze, Obure, Okemo, Ombasa, Osundwa, Rotich, Ruto, Prof. Saitoti, Messrs. Salim, Samoei, Sang, Sankori, Sasura, Shaaban, Shambaro, Shidiye, Sirma, Sudi, Sumbeiywo, Too, Dr. Wako and Dr. Wamukoya.

Tellers of the Noes: Messrs. Kombe and Kamande.

ABSTENTIONS: Nil.

ADJOURNMENT

The Temporary Deputy Speaker (Mr.Poghisio): Order! Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.