

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 2nd November, 2005

The House met at 9.00 a.m.

[Mr. Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

BRUTAL MURDER OF TWO SISTERS WITHIN SIO PORT POLICE COMPOUND

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

(a) Is the Minister aware that two sisters; Veronica Achieng' Ojasi and Jacqueline Ajiambo Oucha, were brutally killed within Sio Port Police Station compound on 4th October, 2005?

(b) Could the Minister explain under what circumstances the assailants gained entry into the Police Station premises, tortured the two sisters for over three hours and subsequently shot them?

(c) What immediate action is he taking to bring the assailants to book and to ensure that the community is not further exposed to thuggery?

Mr. Speaker: Where is the Minister of State, Office of the President?

An hon. Member: He is not here!

Mr. Speaker: Next Question, Mr. Sambu!

REPAIR OF MOSORIOT-KAIBOI ROAD

Mr. Sambu: Mr. Speaker, Sir, I beg to ask the Minister for Roads and Public Works the following Question by Private Notice:-

(a) Is the Minister aware that Road D289 (Mosoriot-Kaiboi) is currently impassable particularly when it rains?

(b) Is he further aware that between March and June this year, several companies, namely, Soskah Enterprises, Susan Kiptum, Malt Enterprises and Ruki Enterprises were paid a total of Kshs2,157,434 to carry out repairs on this road?

(c) Is he also aware that although payments were made, no repairs were done hence the poor state of the road?

(d) When will the Roads 2000 Project start on this road?

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

(a) I am aware that the section of Road D289 (Mosoriot-Kaiboi) is currently impassable during the rainy season.

(b) I am aware that the road section measuring 18 kilometres was graded and three spots measuring 1.2 kilometres were improved with gravel patching as per the District Roads Committee

(DRC) work programme for 2004/2005 Financial Year.

(c) I am not aware that payments were made to contractors without working. Contractors who had been engaged namely, Soskah Enterprises, Susan Kiptum, Malt Enterprises and Ruki Enterprises were paid as per the work executed on the road. The contractors were paid a total of Kshs2,157,434.

(d) The Roads 2000 Programme has commenced in Mosop Constituency. Road D289 was highly prioritised during the stakeholders' workshop held in Kisumu in January, 2005. The essence of Roads 2000 is to improve bad spots to make the entire road passable throughout the year.

The Mosoriot-Kaiboi section of Road D289 will have 12 bad spots improved with gravel and culverts in styles. A contract has been awarded by the DRC in conjunction with Roads 2000 Programme consultants and the contractor is expected to commence the works in November, 2005.

Mr. Sambu: Mr. Speaker, Sir, I am totally dissatisfied with this answer. This is why hon. Members of this House demand that the DRC money be administered through the CDF. It would be a big credit to the Government if they allowed that money to be administered through the CDF.

Hon. Tarus and I come from that area. That is the road which forms the boundary between my constituency and hon. Tarus's constituency. There was no work done on this road and those contractors were paid. But since they are above the law and this Government allows---

Mr. Speaker: Mr. Sambu, you are now making a speech!

Mr. Sambu: Mr. Speaker, Sir, I am so hurt.

Mr. Speaker: Order, Order, Mr. Sambu! Standing Order No.35 applies to those who are hurt and those not hurt. Could you ask your Question?

Mr. Sambu: Thank you, Mr. Speaker, Sir. May the blood of those who have suffered on that road---

Mr. Speaker: Order! Order! Mr. Sambu, thou shall not issue a curse! Could you ask the question? I have no provision in the Standing Orders for a session on cursing!

Mr. Sambu: Mr. Speaker, Sir, could action be taken against those contractors and the District Roads Engineer then, who paid out that money without checking whether any work was done or are they being protected?

Eng. Toro: Mr. Speaker, Sir, let me, first, say that engineers are not above the law. I believe that this is not the first time money has been misappropriated in Kenya by staff of the Ministry of Roads and Public Works. I would like to assure the hon. Member that we have no objection to 16 per cent of DRC funds going to the CDF. In fact, we have consented to that, and told the Attorney-General to act accordingly.

The other issue is that, our records indicate that the contractors did their work and were paid accordingly. Those are the records we have. But now, I am hearing from the hon. Member that they were paid without working. This is something that is of concern to me. So, it is not only the hon. Member who is hurt but also my Ministry; if we paid money which was not worked for.

Mr. Waithaka: Mr. Speaker, Sir, could the Assistant Minister explain to this House what happens if a contractor completes his work and is paid but that road gets spoilt during the defective liability period? This is because, most of our roads are repaired but they actually get spoilt even before the contractors move out of the road. The District Roads Engineer cannot go to the road and grade it because it is still under the contractor.

Eng. Toro: Mr. Speaker, Sir, the issue of defect liability period is actually applicable on a contract for the entire gravelling or grading. This was a spot-patching and grading of 1.2 kilometres. A graded road, when it rains, surely, can become impassable if there is no gravel on the road. So, the issue of defect liability period for gravel-patching and grading does not arise.

Mr. Speaker: Last question, Mr. Sambu!

Mr. Sambu: Mr. Speaker, Sir, I spoke to the consultant of KFW, that is, the [Mr. Sambu] German funding organisation which is funding Roads 2000 Programme. He told me that the District Roads Engineer (DRE) has already awarded the contract for that road, using public money, to a contractor called Kaptinga. Kaptinga has been involved in fraud. He was paid in Kapsabet for work he did not do. Could the Assistant Minister stop the contract being awarded for that road, so that it is done transparently with all the members of the District Roads Committee (DRC) being present, so that we do not get another fraud on this German-funded project?

Eng. Toro: Mr. Speaker, Sir, the tender for the Roads 2000 Programme was awarded to Kaptinga Quarrying Company on 28th September, 2005, by the District Tender Board. I am sure there were other tenderers. He was awarded the contract at Kshs5 million. So, the District Tender Board is outside the mandate of the Ministry of Roads and Public Works. We do not control the tender awards in the district tender committees. So, we cannot direct the Nandi North District Tender Committee to cancel the contract awarded to Kaptinga and give it to somebody else.

Mr. Sambu: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead the House that the Ministry does not control the DREs?

Mr. Speaker: Order! Maybe you are unhappy about that, but he has not breached any rule! Maybe, what you should ask is: "What do you do if you are dissatisfied with the district tender board?" I suppose there are provisions on the Procurement Bill for appeals being launched. I think that is the right thing to do.

Next Question by Mr. Oparanya!

TURNING AWAY OF KMTC APPLICANTS

Mr. Oparanya: Mr. Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

(a) Is the Minister aware that Kenya Medical Training College applicants who received calling letters for various medical courses were turned away on admission day and their places taken up by new applicants?

(b) Could she table a complete list of applicants and their Kenya Certificate of Secondary Education (KCSE) mean grades and those admitted for various courses on a district basis?

(c) What measures is she taking to make the selection process more transparent and free from external interference?

Mr. Speaker: Is the Minister for Health not here?

An hon. Member: Yes!

Mr. Speaker: Let us go back to the first Question by Private Notice. Dr. Ojiambo!

BRUTAL MURDER OF TWO SISTERS WITHIN SIO PORT POLICE COMPOUND

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

(a) Is the Minister aware that two sisters; Veronica Achieng' Ojasi and Jacqueline Ajiambo Oucha were brutally killed within the Sio-Port Police Station compound on 4th October, 2005?

(b) Could the Minister explain under what circumstances the assailants gained entry into the police station premises, tortured the two sisters for over three hours and subsequently shot them?

(c) What immediate action is he taking to bring the assailants to book and to ensure that the community is not further exposed to thuggery?

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Speaker, Sir, I wish

to apologise for coming late.

I beg to reply.

(a) Yes, I am aware that the two sisters were murdered on 4th October, 2005. However, the crime was not committed within the premises of Sio Port Police Station.

(b) Three assailants gained entry into the police compound by cutting through the chain-link fence. Thereafter, they gained entry into the house of one Mr. Ojasi where they kidnapped four members of the family. The captives were taken away from the station, where the two deceased were shot dead.

(c) During the incident, members of the public managed to get hold of one of the suspects whom they killed. The two suspects who escaped are known and a warrant for their arrest is in force. Community policing is being strengthened and security patrols have been intensified to curb criminal activities in the area.

Dr. Ojiambo: Mr. Speaker, Sir, I want to thank the Assistant Minister for accepting that the two sisters were, indeed, killed. But I want to inform him that the other parts of the Question have not been adequately answered. The house in which these two sisters lived is hardly five yards away from that of the Officer Commanding Station (OCS) in the same compound of the police station. These assailants gained entry into this house and tortured these women for almost three hours. They took them out of the house and killed them in the eyes of the police.

Following that, three people have been lynched by the villagers because of the inability of the police to handle the situation. They literally took away these three people from the hands of the police and lynched them in front of the police station. Could the Assistant Minister tell us what kind of officers he has at Sio Port Police Station? Could he table the names of those officers and their qualifications in this House?

Mr. M. Kariuki: Mr. Speaker, Sir, first, it is very unfortunate that the members of the public took the law into their own hands. One suspect, Mr. Patrick Nyongesa, who took part in the killing was, indeed, killed. He would have provided very useful leads as to who the other two suspects are. We have the names of the other two suspects. We also have their descriptions and we know where they come from. We are appealing to the members of public to assist us in tracking them down.

Mr. Speaker, Sir, as far as the police officers in this particular station are concerned, we have no reason to believe that they are not doing their work. This was a normal crime. The chain-link to the police compound was cut and these people gained entry. They managed to kidnap four members of this family when they were watching television; took them one-and-a-half kilometre away where the two sisters were shot dead. It is not that the police officers are incompetent---

(Loud consultations)

Mr. Speaker: Order! Order! Hon. Members, the House is sitting! Shall we give it the dignity it deserves?

Proceed, Mr. Assistant Minister!

Mr. M. Kariuki: Mr. Speaker, Sir, we have no reason to believe that the police officers in this particular police station are incompetent. It is a normal crime. We are asking members of public to assist the police. Do not lynch the suspects. Let us arrest them and we will be able to get proper leads as to who committed this crime.

Mr. Serut: Mr. Speaker, Sir, the crime took place within the police station. We are also told that these two deceased sisters were tortured for over two hours within the police station. The police are on duty for 24 hours. Where were the police officers who were on duty at the report office when these ladies were kidnapped? I guess the sisters must have wailed during the incident. Either the police must have been compromised or they were

accomplices in this particular crime.

Mr. M. Kariuki: Mr. Speaker, Sir, we have no information that there was any torture. We only have information that they were kidnapped as they were watching television. There was no torture within the police compound. Also, there was no screaming. The killing took place one-and-a-half kilometres away from the police line.

Mr. Speaker: Last question, Dr. Ojiambo!

Dr. Ojiambo: Mr. Speaker, Sir, the Assistant Minister is not being sincere when he says that there was no torture. We have evidence that, as soon as those two ladies were killed, the bodies were removed from the scene of crime and taken to Busia Hospital Mortuary. A few days ago, even the head of the district security team had not visited the scene of crime. The people of Sio Port are very sad and the Assistant Minister must tell this House something about the security situation in that area. That police station houses more than 30 police officers. It is surprising that people from outside could gain entry into the police station and go very close to the office of the Officer Commanding Station (OCS) without anybody noticing. It is also surprising that nobody was at the duty office when villagers went to report that heinous crime. What happened that night? Where were the 30 officers at that station? What services are they offering?

Mr. M. Kariuki: Mr. Speaker, Sir, let me repeat once again that, that was a very unfortunate incident. We lost lives of two sisters. The occupant of that house within the police lines is a teacher. The description of the suspects is known. A warrant of arrest has been issued by the court for the two. We are asking members of the public to assist. The police do not know the person who cut through the chain-link fence because they never came through the police station. They came through the fence. The deceased were taken through that opening in the fence. We think that the police are alert. Members of public are requested to come forward and assist them track down those two suspected killers.

Mr. Speaker: Very well. For the second time, let us have the Question by Mr. Oparanya.

TURNING AWAY OF KMTC APPLICANTS

Mr. Oparanya: Mr. Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

(a) Is the Minister aware that Kenya Medical Training College applicants who received calling letters for various medical courses were turned away on admission day and their places taken up by new applicants?

(b) Could she table a complete list of applicants and the Kenya Certificate of Secondary Education (KCSE) mean grades and those admitted for various courses on a district basis?

(c) What measures is she taking to make the selection process more transparent and free from external interference?

Mr. Speaker: Is the Minister for Health here? I am sorry she is not here. I will try the Question tomorrow!

An hon. Member: Mr. Speaker, Sir, the Assistant Minister for Health is just out there!

Mr. Speaker: Where?

Mr. Oparanya: Mr. Speaker, Sir, if the Minister does not come, could we defer this Question until this afternoon?

Mr. Speaker: Tomorrow afternoon!

Mr. Oparanya: Mr. Speaker, Sir, I will not be here tomorrow.

Mr. Speaker: Mr. Oparanya, I do not think we can breach the Order Paper. We operate through something called: "The Order Paper".

Mr. Oparanya: Mr. Speaker, Sir, I seek your indulgence. The Order Paper can be revised. That is why you are here.

(Laughter)

Mr. Speaker: Order, Mr. Oparanya! First, it is your duty to be in Parliament. Parliament sits tomorrow! So, I will put it for tomorrow! It is up to you to be there or not! I know it is not your fault, but what else can I do?

Mr. Oparanya: Mr. Speaker, Sir, let us assume the Minister comes before Question Time ends---

Mr. Speaker: I must make that order now!

Mr. Ngoyoni: On a point of order, Mr. Speaker, Sir. This is a very important Question. I want to bring to your attention the fact that, when you walked in, the Assistant Minister for Health came in. But because he knows we will go for recess tomorrow, he ducked out! He wants to buy time to kill the Question and cover the malpractices in that particular institution. Could you give us some guidance because that has happened all over the country?

Mr. Ojaamong: The Assistant Minister for Health is just out there!

Mr. Speaker: Which Ministry is that?

An hon. Member: The Ministry of Health!

Mr. Speaker: The Minister herself?

An hon. Member: The Assistant Minister for Health!

Mr. Speaker: Which one? There are more than one!

An hon. Member: Dr. Kuti!

Mr. Speaker: Order, hon. Members! It is really unfortunate that, for the second or third day running, hon. Members have raised concerns about Ministers being afraid of coming to the House to answer Questions! Why are they afraid?

(Applause)

I urge Ministers to take courage and face the House!

The Assistant Minister for Co-operative Development and Marketing (Mr. Kenneth): On a point of order, Mr. Speaker, Sir. I think you should say, "some Ministers", because some of us are here ready to answer Questions.

