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THE NATIONAL ASSEMBLY

HON. PETER MUNTHI CHAIR, ADMINISTRATION AND, NATIONAL SELVRITI (AM)

#### TWELFTH PARLIAMENT - SIXTH SESSION -

# DEPARTMENTAL COMMITTEE ON ADMINSTRATION AND NATIONAL SECURITY

#### REPORT ON THE

PUBLIC PETITION NO. 40 OF 2021 REGARDING COMPENSATION FOR INJURIES AND LOSS OF PROPERTY AS A RESULT OF POLITICALLY INSTIGATED SKIRMISHES IN GITHUNGURI, KIAMBU COUNTY IN 1997

CLERK'S CHAMBERS
DIRECTORATE OF COMMITTEE SERVICES
PARLIAMENT BUILDINGS
NAIROBI

**JUNE, 2022** 

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#### CHAIRPERSON'S FOREWORD

This Report contains the Committee's proceedings on the consideration of the Public Petition regarding compensation for injuries and loss of property as a result of politically instigated skirmishes that occurred in Githunguri, Kiambu County in 1997. The Petition by Mr. Samuel Gilbert Njenga Karumbi is dated 13<sup>th</sup> August 2021, was received to the National Assembly on 16<sup>th</sup> August 2021 subsequently committed to Departmental Committee on Administration and National Security on Wednesday September 29<sup>th</sup> 2021 for consideration pursuant to Standing order 227(1).

The Committee was required to respond to the Petitioner by way of a report addressed to the Petitioner/Petitioners and laid on the Table of the National Assembly not more than sixty (60) calendar days from the time of reading the prayer.

In processing the Petition, the Committee invited submissions the Petitioner and the Ministry of Interior and Coordination of National Government. The Committee analyzed these submissions and prepared the report.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during the consideration of the Petition. Finally, I wish to express my appreciation to the Honorable Members of the Committee and all the stakeholders who made useful contributions towards the preparation and production of this report.

On behalf of the Departmental Committee on Administration and National Security and pursuant to provisions of Standing Order 227(2), it is my pleasant privilege and honor to present to this House the report of the Committee on its consideration of the Public Petition No. 042 of 2021 regarding compensation for injuries and loss of property as a result of politically instigated skirmishes that occurred in Githunguri, Kiambu County in 1997.

HON. PETER MWATHI, CBS, M.P

#### **EXECUTIVE SUMMARY**

The Public Petition No.040 of 2021 regarding compensation for injuries and loss of property as a result of politically instigated skirmishes that occurred in Githunguri, Kiambu County in 1997. The Petition by Mr. Samuel Gilbert Njenga Karumbi is dated 13<sup>th</sup> August 2021, was received to the National Assembly on 16<sup>th</sup> August 2021and subsequently committed to Departmental Committee on Administration and National Security on Wednesday September 29<sup>th</sup> 2021 for consideration pursuant to Standing order 227(1).

The Petitioner stated that on 10<sup>th</sup> December, 1997, politically motivated thugs burnt down his three houses and a Toyota Pickup, injured his mother, slashed six cows to death, uprooted bananas and maize in the farm, after his brother lost in the KANU parliamentary nominations. The Petitioner thus prays for compensation.

The Committee received submissions from the petitioner, and the Ministry of Interior and Coordination. Their submissions in determination of Committee's recommendation.

#### **PREFACE**

## 1.0 ESTABLISHMENT AND MANDATE OF THE COMMITTEE

#### Hon. Speaker,

- 1. The Departmental Committee on Administration and National Security is established in accordance with the provisions of Standing Order 216 of the National Assembly. Its mandate as provided for in S.O. 216(5) includes, among others:
  - i. investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
  - ii. study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
  - iii. study and review all legislation referred to it;
  - iv. study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
  - v. investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
  - vi. to vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments); and
  - vii. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.
- 2. In executing its mandate, the Committee oversights the functioning of the following Ministries and Departments:
  - i) Ministry of Interior and Coordination of National Government
    - a) State Department of Interior
    - b) State Department of Border Control, Immigration and Registration of Persons.
    - c) State Department of Correctional Services
  - ii) The National Police Service Commission
  - iii) The Independent Policing Oversight Authority
  - iv) The Public Service Commission
- 3. According to Schedule II of the Standing Orders, the subjects under the purview of the Constitution as follows:
  - i. National Security;
  - ii. Police Services;
  - iii. Home Affairs;
  - iv. Public Administration;
  - v. Public Service,
  - vi. Prisons;
  - vii. Immigration



#### **CHAPTER ONE**

#### 2.0 BACKGROUND

- 4. The Public Petition No.040 of 2021 regarding compensation for injuries and loss of property as a result of politically instigated skirmishes that occurred in Githunguri, Kiambu County in 1997. The Petition by Mr. Samuel Gilbert Njenga Karumbi is dated 13<sup>th</sup> August 2021, was received to the National Assembly on 16<sup>th</sup> August 2021 and subsequently committed to Departmental Committee on Administration and National Security on Wednesday September 29<sup>th</sup> 2021 for consideration pursuant to Standing order 227(1).
- 5. The Petitioner who claimed to be sixty-two (62) years old and hailing from Ria Githu Village in Githunguru, Kiambu County, stated that on 9<sup>th</sup> December 1997, the Kenya National Union (KANU) party held nominations in Githunguri Town and his brother Mr. Stephen Waweru Njenga was one of the candidates vying for KANU nominations for Githunguri Parliamentary seat.
- 6. He explained KANU nominations were tense, and massive protests continued overnight. On the next day 10<sup>th</sup> December 1997, politically motivated thugs came to their homestead and burnt three houses, injured their mother's eye with an axe, burnt a new Toyota pick-up van slashed cows to death, uprooted bananas and maize from the farm, and caused considerable damage to the entire homestead while mocking them following the brother's loss in the KANU parliamentary nominations.
- 7. He further noted that his mother was hospitalized following the axe attack, and the father passed away in 2009 under great distress and anguish following the destruction of property that had left them poor while his brother was shot dead in 2011while serving as the Director of the Mboi Kamiti Farmers Company.
- 8. He alluded that the local government administrators and law-enforcement officers at Lioki Police Post failed to stop the politically instigated attacks despite having been given advanced warning of the impending attacks by his father, the late Mzee Njenga Waweru.
- 9. He noted that the attacks left him and his family wallowing in poverty because all he had worked for was destroyed by the attacks.
- 10. The Petitioner Was seeking compensation for the politically instigated destruction of his property and his livelihood,
- 11. The Petitioner alleged that he had tried to request police officials at Jogoo House as well as the Ministry of Interior officials for intervention but no fruitful action had been taken.

