

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 24<sup>th</sup> November, 2010

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### COMMUNICATION FROM THE CHAIR

#### RE-TABLING OF REPORT ON CONDUCT OF ARTUR BROTHERS AND ASSOCIATES

**Mr. Speaker:** Hon. Members, I have received a Notice of Motion from Hon. Gitobu Imanyara, MP calling upon the House to adopt the Report of the Joint session of the Departmental Committees on Administration, National Security and Local Authorities and, Administration of Justice and Legal Affairs on the investigation into the conduct of the “Artur Brothers” and their Associates, laid on the Table on 27<sup>th</sup> September, 2007 in the last Parliament.

As Members may have noted, the Report was tabled in the last Parliament and a Notice of Motion to adopt it was in fact given on the 27<sup>th</sup> September, 2007. Before I approved this Notice of Motion by Mr. Imanyara, I addressed myself to two issues namely:-

1. Can a report of a Committee which was tabled in one Parliament be deliberated upon by a succeeding Parliament?
2. Can a Member who was not a Member of the Committee that compiled and tabled a report in a previous Parliament, table such Report and give Notice of Motion for its adoption?

Hon. Members, the main role of Parliamentary Committees is to carry out functions which the House itself, due to its nature of composition, cannot practically do; like finding out the facts of a case, examining witnesses, analyzing evidence adduced and drawing reasoned conclusions to enable the House make an informed decision on a matter.

The power of the House to appoint Committees is anchored on the provisions of the Constitution and, in particular, Section 56 of the Old Constitution as saved under Section 3 of Schedule Six of the new Constitution which *inter alia* states:-

- “(1) Subject to this Constitution, the National Assembly may –
- (a) make standing orders regulating the procedure of the Assembly (including in particular orders for the orderly conduct of proceedings);

(b) subject to standing orders made under paragraph (a), establish committees in such manner and for such general or special purposes as it thinks fit, and regulate the procedure of any committee so established”.

The Committees are thus creatures of the House to which they must report back their findings. Once a Committee has tabled a report on its findings, the report together with the Minutes of the proceedings of the Committee and with such note or record of any evidence taken become the Journals and Records of the House. It, therefore, follows that such reports remain under the custody of the House whether the House is dissolved or not.

In the British House of Commons, Erskine May, an authority on Parliamentary practice and procedure, in his book *Parliamentary Practice 23<sup>rd</sup> Edition*, states:

“A report, once made to the House and ordered to be printed cannot be withdrawn except by a further order of the House.”

Indeed, in our case, the House has deliberated on reports that were tabled in previous Parliaments. On 17<sup>th</sup> October, 2002, the Eleventh Report of the Public Investments Committee on Accounts of State Corporations was tabled and a Notice of Motion to adopt it given by the Chairman of the Committee. Upon dissolution of that Eighth Parliament and commencement of the Ninth Parliament, the report was re-tabled on 3<sup>rd</sup> July, 2003 and a notice of Motion for its adoption given on even date by the Chairman.

As to whether a Member, who was not a Member of a Committee of a previous Parliament that compiled and tabled a report, can table the report again and give notice of Motion for its adoption, we have precedents in our Parliament which are close to the situation at hand. This relates to the tabling and deliberation of the Reports of the Public Accounts Committee on the Government of Kenya Accounts for the years 2001/2002; 2002/2003 and 2003/2004.

The Reports were tabled on 17<sup>th</sup> October, 2007 and upon dissolution of the Ninth Parliament, were re-tabled on 22<sup>nd</sup> April, 2008 in this current Tenth Parliament. The Notices of Motions for adoption of the Reports were given by Hon. Ekwere Ethuro for the 2001/2002 Report and hon. Fahim Twaha for the 2002/2003 and 2003/2004 Reports. The two Members, who were re-elected had served in the respective Committees in the previous Parliament and that is why they moved the Motions of adoption.

Hon. Members, the notice of Motion given by Mr. Imanyara relates to a report of a Joint Committee which made inquiry into a specific matter and made a report on it. By all means a Joint Committee is an *ad hoc* committee which ends its mandate with the tabling of its report in the House.

I wish to once again quote Erskine May. On pages 718 and 719, of his book on *Parliamentary Practice*, he posits:-

“All Committees cease to exist at the dissolution of Parliament. The culmination of the work of an *ad hoc* committee, appointed to undertake a parliamentary inquiry and to report thereon to the House, is the report which it makes to the House and the report brings the Committee’s existence to an end.”

From the foregoing, it is evident that the Joint Committee that investigated the activities of the “Artur Brothers” and their associates discharged its mandate and concluded its work. What is left is for the House to deliberate on the Report.

In view of the above, I find that it is proper for a Parliament to deliberate on a Report of a previous Parliament and that there is nothing that can bar a Member of

Parliament from re-tabling a Report and giving notice of Motion for its adoption, notwithstanding the fact that the Report was compiled and tabled in a previous Parliament and that the Member was not a Member of that Committee. I, therefore, allow Mr. Imanyara to table the report and give notice of Motion for its adoption.

Thank you.

*(Applause)*

**Mr. Imanyara:** I thank you, Mr. Speaker, Sir, for that Communication.

### **PAPERS LAID**

The following Papers were laid on the Table:-

Report of the Joint Session of the Departmental Committee on Administration, National Security and Local Authorities and Administration of Justice and Legal Affairs on the investigation of the conduct of the Artur Brothers and their associates.

*(By Mr. Imanyara)*

Report of the Departmental Committee on Energy, Communications and Information on the appointments of the Kenya Broadcasting Corporation (KBC) Board of Directors.

*(By Eng. Rege)*

### **NOTICES OF MOTIONS**

#### **ADOPTION OF REPORT ON CONDUCT OF ARTUR BROTHERS AND ASSOCIATES**

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

THAT, this House adopts the Report of the Joint Session of the Departmental Committees on Administration, National Security and Local Authorities and Administration of Justice and Legal Affairs on the investigation of the conduct of the Artur Brothers and their associates laid on the Table of the House today, Wednesday, 24<sup>th</sup> November, 2010.

#### **ADOPTION OF REPORT ON APPOINTMENT OF KBC BOARD OF DIRECTORS**

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

THAT, this House adopts the Report of the Departmental Committee on Energy, Communications and Information on the appointments of the Kenya Broadcasting Corporation (KBC) Board of Directors laid on Wednesday, 24<sup>th</sup> November, 2010.

## QUESTIONS BY PRIVATE NOTICE

### ENGINEERING COURSES OFFERED BY EGERTON UNIVERSITY

**Mr. Mbadi:** Mr. Speaker, Sir, I beg to ask the Minister for Higher Education, Science & Technology the following Question by Private Notice.

(a) Could the Minister list all the engineering courses currently offered by Egerton University whose graduates are not eligible for registration by the Engineers Registration Board of Kenya (ERB), provide a list of all the graduates of the respective courses and explain why the Joint Admissions Board (JAB) continues to admit students to those courses?

(b) What steps, including inter-ministerial consultations, is the Government taking to ensure that the JAB admits students only to engineering courses whose graduates are eligible for registration by the ERB?

(c) What action is the Minister taking to ensure that ERB registers the graduates of the said courses, particularly the Bachelor of Industrial Engineering (BIT), to enable them qualify for engineering jobs, considering that registration with ERB is a requirement for employment?

**The Minister for East African Community** (Prof. Sambili): Mr. Speaker, Sir, I would like to request that we be given more time to prepare an appropriate answer to this Question. It got to the Ministry only last night. We need time to get in touch with the institutions concerned, and be able to give an appropriate answer. So, we are asking for more time, up to one week.

**Mr. Speaker:** What is your reaction, Mr. Mbadi?

**Mr. Mbadi:** Mr. Speaker, Sir, indeed, the Minister called me just before I walked into this House. She explained the circumstances to me and even requested for time. We almost agreed on next week, but she has requested that she wants to answer this Question herself. So, she is asking if this Question could be deferred to 7<sup>th</sup> December, 2010, because she is going to be away the whole of next week.

**Mr. Speaker:** It is so ordered!

*(Question deferred)*

Next Question, Member of Parliament for Samburu East!

### POLICE ASSAULT ON RESIDENTS OF SAMBURU EAST

**Mr. Letimalo:** Mr. Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Is the Minister aware that on 14th September, 2010, police officers from Wamba Police Station assaulted one Mr. Leakono at Nkaroni Village, locked him up and released him after three days without pressing any charges against him, and that on 19<sup>th</sup> September, 2010, two Administration Police officers based at Lodungokwa

Administrative Post assaulted one Mr. Taata Lekooro, who was later admitted to Wamba Mission Hospital?

(b) Why did the police, led by the Officer Commanding Police Division (OCPD), Isiolo, also cross over to Samburu East and harass residents of Ntilal near Archer's Post and make away with Kshs30,000 on 21st September, 2010?

(c) Why did the police harass innocent wananchi in Samburu East, and what action is the Ministry taking against the police officers responsible for the assault?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that on 14<sup>th</sup> September, 2010 police officers from Wamba Police Station assaulted one Mr. Leakono. However, on 13<sup>th</sup> September, 2010, two highway robbery suspects, namely, Stephen Lenaibe and Tangishwa Leyaram, were leading a combined team of regular and Administration Police Officers to a *manyatta* owned by one Seketet Leakano to recover two rifles, an M16 and a G3, allegedly hidden at the said *manyata*. After a search, nothing was recovered, but police arrested Mr. Seketet Leakano for questioning and booked him at Wamba Police Station vide OB No.11/13/09/10 with the other two suspects. Mr. Seketet was, however, released on police bond on 17<sup>th</sup> September, 2010 for lack of sufficient evidence.

On the second incident, one Kaindi Ketarearari was assaulted on 19<sup>th</sup> September, 2010 by six Administration Police officers based at Lodungokwe and sustained serious injuries. It was further reported that the victim was admitted at Wamba Mission Hospital. The report was also booked vide OB10/22/09/2010. On receipt of the report, the police visited the victim at the hospital and found him in stable condition. Subsequently, Inquiry File No.2/2010 was opened at Wamba Police Station and the matter is pending under investigation. The victim is yet to obtain a P3 Form as he is still undergoing treatment.

(b) I am not aware that police harassed the Samburu East residents on 21<sup>st</sup> September, 2010 and stole Kshs30,000. Indeed, on 14<sup>th</sup> July, 2010, a report was received at Isiolo Police Station that a gang of about 40 heavily armed morans suspected to be from Samburu East had attacked Bubisa/Bimigo area of Isiolo and made away with 4,000 sheep and goats. There was a heavy exchange of fire, and the following herdsmen were injured: Bonaya Boru, who is a Borana aged 40 years, was shot on the right leg; Godana Golicha, who is a Borana aged 50 years, was shot on the right hand, and Guyo Duba, who is a Borana aged 25 years was shot on the hips and suffered a fractured left leg.

