

PARLIAMENT OF KENYA
11th Parliament, Second Session

NATIONAL ASSEMBLY



Committee of Privileges

First Report (2014)

***Report, Evidence, Appendix and
Minutes***

Tuesday October 14, 2014

Office of the Clerk of the National Assembly
Parliament Buildings
NAIROBI

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Preface

The National Assembly (Powers And Privileges) Act is a 66-year-old colonial law. It was assented to on April 22, 1952 and commenced on the same day.

The Act declares and defines certain powers, privileges and immunities of the National Assembly and of the members of the National Assembly. It also secures freedom of speech in the National Assembly, regulates admittance to and conduct within the precincts of the National Assembly and gives protection to the persons employed in the publication of the reports and other papers of the National Assembly. The law has been reviewed severally through Act No. 36 of 1961, L.N. 602/1963, L.N. 87/1964, Act No. 14 of 1966, Act No. 21 of 1966, Act No. 4 of 1973 and Act No. 10 of 1981.

The National Assembly (Powers And Privileges) Act establishes the Committee of Privileges. The law on privileges and immunities is applied together with other statutes, the Standing Orders and the usages, conventions and practices of the United Kingdom House of Commons and some Commonwealth jurisdictions where applicable.

The Committee of Privileges consists of the Speaker and ten other members of the Assembly under the chairmanship of the Speaker. The House Business Committee of the Assembly nominates the members of the Committee of Privileges other than the Speaker. The quorum of the Committee of Privileges is six including the chairman. The Committee regulates its own meetings and its own procedure.

The Committee has had ten sittings in two months, perhaps higher than the number of times committees of the past parliaments met. This is perhaps due to increasing public demand for legislators to be accountable, and the live coverage of parliamentary proceedings.

Current membership

The Members of the committee are:-

1. The Hon. Justin B. N. Muturi, EGH, MP – Speaker, **Chairperson**
2. The Hon. Peter Shehe, MP
3. The Hon. Kimani Ichungwah, MP
4. The Hon. Bedzimba Rashid Juma, MP
5. The Hon. Barchilei Kipruto, MP
6. The Hon. James Murgor, MP
7. The Hon. Joyce Emanikor, MP
8. The Hon. James Onyango Koyoo, MP
9. The Hon. Jamleck Kamau, MP
10. The Hon. Simon Ogari, MP
11. The Hon. Zuleikha Juma Hassan, MP

Mandate and Powers of the Committee of Privileges

The constitution and powers of the Committee are set out in Article 103 (1) (b) and 117 of the Constitution, Section 10 of the National Assembly (Powers and Privileges) Act (Cap 6 of the Laws of Kenya), the Public Officer Ethics Act, 2012¹ and Standing Orders 191 and 258. In particular, the Committee has power

¹ Section 3 (2) (a) of the Public Officer Ethics Act, 2003

to order the attendance of any Member of Parliament before the committee and to require that specific documents or records in the possession of a Member relating to its inquiries be laid before the Committee.

The Committee hears matters arising out of breaches to Speaker's orders regulating the admittance of strangers to and the conduct of strangers within the Chamber and those regulating the admittance of strangers to and the conduct of strangers within the precincts of the Assembly or any other part other than the Chamber. The Committee also enforces the Code of Conduct through directions issued from time to time by the Speaker regulating the conduct of members of the Assembly whilst within the precincts of the Assembly other than the Chamber².

The Committee of Privileges, either of its own motion or as a result of a complaint made by any person, may inquire into any alleged breach by any member of the Assembly of the Code of Conduct issued by the Speaker, or into any conduct of any member of the Assembly within the precincts of the Assembly (other than the Chamber, save when on referral by the Speaker or Presiding Officer) which is alleged to have been intended or likely to reflect adversely on the dignity or integrity of the Assembly or that member, or to be contrary to the best interests of the Assembly or the members³.

After conducting an inquiry the Committee of Privileges reports its findings to the Assembly together with such recommendations as it thinks appropriate. The Assembly thereafter, in accordance with rules made by it (which rules need not be published in the *Gazette*, in this case the Sessional Paper No. 2 of 1966), considers the report and the recommendations thereon and may take such disciplinary action against the member concerned as may be provided by those rules.

The Committee has power to order attendance of witnesses. This includes ordering any person to attend before it and to give evidence or to produce any paper, book, record or document in the possession or under the control of that person. It may also examine witnesses on oath.

The Committee is also the protector of the privileges of witnesses before any committee of the House. However, its jurisdiction is limited to matters taking place within the precincts of Parliament but outside the plenary. On April 26, 2012, while interpreting the jurisdiction of the Committee of Privileges, Speaker Francis Ole Kaparo put it thus *"the jurisdiction of the Committee of Privileges is limited and does not extend to matters which arise on the Floor ... In matters that arise on the Floor of the House, determinations properly belong to the Speaker or the Presiding Officer. The Committee of Privileges will not be seized of such a matter"*⁴.

² Act No. 14 of 1966, s. 2.

³ Section 10, National Assembly (Powers and Privileges) Act [Revised by Act No. 14 of 1996, s. 2, Act No. 10 of 1981]

⁴ National Assembly Hansard, April 26, 2014

The Committee also has a mandate of hearing cases of failure by Members to attend Assembly sittings. Article 103 (1) (b) of the Constitution and Standing Order 258 provide that if, *during any Session of a Parliament*, a Member is absent from eight sittings of the National Assembly without permission, in writing from the Speaker, the Speaker shall report the matter to the National Assembly and the matter shall stand referred to the Committee of Privileges for hearing and determination.

The Committee of Privileges inquires into a matter referred to it within fourteen days from the date the matter is referred to it and thereupon submit a report to the House. If the report of the Committee finds that the Member has offered a satisfactory explanation for the Member's absence from eight sittings of the National Assembly without the permission in writing from the Speaker, there shall be no further proceedings in the House in respect of the matter.

If the report of the Committee finds that the Member has not offered a satisfactory explanation for the Member's absence from at least eight plenary sittings of the National Assembly, the Chairperson of the Committee or a Member of the Committee designated by the Committee for that purpose shall, upon submitting the report, give a three days' notice of a Motion that, **"This House notes the Report of the Committee of Privileges laid on the Table of the House on ... regarding..."** with other necessary modification.

A Motion introduced for the purpose must be debated in the usual manner of debating Motions, except that-

- (a) no amendment shall be permitted to the Motion;
- (b) the debate of the Motion shall not be anticipated by a Motion for the adjournment of the House, and no dilatory Motion shall be moved in relation to the business, and the business shall not be interrupted under any Standing Order.

At the conclusion of the debate on the motion, the Speaker shall not put a question but shall declare that, pursuant to Article 103 (1) (b) of the Constitution, the office of the Member concerned has become vacant.

No proceedings or decision of the Assembly or the Committee of Privileges when determining matters relating to the privileges and immunities of Members can be questioned in any court.

The Committee has power to refuse to allow its public proceedings to be broadcast.

Committee Meetings

The Committee held ten Sittings, hearing two cases regarding non-attendance of sittings, one case regarding damage to property following a punishment for grossly disorderly conduct, one matter regarding a tiff between two legislators and one complaint by a Member against a member of staff. This report is therefore presented in two parts. Part I regarding the two cases pertaining to

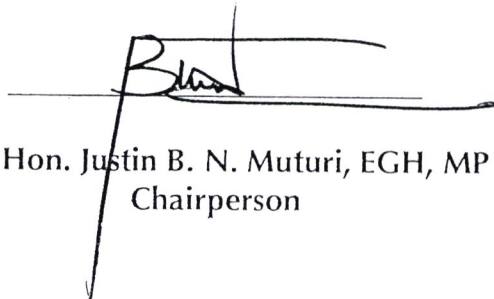
non-attendance of sittings by the Hon. Alex Kigen Kosgey and the Hon. Raymond Kipruto Moi, and Part II regarding a matter in respect of a tiff between Hon. John Waluke and the Hon. Arthur Odera and one complaint by a Member against a member of staff.

Part I of the Report does not require any action to be taken by the House in line with Standing Order 258 (3). The House will consider Part II of the Report in line with Section 10 (6) of the National Assembly (Powers and Privileges) Act including the recommendations thereon and may take such action against the members concerned as per Sessional Paper No. 2 of 1966 and attendant precedents.

Acknowledgement

The Chairperson of the Committee takes this opportunity to thank all the Members of the Committee for their immense contribution. The Committee wishes to also thank the Offices of the Speaker and the Clerk of the National Assembly for the necessary support extended to it in the execution of its mandate. The Committee further wishes to record its appreciation for the services rendered by the staff of the National Assembly that enabled the production of this Report.

On behalf of the Committee of Privileges, I have the honour and pleasure to present the Report to the House.

A handwritten signature in dark ink, appearing to read 'Justin B. N. Muturi', is written over a horizontal line. A vertical line extends downwards from the signature.

The Hon. Justin B. N. Muturi, EGH, MP
Chairperson

PART I:

1. The Hon. Alex Kigen KOSGEY, MP

INTRODUCTION

The Speaker of the National Assembly received a written Memorandum from one Mr. Charles Sang, a resident of Emgwen Constituency, through Sang & Langat Advocates on July 17, 2014.

On August 12, 2014 the Speaker brought the matter to the attention of the House and thereupon referred the matter to the Committee of Privileges in accordance with the provisions of Standing Order 258. The Petitioner's Memorandum is published at *Appendix III*.

In accordance with usual practice, the Committee provided the Hon. Kosgey with a copy of the Memorandum and invited him to give evidence. The Member gave oral evidence before the Committee on Thursday August 21, 2014 and on Wednesday August 27, 2014.

Hearing within fourteen days

While the matter was heard within the stipulated fourteen days from the date it was referred to the Committee of Privileges, a Procedural Motion was moved and adopted on Tuesday August 26, 2014 to extend the period by thirty days. The extension expires on September 26, 2014 or when the House next sits, whichever is later.

THE COMMITTEE'S FINDINGS

Memorandum from Mr. Charles Sang

Summary of Allegations:

Mr. Charles Sang alleged that the Hon. Alex Kigen Kosgey, the Member for Emgwen, had missed more than sixty-eight plenary sittings and eight committee sittings since the Member was sworn-in in 2013. He claimed that in exercise of his right as a voter, he was moving the House to declare the Emgwen Parliamentary seat vacant.

The Complainant appeared before the Committee represented by his Advocate Mr. Herman Lagat. He claimed that the complainant had, prior to writing to the Speaker, submitted a Petition to the Clerk of the National Assembly.

The Advocate requested for more time to prepare and further asked that he be provided with information on the Hon. Alex Kosgey's record of attendance. He was asked to write to the Speaker requesting for the data.

The Committee allowed the complainant to make his submissions on September 9, 2014 at 10.00am. The Complainant was advised that the mandate to recall a Member of Parliament was not within the jurisdiction of the Committee of Privileges and that the Committee only determines absences of Members from the plenary sittings as provided for in Article 103 (1) (b) of the Constitution and Standing Order 258.

The Petitioner, represented by Advocates Mr. Herman Langat, Peter Langat and Felix Kiprono, appeared before the Committee for a second time to testify. After cross-examining the witness, the Committee observed that whereas the Petitioner was so emphatic in the previous meeting that he would furnish the Committee with the available evidence in support of their claims by September 9, 2014, he proceeded to present a Statement Tracker, which could not be used to substantiate their claims about the Member's absences. Neither did the Petitioner produce any proof of an earlier Petition that he had claimed to have previously submitted to the office of the Clerk of the National Assembly in May 2014. The Petitioner informed the Committee that he would table Citizen TV footage as evidence if the Committee would allow them to produce it in the next sitting. The Committee however rejected the request as the media information could be instigated by anyone.

The Hon. Alex Kigen Kosgey's defence

The Member for Emgwen presented himself in person before the Committee and submitted as follows:

- a) That the procedure for declaring his seat vacant could not have been initiated casually and through a correspondence to the Speaker;
- b) That cognizance of absences is the purview of the Speaker alone;
- c) That absence from the plenary should not be construed as abdication of duty since a legislator has committee, constituency and other responsibilities to attend to;
- d) That the attendance data for the First Session of the Eleventh Parliament which began on March 28, 2013 and ended on December 5, 2013 is completely unreliable since it had been prone to manipulation prior to installation of the Biometric Attendance Register in April 2014;
- e) That he has not missed eight sittings during the Second Session (2014).

The Member maintained that he has been committed to his parliamentary duties and had been diligently attending to his plenary, committee and constituency duties. He denied claims that he had been absconding. He said the inconsistencies and unreliability of records of plenary sittings prior to the installation of biometric registration system could not be ignored. He suggested that the records of the First Session should not be relied upon in determining the attendance of Members. He appealed that the attendance data for the First Session (March to December 2013) be declared unreliable and discarded.

Regarding his attendance in the First Session, the Member averred that he has been consistent in his attendance. He said while the data for the Second Session may be reliable, a credible system ought to be put in place to secure the data since its reckless use may disenfranchise voters. He tendered explanations for some of the sittings he has missed since the House began sitting this year.

The Member for Emgwen tabled a letter dated September 8, 2014 denying alleged absence from Plenary sittings on the dates of May 23, June 6, June 19 and June 20, 2013, July 9, July 16, July 23, July 25 and July 30, 2013, August 6, 2013, September 17, September 18, September 18, September 19, and September 26, 2013, October 22, October 24 and October 31, 2013,

November 5, November 7, and November 14 2013 of the First Session and February 20, 2014, April 24, 2014, June 4 and June 12, 2014 of the Second Session. He provided proof of payment for the sittings. In the Committee's assessment, the member was duly present on the said dates.

Record of Chamber attendance

1. The First Session of the Eleventh Parliament began on 28th March, 2013 to 5th December, 2013;
2. The Second Session began on 11th February 2014.

Official Record of the Hon Alex Kosgey's Attendance

First Session

Total number of Sittings for the entire First Session	114
Number of Sittings attended by the Member	45
Balance	69

Second Session

Total Sittings First part	52
Number of Sittings attended by the Member	45
Balance	07

CONCLUSIONS AND RECOMMENDATIONS

The Committee concludes that it is the Manual Attendance Register used in the First Session of the 11th Parliament were poorly handled and are inconsistent and so may not be used to determine whether the Hon. Alex Kigen Kosgey or any other Member attended the sittings of the National Assembly in 2013.

However, it has also been brought to the attention of the Committee that almost ten honourable members cannot use the biometric screens to clock in, some owing to skin conditions, among other reasons. These Members are therefore allowed to use manual registers. In addition, the transition period from manual to biometric clocking in system experienced system failures that greatly affected the record of Members' attendance. It is therefore difficult to establish whether the Member was indeed absent due to the inconsistencies that were occasioned by the failure of the biometric system during its trial stage.

A few days after testifying before the Committee the Petitioner, through his Advocate proceeded to file a suit in the High Court against the Member for Emgwen, and citing the Speaker of the National Assembly as the respondent, seeking to have the seat declared vacant. The Advocate served the Speaker suit documents on September 5, 2014. The Committee does not however believe the Courts have jurisdiction over the matter at this stage.

The Committee therefore concludes that the Hon. Alex Kigen Kosgey did not breach Article 103 (1) (b) of the Constitution nor did he breach the provisions of Standing Order 258 in respect of his attendance of plenary sittings during the First Session of the 11th Parliament owing to inconsistencies in the manual attendance registration system in use at the time when the House was transiting from the use of manual to biometric log in system.

The Committee concludes that the Hon. Alex Kigen Kosgey is not in breach of Article 103 (1) (b) of the Constitution nor is he in breach of the provisions of Standing Order 258 in respect of his attendance of sittings during the Second Session of the 11th Parliament owing to the satisfactory explanations tendered to the Committee regarding some of the absences. The Member was able to prove that his absences in the Second Session have not reached eight sittings.

Standing Order 258 (3) provides that *"If the report of the Committee finds that the Member has offered a satisfactory explanation for the Member's absence from eight sittings of the National Assembly without the permission in writing from the Speaker, there shall be no further proceedings in the House in respect of the matter"*. We find that the Hon. Alex Kigen Kosgey has not been absent for eight sittings during the Second Session of the 11th Parliament. Therefore, there shall be no further proceedings in the National Assembly in respect of this matter.

2. The Hon. Raymond Moi, MP

INTRODUCTION

The Speaker of the National Assembly received a written Memorandum from one Mr. Silvester Kibet, a resident of Rongai Constituency. The Hon. Member for Rongai the Hon. Raymond Moi was duly informed of the Public Petition for his removal presented by the firm of D. W. Muyundo Advocates on behalf of a Mr. Silvester T. Kibet.

On August 12, 2014 the Speaker brought the matter to the attention of the House and thereupon referred the matter to the Committee of Privileges in accordance with the provisions of Standing Order 258. The Petitioner's Memorandum is published as **Appendix IV**.

Summary of Allegations

The Petitioner, represented by Advocates Ms. Herine Kabita and Ms. Linda Muthoni, appeared before the Committee. The Advocates had initially requested for adjournment until a later date but the Committee declined owing to statutory timelines of fourteen days for the Committee to report to the House. The Petitioner tabled a letter dated June 12, 2014 written by his friend Mr. Alfred K. Rono to the Clerk of the National Assembly requesting to be given a schedule of the Hon. Member's attendance and a letter dated June 12, 2014 bearing the Member's schedule of attendance during the First and Second Sessions. The data was duly provided to the Petitioner on June 16, 2014. From the schedule, it was apparent that the Member missed five (5) and nine (9) sittings in the First and Second Sessions respectively.

On cross-examination, the Committee noted that there was a strange similarity in the handwriting and the postal addresses of the petitioners. The Petitioner admitted that he wrote only his own name in the list and assisted others to write but did not sign on their behalf. The Petitioner informed the Committee that the rest of the petitioners in the list could be facilitated to appear before the Committee and be subjected to handwriting experts where it was deemed appropriate. The Petitioner informed the meeting that he was being facilitated by a group of professionals from Rongai Constituency some of whom contested but lost in the last General Election. He however did not disclose the names of any of the said professionals.

The Hon. Raymond Moi's defence

Regarding his alleged absence in the First Session of the 11th Parliament, the Member admitted to have been absent from the plenary on **July 23, 2013** but was able to prove that he was attending a sitting of the Departmental Committee on Lands on the same day. He presented documentary evidence of payment for plenary sittings to prove that he was not absent from plenary on **September 25** and **November 27, 2013** yet the Manual Register of plenary sittings indicated that he had failed to attend the sittings. This reduced missed sittings to seven.

THE COMMITTEE'S FINDINGS

The Committee found that contrary to allegations by the Petitioner that he had missed eight plenary sittings in the Second Session of the 11th Parliament, the Member had failed to attend only three sittings, and that he was able to offer explanations for some of the absences.

The Member was able to prove inconsistencies between the Manual Attendance Register and the Schedule of Payments and the actual payments made by the Accounts Department for plenary sittings attended by the Member. This further shows the inconsistency in the manual and biometric registers that may not have been harmonized, thus casting an impression that the Member was absent when, as a matter of fact, he was present in the House. The Member was also able to prove that he has not missed eight sittings in the Second Session of the 11th Parliament.

Record of Chamber attendance

- (a) The First Session of the Eleventh Parliament began on 28th March, 2013 to 5th December, 2013;
- (b) The Second Session began on 11th February 2014.

Official Record of the Hon Raymond MOI's Attendance at the time of petition First Session (2013)

Total number of Sittings for the entire First Session	114
Number of Sittings attended by the Member	104
Balance	10

Second Session (2014)

Total Sittings (First Part of the Second Session)	52
Number of Sittings attended by the Member	49
Balance	03

CONCLUSIONS AND RECOMMENDATIONS

The Committee concludes that the Member for Rongai Constituency did not fail to attend eight sittings during the First Session of the 11th Parliament were we to rely on the Manual Attendance Register.

The Committee also concludes that it cannot rely on the Manual and Biometric Attendance Register used in the First Session to determine whether the Hon. Raymond MOI or any other Member attended the plenary sittings of the National Assembly in 2013. The Hon. Raymond MOI did not therefore breach Article 103 (1) (b) of the Constitution nor did he breach the provisions of Standing Order 258 in respect of his attendance of plenary sittings during the First Session of the 11th Parliament owing to unreliable manual attendance registration system in use at the time.

The Committee also concludes that the Hon. Raymond MOI had only failed to attend three (3) sittings during the First Part of the Second Session of the 11th Parliament, up to and including the date the Petitioner demanded the

attendance data from the Clerk of the National Assembly. The Hon. Raymond MOI did not therefore breach Article 103 (1) (b) of the Constitution nor did he breach the provisions of Standing Order 258 in respect of his attendance of plenary sittings during the Second Session of the 11th Parliament.

The Committee wishes to state that while it shall endeavor to protect the citizens' right to Petition Parliament to declare a Member's seat vacant for failing to attend sittings, the same right should be exercised with great responsibility so as not to cause unnecessary anxiety to voters and the Members concerned.

The Committee finds that the Hon. Raymond MOI has not been absent for eight sittings during the First and Second sessions of the 11th Parliament respectively. Therefore, there shall be no further proceedings in the National assembly in respect of this matter.

3. Staff: Kirungu MAJIBA

The Committee received a Complaint from the Hon. Ali Wario raising concern over the conduct of Maj. (Rtd) KirunguMajiba, a Security Officer. The Member had complained that the staff had been rude to him and his visitor.

The Committee resolved to forthwith refer the matter to the Parliamentary Service Commission's Staff Welfare Committee for consideration since it does not fall within the purview of the mandate of the Committee.

PART II:

4. The Hon. John WALUKE, MP

INTRODUCTION

The Committee received a complaint regarding physical and verbal assault on the person of the Hon. Arthur Odera, Member for Teso North Constituency, by the Hon. John Waluke, Member for Sirisia. The Committee deliberated on the complaint and agreed that the Complainant, the Hon. Arthur Odera and the defendant Hon. John Waluke be summoned for a hearing on the matter.

The complainant presented himself before the Committee and gave his evidence. A witness, Mr. Allan Gatuku - who is a member of staff also testified. He recalled the altercation that took place between the two Members at the Main Entrance to Parliament buildings on July 2, 2014. He also informed the meeting of the intervention of the Deputy Sergeant-at-Arms Maj. (Rtd) B.N. Masinde to restore calm between the two Members.

The Hon. Waluke appeared before the Committee and he was informed of the complaint against him.

SUMMARY OF ALLEGATIONS

The Hon. Waluke informed the Committee of a mutual agreement to jointly contribute finances for the grading of roads shared by both their constituencies. Their difference arose when the Hon. Arthur Odera, MP allegedly failed to honour the agreement. He confessed having had an altercation with the Hon. Arthur Odera at the Main Parliament reception, where he hurled derogatory and abusive remarks against his colleague. He denied threatening to inflict physical harm on the colleague as alleged. He however said he was willing to mend fences should his colleague also agree so that they could restore the good relationship they had before.

The Hon. Arthur Odera disputed the claims that he failed to honour an agreement with the Hon. Waluke. He claimed that the Hon. Waluke inflated bills and changed the terms of the agreement midway.

The Committee advised the two Members that the Committee only hears and determines matters relating to Members' conduct within the precincts of the Assembly, and that it had no jurisdiction over their disagreement outside the precincts of Parliament.

THE COMMITTEE'S FINDINGS

The Committee learnt that the Members had a violent altercation in public at the area between the Chamber and the Main Reception within the precincts of Parliament. The Members admitted exchanging words and roughing each other up in the presence of colleagues and staff. It does not matter the motive for the fight. The conduct of the legislators was a conduct "*within the precincts of the Assembly (other than the Chamber) ...likely to reflect adversely on the dignity*

*or integrity of the Assembly or the member thereof, or to be contrary to the best interests of the Assembly or the members thereof*⁵.

The members were remorseful before the Committee and demonstrated regret for their lack of decorum and restraint on that fateful day.

CONCLUSIONS AND RECOMMENDATIONS

The Committee concludes that the Hon. Arthur Odera and the Hon. (Maj) (RTD) John Waluke's conduct did not reflect well on the dignity of the National Assembly. The Committee recommends that the two Members tender apologies to the House and be formally reprimanded by the Speaker in accordance with Section 4(a) of the Speaker's Rules (Sessional Paper No. 2 of 1966) made pursuant to Section 10(6) of the National Assembly (Powers and Privileges) Act.

⁵ Section 10 (4) of the National Assembly (Powers and Privileges) Act

CONCLUSIONS, OBSERVATIONS & RECOMMENDATIONS

(i) Need for a new law

Considering that the law in force is old and inadequate, the Committee recommends that the Parliamentary Powers and Privileges Bill, 2014 be urgently enacted to fill the legal gaps and to ensure that both Houses of Parliament are ultimately responsible for the regulation of their Members, including disciplining their Members for breaches of the Houses' rules about Members' conduct. The Parliamentary Powers and Privileges Bill has now been referred to the Committee of Privileges for scrutiny.

(ii) Rules

The Committee recommends an urgent review of the 1966 Speaker's Rules (Sessional Paper No. 2 of 1966) made pursuant to Section 10 (6) of the National Assembly (Powers and Privileges) Act to take care of emerging challenges relating to inquiry, hearing and reporting on Members' conduct and disciplinary processes.

(iii) Malice

In the course of cross-examining witnesses in respect to petitions for removal of Hon. Alexander Kosgey and Hon. Raymond Moi, the Committee noted that in one of the cases, a witness confessed having been used by election losers to petition the House. In principle such scenarios, if not carefully handled, threaten to disenfranchise voters. Great care must be taken to ensure that such petitions are subjected to stringent tests before they are referred to the Committee of Privileges for consideration.

(iv) Manual and Biometric Systems

The Committee discovered that available records on Members' attendance of plenary sessions exhibited inconsistencies. On inquiry, it was established that the transition period when the manual system was being replaced with electronic one, the biometric system failed on various occasions before it was finally collapsed for upgrade. During this period, Members' attendance records reflected discrepancies and inconsistencies. Incidentally, this is the period petitioners strongly alleged that their representatives had been absent from the House. The Committee recommends that the Biometric System be made fully foolproof.

APPENDIX:

Appendix I: SESSIONAL PAPER NO. 2 OF 1966

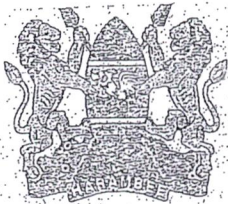
RULES SUBMITTED FOR THE APPROVAL OF THE HOUSE OF REPRESENTATIVES PURSUANT TO SECTION 7B OF THE NATIONAL ASSEMBLY (POWERS AND PRIVILEGES) ACT (ACT NO. 14/66)

(as agreed by the Sessional Committee on 16.6.66)

RULES PURSUANT TO SECTION 7B OF THE NATIONAL ASSEMBLY (POWERS AND PRIVILEGES) ACT

1. Every Report by the Committee of Privileges concerning any inquiry into the conduct of a Member shall, as soon as possible after it has been completed, be laid by a member of that Committee on the Table of the House.
2. If such Report does not recommend any disciplinary action there shall be no further proceedings whatsoever in respect thereof, other than (where necessary) further inquiry and Report by the Committee of Privileges.
3. (a) If such Report recommends any disciplinary action, a member of the Committee of Privileges shall as soon as possible after the report has been laid, but after giving at least one day's previous notice, move **"That this House adopts the Report and Recommendations of the Committee of Privileges dated the19....."**
 - (b) Any such Motion shall be debated in the usual manner; except that
 - i. strangers shall be ordered to withdraw throughout the debate; and
 - ii. no amendment may be moved, other than an amendment of the disciplinary action recommended by the Report, in accordance with Rule 4 of these Rules, or an amendment to the effect that the Report be referred back to the Committee of Privileges for further inquiry.
4. Disciplinary action recommended by any such Report may be
 - (a) formal reprimand at the Bar of the House with or without exclusion, for a period not exceeding one month, from specified facilities of Parliament Buildings; or
 - (b) suspension from the service of the House for a period not exceeding sixteen days, whether or not sitting days, and whether or not during the same session.
5. In the event of the House adopting any recommendation of any such Report for disciplinary action, with or without amendment, Mr. Speaker shall forthwith take action accordingly.

Appendix II: Memorandum from the Hon. Alex Kigen Kosgey, MP



REPUBLIC OF KENYA
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Emgwen Constituency

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The Chairperson,
Privileges Committee,
Parliament Buildings,
NAIROBI

8 September 2014

Dear Sir,

RE: ATTENDANCE IN PARLIAMENT

I refer to the above matter and write further to my letters dated 27 June 2014 and 18 August 2014. Reference is also made to my meetings with the Committee on 21 August 2014 and 27 August 2014.

I have had an opportunity to further analyze the records of attendance in Parliament by Members and wish to make the following points:

1. There are a number of sittings where the schedule from the Clerk of the National Assembly indicates that I was absent from the House while, at the same time, a schedule from the Payroll Office indicates that I was present in the House.
2. There are also a number of sittings where the schedule from the Clerk of the National Assembly indicates that I was absent from the House while, at the same time, a schedule from the Director of Committees indicates that I was present in Parliament attending Committee Meetings.
3. I enclose a copy of the different conflicting schedules and a copy of my analysis for your perusal and records.

Appendix II: Memorandum from the Hon. Alex Kigen Kosgey, MP

4. In light of these inconsistencies, it is my view that the schedule of House sittings should not be regarded as a reliable record of my attendance in the House for the purposes of these proceedings. This is especially because the manual method of recording attendance in the first session was found to be unreliable by the Clerk himself. As you are aware, it is for this very reason that an electronic system of registration was introduced at the start of the second session. The electronic system was meant to ensure a more accurate and reliable record of attendance by Members.
5. I am fortified in my view that the inconsistencies in the first session make the records unreliable by the fact that the records of the second session show a dramatic drop in dates that I was said to be absent from the House. You will note that the electronic method of recording attendance in the second session indicates that I was absent for only 7 sittings. Yet the manual method used in the first session indicates that I was absent for a significant number of sittings. It is not the case that I had a change in behavior during the second session. It is more likely that the electronic system has been more accurate in recording attendance.
6. I would also like to draw the attention of the committee to the fact that I led a parliamentary delegation to Australia in September 2013 in my capacity as the Vice Chair of the Departmental Committee of Environment and Natural Resources. I enclose a copy of the report of the Australia visit for your perusal. You will note that on the dates that I was away, the schedule indicates that I was absent from the House.
7. I regret that I did not write to inform the Speaker that I would be away on parliamentary business. I was under the mistaken impression that since it was an official visit, my absence would be understood. I would like to take this opportunity to apologize and to confirm that I will request for permission to travel in the event of any future trips.
8. I would also like to point out to the Committee that as a Member of Parliament representing a constituency that is more than 400 kilometers away from Nairobi, I may sometimes be in the constituency and be unable to return to Nairobi in time for a House sitting. While I am aware that I should always strive to request for permission to be absent from the House in such cases, it is sometimes difficult to do so. For example there have been a number of cases where emergencies have occurred requiring my urgent presence in the constituency. One such incident occurred in March 2014 when a police station in my constituency caught fire and burnt down. I was required to spend time visiting the site and attending to the situation. I enclose a copy of a media report of the incident.

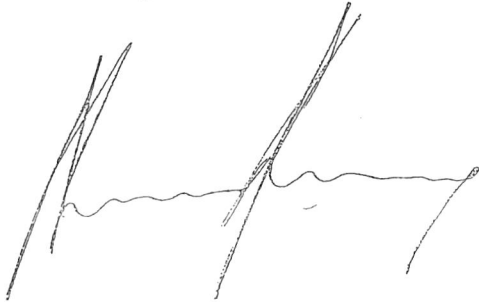
In conclusion, I am aware that the law requires that I provide this committee with a satisfactory explanation for any absences from the House. I hope that this committee will find the information that I provided in my previous letters as well as my oral evidence as satisfactory.

I wish to reiterate that I have always taken a keen interest in House business and that it is regrettable that this complaint has been presented before this committee. It has been an unhelpful distraction to my work. I sincerely hope that this committee is now in a position to put this matter to rest so that I may concentrate on continuing to work and serve the people who elected me to office.

Appendix II: Memorandum from the Hon. Alex Kigen Kosgey, MP

Thank you.

Yours faithfully,

A handwritten signature in black ink, consisting of a stylized 'A' followed by a horizontal line and a final flourish.

HON ALEXANDER KIGEN KOSGEY M.P.
EMGWEN CONSTITUENCY

CC:

HON. JUSTIN B. N. MUTURI, M.P.
SPEAKER OF THE NATIONAL ASSEMBLY,
PARLIAMENT BUILDINGS,
P.O BOX 41842-00100,
NAIROBI

MR. JUSTIN BUNDI,
CLERK OF THE NATIONAL ASSEMBLY,
PARLIAMENT BUILDINGS,
P.O BOX 41842-00100,
NAIROBI

Appendix II: Memorandum from the Hon. Alex Kigen Kosgey, MP

THE PARLIAMENT OF THE REPUBLIC OF KENYA



KENYA NATIONAL ASSEMBLY

THE ELEVENTH PARLIAMENT-FIRST SESSION

Report on the Kenyan
Parliamentary Delegation to
Western Australia

September, 2013

Appendix II: Memorandum from the Hon. Alex Kigen Kosgey, MP

FORWARD

Between 16 and 20 September 2013, it was my pleasure to lead a Kenya Parliamentary delegation consisting of 7 members of departmental Committee on Environment and Natural Resources to Western Australia. The overall objective of the delegation was to explore the Western Australia mining sector to learn their best practices in the sector in order to provide a benchmark for our nascent mining industry. To meet their objective the delegates were exposed to both theoretical discussions/ presentations and participated in field trips where they had the opportunity to meet various stakeholders in the mining sector such as mining companies, chamber of commerce, universities and individual experts. The delegates also had the opportunity to interact with key state government officials and visited large scale mining operations in Western Australia.

The Environment and Natural Resources Committee is a departmental committee established under the National Assembly Standing Orders No. 216(1). The functions and mandate of the committee are also contained under the National Assembly Standing Orders, No. 216(5), most notably, to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations, and estimates of the assigned ministries and departments and make reports and recommendations to the House as often as possible, including recommendations on proposed legislation.

The subject matter of the departmental committee on Environment and Natural Resources are stated in the second schedule of the National Assembly Standing Orders No. 216(f) as follows: Climate Change, Environment Management and Conservation, Forestry, Water Resource Management, Wildlife, Mining and Natural Resources, Pollution and Waste Management.

The full delegation was as follows:

1. Hon. Alexander K. Kosgey, M.P., Leader of the Delegation
2. Hon. Jude K. Njomo, M.P.
3. Hon. Richard Moitalel Ole Kenta, M.P.
4. Hon. (Dr.) Reginalda N. Wanyonyi, M.P.
5. Hon. James Opiyo Wandayi, M.P.
6. Hon. Khatib Abdallah Mwashetani, M.P.
7. Hon. Abdullahi Mohamed, Diriye M.P.

The delegation was supported by Mr. Ahmed Hassan Odhwa, Senior Research Officer (Delegation Secretary).

During the five-day benchmarking study tour to Western Australia the delegates interacted and held discussions with the industry and state government experts on various topics. The delegates in general learnt about: large mines, mineral processing and governance, community benefits in mining, Australia's mining resource industry, minerals development agreements and royalties, mining regulations, innovative environmental legislations, mine rehabilitation, tenements and titles, mining challenges and mining resource mapping. In particular the delegation was interested in learning the sector's best practices to provide a benchmark for our mining sector and to enrich our proposed mining policies and legislations.

The delegates visited and held discussion with various stakeholders in the mining sector such as Curtin University School of Mines, University of Western Australia, various state government officials, Education office of the Parliament of Western Australia, mining companies, minerals refining companies, International Mining for Development Centre as well as experts in the mining sector where informative sessions on the different topics were discussed. The delegates also had a chance to visit the mining site of the biggest producer of Bauxite in the world and the leading mining

Appendix II: Memorandum from the Hon. Alex Kigen Kosgey, MP

company in mining rehabilitation- The Alcoa Company. The delegation had also the privilege to make a courtesy call to the Deputy Speaker of the Legislative Assembly of Western Australia who also represents a constituency where the biggest gold mining sites are located in the Country

These activities and visits by the delegates culminated into lessons learnt/observations which will be crystallized to help the Committee to effectively oversight the mining sector in the country in order to maximize its benefits to the citizens and maintain sustainable exploitation of minerals in the country. The Committee will also utilize the experiences from the study to enhance the draft mining policy, the draft mining Bill, Environment Management and Coordination Act and the Wildlife Bill, 2013 in order to enact dynamic legislations in these sectors that will mirror the best in the world.

Mr. Speaker sir,

The delegation is most grateful to the Office of the Speaker and the Clerk of the National Assembly for the necessary support and arrangements made to facilitate the delegation to travel and undertake the benchmarking study tour to Western Australia. I can confirm to you that the objective of the delegation was met in this study.

Finally, I thank my fellow delegates for their foresight and thoughtful participation in the delegation's activities and their dedication to our program throughout the visit.

On behalf of the delegation, I now present with great honour and pleasure this Report and request the House to consider and adopt it.

Thank you.

Signed:

Hon. Alexander K. Kosgey, MP –Leader of Delegation

Vice Chairman, Departmental Committee on Environment and Natural Resources

Date:

Appendix II: Memorandum from the Hon. Alex Kigen Kosgey, MP

Analysis of Attendance in Parliament Hon A. K. Kosgey M.P Emgwen

First Session 28 March – 5 December 2013

Dates Listed Absent	Comments
23 May 2013	Committee schedule indicates present
6 June 2013	Committee schedule indicates present
19 June 2013	Committee schedule indicates present
20 June 2013	Committee schedule indicates present
9 July 2013	Committee schedule indicates present
16 July 2013	Committee schedule indicates present
23 July 2013	Committee schedule indicates present
25 July 2013	Committee schedule indicates present
30 July 2013	Committee schedule indicates present
6 August 2013	Committee schedule indicates present
17 Sept 2013	Led parliamentary delegation to Australia
18 Sept 2013	Led parliamentary delegation to Australia
18 Sept 2013	Led parliamentary delegation to Australia
19 Sept 2013	Led parliamentary delegation to Australia
26 Sept 2013	Committee schedule indicates present
22 October 2013	Committee schedule indicates present
24 October 2013	Committee schedule indicates present
31 October 2013	Committee schedule indicates present
5 November 2013	Committee schedule indicates present
7 November 2013	Committee schedule indicates present
14 November 2013	Committee schedule indicates present

Second Session 11 February – 19 June 2014

Dates Listed Absent	Comments
20 February 2014	Committee schedule indicates present
24 April 2014	Committee schedule indicates present
3 June 2014	Payroll schedule indicates present
4 June 2014	Payroll schedule indicates present
12 June 2014	Payroll schedule indicates present

Appendix II: Memorandum from the Hon. Alex Kigen Kosgey, MP

HOME NATIONAL LOCAL BUSINESS OPINIONS SPORTS LIFESTYLE SOCIETY WORD IS WEEKEND PUBLIC ED DEBATE
STAR LIVE SKYCAM ONLINE GAMES

YOU ARE HERE: HOME » KILIBWONI FIRE LEAVES 10 COPS IN THE COLD

Kilibwoni fire leaves 10 cops in the cold

MONDAY, MARCH 10, 2014 - 00:00 -- BY BARRY SALIL

Ten police officers at Kilibwoni police station in Nandi central spent the second day in the cold after their houses together with their personal effects were consumed by fires when their modern housing units were set ablaze by unknown arsonists on Saturday night.

Police Uniforms and house hold goods were among goods burnt beyond recognition when 14 housing units were consumed by the raging fires believed to have been started by a suspected "intruder" as the unit where the fire was first spotted had no one.

Nandi central OCPD Shem Mganda said for officers at the newly built Kilibwoni police post were destroyed and that a new decision must be reached on where his officers would stay.

The OCPD ruled out electricity fault as the cause of the fire saying power was disconnected a year ago due to none settlement of the Bill hence could not be blamed.

The fire started at midnight as some of the officers were already asleep and consumed the timber built units within two hours and by the time the residents arrived, nothing could be salvaged.

Cpl Jared Nyakero, who lost everything, said he was away and that the fire started from his house and quickly spread to the other units, however all officers escaped unhurt.

"I had not cooked in my house since Thursday and it must have been started by someone else because the door was locked...it might be an act of arson," the officer said.

Lack of water and fire extinguishers at the station undermined efforts to put off the fire as by the time police from Kapsabet arrived, the entire station quarters had all been razed down. Mganda said the arms at the station were secure since the post has a permanent armory which is fire proof.

Nandi-Hills MP Alfred Ketter who arrived at the scene asked National Police service commission chairman Johnstone Kavuludi and the inspector general David Kimayo not to concentrate on vetting at the expense of officers welfare.

"Officers in some stations are living in deplorable state, they should spent time to visit some of these facilities and ask for more funds to improve the housing and improve their morale," He added.

S & L SANG & LANGAT ADVOCATES

Kipnetich Peter Langat
(LLB Hons (Moi), (Dip Kenya School of Law))
Benard Kibet Sang
(LLB Hons (Moi), (Dip Kenya School of Law))

Corner House, 3rd Floor,
Mama Ngina/ Kimathi Street,
P.O. Box 16949 -00100,
Nairobi
Tel: 020-2223864;
Mobile: 0722-251074/ 0770-214050/ 0722-251696
E-mail: sandladvocates@gmail.com

SL/CS/00/14/PET-200

TBA

16th July, 2014

Hon Justin Muturi EBS, EGH;

Parliament Buildings;

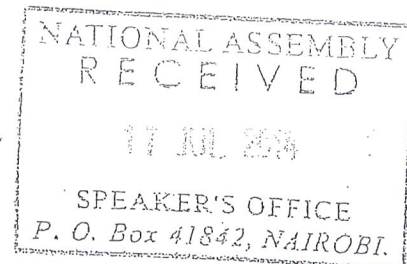
Parliament Road;

Nairobi.

D. Sir,

① Noted. CNA to take necessary action of passing this matter to the relevant Committee to take necessary action.

'Via Hand Delivery'



IN THE MATTER OF ABSENTEEISM AND NON-ATTENDANCE OF
PARLIAMENTARY SITTINGS FAILURE TO REPRESENT THE PEOPLE OF
EMGWEN CONSTITUENCY

OUR CLIENT: MR. CHARLES SANG.

① Mr. Kinu
For the purpose
of the
CNA
18/7

Reference is made to the above matter:

We act for Charles Sang hereinafter (our client) whose contrite instructions we write as we hereby do that due to the unexpected absenteeism; and non-attendance of the Hon MP (hereinafter Hon. Member) for Emgwen Constituency; Hon. Alex Kosgey; for over sixty eight (60) sittings and over eight (8) Committee Meetings; it is our instructions to demand the following;

1. There is a real crisis and/or apprehension faced by the electorate in (Emgwen- Constituency) Nandi County who are extremely apprehensive about the mal-representation, ineptness and inadequate representation in Parliament by their sitting Member of Parliament one Hon. Alex Kosgey.
2. Our client avers that it is public knowledge that the respect for everyone's human rights and in particular the right to representation before Parliament is fundamental and that if such right is deprived the electorate can exercise a right of recall and principle of 'direct democracy' of the concerned Member of Parliament pursuant to Article 104 of the Constitution.

Printed: 05/07/2014

3. Our client avers that *Honourable Member* has a critical role to perform on behalf of the electorate who voted for him i.e *Emgwen Constituency* and to exercise over his leadership as their elected Member of Parliament; thus should attend all the parliamentary sessions adequately.
4. Further the Constitution has given the *High Court unlimited Jurisdiction* to hear and determine the issue of whether or not the seat of Member of Parliament has been declared vacant or can be declared vacant.
5. Further the High Court is bound to use, interpret and/or adopt the Constitution, International law and/or instruments that provide for the respect and protection of the right to fair representation in the National Assembly as articulated in various international instruments and laws.
6. Our client avers that Parliamentary Standing Orders are envisaged to guide the Speaker of National Assembly to reprimand, suspend and/or take adverse action against the Member of Parliament who is alleged to be absent, unruly in the Parliamentary Sittings as and when they are scheduled in the session.
7. Our Client avers that *Honourable member* is bound to represent the People of *Emgwen Constituency* adequately by diligently attending the sittings and requisite select committees to defend their interests in Parliament effectively, and to represent their views both at the Plenary and the Committee Stage; which the said Honourable Member has failed miserably.
8. Our client avers that due to the deliberate absconding and absenteeism of the *Hon. Member* from House Business, and Parliamentary sessions and Committee sittings for Sixty Eight Sessions and Eight Committee sessions respectively without demonstrating reasons and/or evidence to justify his absence, it is material that you take appropriate measures and/or declare the seat vacant.
9. Our client is alive to the fact that your *Hon Speaker* is well aware of the absenteeism and has not taken any action despite the fact that there is a constitutional mandate bestowed on his office to act and declare the parliamentary seat as vacant.
10. Our client avers that you have never summoned the *Hon Member* to show cause why appropriate measures or action should not be taken against him, or his seat be declared vacant but instead you have kept quiet for no good reason, yet the silence and the inactivity by the *Speaker* has left the electorate anxious to exercise their right of recall and pose or imagine why their Member of Parliament is not attending Court.
11. Our client avers that the unpredictable actions of the *Hon Member* does not take into consideration and aspirations of the people of *Emgwen Constituency*, there is no iota of commitment ever since he was elected to the said Post.
12. Our client herein avers that the *Hon Member* should honorably take the humiliation and embarrassment from his Community and resign before his seat is declared as vacant.

We hereby give you notice of fourteen (14) days or so, take action against the said Member of Parliament with immediate effect. Failure to which, we shall move to Court by way of Petition without any further reference to you. We shall apply to Court to issue a mandatory injunction to compel you to furnish all documents to wit: minutes, reports from concerned parliamentary select committees, attendances, notices and transcripts to enable us produce them in Court for scrutiny. Be notified accordingly.

Yours faithfully,

~~SANG & LANGAT ADVOCATES~~

~~H. LANGAT~~

FOR: SANG & LANGAT ADVOCATES

cc. Client – via email

1133

D.W. MUYUNDO
& ASSOCIATES ADVOCATES

RECEIVED
DIRECTORATE OF LEGAL SERVICES
NATIONAL ASSEMBLY
DATE RECEIVED... 31/7/2014
NAME.....
TIME RECEIVED.....
SIGNATURE.....

ADVOCATES COMMISSIONERS
OF OATHS NOTARY PUBLIC

D.W. MUYUNDO
J.N. GESEMBE

Our Ref: DW/CIV/14/K2089

Your Ref: 2014/40

Date: 30/7/2014

TO:

The Clerk of the National Assembly
Parliament Buildings
P.O Box 41842 - 00100
NAIROBI

D/Legal

*Re process
Jubilee
30/7/14*

Dear Sir,

**RE: PUBLIC PETITION BY RESIDENTS OF RONGAI CONSTITUENCY
FOR REMOVAL OF THE AREA MEMBER OF PARLIAMENT - HON. R.
MOI**

We refer to your letter dated 9th July 2014 whose contents are noted.

Kindly note that the contents therein have been made known to our clients and they have now taken the necessary action to present their petition as by law established. It is in this regard therefore that we forward herewith the public petition by the residents of Rongai Constituency for the removal of their member of parliament.

We look forward to receiving your prompt response.

Yours faithfully,

D.W. MUYUNDO
ADVOCATE &
COMMISSIONER FOR OATHS
P.O Box 41842 - 00100
NAIROBI

m/s Ndeto PLC
plsa process
2/10/14

cc:

1) The Speaker of the National Assembly
Parliament Buildings
NAIROBI

2) Residents of Rongai Constituency
NAKURU

Ms Susan Nketha
Kindly deal. We may
disagree.
Ann
1/08.

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT

(SECOND SESSION)

PETITION ON

PRAYER FOR THE REMOVAL OF THE AREA MEMBER OF PARLIAMENT RONGAI
CONSTITUENCY-HON. RAYMOND KIPRUTO MOI PURSUANT TO ARTICLE
103(1) (b) OF THE CONSTITUTION OF KENYA

HEREFORE, your humble petitioners PRAY that the National Assembly,
through the Powers and Privileges Committee:-

- I Recommends to Parliament and to the Speaker of the National Assembly the immediate declaration of a vacancy in the office of the Member of Parliament, Rongai Constituency and subsequently set in motion the process for his removal; and
- i. Makes any other order and/or direction that it deems fit in the circumstances of the case.

And your PETITIONERS will ever pray.

PRESENTED BY:


..... (Signed)
SILVESTER T. RIBET

ADDRESS: P.O. BOX 16361 NAKURU

TELEPHONE: 0724903824

(P.T.O),

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT

(SECOND SESSION)

PETITION ON

REMOVAL OF THE AREA MEMBER OF PARLIAMENT RONGAI CONSTITUENCY -

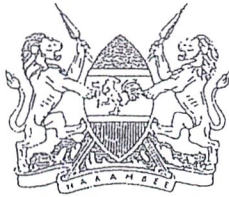
HON. RAYMOND KIPRUTO MOI

Name of Petitioner	Full Address	National Id/Passport No.	Signature/thumb impression
MOHAMMED K. LHEBIB	Box 14884	3620830	
JANE J. KADAM	Box 13895	8892914	
NANCY CHEPTIM	Box 23774	10744118	
DINAH J. KATIA	Box 30424	0602518	
PETER C. CHIRCHIL	P.O. Box 1821 NKU	8590844	
FRANCIS CIATUKU	P.O. Box 820 NKU	25041465	
SHADRACK K. TADAK	Box 105 NKU	25181181	
COLLINS C. KIPROP	Box 3377 NKU	30850215	
SILAS KIPET CHEMURURU	Box 17709 NKU	4425206	
JOHN JELAKIT	Box 2042 NKU	23587239	
RONAH C. KOSKEI	Box 2582 NKU	2326189	
MARY C. GUAHO	Box 3042 NKU	0741266	
HELEN C. CHEMURURU	Box 145 MKT	9837721	
PETER KIPET	Box 53 E/R	21366690	
JUDY T. KIBUT	Box 101 E/R	25219615	
FRANCIS KIBI KIBET	Box 2890 NKU	0335278	
JOSEPH K. BIR	Box 135 MKT	4421477	
JOHNS K. CHEMURURU	Box 3393 NKU	9777806	
PAUL K. KADAM	Box 1330 NKU	0741305	

RESIDENTS OF RONGAI CONSTITUENCY

On this 24th day of July 2014

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT

(SECOND SESSION)

PETITION ON

REMOVAL OF THE AREA MEMBER OF PARLIAMENT RONGAI CONSTITUENCY-

HON. RAYMOND KIPRUTO MOI

Name of Petitioner	Full Address	National Id/Passport No.	Signature/thumb impression
DAVID CHEROCH	Box 17721 NW	24571496	[Signature]
EDMACULATO MURU	Box 17721 NW	28426063	[Signature]
WELLY J. CHEROCH	Box 17721 NW	27523114	[Signature]
SHARON YATUA	Box 17721 NW	26222314	[Signature]
ELIMANU RUTILI	Box 17721 NW	25020129	[Signature]
EDWIN KIPRU	Box 17721 NW	23360342	[Signature]
GLIMUS J. JAMUTAI	Box 17721 NW	24041391	[Signature]
SAMUEL A. RICHMOND	Box 17721 NW	22965894	[Signature]
ELIMANU RUTILI	Box 17721 NW	16720115	[Signature]
ROBERT YENGO	Box 17721 NW	29586785	[Signature]
STANLEY K. RICHMOND	Box 795 NW	0790130	[Signature]
Moses Chiroch	Box 17721 NW	12130746	[Signature]
JACKSON K. BOZOMU	Box 77 ELIMANU	4546698	[Signature]
JULIA J. JAMUTAI	Box 77 ELIMANU	4546824	[Signature]
BILL KIPRONO	795 NAIROBI	29272826	[Signature]
BENSON KIBET	Box 140 MACHAKOS	29272853	[Signature]
FRANCIS WILSON KIPKOS	Box 130 MACHAKOS	5704369	[Signature]

RESIDENTS OF RONGAI CONSTITUENCY

On this 24th day of July 2014

Appendix IV: Petition from Mr. Silvester KIBET

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT

(SECOND SESSION)

PETITION ON

REMOVAL OF THE AREA MEMBER OF PARLIAMENT RONGAI CONSTITUENCY-

HON. RAYMOND KIPRUTO MOI

Name of Petitioner	Full Address	National Id/Passport No.	Signature/thumb impression
CALEST FASHOL	795 NAKURU	20473559	[Signature]
AMOS KIBET MONTAI	795 NAKURU	9173785	[Signature]
VERONICA N. NIAHA	PO K/MOTO	2261699	[Signature]
EVANS K. KONYAI	PO K/MOTO	2477395	[Signature]
MARLINE J. RUNDI	" "	25585333	[Signature]
LEAH KAPEN	" "	6312165	[Signature]
JULIET J. UERUICH		26009562	[Signature]
MIRIAM TUNGO		4019586	X X X
BERNARD LOMAYEI	Box 30 RONGAI	20201457	[Signature]
CAROLINE C. CHESSEREM	"	26467283	[Signature]
MOSES W. CHESSEREM	30 RONGAI	20051243	[Signature]
KEVIN W. CHESSEREM		20325674	[Signature]
YELOH W. KIMANI		29115743	[Signature]
DEGAULLE NABUDIA	P.O. Box 1816 N.W.	3648481	[Signature]
ISAAC KIMET	P.O. Box 125 RONGAI	2158252	[Signature]
Paul Ngunyiri	P.O. Rongai	1174037	[Signature]
Danica Chemich	P.O. K/MOTO	22545576	[Signature]
Wanda Tungu	P.O. K/MOTO	2535764	[Signature]

RESIDENTS OF RONGAI CONSTITUENCY

On this 29th day of July 2014

[Signature]

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT

(SECOND SESSION)

PETITION ON

REMOVAL OF THE AREA MEMBER OF PARLIAMENT RONGAI CONSTITUENCY-

HON. RAYMOND KIPRUTO MOI

Name of Petitioner	Full Address	National Id/Passport No.	Signature/thumb impression
SILVESTER T. KIBET	P.O. BOX 16361 NAKURU	12440681	[Signature]
NICK K. KEMBOI	P.O. BOX 150 MUGOMU	24601687	[Signature]
BRIAN K. KIPKORIR	BOX 9455-NBI	27081065	[Signature]
DANIEL KIPKORIR	Box 795 NBI	26345121	[Signature]
MARGARET RUTO	Box 593 NBI	25337408	[Signature]
ANDREW K. KUDOS	Box 62 RONGAI	31946665	[Signature]
BEATRICE CHERICH	Box 67 RONGAI	13127262	[Signature]
BEN K. SANG	Box 22 RONGAI	27053112	[Signature]
JOHNSON BETT	Box 23 NBI	7283070	[Signature]
KIMISOI CHERWANT	" " "	5990831	[Signature]
DAVID KIRUI	" " "	3625485	[Signature]
RICHARD KIRUI	" " "	10014976	[Signature]
PIUS RUTO	" " "	5991189	[Signature]
WILLIAM MILGO	" " "	6666916	[Signature]
CHARLES SITIENI	P.O. BOX 33 NBI	20400387	[Signature]
DAVID LATO	P.O. BOX 33 NBI	11617229	[Signature]
ISRAEL MIREI	P.O. BOX 33 NBI	22341705	[Signature]
ROSE KIRUI	P.O. BOX 33 NBI	3625486	[Signature]
LEONARD CHUM	P.O. BOX 33 NBI	13623536	[Signature]

RESIDENTS OF RONGAI CONSTITUENCY

On this 24th day of July 2014

[Signature]

Appendix IV: Petition from Mr. Silvester KIBET

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT

(SECOND SESSION)

PETITION ON

REMOVAL OF THE AREA MEMBER OF PARLIAMENT RONGAI CONSTITUENCY-

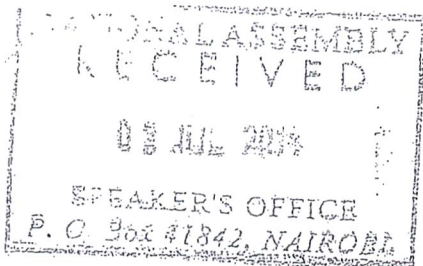
HON. RAYMOND KIPRUTO MOI

Name of Petitioner	Full Address	National Id/Passport No.	Signature/thumb impression
SAMUEL K. KOECH	Box 29 Rongai	4290488	
FLORENCE CHEPCHIR	Box 29 Rongai	13034841	
LIVINGSTONE SAIKE	Box 72 Rongai	2327385	
ROBERT K. KIBET	Box 100 Rongai	21810817	
GEORGE LANCAT	Box 152 Rongai	26728202	
KIPLANGAT SANG	Box 22 Rongai	26796370	
BENARD KOSILO	Box 222 Rongai	21946474	
VINCENT CHEPCHIR	Box 222 Rongai	27270497	
JOHNSTONE KIRI	Box 221 Rongai	11297903	
ELIUD TAAHI	Box 452 Rongai	29936427	
WESLEY K. KODIO	Box 452 Rongai	23431923	
CHARLES KOECH	Box 62 Rongai	28919868	
ABEL KODIO	Box 452 Rongai	30621997	
DOMINIC LANCAT	Box 62 Rongai	270914801	
VICTOR K. KOECH	Box 40 Rongai	30408669	
ROBERT K. KOECH	Box 62 Rongai	30819405	
ROBERT TAAHI	Box 40 Rongai	27001269	
ANDERSON KOECH	Box 62 Rongai	31017876	

RESIDENTS OF RONGAI CONSTITUENCY

On this 26th day of July 2014

Appendix V: Complaint from the Hon. Athur ODERA, MP



REPUBLIC OF KENYA
PARLIAMENT

Hon. Arthur P. Odera, MP.
Teso North Constituency

- 6 day @ 30'000.- T.V.
- 35mi.

Parliament Buildings
Tel: +254 20 221291
P. O. Box 41842-00100
Nairobi, Kenya

K.I.C.C 22nd Room 2201
Mobile: +254 721 830 401
E-mail: papaodera@yahoo.com
P. O. Box 4962 00506 Nairobi Kenya

Chair of Powers and Privileges committee

The Kenya National Assembly

Parliament Buildings

P.O Box 41842-00100

Nairobi

Dear Sir,

3rd July 2014

① Noted. CNA

Place this complaint
before the Committee for
deliberations and appropriate
decision.

But SNA
3/7/14

② D/HRP

pre-just in the committee agenda
JWS CNA 4/7/14

PHYSICAL AND VERBAL ASSAULT ON MY PERSON BY HON. JOHN WALUKE, MP SIRISIA CONSTITUENCY

I write to present a complaint of physical and verbal assault by the above Hon member within parliament. Before I outline the events, I would like to give some background to it.

Hon John Waluke's constituency neighbours mine. In April this year, we held a discussion on how to get a shared road graded. We agreed that I contribute some money for fuel, and he hires a grader from Nzoia Sugar Company, for grading a 6 kilometre stretch that is in my constituency. In my understanding, since hire of a grader ranges between Kshs 40,000 and Kshs 60,000 a day, I owed him a maximum of kshs 180,000 for the three days work. The cost was to be met through my CDF. After the work was done, the Hon Waluke made a verbal claim for Kshs 3,500,000. I flatly

③ Mr. Kirui
list them in the agenda.
D/S meet

Appendix V: Complaint from the Hon. Athur ODERA, MP

declined to pay, finding it outrageously exorbitant and without basis. As a result, he attended a public rally in Changara market in my constituency on 18th June 2014, and made inciting remarks to the effect that I have refused to fix the roads in my constituency. Subsequently, we have met twice, and in both cases I reiterated to him that in no circumstances will I pay such an exorbitant amount, and I urged him to agree with me the figure of Kshs 180,000, which is the fair price for a grader for three days. This is only by way of background. The gist of my complaint is herebelow.

Yesterday, the 2nd of July 2014, at around 4.00pm, I exited the Chamber, and between the entrance to the Chamber and the security scanner, I passed Hon John Waluke, as he headed into the Chamber. He tried to catch my attention by calling out "we!" But I ignored, finding it disrespectful. I walked on along the corridor, but just after the scanner, I stopped to greet Hon. Gumbo and Hon Dalmas Otieno, who were chatting. Hon Waluke followed me, and very crudely started asking me about why I said he has 'kifafa'. I was at a loss. I have heard of instances of him causing violence, and I did not believe we could have a meaningful discussion with him at that point. I attempted to walk on, but he kept nudging me with his shoulder and pulling my arm. I stopped. At that point, Hon Captain Wambugu was passing by, and he heard Hon Waluke threatening to knock off my teeth. The Hon captain Wambugu was taken aback, and commented to Hon Waluke that he shouldn't threaten other members. Thereafter he asserted that I do not know him well and threatened that he is going to teach me a lifelong lesson.

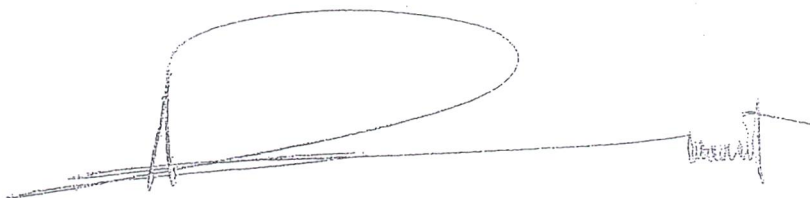
I kept trying to get away from him, but he kept following me and pulling me back. At one point he attempted to hold my neck but I pushed his hand away. All this while, he kept throwing insults to me, including words such as 'kumamayo'. There were several members around, talking in groups. When we were near the Reception, Hon David Ochieng, seeing and hearing what was going on, came and pulled me away into the New Members Lounge. But not before Hon Waluke threatened to circumcise me, amidst a tirade of other crude insults, within the earshot of the two staff who were manning – Allan and his female colleague. A circumcised man cannot possibly be circumcised again, but the disrespect and the stench of ethnic prejudice pains me.

Appendix V: Complaint from the Hon. Athur ODERA, MP

In all this, I restrained myself very much, and severally tried to get away from Hon Waluke. Yet he made every effort to insult, physically attack, and to embarrass me right inside the precincts of Parliament.

I therefore present this complaint, asking that Hon Waluke apologises to me for the physical and verbal assault meted out on me, and that he withdraws the threats he issued to me. I also ask that this committee finds the Hon member for Sirisia guilty of gross misconduct within the precincts of Parliament, and metes out appropriate sanctions against him. I will at the same time report the threats to the police.

Thank you.

A handwritten signature in dark ink, featuring a large, sweeping loop at the beginning and a series of horizontal strokes followed by a vertical line at the end.

Hon. Arthur Odera

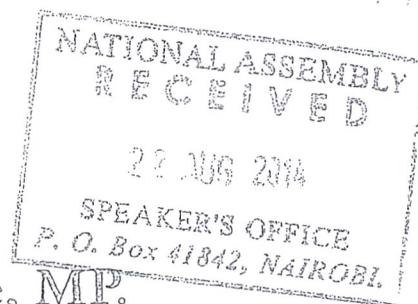
MP, Teso North

Appendix VI: Written Evidence from Hon. John WALUKE, MP



REPUBLIC OF KENYA
KENYA NATIONAL ASSEMBLY

Hon. Maj. (Rtd) John Waluke, MP.
Sirisia Constituency



Parliament Buildings
Tel: +254 20 2221 291
P. O. Box 41842 - 00100 Nairobi, Kenya

Continental Hse.
Mobile: +254 710 840 393
E-mail: jkoyi@yahoo.com

REF: 478/SIRISIA/2014

22nd August 2014

The Speaker,
The National Assembly of Kenya
Parliament Buildings,
Nairobi, KENYA.

*CNA Place this before the
Committee on privileges.
Bashir NWA
22/8/14*

Dear Sir,

RE: RESPONSE TO HON. ARTHUR ODERO's ALLEGATIONS

I wish to honorably respond to the allegations and statements brought before you.

The former which outlines the events that are purportedly acclaimed to have led to a confrontation of some relative nature is partly correct in view of the implementation of the works to be effected but the facts are skimmed to negatively portray my character and hence give a foundation to the practice of not honoring dignified agreements between gentlemen. Clearly he portends to impute improper motive on my character.

The matter should be correctly reported that we had a cordial mutual agreement as honorable colleagues and neighbors who share a common border to come up with a joint mission.

*Mr Kimi
pre deal
CNA*

Appendix VI: Written Evidence from Hon. John WALUKE, MP



REPUBLIC OF KENYA
KENYA NATIONAL ASSEMBLY

Hon. Maj. (Rtd) John Waluke, MP.
Sirisia Constituency

Parliament Buildings
Tel: +254 20 2221 291
P. O. Box 41842 - 00100 Nairobi, Kenya

Continental Hse.
Mobile: +254 710 840 393
E-mail: jkoyi@yahoo.com

The agreement underscores as follows:

- i. That three (3) roads be upgraded;
- ii. The works were to involve Bush clearing, Earth works, Road formation, Uprooting of rocky Hills, Extraction of old trees to the age of a century, Backfilling of the galleys and had a covenant that he would either deposit a payment of three Million Kenya Shillings (3M) with National Oil, Bungoma or pay to Sirisia C.D.F. the same, my part was to have the works implemented which included hiring of excavators – 2, Roller – 1, wheel loader – 1, Graders – 2, a dump truck, sprinkler truck which are hourly charged compounding into a full day and man power of about 200 people.

We had agreed to jointly supervise the works of which he never showed up at all to satisfactory completion. I kept calling him up of which he constantly avoided me. The works took approximately 6 – 8 weeks.

When we occasionally met in the House, he would treat the matter with a very casual attitude despite having been the initiator of the subject matter.

I tried on several occasions to get his attention so that we would finalize this matter of which he was noncommittal resulting to lack of focus. On this stated occasion I remained firm and requested him amicably to deal with this issue in honesty, sincerity and seriousness.



REPUBLIC OF KENYA
KENYA NATIONAL ASSEMBLY

Hon. Maj. (Rtd) John Waluke, MP.
Sirisia Constituency

Parliament Buildings
Tel: +254 20 2221 291
P. O. Box 41842 - 00100 Nairobi, Kenya

Continental Hse.
Mobile: +254 710 840 393
E-mail: jkoyi@yahoo.com

At no single point did I engage him in any dishonorable confrontation. I decline to engage in the preempted mischievous, dishonorable, frivolous and fabricated lie sorting an apology from me.

I request the Speaker to send independent personnel to verify these facts on the ground. These facts can also be corroborated by the Busia Governor H.E. The Hon. Sospeter Ojaamong. I do request the committee of Honorable members and the Speaker to kindly caution the member to tread with honor and dignity hence not reducing Honorable members to a circus of presiding over frivolous and malicious allegations disguised to running away from honoring commitments. It should be clear to the member that this is a decorated house of honor.

One has to conduct themselves with a sense of honesty and responsibility to their whole self. I seek the committee to table the member to address and confirm my status as a potent 'KIFAFA' victim.

To conclude this we executed two of the three roads to full completion and satisfaction. I hereby tender my response to the honorable members.

Thanking you in advance.

Yours Faithfully,

A handwritten signature in dark ink, appearing to read 'John Waluke'.

HON. MAJ. (RTD) JOHN WALUKE, MP
SIRISIA CONSTITUENCY

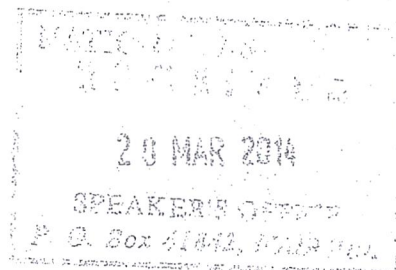
Appendix VII: Memorandum from the Hon. Ali WARIO, MP



REPUBLIC OF KENYA
KENYA NATIONAL ASSEMBLY

Hon. Ali Wario, MP.

Bura Constituency



Mr. Kimi
organise a rally
next week
CNA
20/3/14

Parliament Buildings
Tel: +254 20 2221291
P.O. Box 41842 - 00100
Nairobi, Kenya

Continental House, 3rd Flr 324,
Mobile: +254 723-206-089
E-mail: warioali@yahoo.com

19th March 2014

The Hon. Speaker
Kenya National Assembly
Parliament Buildings
NAIROBI

Dear Sir,

CNA
This matter has already been taken up by the Chief Security officer and a preliminary report made. The matter should be tabled before Rules and Privileges Committee to deliberate.
BD/NA 20/3/14
RE: COMPLAIN AGAINST MAJOR [RTDI] KIRUNGU MAJIBA - PRINCIPAL SECURITY OFFICER

The above subject matter refers.

On Monday 17th March 2014 at around 11.00am, I was called by one of my electorate who had come to visit me in my constituency office in Continental House, 3rd floor. Since my Personal Assistant was not present on this day, I sent my driver who brought for me the security entry card which I duly signed as per the security regulations in Parliament. Upon presenting it the security staff manning the gate, in order to enable my visitor access the office, they were refused entry on the instruction of Maj. Majiba.

This prompted my intervention and I reported this matter to the Serjeant-At-Arms In-charge of the Continental House [Sheila Chebotibin] whom advised me to accompany her to the entry gate to enquire what the problem was since I had signed the entry card as required and my driver was there to collect the visitor.

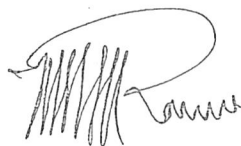
On arrival at the gate accompanied by the Serjeant-At-Arms officer who was trying to solve this issue; the principal security officer [Maj. Majiba] shouted and harassed me before the visitor and members of the public who were present at the moment despite having been told by the Serjeant-At-Arms that I am a Member of Parliament. This caused me a lot of pain and embarrassment. The Serjeant-At-Arms continued to plead with this officer to cool down so that the issue be solved amicably but he kept on shouting unprintable words.

The purpose of this letter is therefore, to request you as the Chairman of the Parliamentary Service Commission to: -

- i. Take disciplinary action against this officer since I had complied with all the required security regulations.
- ii. To advise on how else would electorates access their Member of Parliament especially after having signed the relevant security entry card and still being denied access by security personnel? and
- iii. Why should a security officer display tribal animosity to a Member of Parliament in the work place since I learned that this officer hails from Tana River County where we periodically experience tribal clashes?

This is submitted for your kind consideration and assistance since I feel my life is in danger and need your urgent intervention.

Yours faithfully,



HON. ALI WARIO, M.P.
BURA CONSTITUENCY



Appendix VIII: MINUTES

MINUTES OF THE FIRST SITTING OF THE COMMITTEE OF PRIVILEGES HELD ON TUESDAY, JUNE 24 2014, AT THE SPEAKER'S BOARD ROOM, MAIN PARLIAMENT BUILDINGS AT 10.45 AM

PRESENT

1. The Hon. Justin B. N. Muturi, EGH, MP – Speaker, Chairperson
2. The Hon. Kimani Ichungwah, MP
3. The Hon. Jamleck Kamau, MP
4. The Hon. Barchilei Kipruto, MP
5. The Hon. James Murgor, MP
6. The Hon. James Onyango Koyoo, MP

ABSENT WITH APOLOGY

7. The Hon. Simon Ogari, MP
8. The Hon. Bedzimba Rashid Juma, MP
9. The Hon. Joyce Emanikor, MP
10. The Hon. Peter Shehe, MP
11. The Hon. Zuleikha Juma Hassan, MP

IN ATTENDANCE

- | | | |
|----------------------------|---|-----------------------------|
| 1. Mr. Michael R. Sialai | - | <u>NATIONAL ASSEMBLY</u> |
| 2. Mr. J. N. Mwangi | - | Senior Deputy Clerk |
| 3. Mr. Kipkemoi arap Kirui | - | Deputy Clerk/Director L & P |
| 4. Ms. Jemimah Muriithi | - | Principal Clerk Assistant I |
| 5. Ms. Halima Ahmed | - | Legal Counsel II |
| 6. Ms. Miriam Modo | - | Clerk Assistant III |
| | - | Clerk Assistant III |

MIN.NO. 1/2014:

PRELIMINARIES

The Chairperson called the meeting to order at 10.45 am and the meeting opened with a prayer said by the Hon. Kimani Ichungwah, MP.

MIN. NO. 2/2014:

MANDATE OF THE COMMITTEE OF PRIVILEGES

The Chairperson took the Members through the mandate of the Committee, the law and procedure pertaining to the privileges of members and the challenges of enforcing them.

The meeting was informed of the existence of the Sessional Paper No. 2 of 1966 on the Rules made pursuant to Section 7B of the National Assembly (Powers and Privileges) Act (No. 14 of 1966) providing for the inquiry into the conduct of a Member, the disciplinary process and punishment.

The meeting also discussed the mandate of the Committee of Privileges with respect to Article 103 (1) (b) of the Constitution; as a responsible Commission on matters relating to declaration of assets under the Public Officer Ethics Act; and in relation to offences committed within the precincts of the Assembly and not inside the Chamber. The Senior Deputy Clerk also took members through the process of conducting the hearing of a disciplinary case.

The Committee was also informed that the Senate Leader of Majority Prof. Kithure Kindiki has introduced a Parliamentary (Powers and Privileges) Bill in the Senate.

MIN. NO. 3/2014

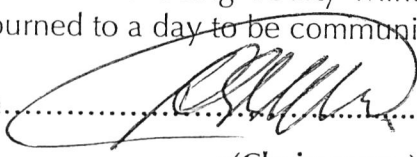
GUIDELINES ON THE DISCIPLINARY PROCESS

The Committee Secretariat was tasked to develop Guidelines on the process of lodging complaints, due process, the categories of offences and the extent of gravity of offences, how to deal with contempt, handling of committee findings and the types of punishments.

MIN. NO. 4/2014

ADJOURNMENT

And the time being Forty Minutes past Eleven O'clock, the meeting was adjourned to a day to be communicated to Members.

Sign. 

(Chairperson)

Date 05/08/2014

**MINUTES OF THE SECOND SITTING OF THE COMMITTEE OF PRIVILEGES
HELD ON TUESDAY, 5TH AUGUST 2014 AT THE SPEAKER'S BOARDROOM,
MAIN PARLIAMENT BUILDINGS AT 10.00AM.**

PRESENT

1. The Hon. Justin B. N. Muturi, EGH, MP – Speaker, Chairperson
2. The Hon. Kimani Ichung'wah, MP
3. The Hon. Barchilei Kipruto, MP
4. The Hon. Peter Shehe, MP
5. The Hon. James Onyango Koyoo, MP
6. The Hon. Joyce Emanikor, MP
7. The Hon. James Murgor, MP

APOLOGY

8. The Hon. Jamleck Kamau, MP
9. The Hon. Bedzimba Rashid Juma, MP
10. The Hon. Simon Ogari, MP
11. The Hon. Zuleikha Juma Hassan, MP

IN ATTENDANCE

NATIONAL ASSEMBLY

- | | | |
|----------------------------|---|-----------------------------|
| 1. Mr. Michael R. Sialai | - | Senior Deputy Clerk |
| 2. Mr. Kipkemai arap Kirui | - | Principal Clerk Assistant I |
| 3. Mr. Moses M. Lemuna | - | Clerk Assistant III |
| 4. Ms. Miriam A. Modo | - | Clerk Assistant III |
| 5. Ms. Halima Ahmed | - | Clerk Assistant III |

MIN. NO.5 /2014: PRELIMINARIES

The Chairperson called the meeting to order at 10.00 am and the meeting was opened with a word of prayer by the Hon. Kimani Ichung'wah.

**MIN. NO. 6/014: CONFIRMATION OF MINUTES OF THE
PREVIOUS MEETING**

The minutes of the First Sitting of the Committee held on Tuesday 24th June 2014, were confirmed as true proceedings of the meeting. There were no matters arising.

**MIN NO. 7/2014: RULES OF CONDUCTING A HEARING OF A
DISCIPLINARY CASE**

The Committee Clerk took Members through the Draft Rules and the Sessional Paper No. 2 of 1966 on the Rules pursuant to Section 7B of the National Assembly (Powers and Privileges) Act (No.14 of 1966) providing for the inquiry into the conduct of a Member, the disciplinary process and the punishment. The meeting also discussed the Code of Conduct and Ethics for the Members of the National Assembly as per the Public Officers Ethics Act 2003 in relation to the offences committed within the precincts of the Assembly. The Senior Deputy Clerk took the committee through the process of conducting a hearing of a disciplinary case in relation to the Public Officers Ethics Act 2003.

MIN. NO.8/2014: THE MATTER OF THE CONDUCT OF THE HON. MILLIE ODHIAMBO-MABONA, MP

The committee agreed that since the matter took place in the Chamber and the Presiding Officer had punished Hon. Millie Odhiambo the committee could not subject her to a double punishment.

Regarding the damage to the "Delegate's Unit" by the Hon. Millie Odhiambo-Mabona, MP, the meeting was informed that the Chief Maintenance Engineer ascertained the damage and estimated the cost to be approximately Kshs. 337,347/=. Further, the meeting resolved that Hon. Millie be summoned to appear before the Committee.

The Speaker informed the meeting that it was not in order for him to lodge the complaint against a Member and sit in the panel that prosecutes the same Member. As a result, Hon. Peter Shehe was unanimously proposed to Chair the Committee of Privileges.

MIN. NO. 9/2014: PHYSICAL AND VERBAL ASSAULT ON THE PERSON OF THE HON. ATHUR ODERA, MP BY THE HON. JOHN WALUKE, MP.

The Speaker briefed the meeting on the above matter and it was agreed that it will be deliberated on Thursday 7th August 2014.

MIN. NO. 10/2014: NON-ATTENDANCE OF PARLIAMENTARY PROCEEDINGS BY THE MEMBER OF EMGWEN THE HON. ALEX KOSGEY, MP.

The above matter was postponed subject to discussion on Thursday, 7th August 2014.

MIN. NO. 11/2014: COMPLAINT AGAINST ONE MAJ. (RTD) KIRUGI MAJIBA BY HON. ALI WARIO, MP.

The above matter was further deferred to be discussed on Thursday, 7th August 2014 meeting.

MIN. NO. 12/2014: A.O.B.

- a) The meeting proposed to hold a workshop with other relevant stakeholders like the Independent Electoral Boundaries Commission (IEBC), Ethics and Anti-Corruption Commission among others with the aim of acquainting them with the mandates of the Committee of Privileges.
- b) The meeting proposed a benchmarking trip to Switzerland and the committee Clerk was tasked to do a request to that effect.

MIN NO. 13/2014: ADJOURNMENT

The meeting was adjourned till Thursday, 7th August, 2014, in the same venue at 9.00 am.

Sign



CHAIRPERSON

Date

07/08/2014

**MINUTES OF THE THIRD SITTING OF THE COMMITTEE OF PRIVILEGES
HELD ON THURSDAY, AUGUST 7, 2014 AT THE SPEAKER'S BOARD ROOM,
MAIN PARLIAMENT BUILDINGS AT 10.00 AM**

PRESENT

1. The Hon. Peter Shehe, MP (Acting Chairperson)
2. The Hon. Kimani Ichungwah, MP
3. The Hon. Bedzimba Rashid Juma, MP
4. The Hon. Barchilei Kipruto, MP
5. The Hon. James Murgor, MP
6. The Hon. Joyce Emanikor, MP
7. The Hon. James Onyango Koyoo, MP

ABSENT WITH APOLOGY

8. The Hon. Justin B. N. Muturi, EGH, MP – Speaker, Chairperson
9. The Hon. Jamleck Kamau, MP
10. The Hon. Simon Ogari, MP
11. The Hon. Zuleikha Juma Hassan, MP

IN ATTENDANCE

Mr. Michael R. Sialai
Mr. Michael Karuru
Mr. Kipkemoi arap Kirui
Ms. Sydney Lugaga
Ms. Moses Lemuna
Ms. Miriam Modo

- **NATIONAL ASSEMBLY**
- Senior Deputy Clerk
- Deputy Director (Legal Services)
- Principal Clerk Assistant I
- Legal Counsel II
- Clerk Assistant III
- Clerk Assistant III

MIN.NO. 14/2014:

PRELIMINARIES

The Chairperson called the meeting to order at 10.00 am and the meeting was opened with a prayer.

MIN. NO. 15/2014:

**CONFIRMATION OF MINUTES OF THE
PREVIOUS MEETING**

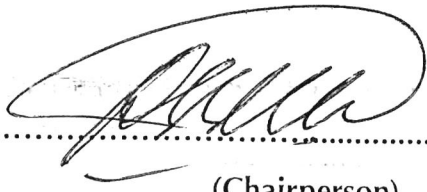
The minutes of the Second Sitting of the Committee held on August 5, 2014 were confirmed as true proceedings of the meeting. The minutes were proposed by the Hon. Joyce Emanikor and seconded by the Hon. James Murgor.

MIN. NO. 16/2014:

**RULES OF CONDUCTING A HEARING OF A
DISCIPLINARY CASE**

The Legal Counsel briefed the Members on how disciplinary proceedings regarding the conduct of a Member within the precincts of the Assembly should be conducted. He cited laws applicable as enshrined in Articles 75, 117, 124, 262 and Section 7 of the Sixth Schedule of the Constitution of Kenya, Sections 9, 10, 14, 15, 16 and 18 of the National Assembly (Powers and Privileges) Act (Cap 6, Laws of Kenya), Sections 3,7,8 and 15 of the Public Officer Ethics Act, Standing Orders 108-112 of the National Assembly Standing Orders, and Rules made pursuant to section 10 (4) of the National Assembly (Powers and Privileges) Act (Sessional Paper No. 2 of 1966).

Sign

A handwritten signature in black ink, appearing to be 'P. M. M.', written over a dotted line.

(Chairperson)

Date

21/08/2014

MIN. NO. 17/2014 THE MATTER OF THE CONDUCT OF THE HON. MILLIE ODHIAMBO-MABONA, MP

The Committee was informed of the formal complaints regarding the disorderly conduct of the Hon. Millie Odhiambo-Mabona within the precincts of the Assembly. The member was reported to have damaged property on her way out of the Chamber following a disciplinary order to withdraw. It was resolved that the Member be invited to appear before the Committee on Thursday August 14, 2014 for hearing on the matter.

The Senior Deputy Clerk clarified that the National Assembly (Powers and Privileges) Act did not apply in this case since the incident took place inside the Chamber.

MIN. NO. 18/2014 PHYSICAL AND VERBAL ASSAULT ON THE PERSON OF THE HON. ARTHUR P. ODERA, MP BY THE HON. JOHN WALUKE, MP

The Committee had received a complaint regarding physical and verbal assault on the person of the Hon. Arthur Odera, Member for Teso North Constituency, by the Hon. John Waluke, Member for Sirisia. The Committee deliberated on the complaint and agreed that the Complainant, the Hon. Arthur Odera and the defendant Hon. John Waluke be summoned on Tuesday August 19, 2014 for a hearing on the matter. Thereafter the witnesses will be summoned to give their evidence.

MIN. NO. 19/2014 NON-ATTENDANCE OF PARLIAMENTARY PROCEEDINGS BY THE MEMBER FOR EMGWEN, THE HON. ALEX KOSGEY, MP

The Committee received a Memorandum from one Mr. Charles Sang, a resident of Emgwen Constituency through his advocates Sang & Langat Advocates regarding non-attendance of Parliamentary Proceedings by the Member for Emgwen the Hon. Alex Kosgey and demanded the Member's seat be declared vacant pursuant to Article 103 (1) (b) of the Constitution and Standing Order 258 (1) and (2).

The Committee resolved that the Clerk of the National Assembly furnishes the Committee with the Members' Plenary and Committee attendance record for last Session and current Session, and the Speaker's written permission, if any, where the Member has had to be away on official duty.

MIN. NO. 20/2014 COMPLAINT AGAINST ONE MAJ. (RTD) KIRUGI MAJIBA BY HON. ALI WARIO, MP

The Committee received a Complaint from the Hon. Ali Wario raising concern over the conduct of Maj. (Rtd) Kirugi Majiba, a Security Officer. The Committee resolved that the Hon. Ali Wario should be consulted to establish whether he is still pursuing the case and if so, he be invited to appear before the Committee together with witnesses thereof.

MIN. NO. 21/2014 ADJOURNMENT

There being no other business, the meeting was adjourned at 11.50 am till Tuesday August 12 at the Speaker's Boardroom at 9.00 am.

MINUTES OF THE FOURTH SITTING OF THE COMMITTEE OF
PRIVILEGES HELD ON THURSDAY, AUGUST 21, 2014 IN THE SPEAKER'S
BOARD ROOM, MAIN PARLIAMENT BUILDINGS AT 9.00 AM

PRESENT

1. The Hon. Justin B. N. Muturi, EGH, MP –Chairperson
2. The Hon. Peter Shehe, MP
3. The Hon. Bedzimba Rashid Juma, MP
4. The Hon. James Murgor, MP
5. The Hon. Joyce Emanikor, MP
6. The Hon. Zuleikha Juma Hassan, MP

ABSENT WITH APOLOGY

7. The Hon. Jamleck Kamau, MP
8. The Hon. Simon Ogari, MP
9. The Hon. Kimani Ichungwah, MP
10. The Hon. James Onyango, MP
11. The Hon. Barchilei Kipruto, MP

IN ATTENDANCE

1. Mr. Michael Karuru
2. Mr. Kipkemoi arap Kirui
3. Mr. Sydney Lugaga
4. Mr. Moses Lemuna
5. Ms. Halima Ahmed

NATIONAL ASSEMBLY

- Deputy Director (Legal Services)
- Principal Clerk Assistant I
- Legal Counsel II
- Clerk Assistant III
- Clerk Assistant III

MIN.NO. 22/2014: PRELIMINARIES

The Chairperson called the meeting to order at 9.00 am and a word of prayer was said.

MIN. NO. 23/2014: CONFIRMATION OF MINUTES OF THE
PREVIOUS MEETING

The minutes of the Third Sitting of the Committee held on August 7, 2014 were confirmed as true record of proceedings of the meeting.

MIN.NO.24/2014: MATTERS ARISING

The meeting was informed that the Hon. Millie Odhiambo was not able to appear before the Committee as earlier invited since she was outside the country on official duty. The meeting resolved to invite her to appear before the Committee on Thursday, August 28, 2014.

MIN. NO. 25/2014: REPORTED PHYSICAL AND VERBAL ASSAULT ON
PERSON OF THE HON.ARTHUR ODERA, MP BY
THE HON.JOHN WALUKE, MP

The complainant presented himself before the Committee and gave his submission as contained in the letter before the Committee. A witness, Mr. Allan Gatuku - who is a member of staff also testified. He recalled the altercation that took place between the two Members at the Main Entrance to Parliament buildings on July 2nd 2014 at around 4.00 pm. He also informed the meeting of the intervention of the Deputy Sergeant-at-Arms Maj. (Rtd) B.N. Masinde to restore calm between the said Members.

The Hon. John Waluke appeared before the Committee and requested to be given further time to prepare to make his submissions. The meeting resolved to give him time up to Wednesday August 27, 2014 where he will appear before the Committee.

The meeting also resolved to invite Maj. (Rtd) B.N Masinde, Hon. Dalmas Otieno, the Hon Nicholas Gumbo and the Hon. Capt. (RTD) Wambugu to give evidence in respect of the matter on Wednesday August 27, 2014.

**MIN. NO. 26/2014: NON-ATTENDANCE OF PARLIAMENTARY SITTINGS BY
THE MEMBER FOR EMGWEN CONSTITUENCY**

The meeting was informed of a Memorandum submitted by one Mr. Charles Sang regarding the failure by Member for Emgwen to attend sittings of the House, which was reported to the House on the August 12, 2014. The Member for Emgwen presented himself in person before the Committee and submitted as follows:

- i. That the procedure for declaring his seat vacant could not have been initiated casually and through a correspondence to the Speaker;
- ii. That cognizance of absences is the purview of the Speaker alone;
- iii. That while he admits missing sittings on June 3rd and 4th, he was attending an important public function in his Constituency and he could avail documentary evidence to that effect if need be;
- iv. That absence from the Plenary should not be construed as abdication of duty since a legislator has committee, constituency and other responsibilities to attend to;
- v. That the attendance data for the First Session of the Eleventh Parliament which began on March 28, 2013 and ended on December 5, 2013 is completely unreliable since it had been prone to manipulation prior to installation of the Biometric Attendance Register in April 2014;
- vi. That he has not missed eight sittings during the Second Session (2014).

The meeting resolved to examine the submissions by the Member and the available records and supporting documents to make findings. The Member was also asked to submit evidence to back his claim that he had an important engagement in the Constituency on June 3 and June 4, 2014.

MIN. NO. 27/2014: COMPLAINT AGAINST ONE MAJ. (RTD) KIRUGI MAJIBA

The meeting was informed of the matter and it was resolved that the complainant the Hon Ali Wario and Maj. (Rtd) Majiba will be invited to appear before the Committee on Wednesday August 27, 2014.

MIN. NO. 28/2014: ANY OTHER BUSINESS

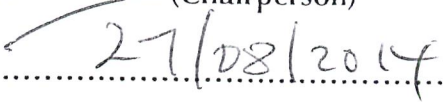
The Meeting was informed of a Petition in respect of failure to attend eight sittings by the Member for Rongai Constituency and it was resolved that the Member be invited to appear before the Committee on Thursday August 28, 2014.

MIN. NO. 29/2014: ADJOURNMENT AND NEXT MEETING

There being no other business, the meeting was adjourned at 11.50 am till Wednesday August 27, 2014 at 9.00 am in the Speaker's Boardroom.

Sign.....

(Chairperson)

Date

**MINUTES OF THE FIFTH SITTING OF THE COMMITTEE OF PRIVILEGES
HELD ON TUESDAY, AUGUST 27, 2014 IN THE SPEAKER'S BOARD ROOM,
MAIN PARLIAMENT BUILDINGS AT 10.00 AM**

PRESENT

1. The Hon. Justin B. N. Muturi, EGH, MP – **Chairperson**
2. The Hon. James Murgor, MP
3. The Hon. Joyce Emanikor, MP
4. The Hon. Simon Ogari, MP
5. The Hon. Kimani Ichungwah, MP
6. The Hon. James Onyango Koyoo, MP
7. The Hon. Zuleikha Juma Hassan, MP

ABSENT WITH APOLOGY

8. The Hon. Peter Shehe, MP
9. The Hon. Bedzimba Rashid Juma, MP
10. The Hon. Jamleck Kamau, MP
11. The Hon. Barchilei Kipruto, MP

IN ATTENDANCE

- | | | |
|----------------------------|---|---------------------------------|
| 1. Mr. Kipkemoi arap Kirui | - | <u>NATIONAL ASSEMBLY</u> |
| 2. Mr. Sydney Lugaga | - | Principal Clerk Assistant I |
| 3. Mr. Moses Lemuna | - | Legal Counsel II |
| | | Clerk Assistant III |

MIN.NO. 30/2014: PRELIMINARIES

The Chairperson called the meeting to order at 10.00 am and a word of prayer was said.

**MIN. NO. 31/2014: CONFIRMATION OF MINUTES OF THE
PREVIOUS MEETING**

The minutes of the Fourth Sitting of the Committee held on August 21, 2014 were confirmed as true record of proceedings of the meeting.

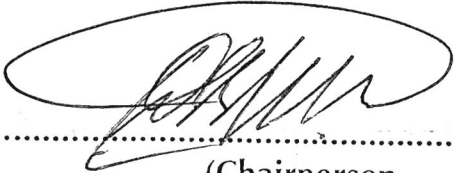
MIN.NO.32/2014: MATTERS ARISING

MIN. NO. 27/2014: The complaint by the Hon. Ali Wario against Maj. (Rtd) Majiba, a security officer, was referred to the Clerk of the National Assembly for administrative action.

**MIN. NO. 33/2014: NON-ATTENDANCE OF PARLIAMENTARY
SITTINGS BY THE MEMBER FOR EMGWEN
CONSTITUENCY**

The Complainant Mr. Charles Sang appeared before the Committee represented by his Advocate Mr. Herman Lagat. He claimed that the complainant had, prior to writing to the Speaker, submitted a Petition to the Clerk of the National

Sign.....



(Chairperson

Date

28/08/2014

Assembly.

The Advocate requested for more time to prepare and further asked that he be provided with information on the Hon. Alex Kosgey's record of attendance. He was asked to write to the Speaker requesting for information. The Committee allowed the complainant to make his submissions on September 9, 2014 at 10.00am. The Complainant was advised that the mandate to recall a Member of Parliament was not within the jurisdiction of the Committee of Privileges and that the Committee only determines considers absences of Members from the plenary sittings as provided for in Article 103 (1) (b) and Standing Order 258.

The Hon. Alex Kosgey, who was expected to report back to offer explanations on some absences, appeared before the Committee. He however asked for more time to prepare. The Committee allowed the Member to make his submissions on September 9, 2014 at 10.30am.

MIN. NO. 34/2014: REFERRAL OF THE PARLIAMENTARY POWERS AND PRIVILEGES BILL (NATIONAL ASSEMBLY BILL NO. ...) 2014

The Committee was informed that the Parliamentary Powers and Privileges Bill (National Assembly Bill No. 33), 2014 has been referred to the Committee of Privileges for scrutiny.

MIN. NO.35/2014: PHYSICAL AND VERBAL ASSAULT ON THE PERSON OF THE HON.ARTHUR ODERA, MP BY THE HON. JOHN WALUKE, MP

The meeting was informed that Hon. John Waluke was not able to appear before the Committee as invited. However, the Member had written to the Committee in response to the allegations against him. The Hon. Captain Wambugu also appeared as a witness in respect of the above matter but swas not able to testify due to shortage of time.

MIN. NO. 36/2014: COMPLAINT AGAINST ONE MAJ. (RTD) KIRUGI MAJIBA

The Hon.Ali Wario, the complainant, appeared before the Committee. The Member was informed that the Committee lacked jurisdiction to hear the matter and was advised that the matter would be referred to the Clerk of the National Assembly for administrative action.

MIN. NO. 37/2014: ANY OTHER BUSINESS

The Committee resolved to siton 9th-11th September 2014.

MIN. NO. 38/2014: ADJOURNMENT

There being no any other business the meeting was adjourned at 12.40 pm until Thursday August 28, 2014 in the Speaker's Boardroom at 9.00 am.

**MINUTES OF THE SIXTH SITTING OF THE COMMITTEE OF PRIVILEGES
HELD ON THURSDAY, AUGUST 28, 2014 IN THE SPEAKER'S BOARD ROOM,
MAIN PARLIAMENT BUILDINGS AT 10.00 AM**

PRESENT

1. The Hon. Justin B. N. Muturi, EGH, MP – **Chairperson**
2. The Hon. James Murgor, MP
3. The Hon. Jamleck Kamau, MP
4. The Hon. Simon Ogari, MP
5. The Hon. Kimani Ichungwah, MP
6. The Hon. James Onyango Koyoo, MP

ABSENT WITH APOLOGY

7. The Hon. Peter Shehe, MP
8. The Hon. Bedzimba Rashid Juma, MP
9. The Hon. Barchilei Kipruto, MP
10. The Hon. Joyce Emanikor, MP
11. The Hon. Zuleikha Juma Hassan, MP

IN ATTENDANCE

4. Mr. Kipkemoi arap Kirui
5. Mr. Sydney Lugaga
6. Mr. Moses Lemuna

-

NATIONAL ASSEMBLY

-

Principal Clerk Assistant 1

-

Legal Counsel II

-

Clerk Assistant III

MIN.NO. 39/2014: PRELIMINARIES

The meeting was called to order at ten o'clock with a word of prayer

**MIN. NO. 40/2014: CONFIRMATION OF MINUTES OF THE PREVIOUS
MEETING**

The minutes of the sitting held on August 27, 2014 were confirmed as a true record of the deliberations and signed by the Chairperson.

MIN.NO.41/2014: MATTERS ARISING

- a) **Under MIN. NO. 32/2014:** The complaint by the Hon. Ali Wario against Principal Security Officer Maj. (Rtd) Kirungu Majiba was referred to the Parliamentary Service Commission for administrative action.

- b) **Under MIN.NO.33/2014:** The meeting resolved to invite the petitioners in respect of the Member for Emgwen: Sang & Langat Advocates, and a Mr. Charles Sang to give evidence on September 9, 2014 at ten O'clock.

MIN. NO. 42/2014: THE MATTER OF THE HON. MILLIE ODHIAMBO, MP

The Hon. Member for Mbita Constituency presented herself before the meeting for hearing. However due to inadequate time the meeting was not able to hear the case and it was resolved that the Member would be invited to give her submissions on September 9, 2014 at ten O'clock.

MIN NO. 43/ 2014: REPORTED NON-ATTENDANCE OF THE PARLIAMENTARY SITTINGS BY THE MEMBER FOR RONGAI CONSTITUENCY.

The Hon. Member for Rongai appeared in person before the Committee. He was informed of the Public Petition for his removal presented by the firm of D. W. Muyundo and Advocates on behalf of a Mr. Silvester T. Kibet. Regarding his alleged absence in the first session, the Hon. Member tendered what he considered satisfactory explanation as follows:

- i. He admitted claims of absence from plenary sittings on **July 23, 2013** based on fact that he was attending Departmental Committee on Lands meeting;
- ii. He presented documentary evidence of payment for plenary sittings while denying alleged claims of absence from plenary on **September 25** and **November 27, 2013**.

Consequently it was resolved that the Member for Rongai and the Petitioners D. W. Muyundo and Advocates and a Mr. Silvester T. Kibet would be invited on September 9, 2014 to give evidence in accordance with the provisions of Section 15 of National Assembly (Powers and Privileges) Act, Cap 6 of the Laws of Kenya.

MIN.NO. 44/2014: REFERRAL OF PARLIAMENTARY POWERS AND PRIVILEGES BILL (NATIONAL ASSEMBLY BILL NO. 33), 2014

The meeting was informed that the Parliamentary Powers and Privileges Bill (National Assembly Bill No. 33), 2014 has been referred to the Committee of

Privileges for scrutiny. The Committee Clerk was asked to schedule a retreat to Mombasa for the Committee to contemplate on the Bill.

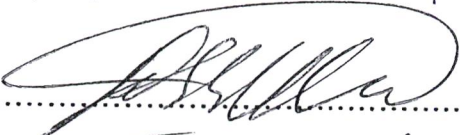
MIN. NO. 45/2014: ANY OTHER BUSINESS

The meeting was informed on the need for the Committee Members to have a unique experience on matters of Parliamentary Powers and Privileges through an exposure to other State Legislatures. A visit to either of the following Countries was proposed: **Canada, Britain, Ireland, and Australia.** The Committee clerk was asked to pursue a request for a Benchmarking Tour in either of the said Countries.

The meeting was informed of the available evidence regarding some Members of Parliament with difficulties in logging into the Biometric system and it was resolved that recommendations would be made to the Parliamentary Service Commission on the need to put a credible system in place to secure the data for Chamber attendance

MIN. NO. 46/2014: ADJOURNMENT

There being no any other business the meeting was adjourned at 1.00 pm until Tuesday September 9, 2014 in the Speaker's Boardroom at 10.00 am.

Sign.....

(Chairperson)

Date.....10/09/2014

MINUTES OF THE SEVENTH SITTING OF THE COMMITTEE OF PRIVILEGES
HELD ON TUESDAY, SEPTEMBER 9, 2014 IN THE SPEAKER'S BOARD ROOM,
MAIN PARLIAMENT BUILDINGS AT 10.00 AM

PRESENT

1. The Hon. Peter Shehe, MP- Chairing
2. The Hon. Joyce Emanikor, MP
3. The Hon. James Murgor, MP
4. The Hon. Jamleck Kamau, MP
5. The Hon. Simon Ogari, MP
6. The Hon. Kimani Ichungwah, MP
7. The Hon. James Onyango K'Oyoo, MP

ABSENT WITH APOLOGY

8. The Hon. Justin B. N. Muturi, EGH, MP – Chairperson
9. The Hon. Bedzimba Rashid Juma, MP
10. The Hon. Barchelei Kipruto, MP
11. The Hon. Zuleikha Juma Hassan, MP

IN ATTENDANCE

NATIONAL ASSEMBLY

1. Mr. Rana Tiampati - Principal Clerk Assistant II
2. Mr. Moses Lemuna - Clerk Assistant III

MIN.NO. 47/2014:

PRELIMINARIES

The meeting was called to order at ten o'clock after a word of prayer.

MIN. NO. 48/2014:

CONFIRMATION OF MINUTES OF THE
PREVIOUS MEETING

Confirmation of Minutes of the Sixth sitting held on August 28, 2014 was deferred to a later date.

MIN. NO. 49/ 2014:

PETITION OVER THE NON-ATTENDANCE OF
PARLIAMENTARY SITTINGS BY THE MEMBER
FOR RONGAI CONSTITUENCY

The following persons appeared before the Committee:

- i. Ms. Herine Kabita- Advocate
- ii. Sylvester Kibet- Petitioner
- iii. Ms. Linda Muthoni- Assistant Advocate

They submitted as follows:

- i. The Advocate requested for adjournment until a later date but the Committee declined owing to the set timelines.
- ii. The Petitioner, a voter in Rongai Constituency, tabled a letter dated 12th July 2014 written by his friend Mr. Alfred K. Rono to the Clerk of the National Assembly requesting to be given a schedule of the Hon. Member's attendance.
- iii. The Petitioner also tabled a letter dated 16th July 2014 bearing the Member's schedule of attendance during the First and Second Sessions. From the schedule, it was apparent that the Member missed five (5) and nine (9) sittings in the First and Second Sessions respectively.

