

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 16<sup>th</sup> October, 2014

The House met at 2.30 p.m.

*[The Speaker (Hon. Muturi) in the Chair]*

### PRAYERS

### COMMUNICATION FROM THE CHAIR

#### COMMITTEES TO NOTIFY AREA MEMBERS OF FIELD VISITS

**Hon. Speaker:** Hon. Members, the committee system is an important component of parliamentary business around the world. In modern times, the work done by Parliament has been noted to be not only varied in nature, but also of substantial volumes. Indeed, the time under disposal of the House is usually limited and only for close scrutiny and consideration of just a few matters. It has thus become the norm for committees, as agents of the House, to take a large scope of various matters not considered in plenary, review them and later inform on current direction to be taken by the House, usually by way of reports.

Hon. Members, in the case of the United Kingdom, it has been observed that much of the work of the House of Commons and the House of Lords takes place in committees. The committee examines issues in detail, from government policies and proposed new laws to wider topics like the economy. In our case, we have 30 committees, including the recently established Committee on General Oversight. These committees have been instrumental in the performance of the role of the National Assembly, as provided for in the Constitution. Committees prosecute matters before them through consideration of reports, summoning of witnesses as well as field visits.

Hon. Members, it has been the practice in the National Assembly that during field visits or investigations by different committees of the House, the area Members of Parliament of the region being visited are informed. This has been as a matter of courtesy rather than the law. However, some committees are still visiting constituencies and regions without the knowledge of the area Members of Parliament even in matters directly affecting the Members' electorate. This, by all consideration, is discourteous and portrays the area Member in bad light to the electorate, considering that he or she is expected to be in the know on all matters relating to his or her area of representation. Indeed, it is said that courtesy costs nothing but buys everything, and that it is impossible to practise parliamentary politics without having patience, decency and courtesy.

Therefore, hon. Members, this is merely to reiterate my earlier guidance to all committees. It would be prudent and considerate to notify Members of field visits or

tours by a committee in various areas, so that those Members can find time to attend or join the committee during such visits or tours.

Thank you.

## PETITION

### REINSTATEMENT OF VITALIS OMONDI OTHUON TO PSC

**Hon. Speaker:** Hon. Members, Standing Order No.225(2)(b) requires that the Speaker reports to the House any petition other than those presented through a Member. I, therefore, wish to convey to the House that my office has received a petition from one Mr. Vitalis Omondi Othuon, a former employee of the Public Service Commission and the National Water Conservation and Pipeline Corporation, regarding unlawful dismissal from the service. The petitioner was allegedly dismissed from service on 4<sup>th</sup> January, 2012 after unearthing some malpractices and mismanagement in the National Water Conservation and Pipeline Corporation that led to financial loss. The Industrial Court found the petitioner's termination to have been unlawful and illegal and ruled that on 14<sup>th</sup> June, 2013 he be reinstated, but this has not happened to-date.

The petition, signed by the said Mr. Vitalis Omondi Othuon, is ever praying that Parliament recommends his reinstatement to the Public Service without loss of benefits. This petition, therefore, stands committed to the Departmental Committee on Labour and Social Welfare for consideration. The Committee is requested to consider the petition and report its findings in accordance with Standing Order No.227(2).

Thank you.

## PAPERS LAID

**Hon. A.B. Duale:** Hon. Speaker, I beg to lay the following Papers on the Table of the House:-

The Report of the Auditor-General on the Financial Statements of the Constituency Development Fund for the year ended 30<sup>th</sup> June, 2013 and the Certificate of the Auditor-General therein

The Report of the Auditor-General on the Financial Statements of the Constituency Development Fund for the year ended 30<sup>th</sup> June, 2012 and the Certificate of the Auditor-General therein

The Constituency Development Fund Board Report on Project Approvals and Disbursement Status for the month of August, 2014

Report of the Independent Policing Oversight Authority on the Mpeketoni Attacks of 15/16 June, 2014

The Annual Report of the Independent Electoral and Boundaries Commission for the period 2013/2014

The Report of the Auditor-General on the Financial Statements of the Central Bank of Kenya for the year ended 30<sup>th</sup> June, 2014 and the Certificate of the Auditor-General therein

The Report of the Auditor-General on the Financial Statements of Kenya Meat Commission for the year ended 30<sup>th</sup> June, 2013 and the Certificate of the Auditor-General therein

The Report of the Auditor-General on the Financial Statements of Kenya Data Development Council for the year ended 30<sup>th</sup> June, 2013 and the Certificate of the Auditor-General therein

Thank you, hon. Speaker.

**Hon. Speaker:** Yes, Vice-Chairman of the Departmental Committee on Finance, Planning and Trade.

**Hon. Gaichuhie:** Hon. Speaker, I beg to lay the following Paper on the Table of the House:-

The Report of the Departmental Committee on Finance, Planning and Trade on its consideration of the Securities and Investment Analysts Bill, 2014

**Hon. Speaker:** Yes, Chairperson of the Select Committee on Implementation, hon. Soipan.

**Hon. (Ms.) Tuya:** Hon. Speaker, I beg to lay the following Paper on the Table of the House:-

The Report of the Select Committee on Implementation for the period May, 2013 to August, 2014

**Hon. Speaker:** Yes, Leader of Majority Party.

**Hon. A.B. Duale:** Hon. Speaker, Paper number two is not on the Financial Statements of the Constituency Development Fund for the year ended 30<sup>th</sup> June, 2013. I want you to indulge me. It was on the Board. Therefore, for clarity purposes, I beg to lay on the Table of the House the following Paper:-

The Report of the Auditor-General on the Financial Statements of the Constituency Development Fund Board for the year ended 30<sup>th</sup> June, 2013 and the Certificate of the Auditor-General therein

So, we have Papers laid for both the Constituency Development Fund and for the Constituency Development Fund Board. These are very important documents for hon. Members.

Thank you.

**Hon. Speaker:** Where is the Chairperson of the Departmental Committee on Health? I have already approved a Report that should have been tabled. There are hon. Members who do not know what time the House sits.

Hon. Kaluma, before I allow you to make your Personal Statement, let me just, for the record, recognise students from the following schools, who are in the galleries:-

1. Naromoru Township Prime School, from Kieni Constituency
2. Naigela Primary School, from Laikipia West Constituency

The pupils are welcome.

Yes, hon. Peter Kaluma.

## PERSONAL STATEMENT

MISREPORTING BY THE *DAILY NATION*

**Hon. Kaluma:** Hon. Speaker, on Sunday, 21<sup>st</sup> September, 2014, I travelled to Mombasa through Jomo Kenyatta International Airport, Nairobi, together with fellow Members of Parliament serving in the National Assembly Select Committee on Constituency Development Fund.

As is the practice, I was required to undertake safety precautions and hand over the firearm and the ammunition in my possession to the security officer of the airline. During the safety procedure, ammunition got stuck in the chamber of the firearm, rendering its discharge in the facility provided in the safety room for that purpose inevitable. The safety room is located at the entrance of the domestic check-in area of the airport. Three days later, on Wednesday, 24<sup>th</sup> September, 2014, I received calls from concerned constituents and friends, drawing my attention to an article in the *Daily Nation*, sensationally titled “Panic as MP’s Gun Goes Off at Airport”, a copy of which I have attached.

Later that afternoon, I received a call from a journalist working with the National Media Group, who informed me that he had been given information by a police officer attached to the airport that my firearm had discharged during safety procedure at the airport. He notified me that he would be proceeding to air the story on the matter on NTV television news unless I appropriately intervened. This non-issue thereafter became the main news item on the NTV television for three consecutive days, during which my photographs were splashed on television and the details of the firearm, including the number of ammunition it holds, given to the public.

On 13<sup>th</sup> October, 2014, the *Daily Nation*, again, carried an article under the title “Having a Gun is the New Status Symbol in Kenya, but at What Cost?” in which the incident was likened to the gun-toting cowboy and kicks of the type recently witnessed in Makueni. That was the language of the newspaper. Without regard to my personal safety, the publication indicated that the firearm had been confiscated, thereby exposing my life to grave risk.

Hon. Speaker, I was licensed to hold a firearm long before I contemplated joining political leadership. This was based on a real and continuing need. I have travelled with the facility across our airports a number of times without any incident. To me, the firearm is not and has never been a status symbol. Discharge of ammunition during safety procedure is a normal occurrence. Indeed, that is the reason safety procedures are conducted before handover when you travel.

I am, therefore, convinced that the irresponsible and sensational publication of the matter is actuated by ulterior motive. I believe facilities for conducting safety procedure should be established far away from the check-in points at airports across the country to grant the procedure the requisite privacy and avoid drawing public attention during the procedure. While it is my belief that security information should be treated with confidence, it is also my personal view that it is time our media focussed on accurate, responsible and objective reporting – more so on sensitive matters like security – and take time to get information from the persons involved before they adversely mention their names.

Hon. Speaker, it will be remembered that the Statement that was made by hon. Arati a short while ago also concerned the *Daily Nation*, in which it was alleged that hon. Arati has a firearm that he has never had the whole of his life.

Thank you, hon. Speaker.

**Hon. Speaker:** Yes, Leader of Majority Party.

### STATEMENT

BUSINESS FOR THE WEEK COMMENCING  
21<sup>ST</sup> TO 23<sup>RD</sup> OCTOBER, 2014

**Hon. A.B. Duale:** Hon. Speaker, pursuant to Standing Order 44(2)(a), on behalf of the House Business Committee, I rise to give the following Statement regarding the business lined up for deliberation by this House during the week beginning Tuesday, 21<sup>st</sup> October, 2014.

As usual, the House Business Committee met on Tuesday at the rise of the House to prioritise the business that will appear before the House today and next week. Hon. Members will concur that, having resumed from the long recess, we are more re-energised and ready for the business at hand. On Tuesday, the House will go into the Committee of the whole House to consider the Mining Bill, 2014 and thereafter continue with the Second Readings of the following Bills:

1. The Securities and Investment Analysts Bill, 2014
2. The Business Registration Service Bill, 2014
3. The Insolvency Bill, 2014
4. The Companies Bill, 2014
5. The Water Bill, 2014

Hon. Speaker, may I also, on behalf of the House Business Committee, convey our general concern regarding passage of Bills with constitutional deadlines. Even though, as a House, we have extended the period by nine months, two months have already elapsed. It was our hope that during the recess, the remaining three Bills would be published. The Constitutional Implementation Oversight Committee of this House is requested to expedite the Bills publication to ensure that they are introduced in the House in good time and at least the Second Readings concluded before we proceed on recess, which is only seven weeks away.

The House Business Committee is of the view that the Departmental Committee on Administration and National Security, the Departmental Committee on Justice and Legal Affairs, and the Departmental Committee on Environment and Natural Resources could have concluded facilitating public participation on the three published Bills, which were referred to them on 13<sup>th</sup> August, 2014. Hon. Members should note that we ought to conclude all the stages of these Bills and forward those which relate to the county governments to the Senate before we proceed on recess.

Hon. Speaker, I want also to confirm that the Committee on General Oversight will not sit on Tuesday, 21<sup>st</sup> October, 2014. This is to allow for consultation between the Legislature and the Executive. The House will be advised on the way forward through a communication from the Chair.

Finally, the House Business Committee will meet on Tuesday 21<sup>st</sup> October, 2014 at the rise of the House to consider business for the rest of the week.

Hon. Speaker, I now wish to lay on the Table of the House the Statement of the House Business Committee.

*(Hon. A.B. Duale laid the document on the Table)*

**Hon. Speaker:** Hon. Members, allow me to further recognize the following five other institutions in the galleries:-

Peffa Primary School from Donholm, Nairobi County; Indovea Primary School from Makueni Constituency; Livileni Primary School from Kibwezi West Constituency; New Alumni Educational Centre from Kiambu County; Syombandu Primary School from Kitui County.

They are all welcome to witness the proceedings.

### MOTION

THANKS FOR EXPOSITION OF PUBLIC POLICY

*(Hon. A.B. Duale on 15.10.2014)*

*(Resumption of Debate interrupted on 15.10.2014)*

**Hon. Speaker:** Order, hon. Members! Hon. Momanyi has a balance of three minutes. If he is in the Chamber and desires to spend his three minutes, he has the Floor.

**Hon. Momanyi:** Thank you, hon. Speaker. At the rise of the House yesterday, I was contributing to the Motion on the Presidential Speech and I was saying that what the President did by accepting to voluntarily go The Hague showed leadership. We need to emulate such kind of action.

Hon. Speaker, through a Gazette Notice, we were notified to convene for a Joint Sitting. Before we could come to the House, there were several outbursts out there about some hon. Members being barred from coming to the House. I would like to urge the political leadership that we are elected hon. Members. Next time there is such an issue, it is important that we take a party position. What we saw and what we heard was not a party position. Any time, as elected leaders; if there is need and we have been summoned by the Speaker, it is only fair that we all convene in the National Assembly. That is why some of us decided to come to the House.

Hon. Speaker, we know there are a number of challenges in this country; there is a lot of insecurity in this country which is partly contributed by the case the Head of State is facing at the ICC. We urge His Excellency the President to continue going to The Hague until his case is concluded so that he can have time to lead this country accordingly.

With those few remarks, I support the Motion.

**Hon. Dawood:** Thank you, hon. Speaker. From the outset, I would like to support this Motion. What the President did was a very good thing. Although many of us here wanted him not to go because we were afraid of what would happen if he went, the President did a very good thing to go to The Hague and answer all the false accusations

which have been leveled against him. It is about time the ICC knew that this case is going nowhere and hopefully within a month or two, we will have the case dismissed.

Hon. Speaker, what the President did in handing over power to the Deputy President was very good. I would not think in my wildest dreams of handing over my seat as a Member of Parliament to anybody at home. What the President did showed that he was not afraid of the consequences of handing over power to the Deputy President and the Deputy President took the leadership role and played his part for 48 hours. This shows that our President is not afraid of anything; he is a free man and his conscience is free as well.

I think as a country we need to bury the differences of the political divide so that we support our President and his Deputy President in implementing the five year agenda he has for this country. We need to get out of cocoons of political parties and support the President fully because he is the President of this country and he is doing very well by going to The Hague. We are asking particularly the ICC to acquit the President, his Deputy President and Mr. Joshua Sang.

Together we are saying that the civil society in Kenya and the others should note the case of the President where they are saying that there should be sanctions against Kenya, if the ICC cases are dismissed. That is a wrong approach and they should be reprimanded. The NGOs that are propagating this matter should be investigated by Parliament and be held to account. We need to establish where they get money from and what they do with it.

With those few remarks, I support the Motion and congratulate the President. We welcome him back home.

**Hon. Speaker:** Hon. Members, I want to give this chance to hon. Stephen Kariuki, Member of Parliament for Mathare Constituency. I want to caution hon. Members that he will be making his maiden speech. Therefore, there is no room for interruption.

Hon. Stephen Kariuki, the Floor is yours.

**The Member for Mathare Constituency** (Hon. Stephen Kariuki): Thank you, hon. Speaker. I truly appreciate this opportunity. First of all, I thank all the people of Mathare Constituency who sacrificed their time and energy to turn out in large numbers to elect me to come and represent them in this House.

The people of Mathare Constituency braved the chilly morning and long queues to exercise their democratic right, more so on a working day. I would also like to thank my party, Orange Democratic Movement (ODM) and the CORD Coalition, whose leaders and Members tirelessly walked with me in my historic fight to reclaim the mandate that was given to me in March last year, 2013, and was pilfered through digital illegalities.

Hon. Speaker, I take this opportunity to thank my immediate predecessor, the former Member of Parliament; Bishop Margaret Wanjiru, for her contribution to the people of Mathare.

I also thank and especially mention the CORD principals; the Right hon. Raila Amolo Odinga, His Excellency Stephen Kalonzo Musyoka and hon. Moses Masika Wetangula; who inspired hope to millions of Kenyans who yearned for more democracy, justice and prosperous Kenya for all of us.

Hon. Speaker, I now turn to the Address by His Excellency the President of this nation on 6<sup>th</sup> October, 2014 at 2.30 p.m. Firstly, I congratulate him for the bold step he took to heed and honour the summons by the trial chamber at the ICC. His Excellency struck a decisive blow on the side of observance of the rule of law and fidelity to the Constitution. Indeed, he showed himself to belong to a new generation of African leaders who have obeyed the law and stuck to the mandate handed to him by the people. We wish that both the victims and the suspects will get justice through this process.

