

PARLIAMENT  
OF KENYA  
LIBRARY



**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

## Table of Contents

<b>Preface</b>	.....	4
<b><u>PART I</u></b>		
<b>1. The Hon. Alex Kigen KOSGEY, MP</b>		
Introduction		
Committee Findings		
Memorandum from Mr. Charles SANG		
The Hon. Alex Kigen KOSGEY's Claims		
Summary of Allegations		
Defence		
Conclusions and recommendations	.....	8
<b>2. The Hon. Raymond MOI, MP</b>		
Introduction		
Committee Findings		
Petition by Mr. Silvester KIBET and Others		
Defence		
Conclusions and recommendations	.....	12
<b>3. Staff: Maj. (RTD) Kirungu MAJIBA</b>		
Introduction		
Committee Findings		
The Hon. Ali WARIO's Claims		
Defence		
Conclusions and recommendations	.....	15
<b><u>PART II</u></b>		
<b>4. The Hon. Maj. (RTD) John WALUKE, MP</b>		
Introduction		
Committee Findings		
The Hon. Arthur ODERA's Claims		
Defence		
Conclusions and recommendations	.....	16
<b>5. Conclusions and recommendations</b>	.....	18

## **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, 2012<sup>1</sup> and Standing Orders 191 and 258. In particular, the Committee has power

<sup>1</sup> 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 Chamber<sup>2</sup>.

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 members<sup>3</sup>.

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"*<sup>4</sup>.

---

<sup>2</sup> Act No. 14 of 1966, s. 2.

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

<sup>4</sup> 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

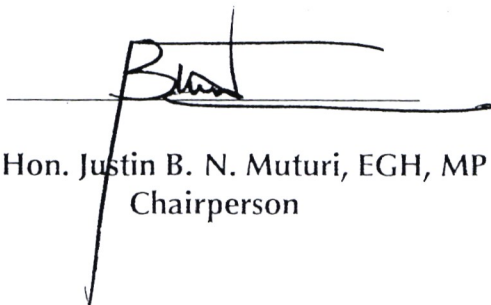
non-attendance of sittings by the Hon. Alex Kigen Kosgey and the Hon. Raymond Kipruto Moi, and Part II regarding a matter in respect of a tiff between Hon. John Waluke and the Hon. Arthur Odera and one complaint by a Member against a member of staff.

**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 black ink, appearing to read 'Justin B. N. Muturi', is written over a horizontal line. A vertical line descends from the signature, extending below the printed name.

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 28<sup>th</sup> March, 2013 to 5<sup>th</sup> December, 2013;
2. The Second Session began on 11<sup>th</sup> 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 Kosgeyor 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 28<sup>th</sup> March, 2013 to 5<sup>th</sup> December, 2013;
- (b) The Second Session began on 11<sup>th</sup> 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”<sup>5</sup>.*

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.**

---

<sup>5</sup> 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)

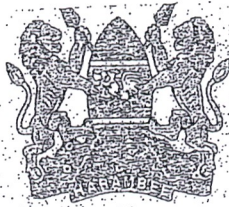
---

(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 the .....19.....**"  
(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  
KENYA NATIONAL ASSEMBLY

**Hon. Alexander Kosgey, MP.**  
Emgwen Constituency

Parliament Buildings  
Tel: +254 20 2221291  
Fax: +254 20 2245473  
P. O. Box 41842 - 00100  
Nairobi, Kenya

Continental House  
3rd Flr. Rm. 315  
Mobile: 0722 847477  
E-mail: kosgej@gmail.com

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.

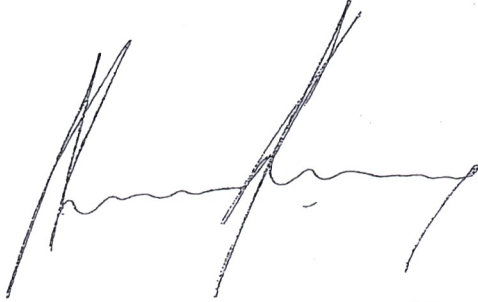
In conclusion, I am aware that the law requires that I provide this committee with a satisfactory explanation for any absences from the House. I hope that this committee will find the information that I provided in my previous letters as well as my oral evidence as satisfactory.

