

NATIONAL ASSEMBLY
OFFICIAL REPORT
Tuesday, 24th November, 2009
The House met at 2.30 p.m.
[Mr. Deputy Speaker in the Chair]
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RISING INSECURITY IN THE COUNTRY

Ms. Karua: On a point of order, Mr. Deputy Speaker, Sir. I asked for a Ministerial Statement on the 11th of this month. The Chair directed that the Minister in charge of internal security gives that Statement last week on Thursday. I was away on an errand for Parliament. Today, I see the Minister is here, I do not know whether he is ready to give that Statement.

Mr. Deputy Speaker: What was the subject of that Statement?

Ms. Karua: Mr. Deputy Speaker, Sir, the Statement was on the killing along the Nairobi streets of one Njuguna Gitau and the general insecurity in the country, including the murder of very many young men, especially from the Mt. Kenya region.

Mr. Deputy Speaker: Minister, are you ready with the Ministerial Statement?

The Minister of State for Provincial Administration and Internal Security
(Prof. Saitoti): Mr. Deputy Speaker, Sir, I am ready to give the Statement. However, before I do so, I want to clarify one thing.

Mr. Deputy Speaker: If you are not ready, could you allow other Members to seek Ministerial Statements and then you will give it later?

The Minister of State for Provincial Administration and Internal Security
(Prof. Saitoti): Mr. Deputy Speaker, Sir, I am ready. I just wanted to clarify one thing.

Mr. Deputy Speaker: Please, proceed!

The Minister of State for Provincial Administration and Internal Security
(Prof. Saitoti): Mr. Deputy Speaker, Sir, this is as to whether I should proceed before you give me clearance. On Thursday, I was supposed to have been here to answer Questions but previously, I had informed you of the fact that I was going---

Mr. Deputy Speaker: Order! Minister, the Chair indeed did sanction you and barred you from transacting any business in here, pending your adequate explanation on your absence. That was the total absence of you and your Assistant Ministers to answer Questions last time. To the best of my recollection, you have not approached the Chair to explain yourself. You are still under sanctions! So, you are not allowed to transact any business for now.

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Deputy Speaker, Sir, I wanted to give an apology because there is a small misunderstanding.

Mr. Deputy Speaker: Order! The simple tradition is that you approach the Chair privately, explain yourself adequately and the Chair decides and determines on that.

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Deputy Speaker, Sir, I will do so but you remember that on Thursday, I approached you and informed you that I was going to attend a meeting of the pastoralist communities because of the critical situation obtaining in Isiolo and you agreed.

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RISING INSECURITY IN THE COUNTRY

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Thank you, Mr. Deputy Speaker, Sir. It is, indeed, true that on 11th November, 2009, hon. Martha Karua, the Member of Parliament for Gichugu rose on a point of order to seek a Ministerial Statement from me on the rising insecurity in Nairobi and countrywide, especially in view of the recent incidents. She also wanted to know about the circumstances surrounding the death of the late Mr. Gitau Njuguna.

With regard to the killing of Mr. Gitau, it is, indeed, true that he was gunned down on 5th November, 2005 at 4.15 p.m. along Luthuli Avenue. The late Gitau was killed by two unknown persons after a heated argument. The two were walking with him along Luthuli Avenue talking and, it appeared as if the argument arose after which they shot him at close range. There are indications, and we are checking on that, that the victim may have known his assailants quite well, given the fact that they were walking together and they were involved in an argument. Following the killings, the police immediately launched investigations into the murder. We are following crucial leads that may lead into the arrest of the killers. However, I want to lay emphasis here that it was only yesterday that I

impressed upon the police that they have to show me the results of the investigations. They have informed me that, indeed, that they have some leads that may lead them to get closer to the people who were involved. It is not true, as reported in the media, that Luthuli Avenue is covered by Closed Circuit Television (CCTV) cameras.

There are no such cameras on that particular road. On the other hand, it is true that there have been some cases of murder in the recent past arising out of normal incidents of crime in the country. However, I have no information and I will check with the police, as I said much earlier, about the existence of executions of civilians in the country. I also want to inform this House that every killing is treated as a murder and investigations are carried out in accordance with the law. I also wish to confirm to hon. Members, as I said here, that *Kwekwe* -- I do not have to go into that because I have already given an undertaking to cover this matter again tomorrow. Indeed, hon. Waititu has agreed to avail to me information on the identity of members of *Kwekwe*, which I want to get.