Hon. Speaker, the President handed over power to his deputy. This also opened a new way of leadership in Africa. It has not been witnessed before and we congratulate him for that sign. I also urge the 11<sup>th</sup> Parliament that I have been honoured by my people of Mathare to represent, to step up and discover our role as leaders in this nation. Frantz Fanon said that each generation must, out of relative obscurity, discover its mission, fulfill or betray it. The 11<sup>th</sup> Parliament must discover and fulfill its role in entrenching the letter and spirit of the Constitution of Kenya, 2010.

Finally, we must also try and urge a balance of power among the three arms of State that rule in this nation. These issues are the great questions as legislators of our day we offer to our people.

Most importantly, His Excellency the President alluded to the 69<sup>th</sup> Session of the United Nations (UN) General Assembly which was aptly themed: “Delivering on and Implementing a Transformative Post-2015 Development Agenda.” The post particularly moved by Strategic Development Goal No.11 makes cities and human settlements inclusive, safe, resilient and sustainable. This touches directly on my aspirations for my people of Mathare Constituency.

As I conclude, hon. Speaker, I watched the Parliamentary Media Breakfast on 17<sup>th</sup> July, 2014. I particularly noted the speech by the chairman of the Editor’s Guild where he asked: “When will the 11<sup>th</sup> Parliament reclaim its glory?” I would like to tell him and all who care to listen that, the glory is here and I support. Thank you.

*(Laughter)*

*(Applause)*

**Hon. Speaker:** Hon. Members, I need to also draw your attention to the fact that this debate was listed by the House Business Committee (HBC) to take place for two days starting yesterday and today. Therefore, those Members who spoke yesterday and still have inserted their cards indicating desire to contribute to something today, please you can remove the cards. Unless you are rising on a point of order you, are unlikely to get the chance to contribute to the debate. Hon. Kanini Kega.

**Hon. Kanini Kega:** Thank you, hon. Speaker. I rise to support this Motion. On 6<sup>th</sup> October which was this month, history was made by the Speech that was given by His Excellency the President of the Republic of Kenya. He confounded many foes and friends when he made that statement on that particular day.

Hon. Speaker, I am one of those who accompanied the President and I did so not as a Member of Parliament for Kieni but as a friend. We were actually dismayed and shocked by his humility.



Hon. Speaker, the mere fact that His Excellency the President said that he will relinquish his power, which we have not seen happening in any African state, shows that he trusts his deputy. The only other person whom we can equate him to is the late Nelson Mandela. The President said that he is going to be out of the country for 48 hours and he delegated that duty to his deputy. That one in itself showed he has a lot of confidence in his deputy and I think it is a lesson to us. Those of us who are in leadership and have deputies and vices, it is very important that it is good to trust them.

Hon. Speaker, when we went to The Hague we were shocked because there was no reason for asking the President to go there. There was nothing that came out of that meeting and, in fact, we were asking ourselves why we were there in the first place. However, hon. Speaker, coming back to the Speech that His Excellency the President gave, three things came out. One, the President demystified the institution of the presidency. We were mesmerised when the President came back, rode in the same vehicle with the Deputy President, greeted freely and interacted with *wananchi* all the way from the airport to the city of Nairobi, taking about six hours interacting with his voters. That is something that needs to be emulated.

However, hon. Speaker, it is also important to note that the President is a person who listens. The President listened to his conscience and he also listened to his advisers. There were so many people who were going round and I pick on one, my good friend, hon. Kaluma, who had actually said very categorically that the President should not go. At least, he did not listen to the likes of hon. Kaluma. He listened to the likes of hon. Kanini Kega and the rest that he had to go.

*(Laughter)*

Hon. Speaker, with that Kenya was respected. He said that he does not want to put Kenya on trial. He said that he does not want to put the sovereignty of this nation on trial and he actually confirmed what he said during the debate prior to the general election, that this is a personal challenge and he is going to face it as a person.

Hon. Speaker, this is a person who believes in the rule of the law and if all of us as leaders follow that example, this will be a better place to live in.

Hon. Speaker, finally, from what he did, yesterday we saw in the newspaper in the opinion poll that his rating has risen from 43 per cent to 71 per cent. That one tells you that, that bold move which was unprecedented is something that we need to emulate as leaders in all fronts either in Parliament or outside Parliament.

Hon. Speaker, with those very many remarks, I support this Motion.

**Hon. Speaker:** Hon. Nyiva Mwendwa.

**Hon. (Ms.) Mwendwa:** Thank you very much, hon. Speaker for giving me an opportunity to comment on the President's Speech. History was set on 6<sup>th</sup> October. I have lived long enough in this House. I have seen all our four presidents. Although it is a fact that when a President is out of the country the Deputy President is the Acting President, I must say it has never been pronounced in the manner in which it was done this time round. It was always spoken in low tones that now the President is not there and so-and-so *ndiye anashikilia*. It was not done openly, the way it was done this time and never did

any President accept his deputy to act on his behalf. So, this was not a small matter. This was history in making and we hope the future presidents will be doing the same.

If we say we were not concerned about our President going to the International Criminal Court himself, I do not think we would be Kenyans. We have heard of presidents being detained there. Actually, there is no single president who has taken himself freely to The Hague; this is because The Hague is a court for African presidents. The others are either not members or they do not go. We were concerned, because although the President said he was going as an individual, he was still our President. For him to accept to obey the law and be the first Head of State to go to The Hague in whatever capacity, I commend him very highly and that was very noble of him.

Hon. Speaker, I must say I was disturbed when the prosecutors looked like they did not have any case. They have said so before anyway. All they were talking about was asking for extension; limitless extension. They asked for an extension of three months, then six. I was shattered when they said the case should be extended to 2017 during the next election. I wondered what our election has got to do with the International Criminal Court. I thought to myself that when we hear of this case being political, then indeed it must be. What has the 2017 election got to do with this case?

Finally, I must commend the way the President and his deputy behaved. Normally, the relationship between the Presidents and their deputies is not very good. In fact, sometimes their body language in public leaves a lot to be desired. But for them to behave the way they did, I commend them. However, I must say, I was concerned about security. Thank you.

**Hon. Angwenyi:** Thank you hon. Speaker for giving me a chance to contribute to this Motion. Upfront, I rise to support the Presidential Speech given to us last week on Monday. That Speech made me learn a lot more about the character of our President. I learnt that he is a person who puts Kenya's interest ahead of his own personal interest. I learnt that he is a person who believes in the rule of law. He is also a person who respects both domestic and international law. I learnt that he is a person who is not selfish; otherwise, he could not have handed over power to our Deputy President. I also learnt that he is confident of his position. He does not fear that he is going to be removed from that position which has been given by the people of Kenya.

The show in ICC was like a cinema, as said in one of our functions earlier. They required that he be there just to be seen. You know they could have achieved the same aim if they took his picture or photo and placed it on a chair in that court. They could have seen him in a photo, but they decided to have Kenyans spend money for him to attend. The International Criminal Court, I thought was a court of justice. I have discovered, belatedly that it is a court of injustice. I witnessed a situation where the prosecutor asks or requests an accused person to give evidence to prove that the accusation is correct. I am not a lawyer; I know we have lawyers here like hon. Kaluma who was telling him not to go. I can see my friend there, hon. Oluoch. I do think in law, when accused, you are perceived to be innocent until you are proven guilty; not guilty and you must prove yourself innocent. That is what I saw in the International Criminal Court.

The other thing I learnt is that, the International Criminal Court does not respect African governments. They do not respect our sovereignty. You can read the history; in the last one week I have been reading the history of the International Criminal Court.

They have never subjected any leader from outside Africa to humiliation. All the leaders they have subjected to humiliation are from Africa, even where there is no shred of evidence that they have committed crimes. The prosecutor herself said openly that she has no evidence to sustain the case. She went further to say; “Therefore, you judges can decide whether to give me indefinite time to collect the evidence which I have not received up to now, or you terminate the case.” I hope those judges will terminate the case by the request of the prosecutor. I also saw some lawyer who represents the victims. I do have about 400 victims of the post-election violence in my own constituency. They do not know that lawyer. He has never communicated to them. That is a lawyer who works with activists, the ones who are saying that Kenya should be sanctioned. There are Kenyan activists who get money from abroad to come and make those kinds of requests, for international communities to impose sanctions against this country. The President proved them wrong. I am sure the President, the Deputy President and Mr. Sang are going to be free people.

With those few remarks I beg to support.

**Hon. Speaker:** Very well, before we give the next Speaker, let me recognize in the Speaker’s Gallery, pupils from Chinama Primary School from Bomet East Constituency. Hon. Gerald Opiyo.

**Hon. Opiyo:** Thank you, hon. Speaker. I want to support the Motion. First of all, the President’s Speech as well as subsequent action to visit the International Criminal Court at The Hague were acts of heroism only that, that particular week, the Kenyan nation was treated to high drama. What the President executed in terms of handover of power to the Deputy President is actually a constitutional matter. It is something that is within the Constitution. But he decided to dramatize it. I think it did work miracles for him. As we speak today, you saw in the newspapers that his popularity rating has gone to around 72 percent. Our brothers and sisters from the Rift Valley, who were actually the target of that drama, have fallen right inside it. I appreciate the President for being a good politician. The drama was even greater when he arrived back from The Hague. One thing that we really have to understand as Kenyans is that the President is not an ordinary citizen.

A lot of security experts have taken great exception to the way the President’s security was handled when he came back from The Hague. Some things have to be done in a measured way knowing very well that we are dealing with the President of the nation. Even when the drama is exciting, we must still remember that we are dealing with the President of this country.

We really sympathise with the position in which the President finds himself in, but we pray that he will get over it. The only thing that I took exemption of before it even happened was the number of political leaders in this country who travelled together with the President to The Hague. As a nation, we cannot expose our citizenry to anxiety and panic. Last week was an exciting week for Kenyans---

**Hon. Cheboi:** On a point of order, hon. Speaker. We are drifting very closely to antagonizing our own Standing Orders. Our good friend there has kept repeating a term that was made yesterday; “drama”, which means we are beginning to repeat. We do not want to go to issues of irrelevances. By the way, the issue of going to The Hague, we

were on recess and Members decided to accompany a President of this State. I really do not think it is something that anybody should belittle.

My point of order is that my good friend is out of order.

**Hon. Speaker:** If he repeats the arguments of others!

Proceed, hon. Jared Opiyo.

**Hon. Opiyo:** Thank you, hon. Speaker, for your indulgence. When leaders travel out of the country en mass, sometimes there is anxiety among the citizenry and that was not very good. The President re-enforced his brief in the rule of law by attending the ICC. He also confirmed to us what he promised when he was campaigning.

**Hon. Kemei:** Thank you, hon. Speaker. Let me thank you for giving me this opportunity. Secondly, I want to record my views on the Address by the President on 6<sup>th</sup> October, 2014.

Let me do it with a bit of history. In 2002, I had the chance to serve one, Uhuru Muigai Kenyatta in my professional responsibility. In this man, I saw the markings of a great man. Today, I stand to say that what I saw and what my mind formed in 2002 is true. I want to thank him for demonstrating to the nation the markings that he had shown earlier on. One demonstration of the move taken by the President concerning the Constitution of this country is that it is able to withstand any threat; any assault from anybody outside Kenya. He handed over power to his deputy, which much as it is in the Constitution, it also tells this country the kind of cordial working relationship between the President of this country and his Deputy President. That is what we need. We also need to demonstrate to the entire world that Africa is mature enough at this point in time. We have demonstrated to the world that the fallacy that African leaders are scared of handing over power and are clinging to power is not true. We have, indeed, demonstrated to the world that indeed, we are not the kind of leaders in Africa that parts of the world believe us to be.

Finally, the decision taken by the President to travel to The Hague demonstrates what he has said over and over again, that he is not guilty. When I was a student of literature, I read a book titled: "The Guilty are Afraid." The President has demonstrated to the entire world that he is not guilty of any offence that was committed during the post election violence when our country was in its darkest period.

I support.

**Hon. (Ms.) R.N. Wanyonyi:** Thank you, hon. Speaker. I stand here to support the Motion and the Speech of His Excellency the President. The decision that our President took to hand over power to his deputy goes into the history of this world. In Africa, he is second only to Nelson Mandela and many other African countries have never brought themselves to that kind of position.

He demonstrated transformation leadership that this country needs. He put confidence in the people of Kenya and showed that he loves the people of Kenya. He demonstrated to all of us that we, even as leaders, need to believe in the Constitution that governs us. We need to believe in the people that we rule and the people who work even under us. That way, we are able to build a strong nation and structures that can be trusted. He also demonstrated a sitting President can walk into the ICC. He showed the world that he is sincere, free and confident. He showed that he is not guilty. As such, it is a demonstration that must be viewed and understood by the world that Kenya has a

President who respects the international law, trusts in his people and that Kenya has a President that the world needs to emulate.

I support even the efforts he is making in bringing peace, especially in our country. He is moving to every part of this nation even in areas which are perceived not to be liked. He has demonstrated love to all; those who love him and even those who are perceived not to love him. That is our President and I support what he has done. I support his position for this nation and we must stand in support of him. I support the President's Speech.

**Hon. Speaker:** Hon. Members, before I go to the next Member, let me recognise seated in the Speaker's Gallery the following institutions:-

Students and pupils from Kibaraa and Tumuiyott Primary Schools from Kuresoi North Constituency. Welcome.

**Hon. (Prof.) Nyikal:** Thank you, hon. Speaker for giving me the opportunity to contribute to the President's Speech. The President's Speech was premised on two important points:- One, the decision to attend the ICC Conference Status at The Hague and two, the decision by the President to hand over power to his deputy. In both cases, the President set a good precedent. However, it should be noticed that he had no option. As regards not going to The Hague, I do not think he would have rendered himself to a state where others have, where he would be hunted from place to place not being able to travel. So, there was absolutely no option.

Some are worried that the President defied the African Union's resolution. I am not a lawyer, but I do not think the decision or the resolution that was made at the AU had any bearing, whatsoever, in legal terms with what was happening at The Hague. So, I am actually worried that the leadership of Africa would make a resolution knowing very well that it will not be easy to implement it.

With regard to handing over power to the Deputy President, a good precedent was set. However, the President merely abided by self-implementing provisions of the Constitution, that is, Article 147(3) and Article 134(2) that set the limitations of the handing over. So, was it really necessary to have Parliament recalled for this? In my personal view, I do not think this would have been done perfectly well with the 1.00 p.m. or 7.00 p.m. news items or an address to the nation from State House or the Office of the President. However, I recognize that the President is also a good politician and he took good advantage of this and he advised that Parliament be called back. The Leader of Majority Party said that this needed to be a partisan event, but there was no effort really to inform the other side of the House's leadership. The CORD side of the leadership of the House was not informed at all. In my mind, I made a decision that this was Jubilee taking advantage of a precedent that had been set by the President. Therefore, in my mind, this was merely a Jubilee function. So, when my coalition said that we should not attend that meeting; that was quite clear in my mind.

Hon. Speaker, the credit for what happened, which I agree is historical, must go to the people who wrote the Constitution and the Kenyans who passed it. On the matter of comparisons with other presidents, they were not in the same situation. They were operating under different constitutions. So, I think that comparison is not well placed. Those who are surprised that the President did what he did, I think, are people who either

lack faith or do not believe in the new Constitution that we have. This was the only route because the Constitution provided only that.

Some people have indicated that the ICC is a rogue court and also a political court. We must remember that in 2007 and 2008 the situation was so grave in Kenya that some attempt had to be made to really find out what happened. We were given an opportunity ourselves as Kenyans, but we refused to take it. So, we sent ourselves to The Hague and so we cannot blame the ICC for that. May I say something that I know many might not agree with and it might make them emotive, I think what Kenyans have learnt and must discuss, even if not now, is what we should do in case we elect somebody who has a criminal case pending somewhere. I know now it is emotive, but it is something that we must think about one day as a country. Thank you, hon. Speaker.

