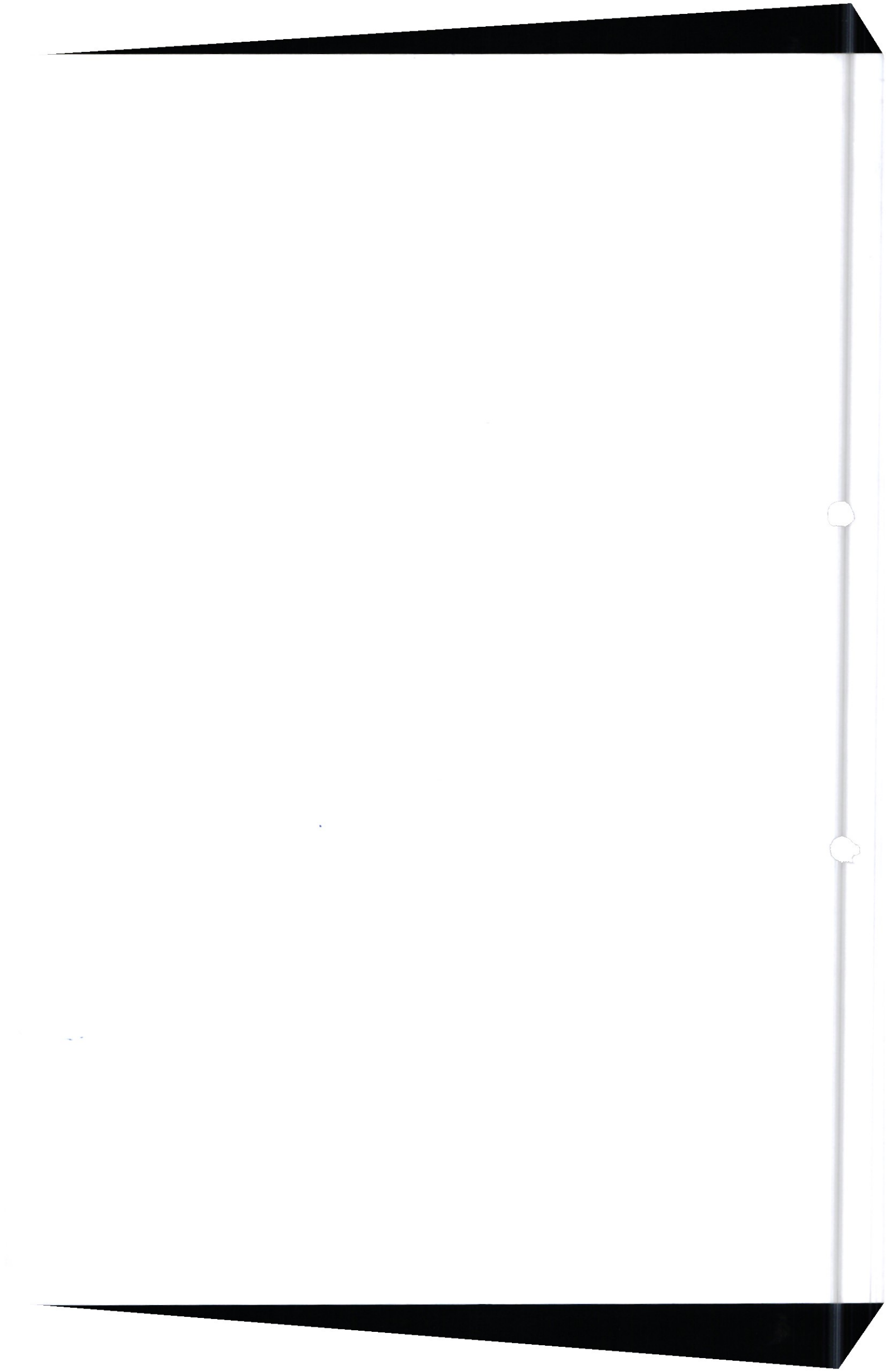




## **Appendix 1:**

**Motion on the Establishment of the Ad Hoc  
Committee on the Compensation of the Kenyan  
Victims of the 1998 Bombing of the United  
States of America Embassy in Nairobi**



hard and put God first. I also send a word of thanks to your parents, sisters and maybe even some of you, who might have voted for me.

As my neighbour Senator has said, I will give Caesar what belongs to Caesar. *Karibuni sana.*

**The Temporary Speaker** (Sen. Mumma): Hon. Senators, pursuant to Standing Order No.45 on sequence of proceedings, I wish to direct that the Order Paper be reorganised so that we move to Order No.19.

### MOTION

#### ESTABLISHMENT OF AN *AD HOC* COMMITTEE ON THE COMPENSATION TO THE KENYAN VICTIMS OF THE 1998 BOMBING

THAT, AWARE THAT, disaster is defined as an overwhelming event and circumstance that tests the adaptation of responses of a community or individuals beyond their capability and leads momentarily to massive disruption of function for a community or individual that often exceeds their capacity to cope using existing resources.

FURTHER AWARE THAT, such was the case with the 1998 US Embassy Bomb disaster in Nairobi in which many of the Kenyan casualties resulted from the collapse of adjacent buildings located within a two to three block radius, and with reverberations being felt in most parts of Nairobi that resulted in 213 Kenyans and 12 Americans killed and over 5000 citizens of both countries being seriously injured.

NOTING THAT, US Allies, including Kenya, have endured the great burden of death, and long-term and in many instances permanent, physical and psychological injury.

FURTHER NOTING THAT, the USA Government has since compensated some of the victims and families of US citizens, leaving the families of Kenyan citizens and certain other victims uncompensated.

NOW, THEREFORE, the Senate resolves to establish an Ad Hoc committee to –

(i) engage the Ministry of Foreign and Diaspora Affairs to advance friendship and co-operation between the United States of America and Kenya by supporting the eligibility of Kenyan and American victims and their personal representatives, surviving spouses and next of kins in the Victim Compensation Fund, pursuant to the Justice for United States Victims of State Sponsored Terrorism Act;

(ii) coordinate with the Ministry of Foreign and Diaspora Affairs in the engagement of victims, their personal representatives, the USA government and other stakeholders at home and abroad to pursue and accomplish the compensation of victims and families of the victims of Kenyan nationals; and,



(iii) coordinate with the Ministry of Health to explore subsidized medical treatment for the surviving victims of the bomb blast and submit a report to the House within 90 days with effect from 3rd July, 2023.

AND FURTHER THAT, the following Senators be appointed to serve in the Ad Hoc committee:

1. Sen. Agnes Kavindu Muthama, MP
2. Sen. Daniel Maanzo, MP
3. Sen. Alexander Mundigi, MP
4. Sen. Beatrice Ogolla, MP
5. Sen. Johnnes Mwaruma, MP
6. Sen. Mohamed Said Chute, MP
7. Sen. Jackson Mandago, MP
8. Sen. William Cheptumo, MP.
9. Sen. Peris Tobiko, MP.

*(Sen. Kavindu Muthama 27.6.2023)*

*Resumption of debate interrupted on 27.6.2023)*

**The Temporary Speaker** (Sen. Mumma): Sen. Madzayo had some minutes to go. I see he is not in the House. Any other speakers?

Sen. Maanzo, please proceed.

**Sen. Maanzo:** Madam Temporary Speaker, I wish to support this Motion. What happened in this country in 1998 was terrible. Many people died, others were injured and disabled. I know quite a number of petitioners in this matter no longer have their sight out of the blast. This disability happened to them when they were mature. For those who died, their representatives are still waiting for compensation up to today.

