

*A pproved for tabling*

*BT  
SNA  
13/4/16*

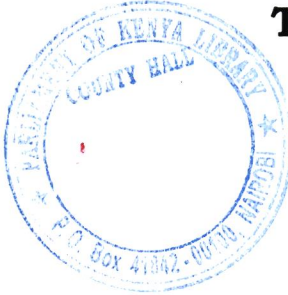
13 APR 2016



**PARLIAMENT OF KENYA**

**THE NATIONAL ASSEMBLY**

**ELEVENTH PARLIAMENT  
(FOURTH SESSION - 2016)**



*Paper laid by the  
Chairperson, DC on  
Justice & Legal Affairs  
on 13/4/2016 (over)*

**THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL  
AFFAIRS**

# **REPORT**

**ON CONSIDERATION OF THE PETITION ON THE MAU MAU  
WAR VETERANS AND THE RECOGNITION OF THE ARMED  
STRUGGLE**

**CLERK'S CHAMBERS,  
PARLIAMENT BUILDINGS,  
NAIROBI.**

**APRIL, 2016**

**TABLE OF CONTENTS**

<b><u>No.</u></b>		<b><u>Page</u></b>
1.	Table of contents.....	1
2.	List of appendices.....	2
3.	Preface.....	3
4.	Background.....	7
5.	Consideration of the Petition.....	7
6.	Committee’s observations and findings.....	7
7.	Recommendations.....	8

## **LIST OF APPENDICES**

1. The Petition
2. Minutes
3. Attendance List

## 1.0 PREFACE

**Mr. Speaker Sir,**

On behalf of the Departmental Committee on Justice and Legal Affairs and pursuant to Standing Order 216(5), it is my pleasure and duty to present to the House, the Committee's Report on the petition on the Mau Mau war veterans and the recognition of the armed struggle.

### 1.1 Committee Membership

The Committee on Justice and Legal Affairs was constituted by the House on Thursday 16<sup>th</sup> May, 2013 comprising of the following members:

1. The Hon. Samuel Chepkong'a, M.P. – Chairperson
2. The Hon. Priscilla Nyokabi, M.P. – Vice Chairperson
3. The Hon. Njoroge Baiya, M.P.
4. The Hon. Muriithi Waiganjo, M.P.
5. The Hon. Ndirangu Waihenya, M.P.
6. The Hon. Florence Kajuju, M.P.
7. The Hon. Kang'ata Irungu, M.P.
8. The Hon. Benson Mutura, M.P.
9. The Hon. John Njoroge Chege, M.P.
10. The Hon. William Cheptumo, M.P.
11. The Hon. Mohamed Abdi Haji, M.P.
12. The Hon. James Bett, M.P.
13. The Hon. Sammy Koech, M.P.
14. The Hon. Moses Cheboi, M.P.
15. The Hon. Paul Bii, M.P.
16. The Hon. Charles Gimose, M.P.
17. The Hon. Johana Ng'eno, M.P.
18. The Hon. Boniface Otsiula, M.P.
19. The Hon. David Ouma Ochieng, M.P.
20. The Hon. Neto Agostinho, M.P.
21. The Hon. Kaluma Peter, M.P.
22. The Hon. Fatuma Ibrahim Ali, M.P.
23. The Hon. Ben Momanyi Orori, M.P.
24. The Hon. T. J. Kajwang', M.P.
25. The Hon. (Bishop) Mutua Mutemi, M.P.
26. The Hon. Olago Aluoch, M.P.
27. The Hon. Christine Oduor Ombaka, M.P.
- ~~28. The Hon. Munuve G. Mati, M.P.~~
29. The Hon. Mwamkale William Kamoti, M.P.



## 1.2 Committee's Mandate

The Departmental Committee on Justice and Legal Affairs derives its mandate from provisions of Standing order 216(5) which defines functions of the Committee as being to:

- a) *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
- b) *study the programme and policy objectives of ministries and departments and the effectiveness of their implementation;*
- c) *study and review all legislation referred to it;*
- d) *study, assess and analyze the relative success of the ministries and departments measured by the results obtained as compared with their stated objectives;*
- e) *investigate and inquire into all matters relating to the assigned ministries and departments as may be deemed necessary, and as may be referred to it by the House or a minister;*
- f) *vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those understanding order 204 (Committee on appointments); and*
- g) *make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.*

In accordance with Second Schedule of the Standing Orders, the Committee is mandated to consider:-

- a) Constitutional Affairs
- b) The administration of law and justice
- c) The Judiciary
- d) Public prosecutions
- e) Elections
- f) Ethics ,Integrity and anti-corruption and
- g) Human rights.

The Committee oversees the following Ministries/Departments:

- a) State Law Office
- b) The Judiciary
- c) Ethics and Anti-Corruption Commission
- d) Independent Electoral and Boundaries Commission
- e) Commission on Administrative Justice

The Committee also has oversight mandate over all matters relating to political parties.

**Mr. Speaker Sir,**

The Petition on the Mau Mau war veterans and the recognition of the armed struggle received on 24<sup>th</sup> June, 2014 was signed by ten citizens on behalf of sixty one thousand, three hundred and thirty (61,330) Mau Mau war veterans from all the counties of the Republic of Kenya, whose prayers were that Parliament:

- a. Introduces legislation for enactment that will make it mandatory for every eligible Kenyan to be registered as a voter and thus shift the burden of voter registration from the individual to the state.
- b. Introduces legislation for enactment that will make it obligatory for all eligible persons of the Republic of Kenya to vote.