**Hon. Musimba:** Thank you, hon. Speaker, for this opportunity. I want to thank His Excellency the President, Uhuru Muigai Kenyatta and his able deputy, William Samoei Ruto on the stand they took with regard to the sovereignty of the Kenyan nation. As we approach the *Mashujaa Day* celebrations, it is important to remember that many people have paid the price in Kenya for the sake of world peace and sovereignty. We started in the Second World War when our troops were taken to Burma to take a stand for the world. We have continuously made contributions, including during the Shifta War of the 1970s, the 1998 bombing of the USA Embassy in Kenya, and the Westgate Mall attack in Westlands, Nairobi. Throughout all these incidents, all our Presidents; President Jomo Kenyatta, President Daniel Moi and President Mwai Kibaki, have repeatedly shown courage, fortitude and importance of the sovereignty of this nation. We shall not stand and watch as any inch of our land is threatened in any way.

I want to address myself to the recent attacks in Mpeketoni and our borders at Wajir and Mandera. The question of any inch of our soil being threatened, be it from Kiunga to Lungalunga, is actually an affront to this nation. I call upon this humble House to stand--- History is going to judge us because the forefathers of this nation bestowed upon us land which is peaceful. We do not have to live with metal detectors. Will we bestow upon future generations of this nation a chance of not living in peace? I call upon this House to support our President in invoking Article 131(4)(c) which states that we are at war with Somalia. We must take it that it is an affront to our nation. We could be in denial, but a thief is in our house. We have recognized that it is a thief and we are simply saying, "When will he get into our bedroom to harm us?" We must take proactive steps and encourage our men and women in uniform who have done a commendable job to stand with this nation in *Operation Linda Kenya* and in peacekeeping missions in Yugoslavia and Burma.

The end result is that Kenya is bearing the brunt of all these actions by hosting the largest refugee camp in the world. We are hosting over one million refugees, but many of the countries we have extended the favour, for example, Uganda and South Sudan have never treated us with the contempt that Somalia is now showing us. It has now taken us to the ICC and the ICJ because it is threatening to take our territorial waters. The oath I took, and, indeed, all Members of this House, was to defend the Constitution of the Republic of Kenya which protects every single inch of our soil. This case flies in the face of our humility. Let it not be mistaken for any minute that the humility we have shown is a sign of cowardice! The humility we exhibit is a sign that Kenyans care about humanity.

We shall not, however, tolerate--- Our Coat of Arms has two lions. Our country was not built by faint-hearted people. This generation ought to stand firm. We need to invoke Article 131(4)(c) and encourage this nation to go and take over Somalia. In fact, we need to protect the economic, social, and geopolitical stability of our entire region which has over 120 million people.

I thank you, hon. Speaker.

**Hon. (Ms.) Kajuju:** I rise to commend the President of the Republic of Kenya for the step he took to ensure that he adheres to the rule of law. It is very important that our President led by example. The consequences of not having gone to the ICC would have been like the sword of Damocles hanging on our President's neck. The fact that he agreed to move to the ICC and be subject to a criminal justice system in another jurisdiction calls for us Kenyans to be more humble. This is because we have now seen what humility can do to mankind. When our President went to that court, the expectation was that there would be termination of the proceedings. However, the prosecution chose not to terminate the proceedings yet it was very clear that there was neither direct nor circumstantial evidence that would make the President's case be proved beyond reasonable doubt.

Hon. Speaker as it is, we appreciate the fact that our President went there. If you see the appreciation by Kenyans on the mere fact that he went to the ICC, it was on the day he came back. Kenyans came out in large numbers to appreciate, recognize and welcome back their President because they love him and his leadership which he has demonstrated to this country. As a word of caution, what the ICC ought to know is that justice delayed is justice denied. What we are asking for is, if there is no evidence against our President let them set him free so that he can have time to serve his people, just as he pledged to do the day he was sworn in.

Upon taking over as the Acting President of Kenya, the Deputy President demonstrated that he is aman of honour. The country was calm, united and firm when he came back. If any person had doubts on the Deputy President, then they were proved wrong on the date that act took place.

The former Prosecutor, Moreno Ocampo, said that the case challenging the President is the most challenging case that he has ever encountered. It is direct admission that there is no case worth taking the President to that court, which we should take note of. Hon. Kega said that the rating of our President now stands at 71 percent through a process that has been undertaken from various Kenyans. It is time for Jubilee Government to forget the doom speakers and proceed to implement their manifesto. We support the act that the President did.

I want to remind hon. Nyikal that the people who matter most are not the ones who wrote the Constitution, but the ones who implement it. The Constitution is good because the Jubilee Government is implementing it in the manner that it should. So, I congratulate the Jubilee Government for honouring and upholding the supremacy of the Constitution. I rest my case.

**Hon. Speaker:** Member for Wajir North, hon. Sane

**Hon. Saney:** Thank you, hon. Speaker for allowing me to contribute to the Presidential Address. The Presidential Address was good, comprehensive and it captured the popular view of Kenyans. It is worth to note the way in which the President has

demystified the institution of the presidency which was regarded as imperial, by relinquishing power to his deputy. He walked out of Harambee House a common man. This marked simplicity and was exemplary, and I am sure it will remain for quite some time in the history of this Republic.

There were days when the Head of State was the teacher, farmer and citizen number one. He carried the number one tag everywhere he went. It is a great development that our President, His Excellency Uhuru Kenyatta walked out of Harambee House a common man and walked to his home, just like any other Kenyan. This showed simplicity and mature leadership. His behavior will be an epitome of good governance for generations to come and it is an indicator that he has no hunger for power. It reminds us of the way he accepted defeat in the 2002 General Elections and that means he will also accept defeat, if we go that way.

He made us proud since there are many presidents who are indebted and cannot move around the world transacting business for their citizens. Our President respected the rule of law which Kenya has ratified under the international laws and this alone has made us proud. I, however, have some negative observations. The frequency with which our Head of State puts on military regalia casts him as a military leader in some way. He is a civilian leader who has been voted through popular vote initiative and I will request his advisors to tell him not to put on this military uniform so that those wonderful gestures made in the last two to three weeks may not be taken back.

Thank you and I support.

**Hon. Gichigi:** Asante sana, Bwana Spika. Ninakushukuru kwa kunipatia nafasi hii ili nichangie Hoja hii. Ningetaka kuanza kwa kumpongeza Rais kwa Hotuba yake. Ilituliza hofu iliokuwa katika nchi. Watu wengi walihofia kwamba kama Rais wetu angekosa kuhudhuria hiyo kesi, kungetolewa amri na koti yakuweza kumfanya habusu katika nchi hii yetu ya Kenya. Aliwashangaza wengi ingawa maadui wa Serikali walitarajia hilo jambo lingeweza kutetemesha Serikali ya Jubilee. Hata hivyo, aliweza kugeuza jambo ambalo lilionekana kuwa na shida na badala yake likampa ushindi na nchi yetu ya Kenya. Uamuzi wake unaonyesha kuwa Katiba yetu inafanyakazi ilivyonuiwa. Ni kweli kunaweza kuwa na vipengele vinavyohitaji kubadilishwa kidogo, lakini Katiba kwa jumla inafanya kazi na vile Waswahili wanasema; “Kiti kinalingana na yule anayekikalia.” Watu wengi wanalalamika kuwa Rais yuko na mamlaka makuu ilhali alionyesha uvumilivu, unyenyekevu na kutokuwa na tamaa ya ukubwa. Tunaomba viongozi, hasa magavana ambao ni viongozi wa kaunti na manaibu wao waige mfano huo ili waweze kufanya kazi vizuri.

Nitaongea kuhusu kaunti yangu ya Nyandarua, ambapo nitamuomba Gavana na naibu wake waige mfano huo na waache kuogopa, kwa maana hivyo ndivyo tutaweza kujenga kaunti na taifa letu. Unaweza kuangalia Afrika kama watu wamebadilika. Tunachukua majukumu ya kujenga mataifa yetu na kuangalia maslahi ya wananchi wetu. Hatutaki kuwa na viranja nje ya Afrika; nje ya nchi zetu ambao watakuwa wakituamulia mambo ambayo tutafanya.

Mhe. Spika, tukiangalia hii kesi, tunaomba Rais wetu awache kusumbuliwa, apewe nafasi ya kuongoza nchi. Watu wa Kenya, watu wa kaunti yangu ya Nyandarua, watu wa eneo Bunge la Kipiriri wanahitaji Rais wao awasaidie kupata barabara, maji na maendeleo mengine. Hayo hataweza kama atakuwa akisumbuliwa kwenda kukaa kama



sanamu katika mahakama huko nje. Kwa hivyo, ninaunga mkono Hojahii na ninaomba wananchi wa Kenya tushirikiane, tuwe na uzalendo ili tuweze kujenga nchi yetu.

**Hon. Aluoch:** Hon. Speaker, I would have expected the Address to touch on the political legal aspects of the case at The Hague. I want to apologize for addressing this issue as a lawyer. Kenya belongs to a group of nations that are civilized and are proud, the United Nations. Kenya is a signatory to the Rome Statute. I had the privilege in the last Parliament to serve in the Departmental Committee on Justice and Legal Affairs and we spent considerable time in domesticating the Rome Statute in what is now called in Kenya, the International Criminal Crimes Act. That Act of Parliament of Kenya is what now domesticates what is going on at The Hague. I had the privilege earlier on to be a prosecutor at the Arusha International Criminal Court and the procedures in Arusha and at The Hague are the same.

When the African Union resolves rules that contradict the rules of ICC, then the decisions of the AU are worthless. But the important thing to know is this: In the last Parliament when Hon. Uhuru and hon. Samoei appeared at The Hague for the first time, my party at that time, the ODM, opted to walk out of Parliament in protest. The PNU stayed on their seats but I stayed here because I wanted to address the nation on that issue. I said that chest-thumping in this House will antagonize the court against our brothers who are being charged there. I note that, that is what is going even now. We are chest-thumping and as we do that we are antagonizing that court. These are facts that we must say with courage. When His Excellency the President came to the House to address us, I was out of the House on official assignment from Parliament but even if I was in Nairobi, I would have disobeyed our coalition. I would have attended that sitting because I wanted to hear what His Excellency the President had to say about what was going on at The Hague. But when I listened carefully, I realized that we are missing the boat. As a country, we must face what is going on at The Hague together because the unity of this nation is under test. We cannot be happy that one of us is being charged at The Hague, whoever it is, whether it is His Excellency the President, a farmer or a beggar. He is a Kenyan and a Kenyan deserves respect. When that happens, we would expect that the case at The Hague must be expedited. It must end quickly. We must realize that when His Excellency the President decided on his own volition to go to The Hague, he was complying with international law and I commend him for that.

When he appointed his deputy to work in his absence, he was complying with our Constitution and I commend him for that. There is nothing special about those things. As a lawyer, all I can say is that the cases at The Hague must be finalized and finalized quickly so that when we go on as a country, we do not have to worry about our leaders. I wish His Excellency the President, the Deputy President and Mr. Sang well in their cases. May Kenya stay united!

**Hon. (Dr.) Shaban:** Mhe. Spika, mimi pia nasimama kuungana na wenzangu kuunga mkono Hotuba ya Mhe. Rais Uhuru Kenyatta ambaye ndiye Rais wa nne wa Jamhuri ya Kenya. Wiki mbili zilizopita, Wakenya walikuwa na wasiwasi. Wakenya wengi walipiga magoti na kulilia Mwenyezi Mungu ya kwamba Rais aweze kumalizana na maswala haya, aweze kutulia kufanya kazi akiwa hana wasiwasi kuwa amebeba mzigo wa kesi ambazo ziko kwenye mahakama hio ya mataifa.

Kabla hajatuambia uamuzi wake, tulikuwa tunaangalia tukiona wenzetu wengi wakitaja ya kwamba ule mzigo ni wake mwenyewe. Yeye pia alisema shida hii ni yake na ataikabili binafsi. Ikawa kuwa hatajikani kwenda kule kama Rais wa nchi akiwa amebeba maisha ya watu zaidi ya milioni 40. Binadamu hawana wema. Alipofanya uamuzi kwamba yeye anakwenda kule akiwa kwa ubinafsi kama Uhuru Kenyatta, pia imeleta balaa maanake watu wengi walitarajia afanye makosa, asiende ndio wafurahie na washerehekee. Wengine pia labda walipanga kufanya maandamano. Hayo yote Rais Uhuru Kenyatta aliyamaliza baada ya Hotuba yake. Alikwenda kule, akapeana heshima kubwa kwa nchi yetu ya Kenya, kwa wananchi wote akaamua kuwa yeye hakutaka Wakenya wabebe ule mzigo kwa niaba yake.

Mtu akifanya wema na uzuri, ni lazima apongezwe. Nachukua nafasi hii kumpongeza Rais wetu kwa kufanya uamuzi ambao uliwafanya Wakenya watulie na kuendelea kumwomba Mungu na hata aliporudi, walijotokeza kwa wingi sana. Hata ndugu zangu ambao walikuwa wamekataa kuja kumsikiliza siku hiyo, wote walijitokeza pamoja na watu wa maeneo yao ya Bunge, walifunga safari ndefu kuja kumpokea Rais wao. Hivyo ndivyo kulivyo. Kwa swala kama lile, tunatakikana kusimama sote kama Wakenya tukipeleka kilio chetu kwa Mwenyezi Mungu na Mola ataweza kuvukisha hii nchi.

Nimesikia wenzetu wakipiga kelele ni kwa nini Wabunge walienda. Jamani, hata uhuru wa kusafiri pia tunanyimwa! Tulitoa hela yetu, tulimsindikiza Rais wetu na tukaenda kuhakikisha tumeona na tukawakilisha Wakenya wengine. Kuna msemu unaosema, “Je pilipili usioila, inakuwashia nini? Kama mtu hakutaka kwenda, umebaki Kenya, watu walibaki Kenya wakaendelea na maombi. Lakini wale wenye chuki, poleni sana, chuki zitawaumiza kwa sababu kwa wakati huu Kenya inahitaji maombi na upendo ili tuweze kuhakikisha kuwa viongozi wetu wamerudi, wametulia na wameweza kufanya kazi wakiwa wametulia.

Mhe. Spika, wakati Wakenya waliamua kuwa Rais wao ni Uhuru Kenyatta na William Ruto ndiye Makamu wake, walifanya uamuzi. Jamani, tuwache yaliopita tugange yajayo maanake Rais wa nne wa Jamuhuri ya Kenya ni Uhuru Kenyatta na alionyesha uwazi wa uongozi kwa kuhakikisha kuwa amemwachia Makamu wake jukumu la kuendesha hii nchi angalau kwa hizo ziku chache akiwa kule asiwasumbue Wakenya. Jamani tuache yaliyopita tugange yajayo. Rais wa nne wa Jamhuri ya Kenya ni Uhuru Kenyatta. Alionyesha wazi kipawa cha uongozi kwa kuhakikisha kwamba amemwachia makamu wake jukumu la kuendesha nchi hii kwa muda kidogo wakati alipokwenda Hague. Alihakikisha kwamba hakuwasumbua, ama kuwatia wasiwasi, Wakenya akiwa kule.

Mhe. Spika, tunaendelea kumwomba Rais, makamu wake na Wakenya wote popote walipo na tunawahimiza waendeleo kuomba nchi yetu na viongozi wetu.

**Hon. Mati:** Thank you, hon. Speaker. I stand to support the Motion on the President’s Address. From the very outset, let me say that our Head of State was magnanimous. He stood tall where others have faltered by willingly ceding power to his deputy to act as President of the Republic of Kenya.

Hon. Speaker, let me say that I am one of those hon. Members of Parliament who went to their bank accounts and paid for their tickets to The Hague. It was a united House that was held at The Hague. I did not go to The Hague as a Member of Parliament for

Mwingi North Constituency, I went as John Mati Munuve. You may not be able to separate the two.

However, what the Head of State did was worth being supported. I am sure you remember that we lived at a time when acting presidency was actually illegal in this country. There was a time when a vice-president was told that he could not claim to be acting even when the incumbent was out of the country. The President was magnanimous and commendable. He set a good example as this does not happen a lot in Africa.

Hon. Speaker, let me also say that this country is going through a very difficult time, and sometimes we tend to move goal posts. While I was in The Hague, I received a few phone calls from some people. But I reminded them that at one time my party leader travelled to over 50 countries trying to diffuse this situation. Now that it is not convenient, some people have changed their positions. As a nation, we must think together.

I commend our Deputy President for having gone to the annals of history for having acted as President and our President for having made history by making sure that he handed over power. I remember hon. Members of Parliament and I walking to that court with His Excellency the President walking as an ordinary citizen. We stayed in the same hotel and brushed shoulders without any problem. Many presidents have defied the ICC summons but our President has gone into the history books as the first President to willingly cede power and go to The Hague without having been arrested by anybody; we should commend him for that.

