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REPUBLIC OF KENYA

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KENYA NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT - THIRDSSESSION - 2015

30/4/15
SNA
Perker Laird
By Hon. A. Kamukama
Chaud, DC - Admin &
Nat. Security on
Thursday, 30.04.15
(Afternoon)
MMW

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL
SECURITY

REPORT ON THE PETITION BY THE KENYA NATIONAL COMMISSION ON
HUMAN RIGHTS AND OTHERS SEEKING THE ESTABLISHMENT OF A
PARLIAMENTARY SELECT COMMITTEE TO INVESTIGATE INCIDENCES OF
INSECURITY IN THE COUNTRY

CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

APRIL, 2015

V. 10

I.0 PREFACE

I.1 Committee Mandate

Mr. Speaker, Sir,

The Departmental Committee on Administration and National Security was constituted pursuant to the provisions of Standing Order No. 216(1) of the National Assembly and has executed its mandate in accordance with the provisions of the said Standing Order 216 (5), which mandates the Committee to, inter alia;

- (i) study and review all legislation referred to it;*
- (ii) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
- (iii) to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
- (iv) to study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;*
- (v) to study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
- (vi) to 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;*

Mr. Speaker,

The Committee, according to Schedule II of the Standing Orders, examines the following subjects:

- i) Public Administration
- ii) National security
- iii) Internal Security
- iv) Immigration
- v) Prisons Service
- vi) National Youth Service, and;
- vii) Natural disasters

The Committee oversees the following Ministries and Departments:

- i) The Presidency (Cabinet Services & State Affairs)
- ii) Ministry of Interior and Coordination of National Government
- iii) Public Service Commission

- iv) National Police Service Commission
- v) Independent Policing Oversight Authority

I.2 Committee Membership

Mr. Speaker, Sir,

The following are the Members of the Committee:

The Hon. Asman Kamama, MGH, OGW, MP - **Chairperson**
 The Hon. Alois M. Lentoimaga, MP - **Vice Chairperson**
 The Hon. Ababu Namwamba, EGH, MP
 The Hon. Joseph Lekuton, MP
 The Hon. Alice Wahome, MP
 The Hon. Zakayo K. Cheruiyot, MP
 The Hon. Timothy W. Wetangula, MP
 The Hon. Patrick Ole Ntutu, MP
 The Hon. Ali Isaack Shaaban, MP
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 The Hon. Humphrey Njuguna, MP
 The Hon. Francis K. Mwangangi, MP
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 The Hon. David Gikaria, MP
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 The Hon. Wanjiku Muhia, MP
 The Hon. Akuja Protus Ewesit, MP
 The Hon. Joseph M. Kahangara, MP
 The Hon. Ahmed Abdikadir Ore, MP
 The Hon. Grace Kiptui, MP
 The Hon. George Theuri, MP
 The Hon. James Bett, MP
 The Hon. Benard Shinali, MP

I.3 Consideration of the Petition

Mr. Speaker,

On Thursday 31st July, 2014, a petition was tabled before the House pursuant to Standing Order No. 225 (2)(a) by the Hon. Speaker Justin Muturi, MP, on behalf of The Kenya National Commission on Human Rights and other organizations.

KNA: Report on the Petition by the Kenya National Commission on Human Rights and Others Seeking the Establishment of a Parliamentary Select Committee to Investigate Incidences of Insecurity in the Country; April 2015

Pursuant to House rules, the petition was referred to the Departmental Committee on Administration and National Security for consideration and preparation of a report within 60 days. The Committee considered the petition pursuant to the provisions of Standing Order 227 (1) and (2).

