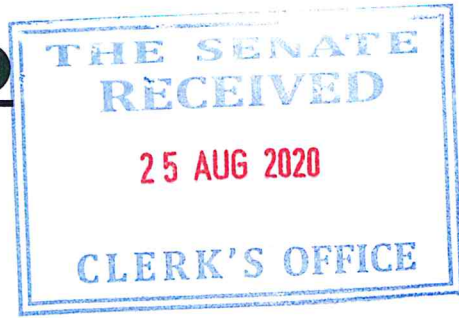


MEMO



TO : THE SPEAKER

THRO' : THE CLERK

THRO' : THE DEPUTY CLERK

THRO' : DIRECTOR COMMITTEES [*Recommended and forwarded for approval* 25/08/2020]

FROM : SENIOR CLERK ASSISTANT

DATE : 24th AUGUST, 2020

SUBJECT: NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS COMMITTEE REPORT REGARDING THE ARREST OF THE THREE SENATORS

*Rt-Hon. Speaker
You may approve for tabling
26/08/20*

Recommended for approval for tabling. E of 26/08/20

*Approved
27/8/2020*

Refence is memo dated 22nd August, 2020 forwarding Report of the Standing Committee on National Security, Defence and Foreign Relations regarding the whereabouts and arrest of the three Senators.

Owing to that some corrections have been effected to the said Report, this is to request that the report which was attached in the afore-mentioned memo be withdrawn and replaced with the attached one for approval to laid on the Table.

Sub.
STEPHEN GIKONYO



REPUBLIC OF KENYA



TWELFTH PARLIAMENT (FOURTH SESSION)

THE SENATE

**STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE
AND FOREIGN RELATIONS**

.....

**REPORT ON IMPLEMENTATION OF THE DIRECTIVE ISSUED BY
THE SPEAKER OF THE SENATE, ON MONDAY, 17TH AUGUST,
2020 REGARDING THE WHEREABOUTS OF THREE SENATORS**

PAPERS LAID	
..... DATE	8/9/2020
TABLED BY	VICE CHAIR- SEN OCTA
COMMITTEE	NAT'L SECURITY.
CLERK AT THE TABLE	M. ADIBODU

Clerk's Chambers,
First Floor,
Parliament Buildings,
NAIROBI.

AUGUST, 2020

Contents

PREFACE	2
1.0 INTRODUCTION	7
2.0 COMMITTEE'S DELIBERATIONS WITH THE CABINET SECRETARY MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT, INSPECTOR GENERAL OF POLICE AND THE DIRECTOR OF CRIMINAL INVESTIGATION	9
3.0 COMMITTEE OBSERVATIONS	14
4.0 COMMITTEE RECOMMENDATIONS	16
5.0 APPENDICES	17
(i) Letters of Invitation	
(ii) Summons	
(iii) Minutes of Committee Sitzings	
(iv) Submissions by Cabinet Secretary for the Ministry of Interior and Coordination of National Government	
(v) 2020 Calendar of Cabinet and its Committees	
(vi) Invitation Letter to the Cabinet Secretary by the Boda Boda Safety Association of Kenya	
(vii) Letter on Karen Police Station Works and Upgrade	
(viii) Directorate of Criminal Investigations Situation Reports Numbers 154, 155 and 156	

PREFACE

Mr. Speaker,

The Senate Standing Committee on National Security, Defence and Foreign Relations is established under standing order 218 (3) of the Senate Standing Orders and is mandated to, *inter alia-*

‘consider all matters relating to national security and foreign relations, disaster reduction and preparedness, home affairs, defence, immigration and international relations.’

The Committee is comprised of the following members: -

- 1) Sen. Mohamed Yusuf Haji, EGH, MP - **Chairperson**
- 2) Sen. Fred Outa, MP - **Vice Chairperson**
- 3) Sen. Fatuma Dullo, CBS, MP
- 4) Sen. Judith Pareno, MP
- 5) Sen. Beatrice Kwamboka, MP
- 6) Sen Mithika Linturi, MP
- 7) Sen. (Eng.) Mohamed M. Mohamud, CBS, MP
- 8) Sen. Moses Wetang’ula, EGH, MP
- 9) Sen. Wario Golich Juma, MP

Mr. Speaker Sir, at the sitting of the Senate held on Monday, 17th August, 2020 at 10.00 a.m., the Senator for Nandi County moved a Motion for adjournment of the Senate, under standing order 32(1) of the Senate Standing Orders. The Senator brought to the attention of the House that three Honourable Senators had either been arrested or were barricaded at their homes as police officers sought to arrest them.

The Motion was seconded and debated by the Senate, following which the Honourable Speaker of the Senate directed the Standing Committee on National Security, Defence and Foreign Relations Committee to convene immediately and get all concerned parties to give information on the whereabouts of the three Senators, and report back to the Senate at 2.30 p.m.

Mr. Speaker Sir, the Committee embarked on the exercise immediately, and –

a) Sent letters to the Cabinet Secretary for Interior and Coordination of National Government, the Inspector-General of the National Police Service, and the Director of Criminal Investigations requiring them to appear before the Committee today, 17th August, 2020 at 1.15 p.m., to address it on the whereabouts of –

- i) Sen. (Dr.) Lelegwe Ltumbesi, MP - Senator for Samburu County;
- ii) Sen. (Dr.) Christopher Lang’at, MP - Senator for Bomet County; and
- iii) Sen. Cleophas Malalah, MP - Senator for Kakamega County.

b) calls were also made, and text messages sent to the said officers, inviting them for the sitting of the Committee.

Mr. Speaker Sir, the Committee did convene at 1.15 p.m. to deliberate on the matter. The officers invited to the sitting, namely, the Cabinet Secretary for Interior and Coordination of National Government, the Inspector-General of the National Police Service, and the Director of Criminal Investigations were however not present at the meeting.

Mr. Speaker Sir, in the absence of the three officers, the Committee could therefore not proceed with consideration of the matter, as directed by the Honourable Speaker.

Mr. Speaker Sir, during the afternoon sitting of the Special Sitting held on Monday, 17th August, 2020, you reiterated the earlier direction given to the Committee on National Security, Defence and Foreign Relations to use the provisions of Article 153(3) and 125 to summon the and his team by Wednesday, 19th August, 2020.

Mr. Speaker Sir, in execution of your directive, the Committee invoked Article 125 of the Constitution and sections 18 and 20 of the Parliamentary Powers and Privilege Act No. 29 of 2017 which empower the Senate and any of its Committees to summon any person to appear before it for the purpose of giving evidence or providing information.

Mr. Speaker Sir, the Committee issued summons on Tuesday, 18th August, 2020 to the Cabinet Secretary for Interior and Coordination of National Government, the Inspector-General, National Police Service and the Director of Criminal Investigations to appear, in person, before the Committee on Wednesday, 19th August, 2020 at 10.00 am to address the Senate on the arrest of Sen. (Dr) Lelegwe Ltembesi, M.P, Sen. (Dr) Christopher Lang'at, M.P and Sen. Cleophas Malala, M.P.

Mr. Speaker Sir, on Wednesday, 19th August, 2020 the Cabinet Secretary for Interior and Coordination of National Government, the Inspector-General, National Police Service and the Director of Criminal Investigations appeared, in person, before the Committee at 10.00am and gave their submissions in regard to the arrest of the Honourable Senators. (Dr) Lelegwe Ltembesi, M.P, Sen. (Dr) Christopher Lang'at, M.P and Sen. Cleophas Malala, M.P whose details are contained in this report.

As I conclude, the Committee wishes to thank the Office of the Speaker, Senators who participated in the deliberations as friends of the Committee and office of the Clerk of the Senate for the support extended to it in undertaking this important and urgent assignment.

Mr. Speaker Sir, it is now my pleasant duty, pursuant to the Senate Standing Orders, to present this Report of the Standing Committee on National Security, Defence and Foreign Relations on implementation of the directive issued by the Honourable Speaker of the Senate, on Monday, 17th August, 2020 regarding the whereabouts and

circumstances that led to the coincidental arrest of the three Honourable Senators.

I thank you, Mr. Speaker.

Signed: 


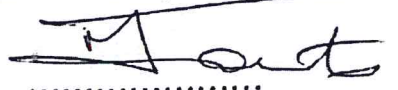
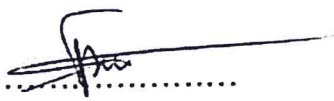


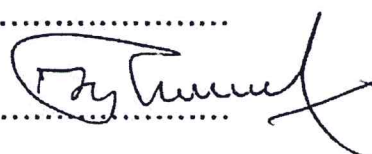
Date: 21st August, 2020

**SEN. MOHAMED YUSUF HAJI, EGH, MP,
CHAIRPERSON,**

**STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND
FOREIGN RELATIONS**

ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH OF THE SENATE

We, the undersigned Members of the Senate Standing Committee on National Security, Defence and Foreign Relations of the Senate, do hereby append our signatures to adopt the Report-

- 1) Sen. Mohamed Yusuf Haji, EGH, MP-**Chairperson** 
- 2) Sen. Fred Outa, MP-**Vice Chairperson** 
- 3) Sen. Fatuma Dullo, CBS, MP 
- 4) Sen. Judith Pareno, MP 
- 5) Sen. Beatrice Kwamboka, MP 
- 6) Sen Mithika Linturi, MP
- 7) Sen. (Eng.) Mohamed M. Mohamud, CBS, MP
- 8) Sen. Moses Wetang'ula, EGH, MP
- 9) Sen. Wario Golich Juma, MP 

1.0 INTRODUCTION

- 1.1. Pursuant to Standing Order 218 (3) of the Senate Standing Orders and the Second Schedule to the Senate Standing Orders, the Standing Committee on National Security, Defence and Foreign Relations is mandated to consider all matters relating to national security and foreign relations, disaster reduction and preparedness, home affairs, defence, immigration and international relations.
- 1.2. Article 153 (3) of the Constitution of Kenya, 2010 provides that a Cabinet Secretary is required to attend before a Committee of the National Assembly or the Senate when required by the Committee to answer any question concerning a matter for which the Cabinet Secretary is responsible.
- 1.3. The Committee wrote letters Ref. No. SEN/12/4/SCNSDFR/2020 (Annex 1) and made follow-up calls and sent text messages inviting the Cabinet Secretary for Interior and Coordination of National Government, the Inspector-General of the National Police Service, and the Director of Criminal Investigations requiring them to appear before the Committee on Monday, 17th August, 2020 at 1.15 p.m, to address it on the whereabouts of – Sen. (Dr.) Lelegwe Ltumbesi, MP, Senator for Samburu County; Sen. (Dr.) Christopher Lang’at, MP, Senator for Bomet County; and Sen. Cleophas Malalah, MP, Senator for Kakamega County. However, the Cabinet Secretary for Interior and Coordination of National Government, Inspector-General of Police Service, and Director of Criminal Investigations failed to appear before the Committee.
- 1.4. Article 125 of the Constitution and Sections 18 and 20 of the Parliamentary Powers and Privileges Act no. 29 of 2017 empowers the Senate and any of its Committees to summon any person to appear before it for the purpose of giving evidence or providing information.
- 1.5. The Cabinet Secretary for Interior and Coordination of National Government, the Inspector-General of the National Police Service, and the Director of Criminal Investigations having failed to appear before the Committee on 17th August, 2020 and pursuant to the directive of the Speaker given during the afternoon sitting of the Special Sitting held on Monday, 17th August, 2020, the Committee summoned (Summons attached as Annex 2) the Cabinet Secretary for Interior and

Coordination of National Government, the Inspector-General of the National Police Service, and the Director of Criminal Investigations to appear, in person, before the Committee on the date specified in the letter Ref. No. SEN/12/4/SCNSDFR/2020 dated 17th August, 2020.

