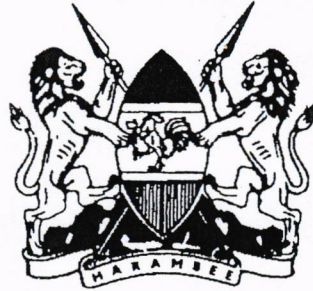


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KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT – FOURTH SESSION - 2010

**REPORT OF THE JOINT
DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
NATIONAL SECURITY; AND DEFENCE AND FOREIGN RELATIONS
ON ITS FACT FINDING VISIT TO GARISSA, DADAAB AND VOI,
FROM 11TH TO 13TH NOVEMBER, 2009**

CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI

OCTOBER, 2010

ABBREVIATIONS

AMISOM	-	AFRICA MISSION TO SOMALIA
AU	-	AFRICAN UNION
CID	-	CRIMINAL INTELLIGENCE SERVICE
DG	-	DIRECTOR GENERAL
DSCIC	-	DISTRICT SECURITY INTELLIGENCE COMMITTEE
DSIO	-	DISTRICT SECURITY INTELLIGENCE OFFICER
GK	-	GOVERNMENT OF KENYA
ID	-	IDENTITY CARD
IGAD	-	INTER GOVERNMENTAL AUTHORITY ON DEVELOPMENT
KWS	-	KENYA WILDLIFE SERVICE
MOU	-	MEMORANDUM OF UNDERSTANDING
NEP	-	NORTH EASTERN PROVINCE
NSC	-	NATIONAL SECURITY COUNCIL
NSIS	-	NATIONAL SECURITY INTELLIGENCE SERVICE
NYS	-	NATIONAL YOUTH SERVICE
PSIC	-	PROVINCIAL SECURITY INTELLIGENCE COMMITTEE
TFG	-	TRANSITIONAL FEDERAL GOVERNMENT OF SOMALIA
UN	-	UNITED NATIONS
UNHCR	-	UNITED NATIONS HIGH COMMISSION FOR REFUGEES

TABLE OF CONTENTSPAGE

Preface.....	ii
Meeting with Garissa Township leaders.....	1
Meeting with NEP Provincial Security Intelligence Committee.....	1
Meeting with the Garissa Local Leaders.....	4
Meeting with the Divisional Administration, Local Leaders from Lagdera and Fafi; and UNCHR officials and refugees from Dadaab camp.....	7
Oral submissions/evidence by former recruits at the Nomad Hotel, Garissa.....	9
Meeting with youths released from Manyani Training Camp at Voi town.....	9
Visit to Kenya Wildlife Training Camp, Manyani.....	12
Meeting with the Ministry of State for Defence	12
Meeting with the Ministry of State for Immigration and Registration of Persons.....	13
Meeting with Director General of the National Security Intelligence Service (NSIS).....	14
Meeting with the Ministry of State for Provincial Administration and Internal Security...15	
Meeting with Ministry of Youth Affairs and Sports	17
Meeting with the Ministry for Forestry and Wildlife.....	17
Committee's observations and findings.....	18
Recommendations.....	19

Report of the Joint Committee on Administration and National Security; and Defence and Foreign Relations, on the alleged recruitment and training of Kenyan youth of Somali origin to serve alongside Somalia Transitional Federal Government forces

PREFACE

Mr. Speaker, Sir,

The Parliamentary Departmental Committees on Administration and National Security; and Defence and Foreign Relations were constituted pursuant to the provisions of Standing Order No. 198 of the Standing Orders of the Kenya National Assembly and have executed their mandate in accordance with the provisions of the said Standing Order 198 (3), which mandates the Committees to;

- (a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
- (b) study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;*
- (c) study and review all legislation referred to it;*
- (d) study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
- (e) 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 or a Minister; and*
- (f) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.*

Mr. Speaker,

The Joint Parliamentary Committee on Administration and National Security; and Defence and Foreign Relations was formed pursuant to the provisions of Standing Order No. 185 and did execute its mandate, in accordance with the provisions of the said Standing Order 185 (1), which stipulates that;

- 185 (1) Two or more committees of the House considering similar matters may, with approval by the Liaison Committee, conduct business as a Joint Committee.*

Mr. Speaker, Sir,

The Joint Committee came together following concerns over alleged recruitment and training of Kenyans and Somali refugees to fight alongside Somali's Transitional Federal Government (TFG) forces. These alarming reports posed a serious threat to the national security of the country. As pointed out elsewhere in this report, the training of Kenyan youth to fight in the TFG Government in Somalia would have serious repercussions on

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Report of the Joint Committee on Administration and National Security; and Defence and Foreign Relations, on the alleged recruitment and training of Kenyan youth of Somali origin to serve alongside Somalia Transitional Federal Government forces

the security of the country. The Government of Kenya had received threats from the Al Shabaab militia in Somalia of possible attacks if Kenya continued supporting the TFG Administration.

Mr. Speaker,

There were also concerns of uncontrolled movement of Somali refugees who had crossed the border points and had caused a major influx in the refugee camps in Dadaab and Kakuma. There was also the issue of aliens of Somali origin being issued with Kenyan IDs. It was also reported that Kenyans of Somali descent were registering as refugees. Somali refugees were also being registered as Kenyans hence acquiring Kenyan citizenship. It was along the allegations that the Joint Committee resolved to visit parts of North Eastern Province between 11th and 14th November, 2009 to conduct an inquiry over the said security concerns.

Mr. Speaker, Sir,

The Joint Committee is constituted by the following Members:

The Hon. Adan Keynan, MP	– Co-Chair
The Hon. Fred Kapondi, MP	– Co-Chair
The Hon. Peter Kiilu, MP	– Vice Chair
The Hon. Ali Hassan Joho, MP	– Vice Chair
The Hon. Mohamed Hussein Ali, MP	
The Hon. Charles Kilonzo, MP	
The Hon. Joshua Kutuny, MP	
The Hon. Wilson M. Litole, MP	
The Hon. Maison Leshoomo, MP	
The Hon. Peter E.O. Anyanga, MP	
The Hon. Raphael Letimalo, MP	
The Hon. Benedict Fondo Gunda, MP	
The Hon. Cyprian O. Omollo, MP	
The Hon. Danson Mungatana, MP	
The Hon. Kiema Kilonzo, MP	
The Hon. George Nyamweya, MP	
The Hon. Jeremiah Kioni, MP	
The Hon. Pollyins Ochieng, MP	
The Hon. Nkoidila ole Lankas, MP	
The Hon. John Ngata Kariuki, MP	
The Hon. Eugene Wamalwa, MP	
* The Hon. Clement Kung'u Waibara, MP	

*(The Member whose name is marked with an asterix * has never participated in any Committee deliberations and so he is not part of the observations, findings, conclusions and recommendations of this Committee report).*

The following are the Members of the Committee who undertook the fact finding tour to Garissa and Dadaab:

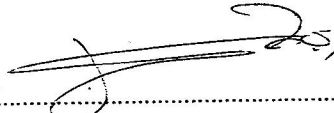
- The Hon. Fred Kapondi Chesebe, MP (Co-Chair)
- The Hon. Adan Keynan, MP (Co-Chair)
- The Hon. Peter Kiilu, MP (Vice-Chair)
- The Hon. Eugene Wamalwa, MP
- The Hon. Maison Leshoomo, MP
- The Hon. Mohammed Hussein Ali, MP
- The Hon. Jeremiah Kioni, MP
- The Hon. Cyprian Omollo, MP
- The Hon. Raphael Letimalo, MP
- The Hon. Pollyins Ochieng', MP

Mr. Speaker,

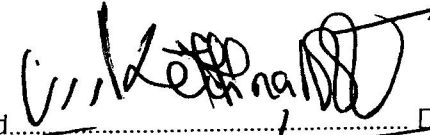
The Committee takes this opportunity to thank the National Assembly for the logistical support which enabled it to conduct this tour successfully. The Committee is also grateful to the Ministry of State for Provincial Administration and Internal Security; and the Ministry of State for Defence for facilitating the various meetings with the Ministries' personnel on the ground as well as the Provincial Security Intelligence Committees in the North Eastern Province.

Mr. Speaker, Sir,

On behalf of the Joint Committee, and pursuant to Standing Order 181 (3), it is my pleasant duty to lay on the table of the House the Report of the Joint Committee on Administration and National Security; and Defence and Foreign Relations on the alleged recruitment and training of Kenyan youth of Somali origin to fight alongside Somalia Transitional Federal Government forces.

Signed.......... Date..... 01/10/2010.....

Hon. Fred Kapondi Chesebe, MP
Joint-Chair, Departmental Committee on Administration and National Security

Signed.......... Date..... 01/10/2010.....

Hon. Adan Keynan, MP
Joint-Chair, Departmental Committee on Defence and Foreign Relations

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Report of the Joint Committee on Administration and National Security; and Defence and Foreign Relations, on the alleged recruitment and training of Kenyan youth of Somali origin to serve alongside Somalia Transitional Federal Government forces

1.0 Meeting with Garissa Township Leaders at Continental House, Parliament Buildings on November 9th, 2009.

The Committee held a meeting with the leaders from Garissa Township who included the Mayor Garissa town, Mr. Mohammed Gabow; Deputy Mayor, Mr. Ismail M. Garat; Councillor Abdi Haji Mohammed, Garissa Town Council and Mr. Khalif Abdi Farah, Co-ordinator, Northern Forum for Democracy. They informed the Committee that:-

- (i) Kenyan Youth of Somali origin were being recruited for military training so as to fight in Somalia alongside the TFG but due to pressure from politicians, parents and other residents of the province the recruitment drive had slowed down.
- (ii) The youths were deceived that they were recruited under the auspices of the United Nations (UN) and the African Union (AU) and that they were to be paid \$600 to \$1000 for the training and would be paid a handsome salary upon deployment as peace keeping forces by the UN. Those who tried to resist the recruitment were intimidated by the provincial administration.
- (iii) Due to the high poverty and unemployment levels in the province and the promise of good pay and employment by the UN, many youths were enticed and some had to pay money to be recruited.
- (iv) The recruitment exercise was conducted by Somali Ex-military servicemen. Since the exercise began more than 300 Kenyan Somali youth have been recruited and transported to Manyani (Voi) and Archers Post (Samburu) for training.
- (v) Once recruited all documentation and personal effects like phones are taken away from the recruits to disguise their citizenship. The recruits were transported at night in KYS driving school Lorries that were escorted by military personnel.
- (vi) The Government through the Provincial Administration and Immigration and Registration of Persons department had deliberately suspended the issuance of identification documents in the province so as to deprive Kenyan Somali youths of citizenship and therefore make it easy to recruit them for the TFG as Somalia citizens.
- (vii) While the people of North Eastern Province were supportive of government efforts to stabilise Somalia the recruitment and military training of Kenyan youth posed major security threat to the Country in future.

VISIT TO PARTS OF NORTH EASTERN PROVINCE BY THE JOINT COMMITTEE

1.2 Meeting with the North Eastern Province (NEP) Provincial Security Intelligence Committee

The Joint Committee held a meeting with the Provincial Security Intelligence Committee in the board room at the Provincial Headquarters in Garissa.

The Committee was informed that there are several challenges facing the NEP.

Report of the Joint Committee on Administration and National Security; and Defence and Foreign Relations, on the alleged recruitment and training of Kenyan youth of Somali origin to serve alongside Somalia Transitional Federal Government forces.

The main challenges were insecurity and poverty. Shortage of food, unemployment, poor infrastructure, poor communication (80% of NEP is not covered by either mobile or fixed line telephony), refugee influx from neighbouring countries, hostile environment, historical branding of the area as marginalized and remote, the protracted Somali wars etc.

The Joint Committee was further briefed on the following issues:-

The refugee problem

Since the fall of the regime of Siad Barre, which marked the beginning for civil war in Somalia, refugees fleeing the bloody conflict in their country have flocked into Kenya in large numbers. The Dadaab camps, built to house 90,000 people in the early 1990s, are now home to over 280,000 refugees, mostly from Somalia. It is the largest concentration of refugees in the world. The problem of influx of refugees into the province is a major concern to the residents and the government and is now posing a security and environmental threat to the province and the country. Between 4,000 and 5,000 refugees have moved into camps in NEP from January 2009. 2,000 were received in the Dadaab Refugee Camp while the rest were moved to the Kakuma refugee camp in Turkana district.

