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REPUBLIC OF KENYA



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SNA
23/6/2020.



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – FOURTH SESSION – 2020

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY

REPORT ON THE
PUBLIC PETITION REGARDING STATE OF INSECURITY IN SAMBURU
NORTH CONSTITUENCY

CLERK'S CHAMBERS
DIRECTORATE OF COMMITTEE SERVICES
PARLIAMENT BUILDINGS
NAIROBI

MARCH, 2020



 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 23 JUN 2020	DAY: TUE
TABLED BY: ¹	HON PAUL KOINANGE (CHAIRPERSON)
CLERK-AT THE-TABLE:	

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CHAIRPERSON'S FOREWORD

This report contains the Committee's proceedings on the consideration of the Public Petition regarding insecurity in Samburu North Constituency. The Petition dated 30th October 2019 by Hon. Alois Lentoimaga, MP on behalf of the residents of Samburu North Constituency, was presented in the National Assembly on 30th October 2019 and subsequently committed to Departmental Committee on Administration and National Security for consideration according to Standing order 227(1).

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

In processing the Petition, the Committee invited submissions from various stakeholders and visited Samburu North Constituency to meet the residents and to receive their views. The Committee analyzed these submissions and prepared the report.

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

On behalf of the Departmental Committee on Administration and National Security and pursuant to provisions of Standing Order 227(2), it is my pleasant privilege and honor to present to this House the report of the Committee on its consideration of the Public Petition No. 85 of 2019 regarding the state of insecurity in Samburu North Constituency.

HON. PAUL KOINANGE, M.P

EXECUTIVE SUMMARY

The Public Petition No. 85 of 2019 regarding the state of insecurity Samburu North Constituency dated 30th October 2019 was presented in the National Assembly on 30th October 2019 by Hon. Alois Lentoimaga, MP on behalf of the residents of Samburu North Constituency. The Petition was subsequently committed to the Departmental Committee on Administration and National Security for consideration pursuant to standing order 227(1).

The Petitioners stated that alarming cases of insecurity had escalated in Samburu North Constituency following the unprecedented disarming of National Police Reservist by the Government in July 2019.

They alleged that as a result of the insecurity, numerous households were displaced from their ancestral homes, with many people fleeing to other sub-counties and neighboring counties, thereby closing businesses and deserting various towns, including Baragoi, Marti, Barsaloi and Marijo.

The Committee received submissions from the petitioner, visited the area, and made a critical analysis of the presentations and the fact-finding. It observed that there was severe insecurity in the area.

The Committee recommends a raft of measures including The Ministry of Interior and Coordination of National Government should facilitate a peace meeting between the Samburu Community and Turkana Community living within Baragoi to come with an amicable solution.

PREFACE

1.0 ESTABLISHMENT AND MANDATE OF THE COMMITTEE

The Departmental Committee on Administration and National Security is established in accordance with the provisions of Standing Order 216 of the National Assembly. Its mandate as provided for in S.O. 216(5) includes, among others:

- i. investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations, and estimates of the assigned Ministries and departments;
- ii. study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- iii. study and review all legislation referred to it;
- iv. study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- v. investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
- vi. to vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments) ; and
- vii. make reports and recommendations to the House as often as possible, including the recommendation of proposed legislation.

The Committee oversees security-related departments and state agencies that include National Security, Police Services, Home Affairs activities, Public Administration, Public Service, Prisons and Correctional Services, Immigration, the management of Natural Disasters, and Community Service Orders.

1.1 Composition of the Committee

The Committee comprises of the following Members:

Chairperson

Hon. Paul Karuga Koinange, MP
MP for Kiambaa Constituency

Jubilee Party

Vice-Chairperson

Hon. John Waluke, MP
M.P for Sirisia Constituency

Jubilee Party

Hon. Wamunyinyi, Athanas Wafula, MP
MP for Kanduyi Constituency

Ford Kenya Party

Hon. (Dr.) Tecla Tum, MP
MP for Nandi County

Jubilee Party

Hon. Kaluma, George Peter Joseph, MP
MP for Homa Bay Town Constituency

ODM Party

Hon. Josphat Kabinga, MP
MP for Mwea Constituency

Jubilee Party

Hon. (Dr.) Makali Mulu, MP
MP for Kitui Central Constituency

Wiper Party

Hon. Nimrod Mbai, MP
MP for Kitui East Constituency

Jubilee Party

Hon. Theuri George, MP
Mp for Embakasi West Constituency

Jubilee Party

Hon. Ngunjiri Wambugu, MP
MP for Nyeri Town Constituency

Jubilee Party

Hon. Joshua Aduma Owuor, MP
Mp for Nyakach Constituency

ODM Party

Hon. Abdi Shurie Omar, MP
MP for Balambala Constituency

Jubilee Party

Hon. Capt. (Rtd) Didmus Barasa Mutua, MP
MP for Kimilili Constituency

Jubilee Party

Hon. Halima Mucheke, MP
Nominated Member

Jubilee Party

Hon. Col. (Rtd) Geoffrey King'ang'i, MP
MP for Mbeere South Constituency

Jubilee Party

Hon. Oku Kaunya, MP
MP for Teso North Constituency

ANC Party

Hon. Arbelle, Marselino Malimo, MP
MP for Laisamis Constituency

Jubilee Party

Hon. Ahmed Kolosh Mohamed, MP
MP for Wajir West Constituency

Jubilee Party

Hon. Peter Masara, MP
MP for Suna West Constituency

Independent Party

1.2 Committee Secretariat

The following Secretariat facilitates the Committee:-

Mr. George Gazemba, ACArb, CPM
**Principal Clerk Assistant
Lead Clerk**

Mr. Joshua Ondari
Clerk Assistant

Ms. Brigitta Mati
Legal Counsel

Mr. Edison Odhiambo
Fiscal Analyst

Mr. James Muguna
Research Officer

Mr. Yaqub Ahmed
Media Officer

Mr. Rodgers Kilunya
Audio Officer

1.3 COMMITTEE OBSERVATIONS

Arising from the submissions by the petitioner and the Committee's visit, The Committee observed that;

- a) The Government has not been keen on resolving the issue of insecurity in Baragoi and Samburu County;
- b) The raid in Baragoi was done by an organized gang, for example, the most recent attack was carried by about 60 bandits who were all armed;
- c) The presence of illegal firearms in the hands of the public is the primary cause of the insecurity in the area;
- d) The recent interdiction of the local administrative officers was not the best solution as it has led to increased cases of instability in the area;
- e) There was a need to disarm the public first and then hold a peace meeting within the Baragoi area.

1.4 COMMITTEE RECOMMENDATION

Arising from the observation and critical findings, the Committee recommends that:-

- a) The Ministry of Interior and Co-ordination of National Government to carry out a comprehensive disarmament and recover the stolen firearms from police and NPR killed by the militia and seize illegal guns that are in the hands of the civilians report back to the National Assembly within three months of tabling this report.
- a) The Ministry of Interior and Co-ordination of National Government should recover 994 cows stolen from Ngilai and other areas and 1000 goats taken from Kawap and Barsaloi.
- b) The Ministry of Interior and Co-ordination of National Government should reinstate all the Officers who were interdicted without any wrongdoings. The Deputy County Commissioner, 3 Chiefs, and 2 Assistant Chiefs.
- c) Ministry of Interior and Co-ordination of National Government should strengthen and equip National Police Reserve in Samburu County as their neighbours have easy access to illegal firearms from the neighboring Countries, noting that Suguta Valley has become a haven for bandits.
- d) Ministry of Interior and Co-ordination of National Government should arrest bandits, arraign and charge them for the murder of 14 people and stealing of livestock.
- e) That the Government should treat cattle rustling as terrorism and use stern measures to eradicate the problem once and for all.
- f) The Ministry of Interior and Coordination of National Government should construct security roads to the Suguta Valley.
- g) The Ministry of Interior and Coordination of National Government should provide sufficient armored vehicles to support the police operations in the area.
- h) The Ministry of Ministry of Interior and Coordination of National Government should review the current fuelling arrangement where vehicles have to go far for fuel. The cost-effectiveness of this arrangement should be looked at alongside the security risks that could be created by this.
- i) The Ministry of Ministry of Interior and Coordination of National Government should review the social-political issues that humper the good coexistence of Turkana and Samburu in the County.
- j) The Ministry of Ministry of Interior and Coordination of National Government should consider using drones in conjunction with the Kenya Defence Force (KDF) in Baragoi area.