(Mr. Sambu stood up in his place)

Mr. Speaker: Order, Mr. Sambu! I will not have that! The issue has been addressed to me. In deed, it is true that many Ministers answer their Questions properly. But there are some who have acquired a notoriety of running away from Questions. This House and the public know who they are.

(An hon. Member interjected)

Order! We do not do things casually!

The Minister for Environment and Natural Resources (Mr. Musyoka): On a point of information, Mr. Speaker, Sir. I can see many Members of the Front Bench this morning. I want to congratulate colleagues who have so ably tackled Questions. I happen to be a Minister and I am not afraid of coming to the House. I am here. If I can be of any assistance, I will.

(Dr. Kuti entered the Chamber)

Mr. Speaker: Dr. Kuti, why are you afraid of the House?

The Assistant Minister for Health (Dr. Kuti): Mr. Speaker, Sir, I was expecting the answer to the Question. I was calling my office.

Mr. Speaker: Order, Dr. Kuti! I think this is now becoming a tiring trend from the Ministry of Health. Could the Ministry of Health organise itself! The records will bear me out. Every day, almost without exception, a Question must be deferred because nobody from the Ministry of Health is here! What is happening, Dr. Kuti?

The Assistant Minister for Health (Dr. Kuti): Mr. Speaker, Sir, I would like to apologise for the delays caused. But today, we had a technical problem in the signing of the answers. I have asked them to bring the answer right away. It is on the way.

Mr. Oparanya: On a point of order, Mr. Speaker, Sir. I have an answer here. If the Assistant Minister does not have one, I can give him mine to read.

The Assistant Minister for Health (Dr. Kuti): Mr. Speaker, Sir, I think I will trust the answer from the office and not from the hon. Member.

Mr. Speaker: Order, hon. Members! I think there must be something much more than signing of documents. In deed, I do have the answer duly signed and dated 25th, October. It is on my record here. So, there must be something the matter.

Dr. Kuti, are you ready to reply to this Question?

The Assistant Minister for Health (Dr. Kuti): Mr. Speaker, Sir, I hope you remember that I walked in at 9.00 a.m. When I realised that the answer was not in my Pigeon Hole as we had agreed, I called my office. They said it was not signed. So, I am waiting for the officers to come.

Mr. C. Kilonzo: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead the House that he has called his office for an answer, while he has delivered one to your office?

Mr. Speaker: Order! I cannot extract water out of a rock! Can I? It does look to me---

(Loud consultations)

Order, all of you! You know, we have taken away a lot of the House's time on a matter that should have been straightforward and we should have dealt with it. I advise my very good friend, Dr. Kuti, not to run the Ministry from the Pigeon Hole.

(Laughter)

Go to the office and get the answer from there! Anyway, can I defer this Question to tomorrow? Were you ready for it?

The Assistant Minister for Health (Dr. Kuti): Mr. Speaker, Sir, I request that it be deferred to tomorrow afternoon in order for me to come with a good answer.

Mr. Oparanya: On a point of order, Mr. Speaker, Sir. I have said that I have the answer here which I am willing to give to the Assistant Minister to read. In fact, it is signed by the Minister herself.

Mr. Speaker: No! The Question has been deferred to tomorrow!

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.658

DISTORTION OF CONSTABLE VERONICA
LENGUYO'S POLICE FORCE RECORDS

Mr. Ngoyoni asked the Minister of State, Office of the President:-

- (a) whether he is aware that Police Constable Veronica L. Lenguyo (P/No.62501) was struck off the police force records in 1995 on the grounds that she was deceased;
- (b) whether he is further aware that the officer is alive and well;
- (c) what disciplinary action he is taking against those who distorted Government records; and,
- (d) when the officer will resume her duties.

Mr. Speaker: Order, hon. Members! I believe this Question was substantively answered. I think there was only one aspect left. I request the Minister and the hon. Member to concentrate on that aspect.

The Assistant Minister, Office of the President (Mr. M. Kariuki): Thank you, Mr. Speaker, Sir. Indeed, the Question had been answered. The hon. Member promised to rush to his car and give me some essential evidence. I am still waiting for the essential evidence which was in his car. So far, I have not received anything.

Mr. Speaker, Sir, on my part, my duty was to provide the case file number. I now have the Isiolo case file number. It is the Isiolo District Magistrate's Court, Criminal Case File No.144 of 1996. The suspect appeared in court on 19th February and pleaded guilty to a charge of desertion. She was convicted of the charge and given conditional discharge under Section 35(1) of the Penal Code.

Mr. Ngoyoni: Mr. Speaker, Sir, I wish to lay on the table of the House a letter stating that the officer did not desert duty contrary to allegation but was shown as deceased and, therefore, struck off the records.

(Mr. Ngoyoni laid the document on the Table)

Mr. Speaker: Order, hon. Members! The letter tabled by hon. Ngoyoni is addressed to the Personnel Division at Police Headquarters from the Provincial Police Officer (PPO), Eastern Province. Let me quote it for the benefit of the House.

It states as follows:-

(Loud consultations)

Order, hon. Members! Give me one minute and listen. It is not a big joke. Mr. Ngoyoni is referring to a letter from the police headquarters dated February 1995.

(Loud consultations)

Order! I will exclude the hon. Members who are in that corner! Mr. Oparanya, if you do not keep the peace, I will exclude you and any other hon. Member who will not obey the rules of the House. As I said, I want to quote this letter for the benefit of the House because you know this matter has occupied this House for the second day running.

You remember last time there was a contest between the Assistant Minister and the hon. Member. The hon. Member said that this officer was removed from the police register because she was thought to be dead. The Assistant Minister said last week that the officer had not died but had deserted duty and was taken to court and removed. The Provincial Police Officer, Eastern Province, in his letter dated 15th March, 1995 referring to a letter dated 16th February 1995 from Police Headquarters says the following, for the interest of the House:-

"I wish to inform you that the above named officer is still very much alive and on duty.

The information carried in your above letter that the officer died on 20th December 1994 is not true. If such information is in your records, then it could be that it has been wrongly filed there. Please check and confirm".

Mr. M. Kariuki, have you seen this letter?

Mr. M. Kariuki: Mr. Speaker, Sir, I do not think that the letter changes the substance of the answer whatsoever. According to what has been read out, that letter is for March 1995, referring to another letter which alleged that she had died dated 20th December, 1994. Now, our answer is: She deserted duty on 23rd September, 1995, six months after that letter and she appeared in court on 19th February 1996 where she pleaded guilty on a charge of desertion. She was given conditional discharge and thereafter dismissed. So, looking at the chronology of events narrated by that letter and the answer, it does not change the fact that she deserted duty, pleaded guilty to a charge and dismissed.

Mr. Speaker: Just in the interest of this nation, Mr. M. Kariuki, is it not strange that somebody could cook up a story six months before dismissal that this officer is dead and the bosses are confirming that she was well and on duty? Does it not raise some suspicion?

Mr. M. Kariuki: Mr. Speaker, Sir, it is a matter of curiosity whoever could have created that story at the Police Personnel Department. The PPO is confirming that this officer is serving the police force. I think that matter must have been resolved at that point in March 1995. Now, her misconduct came in September when she disappeared from her place of work and subsequently appeared in court the following year which was 19th February 1996. That is when she was found guilty. So, the fact that there was an issue of anxiety about whether she was deceased or not, does not change the fact of her desertion.

Mr. Ngoyoni: Mr Speaker, Sir, let us put records further straight. During the period the Assistant Minister is referring to, she was supposed to be in Machakos and not Isiolo. Therefore, the issue of being charged in Isiolo District Magistrate's Court could not arise. I think somebody in that particular station had made overt sexual advances to her and was out to even rape her. I cannot lay this on the Table!

(Applause)

Mr. Speaker, Sir, I wish to also lay this document on the Table.

*(Mr. Ngoyoni laid the document
on the Table)*

Mr. M.Y. Haji: Mr. Speaker, Sir, definitely, there must be something strange going on with regard to this case. Under normal circumstances, desertion of duty by a police officer does not warrant him or her being taken to court. The matter should actually be dealt with by the Commissioner of Police. So, what was the rationale of taking this lady officer to court unless somebody was interested in her?

(Applause)

Mr. Speaker: Order, Members! I think this is a very serious thing. This letter is dated September; the month she was supposed to go to court. Now, we are told that she was given marching orders to go to Machakos and at the same time being charged. Really, in all fairness, I will allow the Assistant Minister to review this issue. I will also ask Mr. Ngoyoni, if he has any further information, to give it to the Assistant Minister.

Mr. Rotino: On a point of order, Mr. Speaker, Sir. Would I be in order to request the Assistant Minister that after investigating and consulting with Mr. Ngoyoni he redeploys this lady officer to another police station? He should then report to this House after doing just that.

Mr. Speaker: I think there is much more than meets the eye in this matter. It is in the interest of justice that fairness is seen to be done. Look at this matter afresh, Mr. Kariuki.

Mr. M. Kariuki: Mr. Speaker, Sir, I think it is good to get the facts right. In March, 1995, somebody alleged that the police constable was deceased. The Provincial Police Officer (PPO) clarified that matter and said the police constable was still serving. On 7th September, 1995, the officer was given marching orders to another police station. On 25th September, 1995, two weeks later, she absented herself from duty---

(Loud consultations)

Excuse me! Can you, please, give me a hearing? I am entitled to a hearing even though you may disagree with me.

Mr. Speaker: Order, Members! Mr. Kariuki, you cannot fight your colleagues. They are also entitled to show displeasure with your explanations and I cannot force them on to it. I think I gave you chance to go and look at this matter afresh. My logical thinking is that once an officer has been given marching orders to a new station, it is in that new station that he or she will desert duty, if at all she will do so. The officer cannot be said to have deserted duty from her previous station. So, please go and look at this issue again because there must be something about Isiolo.

Mr. M. Kariuki: Mr. Speaker, Sir, much as I agree with you that the House is entitled to express its displeasure, I must insist that I also have a right to be heard in this House. My side has to be heard. Hardly had I completed my sentence when I was interrupted. If you look at the chain of events, one thing that remains undisputed is her conviction. There may have been some ill motive or witch-hunting all along, but how can she explain the fact that she pleaded guilty to a charge of desertion of duty. That by itself---

(Several hon. Members stood up in their places)

Mr. Speaker: Order, Members! I can see the interest and it is understandable. To me, this matter sounds stranger than fiction. How else anybody looks at it is a different matter, but there is certainly something peculiar about it. Mr. M. Kariuki, do you want to look at this matter afresh or have you made up your mind completely?

Mr. M. Kariuki: Mr. Speaker, Sir, one thing that is irreversible is the court verdict of guilty. That cannot be changed. If somebody is found guilty, unless there is an appeal-- I am stating this as a fact. The decision to find her guilty is not reversible and I am not in a position to reverse it. It was on her own plea of guilty that she deserted duty. What can I do at the policy level?

Mr. Speaker: Well, I think that is enough.

Prof. Oniang'o: On a point of order, Mr. Speaker, Sir. This is a woman officer. Obviously, the Assistant Minister is not willing to go further to look into this case. It could easily be a question of sexual harassment. We want a situation where women officers are protected. Could the Assistant Minister assure this House that he can distance himself from the case and have somebody else look at this matter?

(Applause)

Mr. M. Kariuki: Mr. Speaker, Sir, with tremendous respect, I have no personal interest in this matter. If another competent person can come and deal with it, I will be too happy. However, as the Speaker said yesterday, we must respect the verdicts of the court. If a court finds you guilty, who is a Minister of Government to reverse that decision?

Mr. Speaker: Mr. Ngoyoni, does the lady officer dispute the fact that she was charged and that she pleaded guilty of desertion?

Mr. Ngoyoni: Mr. Speaker, Sir, the Assistant Minister has to get two facts right. Just like Prof. Oniang'o has put it, this lady officer was being harassed because of turning down sexual advances. When she refused to succumb to the sexual advances and threats she became a target of dismissal from her immediate superior. That is the reason why she is not at her workplace today. The PPO who wrote that letter, being a senior officer, has to concoct all manner of information to make it appear that he is doing his duties.

Mr. Speaker: Was she charged?

Mr. Ngoyoni: Mr. Speaker, Sir, according to her, she was not charged.

Mr. M. Kariuki: Mr. Speaker, Sir, last time you asked me to provide the Case File Number. In my answer today, I said that it is: Isiolo District Magistrate Court, Criminal Case File No.144, 1996. The charge reads: "Desertion from Duty."

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

Mr. Speaker: Order, Members! Order! Obviously, this is much more than we can sort out here.

Mr. Billow: Refer the Question to the relevant Departmental Committee.

Mr. Speaker: Order! Do not the direct Chair on what to do!

I think the best thing that ought to be done is for the lady officer to seek legal counsel from a legal advisor with regard to all these things. I hope she will get one of the best counsels.

Mr. Mwandawiro: On a point of order, Mr. Speaker, Sir! The hon. Assistant Minister knows very well that there have been cases in the history of this country where innocent citizens have been forced to enter pleas of "guilty" and later jailed. The cases he knows best are the 1985 *Mwakenya* cases. The Assistant Minister is a Human Rights lawyer and---

Mr. Speaker: Order, Mr. Mwandawiro! Obviously that is not an issue for me to determine. It will be determined elsewhere. I will not turn this House into a court.

*(Messrs. Angwenyi and Wanjala stood
up in their places)*

Now, you will all go out! Sit down and relax!

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

Hon. Members: What is it?

(Laughter)

Mr. Speaker: Order, Members! Order! I have never known of a Back Bench Speaker. You will relax!

(Laughter)

(Loud consultations)

Mr. Salat: Mr. Speaker, Sir, can I be protected?

Mr. Speaker: Order! Will you sit down? By the way, by 10.00 a.m., I will have finished all the Questions. Hon. Members, you have taken all your time for Questions. I am sorry about it, but I will stop at 10.00 a.m.!

Question No.500

PROVISION OF ELECTRICITY
TO BOMET CONSTITUENCY

Mr. Salat asked the Minister for Energy:-

- (a) which areas have been earmarked for the provision of electricity in Bomet Constituency in 2005/2006 Financial Year;
- (b) under what program the service will be provided; and,
- (c) how much it will cost the beneficiaries.

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Speaker, Sir, first of all, let me apologise for what happened yesterday. I was not able to answer the Question. I want to assure the House that we are not scared of answering the Question.

Therefore, I beg to reply.

(a) Areas earmarked for provision of electricity in Bomet Constituency in the 2005/2006 Financial Year include Taraweta Trading Centre and Secondary School, Kapuruso Secondary School and Water Project and Kapkalos Trading Centre and Health Centre, at an estimated cost of Kshs14 million, Kshs6.3 million and Kshs2 million, respectively. Construction is expected to commence during the second half of the 2005/2006 Financial Year.