On cross-examination by the Members:

- i. The meeting noted that there was a common similarity on the hand writing and the postal address on the list of petitioners presented;
- ii. The Petitioner admitted that he wrote only his own name in the list and assisted others to write but did not sign on their behalf;
- iii. The Petitioner informed the Committee that the rest of the petitioners in the list could be facilitated to appear before the Committee and be subjected to handwriting experts where it was deemed appropriate;
- iv. The Petitioner informed the meeting that he was being facilitated by a group of professionals from Rongai Constituency some of whom contested but lost in the last General Election. He however did not disclose the names of any of the said professionals.

MIN. NO.50/2014: THE MATTER OF THE HON. MILLIE ODHIAMBO, MP

The Hon. Member for Mbita Constituency appeared before the Committee. She acknowledged receipt of a summons dated August 25, 2014, though she pointed out that the letter did not indicate the charges leveled against her. The meeting noted the content of the letter and agreed that the Member ought to be informed of all the allegations before she appears. Accordingly, the meeting resolved that prior to the commencement of the hearing on **September 17, 2014**, the Committee would be provided with the available evidence on **Hansard and Video clips**.

REPORTED NON-ATTENDANCE OF
PARLIAMENTARY SITTINGS BY THE MEMBER
FOR EMGWEN CONSTITUENCY

1. The following witnesses appeared to testify in respect of the above matter:

- i) Herm Langat - Advocate
- ii) Peter Langat - Advocate
- iii) Felix Kiprono - Advocate
- iv) Charles Langat - Petitioner

2. The meeting cross-examined the witnesses and made the following observations:

- i. Whereas the Petitioners were so emphatic in the previous meeting that they would furnish the Committee with the available evidence in support of their claims by September 9, 2014, they simply presented a Statement Tracker which in the view of the Committee could not be used to substantiate their alleged claims on the Member's absence;
- ii. The Petitioner did not present any proof of an earlier Petition that he claimed to have submitted to the office of the Clerk of the National Assembly in May, 2014;
- iii. The Petitioner informed the Committee that they would table Citizen TV footage as evidence if the Committee would allow in the next sitting. The Committee however rejected the request as the media information could be instigated by anyone;
- iv. The Member for Emgwen submitted what he considered satisfactory explanation and tabled a letter dated September 8, 2014 denying alleged absence from Plenary sittings on the dates of May 23, June 6, June 19 and June 20, 2013, July 9, July 16, July 23, July 25 and July 30, 2013, August 6, 2013, September 17, September 18, September 18, September 19, and September 26, 2013, October 22, October 24 and October 31, 2013, November 5, November 7, and November 14 2013 in the First Session and February 20, 2014, April 24, 2014, June 4 and June 12, 2014 in the Second Session.
- v. The Committee resolved to consider and make recommendations

based on the available evidence and the parties involved would be informed of the decision.

MIN. NO.52/2014:

ANY OTHER BUSINESS

a) Retreat

The Meeting resolved to retreat to Mombasa on September 30 to October 3, 2014 for report writing and consideration of the Parliamentary Powers and Privileges Bill, 2014.

b) Benchmarking Tour

A benchmarking tour to either of the following Legislatures; New Zealand, Jersey, Virginia or Belgium was proposed. The Committee Secretariat was directed to follow up on same.

MIN. NO.54/2014:

ADJOURNMENT

There being no any other business the Chair adjourned the sitting at 1.42 pm until **Wednesday, September 10, 2014** in the Speaker's Boardroom at 11 o'clock.

Sign.....

(Chairperson)

Date.....

13/10/2014

MINUTES OF THE EIGHTH SITTING OF THE COMMITTEE OF PRIVILEGES
HELD ON WEDNESDAY, SEPTEMBER 10, 2014 IN THE SPEAKER'S BOARD
ROOM, MAIN PARLIAMENT BUILDINGS AT 10.00 AM

PRESENT

1. The Hon. Peter Shehe, MP- **Chairing**
2. The Hon. Joyce Emanikor, MP
3. The Hon. James Murgor, MP
4. The Hon. Zuleikha Juma Hassan, MP
5. The Hon. Simon Ogari, MP
6. The Hon. Kimani Ichungwah, MP
7. The Hon. James Onyango K'Oyoo, MP

ABSENT WITH APOLOGY

8. The Hon. Justin B. N. Muturi, EGH, MP – **Chairperson**
9. The Hon. Bedzimba Rashid Juma, MP
10. The Hon. Barchelei Kipruto, MP
11. The Hon. Jamleck Kamau, MP

IN ATTENDANCE

NATIONAL ASSEMBLY

1. Mr. Rana Tiampati - Principal Clerk Assistant II
2. Mr. Moses Lemuna - Clerk Assistant III

MIN.NO. 55/2014:

PRELIMINARIES

The meeting was called to order at ten o'clock after a word of prayer.

MIN. NO. 56/2014:

CONFIRMATION OF MINUTES OF THE
PREVIOUS MEETING

Confirmation of Minutes of the Seventh sitting held on Tuesday, September 9, 2014 was deferred to a later date.

MIN. NO. 57/ 2014:

THE MATTER OF THE HON. JOHN WALUKE, MP
AND THE HON. ARTHUR ODERA, MP

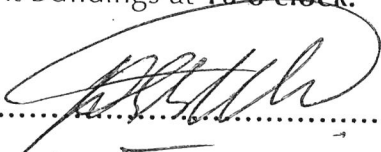
The Hon. Waluke appeared before the Committee and he was informed of the complaint leveled against him by the Hon. Arthur Odera, MP.

- a) The Hon. Waluke informed the Committee that:
 - i. They had a mutual agreement as Honourable colleagues and neighbours to jointly contribute finances for the grading of roads shared by both Constituencies;

- ii. Their difference arose when the Hon. Arthur Odera, MP failed to honor the agreement;
 - iii. He confessed having had an altercation with the Hon. Arthur Odera at the Main Parliament reception, where he used an abusive word "*Kuma mayo*" against his colleague;
 - iv. He denied threatening to circumcise his colleague as alleged; and
 - v. He was willing to apologise should his colleague also agree to apologise so that they could restore a friendly relationship they have had there before.
- b) The Committee advised the Hon. Waluke that the Committee only hears and determines matters relating to their conduct within the precincts of the Assembly, therefore the Committee has no jurisdiction over their disagreement outside the precincts.

MIN. NO.58/2014: ADJOURNMENT

There being no any other business the Chair adjourned the sitting at 1.32 pm until **Wednesday, September 17, 2014** in the Speaker's Boardroom Main Parliament Buildings at **10 o'clock**.

Sign.....

(Chairperson)

Date.....13/10/2014

MINUTES OF THE NINTH SITTING OF THE COMMITTEE OF
PRIVILEGES HELD ON MONDAY, OCTOBER 13, 2014 IN THE
SPEAKER'S BOARD ROOM, MAIN PARLIAMENT BUILDINGS AT 10.00
AM

PRESENT

1. The Hon. Justin B. N. Muturi, EGH, MP – Chairperson
2. The Hon. Peter Shehe, MP - Chairing
3. The Hon. Joyce Emanikor, MP
4. The Hon. James Murgor, MP
5. The Hon. Bedzimba Rashid Juma, MP
6. The Hon. Simon Ogari, MP

ABSENT WITH APOLOGY

7. The Hon. Kimani Ichungwah, MP
8. The Hon. James Onyango K'Oyoo, MP
9. The Hon. Zuleikha Juma Hassan, MP
10. The Hon. Barchelei Kipruto, MP
11. The Hon. Jamleck Kamau, MP

IN ATTENDANCE

NATIONAL ASSEMBLY

1. Mr. Kipkemoi Arap Kirui - Principal Clerk Assistant I
2. Mr. Inzofu Mwale - Clerk Assistant III

MIN. NO. 59/2014:

PRELIMINARIES

The meeting was called to order at half past ten o'clock after a word of prayer.

MIN. NO. 60/2014:

CONFIRMATION OF MINUTES OF THE
PREVIOUS MEETING

Minutes of the Seventh Sitting held on Tuesday, September 9, 2014 were proposed by Hon. Joyce Emanikor, seconded by Hon. (Dr.) James Murgor and confirmed by Members as a true record of proceedings.

The Minutes of the Eighth Sitting held on Wednesday, September 10, 2014 were also confirmed by Members as a true record of proceedings

having been proposed by Hon. Simon Ogari and seconded by Hon. (Dr.) James Murgor.

MIN. NO. 61/ 2014: **MATTERS ARISING**

- c) **Min. No. 52/2014 (a) regarding the proposed retreat for report writing and consideration of the Parliamentary Powers and Privileges Bill, 2014**, it was reported that the Committee needs to hold at least two sittings to review the memoranda submitted by stakeholders and also allow adequate time for sourcing resource persons to facilitate the Retreat.
- d) **Min. No. 52/2014 (b) regarding the proposed Benchmarking tours**, Members were informed that plans were underway and that the matter would be discussed as a substantive agenda in the Committee Sitting on Tuesday, October 14, 2014. Two Members, Hon. Simon Ogari and Hon. Bedzimba Rashid Juma requested to be considered for the New Jersey trip in the USA, citing that they may be engaged on the dates proposed for the South Africa trip.

MIN. NO.62/2014: **CONSIDERATION OF THE DRAFT FIRST REPORT (2014)**

The Committee reviewed the draft First Report (2014) containing the proceedings, submissions, Committee findings and recommendations thereto and resolved to have the final Report prepared for adoption in the Sitting on Wednesday October 14, 2014.

MIN. NO.63/2014: **A.O.B.**

Members requested that notices for meetings should be sent in good time so as to enable them to make necessary arrangements to attend meetings, especially those scheduled for Mondays.

MIN. NO.64/2014: **ADJOURNMENT**

There being no any other business the Chair adjourned the sitting at 1.05 pm until **Tuesday, October 14, 2014** in the Speaker's Boardroom Main Parliament Buildings at **10 o'clock**.

Sign.....

(Chairperson)

Date.....14/10/2014.....

MINUTES OF THE TENTH SITTING OF THE COMMITTEE OF PRIVILEGES
HELD ON TUESDAY, OCTOBER 14, 2014 IN THE SPEAKER'S BOARD ROOM,
MAIN PARLIAMENT BUILDINGS AT 10.00 AM

PRESENT

1. The Hon. Justin B. N. Muturi, EGH, MP – Chairperson
2. The Hon. Peter Shehe, MP – Chairing
3. The Hon. Joyce Emanikor, MP
4. The Hon. (Dr.) James Murgor, MP
5. The Hon. Simon Ogari, MP
6. The Hon. Bedzimba Rashid Juma, MP

ABSENT WITH APOLOGY

7. The Hon. Kimani Ichungwah, MP
8. The Hon. James Onyango K'Oyoo, MP
9. The Hon. Zuleikha Juma Hassan, MP
10. The Hon. Barchelei Kipruto, MP
11. The Hon. Jamleck Kamau, MP

IN ATTENDANCE

NATIONAL ASSEMBLY

1. Mr. Kipkemoi Arap Kirui - Principal Clerk Assistant I
2. Mr. Inzofu Mwale - Clerk Assistant III

MIN. NO. 65/2014:

PRELIMINARIES

The meeting was called to order at five minutes past ten o'clock and the opening prayer was read by The Hon. (Dr.) James Murgor.

MIN. NO. 66/2014:

CONFIRMATION OF MINUTES OF THE
NINTH SITTING

Minutes of the Ninth Sitting held on Monday, October 13, 2014 were proposed by the Hon. Bedzimba Rashid Juma, seconded by Hon. Simon Ogari and confirmed by Members as a true record of proceedings.

MIN. NO. 68/ 2014:

ADOPTION OF THE FIRST REPORT (2014)

Members went through the First Report (2014) containing the proceedings, submissions, Committee findings and recommendations thereto and were satisfied that the contents therein were a true reflection of the proceedings and position of the Committee in respect to the matters under consideration. The Report was therefore adopted by the Members and agreed that the report be tabled on Tuesday, October 14, 2014 in the afternoon sitting.

MIN. NO. 69/2014: FOREIGN BENCHMARKING TRIPS

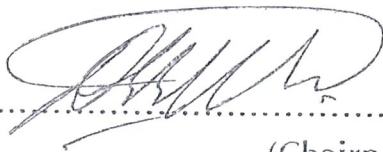
Members were informed that the Committee was scheduled to undertake two foreign benchmarking visits; one to the State Legislature of New Jersey (U.S.A.) and the second one to the Parliament of South Africa from 19th to 24th October 2014 and 3rd to 7th November 2014 respectively. Members were further informed that plans were at an advanced stage but final confirmations from the host legislatures were being awaited so as to finalize the preparations.

MIN. NO. 70/2014: A.O.B.

Members requested that notices for meetings should be sent in good time so as to enable them to make necessary arrangements to attend meetings, especially those scheduled for Mondays.

MIN. NO. 71/2014: ADJOURNMENT

There being no any other business the Chair adjourned the sitting at 10.55 am until Tuesday, October 21, 2014 in the Speaker's Boardroom Main Parliament Buildings at 10 o'clock.

Sign.....
(Chairperson)

Date.....14. 10. 14.....

Not to be Moved Away

REPORT

OF

THE SELECT COMMITTEE ON THE DISAPPEARANCE
AND MURDER OF THE LATE MEMBER FOR NYANDARUA
NORTH, THE HON. J.M. KARIUKI, M.P.

PAPERS LAID		No.
Speaker N.A.	1	Clerk Asst. IV
Clerk N.A.	1	Reporters
Clerk Asst. I	1	Press
Clerk Asst. II		Library
Clerk Asst. III	1	Binding

MR. Speaker,

On Friday, 14th March, 1975 the National Assembly passed the following Resolution:

THAT, this House being extremely disturbed by the manner of the disappearance and murder of our late colleague, the Member for Nyandarua North (Mr. J.M. Kariuki), resolves to appoint a Select Committee to conduct an investigation on the circumstances of the said disappearance and murder and to report to the House its findings with a view to securing and preserving evidence relevant to bringing to justice those concerned before such evidence is destroyed and that the said Committee be conferred with powers under Section (9) of the National Assembly (Powers and Privileges) Act, and that the following Members should be the Members of the said Committee:

Hon. E.W. Mwangale, M.P. (Chairman)
Hon. Mrs. G. Onyango, M.P.
Hon. J.M. Shikuku, M.P.
Hon. H.C. Wariithi, M.P.
Hon. J.M. Seroney, M.P.
Hon. B. Nabwera, M.P.
Hon. C.W. Rubia, M.P.
Hon. K.S. Mwavumo, M.P.
Hon. J.K. Mulwa, M.P.
Hon. M.W. Mwithaga, M.P.
Hon. Dr. J. Muriuki, M.P.
Hon. J.M. Gachago, M.P.
Hon. D.M. Amin, M.P.
Hon. Dr. J. Kitonga, M.P.
Hon. J. Nyamweya, M.P.

CHAPTER I - INTRODUCTION

"It takes more than a National Anthem,
however stirring, and a National Coat
of Arms, however distinctive, a National
Flag, however appropriate, a National
Flower, however beautiful, to make a
Nation."

- J.M. Kariuki.

1.1. The Select Committee which has come to be known as the
Select Committee on the death of the Hon. J.M. Kariuki, M.P.
(hereinafter referred to as 'the Committee') has held 46
meetings and interviewed 123 witnesses, some of them more
than once.

1.2. At the very outset the Committee invited the Vice President
and Minister for Home Affairs who is also the Leader of
Government Business (the Hon. D.T. arap Moi, E.G.H., M.P.),
the Attorney General (the Hon. Charles Njonjo, E.G.H., M.P.)
and the Minister of State in the Office of the President
(the Hon. Mbiyu Koinange, E.G.H., M.P.) to a meeting to
discuss how best to secure the co-operation of the police and
the administration with the Committee in its investigations.
The Vice President and the Attorney General responded to the
invitation and a useful exchange of views took place.
Unfortunately, the Minister of State did not attend and did

and did not send any apologies for his failure to respond to the Committee's written invitation. The Committee also visited the scene near Ngong where the body of JM was found by the Masai on 3rd March, 1975, Hilton Hotel where he was last seen alive, and Makongeni Police Station where JM's watch was found on 18th March, 1975 by a small boy. A sub-committee of the Committee also visited the CID Headquarters on Tuesday, 20th May, 1975, but were not allowed to inspect the investigation files on the murder of JM and the investigation files on the bomb explosions, one of which killed 27 wananchi at Nairobi on 1st March, 1975 the day before the disappearance of JM from the Hilton Hotel.

1.3.

Although the Committee's terms of reference did not include investigation into bomb explosions, the last two of which occurred in Mombasa long after the disappearance and death of JM and after the Committee had started its investigations, the Committee, for reasons which will be stated later in this report, is satisfied that there was some connection between the murder of JM and the bomb blasts.

1.4.

The Committee started its work, as expected, with a good deal of enthusiasm supported overwhelmingly by public opinion. This enthusiasm, however, was soon dampened by a growing and sobering realisation that the murder of JM was no ordinary

murder. The Kenya Police Force under its Commissioner, Mr. Bernard Hinga, instead of regarding the Committee's work as complementary to its own and the Committee as its ally in the task of leaving "no stone unturned" to uncover the whole truth about the murder of JM, chose instead, from the very outset, the path of non-cooperation and a determined cover-up exercise. Lack of co-operation manifested itself in ways ranging from the hostility and rudeness of Mr. Mungai, the Senior Assistant Commissioner of Police in charge of Rift Valley Province (where the bullet-ridden body of JM was found), to that of junior officers who either took refuge in the Official Secrets Act or were unwilling to disclose what they knew without the permission of their immediate superiors.

1.5. The District Commissioner of Nyandarua (Mr. Thuo) must be regarded as a key figure in establishing the existence of a determined cover-up exercise. The Committee called Mr. Thuo to give evidence in the hope of establishing the background and political motivation for the murder of JM. When he appeared to give evidence and was examined, his attitude was negative and hostile and the Committee is satisfied, not only that he did not tell the truth as he must have known it but also that he was not a truthful witness.

1.6. It should be noted that the police who knew in advance that the Committee was going to Makongeni Police Lines where JM's watch had been found (on 18th March, 1975) chose the same day (25th April, 1975) to publish rewards of Shs.400,000/- for information concerning bomb blasts and the murder of JM. Whether this was a coincidence or not, remains to be seen.

1.7.

It is now three months since the third of the five bomb blasts killed 27 wananchi at the O.T.C. Bus Depot on 1st March, 1975 and JM was murdered on 2nd March, 1975. The JM investigation team, led by Senior Superintendent Sokhi, and

the team investigating the bomb blasts at Nairobi and Mombasa have testified before the Committee that they have not found any suspects who could be arrested and brought to trial. Both investigations are being carried on under the direction of the Director of CID (Mr. Nderi). The Committee finds it difficult to believe that the combined CID and Special Branch forces of the Kenya Police (hitherto claimed to be the best in Africa) have not been able in three months to trace the kidnappers and murderers of a politician of the stature of the late JM, and against whom it has been established to the satisfaction of the Committee that the CID were trying to concoct evidence linking him with the bomb blast which killed 27 wananchi. The Committee also finds it difficult to believe that the same combined forces have, during the same time, not been able to trace the persons behind bomb blasts in places as far apart as Nairobi and Mombasa even though the last one at Nairobi resulted in 27 deaths. The Committee, therefore, has been left with no alternative but to draw the painful but necessary inference that investigations so far carried out by the police have neither been thorough nor genuine, and that the police know who the culprits actually are but are unwilling to proceed against them.

1.8.

There is reason to believe that the prompt action of the National Assembly in appointing the Committee before the funeral of JM saved the country from civil war. Public

opinion, in any event, was relieved that they did not have to take the law into their own hands. Prayers were offered for the success of the Committee in bringing out the truth. One of the newspapers, however, warned against expecting too much from the Committee. Subsequent events have justified this warning, for it did not take the Committee long to realise that it had taken on a formidable task. Since there had been no similar investigation conducted by a select committee of Parliament, the Committee had no precedent to fall back on. The Committee, therefore, had to take time devising its rules of procedure.

1.9.

The CID team supposed to be investigating the same murder struck first. Knowing that the first logical place to start investigations was Hilton Hotel, from where JM disappeared, the police rounded up all likely persons who could have witnessed what happened to JM, both in and outside Hilton Hotel. Such witnesses were picked up and held in custody for questioning. In fact, one such witness was picked up as early as the morning of Friday, 7th March, 1975 when the disappearance of JM was made known to the world through the National Assembly.

1.10.

The technique of the CID team in respect of anyone suspected to have witnessed anything material to the disappearance of JM, including persons involved (who have been established by the Committee to have been police officers) was to harass, threaten, intimidate and even (contrary to Section 74 of the Constitution) torture them. Witnesses called by the Committee to testify to events at Hilton Hotel on the evening of 2nd March, 1975 were found to have passed through the hands of

the police and made statements to the police which there was reason to believe they were frightened to change or enlarge upon when they appeared before the Committee. Police officers who had been connected with the investigation proved so hostile and un-cooperative that a good deal of the Committee's time was wasted in investigating the investigators instead of the actual murder. In order to test the credibility of witnesses the Committee asked for the production of statements previously made by them to the police. The police, contrary to Section 13 of the National Assembly (Powers and Privileges) Act refused to produce these statements. There was a material witness whom the Committee wanted to interrogate, but the Committee was unable to get hold of him and the police assured the Committee that he had left the country and had not returned. It later turned out he was, to the knowledge of the police, all the time in Nairobi. This witness was examined by the Committee only a few days ago.

1.11.

Of late, a campaign has been mounted to discredit the Committee by making it appear as if it had concluded its investigations, but because members of the Committee had been bribed or that they wanted to prolong their sittings to draw more allowances they were purposely delaying publication of their report. If it were not for the fact that the public are gullible and can swallow such cheap propaganda, it would be easy to dismiss such allegations as a lot of rubbish. As one of the Committee members said in the House last week, the police are paid and are better equipped to conduct such investigations. This campaign should therefore be directed at them to apprehend the culprits and bring them to justice. Sufficient has

been said in this preamble to show that the work of the Committee has been hampered at every stage by interference with witnesses and by hostility and lack of co-operation on the part of the police, all of which appear to constitute a massive and determined cover-up campaign.

CHAPTER II - BACKGROUND

- 2.1. The late Member for Nyandarua North, the Hon. Josiah Mwangi Kariuki, came to grief on the night of 2nd March, 1975 when he was ruthlessly murdered, and his body left, in Ngong Hills about thirty miles from Nairobi. Since his tragic death, much has been said and written about the fallen hero. It is not the intention of this survey to bore the readers by details regarding his eventful life history. Rather, the intention is to present in a nutshell a few features relating to his early life and his socio-political career.
- 2.2. Mr. J.M. Kariuki (hereinafter referred to as 'JM') was born on 21st March, 1929 at Kabati Forest in the Rift Valley Province of Kenya where his parents had migrated and settled from their home in Nyeri, Central Province, the year before. He was educated at Karima and Kerugoya schools before joining the King's College, Budo, in Uganda.
- 2.3. At the outbreak of the Mau Mau uprising, JM was a card-carrying member of the Kenya African Union (K.A.U.). An active and promising young politician, he successfully persuaded many of his friends to accede to the political party. In June, 1953 he embarked on a lucrative hotel business in Nakuru. It was there that he learned of untold horrors, such as castration of men, experienced by political detainees at Kwa Nyangwethu screening camp. He was moved by these tales as a result of which he began influencing leaders of the screening elders in order to save potential victims.
- 2.4. He was later detained under the Emergency Regulations from 1953 to 1960. During his days in the detention camps, he

displayed remarkable qualities of humanity, leadership courage. Various incidents illustrate these qualities.

instance, when JM was at Kowop detention camp he protested against harsh and humiliating treatment of the detainees by one of the officers in charge. The harshness included being

required to seek permission to go to the lavatory. He wrote a letter of the District Commissioner requesting him to visit the camp and carry out an investigation. The Commissioner agreed and consequent upon his visit the situation was rectified.

At Manyani Camp, he asked for a Visiting Committee to witness the human suffering therein. As a result of this complaint he received twenty-four strokes of the cane. When the Committee eventually paid a visit to the camp, his presentation of grievances on behalf of his colleagues earned him twelve

strokes and a seven days' solitary confinement. Subsequently he sent his complaints direct to the Colonial Office.

2.5.

Other examples of his humane service include promoting a spirit of co-existence and friendliness among the detainees; fostering harmonious relationships between the warders and his associates; educating illiterate detainees and writing letters for them; manifesting kindness to all while adopting an uncompromising attitude towards the authorities if the welfare of his colleagues demanded it. As Miss Margery Perhan puts it in Mau Mau Detainee: "But the root cause of Mr. Kariuki's defiance of the authorities seems to have been his determination to prove that he and his associates in defiance were not in the grip of some remedial obsession but pursuing logical and irrevocable political aims."

2.6.

After he was released from detention, he went to Oxford University where he wrote his widely-read autobiography Mau Mau Detainee, first published in 1963. On returning to

Kenya he became Mzee Kenyatta's private secretary. When the country held its general elections in 1963, he contested the Aberdares Constituency (the present Nyandarua District) seat and was returned to Parliament with an impressive majority.

In 1964 the National Youth Service was formed and he became its Leader. While Leader of the organization he visited Ethiopia where he attended a Seminar of the International Secretariat for Volunteer Service. He went to the United States in 1965 to study economic conditions there, with particular emphasis on the Anti-poverty Programme. He travelled extensively in Africa, Asia and Europe as well.

2.7.

JM also became the Chairman of the Betting and Lotteries Licensing Board and helped many wananchi to acquire betting machines. During his chairmanship, the Board contributed significantly to various Harambee projects in the country.

2.8.

On 1st July, 1968 he was appointed an Assistant Minister for Agriculture. After the 1969 General Elections he became an Assistant Minister for Tourism and Wildlife. Worthy of note at this juncture is that before the preceding (1969) elections he came out with his "Ol' Kalou Declaration" which, for the first time, introduced Preliminary Elections into our electoral system. After last year's elections (1974) he was dropped from Government.

JM's Convictions

2.9.

Economic and Social Justice. It is characteristic of the developing nations that the greatest wealth is in the hands of the privileged few while the masses are impoverished. But a stable social order cannot be built on the poverty of millions. Frustrations born of poverty and socio-economic inequalities

breed turmoil and violence. Hence, the first priority in any democratic developing country is economic prosperity coupled with the eradication of social and economic disparities.

2.10.

JM openly and courageously advocated the quest for social justice and equal opportunities for all. He strove for "the greatest happiness of the greatest number". With reference to the Kenya of today, he remarked: "A small but powerful group of greedy, self-seeking elite in the form of politicians, civil servants and business men has steadily but very surely monopolised the fruits of independence to the exclusion of the majority of the people. We do not want a Kenya of ten millionaires and ten million beggars."

2.11.

JM's philosophy with regard to the distribution of wealth is contained in the foregoing excerpt. Although he was a man of good means, he cherished the ideal. After all, socialism is ultimately an attitude of mind and a millionaire could be a staunch socialist. JM gave generously to many charitable causes.

2.12.

Land. Kenya as an agricultural country, the paramountcy of the land question cannot be overemphasized. Indeed, it was the pivot of the liberation crusade during the colonial era.

2.13.

The Colonial Government had created a system which allowed unlimited ownership of land by the minority-white population. Thus, a relatively few settlers grabbed tracts of some of the best land in the country while Africans smarted under overcrowding and unemployment. This system was fundamentally intolerable to the African population which closed its ranks to protect its inalienable rights and human dignity. A prolonged and bloody Mau Mau war ensued which resulted in the achievement of political independence.

2.14.

JM vehemently spoke out against our system of unrestricted land acquisition, a system merely bent on replacing the white settlers with black settlers. Protested he: "I believe firmly that substituting Kamau for Smith, Odongo for Jones, and Kiplangat for Keith does not solve what the gallant fighters of our Uhuru considered an imposed and undesirable social injustice." He prescribed the introduction of a land ceiling as a partial solution. This would necessitate the amendment of Section 75 of the Kenya Constitution which has hitherto been prostituted. In his resoluteness and fixity of purpose he appealed to his constituents thus: "No, do not return me to Bunge (Parliament) if you expect that I will change my convictions on the land question; on the repayment of loans on land which we fought for and what is our God-given right; and on the necessity of land-ceiling legislation."

2.15.

National Unity. In the emergent nations, the real problem is that of forging national consciousness and identity from a number of separate ethnic groups. This demands that the government administration should transcend ethnic particularism and lay a firm foundation for common citizenship and nationhood.

2.16.

Speaking on this subject in the Kenya context, JM had this to say: "This is a deplorable state of things. Nepotism and tribalism have set in and are greatly assisted by the inequalities I have talked about above. These are evil and must be condemned in no uncertain terms. We must all join hands to eliminate them and restore credibility to public life. We must strive to ensure that the next generation will not blame us for having failed to correct the strains of public life."

- 2.17. Miscellaneous. He advocated the idea of improving rural life in order to halt the population drift into urban areas. On housing, JM severely criticised the handling of the tenant-purchase house scheme which enables opportunists to grab a string of houses using different names. "The convenience of registering the properties in different names is to hide under the facade of certain legal technicalities and legal fiction ... Greed has led people to abandon the sense of fairness which ought to be the guiding force in all public affairs.", he asserted.
- 2.18. With regard to education, he subscribed to the noble notion of fair distribution of educational opportunities throughout the country. Academic institutions, particularly universities, have an important role to play in developing countries as centres of enlightenment with facilities for independent thought, opinion and action. There is nonetheless a disturbing tendency in this country to unjustifiably express hostility towards our University. JM deprecated the occasional, indefinite closures of this institution which are neither conducive to the long-term national interest nor a lasting solution to the institutional problems.
- 2.19. JM and neo-colonialism were not comfortable bed-fellows. According to him, colonial masters are to be found in Government ministries "dressed in a new cloak labelled 'Economic Adviser to such-and-such a ministry or to so-and-so' ... they advise us in their interests and we follow them like sheep."
- 2.20. The preceding paragraphs only provide a bird's-eye view of JM's political convictions and activities.
- 2.21. That he had fallen out with the authorities became obvious during the life of the Second Parliament. Though an Assistant

Minister for Tourism and Wildlife during the period, he did not hesitate to point out candidly, and sometimes bluntly, the ills afflicting our society. On its part, the Government banned nearly all his political and non-political meetings on "security grounds". A notable incident in this respect was the cancellation of his 42nd birthday party on 21st March, 1971 to which many dignitaries had been invited. On 8th January, 1972 a meeting in his constituency which was to be attended by Cabinet Ministers and Members of Parliament was disallowed on grounds of public security. In utter indignation he remarked in Parliament: "This anti-JM campaign is now bordering on stupidity and constituting an encroachment on the constitutional and human rights of the people whose interest I have sworn to represent." He therefore took refuge in Parliament where his speeches were privileged.

2.22.

When the election spell came in 1974, his relationship with the authorities had reached, it seems, rock-bottom. All but one of his political campaign meetings were cancelled for, to use one of the hazy expressions, "security reasons". Thus, the other candidates, aided and abetted by the situation, had an unfair advantage over him. However, JM's grassroot popularity proved unshakable: he did not have to campaign. He, nevertheless, published a poster reminding his constituents that he was still a candidate. He also compiled and published a pamphlet entitled J.M. Kariuki Speaks His Mind which crystallized his political aspirations and strategy.

2.23.

On polling day, JM stunned his opponents when he retained his seat with a total of over 16,000 votes. His two rivals polled just about 5,000 votes. This resounding victory, despite desperate efforts to unseat him, increased his popularity as a man of the people throughout the Republic.

Bombs

2.24. Towards the close of the month of February, 1975 the whole nation was thrown into panic and confusion by a series of ~~bomb explosions which appeared to follow a well-laid pattern.~~

(The fragments of the bombs so far exploded suggest that the manufacture of the bombs, aside from their different sizes, is the same .) The first blast occurred in a lavatory at the Starlight Nightclub, the second at the Information Bureau near the Hilton Hotel and the third, in which twenty-seven people lost their lives, at the O.T.C. bus station on 1st March, 1975. Similar incidents were reported at Mombasa thereafter. These episodes were accompanied by bomb hoaxes.

2.25. Early this year, one CID informer, who for some time had been one of JM's hangers-on, called at the CID Headquarters, Nairobi. He informed them that he had learnt that JM knew something about the bomb blasts. Accordingly, he was requested to keep close to JM so as to gather more information. The informer had been charged in court with defrauding a local bank and was sentenced to three years' imprisonment. on 28th February, 1975. Because of the bomb blasts that occurred at the bus terminal on the night of 1st March, 1975 this informer was released from jail on bail, pending an appeal, on 2nd March, 1975, allegedly to assist the authorities in their investigations. This was an unusual arrangement since 2nd March, 1975 was a Sunday when courts were not sitting. His mission was specifically to follow JM throughout that day.

2.26. Having carefully considered the evidence and the demeanour of the informer, the Committee is satisfied beyond reasonable doubt that he was being used by some CID officers to try to

implicate JM in the bomb blasts. It would seem to us that the informer was determined to exchange his fabricated information for clemency in the fraud case. Strangely enough, the informer was the only source of information designed to connect JM with the explosion. But the CID appear at first to have placed a high degree of confidence in what he was saying. Later on, however, the CID and the Special Branch confirmed to the Committee that they had no concrete evidence to connect JM with the bomb blasts.

CHAPTER III - JM's MOVEMENTS FROM 28TH FEBRUARY, 1975
TO THE TIME OF HIS DEATH

- 3.1. The evidence as to J.M. Kariuki's movements from Friday, 28th February, 1975 to 2nd March, 1975 inclusive may be set out in some detail.
- 3.2. At about 3.30 p.m. on Friday, 28th February, 1975 one Macharia of INTRAV Agency at the Hilton Hotel accompanied Mrs. Terry Kariuki and JM to JM's house to look for a business letter thought to be there. Mrs. Terry Kariuki left the house with the driver for Gilgil and did not return until Sunday, 2nd March, 1975. JM and Mr. Macharia stayed in the house for about two hours and then Mr. Macharia borrowed JM's car to go to the centre of Nairobi, leaving JM asleep. He promised to return the car by 7 p.m. He drove to the Hilton Hotel where he stayed until about 6.45 p.m. and then drove off to deliver the car to JM's house. After going a short distance he saw in his mirror that a white Volvo car driven by Mr. Shaw of KPR was following him. He decided to go to the New Stanely Hotel, and did so, staying there for about ten minutes talking with friends. He noticed that Shaw was still following him. He went round the island at the junction of Kenyatta Avenue and Uhuru Highway, Shaw still following. Mr. Macharia parked the car in Government Road and walked about. He saw Mr. Shaw drive to the Ambassadeur Hotel, whereupon he returned to the car and drove to JM's house where he found JM still sleeping. Mr. Macharia expressed doubts regarding JM's safety whereupon JM said that he knew whether he was safe or not and did not require to be warned.

3.3. At about 7.30 p.m. JM drove to the Hilton Hotel where Mr. Macharia left him at about 8 p.m.

3.4. There is no evidence as to JM's movements between 8 o'clock and 9.30 p.m., at which time he was at the house of Betty Mukande from where he drove Betty and Millicent Njeri to Parklands. It is not known what he did thereafter but he probably went, as he usually did, to the Casino.

3.5. On Saturday, 1st March, 1975 JM woke up at about 10.30 a.m. when he found several persons waiting at the house for the purpose of buying his car, a Peugeot 404, number KNW 716. It was arranged that the purchaser should return in the afternoon with cash.

3.6. At about 11 a.m. JM spoke by telephone to his sister, Rahah Mwaniki. His daughter says that some time during the morning JM went to hospital for a short time for treatment for his leg.

3.7. JM was met by Mr. Macharia at the Hilton Hotel at about 11.30 a.m. but did not stay there. However, there is evidence that JM lunched at the Hilton Hotel with Mr. Mwangi of the Nairobi Cinema, after which he went home and received payment for the car. This was at about 4.30 p.m.

3.8. In the evening JM attended an engagement party at a friend's house at Karen where he stayed until about 11 p.m. He is said to have been in a very happy frame of mind at the party. He went from there, travelling alone, to town where he heard of the bus bombing and went to the scene. Later he went to the Casino.

3.9. At the Casino he was spoken to by Ben Gethi, Commandant of the G.S.U., who states that he bought JM a drink. Ben Gethi states that he left JM at the Casino at about 1.30 a.m. on Sunday morning, 2nd March, 1975.

3.10. The same morning, at about 9.30 to 10 a.m., Ben Gethi went to JM's house. He gives no reason for such a visit except that it was a social call which seems strange in view of the fact that he had only left JM at the Casino early that morning. He walked into JM's bedroom although JM was still sleeping, having arrived home at about 5.30 a.m. He left after a few minutes. Mrs. Nyambura Kariuki stated that she telephoned JM from Gilgil at his house later that morning and he told her that Ben Gethi had been to see him and had arranged to meet him that evening.

3.11. At about 11.30 a.m. a telephone conversation took place between JM and one Peter Kinyanjui, alias Mark Twist. This man is a criminal of the worst possible character. He purported to be a close friend of JM but according to himself was spying upon JM as a police informer. The telephone call was made by Mr. Peter Kinyanjui from the office of Mr. Nderi at CID Headquarters. Mr. Nderi is the Director of Criminal Investigations. The telephone call was an abortive attempt to get JM to state something which might be construed as corroborating the spy's allegation that JM was a party to all the bombing incidents which had taken place. Even Mr. Nderi stated that the police have no reason to believe that JM had any part in the bombing; and so far as Mr. Peter Kinyanjui sought to implicate JM in the bombing incidents, his evidence is rejected.

3.12.

The Committee entirely rejects all the evidence on bombings given by Mr. Peter Kinyanjui as untrue. Further comment on this man appears elsewhere in this report. All that can safely be said is that this man was employed by the police to follow JM on that day but with no results of value to anyone.

3.13.

At about 12.30 p.m. JM went to the Hilton Hotel where he gave a cheque for Shs.4,000/- for which he requested cash. He received only Shs.1,000/- which was all that was available with the cashier. The balance was to be paid in the evening.

3.14.

At about 1 o'clock JM, with one Mr. Bichanga of the Hilton Hotel, listened to the news, sitting in JM's car outside the hotel, after which JM had lunch in the hotel. There is evidence that just before lunch he spoke for a moment to a Mr. Young of the KPR.

3.15.

After lunch JM went to the Ngong races, probably arriving at about 2.30 p.m. Witnesses stated that Ben Gethi was also at the races. Although Ben Gethi denies being at the races on that day, one witness gave evidence that after the second race he saw JM and Ben Gethi together. Later he saw JM on the stand and Mr. Gethi sitting with another African in a Mercedes car, whilst two Europeans stood outside the car. As the witness was leaving a short time later, he saw Ben Gethi coming in the gate. The Mercedes had gone. The witness travelled by bus to the town and on the way, near the A.S.K. he saw the same Mercedes parked with another car off the road. The other car was a green Peugeot 504. Later he saw the

Mercedes again standing near the taxi's outside the Hilton with Ben Gethi sitting alone inside it.

~~3.16. Apparently JM travelled from the races, passing Adam's Arcade~~

at about 6 o'clock at which time he was seen to pass by Mrs. Terry Kariuki and Mrs. Ongudi who were shopping at the Arcade. When these ladies arrived at JM's house he was not at home. He had been home, changed his clothes, and gone out again.

3.17.

JM arrived at the Hilton and parked his car at an inconvenient angle near the main entrance to the hotel. He entered through the shop of Sapra Studio. He collected his balance of Shs.3,000/-. A witness who states that he was a friend of JM suggested that they have tea together, whereupon they went into the coffee shop and sat at a table just inside the door. Whilst they were having tea, Mr. Ben Gethi came to the table, spoke a few words to JM and went out. JM told this witness that Ben Gethi had telephoned earlier, asking to see him between 8 and 9 o'clock that evening. JM then followed Mr. Ben Gethi out. Another witness stated that JM and Mr. Ben Gethi spoke together, standing near the lifts. Other witnesses spoke of seeing Mr. Ben Gethi speaking to JM at the table, and one stated that he walked with them to the entrance on his way home. This man is a fairly high-ranking official of the Hilton Hotel. Another hotel employee stated that he saw JM and Mr. Ben Gethi leave the hotel together by the main entrance and walk towards Mama Ngina Street.

3.18.

Mr. Ben Gethi admitted that he had spoken to JM in the coffee room but stated that he left JM there at the table and went away by himself.

3.19.

Another witness who had been stated by a police officer to be believed the actual murderer of JM, gave evidence which conflicted in important respects with that set out above, except that he also supported the admitted fact that Mr. Ben Gethi spoke to JM at the table. After very careful consideration of this man's evidence as a whole, the Committee concluded that this witness, who is a notorious criminal, was seeking to protect himself by making out that two senior police officers were present in the coffee room at the relevant time. One of these was the police officer who regarded the witness as the murderer or one of the murderers. It was decided that no reliance could be placed upon the evidence of this witness.

3.20.

The Committee is satisfied that JM left the hotel with Mr. Ben Gethi.

3.21.

From the moment when JM left with Mr. Ben Gethi no evidence has been obtained as to where he went, except that he was murdered in Ngong Hills an hour or two later.

3.22.

The postmortem disclosed that five shots had been fired into the body of Mr. Kariuki, causing his death. The time of death, according to the pathologist, was consistent with the murder having been committed at the time of the events at Ngong described by the witnesses who discovered the body.

3.23.

The ballistics expert examined five cartridge cases recovered from the place where Mr. J.M. Kariuki's body was found. He gave evidence that three of these were of 7.62 mm calibre

and two were .38 calibre. He also examined one bullet recovered from Mr. Kariuki's body and one recovered from the scene of the crime. The cartridges of 7.62 mm were copper-coated and were, in his opinion, manufactured in either Russia, China or East Germany. He stated that the only firearms which use that ammunition are the Tokarev of Russian make or the 7.63 Mauser Pistol made in Germany. His tests regarding firing pin and ejector markings eliminated the possibility that these cartridges were fired by a Mauser, and he therefore concluded that a Tokarev pistol was used. The .38 cartridges were, in the witness' opinion, also of an Eastern country manufacture. He stated that many makes of weapon can fire such ammunition, but by microscopic examination of the two bullets recovered which were both of .38 calibre, he concluded that by reason of the particular width of the lands they were fired either from a .38 Walther or a .38 Mann, both of German manufacture. He later, however, obtained a Russian Makarov Pistol and found that it also could have been used, but he was unable to obtain any other type of weapon for test purposes, and therefore stated that his views regarding the .38 bullets are not conclusive. All cartridges were automatic pistol ammunition and could not be fired from a revolver.

3.24. The expert's conclusion was that two weapons were used. He stated that the two Tokarev pistols which he tested were obtained from Government, but he did not have the opportunity of testing any others. The cartridges had not been fired from either of the weapons tested by him.

CHAPTER IV - EVIDENCE OF COVER-UP

4.1. According to the evidence given to the Committee, JM appears to have been prevailed on to leave the Hilton Hotel about 7 p.m. on Sunday, 2nd March, 1975 in the company of the Commandant of G.S.U. (Mr. Ben Gethi) in the presence of Chief Inspector Patrick Shaw of KPR and other police officers. Several vehicles said to be CID are alleged to have been used. No evidence is as yet available to the Committee as to where JM was taken. But there is evidence that Mr. Nderi was seeking evidence to implicate JM with the bomb blasts at Nairobi the last of which killed 27 wananchi the night before. It would appear that Mr. Gethi, whom JM considered a friend, was used to lure him to some place where the murderers were waiting. Later that night, JM was handcuffed or had his hands tied and taken by car to a place near Olosho-Oibor manyatta, behind Ngong Hills, where he was shot and died of five bullet shots. Some Masai school children in a manyatta nearby saw the lights of the vehicle which must have carried JM. Three Masai teenage boys heard the shots but ran away in fear.

4.2. On Monday, 3rd March, 1975 two Masai elders, Mr. Musaito ole Tunda and Mr. Meja ole Nchoki, reported to Ngong Police Station that they had found a body of a well dressed male African whom they thought had died of bullet wounds at Olosho-Oibor. Mr. ole Tunda thought the time they reported was between 11 a.m. and 12 noon. Both elders said that they were told to go away and come back at 2 p.m.

4.3. The O.C.S. at Ngong Police Station at the time was Inspector Kinyanjui who had as his deputy Acting Inspector Henry Waga

Oganda. On 21st February, 1975 Inspector Francis Ndegwa was transferred to Ngong Police Station to take over from Inspector Kinyanjui but the actual handing-over was not completed until 11th March, 1975.

4.4.

Both Inspectors claimed before the Committee that they were not at the Ngong Police Station when the Masai elders reported finding a body. Inspector Kinyanjui (supported by Inspector Ndegwa) claims to have taken Inspector Ndegwa to Magadi Police Post to hand over to him and that they left Ngong at about noon. Inspector Waga claims that the two Inspectors left at 8 a.m., leaving him in charge. The entry in the O.B. at Ngong Police Station is to the effect that the Masai elders made their report about finding a body at 2.25 p.m. It was claimed there was only one Land Rover at Ngong Police Station and that that had been taken by Inspector Kinyanjui to Magadi. Evidence was given that the D.O. at Ngong secured a G.K. Land Rover to take Inspector Waga and his team to collect the body reported by the Masai elders. What must have happened was that the Masai elders made their report as stated by Mr. ole Tunda between 11 a.m. and 12 noon to either Inspector Kinyanjui or Inspector Ndegwa or to both and that both, suspecting or somehow knowing the body to be that of JM, decided to leave for Magadi, leaving Inspector Waga who had been Inspector Kinyanjui's deputy, to go through the motions of investigating the dead body. When the elders came back from lunch they must have seen Inspector Waga who made the entry in the O.B. The discrepancy between the entry in the O.B., the story of the Masai elders reporting between 11 a.m. and 12 noon, and the discrepancy between Inspector Waga's statement that Inspectors Kinyanjui and Ndegwa

left for Magadi, and that of the two Inspectors that they left around noon, can be explained on the basis of an hypothesis that the Magadi visit, plausible though it was, was arranged to account for the absence of the two Inspectors when the body was brought to the Police Station. What seems to have gone wrong was that Inspector Waga, who gave evidence after returning from the funeral of his wife, forgot the agreed story and the fact that the O.B. entry should have been made around noon instead of 2.25 p.m.

4.5.

When Inspector Waga gave evidence he wanted at first to make the Committee believe that he had come straight from home (where he had buried his wife) and that he had not been to Ngong Police Station before his appearance before the Committee. When he was further questioned about details of a signal which he had sent to the OCPD at Kajiado in connection with the discovery of a body by Masai elders, he produced copies of the signals and showed them to the Committee, which he must have collected from Ngong before coming to the Committee.

4.6.

Having agreed to take charge of the investigations, Inspector Waga proceeded as it were to break every rule in the book. He proceeded to the scene of the crime and collected the body without taking finger prints or any photographs of the body in question. The reason he gave the Committee for removing the body to Ngong Police Station was that he did it to prevent further decomposition in the sun. According to his own evidence he had left Ngong Police Station to the scene of the crime at about 3 p.m. and brought back the body to the Ngong Police Station at about 4 p.m. According to him, he sat in the

office doing nothing until 5 p.m. when he and Corporal Gitau took the body to the Nairobi City Council Mortuary where it was entered in the register as having been delivered at 5.20 p.m. When cross-examined about what he did in the office between 4 p.m. and 5 p.m. he denied having been telephoned or having received telephone calls from either Kajiado or Nairobi. Considering that the body since known to be JM's lay hidden in the mortuary from the evening of 3rd March, 1975 to the afternoon of 11th March, 1975 what Inspector Waga did can be regarded as amounting to concealment of JM's body. On 4th March, 1975 Inspector Waga sent two signals to OCPD, Kajiado. The first signal reported that the body of an unknown and unidentified male African had been found near Ngong and had been collected and taken to the mortuary. No details or description of the body was given to aid identification. The second signal was a request for a visit to the scene of crime by experts. As was only to be expected, the OCPD at Kajiado asked for a detailed description of the body by a signal sent to Ngong on 6th March, 1975. Inspector Waga replied to this signal on 7th March, 1975 giving details which he could have included in his first signal on 4th March, 1975. Inspector Waga also claimed to have instructed Constable Gitau on 6th March, 1975 to go to the Nairobi City Mortuary to take the finger prints of the body recovered from Ngong Hills on 3rd March, 1975. These finger prints were sent to the CRO at the Police Headquarters. These were later returned marked 'untraced'. The evidence is that the finger prints in question were not taken to the Ministry of Labour until the morning of 12th March, 1975 when they were positively identified within ten minutes as belonging to Mwangi Kariuki.

4.7.

When senior police officers concerned with the investigation of JM's murder after 12th March, 1975 were questioned about the conduct of investigations by Inspector Waga, they chose to explain it away on the grounds of negligence or inefficiency. It is possible that if the body of JM had not been discovered by JM's widows and Members of Parliament, the police had no intention of facilitating the identification of the body, and that after some lapse of time it would have been buried as unclaimed and as unidentified. The Committee could not help but note that whereas relatives of the bomb blast on the 1st March, 1975 were asked through V.O.K. to go and identify the bodies of victims at the mortuary, a similar appeal was not issued by Ngong Police Station in respect of JM's body. The casual manner in which Inspector Waga of the Ngong Police handled what was, in fact, a brutal murder by use of firearms indicated an absence of any desire on the part of the police to conduct any genuine or thorough investigations. By the time the investigation file at Ngong was brought to CID Headquarters on 12th March, 1975 the file contained statements of Mr. Ole Tunda and Mr. Ole Nchoki and hardly anything else.

4.8.

Police handling of the matter of the "disappearance" of JM during the week before the discovery of the body in the Nairobi City Mortuary was farcical from start to finish. From the evidence the Committee is satisfied that the police must have known who took away JM from Hilton Hotel around 7 p.m. on Sunday, 2nd March, 1975, where he was taken to, what happened to him there, and who took him to Ngong Hills. There is evidence that Mr. Ben Gethi was used to make an appointment to have JM at the Hilton Hotel that evening. As if this was not

enough, Mr. Nderi and Mr. Sokhi arranged to have Mr. Peter Kinyanjui (convicted and sent to prison for three years on Friday, 28th February, 1975 for defrauding a bank) released on bail on Sunday morning, 2nd March, 1975 in time to follow him to the Ngong races. There is evidence that Mr. Peter Kinyanjui telephoned JM from CID Headquarters (within the hearing of Mr. Nderi) to confirm that he was going to the races. Mr. Nderi admitted that he had taped the conversation but said that he had destroyed the tape. The CID must have arranged to have him followed from the races. There is evidence that before JM arrived at the Hilton the decks were cleared, as it were, by clearing beggars and other spectators from outside the Hilton so as to reduce the number of persons who might witness what was about to happen.

4.9. It is probable that when the wives and friends of JM, including the Members of Parliament, were worrying about his disappearance, the police knew that he was dead and that his body was in the City Mortuary. The police appear to have been playing for time in the hope that in the confusion caused by the presence in the mortuary of numerous victims of 1st March, 1975 bomb blast, JM's body might be buried as unidentified. There were indications that attempts were being made to get JM's body passed off as that of a 'Luo gangster' because of the missing lower teeth.

4.10. Matters were brought to a head when the widows of JM reported him missing and a question was asked in Parliament about it on Thursday, 6th March, 1975. The Government not being able to give an answer then, the question was deferred to the

following day. Someone in authority appears to have directed newspapers and V.O.K. not to publicise the fact that the disappearance of JM had been raised in Parliament. In

any event, the fact that the question had been raised was suppressed and was not included in that evening's V.O.K. news or appear in the papers on Friday morning (7th March, 1975). Mr. Nderi gave evidence that the same day an Assistant Minister in the Ministry of Home Affairs (Mr. Tipis) replied in Parliament that Government were not aware of the whereabouts of JM, he directed Nairobi CID Chief Inspector Kimani to open a missing persons file on JM and to institute inquiries. Chief Inspector Kimani made a few perfunctory inquiries for appearance sake, and when examined before the Committee he admitted that his inquiries were not serious since he did not believe that anything untoward had happened to JM. The same Friday morning CID picked up Mr. Pius Kibathi and had him questioned by Senior Superintendent Kinyua, also of CID. Mr. Kibathi was first cautioned and asked, among other things, to make a statement on his involvement with JM's murder. According to Mr. Kibathi's testimony before the Committee, it would seem that the CID had knowledge of JM's murder since during the interrogation on the morning of Friday, 7th March, 1975 one of the questions he was asked was whether he knew who murdered JM. He claims that this can be found in his signed statement which was taken by ^{Senior} Superintendent Kinyua. Mr. Kibathi further testified that because he had refused to delete the names of Messrs. Nderi and Shaw, whose presence he had placed at the Hilton Hotel at the time of the disappearance of JM, he was tortured and put away at Kamiti Maximum Prison from where he was released on bail on 9th April, 1975. Later on

he was acquitted. When the sub-committee referred to earlier wanted to peruse through Mr. Pius Kibathi's statement, as had been allowed in the case of Mr. Peter Kinyanjui, Mr. Nderi flatly refused.

4.11. On Saturday and Sunday, the 8th and 9th March, 1975, we have Superintendent Obati of CID visiting JM's residence to look for JM's car which which was suspected to have been involved in the bomb blast of 1st March, 1975. In spite of the appeal from Parliament, the CID were looking for JM's car instead of for JM himself. Obviously they could not be looking for JM because they must have been aware that he had been murdered a week previously and that his body was lying in the City Mortuary.

4.12. When the wives of JM and the Members of Parliament went to the City Mortuary to identify the body of JM at about 5 p.m. on 11th March, 1975 they were obstructed and were not allowed to view the body until about an hour later when Assistant Commissioner Kibera arrived and gave permission. Considering that appeals had gone out through the V.O.K. to the public to identify the victims of 1st March, 1975 bomb blast, there was nothing to suggest that the body of JM could not have been among those of the bomb blast unless the police knew to the contrary. It is, therefore, clear that the police had something to hide and that they did not want the truth to come out.

4.13. After the murder of JM was announced to the Kenya public on the morning of 12th March, 1975, Nairobi CID Headquarters took over the investigation. Mr. Nderi assigned Senior Superintendent

Sokhi to head the investigation team which consisted of Senior Superintendent Kinyua, Superintendents Khan, Obati, Odera and Helen, Chief Inspectors Kimani and Giltrap and others including Shaw. This is clearly a high-powered team but, having examined most of them, it seems to the Committee from the tactics employed by this team of investigators, that they were more interested in suppressing the truth than in uncovering it. For example, Mr. Hassan Gedi was harassed and intimidated by prolonged questioning, a search of his house to discover anything he could be charged with, and by being shown the torture chamber where some unfortunate was being beaten up. He was warned that he might end up in the torture chamber if he did not co-operate. Mr. Githinji, the taxi driver who must have seen what happened to JM outside the Hilton and who took him away, was detained for four days during which he was given the full treatment. He told this to several witnesses and also admitted to the Committee that he went through a gruelling ordeal. This caused him to invent what appears to be an obviously false alibi to account for not being outside the Hilton when JM was taken away.

4.14. The discovery of JM's watch on top of one of the bathrooms in Makongeni Police Lines by the son of Corporal Bernard Kisaka on 18th March, 1975 revealed the perfunctory nature of the investigations carried out by Senior Superintendent Sokhi's team. As soon as Superintendent Obati received a telephone call from Corporal Kisaka informing him about the finding of JM's watch by his son, Mr. Sokhi, accompanied by Mr. Obati and Mr. Ng'ang'ira, went quickly to Makongeni Police Lines, collected the watch and took statements from Corporal Kisaka and his son. The Committee

was surprised to find that although Makongeni Police Lines housed only 39 policemen, no attempt was made to question them all in order to find out who could have placed the watch there.

The Committee also learned that Mr. Sokhi instructed Corporal Kisaka and his son to keep silent regarding the discovery of the watch. Both Mr. Sokhi and Mr. Obati admitted to the Committee that of the 39 policemen in the Lines, not more than six were questioned. Mr. Nderi later informed the Committee that he had reason to believe that Mr. Kibathi had placed the watch in Makongeni Police Lines.

4.15.

Mr. Nderi's conduct during the investigations on both bomb blasts and the murder of JM, the testimony he gave to the Committee on the occasions he appeared before it and his demeanour while giving evidence were such as to lead the Committee to conclude that he had something to hide. Noting that the Committee was interested in questioning Mr. Pius Kibathi, Mr. Nderi told the Committee that Mr. Kibathi had left the country either for Uganda or Tanzania when in fact Mr. Kibathi had been all the time in Nairobi, which fact must surely have been known to the police. The responsibility for refusing to allow the Committee to peruse the CID investigation files of the bomb blasts and the murder of JM must be shared equally by Mr. Nderi and Mr. Hinga. When Mr. Nderi was first asked to produce these files he expressed willingness to do so but stated that he required the permission of his superior, Mr. Hinga. He next reported to the Committee that Mr. Hinga had refused permission. The Committee thereupon summoned Mr. Hinga who came before the Committee accompanied by his private lawyer to justify his refusal to comply with the Committee's

request. A compromise was reached later between the Committee,

Mr. Hinga and his advocate by which it was agreed that a small sub-committee of the Committee would be allowed to inspect the exhibits and statements recorded in connection with the two inquiries.

4.16. When the sub-committee went to CID Headquarters, Mr. Nderi showed them the exhibits in the two inquiries and the files for both. But apart from letting the sub-committee read Mr. Peter Kinyanjui's statement in connection with the bomb blast he refused to allow the sub-committee to read any of the statements in either investigation. He claimed that Mr. Hinga had only authorised that the sub-committee be shown the files for the Committee to look at but not to read. This was reported to Mr. Hinga and it was pointed out to him that this was a breach of the compromise reached between himself, his lawyer and the Committee. He promised to get in touch with Mr. Nderi and report back to the Committee. When he appeared before the Committee, this time without his lawyer, he flatly refused to order Mr. Nderi to let the sub-committee read the investigation files. The conclusion of the Committee is that both Mr. Hinga and Mr. Nderi had something which they wished to hide or that they are afraid of the Committee finding out the perfunctory nature of the CID investigations.

In accordance with evidence received, the Committee considers that the following persons' movements and activities require further investigation:

Mayor of Nakuru, Councillor Silas Mburu Gichua

Councillor of Ol Kejuado County Council (from Ngong Area), John Mutung'u

Mr. Stanley Thuo, District Commissioner, Nyandarua

Deputy Director of the National Youth Service, Waruhiu Itote (General China)

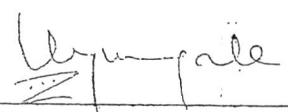
Mr. Evans Ngugi

Mr. Karanja (bodyguard of the Hon. Mbiyu Koinange).

5.6.

The overall conclusion of the Committee is that although a very large number of witnesses were located and interviewed, its inability to place a more conclusive report before Parliament is largely due to the refusal of the heads of police to render any assistance even by disclosing the names of witnesses who might have been of value to the Committee, and consequently the Committee can only conclude that the police investigators do not wish the Committee to make any progress towards the bringing to justice of Mr. Kariuki's murderers.

Nairobi,
June 3, 1975

Signed: 

HON. E. W. MWANGALE, M.P.
(Chairman)

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REPORT

OF

THE SELECT COMMITTEE ON THE DISAPPEARANCE
AND MURDER OF THE LATE MEMBER FOR NYANDARUA
NORTH, THE HON. J.M. KARIUKI, M.P.

MR. Speaker,

On Friday, 14th March, 1975 the National Assembly passed the following Resolution:

THAT, this House being extremely disturbed by the manner of the disappearance and murder of our late colleague, the Member for Nyandarua North (Mr. J.M. Kariuki), resolves to appoint a Select Committee to conduct an investigation on the circumstances of the said disappearance and murder and to report to the House its findings with a view to securing and preserving evidence relevant to bringing to justice those concerned before such evidence is destroyed and that the said Committee be conferred with powers under Section (9) of the National Assembly (Powers and Privileges) Act, and that the following Members should be the Members of the said Committee:

Hon. E.W. Mwangale, M.P. (Chairman)
Hon. Mrs. G. Onyango, M.P.
Hon. J.M. Shikuku, M.P.
Hon. H.C. Wariithi, M.P.
Hon. J.M. Seroney, M.P.
Hon. B. Nabwera, M.P.
Hon. C.W. Rubia, M.P.
Hon. K.S. Mwavumo, M.P.
Hon. J.K. Mulwa, M.P.
Hon. M.W. Mwithaga, M.P.
Hon. Dr. J. Muriuki, M.P.
Hon. J.M. Gachago, M.P.
Hon. D.M. Amin, M.P.
Hon. Dr. J. Kitonga, M.P.
Hon. J. Nyamweya, M.P.

MINUTES OF THE FORTY-NINTH MEETING OF THE SELECT COMMITTEE
INVESTIGATING THE DISAPPEARANCE AND DEATH OF THE HON. J.M.
KARIUKI HELD IN CONFERENCE ROOM 7, PARLIAMENT BUILDINGS,
ON MONDAY, 2ND JUNE, 1975, AT 9.30 A.M.

PRESENT: The following Members of the Committee were present:-

Hon. E.W. Mwangale, M.P. (Chairman).
Hon. Mrs. G. Onyango, M.P.
Hon. J.M. Shikuku, M.P.
Hon. C.W. Rubia, M.P.
Hon. M.J. Seroney, M.P.
Hon. Dr. J. Muriuki, M.P.

IN ATTENDANCE: Mr. L.J. Ngugi, Clerk of the National Assembly.
Mr. H.B.N. Gicheru, Assistant Clerk, National Assembly.
Mr. P.J. Wilkinson, Q.C.

APOLOGY: Apology for absence was received from the Hon. J. Nyamweya, M.P.

MINUTE 268: Confirmation of Minutes.

Minutes of the meeting held on 31st May, 1975, were confirmed by the Members present and signed by the Chairman.

MINUTE 269: Consideration of Draft Report.

The Committee considered and agreed on the report to be submitted to the House tomorrow.

MINUTE 270: Adjournment.

The Committee adjourned sine die at 11.30 a.m.

[Waziri wa Utalii na Wanyama wa Porini] firisha hadi kwa wanunuaaji wa ng'ambo. Kwa hivyo, tuliadini hizo pesa zingelipwa.

Ningependa, Bw. Spika, kuwaambia Waheshimiwa, Wabunge ya kwamba kwa sababu ya hasara tuliopata nimeshaamrisha kwamba malipo yote yafanywe kwa cash na kama ni cheki ya benki hatutaweza kupeana hiyo mali kabla ya hiyo cheki kupelekwa benki na pesa kuingizwa kwa hesabu yetu.

Bw. Spika: Sasa tuendelee na shughuli zingine.

NIDHAMU

WANANCHI KUKATAZWA KUSIKILIZA MAJADILIANO—
SEBULE YA UMA

Bw. Njuno: Jambo la nidhamu, Bw. Spika. Mimi nafikiri kwamba sisi ndio walinzi wa Katiba yetu. Ikiwa ni hivyo, sheria imetoka wapi ya kuwazuia wananchi watukufu wasikae katika Sebule ya Uma (Public Gallery) ili kusikiliza majadiliano yetu wakati huu? Mimi nafikiri ni haki ya wananchi kukubaliwa kukaa katika Sebule ya Uma ili wasikilize majadiliano yetu, lakini kwa siku kadhaa zilizopita wananchi wamekatizwa kuingia na kusikiliza majadiliano yetu. Sheria hiyo ilitoka wapi?

Mbunge Fulani: Wewe unataka kutwangwa na mlipuko?

Bw. Spika: Ungenieleza jambo kama hilo nje ya Bunge kwa sababu wakati ninapokaa hapa siwezi kuona mambo ambayo yanatendeka katika Sebule ya Uma.

(Kicheko)

Siwezi kukujibu sasa kwa sababu sijui vile mambo yalivyo huko.

SHAHIHISHO KWA REPOTI YA REDIO NA GAZETI
MAITI YA MHE. J. M. KARIUKI KUPATIKANA KATIKA
Manyatta ya WAMASAI

Waziri Msaidizi wa Ujenzi (Bw. Keen): Jambo la nidhamu, Bw. Spika. Ningependa kutoa sahihisho moja juu ya jambo moja ambalo ni la kukashifu Wamasai. Sauti ya Kenya jana ilitangaza, na vile vile magazeti yameandika, kwamba maiti ya Mhe. J. M. Kariuki ilipatikana katika Manyatta ya Wamasai. Mimi ningetaka kusema kwamba huu si ukweli. Ukweli ni kwamba maiti ya Ndugu Kariuki ilipatikana zaidi ya maili moja, chini ya mti, kutoka katika hiyo Manyatta ya Wamasai lakini sio katika hiyo Manyatta kulingana na vile ilivyotangazwa. Ningependa wale wanaohusiana na utangazaji katika nchi hii watangaze mambo yaliyo kweli na kanuni. Kwa hivyo, ningalitaka wale wanaohusika wasahihishe jambo hilo.

(Shangilio)

Bw. Spika: Ndio, kulingana na vile Bw. Keen alivyosema, maneno kama hayo yanaweza kuwapotosha watu kwa sababu wanaweza kufikiria kwamba watu wanaoishi katika hiyo Manyatta walihusika na hicho kifo. Jambo kama hilo ni jambo baya na ni heri wale ambao wanatangaza Wasahihishe jambo hilo.

Waziri Msaidizi wa Ujenzi (Bw. Keen): Pia, ningetaka Sauti ya Kenya itoe msamahaa kwa Wamasai kwa kufanya jambo kama hilo kwa sababu hatuhusiani wala hatujui jambo lolote kuhusu kifo cha Bw. J. M. Kariuki.

Waziri wa Mali ya Asili (Bw. Oloitipitip): Wala hatutahusika!

ARIFA YA HOJA YA KUAHIRISHA BUNGE KULINGANA NA KANUNI No. 20

KUTOWEKA NA KUUAWA KISIRI MHE. J. M. KARIUKI
TAARIFA ZINAZOHITILAFIANA:

Bw. Mwithaga: Jambo la nidhamu, Bw. Spika. Nimesimama kuelekeza mawazo yako kwa Kanuni ya Bunge No. 20 ili niombe Bunge iahirishwe tupate nafasi ya kujadili mambo yote tuliyoambiwa na magazeti na redio, na mengine mengi, ambayo yalionekana yana-hitilafiana sana kuhusu kupotea na kisha kufa kwa marehemu Mhe. J. M. Kariuki.

(Shangilio)

Bw. Spika: kulingana na Kanuni hii ya Bunge jambo hilo nalichukua kama jambo la muhimu linalohusu taifa zima. Sisi sote, kama wenye kulinda mambo ya kitaifa tunahusika na jambo hili. Nchi nzima—

Bw. Spika: Bw. Mwithaga, si vizuri utoe hotuba ndefu juu ya jambo hilo kwa sababu hujui kama utapatiwa nafasi ya kutoa Hoja hii ama hutapatiwa hii nafasi.

Bw. Mwithaga: Kwa hivyo, ningependa kutoa arifa ya Hoja kulingana na Kanuni No. 20 ya Bunge juu ya jambo hilo.

Bw. Spika: Sijui kama kuna Wabunge wa kutosha wa kukuunga mkono juu ya jambo hilo.

(Wabunge kadhaa walisimama kuunga mkono)

Bw. Spika: Inaonekana wanaokuunga mkoni ni zaidi ya 15. Basi, ili tumalize hili jambo bila kukawia nafiki tungeendelea nalo na halafu, baadaye, tuendelee na shughuli zetu za siku ya leo. Kwa hivyo, tutajadiliana juu ya hilo jambo kwa saa moja kuanzia sasa.

Bw. Shikuku: Jambo la nidhamu, Bw. Spika. Kulingana na Kanuni zetu za Bunge jambo kama hilo linafaa lijadiliwe kwa saa moja kama ulivyosema, lakini si ingekuwa vizuri tuingilie Kanuni ya Bunge No. 14 ili tuache shughuli zote za Bunge kwa siku ya leo tutajadili hili jambo kwa ukamilifu na kila Mbunge apate nafasi ya kusema juu ya jambo hili?

Bw. Spika: Ndio, lakini vile mimi ninavyoona, tukifanya hivyo kutakuwa na marudio mengi kwa mambo ambayo yamesemwa na Wabunge wengine. Hili si jambo ambalo ni la kurudiarudia. Ni jambo la kuhuzunisha sana, na kama maneno yamekwishasemwa ni heri tuyaachie pale na kuendelea na jambo jingine. Kwa hivyo, kama ilivyo desturi yetu, wakati wa Hoja kama hii, tukitumia wakati huo wa saa moja bila kuharibu wakati kwa kurudia maneno, huo wakati utatosha kabisa. Hayo ndio maoni yangu.

Bw. Njuno: Jambo la nidhamu, Bw. Spika. Ikiwa ni hivyo, Bw. Spika, tunaweza kutumia Kanuni ya Bunge No. 17 (b) ili tupate nafasi ndefu zaidi badala ya hio saa moja?

Bw. Spika: Nafikiri nimeeleza ya kwamba tukitumia wakati huo wa saa moja sawa sawa tutatimiza yote ambayo tunataka juu ya Hoja hii.

Waziri Msaidizi wa Maji (Bw. Wanjigi): Jambo la nidhamu, Bw. Spika. Mimi ninakubaliana na maoni yako kuhusu jambo hili, lakini ningependekeza kwa—

[Waziri Msaidizi wa Maji]

miba kwa vile Wabunge wengi wanataka kuongea juu ya jambo hili ingekuwa ni vizuri tupimie kila mtu muda wake wa kuongea. Kwa mfano, kila mtaka kuongea angepimwa dakika tano na kadhalika, ili Wabunge wengi wapate nafasi ya kutoa maoni yao juu ya jambo hili.

Bw. Spika: Kama unavyojua wakati mwingine tuna-weka kando siku saba ili tuongee juu ya jambo, lakini hata kwa hizo siku saba si kwamba kila Mbunge husema. Kwa hivyo, hata tukiongeza saa, hii si kusema kwamba kila Mbunge ataongea juu ya jambo hili. Hiyo ni wazi kabisa.

Waziri Msaidizi wa Maji (Bw. Wanjigi) Bw. Spika, nilitaka kusema kwamba kila Mbunge anayetaka kuongea apimiwe dakika tano.

Bw. Spika: Nimakubaliana na maoni yako.

Waziri Msaidizi wa Kilimo (Bw. Munoko): Jambo la nidhamu, Bw. Spika. Pengine unaweza kutoa mwan-gaza katika tatizo nililo nalo. Sasa tukianza kujadiliana juu ya Hoja hii, ambalo ni ya ahirisho, hii si kusema kwamba tukimaliza majadiliano hayo Bunge litaahirishwa?

Bw. Spika: Hii ni *technically* tu, Bw. Munoko. Jambo kama hilo ni jambo la *procedure*. Bw. Mwithaga sasa unaweza kutoa Hoja yako.

HOJA YA KUAHIRISHA BUNGE KULINGANA NA KANUNI YA BUNGE No. 20

TAARIFA ZINAZOHITILAFIANA: KUTOWEKA NA KUAWA KISIRI MHE. J. M. KARIUKI

Bw. Mwithaga: Bw. Spika, wiki ya mwisho ya mwezi wa Februari, tulipokuwa tukijadili mambo ya milipuko katika nchi hii—Jambo la nidhamu, Bw. Spika. Ningependa kujua kama Mtoa Hoja na mwenye kujibu Hoja watapimiwa dakika tano kulingana na vile tumekubaliana.

Bw. Spika: Hatukusema jambo lolote kuhusu kipimo cha Mtoa Hoja na mwenye kujibu Hoja. Kama ilivyo desturi yetu, Mtoa Hoja hupimiwa dakika 15 na mwenye kujibu Hoja vile vile hupimiwa dakika 15 na wale wengine wote hupimiwa dakika 10. Sijui sasa mnataka Mtoa Hoja na mwenye kujibu Hoja wapimiwe dakika ngapi.

Wabunge Fulani! Dakika kumi!

Bw. Spika: Basi, Mtoa Hoja atapimiwa dakika kumi na mwenye kujibu Hoja atapimiwa dakika kumi vile vile.

Bw. Mwithaga: Bw. Spika, maneno yaliyosemwa na marehemu Mhe. J. M. Kariuki wakati tulipokuwa tukijadiliana juu ya milipuko katika nchi hii, na hiyo ndio ilikuwa hotuba yake ya mwisho katika Bunge hili, yalikuwa, kwanza, vile alivyotishwa na watu fulani na aka-enda kwa polisi kupiga ripoti ya kwamba kulikuwa na watu ambao walitaka kumpiga risasi akiwa katika motakaa yake. Polisi walimwambia, kulingana na vile alivyosema siku hiyo, kwamba hata na wao waliwahi kufanyiwa jambo kama hilo na gari lao likapigwa kwa risasi. Kwa hivyo, polisi hawakufuata lile jambo.

Bw. Spika, marehemu Mhe. J. M. Kariuki alikuwa akionya Serikali juu ya hatari ambayo inaweza kutokea juu ya mambo kama hayo. Bw. Spika, mwisho wa

wiki hiyo tuliahirisha Bunge na wakati tuliporudi hapa tarehe 4. Machi, 1975 tulijulishwa ya kwamba Mhe. J. M. Kariuki amepotea. Wakati tulipokuwa tukiambiwa kwamba amepotea, tarehe 4. machi, 1975, sasa ni dhahiri ya kwamba mwili wake ulikuwa katika chumba cha kuwekea maiti cha Jiji la Nairobi. Wakati huo wote Serikali ilikuwa ikituzungushazungusha kwa maneno yasio ya kweli juu ya kupotea kwa Bw. Kariuki. Bw. Rubia aliuliza swali hapa juu ya jambo hilo lakini hakupata jibu lililo kamili. Wakati huo huo magazeti ya humu nchini yalituambia kwamba Mhe. J. M. Kariuki hakupotea bali alikuwa amekwenda Zambia kwa safari fupi ya kibiashara. Magazeti hayo yalisema kwamba yamethibitisha jambo hilo na Hotel Inter-Continental huko Lusaka, Zambia, ambako ilidaiwa kwamba Bw. J. M. Kariuki alilala. Jambo hilo lilisemwa na gazeti la "Daily Nation", Bw. Spika. Hadithi hiyo ilikuwa imeandikwa katika gazeti hilo kwa herufi kubwa sana, tena katika ukurasa wa kwanza. Baada ya gazeti hilo kupotosha akili za wananchi hapa kwa hadithi kama hiyo, ilionekana ni dhahiri kwamba jambo hilo ni la kupotosha kabisa kwa sababu akili za wananchi wote zilielekezwa Zambia na kungojea mwenza Bw. J. M. Kariuki arudi kutoka huko. Huko Zambia, ikasemekana kwamba Balozi wetu ameuliza watu wa Zambia kuwasaidia kumtafuta Marehemu J. M. Kariuki. Huku tulikuwa tunauliza Serikali ya Zambia kutusaidia kumtafuta mwenzetu na hali mwili wake ulikuwa katika chumba cha maiti hapa Nairobi. Kisha, baada ya habari hizi kutolewa na gazeti hilo, kesho yake—kulingana na sheria ya uandishi wa mambo ya magazeti—gazeti hilo halikutoa kwa ukubwa wa zile herufi vile walikuwa wametoa habari hii kwanza. Badala yake, walizitoa kwa herufi ndogo na kwa ukurasa mdogo. Wakati huo huo, gazeti la *The Standard* likatoa habari hizo kuthibitisha ya kuwa huyu Marehemu hakuwa Zambia bali alikuwa hapa nchini. Sasa ikawa sisi tunategemea lugha ya magazeti: moja linasema yuko hapa na lingine linasema yuko Zambia. Kwa upande mwingine Serikali, kulingana na ilivyo-eleza hapa Bunge, iliambia Kenya nzima kwamba ye yote aliye na habari kuhusu kupotea kwa Marehemu azilite kwani Serikali ilikuwa na haja ya kumtafuta huyo aliyepotea. Licha ya hayo yote, kila mmoja wetu aliyasikia mambo mengi yaliyokuwa yakisemwa na watu kuhusu jambo hili. Mwishowe—hili ni jambo la kusikitisha—ikawa ni bibi yake aliyegundua mwili wa mumewe katika chumba cha maiti kwa kutumia njia zake mwenyewe.

Bw. Spika, wakati mkewe alipokuwa anagundua mwili wa Marehemu, Makamu wa Rais ambaye alikuwa amepewa maelezo—kama kawaida na vile Mawaziri wanavyotumiwa—ambayo alitusema hapa kama jibu la Serikali alisema ya kuwa Serikali ilikuwa bado inamtafuta Marehemu. Punde tulipotoka hapa, ndipo tukapata habari ya kifo cha J. M. kutokana na wake zake na kwamba wameshaona mahali mwili wake uko. Bw. Spika kwetu sisi Wabunge ambao tulikwenda huko mara moja, ilikuwa vigumu sana kuruhusiwa kuingia katika chumba cha maiti. Hii ni kwa sababu simu ilikuwa imepigwa huko kuwa, ye yote atakayetaka kuona mwili wa mtu ambaye hajulikani, kwanza polisi waulizwe. Sisi tulisumbuka mpaka tukawafikia wale polisi. Hata walipokuja wengine walijifungia huko chu-

[Bw. Mwithaga]

mbani na sisi tukazuliwa njé! Kisha tulipoingia ndani ya chumba cha maiti, tulishangaa sana kuona kwamba maiti ilikuwa imeletwa tarehe 3 Machi 1975, asubuhi. Marehemu alikuwa amepigwa risasi kadhaa saa nje usiku wa Jumapili. Majeraha yaliyotokana na risasi hizi yalikuwa ya kinyama; hata ilikuwa vigumu kuu-tambua mwili wa Marehemu Josiah Mwangi Kariuki kwa vile ulikuwa "umechezewa" ili asijulikane. Vidole vyake vilikuwa vimekatwa-katwa na mambo mengine kufanywa kwa mwili wake. Na ni kweli, mwenzetu Mhe. Mbunge alitendewa kinyama kabisa. Hata hivyo, sisi tuliweza kutambua mwili wake papo hapo.

Baada ya hapo, kutokana na habari za magazeti pamoja na radio inasemekana kwamba mwili wa Marehemu hukuweza kutambulikana kwa sababu ulikuwa umeanza kuoza! Bw. Spika, mwili gani unaweza kuoza baada ya masaa sita, manne au matatu hata ukawa hautambulikani? Sasa ni juzi tu na baada ya siku kumi ndio unatambulikana! Siku kumi mwili wa Marehemu unatambulikana na masaa machache tu baada ya kuuliwa mwili wa Marehemu hautambulikani. Bw. Spika, wale wenye kuishi karibu na mahali alipouliwa Marehemu, walipasha habari kwa chifu mdogo ambaye alimpasha Ofisa Mkuu wa Tarafa ambaye pia aliwaeleza polisi wa Ngong'. Polisi wa Ngong' waliuchukua mwili wa Marehemu na kuuleta katika chumba cha maiti huko Kenyatta National Hospital. Inawezekana kwamba Polisi wa Ngong' na hata wa mahali popote katika Kenya hawakuutambua mwili wa Marehemu Kariuki, hata kwa picha?

Bw. Spika, kuna sheria ya kwamba maiti yote ikipatikana katika Kenya polisi wanatangaza mara moja kwa njia ya radio na magazeti ya kuwa mwili wa mtu aliyekufa na ambaye haujulikani umepatikana na wanaoweza kuutambua na wafanye hivyo kwa kupeleka habari kwa polisi. Pia huwa wanaeleza mahali ambapo mwili kama huo uko katika chumba gani cha maiti. Hii ndio kawaida. Kwa mfano, waliouawa kutokana na mlipuko wa bomu hivi majuzi tuliitwa sote kwenda katika chumba cha maiti kutambua waliokufa. Kukitokea ajali njiani na mtu afariki, huwa tunatangiwa ili kwenda kuutambua mwili kama huo. Kwa nini, wakati walipoupata mwili wa Marehemu katika Milima ya Ngong na kuuleta hadi kwa chumba cha maiti Kenyatta na kuuleka alama kwamba ni mwili usiotambulikana, hawakuwaita watu waende kuutambua mwili huo? Kwa nini polisi wapelelezi au makachero hawakuenda kupiga picha mahali ambapo mwili huo ulipopatikana na hata kuziweka picha hizo katika magazeti?

Bw. Spika, ninajua kwamba "lisemwalo huwa limo na kama halimo laja", huu ni msembo wa Kiswahili. Maneno haya yalikuwa yakisemwa na yalichukuliwa kwa urahisi. Huenda itaanza kusemwa juu ya Mhe. Mbunge fulani kama vile inavyoendelea kusema juu ya watu wengine na tutachukua habari hizi kama sio za ukweli lakini Waswahili husema "Lisemwalo huwa limo na kama haliko, laja". Kwa hivyo, badala ya Serikali kungoja mpaka watu wapate habari kutokana na magazeti na hata kutafuta habari kwa uvumi, kwa nini Serikali haikuchukua jambo hili kwa njia ile nimeeleza? Kwa mfano, wakati Serikali iliposikia uvumi kutokana na radio za nje kwamba Maofisa wa vyeo

vikuu wamepigwa risasi na mambo mengine, ilitoka na kanusho mara moja kwa radio na magazeti. Kwa hivyo, tungetaka tueleze kikamilifu kwa nini jambo hili la kuuawa kwa J. M. Kariuki halikuonekana kuwa la muhimu. Kwa nini siku ile tulipokwenda kuona maiti ndio siku hiyo ambapo polisi walisema kwamba wame-tambua mwili huo na wakaleta magari ya ulinzi katika chumba cha maiti ambayo ingali huko hata sasa?

Licha ya hayo, Wazungu wengine walitumwa nyumbani kwake Marehemu na kuchukua vijisanduku vyake na hata kupiga picha alipokuwa akiishi Marehemu Kariuki! Wazungu hawa waliingia kwa nyumba hiyo bila kujitambulisha kama wao ni polisi au vipi; hata cheti cha kuonyesha kuwa walikuwa wana kibali cha kupekua nyumba ya J. M. Kariuki hawakuwa nacho na hali walikwenda huko na kufanya haya mambo.

Bw. Spika, jambo lililoniifanya nitoe Hoja hii ni kwamba tunataka tueleze kikamilifu ni kwa nini tunazungushwa bure? Kwa nini hakuna mtu wa Serikali ambaye anaweza kutueleza jambo la haki kuhusu mkasa huu badala ya kuendelea kuwaambia raia, "leteni habari, tunaendelea kutafuta waliohusika na kitendo hiki?" Ni nani huyu wanamtafuta? Kama Marehemu aliondolewa Hilton Hotel na kuingizwa kwenye gari, ni nani kutoka Hotel hiyo ambaye ameshikwa ili kueleza habari hii? Nani? Gari la Marehemu lilichukuliwa na Serikali, kwani ni gari ndilo litasema maneno? Bw. Spika, haya maneno yana uchungu mwingi na kwa hivyo, ingawa hasira ni hasara, hatuna budi kueleza bila tashwishi kilicho ndani ya jambo hili ili watu wasikie, na nchi nzima isikie, na mambo haya yapate njia ya kumalizwa.

Bw. Spika, ninaomba kutoa hoja hii.

Dkt. Muriuki: Bw. Spika, ninainuka kuunga mkono haya mambo yaliyoletwa na Mbunge wa Nakuru Mjini kwa sababu nchi yote ya Kenya, na hata Afrika nzima, imesikitishwa kuuawa kwa Mhe. J. M. Kariuki kama mnyama. Hata ukitaka kumuua mnyama lazima ufuata kanuni fulani kwa jinsi mnyama anavyoweza kuuawa. Hii kanuni iko chini ya Wizara ya Utalii na Wanyama wa Porini. Kwa hivyo Marehemu J. M. Kariuki aliuawa kwa njia ya kikatili isiyo na kifani. Jambo ambalo ni la muhimu ni kwamba ilisemekana kwamba Marehemu J. M. Kariuki alitoweka kutoka Hilton Hotel tarehe 2 Machi, 1975, jioni. Tarehe tatu maiti yake ilipelekwa katika chumba cha maiti na polisi. Kufuatana na kanuni za polisi, ikiwa kumepatikana maiti—na hasa hii ilikuwa na majeraha ya risasi—lazima polisi waitwe kwa *Scene of crime*. Kwa nini hawa polisi hawakwenda kuchungua mahali alipouliwa Marehemu na kupiga picha kabla ya kuuchukua mwili ili wapate kujua ni aina gani ya risasi iliyotumiwa? Ni kwa nini jambo hili halikufanyika? Mimi ningetaka atakayejibu kwa niaba ya Serikali atuambie ni wapi mtu akifa katika Jamhuri hii, wale ambao wanajulikana kama *scene of crime specialists* hawaendi? Tumeona maiti nyingine zikiachwa mahali zilipo mpaka watu wao wafike, lakini maiti ya Mhe. Kariuki ilichukuliwa na kuletwa City Mortuary, na hakuna jambo lo lote tuliloambiwa na polisi kupitia kwa Waziri anayehusika na ulinzi alipoulizwa juu ya jambo hilo na Bunge hili.

[Dkt. Muriuki]

Jambo hili la kupotea kwa Mhe. Kariuki lilipoletwa hapa siku ya Ijumaa, kulichapishwa gazeti maalum ambalo lilisema kwamba Mhe. Kariuki amepotea, na likauza magazeti hayo mpaka yakamalizika. Hata hivyo, Bw. Spika, siku ya Jumamosi, gazeti hilo hilo lilisema kwamba Mhe. Kariuki alikuwa Zambia, na likasema kwamba alikuwa akikaa katika Inter-Continental Hotel, Lusaka. Sisi tuliokuwa na huzuni nyingi juu ya Mhe. Kariuki, tulipiga simu ya telex katika Hotel hiyo, kuuliza juu ya jambo hilo. Tulipiga simu hii tarehe 8, Machi, na majibu yake yalifika hapa saa saba. Simu yetu ilikuwa kama ifuatavyo:—

"Dr. Muriuki from Nairobi would like to know whether Mr. J. M. Kariuki is still in your hotel".

Kama saa saba na robo hivi, simu hii ikajibiwa kama ifuatavyo:—

"Mr. Kariuki is not staying here and he never stayed here. Thanks very much".

Simu hiyo ilikuwa Telex No. ZA4144 ZAMBIA, ambayo ilitoka Inter-Continental Hotel, Lusaka, Zambia.

Lakini, kama jambo hilo halikutosha, nilimchukua mke wa Mhe. Kariuki na tukaenda katika ofisi za gazeti la *Daily Nation*. Tulikuwa tukitaka kuwauliza wale waliondika habari kwamba Mhe. Kariuki yuko Zambia, yaani, George Githii na Michael Kabugua, walivyojua jambo hilo au ni nani aliyewaambia. Huyu George Githii hakuweza kuthibitisha jambo hili, na badala yake alisema maneno ambayo hayakueleweka hata kidogo.

Sasa, ijapokuwa magazeti mbali mbali yalikuwa yameanza kuripoti habari kwamba Mhe. Kariuki hakuwa Zambia, Sauti ya Kenya ilitangaza siku nzima kwamba Mhe. Kariuki alikuwa Zambia.

Wakati wangu umemalizika, Bw. Spika, na wa hivyo, naunga mkono.

Mbunge wa Bungoma Mashariki (Bw. Mwangale): Bw. Spika, na pia Wabunge Waheshimiwa, nafikiri hii ni safari yangu ya kwanza kuzungumza katika Bunge hili toka lilipoanza kukutana mwaka huu, na sitasema mengi kwa sababu mambo tunayozungumza siku ya leo ni yale ambayo dunia nzima inachukia kabisa. Hata hivyo, nitasema mambo matatu.

Msiba tulionao leo katika nchi yetu ni kwamba hakuna mtu yeye huko nje ambaye anaweza kusema anayasadiki mambo yanayosemwa na magazeti ama na Serikali. *I do not believe it either.*

Jambo la pili, Bw. Spika, tulipokuwa na kifo cha Bw. Mbaya, ningesema kwamba hicho pengine kilikuwa kizuri kidogo maana yake alipigwa risasi mara moja, "Poop!" Lakini kumchukua mtu, na kumkata vidole na pia kumharibu mdomo, uchungu alioupata ni mkubwa. Kwanza, jambo la kuanza kufanya mambo kama hayo, Bw. Spika, ni jambo baya sana. Sasa tumefikia wakati ambapo hatutaki kuambiwa kwamba kuna Njenga ambaye alifanya jambo kama hilo na kumpiga mtu risasi kwa sababu jambo hilo sasa limekwisha.

Naweza kukumbuka kwamba katika mwaka wa 1962 au 1963, tulipokuwa na Kadu na Kanu, siku moja, Bw. Peter Okondo alienda Kisumu na akapigwa huko sana. Watu wetu waliposikia jambo hilo hapa, sio huko nyu-

mbani, mtu mmoja alikwenda na kumpata Bw. Odinga akitembea huko Garden Hotel, hapa Nairobi, na akamtwanga rungu la kichwa papo hapo. Yaani, *reaction* yetu ni *much more violent*. Ningetaka kurudia hapa kwamba wakati wa watu kunyongwa tu umekwishwa. Mimi nikinyongwa, wengine watanyongwa, *and this is the only answer*. Kama tupataka kuongoza nchi hii na tukae kwa amani, basi na tuwache kuwaua watu. Kama wako wahalifu, na hawa wanaonekana kama ni *Mafia-type*, na sisi hatuwezi kuwakamata na hali tunayo Serikali hapa, *my friends*, itakuwa ni sisi kwa sisi wenyewe.

Ni hayo tu, Bw. Spika.

Waziri Msaidizi wa Ujenzi (Bw. Keen): Mhe. Bw. Spika, tumekutana leo, siku ya huzuni katika nchi na katika historia ya nchi yetu, maana yake nafikiri hatuelekei katika mwangaza. Nchi hii inaelekea katika giza, na kama kuna watu katika nchi hii ambao wanapanga mauaji ya namna hii na ambao wamepewa leseni ya kuwaua watu wengine, nafikiri ni wajibu wetu, tukiwa Wabunge au watu wanaoongoza nchi hii, tufikirie zaidi mambo ambayo yako mbele yetu. Leo utamua Kariuki, kesho utamua mwingine, lakini kesho watazaliwa Kariuki wengine kumi, watazaliwa Shikuku wengine 100, watazaliwa Njeru wengine 200 na wataliwa wengine wengi kama hao. Kwa hivyo, jambo kama hili ni jambo la huzuni, ambalo linatuelekeza sisi katika giza. Nafikiri tuna wajibu wa kusema hapa leo, kesho na kesho kutwa, ikiwa ni juu ya jambo la utetezi na hata ikiwa ni juu ya jambo ambalo pengine Mhe. Kariuki amekuwa akilitetea hapa katika miaka kadha iliyopita. Jambo hilo halitakoma, na litatetewa hapa kesho na pia kesho kutwa, bila kukoma.

(Shangilio)

Hatuwezi, kama tumechaguliwa kuja katika Bunge hili, kuogopeshwa hata kidogo.

Bw. Nassir: Bw. Spika, kifo cha rafiki yetu katika Kenya kimekuwa si kitu cha ajabu tena kwa sababu yeye siye wa kwanza. Lakini, kitu ambacho nakifikiria sana kutoka jana na juzi ni kwamba Mhe. Kariuki alikuwa hapa kwa siku nyingi, na maadui zake pia walikuwapo. Lakini ni kitu gani alichofanya siku ya mwisho, wakati aliposema hapa kwamba Kenya imekuwa mbaya kwa sababu mabomu yameletwa nchini, na kwamba bomu moja limelipuka katika Starlight Night Club na mabomu mengine yako huku na huko, na kuuliza Serikali inafanya nini juu ya jambo hili? Je, Serikali ilifanyaje? Siku ile ile bomu lilipolipuka, J. M. Kariuki alipotea. Ikiwa kuna maadui kati yetu, si ni lazima Serikali ifanye uchunguzi kamili ili tujue maadui wetu? Hii ni kwa sababu ikiwa Serikali haitafanya uchunguzi, tutakuwa tukifikiri ya kwamba mtu fulani kama Mhe. Nassir ni adui wa Wabunge wenzake. Ni lazima Serikali itafute ni watu gani ambao ni maadui wetu. Ni lazima pia Serikali ifanue kama ni kwa sababu Mhe. Kariuki alisema mengi juu ya mabomu wale wenye bomu ndiyo walimua au la. Kuna marafiki wangu ambao wamenipigia simu kuniuliza kama nitaweza kurudi nyumbani kwa sababu wanasikia kuna matatizo mengi hapa Nairobi. Lakini mimi ninawaambia ya kwamba siku ile nilichanguliwa kuwa Mbunge nilijua kwamba ni lazima niwache kuwa na wasiwasi kwa sababu siku moja nitakufa. Ninajua ya kwamba

[Bw. Nassir]

kuna watu wengine ambao wanaweza kufuata njia hii wakati marafiki wao wanafuata njia nyingine. Lakini ninajua watu wengine katika Kenya wanapenda kuwe na amani ili watoto wao waweze kuishi kwa starehe bila taabu. Kwa hivyo, ningependa kuomba wale watu wa *Criminal Investigation Department* au *Special Branch* waone yakwamba wanamjua yule mtu ambaye alimuua Bw. Kariuki. Ninajua kwamba Serikali ina macho ya kujua mambo yote yanayotendeka nchini. Lakini kuna siri zingine za Serikali ambazo hazitolewi kwa wana-nchi. Lakini ikiwa kifo cha Bw. Kariuki ni siri, basi ni lazima Bunge hili livunjiwe ili tuende kuchaguliwa tena na baadaye tuunde Serikali ingine.

Hamu yangu ni kueleza ndugu zangu kuhusu jambo hili. Ni lazima Serikali itafute wale ambao walimuua Bw. Kariuki. Ukweli ni kwamba baada ya Bw. Kariuki kusema ya kwamba kuna mabomu katika Kenya, alipotea. Serikali ikifanya uchunguzi kamili tutaweza kujua wale waliomuua Bw. Kariuki na wale wenye mabomu.

Kwa hayo machache, Bw. Spika, ningependa kuinga mkono.

Bw. Nabwera: Bw. Spika, ninafikiri hii ni mara ya tatu Mbunge kuuawa kwa njia ambayo mwanzo wake haujulikani. Mimi sikubaliani na Wabunge wenzangu ambao wanasema hili ni jambo ambalo linahusika na Mawaziri kwa sababu Mawaziri na sisi tuko kitu kimoja. Kati ya watu hawa ambao wamekwishauawa mmoja alikuwa Mbunge wa *East African Legislative Assembly* wa pili alikuwa Waziri na wa mwisho alikuwa Mbunge lakini katika Bunge lilopita alikuwa Naibu wa Waziri. Kwa hivyo, ningependa sisi sote tujunge pamoja kwa mambo haya.

Ikiwa tuna *Criminal Investigation Department* na *Special Branch* inawezekanaje Bw. J. M. Kariuki kupotea kwa siku kumi? Siku ya kumi ndiyo siku bibi yake aligundua maiti yake. Siku hiyo hiyo, polisi walisema ya kwamba hawakuweza kugundua ya kwamba maiti hiyo ilikuwa ya Bw. Kariuki. Hilo ndilo jambo la kustaajabisha. Ningependa sisi sote tulifikirie jambo hili pamoja. Hili ni jambo la huzuni! Siamini ni haki au bora kuwapa polisi ambao walishindwa kujua pahali ambapo Bw. Kariuki alipokuwa peke yao uwezo wa kupeleleza. Hii ni kwa sababu polisi peke yao wakipewa uwezo wa kupeleleza pengine hatutajua ukweli. Ingefaa Bunge hili—ikiwa Serikali ingependa watu wajue ukweli ili dunia isadiki—liunde kamati ambayo itahusika na jambo hili. Pengine kesho au wiki ijayo, ni lazima Bunge hili lipitishie Hoja moja ambayo itatuwezesha kunda kamati ya Bunge hili ambayo itahusika na jambo hili. Ninatumaini ya kwamba Serikali itatupatia mawakili wake. Baada ya kuunda kamati hiyo tutaanza kuita watu wote ambao tunafikiria wanaweza kutusaidia kwa uchunguzi wetu. Kwanza tutaita wafanyakazi katika *Hilton Hotel* ili tuweze kujua J. M. Kariuki alitoka na nani kutoka hoteli hiyo. Halafu baadaye tutaita mtu huyo ili tumuulize swali moja au mawili. Pia tutaita wale watu ambao wanaishi katika *manyatta* moja kule Ngong. Tutawauliza kama walisikia mtu akipiga kelele na bunduki ikilla. Pia tutaita chifu wa lokesheni ambamo maiti ya Bw. Kariuki ilipatikana. Pia tutaita Mkuu wa Taifa hiyo. Halafu tutawa-

ita wale askari wa polisi ambao walileta maiti hapa Nairobi. Tutawauliza ni kwa nini hawakupeleka ripoti hiyo kwa Serikali ingawa walikuwa wakisikia Bunge hili likisema ya kwamba Bw. Kariuki amepotea. Baadaye tutaweza kujua kama Waziri Msaidizi ambaye alijibu kwa niaba ya Serikali juu ya jambo hili alikuwa akijua ukweli au la. Pia tutaweza kujua kama Makamu wa Rais alikuwa akijua ukweli na kama yale alituambia hapa Bungeni ni fikira zake au ilikuaje. Kwa hivyo, Bw. Spika, ningependa Wabunge wote tujunge pamoja bila sisi kutupiana matusi. Hii ni kwa sababu sasa tunaongea juu ya Mhe. Kariuki, lakini kesho atakuwa mmoja wa Mawaziri, kesho kutwa ni mmoja wa Wabunge; na mwishowe tutarudi kwa Mawaziri. Hii ni kwa sababu hili kundi ambalo linauwa Wabunge katika Kenya halina heshima hata kwa Mawaziri. Kundi hili likimpata Waziri linamua. Likipata Mbunge fulani linamua vile vile. Mimi sise-mi ya kwamba polisi hawawezi kufanya uchunguzi kuhusu jambo hili. Polisi wanaweza kuendelea na *investigation* yao. Lakini ni lazima tujue ya kwamba walifanya uchunguzi na wakashindwa mpaka bibi ya Kariuki akagundua maiti ya bwana yake. Kwa hivyo, tuingependa kamati ya Bunge hili vile vile ifanye uchunguzi wake kuhusu jambo hili ili tujue ukweli.

Bw. Spika, ningependa kujua ni sauti ngapi ambayo Serikali inayo. Inawezekanaje polisi wajue kitu ambacho Mawaziri hawajui? Ikiwa tutaendelea kwa namna hii, je, tunakwenda wapi? Ikiwa maafisa wa Serikali hawawezi kuwaambia Mawaziri ukweli, tunaelekea wapi? Kama polisi wanasikia kwamba Bw. Nabwera anaku-fa kwa ajali ya motokaa, na baada ya kuulizwa wa-seme ya kwamba hawajui pahali ambapo niko lakini wanaendelea na kunitafuta, je, wakati Waziri atakuja kujibu swali juu yangu atasemaje?

Bw. Spika, kwa hayo machache, ningependa kuunga mkono.

Bw. Boy: Ahsante sana Bw. Spika, kwa kunipa nafasi hii kidogo ili nitoe maoni yangu juu ya Hoja hii.