2.0 **COMMITTEE'S DELIBERATIONS WITH THE CABINET SECRETARY MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT, INSPECTOR GENERAL OF POLICE AND THE DIRECTOR OF CRIMINAL INVESTIGATION**

- 2.1. The Committee considered the nature of the matter at hand and resolved to hold its deliberations in camera.
- 2.2. In execution of its mandate, the Committee held two sittings (Minutes attached as Annex 3). During a meeting with the Cabinet Secretary of Interior and Coordination of National Government, other Senators joined the Committee as friends of the Committee. The Cabinet Secretary accompanied by Inspector General of Police and Director of Criminal Investigations made oral submissions on the circumstances that led to the coincidental arrest of the three Senators at a time when the Senate was scheduled to vote on the Approval of the Third Basis for Revenue Allocation among the County Governments. Which is a Constitutional right of the Senators.
- 2.3. After the oral submissions by Cabinet Secretary, Inspector General of Police and Director of Criminal Investigations the Committee directed the Cabinet Secretary to provide written submission by Wednesday, 19th August, 2020. Which the Cabinet Secretary forwarded to the Committee via letter Ref.No. OP1/29A dated 19th August, 2020 (Annex 4).
- 2.4. The presentation by the Cabinet Secretary for Interior and Coordination of National Government, the Inspector-General of the National Police Service, and the Director of Criminal Investigations outlined the following-

(a) Failure to appear before the Committee Sitting on Monday, 17th August, 2020

All Cabinet Secretaries and Principal Secretaries had proceeded on a working recess from Monday, 17th August to Friday, 28th August, 2020 as directed by His Excellency the President of the Republic of Kenya through 2020 calendar of Cabinet and its Committees (Annex 5).

As per the directions issued by the Head of State and Government with respect to the Cabinet Working Recess. All State Officers serving within the Executive were limited to addressing only previously scheduled engagements and in the particular case the Cabinet Secretary, Inspector General of Police and Director of Criminal Investigations they had a pre-arranged national launch of the Digital Registration System of Boda-Boda operators as per invitation letter Ref.No.BAK/52/2020 dated 11th August, 2020 (Annex 6) during the forenoon of 17th August,

2020. The later proceeded to the field evaluation visit of the Karen Police Station Clean-up Project in the afternoon as per the unreferenced letter dated August, 2020 (Annex 7).

The Cabinet Secretary informed the Committee that the letter of invitation to a meeting was received in his office at 3.44 p.m., on the day of the meeting long after the meeting scheduled for fifteen minutes past One O'clock had taken place.

(b) Investigation of Senators Cleophas Malala, Christopher Langat and Steve Lelegwe

The Cabinet Secretary informed the Committee that the incident was an ordinary police operation with no pre-planned motive to arrest the three Senators at the same time. He outlined that country-wide, investigations and arrest continue on daily basis. To him the arrest of the three Senators generated heightened public interest and outcry because it happened within a political context and they had no sinister motive behind the arrests. The public interest generated was mainly because the arrest without knowledge of the Police regrettably coincided with the Senate's Special Sitting for approval of The Third Basis for Revenue Allocation among the County Governments.

The Inspector-General made his presentation as follows –

- (i) That following the Threat/Situational Report no. 154 of 12th August, 2020, 155 of 13th August, 2020 and I56 of 14th August, 2020 (Annex 8) which was generated by the Directorate of Criminal Investigations Operations Department for necessary action in Narok, Bomet and Samburu Counties in Rift Valley Region.
- (ii) The Inspector-General made reference to letter No. NA/DCS/SCANS/2020/100 dated 30th June, 2020 by the National Assembly's Departmental Committee on Administration and National Security on tribal clashes between the Kipsigis and Maasai Communities in Narok County where they required a brief from the National Police Service.
- (iii) The Inspector-General noted that the County Criminal Investigation Officer (CCIO) Samburu, Bomet and Narok Counties, respectively, responded to the report and commenced

investigation on the matters, took action which they were supposed to provide feedback by 21st August, 2020.

Additionally, the Inspector-General gave a chronological account of events on threats which led to the arrests three Senators as follows –

(a) Illegal Oathing in Bomet County

- (i) On 12th August, 2020 at Amalo River at the boarder of Olposimoru and Olenguruone, about two hundred Kipsigis youth underwent a cleansing ceremony in anticipation of clashing with the Maasai. They were assembled by Senator Dr. Christopher Lang’at, Senator for County, and eight others who included two elders hired for oathing ceremony.
- (ii) The Senator of Bomet County also organized another oathing ceremony which was to take place on 14th August, 2020. The oathing ceremonies were meant to brainwash the Kipsigis youth and prepare them to participate in an attack on the Maasais living within Bomet County.
- (iii) After receiving the oathing information, the County Criminal Investigation Officer (CCIO) Bomet County, Mr. Johnstone M. Kola, CP summoned Sen. Langat on Saturday, 15th August, 2020 through his mobile phone no. 0722764719 and sent a text message at around mid-day on the same day. The Senator had been summoned to appear before the CCIO Bomet County on Sunday, 16th August, 2020.
- (iv) The purpose of the summons was meant to have the Senator shed light on the planned oathing ceremony which was to be administered on Kipsigis youth. The Senator never obliged to the summons. On Monday, 17th August, 2020 he was traced in Nairobi by officers from the Directorate of Criminal Investigations and escorted to appear before the CCIO Bomet County where he was interrogated and recorded a statement in the presence of his Lawyer.
- (v) He denied all allegations and was released as the matter is being investigated further.
- (vi) The two elders, who participated in the Kipsigis ceremony on 12th August, 2020 were summoned by CCIO Narok County Mr. Mwendwa Ithaiba, SSP and they appeared before him on 17th August, 2020 for interrogation and statement recording.

(b) The Case of Samburu County

- (i) The Inspector-General informed the Committee that in Samburu County, there has been a series of attacks among Pokot, Samburu and Turkana communities. Information gathered from the ground indicates that the Samburu were planning revenge attacks against Turkanas. The IG noted that the name of Sen. Steve Lelegwe of Samburu County has greatly featured to be among the inciters in the violence attacks. Other names which featured in the list of inciters were Hon. Alois Lentoimaga, MP for Baragoi and MCA Lawrence Lorunye. The mentioned inciting MP and MCA have so far been interrogated and recorded statements before Mr. Linus Owango, SSP CCIO Samburu County.
- (ii) The IG further informed the Committee that Senator Steve Lelegwe of Samburu was summoned by the CCIO Samburu through phone no. 0712002025 for interrogation and statement recording. He agreed with the CCIO Samburu to have his Officers travel to Nairobi where he was to write a statement on his contribution to incitement within the County.
- (iii) The DCI officers from Samburu travelled to Nairobi but he refused to honour their calls. Through investigation, he was traced on Sunday 16th August, 2020 but incited his political supporters who protected him from recording a statement or being arrested.
- (iv) On Monday, 17th August, 2020 he was traced and escorted to Samburu where he was interrogated and recorded a statement on his contribution to incitement of violence in Samburu and neighbouring counties namely Baragoi, Isiolo, Marsabit and Laikipia.
- (v) The Inspector-General confirmed to the Committee that Sen. Lelegwe had been freed pending further investigations into the cases.

(c) The Matter of Kakamega County

- (i) The IG informed the Committee that on 16th August, 2020 Senator Cleophas Malala of Kakamega County gathered about 200 women and Boda-Boda riders at Mumias Shopping Centre.
- (ii) He noted that this act is against the Ministry of Health protocols and guidelines against the spread of COVID-19. After flouting the COVID-19 Regulations, he was summoned by the OCPD Mumias and refused to honour the summon.
- (iii) The IG stated that on the same day in the evening, the Regional and County Commanders visited his home to trace him but he escaped

and on Monday, 17th August, 2020 he was traced in Kitengela within Kajiado County where he was arrested and escorted to Mumias.

(iv) The office of the Director of Public Prosecutions in Kakamega advised the police to have the Senator released unconditionally as more points were being covered by the investigators.

The Inspector General of Police and Director of Criminal Investigations in their concluding remarks noted that given the aforementioned circumstances, the police were acting on credible information, which prompted the investigations.

3.0 **COMMITTEE OBSERVATIONS**

The Committee made the following observations -

- (a) That the three Senators were arrested on a day when they were expected to attend Senate Special Sitting to exercise their Constitutional duty and responsibility, by voting to approve the Third Basis for Revenue Allocation among the County Governments. The arrest of the three Senators seemed to have been calculated to sabotage the work of the Senate contrary to Article 94 and 96 of the Constitution, and section 28 of the Parliamentary Powers and Privileges Act.
- (b) That the arrested Senators were transported from Nairobi City County to their respective counties allegedly to record statements with regard to ongoing investigations despite the fact that the State has jurisdiction to prosecute an alleged offender for any crime committed within the boundaries of the Republic of Kenya as provided in Section 5 of the Penal Code and Section 3 of Criminal Procedure Code.
- (c) That Police appear to enforce the law selectively when it comes to summoning and recording of statements by state officers. For instance in the case of the Deputy Chief Justice the recording of statement was done in her office while in the case of the arrest of the three Senators they had to be taken to police stations in their respective counties contrary to Article 27 of the Constitution on equality and freedom from discrimination.
- (d) That the Police Officers who were arresting the three (3) Senators did not observe and comply with the protocols and guidelines on prevention of COVID-19 as issued by the Ministry of Health. They neither had their face masks on nor observed the stipulated social distancing as they ferried them to their respective counties.
- (e) That the police conducted the arrests of the 3 Senators in an inhumane and undignified manner. There was no justification whatsoever in deploying unduly large police contingents or use excessive force to arrest the Senators. The deployment of a large number of officers and vehicles amounted to misuse of public resources which could have been used in any other essential areas which require enforcement of law and order. Additionally, the arrests created unnecessary commotion and ugly scenes which could have easily been avoided.
- (f) That, the police were still conducting investigations and had not concluded the necessary investigations. Hence, there was no urgency in effecting the arrests under the guise of recording statements. In addition, the gazettelement of the Senate Special sitting was in the public domain. The police could have delayed the arrests until after conclusion of the Special Siting
- (g) That the arrests amounted to violation of the human rights of the three Senators as enshrined in the Constitution. They were contrary to Article 49 of the Constitution which provides for the rights of an arrested person, and Article 29 of the Constitution on freedom and security of a person.