The most important thing in the sequence of events, is that a fund was set up for the whole world where American institutions are targeted by terrorists. This was an attack to the American Government. Kenya became collateral damage. Therefore, where such activities happen, it is only fair they come up with this fund and compensate victims as the American Government.

Many of those who were disabled can still undergo reconstructive surgery and go back to their normal finesse. They are waiting for this moment so that it can happen.

What is left for this fund to be actualised, is a law to be passed in the American Houses; the Senate and the Congress. For this to happen, we have to lobby our colleagues in the United States of America (USA) so that they expedite the passing of this law to actualise this fund. Once passed, it will not only serve Kenya but also other countries which have been attacked while Americans are targeted.

In this case, 12 Americans and 213 Kenyans died. We really suffered. Ordinarily, those are very many years to have passed without compensation at all.

When you come to the composition of the Members who have been proposed, first I want to thank the House that I am one of them. Owing to the National Prayer



Breakfast, I have got very close friends in the American Congress and in the American Senate.

I remember recently, Sen. Chris Coons was here in Kenya. The Senate was on recess. I received him on behalf of the Senate one evening. Sen. Chris Coons, the Senator for Delaware is one of the big movers in the American Senate. He inherited the seat of the current President which had been occupied for many years. He has steadfastly held the seat for quite a number of years.

He is therefore very instrumental and familiar with Kenya. In fact, he speaks fluent Kiswahili because when he was in university, he came here for an exchange program with the University of Nairobi and stayed here for two years. So, he understands the geography and the difficulties Kenyans go through.

At the same time, they have their own friends and caucuses therefore, this law can be passed in the USA and the families of the victims can be compensated.

We also have quite a number of people who are still following this matter. In their current condition, they are making telephone calls every day. I know some of them personally. They are following this and have a lot of expectation. From the first time we had a debate in this House, there was a lot of expectation from many Kenyans who suffered here.

The role of the Ministry of Foreign affairs, Parliament and Ministries relevant to this matter are very important. I believe with this team which has been set up, we will be able to action this quickly and we could easily find compensation for the victims.

Madam Temporary Speaker, I support and look forward to very quick action by this House so that Kenyans who suffered in the 1998 bombing of the American embassy here end up being compensated and restored despite many years of suffering.

I thank you.

**The Temporary Speaker** (Sen. Mumma): Proceed, Sen. Munyi Mundigi.

**Sen. Munyi Mundigi:** Asante Bi. Spika. Naunga mkono Kamati inayoenda kuangalia vile watu waliumia. Ni ajabu kwamba kumekuwa na ajali kwa miaka mingi. Utakuta kuna zingine kuna *insurance*, na zingine watu wakienda kotini wanalipwa. Unakuta kwamba gari likianguka, mtu analipwa kwa kipindi cha miaka miwili au mitatu.

Ni jambo la aibu sana kwamba kuna watu waliumia na wakafa, wengine walipoteza wazazi ambao walikuwa na watoto na mabibi ambao walikuwa wanawategemea, lakini mpaka leo; miaka 25 iliyopita, wale watu waliwachwa na sasa wamekua masikini hata hawawezi kusomesha watoto wao wala kufanya jambo lolote.

Wengine waliumia na familia zao zikasambaratika. Wengine wanatembea na magari kwa sababu mikono yao ama miguu yao ilikatwa. Wengine walikuwa wanafunza lakini saa hii hawawezi kufanya kazi yoyote. Wengine wako hali mahututi na wengine waliaga dunia. Saa hii ni miaka ishirini na tano.

Kwa hivyo ninaunga mkono kwamba nchi ya Marekani iweze kuangalia vile hawa watu wataweza kulipwa pesa zao. Ni aibu kwamba jambo kama hilo lilifanyika na lilikuwa linahusu Wamarekani ambao wanajivunia kwamba, wako na pesa na hawajalipa watu wetu wa Kenya.

Naunga mkono.



*(Interruption of debate on Motion)*

### COMMUNICATION FROM THE CHAIR

#### VISITING DELEGATION FROM ST. THERESA'S GIRLS, SAMBURU COUNTY

**The Temporary Speaker** (Sen. Mumma): Hon. Senators, in the Public Gallery we have 45 students accompanied by four teachers from St. Theresa's Girls School in Samburu County who are in the Senate on an education tour.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.

I now wish to invite Sen. Lemaletian to welcome them on her own behalf and on the behalf of the Senator of Samburu County.

**Sen. Lemaletian:** Thank you, Madam Temporary Speaker. Nelson Mandela reiterated that a good mind and a good heart are a formidable combination and there is nothing that best describes or interests us more than that.

I am proud to see these lovely ladies here because this is my *alma mater*. This is a majestic school nestled in between the Matthews Ranges and the great Ewaso Nyiro River in Samburu, in the north. They are referred to as the "desert roses" and the academic giants of the north. This is one school that has given a lot of rivalry in academics to every other existing school in the north and I am proud to be an alumnus.

Madam Temporary Speaker, as their motto suggests, it is a tradition of excellence being one of the oldest schools in the north and the most prestigious school in the arid side of Samburu. Like we used to say being a very strict mission school, that we abide in truth, love and justice.

This school has given forth and proffered outstanding individuals to our society, starting with the first Samburu girl to go to university, Commissioner Sophia Lepuchirit, EBS and my mum, Mary Lemaletian.

I am also very sentimentally attached to this school, having been a place where my late father Raphael Lemaletian, was a teacher and two of my sisters have been through this school.

As a very strict Catholic school, the school has raised ladies of reputable character. I am proud that they continue to excel not just in academics but outside there in that when you walk the streets of Samburu or any town in the north you always feel proud that you are a student from St. Theresa's.

On behalf of my colleague, Sen. (Dr.) Lelegwe, I would like to read this brief welcoming note.

I rise to join you in welcoming the teachers and students of St. Theresa's Girls, Wamba. In a world where gender equality continues to be a pressing issue, St. Theresa's Girls stands as a shining example of hope for our girls in Samburu. Their consistent

excellence academic performance has demonstrated that girls possess equal potential and are capable of leading in all aspects of life.

May their presence in the Senate inspire us to continue working towards a society where every girl is empowered, where their voices are heard and their contributions are recognized.

Once again, I extend a warm and heartfelt welcome to St. Theresa's Girls Wamba. May their time here be filled with fruitful experience and inspiration to be leaders in our society.

Welcome, ladies and teachers. This is the upper House of the Parliament of Kenya, the Senate. This is where we make laws affecting the county. I hope you have a wonderful stay.

Thank you.

*(Resumption of debate on Motion)*

**Sen. Sifuna:** Madam Temporary Speaker, indeed, I want to join my colleagues to support the Motion that is before the House this afternoon. Twenty five years is a very long time for people to wait for justice. I am sure that many of the victims of the bomb blast in that happened on 7<sup>th</sup>, August, 1998, have lost hope.

When it happened, I was 16 years old. From that time, we have had a lot of efforts being directed towards getting justice for the victims of the August 7<sup>th</sup> Bombing but nothing has happened up to date. It is a national shame that we have not done anything to pursue justice for the helpless victims.

Many were wondering why the Senator for Nairobi City is not a Member of the committee yet it happened in Nairobi. I want to correct the notion. What happened on 7<sup>th</sup> August, 1998, was a national disaster. Actually, it has international proportions because we lost people from all walks of life and regions in the country. Even international victims also lost their lives.

For the survivors, we opened up a memorial park and people have moved on with their lives. You can imagine people who were 16 years old like myself. We are now in our 40's and we are here in the Senate. The Committee should ensure there is justice for the people who were affected in that particular tragedy.