#### 2.1 RIGHT TO PETITION PARLIAMENT

12. The right to Petition Parliament is provided for under Article 119 of the Constitution, which provides as follows: -

- "Every person has a right to Petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation. Parliament shall make provision for the procedure for the exercise of this right."
- 13. The Petition therefore falls under the Committees mandate under National Assembly Standing Order 227(1). In addition, standing orders 227(2) outlines the procedure for committal of a Petition to a Committee and transmission of its decision to the Petitioner. Further, the Petition to Parliament (Procedure) Act, 2012 provides for the procedure to be followed in the submission, processing and consideration of a Petition.
- 14. Articles 94 as read together with Article 95 of the Constitution further provides for the role and by extension the authority of Parliament in general and the National Assembly in particular. Generally, the Houses of Parliament exercise the legislative mandate of the people, deliberate on matters of national interest and oversight the exercise of power by other arms of government.
- 15. Public participation is now a guaranteed process in Kenya. The constitution in various chapters and clauses require that public participation be undertaken at all levels of government before government officials and body make official decisions.
- 16. Public participation is having an open, accountable and structured process where citizens or people or a segment of a community can interact, exchange views and influence decision making. Actually, public participation is part of a democratic process.

#### **CHAPTER TWO**

#### 3.0 SUBMISSIONS ON THE PETITION

#### 3.1 SUBMISSIONS BY CABINET SECRETARY DR. FRED MATIANG'I

- 17. On 11<sup>th</sup> November, the Cabinet Administrative Secretary appeared on behalf of the Cabinet Secretary and made the following submissions;
  - i. The Petitioner, Mr. Samuel Gilbert Njenga Karumbi was son of Njenga Waweru who passed on in 2009, and the family resided in Ngenia Village, Kimathi sub location, Ngewa location in Githunguri division.
  - ii. He was a brother to late Stephen Waweru Njenga who was at one time elected the Director of Mboi Kamiti Land Buying Company and rose to the position of Chairman.
- iii. On 6<sup>th</sup> December 1997 a report was made at Githunguri Station vide OB/06/06/12/97 CR 216/395/97 on the murder of one Mr. Muigai Christopher. Irate members of the public attacked the family of Njenga Waweru (father to the petitioner) accusing him of carrying out the murder. Later that day, at 1100hrs, Mr. Stephen Waweru Njenga reported malicious damage to his property, at the same police station vide OB/07/06/97 CR260/397/97. He stated that Mr. Patrick Kang'ethe Njau, Mr. Evans Njoroge Karanja, Mr. James Kamau Muniu and Samuel Kinga Mukei had destroyed everything in his homestead; killing all cows and burning them together with his house and that of his mother. The case was taken over by Kiambu County Directorate of Criminal Investigations Headquarters.
- iv. Following investigations Stephen Waweru was arrested, tried and convicted of murder and ordered to serve term in jail, however he was later released on presidential pardon.
- v. The police have reports that the family of the late Njenga Waweru was involved in a land dispute with the widow of the late Stephen Waweru Njenga. It is said that Njenga Waweru took a loan and gave the family land as security but defaulted in paying the same.
- vi. In order to protect the land from auction Stephen Waweru Njenga stepped in and paid off the loan which his father Njenga had defaulted on; with the understanding that Stephen Waweru Njenga would get four acres of the subject land.
- vii. Four acres of land remain the centre of conflict between Stephen Waweru Njenga's wife and other family members.

#### 3.2 PETITION BY SAM GILBERT NJENGA KARUMBI

- 18. While appearing before the committee on 11<sup>th</sup> November 2021, Mr. Sam Gilbert Njenga Karumbi made the following submissions:
  - i. The land documents according to Kiambu Land Registry confirmed that the land certificate is in his father's name, Late Njenga Waweru 4/7 and late Martin Kungu Kanguri 3/7. See attached
  - ii. The land issues in his petition as it had nothing to do with Burnt houses and destroyed properties. The land Githunguri Kimathi 607 has a long case history as the late Martin Kungu was irregularly registered in the land certificate over 50 years ago and has never set his foot on the said property
- iii. The case in the High Court where the late Stephen Waweru's wife was blocking the Petitioner from building a permanent house was ruled in favour of the petitioner.
- iv. His late brother had the intention of grabbing the family land with the assistance of the late Martin Kungu.
- v. At no time did the father use the land title deed to obtain a loan from any individual or institution.

Consequently, the Petitioners prayer to the National Assembly through the Departmental Committee on Administration and National Security was;

- i. To compensate the family for the burnt homes and destruction of properties.
- ii. Makes any other recommendations it deems appropriate in the circumstances of the petition.

#### **CHAPTER THREE**

4.0 ISSUES FOR DETERMINATION AS PER THE PRAYERS SOUGHT IN THE PETITION

The Petitioner prayed that the National Assembly prevails on the Government to compensate the family for the burnt homes and destruction of property

#### In respect of this prayer, the Committee adduced the following evidence on record

- 19. The incident on which the Petitioner is basing his prayers to the National Assembly, happened on 9<sup>th</sup> December, 1997, over 25 years ago. The Petitioner made his appeal for compensation 10 years after the incident on 10<sup>th</sup> July, 2017.
- 20. Based on a Report made at Githunguri Police Station, vide OB number OB/07/06/12/97 CR 216/397/97 on 6<sup>th</sup> December, 1997, the matter under consideration in the Petition was investigated by the Directorate of Criminal Investigations, leading to the arrest of Mr. Stephen Waweru Njenga, a brother to the Petitioner. Mr. Njenga was tried and convicted of murder and ordered to serve time in jail.
- 21. There is no evidence adduced before the Committee linking the attacks at the homestead of Mzee Njenga Waweru to the 1997 KANU nominations for the Githunguri Parliamentary Seat. The attacks seem to have been triggered by the murder of on Mr. Muigai Christopher. The eventual trial and conviction of Mr. Stephen Waweru Njenga confirms this position
- 22. No record was produced before the Committee to ascertain the status of the report made against messers Patrick Kangethe Njau, Evans Njoroge Karanja, James Kamau Muniu and Samuel Kinga Mukei who were reported vide OB/07/06/97 CR 260/397/97 as the perpetrators of the attack.
- 23. There is a land dispute in the Petitioner's family pitying the late family patriarch against one of the sons, Mr. Stephen Njenga Waweru. This could have also triggered the attack.

#### 4.0 COMMITTEE RECOMMENDATION

Having considered the Petition pursuant to Standing Order 227(2), arising from the above observations, the Committee makes the following recommendation:

In light of the fact that the prayer by the Petitioner is a matter which falls under the jurisdiction of the Courts, it is recommended that the Petitioner seeks legal redress through the criminal justice system

Sign

Date ... O. 1..