The influx of refugees from the war ravaged Somalia has been associated with the infiltration of small arms and light weapons in the country and associated acts of crime in urban centers.

Due to the prevailing peace and relative economic prosperity in the country many refugees who had registered as aliens have unscrupulously registered as Kenyan citizens. The refugees travel to Nairobi where they easily acquire citizenship and either return to NEP or settle in major towns in the country. Efforts to deal with the problem of refugees acquiring citizenship have been compounded by the close Somali clan ties across the Kenya Somalia borders and the politicization of crackdowns on aliens.

Alleged recruitment of Kenyans youth of Somali origin

The Committee was informed that:-

- (i) The reports that Kenya was recruiting and training Kenyan Youth to fight in Somalia for TFG were untrue. On the contrary the Government on request of the transitional federal government was training Somalia police recruits. The recruitment was done by TFG agents in Somalia. The recruits would enter Kenya through the border from where the Kenyan government provided transportation to the training camp in Manyani. Funding and transportation was solely provided for by the Government with no AU or UN assistance. The Government's original plan was to train Somali policemen recruited in Somalia but those Kenyans who have been recruited by mistake were being returned to their places of origin.

- (ii) The decision to recruit soldiers for the TFG Administration was made at the Provincial Administration headquarters. The NEP Administration was instructed to provide logistics such as transportation of the recruits to the training camps.
- (iii) As a result of the high poverty and unemployment levels in the province Kenyan somali's who had acquired refugees status together with others not in the camps had canvassed for the recruitment and thus ended up at the training camps. On screening the Kenyan Somali youths were discharged from the training camps and returned home.
- (iv) There is presence of TFG Minister's and officials in the country. The Ministers are being hosted in Nairobi. Some Minister's such as Mohammed Amin and Mohammed Gedi (former Defence Minister) and Siad Mogan come to visit quite often. Upto 70% of the TFG officials are in the Kenya.

Issuance of ID Cards

The Committee heard that the Provincial Administration in conjunction with the local elders were involved in the vetting exercise to establish the eligibility of those to be issued with ID's. Over the years the process had been abused leading to aliens acquiring national identification documents that are meant for Kenyan citizens only.

Due to concerns of aliens acquiring national ID's, the National Security Council had temporarily suspended the issuance of ID's in North Eastern Province until new policies are put into place. These policies include transfer of registration officers who have been at one station for more than three years and also disbandment of local vetting committees of elders who were being compromised in the exercise. The government will further introduce and strengthen the vetting process before issuance of birth certificates and national ID's.

The Ministry of Education was working out modalities of introducing formal education to the refugees and locals within the camps. This has been occasioned by the revelation that so many refugees have been within the camps for over twenty years and do not have any certificates due to lack of training centres.

The Committee was further informed that certain areas in the province such as Wajir North District have not had registration of persons for the last 3 years due to lack of personnel. The Provincial Commissioner appealed for more funding to the civil registration department to ensure continuous and efficient registration of Kenyans who have attained the mandatory age for issuance of ID's.

The Joint Committee was also informed that the fluid and porous border with Somalia has compounded the situation of ID issuance in that many Somalis have found their way into the country through the porous border. The Immigration Department at the border

points should be held accountable for the influx of refugees who cross the border without the requisite registration documents.

2.0 Meeting with the local leaders at the Garissa Municipal Council Hall (County Hall)

The Committee Members held a meeting with the local leaders who gave oral submissions/evidence to the Committee as follows:

Hassan Abdi Noor

He informed the Committee that the recruitment did take place with the recruits being ferried in NYS vehicles to the Manyani training camp. The recruitment was strongly opposed by the leaders and parents of the targeted youth in Garissa. He further informed the committee that when the agents could not cope with the opposition to the recruitment by parents and local leaders, the exercise shifted to the refugee camp in Dadaab.

Salat Mohammed Abdi (had no identification on him)

The Committee heard that four of his sons; Aden Salat Mohammed; Farah Salat Mohammed; Willie Salat Mohammed and Ali Salat Mohammed had been recruited and that the recruitment was done by a Kenya Somali ex-army officer, a Mr. Gedi Hussein Ali.

Mohammed Diis: ID 20630187

He told the Committee that his friend, Abdi Ali Hassan, had been recruited into the force and that the recruits were ferried in NYS Lorries.

Lydia Ali

She informed the Committee that her only son, Ibrahim Diriye had been recruited and appealed for his release/return.

Sheikh Dubow Mohamed: ID 0028538 – Garissa Elder

The Committee was told that the recruitment was sanctioned from Nairobi by the Government. Attempts by Elders to dissuade youths from joining the recruitment exercise were not headed. The recruitment should have been conducted within the refugee camps where the Somali nationals were sheltered.

Mr. Sheikh Dubow further informed the committee that they were concerned that the issuance of IDs to youths had been suspended for five months yet aliens were registering as Kenyans and issued with IDs. The vetting and registration of persons exercise was ripe with corruption.

He further noted that the Government should assist the youth of NEP in genuine employment and not recruiting them to fight a meaningless war in another country and that the leaders in NEP should in future bear the consequences of the recruitment.

Zainab Idfli: ID 0974220 (former nominated councilor)

She informed the Committee that she led a delegation to the NEP PC's office to report the illegal recruitment but no action was taken and the exercise continued. She believes that the recruitment was sanctioned in Nairobi and that the Provincial Administration was just implementing high level decisions which he could not influence.

Ahmed Abdi Ali: ID 11886342

He informed the committee that he witnessed youth being recruited into the force.

Mohammed Hillow

He informed the Committee that the recruitment was a good thing by the Government because it provided an opportunity for youth to be employed and further that the local youth were benefitting while the leaders had politicized the noble idea.

(It emerged later that the person was one of the recruiting agents).

Halima Adan Ali: ID 1531327

She informed the Committee that the Government was aware of the on-going recruitment of Kenya-Somali youths and that her son Abdinaser Abdilahi Ali Bule, had been recruited. The recruitment took place in Garissa and was conducted by Halimah Abdi Sirah and Hillow Abdi.

She further informed the Committee that the failure by the police to apprehend the recruiting agents and the lorries transporting the youth when passing through the numerous police road blocks along the roads was an indication that the process was sanctioned by the government.

Habiba Kobaw Adomo: ID 9085816

She told the Committee that her son who was in class 6 was recruited into the force and appealed for his return.

Khadijah Aden Ali: ID 0193607

She said that son Aden Mohamed Challe was enlisted into the force by agents and further that the Police and CID were aware of recruitment but allowed the exercise to go on thus legitimizing it as a government undertaking. The recruitment was being done in Garissa central.

Habibah Ali Nur

She informed the Committee that she witnessed recruitment which took place for three days and enquired from the police station what the recruitment was all about. The recruitment targeted Kenyan Somali youth and school going children. She reported the matter to the area DSIO but was threatened and cautioned not to expose the recruitment by the Chairman of the District Peace and Security Committee.

Amina Diis

She said that the Bulla Shak Chief, Mr. Salat informed the people not to allow children to be recruited. From the way the recruitment was conducted with the knowledge of government officials it was apparent that the Government was involved in the recruitment and training.

Ismail Mohamed

He informed the Committee that the Government was involved in the recruitment.

Hussein Abdi Ahmed: ID 13116878

He said that the youths were recruited from Garissa by ex-army officers and were stripped of all their identification documents and transported by NYS Lorries to various training camps in Manyani and Archers Post.

3.0 Names of youths alleged to have been recruited as submitted by relatives at the Garissa social hall

- (i) Aden Garane – ID 244460387
Recruit – Abdullahi Garane (brother)
- (ii) Madina Moge Omar – ID 24435265
Recruit – Almed Moge Omar
- (iii) Sadia Aden Ali – ID 8480209
Recruit – Bishar Ali Guat
- (iv) Hawa Dakane Hussein
Recruit – Siad Mohammed
- (v) Bilan Abdulahi Aden – ID 0538275
Recruits – Abdulah Harun Abdi
– Mohamud Abdulahi Aden
- (vi) Mainuna Hubale Hussein – ID 1188018
Recruits – Abdi Hubale Hussein
– Aden Abdi Gama
- (vii) Fatuma Hussein Ali – ID 0193754
Recruit – Farah Salat
– Mohamud Abdi
- (viii) Habiba Hussein
Recruit – Khalif Aden Kulow
- (ix) Hebulah Budhu
Recruit – Ismail Dawood Shillo
- (x) Bathi S. Haji
Recruit – Idris Waleed Jele
- (xi) Elinona Ali Abikar
Recruit – Ibrahim Diriye Habsiye

- (xii) Marian Ali Dakane
Recruit – Noor Aden Hussein (son)
- (xiii) Fatuma Ibrahim Ali–ID 2100154
Abdibille Ruban (son)
- (xiv) Mohamed Liban – ID 9563258
Recruit – Habat Liban (brother).

4.0 Meeting with the Divisional Provincial Administration, Local Leaders from Lagdera and Fafi, UNCHR officials and refugees from Dadaab camp at Hagadera D.O.'s Office

During a meeting with the Provincial Administration, local leaders, UNCHR officials and refugees, the Committee was informed that;

Establishment

The three Camps in Dadaab were established in 1991. The total capacity for the camps was 90 people with each camp holding 30 persons. Currently, there were over 200,000 refugees in the camps. The influx was at the rate of 5,000 refugees per month. 13,000 have been transferred to Kakuma but the number keeps on growing.

Refugee situation at Dadaab camp

The Committee further heard that the UNHCR had requested the local community leaders for a piece of land to put up a fourth camp. The request was granted.

It was reported that the Liboi border point had been closed and but the refugees kept on trickling into the country without being vetted. This was causing a strain to the existing limited resources at the camps. Other refugees were being sneaked in Lorries through the porous borders.

The Committee was told that there was no control of movement of refugees within the camps. Sometimes the refugees move out of the camps and wander into the neighbouring towns. The authorities seek and arrest them and return them to the camps.

It also emerged that a lot of Kenyans had registered as refugees. There were 4,000 reported cases of Kenyan Somalis having registered as refugees. The Committee heard that it was difficult to differentiate Somalis from Kenya from those from Somalia. However, the Government has given amnesty to those Kenyans who have confessed having registered as refugees.

The Committee further heard that the local community was disgruntled ostensibly because the refugees seem to enjoy more privileges than they do. The facilities within the camps are better. The high numbers of refugees contributed to environmental degradation as they cleared the bushes for settlement and wood for fuel. Their livestock

also wandered into the local community's territory leading to stiff competition for the limited resources.

Recruitment of refugees

The Committee was informed that:-

- (i) There had been no recruitment of refugees within the camps. However, recruitment was done in the vicinity of the camps and some refugees might have been recruited.
- (ii) High profile members of the TFG Government were residing in the camps. These personalities range from police officers to embattled Ministers. About 50 cases of TFG officials have been moved to the Kakuma refugee camp.
- (iii) The Government had given a blanket amnesty to Kenyan somalis who had registered as aliens and were living in the camps. The locals were attracted by the seemingly better facilities.
- (iv) Benefits accruing from the presence of refugees in Kakuma would be spread to the local communities to uplift their standards of life of the locals. However, it emerged that the locals were suffering from hunger, environmental degradation, unemployment, competition with refugees for the few resources such as water and pasture, etc.
- (v) The registration of Kenyan nationals as refugees was a major security lapse as these persons could end up in Somalia if a repatriation exercise was to be carried out.
- (vi) Somali refugees do not venture out of the camps but those from Kenya do walk away into nearby towns occasionally.
- (vii) Refugees were in good relations with the locals who had warmly welcomed them to stay in their midst.
- (viii) There was rampant corruption in issuance of IDs, school certificates and in registration documents for refugees by the Government agencies who had commercialized these processes.
- (ix) There was rampant human trafficking of refugees from Somalia through the camps to Nairobi. This trafficking was being done in the full knowledge of security agencies and immigration officers.
- (x) The camp was not fenced hence the openness posed serious security threats to both the refugees and the neighbours. The local community is not happy about this land use.