Madam Temporary Speaker, we have seen compensation for other nationals by the United States (US) Government. It is only fair because there is no greater life to another. I do not think that a citizen of the US has greater value in terms of humanity than citizens of other countries including Kenya.

By establishing this Committee, I do not want us to just sell hope to the people because they have held on to the hope for too long. I hope that the Committee will finally resolve this question for them because they have been to every office in the land.

I am aware of efforts that have been directed towards foreign lands, including in the US itself. When they see that the Senate is trying to do something for them, I really hope that the effort does not fail. I encourage Members of the Committee, led by Sen. Kavindu Muthama, to know that the hopes of millions of families in this country are resting on them.

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As the Senator for Nairobi, I will support in any way I can. I am available for you in the event you need any support. However, for the love of our people and for the respect of the time that they have waited for this to happen, I really pray that something is done.

Madam Temporary Speaker, I know that Members of the Committee will not fail on this one. They must succeed and bring closure to these families the pain they endured on 7<sup>th</sup> August, 1998, so that it does not continue.

I support.

**The Temporary Speaker** (Sen. Mumma): Proceed, Sen. Thang'wa.

**Sen. Thang'wa:** Madam Temporary Speaker, I rise to support this Motion, owing to the fact that in a month's time, that is August this year, we will mark 25 years since the 1998 bomb blast.

I remember when I heard the news about the bomb blast, I was in a *matatu* somewhere in Kaplamai. That is in Trans Nzoia because we had just closed school. At that particular time, because we heard news on radio, you could not paint the gruesome picture of the bomb blast.

It is sad to hear that 25 years later, the victims have not been compensated, yet the Americans who died, 12 of them, and those who were injured were all compensated.

I stand here because I have many people in my County of Kiambu and we know them by name. They cry to us all the time that they have not been compensated. They were neglected. Some of them were working at the Cooperative House. After the bomb blast, they lost their jobs and physical ability. It was traumatizing and that affected their mental health.

I think this is the right time that the *Ad Hoc* Committee is formed, so that they follow with the Ministry of Foreign Affairs, the Government of Kenya and the American Government, to see that over 5,000 citizens of this country, just like the American citizens who were affected by the bomb blast, are compensated.

Just to show that we know them, I know a few from in Kiambu. They are 17 of them led by Esther Githangui and Kingori Ezekiel from Kikuyu. I am mentioning those names because they do have groups and they have registered themselves.

Some of them gave up and went back home. For those who were not registered, it is time they reached out and told us that they are there. They should narrate to us what happened and what they have been following.

It is not enough just to have your name on a wall somewhere in Nairobi for people to be coming and taking photos, yet your parent, father, brother or sister lost a life there and nothing else came out of it.

I call upon all the victims of the 1998 bomb blast in Nairobi to register. When Members of the *Ad Hoc* Committee will be looking into this matter, atleast they will have the right number of people. At the end of it all, they will know that they helped those who were supposed to be helped.

So, I stand to support this Motion. The Committee has Members who are diligent, led by the Mover of the Motion, Sen. Kavindu Muthama. Other Members are Sen. Daniel Maanzo, Sen. Alexander Mundigi, Sen. Beatrice Ogolla, Sen. Johnes Mwaruma, Sen.



Mohamed Said Chute, Sen. Jackson Mandago, Sen. William Cheptumo, and, Sen. Peris Tobiko.

I believe this is the right team to look into this matter. I know that at the end of it all, it will be said that the Senate of between 2022 and 2027 ensured justice to the people who were affected by the 1998 bomb blast here in Nairobi.

I support.

**The Temporary Speaker** (Sen. Mumma): Proceed, Sen. Wafula.

**Sen. Wafula:** Thank you, Madam Temporary Speaker, for this opportunity to support what my good Senator has brought to the House.

At that time, I was a tender gentleman in primary school. At that time, *Kenya Times* was the newspaper of the day and my parents could afford a newspaper. The Kenya Broadcasting Corporation (KBC) was the real thing at that time.

We were surprised, perturbed and in shock to hear what had happened in Nairobi. People died, others suffered and some were in shock. The entire country was trembling. We had relatives and friends in that building.

All the networks and connectivity apparatus available were put into use to confirm if our loved ones were safe, injured or dead. Some were injured while some died. For some, it was possible for the Government to save them at that time.

It is sad in the history of this country that up to now, such people are dubbed as history, while I believe some, because of the financial and political connectivity, managed to get health care services in hospitals.

Some had insurance covers that catered for them. However, we have Kenyans who were there seeking for services and looking for opportunities and in consultation with leaders of the day, ended up being casualties because of proximity or their availability at that place.

I believe the reason Kenya was attacked was because of our proximity and association with our partners in this world. I believe many of those people, who were not Kenyans, got their rightful share of compensation.

As Kenyans, because of enjoying our cordial relationships, we ended up paying the price for our connectivity and friendship with our partners. Our people are still languishing in poverty and pain. Some cannot even fend for themselves because of that attack.

Madam Temporary Speaker, I beseech this House that our friends should always be with us in our times of need and also in their time of need. They should stand with us when our people are suffering and not only when we are happy as a country.

We cannot be talking about this for over 15 years. Where is the Government? Where are our partners? What are our moral standings in this society? What values do we stand for as a country? It cannot be business only. We are human beings and also human doings. Whatever we do must reflect the human perspective.

I support this Committee. I demand and expect that anyone who was in the line of duty or was in that building, and as a Kenyan suffered as a casualty because of friendship with our partners, must get a rightful share of compensation.

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I hope that people did not pocket our money. We live in a country where as people cry or suffer in the media, social media and functions, others might have struck deals to close that file. We might be sitting on a time bomb.

This Committee must dig deep and find out what those agreements were all about, who did what and where in that time of history. Were there any agreements or concessions that the Government entered with our partners, so that we close this file and go home happy so that those who are at home and were casualties can then be confident that this chapter has been closed in a fair and free manner?

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Mumma): Proceed, Sen. Mungatana.

**Sen. Mungatana, MGH:** Madam Temporary Speaker, thank you for giving me an opportunity to speak to this Motion. I start by congratulating the honourable 'iron lady' from Machakos for bringing this Motion, again in the form in which she has brought it.

I was here when this Motion came in a different format and we felt as a Senate that it was not strong enough. I am glad that she went and brought it back in this format.

The hon. Senator who spoke before me said that this is a national matter. Indeed, it is because somebody who was then living in Nairobi but comes from Tana River called me and said that they have been told to reach out to their Senators because something is being done by the Senate. Therefore, even people in my own county were affected by that bomb blast.

Madam Temporary Speaker, let me recall from my recollections of what happened that day. There was a truck that came to the American Embassy on 7<sup>th</sup> August, 1998. At that time, the Embassy was located in town, as we all remember, next to the Cooperative Bank of Kenya.

There was a drop-off under the building housing the embassy, so that one could make deliveries. This truck that was carrying explosives and terrorists came in the normal manner as if to make deliveries. The guards denied them access because they had not been cleared to go down the barrier.

In their initial plans, the terrorists had planned that they would talk their way through the barrier and maybe bribe the local guards. Then, they would gain access with a lorry full of explosives dummied as deliveries and go down. The explosives would then explode while under the building, so that the entire building would come down.

Madam Temporary Speaker, the local guards who were at the barrier denied them entry. These terrorists became frustrated. Therefore, they started shooting at the guards so that they could gain access. In the confusion, that truck never made it to the basement. Had it done so, the entire Embassy structure would have come down. They decided to explode it at the parking lot. In a sense, the local guards saved many people because of their act of bravery.

It is very sad because the aftermath was 213 deaths; 44 were Americans. Four thousand people were injured including this guard who did a very brave thing.



