

Approved for tabling

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SNA  
5/11/2020

REPUBLIC OF KENYA

*Paper laid  
By Hon Paul Koinange -  
Chairperson  
Thurs 5/11/20*



THE NATIONAL ASSEMBLY PAPERS LAID

DATE: 05 NOV 2020 DAY: Thurs

TABLED BY: Hon. Paul Koinange Chairperson

CLERK-AT THE-TABLE: Wanjiru Ndindin

THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT - FOURTH SESSION, 2020

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY

REPORT ON THE  
PUBLIC PETITION NO. 005 OF 2020 REGARDING INSECURITY IN  
BUMULA CONSTITUENCY, BUNGOMA COUNTY

CLERK'S CHAMBERS  
DIRECTORATE OF DEPARTMENTAL COMMITTEES  
PARLIAMENT BUILDINGS  
NAIROBI

NOVEMBER, 2020

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## **CHAIRPERSON'S FOREWORD**

This report contains the Committee's proceedings on the consideration of the Public Petition regarding incessant incidences of insecurity in Bumula Constituency. The Petition dated 5<sup>th</sup> March, 2020 by Hon. Mwambu Mabongah, MP on behalf of the residents of Bumula Constituency in Bungoma County was presented to the National Assembly on 5<sup>th</sup> March, 2020 and subsequently committed to the Departmental Committee on Administration and National Security for consideration and report to the House pursuant to the provisions of Standing Order 227(1).

The Committee was required to respond to the Petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the National Assembly not more than sixty (60) calendar days from the time of reading the prayer.

While considering the Petition, Hon. Mwambu Mabonga and the Inspector-General of Police appeared before the Committee and made submissions. The Committee on 19<sup>th</sup> March, 2020 travelled to Bungoma for public hearing in Bumula but could not undertake the hearing on 20<sup>th</sup> March, 2020 after the Government announced protocols on the prevention of spread of the deadly corona virus disease, which among others prohibited public gatherings.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during the consideration of the Petition. Finally, I wish to express my appreciation to the Honourable Members of the Committee, the Committee secretariat and all the stakeholders who made submissions towards the preparation and production of this report.

On behalf of the Departmental Committee on Administration and National Security and pursuant to provisions of Standing Order 227(2), it is my pleasant privilege and honor to present to this House the report of the Committee on its consideration of the Public Petition No. 005 of 2020 regarding the incessant incidences of insecurity in Bumula Constituency.

**HON. PAUL KOINANGE, M.P**  
**CHAIRPERSON**



## EXECUTIVE SUMMARY

The Public Petition No. 005 of 2020 dated 5<sup>th</sup> March, 2020 regarding incessant incidences of insecurity in Bumula Constituency, Bungoma County was submitted to the National Assembly on Thursday, 5th March, 2020 by Hon. Mwambu Mabongah, MP on behalf of the residents of Bumula Constituency. The Petition was subsequently committed to the Departmental Committee on Administration and National Security for consideration and report to the House pursuant to the provisions of Standing Order 227(1).

The petitioners averred that there were alarming incessant cases of insecurity involving armed gangs who had been attacking homes, businesses and individuals thereby causing loss of lives, property, injury to victims and continued disruption of economic activities.

The petitioners averred that due to proximity of the constituency to the Kenya-Uganda border, they believed that some perpetrators of the heinous attacks sneaked in from the neighbouring country, wreaked havoc then retreated. Despite the numerous complaints filed by residents, no definitive security measures had been taken by the security agencies to secure lives and property of residents thereby raising suspicion as to the possibility of ineptness or conspiracy by police officers.

Those who made submissions before the Committee on the petition were Hon. Mwambu Mabonga on behalf of Butula constituents and the Inspector-General of Police. Their submissions were key in determination of the Committee's recommendations.

The Committee therefore recommends as follows-

- (i) The Inspector-General of Police should as a matter of urgency transfer police officers who have served and overstayed their posting at the Bumula Police Station;
- (ii) The Inspector-General of Police should take necessary action to ensure the Bumula Police Station is allocated adequate vehicles and fuel for patrol; and
- (iii) The Inspector-General of Police should ensure that night patrols are enhanced.

## PART 1

### PREFACE

#### 1.0 ESTABLISHMENT AND MANDATE OF THE COMMITTEE

Hon. Speaker,

#### 1.1 Mandate of the Committee

1. The Departmental Committee on Administration and National Security is established in accordance with the provisions of Standing Order 216 of the National Assembly. Its mandate as provided for in S.O. 216(5) is –
  - (a) *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
  - (b) *study the programme and policy objectives of Ministries and departments and the effectiveness of 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 their 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;*
  - (f) *to vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments) ;*
  - (g) *examine treaties, agreements and conventions;*

- (h) *make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
- (i) *consider reports of Commissions and Independent Offices submitted to the House, pursuant to the provisions of Article 254 of the Constitution; and*
- (j) *Examine any questions raised by Members on matters within its mandate.*

2. The subjects under the Committee's jurisdiction are; national security, police services, home affairs, public administration, public service, prisons, management of natural disasters and community service orders.

