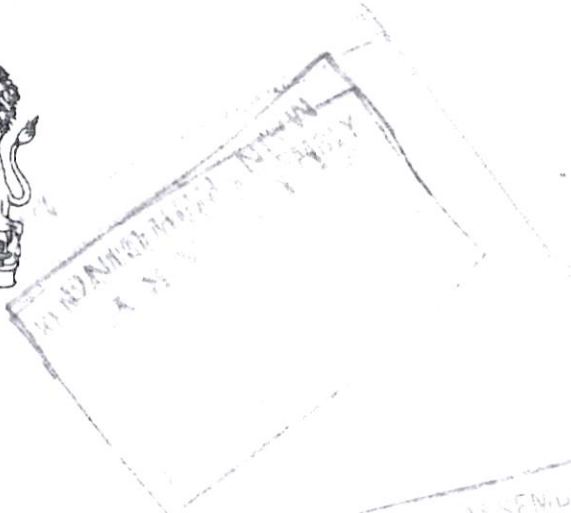
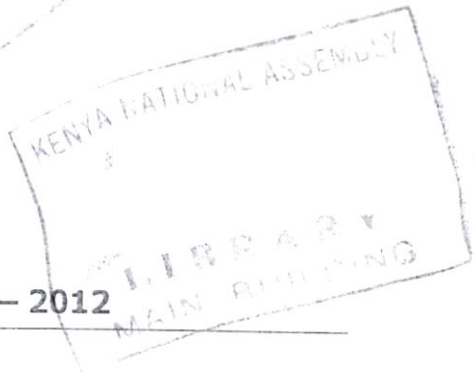


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TENTH PARLIAMENT – FOURTH SESSION – 2012

THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS

**REPORT OF THE INVESTIGATION INTO THE AUTHENTICITY OF
DOCUMENTS ON ALLEGATIONS AGAINST UNITED KINGDOM RELATING
TO INTERNATIONAL CRIMINAL COURT (ICC), LAID IN THE HOUSE ON
8TH MARCH, 2012**

CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI

NOVEMBER, 2012

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1.0 PREFACE

1.1 Committee Mandate

Mr. Speaker,

The Departmental Committee on Defence and Foreign Relations is established pursuant to provisions of Standing Order 198 (1). Under the provisions of Standing Order 198 (3) the Committee is mandated 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 the Ministries and departments and the effectiveness of the implementation;
- (c) study and review all legislation referred to it;
- (d) study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with its stated objectives;
- (e) investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House or a Minister; and
- (f) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

The Committee oversees the performance of the following Ministries and Government departments:-

1. Defence;
2. Foreign Affairs;
3. East African Community; and
4. National Security Intelligence Service.

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Under the above Ministries, the Committee covers the following subjects;

- (i) Defence matters;
- (ii) Foreign policy;
- (iii) Treaties , Conventions and Agreements;
- (iv) International and Regional Organisations;
- (v) Bilateral and Multilateral Relations;
- (vi) Regional Cooperation policy;
- (vii) East African Community Affairs;
- (viii) National Security Intelligence.

1.2 Committee Members

The Committee comprises of the following Members of Parliament:-

- The Hon. Adan W. Keynan, MP – Chairperson
- The Hon. Benedict F. Gunda, MP – Vice Chairperson
- The Hon. Jeremiah N. Kioni, MP
- The Hon. Charles M. Kilonzo, MP
- The Hon. Peter E. O. Anyanga, MP
- The Hon. Wilson M. Litole, MP
- The Hon. George Nyamweya, MBS, MP
- The Hon. Hussein Mohamed Ali, MP
- The Hon. Martin Ogindo, MP
- The Hon. Julius K. Kilonzo, MP
- The Hon. Yusuf Hassan Abdi, MP¹

(The Hon. Yusuf Hassan Abdi, MP Kamukunji, replaced the Hon. Eugene Wamalwa MP in the Committee after his appointment to the cabinet as Minister for Justice, National Cohesion and Constitutional Affairs on March 26, 2012.)

1.3 Background of the matter under consideration

Mr. Speaker,

1.3.1 Introduction

On 8th March, 2012, the Minister for Foreign Affairs, the Hon. Moses Wetangula, E.G.H, M.P was responding to a Ministerial Statement requested by the Hon. Eugene Wamalwa, M.P who until his recent appointment to Cabinet was a Member of the Committee on Defence and Foreign Relations **(Hansard Report Annex1)**. The Ministerial Statement sought was in regard to comments on social and political situation in Kenya, made by the British Foreign Secretary, Hon. William Hague during his visit on 3rd February, 2012. The comments by the British Foreign Secretary caused uproar and protests from many leaders in the country.

The Hon. Eugene Wamalwa, MP sought to know whether the Government had requested for a statement from the Government of the UK on the protests and whether the UK Government had forwarded a statement in relation to the same and, if so, the contents therein.

The Minister responded by stating that since Kenya is a sovereign state it does not take instructions from any external power nor accepts interference in its internal affairs, more so, in the determination of its leadership. Further, the Minister informed the House that the British Foreign Secretary met with His Excellency the President, the

Right Honorable Prime Minister, Minister of State for Provincial Administration and Departmental Committee on Defence and Foreign Relations- Report of the investigation into the authenticity of Documents on allegations against United Kingdom relating to International Criminal Court (ICC), laid in the House On 8th March, 2012

Internal Security and the Minister for Foreign Affairs. The meetings discussed range of issues including bilateral trade, Kenya's reform programme, the forthcoming elections and security issues including the Somalia situation. The Minister informed the House that the British Foreign Secretary was also interested to know how Kenya was progressing in overcoming the legacy of the 2008 Post-Election Violence. The Minister reiterated to the House the UK assurance of full support on the Kenya's reform path and that although UK government supports the ongoing International Criminal Court (ICC) process, he did not wish to delve into or comment on the individual cases. The Minister further mentioned that the visit and the meetings held helped to cement the cordial bilateral relationship between both governments.

While reacting to the Ministerial statement, the Hon. Charles Kilonzo, M.P and the Hon. Aden Dualle, M.P tabled two documents (**Annex 2**) alleging that the UK Government was interfering with the case against some Kenyans in the ICC. This was despite the assurance by the British Foreign Secretary that the UK Government was not in any way interfering with the Kenyan cases in The Hague. The Hon. Charles Kilonzo, M.P claimed that the documents reflected a conspiracy by the UK Government to interfere with the Kenyan cases in the ICC.

The document alleged that ICC intends to arrest suspects believed to have masterminded the post election violence and further make indictments on H.E the

President, Hon. Mwai Kibaki, CGH, MP. The document allegedly circulated by the British Foreign Office and purportedly authored by Ms. Chloe Hamborg on 27th January, 2012, who was the then Head of Horn of Africa Strategy at the Foreign and Commonwealth Office, hinted that a decision could have been reached to issue arrest warrants to the Hon. Uhuru Kenyatta, M.P and the Hon. William Ruto, M.P and further diminish the chance of the duo ascending to State House. The documents alleged further that the British Government preferred the Prime Minister, the Hon. Raila Odinga, M.P to take over the Presidency in the next general elections. The document allayed fears that without proper constitutional reforms, the country could experience similar chaos witnessed in 2007/2008 and that in effect could threaten the UK's bilateral and regional interests.

1.3.2 Admissibility of the document

Before the documents were tabled, the Speaker had to determine their admissibility. Upon determination, the Speaker ruled that the documents were admissible and were finally tabled.

On the following sitting day, the debate as to whether the documents were authentic or not ensued with some Members even calling for the severance of diplomatic relations between Kenya and the UK. The Hon. Rachael Shebesh, M.P rose on a point of order seeking to have the debate on the documents expunged from the record of the House.

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She made reference to Standing order no. 82 which requires that Members take responsibility for their statements; the authenticity and implications of statements that they bring to the House.

Further, the Hon. Rachel Shebesh, M.P stated that the documents had been dismissed as forgery by three different institutions namely the Ministry of Foreign Affairs, the National Security Intelligence Service and the British Government through the British High Commission in Nairobi and hence the debate thereof should have been expunged. She requested the Speaker to direct that the documents be expunged from the records of the House on the basis that they were not authentic and should not have been admissible.

1.3.3 Speaker's ruling

In his directive, the Speaker noted that on the face value, the documents were admissible since they were duly signed and seemed to indicate that they originate from official sources.

Several Members raised concerns on the authenticity of the laid documents and claimed they were forged and hence were not genuine. The admissibility of the documents was therefore put into question and the Speaker was requested to determine their authenticity.

According to the Speaker, the documents were admissible and therefore formed part of the documents of the National Assembly. The Speaker could not however, determine

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whether the documents were authentic or not. He explained that in his capacity as Speaker, it was not possible to determine authenticity of forged documents. Consequently, the matter was left to the Departmental Committee on Defence and Foreign Relations to investigate and report its findings to the House. Members noted that in the event that the documents will be established to be forgery, then action should be taken against the people responsible.

1.3.4 Committee consideration on the matter

Before commencing the enquiry, the Committee noted that the allegations contained in the documents were of grave concern since they touched on serious issues including Kenya's sovereignty, the institutions of Presidency and the Prime Minister as well as the outcome of the next general elections, and therefore the Committee had an immense responsibility of authenticating the documents.

The Committee commenced the inquiry by deliberating on the modus operandi of carrying out the investigation. The Committee resolved to exclude the Hon. Charles Kilonzo, M.P from the proceedings of the inquiry since he was a Member of the Committee and one of the documents was tabled by him. However, it was agreed that he appears as a witness on the matter. The following witnesses were therefore scheduled to appear before the Committee.

- 1) Cabinet Sub- Committee on ICC matters;

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- 2) Minister for Foreign Affairs;
- 3) Director General of National Security Intelligence Service (NSIS);
- 4) The Police Commissioner;
- 5) Attorney General;
- 6) The Hon. Rachael Shebesh, M.P, the Hon. Charles Kilonzo, M.P and the Hon. Aden Dualle, M.P; and
- 7) Mr. Dennis Itumbi, Mr. Ken Wafula, Mr. Maina Kiai, Mr. John Githongo and Mr. Ndung'u Wainaina.

When the Committee undertook the investigations, the following witnesses were interrogated:-

- (i) Cabinet Sub- Committee on ICC matters on Monday 26th and 28th March, 2012;
- (ii) Hon. Rachael Shebesh, M.P on Monday 26th March, 2012;
- (iii) Commissioner of Police on Tuesday 27th March and 10th April, 2012;
- (iv) Minister for Foreign Affairs on Wednesday 28th March, 2012;
- (v) Attorney General on 17th April, 2012
- (vi) Minister for Justice, National Cohesion and Constitutional Affairs on 17th April, 2012
- (vii) Mr. Dennis Itumbi on 12th April, 2012; and
- (viii) Mr. Ken Wafula Chairman NGO Council on 4th July, 2012.

The Director General of NSIS, Major General Michael Gichangi, CBO, on all occasions, declined to honor the invitations and/or summons citing various reasons/ explanations. The explanations given on the various occasions did not satisfy the Committee. Further, the Hon. Charles Kilonzo, M.P and the Hon. Aden Dualle, M.P did not appear before the Committee citing parliamentary immunity provided by the National Assembly (Powers and Privileges) Act Cap 6 Laws of Kenya.

1.4 Committee observations

From the meetings with the aforementioned witnesses, the Committee made the following observations:-

Observations

- 1) The allegations raised in the documents are serious since they touch on sensitive offices like the Presidency, the Prime Minister and the Speaker of Parliament.**
- 2) Officials and agencies of the Government of Kenya declined to take a position on the authenticity or otherwise of the documents, citing inability to conclude investigations.**
- 3) Forensic investigations by the Kenya Police to ascertain the authenticity of the documents required cooperation from the UK Government which was declined.**
- 4) The immunity guaranteed to diplomats through the Vienna Convention on Diplomatic Relations (VCDR) hindered the process of investigation.**
- 5) The British High Commission in Nairobi and other international agencies declined to permit the Kenya Police to undertake investigations, citing diplomatic protocols.**
- 6) The Members of Parliament who tabled the documents declined to provide evidence, citing parliamentary immunity provided by the National Assembly (Powers and Privileges) Act Cap 6 Laws of Kenya.**
- 7) The Committee noted that Kenya has had long standing cordial bilateral relations with the UK Government. However, Kenya was not treated with the respect commensurate with these cordial historical ties in the pursuit of this matter.**

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- 8) Given the sensitivity of the ICC and the electoral processes it would have been fair for the UK Government to have cooperated to allow for conclusive investigations.

1.5 CONCLUSION

After thorough investigations, interactions and extensive deliberations, taking into account the immunities guaranteed to diplomats (through the Vienna Convention on Diplomatic Relations) and Members of Parliament (through the National Assembly (Powers & Privileges Act) cap 6 Laws of Kenya), the Committee was unable to establish the authenticity or otherwise of the documents as tabled.