(b) Electricity supply for Kapuruso Secondary School, Kapuruso Water Pump and Kapkalos Market and Health Centre are being funded by the Government under the Rural Electrification Programme. The extension to Taraweta Trading Centre and Secondary School is part of the scope being funded through a credit facility from the French Government.

(c) Beneficiaries within the market centre would pay a token contribution of Kshs15,000 and Kshs40,000 for single and three phase supply, respectively. For secondary schools and water pumps, beneficiaries are required to contribute Kshs100,000 and Kshs200,000, respectively.

Mr. Salat: Mr. Speaker, Sir, while I appreciate the answer from the Assistant Minister, I would like to refer him to part (c) of his answer where he says that beneficiaries within the market centre would pay a token of Kshs15,000 and Kshs40,000 for single and three phase, respectively. I want to ask the Assistant Minister: Why is it that when it comes to secondary schools and water pumps, they charge Kshs100,000 and Kshs200,000, respectively?

Mr. Kiunjuri: Mr. Speaker, Sir, it also depends on the works that are going to be done on those projects. Some of them are not domestic. They are commercial and that is why we have laid down that rule. However, if the communities or the schools cannot raise the funds, they can still come and negotiate with us.

Mr. Serut: Mr. Speaker, Sir, you have heard the Assistant Minister say that, for secondary schools, they contribute between Kshs100,000 and Kshs200,000. I want to refer the Assistant Minister to my own constituency where schools are being asked to pay Kshs1.5 million. What criteria is used to determine which schools should pay Kshs100,000 to Kshs200,000, and which ones should pay between Kshs1 million and Kshs1.5 million?

Mr. Kiunjuri: Mr. Speaker, Sir, first of all, I want to assure this House and inform all hon. Members not to pay more than Kshs100,000 for schools. If there are those kind of quotations, they might have been given two years ago. So, I would ask hon. Members to make sure that those quotations are revised and, if they have any difficulties, they should come to our offices, so that we can issue fresh directives. But you should not pay more than what I have told you.

Mr. Speaker: Last question, Mr. Salat!

Mr. Salat: Mr. Speaker, Sir, recently, we discussed with the Minister on the possibility of using the Constituencies Development Fund (CDF) money or buying transformers duty free. What is the Assistant Minister doing to avail that facility to most hon. Members who would like to buy transformers at a reduced cost?

Mr. Kiunjuri: Mr. Speaker, Sir, hon. Members requested us to do that. We are willing to sit down at a *kamukunji*, discuss that issue and forward it to the Ministry. But, as you know, they are too busy in another business. Once that is over, we shall convene that *kamukunji*. This is not the right time to do that. Once that business is over, we shall call for a *kamukunji* and discuss the matter.

Question No.591

RE-CARPETING OF NAIVASHA
-KISUMU ROAD

Dr. Rutto asked the Minister for Roads and Public Works:-

- (a) whether he is aware that the Naivasha-Kisumu Road is very bumpy due to potholes and uneven repairs carried out by maintenance teams; and,
- (b) whether he could inform the House when the road will be re-carpeted.

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

(a) I am aware that Naivasha-Kisumu Road is very bumpy due to potholes.

(b) Naivasha-Lanet Road, which is 58 kilometres long has already been contracted out for reconstruction, and the contractor is already on site. Construction of a deviation is going on and, in three weeks time, traffic will be directed to the deviation for work to start on the road.

On the Lanet-Njoro Turn-off to Timboroa, routine maintenance is being carried out in-house. Tenders for full rehabilitation are being evaluated and the contractor is expected to be on site latest by January, 2006.

On the Mau Summit-Kericho-Kisumu section, routine maintenance is also being carried out in-house, while awaiting completion of design review currently in progress, after which tenders for full rehabilitation will be invited.

Mr. Speaker: Dr. Koech!

Dr. Rutto: Mr. Speaker, Sir, I am Dr. Rutto and not Dr. Koech! Could the Assistant Minister provide a timetable for the repair of Mau Summit-Kericho-Kisumu Road? Secondly, the section between Naivasha and Nakuru is in a very bad state of disrepair. What the Assistant Minister is saying about the repairs is not true! I just used that road last weekend. Could the Assistant Minister ensure that the repairs he is talking about are actually carried out on the ground?

Eng. Toro: Mr. Speaker, Sir, on the issue of the timetable, as I have said, work on the

Lanet-Njoro Road to Timboroa will start by January next year. The designs on the Mau Summit-Kericho-Kisumu Road are being revised and the consultants have already been commissioned. They are Abdul Malik and Associates. They have been contracted at a cost of Kshs84,887,028. That is an indication of what is happening. Once the consultants have finished the designs, we shall invite tenders. Routine maintenance works on those sections of the road are being carried out continuously. It is not easy to see what is being done because, generally, the road is very bad. So, we have only been able to patch here and there. We cannot invest a lot of money because we are going to rebuild the entire section of the road.

Mr. Ndambuki: Mr. Speaker, Sir, the Ministry of Roads and Public Works workers on Mombasa Road are creating more potholes in the pretext that they are filling them. They are digging big areas which they cannot fill in a day. Could the Assistant Minister instruct them to do portions which they can cover on a given day? It is causing a lot of problems to the public, especially when you are driving on that road and you do not know that a pothole has been dug.

Eng. Toro: Mr. Speaker, Sir, I am aware of that. I have personally issued instructions to the Principal Engineer in charge of maintenance. I travelled along Mombasa Road and experienced what the hon. Member is saying. I instructed them not to dig patches which they cannot cover in a day.

Dr. Rutto: Mr. Speaker, Sir, the Assistant Minister has said that the designers are on the ground. Sometimes, designers can take forever to complete their work. When I asked a Question regarding the provision of a time-table, I had in mind the possibility of design work going on and on. Could the Assistant Minister assure this House that those designs will be made and roads repaired as soon as possible?

Eng. Toro: Mr. Speaker, Sir, most of the work on those roads falls under the Northern Corridor Transport Improvement Project, which is being funded by various donors. Some sections of those roads are being funded by the World Bank and others by the European Union (EU). The time-table is very clear. When consulting engineers are given work to design, they are given specific periods under which to finish the work.

We have specific periods under which we invite tenders. The only delaying factor is that, being donor-funded programmes, it takes longer. The projects have to be evaluated and a "no objection" signal given by development partners. They have to accept the contractors that we prioritise for construction work. Sometimes, our hands are tied by donor-funded projects because we do not have absolute control over the provision of funds.

Mr. Speaker: Order, hon. Members! That is the end of Question Time. Questions that have not been covered are deferred. Hon. Members concerned can get in touch with the Clerk-at-the-Table to get the necessary information regarding the dates when their Questions will be answered.

Question No.229

RELEASE OF FPE MONEY TO
MIDODONI/BURA PRIMARY SCHOOLS

(Question deferred)

Question No.158

DISTRICT HOSPITAL FOR LUGARI

(Question deferred)

Question No.165

PAYMENT OF COUNCILLORS' SALARIES
FROM CONSOLIDATED FUND

(Question deferred)

Question No.239

EXPENDITURE ON KENYA
NATIONAL THEATRE RENOVATION

(Question deferred)

Question No.571

COMPLETION OF MAUNA
DAM WATER PROJECT

(Question deferred)

Question No.358

NUMBER OF LAND ADJUDICATION
SECTIONS IN ALDAI
CONSTITUENCY

(Question deferred)

Question No.175

BENEFICIARIES OF LOAN WAIVERS
TO COFFEE CO-OPERATIVES

(Question deferred)

**NOTICE OF MOTION FOR
THE ADJOURNMENT UNDER
STANDING ORDER NO.20**

VIOLENCE IN KISUMU

Mr. Sungu: On a point of order, Mr. Speaker, Sir. With your indulgence, I stand to seek leave to move a Motion of Adjournment Under Standing Order No.20 for purposes of discussing a definite matter of urgent national importance that concerns the recent deaths and riots that occurred in Kisumu on Saturday, 29th October, 2005.

*(Mr. Sungu continued to stand
up in his place)*

Mr. Speaker: Order! Mr. Sungu, will you sit down when you have made your application? Please, sit down. You do not lead an orchestra. Do you?

Order, hon. Members! I think the matter which has been raised is of definite national importance. I do allow it to be discussed, subject to there being support of the House.

*(Several hon. Members stood
up in their places)*

Order! You may take your seats! I am informed by the Clerk-at-the-Table that the requisite number for granting this Motion has been attained. I will give it time as from 11.00 a.m. However, I wish to warn the Mover and all hon. Members that of late, adjournment motions have been reduced from debating sessions into insulting and disorderly sessions. I wish to warn the House well in advance that, the Chair will not take any insults or disorders in the course of the debate. Let hon. Members be warned that we preside over debates and not chaos. Therefore, it is on that condition and understanding that this Motion comes for debate; I repeat; there will be debate and not insults or shouting at 11.00 a.m.

Next Order!

Mr. Sungu: Mr. Speaker, Sir, with your permission, I assure you that the matter is very important and we will discuss it with all sobriety.

Mr. Speaker: Thank you, Mr. Sungu! But you will assure me when the time comes. I need not to be assured because I will be seated here to listen and see to it that it happens that way.

MOTIONS

COMPULSORY COMMUNITY SERVICE FOR UNIVERSITIES/MIDDLE LEVEL COLLEGES GRADUATES

THAT, in view of the acute unemployment in the country, and aware that basic essential services offered by the Government are being constrained by lack of staff in public institutions; this House resolves that all graduates from middle level colleges and universities be offered compulsory community service for a period of two years on a monthly maintenance allowance of Kshs5,000 in the rural areas and Kshs10,000 in the urban areas.

(Mr. J.M. Mutiso on 19.10.2005)

*(Resumption of Debate
interrupted on 26.10.2005)*

Mr. Speaker: Is there any hon. Member who is interested in contributing to this Motion?

An hon. Member: No!

Mr. Speaker: Well, there being no interest, I will call upon the Mover to reply.

(Loud consultations)

Mr. J.M. Mutiso: Mr. Speaker, Sir, there is a lot of disturbance in the House!

Mr. Speaker: Order, hon. Members! You are right. I need to get the House in order. There is a Motion by hon. J.M. Mutiso, which was moved, seconded and Question proposed by the Chair. We are now left with contributions by interested hon. Members. The Motion is on the Order Paper.

The Assistant Minister, Office of the President (Mr. Shitanda): On a point of order, Mr. Speaker, Sir. We had agreed on some amendments with the Mover of the Motion. We have not discussed those amendments.

Mr. Speaker: You know, those amendments are done through contributions and brought to me for approval. They do not exist, as far as I know. Mr. J.M. Mutiso, I have no choice but to ask you to reply.

Mr. J.M. Mutiso: Mr. Speaker, Sir, this is a very important Motion because it is affecting our youth. Public service has been constrained by lack of personnel. It is only yesterday in this House that we heard from the Minister for Health that services in her Ministry have been hampered by lack of qualified personnel. Currently, we have qualified skilled health workers like doctors, clinical officers and enroled community nurses numbering to about 5,000. Our health institutions are in dire need of staff. Service delivery has been affected by that.

Mr. Speaker, Sir, we still have the problem of shortage of teachers. With the free primary education system we had an exponential expansion of the capacities in our schools. The department dealing with staffing of teachers in our educational institutions has always provided figures which are below the required levels of our educational institutions. We still find that the standards of education keep on falling. Therefore, we would like to call upon the Government to engage all graduates from the middle level colleges and university, particularly the educated unemployed in offering these compulsory community services for a period of two years. This will go a long way in alleviating the problem of constrain in services particularly in our core sectors.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, we have a problem of Development Expenditure budget. In the financial year 2004/05 we had about 20 per cent of the Development Fund being returned to the Treasury because of constraints of qualified personnel. If you look at the infrastructural department particularly the roads you will note that we still have the problem of service delivery. Recently because of the Civil Service strike, most of the middle level cadre staff, that is the qualified artisans, technicians and engineers were suspended adding to the problem of service delivery. Notwithstanding this, about Kshs10 billion to Kshs20 billion of the Development Expenditure is returned to the Treasury because of constraints of staff. We have qualified graduates from technical colleges, polytechnics and other tertiary institutions who are employed and can fill up this gap.

Mr. Temporary Deputy Speaker, Sir, according to the report on Poverty and Inequality which was launched by the Ministry of Planning and National Development yesterday, we have seen poverty levels increase from 43 per cent in 1994 to about 56 per cent in 2004. This is one of the strategies which will make the Government propel the economy of this country forward. This is within the limit of the Government. It can afford it. We need our uneducated youth and those who are tarmacking to come on board and propel the economic development of this country particularly in the health, education and infrastructural sectors

Mr. Temporary Deputy Speaker, Sir, the resources which have been used to educate these

middle level college graduates and university graduates is enormous. We are asking the Government to do something which is beyond its budget. This is something the Government can afford to finance.

Mr. Temporary Deputy Speaker, Sir, it is within the tune of Kshs2 billion to Kshs3 billion and a paltry 0.5 per cent of the National Development Fund. I would like to propose that this Motion be adopted by this House and that all graduates from the middle level colleges and universities be offered compulsory community service for a period of two years and a monthly maintenance allowance of Kshs5,000 in the rural areas and Kshs10,000 in urban areas.

Mr. Temporary Deputy Speaker, Sir, I beg to propose.

(Question put and agreed to)

INTRODUCTION OF SPORTS
LOTTERY FUND BILL

Mr. Salat: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, in view of the Government's commitment towards the development of sports in the country and being aware of the great sporting talent this country possesses; this House grants leave to introduce a Bill entitled *The Sports Lottery Fund Bill* to provide for the general development and sustenance of sports facilities and programmes in the country as well as providing adequate remuneration to those Kenyans representing the country in the various sporting events.

Mr. Temporary Deputy Speaker, Sir, it gives me great pleasure to stand before this House to move this Motion. We would like to urge this House to pass a Bill that will guarantee our sportsmen and women the proper recognition that they deserve. For generations, this country has been known as a sporting nation.

In fact, Kenya is better known the world over for its sporting might. We have produced talented athletes. We are also capable of producing talented soccer players. It is this particular history of nurturing sports both local, national and international athletics, with the promise that this country requires sportswomen to lead; knowing that their country recognises them for their contribution in putting Kenya on the world map that has kept our sportsmen going.

This Motion will provide the financial support for competitive young athletes with regional, national and international promise. The Fund will also provide the programme to support the sport in non-profit sports organisations that expose young Kenyans to sporting activities. That will foster our next generation of competitive sportsmen and women.

Mr. Temporary Deputy Speaker, Sir, should this House approve this Fund, it will be distributed based on the number and quality of applicants who decide to be recognised within the sporting fraternity. This Fund is not uniquely new. You will find it in advanced nations like the United Kingdom. You can tell from their participation in various sports around the world that they have excelled as a nation.