Inaonekana kwamba huu ni ugonjwa mbaya sana na unahitaji *operation* ya haraka sana. Bila kufanya hi-vyo, ugonjwa huu utawauwa watu wengi sana. Siwezi kukubaliana hata kidogo na wale watu ambao wana-sema Serikali ilikuwa au haikuwa ikijua pahali amba-po Bw. Kariuki alipokuwa. Lakini ninafikiri ya kwa-mba hakuna Waziri au mtu mwingine wa Serikali ambaye alikuwa akijua kitendo hiki. Lakini ni lazima kuwe na watu wengine ambao ni wafanyakazi wa Seri-kali ambao labda kwa mambo fulani wametufanya sisi tuwe na wasiwasi ya kwamba walikuwa wakijua kite-ndo hiki. Bw. Spika, sisi katika nchi hii tumetiwa ka-tika hali ya wasiwasi na wasiwasi huo ndio unaowafa-nya watu wengi kuuliza maswali. Kama si kwa aili ya wasiwasi, jambo kama hili halingekuwa kama lili-vyo. *Accidents* zinafanyika mahali popote Bw. Spika na inawezekana kuwa kwamba mtu mwingine amem-chukua huyu jamaa na kumpiga risasi. Huyu mtu ana-weza kuwa katika Serikali au nje ya Serikali na hata mwenda wazimu anaweza kutenda jambo kama hili. Lakini Bw. Spika, vitendo vinavyoambatana na yale maafa yaliyotokea ndivyo vinavyo wafanya watu kuwa na wasiwasi. Utasikia radio ya Sauti ya Kenya, iliyo sauti ya Serikali, ikisema kinyume cha mambo yaliyo-

[Bw. Boy]

tokea na pia utasoma gazeti lililoandika hali kadhalika, na shaka huja hapo. Mimi ni Mbunge na aliyekufa alikuwa Mbunge na kama yaliyotokea ni kwa sababu ya utetezi wake, basi, yaweza kutokea hivyo hivyo kwa Mbunge yeyote. Ni jambo la kusikitisha kwamba nchi jirani zinaelewa zaidi kupotea kwa marehemu J. M. Kariuki kuliko sisi tunavyoelewa, na hili ni jambo la kustaajabisha kabisa. Gazeti la hapa Kenya lilitangaza kwamba marehemu J. M. Kariuki alikuwa Zambia na ametoka huko. Badala ya Serikali kuchukua hatua na kuuliza Serikali ya Zambia, Serikali ilingoja mpaka juzi na kusema ati J. M. Kariuki alikuwa akitafutwa. Gazeti la hapa kwetu liliposema ya kwamba marehemu Bw. J. M. Kariuki yuko Zambia gazeti la Tanzania lilikanusha na kusema ya kwamba Serikali ya Zambia imesema kwamba hako huko kamwe. Hii ndio wasiwasi unaowafanya watu wengine wawe na shaka. Ingechukua Serikali yetu dakika mbili au tatu tu kuuliza Serikali ya Zambia ithibitishie kuwako kwa Marehemu J. M. Kariuki. Nasema haya kwa uchungu sana kwa kuwa mimi ni Mbunge na ningependa kujua kitu kilicho cha kweli. Kila mtu anasema ya kwamba vile Serikali inavyotambua sivyote kwa sababu Serikali ni Mawaziri na Wabunge na sitakubali kuambiwa kwamba mambo yaliyotokea kwa Marehemu J. M. Kariuki yalijulikana na Serikali mbeleni au ndivyo iliyopanga. Mimi si kuyapanga yale mambo na sifikiri yalipangwa na mtu hapa.

Kama mambo yaliavyo, ni lazima Idara ya Polisi iulizwe, kwa makini sana kusema yaliyotokea na itatwa mbia vile ilivyokuwa. Leo nilisikia ya kwamba polisi imethibitisha ya kwamba mwili ule ni wa marehemu J. M. Kariuki baada ya bibi wa J. M. Kariuki kwenda katika chumba cha maiti kwa jina lingine na kusema Mimi naitwa Wamboi na nimekuja kuangalia maiti ya wale waliotekezwa na moto" na kuingia ndani aka muona bwana yake amekufa na hakusema ya kwamba yule ni bwana yake mpaka alipofika hapa. Alipofika hapa alipiga mayowe na kusema ya kwamba bwanake amekufa na yuko katika chumba cha maiti. Mwili wa Bw. J. M. Kariuki ulikuwa umefichwa kwa nini? Hii ndiyo shaka tuliyonayo sasa! Sisi hatusemi tunavyosema kwa kushambulia Serikali lakini kuna kundi fulani lililo la raia ama wafanyakazi wa Serikali waliofanya jambo la kikatili.

Kwa hayo machache, naunga mkono.

Bw. Gachago: Bw. Spika, leo, ni siku ya huzuni machozi na wasiwasi. Wakati dunia nzima inatusikiliza tukizungumza juu ya Marehemu J. M. Kariuki dunia inauliza, je, kwa kuwa J. M. amekufa basi ni nini kitakachofuata? Tunapozungumza hapa raia wakisikiliza, jambo tungetaka kuuliza ni kama tuna amani hapa Kenya au la. Tangu habari zizuke za kutoweka kwa Marehemu Bw. J. M. Kariuki, Serikali ilitambua hivi na vile na magazeti yalisema mengine lakini *is the Government in control or is it not in control?* Nchi yetu ya Kenya ina amani au la? Ikiwa Marehemu J. M. Kariuki hako hapa na sisi leo kwa kuwa ameuliwa kwa njia ya kinyama na ikiwa Serikali yetu inaonekana kama haiwezi kulinda amani, basi, sisi tunajua kama mwingine atatoweka leo na kuawa na pia tunajua kama waziri fulani atatoweka kesho au mkurugenzi

fulani? Jambo lililozuka hapa nchini kwanza ni bomu na baadaye mmoja wetu alitoweka na tukapata habari ya kwamba amekufa kwa kupigwa risasi nane. Haikujulikana mambo yalitendekaje kwa wakati huo wote. Tena hatujapata habari vile bomu zilitokea. Je, Bw. Spika, sisi tukitoka hapa tutawaambia wananchi Kenya ina ulinzi gani ama amani gani? Raia wa nchi hii watategemea nani? Sisi tunakaa hapa wao wakitulipa ili kusuluhisha habari za nchi hii ili raia wawe na amani. Leo katika Kenya hakuna mtu anayeweza kukaa kwa amani. Kila mtu ana wasiwasi kwa sababu hajui kama atauawa. Jambo la muhimu ni, tujiulize kama Serikali inaona haya mambo yakitendeka na kama ina control ya ulinzi wa nchi hii au hapana? Sisi twastahili kuambiwa kama tuna ulinzi wa kutosha. Ikiwa hakuna mtu anayeangalia ulinzi wa raia, basi, tuambiwe ili tujuwe vile tutakavyoendelea. Kwa miaka kumi nchi yetu imekuwa na sifa nzuri ya maendeleo ya uchumi. Ni kwa sababu gani tuna sifa hii? Ni kwa sababu siasa zetu zimeelekezwa kwa njia nzuri na katika maongozi yetu tuna Mzee, baba wa taifa anayeongoza Serikali yetu.

Kwa hayo machache, naunga mkono.

Bw. Shikuku: Bw. Spika, ningependa kusema hivi, ya kwamba mimi mwenyewe, ndugu yangu amepotea na kwa hivyo siwezi kusema mengi. Lakini jambo la muhimu ni kwamba huyo aliyepotea alikuwa akisema maneno ya wananchi na sasa amepotea. Mimi sijapotea bado na nitaendelea na kazi hiyo ya kusema, pamoja na wenzangu wengine. Nimesimama kusema wazi, Bw. Spika na ningetaka maneno yangu yaandikwe, kwamba yule ambaye anatetea ukweli bila fitina yoyote ndiye amepotea. Pengine wakati tunasema katika Bunge hili, wengine hufikiria kwamba hatupendi Kenya. Tunai- penda Kenya sana na moyo wetu wote. Tunai- penda Kenya kuliko mauaji. Tutaendelea kusema yaliyo ya kweli lakini mimi najua huo ukweli haupendezi watu fulani au kikundi fulani.

Bw. Spika, Mhe. mmoja pale amesema ya kwamba kawaida ya Waluhya ni kwamba mkubwa akipigwa, kama J. M. Kariuki, Waluhya hawapigi wale wadogo. Hutafuta mtu kutoka upande ule mwingine ambaye ni wa kimo cha J. M. Kariuki au zaidi, na kumpiga. Wanaopanga mauji haya wajue hivyo. Hapa, lazima ijulikane wazi ya kwamba tunapenda amani na tuna- taka uhuru wa haki na tunapenda tuendelea kwa amani, lakini ikiwa tutaendelea kwa wasi wasi sijui tutafanya kazi yetu kwa njia gani.

Bw. Spika, leo nimesikia watu wakiniuliza "Lo, Shiku- ku hujaenda?" Simu zimekuja kwangu nyingi sana zikiuliza: "Shikuku, Rubia, na Kanja wako wapi?" Wananchi wote wana wasi wasi. Nafikiri wakati umefika ambapo sisi ambao tulio katika Kenya hii na hata Shikuku, hatutatoroka. *My blood shall be in Kenya for ever. I will never run away. I will continue to talk in this House. They can come and take me away today or tomorrow if they want.* Wanaweza kuja saa yoyote. Tuna habari ya kwamba huwezi kujua Serikali iko wapi na haramia liko wapi. Tumekwisha pata habari ya kwamba watu wenye vyeti vya Serikali ndiyo walim- chukua Mhe. na akapotea. Wakati tunauliza yuko wapi- tuliambiwa amekwenda Zambia. Wakati mwingine tuli- ambiwa hayuko Zambia. Mwishowe imejulikana wazi- kwamba mtu amekufa.

[Bw. Shikuku]

Bw. Spika, tunataka tufahamikiane sisi watu wa Kenya. Kenya hii ni yetu na watoto wetu hata na vyzazi vijao. Aliyemuuua Kariuki hakumaliza Kariuki. Akitaka kumaliza Kariuki afanye mpango kwamba wanawake wasionane na wanaume. Kwa njia hiyo, basi atamaliza Kariuki, lakini ikiwa wanawake bado wanaonana na wanaume, basi ajue kuna Kariuki wengine ambao wanakuja. Lazima afanye mpango kuona kwamba Bw. Shikuku, Bw. Rubia, Bw. Kanja na Seroney, ambao ndio wanatajwa sana hapa, wasionane na wanawake. Wakionana na wanawake, basi Maseroney, Marubia, Makanja na Mashikuku watakuja wengi. Sisi hatuna ugomvi na mtu. Serikali ni yetu na tunataka ukweli kwa manufaa ya watu wetu. Mimi sina chuki na mtu yeyote. Kama ni kazi, nilipewa na nikaifanya, sasa nimeambiwa nirudi nyuma nimerudi nyuma. Huu ni mpira, kapteni anaweza kukuambia upige namba tisa, akutote huko akwambie upige namba tano na utafanya hivyo. Hakuna makosa. *You contribute from whatever corner you are playing.* Lakini ikiwa tutaishi katika hali ya vitisho kama hivi, na wale wanaofanya hivyo wafikiri wataendelea kutisha namna hiyo, ni lazima wajue ya kwamba, sisi Waluhya husema, akienda mmoja, upande ule mwingine atakwenda mkubwa sana au wawili.

Bw. Spika, nawauliza raia wa Kenya kutoka leo wasiwe na wasi wasi. Wananchi waendeleo kufanya kazi yao kwa kawaida na tuache kazi ya kutafuta wauaji hawa kwa Serikali kuwatafuta. Raia wasiuane wao kwa wao kwa sababu mpango ni wa wakubwa na wakubwa ndio wapotee.

Waziri wa Wafanyakazi (Bw. Nyamweya): Bw. Spika, mimi si *official responder* wa Hoja, hii, lakini nataka kutoa maoni yangu binafsi kwa hili jambo la huzuni ambao limekamata taifa lote la Kenya. Tangu kujinyakulia madaraka ya kujitawala Wabunge watatu wamepotea. Wamekufa kwa njia ambayo si njia mtu ambaye amejitolea kutumikia nchi yake angemaliza maisha yake katika dunia hii. Ninasikitishwa sana na kitendo ambacho kimefanyika. Kwa sasa ni vigumu kusema ni nani alichokifanya kitendo hicho kiovu. Isipokuwa labda tushirikiane na lile tamshi alilotoa Mbunge wa Lurambi ya kwamba sisi sote tujaribu kutafuta ugonjwa huu ulitoka wapi. Nafikiri halitakuwa jambo la busara kujaribu kuweka kidole kwa mtu fulani kwa wakati huu. Lakini huu ni ugonjwa ambao kama sisi hatuwezi kumaliza hatuna hakika watoto wetu na vijukuu wetu watakaa wapi. Sisi tulichaguliwa kuja hapa kulinda Serikali ambayo inaangalia *the welfare of society and the just Government of Men.* Hatukuja hapa kuunda Serikali ambayo itamaliza watu mmoja kwa mmoja. Hakuna mtu ikiwa ana fikira timamu ambaye anaweza kuendelea kukaa katika Serikali ikiwa anajua *that it is not the Government or the welfare of society and just Government of Men.*

Bw. Spika, pengine ni rahisi kutoa lawana, kwa polisi au kwa kila mtu, lakini kuna mahali pengine duniani ambapo mambo mabaya hufanyika mara kwa mara. President John F. Kennedy alikuwa *despite all that massive intelligence and security around him.* Robert Kennedy na wengine pia wamekufa. Kuna watu wachache, kikundi kidogo cha watu fulani ambao wanafanua maovu hayo. Si lazima wawe ni watu wa

Serikali, wanaweza kuwa raia. Watu hawa lazima sisi sote tuwatafute ili tuwajue. Lazima tufanye hivyo ili watoto wetu na wale ambao wataruhusiwa kumaliza wakati wao katika Bunge hili na watoto wao waishi kwa amani. Serikali yangu, ambayo mimi ni mmoja wa Mawaziri wake, ninaomba jambo hili lifanyike ili tupate kuwajua hawa waovu ni akina nani ambao wanatupangia maovu ya kuangamiza taifa ambalo limejengwa kwa jasho. Kwa miaka 13 ambayo imepita sasa, watu wa Kenya wamejitoa kwa kushiriki, kwa kupendana ili wahimarisha Serikali ambayo inaweza kuanzisha mipango ya kidemokrasia ya kudumu. Basi hilo kundi la watu hawa wachache linataka kujaribu kuyavunja mendeleo ambayo tumekuwa nayo tangu tujipatie Uhuru wetu. Mimi naamini kwamba watu hawa ni wachache sana na tunaweza kuwaondoa. Likiwa ni kundi la watu wa madaraka au wakiwa ni la watu ambao ni magaidi ni lazima tuligundue.

Bw. Spika: Tuna dakika kumi zimebaki na sijui kama kuna mtu ambaye atajibu kwa upande wa Serikali.

Bw. Rubia: Ahsante sana Bw. Spika. Kwanza nataka kushirikiana na wenzangu kusema ya kwamba hiki ni kifo ambacho kinahuzunisha sana kwa sababu ninakumbuka, kabla ya kupatwa na kifo hicho, marehemu alisema katika Bunge hili ya kwamba alikuwa ametupitiwa risasi na mambo hayo yakatiwa katika magazeti. Inajulikana vile vile kwamba hiki ni kifo cha kuhuzunisha sana. Inaonekana kwamba yule marehemu alipewa onyo na yeye, kama mwananchi ambaye ana imani na Serikali na Kenya yetu, akafanya ripoti kwa polisi.

Watu wengi katika Kenya wana huzuni nyingi na hata mafikira pia na sitaki kusema maneno ya madharau, lakini ningependa kusema kwamba ni lazima ukweli upatikane. Usipopatikana hatulali usiku kwa sababu kila mtu anatarajia kushikwa.

Natoa shukrani kwa Bw. Spika kwa kunipa nafasi ya kuzungumza juu ya Hoja hii maana mimi vile vile nimepata simu nyingi sana za kuniuliza, "je, tumesikia kwamba umeshikwa, umesafirishwa na labda wewe huenda ukapotea". Basi mimi nataka kusema kwamba nikishikwa na nikapotea kama marehemu "J. M." mimi nasema kwamba ni lazima Kenya iendeleo na kutafuta ukweli. Mimi na wewe au mtu mwingine yeyote, Bw. Spika, ni binadamu binafsi tu. Kitu cha muhimu na cha maana ni Kenya yetu. Sisi tumepewa mamlaka na wananchi kwamba tuendeshe nchi kwa usalama. Nafikiri kwamba hata Mawaziri wengi wana huzuni lakini sisi sote tuna mamlaka ya kuwapata wale wahalifu.

Mimi na wenzangu katika viti vya nyuma, tunaweza kusaidia lakini ni lazima kazi kubwa ifanywe na Serikali. Inasemekana kwamba huyu jamaa alitoka Hoteli ya Hilton na watu ambao walivaa nguo za General Service Unit. Bw. Spika, kikosi cha General Service Unit ni cha Serikali na tunashangaa sana kushika habari hii. Siku hizi mimi sijui nitamuamini nani? Hata nikiona mtu na mavazi ya polisi halafu anionyeshe kitambulisho, siwezi kujua kama ananisafirisha safari ya mwisho. Kwa hivyo ni lazima tufanye kitu fulani kuonyesha ya kwamba Kenya ni nchi ya amani.

[Bw. Rubia]

Ni lazima waliohusika na kifo cha marehemu Mhe. J. M. Kariuki washikwe haraka. Nasikia kwamba alipigwa risasi mara nne au tano, na kwa nini polisi hawakutia habari hii katika radio kujulisha wananchi kwamba mtu amepatikana kama ameuawa halafu wende kule chumba cha maiti kuyatambua? Kwa hivyo sisi sote pamoja na Serikali tuna wajibu wa kuchungulia mambo haya.

Bw. Spika: pia ni lazima tuwe waangalifu sana kwani hata katika Serikali yenyewe, huenda tukawa na magaidi. Tusifikirie kwamba kuwa Waziri au Mbunge ndio kusema kuwa uko timamu. La, Bw. Spika, hata wewe uko katika taabani ikiwa yule aliye katika Serikali ni gaidi. Nasema haya kwa huzuni nyingi. Nilisema sana hapo mbeleni, lakini nataka kuunga mkono maneno yaliyosemwa na Mhe. Burudi Nabwera kwamba Bunge hili lingeunda Kamati Maalum ya kushirikiana na Serikali katika uchunguzi huu. Tusipofanya hivyo, huenda sisi tukapotea mmoja baada ya mwingine. Yule alitupwa Ngong na labda mwingine atatupwa mahali pengine na kama utatupwa katika Bahari ya India, hutapatikana Mbunge mwenzangu.

Basi kwa hivyo nasema mambo haya, Bw. Spika, kwa heshima na huzuni kwamba tufikirie sana jambo la kuunda Kamati ya Bunge hili ya kuchungua kifo cha Mhe. J. M. Kariuki kama vile Mhe. Nabwera alivyosema. Vile vile mimi natoa mwito kwa watu wa sehemu ninayowakilisha hapa wasaidiane na polisi kwa kutoa habari yote ili Serikali iweze kuwashika magaidi ambao walitenda mambo haya maovu. Magaidi watafutwe mahali popote; ikiwa ni juu ya mti, kwa ardhi au ndani ya shimo ni lazima magaidi watafutwe. Wasipopatikana, Bw. Spika, hatuko na usalama tena katika nchi yetu.

Ahsante sana, Bw. Spika.

Bw. Mulwa: Jambo la nidhamu, Bw. Spika. Kwa kawaida ya desturi ya Bunge hili Waziri wa Serikali ambaye anahusika na Hoja fulani kama hii hupewa muda wa dakika 10 kujibu. Kwa hivyo sasa si wakati unaofaa wa Waziri wa Serikali kujibu?

Bw. Shikuku: Jambo la nidhamu, Bw. Spika. Nakumbuka kwamba wakati dakika kumi zilikuwa zimebaki, ulitukumbusha kwamba sasa ni wakati wa Msemaji wa Serikali lakini hakuna hata Waziri mmoja ambaye alisimama kujibu. Sasa, Bw. Spika, hivyo ni kuonyesha nini?

Bw. Spika: Nafikiri Bw. ole Oloitipitip atajibu.

Waziri wa Mali ya Asili (Bw. ole Oloitipitip): Ahsante sana, Bw. Spika kwa kunipa nafasi ili nizingumze hapa juu ya Hoja hii kama Waziri wa Serikali.

Jambo la kwanza ni kwamba kama mlivyoona sisi hapa mbele tumekaa kimya kwa sababu tuna huzuni nyingi sana kwa ajili ya kifo cha Mbunge mshupavu ambaye alisaidia Kenya ndani na nje ya nchi hii. Kwa hivyo nawambua Wabunge kuvumilia na wakifahamu kwamba tuna moyo wa kujenga nchi hii na kupotea kwa mtu wa namna hii ni pigo kubwa kwa Kenya nzima.

Jambo la pili, ningependa kusema kwamba ingawa kifo cha Mhe. J. M. Kariuki kimeleta huzuni nyingi,

lakini tutafanyaje? Ikiwa kitu hiki kimepita, basi kimepita, lakini—

Wabunge Fulani: Kaa chini! Kaa chini!

Waziri wa Mali ya Asili (Bw. ole Oloitipitip): Bw. Spika, nikisema kwamba "imepita"

Bw. C. Murgor: Jambo la nidhamu, Bw. Spika. Nafikiri kwamba Waziri anayejibu Hoja hii hajitahidi kujibu vile inavyotakikana. Je, anafahamu kufanya vile anavyotakiwa kufanya?

Bw. Spika: Yeye anajibu vile anavyoona.

Waziri wa Mali ya Asili (Bw. ole Oloitipitip): Bw. Spika ninasema kwamba mtu hai amepita lakini sikusema kwamba Serikali haitafanya vile iwezavyo kutafuta magaidi; sikusema hivyo.

Mimi nasema kwamba maneno ya Wabunge yamekwisha chukuliwa na Serikali yetu tukufu. Ni juzi tu Baba wa Taifa aliamuru polisi, na majeshi yote yatafute haki na wananchi wote watajulishwa kisa kilichosababisha kifo cha Bw. Kariuki. Kama hilo ndilo swala, basi Baba Taifa ameamuru kwamba msako wa magaidi hao. Hata sisi katika Mbunge hili ni lazima tutafute magaidi ambao walimuua Bw. J. M. Kariuki. Bw. Spika, nakubaliana na Wabunge kwamba sisi sote tunagane na wananchi ili waliomuua marehemu J. M. Kariuki wakamatwe na polisi.

Mbunge Fulani: Ketii chini!

Waziri wa Mali ya Asili (Bw. ole Oloitipitip) Mimi siwezi kukaa chini kwa sababu nasema haki ya Serikali.

Bw. Spika, nakubaliana na Wabunge kwamba ni lazima sisi sote tutafute wahalifu hawa. Sisi kama Serikali tunakubaliana na Mhe. Nabwera kwamba Kamati iundwe ya kuchungua kifo hiko.

Jambo jingine ningependa kusema ni kwamba sisi katika Kenya, tunataka kujenga taifa hili na magazeti katika Kenya ni magazeti yetu ambayo yanafaa—

Bw. Spika: Bado sijakupatia nafasi ya kuzungumza Bw. Njuno.

Waziri Msaidizi wa Ardhi na Makao (Bw. G. G. Kariuki): Jambo la nidhamu, Bw. Spika.

Jambo hili ni la huzuni kabisa na si la kuzungumzwa kama siasa. Bw. Spika, kwa sababu Mhe. arap Moi amefika hapa Bunge sasa hivi na yeye ndiye anayesimamia ulinzi wa ndani ya Kenya, ingefaa tumpatie nafasi atueleze machache juu ya kisa hiki. Mambo haya ni mabaya sana na tunataka kujua mahali wamefika katika uchunguzi wao.

Bw. Spika: Ni kweli kabisa kwamba Makamu wa Rais na Waziri wa Mambo ya Nchini ndiye anayehusika zaidi na mambo ya usalama, kwa hivyo yeye mwenyewe akitaka tutaweza kumpa zile dakika zake kumi.

Makamu wa Rais na Waziri wa Mambo ya Nchini (Bw. arap Moi): Bw. Spika, nafika sasa hivi kutoka kwa mkutano ambao ulikuwa kati yetu na Mawaziri wa Ethiopia na sikupitia hata kwa ofisi. Kwa hivyo kwa sababu sikuwa hapa sikuweza kuchukua notes juu ya yale yaliyosemwa na Wabunge. Lakini nataka kusema kwamba ijapokuwa sijui Wabunge walisema nini nasikitika sana juu ya jambo hili. Bw. Spika, siku ya

[Makamu wa Rais na Waziri wa Mambo ya Nchini] Ijumaa nilitoa taarifa katika Bunge hili juu ya jambo hili kama nilivyopewa na ma-ofisa wanaofanya kazi katika Wizara yangu kulingana na namna mambo yali-vyokuwa wakati huo. Nilifanya hivyo kwa imani lakini nilisikitika kujua kwamba baadaye maiti ilipatikana katika *mortuary*. Huu ni mshangao mkubwa kwangu.

Nilipokuwa nikitoa taarifa hii, nilitaja jambo moja ya kwamba maisha ya mtu si kitu cha kuchezea ijapokuwa tunajua kwamba kifo kinaweza kuja kwako leo, kwangu kesho, na mwingine siku nyingine. Basi kama mambo yaliyoko sasa ya kwamba maiti ya marehemu ilipatikana tarehe 3, mwezi huu, sitaki kusema maneno yote kwa wakati huu juu ya jambo hili kwa sababu hata sasa sijajua mengi. Kwa hivyo sitaki kusema neno lolote la kubahatisha, ijapokuwa kusema ya kwamba yale niliyoyasema katika Bunge hili juu ya jambo hili yalisemwa kwa njia ya imani. Mimi kama kawaida napenda amani na naomba kila siku ya kwamba ni vizuri tuwe na umoja na amani katika nchi hii. Nimesema kila mara ya kwamba mapenzi ni kitu kizuri kati yetu kwa sababu sisi kama viongozi kila mwananchi anatuangalia au anatumazama kuona ya kwamba tunatoa uongozi mwema. Basi ikiwa ni hivyo sikitiko langu ni kwamba pengine demokrasia ambayo imekuwa msingi wa Kenya itapotea. Msingi tunao sasa katika nchi hii hatuweki kwa ajili yetu lakini ni msingi ambao utasaidia wale watakaokuja baadaye. Kwa hivyo kama tunaweka msingi mbaya kwa wakati huu hautasaidia watu watakaokuja nyuma yetu. Mimi mwenyewe naamini ya kwamba siasa ni siasa, kwa hivyo kitu ambacho tunakitaka ni kwamba nikiwacha kazi na kurudi nyumbani mtu akitaka kuniuliza maneno au kushauriana nami kwa maneno yo yote tuweze kufanya hivyo kama tunakaa nyumbani kwa amani. Hata ikiwa tunatofautiana kwa njia yoyote iwe kama kawaida ya kutofautiana lakini tusiwe na chuki kati yetu. Kwa hivyo ndugu zangu sitaki kusema hiki na kile kwa kukinga mtu au kusema ya kwamba mtu fulani ni hivi na vile. Kitu ambacho ninataka kifanyike ni kuona ya kwamba tunafanya tuwezavyo ili tuweze kupata ni nani ambaye amefanya jambo hili. Na pia mtu yeyote ambaye anapenda amani ni lazima asaidiane nasi pamoja juu ya jambo hili. Bw. Spika, sina mengi ya kusema sasa ijapokuwa kurudia yale niliyoyasema ya kwamba nilitoa taarifa ile kwa imani kulingana na yale yaliyokuwa mkononi mwangu. Na nilipokuwa nikitamka maneno hayo nilikuwa nikiamini kwa wakati huo ya kwamba marehemu alikuwa hai, lakini matumaini yangu hayakuwa ya kweli. Hayo tu ningependa kusema kwa wakati huu.

Bw. Gachago: Jambo la nidhamu, Bw. Spika. Inaonekana ya kwamba kuna dakika chache tu zinazobaki na kwa dakika hizo ningependa kuuliza kama Makamu wa Rais angeruhusiwa kujibu maswali machache yanayohusiana na amani na usalama. Bw. Spika, unaweza kumruhusu Bw. Makamu wa Rais atueleze usalama wa Wabunge na watu wengine utalindwa vipi na tuta-tegemea usalama huo kutoka wapi kutoka siku ya leo?

Makamu wa Rais na Waziri wa Mambo ya Nchini (Bw. arap Moi): Bw. Spika, usalama wa Wabunge, usalama wangu, au usalama wa kila mtu ni kitu muhimu kama nilivyosema hapo mbeleni, na ningependa tuchukue jambo hili kwa njia ya utulivu kabisa ikiwa

tunataka kuokoa maisha ya watu wetu. Basi ikiwa mtu anadhania ya kwamba maisha yake yako hatarini tafadhali aniambie ili tuweze kuangalia kama jambo hilo linaweza kutengenezwa kwa njia ya kawaida. Hii ndiyo njia ya pekee ya kuona kwamba tunakaa kwa amani. Bw. Spika, ikiwa tunaendelea na kazi yetu kwa njia ya usalama, huu ndio uhuru. Kwa hivyo nachukulia jambo hilo kama ni la muhimu ambalo linataka ushirikiano wa pamoja.

Bw. Spika: Nataka mkumbuke ya kwamba tulikuwa kwa Hoja ya Ahirisho na si desturi sasa kuanza kuuliza maswali kwa sababu mkifanya hivyo mnavunja Kanuni zetu wenyewe. Vile vile tulimpa Makamu wa Rais dakika kumi zaidi kwa sababu tumeshamaliza saa yetu na tukapita kwa dakika kumi na yeye mwenyewe alisema alitoka katika mkutano mwingine na hakuwa tayari kwa mambo mengine. Kwa hivyo nafikiri tunge-tosheka na yale ambayo tumepata kwa sasa juu ya jambo hili.

Bw. Nampaso: Jambo la nidhamu, Bw. Spika. Mimi naongea juu ya jambo jingine ambalo linahusiana na yale maneno ambayo tumekwisha maliza, na jambo hilo ni kwamba nilikuwa natumaini kulikuwa na kitabu au *Condolence Register* ambayo watu wangeandika kama ukumbusho wa marehemu.

Bw. Spika: Hayo ni mambo ambayo yanaweza kufanywa ofisini na si katika Bunge.

Bw. Wabuge: Bw. Spika, nataka usaidizi kutoka kwako. Kufuatana na Kanuni za Bunge hili, kama jambo limezungumzwa haliwezi kurudiwa tena ndani ya miezi sita. Mambo yamesemwa hapa na Makamu wa Rais na katika msembo wake yeye mwenyewe amesema kwamba anatoka katika mkutano na hajapata ripoti ye yote. Kwa hivyo ningependa Kiti kwamba Bw. Makamu wa Rais atakapopata ripoti kamilifu aje na atoe taarifa (*Ministerial Statement*) katika Bunge hili ili watu wapewe maelezo kamili. Kwa wakati huu yeye na hata sisi vile vile bado hatujawahi kupata ripoti kamilifu isipokuwa yale ambayo tumesoma katika magazeti mbali mbali. Kwa hivyo ningependa kupitia Kitini kama ingewezekana *Ministerial Statement* itolewe na Makamu wa Rais kuliko Wabunge kulitoa jambo hili?

Bw. Spika: Kama ilivyo kawaida, ikiwa Waziri ye yote ana jambo ambalo anataka kulileta hapa na kulitoa kama taarifa, na akishasema hivyo kwa Spika, mipango hufanywa ili aje na kulitoa hapa Bungeni. Lakini siwezi kumwambia Waziri fulani alete taarifa kama yeye mwenyewe haoni haja ya kufanya hivyo. Ikiwa ana kitu ambacho angependa kuliambia Bunge hili, ni desturi kumpa nafasi ya kutoa taarifa kama hivyo.

Chifu Kitonga: Bw. Spika, utanisamehe kwa jambo hili, lakini tunao uvumi mwingi na sisi tumekuwa na wasi wasi wa kutosha, hasa Wabunge. Je, Makamu wa Rais na Waziri wa Mambo ya Nchini anaweza kutuhakikishia kwamba hakutakuwa na mapumziko ambayo tunapata mara kwa mara ili tuendeleo kuketi katika kiasi cha kama mwezi mmoja au miwili tukichungulia vile hali yetu itakavyokuwa? Kwa sababu, Bw. Spika, kuna uvumi mwingi na kila mara unasikia Rubia amepotea, mtu fulani amepotea na tumeingiliwa na wasi wasi. Jambo hili linaweza kukubaliwa?

Bw. Spika: Hilo ni jambo jingine kabisa, na mtaeleza katika Kamati ya Majira kama tunacho kitu kama hicho.

Makamu wa Rais na Waziri wa Mambo ya Nchini (Bw. arap Moi): Jambo ambalo ningependa ndugu zangu wafahamu ni kwamba kuna uvumi hata wa kuyunja taifa. Kama mlivyosikia jana kutoka Redio ya Ujerumani, kulikuwa na ripoti kwamba Mkubwa wetu wa Jeshi alipigwa risasi wakati tulipokuwa pamoja na hapakuwako jambo lolote, na hili linatokana na mambo ambayo yanasemwa ili kuchafua nchi hii. Kwa hivyo ningependa kusema ya kwamba tafadhalini yule mtu anayeamini Kenya tunayoitaka na asaidie iwezekanavyo. Nafikiri tutasaidiana na tutakuwa tukijulishana pamoja.

Bw. Ngala: Bw. Spika, nikisema juu ya jambo hili ambalo linahusu Marehemu na ndugu yetu, ambaye amekuwa hapa kwa muda mrefu, J. M. Kariuki, na ambalo ni la muhimu, na kwa vile ambavyo tumesoma katika magazeti kwamba atazikwa Jumapili, tungeweza kuambiwa na Makamu wa Rais na Waziri wa Mambo ya Nchini mpango wa Serikali kuhusu mazishi yake ili na sisi pia tuweze kuujua?

Makamu wa Rais na Waziri wa Mambo ya Nchini (Bw. arap Moi): Kuhusu jambo hili, ni kwa sisi kushirikiana na jamii ya Marehemu na kuangalia njia inayofaa jinsi ya kutengeneza mambo haya. Kwa hivyo hili si jambo ambalo tunaweza kuzungumza namna hiyo.

Mbunge Fulani: Jambo la nidhamu, Bw. Spika. Kulikuwako fikira—tafadhali nataka unijulishesha kwamba Kamati Teule ya Bunge iundwe, na tukawa na aliyeafiki. Lakini sifahamu sana vile ilivyo, kwa sababu jambo hili lilisemwa na kuwachwa hapo hapo, kwa hivyo itakuwaje?

Bw. Spika: Hapa tulikuwa tunazungumza juu ya Hoja kwamba Bunge liahirishwe ili Bw. Mwithaga alete jambo la muhimu na la haja kubwa; hayo ndiyo tulikuwa tukifanya. Yale mengine yalikuwa maoni ya Wabunge wengine ambao walisema kwamba ingefaa kuundwa Kamati kama hiyo, lakini hauwezi kuiunda kwa njia hii. Sasa hilo ni jambo jingine, na kuunda kamati kama hiyo huwa ni lazima kuwe na Hoja maalum kwa haja hiyo. Ni heri tuendelee sasa.

Bw. Gachago: Jambo la nidhamu, Bw. Spika, kwa sababu jambo hili ni la ghafula na liko katika wakati ambao Waingereza husema *strike the iron while it is hot*—na hii ni haki—ingewezekana kama Mbunge mmoja angeweza kufanya mpango wa kuandika Hoja na kuilete kwako, na ikiwezekana jambo hili lifanywe kesho?

Bw. Spika: Hilo ndilo jambo ambalo nataka.

Bw. Seroney: Kwa kufuata Kanuni Nambari 21, Bw. Spika, ningependekeza kwamba shughuli za Bunge ziahirishwe mpaka kesho.

Bw. Spika: Bw. Seroney nafikiri hapakuwa na majadiliano ambayo yalikuwa yakiendelea. Ulisema Kanuni 21 (1)?

Bw. Seroney: Bw. Spika, naomba kupendekeza kwamba majadiliano kuhusu Orodha Nambari 5 na 6 yaahirishwe mpaka wiki ijayo.

Bw. Spika: Lakini majadiliano yalikuwa hayajaa-nzishwa. Kwa hivyo hakuna majadiliano kwa wakati huu isipokuwa tulikuwa tunaanza. Kama Bw. Ogutu anaanza kusema basi unaweza kutoa Hoja ya Kuahirisha Majadiliano.

MSWADA

Kusomwa Mara ya Pili

THE WILDLIFE (CONSERVATION AND MANAGEMENT) BILL

Waziri wa Utalii na Wanyama wa Porini (Bw. Ogutu): Bw. Spika, naomba kupendekeza kwamba Hati ya Sheria ya mwaka 1974 juu ya kuhifadhi na kuwasimamia wanyama wa porini isomwe kwa Mara ya Pili.

Bw. Spika, Serikali yapendekeza mbele ya Bunge hili hatua thabiti kabisa inayolenga sio tu kulinda wanyama wa porini ambao ni rasilmali asili ya taifa letu, lakini pia kuhakikisha kwamba utajiri huu unaleta manufaa katika maendeleo ya siku zijazo. Niki-pendekeza Mswada huu, Bw. Spika, Wizara yangu ina shukrani sana kwa mashauri ya kitaalamu yaliyotolewa na shaibu yangu Mheshimiwa Mkuu wa Sheria.

Bw. Seroney: Jambo la nidhamu, Bw. Spika. Ningependa kuuliza kama tunaweza kupendekeza sasa lile jambo la nidhamu kulingana na Kanuni ya 21.

Bw. Spika: Mimi nafikiri ingefaa kwanza niwasomee Waheshimiwa Wabunge hii Kanuni ya 21 ili walelewe inasema nini. Basi inasema hivi:—

A Member who wishes to postpone to some future occasion the further discussion of a question which has been proposed from the Chair may claim to move "That the debate be now adjourned"

Kwa hivyo kama Bw. Ogutu atapata Mbunge wa kufiki jambo hili baada ya kumaliza hotuba yake, basi mimi nitaiipendekeza.

Waziri wa Utalii na Wanyama wa Porini (Bw. Ogutu): Hatua ambayo tunakana kuchukua ni kamilifu. Katika mazungumzo yangu leo nitadhihirisha kwa ufupi sana maongozi ya Serikali na jitihada ambazo Mswada huu utazilinda na kutekeleza makusudio yake. Bw. Spika, nakusudia kwenda moja kwa moja kwa swali moja ambalo limeharibu fikira za watu kwa kusababisha wasiwasi kutoka ndani na nje ya Jamhuri yetu. Swali lenyewe ni kwamba Serikali inataka kueneza shughuli zote ambazo zinafanywa na Mbuga za Taifa za Kuhifadhi Wanyama wa Porini, yaani Kenya National Parks.

Bw. Spika, nafikiri lingekuwa jambo la busara ili kuhifadhi heshima ya Bunge, niseme chanzo cha hatua hiyo. Wakati tulipopata uhuru wetu tulirithi njia nyingi za kuhifadhi wanyama wetu wa Porini na mali nyingine za asili. Katika mambo mengine hatukufurahiwa na matokeo tuliyopata wala maongozi yeneyewe kwa jumla. Lakini katika miaka hiyo ya mwanzo, Serikali ililazimika kuchunguza hali zote ili kupanga upya shughuli zote za uchumi na mambo ya starehe. Ingawa hivyo, Bw. Spika, haingewezekana kubadilisha mambo yote kwa mara moja. Uchunguzi wa kwanza kuhusu sheria ya kuhifadhi wanyama wa porini ulifanywa mnamo mwaka 1964 hadi 1965. Mwenye kufanya uchunguzi huo alikuwa Waziri wa Mali ya Asili ambaye pia alihusika na mambo ya Wanyama wa Porini na Utalii. Aliona kwamba, mabadiliko yalihitajika na

Bw. Naibu Spika: Swali ni kwamba Kanuni ya Bunge 40 (1) iwachwe kando ili Hoja ambayo inaonekana katika Orodha ya No. 5 ambao Wabunge wanayo na iko katika *Order Paper* ichukuliwe.

(Hoja ilitolewa)

(Hoja iliamuliwa na kuafikiwa)

HOJA

KAMATI TEULE—KUCHUNGUA KIFO CHA MAREHEMU
MHE. J. M. KARIUKI

Bw. Mwangale: Bw. Naibu Spika, na Wahe. Wabunge wote, mtanisamehe kwa sababu nilichelewa asubuhi kidogo kwa dakika kama 30 kwa sababu nilikuwa nimesahau kwamba ni lazima nije kutoa arifa ya Hoja yangu kwanza ndio ikakubaliwe. Lakini ninaona kwamba tunasaidiana sana kwa sababu mambo haya yanatakiwa sana katika nchi yote. Kwa hivyo, Bw. Naibu Spika, Wahe. Wabunge na wananchi nawarudishia ahsante sana.

Bw. Naibu Spika, mambo ya Hoja hii kama ilivyo ni kama ifuatavyo:—

KWAMBA, Bunge hili likiwa limetiwa wasiwasi kwa jinsi vile, mtindo ule na njia ile ya kupotea na baadaye kuuawa kinyara kwa marehemu mwenzetu Mbunge wa Nyandarua ya Kaskazini, Mh. J. M. Kariuki, linaazimia kuundwa kwa Kamati Teule ili ichungue kwa ukamilifu na kwa vyovyote vile ilivyotokea ya kwamba marehemu alipotea na kuuawa kwake baadaye na hiyo Kamati itoe ripoti yake kamili kwa Bunge, lengo lake likiwa kukusanya, kulinda na kuthibitisha ya kwamba ushahidi wowote ambao ungetumiwa kwa kuwapeleka wale wanaofikiriwa kuwa wanahusika mahakamani umehifadhiwa na kwamba hiyo Kamati Teule iwe na uwezo kulingana na kifungu cha tisa (9) cha *The National Assembly (Powers and Privileges) Act*, na kwamba Wabunge wafuatao wawe wanakamati:

Mhe. Mwangale, M.P. (Chairman)

Mhe. Mrs. Onyango, M.P.

Mhe. Shikuku, M.P.

Mhe. Wariithi, M.P.

Mhe. Seroney, M.P.

Mhe. Nabwera, M.P.

Mhe. Rubia, M.P.

Mhe. Mwavumo, M.P.

Mhe. Mulwa, M.P.

Mhe. Mwithaga, M.P.

Mhe. Dkt. Muriuki, M.P.

Mhe. Gachago, M.P.

Mhe. D. M. Amin, M.P.

Mhe. Dkt. Gitonga, M.P.

Mhe. Nyamweya, M.P.

Bw. Naibu Spika, hawa Wabunge waliteuliwa na Kamati ya Majira ya Bunge hili—*The Sessional Committee*—jana walipokutana.

Bw. Naibu Spika, hatuwezi kuzungumza mengi juu ya mambo haya kwa sababu kuna vitu vitatu katika Kamati Teule hii yetu. Kamati Teule ni ya Bunge hili. Bunge, kama tunavyojua ni *political body*. Tumekuwa na kamati hapo mbeleni katika Bunge hili kama ile Kamati Teule ya watu ambao hawana kazi, yaani *Unemployment Committee* tulikuwa na kamati ya

kutengeneza mambo ya ukulima, yaani *Wabuge's Committee* ya Mahindi. Kila wakati kamati hizo zinafanya kazi nzuri kabisa. Mambo ambayo yametokea ya mauaji ya Bw. J. M. Kariuki ni ya utetezi mkubwa sana katika nchi hii yetu. Nchi yetu ni ya kidemokrasia. Bw. Naibu Spika, ni lazima sisi kama Wabunge tuingillie mambo kama haya wenyewe tukisaidiana pamoja na Serikali kuona ya kwamba kila kitu kinafanyawa kutafuta wale ambao walimuua.

Kwanza, Bw. Spika, Marehemu J. M. Kariuki alikuwa anapendwa kila mahali, na mambo aliyokuwa akisimamia ni yale ambayo Wabunge wote hapa tulikuwa tukikubaliana nayo. Alikuwa akizungumza mambo yanayohusiana na mashamba, na njia ambayo mashamba hayo yanatolewa kwa watu. Alikuwa akisema kwamba ikiwezekana, hata ikiwa ni watu wa aina gani wenye mashamba, ni lazima kwanza wananchi wapewe mashamba hayo, bila kuwapendelea watu wengine kwa kuwapa ekari elfu nyingi, na hali wengine hawana mashamba yo yote. Alikuwa akizungumza juu ya mambo ambayo yanaendelea katika nchi hii ambapo watu wachache wanajipatia mali nyingi, yaani *grabbing*, na hali wengi wa watu wetu hawana cho chote. Alikuwa akizungumza mambo ambayo yangeisaidia nchi yetu.

Kwa hivyo, yule mtu au watu waliomuua Mhe. J. M. Kariuki ni wale ambao walitaka kuua *aspirations* au matakwa ya wananchi wa Kenya. Kazi ya kwanza ya Kamati hii itakuwa ni kuuliza kila mtu ambaye anaweza kuitwa, kile anachojua. Mimi mwenyewe, Bw. Naibu Spika, ningependa Kamati hii ianze kazi upesi iwezekanavyo, kabla ushahidi haujaribiwa na watu wengine. *We do not want any evidence to be tampered with.* Kwa hivyo, Kamati hii itafanya kazi ya upesi, na hata ikiwezekana, tuone kwamba Kamati yetu imeanza kazi wiki ijayo.

Kitu cha tatu ambacho ningependa kusema ni kwamba kuna makundi mengine ya magazeti ama watu wengine wa magazeti ambao walikuwa wanaeneza uvumi wakisema, "J. M. Kariuki amekwenda upande fulani au anafanya jambo fulani upande ule", na hawa ndio watako kuwa wa kwanza kuitwa kueleza mambo hayo. Sisi tumechoka na uvumi, na vitu ambavyo havina ukweli, na ambavyo ni uwongo mtupu, na ambavyo vinaandikwa na kuzungumzwa na magazeti kama hayo. Mimi mwenyewe ningependa, kama wananchi wangesikia, wawache kulisoma gazeti kama lile la *Daily Nation*.

(Shangilio)

Jambo la nne, Bw. Naibu Spika, Kamati hii, kama mnavyoona, itateuliwa na Bunge hili, na kazi yake itakuwa kuanzia mahali ambapo Bw. J. M. Kariuki alikuwa siku ya Jumamosi, tarehe 1, Machi, mpaka siku aliyokufa, na kujua walikuwa na nani. Rafiki yangu mwengine aliniambia, "Unajua, Kamati hii haitaweza kufanya kazi kwa sababu inawezekana tukatishwa". Mimi nilimwambia kwamba tumekuwa na Kamati nyingi katika Bunge hili, ambazo zimefanya kazi ambazo ni *as sensitive as this issue*. Kwa hivyo, sisi hatuwezi kumuogopa mtu ye yote, na tutafanya kazi bila upendeleo wo wote. *There will be no favours or fear.* Tutakaa hapo tuzungumze maneno, na tuwaite watu ili tuwahoji, bila kusema ni wewe uliyefanya kitu fulani au kingine. Tunataka tu kujua ukweli, na

[Bw. Mwangale]

tuuchapishe ukweli huo. Bw. Naibu Spika, tutakuwa tukichungua jambo hili kama ilivyokuwa ikichunguzwa kashfa ya Watergate. Kama kutakuwako na watu ambao watakataa kuja kutoa ushahidi mbele ya Kamati hii, tutatumia *powers and privileges* zetu, ili tuwamrishe watu kama hao kufika mbele ya Kamati. Wale ambao tutaona hawatusaidii, hata wakiwa ni wafanyakazi wa Serikali tutayachapisha majina yao, na tueleze katika ripoti yetu kuwa jambo fulani ni "incomplete", na ijapokuwa lilifanywa na tukalileta hapa, tuliambiwa, "Stop". Lakini hatutawacha *any single thing out. No stone will be left unturned*. Kwa sababu wananchi wanataka kujua Wabunge wana moyo gani. Bw. Naibu Spika, ningependa kusema kwamba walipoona Hoja hii iko katika Orodha ya Shughuli zetu za leo, wote, pamoja na Mawaziri pia walikuwa hapa. Hii ni kuonyesha kwamba hakuna Mbunge ye yote ambaye anaweza kusema kwamba haiungi Hoja hii mkono. Sisi sote tuko pamoja, na Hoja ikipita, na Kamati imalize kazi yake, ripoti ambayo tutatoa itakuwa ripoti ambayo itakubaliwa na Wabunge hawa wote, na wala sio Mbunge mmoja. Hatutaki wananchi ama watu wengine waseme kwamba majina ambayo yamependekezwa katika Kamati hii ni ya wale ambao ni *certain classification of Members of Parliament*. Kamati hii itakuwa ni ya Wabunge ambao wameteuliwa na Kamati Teule ya Bunge hili, na kwa hivyo, wanawakilisha maoni ya Bunge hili.

Kitu ambacho ningependa kuongeza kwa mambo haya, Bw. Naibu Spika, ni kwamba kwa sababu wananchi wengi hivi sasa wako katika msukosuko, ningewaomba wananchi wote wawe watulivu, wawe na imani katika Serikali yetu, nchi yetu, na watuachie sisi pamoja na Serikali tufanye kazi ya kuwatafuta wale watu waliomua Mhe. J. M. Kariuki. Hatutaki mtu mwingine afikirie huko nje kwamba anaweza kuchukua mambo ya sheria na kuyaweka katika mikono yake na aanze kupigana na wengine juu ya mambo haya. Sisi tungependa wananchi wote waulizwe kuwa watulivu, wakae na amani, na watuachie mambo haya sisi Wabunge pamoja na Serikali, ili tuyaangalie kwa upesi.

Kama mnavyojua, kila wakati historia inaandikwa. Bw. J. M. Kariuki alikuwa mmojawapo wa wapiganiaji Uhuru wa nchi hii. Aliteswa, akakaa msituni, na wengi wanajua kwamba hata alipotoka kizuizini, aliendelea kufanya kazi ya kuisaidia nchi yetu. Yeye mwenyewe alikuwa akipendelea amani na umoja. Kwa hivyo, Bw. Naibu Spika, mtu asifikirie kwamba mambo yaliyompata Marehemu J. M. Kariuki ni mambo ya watu wa Nyandarua, ama ni mambo ya watu wa Mkoa wa Kati ama ni mambo ya watu wachache au watu wa kabila moja. Mambo ya kifo cha Mhe. J. M. Kariuki ni mambo ya wananchi wote katika nchi hii yetu ya Kenya. Ukiangalia katika Kamati hii, utaona ya kwamba kila Mkoa umewakilishwa. Hii ni kwa sababu alikuwa ametusimamia sisi sote, na *principles* zake zili kuwa ni *principles* ambazo sisi kama Wabunge tulikuwa tunaziunga mkono. Kwa hivyo ni juu yetu sisi wananchi wa Kenya kusimama pamoja. Kama nilivyokuwa nikisema, Bw. J. M. Kariuki alitoka msituni na kifo chake kilifanywa msituni. Wengine walikuwa wanasema ya kwamba aliuawa katika manyatta lakini ukweli ni kwamba hakuuawa katika manyatta. Alipokuwa kizuizi-

ni alitaabishwa sana na pia wakati wa safari yake ya kifo alitaabishwa sana. Bw. Naibu Spika, hapa tunaweza kuzungumza mambo mengi sana, lakini kitu ambacho ninaomba watu wa Serikali wafanye, wale ambao wana uwezo, ni kuisaidia Kamati hii kwa kushirikiana nasi ili watuwezeshe kufanya kazi hii ili tuweze kupata ukweli wa kifo cha Bw. J. M. Kariuki. Kama hatutapata usaidizi na baadaye tutoe ripoti hapa kwamba hatukupata uzaidizi wowote, wananchi wataweza kusema baadaye ya kwamba *the extent of freedom of expression* katika nchi ya demokrasia kama Kenya haiko. Kwa hivyo, ni lazima tuichukue hii kama *challenges* ambayo sisi wote, watu wa Serikali na Wabunge pia na wananchi, ni lazima tuichukue. Kwa hivyo, sisi Wabunge ambao tuko hapa tumehuzunishwa sana na nambo ambayo yamefanywa lakini tunataka Kamati hii ikakae chini ili kutafuta njia ambayo tunaweza kueleza Serikali pamoja na wananchi vile vitu vimefanywa.

Bw. Naibu Spika, kama ilivyoandikwa hapa, hata wale watu ambao Serikali itawaita kuwa kama mashahidi, hao pia hata sisi tutawaita na kuwauliza mambo fulani. Wale ambao hawataitwa na Serikali, na wale Kamati itafikiria ni lazima waitwe, tutaauliza Serikali kuwaita ili watoe ushahidi wao kama wanavyojua. Kwa hivyo, mimi sitasema mengi lakini nitarudia vitu vitatu. La kwanza, Bw. J. M. Kariuki alikufa na inaonekana ya kwamba alikufa kwa sababu ya siasa. Bunge hili ni la siasa na sisi wote ni wanasiasa na ni lazima tuyaingilie mambo haya na tukaweke *political credence* kwa matokeo ya uchunguzi wetu. Kitu cha pili ni kwamba Kamati hii inawaomba watu wote ambao wako katika nchi hii sasa, wawe watulivu na watuachie sisi pamoja na Serikali tufanye kazi ya kuwatafuta wale ambao walifanya mauaji hayo. Hatutaogopa kutoa ripoti ya ukweli wowote ambao sisi tutaupata. La tatu na la mwisho ni kwamba kuna wengine ambao wanaweza kufikiria ya kwamba Kamati hii inaenda *against the Government*. Kuna wengine ambao wameanza kusema kule nje ya kwamba Serikali haitaki mambo ya Kamati hii ambayo tunaunda sasa. Kama Serikali haitaki mambo ya Kamati hii, basi hiyo ni shauri yao. Sisi ni wanasiasa na tuna *right* ya kuunda Kamati yoyote kuangalia mambo ambayo yanahusu nchi hii.

Kwa hayo machache, Bw. Naibu Spika, naomba kupendekeza.

(Hoja ilitolewa)

Bw. Njuno: Bw. Spika, mimi nikiunga mkono Hoja hii, ningetaka kutoa shukrani nyingi sana kwa Mhe. Mwangale kwa kuileta Hoja hii mbele ya Bunge hili.

Bw. Naibu Spika, sisi tulichaguliwa na wananchi kuwa viongozi wao katika nchi hii na kazi yetu ni kulinda haki za wale waliotuchagua. Kitu cha kwanza ningetaka kusema hapa ni kwamba mimi mwenyewe nitapigana kabisa, hata nikitishwa namna gani, kuona ya kwamba kama kuna makosa mahali fulani, lazima Serikali ijulishwe kuna makosa mahali fulani. Kitu ambacho sitafanya, na Wabunge wengi hapa wamesema hawatafanya, ni kuenda kichinichini kwa Serikali. Sisi tutawaambia wazi kama tukiona wanafanya makosa. Sisi hatutaki Serikali yetu iondoke, la, lakini ni lazima tuwaonyeshe kama kuna makosa ambayo yamefanyika.

Bw. Naibu Spika, tumesikia mengi, tumedanganywa siku nyingi lakini sasa tunataka tuambiwe ukweli uko

[Bw. Njuno]

wapi. Tukisema *let by gone be by gone*, tunaweza ku-sema ya kwamba kama mwenzetu, Bw. J. M. Kariuki amekufa, basi ni vizuri na tuendelee mbele. Huo utaku-wa ni ugonjwa tumejiwekea sisi wenyewe. Ni vizuri sana kwa Mungu kwa sababu Bw. J. M. Kariuki alikufa kama mwanasiasa. Hakufa kwa ugonjwa wa kipindu-pindu, hakuiba lakini alikufa kama mwanasiasa. Ikiwa Bw. Njuno atakufa kama mwanasiasa, basi itakuwa ni vizuri sana. Kwa hivyo kusema kwa uoga katika Kamati hii ni makosa sana. Kamati hii itamuuliza mtu yeyote anayejua kitu chochote kinachohusika na hili jambo kutoa ushahidi. Sisi tukiwa hapa tuna wajibu wa ku-tunga sheria na tuna wafanyakazi wa Serikali wanaona ya kwamba hizi sheria zimefuatwa. Kuna sheria inayo-sema ya kwamba mtu akiuawa aliyemuua ni lazima apelekwe kortini ili ahukumiwe. Bw. Naibu Spika, tuna Makamu wa Rais na Waziri wa Mambo ya Nchini ambaye kazi yake ni kuambia hili Bunge mambo yanayofanyika lakini yeye hakujua hili jambo. Mwili wa J. M. Kariuki ulipelekwa katika chumba cha maiti cha Nairobi na hali sisi tuliendelea kuuliza J. M. Kariuki yuko wapi na hatukuambiwa. Mhariri mkuu wa gazeti la *Daily Nation* Bw. George Githii aliandika gazetini ya kwamba Bw. J. M. Kariuki yuko Zambia. Juzi juzi gazetini hilo hilo liliandika ya kwamba Marehemu J. M. Kariuki alionekana akitoka Zambia na ndege iliyokuwa na *registration numbers* za ng'ambo na yeye alikuwa akiendesha. Sisi tuliuliza mahali Marehemu J. M. Kariuki alipo na hatukuambiwa na hali Serikali ilijua ya kwamba mwili wake ulikuwa katika chumba cha maiti hapa Nairobi. Hii inaonyesha ya kwamba kuna Serikali hapa Kenya ambayo iko ndani ya Serikali yetu tukufu, sisi hatuamini ya kwamba maisha ya wananchi wetu yanalindwa hapa Kenya. Kwa hivyo, mimi naunga mkono ya kwamba kamati hii teule ifanye kazi yake bila kuogopa na tukiambiwa ya kwamba tutapelekwa moja kwa moja mpaka msitu wa Ngong mimi nitakuwa wa kwanza kwenda huko. Kwa nini watu wetu wanafanywa hivyo—sisi sio kuku wanaochinjwa mtu akitaka. Kama mimi Bw. Njuno nimefanya makosa kuna nguvu nyingi za kunipeleka kizuizini. Mbeberu aliweka watu wetu kizuizini kwa miaka mingi sana lakini wale watu hawakuuawa. Viongozi wa Rhodesia waliwekwa kizuizini hawakuuawa. Iliyoko ni kwamba Serikali haiwezi kuchungua hili jambo kwa sababu kama Serikali hai-kukusika ni kwa nini maiti ya Bw. J. M. Kariuki ikapelekwa katika chumba cha maiti na Serikali na halafu ikasema haijui mahali alipo? Sisi tunataka kujua hivyo tu. Sisi tunajua mengi sana lakini hatuwezi kuya-sema kwa sababu hatuhusiki lakini tunajua ni nani aliyemtoa Marehemu Bw. J. M. Kariuki kutoka Hilton Hotel. Tena tunajua wazungu walitumiwa kufanya kazi fulani lakini tunavyosema ni kwamba hii kamati ianze kazi yake leo na isaidiwe na Serikali yetu tukufu ili jina la Serikali lisafishwe. Hii kamati ikishafanya kazi yake basi tutajua cha kufanya baadaye.

Bw. Naibu Spika, nikiunga Azimio hili mkono nase-ma ya kuwa Serikali ikiwa na makosa ni wajibu wetu kuisahihisha lakini sisi hatuna haja ya kuipindua Serikali. Hata nani akifanya makosa tutaendelea kusema amefanya makosa. Kwa hivyo, ni lazima tuambiwe ni nani aliyemuua Bw. Marehemu J. M. Kariuki. Kama

si Serikali yetu basi ni nani? Ni lazima tuambiwe ni nani.

Kwa hayo machache, naunga mkono.

Bw. Kanja: Bw. Naibu Spika, ahsante sana kwa kunipa nafasi hii nitoe maoni yangu.

Mimi nasimama kwa masikitiko makubwa nikiku-mbuka ya kwamba marehemu Bw. J. M. Kariuki ame-kufa. Sio tu kwa sababu alikuwa mpenda nchi yake lakini alipigania nchi yake kiume mpaka bendera ya nchi hii ikapeperuka. Isitoshe, ninayo yakini ya kwamba wale watu ambao hawakutaka uhuru wa Mwafrika wakati ule ndio wale wale wanaojua Marehemu J. M. Kariuki ameuawa kwa nini. Ninayo yakini ya kwamba wengi wetu hatutafikia ule umri wa kufa kifo cha Mungu kwa sababu tutaendelea kusema ukweli. Kama Mbunge wa Butere Bw. Shikuku alivyosema ukweli una-toka kwa Mungu na wale wanaosema ukweli watali-ndwa na Mungu na tutaendelea kusema ukweli na tukifa, potelea mbali, Mungu atatuchukua.

Bw. Naibu Spika, marehemu Bw. J. M. Kariuki alipigana msituni na akauawa msituni na hata mahali alipouliwa fisi na nyang'au walimnusa na kusema yeye hana dhambi na wakakataa kumla. Maombi ya wale wanaomuamini Mungu waliomba Mungu awarudushie Bw. J. M. Kariuki akiwa hai au akiwa maiti ili tuwe na hakika ya kwamba marehemu alikataliwa na fisi. Bunge hili halisemi Kikikuyu lakini Wakikuyu walisema "*muragirwo tuhu ndariagwo ni hiti*". Huyu mtu ame-uliwa bure na wale wanaotaka viti vikubwa. Marehemu alikuwa anapendwa na watu na waliogopa yeye ata-kuwa kiongozi wa nchi hii na kwa hivyo walimuua kinyama. Hivi sasa nikisema msitu wa Nyandarua unajaa wazungu, *British Army*. Nimetoka Nyeri leo, na huko tunalindwa na askari wa kigeni. Askari wa nchi yetu wamekwenda wapi? Sisi tuna uhuru wa namna gani? Uhuru ni kulinda Katiba ya nchi yetu na wana-nchi pia na ikiwa ni wewe utakayekufa mwisho, Mungu anajua. Tulisema hatutaki wabeberu na sasa wabeberu wameletwa hapa Kenya kututawala kwa upande mwi-ngine. Tuna faida gani sasa? Marehemu Bw. J. M. Kariuki alitolewa Hilton Hotel na wale waliomtoa ni mashetani na pengine wameshikwa na ugonjwa na hii inajulikana wazi. Ni kitu gani Serikali ilikuwa ikitafuta siku hizo zote mpaka bibi yake, asiyejua *criminology* ndiye aliyegundua maiti yake iko wapi? Ile polisi tuna-yoambiwa ya kwamba ndiyo bora Afrika nzima ili-kuwa iko wapi? Hii ni aibu kabisa kwa sababu tuna polisi wanaolipwa na sisi na huenda ikawa wengine wao walihusika na kifo cha marehemu J. M. Kariuki. Tunasikia ya kwamba orodha ya watakaokufa imete-ngenezwa. Sisi tutakufa mmoja mmoja na mwishowe anayetuua akija huko kwa shetani au kwa Mungu tuta-kuwa tunamngoja na fimbo na tutamtwanga. Huko hakutakuwa na waziri, Rais au wakubwa wa polisi. Huko tutakuwa sote ni sawasawa. *We all come and go and this is a very sad day*. Tom Mboya aliuawa, Gama Pinto aliuawa na sasa Bw. J. M. Kariuki ameuawa. *What a systematic killing? Are we being ruled by gangsters? Are we running this country or are we being run by a devil?* Ni nani anayetawala? Ni sisi au ni watu wengine walio mashetani kutoka nchi zingine? Kila siku tumekuwa tukilaumu wabeberu, lakini wabeberu walikuwa na heshima kwa sababu nilikamatwa na

[Bw. Kanja]

kuepelekwa kortini na kuhukumiwa kunyongwa lakini aliyesema hivyo alikuwa ni binadamu kwa sababu hata sasa niko hai kama unavyoniona, Bw. Naibu Spika, lakini marehemu Bw. J. M. Kariuki hawezi kurudi kwa sababu amekwisha uawa na nyang'au. Yeye hakuvunja sheria bali waliomuua walitaka makuu peke yake. Kilichomfanya marehemu J. M. Kariuki kufa ni kitu kimoja tu—yeye alisema ukweli. Mwizi hapendi kuambiwa ya kwamba ni mwizi. Kama tulipigania Uhuru kuna makosa gani kusema tulipigana ili tumuondoe Smith tumrudishe Bw. Kanja au Bw. Njoroge, au Onyango akachukue mali yote iliyokuwa ya mzungu na kuwa yake? Hii ni haki gani tena? Hakuna haki, Bw. Spika. Ukisema mambo haya unaambiwa ya kwamba wewe ni mchokozi, were ni communist, wewe hupendi Serikali, na hiki na kile. *What are we doing? Where are we heading to?* Bw. Spika, *we are heading to disaster* na tutakwisha. Tunalaaniwa, kwa hivyo naomba ya kwamba damu ya J. M. ambayo ilikuwa nzuri iwarudie wale watu ambao walifanya conspiracy ya kumuua. *I can only curse, Bw. Spika, with the strongest possible words those who conspired to kill J. M. Mimi ni freedom fighter* kwa hivyo tutaendelea kupigana mpaka uhuru wa kweli utakapopatikana katika nchi hii. Ni aibu kuona ya kwamba mtu ambaye amefanya mengi mwishowe anauawa kama mnyama na baadaye watu wengine wanaanza kutoa rambirambi. *My foot!* Wanatoa rambirambi ya nini. Wengine wana cheka na huku wanatuma rambirambi. Je, watoto wa J. M. watakula rambirambi. Bw. Spika, nchi yetu ni nchi ambayo imeona mengi, kwa hivyo sisi ndio tungekuwa kielelezo katika bara ya Afrika ya kwamba watu ambao wamepigania uhuru, watu ambao wamepata taabu, ni lazima wawe na mapenzi ya kulinda uhuru, lakini badala ya kufanya hayo yote sisi tumekuwa *a laughing stock*, au watu wa kuchekelewa, watu ambao wanapenda pesa. Hata malaya hapendi pesa vile watu wetu wanapenda pesa. Wanahongwa kidogo tu na kuambiwa fanya hiki na kile na mtapata *dollars, roubles and what have you*; kila kitu. Hata ndovu karibu kwisha na mwishowe mtaanza kuuza makende ya watu. Bw. Spika, hii ni aibu kubwa. Nchi hii ni nchi yetu ambayo tunaipenda, na tumeshafanya tuwezavyo kuona ya kwamba tunapata uhuru, lakini ya nini sasa tena kurudi kulia kwa Mzungu aje atulinde ijapokuwa tuna askari wetu au watu ambao wanaweza kutulinda? Afadhali tuishi tukiwa maskini kuliko kutawaliwa tena na Mbeberu. Lakini namna mambo yalivyo bado tunazidi kurudi kwake kusema: "Hatukuwa tumefika kimo cha kujitawala". Vitendo vinasema zaidi kuliko maneno.

Kwa hayo machache, kwa sababu Wabunge wengi wanataka kusema, mimi nasema ya kwamba naunga mkono Kamati hii iendele mpaka ione kiini cha mambo haya na wale waliohusika walaaniwe na Mungu hapa duniani na mpaka ahera ambako J. M. amekwenda.

Waziri wa Fedha na Mipango ya Uchumi (Bw. Kibaki): Ahsante sana Bw. Naibu Spika. Mimi nasimama kuunga mkono Hoja hii. Bw. Naibu Spika, vile tulivyo sasa, huzuni iliyoko nchini, tukiwa Wabunge tuna wajibu mkubwa kwa sababu sisi wenyewe ndio tumetengeza Katiba ya nchi hii. Sisi vile vile ndio

tumeahidi kulinda Katiba hiyo ambayo inasema ya kwamba lazima kuwa na uhuru wa binadamu na vile vile Katiba hiyo yalinda maisha ya mtu binafsi. Sisi tulio hapa tumekuwa tukijivunia kwamba nchi yetu itaendelea kuwa nchi tulivu ambayo itakuwa na mawendeo ambayo yataweza kuonyesha kielelezo chema kwa nchi zingine.

Bw. Naibu Spika, tumeona mengi ambayo yanaendelea katika nchi zingine — Afrika kwa wakati huu, na sisi tukiwa Wabunge ni wajibu wetu kulinda mambo haya yasije yakaingia katika nchi yetu ya Kenya. Yaani katika Afrika ya leo kuna watu ambao wamechoka na kufuata mwenendo wa demokrasia, yaani mwenendo wa kungoja ueleze binadamu kitu unachokitaka ili waweze kukubaliana nawe na kukuchagua na kukupa madaraka. Kuna watu wengi katika nchi ya Afrika ambao wamegundua njia nyingine ambayo wanafikiria ni fupi kwa kufika mahali fulani, na njia kama hizo tumezionia zimeharibu nchi nyingi katika Afrika—njia za kuua watu na kunyakua madaraka kwa nguvu. Bw. Naibu Spika, tukiwa Wabunge si juu yetu kuchafua nia za watu, lakini tuna wajibu mkubwa kwamba tusaidie kutuliza roho za watu katika nchi hii yetu ni kuwawezesha kuwa na imani kwamba ukweli utapatikana. Wakiwa na imani hiyo watangojea upatikane. Sisi kama Wabunge lazima tutoe kwa wananchi wa nchi yetu ya Kenya hiyo imani. Yaani tuchungue, au tuonyeshe wazi ya kwamba tuko tayari kulinda kama tulivyoopa katika Katiba ambayo yalinda maisha ya watu wetu katika nchi hii yetu. La pili, Bw. Naibu Spika, namna mambo yalivyo katika nchi hii yetu ni kwamba ni wajibu wetu sisi sote kuepukana na maneno ya uvumi. Nasema hivyo kwa sababu vile inavyoonekana kuna jamaa wengine ambao wanafikiria ya kwamba huu ndio wakati wa kuharibu majina ya watu wengine kama ilivyokuwa wakati mwingine hapo mbeleni. Inaonekana ya kwamba wakati kama huu ndio wakati wa kutembea wakigawanya watu, wakimfanya ndugu mmoja apigane na ndugu mwingine mwenzake. Yaani, Bw. Naibu Spika, hivi sasa kuna jamaa ambao watembea wakieneza uvumi wa aina hio. Sisi kama viongozi hapa katika Bunge ule uvumi lazima tusaidie kuukomesha, na njia moja ya kukomesha uvumi huo ni kuwaahidi wananchi ya kwamba sisi wenyewe tutachungua ukweli uko wapi na hatufuati uvumi. Hii ndiyo njia moja ambayo ni kubwa.

Naibu Spika, kitendo ambacho kimefanywa chaonekana wazi ya kwamba ni kitendo kilichokuwa kimepangwa. Kilipangwa kabisa kabisa. Kwa hivyo hakuna haja ya sisi kuwa na wasiwasi wowote. Tukianza Kamati hii Jumatatu ijayo tuanze mpango wa kuchungua. Yaani uchunguzi mwingine utafanywa, au kutakuwa na uchunguzi aina mbalimbali, lakini uchunguzi wetu utakuwa wa kusaidia kwa njia ambayo itawezekana, na njia hiyo ni kuwa na *Special Select Committee* ambayo vile vile inachungua mambo haya.

Bw. Naibu Spika, sitaki kusema mengi, kwa hivyo jambo langu la mwisho ni kwamba sisi tukiwa Wabunge tusije tukatosheka na yale tumeyasema leo ama kutuliwa kwa Kamati hii, tuna wajibu wa kukata shauri sasa kwamba kwa vyo vyote vile tutalinda haki ya kuwa na demokrasia katika nchi hii yetu. Yaani wale

[Waziri wa Fedha na Mipango ya Uchumi]

wachache ambao wanatafuta njia nyingine kando za kupata madaraka ni lazima tuweze kuzuia njia kama hizo. Kama hatuwezi kufanya hivyo nchi yetu itakuja kupotea. Lazima tuweze kuzuia mambo kama hayo, na njia ya kufanya hivyo ni kwa sisi kuonekana ya kwamba hatuna uwoga wowote wala hatuwezi kumruhusu mtu yeyote kufuata njia ambayo anafikiria ni fupi kwa kuua watu. Bw. Naibu Spika, hakuna njia ya aina hiyo. Bw. Naibu Spika, lazima tufuate ule ukweli. Katika Bibilia ambayo Mbunge wa Butere huitaja kila wakati—yaani St John—yasema: "*And He shall know the truth and the truth shall make you free*". Bw. Naibu Spika, sisi tukiwa katika nchi hii yetu tukufu hatuwezi kuogopa kutazama ule ukweli hata ikiwa ukweli huo *is frightening* au unahofisha. Tuuchungulie ukweli, hata kama unatuhofisha, tutakuwa huru.

Bw. Spika, naomba kuunga mkono Hoja hii.

Binti Mutai: Bw. Naibu Spika, ahsante kwa kunipa nafasi hii ili niunge mkono Hoja hii. Nasema kwamba kisa hiki kimetuskitisha sisi, hasa wale wanaosema ukweli, na tumekuwa na huzuni kwamba labda huu ni mwanzo wa mpango mkubwa wa kuwaondoa watu ambao wanawatetea wale maskini na wale ambao mimi nawaita *the oppressed* katika nchi hii yetu ya Kenya.

Bw. Naibu Spika, kuna jambo moja ambalo tumeliona hapa. Bw. Makamu wa Rais alikuja katika Bunge hili na kutoa taarifa ambayo baadaye ilionekana ilikuwa haina ukweli hata kidogo. Sasa mimi nauliza hivi: Bw. Makamu wa Rais kama namba mbili katika Serikali hii yetu ya Kenya anafaa kufadhaishwa au kupewa fadhaa kubwa namna hiyo, kuja hapa na kutuambia vitu ambavyo si vya kweli? Kitu cha kwanza nawauliza hawa watu wa polisi, kama ni *Special Branch* au *Commissioner of Police* ni lazima wafutwe kazi, ili heshima ya Bw. Makamu wa Rais iwe kamili.

(Shangilio)

Kwa sababu tunamheshimu sana na tunajua kwamba yeye hakuwa na jambo lo lote. Kitu cha pili, Bw. Spika, ni kwamba Wabunge wengine walisema juu ya Serikali nyingine ambayo ni *invisible*, na sasa tumeona kwa macho yetu kwamba Bw. Makamu wa Rais ambaye angekuwa katika ile *inner circle*—kama kungekuwa na moja—ako nje, na Serikali ile nyingine ni nani? Kama kuna Serikali ya namna hiyo ambayo haina *confidence* na Bw. Makamu wa Rais ama mtu mwingine ye yote, basi wakati umefika kwa Serikali kama hiyo ambayo haiwezi kutupatia usalama, hasa kwa mtu anayeheshimiwa, kama marehemu Bw. J. M., ni lazima ijiuzulu ili wananchi wa Kenya waone kwamba kweli imeona umuhimu na masikitiko kwa jambo la kinyama ambalo imefanya. Hii ndiyo *inefficiency* ambayo tumeona. Hakuna mtu katika nchi hii yetu ya Kenya ambaye anaiamini Serikali ama taarifa yake tena, na hii ni kweli, hata wakiimkamata mtu leo na kusema alifanya jambo fulani, hatutawaamini. Watu wanaamini kwamba yule aliyemua Bw. J. M. Kariuki ni mtu ambaye sheria ya nchi hii haitamfikia, na kama ni hivyo, uchunguzi utafanywa namna gani? Nauliza swali hilo ambalo ni la ajabu, na ni uvumi ambao uko sasa.

Bw. Naibu Spika, tunaambiwa kwamba tusifanye *rumour-mongering*, lakini kulikuwa na uvumi wiki jana nzima kwamba J. M. amekufa, na kweli ilionekana alikuwa amekufa. Serikali ilituambia kwamba alikuwa Zambia, yeye hajulikani mahali alipo lakini yuko hai, na sasa sisi watu wa Kenya tunaamini *rumours* kuliko Serikali, na hii ni kweli.

(Shangilio)

Kama Serikali inataka *confidence* ya watu wa Kenya, ni lazima ionyeshe imani na naiomba ijiuzulu. Ni lazima ifanye hivyo, na isipofanya hivyo, sisi tutafikiri hiyo ni *conspiracy* katika Serikali yenyewe, na haiwezi kusema kwamba hatujaipatia nafasi ya kutuambia ukweli. Lakini tuna hofu kubwa kwamba hatutajua ukweli kwa milele na milele. Ni kwa sababu gani, Bw. Naibu Spika, watu kama J. M. Kariuki, Tom Mboya, Ngala na Pinto waliuawa, au *assassinated*? Hawa ni watu ambao walikuwa wakiwatetea wengine, yaani walikuwa *progressive*, na kuna watu wengine katika Serikali ambao hawapendi mtu kuzungumza ukweli. Bw. Naibu Spika, ningependa kuliambia Bunge hili kitu kimoja. Baada ya kutoa *maiden speech* yangu hapa, nilipewa onyo na Waziri hapa na pale kwamba "*Chelagat* kama unataka maendeleo katika Uasin Gishu, unyamaze".

Wabunge Fulani: *Shame, shame!*

Binti Mutai: Sasa nauliza hivi, Bw. Naibu Spika: maendeleo haya ni haki ya watu ama ni haki yangu nikiwa *stooge* wao? Kwa kweli mimi nataka kuwaambia wananchi ile *pressure* ambayo tunayo katika Bunge hili. Katika Katiba sisi hapa ni *institution* ambayo ingekuwa na nguvu kuliko *institution* nyingine yo yote katika Kenya, lakini tunafanywa kama watu ambao wanaambiwa waende huku na wanaenda. Hata ukiambiwa kwenda kwa shimo unaenda tu kwa sababu umeambiwa. Ni lazima Kamati hii ichungulie sana jambo hili, Bw. Naibu Spika, kwa sababu Wabunge wengine ambao wanazungumza ukweli wanatishwa, na mwishowe tumeona "*J. M.*" amepotea. Je, ameenda wapi? Si kwa sababu alikuwa anazungumza? *That is logical.*

Bw. Naibu Spika, naendelea kasisitiza kwamba Serikali hii haina uaminifu wa watu wa Kenya tena; hata kama wakitoa taarifa fulani, wamkamata mtu fulani, au wakifanya kitu cho chote, hatutawaamini hata kidogo. Ninaposema hivi, najua watu wana hofu kwamba nitapotea, lakini mtu anazaliwa mara moja na anakufa tena mara moja, na wengine wanazaliwa kama Bw. Shikuku alivyosema jana na kwa hivyo hapa kuwa na haja ya kumuua Bw. J. M. Kariuki au mtu mwingine ye yote. *Roman Empire* ilikuwa na utawala wa miaka 3,000 lakini mwishowe ilikwisha; *it was overthrown*, na tunaambia Serikali yetu ya Kenya kwamba watu ndio walioichagua pamoja nasi kwa milele na milele. *They are not indispensable*; hakuna mtu ambaye yuko *indispensable*, kwa hivyo wasifikiri kwamba wakiweza kumuua mtu mmoja kwa mmoja watakaa milele na milele; hawataweza, kwa sababu siku za mwizi ni 40.

Ahsante sana, Bw. Naibu Spika.

(Shangilio)

Bw. Naibu Spika: Bw. Muregi, unazo dakika tano tu.

Bw. Muregi: Ahsante sana, Bw. Naibu Spika. Mimi ni Mbunge kutoka Nyandarua Kusini, na marehemu alikuwa Mbunge wa Nyandarua Kaskazini na sehemu zote ziko katika Wilaya moja. Bw. Naibu Spika, langu ni kutoa pongezi kwa Wabunge wote kwa vile wali-vyojitahidi na kujitolea ili wapate haki na sababu ya kuuwa kwa Mheshimiwa Bw. J. M. Kama mjuavyo ni desturi kwa sisi sote Wabunge baada ya kumalizika kwa Kikao kwenda nyumbani na kuonana na wale waliotuchagua. Lakini kwa wakati huu kuna shida kubwa katika sehemu ambayo Bw. J. M. alikuwa aki-wakilisha, na bila shaka wamewekwa moyo na Bunge hili kutoka wakati aliopotea. Wabunge wameonyesha upendo na kutafuta ukweli juu ya mpendwa Marehemu Bw. J. M. Kariuki. Bila shaka cho chote ambacho watu ambao walimchagua watapata kuhusu ukweli juu ya kuuawa kwa "J. M.", watakipata kwa sababu ya Bunge hili. Bw. Spika, ni aibu kubwa kuinyang'anya Kenya na Nyandarua pia Mheshimiwa kama huyu, na bila shaka ni lazima Kamati hii ijue sababu—

HOJA YA UTARATIBU

KUONGEZWA SAA ZA MKUTANO: BUNGE KUKUTANA
HADI SAA SABA

Waziri Msaidizi wa Ardhi na Makao (Bw. G. G. Kariuki): Jambo la nidhamu. Bw. Naibu Spika, jambo langu la nidhamu ni kwamba kwa sababu Wabunge wengi wangetaka kuzungumza na hali muda wa nusu saa ambao umebaki ili Bunge liahirishwe ni mchache sana, ningependa kupitia kwako, kama Bunge lingendelea na majadiliano mpaka saa saba?

Bw. Naibu Spika: Nafikiri nitaliwacha Bunge hili likate shauri juu ya jambo la kuongeza muda wa kikao ili badala ya kuahirisha Bunge saa Sita Unusu, kama kawaida tuliahirisha saa Saba kamili. Hilo ndilo swali mbele ya Bunge sasa.

(Hoja, kwamba Bunge liahirishwe saa Saba badala ya Saa Sita Unusu, iliamuliwa na kuafikiwa)

HOJA

KAMATI TEULE—KUCHUNGUA KIFO CHA MAREHEMU
MHE. J. M. KARIUKI

(Kurudiwa kwa Majadiliano)

Bw. Muregi: Ahsante sana Bw. Naibu Spika. Nili-kuwa nikiwarudishia Wabunge wenzangu ahsante kwa vile wamejitolea kwa moyo wao wote kuwasaidia wananchi kwa kuchagua kamati hii. Nikiendelea Bw. Naibu Spika, ningependa kusema kwamba ni aibu kubwa sana ambayo tumeonyesha na magazeti na hasa gazeti la *Daily Nation* ambalo lilisema kwamba Bw. Kariuki yuko Zambia. Gazeti hili lilipotosha fikira za wananchi ambao pia wangekuwa wanajitahidi kutafuta habari ya Bw. Kariuki. Bw. Naibu Spika, tumekuwa katika nchi hii tangu tulipopata uhuru wetu na tangu wakati huo watu wengi wamewekwa vizuizini. Kama tunakumbuka, yule ambaye alikuwa Mbunge wa Yatta hapo mbeleni—Bw. Gideon Mutiso—alipelekwa kortini na korti ikaamuru awekwe kizuizini. Basi tuliwahi kusikia mambo yote kuhusu jambo hili. Kama Bw. Kariuki alikuwa na makosa yoyote, ni kwa nini hawakumpeleka kortini badala ya kumuua ovyo ovyo kama mnyama? Bunge hili litaungana nami kwa kuwatumikia watu am-

bao walikuwa wanawakilishwa na Bw. Kariuki. Nina matumaini makubwa kwamba haki ikipatikana, itapelekwa mpaka Nyandarua ili watu wake wajue kilichomua Mbunge wao ambaye walimchagua kwa kura zao. Kama Wabunge wengi wajuavyo, wengine kama mimi tuko hapa kwa sababu ya mpango ambao uliletwa na Bw. Kariuki na Wabunge wengine huko ol Kalou. Mimi nasema hivyo kwa sababu ikiwa Mkataba wa 1963 kuhusu uchaguzi haukugeuzwa na Wabunge kama Bw. Kariuki na wengine huko ol Kalou, pengine wengi wetu hatungeingia katika Bunge hili. Bw. Naibu Spika, kazi ambayo imefanywa katika Wilaya ya Nyandarua na Bw. Kariuki ni kazi kubwa sana na haiwezi kusahaulika. Bw. Naibu Spika, watu wa Nyandarua wamenisumbua sana na nimewaahidi ya kwamba Wabunge wote wana-jitahidi zaidi wakati wa huzuni hii na sisi sote tunapaswa kuwa watulivu tuingojea haki kutoka kwa kamati hii ya Wabunge.

Bw. Naibu Spika, mimi sina mengi sana ya kusema lakini natumainia kwamba kamati hii itajitahidi na itatwezesha kujua haki iliyoko katika kifo cha Mhe. J. M. Kariuki.

Makamu wa Rais na Waziri wa Mambo ya Nchini (Bw. arap Moi): Bw. Naibu Spika, jambo hili likiwa ni jambo la maana sana, nakubaliana na ndugu zangu. Kama nilivyosema hapo jana, maisha ya wananchi, maisha ya waheshimiwa Wabunge na maisha ya kila mtu katika Jamhuri yetu na ulimwengu kwa jumla, ni kitu cha muhimu kushinda vyote. Mimi nafahamu huzuni ya kila mmoja wenu na wananchi kwa jumla. Ili tuwe na imani katika nchi hii, ni lazima sisi sote hapa tukate shauri kwamba kamati hii iundwe. Bw. Naibu Spika, nimesema kwa mara nyingi hapa, na leo nitazidi kusema, kwamba maisha ya siku zijazo yatategemea jinsi nchi hii itaongozwa na sisi pamoja na viongozi wengine wa Kenya. Kama hakuna njia ya kuwa na imani kwa kila mwananchi, basi nasikitika maisha ya nchi hii hatayakuwa ni jambo la furaha kwa kila mwananchi.

Bw. Naibu Spika, ningependa kusema pia kwamba wale ambao wanapenda haki, wale ambao wanataka jambo hili lifanywe kwa njia ambayo itatoshelesha fikira za wananchi, ni lazima wamalize kitu kimoja kama vile Bw. Kibaki alivyosema. Kama mjuavyo, wengine wanachukua nafasi hii kwa kujaribu kuchanganya maoni yao na siasa zingine ambazo hazifai. Mambo kama hayo hayawezi kulisaidia jambo ambalo sasa linahuzunisha fikira za wananchi. Ni kweli wananchi wana hofu nyingi sana kwa wakati huu. Wanajiuliza, "Je, mimi nitakuwa salama katika siku zijazo?" Bw. Naibu Spika, ni kweli kusema kwamba kuna uoga sana katika roho za watu wetu. Bw. Naibu Spika, tunataka kila kitu kiwe wazi ili tukifanya kazi zetu tuwe tukijua tuko katika nchi huru. Mimi nasema hivyo kwa sababu kama mambo kadhaa yatafanywa kupotosha jambo ambalo tunafikiri litatusaidia kutafuta ukweli kuhusu kufariki kwa ndugu yetu, basi hatutakuwa tukisaidia mtu yeyote. Bw. Naibu Spika, bila kuwa na *emotion* hata kidogo, ningependa kusema kwamba mimi nasikitika sana. *I am very much restrained.* Mimi nasema hivyo kwa sababu moyo wa binadamu siyo moyo wa kuku au mnyama yeyote. Moyo wa binadamu ni kitu cha muhimu kuliko vitu vyote duniani. Ni kweli mengi yame-

[Makamu wa Rais na Waziri wa Mambo ya Nchini] kwishasemwa tangu jana na yule ambaye ana masikio amekwishasikia.

Bw. Naibu Spika, Kenya imekuwa mfano mwema katika Afrika nzima kwa mienendo yake yote. Bw. Naibu Spika, mimi naamini tu kwa siasa ya kawaida na siyo kwa siasa ya aina nyingine. Kwa hivyo ndugu zangu natumainia kwamba kila jambo litafanywa kugundua ni nani alifanya kitendo hiki cha kinyama. Kama mjuavyo mimi niko katika Serikali na pia ndugu yangu huyu na yule mwingine wako katika Serikali, lakini mimi nasema yeyote ambaye alifanya kitendo hiki ni lazima alaulumiwe na kila mmoja wetu! Ndugu zangu wapenzi, ni heri tumuombe Mungu ili atusaidie kutafuta mambo hayo na tena atusaidie ili jambo kama hili lisifanyike tena. Bw. Naibu Spika, hayo ndiyo maombi yangu na nina matumaini makubwa kwamba Mungu atatusaidia na pia watoto wetu katika siku zijazo.

Jambo la mwisho, Bw. Naibu Spika, ningependa kuwaomba Wabunge na ndugu zetu wote, tuisaidie madui wa Kenya kwa njia voyote. Hayo pia ni maombi yangu makubwa. Ahsante Bw. Naibu Spika.

Waziri Msaidizi wa Ardhi na Makao (Bw. G. G. Kariuki): Ahsante sana, Bw. Naibu Spika, kwa kunipa nafasi hii kuzungumza juu ya jambo hili tangu litokee. Ingawa tulikuwa na Hoja hapa, sikupata nafasi kuzungumza juu yake. Ni kweli kwamba Wabunge wamefikiria kwa makini na wameonelea lazima tuwe na kamati kama hii. Kwa miaka mingi ambayo nimekuwa katika Bunge hili nimejua hii ndio kamati ambayo wananchi watataka kujua imefika wapi. Wananchi watakuwa na imani zaidi katika kamati hii ikiwa itachaguliwa kuliko wale wengine tunaambiwa wataangalia.

Bw. Naibu Spika, sina haja ya kueleza Marehemu J. M. Kariuki alikuwa mtu wa aina gani kwani yeye anajulikana katika nchi nzima. Kwa hivyo haina haja ya kurudia kueleza alikuwa mtu wa aina gani. Marehemu J. M. Kariuki alijulikana zaidi na hata wakati wa uchaguzi yeye hakufanya mkutano na wananchi walimwambia "nenda nyumbani na tutakuchagua". Kwa hivyo, hamna haja kwa watu kujaribu kutafuta kupendwa kwake na watu kulikuwa kiasi gani kwani ilikuwa wazi.

Bw. Naibu Spika, wakati wa uchaguzi uliopita ulishitusha watu wengi. Mimi niliona dalili kabisa ya kuonyesha kwamba maisha ya watu wengine yalikuwa hatari. Wakati huo ndio niliona kwamba wenye kuangalia ulinzi pia walikuwa wataka uchaguzi wao; niliona wale ambao tuliamini kwa uso walikuwa wana roho tofauti. Walikuwa mfano wa chui aliyewekelewa ngozi ya mbuzi; yaani ukiondoa ngozi ya mbuzi, utakuta ni chui na lazima atakuuma. Kwa hivyo, mambo haya ni mabaya zaidi. Watu wa Nyandarua, Laikipia na kwingineko, wana huzuni isiweza elezeka. Hata mimi—kama ilivyosemwa—haya mambo ya rambirambi yamenishinda; maana ninaona hayo mambo makubwa zaidi yametokea na hata unashindwa kujua utasema nini juu ya mambo kama haya. Watu lazima waangalie na waone ukweli uko wapi. Ukisikiliza Sauti ya Ujere-manja Mashariki, inasema vingine, Sauti ya Marekani inasema vingine na hawa wenye kutuma habari hizi wako nasi hapa. Kwa hivyo, lazima tujue kwamba wale walifanya maovu haya wana kazi kubwa ya kufanya ili

kuwapumbaza wananchi. Wanaeneza uvumi wa kusema kwamba ni fulani na hali wao ndio walifanya hiki kitendo cha kinyama.

Bw. Naibu Spika, kitu kinanifanya kutolala hata siku moja tangu jambo hili kutokea ni kule kukumbuka jinsi alivyowasihi na kuwalilia hawa "nyang'au" na huku mahali walipomuuliza. Tunavyojua Marehemu J. M. Kariuki alikuwa mtu wa kusema sana, na ninafikiria jinsi alivyowasihi na kuwalilia hawa "nyangau" na huku wasimuache wala kumpa onyo! Hiki kitendo kinatufahamisha kwamba sisi tuko hatarini sana. Ni juu ya Serikali kurudisha imani yao kwa wananchi. Imani sasa—tupende au tusipende—imeshaanza kuondoka na inaondoka kwa haraka sana!

Bw. Naibu Spika, wakati tulipokuwa tukizungumza juu ya Hotuba ya Rais nilisema kwamba kulikuwa na mambo ya kutisha. Wakati umefika ambapo wenye kutaka ukweli na wauone: afadhali tuwe na utawala wa imla au utawala wa demokrasia. Hapa tunataka kudanganywa ati tuna demokrasia kukiwako na imla ndani. Tusidanganyike hapa. Wakati bomu ya kwanza ilipoli-puliwa hapa Nairobi, nilisema kwamba wakati umefika ambapo wale wenye kuangalia ulinzi wa nchi hii na waache biashara na waache kuwafanyia watu fulani kazi; waache kuwajenga watu fulani katika Serikali. Watuwachie sisi wanasiasa tupigane kwa siasa Kiingereza. Ninasema hivyo kwa sababu Mwingereza anaa-mini siasa tu na yeye haamini ugaidi wa Kimarekani; na haamini ugaidi huu ambao umezuka Kenya. Ikiwa mtu ameshindwa na mwenzake aliyeshindwa hana budi kukubali na ikiwezekana ajiuzulu na aende nyumbani kuliko kufikiria kwamba njia bora ni kumuua aliyemshinda.

(Vifijo)

Unaweza kumwondoa mtu *physically*, lakini huwezi kuondoa fikira zake kwa watu. Bw. Naibu Spika, nina- posema hapa, mimi ni mmoja wa wale waliojitetea kwa uchaguzi uliopita, na niliambiwa, "jiteteeni, huu uchaguzi msijidai nao, hamtamaliza Bunge hilo." Nilikuwa nikifikiri maneno haya ni ya siasa za kutisha, lakini sasa ninaamini kwamba ni siasa ya kuua ukweli!

Kwa hivyo, ninawaomba wale watakaofanya kazi hii wajaribu kutafuta ukweli uko wapi. Ikiwa haki itapatikana, lazima kamati hii ifanye kazi kwa kushirikiana na wale wanaofanya kazi ya upelelezi kwa upande wa Serikali. Lakini ikiwa watajitenga—na mnajua sisi hatuna *facilities* kama vile upande mwingine unavyo—mtu anawekwa katika chumba cha maiti kwa muda wa siku 11 na bado wanatupumbaza! Hata sitaki kuendelea kusema kwani haya ni mambo mabaya zaidi.

Ingefaa tuache mambo haya yapoe na tuipe nchi nafasi ya kutafuta ukweli. Vile Mbunge fulani amesema hapa, sasa iko nafasi ya wale wanaotaka kuharibu, au ya mtetezi ambaye hapendi mwingine. Unaweza kuwa unatafuta ukweli na wengine wanakubandika jina lingine ili uwache kazi hiyo, maana yake huenda ukagundua ukweli huo. Lazima tutumie akili timamu na tuone kama ukweli utapatikana. Nina hofu na sijui Kenya itaendelea na mambo haya kwa muda gani. Wale waliuawa hapo mbeleni walienda na tulisikia waliwakamata wauaji; ni hii tena tutakayongoja kuambiwa ni nini kitafanyika. Lakini lazima watu wajue kwamba

[Waziri Msaidizi wa Ardhi na Makao]

maadui wa Kenya wako tayari kututenganisha. Nina-waomba wananchi wawe watulivu. Vile Mhe. Waruru Kanja alivyosema, lazima tuchunge sana tusije tuka-wafanya wananchi wamwage damu tena. Tukiwa vion-gozi tusiwachemshe roho za watu kuua mtu.

Kama tuna haki na pia Serikali ni ya haki, basi tu-ambiwe aliyemchukuwa Marehemu J. M. na kumpiga risasi kinyama. Inasemekana alipokuwa akiwawa watu walisikia akilia. Inasemekana kwamba alipigwa risasi, uso wake ukaharibiwa na mwishowe akawachwa huko maiti. Unyama na ukatili wa namna hii utazunguka na mwishowe utarudi kwa yule ambaye alianza mambo kama haya.

Kwa hayo machache, Bw. Naibu Spika, ningeomba kuunga mkono.

Bw. Nassir: Ahsante sana Bw. Naibu Spika kwa kunipa nafasi hii ili niseme machache kuhusu jambo hili.

Ule moyo ambao nilikuwa nao wakati nilichaguliwa kuwa Mbunge, umeongezeka kwa sababu ya kuona kwamba Wabunge wenzangu wanaendelea kunitia nguvu zaidi. Sasa ninaanza kufikiri mimi ni Mbunge haswa. Ni kitu kizuri kwa Wabunge wote kupewa nafasi ya kutoa maoni au fikira zao kuhusu kamati itakayo-undwa. Kwa mfano, mimi ni mwanakamati wa kamati moja ya Bunge. Juzi, niliona ya kwamba Mawaziri na Wabunge wanaweza kuendesha mambo yao bila kui-ngiliana hata kidogo. Katika kamati hiyo tuna Mawaziri Wawili. Mimi mwenyewe ningeenda kamati hiyo iwe na Mawaziri watatu, lakini kwa sababu kazi ile wale Mawaziri wawili wanafanya inatosha, hakuna haja ya kuongeza idadi yao. Sisi sote kama Wabunge ambao walichagulia shabaha yetu ni kuonyesha ulimwengu mzima kwamba katika Kenya hatuna Serikali ya kinya-ma. Kamati hii itashughulika na mambo yanayohusu kifo cha mmoja wetu. Kama watu wengi husema, binadamu ni *selfish* hata ikiwa yeye ni kasisi na kadha-lik. Kuna madola mengi makubwa ambayo hudanga-nya wananchi kwa kuwambia wawe hivi na wafanye hivi. Sisi ambao tumesoma vitabu au kusikia kwa radio tunajua ya kwamba kuna watu wageni ambao hulipa sisi pesa nyingi ili tuwafanyie mambo fulani hapa nchini. Ni lazima tuchunge mambo kama haya hata ikiwa ni mimi Bw. Nassir ambaye ninayafanya. Ni lazima pia tujue kama mambo yale tunayafanya yana-toka kwa vichwa vyetu au yanatoka kwa wageni. Madola mengi katika dunia hii hupenda Kenya. Lakini kuna madola mengine ambayo hayapendi Kenya. Kifo cha mtu mmoja kimekwishaharibu uchumi wa nchi yetu Yule ambaye alimuwa Mhe. J. M. Kariuki, haku-muwa Bw. J. M. Kariuki peke yake, lakini aliwa Kenya. Ukisoma magazeti, hasa ya ng'ambo, utaona ya kwamba watu kutoka sehemu zote wanasema Kenya ni kama nchi zile zingine za Afrika ambamo watu huuwana tu. Je, ikiwa ni hivyo, ni tajiri gani ambaye ataleta pesa zake hapa ikiwa mambo ni kama hivyo?

Sijui kazi ambayo Sauti ya Kenya inafanya. Ikiwa Sauti ya Kenya haina nguvu za kutosha, ni lazima tuongeze nguvu. Ni lazima tukumbuke ya kwamba Sauti ya Kenya si duka. Sababu iliyotufanya iwe na televisheni na Sauti ya Kenya ni kujua mambo ale yanayotendeka hapa nchini na nchi za ng'ambo

vile vile. Wakati ule radio ya nchi ingine inatoa uvumi juu ya nchi yetu, ni wajibu wa Sauti ya Kenya kujibu uvumi huo. Radio za Tanzania na Uganda zinashinda Sauti ya Kenya. Radio za nchi hizo mbili hutumikia watu wa nchi hizo kila saa. Kabla ya kuchaguliwa niliuliza Serikali ijaribu kuona Sauti ya Kenya ina nguvu za kutosha. Serikali yetu na siasa ni kitu kimoja. Serikali ya Kenya ni siasa na kwa hivyo ni lazima itumikie wananchi kwa njia zote. Sijui ni kwa nini Serikali ilikosa kutuambia mara kwa mara kupotea kwa Mhe. J. M. Kariuki. Hata ninasikia kuna mambo mengi Serikali inaogopa kusema sijui ni kwa nini. Ni lazima Sauti ya Kenya ianze kufundisha watu wetu mambo ya kisiasa. Sijui labda yule Waziri ni *a very well educated boy* ndipo apewe kazi ya elimu. Ingefaa Wizara hiyo ipewe mtu ambaye anaweza kuyaelewa mambo ya siasa. Ikiwa nchi yo yote katika ulimwengu haina radio ambayo inaweza kutangaza mambo ya kisiasa, na hali nchi hiyo ni ya siasa, iko hatarini kubwa sana. Kwa hivyo, furaha yangu ni kuona kwamba Wabu-nge na watu wote ambao wako hapa wameshirikiana kuona kwamba vitendo vya haramu, vitendo vibaya, na vitendo vitakavyoirudisha nchi nyuma, vimekazwa kwa nguvu sana ili visitokee tena. Hata ikiwa ni lazima wengine waende, lakini nimeona nguvu za watu miaka iliyopita, wakati watu wengine walipokufa na nguvu za watu wote wamejitolea kama ndugu moja. Hawakumfi-kiria Marehemu J. M. ni kabila gani au ni nani. Twamuona leo Marehemu Kariuki kama ndugu yetu. Wabunge wengine kutoka Pwani wamepigwa simu wakiambiwa, "Rudini kwenu, kuna balaa huko", lakini sisi tumesema tutabaki hapa na halafu tuende kumzika Kariuki, na twataka kuona kama Serikali itatupatia ulinzi wa kutosha huko. Wabunge wote lazima waende wakamzike ndugu yao huko sawasawa.

Kwa hivyo, naiomba Kamati itakayochaguliwa ifanye kazi yake kwa uzuri na ionyeshe nchi nzima ya Kenya kwamba wao walipewa uwezo na Wajumbe wa Bunge, ili waweze kujua ni mambo gani yaliyofanyika, na hata ikiwezekana wachapishe vikaratasi au vitabu vidogo, ili watupashe habari jinsi mambo yanavyokwenda. Lakini, kama nilivyomsikia mwenzangu akisema, tusiseme kwamba nyinyi ni polisi na wale wengine ni polisi wengine tofauti. Ni lazima mtafute njia ya kuweza ku-fanya kazi hii, ili msigongane katikati.

Ahsante sana.

Bw. Naibu Spika: Any Government responder?

Wabunge Fulani: He has already responded.

Bw. Naibu Spika: All right, carry on.

Waziri Msaidizi wa Maji (Bw. Wanjigi): Ahsante, Bw. Naibu Spika, kwa kunipatia nafasi ili niunge hoja hii mkono ambayo inamhusu rafiki yetu Marehemu, Bw. J. M. Kariuki.

Kwanza, Bw. Naibu Spika, ningeenda kuwatolea shukrani kubwa wale malaika Wamasai wadogo ambao baada ya kusikia mlio wa bunduki usiku, walijisumbua asubuhi yake na kwenda kuangalia ni kitu gani kilicho-fanyika.