## 1.2 Composition of the Committee

3. The Committee was constituted on 14<sup>th</sup> December, 2017 and as at the time of considering the Petition and compiling this report comprised the following Members-

### *Chairperson*

**Hon. Paul Karuga Koinange, MP**  
Kiambaa Constituency  
**Jubilee Party**

### *Vice-Chairperson*

Hon. Fatuma Gedi, MP  
Wajir County  
**Jubilee Party**

**Hon. Jeremiah Ekamais Lomurukai, MP** **Hon. (Dr.) Tecla Tum, MP**  
Loima Constituency Nandi County  
**ODM Party** **Jubilee Party**

**Hon. Kaluma, George Peter Joseph, MP** **Hon. Josphat Kabinga, MP**  
Homa Bay Town Constituency Mwea Constituency  
**ODM Party** **Jubilee Party**

**Hon. (Dr.) Makali Mulu, MP** **Hon. Nimrod Mbai, MP**  
Kitui Central Constituency Kitui East Constituency  
**Wiper Party** **Jubilee Party**

**Hon. Ngunjiri Wambugu, MP** **Hon. Peter Masara, MP**  
Nyeri Town Constituency Suna West Constituency  
**Jubilee Party** **Independent Party**

**Hon. Aduma Owuor, MP** **Hon. Abdi Shurie, MP**  
Nyakach Constituency Balambala Constituency  
**ODM Party** **Jubilee Party**



**Hon. Swarup Ranjan Mishra, MP**  
Kesses Constituency  
**Jubilee Party**

**Hon. Col. (Rtd) Geoffrey King'ang'i, MP**  
Mbeere South Constituency  
**Jubilee Party**

**Hon. Arbelle, Marselino Malimo, MP**  
Laisamis Constituency  
**Jubilee Party**

**Hon. William Kamuren Chepkut, M.P.**  
Ainabkoi Constituency  
**Independent Party**

**Hon. Halima Muccheke, MP**  
Nominated Member  
**Jubilee Party**

**Hon. Oku Kaunya, MP**  
Teso North Constituency  
**ANC Party**

**Hon. Rozaah Buyu, MP**  
Kisumu County  
**ODM Party**

### **1.3 Committee Secretariat**

4. The Committee Secretariat comprises the following staff-

**Mr. George Gazemba, ACarb, CPM**  
Principal Clerk Assistant  
**Lead Clerk**

Mr. Joshua Ondari  
**Clerk Assistant**

Ms. Brigitta Mati  
**Legal Counsel**

Mr. Edison Odhiambo  
**Fiscal Analyst**

Mr. Josphat Bundotich  
**Serjeant-at-Arms**

Ms. Eva Kaare  
**Serjeant-at-Arms**

Mr. Yakub Ahmed,  
**Media Officer**

Rodgers Kilungya  
**Audio Recording Officer**

## PART 2

### **2.0 INTRODUCTION**

#### **2.1 Constitutional and Statutory provisions regarding Petitions**

5. Standing Order 227 provides for the committal of public petitions to the House whereby every Petition presented or reported to the House shall be committed to the relevant Departmental Committee for consideration and report to the House and petitioner within sixty (60) days. Further, the Petition to Parliament (Procedure) Act, 2012 provides for the procedure to be followed in the submission, processing and consideration of a Petition.
6. The Public Petition No. 005 of 2020 regarding insecurity in Bumula Constituency is dated 5<sup>th</sup> March 2020 and was presented to the National Assembly on Thursday, 5<sup>th</sup> March 2020 by Hon. Mwambu Mabongah on behalf of the residents of Bumula Constituency which is in Bungoma County. The Petition was subsequently committed to the Departmental Committee on Administration and National Security for consideration and report to the House and petitioners pursuant to the provisions of Standing Order 227(1);
7. Article 26 of the Constitution of Kenya guarantees every Kenyan the inalienable right to life by providing that a person shall not be deprived of life intentionally while Article 29 of the constitution safeguards every person's right to freedom and security, which includes the right not to be subjected to any form of violence from either public or private sources.
8. Article 238 of the constitution envisages National Security as the protection against internal and external threats to Kenya's territorial integrity and sovereignty, its people, their rights, freedoms, property, peace, stability and prosperity.
9. Article 239(2) of the Constitution places the primary responsibility and obligation for promoting and guaranteeing national security on national security organs, which are the Kenya Defence Forces, the National Intelligence Service and the National Police Service.

10. Articles 94 as read together with Article 95 of the Constitution further provides for the role and by extension the authority of Parliament in general and the National Assembly in particular. Generally, the Houses of Parliament exercise the legislative mandate of the people, deliberate on matters of national interest and oversight the exercise of power by other arms of government.
11. The right to Petition Parliament is provided for under Article 119 of the Constitution and states as follows:-

*“Every person has a right to Petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation. Parliament shall make provision for the procedure for the exercise of this right.”*

12. The residents of Bumula Constituency had been experiencing incessant cases of insecurity involving armed gangs that had been attacking homes, businesses and individuals causing loss of lives, property and injury to victims and continued disruption of livelihoods.
13. Despite numerous incidences and complaints by residents on insecurity in the area, no definitive security measures had been taken by security agencies in the constituency to secure lives and property of residents. This culminated in a Petition to the House by Hon. Mwambu Mabonga.