Hon. Speaker, what is important is for this country to be united, so that we move forward. After all, our Constitution says very boldly that a person shall be assumed to be innocent until proved guilty. That is the case; we are a signatory to law that creates the International Criminal Court, and my prayer is that once we are over with this pomp, Kenya will continue to be a member of the ICC along with other international communities. His Excellency the President subjected himself to the ICC and, therefore, everybody in this Republic will respect the international law and even the local legal system.

Hon. Speaker, I feel very proud to have been in The Hague. I know a few people have different opinions. I also wish to commend those many hon. Members who travelled with us to The Hague. I wish to declare loudly here that, if the President is required to go to The Hague again, I, John Mati Munuve, will be on a trip with him and I will pay for myself. I may even take a loan to make sure that I appear at The Hague with His Excellency the President.

With those few remarks, I support the Motion.

*[Hon. Speaker left the Chair]*

*[The Temporary Deputy Speaker  
(Hon. Kajwang') took the Chair]*

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you, hon. Member for Mwingi North.

Hon. Nderitu, the Floor is yours.

**Hon. Nderitu:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this very important Motion on the Address by His Excellency the President before he left for The Hague.

From the outset, I would like to say that the people I represent and myself congratulate the President for taking that bold step. We know very well that the whole country had a lot of anxiety. Even business people were wondering what would happen. The indication, even when the President came to Parliament--- I know most Kenyans were listening; we were almost sure that the President would do the opposite, but when he concluded that he would respect the rule of law, we felt that this country was really governed by the rule of law.

Hon. Temporary Deputy Speaker, we know very well that we have gone through a lot of processes in transforming our country. As the President put it clearly, there is devolved governance; a new structure of governing regions has been implemented.

I would like to say that the President showed that the sovereignty of our country is very important. Everybody was very concerned because they thought that the sovereignty of our country was being tested. But when the President decided to go to The Hague as a private person, there was a lot of relief for our people.

Hon. Temporary Deputy Speaker, as we listened to the ICC proceedings, we could see very well that there was no evidence to support the crimes the President was accused of. While watching the television, the advocate for the victims, Mr. Ng'eno, tried to explain the challenges he was facing. While we expect the rights of the victims to be provided, we would also like to note that the President as a person is also entitled to his rights. As one of hon. Members said in this House, justice delayed is justice denied. We feel that what the ICC is doing is actually denying our President justice. It was clear that the evidence that was adduced was insufficient. The President's lawyer said that he had given a lot of material in terms of phone calls, bank statements and returns from our Government. He has given substantial material to prove that our President was not involved at all in what happened after the 2007 elections. But still they are pressing for more material so that they can see whether they can get additional evidence.

I am very sure that the evidence they are looking for--- They excluded our President from investigations. They have a very unscrupulous system - they used NGOs to investigate our President. If they had included him in the process, they would have got the right evidence.

I am very sure that what the President did by handing over the presidency to our Deputy President showed that he had a lot of faith in him. I would like to mention that there is fear that when his term expires a certain community--- It is said somewhere that he will not be able to give to the other community. But we are saying that this time round we are ready. We are very sure that just the same way the President showed us that even if there is an election---

Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Yes, Member for Turkana Central.

**Hon. Nakara:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to the Address by his Excellency the President. First of all, I would like to say that there was a rumour when the President recalled Parliament. There

were some people who said it was a personal matter. Some said it was a national matter; when the President recalled Parliament it showed the respect that the President has for us. It was for us Members of Parliament to honour that invitation because he had shown that Parliament was part and parcel of his leadership.

Hon. Temporary Deputy Speaker, when he came he did not only address the issue of the International Criminal Court, he even briefed Parliament about development in the country. He also told us about the United Nations (UN) meeting that he had attended. He briefed Parliament on the progress of that meeting. He also told us the plans he had for the Internally Displaced Persons (IDPs) in this country. Those were the things that we were expecting to hear the President briefing us on.

Hon. Temporary Deputy Speaker, when he came to the issue of the ICC he showed that he was a man of his own words. We remember in 2013 when we had a presidential debate in Brookhouse School, His Excellency the President said that the ICC case was a personal challenge to him; it was like any other case, whether about divorce or a *shamba*. He took it as a personal issue and when he decided to go there he came and told us that he had decided to go because he had promised Kenyans that this was a personal issue; he said he was going to The Hague as a citizen of this country and not as a president. That showed that His Excellency the President is a man whose word you can trust. That shows that after his term of ten years he will relinquish the presidency without shedding blood in this country.

Hon. Temporary Deputy Speaker, when he decided to hand over the presidency to his deputy, His Excellency the President respected the Constitution of Kenya at Article 131; he promised to uphold the Constitution of Kenya and he did that. That was why he relinquished power to his deputy. When he chose to relinquish power to the Deputy President, His Excellency the President showed that he had trust in his deputy. Many Members have spoken. Even in some counties some governors do not go for a break because they fear they may be overthrown by their deputies. His Excellency the President demonstrated that he has faith and trust in his deputy. He knows his deputy is a man who can perform extraordinarily when given an opportunity. His deputy showed that day that he is a man capable of leading this country. The two days he was in power, the country was silent. There was no noise. Everything was smooth and people appreciated the situation we were in during those two days.

His Excellency the President showed that he was preparing his deputy for 2022; we as Kenyans have seen that we have a president in waiting for 2022.

*(Applause)*

Hon. Temporary Deputy Speaker, as I conclude, some people are asking why the President has been putting on military uniform. It is a constitutional requirement. Article 131(1)(c) says he is the Commander-In-Chief of the Kenya armed forces. So, when there is a military function he must dress like a soldier.

Hon. Temporary Deputy Speaker, finally, some people were saying that they were worried about the security of the President. This is the President who walks knowing that he has no worry and that the people he leads are his people; so, he can interact with them and greet anybody. So, he is not worried about his own security.

Hon. Temporary Deputy Speaker, I support and thank you.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Member for Gatanga.

**Hon. H. K. Njuguna:** Thank you, hon. Temporary Deputy Speaker. I rise in support of the Presidential Address. I would like to state that I am one of the people who started following the President way back in 2002. I followed him extensively in this country when people thought that he was a project; my decision to support him was because I realised he was a statesman and the same was displayed when he decided to go to The Hague.

I have always thought that at times when we talk about Churchill, Nelson Mandela, Nkrumah, Jomo Kenyatta and Julius Nyerere, what do we talk about? These were people who displayed true marks of statesmanship in the way of leadership. In one of the courses that I have done we explored very deeply the characteristics of a leader. At times leadership involves making very critical decisions about organisations that you lead. In this particular case, we are talking about our President making a very critical decision involving 40 million Kenyans; at times it is good to ask ourselves: If we were in that position, what decision would you make or would I make?

The mere decision to attend the trial knowing very well that, perhaps, it was a mistrial from the evidence that is coming from ICC; the mere decision to uphold the rule of law however negative it may appear; the mere decision to hand over power to his deputy; for me this is a mark of statesmanship and it is what I would wish to applaud. It is what amazed many Kenyans and even the world over; perhaps, they may have expected him to say “no”. For me, leadership is impacting the right influence to your subjects, and President Kenyatta is telling us that even those who will come after him, he would like them to put the interests of Kenyans first. He would like them to uphold the rule of law. That to me deserves to be applauded.

Again, as I move forward, I think it is the right time for Kenyans now to audit the ICC; when we decided to be a member state of the Rome Statute, is this what we expected from the ICC? Is this what we expected from this trial, when we thought the ICC would subject suspects to international crimes? What is coming out of the ICC shows that we will have another mistrial similar to what Jomo Kenyatta went through at Kapenguria.

Why am I saying this? It is because the Prosecutor, Ms. Bensouda, has already accepted that she has no evidence. In criminal justice, I do not think it is fair to keep somebody as a suspect when you are admitting that you have no evidence. There would be a mistrial and people are already accepting that they were coached to be witnesses. I think it is high time Kenyans audited this ICC, so that we can decide whether we are going in future to subject Kenyans to another foreign jurisdiction. Some people have said that we should not elect Kenyans when they have a case in court. Let me remind them that in the Kenyan law you are innocent until proved guilty.

That is why Kenyans voted for hon. Uhuru as President; there was no violation of the law. He is innocent until proved guilty.

Thank you hon. Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Nominated Member, hon. Oburu Oginga.

**Hon. (Dr.) Oginga:** Thank you, hon. Speaker. I also want to air my views on this important subject. First I want to say that the appearance of the President at The Hague was commendable. I want to say it is commendable because I was just holding my breath, fearing that he was going to accede to the advice of some of the people I want to call sycophants who were telling him that he should never appear at The Hague. The same people are lauding him for having gone. When did they change? They were telling the President not to go to The Hague.

The President made a wise decision to go because he did not want to hold Kenyans to ransom. I laud him and think it is important to realize that those who are now calling the International Criminal Court an imperial or neo-colonial court and so on are not really genuine in what they are saying. They must realize that the International Criminal Court law was domesticated in Kenya and is part of our laws. If you are saying it is a neo-colonial or imperialistic court, then even our laws are imperialistic and colonial. The International Criminal Court law is part of our statute law; if we want to invalidate it, as the law makers, we have an opportunity to do so. We can remove ourselves from the International Criminal Courts if you convince us; you can do whatever you want to do. But as it is now, this law was domesticated in our country and is part and parcel of our laws.

I also want to speak on the so-called handing over power to the Deputy President. Anytime His Excellency the President leaves Kenya, there is his deputy; under our Constitution, he automatically takes over and sits in that seat. The reason why I call that incident a ploy is because the real power was not handed over to him. If hon. Ruto, or any of his supporters thought that he was the President of Kenya for that moment and not the deputy as prescribed in the Constitution, then they must have been thoroughly deceived. Handing over the instruments of power is not provided for in our Constitution, otherwise he should have been sworn in as a president. He was not sworn in as a president. He should have become the Commander-In-Chief of the Armed Forces of Kenya. He did not become that; he could not declare war. He was not given the instruments of power by His Excellency the President. The President carried his presidency to The Hague. The Deputy President remained the Deputy President and was acting as per our Constitution; he was rightfully holding that position. Having motorcycles riding in front of him did not mean he was our President.

I want to conclude by saying that while it is important--- I commended the President for going to The Hague. I want to say that even though some people were saying here yesterday that hon. Kibaki and hon. Raila did not investigate the cases of culprits in the post-election violence, two wrongs do not make a right. This Jubilee Government has a duty to investigate these cases thoroughly. If our President and his deputy are innocent, they must tell us who is guilty.

**The Temporary Deputy Speaker (Hon. Kajwang’):** Member for Matayos.

**Hon. Odanga:** Thank you, hon. Speaker. I also want to add my voice to this debate on the President’s personal decision to travel to The Hague to face the International Criminal Court. I treat it as a personal decision because listening to people very close to him, you would think that the President failed to attend the Status Conference. The President showed respect for the rule of law; he demonstrated respect for the law and the local judicial systems. I wish that the President instructs his Cabinet

Secretaries to also respond when they are called by institutions equivalent to the High Court, that is a committee of Parliament. The President had to go to The Hague. He was bound to go; he had no otherwise. He was bound to go because obedience to this court is enshrined in the Kenyan laws and international law as well.

As for giving power to the Deputy President, I would not want to call that “handing over power”. I would like to refer to it as delegation of power because, as it has been said before, the instruments of power, like the sword that we have always seen being passed on to a new president, were not handed over, and the swearing in was not done. Therefore it was just following the Constitution and the law as they were. But there was a lot of panic just before the President travelled to The Hague. How can we avoid this kind of panic in the future? If we want to avoid this panic in the future, then when an election is done, let the real winner of an election be announced and sworn in as the President of the Republic of Kenya, then the country will live in peace.

Otherwise, I support.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Member for Wajir East, where are you? Member for Wajir East, I cannot see you; you vanished from my lens. Yes, there you go; you have the Floor.

**Hon. Mohamed Abbas:** Thank you, hon. Speaker. That was a long wait.

I also want to join my other colleagues to support the President’s Address.

The decision made by His Excellency the President was wise and heroic. The decision the President took was to defend the very Constitution that he swore to defend and the sovereignty of this country. He walked off his office as an ordinary person. I think what happened was that when the notice to attend the Status Conference came, there was a lot of confusion and anxiety among Kenyans and even beyond our borders; his action has really made Kenyans change their mind; it was very heroic. I think I will not talk about what is happening in the International Criminal Court because the very prosecutor who said there was not enough evidence against the President of Kenya, is also saying that the Kenyan Government must provide evidence against him. This is not a credible court; it is questionable and there is a lot of partiality in the way the matter is being handled. Following the President’s action, today Kenyans are more cohesive, the rating of the President has gone very high after what has been going on and history has been made. History was made when the President relinquished his position to his very able and trusted deputy; the deputy has made history. His Excellency the President and his deputy--- Hon. William Ruto was the President of this country for at least some few days. History has been made. I am sure many former vice-presidents and prime ministers would have wished to hold the presidency for even one hour. History has been written and the ink has dried. We should wait for another day.

Hon. Temporary Deputy Speaker, there are many lessons to be learnt from the President’s action, especially by other African leaders who think that the presidency cannot be relinquished for a short time. They think it is impossible. Today, if we tell a chairman of a certain party to relinquish his chairmanship, they will run to court. They will make noise; there will be a lot of hullabaloo. This has set an example. I also applaud the new Constitution for providing that the presidency can be relinquished any time without much ado.



The President's action has made history and Kenya has also learnt lessons. Because of the action of the President of relinquishing his position to his deputy, the hullabaloo about *Okoa Kenya* and *Pesa Mashinani* has now almost subsided; now Kenyans are more cohesive and focused. This is the way to go forward and Kenyans must work together whichever parties they belong to, so that we can, at least, develop this country.

With those few remarks, thank you.

**Hon. Mulu:** Thank you, hon. Temporary Deputy Speaker for giving me the opportunity to add my voice to this debate. Listening to the presentations of the Members since yesterday, those Kenyans who have not read this Address, or those who did not listen to the President, might think that it is all about the ICC. I would want to inform the Members and Kenyans that this Address has 49 paragraphs. Out of those 49 paragraphs, only four focus on the ICC. So, I would like to deviate from the ICC issue and focus on other important aspects of this Address. They are important for us to unpackage, so that Kenyans can know what has been said.

If you look at paragraph 7 of the Address, the President said that this country has officially become a middle income country, and has taken its rightful place as one of the ten largest economies in Africa. Looking at this statement from His Excellency the President, it is a very exciting policy statement to Kenyans. It is time Kenyans understood what this means. Moving from a least developed economy to a middle level economy brings expectations that things should change. Kenyans should experience better education for their children. They should access high quality healthcare and better road network. The big question is: Are Kenyans starting to feel that? It is the work of the Jubilee Government to make sure that Kenyans experience these improvements in terms of our economic growth. Otherwise, this will just remain what it is, a statement.

Cabinet Secretaries and other leaders in the Jubilee Government - some are in this House - should take the opportunity and tell Kenyans what has changed. From where I sit, I do not think any of us has started feeling that change. This came as a result of rebasing the GDP. I hope that this is not just going to be an issue of numbers and nothing changing on the ground. This statement is very important to Kenyans; it is important for Kenyans to start asking hard questions. Are our education system, health care and infrastructure changing? If we ask this question, we will be help ourselves as Kenyans.

The other important statement in the President's Address was the issue of security. When the President addressed the United Nations General Assembly and Security Council, he said that he could say that this country is held in high esteem due to its leadership in matters of development and struggle for global peace and security. This means that out there this country is well respected in terms of security matters. This should trigger development in terms of investment and trade. While out there people think that we are doing very well, internally, we have a lot of insecurity. If we have to maintain this important national perception, then we need to do much more as a country in terms of improving our internal security.

That is why I think the Jubilee Government needs to take this statement very seriously and positively. Those who are charged with the responsibility of taking care of the security of Kenyans should make sure that this perception does not disappear. If it disappears, as an economy, we are going to suffer in terms of trade and investment.