(xi) That more land was required for the expansion of the camp. More refugees keep trooping in and this has led to congestion in the camp. More space will decongest the camp and allow for more refugees to be accommodated without necessarily relocating them to Kakuma refugee camp.

5.0 Oral submissions/evidence by former recruits at the Nomad Hotel, Garissa

Omar Mohamed Girat

He informed the joint committee that he was recruited as a Kenyan soldier to guard the Kenya somalia border. The recruitment was done at Bula Iftin area by a lady and two men and was told to report at an area called Ege near Dadaab.

At Ege area they spent three days and were divided into groups of 30 youths from where they were taken to Serela by army vehicles.

Yusuf Abdilahi Abdi

He informed the Committee that he was a deserter of Manyani training camp. He was recruited on October 06, 2009 at Bulla Iftin together with others. While being recruited he was told that Kenya army was recruiting youths to work for the United Nations along the Kenya Somalia border at a salary of 1, 000 USA dollars.

He was recruited alongside 91 other youths and were transported by NYS driving school vehicles. While at Manyani they were informed that they will be killed or jailed if they attempted to escape and ID's taken away from them. They were divided into groups of 35 for training. The trainers wore KWS uniform and trained them on how to shoot.

6.0 Meeting with youths released from Manyani Training Camp, at Voi town

The Joint Committee held a meeting with 48 youths released from the Manyani KWS training camp.

The Committee was informed that the recruitment exercise started on September 01, 2009. Those who undertook the recruitment exercise were retired Kenyan Somali army officers.

They were recruited as Kenyan soldiers and were to be paid an allowance or salary of 1,000 US dollars and ferried by army and NYS vehicles to a common assembly point at a place called Shabaa from where they were transported to Manyani training camp on September 06, 2009 by NYS vehicles. While on transit all their belongings including ID's and phones were taken away.

At Manyani they were trained on foot drill, arms drill, PTI, map reading and command and briefed that they would serve in the Somalia national army under the auspices of the AU. The recruits who were Ex police officers were deployed as instructors to 'companies' that had been created. While at the camp they were told by army Comandant Maj. Gen. Mwaniki that they were in a mission with the government to safeguard Somalia and requested them to be good examples.

The recruits were all Kenyan Somalis from Garissa, Liboi, Dadaab. The recruiting officer in Garissa was Hassan Barre Dualle. There were no recruits from other communities living in the area.

The Committee further learnt that following a public outcry and concern expressed by Members of Parliament the commanding officer major Amin told Kenyans to return home. Those who had their ID's with them were released but those without were left behind. They were given Kshs. 3, 000 and transported to Voi town using army vehicles.

List of Kenyan youth who had been recruited and later released from KWS Manyani training camp

<u>Name</u>	<u>ID No.</u>
1. Hassan Hilowle Biriye	13120113
2. Ahmed Abdullahi Bihey	23511118
3. Mohammed Mahmoud Sheikh	27141195
4. Adan Salat Mohammed	26927539
5. Farah Salat Mohamed	22281186
6. Mohammed Ali Salat	13116545
7. Mohamud Dubow Mahat	21924836
8. Abdi Aden Shombow	25677587
9. Mohammed Omar Salat	23022883
10. Osmar Aden Sigale	26883643
11. Siyad Ahmed Abdullahi	20969869
12. Mohamed Somane Gedi	25680963
13. Issack Mohammed Keire	23338548
14. Mohamed Mahmoud	22682124
15. Ibrahim Diriye Absiye	22313325
16. Mohamed Ali Aden	22311209
17. Mohamud Hussein Abdullahi	2391548
18. Rashid Guyo Abasheku	25531495
19. Ahmed Noor Digale	27829027
20. Hussein Ahmed Shidow	25674613
21. Mahat Bare Salat	27767436

22. Ali Adan Mohamed	21489903
23. Yussuf Muse Kadiye	27313870
24. Omar Ibrahim Buul	21145101
25. Ali Yerow Abdi	24759757
26. Osman Abdirahman Omar	20867489
27. Abdi Mohamed Hassan	24816546
28. Aden Abdi Gama	24849874
29. Yussuf Mohamud Abdi	24427018
30. Khalie Abdi Dabar	12912299
31. Siyat Dagane Hussein	23917963
32. Abdinassir Abdulahi Abdi	27748746
33. Mohammed Khalif Ali	11692247
34. Omar Hassan Dagane	21663879
35. Abdi Rashid Sheikh	25129089
36. Siat Adan Osman	10361299
37. Hussein Keynan Kaire	6386931
38. Abdirizag Mohamed Abdullahi	25670272
39. Abdi Adan Gure	1738677
40. Mohammed Abdigeri Ali	24432724
41. Minhaj Mohamed Gared	22990799
42. Ali Mohamed Doshwa	23942746
43. Idris Moulid Mohamed	25151479
44. Yusuf Said Tabe	25470798
45. Mohammed Yusuf Mahai	
46. Yusuf Siyat Tawe	
47. Omar Hassan Ali	
48. Yusuf Musa Kediye	
49. Idris Moulid Mohammed	
50. Ali Adenj Mohammed	
51. Abdi Mohammed Hassan	
52. Mohamud Abdullahi Hussein	
53. Abdi Rashid Issack	
54. Ali Ahmed Doshow	
55. Mohammed Abdi Gilei	
56. Daudi Ahmed Yusuf	
57. Osman Abdirahman Omar	
58. Aden Abdi Gama	
59. Hussein Ahmed Shidow	
60. Farah Osman Hassan	
61. Bashir Hamun Salat	

7.0 Visit to the Kenya Wildlife Training Camp, Manyani

The Joint Committee visited and held a meeting at Manyani KWS training school. In attendance was:

- Chege Waiguru – Corporal in charge
- Benson Onsombo - Staff

The members were informed that the facility is used to train officers from all disciplines. It also trains officers from other units for example it was used in training South Sudan wildlife rangers and other officers.

Members were further informed that the facility has not been used to train Somalia police in the recent past and non was in training. Mr. Chege further informed members that he was not aware of any training of youths at the camp.

On further interrogation by the Members the officer declined to divulge information citing that he was not authorized to divulge information relating to training at the facility.

8.0 Meeting with the Ministry of State for Defence

The Committee held a meeting with the Minister of State for Defence on the matter of alleged recruitment and training of Kenyan youth to fight in Somalia for the transitional federal government forces.

The Minister informed the Committee that:-

- (i) There were no Kenyan youths of Somali origin who were being recruited and trained in Kenya. He further informed the Committee that he was not aware of who was funding the training and that the Minister for Foreign Affairs would be best placed to know. He stated that on the onset, he was opposed to the training of the youth and he had personally intervened to intercept 43 recruited youths from his constituency whom he returned to their homes. The Minister further stated that Kenya agreed to carry out police training and not military training for Somalia because of the need for peace in the neighbouring Countries. He further informed the Committee that 2000 Somali youths were recruited and not Kenya Somalis as alleged. He further informed the Committee that the Kenya Somali youths were duped by unknown persons and that the Government is investigating the matter and would arrest the agents involved.
- (ii) It would take three years to train the Somali youth but no training has taken place so far. The Minister further informed the Committee that the Government

will not retract from training TFG forces even if Al Shabaab threatened to attack Kenya because the training was aimed at enhancing peace in the troubled Somalia.

- (iii) The Government offered transport from the Somalia border for security of the Somalia recruits. He further stated that he ordered finger prints of the 48 recruits to be taken to affirm citizenship and TFG has been called to come and identify whether they are from Somalia. He further informed the Committee that a total of 147 Kenyans who had been recruited have been returned to their homes.

The Committee expressed concern that the returned recruits would turn to a security threat to the country. But the Minister allayed the concern of members by stating that those who had been returned home had not been trained at all and stated that the ex-military agents would be brought to book and be answerable for their actions.

9.0 Meeting with the Ministry of State for Immigration and Registration of Persons

The Committee held a meeting with the Minister for Immigration and Registration of Persons who gave a brief on the following issues of concern to the Committee:-

Suspension of issuance of ID

The Minister informed Members that suspension of the issuance of ID's was done by the Provincial Commissioner, North Eastern Province due to illegal clearance of aliens for issuance of ID's. The department of registration of persons relies on the vetting Committees, chaired by the Provincial Administration in the ground, when issuing ID's. The Minister admitted that the vetting process was flawed and that the Ministry was regularizing the exercise before resumption of ID issuance.

Border closure

The Committee heard that due to continued strife in Somalia there was massive displacement of people. The influx of displaced persons necessitated the official closure of the border by the Ministries of State for Provincial Administration and Internal Security and Foreign Affairs respectively under whose mandate security and external affairs fall. In spite the closure refugees still stream into camps where they are registered by UNHCR. Kenya has an international obligation to receive and protect people fleeing from conflict even when the border is closed.

The influx of refugees into the country has raised concern from the host community who feel that refugees are better treated and that their security and resources (business, water, pasture and environment) is threatened by the influx of aliens. The UNHCR is mitigating the disparities between the host and the refugees by investing on social infrastructure in the local community.

Recruitment and Training of Kenyan Somalis

The Transitional Federal Government of Somalia had approached Kenya to assist in the training of 3, 000 Somalia paramilitary officers and that already 2, 000 Somalia police officers are being trained in the country.

The Minister further informed the Committee that he was not aware that there are Kenyan Somalis being recruited by the government to fight alongside TFG forces.

Refugees

The Ministry with the assistance of UNHCR was conducting a thorough registration exercise for refugees. The exercise aims at creating an electronic data base for refugees monitoring and registration complete with finger prints and photos of refugees. Already 300, 000 refugees have in Dadaab, 52, 000 in Kakuma and another 52, 000 in Eastleigh have been registered through the exercise.

Kenya is said to be the only country where there are refugee camps in the world but this is due to security concerns. In other countries refugees are given land to settle and are allowed to mingle with the host population.

The Committee was also informed that due to the good treatment (food rations, education and prospects of resettlement) accorded to refugees some Kenyans had registered themselves as refugees. Refugees on the other hand have corrupted their way into acquiring Kenyan identification documents such as national ID and Passports.

The influx of refugees from Somalia has strained resources at the Dadaab camps and as a result plans are underway to relocate some refugees to Kakuma but the exercise according to UNHCR is expensive. According to them it costs US 300 dollars to relocate a single refugee to Kakuma.

The Government was encouraging skilled refugees to contribute to national development through engagement of their skills.

10.0 Meeting with Director General of the National Security Intelligence Service (NSIS)

The Committee held a meeting with the Director General NSIS on the alleged recruitment and training of Kenyan youth of Somali origin to fight alongside forces of the transitional federal government of Somalia. The Director General, NSIS informed the Committee that:-

- (i) The Service is primarily mandated, by the NSIS Act, to collect intelligence and advise Government which would take the necessary enforcement measures. Further the threats posed by the failed Somali state range from piracy, terrorism, proliferation of small arms and light weapons, influx of refugees among others.

- (ii) The intelligence network was aware of the criminal elements purporting to recruit workers to work in Somalia for the United Nations and AMISOM and that these elements have been neutralized.
- (iii) The Government had a policy to support the peace efforts in Somalia as it was in the interests of Kenya to have a stable government in the neighbouring state for the security of Kenyan's in general. This agreement included training Somali police by Kenyan authorities as well as trying pirates captured in the Indian Ocean but does not involve recruitment of Kenyan citizens to fight alongside TFG forces.
- (iv) The Intelligence network works day to day to ensure the safety of Kenya and its citizens by keeping close watch on persons who may engage in activities that are against its security concerns and to this end the security apparatus have diffused several incidences that pose threats to the country. However security agencies have been cautious in handling of the situation to avoid situations where their actions may be construed as targeting certain ethnic group(s) or religion(s).
- (v) Through the African Union Mission in Somalia (AMISOM) and IGAD, Kenya is training TFG police who will later return to their country after the exercise.