- (h) The Committee further observed that the manner in which the law enforcement agencies have sometimes acted, not only with regard to the handling of the arrest of leaders but also the ordinary citizens, is worrying.
- (i) That there has been increased incidences where several Senators have been trailed by privately registered Police cars during this period of approval of the Third Basis for Revenue Allocation among the County Governments.

4.0 **COMMITTEE RECOMMENDATIONS**

From the foregoing aforementioned, the Committee makes the following recommendations -

- (i) That the Parliamentary Service Commission should expeditiously operationalize the establishment of a security liaison office/desk to be responsible for handling all issues regarding Members of Parliament and the Security agencies including summons to appear before the law enforcement agencies. That in the event that the Law enforcers require to summon, arrest or recording of statement they should liaise with the said office
- (ii) That the law enforcement agencies should undertake their functions within the law and desist from undertaking arrest in a cruel manner like how the three (3) Senators were handled.
- (iii) That the Executive Arm of the Government, more so the law enforcement agencies, must at all times uphold the provision of the Constitution and all other laws when arresting any person including the Members of Parliament.
- (iv) That the Executive arm of government must at all times respect the separation of powers between the arms of government and perform its functions within the Constitution and all other laws.
- (v) That the Inspector General and the Director of Criminal Investigation should expedite investigations and submit to the Senate a detailed report within the next ten (10) days, upon tabling of this report, on persons who have been trailing Senators in privately registered vehicles especially in the case of Sen. Johnson Sakaja, MP Senator for Nairobi City County.

5.0 **APPENDICES**

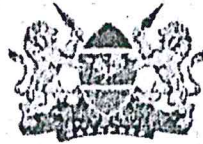
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- (vi) Invitation Letter to the Cabinet Secretary by the Boda Boda Safety Association of Kenya
- (vii) Letter on Karen Police Station Works and Upgrade
- (viii) Directorate of Criminal Investigations Situation Reports Numbers 154, 155 and 156.

Annex 1

URGENT

REPUBLIC OF KENYA

Telegraphic Address
'Bungo', Nairobi
Telephone 2848000
Fax: 2243694
E-mail: csenato@parliament.go.ke



Clerk's Chambers
The Senate
Parliament Buildings
P. O. Box 41842 - 00100
Nairobi, Kenya

PARLIAMENT OFFICE OF THE CLERK OF THE SENATE

Ref. SEN./12/4/SCNSIDFR/2020

17th August, 2020

Dr. Fred O. Matiang'i, EGH,
Cabinet Secretary,
Ministry of Interior and Coordination of National Government,
Harambee House, Harambee Avenue,
P.O. Box 30510 - 00100,
NAIROBI.

Mr. Hilary N. Mutyambai, MGH,
Inspector-General,
National Police Service,
Taifa Road, Jogoo House 'A', 4th Floor,
P.O. BOX 44249 - 00100,
NAIROBI.

Mr. George M. Kinoti,
Director of Criminal Investigations,
Mazingira Complex, Kiambu Road,
P.O. BOX 30036 - 00100,
NAIROBI.

Dear *Sir*

**RE: INVITATION TO APPEAR BEFORE THE SENATE STANDING
COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN
RELATIONS**

The Senate Standing Committee on National Security, Defence and Foreign Relations is established under standing order 218 (3) of the Senate Standing Orders and is mandated to, inter alia-

12911A

'consider all matters relating to national security and foreign relations, disaster reduction and preparedness, home affairs, defence, immigration and international relations.'

At a sitting of the Senate held on Monday, 18th August, 2020 at 10.00 a.m., the Honourable Speaker of the Senate directed that you appear before the Senate Standing Committee on National Security, Defence and Foreign Relations to address the Committee on the arrest, on the morning of Monday, 17th August, 2020, of the following Senators –

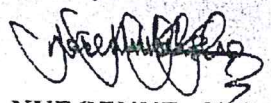
- a) Sen. (Dr.) Lelegwe Ltumbesi, MP - Senator for Samburu County;
- b) Sen. (Dr.) Christopher Lang'at, MP - Senator for Bomet County; and
- c) Sen. Cleophas Malalah, MP - Senator for Kakamega County.

This is therefore to invite you to appear before the said Committee at a meeting to be held on Monday, 17th August, 2020 at 1.15 p.m. in the Senate Extended Chamber.

You may be accompanied to the meeting by any officers you deem necessary to assist you in responding to the information sought by the Committee.

Mr. Charles Munyua, Clerk Assistant (Cell Number – 0720250607, Email – cmwangi@parliament.go.ke), is responsible for all arrangements relating to this matter.

Yours truly,



J. M. NYEGENYE, CBS
CLERK OF THE SENATE.

Copy to: -

Dr (Eng.) Karanja Kibicho, CBS,
Principal Secretary,
State Department for Interior & Citizen Services,
Ministry of Interior and Coordination of National Government,
Harambee House, Harambee Avenue,
P.O. Box 30510 – 00100,
NAIROBI.

URGENT

REPUBLIC OF KENYA



Telegraphic Address
'Bunge', Nairobi
Telephone 2848000
Fax: 2243694
E-mail: csenate@parliament.go.ke

Clerk's Chambers
The Senate
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Nairobi, Kenya

PARLIAMENT
OFFICE OF THE CLERK OF THE SENATE

Ref. SEN./12/4/SCNSDFR/2020.

17th August, 2020

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Cabinet Secretary,
Ministry of Interior and Coordination of National Government,
Harambee House, Harambee Avenue,
P.O. Box 30510 - 00100,
NAIROBI.

Mr. Hilary N. Mutyambai, MGH,
Inspector-General,
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Mazingira Complex, Kiambu Road,
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At a sitting of the Senate held on Monday, 18th August, 2020 at 10.00 a.m., the Honourable Speaker of the Senate directed that you appear before the Senate Standing Committee on National Security, Defence and Foreign Relations to address the Committee on the arrest, on the morning of Monday, 17th August, 2020, of the following Senators –

- a) Sen. (Dr.) Lelegwe Ltumbesi, MP - Senator for Samburu County;
- b) Sen. (Dr.) Christopher Lang'at, MP - Senator for Bomet County; and
- c) Sen. Cleophas Malalah, MP - Senator for Kakamega County.

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Yours truly,



J. M. NYEGENYE, CBS
CLERK OF THE SENATE.

Copy to: -

Dr (Eng.) Karanja Kibicho, CBS,
Principal Secretary,
State Department for Interior & Citizen Services,
Ministry of Interior and Coordination of National Government,
Harambee House, Harambee Avenue,
P.O. Box 30510 – 00100,
NAIROBI.

URGENT

REPUBLIC OF KENYA



Telegraphic Address
'Bungo', Nairobi
Telephone 2848000
Fax: 2243694
E-mail: csenate@parliament.go.ke

Clerk's Chambers
The Senate
Parliament Buildings
P. O. Box 41842 - 00100
Nairobi, Kenya

PARLIAMENT
OFFICE OF THE CLERK OF THE SENATE

Ref. SEN./12/4/SCNSDFR/2020

17th August, 2020

Dr. Fred O. Matiang'i, EGH,
Cabinet Secretary,
Ministry of Interior and Coordination of National Government,
Harambee House, Harambee Avenue,
P.O. Box 30510 - 00100,
NAIROBI.

Mr. Hilary N. Mutyambai, MGH,
Inspector-General,
National Police Service,
Taifa Road, Jogoo House 'A', 4th Floor,
P.O. BOX 44249 - 00100,
NAIROBI.

Mr. George M. Kinoti,
Director of Criminal Investigations,
Mazingira Complex, Kiambu Road,
P.O. BOX 30036 - 00100,
NAIROBI.

Dear *Sir,*

**RE: INVITATION TO APPEAR BEFORE THE SENATE STANDING
COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN
RELATIONS**

The Senate Standing Committee on National Security, Defence and Foreign Relations is established under standing order 218 (3) of the Senate Standing Orders and is mandated to, inter alia-

'consider all matters relating to national security and foreign relations, disaster reduction and preparedness, home affairs, defence, immigration and international relations.'

At a sitting of the Senate held on Monday, 18th August, 2020 at 10.00 a.m., the Honourable Speaker of the Senate directed that you appear before the Senate Standing Committee on National Security, Defence and Foreign Relations to address the Committee on the arrest, on the morning of Monday, 17th August, 2020, of the following Senators –

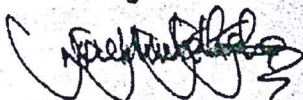
- a) Sen. (Dr.) Lelegwe Ltumbesi, MP - Senator for Samburu County;
- b) Sen. (Dr.) Christopher Lang'at, MP - Senator for Bomet County; and
- c) Sen. Cleophas Malalah, MP - Senator for Kakamega County.

This is therefore to invite you to appear before the said Committee at a meeting to be held on **Monday, 17th August, 2020 at 1.15 p.m. in the Senate Extended Chamber.**

You may be accompanied to the meeting by any officers you deem necessary to assist you in responding to the information sought by the Committee.

Mr. Charles Munyua, Clerk Assistant (Cell Number – 0720250607, Email – cmwangi@parliament.go.ke), is responsible for all arrangements relating to this matter.

Yours truly,



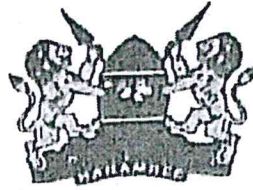
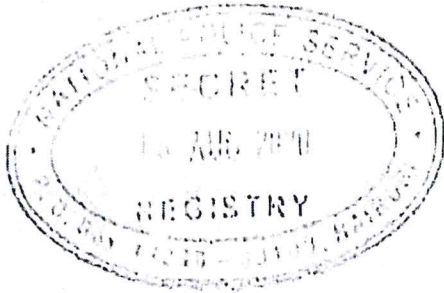
J. M. NYEGENYE, CBS
CLERK OF THE SENATE.

Copy to: -

Dr (Eng.) Karanja Kibicho, CBS,
Principal Secretary,
State Department for Interior & Citizen Services,
Ministry of Interior and Coordination of National Government,
Harambee House, Harambee Avenue,
P.O. Box 30510 – 00100,
NAIROBI.