CHAPTER ONE

2.0 INTRODUCTION

2.1 BACKGROUND

1. The Public Petition No. 85 of 2019 regarding the state of insecurity Samburu North Constituency dated 30th October 2019 was presented in the National Assembly on 30th October 2019 by Hon. Alois Lentoimaga, MP on behalf of the residents of Samburu North Constituency. The Petition was subsequently committed to the Departmental Committee on Administration and National Security for consideration pursuant to standing order 227(1).
2. The Petitioners stated alarming cases of insecurity had escalated in Samburu North Constituency following the unprecedented disarming of National Police Reservist by the Government in July 2019.
3. Since the ill-advised disarmament, more than ten people had been killed and over 900 cows and 1,000 goats stolen by bandits who were heavily armed with illegal firearms.
4. Numerous households had been displaced from their ancestral homes, with many people fleeing to other sub-counties and neighbouring counties, thereby closing businesses and deserting various towns, including Baragoi, Marti, Barsaloi, and Morijo.
5. The Government did not provide alternative security arrangements following the disarmament of local National Police Reservists who had played a critical role in providing security and safeguarding the lives of the local people and their livestock.
6. The disturbing cases of insecurity over the last few months include the killing of police inspector in charge of Marti on 24th April 2019, the murder of Mzee Lemagas and theft of 6 cows in Lkotikal area on 13th August 2019, the killing of Ekatapan Longomo on 20th September 2019, the murder of Abdi Abdillahi Ali, a teacher at Ngilai Primary School in Baragoi on 28th September 2019, the harassment of herders by police officers based at Kambi ya Nyoka Police Camp, the killing of Christopher Euren, a Baragoi-based businessman along Latakweny-Baragoi Road, assault on women and murder of Mr. Lalaigwanani in Mbukoi on 6th October, the killing of three Ngilai herders and theft of 994 cows on 8th October 2019, among many other disheartening cases of insecurity.
7. No significant recovery efforts had ever been undertaken even though the names of people whose livestock had been raided and stolen were available and known to the authorities.
8. Area leaders and residents had raised concerns on these matters with relevant state agencies through letters and face to face meetings, but their efforts had not yielded any significant interventions.

2.2 LEGAL PROVISIONS UNDERPINNING THE PETITION

2.2.1 RIGHT TO PETITION PARLIAMENT

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

“Every person has a right to Petition Parliament to consider any matter within its authority, including enacting, amending, or repealing any legislation. Parliament shall make provision for the procedure for the exercise of this right.”

10. The Petition, therefore, falls under the Committee's mandate under National Assembly Standing Order 227(1). Also, standing orders 227(2) outlines the procedure for committal of a Petition to a Committee and transmission of its decision to the Petitioner. Further, the Petition to Parliament (Procedure) Act, 2012, provides for the procedure to be followed in the submission, processing, and consideration of a Petition.
11. Articles 94, as read together with Article 95 of the Constitution, further provides for the role and, by extension, the authority of Parliament in general and the National Assembly in particular. Generally, the Houses of Parliament exercises the legislative mandate of the people, deliberate on matters of national interest, and oversight the exercise of power by other arms of government.
12. Public participation is now a guaranteed process in Kenya. The constitution in various chapters and clauses require that public participation be undertaken at all levels of government before government officials and body make official decisions.
13. Public participation has an open, accountable, and structured process where citizens or people or a segment of a community can interact, exchange views, and influence decision making. Public participation is part of a democratic process.

CHAPTER TWO

3.0 SUBMISSIONS ON THE PETITION

3.1 PETITION BY HON. ALOIS LENTOIMAGA, MP

14. While appearing before the Committee on 5th November 2019, the Hon. Alois Lentoimaga, MP, Member of Parliament on behalf of the residents of Samburu North Constituency submitted that;

- (i) The insecurity in Samburu North had intensified in September and October of 2019. More than ten people were killed by bandits who were heavily armed with illegal firearms, more than 900 cows and 1000 goats were forcefully raided, people were displaced from their ancestral homes, and many had relocated to other sub-counties and counties for fear of their lives. Towns like Baragoi, Marti, Barsaloi, and Moriyo were deserted, and businesses were closed because of fear and self-imposed curfews.
- (ii) The increase in the insecurity came about after the government disarmed local National Police Reservists who played a critical role in providing security to the local people and their livestock. The government did not offer alternative protection to the people of Samburu north in place of the National Police Reservist;

- (iii) For the last three (3) years, the government have deployed more than 600 police officers, and despite their presence, the situation has been worsening;
- (iv) When leaders and residents raise concerns about insecurity in Samburu North to the authorities in the department of Interior through letters and face to face meetings as well as phone calls, they were not taken seriously. Senior government officers who have the power to get to the root cause of all this, have no regard to the life's and livelihood of the said residents and their actions seem to consider the insecurity in the said area as a non-issue (Traditional Cattle rustling practice);
- (v) Cattle rustling was a crime equivalent to terrorism, and the cattle rustlers are similar to Al-Shabaab, and the government of Kenya should treat it as so because in many incidences a gang of 50 or even more heavily armed men with illegal firearms invade villages, terrorize people, killing them and finally going away with hundreds of herds of cattle, sheep and goats, camels and even donkeys, and yet the government looks the other way as if nothing has happened;
- (vi) Given the situation, the government's unresponsive nature and biases in handling the insecurity issues have made people to question whether they have rights as citizens of this country;
- (vii) The government has neither arrested the culprits nor recovered the stolen livestock nor ensured that the lives of the said residence are protected by the law. The said residents were not sure whether they would live beyond tomorrow or no, and the worst part was that many young men are either dead or disabled as the result of the cattle rustling and those that are alive are either poor, orphaned or widowed.