1.6 RECOMMENDATION

- 1) While noting Kenya's remarkable reputation in nurturing cordial relationship existing between Kenya and other friendly states, the Committee recommends that Kenya must implement a policy of equal treatment and non interference from other nations.
- 2) Since the documents touch on matters of immense national importance and of significant public interest, the Government should pursue all diplomatic channels to conclusively address the matter with the concerned friendly nations.

1.6 Acknowledgement

Mr. Speaker,

1.4.1 I wish to express my appreciation to Members of the Committee who sacrificed time from their families and constituents to undertake the investigation. The Committee is grateful to the Speaker for enabling the Committee to undertake its duty and to the office of the Clerk, for facilitating and providing technical support during the investigation.

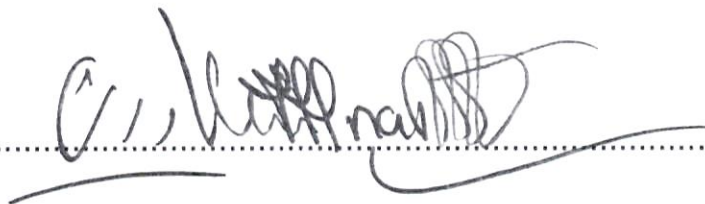
1.4.2 The Committee is grateful to the Ministry of Foreign Affairs and in particular Kenya's Embassies in New York, Washington DC, Netherlands, Belgium and the United Kingdom for facilitating the visit.

1.4.3 The decisions of the Committee on this report were arrived at after extensive deliberations and were unanimous.

Mr. Speaker,

1.4.4 It is my pleasant duty and privilege, on behalf of the Departmental Committee on Defence and Foreign Relations to table this report and commend it to the House for adoption pursuant to provisions of the National Assembly Standing Order 181.

Signed:.....



THE HON. ADAN W. KEYNAN, MP

CHAIRPERSON,

DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS

Date:

15/11/2012

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PART 1: LOCAL INVESTIGATIONS

2.1 MEETING WITH THE MINISTRY OF FOREIGN AFFAIRS

Noting that the allegations raised in the document touched on the very existence of the bilateral relations between Kenya and the United Kingdom and on the principle of non interference premised on the rules governing diplomatic relations (as contained in the Vienna Convention on Diplomatic Relations), the Committee sought to get the views of the Minister of Foreign Affairs on the authenticity of the documents. On 13th March, 2012, since the Hon. Rachel Shebesh, MP had alleged that the Ministry of Foreign Affairs had dismissed the documents as forgery, the Committee sought to know the basis for which they regarded the documents as unauthentic.

The Minister for Foreign Affairs, the Hon. (Prof.) Sam Ongeru, E.G.H, M.P accompanied by senior officials from the Ministry appeared before the Committee on 11th April, 2012 and informed the Committee that he had received a note verbale no. 199/12 dated 9th March 2012 from the British High Commissioner stating that the documents were not genuine. The note verbale read, in part as follows:-

“The Policy of Her Majesty Government is not to comment on leaked documents, however, having seen copies of the document in question, we would like to assure the Ministry of Foreign Affairs that these are not genuine. Evidence of this include both misleading and implausible content and a plethora of spelling and grammatical mistakes”

The Minister informed the Committee that its relations with other foreign Governments are guided by the principles of the Vienna Convention on Diplomatic Relations (VCDR) and the Vienna Convention on Consular Relations (VCCR). Further, Article 29 of the VCDR provides for the immunity of the diplomats and therefore the foreign Governments were not obliged to provide any information as regards to the tabled documents.

2.2 MEETING WITH THE CABINET SUBCOMMITTEE ON ICC

The Cabinet Sub-Committee on ICC matters has a membership drawn from both sides of the coalition government and include: - the late Hon (Prof). George Saitoti, E.G.H, M.P, the Hon. Mutula Kilonzo, E.G.H, M.P (later replaced by the Hon. Eugene Wamalwa, M.P following a cabinet reshuffle) the Hon. Moses Wetangula, E.G.H, M.P (later replaced by the Hon. (Prof.) Sam Ongeru, E.G.H, M.P following a cabinet reshuffle), the Hon. James Orengo, E.G.H, M.P, the Hon. Otieno Kajwang', E.G.H, M.P, the Hon. Amason Kingi, E.G.H, M.P and the Attorney General as the legal advisor.

The Cabinet Sub-Committee on ICC matters appeared twice (2) before the Committee on 26th March and 28th March, 2012. The Members who were present during the meetings include:-The late Hon (Prof.) George Saitoti (Chair Person), E.G.H, M.P, the Hon. (Prof.) Sam Ongeru, E.G.H, M.P, the Hon. Otieno Kajwang', E.G.H, M.P and the

Hon. Amason Kingi, E.G.H, M.P. The other Members of the Sub Committee who didn't attend sent their apologies.

In his submission, the Chairperson of the Cabinet Sub-committee on ICC matters stated the following:

- i) The Cabinet Sub-committee on ICC matters is mandated to be the Liaison organ between the Kenya Government and the ICC;
- ii) The Cabinet Sub-committee as an entity cannot be mandated to investigate the documents. However, whenever need arises, the Cabinet Sub-committee relies on respective government departments to provide relevant necessary information. In this case, the police department responsible for carrying out thorough investigations was expected to do so and provide the results of the investigations to the Cabinet Sub-committee.
- iii) The Attorney General provides legal advice to the Committee.
- iv) The ICC has so far not raised any concerns both to the Government or the Sub Committee pertaining to the matter under investigation.
- v) The Sub Committee on ICC matters had organized a meeting to discuss the allegations in the documents tabled in the House but due to lack of quorum, the meeting did not take place.
- vi) The Cabinet Sub-committee on ICC matters was not in a position to comment on the authenticity of the documents as the matter squarely lies with the investigative agencies of the Government who possess the investigative capacity.
- vii) The report of the police investigations presented to the Committee by the police Commissioner had also been forwarded to the Cabinet Subcommittee and forms the basis of its presentation to the Committee; and that it had no additional information.

- viii) The Chairperson of the Cabinet Subcommittee said that it was very difficult to ascertain the authenticity of the documents owing to the parliamentary immunities accorded to the two Members of Parliament (by law) who tabled the documents and the diplomatic immunities accorded to foreign diplomats. He further requested the Committee to allow the Investigative agencies to continue with further investigations;

Committee observations and concerns

- a) **The Committee interrogated the justification of the existence of the Cabinet Sub-Committee on ICC matters and wondered what informed the Cabinet to constitute such Sub-Committee whose mandate appears to duplicate roles of other departments of Government.**
- b) **The Committee was concerned that the Cabinet Subcommittee seemed to treat the matter so casually. It was the view of the Committee that the Cabinet Subcommittee ought to have accorded priority to the issue since it was so sensitive and serious and touches on: -**
- a. **Our Foreign policy;**
 - b. **Our National security;**
 - c. **Our Sovereignty;**
 - d. **The institution of the presidency;**
 - e. **Outcome of the next general elections; among others.**
- c) **In addition, the Committee noted that if the Cabinet Subcommittee was such a serious organ, then it ought to have formally written to ICC to get the views of the ICC. The Committee urged for the need to address the issues comprehensively by the Government.**

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d) The Committee noted that the UK is reported to be the biggest financial supporter of ICC operations and the possibility that the UK may manipulate the ICC process could not be ruled out with absolute certainty.

2.3 MEETING WITH THE MINISTER FOR JUSTICE, NATIONAL COHESION AND CONSTITUTIONAL AFFAIRS

The Minister for Justice, National Cohesion and Constitutional Affairs appeared before the Committee on 17th April, 2012. The Minister was expected to shed light on the authenticity of the documents tabled in the House since they touched on ICC matters which lie in the domain of the Ministry of Justice, National Cohesion and Constitutional Affairs.

In his response, the Minister reiterated the position taken by the Members of the Cabinet Sub Committee, stating that the Ministry did not have the investigative capacity and hence the matter was left to the Police and Criminal Investigations department. He further stated that it was the responsibility of all Kenyans in general to choose their way of engagement with the ICC. This includes opting for withdrawal from the membership of the ICC.

The Minister was requested to consult with the Attorney General in order to formally get the assurances from ICC on the partiality of the ICC process as alleged in the documents tabled in the House.

2.4 MEETING WITH THE COMMISSIONER OF POLICE

The Police Commissioner, Mr. Mathew Iteere appeared before the Committee on two occasions i.e. on 27th March, 2012 and 10th April, 2012, to shed light on the authenticity of the documents tabled on the floor of the House On 8th March, 2012. The Police Commissioner was accompanied by the Director of CID, Mr. Ndegwa Muhoho.

The Committee was informed as follows:

- i) The Commissioner commenced investigations on the authenticity of the two sets of documents regarding allegations against the United Kingdom (UK) relating to International Criminal Court (ICC);
- ii) The Office of the Director, CID could not as a matter of protocol engage directly with the foreign mission and therefore wrote to the Ministry of Foreign Affairs asking to be facilitated to interview the officials of the British High Commission about the documents;
- iii) Further, the Director, CID held a meeting with the Ambassador in Charge of Europe Missions at the Ministry of Foreign Affairs who gave a copy of the a note verbale No. 199/12 dated 9th March 2012;
- iv) The note verbale had reiterated the policy of Her Majesty's Government on their intention not to comment on leaked documents. The note verbale further indicated that the documents were not genuine and they had a plethora of spellings and grammatical mistakes. The contents of the documents were also said to be misleading and implausible;
- v) The Commissioner of Police further requested the Ministry of Foreign Affairs to assist them in obtaining the following information from the British High Commission:

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- a. Clarification of whether the persons alleged to have signed the documents are known to the Government of the United Kingdom;
 - b. If so, assistance in obtaining the contacts of the said persons; and
 - c. Within the framework of the 1961 Vienna Convention on Diplomatic Relations, to have an audience with an appropriate officer at the High Commissioner to assist in investigations.
- vi) The Ministry of Foreign Affairs forwarded the request by the Commissioner of Police to the British High Commission. Subsequently, the British High Commission responded that since the documents are not genuine, they did not wish to make further comments beyond what they had stated earlier in their Note Verbale No. 199/12 dated 9th March 2012 and the statement made by the UK Minister for Africa, United Nations and Overseas Territories during his visit to Kenya;
- vii) The Office of the Commissioner of Police further interrogated the documents and particularly telephone Line No.2020-70083597. The inquiries from Telkom Kenya established that the subject number does not belong to Telkom Orange since all the numbers have a maximum of seven (7) digits while the purported telephone line had eight (8) digits and was not licensed by the Communication Commission of Kenya;
- viii) The alleged author of one set of the documents dated 6th February, 2012, Mr. Edward Inglet was Kenya's Desk Officer but was transferred eight months ago;
- ix) The Director of Criminal Investigations, however was not able to interview the Members of Parliament due to the Parliamentary immunity enjoyed by them through the National Assembly (Powers and Privileges) Act;

x) In addition, the Commissioner of Police stated that he needed the cooperation of the Members of Parliament to be able to conclusively carry out forensic examinations on the documents. Further the Director of Criminal Investigations informed the Committee, that subjecting documents to forensic examination required one to have another original document (which they did not have) to make a comparison; the Commissioner clarified that at this stage he could not ascertain whether the document is genuine or not.

xi) Finally, the Commissioner of Police indicated that the investigations were inhibited by the Parliamentary and diplomatic immunities accorded to key witnesses such as the relevant Members of Parliament and the foreign officials.

Committee's Concerns

Owing to the sensitivity of the matter, and the immense interest generated, the Committee noted the need to get deep into the root of the matter with a view to ascertaining the authenticity of the documents and addressing the content. The Committee directed the officers to continue with the investigations.

2.5 MEETING WITH THE ATTORNEY GENERAL

The Attorney General, Hon. Prof. Githu Muigai, FCI Arb, M.P who is the Chief Legal Advisor of the Government was invited to appear before the Committee on 17th April, 2012, to give legal opinion regarding the documents.

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The Attorney General informed the Committee that he was surprised by the contents of the documents tabled, noting that they touched on Kenya's sovereignty.

The Attorney General said that whereas he is required to take a neutral stand on ICC issues, he was unable to authenticate the document in his capacity and that such exercise lies with the investigative agencies of the Government. Further, he said that he had held official discussions with the Director General of NSIS, officials from the Office of the President (including the Director of CID), the Minister for Foreign Affairs and the Permanent Secretary, Ministry of Foreign Affairs regarding the matter.

While referring to the Vienna Convention on Diplomatic Relations 1961, the Attorney General explained that the position taken by the UK regarding the authenticity of the documents should be believed for as long as Kenya enjoyed cordial diplomatic relations with UK. He indicated that there was no just cause to disbelieve the assurances offered by the UK Government regarding the genuineness of the documents under review, as long as Kenya enjoys cordial relationship with the UK.