Annex 2

REPUBLIC OF KENYA



TWELFTH PARLIAMENT

THE SENATE

STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND
FOREIGN RELATIONS

SUMMONS

TO: MR. HILLARY N. MUTYAMBAL, MGH, NSC (AUS), INSPECTOR-
GENERAL, NATIONAL POLICE SERVICE

WHEREAS, pursuant to standing order 218 (3) of the Senate Standing Orders, the Standing Committee on National Security, Defence and Foreign Relations is mandated to consider all matters relating to national security and foreign relations, disaster reduction and preparedness, home affairs, defence, immigration and international relations.

AND WHEREAS, by a letter, reference SEN./12/4/SCNSDFR/2020, dated 17th August, 2020, the Committee invited you to appear before it TO address the Committee on the arrest, on the morning of Monday, 17th August, 2020, of the following Senators --

- (a) Sen. (Dr.) Lelegwe Ltumbesi, MP
- (b) Sen. (Dr.) Christopher Lang'at, MP
- (c) Sen. Cleophas Malalah, MP

Senator for Samburu County;
Senator for Bomet County; and
Senator for Kakamega County.

Handwritten signature/initials

AND WHEREAS you failed to appear before the Committee on the date and time specified in the letter dated 17th August, 2020;

AND WHEREAS, Article 125 of the Constitution and sections 18 and 20 of the Parliamentary Powers and Privileges Act No. 29 of 2017, empower the Senate and any of its committees to summon any person to appear before it for the purpose of giving evidence or providing information;

NOW THEREFORE, the Standing Committee on National Security, Defence and Foreign Relations summons you to appear, in person, before the Committee on Wednesday, 19th August, 2020 at 10.00 a.m. in the Senate Extended Chamber to address the Committee on the arrest of Sen. (Dr.) Lelegwe Ltembesi, MP, Sen. (Dr.) Christopher Lang'at, MP, and Sen. Cleophas Malalah, MP.

TAKE NOTE that should you fail to attend before the Committee on the date and time specified in this Summons –

(1) the Committee may impose upon you a fine not exceeding five hundred thousand shillings or may order for your arrest pursuant to sections 19(1) and 19(3), respectively, of the Parliamentary Powers and Privileges Act, 2017; and

(2) you shall also be guilty of an offence in terms of section 27(1)(a) and 27(1)(c), respectively, of the Parliamentary Powers and Privileges Act 2017, for which you shall be liable, on conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

GIVEN under my hand, for and on behalf of the Senate Standing Committee on National Security, Defence and Foreign Relations, this 17th day of August, 2020.



[Handwritten signature]

**J. M. NYEGENYE, CBS,
CLERK OF THE SENATE.**

Please acknowledge receipt of this Summons as follows -

NAME:

Tili Ayia

SIGNATURE:

[Handwritten signature]

DATE OF SERVICE:

18/08/2020

TIME OF SERVICE:

10:53 AM

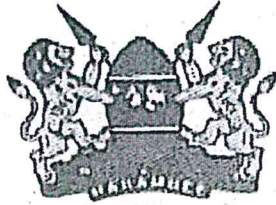
PLACE OF SERVICE:

NPS HQ

[Handwritten mark]



REPUBLIC OF KENYA



TWELFTH PARLIAMENT

THE SENATE

STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND
FOREIGN RELATIONS

SUMMONS

TO: MR. GEORGE M. KINOTI, DIRECTOR, DIRECTORATE OF CRIMINAL
INVESTIGATIONS

WHEREAS, pursuant to standing order 218 (3) of the Senate Standing Orders, the Standing Committee on National Security, Defence and Foreign Relations is mandated to consider all matters relating to national security and foreign relations, disaster reduction and preparedness, home affairs, defence, immigration and international relations.

WHEREAS, by a letter, reference SEN./12/4/SCNSDFR/2020, dated 17th August, 2020, the Committee invited you to appear before it and address the Committee on the arrest, on the morning of Monday, 17th August, 2020, of the following Senators ---

- | | |
|--|-------------------------------|
| (a) Sen. (Dr.) Lelegwe Ltembesi, MP | Senator for Samburu County; |
| (b) Sen. (Dr.) Christopher Lang'at, MP | Senator for Bomet County; and |
| (c) Sen. Cleophas Malalah, MP | Senator for Kakamega County. |

AND WHEREAS you failed to appear before the Committee on the date and time specified in the letter dated 17th August, 2020;

AND WHEREAS, Article 125 of the Constitution and sections 18 and 20 of the Parliamentary Powers and Privileges Act No. 29 of 2017, empower the Senate and any of its committees to summon any person to appear before it for the purpose of giving evidence or providing information;

NOW THEREFORE, the Standing Committee on National Security, Defence and Foreign Relations summons you to appear, in person, before the Committee on Wednesday, 19th August, 2020 at 10.00 a.m. in the Senate Extended Chamber to address the Committee on the arrest of Sen. (Dr.) Lelegwe Ltembesi, MP, Sen. (Dr.) Christopher Lang'at, MP, and Sen. Cleophas Malalah, MP.

TAKE NOTE that should you fail to attend before the Committee on the date and time specified in this Summons –

- (1) the Committee may impose upon you a fine not exceeding five hundred thousand shillings or may order for your arrest pursuant to sections 19(1) and 19(3), respectively, of the Parliamentary Powers and Privileges Act, 2017; and
- (2) you shall also be guilty of an offence in terms of section 27(1)(a) and 27(1)(c), respectively, of the Parliamentary Powers and Privileges Act 2017, for which you shall be liable, on conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

GIVEN under my hand, for and on behalf of the Senate Standing Committee on National Security, Defence and Foreign Relations, this 17th day of August, 2020.

**J. M. NYEGENYE, CBS,
CLERK OF THE SENATE.**

Please acknowledge receipt of this Summons as follows -

NAME: HU CHEBET PERIZ (IP)

SIGNATURE: 

DATE OF SERVICE: 18/08/2020

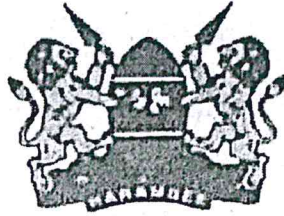
TIME OF SERVICE: 11:37 AM

PLACE OF SERVICE: DCI LEGAL OFFICE





REPUBLIC OF KENYA



out of extrad

TWELFTH PARLIAMENT

THE SENATE

STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS

SUMMONS

TO: DR. FRED O. MATIANGI, EGH, CABINET SECRETARY, MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT

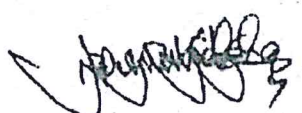
WHEREAS, pursuant to standing order 218(3) of the Senate Standing Orders, the Standing Committee on National Security, Defence and Foreign Relations is mandated to consider all matters relating to national security and foreign relations, disaster reduction and preparedness, home affairs, defence, immigration and international relations;

AND WHEREAS, pursuant to Article 153(3) of the Constitution, a Cabinet Secretary is required to attend before a Committee of the National Assembly or the Senate when required by the Committee and to answer any question concerning a matter for which the Cabinet Secretary is responsible;

AND FURTHER WHEREAS, Article 125 of the Constitution and sections 18 and 20 of the Parliamentary Powers and Privileges Act No. 29 of 2017, empower the Senate and

(2) you shall also be guilty of an offence in terms of section 27(1)(a) and 27(1)(c), respectively, of the Parliamentary Powers and Privileges Act 2017, for which you shall be liable, on conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

GIVEN under my hand, for and on behalf of the Senate Standing Committee on National Security, Defence and Foreign Relations, this 17th day of August, 2020.



J. M. NYEGENYE, CBS,
CLERK OF THE SENATE.

Please acknowledge receipt of this Summons as follows -

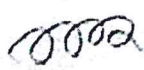
NAME: JEDIDAH NDLGE

SIGNATURE: NDLGE

DATE OF SERVICE: 18th AUGUST 2020

TIME OF SERVICE: 10:30 AM

PLACE OF SERVICE: HARAMBEL HOUSE 6th FLOOR



Annex 3

MINUTES OF THE TENTH SITTING OF THE SENATE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS HELD IN THE SENATE EXTENDED CHAMBER, PARLIAMENT BUILDINGS, ON WEDNESDAY, 19TH AUGUST, 2020 AT 10.00 A.M.

PRESENT

Sen. Mohamed Yusuf Haji, EGH, MP	- Chairperson
Sen. Fred Outa, MP	- Vice Chairperson
Sen. Fatuma Dullo, CBS, MP	- Member
Sen. (Eng.) Mohamed M. Mohamud, CBS, MP	- Member
Sen. Judith Pareno, MP	- Member
Sen. Moses Wetang'ula, EGH, MP	- Member

ABSENT WITH APOLOGY

Sen. Beatrice Kwamboka, MP	- Member
Sen Mithika Linturi, MP	- Member
Sen. Wario Golich Juma, MP	- Member

IN ATTENDANCE - SENATORS (FRIENDS OF THE COMMITTEE)

Sen. Kilonzo Mutula Jr, MP
Sen. Okong'o Omogeni, MP
Sen. Samson Cherarkey, MP
Sen. Stewart Madzayo, MP
Sen. Ledama Olekina, MP
Sen. Onesmus K. Murkomen, MP
Sen. John K. Nderitu, MP
Sen. Aaron K. Cheruiyot, MP

IN ATTENDANCE - MINISTRY OF INTERIOR AND NATIONAL GOVERNMENT COORDINATION

Dr. Fred Matiangi	- Cabinet Secretary
(Amb.) Hussein T. Dado	- Chief Administrative Secretary

IN ATTENDANCE - NATIONAL POLICE SERVICE

Mr. Hilary Mutyambai	- Inspector General
----------------------	---------------------

IN ATTENDANCE - DIRECTORAL OF CRIMINAL INVESTIGATION

Mr. George Kinoti	- Director
-------------------	------------

IN ATTENDANCE - SECRETARIAT

Mr. Peter Adika	- Principal Research Officer
Mr. Stephen Gikonyo	- Senior Clerk Assistant
Mr. Moses Kenyanchui	- Legal Counsel
Mr. Robert Rop	- Robert Rop

Mr. Abdihabib Dekow -Serjeant-At-Arms
Mr. Fredrick Ouma -Serjeant-At-Arms

MIN. NO. 047/2020

PRAYERS

The sitting commenced with a word of prayer by the Chairperson at 10.10 a.m.

MIN. NO. 048/2020

ADOPTION OF THE AGENDA

The Committee adopted the agenda of the Sitting, having been proposed by Sen. Fred Outa, MP and seconded by Sen. Judith Pareno, MP as follows-

1. Prayer.
2. Deliberations on the Resolution on circumstances which led to the arrests of the following Senators;
 - (i). Sen. (Dr.) Lelegwe Ltumbesi, MP - Senator for Samburu County;
 - (ii). Sen. (Dr.) Christopher Lang'at, MP - Senator for Bomet County; and
 - (iii). Sen. Cleophas Malalah, MP - Senator for Kakamega County.
3. Any Other Business.
4. Adjournment and Date of the Next Meeting.