3.1.1 PETITIONERS PRAYERS TO THE NATIONAL ASSEMBLY

15. The Petitioners pray to National Assembly through the Departmental Committee on Administration and National Security to consider the matters raised in the Petition pursuant to the provisions of the Standing orders 216(5) by:
- i. Enquires into the escalating cases of insecurity in Samburu North Constituency to facilitate the recovery of the 994 cows and 1,000 goats that had been stolen from residents, the compensation of residents for the stolen livestock in case of failure by state agencies to recover the livestock, the arresting and charging of the impunity-minded bandits, the investigation on complacency by local police officers, and the consideration of proposal to re-arm the National Police Reservists; and
 - ii. Makes any other recommendations it deems appropriate in the circumstances of the petition.

3.2 COMMITTEE FACT FINDING VISIT TO SAMBURU NORTH CONSTITUENCY

Mr. Antony Maina, Deputy County Commissioner Samburu County in informed the Committee as follows: That,

- a) The Sub-County has thirteen locations and thirty-three sub-locations;
- b) The Chief and Sub-Chiefs have no permanent offices;

- c) The area has no security roads which makes it hard for them to carry out security operations;
- d) The condition of the Baragoi Sub-County Police Headquarter infrastructure is poor;
- e) The Sub-County had two to three vehicles, the two of the three cars are unserviceable, and the vehicles allocated to them cannot operate in the area because of the terrain;
- f) The budgetary allocation does not match the need for the station;
- g) The Sub-County has only one armored vehicle and were requesting for additional two armored vehicles; and
- h) The officers have no modern machine guns, which makes it hard for them to carry out security operations.

Submissions from the Members of the Public

- a) The problem of the insecurity started in 1995 when the then, District Commissioner, Mr. James Nyandoro was gunned down by the bandits;
- b) The increased incidents of insecurity had been contributed by the presence of illegal firearms in the hands of the members of the public; boundary dispute between the Samburu and the Turkana who reside in Suguta area; lack of water in Suguta which fuels the conflicts;
- c) Since the raid, nobody has been held responsible, and the victims have not been compensated;
- d) There was a lack of regular security operations; and
- e) The interdicted County Commission, Chiefs, and Sub-Chiefs need to be reinstated. As it was, there were no clear reporting structure.

Submission from the County Government of Samburu

The Committee was informed as follows: that,

- a) There are many cases of raid that are documented but with little or no action;
- b) Since the disarmament of the Kenya Police Reservist, the evidence of insecurity had gone high and rampant;
- c) Drivers of conflict in Baragoi are as follows:
 - i) The Drought which leads to competition for available pasture and water resources;
 - ii) Unresolved issues in previous seasons and years like previously stolen animals;
 - iii) The criminal enterprise which is motivated by stolen livestock;
 - iv) Failure of traditional structures where elders no longer prevail upon warriors;
 - v) Availability of small arms in northern Kenya due to porous borders; and
 - vi) Inaction by security apparatus. The recent Lamirok raid which led to the loss of over 500 cows and claimed two lives.

CHAPTER THREE

4.0 COMMITTEE OBSERVATIONS

16. Arising from the submissions by the petitioner and the Committee's visit, The Committee observed that;
- a) The Ministry of Interior and Co-ordination of National Government has not been keen on resolving the issue of insecurity in Baragoi and Samburu County;
 - b) The raid in Baragoi was done by an organized gang, for example, about 60 armed bandits made the most recent attack;
 - c) The presence of illegal firearms in the hands of the public is the primary cause of the insecurity in the area;
 - d) The recent interdiction of the local administrative officers was not the best solution as it has led to increased cases of insecurity in the area;
 - e) There was a need to disarm the public first and then hold a peace meeting within Baragoi area
 - f) There are no security roads in the area.

5.0 COMMITTEE RECOMMENDATION

17. Arising from the observation and critical findings, the Committee recommends that:-

- b) The Ministry of Interior and Co-ordination of National Government to carry out a comprehensive disarmament and recover the stolen firearms from police and NPR killed by the militia and seize illegal guns that are in the hands of the civilians and report back to the National Assembly within three months of tabling this report.
- c) The Ministry of Interior and Co-ordination of National Government should recover 994 cows stolen from Ngilai and other areas and 1000 goats taken from Kawap and Barsaloi.
- d) The Ministry of Interior and Co-ordination of National Government should reinstate all the interdicted Officers without any wrongdoings. The Deputy County Commissioner, 3 Chiefs, and 2 Assistant Chiefs.
- e) Ministry of Interior and Co-ordination of National Government should strengthen and equip National Police Reserve in Samburu County as their neighbor have easy access to illegal firearms from the neighboring countries. And at the same time, Suguta Valley has become a haven for bandits.
- f) Ministry of Interior and Co-ordination of National Government should arrest bandits, arraign and charge them for the murder of 14 people and stealing of livestock.
- g) That the Government should treat cattle rustling as terrorism and use stern measures to eradicate the problem once and for all.
- h) The Ministry of Interior and Coordination of National Government should do security roads in the Suguta Valley area to facilitate security operations.
- i) The Ministry of Interior and Coordination of National Government should provide sufficient armored vehicles to support the police operations in the area.
- j) The Ministry of Ministry of Interior and Coordination of National Government should review the current fuelling arrangement where vehicles have to go far for fuel. The cost-effectiveness of this arrangement should be looked at alongside the security risks that could be created by this.