As a Member of the NSIS Board, the Attorney General informed the Committee that the matter on the issue of the documents tabled in the House had not been discussed.

2.6 MEETING WITH THE HON. RACHAEL SHEBESH, M.P

The Hon. Rachael Shebesh, M.P appeared before the Committee on 26th March, 2012. She informed the Committee that the documents tabled in the House by Hon. Charles Kilonzo, M.P and the Hon. Aden Dualle lacked credence and their authenticity was questionable. She relied on the note verbale from the British High Commission which had indicated that the documents were not genuine. While presenting the Note Verbale before the Committee, she further made reference to the Provisions of Article 82 (1) of the Standing Orders which demands that Members take up responsibility for the accuracy of any facts that they allege to be true. The Hon. Rachael Shebesh, M.P emphasized that the Members be held accountable for the documents they laid before the House. She informed the Committee that since the authenticity of the documents had not been validated, the documents should have been withheld until the Committee compiles its report.

Committee Observation

With regards to determination of the authenticity of the documents, the Committee noted that the Hon Rachael Shebesh, M.P did not present any new evidence to the Committee as she had claimed to have except the Note Verbale which she had attempted to lay in the House without success.

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2.7 MEETING WITH DENNIS ITUMBI

Mr. Dennis Itumbi appeared before the Committee on 12th April, 2012. Mr. Itumbi had previously been arrested by the Police on allegations that he had hacked into the ICC website. He is a freelance journalist and blogger running a website www.dennisitumbi.com and actively participates at the Kenyawikileaks.co.ke. Mr. Itumbi dismissed the allegations that he hacked into the UK website as unfounded and baseless. Mr Itumbi added that while accessing the website on www.nipate.com, he came across email communication relating to the ICC process and witnesses. The emails showed communication between ICC witnesses and persons working as intermediaries of foreign Governments, including Ken Wafula, Maina Kiai and Ndungu Wainaina among others. He further promised the Committee that he would table documents containing evidence of interference of the Kenyan case in the ICC. From his submission, the Committee resolved to invite Mr. Ken Wafula to probe him further on the allegations. Mean while, Mr. Itumbi also presented a court application in which he was seeking to sue Robert Alai who had accused him, through twitter.com that he and others had authored the 'UK dossier'.

2.8. MEETING WITH KEN WAFULA

During Mr. Itumbi appearance before the Committee, he tabled a document alleging that indeed the documents tabled contained evidence of foreign Governments working

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with intermediaries. In order to verify the allegations, the Committee sought to invite Mr. Ken Wafula, the Executive Director Center of Human Rights and Democracy (CHRD) and Chairman NGO Council. He appeared before the Committee on 4th July, 2012 to shed light on the allegations. Mr. Wafula informed the Committee that he had been working closely with the witnesses, through his organizations (CHRD), in gathering evidence on the perpetrators of the Post Election Violence. Further, the Committee was informed that CHRD through the help of sponsors designed a Witness Protection System to address the security and safety worries of the witnesses.

Regarding the documents, the Committee was informed as follows that:

- i. Mr. Ken Wafula had no knowledge of how or why his name and that of his organization had been mentioned, adversely or favorably in the dossier.
- ii. He is directly involved with ICC witnesses since his organization, The Center of Human Rights and Democracy had played a vital role in gathering evidence on the perpetrators of the Post Election Violence. The Center through the help of sponsors designed a Witness Protection System to address the security and safety worries of the witnesses.
- iii. Although Mr. Ken Wafula did not have the expertise to determine the dossier's authenticity, he regarded the document as a forgery due to the tone it bears and its predetermined aim. He further supported his claims by informing the committee that diplomatic communications are not generally as direct as evidenced in the dossier.

- iv. Mr. Ken Wafula believes that the allegations that State Security Agencies may have played a role in fabricating the dossier are true. He considers Kenya's state security agencies as untrustworthy and deems them capable of such an act.

The Committee thanked Mr. Ken Wafula for his cooperation and encouraged him to share any information that may assist the Committee to come up with a fair and comprehensive report on the matter.

3.0 PART 2: INTERNATIONAL INVESTIGATIONS

The Committee, while taking evidence from the Commissioner of Police, Cabinet Sub-Committee on ICC matters and other witnesses noted that, in order for the investigations to be thorough, comprehensive, and to address other emerging issues, there was need to obtain information from the mentioned foreign countries and international agencies.

The Committee visited the following countries:

United States (U.S.) - New York and Washington DC;

The Hague, Netherlands;

Belgium; and

United Kingdom;

3.1 United States (U.S.) - New York and Washington DC

The Committee's visit to US covered the Kenya missions in New York and Washington DC. Noting the magnitude of the allegations raised by the UK dossier and the impact they would have on the diplomatic relationship between Kenya and the UK, the Committee saw the need to interact with the mission to find out if the "UK dossier" had been discussed in the United Nations (UN). The Committee visited New York, (U.S.) on 23rd July, 2012 and Washington DC on Tuesday 24th July, 2012.

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Kenya's mission in New York plays a critical role in strengthening multilateral relationships between Kenya and UN. United States is one of the five Permanent members of the United Nations Security Council. The Committee held a meeting with the Kenya's Permanent Representative to the United Nations in New York, H. E. Macharia Kamau. The Committee sought to know whether the ICC dossier had come to attention of the mission and whether the issues raised therein had been a subject of discussion at the UN. The Committee was informed that the ICC operates independently (as established by the Rome Statute) from the UN and therefore the matter had not been discussed at the UN. The Permanent Representative informed the Committee that the ICC dossier had evolved as a domestic spat within the Kenya political players and therefore had not been given any attention at the UN.

3.2 The Hague, Netherlands

The Committee visited The Hague, Netherlands on 26th July, 2012 to interact with the International Criminal Court (ICC) in order to understand its operations. Further, the Committee was interested in establishing whether the allegations contained in the documents laid on 8th March, 2012 were true or not.

The ICC, governed by the Rome Statute, is the first permanent, treaty based, international criminal court established to help end impunity for the perpetrators of the most serious crimes of concern to the international community.

The Committee held meetings with the ICC presidency including the First Vice President, Judge Sanji Monageng who declined to comment on the allegations raised in the document, citing that the judges are expected to take a neutral stance, noting that the matter was within the Office of the Prosecutor.

A subsequent meeting was held with the Prosecutor of the ICC Ms. Fatou Bensouda who assured the Committee that the ICC is an independent international organization, and is not part of the United Nations system. The Committee was informed that the ICC was largely supported by African States and that the membership to the Rome Statute is on voluntary basis.

Regarding the documents tabled in the House, the ICC Prosecutor informed the Committee that the ICC heard about the issue from the press and that the allegations raised in the document had nothing to do with the ICC strategy on the Kenyan case. Further, she informed the Committee that the ICC was working independently and is therefore not interested in determining the outcome of the next general election.

The Prosecutor registered her concerns that when the Committee questioned (in its meetings) about support and financing of witness protection programme, her office

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perceived it as intimidation of witnesses and possible obstruction of justice. During its meetings with some witnesses, the Committee had sought information regarding their relations with the ICC witnesses.

The Committee was appalled by the accusations of the Prosecutor that it was being used to intimidate witnesses. However, the Committee took great exception on the allegations since it was within its mandate to examine any witness on this matter. The manner in which the prosecutor reacted appeared to degrade the Committee's approach to the matter.

3.3 Belgium

The document alleged that the European Union (EU) and the UK were major ICC financial supporters and were collaborating in interfering with the ICC process on the Kenyan cases, the Committee felt that it was important to seek audience with the EU Commission.

The Committee held a meeting with the European External Action Service (EEAS) at the EEAS offices on 30th July, 2012. The meeting discussed several issues including multilateral relations between Kenya and the European Union (EU). The meeting noted the long standing cordial multilateral relationship between Kenya and the EU, and its

Member states. Kenya and EU had been pursuing international cooperation in combating the piracy menace in the Indian Ocean.

Further, the Committee sought to know whether the United Kingdom (UK) dossier alleging the UK interference in the Kenyan Case in The Hague had been discussed in the EU Assembly. The Committee was informed that the matter had in no time featured in any EU discussions.

3.4 United Kingdom

The document laid in the House on 8th March, 2012 was alleged to have originated from the Foreign Service Office (FSO) in the United Kingdom (UK). The UK (through its High Commission in Nairobi) had dismissed the document as not genuine, the Committee therefore, saw the need to visit the UK in order to seek audience with the Kenya's High Commission in London and the Parliamentary Committee on Foreign Affairs in the House of Commons. This came after several unsuccessful attempts by the investigative agencies to interview officials in the UK High Commission in Nairobi.

The Committee held a meeting with the High Commissioner H.E. Ephraim Ngare and sought his comments/ views on the allegations leveled against UK Government in the documents. In his response, the High Commissioner informed the Committee that the matter had not been discussed in the diplomatic circles within the UK and he had only read about the matter from the media. The High Commissioner claimed that he had not

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take keen interest in the documents as well as the allegations contained therein. He appeared to be less interested as though he was hearing about the documents for the first time. He informed the Committee that he could only believe what the note verbale stated. He further stated that since the matter was being handled at the headquarters in Nairobi, he did not see the interest of following up with it.

The Committee also held a meeting with the Chairperson of the Foreign Affairs Committee of the House of Commons, the Hon. Richard Ottaway, M.P. The meeting discussed issues touching on bilateral relations between Kenya and the UK. Earlier in the year, during a meeting with the Committee on Defence and Foreign Relations while visiting Kenya, the UK Committee dismissed the UK dossier, terming it as mere fabrications. In the interest of further discussing on the allegations raised in the UK dossier, the Hon. Richard Ottaway, reiterated that the UK dossier was not genuine and such allegations were meant to sour the relationship between Kenya and the UK. He however, promised that he would take up the matter further with the Foreign Service Office.

4.0 OBSERVATIONS

- 1) The allegations raised in the documents are serious since they touch on sensitive offices like the Presidency, the Prime Minister and the Speaker of Parliament.**

- 2) Officials and agencies of the Government of Kenya declined to take a position on the authenticity or otherwise of the documents, citing inability to conclude investigations.
- 3) Forensic investigations by the Kenya Police to ascertain the authenticity of the documents required cooperation from the UK Government which was declined.
- 4) The immunity guaranteed to diplomats through the Vienna Convention on Diplomatic Relations (VCDR) hindered the process of investigation.
- 5) The British High Commission in Nairobi and other international agencies declined to permit the Kenya Police to undertake investigations, citing diplomatic protocols.
- 6) The Members of Parliament who tabled the documents declined to provide evidence, citing parliamentary immunity provided by the National Assembly (Powers and Privileges) Act Cap 6 Laws of Kenya.
- 7) The Committee noted that Kenya has had long standing cordial bilateral relations with the UK Government. However, Kenya was not treated with the respect commensurate with these cordial historical ties in the pursuit of this matter.
- 8) Given the sensitivity of the ICC and the electoral processes it would have been fair for the UK Government to have cooperated to allow for conclusive investigations.

5.0 CONCLUSION

After thorough investigations, interactions and extensive deliberations, taking into account the immunities guaranteed to diplomats (through the Vienna Convention on Diplomatic Relations) and Members of Parliament (through the National Assembly (Powers & Privileges Act) cap 6 Laws of Kenya), the Committee was unable to establish the authenticity or otherwise of the documents as tabled.

6.0 RECOMMENDATION

- 1. While noting Kenya's remarkable reputation in nurturing cordial relationship existing between Kenya and other friendly states, the Committee recommends that Kenya must implement a policy of equal treatment and non interference from other nations.**
- 2. Since the documents touch on matters of immense national importance and of significant public interest, the Government should pursue all diplomatic channels to conclusively address the matter with the concerned friendly nations.**

MINUTES

100

MINUTES OF THE 151ST SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON MONDAY, 26TH MARCH, 2012 IN THE COMMITTEE ROOM 4TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.30 A.M

PRESENT

Hon. Adan Keynan, M.P - **Chairperson**
Hon. Wilson Litole, M.P
Hon. Mohamed Hussein Ali, M.P
Hon. Eugene Wamalwa, M.P
Hon. George Omari Nyamweya, MBS, M.P
Hon. Peter Edick O. Anyanga, M.P
Hon. Jeremiah Kioni, M.P
Hon. Kiema Kilonzo, M.P

ABSENT WITH APOLOGY

Hon. Benedict Fondo Gunda, M.P - **Vice Chairperson**
Hon. Martin Ogindo, M.P
Hon. Charles Kilonzo, M.P

PRESENT – NON- MEMBER OF COMMITTEE

Hon. Rachael Shebesh, M.P

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. Julius Ariwomoi - Second Clerk Assistant
Ms. Leah Wanjiru - Third Clerk Assistant

Departmental Committee on Defence and Foreign Relations- Report of the investigation into the authenticity of Documents on allegations against United Kingdom relating to International Criminal Court (ICC), laid in the House On 8th March, 2012

MIN. NO .577/2012: PRELIMINARIES

The Chairman called the meeting to order. Thereupon, the meeting commenced with a word of prayer.

