

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 25<sup>th</sup> February, 2015

The House met at 9.30 a.m.

*[The Temporary Deputy Speaker  
(Hon. (Ms.) Shebesh) in the Chair]*

### PRAYERS

### NOTICES OF MOTIONS

#### SETTING UP OF ICUS/BLOOD TRANSFUSION UNITS IN CONSTITUENCIES

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Abdul Rahim Dawood, the Floor is yours.

**Hon. Dawood:** Hon. Temporary Deputy Speaker, I beg to give notice of the following Motion:-

THAT, aware that the country has been experiencing a series of fatal emergency situations that necessitate urgent medical care and blood transfusion; deeply concerned that currently the country lacks sufficient blood reserves; noting that health services and blood donation in the critical emergency situations are crucial to saving lives, this House urges the Government to consider setting up an Intensive Care Unit (ICU) and a blood transfusion unit in every constituency to provide medical care and blood in emergency situations.

#### ADOPTION OF REPORT ON TASSIA II SETTLEMENT SCHEME/INFRASTRUCTURE DEVELOPMENT

**Hon. Were:** Hon. Temporary Deputy Speaker, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Labour and Social Welfare on the National Social Security Fund (NSSF), Tassia II Settlement Scheme Infrastructure Development laid on the Table of the House on Thursday, 19<sup>th</sup> February, 2015.

**Hon. Lekuton:** On a point of order, hon. Temporary Deputy Speaker. I wish to request that business listed on the Order Paper as Order No. 8, which is the Committee of the Whole House on the Traffic (Amendment) Bill, 2014 be deferred to a later date.

I am consulting with the stakeholders and relevant Departmental Committees on the proposed amendments by the Departmental Committee on Transport, Public Works and Housing. I, therefore, seek your indulgence and ask that I be given another chance next week.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): That is okay, hon. Lekuton. I, therefore, order that Order No. 8, Committee of the whole, House be deferred until another sitting.

## BILL

### *Second Reading*

#### THE COUNTY GOVERNMENTS (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Keynan! Is he not present? Since he is not in the House, we will defer this Order.

Next Order! Somebody has a point of order? What is out of order hon. Gikaria?

**Hon. Gikaria:** Thank you, hon. Temporary Deputy Speaker.

Unfortunately I was waiting for Order No. 7, but the Clerk-at-the-Table read it out very fast. Two weeks ago, I raised a Question for the Ministry of Sports, Culture and Arts regarding football affairs in the country. The Leader of the Majority Party had indicated on Thursday that the Cabinet Secretary would be answering the question yesterday. Yesterday, the Sports Cabinet, Culture and Arts Secretary (CS) came but there was no venue. The football family has a lot at stake now that the two leagues are on. I do not know what will happen; he was coming to answer on what the Government is doing regarding the confusion that is in Kenyan football. We do not have any direction and, maybe, you could give us some guidance.

Thank you, hon. Temporary Deputy Speaker.

**Hon. Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Gikaria, since you have mentioned the Leader of the Majority Leader, we will wait for him, and see how far he has gone with the matter. We can, therefore, give a clarification in the afternoon.

## MOTION

#### COMPENSATION OF MAU MAU VICTIMS BY THE BRITISH GOVERNMENT

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Patrick Wangamati.

*(An hon. Member spoke off the record)*

I do not think there is anything out of order. We will give him a minute to get ready. Hon. Wangamati, prepare yourself well.

**Hon. Wangamati:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to move this Motion.

Hon. Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, aware that in 2013 the British Government agreed to pay Kenyans who were abused, tortured, maimed and detained by British colonial forces during the *Mau Mau* uprising in 1952 and onwards compensation of Kshs2.5 billion as an out of court settlement; further aware that the compensation was only paid to a section of *Mau Mau* victims from Kiambu and Nyeri counties, leaving out victims from Meru, Kirinyaga, Murang'a, Embu, Kajiado and other parts of Kenya; cognisant of the fact that leaders from the two counties initiated a court process claim for compensation to the victims who were eventually compensated; noting that the struggle for Independence in this country involved various communities and individuals like the followers of *Dini ya Musambwa* movement, who took part in the uprising against the colonial government, and were also killed, tortured and detained and, therefore, also deserve equal compensation from the British Government; also, aware that the British Government has accepted to release further compensation money, on condition that only the victims who are still alive and can prove that they were tortured, will be compensated from these money, this House resolves that the Government ensures that compensation from the British Government goes to all affected homes and families of victims who are still alive all over the country.

In moving this Motion, I wish to give a brief historical background of the struggle by Kenyans against the British Government. Intimidated by the British colonial rule through harassment, bad rule over taxation, racism and forced labour and disregard for the value of human life, our people revolted against the colonial rule. Therefore, the struggle for Independence started secretly. In 1946, after the Second World War, a movement was born in the name of *Dini ya Musambwa*, led by Elijah Masinde wa Nameme and Joash Walumoli in Bungoma on the slopes of Mount Elgon. The movement was calling for the end of British rule and asking the British rulers to go back to their country and leave Kenyans to rule themselves. In two years, the movement spread all over western Kenya, North Rift and as far as Uganda. Other communities like the Pokot, Tugen, Turkana, Nandi, Kipsigis, Sabaot, Luo and many others objected to over-taxation, racism and forced labour in this country.