THE HON. PETER MWATHI, MP

CHAIRPERSON, DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY

# ME MO

TO

DIRECTOR, DEPARTMENTAL COMMITTEE

SERVICES (NA)

**FROM** 

DATE

SUBJECT

HEAD OF THE TABLE OFFICE |. Adan Gindidda

SEPTEMBER 29, 2021

PUBLIC PETITIONS

Adan Gindidda

Consideration

PLA facilitate

File facilitate

PLA facilitate

The following Petitions were presented to the House today, Wednesday, September 29, 2021 (Morning & Afternoon Sittings): -

- a) Public Petition Regarding compensation for injuries and loss of property as a result of politically instigated skirmishes that occurred in Githunguri, Kiambu County in 1997 (Referred to the Departmental Committee on Administration & National Security); and
- b) Public Petition Regarding proposal for repeal of sections of the Universities Act, 2021 pertaining to the Elections of University Student Leaders (Pursuant to S.O.225(2)(b)) (Referred to the Departmental Committee on Education & Research).

Enclosed, please find the said Petitions for your necessary action.

R. K. TIAMPATI

Copy:

Clerk of the National Assembly

Deputy Clerks

Director, Legislative & Procedural Services

(Encls).



for Speakers the NATIONAL AND THE NATION



# REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY (FIFTH SESSION)

### CONVEYANCE OF PUBLIC PETITION

(No. 042 of 2021)

REGARDING COMPENSATION FOR INJURIES AND LOSS OF PROPERTY AS A RESULT OF POLITICALLY INSTIGATED SKIRMISHES THAT OCCURRED IN GITHUNGURI, KIAMBU COUNTY IN 1997

Honourable Members, Standing Order 225(2)(b) requires the Speaker to report to the House any petition, other than those presented by a Member. Further, Article 119 of the Constitution provides for the right of any person to petition Parliament to consider any matter within its authority, including petitioning the House to enact, amend or repeal any legislation.

In this regard, **Honourable Members**, I wish to report to the House that my office has received a petition from Mr. Samuel Gilbert Njenga Karumbi of P.O. Box 32180 Nairobi seeking compensation for the loss of family property destroyed as a result of skirmishes that occurred in Githunguri, Kiambu County in 1997.

The 62-year old Petitioner who hails from Ria Githu village in Githunguri avers that on 9th December 1997, the Kenya African National Union (KANU) Party held party nominations in Githunguri Town in which his brother Mr. Stephen Waweru Njenga vied for nomination for the Githunguri parliamentary seat. Disputes arising from the party nominations led to politically instigated skirmishes where thugs burnt three houses, maimed his mother with an axe, burnt a new pick-up van, slashed six cows to death, uprooted bananas and maize from the farm, and caused considerable damage to the entire homestead while mocking the family following his brother's loss in the nominations.

Honourable Members, the Petitioner, who has unsuccessfully attempted to obtain redress from the Ministry of Interior and Coordination of National Government, seeks the intervention of this House in order to secure compensation for the loss of property and distress occasioned to his family.

Honourable Members, having determined that the matters raised by the Petitioner are well within the authority of this House, I order that, pursuant to the provisions of Standing Order 227(1), this petition be committed to the Departmental Committee on Administration and National Security. The Committee is required to consider the petition and report its findings to the House and the petitioner in accordance with Standing Order 227(2).

I thank you!

THE HON. JUSTIN B.N. MUTURI, EGH, MP

SPEAKER OF THE NATIONAL ASSEMBLY

Dated 2892021

# PETITION TO THE NATIONAL ASSEMBLY FOR COMPENSATION OF FAMILY PROPERTY DESTROYED FOR POLITICAL REASONS IN RIA GITHU IN GITHUNGURI

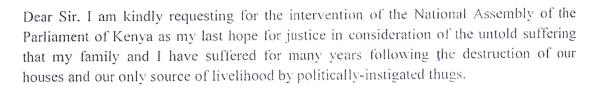
THE CLERK OF THE NATIONAL ASSEMBLY

PARLIAMENT OF KENYA

P.O. BOX 41842, CODE 00100

**NAIROBI** 

13th August 2021



The details of my Petition are as follows:-

- 1. **THAT**, my name is Mr. Samuel Gilbert Njenga Karumbi. and am 62 years old and hailing from Ria Githu village in Githunguri. Kiambu County.
- 2. **THAT.** on 9<sup>th</sup> December 1997, the Kenya African National Union (KANU) Party held party nominations in Githunguri Town, and my brother Mr. Stephen Waweru Njenga was one of the candidates vying for KANU nomination for the Githunguri parliamentary seat.
- 3. THAT, the KANU nominations were tense, and massive protests continued overnight.
- 4. **THAT**, on the next day of 10<sup>th</sup> December 1997, politically-motivated thugs came to our homestead and burnt three houses, injured my mother's eye with an axe, burnt a new Toyota pick-up van slashed six cows to death, uprooted bananas and maize from the farm, and caused considerable damage to the entire homestead while mocking us following my brother's loss in the KANU parliamentary nominations.
- 5. THAT, my mother had to be hospitalized at Nairobi Hospital following the axe attack.



# PETITION TO THE NATIONAL ASSEMBLY FOR COMPENSATION OF FAMILY PROPERTY DESTROYED FOR POLITICAL REASONS IN RIA GITHU IN GITHUNGURI

- 6. **THAT,** my father passed away in 2009 under great distress and anguish following the destruction of property that had left us suffering in poverty, while my brother was shot dead in 2011 while serving as a director of the Mboi-Kamiti Farmers Company.
- 7. **THAT,** the local government administrators and law-enforcement officers at Lioki police post failed to stop these politically-instigated attacks despite having been given advance warning of the impending attacks by my father, the late Mzee Njenga Waweru.
- 8. **THAT**, the attacks left me and my family wallowing in poverty because all the hard work we had done for many years was destroyed in the attack.
- 9. **THAT,** I am seeking compensation for the politically-instigated destruction of my property and my livelihood, knowing that if the government officers had heeded to the advance warnings as well as to the tension created by the KANU nominations then this attack and property destruction would not have taken place.
- 10. **THAT,** I have unsuccessfully tried to request police officials at Jogoo House as well as Ministry of Interior officials for invention but no fruitful action has been taken as can be seen from the letters that I have attached to this petititon.
- 11. THAT, this matter is not before any court.

Kindly Mr. Clerk Sir, please assist us to get justice through the intervention of the National Assembly to enable me compensated for the three burnt houses, burnt household goods and lost revenue resulting from the farm crops that were destroyed.

I shall highly appreciate your assistance. Thank you Sir.

Yours Faithfully,

SAMUEL GILBERT NJENGA KARUMBI

P.O. BOX 32180, CODE 00600

**NAIROBI** 

IDENTITY CARD 0355862

TEL. 0722301848/0736555958

Warshouse CENTRI STREET, OLD BRITUAL BUILDING, HENT TO CONTRIENTAL FOREX BUREAU, YEL: SDOCES

Thursday, December 11, 1997 Price: KShs 25/00

THE acquisition of KTN by the East African Standard marks the start of a new era in the development of the Kenyan media, according to Eob Slott, Managing Director of the newspaper. The taleover, formally announced at lunchtime yesterday, brings together the country's oldest newspaper and Kenya's only major privately-owned television station.