- k) The Ministry of Ministry of Interior and Coordination of National Government should review the social-political issues that humper the good coexistence of Turkana and Samburu in the County.
- l) The Ministry of Ministry of Interior and Coordination of National Government should consider using drones in conjunction with the Kenya Defence Force (KDF) in Baragoi area.

Sign 

Date 12th March 2020

THE HON. PAUL KOINANGE, MP

CHAIRPERSON, DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY

MINUTES OF THE 10TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON THURSDAY, 27TH FEBRUARY, 2020 AT 10.00 A.M. AT IN BOARDROOM ON 2ND FLOOR, PROTECTION HOUSE, PARLIAMENT BUILDING

PRESENT-

1. Hon. John Waluke, MP *Vice Chairperson*
2. Hon. Wafula Wamunyinyi, MP
3. Hon. Peter George Kaluma, MP
4. Hon. Aduma Owuor, MP
5. Hon. George Theuri, MP
6. Hon. Dr. Tecla Chebet Tum, MP
7. Hon. Josphat Kabinga Wachira, MP
8. Hon. Marselino Malimo Arbelle, MP
9. Hon. Didmus Wekesa Barasa Mutua, MP
10. Hon. Oku Kaunya, MP
11. Hon. Abdi Omar Shurie, MP
12. Hon. Peter Masara, MP
13. Hon. Ahmed Kolosh Mohamed, MP

ABSENT WITH APOLOGIES

1. Hon. Paul Koinange, MP - *Chairperson*
2. Hon. Dr. Makali Mulu, MP
3. Hon. Ngunjiri Wambugu, MP
4. Hon. Geoffrey Kingagi Muturi, MP
5. Hon. Nimrod Mbithuka Mbai, MP
6. Hon. Halima Mucheke, MP

IN ATTENDANCE-

COMMITTEE SECRETARIAT-

1. Mr. George Gazemba - Principal Clerk Assistant II
2. Mr. Joshua Ondari - Clerk Assistant
3. Ms. Brigitta Mati - Legal Counsel

4. Mr. James Oloo

- Support Staff

MIN No. 34/2020:-

**PRELIMINARIES AND COMMUNICATION
FROM THE CHAIRPERSON**

The Chairperson officially welcomed Members to the meeting at 10.15 am with a word of prayer from Hon. Joshua Aduma Owuor, MP.

MIN No. 35/2020:-

**CONSIDERATION OF THE PREVENTION
OF TERRORISM (AMENDMENT) BILL
(SENATE BILL NO. 20 OF 2018)**

During the sitting, the Committee considered the Bill and made the following observation as follows:-

- a) The implementation of provisions of the Bill requires some resources which makes the Bill a money Bill which should not originate from the Senate in accordance to Article 109(5);
- b) Security is a function of the National Government and the Bill seeks to integrate the County Government in the National Government function contrary to the Fourth Schedule of the Constitution.
- c) The Committee was in the process of doing a comprehensive review of the Prevention of Terrorism Act, the review would cover the provisions contained in the Bill.

MIN No. 36/2020:-

**REPORT ON THE LEGISLATIVE PROPOSAL ON
THE IMPLEMENTATION OF GOVERNMENT
ASSURANCES BILL, 2018**

The Committee considered the report and resolved the proposal should not proceed for publication because-

- (1) The proposal tries to establish a framework for scrutiny, tracking, monitoring, evaluation, enforcement and implementation of decisions, pledges decisions and undertakings made to Parliament and County Assemblies. The National Assembly Standing Orders No.209 (2) mandates the Committee on Implementation established to scrutinise the resolutions of the House, petitions and undertakings given by the National Executive;

- (2) Another object of this Bill is to formulate a mechanism that facilitates the follow up of promises made by the political party that forms government. The Committee observed that holding political parties accountable to party manifestos and other roadside declarations may be not be worthwhile as such manifestos need to correspond to the national budget;
- (3) The Proposal restated the role of the Committee on implementation which in exercising its oversight role, it should track, enforce and scrutinise government assurances a role already provided for in the National Assembly Standing orders and the relevant county assembly orders;
- (4) Parliament and county assemblies has the power to monitor, extend and inquire into the actions of the executive and with that power, can amend its standing orders to enhance its powers with regard to oversighting the executive;

MIN No. 37/2020:- **REPORT ON THE PUBLIC PETITION REGARDING STATE OF INSECURITY IN SAMBURU NORTH CONSTITUENCY**

The report was unanimously adopted by the Committee after having been proposed and seconded by Hon. Josphat Kabinga, MP and Hon. Marselino Malimo Arbelle, MP respectively.