In 1948, the colonial government outlawed this movement and declared a total ban on it, and, therefore, they set up camps, arrested people, killed them and beat them. In this respect, the followers of *Dini ya Musambwa* were jailed for many years. In addition, some of the diehards were Lucas Chepkep from Pokot who presided over the movement among the Pokot, Marakwet and Tugen; Ndesawe arap Mengis and Chumo arap Birech presided over the movement in Nandi and Kipsigis; and Cleophas Okwako presided over the movement in Luo Nyanza. All these people were arrested and detained and most of them were killed.

In 1952, another movement was born in the name of *Mau Mau* Freedom Fighters. They were a little more organised than any other group and made the British rulers panic.

The colonial rulers were shocked at the way the movement had organised itself and spread all over this country. When the colonial rulers realised this, they declared a state of emergency in the country. It was at this time that the people of central Kenya and its surroundings faced brutality of the British colonial rule. As time went on, with the state of emergency spreading to other parts of the country, the *Mau Mau* movement became stronger and more opposed to the declaration of the state of emergency. The *Mau Mau* intensified the struggle against colonial rule more than ever before. The *Mau Mau* freedom fighters continued to get support countrywide and even from outside the country, and this eventually earned us Independence.

I want to thank and appreciate members of the *Mau Mau* War Veterans Association, who were courageous enough to claim compensation from the British Government. I would, most sincerely, like to thank hon. Gitu wa Kahengeri and his group for being bold enough to seek compensation from the British Government on behalf of those who survived the state of emergency. However, *Dini ya Musambwa* and other groups who started the struggle outside Kiambu and Nyeri were not considered for compensation.

**Hon. Shidiye:** On a point of order, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): What is out of order, hon. Shidiye? Hon. Wangamati, one minute please. What is out of order?

**Hon. Shidiye:** On a point of order, hon. Temporary Deputy Speaker. Is it in order for the hon. Member to read while he is supposed to contribute and debate?

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Member, I am sure you have read the mood of the House. Let us allow hon. Wangamati to complete his contribution.

**Hon. Wangamati:** Thank you, hon. Temporary Deputy Speaker. Some people, even from central Province never got any money from this compensation. The British government has apologised for the brutal killings and torture, which Kenyans went through and has accepted to settle the matter outside the courts. I call this a landmark decision by the government of the people, for the people and by the people.

The British Government has accepted to release a further compensation on condition that only the victims who are still alive and can prove that they were tortured will be compensated. Only the children of the victims are alive and cannot prove that they were tortured. Therefore, it is not possible for them to get this money if this House does not think about them. Some of these children were not yet born. Surviving victims cannot travel to Nairobi to record statements with Cecil Miller Advocates.

Many families of the freedom fighters are either squatters or are leading miserable lives as the parents could not afford to give them, at the very least, education. So, the Kenya Government must rescue them from long suffering. The descendants of the freedom fighters all over this country should be assisted by ensuring that they benefit from the second allocation from the British Government. I urge that further compensation should go to the descendants of the freedom fighters all over the country. Members of this Eleventh Parliament know some of the victims, who are still suffering in

their constituencies. They can even identify those who are still unable to go to school, because their parents were victims and live horrible lives.

It is important for this House to realise that our freedom fighters have not been given the honour, or respect that is due to them from our Government in keeping with the sacrifices that they made. It is the moral duty and responsibility of our Government to see that these descendants are assisted. The Government should come out boldly and develop a mechanism for raising funds to also compensate the freedom fighters and their descendants.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Member, there is another point of order.

*(Loud consultations)*

**Hon. Wekesa:** On a point of order, hon. Temporary Deputy Speaker. The Member is moving a very important Motion and there are a lot of consultations from the Members, including hon. Chea and the chairman here. Can you protect him?

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Chea and hon. Gethenji, please, let us give the Member on the Floor the respect that he deserves and listen to his contribution.

**Hon. Wangamati:** Thank you, hon. Temporary Deputy Speaker. Thank you Member for Sabaot. The Government should come out boldly and develop a mechanism for raising funds to also compensate the victims of our Independence struggle, and their descendants. We should recognise their contribution to the freedom of the people of this country. We should apologise to them and create a Fund in their honour. The Fund should be known as the “Freedom Fighters Fund”.

Therefore, I urge this House to resolve that the Government co-ordinates and facilitates all the affected families to ensure that the second compensation from the British Government benefits all of them. It should immediately establish a committee to compile a list of those who need to benefit.

**The Temporary Deputy Speaker** (Hon.(Ms.) Shebesh): You have three more minutes.

**Hon. Wangamati:** Hon. Temporary Deputy Speaker, I want to ask hon. Tong’i to second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Is he seconding the Motion?

**Hon. Wangamati:** Yes.

**Hon. Tong’i:** Thank you, hon. Temporary Deputy Speaker for the opportunity to second this wonderful Motion, which has been moved eloquently by my senior. We are honoured to have him in the House; he makes all the difference. His wisdom makes all the difference to all of us.