MIN.NO. 578 /2012: CONFIRMATION OF MINUTES OF PREVIOUS SITTING

Confirmation of Minutes of previous sittings was deferred to a later date.

MIN.NO. 579/2012: CONSIDERATION OF THE COMMITTEE WORK PROGRAMME

a) The Committee deliberated on the documents on allegations against the United Kingdom (UK) relating to ICC laid in the House on 8th March, 2012 and resolved to undertake investigations.

b) Conflict of Interest

While making reference to the Provisions of Standing Order No. 166, the Committee noted that since the documents were laid by Hon. Charles Kilonzo, M.P it was decided that he should be exempted from participation or attending meetings of the Committee during the inquiry to avoid conflict of interest. It was also resolved that he will be invited to give evidence as a witness. The Hon. Rachael Shebesh, MP was also considered as witness and was slotted (as per her request) to appear before the Committee in the afternoon of the same day. The Chairperson reported that Hon. Charles Kilonzo, MP had requested that he may be invited by the Committee as the last witness.

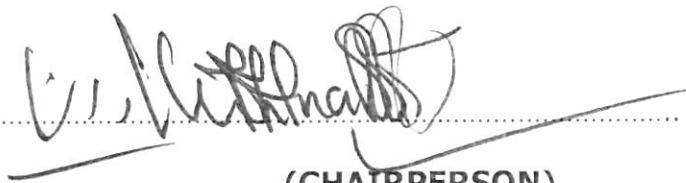
c) Various relevant witnesses were identified and the initial programme of the inquiry was adopted as follows:

- (i) Meeting with the Cabinet Sub- Committee on ICC on Monday 26th March, 2012 at 2.30 pm;
- (ii) Meeting with Hon. Rachael Shebesh, MP this afternoon of Monday 26th March, 2012 at 3.30 pm;
- (iii) Meeting with Commissioner of Police on Tuesday 27th March, 2012 at 10.00 am;
- (iv) Meeting with the Director General, National Security Intelligence Service Tuesday 27th March, 2012 at 2.30 pm;
- (v) Meeting with the Ministry of Foreign Affairs on Wednesday 28th March, 2012 at 2.30 pm.

MIN.NO.580/2012: ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at 11.30am

Signed.....



(CHAIRPERSON)

15th November, 2012

Date.....

MINUTES OF THE 152ND SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON MONDAY, 26TH MARCH, 2012 IN THE COMMITTEE ROOM 4TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 2.30 P.M

PRESENT

Hon. Adan Keynan, M.P - **Chairperson**

Hon. Wilson Litole, M.P

Hon. Mohamed Hussein Ali, M.P

Hon. Eugene Wamalwa, M.P

Hon. George Omari Nyamweya, MBS, M.P

Hon. Peter Edick O. Anyanga, M.P

Hon. Jeremiah Kioni, M.P

Hon. Kiema Kilonzo, M.P

ABSENT WITH APOLOGY

Hon. Benedict Fondo Gunda, M.P - **Vice Chairperson**

Hon. Martin Ogindo, M.P

Hon. Charles Kilonzo, M.P

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. Julius Ariwomoi - Second Clerk Assistant

Ms. Leah Wanjiru - Third Clerk Assistant

Departmental Committee on Defence and Foreign Relations- Report of the investigation into the authenticity of Documents on allegations against United Kingdom relating to International Criminal Court (ICC), laid in the House On 8th March, 2012

CABINET SUB-COMMITTEE ON ICC MATTERS

Hon. Prof George Saitoti, E.G.H, M.P, Chairman, Cabinet Subcommittee on ICC/ Minister of State for Provincial Administration & Internal Security accompanied by Mr. Mutea Iringo, EBS (Ag Permanent Secretary Ministry of State for Provincial Administration & Internal Security).

MIN. NO .585/2012: PRELIMINARIES

The Chairman called the meeting to order. Thereupon, the meeting commenced with a word of prayer.

MIN. NO.586 /2012: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

Confirmation of Minutes of previous sittings was deferred to a later date.

MIN. NO.587 /2012: MEETING WITH THE CABINET SUBCOMITTEE ON ICC

The Cabinet Sub-Committee on ICC matters had been invited to brief the Committee on the authenticity of the documents regarding allegations against the United Kingdom (UK) relating to International Criminal Court (ICC) laid in the House on 8th March, 2012.

The Committee was informed that the composition of the Cabinet Sub-committee is as follows: -

1. Minister of State for Provincial Administration and Internal security (Chairperson)
2. Minister for Justice, National Cohesion and Constitutional Affairs
3. Minister for Foreign Affairs
4. *Hon. James Orengo, EGH, MP (Minister for Lands)*

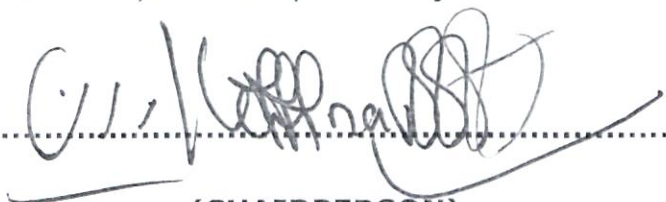
5. *Hon. Amason Jeffah Kingi, EGH, MP (Minister for Fisheries Development)*
6. Hon. Gerald Otieno Kajwang', EGH, MP (Minister of State for Immigration and Registration of Persons)
7. Attorney General
8. Director of Public Prosecutions

The Chairperson of the Cabinet Sub-Committee on ICC matters presented apologies of his colleagues in the Cabinet Sub-Committee. He explained that due to the limitation of time most of the Members of his Cabinet Sub-Committee could not make to the meeting. He said that in recognition of the diversity of the composition of the subcommittee, arising from the nature of the Coalition government, he requested for postponement of the meeting (i.e. for two-weeks, pending police investigations and in order to give room for more members of the Cabinet Sub-Committee to attend). The Committee therefore re-scheduled the meeting for Wednesday 28th March 2012 at 10.00am.

MIN.NO.588/2012: ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at ten minutes past three O'clock.

Signed:.....



(CHAIRPERSON)

15th November, 2012

Date:.....

MINUTES OF THE 153RD SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD IN THE COMMITTEE ROOM, 4TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS ON TUESDAY 26TH MARCH, 2012 AT 3:30 P.M

PRESENT

Hon. Adan Keynan, M.P - **Chairperson**
Hon. Wilson Litole, M.P
Hon. Peter O. Anyanga , M.P
Hon. Mohamed Hussein Ali, M.P
Hon. Kiema Kilonzo, M.P
Hon. Eugene Wamalwa, M.P
Hon. George Omari Nyamweya, MBS, M.P
Hon. Jeremiah Kioni, M.P

ABSENT WITH APOLOGY

Hon. Benedict Fondo Gunda, M.P - **Vice – Chairperson**
Hon. Martin Ogindo , M.P
Hon. Charles Kilonzo, M.P

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. Julius Ariwomoi	Second Clerk Assistant
Ms. Leah Wanjiru	Third Clerk Assistant
Ms. Maureen Mwendwa	Parliamentary Intern

IN ATTENDANCE:

Departmental Committee on Defence and Foreign Relations- Report of the investigation into the authenticity of Documents on allegations against United Kingdom relating to International Criminal Court (ICC), laid in the House: On 8th March, 2012

Hon. Rachael Shebesh M.P

MIN.NO. 581 /2012: PRELIMINARIES

The Chairman called the meeting to order and the meeting started by a word of Prayer.

MIN. NO.582 /2012: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

Confirmation of Minutes of previous sittings was deferred to a later date.

MIN. NO.583 /2012: MEETING WITH HON.RACHAEL SHEBESH

Introduction

The National Assembly Standing Orders Article 173 accords the Departmental Committee on Defence and Foreign Relations the powers and privileges to summon witnesses, receive evidence and request for and receipt of papers and documents from the Government and the Public. It is for this reason that Hon. Rachael Shebesh appeared before the Committee to provide evidence on why the documents were not genuine.

The Committee was informed as follows:

- a) The document tabled by Hon.Charles Kilonzo, M.P before Parliament lacks credence and its authenticity is questionable. She relied on the note verbale from the British High Commission which had indicated that the documents were not genuine. While presenting the Note Verbale before the Committee, she further made reference to the Provisions of Article 82 (1) of the Standing Orders which demands that Members take up responsibility for the accuracy of any facts that they allege to be true. She emphasized that the Members be held accountable for the documents they laid before the House.

Departmental Committee on Defence and Foreign Relations- Report of the investigation into the authenticity of Documents on allegations against United Kingdom relating to International Criminal Court (ICC), laid in the House On 8th March, 2012

- b) Three entities, namely ,The UK government ,The Minister for Foreign Affairs Hon. Moses Wetangula , M.P and the National Security Intelligence Services had already dismissed the document as a forgery . The Committee has called two of the above entities to appear before it to shed more light and explain why explain they think the document is not authentic.
- c) Since the authenticity of the document tabled by Hon. Charles Kilonzo, M.P has not been validated; the document should have been censored until the Committee comes up with a report on it to prevent its circulation.

Committee’s observations

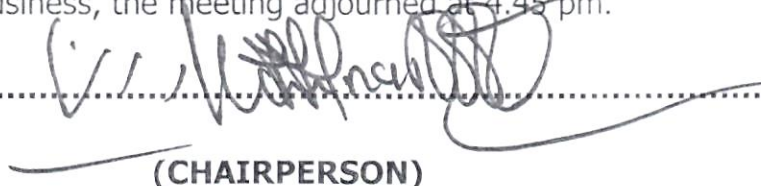
The Committee made the following observations:-

- a) The gesture by the Hon .Rachel Shebesh, M.P to appear before the Committee was noble and the Chair invited her to share any other additional information that may be of use to the Committee.
- b) The document the witness intended to present before the Committee was the note verbale she had attempted to table in the Floor of the House.
- c) With regards to determination of the authenticity of the document, the Committee noted that the Hon Rachel Shebesh, M.P had no any new evidence to present to the Committee.

MIN.NO. 584 /2012: ADJOURNMENT

There being no other business, the meeting adjourned at 4.45 pm.

Signed:.....



(CHAIRPERSON)

Departmental Committee on Defence and Foreign Relations- Report of the investigation into the authenticity of Documents on allegations against United Kingdom relating to International Criminal Court (ICC), laid in the House On 8th March, 2012

15th November, 2012

Date:.....

MINUTES OF THE 154TH SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON TUESDAY, 27TH MARCH, 2012 IN THE COMMITTEE ROOM 4TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.00 A.M

PRESENT

Hon. Adan Keynan, M.P - **Chairperson**

Hon. Wilson Litole, M.P

Hon. Mohamed Hussein Ali, M.P

Hon. George Omari Nyamweya, MBS, M.P

Hon. Peter Edick O. Anyanga, M.P

Hon. Jeremiah Kioni, M.P

Hon. Kiema Kilonzo, M.P

Hon. Martin Ogindo, M.P

ABSENT WITH APOLOGY

Hon. Benedict Fondo Gunda, M.P - **Vice Chairperson**

Hon. Charles Kilonzo, M.P

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. Julius Ariwomoi - Second Clerk Assistant

Ms. Leah Wanjiru - Third Clerk Assistant

Ms. Maureen Mwendwa - Parliamentary Intern

Departmental Committee on Defence and Foreign Relations- Report of the investigation into the authenticity of Documents on allegations against United Kingdom relating to International Criminal Court (ICC), laid in the House On 8th March, 2012

MIN. NO. 589/2012: PRELIMINARIES

The Chairman called the meeting to order. Thereupon, the meeting commenced with a word of prayer.

MIN. NO.590 /2012: CONFIRMATION OF MINUTES OF PREVIOUS SITTING

Confirmation of Minutes of previous sittings was deferred to a later date.

MIN.NO. 591/2012: MEETING WITH THE COMMISSIONER OF POLICE

Mr. Mathew Iteere, MGH, CBS – Commissioner of Police, came to brief the Committee on the authenticity of the documents regarding allegations against the United Kingdom (UK) relating to International Criminal Court (ICC) laid in the House on 8th March, 2012.

The Commissioner informed the Committee that the matter of the documents had not been discussed by the National Security Committee. He requested for more time (i.e. for postponement of the meeting) to be able to carry out thorough investigations since the matter would also involve external travelling. He explained that thorough investigations will be required to verify:

- a. Authenticity of the letterhead;
- b. Literature content and grammar;
- c. Originality of the documents;
- d. Signatures and fingerprints; and
- e. Whether it is counterfeit.