**The Petitioner draws the attention of the National Assembly to the following:**

- A. Consider, appreciate and recognise all wars of resistance and national liberation waged by our ancestors and those who followed in their footsteps and note their heroic deeds and record them for posterity through an Act of Parliament;
- B. Recognize the Mau Mau armed struggle for national liberation and independence as waged by Kenyans from all corners of the country, through an Act of Parliament;
- C. Facilitates the writing of the history of the freedom struggle for the benefit of current and future generations;
- D. Consider for recognition, adequate monetary and other material compensation, all heroes and heroines of our national freedom struggles as stipulated below:
  - i) They be given land for their own and their families' settlement because many remain landless despite their major role in the liberation struggle
  - ii) They be awarded some ex-gratia payment as an appreciation for this role

- iii) The living Mau Mau freedom fighters be awarded pensions to see them through their twilight years
- iv) The heroes and heroines of the struggle be accorded representation in the National Assembly
- v) That monuments in honour of the struggles and the heroes and heroines of these wars be erected especially in areas that the Mau Mau freedom fighters were exiled, underwent hard labour or lost their lives in large numbers
- vi) That a freedom and unity university be set up in the country to promote research on nationalism and culture
- vii) That land confiscated from the Mau Mau freedom fighters and their sympathisers during the liberation war be returned or alternative land be granted in compensation
- viii) That the role of the Mau Mau detainees and prisoners in carrying out development work such as the construction of the old Embakasi airport, the Mwea Irrigation Scheme and the Yatta Canal through hard labour, be recognised and appreciated.

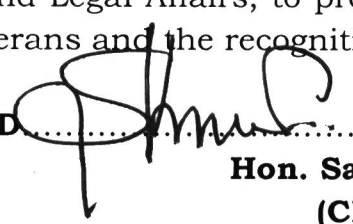
The Petition was committed to the Departmental Committee on Justice and Legal Affairs pursuant to provisions of Standing Order 227. The Committee considered the petition on the Mau Mau war veterans and the recognition of the armed struggle.

### **Acknowledgements**

The Committee wishes to thank the Offices of the Speaker and the Clerk of the National Assembly for the support extended to it in the execution of its mandate.

It is my pleasant duty and privilege, on behalf of the Departmental Committee on Justice and Legal Affairs, to present this report on the Petition on the Mau Mau war veterans and the recognition of the armed struggle.

SIGNED.....



DATE.....

13th April, 2016

**Hon. Samuel Chepkonga, M.P**  
**(Chairperson)**

**Departmental Committee on Justice and Legal Affairs**

## **2.0 BACKGROUND**

### **2.1 PETITION ON THE MAU MAU WAR VETERANS AND THE RECOGNITION OF THE ARMED STRUGGLE**

The petition signed by ten citizens on behalf of sixty one thousand, three hundred and thirty (61,330) Mau Mau war veterans from all the counties of the Republic of Kenya and addressed to the National Assembly, seeking the Members support in the recognition of the Mau Mau war veterans and of the armed struggle.

### **3.0 CONSIDERATION OF THE PETITION BY THE COMMITTEE**

In its sitting held on the the 17<sup>th</sup> March 2015 at Boardroom, 2<sup>nd</sup> Floor Protection House, the Departmental Committee on Justice and Legal Affairs considered the petition and interacted with the petitioners.

#### **3.1 Committee's Observations and Findings**

Upon due consideration and review of the petition, the Departmental Committee on Justice and Legal Affairs was of the view that:

- i. The issues raised in the petition are genuine and deserve serious attention of the nation of Kenya. The Committee was unanimous that it is high time that the concerns of the Mau Mau veterans are brought to a foreclosure once and for all.
- ii. The Committee also observed that in addressing the issues, order of priority be made so that the government may be given reasonable time in planning the structures of redress to the views and issues raised in the petition.
- iii. In achieving the roadmap towards the planning and addressing of the issues raised, the Committee observed that it would be important if Committee comprising of different actors was formed, which would look into the issues and outline the agenda towards addressing the issues raised.

#### **4.0 RECOMMENDATIONS OF THE COMMITTEE**

Having considered the petition in line with the Constitution and the provisions of the Petitions to Parliament (Procedure) Act, and the Standing orders of the National Assembly, the Committee recommended that:

1. A committee be established to document the history of Kenya and to collect views of those who were affected during the struggle for liberation and those who participated in the struggle.
2. The Committee in their mandate, and in furtherance of recommendation No. 1 above, will look into ways of connecting one generation to another through the well documented history. The Committee will be responsible for documenting the history of liberation of Kenya.
3. The National Government to erect monuments of the war veterans in order to remember our history.
4. A university be established in honour of the liberation heroes, and among other faculties, the universities will specialize in courses of history, research, leadership, governance and patriotism.
5. The Committee to be funded by the national government through the Ministry concerned with culture and national heritage and carry out all the necessary logistical and advisory role on matters to do with the Mau Mau, and in particular, the matters raised in this petition.

..... **END** .....