As it has been explained, I second this Motion for the following two reasons. The people who suffered during the *Mau Mau* war were from all over Kenya. They touched every part of Kenya. Even as we are seeking compensation for the *Mau Mau* victims, it is only fair that we have the face of Kenya. We should have people from every part of Kenya being compensated. For instance, *Dini ya Msambwa* as stated, clearly participated

so overwhelmingly until it was black listed as a cult instead of being recognised as a religion, which was supported by African thinking. We have people in Kisii, like Mzee Angwenyi, not the Angwenyi we know but his father, participated a lot in the freedom struggle. No wonder hon. Angwenyi has the same blood of a fighter. The father participated in fighting to ensure that Kenya got freedom.

We also have Mzee Otenya, who was killed while fighting for the freedom of Kenya. His family was completely wiped out of Kenya while fighting for the freedom which we now enjoy as a country. Resolving to compensate only those who are living and can prove that they suffered is very misleading. Most of those who died suffered and their families were never given peace to move to the next level. So, asking people who died to come out and prove that they actually died while fighting in the *Mau Mau*, so that they can qualify for compensated is a misnomer. It is totally unacceptable and will not be in the interests of the country.

People like John Kebaso, Machuka and hon. Nyachae's father fought for Independence overwhelmingly. We are not going to reincarnate them so as to testify and say that they suffered while fighting for the freedom of this country. The position should be that since history has recorded the people who suffered, it is only fair that we go by what has been recorded in history, and compensate the people based on history and what people know.

We all know the people who suffered all over Kenya. The compensation should reflect the face of Kenya. That way, we will ensure that there is unity and the reward will be seen to have served Kenya in a very fair manner.

As I wind up, there is a very disturbing advertisement I have seen a billboard posted on our nation Government buildings. It reads '*Hii ni nchi ya Tusker*'. It is very disturbing for those of us who are Christians. How can Kenya be *nchi ya Tusker*?

**The Temporary Deputy Speaker** (Hon. Shebesh): Please hold on, hon. Tong'i.

Hon. Gikaria, what is your point of order? When people are contributing, make sure that you raise genuine points of order.

**Hon. Gikaria:** On a point of order, hon. Temporary Deputy Speaker. The Mover has brought a very important Motion. I am the Vice-Chairperson of the Implementation Committee. Some of the problems that we are facing relate to resolutions passed by this House, which cannot be implemented.

**The Temporary Deputy Speaker** (Hon. Shebesh): He has not even finished moving the Motion, hon. Gikaria.

**Hon. Gikaria:** Hon. Temporary Deputy Speaker, the only problem we have is, assuming the House will resolve---

**The Temporary Deputy Speaker** (Hon. Shebesh): No; you cannot pre-empt the outcome of debate. The Mover has not even finished moving the Motion for you to be able to raise a point of order against it. Let the hon. Member continue.

**Hon. Gikaria:** It is okay, hon. Temporary Deputy Speaker.

**Hon. Tong'i:** Thank you, hon. Temporary Deputy Speaker, for providing leadership. We are not yet at debating level. We are still moving the Motion, and we all agreed that it is a very sensitive Motion.

My grandfather, Mzee Nyang'ate, died while fighting for the freedom of this country, and he has not been captured in the list that we are talking about. When we say

that we need to have the face of Kenya on the list, we mean well, because we have a duty, as national leaders, to ensure that whatever little money is going to come out of the MAU MAU claim is used to compensate deserving Kenyans – those Kenyans who died fighting for the freedom of this country.

As I said, I am so disappointed that there are billboards all over Nairobi and other parts of Kenya which declare that Kenya is a country of Tusker. Those of us who profess Christianity are getting disturbed. It is so annoying that one can have the audacity to say that this is a country of Tusker. What message, or values, are we passing on to our children when a billboard placed on top of a Government building says that this is a country of Tusker? We are the lawmakers. We need to do something about it. We need to reprimand those who are responsible for that kind of advertisement, because it is misleading our children. As leaders of the national Government, we have a duty to ensure that, that kind of value is not passed down to our children without being challenged. I am a very strong Christian and an elder of my church. That kind of advertisement affects my feelings. It is not in order.

With those remarks, I beg to second the Motion.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Shebesh): Hon. Onyura, you have the Floor.

**Hon. Onyura:** Thank you very much, hon. Temporary Deputy Speaker. I rise to support the Motion.

I want to take this opportunity to thank hon. Wangamati for bringing the Motion to the House and highlighting the issue of our freedom fighters, so that this House, and the nation, can have an opportunity to discuss it. I see this Motion as addressing issues of historical injustices. This is a matter which has been discussed at various forums. We should establish a task force, as hon. Wangamati has indicated; to look at all the other historical injustices and recommend what should be done.

Hon. Temporary Deputy Speaker, in this connection, I do not know what happened to the Truth, Justice and Reconciliation Commission (TJRC) Report on historical injustices. It is very unfortunate that as a country, there were times when we spent so much money, setting up committees and commissions to look into certain issues. A lot of time and money is wasted and nothing happens to the report of the bodies. The TJRC Report has been shelved; the issues contained in it are no longer being followed up. Maybe, in future, we shall set up another commission that will use public funds and nothing will come out of it. Recommendations in such reports need to be implemented.

The Motion also addresses issues of equity and fairness. I thank and congratulate the people who took up this initiative – the likes of Gitu wa Kahengeri and the lawyers who took up the matter. To me, it is like a continuation of the fight against the injustices meted out on our people by the British through colonialism and other excesses that our people experienced. The fight should go on. We should continue fighting to get compensation as well as admission and apology from the British for all the excesses that were meted out on our people.