Madam Temporary Speaker, it is 25 years later and he has not been compensated. It is a very sad thing to hear. Many people lived because of him, including senior Embassy staffers who were upstairs. Many of them were saved.

If that building had come down, then many of them would have died. It is now 25 years but the guards and other fellows who saved lives of many people and were celebrated at the time have not been compensated. It is a very sad situation.

Madam Temporary Speaker, I fully support this Motion in the manner in which it has been brought. I believe that this *Ad-hoc* Committee will be more productive in its work.

Why an *Ad-hoc* Committee? It is able to focus and is not bound by the normal scheduling. They are able to create their own timetable in consultation with the management of the House. They are also able to have meetings that are focused on the work which they are doing.

Madam Temporary Speaker, I currently Chair an *Ad-hoc* Committee. I know that when you are sitting in an *Ad-hoc* Committee, then you are able to focus on issues. The team which is there is also committed.

I want to single out hon. Sen. Cheptumo, who is also part of my own Committee. He is dedicated to his job. I know others are also dedicated but I wish to mention him because he will never miss a meeting. I believe with that dedication, the team that has been nominated will be approved to and that it will give us a good report that can be acted upon.

I urge this House in passing this Motion that we should relook again at this whole issue of cutting budgets for foreign travels for *Ad-hoc* Committees. I know the management of the House is listening. They must listen and hear that you must not curtail the work of a Committee just because it is an *Ad-hoc* committee.

This Committee must travel to the US. How else are they going to meet the important movers and shakers that the hon. Sen. Maanzo talked about? He said that they have contacts of some Senators.

How will they hold discussions? Will it be over the phone, Skype or Zoom, while talking about millions of shillings owed to the people as compensation? Why can you not pay a courtesy call to those people in Washington DC?

It would be a tragedy if this Committee is not enabled to perform its work on the basis that we are curtailing foreign travel by *Ad-hoc* committees. Foreign travel must be there for this Committee. They must go and do what needs to be done in Washington DC.

Madam Temporary Speaker, we have voted Kshs40 billion as a combined budget for both the National Assembly and the Senate. We pray that this money will go to facilitate the work of this Committee.

May the people of Kenya see results that the Senate is going to finally give them after 25 years of waiting.

Madam Temporary Speaker, I rise to support. Thank you.

**The Temporary Speaker** (Sen. Mumma): Sen. Tobiko, you may have the Floor.



**Sen. Tobiko:** Thank you, Madam Temporary Speaker. I rise to support the Motion, including the formation of the *ad hoc* Committee.

First, I congratulate our sister, Sen. Kavindu Muthama, for being the initiator of this Motion. I also congratulate the people of Machakos County for electing this good lady to represent them here, because she has gone beyond the borders of Machakos County to represent all Kenyans. This is why it is important that women get elected because besides just being a Senator, she has put the human face on this whole issue.

The bomb blast affected many families. As I was sitting at the back bench with Sen. Okenyuri, I was trying to imagine how old she was then at that time. She must have been a toddler. I was three months into the marriage. I had just gotten married in May of that year. My husband was working at the Central Bank of Kenya (CBK). I had just walked across the road to go to the General Post Office (GPO) when I saw the smoke. I thought it was the CBK that had exploded and I thought my life had ended. Just three months into marriage and now here I was. The whole place was smoky. I could not tell the difference. By that time, the whole place was smoky, there were rubbles and all that. Many people died even on the road. It was traumatizing. I watched it happening from a distance.

Madam Temporary Speaker, it is unfortunate that to date, our people have not been compensated. Sen. Mungatana, MGH, was giving a description of what really transpired that day. What if the guards did not block this truck that was meant to go under the American Embassy Building? Not that I would have wished the Americans to die, but the casualties on our people may have been less.

Why am I saying this? America is our big brother, the world superpower and the police of every other nation. Their conscience should be pricked that our people died on their behalf. We did not know what caused our people to die. They died because of being friends with America. The conscience of the American people and the American Government should be pricked and know that people died for a course that we could never tell. Families are agonising. Besides those who got injured for life, we have people whose lives have become miserable since then.

It is sad that we are still talking about the American Bomb Blast to date without compensation for our people whose names have just been inscribed on a stone somewhere where the American Embassy used to be. This should be concluded. America must listen. Our people should receive what is duly theirs. Whatever compensation they receive; they will never really be able to bring their lives back to what it was. It will not raise the dead for those who passed on. Those who lost their loved ones will never see them. Those who got physically injured will remain maimed for life. People's lives have been affected forever.

Madam Temporary Speaker, I pray that the American nation is listening and that the American Government will be touched. I pray that this will be brought to a conclusion.

I thank you, Madam Temporary Speaker, for this opportunity.

**The Temporary Speaker** (Sen. Mumma): Sen. Cherarkey, you may have the Floor.



**Sen. Cherarkey:** Thank you, Madam Temporary Speaker, for this opportunity. At the outset, I support this Motion for the formation of an *Ad-Hoc* Committee to investigate compensation and other forms of reparations to the victims of the 1998 Bomb Blast. I thank Sen. Kavindu Muthama for the wonderful work she has done. I also thank the Liaison Committee led by the Chairperson, Sen. Kathuri, for approving the formation of an *Ad-Hoc* Committee. I know it has not been easy for her. She has been restless for the better part of late last month and this month. I am happy that finally, I can see a smile, not only on her face but on the face of the victims of the 1998 Bomb Blast here in Nairobi and in Dar-es-Salaam. Sen. Kavindu Muthama knows the role I have played. We have been consulting.

In fact, one of my constituents from Nandi Hills by the name Jackson Mutahi lost a brother during the 1998 Bomb Blast. They come from a place near Keteng in Nandi Hills Sub-County in Nandi County. When he saw this Motion, he called me and told me that as their Senator, they depend on me because they lost a brother that day. About 224 victims died and more than 4500 both foreigners and locals were injured.

Madam Temporary Speaker, it is sad that 24 years later, we are still talking about compensation for the victims. At that time, I was not so conscious enough to know what was happening. I was just starting my primary school. However, 24 years later, we are still discussing compensation. I appeal to the State Department of the United States of America (USA); this is the price we are paying for being friends with Americans. They say friendship is expensive and one of the instances is now.

I have seen in situations where American citizens have been injured, they have always demanded compensation. You remember Gaddafi compensated America for what happened with the plane that was brought down. You remember Sudan--- although it is in crisis now--- for the economic sanctions to be removed, they had to pay compensation for the lives of Americans that were lost in Sudan during those years.

We want to ask the great people of America whom we have had a tremendous cordial relationship with, to, at least, have a conscience. They have compensated their people. We are not only talking about money; we are also talking about psycho-social support. There are victims whose lives changed. They lost their breadwinners, their parents and friends who are still traumatised to date.

Madam Temporary Speaker, we know the act of terror is an act of cowardice. I speak, noting that we have been losing soldiers and other people because of an act of terror in the northern part of this Republic. Our sympathies and empathies go to the people in the north. The fight against terrorism is accumulative and a joint venture across the world. We appreciate that the issue of terrorism continues to be a huge challenge across the world. That is why we have domesticated the Anti-Terrorism Act and Laws. We even have a police unit dedicated to fighting terrorism in this country. We are aware of that.

The conscience of Americans should have been, they cannot just compensate their people and take Kenyans and other nationalities as collateral.

It is unfair, immoral and an abuse of human rights. I am happy because we are taking a more friendly way. Other nations would have moved to court.

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Madam Temporary Speaker, you remember the tragedy of the Ethiopian Airlines a few years ago. I was the Chairperson of the Committee on Justice, Legal Affairs and Human Rights and we investigated the issue of the Boeing 787 Max that had technical errors. We went to Chicago to meet the Boeing managers and other manufacturers. Those people have been compensated huge money by just a corporation.