The combination of the companies, Hot said would lend to a more comprehensive news services for TV viewers, while advertises with receive the combined sales expertise and unique marketing opportunities. Owning a belovision station in a competitive marketing opportunities. Owning a belovision station in a competitive marketing opportunities. Owning a belovision station in a competitive marketing opportunities.

were alrendy underway to expand the station beyond the confines of Nairobi and the immediate surrounding area.

The Empa Television Fietwork.
Chief Executive, Sam Compton, said the expansion will improve the output and it was an important plan for growth.

"The new link will definitely make KTN stronger giving the station even greater potential," he said. Mwakai Sio, outgoing KTN chaircam of the hoard of Directors, said the transfer of the station from the existing owners.

Transnational Zank Limited to Standard Newspapers is un important development.

The move, he pointed cut was strategic, making the group a lender in the medic industry.

KTN, which was municipal in 1990, will become part of what the Standard training cours, when the Standard training main describe as Kenye' first integrated maria group.

"We have, for State thine,

Compion - delighted

been exploring the possibility of faunching or acquiring both television and radio sur-

both television and redio sultions as part of the newspaper group's strategic development," said Bob Foli. The company had listify applied to the Minister of Broadcasting and Information for the necessary licenses. Page 2 – 6 ct 2

Standard Reporters and

Consequence and Consequence (CAMU has won 12 partiementary seets unopposed and yesterday Degged another 17 civic

SEGGE Enoths: 17 civies saske, also unopposed.

These early victories were only the start of the party's romp to triumph in the December 29 General Election, KanuNational Chairman Daniel arap Moi told supporters outside State House, Naturu.

outside State House, Nakuru.
The 29 Kanu candidates sailed
in unopposed after no other party's candidate presented papers
to oppose thern in their respective
constituencies and wards.
President Moi said the victory
of any Kanu parliamentary or
civic candidate should be taken
as victory for the party, not the
individuals.
The 12 MPs-elect are William
ole Nitmama (Narok North),
Kipkalya Kenes (Bornet), Francis
Lotodo (Kapenguria), Joseph
Lutodo (Baringo East), Charles
Litti (Belgut), Samuel Rotteh
Potja 2 - Ool 2

Pags 2 - 0012



Sensible Luxury Estate

What we mean is this - Power steering Air-tanditioning Electric windows Wincam 15-valve petral engine Central lacking "litt steering" High gerfarmance radio and stereo cassette player Latest luxury uphalstery "Hissan devaloped and reinforced durasteel "Roof roils" Ropicalised for Africa Folly backed by the largest network in East Africa and D.Y. Dobles awaging mile al media. MSb: 1,000,160/- ple: 15% MA.T.

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— Picture by Tabilha Otwori

always Asmart MCTE KOTHE: A CHIPO B द्वाताचीतिवित् aun 6 (OI N W hanisma, 31

From Page i

(Kipkelion), Robert Kochalle (Luisemis), Andrew Krptoo (Baringo North), Isaac Ruto (Chepalungui), Francis Taraar (Eldoret East), Christopher Lomad (Sigor) and John Koech (Kursoi). Fourteen Kaructivic candidates in Eldona Ravine constituency and three in Eldoret South were declared elected unopposed as mul parties did not present contestants in the respective wards. — Kones' declaration as MP-election Bomet was challenged yesterdayby Democrate Party of Kenya. DP presidendul ampaign manager George Muhoho asked the Electoral Commission to disqualify Kones for alleged breach of the Electoral Commission to disqualify Kones for alleged breach of the Electoral Code of Conduct. Muhoho claimed Kones breached the code by allowing his supporters to block DP parliamentary candidate Stephen Kiber Koskei from presending his omination papers to the returning officer on Monday. Muhoho, flanked by his assistant, George Oman Nyamweyalleged their candidate was acosted by Kanu supporters outside the nomination centre and sustained some injuries. He said DP has protested to the EC over violence against their candidates and celled for the repeat of the nomination exercise. Muhoho also announced that 142 DP candidates have been cleared to contest for partiamentary saats country-wide. He said DP has do the the rest of Luo Nyanza to Raila Odingal's Nowwert, send DP had left the rest of Luo Nyanza to Raila Odingal's NDP which had a chance of "secoping all the seas" there. Lessid the full list of DP parliamentary dandidates would be re-

leased today. The party has cleared 1,000 civic candidates to

contest ward seats country-wide.

O Beclaring the 14 civic unoposed winners in Eldamu Ravine,
Koibatak District returning officer Michael Maina also cleared DE's Joseph Leboo to oppose Kanu's Musa Sirma in Eldama

Days K

From Page 1

From Page 1 when to founding new stations. As part of the exercise Holins travelled extensively, yisting electronic media sites in Africa and Europe — including those with complementary newspapers.

"It is very clear that the future rests with integrated miding groups in order to manimise efficient use of resources and offer the widest marketing sooffer the widest marketing so-lutions to clients," Fielt contin-

intions to clients," Lott continued.

When the possibility of acquiring LTPI was mooted the Strain and Board, including the UK-based directors, quickly agreed and a deal was concluded yesterday.

"The synery between certain level dear compared like administration of the synery to be seen continued to the synery to be seen as the property of the synery to be seen as the

key departments like adminis retion, editorial, soles and mar-keting are obvious and we will be empiralising on the telent in both companies," Soit said.

Ravine A Ford-Kenyacandidate, Nakuru-based lawyer Tenge Kionkibe, was time-barred. In Eldoret South, Kanu's Jesse Maiza will'acc DP's Daniel Tanui and Ford-K's Karanja Kimari in the parliamentary race.

There was confusion and anaiya Kimsir in the parliamentary race in the EC discovered that up reviously defeated Kanu candidate was irregularly nominated to contest as MP on a Ford-K ticket. Dickson Wisson Kaithi, who came adistantishri in Kanu nominations on Monday, presented himself as a Ford-K nontinee and was cleared. Another Ford-K

randidate, Livingstone Ombete, arrived shortly after the lunch oreak. A drama ensued, with Ombete frantically managing to secure a letter from party Chairman Wamaliwa Kijana disowning Katibi. Anomalies were then discovered in Katibi is papers, leading returning officer George Statit to declare Ombete the genuine candidate.

O In Nakuru, President Moi saked Kanu candidates and supporters to abstant from madelinging and gossip as they would not augur well for the party. He called for a vigorous campaign to ensure Kanu's victory,

and said nominations losers who

and said nominations losers who jumped to other parties were upportunists who lacked direction. He said he regarded losers and whore said he regarded losers and who should work together.