Following the attack, a contingent of security officers, led by the OCPD, Isiolo, pursued the raiders but only managed to recover 400 goats. Diplomacy efforts by local administrators, police and conservancy groups to recover the balance were fruitless.

On 21<sup>st</sup> September, 2010, intelligence information was received at Wamba Police Station, indicating that some of the stolen animals were sighted in Ntilal area of Lareshoru in East Samburu. The OCPD, Isiolo, mobilised regular police officers and a platoon of the General Service Unit (GSU) officers to recover the animals. A group of about 45 heavily armed *morans* engaged the police in a fierce exchange of fire for about one hour and managed to drive away the stolen animals. During the incident, police did not harass the local people. Neither did they steal money as alleged.

Further, no report has been made to date at the nearby Archers Police Post, or at any other police station. No report of harassment or theft of Kshs30,000 was made to the nearby Archers Police Post.

(c) The allegation that police harassed innocent wananchi in Samburu East is misleading. However, if there is any person claiming to have been harassed, he or she should report and investigation will commence immediately. The Government does not condone harassment of innocent wananchi by security officers. We call upon anybody claiming to have been harassed to report to the police to enable us carry out investigation for appropriate action to be taken.

Any reported case of police harassment is investigated on its own merit, and wherever any police officer is found culpable, action will be taken immediately.

Thank you, Mr. Speaker, Sir.

**Mr. Letimalo:** Mr. Speaker, Sir, I agree with the Assistant Minister on his answer to part (a) of the Question that police arrested Mr. Leakolo and upon investigations, they did not recover any firearms, and he was released. That was quite in order, because police are supposed to carry out investigations, and when they find that you have not done anything wrong, you are released. On that one, I agree with him.

My concern is about Katal Yokooro. This is a man who is disabled to the extent that part of his right hand side is paralysed. I managed to visit this man when he was hospitalised at Wamba Mission Hospital. The medical doctors were doing what they call “skin grafting” to patch up part of the buttocks and private parts, which were badly damaged. My question to the Assistant Minister is: First, what is the condition of---

**Mr. Speaker:** Order, Member of Parliament for Samburu East! This is Question Time. You ask one question at a time. You have two opportunities as the Questioner. So, ask one question now and you can ask one more before we finish with the Question.

**Mr. Letimalo:** Mr. Speaker, Sir, I wanted to know about the condition of the patient because he is undergoing what doctors call “skin grafting”. I would like to know what offence Katal Yokooro committed to deserve that kind of cruel punishment by the Police.

**Mr. Ojode:** Mr. Speaker, Sir, the first question is on the condition of the patient. The patient is improving. It was quite unfortunate that this guy was shot at. However, we are investigating the matter. Once investigations are concluded, appropriate action will be taken.

**Mr. Affey:** Mr. Speaker, Sir, there is a general disconnect between the Assistant Minister and his officers on the ground. He always comes to inform the House what he thinks ordinarily should have been done, and not exactly what the officers do on the ground. I would like to find out from him why the OCPD, Isiolo, had to move all the way to Samburu East in order to undertake this exercise. Under what circumstances did he have to do this work?

**Mr. Ojode:** Mr. Speaker, Sir, fortunately, those investigating this matter were ordered from Nairobi, not from the ground. Once the report is complete, I will be able to report appropriately what action we have so far taken against the officers who were involved in these heinous acts. But as of now, I wish him quick recovery. I hope that we will at least bring to book these fellows. If need be, we will fire or dismiss the officers and take them to court for having involved themselves in this issue.

**Mr. Bahari:** Mr. Speaker, Sir, in answering part “b” of the Question, the Assistant Minister mentioned names of people who were injured from Isiolo. This keeps on recurring time and again. As you are aware, we had a similar question here last week from hon. M’Mithiaru. What action will he take to ensure that peaceful Isiolo people are not disturbed from any quarter including, the ones suspected from Samburu East?

**Mr. Ojode:** Mr. Speaker, Sir, right now, we are disarming those who are having illegal firearms. That will also bring sanity to that particular area. Once the investigators have finished their investigation job, we will arrest these fellows who committed this offence and take them to court. Nobody will be spared.

**Mr. Imanyara:** Mr. Speaker, Sir, it was only yesterday that the Assistant Minister assured this House that the Government had abandoned this practice of treating the people of North Eastern Province as second class citizens for discriminatory application of the law.

Mr. Speaker, Sir, you will have noticed that over 90 per cent of all issues relating to police brutality and disrespect for law come from Upper Eastern and North Eastern Province. Could he tell this House, what action he has taken against any security officers over the period he has been an Assistant Minister? He has been assuring this House that stern action will be taken. Could he tell us whether he has, indeed, taken any action against any of the police officers or security agents whose conduct has been questioned in this House?

**Mr. Ojode:** Mr. Speaker, Sir, that is a very valid and genuine question. Several police officers who are involved in this kind of crimes have, so far, been dismissed. Others have been taken to court. Some officers have been transferred to remote areas. I want to assure this House that it is the investigation bit which delays the action. I have ordered for them to fast-track the investigations in order for me to take action.

Mr. Speaker, Sir, when I say “I will take action”, I always take action. I take disciplinary action against any police officer who is found to be contravening the law, and the law is very simple, to protect the lives and property of wananchi.

**Mr. Letimalo:** Mr. Speaker, Sir, I am still on Taata Lekooro. This man was assaulted on 19<sup>th</sup> September. The two notorious APs who assaulted him are known by names. I have Danson Mwiti and Raymond Nyongesa. Why have they not been arrested to date? It is now three months down the line since they assaulted this disabled man.

**Mr. Ojode:** Mr. Speaker, Sir, I said, and I want to repeat here; any police officer who is involved in a heinous crime will not be spared. If the report tells us that they are the fellows whom the hon. Member has mentioned, I have no choice, but to arrest them and arraign them in a court of law.

**Mr. Letimalo:** On a point of order, Mr. Speaker, Sir. The Assistant Minister says that any police officer who is involved in this kind of crime will not be spared. Now, I am saying that the two administration police officers are known by name and I have given their names. Why have they not been arrested? That is the question!

**Mr. Ojode:** Mr. Speaker, Sir, you know very well that the hon. Member who is a friend of mine has never been an investigator. We are investigating those allegations. Once it comes from a credible investigator, we will arrest those officers.

**Mr. Litole:** On a point of order, Mr. Speaker, Sir. When it comes to investigating and action being taken by the police officers, it takes three months. Is the Assistant Minister in order to say the investigations will take more than three months?

**Mr. Ojode:** Mr. Speaker, Sir, I believe that it is in this Parliament where honesty should be practiced. I cannot arrest any officer because of speculations. I am waiting for the report. Once the report mentions their names, I will take action against them.

**Mr. Letimalo:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order, the Member for Samburu East.

If you insist and I allow you to make that point of order and it is not a point of order, it is a false order, then I am afraid, I will have to impose sanctions on you. You were the questioner. You have had two opportunities at this question and one point of order. Do you want to insist?

*(Laughter)*

Next Question, Member for Kimilili!

#### MEASURES TO ADDRESS INSECURITY IN KIMILILI

**Dr. Eseli:** Mr. Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Is the Minister aware that over 20 people have been injured through thuggery in the residential areas of Kimilili Township in Kimilili Constituency in the last three months?

(b) Is the Minister further aware that at least one person is killed by criminals every month at Brigodia Market over the past four months?

(c) How many people have been arrested over the above criminal acts and what action is the Minister taking to restore security in Kimilili Constituency, particularly Kimilili Town and Brigodia Market and its environs?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that over 20 persons have been injured through thuggery in the residential areas of Kimilili Township in Kimilili Constituency in the last three months.

(b) No, I am not aware that at least one person is killed every month at Brigodia Market over the past four months. However, I am aware that two people were murdered in the last four months as follows:-

On 4<sup>th</sup> August, 2010, within Brigodia area, at about 7.00 p.m. Rueben Baraza was found murdered about 600 metres from his home. Police opened an inquest file No.4/2010, which was forwarded to the Attorney General, who directed that public inquest be held. The file is currently before court for public inquest. The next hearing will be on 24<sup>th</sup> November, 2010.

On 31<sup>st</sup> October, 2010, at 23.35 hours, Peter Wasike Simiyu was attacked by an unknown number of gangsters with crude weapons. He died instantly. Two other persons, Ezekiel Khaemba and Geoffrey Wafula, sustained serious injuries. A case file CR. 915/180/2010 was opened and is pending for investigations.

(c) A total of 22 suspects have been arrested and charged before court. Nineteen of them are before courts vide the following cases:-

1. Cr.912/257/2010- Court file No.988/2010



2. Cr. 912/230/2010- Court file No.882/2010
3. Cr. 912/231/2010- Court File No.900/2010
4. Cr. 912/231/2010- Court File No.903/2010
5. Cr. 912/235/2010- Court File No.916/2010
6. Cr. 912/251/2010- Court File No.976/2010
7. Cr. 912/261/2010- Court File No.1002/2010
8. Cr. 912/266/2010- Court File No.1005/2010
9. Cr. 912/204/2010- Court File No.1000/2010
10. Cr. 912/268/2010- Court File No.1014/2010
11. Cr. 912/270/2010- Court File No.933/2010
12. Cr. 912/275/2010- Court File No.940/2010
13. Cr.912/238/2010- Court File No.954/2010
14. Cr.912/239/2010- Court File No.957/2010
15. Cr. 912/240/2010- Court File No.933/2010
16. Cr. 912/241/2010- Court File No.940/2010
17. Cr.912/242/2010- Court File No.954/2010
18. Cr.912/244/2010- Court File No.957/2010
19. Cr.912/247/2010- Court File No.968/2010.

Another case inquest No.4/2010 is pending before court for public inquest and the next hearing is 24<sup>th</sup> November, 2010.

The following cases are pending and are under investigations. They are Case Nos.912234 and 915180. However, the following measures have been put in place to contain the crime. We have increased patrols in Kimilili and Brigodia areas. An Administration Police (AP) camp has been established in Brigodia. There are also plans to establish a police post in Brigodia. The divisional Criminal Investigation Department (CID) has been given a vehicle registration number KAM 859Z which will help in enhancing patrols. These measures will reduce the thuggery witnessed in that area.

**Dr. Eseli:** Mr. Speaker, Sir, I wish to thank the Assistant Minister for that answer and also acknowledge that there are police officers in Brigodia and not just the AP camp. However, it is a bit serious in the sense that all these crimes are being committed in Kimilili Town, Brigodia and Kiminini where there are police stations. The police officers in those areas have served for more than two years in the same areas and are just rotated within the district. Could this wave of crime be related to the long stay of those police officers in those areas?