MIN No. 38/2020:- **ANY OTHER BUSINESS**

The Committee was to retreat from 1st – 3rd March, 2020 in either Kiambu or Machakos County to consider submissions from stakeholders on the Refugees Bill, 2019.

MIN No. 39/2020:- **ADJOURNMENT**

The Chairperson adjourned the meeting at half past eleven in the morning until Thursday, 27th February, 2020 at 10.00 am.

Signed.....
Chairperson

Date.....12th March 2020

REPUBLIC OF KENYA



Hon. Speaker,
You may approve.
and Kimani
30/10

TWELFTH PARLIAMENT
THE NATIONAL ASSEMBLY - THIRD SESSION

Approved

30/10/19
SNA

PUBLIC PETITION

(No. 85 of 2019)

REGARDING STATE OF INSECURITY
IN SAMBURU NORTH CONSTITUENCY

I, the **UNDERSIGNED**, on behalf of the undersigned residents of Samburu North Constituency;

DRAW the attention of the House to the following:-

1. **THAT**, alarming cases of insecurity have escalated in Samburu North Constituency following the unprecedented disarming of National Police Reservists by the Government in July 2019;
2. **THAT**, since the ill-advised disarmament, more than ten people have been killed and over 900 cows and 1,000 goats stolen by bandits who are heavily armed with illegal firearms;
3. **THAT**, numerous households have been displaced from their ancestral homes, with many people fleeing to other sub-counties and neighbouring counties thereby closing businesses and deserting various towns including Baragoi, Marti, Barsaloi and Morijo;
4. **THAT**, the Government did not provide alternative security arrangements following the disarmament of local National Police Reservists who had played a critical role in providing security and safeguarding the lives of the local people and their livestock;
5. **THAT**, the disturbing cases of insecurity over the last few months include the killing of police inspector in charge of Marti on 24th April, the murder of Mzee Lemagas and theft of 6 cows in Lkotikal area on 13th August, the killing of Ekatapan Longomo on 20th September, the killing of four people and theft of 750 goats and sheep in Kawap Location on 25th September, the murder of Abdi Abdillahi Ali, a teacher at Ngilai Primary School in Baragoi on 28th September, the harassment of herders by police officers based at Kambi ya

Nyoka Police Camp, the killing of Christopher Euren, a Baragoi-based businessman, along

**PUBLIC PETITION
REGARDING STATE OF INSECURITY
IN SAMBURU NORTH CONSTITUENCY**

the Latakweny-Baragoi Road, assault on women and murder of Mr. Lalaigwanani in Mbukoi on 6th October, the killing of three Ngilai herders and theft of 994 cows on 8th October 2019, among many other disheartening cases of insecurity.

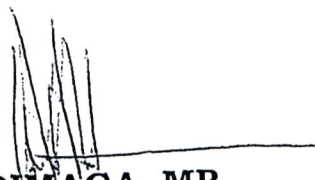
6. **THAT**, no significant recovery efforts are ever undertaken despite the fact that the names of people whose livestock have been raided and stolen is available and known to the authorities;
7. **THAT**, area leaders and local residents have raised concerns on these matters with relevant state agencies through letters and face to face meetings but their efforts have not yielded any significant interventions;
8. **THAT**, the issues in respect of which this Petition is made are not pending before any court, or any constitutional or legal body

THEREFORE your humble Petitioners PRAY that the National Assembly, through the Departmental Committee on Administration and National Security:-

- 1) Enquires into the escalating cases of insecurity in Samburu North Constituency with a view to facilitating the recovery of the 994 cows and 1,000 goats that have been stolen from residents, the compensation of residents for the stolen livestock in case of failure by state agencies to recover the livestock, the arresting and charging of the impunity-minded bandits, the investigation on complacency by local police officers, and the consideration of proposal to re-arm the National Police Reservists;
- 2) Makes any other recommendations it deems appropriate in the circumstances of the petition.

And your **PETITIONERS** will ever pray.

PRESENTED BY:



**HON. ALOIS LENTOIMAGA, MP
MEMBER FOR SAMBURU NORTH CONSTITUENCY**

Date.....

~~0726 03549~~

Our Ref: SNC/2/2019

11th November, 2019

The Cabinet Secretary,
Interior and Coordination
of National Government
Nairobi.

Mr. Joshua Ondari
Clerk Security Committee

Dear Sir,

RE: PETITION REGARDING THE STATE OF INSECURITY, DEATHS AND LOSS OF LIVELIHOOD IN SAMBURU NORTH CONSTITUENCY

I wish to submit this petition on behalf of the people of Samburu North Constituency.