C Former Kanu National Youth Co-ordinator and one-time assistant minister Dr. Juha Oljambo has been nominated to vie for the Funyula seat in Busia District on a Ford-Kenya ticket. Oljambo, who list week failed to win the Kanu nomination for the seat after being trounced by Assistant Minister in the Office of the President, Moody Awori, has hitherto been crayey about her defection to Ford-K.

named ones at kingular in Sithingari division Districe. The field morning first the house of Stephan Nienga left villagers in His elderly mother. But Nienga was his on these axe and lens rished to Hospital to a critical con Kiambu DC John Niger.

He supress of shock was unforcunate that to dent could take play Nigeno said that t rigano said that to struction was unbelieved ing that he will this man dress a security baraza is today. The attacker stroyed a one gere before acting ablaz-nick are pick-up. His futher, Njanga Wave the attackers had sent -early in the morning w family that they would a finish them. APs at Liot

the scene accompanied deputy OCPD Abdullat and Gitnunguri OC?

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President atolichats with Social Democratic Party candidate Amos Kandie (lait) after both presented their nomination papers for the Seringo Central seat at Kabernat Town half. - Picture by PPS

Ralla RAHA ODINGA'S National

Dondo in the race for the seat that outgoing MP Dr Okii On No Ombaka opted not to

By Douglas Charately

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SAMUEL GILBERT NJENGA KARUMBI P.O BOX 32180-00600, NAIROBI TEL: 0722-301848/ 0736 555958

10<sup>TH</sup> JULY 2017

THE INSPECTOR GENERAL OF POLICE JOGOO HOUSE - NAIROBI

Dear Sir,

#### RE: OB NO. 32. GITHUNGURI POLICE STATION-KIAMBU DATED 22/01/1998 (ATTACHED)

I wish to register my complaints on the above matter in which my House and Homestead were burnt down on 10/12/1997 including those of my parents.

Although your officers visited and confirmed that the premises were burnt due to political reasons after KANU Nominations held at Githunguri on 09/12/1997, No one was arrested for burning my house and that of my late father whose death in 2009 could be attributed to shock and poverty that followed after the calamity.

Neither I nor my parents have ever been involved in politics and I am therefore requesting the Government through your office to be compensated for my family loss of property and houses. The culprits face justice as I am a Law abiding citizen and have suffered starting from no where after the incident.

I look forward to your early response.

Yours faithfully

Samuel Gilbert Njenga Karumbi

Mobile: 0722-301848/0736 555958

CC:

1. OCS -

**GITHUNGURI** 

2. OCPD -

KIAMBU

3. ATTORNEY GENERAL



SAMUEL GILBERT NJENGA KARUMBI P.O BOX 32180-00600, NAIROBI

TEL: 0722-301848/ 0736 555958

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Samuel Gilbert Njenga Karumbi Mobile: 0722-301848/0736.555958

CC:

1. OCS -

GITHUNGURI

2. OCPD -

KIAMBU

3. ATTORNEY GENERAL



#### OFFICE OF THE INSPECTOR GENERAL NATIONAL POLICE SERVICE NAIROBI – KENYA

Telegraphic Address: "IG NPS" Terephone: Nairobi 0202221969 When replying please quote Ref. No and Date Jogoo House "A"
4<sup>tt</sup> Flooi
P. O. Box 44249-00100
NAIROBI

Ref: NPS/IG/C/COM/1/6/KBU/A VOL.1/81 Date: 18th December, 2017

Deputy Inspector General Kenya Police Service P.O. Box 30083 – 00100 NAIROBI

RE: COMPLAINT: OB NO.32 (FINAL POLICE STATION - KIAMBU DATED 22/01/1998)

Enclosed herein is a complaint by Samuel Gilbert Njenga Karumbi on arson to their family homestead back in 1997.

Kindly take necessary action on the issue he has raised.

J. M. MWANIKI, "ndc" (K) For: INSTECTOR GENERAL NATIONAL FOLICE SERVICE

Encl.

Copy to: Samuel Gilbert Njenga Karumbi

POBOX 32180-00600

NAIROBI

han 0724457093



1st fremary, 2019. SMUEL GILBERT NJENGA KARUMBI

P.o. Por 32180-60600 Naurob TEL: 0722301848 DL (ENG) KARANJA KIBICHO (EBS) SECRETMEY INTERIOD. DRICINIAL Dr. Kibicho, REQUEST FOR FAMILY ASSISTANTEE AS DETUMBLES COMMUNICATIONS DIFICES. VARIOUS GOVERMENT alterated please DENESS Thrught 1 Sistorce Refered haus bean Me the after Mens Person Kenya 9/12 Honoes Rebuild aprion Breeze Kasmin

# PETITION NO. 042/2021 ON COMPENSTATION FOR INJURIES AND LOSS OF PROPERTY AS A RESULT OF POLITICALLY INSTIGATED SKIRMISHES THAT OCCURRED IN GITHUNGURI, KIAMBU COUNTY IN 1997

Honourable Chair, Mr. Samuel Gilbert Njenga Karumbi has petitioned the National Assembly regarding compensation for injuries and loss of property as a result of politically instigated skirmishes that occurred in Githunguri, Kiambu County in 1997. The Petitioner claims that on 10<sup>th</sup> December, 1997, politically motivated thugs burnt down his three houses and a Toyota Pickup, injured his mother, slashed six cows to death, uprooted bananas and maize from the farm, after his brother lost in the KANU parliamentary nominations. The petitioner thus prays for compensation.

#### I wish to state as follows;

**Honourable Chair,** the Petitioner, Mr. Samuel Gilbert Njenga Karumbi is a son of Njenga Waweru who passed on in 2009. The family resides in Ngenia village, Kimathi sub location, Ngewa location in Githunguri division.

He is a brother to the late Stephen Waweru Njenga who, at one time was elected as a director of Mboi-Kamiti Land Buying Company and rose to the position of Chairman.

Honourable Chair, on 6<sup>th</sup> December 1997, a report was made at Githunguri Police Station vide OB/06/06/12/97 CR 216/395/97 on the murder of one Mr. Muigai Christopher. Irate members of the public attacked the family of Njenga Waweru (father to the petitioner) accusing him of carrying out the murder. Later that day, at 1100hrs, Mr. Stephen Waweru Njenga reported malicious damage to his property, at the same police station the vide OB/07/06/97 CR 260/397/97. He stated that Mr. Patrick Kangethe Njau, Mr. Evans Njoroge Karanja, Mr. James Kamau Muniu and Mr. Samuel Kinga Mukei had destroyed everything in his

homestead; killing all cows and burning them together with his house and that

of his mother. The case was taken over by the Kiambu County Directorate of

Criminal Investigations Headquarters.

Following investigations Stephen Waweru Njenga was arrested, tried and

convicted of murder and ordered to serve time in jail. However, he was later

released on presidential pardon.

However, Honourable Chair, the police have reports that the family of the late

Njenga Waweru is involved in a land dispute with the widow of the late Stepher

Waweru Njenga. It is said that Njenga Waweru took a loan and gave the family

land as security but defaulted in paying the same. In order to protect the land

from auction Stephen Waweru Njenga stepped in and paid off the loan which his

father Njenga Waweru had defaulted on; with the understanding that Stephen

Waweru Njenga would get four (4) acres of the subject land.