**Mr. Speaker:** Order! This is Question Time!

**Mr. Ojode:** Mr. Speaker, Sir, I said in this House last week that there has been a wave of criminal activities within Kimilili and Kiminini. I promised that those police officers who have overstayed, meaning, that those who have stayed for three years and above will be transferred and new officers with new ideas posted. If you go to Kimilili today, you will see new police officers. I will post more police officers to the area if there is need. That is why I will establish an AP camp in Brigodia so that the APs can also carry out patrols in order to reduce crime in the area.

**Mr. Kombo:** Mr. Speaker, Sir, the question of insecurity is not just localized as per the Question. As the Assistant Minister strengthens security in the areas the hon. Member has asked the Question about, the crooks simply move a few kilometres away and commit the same crimes. The killings in Webuye are exactly the same as those that

happen in Kimilili. What has the Minister done to ensure that there is security in the whole region?

**Mr. Ojode:** Mr. Speaker, Sir, I have said that I have intensified the patrols. I have also given a vehicle to the CID officers to use in patrolling the area and arrest those who cause mayhem. I have said earlier on that if there is any need to increase the number of police officers, I will do that even today. However, I am happy that the Questioner has admitted that the level of criminal activities has so far gone down. We are together and I will try and post more officers to the area if there is need.

**Mr. Mbugua:** Mr. Speaker, Sir, it is apparent that the level of crime especially in the City has gone up in recent times. Could the Assistant Minister tell the House whether there is collusion between the thugs and the police officers, and whether the police officers collaborate with thugs, leading to an upsurge in crime in the City?

**Mr. Ojode:** Mr. Speaker, Sir, I do not agree with the hon. Member that there is an upsurge of insecurity in the City. In any case, the level of insecurity in the City has gone down. Right now we have new equipment which the police officers use to track down criminals. We are also being assisted by Airtel Kenya and Safaricom to arrest criminals. As far as I am concerned as the Assistant Minister in charge of Internal Security, there is no upsurge in crime in the City. In fact, crime has gone down a bit within Nairobi. We also want to do a replica in other cities and towns like Mombasa, Kisumu, Nakuru and Eldoret. My officers are doing a commendable job and we need to support them in order for crime levels to go down.

**Mr. Kigen:** Mr. Speaker, Sir, the Assistant Minister has said that he is intensifying police patrols even in Nakuru but the situation in that town is very bad. Areas like Kiamunyi and Ngata are always attacked. What has the Assistant Minister done in order to give more vehicles to the police? He has talked about increasing the number of police officers---

**Mr. Speaker:** Order, the Member for Rongai! It is Question Time!

**Mr. Kigen:** Mr. Speaker, Sir, what has the Assistant Minister done to increase the number of vehicles and petrol or fuel?

**Mr. Speaker:** That is being repetitive!

Yes, Mr. Assistant Minister!

**Mr. Ojode:** Mr. Speaker, Sir, you will agree with me that I have already answered that question, but for his benefit I will repeat. Currently, we are discussing with the Treasury so that we can have more vehicles. If we have more vehicles, the crime rate within these cities will come down. There are isolated cases like in those two areas he has mentioned. Within a week or two, the police will get hold of the youth who use those areas as their hideout and arraign them to court.

**Dr. Eseli:** Mr. Speaker, Sir, the Assistant Minister being aware that the Constituencies Development Fund (CDF), Kimilili has collaborated very well with his Ministry to increase the facilities for the police by way of building patrol bases, staff houses and improving the existing police stations, could he reciprocate by giving us funds to build a patrol base at Brigodia?

**Mr. Ojode:** Mr. Speaker, Sir, I am waiting for a survey report which is being done countrywide and if the report indicates that Brigodia needs this particular facility, because the hon. Member has used some money from the CDF, we will supplement.

**Dr. Eseli:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to suggest that he needs a survey to ascertain if a police post is needed in Brigodia and yet we are saying that there is insecurity in that area? That shows a need for a police post in that area. Is he in order?

**Mr. Speaker:** Order! That is a point of argument. What you are saying vis-à-vis what the Assistant Minister is saying is an argument. You are arguing with his answer. Let us move on to the next Question by the Member for Ol Kalou!

## ORAL ANSWERS TO QUESTIONS

### *Question No.412*

#### NON-SUPPLY OF RELIEF FOOD TO MAUA IDP CAMP

**Mr. Mureithi** asked the Minister of State for Special Programmes:-

(a) whether she is aware that 86 bags of maize, 6 cartons of oil and 9 bags of beans meant for Maua IDP Camp as relief food were sold and not issued to the intended beneficiaries;

(b) whether she is also aware that large quantities of relief food disappeared in both Karandi and Kiambi IDP centres; and,

(c) what action she is taking to apprehend the culprits and put measures in place to stop such theft of relief food in future.

**The Assistant Minister, Ministry of State for Special Programmes (Mr. M.M. Ali):** Mr. Speaker, Sir, I beg to reply.

(a) I am aware that 64 bags of maize, five cartons of vegetable and eight bags of beans that were meant for the IDPs in Maua Camp in Nyandarua West District were sold by some camp officials. These officials are Joshua Muchiri, who was the chairman of the camp and Rose Wambui who was the secretary of the same camp and have since been arrested.

(b) I am not aware of any disappearance of relief food in Karandi and Kiambi IDP camps in the same district. No loss of food has been reported in any of these camps.

(c) As stated above, action has already been taken. The two people who were caught illegally selling the relief food were arrested and taken to court. Other measures taken to avoid a repeat of the problem in future as sought by the hon. Member include election of new officials in the same camp so that people who have clean records in the past will be trusted for the leadership of the camp.

**Mr. Mureithi:** I am grateful for the answer by the Assistant Minister that he is aware that relief food, particularly from Maua was stolen. But according to the directives which are given and this time on 5<sup>th</sup> May, 2010, the food was supposed to be distributed by the District Food Security Committee. How would a young man, who is just about 24 years, take the maize and sell 64 bags whereas the food was in the hands of the District Security and Food Committee as directed by this Ministry?

**Mr. M.M. Ali:** Mr. Speaker, Sir, I really appreciate the hon. Member's concern. However, as he rightly says, this relief food is supposed to be handled by the District Security Committee under the chairmanship of the District Commissioner as it has

always been the case in any particular district in the country. In this particular case, relief food meant for that IDP camp was given to the camp officials by the DSC. Unfortunately, the IDP officials, who were entrusted with handling of IDP matters, happened to be people of questionable character and therefore, led to the theft of the said relief food. As I have stated, we are pursuing; we are investigating, the Government is doing all that it takes to ensure that everybody who has been involved in this has been brought to book and justice will be done accordingly.

**Mr. Mwangi:** Thank you, Mr. Speaker, Sir. The issue of IDPs has been on this Floor for a long time. Could the Assistant Minister tell this House when the IDPs issue is going to be resolved? They do not require food. They require to be resettled. How soon are you going to do that?

**Mr. M.M. Ali:** Mr. Speaker, Sir, I again appreciate the concern and we want to hear that these IDPs are settled once and for all. But as to when, if the Member is keen, only three weeks ago I issued on the Floor of this House, a very comprehensive statement on the programme the Government has as far as the IDP resettlement programme is concerned. But just maybe, to give him an idea of what it entails--- If, for example, he goes to the HANSARD, he will see it from the records that we are hoping in not too long a time to resettle the IDPs. Of course, land has been the biggest issue. The Ministry of Lands has been looking for proper settlement areas. As soon as this land is gotten, all IDPs will be resettled. Since I issued the statement three weeks ago, quite a number of households have already been resettled and we seek co-operation from everybody concerned, especially Members of Parliament where the Ministry of Land buys some land from their areas like a case in Maasai area where there is conflict after Government has already bought the land from them. We need co-operation from Members of Parliament so that this process can be smooth. Otherwise, the programme is at hand and we hope it will be over very soon.

**Mr. Mureithi:** Mr. Speaker, Sir, considering that when the Assistant Minister toured my constituency, we discovered that on 17<sup>th</sup> June, relief food for Mawingu which amounted to about 2,000 bags which were supposed to be collected from Nyahururu were also missing. Considering that a senior officer who was co-ordinating the exercise in the region has been suspended, what is the Assistant Minister doing to unearth the actual corruption which is exploiting the IDPs who are in a very unfortunate situation?

**Mr. M.M. Ali:** Thank you, Mr. Speaker, Sir. Coupled with the fact that there are some complaints about some registers in a few camps, we had written sometime early this year to the Kenya Anti-Corruption Commission to investigate and take the necessary action so that this programme will be running smoothly. Otherwise, the particular case the hon. Member has mentioned, the officer has already been interdicted and justice will take its course. We are awaiting the report from the KACC as to deal with allegations of corruption whether in the camps or otherwise, so that this matter can come to rest.

**Mr. Speaker:** Next Question by the Member for Konoin!

*Question No. 426*

NON-PERFORMANCE OF SOTIT  
SECONDARY SCHOOL BOG

**Dr. Kones** asked the Minister for Education –

- (a) whether he is aware that the Board of Governors of Sotit Secondary School has not performed to expected standards and that it has failed to hold meetings as per the Ministry's regulations, thus affecting the performance of the school; and,
- (b) what measures the Minister has put in place to ensure that a new and efficient Board is re-constituted.

**The Assistant Minister for Education** (Prof. Olweny): Mr. Speaker, Sir, I beg to seek your guidance on this Question in line with Standing order No. 43(4). On 13<sup>th</sup> October, 2010, my Ministry gave a reply to this Question. My Ministry is already taking action in line with the answer that was given on the Floor of the House on that day. Should I give another answer to the same Question that we gave an answer to just two months ago? I have a copy of the HANSARD for that day.

**Mr. Speaker:** Order! Order! Hon. Assistant Minister, of course, that would be a legitimate claim. I would want to acquaint myself with the HANSARD and be able to give directions. That is what we will do and the HANSARD is not immediately available. The Member for Konoin, do you have anything to say?

**Mr. Kones:** I can confirm that the Assistant Minister had adequately answered the Question. So the answer he has given is a progress report of what he has done, which I appreciate. So I really do not think the Question should come back.

**Mr. Speaker:** In that case, the matter is settled. The Standing orders will not allow a question to be repeated within six months of its being answered. So, Mr. Assistant Minister, you are entitled to that claim and the Clerks-at-the-Table, please, ensure that this does not recur. Mr. Assistant Minister, the matter must rest there. You need not answer.

**The Assistant Minister for Education** (Prof. Olweny): Thank you very much, Mr. Speaker, Sir.

Mr. Speaker: Very well! Next Question by hon. Kombo!