On the issue of kidnapping, there have been 20 such cases which have been reported in Nairobi since January, 2009, and seven have been successfully investigated. In four of the cases, the accused were arraigned in court, while in three cases, the victims were rescued with no arrests made. In four cases, the victims were released without paying any ransom while in five cases, the victims were released after paying ransom.

Unfortunately, one victim of kidnapping was found murdered while, in three cases, the victims involved are still missing. Police are investigating the unresolved three cases to ensure that the suspects are arrested and arraigned in a court of law. In a nutshell, there have been 20 cases and action has been taken upon them in a definitive manner.

However, there are three cases where no arrests have been conducted. We are in the process of carrying out investigations on that.

Going by the crime report in Nairobi, the crime rate has declined. If you look at the actual statistics which have been availed to me - and here it is--- I am happy to lay it on the Table of this House.

(Prof. Saitoti laid the documents on the Table)

Comparative figures for Nairobi area covering similar period in 2007, 2008 and 2009 indicate a considerable decline in crime. This has been possible due to the measures that the Government has put in place, and which include the following:-

Revitalizing community policing and formation, reactivation of the DCPs Committees through the National Steering Committee on the Peace Building and Conflict Management. We are also intensifying Peace Building and Conflict Management Initiatives and deployment of more police officers in the streets of our major cities. We have installed CCTV cameras in a few of the streets in Nairobi, street lighting has been undertaken by the Nairobi City Council in collaboration with the Central Business District Community, intensify intelligence led policy, enhancements of capacity for security agents through provisions of vehicles and modern equipment and opening up of additional security establishments. In addition, arrangements are at an advanced stage to commence recovery of arms illegally held by communities and individuals in the North Rift and the Upper Eastern where we are facing many problems.

With the ongoing police reforms, aimed at transforming the Police Department into professional, efficient and accountable police service that can be trusted as an institution of peace and social economic development, I am optimistic that we will secure the country.

Finally, I wish to confirm that the Ministry will strive to ensure that Kenyans live in a safe and secure environment as envisioned in Vision 2030.

Ms. Karua: Mr. Deputy Speaker, Sir, you will notice that the Minister has avoided one very key component of the request for the Ministerial Statement. That is the number of executions in and around Nairobi from January to this time. I deliberately asked about the executions which would include murder and those by the police. I would like the Minister to say when he will avail that information because he has left it out.

However, with regard to what he has answered, I want to draw his attention to the fact that Luthuli Avenue is one of the busiest streets of Nairobi and during the day, in and around Nairobi, especially the business streets, he can confirm or deny the obvious; that there are plain clothed police officers around Nairobi. That is why we see victims of mob justice being rescued. The question I am asking the Minister is this: How come, on a busy street, during the day, Gitau was frog-matched by two men, then shot to death and nobody turned up either to intercept those men or to arrest them and no swoop was conducted on that street. Is it that the police were too comfortable because it was their own operation? What was the reason for that strange behavior?

Mr. Deputy Speaker: We will take a few points of order and then you can respond to all of them at once.

Dr. Khalwale: Mr. Deputy Speaker, Sir, I would like the Minister to confirm that along Luthuli Avenue, we have close CCTV cameras instituted. Could he also confirm that his investigations will include establishing what was recorded on the CCTV cameras and that he intends to immediately install those cameras all over the City? Finally, I recall that subsequent to the murder of Gitau, hon. Bishop Wanjiru, Assistant Minister for Housing, complained that she has received threats that she would meet the same fate and she went to a police station.

Could the Minister inform this house the enhanced security he has given to Bishop Wanjiru and her latest recruit in her church - the leader of Mungiki, Mr. Maina Njenga?

Mr. Imanyara: Mr. Deputy Speaker, Sir, I am glad the Minister has said that he has made certain leads. Could he confirm that those leads arise from the information that was gathered by Mr. Gitau who has been preparing an affidavit with full details of close to 7,000 young men from Mt. Kenya region who had been executed by an execution squad within the Kenya Police, and that the evidence was taken by the police at the murder scene?