The Members raised concern that Kenya was hosting certain Somalia elements who are against the success of the transitional federal Government and who also pose a security threat to the country.

The Committee was informed by the Director General that security agencies were monitoring Somalia elements who are critical of the Somalia peace process and TFG. Kenya under IGAD and AU was keen on the stabilization of Somalia and was assisting the TFG through capacity building.

The Director General stressed that it is a Government policy not to interfere with internal politics of other countries. The DG intimated to the Committee that he would seek an appointment with the Committee to discuss certain provisions in the proposed constitution that are in the view of the NSIS detrimental to national security.

11.0 Meeting with the Ministry of State for Provincial Administration and Internal Security

The Joint Committee held a session with the Minister for Provincial Administration and Internal Security who was accompanied by the director general, NSIS and the Commissioner of Police, on the alleged recruitment and training of Kenyan youth to fight in Somalia for TFG.

The Minister briefed the Committee that:-

Report of the Joint Committee on Administration and National Security; and Defence and Foreign Relations, on the alleged recruitment and training of Kenyan youth of Somali origin to serve alongside Somalia Transitional Federal Government forces.

- (i) He was not aware of the recruitment of Kenyan youth of Somali origin, however the government had signed two agreements with the TFG in 2006 for the training of Somali police on protection of VIP's. Already 200 Somali police have been trained under the terms of this MOU. Another agreement was signed in March 2010 under which TFG through AMISOM requested Kenya to assist in training senior police officers. The training is yet to begin. Kenya has a policy not to interfere with any country's internal matters and only offered the training on official request of the TFG.
- (ii) It is not Government policy to recruit Kenyans or Somali refugees to fight alongside TFG. Under the above MOU's TFG was to recruit from Somalia and Kenya's role was to train the recruits.
- (iii) Kenya is keen on ensuring that Somalia returned to stability. Since the end of the Siad Bare regime in 1991, Kenya has borne the greatest burden emanating from Somalia, ranging from influx of refugees, border insecurity, proliferation of small arms and light weapons, terrorist threats from Somalia, piracy and crimes associated with arms proliferation etc. It is Kenya's interest to stabilize Somalia and towards this end the Government through IGAD has been at the forefront in reconciling warring parties through the Somali peace process that gave birth to the TFG.
- (iv) Security forces have been monitoring persons in the country suspected of recruiting Kenyans to fight in Somalia and that they will soon be brought to book. The Ministry is responding to threats by gathering proper intelligence and closely monitoring the security situation in Somalia, enhancing capacity to effectively patrol the border as well as screening of all persons at border entry points. Moreover they had organized coordinated raids to net aliens living in the country illegally, some of whom maybe extremist elements. The Government had also intensified surveillance on all aliens in the country.

The Director General, NSIS informed the Committee that due to the clan linkage between Somali Somalis and Kenyan Somalis certain elements in Kenya had taken advantage of the situation and clandestinely recruited desperate Kenyan youth but those Kenyans found to have been recruited through disguise were discharged from training. Intelligence in the region has indicted that the Al Shabaab has been actively recruiting youths in Somalia and in some parts of North Eastern and Coast Provinces. The Kenyan youths who were discharged from Manyani training were being monitored.

The Committee expressed concern about the secrecy of the alleged recruitment and the contradicting statements from different government officials who were quizzed on the same matter.

Members further raised concern that the Government was not doing enough to prosecute known persons who were recruiting and enticing Kenyan youth to fight in Somalia.

12.0 Meeting with the Ministry of Youth Affairs and Sports

The joint Committee held a meeting with the Permanent Secretary Ministry of Sports and youth who was accompanied by the Director, National Youth Service.

The Director of NYS, in his presentation, informed the Committee that:

A verbal request was placed to NYS by the Government (NSIS) for 10 Lorries to assist in transportation of refugees from Dadaab to a 'safer' place at the Coast. The total charge for the Lorries was Kshs. 2.447,668 million. Kshs. 308,000 was paid as down payment before the Lorries were released.

Apart from hiring out Lorries to the Government, NYS did not play any other role in the saga of recruitment of Kenyan youths to fight in Somalia.

The following NYS Lorries were hired out to NSIS; GK A961F, GK A962F, GK A963F, GK A965F, GK A967F, GK A167G, GK A169G, GK A170G, GK A171G, GK A059G.

13.0 Meeting with the Minister for Forestry and Wildlife

The Committee held a meeting with the Minister for Forestry and Wildlife, Hon. Noah Wekesa, EGH, MP who was accompanied by the Permanent Secretary Mr. Mohamed Wa-Mwachai and the Deputy Director of KWS in charge of security and was informed that:-

The African Union through the Ministry of Foreign Affairs had requested the Ministry of Forestry and Wildlife to avail facilities for the training of 10, 000 Somalia police. The training of Somali police was an initiative of the AU for capacity development for Somalia.

The request for provision of facilities for training was as a result of an agreement between the AU and Kenya. From the agreement the responsibility of Kenya was to provide facilities for training. The activity was organized by the Ministries of Foreign Affairs, Provincial Administration and Internal Security and Defence respectively.

The training was done in Tsavo West National Park specifically in no tourist circuit areas of the park. The Kenya Wildlife Service did not charge for the use of the park since the exercise was a government initiative or effort to assist the Transitional Federal Government of Somalia. While the training was underway they received intelligence reports that Al Shabaab was threatening to bomb the training facility.

Report of the Joint Committee on Administration and National Security; and Defence and Foreign Relations, on the alleged recruitment and training of Kenyan youth of Somali origin to serve alongside Somalia Transitional Federal Government forces.

14.0 COMMITTEE'S OBSERVATIONS AND FINDINGS

The Committee made the following observations and findings during the visit;

1. That indeed Kenyan Youth of Somali origin were being trained to fight alongside the TFG Government in Somalia.
2. That according to evidence adduced before the Committee by Government security agencies, the TFG Administration of Somalia signed a Memorandum of Understanding (MoU) with the Kenya Government in which, pursuant to the MoU, TFG officials undertook recruitment of youths from the regions bordering Kenya. It was agreed that this recruitment should not be publicized.
3. The recruitment exercise was in tandem with the resolutions of Inter-Governmental Authority on Development (IGAD), African Union (AU), and the United Nations (UN) and was designed to assist the TFG Administration to establish a secure and stable nation in Somalia. Similar training and support are being offered by Uganda, Burundi, Djibouti and Ethiopia with the support of the AU and the UN.
4. The United Nations High Commission for Refugees (UNCHR) was strained in facilities and space to accommodate the increasing number of refugees. UNCHR appears to have been overwhelmed by the sheer numbers being driven into the camps and has thus ended up even registering immigrants who are not genuine refugees. Also refugees are reported to have escaped from the camps on several occasions. UNCHR is in dire need of land for expansion of the Dadaab camp to be able to accommodate more refugees.
5. Some corrupt TFG officials and unscrupulous Kenyan Somalis took advantage of the high unemployment rate and poverty levels to recruit Kenyan Somali youths. Desperate job seekers also falsified their nationality in order to be recruited. Screening was however done and some Kenyan youths who had been recruited were discharged from the training camp. Kenyan youths were duped into joining the forces by being promised that they were joining the UN Peace keeping forces where they would earn about \$ 600 per month. It was alleged that a certain Ms. Halimah Abdi Sirah and a Mr. Hillow Abdi were behind this scandal.
6. Allegations were rife that immigration officers and the security agents along the border towns with Somalia had turned the refugee phenomenon into a commercial affair. Huge sums of money were exchanging hands in order to allow refugees to troop into Kenya where they would easily get registration papers. Some were even being allowed to move to Nairobi where they would also get registered as citizens.

7. Government resources including transportation of the recruits using NYS Lorries, had been used to assist the TFG Government remain in power. However, the Ministry of State for Provincial Administration and Internal Security, the Ministry of State for Defence, the Ministry of Foreign Affairs were all in denial of ever using any funds to facilitate the recruitment and training.
8. There were scores of aliens from Somalia who had attained Kenyan citizenship, having been registered as Kenyans of Somali descent.
9. There were Kenyans of Somali origin who had gained refugee status and are now living in Dadaab and Kakuma camps as refugees.
10. Families of the recruited youth had suffered immensely and were lamenting over the loss of their kinsmen into the armed forces.
11. That former Kenya Army retired servicemen of Somali origin were used in the recruitment exercise. The recruitment was commercialized by the recruiting agents.
12. That some Kshs. 2.5 m was spent in the transportation of the recruits from the various destinations to Manyani and Archers Post training camps.

15.0 RECOMMENDATIONS

Following the Joint Committee's findings and observations, the Committee recommends that;

1. The Government should halt with immediate effect any further recruitment and training of the Kenyan Somali youths to fight alongside the TFG administration in Somalia and that adequate measures are taken to prevent unscrupulous people from taking advantage to fleece money from desperate youths in future training and recruitment.
2. The Government should keep the influx of refugees from Somalia in check, and ensure that immigration officers and security agents along the border points adequately and consistently vet the incoming refugees.
3. The agents who per-took in luring the Kenyan youths by deceiving them that they were being recruited to join the UN Peace keeping forces be investigated and brought to book.

4. The United Nations High Commission for Refugees (UNCHR) should play its role as mandated so as to ensure that only genuine refugees were housed in the camps and that stringent measures were taken to ensure no refugees escaped from the camps. The Organization should also initiate facilities to benefit the local communities who felt that refugees were better treated even though the land they occupied belonged to the local communities.
5. The government should overhaul the vetting committees involved in the issuance of IDs. The Ministry of Immigration and Registration of Persons should review the process of ID issuance in the Province. Members of vetting committees should themselves be vetted and officers and security agents from the Ministries who have served for period of three years in the same station be transferred.
6. The suspended process of issuance of ID cards to the youths of NEP should resume with immediate effect.
7. Allegations of corruption by immigration officials at the border points who were colluding with security agents to move in refugees without proper verification ought to be investigated and the culprits brought to book.
8. The Kenya Anti Corruption Commission should investigate allegations of corruption in the issuance of ID's in the Province. The Commission should open regional offices at the entry points to deter movement of illegal immigrants into the country.
9. The government should beef up security along the porous Kenya Somali common border and establish strategic border control points at certain intervals to ensure illegal immigrants do not cross over at any given borderline.
10. The Government should carry out an audit exercise in order to establish refugee status of all the persons in the refugee camps. Action should be taken against those Kenyans found to be registered as refugees while they are not; as well as the Somali refugees who have illegally registered as Kenyan citizens.

MINUTES OF THE FIRST JOINT SITTING OF THE COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY; AND DEFENCE AND FOREIGN RELATIONS HELD ON MONDAY, NOVEMBER 5TH 2009 IN COMMITTEE ROOM, 4TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS, AT 2.30 PM

PRESENT

The Hon. Fred C. Kapondi, MP –**Co-Chair (Chairing)**
The Hon. Adan W. Keynan, MP –**Co-Chair**
The Hon. Peter Kiilu, MP
The Hon. Charles Kilonzo, MP
The Hon. Danson Mungatana, MP
The Hon. Cyprian Omollo, MP
The Hon. Benedict Fondo Gunda, MP
The Hon. Mohammed Hussein Ali, MP

ABSENT WITH APOLOGIES

The Hon. John Ngata Kariuki, MP
The Hon. Pollyins Ochieng, MP
The Hon. Kiema Kilonzo, MP
The Hon. Maison Leshoomo, MP

ABSENT

The Hon. Joshua Kutuny, MP
The Hon. Raphael Letimalo, MP
The Hon. Peter E.O. Anyanga, MP
The Hon. Ali Hassan Joho, MP
The Hon. Nkoidila Ole Lankas, MP
The Hon. George Nyamweya, MP
The Hon. Wamalwa Eugene, MP
The Hon. Wilson M. Litole, MP

IN ATTENDANCE -KENYA NATIONAL ASSEMBLY

Mr. Daniel Mutunga - Second Clerk Assistant
Mr. Nicholas Emejen - Second Clerk Assistant

PRELIMINARY

The meeting was called to order at 3.45 pm. Prayers were said and the Members welcomed to the meeting.