*Question No.557*

COMPLIANCE WITH CONSTITUTIONAL PROVISION  
ON FINANCIAL PROBITY

**Mr. Kombo** asked the Minister for Justice, National Cohesion and Constitutional Affairs what the Government is doing to ensure compliance with Chapter Six of the Constitution on Leadership and Integrity, particularly Article 76 (2) (a) on financial probity of state officers which stipulates that a state officer shall not maintain a bank account outside Kenya except in accordance with an Act of Parliament and Article 77 on restrictions on activities of State Officers.

**The Assistant Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. Cheptumo): Mr. Speaker, Sir, I beg to reply. The Government and, indeed, my Ministry is committed to ensuring that all provisions of the Constitution are fully implemented.

**Mr. Imanyara:** On a point of order, Mr. Speaker, Sir. With great respect to my good friend, last week he answered a Question on behalf of the Ministry and he was disowned by the Minister. Can he give an assurance that the answer he is giving is actually the Ministry's answer and not his own answer?

**Mr. Speaker:** Assistant Minister, that is a valid concern.

**The Assistant Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. Cheptumo): Mr. Speaker, Sir, I confirm that the answer I will give is not my opinion; it is the Ministry's position.

**Mr. Speaker:** Proceed!

**The Assistant Minister for Justice, National Cohesion and Constitutional Affairs** (Mr. Cheptumo): Mr. Speaker, Sir, my Ministry appreciates the significance of the provisions of Chapter Six of the Constitution. The provisions of this chapter are aimed at restoring integrity in leadership of public offices. Under this chapter, Parliament needs hon. Members to enact legislation to establish an Independent Ethics and Anti-Corruption Commission under Article 79. In addition, Parliament is to enact legislation on leadership under Article 80.

Mr. Speaker, Sir, under Article 261 (1) read together with the Fifth Schedule of the Constitution, Parliament needs to enact legislation on Independent Ethics and Anti-Corruption Commission Act under Article 79 from the effective date, while legislation on leadership is to be enacted within two years. To facilitate the enactment of the legislation anticipated under this chapter, the Government and, indeed, my Ministry is organizing a strategic inter-agency co-ordination workshop to develop and draft a leadership and integrity law.

Secondly, we are facilitating workshops to review the Anti-Corruption, and Economics Crimes Act, Public Officer Ethics Act and other legislations. A review of these laws and enactment of the Independent Ethics and Anti-Corruption Commission Act will pave way for the restructuring of the current Kenya Anti-Corruption Commission (KACC) into a new Independent Ethics and Anti-Corruption Commission, with the mandate to enforce the provisions of Chapter Six of our Constitution.

Mr. Speaker, Sir, we are also in the process of developing an Anti-Corruption Policy Paper. A sum of Kshs10 million has been approved by the Cabinet for this purpose. A concept paper has also been developed which will be discussed in eight regional stakeholder's workshops before a draft National Anti-Corruption Policy is developed. This policy will streamline the legal and institutional framework with regard to anti-corruption, leadership and integrity.

Mr. Speaker, Sir, unless and until the legal framework and policy mentioned above are put in place through legislation by this House, the Government cannot be able to effectively ensure compliance with the provision of this chapter. The existing legal framework is ill equipped to sustain such compliance.

Mr. Speaker, Sir, Article 76 (2) (a), for example, contemplates a scenario where a state officer may maintain a foreign bank account if the same is in accordance with an Act of Parliament. The Executive, therefore, cannot purport to prohibit a state officer from maintaining foreign bank accounts, but can only direct that they may only maintain the same in accordance with an Act of Parliament. Similarly, to ensure compliance with provisions of Section 77, there must be appropriate legal framework as outlined above.

My Ministry is committed to ensuring that the necessary legal framework is in place within the prescribed timelines so as to achieve the full compliance with the provisions of this chapter.

Thank you.

**Mr. Kombo:** Mr. Speaker, Sir, to accept the Assistant Minister's answer is, in effect, to say that integrity, good governance and good leadership is being put on hold. Chapter Six of the Constitution is not suspended; so, we cannot say to leaders that they can continue stealing for the time being while we wait for legislation.

Could the Assistant Minister prioritize this legislation that he is talking about and which surrounds Chapter Six, so that we can pass them even before Christmas to ensure that the country is on the right footing in terms of integrity issues?

**Mr. K. Kilonzo:** On a point of order, Mr. Speaker, Sir. I am rising on a point of order on a matter of procedure because the Standing Orders are very clear that from 3 p.m., it should have been the Prime Minister's Question Time, and that time has passed. I am seeking your directions on this matter.

**Mr. Speaker:** Order! Honorable Member for Mutito, you have, of course, raised a valid point of order, but compliance with the Standing Orders is subject to the prevailing circumstances as there may be. Now, for this afternoon, we had upwards of ten Questions; some of them, Questions by Private Notice which, by their nature are, therefore, urgent and must be attended to within a period of 24 hours and at the very latest 48 hours. Our practice has been such that we take urgent Business as fast as the earliest opportunity. Judging from the Business that we have on the Order Paper, I have had to exercise my discretion and allow as many Questions as can be answered before we get to Prime Minister's Question Time because we do not have very heavy Business after this. So, I have exercised that discretion in a manner that I believe is in the interest of the House and that is just. So, in those circumstances, I will allow that accommodation for Questions for another five minutes.

Proceed, Mr. Assistant Minister!

**Mr. Cheptumo:** Mr. Speaker, Sir, indeed, I concur with my colleague that Chapter Six of our Constitution really deals with very essential aspects of our lives because integrity and leadership is critical. Unfortunately, the law as it is requires that we pass the laws within six months with regard to the Kenya Anti-corruption Commission and within two years with regard to legislation on leadership.

What we are doing as a Ministry is to fast track this so that we are able to reduce the time. So, I confirm to the House that we will work hard and ensure that we have the laws even before the time provided for in the Constitution.

**Mr. Mungatana:** Mr. Speaker, Sir, I am surprised by the answer that the Assistant Minister has given with regard to a very simple administrative thing that he could do.

The Registrar of Political Parties, without a budget of Kshs10 million, or even Kshs1 million, wrote a letter to demand compliance of the Constitution and the spirit, with regard to people who are holding state offices and are holding political party offices. I received that letter as the Secretary General of NARC Kenya. It is a simple letter.

Mr. Speaker, Sir, what is so difficult about writing a letter to all state officers to request them to stop holding accounts outside Kenya in compliance with the spirit of the new Constitution? Does he need Kshs10 million to draw a draft policy for that?

**Mr. Speaker:** Order, honorable Member for Garsen! You have asked the question. Could you, please, let the Assistant Minister answer it?

**Mr. Mungatana:** Thank you, Mr. Speaker, Sir.

**Mr. Cheptumo:** Mr. Speaker, Sir, when I talked about Kshs10 million, it is not money relating to what my colleague is saying. I am saying that this is money we require to implement the entire process under Chapter Six.

Mr. Speaker, Sir, with regard to what he has said about writing letters to comply with Article 77 - I think that is what he said - this has been an issue which has been on debate; whether really, state officers under the law ought to hold offices in political parties.

Mr. Speaker, Sir, if you read Section 3 (2)---

**Mr. Mungatana:** Mr. Speaker, Sir, I think the Assistant Minister is losing the relevance here, because that was an example. If the Registrar of Political Parties can write a letter to seek compliance, why can the Minister for Justice, National Cohesion and Constitutional Affairs not write a letter to all State Officers to simply tell them that they are not required under the new Constitution to have money and accounts abroad. Could they start complying? What is so difficult about doing that?

**Mr. Cheptumo:** Mr. Speaker, Sir, there is nothing difficult in doing a letter, but we should do that letter within the law. I am saying that under the law, we are not able to do that.

**Ms. Karua:** Mr. Speaker, Sir, the Constitution is the supreme law, and it dictates that no public officer should maintain an account abroad. Under what other law is the Assistant Minister unable to write the letter? Is it in order for the Assistant Minister to mislead the House that he cannot write the letter when the Constitution dictates that, that is the position?

**Mr. Speaker:** Mr. Assistant Minister, please answer this briefly. We are running out of time.

**Mr. Cheptumo:** Mr. Speaker, Sir, we are to comply with that within a provision of an Act of Parliament. Let me refer my colleague to---

**Mr. Mwangi:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** The Assistant Minister is responding to a point of order. Please allow him to finish.

**Mr. Cheptumo:** Mr. Speaker, Sir, if you look at Article 76(2), it states as follows. Let me read it so that it becomes very clear to my colleague. Article 76(2) states as follows--- Let me read it; it is important.

**Mr. Speaker:** Mr. Assistant Minister, are you really prepared to give the answer.

**Mr. Cheptumo:** I am prepared, Mr. Speaker, Sir.

*(Mr. Cheptumo perused through a document)*

**Mrs. Odhiambo-Mabona:** On a point of information, Mr. Speaker, Sir!

**Mr. Speaker:** Mr. Assistant Minister, if you need time, I can give you time.

**Mr. Cheptumo:** Mr. Speaker, Sir, give me time to find the section just within a short time.

**Mrs. Odhiambo-Mabona:** On a point of information, Mr. Speaker, Sir.

**Mr. Speaker:** Order, Mrs. Odhiambo-Mabona.



**Mr. Cheptumo:** Mr. Speaker, Sir, I have been able to find it. Article 77(2) states as follows. I would like to read it. It states that---

*(Mr. Cheptumo perused through some documents)*

**Mrs. Odhiambo-Mabona:** On a point of information, Mr. Speaker, Sir.

**Mr. Speaker:** Order, hon. Members! Order Mr. Assistant Minister. I am afraid that we cannot continue this way. Mr. Assistant Minister, you are taking too much time to find the provisions that you want to rely on. In those circumstances, I will defer this Question to Tuesday at 2.30 p.m.; please come fully equipped with the answer.

**Mr. Cheptumo:** Most obliged, Mr. Speaker, Sir.

*(Question deferred)*

**Mr. Speaker:** Order, hon. Members. We must then come to the end of Question Time. We will defer the balance of the Questions to tomorrow at 2.30 p.m. Those Questions will take precedence over those Questions that are due tomorrow. I note that the Member for Gichugu may have another Question that will also come tomorrow. Because of the urgency of Question No.568, it may have to also appear on the Order Paper tomorrow.

*Question No.558*

START UP SYSTEM/CAPACITY FOR COUNTY  
GOVERNMENTS

*(Question deferred)*

*Question No.561*

OPERATIONS OF COFFEE SACCOS AFFECTED  
BY LOAN DEFAULTERS

*(Question deferred)*

*Question No.568*

DISPUTE OVER ANGATA MWANGANGI'S PLOT  
IN TAVETA SCHEME

*(Questions deferred)*

We will now move to Prime Minister's Time.  
Proceed, Mr. Baiya.