We also need such a Fund in this country so that we not only focus on athletics, but also on other kinds of sports. This Fund will also provide for sports scholarship awards. These scholarships will assist sportsmen and women in this country to further their sporting activities.

Mr. Temporary Deputy Speaker, Sir, I was going through the internet and I found out that in the United Kingdom (UK), a lot of money is injected to fund various sporting activities. In the UK, and especially in Northern Ireland, the sports council has been distributing sports lottery funds since 1995. Since then, that country has enhanced its sporting activities. The proposed Sports Lottery Fund (SLF) will assist sportsmen and women in this country. Over the years, sportsmen and women in this

country have done us proud. However, as a country, we have not reciprocated. In most cases we have complained that our sporting facilities are in a dilapidated state because over the years, funds have not been injected to support these facilities.

When our sportsmen and women are about to participate in an international sporting event, an appeal is constantly sent out through the media to solicit funds from businesses, corporate companies or individuals to assist our athletes successfully participate in those events. However, if the proposed Bill is passed by this House, there will be no need to send out appeals. Once we pass this Motion, we will have a fund which will cater for the athletes. We will just be left with the job of increasing the morale of our sportsmen and women. We will also avoid last minute appeals, which are not successful sometimes. Recently, the ladies volleyball team almost failed to participate in an international event because of lack of funds for their upkeep and travel. In fact, they were stranded at the Jomo Kenyatta International Airport (JKIA). Despite these hurdles, they still managed to do us proud by winning that particular event. So, the SLF will place this country ahead of many countries in this continent. We have the sports talent, but we lack the funding. I am pleased to say that the Minister for Gender, Sports, Culture and Social Services has really tried to look into issues of sports in this country. Recently, he awarded Kshs100,000 to a Mr. Benjamin Limo. However, that is peanuts for a person who has actually put Kenya on the world map. We want athletes who have done us well to be well remunerated. They should be given duty free facilities and housing because this country prides itself in its sportsmen and women.

Mr. Temporary Deputy Speaker, Sir, Kenya is looking forward to hosting the World Cross Country Championships. The Minister for Gender, Sports, Culture and Social Services has indicated that the only available amount to host that event is Kshs150 million. That amount is not adequate. That money can sustain the hosting aspect of the event, but what will happen to the Kenyan participants? What will they get? That is why it is important that we should show Kenyan athletes that we care for them, especially when they go out to represent us in other parts of the world. They carry the image of this country.

Mr. Temporary Deputy Speaker, Sir, on the issue of boxing, we have an upcoming serious lady contender, Ms. Conjestina Achieng. She will soon contest in a major event. However, she lacks the facilities to enable her challenge other contestants in the international arena. We want to understand that we are only always bickering, but we do take their interests at heart.

Mr. Temporary Deputy Speaker, Sir, we would like our sportsmen and women to know that as they represent this country in international events, their interests will also be catered for. We have had great athletes in this country who are now living in abject poverty yet in their heydays they made this country proud. This particular Motion seeks to introduce the aspect of recognition of the people who have done us proud. Mr. Kipchoge Keino has remained a legend to outsiders and not to Kenyans. We need to honour him and other Kenyans who have done us proud. We need these great Kenyans to realize that this House cares for them. That is our role as Parliamentarians, to move Motions that will at the end of the day become Bills that will give hope to our sportsmen and women.

Mr. Temporary Deputy Speaker, Sir, recently, the Standard Chartered Bank hosted the Standard Chartered Nairobi Marathon which attracted many participants. At the end of that event, various winners won cash prizes that have transformed their lives. Last year, there was a lady who won in the Nairobi Marathon and that event transformed her life. However, that is not adequate because she deserves more than that award. It is important that we nurture that talent. That is why we need to support this Motion.

Another great footballer, Mr. Dennis Oliech, has great talent that can take football in this country to greater heights. However, he is only recognised outside this country. In fact, he has been recruited to play for a team in the French super league. We should be proud of such people. So, there is abundant talent in this country, but we have not given these people the proper recognition that they

deserve. We dwell so much on political issues instead of investing our money where it is worth.

Mr. Temporary Deputy Speaker, Sir, this Motion does not only seek to enhance athletics and soccer, but we also need to support other sporting disciplines. In the Olympics Games, we only take part in athletics and boxing. We should venture into cycling, diving, gymnastics, sailing, swimming amongst other sports. We should not put all our attention on a few sporting activities. I am sure there are Kenyans who are talented in other sports. We have Kenyans who, given access to good training facilities, will actually represent this country in other disciplines. This Motion is for the good of all of us. In our respective constituencies, we have talents which have to be recognised.

With those remarks, I beg to move and ask hon. Sungu to second the Motion.

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, first of all, I would like to congratulate the Mover for bringing this very important Motion to the Floor of this House.

Mr. Temporary Deputy Speaker, Sir, I think there is a real need for a Sports Lottery Fund to support sports in this country. For the information of hon. Members, I happen to be the Chairman of Bunge Sports Club, of which the Chair is a very prominent Member.

Mr. Temporary Deputy Speaker, Sir, the operative words in this Motion are "to provide for the general development and sustainable sports facilities and programmes, and to provide adequate remuneration to those Kenyans representing us in various sporting events". Recently, I was in Helsinki at the World Athletics Championships. Some Kenyans may have had occasion to see me waving a very small flag, shouting with all my might to try to encourage our boys and girls to win us gold. I felt proud as a Kenyan when we won a gold medal in the 5,000 metres race. I felt proud when I saw Catherine Ndereba fighting tooth and nail for 42 kilometres to win a silver medal. Our athletes in all the various disciplines have done us proud.

The importance of sports in national development cannot be gainsaid. You only need to look at what goes on elsewhere in the world to note how important sports is in terms of social and economic development. I feel ashamed as a Kenyan when I hear announcers in our radio stations praising David Beckham or Thierry Henry, and yet they do not know a single name of a Kenyan sportsman. They do not know Yampoi or Bungei. They do not know the world beaters who are famous and who are provided with such protocol and security when they go out of the country.

Mr. Temporary Deputy Speaker, Sir, the reason why sports is not developing in this country is lack of adequate funding. That is why I support this Motion from the bottom of my heart. The question we should be asking ourselves is, why are some of our best athletes leaving this country to go and compete under different flags? We have our boys in Denmark, Qatar, Bahrain, among other countries.

I was ashamed in Helsinki when I saw eight Kenyans competing for gold under different flags. It was won by a Kenyan running for Bahrain, and he was there proudly waving the flag of Bahrain. I was ashamed. These people are doing this not because they do not love this country, but because we do not support them. We know our Government has a lot to do in terms of development and other areas, and there is not enough funds for sports. So, if we establish a Sports Lottery Fund, this is one way of encouraging and funding our sportsmen and also develop sports facilities. The operative word is "money", "money", "money".

Mr. Temporary Deputy Speaker, Sir, we have some of the best athletes in the world. Even in football, we have some of the best. My colleague, hon. Salat has mentioned Dennis Oliech. Who cannot remember the saga when Oliech could not go to Tunisia just because he had not been refunded his air ticket? We ought to be ashamed as a nation. When every nation is putting the best foot forward, rewarding their sportsmen and doing everything possible to improve their performance, we are busy squabbling. The Chair and I have had occasion to play for Bunge FC in Arusha, Tanzania. I have seen other Members of this House breaking limbs playing for Bunge FC. Even the Mover of this Motion, hon. Salat and hon. Khamasi, old men, have been trying to make an effort just to make this country

proud. It is a sacrifice of the highest order in terms of practice and determination. You cannot do this without support. We have the Musa Otienos of this world. In cricket, we have stars.

Recently, when Kenya was playing in the Cricket World Cup, we beat India and a number of top cricketing nations in this world. I did not know much about cricket, but that day, I learnt overnight at a place called Gypsy in Westlands. I was shouting like a mad man, and people did not know I was a Member of Parliament, because I was proud to be Kenyan. Yet, when these come here, they are not recognised. When they go overseas, they are even given police escort. The roads are cleared for them because of the recognition that they get because of their contribution to sports. When they come back here, you will find some Immigration official asking you, "*na nyinyi mmetoka wapi? Mlikuwa mkifanya nini huko?*"

It is a shame to this country that we do not recognise our sportsmen. It is such a pride when the television stations all over the world show that a Kenyan has won a medal. People remember there is Kenya. People now know that there is Mombasa and there are beautiful beaches there. People know there is Kisumu and Lake Victoria nearby. They know that there is the Great Rift Valley, and they can go to Lake Baringo, Lake Nakuru and watch flamingoes. So, it is something we must work on. No country can develop in one area only and leave other areas. We must develop in uniform in all areas for the social and economic development of this country.

Mr. Temporary Deputy Speaker, Sir, what have we done for these sportsmen in terms of training facilities? As I drive down the Rift Valley, I see young men running up and down the road, trying to make themselves physically fit so that they can compete with other people. The Ethiopian team at Helsinki had a special location for training where nobody knew. Our athletes came from all over the world because there was not enough money to bring them here to go as a team. But the Ethiopian team were provided with an aircraft right from Addis-Ababa and back. What happened to us?

Our sports stadia are in pathetic conditions. I want to appeal to Members of Parliament to find a way of building more sports stadia. We cannot compete effectively if we do not have proper stadia. Bunge FC now practises at the Railway Club, and it is so bad that Members break their legs. The other day, I sprained my leg. Even Nyayo Stadium is in a pathetic state. The only stadium we can talk about now is the Moi International Sports Centre, Kasarani. But it is the only one. So, there is a real need for us to fund sports, and the best way is to provide a Sports Lottery Fund.

Mr. Temporary Deputy Speaker, Sir, it is not appropriate for certain companies to sponsor sports. In my opinion, it is not appropriate for the East African Breweries (EAB) to sponsor sports because it sells alcohol that is not good for our youth. It is not also appropriate for the British American Tobacco (BAT) to be sponsoring our sports. Why are they given that chance? They are given that chance because the Government is not allocating enough money for sports and we do not have other means of funding these sports. That is not good. There is need for us to find new ways and means of funding sports.

The Kenya Charity Sweepstake is a good example. It has done a lot of work in Kenya. It is funding primary schools in this country. It is in the Rift Valley, Nyanza, Coast, Ukambani and everywhere else. That is a good example that we can emulate. They harness money from the common man for the common good of everybody. Even if they make a profit, at least, they are employing and helping our people.

Mr. Temporary Deputy Speaker, Sir, I have talked about world champions like Yampoi and Bungei. I have met and spoken to them personally. They are very bitter persons because we are not giving them enough support. I want to recall that we have great personalities like Kipchoge Keino, Paul Tergat, Tecla Lorupe and Moses Tanui, who have single handedly tried to fund sports development in this country.

With those few remarks, I beg to second.

(Question proposed)

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support this Motion. I agree with the previous speakers that we need to do more than we have done to support our sports talent in this country; a talent that has made this country proud. It is also one that if not taken care of from early in life, we are likely not to be hearing much of Kenya in sports in the next ten years, just as we are now being outdone by countries that could never have competed with us previously, including Ethiopia.

In terms of developing talent, the beginning point is schools. It is trying to identify talent very early in youth in our schools and to ensure that pupils and students, generally, are given an opportunity to develop that which they are good at. In our school system, the emphasis must not only be on those who are passing academic subjects but also on those who have that other talent. Education can be seen more comprehensively but we also need to appreciate the fact that often if you have that talent, in terms of both employment and the messages that you may send out related to health, that is a useful talent to pick on. In this regard, I would like to say that we, in the Ministry of Education, Science and Technology, given the limited resources that we have, have a Vote for every pupil in primary as well as secondary school to support them to develop extra curricular activities, particularly sports at the district, provincial and national levels.

Mr. Temporary Deputy Speaker, Sir, in addition to that, maybe we also need to find ways of supporting those who have that talent by way of giving them bursaries just as we give top students academically. That talent is also an indication of the other advantages that may be useful, not just for the individual but for society as well. In addition to identifying that talent and supporting it with bursaries and other ways, it may also be necessary for us to have major sports academies in various parts of this country. We could have one at the Coast, Nairobi, Rift Valley and Eastern provinces whereby students who have specific talent can develop those talents from very early. They can go to those kinds of schools that would give them the opportunity to not only learn the academic subject, but also spend a great deal of time on their other talents. We would have specialised coaches and other facilities that would support that.

Mr. Temporary Deputy Speaker, Sir, in addition to that, we need to do more for our sports clubs. Often, as hon. Members, we are being called upon to support football and volleyball clubs. Unfortunately, it mainly happens to be for boys. However, we need to do more for our women in terms of sports. We need to support netball and women sports clubs, including volleyball. As you know, our Kenyan Women volley team is the best in Africa. However, if you go down to the rural areas and the constituencies, you will not find much happening in terms of supporting that talent and yet that is where we need to pool from. I would, therefore, like to make a specific appeal for us to also realise that there is a great deal of women talent in sports that we have not exploited. Women are not as able to come out in the open like the boys and get the support from their parents and other members of the community like the boys have been getting.

Mr. Temporary Deputy Speaker, Sir, there are also other local sports that are possible. In addition to the youth and schools, there are adults. We have the Ministry of Sports, Gender, Culture and Social Services. In the 1960s and 1970s, this Ministry was also involved in organising sports events for adults at the locational, divisional and district levels. However, that is no longer happening. In addition to talking about the military and the police, we also need to focus on those other people at home who have the energy that they would like to expend. This will ensure that we do not just spend our leisure time in doing activities that have negative implications. It will also ensure that we have the opportunity to take part in sports at whatever age. That is why in Europe and other places, there are marathons for old men and women. There is an advantage in terms of healthy bodies that result in that.

It also keeps these people busy and to realise that there are other things that are available in terms of opportunities for entertainment apart from just engaging in liquor consumption and other habits that we do not consider positive.

Mr. Temporary Deputy Speaker, Sir, I would also like to say that as we talk about sports, the reason that the majority of the people who seem to be winning for Kenya come from the Rift Valley is not because there is no talent elsewhere. We know from the Olympics that we have had other Kenyans winning. We have had Turkanas like Ereng winning. We have also had John Ngugi, Kamathi and others who are not from the Rift Valley. This means that there is talent. If the Rift Valley has been doing so well historically, it is because they have had that historical advantage. They have also built on it given the examples they have seen. It is important for us to realise that this can also be supported in other areas of this country. The more diversified we are in terms of the team that we send out there, the better it is for us. Just like it is becoming clear in this country in soccer that it is possible to be in the national team even though you are not a Luo or Luhya. It is diversified! There is talent that we need to focus on and we can only do that if we realise that we have to go to every part of this country. Resources and individuals have to be made interested in supporting sports in their respective communities.