The Committee held two meetings to consider the prayers of the petitioners. In their petition, the petitioners wished to **draw the attention of the House to the following:-**

That:-

1. The country has been subjected to unprecedented incidences of insecurity occasioning loss of lives, destruction of property and occasioning displacement of persons;
2. As a result of these incidences of insecurity, citizens' rights as guaranteed under the Constitution have been violated. These include the right to life, right to freedom and security of the person;
3. Citizens do not have a clear picture of the exact forces behind the violent attacks and rumors have begun to spread;
4. The actions and communication of the security agencies have done little to inspire confidence and have instead raised concerns as to their capacity to adequately respond to the threat facing the country;

Therefore, the petitioners **prayed that Parliament through the Departmental Committee on Administration and National Security:-**

- Establishes a Select Committee to inquire into the insecurity in the country; specifically to determine the underlying causes of the insecurity; establish the competence of the various agencies responsible for national security; make recommendations of measures that should be taken to address the incidences of insecurity and forestall further attacks.

Mr. Speaker, Sir,

The Committee considered the petition and resolved that the proposal to form a Parliamentary Select Committee to investigate incidences of insecurity in the Country was not tenable.

According to the Second Schedule of the Standing Orders, the Departmental Committee of Administration and National Security's mandate is to deal with matters of **National security, police services, home affairs, Public Administration, Public Service, Prisons, Immigration and the management of natural disasters, and community service orders** and therefore the Committee does not recommend the

formation of a Parliamentary Select Committee by the National Assembly to inquire into the insecurity in the Country.

Further, several Parliamentary Committee reports have been tabled in the National Assembly addressing the incidences of insecurity referred to in the petition. The reports underline the root causes of insecurity in the country and make specific recommendations on measures that should be taken to address the conflicts.

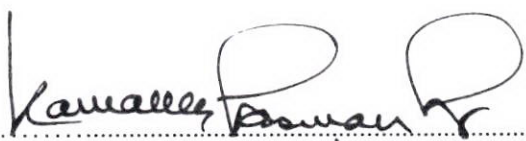
1.4 Acknowledgement

Mr. Speaker,

The Committee is thankful to the Office of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its Sittings.

Mr. Speaker, Sir,

On behalf of the Committee, and pursuant to Standing Order 127 (4), it is my pleasant duty to table in the House the Report of the Departmental Committee on Administration and National Security on its consideration of the Petition by the Kenya National Commission on Human Rights and others seeking the formation of a Parliamentary Select Committee to investigate incidences of insecurity in the country.

Signed.....  Date..... 30/04/2015

Hon. Asmañ Kamama, MGH, OGW, MP

Chairman, Departmental Committee on Administration and National Security

2.0 Background Information

The Petition number 048 of 2014 was tabled in the House having been signed by the Kenya National Commission on Human Rights, International Commission of Jurists (Kenya), Independent Medico-Legal Unit, National Coalition of Human Rights Defenders, Federation of Women Lawyers of Kenya (FIDA), and the Kenya Human Rights Commission.

In their petition, the petitioners wished to draw the attention of the House to the following:-

That:

1. The country had been subjected to unprecedented incidences of insecurity occasioning loss of lives, destruction of property and occasioning displacements of persons.
2. The Petitioners and other like-minded organizations, pursuant to the respective mandates, had taken various steps to call on the primary duty bearers to take decisive action in respect to the attacks and destruction of property to no avail.
3. In June 2010, there was an attack in Nairobi's Uhuru Park that police blamed on followers of Al Shabaab. Three grenades exploded at a political rally in Uhuru Park killing six people and causing injury to thirty (30) people. Then, in December 2010 three people died and thirty nine (39) were injured in a grenade attack on a bus in Nairobi; on December 4th 2010 three police men including two traffic police officers and an AP were killed in separate grenade attacks in Nairobi and about two weeks later, one person was killed, twenty six injured after grenade exploded at Kampala Couch Bus Terminus, River Road.
4. In October 17th 2011 one person was killed in yet another grenade attack that also saw fifteen injured after grenade was thrown into Mwaura's Pub in Nairobi. Seven days later, On October 24th 2011 one person was killed and eight others injured after a grenade was thrown at OTC Bus Stage; three days after the forgoing attacks, four people were killed on October 27th 2011 when a grenade hit a vehicle carrying KCSE material in Mandera. On November 16th 2011 two people were killed in a grenade attack while another three were killed in twin grenade attacks on Garissa's holiday inn hotel on November 24th 2011.
5. In 2012, more than 36 episodes occurred around Kenya and took various forms, including grenades hurled into crowds in urban spaces, the indiscriminate shooting into crowds of people including worshipers in churches but also in mosques, and the slaying of security officers in cold blood. Most of these incidents took place in Eastleigh area in Nairobi, and in several towns in North Eastern part of Kenya, which have become the epicentre of terrorism in Kenya.
6. On April 2013, two people were killed and thirty injured in grenade attacks at a church crusade in Mtwapa, Mombasa which was to be followed by another