The 4 acres remain the centre of conflict between Stephen Waweru Njenga's wife

and the other family members.

Thank you, Honourable Chair.

FRED MATIANG'I, PhD, EGH

CABINET SECRETARY

MINISTRY OF INTERIOR AND

COORDINATION OF NATIONAL GOVERNMENT

8th November, 2021

2

MINUTES OF THE  $16^{TH}$  SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON TUESDAY,  $26^{TH}$  APRIL, 2022 AT 2.00 P.M. AT WHITE SANDS HOTEL, MOMBASA

#### **PRESENT**

- 1. Hon. Peter Mwathi, CBS, MP
- Chairperson
- 2. Hon. Dr. Makali Mulu, MP
- 3. Hon. Aduma Owour, MP
- 4. Hon. Peter Kaluma, MP
- 5. Hon. Marselino Arbelle, MP
- 6. Hon. Dr. Tecla Tum, MP
- 7. Hon. Halima Mucheke, MP
- 8. Hon. Peter Masara, MP
- 9. Hon. Rozaah Buyu, MP
- 10. Hon. William Chepkut, MP
- 11. Hon. Wambugu Munene, MP
- 12. Hon. Oku Kaunya, MP
- 13. Hon. Abdi Shurie, MP

#### ABSENT WITH APOLOGIES.

- 1. Hon. Fatuma Gedi, CBS, MP
- Vice-Chairperson
- 2. Hon. Jeremiah Lomurukai, MP
- 3. Hon. Nimrod Mbithuka Mbai, MP
- 4. Hon.Col(Rtd) Geoffrey Kingangi, MP
- 5. Hon. Ngunjiri Wambugu, CBS, MP
- 6. Hon. Dr. Swarup Mishra, MP

#### IN ATTENDANCE-

#### **COMMITTEE SECRETARIAT**

1. Mr. Adan Gindicha - Senior Clerk Assistant

2. Mr. Joshua Ondari - Clerk Assistant

3. Ms. Brigitta Mati - Legal Counsel

4. Ms. Delvin Onyancha - Research Assistant Officer

5. Ms. Eva Kaare - Serjeant-At-Arms

#### MIN No. 44/2022:-

# PRELIMINARIES AND COMMUNICATION FROM THE CHAIRPERSON

The Chairperson called the meeting to order at 2.23pm with a word of prayer.

The agenda was adopted after being proposed by Hon. Rozaah Buyu, MP and seconded by Hon. Oku Kaunya, MP.

MIN No. 45/2022:-

ADOPTION OF THE REPORT ON PUBLIC PETITION NO. 40 OF 2021 REGARDING COMPENSATION FOR INJURIES AND LOSS OF PROPERTY AS A RESULT OF POLITICALLY INSTIGATED SKIRNISHES IN GITHUNGURI, KIAMBU COUNTY IN 1977

The Committee considered the report and made the following observations and recommendation-

#### **Observations**

- 1. The incident on which the Petitioner is basing his prayers to the National Assembly, happened on 9<sup>th</sup> December, 1997, over 25 years ago. The Petitioner made his appeal for compensation 10 years after the incident on 10<sup>th</sup> July, 2017.
- 2. Based on a Report made at Githunguri Police Station, vide OB number OB/07/06/12/97 CR 216/397/97 on 6<sup>th</sup> December, 1997, the matter under consideration in the Petition was investigated by the Directorate of Criminal Investigations, leading to the arrest of Mr. Stephen Waweru Njenga, a brother to the Petitioner. Mr. Njenga was tried and convicted of murder and ordered to serve time in jail.
- 3. There is no evidence adduced before the Committee linking the attacks at the homestead of Mzee Njenga Waweru to the 1997 KANU nominations for the Githunguri Parliamentary Seat. The attacks seem to have been triggered by the murder of on Mr. Muigai Christopher. The eventual trial and conviction of Mr. Stephen Waweru Njenga confirms this position
- 4. No record was produced before the Committee to ascertain the status of the report made against messers Patrick Kangethe Njau, Evans Njoroge Karanja, James Kamau Muniu and Samuel Kinga Mukei who were reported vide OB/07/06/97 CR 260/397/97 as the perpetrators of the attack.
- 5. There is a land dispute in the Petitioner's family pitying the late family patriarch against one of the sons, Mr. Stephen Njenga Waweru. This could have also triggered the attack.

#### Recommendation-

In light of the fact that the prayer by the Petitioner is a matter which falls under the jurisdiction of the Courts, it is recommended that the Petitioner seeks legal redress through the criminal justice system.

The report was unanimously adopted after having been proposed and seconded by Hon. Dr. Makali Mulu, MP and Hon. Halima Mucheke, MP respectively.

MIN No. 46/2022:-

ADOPTION OF THE REPORT ON THE PUBLIC PETITION NO. 078 OF 2021 ON INTERVENTION IN THE INCESSANT INSECURITY & BANDATRY ATTACKS IN LAIKIPIA COUNTY

The Committee considered the report and made the following observations and recommendation-

#### **Observations**

(i) Prayer 1: Inquires into the causes of incessant banditry attacks and recommend prosecution of perpetrators of the heinous

In response to this prayer, the Committee sought the views of the Cabinet Secretary, Interior and Coordination of National Government and also conducted a fact finding visit to Rumuruti, to hold a meeting with key stakeholders and representatives of Petitioners. In its findings, the Committee identified six (6) pertinent issues to be addressed by the Key stakeholders as a way of resolving the persistent conflict in Laikipia County.

- a) The arid and semi-arid nature of Laikipia, County, has forced pastoralists to migrate from one place to another in search of water and pastures for their livestock. During the movement, they end up trespassing on community protected territory hence generating tension and conflict.
- b) Absentee land owners have huge tracks of land left unattended are attractive to the pastoralists who easily gain access and eventually, start disturbing and displacing neighboring settlers
- c) Competition for land between pastoralists and farmers, land for grazing has reduced as a result of land being converted into farmlands and settlement. This has caused conflict between farmers and pastoralists with the pastoralists feeling that their traditional grazing fields are being taken over by farmers.
- d) High levels of illiteracy and the resultant poverty driving desperate youth into crime
- e) Most affected areas are community or conservancies owned, land ownership rows are creating conflicts
- f) Proliferation of illegal firearms especially to those herding livestock in the remote areas hence posing a lot of security risk to herders. Thousands of illegal firearms and ammunitions are owned by herders and bandits
- (ii) Prayer 2: Recommends to the relevant National Government Ministry and/or State agencies to urgently deploy Kenya Defence Forces in Laikipia County to supplement the National Police Service in containing the security situation in Laikipia County and adjourning counties.