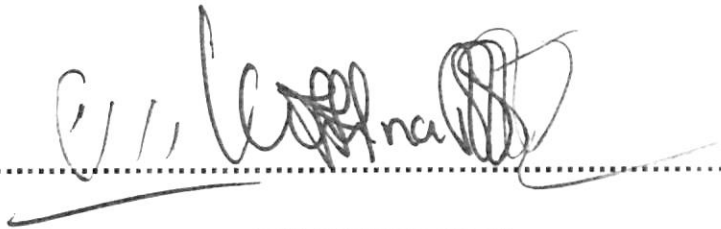
Departmental Committee on Defence and Foreign Relations- Report of the investigation into the authenticity of Documents on allegations against United Kingdom relating to International Criminal Court (ICC), laid in the House On 8th March, 2012

The Committee therefore agreed to postpone the meeting with the Commissioner of Police to 10th April, 2012, when the investigations were expected to be completed.

MIN.NO.592/2012: ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at fifteen minutes past eleven O'clock

Signed:.....



(CHAIRPERSON)

15th November, 2012

Date:.....

MINUTES OF THE 155TH SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON TUESDAY, 27TH MARCH, 2012 IN THE COMMITTEE ROOM 4TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 2.30 P.M

PRESENT

Hon. Adan Keynan, M.P - **Chairperson**

Hon. Mohamed Hussein Ali, M.P

Hon. George Omari Nyamweya, MBS, M.P

Hon. Peter Edick O. Anyanga, M.P

Hon. Jeremiah Kioni, M.P

Hon. Kiema Kilonzo, M.P

Hon. Martin Ogindo, M.P

ABSENT WITH APOLOGY

Hon. Benedict Fondo Gunda, M.P - **Vice Chairperson**

Hon. Charles Kilonzo, M.P

Hon. Wilson Litole, M.P

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mr. Julius Ariwomoi - Second Clerk Assistant

Ms. Leah Wanjiru - Third Clerk Assistant

Ms. Maureen Mwendwa - Parliamentary Intern

Departmental Committee on Defence and Foreign Relations- Report of the investigation into the authenticity of Documents on allegations against United Kingdom relating to International Criminal Court (ICC), laid in the House On 8th March, 2012

MIN.NO. 593/2012: PRELIMINARIES

The Chairman called the meeting to order. Thereupon, the meeting commenced with a word of prayer.

MIN.NO. 594/2012: CONFIRMATION OF MINUTES OF PREVIOUS SITTING

Confirmation of Minutes of previous sittings was deferred to a later date.

MIN.NO.595 /2012: MEETING WITH THE DIRECTOR GENERAL- NATIONAL SECURITY INTELLIGENCE SERVICE, (NSIS)

The Committee was informed that the Director General had declined to appear before the Committee, citing the following issues:

- i) That the documents investigated had generated heated debates and that NSIS had been an unsolicited subject in the debates with parties wanting to use it to their advantage;
- ii) That the subject invitation was in the media before receiving the official Committee invitation; and
- iii) That consideration is given for the Committee to verify its consequent findings with NSIS to strengthen the final position on the issue.

Upon deliberating on the issues raised, the Committee took great exception on the direction taken by the Director General. The Committee referred to its powers conferred by the Constitution and the National Assembly Powers and Privileges Act and resolved to invoke the relevant sections so as to summon the Director General. Consequently,

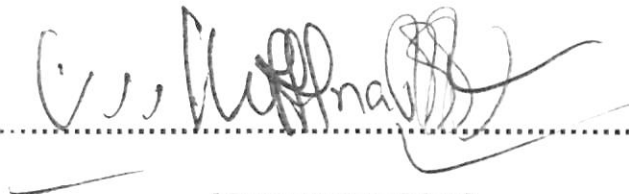
Departmental Committee on Defence and Foreign Relations- Report of the investigation into the authenticity of Documents on allegations against United Kingdom relating to International Criminal Court (ICC), laid in the House On 8th March, 2012

the Committee directed that a sumnon be issued to the Director General to appear before the Committee the following day at 2.30 p.m.

MIN.NO.596/2012: ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at fifteen minutes past eleven O'clock.

Signed:.....



(CHAIRPERSON)

15th November, 2012

Date:.....

MINUTES OF THE 156TH SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON WEDNESDAY, 28TH MARCH, 2012 IN THE COMMITTEE ROOM 4TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.00 A.M

PRESENT

Hon. Adan Keynan, M.P - **Chairperson**

Hon. Wilson Litole, M.P

Hon. Mohamed Hussein Ali, M.P

Hon. George Omari Nyamweya, MBS, M.P

Hon. Peter Edick O. Anyanga, M.P

Hon. Kiema Kilonzo, M.P

Hon. Martin Ogindo, M.P

ABSENT WITH APOLOGY

Hon. Benedict Fondo Gunda, M.P - **Vice Chairperson**

Hon. Charles Kilonzo, M.P

Hon. George Omari Nyamweya, MBS, M.P

Hon. Jeremiah Kioni, M.P

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. Anthony Njoroge - Legal Counsel

Mr. Julius Ariwomoi - Second Clerk Assistant

Ms. Leah Wanjiru - Third Clerk Assistant

Ms. Maureen Mwendwa - Parliamentary Intern

CABINET SUB-COMMITTEE ON ICC

Departmental Committee on Defence and Foreign Relations- Report of the investigation into the authenticity of Documents on allegations against United Kingdom relating to International Criminal Court (ICC), laid in the House On 8th March, 2012

1. Hon. (Prof.) George Saitoti, E.G.H, M.P- Chairperson/ Minister of State for Provincial Administration & Internal Security
2. Hon Jeffa A. Kingi , E.G.H, M.P , Cabinet Sub-Committee Member/Minister for Fisheries
3. Hon. Gerald Otieno Kajwang, E.G.H, M.P, Cabinet Sub-Committee Member/ - Minister of State for Immigration & Registration of Persons

Officers who accompanied the Cabinet Sub-Committee:

- Mr. Mutea Iringo - Ag Permanent Secretary Ministry of State for Provincial Administration & Internal Security
- Mr. K.W Kihara - Office of the President/ Cabinet Affairs
- Mr. Charles F. Kimani - Office of the President

MIN.NO .597/2012: PRELIMINARIES

The Chairman called the meeting to order. Thereupon, the meeting commenced with a word of prayer.

MIN.NO. 598/2012: CONFIRMATION OF MINUTES OF PREVIOUS SITTING

Confirmation of Minutes of previous sittings was deferred to a later date.

MIN.NO.599 /2012: MEETING WITH THE CABINET SUB-COMMITTEE ON ICC MATTERS

The Cabinet Sub-Committee on ICC matters had been invited to brief the Committee on the authenticity of the documents regarding allegations against the United Kingdom (UK) relating to International Criminal Court (ICC) laid in the House on 8th March, 2012. Departmental Committee on Defence and Foreign Relations- Report of the investigation into the authenticity of Documents on allegations against United Kingdom relating to International Criminal Court (ICC), laid in the House On 8th March, 2012

The Chairperson of the Cabinet Sub-Committee on ICC matters presented apologies of the absent members of his Committee.

In his submission, the Chairperson of the Cabinet Sub-committee on ICC matters stated the following:

- (i) The Cabinet Sub-committee on ICC matters is mandated to be the Liaison organ between the Kenya Government and the ICC;
- (ii) The Cabinet Sub-committee as an entity cannot be mandated to investigate the documents. However, whenever need arises, the Cabinet Sub-committee relies on respective government departments to provide relevant necessary information. In this case, the police department responsible for carrying out thorough investigations was expected to do so and provide the results of the investigations to the Cabinet Sub-committee.
- (iii) The Attorney General provides legal advice to the Committee.
- (iv) The ICC has so far not raised any concerns both to the Government or the Sub Committee pertaining to the matter under investigation.
- (v) The Sub Committee on ICC matters had organized a meeting to discuss the allegations in the documents tabled in the House but due to lack of quorum, the meeting did not take place.
- (vi) The Cabinet Sub-committee on ICC matters was not in a position to comment on the authenticity of the documents as the matter squarely lies with the investigative agencies of the Government who possess the investigative capacity.

The Committee directed the Cabinet Sub Committee to table (in the next meeting) the concept paper that formed the basis of the formation of the Sub-Committee and the subsequent appointment of each of the Members to the Sub-committee. The Committee was appalled by the manner in which the Cabinet Sub Committee requested for re-Departmental Committee on Defence and Foreign Relations- Report of the investigation into the authenticity of Documents on allegations against United Kingdom relating to International Criminal Court (ICC), laid in the House On 8th March, 2012

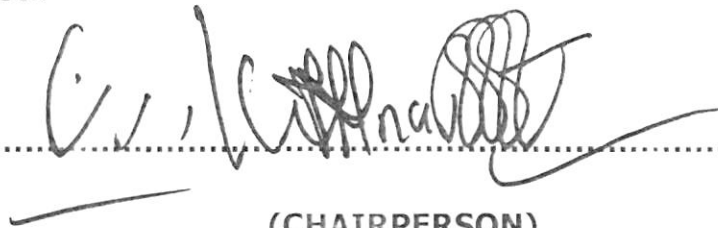
scheduling of the previous meeting set for 26th March, 2012 to this day while knowing very well that they would not give any adequate information regarding the authenticity of the documents.

Since the Members of the Cabinet Sub Committee indicated that (in order to arrive at proper conclusions) they will rely on the police investigations to provide information to the Committee regarding the documents tabled in the House, the Committee resolved that the meeting be re-scheduled to 11th April, 2012 at 10.00 when the investigations are expected to be completed.

MIN.NO.600/2012: ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at ten minutes past eleven O'clock

Signed:.....



(CHAIRPERSON)

15th November, 2012

Date:.....

MINUTES OF THE 157TH SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON WEDNESDAY, 28TH MARCH, 2012 IN THE COMMITTEE ROOM 4TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 2.30 P.M

PRESENT

Hon. Adan Keynan, M.P - **Chairperson**

Hon. Wilson Litole, M.P

Hon. Mohamed Hussein Ali, M.P

Hon. Peter Edick O. Anyanga, M.P

Hon. Kiema Kilonzo, M.P

ABSENT WITH APOLOGY

Hon. Benedict Fondo Gunda, M.P - **Vice Chairperson**

Hon. George Omari Nyamweya, MBS, M.P

Hon. Charles Kilonzo, M.P

Hon. Jeremiah Kioni, M.P

Hon. Martin Ogindo, M.P

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. Anthony Njoroge - Legal Counsel

Mr. Julius Ariwomoi - Second Clerk Assistant

Ms. Leah Wanjiru - Third Clerk Assistant

Ms. Maureen Mwendwa - Parliamentary Intern

MINISTRY OF FOREIGN AFFAIRS

Hon. Prof. Sam Ongeru, E.G.H, M.P - Minister for Foreign Affairs

Hon. Richard Onyonka, M.P - Assistant Minister for Foreign Affairs

Departmental Committee on Defence and Foreign Relations- Report of the investigation into the authenticity of Documents on allegations against United Kingdom relating to International Criminal Court (ICC), laid in the House On 8th March, 2012

Mr. Thuita Mwangi, CBS	- Permanent Secretary
Amb. Lazarus Amayo	- Director Head of Europe
Ms. Beatrice N. Kungu	- Assistant Director of Public Communication
Hon. Zaddock Syongoh	- Policy Advisor

MIN.NO. 601/2012: PRELIMINARIES AND REMARKS BY THE CHAIRPERSON

The Chairperson called the meeting to order. Thereupon, the meeting commenced with a word of prayer.

The Chairperson commended the Minister for his new appointment as Minister for Foreign Affairs and promised to look forward for cordial relationship between the Ministry and the Committee.

MIN.NO. 602/2012: CONFIRMATION OF MINUTES OF PREVIOUS SITTING

Confirmation of Minutes of previous sittings was deferred to a later date.

MIN.NO.603/2012: MEETING WITH THE MINISTRY OF FOREIGN AFFAIRS

The Minister for Foreign Affairs had been invited to brief the Committee on the authenticity of the documents regarding allegations against the United Kingdom (UK) relating to International Criminal Court (ICC) laid in the House on 8th March, 2012.

The Committee was informed as follows:

- i. The Ministry is mandated to act as an interface between the Government and other foreign Governments;
- ii. The Ministry is limited to act without breaching bilateral relations and protocols.

- iii. Regarding the documents under review, the British High Commission sent a note verbale disputing the genuineness of the documents tabled in Parliament;
- iv. The Ministry of Foreign Affairs had no capacity to determine the authenticity of the documents but relies on the relevant Government agencies responsible for carrying out investigations;
- v. Despite the recent allegations against the UK Government, Kenya continues to enjoy cordial relationship with United Kingdom having the balance of trade in favor of Kenya. Further, there are over 200, 000 Kenyans living and working in the UK; there many Kenyan students also studying in UK;
- vi. The UK Government greatly supports Kenya in many areas including sponsoring a Resolution in the UN Security Council to have the KDF integrated in AMISOM.