### **PART 3**

#### **3.0 HEARING ON THE PETITION**

#### **3.1 HON. MWAMBU MABONGA**

14. Hon. Mwambu Mabonga on behalf of the residents of Bumula Constituency appeared before the Committee on 12<sup>th</sup> March, 2020 and submitted as follows-
- (i) On 15<sup>th</sup> September, 2019, a second year University student, Amos Faluma was attacked and murdered in cold blood at Syoya Village in Kabula Ward and his motorbike stolen;
  - (ii) On 19<sup>th</sup> September 2019, thugs armed with guns struck Napara market in Kimaeti Ward and injured a number of people, including Moses Kokonya, a woman by the name Evelyn and Martin Kwapwondi;
  - (iii) On 21<sup>st</sup> November 2019, a form 2 student, Nipher Wafula of St. Antony Naburereya Secondary School in Kabula Ward was shot dead at Sibembe market by armed attackers;
  - (iv) On 19<sup>th</sup> December 2019, armed thugs attacked Mareba Bar at Mateka Market in South Bukusu Ward, shot and killed one person identified as Mamboo;
  - (v) In December 2019 and January 2020, several heads of cattle were stolen from Kibachenje, Tabuti, Mateka and Muanda among other villages in South Bukusu ward and the theft of livestock had been ongoing on almost on a daily basis throughout the constituency;

- (vi) On 10<sup>th</sup> January, 2020, a young man named Chrispinus Murakhi Wamalwa was attacked by a gang at a local pub at Miyanga Township in Kimaeti ward and later succumbed to injuries;
- (vii) On 15<sup>th</sup> January 2020, a young businessman named Philip Osiyako Mutichiro was fatally shot by thugs at night at Samichi village in Kabula ward and the following day on 16<sup>th</sup> January 2020, Yonah Simiyu was hacked to death at his home and his wife raped in front of their children in Bitobo village;
- (viii) Due to the proximity of the constituency to the Kenya-Uganda border there were claims that some perpetrators of the heinous attacks sneaked in from the neighbouring country, wreaked havoc then retreated to their home country;
- (ix) Despite the numerous incidences and many others not detailed, and despite the numerous complaints filed by residents, no definitive security measures had been taken by the security agencies in the constituency to secure lives and property of residents;
- (x) The issue of insecurity was getting out of hand noting that so far the constituency had lost 12 persons and several animals with the latest being on 11<sup>th</sup> March, 2020. The incidences happened under the watch of police officers. He highlighted various issues of concern in the constituency including;
- a) Issues of the porous Uganda border;
  - b) The opening time of the Government slaughter at 4:00am;
  - c) Political instability in the region;
  - d) Police officers who have overstayed in the post beyond 3years requirement;
  - e) Lack of equipment by the police officers which inhibit quick response; and
  - f) Police officers doing business with local residence.

- (xi) The Police seem to be in business with criminals thus protecting them. Out of the several cases reported, none of them had been successfully investigated and suspects charged in court which was suspicious;
- (xii) His political competitors were also to blame for insecurity in the Sub-County as a result of their negative political utterances whenever criminal incidents occurred;
- (xiii) Community policing and Nyumba Kumi initiatives were ineffective in the county leading to increased crime rate. Whereas residents, knew the criminals terrorizing them, they could not report them to the police for fear of reprisals considering that some of the criminals were under police protection;
- (xiv) He affirmed that the matters raised in the petition were not pending before any court of law.

15. The Petition therefore asked the House through the Departmental Committee on Administration and National Security to inquire into all the matters raised in the Petition with a view to compelling the relevant state agencies to take necessary action towards restoration of security, protection of lives and property of residents and compensation of victims of the said attacks.

### **3.2 THE INSPECTOR-GENERAL OF POLICE**

16. Sarah Duncan, Deputy Director Operations, National Police Service appeared before the Committee on 7<sup>th</sup> July, 2020 and submitted as follows-

- (i) Since January 2020 there had been several incidents of murder and robberies reported to Police in Bumula Sub-County;
- (ii) On 16<sup>th</sup> January, 2020 at Kabula Market Samich village Sub-Location one Philip Adoli Osiako aged 27 years an M-Pesa shop operator, while driving home was attacked by two (2) people on a motorcycle registration number unknown. He was shot several times within his compound and was rushed to hospital but pronounced dead on arrival. Police visited the scene and recovered nine spent cartridges. The case was still under investigations;

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- (iii) On 30<sup>th</sup> January, 2020 in Bitobo Sub-Location, Bumula Sub County, one Yonah Silali aged 36 years while asleep with his wife Ruth Nekesa Simiyu aged 34 years were attacked by unknown people armed with crude weapons. The attackers had gained entry to their house through the window. Simiyu was cut severally and succumbed to injuries. The wife was gang-raped and later robbed off Kshs 12,000 cash and mobile phone valued at Kshs 12,000. The case was still under investigation;
- (iv) On 30<sup>th</sup> January 2020 the manager, Green State Bar in Bumula Sub-County while on his way home was attacked by two persons who strangled and hit him on the head using crude weapon before robbing him an unknown amount of money. The attackers then fled when the victim raised the alarm leaving behind a motorcycle Reg. No. KMEA 888G Boxer black in colour. The victim was rushed to the hospital for treatment. The case was still under investigation;
- (v) On 27<sup>th</sup> February, 2020 at Nangeni Centre Bumula Sub-County, one Olivia Amakobe, 32 years old while at her house with her family were attacked by a gang of two men armed with crude weapons which robbed them. During the incident, one Florence Namande the house help aged 29 years was gang-raped by two robbers. The case was still under investigation;
- (vi) On 19<sup>th</sup> May, 2020 at night at Masiello Market, one Antony Masika was murdered. Six (6) suspects were arrested and later released due to lack of evidence. The case was still under investigation; and
- (vii) Another case involved the late Duncan Moling Funguti, who was murdered on 4<sup>th</sup> March 2020 at Mayanja Village. No suspects were arrested.