(Shangilio)

Watoto hawa ni malaika kwa sababu magaidi walio-muua Marehemu hawakudhania hata kidogo kwamba

MACHI 14, 1975

—Kuchungua Kifo cha Marehemu Mhe. J. M. Ka

[Waziri Msaidizi wa Maji]

angepatikana au kuonekana tena katika nchi hii yetu. Nawatolea shukrani kubwa kwa sababu sisi hatuna Ziwa Victoria karibu, ambapo pengine magaidi hawa wangeweza kwenda na kumtumbukiza Marehemu J. M. Kariuki. Walipomtupa katika msitu wa Ngong, malaika Wamasai, kwa bahati yetu, na kwa bahati ya Kenya nzima, walimuona Marehemu asubuhi yake akiwa amepigwa risasi mara nne. Walipokwenda kutoa ripoti, Bw. Naibu Spika, marehemu alitwa "mhuni" au "mkora" ambaye alipatikana ameuawa akiwa na mavazi mazuri. Hii ndiyo ripoti iliyoandikwa. Tunasikia kwamba alama ya vidole vya marehemu haikuchukuliwa wakati alipopelekwa huko chumba cha kuwekea maiti. Tuliambiwa hata na Mkuu wa Polisi kwamba wakati alama ya vidole ilipochukuliwa, mwili wa marehemu ulikuwa umeoza. Lakini, Bw. Naibu Spika tunasikia kwamba alama ya vidole ilichukuliwa tarehe 6 Machi, 1975. Hivi ni kuonyesha kwamba alama ya vidole ilichukuliwa baada ya siku tatu katika chumba ya kuwekea maiti. Pia tunasikia kwamba baada ya alama ya vidole kuchukuliwa, haikupelekwa kutambuliwa mpaka tarehe 12 Machi, 1975. Ni nani huyu ambaye analipwa pesa za Serikali na haoni haja ya kufanya kazi?

Mbunge Fulani: Yuko kwa biashara yake.

Waziri Msaidizi wa Maji (Bw. Wanjigi): Ahsante Mheshimiwa kwa kuniarifu namna hiyo. Bw. Naibu Spika, naambiwa na Mbunge mwenzangu hapa kwamba mfanyakazi huyu alikuwa kwa biashara yake. Kiwa alikuwa kwa biashara yake, basi nyakati zilizopita tumekuwa tukilalamika hapa kwamba watu wengine wanalipwa mishahara na Serikali lakini ofisini hatuwaoni.

Tungependa magaidi ambao walimuua "J. M." kufahamu kwamba afadhali wangemweka msalabani badala ya kumuua kinyama kama waliomfanya. Yeye angeliuawa kama marehemu Isaac ambaye alitolewa damu yake ili ahifadhi demokrasia katika Kenya. Damu ya marehemu itatiririka kama maji na kumfufua yule mtu ambaye alimuua marehemu "J. M." Bw. Naibu Spika, demokrasia ilianza kufifia hapa Kenya wakati marehemu Pinto aliuawa kinyama na hatukujua mtu ambaye alimuua. Tuliulizana yule aliuwa lakini hatukuambiwa mpaka sasa. Kwa sababu alikuwa ni Mhindi, tulisahau. Baadaye, Bw. Tom Mboya aliuawa. Wakati tulianza kuuliza kwamba *Commission of Inquiry* iundwe kutafuta yule aliyemuua marehemu Tom Mboya, ombi hili lilikataliwa mbali. Lilikataliwa mbali kutokana na kisingizio ya magaidi ambao hawataki sisi kujua ukweli uko wapi. Watu hawa ni wahaini.

Wakati magaidi hawa walipomuua marehemu "J. M." nafikiri walikuwa karibu kusema kwamba watu sisi sote hapa Bungeni ili mambo ya "J. M." yasizungumzwe kama vile wameua Kanu. Bw. Naibu Spika, Kanu imekufa na ni wajibu wetu kusema wazi mambo haya; watu fulani wameua Kanu, demokrasia na kadhalika. Sisi tutakataa kusikia mwito wa "Harambee". Hatutaki. Ni harambee gani ya tumbo ya kula na kutoa nje ikiwa wananchi wetu hawana ulinzi wa kutosha? Kila wakati "Harambee", kila wakati "harambee", hatutaki kusikia mwito huu. Sisi kama Kanu Parliamentary Group, tafadhali Makamu wa Rais, hatutaki kusikia kitu kingine kikizungumzwa mpaka tutakapoambiwa mipango ya

uchaguzi wa Kanu. Hakuna mtu ambaye ana chimba hawa magaidi isipokuwa Kanu. Wa wamepewa bunduki za kuua wananchi. Zama nilisema kwamba katika nchi hii kuna "inner" na sasa tumethibitisha kwamba mviringo wa ndi Serikalini yetu. Mviringo huu, Bw. Naibu Spika tokea na bunduki ya kuua watu. Hakuna rafil hapa ambaye anaweza kujibu kitendo hiki; h Ukitaka kujua, jaribu kuingia mahali pengine Naibu Spika, ukijaribu kuingia mahali pengine mamishwa na messenger; unaambiwa "No, Hata ukiwa na bendera unasimamishwa na yeye mwenyewe akitaka kuingia anafanya hivyo urahisi tu. Kila wakati yuko naye. Hii ni Serikali

Ikiwa Serikali ni ya Kanu, basi ni lazima iwe ya Serikali si mali ya mtu. Mimi nasema kwamba t kama Kanu Parliamentary Group tukatae kuzungu kitu kingine—sitaki harambee au kitu cho chote-pokuwa uchaguzi wa Kanu. Kama ni mwezi ujao tu penda kuanzia kutoka kwa mizizi hadi Mwan Mkuu, Mwenyekiti, Makamu wa Rais na maofisa v wa chama. Kenya ikiharibika, watu hawa ndio tutakiwaauliza. Tunataka raia wapate nguvu, kwa sab kama vile Mhe. Waruru Kanja alivyosema, watu w gine wanasema kuwa afadhali tungekuwa katika u wala wa ukoloni. Wakati huo ulipomwendea ofisa wilaya, alikuwa akikusikiliza. Wakati huo ukienda t ko, hakusikilizi kamwe. Pia, Bw. Naibu Spika, chifu lokesheni amekuwa mkubwa hata kushinda Mheshin wa. Mambo haya yanafanyika kwa sababu ule mti v demokrasia ya Kenya umekufa. "J. M." aishi maish marefu kwa sababu damu yake itafufua ule mti wa d demokrasia katika Kenya.

Ingekuwaje tukapata gazeti zima la kudanganya Kenya? Gazeti hili lilitudanganya makusudi kwa kusema kwamba marehemu yuko Zambia na hali alikuwa ameuawa. Ilikuwa mtu fulani kufikiri kwamba anaweza kudanganya taifa zima la Kenya? Watu wengine wanasema ati toleo maalum la *Daily Nation* halikuwa sawasawa, lakini maoni yangu ni kwamba jambo hili lilifanyika makusudi kwa kupotosha wananchi.

Bw. Naibu Spika, kwa sababu saa yangu imekwisha, ninataka kusema kwamba marehemu "J. M." ni Isaac wa Kenya na Afrika. Kwa hivyo damu yake izidi kudelelea na sisi. Ahsante.

Bw. Kimani: Ahsante Bw. Naibu Spika.

Kama Serikali ya Kenya haitaonyesha vile marehemu "J. M." alivyofariki dunia, nchi hii haitakuwa na amani. Sisi tumefuata wasemaji wote waliozungumza hapa na tuna tashwishwi kwa maneno mawili. Marehemu "J. M." alipigania nchi hii tangu alipokuwa kijana wa umri mdogo. Sisi Wabunge tumeanza kugundua ya kwamba tumekaa katika Bunge hili kama ng'ombe waliowekwa kwenye zizi. Hatutavumilia tena kuitwa waheshimiwa kwa sababu kuitwa hivyo ni kama kuitwa jemadari asiye na majeshi au *a Commander-in-Chief without soldiers*. Hatuna ulinzi wa kutosha, Bw. Naibu Spika. Tunajua siri nyingi sana ambazo zinafanyika hapa. Mtu hupotea na wakati Waziri wa Mambo ya Ndani anaulizwa mtu huyo yuko wapi, baada ya kupotea kwa mizezi sita, anasema kwamba wangali wanamtafuta. Sasa tumeanza kuamuka na kuona makosa yako wapi Ina-

[Bw. Kimani]

semekana wazi kwamba Bw. J. M. Kariuki alitolewa katika Hilton Hotel hapa Nairobi. Hoteli hii haitembelewi na mtu mmoja au wawili lakini inatembelewa na watu wengi. Watu ambao wana pesa wanatembelea hoteli hiyo pamoja na marafiki zao. Serikali ina haki ya kujua na kupeleleza ni nani alimwita Bw. J. M. Kariuki kutoka hoteli hiyo. Watu hawo wote ni lazima wakusanywe pamoja ili wasimulie hadithi hiyo.

Jambo la pili ni kwamba Serikali ina lawama kubwa kwa sababu Bw. J. M. Kariuki alipigwa risasi huko msituni na baadaye mwili wake ukawekwa kwa siku 10 katika chumba cha kuwekea maiti cha Jiji la Nairobi bila kujulikana. Sisi wenyewe tunafikiri kwamba kuna kitu fulani ndani ya jambo hili. Ikiwa aliyemuua Bw. J. M. Kariuki angeshtakiwa hatungetosheka kwa sababu hatutaki kifo cha Bw. Kariuki kiwe kama kifo cha Bw. Tom Mboya. Tungetaka vile vile kujua ni nani aliyemwajiria muuaji huyo kazi ya kumuua Bw. Kariuki. Tungetaka kuwajua watu hao wawili, aliyefyatua risasi ambayo ilimuua Bw. Kariuki na aliyemwajiria muuaji hiyo. Kifo hiki chaonekana kama kifo kilichopangwa hapo mbeleni. Kama mnavyotuona hapa msifikiri kwamba sisi hulala nyumbani. Tunalala kando ya nyumba zetu. Wabunge hawataki kulala katika Nairobi, Bw. Naibu Spika, kwa sababu wanajisikia kama mahabusu. Kuna faida gani ya kuwa Mbunge wakati kila siku unasikia baridi? Kenya yaelekea motoni na kama mwennendo huu hautageuzwa mambo yatakuwa mabaya zaidi. Wakati umewadia wa kugeuza mambo fulani katika nchi hii haraka iwezekanavyo. Hii ni kwa sababu hakuna mtu, hasa Wabunge, ambaye hakujua Bw. J. M. Kariuki alikuwa nani. Hata mwenda wazimu alijua Bw. Kariuki alikuwa nani. Kwa hivyo kila mtu katika nchi hii alijua Bw. J. M. Kariuki alikuwa nani. Bw. Kariuki alipigania uhuru wa nchi hii, Bw. Tom Mboya alipigania uhuru wa nchi hii na kwa kweli watu hao wawili hawakuwa wakipigania uhuru ili wafaidi nafsi zao. Lakini walikuwa wakipigania uhuru ili watu wote wa Kenya wafaidike. Kwa hivyo, hata kutokee nini, Kenya yaelekea motoni sasa. Mkicheza, na mchezo uko uwanjani, mtajikuta katika hali ya kutojiweza tena lakini mtakuwa mmechelewa. Kwa hivyo, tunataka tuambiwe ukweli juu ya kifo cha marehemu Bw. J. M. Kariuki. Hatutaki kuja kuambiwa hapa "Oh, tungali tunaangalia hayo mambo na tunafuata kifo hiki kwa makini sana". Tunataka kujua kifo hiki kilitokea namna gani. Watu ni lazima wafanyiwe msako ili kifo cha Bw. Kariuki kijiulikane kilitokea namna gani. Katika kifo hiki kuna watu wawili ambao wanahusika sana, mwenye kufyatua risasi na yule aliyemuandika mwenye kufyatua risasi. Lakini ikiwa mwenye kufyatua risasi atapatikana na apelekwe nbele ya korti hatutatosheka mpaka mwenye kumuariria kazi hiyo apatikane. Sisi tulikuja hapa ili tulinde Kenya na mipaka yake. Bw. Naibu Spika, mimi ni mtu wa tabia sawa na za Bw. Kariuki kwa sababu mimi humana chochote nitakacho kwa sababu niliumbwa hivyo. Iwezi kubadilisha tabia yangu hata kidogo. Mimi naeza kusema juu ya jambo lolote ambalo ni haki kuigana na maoni yangu na nikifanya hivyo siwezi kuopa kufungwa au kuuawa. Juzi nilitoa siri zangu kwa nii yangu kwa kumwambia mke wangu nina deni ya ani na fulani, shamba hili limebakia pesa ngapi bila

kulipwa na nyumba hii imebakia pesa ngapi bila kulipwa. Niliwaambia siri zangu kwa sababu mimi niko njiani ya kifo. Ikiwa Bw. Kariuki alikuwa na deni ya mtu au aliharibu kitu fulani cha Serikali ingefaa apelekwe kortini badala ya kuuawa. Serikali ya kidemokrasia hufuata mwenendo kama huyo, Bw. Naibu Spika. *We have been claiming that we are completely westernized but we are not.* Sisi tungali tuko katika giza. Mmekuwa mkikemea nchi jirani yetu kwamba watu huko hupotea lakini katika nchi yetu watu wameanza kupotea vile vile. Wabunge wengine wanafikiri huu ni mchezo lakini wakati umefika kwa wao kufanya mchezo wa paka na panya. Wengi wenu mkiwa na bahati mbaya mtakuja kujiona katika hali ya hatari siku za usoni. Aliyezungumza pale Mhe. Mbunge wa kule kunaitwa Uasin Gishu ni msichana. Alisema ukweli na akaambiwa "polepole" hiyo sio *driving* na Wamunge wengine. Yeye alitumwa hapa na watu wa Uasin Gishu kusema ukweli wake na fikira zake ziwe wazi. Bw. Naibu Spika, mimi sitaki kuongozwa na mtu fulani kwa kuniambia, "sema hivi", nikiwa nilitumwa na watu wangu kuwakilisha katika Bunge hili. Nilipokuja hapa ni nani aliyenituma? Mimi niliingia hapa na kura za watu na sio mtu wa Bunge hili aliyenileta hapa wala hawakuniandika. Kwa hivyo, tunataka kusema haki—ukweli—na tunataka Serikali itwambie ya kwamba Mhe. Bw. J. M. Kariuki alitoweka namna gani. Watu wa magazeti—sijui ni nini waliandika kwa herufi kubwa "*J. M. in Zambia*" kufanya biashara! Nataka gazeti hilo lieleze lilitoa habari hiyo wapi? Tulisikia maneno kwamba ati alikuwa Morogoro, Tanzania. Sasa kama kuna sehemu nyingine tuambiwe ilitoka wapi. Lakini kitu ambacho hatutakubali ni kuambiwa kwamba twende tukaseme huko tunaendelea, na sasa hatulali. Serikali inataka kugonganisha watu. Hakuna mtu ambaye ana haki kusema ati ni fulani mpaka mambo haya yaletwa wazi kwa wananchi wote. Serikali ikikataa kusema ni nani aliyemuua Mhe. Bw. J. M. Kariuki, mpango ulifanyiwa wapi, na waambieni mwisho wetu wakaribia wa kuongoza nchi hii wadogo na wakubwa. Hata Mungu yuko mbinguni na anajua namna hiyo.

Bw. Wachira: Ahsante sana, Bw. Naibu Spika, kwa kuniruhusu niseme machache juu ya kifo cha marehemu Bw. J. M. Kariuki.

Bw. Naibu Spika, mimi sitasema mengi lakini Jamhuri yetu ya Kenya pamoja na wananchi wote watukufu ni lazima wakae na amani na bila wasiwasi. Kwa sababu Bunge hili ndilo la kutunga sheria, itakuwa ni aibu sana kama Mbunge aliyechaguliwa na watu kuwakilisha katika Bunge hili, kutoweka katika nchi yetu na kuenda kuuawa kinyama.

Mimi kitu ambacho ningetaka kusema ni ya kwamba kama vile Waziri wa Mambo ya Nchini alikuwa akieleza hapa, alikuwa akieleza kitu ambacho hajui ni kitu gani. Kwa hivyo, ni aibu sana kusikia ati polisi wetu ndio wanaohusika na mambo kama haya. Sasa ikiwa polisi wetu ndio watakuwa wakihusika na mambo machafu kama haya, nchi hii yetu inaelekea wapi? Ni juzi tu nilikuwa mahali fulani na wananchi walikuwa wakisema ya kwamba akisha shikwa na polisi, hawezi kuenda mpaka Mkuu wa Polisi, yaani *Commissioner of Police* aje hapo kwa sababu mtu akishikwa

[Bw. Wachira]

anakwenda kutoweka na baadaye anakwenda kuuawa kule Ngong.

Sasa, Bw. Naibu Spika, ni makosa makubwa sana kwa kukosa Mbunge wa Nyandarua Kaskazini kwa sababu Mhe. Bw. J. M. Kariuki ametenda mengi katika nchi hii yetu. Alikuwa Manyani na alihangaishwa sana na mkoloni. Sasa wakati ule alipokuwa hapa kutetea nchi yetu tukufu, alichukuliwa katika hoteli moja kubwa hapa Nairobi na akaenda akauawa kinyama huko Ngong. Bw. Naibu Spika, ni makosa sana kwa Mhe. Mbunge au mtu mwingine yeyote kuchukuliwa na kuenda kuuawa. Ikiwa mtu ana makosa ni heri apele-kwe kortini.

Bw. Naibu Spika: Saa yako imekwisha, Bw. Wachira.

Waziri Msaidizi wa Ujenzi (Bw. Keen): Bw. Naibu Spika, swali kubwa tunapojadili Hoja hii ni kwa nini Mhe. J. M. Kariuki aliuawa. Je, ni kwa sababu alikuwa akiwatetea raia au ni kwa sababu alisema mambo fulani ambayo pengine hayakuwapendeza watu wengine katika nchi hii? Hilo ndilo swali kubwa ambalo litakuwa katika mioyo ya watu katika siku zijazo.

Jambo lingine ni kwamba Makamu wa Rais, na ambaye pia ni Waziri wa Mambo ya Nchini ni lazima Bunge hili na taifa zima limuondoe katika lawama yo yote maana yake amekuwa katika giza, na kwa dakika 30 amekuwa hapa akijaribu kutueleza kwamba hakujua Mhe. J. M. Kariuki alikuwa wapi.

(Shangilio)

Wale waliomuona Makamu wa Rais alivyokuwa aki-sema hapa wanafahamu kwamba ilionekana wazi kwamba moyo wake ulikuwa wazi kwamba hakuwa akijua cho chote juu ya kule alikuwa Mhe. J. M. Kariuki mpaka dakika za mwisho. Kwa hivyo ni lazima lawama yo yote iondolewe kwake kabisa.

(Shangilio)

Bw. Naibu Spika, swali kubwa ni hili: Je, huu ni wakati wetu katika Kenya kuwa na *internal strife*, na hali tunajua kwamba tuna *inflation*, watu wetu hawana kazi, watu wetu hawana kitu cha kula, na hali pia tunajua kwamba wengine wa majirani wetu hawatupe-ndi kwa ajili ya maendeleo tunayoyafanya? Ni nani anayejua kaskazini mashariki ya nchi yetu kutakuwa namna gani? Ni nani anayejua kusini ya nchi yetu kutakuwa namna gani? Kwa hivyo, ikiwa sisi wenyewe tutaanza kuingiliana hapa kama mbwa na kuuana ki-nyama jinsi hii, nchi hii itakuwa nini? Tutakaa je? Tutakaa kama taifa moja, lenye nguvu kama vile tume-kuwa tukiwaambia kila mara, ambapo hakutakuwa na ukabila au jambo lo lote baya au tutakaa kama ma-taifa madogo madogo? Ikiwa hakuna usalama, ikiwa hakutakuwa na jambo lo lote la kuwaunganisha watu wetu pamoja, basi mimi nitakwenda kukaa katika ile manyatta ya Kimasai kama mshenzi na mwingine akae kwao Nyeri na halafu tuangalie kama kutakuwa na maendeleo yo yote katika nchi hii au kama tutaendelea kuwa nchi moja iliyoungana. *A house that is divided can never stand by itself*, na wale wanaofanya mauaji kama haya wanataka kuugawanya umoja wa wananchi wa Kenya na nchi hii izame katika giza la milele na milele. Mimi nafurahia kuona kwamba Wabunge wote, Mawaziri pamoja na watu wengine wamesinama imara

ili kulitetea jambo hili. Tutaizidi kulitetea leo, kesho na keshokutwa bila kujali cho chote. Ahsante, Bw. Naibu Spika.

Bw. Mathai: Bw. Naibu Spika, mimi natoa shukrani kwa kunipatia nafasi niseme machache juu ya Hoja hii.

Mimi ningetaka kusema jambo moja, Bw. Naibu Spika, ya kwamba kwa sababu nina imani na Bunge hili na pia na Makamu wa Rais na watu wengine hapa, Kamati hii ikichaguliwa na Bunge hili, iendelee kutafuta wanyang'anyi, wezi na magaidi waliofanya jambo hili na wapelekwe kortini, ili waadhibiwe kisheria. Bw. Naibu Spika, Mhe. J. M. Kariuki alitolewa mahali ambapo tunapojua, na ambapo kulikuwa na watu wengine ambao waliona jambo hili likitendeka. Marehemu alichukuliwa mahali hapo na alikuwa na pesa na vitambulisho katika nguo zake, lakini vitu hivi vyote vilichukuliwa na wezi hawa, na hata walimwibia pete yake, na halafu wakampeleka na kumtupa huko Ngong.

Mbunge Fulani: Walimwibia hata saa yake!

Bw. Mathai: Nasikia hata saa yake iliibiwa pia, Bw. Naibu Spika. Mimi ningependa Kamati hii iliyochaguli-wa ifanye kazi yake ya kuwasaka hawa wevi, wanyang'anyi, *mafia* na magaidi bila kuogopa. Mimi nasema mambo haya, Bw. Naibu Spika, nikiwa nimesi-mama mahali ambapo Marehemu J. M. mwenyewe alisimama alipotoa hotuba yake ya mwisho. Mimi, Bw. Naibu Spika, nawauliza Wabunge walio katika Kamati hii, ikiwa ni Mawaziri, au *Back-benchers* wafanye kazi yao bila kuogopa kwa sababu damu ya Marehemu J. M. Kariuki inalililia Bunge hili inamililia Mwenyezi Mungu, na inalililia taifa zima, ili haki itendeke. Nina-posema sasa, Bw. Naibu Spika, watoto wa Marehemu J. M. Kariuki hawana baba, na wake zake hawana wa kuwaangalia, kwa sababu magaidi ndani ya Serikali yamechukua roho yake.

Serikali ingefaa ichungulie jambo hili kwa sababu wananchi hawana imani tena nayo kwa sababu ya jambo hili.

Ashante, Bw. Naibu Spika.

Bw. Mwangale: Bw. Spika, mimi ningependa kuwa-rudishia shukrani nyingi sana Wabunge wote, pamoja na Mhe. Makamu wa Rais kwa vile wameiunga mkono Hoja hii. Kama tunavyojua, sisi sote tungependa kuwa katika Kamati hii lakini hii haiwezekani. Kitu ambacho ningetaka kuwahakikishia Wabunge ni kwamba sisi ambao tuko katika Kamati hii tutafanya kazi bila kuogopa mtu yeyote. Nimesikia mwingine akisema kwamba kuna wengine ambao wako juu ya sheria. Kama wako juu ya sheria, basi tutawaweka katika ripoti yetu. Tutasema ya kwamba njia yote ya uchu-nguzi ilifuatwa lakini ikapotelea pale karibu na wale wako juu ya sheria. Kwa hivyo, tutafanya uchunguzi wetu mpaka tufikie wale ambao wako juu ya sheria. Hivyo tutafanya kwa sababu inaonekana sisi si watu wa kuogopa.

Bw. Naibu Spika, kitu ambacho nilikuwa nimesema hapo awali ni kwamba mambo ambayo Makamu wa Rais alisema hapa ni yale ambayo alikuwa amepewa kuja kusema. Tunaomba Mungu amsaidie ampe *will* ya kuwafuta kazi wale watu ambao walimpa habari hiyo mbofu kuileta hapa. Ni kuandika barua tu na kusema wametolewa kazi na sisi sote tuko nyuma yako.

[Bw. Mwangale]

Bw. Naibu Spika, katika hali tulio sasa, kitu ambacho tungemuomba Rais wetu ni kimoja, wale ambao wanakana kama Wazungu wa Jeshi ambao wako katika Kenya kwa wakati huu, waende nyumbani. Kama tuna taabu hapa sisi tutapata taabu hiyo kwa njia ya Kiafrika na hatutaki Wazungu. Kitu ambacho watu wa Kenya wamesema ni kwamba Serikali ambayo wanataka ni hii ya Kibunge lakini si Serikali ya Kimilitari. Kuna Mbunge mwingine hapa nafikiri ni Bw. G. G. Kariuki, aliyesema ya kwamba Waingereza wanapenda demokrasia. Kama kuna mtu ambaye wanafikiria ni mbaya, akiwa Heath au nani, anaondolewa kwa kide-mokrasia. Lakini wakifika upande wetu hapa, wanaleta mkono wao wa militari. Sasa tunasema waondoke na waende kwao. Ni lazima warudi nyumbani kwao na Mzee awe na imani kwa wale Waafrika wa Majeshi yetu kulinda nchi hii.

Kitu kengine ningetaka kusema hapa, Bw. Naibu Spika, ni kwamba mtu akija kwangu kuniambia yeye ni mtu wa Serikali na atanishika, mimi nitampiga ngumi tu. Mimi siwezi nipelekwe kule Ngong Forest kutolewa makucha na kukatwa vipande vya mwili wangu. Hapa-na, hayo mambo yamekwisha na nilisema hapa jana.

Bw. Naibu Spika, mimi ningetaka kumuuliza Rais mwenyewe aje hapa Nairobi ili tufanye maandamano,

kama tulivyofanya hapo zamani, Wabunge wote na wanachama wote wa Kanu na wananchi tutembe sote mpaka Uhuru Park ili Mzee alizungumzie taifa lake hadharani. Kama kuna watu ambao wanataka kutupiga risasi, basi na watupige risasi hadharani. Lakini, *this is not the time to hide*. Wakati watu wanatuona tukite-mbea usiku wanatuuliza: "Je, Mheshimiwa, wewe kama unaogopa kufa, basi na usiwe Mbunge. Kama wanakutafuta na wakupate usiku, watakutwaga risasi kama vile walimfanyia marehemu Mboya. Kwa hivyo, Bw. Naibu Spika, tusaaidiane sisi sote, Mzee atuzungum-zie, tufanye kazi pamoja bila kuogopa. Lakini kitu kimoja ambacho hatutakubali ni watu kutoka nje na kuanza kutugonganisha vichwa ili tuane sisi kwa sisi. *Unity and peace*.

Kwa hayo machache, Bw. Naibu Spika, naomba kupendekeza.

(Hoja iliamuliwa na kuafikiwa)

AHIRISHO

Bw. Naibu Spika: Sasa ni wakati wa kuahirisha Bunge. Kwa hivyo, Bunge limeahirishwa mpaka Jumanne, Machi 18 saa Nane unusu alasiri.

Bunge liliondoka saa Saba mchana

[Bw. Spika]

na mifugo. Hoja hio ya kuahirisha Bunge itajadiliwa baada ya kumaliza shughuli zote siku ya Jumatane, tarehe 13, Mei, 1975.

NIDHAMU

KUCHELEWESHA KWA RIPOTI YA KAMATI TEULE JUU YA KIFO CHA MAREHEMU J. M. KARIUKI

Bw. Muchiri: Jambo la nidhamu, Bw. Spika. Kwa vile Waheshimiwa Wabunge wengi wamesumbuliwa sana na wananchi kwa kuulizwa maswali mengi kuhusu matokeo ya Kamati ambayo ilichaguliwa kuchungua kifo cha Bw. J. M. Kariuki. Wengi wetu wameulizwa maswali mengi na wananchi na kwa hivyo tungetaka kujua kutoka kwa Mwenyekiti wa Kamati hiyo ni wakati gani Kamati hiyo itatoa ripoti yake. Hii ni kwa sababu kama Wabunge wajuavyo Kenya imekuwa nchi ya uvumi. Katika Kenya, kwa wakati huu, uvumi mwingi unaenezwa kote nchini. Wakati wowote Kamati hii itakuwa ikiendelea na uchunguzi wake uvumi utazidi kuenea. Kwa hivyo, Bw. Spika, ningependa kumuuliza Mwenyekiti wa Kamati hiyo atueleze ni wakati gani Kamati hiyo itatoa ripoti yake? Matokeo ya Kamati hiyo ndiyo yataweza kumaliza uvumi ambao unaendelea kwa wakati huu kwa sababu wananchi wataweza kujua vile mambo yalivyofanyika.

Bw. Spika: Kulingana na desturi ya Bunge hili, kama Bunge hili limekwishateua kamati kuangalia jambo lolote, hilo jambo huachwa kwa hiyo Kamati. Kamati yenyewe ndio iliyo na uwezo kusema wakati ule inafikiria ungefaa itoe ripoti yake. Lakini Kanuni za Bunge zinasema hatuwezi kuzungumza juu ya jambo ambalo liko katika kamati ya Bunge au hatuwezi *to anticipate discussions* juu ya mambo ambayo tumekwishapeana kwa kamati ya Bunge hili. Ni lazima tungojee mpaka ule wakati kamati yenyewe itatoa ripoti. Kamati yenyewe ikiona kuna haja ya kufanya hivyo, inaweza kufanya hivyo. Lakini Bunge lenyewe haliwezi kuuliza vile kamati kama hio inafanya. Ikiwa Bunge linaona kamati kama hio haifanyi kazi, hilo ni jambo lingine. Isipokuwa hivyo, hakuna njia ambayo tunaweza kuulazimisha Kamati hio itoe ripoti yake. Wale Wabunge ambao ni wanachama wa kamati hio ni Wabunge wa Bunge hili. Wao waliteuliwa na Bunge hili. Mbunge yeyote ania haki na nafasi kuongea na wanachama wa kamati hii na kuwaeleza kwamba kuna wasiwasi wa aina gani. Ikiwa kamati yenyewe ingetaka kuleta *progress report* kwa mfano, inaweza kufanya hivyo. Lakini hatuwezi kuanza kuwauliza wanachama wa kamati hio maswali hapa. Kwanza Wabunge hao ni Wabunge kama wale wengine na kila Mbunge, kama nilivyosema hapo mbeleni, anaweza kusema na wao kila wakati kuhusu jambo hili. Lakini hatuwezi kumuuliza Mwenyekiti wa kamati hiyo atoe ripoti yake kwa ghafla.

Waziri Msaidizi wa Ardhi na Makao (Bw. G. G. Kariuki): Jambo la nidhamu, Bw. Spika. Nimekubaliana kabisa na maoni yako, lakini ningependa usaidie Bunge hili kuhusu yale mambo ambayo yameulizwa na Mhe. Muchiri kwa sababu ni ya muhimu sana. Ni Bunge hili ambalo lilitoa Kamati hiyo. Lakini kwa sababu ya *gravity* ya mambo ambayo yanahusika na

jambo ambalo Kamati inafanya uchunguzi juu yake katika nchi nzima, ingawa Bunge hili halikusema ni wakati gani kamati hiyo itatoa ripoti yake, tungependa kuwauliza wanachama wa kamati hiyo wafanye kazi usiku na mchana ili tuweze kupata ripoti hiyo kwa haraka. Hii ni kwa sababu hatuwezi kuendelea kuambiwa tungojee. Isipokuwa kuna mabadiliko katika Kanuni za Bunge, Kamati yenyewe ilileta katika Bunge hili Hoja moja ya kuiwezesha iendele mpaka ule wakati itaamuru kutoa ripoti. Bw. Spika, ningependa kumuambia Mwenyekiti kwamba Wabunge wale walio-wateua wanataka ripoti ya Kamati hiyo ilete hapa. Hatutaki kamati hiyo ikalie ripoti yake kama mayai.

Bw. Spika: Kama Bw. Kariuki alivyosema ninafikiri hayo maneno yanasikika kote. Nina hakika ya kwamba wananchi wangependa kujua maendeleo ya Kamati. Ninafikiri Wabunge ambao ni wanachama wa kamati na mwenyekiti mwenyewe watapata habari kwamba Bunge hili linataka kujua ni kitu gani ambacho kinaendelea. Mimi mwenyewe ninafikiri wanaendelea kufanya kazi yao. Lakini inafaa waambiwe ya kwamba Wabunge wangependa kujua ni lini ripoti ya kamati itatolewa.

Bw. Shikuku: Jambo la nidhamu, Bw. Spika. Kwanza ningependa kuongea juu ya jambo ambalo Mhe. G. G. Kariuki aliongea juu yake. Sijui ni kwa nini Bw. G. G. Kariuki alisema kwamba Kamati yenyewe inalalia ripoti yake. Kwanza ningependa kulijulisha Bunge hili, kwamba mimi kama Mwanachama wa Kamati hiyo ninajua kwamba inaendelea na kazi yake vizuri. Kila siku tunaanza kazi kutoka saa tatu hadi kwa wakati mwingine saa tatu za usiku. Kazi ya kamati hiyo si rahisi sana. Sisi wanachama wa kamati hiyo tunajua kwamba hatutakaa mpaka mbinguni. Kwa wakati mwingine kamati inatembelea vituo vilio nje. Hata sisi wananchi wanatuuliza ni wakati gani tutatoa ripoti yetu. Tunajaribu kila kitu ili tuweze kuleta maneno ambayo ni kamili.

Bw. Muchiri: Jambo la nidhamu, Bw. Spika.

Bw. Shikuku: Ni lazima kila Mbunge ajue kwamba Wabunge hawakubaliwi kutoa jambo la nidhamu wakati wowote Mbunge mwingine anatoa jambo la nidhamu. Kwa hivyo, ni lazima Mhe. Muchiri akae chini mpaka wakati ule nitamaliza. Kule Embakasi, Mhe. Muchiri anaweza kusimama wakati wowote. Ni lazima akumbuke kwamba hapa ni Bunge.

Bw. Spika: Kamati inajaribu iwezekanavyo kuleta ripoti ambayo ni kweli. Kwa hivyo, ni lazima Kamati ichukue muda mrefu. Ili tuweze kupata ukweli tuna-waita watu. Kuzungumza na mtu ili uweze kupata ukweli si kazi rahisi. Kamati haitumii nguvu ili ipate habari kutoka kwa mtu yeyote. Kamati inabembelea watu ili wakubali kutoa maoni yao. Hiyo ni kazi ambayo inachukua muda mrefu. Wakati wowote ripoti itakuwa tayari kamati itaitoa hapa Bungeni. Kuhusu vile ulivyosema kwamba Kamati inaweza kuleta *progress report* ili Bunge hili lijue ni shida gani na ni wapi kamati imefika, hiyo Kamati inaweza kufanya. Lakini Kamati haitaki kuleta ripoti ambayo si ya kweli. Ukweli ni kwamba tunajua wananchi wanangojea ripoti ya kamati hii kwa makini. Kamati itajaribu

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[Bw. Shikuku]

iwezevyo kuleta ripoti yake haraka iwezekanavyo. Pengine itatubidi kufanya uchunguzi wetu *over the weekend*.

Bw. Muchiri: Jambo la nidhamu, Bw. Spika. Mimi ninakubaliana na uamuzi wako juu ya jambo hili lakini ningetaka kutaja jambo moja hapa. Kunalo jambo moja ambalo tunaona ya kwamba likiachwa liendeleo namna lilivyo litaharibu jina zuri la Bunge hili. Watu wengi wamekuwa wakisema kule nje kwamba wana-kamati hii wanahongwa na pia wanatumia pesa nyingi—Sh. 5,000—za wananchi kila siku. Kuna uvumi unaoenezwa juu ya wanakamati hao kwamba ukiwaona kwa mabaa utawakuta kwamba wamevalia masuti makubwa ambayo hawakuwa nayo hapo mbeleni. Mambo kama hayo ni mambo ya hatari kubwa sana kwa nchi yetu, Bw. Spika.

Waziri Msaidizi wa Nguvu za Umeme na Mawasiliano (Bw. Munyi): Jambo la nidhamu, Bw. Spika. Mimi nafikiri kwamba Waheshimiwa Wabunge wangufuata uamuzi ambao ulitoa juu ya jambo hili. Bw. Spika, wakati Bw. Shikuku alipokuwa amesimama kwa jambo la nidhamu alimuambia Mbunge mwengine kwamba watu katika Embakasi wanasimama kama sijui vijiti. Hayo ni maneno ya matusi, Bw. Spika. Kufuatana na uamuzi wako ni lazima ijulikane wazi kwamba sisi tu binadamu na si malaika. Kwa hivyo Bw. Shikuku hawezi kujifikiria kwamba kwa sababu yeye ni mwana-kamati wa Kamati hiyo, yeye ni malaika. Ni lazima watu katika nchi hii wajulishwe vile mambo katika Kamati hii yanavyoendelea. Si jambo la busara kwa Bw. Shikuku kuja hapa kila siku na kujifanya ati yeye ni malaika. Uamuzi wako ulikuwa mzuri na ni lazima wanakamati wasikilize maoni ya wananchi na watoe ripoti ya Kamati hii haraka iwezekanavyo. Tuna haki ya kuuliza Kamati hii itoe ripoti yake lakini mtu fulani kujifanya ati yeye ni malaika kila wakati si jambo la busara. Yeye ni malaika wa kutoka wapi? Ni lazima sisi tuheshimiane kama Wabunge na si haki kwa Mbunge huyo kuwatukana Wabunge wengine akifikiri ati wao si Wabunge kama yeye.

Bw. Spika: Nafikiri sasa tunachukua muda mrefu sana kwa hili jambo.

Waziri Msaidizi wa Utalii na Wanyama wa Porini (Bw. Lubembe): Jambo la nidhamu, Bw. Spika. Kulingana na uamuzi ulitoa juu ya jambo hili ulisema ya kwamba Kamati hii haiwezi kuamurishwa na Bunge kutoa ripoti yake, na kwamba inaweza kuendesha mambo yake mpaka wakati itakapotaka kutoa ripoti yake. Lakini Kanuni ya Bunge ya 157 inasema hivi:—

"A select committee shall make a report to the House upon the matters referred to it before the end of the Session in which the committee was appointed."

Kwa hivyo, Bw. Spika, kulingana na Kanuni hiyo mimi nafikiri kwamba kabla ya majira ya Bunge kuisha hili Bunge liko na haki ya kuuliza ile Kamati kutoa repoti yake. Kwa sababu majira ya Bunge hayajaisha, Mbunge yeyote ana haki ya kuuliza kamati hii kutoa ripoti yake, Bw. Spika.

(Shangilio)

Sisi—hatutaki kuficha jambo lolote kwa watu kwa sababu kusema uwongo kwa watu ni vibaya sana. Wale wanaochezacheza hapa ndio wanaozunguka nchi nzima wakijiita Rais wa Kenya au Waziri Mkuu wa Kenya. Wanakuja hapa tu kulialia na kuwadanganya wananchi ili ijulikane kwamba ni wao tu ambao wanajua mambo mengi katika nchi hii.

Bw. Spika: Kama nilivyosema hapo mbeleni mimi nafikiri kwamba ni heri tuachane na jambo hili kwa wakati huu. Mimi sikusema kwamba Bunge hili haliwezi, wakati wowote, kuuliza kamati itoe ripoti yake. Ni kweli kwamba tukifikia wakati ambako majira ya Bunge yako karibu kuisha, hili Bunge lina haki ya kuuliza lipate ripoti kutoka kwa Kamati hii kwa sababu majira ya Bunge yakiisha nayo kamati hiyo itaisha. Jambo ambalo nilisema ni kwamba hii ni Kamati ambayo ilichaguliwa na hili Bunge lenyewe. Wale ambao wako katika ile Kamati ni Wabunge wa Bunge hili na ingefaa waelewe ya kwamba hili Bunge lingependa kujua wamefika wapi na uchunguzi wao. Ikiwa hii Kamati ina imani ya hili Bunge basi hakuna sababu kwa wao kutojulisha Bunge wamefika wapi na uchunguzi wao. Bunge likiona ya kwamba hii Kamati haifanyi kazi kama vile ilivyotarajiwa lina haki ya kuuliza Kamati hii itoe ripoti yake. Hiyo ndiyo sababu nilisema kwamba watu wana hamu ya kujua kazi ya Kamati hii imefika wapi. Jambo hilo ni lazima lijulikane wazi. Kwa hivyo mimi nafikiri tumezungumza ya kutosha juu ya jambo hili na kwa hivyo ni vizuri tuendeleo na Dondoo lingine.

Bw. Anyona: Jambo la nidhamu, Bw. Spika. Mimi ningependa kusema kwamba wakati ule ulipokuwa safarini ng'ambo taarifa ilitolewa na mwenyekiti wa Kamati ile na akatueleza vile walivyokuwa wameendelea katika hiyo Kamati hadi siku hiyo. Aliomba, kwa kutoa Hoja, kamati ipatiwe muda zaidi ili iweze kutoa ripoti yake kwa ukamilifu. Hoja hiyo ilipitishwa na Bunge hili lakini sasa inaonekana kama Wabunge wengine wamesahau ya kwamba walipitisha Hoja kama hiyo na sasa tumeanza kusema mambo mengine. Bw. Spika, nilisimama kwa jambo hilo la nidhamu kwa ajili ya kuweka maneno hayo katika rekodi ya Bunge hili.

Ahsante sana, Bw. Spika.

Bw. Nassir: Jambo la nidhamu, Bw. Spika, mimi nafikiri Wabunge hawatachukua kifo cha Mbunge mwenzao kama jambo la kugombania katika Bunge. Tumekubaliana kwa moyo safi kuachia jambo la kifo cha mwenzetu kwa watu fulani ili wachungue kilicho-sababisha kifo hicho. Lakini leo tumeona ya kwamba kuna watu wengine wanaotaka kujua haya mambo kabla hayajachunguliwa kwa ukamilifu.

(Shangilio)

Bw. Spika juzi tulipitisha Hoja hapa ya kuwapatia wanakamati hao muda zaidi wa kuchungua mambo haya lakini Wabunge wamesahau hayo na sasa wana-taka hii Kamati itoe ripoti yake.

Mbunge Fulani: Uwongo! Uwongo! wewe unafikiri sisi hatuna akili?

Bw. Gituma: Jambo la nidhamu, Bw. Spika. Ni kweli kwamba hivi majuzi tulipitisha Hoja ya kuwaruhusu wanakamati waendeleo na uchunguzi wao lakini

[Bw. Gituma]

sasa tumesikia kwamba hii Kamati itakuwa ikichungua hayo mambo *indefinitely*. Inasemekana kwamba wanakamati hao wataendelea na uchunguzi wao *indefinitely* bila kutujulisha jambo lolote. Jambo langu la nidhamu ni la kuuliza kama hii Kamati inaweza kukaa *indefinitely* bila kutujulisha jambo lolote? Sisi tungetaka hii Kamati itoe ripoti yake upesi iwezekanavyo kwa sababu wananchi wote wa Kenya wanangojea ripoti hii kwa hamu sana. Sisi tunaona ya kwamba hii Kamati imekaa kwa muda mrefu zaidi kuliko vile tulivyofikiria hapo mbeleni wakati tulipoiteua. Kwa hivyo ili wananchi wasikae na wasiwasi juu ya jambo hili ni heri Kamati hii itoe ripoti yake haraka iwezekanavyo. Tungetaka Kenya iwe ikifuata utaratibu ule uliokuweco hapo mbeleni kabla ya jambo hili kutokea. Kwa hivyo ni heri Kamati hii itoe ripoti yake ili tuweze kukaa bila wasiwasi juu ya jambo hili.

Bw. Spika: Ukisoma zile *terms of reference* za Kamati hiyo, utaona Kamati hiyo iliambiwa na Bunge hili ilete ripoti yake hapa. Kwa hivyo, haiwezi kuwa *indefinite*. Ni lazima Kamati hiyo itoe ripoti yake kwa Bunge. Hiki ndicho kilinifanya niseme ya kwamba kama tukifikia mahali tuone imechelewa, na kama Kikao kiko karibu kumalizika, basi Bunge hili lina haki ya kuuliza: "Je, ile Kamati ambayo tulichagua, imefanya kazi gani?" Hivyo si kuseme ni lazima wangojee mpaka mwisho wa Kikao—kwa sababu Kikao kimoja ni mwaka mmoja—na mimi sifikiri kama kuna mtu ambaye angetaka tungojee mpaka mwezi wa Desemba. Nafikiri kitu ambacho ni wazi sasa ni kwamba watu wanataka kujua. Kama hiyo Kamati imejua ukweli. Ni lazima wafahamu ya kwamba watu wanataka kujua ukweli huo hata wao. Kwa hivyo, nafikiri tuwape nafasi tuone watafanya nini.

Waziri wa Afya (Bw. Osogo): Jambo la nidhamu, Bw. Spika. Wakati wewe haukuwa hapa, Bunge hili lilijadiliana juu ya Hoja moja ambayo ilitolewa hapa na Mwenyekiti wa Kamati hiyo na likapendekeza kwamba Kamati itaendelea kuchungua jambo hilo na ikiwezekana iendeleo kukaa hata kwa Kikao kingine. Hapa mimi nafikiri "Kikao kingine" means next Session. Hili Bunge lilipitisha Hoja hiyo kwa kauli moja. Sasa, jambo ninalouliza hapa ni hili: Ni nini kimefanyika ili Wabunge watake kujua matokeo ya Kamati hiyo kwa haraka namna hiyo? Hata kama kuna kitu kimefanyika, ni lazima walete Hoja nyingine, lakini haitaruhusiwa hapa—kulingana na Kanuni zetu—mpaka baada ya miezi sita. Kile ningetaka kujua sasa ni kitu gani ambacho tunajadiliana juu yake kwa sababu uamuzi ulifanywa na Bunge hili hapa majuzi. Kutoa uamuzi mwingine juu ya jambo lile, ni lazima tuondoe Kanuni za Bunge hili kwa muda. Labda hiyo itasaidia.

Bw. Spika: Kama nilivyoelewa, si kwamba Wabunge waliouliza jambo hili walikuwa wanasema ya kwamba Kamati haifanyi chochote. Walikuwa wanataka kuonyesha ya kwamba kuna hamu ya kujua Kamati imefika wapi. Lakini kama mambo yalienda kama vile Bw. Osogo amesema, hatuwezi kufanya jambo ambalo linatofautiana na Kanuni zetu. Kama Kamati bado inaendelea, na Kikao kishe, katika Kikao kingine,

lazima Kamati hiyo ichaguliwe tena au ifufuliwe. Haiwezekani kabisa Kamati moja kuendelea na shughuli zake kutoka Kikao kimoja hadi kingine. Kamati zote za Bunge huchaguliwa katika Kikao fulani na kumalizika katika mwisho wa Kikao hicho. Kama Kamati haikumaliza kazi yake kabla ya Kikao kumalizika, lazima ichaguliwe tena au ifufuliwe mwanzoni mwa Kikao kipya. Kwa hivyo, kama ilisemekana ya kwamba Kamati hiyo inaweza kuendelea na kazi yake hadi Kikao kingine, hiyo ilikuwa makosa kabisa. Wakati Kikao hiki kitakapomalizika, Kamati hiyo, kama Kamati zingine zote za Bunge, itakufa na ni lazima ifufuliwe tena kama itatakikana. Kama ni shabaha ya Bunge hili hiyo Kamati iendeleo hadi Kikao kingine, tutafuata Kanuni zetu kama kawaida.

Waziri wa Afya (Bw. Osogo): Bw. Spika, ningetaka turekebishe jambo fulani hapa. Kama tukifanya *precedence* ambayo hapo baadaye inaweza kufuatwa na Wabunge ambao watakuja hapa baada ya miaka mingi ijayo, nafikiri tutakuwa tumekosea. Kama vile mambo yalivyo sasa, uamuzi ulifanywa hapa na Bunge hili, na ingekuwa bora kama Ratibu Msaidizi angesoma ule uamuzi uliofanywa na Bunge tujue ulikuwa namna gani. Naona ya kwamba ni kweli kulikuwa na makosa katika ule uamuzi, kwa sababu uamuzi huo ulitaja Kikao kitakachokuja baadaye. Labda, Bw. Spika utatusaidia hapa kama ingekuwa bora kusimamisha kwa muda Kanuni zetu ili jambo hilo lijadiliwe tena na tulisahihihshe kosa ambalo tulifanya wakati ulipokuwa huko.

Bw. Spika: Kitu ambacho nilisema ni kwamba, kama uamuzi wa aina hiyo ulifanywa hapa, hiyo ilikuwa makosa kabisa. Wakati ukifika, na kama Kamati hiyo inataka kuendelea, itabidi Bunge hili kuifufua kama kawaida. Lakini kwa wakati huu hatuwezi kutoa uamuzi unaohusu Kikao kitakachokuja. Tunaweza tu kufanya uamuzi juu ya Kikao kilioko sasa.

Waziri Msaidizi wa Nchi, Ofisi ya Rais (Bw. Wariithi): Bw. Spika, ningetaka kuuliza swali hapa. Inaonekana tumesema mambo mengi sana juu ya Kamati hii. Ningetaka kujua, wewe, ukiwa kama Spika wa Bunge hili, sijui kama tungekuachia uangalie ule uamuzi uliotolewa hapa, wakati haukuwako, na pia uangalie Kanuni zetu, halafu utoe kile kinaitwa *Considered Ruling* ili utuonyeshe kama kulikuwa na makosa, na tutayarekebisha kwa njia gani. Inaonekana, kama ulivyosema sasa, kulikuwa na makosa, lakini ingefaa, kwa ajili ya rekodi zetu, uchukue nafasi, baada ya kumaliza mkutano wa leo, uangalie ule uamuzi uliofanywa hapa na baadaye utueleze wazi mambo yatakuwa namna gani.

Bw. Spika: Kulingana na vile Bw. Wariithi amesema, nafikiri nitaangalia jambo hilo, lakini kama nilivyoeleza hapo mbeleni, nilikuwa nikieleza kulingana na vile Mheshimiwa Osogo alivyokuwa amesema.

Nafikiri ni vizuri tuendeleo sasa.

Bw. Mwamzandi: Jambo la nidhamu, Bw. Spika. Kama uamuzi uliofanywa hapa ulikuwa na makosa, kwa nini Hoja nyingine isiletwe hapa ya kurekebisha jambo hilo?

Bw. Spika: Nipe nafasi, Bw. Mwamzandi, ili niangalie mambo yalikuwa namna gani na nitatoa taarifa hapa.

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Waziri Msaidizi wa Utalii na Wanyama wa Porini (Bw. Lubembe): Bw. Spika, jawabu ya lile swali Bw. Mwamzandi ameuliza linaweza kupatikana katika Kanuni yetu ya kwanza. Kwamba: *"All matters not hereinafter expressly provided for shall be decided by Mr. Speaker"*. Kwa hivyo, sioni kama kuna haja ya kuleta Hoja nyingine kama vile Bw. Mwamzandi anavyotaka.

Bw. Spika: Mimi ningeomba nipewe nafasi ili nijue ni kitu gani kilichofanyika wakati ule ambao sikuwako. Kwa hivyo tuendelee.

HOJA

KAMATI TEULE KUCHUNGUA ONGEZECO YA BEI ZA BIDHA

Kwamba, kwa vile bei za bidhaa zinazidi kuongezeka mara kwa mara, Bunge hili linapendekeza kuteuliwa kwa Kamati Maalum ya Wabunge ili iwe inachungua maongezeko ya bei za bidhaa katika Jamhuri yetu ya Kenya, kabla wananchi hawajauziwa au kupelekwa bidhaa zenye bei zilizoongezeka, (Bw. Ndegwa Mei 2, 1975—Kurudiwa kwa Majadiliano Yaliyokatizwa Mei 2, 1975)

Bw. Anyona: Bw. Spika, kabla sijaanza kuongea juu ya Hoja hii, nakumbuka Ijumaa iliyopita, Hoja hii ilibadilishwa kidogo. Badala ya kusema "Kamati Maalum ya Wabunge" ikawa ni "Kamati Maalum ya Kudumu ya Wabunge". Tofauti ni kwamba Hoja hii, kama ilivyokuwa hapo mbeleni, ilitaka kuteuliwa kwa *Select Committee*, lakini kile tunataka ni *Standing Committee*. Kwa hivyo, Bw. Spika, ningetaka, ikiwa ni makosa ya wapiga chapa, hilo jambo lirekebishwe.

Bw. Spika, Hoja hii ni ya muhimu sana. Mimi mwenyewe nimeleta Hoja juu ya bei za bidhaa lakini baadaye Mhe. Ndegwa alipoleta Hoja hii nikaona ya kwamba ingekuwa vizuri tuweke nguvu zetu pamoja na tukapata Hoja ambayo inaweza kutusaidia kufanya mambo ambayo tunataka yafanywe. Kwa hivyo nimekubali kuondolea mbali ile Hoja yangu na kuweka nguvu zangu kwa Hoja hii.

Bw. Spika, Hoja hii ni ya muhimu sana kwa sababu wananchi wetu wana taabu mbali mbali kama ya maendeleo, kusomesha watoto, utabibu, na mambo kama hayo. Kwa wakati huu wananchi wana taabu nyingi, hasa juu ya chakula, kwa sababu bei ya chakula imepanda. Bw. Spika, hapo mbeleni Bunge hili lilipitisha Hoja ya kuwa na halmashauri ya kuangalia mambo ya bei za bidhaa tukatumainia ya kwamba halmashauri hiyo ingeonelea kwamba bei za bidhaa ambazo wananchi wetu wanatumia zingekuwa nafuu, na kuona ya kwamba matajiri hawaongezi bei za bidhaa kama wanavyopenda kwa minajili ya kupata faida na huku wananchi wanaumia. Lakini ingawa tulifanya hivyo, naonelea ya kwamba bei za bidhaa zimezidi kuenda juu, na kila mara tunaambiwa ya kwamba mambo kama hayo yanafanyika kwa sababu ya ongezeko ya bei za bidhaa. Lakini hata ikiwa kuna ongezeko kama hilo ni lazima Serikali itafute njia ya kuwasaidia wananchi kutokana na ongezeko hilo ili wananchi waweze kujiepusha na mambo kama hayo. Jambo kama hilo ndilo lingekuwa shabaha ya halmashauri hiyo.

Bw. Spika, kabla sijaendelea na mazungumzo yangu juu ya Hoja hii, ningependa kusema ya kwamba tunataka Hoja hii iwe nguzo kamili ya kuona kwamba ile halmashauri inafanya kazi, kwa sababu inaonekana ya kuwa ni hafifu kwa wakati huu. Mimi nafikiria ya kwamba pengine wanachama wa halmashauri hiyo walipotezwa na watu wengine. Nasema hivyo kwa sababu saa zingine *industrialists* wanaweza kusema ya kwamba kwa sababu ya hiki na kile bei za bidhaa zimeongezeka. Kila mara wananchi wanalia juu ya ongezeko kama hilo lakini hakuna mtu ambaye anaweza kuingilia kati ya wananchi na matajiri juu ya kilio kama hicho. Matajiri wakisema ya kwamba wanataka faida zaidi wanaongezwa, lakini wananchi wakilia kwa sababu ya ongezeko la bei za bidhaa wanaambiwa ya kwamba mambo yamekuwa hivyo kwa sababu ya *inflation*. Kwa hivyo Bw. Spika, ningependa kufanya sahihisho kwa Hoja hii kama ifuatavyo:—

"Kwamba, Hoja isahihishwe kwa kuondoa maneno yote baada ya neno 'Kenya' katika mstari wa nne na kuingiza maneno "na kuhimiza Serikali kurudisha chini bei za bidhaa muhimu kama sukari, mkate, unga, inchele, nyama, maziwa na vinginevyo kulingana na mishahara na mapato ya wafanyakazi na wakulima".

Bw. Spika, ukiangalia mwenendo wa bei za bidhaa hizo ambazo nimetaja utaona ya kwamba hapo mbeleni bei ya sukari ilikuwa Sh. 1/85 kwa kilo, na hata hivyo, kwa wananchi wengi ilikuwa bei ya juu sana. Lakini kwa wakati huu kilo moja ya sukari ni Sh. 3/50. Bw. Spika, sisi kama Taifa huru tungetaka wananchi wapate vitu kama sukari kwa bei nafuu, kwa sababu maana ya uhuru ni kwamba wananchi wetu waweze kupata vitu vile ambavyo hawakuweza kupata hapo mbeleni. Lakini namna mambo yaliavyo kwa sasa ni kwamba badala ya kurudisha chini bei za bidhaa kwa kiasi ambacho raia wanaweza kulipa tunaongea bei hizo. Bw. Spika, hapo zamani wananchi wetu walikuwa wakinywa uji bila sukari, lakini tulipopata Uhuru wakazoea kunywa chai, lakini sasa wamenyimwa ule uhuru wa kunywa chai. Sasa wananchi wanauliza: Uhuru ulikuja kwa sababu gani? Uhuru ulikuja kuwapatia faida gani ikiwa hata sukari wamenyang'anywa? Bw. Spika, tuliambiwa ya kwamba bei ya sukari ilipandishwa kwa manufaa ya wakulima wa miwa, lakini tunavyojua ni kwamba wengi wa wakulima hawa ni wageni. Kwa hivyo mimi nasema ya kwamba sababu ambayo ilitolewa na Serikali juu ya ongezeko la bei ya sukari si halisi.

Bw. Spika, nikizungumza juu ya bei ya mkate ningependa kusema ya kwamba wananchi wengi hapa Nairobi hawana njia yoyote ya kujipatia chakula cha kutosha, wengi wao wanategemea kikombe kimoja cha chai na pengine kipande cha mkate, lakini sasa hawaenzi kupata kipande hicho kwa sababu bei ya mkate imepanda kutoka senti 75 mpaka Sh. 1/60. Inaonekana ya kwamba pengine bei ya mkate itapandishwa mpaka Sh. 5, na ikiwa itakuwa hivyo tutakuwa na taabu katika nchi hii.

Kwa upande wa unga, ningependa kusema ya kwamba hapo mbeleni ilikuwa inajulikana kuna makabila fulani hapa Kenya ambao wanakula ugali—hasa katika

[Bw. Mwithaga]

"Subject to the provisions of this Act a member of the Fund shall be entitled to withdraw benefits if:—

(a) he has attained the age of 55 years; and

(b) at the time of claiming the benefits he has not been employed within the immediate preceding period of one year by any employer who was liable, under section 10, of this Act to make a contribution in respect of him."

Sasa, Bw. Spika, vifungu ambavyo vinahitaji kubadilishwa ni kama hiki cha 23, ili badala ya kusema kwamba mtu akifikisha miaka 55 ndipo alipwe au kwa mwaka mzima hakuwa amejiririwa kazi, tutafute njia nyingine ambayo mtu kama huyu anaweza kunafaika kutokana na malipo yake ya uzee. Kifungu hiki kiko pamoja na kile ambacho huitwa *disability benefits*. Sheria hii huwawezesha wale ambao ni viwete au wamevunjika viungo fulani vya miili yao na hawawezi tena kuendelea, kupatiwa malipo yao, kulingana na sheria.

NIDHAMU

ARIFA YA HOJA YA KUAHIRISHA BUNGE KULINGANA

NA KANUNI NAMBA 20 HUTAKIWA KUTOLEWA

MARA BAADA YA WAKATI WA MASWALI

Bw. Waweru: Jambo la nidhamu, Bw. Spika. Ningependa kusimamisha majadiliano ya Bunge ili nitoe Hoja yangu chini ya Kanuni ya Bunge No. 20.

Bw. Spika: Haiwezekani kukatiza majadiliano ambayo yanaendelea sasa. Jambo kama hilo huletwa punde tu, baada ya wakati wa Maswali na Majibu. Kwa hivyo, wakati wa Maswali na Majibu unapoisha, Kiti kinaweza kukata shauri ikiwa ni jambo la kujadiliwa au la. Sasa siwezi kusimamisha Bw. Mwithaga na pia kazi ambayo tunayo sasa. Hatuwezi kukatiza majadiliano yetu.

MWANACHAMA WA KAMATI TEULE KUFUNUA

USHAHIDI WA KAMATI KABLA YA RIPOTI KUTOLEWA

BUNGENI

Bw. Waweru: Bw. Spika, jambo ambalo ninataka kutoa sasa ni muhimu kwa Bunge hili na nchi nzima kwa jumla. Hii ndiyo sababu nilikuwa nikikuuliza unipatie nafasi kidogo nitoe jambo hili tu halafu tupate kuendelea na majadiliano ya sasa.

Bw. Spika: Jambo lako ni lipi?

Bw. Waweru: Bw. Spika ni wajibu wa kila Mbunge na wananchi katika Jamhuri hii kulinda sifa ya Kamati yoyote Teule ya Bunge letu. Sisi tulichagua Kamati Teule ya Kuchungua Kifo cha Marehemu J. M. Kariuki kisheria. Nia yetu ni kuhakikisha kwamba uchunguzi wa Kamati Teule juu ya Kifo cha Marehemu J.M. Kariuki umefaulu. Kwa kufanya hivyo, ni lazima sisi Wabunge, wanachama wa Kamati ile, na wananchi kwa jumla tufanye tutezavyo kulinda nchi yetu tukufu. Kwa hivyo, ningependa kutaja mambo machache ambayo yalitangazwa na British Broadcasting Corporation hivi majuzi. Wengine sisi tumesikitishwa kuripotiwa huku London kwamba mwanamke mmoja ambaye alikuwa akiulizwa maswali alisema kuwa Kamati ambayo inachungua kifo cha Bw. J.M. Kariuki itatoa ripoti yake tarehe 5, Juni mwaka huu. Bw. Spika, sijui ni kwa

sababu gani mwanamke huyu ambaye alikuwa akila chakula chake cha jioni katika hoteli moja alisema kwamba alipata habari hii kutoka kwa Mjumbe mmoja ambaye ni mwanachama wa Kamati ambayo inachungulia kifo cha marehemu J.M. Kariuki. Ikiwa ni hivyo, ni kwa nini sisi katika Kenya hatuambiwi ukweli. Sasa inaonekana wazi kwamba wageni wanajua mambo yetu kabla ya sisi kuyajua. Ni kweli kwamba jambo hili ni la siri kabisa na kama lilitolewa nje na mtu fulani linaharibu jina la Serikali ya Kenya na pia ya Kamati hii pamoja na Bunge na taifa zima. Ikiwa sisi tutakuwa tukiunda kamati za rushwa, itakuwa vigumu sana kuweka siri za Serikali. Lakini ukweli kuhusu jambo hili ni kwamba mwanachama huyu alionekana katika Kiwanja cha Ndege cha Dar es Salaam akiandamana na wasichana wawili wa Kizungu na kupokelewa na ujumbe mkubwa sana wa Serikali. Bw. Spika, sisi katika Kenya tunangoja kwa hamu kubwa sana matokeo ya Kamati hii.

Bw. Mwamzandi: Wacha maneno mengi wewe. Sisi tunataka uthibitishe maneno yako.

Bw. Waweru: Bw. Mwamzandi, ningependa ujue kwamba nikisema kitu hapa na kuambiwa nithibitishe, mimi naweza kufanya hivyo na si wajibu wako kuni-kumbusha. Mimi si mtu wa—

Bw. Spika: Order, Bw. Waweru! Sasa were umeanza kuchukua wakati mrefu sana kwa kusema maneno mengi.

Bw. Waweru: Kama nilivyosema, mwanachama huyu alipofika Kiwanja cha Ndege cha Dar es Salaam alilakiwa kwa heshima kubwa sana na maafisa waku-bwa wa Serikali. Tena, Bw. Spika, inajulikana kwamba mwanachama huyu anawapelekea waandishi wa vitabu habari ya Kamati hii akiwa na nia ya kuandika kitabu ambacho kitatoka wakati ripoti hii inapotarajiwa kutoka kama vile wanavyofanya katika nchi ya Amerika.

Bw. Spika, vile ningependa kusema ni kwamba sisi kama Bunge na taifa zima hatutaki mtu yeyote kujaribu kujitajirisha na kifo cha marehemu "J. M." Ikiwa mtu yeyote ana nia zake fulani, afadhali aondoke kutoka Kamati hii kuliko kujaribu kujitajirisha kwa kuendesha uvumi na kuandika vitabu katika nchi za kigeni kuhusu kifo cha Bw. Kariuki.

Nikimaliza, Bw. Spika, ningependa kusema kwamba jambo ambalo nimetaja ni la kweli kabisa na kwa hivyo nikiulizwa nilithibitishe ninaweza kufanya hivyo ili Bunge hili na taifa zima ziweze kujua ukweli. Mimi nasema hivyo kwa sababu nikisema kitu katika Bunge, ingawa mimi ni mwakilishi wa watu wa Parklands, ninasema kwa niaba ya watu wa Jamhuri nzima. Kwa hivyo, Bw. Spika, kama nitaulizwa nithibitishe maneno haya, nitaweza kufanya hivyo Jumanne.

Waziri Msaidizi wa Maji (Bw. Wanjigi): Jambo la nidhamu, Bw. Spika, ni kweli kwamba jambo kama hili linaharibu majina ya wale wanachama wa Kamati hii ambao sisi sote tunawaheshimu sana katika kazi yao ya kuchungulia kifo cha marehemu Bw. J. M. Kariuki. Kwa hivyo, sisi kama Bunge, tungsaidiwa sana kama tungeambiwa jina la yule mwanachama wa Kamati hii ambaye Mhe. Waweru alisema juu yake.

Bw. Spika: Ni kweli kwamba mambo ambayo Bw. Waweru amesema ni mabaya sana kama ni ya kweli. Lakini sisi hapa katika Bunge hatuwezi kuenda kwa vile mambo yanasemwa huko nje. Mtu yeyote anaweza kusema maneno yake, lakini kama jambo fulani limeletwa hapa, ni lazima yule ambaye amelileta alithibitishwe. Hata kama mwanamke fulani alisema jambo hili katika British Broadcasting Corporation hilo si thibitosho hata kidogo. Mimi nasema hivyo kwa sababu hatujui kama mwanamke yule alikuwa anasema ukweli isipokuwa kama yeye mwenyewe anaulizwa na kutwambia ukweli. Kwa hivyo maneno ya kusema kwamba kuna Mbunge fulani ambaye ananua kuanzika kitabu kuhusu uchunguzi wa Kamati hii, na kukitoa kile kitabu wakati ripoti ya Kamati hii itatoka, basi haya ni maneno maovu sana. Ikiwa kuna Mbunge fulani ambaye amekuwa akitoa ripoti kabla ya ripoti hii kufika hapa katika Bunge, hayo ni makosa makubwa sana ambayo yanaharibu sio tu jina la ile Kamati, lakini pia jina la Bunge hili. Ni nani sasa atakuwa na imani na Wabunge kama kuna wengine kati yao ambao wanaweza kufanya mambo kama haya? Kwa hivyo, ili kuyatunza majina ya Wabunge wengine, hatuwezi kuondoka hapa kabla ya Bw. Waweru kutuambia, ni nani, yule Mbunge ambaye amefanya makosa kama hayo. Mimi nasema hivyo kwa sababu kuna Wabunge wengi katika Kamati hii na sasa kama tutaondoka hapa bila kujua chochote kuhusu jambo hili tutakuwa tukiyaharibu majina yao bure. Kwa hivyo, Bw. Waweru, ni lazima utaje kabisa jina la mwanachama wa Kamati hii ambaye amefanya vile umesema. Lakini kabla ya kufanya hivyo, ningependa ufahamu wazi kwamba kutaja jina la mtu ovyo ovyo ni makosa mengine mabaya hata zaidi ikiwa itatokea kuwa si kweli vile unataja. Kufanya hivyo ni kuingiza Bunge hili katika hali ya matata na hili ni jambo ambalo sisi tunajaribu sana kulipinga. Kwa hivyo, ni makosa mabaya sana kuleta maneno ambayo hayawezi kuthibitishwa kwa sababu kufanya hivyo ni kuleta mgogoro hapa bure kwa njia ya fitina. Kwa hivyo Bw. Waweru, ni lazima utueleze wazi ni nani kati ya wale wanachama wa Kamati hii ambaye amefanya makosa kama hayo. Umesema kwamba wewe una ukweli kuhusu jambo hili na kwa hivyo, tungependa useme jinsi unajua kwamba Mbunge huyu alifanya vile unadai sasa.

Bw. Waweru: Bw. Spika, kama niliyosema hapo mbeleni, si wanachama wote ambao wanafanya mambo haya. Mimi nasema hivyo kwa sababu najua kwamba wengi wao ni waaminifu na wanafanya juhudi kubwa sana kujua ni kitu gani kilichofanya Mhe. marehemu Kariuki Kuuawa kinyama. Kwa hivyo, kama Bunge hili linataka nithibitisha jambo hili, mimi nitafanya hivyo, ingawa ningependa kupatiwa nafasi ya kufanya hivyo siku ya Jumanne ili niweze kupata majina pamoja na habari ambayo inahusu jambo hili.

Bw. Mwamzandi: Jambo la nidhamu, Bw. Spika. Kwanza nataka kujua jinsi jambo hili linahusiana na Kanuni ya Bunge No. 20 ingawa Kiti chenye kile kubali litolewe. Jambo la pili ambalo ningependa kujua kutoka kwa Bw. Waweru ni kama yeye alichukua wakati kuchungulia jambo hili kabla ya kulileta hapa. Sasa yeye anatwambia kwamba atakuwa tayari kuthibitisha jambo hili siku ya Jumanne, lakini kwa sasa amekwishaharibu jina la Bunge hili na pia jina la Kamati yenyewe. Sijui kama Kiti kitakubaliana nami

kwamba ni lazima Bw. Waweru aulizwe aondoe yale maneno yake badala ya kutuweka katika hali ya wasiwasi mpaka Jumanne ijayo.

Bw. Waweru: Bw. Spika, kulingana na Kanuni za Bunge Mbunge yeyote akileta jambo katika Bunge ni lazima apatiwe nafasi ya kupendekeza jambo hilo. Ikiwa anahitajiwa kuthibitisha maneno fulani, atafanya hivyo baadaye. Kwa hivyo, Bw. Spika, nitafanya uchunguzi zaidi na nitathibitisha jambo hili siku ya Jumanne.

Bw. Spika: Bw. Waweru ni wazi kuwa hukuelewa vile Bw. Mwamzandi aliuliza. Ukiulizwa uthibitisha jambo fulani, unahitajiwa uthibitisha mara tu unapodai kitu fulani. Kwa hivyo, huwezi kusema kwamba utathibitisha siku nyingine kwa sababu ukisema kitu hapa ni lazima uwe unajua ni kitu gani unasema na si kusema maneno hapa na kuenda kutafuta habari zaidi ya vile ulivyokusudia kusema. Sisi hatukubali mambo kama haya. Kwa sababu wewe Bw. Waweru umesema wazi kwamba kuna mwanachama wa Kamati hii ambaye amefanya mambo ambayo umetaja, ni lazima utaje jina lake. Mimi nasema hivyo kwa sababu wale wanachama wengine wanataka kujua ni nani kati yao amefanya jambo kama hili. Sisi hatutaki watu wengine hapa na nje ya hapa waanze kusema, "sisi tunafikiria ni fulani au fulani". Jambo kama hili linaharibu majina ya watu na kwa hivyo hatuwezi kuenda *wich-hunting*.

Bw. Waweru: Bw. Spika si vizuri Mbunge yeyote kutaja jina saa hio hio; kwa mfano, unaweza kuweka kitu pale dukani na kuniambia kwamba kesho nitakileta—

Wabunge: *No, no!*

Bw. Waweru: Mhe. Mwamzandi anajaribu kunidama sana ili niseme; nitasema—

Bw. Spika: Bw. Waweru, sheria zetu ziko wazi kabisa ikiwa umesema kitu na unaulizwa kuthibitisha jambo hilo, huna budi kufanya vile hapo hapo; sio kesho. Wewe mwenyewe ulisimamisha shughuli za Bunge. Nilikwambia kwamba hakukuwa na haja ya kusimamisha shughuli za Bunge; na kwamba ungelileta jambo lako baada ya Maswali. Sasa umekatisha kazi ambayo tulikuwa nayo; na hiyo ni kuonyesha kwamba ulikuwa tayari kabisa; hata ulikuwa unauliza utoe jambo hili chini ya Kanuni za Bunge No. 20. Hiyo ilionyesha kwamba ulikuwa tayari kabisa na kwa hivyo ungeambia Bunge mambo yote ambayo unajua juu ya jambo hilo. Mimi sikuambii kwamba uliambia Bunge hili habari yote, lakini utuambia lile jina lenyewe ili wanakamati wa Kamati ya "J.M." na ambao hawajui kuna mambo kama hayo wasisemekane kuwa pengine wao vile vile wako katika mambo haya. Hayo ndiyo unayohitajiwa kufanya kulingana na sheria zetu. Ili tusiharibu wakati wetu, ingefaa uliambia Bunge hili ni nani ambaye unasema juu yake.

Bw. Waweru: Bw. Spika, kama unavyojua, Wahe-shimiwa wengi wana hamu ya kutaka nimtaje mwanakamati wa Kamati ya "J.M." anayehusika. Bw. Spika, unaweza kungoja mpaka Jumanne wakati ambapo nitathibitisha.

Bw. Spika: Bw. Waweru, siwezi kukupa wakati zaidi; tunataka tulimalize jambo hilo ili tuweze kuendelea na shughuli zetu.

Waziri Msaidizi wa Elimu (Bw. arap Choge): Jambo la nidhamu, Bw. Spika. Kama Mhe. Mbunge ameshindwa kuthibitisha madai yake, na kwa kuwa tulikuwa na Hoja moja ambayo Wabunge walikuwa na hamu sana kujadiliana— Mbunge anakumbuka kwamba wewe ulimuuliza mara tatu kama jambo alilokuwa nalo lilikuwa la muhimu; lakini tunavyoliona, jambo hili si la muhimu kamwe. Kama yeye bado anaendelea kubi-shana na sisi ningependekeza kwamba Waziri asimame na amtaje ili aweze kuondolewa nje ya Bunge hili badala ya kupoteza wakati wetu hapa.

Bw. Waweru: Bw. Spika, kwa vile sikukuwa na mambo haya karibu ningependa—ningekuwa nayo ninge—

Wabunge Fulani: Yaondoe! Yaondoe maneno hayo!

Bw. Waweru: Bw. Spika, kwa vile sikuwa na thibitisho hapa, haya mambo ningependa kuyaleta Jumanne.

Waziri wa Nyumba na Huduma za Starehe (Bw. Towett): Jambo la nidhamu. Mhe. Mbunge ametueleza kwamba Mbunge wa Kenya na ambaye ni mwanakamati wa Kamati Teule ya "J.M." alipokelewa kule Tanzania—

Mbunge Fulani: Na wasichana wawili.

Waziri wa Nyumba na Huduma za Starehe (Bw. Towett): Sasa anataka kutuambia ya kwamba amem-sahau jina lake?

Bw. Mathai: Jambo la nidhamu. Bunge likifikia mahali kama hapa (Hayakusikika).

(Vifijo)

Bw. Mathai: Bw. Spika, ni vibaya Wabunge kupiga kelele kama watoto; *We have got to behave!* Mpaka tujue kosa ambalo liko mbele yetu ili tujue ni jambo gani tunaweza kulifanya!

Bw. Spika: Kosa limekwishatajwa! Kwanza, kama anajua alikuwa anasema nini, basi na aliambie Bunge hili! Pili, kama hajui alikuwa anasema nini, basi, na ayaondoe maneno hayo na kuliomba Bunge msamaha kwa kuchukua wakati wake bure. Tatu, inaweza kufikia mahali ambapo yeye amekuwa *contemptuous* kwa hili Bunge. Na ikifika hapo, basi, itakuwa ni lazima Bunge kufikiria ni nini la kufanya. Jambo lizuri kwa yeye kufanya lingekuwa—kama yeye hana habari hii—kuyaondoa maneno aliyoyasema ili tuweze kuendelea na shughuli zetu. Bw. Waweru, nilikupa nafasi nikifikiri utakisema kile ambacho ulitaka kukisema na umalize. Hatuwezi kuchukua asubuhi nzima tukizungumza jambo ambalo likishikiliwa husimamisha kazi ambayo tulikuwa nayo.

Bw. Waweru: Bw. Spika, kwa vile sikukuwa na *weapon* ya kutosha, ninaomba msamaha kwa Bunge hili na kuyaondoa mambo haya kwa sasa; lakini nita-yaleta Jumanne.

Wabunge Fulani: No, no!

(Vifijo)

Bw. Mwithaga: Jambo la nidhamu. Mimi ni mwa-mwanakamati na pia Naibu wa Mwenyekiti wa Kamati hiyo. Ningependa kusema yafuatayo: sisi wanakamati tumechoka na hizi *propaganda*. Kwa hivyo, ikiwa Mbunge kama huyu amelea katika Bunge hili jambo ambalo ni hatari sana na amesema kwamba mmoja wa

wanakamati ambaye alikuwa Tanzania na ambaye ali-lakiwa kwa heshima akiandamanana na wanawake; na pia ati yeye anaandika kitabu juu ya habari hii, wakati sisi wenyewe tunajua vile tunavyoziweka *records* zetu, ninafikiri ya kwamba jambo hili ni la hatari. Kwa Mhe. Mbunge huyu kusimama na kusema kwamba ameyao-ndoa maneno hayo— Jambo lenyewe ni *contemptuous* na *sarcastic*. Bw. Spika, ingefaa mchezo huu ukome leo. Ninasema hivyo kwa sababu yeye hasemi maneno haya kutoka fikirani mwake; bali yamewekwa katika fikira zake. Kwa hivyo, kama Mhe. Mbunge anataka kufanya fikira za wananchi wa Kenya kuwa pumbavu, hana budi kuchunga lugha yake. Sisi tunafanya kazi usiku na mchana; Jumamosi na hata Jumapili. Hakuna maneno ambayo yametoka kwa Serikali yakieleza mambo haya. Mbunge huyu alipataje habari hizi kutoka Tanzania au kutoka mahali pale kitabu hicho kinaandikiwa? Kwa nini Wizara ya Mambo ya Nchini au Ofisi ya Rais hawajasema jambo hili? Kuna msembo wa Kiingereza ambao unasema kwamba: *if you make the bed, then you must lie in it*; yaani, ukitandika kitanda lazima ukilalie. Wakati sisi tunafanya kazi hiyo kwa madhumuni ya kuimaliza ha-raka iwezekanavyo, ingefaa tuachwe vile tumeachwa na Bunge ili tumaalize kazi hiyo na tuilete ripoti hiyo na wanaotaka waichukue wafanye vile watakavyo.

Bw. Spika, Ahsante.

Bw. Kitonga: Jambo la nidhamu, Bw. Spika. Mimi nimefukuzwa kutoka Bunge hili mara nyingi. Kwa hivyo sijui ni kwa nini Mbunge huyo hakufuku-za kutoka Bunge hili kwa kusema maneno aliyose-ma. Ningependa kuuliza Kiti kiamuru ya kwamba Mbunge huyo atolewe nje.

Waziri Msaidizi wa Elimu (Bw. arap Choge): Jambo la nidhamu, Bw. Spika. Kwa sababu yule Mbunge haja-ondoa yale maneno na kuomba msamaha kwa Bunge mimi nafikiri kwamba ni maoni ya Bunge hili kwamba Waziri amtaje jina Mbunge huyo na atolewe nje ya Bunge kwa wiki moja ili Wabunge wengine wapate ku-jiipusha na mambo kama hayo.

Bw. Spika: Bw. Waweru, sijui kama unaelewa na vile mambo yalivyo hapa. Hili jambo ni jambo ambalo ni hatari sana kwa sababu kama unavyoona limeleta mgogoro hapa. Kwa hivyo kama unataka jambo hili liishie hapa ingefaa uondoe maneno hayo na uombe msamaha bila *condition* yoyote. Ni heri uondoe hayo maneno na uombe msamaha kwa Bunge ili tuweze kua-chia jambo hilo hapo. Usipofanya hivyo ni lazima uele-we na hatua ile ambayo inakaribia sasa. Kama Waziri akisema kwamba jina lako litajwe basi mimi sitakuwa na njia nyingine isipokuwa kutaja jina lako na utaondo-lewa katika hili Bunge.

Bw. Waweru: Bw. Spika, nimeondoa hayo maneno na nimeomba msamaha kwa Bunge.

Bw. Kabingu-Muregi: Jambo la nidhamu, Bw. Spika, ni kweli ya kwamba tumetosheka na vile Mbunge huyo amefanya. Mimi ningependa kujua kama hakuna jambo jingine ambalo tungefanyia huyo Mbunge kwa kuleta mambo mabaya zaidi katika Bunge hili. Mimi nafikiri kwamba kwa Mbunge huyu kuondoa maneno hayo na kuomba msamaha kwa Bunge hii haitoshi.

Bw. Spika: Kwa sasa, maana Bunge liliuliza huyo Mbunge aondoe maneno hayo na aombe msamaha, nafikiri tutaacha hilo jambo hapo kwa sababu ameondoa hayo maneno na kuomba msamaha kwa Bunge. Lakini hii ni lazima iwe onyo kwamba hatuwezi kuendelea na shughuli zetu hapa kwa njia hii. Ikiwa Mbunge amelea jambo kubwa kama hilo ni lazima awe tayari kulieleza kwa ukamilifu badala ya kusema ya kwamba ataleta jambo hilo tena. Hili ni jambo ambalo hatuwezi kuvumilia kwa sababu tukiendelea namna hiyo tutavunja hili Bunge kabisa. Hakuna mtu atakuwa na heshima na hii Bunge tena. Pengine huyo Mbunge hajaelewa ya kwamba kuna mambo mengine ambayo hayafanywi hapa. Lakini nafikiri Mbunge huyo ataelewa ya kwamba hawezi kuja hapa na kuleta mambo ambayo hako tayari kuthibitisha. Ni lazima hili liwe onyo kwa kila Mbunge kwa sababu tunaharibu hili Bunge kwa kuanza kuleta mambo ya aina hii hapa. Nafikiri sasa Bunge litachukua kwamba hakuna lawama juu ya ile kamati kamati kama mambo yalivyo sasa. Kama kuna mtu ambaye anayo maneno yake kuhusu hiyo ripoti ni heri angojee mpaka hiyo ripoti iletwe kwa Bunge hili. Wakati huo kila Mbunge atakuwa na nafasi ya kutoa maoni yake na kukata shauri juu ya ripoti hiyo. Kwa hivyo hakuna haja ya kujaribu kurukia jambo fulani kuhusu hiyo ripoti. Hilo ni kosa kubwa ambalo halilingani na Kanuni zetu. Jambo ambalo linahusu mambo ambayo yanazungumzwa katika kamati ambayo imechaguliwa na Bunge lenyewe haliwezi kuleta hapa kabla ripoti ya kamati hiyo haijaletwa hapa Bungeni. Kwa hivyo wale ambao wana maoni yao kuhusu hili jambo ni heri wangoje mpaka ripoti ya kamati hii ipatikane kwanza.

Bw. Wabuge: Bw. Spika, mimi sitaki kubishana na Kiti lakini unakumbuka ya kwamba huyo Mbunge Mheshimiwa alisimama hapa wakati mwingine na kusema kwamba pengine kamati hii haitatoa ripoti yake. Alisema kwamba Wabunge wengine katika kamati hii wanajiita "president" na mambo kama hayo. Mbunge huyo alileta mambo ya namna hii akiwa pale pale alipokuwa akiketi kabla hajatoka nje. Siku ya leo Mbunge huyo amelea mambo ambayo ni mabaya katika Bunge hili. Mimi ningependa kukuuliza, Bw. Spika, kama ikiwezekana, Mbunge huyo— Bw. Spika mimi si mwanachama wa kamati hiyo lakini mimi huiheshimu na ninangoja ripoti yake kwa sababu najua ya kwamba bila shaka kamati hiyo italeta ripoti yake hapa. Lakini huyo Mbunge angali ana nia ya kuleta maneno hayo tena katika Bunge hili wiki ijayo. Kwa hivyo ningekuuliza uone ya kwamba ikiwa huyo Mbunge atasimama hapa kwa jambo la nidhamu na awe na nia ya kuleta jambo ambalo linahusiana na ripoti hii usimpatie nafasi ya kusema hata kidogo. Anaweza tu kusimama kwa jambo la nidhamu kuhusu mambo mengine lakini si mambo ambayo yanahusu hii ripoti. Yeye ni mtu wa kuleta maneno ya kuchocheza na hatujui anataka nini ama ni kitu gani kinamsumbua. Kwa hivyo ningependa kukuuliza, Bw. Spika, utusaidie hapa kuhusu huyo Mbunge.

Bw. Spika: Nimekwisha eleza kwamba huyo Mbunge ameondoa maneno yake bila conditions. Kwa hivyo hakuna la kusema kwamba huyo Mbunge anaweza kuleta hayo mambo tena katika Bunge hili. Kwa sasa sisi tunajua ya kwamba jambo hilo limekwishia hapo. Ikiwa ana maneno yake juu ya jambo hili atayasema wakati unaofaa.

Bw. Mwamzandi: Jambo la nidhamu, Bw. Spika. Kama nilivyosema hapo mbeleni Mbunge huyo amekata shauri kuharibu heshima ya hili Bunge na ya ile kamati. Ingawa ameondoa maneno hayo nafikiri amekwisha haribu mambo hapa kwa sababu maneno aliyotoa yangali yako kwenye maandishi na pengine yatatangazwa. Mimi nauliza kama tunaweza kutumia Kanuni ya Bunge No. 93 (2) kwa sababu Mbunge huyo ameonyesha tabia mbaya katika hili Bunge. Sehemu ya (2) ya Kanuni hii inasema:—

In the event of grave disorder arising in the House Mr. Speaker may, if he deems it necessary so to do adjourn the House forthwith or suspend any sitting for a period to be named by him.

Kwa hivyo ili kuonyesha kutotosheka kwetu na jambo hilo na ili Mbunge mwingine asirudie tabia kama hiyo ningependa kukuliza uahirishe Bunge hili.

Bw. Spika: Bw. Mwamzandi, Kanuni hiyo hailingani na mambo ambayo yalitokea hapa. Sehemu ya (2) ya Kanuni hiyo inasema:—

In the event of grave disorder arising in the House, Mr. Speaker may, if he deems it necessary so to do adjourn the House forthwith or suspend any sitting for a period to be named by him.

Hakuna tabia ya fujo hapa kwa sababu tunaweza kuendelea na shughuli zetu. Yule ambaye alileta hayo mambo ameondoka Bungeni na kwa hivyo kwa wakati huu hakuna tabia ya fujo katika Bunge.

Bw. Mulwa: Jambo la nidhamu, Bw. Spika. Nafikiri ya kwamba jambo ambalo linawapatia Wabunge wasi-wasi ni kwamba hii si mara ya kwanza kwa Bw. Spika kumuonya huyo Mbunge. Kama angekuwa Mbunge mpya angejua makosa kama hayo wakati alipopatiwa onyo la kwanza lakini sasa amerudia jambo kama hilo tena. Inaonekana ya kwamba Bw. Spika angeamuru Mbunge huyo akae nje ya Bunge kama adhabu kwa sababu anaweza kuleta jambo kama hilo wakati mwingine. Kwa hivyo ningependa Kiti kichukue hatua ifaa-yo ili Mbunge huyo ajue hapa si mahali pa kucheza-cheza.

Bw. Spika: Maneno ambayo nimesema kuhusu jambo hili nafikiri Mbunge huyo ameyasikia. Nafikiri hata maneno ambayo nimesema wakati Mbunge huyo angali nje ya Bunge yatamfikia. Hatuchezi hapa lakini Bunge lenyewe lilimuuliza huyo Mbunge aondoe haya maneno na aombe msamaha. Sasa hatuwezi kurudia jambo hilo tena. Hatuwezi kuanza kumtakia kesi wakati ametimiza mambo ambayo aliambiwa na Bunge atimize. Onyo ni kwamba akiendelea kufanya mambo kama hayo tutafikiria la kufanya, na hayo mambo ambayo alisema hapo mbeleni hayatakuwa yamesahuliwa. Lakini kwa sasa, kwa sababu nyinyi mlisema aondoe hayo maneno na aombe msamaha kwa Bunge, alipofanya hivyo jambo hilo lilikwishia hapo. Nafikiri ni heri tuendelee na shughuli nyingine.

Bw. Kalulu: Jambo la nidhamu, Bw. Spika. Nafikiri ni maoni ya Waheshimiwa Wabunge wote ya kwamba yule Mhe. Mbunge angeheshimu Kiti wakati alipokuwa akitoka nje, lakini hakufanya hivyo. Hata hakuheshimu fikira za Waheshimiwa Wabunge wenzake. Kwa hivyo,

[Bw. Kalulu]

Hii ndio sababu tunaonelea ya kwamba hii desturi itaendelea kufunja heshima ya hili Bunge. Hii ndio sababu Waheshimiwa Wabunge wanaonelea ya kwamba Kiti kingemchukulia hatua fulani ili Mhe. Mbunge kama huyo asirudie mambo yale tena.

Bw. Spika: Jambo hilo sasa limekwisha na hatuwezi kulirudia tena!

Waziri wa Nyumba na Huduma za Starehe (Bw. Towett): Jambo la nidhamu, Bw. Spika. Kuna neno moja Mhe. Bw. Waweru amesema na akaeleza. Ikiwa sasa hawezi kulithibitisha, si ingefaa aliondoe sasa badala ya kumngojea mpaka siku ya Jumanne? Mimi naona hakuna haja ya kumngojea mpaka siku ya Jumanne ili aondoe hayo maneno.

Bw. Spika: Mwanzoni alikuwa amesema hivyo; lakini nikamwambia hatutaki kupewa *conditions* kwamba anatakatika aliondoe na aombe msamaha wa Bunge. Hii ni kuonyesha ya kwamba hakuna habari ati ataleta jambo hilo tena. Kama vile nilivyoeleza sasa, hatuwezi kukubali *anticipation* ya hiyo ripoti; maana yake kuleta mambo ambayo yanalingana na hiyo ripoti kabla haijaletwa hapa, imekatazwa na kanuni zetu za Bunge. Kama kuna Mhe. Mbunge ambaye ana habari ambayo anataka kutoa au kusema juu yake atasema wakati ripoti yenyewe itakapoletwa hapa. Huu ndio mwisho wa hilo jambo.

(Kurudiwa kwa majadiliano Juu ya Hoja)

Bw. Mwithaga: Bw. Spika, nilikuwa nikizungumza kuunga mkono lile badiliko la Mhe. Bw. Kabingu-Muregi. Nilikuwa nikitaja habari ya *withdraw benefits* kulingana na kifungu cha 23 cha *The National Social Security Fund Act*. Kifungu kingine ambacho kingelingana na badiliko la Mhe. Kabingu-Muregi ni kile cha 22. Ningependa kukitaja ili tujue ni sehemu gani tunahitaji badiliko kamili ili pesa ziweze kulipwa mara moja. Kifungu hicho kinasema hivi:—

"Subject to the provisions of this Act, a member of the Fund shall be entitled to the validity benefit if, either (a) he is subject to such physical or mental disability; has been suffering from permanent total incapacity or, (b) he is subject to such physical or mental disability as to be suffering from partial incapacity of a permanent nature and either he has attained the age of 55 years or he is unable, by reason of such disability, to earn a reasonable livelihood".

Sasa hapa ndicho nilikuwa nikisema, Bw. Spika, kwamba ni lazima—

Chifu Kitonga: "Hapa" ni wapi? Unasoma wapi?

Bw. Mwithaga: *The National Social Security Fund Act, Cap. 258!*

Bw. Spika, nilikuwa nikieleza ya kwamba hivyo vifungu viwili, vya 22 na 23 ndivyo vinahitaji mageuzo. Hii ndio sababu lile badiliko ambalo lililetwa na Mhe. Kabingu-Muregi linaomba sheria hii igeuzwe. Mimi nimefanya uchunguzi na nikaona ya kwamba inafaa hii sheria igeuzwe. Kwa hivyo, ikiwa Waziri wa Wafanyakazi atakubali, ni lazima atengeneze badiliko la sheria ili vifungu hivi vifafanuliwe zaidi ili kuwe na *proviso*

ya mtu kupewa pesa zake wakati wa *disability*, akifikisha miaka 55 au kuacha kazi kabisa kwa sababu yoyote ikiwa ni kwa umri ama afya mbaya.

Bw. Spika, hile jambo la *Provident Fund* ambalo lilitarajiwa hapo mbeleni na Mhe. Kabingu-Muregi ni la muhimu sana. *Provident Fund* imekuwa na matatizo yake. Watu wa National Social Security Fund, pia wana matatizo yao. Kwa hivyo, badala ya kuazimia ya kwamba tufutilie mbali National Social Security Fund ili tulete *Provident Fund*, ni lazima tufahamu ya kwamba *Provident Fund* ingali iko, na kwa njia yake. *The National Social Security Fund is a different entity altogether from the Provident Fund* katika hii *social welfare scheme*. Kwa hivyo, mimi naona ni vigumu kusema ya kwamba moja itupiliwe mbali na hiyo nyingine ibaki wakati sote mbili ziko. Kitu ambacho ningesema ni kwamba kuna mambo mengi tungetaka yafanywe katika National Social Security Fund. Tunapotafuta *benefits* zilipwe kwa watu wakishaondoka kazini kabisa na pia tungetaka sheria igeuzwe iwa- wezeshe *contributors* kutumia hizo pesa ambazo huwa wameweka kwa National Social Security Fund kama *security* yao wakitaka mikopo ya kujengea nyumba ndogo kutoka katika benki na kadhalika. Hili ni jambo ambalo litasaidia katika maisha ya hawa watu kwa sababu lengo au nia ya kuanzisha huu mpango wa kuwekea wafanyakazi pesa zao katika hii National Social Security Fund ilikuwa ni kusaidia wanachama wasiwe masikini wakishatoka kazini. Kwa hivyo, ikiwa sheria hii inaweza kugeuzwa kidogo ili huyo mtu aweze kutumia hizi pesa kutokana na National Social Security Fund ama kama *security* ya kupata mkopo kumwezesha kununua shamba ndogo ama kujijengea nyumba ndogo, pia hiyo ni njia moja ya kumsadia. Huu mpango wa kungojea mpaka mtu aache kazi kabisa ili aende akapatiwe hizo pesa haufai. Hata kuna watu wengine ambao hawajui walizaliwa lini. Kwa mfano, wale wafanyakazi wa mashambani hawajui walizaliwa lini. Kwa hivyo, ningependa hii sheria ikigeuzwa ibadilishwe kwa faida ya wafanyakazi ili badala ya vyama vya wafanyakazi, kutafuta njia za kupeleka mabishano katika Korti ya Viwanda, wawe wakisoma sheria hizo ili walete maoni yao ambayo wanafikiria yatafaa kwa wafanyakazi na Waziri wa Wafanyakazi ili yafikiriwe na Wizara. Sisi tunataka hii sheria igeuzwe mara moja na tatutaki tuwe tukirudia-rudia kila wakati kusema tunataka hii sheria igeuzwe hivi na vile. Tunataka igeuzwe mara moja tu ili iwe ya kudumu na ya faida kwa nchi yetu.

Bw. Spika, kwa hayo machache naomba kuunga mkono hilo badiliko.

(Hoja ya sehemu ya kwanza ya badiliko, kwamba maneno ya kuondolewa yaondolewe, ilitolewa)

Waziri wa Afya (Bw. Osogo): Natumaini, Bw. Spika, kwamba tunaweza kuzungumza kwa badiliko pamoja na Hoja halisi.

Bw. Spika, ni mara ya kwanza kuona Mhe. Mbunge akileta Hoja hapa bila kueleza Bunge ana Hoja hapa ya kufutilia mbali sheria ambayo imetungwa na Bunge hili bila kueleza wazi ni sehemu gani ya hiyo sheria hatosheki nayo. Hii ndiyo mara yangu ya kwanza kuona Mhe. Mbunge akileta hapa jambo kama hili na

[Waziri wa Afya]

katika hotuba yake yote alisema maneno ambayo haya-husikani na sheria hiyo. *He did not refer to that section of the law.* Chifu Kitonga amesema kwamba National Social Security Fund ilianzishwa na wabeberu, lakini ningetaka kumwarifu ya kwamba jambo hilo si kweli kabisa. Jambo hilo lilifikiriwa na Serikali huru ya Kenya katika mwaka wa 1966 na tukapitisha Mswada hapa Bungeni kuhusiana na jambo hilo, na badaliko likafanywa katika mwaka wa 1967. Na tena katika mwaka wa 1971—wakati ambao Mbunge wa Kitui Mashariki, Bw. Chifu Kitonga, alipokuwa hapa tukafanya badiliko lingine kwa Mswada huo. Kwa hivyo, nataka kuwaelezeni kwamba si kweli kuliambia Bunge hili ya kwamba Mswada huu ulipitishwa, ama jambo hili lililetwa wakati wa Wabeberu. Nataka tena kuwaelezeni kwamba mazungumzo yake yote yalikuwa kwa *section* moja tu ya *National Social Security Fund Act* ambayo inasema—nadhani ni *section 23*—kwamba mtu hawezi kupata pesa zake mpaka awe ametimiza miaka 50.

Bw. Spika, kama Mhe. Chifu Kitonga angesoma Kufungu 258 cha *National Social Security Act* angejua kwamba kuna manufaa katika *sections* zingine za sheria hii ambazo wafanyakazi hawawezi kukubali ziondolewe. Kuna *sections* nyingi katika sheria hiyo ambazo zinafaidi wafanyakazi sana sana, na kwa hivyo hawangependa kuona *sections* kama hizo zikiondolewa. Kwa hivyo, nataka kuwaambieni kwamba nadhani badiliko ambalo limeletwa na Mhe. Mbunge wa Nyandarua Kusini, Bw. Muregi, litakubaliwa na Serikali ingawa sijui mawazo ya Waziri Msaidizi ambaye atajibu kwa niaba ya Serikali. Lakini nadhani litakubaliwa kwa sababu najua ya kwamba Wizara ya Wafanyakazi iko kwa njia ya kuleta badiliko la sheria hiyo hapa Bungeni, na sheria hiyo imeshabadilishwa mara nyingi katika Bunge hili kwa sababu hii si mara ya kwanza kwa Bunge hili kujadili National Social Security Fund. Baada ya kupitisha sheria hiyo katika mwaka wa 1966, baadaye tulipokuwa tukifanya kazi na sheria hiyo, tuliona kulikuwa na hitilafu nyingi na tukaifanya badiliko katika mwaka wa 1967. Tena tukishafanya kazi naye kwa miaka mitatu tukaona kuna shida, na Waziri ambaye alikuwa katika Wizara hiyo akaleta mabadiliko katika mwaka wa 1971 na yakapitishwa hapa. Kwa hivyo, kabla Waziri wa Wafanyakazi hajaleta Mswada wa kufanya mabadiliko katika sheria ya *National Social Security Fund Act*—ambayo tunatumainia yataletwa hapa hivi karibuni—ningewaomba Waheshimiwa Wabunge wasome sheria hiyo yote ili waweze kuona ni vifungu gani ambavyo vinataka mabadiliko na ambavyo vinaleta shida kwa wafanyakazi. Hata mimi mwenyewe nimekuwa nikienda kwa National Social Security Fund kuomba pesa za watu ambao nawakilisha na ambao wana shida. Kwa hivyo, mimi natumaini kwamba Mswada kama huo ukiletwa tutajaribu tuwezavyo ili tulainishe zile shida ambazo wananchi hupata kulingana na sheria hiyo. Lakini kuliuliza Bunge hili kufutulia mbali *an Act of Parliament* ambayo iko na *sections* nyingi, na Mbunge ambaye anasema hivyo anaongea tu juu ya *section* moja ya sheria hiyo, nadhani ni jambo ambalo halikutosha kabisa kwa Mhe. Mbunge ambaye alitoa Hoja hii.

Bw. Spika, nikimaliza, nataka kuomba tena kwamba tunayo bahati kuwa na sheria hii hapa, na inatusaidia

zaidi. Ikiwa Hoja hii itapitishwa ingekuwa bora kama Waheshimiwa Wabunge wangetoa maoni yao kwa Waziri ambaye anahusika ili akileta mabadiliko hapa awe amejua ya kwamba Wabunge watafanya hivi. Tukifanya hivyo, itatusaidia kujadiliana juu ya mambo hayo kwa muda mfupi kwa sababu tutakuwa tukijadiliana juu ya mambo ambayo tunajua.

Bw. Spika, jambo langu la mwisho ni kwamba mimi binafsi naonelea kwamba hilo badiliko ambalo limeletwa na Mhe. Muregi ni la kufaa na sidhani kama ingekuwa halali kuongeza ni *sections* gani ambazo hili Bunge lafikiria zingetengenezwa ama zingebadilishwa. Nadhani sheria hiyo ingewachiliwa tu vile ilivyo ili tuweze kuisoma yote na kuona ni *sections* ngapi tunaweza kubadilisha. Kama Bw. Mark Mwithaga alivyo-sema, kuna zingine ambazo zinataka zifanyiwe mabadiliko na tukizisoma tutajua ni zipi.