Those two paragraphs are things that hon. Sakaja and team should have taken advantage of and, from the Floor of this House, spoken to Kenyans, but everybody is talking about the ICC. If I was the writer of this Address, or the President, I would have added---

**The Temporary Deputy Speaker** (Hon. Kajwang’): I can hear hon. Sakaja saying you should have more time because your contribution is music to his ears.

Member for Kiambu, are you sure you have not spoken on this subject? Can I check from the HANSARD?

**Hon. Njomo:** I have not, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Can I just check that shortly?

**Hon. Njomo:** I can confirm to you I have details at my fingertips.

**The Temporary Deputy Speaker** (Hon. Kajwang’): All right. Then you have the Floor.

**Hon. Njomo:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to talk about this good Address by His Excellency the President. From the outset, it was a very good Address. Kenya has been put on the world map by our wildlife, long distance runners, our beautiful countryside and beaches, but all these have all been outshone by the action of His Excellency the President, who decided to honour the summons from the ICC to attend the Status Conference.

After the elections, and during the swearing in ceremony, His Excellency the President and his deputy knelt down before God and before the public of Kenya and swore that they would serve this country selflessly. They prayed to God to give them wisdom and power to do that. The actions that we are seeing are as a result of that humbling, subjecting of themselves to God. That is why they are able to make wise decisions, and move this country to higher levels of development.

Our President has moved this country to a middle income economy. This has made our country be recognised by the international community. He has also been the first President in the world to be elected when indicted by the ICC. This is something that speaks very loudly of Kenya to the international community. We need a statement made by Kenyans telling the international community that whatever happened in our country is our own affair and so we can handle it; we know who is guilty and who is not despite the views of the international community. We know that our President is now the second African President after Nelson Mandela to go and face his personal charges. This was seen as a brave action by our President. It also shows that he respected and trusted his deputy for him to hand over the instruments of power. It has been said here by one of the hon. Members that he did not believe the Deputy President actually took over the presidency. I would like to read to hon. Oburu what the Constitution says in Article 147(3): “Subject to Article 134, when the President is absent or is temporarily incapacitated, and during any other period that the President decides---”

**The Temporary Deputy Speaker** (Hon. Kajwang’): Sorry, hon. Member. To whom are you reading that Article? Did I hear you say that you are reading it to hon. Uhuru?

**Hon. Njomo:** Hon. Oburu Odinga!

**The Temporary Deputy Speaker** (Hon. Kajwang’): Well, I suppose you want to read it to the National Assembly and not to any individual.

**Hon. Njomo:** I am reading to the House to refer to what hon. Oburu had indicated.

**The Temporary Deputy Speaker** (Hon. Kajwang’): That is much better.

**Hon. Njomo:** “Subject to Article 134, when the President is absent or is temporarily incapacitated, and during any other period that the President decides, the Deputy President shall act as the President.”

This is what the President decided. He wanted his deputy to act as President. When I was a child I heard that there were people who wanted to be President even just for a day. This never happened, but we have seen it happen today. This was a very good Speech by the President---

**The Temporary Deputy Speaker** (Hon. Kajwang’): Member for Rarieda.

**Hon. (Eng.) Gumbo:** Hon. Temporary Deputy Speaker, from the outset let me say that what the President did was honourable, but I am not sure if it was heroic. I am also not sure if the President complied with Article 132 of the Constitution. However, what I found admirable is that for a man who was born with a silver spoon in his mouth, the President seems to know of some stories which were told when we used to attend our early elementary schools. These were stories that were told to us when we were seated on rocks under trees in order to make us cope with our wars. One of the stories I remember is that of a farmer who had problems with the rat that was spoiling his grains. He decided to set a trap for the rat. When the rat went into the grain store, it saw the trap and it ran out and cried to the farmer’s pig that there was a trap in the store. The pig told the rat that, that was the rat’s problem and not its problem. So, the rat went to the gate and told the cow about the problem of the trap being in the store. The cow told the rat, “That is your problem and not mine”. When a snake which was coming to catch the rat got trapped in the store and the farmer’s wife came to the store, the snake bit the farmer’s wife. The farmer came back home for lunch and found his wife very ill. He wanted to help his wife and so he went to a witch doctor who told him that he should get the wife pig’s meat. So, the pig went down. Nevertheless the wife died and people came to the funeral. They had to be fed and so the cow went down. Therefore, it became the pig’s and the cow’s problem.

Hon. Temporary Deputy Speaker, in more ways than one, that is where we find ourselves in. The ICC was a personal problem before hon. Uhuru became the President, but it is a problem for all the people of Kenya now that he has become the President. For me, the sooner this matter is over, the better it is for our country. However, I do not agree with those who are saying that the ICC is not necessary. I think the shadow of the ICC was a stabilizing factor in the 2013 elections. We need the ICC to stabilize those despotic regimes that are dotted all over Africa. We must address the question of the horrendous crimes against humanity which were committed in Kenya in 2007 and 2008. Someone did it and unless and until these people are arrested and punished, this country cannot open newly.

As we debate this matter, we cannot hide away from the plight of the 2007/2008 clashes. Those of us who come from areas where the victims are now called returnees or integrated IDPs know the plight of these people. We have thousands of these people amongst us and their plight needs to be addressed.

Finally, I am one person who believes in this country. I know for a fact that for any Kenyan to be tried in a foreign land, there must always be a revolting proposition. I would not in any way celebrate what the President is going through. What we need as a country are solutions for long-term societal conviviality in Kenya. It is shameful that 50 years after Independence we keep fighting ourselves, slashing each other with *pangas* over issues that, in truth, none of us know anything about. So, even as we debate this matter, the reflection should be how we can get long-term solutions to the problems that have bedeviled our country. Kenya, in my opinion, will move forward the day we will attain long lasting societal conviviality among all the ethnic groups in this country.

I thank you.

**Hon. Kombe:** Ahsante Bwana Naibu Spika wa Muda. Kwanza ni shukrani kwake Mola kwa kuniwezesha kunipa nafasi hii kuchangia Hoja hii kuhusu Hotuba ya Rais. Kwa hakika wengi walikuwa wanauia kuitumbukiza nchi hii katika janga ambamo pengine ingekuwa vigumu kwetu kujitoa. Hata hivyo, uamuzi wa Rais kufika mbele ya baraza la kutathmini mashtaka na utetezi ulikuwa ni wa busara. Hatuna budi ila kupongeza hatua hiyo. Hapakuwa na haja ya ndugu Uhuru Kenyatta kwenda katika mahakama hiyo kwa sababu kazi ya siku hiyo ilikuwa ni kazi ya mawakili kutathmini kesi imesimama wapi. Haukuwa wakati wake wa kwenda kujitetea wala wa mashahidi kuongea upande wake.

Kitendo cha kumwachia mamlaka Naibu wa Rais, wengi wetu tulikishuku lakini kilifanyika pasipokuwa na tetesi zozote. Vile vile, kitendo hicho kimethibitisha kwamba Kenya haipo katika hatari ya aina yoyote ya kuhitaji kuokolewa. Ingekuwa Kenya iko kwenye hatari, basi katika hizo siku mbili hilo lingedhihirika. Nchi ilibaki katika hali ya utulivu hadi Rais aliporudi nchini.

Katika Hotuba yake, nilikuwa nafikiria Rais angekemea hatua zinazochukuliwa na wale wanaosimamia mradi wake wa *laptops* kwa wanafunzi wa darasa la kwanza ama wa shule za msingi. Huu ni wakati ambao Rais sharti asimame kidete na aamue na aamuru kwamba huu mradi uanze mara moja hata ijapo ni kwa shule chache humu nchini zilizochaguliwa kutoka katika kila serikali ya kaunti.

Mheshimiwa Spika, nilikuwa natarajia ya kwamba Mheshimiwa Rais angeweza kuangazia mambo yale mengine mbali na uchumi. Miaka 50 baada ya kupata uhuru, sehemu nyingi hazina barabara na maji. Nilitarajia kuwa angeweza kugusia mradi wa barabara ambao tulipitisha hapa Bungeni wa kusema kwamba kila mwaka kilomita ishirini za barabara zitawekwa lami. Hadi hivi sasa hatujui kama jambo hili litatendeka ama la. Ni wajibu wa Serikali na waziri mhusika kuchukua fursa hii kuona kuwa mradi huu wa barabara unakamilika kote nchini ili nchi yetu ipate kupiga hatua na kuendelea mbele (*inaudible*)

**Hon. Speaker:** Member for Nyeri, are you sure you have not contributed?

**Hon. (Ms.) Kanyua:** Hon. Temporary Deputy Speaker, I am well guided and I would like to confirm that I have not contributed to this matter.

Allow me to congratulate the President for having seen it fit to express himself on a matter of national interest in the National Assembly and before the people's representatives. I especially want to congratulate the President on paragraph five of his Speech. He is calling on us not to be anxious. He is telling the Legislature, Judiciary and Executive that, indeed, a great destiny beckons our country.

Hon. Speaker, the President did well to go to the ICC and I think he demonstrated that the rule of law is the only way that we can go as a country. I appreciate the fact that the decision was a difficult one and that it took a lot of courage and humility. He put the country's interest first. I congratulate the move he took of leaving his position to the Deputy President. This has shown all of us the essence of partnership and collegiality with which the two leaders are guiding our country. As a Jubilee member and colleague, I truly ask that all of us learn from that example. When our Chairpersons travel, I hope they will remember to leave their Vice Chairs to act in their positions. The Vice Chairs will, indeed, work well and when the Chairs return we will return the power back to them. We will also be like the Deputy President by not trying to hang on to power that does not belong to us.

More importantly, it is important to mention that I did spend some time on cases of victims of post election violence while at Kituo Cha Sheria. As much as this matter of ICC has continued to make our country struggle, I think that we have failed in the area of sorting out the victims of post election violence. The lesson that we have learnt as a country is that such violence cannot be repeated. We must all say in unison that never again shall our country shed blood as it happened in 2007 and 2008. The major lesson we have learnt is that those events cannot happen again.

Hon. Speaker, speaking as a National Assembly Member, and you did ask for new ideas, I think we should put aside Kshs.1 billion for a reconciliation programme. We have continued to talk about cohesion and national reconciliation while not putting aside any resources. The Committee on Justice and Legal Affairs, a few months ago, did deliberate on this matter and we think that the country should come up with a reconciliation and reparation programme. We need to appoint three church leaders to lead this process. The reason why we call for church leaders is because you and I, as colleagues in law, do know that real forgiveness, reconciliation and reparation can only come from God. Allow our people to get together and visit each other.

In the community that I come from, Nyeri County in particular, there are people who have never left Nyeri. I look forward to a time when people from Nyeri County can visit Nyanza, Western and any other part of this country under that reconciliation programme and get to see how the other people live.

Lastly, on matters of land, we want to get into slum upgrading programmes. Our people in this country no longer need land. What we need is housing; shelter. This country needs a vibrant housing programme. If the amount of money that is spent on IDPs was spent on building houses, we would have magnificent estates to show for the work that has been done.

We also need a memorial for what happened in 2007 and 2008, like the one in Rwanda so that we do not make the same mistake again. This House has to commit money to a reconciliation programme in our country.

Thank you, hon. Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang'): You surely did not disappoint.

Hon. Member for Kwanza!

**Hon. F.K.Wanyonyi:** Hon. Speaker, thank you for giving me this opportunity. I want to make a comment or two on the Presidential Speech. I will not talk about ICC

because I know the President's handlers did a good job to have advised him otherwise because we have been following this for a very long time since the summons were sent. We feared as a country that maybe the President would not go to The Hague to clear his name. I am happy that he did and showed that this country is law abiding.

Secondly is the issue of handing over power to the Deputy President. It was expected. I do not know why people are talking about it. Any time the Head of State is not there, automatically as per our Constitution that you and I passed, the Deputy President takes over. To me, it was just drama.

Thirdly, I will say that Kenya, as you know, has come of age. Some of us who have travelled out there know that people respect this country. I have been to the West, East and the whole of Africa and Kenya is respected worldwide. I also want to thank the Kenyans because they are happy for what happened. I was not there because I was upcountry. I would rather we do not talk of merits and demerits of this case because we are just antagonizing the case. As for me, there is no case and to start talking about it here and there is not proper. I respect the rule of law. We have hon. Members who are lawyers and they know we should not talk about it; rather we should talk about other things. Someone mentioned that, of the Presidential Speech, only three or four paragraphs captured the issue of ICC. He was expected to do that. Again, the fact that he handed over to his deputy, for us in the Opposition, we feel that that may be a preparation for 2017. I have no idea but we cannot rule out that fact. Maybe it was the President testing his deputy to see whether he is ready for 2017. Therefore, we in the Opposition are prepared to face whoever comes in 2017. That may have been a statement being made that in the absence of--- The CORD Coalition which I am a Member of is also prepared to meet whoever will be there in 2017.

Hon. Temporary Deputy Speaker, last but not least, the homecoming I saw was an equal measure of what the CORD leadership had when hon. Raila came back from America. They just wanted to see whether he could have an equal measure of that. His handlers just wanted to find out and you could see the numbers. The numbers were very clear. We carried the day and there is no problem. For the Members of this House who went to The Hague, that was risky. We put all our eggs in one basket. God forbid; should something have happened, this country would be in trouble. If there will be another journey to The Hague, let only a few of them go. The whole world should not go. Imagine such a risk.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Members, the Member for Kwanza has reminded you, quite rightly, of something that we need to consider; the rule against *sub judice*. Let me remind you of Standing Order No.89 which says that no Member can refer to any particular matter which is *sub judice*. "A matter shall be considered to be *sub judice* when it refers to active criminal or civil proceedings and the discussion of such matter is likely to prejudice its fair determination. In determining whether a criminal or civil proceeding is active, the following shall apply:-

(a) criminal proceedings shall be deemed to be active when a charge has been made or a summons to appear has been issued."

Let us warn ourselves and stick to the confines of our discussions.

**Hon. Gethenji:** Hon. Temporary Deputy Speaker, I wish to join hands with other colleagues in congratulating His Excellency the President on what was clearly a

remarkable act of leadership. He exhibited the quality of self-sacrifice and statesmanship that few leaders today are capable of exhibiting. In that single action of handing over the presidency to the Deputy President and honouring the summons to appear at the International Criminal Court, he put a premium on being Kenyan. All Kenyans from all over the world can walk with their heads held high for the mark of leadership and integrity the President showed.

We wish to congratulate the President for considering the sovereignty of Kenyans and the sovereignty of this Republic because the people who were advocating for him to not participate at the ICC were not doing it for the sake of disagreement. The people had specific reasons regarding the sovereignty of this country because in the practice of international law, no sovereign state should subject itself to the jurisdiction of a foreign court. That principle would have forever been changed had the President attended the ICC as the Head of State. It was not for Kenya to make history and set international precedent. We thank His Excellency for considering our sovereignty. We also thank him for considering the African Union (UN) resolution where the member states of the AU passed a resolution that no sitting Head of State or anybody entitled to act in that capacity should be tried for criminal acts in foreign courts. The AU and its leadership must continue to be respected because this is where we draw our strength collectively on this Continent for the world to listen to us. It is only through the AU and the collective voice of the people of Africa that we will find our voice and respect in the world.

In that regard, it is time that we echoed the sentiments of President Museveni. He has already indicated that he would be returning to the AU to seek guidance and maybe implore the leaders of Africa to review and reconsider the court's disregard of the resolution of the AU. The AU is a collection of several member states of the Assembly of State Parties of the Rome Statute and their voice cannot be minimized or disregarded. With regard to the court itself, there are several questions that need to be answered. While not wishing to discuss the specifics of the case as you have given us a ruling on *sub judice*, we must ask ourselves the hard questions: In which court in the world would witnesses perjure themselves? Evidence was disregarded; people proved to have been bribed, coerced and intimidated into giving false evidence and information and yet nothing happens. So, what is this court that we are subjecting ourselves to if what is obviously being attained is through coercion, corruption and bribery? It is time this country reviewed the International Crimes Act and our participation in the Rome Statute and if found necessary, we must withdraw immediately. The role of the civil society in promulgating this process within the ICC must also be investigated to its logical conclusion. We have several evidence and incidents that many of the civil society actors from Open Society, KPTG and AFRICOG have been actively pursuing this case in a very partisan and vindictive manner to implicate and indict the President and Deputy President in disregard of evidence pointing to other actors in the post election violence.

With those few remarks, I beg to support.