The Committee resolved that the meeting be re-scheduled to 11th April, 2012 when the investigations are expected to be completed.

MIN.NO.604/2012: ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at forty minutes past three O'clock.

Signed:


.....
(CHAIRPERSON)

15th November, 2012

Date:.....

MINUTES OF THE 159TH SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON TUESDAY, 10TH APRIL, 2012 IN THE COMMITTEE ROOM 4TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.30 A.M

PRESENT

Hon. Adan Keynan, M.P - **Chairperson**

Hon. Wilson Litole, M.P

Hon. George Omari Nyamweya, MBS, M.P

Hon. Peter Edick O. Anyanga, M.P

Hon. Martin Ogindo, M.P

ABSENT WITH APOLOGY

Hon. Benedict Fondo Gunda, M.P - **Vice Chairperson**

Hon. Charles Kilonzo, M.P

Hon. Mohamed Hussein Ali, M.P

Hon. Jeremiah Kioni, M.P

Hon. Kiema Kilonzo, M.P

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. Njenga Njuguna Principal Research Officer

Mr. Anthony Njoroge Legal Counsel

Mr. Julius Ariwomoi Clerk Assistant II

Ms. Leah Wanjiru Clerk Assistant III

Ms. Maureen Mwendwa Parliamentary Intern

Departmental Committee on Defence and Foreign Relations- Report of the investigation into the authenticity of Documents on allegations against United Kingdom relating to International Criminal Court (ICC), laid in the House On 8th March, 2012

MIN. NO .611/2012: PRELIMINARIES

The Chairman called the meeting to order. Thereupon, the meeting commenced with a word of prayer.

MIN.NO. 612 /2012: CONFIRMATION OF MINUTES OF PREVIOUS SITTING

Confirmation of Minutes of previous sittings was deferred to a later date.

MIN.NO. 613/2012: MEETING WITH THE COMMISSIONER OF POLICE

Mr. Mathew K. Itere (Commissioner of Police) and **Mr. Ndegwa Muhoro** (Director, CID) submitted the findings of the investigation that had so far been carried out. The Committee was informed as follows:

- 1) The Commissioner commenced investigations on the authenticity of the two sets of documents regarding allegations against the United Kingdom (UK) relating to International Criminal Court (ICC);
- 2) The Office of the Director, CID could not as a matter of protocol engage directly with the foreign mission and therefore wrote to the Ministry of Foreign Affairs asking to be facilitated to interview the officials of the British High Commission about the documents;
- 3) Further, the Director, CID held a meeting with the Ambassador in Charge of Europe Missions at the Ministry of Foreign Affairs who gave a copy of the a note verbale No. 199/12 dated 9th March 2012;
- 4) The note verbale had reiterated the policy of Her Majesty's Government on their intention not to comment on leaked documents. The note verbale further indicated that the documents were not genuine and they had a plethora of

Departmental Committee on Defence and Foreign Relations- Report of the investigation into the authenticity of Documents on allegations against United Kingdom relating to International Criminal Court (ICC), laid in the House On 8th March, 2012

spellings and grammatical mistakes. The contents of the documents were also said to be misleading and implausible;

- 5) The Commissioner of Police further requested the Ministry of Foreign Affairs to assist them in obtaining the following information from the British High Commission:
 - a. Clarification of whether the persons alleged to have signed the documents are known to the Government of the United Kingdom;
 - b. If so, assistance in obtaining the contacts of the said persons; and
 - c. Within the framework of the 1961 Vienna Convention on Diplomatic Relations, to have an audience with an appropriate officer at the High Commissioner to assist in investigations.
- 6) The Ministry of Foreign Affairs forwarded the request by the Commissioner of Police to the British High Commission. Subsequently, the British High Commission responded in a Note Verbale stating that given documents are not genuine, and that the High Commission did not wish to make further comments beyond what they had stated earlier in their Note Verbale No. 199/12 dated 9th March 2012 and the statement made by the UK Minister for Africa, United Nations and Overseas Territories during his visit to Kenya;
- 7) The Office of the Commissioner of Police further interrogated the documents and particularly telephone Line No.2020-70083597. The inquiries from Telkom Kenya established that the subject number does not belong to Telkom Orange since all the numbers have a maximum of seven (7) digits while the purported telephone line had eight (8) digits and was not licensed by the Communication Commission of Kenya;

- 8) The alleged author of one set of the documents dated 6th February, 2012, Mr. Edward Inglet was Kenya's Desk Officer but was transferred eight months ago;
- 9) The Director of Criminal Investigations, however was not able to interview the Members of Parliament due to the Parliamentary immunity enjoyed by them through the National Assembly (Powers and Privileges) Act;
- 10) In addition, the Commissioner of Police stated that he needed the cooperation of the Members of Parliament to be able to conclusively carry out forensic examinations on the documents. Further the Director of Criminal Investigations informed the Committee, that subjecting documents to forensic examination required one to have another original document (which they did not have) to make a comparison; the Commissioner clarified that at this stage he could not ascertain whether the document is genuine or not.
- 11) Finally, the Commissioner of Police indicated that the investigations were inhibited by the Parliamentary and diplomatic immunities accorded to key witnesses such as the relevant Members of Parliament and the foreign officials.

Committee's Concerns

Owing to the sensitivity of the matter, and the immense interest generated, the Committee noted the need to get deep into the root of the matter with a view to ascertaining the authenticity of the documents and addressing the content. The Committee directed the officers to continue with the investigations.

MIN.NO.614/2011: ANY OTHER BUSINESS

- a) Members were advised against pre-empting the outcome of the investigations until all the facts are obtained.

b) The Draft Rules of Procedure for the election of EALA Members

The Committee was informed that the Draft rules had been published on the local newspapers on Sunday 8th April, 2012 for purposes of inviting public views. The Committee also noted the urgency in considering the Draft rules in readiness for presentation to the House upon resumption from recess. The Committee scrutinized the draft Rules and Article 50 of the Treaty for the Establishment of the East African Community and noted that the provision that requires voting makes it more difficult (than through selection or appointment), to achieve fair representation of the various political parties in the National Assembly, regional balance, shades of opinion, gender and other special interest groups in Kenya and to ensure that at least one third of the persons elected are women. The Committee resolved to consult and think through a way of having elections with the attendant freedom to vote while ensuring fair representation of the various political parties in the National Assembly, regional balance, shades of opinion, gender and other special interest groups in Kenya and to ensure that at least one third of the persons elected are women.

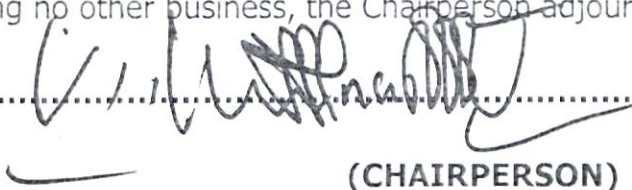
c) Bereavement

Members were informed that the Vice-Chairman had lost his mother and that there was need to show moral support to him. Members resolved to visit his home later in the day.

MIN.NO.615/2012: ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at 11.30am.

Signed:.....



(CHAIRPERSON)

15th November, 2012

Date:.....

MINUTES OF THE 160TH SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON WEDESDAY, 11TH APRIL, 2012 IN THE COMMITTEE ROOM 4TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.00 A.M
PRESENT

Hon. Adan Keynan, M.P - **Chairperson**

Hon. Mohamed Hussein Ali, M.P

Hon. Wilson Litole, M.P

Hon. Jeremiah Kioni, M.P

Hon. George Omari Nyamweya, MBS, M.P

Hon. Peter Edick O. Anyanga, M.P

ABSENT WITH APOLOGY

Hon. Benedict Fondo Gunda, M.P - **Vice Chairperson**

Hon. Martin Ogindo, M.P

Hon. Charles Kilonzo, M.P

Hon. Kiema Kilonzo, M.P

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. Njenga Njuguna Principal Research Officer

Mr. Anthony Njoroge Legal Counsel

Mr. Julius Ariwomoi Second Clerk Assistant

Ms. Leah Wanjiru Third Clerk Assistant

Ms. Maureen Mwendwa Parliamentary Intern

Departmental Committee on Defence and Foreign Relations- Report of the investigation into the authenticity of Documents on allegations against United Kingdom relating to International Criminal Court (ICC), laid in the House On 8th March, 2012

CABINET SUB-COMMITTEE ON ICC MATTERS

Hon. (Prof.) George Saitoti, EGH, M.P - Chairperson, Cabinet Subcommittee on
ICC/ Minister of State for Provincial
Administration and Internal Security
Hon. (Prof.) Sam Ongeru Minister for Foreign Affairs/Member,
Cabinet Subcommittee on ICC

Officers who accompanied the Cabinet Subcommittee

Mr. Mutea Iringo Ag. Permanent Secretary (Ministry of
State for Provincial Administration and
Internal Security)
Mr. Kennedy M.W Kihara Secretary Office of the President/
Secretary Cabinet Affairs
Mr. Simon Karanja Ministry of State for Provincial
Administration and Internal Security
Mr. Wiberforce Kilonzo Ministry of State for Provincial
Administration and Internal Security
Mr. Charles Kimani Legal Officer (Ministry of State for
Provincial Administration and Internal
Security)
Ms. Emily Chweya Deputy Chief Legal Officer (Ministry of
Justice, National Cohesion and
Constitution Affairs)

MIN. NO .616/2012: PRELIMINARIES

The Chairman called the meeting to order. Thereupon, the meeting commenced with a word of prayer.

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MIN.NO. 617 /2012: CONFIRMATION OF MINUTES OF PREVIOUS SITTING

Confirmation of Minutes of previous sittings was deferred to a later date.

MIN.NO. 618/2012: MEETING WITH THE CABINET SUB-COMMITTEE ON ICC

Introduction

The Cabinet Sub-Committee on ICC matters appeared again before the Committee to give brief on the authenticity of the documents regarding allegations against the United Kingdom (UK) relating to International Criminal Court (ICC) laid in the House on 8th March, 2012

In their earlier appearance, the Members of the Cabinet Subcommittee on ICC matters had requested for more time in order to allow conclusion of the Commissioner investigations regarding the subject matter.

While making his presentation, the Chairperson of the Cabinet Subcommittee on ICC matters informed the Committee as follows:

- i. The Cabinet Subcommittee on ICC matters re-iterated its earlier position that it was constituted to only play a liaison role on ICC issues, which include coordinating ICC matters regarding post election violence cases, coordinating ICC official visits, receiving requests from the ICC, examination of the requests and subsequently forwarding them to the relevant Government agencies; and advising the Government on the requests; and it is therefore not mandated to carry out investigations.
- ii. The report of the police investigations earlier presented to the Committee by the police Commissioner had also been forwarded to the Cabinet Subcommittee and

Departmental Committee on Defence and Foreign Relations- Report of the investigation into the authenticity of Documents on allegations against United Kingdom relating to International Criminal Court (ICC), laid in the House On 8th March, 2012

forms the basis of its presentation to the Committee; and that it had no additional information.

- iii. The Chairperson of the Cabinet Subcommittee said that it was very difficult to ascertain the authenticity of the documents owing to the parliamentary immunities accorded to the two Members of Parliament (by law) who tabled the documents and the diplomatic immunities accorded to foreign diplomats. He further requested the Committee to allow the Investigative agencies to continue with further investigations;
- iv. The Chairperson of the Cabinet Subcommittee however requested for more time and promised that his subcommittee will continue to deliberate on the matter, thoroughly interrogate it, and ensure that the competent authorities ascertain the authenticity of the documents and report back to the Committee.

Committee observations and concerns

- (i) The Committee interrogated the justification of the existence of the Cabinet Subcommittee on ICC matters and wondered what informed the Cabinet to constitute such Sub-Committee whose mandate appears to duplicate roles of other departments of Government.
- (ii) The Committee was concerned that the Cabinet Subcommittee seemed to treat the matter so casually. It was the view of the Committee that the Cabinet Subcommittee ought to have accorded priority to the issue since it was so sensitive and serious and touches on: -
 - a. Our Foreign policy;
 - b. Our National security;
 - c. Our Sovereignty;


- d. The institution of the presidency;
- e. Outcome of the next general elections; among others.

(iii) In addition, the Committee noted that if the Cabinet Subcommittee was such a serious organ, then it ought to have formally written to ICC to get the views of the ICC. The Committee urged for the need to address the issues comprehensively by the Government.

(iv) The Committee noted that the UK is reported to be the biggest financial supporter of ICC operations and the possibility that the UK may manipulate the ICC process could not be ruled out with absolute certainty.

MIN.NO.619/2012: ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at 12.40 p.m.

Signed:.....