attack three weeks later which claimed one life while injuring sixteen at the God's House of Miracles International Church in Nairobi's Ngara area. There were two attacks in May 2013 which saw two people lose their lives. A security guard was killed after two grenades were lobbed into Bella Vista Bar in Mombasa while one person died and thirty injured after an explosion rocked Assanands building along Moi Avenue in Nairobi on May 16th and 28th 2013 respectively. Another attack on June 25th 2013 killed one person and saw several injured in Jericho Pub in Mombasa. On July 1, 2013 seventeen people were killed and forty five others wounded in grenade attacks at the Garissa catholic and AIC churches. Among the dead were two police officers who lost two guns to the attackers in the raid at the local African inland church. The officer's were guarding the church.

7. On 21 September 2013, unidentified gunmen captured on CCTV cameras attacked Westgate shopping mall in Nairobi, Kenya. The attack which lasted until 24th September resulted in at least 67 deaths, including four attackers. Over 175 people were reportedly wounded in the mass shooting.
8. The Westgate attack, demonstrated how utterly vulnerable Kenya is to acts of terrorism, which had begun in October 2011, the month of the Kenya army incursion into Somalia. During the last three months of that year, no less than 14 terrorist incidents were reported around the country.
9. On the evening of 15th June 2014, over 60 people were killed in Mpeketoni, near the coastal and popular tourist resort of Lamu. There are conflicting accounts of persons responsible for this attack, a situation that does not auger well for public confidence in the security agencies.
10. In addition, there were reports of ongoing conflict in Baringo, Wajir and Mandera Counties. The attacks are reminiscent of the attacks that were carried out in Bungoma in 2013.
11. As a result of these acts of insecurity, citizen's rights as guaranteed in the Constitution had been violated. These include the right to life, right to freedom and the security of the person and the right to own property under Article 40.
12. Citizens did not have a clear picture of the exact forces behind these violent attacks and rumours have begun to spread. The petitioners therefore found it necessary that a select Committee be established to ensure that the individuals and groups behind the attacks are held accountable for the atrocities.
13. The actions and public communication of the security agencies had done little to inspire confidence and had instead raised concerns as to their capacity to adequately respond to the threat facing the country.

3.0 Consideration of the Petition

The Committee held two sittings to consider the matters raised in the petition. During the first sitting, the Committee noted that the proposal to form a Parliamentary Select Committee to investigate incidences of insecurity in the country was not tenable. This

was due to the fact that existing Committees of the National Assembly were seized of the matter and have inquired into or were inquiring into the matters raised in the petition.

Further, several Parliamentary Committee reports have been tabled in the National Assembly addressing the incidences of insecurity referred to in the petition. The reports underline the root causes of insecurity in the country and make specific recommendations on measures that should be taken to address the conflicts.