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, appearing to be 'Alex Kigen Kosgey', written over a horizontal line.

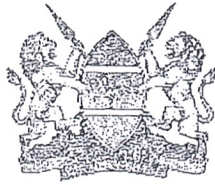
HON ALEXANDER KIGEN KOSGEY M.P.  
EMGWEN CONSTITUENCY

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 tiles, 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 .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 Afred 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

Kipngetch 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](mailto:sandladvocates@gmail.com)

PL/CS/00/14/PET-200

TBA

16th July, 2014

Hon Justin Muturi EBS, EGH;  
Parliament Buildings;  
Parliament Road;  
Nairobi.

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

'Via Hand Delivery'

BAL SNA  
17/7/14

NATIONAL ASSEMBLY  
RECEIVED  
17 JUL 2014  
SPEAKER'S OFFICE  
P. O. Box 41842, NAIROBI.

Sir,

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. Kibet  
For the purposes  
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 AND PUBLISHED BY

### Appendix III: Memorandum from Mr. Charles SANG

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,

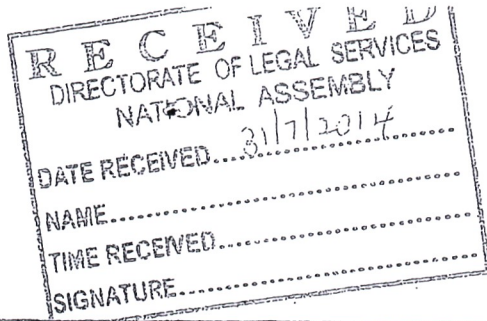
~~SANG & LANGAT ADVOCATES~~

~~LANGAT~~

OR; SANG & LANGAT ADVOCATES

cc. Client - via email

1133



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  
Jubed  
Case 30/7/14*

Dear Sir,

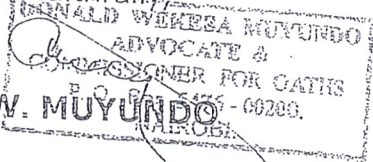
RE: PUBLIC PETITION BY RESIDENTS OF RONGAI CONSTITUENCY  
FOR REMOVAL OF THE AREA MEMBER OF PARLIAMENT - HON. R.  
MOI

We refer to your letter dated 9<sup>th</sup> 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

*m/s Ndeto plc*

*plsa process*

*20/7/14*

cc:

1) The Speaker of the National Assembly  
Parliament Buildings  
**NAIROBI**

2) Residents of Rongai Constituency  
**NAKURU**

*M/s Susan Nkathal*  
*Kindly deal. We may discuss.*

*DMN  
1/08.*

Appendix IV: Petition from Mr. Silvester KIBET

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. KIBET

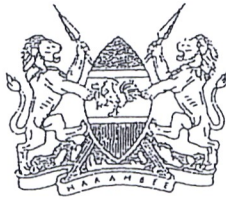
ADDRESS: P.O. BOX 16361 NAKURU

TELEPHONE: 0724903824

(P.T.O),

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
MUHAMMAD K. LHEBODI	BOX 44884	3620830	[Signature]
JAMES J. KADAMI	BOX 13898	8892914	[Signature]
NANCY CHEPTIM	BOX 3377 NKU	10744118	[Signature]
DINAH J. KATIA	BOX 3042 NKU	0602518	[Signature]
PETER C. CHURCH	P.O BOX 1321 NKU	8590844	[Signature]
FRANCIS CIATUKU	P.O BOX 8540 NKU	250414065	[Signature]
SHADRACK R. TADAI	BOX 105 NKU	25131181	[Signature]
COLLINS C. KIPROP	BOX 8377 NKU	30850215	[Signature]
SILAS KIBET CHEMURURU	BOX 17709 NKU	4425206	[Signature]
JIMBO JELAGET	BOX 2042 NKU	23087239	[Signature]
RONAH C. KOSKET	BOX 2582 NKU	2326189	[Signature]
MARY C. GUAPO	BOX 3042 NKU	0741266	[Signature]
HELLEN C. CHEMURURU	BOX 145 MKIT	9827721	[Signature]
PETER KIBET	BOX 53 EIR	81366690	[Signature]
JUDY T. KIBET	BOX 101 EIR	25219615	[Signature]
FRANCIS KIBI KIBET	BOX 2890 NKU	0335278	[Signature]
JOSEPH K. BODI	BOX 135 MKIT	4021477	[Signature]
JOHANN K. CHEMURURU	BOX 3393 NKU	9777806	[Signature]
DAUL K. KARANJA	BOX 1330 NKU	0741305	[Signature]

RESIDENTS OF RONGAI CONSTITUENCY

On this 24<sup>th</sup> day of July 2014

[Signature]

Appendix IV: Petition from Mr. Silvester KIBEI

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
DAVIS CHEGOTICH	Box 17721 NAW	244 714 96	<i>[Signature]</i>
EDMACULATE KARA	Box 17721 NAW	234 280 63	<i>[Signature]</i>
WELLY J. CHEGOTICH	Box 17721 NAW	275 281 12	<i>[Signature]</i>
SHARON YATTA	Box 17721 NAW	262 261 4	<i>[Signature]</i>
ELMARI OTILI	Box 17721 NAW	204 51 29	<i>[Signature]</i>
EDITH KATUNU	Box 17721 NAW	233 60 342	<i>[Signature]</i>
GLYNIS JAMATI	Box 17721 NAW	24 04 139	<i>[Signature]</i>
SILVIA A. RICHMOND	Box 17721 NAW	296 98 04	<i>[Signature]</i>
CHRISTINE A. CHEGOTICH	Box 17721 NAW	167 50 15	<i>[Signature]</i>
ROSE YERU	Box 17721 NAW	295 89 85	<i>[Signature]</i>
STANLEY K. CHEGOTICH	Box 795 NAW	078 13 4	<i>[Signature]</i>
MARCO CHEGOTICH	Box 17721 NAW	124 30 46	<i>[Signature]</i>
JACKSON K. CHEGOTICH	Box 77 ELGARINI	45 46 69 8	<i>[Signature]</i>
JULIA KIBET	Box 77 ELGARINI	45 46 83 4	<i>[Signature]</i>
BILL KIPRONO	775 NAWURU	29 27 28 26	<i>[Signature]</i>
BENSON KIBET	Box 145 MOCOTIO	29 27 28 53	<i>[Signature]</i>
FRANCIS WILSON KIBIKO	Box 1330 NAW	57 04 8 69	<i>[Signature]</i>

RESIDENTS OF RONGAI CONSTITUENCY

On this 24<sup>th</sup> 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
CALESTO T. MUMBI	Box 100000	5320087	<i>[Signature]</i>
AMOS KIBET MONTAET	795 NAKURU	20473559	<i>[Signature]</i>
PHILIP M. T. MURUGU	P.O. KIMONDI	9173780	<i>[Signature]</i>
VERONICA N. NWARA	P.O. KIYIMOTO	2261699	<i>[Signature]</i>
AVANI K. KONYAET	P.O. KIYIMOTO	2477398	<i>[Signature]</i>
MARLINE T. RUNDH	" "	25535333	<i>[Signature]</i>
LEAH WAGON	" "	63112165	<i>[Signature]</i>
JULIET J. UHERWILH		26009562	<i>[Signature]</i>
MIRIAM TUNGO		4019586	X X X
BERNARDUS KONYAET	Box 80 RONGAI	20201457	<i>[Signature]</i>
CAROLINE C. CHESSEREM	"	26467283	<i>[Signature]</i>
MOSES M. CHESSEREM	30 RONGAI	20051243	<i>[Signature]</i>
WELVIN M. CHESSEREM		20325674	<i>[Signature]</i>
YELECH M. KIPRUTO		29175743	<i>[Signature]</i>
DE GAULLE NABUNDA	P.O. Box 18114 NAKURU	3648481	<i>[Signature]</i>
ISAAC KIMELI	P.O. Box 125 RONGAI	2158252	<i>[Signature]</i>
Paul Nyamathi	P.O. Namburi NAKURU	1174837	<i>[Signature]</i>
DANCA PHEMICH	P.O. KIYIMOTO	2352576	<i>[Signature]</i>
Lemuel Tongo	P.O. KIMONDI	20350764	<i>[Signature]</i>