One of the biggest problems we have had is that there are no facilities in terms of stadia and playing fields. If you go to primary and secondary schools, you will find that there are no playing fields. We can do some things very cheaply. If you go to a primary school where there is a piece of land but no playing field yet we have graders in the districts - now we are going to have them in the constituencies - it is very easy to just level available fields. This will enable young people to have a place to play. However, if you go to most of our primary schools in this country, you will find that sports are not taken seriously. Even though we are paying money to every school to support sports, the playing fields are not there, not to mention the equipment that you need. These are the small things that we can do in terms of having simple playing fields. We need to use the available facilities like graders in the districts and the constituencies and more importantly the stadia in many of our districts. First of all, the new districts have no such facilities. However, even the districts that had those facilities in the 1960s, if you go there today, those facilities have been run down and the land around them has been grabbed. Eventually, even the places that were used for track races are no longer available. You will find instead shops and other commercial facilities. We must repossess those parcels of land. We should ensure that we have a Vote to support the provision of resources that will make it possible for us to modernise those facilities. We should also ensure that we have some basic facilities that can be used, not just by students in primary and secondary schools, but also by adults and youths who would like to take part in sports.

Mr. Temporary Deputy Speaker, Sir, the Mover of the Motion spoke about why it is important for us, as country, to be seen competing in other sports that are more Western in orientation such as swimming and cycling. I would like to go beyond that and say that international sports are not only international if they are Western. We should be challenged as Africans to ask questions about what it is we have introduced in the Olympic movement. Did we not have any sports before the coming of the white man to Africa? You do not see evidence of those sports in international events such as the World Cup, which are Western. When we are talking about the Olympics, we are talking about the sports that were introduced by Westerners. It is high time our sports associations and Government tried to have an input in terms of ensuring that the Olympic movement and other world bodies reflect the African component in sports. We also had sports before the coming of the whiteman. We should push for, at least, two or three major sports, and promote them gradually. If we have our own sporting events represented internationally, then it would be much easier for us to interest our own people because they can relate much more to them. It is much easier for us to pick up those sports because the environment is suited for the African type of sports.

In terms of who should support sports, it is alright for the Government to put in resources, but in many countries of the world, many of the people who have supported sports, are from the private sector. The private sector has a vested interest in terms of advertising and having the talented people competing for their specific organisations. Therefore, the Government should reach out to the private sector and the private sector should be much more proactive, so that we do not just see the Kenya Breweries and a few accounted private companies being involved in sports in this country. More than that, even individuals should be involved in sports. Already hon. Members are doing a great deal in supporting sports as individuals by buying sports uniforms and making it possible for young people to travel for competitions between constituencies and across districts. However, there are other people in the constituencies who could get interested in sports especially if we can prove to them that there is a benefit in this. As hon. Members, we should try to draw upon that kind of resource.

Mr. Temporary Deputy Speaker, Sir, there has been a big problem of talented athletes going to compete for other countries. However, we do not look at the real cause of the problem. The major problem is lack of proper sports management. There are individuals who are making much more from sports than the athletes themselves. They are exploiting the athletes. We have had the same sports officials since 1970s and a lot of them are basically exploiting that talent. They make it impossible for the athletes to want to stay. You should ask who are the people who travel when we have the Olympic Games. How many people do you find travelling who have nothing to do with sports? They just want to travel there and sometimes you will not find them at the stadium watching the sport. They go there to do shopping. We have to do our best to ensure that the resources that are voted by the Government are available for the sportsmen. However, much will not be accomplished unless the economy grows. If we have resources, then people can afford to go and watch sports. This is where we have to begin.

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

*[The Temporary Deputy Speaker
(Mr. Ethuro) left the Chair]*

[Mr. Speaker resumed the Chair]

Rev. Nyagudi: Mr. Speaker, Sir, I also rise to support the Motion. I would like to congratulate my friend, hon. Salat, for bringing the Motion at this time.

As a sportsman, I know the problems that sportsmen face in this country having played for the basketball national team. Kenya has a lot of sporting talent which has not been tapped. This is what has caused a lot of problems, especially for the youth. There are many youths who have the talent in sports, but nobody has taken time to develop those talents. Sports should be treated and given equal attention as tourism. The establishment of a Sports Lottery Fund will enable sportsmen and women of this country to develop themselves. The NARC Government promised to create 500,000 jobs per year. The setting up of this Fund will encourage more youths to get involved in sporting activities that will create employment for them. Sports have created employment for many people in big parastatals like the Kenya Posts and Telecommunication Corporation (KPTC), the Kenya Power and Lighting Company (KLPC) and many others. After the establishment of this Fund, many young men and women will show more interest than what is being experienced right now.

Mr. Speaker, Sir, many young men and women have acquired scholarships to study in very good universities abroad because of their talents in sports. We need to develop these talents. The establishment of this Fund will enable most of the talented youths to have opportunities to study abroad. Developing those talents to international standards is something that we should be proud of as a nation. We have patriotic athletes who have given us a lot of pride as a nation, for example, Mr. Paul

Tergat. In football, we have people like Mr. Musa Otieno, who despite the fact they play for other countries, they still come back when they are called for national duty.

It is very sad that most of our talented sportsmen and women, who have the talent to win in international events, do not have enough support. I want to give the example of Ms. Conjestina Achieng, who is extremely talented to beat other women in boxing. It is interesting that boxing has been reserved for men, but now we are seeing women coming up and taking it as a sport. We are proud of Ms. Conjestina Achieng. However, Ms. Achieng lives in the slums where she cannot even keep her title belt because of lack of security. It would be helpful if there was a Fund that would have helped her. She does not even have good training facilities. As a matter of fact, she has to train in very sub-standard gymnasium whereas she is evidently an international material. With the establishment of this Fund, sportsmen and women will have access to a lot of opportunities. I am convinced that this will be a good thing for us.

Mr. Speaker, Sir, we have been losing many athletes to other countries because we do not have enough incentives to give them. Therefore, because of greener pastures, we have had to deal with the issue of athletes changing citizenship because Kenya does not have a Fund to support them. Recently, we witnessed a case where our volley ball team was supposed to represent Kenya internationally, but they did not have even enough funds to purchase their air tickets. However, despite the hardships, they still went ahead and claimed the African Title. That should be an indication that they need to be given more support.

With those few remarks, I beg to support.

Mr. Speaker: Order! Hon. Members, we have 15 minutes to conclude that Motion. Rev. Nyagudi will have five minutes left. So, when we resume, he will continue from where we have left. I call upon the Mover of the Motion of Adjournment to move it.

MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER NO.20

VIOLENCE IN KISUMU

Mr. Sungu: Thank you, Mr. Speaker, Sir. I rise in this august House, which is the Ninth Parliament of Kenya with a very heavy heart because I am mourning. I assure you that I will address this issue with all the sobriety that I can summon although I am mourning.

Mr. Speaker: Order! Before we go to that, hon. Members, you have one and half hours to debate this Motion. Under the Standing Orders, hon. Members are entitled to contribute for ten minutes, but this House may reduce that time. Do I take it that you require five minutes each to contribute to the Motion?

Hon. Members: Yes, Mr. Speaker, Sir.

Mr. Speaker: The Mover and the Government Responder will take 10 minutes each! Hon. Members, remember what I said this morning. We will debate this Motion with uttermost sobriety. I request every hon. Member to take that into account when contributing to the Motion.

Proceed, Mr. Sungu!

Mr. Sungu: Thank you, Mr. Speaker, Sir. I concur with your ruling.

All people in Kisumu and perhaps the whole of Kenya were aware that there was a planned rally by the "Yes" Team in Kisumu on Saturday, 29th October, 2005. Local leaders, including the councillors had assessed the situation and realised that there was tension which required the rally to be cancelled. Even me, I requested for the rally to be cancelled because I know other rallies have been cancelled on security grounds. Even other national leaders, including, Mr. Raila, also called for peace

and urged the local people to stay away if they did not want to attend the "Yes" Rally. In the evening of 28th October, 2005, over 600 GSU personnel armed to the teeth arrived in Kisumu. There were also over 3,000 regular and Administration Policemen plus prison warders in Kisumu on that day. The arrival of these forces in Kisumu in the evening of Friday 28th October, 2005, raised tension.

When I received the information, I rushed to Kisumu and contacted all the political contacts I had and called for calm and peace so that the "Yes" Rally could go on. At that time, we were aware there was a sinister move to kill and maim the people of Kisumu. I have said this because the "Yes" Rally was planned for between 11.00 a.m. and 3.00 p.m., and it took place between noon and 3.00 p.m. By 7.00 a.m., on Saturday, 29th October, 2005, police had started attacking people at the Kachok Junction.

A poor woman who was selling *mandazi*, her only mistake was to look for money to fend for her family was beaten senselessly by the policemen at 7.00 a.m.! On seeing that, people naturally reacted. Did the "Yes" Rally being held in Kisumu mean that the people of Kisumu could not go about their normal business and look for means of survival on behalf of their families? The only sin that woman committed was being at that point selling *mandazi* so that she could get some little money for her family.

Mr. Speaker, Sir, at that time, police also started to beat up everybody on sight. Did the "Yes" Rally mean that all the residents of Kisumu were under a state of curfew and had to stay indoors? This went on despite the rally being scheduled to be held at the Kisumu Municipal Stadium. Nyamasaria Market is over three kilometres away from that stadium but people were attacked there. The people who were in Kondele were also attacked although it is over three kilometres away from the Kisumu Municipal Stadium. The people were also attacked at Kajulu, which is near my residence, and Mamboleo, which is over five kilometres away. The pathetic thing is that by 10.00 a.m. on Saturday, the police had entered Nyalenda and Manyatta estates and were busy getting into people's homes, breaking doors and removing people from their houses, arresting some and beating up some. By noon and this is a very sad thing, there was chaos all over Kisumu. Meanwhile the Yes team had landed at the Kisumu Airport and driven under police escort to the George Club where they had lunch and eventually to the Kisumu Municipal Stadium. Nobody attacked them.

Mr. Speaker, Sir, we know that people in Ondiek and Makasembo estates, which are close to the Kisumu Municipal Stadium were forcibly removed from their houses to go and attend that rally. We also know that some people were paid Kshs1,000 to attend the rally. Some people who had been "imported" from outside the town had been locked in the stadium and nobody attacked them.

As the hon. Member of the area who was at the scene, I contacted the local radio station and appealed for peace. I asked the people to stay away because we were aware that there was an agenda to kill and maim the people of Kisumu. I also called the Officer Commanding Police Division (OCPD), Kisumu, one Mr. Kilonzo at that time. I also called the DC, the Provincial Police Officer (PPO) and the Commissioner of Police because I had received reports at that time that people were being beaten like dogs. None of them bothered to return my call despite the fact that they knew my mobile number. In fact, the OCPD told me that he cannot talk to me because he was busy. These are employees of the Government and I am an hon. Member who represents people.

(Mr. Raila entered the Chamber)

(Applause)

Mr. Speaker, Sir, I am elected to represent the people of Kisumu. If they are in trouble, it is my duty to stand up with them and help them. Local leaders were denied the chance to intervene so

that the people could leave violence. We could have made attempts to bring peace. I am of the honest view that, that violence visited upon the people of Kisumu was deliberate. I drove to town at 1.30 p.m. braving the violence and the police shot at me. A police vehicle along the Kisumu-Kakamega Road carried police officer who shot at me although they knew I was the area Member of Parliament. It is through the grace of God that I survived. The local people recognised their hon. Member and removed the barricades they had erected on those roads. I went down to Kibos Road towards Carwash. The same police vehicle carried policemen armed with live ammunition and were commanded by the Deputy Officer Commanding Police Station (OCS), Kondele. They still shot at us and yet the people were peaceful.

Hon. Members: Shame!

Mr. Sungu: Mr. Speaker, Sir, I was there to bring peace.

From there I went to the New Nyanza General Hospital to assess the situation. What I saw was a scene out of hell. I saw several people who were injured crying for medical attention. Some of those people had broken their limbs while others had bullet wounds.

I saw a 16-year old boy who had been shot at the back with his intestines protruding. I went to the Intensive Care Unit (ICU) and saw a 12-year-old boy in uniform who had been shot through the mouth and his brains splattered at the back of his head. I cried! The police still had the audacity to come to the hospital, in spite of all those emotional people crying and wailing, to attack us. The police still shot at us despite the fact that, as an hon. Member, I was trying to cool down people. I do not know where this country is headed to!

Hon. Members: Cool down! *Pole!*

(Mr. Sungu was overwhelmed by tears)

Mr. Sungu: Mr. Speaker, Sir, more people were to die, because this shooting went on up to 10.00 p.m. If you remember, the rally was to be held only between 12.00 noon and 3.00 p.m., but they were still shooting people at Nyamasaria Market at 10.00 p.m. A woman who was coming from town, thinking that it was then peaceful to buy meat was shot in the buttocks! There were many people who were shot at with live ammunition. Are the people of Kisumu the same people of Kenya who voted for President Kibaki and for this Government?

(Applause)

We have laws in this country and they should be applied equally everywhere.

Mr. Speaker, Sir, I have been on this campaign trail and in politics since the onset of multi-party democracy and I have seen violence. I was in Thika, Nanyuki, Meru and even in Bungoma, where our people were attacked, but I never saw the police using similar violence that they used on the people of Kisumu.

(Applause)

Mr. Speaker, Sir, I want to say this with a heavy heart; this is not the first time this has happened. The last time it happened under the same Commissioner of Police. About two years ago, we had the *Saba Saba* or *Nane Nane* protests in Nairobi. In Nairobi, the police used water cannons and tear gas, and they managed to disperse the crowds. Nobody was even arrested.

Mr. Speaker: Your time is up!

Mr. Sungu: With those few remarks, I beg to move.

Mr. Speaker: Who will second your Motion?

Mr. Sungu: Mr. Billow.

Mr. Billow: Mr. Speaker, Sir, it is, indeed, a very sad day for this country, that the Government elected by the people is no longer saddened by the loss of lives. This is clearly expressed by their lack of even expressing condolences for the poor people who were killed in Kisumu.

Mr. Speaker, Sir, any Government, including our own, has human rights obligations, that they should refrain from violating. They should not only refrain from violating them, but they should actually protect and promote them. Parliament has been weakened and, in fact, it has become a weak channel for the voice of those who have been violated and for the voice of those who have been marginalized in this country.

We have reached a point where the common man in this country today, feels that hon. Members of Parliament actually do not care about them, when the fact is that hon. Members of Parliament have actually failed to make an impact on the Government in this country. Therefore, the common man today feels disenfranchised and under-represented in this country. The consequences of having voiceless people, powerlessness and exclusion is that, it is going to breed discontent, violence and it will cause instability. We are looking for security and development, but that is going to be undermined by that situation.