(CHAIRPERSON)

15th November, 2012

Date:.....

MINUTES OF THE 162ND SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON THURSDAY, 11TH APRIL, 2012 IN THE COMMITTEE ROOM 4TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 2.30 P.M

PRESENT

Hon. Adan Keynan, M.P - **Chairperson**

Hon. George Omari Nyamweya, MBS, M.P

Hon. Mohamed Hussein Ali, M.P

Hon. Jeremiah Kioni, M.P

Hon. Peter Edick O. Anyanga, M.P

Hon. Martin Ogindo, M.P

ABSENT WITH APOLOGY

Hon. Benedict Fondo Gunda, M.P - **Vice Chairperson**

Hon. Charles Kilonzo, M.P

Hon. Wilson Litole, M.P

Hon. Kiema Kilonzo, M.P

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. Njenga Njuguna - Principal Research Officer

Mr. Anthony Njoroge - Legal Counsel

Mr. Julius Ariwomoi - Second Clerk Assistant

Ms. Leah Wanjiru - Third Clerk Assistant

Ms. Maureen Mwendwa - Parliamentary Intern

Departmental Committee on Defence and Foreign Relations- Report of the investigation into the authenticity of Documents on allegations against United Kingdom relating to International Criminal Court (ICC), laid in the House On 8th March, 2012

MINISTRY OF FOREIGN AFFAIRS

Hon. Prof. Sam Ongeru, E.G.H, M.P	- Minister for Foreign Affairs
Hon. Richard Onyonka	- Assistant Minister for Foreign Affairs
Mr. Thuita Mwangi, CBS	- Permanent Secretary
Amb. Lazarus Amayo	- Director Head of Europe
Amb. P.S. Wamoto	- Political and Diplomatic Secretary
Ms. Beatrice N. Kungu	- Assistant Director of Public Communication
Hon. Zaddock Syongoh	- Policy Advisor
Ms. Judith Ngunia	- Public Affairs/ Communication Department
Mr. A.M Kihurani	-Deputy Political and Diplomatic Secretary

MIN. NO .625/2012: PRELIMINARIES

The Chairperson called the meeting to order. Thereupon, the meeting commenced with a word of prayer.

MIN.NO. 626 /2012: CONFIRMATION OF MINUTES OF PREVIOUS SITTING

Confirmation of Minutes of previous sittings was deferred to a later date.

MIN.NO. 627/2012: MEETING WITH THE MINISTER FOR FOREIGN AFFAIRS

Introduction

The Minister of Foreign Affairs appeared again before the Committee to give brief on the authenticity of the documents regarding allegations against the United Kingdom (UK) relating to International Criminal Court (ICC) laid in the House on 8th March, 2012

Departmental Committee on Defence and Foreign Relations- Report of the investigation into the authenticity of Documents on allegations against United Kingdom relating to International Criminal Court (ICC), laid in the House On 8th March, 2012

In his earlier appearance, the Minister had requested for more time in order to allow conclusion of the Commissioner's investigations regarding the subject matter.

While making his presentation, the Minister informed the Committee as follows:

- (i) The Ministry had no capacity to carry out investigations on the authenticity of the documents and as such can only play the interface role between the Government and other foreign Governments;
- (ii) In exercising its mandate on interface, the Ministry can only operate on the principal of good faith and since the British High Commissioner had indicated in the Note verbale that the documents were not genuine, the Ministry could not refute the position taken by the British High Commissioner.
- (iii) The British parliamentary Under Secretary of State at the Foreign and Commonwealth Office, Mr. Henry Bellingham, during his visit to Kenya had reiterated that the documents tabled were not genuine;
- (iv) The Minister had on 29th March , 2012, received a request for assistance from the CID as the agency could not directly deal with the British High Commission; and
- (v) While carrying out its mandate, the Ministry's relations with other foreign Governments, is guided by the principals of the Vienna Convention on Diplomatic Relations (VCDR) and the Vienna Convention on Consular Relations (VCCR). Further Article 29 of the of VCDR provides for the immunity of the diplomats and therefore the foreign Governments were not obliged to provide any information as regards to the tabled documents.

Committee's concerns

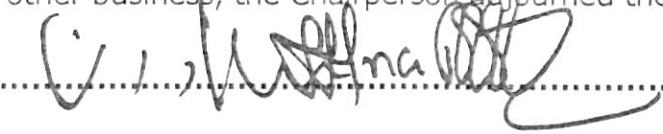
Departmental Committee on Defence and Foreign Relations- Report of the investigation into the authenticity of Documents on allegations against United Kingdom relating to International Criminal Court (ICC), laid in the House On 8th March, 2012

The Committee sought to know the following:

- a. The Committee was concerned that the role of the Cabinet Subcommittee on ICC stretches as far as liaison is concerned. The Committee sought to know what informed the Cabinet to form a Subcommittee of the Cabinet dealing with specifically with ICC yet the Ministry of Foreign Affairs and Justice , National Cohesion and Constitutional Affairs were best suited to handle the matter; Further, the Committee was informed that the Government forms subcommittee to look into matters of National interest closely;
- b. Further, the Committee sought to know the circumstances under which a given country declares an individual persona non-grata;
- c. The Committee was concerned that if indeed Kenya and United Kingdom enjoyed cordial relationships with one another, then why was the UK Government reluctant in allowing investigative agencies of the Kenya Government carry out investigations;
- d. The Committee sought to know if the Head of State has visited UK on a State visit. Consequently, the Committee was informed that the President had been on 23rd February, 2012, been invited by the British Prime Minister, Gordon Brown, however the visit was not undertaken.

MIN.NO.628/2012: ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at 3.30 pm.

Signed:.....

_____ (CHAIRPERSON)

15th November, 2012

Date:.....

MINUTES OF THE 164TH SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON THURSDAY, 12TH APRIL, 2012 IN THE COMMITTEE ROOM 4TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 2.30 PM

PRESENT

Hon. Adan Keynan, M.P - **Chairperson**

Hon. Wilson Litole, M.P

Hon. Peter Edick O. Anyanga, M.P

Hon. Jeremiah Kioni, M.P

Hon. Martin Ogindo, M.P

ABSENT WITH APOLOGY

Hon. Benedict Fondo Gunda, M.P - **Vice Chairperson**

Hon. George Omari Nyamweya, MBS, M.P

Hon. Charles Kilonzo, M.P

Hon. Kiema Kilonzo, M.P

Hon. Mohamed Hussein Ali, M.P

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. Njenga Njuguna - Principal Research Officer

Mr. Julius Ariwomoi - Second Clerk Assistant

Ms. Leah Wanjiru - Third Clerk Assistant

Ms. Maureen Mwendwa - Parliamentary Intern

Departmental Committee on Defence and Foreign Relations- Report of the investigation into the authenticity of Documents on allegations against United Kingdom relating to International Criminal Court (ICC), laid in the House On 8th March, 2012

MIN. NO .634/2012: PRELIMINARIES

The Chairman called the meeting to order. Thereupon, the meeting commenced with a word of prayer.

MIN.NO. 635/2012: CONFIRMATION OF MINUTES OF PREVIOUS SITTING

Minutes of the 159th sitting were confirmed by the Members present and signed by the Chairperson.

MIN.NO. 636/2012: MEETING WITH MR. DENNIS ITUMBI

Mr. Dennis Itumbi (a trained journalist allegedly accused of hacking ICC and the Foreign Commonwealth Office emails) appeared before the Committee. Mr. Itumbi was expected to explain the relationship between the allegations leveled against him and the documents investigated by the Committee. The Committee was informed as follows:

- i. Mr. Itumbi informed the Committee that he is a web blogger and author of a number of County Newspaper editions; and that he was detained and interrogated by police last month, allegedly for tampering with ICC witnesses and illegally acquiring ICC confidential information, but was later released without charges;
- ii. Upon interrogation by the Committee, the witness said that he could not tell whether the documents being investigated were genuine or not. He however, explained that if at all the police could ascertain that indeed, he hacked the ICC website, then the documents were genuine; he accused the ICC prosecutor of possibility of being careless with confidential information;
- iii. He said that he came across information in the web that reveals the identities of ICC witnesses. He presented documents purporting to be email traffic between

prominent human rights activists and ICC witnesses and between the ICC and the UK's Foreign and Commonwealth Office;

- iv. The witness informed the Committee that the information he got, had been sourced from the internet including *nipate.com* which was accessible by anyone;
- v. Further, the witness claimed that the email traffic provided tallied with some of the information in the documents investigated by the Committee.
- vi. Mr. Itumbi was asked to explain a claim that the documents under investigation by the Committee originated from him. He refuted the claims.

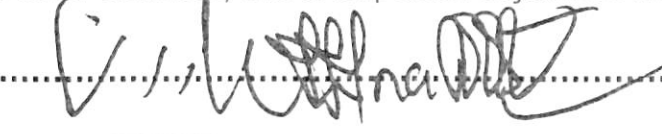
The Committee directed Mr. Itumbi to compile a written submission on the alleged correlation between the documents tabled in the House and the email traffic he presented to the Committee, (the submission to be availed by the following Monday).

MIN.NO. 637/2012: CONSIDERATION AND ADOPTION OF DRAFT RULES OF THE TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY (ELECTION OF MEMBERS OF THE ASSEMBLY), 2012

The Committee scrutinized the report for the final time and unanimously adopted it in readiness for tabling in the House.

MIN.NO.638/2012: ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at 5.45 p.m.

Signed:.....

.....
(CHAIRPERSON)

15th November, 2012

Date:.....

MINUTES OF THE 165TH SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON TUESDAY, 17TH APRIL, 2012 IN THE CONFERENCE ROOM, 1ST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS AT 10.30 A.M

PRESENT

Hon. Adan Keynan, M.P - **Chairperson**
Hon. Benedict Fondo Gunda, M.P - **Vice Chairperson**
Hon. Wilson Litole, M.P
Hon. George Omari Nyamweya, MBS, M.P
Hon. Mohamed Hussein Ali, M.P
Hon. Peter Edick O. Anyanga, M.P
Hon. Jeremiah Kioni, M.P

ABSENT WITH APOLOGY

Hon. Charles Kilonzo, M.P
Hon. Kiema Kilonzo, M.P
Hon. Martin Ogindo, M.P

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. Njenga Njuguna - Principal Research Officer
Mr. Julius Ariwomoi - Second Clerk Assistant
Ms. Leah Wanjiru - Third Clerk Assistant
Ms. Maureen Mwendwa - Parliamentary Intern


STATE LAW OFFICE

Hon. (Prof.) Githu Muigai, M.P - Attorney General

Departmental Committee on Defence and Foreign Relations- Report of the investigation into the authenticity of Documents on allegations against United Kingdom relating to International Criminal Court (ICC), laid in the House On 8th March, 2012

MIN.NO.643/2012: ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at 5.45 p.m.

Signed:.....

(CHAIRPERSON)

15th November, 2012

Date:.....

**MINUTES OF THE 166TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
DEFENCE AND FOREIGN RELATIONS HELD ON TUESDAY, 17TH APRIL, 2012
IN THE CONFERENCE ROOM, 1ST FLOOR, COUNTY HALL, PARLIAMENT
BUILDINGS AT 12.00 NOON**

PRESENT

Hon. Adan Keynan, M.P - **Chairperson**
Hon. Benedict Fondo Gunda, M.P - **Vice Chairperson**
Hon. Wilson Litole, M.P
Hon. George Omari Nyamweya, MBS, M.P
Hon. Peter Edick O. Anyanga, M.P
Hon. Jeremiah Kioni, M.P

ABSENT WITH APOLOGY

Hon. Charles Kilonzo, M.P
Hon. Kiema Kilonzo, M.P
Hon. Martin Ogindo, M.P
Hon. Mohamed Hussein Ali, M.P

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. Njenga Njuguna	Principal Research Officer
Mr. Julius Ariwomoi	Second Clerk Assistant
Ms. Leah Wanjiru	Third Clerk Assistant
Ms. Maureen Mwendwa	Parliamentary Intern

Departmental Committee on Defence and Foreign Relations- Report of the investigation into the authenticity of Documents on allegations against United Kingdom relating to International Criminal Court (ICC), laid in the House On 8th March, 2012

**MINISTRY OF JUSTICE, NATIONAL COHESION AND CONSTITUTIONAL
AFFAIRS**

Hon. Eugene Wamalwa, M.P

Minister for Justice, National Cohesion and
Constitutional Affairs

Gichira Kibara

Ag. Permanent Secretary

MIN. NO .644/2012: PRELIMINARIES

The Chairman called the meeting to order. Thereupon, the meeting commenced with a word of prayer.

**MIN.NO. 645/2012: CONFIRMATION OF MINUTES OF PREVIOUS
SITTING**

Confirmation of Minutes of previous sittings was deferred to a later date.