What we want this Motion to achieve, is to have a sit-down and ensure the victims and their families are compensated, so that we have value for life. If we allow this, there will be no value for life. How many children did not go to school because they lost either their parents or guardians that day? Many! How many people lost their spouses or loved ones? Many! The American citizens have been compensated and given psycho-social support. They are now okay.

We believe in this Committee to give us recommendations and policy interventions. In future, where Kenyans are lost, we must take the hardball. We appreciate the fact that USA takes the hard ball when their people are affected. I have given the example of Gaddafi and the Sudan compensations. These are small countries and small economies but they have compensated the giant of economies.

I urge the Committee to even go and have a sitting with the State Department of Justice in USA. Let them discuss how compensation can be done. Black is not enough to just write a name. We must get other important remembrance structures. The money that should be given for compensation should even build a structure in this City of Nairobi in remembrance of the 224 victims and the more than 4,500 who were injured on that day.

Therefore, Madam Temporary Speaker, compensation should happen like yesterday. I have seen the membership of the Committee and I have faith in it. I would wish to have been a Member but as I have always said on the Floor of this House, all of us are Senators. Everyone has the capacity and ability to serve in any Committee. Sen. Kavindu Muthama approached me and I told her that we needed to also get more people who may want to learn and have diverse history. That way, we can have well-informed and important recommendations for the future.

This is a straightforward matter. The Government supported the Mau Mau case. The Attorney-General's Office has what is called Mutual Legal Assistance (MLA). As a Senior Counsel and Legal Practitioner in this country, the Attorney General should step in and assist the Committee in ensuring that any negotiations that are done through MLA, are at the forefront. We did that with the Mau Mau.

There is the issue of Koitalel Arap Samoei whose head was taken by the British and there is no compensation up to now. What we have been having is lip service. I brought a Petition and I thank the Senate because we recommended compensation to the families. It included land, recognition and compensation. In Nandi Hills, there is Koitalel Museum. I thank President Kibaki because he at least gave us money to build the Museum. However, it is not the standard.

Now that the Mau Mau case was done, let us also be honest with the issue of Koitalel Arap Samoei and the victims of the 1998 Bomb Blast. We need compensation. We have seen the British Government pay other compensations. I believe in the former Speaker of the National Assembly who is currently Attorney-General, Hon. Justin



Muturi, to lead negotiation through LMA. We are aware of our cordial relationship with USA.

The Senate is not trying not to antagonize our relationship with USA. We are just telling them that we have a formal structure. Let them sit with the *Ad-Hoc* Committee, the Attorney-General of the Republic of Kenya and the State Department of Justice in USA; look at the victims and compensate us. We are not interested in having an adversarial conversation.

In the last Parliament where Sen. Osotsi was a beneficiary, the Government committed Kshs10 billion for compensation of victims of human rights abuses. I believe that even as we pursue this matter, the USA should not be the only one paying compensation. We also want the Kenyan Government to pay compensation because these are forgotten Kenyans. I expect that the Kshs10 billion for reparation and victim compensation should be reinstated. This is because we have different types of human rights abuses.

Madam Temporary Speaker, at the coastal region, we have enforced disappearances. There are human rights abuses where police officers are accused of extrajudicial killings. Some people were killed during Post-Election Violence. We have Internally Displaced People (IDPs) and Infrastructural Evictees (IEs). The victims of human rights abuses must be compensated, including the 224 victims of the 1998 Bomb Blast. This is not only by the USA Government but also the Kenyan Government. That is what the law says under the Bill of Rights. It says that you right a wrong through compensation.

Therefore, we must relook at this Kshs10 billion. We need to re-right the historical injustices. At least, the Mau Mau case has become a standard. It was listened to in London. The Koitalel Arap Samoei victims are still suffering. They were returned to a small area where they could not expand. The Koitalel Clan in Kipsigis, Nandi and others in Suba are suffering. I am sure you know the history very well because you are a neighbour of that region, Madam Temporary Speaker.

I challenge this Committee that we can have a Supplementary Budget and push to reinstate the Kshs10 billion. This is the amount that was meant to re-right and compensate for injustices and human rights abuses in Kenya.

Finally, let me give a short story so that we can learn from it. When I was the Chairperson of JLAC, we visited a place in Kwale and had a meeting at the Kwale Social Hall. The meeting was to do with enforced disappearances and extra-judicial killings. Only women came to that meeting. I asked the County Commissioner what was happening, such that it was only women who had come to our session. He told me that their husbands had allegedly been killed through extrajudicial killings and enforced disappearances.

There is an animal that we need to strangle. Here in Nairobi City County, it is dangerous to be young in some estates. When you are young, you become an easy target of extrajudicial killings. We must ensure that young people, especially young men, live in a safe environment. I am told in some of these estates, young men are killed and the

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parents are told to pay up to Kshs20,000 for the bullet. Where are we heading as a country?

I want us to use the bomb blast victims as an example of not doing wrong to a Kenyan. If you kill someone in some of these slums and it is two bullets, they say they will pay for your son Kshs40,000. We must ensure that the human rights of every Kenyan is respected. As they say, justice delayed is justice denied. This is what has befallen the victims of the 1998 Bomb Blast.

Madam Temporary Speaker, I wish the Committee led by Sen. Kavindu Muthama 'Kavaa Mama' all the best. I challenge her that this is not going to be an easy fight. It will involve diplomacy and many agencies. So, be ready. I know that you are a prayerful woman. Please, pray for other Members so that they can have the courage, zeal and passion of ensuring that justice is done for our fellow Kenyans.

With those many remarks, I support this Motion. I hope when the report comes, we shall have appropriate recommendations.

**The Temporary Speaker** (Sen. Mumma): Sen. Okiya Omtatah, you may proceed.

**Sen. Okiya Omtatah:** Thank you, Madam Temporary Speaker, for the opportunity to address this House on this important Motion.

At the Memorial Plaque at the American Embassy, the first name is Bonita Achola. She was a young college girl from Busia County and a stepdaughter to my sister. The day before the bomb blast, I had visited their home. She cooked and served me ugali, fried eggs and sukumawiki. The next day in the evening, she did not come back home.

They went looking for her and they found her in a pulverized condition. She had gone to visit a friend in the Ufundi SACCO Building, the one that collapsed. It was neighboring the Embassy.

This is a tragedy that for me rings close to home. On the eventful day, a teacher from my village had asked me to follow up on his case with the Teachers Service Commission (TSC).

I went to the bus station, picked a letter and went to that Bell Bottom House on the first floor to deliver that letter. They were having a cup of tea and I left. They offered me tea, but I did not take the tea. I was hurrying back to my office at the NSSF Building.

As I was walking just past the Ex-Telecom Building, I found myself in the midst of total anarchy; total confusion. I did not know what was happening. I fell down, woke up and ran away. I went up the stairs, going to the post office. That was when I looked back and saw there was darkness and a lot of dust.

I remember running back to that place and there was complete chaos. The water had broken, the electricity was flashing all over and I had the presence of mind to run down into the basement to look for the main switch to turn off the power, only to find that the switch was secured with a metal cage and it was not possible to get to the switch.

I ran to Uchumi Supermarket, they were closing down; I bought two torches, I bought a panga and I ran back down to cut that cable, which I did.



When I was going in, I ran into an American Marine who was running around and he snatched me one of the torches that I had bought. Then we began evacuating people; a photographer captured me. Somebody later came to me with photographs of the event.