Kwa hayo machache, Bw. Spika, naomba kuunga mkono ile Hoja ya badiliko.

(Hoja, kwamba maneno ya kuondolewa yaondolewe iliamuliwa na kuafikiwa)

(Hoja, kwamba maneno ya kupenyezwa yapenyezwe ilitolewa)

Bw. Shikuku: Bw. Spika, mimi nimekimbia kidogo kutoka kwa Kamati yetu kuja hapa kwa shauri hilo. Tunayo taabu lakini nafikiri itakwisha, na ningependa kuwaambia Wabunge ya kwamba watapata ripoti *on Tuesday next week*. Wiki ile ripoti hiyo itawekwa hapa Mezaani.

Bw. Spika, nimekuja hapa kwa sababu ya taabu ambazo nimeshapata. Nimekuwa kama Ofisi ya *Labour Exchange* kwa sababu watu wangu na wengine waki-ondoka Butere huja kwangu kila siku kuniambia: "Mheshimiwa, nimeacha kazi na nina shida hii, mtoto wangu anataka kufanya mtihani wa *East African School Certificate* na pesa zangu ziko tele kwa National Social Security Fund lakini siwezi kuzipata ili niweze kulipa pesa za mtihani huo". Kwa hivyo, mimi namshukuru Mhe. Mbunge ambaye alileta Hoja hii kwa sababu mambo kama hayo yameshaendelea kwa siku nyingi sana na wananchi wameshaumia sana. Bw. Spika, wengi wameshafilisika na hata kama wameshafikia miaka yao ya kupata pesa hizo watakuwa wanatoka Butere mpaka Nairobi, na wakija Nairobi wanaambiwa waje tena wiki ijayo, na kwa sababu mahali pa kulala hapa Nairobi ni shida wanalazimishwa kurudi nyumbani na kurudi tena kama walivyoambiwa. Mimi nimeshaona watu ambao wana taabu kama hiyo na hata nikawaandikia barua, na wengine nimeshawapa *lift in my car*. Kwa hivyo, nafikiri tutafanya mabadiliko katika *sections* zingine za sheria ya National Social Security Fund ili kama mtu amemaliza miaka yake *he should be paid money due to him within a month or two* ili safari hizi za Nairobi na mashambani zikomeshwe.

Mbunge Fulani: Badiliko hilo *should be for six months*.

Bw. Shikuku: Hata hizo *six months* ambazo Mbunge huyo ametaja pia ni muda mrefu. Ikiwa mtu fulani anaweza kuwa na shida kwa muda huo na hiyo shida iwe inataka usaidizi upesi iwezekanavyo, *it will be too*

[Bw. Shikuku]

much for him. Kwa hivyo, mimi naonelea ya kwamba *the maximum should be three months. That should be the maximum period,* lakini wamalizie hizo shida zake kwa muda wa mwezi mmoja kwa sababu rekodi ziko kule. Hata ikiwa ni habari ya mkopo kutoka kwa Industrial and Commercial Development Corporation wengi wanafilisika hapa Nairobi, na hawapati ile mikopo. Mwisho wake huwa wamepoteza pesa na muda wao mwingi bila kupata ile mikopo. Kwa hivyo, hii ni *system ya dilly-dallying.* Hii habari ya kwenda pole pole si nzuri, na hata mbeberu hakuwa anafanya hivyo. Tumeupata Uhuru ili tuwatumikie watu wetu mara moja, lakini imekuwa ni taabu zaidi kuliko wakati wa wabeberu. Wengine tunasema kwamba wakati wa wabeberu ulikuwa afadhali kwa sababu mbeberu alikuwa anakumbia: *come tomorrow and it will be tomorrow; kama akisema next week, it will be next week.* Lakini sasa watu wetu wakija leo, wanaambiwa waje kesho, wakija kesho, tena wanaambiwa waje kesho, au kesho kutwa, na huku tunaambiwa hii ni Serikali ya wananchi. Ni wananchi gani ambao wanataka mchezo kama huu? Kama ni Serikali ya wananchi, basi, ni heri wananchi watumikiwe mara moja. Lakini, Bw. Spika, sitakubaliana na Mhe. Chifu Kitonga, kama vile Mhe. Osogo alivyosema, *to scrap the whole thing.*

Chifu Kitonga: Nilikuwa na hasira wakati nilipokuwa nikizungumza.

(Kicheko)

Bw. Shikuku: Anasema alikuwa na hasira. Ni kifungu fulani cha sheria ambacho tunataka tukitengeneze, hasa kile kifungu ambacho kinahusu malipo ya watu baada ya kuacha kazi.

[Bw. Spika aliondoka Kitini]

[Naibu Spika wa Muda (Bw. Mwamzandi) alikalia Kiti]

Jambo jingine ambalo nataka kusema, Bw. Naibu Spika wa Muda, ni hili: Wakati mwananchi wa cheo cha chini anapoteleka huku na huko, ugonjwa ukimkata, anakufa. Sasa anaingia katika *phase two*; zile pesa zake za National Social Security Fund hazipati, na tena watoto wake hawawezi kuzipata kwa sababu pesa hizo huwa *transferred to public trusteeship* na kutiwa kufuli, mahali ambapo itachukua muda wa miaka mitano kuzipata. Bw. Naibu Spika wa Muda, ndugu yangu alipokufa ilinichukua muda wa miaka miwili na miezi saba kupata pesa, kwa niaba ya watoto wake, kutoka kwa *public trusteeship*. Ikiwa mimi ni Mbunge, lakini ikanichukua muda mrefu kupata hizo pesa, je, yule mtu maskini aliyeko huko Samburu atachukua muda gani kupata pesa hizo? Hii inaonyesha ya kwamba mtoto wake mmoja au wawili waweza kufariki na hali pesa zao zinapotelea huko. Kama watu wengine wanafikiri mimi nasema nini, nitaleta swali hapa kuuliza ni watu wangapi ambao walikufa na hali pesa zao bado hazijalipwa. Pesa nyingi zimebaki hapa; watu wenye pesa hizo wamekufa lakini hawakuzipata. Bw. Naibu Spika, yule mtu ambaye anakufa, pesa zake zinaingia katika *miscellaneous item. This is robbery.*

Mbunge Fulani: *Without violence.*

Bw. Shikuku: Bw. Naibu Spika wa Muda, Mheshimiwa Mbunge ameongea jambo jingine, kwa sababu

mimi nilisema hii ni *robbery*, na yeye akaongeza *"without violence"*. Kwa hivyo, ikiwa nitakubaliwa, *while I am holding the Floor of this House*, naweza kuleta *amendment*, na siyo ile *substantial*, kwa sababu it is the question of six to three months.

Naibu Spika wa Muda (Bw. Mwamzandi): Tafadhali unilettee ile *amendment*.

Bw. Shikuku: *This is just a figure.* Kwa vile wananchi wanapata taabu, ningependa kuleta mageuzo kwamba maneno *six months* yawe *three months*. Nafikiri Wahe-shimiwa wataniunga mkono ili jambo hili lipite kurekebisha na wananchi wapate manufaa. Hiyo ndiyo moja ambaye inawasumbua watu wangu wa Butere, na hata Wabunge hapa na watu wengine wameshapata taabu hiyo, na wakati umefika wa kurekebisha mambo hayo.

Kwa hayo machache, Bw. Naibu Spika wa Muda, naomba kupendekeza *amendment* hiyo.

Bw. Marita aliafiki.

(Hoja ya sehemu ya kwanza ya badiliko, neno la kuondolewa liondolewe, ilitolewa)

(Hoja ya sehemu ya kwanza ya badiliko, neno la liondolewe, iliamuliwa na kuafikiwa)

(Hoja ya sehemu ya pili ya badiliko, kwamba neno ya kupenyezwa mahali hapo lipenyezwe, ilitolewa)

(Hoja ya sehemu ya pili ya badiliko, kwamba neno la kuondolewa liondolewe, iliamuliwa na kuafikiwa) kupenyezwa mahali hapo lipenyezwe, iliamuliwa na kuafikiwa)

(Hoja kama ilivyobadilishwa ilitolewa)

Waziri Msaidizi wa Wafanyakazi (Bw. Kibisu): Bw. Naibu Spika wa Muda, kwa niaba ya Serikali ningependa kujibu Hoja hii. Kwanza, Serikali yakubali zile fikara ambazo zimeingia katika masahihisho ya hivi majuzi ambayo yamefanywa kwa Hoja ya kwanza. Serikali kwa kweli haina nia kabisa ya kutupilia mbali mpango wa National Social Security Fund. Hata hivyo, Serikali inafahamu matatizo yaliyoko katika mpango huo, na ndiyo sababu mara kwa mara inayachungulia matatizo hayo na kuyarekebisha.

Bw. Naibu Spika wa Muda, Hoja hii yaomba Serikali kuchungulia Sheria iliyoko na kuleta mabadiliko yanayofaa ili baadhi ya matatizo haya yaondolewe. Jambo hili lakubaliwa na Serikali. Lazima ifahamike kwamba mpango wa National Social Security Fund uliwekwa ili kuwasaidia wananchi ambao wako kazini katika nchi hii wakati wao wa kuacha kazi unapowadia wakiwa wazee kufikia umri wa miaka 55 kama ilivyowekwa na *Pensions Act* ya nchi yetu. Ile nia ya Serikali ingaliko, na ni lazima ikumbukwe tena, Bw. Naibu wa Muda, kwamba wengi wa matajiri ambao wanawaajiri hawa wafanyakazi si wananchi wa Kenya. Kwa hivyo, linge kuwa jambo lisilo la busara kwa Serikali kutowapatia manufaa wafanyakazi wa nchi yetu kutokana na jasho lao katika mpango huu wa uzeeni. Hii ndiyo sababu Serikali ikaleta mpango huu wa malipo ya uzeeni ili wafanyakazi wa nchi hii wafaidike. Ningependa kuondoa baadhi ya hofu iliyoko kwamba labda pesa za wafanyakazi zinaibiwa ama zinapotea. Kila pesa

[Waziri Msaidizi wa Wafanyi Kazi]

zilizotolewa na mfanyakazi na tajiri wake na zikawekwa katika National Social Security Fund ziko salama kabisa ingawa rekodi haziko sawasawa. Sisi katika Wizara ya Wafanyakazi kazi yetu ni kuona ya kwamba zile pesa zilizochangwa zinawekwa vizuri na zinawaletea wafanyakazi faida. Kwa wakati huu hizo pesa hazikweki tu bali zinatumiawa katika Mipango ya Serikali ya maendeleo na zinazaa faida kwa wafanyakazi ili mwishowe wapate pesa zao pamoja na faida. Labda ingependeza Wabunge kusikia yafuatayo: Kila mwezi National Social Security Fund huingiza katika akiba ya wafanyakazi kiasi cha Sh. 18 milioni. Kila mwezi vile vile wale wafanyakazi wanaodai kulipwa kutokana na National Social Security Fund hupokea kiasi cha Sh. 1 milioni. Mpaka sasa pesa zote zilizoko katika akiba ya National Social Security Fund kwa niaba ya wananchi ni kiasi cha Sh. 60 milioni. Pesa hizi zimewekwa katika akiba ya Serikali ya kutengeneza mipango ya maendeleo katika nchi hii, na hivyo Serikali inalipa faida kwa wanachama wa National Social Security Fund. Kwa hivyo, ningependa kuwashauri wafanyakazi wengine ambao wanapata shida zilizotajwa na Mbunge wa Butere na Wabunge wengine ambao walizungumzia jambo hili wakati wa kuwa mwanaachama wa National Social Security Fund mfanyakazi anahitajika kueleza wazi ni nani atakayerithi mali yake wakati mwenyewe, pengine, kwa bahati mbaya hatakuwako. Jambo hili ni lazima liwe limechunguliwa na kila mwanachama wa National Social Security Fund. Shida iliyoko ni kwamba wafanyakazi wengi wanaandikwa kazi lakini wale matajiri hawachukui wakati wao na kuuliza mfanyakazi kwamba ikiwa atapata ajali na afe ni nani atakayerithi mali yake kutokana na National Social Security Fund. Jambo hili ni la muhimu maana yake, miaka miwili na miezi saba ambayo watu huchukua kupata malipo yao kama ilivyotajwa na Mbunge wa Butere, haingekuwa hivyo ikiwa katika rekodi tulizonazo mfanyakazi aliyefariki angesema ni nani atakayerithi mali yake akifariki. Ni lazima wanachama wa National Social Security Fund waelewe jambo hili sawasawa.

Jambo la pili, Bw. Spika, ni kwamba ningependa kuwauliza wafanyakazi, pamoja na matajiri ambao wanatuma zile rekodi—yaani akisema jina la mfanyakazi, mahali alipozaliwa na watakaomrithi—waonyeshe mara kwa mara maombi yanapofanywa ya kuwaingiza wanachama wapya katika National Social Security Fund. Sitaki kumaliza bila kuwakumbusha Wabunge kwamba katika mpango huu kuna namna kadha za faida. Faida ya kwanza ambayo iliwezesha ule mpango kuundwa ni ya uzeeni, yaani, mtu amefika miaka 55 na hawezi kufanya kazi lakini angali kijana na angetaka kupata raha kidogo. Wakati huo huu mpango husaidia sana na ule huwa mpango wa miaka—yaani, mtu ametimiza umri wa miaka 55 na yuko tayari kutumia pesa zake.

Kuna mpango mwingine wa *invalidity benefit*, yaani, hata ingawa mfanyakazi angali anafanya kazi, akipatikana na ajali na iwe hawezi kuendelea na kazi. Yeye pia hufanya maombi na madaktari wakisema ya kwamba amepatikana na ajali na ameumizwa sana na hawezi kufanya kazi, anafaidika na malipo haya.

Kuna mpango ambao unaitwa *survivor benefit*, mpango ambao, kwa bahati mbaya, mwenye kulipa pesa katika National Social Security Fund hufariki na wale ambao wamebaki nyuma yake hurithi zile pesa.

Bw. Spika, jambo langu la mwisho ni kwamba mimi ningependa kuhimiza kwamba mpango huu wa National Social Security Fund ni mwanzo wa majaribio ya Serikali wa kuleta manufaa ya starehe zaidi kwa wafanyakazi wa nchi hii na si mwisho wa fikira za Serikali katika kupanua zile faida za starehe kwa wafanyakazi wa nchi hii. National Social Security Fund kwa wakati huu inachunguliwa na karibu tutapendekeza mabadiliko katika sheria iwapo mpango huu utasaidia wafanyakazi kwa njia zingine nyingi. Kwa mfano, kama vile ilivyosemwa na Mbunge wa Nakuru, mimi binafsi ningependa kuona kwamba mfanyakazi yeyote aliye kazini na pesa zake ziko katika National Social Security Fund anapewa *investment certificate* ya kusema ya kwamba yeye ana pesa zake na ziko katika National Social Security Fund na akienda na ile *certificate* katika benki ama Housing Finance Company of Kenya anaweza kukopeshwa pesa na kuzitumia kwa njia nyingine. Anaweza kununua shamba na kujenga nyumba na kufanya mambo mengine iwapo yeye atasaidiwa kwa kupewa *investment certificate* ya kuonyesha kwamba ana pesa katika National Social Security Fund. Hiyo itakuwa dhamana yake kwa mkopo wa kujengea nyumba ama kufanya mambo mengine kama yale.

Juzi tulikuwa na sheria hapa iliyofanya mpango wa National Social Security Fund kuwasaidia wafanyakazi walio wanachama katika hospitali na mipango kama hii ingali inaendelea. Mimi natumini ya kwamba maoni tuliopokea kutoka kwa Wabunge ni mazuri na tutazidi kupanua zile faida za National Social Security Fund ili kwamba wanachama wapate manufaa zaidi.

Jambo langu la mwisho ni kwamba ningependa kumsihi Bw. Chifu-Kitonga, Mbunge wa Kitui Mashariki, kwamba sheria hizi zinapotungwa hazitungwi kwa mza-ha ama kwa maneno. Zina sababu fulani. Yeye akija hapa Bungeni na kusema kwamba sheria hii iondolewe bila sababu ni vibaya. Tukikubali tuondoe sheria ya National Social Security Fund na hali Bw. Chifu Kitonga hakutuambia tutafanyia nini rasilmali ya *fund* hii— Yeye hakutuambia tutafanyia nini pesa nilizotaja hapa. Ningependa kumsihi Chifu-Kitonga kuona ya kwamba anapoleta Hoja kama hizi ahakikishe zitasaidia nchi yetu. Ningefurahia kama Hoja hii ilikuwa ikitaka Serikali ibadili sheria iliyoko sasa, Cap 258, ili kuwe na manufaa zaidi kama nilivyoieleza.

Natumaini kwamba majibu yangu yamewatosheleza Wabunge na kwamba tukileta mapendekezo ya kubadili hii sheria ili kuwaletea wananchi manufaa zaidi Wabunge watakubaliana nasi pasipo maswali mengi. Haja ya Wizara yangu ni kuleta uhusiano mwema katika utumishi wa kazi katika nchi hii. Haja yetu ni kuwasaidia wananchi wa Kenya ambao wanafanya kazi ili wapate faida wakati wao wa kazi unapopungua. Ningependa ya kwamba hata wale walio kazini wataleta maoni yao wakipitia kwa vyama vya wafanyakazi katika Social Security Council kuuliza vile wale wasio na kazi watasaidiwa kutokana na utamu wa *fund* hii. Imesemekana katika sehemu zingine za ulimwengu kwamba mpango wowote wa *social security* una maana ukiwa

[Waziri Msaidizi wa Wafanyi Kazi]

unawasaidia wale walio kazini na wale ambao hawako kazini. Itavilazimu vyama vya wafanyakazi kufikiria hili jambo ili kwamba mpango tulioanzisha wa National Social Security Fund uwe chanzo cha kuwasaidia wale wengine ambao hawako kazini.

Kwa hayo machache naomba kujibu.

Chifu-Kitonga: Bw. Naibu Spika wa Muda, kwanza ningependa kuwashukuru wote waliozungumza isipokuwa Bw. Mwangi Mathai.

Waziri wa Nyumba na Huduma za Starehe (Bw. arap Towett): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ni haki kwa Bw. Chifu-Kitonga kusema ya kwamba anawashukuru Wabunge wote isipokuwa Bw. Mwangi Mathai? Si huo ni ubaguzi?

Chifu-Kitonga: Bw. Naibu Spika wa Muda, nime-washukuru wale wote waliozungumza isipokuwa Bw. Mathai—

KIWANGO

Bw. Oduya: Jambo la nidhamu, Bw. Naibu Spika wa Muda, je tumefikia kiwango cha mkutano?

Bw. Naibu Spika wa Muda (Bw. Mwamzandi): La, haifikii kiwango. Piga Kengele ya Mgawanyo.

(Kengele ya Mgawanyo ilipigwa)

AHIRISHO

Bw. Naibu Spika wa Muda (Bw. Mwamzandi): Kwa kuwa hatukufikia Kiwango, Bunge limeahirishwa mpaka Jumanne, Juni 3, saa Nane Unusu alasiri.

Bunge liliondoka saa Tano na dakika arobaini asubuhi

[Waziri Msaidizi wa Wafanyakazi]
nidhamu kuhusu ripoti ya Kamati Teule inayochungua kifo cha Marehemu J. M. Kariuki—sasa mwenyekiti wa hiyo Kamati ameingia hapa Bunge na ningependa umruhusu alete ripoti yake.

HOJA

KUSIMAMISHWA KWA SHUGHULI ZINGINE ILI RIPOTI
YA KAMATI TEULE IJADILIWE

Bw. Shikuku: Bw. Spika, ningependa kupendekeza kwamba yale majadiliano tuliyo nayo sasa yasimamishwe ili tuweze kupata ripoti ya Mwenyekiti wa Kamati Teule iliyokuwa ikichungua kifo cha marehemu J. M. Kariuki.

Bw. Mwithaga aliafiki.

(Hoja ilitolewa)

(Hoja iliamuliwa na kuafikiwa)

ARIFA YA HOJA

Kukubaliwa kwa Ripoti ya Kamati Teule Juu ya Kifo cha Marehemu J. M. Kariuki

Bw. Mwangale: Bw. Spika, ahsante sana kwa kuniruhusu kuleta ripoti hii. Ningependa kuwasilisha Mezani mwa Bunge hili Ripoti ya Kamati Teule iliyoundwa ili kuchungua kutoweka na kufa kwa aliyekuwa Mbunge wa Nyandarua Kaskazini, Marehemu J. M. Kariuki. Nakili za Ripoti hii za Wabunge zinatayarishwa sasa hivi na mtazipata mkienda kwa ofisi ya Ratibu wa Bunge.

Bw. Spika, ukunikubalia napendekeza Hoja hii:—

KWAMBA, Bunge hili laikubali Ripoti ya Kamati Teule iliyochaguliwa kuchungua kutoweka na kuuawa kwa aliyekuwa Mbunge wa Nyandarua ya Kaskazini, marehemu J. M. Kariuki iliyowasilishwa Mezani mwa Bunge hili tarehe 3, Juni, 1975.

Bw. Spika, Ripoti yenyewe ni ndefu kabisa na nita-weka nakili moja Mezani hapa na wale Wabunge ambao wangetaka kupata nakili zao wangepata kupata kutoka kwa ofisi ya Ratibu wa Bunge.

Bw. Spika: Kwa hivyo, hiyo Hoja itazungumziwa kesho.

Bw. Shikuku: Jambo la nidhamu, Bw. Spika. Kwa sababu Bunge lilikuwa limeahirisha Majadiliano kuhusu Hoja ya Hongo, tutaleta Hoja nyingine ili kuirudia?

Bw. Mwangale: Bw. Spika, pengine Wabunge waweza kufikiria kwamba kwa kuwa tulichelewa kufika hapa saa nane unusu ripoti hii si *complete*. Ningependa kusema kwamba hii ripoti *is as complete as is possible*. Sitaki Mbunge mwingine afikirie kwamba tulichelewa kwa njia zingine. Hii ripoti iko kama inavyotakiwa.

Waziri Msaidizi wa Ujenzi (Bw. Keen): Jambo la nidhamu, Bw. Spika. Kama tulivyochezwa na mwenyekiti, kwamba ripoti hii ni *complete* na kwa kuwa ilitarajiwa kuwasilishwa katika Bunge hili saa nane unusu leo, kuna mageuzo yo yoyote ambayo yamefanywa?

Bw. Shikuku: Jambo la nidhamu, Bw. Spika, sijui kama ungenisaidia hapa kwa sababu ripoti ama hati yoyote ambayo imewasilishwa Mezani hapa Bunge

huwa ni mali ya Wabunge na wananchi. Nilikuwa nafikiri kwamba Mwenyekiti wa Kamati hiyo teule atafanya kama inavyofanyika wakati wa Madhumuni ya Fedha ambapo Waziri wa Fedha na Mipango ya Uchumi huja hapa na kutoa ripoti yake na tunaenda zetu na kesho tunakuja kujadiliana.

Bw. Spika: Hakuna haja ya kuanza kusema hayo. Bw. Mwangale atapewa nafasi ya kutosha ya kueleza ripoti yake. Vile vile itawapa Wabunge nafasi ya kusoma hii ripoti na kesho wawe wakielewa Bw. Mwangale anasema nini. Sasa haiwezi kuwa vizuri kwa sababu Wabunge wengine hawatajua anazungumza juu ya nini. Kwa hivyo, itakuwa vizuri kama Wabunge watapata hiyo ripoti kwanza.

Tuendeleo sasa. Kwa desturi, karatasi yoyote ikiletwa hapa hupewa Ratibu wa Bunge.

Mbunge Fulani: Yeye alikuwa akitaka tubadilishe tunavyofanya?

Bw. Shikuku: Nidhamu, Bw. Spika, ni haki kwa yule Mbunge kusema hivyo kwa Mbunge mwingine?

Bw. Spika: Tuendeleo. Ni nani aliyekuwa akizungumza?

HOJA

KUTANGULIWA KWA UAMUZI JUU YA KUUNDWA KWA
KAMATI TEULE JUU YA HONGO NA RUSHWA

(Kurudiwa kwa Majadiliano)

Bw. Kimani: Bw. Spika, nilipokatizwa nilikuwa niki-eleza umuhimu wa—

Waziri wa Mali ya Asili (Bw. ole Oloitipiti): Jambo la nidhamu, Bw. Spika, kitambo kidogo tulisimamisha mazungumzo tuliyo kuwa nayo. Inaonekana kama sisi hatujui mahali tulipo sasa. Unaweza kutuongoza ili tujue tuko wapi?

Bw. Spika: Bw. Kimani alikuwa anangoja kelele iishe.

Bw. Kimani: Bw. Spika, ningetaka kusema wazi kwamba kuna haki ya kuchagua Kamati nyingine kwa sababu mbili.

Wabunge waliokuwa wamechaguliwa hapo mbeleni walikuwa wanakamati wa kamati zingine na ni zaidi ya mbili ma tatu. Kila Mbunge katika Bunge hili ana haki ya kuwa mwanachama wa Kamati fulani ikiwa tuta-fuata ukweli na mwenendo mzuri wa kuongoza nchi.

Jambo la pili ni njia ile ambayo haya majina yaliwasilishwa katika Bunge. Ilionekana kama ni hoja iliyole-twa lakini baada ya muda mfupi magazeti yakatangaza kwamba Kamati imechaguliwa. Mimi nilishangaa sana kwa sababu nilikuwa nikingoja siku ya kujadiliana mambo haya. Inaonekana ya kwamba kulikuwa na njia fulani ambayo kwayo Wabunge wengine walikuwa wakitaka kuwa wanakamati wa kamati nyingi, zaidi ya 20, na zote waziongoze na sisi tuendeleo kusema *hale-lujah* kama kwamba tuko kanisani. Sisi tuliona kwamba hiyo haiwezi kufanyika. Jambo ambalo linahusiana na hongo si kitu rahisi. Mtu anaweza kujichagua na akifika kule nje anawaita wananchi wamuambie vile walivyo-pata mali yao. Mimi mwenyewe natarajia kuleta Hoja nyingine kuuliza mahali ambapo wenye mishahara mi-kubwa wanapeleka pesa zao. Sisi tunataka kujua hawa watu hupeleka mali wapi. Mtu asijifanye maskini na hali anapata mali na kupeleka ng'ambo. Nitawachia lile jambo hapo mpaka nilete Hoja.

[Bw. Spika]

nakili za hizi ripoti zilinyakuliwa. Ni kwa sababu hiyo nikaona kwamba kama Wabunge hawakuwa tayari kuzungumza juu ya ripoti hii kwa sababu hawakupata nakili zao haitakuwa vizuri kuingiza ripoti hii katika Orodha ya Shughuli za leo. Ripoti hii ni mali ya Bunge na hakuna mtu aliyesema kwamba ripoti hii isizungumziwe leo. Hapo jana nilisema kwamba haingekuwa vizuri kuzungumzia ripoti hii jana ili kuwawezesha Wabunge wengine kuisoma na kuelewa, na ni mimi niliyesema kwamba hii ripoti itasomwa leo. Tulipotoka hapa tulikuta nakili zote za ripoti hiyo zilikuwa zimechukuliwa. Wabunge wengi walienda katika ofisi ya Ratibu wa Bunge kuuliza ni nini kilichofanyika. Wengi wa Wabunge walipata nakili zao leo na sijui kama wao wamekwishaisoma ripoti hii.

Waziri Msaidizi wa Maji (Bw. Wanjigi): Jambo la nidhamu, Bw. Spika, mimi nafikiria kwamba hata wale Wabunge ambao hawakuwa wamepata ripoti zao jana waliwahi kuzipata leo asubuhi. Ni Wabunge wachache sana ambao hawajapata na kusoma ripoti hiyo. Kwa hivyo, nafikiria kwamba badala ya kujadiliana kwa urefu, tungepiga kura ili tujue wale ambao wako tayari kujadiliana juu ya ripoti hii na wale ambao hawako tayari.

Bw. Spika: Kama hayo ndiyo maoni ya Wabunge mimi siwezi kuwazuia. Bunge nzima litakata shauri sasa kwa sababu ni Wabunge wengine kati yenu ambao walikuja katika ofisi yangu na kusema kwamba hawako tayari. Sasa mkifikiri ya kwamba mtaendelea na kujadili hili jambo mtasema wenyewe.

Makamu wa Rais na Waziri wa Mambo ya Nchini (Bw. arap Moi): Jambo la nidhamu, Bw. Spika, kila Mbunge amepewa nafasi ya kuuliza swali lake. Mimi nilipata ripoti hii kutoka katika ofisi ya Ratibu wa Bunge saa tano unusu leo na sijapata minutes mpaka sasa isipokuwa nimenyakua ya Mbunge mwingine. Sikupata hii ripoti kwa sababu ningewezaje kukimbilia hii ripoti kama wananchi wengine mimi nikiwa Kiongozi wa Serikali? Ni lazima niende polepole ili nipate hii ripoti kwa njia iliyo sawa sawa. Kwa kusema ukweli, hakuna mtu ambaye anataka kuzuia jambo lolote linalohusu kujadiliwa kwa ripoti hii.

Bw. Spika: Kama vile mambo yalivyo na ninavyoona, ni heri hili jambo likatwe na Bunge ili kusiwe na Wabunge wanaofikiria kwamba hili jambo linataka kukanyagiwa chini.

Kwa hivyo, Hoja ni kwamba tugeuze Orodha yetu ya Shughuli ili tuweze kuzungumza juu ya Ripoti iliyo-wasilishwa hapa Mezani jana.

(Hoja iliamuliwa na kuafikiwa)

Bw. Shikuku: Jambo la nidhamu, Bw. Spika, uliona kilichofanyika? Baada ya kura Mkuu wa Sheria, Bw. Njonjo, aliendelea kusimama mara tatu na kusema "Ia". Hiiyo inakubaliwa?

Bw. Spika: Hata niliwaona Wabunge wengine wakifanya hivyo.

HOJA

KUKUBALIWA KWA RIPOTI YA KAMATI TEULE JUU YA

KIFO CHA MAREHEMU MHE. J. M. KARIUKI

Bw. Mwangale: Bw. Spika, Bunge hili lilituwa Kamati teule mwezi wa Machi, tarehe 14, 1975 kuchungua kifo

cha Marehemu Bw. J. M. Kariuki. Tulikuwa Wabunge 15 na mimi nikapewa nafasi ya kuwa mwenyekiti kutana na kufanya mipango mingi na niliwasilisha ripoti hiyo hapa Mezani jana. Nimewasikia Wabunge wengine wakisema ya kwamba hawakuweza kuipata ripoti hiyo jana na hiyo ilitukia kwa sababu watu walikuwa wanataka kuisoma hii ripoti kabisa. Nakili wale waliokuwa katika Sebule ya Bw. Spika waliachumba nambari saba, ambacho kilikuwa chumba cha Kamati yetu kabla Ratibu wa Bunge na Wabunge wengine kufika kule na kufunga milango na wakachukua nakili zote na hata zingine zilizokuwa draft copies. Mimi nilikuwa nimeiacha faili yangu huko pamoja na wakafan vitabu na vilichukuliwa pia. Kwa hivyo, najua kwamba watu wengi katika nchi ya Kenya walikuwa wanikupata ripoti hii na hamu kubwa sana. Wengine walipata ripoti iliyokuwa draft na wengine walipata draft iliyokuwa ya kweli na kwenda nayo Bunge. Wale ambao hawajapata hii ripoti wanaweza kuwa wale ambao walikuwa katika ofisi ya Ratibu wa Bunge na kupata.

Bw. Spika, nitaanza kwa kusema kwamba Kamati ya Bunge imefanya kazi nyingi kabisa na hata wale waliokuwa na maofisa wetu, yaani, *Secretarial Bureau* walifanya kazi wa Januari nyingi sana kwa sababu Jumamosi, Jumapili na Jumatatu iliyokuwa siku ya kusherehekea Madaraka Dini. Wabunge walikuwa kazini. Kwa hivyo, kama kuna makosa yoyote katika ripoti hii, si kwa sababu ya kitu kingine kwamba wale waliokuwa wakifanya *stenciling* na *stenciling* habari. Wangeweza kuwa wamefanya makosa hapa ambayo pale lakini a complete report should have 37 pages. Kwa ambayo lakini na Wabunge wengine ambao wamepata nakili moja lakini nakili zenyewe zilizo pamoja na minutes ziko katika ofisi ya Ratibu wa Bunge na hiyo ni kurasa 37. Kwa hivyo, ningewauliza Wabunge waangalie kama nilivyos wana kurasa za kutosha na wakitoka hapa wanaweza kupata ripoti kamili ofisi ya Ratibu wa Bunge.

Bw. Spika, ningependa kuwauliza Wabunge waangalia Wabunge *lie terms of reference* ya *resolution* ambayo ilitolewa kama *Resolution* yetu ilikuwa ni kwamba hii ripoti itafute ushahidi ambao ungesaidia Serikali kuwakama wale ambao walimuua Marehemu Bw. J. M. Kariuki. Hiyo ndiyo ilikuwa kazi yetu. Nafikiri wengine wamepolisi a kuwa wakifikiri ya kwamba kazi yetu ilikuwa ni kuwainuhusika tafuta waliohusika kabisa, tuwapate, na kuyasema na hat jina yao kwamba walikuwa fulani, fulani na fulani. Ningeta I think we should state quite clearly from the outset Peter Kiny kwamba *terms of reference* zetu zilikuwa ni kupata Mark Twi *evidence—to secure and preserve it*—na hiyo ilikuwa Mbunge ni kwa sababu nchi yote ya Kenya haikutaka kujiambua Bw. Mw ya kwamba kulikuwako na "Njenga" peke yake. Taw you mark was the main reason. Ukiangalia katika ripoti hii Twist" ali Bw. Spika, utaona ya kwamba tunaonyesha mipango muda wa ambayo ilifanywa kumuua Mhe. Bw. J. M. Kariuki 1975. Lak haikuwa ya mtu mmoja. Kwa hivyo, ningependa Wama 27. bunge waisome na kuelewa vizuri kabisa ndipo wa Investiga bomu lil ya Juma ndipo B Katika C ant. wa saa Siti pale tu akachu

Bw. Muigai: Sina nakili.

Bw. Mwangale: Kama hujaisoma, Mhe. Muigai Kenyatta, ningekuomba uende katika Ofisi ya Ratibu wa Bunge ili upate nakili hiyo na utakuwa na nafasi ya kuzungumza kesho au siku ya Ijumaa.

Haji—Kukubaliwa kwa Ripoti ya Kamati Teule—

ki. Tulikuwa Wabunge wa mwenzetu, ambaye ni Mwenyekiti wa Kamati hii. Mwenzetu, ambaye ni Mwenyekiti wa Kamati hii, ametuambia tuisome, lakini ningetaka kujua tuwa sababu watu wote wa Kenya na Wabunge waanawapata hapa zamani au ipoti kabisa. Naye ripoti ya Kamati.

Bw. Spika walinisoma. Mwangale: Ningependa Mhe. Mbunge ayasikilize tilikuwa chumba kwa sababu yatamsaidia yeye mwenyewe.

Bw. Spika, Kamati hii ilianza kufanya kazi yake na wabunge waanawapata hapa zamani au ipoti kabisa. Naye ripoti ya Kamati. Mwangale: Ningependa Mhe. Mbunge ayasikilize tilikuwa chumba kwa sababu yatamsaidia yeye mwenyewe.

Bw. Spika watu wengine katika Idara ya Upelelezi wale walioteleleza kumfuata Mhe. Bw. J. M. Kariuki kutoka juu walifanya kazi yake wa Januari. Kulikuwako na mtu mmoja ambaye umapili na jumapili anajiita rafiki wa Bw. J. M., yaani alikuwa Madaraka kama informer wa Polisi; alienda kwa Criminal Investigation Department na kuwaambia ya kwamba una makosa katika matamshi mengine yakisemwa na Bw. "J.M."

Enciling na kuhusu habari ya bomu. Wakati huo hapakuwa: na yakosa hapa bomu ambayo ilikuwa imelipuliwa. This was in January. Mabomu yalianza kulipuliwa katika mwezi wa Februari, nakili moja na tukawa na bom hoaxers. Yule mtu aliendelea kumfuata "J.M." na kila wakati alikuwa akifanya ripoti ni kurasia katika Criminal Investigation Department Headquarters.

Kama nilivyosema, huyo mtu alikuwa Police Informer. Katika evidence yake inaonekana ya kwamba kulikuwako na wengine ambao walikuwa wakimfuata huku na huko, pengine kama wanavyowafuata watu wengine kama Wabunge. Lakini huyo mtu ndiye aliyekuwa bayo ililoteleleza kumfuata Mhe. Bw. J. M. Basi, karibu mwisho wa i kwamba mwezi wa Februari kulikuwako na bomu mbili, na ya kuwakamata icalipuliwa tarehe mosi Machi usiku wa Jumamosi.

M. Kariuki jamaa tarehe 28 yule kijana ambaye alikuwa informer wengine wa polisi alikamatwa na kuwekwa jela kwa sababu wa ni kumfuata alihusikana na kuiba pesa kutoka benki moja ambayo yasema alitwa Habib. Kwa vile nilitaja jina lake katika Ripoti na fulani hii, ningetaka niliseme tena. Yeye mwenyewe anajiita the out Peter Kinyanjui, lakini anajulikana sana kwa jina la ni kupi "Mark Twist".

iyoyi, ilikuwa kasi yake. The pot hiyo mipango Kariuki enda ilipo wasi.

Mbunge Fulani: You mark and then you twist!

Bw. Mwangale: Kama vile Mhe. Mbunge anavyosema, you mark and then you twist. Kwa hivyo, huyo "Mark Twist" aliweka jela tarehe 28, na alifungwa jela kwa muda wa miaka mitatu—that was on 28th February, 1975. Lakini hapo mbeleni, siku ya Alhamisi, tarehe 26 ama 27, alikuwa amefika kwa Idara ya Criminal Investigation kufanya ripoti hiyo. Kwa hivyo, wakati bomu lililolipuka katika kituo cha bas cha OTC siku ya Jumamosi, karibu saa Nne za usiku, hapo na hapo ndipo Bw. J. M. akawa marked. Usiku huo alipoenda katika Casino, alifuatwa na yule ambaye ni Commandant wa General Service Unit, na akafika kule karibu saa Sita unusu na hakuchukua muda mrefu. Alienda pale tu na kumwona J.M., ambaye alikuwa ndani, na akachukua muda wa karibu nusu saa akimpatia

kinywaji na halafu akarudi ofisini kwa haraka. Tena akarudi mara nyingine karibu saa Saba unusu. Walikaa kule mpaka J. M. aliporudi nyumbani siku ya Jumapili asubuhi. Siku ya Jumapili, karibu saa Tatu unusu, huyo Commandant wa General Service Unit, Bw. Ben Gethi, alienda kwake Bw. J. M. Wakati alipofika kule alimpata J.M. bado analala kitandani, in his own bedroom, na akaenda mpaka katika chumba cha kulala na akamuamsha Bw. J. M. Ningependa kusema hapa kwamba alikuwa hajafika kwa J.M.'s house for nearly a year. Hiyo ilikuwa safari ya kwanza katika muda wa karibu mwaka mmoja, yaani walikuwa marafiki lakini hawakuwa marafiki ambao walikuwa wakiingia hata vyumba vya kulala.

Bw. Spika, katika evidence tuliambiwa na Bi. Kariuki kwamba wakati huo wa asubuhi bwana yake alimpigia simu akiwa huko Gilgil na akamwambia kwamba amefanya mpango na Bw. Ben Gethi kukutana naye jioni katika Hoteli ya Hilton kwa appointment. Hiyo asubuhi ya Jumapili tarehe 2, yule kijana ambaye alikuwa amefungwa tarehe 28 akafunguliwa kutoka kwa Jela ya Industrial Area karibu saa Nne unusu. Basi, alipelekwa kwa maafisa wa Idara ya Criminal Investigation katika Criminal Investigations Headquarters, sababu yake ikiwa kwamba walitaka yeye azungumze na J.M. kupitia kwa simu afanye "twist" yaani wazungumze kwa simu so that J.M. commits himself kwa simu kwamba anajua mambo ya mabomu. Huyo akashindwa. Alimpigia J. M. Kariuki simu na wakazungumza na mazungumzo yao yakanaswa kutoka katika Makao Makuu ya Criminal Investigation Department. Aliyekuwa akiyanasa mazungumzo hayo alikuwa ni Mkrugenzi wa Criminal Investigation Department, Bw. Nderi. Walipojaribu kumnasa Marehemu J. M. Kariuki kwa kumuuliza kama anajua mambo ya milipuko ya mabomu na wakashindwa, walimwambia huyu Mark Twist amfuata mpaka kwa Ngong Races. Mtu huyu halafu alifanya mpango wakutane na Marehemu J. M. Kariuki huko kwenye mbio za farasi.

Bw. Spika, Marehemu J. M. Kariuki alipofika kwenye mbio za farasi huko Ngong, Peter Kinyanjui au Mark Twist alitumwa huko, na katika ushahidi wake anaonyesha kwamba alitakiwa awaongoze maafisa wengine wawili wa Criminal Investigation Department huko. Tumepata ushahidi mwingine kutoka kwa wale waliokuwako kuonyesha kwamba huyo huyo Ben Gethi alikuwako katika mbio hizo za farasi huko Ngong, na pia Peter Kinyanjui alikuwako, pamoja na mtu mwingine mnene ambaye anaitwa Patrick Shaw, na huyu nafikiri ndiye deputy director wa administration wa Starehe Boys Centre, na kila mtu anaweza kumtambua kwa unene wake. Yeye kazi yake ni hiyo, pamoja na kufanya kazi kama Chief Inspector katika Kenya Police Reserve, na kila wakati wanawafuata watu katika Jiji hili ili kujua kama wao ni wahalifu, na hata wakati mwingine huwafuata hata Wabunge. Siku hiyo, yeye pia alimfuata Marehemu J. M. Kariuki kwenye mbio za farasi Ngong. Walikaa huko mpaka saa kumi na mbili, na J. M. Kariuki alipitia nyumbani kwake ambako alibadilisha nguo na halafu akaelekea Hilton Hotel.

Sasa, nje ya Hilton Hotel, Bw. Spika, kuna sehemu ambayo hukaliwa na watu, karibu na chumba cha Information Bureau, na watu wote waliokuwa mahali

[Bw. Mwangale]

hapo, pamoja na waombaji, waliondolewa mahali hapo kwa sababu kulikuwa kukipangwa mipango mingine.

Saa kumi na mbili unusu marehemu J. M. Kariuki alifika Hilton. Alipofika huko alikuta watu wengine humo ndani waliokuwa wakimngoja na mmoja wao, ambaye alituambia katika ushahidi wake kwamba alikuwako, ni mtu anayeitwa Pius Kibathi. Kwa wale wanaokaa Nairobi, hasa Wabunge wa Nairobi, wanamjua Pius Kibathi kwa sababu yeye anajulikana kama *first class criminal*, na amewahi kuua mtu, na kama alimuua pia J. M. Kariuki, hiyo haikuwa safari yake ya kwanza kufanya hivyo. Lakini, yeye alituambia ya kwamba walikuwa wamepanga kuonana na J. M. Kariuki huko Hilton Hotel saa kumi na mbili usiku wa Jumapili. Alipofika huko alikaa ndani, na alikuwa na rafiki zake wengine wawili. Mmojawao alikuwa akiitwa Peter Gicheru Njau—na nafikiri Serikal ilimweka mtu huyu kizuizini wiki iliyopita, na sijui ni kwa sababu gani—na huyo mwingine anaitwa Kimani. Basi, Kamati iliona kwamba ni lazima imwite Bw. Kimani ili imuulize kama alikuwa pamoja na Pius Kibathi katika Hilton Hotel, na akaja na akasema alikuwa naye hapo. Pia tulisema tungetaka kumuona Bw. Peter Gicheru, lakini tukapata amekwishawekwa kizuizini.

Sasa, Pius Kibathi naye akasema kwamba kati ya wale waliokuwa Hilton mmoja wao alikuwa ni Mkruenzi wa *Criminal Investigation Department* mwenyewe Bw. Nderi pamoja na watu kama Bw. Patrick Shaw na Ben Gethi. Inaonekana kwamba katika kufanya kazi yake, huyu Bw. Patrick Shaw hutumia *walkie-talkie system*, yaani ikiwa anataka kuzungumza na mtu ambaye yuko nje, na wakati huo walikuwa watatu, yaani, yeye, mwingine ambaye anaitwa Bw. Peter Young na *security officer* wa New Stanley, ambaye anaitwa Bw. Clark, alikuwa anatumia chombo hicho cha *walkie-talkie*. Kwa hivyo, mmoja wao alikuwa amekaa kule juu katika zile ngazi za Hilton na kuangalia huko chini na mwingine alikuwa akisimamia *the take-away* kule chini.

Sasa ndiyo taabu ikaanza, Bw. Spika, na Bw. J. M. Kariuki akaondoka mahali hapo na watu hao na akauawa. *That is the end of the story*. Bw. J.M. Kariuki alitoka Hilton akiwa chini ya usimamizi wa maafisa fulani wa *Criminal Investigation Department* na Kamanda wa *General Service Unit*. Mahali walipokwenda ni wao peke yao ambao wanaweza kueleza. Sisi tunajua kwamba baada ya masaa mawili na nusu au matatu hivi, yaani karibu saa nne za usiku, Bw. J. M. Kariuki aliwawa kwa kupigwa risasi kama tano kama ilivyonekana katika *postmortem examination*. Alikuwa amefungwa mikono—alipopigwa risasi za moyo, alikuwa amepiga magoti.

Bw. Spika, Kamati yetu inatosheka kwamba maelezo kamili juu ya kuuawa kwa Bw. J.M. Kariuki ni lazima yatoke kwa wale maafisa wa *Criminal Investigation Department* waliokuwa katika Hilton na pia kwa Kamanda wa *General Service Unit*.

Jambo la pili ni kwamba kwa sababu Bw. Nderi mwenyewe alituambia ya kwamba saa ya Bw. J.M. Kariuki ilipopatikana katika Kituo cha Police cha Makongeni ilikuwa imewekwa huko na Bw. Pius

Kibathi, yeye pia anaweza kueleza jambo hili kwa sababu Bw. Nderi mwenyewe alikuwa na Pius Kibathi na Ben Gethi huko Hilton, na wao ndio waliotoka hapo na Marehemu J. M. Kariuki.

Lakini ukiangalia njia ambayo polisi ilitaka kuwela kila kitu juu yake, yaani, walitaka kuficha mienendo ya Bw. J.M. Kariuki kutoka Hilton mpaka kule Ngong maana yake kila mahali alipopitia walikuwa wanaweka kizuizi, *if you look at the determination of the police to cover up that evidence*, Bw. Spika, *it is shocking*. Tuliwaomba tusaiane nao kwa sababu kazi yao ilikuwa ni kuwatafuta wale waliomuua Bw. J.M. Kariuki lakini tukashindwa. Walifanya bidii kubwa sana kutusumbua, na hata mwingine wao alikuja mbele ya Kamati yangu, naye alikuwa ni Mkruenzi wa *Criminal Investigation Department* mwenyewe, na kusema, "Hata wengine hapa mkimaliza kazi katika Kamati hii, ni lazima nitawakamata". Nami nikamwambia "Wewe fanya hivyo lakini siku moja utatwangwa".

(Shangilio)

Bw. Spika, nitaongeza kitu kimoja. Pale ambapo mwili wa Marehemu Mhe. J.M. Kariuki ulipopatikana ni mahali ambapo miili mingi imepatikana. Tukaambiwa ya kwamba kuna mtu mwingine ambaye alipigwa risasi hapo hapo na akaanguka. Lakini baada ya muda mfupi kile kitu kilichobakia ni nguo tu. Waliendelea kutuambia kwamba wakati mwingine watu huletwa huko na gari na baadaye kile wanachosikia ni milio ya risasi. Walituambia kwamba wakati mmoja risasi zilipigwa usiku kama saa sita unusu. Wakati tulipowauliza ni kwa nini hawakuenda huko kuona kile ambacho kilikuwa kikifanyika, walituambia hawakuenda huko kwa sababu waliogopa. Mahali hapo ni *butchery* ya *human beings*. Vile vile katika Ngong kuna fisi wengi sana. Vile fisi hao hufanya ni kwamba ikiwa wamekosa kupata vitu vya kula kule *National Park* ya Ngong ni lazima wapitie pahali pale pale. Wale wazee wawili wa Kimasai, yaani Bw. ole Tunda na Bw. ole Nehoki walituambia ya kwamba ng'ombe wao wakipotea saa Kumi na Mbili hawawezi kujisumbua kuwatafuta kwa sababu wanajua watauawa upesi na fisi hao. Kwa hivyo, ni bahati kubwa kwamba mwili wa marehemu J.M. Kariuki ulipatikana kabla haujaliwa na hao fisi. Hata mimi mwenyewe *I was shocked*. Mimi nimesoma sana *chemistry*, but not law. Ninajua ya kwamba *the body of the late J.M. Kariuki was very strange*.

Bw. Spika, mambo ambayo yanahusika na *cover-up* yako katika *Chapter 4*. Sitaeleza *page after page* kwa sababu Kamati ilijaribu kueleza vile mambo yalivyofanyika kwa njia ambayo ni rahisi iwezekanavyo. Tumeeleza hayo mambo kwa ufupi kwa sababu tunaeleza *point after point*. Hata vile marehemu J. M. Kariuki alivyotembea kutoka Ijumaa mpaka Jumapili tunao-nyesha kwa saa kwa saa hadi wakati alipokufa. Kwa hivyo, siwezi kusema mengi juu ya mambo ya *cover-up*. Lakini kuna kitu kimoja ambacho ningetaka kusema. Tuliwauliza maafisa wa polisi watusaidie kwa sababu kazi yao na kazi ya Kamati ilikuwa moja. Kulingana na Kanuni za Bunge, Kamati ya Bunge hili ina uwezo wa kuangalia hati zote za Serikali *except those which are classified under the same Act*, kwa mfano, hati za *military*, na kadhalika. Tuliwaambia ya kwamba ikiwa

ili kwa Bw. Mwangale]

us polisi wangetaka kuangalia documents za Kamati tutawaruhusu kufanya hivyo. Vile vile tuliwauliza ikiwa hao watapata witnesses fulani waturuhusu tuwaulize maswali machache ili tuweze kufanya comparison.

Kwanza tulimuita Mkuu wa Sheria na Makamu wa Rais na wakakubali na wakaja. Vile vile walikubali ya wamba watatusaidia kwa kazi yetu. Kwanza tukamuita the Mkuu wa Criminal Investigation Department. Wakati shoo lipokuja alituambia ya kwamba yeye alikuwa tayari i yatusaidia kwa sababu file zote zilikuwa tayari. Yeye alituambia ya kwamba baada ya kupata barua kutoka kwa Mkuu wa Polisi angetupatia chochote ambacho kutamuliza. Basi, tukamuita Bw. Hinga na akaja hapa. Ili tulimuita ya kwamba Mkuu wa Sheria amekubali ita ya kwamba tunaweza kupata hati zote kutoka kwa polisi. But to my surprise and that of the Committee, ya Bw. Hinga alikuja na wakili mmoja ambaye anajulikana kama Georgiadis. Sijui ni kwa sababu gani yeye alifanya hivyo. Kamati yenyewe ilikuwa ikifikiri kwamba Bw. Hinga atakuja accompanied na Mkuu wa Sheria au the Deputy Public Prosecutor au maofisa kutoka Idara ya Polisi. Sijui pesa zilizotumiwa kumlipa wakili huyo alitoka wapi. Lakini, what we know is that he hired a lawyer. Wakati wakili huyo alipofika katika Kamati alianza kutupa lectures. Mimi nikamwambia ya kwamba one can interpret law to the extent of misinterpretation. That is exactly what that gentleman was trying to do. Lakini yeye alikataa kwamba Kamati yetu ilikuwa na haki ya kuona documents za polisi. Wakati tulipokuwa ukifikiria kurudi hapa ili tuulize kama Bunge lenyewe aweza kutuambia tutafanya nini, wakakubali maombi yetu. Bw. Hinga alisema ya kwamba sub-committee ya Kamati yetu ingeweza kuenda ofisi Kuu ya Idara ya Criminal Investigation kusoma statements zote ambazo ilikuwa zimechukuliwa na maofisa wa Criminal Investigation Department. Wakati tulipofika huko Bw. Nderi alitukataza kuona statements hizo. Yeye alituambia ya wamba vile tungefanya ni kuangalia juu ya file zenye-e kama vile unaweza kuangalia juu ya kitabu ili ujue ma ni cha science or history. lakini yeye alitukataza uangalia ndani ya files hizo. Lakini Bw. Nderi alikubali itunyeshia statement moja na sijui ni kwa sababu ni. Statement yenyewe ilikuwa ya Mark Twist, ambaye kuwa informer wa polisi. Baada ya kusoma yale ibayo yalikuwa ndani ya file yenyewe tulimuuliza mali kadhaa lakini alikataa kuyajibu. Vile vile kulikuwa statement ya Pius Kibathi ambayo katika ripoti yetu aandika mengi juu yake. Kulingana na statement e Bw. Kibathi amesema ya kwamba alikuwa katika teli ya Hilton. Statement hiyo ilitolewa kwa Inspector yua. Lakini wakati tulipomuuliza Bw. Nderi aturu-tuone file ya Bw. Kibathi, alitukataza. Kwa hivyo, ence yote ambayo tumepata chini ya chapter 4, if compared it with the evidence ambayo polisi wamehapata utaona ya kwamba yao haiwezi kuwa one ter of what we gathered. Kamati yetu ilipata evidence si sana. Lakini polisi walikuwa wakipata statements o kwa sababu wao kulingana na our conclusion uwa wakijua vile mambo yalivyofanyika na kwa hawakuwa na haja ya kujisumbua kupata ushahidi. watu ambao walikwenda kwa polisi kupeleka

habari walipigwa, na walipigwa kwa sababu polisi hawakuwa wakitaka hao watu watuambie ukweli. Therefore, all attempts of the police were simply systematically aimed at breaking every rule in the book. They succeeded.

Bw. Spika, kitu ambacho ningetaka kusema ni kimoja. Wabunge ambao walikuwa katika Kamati hii walifanya kazi mchana na usiku. Wakati mwingine tulikuwa tukikaa mpaka saa nne za usiku. Baada ya kutoka hapa Bungeni tulikuwa tukienda kule Hilton. Ikiwa mmoja wetu alikuwa na rafiki mmoja huko, tulikuwa tikimutuliza kama yeye anaweza kutusaidia kwa sababu hata yeye atakufa siku moja na kwa hivyo hakuna haja ya kuogopa. Wengine wao walikubali kuja ili watusaidie. Ni kwa sababu hiyo tulipata evidence ya kutosha. Kwa sababu hiyo, ningependa kuwauliza Wabunge wawashangilie na kusema ahsante kwa Wanakamati ambao wamefanya kazi ya maana sana.

(Wabunge walipiga makofi kuwashangilia Wanakamati)

Bw. Spika, katika recommendations zetu tumetaja majina ya polisi ambao walitusumbua sana. Kuna ofisa mmoja ambaye anahitaji special mention. Yeye anaitwa Bw. Mungai, ambaye ni Senior Assistant Commissioner of Police, yaani, Ofisa Mkuu wa Polisi katika Mkoa wa Rift Valley. Mimi, kama wale Wabunge wengine, tumekuwa tukizungumza na maofisa wa Serikali lakini sijawahi kuona ofisa kama huyo. Sijawahi kuona mtu mwenye kujiona, mwenye pride na wa akili dogo, na rude kama huyo. Bw. Spika, katika sheria, kama ofisa wa polisi amevaa uniform, akiongea katika mahakama, it is courtesy to salute. Yeye alikuwa karibu kukataa kula kiapo cha mahakama ingawa alifanya hivyo kwa nguvu. Sijui kama yeye alikuwa amekula kiapo kingine ama nini, kwani wakati alipofika pale alikataa kabisa na akaenda nje. Nilipomuuliza Bw. Hinga atueleza kama hiyo ndiyo kawaida ya sheria za polisi au yake, alisema kwamba tumuandikie barua na yeye mwenyewe ataona ya kuwa ofisa huyu ameadhibiwa. Lakini tabia hii kwa mtu ambaye ni Mwandamizi Msaidizi wa Kamishna ni baya kabisa. Sisi tuliona kwamba mtu kama huyu hawezi kusaidia Serikali kwa njia yoyote, wala atakuwa tu akiharibu jina la Serikali.

Bw. Spika, ningependa tuangalie mapendekezo haya kwa makini sana. Wale ambao walimchukua marehemu J.M. Kariuki kutoka Hilton Hotel ni wale watu ambao tumewaweka katika Ripoti hii. Tumesema kwamba hao ndio wanaojua jinsi J.M. Kariuki alivyokufa na njia alipopeleka huko Milima ya Ngong. That is our conclusion.

La pili tumesema kwamba sisi kama Serikali na Bunge la Kenya, tukitaka kupata ukweli ni lazima maofisa wakuu hawa wa Serikali waondolewe na kundi lingine likachukue mahali pao ndipo uchunguzi wa kweli ufanywe.

(Shangilio)

Ninasema hivyo kwa sababu they are involved. Kama kuna justice na if justice is not only to be seen to be done, but also to be actually done, then these people must leave the Kenya Police Force. They have no commitment whatsoever. Kama ingekuwa nafasi yetu kuandika ushahidi wote na tuweke katika Ripoti hii kwa

[Bw. Mwangale]

kifo peke yake, pendekeza vitu vikubwa zaidi. Ukiangalia ushahidi ambao tunao kuhusu maofisa fulani wa polisi, kuna mambo ya kustaajibisha, lakini siwezi kuayasema hapa. Lakini tunaomba kwamba Serikali iwafute kabisa kutoka Kikosi cha Polisi na tumependekeza watu hawa wanne. Wa kwanza ni Kamishna wa Polisi mwenyewe.

(Shangilio)

Nikisema kwa ukweli kabisa, ningependa kusema kwamba tulisaidiwa sana na watu wengi kama wakuu wa *Special Branch*; they have a very open mind.

(Shangilio)

Wale wanafanya kazi wakijua *they are doing a job for wananchi*. Na tukiweka Kamishna wa Polisi ambaye anaweza kulinda polisi wote, utaona kwamba kila kitu hapo chini kitakuwa safi. Hata yeye akitoa *directive* kwa mdogo wake, Bw. Nderi, huyu mdogo wake husema *I do not want. What type of power do you have?*

Mtu wa pili ni huyo huyo Bw. Nderi, Mkrugenzi wa *Criminal Investigation Department*; naye ang'olewe. Kuna maofisa wengi katika *Kenya Police Force* ambao wako *qualified and dedicated to do a good job*. Kuna wengi hapa na hatuwezi kusema kwamba tukimfuta kazi hatuwezi kuwa na mtu mwingine wa kushikilia kazi hiyo; kuna watu wengi hapa wa kutosha *who are fully qualified and dedicated to do the job they are supposed to do*.

Mtu wa tatu, Bw. Spika, kuna kalasinga ambaye yuko katika *special category*. Huyo naye anajiita *Lion of Kenya*; yaani, yeye ndiye Simba wa Kenya. Yeye alitumiwa kufanya *all the cover-up*. He is in-charge of *other things other than just covering up*. Kwa hivyo, tumeona kwamba yeye akiwa pale ataharibu *Kenya Police Force* na pia ataharibu Serikali; tumesema aondolewe pia!

(Shangilio)

Ofisa wa nne ni Bw. Mungai kutoka Rift Valley. Pia tumesema kwamba yule *Commandant* wa *General Service Unit* ambaye alitumiwa kuchukua J. M. Kutoka kwa hoteli, *his is a special category* kwa sababu anaweza kuwa *accomplice to the murder*. Kwa hivyo, yeye asiondolewe kutoka kwa *General Service Unit* tu, lakini zaidi aangaliwe kama mmoja wa wale ambao walikuwa wauaji.

(Shangilio)

Kuna mainispekta wadogo, wadogo kabisa ambao walitumiwa lakini tumeona kwamba wao walifanya kazi bila kufuata sheria ama *procedures*. Maofisa hawa ni mainispekta wa Kituo cha Polisi cha Ngong. Mwili wa marehemu J. M. Kariuki ulichukuliwa kutoka manyatta ya Ngong bila kupigwa hata picha, hawakufanya *measurements* zozote, na waliupeleka moja kwa moja mpaka *city mortuary*. Hawakuchukua *fingerprints* kutoka tarehe 3 mpaka tarehe 6. Walipochukua hizo *fingerprints*, waliziweka katika ofisi yao mpaka tarehe 8 na walipofika kule tarehe hiyo, waliambiwa kurudi tarehe 11. Bw. Spika, tunaona kwamba njia waliouchukulia mwili wa marehemu J. M. Kariuki—na wengi wa hao wanasema *privately* kwamba waliuangalia mwili huo

wakaona kuwa unaonekana kama mwili wa J. M. Kariuki. Hawa tumesema kwamba *Police Force* yenyewe iwape a *disciplinary action* ambayo hutumiwa katika Kikosi cha Polisi.

Bw. Spika, kuna gazeti moja, *although we have no powers over newspapers*, ambalo Mhariri Mkuu wake, Bw. George Githii, anafaa kuwa *censured*. *Editor-in-Chief* alikuja mbele ya Kamati yetu na tukamuuliza atueleze sababu ya kuandika habari ambayo haikuwa ya kweli ya kwanza ikiwa ya tarehe 8 na ambayo ilisema kwamba J. M. Kariuki alikuwa Zambia. Siku ambayo tulipata mwili wa J. M. Kariuki katika *City Mortuary*, alikuwa amechapisha nakili zingine. Tulikuwa na bahati ya kupata nakala moja na alikuwa amechapisha 37,000 *copies* kusema kwamba J. M. ameonekana kule Tanzania ndani ya ndege ambayo haina chapa ya Kenya au ya Zambia; tuna *copy* hiyo. Sasa, tulipomuuliza alianza kutetemeka kwa sababu hakujua kwamba tulikuwa tumepata *copy* hiyo. Kwa hivyo, Bw. Spika, inaonekana kwamba Bw. George Githii alikuwa *part and parcel of the cover-up system*.

(Shangilio)

We have way of punishing him ila kusema tu kwamba *he must be censured, and severely so for very irresponsible journalism*. Tungependa wale watu ambao wamemwandika kazi wamjulishe kwamba katika Kenya tunapenda uthabiti na amani na hatutaki kupotoshwa.

Kuna wale ambao tumesema kwamba walikuwa katika *Hilton Hotel* na watu wa *Criminal Investigation Department* wamesema ya kwamba mmojawapo ndiye alikuwa na hiyo saa katika Makongeni Police Station na mtu huyo ni Bw. Pius Kibathi Thuo na marafiki wake wawili. Hao watu wawili, ambao majina yao ni Peter Gicheru Njau na Peter Kimani, inatakiwa waangaliwe kama wale ambao wanaweza kuwa ndio walimuua J. M. Na ningependa kusema ya kwamba yule mtu ambaye alikuwa akimfuata J. M. kutoka Ijumaa mpaka kwa mbio za farasi Ngong' siku ya Jumapili na hata katika *Hilton Hotel*, aangaliwe kabisa kwa sababu anaweza kuwa kati ya wale watu ambao walishiriki katika mauaji hayo, na huyo mtu ni Patrick Shaw.

Bw. Spika, ningependa kusema ya kwamba kuna *evidence* nyingi. *There are piles and piles of evidence*. Sisi kama Wanakamati tulikaa pale tukifanya *preparation* na tumefanya *drafts* nyingi. Tulikuwa tukifanya *drafts* mbali mbali na baada ya kufanya hivyo tukazirudia kuona huyu au yule alisema nini katika *evidence* yake. Katika *draft* ambayo imewekwa juu ya Meza kuna watu ambao walitoa *evidence* zao katika mikutano yetu. Katika yale maelezo ambayo tulipata kutoka kwa watu wa *special branch* ama *criminal investigation department*, au kwa marafiki zao ambao walisema walikuwa nao tumeona ya kwamba kuna *conflict of evidence*, na kulingana na maelezo mengi ambayo tulipata kutoka kwa watu ambao walikuwa nao, ningependa kusema ya kwamba watu hawa wanaweza kuwa *classified as potential conspirators*: Bw. Spika, tumewaweka hao watu mkononi mwa Serikali kuwaangalia. Kitu ambacho ningewaomba Wabunge waangalie kabisa ikiwa kifo cha mtu si jambo ambalo ni la kuchekelea, na kwa hivyo tumefikiria sana juu ya majina ya watu ambayo yamewekwa katika ripoti hii na tuna

Hoja—Kukubaliwa kwa Ripoti ya Kamati Teule—

Mw. Mwangale]

evidence ya kutosha kwa kufanya hivyo, lakini kwa babu ya *confidentiality* ya *evidence* hizo hatuwezi zitamka hapa. Nawaomba Wabunge na wananchi wote wasikilize jambo hilo kabisa kabisa. Kwa hivyo, *under that category*, tumesema ya kwamba katika *evidence* ambazo Wabunge wamepata kuna watu ambao *Investigation Team* itakayochaguliwa itawaangalia kumakana na matembezi yao siku ya Jumapili. Sisi tulikuwa akiwauliza watu kama hao waseme walikuwa wapi kutoka siku ya Jumapili mpaka Jumatatu. Yaani tulianya *very systematic follow-up and we found a conflict of evidence*, hasa kulingana na matembezi yao siku ya Jumapili hiyo.

Bw. Spika, nitaanza na kansela kutoka Nakuru anayaitwa Silas Mburu Gichua na ambaye ni Mayor wa Nakuru. Tulimuuliza huyo mtu kama alikuwa hapa Nairobi siku hiyo—na hakuwa rafiki ya J. M. kabisa alipokuwa anatoka katika *constituency* ya J. M.—na alikataa kabisa kwamba hakuwa hapa Nairobi hata kidogo, lakini tulikuwa tumeshapata *information* kutoka kwa watu wetu wa Serikali na watu ambao walikuwa naye kwamba alikuwa hapa. Basi, aliposema hivyo ukawaita hao marafiki wake na kuwauliza: “Ninyi alikuwa na huyu mtu siku fulani ama siyoy, na ikiwa alikuwa pamoja mlienda wapi baadaye?” Wakasema: “Oh, tulikaa hapa mpaka saa sita ya usiku na baadaye tukaeenda Nakuru na tukafika huko karibu saa saba siku ya Jumapili”. Basi, tukasema ya kwamba kwa sababu ya *conflict of evidence* yake mwenyewe Serikali mwangalie kabisa kuona alitembea namna gani siku hiyo.

Kuna Konsela mwingine anayaitwa John Mutung'u ambaye ni Konsela wa Konseli ya Ol Kejuado kutoka sehemu ya Ngong'. Tulipokwenda kule Ngong' na kuingumza na wale wananchi ambao walikuwa hapa pamoja na machifu na maofisa wa polisi tuliambiwa ya kwamba karibu saa ya jioni mtu huyo—Bw. John Mutung'u—alitoka upande huo wa Ngong' Hill na kwa muda wa wiki moja akatoweka kabisa. Basi, tulipomwita kumuuliza alikuwa wapi akasema: “Oh, mimi alikuwa nimeenda Uganda kufanya biashara na nilitudi tu hapo karibuni”. Tuliposikia hivyo tukamuuliza alite *ticket* yake ya OTC, lakini alipoleta *ticket* hiyo tukaona kuna jina lingine katika *ticket* hiyo, na tulipofanya upelelezi tukapata ya kwamba yeye hakuenda Uganda hata kidogo, alikuwa hapa Kenya, na motakaa ambayo ilisemekana haikuwako kule Ngong' ilikuwa imewekwa katika Caltex Petrol Station, Ngara. Bw. Spika, motakaa hiyo ilisafishwa katika Caltex Petrol Station kule Ngara saa ya asubuhi tarehe 3 Machi, 1975 na ikakaa huko. Kwa hivyo, tukaona ya kwamba mtu huyo ana hadithi ambayo anaficha.

Kuna mtu mwingine anayaitwa Stanley Thuo ambaye ni Mkuu wa Wilaya ya Nyandarua, na huyo vile vile alikuwa katika *special class*, yaani watu ambao wanarinda kufura kama mkate wa boflo. Bw. Spika, mtu huyo anarinda sana na hata akaja na bunduki katika kamati yetu. Lakini alipokuwa katika kamati yetu akaona ya kwamba Bunge ni pahali ambapo mtu hawezi kucheza chezea. Alionyeshwa kitu cha kufanya, akatoa bunduki yake akaiweka chini na kupiga saluti ya kutosha kabla ya kukaa. Bw. Spika, yeye hakusaidia Kamati

hii hata kidogo; alikataa kutusaidia na kila kitu ambacho tulimuuliza alisema hakukijua ijapokuwa alikuwa hapa Nairobi siku hiyo—kutoka tarehe 27 Februari, 1975 mpaka tarehe 2 Machi, 1975. Tulipomuuliza alikuwa wapi siku hiyo alisema ya kwamba alikuwa na mke wake nyumbani, lakini tulipofanya upelelezi tukapata kwamba naye vile vile alikuwa ametembea mbea na wale watu wengine ambao tumetaja majina yao hapa. *So he was classified under the category of people whose movements are suspicious and should be explained.*

Bw. Spika, mtu mwingine ni yule ambaye anajulikana kwa jina la Waruhii Itote na ambaye anajulikana sana kwa jina la “General China”. Yeye ni *Deputy Director of the National Youth Service*. Tulimuuliza Bw. Itote na akaja tukazungumza naye; tulimuuliza maswali mengi kwa sababu habari aliyotupa sisi ilikuwa hatari sana. Tulikuwa tumepata habari kwamba ni yeye aliyetumiwa kuajiri watu wengine ambao walihusika na mauaji haya. Basi, tukamuita Bw. Itote kutueleza matembezi yake. Lakini kwa yale yote tuliyomuuliza alijibu uwongo. Alisema, kwa mfano, kwamba hakuenda Ol Kalou siku hiyo na tulikuwa tumepata habari kwamba alikwenda Ol Kalou siku hiyo. Tuliambiwa kwamba alipokuwa kule, alikunywa pombe kali, na hata sigara alizokuwa akivuta wakati huo tuliambiwa ni za aina gani. Watu ambao alikuwa nao siku hiyo ni marafiki zake na walikuwa wametuambia mambo hayo. Alifanya mpango kuwatoa watu wengine kutoka hapa na walipofika katika bar yake—nilipomuuliza kama alikuwa katika bar hiyo alisema, “hapana”. Tulipomuuliza sababu aliyokuwa amewaitia hawa watu hakutaka kusema na huku tulijua ni sababu gani aliwaitia watu hao. *Therefore, I would like Mr. Itote to be treated more seriously.* Kwa hivyo, huyu mtu tunamweka mahali pale wale watu ambao wanatakiwa kufanyiwa uchunguzi na vitendo vyao viangaliwe. *We are not saying that they are responsible*; lakini tunataka Serikali au kundi la kufanya uchunguzi zaidi kuwaangalia.

Bw. Spika, kuna mwingine ambaye anaitwa Bw. Evans Ngugi. Huyu mtu anatoka sehemu ambayo Marehemu J. M. Kariuki aliwakilisha na alikuwa mmoja wa wale watu waliokuwa wakimpinga wakati wa uchaguzi uliopita. Mtu huyu, alikuwa na taabu moja tu. Ukisoma ripoti za magazeti ambamo Kamati hi yetu ililaumiwa, utaona kwamba yeye alikuwa pamoja na Mhe. Kihika Kimani na Mhe. Njoka katika mikutano ambayo ilifanywa kule Nakuru, Naivasha—

(Bw. Kimani aliinuka kidogo)

Bw. Mwangale: Ninayoyasema ni kweli kabisa, Mhe. Mbunge *I have got your taped speeches*. Lakini tulipotaa *summon* kwamba yule apelekewe na polisi, polisi walikuwa wakituambia kwamba hakuwako. Bw. Evans Ngugi alikuwa ametoroka kutoka Wilaya ya Nyandarua—mahali ambapo alikuwa akiishi—na kwenda kwingineko, nafikiri, Molo. Kwa hivyo, ilikuwa shida kumpata Bw. Ngugi. Lakini katika *evidence* ambazo tunazo jina la Evans Ngugi lilikuwa likitajwa kila mahali tulipokwenda. Kwa hivyo, wale watakoendesha uchunguzi mpya ni lazima waangalie mambo yake.

Bw. Spika, kuna kijana mwingine ambaye anaitwa Bw. Peter Karanja; sijui kama yeye ni polisi, lakini anaitwa *Inspector Karanja*. Huyu ni mlinzi wa Mhe.

[Bw. Mwangale]

Mbiyu Koinange, yaani *bodyguard*. Tulipewa mipango ya huyu mtu na Serikali. Bw. Spika, mimi sitaki kusema hasa ni sehemu gani ya Serikali kwa kuwa ni hatari kufanya hivyo. Naye alikuwa Nairobi wakati wa saa kumi na moja unusu; na akapata mmojawapo wa polisi wa cheo cha juu wa Serikali—Jumapili tarehe 2. Alipofika kwa huyu ofisa wa polisi akamwambia, “Una hambi J. M. ameanza kuajiri watoto na kuwapeleka Zambia kuwafunza kijeshi ili hatimaye waje wapindue Serikali yetu ya Kenya?” Aliendelea kusema kwamba jambo hili ni hatari sana na kwamba alikuwa akimtumuliwa maswali juu ya jambo hili, lakini tunauliza Serikali imchungue.

Bw. Spika, hiyo ndiyo orodha ya majina ambayo tumeweka kwa Ripoti yetu. Mimi singependa kwamba sisi Wabunge tuanze kupingana hapa. Sisi wanakamati tumeichungua ripoti hii kwa makini *and we wanted to be fair; and we have been very fair indeed*. Kama nilivyosema, ushahidi ambao tunao ni mkubwa mno, lakini *we had to balance and see whether we could come to the truth* bila kuharibu jina la mtu ye yote. Kwa hivyo, in conclusion kamati nyingine itakayochaguliwa ianagalie kama tulisema ukweli juu ya watu tuliotaja, yaani maofisa wa *General Service Unit and Criminal Investigation Department*. Tuna ushahidi kwamba akina Kibathi na wengine tuliowataja walikuwa pale na hawa *ni known criminals*; na mwenyewe anasema kwamba “nimeua”. Inaonekana kwamba huyu alikuwa akitumiwa kuwaua watu wengine huko; kama kule Karura Forest na pahami pengine ambapo waliweka miili mitari sana. Kwa hivyo, Bw. Spika, mtu kama huyu ni hatari sana. Huyu pia tunamweka baadhi ya watu ambao ni lazima wachunguliwe na kamati mpya. Basi, hii ndiyo Ripoti yetu.

Bw. Spika, ingawa kulikuwako na kampeini ya kutaka kuwakashifu wanachama wa kamati hii, tuliendelea vizuri. Sisi wengine tuliambiwa kwamba tulienda Tanzania na tukalakiwa kwa shangwe, na tuliandamana na wasichana Wazungu—*by the way, my wife is white and I am very proud of her, and whoever was saying that should know the truth from now*. Wengine walipoona Mhe. Mbunge alivaa suti mpya walisema kwamba suti hiyo ilikuwa imenunuliwa na fedha za kamati au wao wamenunuliwa. Mambo haya yote yamekwisha. Sasa Ripoti iko hapa na wajibu wetu ni mmoja tu, kama Wabunge, kuona kwamba hatuharibu Serikali yetu ambayo tulinyakua kwa damu. Kama kuna watu ambao wamefanya makosa, ni lazima tuwaondoe bila kuharibu mwenendo na muundo wa Serikali.

(Shangilio)

Our Committee believes in our Parliamentary democracy. Kwa hivyo, ningependa kwamba tuendeleo kuwa na uhuru tulio nao na *political stability* ambayo tumekuwa nayo. Kuna wengine ambao wangependa kusema habari ya *loyalty*; *there has not been any question of loyalty on anybody's part; never!*

(Shangilio)

It is a crisis of confidence. This crisis of confidence, Bw. Spika, ndio imetufanya sisi, kama Kamati, kuwatoa nje hawa wahaini ambao wanataka kuharibu confidence

ya Serikali. Ni lazima hawa watu waondolewe kutoka kwa Serikali. *If there is restructuring in the Government, it is necessary to have the leadership of Mzee.*

Wabunge Fulani: Toboa! Toboa!

Bw. Mwangale: Kwa hivyo, Bw. Spika, ndiyo sababu mimi nayarudia haya mambo, kwamba tungeomba wale ambao ni wakuu wa Serikali ambao wako katika *implementation, the executive branch*, waingilie haya mambo na kuwaondoa hawa watu upesi iwezekanavyo na utaona kwamba wananchi kila pahami hawatakuwa na mambo ya kuuliza “ni nani?”—watasema “ndio hawa tu”; “sisi tunataka hawa tu!” *We have got to have that confidence now!*

Kitu cha pili, Bw. Spika, *the fact that—kwa sababu moja tu, I do not know what the fact is—we have had this Committee in the first place, yaani tumekuwa na hii Kamati ya kuangalia kifo cha Mhe. Mbunge, kitu ambacho hakiwezi kufanyika katika mchi yoyote katika Afrika nzima leo, is a big credit kwa nchi yetu; sisi wote na leadership yetu. So, we have got to face the facts.*

Kwa hivyo, Bw. Spika, kitu ambacho nasema ni kwamba tuwache kutumia—kama kuna nafasi kidogo kidogo—nafasi yetu kama Waheshimiwa Wabunge ama Mawaziri kupanga mipango ya kuondoa—*eliminate wengine for power struggle. It is very dangerous!* Tumefika mahali ambapo hata kama Mhe. G. G. Kariuki akipotea sasa hatuwezi kwenda huko nje kwa sababu tutakuwa tumewasumbua wananchi huko nje sana. Bw. Spika, itakuwa tu kuja hapa na kupigana ngumi wazi ndani ya Bunge hili lenyewe na hatutaki kitu kama hicho. Kwa hivyo, nawaomba wale ambao—kama ni mtu wa kufikiria kwamba—*eventually* kama Mzee ametoka—anataka awe ndiye atakayekua Rais, ni lazima atumie njia ya kisheria: *the proper democratic procedure*. Lakini *this hideous strategy of elimination imeharibu nchi zote za Kiafrika. We have even been very lucky here in Kenya; and we now want to continue that way.*

Bw. Spika, mwisho ningewatolea shukrani Waheshimiwa Wabunge wote ambao tumesaidiana nao katika jambo hili. Najua ya kwamba watu walikuwa na hamu sana ya kusoma hii ripoti. Sasa imetolewa *and it is understandable*. Kamati imefanya bidii sana kuona ya kwamba imeleta hii ripoti upesi iwezekanavyo. Nasema ahsante sana kwa raia wote ambao wametusaidia sana kwa kazi hii pamoja na marafiki zetu wa Press ambao wamefanya bidii sana kuwajulisha wananchi na kuwaambia waje watusaidie kwa kuleta habari. Ninawatolea ahsante sana wafanyakazi wa Bunge, hasa Katibu wa Bunge pamoja na Wasaidizi wake, Bw. Gicheru na Bw. Masya, ambao wamekaa na sisi saa zingine kwa muda mrefu sana. Kwa mfano, kama weekend hii, kutoka siku ya Jumamosi—the whole day—hadi Jumatatu pamoja na usiku, walikuwa wakifanya kazi nasi. Hata wale ambao walikuwa *our Secretariat Bureau—Miss Fonseca and Mrs. Tomlinson*, walitusaidia sana.

Bw. Spika, kama ingekuwa uwezo wangu ningependekeza kwamba zile pesa ambazo polisi walikuwa

[Bw. M. Kariuki]

Wabu

Bw. M. Kariuki: Sababu t... Kwa hivyo

Bw. Spi

likubali

Mbungu w

tarehe 3 J

Ahsante

Bw. Mwili

Bw. Anyo

sipendelei k

lilipokuwa l

ambayo iliku

ile taarifa ar

5.5, amesoma

ngalia katika

majina ya w

Spika, nidhar

ikiwa haya n

meingia hapa

ikiwa haya n

lazima Bunge

lijulishwe kan

kwa makosa.

Bw. Spika: l

kitambo!

Bw. Anyona:

kujua kutoka

hayakusomwa n

hapa katika hii

or not?

Bw. Spika: K

mwingine, Ripoti

hapa Mezani m

kama Mhe. Bw.

kuangalia kwa

ajui Ripoti nyin

fikurubusu utoe

utaweza kusema

hata sasa hatujaw

mkono na kutole

kutoa hotuba; uta

Bw. Anyona: Ja

Bw. Spika: Ket

Wabunge Fulani

Bw. Mwithaga: B

ambayo imelet

Wabunge Fulani: *Hear! Hear!*

Bw. Spika, ningependa kuazimia kwamba Bunge hili
 kubali ripoti ya Kamati Teule iliyochaguliwa
 kuchungua kutoweka na kuuawa kwa aliyekuwa
 Bunge wa Nyandarua ya Kaskazini, Marehemu Mhe.
 M. Kariuki, iliyowasilishwa Mezani mwa Bunge hili
 tarehe 3 Juni, 1975.

Bw. Mwithaga: Ahsante sana, Bw. Spika—

Spika: Bw. Anyona, nimeshaeleza hayo mambo bo!

Spika: Kama nilivyomjibu Bw. Salat wakati ne, Ripoti ambayo ninajua ni ile iliyowekwa mezani mwa Bunge jana! Hii Ripoti iko; hata Mhe. Bw. Anyona anaitaka, anaweza kwenda lia kwa sababu imewekwa vizuri sana. Mimi poti nyingine sasa. Kwa hivyo, hatuwezi sasa usu utoe ripoti nyingine. Ukipata nafasi yako kusema mambo yako ili tuendelee kwa sababu hatujawa na *second*; Hoja bado haijaungwa na kutolewa. Sasa huu sio wakati wako wa tuba; utapata nafasi yako.

ika: Ketu chini, Bw. Anyona!

withaga: Bw. Spika, nimesimama kuafiki Hoja
zo imeletwa na Kamati Teule kama vile

Kitu cha kwanza ningetaka kusema ni kwamba sisi Wanakamrati tumekuwa na taabu nyingi sana. Tungetaka kuwashukuru watu ambao walikuwa wanatruonea huruma. Walituacha tufanye kazi yetu bila masumbuko yoyote, kwa maneno, propaganda, porojo na kwa michezo mingi. Tunawashukuru Wabunge wenzetu ambao walijua tulikuwa tunafanya kazi gani.

Maneno ambayo ni ya muhimu sana ni kwamba kusiwe na tashwishi wala wasiwasi wowote kuwa Kamati ilijaribu iwezavyo na kusikiza kwa makini maneno ambayo yalikuwa yakisenwa na mashahidi ambao walifika mbele yetu. Tulikuwa na mashahidi ambao wenyewe walijitolea kuja kutoa ushahidi. Sisi pia tulipata habari ya wengine ambao wangetusaidia na tukaita. Wengine tulikuwa tukiwapembeleza na maneno mazuri ili wakubali kuja kutoa ushahidi wao kwa sababu walikuwa na uoga. Uoga huo ulitokana na jambo hili, kwamba walioshikwa na polisi, wengi wao —na walithibitisha katika ushahidi—waliteswa sana. Walipigwa na kuteswa kwa njia nyingi sana mpaka wakaogopa. Hata *statements* zingine ambazo walizindika kwa polisi waliziandika kwa uoga na kubabaika. Hawakuweza kuwapa polisi ukweli kama vile walitupa si. Hii ni haki kabisa na inaweza kuthibitishwa. Hata wengine walionywa wasijaribu kuja kwa Kamati yetu. Walitishwa hivyo, lakini kwa vile walikuwa wanataka kutoa ukweli, walikuja kwa Kamati yetu na wakasema hivyo. Hata wengine walisema hivi: “Kwa vile nimekwa mbele yenu, sijui itakuwaje leo jioni, kama nitaawa saalama au la.” Hata wengine walituoomba ulinzi. Sisi tukashindwa tutatoa wapi huo ulinzi ikiwa meukosa kule kwa polisi walikokuwa. Watu wengi waliwekwa uoga kwa njia isiyo faa na waliwekwa huo na maafisa wa Serikali ambao walivaa mavazi taji la Serikali, ambao tunatumaini ndio ngao ya Serikali ya kuwalinda wananchi. Hao maafisa, ambao majiita watumishi wa watu wote na walinzi wa watu hizi, walupanda uoga huo ndani ya watu ambao ni wananchi wa Kenya.

Bw. Spika, katika Serikali hii yetu, kwa sababu ya vile tumetangaza kila mara na tumejaribu kuona ni hivyo, yaani ni Serikali ya kidemokrasia, jambo hilo lilitushtua sana. Mashahidi wengine walinyakuliwa tarehe 7 mwezi wa Machi, na ningetaka Wabunge kusi-kiza jambo hili kwa makini sana bila kusema sema maneno mengi huko nyuma. Wengine wa mashahidi

[Bw. Mwithaga]

walioshikwa walinaswa tarehe 7 mwezi wa Machi na ilikuwa siku ya Ijumaa. Wakati huo, Bunge lilikuwa likiambiwa kwamba J. M. Kariuki alikuwa angali anatafutwa sana na kwamba kila kitu kilikuwa kikifanywa kumtafuta. Walikuwa wanasema ya kwamba kama kuna mtu ambaye alijua mahali Mhe. Kariuki alipokuwa, aje aambie Serikali ili tusaiane kumtafuta. Wakati huo mwili wa marehemu ulikuwa katika *City Mortuary* na ulikuwa umewekwa pamoja na wale watu ambao waliuawa na bomu pale kwa O.T.C. tarehe mosi usiku wa Jumamosi. Walioshikwa na polisi siku hiyo, wengine, hata waliulizwa—na hii iko katika ushahidi—“Nani amewa Bw. J. M. Kariuki? Lazima wewe na mwingine mtuambie ni nani amemuua J. M. Kariuki! Wakati huo sisi Wabunge na nchi nzima tuliambiwa kwamba Kariuki was missing. Hilo lilikuwa jambo la kwanza. Lakini wale waliuliza mashahidi jioni hiyo waliwauliza ni nani amemuua J. M. Kariuki. Walikuwa wakiwasingizia wengine na kuwauliza ni nani amemuua J. M. Kariuki. Hiyo ilitufanya sisi kushtuka—ikiwa Mawaziri wanapewa statements kusomea nchi ambazo zinapotosha na huku wenye kuwapa ripoti hizo wanajua ukweli, Serikali inaweza kuharibika wakati wowote kwa sababu wale wanadanganya na kuongoza wanasiasa na Mawaziri vibaya kwa ripoti ambazo ni *deliberate lies* na wanajua ni kitu gani wanaficha. Jambo hilo lilikuwa la kushtusha sana. Ningetaka kuingiza katika rekodi kwamba tarehe 7 mwezi wa Machi, wakati nchi ilikuwa inaambiwa kwamba J. M. Kariuki alikuwa amepotea, na siku ya pili ikaambiwa yuko Zambia na alienda na ndege fulani, ukweli ni kwamba alikuwa katika *City Mortuary*, na polisi walikuwa wakijua hivyo. Ili wengine wakubali ya kuwa walijua ni nani aliyemuua J. M. waliteswa vibaya sana mnamo tarehe 7 Machi, wakapelekwa katika Karura Forest, pahali waliambiwa kwamba hata wao wanalipigwa risasi kama hawasemi ni nani aliyemuua J. M. Kariuki. Wengine waliandika statements zililogusa majina ya maafisa wengine wa polisi kwa kusema: “Niliipokuwa Hilton na J. M. Kariuki, na tukizungumza naye, aliuliza, je, unawajua wale? Nikamjibu “Ninamjua yule ni fulani na yule ni fulani”. Kwa sababu ya kuandika statement ya namna hiyo walichapwa sana ili waandike statement nyingine ambayo haikuingiza majina ya maafisa wa polisi, ya kuwa walikuwa kule Hilton. Sasa, Bw. Spika, isitoshe, wengi wa madereva wa taxi katika Hilton, waliteswa vibaya sana na hata wengine karibu kushikwa na wazimu, kwa sababu walishuhudia kilichokuwa kikifanyika. Ukweli kama vile ushahidi umetolewa kwetu, kama vile Mwenyekiti alivyoeleza, ni kuwa kila mmoja katika Kamati alikuwa anajiuliza: “Ni siku gani tutakapotoka hii Hilton Hotel na tujue marehemu J. M. aliondoka akipitia mlango gani na akienda wapi?” Sababu yake ni kwamba tarehe 7 Machi, asubuhi, *Chief Inspector* mmoja wa *Criminal Investigation Department*, ambaye ametajwa hapa, *Chief Inspector* Kimani, alipewa *special directive*, wenda Hilton kuonya wale watu wasithubutu kusema rochote walichoona siku hiyo. *They were threatened and victimized*. Tuna ushahidi wa aina hiyo. Bw. Spika, ni tumechukua ushahidi huo kwa utulivu sana na tujaribu kuwa watulivu na wanyenyekevu hata tukaniyima Wabunge wenzetu maneno tuliyokuwa nayo

wakati huu wote. Tulijaribu sana kunyima watu wengine maneno hayo ili vichwa vyetu viwe vitulivu. Hii ni kwa sababu ukweli ni kwamba katika juma la kwanza la kazi yetu tuligundua ya kwamba polisi ndio waliomchukua Bw. J. M. Kariuki lakini tukasema mambo ya dunia ni mengi. Watu wanaweza kusingizia wenzao mambo fulani fulani kwa kusema hivi na vile ili wawaharibie majina yao na kwa hivyo tuliona ya kwamba ni lazima tuchunge hiyo laini. Tulijua ya kwamba tulikuwa ndani ya mtego mkubwa kwa sababu sisi ni wanasiasa, licha ya kuwa wengine ni mawakili. Tulikuwa na mambo mawili katika uchunguzi wetu. Tulikuwa na *political aspect* na *criminal aspect*. Sisi tu wataalamu wa siasa lakini si wataalamu wa dhambi. *We are not criminologists*. Hata gazeti moja la humu nchini lilijaribu kusema kwamba, “*The public of Kenya should not expect too much from this Committee*”. Gazeti hilo, “*Standard*”, lilisema hivyo kwa sababu pengine walijua haya yalikuwa mambo magumu.

Kwa hivyo, nilikuwa nikisema ya kwamba wale wafanyakazi wa hoteli ya Hilton wangukuwa watu wa usaidizi mwingi sana lakini kwa sababu ya kuteswa hawakutusaia sana. Wengi wa wafanyakazi hao wali-ona hata ile gari ambamo marehemu Bw. J. M. Kariuki alilingizwa lakini walikataa kusema hata kwa polisi kwamba waliliona gari hilo. Wengine wa wafanyakazi hao waliambiwa wasithubutu kusema mambo kama hayo huko katika msitu wa Karura. Wengine wali-pekwa katika *torture chamber* ya Idara ya Upelelezi na wakaonyeshwa watu wengine wakiteswa. Walikuwa wakionywa wasiseme lolote na ikiwa watasema lolote wataingizwa katika *torture chamber*. *We cannot afford to have a torture chamber in a free Republic of Kenya*. Mambo kama hayo tumemwachia Bw. John Vorster wa Afrika ya Kusini na Bw. Ian Smith wa Rhodesia lakini si vizuri yafanyike katika jamhuri yetu. Kwa sababu ya kuogopa kuteswa watu hao waliogopa kusema ukweli. Sisi tulijaribu kuwabembeleza watu hao lakini tukashindwa. Mwenyekiti wa Kamati hii alitumwa kwao, mimi nikatumwa kwao na mwana-kamati mwingine akatumwa kwao lakini hatukufaulu. Tulikuwa kama makachero, Bw. Spika, wa kuwatafuta na kuwabembeleza hao watu. Wengine wa watu hao walifika hata hapa Bunge mlangoni lakini wakaondoka kwa kuogopa ya kwamba walionwa na makachero wa Idara ya Upelelezi kwa sababu walikuwa wanajaa katika Majengo ya Bunge ili waone ni akiina nani wanaokuja kutoa ushahidi.

Mbunge Fulani: Hata leo wako hapa katika Bunge?

Bw. Mwithaga: Ndio, hata leo wako hapa katika Sebule za Bunge. Wao walikuwa wakija katika mlango mkuu wa kuingia Bunge. Tunajua magari yao na wengine tunawajua. Wengine hukaa katika mahali watu wanapoweka motakaa zao mpaka saa nne za usiku wakichungulia ni akiina nani wanatoka hapa. Wakati huo tulianza kujiuliza, kwa nini jambo kama hilo lifanyike? Hata tuliwaita wengine wa makachero hao ili kuwauliza kazi yao ilikuwa ipi katika Majengo ya Bunge. Serikali, kupitia kwa Bunge hili, ilitaka ukweli ujulikane juu ya jambo hili la kifo cha marehemu Bw. J. M. Kariuki. Serikali ilitaka kila jiwe lipinduliwe ili ukweli uliofichwa uonekane. Hiyo ndiyo sababu tuliji-

Bw. Mwithaga: Ni kwa...
...ni kwa...
...kuwazuia...
...Kamati hii. V...
...ahopata na...
...kuna mashahi...
...tulijaribu k...
...alijaribu...
...Mwenyekiti...
...ipoti hii hape...
...fortini ukiuliz...
...kuziwa swa...
...nyamaze, au...
...kimu hana...
...Mahakamu huu...
...mjoja wa wa...
...kutoa ushahidi...
...tulinuonea...
...kutoa ushahidi...
...mmons kupiti...
...Kenya walisem...
...api. Lakini kw...
...ikwenda lakini...
...ma ya kwamt...
...nyekiti wa...
...Creameries ni he...
...lakifika huko...
...alipokwenda kw...
...ambiwa ya kwa...
...wakujua aliku...
...jambo hili k...
...mshahara...
...lmashauri hiyo...
...api. Kule Ny...
...kalou kama jan...
...babu analo shan...
...ama huko na ak...
...Bunge pamoja na...
...kumtafuta. Bw. E...
...alisema kwamba...
...awajamsikia. Baa...
...ama huko Thoms...
...Kariuki, lakini wal...
...kwamba huyo j...
...ama hata ikiwa sisi...
...wezi kuendelea kuj...
...mtu mmoja ambay...
...mtu anayejulikar...
...ama madaraka mak...
...kukata shauri lolote...
...ngugi hajaonekana...
...Waziri Msaidizi w...
...ndhamu, Bw. Spika...
...Mwithaga lakini inay...
...lilichukua kuwa ana...
...Bw. Mwithaga: Bw...
...hili vizuri kwa Bw...
...mjoja wa wagombea...
...chemu ya Nyandarua...
...hicho na marehem...
...alisema kwa sababu...
...ama ni kwamba yeye...
...kupata ripoti kwamba

kunyima watu wengine viwe vitulivu. Hii ni katika juma la kwanza nba polisi ndio waliotini tukasema mambo zez kusingizia wenzao hivi na vile ili wawa tuliona ya kwamba tujua ya kwamba tuli sababu sisi ni wana wakili. Tulikuwa na wetu. Tulikuwa na Sisi tu wataalamu hambi. *We are not a humu nobini lili c of Kenya should Tommittee*". Gazeti va sababu pengine umu.

ya kwamba wale ngekuwa watu wa babu ya kuteswa nyakazi hao wali Bw. J. M. Kariuki hata kwa polisi wa wafanyakazi a mambo kama Wengine wali ara ya Upelelezi eswa. Walikuwa watasema lolote r. *We cannot free Republic* achia Bw. John Ian Smith wa a jamhuri yetu. hao waliogopa mbeza watu a Kamati hii na mwana hatukufaulu. a kuwatafuta wa watu hao wakaondoka akachero wa anajaa katika i wanaokuja

tika Bunge?

tapa katika ika mlango ri yao na ahali watu za usiku a. Wakati ama hilo ero hao ili jengo ya ca ukweli emu Bw. tuliwe ili bu tuliji

[Bw. Mwithaga]

uliza ni kwa nini makachero hao walichukua mamlaka ya kuwazuia watu na kuwatisha wasitoe ushahidi katika Kamati hii. Walikuwa wakificha nini? Lakini, mashahidi waliopata nafasi walikuja kwetu na tukawahoji. Pia kuna mashahidi wengine ambao waliandika barua kwetu wao alijaribu kuwapata popote walipokuwa lakini mmoja na Mwenyekiti wa Kamati hii wakati alipokuwa akitoa ripoti hii hapo awali. Unajua ya kwamba hata kama ni kortini ukiulizwa swali na hakimu halafu unyamaze, au ukiulizwa swali na kiongozi wa upande wa mashtaka unyamaze, au uulizwe swali na wakili unyamaze, basi, hakimu hana budi kuamua kwamba una hatia. Mahakamu hutumia njia kama hizo kwa kuamua kesi. Mmoja wa watu waliokataa kuja mbele ya Kamati kutoa ushahidi wao alikuwa ni Bw. Evans Ngugi. Hata sisi tulimuonea huruma. Ni kwa nini aliogopa kuja kutoa ushahidi mbele ya Kamati? Tulijaribu kumtumia *summons* kupitia kwa Mkuu wa Polisi lakini polisi wa Kenya walisema hawajui Bw. Evans Ngugi alikuwa wapi. Lakini kwa mikutano ya siasa, Bw. Evans Ngugi alikwenda lakini polisi hawakuweza kumpata! Sisi tulisema ya kwamba kwa sababu yule jamaa alikuwa ni mwenyekiti wa halmashauri ya Kenya Co-operative Creameries ni heri Ratibu wa Bunge atume mtu huko ili akifika huko aambiwe aje hapa. Wakati tarishi wetu alipokwenda kwa Kenya Co-operative Creameries aliambiwa ya kwamba Bw. Evans Ngugi hakuweko na hawakujua alikuwa wapi nchini Kenya. Tulishangaa kwa jambo hili kwa sababu jamaa huyo alikuwa aki-pata mshahara kama mwenyekiti na mkrugenzi wa halmashauri hiyo lakini hawakuweza kujua yuko wapi. Kule Nyandarua tuliwauliza polisi wa Ol Kalou kama jamaa huyo alikuwa huko, kwa sababu analo shamba huko, lakini walitambua amehama huko na akaenda Molo. Tulituma motakaa ya Bunge pamoja na ofisa mmoja wa Bunge huko Molo kumtafuta Bw. Evans Ngugi lakini polisi wa Molo walisema kwamba hawajamuona huyo jamaa na hata hawajamsikia. Baadaye ilisemekana kwamba ameonekana huko Thomson's Falls kwa Mhe. Bw. G. G. Kariuki, lakini wakati tulipokwenda huko tuliambiwa ya kwamba huyo jamaa hajulikani huko halafu tukasema hata ikiwa sisi ni watu watulivu namna gani hatu-wezi kuendelea kupoteza pesa za Serikali kumtafuta mtu mmoja ambaye anajulikana vema katika Kenya. Ni mtu anayejulikana vema katika Kenya kwa sababu ana madaraka makubwa humu nchini. Hatukuweza kukata shauri lolote juu yake lakini hata leo Bw. Evans Ngugi hajaonekana. Tulisema, basi—

Waziri Msaidizi wa Maji (Bw. Wanjigi): Jambo la midhamu, Bw. Spika. Sitaki kumkatiza rafiki yangu Bw. Mwithaga lakini inawezekana kuwa Bw. Evans Ngugi alijichukua kuwa anaitwa Bw. Evanson Ngugi.

Bw. Mwithaga: Bw. Spika, sisi tuliandika *summons* zetu vizuri kwa Bw. Evanson Ngugi. Yeye alikuwa mmoja wa wagombea uchaguzi mwaka uliopita katika sehemu ya Nyandarua Kaskazini. Walikuwa wakigombea kiti hicho na marehemu Bw. J. M. Kariuki. Kwa hivyo, tulisema kwa sababu si vizuri kukashifu mtu vile tutasema ni kwamba yeye ni vizuri achunguzwe kwa sababu tulipata ripoti kwamba alikuwa akihudhuria mikutano

sehemu fulani fulani. Hata alikuwa akihudhuria mitano midogo hapa Nairobi na pahali pengine lal hakuweza kuja kwa kamati.