**MIN.NO. 646/2012: MEETING WITH THE MINISTER FOR JUSTICE,
NATIONAL COHESION AND CONSTITUTIONAL
AFFAIRS**

Introduction

The Committee had invited the Minister for Justice, National Cohesion and Constitutional Affairs since the documents tabled in the House touched on ICC which is the domain of the Ministry.

The Minister was congratulated for his new appointment, which was noted as possible recognition of his active participation as a Member of this Committee. The Chair

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commended the Minister for his response (through letters) whenever he was unable to appear before the Committee.

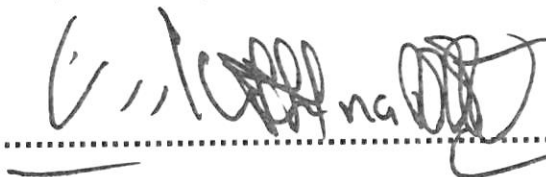
In his statement: -

- (i) The Minister reiterated the position taken by the Members of the Cabinet Subcommittee when they appeared before the Committee.
- (ii) The Minister stated that it was the responsibility of all Kenyans in general to elect their way of engagement with the ICC. This includes opting for withdrawal from the membership of the ICC.
- (iii) The Minister was requested to consult with the Attorney General in order to formally get the assurances from ICC on the partiality of the ICC process as alleged in the documents tabled in the House.

MIN.NO.647/2012: ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at 1.15 p.m.

Signed:.....



(CHAIRPERSON)

15th November, 2012

Date:

MINUTES OF THE 184TH SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON WEDNESDAY, 4TH JULY, 2012 IN THE COMMITTEE ROOM 4TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 11.00 A.M

PRESENT

Hon. Adan Keynan, M.P - **Chairperson**

Hon. Wilson Litole, M.P

Hon. Mohamed Hussein Ali, M.P

Hon. Yusuf Hassan, M.P

ABSENT WITH APOLOGY

Hon. Benedict Fondo Gunda, M.P - **Vice Chairperson**

Hon. Martin Ogindo, M.P

Hon. Charles Kilonzo, M.P

Hon. George Omari Nyamweya, MBS, M.P

Hon. Peter Edick O. Anyanga, M.P

Hon. Jeremiah Kioni, M.P

Hon. Kiema Kilonzo, M.P

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. Njenga Njuguna Principal Research Officer

Mr. Julius Ariwomoi Second Clerk Assistant

Miss. Leah Wanjiru Third Clerk Assistant

MIN.NO. 706/2012: PRELIMINARIES

The Chairman called the meeting to order and the meeting started by a word of Prayer.

MIN.NO. 707/2012: MEETING WITH MR.KEN WAFULA

Mr. Ken Wafula , Chair of the National Council of NGO's and the Founder of the Center of Human Rights and Democracy had been invited to appear before the committee to divulge any information he may have on the ICC dossier since his name and that of his organization ,The Center of Human Rights and Democracy had been mentioned in the dossier by Dennis Itumbi (a trained journalist allegedly accused of hacking ICC and the Foreign Commonwealth Office emails).Due to the gravity of the issue, Ken Wafula was put under oath.

The Committee was informed as follows:

- 1) Mr. Ken Wafula has not had an opportunity to determine how or why his name and that of his organization had been mentioned, adversely or favorably in the dossier.
- 2) He is directly involved with ICC witnesses since his organization, The Center of Human Rights and Democracy had played a vital role in gathering evidence on the perpetrators of the Post Election Violence. The Center through the help of sponsors designed a Witness Protection System to address the security and safety worries of the witnesses.
- 3) Although Mr. Ken Wafula does not have the expertise to determine the dossier's authenticity, he regards the dossier as a forgery due to the tone it bears and its predetermined aim .He further supported his claims by informing the committee that diplomatic communications are not generally as direct as evidenced in the dossier.

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- 4) Mr. Ken Wafula believes that the allegations that State Security Agencies may have played a role in fabricating the dossier are true. He considers Kenya's state security agencies as untrustworthy and deems them capable of such an act.

The Committee thanked Mr. Ken Wafula for his cooperation and encouraged him to share any information that may assist the Committee to come up with a fair and comprehensive report on the matter.

The Committee promised to give audience to any member of the public who can add or avail information pertaining to the investigations on the authenticity of the document.

MIN.NO.708 /2011: ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at 12.30 p.m

Signed.....



(CHAIRPERSON)

15th November, 2012

Date.....

MINUTES OF THE 191ST SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON THURSDAY, 15TH NOVEMBER, 2012 IN GOVERNORS LOUNGE, CONTINENTAL RESORT, MOMBASA AT 9.30 A.M

PRESENT

Hon. Adan Keynan, M.P - **Chairperson**
Hon. Charles Kilonzo, M.P
Hon. Yusuf Hassan, M.P
Hon. George Omari Nyamweya, MBS, M.P
Hon. Kiema Kilonzo, M.P
Hon. Kiema Kilonzo, M.P
Hon. Martin Ogindo, M.P
Hon. Jeremiah Kioni, M.P

ABSENT WITH APOLOGY

Hon. Benedict Fondo Gunda, M.P - **Vice Chairperson**
Hon. Peter Edick O. Anyanga, M.P
Hon. Wilson Litole, M.P
Hon. Mohamed Hussein Ali, M.P

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. Njenga Njuguna - Director Committee Services (Senate)
Mr. Julius Ariwomoi - Clerk Assistant II
Ms. Leah Wanjiru - Clerk Assistant III
Ms. Maureen Mwendwa - Parliamentary Intern

MIN.NO.728/ 2012

PRELIMINARY

The proceedings commenced with a word of prayer.

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MIN.NO.729 / 2012 CONSIDERATION OF THE REPORT ON INVESTIGATION AUTHENTICITY OF THE DOCUMENTS LAID ON 8TH MARCH, 2012 ON ALLEGATIONS AGAINST UNITED KINGDOM (UK) ON ICC CASES

The Committee deliberated extensively on the various sections of the report including the executive summary, the background of the matter, the observations and the conclusion. Further, the Committee made the following observations :-

- 1) The allegations raised in the documents are serious since they touch on sensitive offices like the Presidency, the Prime Minister and the Speaker of Parliament;
- 2) Officials and agencies of the Government of Kenya declined to take a position on the authenticity or otherwise of the documents, citing inability to conclude investigations;
- 3) Forensic investigations by the Kenya Police to ascertain the authenticity of the documents required cooperation from the UK Government which was declined;
- 4) The immunity guaranteed to diplomats through the Vienna Convention on Diplomatic Relations (VCDR) hindered the process of investigation;
- 5) The British High Commission in Nairobi and other international agencies declined to permit the Kenya Police to undertake investigations, citing diplomatic protocols;
- 6) Whether the documents were authentic or not, the possibility of accuracy or otherwise of some of the information contained in the documents could not be ruled out;
- 7) The Members of Parliament who tabled the documents declined to provide evidence, citing parliamentary immunity provided by the National Assembly (Powers and Privileges) Act Cap 6 Laws of Kenya;
- 8) The Committee noted that Kenya has had long cordial bilateral relations with the UK Government. However, Kenya was not treated with the respect commensurate with these cordial historical ties in the pursuit of this matter; and
- 9) Given the sensitivity of the ICC and the electoral processes it would have been fair for the UK Government to have cooperated to allow for conclusive investigations.

The following conclusion and recommendation was agreed upon by the Committee:-

Conclusion

After thorough investigations, interactions and extensive deliberations, taking into account the immunities guaranteed to diplomats (through the Vienna Convention on Diplomatic Relations) and Members of Parliament (through the National Assembly (Powers & Privileges Act) cap 6 Laws of Kenya), the Committee was unable to establish the authenticity or otherwise of the documents as tabled.

Recommendation

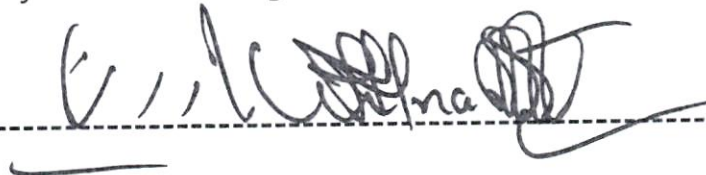
While noting the cordial relationship existing between Kenya and friendly states, the Committee recommends that when matters of immense national importance and of significant public interest are a stake, the Government should always endeavor to pursue thorough investigations, taking advantage of such relationship in order to get to the bottom of the matter(s).

MIN.NO. 730/2012

ADJOURNMENT

The Chairperson adjourned the sitting at 12.25 p.m.

SIGNED -----



(CHAIRPERSON)

15th November, 2012

DATE -----

MINUTES OF THE 192ND SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON THURSDAY, 15TH NOVEMBER, 2012 IN GOVERNORS LOUNGE, CONTINENTAL RESORT, MOMBASA AT 2.30 P.M

PRESENT

Hon. Adan Keynan, M.P - **Chairperson**
Hon. Charles Kilonzo, M.P
Hon. Yusuf Hassan, M.P
Hon. George Omari Nyamweya, MBS, M.P
Hon. Kiema Kilonzo, M.P
Hon. Kiema Kilonzo, M.P
Hon. Martin Ogindo, M.P
Hon. Jeremiah Kioni, M.P

ABSENT WITH APOLOGY

Hon. Benedict Fondo Gunda, M.P - **Vice Chairperson**
Hon. Peter Edick O. Anyanga, M.P
Hon. Wilson Litole, M.P
Hon. Mohamed Hussein Ali, M.P

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. Njenga Njuguna - Director Committee Services (Senate)
Mr. Julius Ariwomoi - Clerk Assistant II
Ms. Leah Wanjiru - Clerk Assistant III
Ms. Maureen Mwendwa - Parliamentary Intern

MIN.NO.728/ 2012 PRELIMINARY

The proceedings commenced with a word of prayer.

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MIN.NO.729 / 2012 CONFIRMATION OF MINUTES

Minutes of the 151st, 152nd, 153rd, 154th, 155th, 156th, 157th, 159th, 160th, 162nd, 164th, 165th, 166th, 184th, 187th, 188th, 189th, 190th and 191st sittings were confirmed as true record of the proceedings as follows:

Proposed by: Hon. Martin Ogindo, M.P

Seconded by: Hon. George Omari Nyamweya, MBS, M.P

MIN.NO.732/ 2012 ADOPTION OF REPORTS

The following reports were unanimously adopted as follows:-

1. Report on Diplomatic Service Appointments;

Proposed by: Hon. George Omari Nyamweya, MBS, M.P

Seconded by: Hon. Jeremiah Kioni, M.P

2. Report of the inspection of Kenya Missions in Vienna, Geneva and the Hague and visit to United Nation Agencies in August, 2011;

Proposed by: Hon. Yusuf Hassan, M.P

Seconded by: Hon. Martin Ogindo, M.P

3. Report on Modernization Programme of The Kenya Defence Forces (KDF); and

Proposed by: Hon. George Omari Nyamweya, MBS, M.P

Seconded by: Hon. Jeremiah Kioni, M.P

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4. Report on the investigation into authenticity of documents laid on 8th March, 2012 relating to International Criminal Court(ICC).

Proposed by: Hon. Martin Ogindo, M.P

Seconded by: Hon. George Omari Nyamweya, MBS, M.P

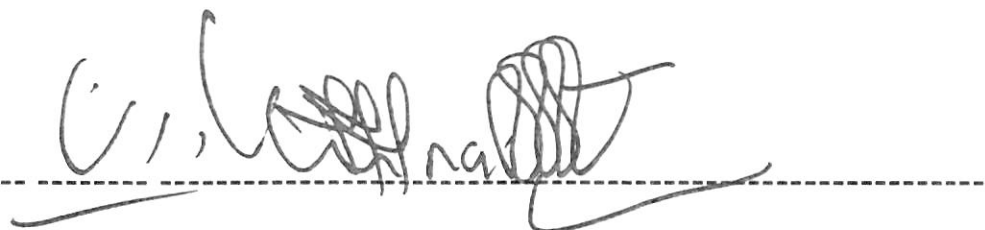
MIN.NO. 733/201 ANY OTHER BUSINESS

The Chair noted that the mandate of the 10th Parliament was almost coming to the end. He therefore took the opportunity to thank the Members of the Committee as well as the Secretariat for having given him full support during his tenure as Chairperson of the Committee and having steered the Committee to an exemplary level. He further wished the Members well as they embarked on the rigorous campaign period. A proposal to organise a dinner for the Committee was made.

MIN.NO. 734/2012 ADJOURNMENT

There being no other business the Chairperson adjourned the sitting at 4.10 p.m.

SIGNED

A handwritten signature in black ink, written over a horizontal dashed line. The signature is cursive and appears to be 'C. O. Nyamweya'.

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(CHAIRPERSON)

15th November, 2012

DATE

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ANNEXTURES

Annex 1: Hansard Report

Annex 2: Tabled Documents