So, 7<sup>th</sup> August 1998 was a day that is very close to my heart and I always tell myself, had I stopped to take that tea, I would not be here today. This is because, when we were trying to evacuate people, I went back to the Bell Bottom House and all those people that I had seen in that room were dead. I never got to the American Embassy.

So, this is something that is long overdue. These were victims of a terrorist attack. They were not victims of their own doing. I have a friend called Mr. Sidialo. He was driving past and he went blind and there are very many victims who were there, who died on that day.

So, for me, this Motion is long overdue, but I want to approach this question as one that has got legal foundations. There is something called the duty of care. The Americans knew very well that they were a high target and yet they came and located their embassy here in the heart of the city. Did they exercise the duty of care towards the Kenyan public?

If I am walking past a place and I am attacked by a swarm of bees, I run into my friend, Sen. (Dr.) Khalwale, I pass and leave him with a swarm of bees; did I have a duty of care towards him? Should I have run towards him or should I have run away from him?

So, the duty of care, for me, is what we should address also in this Motion, that Americans were well aware that their Embassy was a target but they never secured it. It was porous. It was in the heart of Nairobi and so they bear responsibility for what happened. On the other part, the Kenyan State which allowed that to happen, knowing very well that the Americans were a high-risk target---

We saw what the Israelis have been doing with their Embassy on Bishops Road when they were still there. They have now moved out and the road is now open but you could see the kind of security that they had around there. They know that they are targets. They are in an international war. So, they did not just come and plant themselves out there and let it be. So, we cannot talk of collateral damage. These people were being used as some cover or something, but the Americans have a responsibility to compensate them.

In America, they came up with the Embassy Employee Compensation Act to take care of the victims of the bombings in Dar es Salaam and Nairobi and that Act has helped them. It is run along the same lines whereby they compensate people who suffer from terrorist attacks in aircrafts or wherever.

They compensate for physical harm, economic losses and non-economic losses such as physical and emotional harm, loss of life, loss of enjoyment of life; anything that you can imagine they compensate for.

The standards that they maintain in that Act are the standards that they apply when there is a terrorist attack anywhere in the world and their citizens are involved.

The time has come when the Kenyan State needs to take action and demand that the victims have got a right to be compensated. This one has to be done consciously

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because this is not the first time such a thing is happening. Our great grandfathers - and for those of us who are older, our grandfathers - fought in the First World War and the Second World War. Some were killed, some were maimed, some came back without injury, but they had lost their youthful time serving the empire. They were not compensated. They were given meaningless medals to hang on their lapels. This helped some of them to get wives because some people were attracted to the medals. But beyond that, there were no personal benefits to these people and most have died in abject poverty.

We saw recently in the United Kingdom, these soldiers from Nepal who fought for the British Empire. Sen. (Dr.) Khalwale could inform me of their name if he knows. They were also having a problem until they confronted the British State.

So, this idea of being taken as collateral or things that do not matter is not acceptable. We should not allow what happened to our forefathers who fought for the empire and who were victims of a war that they knew nothing about; wars of white men whom they knew nothing about, and they came back with nothing, and yet those people they fought with and died with were compensated, buried in good graves and they are commemorated.

So, beyond this Motion, it should try to lead us towards creating a compensation programme administered by the Attorney General.

The other day we were discussing in the Committee where we are, the Victims of Crime Act which has been on the shelf ever since. Maybe we need to look at this. Now that terrorism has become part of our lives, we need to look at a way of coming up with a compensation programme that can be used to compensate beyond the bomb blast victims to also compensate people who are being killed by terrorists.

Just the other day, policemen were blown up and they were driving a "light-skin" vehicle. You ask yourself: What happens to the families of the soldiers who are killed? They died serving this country; what happens to their families? They are being killed in Boni Forest on the border by al-Shabaab.

So, the time has come for us to come up with a compensation programme, preferably administered by the Attorney General to ensure that victims of people who die serving this country do not lose it all. They lose their lives, but we give something small to their families, at least, to ensure that their children go to school and that their widows or widowers continue having a good life and we have a way of saying thank you for what happened.

So, I support this Motion by my friend, Senator Kavindu Muthama, and I beg that we need to pass it.

I beg that when it passes, some action be taken to ensure that the victims of the bomb blast, including the little girl who was called Bonita Achola, her father is now retired and an old man, get compensated at least in good time before they get too old to recognize what the compensation is all about.

With those few remarks, Madam Temporary Speaker, I support the Motion. I thank you.

**Sen. (Dr.) Khalwale:** Madam Temporary Speaker, like everybody who has spoken before me, I am indebted to Sen. Kavindu Muthama because of this Motion. I rise



to support it for all the good and deserved reasons, but amongst them, I support it because of my brother who was called Moses Mwani.

Moses Mwani from Shinyalu was working with the Teachers Service Commission (TSC). On that fateful day, he was a victim and we buried him home in Kakamega. I also support it because of Juma Kwayera from Malava Constituency. He is a renowned journalist in this country whose face was damaged by the scrap nails from the bomb blast.

So that Sen. Kavindu Muthama knows the seriousness and the import of her good industry, I have a message from Juma Kwayera on my phone, which he dropped last night. He asked me to thank you and rise in support of this Motion, just to remember that his face was damaged during the incident.

Madam Temporary Speaker, I also want to use this opportunity to express my oral tribute to two groups of people. The first one is the team that was led by my lecturer of medicine at the University of Nairobi, Prof. David Ndeti, who went a step further to do a study on all the women who were within the vicinity of the disaster while pregnant.

They came up with what has stood out in medical journals over the years as a masterpiece. They were able to establish a correlation between mothers who were pregnant at that time and children who at that time were in intrauterine. When they were born, it was established that they had negative experience.

Therefore, because doctors rarely have this kind of treatise, allow me to read the names of the team:

- |                      |                     |
|----------------------|---------------------|
| 1. Prof. David Ndeti | 6. Margaret Isakwa  |
| 2. Ruth E. Rono      | 7. Judy Mwangi      |
| 3. Susan Mwangi      | 8. Anthony Kamau    |
| 4. Benson Ototo      | 9. Caleb Othieno    |
| 5. Jael Alaro        | 10. Victoria Mutiso |

I celebrate them. The work of medicine is now in the Annals of the World Journal of Psychiatry.

The next challenge, Sen. Kavindu Muthama, will be for you to receive the names of *bona fide* victims. Do not rely on just appearances. Use the robust secretariat of the Senate that we have to go and extract genuine information. All these women are documented in the study.

Madam Temporary Speaker, the second group I want to pass my oral tribute to is the Israel Defence Forces (IDF). The Army flew all the way from Tel Aviv to Nairobi, something that no other army of the world did and they were able to help.

We all know that Kenya is the big brother in the East African Community (EAC). I therefore urge Sen. Kavindu Muthama, thanks to the East African Legislative Assembly (EALA), through EALA, go and take the names of the victims in Dar es Salaam because it was a twin bomb blasts that took place the same day and the same hour, separated by only a few minutes. They are just as aggrieved.

When you appear before the US Government, be the big brother that we are in East Africa. You will be a bigger voice speaking on behalf of the people of Kenya and also the people of Tanzania.



Like those who have spoken before me, we must admit it. Kenya enjoys robust diplomatic relationships with the US. This Motion is going to succeed because I have some background information that suggests that somebody is waiting for this initiative.

This Motion is actually an indictment to the foreign policy of successive Governments of the Republic of Kenya. What did the Minister for Foreign Affairs do for the four years that Moi was President *post-facto*? What did the Ministers of Foreign Affairs of President Mwai Kibaki do for 10 years? They did nothing. The Cabinet Secretaries of Foreign Affairs during the time of President Uhuru Kenyatta also did nothing.