Hon. Temporary Deputy Speaker, we should not stop there. We have many cases where our own post-Independence regimes meted out atrocities on the citizens. That is also a matter which should be addressed. Whether it is done by the British or by our own people, it is still oppression. It should be addressed with equal seriousness and the victims compensated.

Therefore, I would call upon historians, legal people and the Members of this House to take up these matters, so that all those who have suffered historical injustices are compensated.

With those remarks, I beg to support the Motion.

**The Temporary Deputy Speaker** (Hon. Shebesh): Hon. Njenga.

**Hon. Njenga:** Thank you, hon. Temporary Deputy Speaker. I rise to support this particular Motion, noting that there were serious massacres that occurred in this country. These massacres were in Lari, Chuka, Hola and many other places and that is a clear indication that this was not only in central Kenya. I also note that it has been put into record that veterans like Dedan Kimathi, Musa Mwariama, Waruhiu Itote and Mathenge wa Mirugi are people who suffered and are known to have done that.

In fact, record has it that between 12,000 and 20,000 Kenyans were killed and many others captured. In fact, those who were castrated are also on record. I am urging this House to resolve in support of this Motion, that it is high time we came up with a register of all those who died, tortured to the extent of being castrated and those whose bodies were not found. We should have a register of such people and their people, because some of them have since died. This register should be audited and the audited register publicized, so that Kenyans know who these people were. The reason is that there are so many other people who came out and benefited from the recent payment, which the Mover says was actually for the people in Kiambu and Nyeri counties. They were paid yet they were not the real victims, or people who suffered.

Much as I support that *Dini ya Musambwa* and others should be paid; let us investigate and put every human being, whether from the Kikuyu community, Embu, Meru, Kiambu, Nyeri or central Kenya in the compensation list. We should have this data and they should be compensated.

At the same time, this House should ensure that we trace the grave of Dedan Kimathi and he be given a decent burial. I believe that if this Government is serious, then we can locate this grave. There is one person who says that he has a clue of where the grave is. It is high time we helped such a person to help us locate the actual grave of Kimathi, give him a decent send off, or take him to where he deserves.

I also believe that not everyone in Kiambu was paid. I have so many people from Gatundu North, who are coming to me every day. Some were maimed and even crippled by the then security forces. They are saying: "Please help us to be paid." Those should be paid alongside *Dini ya Musambwa* and all others.

It is high time we had a second register for those who have suffered injustices during our time. This register should be of those who were tortured at Nyayo House, those who were actually killed, some displaced and others who are still suffering as integrated Internally Displaced Persons (IDPs). It is high time we had an official register and resolve to have a budget to compensate such people, so that they live the lives they deserve. We should go beyond the *Mau Mau* to other wars that we have fought internally.



We should compensate everybody and this country will heal abundantly. It is in this respect that I support this Motion.

Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Member for Westlands.

**Hon. Wetang'ula:** Thank you, hon. Temporary Deputy Speaker. I also wish to support this important Motion by *mhe* Wangamati, who is himself a second liberation freedom fighter.

As we look and fight for the compensation of the families that suffered injustices during the colonial time, the Government that took over from the colonial government and the succeeding governments have not done any better, because most of these victims are people who are known. We also know their families. Most of these families were displaced from their farms. To date, most of these people are still squatters, yet we are looking for compensation from the British Government. The Kenyan Government must also take the first step to correct these injustices. These people should be taken back to their farms, or be compensated adequately for the loss of their farms and family members.

There are many historical injustices in this country, and we know very well that communities across the country fought for freedom. If we just narrow it and say a few groups were involved, we shall be eliminating so many worthy groups. I remember a few years ago, a gentleman called General Mathenge came here from Ethiopia. However, it was proved that he was fake. The real Gen. Mathenge is another person who was a freedom fighter, and who disappeared into thin air, but somebody definitely knows where he is. There are many other freedom fighters who have disappeared without trace yet their families are still around. If the British Government gives us the condition that it is only those freedom fighters who are still alive who will be compensated, then this will be committing injustice against families. They must spread this compensation over all victims themselves, because most of the principal victims died but their families are still living.

Hon. Temporary Deputy Speaker, the previous speaker has mentioned about the current victims who have suffered through the Nyayo torture. During our first Government and previous governments, we have had people who have suffered atrocities and people who have been detained without trial. These people must be identified and adequately compensated for being wronged by our own Governments and even the previous British Government.

As I support this Motion, I also wish to say that we must be careful and identify the genuine ones because there are so many, who will come up pretending to be freedom fighters and even put in their names for compensation. We know Kenyans are very fast and innovative when it comes to creating things that do not exist. We must be very careful and create a genuine register as the previous speaker said. We should also audit this list and make sure that these people are adequately compensated and given their due respect. They should also be recognised on the national honours list, because we do not have a list of some of them.

We read history but we do not know some of the freedom fighters, especially those from communities in western Kenya and other parts of the country. We only know

the *Mau Mau* yet we have freedom fighters who include those who protected us from slave traders. Koitalel arap Samoei from the Rift Valley and others are among those who protected us. We know well that there was Lenana from the Maasai community and others who created situations that made it difficult for the British Government to move towards western Kenya. That is why we are saying that compensation is something that must be done immediately.

Thank you, hon. Temporary Deputy Speaker. I support this Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Chris Wamalwa.