Article 241(3c) of the Constitution of Kenya provides that -

"The Defence Forces may be deployed to restore peace in any part of Kenya affected by unrest or instability only with the approval of the National Assembly"

Conclusion: The Committee was of the view that the deployment of a multi-agency force in Laikipia and surrounding countries adequately addresses the prayer by the Petitioner

(iii) Prayer 3: Recommend the establishment of a permanent military base in Laikipia County so as to facilitate a swift response to future attack

The Committee noted the provisions of Article 241(3c) on the deployment of the military to restore peace in any part of the country affected by unrest or instability with the approval of the National Assembly.

Conlusion: The Committee was satisfied that the deployment of the multi-agency force was adequate to contain the situation in Laikipia.

(iv)Prayer 4: Recommend to the Ministry of Interior and Coordination of National Government to develop and adopt a multi-sectoral security approach in conflict resolution and peace-building in Laikipia County:

Evidence by the Cabinet Secretary Interior and Coordination of the National Government, points to the deployment of a multi-agency approach to addressing security challenges by collaborating with other stakeholders such as National Government Administrative Officers, National Police Service, Kenya Defence Forces, National Police Reservists and in some instances conservancy and ranch rangers. This had enabled the security agencies to chase out the illegal herders and bandits. As a result, people who were previously displaced from the affected areas had returned.

Given the foregoing, the Committee was persuaded that that Ministry of Interior and Coordination of National Government had developed and adopted a multi-sectoral security approach in conflict resolution and peace building in Laikipia County.

(v) Prayer 5: Recommend to the Ministry of Lands and the National Land Commission to fast-track issuance of title deeds to bonafide owners in order to stem conflicts arising from land ownership

The Committee heard evidence from both representatives of farmers and herders who appeared before the Committee on 1st April, 2022 that competition for land between herders and farmers has considerably reduced land for pastoralist activities. This had caused conflict between farmers and pastoralists with the pastoralists feeling that their traditional grazing fields were being taken over by farmers.

In addition Land in most parts of Laikipia was community owned with equally large portions in the hand of conservancies. There was also an influx of people settling in Laikipia County after buying land. The Committee concurs that this had often created conflict, a situation which was made worse by delay in securing title deeds.

This calls on the National Land Commission and the County Government of Laikipia to embark on an urgent land demarcation exercise with a view to issuing Title Deeds to deserving cases.

(vi)Prayer 6: Recommend to the relevant Ministry to drill more boreholes across the County so as to reduce conflicts arising from water disputes

Some politicians are on record for inciting and supporting bandits against neighboring communities for political support and influence. Competition for political and economic power among elites, further facilitate patron-client networks between warriors and law enforcement agencies acting at the behest of powerful individuals within the affected communities.

The Committee is of the view that the struggle for the scarce resources plays a big role in escalating conflicting not just in Laikipia but across the neighboring counties of Baringo, Isiolo and Samburu. The search for pasture and water are the major triggers of violence.

(vii) Prayer 7: Recommend to the Ministry of Interior and Coordination of National Government to urgently vet and re-arm Kenya Police Reservists in the area and deploy more Police Officers in Laikipia County in order to enhance security surveillance and response.

The Committee established from the relevant Cabinet Secretary that National Police Service was carrying out fresh vetting of National Police Reservists in the troubled areas following reports that some of them were involved in criminal acts while others had abdicated their duties all together.

The National Police Reserves and rangers within the various ranches and conservancies have been retrained on their roles and will often be required to reinforce security agencies in security operations owing to their knowledge of the terrains.

#### Recommendation-

1. The Ministry of Lands and National Land Commission, should, within the next 12 months, issue Title Deeds to bonafide land earners to minimize conflict over land ownership, especially in Laikipia Count

2. The State Department for Interior and Citizen Services should within a month of the tabling of this Report initiate a disarmament exercise to mop up all illegal firearms held

by residents in County, and indeed the whole nation.

- 3. The State Department for Interior and Citizen Services should within the Financial Year 2022/2023 initiate the process of recruitment of more National Police Reservists for immediate deployment to these Counties. For a start, 200 reservists each Laikipia with progressive increments in numbers in subsequent Financial Years. This should be preceded by vetting of the already serving reservists to weed out rogue officers aiding crime.
- 4. The State Department for Interior in conjunction with the State Department for Infrastructure and the County Governments of Laikipia, should prioritize the construction of security roads to provide easy access by security personnel in cases of distress calls by residents

5. The State Departments for Interior and Citizen Services and the State Department for Basic Education should spear head and implement an education marshal Plan for the region with the aim of increasing school enrolment through sensitization of

communities to shun retrogressive cultural practices

6. The State Department for Interior should in the 2022/2023 Financial Year prioritize

purchase of motor-vehicles and communication equipment for security personnel in Laikipia County, and all arid counties to enhance their effectiveness in responding to distress calls from residents

The report was unanimously adopted after having been proposed and seconded by Hon. William Chepkut, MP and Hon. Oku Kaunya, MP respectively.

MIN No. 47/2022:-

ADOPTION OF THE REPORT ON THE PUBLIC PETITION NO. 006/2022 ON STATE OF INSECURITY IN SAMBURU NORTH

The Committee considered the report and made the following observations and recommendations-

i) Prayer 1: Inquires into the ceaseless cases of insecurity in Samburu North Constituency with a view to establishing the reasons as to why the security apparatus have not contained the spate of bandit attacks

From evidence adduced before the Committee and substantiated by various witness accounts, Samburu County continued to experience sporadic cattle theft and murders occasioned by cattle raids, which were fanning tensions in Samburu North, Samburu Central and Samburu East sub counties. The conflicts were informed by traditional animosity and were being fanned by competition for water and pasture. The bandits took advantage of the vastness of Military Training Area to evade security personnel who respond to distress calls. The morans were emboldened by their fire power of M-16, G-3 and AK 47 rifles which they used to put stiff resistance to security personnel.

The conflicts are mainly occasioned by:

- i) Migration of huge number of livestock from one place to another. This gives opportunity to raiders to attack for restocking or retaliatory attacks.
- ii) Competition for pasture and water as the two (Samburu and Turkana) communities scramble for scarce resources especially during this prolonged period of drought.
- iii) Proliferation of illegal fire arms

In response to this prayer, the Committee sought and received views from the Cabinet Secretary, Ministry of Interior and Coordination of National Government, and subsequently travelled to Baragoi in Samburu North Constituency on 1st of April, 2022, to ascertain the issues raised.

ii) Prayer 2: Intervene in order to facilitate the recovery of stolen livestock and compensate victims for the loss of their source of livelihood in cases where state agencies fail to recover the stolen livestock

The Committee established that the Government has not set aside any funds to compensate victims of livestock theft/ and banditry. The prayer by the Petitioner is therefore not sustainable

iii) Prayer 3: Cause the relevant State agencies to arrest and charge the hardcore criminals perpetrating heinous acts of banditry

Protection of armed cattle rustlers by the local communities was cited by both Police officers and residents who appeared by the Committee as one of the main reasons why the culprits have not been brought to book. Police often face a hard task to get witnesses in cases where cattle rustlers/bandits are arraigned in court. This is attributed to retrogressive cultural practices that condone and glorify cattle rustling and banditry.