In particular, the following reports, among others, were tabled in the National Assembly addressing incidences of insecurity in the period under consideration in the petition:

- i) Report of the Joint Departmental Committees on Administration and National Security; and Defence and Foreign Relations, investigating the Matter of the Adverse Security Situation, Loss of Property, Loss of Lives of Security Personnel and Civilians in Garissa and Eastleigh Towns and the Baragoi Environs – December 2012;
- ii) Report of the Joint Departmental Committees on Administration and National Security and the Select Committee on Equal Opportunity on the Matter of the Inquiry into the Activities of the Mombasa Republican Council – August 2012;
- iii) Report of the Parliamentary Select Committee on the Resettlement of the Internally Displaced Persons in Kenya – April 2012
- iv) Report of the Select Committee on Cattle Rustling in Kenya – December 2010;
- v) Report of the Joint Departmental Committees on Administration and National Security and Defence and Foreign Relations on its Fact Finding Visit to Garissa, Daadab and Voi – October 2010;
- vi) Report of the Select Committee on the Activities of Unlawful Organizations in Kenya – July 2010;
- vii) Report of the Departmental Committee on Administration and National Security on its Fact Finding Visit to Samburu East and Isiolo North Districts – July 2010;
- viii) Report of the Committee on Administration, National Security and Local Authorities during its Fact Finding Mission to Nyeri East, Kirinyaga Central, West and South Districts to Establish the Number of Persons Killed by Vigilante Groups in the Month of April and May, 2009.

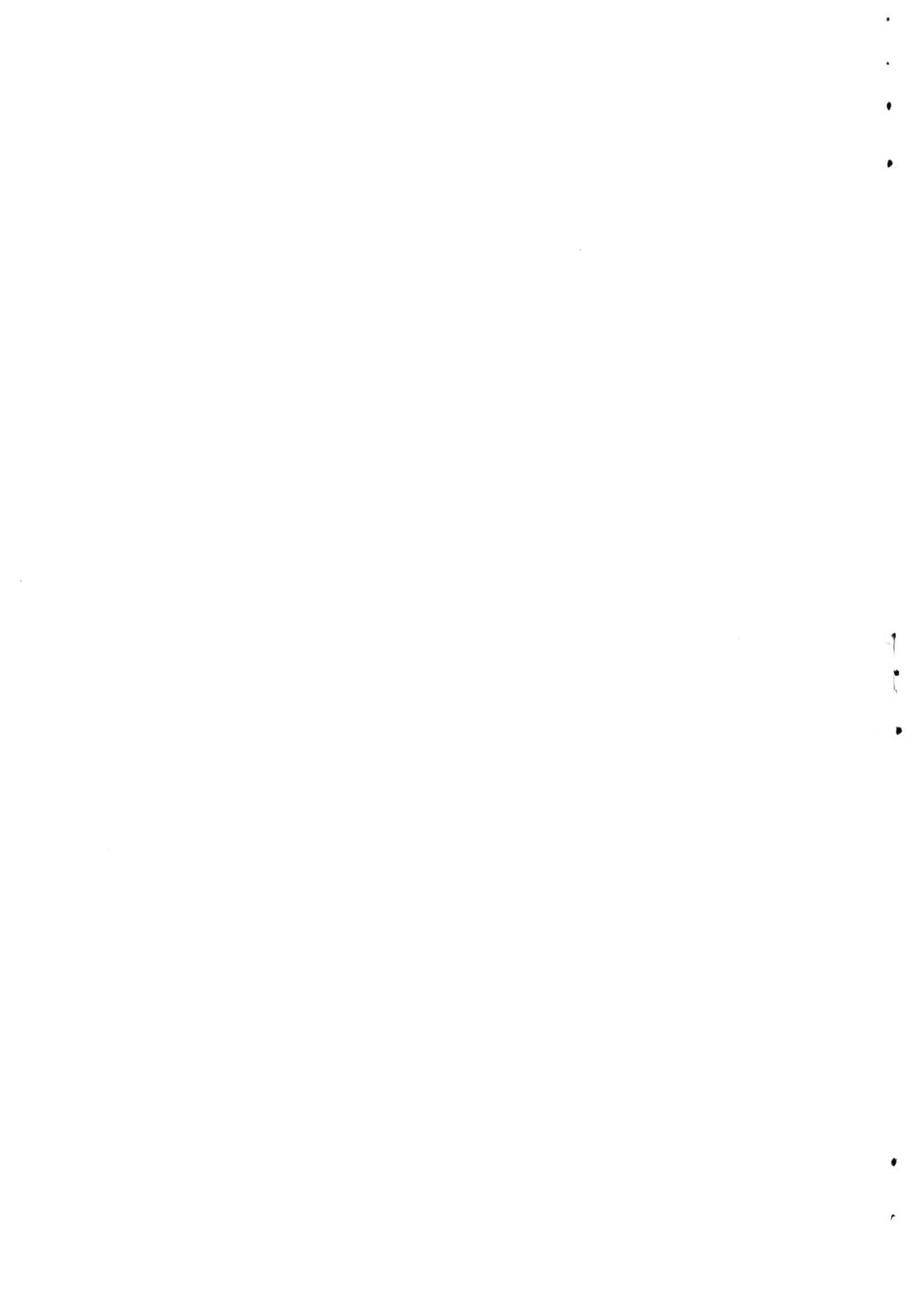
In addition, a motion by Hon. William Cheptumo, MP, was before the House on recourse to cattle rustling in the country. There is also a petition by residents of Baringo County before the House that seeks to address cattle rustling.