**Hon. Wakhungu:** Thank you, hon. Temporary Deputy Speaker. I support this Motion from the outset. I first and foremost want to congratulate hon. Patrick Wangamati for work well done. At his advanced age, hon. Wangamati must have worked hard in terms of research in order to bring this Motion. I want to thank him for work well done.

The freedom that we enjoy today is because blood was shed and many people suffered. Unfortunately, a majority of these people have died and their children are suffering from misery, disease and ignorance yet their parents contributed so much to what we are today.

It is, indeed, important that the Government sets up something to ensure that these people are compensated.

It is indeed important that the Government should set up something and ensure that these people are compensated.

Hon. Temporary Deputy Speaker, if I remember my history very well about the *Mau Mau*, I remember we used to be told that *Mau Mau* means *Mzungu Aende Ulaya Mwafrika Apate Uhuru*. The *Uhuru* we are enjoying is what we were talking about. As my other colleagues have mentioned, sometime back during President Kibaki's Government, we had somebody who came from Ethiopia and we thought he was the famous General Mathenge, only to be told he was somebody we did not even know. He was called Ato Lemma. This tells you that the Government must put mechanisms in place for identifying the real heroes.

In Kenya, we know very well that we have so many conmen and crooks, who are also waiting to benefit from this. Once a mechanism has been put in place, they will be evaluated, so that we get to know the right people who fought for the freedom of this country. We know the fight was not just in central Kenya alone. It was countrywide. The Kisii contributed so much. There is a lady from Ukambani who contributed so much to the freedom of this country. When you go to western Kenya, in Bungoma, there were the Chetambe Lumboka battles and Elijah wa Nameme who led "*Dini ya Musambwa*" all the way to the West Pokot; they contributed so much, but when you go back to the villages, you find that their sons and grandchildren are living in total poverty.

This is a very critical Motion. In fact, once these heroes have been identified, we should have medals. I know hon. Keynan brought a Bill; the Kenya Heroes Bill, and it was assented to by His Excellency the President. Once these people have been identified, they should also be honoured by being given medals. I know hon. Wangamati also contributed so much to the second liberation. I know he was exiled. He was in Ghana when he was leading a movement called "February 18th Revolutionary Army (FERA)". That was the time when he took off and he came back; I am happy that he is here representing the elderly. As you can see, he provides wisdom; when tempers are very

high, he stabilizes them. I also want to thank you for allowing him, because of his age, to go slowly when moving this Motion. I am requesting hon. Members to support this Motion, so that it can be passed, and the real heroes who fought for this country get compensated and recognized.

Thank you, hon. Temporary Deputy Speaker, I support.

**The Temporary Deputy Speaker** (hon. (Ms.) Shebesh): Hon. Abdi, you are next.

**Hon. Abdi:** Thank you, hon. Temporary Deputy Speaker, for giving this opportunity. I would like to support the Motion and thank *Mhe Wangamati* for bringing this important part of our history to the attention of this Parliament.

I would like to say that there is no higher sacrifice than giving your life for the freedom of your people and your country. Millions of Kenyans have given their lives including “*Dini ya Musambwa*”. These people must be remembered; they must be honoured and celebrated. I want to put on record the genocidal colonial administration’s destruction of our society. Thousands of communities were destroyed; thousands of communities were maimed and uprooted because they resisted the colonial rule; they had the audacity to stand up against the might of the colonial power. One of the biggest groups in our history of that struggle was the *Mau Mau* Movement: 150,000 Kenyans were killed in that struggle. A million Kenyans were kept in concentration camps, entire villages and settlements were destroyed in order for them to be under the thumb of the British colonial system. One of the leaders of that anti-colonial struggle was Dedan Kimathi. 18<sup>th</sup> February, 2015 was the 57<sup>th</sup> anniversary of his execution by the British. What is sad about it is that no one celebrates; no one honours that important day in our history. No one remembers that great hero who sacrificed his life, so that we could be free today.

I am urging the Government to make every effort to ensure that his body is found, and that he is given a decent and honourable burial. If that is not done, I think Kamit Maximum Security Prison, which has incarcerated a large number of freedom fighters, should be declared a national monument; it should be remembered every year as the place where our leader, our freedom fighter and our hero, is buried. We must also remember Mekatilili wa Menza, Koitalel arap Samoei, Lenana and many others mentioned by hon. Members.

This is a country that does not remember and honour its heroes. It is also the responsibility of the Government of Kenya to make sure that we historically document the work and contribution of these great leaders, who have made it possible for us to be the Kenya that we are today.

Unless we can remember our history, we cannot understand who we are today; we cannot move forward in confidence. That is why I think there is something wrong with this country, in that if we cannot remember the people who have sacrificed for us, then we are not complete. Look at the South African community and the South African country. They have museums in honour of their heroes. They have universities and institutions that have records and history. Why can we not have that for our people?

On the issue of compensation from the British, I think the hon. Member should seek more guidance on that, because compensation was paid as a result of a court action. I do not know how competent this House is in trying to force a foreign power to do or not do something. Maybe, we need to do another one for the people of “*Dini ya Musambwa*”

and the people of western Kenya, but our Government also must accept responsibility for the freedom fighters of the colonial period and also those of the second liberation.