This is a shameful indictment to the foreign policy of this country. This is an opportunity for us to urge not just ourselves, but also the Executive to step up their game, so that at the international level, where laws are not always congruent, citizens can be protected.

Madam Temporary Speaker, just like Sen. Okiya Omtatah said, we have had experiences in the past which nobody has bothered about. I know, like in his case, we have heroes, including in your own village in Bushiangala, who went to the First and Second World War. They have died in abject poverty. My own family being one of them.

My father's eldest brother, Daudi Shikoli Shikondimoja Wakhayati Ikhunyalu, was a world war hero. He died and his family is there. They could still receive compensation due to their father.

My neighbour from Bukusi, Mzee Lukhalo was a world war hero. Lukhalo Anduku still has his son in the village. He is called Munandi, my good neighbour. They could still receive his compensation, if only the Government took its rightful lead role.

Going slightly further north, we have our heroes at Webuye who fought in the Chetambe Hills Wars of Liberation.

Nobody has ever talked or thought of these people. As Sen. Okiya Omtatah said, we need a compensation policy as a leadership so that we carry along the heroism together with the sacrifices that those who came before us demonstrated.

As I conclude, Sen. Kavindu Muthama, I hope you are listening to Members and some can add value. We do not necessarily have to be members of the Committee but we are Members of this House. We are ready and willing to make contribution on areas we know, so that we succeed. We do not want you to do 90 percent of the work. We would like to do it so that 100 percent of the people who are deserving can get what they are entitled to.

I thank you. Congratulations for this Motion. I do support.

**The Temporary Speaker** (Sen. Mumma): Proceed, Sen. Okenyuri

**Sen. Okenyuri:** Thank you, Madam Temporary Speaker for this opportunity. First, I would like to congratulate the Senator of Machakos, Sen. Kavindu Muthama, for taking it upon herself to think of coming up with such a Motion which we are having this evening.

This is not the first time we are having this kind of engagement. In 2013, the then Nairobi City County Woman Representative, hon. Rachel Shebesh, came up with a Petition that was allocated to the Committee on Justice and Legal Affairs in the National Assembly under the then Speaker hon. Justin Muturi.



The petitioners were seeking to have the then Attorney General, Prof. Githu Muigai, and the officials of the American Embassy here in Nairobi City County sit down and be compelled to come up with a way of compensating the 1998 Bomb Blast victims.

There have been so many other attempts to get compensation for these victims. Sen. Tobiko is right in saying that I was a toddler then but I would overhear conversations from my parents who would say that something had happened in Nairobi City County.

From the look on their faces I could tell that it was not something impressing. The United States of America (USA) has already compensated American citizens. If they have not, then they are in that process. Three years after the incident, they came up with a proposal Bill that later became law. They now have ways of compensating victims of various attacks.

So many other comparative analyses have been done on how different countries are compensating their victims while Kenya is slowly getting on its feet. We need to appreciate and recognize the fact that Nairobi City County was a target because it is one of the largest cities in the continent and the world and we are a very strategic partner to the US government.

We are making this plea and complaints because people died because we were strategic partners to the US Government. The page to page accounts and narrations of some of the survivors of the attack are really sad to read. In some instances, I noted that the Kenyans who died were preserved in a warehouse before being taken to the City Mortuary, while the American citizens who died were taken to the Lee Funeral home. You can see the disparity existing.

I know of one Mrs. Hellen Oriero now deceased. The family is languishing in poverty.

I also know of Mr. Bosire Chelion who is surviving but is among the ones who are looking forward to receiving the compensation.

Madam Temporary Speaker, this Motion brings to account so many sad scenarios which we encounter as a country including the famous Garissa University Attack. Most of the students who died were from Kisii County – where I come from, while others were from Western Kenya. I am not saying we did not have losses in other regions but I speak passionately of those regions because those are the regions I hail from.

About 25 years down the line, we should not be begging for compensation. As my senior, Sen. (Dr.) Khalwale, said, this has a diplomatic implication. Earlier when President Dr. William Ruto ascended to office, we saw the first spouse of the United States of America (USA), Dr. Jill Biden, jet into the country. Like many other Kenyans, as much as I did not have a relative in that attack, my hopes were renewed that we could now have compensation for these victims.

I do not know if Kenyans are children of a lesser God. Why should we be pleading several years down the line? As I stated, a Petition went to the National Assembly. We now have a Motion here that we want to pronounce ourselves on. I see the Members of the *Ad Hoc* Committee are well able with the capacity we are looking up to. However, do we have to be on our knees for our own citizens who had no hand in whatever was happening to beg for compensation?

Madam Temporary Speaker, what example are we setting to young people in these setups, who might actually be caught in any of these issues we are talking about?



Most of the young people now whose parents were affected in this attack, those who lost their parents are completely not in a position to help themselves. Maybe others got on their feet, but they are those who have not.

So, as a country, the Committee is going to do their bit. How I pray that the William Ruto administration is going to deliver compensation to the 1998 Bomb Blast Victims. I hope the other House that will not be engaging on the same issue. That way, we prove that Kenyans are not children of a lesser God and we did not lose our people because of any other reason. Our country is very strategic with many other engagements with countries overseas, not just in our continent.

As I wind up, we do not only need to look at the 1998 American Bomb Blast. We also need to look at internal cases affecting us, as a country. We even had freedom fighters who have been fighting for compensation. Although I do not have very many details, I will be coming up with a Statement on the same.

In my region, we had the famous *Murangit* who up to date, I am not sure she has been recognised for her contribution in the struggle. People who commit their lives to the service of this country need recognition. Even when they lose their lives, their families need to be at least compensated because whoever came before them put their life on the line for them to benefit from whatever little they did.

As this House pronounces itself on this matter, let it not go the way the Petition went. I hope this Motion is finally going to give the long-awaited compensation and that the William Ruto-led administration is going to give a solution after 25 years of waiting.

Finally, Sen. Kavindu Muthama, this was very timely. I like the way you are thinking about your people. The other day, you were following up on the issue of Drumvale Farmers which is a cooperative with the very elderly senior citizens.

You have really been fighting for them to get back their land. Today, you have come up with the issue of compensation. This shows your work goes beyond pushing for them as a legislator and that you are also doing it on humane grounds.

Congratulations on this bold move. We are slowly learning from your footsteps as young legislators in this House.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Mumma): Proceed, Sen. Wamatinga.

**Sen. Wamatinga:** Thank you, Madam Temporary Speaker. I also rise to support the Motion on the establishment of the *Ad hoc* Committee---

*(Technical hitch)*

I think it is my fellow Senator here trying to sabotage me.

*(Laughter)*

Madam Temporary Speaker, I rise to support and congratulate the Senator for the wonderful idea and the composition of the team that is well able. The idea of compensation of the victim of the bomb blast, like several other issues, has been bothering Kenyans. They have seen governments come and go without addressing their plight.



As a Member of the Kenya Kwanza Government, it is my prayer that this will be the Government that will see the fulfillment, even if to appease the souls of the departed, conclude this matter and bring it to a close. Indeed, the way we value life as a country at times leaves a lot to be desired.

America is one of our development partners. Strategically, we have always placed ourselves in the line of fire, more so when it came to protecting the interests of Americans and Kenyans because of our long dating relationship. It is also good to hold the hand of your younger brother when something befalls him. What we are saying without wanting to be headlined as begging, is for the Americans to realise that in this region at that time when not many people stood with them, Kenyans did. We have always stood with them.

Madam Temporary Speaker, it is high time we brought this matter to a close by ensuring those who passed on and the survivors who got maimed and injured, can at least feel somebody cares for them.