MIN. NO. 049/2020

DELIBERATIONS ON THE RESOLUTION OF THE SENATE
REGARDING THE ARRESTS OF THREE SENATORS

The Chairperson welcomed Members to the meeting and introduced the Members of the Committee and requested the Cabinet Secretary to introduce the officers who accompanied him including the Inspector General of the Police and the Director of Criminal Investigations.

The Committee was informed that following the said directive on Monday 17th August, 2020 the committee sent letter Ref.No.SEN/12/4/SCNSDFR/2020 dated 17th August, 2020. to the Cabinet Secretary for Interior and Coordination of National Government, the Inspector-General of the National Police Service, and the Director of Criminal Investigations requiring them to appear before the Committee on Monday, 17th August, 2020 at 1.15 p.m., to address it on the whereabouts of –

Sen. (Dr.) Lelegwe Ltumbesi, MP - Senator for Samburu County;
Sen. (Dr.) Christopher Lang'at, MP - Senator for Bomet County; and
Sen. Cleophas Malalah, MP - Senator for Kakamega County.

The Committee was informed calls were also made to the said officers, and text messages sent, inviting them for the sitting of the Committee.

The Committee was informed that the said officers did attend the sitting of the Committee as invited. Arising from the above a report was laid on the Table communicating the same information to the Senate and thereon the Speaker of the Senate issued the direction that the Committee on National Security, Defence and Foreign Relations uses the provisions of Article 153 (3) and 125 to summon the Cabinet Secretary, Inspector of Police and Director of Criminal Investigation Wednesday, 19th August, 2020 and thereafter the Committee to prepare a report to be laid on the table of the House when it next meets. Thereon, the Chairperson invited the Cabinet Secretary to make his submissions.

The Cabinet Secretary informed the Committee that it was true that the Cabinet Secretaries, Principal Secretaries and other senior officers had been accorded ten (10) days off by the President, however, all State Officers serving withing the Executive were limited only to addressing only previously scheduled engagements; and in the instant case the Cabinet Secretary, the Inspector General of Police and Director of Criminal Investigations were attending the national launch of the Digital System of Boda-Boda operators during the afternoon of 17th August, 2020 before proceeding to the field evaluation visit of the Karen Police Station Clean-up that same afternoon. That the official invitation through a letter reached his office and the other officers at 3.00 p.m. long after the meeting had taken place and regretted for not being able to attend the meeting as invited and more so him and the Inspector General were engagement in launching and operationalizing the processes of cleaning up the police stations and this culminated into the issuance of Summons by the Committee.

The Cabinet Secretary informed the Committee that it's routine for arrests to take place around the country arising from the citizens breaking various laws. And for the Senators who were arrested they had broken various laws including curfew, cattle rustling all of which had been under investigations for quite sometime. The Cabinet Secretary regretted that the arrest took place when the debate in Senate on the approval of the 3rd basis for revenue allocation among county governments which he was not aware was scheduled for Monday, 17th August, 2020, and this was not intentional to deny the Senators their Constitutional right to vote in the Senate. Thereon, the Cabinet Secretary invited the Inspector General of Police to make his submissions.

The Inspector General regretted for not attending the meeting which was scheduled for Monday 17th August, 2020 and assured the Committee on his commitment to work with Committee.

The Inspector General informed the Committee that on 12th August, 2020 at Amolo River at the bordering of Olposimoru and Olenguruone, about two hundered youths underwent a cleansing

ceremony in anticipation of clashing with their neighbours. They were assembled by Sen.(Dr.) Christopher Langat of Bomet County, eight others and two elders procured for oathing ceremony. The Senator of Bomet also organized another oathing ceremony which was to take place on 14th August, 2020. The oathing ceremonies were meant to brainwash the youths and prepare them to participate in an attack to their neighbours living within Bomet County. On receiving the oathing information the CCIO Bomet County Mr. Johnstone M. Kola, CP summoned Senator on Saturday 15th August, 2020 through his mobile phone No. 0722764719 and sent a text message at around midday on the same day. The Senator has been summoned to appear before the CCIO Bomet County on 16th August, 2020. The purpose of the summons was meant to have the Senator shed light on the planned oathing ceremony. On Monday 17th August, 2020 he was traced in Nairobi by DCI officers and escorted to appear before the CCIO Bomet where he was interrogated and recorded a statement in the presence of his lawyer Mr. Nelson Havi. He denied the allegations and was set free while the matter is undergoing further investigations. The two elders who participated in the oathing of 12th August, 2020 were summoned by CCIO Narok County Mr. Mwendwa Ithaiba and they appeared before him on 17th August, 202 for interrogation and statement recording.

The Committee was informed that on Sunday 16th August, 2020 Senator Cleophas Malala of Kakamega County gathered about 200 women and boda boda riders at Mumias Shopping Centre. This is against the Ministry of Health protocols and guidelines against the spread of Covid-19. After flouting the Covid-19 regulations he was summoned by the OCPD Mumias and refused to honour the summon. On the same day in the evening the Regional and County Commander visited his home to trace him but he escaped and on Monday 17th August, 2020 he was traced in Kitengela within Kajiado County where he was arrested and escorted to Mumias. The office of the Director of Public Prosecutions in Kakamega advised the police to have the Senator released unconditionally as more points were being covered by the investigators.

The Committee was informed that in Samburu County, there has been a series of attacks among Pokot, Samburu and Turkana communities. Information gathered from ground indicates that the Samburu were planning revenge attacks against Turkanas. The name of Steve Lelegwe has greatly featured to be among the inciters in the violence attack. Other names which featured in the inciters list were Hon Alois Lentimanga, MP for Baragoi and MCA Lawrence Lorunye. The mentioned inciting Member of Parliament and Member of County Assembly have so far been interrogated and recorded statements before Mr. Linus Owango, SSP CCIO Samburu County. Senator Steve Lelegwe was summoned by CCIO Samburu through phone No.0712002025 for interrogation and statement recording. He agreed with the CCIO Samburu to have his officers' travel to Nairobi where he was to write a statement on his contribution to incitement within the County. The DCI Officers from Samburu travelled to Nairobi but he refused to honour their calls. Through

investigations he was traced on Sunday 16th August, 2020 but incited his political supporters who protected him from recording a statement or being arrested. On Monday 17th August, 2020 he was traced and escorted to Samburu where he was interrogated and recorded a statement on his contribution to incitement violence in Samburu and neighboring counties namely Baringo, Isiolo, Marsabit and Laikipia. He has been freed pending further investigations into the cases. In conclusion, the Committee was informed that the Police were acting on credible information, which prompted the investigations. And this was in regard to a threat/situation Report No.154 of 12th August, 2020, 155 of 13th August, 2020 and 156 of 14th August, 2020 which was generated by Directorate of Criminal Investigations Operations Department for action in Narok, Bomet County and Samburu Counties in Rift Valley Region. The County Criminal Investigations Officers in Samburu, Bomet and Narok Counties responded to the reports and were to give feedback by 21st August, 2020.

The Committee was concerned in the manner the Senators were arrested which seemed not to uphold the Constitution, the Bill of Rights and the Parliamentary Powers and Privileges Act. The Committee further concerned that some Senators including Senator Sakaja of Nairobi County were being trailed by Police privately registered vehicles. The Committee requested to be furnished with information on when the intercommunal clashes started, when the oath-taking was planned to take place and that the Senators were being arrested in order not to vote in Parliament.


The Committee resolved that it be furnished with a written submission today Wednesday, 19th August, 2020 by 2.30 p.m. Further, the Police Service make use the Parliamentary Service Liaison Office or the Parliament Police Station to facilitate in handling issues of summons to the Members of Parliament to appear before them in a manner befitting the Constitutional office Member of Parliament occupy.

MIN. NO. 050/2020

ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at ten Minutes to two O'clock. The next meeting will be held on Tuesday, 18th August, 2020 at 10.00 am.

SIGNED:


.....
(CHAIRPERSON)

*with amendment
Separate Sen Sakaja
and 3 Senators*

DATE:

21 - 8 - 2020

MINUTES OF THE NINTH SITTING OF THE SENATE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS HELD IN THE SENATE EXTENDED CHAMBER, PARLIAMENT BUILDINGS, ON MONDAY, 17TH AUGUST, 2020 AT 1.30 P.M.

PRESENT

1. Sen. Mohamed Yusuf Haji, EGH, MP - Chairperson (Chairing)
2. Sen. Fatuma Dullo, CBS, MP - Member
3. Sen. (Eng.) Mohamed M. Mohamud, CBS, MP - Member

ABSENT WITH APOLOGY

1. Sen. Fred Outa, MP - Vice Chairperson
2. Sen. Judith Pareno, MP - Member
3. Sen. Beatrice Kwamboka, MP - Member
4. Sen Mithika Linturi, MP - Member
5. Sen. Moses Wetang'ula, EGH, MP - Member
6. Sen. Wario Golich Juma, MP - Member

IN ATTENDANCE -

SECRETARIAT

1. Mr. Boniface Lenairoshi - Principal Clerk Assistant
2. Mr. Charles Munyua - Clerk Assistant (Taking Minutes)
3. Ms. Serah Rukwaro - Serjeant at Arms
4. Mr. Phillip Kipkemboi - Audio Recording Officer

MIN. NO. 047/2020 PRAYER

The sitting commenced with a word of prayer by the Chairperson.

MIN. NO. 048/2020 ADOPTION OF THE AGENDA

The Committee adopted the agenda of the Sitting, having been proposed by Sen. Fatuma Dullo, CBS, MP and seconded by Sen. (Eng.) Mohamed M. Mohamud, CBS, MP.

MIN. NO. 049/2020

DELIBERATIONS ON THE RESOLUTION OF THE SENATE REGARDING THE ARRESTS OF THREE SENATORS

The Chairperson welcomed Members to the meeting and noted that it had been convened following the directive issued by the Hon. Speaker, at the Sitting of the Senate held on Monday, 17th August, 2020 at 10.00 am, for the Committee to investigate the arrests of three Honourable Senators earlier that morning, and report back to the House.

The Committee was informed that, following the said directive -

- a) Letters were sent to the Cabinet Secretary for Interior and Coordination of National Government, the Inspector-General of the National Police Service, and the Director of

Criminal Investigations requiring them to appear before the Committee on Monday, 17th August, 2020 at 1.15 p.m., to address it on the whereabouts of –

- i) Sen. (Dr.) Lelegwe Ltumbesi, MP - Senator for Samburu County;
- ii) Sen. (Dr.) Christopher Lang'at, MP - Senator for Bomet County; and
- iii) Sen. Cleophas Malalah, MP - Senator for Kakamega County.

b) calls were also made to the said officers, and text messages sent, inviting them for the sitting of the Committee.