I, for example, was involved in many movements like the December 12<sup>th</sup> Movement, the *Mwakenya* Movement and the Ukenya Movement. There are many people who have sacrificed their lives, so that we have the democratic freedom and the democratic space that we have in our country today. Does anyone remember any of its heroes? No, we do not! We have forgotten about them. We are sitting in this House; we have a multiparty system, we have freedom of information, freedom of the media and freedom of association, because of the political struggles by the Kenyan people. It is important that, as this Motion requires, we honour, celebrate and remember all those great sacrifices that have been made by our people over the years.

Thank you.

**Hon. (Ms.) Korere:** Ninashukuru mhe. Naibu Spika wa Muda. Ningependa pia kumshukuru Mbunge aliyeweka Hoja hii mbele yetu na kwa busara kubwa ambayo ametumia. Itafahamika kwamba dhuluma waliofanya hao wabeberu kwa nchi hii ni nyingi sana. Tukisema *Mau Mau*, itafahamika kwamba kila kabila la Kenya lilikuwa na *Mau Mau* yao na inategemea kila kabila liliita *Mau Mau* yake nini.

Waliyoyafanya hao wabeberu katika nchi hii na kuwadhulumu watu wa Kenya yalikuwa mabaya na mengi sana. Kwa mfano, waliwafunga mashujaa wetu, mmoja wao akiwa ni hayati mwanzilishi wa taifa hili Mzee Jomo Kenyatta. Itafahamika kwamba tukiongea juu ya mashujaa na dhuluma ambazo walifanya wabeberu, na tunataka fidia ilipwe ili kufidia wale ambao walipata madhara kutokana na wabeberu na mambo waliyofanya.

Itakumbukwa kwamba wanawake wa nchi hii walifanya mambo mengi kupigania uhuru wa Kenya. Lakini mara nyingi, wanawake wamesahauliwa katika kufidia mashujaa.

Itafahamika kwamba wanawake wengi waliwachwa na mzigo wa kulea familia, na baadaye kufanywa wajane, baada ya mabwana zao kuuawa. Pia, wanawake wengi ambao mabwana zao waliwekwa vizuizini walinajisiwa na maafisa weupe na kubebeshwa watoto weupe ambao leo hii hawana baba; sijui wanaitwa wa nani. Itafahamika kwamba baadhi ya taabu tulizonazo leo katika Kenya ni zile ambazo tumeridhi kutokana na ukoloni wa wabeberu, mojawapo ikiwa ni shida ya ardhi. Tukiongea juu ya shida ya ardhi, itafahamika kwamba hadi tunapoongea siku ya leo--- Ukitembea katika eneo la Laikipia, utapata kwamba 90 per cent ya ardhi bado inamilikiwa na watoto wajukuu wa waliokuwa wakoloni. Wenyeji wameachwa wakipigania vijipande vidogo sana vya ardhi.

Kwa hivyo ni muhimu tutilie mkazo iwapo tunataka haki itendeke. Inatubidi tufahamu yale ambayo yaliaachwa na hawa wabeberu. Zile taabu ambazo tulirithi na tungali tunaishi nazo ziangaliwe. Mashujaa wote wafidiwe bila kujali wametoka sehemu gani.

Bi. Naibu Spika wa Muda, baadhi ya wale ambao walikuwa askari wa kikoloni, yaani *British Army*, walifanya mazoezi katika sehemu tofauti tofauti za nchi hii. Baada ya kutoka katika sehemu hizo, waliacha mabomu ambayo mpaka leo yanaendelea kuwaua wenyeji na kuathiri mifugo. Walifanya mambo mengi ambayo ni ya kuvunja moyo sana.

Kwa hivyo, ningependa kusema kwamba Hoja aliyowasilisha mhe Wangamati ni muhimu sana. Naomba wabunge wenzangu tuunge mkono Hoja hii.

Aidha, tutilie maanani suala la kuibua njia ambazo zitawafaidi mashujaa, hasa wale ambao wangali hai. Tunajua kwamba wengi bado hawajafa. Ni muhimu tuangalie masuala ya ardhi ili kwamba ardhi iliyonyakuliwa irudishiwe wale wanaostahiki kumiliki ardhi hiyo.

Bi. Naibu Spika wa Muda, naomba kuunga mkono Hoja hii.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Daniel Maanzo.

**Hon. Maanzo:** Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this very important Motion brought by hon. Wangamati. I want to thank him very much. He is actually one of the heroes of this country. I had an opportunity to represent him on *pro bono* basis when he was arrested and incarcerated. In fact, he was not brought to court to hear his case. We proceeded in his absence.

I also want to thank President Kibaki's Government for having released him when it took power and honoured him. I also thank Orange Democratic Movement (ODM) for nominating him to come and move such an important Motion.