INTRODUCTION.

The insecurity in Samburu North has intensified in the last two months. More than 10 people have been killed by bandits who are heavily armed with illegal firearms, more than 900 cows and 1000 goats have been forcefully raided, people have been displaced from their ancestral homes and many have relocated to other sub-counties and counties for fear of their lives. Towns like Baragoi, Marti, Barsaloi and Morijo are deserted and businesses are closed because of fear and self imposed curfews.

The increase in the insecurity came about three months ago after the government disarmed local National Police Reservist who played a critical role in providing security to the local people and their livestock. The government did not provide alternative security to the people of Samburu north in place of the NPR.

For the last three (3) years, the government have deployed more than 600 police officers, and despite their presence the situation has been worsening.

JUSTIFICATION

When leaders and local residents raise concerns about insecurity in Samburu North to the authorities in the department of Interior through letters and face to face meetings as well as phone calls, they are not taken seriously. Senior government officers who have the power to get to the root cause of all this, have no regard to the life's and livelihood of the said residents and their actions seems to consider the insecurity in the said area as a non issue (Traditional Cattle rustling practice). The authorities seem to know more on what is happening in the ground, and consider the claims made by locals as ignorance. Therefore, they rarely take serious action to curb the insecurity in the area.

Cattle rustling is a crime equivalent to terrorism and the cattle rustlers are similar to Al-Shabaab and the government of Kenya should treat it as so because in many incidences a gang of 50 or even more heavily armed men with illegal firearms invade villages, terrorize people, killing them and finally going away with hundreds of herds of cattle, sheep and goats, camels and even donkeys, and yet the government looks the other way as if nothing has happened.

Given the situation, the government's unresponsive nature and biasness in handling the insecurity issues have made people to question whether they have rights as citizens of this country. Their fundamental rights are being infringed and yet the constitution that they voted for does not protect them. The government has neither arrested the culprits nor recovered the stolen livestock nor ensured that the lives of the said residence are protected by the law. The said residents are not sure whether they will live beyond tomorrow or no and the worst part is that many young men are either dead or disabled as the result of the cattle rustling and those that are alive are either poor, orphaned or widowed.

After the disarmament of the NPR and within a span of three (3) months, the following are few recorded incidences that resulted in loss of lives and source of livelihood.

1. On 24th /04/2019 the police inspector in charge of Marti was killed and one other person died as well.
2. On 13th /08/2019 an old man by the name Lemagas was killed near Lkotikal area and 6 cows were driven away without any recovery. No arrest was made.
3. On 12th /09/2019 there was a foil attempt at stealing 14 calves by militia from Turkana community near Lorubae water point around Charada area leaving one person by the name Sabaya Lekolomo injured. The said young man is still in hospital.
4. On 20th /09/2019 there was an attack at Parkati area leaving one person by the name Ekatapan Longomo dead but all the livestock were recovered from Samburu raiders.
5. On 25th /09/2019 Turkana militia attacked herders from Illaut near Kawap area. The attack left 4 people dead; Leurare, Lewano and two from Letipo family. The attack left one person injured and 750 goats and sheep were driven away. No recovery as well as arrest was made.
6. On 28th /09/2019 Ngilai primary school teacher by the name Abdi Abdillahi Ali was shot dead at Baragoi town center. No arrests has since been made.
7. On 4th /10/2019 A herder by the name Lalaishimi was seriously caned and injured by policemen stationed at Kambi ya Nyoka police camp for allegedly letting his cattle graze across the Maralal- Baragoi road . There explanation for the caning was that they have crosses the road which they are not supposed to and the community is left wondering what is happening since there is no grazing boundary and that the land in question is a community land and as far as we know the assumption by the police of the road being the borderline is wrong.
8. On 6th /10/2019 a Baragoi based businessman by the name Christopher Euren was killed by Samburu bandits along the Latakweny- Baragoi road on his way from Latakweny market. No arrest has been made so far.
9. On 6th/10/2019 3 women were assaulted and robbed.

10. On 6th /10/2019 there was an unsuccessful attack on Samburu cattle near Mbukoi area leaving one person by the name Lalaigwanani dead but no animals were driven away. No arrests have been made.
11. On 8/10 2019 Turkana militia attacked herders from Ngilai just one kilometer away from Kambi ya Nyoka police camp leaving two people dead; Nicky Lolpirdai and Lolpuya Lesharana, leaving 3 more injured; Lmampua Letuamba, Lkesheni Lempei and Lmutane Letingirdish and 994 herds of cattle were driven away and no recovery and arrests have been made so far. Lmambua Letwamba is still in hospital.
12. On 22/10/2019 Security committee put together a team which consist of rangers, village administrators, chiefs and elders to follow up and negotiate for the return of the stolen livestock from the bandits. Upon arriving at kardoong, the said team who are from the Turkana community, were assaulted leaving 3 seriously injured. The bandits have a tendency of harassing and assaulting the locals from Turkana community when their plans to raid fail.
13. On 01/11/2019 27 cows were raided at Louwa and a young man from Lolwerikoi family was killed and the stolen livestock were not recovered.
14. On 03/11/2019 20 goats at Lpusi belonging to Lengaany family were stolen and no recoveries made.
15. On 04/11/2019 20 goats, 2 camels and 6 donkeys stolen at Nkabaai. No deaths and no recoveries made.