The Committee noted that the said officers were not present for the sitting of the Committee. The meeting was further informed that the office of Cabinet Secretary for Interior and Coordination of National Government had indicated he was unable to attend the sitting as the Cabinet was on a ten-day recess, commencing on Monday, 17th August, 2020.

In the circumstances, the Committee resolved to report back to the House and seek further directions on the matter.

MIN. NO. 050/2020

ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at ten Minutes to two O'clock. The next meeting will be held on Tuesday, 18th August, 2020 at 10.00 am.

SIGNED: 
.....
(CHAIRPERSON)

DATE: 21/8/2020
.....

MINUTES OF THE ELEVENTH SITTING OF THE SENATE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS HELD IN THE SENATE EXTENDED CHAMBER, PARLIAMENT BUILDINGS, ON FRIDAY, 21ST AUGUST, 2020 AT 11.00 A.M.

PRESENT

Sen. Mohamed Yusuf Haji, EGH, MP	- Chairperson
Sen. Fred Outa, MP	- Vice Chairperson
Sen. Fatuma Dullo, CBS, MP	- Member
Sen. Judith Pareno, MP	- Member
Sen. Beatrice Kwamboka, MP	- Member
Sen. Wario Golich Juma, MP	- Member

ABSENT WITH APOLOGY

Sen Mithika Linturi, MP	- Member
Sen. (Eng.) Mohamed M. Mohamud, CBS, MP	- Member
Sen. Moses Wetang'ula, EGH, MP	- Member

IN ATTENDANCE - SECRETARIAT

Mr. Peter Adika	-Principal Research Officer
Mr. Stephen Gikonyo	- Senior Clerk Assistant
Mr. Moses Kenyanchui	-Legal Counsel
Mr. Robert Rop	-Robert Rop
Mr. Abdihabib Dekow	-Serjeant-At-Arms

MIN. NO. 051/2020 PRAYERS

The sitting commenced with a word of prayer by the Chairperson at 11.00 a.m.

MIN. NO. 052/2020 ADOPTION OF THE AGENDA

The Committee adopted the agenda of the Sitting, after being proposed by Sen. Beatrice Kwamboka, MP and seconded by Sen. Judith Pareno, MP as follows-

1. Prayer.
2. Adoption of Agenda
3. Confirmation of the Previous Minutes.
4. Matter Arising.
5. Consideration and Adoption of the Draft Report on arrests of the following Senators;

- (i). Sen. (Dr.) Lelegwe Ltumbesi, MP - Senator for Samburu County;
 - (ii). Sen. (Dr.) Christopher Lang'at, MP- Senator for Bomet County; and
 - (iii). Sen. Cleophas Malalah, MP - Senator for Kakamega County.
6. Any Other Business.
7. Adjournment and Date of the Next Meeting.

MIN. NO. 053/2020

CONFIRMATION OF THE PREVIOUS MEETING

MINUTES

To confirm the Minutes Ninth Sitting of the meeting held on Monday, 17th August, 2020 the Chairperson requested the Vice Chairperson to Chair the meeting to facilitate confirmation of those Minutes. The Minutes confirmed as true copy of the proceeding during the meeting after being proposed by Sen Sen. Mohamed Yusuf Haji, MP and seconded by Sen Fatuma Dullo, MP. Thereon the Chair resumed to his Chair.

The Minutes of the meeting Tenth held on Wednesday, 19th august, 2020 were confirmed as true copy of the proceeding during the meeting after being proposed by Sen. Fred Outa, MP and seconded by Sen. Judith Pareno, MP

MIN. NO. 054/2020

MATTERS ARISING

Under Ex.Min.No.050/2020

The Committee directed that the paragraph be separated into two one should emphasize on the issue of Police trailing Senator in privately registered Police vehicles and the other one to include the Senator of Nairobi, Sen. Sakaja information regarding him being trailed by Police privately registered vehicles especially at the time the three (3) Senators were arrested.

MIN. NO. 055/2020

CONSIDERATION AND ADOPTION OF THE DRAFT

REPORT ON ARRESTS OF THE

The Committee was taken through the draft Report by the Committee Secretariat on the whereabouts of the three Senators and after presentations the Committee directed that all the Committee Observations be backed up by mention of the pieces of law which were not adhered to during the arrests. Further, that the establishment of the Parliamentary Security Liaison office should come out in the report clearly.

After the presentation of the Report the Committee adopted the Report with minor amendments for presentation in the Senate after being proposed by Sen. Judith Pareno and Seconded by Sen. Fred Outa.

MIN. NO. 056/2020 **ANY OTHER BUSINESS**

The Committee was informed that the Committee's meeting scheduled for Tuesday, 25th August, 2020 with Kenya Wildlife Service is still on for deliberations on the Statement by Sen. Fatuma Dullo, MP regarding the extra judicial killing of the residents of Isiolo County by the Kenya Wildlife Service Officers.

MIN. NO. 057/2020 **ADJOURNMENT**

There being no other business, the Chairperson adjourned the meeting at Thirty Minutes past Twelve noon until Tuesday, 25th August, 2020.

SIGNED: _____


(CHAIRPERSON)

DATE: _____
21st August, 2020

Annex A



**MINISTRY OF INTERIOR AND CO-ORDINATION OF NATIONAL
GOVERNMENT**
Office of the Cabinet Secretary

Telephone: +254-20-2227411
Fax: +254-20-341938
When replying, please quote

HARAMBEE HOUSE
P.O. Box 30510-00100
NAIROBI, KENYA

Ref. No OP. PA 1/29A

Date: 19th August, 2020

**REPORT ON THE INVITATION AND SUMMONS TO APPEAR BEFORE
THE SENATE STANDING COMMITTEE ON NATIONAL SECURITY,
DEFENCE AND FOREIGN RELATIONS**

REF A: SEN/12/4/SCNSDFR/2020 dated 17th August 2020 (Annex I)

REF B: Summons dated 18th August 2020 (Annex II)

INTRODUCTION

1. The Senate Standing Committee on National Security, Defence and Foreign Relations invited the Cabinet Secretary for Interior and Coordination of National Government to appear before it on 17th August 2020 at 1:15 p.m. The Committee sought to be addressed on the reported arrest of three Honourable Senators: Sen (Dr) Lelegwe Ltumbesi, Sen (Dr) Christopher Lang'at, and Sen Cleophas Malalah.
2. The Committee was executing a directive of the Honourable Speaker of the Senate made that morning.

ATENDANCE

3. The Cabinet Secretary was however unable to appear before the Committee due to the following circumstances:
 - a) All Cabinet Secretaries and Principal Secretaries had proceeded on a working recess between Monday 17th August 2020 and Friday 28th August 2020 as directed by His Excellency the President of the Republic of Kenya (Annex III and IV);

- 2020
- b) As per the directions issued by the Head of State and Government with respect to the Cabinet Working Recess, all State Officers serving within the Executive were limited to addressing only previously scheduled engagements; and in the instant case the Cabinet Secretary, the Inspector General of Police and the Director of Criminal Investigations were attending the national launch of the Digital Registration System of Boda-Boda operators (Annex V and VI) during the forenoon of 17th August 2020, and proceeding to the field evaluation visit of the Police Station Clean-Up Project in the afternoon at Karen Police Station. (Annex VII);
 - c) The letter of invitation sent in line with Senate Standing Order No. 218(3) was received at 3:44 p.m. on the very day of the requested appearance; and long after the expected time for appearance (1:15 p.m)
4. On 19th August 2020, in answer to Summons issued by the Committee, the Cabinet Secretary, Inspector General and Director of Criminal Investigations appeared before the Committee and gave answers to questions raised at the sitting.

INVESTIGATION OF SENATORS MALALA, LANG'AT AND LELEGWE

5. These investigations followed Threat/Situation Report No. 154 of 12th August, 2020, 155 of 13th August, 2020 and 156 of 14th August, 2020 (Annex VIII) which was generated by Directorate of Criminal Investigations Operations Department for necessary action in Narok, Bomet and Samburu Counties in Rift Valley Region. Reference is also made to letter No. NA/DCS/SCANS/2020/100 dated 30th June 2020 by the Departmental Committee on Administration and National Security on tribal clashes between Kipsigis and Maasai Communities' in Narok County where they required a brief from the National Police Service.
6. The County Criminal Investigation Officers (CCIOs) of Samburu, Bomet and Narok Counties responded to the report in accordance with the law and commenced investigations on the matters with keen focus on the set timeline of 21st August, 2020.
7. Below are details of the threat and action taken by the National Police Service:-

Illegal Oathing in Bomet County

- a) On 12th August, 2020 at Amalo River at the bordering of Olposimoru and Olenguruone, about two hundred Kipsigis youth underwent a cleansing ceremony in anticipation of clashing with the Maasai. They were assembled by Senator Dr. Christopher Langat of Bomet County and eight others who included and two elders hired for oathing ceremony.

The Senator of Bomet County also organised another oathing ceremony which was to take place on 14th August, 2020. The oathing ceremonies were meant to brainwash the Kipsigis youth and prepare them to participate in an attack on Maasai's living within Bomet County.

- b) After receiving the oathing information, the CCIO Bomet County Mr. Johnstone M. Kola, CP summoned Sen. Langat on Saturday 15th August, 2020 through his mobile phone No.07222764719 and sent a text message at around midday on the same day. The Senator had been summoned to appear before the CCIO Bomet County on Sunday 16th August, 2020. The purpose of the summons was to have the Senator shed light on the planned oathing ceremony, which was to be administered on Kipsigis youth. The Senator never obliged with the summons. On Monday, 17th August, 2020 he was traced in Nairobi by DCI Officers and escorted to appear before the CCIO Bomet County where he was interrogated and recorded a statement in the presence of his Lawyer Mr. Nelson Havi, President of Law Society of Kenya. He denied all allegations. He is free as the matter is being investigated further.
- c) The two elders who participated in the Kipsigis ceremony on 12th August, 2020 were summoned by CCIO Narok County Mr. Mwendwa Ithaiba, SSP and they appeared before him on 17th August, 2020 for interrogation and statement recording.