Mr. Mbugua: Mr. Deputy Speaker, Sir, the issue of security should not be taken casually the way the Minister has done. Could the Minister confirm that the day Mr. Gitau died, there was an individual who recorded what was happening but has since disappeared?

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Deputy Speaker, Sir, I will begin with what Mr. Mbugua has raised. It is not true that I am taking matters of security in a casual manner. I have made it very clear that matters of security are serious and I am not taking them lightly. Mr. Mbugua has also said that there was a person who recorded the murder as it took place, and that he has disappeared. I think the hon. Member will do me great service if he gives me the name of that individual, so that I can follow up the matter. This is the first time I have received this information. I will be glad to get that information because it will help us a lot.

Mr. Deputy Speaker, Sir, the information Mr. Imanyara has given will help us carry out investigations. This is also the first time I have heard this.

With regard to whether Bishop Wanjiru's security has been enhanced or not, I would like to inform this House tomorrow about the security provided to hon. Members whose lives have allegedly been threatened.

Dr. Khalwale has said that there are CCTV cameras along Luthuli Avenue but the information I have is that this Avenue is not covered by these cameras. If, indeed, the hon. Member has information to the effect that those cameras are in place, I would like to have it. This is because if the CCTV cameras are installed along that road, certainly, the incident which took place should have been recorded. A question has been asked as to when we will install the CCTV cameras in the streets of Nairobi and its environs. I would like to assure this House that we are taking this matter seriously. We are waiting for the resources to be availed by the Treasury to install those cameras. We will also install these cameras in Mombasa and other cities because they are extremely important.

Mr. Deputy Speaker, Sir, we need a comprehensive reform programme in the police because we have had major shortcomings in this force. I would like to say that these shortcomings did not start yesterday. We inherited the colonial police when we gained Independence. Although we have made minor changes here and there, the training and behavior has remained the same. That is why we need major reforms and we will carry them out.

Ms. Karua: Mr. Deputy Speaker, Sir, may I seek another clarification?

Mr. Deputy Speaker: You only need to seek one clarification so that we can proceed.

Ms. Karua: Mr. Deputy Speaker, Sir, the Minister has not answered the question I have asked. I have said that there are plain clothes police officers along every busy street and I wonder what they were doing on that day. Why was there no swoop or rapid response after the shooting of this young man?

I salute the Minister for admitting that the police need reforms. When will the reforms be carried out? What is he waiting for? Could he begin by making every police officer accountable for his or her actions? Could he also begin by not accepting that every time a person is shot dead, he or she is a criminal? Could the Minister start by making the officer involved go through an inquiry? People are being killed like flies in this City!

Could the Minister draw his attention to these issues?

Mr. Deputy Speaker: Mr. Waititu, seek your clarification.

Mr. Waititu: Mr. Deputy Speaker, Sir, everybody knows very well that the former leader of Mungiki, Mr. Maina Njenga, has publicly declared that he is saved and his followers too are saved. Could the Minister assure us that the police will not pursue the former Mungiki members who have been saved?

The Minister of State for Provincial Administration and Internal Security

(Prof. Saitoti): Mr. Deputy Speaker, Sir, in response to Ms. Karua's question, the police officers who were patrolling the area are also subject to the investigation that is being carried out. Indeed, I have directed for a thorough investigation. I do not care who it is.

My concern is that a human being has died and we cannot keep on having unresolved murders. This is a completely new era. It is true that one of the reforms that we have instituted, and can be carried out administratively, because we have to await the formalization of the major report which was presented to us at the beginning of November---

Mr. Deputy Speaker, Sir, delegated responsibilities have now been given from the Police Headquarter to the Provincial Commanders. The Officers Commanding Police Divisions (OCPDs) will now be totally responsible and accountable for whatever happens in their police stations. In the past, that was not the case. This has already been done.

There are quite a number of other things that have been done. For example, there is now a reduction in the number of road blocks on our roads. We have also given instructions, that the only road blocks that will remain on the roads, are the ones which will specifically deal with the security situation at that particular time.