The following is the data of the families who are victims of the mentioned attack.

NAME	PHONE NO.	NO. OF COWS
LAZARU LELEINA	0718 355 820	65 Cows
RIRIKA LEMARON	0705 664 024	17 Cows
JOSEPH LALKALEPI	0702 634 813	12 Cows
KARAMA LELEINA	0710 116 265	71 Cows
JENNIFER LESEPE	0745 767 365	24 Cows
KARERI LOLMOTOLO	0701 371 705	127 Cows
NANINTA LEMPEI	0705485 866	150 Cows
AMOS LETUAMPA	0757303 825	30 Cows
NKOTITO LETUAMPA	0716 138 563	28 Cows
JACOB LOLPIRDAI	0795606 752	30 Cows
TIMAMA SAMUEL LEPARPOYIA	0711 852 135	10 Cows
KASAINI LEMPEI	0705649 252	90 Cows
MOHAMED LESHARANA	0712 518 309	200 Cows
SIMON LESHARANA	0748 128 153	33 Cows
LERIANOI LENTIMO	0728 273 612	2 Cows
LTI LANGO LETIPILA	0706580 663	50 Cows
LKINGENI LEALMUSIA	N/A	30 Cows
LETINGIRDISH	N/A	25 Cows
TOTALS		994 COWS

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Approximately 120 lives or even more have been lost between 20th /10/2012 and 4th /11/2019 with thousands of animals lost. All this has happened without any arrests or successful recoveries of the livestock.

I therefore recommend for the following immediate action from the government;

- a) The government to carry out a comprehensive disarmament and recover the stolen firearms from police and NPR killed by the militia and seize illegal firearms that are in the hands of the civilians.
- b) The government should recover 994 cows stolen from Ngilai and other areas and 1000 goats stolen from Kawap and Barsaloi.
- c) The Government should reinstate all the Officers who were interdicted without any wrongdoings. The Deputy County Commissioner, 3 Chiefs and 2 Assistant Chiefs.
- d) I recommend the strengthening and equipping of National Police Reserve in Samburu County as our neighbors have easy access of illegal firearms from the neighboring Countries. And at same time Suguta Valley has become a safe haven for bandits.
- e) Arrest bandits, arraign and charge them for murder of 14 people and stealing of livestock.
- f) Failure to recover the stolen livestock the Ministry of Interior should compensate the local people for the loss of their loved ones and the loss of livelihood.
- g) That the Government should treat cattle rustling as terrorism and use stern measures to eradicate the problem once and for all.
- h) The monument erected in honour of the 42 police officers and 8 NPR should be relocated to either Nakuru, Nairobi or any other place that the government will choose. This is because of the following;

- i. The said monument is a constant reminder of the loss and government has not done due diligence to recover the 50 firearms taken from the slain police officers. The raiders who are still in possession of the said firearms have continued raiding and killing civilians and police officers as well.
- ii. According to Samburu culture, we are not to mention names of the dead leave alone commemorating their death. Hence the continuance reminder is a torment to the victims and more so the widows and orphans are still languishing in poverty.
- iii. The monument will always put continuous fear on the police officers sending a negative message leading to reluctance in executing their mandate.

Dated this 11th day of November, 2019

Signed by

HON. MOSES LENOOLKULAL , GOVERNOR.
SAMBURU COUNTY.

HON. JULIUS LESEETO , D.GOVERNOR.....
SAMBURU COUNTY.

HON. (DR.) LTUMBESI LELEGWE Phd, SENATOR.....
SAMBURU COUNTY.

HON. ALOIS M. LENTOIMAGA , MP.....
SAMBURU NORTH.

HON. JACKSON LEKUMONTARE , MP.....
SAMBURU EAST.

HON. NAISULA LESUUDA OGW, MP.....
SAMBURU WEST.

HON. MAISON LESHOOMO , WOMEN REPRESENTATIVE.....
SAMBURU COUNTY

HON. SOLOMON LEMPERE , SPEAKER.....
SAMBURU COUNTY.

CC

Dr. Joseph Kinyua EGH
Head of Public Service

Eng. Karanja Kibicho
Principal Secretary,
State Department for Interior.

Hilary Mutyambai,
Inspector General of Police