Samburu County

- d) In Samburu County, there have been a series of attacks among Pokot, Samburu and Turkana communities. Information gathered from the ground indicates that the Samburu were planning revenge attacks against Turkana. The name of Sen. Steve Lelegwa of Samburu County has greatly featured to be among the inciters in the violent attack. Other names which featured in the inciters list were Hon. Alois Lentimanga, MP for Baragoi and MCA Lawrence Lorunye. The mentioned inciting MP and MCA have so far been interrogated and recorded statements before Mr. Linus Owango, SSP CCIO Samburu County. Senator Steve Lelegwa, of Samburu County was summoned by CCIO Samburu through phone no 0712002025 for interrogation and statement recording. He agreed with the CCIO Samburu to have his Officers' travel to Nairobi where he was to write a statement on his contribution to incitement within the County. The DCI Officers from Samburu travelled to Nairobi but he refused to honour their calls. Through investigation he was traced on Sunday 16th August, 2020 but incited his political supporters who protected him from recording a statement or being arrested. On Monday 17th August, 2020 he was traced and escorted to Samburu where he was



EXECUTIVE OFFICE OF THE PRESIDENT

In that regard, and as the Administration continues to implement the ambitious transformative agenda for the Nation dubbed as the "**Big-Four**"; the Cabinet **Working** Recess seeks to give Members of Cabinet a scheduled break from weekly Cabinet Committee Meetings; as well as time to conduct **working** tours, **site visits** and **field engagements** with members of the public regarding ongoing State Programmes and Projects.

Therefore, during the Working Recess:

- I. Cabinet, Cabinet Committees and Technical Committees will not have scheduled engagements unless otherwise directed by **His Excellency the President** for urgent business, cases of national emergency, or any other exceptional circumstances; and
- II. Members of Cabinet shall be allowed to take leave from office, subject to the prior approval of **the President**.

It is important to underscore that Members of Cabinet and their colleagues across the Senior Ranks of the Executive do not enjoy 'leave' in the traditional sense. Accordingly, His Excellency the President is convinced that short Cabinet **Working** Recesses will enable Cabinet to deliver on its mandate with renewed energy whilst being accorded an opportunity to connect with their families and our shared heritage. **During the recess, the delivery of government services will continue uninterrupted.**

The Head of State and Government remains steadfast in his confidence with the membership and capacity of his Cabinet and the Senior Ranks of the Executive; as well as their individual and collective ability to support in the delivery of his Agenda for the Nation, as he continues to steer Kenya further along the path of the **most consequential years of transformation in our Nation's history.**

JOSEPH K. KINYUA, EGH
HEAD OF THE PUBLIC SERVICE

Sunday, 16th August, 2020



EXECUTIVE OFFICE OF THE PRESIDENT
HEAD OF THE PUBLIC SERVICE

Telegraphic Address
Telephone: +254-20-2227436
When replying please quote

CONFIDENTIAL

STATE HOUSE
P.O. Box 40530-00100
Nairobi, Kenya

Ref. No.....**OP/CAB.58/4A**
and date

.....12th August, 2020.....

The Hon. Attorney-General
All Cabinet Secretaries
All Chief Administrative Secretaries
All Principal Secretaries

THE 2020 CALENDAR OF CABINET, CABINET COMMITTEES AND TECHNICAL COMMITTEES

In recognition of the role of Cabinet as the Nation's apex policy organ, and conscious of the role of Cabinet Committees and Technical Committees as the framework that institutionalizes the delivery cycle of State Projects and Programmes; **His Excellency the President** has granted approval to the 2020 Cabinet Calendar covering the Financial Year 2020/21.

Accordingly, as set out in the Cabinet Calendar and in keeping with Cabinet practice and traditions throughout the Commonwealth, it is notified as follows:

- I. That in the months of **April, August** and **December** of every year; Cabinet will proceed on Cabinet Working Recess for periods sanctioned by **His Excellency the President** and communicated by our Office;
- II. That during the Cabinet Working Recess periods; Cabinet, Cabinet Committees and Technical Committees will not have scheduled engagements unless otherwise directed by His Excellency the President for urgent business, cases of national emergency, or any other exceptional circumstances;
- III. That during the Cabinet Working Recess; the Hon. Attorney-General, Cabinet Secretaries, Chief Administrative Secretaries and Principal Secretaries ("**Senior Ranks of the Executive**") will be expected to conduct working tours, site visits and field engagements with members of the public with respect to ongoing State Programmes and Projects;
- IV. That during the Cabinet Working Recess; Members of Cabinet and the Senior Ranks of the Executive shall be expected to undertake preparatory works for all outstanding

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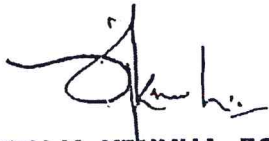
CONFIDENTIAL

Cabinet Business and all matters that are due for consideration by Cabinet and its Committees upon return from Recess;

- V. That during the working Recess; Members of Cabinet will still be required to undertake their ministerial portfolio responsibilities and to attend to any presidential engagements arising from or ancillary to their ministerial mandate; and
- VI. That during the working Recess; Members of Cabinet shall be allowed to take leave from office, subject to the prior approval of **His Excellency the President** and the receipt of Presidential clearance with respect to any travel by the Member of Cabinet to any destination outside of the territory of the Republic of Kenya.

In light of the foregoing, the August-2020 Cabinet Working Recess will commence on **Monday, 17th August, 2020** and end on **Friday, 28th August, 2020**. The NDICCC shall convene for its **Twenty-Seventh Meeting** on **Tuesday, 1st September, 2020**; and thereafter **Cabinet** shall sit on **Thursday, 3rd September, 2020**.

We enclose herewith the **2020 Cabinet Calendar** for your ease of reference, information and records.



JOSEPH K. KINYUA, EGH
HEAD OF THE PUBLIC SERVICE

- Copy to:** **Dr. Fred O. Matiang'i, EGH**
Chairperson
National Development Implementation and
Communication Cabinet Committee (NDICCC)
Harambee House
NAIROBI
- Hon. Justice (Rtd.) Kihara Kariuki, EGH**
Chairperson
Cabinet Committee on Legislation
The State Law Office & Department of Justice
NAIROBI
- Dr. (Eng.) Karanja Kibicho, CBS**
Chairperson
National Development Implementation and
Technical Committee (NDITC)
Harambee House
NAIROBI

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~~CONFIDENTIAL~~

Mr. Kinuthia Mbugua, CBS
State House Comptroller
Executive Office of the President
NAIROBI

Major-General Mohamed Abdallah Badi, EBS
Director General
Nairobi Metropolitan Services
NAIROBI

Mr. Nzioka S. Waita, CBS
Chief of Staff
Executive Office of the President
NAIROBI

Mr. Kennedy W. Kihara, CBS
Principal Administrative Secretary/
Assistant Secretary to the Cabinet
Executive Office of the President
Harambee House
NAIROBI

Amb. Ken Nyaicho Osinde, CBS
Chief of Staff
Office of the Deputy President
Harambee House Annex
NAIROBI

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REPUBLIC OF KENYA

THE FOURTH ADMINISTRATION

THE 2020 CALENDAR OF CABINET, CABINET COMMITTEES
AND ITS TECHNICAL COMMITTEE

SESSION	RECESS DATES
January, 2020	<i>Session [I] 2020</i>
February	
March	
April	<i>[April Recess]</i> 6 th to 13 th April, 2020
May	<i>Session [II] 2020</i>
June	
July	
August	<i>[August Recess]</i> 17 th – 28 th August, 2020
September	<i>Session [III] 2020</i>
October	
November	
December	<i>[End Year Recess]</i> 22 nd December, 2020 – 8 th January, 2021
January, 2021	

His Excellency the President may recall Cabinet during recess.

JOSEPH K. KINYUA, EGH
HEAD OF THE PUBLIC OF SERVICE



BODABODA SAFETY ASSOCIATION OF KENYA

TEL: 071344447
Email: info@bak.co.k
Web: www.bak.co.k

Annex B



Our Ref: ...BAK/52/2020.....

Date: 11/8/2020

Your Ref:

George Mucheru

Dear Sir

Cabinet Secretary,
Dr. Fred Matiang'i,
Ministry of Interior and Coordination of National Government,
Harambee House
NAIROBI

Dear CS,

REF: INVITATION TO BE CHIEF GUEST DURING THE BODA BODA NATIONAL SUMMIT AND LAUNCH OF THE BODA BODA INFORMATION MANAGEMENT SYSTEM (BIMS)

The Bodaboda Safety Association of Kenya is a national legal registered organization with representation in all the 47 counties in Kenya. We have a well-coordinated structure from national to grass root level.

Following the meeting we had at Harambee House, 6th Floor Boardroom on 15th July 2020, it was agreed that the Association holds a National Summit and launch the Boda Boda Information Management System (BIMS) that was presented to you and Cabinet Secretary, Ministry of ICT, innovation and Youth affairs, Mr. Joe Mucheru.

The Association has finalised on the modalities for the summit that is to be held on **Monday, 17th August 2020** at the Kenya Institute of Curriculum Development (KICD).

We invite you as the Chief Guest as well as key note speaker of the Summit and kindly request you to extend the invite on behalf of the Association to Cabinet Secretary, Ministry of ICT, innovation and Youth affairs, Mr. Joe Mucheru and Cabinet Secretary, Ministry of Labour and Social Protection, Mr. Simon Kiprono Chelugui and Cabinet Secretary, Ministry of Transport and Infrastructure, Mr. James Macharia.

We look forward to your favorable consideration and response. We are committed to working with you to address the Boda Boda safety and security challenges in the Country.

Regards,

Kevin Mubadi
National Chairman/President

Annex 7.

MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT
STATE DEPARTMENT OF CORRECTIONAL SERVICES

KENYA PRISONS SERVICE

PRISONS HEADQUARTERS
P.O. BOX 30175-00100
NAIROBI.

Kenya Prisons Service
P.O. Box 30175-00100
Nairobi
When replying please quote



14th August, 2020

Date: -----

Ref: -----

The Commissioner General of Prisons
Prisons Headquarters
PO Box 30175-00100
NAIROBI

REF: KAREN POLICE STATION WORKS AND UPGRADE

Following your instructions on the above subject matter, I visited the station together with Deputy Director Prison industry ACP Njoroge. On 14.08.2020 we met IG's Representative Mr. Mutua Ndunda, the OCPD, OCS and DCIO of the station.

After extensive tour of the facility, we agreed on the following action plan.

S/NO	EVENT	ACTION PERSON	TIME FRAME
1.	Clearing of grass bushes	OCS and OCPD	immediate
2.	Removal of all stalled/parked Vehicles at the station.	immediate	immediate
3.	Painting of the offices.	KPS to do estimate and avail to OCPD copy attached	When requirements are available
4.	Murraming of car parking.	OCS and OCPD	immediate

Submitted sir for your information.

D.O. OGORE OGW, ndc (K) SACGP
For: COMMISSIONER GENERAL OF PRISON



Annex 8

NATIONAL POLICE SERVICE

Telegrams: "CRIMINAL", Nairobi
Email: crimedatny@cid.go.ke
crimedatcentre@gmail.com
Tel. 020343312, 0202603724.



MAZINGIRA HOUSE
KIAMBU ROAD
P.O. Box 30036,
NAIROBI.

DIRECTORATE OF CRIMINAL INVESTIGATIONS

REF: CID/SEC/OPS/5/VOL. LVXXII/82

12TH AUGUST, 2020

MR. WASHINGTON NJIRU , CP
RCIO COAST.