We are waiting for the Cabinet to approve the report before we can embark on major reforms. There are quite a number of changes which will come into the picture. There will be legislative, institutional and constitutional changes. Obviously, these changes need to be approved by the Cabinet. As a matter of fact, I hope there will be an Implementation Committee of the Reform as soon as possible. I hope it will be there, by the end of next week.

Mr. Mbugua: On a point of order, Mr. Deputy Speaker, Sir. The Minister is not answering the question that was asked by the hon. Member.

Mr. Deputy Speaker: The Minister was not supposed to answer a question. There was no question that was asked.

Mr. Mbugua: Mr. Deputy Speaker, Sir, he is not answering the clarification.

Mr. Deputy Speaker: Order! Mr. Mbugua, you do not need to answer to a clarification, but seek it. What is the clarification?

Mr. Mbugua: Mr. Deputy Speaker, Sir, the Minister says they are embarking on reforms. However, we know some police officers stay in a police station for more than three years because of their god fathers. Why is this so when he is talking about reforms?

What reforms is he carrying out? That was the question asked by the hon. Member.

The Minister for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Deputy Speaker, Sir, it is fair enough for hon. Mbugua to really appreciate the fact that it is only a few months we appointed a task force to carry out a survey on the areas that need to be reformed. Three weeks ago, we received the final report on the reforms that should be carried out by the Government.

I would like to ask my very good friend, hon. Mbugua, to hold his horse and, probably, ask that question in the beginning of next month.

(Ms. Karua and Mr. Waititu stood up in their places)

Mr. Deputy Speaker: Order! Mr. Waititu, this was not a debate. This was a Ministerial Statement that was sought by the hon. Karua. Essentially, when the Minister gives Ministerial Statement, hon. Members are supposed to seek a few clarifications on the content of the statement that he has given. Should you wish to interrogate it very broadly, then there are provisions in the Standing Orders for you to come to this House and treat it differently from the way you are treating it now. We cannot turn that into a debate now.

Hon. Karua, you are going to seek one final clarification, basically on the content of the Minister's Statement. That is the end of it.

Ms. Karua: Mr. Deputy Speaker, Sir, I do not even wish to seek any clarification. I just want to draw your attention, Sir, that the Minister did not answer one critical question. How many people have been executed within Nairobi since January this year?

That was missing from his Statement. Could he undertake to bring that information tomorrow?

Mr. Deputy Speaker: There is a document that the Minister has tabled.

Ms. Karua: Mr. Deputy Speaker, Sir, I have looked at it. It is only indicating prominent personalities executed. I was looking for all Kenyans, not only prominent personalities. So, could he, please, give a list of all persons executed

within Nairobi, since January this year? People who are not prominent are also human beings!

Mr. Waititu: Mr. Deputy Speaker, Sir, considering that the former leader of *Mungiki* has declared that all *Mungiki* members have turned to Christianity and we expect them to change, could the Minister ask the police officers not to harass former *Mungiki* members?

Mr. Deputy Speaker: Did you seek a Ministerial Statement on the same before? Do you realise what you are asking was not captured by the Ministerial Statement that was sought by Ms. Karua?

Mr. Waititu: Mr. Deputy Speaker, Sir, this issue is very important in Central Province because many of our people have lost their lives in the past. The leader of *Mungiki* members has asked them to change and embrace Christianity as a way of living.

However, the police officers are still pursuing them. Could he ask them not to pursue former *Mungiki* members?

The Minister for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Deputy Speaker, Sir, in reference to the question being asked by hon. Waititu, I think it is good to appreciate one thing; when it comes to a matter of human life, the Government has an obligation to protect it. The particular that you check whether this person is disabled, or belongs to such and such religion, is immaterial. Our obligation is to ensure that we protect every life. I want to make that very clear.

Hon. Karua wants to know the people who have been executed. Let us agree one thing. It is the definition of "execution". When it comes to the question of people who have actually been murdered, I want to say that the information I had which is contained in this particular table is that from the 1st January, to the 12th November, 2009, 76 people have been murdered. Last year, December, 2008, the number was 105, which was much higher. When you look at the same period, December, 2007, the figure was 126. I can only give you that information under the category of murder. The issue of execution is a murder, but then you need to qualify it with some evidence.

Mr. Deputy Speaker: Next Order!