RESIDENTS OF RONGAI CONSTITUENCY

On this 24<sup>th</sup> 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 NRO	12040681	
NICK K. KEMBOI	P.O BOX 150 MGOGA	24601687	
BRIAN K. KINYENJI	BOX 9435-NBI	27081065	
DANIEL KIPCHUMBA	B.O. 795 NIKU	26345121	
MARGARET RUTO	BOX 593 NJORO	25337408	
ANDREW K. KUDOS	BOX 62 RONGAI	21946665	
BEATRICE CHESTICH	BOX 67 RONGAI	13122262	
BEN K. SAULE	BOX 22 RONGAI	27057112	
JOHNSONE BETT	BOX 33 NJORO	7233070	
KIMISOI CHEPWENDET	" " "	5990831	
DAVID KIRUI	" " "	3525485	
RICHARD KIRUI	" " "	10014976	
PIUS RUTO	" " "	5991189	
WILLIAM MILGE	" " "	6666916	
CHARLES SITIENI	P.O BOX 33 NJORO	20400387	
DAVID LANGATI	P.O BOX 33 NJORO	11617229	
ISAAC MIBEI	P.O BOX 33 NJORO	22341705	
ROSE KIRUI	P.O BOX 33 NJORO	3625486	
LEONARD CHUMBO	P.O BOX 33 NJORO	13623536	

RESIDENTS OF RONGAI CONSTITUENCY

On this 24<sup>th</sup> 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
SAMWEL K. KOECH	Box 29 Rongai	4290489	[Signature]
FLORENCE CHEPKEI	Box 29 Rongai	13034841	[Signature]
LIVIALSTONE SANE	Box 29 Rongai	2327385	[Signature]
ROBERT K. KICEN	Box 100 Rongai	2181087	[Signature]
GEOFFRY LANGAT	Box 152 Rongai	26728282	[Signature]
KIPLANGAT SIANI	Box 29 Rongai	26796370	[Signature]
BENARD KOSILO	Box 222 Rongai	21906474	[Signature]
VINCENT CHEPKEI	Box 222 Rongai	27720487	[Signature]
JOHNSTONE KIRUI	Box 281 Rongai	11297903	[Signature]
ELIUD TAANI	Box 452 Rongai	29976427	[Signature]
WESLY K. KODIO	Box 452 Rongai	23431923	[Signature]
CHARLS KOECH	Box 62 Rongai	28919868	[Signature]
ABEL KORI	Box 452 Rongai	30621997	[Signature]
DOMINIC LANGAT	Box 62 Rongai	27094801	[Signature]
VICTOR K. KOECH	Box 49 Rongai	30408669	[Signature]
ROBERT K. KOECH	Box 62 Rongai	30810402	[Signature]
ROBERT TAANI	Box 49 Rongai	27004269	[Signature]
ANDERSON KOECH	Box 62 Rongai	31017876	[Signature]

RESIDENTS OF RONGAI CONSTITUENCY

On this 20<sup>th</sup> day of July 2014

[Signature]

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

NATIONAL ASSEMBLY  
RECEIVED  
03 JUL 2014  
SPEAKER'S OFFICE  
P. O. Box 41842, NAIROBI



REPUBLIC OF KENYA  
PARLIAMENT

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

- 6 day @ 30'000.- T' /  
- 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

① Noted. CNA

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

3/7/14

Dear Sir,

3rd July 2014

② D/KAP

present in the committee agenda  
Jared 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. Kiwiri  
list them on the agenda.