17. The National Police Service had instituted the following measures to ensure security in Bumula Sub-County-

- (i) Bumula Sub-County would be equipped with additional police motor vehicles to enhance patrols especially at night;



- (ii) The National Police Service was in the process of deploying a platoon of Anti-Stock Theft Unit to enhance security;
- (iii) The County Security Intelligence Committee held a peace and security meeting in Bumula Division and was planning to hold other such meetings with Kakamega and Busia Counties;
- (iv) Kabula, Myanga and Kimwanga had been upgraded to police stations and five (5) police posts upgraded.

18. Arising from the submissions by the petitioner and the meeting with the Inspector-General of Police, the Committee observed and or found as follows-

- (i) Indeed, incidents of insecurity in Bumula Sub County were incessant leading to deaths, loss of property and loss of economic livelihood income;
- (ii) Despite the numerous incidences and complaints filed by residents, no definitive security measures had been taken by the Ministry of Interior and Coordination of National Government and the Inspector General of Police to secure lives and properties of residents;
- (iii) Despite several cases being reported long time ago, the Police Service and the Directorate of Criminal Investigations had not yet concluded investigations and charged suspects in court;
- (iv) There were Police Officers who were serving and had overstayed their posting in Bumula Sub-County and had nothing new to offer in ensuring peace and security in the Constituency;

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#### **4.0 COMMITTEE OBSERVATIONS**

Arising from the submissions by the petitioner and stakeholders, The Committee observed that;

- a) Due to the proximity of the Constituency to the Kenya-Uganda border some of the heinous attackers sneaked in from the neighboring country, wreaked havoc then retreated to their home country;
- b) Despite the numerous incidences and complaints filed by residents, no definitive security measures had been taken by the Ministry of Interior and Coordination of National Government and the Inspector General of Police to secure lives and properties of residents;
- c) Police Officers who were serving had overstayed their posting in Bumula Sub-County; and
- d) The insecurity in the area was as a result of porous Uganda border; opening time of the Government slaughter at 4:00am which encouraged theft of cattle; and political instability in the region.

## **5.0 COMMITTEE RECOMMENDATIONS**

19. Arising from the observation and key findings, the Committee recommends as follows–
- (i) The Inspector-General of Police should transfer Police Officers who have served, overstayed and outlived their usefulness in Bumula Sub-County and report back to the Committee within thirty (30) days of tabling this report.
  - (ii) The Inspector-General of Police should ensure Bumula Sub County is allocated additional police motor vehicles and fuel to enhance patrols especially at night;
  - (iii) The Inspector-General of Police should ensure the process of deploying a platoon of Anti-Stock Theft Unit to enhance security in Bumula Sub County is fast tracked;
  - (iv) The County Security Intelligence Committee should ensure continuous holding of peace and security meetings in Bumula Sub County and its neighbours in Kakamega and Busia Counties with a view to enhancing peace and security;
  - (v) The Independent Policing Oversight Authority should investigate the conduct of police officers who served in Bumula County when incidents leading to this Petition were reported with a view to taking or recommending appropriate action against those culpable;
  - (vi) The Inspector-General of Police and Bungoma County Administration should take necessary action to ensure that Community Policing and Nyumba Kumi Initiatives are embraced by Bumula residents and the entire county;

- (vii) The Directorate of Criminal Investigation should investigate the operations of slaughter houses in Bumula Sub County with a view to establishing if they may have been involved in malpractices and taking appropriate action against them;
- (viii) Political leaders in Bumula should hold regular meetings aimed at maintaining security, peace and stability in the sub county.

Sign  .....

Date 3<sup>rd</sup> Nov 2020 .....

**THE HON. PAUL KOINANGE, MP**

**CHAIRPERSON, DEPARTMENTAL COMMITTEE ON ADMINISTRATION  
AND NATIONAL SECURITY**



REPUBLIC OF KENYA



NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY

ATTENDANCE SCHEDULE



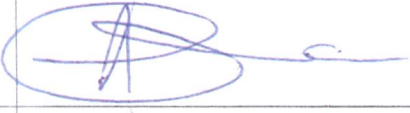

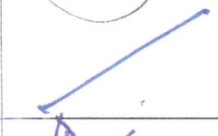

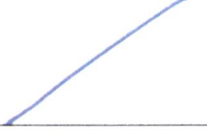


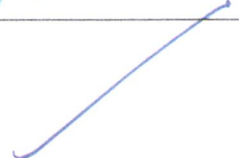
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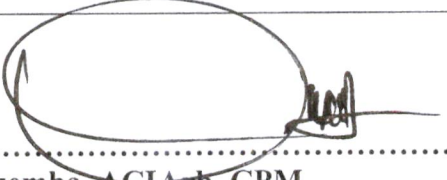
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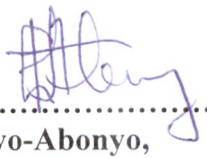
VENUE: Mini-chamber, County Hall