**Hon. Kangara:** Hon. Temporary Deputy Speaker, I was a bit anxious; I thought I would not get the opportunity this time. On the issue of how we contribute, I remember when we were called for the Special Sitting; a majority of our Members were not even here. They decided not to come but they are the very first ones now to contribute on this Motion. I think that is double standard.

On the Presidential Speech, I am quite grateful to the President that this is the second time that he has addressed this House in one year and I know constitutionally he is supposed to address us only once. He thought it wise to come and address us on the second Session. That is the respect and honour he has for this Parliament. I thank him for that. As a House, we have to discuss and agree that the President was too patriotic because the issues he raised in his Address were very pertinent and historical.

We should note that he eventually handed over power to the Deputy President. This is not an easy thing, especially to us leaders. Most of us want to cling onto power even with some other people who are rightfully behind us and who support us. We should have respect for other people, even those who are below us, like maybe our deputies. They can also be in-charge in one way or another other.

Hon. Temporary Deputy Speaker, I remember some time back, there was a party that tried to do elections which were botched at Kasarani Stadium. When the party leader was leaving the country, he found it wise to leave power to one of his tribesmen. That shows how insecure leaders are. But the President did not leave the power to a person from his tribe, but to his deputy because he believes that he can deliver.

Hon. Temporary Deputy Speaker, recently we saw people who lost during the last general election, especially party leaders, looking for a way to come back either to the Senate or the National Assembly. They are intending to revoke the nomination of people who are serving in this House. That shows that they feel if they are not in charge, then those other people cannot deliver.

Hon. Temporary Deputy Speaker, there is a case in point, namely the United Democratic Forum (UDF) where the leadership is in the process of removing their chairman, so that one of them can come to this House. But more worrying is the case of the Wiper Democratic Movement; they are in the process of revoking the nomination of one hon. Mutua, who represents people living with disability. I believe he has been doing his job very well and effectively. We serve together in the Committee on Justice and Legal Affairs. He is a very sober person, especially when we are surrounded by lawyers who cannot agree on issues; he has been the voice of reason in that Committee. I would like to urge our hon. Members from the Wiper--- Why would you like to revoke the nomination of a person who is---

**The Temporary Deputy Speaker** (Hon. Kajwang'): Order, hon. Kangara! Confine yourself to matters of fact, which are available from published documentation. Do not bring up issues which are out there to the Floor of the House, when they have not been made public. As far I am aware, the Speaker's office does not know if there is any Member whose nomination is being revoked. Therefore, just confine yourself to things which are factual.

Proceed.

**Hon. Kangara:** Thank you, hon. Temporary Deputy Speaker for that advice.

I was one of the hon. Members who decided to go to The Hague. I paid all my bills and it was a sacrifice. I believe even those others who went to The Hague paid their bills. Nobody was paid for to go on that trip. We settled our bills.

As an hon. Member in the Jubilee Coalition, I believe in the President and I fully support him. There is one person who said in the Bible that he had no silver or gold to give. Likewise, I do not have---



I am sorry, my time is over.

**The Temporary Deputy Speaker** (Hon. Kajwang’): You still had about 20 seconds, but that is all right. When the red light shows, you still have about 20 seconds to go. Therefore, hon. Members, do not feel very pressed.

Let us hear from the hon. Member for Thika Town Constituency.

**Hon. (Ms.) A.W. Ng’ang’a**: Thank you, hon. Temporary Deputy Speaker for giving me this opportunity. I rise to support the Motion on the President’s Address, delivered last week on Monday.

I remember two weeks or one-and-a-half weeks ago, when we did not know exactly whether the President was to go to The Hague or not, temperatures were rising. We were requested through a Gazette Notice to come to the House, so that we can listen to his Address.

Some people opted not to come to the House. I would say that if next time we are called, it will good to come and listen because you cannot pre-empt somebody’s intention, because you may not know what he is about to tell you. You would have to wait and listen, so that you can judge from what that person says.

I want to say that I was very impressed. I saw the President’s humility and courage. He came out as statesman. He came out stronger than we even expected. I know we have had occasions, maybe twice or thrice, when a president gave away power because he wanted to do something. That day when the President delivered an Address, he invoked Article 147 - if I remember well. If I am wrong, you correct me. That was the day when we realized that we are Kenyans; that was so especially, to us elected leaders. We should always put Kenya before our own interests.

During campaign period when the President went to Catholic University where we had all the presidential candidates, he actually said that when that time comes, if it will ever come - it came - he would honour the summons, and would carry that burden as an individual and not as a Head of State. He honoured that. We should praise him for that. He did it with all his heart. He did not have any reservations.

Actually, people expected him to come out very gloomy, but he came out shinning and was happy to make a decision. I would like to say that our President adhered to the rule of law, and did so because nobody is above the law. That is what our President taught us that time and it is a good lesson.

Hon. Temporary Deputy Speaker, as a country we need to have homegrown solutions. I think time has come when the President and his deputy need to be given time to work for Kenyans and deliver on the manifesto they offered Kenyans, and the pledges they gave and said that they were going to deliver and offer Kenyans good leadership.

Hon. Temporary Deputy Speaker, it is time we gave them that opportunity because people woke up March last year and gave them those positions of President and Deputy President. If they are nagged every now and then they cannot deliver on their promises. They need to have healthy minds and concentration in order to lead Kenya to where they promised to take us.

There is a lot. As he said, in Chapter Seven of the Constitution we have a lot of resources that we need to tap and nurture. We have a lot to be done here in Kenya and we need to give our President--- I do not want to comment on the ICC matter. At least, I was there and I heard what was said. I am not a lawyer; I am a lay woman, but I can tell you

from what I heard, I think time has come for Kenyan leaders to be given a break to do what they are supposed to do. The President and his Deputy President need to do what they are supposed to do.

We are not supposed to comment, but we have heard whenever the Deputy President has gone there. Some of the witnesses said that they were paid, others were coerced and others said that they were lying. We have heard all this and they also have a right to be heard. The President and the Deputy President also have a right to be heard; that right also needs to be protected. We need to give them space, so that they can concentrate on their work and be able to lead this great nation of ours to greater heights.

Also, as we have said, in the fullness of time, God will---

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you. Let us hear from hon. Member for Dadaab Constituency

**Hon. M.D. Duale:** Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to contribute to the Motion on the Presidential Address.

From the outset, I want to say that I want to support the Address that His Excellency the President gave before this House. I also want to congratulate His Excellency the President for taking a bold step and going to The Hague. Before that day, there were a lot of media reports where some people were saying that the President should not go to The Hague. I think that we were very worried. I was personally very worried that we would take that advice but today I want to say that I am extremely happy and delighted that His Excellency the President went. This also means that the President was upholding the rule of law and also he humbly left his position to the Deputy President in order to attend the Status Conference.

Now, in Africa we have cases like this. For example, the President of Sudan was supposed to go to the International Criminal Court (ICC) but he declined and today his freedom is very limited. We remember that during the inauguration of our new Constitution, he came in incognito. In fact, he did not land at the Jomo Kenyatta International Airport (JKIA); he landed at the Eastleigh Air Base. We do not want to have a President who has such kind of problem. I want to say that our President did us proud.

I also want to say that if the President did not go to ICC this country would have had a bad name in the international arena and it would have limited our engagement. The President also attends international meetings including the United Nations (UN), African Union (AU) and all the regional meetings like the one he is attending today in Rwanda.

*[The Temporary Deputy Speaker  
(Hon. Kajwang') left the Chair]*

*[Hon. Deputy Speaker took the Chair]*

So, I want to say that I am happy about what has gone on. I am sure that as all the Members who contributed earlier said, there is no case. This is because we feel that the President is being held as suspect without evidence and it is only prudent that the ICC terminates this case. If there is no evidence then the court is also infringing on the rights of His Excellency the President of Kenya.

With those few remarks, I support the Motion. Thank you very much.

**Hon. Deputy Speaker:** Hon. Njagagua.

**Hon. Njagagua:** Thank you, hon. Deputy Speaker for giving me a chance to comment and say one or two words in support of the President's Speech.

Hon. Deputy Speaker, I was in the chamber on that day and I heard our President give his Address to the nation. That is premised on Article 132 of the Constitution which is very clear, that the President may address Parliament any time he so wishes.

Hon. Deputy Speaker, number two, contrary to what the naysayers were saying we saw our President. He came to this House and he exhibited humility. He shed off the powers that were donated to him by the Kenyan people on 4<sup>th</sup> of March last year and went to attend the Hague Status Conference.

Hon. Deputy Speaker, I must again thank the President because if he never attended that session, we would have been what we call today a pariah state. Many people were wishing that he had not gone to The Hague. Indeed, they were laying a trap for him but I must commend his advisers and his wise counsel that he found it fit to attend the sessions in The Hague.

Hon. Deputy Speaker, now speaking as a lawyer, in any court of law if you do not have any evidence as the Prosecutor in ICC has said severally, the better thing to do is apply that the accused be discharged. If that does not happen let the judges acquit the accused. We are shocked, being part of the international community and subscribing to international norms of standards, that the ICC is keeping us in abeyance for reasons better known to them.

Hon. Deputy Speaker, we must say that Kenyans are law abiding and we are leading from the front. The President is leading from the front. So, I personally support what the President did and I say that he is a humble man. Thank you.

**Hon. Deputy Speaker:** Hon. Sylvester Anami.

**Hon. Anami:** Thank you hon. Deputy Speaker for giving me an opportunity to raise my voice as well.

I would like to start by thanking the President for making this historical decision to go to The Hague. By doing that he demonstrated that he is law abiding and that he represents a country and people that respect the law. For me, I was always praying that the President does not decline to go to The Hague. I know I was doing that for myself and for the people of Shinyalu who wished that the President goes there to clear himself. My prayers are with him and all other Kenyans that are facing trial in The Hague.

Hon. Deputy Speaker, from my own experience and having attended court for more than a year, I would never wish anyone to face those tribulations. However, besides the ICC the President came here and made a speech. He talked to this House and raised some very pertinent issues which we need to reflect on. I would like to highlight, above all his reference to the Constitution. The President's reference to the Constitution is very important for us and we need to reflect on this. This Constitution highlights among others the Bill of Rights in a very special way. It highlights among others equitable distribution of resources and citizen participation amongst very many others like devolution and so on and so forth. I would really have loved that the President gives us a way and strategy of getting this to benefit every Kenyan. I think as a House and a responsible arm of Government we need to reflect on this. The President does not have to say everything.

We need to reflect on it and ask ourselves: Where have we come from? Where are we and where are we going?

Hon. Deputy Speaker, the situation of inequality in this country is at its peak and we must address it. The situation of poverty is terrible. We need to address it. If we really want to talk about a middle income economy, and I am happy the President alluded to this, then poverty is one of the issues we need to address in allocation of resources. We, as an arm of Government, must endeavour and must fight for our people so that there is fair distribution of resources and empowerment of our people especially the young generation.

The situation of education is alarming. In the education sector we have a deficit of 95,000 teachers. With a deficit of 95,000 teachers and we are working on a ratio of one teacher to 48 students, it means that 4.5 million children of Kenya are losing opportunities every day and that means the situation of poverty is deepening. We need to reflect on the President's allusion to this and chart way forward.

I am happy that the President alluded to the post-election activities of 2007/2008. What came out of this post-election violence is alarming because we still have Internally Displaced Persons (IDPs).

**Hon. Deputy Speaker:** Hon. Osele, what is out of order? You have sought an intervention.

**Hon. Onyango:** Thank you, hon. Deputy Speaker. Since the President came back from this historic tour, we have heard Members of Parliament pouring praises on him. I have listened to the debate and none is opposing it or is against it. So, I want to seek your guidance whether at the end of the debate this could be construed to mean a vote of confidence or it will be a normal debate.

**Hon. Deputy Speaker:** That is your contribution. If you want us to give him a vote of confidence, that is not for this House to decide. I think you have seen it in the media. This House will debate the President's Speech and do as we normally do. So, allow hon. Anami to finish his contribution.

**Hon. J.M. Nyaga:** Thank you, hon. Deputy Speaker, for giving me an opportunity to contribute to the President's Speech on the handing over power to his Deputy on 6<sup>th</sup> October, 2014, on the Floor of this House. Many Kenyans were extremely worried when the President started receiving advice from some quarters not to attend the ICC Status Conference. Some of us were wondering what would happen if he did not appear. That was the joy of Madam Prosecutor at the ICC because what could have followed was a warrant of arrest. I am sure that could have hampered the work of the President.

Handing over power and attending the Status Conference was a true testimony of a President who is not selfish and is ready to serve Kenyans. He showed humility and love for this country. Above all, he showed respect of the law. I am one of those Members of Parliament who went to The Hague to give the President moral support as a sign of solidarity, but it is unfortunate too because some Members of Parliament here were casting aspersions on other Members. They said that the State could have catered for the expenses of the Members who travelled to The Hague. I just want to confirm even to my constituents that, that was not catered for by the State. I paid for my upkeep and air ticket.

Finally, I would also like to mention about the Special Sitting which all of us attended here. We are not lawyers, but purely, time and again, the Prosecutor has said that she does not have evidence to prosecute the President. It is high time the ICC court clears the President, Deputy and Mr. Sang, if they have no evidence. Postponing this matter up to 2017 as Bensouda alluded when we were all there, means that in 2017, the case will be revived and the President will not be able to campaign and serve Kenyans. That is a clear testimony that the ICC is a political court as has been said before.

Lastly, there is a Member who has mentioned that it is not usual for the President to be in military fatigue or attire. Some of us are missing a point here. The President is the Commander-In-Chief of the Armed Forces and when he is presiding over a passing out parade or is involved in any military activity, it is his right to be in military fatigue. I do not think that is unusual. Therefore, I commend the President for what he did on 6<sup>th</sup> on the Floor of this House. African leaders are regarded as rogue leaders, but he proved to the whole world that he is a President who cares and respects the rule of law. Other presidents should follow suit, especially African Presidents.

With those few remarks, I support.

**Hon. Gimose:** Thank you, hon. Deputy Speaker for this chance to contribute to this wonderful Speech of His Excellency the President of the Republic of Kenya.

First of all, I want to commend him for the manner in which he conducted the affairs of the nation before he left the country. I also want to say kudos to the “former” President; I mean hon. William Ruto, for running this country for 48 hours. That is commendable. The systems were mature and he ran the country in a mature way.

The implication of the presidential attendance at The Hague cannot be minimized. It reflects on the maturity of this presidency and also explains and puts flavour that he is concerned about the victims of the 2007/2008 Post Election Violence. I want to make a statement on what I saw at the Brooklyn Institute of International Studies sometimes in 2010. This was a discussion on human rights imbroglio in this country. This discussion was to the gentlemen from The Hague. We discussed extensively on the nature of this case when evidence was being collected. I was privileged to be the Secretary to that team. At the plenary and looking at the evidence when it was being collected, it was very clear that there was no evidence against the two gentlemen who are running this country; His Excellency the President and his deputy. I believe it is a waste of time. It will come to pass and I wish them well.

The Speech is an important element and a show of the strength of the institutions of this country. It shows that the President has faith in our institutions. He did not panic in handing over power to the “former” President; properly not put, his deputy.

**Hon. Wekesa:** On a point of order, hon. Deputy Speaker. Is the Member in order to continue referring to the Deputy President as the former President? Could you kindly request him to withdraw that and apologise?

**Hon. Deputy Speaker:** Whom do you want him to apologise to?

**Hon. Gimose:** Hon. Deputy Speaker, I do not need to apologise. I know he wanted some time to be heard because he will not be reached.

I want to be very succinct about this point. I have read the law and His Excellency the Deputy President now, took the realms of power. He was in the center of

power and was in control. Therefore, I thank my friend here for that point of order, which is not a point of order to me.

**Hon. Deputy Speaker:** Let me do my job. I have already dismissed that point of order. So, I have given you time to complete what you wanted to say since you have convinced us that you have points and you have decided to call the current Deputy President the “former President”.

**Hon. Wekesa:** On a point of order, hon. Deputy Speaker.

**Hon. Deputy Speaker:** Order, hon. Wekesa! We are not going to belabor this point. This is not a matter that is---

**Hon. Wekesa:** It is going on record in the HANSARD.

**Hon. Deputy Speaker:** Order, hon. Wafula! If hon. Gimose wants to give the Deputy President that honour of calling him “President” just let him do so and then we move on. It is really not a serious matter. As he has told you, he held those reins of power for that period.