MR.PETER MBUVI ,SSP
C.C.I.O TANA RIVER.

MR. JONAH KIRUI , CP
RCIO EASTERN.

MR.LINUS O.OWANGO ,SSP
C.C.I.O SAMBURU.

MR. PAUL WACHIRA , CP
RCIO RIFT VALLEY.

MR.HARUN CHABARI,SSP
C.C.I.O MARSABIT.

MR.LENNY KISAKA,CP
C.C.I.O ISIOLO.

MR.PAUL LETING CP
C.C.I.O LAMU.

DIRECTOR INTELLIGENCE BUREAU
DIRECTOR INVESTIGATION BUREAU

SITUATION REPORT OF 12.08.2020 SERIAL NO: 154 OF 2020.

1. TENSION HEIGHTENING BETWEEN THE GIRIAMA AND THE WARDEI IN TANA DELTA

Further to Situation Report Serial Number 151/2020 dated 07.08.2020 on the looming tension between Giriama and Wardei communities in Tana Delta Sub County, the situation is escalating. This follows the discovery of a body of a Wardei woman in Kurawa area within Wachu-Oda Location on 10.08.2020, who the Wardei claim was killed by the Giriama. They have threatened to retaliate if the Giriama suspects being held in connection with the incident are released.

Meanwhile, the two communities continue to feud over grazing areas in Wachu-Oda, as the Wardei are grazing their livestock on farms belonging to the Giriama.

SECRET

The Wardei are claiming the larger Kone Dertu ranch as their ancestral land and are pushing for the eviction of the Giriama.

RCIO COAST AND CCIO TANA RIVER: *There is need for the local Administration to engage with elders to manage the situation.*

2. TENSION LOOMING BETWEEN THE GIRIAMA AND THE BAJUNI IN LAMU

Tension is looming between the Giriama and the Bajuni in Witu Division within Lamu West following plans by the Bajuni, led by Abubakar Maawiya Yusuf to evict the Giriama from Burja Ranch. The Bajuni claim that the area on which the ranch lies is their ancestral land and are determined to reclaim it. Consequently, Lawrence Kahindi Charoh, who is leading the Giriama, is mobilizing his kinsmen to counter possible aggression by the Bajuni.

RCIO COAST AND CCIO TANA RIVER: *There is need for local Peace Committee to hold public barazas to promote peaceful coexistence between the two communities.*

3. FRESH HIGHWAY BANDITRY ATTACKS ALONG MOYALE-ISIOLO HIGHWAY

There is recurrence of highway banditry in Samburu East along Moyale-Isiolo highway. On 11.08.2020, in Mlima Tatu area within Samburu East, armed Samburu morans attacked a convoy of lorries ferrying livestock, resulting in exchange of fire with police officers who were escorting the lorries. Another group of bandits ambushed police officers from Sereolipi Police Station, who were on their way to reinforce their colleagues at the scene. The bandits target Lorries transporting livestock from Marsabit to Nairobi and lay their ambushes on Tuesdays and Thursdays, when the livestock are bought.

RCIOEASTERN, CCIO'S MARSABIT AND ISIOLO: *There is need for enhanced security patrols on the highway and use of area Chiefs and elders to identify morans masterminding the attacks.*

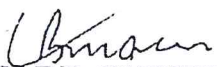
4. TURKANA PLANNING TO ATTACK THE SAMBURU WITHIN SAMBURU NORTH

On 11.08.2020, about ten (10) Turkana warriors were sighted at Loilei, Natiti and Nalingangor areas within Baragoi Division in Samburu North planning to raid the

SECRET

Samburu. The warriors are targeting herders grazing in Natir area, between Baragoi high school and Baragoi town. The Samburu are prepared to counter the raiders. ***RCIO RIFT VALLEY AND CCIO SAMBURU: There is need to intensify security patrols in the area to prevent a possible attack.***

ALL RESPECTIVE RCIO's AND CCIO's ARE DIRECTED TO GIVE FEEDBACK ON THE ACTION TAKEN THROUGH E-MAIL (crimedatacentre@gmail.com) LATEST BY 19TH AUGUST 2020.


(BERNARD GICHERU)HSC
FOR: DIRECTOR OF CRIMINAL INVESTIGATIONS

NATIONAL POLICE SERVICE

Telegrams: "CRIMINAL". Nairobi
Email: crimedata@cid.go.ke
crimedatacentre@gmail.com
Tel: 020343312, 0202603724.



MAZINGIRA HOUSE
KIAMBU ROAD
P.O. Box 30036,
NAIROBI.

DIRECTORATE OF CRIMINAL INVESTIGATIONS

REF: CID/SEC/OPS/5/VOL. VXX.III/84

13TH AUGUST 2020

MR. PAUL WACHIRA, CP
R.C.I.O RIFT VALLEY.

MR. HARUN CHABARI, SSP
C.C.I.O MARSABIT.

MR. JONAH KIRUI, CP
R.C.I.O EASTERN.

MR. MWENDA ETHAIBA, SSP
C.C.I.O NAROK.

MR. WASHINGTON NJIRU, CP
R.C.I.O COAST.

DIRECTOR INTELLIGENCE BUREAU
DIRECTOR INVESTIGATION BUREAU

MR. KIETI MBUVI, SSP
C.C.I.O TANARIVER.

SITUATION REPORT OF 13.08.2020 SERIAL NO: 155/2020

1. RE-EMERGING HOSTILITY BETWEEN THE KIPSIGIS AND THE MAASAI IN NAROK

Further to Situation Report Serial Number 146/2020 dated 30.07.2020 on the hostility between the Kipsigis and the Maasai following clashes between them, fresh confrontation is looming. On 12.08.2020, at Amolo River on the boundary of Olposimoru and Olenguruone areas, about two hundred (200) Kipsigis youth underwent a cleansing ceremony in anticipation of clashing with the Maasai. The ritual was performed by elders; **Philip Chumo** and **Jonathan Kirui**. A similar ceremony is slated for 14.08.2020 at Toloita village within Olmariko Sub Location. The Maasai are aware of the plans by the Kipsigis and have mobilized their morans to assess the possibility of an attack by the Kipsigis, which has prompted members of Kipsigis community to relocate their families to safer areas in Olosururi and Olorien.

Meanwhile, the situation is likely to escalate following the incitement by **Lydia Naneu Ntimama** to Maasai women to eject Kipsigis women traders from Olpusimoru Trading Centre.

RCIO RIFT VALLEY and CCIO NAROK: *There is need for continued intervention by NCIC and local Peace Committees for peaceful co-existence.*

2. HOSTILITY PERSISTING BETWEEN THE GIRIAMA AND THE WARDEI IN TANA DELTA

Further to Situation Report Serial Number 154/2020 dated 12.08.2020 (Item 1) on the heightening tension between Giriama and Wardei communities in Tana Delta Sub County, the situation remains tense. On 12.08.2020, thirty-nine (39) Giriama family members, who were fearing retaliatory attacks by the Wardei, relocated from Kurawa to Hurara Trading Center.

RCIO COAST and CCIO TANARIVER: *There is need for the local Administration to use peace committees to reconcile the communities in addition to security deployments to avert any attacks.*

3. PETITION BY SAKU MP DIDO RASO TRIGGERING TENSION BETWEEN BORANA AND GABRA IN MARSABIT

On 12.08.2020, Dido Ali Raso, MP Saku Constituency, tabled a public petition in parliament in which he blamed members of Gabra community for attacks against the Borana. This has evoked negative reaction from the Gabra and it is likely to heighten ethnic hostility/would trigger confrontations between the two communities.

RCIO EASTERN and CCIO MARSABIT: *There is need for early intervention to manage the situation, besides deferring the intended petition, which has been made when both communities were involved in peace making overtures.*

ALL RESPECTIVE RCIOs AND CCIO's ARE DIRECTED TO GIVE FEEDBACK ON THE ACTION TAKEN THROUGH E-MAIL (crimedatacentre@gmail.com) LATEST 20TH AUGUST, 2020.



(MICHAEL ARINA)

FOR: DIRECTOR OF CRIMINAL INVESTIGATIONS

NATIONAL POLICE SERVICE

Telegrams: "CRIMINAL" Nairobi
Email: crimedata@cid.go.ke
crimedatacentre@gmail.com
Tel: 020343312, 0202603724.



MAZINGIRA HOUSE
KIAMBU ROAD
P.O. Box 30036,
NAIROBI.

DIRECTORATE OF CRIMINAL INVESTIGATIONS

REF: CID/SEC/OPS/5/VOL. VXX.III/86

14TH AUGUST 2020

MR. PAUL WACHIRA, CP
R.C.I.O RIFT VALLEY.

MR. HARUN CHABARI, SSP
C.C.I.O MARSABIT.

MR. JONAH KIRUI, CP
R.C.I.O EASTERN.

DIRECTOR INTELLIGENCE BUREAU
DIRECTOR INVESTIGATION BUREAU

MR. LINUS O. OWANGO, SSP
C.C.I.O SAMBURU.

SITUATION REPORT OF 14.08.2020 SERIAL NO: 156/2020

1. GABRA MILITIA PREPARING TO ATTACK THE SAMBURU IN MARSABIT

Gabra militia have started regrouping at El Boru Magadho area, which is between Gas and El Sako Mala in North Horr, with the intention of attacking Samburu manyatta in Arapal and Mt. Kulal areas within Loiyangalani Sub County. The militia are seeking to recover the remaining camels that Samburu morans stole from them in early July, 2020, but have not been surrendered despite agreeing to do so.

RCIO EASTERN and CCIO MARSABIT: There is need for the local Administration to encourage the Samburu to return the camels to avert a possible attack.

2. TURKANA CONTINUE PLANNING TO ATTACK THE SAMBURU IN SAMBURU NORTH

Further to our Situation Report Serial Number 154/2020 dated 12.08.2020 (Item 4) on the plans by the Turkana to attack the Samburu, the plans are still underway. On 13.08.2020, about forty (40) Turkana warriors from Suguta Valley were sighted moving towards Lonjorin area in Nyiro Division to raid Samburu herders grazing in the area. This is to avenge an attack by Samburu morans at Kawap on 06.08.2020, during which they stole fifty (50) goats.

Meanwhile, tension is high in Nachola area within Baragoi Division following a raid by Pokot warriors against Turkana herders in the morning of 14.08.2020.

RCIO RIFT VALLEY and CCIO SAMBURU: The Turkana lost a yet to be established number of goats. There is need for heightened security measures.

ALL RESPECTIVE RCIOs AND CCIO's ARE DIRECTED TO GIVE FEEDBACK ON THE ACTION TAKEN THROUGH E-MAIL (crimedatacentre@gmail.com) LATEST 21ST AUGUST, 2020.



(MICHAEL ARINA)

FOR: DIRECTOR OF CRIMINAL INVESTIGATIONS