AGENDA: Adoption of the following Reports: - (i) Report on Statute Law (Miscellaneous Amendments) Bill, 2020 (ii) Report on the Petition regarding incident incidents of Intimidation in Bungula Constituency.

| NO. | NAME                                 | SIGNATURE |
|-----|--------------------------------------|-----------|
| 1.  | Hon. Paul Koinange, MP - Chairperson |           |
| 2.  | Hon. Fatuma Gedi - Vice-Chairperson  |           |
| 3.  | Hon. George Peter Kaluma, MP         |           |
| 4.  | Hon. Dr. Makali Mulu, MP             |           |
| 5.  | Hon. Aduma Owuor, MP                 |           |
| 6.  | Hon. Geoffrey Kingagi Muturi, MP     |           |
| 7.  | Hon. Marselino Malimo Arbelle, MP    |           |
| 8.  | Hon. Dr. Tecla Chebet Tum, MP        |           |
| 9.  | Hon. Josphat Kabinga Wachira, MP     |           |

|     |                               |   |
|-----|-------------------------------|---|
| 10. | Hon. Nimrod Mbithuka Mbai, MP |    |
| 11. | Hon. Ngunjiri Wambugu, MP     |    |
| 12. | Hon. Abdi Omar Shurie, MP     |    |
| 13. | Hon. Halima Mucheke, MP       |    |
| 14. | Hon. Peter Masara, MP         |    |
| 15. | Hon. Oku Kaunya, MP           |    |
| 16. | Hon. Rozaah Buyu, MP          |   |
| 17. | Hon. Jeremiah Lomurukai, MP   |  |
| 18. | Hon. William Chepkut, MP      |  |
| 19. | Hon. Swarup Mishra, MP        |  |

Signed..........Date.....03/09/2020.....  
George Gazemba, ACI Arb, CPM,  
Principal Clerk Assistant,  
Departmental Committee on Administration and National Security.

Signed..........Date.....03/9/2020.....  
Florence Atenyo-Abonyo,  
Director, Committee Services.

**MINUTES OF THE 46<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON WEDNESDAY 19<sup>TH</sup> AUGUST, 2020 AT 1.20 PM IN THE MINI CHAMBER, COUNTY HALL, PARLIAMENT BUILDINGS**

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**PRESENT-**

1. Hon. Paul Koinange, MP - *Chairperson*
2. Hon. Fatuma Gedi Ali, MP - *Vice-Chairperson*
3. Hon. Aduma Owuor, MP
4. Hon. Halima Mucheke, MP
5. Hon. Oku Kaunya, MP
6. Hon. Abdi Omar Shurie, MP
7. Hon. Ngunjiri Wambugu, MP
8. Hon. Marselino Malimo Arbelle, MP
9. Hon. William Kamuren Chirchir Chepkut, MP
10. Hon. Jeremiah Ekamais Lomurukai, MP

**ABSENT WITH APOLOGIES**

1. Hon. Dr. Makali Mulu, MP
2. Hon. Peter George Kaluma, MP
3. Hon. Dr. Tecla Chebet Tum, MP
4. Hon. Nimrod Mbithuka Mbai, MP
5. Hon. Josphat Kabinga Wachira, MP
6. Hon. Col(Rtd) Geoffrey Kingangi, MP
7. Hon. Rozaah Buyu, MP
8. Hon. Peter Masara, MP
9. Hon. Swarup Ranjan Mishra, MP

**IN ATTENDANCE-**

**COMMITTEE SECRETARIAT-**

1. Mr. George Gazemba - Principal Clerk Assistant II
2. Mr. Joshua Ondari - Clerk Assistant
3. Ms. Brigitta Mati - Legal Counsel
4. Mr. Rodgers Kilyungi - Audio Recording Officer
5. Mr. James Oloo - Serjeant-at-Arms

**MIN No. 180/2020:-**

**PRELIMINARIES AND COMMUNICATION  
FROM THE CHAIRPERSON**



The Chairperson officially welcomed Members to the meeting at 1.20 pm with a word of prayer by himself.

**MIN No. 181/2020:-**

**ADOPTION OF THE REPORT ON THE THE  
STATUTE LAW (MISCELLANEOUS  
AMENDMENT) BILL (NATIONAL  
ASSEMBLY BILLS NO. 15 OF 2020)**

The Committee observed the following—

- (1) THAT, the proposed amendments to the Public Holidays Act (Cap.109) are in order as the implication of the amendments is to harmonise the terms applied in the Act with the Constitution and to rename Moi Day as Utamaduni Day;
- (2) THAT, the proposed amendments to the Firearms Act (Cap.114), are in order as the implication of the amendments is to replace the reference to the Commissioner General of Police with the Inspector General in line with the National Police Service Act, 2011;
- (3) THAT, in the proposed amendments to the Official Secrets Act (Cap 187) the implication is to harmonise provisions in the Act, with the structure of courts. It also proposes to amend the Act to harmonise it with advances in technology. The Committee further observed in the proposed amendment to section 6, that there is need to provide for extent of limitation to the right to privacy. The Committee proposed “National Interest” as the criteria that may warrant a Cabinet Secretary to seek the limitation of one’s right to privacy. The Committee also observed that the exercise of such power should be subjected to external verification by the court in making information available to the cabinet Secretary or any other authorised persons;
- (4) THAT, the proposed amendment to the National Police Service Commission Act, 2011 (No.30 of 2011) is in order as the implication of the amendment is to correct an error; and
- (5) THAT, the proposed amendments to the Kenya Coast Guard Act, 2018 (No.11 of 2018) are in order as the implication of the amendments is to include Kenya Wildlife Service and the Kenya Forest Service as bodies from which the Service can recruit officers. The Committee noted that the



amendments propose to expand the Technical Committee and standardize the ranks in the Service with the Defence Forces.