**MINUTES OF THE SIXTEENTH SITTING OF THE DEPARTMENTAL COMMITTEE  
ON JUSTICE AND LEGAL AFFAIRS HELD ON TUESDAY, 17<sup>TH</sup> MARCH, 2015 AT  
10 A.M. ON SECOND FLOOR, PROTECTION HOUSE, PARLIAMENT BUILDINGS**

**PRESENT:-**

Hon. Samuel Chepkong'a, MP – **Chairperson**  
Hon. Muriithi Waiganjo, MP  
Hon. Mutua Mutemi (Bishop), MP  
Hon. David Ouma Ochieng, MP  
Hon. Kaluma Peter, MP  
Hon. Fatuma Ibrahim Ali, MP  
Hon. Ben Momanyi Orori, MP  
Hon. Benson Mutura, MP  
Hon. Tom J. Kajwang', MP  
Hon. Moses Cheboi, MP  
Hon. Boniface Otsiula, MP

**ABSENT:-**

Hon. Priscilla Nyokabi, MP – **Vice Chairperson**  
Hon. Florence Kajuju, MP  
Hon. Johanna Ngeno, MP  
Hon. Olago Aluoch, MP  
Hon. James Bett, MP  
Hon. Mohamed Abdi Haji, MP  
~~Hon. Munve Mati John, MP~~  
Hon. Ndirangu Waihenya, MP  
Hon. Neto Agostinho, MP  
Hon. John Njoroge Chege, MP  
Hon. Dr. Christine Ombaka, MP  
Hon. Kang'ata Irungu, MP  
Hon. William Cheptumo, MP  
Hon. Sammy Koech, MP  
Hon. William Mwamkale, MP  
Hon. Charles Gimose, MP  
Hon. Paul Bii, MP  
Hon. Njoroge Baiya, MP

**SECRETARIAT:-**

1. Mr. George Gazemba - Senior Clerk Assistant
2. Ms. Mary L. Lemerelle - Clerk Assistant III
3. Mr. Ahmed Salim - Clerk Assistant III

**MIN No. 48/2015:- - PRELIMINARIES**

The meeting was called to order at 10.30 a.m. with a word of prayer from the chairperson.

**MIN No. 49/2015:- CONSIDERATION OF PETITIONS**

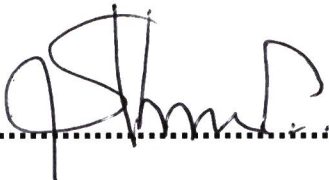
The Committee considered a petition from Mau Mau war veterans led by **Mr. Gitu Wa Kahengeri** seeking compensation, apology and construction of a monument in their favour. The Committee also considered a petition by on **Mr. Peter Njuguna** seeking harmonization of legislation on persons with disabilities.

The Committee granted the prayers sought by the Petitioners in principle.

The Committee postponed the consideration of the Petition on Hon. Kenneth Matiba's detention and torture because the Petitioners were not present.

**MIN No. 50/2015:- - ADJOURNMENT**

There being no other business to transact, the sitting adjourned thirty minutes past noon.

Signed:  .....

**(Chairperson, Departmental Committee on Justice and Legal Affairs)**

Date:  .....

**MINUTES OF THE SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON TUESDAY, 22<sup>ND</sup> MARCH, 2016 AT 10:00 A.M. IN MEMBERS' LOUNGE, MAIN PARLIAMENT BUILDING**

**PRESENT**

Hon. Samuel Chepkonga, M.P.	-	Chairperson
Hon. Priscilla Nyokabi, M.P.	-	Vice Chairperson
Hon. Ben Momanyi, M.P.		
Hon. Benson Mutura, M.P.		
Hon. David Ochieng, M.P.		
Hon. Fatuma Ibrahim, M.P.		
Hon. Florence Kajuju, M.P.		
Hon. James Bett, M.P.		
Hon. John Njoroge Chege, M.P.		
Hon. Olago Aluoch, M.P.		
Hon. Kamoti Mwamkale William, M.P.		
Hon. Mohamed Abdi Haji, M.P.		
Hon. Moses Cheboi, M.P.		
Hon. Njoroge Baiya, M.P.		
Hon. Paul K. Bii, M.P.		
Hon. Peter Kaluma, M.P.		
Hon. Ndirangu Waihenya, M.P.		

**ABSENT:-**

Hon. Johanna Ngeno, M.P.  
Hon. William Cheptumo, M.P.  
Hon. Kang'ata Irungu, M.P.  
Hon. Sammy Koech, M.P.  
Hon. Tom J. Kajwang', M.P.  
Hon. John M. Waiganjo, M.P.  
Hon. Charles Gimose, M.P.  
Hon. (Bishop) Robert Mutemi, M.P.  
Hon. Boniface Otsiula, M.P.  
Hon. Neto Agostinho, M.P.  
Hon. Dr. Christine Ombaka, M.P.

**SECRETARIAT**

Mr. Abenayo Wasike	-	Clerk Assistant I
Mr. Ahmed Salim	-	Clerk Assistant III
Ms. Mary L. Lemerelle	-	Clerk Assistant III
Mr. Moses Kariuki	-	Sergeant at arm



**MIN No.JLA. /2016:-**

**PRELIMINARIES**

The Chairperson called the meeting to order at 10:40 a.m. with a word of prayer from Hon. John Njoroge Chege, M.P. The Chairperson introduced the agenda of the meeting, being consideration of pending petitions before the Committee.

