

## COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)(Mr. Speaker left the Chair)

IN THE COMMITTEE

(Mr. Chairman took the Chair)

The Constitution of Kenya (Amendment) Bill, 1988

(Clauses 2, 3 and 4 agreed to)Clause 5

MR. KUBO: Mr. Chairman, Sir, while we agree to this amendment, we would like to question it, particularly, in connection with when people are detained. We have seen cases in which somebody is kept in custody for a very minor offence. I am talking from experience, because I have seen cases where people are kept in custody because they are suspected of having committed a capital offence. However, later on when investigations are carried out, <sup>and</sup> in fact, in most cases it appears that there may have been malice.

MR. CHAIRMAN: Order! Mr. Kubo, while appreciating what you are trying to say, I think you appreciate that at this ~~st~~ Stage of Committee of the Whole House we merely go for points of clarification, and not those of debate. This is because such points are dealt with at the Second and Third Readings.

~~off~~ MR. MALEBE: Mr. Chairman, Sir, I would like to know which <sup>offences</sup> offences are punishable by death.

MR. CHAIRMAN: If you were listening very carefully during the Second Reading Stage, the Attorney-General, actually, gave a list of the offences, which are punishable by death. They include treason, murder, robbery with violence. In fact they are in four categories.

(Clause 5 agreed to)(Clause 6 agreed to)(Title agreed to)(Clause 1 agreed to)

U.2. 2.8.88

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of The Constitution of Kenya (Amendment) Bill, 1988 and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

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