As we address the victims of the bomb blast, there are several other issues and losses of lives through wildlife. I sit in the Committee on Lands, Environment and Natural Resources. I know that there are several people who have lost their lives through human-wildlife conflict and it still remains a non-issue. If I am not wrong, we need over Kshs8 billion to compensate those who have been injured, killed or maimed by wildlife.

Madam Temporary Speaker, in a country that cares for its citizens, it is important that we put the right policy in place. Most importantly, without wanting to be seen like we are rewriting the book of Lamentations, we must admit that we have a moral obligation to those fellow citizens who cannot come to this House to speak for themselves.

I am encouraged by the words spoken by Sen. Mungatana and Sen. (Dr.) Khalwale. It is high time we brought this to a close because it is painful. It is 24 years down the line and we are still discussing something that ought to have closed long time ago.

It would also be very unfair not to mention that we have seen how Kenya unite in a big way whenever such a thing as bomb blast and Westgate terrorist attacks happen.

We have seen Kenyans come together to pull aside the rubble to try and save their brothers and sisters. I only ask myself: What happens to Kenyans when it comes to the political arena?

I do think that we, as the fourth Senate, we should rise to the occasion and say that whatever we are doing in this House, we will go beyond the lines of political parties, ideological differences and stand up and say we are in this House debating issues, Motions and passing Bills because they are good for posterity.

Madam Temporary Speaker, I would want to be described in the annals of history as such: When Sen. Wamatinga was in the Senate, he was able to stand up regardless of the political affiliation and press for issues because they matter for the Kenyans. This is one of those issues.

It is not Kenyans from the minority or the majority who were affected, it affected Kenyans. When everything is said and done, we are still Kenyans. This is something that maybe collectively, we can pool together our efforts so that we can make the leadership that comes and goes, address issues that are real and that affect Kenyans.



This will ensure that it will not be as it is today, that an issue like this still remains unaddressed, 24 years down with different governments coming in and going out with all kinds of promises. However, the voiceless people down there must feel that they have somebody who can speak for them.

I want to stand up and be counted, like the Senators here that, yes, we can be the voice of our people. That is why today I am proud to support this Motion and say that we must, as a House, ensure that we bring this to a logical conclusion which is nothing less of compensation of these victims.

Madam Temporary Speaker, the American Government does invest heavily in the Kenyan Economy. It invests in other things including budgetary support to the country. What we are looking at might not even be as much as what they do but this is the action will actually give the right signals, send the right kind of message that, yes indeed, they are our caring bigger brothers and therefore come to conclude this matter jointly.

As I sit down, I would want to say, as we discuss this Motion, let us also ask ourselves a question: What happens to those victims who lose their lives, property or get maimed in the course of their duty, that includes the police service, military and the wildlife services? It is important that we come up with a policy to ensure that there is a structure that will address that without them being reduced to beggars.

Madam Temporary Speaker, I beg to support.

**The Temporary Speaker** (Sen. Mumma): Proceed, Sen. Murango.

**Sen. (Dr.) Murango:** Asante sana, Bi Spika wa Muda. Nimesimama hapa siku ya leo kuunga mkono Hoja hii ambao umeletwa na Sen. Kavindu Muthama kwa sababu janga lilotukumba mwaka 1998 ni janga ambalo kila Mkenya anasikia uchungu.

Mnamo tarehe 7 Agosti, 1998, Mohammed Rashed alifikishwa kortini kule Marekani na akashtakiwa kwa kuwaumiza watu 12. Hao watu 12 walikuwa wananchi wa America ambao walikuwa wameumia. Hawakutaja kwamba Wakenya 224 walikuwa pia wameumia.

Waliohukumiwa baaadaye ndio walikuja sasa kubadilisha ile nambari ya watu waliokuwa wameumia. Mnamo tarehe 5 Agosti 2020, America ilisema kwamba kuna pesa ya ridhaa ambayo ilikuwa inafaa kulipwa watu walioumia ambayo ilikuwa takriban US\$10.2 bilioni.

Mnamo tarehe 31 Machi, 2021, aliyekuwa *Secretary of State*, Antony Blinken, alipokea kitita cha USD335 milioni kutoka nchi ya Sudan, ambayo ilikuwa imepatikana na makosa ya kuwaficha magaidi ambao walishambulia Kenya mwaka wa 1998. Walikuja na *Omnibus Bill* ambayo ilisema kwamba watu ambao wangepidiwa ni raia wa Marekani pekee. Endapo uliumia na hukuwa raia na ukaenda Marekani, basi ungepewa pesa kidogo kushinda waliokuwa kule.

Huwa najiuliza swali. Hakuna uhai mkubwa kushinda mwingine. Wakati pesa ilipokuwa inagawanywa, ilifaa kuangalia maslahi ya Wakenya walioumia katika mlipuko wa huo wa bomu.

Wakenya waliumia kwa sababu walikuwa wamehifadhi raia wa Marekani katika jumba hilo. Hiyo ndio sababu magaidi hawakuenda katika KICC ama *Central Bank of Kenya (CBK)*. Walienda moja kwa moja katika jumba lile.

Naunga mkono kuundwa kwa Kamati hii. Wanakamati wana jukumu la kuhakikisha kwamba walioumia wanapata haki. Si haki peke yake bali pia fidia kwa sababu wameteseka kwa muda mrefu.

Naona Sen. Kavindu Muthama ananiashiria nikomee hapo. Ningependa kukueleza kwamba Spika wa Muda yupo na anajua kuwa lazima tumalize leo.

Bi. Spika wa Muda, kwa vile Sen. Kavindu Muthama ananiashiria nimalize, nitamalizia hapo.

**The Temporary Speaker** (Sen. Mumma): I now call upon the Mover to reply.

**Sen. Kavindu Muthama:** Madam Temporary Speaker, I wish to apologise to Sen. (Dr.) Murango before I reply. It is because I want to reply and also allow Sen. Crystal Asige time to do something.

Madam Temporary Speaker, I am grateful to this House today for showing solidarity. I know all of us support this Motion, so that our people can be compensated after waiting for long.

I wish to thank Sen. Osotsi for seconding this Motion. I also thank Sen. Chute, Sen. Madzayo who is the Senate Minority Leader, Sen. Maanzo, Sen. Munyi Mundigi, Sen. Sifuna, Sen. Thang'wa, Sen. Wafula, Sen. Mungatana, Sen. Tobiko, Sen. Cherarkey, Sen. Okiya Omtatah, Sen. (Dr.) Khalwale, Sen. Okenyuri, Sen. Wamatinga and Sen. (Dr.) Murango for their contributions.

I thank you so much for approving Members of the *Ad Hoc* Committee. I promise that we will not leave any stone unturned. Please come whenever we call upon you to give your contribution because most of you are knowledgeable. We are also asking the Government and the Senate to give us the support that we need, so that we can ensure people are compensated.

Madam Temporary Speaker, I beg to reply.

**The Temporary Speaker** (Sen. Mumma): Hon. Senators, pursuant to Standing Order No. 84(1), I wish to make the determination that this matter does not affect counties and put the question.

*(Question put and agreed to)*

Next Order.

## BILL

### *Second Reading*

#### THE PERSONS WITH DISABILITIES BILL (SENATE BILLS NO. 7 OF 2023)

**Sen. Crystal Asige:** Madam Temporary Speaker, I apologise. I get a bit disoriented when I am interrupted as I am trying to orient myself.

In any case, I beg to move-

THAT the Persons with Disabilities Bill (Senate Bills No. 7 of 2023) now be read a Second Time.

**The Temporary Speaker** (Sen. Mumma): Sen. Crystal Asige will have a balance of 59 minutes when we resume.