**MIN No.JLA. /2016:-**

**CONFIRMATION OF THE PREVIOUS MINUTES**

Confirmation of the previous minutes was deferred to a later date as the Committee shall decide in its next meeting.

**MIN No.JLA . /2016:-**

**CONSIDERATION OF A PETITION ON MASENO BOUNDARY DISPUTE**

The Committee considered the petition and resolved that the Member who presented the petition, Hon. Chris Omulele, be invited to appear before the Committee at an appropriate time.

**MIN No.JLA . /2016:-**

**CONSIDERATION OF A PETITION BY THE LUSENO FAMILY ON ALLEGED MURDER OF GLADYS RITHO**

The Committee resolved that before making any recommendations on the petition, it would be appropriate to first seek more information from the Director of Public Prosecutions (DPP) and the Attorney General.

**MIN No.JLA . /2016:-**

**CONSIDERATION OF A PETITION BY HON. SABINA CHEGE, MP, ON BEHALF OF THE FAMILY OF THE LATE STEPHEN MBII KIERU**

The Petition which was presented to the National Assembly by Hon. Sabina Chege, MP and member for Muranga County on behalf of the family of Stephen Mbiu Kieru (deceased) and fifteen (15) citizens sought compensation for the death of their bread winner as a result of a terrorist attack. The Committee recommended that the Attorney General should liase with other State Agencies to formulate a policy and Legislation to establish a Compensation fund for the victims of terror attacks.

**MIN No.JLA . /2016:-**

**CONSIDERATION OF A PETITION BY RESIDENTS OF THARAKA NITHI COUNTY ON ALLEGED NON-REFUNDED CASH BAILS BY MARIMANTI LAW COURTS**

The Petition on alleged non-refunded cash bails by Marimanti Law Courts was presented to the National Assembly by Hon. Beatrice Nkatha Nyaga, MP and member for Tharaka Nithi County on behalf of the residents of Tharaka Nithi County.

The Petitioner prays that the National Assembly:

- a. Commences inquiry into the unclear circumstances cash bails due to be refunded to the petitioners have not been paid long after their cases were heard and determined by the court.
- b. Intervenes to ensure that the Judiciary reimburses the petitioners the cash bail owed, together with accrued interest as computed from the date the cases were determined and disciplinary action be instituted against any officer (s) who obstructed payment of the said cash bail refunds in one way or another, have the Government provide social assistance to the family and other victims of terror attacks for the loss of livelihood, injuries and any properties.

After lengthy deliberations, the Committee recommended the following:

- a. That, the outstanding cash bails be refunded by the Judiciary in the current financial year 2015/2016 Supplementary Budget Estimates.
- b. That, the Directorate of Criminal Investigations should conclude its investigations expeditiously and take legal action against persons who may have fraudulently contributed to non-refund of cash bails by Marimanti Law Courts.

**MIN No.JLA . /2016:-**

**CONSIDERATION OF A PETITION ON JOHSON  
KOBIA**

The Committee went through the Petition and resolved that it should first seek more information on the status of an active matter before a Meru Court before consideration of the Petition.

**MIN No.JLA . /2016:-**

**CONSIDERATION OF A REPORT ON PETITION  
BY THE NATIONAL VICTIMS AND SURVIVORS  
NETWORK ON THE TRUTH, JUSTICE AND  
RECONCILIATION COMMISSION**

The Petition was presented to the National Assembly by Hon. Abdullahi Mohamed Diriye, Member of Parliament for Wajir South Constituency on behalf of the Citizens of Kenya referring themselves as the National Victims and Survivors Network.

The Petitioners pray that the National Assembly:

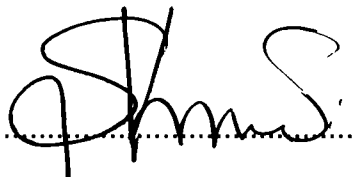
- a. Prioritizes debate on the TJRC Report tabled in the House on 24th July 2013.
- b. Enacts necessary legislation required to anchor the implementation of the recommendations contained therein.
- c. Allocates sufficient funds for the immediate and effective implementation and recommendations contained in the Report.

- d. The relevant committee of the House monitors the comprehensive and effective implementation of the Report.

The Committee recommended that the TJRC Report be committed to the Departmental Committee on Justice and Legal Affairs for consideration and thereafter report to the House for debate.

**MIN No.JLA. /2016:-**                      **ADJOURNMENT**

There being no other business to transact, the sitting adjourned at ten minutes past twelve o'clock.

Signed.....   
(Chairperson)  
Date..... 13<sup>th</sup> April, 2016

MAU MAU WAR VETERANS ASSOCIATION

A public petition from all Kenyan liberation war veterans to the Kenyan National Assembly drawn in accordance with part XXIII of the Standing Orders of the National Assembly.