The Committee having considered the Statute Law (Miscellaneous Amendments) Bill, 2020 recommends the following;

**The Public Holidays Act, Cap. 104)**

The Committee agreed to the Proposed Amendments

***Justification***

*The implication of the amendments is to harmonise the terms applied in the Act with the Constitution and to rename Moi Day as Utamaduni Day;*

**The Firearms Act, (Cap.114)**

The Committee agreed to the Proposed Amendments

***Justification***

*The implication of the amendments is to replace the reference to the Commissioner General of Police with the Inspector General in line with the National Police Service Act, 2011;*

**The Official Secrets Act, (Cap. 187)**

Section 2 (1) the Committee agreed to the proposed Amendments

***Justification***

*The implication is to harmonise provisions in the Act, with the structure of courts and other State Offices established by the Constitution. It also proposes to amend the Act to harmonise it with advances in technology.*

**Section 6 the Committee proposed the following—**

in the proposed amendments to the Official Secrets Act, Cap 187, by deleting the proposed amendments to section 6 and substituting therefor the following—

**S.6 Delete and substitute therefor the following new section—**

Production of data.6. (1) Where it appears to the Cabinet Secretary that it is national interest to do so, the Cabinet Secretary may, by a warrant from the High Court, require any person who owns or controls any telecommunications apparatus used for the sending or receipt of any data to or from any place outside Kenya, to

produce to the Cabinet Secretary or any person named in the warrant, the original or transcripts of all such data and all other documents relating to such data.

(2) Any person who fails to comply with a request made under subsection (1) shall be guilty of an offence and liable to imprisonment for a term not exceeding one year.

***Justification***

*In section 6, there is need to provide for extent of limitation to the right to privacy. The Committee proposed “National Interest” as the criteria that may warrant a Cabinet Secretary to seek the limitation of one’s right to privacy. The Committee also noted that the exercise of such power should be subjected to external verification by the court in making information available to the cabinet Secretary or any other authorised persons;*

**The National Police Service Commission Act, 2011 (No. 30 of 2011)**

The Committee agreed to the Proposed Amendments

***Justification***

*To correct an error*

The Kenya Coast Guard Services Act, 2018 (No. 11 of 2018)

The Committee agreed to the Proposed Amendments

***Justification***

*The implication of the amendments is to include Kenya Wildlife Service and the Kenya Forest Service as bodies from which the Service can recruit officers. The Committee noted that the amendments propose to expand the Technical Committee and standardize the ranks in the Service with the Defence Forces.*

The Committee unanimously adopted the report after being proposed and seconded by Hon. Jeremiah Ekamais Lomurukai, MP and Hon. William Kamuren Chirchir Chepkut, MP respectively.

**MIN No. 182/2020:-**

**ADOPTION OF THE REPORT ON  
PETITION NO. 005 OF 2020 REGARDING  
INCESSANT INCIDENTS OF INSECURITY  
IN BUMULA CONSTITUENCY**

The Committee unanimously adopted the report after being proposed and seconded by Hon. Oku Kaunya, MP and Hon. Aduma Owuor, MP respectively.

**MIN No. 183/2020:-**

**ADJOURNMENT**

The Chairperson adjourned the meeting at two in the afternoon until Monday, 31<sup>st</sup> August, 2020 at 2:30 pm.

Signed.....  
Chairperson

Date.....



REPUBLIC OF KENYA



TWELFTH PARLIAMENT- (FOURTH SESSION)

THE NATIONAL ASSEMBLY

PUBLIC PETITION

(No. 005 of 2020)

**REGARDING INCESSANT INCIDENCES OF INSECURITY IN BUMULA  
CONSTITUENCY**

Approved:  
BAT  
SNA  
5/3/2020

I, the **UNDERSIGNED**, on behalf of the Concerned residents of Bumula Constituency,  
**DRAW** the attention of the House to the following: -

