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KENYA NATIONAL ASSEMBLY

NINTH PARLIAMENT – FIFTH SESSION (2006)

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

**REPORT ON
THE WITNESS PROTECTION BILL, 2006**

Clerk's Chambers,
Parliament Buildings,
NAIROBI.

July, 2006

PREFACE

Mr. Speaker Sir,

The Departmental Committee on Administration of Justice and Legal Affairs is established under Standing Order No. 151; its mandate pursuant to Standing Order 151(4) is:-


- a) 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;*
- b) to study the programme and policy objectives of the Ministries and departments and the effectiveness for implementation;*
- c) to study and know all legislation after First Reading, subject to the exceptions under Standing Order 101A (4);*
- d) to study, assess and analyze the relative success of Ministries and departments as measured by the results obtained as compared with its stated objectives;*
- e) to investigate and inquire into all matters relating to all assigned Ministries and Departments as they may deem necessary, and as may be referred to them by the House or a Minister and;*
- f) to make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.*

The Committee comprises:

- (i) Hon. Paul K. Muite, MP – Chairman
- (ii) Hon. Kenneth Marende, MP
- (iii) Hon. Jim Choge, MP
- (iv) Hon. Amina Abdalla, MP
- (v) Hon. Gideon Ndambuki, MP
- (vi) Hon. Moses Cheboi, MP
- (vii) Hon. Macharia Mukiri, MP
- (viii) Hon. Bifwoli Wakoli, MP
- (ix) Hon. Omingo Magara, MP
- (x) Hon. Zaddock Syong'o, MP
- (xi) Hon. Njoki Ndung'u, MP

Mr. Speaker Sir, On 31st May, 2006, the Witness protection Bill, 2006 was referred to this Committee after its First Reading. This Report contains the deliberations of the Committee on the proposed amendments to the Bill and the rationale behind the proposed amendments. In compiling this report, the Committee also took into consideration submissions from the Kenya National Commission on Human Rights.

Mr. Speaker Sir, it is now my pleasant duty and privilege, on behalf of the Departmental Committee on Administration of Justice and Legal Affairs, to present and commend this report to the House.

SIGNED:.....

Hon. Paul Muite, MP
Chairman, Departmental Committee on Administration of Justice and Legal Affairs

DATE:.....

PROPOSED AMENDMENTS TO THE WITNESS PROTECTION BILL, 2006 (BILL NO.15)

Preamble: Proposed Amendment

That the words "***commissions of inquiry***" be inserted after the word 'cases'.

Rationale: To make it consistent with the Memorandum.

Clause 3: Proposed Amendment

That Clause 3 (1) (a) be amended by inserting the following new sub-section-

3 (1) (a) (iii) *Any legally constituted proceedings including quasi-judicial bodies* .

Rationale: The protection of witnesses by the Attorney - General should not be discriminatory. The classification of the witnesses is narrow, restrictive and defeats the very purpose of the Bill.

Clause 5: Proposed Amendment

That Clause 5 (1) be amended by inserting the following words "***or a legal representative of the witness***" immediately after the words 'law enforcement agency'.

Rationale: To make it possible for a witness to apply to be included in the programme.

Clause 6: Proposed Amendment

That Section 6(1) (g) be deleted

Rationale: The Attorney General has absolute power to determine the participants of the programme irrespective of their past conduct.

Clause 7: Proposed Amendment

That Section 7 (2) (c) be amended by inserting the words "***and/or all other identification documents***" immediately after the word passports.

Rationale: Identification should not be restricted to passports only.

Clause 9: Proposed Amendment

Insert the words "***Notwithstanding the provisions of section (5) (1)***" at the beginning of the sentence.

Rationale: To make it consistent with clause 5.

Clause 12: Proposed Amendment

Insert the words "***within twenty one days of such cessation***" after the word shall.

Rationale: This information should be disseminated within reasonable time for effective decision making.

Clause 35: Proposed Amendment

That the word "**Attorney General**" be inserted in place of the word "**Minister**".

Rationale: The Attorney General is in charge of the Programme not the Minister.

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MINUTES OF THE ONE HUNDRED AND EIGHTEENTH SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION OF JUSTICE AND LEGAL AFFAIRS HELD ON MONDAY 17TH JULY 2006 IN THE MAIN CONFERENCE ROOM 1ST FLOOR COUNTY HALL, PARLIAMENT BUILDINGS AT 1.15 PM.

PRESENT

Hon. Paul Muite, MP - **Chairman**
Hon. Amina Abdalla, MP
Hon. Kenneth Marende, MP
Hon. Moses Cheboi, MP
Hon. Bifwoli Wakoli, MP
Hon. Omingo Magara, MP
Hon. Njoki Ndung'u, MP
Hon. Zaddock Syong'o, MP

ABSENT WITH APOLOGY

Hon. Macharia Mukiri, MP
Hon. Gideon Ndambuki, MP
Hon. Jim Choge, MP

IN-ATTENDANCE

- KENYA NATIONAL ASSEMBLY

Mr. Zakayo Mogere - Clerk Assistant
Ms. Benedictus Rono - Parliamentary Intern

MINUTE NO.109/2006

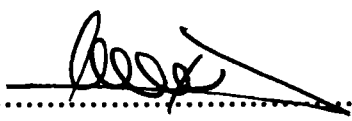
THE WITNESS PROTECTION BILL, 2006

Members went through the draft report on the Witness Protection Bill, 2006 and adopted it. The Hon. Njoki Ndung'u was mandated to table the report on behalf of the Committee.

MINUTE NO.110/2006

ADJOURNMENT

The Chairman adjourned the meeting at twenty five minutes past one o'clock.

Signed: 
(Chairman)

Date: 