## 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 18<sup>th</sup> 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 2<sup>nd</sup> 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 Ho. 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.

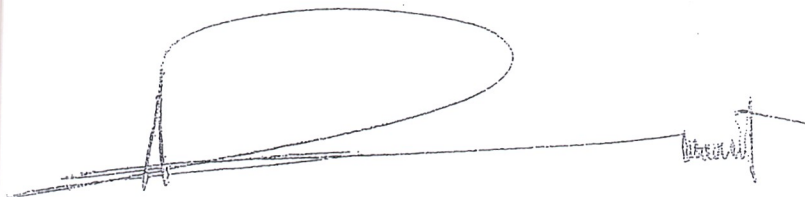
I kept trying to get away from him, but he kept following me and pulling me back. At one point he attempted to hold my neck but I pushed his hand away. All this while, he kept throwing insults to me, including words such as 'kumamayo'. There were several members around, talking in groups. When we were 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 black ink, consisting of a large, stylized 'A' followed by a horizontal line and a small, illegible mark at the end.

Hon. Arthur Odera

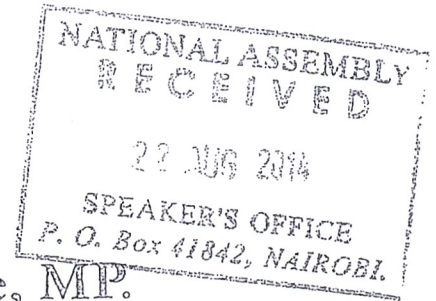
MP, Teso North

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

22<sup>nd</sup> August 2014

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

*CNA Place this before the  
Committee on privileges.  
Bath SNA  
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  
pse deal  
CNS*

# 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](mailto: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.

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

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 'KIFAFU' 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 black ink, appearing to read 'John Waluke'.

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

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

S 40

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



REPUBLIC OF KENYA  
KENYA NATIONAL ASSEMBLY  
**Hon. Ali Wario, MP.**  
Bura Constituency

MAR 20 2014  
20 MAR 2014  
SPEAKER'S OFFICE  
P.O. Box 41842, NAIROBI

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

19<sup>th</sup> March 2014

CNA

The Hon. Speaker  
Kenya National Assembly  
Parliament Buildings  
NAIROBI

This matter has already been taken up by the Chief Security officer and a preliminary report made. The matter should be tabled before Powers and Privileges Committee to deliberate.  
BWA 20/3/14

Dear Sir,

RE: COMPLAIN AGAINST MAJOR [RTD] KIRUNGU MAJIBA - PRINCIPAL SECURITY OFFICER

The above subject matter refers.

On Monday 17<sup>th</sup> 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, 3<sup>rd</sup> 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.

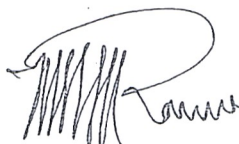
On arrival at the gate accompanied by the Serjeant-At-Arms officer who was trying to solve this issue; the principal security officer [Maj. Majiba] shouted and harassed me before the visitor and members of the public who were present at the moment despite having been told by the Serjeant-At-Arms that 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: -

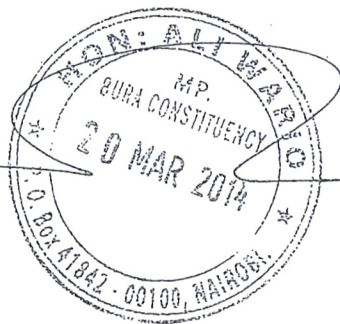
- i. Take disciplinary action against this officer since I had complied with all the required security regulations.
- ii. To advise on how else would electorates access their Member of Parliament especially after having signed the relevant security entry card and still being denied access by security 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.