MIN. NO. 1/09 – AGENDA OF THE MEETING

The Hon. Keynan, MP, Co-Chair and convener of the meeting, briefed the Members about the security concerns in the North Eastern Province arising from allegations that Kenyan Youth of

Somali descent were being trained by the Government to be deployed to Somalia to fight alongside the TFG Administration. This action by the Government had exposed the country to external threats by Al Shabaab militia group which had vowed to attack Kenya if it went on assisting the TFG Administration. The question that begged answers from the Members is why Kenya would knowingly get involved in the affairs of a failed state thus exposing the country into international terrorism.

It was thus imperative that a Joint Committee of the two Departmental Committees be formed to investigate these claims and bring back a report. A Joint Committee was thus constituted.

MIN. NO. 2/09 – ISSUES RAISED BY COMMITTEE

Members expressed their disappointment with the Minister of State for Defence and the NSIS Director General for not appearing before the Committee to address a matter touching on national security.

Members were informed that the youth were being recruited in Garissa, Dadaab, El Wak, Wajir, Liboi, etc in Northern Kenya then they would be transported in NYS Lorries bearing the 'L' sign to training camps in Archers Post in Samburu East district and Manyani in Voi district.

Retired military servicemen of Somali descent were being used as the recruiting agents. The recruits were meant to believe that they would join the Kenya military and be posted to various regions as UN peace keeping missions. Their ID cards were confiscated. Members were also informed that for two years, there has been no issuance of IDs. The suspension of issuance of IDs was linked to the training of the youths so that many youths without IDs would be absorbed into the army and it would be easy to sneak them into Somalia where they would easily pass as Somali soldiers.

It was resolved that the Committee would thus proceed to North Eastern Province to establish the facts behind these allegations.

MINUTE NO. 3/2009 -ADJOURNMENT

Having accomplished the agenda of the day, and there being no other business, the Co-Chair adjourned the meeting at thirty minutes after five o'clock in the afternoon. The next meeting would be held on November 9, 2009 at 10 am.

Signed:

Joint ChairpersonHon. Fred Kapondi, MP

Joint ChairpersonHon. Adan Keynan, MP

Date30/9/2010

**MINUTES OF THE SECOND JOINT SITTING OF THE COMMITTEE ON
ADMINISTRATION AND NATIONAL SECURITY; AND DEFENCE AND FOREIGN
RELATIONS HELD ON MONDAY, NOVEMBER 9TH 2009 IN COMMITTEE ROOM, 4TH
FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS, AT 2.30 PM**

PRESENT

The Hon. Fred C. Kapondi, MP – **Co-Chair (Chairing)**
The Hon. Adan W. Keynan, MP – **Co-Chair**
The Hon. Peter Kiilu, MP
The Hon. George Nyamweya, MP
The Hon. Pollyins Ochieng, MP
The Hon. Charles Kilonzo, MP
The Hon. Benedict Fondo Gunda, MP
The Hon. Mohammed Hussein Ali, MP

ABSENT

The Hon. Joshua Kutuny, MP
The Hon. John Ngata Kariuki, MP
The Hon. Raphael Letimalo, MP
The Hon. Peter E.O. Anyanga, MP
The Hon. Maison Leshoomo, MP
The Hon. Kiema Kilonzo, MP
The Hon. Cyprian Omollo, MP
The Hon. Ali Hassan Joho, MP
The Hon. Nkoidila Ole Lankas, MP
The Hon. Wamalwa Eugene, MP
The Hon. Danson Mungatana, MP
The Hon. Wilson M. Litole, MP

IN ATTENDANCE - KENYA NATIONAL ASSEMBLY

Mr. Daniel Mutunga - Second Clerk Assistant
Ms. Edelquinn Achieng' - Parliamentary Intern

IN ATTENDANCE – GARISSA TOWNSHIP LEADERS

1. Mr. Mohammed Gabow - Mayor, Garissa Town
2. Mr. Ismail M. Garat - Deputy Mayor, Garissa
3. Mr. Abdi Haji Mohammed - Councillor, Garissa Town Council
4. Mr. Khalif Abdi Farah - Co-ordinator, Northern Forum for Democracy

PRELIMINARY

The meeting was called to order at 3.00 pm. Prayers were said. Members of the Committee, the Mayor, and his team were welcomed to the meeting.

MIN. NO. 4/09 – MEETING WITH GARISSA TOWNSHIP LEADERS

The Committee held a meeting with the leaders from Garissa Township.

During the meeting, the Committee was informed that:-

- Indeed there was training of Kenyan Youth of Somali origin to fight in Somalia alongside the TFG.
- The training had slowed down due to pressure from politicians and other quarters.
- Mothers and relatives of the recruitment raised their concern with the local Administration.
- There was intimidation that those who resisted the recruitment would be punished.
- Ex-military servicemen had been used as agents for the training.
- The youth were duped that they would be deployed to work for the UN peace keeping forces in other countries.
- The recruited youth were transported to Manyani to begin their training.
- Some of the trainees/recruits absconded and have given personal accounts of what transpired.
- About 300 youths had been recruited for the training. Their IDs were confiscated to keep them under check.
- The youth were recruited from Garissa, Mandera and Wajir.
- The recruitment had been commercialized to the extent that the new recruits had paid money to join the training process.
- The rationale for targeting Kenyan youth for the training was because the Somalis were unavailable due to the civil war and many of the youths had relocated to other countries as refugees.
- Unemployment and poverty in the NEP were the main factors driving the youth into recruitment.
- The general attitude was that the youth had no other option and therefore did not care so long as they got into some form of income generating engagement.
- The 600 USD per month and the hope of joining the UN as promised to the youth was too alluring.
- The youth were hostile to relatives and leaders who tried to stop them from the recruitment exercise.
- NYS Lorries had been used to ferry the new recruits to Manyani. The Lorries were escorted through the journey to Manyani by the military.
- The local Administration in NEP was fully aware of the recruitment. The administration claimed the recruitment was for the Somali refugees only.
- There was collusion by the Administration and Immigration ministry to deprive youths of citizenship and make it easy to train them into the Somali forces.
- Other youths were also ferried to Archers post in Samburu East district for training.
- The Government was courting danger. The trained youths were likely to come back to the country as unemployed youth and might join other breakaway militias and pose major security threats to the Country.

- There has been profound silence by the politicians from NEP in condemning the recruitment exercise.

MIN. NO. 5/09 – CONCERNS RAISED BY COMMITTEE

The Committee was deeply concerned that:-

- The Government was involved in training Kenyan youth to fight in a foreign country.
- Enormous Government resources had been channelled for the recruitment exercise.
- The continuous denial by the Provincial Administration that there was no training going on was not genuine and that the Administration was fully aware of the training and was indeed coordinating in the recruitment and movement of the trainees.
- The whole exercise was shrouded in secrecy and mystery hence the hue and cry raised by relatives and leaders was due to the unknown fate of the recruits.
- Apparently, the youths had been duped into joining the recruitment through false promises of cash and non-existent employment.
- The recruitment agents were still roaming free after their heinous activities that ought to be severely punished.

MINUTE NO. 6/2009 -ADJOURNMENT

Having accomplished the business of the day, and there being no other business, the Co-Chair adjourned the meeting at forty five minutes after five o'clock in the afternoon. The next meeting would be held on November 16, 2009 at 10 am.

Signed:

Joint ChairpersonHon. Fred Kapondi, MP

Joint ChairpersonHon. Adan Keynan, MP

Date30/9/2010

**MINUTES OF THE THIRD JOINT SITTING OF THE COMMITTEE ON
ADMINISTRATION AND NATIONAL SECURITY; AND DEFENCE AND FOREIGN
RELATIONS HELD ON MONDAY, NOVEMBER 16TH 2009 IN COMMITTEE ROOM,
4TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS, AT 09.00 AM**

PRESENT

The Hon. Fred C. Kapondi, MP – Co-Chair (Chairing)
The Hon. Adan W. Keynan, MP – Co-Chair
The Hon. Peter Kiilu, MP
The Hon. John Ngata Kariuki, MP
The Hon. Wilson M. Litole, MP
The Hon. Kiema Kilonzo, MP
The Hon. Maison Leshoomo, MP
The Hon. George Nyamweya, MP
The Hon. Danson Mungatana, MP
The Hon. Cyprian Omollo, MP
The Hon. Wamalwa Eugene, MP
The Hon. Pollyins Ochieng, MP
The Hon. Charles Kilonzo, MP

ABSENT

The Hon. Benedict Fondo Gunda, M P
The Hon. Joshua Kutuny, MP
The Hon. Mohammed Hussein Ali, MP
The Hon. Raphael Letimalo, M.P
The Hon. Peter E.O. Anyanga, MP
The Hon. Ali Hassan Joho, MP
The Hon. Nkoidila Ole Lankas, MP

IN ATTENDANCE - KENYA NATIONAL ASSEMBLY

Mr. Daniel Mutunga - Committee Clerk
Ms. Edelquinn Achieng' - Parliamentary Intern

IN ATTENDANCE: MINISTRY OF STATE FOR DEFENCE

The Hon. Yusuf Haji, EGH, MP - Minister of state for defence
The Hon. David Musila, MGH, MP - Assistant Minister
Amb. Nancy Kirui, CBS - Permanent Secretary

PRELIMINARY

The meeting started with a word of prayer and thereafter the Chairman welcomed the Minister and his team to the meeting. The essence of the meeting, the Minister was

informed, was to get clarifications on various issues arising from the visit by the Committee to Garissa, Dadaab, Voi and Manyani KWS Training camp.

MIN. NO. 7/2009: ISSUES RAISED BY THE COMMITTEE

The committee sought to know:-

- Whether the Government was indeed recruiting and training Kenyan youths of Somali origin to fight in the TFG Administration in Somalia.
- Who was responsible for the funding of the recruitment and training and how much was sunk into the training exercise.
- Whether there exists memorandum of understanding between the GoK and the TFG Administration over the recruitment and training of Kenyan youths.
- Whether the UN, AU, IGADD was involved in brokering of agreement to train Kenyan Youths to fight in Somalia.
- If the local leaders in NEP had been informed of the intended recruitment and training.
- What benefits if any, is Kenya getting from the recruitment and training exercise.
- If there was a programme to rehabilitate or absorb into employment the Kenyan youth once they came back from the war in Somalia.
- How long would the training take and whether the Government was aware of the grave repercussions that the country was exposed to through getting involved in this saga.
- Whether the Government was responsible for the removal of the 48 youths from Manyani training camp, and who had given them the Kshs. 3,000 to go back home.

MIN. NO. 8/2009: MINISTER'S RESPONSE

In his response:-

The Minister was concerned that the Committee had called the media and discussed issues touching on national security without even inviting the Minister to clear the issues. The assistant Minister expressed his displeasure about the Committee's visit to Manyani terming it as un-procedural as this was protected area housing military equipment and installations.

The Minister categorically stated that there were no Kenyan youths of Somali origin who were being trained in Kenya. He further informed the Committee that he was not aware of who was funding the training and that the Minister for Foreign Affairs would be best placed to know. He stated that on the onset, he was opposed to the training of the youth and he had personally intervened to intercept 43 recruited youths from his constituency whom he returned to their homes. The Minister further stated that Kenya agreed to carry out police training and not military training for Somalia because of need for peace in the neighbouring Countries. He further informed the Committee that 2000 Somali youths were recruited and not Kenya Somalis as alleged. He said that the Kenya

Somali youths were duped by unknown persons and that the Government is investigating the matter and would arrest the agents involved.

The Minister further stated that it would take three years to train the Somali youth but no training has taken place so far. The Minister also said that that the Government will not retract from training even if Al Shabaab threatened to attack Kenya because the training was aimed at enhancing peace in the troubled Somalia.

The Minister informed the Committee that the Government offered transport from the Somali border for security of the Somali recruits. He further stated that he ordered finger prints of the 48 recruits to be taken to affirm citizenship and TFG has been called to come and identify whether they are Somalis. He further informed the committee that a total of 147 Kenyan recruits have been returned to their homes.