## PRIME MINISTER'S TIME

*Question No.QPM.010*

### IMPLICATION OF MINISTERS IN CORRUPTION

**Mr. Baiya** asked the Prime Minister:-

- (a) why the Government continues to retain Ministers tainted by corruption in the Cabinet contrary to the Constitution, considering the seriousness of the fraud and corruption allegations made against them, as well as the fact that the Kenya Anti-Corruption Commission (KACC) has instituted investigations; and,
- (b) what measures the Government is taking against the concerned Cabinet Ministers to ensure that they do not use their official positions to interfere with independent investigations.

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, I beg to reply.

I do not know of Ministers who are tainted by corruption and who are still in the cabinet.

**Hon. Members:** No!

**The Prime Minister** (Mr. Raila): Mr. Speaker, Sir, allegations do not taint somebody. There has to be tangible evidence produced. I, therefore, see no reason for us to take measures at this formative time.

**Mr. Baiya:** Mr. Speaker, Sir, I do not feel very satisfied with the answer given by the Prime Minister. Just to illustrate what I am saying, for instance, there is the issue of the Minister for Industrialization. There was a list that was produced in this House concerning vehicles of more than eight years of age imported into the country; a list of 306 vehicles was produced in the House. In response, the Minister told this House that those vehicles were of returning Kenyans.

*[Mr. Speaker left the Chair]*

*[Mr. Deputy Speaker took the Chair]*

Mr. Deputy Speaker, Sir, that list – I also have that list – shows for instance, that Pakem Investment Company imported 60 Toyota Corolla vehicles, and was given an exemption. Records from the Registrar of Companies show clearly that one of the owners of this company is Gulam Yasin, a Pakistani.

The second company which imported 37 vehicles is Yuasa International Limited. One of the owners of this company is a Japanese and the other five directors are Pakistanis. I wish to table these records before this House.

*(Mr. Baiya laid the documents on the Table)*

Mr. Deputy Speaker, Sir, the answer the Minister gave to this House was, therefore, misleading. This illustrates the problem we are raising; that, Ministers are using their official positions simply to mislead this House and also to frustrate

investigations. Is the public interest being served by retaining the Ministers whose Ministries are being investigated, in office?

**Mr. Raila:** Mr. Deputy Speaker, Sir, I know that the matter, as the hon. Member admits, has come before this House and the Minister did give a response. The hon. Member may know that the hon. Minister was invited by KACC to answer some questions, and that investigations are ongoing. I want to assure this House that this Government does not condone acts of corruption, even by Ministers.

*(Mr. Baiya stood up in his place)*

Could the hon. Member, please, give me time?

Mr. Deputy Speaker, Sir, I want to be on record here saying that we will not condone acts of corruption whether by the Ministers, the Prime Minister or the President. Action will be taken against any individual who will be found to have engaged in corrupt practices.

*(Applause)*

Having said that, I would like to add the following; let us allow the institutions that we have established here in this country to do their work. This House is doing its work and I am on record as having said that Parliament has a very important duty to do; oversight work. I have also said that there are other institutions which are charged with the responsibility of carrying out professional investigations. We should also apply the same standards that we demand of the Executive, as Members of Parliament. I assure this House that action will be taken against any individual in the Government who will be found to have committed an act of corruption.

**Mr. Mbadi:** Mr. Deputy Speaker, Sir, the Prime Minister has said that he is not aware of any Ministers who are tainted. But I want to quote the 16<sup>th</sup> Report of the Public Investments Committee (PIC). It is the last PIC Report that has been adopted by this House. The Report says that the Committee recommends that the Director, Kenya Anti-Corruption Commission (KACC) should carry out investigations on the roles played by the chief officers from the Treasury and the Ministry of Transport namely; the then Minister for Finance, Mr. Kimunya, the Minister for Transport, Mr. Chirau Mwakwere, the Permanent Secretary to the Treasury, Mr. Joseph Kinyua and the Investments Secretary, Ms, Esther Koimett in awarding the concession to Sheltam Railways/RVR. This is a Report that has been adopted by this House and recently, the Minister for Foreign Affairs had to step aside even before this House adopted the Report. What are those two Ministers still doing in the Government? What are those two public officers - the Treasury Permanent Secretary and the Investments Secretary - still doing in the Government and the Report of the House as adopted recommends that they should be investigated by KACC?

*(Applause)*

**The Prime Minister** (Mr. Raila): Mr. Deputy Speaker, Sir, the hon. Member has actually answered his own question. That is because he says that the Report

recommended that KACC should carry out investigations. Carrying out investigations does not imply guilt. Investigations can be carried out and the result comes out that the persons named in the report are innocent.

*(Applause)*

**Mr. Mbadi:** On a point of order, Mr. Deputy Speaker, Sir. I gave an example of the Minister for Foreign Affairs. Their Report of the House was recommending investigations and the Minister was forced or asked to step aside. It is the same circumstances as those two Ministers. Why are they not stepping aside so that investigations are carried out by KACC?

*(Applause)*

**The Prime Minister (Mr. Raila):** Mr. Deputy Speaker, Sir, I want to inform the hon. Member that investigations were already carried out with regard to the award of the RVR contract. So this is an issue---

**Mr. Nyamweya:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** He is responding to a point of order! Allow the Mr. Prime Minister to respond to it. Please, proceed!

**The Prime Minister (Mr. Raila):** Mr. Deputy Speaker, Sir, Mr. Nyamweya has now been in the House for a long time and he should understand the Standing Orders of the House!

*(Mr. Nyamweya stood up in his place)*

**Hon. Members:** He is on a point of order!

**Mr. Deputy Speaker:** Proceed, Mr. Prime Minister!

**The Prime Minister (Mr. Raila):** Mr. Deputy Speaker, Sir, I just want to inform the hon. Member that with regard to the award of contract to RVR, it was not just the Government of Kenya affair. It was a joint affair which also involved the Government of the Republic of Uganda. The matter has been investigated and appropriate remedial actions have been taken with regard to that particular contract.

**Mr. Nyamweya:** On a point of order, Mr. Deputy Speaker, Sir. Is the Prime Minister really in order to mislead the House? Just a short while ago, he suspended Mr. Samoei and Prof. Ongeru in order for investigations to be carried out. How is it now that suddenly, investigations--- Is it in order for him to mislead the House?

*(Applause)*

**The Prime Minister (Mr. Raila):** Mr. Deputy Speaker, Sir, I am very much in order! It is not the first time that, that question has been asked here. I said that with regard to those two Ministers, there was already a report that was out. There was a report by the internal audit with regard to the Ministry of Education and there was a PriceWaterHouseCoopers Report regarding the maize contract which had mentioned, for example, the Minister for Agriculture. That is why I asked them to step aside. I did the

same thing with my Permanent Secretary and Chief of Staff in my office. So, it is not a case of double standards; it is a case of being consistent!

*(Applause)*

**Ms. A. Abdallah:** Mr. Deputy Speaker, Sir, my question is to the Prime Minister and I would really appreciate a very specific answer. What is your definition of political responsibility, Mr. Prime Minister? That is because every time a Minister from your side of the political divide is asked to step aside, you come to this House and you say that you want concrete investigations to be completed and yet, you are silent when other Ministers from the other side are asked to step aside?

*(Applause)*

It is important for us to understand your definition of political responsibility.

**The Prime Minister** (Mr. Raila): Mr. Deputy Speaker, Sir, I am the Prime Minister of the Republic of Kenya; not the Prime Minister of ODM.

*(Applause)*

Hon. Members of the Cabinet know that when it comes to discharging my duties, I do not discriminate that these Ministers are from my side of the Coalition and the others are from the other side of the Coalition. They will tell you so! I have said that I deal with each case on its own merit; the way it is. If the hon. Member may be in the partisan cocoon; I am not. I will act in accordance with the Oath that I took to discharge my duty to defend and protect the Constitution of this country. I have also said that we will apply same standards. In this regard, I asked Mr. Samoei, who is from the ODM side of the Coalition and Prof. Ongeru, who is from the other side of the Coalition, to step aside. So, I am very consistent and fair in my dealings as the Prime Minister of this Republic.

**Ms. Karua:** Mr. Prime Minister, we appreciate the assurance that the Government will not tolerate corruption and that Chapter Six of the Constitution will be applied. It may appear that it may be easier to dissolve the Cabinet and then reassemble it while putting the integrity test on everyone. But my question at this time is: Your Minister for Immigration and Registration of Persons, would you consider his being disbarred by his profession a record four times – it may be more – a matter of failure to account with regard to clients' money. Would consider that to be contrary to Chapter Six? It is a bit obvious!

*(Laughter)*

**The Prime Minister** (Mr. Raila): Mr. Deputy Speaker, Sir, I am not a member of the legal fraternity. I am also not a member of the Law Society of Kenya (LSK). I, however, have been represented by lawyers in the past and I know that lawyers who have been deregistered by the LSK can be registered again. There are several cases that can be cited here. Therefore, I do not want to answer for the Minister for Immigration and Registration of Persons.

I think the hon. Member is a professional colleague of the Minister for Immigration and Registration of Persons. However, I would like to say that things are different today. We just passed a new Constitution. There are some requirements which were not requirements when we were forming this Government. I am sure that a number of those who were appointed may not have met the threshold as is in the current Constitution.

Mr. Deputy Speaker, Sir, we will go for elections and in future, Parliament will vet all those who will be picked by the President as Members of the Cabinet. We will deal with that when that particular time comes. For the moment, I want all hon. Members not just to look at the logs in other people's eyes. I know that there may be some hon. Members who may not meet the threshold if that was to be strictly applied.

**Ms. Karua:** On a point of order, Mr. Deputy Speaker, Sir. The hon. Prime Minister has said that the law was different when the Cabinet was formed. The Public Officer Ethics Act and the Anti-Corruption and Economic Crimes Act were both in existence when the Grand Coalition Government was formed. I said even then that the Cabinet was formed in contravention of the law. Is it in order for the Prime Minister to mislead Kenyans that the fact that some people in the Cabinet do not pass the test in Chapter Six, it is because the Constitution had not been passed when it is quite clear we had laws in existence? These laws have been ignored and continue to be ignored.

**The Prime Minister** (Mr. Raila): Mr. Deputy Speaker, Sir, what I am trying to say is that the current Constitution places the responsibility on the Executive to do due diligence. This was not a requirement at that time. However, the hon. Member herself took an oath under that Constitution then and agreed to serve in the same Cabinet with the people whom she is now accusing of being tainted. Why did she not resign then?

*(Ms. Karua stood up in her place)*

**Mr. Deputy Speaker:** Order, Ms. Karua!

Mr. Baiya, last question on this!