Bw. Spika, tulipata taabu nyingine kubwa tukijari kumtafuta Bw. Pius Kibathi. Tulipouliza polisi Kibathi alikuwa wapi, kwa sababu Kibathi alikuwa na shtaka *bomb hoax* na aliweka dhamana ili aachiliwe kortini, lakini walitambua hawajui Bw. Kibathi alikuw wapi. Ilisemekana Bw. Kibathi yuko Uganda, Tanzania hata Zambia. Hapo ndipo ninataka kueleza *the non co-operation part of it*; pahali ambapo tuliona hapakuw na *co-operation* kati ya polisi na sisi wanakamati. Wab tuambia kwamba yeye huenda huko na sisi wenyewe tukagundua ni 'baa' gani Pius Kibathi hunywa pombe wakati wa jioni na hunywa na akina nani na tukaenda katika *Criminal Investigation Department Headquarters* na kuwaambia kwamba tunajua kwamba Bw. Kibathi yuko katika Nairobi, na tukawaambia pia kwamba hatutaki wao watwambie tena kwamba hawajui yuko wapi. Kwa hivyo, tukawaambia wamtafute na kumwambia aje Kamatini. Basi, wakati Bw. Kibathi alipofika huko *Criminal Investigation Department*, aliambiwa kwamba alitakikana na Kamati lakini wakamwambia awachunge wanakamati hao sana. Lakini walimwambia ni lazima kwanza atoe maneno kwa kumuuliza hivi: "Wewe tumbie maneno na sisi tutakusaidia katika kesi yako". Kwa hivyo, walimuonya mapema lingawa walijua kwamba tulikuwa tukitafuta ushahidi tukisaidiana na wao. Sisi hatukuwa tukibishana na polisi. Wao walikuwa wakitafuta ushahidi kwa njia yao na sisi tulikuwa na njia yetu pia, lakini nia ilikuwa moja, kujua ni nani aliyemua Bw. J. M. Kariuki.

Jambo hili tu ndilo Kenya nzima ilikuwa ikitaka kujua na kwa hivyo wangepahamu kwamba kazi yetu ni kusaidiana nao. Lakini Bw. Kibathi alionywa kazi yetu ni kutueleze chochote lakini bahati yetu ilikuwa kubwa sana kwa sababu alipofika kwetu sisi tulimwambia, "Sisi hatuna ile *torture chamber* na kwa hivyo wewe sema nasi bila kuogopa". Alithibitisha kwa kiapo ya kuwa aliahidiwa kwamba akinyamaza na kusaidiana na polisi na kuachana nasi atalipwa hasara ya wakili ambaye alisimamia kesi yake ya *bomb hoax* ambayo ilikuwa Sh. 14,000. Sasa, sisi tuliona hapo hapo kwamba jambo hili limeanza kuwa kama lile la *Watergate*. Lakini tulimwambia kwamba kwa sababu sisi hatuna pesa na wao wamekuahidia pesa nyingi, hebu kwanza tuzungumze maneno yetu. Alitambua jinsi yeye alivyoteswa aki-shurutishwa akubali kwamba yeye ni mmoja wa wale ambao walimuua Bw. J. M. Kariuki. Alikuwa akishurutishwa pia aondoe ile *statement* ambamo alisema kwamba aliwaona maafisa fulani wa *Criminal Investigation Department* katika Hoteli ya Hilton wakati wa jioni wakimngojea Bw. Kariuki. Aliendelea kutueleza jinsi yeye alivyopelekwa katika Karura Forest saa nne usiku na baadaye kurudishwa katika kituo cha polisi cha Kilimani na kuwekwa huko. Wazungu Walingereza kutoka *Criminal Investigation Department* walikuwa wakienda huko kumhoji ili aondoe ile *statement* ya kwanza aandike nyingine lakini akasema, "La, ile niliyoandika ni yangu na nimeweka sahihi". Mmoja

[Bw. Mwithaga]

wa wale ambao walikuwa wakimhoji ni *Police Superintendent* Kinyua. Pahali ambapo tashwishwi yetu ilipatikana juu ya mambo haya ni kwamba wakati polisi waliposema kwamba Bw. Pius Kibathi aliweka saa kule Makongeni Police Lines, yeye Pius Kibathi alikuwa katika Kamiti Prison. Kwa hivyo, haingewezekana atoke Jela ya Kamiti aje aweke saa katika Makongeni Police Lines. Mimi nasema hivyo kwa sababu tarehe ambayo yeye anasemekana kwamba aliweka saa hii kule Makongeni, yeye alikuwa ameshikwa saa tatu asubuhi katika *City Centre* na maafisa kutoka *Criminal Investigation Department*, wakiwa na gari la Datsun ikiendesha na *Sergeant Mbogo* ambaye ametoweka kwa sababu tumemtafuta lakini tumemkosa kabisa. Kwa hivyo, ikiwa kweli Bw. Kibathi alikuwa amefungiwa tarehe 7, haingewezekana kuwa yeye aliweka saa kule Makongeni ingawa *Director* wa *Criminal Investigation Department* alisema kwamba ni Bw. Kibathi mwenyewe ambaye aliweka saa hii kule Makongeni. Lakini tulivyoonelea ni kuwa kulingana na ushahidi huu ambao sasa unagongana kwa sababu polisi wanasema hivi na washahidi vile, kuna kitu ambacho kinafichwa. Ukisoma Ripoti yenyewe utaona kwamba tumesema kwamba kuna kitu ambacho kinafichwa na ni lazima kitu hicho kipatikane.

Bw. Spika, saa hii ilipatikana Makongeni tarehe 14 mwezi wa Machi saa kumi na dakika 15. Sisi wenyewe tulifika Stesheni ya Polisi ya Makongeni na tukaona kwamba Makongeni imezingirwa viuma na mlango wa kuingia kule ni mmoja tu. Lakini kutoka tarehe 2 mwezi wa Machi wakati wa asubuhi, Stesheni ya Makongeni *was sealed off* na amri ikatolewa kwamba yeyote atakaingia huko, hata awe ni askari, ni lazima achunguliwe, na kwa hivyo askari wawili wenye bunduki wakawekwa na kulinda mlango. Walichungulia kila mtu, wanaume na wanawake pia na kwa sababu ya jambo hilo, Kamati ilikuwa na wasiwasi, na kujiuliza, "Je, inawezekanaje saa ikatolewa kule na huko mlango umefungwa na amri ikatolewa kwamba kila mtu apekulwe kabla ya kuingia". Saa hii iliingia katika *bathroom* namna gani? Tuliwahoji polisi wa Makongeni lakini wakatuambia kwamba hawakujua kitu chochote kuhusu jambo hili. Yule askari ambaye mtoto wake aliona saa hii akasema alipiga ripoti kwa polisi na wakaja kuchukua maneno yake na ya mtoto wake na wakaenda zao. Lakini, Bw. Spika, askari ambao wanaishi katika Makongeni ni 39, ingawa mmojawao anaishi huko bila kufanya kazi huko. Lakini wale waliohojiwa ni watano tu, na kwa hivyo hawakuhoji wale wengine. *Therefore, it was as if they knew the whole affair; and so, why question everybody?* Hata Supt. Sokhi alisema kwamba hakuna haja ya kuhoji kila mtu, ingawa yeye mwenyewe alisema kwamba, *I was satisfied that the investigation was carried out properly.* Kama ni watu 39 wanaoishi hapo, walijua kwamba ni watu watano tu ambao walijua kwamba saa iko huko? Inawezekana kuwa mmoja wa wale waliobaki alijua habari ya saa hii. Kwa hivyo, sisi tuliyaweka maneno ya saa katika Ripoti yetu, ya kuwa ni lazima saa hii iwe imehusiana sana na polisi na ndio sababu hawakuwa na nia ya kuwahoji watu hawa. Kile kitu ambacho walijaribu kukitafuta ni *cover-up* ili watunge hadithi hiyo.

Bw. Spika, ushahidi wa kukushtusha na kushtusha Bunge pia ni kwamba wakati kesi ya Bw. Kibathi ilipotarajiwa kurudi kortini wiki iliyopita polisi walipiga simu kortini kwa Bw. Odera na kumwambia aondoe ile kesi ya *bomb hoaxer*. Rata wa Kenya waliambiwa kwamba *bomb hoaxer* fulani alishikwa, lakini sasa kesi yake inaondolewa na polisi na watu wa magazeti wanaambiwa wasiandike jambo hilo. Wananchi wa Kenya waliambiwa kwamba yule *bomb hoaxer* alishikwa na waandishi wa magazeti wakaambiwa wasiandike kitu juu ya yule mtu. Hiyo kesi iliondolewa kwa sababu *file* ilikosa na wala mashahidi sita hawakupatikana. Wakili wa Kibathi alimtafuta *inspector* Gathuku na ilipatikana kwamba katika jeshi letu la polisi hapa Kenya hawajakuwa na *inspector* anayejita kwa jina la Gathuku. *He was an imaginary inspector.* Inasemekana kwamba *Inspector* Gathuku alipigiwa simu na Kibathi kumuambia kwamba kutakuwa na *bomb. File* ya hiyo kesi ilikosekana na hiyo kesi ikaondolewa *under section 204 of the Criminal Procedure Code*. Kibathi aliachiliwa na mpaka wa leo hajashikwa tena. Kutoka hapo Kamati hii ilianza kuhikiria sana na ikakaa hata siku ya Jumapili kwa sababu tulikuwa tukikutana hata usiku. Kamati ilianguka kesi ya Mark Twist na tena ikaanguka kesi ya Bw. Kibathi. Hii ilionyesha kwamba zile kesi mbili zilikuwa za uongo na zilikuwa zimetengenezwa makusudi ili zitumiwe kwa kutimiza jambo fulani na kwa kuwa lile jambo limeitima, kesi zinaondolewa. Wakati Peter Kinyanjui alifar Mark Twist alipokwenda jela tarehe 28 na hali alikuwa ametaja habari ya *bombs*, alitolewa huko siku ya Jumapili, na kwa kawaida korti haziendesha kazi yake siku ya Jumapili. Kesi ya kumuondoa Bw. Peter Kinyanjui jela lilifanyiwa nyumbani mwa jaji wala si kortini.

Waziri Msaidizi wa Maji (Bw. Wanjigi): Jambo la nidhamu, Bw. Spika. Bw. Peter Kinyanjui *alias* Mark Twist hakufungwa kwa sababu ya *bomb hoax*.

Bw. Mwithaga: Bw. Spika, mimi sikusema hivyo, na ingefaa huyu Mbunge anisikilize, na ni kwa sababu hiyo mimi nazungumza kwa utaratibu. Kesi ya *bomb hoax* ilikuwa ya Bw. Kibathi na hiyo nilieleza na kusema kwamba Kamati ilifikiria juu ya kesi hizi mbili. Kwa nini watu wawili waliofanya makosa waliondolewa jela? Mimi nilieleza kwamba Peter Kinyanjui *alias* Mark Twist aliondolewa jela Jumapili asubuhi na akapelekwa kwa nyumba ya jaji na kesi ikakatwa huko na huyu mtu akapewa *bond* ya polisi ya £5,000, yaani, Sh. 100,000 kule nyumbani kwa huyu jaji. Baadaye huyu mtu aliambiwa atarudi kortini. Kwa sheria zetu mtu anayeweka *bond* ya polisi ya £5,000 ni lazima awe amefanya kosa kubwa sana na mtu kama yule hawezi kukubaliwa kutoka nyumbani kwake na kwenda mahali pengine lakini huyu mtu alirudishiwa *passport* yake juma lililofuata na akawa yuko huru na anaweza kwenda popote anapotaka. Kwa sababu huyu mtu alikuwa *the only source* ya kujaribu kuunganisha marehemu J. M. Kariuki na *bombings*—alikuwa anajaribu kumwekeleza marehemu J. M. Kariuki mambo hayo ili atengenezwe kesi yake ili awe huru. Yeye alikuwa ameiba Sh. 148,000 kutoka benki ya Habib na alikuwa amefanya *crimes* zingine nyingi za *ivory* na zingine za aina nyingi. Alitibitisha hivyo katika ushahidi wake kwa sababu alikuwa kwamba sisi tulikuwa na ushahidi mkubwa sana na

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shtusha na kushtusha ya Bw. Kibathi ilipo ta polisi walipiga simu ambia aondoe ile kesi waliambiwa kwamba ikini sasa kesi yake ragazeti wanaambiwa a Kenya waliambiwa wa na waandishi wa tu juu ya yule mtu file ilikosa na wale kili wa Kibathi alipatikana kwamba ya hawajakuwa na thuku. He was an cwamba Inspector muambia kwamba asi ilikosekana na 14 of the Criminal na mpaka wa leo i hii ilianza kuhapili kwa sababu iliangalia kesi ya Bw. Kibathi. Hii wa za uongo na zitumiwe kwa ile jambo hii. Kinyanjui alia na hali alikuwa siku ya Jumatatu kazi yake siku eter Kinyanjui si kortini.

gi): Jambo la si alias Mark hoax.

na hivyo, na kwa sababu esi ya bomb na kusema a na kusema mbili. Kwa tolewa jela alias Mark akapeleka o na huyu 00, yaani udaye huyu zetu mtu awe ame le hawezi da mahali ort yake a kwenda cuwa me nu J. M. rwekeza ngengezi 148,000 crime Alili aliku na na

[Bw. Mwithaga]

akuweza kuuruka. Tulikuwa na ushahidi wa kuonyesha alikuwa wapi mwaka gani, mwezi gani na hata tulijua alikwenda Ethiopia. Tulikuwa na mambo yote yaliyoatikana.

Taabu kubwa ya Bw. Kinyanjui ni kwamba alikuwa ameshazoesha mtindo huo wa maisha kwa sababu akiitaya lolote kulikuwa na watu wakubwa ambao alikuwa aliwapatia sehemu fulani na kesi zake zote zinapotea. Hata alitufundisha sisi lugha ambayo hatukujua mbeleni the five word language of cuts, knocks and joints. After knocking you get a cut and some get a joint. Jambo hili lilitushtusha sana kwa sababu huyu mtu, alikuwa amezoa makosa yale na kila kesi yake hutengenezwa na yeye huwachiliwa—kesi ililetwa ya bombs na ikalipoletwa kutoka jela na akapeleka katika Criminal Investigations Headquarters aliwekewa tape recorder na kaulizwa amuite marehemu Bw. J. M. Kariuki ili wame naye mambo ya bombs na hali simu ilikuwa recorded. Marehemu J. M. Kariuki alishtuka sana kwa sababu alikuwa amesoma kwamba huyu mtu alikuwa imepeleka jela na wakati huo alikuwa akimpigia simu. Hakusema mambo ya bombs ila alimuambia marehemu J. M. Kariuki kwamba kama alikuwa na wakati wangezeza kuonana Ngong katika kiwanja cha farasi, na ule mtego haukufaulu na hiyo tape recorder iliraruliwa mara moja. Huyu Bw. Kinyanjui aliulizwa aende kuona mbio za farasi katika uwanja wa farasi wa Ngong. I am trying to show you the framing and the cover up na pale ushahidi ulionyesha co-operation yake na polisi imeharibika. Huyu Bw. Peter Kinyanjui alitumwa huko kiwanja cha Ngong ili kumfuata Bw. J. M. Kariuki. Alipokwenda kule—nasema hivyo ili tuthibitishe kwa kweli marehemu alikuwa amefuatwa—yule mtu alikuwa anepangiwa kuwa na tape recorder aende nayo ili wakizungumza na marehemu J. M. Kariuki inase maneno. Kwa bahati mbaya tape recorder ya kuweka mfuko ilikosekana na akaambiwa atatumia gari na hilo gari litawekwa tape recorder ili akiweza kumnasa amungize katika gari ili wazungumze. Ninyi Wabunge mliuliza tuwaambie ukweli na tunawaambia the bitterest truth. Basi, jamaa huyu alienda katika races na wakawa huko na Chief Inspector Patrick Shaw, Ben Gethi na wengine.

Mbunge Fulani: Akina Karungaru.

Bw. Mwithaga: Hata yule rafiki yetu ambaye alikuwa Mbeshimiwa hapa aliwaona huko. Wakati walikuwa pale, gari aina ya Mercedes nyeupe ilikuwa kule nje wakati J. M. alikuwa katika stirs. Gari ya Mercedes nyeupe ilikuwa pahali hapo, Wazungu wawili walikuwa hje mahali hapo—Patrick Shaw and Clark, na Ben Gethi alikuwa ndani ya gari. Jioni hiyo, Mercedes hiyo hiyo ilipatikana pale Hilton—the same Mercedes. Huyu Kinyanjui aliambiwa na J. M.: "Wewe kuja kwangu unione kesho", that is Monday morning. Kutoka katika Headquarters kupeleka ripoti juu ya yale ambayo alitaya. Alikuwa anamtusi Marehemu kwa kumwita Godfather. If you had a Godfather, a son of that type should never have any son at all.

Mbunge Fulani: What was that?

Bw. Mwithaga: He was calling marehemu J. M. "Godfather", na yeye ni son. Sasa huyu akaambia mafisa wa Idara ya Criminal Investigation ya kwamba: "Tumeagana tuonane kesho, na nitakwenda kwake Jumatatu asubuhi". Kwa hivyo, huyu "Mark Twist" akakosa kabisa thibitisho ya kuwa marehemu J. M. alikuwa na uhusiano wowote na mabomu. Hata mafisa wa Idara ya Criminal Investigation wasema katika evidence na kwa kiapo kwamba walifika pahali fulani na kukata shauri ya kuwa hapakuwa na uhusiano wowote baina ya milipuko ya mabomu na marehemu J. M. Kariuki. Lilikuwa tu ni singizio la huyu kijana peke yake.

Bw. Mwangale: Hata Criminal Investigation Department (Special Branch).

Bw. Mwithaga: Hata wakati wa kutoa evidence kwa kiapo watu wa Special Branch wamekubaliana na jambo hilo. Huyu Kinyanjui amewaletea hasara kubwa hawa watu kwa sababu amewachukua watu wa Special Branch hata kule Mombasa kuwatafuta the would-be bombers. Walienda kule kuwatafuta mysterious people in the names of "Sewe"; people who are unknown, na ambao hawakuweza kutambuliwa kwa paredi. He took them for a very good ride on public funds. Kwa habari hiyo ya huyu mtu peke yake na hawa wengine ambao alikuwa anajaribu kuwaingiza ndani, walimwamini sana kwamba alikuwa anasema mambo ya kweli kabisa mpaka mwishowe wakajikuta aliwadanganya sana. They were regretting too late.

Katika pale Hilton, jioni hiyo mmoja wa hao mashahidi, ambao wamekuja hapa mbele yetu, licha ya kuona Ben Gethi, Nderi, au Shaw au nani, alisalimiwa na mmoja ambaye anajulikana sana kama Sajini Mbogo a sharp shooter of Criminal Investigation Department. Tulipojaribu kwenda huko katika kituo cha Criminal Investigation Department Bureau kuchukua zile statements na mambo mengine, kitu cha kwanza ambacho kilitushtusha kilikuwa kwamba tuliambiwa hatungeweza kuingilia vile vitu ambavyo tulitaka kuviona. Baadaye tulipewa ile statement ya "Mark Twist" na tukaisoma, and you would hate to read it. I hope justice will be done! Haya yalikuwa masingiziyo matupu ya yule kijana peke yake kwa marehemu J. M.; mambo ambayo yalikuwa incredible, and he said he was doing this in the interest of the State. Kama nchi hii inalindwa na watu kama hao, basi, hatuna usalama wo wote. Kama usalama wa Kenya unategemea watu kama Mark Twist, basi, hakuna usalama wo wote. Sisi tulijaribu tuweza-vyo, na tukaonyeshwa mabomu, ambayo yalionekana kama yaliyotengenezwa na mafundi wa humu humu nchini, na wala sio watu wa kawaida. This is very suspicious, because it is a technical job. Lakini tulipotaka kuona statement ya Sajini Mbogo, ambaye alikuwa muhimu sana kwa Kamati hii, tulikuwa na habari muhimu sana, ambayo hatungeambia Criminal Investigation Department, na tulijua ni kwa nini tulitaka kumuona Sajini Mbogo. Lakini Senior Superintendent Sokhi, who I am told is being promoted to an Assistant Commissioner of Police—

Wabunge Fulani: Aibu, aibu! Na aondolewe sasa!

Bw. Mwithaga: And he is actually acting in that capacity now! Huyu Bw. Sokhi alitafuta habari hiyo, na akamwambia mkubwa wake, "Sorry, Sir, statement hiyo haiko hapa", na sisi tukamuuliza iko wapi. Faili zilipokwenda katika Makao Makuu ya Polisi, *statement* zingine ziliondolewa, yaani taarifa za Sajini Mbogo na Pius Kibathi, ili tukienda katika Makao Makuu ya *Criminal Investigation Department*, tusizikute taarifa hizo. Tulipouliza huyo Sajini yuko wapi, ili aweze kuja mbele yetu, tukaambiwa, "Hatujui yuko wapi". That was the head telling us that he did not know where one of his sergeants was! Halafu tulipowauliza zaidi, ndipo wakasema, "Tumesikia ya kwamba yuko katika anti-poaching unit huko Malindi. Basi, Bw. Spika, tuka-sema, kama yuko katika anti-poaching unit upande huo, tafadhali watutafutie Sajini huyo kwa sababu tulikuwa tunamtaka sana. Na wao wakasema, "But why, tume-watafutia Mark Twist, lakini huyu mwingine hatuwezi". Sisi tukaona kuna vita vya kuvutana baina ya Kami-shena wa Polisi na Mkurugenzi wa *Criminal Investiga-tion Department*, na jambo hili lilikuwa wazi kabisa. Sisi tukasema hatutaki kuwasaidia kupigana, lakini tunachotaka ni taarifa hizo. Kufuatana na *The National Assembly Powers and Privileges Act*, Kamati Teule ya Bunge ina uwezo wa kuchungua au kuohukua karatasi yo yote ya kiserikali ama ya jambo lingine lo lote, isipo-kuwa makaratasi ya makundi matatu peke yake, nayo ni Jeshi la Angani la Kenya, Jeshi la Majini la Kenya na Jeshi la Nchi Kavu la Kenya, yaani Majeshi yote ya Ulinzi ya Kenya. Kulingana na sheria, hatuwezi kama Kamati Teule ya Bunge, kuyasoma makaratasi ya ma-kundi hayo matatu. Hata Mkuu wa Sheria alipofika mbele ya Kamati alikubali kwamba tulikuwa na haki ya kuyaangalia makaratasi hayo. Kwa hivyo, ilikuwa ni haki ya Kamati kuona na kuchungua makaratasi hayo kulingana na sheria. Tulipoambiwa kwamba hatuwezi kuyaona, basi, tukasema tutaliambia Bunge la Taifa ya kuwa wamekataa na makaratasi hayo na kwa hivyo wamevunja sheria. Bw. Spika, hebu niyaache Makao Makuu ya *Criminal Investigation Department* kidogo kwa sababu nafikiri nimesema ya kutosha juu yake. Yule ambaye anaweza kufahamu nimesema nini na pia vile Mwenyekiti wa Kamati hii alivyosema, atakata shauri lake mwenyewe.

Wabunge Fulani: Ongea juu ya Sajini Mbogo sasa.

Bw. Mwithaga: Bw. Spika, nimesema kwamba mpaka hivi leo Sajini Mbogo hajapatikana. He is mysteriously in an anti-poaching unit somewhere.

Mbunge Fulani: I think he is now beyond Malindi!

Bw. Mwithaga: Bw. Spika, Jumapili, tarehe 2, Februa-ri kulikuwa na movements nyingi katika Nairobi. Kwa sababu katika ushahidi ambao tumechukua wale watu ambao tumetaja ndiyo wangepelekwa kortini ili wathibiti-she otherwise. Majina ya watu wadogo ambao walihu-sika na jambo hili yaliachwa nje kwa sababu si ya maana sana. Wengi wao ni wale ambao walikuwa waki-tumiwa na the big boys. Mtu ambaye alifika katika kituo cha basi za Overseas Transport Company kwanza after the bomb exploded alikuwa Patrick Shaw. How he knew that there was to be a bomb blast, or it was a coinci-dence, that he was there by the time the bomb exploded,

is a question that must be answered by someone else. He was the first person to arrive there—just at the time when the bomb exploded. Bw. Shaw ndiye Deputy Director wa Starehe Boys Centre. Shule hiyo inasaidiwa na pesa za Serikali, na ikiwa hapo ndipo pahali ambapo tunaweka watu kama hao, ambao ni maafisa wa Kenya Police Reserve, ni vibaya sana. This man has never had any formal training in the police work lakini yeye ana rank ya Chief Inspector katika Kenya Police Reserve. Bw. Shaw was recruited by the colonial Government so that he could perform some duties which could help him to reduce weight and subsequently avoid having a heart attack. Madaktari wanasema ya kwamba ikiwa yeye hatakuwa akitembea kila wakati atakufa.

Wabunge Fulani: He should die tomorrow!

Bw. Mwithaga: Therefore, he is always roaming the streets of Nairobi. This man, despite the fact that he has never had formal training in the Police Force, is a chief inspector in the Kenya Police Reserve, as I stated earlier on. Yeye ndiye aliyekuwa wa kwanza kufika katika kituo cha bus cha Overseas Transport Company baada ya bombo kulipuka.

Bw. Spika, Bw. Clark ndiye Head of Security katika Block Hotels. Yeye ana rank ya superintendent wa police katika Kenya Police Reserve lakini si katika Jeshi la Askari wa Konseli ya Nairobi. Mzungu huyo ha-recruited very many women katika Kenya Police Reserve. Wengi wao hufanya katika mahoteli ili wafanye kazi chini yake. Bw. Clark anafanya patrols nyingi katika Nairobi wakiwa na Patrick Shaw pamoja na Young. Isipokuwa sijasikia Mzungu yeyote katika Jeshi la Polisi ambaye ana cheo cha constable, Bw. Young ni constable katika Police Reserve. Mama wa Bw. Young ni superintendent wa polisi, lakini Young ni constable.

Wabunge Fulani: That is a corrupt authority!

Bw. Mwithaga: Hata ikiwa watu hao hutafutia watu fulani kitoweo, sisi kama Wabunge tunajua ya kwamba katika security network yetu hatuna Wazungu wa aina hiyo isipokuwa specialists wa mambo fulani. Bw. Spika, Constable Young na mama yake ni specialists wa nini? Sisi tuna mama wetu Waafrika ambao wangepewa cheo cha senior superintendent na hata Assistant Commissioner. Hata hivyo, sitaki kuleta argument hiyo; iko katika ushahidi, lakini ni wajibu wa Wabunge kufahamu kitu kinachotendeka. Hawa ndio waliotumiwa kufukuza beggars—na Mabwana Clark na Young ndio walio-kuwenda Hilton mapema mchana kuwafukuza beggars wote na halafu jioni wakawafukuza wale watu ambao hupumzika pale karibu na information kiosk, kwa vile vile ambavyo viko hapo. Walifukuzwa in preparation for what was going to take place.

Wabunge: Shame! Shame! Criminals!

Bw. Mwithaga: Mtu ambaye alikuwa akimsaidia J.M. kuweka gari lake vizuri was grabbed immediately and tortured for four days. Ukimuona huyu jamna kwa macho sasa ni kama mwenda wazimu; tulimuita hapa na tukashindwa kumuuliza maswali; he has gone mad. Baadaye tumemtafuta and he is nowhere to be found.

Mwithaga nemtafuta k... he seen. I... where Mr... Hotel. Ni l... yuko.

Kijana moja... kuhudia ki... hadi kule... ofi na kuan... kuwekwa ka... very co-op... au kuthib... kijana t...

Bw. Spika, mi... kwamb... kitu amb...

JUNI 4, 1975

021 Hoja—Kukubaliwa kwa Ripoti ya Kamati Teule—

—Juu ya Kifo cha Marehemu Mhe. J. M. Kariuki 1022

[Bw. Mwithaga]

Tumemtafuta kwa njia zetu za upelelezi; *he is nowhere to be seen. I request through this House that we be told where Mr. Githinji is. He was a taxi driver at Hilton Hotel.* Ni lazima tuambiwe na polisi mahali jamaa huyu yuko.

Kijana moja ambaye alikuwa akiuza magazeti na akashuhudia kilichofanyika alifuatwa na Bw. Patrick Shaw hadi kule Hoteli ya New Stanley na kuchapwa makofi na kuangushwa chini mbele ya watu. Alishikwa na kuwekwa katika gari. Wale wafanyakazi wa hotel were very co-operative kwani walikuja kwetu na kutuambia au kuthibitisha ile saa kitendo hiki kilipofanyika. Hatujui kijana huyo alikwenda wapi mpaka wa leo.

Bw. Spika, mimi nataka kusema haya kwa ukweli ili ijulikane kwamba tulikuwa tukifanya kazi ngumu sana kujua kitu ambacho kilifanyika hata J.M. akapotea.

Kwa hivyo, tungependa Wabunge, taifa la Kenya na dunia nzima ijue ni akina nani wanaohusika na Kifo cha marehemu J.M. Sasa, kijana huyo, muuzaji wa magazeti katika Kimathi Street alipotea. Kijana mwingine aliyekuwa akiuza magazeti katika Kimathi Street naye pia alipotea; na hii yote ni kazi ya Bw. Patrick Shaw; *he is the one who went around beating and picking them up.*

AHIRISHO

Bw. Spika: Utaendelea siku nyingine kama *second*, Bw. Mwithaga. Sasa ni wakati wa kuahirisha Bunge. Kwa hivyo Bunge limeahirishwa mpaka kesho, Alhamisi, Juni 5, saa Nane unusu alasiri.

Bunge liliondoka saa Kumi na Mbili unusu jioni.

[Bw. Wabuge]

kuwaweka maofisa hawa kwa kila wilaya? Kule Kitale, kwa mfano; hakuna ofisa wa michezo.

Bw. Towett: Mimi sikusema kwamba ninafikiria bali nilisema kwamba ninaweza kufikiria, yaani, niko na uwezo wa kufikiria.

(Kicheko)

Bw. Njuno: Jambo la nidhamu. Jibu nililopata kutoka kwa Wizara yake linasema kwamba wao wanafikiria na sasa wanaendelea kuwaajiri maofisa, na bado kuna wengine wanne ambao wataajiriwa miezi michache ijayo. Kwa hivyo, kwa nini Waziri anasema sasa kwamba anaweza kufikiria na hali yeye anajua tunachouliza?

Bw. Towett: Jawabu ambalo Mhe. Mbunge analo mimi mwenyewe nimelitengeza na nilijua atalipata vile amelipata.

Bw. Said-Hemed: Jambo la nidhamu, Bw. Spika. Siku ya Jumanne niliuliza swali juu ya ofisi ya posta; ili kupatikane na ofisi ya posta katika eneo ya Mombasa Kaskazini kutoka Daraja ya Nyalii kuendelea mpaka Mtwapa. Gazeti la *Nation* lilitoa taarifa kwamba swala hili lililulizwa na Mhe. Mwavumo ambaye ni Mbunge wa Mombasa Kusini! Bw. Spika, hii ni aibu kubwa sana kwa wale ninaowakilisha kusikia swala linalohusu sehemu yangu likiulizwa na Mbunge mwingine na hali mimi mwenyewe nilikuwa nimeliuliza. Ikiwa hawakumjua yule aliyeluliza swala hilo, wangeuliza ili wapate hakikisho ni nani aliyeluliza swala hilo.

Bw. Spika: Nafikiri wao wamesikia hayo maneno.

Bw. Mwavumo: Jambo la nidhamu, Bw. Spika. Jana hapa, tulipokuwa tukijadili habari ya J. M. Kariuki majina fulani ya maofisa wa polisi na wengine yalitajwa; sasa sijui kuna usalama gani juu ya wale Wabunge ambao walikuwa wanakamati wa Kamati ya Kuchungua habari ya J. M. Kariuki. Ninasema hivyo kwa sababu, kwa mfano, pahali nilipolala niliwaona polisi wengi! Bw. Spika, nina wasiwasi, kwani sijui kama tutapata usalama kwani hawa watu bado wanazururazurura na hawajashikwa.

Bw. Spika: Siwezi kujibu hiyo.

Bw. Nabwera: Jambo la nidhamu. Ningependa kumjulisha mwandishi wa gazeti la *Nation*, juu ya mambo tuliyozungumza jana na kwamba mimi ni Mbunge wa Lurambi Kaskazini, sio Kusini. Lakini jambo kubwa lililotokea kwa gazeti hili ni kwamba maneno ambayo inasemekana ilisemwa na Mhe. Onyango Midika sio yale yaliyosemwa na yeye. Mwandishi huyo aliandikia:

"Mr. Onyango Midika (Nyando) suggested the matter be delayed because he and many other Members of Parliament had received their copies of the report by yesterday instead of Tuesday..."

Bw. Spika, ninavyokumbuka, Mhe. Midika alitaka tuendelee kujadili jambo hili la kifo cha J. M. wala hakuuliza kuahirishwa kwa jambo hili. Kwa hivyo, kama Mwandishi wa *Nation* anaweza kuwa akisikiliza kwa makini atakuwa anatusaidia.

Bw. Spika: Ninafikiri amesikiliza na atetengeneza jambo hilo.

Bw. Midika: Ahsante sana, Mhe. Nabwera. Lakini ningependa kusema kwamba huu sio wakati wa kwanza kwa gazeti la *Nation* kuandika yale maneno ambayo sikuyasema. Mimi sipendi kupigana kwa maneno na watu wa magazeti. Ninasema hivyo kwa sababu kama wanaandika maneno ambayo sikusema, basi, wananchi watafikiri ya kuwa mimi sina fikira timamu. Mimi nina fikira timamu na ninaweza kuzungumza Kiswahili, Kizungu na Kijaluo vizuri sana.

(Kicheko)

Chifu Kitonga: Jambo la nidhamu, Bw. Spika. Wiki jana niliuliza swali langu na halikujibiwa kwa sababu labda Waziri alichelewa au mimi nilichelewa; na tukaambiwa kwamba swali hilo lingeletwa baadaye. Tena jana kulikuwa na swali langu ambalo nilimuliza Waziri wa Utalii na Wanyama wa Porini lakini Waziri hakuwa tayari kulijibu; na akasema kwamba swali hilo lingejibiwa leo. Sasa, Bw. Spika, nina maswali mawili ambayo hayajajibiwa na sijui nitafanya nini. Inaonekana kwamba nikiambiwa yatakuja, mwishowe hayaji, ninaweza kujulishwa nitafanya nini?

Bw. Spika: Subira huleta heri Chifu Kitonga, hayo maswali yataletwa hapa.

MSWADA**Kusomwa Mara ya Kwanza****THE INDUSTRIAL TRAINING (AMENDMENT) BILL**

(Dondoo la Kusomwa Mara ya Kwanza ilisomwa—
Mswada Ukasomwa Mara ya Kwanza—Ukadiriwa
usomwe Mara ya Pili Kesho)

HOJA**KUKUBALIWA KWA RIPOTI YA KAMATI TEULE JUU YA****KIFO CHA MAREHEMU MHE. J. M. KARIUKI**

Kwamba, Bunge hili laikubali Ripoti ya Kamati Teule iliyochaguliwa kuchungua kutoweka na kuuawa kwa aliyekuwa Mbunge wa Nyandarua ya Kaskazini, Marehemu Mhe. J. M. Kariuki, iliyowasilishwa Mezani mwa Bunge tarehe 3 Juni, 1975.

(Bw. Mwangale tarehe 4 Juni, 1975)

(Kurudiwa kwa Majadiliano yaliyokatizwa tarehe

4 Juni, 1975)

Bw. Mwithaga: Bw. Spika, jana niliachia hotuba yangu wakati ambapo nilikuwa nikiunga Hoja ilivyo-pendekezwa na Mwenyekiti wa Kamati Teule ya Kuchungua kutoweka na kuuawa kwa Marehemu J. M. Kariuki. Bw. Spika, isipokuwa saa zilikwisha bila mimi kujua, nitaendelea kutoka pale niliachia.

Bw. Spika, nilikuwa nimeeleza habari iliyotokea kule Hoteli ya Hilton. Ningetaka kusema ya kwamba Bunge hili kila mara lilikuwa na Wabunge ambao walikuwa wakitaka Kamati itoe ripoti yake haraka iwezekanavyo, yaani walikuwa wakitaka tufanye kazi kwa haraka. Ilionekana sisi tulifanya kazi kwa haraka na mwishowe tukaweza kutengeneza ripoti na kuileta hapa. Wakati huo huo nchi hii wananchi walikuwa wakitaka kujua ukweli Kamati yetu iliitwa katika magazeti na kwa radio kama Kamati ambayo itatoa ukweli nje.

Bw. Mwit

Kwa hilo nchi na vifungu toa mael mifikia ja kwa sabab wenyekiti toa mam rani tulitoa yaliyoko ili yao yameta Kamati yer moja la ku nza kazi y kira ya ku mauaji. Sisi vyote. Kar kutoka kw chochote ki hakuwa na rama ndiye ikiria zingir sha Wabun mambo zaic Kuna maml hapa na tul hakuna ush lwe au ana Lakini juu wenye ujuzi wise watum kwamba tun weza kujion kortini lakir kwa mapeni sababu ya k

Bw. Spik machache ju kituo cha b Ninataja jan biwa na mai shifu mikuta kifo cha mti watu 27. Ha kwamba Ka ilijishughulish kurekebisha Machi, 19 vyosema hap Chief Inspect hapo. Swali mlipuko katil maofisa wa chunguzi wa Kariuki aliku Karen. Tum kile kilichofa ilimalizika sai yake akiendes Wakati ule t puka, saa nn

Bw. Mwithaga]

Gwa hilo ndilo jambo ambalo lilikuwa limefikiriwa nchi na Bunge hili, haitafaa kamwe kwa sisi kusoma vifungu kama vilivyo katika ripoti yenyewe bila toa maelezo zaidi ili Wabunge ama wananchi wajue fikia jambo fulani namna gani. Ninasema hivyo ya sababu kumekuwa na Mnong'ono ya kuwa wenyekiti na mimi tumeondoka nje ya Kamati na toa mambo ya ripoti yenyewe nje. Sijui ni maneno ni tulitoa nje. Ni haki yetu kama Kamati kueleza liyoko ili wengine wasije wakasema kwamba majina o yametajwa makusudi au kwa njia za kuwakashifu amati yenyewe haikuwa na lengo hata kwa dakika oja la kukashifu mtu yeyote. Pili, Kamati hii ilipo za kazi yake haikuwa ikiwa na mtu yeyote katika ara ya kuwa ndiye aliyehusika na ama kupanga hayo ujaji. Sisi hatukuwa na wakati wa kufikiria mtu yote. Kamati ilikuwa Kamati ya kuchukua ushahidi toka kwa wale watu ambao walikuwa wakijua ochote kuhusu jambo hili lakini Kamati yenyewe kuwa na mtu yeyote ambaye alikuwa anafikiriwa na ndiye muuaji. Kwa hivyo, Bw. Spika ikiwa kuna zingine ambazo zinaweza kutumiwa ili kuhangai Wabunge na wananchi, kwamba tumeingilia haya mbo zaidi, ukweli ni kwamba hatukuyaingilia zaidi. ina mambo mengine ambayo tuliona haifai kuletwa pa na tuliyaacha nje. Tulifanya hivyo kwa sababu kuna ushahidi wa kutosha kusema fulani achungu e au anadaiwa kuwa alihusika na mipango fulani. kini juu ya wale ambao tumewataja, hata watu nye ujuzi gani juu ya *criminology, social or other* e watumwe kufanya uchunguzi huu wataona ya amba tumefika pahali ambapo wale tumetaja wana za kujiondoa tu kwa kueleza kwamba hawahusiki tini lakini si hapa Bungeni. Tumeifanya kazi yetu a mapenzi ya nchi hii kwa makini lakini si kwa abu ya kuharibu chochote.

Bw. Spika, nikiwacha Hilton, ningependa kusema chache juu ya pahali ambapo bomu lililipuka, yaani o cha bas cha OTC ambapo watu 27 waliuawa. ataja jambo hili kwa sababu Kamati yetu ilijari a na mambo mengi. Hata watu wengine walituka u mikutanoni wakiuliza ni kwa nini tunachungua cha mtu mmoja tu bila kuchungua vile vifo vya u 27. Hao walikuwa wakitaka kujulisha nchi nzima amba Kamati haikuwa na haja na watu 27 bali hughulisha na mtu mmoja tu. Bw. Spika, ningependa kwebisha jambo hili kwa kusema kwamba tarehe Machi, 1975, wakati bomu ilipolipuka, kama nili sema hapo jana, Bw. Shaw, ambaye ana cheo cha f. Inspector, katika Kenya Police Reserve, alikuwa o. Swali ni kuwa: alijua kwamba kutakuwa na uko katika kituo hicho cha bas? Hilo ndilo swali fisa wa polisi wataulizana wakati waniapoendesha uchunguzi wao. Wakati huo huo marehemu Bw. J. M. kariuki alikuwa katika karamu ya *engagement* katika en. Tumejaribu kueleza zaidi katika ripoti yetu kilichofanyika lakini ukweli ni kwamba karamu lizika saa Tano za usiku. Baadaye aliondoka peke akiendesha gari lake aina ya Mercedes, KPE 143. ati ule ule alipokuwa katika karamu bomu lilili, saa nne au saa tano. Wakati bomu lilipolipuka

kulikuwa na watu wengi ambao wallanza kutoroka kwa miguu na magari isipokuwa watu wachache ambao walibaki ili wajaribu kusaidia kuokoa maisha ya watu. Lakini Sergeant Mbogo wa Criminal Investigation Department, ambaye tulijaribu kumtafuta ili aje imbele ya Kamati lakini tuliambiwa ya kwamba amekwenda pahali ambamo hapajulikani—tuliambiwa ya kwamba yeye ako katika Anti-Poaching Unit katika Malindi. Bw. Mbogo alifyatua risasi na kupiga gari la Peugeot 504 la rangi ya *blue* akilidhania kwamba lilikuwa la Marehemu J. M. Kariuki. Baada ya wao kuona gari hiyo sio ya Bw. Kariuki walienda—hao maofisa wa Criminal Investigation Department—nyumbani kwa Bw. J. M. Kariuki na wakachukua gari lake. Nina hakika ya kwamba Wabunge wote wanaelewa jambo hili; walikuwa tu katika ule mpango wa kuingiza Marehemu J. M. Kariuki katika mipango ya bomu. Magari ya Peugeot 504 Nairobi ni mengi sana. Swali ni hili. Ni kwa nini Sergeant Mbogo alifyatua risasi kupiga gari la Peugeot 504 usiku huo akifikiria ni la Bw. J. M. Kariuki? Kwa nini Bw. Spika? Wakati gari lake lilipochukuliwa kutoka nyumbani kwake, lilipelekwa katika ofisi Kuu ya *Criminal Investigation Department*. Gari la J. M. Kariuki vile vile lilikuwa Peugeot 504 na la rangi ya *blue*. Katika Ofisi Kuu ya Criminal Investigation Department Bw. Patrick Shaw na Bw. Sokhi walikuwa wakifanya mambo kama ni kitu cha maana ambacho kilikuwa kikitafutwa. Tuna ushahidi wa kuonyesha ya kwamba walipiga picha na kufanya mambo mengine mengi wakitafuta kama kulikuwa na mabaki ya *chemicals* za bomu katika gari la Bw. J. M. Kariuki ili waseme ya kwamba ndiyo iliyobeba bomu. Gari hilo lilirudishwa nyumbani kwa Marehemu J. M. Kariuki baada ya kufuatwa sana na Kamati hii. Sisi tuliwauliza waseme kwa ukweli kama walikuta kitu chochote ambacho kingewafanya wafikiri ya kwamba hilo ndilo gari ambalo lilibeba bomu au la. Baadaye, waligundua kwamba gari hilo halikuwa na mabaki ya bomu. Basi, swali ni kwamba kwanza aliyekuwa akifyatua risasi alifikiri ni la marehemu J. M., na pili wakaenda nyumbani kulichukua gari la J. M. hadi makao makuu ya *Criminal Investigation Department* na kulipekua sana. Magari ya Peugeot 504 yenye rangi ya *blue* hapa Nairobi ni mangapi?

Bw. Spika, sasa ningependa kuwapelekeni hadi Ngong. Tunayo majina ya watu ambao wanetajwa hapa na tukasema kwamba ni lazima wachunguliwe kwa makini sana. Tungependa wachunguliwe na kikundi kingine lakini si kile kinachoongozwa na Bw. Sokhi; *not the Sokhi team of investigators*. Tungependa wachunguliwe na kikundi kingine ambacho hakikuhusika katika *cover-up*. Mmoja wa wale ambao tulisema ni lazima achunguliwe ni Diwani John Mutung'u kutoka Ngong. Yeye ni diwani wa Konseli ya Ol Kejuado. Pengine watu wakisoma majina kama haya magazetini, ama mwenyewe akisoma jina lake katika magazeti, ataanza kujuliza ni kwa nini jina lake liko pale? Baada ya kujuliza, huenda akawaambia wenzake kuwa jina lake limewekwa kwa mujibu wa kumkashifu na kuharibu jina lake. Ninataka wale waliosoma majina haya wajue kwamba tuliyaweka pale kutokana na ushahidi tuliopata imbele yetu. Ushahidi ni kwamba saa zile ambazo zinakisiwa ndizo saa mwili wa marehemu ulitupwa pale

[Bw. Mwithaga]

Olosho-Oibor Manyatta, barabarani, gari la huyu jamaa ndilo gari la pekee ambalo lilionekana. Kuna mashahidi ambao walilionā likifoka kule mbali kabisa. Ukiwa katika sehemu ya Ngong na ukisimama pale karibu na Kibicho unaweza kuona umbali wa maili kama 20, hasa usiku, kutokana na taa za gari. Nafikiri Mheshimiwa Mbunge wa sehemu hiyo anaweza kuthibitisha jambo hili. Kwa hivyo, ukiwa katika milima ya Ngong unaweza kuona gari likiwa hata maili ishirini kwa sababu mteremko ule wa pori ni wa maili nyingi zaidi. Pale kuna barabara inayoitwa Ngong Circular Road. Pia kuna njia ambayo inaenda Waso-Kindong, na njia nyingine inaelekea upande wa Magadi. Manyatta ya Olosho-Oibor iko katika barabara ya kuelekea upande wa Magadi. Gari la diwani huyu, ambalo ni Peugeot, na ambalo lilitajwa hapa na mwenyekiti hapo jana lilisafishwa asubuhi ya Jumatatu pale *Caltex Petrol Station*, Ngara, Nairobi. Pande zote mbili za gari hili zimeandikwa—ni kama *mini bus*, yaani matatu—*meat bank*, yaani benki ya nyama. Gari hili ndilo la pekee ambalo lilionekana kutoka upande huo saa hizo. Walipoliona, hata kabla hawajasimamisha gari lao pale Ngong Township, kutokana na *speed* lililokuja nayo, lilifika pamoja na wao katika Mji wa Ngong na likasimama karibu na gari la hao wengine. Sisi tulikata shauri kufuata jambo hilo sana. Hata tuliita jamaa huyu katika Kamati. Kitu kilichoshangaza Kamati, na ni haki Kamati kueleza jambo hilo, ni kuwa jamaa huyu alitambua kwanza kuwa alienda Uganda. Tulimuuliza tikiti zake za nauli ya bas na alitoa tikiti ya kuenda. Pia alitambua kuwa alituma mtu kumkatia tikiti hiyo kwa KSh. 60. Katika tikiti hiyo, ambayo tuna *record* yake pamoja na nambari, alikuwa angeondoka hapa Nairobi kwenda Kampala saa Mbili usiku. Tikiti hiyo ilikuwa imeandikwa jina la mtu mwingine, Steven M. Alikuwa anasafiri *under a different name*. Tulipotaka kujua sababu alikuwa akitaka kusafiri katika jina lingine, alisema kwamba saa zingine watu wengine humuita Steven. Haidhuru, haja yetu haikuwa sababu ya kugeuza jina lake, lakini tulipomuuliza *return ticket* kutoka Kampala, hakuwa na tikiti ya kutoka Kampala. Hakuwa na *return ticket*; alikuwa na *one-way ticket only*.

Kwa hivyo, tukasema kwamba ni lazima atueleze zaidi, kwani ikiwa alienda Kampala, alirudi kwa njia gani? Jambo hili liliwapa wanakamati fikira nyingi kwa sababu tarehe 5 mwezi huo wa Machi, siku aliyokuwa ataondoka kwa safari aliyokisia kumpleleka Kampala, alitakiwa katika *Divisional Land Control Board* aliuze shamba lake lililo katika Kiviko. Alikuwa anauza shamba lake la Kiviko na *divisional land control board* ilikuwa itasikiza kesi yake tarehe hiyo, Machi 5. Maofisa wa Serikali walifika kwa mkutano, lakini huyu jamaa akuweko bila kuwaandikia kuwajulisha kuwa hatakuveko. Gari lake lilipotea kutoka sehemu ya Ngong utoka tarehe 3 asubuhi kwa muda wa siku 13. Yeye iwenyewe aliondoka huko na alirudi tarehe 15 asubuhi ule Ngong. Hakuna mtu ambaye alijua alienda wapi. Kwa nini aliondoa gari lake huko na lilikuwa wapi? Ikiwa kuna thibitisho kwamba gari hilo lilisafishwa tika Ngara Road *Caltex Petrol Station* asubuhi ya tarehe 3.

Nimesema mambo haya kwa sababu ripoti kama hii weza kuwafanya watu wengine wafikirie kuwa maji-

na yao yaliwekwa hapa kwa dhuluma na kashifa na wanaweza kuitumia ili wachafue watu wengine zaidi au kuchafua maneno zaidi. Nataka ijulikane kwamba tuna ushahidi, ukweli, na thibitisho za aina zote *if we are challenged by anyone*. Kwa hivyo, Bw. Spika, hii ndio sababu tunasema ya kwamba *Criminal Investigation Department* hawajaweza kupata mtu yeyote mpaka sasa. Sisi tumesema kwamba mtu kama huyu na hadithi zake hufaa kuchunguliwa. Hadithi yake ya kwenda Waso-Kindong usiku huo ilikuwa ya kutunga tu. Ni mtu ambaye anafaa kuchunguzwa zaidi.

Katika Katiba yetu *torture* ni kitu ambacho kimekatazwa na ningependa jambo hili pia lichunguliwe. Ningetaka jambo hili lichunguliwe kwa makini sana, Bw. Spika.

Jambo jingine ambalo limekatazwa katika Katiba yetu—Bw. Spika, sikumbuki kifungu chenye la-kini jambo hili liko na linasema kwamba hakuna masha ya mtu itakayotolewa kwa njia zozote zile ambazo si za kisheria ama haziwezi kuungwa mkono na sheria. Bw. Spika, hivyo ndivyo Katiba yetu inavyosema. Kwa sababu jambo hili limefanyika na Kamati imefanya kazi yake na kutafuta ushahidi wote unaotakikana kuhusu jambo hili, Kamati inaomba na inarudia kusema kwamba timu inayoongozwa na Bw. Sokhi Singh ya kufanya upelelezi juu ya kifo cha marehemu J. M. Kariuki ni heri ifutuliwe mbali na kutafutwe *independent team* ambayo itafanya uchunguzi huu ili tujue ukweli uko wapi.

Jambo jingine ni kwamba kwa sababu watu wengi wameuliwa kule Ngong bila wenye kutenda vitendo hivyo kufuata Katiba yetu, ingefaa wanaohusika na mambo hayo, hasa wakati huu ambapo tunazungumza mambo ya Ngong, waambiwe wanavunja Katiba ya Kenya kwa kuchukua wananchi wetu kutoka pahali popote nchini, pawe ni Nairobi ama mahali pengine, na kwenda kuwaua bila kupitia njia ambazo zimewekwa na sheria.

Waziri wa Mali ya Asili (Bw. ole Oloitipitip): Ni akina nani wale waliouliwa katika Ngong?

Bw. Mwithaga: Bw. Spika, sitaki kujibu maswali ya huyo Waziri kwa sababu anajijua sana kuliko vile ninavyomjua.

Waziri wa Mali ya Asili (Bw. ole Oloitipitip): Jambo la nidhamu, Bw. Spika. Hatutaki kukatiza mwenyetu wakati anapozungumza juu ya ripoti hii ambayo ni muhimu sana, lakini pia tukiambiwa kwamba watu wengi wameuliwa huko Ngong sisi tunahusika na jambo kama hilo kwa sababu tunatoka huko. Kwa hivyo, Mbunge anaweza kutambua ni akina nani ambao waliuliwa huko Ngong?

Bw. Mwithaga: Bw. Spika, fikira na ujuzi wa yule Mhe. Mbunge sizo zangu na sina haja nazo. Ni heri aende kule Ngong ili akaulize maswali. Mimi sikumulizia maswali. Ni heri aende huko akaulize wazee wa Kimasai.

Waziri wa Mali ya Asili (Bw. ole Oloitipitip): Bw. Spika, ikiwa Wamasai walikuwa na mambo ambayo wangetaka kusema, juu ya watu ambao wameuliwa katika Ngong wangesema mambo hayo lakini hawajasema

Waziri wa
ambo lo lo
thaga amese
Ngong na r
waliouliwa l
Wamasai ka

Bw. Mwitl
ambo hilo r
Jambo am
hotuba yang
maisha ya m

nyume cha
kuwa wakien
waache mam
cha Katiba y
kwa hivyo ni

mani ili wahu
heri wanyong
Bw. Spika, i

MAJINA MENGI
TEULE JUU Y

Bw. Anyona:

nda kusimama
la manufaa
ilisimama kwa
likuwa wakati

kwa hivyo, nin
nidhamu ili
juu ya ripoti hii,
mbali mbali za
mbayo itaja

Bw. Spika, nin

Bw. Spika: El

ilikujibu swali b
kwamba ya kwa
liyoletwa hapa na
mba kama kuna
uende kwa Ratib

Ukiangalia hapa r
Ripoti ambayo n
Mwangale.

Bw. Anyona: B

kwamba katika il
mwa Bunge kuna r
laka kujua kama i
litwa kwa makosi
itajika kuwekwa r

jambo hili kwa sab
mwingi katika mat
to be frivolous lak

na Jamhuri hii ni
imefanya wajibu
jina ambalo limew
kwa kusingizia. Pia
hakuna jina, au m
kwa sababu ya pre
kwa sababu ny
ambo hilo hapo—

[Waziri wa Mali ya Asili]

Jambo lo lote kuhusu watu kama hao. Mhe. Bw. Mwi-thaga amesema kwamba watu wengi wameuliwa katika Ngong na ni wajibu wangu kumuuliza ni akina nani waliouliwa huko Ngong. Jambo hilo halikusemwa na Wamasai katika Bunge.

Bw. Mwithaga: Bw. Spika, mimi sitaki kuendelea na jambo hilo na nitaliachia hapo.

Jambo ambalo nilikuwa nataka kusema, nikimaliza kutuba yangu, ni kwamba hakuna ruhusa kuondoa maisha ya mtu ye yote kwa sababu hivyo ni kinyume cha Katiba yetu. Hata ikiwa ni wakora wamekuwa wakiendelea na mambo hayo ni heri waambiwe waache mambo kama hayo kwa sababu ni kinyume cha Katiba ya Kenya. *We have a rule of the law* na kwa hivyo ni heri wahalifu wote wafikishwe mahakamani ili wahukumiwe; na hata ikiwa ni kunyongwa, ni heri wanyongwe kisheria.

Bw. Spika, naomba kuafiki.

(Shangilio)

(Hoja ilitolewa)

NIDHAMU

MAJINA MENGINE KUFUTWA KUTOKA RIPOTI YA KAMATI TEULE JUU YA KIFO CHA MAREHEMU J. M. KARIUKI

Bw. Anyona: Jambo la nidhamu, Bw. Spika. Ningepeleka kusimama kwa jambo la nidhamu ambalo nafikiria ni la manufaa kwa Bunge hili. Bw. Spika, hapo jana kusimama kwa jambo hili la nidhamu lakini labda huo ulikuwa wakati usiofaa wa kuleta jambo kama hilo. Kwa hivyo, ningetaka kusimama kwa jambo hilo hili la nidhamu ili niulize, kabla hatujaanza kujadiliana na ripoti hii, kama zile tofauti zilizoko katika nakili mbali mbali za ripoti hii zitaelezwa ili tujue ni ripoti ambayo itajadiliwa na sisi Wabunge.

Bw. Spika, nimesema hivyo kwa sababu—

Bw. Spika: Ebu ngoja, Bw. Anyona. Nafikiri jana ukujibu swali hilo na Wabunge wote wakasikia. Niliwambia ya kwamba ripoti ambayo mimi najua ni ile iliyoletwa hapa na Bw. Mwangale. Pia nilikwambia kwamba kama kuna tofauti fulani katika hii ripoti ni heri kende kwa Ratibu wa Bunge ili umueleze shida zako. Kikangalia hapa utaona ya kwamba hatuna ripoti mbili. Ripoti ambayo mimi najua ni ile iliyoletwa na Bw. Mwangale.

Bw. Anyona: Bw. Spika, jambo langu la nidhamu ni kwamba katika ile ripoti ambayo imewekwa Mezani kwa Bunge kuna majina ambayo yamefutwa. Sasa tuna kuajua kama yale majina ambayo yamefutwa yaliyotoka kwa makosa au yalifutwa kwa sababu hayakuwa kuwekwa ndani ya ripoti hii. Nimesimama kwa jambo hili kwa sababu ninaelewa jambo hilo lina uzito mwingi katika matokeo ya ripoti nzima. *I do not want to be frivolous* lakini nafikiria ya kwamba Bunge hili la Jamhuri hii ni lazima kutosheka kwamba Bunge kufanya wajibu wake kuhakikisha kwamba hakuna ambalo limewekwa kwa ripoti kwa makosa au kusingizia. Pia, tuna wajibu wa kuona kwamba kuna jina, au majina, yameachwa nje ya ripoti hii kwa sababu ya *pressure* au kwa sababu ya kuogopa kwa sababu nyingine yoyote. Ningetaka kuachia jambo hilo hapo—

Bw. Spika: Bw. Anyona, tafadhali sikiliza vile nina-vyosema. Mimi sijui nitarudia mara ngapi jambo hili. Sasa, hata ikiwa kuna majina ambayo yalifutwa kutoka kwa ripoti, ni heri tujue kwamba jambo kama hilo lilitoka kwa Kamati kwa sababu hiyo Kamati ndiyo iliyoweka hii ripoti juu ya Meza ya Bunge. Hii ndiyo ripoti ambayo iliwekwa Mezani mwa Bunge na Kamati hii. Pengine hukubaliani nayo, lakini hii ndiyo tuliwekwa hapa Mezani na tukaambiwa kwamba hii ndiyo ripoti ya Kamati hiyo. Tunaweza tu kuzungumza juu ya ripoti hii, Bw. Anyona.

Waziri wa Afya (Bw. Osogo): Jambo la nidhamu, Bw. Spika. Ninaonelea kwamba Mbunge wa Kitutu Mashariki, na huenda ikawa Mbunge wa Alego pia, ambaye anataka kufuata jambo hilo hilo, angengejea mpaka apate nafasi ya kutoa maoni yake juu ya ripoti hii. Nafikiri ni jambo la muhimu kwamba Wabunge ambao wanataka kufuatilia hili jambo ambalo sisi hatulijui wanaweza kufanya hivyo wakipata nafasi ya kuzungumza juu ya ripoti hii ili mwenyekiti wa Kamati hii, ambaye ndiye mwenye kutoa Hoja hii, apate nafasi ya kujibu maswali kama hayo tukimaliza majadiliano juu ya ripoti hii.

Bw. Spika: Ndio. Hata jana wakati nilipokuwa niki-mjibu Bw. Anyona nilimwambia angogee wakati wake kama Wabunge wengine. Hakuna haja ya kuleta jambo kama hilo sasa kwa sababu Bw. Anyona atapewa nafasi ya kuzungumza hapo baadaye. Kamati yenyewe ikitaka kujibu maswali yako itafanya hivyo kwa sababu wakati utafika wa Mwenyekiti wa Kamati hii kuitwa ajibu mazungumzo haya. Kwa hivyo, ikiwa utapata nafasi ya kuzungumza utaweza kuonyesha taabu zako. Lakini kwa sasa ripoti ambayo tunazungumza juu yake ni ile iliyowekwa hapa na mwenyekiti wa Kamati hii.

(Kurudiwa kwa Majadiliano juu ya Hoja)

Waziri wa Afya (Bw. Osogo): Bw. Spika, Ripoti—

Bw. Wabuge: Jambo la nidhamu, Bw. Spika—

Bw. Spika: Nimekwishamwita Bw. Osogo, Bw. Wabuge utapata nafasi yako!

Bw. Wabuge: Jambo la nidhamu, Bw. Spika. Wakati ulipomaliza uamuzi wako mimi ndiye nilikuwa mtu wa kwanza kusimama na hakukuwa na mwingine. Labda, hapa kwangu kuna giza na siwezi kuonekana ama namna gani?

Bw. Spika: Labda Bw. Anyona ndiye aliyegeuza macho yangu!

Waziri wa Afya (Bw. Osogo): Bw. Spika, nasimama kuunga mkono Mwenyekiti wa hii Kamati pamoja na yule mwenye kuafiki kwa kutoa maoni yangu juu ya hii ripoti.

Bw. Spika, hii ni ripoti ya kipekee katika Jamhuri yetu tukufu tangu tunyakue Uhuru. Kwa hivyo, lingekuwa jambo la muhimu sana ikiwa kila Mhe. Mbunge ataona hii ripoti vile. Mimi nimekuwa Mbunge katika hii Bunge tangu mwaka wa 1963 mpaka sasa na sija-wahi hata siku moja kupata na kungea juu ya ripoti kama hii. Hii ni ripoti muhimu sana ambayo inahusu kifo cha mmoja wetu hapa. Ni ripoti muhimu sana ambayo hapo mbeleni, wakati tulipokuwa tukiteua ile Kamati Teule, tuliongea na machozi. Mbunge ye yote

[Waziri wa Afya]

ambaye alikuwa hapa, wakati huo—natumaini hata wakati huu—aliongea na huzuni kubwa sana kwa yale ambayo yalitokea kwa mwenzetu aliyeuawa kinyama, Mhe. marehemu Bw. J. M. Kariuki.

Bw. Spika, tuliteua Kamati Teule kufanya kazi na ikateuliwa: kulingana na *resolution* ya Bunge hili. Katika *preamble* ya ripoti, *resolution* yenyewe iko; ingawa iko kwa Kiingereza, natumaini ni tafsiri ya ile *resolution* tuliyoipitisha hapo mbeleni kwa lugha ya Kiswahili. Bw. Spika, nawashukuru sana Waheshimiwa wa Kamati Teule kwa kazi ngumu ambayo walifanya.

Wabunge Fulani: *Hear! Hear!*

Waziri wa Afya (Bw. Osogo): Bw. Spika, nawashukuru sana kwa kukaza moyo wao ingawa kulitokea wakati tulipotaka, kama Bunge, hii Kamati itoe *progress report* lakini waliomba ruhusa ya kuendelea. Kwa hivyo, nawashukuru sana kwa kazi ngumu ambayo walifanya.

Bw. Spika, katika *preamble*, tuliwauliza Waheshimiwa wa Kamati Teule kwanza waangalie chanzo cha kupotea na baadaye kuuawa kinyama kwa mwenzetu, marehemu Bw. J. M. Kariuki. Baada ya kufanya hivyo, ilisemekana kwamba nia ya hiyo Kamati ama ripoti ni kuweka *evidence* yoyote ambayo itapatikana. Nasikitika sana, Bw. Spika, kwamba katika *conclusion and recommendation* ya ripoti hii hatuambiwi ni *evidence* gani imekuwa *preserved*.

Bw. Spika, mimi nitaenda kwa ripoti na sina nia yoyote ya kuzungumza kwa mambo ambayo nimeyasikia ama nafikiria kwa sababu mimi si mmoja wa Wanakamati. Nitazungumza tu juu ya ripoti yenyewe, lakini kama nikizungumza kwa *ignorance*, ningetaka nisamehewe kwa sababu inaonekana ya kwamba katika Bunge hili tumepatiwa ripoti lakini kuna mambo mengine ambayo yanajulikana tu na Wanakamati peke yao lakini sisi kama Wabunge ambao waliiteua hiyo Kamati hatuyajui. Lakini hata ikiwa hatuyajui, tutazungumza tu juu ya ripoti, hasa mimi ambaye nilipata kwa shida. Ripoti yenyewe nilipata kwa shida kwa sababu wakati nilipokwenda kwa kile chumba ambacho ile ripoti ilikuwa imewekwa, nilinyakua nakili yangu chini ya miguu ya watu. Mimi nilinyakua *copy* yangu kutoka kwa zile *copies* za watu ambazo zilikuwa zikianguka. Ajabu ni kwamba karatasi ya mwisho, ambayo ina sahihi ya Mwenyekiti, haikuwako. Mimi nilirudi tena katika kile chumba kuokota hiyo karatasi. Hata wakati nilipotoka hapa na kuenda kwa katibu wa Bunge nilikuwa ukilia na kumuuliza, "sasa, mimi sijapata nakili yangu ya ripoti; nitaifanya nini sasa?" Hata yeye mwenyewe kaniambia kwamba hakuwa na *copy*. Nikarudi tena kwa kile chumba, lakini kilikuwa kimejaa watu kuliko oko yoyote pahali popote nchini. Lakini hata mimi ilifutana na wananchi wenzangu mpaka nikapata nakili ingu. Usiku huo huo, Bw. Spika, kwa hamu ambayo likuwa nayo—na natumaini kila Mhe. Mbunge, na pia la mwananchi, alikuwa na hamu ya kusoma hiyo oti (hata nilikula chakula changu karibu saa tano iku)—nilikaa katika chumba changu cha *study* na kaisoma ripoti yenyewe mpaka mwisho. Nikajaribu u; nikairudia mara nyingine na nikaisoma yote.

Bw. Spika, sisi tulipochagua Kamati hii tulidhani ya ambapo tutapata kila kitu ambacho Kamati hii inga-

lijua ili na sisi tuwe *in a position*, yaani tuweze, kama Bunge, kukubali ripoti hii. Ripoti yenyewe ikiwa na vitu vingine ambavyo tunaeleza *outside it*, na ambavyo havikutajwa—ripoti hii ni yetu sisi kama Wabunge wala si ya wananchi. Nasikitika sana kwa sababu ripoti hii imekatiza mazungumzo yetu kwa njia kubwa sana. Nilitumaini kwamba katika *appendix* ya hii ripoti tungepata *verbatim record* kwa sababu tuliposema hapa Bunge kwamba hii Kamati—

Mbunge Fulani: *That is highly confidential! For security reasons, "NO"!*

Waziri wa Afya (Bw. Osogo): Bw. Spika, naelezwa na mmoja wa Wanakamati ya kwamba hiyo ripoti ni *confidential*! Lakini ikiwa hiyo ripoti ni *confidential* kwa Kamati ambayo tuliteua, ni lazima vile vile iwe *confidential* kwa sisi! Ni lazima hata sisi tuone hiyo ripoti kwa sababu ni sisi tuliteua hii Kamati. Kwa hivyo, kama hatuambiwi maneno na wale ambao tuliwauliza kama Wanakamati ili kuchungua hayo maneno, sidhani kama hii ni haki. *This is not justice!* Hawa wanakamati wanatambia ya kwamba hii *appendix* ni *confidential* kwetu na si *confidential* kwao; na kusema hivyo ni vibaya sana. Bw. Spika, ni kitu gani kingetuziwa tusiondoe wageni kutoka *galleries* ikiwa hii ripoti ni *confidential* ili tuizungumze *confidentially*? Tena, ni nini kingewazi hawa Wanakamati wasiichukue hiyo *appendix* kama *confidential*? Mimi sioni ni kwa sababu gani hawa kufanya hivyo. Vile vile, hata mimi ningeichukua hiyo *appendix* kama *confidential* just like any other report.

Bw. Spika, *what I am trying to establish* ni kwamba hili Bunge haliwezi kuenda *witch-hunting*; tulifanya kazi na tukateua hii Kamati Teule. Mimi nasema hivyo, Bw. Spika, kwa sababu sisi hapa katika Bunge tulichagua Kamati hii na kwa hivyo, ni lazima watupatie ushahindi wote.

Bw. Spika, sasa nataka kuenda pahali ambapo mimi nimepotea kabisa. Ukisoma katika—

Bw. Njuno: Jambo la nidhamu, Bw. Spika. Kabla hatujaendelea sana, si ingefaa sana, kama Waziri anafikiri hivyo, ile *verbatim ripoti* itolewe? Mimi nasema hivyo kwa sababu ikiwa mtu fulani alienda kutoa ushahidi lakini akasema kwamba hataki jina lake litolewe, ingefaa ripoti hii itolewe ili tuwe na *proceeding* moja badala ya mbili.

Bw. Spika: Bw. Njuno, kama nilivyoeeleza hapo mbeleni, ukisikia Mbunge mwingine akisema na uwe hukubaliani naye, ni lazima ungojee wakati wako ili umjibu. Tukifanya Bunge hili kama soko kwa kusimama kwa jambo la nidhamu kila wakati mtu anapofikiria hakubaliani na mwingine, hili halitakuwa Bunge tena. Ni lazima tufuate Kanuni zetu; na kwa hivyo, hata kama unakataa kabisa kile ambacho kinatajwa, ni lazima ungojee wakati wako. Bw. Osogo anatoa maoni yake na wale ambao hawakubaliani naye ni lazima wangoje wapate nafasi ya kutoa maoni yao. Kwa hivyo, tusiendelee kuharibu wakati bure.

Waziri wa Afya (Bw. Osogo): Bw. Spika, nilisema kwamba hayo yalikuwa maoni yangu, lakini ningependa kusahihisha Mbunge wa Kirinyaga Mashariki. Mimi si kusema kwamba Kamati ilienda *witch-hunting*. Vile nilivyoosema ni kwamba mimi, kama Mbunge, nikisoma

Waziri wa Afya]

ripoti hii sielewi k...
ing because I...
ed to do that...
h material i...
majina me...
rasa wa mwi...
ika ripoti yenye

Bw. Spika, mwen...
kusema kitu juu...
itaandikwa katil

INSARD na kuisor...
nyika juu ya rip...
verbatim ripoti...
kea upande mwir...
baadaye tutao...
nyo, tukikubalian...
kuwa tukifanya ka

Bw. Spika, tum...
wengine ambaye...
ooter who fired

long to J.M. ha...
ami kama mmoja...
agua Kamati hii,

note ambacho kim...
gawa tuliambiwa b...
nyo, it will force n

ibogo was kwa s...
metajwa kuhusu...
iki kikifanyika kwa

ad precedence na h...
nyo kwa sababu...
anything can happen

precedence is createa...
case in future. Mim

wakuwa wakisema...
ther thing happen...
amba namheshimu

na pia Mhe. Mwit...
ungeni kwa wakati...
ake za majadiliano.

mwingi. Ikiwa yeye...
naniambia kwamba...
tell you more which

nikiriri hili ni jambo...
ngumu sana kwa sisi...
ripoti hii ni kamilifu.

katika ripoti hii wana...
likuwa very difficult...
nataka kujua jinsi ali

nataka kuona ripoti...
muliza, "Wewe leta...
na akasema "la, sita

baifin ripoti tujue kil...
hivyo, I will have to go...
Hata kama ninaweza

wale wanakamati, ni...
why did they hide it...
Kwa hivyo, Bw. Spi

niwiwa Wabunge w...
hata kama ni hivyo...
katika Hoja hii kwamb

on, yaani tuweze, kama
oti yenyewe ikiwa na
wa outside it, na am
i yetu sisi kama Wa
kitika sana kwa sababu
yetu kwa njia kubwa
appendix ya hii ripoti
ababu tuliposema hapa

hly confidential! For

tw. Spika, naelezwa na
amba hiyo ripoti ni
oti ni confidential kwa
na vile vile, iwe confi
sisi tuone hiyo ripoti
Kamati. Kwa hivyo
ale ambao tuliwateua
ayo maneno, sidhami
e! Hawa wanakamati
endix ni confidential
sema hivyo ni vibaya
ingetuzuia tusiondo
ripoti ni confidential
na, ni nini kingewa
kue hiyo appendix
ikue hapa gani haw
ni ningeichukua hii
e any other report
establish ni kwami
nting; tulifanya ka
i nasema hivyo, B
a Bunge tulichag
a watupatie usha

ahali ambapo m

Bw. Spika. Ka
kama Waziri a
we? Mimi nase
ilienda kutoa us
jina lake litole
a proceeding m
voeleza hapo m
na na uwe huku
wako ili um
ra kusimama
apofikiria haki
ge tena. Ni laz
hata kama
ni lazima ung
ni yake na
wangoje wa
ivyo, tusiend

Spika, nilis
akini ningepe
shariki. Mimi
ch-hunting.
bunge, nikis

Waziri wa Afya

ripoti hii sielewi kabisa, na kwa hivyo, I must go wick-
hunting because I must read between the lines and I am
forced to do that because there does not seem to be
enough material in the report. Nasema hivyo kwa sa-
babu majina mengine ambayo yaliandikwa katika
ukurasa wa mwisho wa ripoti hii, hayakuonekana
katika ripoti yenyewe.

Bw. Spika, mwenye kuafiki Hoja hii, Mhe. Mwithaga
hakusema kitu juu ya jambo hili. Kama tujuavyo, ripoti
hii itaandikwa katika vitabu, lakini kama huwezi kupata
HANSARD na kuisoma, huwezi kuelewa ni kitu gani kilil-
itika. juu ya ripoti hii. Huenda pengine ikawa kuwa
ile verbatim ripoti ambayo haiko katika ripoti hii ita-
lokea upande mwingine na Bunge sasa likikubali ripoti
hii baadaye tutaona kwamba si ripoti kamili. Kwa
hivyo, tukikubaliana na ripoti ambayo si kamilifu hatu-
lakuwa tukifanya kazi yetu vizuri.

Bw. Spika, tumeambiwa kwamba kulikuwa na mtu
mwingine ambaye anaitwa Sajini. Mbogo—a sharp
shooter who fired at a peugeot 504 car suspected to
belong to J.M. hapo mbeleni. With all due respect
mimi kama mmoja wa wale Wabunge ambao wali-
chagua Kamati hii, nasema wazi kwamba hakuna cho-
chote ambacho kimesemwa kuhusu yule Sajini Mbogo
ingawa tuliambiwa habari yake katika Bunge jana. Kwa
hivyo, it will force me to go and find who this Sergeant
Mbogo was kwa sababu hakuna chochote ambacho
kimetajwa kuhusu yeye katika ripoti hii. Kitu kama
hiki kikifanyika kwa mara ya kwanza kinaunda a very
bad precedence na hakitatusaidia baadaye. Mimi nasema
hivyo kwa sababu katika dunia ambayo tunaishi leo,
anything can happen, na kwa hivyo, kama a particular
precedence is created it will be followed in any similar
case in future. Mimi nasema hivyo kwa sababu watu
watakuwa wakisema, the first time this happened, this
other thing happened na watatosheka. Ni kweli
kwamba namheshimu sana Bw. Mwenyekiti wa Kamati
hii na pia Mhe. Mwithaga ambaye tumekuwa naye hapa
Bungeni kwa wakati mrefu, na mimi napenda sana njia
kama Waziri a Bungeni kwa wakati mrefu, na mimi napenda sana njia
we? Mimi nasezake za majadiliano, lakini yeye ananiacha na uchungu
ilienda kutoa usimwizi. Ikiwa yeye ndiye ameanika ripoti hii na sasa
jina lake litolewa ananiambia kwamba, Mr. Osogo, please wait and I will
a proceeding melli you, more which is not contained in the report,
nafikiri hili ni jambo la uchungu sana. Kwa hivyo, ni
vigumu sana kwa sisi hapa katika Bunge kusema kwamba
ripoti hii ni kamilifu. Mimi nasema hivyo kwa sababu
katika ripoti hii wanatuambia kwamba mshahidi fulani
na kusema kwamba, very difficult and unco-operative, lakini sisi tu-
nataka kujua jinsi alivyokuwa difficult. Kwa hivyo, sisi
tunataka kuona ripoti ya cross-examination. Ikiwa wali-
muuliza, "Wewe leta hii, wewe tuambia hivi au vile",
na akasema: "la, sitafanya hivyo", sisi tunataka ile ver-
batim ripoti tujue kile ambacho kilifanyika. Kama si
hivyo, I will have to go wick-hunting for this information
hata kama ninaweza kupata habari hii kutoka kwa
wale wanakamati, ningependa kuuliza swali moja tu,
why did they hide it from me in the report?

Spika, nilis
akini ningepe
shariki. Mimi
ch-hunting.
bunge, nikis

Bw. Njuno: Jambo la nidhamu, Bw. Spika. Sijui kar-
ulifahamu nidhamu yangu ya kwanza. Ni kweli kwam-
mimi nina maoni kama yale ya Bw. Osogo, lakini Ho-
ambayo iko mbele ya Bunge ni ya kupitisha au kut-
pitisha ripoti hii. Lakini kama Mhe. Osogo alivyosen-
miengi ya majina ambayo yameandikwa katika ripoti
hii hayaonyeshwi katika ripoti yenyewe kwamba yali-
toka wapi. Sasa swali lililo mbele ya Bunge ni kwamba
wakati tutakapopiga kura, tutasema kwamba hatuwez-
kupitisha ripoti hii mpaka ile verbatim ripoti itolewe
au tutafanya nini? Mimi nauliza hivyo kwa sababu
naona kwamba hakuna njia ya kukata kauli sasa isi-
pokuwa—

Bw. Spika: Taabu yako, Bw. Njuno, ni kwamba huie-
lewi taratibu tunayofuata hapa katika Bunge. Nime-
kueleza mara nyingi sana na sasa mimi nimechoka na
wewe. Huwezi kusimama na kuniuliza kama tutapitisha
au kama hatutapitisha hivi au vile. Kitu ambacho Bw.
Osogo alisema ni kwamba yeye ana nia ya kutoa
mabadiliko katika Hoja ambayo tunajadili sasa kwa
sababu anafikiri kwamba ripoti hii si kamilifu. Hii ina-
onyesha kwamba kuna kitu cha tatu katika jambo hili
—sio tu jambo la kupitisha au kupinga—kuna pia jambo
la mabadiliko kulingana na Kanuni zetu hapa. Advice
yangu kwako, Bw. Njuno ni kwamba ni lazima ujifu-
ndishe kungoja ili tushikie ni kitu gani ambacho kina-
semwa juu yake. Hili halikuwa jambo la nidhamu hata
kidogo, wala lile lingine la kwanza, na kama wewe,
Bw. Njuno, huwezi kujihadharu, mimi nitawapa Wa-
bunge wengine nafasi ya kuendelea bila kuwa na wewe
hapa.

Waziri wa Afya (Bw. Osogo): Bw. Spika, mimi nataka
kusema kwamba mimi ni mtu wa Mungu na ninaogopa
Yeye sana, na tangu nilipozaliwa hata kuku sijamuua
kwa sababu naogopa kumwaga damu yake. Kwa hivyo,
wakati tunapoangalia ripoti ya kifo cha mtu na ni
lazima tuwe tukiangalia kwa fikira zetu zote. Bw. Spika,
my only prayer is:—

Bi. Onyango: Jambo la nidhamu, Bw. Spika. Ni haki
kwa Bw. Osogo kusema kwamba yeye hajaua? Yeye
anaweza kutuambia ni nani aliyeyua?

Waziri wa Afya (Bw. Osogo): Bw. Spika, mimi nilise-
ma sijaua. Mimi naelezwa kwamba mashahidi wengine
ambao walikuja kuhojiwa katika Kamati hawakutaka
wajulikane. Ni kweli kwamba si vizuri hao mashahidi
wajulikane, lakini kuna wengine ambao ni lazima waju-
likane na Bunge hili ili tuweze kukata shauri. Bw. Spika,
mimi nina shida kwa sababu ripoti hii haijaandikwa
nambari ya ukurasa, lakini kuna mashahidi wengine
ambao wametajwa. Section 1 (10) imesema hivi:—

"This witness was examined by the Committee only
a few days ago".

Hatukuambiwa shahidi huyu ni nani. Kwa hakika, se-
hemu hii ya ripoti inazungumza juu ya mashahidi na
hatuambiwi hawa mashahidi ni akina nani. Kulingana
na sheria namba 6, inayozungumza juu ya power and
privileges ni lazima hili jambo lijulikane kwa sababu
zile Kamati ambazo tutateua baadaye zijue hivi: Kamati
ikijipata kwa shida mwenyekiti wa Kamati Teule atatoa
ripoti hiyo kwa Bw. Spika, wa Bunge. Mtu akikataa
kutoa ushahidi ama makaratasi ambayo yanatakikana

[Waziri wa Afya]

basi, the Chairman of the Committee may report such refusal to the Speaker.

Bw. Spika, section 4 ya hii ripoti inasema kwamba maofisa wengine wa polisi walikataa kutoa ushahidi. Hatuambiwi kama kulingana na Sheria za Bunge hili, na Bunge hili likiwa liliteua hii Kamati—walikuja kutoa ripoti hiyo kwako. They were under obligation to do that under the section of the act that appointed them. Wangeliuambia kwamba walipokatazwa kuona vitu fulani walimuambia Bw. Spika. Bw. Spika, kama walifanya hivyo, basi, watatueleza, lakini kama hawakufanya vile, basi, tutasema kwamba sheria iliyofuatwa kwa kuichagua Kamati hii haikutumiwa.

Nimesoma ripoti hii na kuchungua paragraph 4 (8). Ripoti ya Kamati Teule inasema kwamba:—

"The committee is satisfied that the police must have known who took J. M. Kariuki from Hilton Hotel at 7 p.m."

Ushahidi kama huu hauelezwi vile ulipatikana. Ngingependa kusema kwamba ushahidi ambao ni wa aina hii ungetolewa kwa sisi Wabunge ili tukikata shauri tujue ushahidi ulikuwa wa namna gani. Kutokana na ripoti hii, katika paragraph 4 (10) tumeambiwa kwamba mtu mwingine aliachiliwa na korti kwa bond tarehe 9 Aprili, 1975, na mwishowe akaachiliwa huru. Huyu mtu alikuwa ameshtakiwa kwa nini? Huyu mtu alikuwa amewachiliwa kwa bond, na wakasema aliachiliwa. Jana tuliambiwa kwamba huyu mtu aliachiliwa katika nyumba ya jaji fulani. Such a thing should have been mentioned in the Report. Mimi nadhani kwamba there was no fairness to us as Members of Parliament. Katika paragraph 4 (13) Inspector Kimani ametajwa kama mmoja wa wachunguzi lakini kulikuwa na serious allegation na yaweza kuwa ni kweli kwamba huyu Bw. Kimani ndiye aliyetumwa huko Hilton kuwatisha mashahidi wanaofanya kazi katika hoteli ya Hilton. Nadhani kwamba hakuna kitu cha kuficha hapo. Tungeambiwa hivyo katika ripoti hii, lakini sasa tuliambiwa na mdomo tu. Haikuandikwa katika ripoti kwamba mashahidi walio kuwa katika hoteli ya Hilton walitishwa na walitishwa na nani. Hiyo haikuwekwa katika ripoti. Kama mimi singekuwa hapa jana, singejuu kwa sababu nilikuwa nikitaka kuuliza huyu Bw. Kimani alikuwa anafanya nini.

Bw. Spika, naona kwamba Kamishna wa Polisi alihojiwa na Kamati akiwa na wakili wake. Hii ni kusema kwamba hawa maofisa wa polisi walikuwa wakiitwa kama individuals. Kama huyu Kamishna wa Polisi alikuwa akiya kuhojiwa kama Kamishna wa Polisi, ni lazima angeuliza ashauriwe, na kama alikuwa akimtaka wakili angelimchukua wakili wa Serikali, lakini inasemekana kwamba yeye alikuja na wakili wake alipokuja kuhojiwa.

Bw. Spika, nitaingilia recommendations katika chapter ya mwisho. Katika recommendations, Kamati imeanya vizuri kutoa recommendations fulani, lakini haiotelezi wazi vile ilifikiria tunaweza kuziingilia recommendations hizo kwa njia gani. Kwa mfano, imesemamba, na nitasoma:—

Mr. Ben Gethi should forthwith be suspended from duty pending fresh investigation.

Hapo, Bw. Spika, Kamati haikutuambia kwamba fresh investigation lazima ianzishwe na appointment ifanywe na nani; kama ni mtu binafsi au ni Bunge hili, hatujaelezwa. Kama Serikali inaulizwa kuanzisha investigation ni lazima iulizwe pia kuwachagua wale watakaofanya investigation hiyo kwa sababu sisi kama Wabunge tulifanya investigations zetu na tukamaliza.

Bw. Spika, nikisema machache juu ya Mhariri wa Daily Nation, Kamati imesema ya kwamba he must be severely censured for irresponsible journalism in this respect. Hapo pia mimi sielewi huyo Mhariri wa Daily Nation atakuwa censured na nani. Kwa kusema kweli, Bw. Mwenyekiti alisema ya kwamba hana uwezo kwa magazeti lakini hata mimi pia sielewi atakuwa censured na nani. Hata ingawa wakati mmoja nilikuwa Waziri wa Habari na Utangazaji, huyo Mhariri atakuwa censured na nani. Mimi ninaelewa kufanyiwa censure ni kufanywa nini lakini kile sielewi ni kujua ni nani atakayefanya censure hiyo.

Dkt. Kitonga: Usisikilize yale Wabunge wanayosema. Endelea.

Waziri wa Afya (Bw. Osogo): Bw. Spika, Mhe. Kitonga ananiambia nisisikilize lakini mimi nataka nifundishwe nijue jambo ambalo sielewi. Kama Kamati imesema hapa kwamba Mhariri huyo ni lazima awe censured, nadhani nina haki ya kutaka kujua ni nani atakayeendesha censure hiyo.

Bw. Spika, kwa kusema kweli, mimi naonelea ya kwamba hii ni ripoti nzuri sana lakini haijakamilika. This is my own feeling and I am serious. Mimi naona kama haijakamilika kwa sababu kunaonekana kama kuna mambo mengine ambayo hayajatajwa hapa katika ripoti hii, lakini inajulikana na Wanakamati wenyewe. Nafikiri Kamati ingekuwa fair to us kama wangetuletea ripoti kamilifu. Tumekuwa na Kamati zingine hapa, kama ile ilikuwa ya Mahindi au Public Accounts Committee, Kamati hizo zinatoa ripoti yote kufuatana na vile mikutano ilivyokuwa ikiendesha na ni nani alisema nini. Kwa mfano, katika Public Accounts Committee, wanasema, Waziri fulani alinunua motakaa fulani au kitu fulani ambacho hakikutazamiwa kununuliwa mwaka huo.

Bw. Shikuku: Jambo la nidhamu, Bw. Spika. Ni haki kwa Waziri kujaribu kupotosha Bunge kwa kusema kwamba ripoti ya Public Accounts Committee inatolewa ikiwa kamilifu na hii ya wakati huu si kamilifu, hali Kamati hiyo ya Public Accounts Committee huchukua mwaka mzima kuitengeneza na hii ilichukua muda mfupi sana kuitengeneza na kutoa kwa Bunge hii?

Waziri wa Afya (Bw. Osogo): Bw. Spika, mimi sipotoshi Bunge kwa sababu Kamati hii teule ilipewa all facilities kuendesha kazi yake.

Bw. Spika: Nafikiri hapa ningependa kusema kitu ilikusiwe na kutoelewana. Ukiangalia Kanuni ya 157, kifungu cha (3) kinasema hivi:—

Bw. Spika

"A report minutes of with such by the con shall be la Chairman c member au Kwa hivyo, wanafikiria w fit. Wamele mbazo zinahi ama hutoshe a kwamba. K anuni zetu.

Waziri wa A nimesoma Kar mba kama Mw iyo ilikuwa ri aliane na rec geona fit kule ko kukataa kut asema, Bw. Spi sababu kama n ngemsaidia yule

Bw. Shikuku: imama kwa jan ilisha kwamba ee hili aliposem report hutolewa bla ya mwaki wa nini?

Waziri wa Afya: za Bunge, na t Bunge hata kidog report inatolewa bo jingine. Tuna verbatim na in HANSARD. Bw

Bw. Mwithaga: aki yangu Bw. hata mimi tulij eko au hakisikiz ripoti ambayo Kamati iliona yan Hoja yenyewe inase and preserve evide tumika kama k Kimani, iwe kama kutoa kila kitu ha

Waziri wa Afya: (aliana na hiyo info ema hapa ni kwam Osogo, ni heri ku adala ya kusema unyima nyama". Osogo akasema t na tukaona a naweza kuonyesha i alikuwa akiulizwa.)

Hoja—Kukubaliwa kwa Ripoti ya Kamati Teule—

suspended

[Bw. Spika]

"A report of a select committee, together with minutes of the proceedings of the committee, and with such notes or record of any evidence received by the committee as the committee may deem fit, shall be laid on the Table of the House by the Chairman of the select committee or by some other member authorized by the committee in that behalf."

Kwa hivyo, kulingana na maoni ya Kamati hiyo, wao wanafikiria walileta mambo yote ambayo walifikiria ni fit. Wameleta minutes na record za ripoti zenyewe ambazo zinahitajiwa kuletwa na Kanuni ya Bunge hili. Kama hutoshiki na jambo hilo, ni lazima tukumbuke ya kwamba. Kamati hiyo imefanya kazi kulingana na Kanuni zetu.

Waziri wa Afya (Bw. Osogo): Bw. Spika, nilikuwa nimeisoma Kanuni hiyo sana na ndio nikasema kwamba kama Mwenyekiti alivyotuambia, kwamba ripoti hiyo ilikuwa ripoti kubwa sana, kama mkitaka tukubaliane na recommendation hii nafikiri Kamati hiyo ingeona fit kuleta argument ambayo iliwafanya maafisa hao kukataa kutoa ushahidi. Hivyo ndivyo nilikuwa ninasema, Bw. Spika. Hakuna kitu cha kuficha hapa kwa sababu kama maafisa hao walikataa kutoa ushahidi ingemsaidia yule ambaye atakuwa jaji—

Bw. Shikuku: Jambo la nidhamu, Bw. Spika. Niliposimama kwa jambo la nidhamu hapo mbeleni nilikuajulisha kwamba Mhe. Osogo alikuwa akilipotosha Bunge hili aliposema kwamba Public Accounts Committee Report hutolewa na hali sisi tunajua kwamba hatuipati tabla ya mwaka mmoja kumalizika. Alisema hivyo kwa nini?

Waziri wa Afya (Bw. Osogo): Bw. Spika, mimi nitaeleza Bunge, na sikuwa na nia yoyote ya kupotosha Bunge hata kidogo. Kama Public Accounts Committee Report inatolewa baada ya mwaka mmoja, hilo ni jambo jingine. Tuna ripoti nyingine ya Bunge hili ambayo ni verbatim na inatolewa baada ya majuma mawili katika HANSARD. Bw. Spika, mimi sina ugomvi na Kamati hii.

Bw. Mwithaga: Bw. Spika, information yangu kwa rafiki yangu Bw. Osogo ni kwamba Bw. Mwenyekiti na hata mimi tulijaribu kueleza, pengine Waziri hakuweko au hakusikiza, kwamba majina tuliyoyatoa hapa na ripoti ambayo tumetoa hapa ndio tu yale ambayo Kamati iliona yanafaa kwa wakati huu kwa sababu Hoja yenyewe inasema ya kwamba Kamati hii to secure and preserve evidence. Pengine hiyo evidence inaweza kutumika kama kuna watu watakoifikishwa mahalamani, iwe kama reference. Kwa hivyo, hatuwezi kutoa kila kitu hapa.

Waziri wa Afya: (Bw. Osogo): Bw. Spika, mimi nakubaliana na hiyo information, lakini jambo ambalo ninasema hapa ni kwamba ikiwa Bunge linataka kumlaumu Osogo, ni heri kufanya hivyo beyond any doubts badala ya kusema "tumlaumu Osogo kwa sababu alitunyima nyama". Ingefaa kusemwa: "Tulisema hivi na Osogo akasema hivi". Tukasema hivi naye akasema vile, na tukaona amekataa kutuambia ukweli. Hii inaweza kuonyesha kwamba mtu alikataa kusema vile alikuwa akiulizwa. Hicho ndicho kitu ambacho nili-

kuwa nikisema. Mimi nafikiri ile verbatim section ambayo inaweza kuthibitisha kwamba hivyo ndivyo kulifanyika ingetolewa hapa ili kutusaidia.

Jambo jingine ambalo ningetaka kusema kama langu la mwisho ni hili: kama vile Mhe. Mwithaga amesema, ni lazima Kamati ituambie kwamba ule ushahidi iliyopata wameuweka na uko salama kwa sababu pengine utahitajika baadaye.

Bw. Rubia: Jambo la nidhamu, Bw. Spika. Tungependa kujua ya kwamba yeyote atakayezungumza juu ya pendekezo hili atafanya hivyo kama Mbunge binafsi wala sio kama Serikali. Nafikiri uamuzi kama huo utatusaidia kujua kwamba Waziri yeyote atakayesimama kuzungumza atafanya hivyo yeye binafsi.

Bw. Spika: Bw. Rubia, wakati mwingine Mawaziri husema kama Mawaziri na jambo hilo linajulikana wazi. Kwa mfano, Waziri akileta Mswada fulani hapa atazungumza juu ya mambo ambayo Serikali inataka. Kama akija kujibu Hoja za Wabunge siku ya Ijumaa na awe ndiye Government responder anasema vile Serikali inataka. Lakini kama anazungumza juu ya Hoja ambayo imeletwa hapa kutokana na resolution ya Bunge hili, basi, anafanya hivyo kama Mbunge ambaye ana haki ya kuzungumza hapa.

Waziri wa Mambo ya Kigeni (Dkt. Waiyaki): Jambo la nidhamu, Bw. Spika. Kufuatana na maneno ambayo yamesemwa na Mbunge wa Starehe, Bw. Rubia, ningependa kujua kama Bw. Nyamweya na Bw. Wariithi ambao walikuwa katika Kamati hiyo walikuwa huko kama wawakilishi wa Serikali.

Bw. Spika: Waziri amewasaidia kuonyesha ya kwamba Kamati hiyo ilikuwa ya Bunge.

Waziri wa Afya: (Bw. Osogo): Mhe. Dkt. Waiyaki alisema tu yale ambayo nilitaka kusema, kwamba katika Kamati yenyewe kulikuwa na Mawaziri wawili lakini walikwenda huko kama Wabunge kwa sababu Bunge ndilo lililowachagua, na mimi nasema kama Mbunge.

Bw. Spika, badiliko langu ni kama lifuatalo:—

Kwamba, Bunge hili limeangalia na kufahamu ripoti ya Kamati Teule iliyochaguliwa kuchungua kutoweka na kuuawa kwa aliyekuwa Mbunge.

Waziri Msaidizi wa Utalii na Wanyama wa Porini (Bw. Lubembe): Jambo la nidhamu, Bw. Spika. Hata ikiwa uamuzi umefanywa juu ya swali ambalo liliulizwa na Mhe. Mbunge wa Starehe, Bw. Rubia, juu ya pendekezo hili, Orodha ya Shughuli za leo, No. 8, inasema ya kwamba Hoja ilitolewa na Bw. Mwangale na itajibiwa na Kiongozi wa Shughuli za Serikali. So I don't know where we are now. Hapa katika conclusions and recommendations, nowhere is it being stated kwamba, kulingana na resolution ya Bunge hili, hizi evidence zimewekwa na ziko secure. It is important that this is spelt out in the report kwa sababu ni lazima tujue ya kwamba ile kazi tuliwapa ndiyo ingekuwa conclusion kwamba in accordance with the resolution that we preserve evidence, zile ambazo tumewahi kupata ziko katika mahali ambapo tumeziweka. It is important, Bw. Spika, kwamba hiyo pia iingizwe.

[Waziri Msaidizi wa Utalii na Wanyama wa Porini] Nikimaliza, jambo ambalo naonelea Kamati ingesema ni kwamba imefikiria kwamba *inquest* ifunguliwe kwa kifo cha J.M. Hayo ni mawazo yangu, na mtu mwingine anaweza kuwa na mawazo yake, kwa sababu *inquest*—kama mawakili wanavyojua—ndicho kitu cha kwanza *after investigation*. Hizi *evidence* zilikuwa *part of investigations* na sasa *legal inquest* ingefunguliwa.

Bw. Spika, sasa nataka kutoa pendekezo la badiliko la kuliondoa lile neno au kufutulia mbali lile neno "lakubali" katika safu ya kutangulia katika Hoja hii na badala yake yatiwe maneno haya: "limeangalia na kufahamu"—yaani *it notes*.

Bw. Mwithaga: Jambo la nidhamu, Bw. Spika. Kabla huyo Waziri hajatoa pendekezo lake tungetaka Bunge lijue kabisa kama yeye anatoa pendekezo hilo kama Mbunge ama Waziri kwa njaba ya Serikali.

Waziri wa Afya (Bw. Osogo): Bw. Spika, *I am at a loss* kwa sababu tunajadiliana juu ya ripoti ya Kamati ambayo iliteuliwa na Bunge, sio Serikali, na mimi napendekeza badiliko kama Mbunge.

Bw. Spika: Nafikiri ya kwamba hakuna haja ya upinzani hapa. Kamati hii iliundwa na Bunge hili, haikuundwa na *Backbenchers* au Serikali, na Wabunge wote, wakiwa ni *Backbenchers* au Mawaziri wana haki ya kuzungumza na kufanya chochote juu ya ripoti ambayo ililetwa katika Bunge hili. Kwa hivyo, hakuna haja ya kujua ikiwa Mbunge fulani anazungumza kama Mbunge wa *constituency* fulani au kama Waziri, au akiwa upande wa Serikali. Hii ni Hoja ambayo imeletwa hapa na Bunge zima wala haikuletwa na upande mmoja.

Bw. Spika: Bw. Lubembe, ukiangalia Hoja ambazo zinaletwa hapa na Wabunge utaona ya kwamba chini ya kila Hoja kuna maandishi ambayo yanaonyesha ni nani atakayetoa majibu juu ya Hoja hiyo. Kwa hivyo, hakuna haja ya kuandika ya kwamba Hoja hii itajibiwa na Kiongozi wa Shughuli za Serikali kwa sababu hii ni ripoti ambayo imeletwa hapa na Kamati ya Bunge. Halikuwa jambo ambalo ni la Serikali, ni la Bunge zima kulikata. Kwa hivyo, hayo maneno hayana uhusiano na Serikali.

Waziri wa Afya (Bw. Osogo): Bw. Spika, nilikuwa nikisoma Hoja hii kama vile ningeitaka iwe, na nikasema ya kwamba itasomeka hivi nikiungwa mkono:

Kwamba, Bunge hili limeangalia na kufahamu ripoti ya Kamati Teule iliyochaguliwa kuchungua kutoweka na kuuawa kwa aliyekuwa Mbunge wa Nyandarua ya Kaskazini, marehemu Mhe. J. M. Kariuki iliyowasilishwa Mezani mwa Bunge tarehe tatu Juni, 1975.

Bw. Spika, kama nilivyosema hapo mbeleni, mimi binafsi naonelea kwamba *the report can be noted and should be noted*. Lakini mimi binafsi sikubali kwamba naweza kukubaliana na hii ripoti *because I think it is short*, imekosea, kunipa yale ambayo nilitumainia, yale ambayo nilitaka kama Mbunge, ili nitoe *my own judgement*. Kwa hivyo, nina matumaini kwamba yale mapendekezo ambayo nimetoa kuliuliza Bunge hili lifanye *note* kwa Hoja hii yataleta kitu

kingine ambacho mimi kama Mbunge naweza kukubali.

Kwa hayo machache, Bw. Spika, naomba kupendekeza.

Waziri Msaidizi wa Mali ya Asili (Bw. Itumbo): Bw. Spika, mimi naomba kuunga mkono badiliko hili, na nitasema machache sana nikifanya hivyo. Kwanza, mimi ningependa kuwauliza Wabunge kuchukua jambo hili na roho nzito kama siku ile walipokuwa wakiunda Kamati ambayo imetuletea ripoti ambayo tunazungumza juu yake. Sisi kila mara tunatoa sauti yetu juu, lakini leo mimi naona ya kwamba dunia nzima inangojea jambo hili; watu wote wa Kenya wanangojea kusikia jinsi tutayachukua mambo haya ambayo ni ya muhimu sana. Jinsi Bunge ilivyoichagua Kamati hii ya kufanya uchunguzi juu ya kupotea na kuuawa kwa Mhe. Marehemu Kariuki, sasa tumefika mahali ambapo dunia nzima inangojea kuona mwisho wetu utakuwa ni nini.

Bw. Spika, ningependa kumshukuru Mtukufu Rais, Mzee Jomo Kenyatta, kwa uongozi wake. Ni vigumu sana jambo kama hili kufanyika katika sehemu nyingi za Afrika ambazo zinajitawala. Naweza kusema ya kwamba mambo mengi yamefanyika kuliko jambo hili, na ni vizuri sana kwa sababu tunayo demokrasia ya kuwa na uwezo katika Bunge hili letu tukufu wa kutuwezesha kuchungua yaliyotokea juu ya jambo la muhimu kama kule kuuawa kwa Mhe. Mbunge. Kwa hivyo, tumefika mahali ambapo tunataka kuonyesha dunia ya kwamba Kenya ni nchi ambayo ina demokrasia ambayo inaweza kutengeneza mambo wazi, na kwamba raia wanayo haki kupitia katika Bunge ambalo lilichaguliwa. Wakati tulipowachagua Wabunge 15, Mhe. Bw. Mwangale akiwa kama Mwenyekiti, sisi kama Bunge tulitaka wapate ukweli na ukweli huo uletwe katika Bunge hili tukufu. Tulitaka ukweli kutoka kwao ili raia wausikie na kufahamu kile ambacho kilifanyika. Hatukuwapa uwezo wa kuwashtaki na kuwapeleka kortini wale ambao pengine wangepatikana na hatia. Sisi tulipeana uwezo huu kwa njia ya kidemokrasia ili ukweli uchunguzwe na raia wapate kufahamu jinsi mambo yaliivyotokea. Sasa tumefika mahali ambapo hatutaki kupayuka, au kuamua na tuchukuliwe kama kwamba tumeichukua kazi ya Idara ya Mahakama. Katiba yetu ina sehemu nyingi, kama *Judiciary*, ambayo imejitengea, na kuna Bunge, mahali ambapo sheria zinatungwa, na hata kila mwananchi anayo sehemu yake.