Target: The National Assembly for Kenya

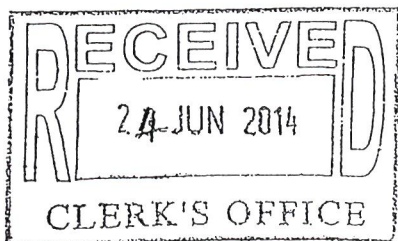
We the undersigned, citizens of Kenyan on behalf of 61330 Mau Mau War Veterans from all counties of the republic of Kenya:

Draw the attention of the House to the following:

That we are a fraternity of Mau Mau freedom fighters from the entire republic, who directly or through the participation of our parents and other relatives fought for or defended the freedom of the people of Kenya prior to and after colonization;

That the real struggle for freedom began with our legendary forbearers including Mekatilili wa Menza, Waiyaki wa Hinga, Oteyo, Moraa Ongiti, Ndonge wa Kauti, Koitalel arap Samoei, Elijah Masinde, Hassan Osman Ali, Ojilo K'Oteko, Eboi the Turkana resistance hero and many others of the same genre who may or may not have been noted;

That without the dedication of these heroes and heroines, the recovered freedom being enjoyed by all Kenyans today, would not have been achieved;



1



*Kenya liberation war veterans' petition*

That, the Mau Mau freedom fighters from across the country suffered greatly through the application of draconian laws, detention without trial,

imprisonment, torture in concentration camps, rape and beating of women, denial of the enjoyment of human rights and the deliberate extermination of huge populations;

That, we respect and acknowledge the role and mandate of democracy, respect for humanity and the land we fought for;

That, the objective of our national liberation appears to have been progressively forgotten and its values paled, resulting in tribalism and the balkanisation of the country;

That, this matter raised in this petition was brought to the attention of the last parliament through a public petition presented to the House on February 19, 2009;

That, the issues in respect of which this petition is made, are not pending before any court of law or constitutional or legal body

Petition

HEREFORE your humble petitioners pray that Parliament-

- A) Consider, appreciate and recognise all wars of resistance and National liberation waged by our ancestors and those who followed in their footsteps and note their heroic deeds and record them for posterity through an **Act of Parliament**;
- B) Recognize the **Mau Mau armed struggle** for national liberation and independence as waged by Kenyans from all corners of the country, through an **Act of Parliament**.



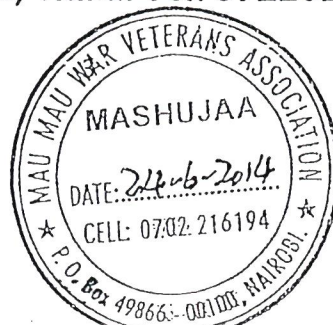


*Kenya liberation war veterans' petition*

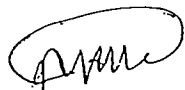

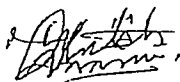

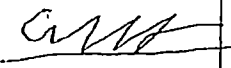
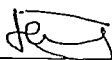
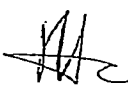
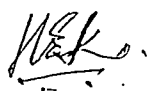
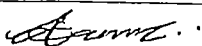
Likewise recognize the struggle for more democratic space (the second liberation) through an Act of Parliament;

- C) Facilitates the writing of the history of the freedom struggle for the benefit of current and future generations;
- D) Consider for recognition, adequate monetary and other material compensation, all **heroes and heroines** of our **national freedom struggles** as stipulated below:
- i) They be given **land** for their own and their families' settlement for many remain landless despite their major role in the liberation struggle
  - ii) They be awarded some **ex-gratia payment** as an appreciation for this role
  - iii) The living **Mau Mau freedom fighters** be awarded pensions to see them through their twilight years
  - iv) The **heroes and heroines of the freedom struggle** be accorded representation in the national assembly
- v) That **monuments** in honour of the struggles and the heroes and heroines of these wars be erected especially in areas that the Mau Mau freedom fighters were exiled, underwent hard labour or lost their lives in large numbers
- vi) That a **freedom and unity university** be set up in the country to promote research on nationalism and culture
  - vii) That **land confiscated** from the Mau Mau freedom fighters and their sympathisers during the liberation war be returned or alternative land be granted in compensation
  - viii) That the role of the Mau Mau detainees and prisoners in carrying out development work such as the construction of the **old Embakasi airport**, the **Mwea Irrigation Scheme** and the **Yatta Canal** through hard labour, be recognised and appreciated.

**P.O. Box 3782-01000, Thika. Tel: 0722612463/ 0702216194**



Kenya liberation war veterans' petition

Name of petitioner	Full Address	National ID No.	Signature/Thump Impression
1. SHUJAA. GITU WA KAHENGERI	P.O. BOX 3782-01000 THIKA	0352156	GITU
2. M' MBURUGU M'MARETE	P.O BOX 3 TIMAU	8884021	
3. AGOSTINO KAMUNDE M' RIMBOBUA	P.O BOX 400 NKUMBU	2522836	
4. FRANCIS MUSYOKA MUTISA	Box 571-90100 MACHAKOS	16046719	
5. JACOB NYAGA M' MIRU	PO BOX 148 MANYATTA	0268396	
6. GRACE NYAMBURA NGUAI	P.O BOX 199 KANJUKU	3067022	
7. JANE PETER KANYEMIA	P.O BOX 19 MWALA	7004310	
8. MICHAEL MUNGA KIMANI	P.O BOX 72176 NBI	11266283	
9. NJOROGE KIBURI	P.O BOX 687 LIMURU	0728781	
10. SIMON NTORURU JOHA	Box 8 - MUTHARA COBE 60605	2389256	





## DEPARTMENTAL COMMITTEE ON JUSTICE & LEGAL AFFAIRS

### MEMBERS ATTENDANCE

DATE: ..... 7<sup>th</sup> APRIL, 2016





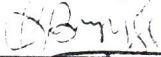
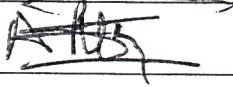


VENUE: ..... COUNTY HALL BOARDROOM (GROUND FLOOR).