1. **THAT**, Articles 26 of the Constitution guarantees every Kenyan the inalienable right to life by providing that a person shall not be deprived of life intentionally while Article 29 of the Constitution safeguards every person's right to freedom and security, which includes the right not to be subjected to any form of violence from either public or private sources;
2. **THAT**, Article 238 of the Constitution envisages national security as the protection against internal and external threats to Kenya's territorial integrity and sovereignty, its people, their rights, freedoms, property, peace, stability and prosperity;
3. **FURTHER THAT**, Article 239(2) of the Constitution places the primary responsibility and obligation for promoting and guaranteeing national security on the national security organs, which are the Kenya Defence Forces, the National Intelligence Service and the National Police Service;
4. **THAT**, residents of Bumula Constituency have been experiencing incessant cases of insecurity involving armed gangs that have been attacking homes, businesses and individuals causing loss of lives, property, injury to victims and continued disruption of livelihoods;
5. **THAT**, on 15<sup>th</sup> September 2019, a second year University student named Amos Faluma was attacked, murdered in cold blood at Syoya Village in Kabula Ward and his motorbike stolen;
6. **THAT**, on 19<sup>th</sup> November 2019, thugs armed with guns struck Napara market in Kimaeti Ward and injured a number of people, including Moses Kokonya, a woman by the name Evelyn and Martin Khapwondi;
7. **THAT**, on 21<sup>st</sup> November 2019, a form 2 student named Nipher Wafula of St. Antony Naburereya Secondary school in Kabula Ward was shot dead at Sibembe market by armed attackers;



**PUBLIC PETITION**

**REGARDING INCESSANT INSECURITY INCIDENCES IN BUMULA  
CONSTITUENCY**

8. **THAT**, on 19<sup>th</sup> December 2019, armed thugs attacked Mareba Bar at Mateka market in South Bukusu Ward and shot one person identified as Mambo;
9. **THAT**, in December 2019 and January 2020, several heads of cattle were stolen from Kibachenje, Tabuti, Mateka and Muanda among other villages in South Bukusu ward and the theft of livestock has been going on almost on a daily basis throughout the constituency;
10. **THAT**, on 10<sup>th</sup> of January 2020, a young man named Chrispinus Murakhi Wamalwa was attacked by the said gang at a local pub at Miyanga Township in Kimaeti ward and later succumbed to injuries;
11. **THAT**, on 15<sup>th</sup> January 2020, a young businessman named Philip Osiyako Mutichiro was fatally shot by thugs at night at Samichi village in Kabula ward and the following day on 16<sup>th</sup> January 2020, Yonah Simiyu was hacked to death at his home and his wife raped in front of their children in Bitobo village;
12. **THAT**, due to the proximity of the constituency to the Kenya-Uganda border there are claims that some perpetrators of the heinous attacks sneak in from the neighbouring country, wreak havoc then retreat;
13. **THAT**, despite these numerous incidences and many others not detailed here, and despite the numerous complaints filed by residents, no definitive security measures have been taken by the security agencies in the constituency to secure lives and property of residents;
14. **THAT**, while victims and families of those who lost their loved ones are crying for justice, efforts to have the matter addressed by way of Questions raised on the floor of this House, letters to the Cabinet Secretary for Interior and Coordination of National Government and the Inspector General of Police have been futile;
15. **THAT**, the matters raised in this Petition are not pending before any court of law;

**THEREFORE**, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Administration and National Security inquires into all the matters raised in this Petition with a view to compelling the relevant state agencies to take necessary action towards restoration of security, protection of lives and property of residents and compensation of victims of the said attacks.

And your Petitioners will forever pray.

**PRESENTED BY:**

  
**HON. MWAMBU MABONGAH, MP**  
**MEMBER FOR BUMULA CONSTITUENCY**

**PUBLIC PETITION**  
**REGARDING INSECURITY IN BUMULA CONSTITUENCY**

| S/No | NAME OF PETITIONER    | ID NUMBER              | CONTACT    | SIGNATURE |
|------|-----------------------|------------------------|------------|-----------|
| 1.   | RUTH N SIMITHI        | 25873272               | 0796345688 |           |
| 2.   | FLORENCE J. MURAKI    | 6412911                | 0717890186 |           |
| 3.   | BEN N SIMIYE          | 13886493               | 0718663830 |           |
| 4.   | PAUL WANDILI          | 0722364                | 0705208913 |           |
| 5.   | FRANCIS IN KIHAMBIA   | 13157900<br>0705557284 | 0705557284 |           |
| 6.   | Alex Sifuna           | 28499120               | 0712753717 |           |
| 7.   | Isaac W Wandili       | 25476495               | 0714706206 |           |
| 8.   | Andrew Wajala         | 6324067                |            |           |
| 9.   | Peter Wajala          | 0824291                | 0713458852 |           |
| 10.  | ERIC WATOLA           | 24741825               | 0729816060 |           |
| 11.  | MAURICE WICKIABE      | 25433130               | 0716905488 |           |
| 12.  | SIMON WALEKWA         | 14685055               | 0712131321 |           |
| 13.  | JOHN ISHISA           | 24814495               | 0719384656 |           |
| 14.  | MURIAM N WANYAMA      | 11658949               | 0728981055 |           |
| 15.  | PENINAH O. AMUISA     | 3622461                | 0722469171 |           |
| 16.  | MOSES F. MASONI       | 8012570                | 0936211212 |           |
| 17.  | Ignatius Makhanu      | 21668111               | 0720200735 |           |
| 18.  | DOPIAS WAMULWA        | 2097561                | 0728673564 |           |
| 19.  | PAUL CHEMIATI LUKOATI | 23210905               | 0723064312 |           |
| 20.  | TOBIAS MARIKA         | 29778451               | 0708228595 |           |
| 21.  | Jemima WANTONTI       | 29115699               | 0710401251 |           |