The Committee expressed fear that the returned recruits would turn to security threat to the country. But the Minister said Committee that they had not been trained at all. He was also not aware whether the MPs from the affected recruitment areas were involved.

The Minister and the Committee agreed that in future it would be important to work closely and that the Ministry would always brief the Committee of its activities to avoid speculations and misunderstandings. He also asserted that the ex-military agents would be brought to book and be answerable for their actions.

Minister suggested that the Committee and the Ministry should have dinner or a retreat, the committee was agreeable to the suggestion.

MIN. NO. 9/2009 -ADJOURNMENT

There being no other business, the Co-Chairman adjourned the meeting at thirty minutes after twelve in the afternoon. The next meeting would be held on November 17, 2009 at 10 am.

Signed:

Joint ChairpersonHon. Fred Kapondi, MP

Joint ChairpersonHon. Adan Keynan, MP

Date30/9/2010

MINUTES OF THE FOURTH SITTING OF THE JOINT COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY AND DEFENCE AND FOREIGN RELATIONS HELD ON TUESDAY 17TH NOVEMBER 2009 IN COMMITTEE ROOM, 2ND FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.00 AM.

PRESENT

The Hon. Fred Kaponi, MP (Joint Chair)
 The Hon. Adan Keynan, MP (Joint Chair)
 The Hon. Charles Kilonzo, MP
 The Hon. Maison Leshoomo, MP
 The Hon. Peter Kiilu, MP
 The Hon. Raphael Letimalo, MP
 The Hon. Pollyins Ochieng, MP
 The Hon. Wilson Mwotiny Litole, MP
 The Hon. Benedict Fondo Gunda, MP

ABSENT

The Hon. Ali Hassan Joho, MP
 The Hon. Peter Edick O. Anyanga, MP
 The Hon. Eugene Wamalwa, MP
 The Hon. Joshua Kutuny, MP
 The Hon. Peter E.O. Anyanga, MP
 The Hon. Nkoidila Ole Lankas, MP
 The Hon. George Nyamweya, MP
 The Hon. Wamalwa Eugene, MP
 The Hon. Kiema Kilonzo, MP
 The Hon. Cyprian Omollo, MP
 The Hon. Danson Mungatana, MP
 The Hon. John Ngata Kariuki, MP

IN ATTENDANCE: KENYA NATIONAL ASSEMBLY

Mr. Emejen Nicholas - Clerk Assistant

MINISTRY OF STATE FOR IMMIGRATION AND REGISTRATION OF PERSONS

Hon. Gerald Otieno Kajwang, MP – Minister
 Mr. Emmanuel Kisombe, CBS - Permanent Secretary
 Mr. Peter Kusimba - Commissioner for refugees
 Mr. Albert Musasia - Director, Immigration Services
 Ms. Joyce Mugo - Department of Civil Registration

PRELIMINARY

The meeting was opened with a word of prayer and thereafter the members approved the agenda of the meeting. Those in attendance introduced themselves.

MIN. NO. 10/2009: ISSUES FROM THE COMMITTEE

Members raised the following issues as agenda for the meeting and requested the Minister to make a brief on them.

- Issuance of national identification cards (ID) and passports to aliens.
- Closure of Kenya Somalia border
- Suspension of issuance of ID's in North Eastern Province.
- Recruitment and Training of Kenyan Somalis to fight alongside TFG forces among other issues.

MIN. NO. 11 /2009 MINISTER'S RESPONSE

- **Suspension of issuance of ID**

The Minister informed Members that suspension was done by the Provincial Commissioner, North Eastern Province due to illegal clearance of aliens for issuance of ID's. In the issuance of ID the registration of persons relies on the vetting Committees that are chaired by the Provincial Administration in the ground. The Minister admitted that the vetting process was flawed and that the Ministry was regularising the exercise before resumption of ID issuance.

- **Border closure**

Due to continued strife in Somalia there was massive displacement of people. The influx of displaced persons necessitated the official closure of the border by the ministry of internal security and foreign affairs under whose mandate security and external affairs fall. In spite the closure refugees still stream into camps where they are registered by UNHCR. Kenya has an international obligation to receive and protect people fleeing from conflict even when the border is closed.

The influx of refugees into the country has raised concern from the host community who feel that refugees are better treated and that their security and resources (business, water, pasture and environment) is threatened by the influx of aliens. The UNHCR in mitigating the disparities between the host and the refugees is investing on social infrastructure in the local community.

- **Recruitment and Training of Kenyan Somalis**

The transitional federal government of Somalia had approached Kenya to assist in the training of 3, 000 Somalia paramilitary officers. The Committee was informed that already 2, 000 Somalia police officers are being trained in the country.

The Minister further informed the Committee that he was not aware that there are Kenyan Somalis being recruited by the government to fight alongside TFG forces.

- **Refugees**

The Ministry with the assistance of UNHCR was conducting a thorough registration exercise for refugees. The exercise aims at creating an electronic data base for refugees monitoring and registration complete with finger prints and photos of refugees. Already 300, 000 refugees have registered in Dadaab and 52,000 in Kakuma. Kenya is said to be one of the few countries in the

world where refugees are confined into camps but this is due to security concerns. In other countries refugees are given land to settle and are allowed to mingle with the host population. The Committee was also informed that due to the good treatment (food rations, education and prospects of resettlement) accorded to refugees some Kenyans had registered themselves as refugees. Refugees on the other hand have corrupted their way into acquiring Kenyan identification documents such as national ID and Passports.

The influx of refugees from Somalia has strained resources at the Dadaab camps and as a result plans are underway to relocate some refugees to Kakuma but the exercise according to UNHCR is expensive. According to them it costs US 300 dollars to relocate a single refugee to Kakuma.

The government was encouraging skilled refugees to contribute to national development through engagement of their skills.

- **Status of the Kenya Sudan border**

Members expressed concern over reports that Kenyan ministers were denied access to border posts by South Sudan military along the Kenya Sudan border.

The minister informed the members that Kenya borders with other countries have remained unmanned for long but the situation is being rectified through a process of taking border post to the actual border for example the actual border with Sudan is at Nakodong and not Nadapal which is 7 kilometres inside Kenya. A comprehensive border demarcation is yet to be done.

The Minister for labour and Member of Parliament for Turkana North has been at the forefront in pushing the government to establish border posts at the actual border so as to secure and protect the Turkana people from constant attacks from militias. The minister has proposed to cabinet that the government sets up security posts at intervals along the common borders to prevent incursions.

Members sought to know the veracity of allegations by south Sudan that the minister was involved in espionage. They were informed that the allegations were untrue and baseless.

MIN NO.12 /2009 ADJOURNMENT

There being no other business the meeting was adjourned at thirty minutes past eleven O'clock.

Signed:

Joint ChairpersonHon. Fred kapondi, MP.....

Joint ChairpersonHon. Adan Keynan, MP.....

Date30/9/2010.....

MINUTES OF THE 5TH SITTING OF THE JOINT DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY; AND DEFENCE AND FOREIGN RELATIONS, HELD ON THURSDAY 4TH MARCH 2010, HELD IN CONTINENTAL HOUSE COMMITTEE ROOM, 4TH FLOOR, PARLIAMENT BUILDINGS.

PRESENT

The Hon. Peter Kiilu, M.P. - (Vice Chairperson)
The Hon. Raphael L. Letimalo, M.P.
The Hon. Cyprian O. Omollo, M.P.
The Hon. Benedict Fondo Gunda, M.P.
The Hon. Edick O. Anyanga, M.P.
The Hon. Kiema Kilonzo, M.P.
The Hon. Charles Kilonzo, M.P.
The Hon. Wilson Mwotiny Litole, M.P.
The Hon. Danson Mungatana, M.P.

ABSENT WITH APOLOGY

The Hon. Fred Kapondi, M.P. - Chairperson
The Hon. Adan Keynan, M.P. - Chairperson

ABSENT

The Hon. Ali Hassan Joho, M.P. – (Vice Chairperson)
The Hon. Joshua Kutuny, M.P.
The Hon. Jeremiah Kioni, M.P.
The Hon. Eugene Wamalwa, M.P.
The Hon. George Nyamwaye, M.P.
The Hon. Mohamed Hussein Ali, M.P.
The Hon. Pollyins O. Anyango, M.P.
The Hon. Ole Lankas Nkoidila, M.P.
The Hon. Ngata Kariuki, M.P.
The Hon. Maison Leshoomo, M.P.
The Hon. Clement Waibara, M.P.

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. Daniel Mutunga – Second Clerk Assistant
Mr. Nicholas Emejien – Second Clerk Assistant
Mr. Ahmad Kadhi – Third Clerk Assistant

PRELIMINARIES

The meeting was called to order and started with a word of prayer. The Hon. Peter Kiilu, MP and Vice Chairperson to the Committee on Administration and National Security chaired the meeting.

MIN. NO. 13/2010. MEETING WITH THE DIRECTOR, NATIONAL YOUTH SERVICE

The Chairperson informed the Committee that the Joint Chairpersons were attending a Liaison Committee meeting and that the agenda of the meeting was to meet with the Director of the National Youth Service who was to brief Members on the role of NYS in the recruitment and training of Kenyan Somali youths to fight alongside the transitional federal government forces.

The Chair reminded Members that during a fact finding visit to parts of North Eastern Province by the Joint Committee in November it emerged that NYS driving school Lorries were used to ferry the recruits to Kenya Wildlife Service training camp in Manyani, Voi. From the findings of the Committee during the NEP visit it was important for the director, NYS to confirm the use of NYS vehicles and any other role played by the service in the alleged recruitment.

The Committee noted that the Director, NYS had turned up after the meeting had been adjourned. However, it emerged that there was a communication breakdown between the office of the Clerk and the Director's office which led to the arrival of the Director after the adjournment. The Committee exonerated the Director from blame and resolved to invite him to appear before it on Tuesday 9th March at 10.30 am to discuss the same issues.

MIN. NO. 14/2010. ADJOURNMENT

There being no other business the meeting was adjourned at Fifteen minutes past Eleven O'clock. Next meeting will be held on Friday, 05 March 2010.

Signed:

Joint ChairpersonHon. Fred Kapondi, MP

Joint ChairpersonHon. Adan Keynan, MP

Date30/9/2010

MINUTES OF THE 6TH SITTING OF THE JOINT DEPARTMENTAL COMMITTEES ON ADMINISTRATION AND NATIONAL SECURITY; AND DEFENCE AND FOREIGN RELATIONS, HELD ON FRIDAY 5TH MARCH 2010, CONTINENTAL HOUSE, COMMITTEE ROOM, 4TH FLOOR, PARLIAMENT BUILDINGS 10 AM.

PRESENT

The Hon. Adan Keynan, M.P. – (Joint-Chairperson) - Chairing
The Hon. Peter Kiilu, M.P. - (Vice Chairperson)
The Hon. George Nyamweya, M.P.
The Hon. Wilson Mwotiny Litole, M.P.
The Hon. Danson Mungatana, M.P.
The Hon. Cyprian O. Omollo, M.P.

ABSENT WITH APOLOGY

The Hon. Fred Kapondi, M.P. – (Joint-Chairperson)
The Hon. Ngata Kariuki, M.P.
The Hon. Pollyins O. Anyango, M.P.
The Hon. Mohamed Hussein Ali, M.P.
The Hon. Benedict Fondo Gunda, M.P.
The Hon. Charles Kilonzo, M.P.
The Hon. Jeremiah Kioni, M.P.

ABSENT

The Hon. Ali Hassan Joho, M.P. – (Vice Chairperson)
The Hon. Eugene Wamalwa, M.P.
The Hon. Maison Leshoomo, M.P.
The Hon. Clement Waibara, M.P.
The Hon. Lankas Ole Nkoidila, M.P.
The Hon. Joshua Kutuny, M.P.

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. Nicholas Emejen – Second Clerk Assistant
Mr. Daniel Mutunga – Second Clerk Assistant
Mr. Ahmad Kadhi – Third Clerk Assistant

IN ATTENDANCE: NATIONAL SECURITY INTELLIGENCE SERVICE

Mr. Michael Gichangi, DCO, CBS, – Director General, NSIS
Irene Ndichu – Officer, NSIS

PRELIMINARIES

The meeting was called to order and started with a word of prayer.