AGENDA: ..... 1. PENDING PETITIONS

2. ADOPTION OF THE REPORT ON CONSIDERATION OF BUDGET SUPPLEMENTARY  
ESTIMATES FY. 2015/2016

	NAMES	SIGNATURE
1.	Hon. Samuel Chepkonga, M.P (Chairperson)	
2.	Hon. Priscila Nyokabi, M.P (Vice Chairperson)	
3.	Hon. Agostinho Neto , M.P	
4.	Hon. Ben Momanyi Orori, M.P	
5.	Hon. Benson Mutura, M.P	
6.	Hon. Boniface Otsiula, M.P	
7.	Hon. Charles Gimose, M.P	
8.	Hon. Christine Ombaka (Dr.), M.P	
9.	Hon. David Ochieng', M.P	
10.	Hon. Fatuma Ibrahim, M.P	
11.	Hon. Florence Kajuju, M.P	
12.	Hon. Irungu Kang'ata, M.P	
13.	Hon. James Bett, M.P	
14.	Hon. Johanna Ngeno, M.P	



15.	Hon. John Munuve, M.P	
16.	Hon. John M. Waiganjo, M.P	
17.	Hon. John Njoroge, M.P	
18.	Hon. John Olago Aluoch, M.P	
19.	Hon. Kamoti W. Mwamkale, M.P	
20.	Hon. Mohamed Abdi Haji, M.P	
21.	Hon. Moses Cheboi, M.P	
22.	Hon. Njoroge Baiya, M.P	
23.	Hon. Paul K.Bii, M.P	
24.	Hon. Peter Kaluma, M.P	
25.	Hon. Robert Mutemi (Bishop), M.P	
26.	Hon. Sammy Koech, M.P	
27.	Hon. T.J. Kajwang, M.P	
28.	Hon. Waihenya Ndirangu, M.P	
29.	Hon. William Cheptumo, M.P	

 Wasike

For: The Clerk of the National Assembly









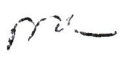

**DEPARTMENTAL COMMITTEE ON JUSTICE & LEGAL AFFAIRS**

**MEMBERS' APPROVAL ON ADOPTION OF THE REPORT ON**  
**CONSIDERATION OF BUDGET SUPPLEMENTARY ESTIMATES 1 FY**  
**2015/2016**

DATE: 7<sup>th</sup> APRIL, 2016

VENUE: COUNTY HALL BOARDROOM (GROUND FLOOR)

	NAMES	SIGNATURE
1.	Hon. Samuel Chepkonga, M.P (Chairperson)	
2.	Hon. Priscila Nyokabi, M.P (Vice Chairperson)	
3.	Hon. Agostinho Neto , M.P	
4.	Hon. Ben Momanyi Orori, M.P	
5.	Hon. Benson Mutura, M.P	
6.	Hon. Boniface Otsiula, M.P	
7.	Hon. Charles Gimose, M.P	
8.	Hon. Christine Ombaka (Dr.), M.P	
9.	Hon. David Ochieng', M.P	
10.	Hon. Fatuma Ibrahim, M.P	
11.	Hon. Florence Kajuju, M.P	
12.	Hon. Irungu Kang'ata, M.P	
13.	Hon. James Bett, M.P	
14.	Hon. Johanna Ngeno, M.P	
15.	Hon. John Munuve, M.P	

16.	Hon. John M. Waiganjo, M.P	
17.	Hon. John Njoroge, M.P	
18.	Hon. John Olago Aluoch, M.P	
19.	Hon. Kamoti W. Mwamkale, M.P	
20.	Hon. Mohamed Abdi Haji, M.P	
21.	Hon. Moses Cheboi, M.P	
22.	Hon. Njoroge Baiya, M.P	
23.	Hon. Paul K.Bii, M.P	
24.	Hon. Peter Kaluma, M.P	
25.	Hon. Robert Mutemi (Bishop), M.P	
26.	Hon. Sammy Koech, M.P	
27.	Hon. T.J. Kajwang, M.P	
28.	Hon. Waihenya Ndirangu, M.P	
29.	Hon. William Cheptumo, M.P	

A.  Wasike

For: The Clerk of the National Assembly

**MINUTES OF THE SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON THURSDAY, 7<sup>TH</sup> APRIL, 2016 AT 10.30 A.M. IN GROUND FLOOR BOARDROOM, COUNTY HALL BUILDING**

**PRESENT**

Hon. Samuel Chepkonga, M.P. - Chairperson  
Hon. Priscilla Nyokabi, M.P. - Vice Chairperson  
Hon. Ben Momanyi, M.P.  
Hon. Benson Mutura, M.P.  
Hon. David Ochieng, M.P.  
Hon. Florence Kajuju, M.P.  
Hon. James Bett, M.P.  
Hon. Olago Aluoch, M.P.  
Hon. Kamoti Mwamkale William, M.P.  
Hon. Mohamed Abdi Haji, M.P.  
Hon. Moses Cheboi, M.P.  
Hon. Njoroge Baiya, M.P.  
Hon. Paul K. Bii, M.P.  
Hon. Peter Kaluma, M.P.  
Hon. Ndirangu Waihenya, M.P.