REPUBLIC OF KENYA  
PARLIAMENT

## Hon. Mwambu Mabongah, MP.

Bumula Constituency

Member: Communication, Information & Innovation Committee

Member: Special Funds Account Committee

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bumula@parliament.go.ke

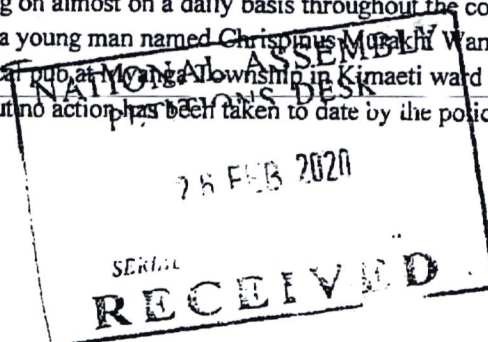
**SPEAKER OF THE NATIONAL ASSEMBLY**  
**P.O BOX 41842 – 00100**  
**NAIROBI.**

### **RE: PUBLIC PETITION ON BEHALF OF RESIDENTS OF BUMULA CONSTITUENCY** **REGARDING INSECURITY**

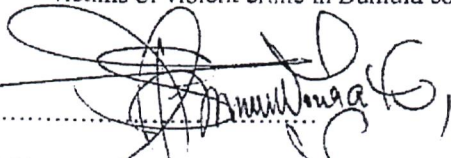
I, the **UNDERSIGNED**, on behalf of the residents of Bumula Constituency,

**DRAW** the attention of the House to the following:-

1. **THAT**, Article 26 of the constitution guarantees Kenyans their inalienable right to life by establishing that a person shall not be deprived of life intentionally while Article 29 of the same constitution safeguards the freedom and security of Kenyans by establishing the right not to be subjected to any form of violence from either public or private sources;
2. **THAT**, Article 239 (2) of the constitution places the primary responsibility and obligation for promoting and guaranteeing national security on the national security organs which are the Kenya Defence Forces, the National Intelligence Service and the National Police Service;
3. **THAT** Bumula Constituency has been experiencing increased cases of insecurity involving armed gangs attacking homes, businesses and individuals causing loss of lives, property, and injury to victims.
4. **THAT** on 15<sup>th</sup> September 2019, a Second Year University student named Amos Faluma was murdered in cold blood and his motorbike stolen at Syoya village in Kabula ward.
5. **THAT** on 19<sup>th</sup> November 2019, thugs armed with guns struck Napara market in Kimaeti ward injuring a number of people including Moses Kokonya, Evelyn and Martin Khapwondi.
6. **THAT** on 21<sup>st</sup> November 2019, a form 2 student named Nipher Wafula of St. Antony Naburereya Secondary school in Kabula ward was shot dead at Sibembe market.
7. **THAT** on 19<sup>th</sup> December 2019, armed thugs attacked Mareba Bar at Mateka market in South Bukusu ward and short one person identified as Mambo.
8. **THAT** in the months of December 2019 up to January 2020, several cattle were stolen from Kibachenje, Tabuti, Mateka and Muanda among other villages in Bumula constituency.
9. **THAT** this theft of cattle is going on almost on a daily basis throughout the constituency.
10. **THAT** on 10<sup>th</sup> of January 2020, a young man named Christopher Mubaki Wamalwa was attacked by the said gang at a local pub at Mwangi Township in Kimaeti ward and succumbed to the injuries a few days later but no action has been taken to date by the police.



11. **THAT** on 15<sup>th</sup> January 2020, a young businessman named Philip Osiyako Mutichiro was fatally shot by thugs at night at Samichi village in Kabula ward.
12. **THAT** on 16<sup>th</sup> January 2020, Yonah Simiyu was, at his home, hacked to death and his wife raped in front of their young children in Bitobo village.
13. **THAT** Bumula constituency is close to the Uganda border and there are claims that some of the perpetrators sneak in from the neighboring country, wreak havoc and disappear.
14. **THAT** despite these numerous incidences and many others not detailed here, and despite the numerous complaints from the residents, they have not seen any definitive security measures taken by security agencies in the constituency to secure the lives and property of my people.
15. **THAT** I have raised this issue on the floor of this House, I have written to the Cabinet Secretary for Interior and Coordination of National Government, I have also written to the Inspector General of Police as well as to the Chairman of the Committee on Administration and National Security.
16. **THAT** I have not received any response from the aforesaid offices and to-date there has not been any arrests and there is no one who has been arraigned in court.
17. **THAT** there seems to be general negligence, laxity and probably collusion in the perpetration of these crimes and people are living in total fear.
18. **THAT** the victims and families of those who lost their loved ones are crying for justice.
19. **THAT** the matters raised in this Petition are not pending before any court of law in Kenya.
20. **THAT** the Petitioner therefore prays for:-
  - (a) Pursuant to Standing Order 216(5)(a), the relevant Committee of the House does inquire into all the matters raised in this Petition in particular why there is an increased rate of violent crime in Bumula Constituency, why there have not been arrests and arraignment to court and measures that the national security organs have taken to protect people's right to life and freedom and security contemplated under Articles 26 and 29 of the constitution
  - (b) Pursuant to Standing Order 216(5)(a), the relevant Committee of the House does make recommendations necessary for the promotion of security and compensation of the victims of violent crime in Bumula constituency.

  
HON. MWAMBU MABONGAH, MP.  
BUMULA CONSTITUENCY

  
DATE