**Hon. Gimose:** Hon. Deputy Speaker, I want to tell my friend here that the penultimate truth will ultimately come out.

**Hon. Deputy Speaker:** Please, know that you have finished your time for contributing.

**Hon. Gimose:** Thank you. I wish to support the Speech by the President. I wish to support each and every statement he made in the Speech.

**Hon. (Ms.) Seneta:** Thank you, hon. Deputy Speaker for giving me this opportunity to also contribute to this Speech. The President demonstrated that he respects the rule of law. He demonstrated that every other time the rule of law should be applicable to everyone and all of us should respect it. Another thing that came out clearly was his humbleness. He really humbled himself for the good of the country. He demonstrated his love for this country and respect to leadership.

I would like to congratulate him for recalling Parliament in order to inform the country of his steps. It would look awkward for us to be reading in the media about his decisions, but he decided to call the representatives of the people and conveyed his decision to them. This was very wonderful, in my opinion. We went back home to convey that message to the people of this country.

When the President came back, Kenyans showed their love for this country. This is a country that is loved by its citizens. Kenyans should continue with the spirit that was demonstrated that day. One thing that made me believe in this was when I saw many rural women come from Nakuru, Naivasha and all parts of this country to welcome back the President. This was because of their love for the leadership of this country. That was very wonderful. Kenyans demonstrated to the ICC that this country is more important than an individual. They demonstrated their loyalty to this country.

Even for those ones who were in the streets of Hague, they really demonstrated to the world how much they love Kenya and respect the President of this country. I learnt that we should improve our courts. We need to believe in our courts. That way, we will be in a position to correct ourselves. This was a very educative moment for Kenyans. The President did us proud. He did what an important leader would have done in this world. Thank you.

**Hon. Midiwo:** Hon. Deputy Speaker, I want to be brief. I was just leaving the hospital when I caught a few Members deliberating on this Motion. It is good to be fair. First of all, let me say that I think the President did the right thing to go to The Hague. The options were not there. When you are accused, you appear before court. I think he has shown a great lesson to many Kenyans who snub court summons.

Hon. Deputy Speaker, it is good to demonize the hypocrites around the President. To tell the President to come here to say what the law does not say--- The articles of law say that the President shall address this Parliament in the State of Union once and any other time. This means any other ordinary time and not when Parliament is on recess. What that means is that you can use that window to come here and lobby about policies of your Government. However, you cannot waste taxpayers' money by calling people here and say that you want the Deputy President to act. That Article is self-actualizing. We were with the President in New York the other day. He even addressed the UN General Assembly. Is it to say that at that time there was no President in Kenya? The Deputy President has always acted. In fact, the ICC had ruled that at no one time will they appear in ICC together. For me, it was hollow politics. I do not think anybody believed. I have said that I believe he did the right thing, but I think the Deputy Speaker should not be hoodwinked to think that the President did him a favour. That is a right the DP---

**Hon. Deputy Speaker:** Did I hear you say "the Deputy Speaker?"

**Hon. Midiwo:** I meant the Deputy President. I withdraw. The Deputy President should not be hoodwinked to think that people do him favours. In any case, the Deputy President has been obeying the law; he has been going to The Hague. How come we have never been called here for a Special Sitting when he is coming or going? What is so special about going before a court? He has done the right thing and he has done the only thing he could do.

I want to ask the President that the same way he obeyed the law not to ask his Cabinet Secretaries to disobey the law. This House makes laws and the Cabinet Secretaries must abide by the laws. They need to be questioned. Some people who are misadvising the President do not want the Cabinet Secretaries to come here. They think the Cabinet Secretaries can be in their pockets and that they can order them to do irregular things without being questioned. If you know what is happening to the Karen land – facts will soon come out – you will understand why they want to deal with small committees only, that is, a small committee that is compromised with a piece of land. That is not what we came to do here.

Hon. Deputy Speaker, we did not come here to steal from other Kenyans. That cannot be our job. This time round even Members of this House must face the law the way the President went to face the law. This is particularly with regard to the Karen land issue.

Lastly, the cases of the ICC had witnesses and victims---

**Hon. Chepkong'a:** On a point of order, hon. Deputy Speaker. Of course, I have a lot of respect for the Deputy Minority Leader. However, for him to make very serious allegations against Members without substantiation is not fair. I rise pursuant to Standing Order No.107(d) which states:-

“Conduct is grossly disorderly if the Member concerned-

(d) persists in making serious allegations without, in the Speaker's opinion, adequate substantiation"

Hon. Deputy Speaker, I did not want to intervene earlier on but hon. Midiwo is a senior ranking Member of this House. However, to make allegations that we want Cabinet Secretaries to appear before committees which are properly constituted in accordance with Article 125 of the Constitution is to completely miss the point. For instance, the Departmental Committee on Justice and Legal Affairs can be compromised. That is a very serious allegation that he has made and he needs to withdraw that.

**An hon. Member:** It is a debate!

**Hon. Chepkong'a:** Hon. Deputy Speaker, it is not a debate. He is imputing improper motive against other Members elected like him.

**Hon. Midiwo:** Hon. Deputy Speaker, that is not a point of order. The Standing Order quoted by the hon. Member just shows that we have a crisis of lawyers in Kenya. When you see the Attorney-General misadvising the President, and when you see Mr. Nyachae going contrary to the decisions of a seasoned lawyer like our Speaker, then you know that we have a crisis. When people interpret the law to mean politics of the day, you also know that we have a crisis.

Hon. Deputy Speaker, I wanted to say one last thing. The post-election violence of 2008 left victims. I flew over the Mau the other day and saw Internally Displaced Persons (IDPs). We need to bring The Hague cases to a close because I think they are distracting Kenya. However, people need to know the fate of the victims. We are being disrupted. We have been over-distracted by these cases for far too long. However, my humble request to the Executive is, "please allocate money to settle the IDPs once and for all". This is because too many Kenyans are suffering very many years after and yet we are playing politics in every opportunity we get with their lives.

Thank you, hon. Deputy Speaker.

**Hon. Karani:** Thank you, hon. Deputy Speaker for giving me this opportunity to also contribute to the President's Speech. I will start by thanking the President for the Speech he made to this House on 6<sup>th</sup> of this month. This was a very balanced Statement and it covered very serious issues facing this country. Above all, it proved that he is a statesman.

Hon. Deputy Speaker, the President made a decision on that day which he announced to the Republic and all Kenyans of goodwill were very impressed by the decision. This was a trap set for him to fail to go to the International Criminal Court (ICC) so that he can be indicted like his colleague, Al-Bashir. However, the President was very wise. His advisors were equally wise because they gave him the right advice, he made the right decision and we are very proud of it indeed.

I must admit that I am one of the Members of Parliament who went to their bank accounts, withdrew their own money, paid for the airticket and went to The Hague in solidarity with our President. What shocked me is that the President remained seated for over four hours in that court but did not get a chance even to utter a word. I am not a lawyer but I wondered why you have lawyers to represent you. What was the meaning of telling the President to leave his country, travel all the way to The Hague, stay there for all those hours and contribute nothing in the court? This shows very clearly that this court



was only interested in getting the President indicted so that problems can be put on his way.

Hon. Deputy Speaker, before I went to The Hague, I also listened to one vernacular station which was asking the listeners to contribute to the debate on whether their Members of Parliament should go to The Hague or not. I want to tell Kenyans that it was not only the Members of Parliament who went to The Hague in solidarity with our President. We had very many Kenyans from Germany, Switzerland and other countries in Europe. We also had Kenyans from India who had come to support our President. Those of us who went there did so because we like our country. I think this was the right chance for Kenyans to start thinking very seriously about our country because we are all Kenyans. Whether you like the President or you do not like him, do not look at him with a political eye but look at him as a Kenyan. Whether it is Uhuru Kenyatta, William Ruto or arap Sang, let us view them as Kenyans and stand with them. This is especially when they are having tribulations in foreign countries. Let us stand with them.

Hon. Deputy Speaker, I remember when this case started, one Prosecutor Ocampo told the world in front of all the cameras that he will make the Kenyan case an example to the world. However, going down memory lane or seven years down the line, we have waited to see this example Ocampo was chest-thumping about but it has made the ICC be a mockery of the courts in this world.

With those remarks, I support the Motion.

Thank you, hon. Deputy Speaker.

**Hon. Chepkong'a:** Thank you, hon. Deputy Speaker. I would like to confirm to the hon. Minority Deputy Leader that indeed, this speaker is thoroughly qualified in law and admitted in the High Court. So, I can issue a sentence just to jail you for a day generally for misleading the House.

I just want to take this opportunity to thank His Excellency the President for performing a historic function in this House. This has never happened since Independence. The House has never been recalled for the purpose of the President to address the nation together with the House. This was done in accordance with the Standing Orders and the law.

I must thank the Speaker himself for complying with the Standing Orders by convening this House procedurally. As you know, we are sticklers of rules and procedure in this House. So, for anyone to purport that this House was convened in any other means is certainly misleading himself and not even this House.

We have, indeed, participated in the subject of this matter. I want to thank all the Members. I counted all the hon. Members who went to the ICC. After the Speaker requested those who wished to travel to the ICC to register in his office which we did, I counted the Members who were in attendance until I lost count. We were over 109 Members of Parliament. This included you, hon. Deputy Speaker. In fact, the Kenya National Assembly was convened in the ICC. This is because we even had a Temporary Deputy Speaker, hon. Cheboi, that in the unlikely event that you had some exigencies he was there to stand in for you. There was no other congregation either here in Kenya or anywhere on earth that was such huge including 17 Senators. You know, of course, the quorum for the Senate is only 15 and we had 17 Senators. You also know that the quorum for the National Assembly is 50 Members and we were over 109 Members.

So, those who missed, like my good friend, hon. Jakoyo, I think we can have a cup of tea so that I can tell him how useful it was.

But, hon. Deputy Speaker, when sitting there and listening to this court, I was so surprised. Mr. Ocampo came here telling us that he has a very water tight case. The only thing he came and did is that instead of investigating, he went to watch our flora and fauna. He was being taken round by the late hon. Mutula Kilonzo, enjoying. The only thing he saw was lions. In fact, he promised to buy one but we are willing to donate one for not doing anything in this country. He was supposed to investigate but not to come and do tourism in this country. He told us that he had a water tight case. When we were there, we were asking ourselves: The Kenya Government is being asked to cooperate, cooperate about what yet he had evidence? Hon. Midiwo was suggesting that he has evidence now.

*(Hon. Midiwo stood up in his place)*

**Hon. Deputy Speaker:** Hon. Chepkong'a, allow hon. Midiwo to make his point.

**Hon. Midiwo:** Hon. Deputy Speaker, you wonder sometimes where some of our colleagues read the so-called law. Is the hon. Member in order to say on the Floor of this House which will go on record that the late hon. Mutula Kilonzo, took Ocampo for tours to do nothing without substantiating: without facts? Is he also in order to say in this House and I am sure you would not know, that the Kenya National Assembly was convened at The Hague? Is that something you want to go on record? You have to guide this House and we have school children listening to this kind of thing in the galleries.

**Hon. Deputy Speaker:** Order, hon. Midiwo. I understood the hon. Member to say it could have been convened because of the quorum that was there. I hope that is what you meant. If that is not what you meant, hon. Chepkong'a, we did not convene a session of Parliament at The Hague.

**Hon. Chepkong'a:** Hon. Deputy Speaker, in fact, I totally concur with what you have just said. It is only that my hon. friend did not understand, although he has lived in America for over ten years; probably he listens more to American English than British English and so I excuse him.

*(Laughter)*

As we were seated there, as hon. Members, we were very surprised at the manner in which an African is treating another one. This court has been used to subjugate and relegate Africans to the periphery of international relations. It is very unfortunate that super powers have double standards in terms of what criminal justice is. We are being told that the justice of the victims is more important than the justice of the accused persons. Which law is that?

**Hon. Deputy Speaker:** Hon. Chepkong'a, please do not go into the substance of the case; just make generalities or else we might get into a *sub judice* situation. Just proceed!

**Hon. Chepkong'a:** Hon. Deputy Speaker, you know I respect you a lot but the Speaker ruled the other day that there is no *sub judice* law to an international court. Of

course, you know it is a rule of restraint to us. We restrain ourselves. So as I have just said, all of us were there and it was in our capacities of representation. You know that hon. Kuria who represents Gatundu North, where the President's home is and where he is a voter, had to hand over to hon. Busienei when he left so that he can perform his international functions, which he did very well and I saw him. For anyone to say that there was no proper representation in accordance with Article 95 of the Constitution is misleading himself and the nation. We had proper representation. We were not joyriders. As you have heard previous speakers, we paid from our own pockets and we were not there to sympathize with the President. We were there to empathize with him in solidarity knowing that all those cases, as hon. Midiwo knows and he has confided in me, were fake.

**Hon. Deputy Speaker:** Your time is up!

**Hon. Nuh:** Hon. Deputy Speaker, thank you for giving me this opportunity to contribute to the President's Speech. First of all, I would like to say that the President did the right thing by attending the case in The Hague because as it has been said, there was no other option. If you are called by a court of law, you must attend and the only solution you have is to appear before the judges so that you can hear what they have for you.

Having said that, the issue of convening Parliament and transferring power as has been said that day to the Deputy President was unnecessary. As we speak today, the President is in Rwanda attending a function and we assume that the Deputy President is the Acting President as we speak now. I do not know whether the transfer of power was done today, maybe in the home of the President or State House because we assume that whenever the President is out of the country, then the Deputy President comes in to act. Even that time that the power was transferred, the President even did not stay for long. He should have gone for holiday somewhere else so that the Deputy President could enjoy the trappings of power and being a President for a week. He should have gone for holiday in London. The analogy I am giving here is that when you have a burial at home-

--

**Hon. Chepkong'a:** On a point of order!

**Hon. Deputy Speaker:** Order, hon. Chepkong's, I do not want these altercations between you and the hon. Member. What is serious?

**Hon. Chepkong'a:** Hon. Deputy Speaker, is it in order for hon. Nuh whom I respect a lot to make light of a very serious matter which touches on the life of a person? To go to the ICC is not a tourism thing. He is going there in pursuance of a legal summon that has been issued. He was not there visiting like Ocampo who visited our Nairobi National Park here. He must differentiate the two of them. Hon. Nuh, although he is sitting with the Deputy Leader of Majority Party, he has a way of being mischievous when he is sitting next to him. Of course, he receives instructions but I want him to withdraw.

**Hon. Nuh:** Hon. Deputy Speaker, there is no point of order there, I will ignore it. What I was saying is that, attending the court in The Hague or receiving summons from the Supreme Court here is no different. They are all courts. If you were called at The Hague; you attend. If you are called at the Supreme Court here, you attend. So, let hon. Chepkong'a not behave as though somebody is going to hell when he goes to The Hague. I wanted the Deputy President to be given time because as it has been said, the

event was historic. Power was handed over to the Deputy President so I expected him to wield for some time. The analogy I was giving is that sometimes when you are the chairman of a burial committee, everybody calls you “chairman” but when at 5.00 p.m. the body is put in the grave, nobody calls you “chairman”; it ends abruptly like that. I wanted him to enjoy the power. That is what I meant.

Having said that, I want to say that on this issue of The Hague, let us not close our eyes on it. It is us, Kenyans who have taken ourselves to The Hague. We had the opportunity to form tribunals. We have the opportunity to form courts here locally so that our people can be tried here locally. But when we refused and there were victims; there were people who died, we found ourselves in The Hague. Those people who are peddling lies that so and so; this group or the other group took people to The Hague, are misleading this country. For me, I want these cases of The Hague to end as soon as possible because they are giving undue advantage to our opponent. You saw the ratings when the President went to The Hague. Today I am reading that his ratings have gone up. This Hague issue should end so that we have free and fair elections in 2017. In fact, I want people to be free so that we can face each other face to face without The Hague. Hon. Chepkong’s is in this Parliament courtesy of The Hague. If there was no Hague, hon. Chepkong’a would be looking after his cattle at home in Ainabkoi because The Hague helped him to come here. So, for that reason I want these cases to end so that we have one nation and one people.

With those few remarks, I thank you.

**Hon. (Ms.) Tobiko:** Hon. Deputy Speaker, I thank you for giving me the opportunity to contribute to the Presidential Address in its support.