Mr. Speaker, Sir, in this country, the naked exhibition of police violence has always been built around "orders from above". If you now ask the Police Commissioner, he will say that he had orders from above. You will remember that in 1996, three university students were shot dead when they were holding a peaceful procession. At that time, the Government issued a directive; that from now onwards, when bringing *barazas* or public gatherings under control, the police should not use live ammunition. Actually, that incident was the one that was largely responsible for the firing of the then Commissioner of Police, Mr. Kiruki, who can famously be remembered for his words: "We do not have a police force. God help us". I am sure all Kenyans can remember him saying that.

Nonetheless, from the *Saba Saba* of 1998 up to today, shootings by police have continued unabated. When this Government came in, Kenyans had a lot of hope. Yet you can remember that, from 2003 up to now, even processions have sometimes been banned. For example, the Maasai processions for land, the Kenya Land Alliance procession, the Yellow Movement and anyone who dares to move out to make his voice heard, gets clobbered by the police.

Mr. Speaker, Sir, I think this is a Government of contradictions. I want to remind the former Minister of State, Office of the President, hon. Murungaru, that, on 24th April, 2003, at a conference in Panafric Hotel on police reforms dubbed: "The Police as a Service Organization", which had participants from all over the world, including Australia, India, East African countries, Nigeria and so forth, he said:-

"Indeed, it is the Government's commitment to make democratic ideals of accountability a reality".

He then went on to state:-

"Kenya law enforcement (The police) will shift from regime policing to democratic policing".

That is a pledge he made during the days of euphoria. Today, we are still stuck with a regime policing; a police force that is there to preserve and protect the regime rather than protect the interests of Kenyans.

(Applause)

Mr. Speaker, Sir, there is no doubt that the police force in this country is the most corrupt. Transparency International issues that report annually. The United Nations Habitat Report actually states that the average Kenyan believes that half of the police force is corrupt and that one-third of all

the crimes committed in this country actually have police involvement. The Kenya Human Rights Commission issues the number of extra-judicial killings in this country annually, which are now in excess of 300 persons. But before 2002, up to 200 people were killed by the police.

Mr. Speaker, Sir, I want to give the following recommendation. I think it is time we disbanded the police force because it is not changing, the same way we disbanded the Kenya Air Force in 1982. We should then establish a new police force. The Police Commissioner needs to take full responsibility for what happened in Kisumu and, as a matter of fact, resign. Nonetheless, I believe---

Mr. Speaker: Your time is up!

Mr. Billow: With those few remarks, I beg to second.

(Question proposed)

The Minister for Water and Irrigation (Mrs. Karua): Mr. Speaker, Sir, I want to begin by saying that loss of life or, indeed, human injury, is a thing that we must all regret. Having said that, it is not proper that perpetrators of violence appear to mourn louder than the bereaved.

I was in Kisumu City on the day in question. We went there peacefully, we were met by stone-throwing youth, and I witnessed the police exercise a lot of restraint as they escorted us through Kisumu to the stadium. All manner of weapons and stones were thrown at us and, at one instance, a petrol bomb was aimed at hon. Tuju's vehicle. All the while, we were guarded safely into the stadium where we held a very good meeting with a crowd of about 2,000 people.

All the roads to the stadium were barricaded by tyre-burning youths. Obviously, somebody had organized them to do that. I have been to that beautiful lake side town many times before, in the course of my duties. The people are just the ordinary people of Kenya who are welcoming and friendly. Shame on those who organized mayhem in Kisumu!

Mr. Speaker, Sir, the rally ended peacefully and we were, once again, escorted to the airport without incident and we left Kisumu. Long after the rally, this tragic and unfortunate incident occurred. By then, there were injuries, some of them of the youths involved in the confrontation, while others, as we learnt in the stadium, of hon. Odongo Omamo, a former hon. Member of Parliament and Minister, who was injured severely when it became evident to the youth that he was heading for the stadium. If the rally was of no consequence, why go to the trouble of blockading all the roads leading to the stadium? Why not leave us to address an empty stadium? Who are these cowards who fear democracy? Everybody must have a right to evangelise whatever they believe in, in every part of this country. Those who think they can isolate any part of this country and make it their personal chiefdom, are mistaken.

We will go everywhere in peace. Kisumu would have ended without death, if the merchants of death had not continued to encourage mayhem long after the rally had ended. They were not satisfied with the proceedings of the day. Apparently, they are only satisfied when there is loss of life. Why continue to encourage violence after the incident is over? I would appreciate a politician opposed to my evangelism to stand up to me and deal with me, and not encourage the poor and innocent children to engage in violence, when his are safely somewhere.

Politics of cowardice and negation of democracy while crying wolf is not what is going to save this country. I call upon each leader, both in and out of this Parliament, to take up responsibility. When you sponsor violence never think that you can only mete it out up to here. The blood of the innocent who lost their lives in Kisumu is squarely on the perpetrators. It is not enough to just blame the police. Why are we missing the point? The police do not organise violence. It is politicians who do it!

In this lake side town, some of the people who were opposed to the banana rally are well known, and I know the police are investigating who organised and sponsored the violence. Some were monitoring on phone while others were actually physically present monitoring and congratulating the

youth according to the mayhem. I am hoping that the police will act without fear or favour. They must pick up those who sponsored the violence irrespective of their positions; even if they are members of Government.

It is time we became serious about safeguarding the lives and bold integrity of all Kenyans. Let us battle each other with our wits and reason, but not with stones. Let us not display any part of this country as prone to thuggery, when it is sponsored youth who go about causing mayhem everywhere. It is not enough that either the Government or somebody mourns. What is enough is to prevent those incidents from occurring.

Mr. Speaker: Your time is up!

The Minister for Water and Irrigation (Ms. Karua): Mr. Speaker, Sir, I condemn in the strongest terms the perpetrators of the violence, some of whom are in this House!

Mr. Speaker: Order! You must obey my order! When your time is up, it is so!

Mr. Samoei: Thank you, Mr. Speaker, Sir, for giving me an opportunity, to air my views on this very unfortunate incident that happened on the soil of our country.

Mr. Speaker, Sir, when this Government took over leadership, it promised - and which promise many Kenyans look up to - to retrain the police force, so that we can have a humane, people-friendly and professional police force. Three years down the road, the police force is still as brutal as it ever was. I happen to have gone to hospital in Kisumu to see the extent of brutality meted out on innocent women and youth, including school children. It was, indeed, a site out of hell. Close to 50 Kenyans, on my own count, had their limbs broken and chests shuttered by bullets. I am talking of live ammunition having been used. I even went to the mortuary to see a school boy, in school uniform, having been shot by the police. This is a big tragedy that ever happened in this country.

Mr. Speaker, Sir, those of us who are leaders; Ministers who have Government protection with policemen and all manner of security around us, should worry about other Kenyans who do not have those kinds of privileges.

(Applause)

As Ministers and their entourage were being escorted all over the place in Kisumu, the rest of Kenyans who do not have that manner of privilege were being beaten up and shot at. I think it is time, we, as leaders, took up the challenge as well. The taxpayers pay for the security of Ministers and other leaders. Therefore, they should also be accorded the same security even if they do not have it as of right.

I want to know the rationale of taking 3,000 policemen to Kisumu. Really, by the time the Commissioner of Police was arranging for 3,000 policemen to go to Kisumu, I am sure he had known by then that there was a problem. The law provides that, the Commissioner of Police can call off a meeting if, indeed the life and property of Kenyans is in danger. I do not believe the Commissioner of Police exercised his discretion and responsibilities as he should by law.

The biggest tragedy is for me to hear him say that he had no regrets. It really does not matter to him that a 12-year child and a *boda boda* operator had been shot dead. Does it mean that since they were not Cabinet Ministers, they were not Kenyans of the special class? It is, indeed, a tragedy that the person charged with the responsibility of ensuring that every Kenyan is secure, can go to the extent and say that he had no regrets to make. That drives home the point. These 3,000 policemen, were they really supposed to go and make sure that the rally goes on, or they were sent there on a special mission to brutalise the people of Kisumu? That question begs answers.

(Applause)

Mr. Speaker, Sir, we have been on this campaign trail. We were in Nkubu in Meru, and we were pelted with stones. My own car was stoned. Likewise, Mr. Raila's car was hit in the windscreen in Nyahururu. We were pelted with bananas in Kianjai. But no single Kenyan was shot! Are there more special Kenyans than others? I beg to ask. When we were pelted with stones, the police exercised their discretion and dispersed the crowds, and as responsible leaders, where we realised that the lives of Kenyans were in danger, we avoided to go to some of the meetings. We did this not because we were cowards. We did so because we value the lives of people.

In fact, in Nyahururu, in a meeting where we had planned to take three hours, when we realised that the place was running rowdy, we cut short our speeches, because we valued the lives of Kenyans. I hope every leader will do so.

Mr. Speaker: Order! Your time is up!

Mr. Muchiri: On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to say that they were pelted with stones in Nyahururu whereas, they have never gone there for a rally?

Mr. Samoei: Mr. Speaker, Sir, it was in Nanyuki!

Mr. Speaker: Order! I will give this chance to Mr. Wetangula.

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Thank you very much, Mr. Speaker, Sir. I am encouraged that for once, this Parliament is quietly and attentively debating an issue of national importance. Electoral violence and violence engineered by leaders has been a very ugly face of our politics.

Mr. Speaker, Sir, when we stand to condemn that, we must learn to do it as nationalists. We must condemn violence in every form and manifestation, wherever it appears. In the *Saba Saba* days, goons went to Uhuru Park accompanying a Minister in this Government today and got hold of a police officer from Nyayo House, who was from my constituency. They broke his neck like you break a chicken's neck. I went and buried him.

Mr. Speaker, Sir, two weeks ago, the Orange Group visited my district. They came to my constituency and well known goons who have been seen on television clips in this country - from 1992, 1997 and 2002--- You even must have seen them on television chasing a five year old child out of a house. One of my constituents has a broken leg and four have deep panga cuts on their heads. I am footing their hospital bills. Whatever happened in Kisumu over the weekend must be condemned by everybody. That is because violence in Bungoma, Kisumu or Mandera is violence against Kenyans. We stand here to talk against violence but when we go out there, we are hugged by thugs who perpetrate the violence; we bankroll thugs who perpetrate violence; we hire trucks that carry them around the country and everywhere we go, we have five to six Nissan *matatus* ahead of us. I saw on television thugs with hoe sticks, machetes, whips and all manner of crude weapons.

Mr. Speaker, Sir, it cuts both ways. As a leadership in this country, we must be responsible. As Government Ministers, we should desist from sponsoring and going around the country with what looks like a private army. I feel pain to stand here today. I feel pain to say that curious *wananchi* who hear that leader so and so is coming to a place and go to listen to him or her, whether they are converted to thinking in that direction or not, end up being victims of violence. They end up being beaten and assaulted. Any form of force that is disproportionate to the circumstances of the day, stand condemned.

Mr. Speaker, Sir, I want to end by urging leaders here that the Referendum will come and go. The 21st day of November will come and go. However, Kenyans must remain. Leaders must remain. The very people we are hiring to go round to injure and hurt others may, one day, turn on to who hired and financed them. We have a saying in my community that: Even the circumciser's son feels pain, when the circumcision reaches him.

Thank you.

Rev. Nyagudi: Mr. Speaker, Sir, you heard my counter-part, Mr. Sungu, speak with a lot of

emotions. Equally so, I am having a very heavy heart as I condemn the violent actions that were meted on my people. That is not the first time that, that has happened. On 7th July last year, during the *Saba Saba* rally, I personally went to Kisumu having been informed that there was a problem. I went to try and calm the situation. But when I arrived there, in the midst of all that chaos, the police shot directly at me. In the last incident, they shot at Mr. Sungu. That raises a very big question. Are we targets for assassination? This is a matter of great concern. I have that video clip that was taken by a Kenya Television Network (KTN) cameraman. The same video clip is available to the police.

It is very sad and I must say for the benefit of this House that Kisumu is a very peaceful town. Kisumu has very friendly people but if the Government was aware that some people were transported to Kisumu, then my question is: If they had that information that some people were being transported, why did they allow them to reach Kisumu? Why did they not intercept them on the way or was it a deliberate ploy that they reach Kisumu so that this violence could be meted on them?

Mr. Speaker, Sir, it is also very sad that Kisumu, having gone through a peaceful time, is suddenly descended on by 3,000 police officers. The question is: Why did Kisumu need 3,000 police officers? Some of them were General Service Unit (GSU) officers. I have never seen in any other constituency the GSU being called to reinforce security. One of the police officers who attended the security meeting where they discussed and agreed that there will be no use of live ammunition, lost his own son through shooting. Therefore, I ask: Who gave the second order to shoot and kill?

(Applause)

Mr. Speaker, Sir, I was in constant touch with the Nyanza Provincial Commissioner and he told me that he had actually advised the "Yes" people not to hold that rally.

Hon. Members: Why?

Rev. Nyagudi: Because of insecurity.

Mr. Speaker: Order! I warned the House this morning that this is not going to be a shouting match. It is going to be a debate and I will remove anybody not interested in it. So, heckle at your own risk.

Proceed!

Rev. Nyagudi: Thank you, Mr. Speaker, Sir. It is very sad that despite being informed that there would be chaos the rally went on. It was also very evident by the fact that there were over 3,000 policemen around. Why was this rally licensed? I also want to add that it is on record that the Police Commissioner said that he has no regret, but loss of life is really regrettable. If he does not have the audacity to apologise for saying that the eight year old child was shot and killed by a stray bullet, then he has a very evil heart.

(Applause)

Mr. Speaker, Sir, it beats me when he says that those who were shot at were people who wanted to rescue other prisoners from the police station. I also ask: Was the 14 year old child who was shot in school uniform one of those who wanted to raid the police station?

Mr. Speaker, Sir, I condemn.

Mr. Speaker: At what stage would the Government want to respond? Who is the official responder from the Government side?

Proceed, Prof. Wangari Maathai!

The Assistant Minister for Environment and Natural Resources (Prof. Maathai): Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute on this debate.

Mr. Speaker, Sir, first and foremost, I want to send my condolences and sympathies to the

parents who lost their children in Kisumu. Whatever that will happen on 21st November will never bring back those lives. The loss of the child who was killed in the skirmishes is deeply regretted.

Mr. Speaker, Sir, we must realise that we are more than 40 communities in this country and, therefore, we must learn to live with each other. We must also learn to respect and treat each other with dignity. When, some years back, we were fighting for democratic rights in this country - many of us were part of that process - we were seeking a society that would be more just and one that would allow people to express themselves. We were fighting for the right to associate, assemble and move anywhere in this country. We had high hopes that we would live in a society where we would no longer hear that people are shot because they are suspected of doing bad. Shooting, by the police, of suspects has continued and I know that matter has been raised so many times in this House.