MIN. NO. 15/2010 : MEETING WITH DIRECTOR GENERAL, NATIONAL SECURITY INTELLIGENCE SERVICE (NSIS).

The Chairperson welcomed the Director General (DG) and explained to him the mandate of the Committees and the purpose of the meeting as outlined in the invitation. The Chairperson further gave a brief on the study tour by the Joint Committee to parts of North Eastern Province and Manyani in Voi to investigate on allegations of recruitment of Kenyan youth of Somali descent and Somali refugees to fight alongside Transitional Federal Government (TFG) forces.

The Director General, NSIS informed the Committee that:-

- (i) The Service is primarily mandated, by the NSIS Act, to collect intelligence and advise Government which would take the necessary enforcement measures. Further the threats posed by the failed Somali state range from piracy, terrorism, proliferation of small arms and light weapons, influx of refugees among others.
- (ii) The intelligence network was aware of the criminal elements purporting to recruit workers to work in Somalia for the United Nations and AMISOM and that these elements have been neutralised.
- (iii) The Government had a policy to support the peace efforts in Somalia as it was in the interests of Kenya to have a stable government in the neighbouring state for the security of Kenyan's in general. This agreement included training Somali police by Kenyan authorities as well as trying pirates captured in the Indian Ocean but does not involve recruitment of Kenyan citizens to fight alongside TFG forces.
- (iv) The Intelligence network works day to day to ensure the safety of Kenya and its citizens by keeping close watch on persons who may engage in activities that are against its security concerns and to this end the security apparatus have diffused several incidences that pose threats to the country. However security agencies have been cautious in handling of the situation to avoid situations where their actions may be construed as targeting certain ethnic group(s) or religion(s).
- (v) Through the African Union Mission in Somalia (AMISOM) and IGAD, Kenya is training TFG police who will later return to their country after the exercise.

The Members raised concern that the Kenya was hosting certain Somalia elements who are against the success of the transitional federal Government and who also pose a security threat to the country.

The committee was informed by the DG that security agencies were monitoring Somalia elements who are critical of the Somalia peace process and TFG . Kenya under

IGAD and AU was keen on the stabilisation of Somalia and was assisting the TFG through capacity building.

MIN. 16/2010 ANY OTHER BUSINESS

The Director General stressed that it is Government policy not to interfere with internal politics of other countries. The DG intimated to the Committee that he would seek an appointment with the Committee to discuss certain provisions in the proposed constitution that are in the view of the NSIS detrimental to national security.

The Members welcomed the DG's request and assured him of its support and pointed out the need for members of parliament to be adequately informed of on pertinent issues so as not to rely on speculation and rumours.

The meeting agreed that the Director General would be invited at short notice if there are issues that need clarification on the above topic.

MIN. 17/2010 ADJOURNMENT

There being no other business the Committee adjourned at Ten minutes past One O'clock to Monday 8th March 2010 at 2.30pm.

Signed:

Joint ChairpersonHon. Fred Kapondi, MP

Joint ChairpersonHon. Adan Keynan, MP

Date30/9/2010

MINUTES OF THE 7TH SITTING OF THE JOINT DEPARTMENTAL COMMITTEES ON ADMINISTRATION AND NATIONAL SECURITY; AND DEFENCE AND FOREIGN RELATIONS, MONDAY 8TH MARCH 2010, CONTINENTAL HOUSE- COMMITTEE ROOM, 4TH FLOOR, PARLIAMENT BUILDINGS AT 2.30PM.

PRESENT

The Hon. Adan Keynan, M.P. – (Co-Chairperson) – Chairing
The Hon. Peter Kiilu, M.P. - (Vice Chairperson)
The Hon. Mohamed Hussein Ali, M.P.
The Hon. Charles Kilonzo, M.P.
The Hon. George Nyamweya, M.P.
The Hon. Joshua Kutuny, M.P.
The Hon. Kiema Kilonzo, M.P.
The Hon. Cyprian O. Omollo, M.P.
The Hon. Raphael L. Letimalo, M.P.
The Hon. Edick O. Anyanga, M.P.

ABSENT WITH APOLOGY

The Hon. Fred Kapondi, M.P. – (Co-Chairperson)
The Hon. Benedict Fondo Gunda, M.P.
Hon. Wilson Mwitony Litole, M.P.

ABSENT

The Hon. Ali Hassan Joho, M.P. – (Vice Chairperson)
The Hon. Eugene Wamalwa, M.P.
The Hon. Maison Leshoomo, M.P.
The Hon. Nkoidila Ole Lankas, M.P.

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. Nicholas Emejien – Second Clerk Assistant
Mr. Daniel Mutunga – Second Clerk Assistant
Mr. Ahmad Kadhi – Third Clerk Assistant

IN ATTENDANCE: MINISTRY OF STATE FOR PROVINCIAL ADMINISTRATION AND INTERNAL SECURITY

The Hon.(Prof) George Saitoti, EGH, MP – Minister
Mr. Matthew Iteere CBS, OGW – Commissioner of Police
Maj. Gen. Michael Gichangi, CBS, DCO – Director General, NSIS.
Mr. Kilonzo – P.A. to Minister

PRELIMINARIES

The meeting was called to order and started with a word of prayer.

MIN. NO. 18/2010: MEETING WITH THE MINISTER OF STATE FOR PROVINCIAL ADMINISTRATION AND INTERNAL SECURITY

The Chairperson welcomed the Minister and explained the purpose of the meeting and the mandate of Departmental Committees as provided by the National Assembly Standing Order 198. The Chair briefed the Minister on the tour taken by the Joint Committee in parts of North Eastern Province and Manyani in Voi to inquire into the alleged recruitment and training of Kenyan youth of Somali descent to fight alongside Somalia's TFG forces.

In his response the Minister informed the Committee that:-

- (i) He was not aware of the recruitment of Kenyan youth of Somali descent, however the government had signed two agreements with the TFG in 2006 for the training of Somali police on protection of VIP. Already 200 Somali police have been trained under the terms of this MOU. Another agreement was signed in March 2010 under which TFG through AMISOM requested Kenya to assist in training senior police officers. The training is yet to begin. Kenya has a policy not to interfere with any country's internal matters and only offered the training on official request of the TFG.
- (ii) It is not government policy to recruit Kenyans or Somali refugees to fight alongside TFG. Under the above MOU's TFG was to recruit from Somalia and Kenya's role was to train the recruits.
- (iii) Kenya is keen on ensuring that Somalia returned to stability. Since the end of the Siad Bare regime in 1991, Kenya has borne the greatest burden emanating from Somalia, ranging from influx of refugees, border insecurity, proliferation of small arms and light weapons, terrorist threats from Somalia, piracy and crimes associated with arms proliferation etc. It is Kenya's interest to stabilise Somalia and towards this end the Government through IGAD has been at the forefront in reconciling warring parties through the Somali peace process that gave birth to the TFG.
- (iv) Security forces have been monitoring persons in the country suspected of recruiting Kenyans to fight in Somalia and that they will soon be brought to book. The Ministry is responding to threats by gathering proper intelligence and closely monitoring the security situation in Somalia, enhancing capacity to effectively patrol the border as well as screening of all persons at border entry points. Moreover they had organised coordinated raids to net aliens living in the country illegally, some of whom maybe extremist elements. The Government had also intensified surveillance on all aliens in the country.

The Committee expressed concern about the secrecy of the alleged recruitment and why the Minister was in denial. Members further sought to know what the Ministry was intending to do about insecurity in general. Members further expressed concern that there were contradicting statements from different government officials who were quizzed on the same matter.

The Director General, NSIS informed the Committee that due to the clan linkage between Somali Somalis and Kenyan Somalis certain elements in Kenya had taken

advantage of the situation and clandestinely recruited desperate Kenyan youth but those Kenyans found to have been recruited through disguise were discharged from training. Intelligence in the region has indicted that the Al Shabaab has been actively recruiting youths in Somalia and in some parts of North Eastern and Coast Provinces. The Kenyan youths who were discharged from Manyani training were being monitored.

The Police Commissioner informed Members that to address the insecurity in North Eastern Province numerous strides had been made in ensuring the safety of the people of Kenya in general and residents of the NEP in particular, but due to security concerns this has not been made public. Police have thwarted many criminal activities in the country and was beefing up security in North Eastern Kenya by ensuring the area is better policed. Towards this effort three OCPD's had been posted to Modogashe, Bute and that not less than ten police reservists would be recruited from amongst the locals in each location after proper vetting. To beef up security along the poorly policed border areas the government policy is to arm border communities by recruiting police reservists.

The Police Commissioner further informed the Committee that to speed up service delivery, police officers have been delegated powers which will enable them respond quickly to distress calls without having to get orders from superiors for action, moreover close to 3,000 police officers are currently undergoing re-training under a new curriculum to face the modern day security challenges.

MIN. NO. 19/2010: ANY OTHER BUSINESS

The Minister sought the assistance of the Committee to secure more funds to implement the recommendations of The Police Reforms Task Force which sets to provide insurance, medical care, better housing and terms of service which will result in better service. Further the minister appealed to the members to support his efforts to secure more funding to enable better policing, security surveillance and patrolling of the border.

Members however raised concern that the Government was not doing enough to prosecute known persons who were recruiting and enticing Kenyan youth to fight in Somalia.

MIN. NO. 20/2010: ADJOURNMENT

There being no other business the Committee adjourned at Fifty minutes past three O'clock to Tuesday, 9th March, 2010 at 10 am.

Signed:

Joint ChairpersonHon. Fred Kapondi, MP

Joint ChairpersonHon. Adan Keynan, MP

Date30/9/2010

MINUTES OF THE 8TH SITTING OF THE JOINT DEPARTMENTAL COMMITTEES ON ADMINISTRATION AND NATIONAL SECURITY; AND DEFENCE AND FOREIGN RELATIONS, HELD ON TUESDAY 9TH MARCH 2010, CONTINENTAL HOUSE COMMITTEE ROOM, 4TH FLOOR, , PARLIAMENT BUILDINGS AT 10 AM.

PRESENT

The Hon. Adan Keynan, M.P. – (Joint-Chairperson)
The Hon. Peter Kiilu, M.P. – (Vice Chairperson)
The Hon. Pollyins O. Anyango, M.P.
The Hon. Mohamed Hussein Ali, M.P.
The Hon. Raphael Letimalo, M.P.
The Hon. Charles Kilonzo, M.P.
The Hon Kiema Kilonzo, M.P.
The Hon. Peter E.O. Anyanga, M.P.

ABSENT WITH APOLOGY

The Hon. Fred Kapondi, M.P. – (Joint-Chairperson)
The Hon. John Ngata Kariuki, M.P.
The Hon. George Nyamweya, M.P.
The Hon. Benedict Fondo Gunda, M.P.

ABSENT

The Hon. Ali Hassan Joho, M.P. – (Vice Chairperson)
The Hon. Eugene Wamalwa, M.P.
The Hon. Maison Leshoomo, M.P.
The Hon. Nkoidila ole Lankas, M.P.
The Hon. Joshua Kutuny, M.P.
The Hon. Wilson Mwotiny Litole, M.P.
The Hon. Danson Mungatana, M.P.
The Hon. Cyprian O. Omollo, M.P.
The Hon. Jeremiah Kioni, M.P.

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. Nicholas Emejien – Second Clerk Assistant
Mr. Daniel Mutunga – Second Clerk Assistant
Mr. Ahmad Kadhi – Third Clerk Assistant

IN ATTENDANCE: MINISTRY OF YOUTH AFFAIRS AND SPORTS

Mr. James Waweru, CBS – Permanent Secretary
Mr. Joseph Mwania, OGW – Director, NYS
Mr. M.O. Mayanga – Deputy Director, NYS

PRELIMINARIES

The meeting was called to order and prayers were said. The Hon. Adan Keynan, M.P. and Chairperson of the Committee on Defence and Foreign Relations chaired the joint meeting. The Chair informed the Director that the Committee had visited parts of North Eastern Province in the quest to establish the facts behind the recruitment and subsequent training of Kenyan youths of Somali descent. The Members had received evidence that NYS Lorries were used to ferry these youths to various training camps in Manyani and Archer's Post. It was against this background that the Committee wished to invite the Director of NYS to shed light on these issues.