It is true that the matter which was filed by the *Mau Mau* victims did not capture everybody because, apparently, at that particular time only certain persons were following up the matter. I want to thank hon. Muite for doing this. It ended up being an out-of-court settlement. The agreement in the out-of-court settlement went further to say that any other victims who may be identified and are alive could be compensated. It means, therefore, if we identify these victims--- Every Member of Parliament here is aware of such people in their constituencies, including myself. I have people from Makueni Constituency who participated in the *Mau Mau* Movement. They were injured and some still limp. When this compensation was awarded they were left out. I believe we can prepare a tentative reasonable list. We have many other people even from Mbooni Hills, in Mbooni Constituency, where Muindi Mbingu came from. His family was never compensated. Only a street in Nairobi is named after the famous Muindi Mbingu, who was part of the people's struggle. He was really mistreated by the Britons. Many other Kenyans died in this fight for Independence. This agreement can be varied accordingly now that many Kenyans died. Their widows and children are still suffering. That is the general mechanism used by courts when awarding compensations. When somebody dies in a road accident, their beneficiaries can be compensated. It means that those who were killed by the British Government, their beneficiaries, that is their widows and children, who had been born at that time, should be compensated.

On top of this, God has kept many of these victims alive. It is surprising to find that some of these very old poor people have been left out of the Ministry of Labour's initiative of *Pesa ya Wazee*. These injustices are still ongoing. I will be taking up the matter with the Cabinet Secretary concerned to make sure that all *Wazees*, who were left out of the court case against the British Government, and are now also left out of the *Pesa ya Wazee* initiative, get compensated. They need to be taken care of by the Government.

We should appreciate our senior citizens in the country like hon. Wangamati. You saw that the House was with him and even the mood was right. We supported him in whatever method he used to bring this matter before the House.

So, I want to support it and say that it happened across the country. It did not only happen in Central Province. It was there in Embu, northern Kenya, western Kenya, Makueni and Mombasa. All communities in Kenya rose against the colonial government. There was a general policy by the British Government of giving Kenya, and many other countries in Africa, independence. However, they went on to torture innocent people. For that reason, it is clear that the British Government cannot get away with this. This sort of thing does not run out of time because it is criminal. We know in crimes, one can be charged for as long as the victim is alive. It was for crimes that civil society calls for compensation arose. Therefore, it is proper for the Kenya Government, or lawyers, to file a further suit with a tentative list and claim, so that everybody who suffered in this menace can be compensated properly within the law.

I support the Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Jacob Macharia.

**Hon. Macharia:** Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to support. I would like to---

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Please, Members, there are quite a number of requests. If only you could use your time wisely, you will be able to allow others also to contribute. We would like to hear different perspectives on this very interesting Motion.

**Hon. Macharia:** Okay. Thank you, hon. Temporary Deputy Speaker.

I would like to thank hon. Wangamati for bringing up this Motion. I would also like us to borrow from history and also from the current situation in the country right now. It is important for all of us to appreciate that Mau Mau Movement was predominantly around Mount Kenya. There were other groups that agitated for Independence; an example was *Dini ya Msambwa* in Western Province. We also had groups from Coast and Rift Valley provinces operating under different names. It is also important for all of us to appreciate that despite the fact that some groups have been compensated, as put by the Mover of this Motion; indeed, there is only one group which we call "the Mau Mau War Veterans" that went to court. Those are the only people who have been paid. There are other people who were in the Mau Mau, who have not been paid and they are still agitating for this. They still have court cases against the British Government. It is important for the Mover and for the country to urge *Dini ya Msambwa* to file a suit.

I also urge the team hon. Maanzo has just talked about to also file a suit because--

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**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): There is a point of order from hon. Wafula. What is your point of order?

**Hon. Wekesa:** On a point of order, hon. Temporary Deputy Speaker, I do not intend to interrupt my good friend, who is contributing. However, looking at the House, we all seem to be interested in contributing to this Motion. Will I be in order to propose that each Member takes only three minutes to speak?

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Member, complete your presentation.

**Hon. Macharia:** Thank you, hon. Temporary Deputy Speaker for protecting me. I was saying that *Dini ya Msambwa* and the other groups that participated in the agitation

for Independence should also go to court. The aggressor in this case is not Kenya Government, but the British Government and it would be difficult for us to rule that the British Government should also compensate other communities or people who have not gone to court. I also believe in the good spirit of having everyone on board. We need to have a comprehensive register of freedom fighters. As has happened even with the IDPs, if today we said that we wanted to pay the freedom fighters, not necessarily the *Mau Mau* fighters, very many imposters will claim to have been jailed in very many places. It is important for the Ministry of Labour, Social Security and Services to come up with a comprehensive register. The *Mau Mau* Movement has nine groups, all of them claiming to have taken part in the struggle for Independence. They fight amongst themselves and they never agree. All of them have taken different cases to court against the British Government.

I support this Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Wafula, you should have brought that intervention before we started taking contributions from the Members. Hon. Makali Mulu.

**Hon. Mulu:** Thank you, hon. Temporary Deputy Speaker. Let me also support this Motion by hon. Wangamati. Its object is to appreciate the fact that many Kenyans were involved in the *Mau Mau* Movement and the compensation which has been agreed is only targeting a small number. We all agree that very many people were involved in the *Mau Mau* Movement in this country. In Kitui Central Constituency, we have a group that calls itself *Mau Mau*, which has 38 members who actively participated in the Movement. They are quite elderly and you can see from their faces the level to which poverty has taken them.

I support this Motion. All the Kenyans who were involved in liberating this country must be recognised and compensated, if there is any compensation at all. The fact that only a few of them are benefiting is very unfair to the rest of the Kenyans who participated in the struggle. We need to appreciate and acknowledge the people who participated in this important movement and made us attain our Independence. As a result of that, we can sit in this Chamber and contribute to national building.