One of my major concerns in this whole debate is the fact that we leaders, having failed to form a consensus over the issues that we discuss at the national level, have decided to divide our people. We have decided to engage our people so that they can tear into each other. Today, since we leaders are afraid to tear into each other, we would rather see our people tear into each other.

I want to appeal to our leaders; and especially those who are in Government, that because we are in charge of this country, we must provide the leadership that is needed. We must promote the democracy that we promised our people. We must stop the abuses that are now being hurled across the divide and promote consensus especially within our own ranks in the NARC Government.

Violence among the young people does not just shoot up; it is organised by leaders. So many times we have seized an opportunity to fight our enemies or do what I would call "payback". I want to appeal to leaders to appreciate the fact that the referendum is not a matter of do or die. A life that is lost in this country can never be returned. Our leaders should stop dividing our people and balkanizing this country into groups. We must be willing to speak to each other and feel as Kenyans. We cannot afford to make some people feel that they are not wanted. We must promote inclusiveness. Everybody in this country, whether majority or minority, must be made to feel part of this great country. We had hoped that the new Constitution would bring all these things.

Mr. Speaker, Sir, we must do whatever it takes to ease the tension that is building in this country. However, we leaders must refrain from using young people to achieve our ends. They have their own lives to live and we should give them a chance to do so.

Thank you, Mr. Speaker, Sir.

Mr. M.Y. Haji: Mr. Speaker, Sir, thank you for giving me this opportunity to contribute to this Motion. It is a very sad moment for us, at this time and age, to be talking about the aftermath of the violence in Kisumu, a situation which could have been avoided by all circumstances. When 3,000 police officers were being sent there to restore law and order, I believe they were aware that something was likely to happen there. If that is the case, then there was no need for that meeting to have taken place in the first place.

(Applause)

Mr. Speaker, Sir, Mr. Tuju, who was the architect of that meeting, if he is a man--

Mr. Speaker: Order! We are not discussing any hon. Member here. So, can you refrain.

Mr. M.Y. Haji: I withdraw, Mr. Speaker, Sir. But whoever was involved in organising that meeting should have taken cognisance of the fact that, there could have been problems and stopped the meeting. About 3,000 police officers were enough to be addressed and should have been taken to a corner and addressed. Those leaders should have sold their ideas to them, instead of causing the fracas that happened there!

Mr. Speaker, Sir, two wrongs do not make one right. If it is true that there were some people who had organised that violence, we condemn them and say it is totally wrong. On the same breath,

we condemn the Government for using such unnecessary force to an extent that innocent young people lost their lives. Many people were maimed and others are on the verge of dying.

Mr. Speaker, Sir, I do not subscribe to the accusations that are being levelled at the Commissioner of Police. We have said many times in this House that, if we want an independent Commissioner of Police and an independent Judiciary, there is need to change the Constitution. They should not be appointment by the people in power. The Commissioner of Police is only a mere tool! He can be used at any time. He is only one man amongst thousands of rotten police officers. What can he do as a Commissioner of Police? There is nothing he could have done. So, we need to sit and give independence to the Commissioner of Police so that, he is not directed, influenced and can fire and hire police officers who are not towing the line.

With those few remarks, I beg to support.

The Minister of State, Office of the President (Mr. ole Ntimama): Mr. Speaker, Sir, I am going to be very brief, indeed. Violence is violence, whoever the perpetrators are. The violence in Kisumu must be condemned by all of us, because a lot of blood was shed. What surprised me is that, if there were 3,000 policemen in Kisumu, they would have controlled the crowds and stopped them from rioting, unless they were luring them for any other reasons like arresting or killing. I cannot imagine 3,000 General Service Unit (GSU) not being able to control the crowd with all the equipment that they have. Recently in Zanzibar, there was so much trouble and chaos. But the *Fanya Fujo Uone* (FFU) controlled the whole thing. They used water canons, tear-gas and buttons. Why, in the name of Almighty God, do you shoot a small child of ten years old wearing a uniform from the back? It cannot just be a stray bullet. The child was running away and was shot from the back. I cannot imagine that! The police can protect people and control riots. They have the equipment and well-trained policemen. Unless that was a situation where some people were going to be punished, that is wrong. We must abide by the laws of the land. I do not have anything against the Commissioner of Police. But if, indeed, he said he had no regrets over the killing of a young child in school uniform--- He should have kept quiet! It was terrible for all of us to learn that a little child had been shot and killed. That is really unfortunate. I think our forces are well trained to control crowds without using live bullets. Most of us saw on television policemen inciting each other to use live bullets. They used live bullets and, in the process, shot the child. I will not take long. The police should protect everybody. We should not go round blaming each other of incitement.

There was the question of people invading a police station. Even if children invaded the police station, was tear-gas not enough to repulse them? Even if children invaded the police station, were water canons not enough to repulse them? Was it only a live bullet that was adequate to shoot little children of 10 to 11 years? I think we are blaming ourselves for nothing because the whole blame should lie on our security forces. They should know that they have the right to protect all of us, especially our children. It is unfortunate that, that incident happened.

I support.

The Minister for Information and Communications (Mr. Tuju): Thank you, Mr. Speaker, Sir. I take this opportunity, once again, to send my condolences to the victims and the families that were affected by that situation.

(Loud consultations)

Mr. Speaker: Order, hon. Members! Order, Mr. Minister! I warned this House this morning that, it has come to my attention that applications for Standing Order No.20 have been grossly reduced to insults and heckling. I am determined to return this House to order. When it will be back to order, we will hear this: It is a very sad thing. The people of Kenya are mourning about that. It is painful! So, can we listen to the Minister?

Mr. Tuju, proceed!

The Assistant Minister for Livestock and Fisheries Development (Dr. Wekesa): On a point of order, Mr. Speaker, Sir. In view of the interest by hon. Members to contribute to this Motion, would I be in order to request you to reconsider extending the Sitting Time to 12.30 p.m, so that we can ably---

Mr. Speaker: It is going to 12.30 p.m. You do not have to ask me to do what I have already done.

Proceed!

(Loud consultations)

Order, hon. Members! For a long time, you have never had a meaningful debate under Standing Order No.20. However, today, at least, you are having it. I congratulate all of you so far.

Proceed!

The Minister for Information and Communications (Mr. Tuju): Thank you, Mr. Speaker, Sir. I would like to put into perspective the events that led to the chaos in the Kisumu incident. On 13th October, I had a peaceful meeting with some 3,000 people at the Jamhuri Grounds in Kisumu involving mainly self-help groups. On that day I announced that I would hold a rally on 22nd October. As soon as I made that announcement, the Orange Team applied for a parallel rally on 22nd October. Our "Yes" rally was licensed and so was the parallel rally. On 21st October, I cancelled our rally which was meant to be held on 22nd October and postponed it to 29th October, simply to avoid any kind of confrontation which I knew would occur.

Mr. Speaker, Sir, on the week that ended on 29th October, the Orange Team again applied for a licence to hold a parallel meeting and upped the stakes by insisting that their rally should take place in Kisumu on the same day and at the same venue. Two hundred Orange Team supporters stormed the police station demanding to be licensed to have a parallel rally. On the previous week when I cancelled our "Yes" rally on 22nd October, they went ahead with their rally and turned it into what they called a prayer meeting. I was in Kisumu that weekend and no rally actually took place. There were people milling around and nothing took place. What I am saying is that we cancelled our "Yes" rally on the 22nd. The attempt by the Orange Team to use the mayor to warn me not to step in Kisumu after I had postponed the third meeting was part and parcel of a wider scheme to intimidate me not to go to Kisumu.

Allow me to say that violence in the political process in this country can be traced back to incidents of violence in Bonchari by-election in 1993, Lugari by-elections in 1993 when Alfred Sambu's son was killed, Ndhiwa by-election in 1994, Kisauni by-election in 1994, Kipipiri by-election in 1995, Nyatike by-election in 1995, Alego Usonga civic by-election in 1996 where over ten youths were killed, the fight within Ford-Kenya where a bodyguard of Dr. K'Opiyo was killed at All Saints Cathedral and the violence that characterised the fight for leadership of FORD(K) in Thika. You can trace all these incidents of violence to the same source.

Mr. Speaker, Sir, the Langata by-elections---

Mr. Sungu: On a point of order, Mr. Speaker, Sir. The hon. Member has referred to the incident of violence in Alego Usonga in 1996 when 10 youth were killed. I wish he would not mislead this House because those 10 youth were killed by one Yinda who imported thugs all the way from Mombasa.

Mr. Speaker: Order, hon. Members! Mr. Minister, you had your time. I thought you wanted to apply the rules---

The Minister for Information and Communications (Mr. Tuju): Mr. Speaker, Sir, my time has been unfairly taken. I would like to be allowed to continue.

Mr. Speaker: Mr. Minister, we are talking about a dangerous time. We are living, as a country, through very dangerous times. It is not a game of political up-manship. Could we confine ourselves to the Kisumu incident?

The Minister for Information and Communications (Mr. Tuju): Mr. Speaker, Sir, I am stating those incidents because violence is violence whether it is violence, because of fights over wrong notions on rents in Nairobi, Kibera, Ngomongo or whether it is violence in Kisumu over *Saba Saba*. Many hon. Members in this House would like to say enough is enough to a culture of violence. I condemn all those who promoted that violence. Indeed, the police are being blamed, but we know that some of the hon. Members were involved.

Mr. Speaker: Mr. Tuju, your time is up! I will call upon the Minister to respond when there is still time. We will then hear other hon. Members who may wish to react to what he has to say.

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Speaker, Sir, I wish to concur with the majority of hon. Members that this is, indeed, a very sad moment for this country that we are discussing the loss of lives and persons who have received serious injuries and are still in hospital, both civilians and police officers. We are discussing a situation where people lost property. I know that there are hon. Members of this honourable House who lost their property. Mr. Choge was in Kisumu that day. His car was stopped and he had to part with money because of those rioting mobs. So, there are many people who have suffered as result of that incident.

Mr. Speaker, Sir, on Saturday, 29th October, 2005, there was a "Yes" campaign rally at Moi Stadium, Kisumu, organised by the Minister for Information and Communications. It was attended by Ms. Karua, Mr. Kimunya, Mr. Munyao, amongst others. The police had earlier cleared the rally to take place and made necessary arrangements to provide security during the rally. You recall that a mob went to the OCPD's office a day before, threatening to disrupt the rally. This was on a television footage. The hon. Member, who has moved this Motion, was also on television saying that Mr. Tuju should not hold a meeting there. He should go to Rarieda Constituency. That was one day before. Early in the morning of Saturday, 29th November, 2005, even before the convenors of the rally arrived, groups of unruly youth started engaging in acts of hooliganism and lawlessness by barricading roads, lighting bonfires, harassing motorists and extorting money from them, looting property and robbing people of their mobile phones and wallets. Innocent members of the public who were going about their usual business were not spared either. At one point, the hooligans moved to the entrance of Moi Stadium, Kisumu, with a view to blocking the organisers from entering the venue to address the rally. This necessitated security officers to move in to restore law and order by dispersing the rioters youths who had intended to disrupt the campaign rally. This effort by security officers was met with resistance from the youths who started pelting the officers with stones resulting into injuries of some of the officers and damage to police vehicles. The security officers used non-lethal means to disperse the riotous crowd. They used tear gas, batons and rubber bullets. However, the situation worsened even after the officers exercised restraint while dispersing the crowds in the running battles. This restraint by the officers ensured the situation did not deteriorate further. Later in the day, at around 4.00 p.m., a group of youths went to Kondele Police Station with the intent to rescue a suspect who had been arrested earlier in the day in connection with the riots. They had threatened to storm and burn the police station. The officer on duty had to repulse them.

I wish to emphasise at this point that the provisions of the Police Act say that any invasion or attempt to release a prisoner from police custody entitles the police to use live ammunition, and that is what they did. In the process, one youth who was a member of the gang was shot and he died while undergoing treatment in hospital. A second victim, a 13-year old school boy, Paul Limera, a Standard Seven Pupil at Josana Academy was hit by a stray bullet outside the Kondele Post Office, which is approximately 200 metres away from the police station. A third victim was found lying several metres away from the police station, but he had no visible injuries. The fourth victim succumbed to injuries

while undergoing treatment at the New Nyanza Provincial General Hospital the following day.

I wish to clarify that the police did not use excessive force as portrayed by media reports and politicians. Secondly, the police did not use live ammunition as alleged, but resorted to use of non-lethal force to disperse the rioting mobs that had threatened to invade the police station. The police used live ammunition only when a group of youths attempted to storm Kondele Police Station, and this was long after the rally was over; at about 4.00 p.m.

The unfortunate incident where the 13-year old boy was hit by a stray bullet has been subjected to an inquest to determine the circumstances under which the boy was shot. The outcome will be made public as soon as possible. Post mortem examination will assist in determining the cause of death of the two other victims of the Kisumu disturbances. The police arrested 51 persons who were arraigned in court in Kisumu the day before yesterday.

It is imperative to note that the police have always taken action to provide security in previous "orange" and "banana" rallies without discrimination. Notable incidents where security officers have taken necessary action to ensure law and order prevails in "orange" and "banana" campaign rallies include Wajir, Gucha and Thika, where police used non-lethal force to disperse crowds attempting to disrupt rallies. The viciousness of the security officers at Kisumu to use live ammunition was due to reasons that the station was under siege and this had security implications. They acted pursuant to Section 28 of the Police Act.

I wish to urge political leaders and members of the public who do not agree with the ideas of an adverse party to shun the habit of engaging in hooliganism either covertly or overtly, in expressing their dissent. If supporters do not agree with the views of the "banana" team, there is no need to disrupt their rallies and vice-versa. This is a democratic country and every citizen must be given a chance to be heard in a free and secure atmosphere. That is the essence of democracy.

Mr. Speaker, Sir, I wish to underscore the fact that today, the world is watching Kenya as we go through this referendum process. A referendum is a normal thing in a democracy. The way we conduct ourselves is the way the world is going to judge us. Let us conduct ourselves with maturity to show the world that Kenya is a mature democracy. The basic freedoms of assembly and association will continue to be respected, and this is what we are exercising. The fact that there were about 350 police officers, which is being exaggerated to 3,000, means that the police were carrying out their statutory mandate under the Police Act, to uphold law and order.

Mr. Speaker, Sir, there is no way the meeting was going to stop in the face of threats because the police would be succumbing to threats of hooliganism. To stop a rally merely because somebody has gone on a television screen to say they shall not make it possible is to succumb to hooliganism. We have a police force to protect our rights and carry out our normal functions under a secure environment. That is what the police will do. No amount of threats or intimidation on our police force will make them retreat.