**Mr. Baiya:** Mr. Deputy Speaker, Sir, I wish the Prime Minister can respond to one aspect of the question which is; one of the requirements under Chapter Six is that Government officers or public officers wherever they are serving, have to serve public interest and not other interests. In instances where you have Ministers being investigated, is it not apparent that they have personal interest to defeat public interest, subverting the investigations? What safeguard is the Prime Minister going to take where investigations are being carried out so as to ensure that they are fair and free from interference from the serving public officers?

**The Prime Minister** (Mr. Raila): Mr. Deputy Speaker, Sir, somebody who is being investigated has not been charged. He or she is not an accused. Even those who have been charged with an offence before a court of law are usually given bail by court if they are not likely to interfere with investigations. The prosecution usually objects to bail being granted if the accused person is likely to interfere with investigations.

As I have said, there are competent authorities carrying out investigations. If they find that the people being investigated are interfering with investigations, of course, they will inform us. In that case, we will ask the concerned officers to step aside.

Mr. Deputy Speaker, Sir, I have mentioned clearly that we are not trying to cover up. If you want to push this idea of stepping aside as has been mentioned, there will be so many calls maliciously motivated, asking people to step aside.

I want the hon. Member to put himself on the other side of the public servants. Because you have denied somebody a contract, he will go and make an allegation that you have been compromised and, therefore, you need to be investigated. You then will be asked to step aside. I think we are going to be very fair. If you push this, you can push it to a level where the Executive will be under fright and no services will be rendered because once mentioned, you will be forced to step aside.

**Mr. K. Kilonzo:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order, Mr. K. Kilonzo! This Question has had sufficient ventilations. That was the last supplementary question!

We cannot turn this to a debate! We have to respect the rules of debate in the House!

Right Hon. Prime Minister, proceed with the Statement!

## **PRIME MINISTERIAL STATEMENT**

### **THREAT OF INTERNATIONAL NARCOTICS TRADE TO KENYA**

**The Prime Minister** (Mr. Raila): Mr. Deputy Speaker, Sir, today, I am talking about “The Threat of International Narcotics Trade to Kenya.”

Mr. Deputy Speaker, Sir it is with a very heavy heart that I rise to address this House this afternoon. Over the years, we have prided ourselves as a healthy State that is the business hub of the region and an emerging economy on the Continent. The United Nations Security Council (UNSC) has warned that drug trafficking and transnational organized crimes increasingly pose a serious threat to international security in different regions of the world.

Today, I want to inform this House that beneath the veneer of tranquility, there is an internal decay taking place in the country as a result of serious and organized crime that has largely gone unpunished.

Mr. Deputy Speaker, Sir, the aspect of organized crime that worries us most is drug trade and use in the country. Both national and international agencies concur that drug trafficking is on the increase in Kenya. NACADA has indicated to us that abuse of alcohol and other drugs including narcotic drugs has permeated every sphere of society in Kenya. Alcohol consumption is at an all time high. Nationally, 13 per cent of persons aged between 15 years and 65 years are current consumers of alcohol. The highest consumption is in Nairobi and the Coast provinces at 19 per cent while the lowest is in North Eastern Province at less than 1 per cent.

Owing to its availability and lower cost, *bang* has also become a drug of choice. Close to 1 per cent of the population smoke *bang*. The highest consumption is recorded in Coast Province at 2.3 per cent followed by Nyanza Province at 1.4 per cent. The lowest consumption is in Western Province with 0.3 per cent.

Mr. Speaker, Sir, of particular worry is the entry into our nation of the big and hard drugs whose devastation is complete and mostly irreversible, that is, heroine.

Heroin has emerged as a killer drug to many Kenyan youth especially in urban areas, along the Coast and in Nairobi. Nationally, heroin is consumed by 0.1 per cent of the population. The highest consumption is in the Coast Province with 0.4 per cent. Nairobi and Central provinces have 0.2 per cent consumption while the rest of the provinces have less than 0.1 per cent consumption. We have become a significant transit hub for cocaine destined for North America and Europe.

Mr. Speaker, Sir, this organized crime is stealing the future of our youth, making nonsense of our massive investment in education. It is undermining marriages and destroying families. It is also undermining our national development, hampering our governance, eroding trust in our institutions and is constantly testing the international confidence in our country's future.

Mr. Speaker, Sir, there is evidence that international drug cartels operate in the country. They operate as loose networks with limited membership. Occasionally, they compete with each other, but often, they co-operate with other criminal networks to carry out their trade. They have links with other drug cartels in other cities of the world. These cartels, although run almost exclusively by foreigners, have recruited Kenyans into their networks as agents. The Kenyan agents tend to be prominent personalities, mostly to provide protection. Some members of our key security and other governance institutions are among the recruits.

Mr. Speaker, Sir, it is a matter of serious concern that drug money has in recent years found its way into our public life. It is being used to buy influence in politics and there is concern that drug money may be financing elections. This trade in drugs is going hand in hand with money laundering, trafficking of humans, natural resources, gangs and trade in counterfeits. There is some link between availability of and trade in drugs and the many extortion rackets emerging in our country. This trade is tied directly to the culture of impunity that for too long had held a sway in the senior political and business classes in Kenya. Most importantly, if left unchecked, the clout of the traffickers could surmount the will of the Kenyan people for change. It can defeat the promise of the new Constitution for a better, transparent and more prosperous Kenya.

Mr. Speaker, Sir, the names of the drug kingpins in Kenya are among the nation's worst kept secrets. We are not publicly releasing these names because they are part of ongoing investigations. It is, however, incumbent upon all political leaders to speak out against the traffickers and isolate them. Drug trafficking and other organized crimes are devastating our economy, breaking our families and tearing apart our moral fabric. We have indications that trafficking of women and children is linked to drugs trade and is growing in our country. We have information of young girls aged between ten and 15 being sold into slavery for as little as US\$600.

Mr. Speaker, Sir, all this illegal trade is intricately tied to drug trafficking and it is costing us dearly. Widespread trade in counterfeits and other smuggled goods is costing our economy billions of shillings annually. It also undermines our manufacturing and growth. Criminal networks linked to drugs are defrauding the public through tax evasion at our airports and ports, while they flood our markets with illegal imports.

Mr. Speaker, Sir, the drug traffickers are endangering our national security by trafficking also in small arms. Since the beginning of the year, there have been several seizures of arms destined for various parts of the country. We now know that often those being seized are mere messengers and not the real traffickers. These organized lords of



crime pose a serious threat to our unique wildlife assets through trade in these animals or their parts. The Kenya Wildlife Service (KWS) has complained that this trade involves organized dealers, financiers, brokers and merchants. Presently, a lion cub smuggling ring was discovered to be operating at the Somalia border and the Port of Kismayu. People are ordering lion cubs as pets and Kenyans and foreigners are involved.

Mr. Speaker, Sir, we cannot wait before taking some decisive steps. We know the price nations that flirted with drugs have had to pay. They have had to perpetually live with threats of stability, development and security. That has been the fate of nations in Latin America, part of Africa, the Balkans and Central Europe.

Mr. Speaker, Sir, there is agreement among our security intelligence and administration agencies that the war on organized crime is being lost largely because of corruption at the Judiciary, law enforcement and immigration. We also lack effective equipment and training for relevant authorities to fight this menace. To save this country, we have to take the dealers and other criminals head-on methodically and through institutions. I appreciate that we have a special crimes unit that has tried its best to deal with the issue, but it has not been able to stop the criminals. The time has come for us to set up a Serious Organized Crimes Unit (SOCU) to tackle this menace. This unit will:-

1. Consist of persons with the highest degree of integrity, reliability and skills and utilize the best of the international best practices available.
2. Operate in line with the legislative mandates, jurisdiction and powers clearly spelt out.
3. Have a multi-disciplinary skills composition including detectives, prosecutors, forensic experts, accountants, electronic device experts and undercover experts among others.
4. It will have a significant degree of autonomy and be accountable to a Government authority to be determined.

Mr. Speaker, Sir, tackling this menace will require a strong political leadership, focus and commitment. We must not fail our country and children. We must provide leadership.

Thank you.

**Mr. Imanyara:** Mr. Deputy Speaker, Sir, by sheer coincidence, what I was planning to raise as a Ministerial Statement has been addressed by the Prime Minister.

Mr. Deputy Speaker, Sir, with me here are photographs of containers of cocaine that were introduced in Kenya. A senior police officer who was investigating this and established the basis for arresting senior people in Government was dismissed from the police force. The letter of dismissal was dated 11<sup>th</sup> July, 2005 and addressed to No.216537, Mohammed Godana Jarissa, Senior Superintendent of Police. It was signed on behalf of the then Commissioner of Police, Maj-Gen. Ali.

Sometime last year, I cannot remember the actual date or month, one Mohammed Godana Jarissa - the SSP whom I have just mentioned - who described himself as a Senior Superintendent of Police (SSP) came to see me for assistance. He was brought to my office at County Hall by a journalist and a contingent of personal security guards. He told me that he had been forced to go into hiding and was fearing for his life because investigations which he had been carrying out revealed how entry permit No.2903 issued on 10<sup>th</sup> December, 2004 was used to bring in six containers or what was described as Vietnamese Rice. It had been used to bring into the country, at least, 24 containers of

narcotics through the Port of Mombasa and his investigations had led to his dismissal from the Police Force by the Police Commissioner.

He explained to me how, in the course of the investigations, he had compiled a report of how he had arrested and bonded two police officers, whose names I have with me here, with the importation of the said narcotic containers. He explained to me how, after preliminary investigations, he had been ordered by the then Police Commissioner, Major-Gen. Ali, to immediately stop any further investigations and also to release the two officers he had arrested and return to Nairobi.

He informed me how, on his way from Mombasa to Nairobi, he had been ordered to report to some remote place on the Kenyan border town of Lokitaung. He had been warned on his way here, he should not go there because he would be executed that evening. He went into hiding and for fear of his life, he later arranged safe passage out of the country.

When the American Ambassador announced last week that he would be meeting the Director of the Kenya Anti-Corruption Commission (KACC) on account of the Charterhouse Bank investigations, he decided to come out of hiding and inform the new Director of KACC, Dr. Lumumba, that he had also made a report to the then Director of KACC in a letter dated 10<sup>th</sup> August, 2006 setting out, in a detailed form, the nature of the investigations he had carried out. I have the entire dossier here with me.