- iv) Prayer 4: Recommends to the Ministry of Interior and Coordination of National Government to beef up security in the region, particularly in Baragoi town and deploy long term measures to preserve security.

  In respect of this Prayer the Committee established thus:
  - i) Proliferation of illegal firearms especially to those herding livestock in the remote areas poses a lot of security risk to herders. Thousands of illegal firearms are in the hands of residents of Samburu County, Morans use the rifles they own to engage security personnel in the area.
  - ii) Inadequate number of security personnel deployed in the vast terrain coupled with poor kitting and facilitation of the officers in terms of transport and communication equipment,
  - iii) The vast terrain, especially the Military Training Area which has poor infrastructure, poor communication network and harsh topographical features provide strategic advantages to bandits, hard-core criminals and cattle rustlers during attacks

#### Recommendations-

- i) Proliferation of illegal firearms especially to those herding livestock in the remote areas poses a lot of security risk to herders. Thousands of illegal firearms are in the hands of residents of Samburu County, Morans use the rifles they own to engage security personnel in the area.
- ii) Inadequate number of security personnel deployed in the vast terrain coupled with poor kitting and facilitation of the officers in terms of transport and communication equipment,
- iii) The vast terrain, especially the Military Training Area which has poor infrastructure, poor communication network and harsh topographical features provide strategic advantages to bandits, hard-core criminals and cattle rustlers during attacks

The report was unanimously adopted after having been proposed and seconded by Hon. Peter Kaluma, MP and Hon. Wambugu Munene, MP respectively.

#### MIN No. 48/2022:-

ADOPTION OF THE REPORT ON THE PUBLIC PETITION NO. 50 OF 2021 REAGRDING INCLUSION OF THE NATIONAL PRAYER DAY AS A PUBLIC HOLIDAY

The Committee considered the report and made the following observations and recommendations-

#### Observations-

- (i) There be appropriate legislation to declare National Prayer Day a Public Holiday

  In respect of this prayers, the Committee established that turning the national annual prayer breakfast into a public holiday can be achieved in two ways
  - a. By amendment to Part 1 to the Public Holidays Act to include the National Annual Prayer Breakfast Day as a public holiday in addition to the holidays specified therein
  - b. By the Cabinet Secretary interior, invoking section 3 of the Public Holidays Act every year and gazetting any day as a national prayer holiday and not necessarily the one proposed by the petitioner.

The Committee therefore agrees with the Petitioner that this a feasible.

ii. Prayer week be considered where all Kenyans will participate and fast on voluntary basis. That Kenyans be involved in praying for various issues and only one day within the week of prayer be declared a public holiday. He further named the issues pray for as Repentance, peace, love and unity, natural calamities and protection within Kenyan borders, economy, children, families and future, and thanksgiving.

In respect of this prayer, the Committee adduced the following evidence:

- a) The Constitution and law give the National Assembly powers to enact a public holiday
- b) The preamble of the Constitution acknowledges the supremacy of God and it is only logical that a National Day of Prayer be dedicated to Him.
- c) There are a few national holidays with a religious basis namely; Christmas, Idd-ul-Fitr, Idd ul Azha and Diwali
- d) All Kenyans regardless of their faiths should be involved in the national prayer day and this can be achieved if such a day is declared a public holiday.
- e) The holiday will bring leaders in all sectors of the society together and promote nationalism and unity irrespective of denominational or faith preferences
- f) It was established for record that a number of countries have such a holiday including the US, Denmark and Zambia. The practice would therefore not be unique to Kenya.

Based on these facts on record, the Committee concurs with prayer by the Petitioner.

iii. The public Holiday be on a Saturday on the month of January.

While no evidence was adduced before the Committee to justify the choice of Saturday, the Committee is of the view that Saturday is appropriate as it will have

the least interruptions to the national economic life as already many establishments including Government facilities do not operate on Saturdays.

The Committee therefore agrees with the prayer by the Petitioner

#### Recommendation-

The Committee recommends that the National Assembly amends Part 1 of the schedule to the Public Holidays Act (Cap 110 of the Laws of Kenya)to include the National Annual Prayer Breakfast Day as a public holiday and that the Holiday be observed on a Saturday within the Month of January.

The report was unanimously adopted after having been proposed and seconded by Hon. Aduma Owour, MP and Hon. Abdi Shurie, MP respectively.

#### MIN No. 49/2022:-

#### **ADJOURNMENT**

There being no other business to transact, the Chairperson adjourned the meeting at ten minutes past four o'clock. The next meeting will be by notice.

Signed.

**Chairperson** 

Date.

#### REPUBLIC OF KENYA



## DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY

ATTENDANCE SCHEDULE- ADOPTION -	- PUBLIC PETITION NO.
DATE: 26/64/2022 TIME: 2. DOPM	078/2021, NU
VENUE: WHITESAWAS, HOTEL	40/2021, NO-006/
AGENDA: ADUPTION OF PETITIONS	2022
NO NAME	CT CT :

	OF 16 11 1100	20
NO.	NAME	SIGNATURE
1.	Hon. Peter Mwathi, CBS,MP - Chairperson	
2.	Hon. Fatuma Gedi, CBS, MP - Vice Chairperson	
3.	Hon. George Peter Kaluma, MP	
	,	pr.
4.	Hon. Dr. Makali Mulu, MP	Monno
5.	Hon. Aduma Owuor, MP	
6.	Hon. Dr. Tecla Chebet Tum, MP	Jagar S
7.	Hon. Halima Mucheke, MP	Zam
8.	Hon. Marselino Malimo Arbelle, MP	200m
9.	Hon. Nimrod Mbithuka Mbai, MP	200M
10.	Hon. Ngunjiri Wambugu, MP	

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11	Hon. Abdi Omar Shurie, MP	
12	Hon. Col (Rtd) Geoffrey Kingangi, MP	Artural.
		///
13	Hon. Peter Masara, MP	1
		Precont
14	Hon. Oku Kaunya, MP	Ø.
		A Company of the Comp
15.	Hon. Rozaah Buyu, MP	3
16.	Hon. Jeremiah Lomurukai, MP	
1.7		
17.	Hon. William Chepkut, MP	
18.	Hon. Swarup Mishra, MP	
10.	Hon. Swarup Mishra, Mi	
19.	Hon. Wambugu Munene, MP	Zoom

SignedDate				
Adan Gindicha,				
Senior Clerk Assistant,				
Departmental Committee on Administration and National Security.				
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SignedDate				
Peter Chemweno,				
Director, Directorate of Departmental Committee Services				