Further to this, the Departmental Committee on Administration and National Security and the Joint Parliamentary Committee on National Cohesion and Equal Opportunity were inquiring into recent incidences of insecurity in the country including the attacks in Lamu County, insecurity in Baringo and Marsabit Counties with a view to tabling reports in the House with actionable recommendations.

The Committee held a second sitting to adopt the report of the petition.

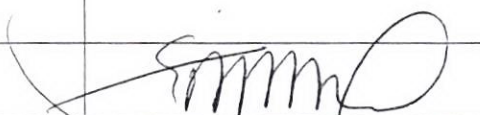
4.0 Committee Recommendation

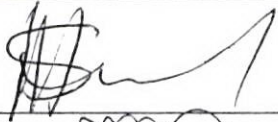


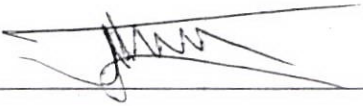

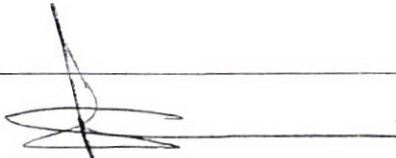
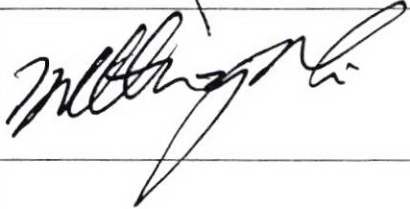
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**THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
NATIONAL SECURITY**

**ADOPTION OF REPORT ON THE PETITION BY THE KENYA
NATIONAL COMMISSION ON HUMAN RIGHTS AND OTHERS
SEEKING THE ESTABLISHMENT OF A PARLIAMENTARY SELECT
COMMITTEE TO INVESTIGATE INCIDENCES OF INSECURITY IN
THE COUNTRY**

S/NO.	NAME	SIGNATURE
1.	The Hon. Kamama Asman, MGH,OGW,MP - Chairperson	
2.	The Hon. Alois M. Lentoimaga, MP - Vice-Chairperson	
3.	The Hon. Ababu Namwamba, EGH, MP	
4.	The Hon. Alice Wahome, MP	
5.	The Hon. Joseph Lekuton, MP	
6.	The Hon. Mohamed Shidiye, MP	
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13.	The Hon. Grace Kiptui, MP	

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15.	The Hon. Benard Shinali, MP	
16.	The Hon. Humphrey Njuguna, MP	
17.	The Hon. Francis K. Mwangangi, MP	
18.	The Hon. Rashid J. Bedzimba, MP	
19.	The Hon. Ibrahim Abdi Saney, MP	
20.	The Hon. Joseph O. Ndiege, MP	
21.	The Hon. Regina Nthambi Muia, MP	
22.	The Hon. (Maj. Rtd.) John K. Waluke, MP	
23.	The Hon. Akuja Protus Ewesit, MP	
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