I have a copy of that letter in this file which I am holding and I will give it to you. The information I am holding here reveals that on 10<sup>th</sup> December, 2004, the Kenya Revenue Authority (KRA) through declaration No.2903 authorized a company known as Jamamu International of P.O. Box 51399 Nairobi through a Customs Agent under the name of Westwing Kenya Limited of P.O Box2023 Mombasa to bring into the country 3,000 bags of Vietnamese Rice broken down into paper bags of 50 kilogrammes. The declaration to import 3,000 bags or six containers of Vietnamese Rice was subsequently used to bring in 24 containers of hard drugs, possibly cocaine. I have the details of those deliveries in this bundle, including the registration numbers of the vehicles that took them out of the Port.

Yesterday, SSP Mohammed Godana Jarissa arranged to meet me this morning with a view to giving me this bundle. At the point of rendezvous, there was an attempt to snatch the file together with this bundle, but the attempt was halted by SSP Godana and my own security detail. One of the people who were in the group that attempted to grab this bundle shouted that I would go the same way that Abdullahi Abubakar went. I asked Mr. Godana who Abdullahi was and he informed me that Mr. Abdullahi Abubakar was the DCIO, Port Police and he had been shot dead while investigating another 50 containers which were said to contain hard drugs.

Mr. Deputy Speaker, Sir, in the light of this, could the Prime Minister assure this House that, one, SSP Godana's life and the security of his own family is secured? Could he consider letting him back into the Police Force so that he can complete the investigations which he had set out to do and were very detailed? Could he also inform this House who was the top man or top woman who ordered Maj-Gen. Ali to send the Deputy Police Commissioner, Mr. Kavila, to order SSP Godana to halt investigations and allow entry into the country of containers containing narcotic drugs disguised as rice, brown sugar and tyres with consequences that the Prime Minister so ably described in his statement?

Finally, could he assure this House that he will keep this House regularly updated on the progress of investigations and actions taken against the people responsible for the importation of narcotics in the country? With me here are signed letters by Mr. Mohammed Godana which he wrote to KACC on 10<sup>th</sup> August, 2006. Yesterday, when he confronted Dr. Lumumba, there was no sign of that information in the computers of KACC. There was no information, at all, of this letter having gone to KACC. So, investigations will have to go down to the officers in that office. With me here are copies of declaration documents and pictures that show the numbers of the vehicles that were used to bring in those drugs. I have letters of complaint from SSP Godana saying that what they were doing to him was aimed at covering up the issue in order to mess the lives of Kenyan children.

With your permission, I wish to lay this document on the Table of the House with a request that the Prime Minister gives assurance to this House so that we can rest assured that the commitment to fight narcotic drugs importation into this country will, indeed, be taken seriously.

*(Mr. Imanyara laid the documents on the Table)*

*(Applause)*

**Mr. Deputy Speaker:** Order! Hon. Imanyara, for purposes of the HANSARD, because the file is bulky with very many documents, could you pick out some of them and go through them?

**Mr. Imanyara:** Mr. Deputy Speaker, Sir, I have a complete record in my statement. I do not need this to tell me what they are. However, the first one is a letter dated 10<sup>th</sup> August, 2006 directed to the Director of KACC, Integrity Center Nairobi and draws the attention to Hon. Justice (Rtd) Aaron Ringera, former Court of Appeal Judge. The title of the letter is: “Non-action by KACC Senior Officers, Dr. Mutonyi and Mr. Waiguru on my Report and Complaints Reported to them on 13<sup>th</sup> January, 2006 on Abuse of Office and Corruption by Police Commissioner Maj-Gen. Hussein Ali.” That is the first letter and it is signed. The second one is a receipt issued by the Mombasa Long Room, a department of the KRA showing that a total of Kshs6,328,938 had been paid as Value Added Tax (VAT) and IDF fee for this consignment of rice from Vietnam. The next document is an entry declaration form (EDF) 2903 dated 10<sup>th</sup> December, 2004 that describes the containers as 6 by 20 STC, 3,000 bags, Vietnamese Rice, 15 to 20 per cent broken into paper bags of 50 kilogrammes each. That was not, in fact, rice and it turned out to be over 24 crates of hard cocaine. The next document is a list of the Kilindini Port Cargo and Containers Gate Register that sets out all the vehicles that took out those containers, the dates and the drivers, the registration number of the vehicles and the amounts taken, including the names.

The next document is a memo to the Senior Assistant Commissioner, Kilindini Port from the OC, Revenue Protection Services answering questions about the removal of documents at the gate. The second one is a similar memo dated 11<sup>th</sup> January, 2005. The computer print-outs from Kilindini Computers by the company known as Awal Limited and another one by Westwing Kenya Limited giving the details of how they removed those containers from the Port.

I have documents from SSP Godana. I have documents from the media, the loading tally sheet of all the vehicles, including the times they left Kilindini and who was on duty when they were released. I have got a statement taken by SSP Godana from those people. I have the notices interdicting them and serving them with P22 Police Forms in order to appear in court. Instead of them appearing in court, they were reinstated and SSP Godana was dismissed from the Kenya Police and he was the investigating officer. I have the actual copies of the P22 Forms, a newspaper report and a detailed letter that SSP Godana addressed to Mr. Kavila, who conveyed the information from Commissioner Ali, sending him home and he insists on points to be observed during the investigations of transit tracks. He has detailed the problems he had and why he believes that this was an organized operation.

Then he has an intelligence report of how the transit containers were found as far as Eastleigh, Container TCIKU 90011225 and how the owners of these containers were spreading malicious rumours in order to get the containers released. He has got his complete investigation diary fully recorded. The letter of dismissal is here and his own posting to Lokitaung and why he could not go and the various letters of complaints to the Commissioner of Police showing that he was being targeted for exposing this cartel. Then I have the pictures of the containers that he had managed to take. The others were taken away. However, what is shown in these pictures is what he was able to preserve.

Mr. Deputy Speaker, Sir, Mr. Abdullahi, the DCIO, was shot dead after he came across another 50 containers of similar drugs. Mr. SSP Godana has all this information. He is in hiding and I am willing to show the Prime Minister exactly where he is if he can assure that he is safe and that action will be taken if we are to take seriously the Government commitment to tackling this problem.

**Ms. S. Abdalla:** Mr. Deputy Speaker, Sir, with due respect, Mr. Prime Minister should not rank us on how we are doing according to provinces in terms of drugs. He should tell us what his Government is doing about these drug dealers who are protected by the same Government.

**Mrs. Odhiambo-Mabona:** Mr. Deputy Speaker, Sir. I want to thank the Prime Minister for taking the issue of drug trafficking and abuse seriously to even raise it here. The issue of drug trafficking and abuse is much more serious than what has been stated. I have been working very closely with young people, especially in the last two months, and I have been extremely shocked at the level of drug abuse and the measures that are in place to deal with it. It is actually pathetic. Given the damage that this trade is causing to our young people, can the Government declare it a national disaster, so that we can put very serious measures in dealing with it? It is much more serious than stated. It is really a national disaster.

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, like hon. S. Abdalla has said, we feel aggrieved that Coast Province, according to the statistics presented, is ranking quite high. However, I wanted to go further than that. Last week, the US Ambassador presented information to the effect that senior Government officials were actually in the list of those who had visa bans because of connection with narcotics trade. This is putting the Government on the spot and showing that amongst its ranks, there are, indeed, some suspected criminal drug dealers. It is clear that the inaction on the part of the Government is not by default. In fact, the Prime Minister himself has said that there has been continued impunity in this matter.

I did not miss out when he said that the names of these people cannot be revealed because they are under investigation. Since the Government has these names in its possession, could he look at Section 35 of the new Constitution and read it? I want to read this for him to hear. It reads:-

- “35. (1) Every citizen has the right of access to—
- (a) information held by the State; and
  - (b) information held by another person and required for the exercise or protection of any right or fundamental freedom.
- (2) Every person has the right to the correction or deletion of untrue or misleading information that affects the person.
- (3) The State shall publish and publicize any important information affecting the nation”.

If we are told that there are five senior Government officials, who have, in fact, visa ban, this information has been handed over to the Government which the Prime Minister co-ordinates, namely, all the Government departments, including KACA. Kenyans witnessed the handing over of this report, including those names to KACA. Could he table the names of those criminals and crooks, so that we can tackle this issue of narcotics with all seriousness and not with paper commitment?

**Mr. Langat:** Mr. Deputy Speaker, Sir, we need to show seriousness in the fight against drug abuse. A while ago, it was reported that an official Government vehicle for the Assistant Minister, Office of Deputy Prime Minister and Ministry of Finance, was found transporting *bhanghi*. We want to know what action has been taken against the Assistant Minister, who is the official user of the vehicle, or the driver who might have been using the vehicle to transport the *bhanghi*.

**Mr. Deputy Speaker:** The Right Hon. Prime Minister, could you, please, respond to those five clarifications and then we can take another five?

**The Prime Minister** (Mr. Raila): Thank you, Mr. Deputy Speaker, Sir. I wish hon. Langat was more specific. But I know that there was a driver who was found carrying drugs, who was arrested and charged in a court of law.

Yes, I agree with hon. S. Abdalla and hon. Odhiambo-Mabona about the gravity of this issue and that is why I decided to make this Statement today before this House. We do not just want to make empty Statements, but we want to follow this with concrete actions.

I want to inform hon. Mungatana and hon. S. Abdalla that Coast Province is leading because of obvious reasons. Of course, Coast Province is leading because it is the entry point of our country. So, it is much more exposed. It is easier for these big cartels to land their goods at the Coast Province because we have a long coastline. We have islands like the Lamu Aspelago, where it is very easy to land some of these items. Therefore, because it acts as the entry point, it is very easy to lure the youth along the coast into drug trafficking and consumption. So, it is not that people at the Coast Province are more predisposed to drugs consumption. We have a responsibility, as Government, to protect all the citizens of this country, irrespective of where they reside. The statistics I gave were basically for purposes of information only.

Mr. Deputy Speaker, Sir, hon. Mungatana has quoted Article 35 of the Constitution, which deals with access to information and freedom of information. We are very much alive to that provision. However, there is certain information which, if

released to the public, will lead to the suspects disappearing. So, it is sometimes important to keep some information secret in order to assist investigations. If we were to just go and publish the names of all the suspects who are still at large in the media, or if I were to come and table the names here, it would not help investigations. So, I hope that hon. Members will appreciate the need for confidentiality in as far as that information is concerned.

**Mr. Wamalwa:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Prime Minister to be evasive over this matter? We are talking about four or five names, which the USA ambassador presented at Integrity Centre, some of which are said to be of Ministers. Can you set the record straight, Prime Minister?

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

**Mr. Deputy Speaker:** The Right Hon. Prime Minister is going to respond to a point of order!

**The Prime Minister (Mr. Raila):** Mr. Speaker, Sir, I was coming to the issue of the five names. I was responding to the general issue.

We have asked the USA ambassador to share the names with us. So far, he has not given the names to the Government. So, as soon as he gives us the names, I will be very ready and happy to table them in this House. Right now, I do not have that information.