Mimi nakubaliana na badiliko hili kwa sababu Bunge limeulizwa lile au *to note*, na ni kweli kwamba Bunge limeona ukweli katika upelelezi na uchunguzi wa Kamati, lakini huu ni mwisho wa kazi yetu kama Wabunge. Kwa hivyo, ingefaa Idara ya Upelelezi au Idara ya Mahakama kuyachukua mambo hayo kuanzia mahali ambapo Bunge lilifika, ili ukweli upatikane wa kuwezesha wale ambao wanadhaniwa walihusika na kisa hiki kushtakiwa. Wangetafuta yale ambayo Bw. Osogo ameyataja kwamba hakuridhika nayo kwa sababu ripoti ilitarajiwa kutaja yale ambayo yalizungumzwa wakati watu walikuwa wakihojiwa. Basi, ikiwa mambo hayo yalikuwa yameachwa, naamini kwamba yameachwa mahali ambapo Idara ya Upelelezi itayachukua ili wale watu ambao wanadhaniwa kwamba walihusika na kisa hiki wahojiwe na kushtakiwa. Hii ni kama Kamati ya

Waziri M.

ya M

Kamati

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Upelelezi

madhaniw

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kwamba

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naweza k

Kamati y

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da ya ku

nakamati,

ni nafikiri

Kwa hayo r

mimi na

Bunge lin

kali, yaani

bayo ina u

hiyo kus

unga mkon

Bw. Spika: (

Bw. Nabwer

Bw. Spika:

Nafikiri hii n

ambaye ata

ngine. Kwa

badhali, wasife

Bw. Mwithag

ongoez kwa

alikuwa ar

Hoja, anawe

imefanyika l

Ba—

Bw. Spika: N

liko ambalo

kuwa ni kuru

au kwa Ho

ambo ambayo

nini nyingine

ona hiyo itatu

amba aliyeser

ile badiliko

chukuliwa kwa

hapa kila n

chifu Kitonga:

kali sielewi, i

ni nilikuwa n

akubali" na "

badiliko hili r

nge naweza kuku-
naomba kupende-

(Bw. Itumbo): Bw. badiliko hili, na yo. Kwanza, mimi tukua jambo hili okuwa wakionda yo tunazungumza yetu juu, lakini nzima inangojea nangojea kusikia o ni ya muhimu hii ya kufanya kwa Mhe. Ma- ambapo dunia takuwa ni nini.

Mtukufu Rais, ke. Ni vigumu sehemu nyingi usema ya kwa- jambo hili, na rasia ya kuwa kutuwezesha nuhimu kama vyo, tumefika a ya kwamba ambayo ina- nba raia wa- lilichaguliwa. Bw. Mwa- nge tulitaka a Bunge hili aia wasikie hatukuwapa ni wale am- i tulipeana weli uchun- do yalivyo- kupayuka, meichukua na sehemu na kuna hata kila

bu Bunge ba Bunge wa Ka- Vabunge. ya Ma- hali am- wezesha hiki ku- o ame- i ripoti wakati hayo achwa i wale a kisa ati ya

iziri Msaidizi wa Mali ya Asili

ya Mahakama. Hata ingawa polisi wameshtakiwa Kamati hii, lakini bado sisi tutategemea wao kwa watachukua hatua inayofaa, kwa sababu ni wao watayapeleka mambo haya kortini. Hata kama polisi aliyefanya mambo hayo, ni polisi wangapi hata wa leo ambao tuko hapa. Mimi nafikiri tumefika hali ambapo ingefaa Bunge liwe na kile kitu ambacho aitwa *dignity*, na tena uthabiti wa uongozi ili Idara Upelelezi ipewe uwezo wa kuwashtaki wale ambao madhaniwa walihusika. Kwa hivyo, si haki kwa sisi haka hapa mambo marefu na hata kutoa uamuzi kwamba watu wafutwe kazi. Ikiwa mtu fulani amekana na makosa, kuna ile Idara ya Mahakama ambaye inaweza kumpata mtu kama huyo kuwa na hatia au Kamati yetu haikuwa na uwezo wa kumpeleka mtu hii. Kwa hivyo, nasema kwamba Bunge lime *note* limeona ripoti, na limeifurahia kazi ya Kamati na kama mkono ile kazi yote ambayo ilifanywa. Lakini hata ya kuangalia ripoti hii na kuwashukuru wale ambakamati, ni kitu gani kingine ambacho tutafanya? Mimi nafikiri hatutakuwa na kitu kingine cha kufanya.

Kwa hayo machache, Bw. Spika, na kwa nguvu zangu mimi nasema ya kwamba naunga mkono badiliko Bunge limeangalia ripoti hii na sasa ingefaa liulize kazi, yaani ile Idara ya Polisi na tena ile Idara ambayo ina uwezo wa kufuta mtu kazi kuendelea na hii hiyo kuanzia mahali ambapo Kamati iliiachia. Naunga mkono, Bw. Spika.

Bw. Spika: Order! Order!

Bw. Nabwera: Jambo la nidhamu.

Bw. Spika: Huwezi kusimama nikiwa nimesimama. (Hoja ilitolewa)

Nafikiri hii ni kama Hoja yenyewe; kwa hivyo, Mbunge ambaye atazungumza juu yake hawezi kusema mara kingine. Kwa hivyo, wale ambao wamekwishasema, madhali, wasifanye hivyo.

Bw. Mwithaga: Jambo la nidhamu. Bw. Spika, nataka kongoze kwa jambo hili. Hata ingawa pengine Mbunge alikuwa amezungumza kwa *either principal Bill* Hoja, anaweza kuzungumza tena kwa badiliko, na tumefanyika katika *precedents* zetu. Kwa hivyo, na-
na—

Bw. Spika: Naiua kwamba hayo, yanafanyika, lakini badiliko ambalo limeletwa haligeuzi kabisa ile Hoja, na hata ni kurudiarudia. Hata ukizungumza kwa badi- ko au kwa Hoja yenyewe, utakuwa ukiyarudia yale ambayo umeyasema. Kwa sababu hiyo, kuna Mbunge nyingine ambayo inasema kwamba kama Spika hii hiyo itatokea, basi, anaweza kuliongoza Bunge kwamba aliyesema kwa Hoja yenyewe hawezi kusema hata lile badiliko kwa maana wakati mrefu unaweza chukuliwa kwa kurudia mambo. Hivyo ndivyo tuna-
hata hapa kila mara. Kwa hivyo, nimekwishatoa Hoja.

Chifu Kitonga: Jambo la nidhamu. Bw. Spika. Ta-
hali sielewi, na ningekuomba usichoke kumieleza. Mimi nilikuwa nikisikiza kwa makini sana maneno: "laikubali" na "linaona" na kufahamu". Sasa, tofauti badiliko hili na *original Motion* inasema nini kwa

luga ya Kiswahili? Unaweza kuchukua wakati mfupi, Bw. Spika, unieleze tofauti iliyoko baina ya maneno hayo?

Bw. Spika: Tofauti ni kwamba neno "laikubali" ni kama kusema *adopts or accepts*. Lakini ukisema "lime- angalia na kufahamu" ni kusema *notes*, na kuna tofauti kubwa kabisa. Yaani, Bunge halikuikubali, bali lilisoma na kuangalia peke yake.

Bw. Wabuge: Bw. Spika, ahsante sana kwa kunipa nafasi hii ili niongee juu ya Ripoti hii. Jambo la kwa- nza ni kuwa mimi sikuwa mmojawapo wa Wanachama wa Kamati hii, lakini nilikuwa mmojawapo wa wale walioichagua Kamati yenyewe.

Baada ya kusema hivyo, Bw. Spika, jambo la kwanza ambalo ningependa kusema ni kwamba mimi napinga kwa nguvu zangu zote yale mawazo ambayo Mhe. Osogo ameyaleta hapa. Nimesema hivyo, Bw. Spika, kwa sababu sisi tunazungumza juu ya mwenzetu aliye- uwawa. Kwa kawaida, Bw. Spika, husemekana ya kwa- mba ukimuona mwenzako katika taabu na wewe hali wewe unacheka na kula raha, wakati utakuja ambapo wewe mwenyewe utaipata taabu iloyompata mwenzako. Hii ndiyo sababu mimi naona ya kwamba siwezi hata kuzungumza kwa furaha au kwa kicheko au kuzungu- mza kwa njia nyingine yo yote. Sisi tunaongea juu ya Ripoti hii machozi yakiwa yamejaa katika macho yetu kwa sababu mwenzetu ameuawa na hivi sasa yuko kaburini. Ikiwa inawezekana awe anatuona, atajua wenzake wanazungumza nini juu ya kile kilichompata.

Baada ya kusema hayo, Bw. Spika, mimi kama Mbunge naona ya kwamba katika nchi yetu ya Kenya, na wala sio katika Kenya peke yake, bali katika dunia yote, kitu cha kwanza na cha muhimu ni kwamba yafaa kila binadamu awe na usalama. Ikiwa hakuna usalama, Bw. Spika, ikiwa mimi kama Mbunge sina usalama, ikiwa siwezi kulindwa na polisi na siwezi ku- lindwa na Serikali yetu, basi faida 'yangu' ni nini katika dunia hii? Faida ya Serikali itakuwa ni ipi ikiwa haiwezi kulinda maisha ya wananchi wake? Haya ndiyo maswali ambayo ningependa kuuliza, Bw. Spika. Sasa tunazungumza juu ya mwenzetu, lakini yeye hakufa kutokana na ajali ya motokaa, mwenzetu hakufa kuto- kana na ugonjwa, mwenzetu hakula sumu akafa, na na wala hakunywa pombe ya kupindukia na halafu akafa, bali alikuwa anaishi vyema, alikuwa mzima na baadaye akapotea. Sasa ikiwa mtu alipotéa na halafu akapatikana amekufa kutokana na kupigwa risasi, tu- nawezaje kusema *we note*?

Wabunge Fulani: Aibu, aibu!

Bw. Wabuge: Bw. Spika, mimi naona kwamba hili ni jambo la huzuni, na sisi ni lazima tulifikirie kama jambo la huzuni. Bw. Spika, Bunge hili halikusema kwamba Kamati hii ikipata ushabidi na kumjua aliye- fanya mauaji haya, mtu huyo afungwe kwa amri ya Bunge. Sisi tunataka kupendekeza kwamba mtu huyo akipatikana na makosa, basi apeleke kortini, ama siyoy? Sasa, katika Ripoti hii, Kamati hii inasema imejaribu kutafuta ushabidi huo, inasema kwamba ilisi- ngiziwa mambo mengi au ilisikia mambo mengi yakise- mwa juu yake, lakini ilijaribu iwezavyo, na pia ikasema kwamba mahali fulani ilipata shida. Kwa hivyo, Kamati hiyo inapendekeza watu fulani wachunguliwe na Serikali, na tunazungumza juu ya mambo haya, Bw.

[Bw. Wabuge]

Spika. Maana ya *we note* ni kusema Ripoti hii ipelekwe katika Maktaba, ili kila mtu atakayechaguliwa kuwa Mbunge hapa aseme, "Oh, kulikuwa na Kamati iliyochungulia juu ya jambo fulani, na halafu Bunge likaiangalia Ripoti ya Kamati hiyo na kuifahamu peke yake". Kama mimi ningejua ya kwamba Ripoti ya Kamati hii ingekuwa *noted* peke yake, nisingeiunga mkono Hoja ya kuiunda Kamati hii.

Bw. Spika, ningependa kusema kwamba ikiwa Ripoti hii ni mbaya, basi kila mtu atajua kwamba Bunge limefanya makosa, na ikiwa kuna makosa, mwenye kuona makosa hayo yafaa ayarekebishe. Hata hivyo, hata polisi wenyewe hawajawahi kumshika mtu hata mmoja mpaka wakati huu, na sijui kama uchunguzi wao ungali unaendelea au umesimamishwa. Halafu hapa sasa tunaambiwa, *we just note*. Mimi, Bw. Spika, nafikiri hilo ni jambo la kujaribu kuleta mzaha katika demokrasia yetu. Hili ni jambo la kujaribu kuiharibu amani na usalama wa nchi yetu.

Baada ya kusema hayo Bw. Spika, ukiangalia Ripoti hii—tume kuwa na Ripoti nyingi katika Bunge hili, lakini sijawahi kuona Ripoti yo yote ikiletwa hapa pamoja na maandishi yote yaliyoandikwa wakati wa kutayariwa kwa Ripoti hiyo. Mimi mwenyewe nilikuwa mwenyekiti wa Kamati moja ya Bunge hili, lakini hatukuleta *verbatim report* yo yote hapa, na wala hatukuulizwa ni kwa nini hatukuleta *verbatim report* hapa. Lakini sasa mwenzetu ameuwawa, na halafu tuambiwe ati *we note*!

Wabunge Fulani: Aibu! Aibu!

Bw. Wabuge: Bw. Spika, ikiwa kuna Mbunge ye yote anayetaka kujua yale yaliyotendeka, basi yafaa aende kwa ofisi ya Ratibu ili akayasome, maana yake hata sisi pia tutakwenda kuyasoma. Walakini, sisi tunataka uchunguzi ufanywe juu ya watu ambao wametajwa katika Ripoti hii.

Bw. Spika, nikiongea juu ya Ripoti hii, ningependa kuwashukuru Wanachama wote wa Kamati hii kwa sababu walifanya kazi kubwa sana.

Waziri wa Afya (Bw. Osogo): Jambo la nidhamu, Bw. Spika. Mimi sitaki kumkatiza rafiki yangu, Bw. Wabuge, lakini amesema jambo ambalo nilikuwa nikilingojea kwa hamu. Amesema kwamba mtu akitaka kusoma *verbatim report* ya Kamati hii, anaweza kwenda kwa ofisi ya Ratibu. Je, inaweza kuthibitishwa kama mimi nikienda kwa ofisi ya Ratibu, nitaweza kuisoma *verbatim report* ya Kamati hii? Spika.

Mbunge Fulani: *Not everybody!*

Waziri wa Afya (Bw. Osogo): Alisema hivyo, Bw. Spika.

Bw. Wabuge: Bw. Spika, mimi nilisema ya kwamba mimi si mmojawapo wa wale Wabunge 15 ambao ni wanachama wa Kamati hii, lakini najua kwamba nikitaka kuisoma *verbatim report* ya Kamati yenyewe, inaweza kufanya hivyo nikienda katika ofisi ya Ratibu.

Waziri wa Afya (Bw. Osogo): *That is what I want to know.*

Bw. Wabuge: Bw. Spika, Mhe. Waziri anasema anataka kujua jambo hilo.

Bw. Spika: Nitakujibu, Bw. Osogo. Ukingoja kidogo mimi nitakujibu juu ya jambo hilo.

Bw. Wabuge: Bw. Spika, mimi nataka kushukuru Kamati hii kwa sababu imefanya kazi kubwa kwa muda ulio mfupi kabisa, na ikaweza kutuletea Ripoti ya namna hii. Mimi najua ya kwamba Kamati hii ingeundwa ili kuyasikiza maoni ya wananchi, labda Ripoti ya namna hii ingechukua hata mwaka mmoja kabla haijaletwa hapa, Bw. Spika.

Bw. Spika: Bw. Osogo, ukiangalia Kanuni ya Bunge ya 156, utaona kwamba inasema:—

"No evidence received by and no documents presented to a Select Committee shall be published or otherwise disclosed to any person other than a Member of the House until the report that Committee shall have been presented to the House" (Shangilio)

Waziri wa Afya (Bw. Osogo): Jambo la nidhamu, Bw. Spika. Niliposimama kuongea, nilisema ya kwamba ambao nilikuwa naongea kutokana na kutojua.

Waziri wa Afya (Bw. Osogo): Bw. Spika, sasa umenifundisha kwamba, vile Kanuni zetu za Bunge zinavyoandikwa, *verbatim report* ya Kamati haiwezi kuonwa na mtu mwingine ila Mbunge baada ya Kamati kuleta ripoti yao kwa Meza. Kwa kuwa ripoti yenyewe imeshapendekezwa hapa, jambo ninalotaka kujua ili nielimikwa na niwe na bahati kama wenzangu ambao wanaongea ni kwamba ninaweza "kuimba" kwa Bunge juu ya Ripoti hii ili pia mimi niwe kwa..... (Hayakusikika)

Bw. Spika: Bw. Osogo, nilipokuwa nikisoma kifungu hiki—Sijui taabu ilitokea wapi maana maneno ya hiki kwanza yanasema hivi: *No such evidence received by and no documents presented to a Select Committee shall be published or otherwise disclosed to any person other than a Member of the House until the report that Committee shall have been presented to the House*. Yaani, unaweza kuona ushahidi na hivyo ndivyo nilifikiri ulikuwa unataka.

Waziri wa Afya (Bw. Osogo): *That is right.*

Bw. Spika: Unaweza kuangalia ushahidi uliopewa Kamati, kulingana na Kanuni zetu.

Bw. Wabuge: Bw. Spika, ninafurahi sana; nafikiri Waziri sasa ameelezwa jinsi mambo yalivyo na yeye ametoshika. Bila shaka nafikiri ameshaiondoa ile Hoja yake ya badiliko juu ya Hoja hii.

Waziri Msaidizi wa Fedha na Mipango ya Uchumi (Bw. Mutunga): Jambo la nidhamu, Bw. Spika. Nikitaka soma Kanuni za Bunge, hasa kile kifungu ulichosema juu yake naona zinasema "mtu" wala sio Mbunge pekee yake. Mbunge anaweza kupata ripoti hii wakati wote; kwa hivyo, minafikiri Mhe. Osogo alikuwa sawa sawa!

Bw. Spika: Bw. Mutunga, hukuelewa. Kanuni inaonyesha kwamba Mbunge ana haki mara pili ya kuona Ripoti hiyo, yaani ana haki ya kuona Ripoti hiyo hata wakati Kamati inapofanya kazi yake na vile anaweza kuona Ripoti hiyo ikiwa imewasilishwa Mezani ikiwa kama mali ya umma.

Bw. Mwamzandi: Jambo la nidhamu, Bw. Spika. Wakati Mhe. Wabuge alipokuwa akisema kwamba nafikiri Waziri ataiondoa badiliko lake juu ya Hoja hii, Wabuge: Bw. Spika, mimi nitaeleza kwamba K...

Mwamzandi]

Waziri wa Afya (Bw. Osogo): Jambo la nidhamu, Bw. Spika. Jambo hili si la mzaha. Mimi niliuliza unafanulie na wewe umeshanieleza vile Kanuni zetu umeshanieleza. Ulisema kwamba kama ninataka kusoma ushahidi wa Ripoti hii ninaweza kufanya hivyo kutoka Ratibu wa Bunge. Mimi nilikuwa ninaondoka kuenda kusoma ushahidi—wakati Mhe. Mbunge aliponiambia akizungumza—lakini Mhe. Mwithaga akaniambia kwamba siwezi kuiona, ndio nikarudi kuketi. Madhuni yangu yalikuwa kwenda kuusoma ushahidi na hati—naye nje niiondoe Hoja yangu.

(Kicheko)

Bw. Spika: Sema habari ya kuiondoa Hoja yako.

Waziri wa Afya (Bw. Osogo): Bw. Spika, ninataka kuenda kusoma ushahidi ili baadaye niiondoe Hoja hii.

Bw. Spika: Sawa sawa.

Bw. Mwithaga: Jambo la nidhamu, Bw. Spika. Kwa sababu ushahidi uliotolewa kwa Kamati hii unaweza kuonwa na Wabunge peke yake, ningetaka kujua umuzi wako juu ya jambo hili: kwa sababu Hoja yenyewe imesema ya kuwa Kamati hiyo itahifadhi ushahidi relevant to bringing to justice those concerned na kuwa before such evidence is destroyed.

Waziri wa Afya (Bw. Osogo): Report does not say if the evidence is preserved?

Bw. Mwithaga: I think I am addressing the Speaker not the hon. Osogo.

Bw. Spika: Basi, ikiwa preservation of such evidence with a view to bringing to justice, si hii ni dhahiri kuwa ushahidi uliotolewa kwa kila mtu kuusoma haitakuwa vizuri kwa sababu ushahidi huu utakuwa sub-judice?

Wabunge Fulani: Ni Wabunge peke yao ambao ninaweza kuruhusiwa kuusoma ushahidi huo.

Bw. Spika: Bw. Mwithaga, kwa ufupi, hakuna azimio Bunge hili ambalo linaweza kutofautiana na Kanuni ya Bunge. Kanuni ndizo supreme. Na kama wewe unataka Hoja hiyo kwa njia ambayo unatafisi, unakosea kama haiwezi kugeuza Kanuni ambazo ndizo zinazotumika kwenye Bunge hili. Kanuni ni wazi, kwamba Bw. Osogo alitaka anaweza kwenda na akaisoma hiyo na hata alitaka aliuliza kutaka kusoma wakati ule ulikuwa mnamo Bunge na Kamati.

Bw. Wabuge: Bw. Spika, ahsante sana kwa uamuzi wako, na mimi nitaendelea na hotuba yangu. Nilikuwa nitaambia kwamba Kamati hii ilifanya kazi kubwa sana, na ukilinganisha ule muda tuliwapa na jinsi ripoti

enyewe ilivyo. Jambo jingine ni kwamba ninataka kuwashukuru wale watu ambao waliitwa na Kamati hii kuja kutoa ushahidi wao; hasa, Mkuu wa Sheria, Bw. Njonjo, na Makamu wa Rais, Bw. arap Moi, ambao walikuja mbele ya Kamati hii. Hii ilionyesha kwamba wao walikuwa wakitaka kujua ukweli uko wapi. Lakini, Bw. Spika, nikiangalia ndani ya Ripoti hii 1:2, imeandikwa:—

"Unfortunately the Minister of State did not attend and did not send any apologies for his failure to the Committee's written invitation."

Waziri wa Nchi, Ofisi ya Rais (Bw. Koinange): Bw. Spika, niliandikiwa barua na Kamati hiyo pamoja na Makamu wa Rais na Mkuu wa Sheria. Kweli barua hiyo ilitufikia tukiwa Ikulu kwa Shughuli. Walikuwa wakitaka kuuliza habari ya procedure na tukaagana na Makamu wa Rais ili yeye na Mkuu wa Sheria wawifikie hawa wanakamati na vile vile nikamuuliza Mhe. Wariithi, ambaye ni Waziri Msaidizi katika Ofisi yangu, awajulishe kwamba kulikuwa na mambo yaliyokuwa yakitakiwa juu ya procedure, yalitishwe bila mimi kuwepo; kwa sababu nilikuwa na kazi katika Ikulu. Mimi sitaki Mbunge mwenzangu hapa ayaleta mambo haya hapa.

Bw. Wabuge: Bw. Spika, nasema ahsante sana kwa Bw. Koinange kusema ya kwamba hangeweza kufika mbele ya Kamati kwa sababu alikuwa na kazi nyingine za kufanya.

Bw. Shikuku: Jambo la nidhamu, Bw. Spika. Bunge hili linaweza kufanya nini ikiwa Mhe. Koinange, ambaye tunamheshimu sana—sijui ni kwa makusudi au la—anajaribu kuipotosha? Mimi na Mwanakamati wa Kamati hiyo na ninajua ya kwamba tulimtumia barua tatu. Mhe. Makamu wa Rais na Mkuu wa Sheria Bw. Njonjo walikuja mbele ya Kamati. Wakati tulipowauliza ni kwa nini Mhe. Koinange hakukuja walitumbia ya kwamba hawakuwa na habari yoyote kuhusu jambo hilo. Mhe. Wariithi, ambaye anatajwa na Bw. Koinange, alikuwa katika Kamati hiyo lakini hakutumbia chochote kuhusu kutokuwako kwa Mhe. Koinange.

Baada ya kuwaita Mhe. arap Moi, Mhe. Njonjo na Mhe. Koinange, wa kwanza wawili walikuja mbele ya Kamati mara mbili lakini Mhe. Koinange hakuja hata mara moja. Je, yeye ana haki kupotosha Bunge hili?

Bw. Spika: Kama mambo yalivyo, tumesikia yale Mhe. Koinange aliyosema yaani kwa nini hakukuja mbele ya Kamati. Mhe. Shikuku naye anatueleza vile Kamati ilivyoona. Lakini hatuna njia ya kujua ni kitu gani kilifanyika. Kile tungefanya ni kusikilizana pande zote mbili ili tuweze kuamua ni nini kilifanyika lakini hatuna njia yoyote ya kujua kile kilichofanyika.

Bw. Wabuge: Hakuna nafasi kwa sisi kupoteza wakati wa Bunge hili tukijadili jambo kama hili kwa sababu wakati Mhe. Koinange atakapopata nafasi ya kuongea juu ya Hoja hii atasema vile atakavyopenda. Akisoma karatasi ya tatu ataona jina lake liko hapo. Ripoti yenyewe inasema ya kwamba Mhe. Koinange hakufika. Kwa hivyo, ninafikiri wakati ule atapata nafasi ya kuongea na ataeleza ni kwa sababu gani haku-

[illegible]

[Bw. Wabuge]

natumaini kwamba sisi tuko gizani. Sasa ninajuliza. Kenya i katika giza au mwangaza? Maoni yangu ni kwamba kama marehemu alinyakuliwa na watu fulani, kufikia wakati huu ni lazima wawe wamejulikana.

(Shangilio)

Lakini kama alivyonyakuliwa na wenye kulinda usalama na amani, ni nani mwingine atakayekuja mbele kusema, Bw. Naibu Spika? Hii ndio maana Kamati inapendekeza kwamba jamaa hawa wachunguliwe. Jamaa mwingine anasema *do not!* kwa yule mwenzetu aliyejiwa na nyang'au. Sisi kama Wabunge hatuwezi kuku-bali mambo kama haya kutendeka katika Kenya huru. Hatutaki watu kunyakuliwa, kutoweka na halafu wapatikane kwamba wamekufa.

Mimi nafikiri kwamba watu wanaolinda usalama wa nchi hii, na ambao mpaka sasa hawajasema jinsi marehemu alivyouawa, wabojiwe tena; hii ndio maana ya ripoti ya Kamati Teule ambayo ilichaguliwa na Bunge hili. Mimi naunga mkono pendekezo hili zaidi, zaidi sana. Wengine wanasema kwamba wangependa kupata ripoti kubwa zaidi ya hii. Kwangu nasema kuwa ikiwa wana habari zaidi ya hii, basi, na walete yao juone kama ni nizuri kushinda hii. Ripoti yao ikiwa nzuri tutakubali na maneno yataishia hapo. Mimi sikatai wazo hilo. Kusema ati tutupilie mbali ripoti ya Kamati Teule ni kuniambia kuwa nikija kwako na niwe na nia ya kupekua vitu nyumbani mwako kujaribu kugundua kitu fulani na unikataze, basi, mimi nitafikiri kwamba unaficha kitu hicho. Kwa hivyo, mapendekezo ambayo yameandikwa katika ripoti hii yanafaa kufanyiwa uchunguzi zaidi. Ikiwa mtu mwingine anasema kwamba tukatae ripoti hii, je, kama ana ripoti nzuri, mbona hatupi ukweli?

(Shangilio)

Ulijuaje, na kama unaujua ukweli, mbona huutoi? Hili ndilo jambo mimi naonelea ya kuwa ni la muhimu kabisa.

Mwenzetu alipotea na kuuawa na baadaye akatupwa kule Ngong. Mimi natoa shukrani zangu kwa wazee wa Kimasai, na Mungu asifiwe. Namshukuru Mungu kwa sababu siku ile aliwafukuza fisi kutoka mahali mwili wa marehemu J.M. ulikuwa umetupwa usiku ule. Hii ndiyo sababu iliyoifanya maiti ya marehemu kupatikana. Vile, ninavyoona ni kwamba mpango uliokuwako ni kwamba marehemu apotelee kule Bw. Kung'u Karumba alivyopotea. Siku hizi hatuzungumzi juu yake na hali hatujaona kaburi yake. Hatujui kaburi yake i wapi; mara tunaambiwa aliuliwa Uganda au mahali pengine; tunaambiwa hivyo na hali watoto wa Kimasai, pamoja na wazee wa huko, walisema kwamba walisikia risasi zikifyatuliwa huko. Kitu kinachonistaajabisha ni kwamba ikiwa mtu amepatikana amekufa baada ya kupigwa risasi tano, mbona polisi wamchukue kimya na kumweka katika *City Mortuary*? Bw. ndovu akifia mstituni *game wardens* hawana budi kuchungua kilichosababisha kifo hicho. Ni lazima wathibitishie mtu aliye mpiga ndovu yule mshale. Sasa, wakati ndugu wetu alipopatikana tarehe 3, badala ya polisi kufanya uchunguzi wa kutosha na kutangaza kuwa mtu amepatikana kama ameuawa, wale walipeleka maiti ya J.M. pole pole hadi *City Mortuary*.

Tarehe 6 Machi, wakati mwili wa marehemu J.M. ulipokuwa katika *mortuary*, kulikuwa na habari katika gazeti moja ambayo ilikuwa ya kupotosha sana. Ebu niisome, Bw. Naibu Spika. Ripoti hii ni ya tarehe 6, mwezi wa Machi, mwaka huu na iko katika nakili ya gazeti la *Standard* la tarehe hiyo. Ripoti hiyo inasema hivi, Bw. Naibu Spika:—

"It was reported that an unknown person was found lying dead at Luchumbo Manyatta, Ngong, with two bullets on the chest. Two empty cartridges of .38 calibre ammunition were found at the scene".

Ripoti hiyo ni ya tarehe 6, Machi, 1975. Sasa, mimi sijui kama ripoti hii ilikuwa ikisema huo ndio ulikuwa mwili wa marehemu Bw. J. M. Kariuki au ulikuwa mwili wa mtu mwingine. Mpaka leo sisi hatujui huo mwili ulikuwa wa nani. Wakati huo mwili wa marehemu Bw. J. M. Kariuki ulikuwa katika chumba cha maiti hapa Nairobi. Nilisikia watu wakisema kwamba yule dereva aliyekuwa akiendesha gari hilo hajaonekana hata sasa. Huenda ikawa mwili huo ulikuwa wake.

(Kicheko)

Bw. Naibu Spika, mimi nilistaajabu sana kwa polisi kupata mtu aliyeuawa kwa risasi na wakampeleka moja kwa moja hadi katika chumba cha maiti bila kufanya uchunguzi ili wajue mtu huyo alikuwa nani. Mkuu wa Polisi alipashwa habari hiyo lakini hakufanya jambo lolote. Pia, Mkuu wa Polisi katika Mkoa wa Rift Valley alipashwa ripoti hiyo lakini hakufanya chochote. Mambo yalienda hivyo kulingana na vile ripoti ya Kamati hii inavyosema lakini Wabunge wengine wanasema, *We note the Report*. Unaweza kufanya hivyo kwa mambo kama hayo, Bw. Naibu Spika? Ukifanya hivyo, ni lazima uwe mwenda wazimu. Ikiwa Bunge hili linataka kuwa kama *rubber-stamp*, mimi Wabuge sitakubaliana na jambo hilo. Wananchi wamekuwa wakingojea matokeo ya uchunguzi kuhusu mauaji haya kutoka kwa Serikali lakini mpaka leo ripoti ya Serikali haijatolewa. Wakati sisi tulipounda Kamati hii pengine wananchi walikuwa wakifikiri kwamba Serikali itatoa ripoti yake mbele kwa sababu Serikali pamoja na polisi wana mikono mirefu. Lakini jambo kama hilo halikufanyika. Wakati wananchi walipoona ya kwamba hawatapata ripoti yoyote kutoka kwa Serikali, basi, wakasema ni heri wangojee ripoti ya Kamati Teule ya Bunge, na ikiwa Kamati hii haitatoa ripoti yake, basi, tutajua ya kwamba nchi ya Kenya haelekei mahali popote. Bw. Spika, mimi sitakubaliana na Wabunge wale ambao wanasema, *we note this report*. Mimi, kama Bw. Wabuge, Mbunge ambaye amechaguliwa na wananchi, na ambaye anazungumza mambo ya wananchi katika Bunge hili, wananchi wa Kenya watukufu, na ambaye aliapa ya kwamba atalinda Katiba ya Kenya pamoja na Serikali na bendera ya Kenya, sitakuwa mmoja wa kukubali ya kwamba *we note this report*. Ni lazima maoni yangu yawekwe kwa rekodi. Mimi nasema ya kwamba sitakubali hata kidogo—

Wabunge Fulani: Hata sisi!

Bw. Wabuge: Kila mmoja atajitetea mwenyewe. Wakati wa kupiga kura tutajua ni akina nani wana-pendelea *to note* na wale ambao hawapendelei jambo kama hilo. Ninasema hivyo kwa sababu ripoti hii imejaa maneno ya machozi.

[Bw. Wabuge]

Bw. Naibu Spika, katika ripoti hii Wanakamati wamesema kwamba mahali hapo ndipo watu huuliwa.

Bw. Naibu Spika, mahali ambapo mwili wa marehemu Bw. J. M. Kariuki ulipatikana, wale watukufu Wamasai wamesema ya kwamba miili ya watu wengine imepatikana hapo hapo. Wengine wao waliliwa na fisi na wengine walipotetea hapo. Kamati yetu imetembelea sehemu hiyo na ikatoa ripoti. Hata wengine tumejua mahali pale na ndio wengine wanasema: "note", mwili ulipatikana pale.

Bw. Naibu Spika, mimi ningefikiria ya kwamba—kama ingekuwa ni uamuzi wangu ningesema ya kwamba ni lazima Waheshimiwa Wabunge wote waende mahali pale wakajionea mahali ambapo miili ya watu hutupwa ili iliwe na fisi. Inawapasa waende pale kabla hawakuja kuzungumza hapa mambo ya "kuangalia na kufahamu" bila kujua ni mambo gani yanafanyika huko.

Jambo jingine, ni kwamba kama vile Mwenyekiti na Msaidizi wake walivyosema, saa ya marehemu Bw. J. M. Kariuki ilipatikana ndani ya nyumba katika kambi ya polisi: Maofisa wa polisi walipata hiyo saa na wakai-ona. Hata mimi nastajabu kwa jinsi hiyo saa ilivyopatikana huko. Zamani, wakati nilikuwa mtoto, babu wangu alikuwa akiniambia ya kwamba damu ya binadamu ni kali sana. Ukishaua mtu, hata ukijaribu kuficha maiti yake hutaweza. Ukipotea sasa, hata mtoto wako atakuja kujua ama kugundua ya kwamba mtu fulani ndiye alimuua babake. Damu ya mtu haiwezi kupotea sawasawa na damu ya kondoo! Unaweza kuua mtu hata ukiwa peke yako lakini baada ya miaka 20 utajulikana. Babu wangu alikuwa akiniambia kwamba ndoto zitakuja kwa mtu fulani na kusema ya kwamba "mnajua fulani alikufa na halafu akatupwa ndani ya choo? Aliuwa na fulani!" Kwa hivyo, damu ya marehemu Bw. J. M. Kariuki ilikuwa kali sana: walijaribu kinywesha fisi, lakini wao wakaikataa; walijaribu kuficha saa yake lakini ikapatikana. Damu ya binadamu ni kitu kikubwa wala si kama maji. Hata walijaribu kuficha mwili wake katika *City Mortuary*, ukakataa kuoza! Halafu wanasema hapa note!

Mbunge Fulani: Waziri ambaye ni in-charge of City Mortuary anasema, "note"!

Bw. Wabuge: Kwa hivyo, Bw. Naibu Spika, saa ya marehemu Bw. J. M. Kariuki ilipatikana katika kambi ya polisi; badala ya kupatikana kwa nyumba ya mtu—damu ya marehemu Bw. J. M. Kariuki ilisema: "wacha ipatikane ndani ya kambi ya polisi wenye kuniua"; na ikapatikana kule. Polisi walitetemeka sana. Sasa, Wanakamati wakasema kwamba kwa sababu saa imepatikana kule, ni lazima hawa watu wahojiwe ili upatikane ushahidi wa kutosha. Hata hivyo, mwingine anasema note; lakini ni note nini na hali saa imepatikana kule?

Kwa hivyo, Bw. Naibu Spika, mambo ambayo nasikia juu ya hawa watu—Kuna mwingine ambaye anaitwa Evanson Ngugi ambaye amepotea sasa. Lakini ngingefahamisha Bunge hili kwamba juzi juzi alikuwa na mkutano wa Kenya Co-operative Creameries Board of Directors, yeye mwenyewe akiwa mkurugenzi wa halmashauri hii.

Bw. Mwamzandi: Jambo la nidhamu, Bw. Naibu Spika. Ningependa tujue kama ile badiliko ambalo tunazungumza juu yake sasa ni kitu cha kukubaliwa ama sivyo ili tuyarudie majadiliano juu ya Hoja halisi. Kwa hivyo, ningependa Kiti kiweke swali sasa hivi.

Wabunge Fulani: Hear! Hear!

Bw. Naibu Spika: Endelea, Bw. Wabuge, ingawa ningependa kukuuliza uchunge saa.

Bw. Wabuge: Bw. Naibu Spika, kwa sababu najua kwamba Wabunge wengine wanataka nafasi ya kutoa maoni yao, ningetaka kumaliza kwa kusema kwamba kitu cha kwanza ambacho tunataka katika Kenya ni amani na usalama. Hata kama watu wengine wanafanya hivi na vile, na amani na usalama viwe katika Kenya, wanajidanganya wenyewe.

Kwa hayo machache ambayo nimekwishasema nataka kuunga mkono Hoja ya kukubaliwa ripoti ya Kamati ya Bunge hili kwa moyo wangu wote na kwa mwili wangu wote na kwa nguvu zangu zote; lakini napinga zaidi, zaidi kupindukia ile Hoja ya Note.

Bw. Naibu Spika: Wahe. Wabunge, kuhusu jambo la nidhamu ambalo limetolewa kuhusu kufunga majadiliano juu ya mabadiliko ya Hoja hii, ningependa kuliachia Bunge ili iliamue jambo hilo.

(Hoja, kwamba hoja ya badiliko iliamuliwe sasa, iliamuliwa na kuafikiwa)

Kama vile Bw. Spika alivyosema, kuna maswali mawili kuhusu mabadiliko juu ya Hoja hii. Kwanza kuna swali la kuondoa neno, "lakubaliana". Kama sehemu hii ya kwanza ya mabadiliko itakubaliwa, kutakuwa na sehemu ya pili ambayo itakuwa ya kuingiza yale maneno mawili, yaani, "angalia na kufahamu". Kwa hivyo, tutaanza na sehemu ya kwanza ya kuondoa neno, "lakubaliana".

(Hoja ya sehemu ya kwanza ya badiliko, kwamba neno la kuondolewa liondolewe, iliamuliwa na kukataliwa)

Sasa hakuna haja ya kuweka swali la sehemu ya pili ya badiliko. Kwa hivyo, tutaendelea na majadiliano juu ya Hoja kama ilivyokuwa mbeleni.

(Majadiliano juu ya Hoja ya Kwanza yalirudiwa)

Waziri Msaidizi wa Ujenzi (Bw. Keen): Bw. Naibu Spika, jambo la muhimu katika historia yetu na nchi yetu ni demokrasia. Mnamo tarehe 4 mwezi wa Februari, 1975 saa tano mchana, niliapa na kusema kwamba, "Mimi John Keen, nitaitumikia, nitailinda na kuitetea Katiba ya Kenya. Ewe Mungu nisaidie". Vitendo vyangu vyote hapa, yaani ni for the Welfare of Society and the Just Government of Men. Hatukumuuliza Mungu atusaidie kusema uwongo wakati wowote. Jambo lililo la muhimu ni hili: sisi tunataka Serikali yetu tukufu iendelea na usalama wa wananchi na hilo ndilo jambo la muhimu. Nchi hii imeingiliwa na Crisis ya kuchagua kati ya giza na stability na ni lazima tujue tutafuata nini. Jambo ambalo tunalizungumzia hapa leo linahusiana na Katiba yetu na usalama wa nchi yetu. Mambo kama haya ya uhaini yametokea katika nchi zingine hapa Afrika na sisi tuna wajibu wa kuyasahihisha. Kama kuna jambo ambalo ni mbaya au jambo ambalo litaharibu nchi yetu ni lazima tulichungulie

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Waziri Msaidizi wa Ujenzi

sababu tuna wajibu wa kuitetea Katiba yetu ili yetu iendelee kuwa na amani. Katika Historia ya zingine za Kiafrika tumewaona wananchi wa huko kuishi katika giza. Kifo cha marehemu J. M. Kariuki kuwa na *justification* yoyote. Kwa hivyo, sisi tuna kuwa kuzungumza na kuchungua kilitokeaje. Mimi kitishwa sana na yaliyosemwa na Mbunge mmoja Waziri katika Serikali yetu, kwamba *we note* tu hii. Angelichukulia hili jambo *seriously* maana hili si jambo la mzaha hata kidogo. Mimi sitaki kusema jambo lolote linalohusu ripoti hii lakini ninge- ni, niwatumikie watu milioni 12. Nilitumwa hapa watumikia watu milioni 12 lakini si kuwatumikia tu fulani. Mimi niliapa vile nimesema. *There is nothing I can withdraw from that.* Nawashukuru Waziri wenzangu kwa kulikataa lile badiliko kwa sababu *no note* lilikuwa ni neno la mzaha tu. Mwenzetu ali-

pigwa risasi na akafa na kwa hivyo hili si jambo la mzaha.

Bw. Shikuku: Watoto wake wataona aibu kwamba yeye ni baba yao.

Waziri Msaidizi wa Ujezi: Bw. Naibu Spika, sijui nitasema nini, lakini mambo yaliyoletwa na Kamati hii si mambo ya kusema kwamba *we note*. *This is a matter that should be taken seriously* na si jambo la mzaha hata kidogo. *We should not serve the interests of one person only.* Tumeambiwa hapa kwamba ni lazima tuulinde Uhuru wetu tulionyakua.

AHIRISHO

Bw. Naibu Spika: Sasa ni wakati wa kuahirisha Bunge. Kwa hivyo, Bunge limeahirishwa mpaka kesho, Ijumaa, Juni 6 saa Tatu Asubuhi.

Bunge liliondoka saa Kumi unusu jioni.

HOJA YA UTARATIBU

KUTENGWA KWA KANUNI ZA BUNGE: HOJA YA SERIKALI
KUJADILIWA SIKU YA HOJA ZA WABUNGE BINAFSI

Waziri wa Serikali za Wilaya (Bw. Ngei): Bw. Spika, ningependa kutoa Hoja ifuatayo:—

KWAMBA, Bunge hili linaamuru kuwa kulingana na fungu No. 166 la Kanuni za Bunge, Shughuli No. 5 kwa Orodha ya Leo iruhusiwe kujadiliwa ikiwa Ijumaa tarehe 6 Juni, 1975, siku iliyotengwa kwa shughuli za Wabunge Binafsi.

Bw. Spika, ninafikiri siwezi kuongeza mambo mengine kwa sababu sheria inaeleza mambo haya na Wabunge wanayafahamu yote. Kwa hivyo, naomba kupendekeza Hoja hii.

Waziri Msaidizi wa Nchi, Ofisi ya Rais (Bw. Wariithi): aliafiki.

(Hoja ilitolewa)

Bw. arap Soi: Bw. Spika, ahsante sana kwa kunipa nafasi kusema machache juu ya Hoja hii. Mimi ninafikiri tutakubaliana nayo kwa sababu tuko wengi na tunapewa Ijumaa tu siku ambayo tunaweza kuzungumza juu ya Hoja zetu binafsi. Kwa hivyo, ninaunga mkono Hoja hii.

Bw. Mwamzandi: Jambo la nidhamu, Bw. Spika. Na-pendekeza kuwa aliyeitoa Hoja hii na aitwe ajibu.

Bw. Spika: Kwa kuwa hakuna Mbunge anayetaka kuzungumza, Bw. Ngei anaweza kujibu.

Waziri wa Serikali za Wilaya (Bw. Ngei): Bw. Spika, ninaomba kupendekeza Hoja hii.

(Hoja iliamuliwa na kuafikiwa)

KIPIMO KWA HOTUBA NA MAJADILIANO: RIPOTI YA
KAMATI TEULE JUU YA KIFO CHA MAREHEMU MHE.

J. M. KARIUKI

Waziri wa Serikali za Wilaya (Bw. Ngei): Bw. Spika, napenda kutoa Hoja ifuatayo:—

KWAMBA, majadiliano ya Ripoti ya Kamati Teule juu ya Kifo cha Marehemu Mhe. J. M. Kariuki ya-tapimwa kama ifuatavyo:—

KWAMBA mazungumzo juu ya Ripoti yatachukua muda wa siku mbili zaidi na si zaidi ya dakika kumi na tano kwa Mbunge ye yote atakayezungumza, na kwamba dakika 30 kabla ya mwisho Mwenye kutoa Hoja ataitwa kujibu.

Bw. Spika, kama vile shauri lilivyokatwa na Kamati ya Majira jana jioni, wao waliona kwamba wapende-keze ya kwamba majadiliano juu ya Ripoti hii yawe-kewe wakati wa kuzungumza ili kila Mbunge aweze kupata nafasi. Zaidi ya hayo, Bw. Spika, wakati tuli-kuwa tukisikiliza ripoti mbele ya Bunge, ilionekana ya kuwa watu walisema maneno yale yale ambayo yako katika ripoti. Ningependa wale ambao hawaja-pata nafasi ya kusema juu ya ripoti hii wapewe nafasi ya kuzungumza juu ya ripoti hii ambayo ni ya muhimu sana. Katika majadiliano ya ripoti hii mambo mengi yamekwishasemwa na ni machache tu ambayo yame-baki kusemwa. Ikiwa tunataka kuimaliza umuhimu wa ripoti hii, ni lazima tupunguze muda wa majadiliano

juu ya ripoti yenyewe tusije tukawa na majadiliano ambayo ni marefu sana. Mimi nasema hivyo kwa sa-babu tukifanya majadiliano kuwa marefu juu ya jambo hili itaonekana kama tunapuuza ripoti hii. Kwa hivyo, nafikiri ni wajibu wa Wabunge ambao wako hapa ku-yazungumza yale maneno ambayo yanahusu ripoti hii ili tuweze kuifanya ripoti iwe ya maana. Mimi nasema hivyo kwa sababu tukifanya majadiliano marefu, tu-taonekana kama Mhe. Mbunge wa Kangundo wakati anahutubu na kujadili mambo ya siasa katika sehemu yake. Kwa hivyo, Bw. Spika, nafikiri kwamba Wabunge watakubaliana nami kwamba katika Hoja ya Utaratibu ambayo nimetoa sasa, tupunguze muda wa kujadili ili tuweze kumaliza ripoti hii ambayo imetolewa na Ka-mati Teule juu ya Kifo cha marehemu Mhe. J. M. Kariuki.

Kwa hivyo, Bw. Spika, naomba kupendekeza.

Waziri Msaidizi wa Maendeleo ya Shirika (Bw. arap Cheboiwo) aliafiki.

(Hoja ilitolewa)

Bw. Spika: Hakuna Mbunge yeyote ambaye anataka Kuzungumza. Basi nitamuuliza Mtoa Hoja ajibu.

Waziri wa Serikali za Wilaya (Bw. Ngei): Bw. Spika, naomba kupendekeza kwa heshima.

(Hoja iliamuliwa na kuafikiwa)

Dkt. Kitonga: Jambo la nidhamu, Bw. Spika. Kwa sababu Bunge limekwishakubaliana na Hoja hii ya Utaratibu, si ingefaa tuendelee na majadiliano juu ya ripoti ya kifo cha marehemu JM?

Bw. Spika: Ni kweli kwamba Hoja ya Utaratibu ambayo sasa imekubaliwa ni tofauti na ile Hoja ya Ripoti yenyewe kwani Hoja hii ya Utaratibu inanuia tu kukata shauri kuhusu wakati kila Mbunge atakuwa aki-chukua katika majadiliano juu ya Ripoti yenyewe. Kwa hivyo, Hoja hii ya leo, haikutaja hata kidogo ile Hoja ya Ripoti.

HOJA

KUFUTILIWA MBALI KWA NATIONAL SOCIAL
SECURITY FUND

KWAMBA, kwa vile kuna matatizo mengi kuamba-tana na huduma ya Halmashauri ya National Social Security Fund kwa malipo ya pesa za uzee, kwa wale wanaokatwa mapato yao kama akiba ya kulipwa ridhaa wakati wa kuacha kazi, Bunge hili lapendekeza kuwa Serikali ilete mageuzo ya Sheria ili mfanyakazi akiachishwa kazi alipwe malipo yake baada ya miezi mitatu bila kujali uzee wake.

(Chifu Kitonga mnamo tarehe 30 Mei, 1975)

(Kurudiwa kwa majadiliano yaliyoahirishwa tarehe
30 Mei 1975)

Chifu Kitonga: Bw. Spika, nikiendelea na Hoja am-bayo nimetoa hapa katika Bunge, ni kweli kwamba Hoja yenyewe ni dhahiri na inaonekana wazi kabisa kwamba inatetea wananchi kutokana na taabu ambayo wanapata wakati wanataka pesa zao. Ningependa kusema ya kwamba nawashukuru Wabunge wote ambao walipata nafasi ya kusema juu ya Hoja hii, na pia, nataka ku-sema kwamba nakubaliana kabisa na mabadiliko ambayo

[Waziri Msaidizi wa Nchi, Ofisi ya Rais] mwezi wa Mei, wakati tulipopata ile habari, mambo yaligeuka. Kwa hivyo, kwa upande wangu, hakuna kitu cha kuonyesha ya kwamba kuna hitilafu yoyote.

KAULI YA WAZIRI

MAELEZO ZAIDI KWA JIBU LA SWALI NAMBA 415

Waziri Msaidizi wa Nguvu za Umeme na Mawasiliano (Bw. Moss): Bw. Spika, nakumbuka ya kwamba wiki iliyopita Mhe. Said-Hemed, Mbunge wa Mombasa Kaskazini, aliniuliza swali kuhusu *Post Office* katika eneo lake na nikamwambia ya kwamba kuna posta Kisauni ambayo kwa wakati huu inatosheleza mahitaji ya watu wa kule. Mhe. Mbunge huyo alisimama baadaye na kusema ya kuwa hakuna posta yoyote kule. Basi, mimi nikaahidi Bunge hili ya kwamba nitafanya uchunguzi na nitatoa ripoti uchunguzi wangu utakapokamilika. Kwa hivyo, Bw. Spika, leo nataka kufanya ripoti juu ya uchunguzi wangu.

Bw. Spika, katika Kisauni kunayo posta ndogo ambayo ni *sub-post office* inayoendeshwa na Julix Store ambayo iko katika Nyokabi Building baada ya kuvuka Nyali Bridge kwa mkono wa kushoto. Bw. Spika, posta hii inashughulika na mambo yafuatayo: *uuzaji wa postal orders, stamps, upelekaji wa registered letters na parcels*. Maendeleo ya posta hii ndogo yanachunguliwa na itakapoonekana ya kuwa shughuli zake zinaongezeka mpango utafanywa kuipandisha cheo iwe *departmental post office* hapo baadaye.

Bw. Said-Hemed: Bw. Spika, ningependa kusahihisha maneno ya Waziri Msaidizi. Mimi nilikwenda mwenyewe katika mahali hapo siku ya Jumatatu—yaani jana—na nikaona ya kwamba ni duka la mwanamke ambaye anashona nguo za kike na za kiume na ndani ya duka hilo la biashara ndipo kunapofanywa kazi ambazo si zote kama alivyozieleza Bw. Waziri Msaidizi. Kazi ambayo inafanyika kule ni kama ya kupokea barua na kuuza *stamps* peke yake na hakuna kazi nyingine au vifaa vingine kama alivyoieleza. Kazi hiyo inafanyika katika duka la mwanamke anayeshona nguo na *she does not pay attention* juu ya kazi ya posta peke yake bali *she pays attention* kwa *customers* wake wanaokuja kushona nguo. Bw. Spika, eneo lile lina watu 80,000, je, Waziri Msaidizi anatuambia ya kwamba kijiduka kidogo ambacho kina biashara mbili za kuuza *stamps* na kupokea barua na ndani yake kushonwa nguo za wanaume wake na wanaume kinosheleza mahitaji ya watu idadi hiyo?

Wabunge Fulani: La, haiwezekani.

Waziri Msaidizi wa Nguvu za Umeme na Mawasiliano (Bw. Moss): Bw. Spika, kwa kawaida *sub-post office* inaweza kuendeshwa mahali popote, ndani ya duka ama katika majengo yanayofaa. Kwa hivyo, kulingana na rekodi zangu, hayo mambo ambayo nimetaja yanafanyika kule. Lakini kwa wakati huu tunafanya uchunguzi—kufuatana na mipango yetu ya maendeleo—na ikiwa tutakuwa na kazi ya kutosha kule tutafanya *upgrading* kwa posta hiyo.

HITILAFU YA STIMA

KUTOKANA NA HITILAFU YA STIMA SAA TISA NA DAKIKA THELATHINI NA TANO, MASHINE ZA KUREKODI MAJADILIANO NA TAIPURITA KATIKA OFISI YA HANSARD ZILIKWAMA. KWA HIVYO, MAJADILIANO YALIENDELEA KWA MUDA MFUPI BILA KUREKODIWA, NA MAJADILIANO HAYA HAYAKO KATIKA RIPOTI YA HANSARD

Shughuli Zifuatazo, kwa Muhtasari tu, hazikuripotiwa na Waandishi wa HANSARD, Lakini Zilirekodiwa katika "Muhtasari wa Shughuli"—"Votes and Proceedings"

15. KASHIFA KWA WAMASAI NA WAZIRI WA HABARI NA UTANGAZAJI

Akisimama mahali pake kwa nidhamu Waziri Mdogo wa Makamu wa Rais na Mambo ya Nchini (Bw. Tipis) alidai kupata habari timamu juu ya ripoti iliyochapishwa na gazeti la *Daily Nation*, kwamba watu wa Kimasai walikuwa wakitembea uchi. Na Bw. Spika akikubaliana na dai hilo na Wabunge wengine wakiunga madai hayo. Ndipo alimruhusu Waziri kusahihisha madai hayo. Mara Bw. Waziri aliomba msamaha kwa watu wa Kimasai na akasahihisha matamshi yaliyochapwa gazetini.

16. HIPOTI YA KAMATI MAALUM NA MALALAMIKO YA MKUU WA WILAYA YA NYANDARUA

Akisimama mahali pake kwa nidhamu Mjumbe wa Nyandarua ya Kusini (Bw. Muregi) aliomba apatiwe maelezo kamili juu ya habari iliyochapishwa magazetini kwamba Mkuu wa wilaya ya Nyandarua alikataa kufika mbele ya Kamati Maalum iliyokuwa ikichungua kifo cha Marehemu Mhe. J. M. Kariuki ili kutoa ushahidi. Na Bw. Spika akikubaliana na dai hilo, alimruhusu Mwenyekiti wa Kamati kuthibitisha dai hilo. Ndipo Bw. Mwangale alilifahamisha Bunge alilosema katika ripoti hiyo na yale yaliyoandikwa magazetini.

17. RIPOTI YA KAMATI MAALUM KUTHIBITISHWA JUU YA KIFO CHA MAREHEMU J. M. KARIUKI

Swali la Hoja lilitolewa na kupendekezwa.

Kwamba, Jumba hili laikubali ripoti ya Kamati Teule iliyochaguliwa kuchungua kutoweka na kuuawa kwa aliyekuwa Mbunge wa Nyandarua ya Kaskazini, marehemu Mhe. J. M. Kariuki iliyowasilishwa Mezani mwa Bunge tarehe tatu Juni, 1975.

(Bw. Mwangale—tarehe 4 Juni, 1975)—kurudiwa kwa majadiliano yaliyoahirishwa tarehe 5 Juni, 1975)

18. HITILAFU YA MTAMBO WA RIPOTI YA BUNGE

Wakati ukiwa saa Kumi kamili, Bw. Spika alilifahamisha Bunge kuwa mtambo wa kusaidia kukamata habari za Wabunge ulikuwa na hitilafu na kuwa mazungumzo hayangeandikishwa kwa kiimla. Ndipo Makamu wa Rais alipendekeza kuwa Bunge liahirishwe kwa muda. Hoja ilitolewa na Swali kupendekezwa. Kwamba, Bunge na liahirishwe kwa muda.

(Bw. arap Moi)

Swali liliwekwa na kuamuliwa kwa kuafikiwa.

AHIRISHO

Bunge liliahirishwa Saa Kumi na Dakika tano. Bunge lilikutana tena saa Kumi na dakika arobaini na tano baada ya hitilafu ya Stimu kurekebishwa

[Bw. Spika Kitini]

HOJA

KUKUBALIWA KWA RIPOTI YA KAMATI TEULE JUU YA KIFO CHA MAREHEMU MHE. J. M. KARIUKI

KWAMBA, Jumba hili laikubali Ripoti ya Kamati Teule iliyochaguliwa kuchungua kutoweka na kuua kwa aliyekuwa Mbunge wa Nyandarua ya Kaskazini, marehemu Mhe. J. M. Kariuki, iliyowasilishwa

(Bw. Mwangale tarehe 4 Juni, 1975)

(Kurudiwa kwa Majadiliano yaliyokatizwa tarehe 5 Juni, 1975)

Waziri Msaidizi wa Ujenzi (Bw. Keen): Bw. Spika, Bunge lilipoahirishwa juma lililopita nilikuwa nikizungumza juu ya matamshi yaliyotolewa na Mbunge wa Bunyala. Mimi nina heshima kubwa kwa Bw. Osogo lakini sijui alionja sukari gani siku ya Alhamisi mpaka akayatoa yale matamshi. Bw. Osogo alituambia kwamba yeye hajaua kitu chochote. Yeye hula kuku na akisha-kula *he notes that he has eaten a chicken*. Bw. Osogo alimkuta hayati J. M. Kariuki katika chumba cha maiti na aka *note* kwamba yule ni hayati J. M. Kariuki. *He now wants us to note J. M.'s death*. Kuku akikanyagwa na gari barabarani *we note the death* na hata Bw. Osogo akikanyagwa na gari barabarani au akipigwa risasi na mtu siku moja *we shall note the death of the chicken and the death of Mr. Osogo*. Neno *note* limeisumbua nchi hii kwa sababu tukisema kwamba kuna *corruption* katika nchi yetu inakuwa *noted*. Wanafunzi wakichapwa viboko sisi tu *note*. Kila kitu kinachofanyika sisi tuna *note*. *I think we have reached the end of this noting!* Nimesema kwamba nina heshima sana kwa Bw. Osogo lakini naomba Mola amsamehe.

Bw. Spika, kabla ripoti hii haijatolewa, kulikuwa na watu wengi waliosema kwamba wao ni waaminifu. *There is no hon. Member who has a higher degree of loyalty than the rest of us here*. Sisi tuliapa hapa kwamba tutamtii Rais wa nchi hii na pia Katiba ya nchi hii na hakuna *short-cut* hapo. Hakuna haja ya mtu, tunapozungumza mambo yanayohusu Serikali au tunauliza mabadiliko fulani, kusema kwamba *this is the clique which wants to overthrow the Government* au sisi ndio wenye kuharibu Serikali. Hakuna mtu anayetaka kuharibu Serikali hii kwa sababu tuna heshima na Mzee pamoja na Serikali yake lakini sisi tunauliza kuwa na *the rule of law*. Jambo la aibu ni kwamba hayati J. M. Kariuki alipokuwa amewekwa katika chumba cha maiti wale manabii ambao walipanga mipango hii yote walimpotosha Makamu wa Rais. *The Vice-President and the Minister for Home Affairs and Parliament were misled by a bunch of criminals*. Hata ikiwa nini *we can never support this kind of action at all*. Sisi tumeletwa hapa na wananchi na wale *civil servants* wanaotafuta na kutuandikia mambo yaliyo ya ukweli ili sisi tuwaambie wananchi ni lazima watimize ule ukweli. Kwa hivyo, Mbunge yeyote asiseme kwamba sisi si waaminifu kwa Serikali.

Bw. Spika, ningetaka kwanza kuiachilia ripoti hii kwa sababu inajulikana kwamba hayati J. M. Kariuki *was a marked man. He was a man of security interest*. Amekuwa akifuatwa tangu mwaka uliopita na maofisa wa *Special Branch* na *bombs* zilipoanza kulipuliwa hayati J. M. Kariuki alifuatwa na maofisa wa *Special Branch*, maofisa wa *Criminal Investigation Department* *police informers* na hata *police dogs*. Watu tuliowapa kazi ya kuangalia *security* katika nchi hii walifanya nini saa moja ya usiku wakati hayati J. M. Kariuki alipotoweka bila wao kujua kutoka Hoteli ya Hilton? Tulikuwa tukiambiwa hapa kwamba pengine hayati J. M. Kariuki alikuwa akihusika na *bombs*. Kama alitaka kulipua *bombs* 50 alipotoweka, tungelisema kwamba tuna *security* katika nchi hii? Ni lazima kukubaliana na jambo hili hata kidogo na ni lazima wale ambao walikuwa wakimfuata watu ambie alienda wapi. Hata kama wale watu ndio walikuwa wakishughulika na *security* ya nchi hii, *where is the brain behind everything?* Kama wale maofisa ndio walimuuwa Bw. J. M. Kariuki, labda kuna mtu aliyewaambia kwamba *this man is a nuisance, bump him off*. Inaweza kuwa kwamba Kamau, Njuguna au Shikuku ndiye aliwatumia wakafanye hivyo. Ripoti hii haitoshi kwa sababu tungetaka kujua *the brains behind the whole thing* na ni nani aliyefanya hiyo kazi. Hatuwezi kuikamilisha kazi hii kama hawa maofisa wanaohusika wako katika ofisi zao. Tumesikia kwamba watu wengine kama John Profumo, aliyekuwa Waziri Uingereza ambaye kwa kuwa ilitajwa kwamba alihusiana na kitu kidogo alijiuzulu. Ni kwa nini hapa Afrika watu wanaendelea kukaa katika ofisi zao na hali wana makosa? *They should at least have the courtesy of resigning before they are forced out*.

Bw. Spika, mimi naona kama tuna sheria mbili katika nchi hii. Kuna sheria ya kuwafunga Wabunge na maskini na kuna sheria nyingine ya kuyafunika makosa ya matajiri na watu wengine. Juzi Mbunge aliye hapa, Bw. Konchellah, alimpiga Mhindi makofi na akafungwa miezi mitatu.

Mkuu wa Sheria (Bw. Njonjo): Jambo la nidhamu, Bw. Spika. Mimi sitaki kushindana na Bw. John Keen lakini sijui ni kwa nini anasema kwamba kuna sheria mbili. Mtu yeyote, hata akiwa Mbunge, ni lazima apelekwe kortini.

Waziri Msaidizi wa Ujenzi (Bw. Keen): Bw. Spika, watu wengine wameshikwa na pembe za ndovu na wengine magunia ya sukari na hakuna yeyote aliyepelwa kortini. Mtu yeyote aliye masikini akishikwa ameiba Sh. 2 ili aweze kununua chakula anawekwa gereza kwa muda wa miezi sita na anapigwa viboko. *Let us not cover anything* kwa sababu hata wale watu waliokuwa wakipiga makelele kwamba ni waaminifu— sisi tunajua kwamba yule aliyemuza Yesu ni mmoja wa wale waliokuwa karibu naye. Inafaa sana mtu akisema maneno yaliyo ya kweli kwa sababu nia ya kusema ukweli ni kusaidia nchi yetu. Hakuna haja kuiacha Serikali yetu ianguke. Sisi tunataka watu walio na makosa waondolewe halafu tuendele kama kawaida. Hakuna haja kuendelea kuficha mambo yaliyo ya kweli. Tukisema kwamba Dkt. Karanja aondolewe katika

[Waziri Msaidizi wa Ujenzi]

Chuo Kikuu cha Nairobi tunaambiwa kwamba Karanja *is indispensable*. Ni yeye peke yake aliye na digrii nchini na hakuna mwingine?

Bw. Spika, katika ripoti hii tunasoma kwamba hayati J. M. Kariuki alikuwa akifuatwa na *tape*. Hizo *tapes* ziko wapi? Tungetaka zitolewe lakini zisifichwe. Mimi nakubaliana na ripoti hii na haina maana kwa sisi kujaribu kuficha ukweli. Kama watu walitajwa katika ripoti hii ni wanaume, basi na wajiuzulu na halafu waende kortini kufanya *defence*. Sisi tunataka kupitisha ripoti hii vile ilivyo sasa *without adding even one sentence or deleting a single sentence*. Bw. Spika, ikiwa ni hivyo, Serikali yetu tukufu itaweza kuangalia ni kitu gani kimeenda vibaya. Kwa hivyo, sisi kama Bunge tukipitisha ripoti hii, tutakuwa tumetimiza wajibu wetu na itakuwa ni juu ya Serikali kuangalia mapendekezo yetu. Ni lazima tuiachilie sheria ifanye kazi yake kwa sababu ukweli unaweza kupatikana kwa njia ya *judicial inquiry*, lakini kama maafisa fulani katika *Judiciary* wanataka *promotion*, tutapata ukweli kutoka wapi? Kwa kusema hivyo, Bw. Spika, mimi sina nia ya kudharau mahakama yetu ambayo ni ya heshima, lakini nasema hivyo kwa sababu, maafisa wengine wanatumia uwezo wao kwa kujipatia akiba. Pembe za ndovu zikipatikana, wengine wanapiga simu na kusema, *Oh yes, that is my stuff*, halafu zile pembe zinaruhusiwa kupita hadi merikebuni. Sasa tunajua kama simu itapigwa huko kortini kutoka Bunge hapa au kutoka pahali pengine, na kukoroga Kiingereza huko kisha maneno yote yaishie hapo?

Bw. Spika, mimi nataka ripoti hii ipitishwe na vile vile wale ambao wametajwa hapa, ni lazima wachunguliwe. Ningetaka watu hawa wajitete wenyewe kwa sababu wametajwa na Kamati Tuele ya Bunge hili. Hakuna haja ya kujitetea katika magazeti na kwa hivyo, ni wajibu wa Serikali kuwachungulia. Kwa hivyo, Bw. Spika, mimi sina mengi zaidi ya kusema isipokuwa tu kuliomba Bunge hili lipitishie ripoti hii na kuiachia Serikali.

Mkuu wa Sheria (Bw. Njonjo): Bw. Spika, Kamati hii, tangu mwanzo ilieleza wazi mawazo yake kwamba haiamini polisi kufanya uchunguzi wowote juu ya kutoweka na kuuawa kwa marehemu Bw. Kariuki. Kamati yenyewe ilithibitisha uteuzi wake kulingana na sababu hii hii na baadhi ya wanachama wake walikuwa na haraka kusema mambo haya ndani ya Bunge. Bw. Spika, walikashifu na kulaumu polisi, na kwa maana halisi Serikali yenyewe na kusema hadharani kwamba hawawezi kuaminiwa. Kwa kufanya hivyo, waliondoa uchunguzi ambao ulikuwa na uhalifu kutoka kwa wale wenye ujuzi wa kuuchungua na kuuweka mikononi mwa watu wasio na ujuzi na kuifanya uwe wa kisiasa, badala ya kuwa na uchunguzi wa kisheria. Bw. Spika, Bunge hili, na nchi nzima lilikuwa na matumaini kwamba Kamati hii itatoa ripoti yenye madaraka na isiyo ya kupendelea kufuatana na mamlaka yaliyowekwa. Badala ya hayo, ripoti ambayo ilitolewa katika Bunge hili ilikuwa ripoti yenye kupendelea upande mmoja na yenye madhara. Ni kweli kwamba ripoti yenyewe inasema kwamba uchunguzi haukufuata mbali sana. Kwa hivyo, ripoti hii, kutokana na makosa yake, ina-

Wabunge Fulani: *Oh, no! No! God save us!*

jaribu kuwalaumu maafisa wa polisi na kwa kidokezi, maafisa wa Serikali pamoja na Serikali yenyewe.

Bw. Mwithaga: Jambo la nidhamu, Bw. Spika. Mimi nataka kuomba maongozi yako katika jambo hili. Ikiwa katika ripoti hii kuna neno moja tu la Kiingereza ambalo linataja *Government*, ningetaka Mkuu wa Sheria atueleze kwa sababu mimi nafikiri yeye anajaribu tu kafanya *castigation* juu ya nia ya Kamati hii katika uchunguzi wake.

Mkuu wa Sheria (Bw. Njonjo): Bw. Spika, tumeambiwa sasa hivi na Bw. Keen kwamba yeye anakubaliana na ripoti hii kabisa na akaliomba Bunge hili lipitishie ripoti hii ili nayo Serikali ichukue hatua kulingana na wajibu wake. Kama Mhe. Mwithaga anaweza kuniipatia nafasi ili niseme maoni yangu, atakuwa akinisaidia na Bunge nzima pia.

Bw. Shikuku: Jambo la nidhamu, Bw. Spika. Mimi nafikiri kwamba jambo la nidhamu ambalo lilitolewa na Mhe. Mwithaga ni la maana sana kwa sababu sisi tunajua Serikali ni nini. Pia, Bw. Spika, tunajua kabisa kwamba watu ambao wametajwa katika ripoti hii sio Serikali. Kwa hivyo, tunataka Mkuu wa Sheria athibitishie kwamba ripoti hii inataja Serikali. Ikiwa Bw. Hinga ndiye Serikali, ni lazima Mkuu wa Sheria atwambie. Sisi tulitaja majina yawatu binafsi lakini hatukusema chochote kuhusu Serikali yetu tukufu.

Mkuu wa Sheria (Bw. Njonjo): Bw. Spika, jambo ambalo ni baya sana ni kwamba Kamati hii inajaribu kuweka nyavu za moto katika pande zote ikiwa na matumaini kwamba zingine zitalega shabaha. Ni kweli kwamba Kamati hii inachafua sifa na heshima ya maafisa wakuu fulani wa polisi katika Jamhuri hii yetu.

Wabunge Fulani: Wacha kusoma maneno wewe!

Mkuu wa Sheria (Bw. Njonjo): Bw. Spika, kwa sababu sitaki watu fulani kesho waanze kusema kwamba Mkuu wa Sheria alisema hivi au vile, nina *notes* zangu hapa ambazo ninatumia.

Wabunge Fulani: *No! No! No! It is illegal*

Bw. Wabuge: Jambo la nidhamu, Bw. Spika. Kulingana na Kanuni za Bunge hili, Mbunge yeyote anaweza kuangalia *notes* zake, lakini hakuna Mbunge yeyote, hata kama yeye ni Waziri au nani, ambaye anaruhusiwa kusoma hotuba katika Bunge. Kwa hivyo, tunaweza kumkubalia Bw. Njonjo aendelea kusoma hotuba yake badala ya kuzungumza?

Bw. Spika: Ni kweli kwamba kulingana na Kanuni zetu hapa, huwezi kusoma hotuba yako katika Bunge, lakini watu wana njia tofauti za kuangalia *notes* zao. Kuna wengine ambao huangalia *notes* zao zaidi, lakini hivyo si kusema kwamba wanasoma. Kama Wabunge hawajaona zile *notes* za Bw. Njonjo, sijui walijua kwamba anasoma hotuba ambayo imeandikwa. Hata kama imeandikwa, na yeye anajaribu tu kujikumbusha ili aweze kusema maneno ambayo, akiulizwa atasema ni kweli yeye aliyasema, anakubaliwa kabisa kuyaangalia yale maneno. Kitu ambacho hakikubaliwi ni kusoma hotuba kama vile mtu anavyosoma kitabu.

Mkuu wa Sheria (Bw. Njonjo): Bw. Spika, mimi najua kabisa kwamba kuna nia ya kuharibu wakati wangu bure.

Mkuu wa Sheria (Bw. Njonjo): Bw. Spika, mimi ninajua ya kwamba shabaha ya Wabunge kuinuka kwa mambo ya nidhamu ni kupoteza wasaa wangu.

Bw. Wabuge: Jambo la nidhamu, Bw. Spika. Sasa sisi tungetaka kujulishwa na Kiti kama Mkuu wa Sheria ataruhusiwa kuendelea na kusoma hotuba yake.

Bw. Spika: Hataruhusiwa kusoma maandishi yake lakini ana haki ya kuyaangalia mara kwa mara ili ajikumbushe.

Mkuu wa Sheria (Bw. Njonjo): Kama vile nilivyo-sema hapo mbeleni shabaha ya haya mambo ya nidhamu ni kuharibu wakati wangu lakini mimi ningependa kuendelea na hotuba yangu kwa kusema hivi.

Bw. Spika, tukiangalia katika ripoti hii tutaona—

Bw. Anyona: Jambo la nidhamu, Bw. Spika. Ningependa kusema machache juu ya jambo ambalo lilitajwa na Mkuu wa Sheria kwamba kazi ya kuchunguza kifo cha marehemu Bw. J. M. Kariuki iliweka katika mikono mwa Wabunge ambao hawana ujuzi. Bw. Spika, tulipitisha Hoja hapa na nia yake ilikuwa kutafuta ushahidi na kuweka huo ushahidi. Sehemu moja ya Hoja hiyo ilisema kama ifuatavyo:—

“... Resolve to appoint a Select Committee to conduct an investigation on the circumstances of the said disappearance and murder and to report to the House its findings with a view to securing and preserving evidence”.

Bw. Spika, hii ni kusema ya kwamba tulitarajia ya kwamba tukipata ushahidi tataupitisha mbele ili Bw. Mkuu wa Sheria aweze kupeleka jambo hili kortini. Sasa si Bw. Mkuu wa Sheria anapotosha Bunge kwa kusema kwamba jambo hili limetolewa mikononi mwa Serikali wakati jambo hilo linafanywa na Bunge hili?

Mkuu wa Sheria (Bw. Njonjo): Bw. Spika, ikiwa nia ya uchunguzi huo ilikuwa ni kufanya *preservation* ya ushahidi, sasa imeharibiwa. Huenda ikiwa nia ya uchunguzi huo ilikuwa kufanya *preservation* ya ushahidi lakini haikuwa kufanya *broadcast* ya hiyo evidence. Sasa mambo haya yote yanajulikana—

Mbunge Fulani: *Shut up!*

Mkuu wa Sheria (Bw. Njonjo): *Shut up yourself!*

Bw. Spika, ukiangalia hii ripoti utafikiri umepata ukweli lakini ukiisoma kwa makini utaona kwamba *conclusion* yake haina *support* katika ushahidi ambao uko hapa. Hakuna ushahidi wowote katika ripoti hii, Bw. Spika.

Bw. Spika hizi *verbatim reports* ambazo tunaambiwa ziko katika ripoti ya kurasa 4,700 na nimezisoma. Lakini tumepatiwa muhtasari wa ripoti hizo katika ripoti hii tuliyo nayo ya kurasa kama 20 hivi.

Bw. Mwamzandi: Jambo la nidhamu, Bw. Spika. Nina mwonea huruma Bw. Mkuu wa Sheria kwa sababu wasaa wake unaenda kasi sana lakini ningependa utusaidie katika jambo hili. Kanuni zetu za Bunge zinasema kwamba ushahidi unaotolewa na watu kwa kamati yeyote utawekwa kwa siri. Pia tunaambiwa katika

Kanuni hizo kwamba majina ya watu kama hao yatawekwa kwa siri vile vile na hayawezi kutolewa. Sasa Mkuu wa Sheria anasema kwamba ushahidi huu pamoja na majina ya watu walioutoa ungekuwa kwenye ripoti hii. Bw. Spika, nafikiri ungetusaidia kwa jambo hili kwa sababu sheria zetu zinasema kwamba ushahidi wa aina hii utawekwa kwa siri lakini mtu akitaka kusoma ushahidi huo anaweza kumwendea Ratibu wa Bunge ili amkubalie kusoma. Ikiwa sheria zetu zinasema hivyo, si Bw. Mkuu wa Sheria anapotosha Bunge zima?

Mkuu wa Sheria (Bw. Njonjo): Bw. Spika, mwenyekiti wa Kamati hii mwenyewe alisema kwamba *verbatim report* ya kamati hii itatolewa kwa Wabunge ikiwa wataitaka. Kwa hivyo hakuna la kusema kwamba ushahidi huu ulikuwa wa kuwekwa kwa siri.

Bw. Spika, katika ripoti hii kuna maofisa wa Serikali ambao wametajwa majina yao katika ukurasa wa 47. Inasemekana ya kwamba ni heri maofisa hao wondolewe kazini kwa sababu fulani ambazo zimetajwa katika ripoti hii. Mimi nasema kwamba hakuna ushahidi katika ripoti hii wa kusababisha kutolewa kazini kwa maofisa ambao wametajwa katika ukurasa huu. Kwa mfano, ofisa kama Bw. Mungai ambaye ni Kamishina Msaidizi wa Polisi katika Mkoa wa Rift Valley, inasemekana kwamba makosa ambayo alifanya ni kutopiga saluti wakati alipofika mbele ya Kamati hii. Mkuu huyo wa polisi katika Mkoa wa Rift Valley alitwa atoe ushahidi mbele ya Kamati kwa sababu inasemekana katika ripoti hii kwamba mauaji haya yalifanyiwa katika sehemu ya Ngong ya Mkoa wa Rift Valley. Lakini tukiangalia umbali wa Ngong kutoka Nakuru tutaona ni mrefu sana. Ikiwa ni hivyo, tunawezaje kusema ya kwamba Bw. Mungai alijua jambo lolote kuhusu mauaji hayo? Bw. Spika, Mbunge mmoja alisema katika Bunge hili kwamba Bw. Thuo, Mkuu wa Wilaya ya Nyandarua alikuja mbele ya Kamati hiyo akiwa na bunduki. Kuna ushahidi katika *verbatim reports* wa kusema kwamba Mkuu huyo wa Wilaya ya Nyandarua aliacha bunduki yake katika ofisi fulani na ikawekwa katika *safe*. Bw. Spika, mimi nataka kusema kwamba—

Bw. Shikuku: Jambo la nidhamu, Bw. Spika. Ni haki kwa Mkuu wa Sheria, mtu ambaye yafaa afahamu sana mambo yaliyo ya kweli na yasiyo ya kweli, kujaribu kupotosha Bunge hili kwa kusema kwamba Mkuu huyo wa Wilaya ya Nyandarua aliacha bunduki yake kwa *Serjeant-at-Arms* hapa katika Bunge wakati sisi tunajua ya kwamba Mkuu huyo wa Wilaya, alikuja na bunduki yake katika Kamati? Tuligundua ya kwamba alikuwa na bunduki yake katika Kamati halafu tulimwita *Serjeant-at-Arms* ili achukue bunduki hiyo.

Mkuu wa Sheria (Bw. Njonjo): Bw. Spika, mimi sikutaja jina la Bw. *Serjeant-at-Arms*.

Mbunge Fulani: *But you have informers!*

Mkuu wa Sheria (Bw. Njonjo): Mimi sina *informers* lakini nyinyi mna watu kama hao kwa sababu mlikuwa mkiwatumia lakini sasa mnasema kwamba hamtaki watu hao wajulikane.

Bw. Spika, katika ripoti hii tunaambiwa ya kwamba Bw. Ben Gethi ndiye alikuwa mtu wa mwisho kumuona marehemu Bw. J. M. Kariuki. Tunaambiwa ya kwamba

[Mkuu wa Sheria]

Bw. Ben Gethi ndiye alitoka pamoja na marehemu katika Hoteli ya Hilton hapa Nairobi. Pia tunaambiwa kwamba Bw. Gethi aliondoka na gari aina ya Mercedes-Benz. Katika hii ripoti hakuna ushahidi wa kuonyesha kwamba Bw. Gethi alitumia gari ya aina gani siku hiyo. Bw. Gethi husafiri na gari ya aina ya Mercedes-Benz yenye nambari za Serikali na yenye rangi ya kutambulika wazi lakini siku hiyo hakuitumia gari hiyo hata kidogo. Tuna ushahidi wa kuonyesha ni gari ya aina gani iliyotumiwa na Bw. Gethi siku hiyo. Alitumia gari ya aina ya Alfa Romeo. Kwa hivyo, katika ripoti hii hatuambiwi ni nani—

Bw. Mwithaga: Jambo la nidhamu, Bw. Spika. Mimi ninaona aibu sana kwa Mkuu wa Sheria ambaye ni Wakili wa Serikali, mtu ambaye anategemewa na Kenya nzima kusema maneno yaliyo la kweli, kujaribu leo kupotosha nchi nzima kwa maneno yasiyo ya haki. Katika ripoti hii imeandikwa wazi kwamba Bw. Ben Gethi alikuwa na gari lake aina ya Alfa Romeo nyekundu. Jambo hili liko katika ushahidi wetu, Bw. Spika. Hakuna pahali imesemekana kwamba Bw. Ben Gethi aliondoka katika Hilton Hoteli na gari aina ya Mercedes-Benz.

Wabunge Fulani: Shame! Shame!

Bw. Mwithaga: Kwa hivyo, Bw. Spika, ningetaka Mkuu wa Sheria atueleze ni kwa nini anatumia lugha isiyojaa katika hotuba yake. Si angesema mambo yaliyo ya kweli ili tumsikilize badala ya kusema maneno yasiyo ya kweli?

Mkuu wa Sheria (Bw. Njonjo): Bw. Spika, nikimaliza hotuba yangu ningependa kusema kwamba kamati hii imefanya kazi yake—

Mbunge Fulani: Do you appreciate it?

Mkuu wa Sheria (Bw. Njonjo): Mimi siithamini kwa sababu kwanza mimi sikubaliani na ripoti hii. Mimi nasema—

Mbunge Fulani: Utapigia kura namna gani?

Mkuu wa Sheria (Bw. Njonjo): Inajulikana wazi kwamba katika Bunge hili mimi sina kura. Lakini hiyo si kusema kwamba siwezi kutoa maoni yangu juu ya jambo kama hili. Kwa hivyo, Bw. Spika, kabla ya kumaliza hotuba yangu ningependa kutoa badiliko lifuatalo:—

Kwamba, Bunge hili laipokea ripoti ya Kamati Teule iliochaguliwa kuchunguza kutoweka na kuuawa kwa aliyekuwa Mbunge wa Nyandarua Kaskazini marehemu Mhe. Bw. J. M. Kariuki iliyowasilishwa Mezani mwa Bunge tarehe tatu Juni, 1975 ili itumiwe katika mahakama kufuatana na majadiliano haya.

Bw. Spika, ikiwa ripoti hii ni kama Biblia kulingana na vile tulivyoambiwa na gazeti la *Target*, hata maandishi katika Biblia huulizwa maswali juu yake kwa sababu Biblia ina tafsiri za aina nyingi. Kwa hivyo ni heri Wabunge wakubali ripoti hii ipelekwe mbele ya mahakama ili ichunguliwe zaidi. Hatutaki ushahidi wa kujificha hapa Bungeni kwa kutoa ripoti kama hii. Ni lazima tufanye hivyo tusije—

Bw. Shikuku: Jambo la nidhamu, Bw. Spika. Je, Mkuu wa Sheria ana haki kujaribu kukashifu Kamati iliyo-teuliwa na Bunge hili—na ikakaa wazi katika vyumba vya kamati katika Majengo ya Bunge—kwa kusema

kwamba Wanakamati walikuwa wakijificha? Yeye alikuja mbele ya Kamati hiyo.

Mkuu wa Sheria (Bw. Njonjo): Bw. Spika, mimi siku-sema kwamba wanakamati walikuwa wakijificha, lakini mikutano ya Kamati haikuwa wazi kama korti ilivyo wazi. Hungeweza kwenda kule na kusikiza kwa sababu kuna wengine ambao walikuwa wakisema kwamba walikuwa na siri na hawangetaka majina yao yajulikane.

Nikimaliza, Bw. Spika, ningependa kusema kwamba ukichungua ripoti hii kwa makini sana utaona kwamba ni "sifuri".

Makamu wa Rais na Waziri wa Mambo ya Nchini (Bw. arap Moi): Ahsante sana Bw. Spika na ningependa kutaja jambo moja kuhusu ripoti hii.

Matumaini ya wananchi tangu mambo haya yalipofanyika yalikuwa makubwa sana. Nafikiri Waheshimiwa wangechukua jambo hili kwa njia ambayo si ya kuingiza siasa, lakini iwe ya kutafuta njia ambayo inaweza kuto-sheleza wananchi. Si kuonyesha—jambo hili ni la maana sana—kwamba sisi ndio tulikuwa tumempenda marehemu zaidi. Kitu tungependa kufanya ni kuzuia mambo ambayo yanaweza kufanyika. Njia ambayo imepatikana, ndugu zangu, haingeleta hitilafu yoyote. Ingekuwa vyema kama Wanakamati wangukuwa wapole kidogo na kusikia maoni ya wale ambao hawakuwako, hasa wakati huu ambao sisi Wabunge wengine tunapotoa maoni yetu. Tusijaribu kusema kwamba mambo haya yalikuwa hivi au vile. Ninaposema ripoti na nikijaribu kufanya *reference* katika kitabu kingine, naona ya kuwa kitabu hicho ni kikubwa zaidi. Jawabu tunalotaka na pia jawabu ambalo wananchi wanataka ni kumpata muuaji. Jambo hili ni la maana sana, lakini jinsi mambo yalivyo. Kamati Teule haikupata muuaji ambaye alimua marehemu, yaani *actual murderer*.

Mbunge Fulani: Polisi.

Makamu wa Rais na Waziri wa Mambo ya Nchini (Bw. arap Moi): Bw. Spika, Mhe. fulani pale anasema "polisi". Lakini ningependa Wabunge waniache niseme maneno yangu binafsi kwa sababu hatutaki kuficha neno lolote; hakuna mtu anayetaka kuficha jambo lolote. Mheshimiwa mmoja alisema hapa kwamba hakuna mtu aliyetaja Serikali katika ripoti tunayojadili hapa. Nina-weza kukubali kwamba labda Serikali haikutajwa katika maandishi ya ripoti hii, lakini mambo ambayo yalisemwa hapo mbeleni yalionyesha kwamba hakuna mtu ambaye alikuwa akisema kwamba yeye ni mtu wa Serikali. Hii ndiyo sababu ningependa kusema kwamba hakuna mkutano ambao ulifanywa na Serikali kwa kuwa marehemu. Sipendi mtu kuwa *emotional* kwa jambo hili. Kitu tungefanya ni kuwa *objective* kwa manufaa yetu ili wananchi wajue kwamba nia yetu si kufanya mambo haya halafu baadaye tulaumiwe kwamba kama si Bunge jambo fulani lingepatikana.

Sitaki kusema hapa neno lolote ambalo litatafsiriwa katika njia mbaya. Ningetaka Kamati Teule ifahamu kwamba kitu tunachotaka ni kwamba mtu afikishwe kortini na aweze kutoa ushahidi wake. Kama tunavyo-jua, mtu angali *innocent until he is proved guilty*. Kama ripoti inavyosema, *it is inconclusive*. Ndugu zangu, tuna-wezaje kusema kwamba tumeze mambo haya yote ati yamekamiliwa na halafu tutupie Serikali ripoti hii?

[Makamu wa Rais na Waziri wa Mambo ya Nchini]

Nikiendelea, ningependa kuwafahamisha Wabunge kwamba mtu mmoja alisema hivi: aina za misemo zina kadiri ya uaminifu wake. Yaani, *categories of talk and their degree of reliability*. Siwezi kusema kwamba mimi nasema ukweli lakini mimi naomba kwamba tusije tukawa watu wa kulaumiwa wakati watu watapaposema kwamba kama isingekuwa Bunge mambo yangeenda sawasawa, kuhusu kifo cha marehemu J. M. Kariuki wa Nyandarua Kaskazini. Kama Wabunge walivyosema hapo mbeleni, wananchi wangependa kujua kuwa ni nani aliyemuua marehemu. Lakini, Bw. Spika, ukiichungua ripoti hii utaona kwamba hawakumtaja *actual murderer*. Sasa, jawabu ni nini?

Mbunge Fulani: Tuikubali ripoti.

Makamu wa Rais na Waziri wa Mambo ya Nchini (Bw. arap Moi): Bw. Spika, Mhe. fulani pale anasema "tuikubali ripoti". Tukiikubali na tuwachie hapo, ni kitu gani kitakachofanyika baadaye?

Wabunge Fulani: Mtaendelea.

Makamu wa Rais na Waziri wa Mambo ya Nchini (Bw. arap Moi): Tutaendelea wapi?

Bw. Shikuku: Point of information.

Makamu wa Rais na Waziri wa Mambo ya Nchini (Bw. arap Moi): Bw. Spika, Mhe. Shikuku anataka kunipa habari, mimi sitaki habari yoyote. Nimetosheka na habari yangu mwenyewe.

Nakubaliana na jambo moja ambalo lilitajwa na Mhe. Keen kwa kusema kwamba ni lazima tuwe waaminifu kwa Rais Kenyatta. Watu wengine pengine, huwa wanasema—ni lazima tuwe waaminifu kwa Rais. Ningependa kusema kwamba tunapofanya mambo yetu tusichanganye mambo mengine. Kuna watu wengi ambao wanataka ukweli wa mambo haya, lakini kuna watu wachache ambao wanataka nafasi hii—

Bw. Mwangale: Ya kuficha.

(Shangilio)

Makamu wa Rais na Waziri wa Mambo ya Nchini (Bw. arap Moi): No! Ngoja kidogo.

Bw. Spika kuna watu wachache ambao wanataka nafasi hii—Bw. Spika mbona hawataki mimi nimalize kifungu cheneyewe? Pengine watanyamaza na hali wana cheka mioyoni mwao. Wanataka kuchukua nafasi hii kuona kwamba Serikali imeharibiwa.

(Shangilo)

Mimi nasema kwamba kuna watu wengi—natumaini nyinyi mko na watu hao wengi—wanaotoa masikitiko ya kweli, na kuna watu wengine ambao wanataka kuchukua nafasi hii kuhakikisha kwamba Serikali hii imeharibika. Ikiwa kuna mtu au watu wanaosema kwamba hakuna watu wa namina hiyo, basi ni wajibu wetu kujijua sisi wenyewe na tuiseme kwamba tunajua mtu fulani. Vile nilivyoona ni kwamba njia ipatikane ya kuendesha uchunguzi na kwa hivyo kuwe na badiliko ili tuipokee ripoti hii na ipelekwe katika korti au mahakama. Huko ndiko watu watotoa ushahidi sawa sawa. Wale Wabunge ambao watapinga jambo hili, itaonyesha kwamba, wao hawataki jambo hili liendeleo mbele. Jambo kama hili likifanyika, mimi

kama Moi sitaki isemwe kwamba nilikuwa mojawapo wa Wabunge ambao walitaka jambo hili liishie hapa hapa! Kama ilivyosemwa, haingefaa kuwalaumu watu fulani. Tuiwachie korti ichungue mtu ambaye ana hatia na kutoa uamuzi. Jambo linalohusu kifo cha mtu si jambo la kuchukuliwa juu-juu. Hili ni jambo ambalo lazima lichunguliwe na kuona haki iko wapi. Ninasema hivyo, kwa sababu ikiwa tutasema kwamba tujadili hapa halafu jambo hili liishie hapa si vizuri.

Bw. Rubia: Jambo la kumfahamisha Makamu wa Rais—

Makamu wa Rais na Waziri wa Mambo ya Nchini (Bw. arap Moi): Bw. Spika, ninakataa fahamisho hilo! Mimi sijui yule Mhe. Mbunge anataka kunifahamisha nini ili niweze kueleza kama ninamkubalia ama vipi! Lakini, kama nilivyosema, tusiwe na kuhitilafiana kati yetu; lazima tuwe *objective* na tujue tunaenda wapi. Tunataka uchunguzi uendelee kufanywa. Kama tutasema kwamba tuachie Serikali jambo hili au kusema kwamba Serikali ilificha kitu fulani, hili halitakuwa jambo zuri. Tunataka uchunguzi uendelee kwa korti kama tunaamini. Mimi sidharau ripoti hii kaniwe; lakini *objectivity* ya Hoja hii ndiyo ningependa kusema kwamba "tuipokee ripoti" hii.

Kwa hivyo, mimi ninaunga mkono badiliko hili. Nina hakika kwamba Wabunge wanaweza kusaidia jambo hili kama wanataka. Lakini ikiwa wanasema kwamba, "hii si kitu", na hivi na vile, basi mimi sitaki nilaumiwe baadaye kwamba nilikuwa Mbunge wa Bunge ambalo lilisema jambo hili litupwe tu hivyo. Ingekuwa bora kama sisi sote tungeli—

Bw. Wabuge: Jambo la nidhamu. Bw. Spika, ripoti hii inaeleza wazi kwamba Serikali ichungulie jambo hili ili ukweli upatikane; ni haki kwa Makamu wa Rais kusimama hapa na kusema kwamba tunataka tuipitishie ripoti hii na kuiweka hapa Bunge tu? Akisema hivyo si analipotosha Bunge hili?

Makamu wa Rais na Waziri wa Mambo ya Nchini (Bw. arap Moi): Bw. Spika, bado haijapita nusu saa tangu tulipoambiwa kwamba hakukutajwa jina la Serikali kwa jambo hili; imetokeaje sasa neno "Serikali" linaingizwa hapa?

Bw. Mwithaga: Jambo la nidhamu, Bw. Spika. Inaonekana kuna mchezo hapa na hii si vizuri katika Bunge hili. Ripoti hii inasema kwamba Bunge limefanya kazi yake na kuifikisha mahali fulani na sasa ni juu ya Serikali kuwapeleka wale wanaohusika kortini ili wathibitishe mambo yao. Hakuna sehemu katika ripoti hii ambapo Serikali imeaumiwa.

Makamu wa Rais na Waziri wa Mambo ya Nchini (Bw. arap Moi): Bw. Spika, Mhe. Wabuge alisema habari ya Serikali na hapo awali ilisemekana kwamba Serikali ilifanya hivi na vile. Kama nilivyosema, sikusema kwamba tunaikataa ripoti hii, bali nilisema kwamba tuipokee hii ripoti na wale wanaohusika waendeleo. Na kama Mbunge fulani anakataa tuiipokee ripoti hii na jambo hili lipelekwe mbele ya mahakama mimi, sikubaliani na yeye.

Ahsante sana, Bw. Spika.

Bw. Spika: Badiliko la Mkuu wa Sheria lina sehemu mbili: yaani kulitoa hili neno, "laikubali" na kuliweka neno "laipokea" na halafu kuongeza mwisho wa Hoja hii maneno yafuatayo: "ili itumiwe katika mahakama itakayofuata majadiliano haya". Kitu ambacho ningalipenda kueleza ili kisilete mgogoro baadaye ni haya maneno mawili: "laikubali" na "laipokea". Kama tunakubaliana kwamba maneno haya mawili hayana tofauti sana, basi tunaweza kuwacha mambo hapo. Lakini haya maneno mengine hayana shida yo yote.

Ninasema kwamba ili kusije kukatokea kutoelewana juu ya maana ya maneno haya mawili: "laikubali" na "laipokea", kama mtakubaliana kwamba maneno haya yana maana sawasawa—

Wabunge Fulani: Ah! Ah! No!

Bw. Spika: Mimi nikiangalia badiliko hili linategemea vile tutasikilizana; hakuna haja ya kupingana juu ya maana ya neno moja. Ninasema hivyo kwa sababu Kanuni yetu No. 46 (d) inaeleza kwamba:—

"When two or more amendments are proposed to be moved to the same Motion, Mr. Speaker shall call upon the movers in the order in which their amendments relate to the text of the Motion, or in cases of doubt in such order as he shall decide: provided that no amendment may be moved which relates to any words which it has been decided shall not be left out of a Motion."

Wakati huu hatuna tashwishiyo yo yote kwa sababu lile sahihisho la Mhe. Osogo lilikuja na likaisha. Kwa hivyo, ingefaa tuelewane hapo, ili kusiwe na mgogoro mwingine baadaye wa kueleza jambo hili.

Bw. Okoya: Jambo la nidhamu, Bw. Spika, ingefaa uyaeleze yale maneno mawili kwa Kiingereza. Nina sema hivyo kwa sababu sisi wengine tulisomea kwa Lugha ya Kiingereza kwa miaka mingi. Unaweza kufafsihi yale maneno kwa Kiingereza ili tuelewe?

Bw. Spika: Sote tunaelewa na Kiswahili hiki kwa sababu ni rahisi kabisa.

Bw. Rubia: Jambo la nidhamu, Bw. Spika. Nafikiri mimi sijaelewa; ikiwa maneno haya mawili hayana tofauti, basi yafaa tuyawache yale yale yaliyoko sasa.

(Shangilio)

Pia, Bw. Spika, wiki iliyopita, tulilishinda badiliko lililoletwa na Mhe. Osogo, na kuleta badiliko lingine tena nafikiri ni kinyume cha Kanuni zetu.

Bw. Spika: Neno ambalo Bw. Osogo alikuwa amesema liondolewe ni "laikubali", na hapo ndipo sasa hili neno "laipokea" linatajikana lingizwe, na badiliko hilo lilishindwa, na neno "laikubali" likabakia. Sasa, Kanuni zetu zinasema kwamba huwezi kuondoa neno ambalo lilithibitishwa lisiondolewe.

(Shangilio)

Kwa hivyo, hilo neno lenyewe hasa ndilo lililokuwa linazungumziwa wakati Bw. Osogo aliposimama, na neno hilo lililothibitishwa lisiondolewe. Lakini maneno haya mengine ya kuongeza yako sawa kabisa.

(Shangilio)

Vile vile, ingekuwa sawa kabisa kama maneno mengine yoyote katika Hoja hii yangegeuzwa, lakini neno hili "laikubali" ambalo ndilo lilikuwa likitaka kubadilishwa hapo mbeleni, limekuwa entrenched na Kanuni hii ya Bunge.

(Shangilio)

Kwa hivyo, badiliko lililoko sasa ni kuongezea maneno haya mwishoni, yaani baada ya neno, 1975:—

"ili itumiwe katika mahakama itakayofuata majadiliano haya".

(Shangilio)

Bw. Mmaitisi: Bw. Spika, ahsante sana kwa kunipatia nafasi hii, ili—

Waziri Msaidizi wa Wafanyakazi (Bw. Kibisu): Jambo la nidhamu, Bw. Spika. Ulipopendekeza yale maneno ya mwisho, nilisikia kama kulikuwa na kukubaliana katika Bunge hili. Je, Bw. Spika, unaweza kutuongoza, kwa sababu maneno yaliyopendekezwa kuongezwa yanaonekana kama yalikubaliwa—

Mbunge Fulani: Aliyeyakubali ni nani?

Waziri Msaidizi wa Wafanyakazi (Bw. Kibisu): Mimi nimesema ilionekana kama yanakubaliwa. Kwa hivyo, pengine ingekuwa bora kama Hoja kama ilivyopendekezwa kubadilishwa ingetolewa, ili majadiliano yaeendele.

Bw. Spika: Kama ni hivyo, basi mimi nitaitoa Hoja kama ilivyopendekezwa kubadilishwa.

(Hoja ilitolewa)

Bw. Mmaitisi: Bw. Spika, sitakuwa na mengi ya ku sema, kwa sababu sisi tunazungumza juu ya jambo ambalo ni muhimu sana, na tumesema mengi sana, tangu tulipoanzisha mazungumzo haya. Mambo mengi ambayo yalisemekana ni uvumi sasa yameturudia hapa kwa sababu yaliingizwa katika ripoti hii. Kwa wakati huu ninaposimama kuzungumza katika Bunge hili, ambalo ni Jumba tunaloliheshimu na ambalo ndilo lenye kutunga sheria, na ambalo pia linalinda Katiba ya nchi hii, nastajabu sana kuona kwamba tunashindana juu ya yale mambo ambayo sisi wenyewe tuliyasema hapa, tuliposema tutiunde Kamati hii ili ichungue jambo hili. Tuliunda Kamati hii, ili itafute ushahidi na kuhifadhi ili usiharibiwe. Tumesikia mambo mengi kuhusu ripoti hii, tangu tulipoanza majadiliano haya. Jambo moja ni kwamba maafisa wa polisi waliotajwa katika ripoti hii ni wale wale ambao walioupata mwili wa Mhe. marehemu J. M. Kariuki na wakauficha. Kwa hivyo, mimi sioni ni kwa nini tunabishana hapa na hali maafisa hawa hawa ndio walioupata mwili wa Marehemu na halafu wakauficha. Kwa hivyo, ni lazima watajwe katika ripoti hii, ili wachunguliwe. Kwa hivyo, sioni ni kwa nini Mawaziri wanajaribu kubadilisha mambo hapa na pale, na hali watu hao ndio waliokusika. Kwa hivyo, siwezi kuamini hata kidogo mambo mengine yanayosemwa hapana Mawaziri.