**APOLOGIES:-**

Hon. Boniface Otsiula, M.P.  
Hon. Neto Agostinho, M.P.  
Hon. Dr. Christine Ombaka, M.P.

**ABSENT:-**

Hon. Johanna Ngeno, M.P.  
Hon. William Cheptumo, M.P.  
Hon. Kang'ata Irungu, M.P.  
Hon. Sammy Koech, M.P.  
~~Hon. Munuve Mati John, M.P.~~  
Hon. Fatuma Ibrahim, M.P.  
Hon. Tom J. Kajwang', M.P.  
Hon. John M. Waiganjo, M.P.  
Hon. John Njoroge Chege, M.P.  
Hon. Charles Gimose, M.P.  
Hon. (Bishop) Robert Mutemi, M.P.

**SECRETARIAT**

Mr. Abenayo Wasike - Clerk Assistant I  
Mr. Ahmed Salim - Clerk Assistant III



Ms. Mary L. Lemerelle	-	Clerk Assistant III
Mr. Fredrick Muthengi	-	Budget Officer
Mr. Robert Ngetich	-	Budget Officer
Mr. Moses Kariuki	-	Sergeant at arm

**MIN No.JLA. /2016:-**                      **PRELIMINARIES**

The Chairperson called the meeting to order at 10.35 a.m. with a word of prayer from the Chairperson, Hon. Samuel Chepkonga, M.P. The Chairperson introduced the agenda of the meeting, adoption of the report on the Supplementary Budget Estimates 1 for the FY 2015/2016 and adoption of different reports on petitions.

**MIN No.JLA. /2016:-**                      **CONFIRMATION OF THE PREVIOUS MINUTES**

Confirmation of the previous minutes was deferred to a later date as the Committee shall decide in its next meeting.

**MIN No.JLA . /2016:-**                      **ADOPTION OF REPORT ON THE SUPPLEMENTARY BUDGET ESTIMATES 1 FOR THE FY 2015/2016**

The Committee adopted the Report, the same having been proposed by Hon. David Ochieng' and seconded by Hon. Priscila Nyokabi.

**MIN No.JLA . /2016:-**                      **ADOPTION OF REPORT ON PETITION BY HON. SABINA CHEGE, MP, ON BEHALF OF THE FAMILY OF THE LATE STEPHEN MBII KIERU**

The Committee adopted the Report, the same having been proposed by Hon. Ben Momanyi and seconded by Hon. James Bett.

**MIN No.JLA . /2016:-**                      **ADOPTION OF REPORT ON PETITION BY RESIDENTS OF THARAKA NITHI COUNTY ON ALLEGED NON-REFUNDED CASH BAILS BY MARIMANTI LAW COURTS**

The Committee adopted the Report, the same having been proposed by Hon. Florence Kajuju and seconded by Hon. Moses Cheboi.

**MIN No.JLA . /2016:-**

**ADOPTION OF REPORT ON PETITION BY THE NATIONAL VICTIMS AND SURVIVORS NETWORK ON THE TRUTH, JUSTICE AND RECONCILIATION COMMISSION**

The Committee adopted the Report, the same having been proposed by Hon. Kaluma Peter and seconded by Hon. Olago Aluoch.

**MIN No.JLA . /2016:-**


**ADOPTION OF REPORT ON PETITION ON THE MAU MAU WAR VETERANS AND THE RECOGNITION OF THE ARMED STRUGGLE**

The Committee adopted the Report, the same having been proposed by Hon. Priscila Nyokabi and seconded by Hon. Ndirangu Waihenya.

**MIN No.JLA. /2016:-**

**ADJOURNMENT**

There being no other business to transact, the sitting adjourned at ten minutes past twelve o'clock.

Signed.....  
(Chairperson)  
Date.....13<sup>th</sup> June, 2016.....

**MINUTES OF THE SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON TUESDAY, 22<sup>ND</sup> MARCH, 2016 AT 10:00 A.M. IN MEMBERS' LOUNGE, MAIN PARLIAMENT BUILDING**

**PRESENT**

Hon. Samuel Chepkonga, M.P.	-	Chairperson
Hon. Priscilla Nyokabi, M.P.	-	Vice Chairperson
Hon. Ben Momanyi, M.P.		
Hon. Benson Mutura, M.P.		
Hon. David Ochieng, M.P.		
Hon. Fatuma Ibrahim, M.P.		
Hon. Florence Kajuju, M.P.		
Hon. James Bett, M.P.		
Hon. John Njoroge Chege, M.P.		
Hon. Olago Aluoch, M.P.		
Hon. Kamoti Mwamkale William, M.P.		
Hon. Mohamed Abdi Haji, M.P.		
Hon. Moses Cheboi, M.P.		
Hon. Njoroge Baiya, M.P.		
Hon. Paul K. Bii, M.P.		
Hon. Peter Kaluma, M.P.		
Hon. Ndirangu Waihenya, M.P.		

**ABSENT:-**

Hon. Johanna Ngeno, M.P.  
Hon. William Cheptumo, M.P.  
Hon. Kang'ata Irungu, M.P.  
Hon. Sammy Koech, M.P.  
Hon. Tom J. Kajwang', M.P.  
Hon. John M. Waiganjo, M.P.  
Hon. Charles Gimose, M.P.  
Hon. (Bishop) Robert Mutemi, M.P.  
Hon. Boniface Otsiula, M.P.  
Hon. Neto Agostinho, M.P.  
Hon. Dr. Christine Ombaka, M.P.