**Mr. Mungatana:** On a point of order, Mr. Deputy Speaker, Sir. Unless the information that is out there in the public is completely wrong, the fact of the matter is that the names were inside the report that was handed to the KACC. In fact, the USA ambassador only said that he could not talk about the names himself, but they were contained in that report. Why is this country so afraid when it comes to the high and mighty? During the time of the Waki Report, the envelopes were hidden. Now, the names of these persons---

**Mr. Deputy Speaker:** Order! Order, Mr. Mungatana! Indeed, the Chair takes cognizance of the fact that KACC is an arm of the Government. The Right Hon. Prime Minister has said that the Government is not in possession of the list of names. If you have information which shows otherwise, then you can state that information.

**Mr. K. Kilonzo:** On a point of order, Mr. Deputy Speaker, Sir. Could the Prime Minister confirm or deny that, in fact, the four Ministers are said to be from his side of the Grand Coalition Government?

**Mr. Deputy Speaker:** Order! Order! Sensitive as the issue at hand may be, and important to all the nationals of this country as it may be, you are not going to flout any of the provisions of the Standing Orders. I am saying this because it is common knowledge that politicians and televisions are usually buddies. We do not want heroes.

Proceed, the Right Hon. Prime Minister!

**The Prime Minister (Mr. Raila):** Mr. Deputy Speaker, Sir, would I be in order to demand that the hon. Member be required to withdraw and apologise for that unfortunate statement?

**Mr. Deputy Speaker:** Hon. K. Kilonzo, you have been out of order. Proceed to withdraw and apologise to the House!

**Mr. K. Kilonzo:** Mr. Deputy Speaker, Sir, I said that it is implied. So, I wanted the Prime Minister to confirm or deny. Nevertheless, I withdraw and apologise.

**Mr. Deputy Speaker:** Proceed, Hon. Prime Minister!

**The Prime Minister** (Mr. Raila): Thank you, Mr. Deputy Speaker, Sir.

We are dealing with a very serious matter. It is an issue on morality, and I want to say here that even if it was my brother, I would not hesitate to mention his name. I want it to be known that KACC is an independent institution which does not take instructions from even the Prime Minister or the President. All hon. Members are aware of that fact, because they are the ones who passed the law that created that institution.

I am sure that the USA ambassador provided that information to KACC, so that KACC could carry out investigations and take action. We are expecting that, that is what will be done by KACC. Therefore, it will be very prejudicial for us to try to make insinuations here, which can compromise the investigations by KACC.

Mr. Deputy Speaker, Sir, hon. Langat and hon. Imanyara raised a very serious issue. The details which they gave here so graphically are like a chapter in a James Bond book or film. I am not surprised, because I know that, that is how the cartels actually operate. Listening to hon. Imanyara, I know that this is not something which started yesterday; it is something which started a long time ago. We are dealing with problems which were created in the past during the time of the previous regime. So, it will not be resolved overnight. These networks are with us, and I agree that some of them are deep within the security forces of this country. I said as much, and I do not want to apologise for doing so.

As S.S.P. Godana has said, it has felled many other officers in the forces. I know that people have lost lives. The House will remember that, that was the time when officers were shooting each other. Not a very long time ago, some officers from the regular police, and some from the Administration Police (AP), were shooting each other. These are issues which need time to be dealt with, but we need to have institutions in place to be effective in dealing with them. This is something which is inter-connected internationally. So, we have got the “Big Boys”, who are also involved. Some of you have seen the way the Columbian government deals with these cartels. Some of them were even more powerful than governments. I am not saying that we are not equal to the task of dealing with this matter, but we want to be systematic in our dealing with it.

Mr. Deputy Speaker, Sir, I am happy to get the detailed information with regard to this particular case. All that I can say is that we will give instructions to ensure that this officer is given full protection by the Government. This is a good starting point. This is because we now have detailed a case that we can zero in as a starting point in our fight against this menace. I know that there are similar ones, which have gone unnoticed. I know that because Mr. Godana has spoken, many others who have been victims, who are in the hiding, will come forth. We will set up facilities to receive complaints coming from some of these unfortunate Kenyans who have suffered merely because they have done what is right. This is the time for us to do the right for our country. However, it requires the kind of co-operation that hon. Imanyara is showing. I want to invite hon. Members that they do not have to wait to raise these issues in the House. There is a desk in the Office of the Prime Minister, where some of these complaints can be directed to and action will be taken.

**Mr. Imanyara:** On a point of order, Mr. Deputy Speaker, Sir. What immediate assurance can the Prime Minister give in connection with Mr. Godana’s security? He has telephoned me and I had to go behind there. He is a worried man. I would like to get

assurance from the Prime Minister that this Senior Superintendent of Police would be protected and he would be able to provide information while alive.

**The Prime Minister** (Mr. Raila): Mr. Deputy Speaker, Sir, actually before hon. Imanyara asked that question I have already given instruction to the Assistant Minister, Office of State for Provincial Administration and Internal Security to ensure that this matter is raised with the Commissioner of Police immediately, so that Mr. Godana can get immediate protection.

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, in this country, we have the Department of National Security Intelligence Service (NSIS). The Prime Minister knows very well that the network through which these people operate is not just limited to his Ministers. In fact, the Ministers are just a conduit. Could he tell us, based on NSIS intelligence, what the Government is doing to take advantage of the intelligence that it has, especially in Malindi to break down the white population that is directly involved in this and what is more, the same network that graduates from Mombasa and ends up in Nairobi, specifically in Eastleigh? What is the Government doing to take advantage of the intelligence that it has to get rid of this problem that will cripple this nation?

**Mr. Ochieng:** Mr. Deputy Speaker, Sir, just a few weeks ago, I raised a question in this House regarding the scanning machines at the Port of Mombasa. It is now apparent that the Minister did not give us an accurate answer as to why those machines scan goods that leave the country and come into the country. Could the Prime Minister confirm whether we have sufficient scanning machines at the port and whether all the goods that go out of this country and come into the country are properly scanned in order for the people concerned to detect or identify the goods that are coming in or leaving this country?

**Dr. Nuh:** Mr. Deputy Speaker, Sir, it is unfortunate that we would allow our youth to sink down the drain. If the lords that hon. Imanyara is talking about come into this country, drug barons may not even need to import any more drugs because to a consumer, containers will take decades.

But more importantly, the probable reason as to why Ambassador Ranneberger took the list and the report to the Kenya Anti Corruption Commission (KACC) could be because he lost faith in the Police Department; the same faith that we all lost. There is the Anti-Narcotics Police Unit, but it has been doing nothing for years when our youth consume these drugs. Could the Prime Minister think of disbanding this unit and create a wholesome new unit that is independent and answerable to the KACC and no longer answerable to the police department?

**The Prime Minister** (Mr. Raila): Mr. Deputy Speaker, Sir, hon. Dr. Khalwale wanted to know what the Government is doing to break the networks. I want the hon. Members to know that information is available. It is not that information is not available. What has been lacking is goodwill to make good use of the information that is available.

In the past, I just want hon. Members to know this, the then Commissioner of Police, that was in the previous regime, had recommended dismissal of his deputy from the service because of this trade. But before that was affected he ended up himself being dismissed and his deputy taking over as the Commissioner of Police. So, I want hon. Members to appreciate the magnitude of the problem that we are dealing with. However, all that is required is the goodwill and professional approach to dealing with this issue.



Mr. Deputy Speaker, Sir, this goes on to answer the question that has been raised by Dr. Nun that it is true that the ambassador did not have confidence in those who have been charged with this work at the moment. What we are going to do is to re-create this unit and give it more professionalism; getting people who are better trained and better motivated to be able to deal with this menace. It is part and parcel of the reforms that are ongoing within our security forces.

Mr. Deputy Speaker, Sir, I would like to inform hon. Ochieng that scanning machines are available at the port. We have the capacity to scan actually every container that comes at the port. It is not the question of lack of capacity; it is the question of commitment. Sometimes those who have been charged with the responsibility of scanning collude with those who are importing. So, integrity of those who are charged with responsibility is very crucial in this particular matter.

*[Mr. Deputy Speaker left the Chair]*

*[Mr. Speaker took the Chair]*

Mr. Speaker, Sir, as I have said in the past, we are committed to deal with this issue. We will try to have capacity to bring this menace to an end in our country.

**Mr. Speaker:** Order, hon. Members!

Hon. Members, that brings us to the end of Order No.7 and Prime Minister's Time. Hon. Members, I have this communication to make on Order Nos.8 and 9

## COMMUNICATION FROM THE CHAIR

### DEFERMENT OF COMMITTEE STAGE: THE TRAFFIC (AMENDMENT) BILL

On Order No.8, the Mover of the Motion, the hon. Member for Saboti, Mr. Wamalwa, has yet to put in final form what he conceives that the Bill should take. He also has requested that he gets more time to carry out the necessary consultations to configure this Bill in final form as we move to Third Reading.

Hon. Members, under that circumstance, I defer Order No.8.

*(Bill deferred)*

## MOTION

### ADOPTION OF REPORT ON CATTLE RUSTLING IN KENYA

THAT, this House adopts the Report of the Select Committee appointed to investigate the Root Causes of Cattle Rustling in Kenya laid on the Table of the House on Thursday 4th November, 2010.

**Mr. Speaker:** Hon. Members, with respect to Order No.9, Mr. Kaino, who is the Mover of this Motion, indeed, did not have adequate time to prepare for this business because it was only approved and allotted time by the House Business Committee last

evening. The hon. Member requires time to adequately prepare to move this Motion to finalization.

Hon. Members, under that circumstance, I will defer Order No.9.

*(Motion deferred)*

In effect that then will bring us to the end of business today.

## **COMMUNICATION FROM THE CHAIR**

### **SPEAKER'S KAMUKUNJI ON PROPOSED NEW CONSTITUENCIES**

*(Hon. Members stood up in their places)*

**Mr. Speaker:** Listen hon. Members before you are upstanding! Following persistent requests from the Membership of the House and in the interest of the nation, there is need for Members to informally meet after adjournment this afternoon in what is otherwise known as the Speaker's *Kamukunji* to deliberate on the matter of constituencies and boundaries as proposed by the Interim Independent Boundaries Review Commission (IIBRC). So, I urge all of us to remain in the House as we will assemble for that *Kamukunji* in the next five minutes. I urge both Members of the Front Bench and the Back Bench to be available for this informal meeting.

## **ADJOURNMENT**

**Mr. Speaker:** Hon. Members, that concludes the business on the Order Paper. Therefore, the House stands adjourned until tomorrow, Thursday, 25<sup>th</sup> November, 2010 at 2.30 p.m.

The House rose at 5.05 p.m.