Let me begin by saying that the President showed a lot of respect for the rule of law. He was also able to give direction to this country and attend his case at The Hague as a person. Those of us who did not go to The Hague prayed for the President and the peace of this country. He has always surprised me. We have Kenyans who always celebrate when they see this country being dragged into the mud or into situations we should not be in. The most powerful states that are in control of the UN system, including the United States of America, have said that even their own dogs cannot ever appear at The Hague-based ICC. If dogs of American people cannot appear at the ICC, why should leaders of this country be subjected to this kind of embarrassment? The ICC is a kangaroo court. We have lost faith in some of the UN institutions that are against the people of this great continent. So, the President did well.

**Hon. Deputy Speaker:** Hon. Wanyonyi, what is your point of order?

Hon. Members, we only have six Members here. We could be magnanimous and give each of them a chance to speak. If you interrupt them with many points of order, we will lose time.

**Hon. F.K. Wanyonyi:** Hon. Deputy Speaker, I just want to ask the hon. Member to withdraw her reference to the ICC as a kangaroo court.

**An hon. Member:** But it is!

**Hon. F.K. Wanyonyi:** Hon. Deputy Speaker, it is wrong for us in this House to refer to the ICC as a kangaroo court.

**An hon. Member:** What is it?

**Hon. F.K. Wanyonyi:** Hon. Speaker, the ICC is an international court. Let us have respect for the law. The Head of State respected the court, and we all said he was right. It is wrong for us to refer to the ICC as a kangaroo court. She should actually apologise and withdraw the remarks.

**Hon. Deputy Speaker:** Hon. Wanyonyi, that is her per personal opinion. It is not reflective of what the Government thinks of the ICC. Of course, as a country, we are signatory to the Rome Statute.

**Hon. (Ms.) Tobiko:** Hon. Deputy Speaker, indeed, it is my personal opinion. I want to go on record that it is my personal opinion of the ICC.

Hon Deputy Speaker, I was going to speak about what the President did when he decided to attend the ICC case. Because of the very good example that he has set, I agree with hon. Midiwo that he should, in the same spirit, allow the Cabinet Secretaries to attend Committee sittings of this august House, so that they can let Kenyans know what they are doing for this country. They will have a chance to give the President the necessary back-up that he needs. If the President could subject himself to the ICC, I do not understand why Cabinet Secretaries should fail to show up in Parliament when they are required to do so.

I congratulate hon. Charity Ngilu. She was courageous. She had nothing to hide, and she was able to defend her position in this House.

**Hon. Deputy Speaker:** Hon. Tobiko, your time is up.

Hon. Members, the number of those who want to speak has increased to nine. I do not know whether we need to pass another resolution on how long one should speak on this debate. Can you, on your own, allow other Members to contribute in the remaining 15 minutes? As we said, everybody is saying similar things. Can you say them in very few words?

Yes, Member for Gilgil.

**Hon. Ndiritu:** Thank you, hon. Deputy Speaker. I will be very brief to allow my colleagues to also say a word.

I start by congratulating His Excellency the President. I support his Speech. I know that there are many people who have commented on it yet they did not even know what he said. For those of us who listened, we know that the Speech is not just about the ICC. The President talked about Government programmes and ongoing development projects. He talked about Kenya's regional and international relations. I especially congratulate the Government for the successful negotiations on the Economic Partnership Agreement (EPA) with the European Union. Had the negotiations not succeeded, my constituents, who rely heavily on the flower industry, would not have jobs. So, the President's Speech had content. It gave us a lot on the state of the nation.

On the ICC matter, this was a deliberate trap to put a tag on the President and put the sovereignty of Kenya at stake. The next thing would be issuance of a warrant of arrest. It was a deliberate way of testing his wisdom. The results are out. He has scored an A-(Minus). We know that he scored 71 per cent. If it was in Mathematics, it would be a straight A. We congratulate Kenyans for showing that kind of approval on the way the President handled the whole affair. I am proud that I was one of those who went to the bank and paid for their air tickets. Those who are in doubt should ask us. They should get

the answers straight. We can even get our bank statements and show them how we got the money to go to The Hague. It was goodwill. It is human to support the President.

The ICC should adjust to the changing circumstances. The Assembly of State Parties gave their voice. Africans have a big voice in the organ. The ICC should listen and appreciate that there are changing circumstances as regards these cases. It is true that we had the tribal clashes. As a Member who represents a constituency where we bore the brunt of the clashes, I would never want us to go back there. As Kenyans, we have established our own ways of resolving our problems and healing our wounds. We would not like---

**Hon. Deputy Speaker:** Hon. Ndiritu, are you really sticking by what we had agreed – to allow other hon. Members to say something on this debate?

**Hon. Ndiritu:** Yes, hon. Deputy Speaker.

We have devised our own ways of healing our wounds. By the ICC taking the position of, maybe, postponing the case until when President Kenyatta leaves office, it means waiting for many years. If they have no evidence, the only option is to terminate the case.

With those remarks, I beg to support.

**Hon. Deputy Speaker:** Yes, hon. John Walukhe.

**Hon. Koyi:** Thank you, hon. Deputy Speaker, for giving me this chance.

I was here on the day the President addressed Parliament. I was happy with the Speech that he gave. We need not lead this country with hatred. If we want to move this country forward, we should be patriotic. We need to love each other. The way the President conducted himself on that day made all of us happy, as Kenyans and Africans. It is not easy for many presidents to share power or give it to their deputies. It was a historical day for Kenya in this country when the President gave power to his deputy.

Hon. Deputy Speaker, I want to take this opportunity to urge our leaders to unite and also support the leadership of this country, namely, the President and his deputy. Politics alone cannot move this country forward. If we continue politicking and hating one another, this country will not move forward. We have so many problems in this country that if given a chance, the President and his deputy are going to move this country forward.

We need to call a spade, a spade. The President of this country respects the Constitution of this country. Again, he respects the rule of law, not only in Kenya, but also in the world. So, we give him credit. As a Member of Parliament, I was impressed by the way the President conducted himself. Even if we are in the Opposition, we should support the President and his deputy to move this country forward.

**Hon. Wambugu:** Thank you, hon. Deputy Speaker for giving me a chance. First, I support the Motion. I also want to congratulate the President for having taken that bold move of handing over power to the deputy and also accepting to go to The Hague to attend the summons.

I know there have been a lot of discussions here about when the President can come to the House to address the nation. From the interpretation of one Jakoyo Midiwo, he said very clearly that it is written that he should address the House on Special Sittings or any other time. However, hon. Midiwo tried to suggest that we need to amend the Standing Orders to include any other ordinary time, but I think it is any other time. The

President can even call for a sitting tomorrow or any other time that he deems necessary, especially when he is handling national issues.

For the President to have taken the bold move to hand over power to the deputy, it is commendable. That was very much in order because we as a nation, are members of the AU and we also abide by their resolutions. One of the resolutions was to make sure that no sitting African President can attend the ICC. That is why for him to make sure that he does not frustrate our country and even the presidency, he had to step down briefly so that he could attend to those summons.

The ICC issue is a bit worrying. At one time, the Prosecutor said that they did not have evidence. Then they are asking the accused to give them evidence, so that they can charge him. Where in the world can that happen? While we continue transacting businesses in this House, I know there is big debate about the Cabinet Secretaries coming to this House, I would encourage the President to force his Cabinet Secretaries to come over. I remember in the last Parliament we installed the live broadcasting systems, so that we could open Parliament to the public, so that they could understand what happens in the Government and even in Parliament. That was to make the Government more transparent. You will remember that in the past, Ministers came here and said that projects would be done when funds would be available.

Hon. Deputy Speaker, we want to have a transparent system where a time like now if they say they will come to Mathioya or they are going to fund a road in Mathioya, then the whole nation and all my people will understand and know that it is the Government that has said that. I support the idea of the Cabinet Secretaries coming to this House. We have the Cabinet Secretary for National Treasury who comes here to present reports to the Budget and Appropriations Committee. What is wrong with the other Cabinet Secretaries coming over?

With those few words, I support. Thank you, Madam Deputy Speaker.

**Hon. Deputy Speaker:** Joseph Limo

**Hon. Limo:** Thank you, hon. Deputy Speaker. From the outset, I want to congratulate our Excellency the President for coming to this House and really briefing us prior to his decision to obey the ICC.

Hon. Deputy Speaker, one thing is that it is very unfortunate for our friends in CORD to refuse to come to Parliament when we had been summoned by the President through the Speaker. It is actually good that we respect the Head of State, whether we belong to the same political party or not. The presidency is a sign of unity and I am sure even the former Prime Minister would have been happy to receive the Members of Jubilee if, indeed, and God forbid he had won the elections. So, I do not understand why our friends refused to come but at the end of the day I also thank the other Members of CORD, almost 60 per cent who attended because they are the voices of reason.

Hon. Deputy Speaker, it is surprising that not many people know what ICC does. If you ask the people who live in that country where ICC is, they tell you they are not aware. That means that court is designed for African countries. In fact, when we were at The Hague, we saw one citizen from Liberia who was talking to our preacher and he was very disappointed that even the prosecutor comes from Africa. They are still perpetuating a lot of lies about Africa. The court has actually admitted that they do not have evidence and we do not understand why the case is still going on. They were waiting for the

President to disobey summons so that they could issue whatever they wanted to issue. However, the President is a true statesman.

Therefore, I want to say I support and I congratulate the President for going to The Hague. Thank you, Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Cecilia Ngetich.

**Hon. (Ms.) Ngetich:** Thank you very much, hon. Deputy Speaker for this opportunity to also add a word to join my colleagues in thanking and congratulating the President for the decision that he made to go to the Hague. This of course we all know was not a very easy decision and I am sure he took a lot of time...

**Hon. Deputy Speaker:** Hon. Members, just to give a chance to the three Members that are still on my table, I will add an extra ten minutes for them to be able to contribute. Hon. Cecilia you can continue.

**Hon. Ngetich:** Thank you, hon. Deputy Speaker. I was saying that it was a decision that he took time to ponder about. Many people were saying he might not go and we were quite happy when he finally made that decision to go. Now, this decision displayed a sign of humility and obedience to the rule of law, not only to our Constitution but also to international laws or statutes. Indeed, it earned him a lot of respect as we confirmed today in the Synovate where his support and trust by the people shot from 43 per cent to 71 per cent.

Secondly, the handing over exercise that was actually done in writing to his deputy not only confirmed the good working relationship that they have but also mutual respect and trust to the Deputy President. I believe many of us who have worked in public institutions, when you leave your deputies behind, you are not so sure whether they will make the right decisions or not but he actually has displayed this sign of trust between the two of them.

Thirdly, he also had the support of his colleagues that are the Heads of State in other African countries because they had already made a resolve that no sitting President should go to The Hague, and they made sure that this did not happen by handing over. He went there as Mr. Uhuru Kenyatta and not as the President of the Republic of Kenya.

On the other hand, I want to take exception with those Members of Parliament who deliberately stayed away during the President's Speech because we know the Address by the President is anchored in the Constitution. It is there and by them disobeying and yet they took oath in this House, it actually was a big let down to their constituents.

**Hon. Deputy Speaker:** Hon. Ngetich, your time is up.

**Hon. (Ms.) Ngetich:** I also want to say to the Opposition, let us remember we have a duly elected President and we should give him the respect that he deserves. Thank you.

**Hon. Deputy Speaker:** Hon. David Wafula

**Hon. Wekesa:** Ahsante sana Mhe. Naibu Spika kwa kunipa fursa hii ili nami nichangie kitendo cha Rais, kitendo ambacho kiliwafedhehesha wengi. Hawa ni wengi ambao walikua wanasema asiende ama anaenda huko kama nani akiwa amebeba mzigo wa Wakenya. Sisi sote tunajua kwamba kuna wengi ambao walikua wanasema asiende huku, nia yao ikiwa kwamba asiende baadaye ajiweke kwa mtego wa ICC. Lakini kwa ujasiri wa Rais wetu, alienda na akafika kule. Sote tuliona kilichoendelea. Tunamuunga



mkono Rais wetu. Tunasema kwamba mtu yeyote ambaye hawezi kumruhusu mwenzake aliyechaguliwa kuongoza, kesho atakuwa hapo na atapata hiyo shida. Sisi pia ni viongozi ambao tulichaguliwa and tunajua kuwa, kule kwetu, kuna wao ambao wanajaribu kupinga uongozi wetu ama maendeleo yetu ili tuanguke wapatenafasi hiyo.

Rais wetu kuenda ICC kumedhihirisha kwamba yeye ni mlinda na mfuata sheria na ako tayari kushirikiana na ICC mpaka kesi hii ikwishe. Tuko na hakika na amani kwamba hii kesi itakwisha.

Kwa hayo machache, naunga mkono.

**Hon. Muchai:** Thank you, hon. Deputy Speaker, for giving me this opportunity to contribute to this Motion. I support the Motion on His Excellency the President's Address to this House.

It will be recalled that in December 2010 six Kenyans were named as suspects bearing the greatest responsibility for the 2007/2008 Post Election Violence. Among these six Kenyans were two great politicians namely; hon. Uhuru Muigai Kenyatta and hon. William Ruto, as they then were, who were fighting to take the mantle of leadership in this country. After the naming of these two, the expectations from the Opposition's leadership at that time was that the ICC would serve as a vehicle to bar the two from running for leadership in this country. These expectations were dashed by the decision later made by the ICC that in no way did the arraignment before that court affect their constitutional rights in Kenya. Later, the two were elevated by Kenyans to the highest offices.

**Hon. Deputy Speaker:** Hon. Muchai, take into account your two colleagues who would also want to have a minute to speak.

**Hon. Muchai:** Yes, hon. Deputy Speaker. The expectations were that after they were elected, the President would not be able to attend the ICC proceedings in that capacity. Again, these expectations were dashed. I want to commend the President for the bold move that he took in bestowing the mantle of leadership in his deputy. This was a demonstration of a very close and cordial working relationship that they are enjoying. I would like to commend the President for the way he has steered development in this country. Particularly, I want to voice my concern that the Standard Gauge Railway line that is coming could be diverted to pass via Kabete given that Kibera is notorious for uprooting the railway line. We will be willing and ready to provide land for the railway line to pass through Kabete Constituency.

**Hon. Rop:** Thank you, hon. Deputy Speaker for allowing me to join my colleagues in congratulating the President for what he did. I was so much impressed. I was not in the House when His Excellency the President gave his Speech. He showed a lot of courage. He is bold enough. He has shown a lot of respect even to his deputy. Sometimes it is not easy for African leaders to hand over power to their colleagues. I am, therefore, happy that the President showed a lot of trust in his deputy. As a result of that we have seen the ratings by the Synovate Group soar. We are now at 71 per cent and this country is now very united. This is a sign of good leadership. His going to the ICC indicates that he has no issues in the first place. This is because if he had any fears then he would not have attended the court session. I liked what he did. We all saw what happened there. I know he will be out of this madness and direct this country in the best direction.

I also wanted to say that the Cabinet Secretaries should emulate that and appear before us when we tell them to come and talk to the nation. They need to tell the nation what they are doing. By fearing to appear before this House, they are not helping this nation. We are all one thing, that is, Members of Parliament, the Cabinet Secretaries and the Judiciary. We are all serving the nation together. I want to encourage the Cabinet Secretaries to be appearing before us so that we can interrogate them on issues pertaining to our respective regions.

**Hon. Erick Keter:** Hon. Deputy Speaker, I want to take this opportunity to thank the President for the way he conducted himself here. Some of us were guessing what was going to take place. At the end of it, we applauded him. He showed maturity in the way he handled his issues. He is courageous and that put us on the international map. The ICC affair has taken much of our country's time and I pray that this comes to an end so that we concentrate on development issues, for example, the laptop project.

I was shocked when some of us obeyed orders from outside this House. I know that nobody has the mandate to tell me not to come to this House save for the people of Belgut. This should be taken seriously. The President belongs to all of us and we should listen to him. I thank him and I would like to support the Motion.

#### ADJOURNMENT

**Hon. Deputy Speaker:** Hon. Members, the time being 6.40 p.m., the House now stands adjourned. We are unable to put the Question as we do not have the quorum. That will be done on Tuesday. Therefore, this House stands adjourned until Tuesday, 21<sup>st</sup> October, 2014 at 2.30 p.m. Please, note that the morning session will not take place as has been advised by the Leader of Majority Party.

The House rose at 6.40 p.m.