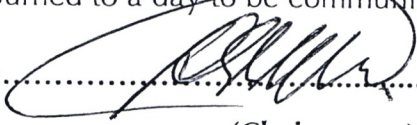
The Committee was also informed that the Senate Leader of Majority Prof. Kithure Kindiki has introduced a Parliamentary (Powers and Privileges) Bill in the Senate.

**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 Fourty 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, 5<sup>TH</sup> 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. Kimanilchung'wah, MP
3. The Hon. BarchileiKipruto, MP
4. The Hon. Peter Shehe, MP
5. The Hon. James OnyangoKoyoo, MP
6. The Hon. Joyce Emanikor, MP
7. The Hon. James Murgor,MP

**APOLOGY**

8. The Hon. JamleckKamau, MP
9. The Hon. Bedzimba Rashid Juma, MP
10. TheHon. Simon Ogari, MP
11. The Hon. ZuleikhaJuma Hassan, MP

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

- |                            |   |                             |
|----------------------------|---|-----------------------------|
| 1. Mr. Michael R. Sialai   | - | Senior Deputy Clerk         |
| 2. Mr. Kipkemoi 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  
PREVIOUSMEETING**

The minutes of the First Sitting of the Committee held on Tuesday 24<sup>th</sup> 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 Clerktook 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 ad 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 Assemblyas 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 7<sup>th</sup> 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, 7<sup>th</sup> 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, 7<sup>th</sup> August 2014 meeting.

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

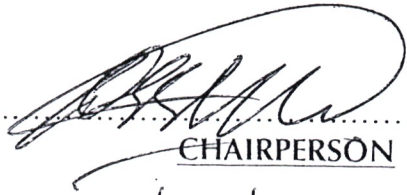
a) The meeting proposed to hold a workshop with other relevant stakeholders like the Independent Electoral Boundaries Commission (IEBC), Ethics and Anti-Corruption Commission among others with the aim of acquainting them with the mandates of the Committee of Privileges.

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, 7<sup>th</sup> 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  .....  
(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 2<sup>nd</sup> 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 3<sup>rd</sup> and 4<sup>th</sup>, 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 ..... 27/08/2014 .....

**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 | - | <b><u>NATIONAL ASSEMBLY</u></b> |
| 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**

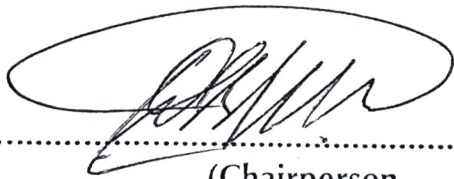
The minutes of the Fourth Sitting of the Committee held on August 21, 2014 were confirmed as true record of proceedings of the meeting.

**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 was 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 sit on 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

-

NATIONAL ASSEMBLY

- |                            |   |                             |
|----------------------------|---|-----------------------------|
| 4. Mr. Kipkemoi arap Kirui | - | Principal Clerk Assistant 1 |
| 5. Mr. Sydney Lugaga       | - | Legal Counsel II            |
| 6. Mr. Moses Lemuna        | - | 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.

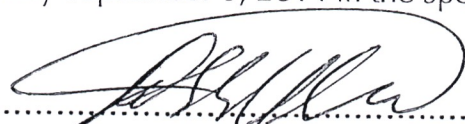
**MIN. NO. 45/2014: ANY OTHER BUSINESS**

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 12<sup>th</sup> 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 16<sup>th</sup> 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 Kamaü, 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

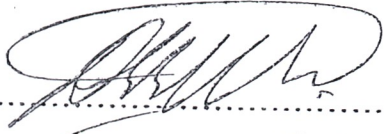
Members were informed that the Committee was scheduled to undertake two foreign benchmarking visits; one to the State Legislature of New Jersey (U.S.A.) and the second one to the Parliament of South Africa from 19<sup>th</sup> to 24<sup>th</sup> October 2014 and 3<sup>rd</sup> to 7<sup>th</sup> November 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