Mr. Speaker, Sir, I wish to assure Kenyans that we will ensure there is sufficient security for all in future rallies. I want to urge everyone that whatever viewpoint you hold, do not interrupt the meeting of your adversary. Let them carry on. Democracy is about having adverse ideas in competition. This is just a referendum. Kenya will remain after the 21st of November. Let us stay as brothers and sisters. We need to reassure the world that we are here to stay as a democracy, and we want to disabuse those who think we are not democratically mature to carry out our affairs in a peaceful manner. The police are carrying out investigations into this serious matter. We are looking out for two people who are at large. They are former officers of the

disbanded Kenya Air Force (KAF) who were sacked in 1982 while some of them were sent to prison. We have information that they were the ring-leaders in these particular riots. We also have information that they were armed. They are the same people who appeared on a television footage in Kibwezi

beating up a disabled person. We have their names and description. The police are looking for them.

Mr. Speaker, Sir, the second lead that the police are looking into is a senior politician who spent the night in Kisumu addressing these youths. He left very early in the morning in an aeroplane and disappeared. We believe that those youths were bankrolled by that senior politician. These leads are being followed. As soon as the report is ready, I will table it before this House.

(Applause)

Mr. Kenyatta: Mr. Speaker, Sir, first, I would like to join my colleagues in condemning the violence that we saw in Kisumu and other parts of this country. I also condole the family of the bereaved.

I would like to begin, first, by challenging the Assistant Minister who has just stood here and blatantly told a lie on the Floor of this House.

Mr. Speaker: Order, Mr. Kenyatta! That is out of order!

Mr. Kenyatta: Mr. Speaker, Sir, I will withdraw and use the word mislead. The young boy, whom he referred to as having been shot less than 200 metres from the police station, was actually shot at a place called Posta in Manyatta, which is over a kilometre away from that police station. That boy was on his way from school and had nothing to do with the riots. I will table this photograph as evidence of somebody who has been killed as a result of police brutality in this country.

*(Mr. Kenyatta laid the
photograph on the Table)*

(Applause)

Secondly, the Assistant Minister has consistently again misled this House by saying that all those who were shot were shot within the vicinity of the police station. I, therefore, also table another document of many who were injured. Over ten of those were polytechnic students who were shot with live ammunition in the confines of their hostel. What did that have to do with the riots?

(Applause)

*(Mr. Kenyatta laid the document
on the Table)*

Mr. Speaker, Sir, it has been claimed here that double licences were issued for meetings. Whose responsibility is that? Who is issuing these parallel licences? It is the same police force that is supposed to be ensuring law and order! We, ourselves, have had the same in Kisii. We applied for a licence to hold a meeting, but a parallel one was licensed again at the same venue. The same thing happened in Kiambu. Whose responsibility is that? Is that our responsibility or the Government's responsibility? If, indeed, it is the Government's responsibility to maintain law and order, then they are the ones who are supposed to ensure that peace prevails throughout these meetings.

There are claims here that these were organised hooligans. If, indeed, they were, what about the violence that was meted out on the Orange Team on our tour to Meru Town? Who organised that violence?

(Applause)

What about the violence that was meted out to us in Nanyuki? Who organised that violence? Where are these organised hooligans coming from?

Hon. Members: Jibu!

Mr. Kenyatta: Mr. Speaker, Sir, it is very sad that a Government can choose to blame individual politicians as opposed to taking the responsibility that was bestowed upon it by the people of this Republic to provide security for all.

(Applause)

Hon. Murungi said two days before that the Government has the monopoly on violence. Is it not a shame for the Government to say that it has a monopoly on violence and then two days later four innocent Kenyans are shot dead?

The Minister for Trade and Industry (Dr. Kituyi): On a point of order, Mr. Speaker, Sir. Is it in order for hon. Kenyatta to deliberately mislead the House that hon. Murungi said that the Government has a monopoly on violence? He said that the Government has a monopoly over legitimate violence, which is the truth in law.

Mr. Speaker: Order, Mr. Minister! You must be tolerant! You may not agree with the hon. Leader of the Official Opposition, but he has a right to say his bit. Catch my eye and I will give you your time!

Proceed, hon. Kenyatta!

Mr. Kenyatta: Mr. Speaker, Sir, legitimate or not, violence, as has been said here, is violence. Death is death! We condemn violence of any nature. However, if, indeed, we are a democratic State, that democracy can only be guaranteed if security is provided equally to all. If 3,000 policemen could not provide security, was it not then their mission to ensure that they meted violence on the people in order to intimidate them? That question comes to mind.

[**Mr. Kenyatta**]

As we have said, the referendum will come and go, but Kenya will remain. We must consistently be aware, as leaders, that a lot of ethnic hatred and tension has been spilled out in this country. Radio stations are consistently spilling out messages of hate and ethnic tension. We are all aware of this. It is the responsibility of the Government to ensure that those messages are not spilled out.

With those few remarks, I beg to support.

Mr. Arungah: Mr. Speaker, Sir, let me take this opportunity to pass my condolences to the family of Mr. Kennedy Omutere, whom I represent in this House. The photograph you have seen in newspapers is of his son, who was shot dead for allegedly attacking a police station.

Hon. Members: Shame!

Mr. Arungah: Mr. Speaker, Sir, as we deliberate on this issue, there are so many broken hearts in Khwisero. A whole village is mourning and we are busy pointing fingers at each other. The life of a 13 year old child is gone. It does not matter who was responsible: He will never come back again.

Mr. Speaker, Sir, this is a very sad day for this country. I feel very sad that circumstances have connived to make this Government fail. I say this because I cannot understand why any Government would allow such a delicate process like the referendum to take place in a hostile environment as we have now. I do not understand why, for example, a Commissioner of Police, instead of coming out to say: "Look, I am sorry, there was a stray bullet that hit an innocent child", instead he says that he has no regrets. When somebody points out to him that he should apologise, a Minister stands up and says:

"The Commissioner of the Police is here to stay". The people of Khwisero are made to understand that, perhaps this was connivance or the Commissioner of Police is under instructions to use the violence that he used against the people of Kisumu. That is why the Government came out in support of the Commissioner of Police instead of apologising and regretting for the loss of life. This is a very sad day for this House.

Mr. Speaker, Sir, we are told of incidents where children were accosted while sitting for their examinations. Children who were resting in their hostels were accosted and we are being told that they were attacking a police station. I feel bad about this. The people of Khwisero are angry. Then the same Government says that it has a project in the name of the referendum. I can attest before the Floor of this House that it will be very hard for the same Government which has killed one of its own to request me to go and support their project. That will not happen.

(Applause)

Mr. Speaker, Sir, having said that, the word "leaders" which refers to all of us has been used in this House. I am shy to use that word. We have done very little to show that we are leaders in this country. The most I can do is to call ourselves politicians because that is precisely what we are. We masquerade as leaders, and yet we have done nothing to show the leadership that I hear much in this country.

It is true that some of us have been behind this violence. Some of us organise goons to attack those that are opposed to our views. Unfortunately, those people do not use their children. They go and use other people's children to mete out violence on other people.

(Applause)

I would like to remind all the politicians that it takes a very small incident to plunge the whole country in chaos. For example, there was an incident in Kakamega that brought the whole town to a standstill for many hours. Nothing happened when that violence occurred in Kisumu. It takes a very small group of people to render a country ungovernable. As we go out to campaign for the referendum, let us truly show leadership. We pretend to be arguing for other people while we use them for our ends. Shame on us!

Mr. Speaker, Sir, with those few remarks, I beg to support.

Mr. Speaker: The Motion should come to an end now!

Yes, Mr. Kimunya!

The Minister for Lands and Housing (Mr. Kimunya): Thank you, Mr. Speaker, Sir. First of all, I would like to send my condolences to the families of the people who lost their lives. I sent my apologies to the families of the victims who were injured. I stand here because I was in Kisumu on that day. I took a risk to go to Kisumu---

Mr. Oloo-Aringo: On a point of order, Mr. Speaker, Sir. The general feeling of the House is that this Motion is very important. Could I request the Chair to extend the sitting by 30 minutes to enable us debate the Motion up to 1.00 p.m.?

(Applause)

Mr. Speaker: The Chair is willing but it is constrained by time! After this Motion, you will have the opportunity to completely go away but the Chair will come back at 2.30 p.m. Although I am willing to give you the requested time, I am unable!

Proceed, Mr. Kimunya!

(Loud consultations)

Mr. Speaker: Order! Order! In my usual generosity, I will hear one hon. Member from each side after the Minister before we close the debate.

Proceed, Mr. Kimunya!

The Minister for Lands and Housing (Mr. Kimunya): Mr. Speaker, Sir, when I took the risk of going to Kisumu on that day amidst all the tension, it was on the firm understanding that Kisumu is an integral part of this country and that the people of Kisumu are entitled to views from as many people as possible. People were shown on television saying that Kisumu was a no go zone for people who do not come from there or for those people who do not subscribe to a certain ideology. This provided the background for that violence.

Mr. Speaker, Sir, as I look at it, we are mourning the deaths of innocent Kenyans who were caught up in that fracas. It could have been worse. I want to give you an account of what I witnessed myself. As we were travelling in a convoy from the Yacht Club to the stadium, we saw roads barricaded at two points with huge stones, fires lit and youths on both sides of the road with stones. It was a death trap. It could have been worse. The death trap was deliberate and it had been organized with military precision to barricade our vehicles so that as the police were removing the stones and fire, the youth could start throwing the stones. Fortunately, the police were on guard to disperse the youths and we proceeded until we got to the second death trap, where the scenario was re-enacted.

Eventually, we got to the stadium and we decided that we were going to continue with the rally. We had a very peaceful rally, but after that, we decided that all the people who had attended the meeting should be given a safe passage out of the stadium as we waited. All the equipment was then re-arranged and loaded into vehicles as we waited and from there on, we decided that we did not want any more commotion. So, we decided not to have any more meetings, not even in town. We even decided not to go back for lunch, and went straight to the airport to make sure that there was no more commotion or tension in the town.

Mr. Speaker, Sir, immediately after we had left, we were told that there was further commotion and violence. We took all the precautions and even avoided some people who we would have wanted to talk to. We would have gone to visit Dr. Omamo in hospital, but we thought that, that was going to escalate the violence. What I am saying here, is that, the military precision in the arrangement of that violence was not by common thugs or sporadic youths coming out just to react to Mr. Tuju being there. I have been to Kisumu before when I went to campaign for Mr. Nyagudi, and I saw the hostility against Mr. Tuju at the railway station. I was there and we even saw when guns were removed to stop him from talking. But what I saw in Kisumu on Saturday was highly organized violence, and we must condemn in the highest terms, the perpetrators, organizers and financiers of that violence, who are using young children as human shields for them to achieve their political aspirations.

Mr. Speaker, Sir, it pains all of us to see young children being killed or caught in a fracas. No child or Kenyan needs to die, whether in Kisumu, Thika, Murang'a, Kipipiri or anywhere in this country. Nobody should be denied the opportunity to go and meet other people or Kenyans around the country. The people of Kisumu deserve to listen to other Kenyans of different views. The people of Rift Valley deserve to hear opposing views from other people. The people of central Kenya also deserve to hear views from other people. That is the democracy we have been fighting for and this is the democracy we are fighting for in the new Constitution.

With those few words, I beg to further condemn the perpetrators.

Dr. Khalwale: Thank you, Mr. Speaker, Sir. I would like to send out my condolences to the families of the dead and injured, Dr. Omamo and the police officers who were injured on that day.

As I do this, I would like to compliment Mr. Tuju and the four ministers who were in Kisumu

for being a constant reminder to some people in this country who think they own some sections of this country. Those sections of this country that they think they own, are there for them to dictate upon. I would like to remind Kenyans that Liberia was brought down by two families; the family of Mr. Tolbert and that of Mr. Tubman.

Kenyans should be aware that three families in Kenya want to visit Kenya what was visited in Liberia.

(Applause)

Mr. Keter: On a point of order, Mr. Speaker, Sir. You have heard Dr. Khalwale talking of how Liberia came down and, he has equated it to three families in Kenya. Would I be in order to ask him to substantiate who the three families are?

Mr. Speaker: Yes, indeed! Dr Khalwale, in pretending that you are anti-violent, you are in fact, in this House, being a merchant of violence. What families are you talking about?

Dr. Khalwale: Mr. Speaker, Sir, with all due respect and faith to the truth, I beg to say that the Odinga, Kenyatta and Moi families should exercise restraint, otherwise, our country will disintegrate.

(Loud Consultations)

Mr. Speaker: Order! Order, hon. Members! Could I say the following!

*(Several hon. Members stood
up in their places)*

Order! Order, hon. Members! Sit down all of you!
Dr. Khalwale, you, by disposition are a very violent man yourself.

(Applause)

I order you now to withdraw those remarks and apologise.

Dr. Khalwale: Mr. Speaker, Sir, I wish to extend the highest respect to the Chair. But the fact is that I have said----

Mr. Speaker: Order! Order, hon. Members! Up to this stage, we have heard a very sober debate.

Hon. Members: Throw him out!

Mr. Speaker: Order! Order, hon. Members! I think you all know Dr. Khalwale. He is incapable of holding any meaningful debate without violence. I swore this morning that I will make sure that there is debate and you are here to listen and to be listened to. I promised this House, that any hon. Member who will make it impossible for this House to meaningfully debate will be thrown out.

Dr. Khalwale, you will have to go out now!

Dr. Khalwale: Mr. Speaker, Sir.

Mr. Speaker: Order, Dr. Khalwale you must leave this House! If you do not leave, I will have you forced out. Could the Serjeant-At-Arms ensure that Dr. Khalwale is removed from the precincts of the House for the remainder of this morning sitting?

(Dr. Khalwale withdrew from the Chamber)

Mr. Speaker: Order, hon. Members! I regret that I extended time! That is because there are certain hon. Members in this House who are incapable of ever having a civilised debate. It is that kind of behaviour that goes to the country and causes mayhem. I hope we finished without the Dr. Khalwale incident. I wish to congratulate all hon. Members who spoke this morning for speaking very well. I also wish to congratulate the House for listening. That is what this country requires; an exchange of ideas, even if you do not agree with them. My dear colleagues, as we leave this debate today, I agree with Mr. Arunga that we are not leaders! We are politicians! Can we redeem ourselves for the benefit of this country? I beg you, hon. Members, that there is much more to life than imposing your own will upon another. I thank you hon. Members. I am afraid I am no longer generous!

(Laughter)

I am sorry! My generosity has been abused. Hon. Members, we will now end the debate! As we end the debate, let this be the way we debate. Thank you.

ADJOURNMENT

Mr. Speaker: Hon. Members, it is now time for interruption of business. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose 12.40 p.m.