**SECRETARIAT**

Mr. Abenayo Wasike	-	Clerk Assistant I
Mr. Ahmed Salim	-	Clerk Assistant III
Ms. Mary L. Lemerelle	-	Clerk Assistant III
Mr. Moses Kariuki	-	Sergeant at arm

**MIN No.JLA. /2016:-**

**PRELIMINARIES**

The Chairperson called the meeting to order at 10:40 a.m. with a word of prayer from Hon. John Njoroge Chege, M.P. The Chairperson introduced the agenda of the meeting, being consideration of pending petitions before the Committee.

**MIN No.JLA. /2016:-**

**CONFIRMATION OF THE PREVIOUS MINUTES**

Confirmation of the previous minutes was deferred to a later date as the Committee shall decide in its next meeting.

**MIN No.JLA . /2016:-**

**CONSIDERATION OF A PETITION ON MASENO BOUNDARY DISPUTE**

The Committee considered the petition and resolved that the Member who presented the petition, Hon. Chris Omulele, be invited to appear before the Committee at an appropriate time.

**MIN No.JLA . /2016:-**

**CONSIDERATION OF A PETITION BY THE LUSENO FAMILY ON ALLEGED MURDER OF GLADYS RITHO**

The Committee resolved that before making any recommendations on the petition, it would be appropriate to first seek more information from the Director of Public Prosecutions (DPP) and the Attorney General.

**MIN No.JLA . /2016:-**

**CONSIDERATION OF A PETITION BY HON. SABINA CHEGE, MP, ON BEHALF OF THE FAMILY OF THE LATE STEPHEN MBII KIERU**

The Petition which was presented to the National Assembly by Hon. Sabina Chege, MP and member for Muranga County on behalf of the family of Stephen Mbiu Kieru (deceased) and fifteen (15) citizens sought compensation for the death of their bread winner as a result of a terrorist attack. The Committee recommended that the Attorney General should liase with other State Agencies to formulate a policy and Legislation to establish a Compensation fund for the victims of terror attacks.

**MIN No.JLA . /2016:-**

**CONSIDERATION OF A PETITION BY RESIDENTS OF THARAKA NITHI COUNTY ON ALLEGED NON-REFUNDED CASH BAILS BY MARIMANTI LAW COURTS**

The Petition on alleged non-refunded cash bails by Marimanti Law Courts was presented to the National Assembly by Hon. Beatrice Nkatha Nyaga, MP and member for Tharaka Nithi County on behalf of the residents of Tharaka Nithi County.



The Petitioner prays that the National Assembly:

- a. Commences inquiry into the unclear circumstances cash bails due to be refunded to the petitioners have not been paid long after their cases were heard and determined by the court.
- b. Intervenes to ensure that the Judiciary reimburses the petitioners the cash bail owed, together with accrued interest as computed from the date the cases were determined and disciplinary action be instituted against any officer (s) who obstructed payment of the said cash bail refunds in one way or another, have the Government provide social assistance to the family and other victims of terror attacks for the loss of livelihood, injuries and any properties.

After lengthy deliberations, the Committee recommended the following:

- a. That, the outstanding cash bails be refunded by the Judiciary in the current financial year 2015/2016 Supplementary Budget Estimates.
- b. That, the Directorate of Criminal Investigations should conclude its investigations expeditiously and take legal action against persons who may have fraudulently contributed to non-refund of cash bails by Marimanti Law Courts.

**MIN No.JLA . /2016:-**

**CONSIDERATION OF A PETITION ON JOHSON  
KOBIA**

The Committee went through the Petition and resolved that it should first seek more information on the status of an active matter before a Meru Court before consideration of the Petition.

**MIN No.JLA . /2016:-**

**CONSIDERATION OF A REPORT ON PETITION  
BY THE NATIONAL VICTIMS AND SURVIVORS  
NETWORK ON THE TRUTH, JUSTICE AND  
RECONCILIATION COMMISSION**

The Petition was presented to the National Assembly by Hon. Abdullahi Mohamed Diriye, Member of Parliament for Wajir South Constituency on behalf of the Citizens of Kenya referring themselves as the National Victims and Survivors Network.

The Petitioners pray that the National Assembly:

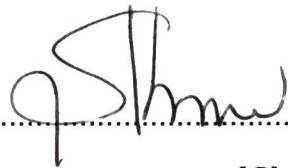
- a. Prioritizes debate on the TJRC Report tabled in the House on 24th July 2013.
- b. Enacts necessary legislation required to anchor the implementation of the recommendations contained therein.
- c. Allocates sufficient funds for the immediate and effective implementation and recommendations contained in the Report.

- d. The relevant committee of the House monitors the comprehensive and effective implementation of the Report.

The Committee recommended that the TJRC Report be committed to the Departmental Committee on Justice and Legal Affairs for consideration and thereafter report to the House for debate.

**MIN No.JLA. /2016:-**                      **ADJOURNMENT**

There being no other business to transact, the sitting adjourned at ten minutes past twelve o'clock.

Signed.....  


(Chairperson)

Date.....  
13<sup>th</sup> April, 2016