MIN. NO. 21/2010: MEETING WITH DIRECTOR, NATIONAL YOUTH SERVICE (NYS).

The Director of NYS, in his presentation, informed the Committee that:

A verbal request was placed to NYS by the Government for 10 Lorries to assist in transportation of refugees from Dadaab to a 'safer' place at the Coast. The total charge for the Lorries was Kshs. 2,447,668 million. Kshs. 308,000 was paid as down payment before the Lorries were released.

Apart from hiring out Lorries to the Government, NYS did not play any other role in the saga of recruitment of Kenyan youths to fight in Somalia.

Issues raised by the Committee Members

The Members sought to know:

- i) Who exactly requested for the Lorries from NYS
- ii) Who paid for the Lorries and allowances for the drivers
- iii) Whether there were any order documents such as Local Purchase Order (LSO)
- iv) Whether there were payment vouchers reflecting these transactions
- v) Why the Lorries used bore the 'L' sign
- vi) What the standard procedure is in procurement of transport from NYS
- vii) Whether work-permits were signed for the Lorries and distances to be covered shown
- viii) Whether the Director later came to know the nature of work the Lorries had been hired for
- ix) If the Director had the registration numbers for the Lorries used.

Response by PS, Director and Deputy Director, NYS

In response, the Permanent Secretary, Ministry of Gender, Director and Deputy Director NYS informed the Committee that:

- The order to hire Lorries from NYS came from the NSIS.
- The request was verbal. The 10 Lorries hired were to be used in a security operation by NSIS and they would be used from September 30 to October 24, 2009.

- NSIS paid the Kshs. 2,447,668 million as well as allowances for the drivers and fuel for the Lorries. Copies of payment vouchers were available for Committee's scrutiny.
- There was nothing special with the 'L' sign on the Lorries as these signs are permanently pasted on all the NYS Lorries meant for training of staff. The use of these Lorries was not by design.
- There was generally no standard procedure of hiring of NYS transport to other Government Departments. The regulations only applied when transactions were done with non Governmental institutions or individuals.
- The Director came to know of the recruitment saga from the media after he came back from a trip in China.
- Work permits for the Lorries had been issued and copies of these would be availed to the Committee.

The following Lorries were hired out to NSIS;
 GK A961F, GK A962F, GK A963F, GK A965F, GK A967F, GK A167G, GK A169G, GK A170G, GK A171G, GK A059G.

MIN. 22/2010 ADJOURNMENT

There being no other business the committee adjourned at eleven O'clock. The date for the next meeting would be communicated to Members in due course.

Signed:

Joint ChairpersonHon. Fred Kapondi, MP

Joint ChairpersonHon. Adan Keynan, MP

Date30/9/2010

MINUTES OF THE 9TH SITTING OF THE JOINT DEPARTMENTAL COMMITTEES ON ADMINISTRATION AND NATIONAL SECURITY; AND DEFENCE AND FOREIGN RELATIONS, HELD ON THURSDAY 8TH MARCH 2010, CONTINENTAL HOUSE COMMITTEE ROOM, 5TH FLOOR., PARLIAMENT BUILDINGS AT 10.00 AM.

PRESENT

The Hon. Adan Keynan, M.P. – (Joint-Chairperson)
The Hon. Fred Kapondi, M.P. – (Joint-Chairperson)
The Hon. Mohamed Hussein Ali, M.P.
The Hon. Charles Kilonzo, M.P.
The Hon. Maison Leshoomo, M.P.
The Hon. George Nyamweya, M.P.
The Hon. Eugene Wamalwa, M.P.
The Hon. Jeremiah Kioni, M.P.
The Hon. Joshua Kutuny, M.P.
The Hon. Wilson Mwotiny Litole, M.P.

ABSENT WITH APOLOGY

The Hon. Peter Kiilu, M.P. – (Vice Chairperson)
The Hon. Benedict Fondo Gunda, M.P.
The Hon. Pollyins O. Anyango, M.P.
The Hon. Peter E.O. Anyanga, M.P.
The Hon. Raphael Letimalo, M.P.

ABSENT

The Hon. Ali Hassan Joho, M.P. – (Vice Chairperson)
The Hon. Danson Mungatana, M.P.
The Hon. Kiema Kilonzo, M.P.
The Hon. Nkoidila ole Lankas, M.P.
The Hon. Cyprian O. Omollo, M.P.
The Hon. John Ngata Kariuki, M.P.

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. Nicholas Emejien – Second Clerk Assistant
Mr. Ahmad Kadhi – Third Clerk Assistant

IN ATTENDANCE: MINISTRY OF FORESTRY AND WILDLIFE

Hon. Dr. Noah Wekesa – Minister
Mr. Mohammed Mwachai – Permanent Secretary
Mr. Robert Muasya – Snr. Assistant Director (KWS)

PRELIMINARIES

The meeting was called to order and prayers were said.

MIN. NO. 23/2010: MEETING WITH MINISTER FOR FORESTRY AND WILDLIFE

The Chairperson introduced the Minister to the agenda of the meeting as contained in the invitation letter.

The minister briefed the Committee as follows:-

- (i) The African Union through the Ministry of Foreign Affairs had requested the Ministry of Forestry and Wildlife to avail facilities for the training of 10, 000 Somalia police. The training of Somali police was an initiative of the AU for capacity development for Somalia.
- (ii) The request for provision of facilities for training was as a result of an agreement between the AU and Kenya. From the agreement the responsibility of Kenya was to provide facilities for training. The activity was organized by the Ministries of Foreign Affairs, Provincial Administration and Internal Security and Defence respectively.
- (iii) The training was done in Tsavo West National Park specifically in no tourist circuit areas of the park. The Kenya Wildlife Service did not charge for the use of the park since the exercise was a government initiative or effort to assist the Transitional Federal Government of Somalia.
- (iv) While the training was underway they received intelligence reports that Al Shabaab was threatening to bomb the training facility.

The Committee raised concern that the Minister did not find it prudent to inquire on the nature of training and the progress in spite the training being conducted in the National Park.

MIN. NO. 24/2010: REPORT OF THE JOINT COMMITTEE

The Committee deliberated on the recruitment of Kenyan youth to fight alongside TFG forces and resolved that all the relevant witnesses had appeared and adduced evidence before the Committee. The secretariat was directed to prepare a draft report for consideration by the Committee on Tuesday April 13th, 2010. The Joint Committee further resolved that the report be laid on Thursday April 15th, 2010.

MIN. 24/2010 ADJOURNMENT

There being no other business the committee adjourned at eleven O'clock. Next meeting will be held on Tuesday April 13th, 2010 at 10.00 am.

Signed:

Joint ChairpersonHon. Fred Kapondi, MP

Joint ChairpersonHon. Adan Keynan, MP

Date30/9/2010

MINUTES OF THE 10TH JOINT SITTING OF THE DEPARTMENTAL COMMITTEES ON ADMINISTRATION AND NATIONAL SECURITY; AND DEFENCE AND FOREIGN RELATIONS, HELD ON THURSDAY 30TH SEPTEMBER 2010, CONTINENTAL HOUSE COMMITTEE ROOM, 4TH FLOOR, PARLIAMENT BUILDINGS AT 10.00 AM.

PRESENT

The Hon. Peter Kiilu, M.P. – Vice Chairperson (Ag. Chair)
The Hon. Adan Keynan, M.P. – Co-Chairperson
The Hon. Fred Kapondi, M.P. – Co-Chairperson
The Hon. Mohamed Hussein Ali, M.P.
The Hon. Charles Kilonzo, M.P.
The Hon. Joshua Kutuny, M.P.
The Hon. Wilson M. Litole, M.P.
The Hon. Maison Leshoomo, M.P.
The Hon. Peter E.O. Anyanga, M.P.
The Hon. Raphael Letimalo, M.P.
The Hon. Benedict Fondo Gunda, M.P.
The Hon. Cyprian O. Omollo, M.P.
The Hon. Danson Mungatana, M.P.
The Hon. Kiema Kilonzo, M.P.

ABSENT WITH APOLOGY

The Hon. George Nyamweya, M.P.
The Hon. Jeremiah Kioni, M.P.
The Hon. Pollyins Ochieng, M.P.

ABSENT

The Hon. Ali Hassan Joho, M.P. – (Vice Chairperson)
The Hon. Nkoidila ole Lankas, M.P.
The Hon. John Ngata Kariuki, M.P.
The Hon. Eugene Wamalwa, M.P.

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. Daniel Mutunga – Second Clerk Assistant
Mr. Ahmad Kadhi – Third Clerk Assistant

PRELIMINARIES

The meeting was called to order and prayers were said. The joint Chairpersons had to attend to the Liaison Committee so the Vice Chairperson guided the proceedings.

MINUTE 25/2010: ADOPTION OF THE AGENDA

The agenda of the day was adopted.

MINUTE 26/2010: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

The minutes of the first Joint Sitting of the Committee were proposed by the Hon. Benedict Fondo Gunda, M.P, seconded by the Hon. Cyprian O. Omollo, M.P, and confirmed as the true proceedings of the meeting.

Minutes of the second Joint Sitting of the Committee were proposed by the Hon. Benedict Fondo Gunda, M.P, and seconded by the Hon. Charles Kilonzo, M.P. They were confirmed as the true proceedings of the meeting.

Confirmation of the Minutes of the third Sitting was deferred to another Sitting of the Joint Committee.

Minutes of the fourth Joint Sitting were proposed by the Hon. Raphael Letimalo, M.P., and seconded by the Hon. Wilson M. Litole, M.P. confirmed as the true proceedings of the meeting.

Minutes of the fifth Joint Sitting were proposed by the Hon. Charles Kilonzo, M.P., and seconded by the Hon. Benedict Fondo Gunda, M.P and confirmed as true proceedings.

Minutes of the sixth Joint Sitting were proposed by the Hon. Wilson M. Litole, M.P. and seconded by the Hon. Mohamed Hussein Ali, M.P. confirmed as the true proceedings of the meeting.

Confirmation of the Minutes of the seventh Joint Sitting was deferred to another Sitting of the Committee.

Minutes of the eighth Joint Sitting were proposed by the Hon. Raphael Letimalo, M.P, and seconded by the Hon. Charles Kilonzo, M.P.

Minutes of the ninth Joint Sitting were proposed by the Hon. Mohamed Hussein Ali, M.P and seconded by the Hon. Wilson M. Litole, M.P. and confirmed as true proceedings confirmed as the true proceedings of the meeting.

MIN 27/2010: MATTERS ARISING FROM THE PREVIOUS MINUTES

Under Min. 4/2009 of the second Joint Committee Sitting, Members felt that it should be indicated clearly that the 300 youths were recruited from Garissa district only, meaning that the ultimate total of recruits from other districts such as Wajir and Mandera would be a lot higher than 300 persons.

The Committee noted that the full team that accompanied the Minister of State for Immigration and Registration of Persons was incomplete. Under Min. 11/2009 of the fourth Joint Committee Sitting, on the eighth paragraph the Members felt that the sentence should be restructured to capture the meaning that was envisaged.

(d) Disobedience of orders.

The penalty imposed for the commission of the offences is a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding one year, or both fine and imprisonment.

This part also gives the Board the power to make regulations for the better carrying into effect of the provisions of the Act.

Committee Observations

The Committee observed that the Bill seeks to establish the County Assembly Fund to which all monies appropriated for County Assembly will be kept to enhance the independence of the County Assembly.

Committee Recommendations

The Committee having considered the County Assembly Services Bill, concurred with the provisions of the Bill without any amendments.

MIN.NO.253/ANS/2016 - ADJOURNMENT

There being no other business, the meeting was adjourned at half past eleven o'clock.

Signed.....

Vice Chairperson

Date:.....18th Aug 2016.....