Bw. Spika: ukiniua mimi nikiwa Mbunge niliye chaguliwa na watu, basi utakuwa umewaua wale watu waliotichagua. Marehemu alipotea kutoka mahali pakubwa sana katika Nairobi. Je, unafikiri hakukuwa na watu waliowaona watu waliotajwa katika ripoti hii? Je, ni kwa nini tunahangaika hapa, na hali kulikuwa na

[Bw. Mmaitsi]

watu wengine waliomuona Mhe. Marehemu akiondoka pale akiwa pamoja na watu waliotajwa katika ripoti hii? Je, ni kwa nini sasa watu wengine wanasema hapa ati tunawasingizia watu hawa? Jambo hilo si kweli hata kidogo. Mimi naamini kwamba wanachama wa Kamati hii walifanya kazi yao kwa makini, na mimi—

Bw. Mboja: Jambo la nidhamu, Bw. Spika. Mhe. anazungumza juu ya jambo linaloihusu sana nchi yetu, lakini kwa sababu ya uchangamfu ulio kwa Wabunge, wanafanya kelele sana.

Bw. Spika: Ni kweli kabisa. Kuna kelele nyingi sana. Kelele zimezidi.

Bw. Said-Hemed: Jambo la nidhamu, Bw. Spika. Mimi ningependa maelezo kutoka kwako, Bw. Spika, juu ya hili neno "mahakama". Je, yule aliyelileta neno hili analitafsiri namna gani?

Bw. Spika: Bw. Said-Hemed anauliza maana ya neno "mahakama" kwa Kiingereza.

Bw. Njonjo: *It is an inquest.*

Bw. Shikuku: Bw. Spika, ninakubaliana na Mhe. Said-Hemed ambaye kwa sababu ni mzaliwa wa Pwani, anajua Kiswahili kushinda wengi wetu. Kumbé Mkuu wa Sheria anataka kuwe na *inquest*! Ikiwa ni hivyo, sisi hatutaki kuwe na *inquest*.

Bw. Spika: Nimekwishatoa Hoja na sasa iko mbele ya Bunge. Ikiwa Wabunge hawataki mabadiliko hayo, wana haki ya kusema hivyo.

Bw. Njunjo: Jambo la nidhamu, Bw. Spika. Shida ili-yoko kwa wakati huu katika Bunge hili ni badiliko la Mkuu wa Sheria ambalo alipendekeza kwa lugha ya Kiswahili. Je, kwa vile hatuelewi anaweza kuisoma kwa lugha ya Kiingereza? Tumejaribu kuitafsiri kwa lugha ya Kiingereza lakini hatuelewi.

Bw. Spika: Nafikiri neno lililo la haja sana ambalo Bw. Njonjo amekwishaeleza ni "Mahakama". Yale mengine ni rahisi. Badiliko la Bw. Njonjo linasema "ili itumiwe katika mahakama itakayofwata majadiliano haya".

Bw. Mmaitsi: Bw. Spika, mimi nafikiri sitachoka kuzungumza hata kama wengine wanapiga mayowe hapa. Tumekwishaambiwa hapa kwamba watu wengine ambao walipeana ushahidi walichukuliwa na kupigwa-pigwa na polisi na *General Service Unit*.

Bw. Spika: *Order! Order!* Sasa ninaonelea ya kwamba tunamharibia Mhe. Mmaitsi wakati wake. Hakuna haja kwa Wabunge kusimama kwa mambo ya nidhamu mara kwa mara. Ikiwa Mbunge yeyote anaona kuna jambo ambalo hakubaliani nalo ingefaa angojee mpaka wakati ule atapata nafasi ya kuongea juu ya Hoja hii ili aweze kusema yale yote angependa kusema.

Bw. Mmaitsi: Ahsante sana, Bw. Spika. Tumekwishaambiwa ya kwamba watu wengine ambao walipeana ushahidi kamati walitishwa nje. Vile vile wengine wetu hawafiki hapa kama kawaida na wakija wanaanza kuingilia mambo mengine. Tuliteua Kamati hii ili iweze kuingilia mambo kama hayo ili mambo yote ambayo yalifanyika yafafishwe na wale watu ambao tulidhania ya kwamba walihusika na kifo cha Marehemu J. M.

Kariuki. Katika ripoti yenyewe kuna majina ya watu fulani ambayo yametajwa. Ripoti yenyewe haisemi watu hao waachishwe kazi lakini inauliza Serikali iwa-chunguze watu hao. Kile tungetaka kuuliza Serikali ifanye ni kuchunguza watu hao na baadaye wapelekwe kontini. Hatutaki kuyafahamu mambo yote ambayo yako katika ripoti kama Mkuu wa Sheria alivyosema. Sisi tunachukua ripoti yenyewe kama kitu cha maana sana. Ningependa kusema sikubaliani na badiliko la Mkuu wa Sheria. Wakati ule tuliteua Kamati yenyewe nia yetu ilikuwa kuona ya kwamba baada ya kamati kumaliza uchunguzi wake italeti ripoti yake hapa ili tuweze ku-ichungua vile vile. Sasa tumekwishona ya kwamba ripoti hiyo ni sawsawa na kwa hivyo tunakubaliana nayo, lakini tumekwishona ya kwamba Kamati yenyewe haikuweza kuendelea mbele na uchunguzi wake vizuri kwa sababu watu wengine walikuwa wakijivuna na wengine walikuja na bunduki kamati. Kuna wengi wao ambao walikuwa wamesema hapo mbeleni ya kwamba hawangeweza kuisaidia Kamati yenyewe. Hayo mambo yote yako katika ripoti. Bunge haliwezi kuwa-hurumia watu hao. Ikiwa Serikali ingependa kuvunja Bunge hili hiyo ni kazi yake kufanya hivyo halafu iendeshe mambo kama itakavyopenda. Lakini sisi tuta-endelea kutetea na kulinda Katiba yetu ili wananchi waweze kuishi kwa usalama. Sisi hatutaki kufanya mambo ya kichinichini. Ninafikiri wale Wabunge ambao wanaleta mabadiliko watakubaliana na ripoti hii pamoja na sisi ya kwamba tunatoa kwa Serikali ule uchunguzi ambao ulifanywa ili mambo yasipotee bure. Kama uchunguzi huu haungefanywa mambo yangepotea tu kwani mwili wa Marehemu J. M. Kariuki ulikuwa katika *mortuary* kwa siku nyingi sana. Tulishangaa kuona Makamu wa Rais akisema hapa kwamba Serikali hai-kujua pahali ambapo Marehemu J. M. Kariuki alikuwa wakati ule ukweli ulikuwa kwamba polisi walikuwa wameleta mwili wake katika *mortuary*. Ni kweli kwamba Makamu wa Rais alipata habari hiyo kutoka kwa polisi. Ni kwa sababu hiyo tunasema kwamba ni lazima watu kama hao wachunguliwe. Ninafikiri ya kwamba hakuna Mbunge yeyote ambaye kutoka leo atasimama kuleta mabadiliko yoyote kwa Hoja hii. Ni lazima Bunge hili lilikubaliane na ripoti ya Kamati.

Bw. Spika, ni lazima tukumbuke ya kwamba huwezi kusema umemuua mwanaume yeyote ambaye amekwishazaa. Kwa mfano, hatuwezi kusema ya kwamba Marehemu J. M. Kariuki aliawa kwa sababu alikuwa na watoto wengi. Vile vile mtu akiniuwa, hawezi kusema amekwishaniwa kwa sababu ninā watoto. Kwa hivyo, Marehemu J. M. Kariuki ni mwanaume na angali ana-ishi. Kwa hivyo ningependa kuwauliza Wabunge wenzangu wakubaliane na ripoti ya Kamati Teule. Wakati tulichagua Kamati yenyewe tuliamini ya kwamba itafanya kazi yake bila kupendelea. Vile vile tuliamini ya kwamba ripoti yeyote Kamati hiyo itatoa itakuwa ya maana sana. Kwa hivyo sioni ni kwa sababu gani Wabunge wengine wanataka kufanya mabadiliko kwa Hoja hii. Kwa mfano, Wabunge waliona jinsi tulikataa-badiliko la Bw. Osogo. Vile tungefanya ni kujadiliana na kuuliza Serikali iwachunguze watu ambao majina yao yametajwa hapa. Baada ya uchunguzi huo ikiwa Serikali itatosheka ya kwamba watu hao wamefanya

[Bw. Mmaitsi]

makosa iwashtaki, lakini ikiwa hawakufanya makosa yoyote waendeleo na kazi zao. Kulingana na ripoti hii kuna ushahidi wa kutosha kuwafanya watu hao wachunguliwe zaidi na Serikali.

Bw. Spika, ningependa kumuambia Mkuu wa Sheria ya kwamba wakati Makamu wa Rais alikuwa akisema hapa kwamba Serikali haikujua pale Marehemu J. M. Kariuki alikuwa—mwili wake ulikuwa katika *mortuary*. Je, unafikiri yule mtu ambaye alileta, mwili wa Marehemu J. M. Kariuki katika *mortuary* hakuwa akimfahamu? Ukweli ni kwamba alimfahamu. Hata wakati ule tulikwenda katika *mortuary* kuona maiti ya marehemu J. M. Kariuki tulimkuta ofisa mkubwa wa polisi ambaye alituzia kuingia huko. Alitambua ya kwamba hangeveza kuturuhusu kuingia katika *mortuary* bila ruhusa kutoka kwa *Assistant Commissioner of Police*. Je, baada ya mtu yeyote kufariki, kuna haja kwa wale watu ambao wangetaka kuona maiti yake katika *mortuary* kupata ruhusa kutoka kwa polisi? Ninafikiri ya kwamba mambo haya ni ya maana sana na ingefaa Bunge hili liyafikirie. Sisi tunataka kuwa na Serikali ya kidemokrasia. Mimi mwenyewe niliapa kuwa mwaminifu kwa Rais. Sijafanya chochote kibaya na sitafanya kitu kibaya. Nitaendelea kuwa mwaminifu ili utawala wake uendelee vizuri ndipo watoto wangu watakuwa salama pamoja na wale ndugu na jirani zangu. Hatutaki mambo ya mafarakano ya kichinihini, na kuanza kuuliza "Tutafanya nini sasa?" Mimi siwezi kukubali mambo kama hayo.

Bw. Spika, pengine wafanyakazi wa Idara ya Utawala wanajua mengi na wanaweza kusema mengi kortini. Hao watu ndio wangesaidia mahakama yenyewe. Kwa mfano, wakati wa Uchaguzi Mkuu uliofanywa Marehemu J. M. Kariuki hakukubaliwa afanye mkutano wowote. Ni kwa sababu hiyo tunataka waulizwe ni kwa sababu gani Marehemu J. M. Kariuki hakukubaliwa afanye mkutano hata mmoja. Vile vile tungependa kujua ni kwa sababu gani walimuingilia sana. Hao watu labda wangeveza kutusaidia kwa kutujulisha vile mambo yalikuwa hapo mwanzo. Labda vile vile wangeulizwa waseme kile wali-ona na baadaye kikawabidi wamkafaze kufanya mikutano. Bw. Spika, sisi kama Wabunge wa Bunge ambalo linalinda sheria za nchi hii ni lazima tujaribu wakati wowote tunaongea tuone ya kwamba hatufanyi mzaha kwa mwili wa mwenzetu, Bw. Spika, kuna maofisa Wazungu ambao hujidai kwamba wao hufanya kazi ya *volunteer service*, lakini kumbe kazi yao ni kuwasumbua watu wetu. Hatuwezi kuwaruhusu watu kama hao waendeleo kufanya hivyo. Hao watu walitusumbua sana wakati wa Serikali ya ukoloni. Sijui ni kwa nini tunawaruhusu watu hao waendeleo kutusumbua. Kwa sababu sisi tuko huru sasa na hakuna haja ya sisi kuendelea kuwaajiria watu hao.

Bw. Spika, ninaunga Hoja hii mkono sana. Lakini sitaki mtu yeyote alete mabadiliko yoyote kwa Hoja hii. Nchi nzima inataka kujua kile tutakachofanya kuhusu jambo hili. Wananchi wanataka kujua yale maneno kila mmoja wetu aliyosema hapa. Kwa hivyo, ni lazima Serikali ichungue zaidi kuhusu jambo hili. Ikiwa *we are civilized* ni lazima wale watu ambao majina yao yame-ajwa hapa waachishwe kazi. Hakuna haja kwa watu

ambao wana makosa kuendelea kufanya kazi. Bw. Spika, haya ni mambo ya kutuonyesha wazi ya kwamba wanataka kututawala kwa imla. Sisi hatuwezi kuwanga mkono tugeuze mambo yetu hapa. Ni sisi tunaounda na tena ni sisi tunageuza. Sasa tutakuwa watu wa heshima gani? Tunakwenda huku na kule na kuzungumza mambo ya kichinichini.

Bw. Spika, kwa hayo machache, nasema Wahe. Wabunge waunge hayo mkono na tuendeleo na hii ripoti.

Bw. Wabuge: Jambo la nidhamu, Bw. Spika. Kwa vile kumeletwa badiliko kwa hii Hoja na kwa vile sisi wengine tungetaka kuzungumza juu ya hili badiliko, tunaweza ama hatuwezi?

Bw. Spika: Nafikiri kitu ambacho Mhe. Bw. Wabuge anataka kusema ni kweli. Bw. Kibisu aliposimama alisema kama kwamba tulikuwa tumeshapitisha haya maneno yaingizwe, lakini hayakuwa yameingizwa. Niliposoma nilisoma kama yamekwishaingizwa, lakini kwa kweli tulikuwa tunajadilia yale maneno, yaani "ili itumiwe katika mahakama itakayofuata majadiliano haya". Hilo ndilo badiliko ambalo tunazungumza juu yake sasa. Nafikiri sasa, Bw. Wabuge, unaelewa kabisa!

Bw. Wabuge: Jambo la nidhamu, Bw. Spika—

Bw. Spika: Nafikiri, Bw. Wabuge, umeelewa sasa?

Bw. Wabuge: Nimeelewa, Bw. Spika; lakini nataka kuzungumza!

Bw. Spika: Lakini hiyo si kusimama kwa jambo la nidhamu.

Waziri wa Serikali za Wilaya (Bw. Ngei): Bw. Spika, tumekuwa na wakati mwingine ambao tumeona ya kwamba asiye na balaa, haoni balaa. Katika Bunge hili tumekwishakubaliana juu ya swali la neno la "lakubali"; na hapa chini, Mkuu wa Sheria wetu amekwishasema ya kwamba maneno haya yafikishwe katika mahakama. Hili ndilo jambo la kujadiliwa sasa.

Bw. Spika, mimi siwezi kuingia katika maneno ambayo yamesemwa katika ripoti hii na yale ya kila Mhe. Mbunge kwa sababu kila mmoja ameshasikia mengi juu ya hiyo ripoti. Kwa vile hii ni ripoti iliyo fupi, sioni ni kwa sababu gani tuwe tunaweza kuwa au kudokeza ya kwamba hatukuelewa na hiyo ripoti. Ningependa kusema ya kwamba kama vile tulivyochukua Kamati Teule iliyokuwa ikichungua habari hii kwa heshima na kuona ya kwamba sisi hatukudokeza jambo lolote—

Bw. Mboja: Jambo la nidhamu, Bw. Spika. Wahe. Wabunge wengine kama sisi tuna wasiwasi hapa kidogo juu ya hili neno la "mahakama" ambalo limeingizwa katika Hoja sasa. Nimesikia Bw. Mkuu wa Sheria akisema ya kwamba ni sawasawa na ile inaoitwa *inquest* na kuna sheria ya *inquest*. Sasa mimi najua ya kwamba *inquest* haiwezi kutosheleza nchi hii wala Bunge hili. Je, tunaweza kueleza wazi hapa ili tusije tukasema yes kwa kitu ambacho hatujaelewa?

Waziri wa Serikali za Wilaya (Bw. Ngei): Bw. Spika, mimi nilikuwa nasema "mahakama" kwa sababu neno "mahakama" linatokana na "hakimu" na mambo mengine ambayo Mhe. Mbunge anafahamu. Mhe. Mbunge, Bw. Mboja anajua ya kwamba "mahakama" ni korti ya sheria.

[Waziri wa Serikali za Wilaya]

Bw. Spika, nilikuwa ninatokeleza katika jambo ambalo ni la muhimu sana kwa sababu wakati Wabunge wengine walikuwa wanasema hapa, walijaribu kudokeza ya kwamba sisi au watu wengine wameonelea kwamba hii Kamati Teule ni ya kupuuza au jambo ambalo ni la namna hiyo. Mimi nataka kuweka wazi ya kwamba wakati wowote Serikali imesimama imara kuwachagua Wabunge ambao waliambiwa kuchungua jambo hilo na kuleta ripoti hapa. Kwa hivyo, kudokeza ya kwamba kulikuwa na dharau au Serikali inajaribu kuficha jambo lolote, ni jambo ambalo haliwezi kukubaliwa hata kidogo kwa mtu ambaye ni mtu mzima na ambaye ni Mhe. Mbunge na ambaye hakai kwa mambo ya mbinu lakini huangalia jambo kama vile lilivyo katika ripoti.

Bw. Spika, Serikali tukufu ya Kenya ilionyesha ulimwengu mzima, kwa mara ya kwanza, iliimarisha demokrasia katika Afrika nzima; kuonyesha ni Serikali ya Kenya ambayo haikubali katika mambo ya mabunduki na kuwatia watu magekezani. Kwa hivyo, ikawakubali Wahe. Wabunge watukufu wa Bunge ili kuchungua hili jambo la kifo cha Marehemu mwenzetu. Hiyo ilionyesha ya kwamba Serikali yenyewe, ikiongozwa na Mitukufu Rais wetu pamoja na Wabunge ambao wako hapa, walikubali kuwa na Kamati Teule ya kuchungua kiini na chanzo cha kumuua aliyekuwa Mhe. Mbunge hapa. Hiyo ilionyesha ya kwamba hakuna mtu ye yote aliyekuja hapa kucheza na Kamati Teule ya kuchungua jambo hili. Bw. Spika, lililobaki sasa, kwa sababu heshima na hekima iliwekwa katika Kamati hii tukufu, ni kuona ya kwamba ripoti ambayo iko mbele yetu, mbele ya Bunge la taifa, iliyofanywa na Wabunge ambao wamekwishapewa uwezo na wananchi watukufu wa Kenya kuangalia jambo hili na walipochaguliwa kuja hapa katika Bunge na wakaonekana ya kwamba ni wazee wazima ambao wanaweza kuangalia kiini na kupekua, iliendaje—Kwa hivyo, Bw. Spika, iliopo sasa ni tuamue ripoti hii ambayo hawa Wabunge wameleta, tuone ina ukweli gani ndani yake; imefika wapi kuonyesha njia hii ndiyo inakwenda Pumwani au njia hii ndiyo inakwenda mahali pengine ambayo haiwezi kumfikisha mtu mahali ambapo anataka kuenda? Hili ndilo jambo ambalo nawauliza tuangalie kwa makini sana kwa sababu hii si mara ya kwanza katika historia ya siasa ya jambo kama hili kufanyika. Kwa mfano, tumekwishaona watu wakiwekelewa vitu; tumeona vile vile, wengine wakifunikwa au kuvishwa mambo ya balaa na mambo mengine. Kwa hivyo, ni lazima tutazame ukweli na tuwape nafasi wale ambao wameambiwa ya kwamba “wewe, inasemekana ulifanya hivyo”; ndio waende katika mahakama ili wajitete na sisi tusikie walifika wapi.

Bw. Spika, Kamati Teule imeleta chenga na sisi pia ni lazima tuchukue kichungi ili tuchunge na tutenge unga mbali na chenga. Ikiwa ni Bunge hili litafanya hivyo, tutakuwa na matatizo mengine. Kwa sababu, limekwisha maliza kazi yake vizuri, ni lazima sisi tuangalie sasa chenga na unga ni nini. Ni nani atakayefanya hivyo? Mimi Bw. Ngei sina uwezo wa kufanya hivyo kwa sababu huenda pengine simpendi Mhe. Bw. Shikuku ambaye ametajwa hapa. Hii ni kibinadamu na

tusije tukajidanganya. Naweza kuwa nikichekeshwa lakini sumu ni yule ambaye ananichekeshwa. Kwa hivyo, sasa mimi nauliza—

Bw. Shikuku: Jambo la nidhamu, Bw. Spika. Ni haki kwa Mhe. Mbunge, Bw. Ngei, kujaribu kupotosha Bunge hili kwa sababu ukiisoma hii ripoti haikukata shauri; inasema ya kwamba wafuatao, wachunguzwe na haikukata shauri ya kwamba wameua au walihusika na mauaji; ni uchunguzi tu; *to be investigated further! I am sure that is the language he understands.* Kwa hivyo, ni haki kwake kusema kwamba *findings* za Kamati Teule ziko final?

Bw. Spika: Nafikiri Bw. Ngei alisema wafikishwe mahakamani ili mambo yajulikane.

Waziri wa Serikali za Wilaya (Bw. Ngei): Bw. Spika, mimi nastajabu sana ikiwa mtu mzima kama Mhe. Mbunge wa Butere aliyesoma sana, hajui ya kwamba fungu la maneno—*sentence*—ni lazima iwe na *semi-colon*, coma na *full-stop*. Mimi nilikuwa bado kumaliza maneno yangu; nilikuwa bado sijamaliza kifungu changu. Kama yeye anajua ama anafahamu jinsi ya kufanya na ya kutenda, si lazima ni *address* Kiti ndio nionyeshe heshima. Mimi nasema kwa Kiti lakini nina haki ya kuangalia huko vile vile na ni *address* Kiti. Kwa hivyo, Bw. Spika, kama Mhe. Mbunge wa Butere angejua vifungu kama vile vinavyotungwa, hangeweza kunikatisa kwa sababu hawezi kusoma fikira zangu. Kwa sababu huwezi kusoma fikira zangu angengoja mpaka nimalize kifungu changu. Kwa hivyo, Bw. Spika, nilikuwa nikisema ya kwamba Kamati hii imekwishapendekeza maoni yake kulingana na ushahidi ambao walipata na sasa jambo lililoko ni kutafuta ile njia ambayo imependekeza na Kamati au tutaweza kugeuza ile njia. Hakuna ubaya wowote. Si lazima ikiwa wewe huli ugali unilazimishe ya kwamba mimi nisile ugali mpaka ugali ule pengine si mzuri au tumbo langu linakinai. Lakini huwezi kuniambia ya kwamba mimi nitakuwa nikiangalia ugali na kwa sababu Mbunge wa Butere anapenda ule wa wimbi niuchukue ule ugali.

Bw. Spika, jambo ambalo tumeletewa hapa ni kwamba haya ni maoni kadhaa juu ya tafsiri ya maneno “mahakama”. Sioni jambo lolote. Pengine Bw. Mkuu wa Sheria alisema juu ya *inquest*, na hata tukiangalia *inquest* itakuwa ni mbele ya korti. Lakini neno “mahakama”, kwa kadiri ya Kiswahili kama vile tunavyojua, ni kortini, yaani katika mbele ya mahakimu ili hawa polisi waliotajwa waweze kuulizwa: “Wewe ulikuwa mahali fulani na fulani, unasema nini juu ya jambo hili”. Tutaonekana tunaimarisha demokrasia zaidi tukiweka mambo haya mbele ya korti ili haki iweze kutendwa.

Bw. Spika, bado tunaendelea na gari letu la historia ya utetezi wa Kenya. Tungali tutaendelea na chanzo kippa na kifungu kippa, na mimi nasema kwa wale ambao wamekuwa hawana *fixed keenness*. Ikiwa wewe umetajwa na unajua ya kwamba hujafanya jambo lolote, usiingize mambo ya uchokozi na uchochezi ili uweze kupinga jambo. Tunajaribu kutafuta ukweli. Serikali haifichi chochote, na hakuna wakati wowote ambao Mawaziri au Wabunge ambao wako hapa waliketi chini na kupanga mpango wa kuficha jambo lolote.

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[Waziri wa Serikali za Wilaya]

Mimi sitakuwa katika kundi hilo. Kwa hivyo mimi nawauliza wale Waheshimiwa wenzangu katika Bunge hili la Taifa kwamba ni heri tuwape nafasi wale jamaa wafikishwe mbele ya mahakama ili waweze kusema "mimi nilikuwa nikiendesha Alfa Romeo au Mercedes". Hapa kuna historia ya watu wa kustahiwa. Nafikiri mimi ndiye nina historia kubwa kuliko ya yule Mhe. Mbunge Bw. Nassir, na mwenyekiti wa Kanu, Mombasa. Nimeletwa hapa na nikatandikwa habari ya mahindi, habari hiyo ikaisha, nikatandikwa karafuu, mtu akaenda jela.

Mbunge Fulani: Shame!

Waziri wa Serikali za Wilaya (Bw. Ngei): Nani anasema *shame*? Wewe ndio ulioshtua *shame* kwa sababu uliukubali uwongo, na ukamfanya mwenzako Mbunge kuingizwa jela. Alisema mbele ya *Kanu Parliamentary Group* kwamba aliuandika uwongo, akalingizwa jela na kupoteza Kiti. Kwa hivyo, sisi hatutaki kuwadhulumu watu namna hiyo, na vile vile hatutaki kulificha jambo lililofanywa. Kwa hivyo, ikiwa hatutaki kuficha na Wabunge watukufu ambao walipewa kazi hiyo wameleta ripoti, kwa nini sasa itakuwa ya kwamba tubishane juu ya neno "mahakama" peke yake. Bw. Spika, mimi naliuliza Bunge hili kwamba tuwache kuangalia upande wa kumpendeza mtu fulani, lakini tuangalie ile haki. Ikiwa ni mama ambaye yuko na matata, na ambaye ana mambo haya, tuangalie mpaka yule mama aangaliwe sawa sawa mpaka apate haki yake. Lakini tusiwekelewe. Mzigo wa kuwekelewa ikiwa hujitetei ni mzigo mzito zaidi kuliko ugonjwa wowote.

(Bw. Nassir alisimama)

Waziri wa Serikali za Wilaya (Bw. Ngei): Bw. Spika, namwona Bw. Nassir anasimama, lakini nilisema hapo mbeleni tangu nilipokuja kwa sababu mambo haya yalipokuwa yakitendeka sikuwako. Nilisikia mambo yalisemwa juu yangu kwamba wapi Ngei na mambo ya namna hiyo. Mimi nimesema wazi ya kwamba sitakaa mahali popote nifikirie kumuua mwenzangu, na sitakaa na kundi lolote na kuingizwa katika jambo la kusema kwamba Bw. Kibisu ana ubaya fulani ikiwa siuoni. Kwa hivyo, mimi nataka tufanye ile haki. Bw. Njonjo atafute majaji wa kuwauliza hawa watu, kama vile anavyosema, kortini.

Bw. Shikuku: Mahakama gani?

Waziri wa Serikali za Wilaya (Bw. Ngei): *What else do you want?* Tuwalete makadhi au tuwalete wale wazee wa Butere wanaoleta mvua na ilikosa?

Bw. Mbole: Jambo la nidhamu. Bw. Spika, mimi naomba maongozi yako hapa maana yake nafikiri naifahamu lugha ya Kiswahili. Pendekezo ambalo lilikuwa ni ya kwamba "ili liwe katika mahakama", na tukasema ya kwamba mahakama ni *inquest*. Je, ni lazima nochii hii ikitaka kufanya *inquest* ya jambo lolote, shauri lipitishwe na Bunge hili?

Mbunge Fulani: Kuna sheria.

Bw. Mbole: Ikiwa kuna sheria ya kuwezesha kufanywa kwa *inquest*, ni kwa nini kuyaweka maneno haya katika *resolution* hii? Ikiwa wanataka tumpe nafasi ya

kufanywa *inquest*, nataka kujua kama ni lazima Bunge hili lipitishwe ya kwamba kutakuwa na *inquest*. And yet the law is there.

Bw. Spika: Nafikiri Bw. Njonjo hakuwa akisema hivyo bali alikuwa akisema juu ya mahakama kama korti. Nimeelewa ya kwamba alikuwa akisema juu ya korti na si kitu kingine hata ingawa Bw. Njonjo alisema juu ya *inquest*. Lakini kama kuna tofauti, watatueleza ili tujue neno "mahakama" maana yake ni nini.

Bw. Mbole: Bw. Njonjo alisema mahakama ni *inquest*, na mimi niliandika hapa neno *inquest*.

Mkuu wa Sheria (Bw. Njonjo): *I was in fact joking* na huyu Mbunge. Nilitumia neno "mahakama" katika badiliko ambao nilileta hapa. Mimi sihitaji ruhusa ya Bunge ili niamrishe *inquest* ifanywe.

Bw. Shikuku: Lakini ni nini unataka?

Mkuu wa Sheria (Bw. Njonjo): Mahakama.

Bw. Shikuku: What do you mean?

Mkuu wa Sheria (Bw. Njonjo): *In the court of law.*
(Makelele)

Wakati Mhe. alipokuwa akiniuliza jambo hilo, nilikuwa nimeketi chini, na nilikuwa nikicheza na yeye wakati ambapo nilimwambia neno *inquest*.

Bw. Mbole: Jambo la nidhamu. Bw. Spika, nafikiri kama vile Mkuu wa Sheria alivyosahihisha, hakuna mambo ya *inquest*, na kwamba sasa ni mahakama, yaani kortini tu. Je, haya ni mahakama ya namna gani? Ni nani amesema ya kwamba watu wasifikishwe kortini? Mimi nataka kujua kama ni lazima *resolution* ipitishwe ndiyo mambo yapeleke kortini.

Bw. Spika: Mimi naona ya kwamba hakuna haja ya kuwa na upinzani hapa. Bw. Njonjo ameleta badiliko lake, na ameeleza sababu ya kufanya hivyo. Kwa hivyo, ingekuwa bora kwa wewe kusikiliza na utoe maoni yako, na mwishowe ukate shauri. Hakuna haja ya kuharibu wakati sasa.

Bw. Mwithaga: Bw. Spika, nafikiri kitu cha kwanza ambacho kinatusumbua sisi Wabunge ni ile *implication* ya badiliko. Ikiwa Mkuu wa Sheria anataka kuyaongeza yale maneno ya kusema kwamba ripoti hii ikikubaliwa na Bunge itatumiwa katika mahakama, hivi ni kusema kwamba atakuwa amefungwa na Bunge kuichukua ile ripoti yetu na kuwapeleka watu kortini akitumia ile ripoti. *That is the implication of the resolution. Let us be honest with ourselves.* Bw. Spika, kama hatapeleka watu kortini atakuwa amevunja *resolution* ya Bunge hili.

Bw. Spika: Badiliko lake linasema: "Ili itumiwe katika mahakama itakayofuata majadiliano haya". Huwezi kusema ya kwamba hiki ndicho kitakuwa kitu cha pekee kwa sababu kitu kama hicho kitakuwa mojawapo ya vile vitu ambayo vitatumiwa.

Waziri Msaidizi wa Ujenzi (Bw. Keen): Jambo la nidhamu, Bw. Spika. Naona ya kwamba tuko karibu kukubaliana mahali fulani juu ya jambo hili, lakini tungalimta Mkuu wa Sheria atueleze tofauti kati ya mahakama na *inquest*. What does he mean by mahakama?

Bw. Spika: Nyamazeni Bw. Ngei ayamalize mazungumzo yake.

Waziri wa Serikali za Wilaya (Bw. Ngei): Bw. Spika, hata nikiongea juu ya *inquest* kulingana na vile sheria sheria za Kenya zilivyo, *inquest* hufanywa ikiwa mtu amepotea kabisa na hajulikani aliyemuua. Yaani mwili wake hupelekwa kortini ili korti ijaribu kuuliza kama kuna mtu anayejua kilichosababisha kifo chake.

Dkt. Kitonga: Wewe si mwanasheria.

Waziri wa Serikali za Wilaya (Bw. Ngei): Bw. Spika, nimesikia rafiki yangu, Mbunge wa Kitui Kaskazini, akisema ya kwamba mimi si mwanasheria. Je, anafikiri ya kwamba watu ambao wanavaa suruali zenye mistari ndio wanasheria.

(Kicheko)

Bw. Spika, ningependa kumaliza mazungumzo yangu kwa kusema ya kwamba Serikali imemarisha jambo la maana la kusema ya kwamba Kamati hii iendelee na mambo haya ambayo hayawezi kuendeshwa kwa njia hiyo katika nchi zingine. Kwa hivyo, ningependa kuweka wazi heshima ambayo Serikali iliwapa wale Wabunge kuendelea na jambo kama hilo. Lakini kitu ambacho ningetaka kusema ni kwamba nafasi itolewe kwa njia ya *resolution* ambayo tunataka kupitisha hapa na hili badiliko ili wale jamaa wanaohusika waende wakaseme jambo hili lilikuwa kwa njia hii na ile namna Wabunge wanavyopenda.

Bw. Nassir: Jambo la nidhamu, Bw. Spika. Kwa vile tumeshazungumza juu ya jambo hili kwa muda mrefu na ili tuweze kupata maoni ya Wabunge wote, ningependa kuuliza kama tungeweza kupiga kura sasa.

Bw. Shikuku: Jambo la nidhamu, Bw. Spika. Kwa vile hii ni *question of amendment* ambayo imeshazungumzwa na Wahe. Wabunge wameshaelewa ni nini, kwa sababu hata ikiwa ni kupeleka mtu kortini ni lazima kuweko na *investigation* kabla kumpeleka mtu kortini, tungependa swala la badiliko liwekwe.

Bw. Spika: Basi kulingana na Kanuni za Bunge hakuna haja kufanya hivyo sasa.

Bw. C. Murgor: Bw. Spika, haya maneno mawili tu ndiyo yameleta mambo ya kutoelewana. Mkuu wa Sheria alitaja mambo ya *inquest* na mahakama. Lakini naoimba uongozi wako hapa, Bw. Spika, kama Mkuu wa Sheria anataka *inquest* ifanywe ndani ya mahakama—

Bw. Mwangale: *You have been given a chance to speak so don't lose it.*

Bw. C. Murgor: Bw. Spika, kama nilivyokuwa niki-eleza, mambo ya *inquest* na mahakama ambayo tunazungumza juu yake ni kwamba kama mtu akifa na hakujulikana kifo chake kilisababishwa na nini lakini alipatikana huko basi mambo yake yanaweza kufanywa kortini, yaani *inquest* inaweza kufanywa kortini au mahakamani.

Bw. Shikuku: Jambo la nidhamu, Bw. Spika. Inaonekana ya kwamba kuna soko katika *Front Bench*, lakini jina la soko hilo siwezi kujua; ningekuambua.

Wabunge Fulani: La, la.

Bw. Shikuku: Jambo la nidhamu, Bw. Spika. Kufuatana na Kifungu No. 68 cha Kanuni za Bunge ingefaa kama Wabunge wangenisikiliza kama wananyamaza, sijui wanafikiri wako wapi. Je, ni haki kwa wao kuendelea kupiga kelele nikisimama kwa jambo la nidhamu?

Bw. Spika: Mimi sioni sababu ya kelele hizi ambazo inaendelea sasa.

Ni heri tutulie tumsikilize Bw. C. Murgor.

Bw. C. Murgor: Bw. Spika, kwa kawaida, au namna tunavyojua ni kwamba kama mtu ameuawa mambo ya kifo chake huchunguliwa haraka zaidi na Polisi, na baada ya mambo hayo kuchunguliwa kama mtu huyo ambaye amekufa hajulikani kwa kawaida hata picha huchukuliwa, halafu baadaye kama hajulikani na akazikwa ile picha inaweza kutumiwa kwa kazi ya upelelezi mpaka mwisho itulikane ni nani aliyemuua au alikuwa na nani. Baada ya jambo kama hilo kujulikana *inquest* au *preliminary inquiry* inaweza kufanywa. Lakini kwa kesi hii kitu ambacho ni cha ajabu zaidi ni kwamba tangu mambo hayo yalipofanyika mpaka wakati ambao maswali yalipoulizwa hapa Bungeni kuhusu kutoweka kwa marehemu "J.M." mambo yalikuwa yameshaenda mbali kabisa. Tulipojadiliana juu ya Hoja ya kuchagua Kamati Teule ya Bunge kufanya uchunguzi katika mambo hayo hakuna Mbunge yeyote ambaye alisema "la" siku hiyo; Bunge zima lilikubaliana na kitu kama hicho. Baada ya kuipitisha Hoja hiyo hapa wana Kamati wakachaguliwa na ikafanya kazi yake, na kama ilikuwa imekwenda kombo kwa kawaida yetu katika Bunge hili tungezungumza juu yake na kusema tuipe nafasi zaidi ili iendelee na uchunguzi wake. Tungeambiwa mahali ambapo mambo yalikuwenda kombo. Basi, Bw. Spika, swali ni kwamba tangu tarehe mbili Machi, 1975 mpaka sasa hatujasikia ni hatua gani nyingine imechukuliwa juu ya jambo hili isipokuwa Kamati hii pekee yake.

Wabunge Fulani: *Hear! Hear!*

Bw. C. Murgor: Bw. Spika, mimi sitasema maneno mengi, lakini ningependa kusema ya kwamba yale majina ambayo yalitajwa yangewekwa kwa njia ya kisiri. Kwangu binafsi, kwa sababu ushahidi huo umewekwa hapa na haukutolewa nje, mimi nafikiri kwamba majina ambayo yalitajwa, vile vile yangewekwa kama siri mpaka wakati yatakapotakikana kupelekwa mahakamani. Sasa, kwa sababu hicho hakikufanyika, ndivyo unaona watu wameanza kuandika katika magazeti juu ya mambo haya. Kitu kilichoko ni kwamba, ingefaa hatua ichukuliwe haraka, kwa sababu mimi nafikiri wale watu walio-tajwa, na wananchi wote wanawajua, wangepewa ulinzi wa kutosha kwa sababu kwa wakati huu sidhani wanaishi kwa amani. Ingefaa kama wale ambao walipendekezwa kuondoka kazini ya polisi, wangeondolewa na wakae nyumbani kwao mpaka wakati mambo haya yatakapomalizika. Tunajua ya kwamba sheria ya Kenya husema kwamba "Mtu hana hatia mpaka wakati mahakama itakapopitisha kwamba yeye ana hatia". Kwa hivyo, ni vizuri watu hao waende kulala nyumbani na walindwe vizuri mpaka wakati mambo yao yatakapofikishwa mahakamani ili majina yao yasafishwe na ile sabuni nzuri sana na mahakama yapitishie kwamba hawana hatia.

Bw. Kimani: Bw. Spika, jambo la nidhamu. Kwa sababu hatukuchagua Kamati ifanye mapendekezo ili yaletwe hapa na tuyajadilie na kukata shauri, hakuna haja ya Mbunge ku sema wale watu wasimamishwe kazi. Hiyo sio kazi ya Bunge hili kwa wakati huu.

Bw. C. Murgor: Bw. Spika, mimi nasema hivyo kwa sababu ya kutaka kulinda usalama wa watu hao. Kama ulisoma gazeti la leo, mtu mmoja kati ya hao amesema kwamba hawezi kuishi kwa usalama. Ndivyo ninasema ya kwamba ni lazima hatua ichukuliwe kwa haraka na tusilichukue jambo hili kama la mzaha. Pengine kati ya watu hao, wengine wao hawana hatia yoyote na kama mambo yao hayachunguliwi, wanaweza kupata taabu ya aina fulani. Kwa hivyo, ninasema hapa kwamba ingefaa hatua ichukuliwe na Serikali kuona kwamba watu hao wamelindwa sawa sawa.

Kama tulivyoambiwa hapa na Mkuu wa Sheria, ripoti hiyo ilikuwa ni "sifuri".

Bw. Mboja: Jambo la nidhamu, Bw. Spika. Je, ingewezekana, kwa vile mambo haya ni ya muhimu na tunataka kuyamaliza, tuongezewe saa moja ili tuyaamalize?

Bw. Spika: La. Hata kesho tuko hapa.

AHIRISHO

Bw. Spika: Sasa ni wakati wa kuahirisha Bunge. Kwa hivyo, Bunge limeahirishwa mpaka kesho, Jumatano, Juni 11, saa Nane unusu alasiri.

*Bunge liliondoka saa Kumi na Mbili
Unusu jioni.*

[Waziri Msaidizi, Ofisi ya Makamu wa Rais na Wizara ya Mambo ya Nchini]

ya Masaku kuondoa *by-law* hiyo. Ikiwa Konseli ya Masaku itafanya hivyo, basi, polisi hawataingilia jambo hilo hata kidogo.

Bw. Mwamzandi: Bw. Spika, jibu hilo la Bw. Waziri Msaidizi linaonekana tofauti na vile tunavyoelewa kutokana na swali hili. Tunavyoelewa ni kwamba kutoka pahami palipotajwa katika swali hili kuna watu ambao husimama barabarani na kuwaonyesha watalii, na watu ambao wanapitia hapo wakipeleka magari, vitu wanavyouza na kwamba mara nyingine huonekana jambo hili ni hatari kwa sababu watu hao wanaweza kupigwa dafrau na magari yanayopita na hiyo ndiyo sababu labda polisi wanawasumbua watu hao. Ikiwa ni hivyo, Bw. Waziri Msaidizi anaweza kushauriana na Wizara ya Serikali za Wilaya ili watu hao wajenge kisko maalum katika sehemu ile ili wasije barabarani kuhatarisha maisha yao?

Bw. ole Tipis: Bw. Spika, kwa kujibu swali hilo ningependa kusema kwamba si kazi yangu kushauriana na Wizara ya Serikali za Wilaya. Vile nilivyosema katika hili swali la Bw. Mulwa ni kwamba jambo linalohusika hapa ni kwamba wale watu wanavunja *by-law* iliyoekwa na Konseli ya Masaku. Kwa hivyo, jambo la kuwajengea mahali pa kuuzia bidhaa zao ni swali jingine.

Bw. Spika: Ebu tuendeleo sasa.

HOJA

KUKUBALIWA KWA RIPOTI YA KAMATI TEULE
JUU YA KIFO CHA MAREHEMU MHE. J. M. KARIUKI

Kwamba, Bunge hili laikubali Ripoti ya Kamati Teule iliyoohaguliwa kuchungua kutoweka na kuuawa kwa aliyekuwa Mbunge wa Nyandarua Kaskazini, marehemu Mhe. J. M. Kariuki, iliyowasilishwa Mezani mwa Bunge tarehe tatu Juni, 1975.

(Bw. Mwangale tarehe Nne Juni, 1975)

(Kurudiwa Majadiliano yaliyokatizwa tarehe
10 Juni, 1975)

Sahihisho lifuatao lilipendekezwa:—

Kwamba, Hoja na isahihishwe kwa kuingiza maneno “ili itumiwe katika mahakama itakayofuata majadiliano haya” baada ya tarakimu “1975” katika mstari wa mwisho.

(Bw. Njonjo tarehe 10 Juni, 1975)

(Kurudiwa Majadiliano yaliyokatizwa tarehe 10
Juni, 1975)

Bw. Spika: Bw. C. Murgor alikuwa akizungumza wakati Bunge lilipoahirishwa jana. Sasa anaweza kuendelea na hotuba yake.

NIDHAMU

HAKUNA HAJA YA KUONGEZA MUDA WA MAJADILIANO
YA HOJA: WABUNGE WATARUDIA YALIOKWISHASEMWA

Bw. Nassir: Jambo la nidhamu, Bw. Spika. Mimi ningetaka kukuomba wewe na Bunge hili kutuongozea saa moja ambayo tulipoteza jana wakati mashine za HANSARD zilipoharibika. Nimesema hivyo kwa sababu

hamu yetu kubwa ni kuzungumza juu ya kifo cha mwenzetu ambaye alituondokea. Tungependa kuonyesha maskitiko yetu kwa kuzungumza juu ya ripoti hii ambayo ilitolewa na Kamati Teule. Sisi tungependa kuzungumza mara kumi na hata mara 20, katika Hoja hii, Bw. Spika.

Bw. Spika: Kile ambacho kina haja ni maana ya yale maneno yanayosemwa lakini si wingi wa maneno. Tuna-weza kukaa hapa mwezi mzima na tukawa tumesema kidogo sana juu ya jambo hili. Kitu cha haja ni yale maneno tutakayosema hapa na kama ikiwa tutatumia wakati tuliopatiwa kwa njia nzuri tutaweza kutosheleza mahitaji yetu. Leo tumemaliza maswali mapema ili tupate saa zaidi za kuendelea kujadiliana juu ya Hoja hii. Lakini kuongezea wakati hakutasaidia ikiwa Wabunge watarudiarudia maneno yao na kuleta maneno mengine ambayo hayalingani na Hoja hii.

SAHIHISHO KWA RIPOTI YA GAZETI: HOTUBA YA
MBUNGE KUHUSU MKUU WA WILAYA YA
NYANDARUA

Bw. Kabingu-Muregi: Jambo la nidhamu, Bw. Spika. Jana niliahidi ya kwamba nitachungua HANSARD ili nione vile Bw. Mwangale, mwenyekiti wa Kamati hii Teule, alivyosema wakati alipokuwa akitoa Hoja hii. Katika HANSARD nimeona ya kwamba Mhe. Mwangale haku-sema kwamba Mkuu wa Wilaya ya Nyandarua alikataa hakuwa Nairobi wakati huo. Lakini gazeti la *Daily Nation* ilitandika vile Mhe. Mwangale hakusema. Kwa hivyo, ningemba ya kwamba waandishi wa gazeti la *Daily Nation* warekebishe makosa hayo kwa sababu jambo tunalozungumza linahusu kifo cha mtu na ni jambo la hatari sana. Ikiwa watu wa gazeti la *Daily Nation* wanatumia gazeti lao kuharibu jina la Bunge hili ama kufanya sisi tukosane hapa, ni lazima wajue ya kwamba wanafanya jambo la hatari katika nchi hii yetu.

(Shangilio)

RIPOTI YA GAZETI KUIWEKELEA HOTUBA YA MBUNGE
KWA MBUNGE MWINGINE

Waziri Msaidizi wa Maji (Bw. W. C. Murgor): Jambo la nidhamu, Bw. Spika. Mimi ningependa kusema kidogo juu ya maneno yaliyoandikwa na gazeti la *Standard* leo kwamba nilizungumza jana katika Bunge hili. Mimi sijui kama waandishi wa gazeti la *Standard* hawajui ama wanataka kupotosha nchi hii. Ni heri wapige picha yangu na ya ndugu yangu Bw. Charles Murgor ili wa-weze kututofautisha. Jana ni ndugu yangu aliyezungu-mza hapa wala siyo mimi. Ni heri wafanye hivyo ili wasije wakaandika mambo ya kupotosha nchi hii. Hii si mara yao ya kwanza kufanya hivyo. Mimi nafikiri wanafanya makosa hayo makusudi.

MAELEZO JUU YA HOTUBA ZA WABUNGE: HOJA YA
RIPOTI YA KAMATI TEULE

Mkuu wa Sheria (Bw. Njonjo): Jambo la nidhamu, Bw. Spika. Jana, nilikuwa nikisema ya kwamba ripoti hii inasema kwamba Bw. Gethi alikuwa anatumia gari aina ya Mercedes-Benz lakini niliambiwa na Mhe. Mwithaga kwamba nilikosa. Alisema kwamba katika ripoti yao wanasema ya kwamba Bw. Gethi hakuwa akitumia motakaa ya aina ya Mercedes-Benz. Lakini

[Mkuu wa Sheria]

ukiangalia katika ripoti hii utaona ya kwamba inasema: "Mr. Gethi was sitting with another African in a mercedes car".

Wabunge Fulani: Hapana! Hapana! Si katika hoteli ya Hilton!

Mkuu wa Sheria (Bw. Njonjo): Ikiwa ni hivyo, Bw. Mwithaga alikuwa anafikiri nilikuwa nikisema juu ya wapi? Nilisema, Bw. Spika—

Wabunge Fulani: Uwongo! Uwongo!

Mkuu wa Sheria (Bw. Njonjo): Ningependa kusema kwamba uwongo wote utapatikana. Hii ni ripoti yao na iko—

Wabunge Fulani: Hapana! Hapana!

Bw. Spika: Order! Order!

Mbunge Fulani: Order!

Bw. Spika: Bw. Shikuku, mimi sijashindwa na kazi yangu!

(Kicheko)

Mbunge Fulani: Ni Dkt. Kitonga!

Bw. Spika: Kuniradhi, Bw. Shikuku. Dkt. Kitonga, mimi sitaki kurudiarudia kukuambia utulie. Ukiendelea kufanya hivyo tena, mimi nitakutoa nje upesi sana.

(Shangilio)

Yafaa tusikizane, na kwa hivyo, hakuna haja ya kupiga kelele au mayowe. Kama hukubaliani na vile Bw. Njonjo anavyosema, unaweza kusimama kama mtu mzima na ukasema hivyo, lakini kupiga mayowe ni aibu kwa Bunge hili.

Mkuu wa Sheria (Bw. Njonjo): Jambo ambalo nilikuwa nataka kuthibitisha, na hii ni kama nilivyosema jana, ni kuwa yale mambo yanayosemwa na ripoti hii hayalingani na ile *verbatim report* yao, na wanavyofanya ni kuwa wanachukua mambo mengine na kuyatia ndani, na kuyawacha yakining'inia bila *substance*.

Bw. Shikuku: Jambo la nidhamu, Bw. Spika. Je, ni haki kwa Mhe. kujaribu kulipotosha Bunge hili tena? Yeye anaongea juu ya habari ya Ngong races.

Mkuu wa Sheria (Bw. Njonjo): Mimi nilisema nini jana?

Bw. Shikuku: Jambo la nidhamu, Bw. Spika. Mhe. Njonjo alikuwa akisema juu ya habari ya Hilton, na Hilton na Ngong ni tofauti kabisa. Ikiwa Mhe. Njonjo hajui Ngong races na Ngong mjini ziko wapi, tunaweza kumpeleka huko ili akujue.

Bw. Spika: Tuendeleeni sasa.

(Mwanzo wa Majadiliano ya Hoja ya Ripoti ya Kamati Teule)

Bw. C. Murgor: Ahsante, Bw. Spika. Kwanza, ningetaka kuanza kwa kusoma, ukinihusu, namna ripoti hii ilivyoanza katika ukarasa wa kwanza, au Kamati hii ilivyohitajika kuripoti katika Bunge hili:—

"—to Report to the House its findings with a view to securing and preserving evidence relevant to bringing to justice those concerned before such evidence is destroyed"

Sasa, Bw. Spika, katika badiliko ambalo Jumba hili linaulizwa kukubali, linaonekana kwamba halingalitaki kana kwa sababu ya maneno yanayotaka kuongezwa, kwamba, "ili itumiwe katika mahakama itakayofuata majadiliano haya", ambapo wale wanaohusika watapelekwa kortini na mambo yao kuangaliwa, namna Serikali na polisi watakvayopendelea wenyewe—

Sasa, hii nyingine inasema kwamba ripoti iliyowasilishwa Mezani itumiwe katika mahakama itakavyofuata majadiliano haya. Hivi ndivyo Mkuu wa Sheria alivyokurwa akitaka, hata bila kusema ripoti hii itatumiwa pamoja na ushahidi ambao haujaletwa hapa, ambao tumeambiwa umewekwa na ambao mtu akitaka kwenda kusoma anaweza kufanya hivyo. Hata hivyo, badiliko hilo halisemi hivyo.

Wabunge Fulani: Linaharibu!

Bw. C. Murgor: Linataka ripoti peke yake itumiwe bila ushahidi wenyewe. Sasa, kama nilivyosema, inaonekana kwamba badiliko hilo halitakikani. Vile vile, kama ripoti hii inatakiwa kutumiwa katika mahakama, na hali hapo jana ilisemekana kwamba ripoti yenyewe ni sifuri, sasa, watatumia sifuri namna gani?

Wabunge Fulani: Hear! Hear!

Bw. C. Murgor: Sasa ikiwa ripoti hiyo ambayo ni sifuri itakwenda kutumiwa katika mahakama, itatumiwa na nani?

Mbunge Fulani: Sachdeva!

Bw. C. Murgor: Vile vile, kwa sababu Mhe. Njonjo ndiye mkuu wa makorti, na amekwishasema hapa kwamba ripoti hii ni sifuri, ni nani atakayethubutu kuitumia? Kwa hivyo, inaonekana kwamba mambo haya tunayoyajadili hapa hayana maana na hayataikikani kwa sababu ripoti hii ikipelekwa katika mahakama hatatumiwa kwa sababu haina kitu ndani yake.

Wabunge Fulani: Wewe ndiye unayeharibu maneno! Wewe mwenyewe u sifuri, na kwa hivyo utafanya nini?

Bw. C. Murgor: Bw. Spika, mambo haya yakifika kule kortini, basi, wale watu ambao mambo yao yangechunguliwa kama ripoti ikikubaliwa yatakuwa ni lazima kuachiliwa.

Mbunge Fulani: Na yeye hataki hivyo.

Bw. C. Murgor: Vile vile, ikiwa ripoti hii ni sifuri, iko wapi kazi nyingine au jambo lingine ambalo limefanyika kuhusu jambo hili? Ikiwa kazi ambayo imewachukua Wabunge miezi mitatu kufanya, na pia ambayo imetumia pesa nyingi, inasemekana haina cho chote ndani yake ambacho ni kizuri, njia nyingine iko wapi? Tumeambiwa kwamba Bunge hili lilijichukulia kazi ambayo ingefanywa na polisi, lakini swali ni hili: Tangu tarehe 2 mpaka tarehe 14, polisi walikuwa wapi? Vile vile, Serikali ni Serikali; je, ni nani anayeweza kuizua Serikali isifanye kazi yake?

Mbunge Fulani: Kumbe sasa ni Serikali?

Wabunge Fulani: Wewe ndiye unayeharibu Serikali! Yafaa uondolewe!

Bw. C. Murgor: Je, ni kwa nini Serikali haikuwako toka hapo mwanzoni? Bunge hili lilipoona kwamba hakuna jambo lo lote ambalo lilikuwa likifanywa, na

[Bw. C. Murgor]

kwamba mambo yalikuwa yamenyamaza, ndipo liliposema kwamba ni lazima lichukue hatua fulani.

Mbunge Fulani: Mlifanya kitu gani?

Bw. C. Murgor: Bw. Spika, Mhe. Njonjo anauliza Kamati hii ilifanya nini, lakini imefanya mengi kwa sababu tunayo Ripoti ambayo tunazungumza juu yake. Lakini liko wapi jambo lingine ambalo limewahi kuzungumzwa juu ya jambo hili? Kama polisi walifanya kazi yao kama kawaida, Kamati hii haingeliundwa.

Mbunge Fulani: Wanajua yaliyotokea Ngong!

Bw. C. Murgor: Kama nilivyosema, kwa kawaida polisi huchungua mambo yao kwa haraka haraka, lakini wakati huu walinyamaza kimya. Sisi tulikuwa tukingojea kusikia wamefanya nini lakini mambo yalinyamaza kimya kabisa mpaka hivi leo. Hata hivyo tukisema mambo haya watu wengine wanaanza kusema, "Unawaona hawa, wanataka kuipindua Serikali". Yaani, tukianza kuutumia Uhuru wetu wa kusema hapa watu wengine wanaanza kutusingizia na kusema kwamba, "Unawaona hawa, wanataka kuipindua Serikali".

Mbunge Fulani: Ni hawa hawa walio sifuri!

Bw. C. Murgor: Kwa hivyo, kazi ambayo imefanywa na Kamati hii ni kazi nzuri na wananchi wote wanatosheka kwamba Kamati hii ilifanya kazi nzuri na kwa hivyo inastahili kupongezwa.

Bw. Muchiri: Bw. Spika, ahsante sana kwa kunipa nafasi hii ili nizungumze juu ya Hoja hii ambayo ni ya maana sana. Kwanza ningependa kutoa shukrani kwa Kamati Teule ambayo ilishughulika na kazi nyingi kwa kutafuta kilichosababisha kupotea na hatimaye kuuawa kwa Marehemu, J. M. Kariuki. Kabla sijazungumza juu ya Ripoti hii ningependa kuwakumbusha Waheshimiwa Wabunge ya kuwa sisi tumechaguliwa na wananchi ili tuwakilishe katika Bunge hili tukufu na hatuna budi kuwaambia yaliyo ya kweli. Kwa hivyo, ningewauliza Wabunge tuwe tunashikamana pamoja na tuwaonyeshe wananchi mfano mwema badala ya sisi kusengenyana na kulaumiana.

Bw. Spika, baada ya kusema hayo ningependa kuingilia taarifa ambayo ililetwa hapa na Kamati Teule ambayo tulichagua. Hii ni taarifa ambayo kwa kweli imefanyiwa kazi. Kama vile wanakamati wametueleza, walikuwa wanafanya kazi usiku na mchana, na ni kweli sisi tumeona kwamba walifanya kazi hiyo. Lakini ningependa kulikumbusha Bunge hili jambo lifuatalo: wakati wa kuiteuwa Kamati hii ni kweli kwamba tulikuwa na *emotion* kwa kumpoteza mwenyetu J. M. Kariuki. Hii *emotion* iliufanya wanakamati—mimi ninaweza kusema kwamba wanakamati wa Kamati hii walichaguliwa na tukaletwa majina yao asubuhi katika Bunge hili; na tukaambiwa kwamba hawa ndio wanakamati wa Kamati ya kutafuta kilichosababisha kutoweka na hatimaye kuuawa kwa Marehemu J. M. Kariuki. Bw. Spika, ninakumbuka wewe ulisema kwamba Hoja hiyo haikuletwa kwa njia iliyo sawa, na kusema kwamba Hoja hiyo iletwe kwa njia iliyo kamilifu. Ilionekana kwamba Hoja hiyo ilikuwa imeletwa kwa kupitia mlango wa nyuma. Lakini wakati ulipoondoka na Naibu Spika akachukua Kiti, kitu cha kwanza alichofanya kilikuwa kukanusha uamuzi

wako ambao ulikuwa umetoa hapo awali. Jambo hili lilifanywa kutokana na kikundi fulani kilichokuwa katika Bunge hili. Ningependa kusema jambo hili kwa sababu ninataka wananchi wajue ya kuwa—

Bw. Spika: Bw. Muchiri, ngoja kidogo; kuna jambo la nidhamu.

Bw. Mwamzandi: Jambo la nidhamu, Bw. Spika. Ningependa kujua ikiwa Kiti kinakubaliana na maneno ya Mhe. Mbunge anayezungumza na ambayo inaonekana ni ya kutia chuki baina ya Spika na Naibu Spika, kwamba kulikuwa na kichinichini cha kuupinga ule uamuzi wako ambao ulikuwa umeutoa hapo mbeleni.

Bw. Spika: Kwa sababu hayo ni maneno yanayonihsu, nasema siwezi kutiliwa chuki na mtu ye yote. Tuendeleo tu.

Bw. Muchiri: Bw. Spika, ahsante sana kwa uongozi wako. Nikiendelea na mazungumzo yangu ningependa waheshimiwa Wabunge wafahamu ya kuwa katika Katiba yetu ya Kenya kila mwananchi amelindwa. Ikiwa hii Ripoti inawadhulumu watu fulani, ati kwa sababu watu wengine hawakupigia wanakamati saluti wao ndio waliohusika na kuuawa kwa Marehemu J. M. Kariuki, au kwa sababu fulani hakutolea Kamati kofia, basi, yeye ni mmoja wa wale waliomnyonga J. M. Kariuki—

Bw. Mboja: Jambo la nidhamu, Bw. Spika. Ingawa tuna heshima kwa Mhe. Mbunge anayezungumza, ni haki kwa yeye kusema kwamba Kamati hii Teule ilichaguliwa kuwadhumu watu fulani? Je, kama ni hivyo, yapi makubwa: kumnyonga mtu au *to criticize*?

Bw. Spika: Sasa ninafikiri tumeanza kutoka kwa jambo tulilokuwa nalo na kuingilia mambo ambayo yanaharibu wakati. Kama Mhe. Muchiri amekosea, wewe una haki ya kuonyesha kwamba amekosea mahali fulani, lakini sio kusema, "ninaona anasema hivi", na kwa sababu wewe una maoni tofauti lazima umpinge. Hiyo haifai na inaharibu wakati wetu bure!

Bw. Shikuku: Jambo la nidhamu. Bw. Spika, ni haki kwa Mhe. Mbunge kusema kwamba kwa sababu mtu fulani hakuweza kuipigia Kamati saluti, kamati ilimbandia kwamba yeye ndiye aliyemnyonga Marehemu J. M. Kariuki? Ni mahali gani katika Ripoti hii ambapo imeandikwa kwamba, "huyu aliyekataa—"

Waziri wa Mali ya Asili (Bw. ole Oloitipitip): Haku-sema "kumnyonga"!

Bw. Shikuku: Bw. Spika, mimi masikio yangu haya-kutobolewa; na masikio ya huyu Mhe. yametobolewa.

(Kicheko)

Nilimsikia Mhe. aliyekuwa akizungumza akisema kwamba kwa sababu mmoja wa watu hao hakuwapigia wanakamati saluti ndio sisi tukasema yeye anahusika na kunyongwa kwa J. M. Kariuki. Ni haki kwa yeye kusema hivyo?

Bw. Spika: Mhe. Mbunge alikuwa akifuatia maneno ambayo yalisemwa. Mimi mwenyewe nilimsikia Mwenyekiti wa Kamati hii—alipokuwa akitoa Hoja—akisema kwamba wakati huyu mtu alipoingia hakupiga hata saluti. Sasa Mhe. Mbunge anaona pengine kitendo hiki *influenced the Committee*!

Bw. Muchiri: Bw. Spika, jambo la nidhamu hili ni la kunipotezea wakati: wakati walipokuwa wakizungumza sisi hatukuwapotezea wakati. Maoni yangu ni kwamba Ripoti hii ichukuliwe kufuatia mapendekezo yaliyotolewa na Mkuu wa Sheria. Lakini kama utanikubalia, mimi ningeongeza maneno machache kwa mabadiliko yaliyotolewa na Mkuu wa Sheria, nayo ni kwamba:—

Bunge hili limekubali Ripoti ambayo ililetwa na Kamati iliyoteuliwa na kwamba Bunge hili lapendekeza Ripoti hiyo iwekwe katika Kenya National Archives na Polisi wakugaliwe waendeleo kuchungua aliyemua J. M. Kariuki na kumpeleka kortini.

Wabunge Fulani: Oh! No! No!

Bw. Muchiri: Bw. Spika, ninasema hivyo kwa sababu katika Ripoti hii, ambayo iko mbele yetu—kama Mkuu wa Sheria alivyosema—haina nyuma wala mbele. Ripoti hii ni ya kuwadhulumu watu fulani. Kwa hivyo, mimi ningeondoe polisi wapewe nafasi na wafanye kazi yao ili watuletee yule aliyemua mwenzetu J. M. Kariuki.

Bw. Lentaya: Jambo la nidhamu, Bw. Spika. Kama tujuavyo, kifo kikitokea pahami popote ni kazi ya polisi kuchukua hatua. Je, Mhe. Muchiri, ambaye anazungumza sasa, anaweza kutuambia kama alikuwa akipenda tuwapatie polisi miaka kumi kutoka siku kifo cha marehemu Bw. J. M. Kariuki kilipotokea?

Bw. Muchiri: Bw. Spika, polisi hawakupatiwa wakati wa kufanya uchunguzi wake kwa sababu wakati ule wangeanza uchunguzi wake Kamati Teule ilisema ya kwamba ndiyo itakayofanya uchunguzi huo. Kwa hivyo, polisi wakasema mambo yakiwa ni kama hivyo, Kamati inaweza kuendelea na uchunguzi wake. Lakini sasa tumeanza kuona makosa tuliyoifanya. Kwa hivyo, Bw. Spika, tukiwapa polisi nafasi watafanya uchunguzi wa kutosha.

Dkt. Masinde: Jambo la nidhamu, Bw. Spika. Je, Mhe. Muchiri, Mbunge wa Embakasi, ana haki kulipotosha Bunge hili kwa kusema ya kwamba Bunge halikuwapa polisi nafasi ya kufanya uchunguzi wake Wakati tulipoteua Kamati yetu polisi waliendelea kufanya uchunguzi wao na hata wakati mmoja walitoa zawadi ya Sh. 400,000 kwa mtu au watu ambao wangeweza ku-saidia polisi kwa uchunguzi wake. Ni kwa sababu gani anasema hivyo na kupotosha Bunge hili?

Bw. Muchiri: Bw. Spika, nia ya Waheshimiwa Wabunge wengine ni kuharibu wakati wangu. Kama Wabunge wangenyamaza ningemaliza upesi. Kama nilivyosema hapo mbeleni, wananchi hawakutosheka na ripoti hii.

Wabunge Fulani: Shame! Shame!

Bw. Muchiri: Bw. Spika, ningependa kuwakumbusha Waheshimiwa Wabunge ya kwamba siku ya mazishi ya Marehemu J. M. Kariuki, kama wengine wetu walivyo-sikia, na kuona, kuna Waheshimiwa Wabunge wengine ambao walisema ya kwamba walikuwa wakijua yule mtu ambaye alimua Marehemu J. M. Kariuki. Katika ripoti yenyewe—

Bw. Fay: Jambo la nidhamu, Bw. Spika. Mhe. Muchiri amedai ya kwamba wakati wa mazishi ya Marehemu J. M. Kariuki kuna Waheshimiwa Wabunge

wa Bunge hili ambao walisema ya kwamba wanajua wale walimua Marehemu J. M. Kariuki. Mhe. Muchiri anaweza kutaja majina ya Wabunge hao au kuthibitisha dai lake?

Bw. Muchiri: Bw. Spika, Mhe. Fay akisoma gazeti la *Daily Nation* la tarehe 17, Machi, 1975 ataona kwamba yale ninayosema ni kweli. Bw. Spika, kwa ninavyoona ni kwamba—

Bw. Nabwera: Jambo la nidhamu. Bw. Spika. Mhe. Muchiri amesema ya kwamba wakati wa matanga ya Mhe. J. M. Kariuki, wengine miongoni mwetu waliozungumza walisema ya kwamba walikuwa wanamjua yule aliyemua Marehemu J. M. Kariuki. Je, si vizuri athibitishe kwa kutuambia ni nani ambaye alisema maneno kama hiyo?

Bw. Muchiri: Bw. Spika, hayo ni mambo ambayo ni wazi katika gazeti ambalo nimetaja.

Bw. Spika: Bw. Muchiri, ukishasema kitu kama hicho, basi, ukiulizwa inakubidi ujibu. Bw. Muchiri, huwezi kutumia magazeti kama thibitisho lako maana wakati mwingine huandika mambo ambayo si kweli. Kwa hivyo, ni lazima uthibitishe dai lako bila kuwauliza Waheshimiwa Wabunge wakasome magazeti.

Bw. Muchiri: Bw. Spika, kwa hakika nitafuata maoni yako. Lakini ikiwa magazeti hayawezi kutumiwa hapa kwa kuthibitisha jambo lolote, ningependa kujua ni kwa sababu gani Kamati ilitumia magazeti kuthibitisha maneno fulani katika ripoti yake.

Bw. Spika: Bw. Muchiri, labda hukuelewa nimekwambia nini. Sikusema kwamba huwezi kusema habari za magazeti hapa. Lakini huwezi kutumia habari ambazo ziko magazetini kama thibitisho. Hayo ndiyo niliyokuambia. Hii ni kwa sababu ukisoma hapa kwamba yale unayoongea juu yake uliyasoma magazetini, inawezekana kuwa habari hiyo haikuwa ya kweli. Kwa hivyo, ni lazima useme ni nani aliyeyasema hayo maneno.

Bw. Muchiri: Bw. Spika, naomba kuondoa maneno hayo. Bw. Spika, ningependa kuwakumbusha Waheshimiwa Wabunge ya kwamba hata kabla hatujateua Kamati ambayo ilichunguza kifo cha Marehemu J. M. Kariuki kulikuwa—

Bw. Spika: Wakati wako umekwisha, Bw. Muchiri. Kwa hivyo, keti chini. Sijui kama yale uliyoyasema yalikuwa badiliko kwa badiliko la Bw. Njonjo. Hii ni kwa sababu ikiwa ulikuwa ukitaka kuleta badiliko kwa badiliko la Mhe. Njonjo, ningependa unipe badiliko lako kwa maandishi ili niweze kujua ni kitu gani unachotaka kugeuza. Bw. Muchiri, ulikuwa ukitaka kuleta badiliko kwa badiliko la Bw. Njonjo?

Bw. Muchiri: Bw. Spika, nia yangu ilikuwa ni kuunga mkono badiliko la Mhe. Njonjo.

Waziri wa Ardhi na Makao (Bw. Angaine): Ahsante sana, Bw. Spika—

Chifu Kitonga: Jambo la nidhamu, Bw. Spika. Mhe. Angaine ana haki kusimama bila wewe kumpa ruhusa kwa sababu nimeona kwamba ingawa alianza kuongea hukumpa nafasi?

Bw. Spika: Nimekwishampa nafasi ya kuongea.

Waziri wa Ardhi na Makao (Bw. Angaine): Bw. Spika, sitakuwa na maneno mengi ya kusema lakini ningependa kuomba Waheshimiwa Wabunge watukufu wanisikilize ili wasikie yale ambayo nataka kusema.

Bw. Spika, hakuna Mbunge yeyote ambaye hana masikitiko juu ya kifo cha mmoja wetu ambaye alikuwa Mbunge na yeye alikuwa akijulikana kwa jina la J. M. Kariuki. Kila mmoja wetu ana masikitiko. Ni kwa sababu hiyo Bunge hili lilitua Kamati Teule ili ichunguze kifo hicho. Kile kitu ambacho ningependa kusema—na kabla sijasema hivyo, ningewauliza Waheshimiwa Wabunge ambao ni wanakamati waniwie radhi—ni kwamba Bunge hili lilitua Kamati hiyo ili iweze kuleta ripoti yake ambayo ninafikiria ingezungumzwa bila kuwa na watu katika *galleries*. Kitu cha kwanza kilikuwa ni kuweka ripoti hiyo kwa siri. Hapo ndipo ninafikiria makosa yalianzia. Baada ya ripoti hii kutolewa kulionekana kama tunataka kupeleka watu fulani mahakamani. Lakini kwa sababu ripoti hii imetolewa nje, na kuna majina ya watu kama Angaine ambayo yametajwa hapa kama ndio waliohusika na kifo cha Marehemu J. M. Kariuki, sasa wanajitayarisha kwa sababu wanafikiri pengine watapeleka mahakamani. Nikiwa Mbunge wa Bunge hili ninaonelea ya kwamba hapo ndipo tulikosea. Tumeipokea ripoti hii lakini baada ya kuichunguza zaidi, yaani kuisoma kwa makini na kuifikiria, ninaona ya kwamba hatujapata muuaji wa Marehemu J. M. Kariuki. Yaani, *the killer has not yet been found*.

Wabunge Fulani: *What do you mean!*

Waziri wa Ardhi na Makao (Bw. Angaine): Ngojeni. Hiyo ni kwa sababu watu wanapeleka kortini kwa sababu kuna *eye-witnesses* ambao wanaweza kuthibitisha ya kwamba waliona hao watu wakifanya makosa fulani.

Bw. Njuno: Jambo la nidhamu, Bw. Spika. Nikifanya makosa, Bw. Spika, utaniambia. Bw. Spika wakati tulipoteua Kamati hii, Kamati yenyewe ilijulikana kama Kamati ya Bunge nzima. Sasa Kamati yenyewe imeleta ripoti yake katika Bunge hili. Je, Mawaziri wanazungumza kama Mawaziri, au kwa niaba ya Serikali, au kama Wabunge binafsi ili tujue kama sasa mambo yako kati ya Serikali na Wabunge?

Bw. Spika: Hayo si kweli.

Bw. Njuno: Eleza hapo kwanza!

Waziri wa Ardhi na Makao (Bw. Angaine): Umejihiwa na Bw. Spika.

Bw. Spika, mtu akipeleka katika mahakama ni lazima pawe na *eye-witness*. Ni nani aliyeona; ni nani aliyechungulia; ni nani aliyeshuhudia kitendo hicho?

Bw. Spika, naipongeza Kamati Teule kwa kazi muhimu iliyofanya, sio ya kwamba naidharau kwa Kamati hii kwa sababu nilimjua marehemu Bw. J. M. Kariuki kama alivyojulikana na Waheshimiwa Wabunge wengine. Marehemu Bw. J. M. Kariuki alikuwa rafiki yangu sana. Kwa hivyo, hata mimi najiona nikiwa *lonely* sana kwa sababu nimeondokewa na mpenzi wangu ambaye nilikuwa nikimpenda sana. Ni lazima Waheshimiwa Wabunge wakumbuke hivyo ili wasije wakaseme ya kwamba Mhe. Bw. Angaine alizungumza upande huu ama upande ule.

Mbunge Fulani: Aridhia masilahi! *Declare your interest!*

Waziri wa Ardhi na Makao (Bw. Angaine): *It is not for you to tell me what to say! You cannot put words into my mouth! Basi, leave me alone; I am having the Floor of the House!*

Bw. Spika, kitu ambacho nataka kusema katika Bunge hili ni hiki, ya kwamba ile Ripoti ya Kamati Teule imepokelewa na Bunge hili lakini ni bora Serikali ipatiwe nafasi kufanya uchunguzi zaidi kwa sababu huenda Serikali ikapata muuaji; ama huenda Serikali ikakosa kupata muuaji—

Mbunge Fulani: *How?*

Waziri wa Ardhi na Makao (Bw. Angaine): Ngojal! *What are you talking about!* Lakini ile ripoti ama *document* ambayo imetolewa na Kamati Teule ya Bunge hili itatumiwa, itasaidia na itapatia Serikali mwangaza wa kutosha wa kufanya uchunguzi zaidi. Bw. Spika, bila uchunguzi wa kutosha, ama bila kufanya uchunguzi zaidi, tukisema, kwa mfano, mtu alionekana pale karibu na Hoteli ya Hilton, huu ni ushahidi wa kutosha kweli? Si unaweza kumuona mtu akipita karibu na Hoteli ya Hilton na awe si yeye muuaji? Kwa hivyo, tunataka *eye-witness* ambaye almuona Marehemu Bw. J. M. Kariuki wakati alipoondoka pale Hoteli ya Hilton; ni nani alimuingiza kwa gari; ni nani aliwaona na kadhalika. Ni lazima tuwe na ushahidi wa namna hiyo.

Kitu ninachosema ili msije mkasema ya kwamba nayarudia maneno niliyoyasema, ni kwamba wakati Kamati Teule ilipoleta ripoti yake hapa katika Bunge hili, mimi nafikiri—nasema “mimi” kwa sababu niko vile vile katika makosa hayo—tungewaambia wageni wandoke katika *galleries* ndipo hiyo ripoti itolewe kwa Bunge nzima ili tujue kama ni *confidential* ili ikiwa uchunguzi zaidi utafanywa ufanywe ukisaidiwa na hii ripoti. Lakini sasa hii ripoti imetolewa katika radio, magazeti na hata katika dunia nzima. Sasa, yule ambaye ni muuaji, tumemwambia ajihadhari. Kama hakujua amedhaniwa, angekuwa hivyo hivyo tu mpaka wakati ambapo ataambiwa, “ni wewe” na kukamatwa na kupeleka mahakamani.

Basi, mimi, kwa ufupi, Bw. Spika, kwa sababu nilisema sina mengi ya kusema, naona kwamba hii ripoti ya Kamati Teule imepokelewa na Bunge hili ili Serikali iende ikafanye uchunguzi zaidi. Lakini kitu ambacho wananchi pamoja na sisi Waheshimiwa Wabunge hatuna uwezo kufanya ni kusema ama kuamrisha Serikali, “*to dismiss Mr. So-and-so*”. *You cannot do that!* Hii ni kwa sababu, kwa mfano, ikiwa ni Waziri kama mimi, “*I was appointed by the President of this country and this House is not there to over-ride the ruling of the President.*”

Bw. Rubia: Jambo la nidhamu, Bw. Spika. Jambo ambalo nimesimama kuuliza ni hili: katika ripoti hii Kamati Teule haikusema ya kwamba mtu fulani afutwe kazi. Kwa hivyo, ni haki kwa Mhe. Waziri wa Ardhi na Makao kusema ya kwamba Kamati Teule ilisema mtu ama watu fulani wafutwe kazi? Kamati Teule yenyewe jimesema “*replacing*”; watu fulani; yaani wakifanywa *ambassadors*, au *Permanent Secretaries* katika Wizara nyingine si vibaya, lakini ni lazima pawe na

[Bw. Rubia]

"replacement". Lakini sisi, yaani Kamati Teule, hatukusema mtu ama watu fulani wafutwe kazi. Hayo ni maoni yake mwenyewe!

Waziri wa Ardhi na Makao (Bw. Angaine): Bw. Spika, mimi husikiliza kila Mhe. Mbunge akizungumza; mimi sitaki kutaja jina la Mbunge yeyote, lakini mkiangalia katika HANSARD mtapata jina lake huko. Huyu Mhe. Mbunge alisema ya kwamba ni lazima hawa maofisa wafutwe kazi ama wawe *suspended* ili uchunguzi zaidi uendelee. Sasa hayo yalikuwa ni maoni yake lakini maoni yangu ni kusema wazi ya kwamba—na ukweli una uchungu—watu walisema hata Kamishina wa polisi anahusika na mambo haya. Lakini Bunge hili halina uwezo wa kumfuta Kamishina wa Polisi kazi, lakini uwezo wa kupendekeza. Vile vile, Bunge hili halina uwezo wa kumfuta Mkurugenzi wa Upelelezi, yaani *Director of Criminal Investigation Department*; lakini lina uwezo wa kupendekeza. Hata Bunge hili halina uwezo wa kufuta Waziri kama mimi; lakini linaweza kupendekeza kwa Rais, ambaye ana uwezo.

Sasa kitu ambacho ni cha muhimu sana ni kwamba tukizungumza hapa katika Bunge hili—kila Mhe. Mbunge ana uchungu kwa kifo cha marehemu Bw. J. M. Kariuki ambaye alikuwa ni mwenzetu—ni vizuri tusije tukaenda *beyond our powers*. Hiki ndicho kitu ambacho mimi nataka kusema ama kuwaambia Waheshimiwa Wabunge wenzangu. Kwa hivyo, Waheshimiwa wenzangu, mimi naunga mkono lile badiliko la Mhe. Mkuu wa Sheria.

Ahsante sana, Bw. Spika.

Bw. Nabwera: Bw. Spika, mimi nasimama—

Bw. Mwamzandi: Jambo la nidhamu, Bw. Spika. Pali kuwa na mageuzo pale na sijui kama yamekubaliwa na Kiti ama namna gani.

Bw. Spika: Bw. Muchiri alikuwa anaunga yale mageuzo ya Mkuu wa Sheria.

Bw. Kubo: Jambo la nidhamu, Bw. Spika. Nidhamu yangu ni juu ya pendekezo la Mkuu wa Sheria. Kwa maoni yangu, Bw. Spika, tumeshazungumza juu ya badiliko hilo kutosha. Kwa hivyo, naomba kupendekeza Mtoa Hoja ajibu.

Bw. Spika: Hatuwezi kufanya hivyo sasa kwa sababu nilikuwa nimeshamuita Bw. Nabwera.

Bw. Nabwera: Bw. Spika, mimi nataka kuzungumza tu juu ya badiliko ambalo limeletwa na Mhe. Mkuu wa Sheria. Kabla sijazungumza juu ya hilo badiliko ningependa kumhakikishia Waziri wa Ardhi na Makao, Bw. Angaine, ya kwamba yale mambo ambayo amesema, ya kwamba sisi tunapendekeza, ndivyo hata sisi tunavyosema katika hii ripoti. Tunajua kabisa ya kwamba sisi hatuna uwezo wa kumfuta mfanyakazi ye yote wa Serikali; hata ikiwa ni Waziri ama Waziri Msaidizi. Hawa wanaandikwa kazi na kufutwa na Rais wetu. Lakini ripoti hii "inapendekeza", yaani kazi ya Bunge hili ni kupendekeza.

Bw. Spika, katika badiliko la Mkuu wa Sheria—kabla Mhe. Mkuu wa Sheria hajaleta badiliko lake alisema ya kwamba Kamati Teule hii ilikataza polisi kufanya kazi yake. Nataka hilo neno litoke katika kichwa chake

na ajue ya kwamba mtu akiuawa hapa ni kazi ya polisi kufanya upelelezi. Bunge hili lilijaribu tu kuwasaidia kwa upelelezi.

Bw. Spika, wakati Mhe. Makamu wa Rais pamoja na Mhe. Mkuu wa Sheria walipokuja katika Kamati Teule walikubali ya kwamba sisi tutashirikiana na polisi. Tuli kubaliana kwamba polisi wangepanya kazi yao ili kusa- idiana nasi ili tuwapate hao waliomuua marehemu Mhe. Bw. J. M. Kariuki. Lakini sasa ninastaajabu sana kuona ya kwamba Mawaziri wakizungumza wanajaribu kusema ati pengine Kamati Teule imesema polisi wa Kenya si nzuri. Sisi tumewachagua maofisa wanne tu wa polisi peke yake—Wewe keti chini, Mhe. Mkuu wa Sheria, na utasikia. Polisi ambao walikuja mbele ya Kamati walikuwa wengi, na tulitosheka ya kwamba wengi wao walitoa ushahidi wa manufaa na walikuwa wakituambia ukweli.

(Shangilio)

Maofisa wanne hao tumetaja majina yao, tumesema ya kwamba mmoja asimamishwe kazi na wengine wa- ondolewe kwa kazi yao na wapewe nyingine ili—mimi naamini kwamba Serikali itaendelea na upelelezi kwa sababu mtu hawezi kuuawa na pasiweko na upelelezi wa Serikali—wale ambao watapewa kazi ya kupeleleza hawatakuwa na shida tuliyoipata kutoka kwa Kamishina wa Polisi na Mkurugenzi wa Idara ya Upelelezi, yaani shabaha yao ilikuwa kuficha.

Wabunge Fulani: Hear! Hear!

Bw. Shikuku: *That is hammering!*

Bw. Nabwera: Shabaha yao haikuwa kuutafuta ukewi bali ilikuwa kuuficha au kuufunika. Kwa hivyo, ndiyo sababu tunasema ya kwamba hao ambao wana- funika waondolewe na kupewa kazi nyingine ili polisi wengine ambao wataendelea na upelelezi waweze ku- peleleza bila shida hiyo. Hata ukileta polisi wa Scotland Yard au ukimleta malaika wapeleleze kesi hii ya J. M. Kariuki na kama Kamishina wa Polisi na Mkurugenzi wa Idara ya Upelelezi bado wangali wakifanya kazi zao, hawatapata ukweli kwa sababu hao wataufunika.

(Shangilio)

Hii ndiyo sababu sisi katika ripoti yetu tulisema ya kwamba wapewe kazi nyingine halafu upelelezi uweze kuendelea.

Mhe. Mkuu wa Sheria alijaribu kulipotisha Bunge hili na hata nchi yote kwa kusema ya kwamba sisi tuli- pendekeza kwamba *Senior Assistant Commissioner* wa Polisi wa Nakuru aondolewe kwa kazi na apewe nyingine kwa sababu hakupiga saluti. Saluti ni kitu gani?

Mkuu wa Sheria (Bw. Njonjo): Alisema! *The Chair- man said it!*

Bw. Nabwera: Hata Kamishina wa Polisi, kama mkuu ambaye anaendesha mambo ya korti katika nchi hii, anajua ya kwamba kukiwa na Kamati Teule ama korti ikiwa polisi wamevaa *uniform* kawaida yao kupiga saluti. Sisi tukija hapa, Bw. Spika, wakati tunapoinamia Kiti, hatuinamii mtu anayekaa pale bali tunakiheshimu Kiti.

(Shangilio)

Mbunge Fulani: Na hayo ndiyo makosa Mungai alifanya?

Bw. Nabwera: Hata Kamishna wa Polisi alipokuja alipiga saluti. Lakini makosa ya Mungai yako katika ushahidi, na hakuna kitu cho chote ambacho kimeandikwa katika ushahidi kuhusu saluti.

(Kicheko na Makelele)

Bw. Shikuku: Jambo la nidhamu. Bw. Spika, ni haki tuzifuate Kanuni za Bunge hili au tusizifuate? Ni haki kwa Mhe. Mkuu wa Sheria kuendelea *heckling continuously*? Bw. Spika, nimesimama chini ya Kanuni ya Bunge No. 68 na bado Bw. Mkuu wa Sheria anazungumza, na sijui anafikiri yuko katika soko gani. *Is it in order for him to go on heckling?*

Bw. Spika: Nimekwishasema ya kwamba tusiharibu wakati tukitupiana maneno. Hatuna muda mrefu na ni heri kuyasikiliza yale ambayo yanasomwa. Kama hukubaliani na kitu chochote, ukipata nafasi utatoa maoni yako, lakini kule kutupiana maneno ndiko hakufai.

(Shangilio)

Mkuu wa Sheria (Bw. Njonjo): Jambo la nidhamu. Tafadhali, Bw. Spika ni lazima tuketi hapa tukiwa kimya bila kufanya *heckling*. Kwa nini wakati nilipokuwa nikitoa hotuba yangu hapa jana Wabunge walikuwa wakifanya *heckling*?

Bw. Spika: Mimi sina haja ya kuwafanya kuwa kama maiti au kunyamaza tu bila kusema chochote. Hii si shabaha yangu. Lakini kama ile *heckling* inaendelea na kuwa kama *commentary* juu ya hotuba ya yule mwenzako ambaye anazungumza, hiyo ni mbaya na hairuhusiwi katika Kanuni zetu za Bunge.

(Shangilio)

Bw. Nabwera: Sasa, Bw. Spika, maana ya hili badiliko ambalo limeletwa na Mkuu wa Sheria ni nini? Anasema, "ili itumiwe katika mahakama itakayofuata majadiliano haya". Sisi kama Wabunge hatuna haja ya kuiambia Serikali yetu itumie *Judicial Commission, Inquest*, Polisi au kitu kingine. Kazi yetu ni kuyakubali mapendekezo hayo na ni juu ya Serikali kutafuta njia ya kuwatafuta wale waliomuua Marehemu "Shikuku"—samahani, Kariuki.

(Kicheko)

Bw. Spika, Mhe. Shikuku anisamehe kwa ulimi wangu kuteleza.

Bw. Shikuku: *I am the next one anyway.*

Bw. Nabwera: Bw. Spika, hii ndiyo sababu nasema kwamba kitu ambacho Mkuu wa Sheria anataka na hili badiliko lake ni ya kwamba sasa anatoa *responsibility* ambayo ni ya Serikali irudi kwa Bunge.

Mkuu wa Sheria (Bw. Njonjo): Jambo la nidhamu. Bw. Spika, ni haki kwa Mhe. Bw. Nabwera *to confuse the House* wakati anaposema ya kwamba mimi nataka kutoa *responsibility* kwa Serikali ili nilete hapa Bungeni? Badiliko langu linasema ya kwamba ripoti hii ipelekwe kortini.

Bw. Nabwera: Sasa, Bw. Spika, unaweza kufahamu kitu ninachosema. Mkuu wa Sheria anataka aichukue ripoti hii na kuiteleka kortini ili watu ambao majina

yaoyameandikwa hapa waitwe na kuulizwa: "Ninyi mlikuwa huko 'au la', halafu waseme 'La' na korti itoe uamuzi kwamba hakuna kesi.

(Shangilio)

Jinsi tunavyojua korti zetu, ikiwa kesi ya mtu fulani imepelekwa katika korti na iwe ni ya mauaji—

Bw. Kimani: Jambo la nidhamu. Bw. Spika, kama Mhe. Mbunge, ambaye anazungumza sasa, hataki ripoti hii ipelekwe kortini, anaweza kutuambia ni wapi anataka ipelekwe?

Bw. Nabwera: Bw. Spika, unaona uchungu unaanza kuumiza, na sasa ukweli umewekwa juu.

Waziri Msaidizi wa Ardhi na Makao (Bw. G. G. Kariuki): Jambo la nidhamu, Bw. Spika.

Bw. Shikuku: *Sit down!*

Waziri Msaidizi wa Ardhi na Makao (Bw. G. G. Kariuki): Hili ni jambo la nidhamu, *my friends!* Bw. Spika, mambo haya ambayo tunazungumza ni ya muhimu sana, lakini watu ambao wako katika *Galleries* wanatuona kama tunafanya mchezo. Kila mtu anasimama—nia imekuwa kama nyimbo ya *up and down*—na kufanya kama watoto hapa. Kwa hivyo, ningekuuliza kama ingewezekana, ikiwa mtu yuko *out of order*—wewe ndiye unajua Kanuni za Bunge kuliko sisi—upewe nafasi ya kumjulisha yule mtu ambaye ametoka nje ya Kanuni za Bunge badala ya sisi kung'ang'ania jambo ambalo linahusu mtu aliyekufa.

Bw. Nabwera: Bw. Spika, mimi nilisema na Mkuu wa Sheria akakubali ya kwamba anataka aipeleke ripoti hii katika korti, ripoti ambayo yeye mwenyewe amesema ni sifuri, na tena yeye ndiye *Prosecutor* wa Serikali. Ikiwa Mkuu wa Sheria amesema ya kwamba ripoti hii ni sifuri, na kwamba hana imani nayo, ataitumia namna gani katika korti? Kwa hivyo, mimi nasema ya kwamba ni lazima tulitupilie mbali badiliko hili halafu tumpe Mkuu wa Sheria na Serikali yetu tukufu nafasi—ikiwa wataakubali—to implement mapendekezo ambayo yako katika ripoti; wafanye hivyo, na ikiwa watakataa, wafanye wapendavyo. Lakini sisi hatuna haja kumsaidia Mkuu wa Sheria na Serikali kwa shida ambayo wameipata kwa kuiohukua ripoti ya Bunge kuwa kama *evidence* ya kutumiwa katika *prosecution*. Bw. Spika, mimi naanza kuwa *suspicious* kwa sababu Mkuu wa Sheria mwenyewe amesema ya kwamba Kamati Teule ya Bunge imetoka na "sifuri" kwenye uchunguzi wake lakini ana haja sana ya kuenda nayo kortini. Mimi naanza kuwa *suspicious* ya kwamba shabaha ya Mkuu wa Sheria hasa sio kuwapata wale waliomuua marehemu J. M. Kariuki na kuwafanyia *prosecution* bali ni kuitumia ripoti hii kufanya *ridicule* kwa Kamati hii na Bunge letu.

Wabunge Fulani: *Hear! Hear!*

Makamu wa Rais na Waziri wa Mambo ya Nchini (Bw. arap Moi): Jambo la nidhamu, Bw. Spika. Wabunge walisema jana ya kwamba hawataki kulichezea jambo muhimu kama hili kwa sababu linaweza kuleta wasiwasi sio leo peke yake lakini hata kesho kutwa. Kwa hivyo, ni haki kwa sisi kutumia maneno ya siasa wakati tunapojaribu kutafuta kitu ambacho tunaweza kufanya juu ya jambo hili? Mimi mwenyewe niliunga

Bw. Ayoki: Jambo la nidhamu, Bw. Spika. Inaonekana kwamba wakati wa kujibu umewadia na kwa hivyo ningetaka kupendekeza kwamba Mkuu wa Sheria apatiwe nafasi ya kujibu sasa.

Bw. Spika: Katika majadiliano juu ya mabadiliko ya Hoja yoyote, hakuna haja ya yule ambaye alitoa mabadiliko kujibu. Lakini nafikiri kwamba sasa nitatoa Swali la Mabadiliko ambalo linahusu kuingiza maneno, "ili itumiwe katika mahakama itakayofuata majadiliano haya", baada ya tarakimu, "1975" katika mstari wa mwisho.

MGAWANYO

(Swala la badiliko, kwamba maneno ya kuongezwa yaongezwe liliwekwa na Bunge likagawanyika)

SUALA LILIKATALIWA KWA KURA 62 KWA 59

NAAM

Abass, H. A.	Mutung'a, A. N.
Ali, M. S.	Mwamunga, E. T.
Amayo, D. O.	Mwangi, F. N.
Angaine, J. H.	Mwicigi, G. N.
Cheboiwo, H. R.	Mwongo, J.
Choge, S. K. arap	Ngei, P. J.
Gichuru, J. S.	Njeru, J. G.
Gituma, J. H.	Njoka, P.
Ibrahim, M.	Nyagah, J. J. M.
Imathiu, L. Rev.	Oduya, O.
Karume, N.	Ogle, A. A.
Kariuki, E. N.	Ogutui, M. J.
Kariuki, G. G.	Ojiambo, Dr. J. A. (Mrs.)
Kimani, K.	Oloitiptip, S. S. ole
Kiptanui, E. C.	Omar, A. A.
Kitonga, C. J.	Onyonka, Dr. Z.
Koinange, M.	Oselu-Nyalik, L. W.
Kuguru, D. N.	Osogo, J. N.C.
Magugu, A. K.	Rurumban, P. K.
Marita, L. A.	Said, M. O.
Mathai, M.	Salat, I. K.
Moi, D. T. arap	Siparo, J. P. ole
Moss, D. C. N.	Tipis, J. K. ole
Muchiri, G. M.	Too, V. K. arap
Mukuna, W. C.	Towett, T. arap
Munyi, K.	Waiyaki, Dr. F. L. M.
Muregi, J. K.	Wanjigi, M.
Murgor, W. C.	Waweru, I. W.
Mutinda, D. M.	Mungai, Dr. N.
Mutisya, M.	

WAHASIBU WA KURA WA "NAAM": DKT. ONYONKA

NA BW. WABUGE

LA

Adichareh, H. M.K.	Midika, O.
Ang'elei, P. P. L.	M'Maiti, S. L.
Ayodo, S. O.	Muliro, M.
Ayoki, W. A. O.	Muriuki, Dr. J.
Bosire, M.	Murgor, C. C.
Cheka, A. O.	Mwangale, E. W.
Ejore, P. B.	Mwanyumba, D.
Fayo, H. A. H.	Mwaro, F.
Galgalo, A. M.	Mwavumo, K. S.
Gituma, J. H.	Mwamzandi, K. B.
Ivuti, P. E. M.	Mwendwa, W. N. (Mrs.)
Kalulu, F. M.	Mwithaga, M. W.
Kamotho, J. J.	Nabwera, B.
Kanja, W.	Nassir, S.
Keen, J.	Ngala, N. K.
Keino, M. K. arap	Ndiege, A. O.
Kerich, A. K. arap	Njuno, N. N.
Kibisu, P. F.	Ochieng'-Okech, P.
Kitonga, Dr. J. M.	Obongita, M. N. F.
Korellach, J. P.	Odero-Jowi, J. G.
Kubo, M.	Okova, S. N.
Kurgat, S. K.	Onyango, G. M.A. (Mrs.)
Lentaya, D. N.	Rosana, A. N.
Lotodo, E. P. L.	Rubia, C. W.
Lowoniyo, C. E.	Said, H.
Mageto, S. O.	Shikuku, J. M.
Masibayi, G. F.	Soba, M. O. S.
Masinde, Dr. F. S.	Soi, K. arap
Mbarire, J. N.	Tanui, R. T.
Mboja, M.	Wabuge, W.
Mbole, D. P.	Yeri, J. K.

WAHASIBU WA KURA "LA": MABWANA MUTUNGA NA

M'MAITSI

WASIOPIGA KURA

Bw. Spika: Sasa tunarudia Hoja kama ilivyokuwa hapo mbeleni.

Bw. Rubia: Jambo la nidhamu, Bw. Spika. Ningependa kumuuliza yule aliyeleta Hoja auulizwe kujibu. Nafikiri tumejadiliana ya kutosha.

(Hoja kama ilivyopendekezwa kwanza ilitolewe tena)

(Hoja, kwamba mtoa Hoja ajibu sasa iliamuliwa na kuafikiwa)

Mbunge Fulani: Bw. Njonjo ametoka zero.

Bw. Mwangale: Bw. Spika, nataka kuwarudishia ahsante Wabunge wote ambao walisaidia katika Hoja hii. Mimi sitasema mengi.

Kuna msembo mmoja katika lugha yetu ambao unasema kwamba fisi alikuwa akitembea usiku na akaona jiwe. Jiwe lile lilikuwa kubwa kabisa na hakujua hili ni jiwe au nini na akauliza wewe ni nani? Jiwe halikujibu. Akauliza tena: wewe ni nani na jiwe halikujibu. Bw. Spika fisi alisema kwamba "Ah! Hata kama hujibu umesikia".

(Shangilio)

Kifo cha Mhe. Bw. J. M. ni kifo ambacho kina-huzunisha kila mwananchi katika Jamhuri yetu hii. Kitendo ambacho Bunge hili limefanya siku ya leo ni kuonyesha ya kwamba sisi Wabunge, pamoja na na nchi yote, tumewalaumu wale watu ambao walimuua. Mtu yeyote ambaye atasema kwamba ushahidi ambao tumepata na Ripoti haviwezi kutumiwa katika korti hatakuwa akisema ukweli hata kidogo. Katika *ternis of reference*, tumesema kwamba ushahidi huu utatumiwa kortini. Kwa hivyo, Bw. Spika, sitaki kusema mengi hata kutaja kila pointi ambayo ilisemwa hapa na kila Mbunge kwa sababu kufanya hivyo kutaharibu tu, mioyo ya watu. Kama tunavyojua, Hoja imepitishwa katika Bunge hili na sisi sote tukiwa kama Mawaziri au Mkuu wa Sheria, tunasimama kwa Hoja hiyo. *We all support it.* Sisi tunaiunga mkono ripoti hii, Bw. Spika.

Kwa hivyo, yangu ni kuwarudishia Wabunge ahsante sana na kuiuliza Serikali kwamba kwa sababu tuna ushahidi wa kutosha katika jambo hili ni heri iendelee kuwapeleka wale waliomuua marehemu J. M. Kariuki mbele ya mahakama. Ni heri watu hao wanaswe na wapatiwe adhabu inayowafaa. Nafikiri adhabu ambayo ingewafaa ni kupigwa risasi kama vile marehemu Bw. J. M. Kariuki alifanyiwa.

Ni hayo tu, Bw. Spika. Ahsante sana.

(Hoja iliamuliwa na kuafikiwa)

Bw. Spika: Ebu tuendelee sasa.

MSWADA

KAMATI YA BUNGE ZIMA

(Dondoo la Kamati lilisomwa)

[Bw. Spika aliondoka Kitini]

KATIKA KAMATI

[Mwenyekiti wa Muda (Bw. Mwamzandi) alikalia Kiti]

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

Mwenyekiti wa Muda (Bw. Mwamzandi): Tafadhali Wabunge wanaotaka kuondoka ni heri wafanye hivyo kimya.

(Ibara ya pili iliafikiwa)

Jedwali

Bw. Shikuku: Bw. Mwenyekiti wa Muda—

Bw. Mwenyekiti wa Muda (Bw. Mwamzandi): Tafadhali tulia kidogo, Bw. Shikuku. Nilikuwa nimemwita Mkuu wa Sheria ili atoe mabadiliko yake.

Bw. Shikuku: Jambo la nidhamu, Bw. Mwenyekiti wa Muda. Kabla ya Mkuu wa Sheria kutoa mabadiliko yake ningependa kusema kwamba ukiangalia katika Orodha ya Shughuli zetu za leo utaona ya kwamba kuna *extensive amendments* ambazo haziko katika Mswada wa *Statute Law (Miscellaneous Amendments) Bill*. Mkuu wa Sheria amechukua nafasi hii kujaribu kuleta mabadiliko ambayo hayako katika Mswada huu. Kwa mfano kuna badiliko ambalo linasema:—

By the insertion, as the first provision and amendment in the item relating to the Constitutional Offices Remuneration Act (Cap. 423) of the following provision and amendment respectively.

Bw. Mwenyekiti wa Muda, ukiangalia katika Mswada wa *Statute Law (Miscellaneous Amendments) Bill* utaona ya kwamba badiliko hilo haliko. Pia kuna badiliko lingine ambalo linasema:—

Insert, in the item relating to The Law of Succession Act (No. 14) of 1972, in the second and third columns respectively, immediately before the provision and amendments therein specified, the following:—

Bw. Mwenyekiti wa Muda, hata badiliko hili haliko katika Mswada wenyewe. Pia kuna badiliko lingine ambalo linasema:—

(3) *Where the operation of sections 48 and 49 of this Act is suspended in any area, the High Court may make a grant of representation in respect of the estate of a deceased person whose last known place of residence was in that area, whether the value of the estate exceed or does not exceed one hundred thousand shillings.*

Bw. Mwenyekiti wa Muda hata badiliko hilo haliko katika Mswada wenyewe. Katika Mswada kuna *Trade*