We have no choice. We need to come up with a mechanism and agree on specific measures, so that anybody who participated or a family which was involved, for instance their parents were actively involved, can benefit. We need to come up with a register, so that instead of having a few of them being compensated, all the Kenyans who participated are considered and they benefit from this important Motion. As a House, we need to support this Motion. After we pass it, it is important that the Implementation Committee, which to some extent has not been very active, takes up these important resolutions and make sure that they are implemented. We need to support this Motion and I urge my fellow Members of Parliament to fully support it so that Kenyans who are not in the list of those to be compensated by the Britons will also benefit.

With those remarks, I support the Motion.

**Hon. (Ms.) Gathogo:** Asante sana, Mhe. Naibu Spika wa Muda kwa kunipa nafasi hii ili niongee kuhusu Hoja hii ambayo ni muhimu sana ambayo ni ya kuwatetea wananchi.

Tunapoongea kuhusu mambo ya wazee ambao walipigania Uhuru wetu, inaonyesha kuwa kuna mambo ambayo yanafanyika katika nchi hii yetu ya Kenya. Kuna watu muhimu sana lakini mara kwa mara, wanasahaulika. Nimetoka katika Kaunti ya Kiambu lakini sina uhakika kwamba watu wote ambao walipigania Uhuru walipata fidia. Kwa sababu hapa hatugombani, ni ukweli kuwa kuna watu wengi ambao walipigania Uhuru, lakini ni wangapi ambao walipeleka kesi kortini na wakasaidika na ile fidia kidogo ambayo ilitolewa? Kwa hivyo, tunafaa kuungana kama Wakenya bila kusema ni kabila fulani ama nyingine ambayo ilipata hiyo fidia kidogo ambayo ilipatikana.

La muhimu zaidi ni kuwa hatutaki kuwasahau hawa watu. Juzi, nilihudhuria mazishi ya *cucu* Mumbi, lakini ukiangalia hawa watu wamesahaulika. Hata kama ulipata hiyo pesa ama haukupata, la muhimu ni kuwa Serikali inawakumbuka hawa watu hata wakati wako nyumbani kwao.

Ningeomba sisi wote kama Wabunge ambao tunawakilisha Kenya nzima tushikane pamoja ili tujue ni nani amewachwa nje na ni nani amesaidika. Tukikaa hapa, hatuwezi kujua ni akina nani wamewachwa. Kuna watu wengi katika Kenya ambao wakisikia kuwa kuna mahali ambapo kunapatikana pesa, wanajiita jina la *Mau Mau* na majina mengine kutoka kwa kabila tofauti. Tunafaa kuangalia ili tujue ni nani alipigania Uhuru na ni nani alikuwa katika mstari wa mbele. Tunafaa kuwa wavumilivu na tusichukulie kuwa Gitu Kahengeri aliwapeleka Wakikuyu ng'ambo ama mwingine alipeka watu kutoka kabila fulani. Tunafaa kushikana ndio kila mtu aweze kusaidika kwa sababu wote walitupigania.

Watoto ambao wako nyuma yetu hawajajua jina "*Mau Mau*" lina maana gani. Nikijua tulipiganiwa na tukashida, sitaki watoto wangu wajue maana ya "*Mau Mau*." Ninataka kuwaonyesha kuwa tuko katika nyakati zingine. Ni vizuri watoto wetu wasome kuhusu zile nyakati za zamani ili waweze kujua ile kazi ngumu ambayo ilifanywa katika taifa letu la Kenya.

Ninaunga mkono na ninamshukuru sana Mbunge aliyeleta Hoja hii katika Bunge.

**Hon. (Ms.) Chidzuga:** Shukrani sana, Mhe. Naibu Spika wa Muda kwa kunipa nafasi hii ili niweze kuchangia Hoja hii ambayo imeletwa na Mheshimiwa mwenzetu.

Ninampongeza mheshimiwa kwa kuwa hii ni Hoja muhimu kwa maisha ya Mkenya. Ningeenda kumpongeza kwa kuwa ametambua kwamba ni wachache wametambulika katika kufidiwa na wakoloni. Kwa kweli, upiganiaji wa Uhuru haukuwa katika sehemu moja ya Kenya hii; ulikuwa katika kila pembe za nchi hii. Kwa sababu ya hali ya umaskini uliowakabidhi watu wetu katika maeneo mengine, mpaka sasa, hawajaweza kwenda kortini ili kutetea haki zao. Ni wajibu wa Serikali kusimama kidete kuwatetea Wakenya.

Ninamshukuru mheshimiwa kwa kuwa ameweza kuyataja maeneo husika lakini kwa uchache, ningependa pia kuwatataja mashujaa kutoka sehemu ya Kwale maana kuna walioweza kujitokeza na kupigania uhuru wa nchi hii; kwa mfano, Mzee Bilashaka, Mzee Mwamunga, Mzee Mbembe, Mzee Bambaulo na nyanya yangu, ambaye alikuwa mpishi wa wapiganaji wa *Mau Mau*. Mababu zangu pia walikuwa wapishi wa wapiganaji wa *Mau Mau*. Kuna Mzee Munyambu Mbaa Kivanguli, kutoka Ukambani, ambako ndiko kwenye usuli wangu kwa upande wa babangu. Kuna Mzee Mwamgogo, Mzee Jerumani na Mama Mekatilili, ambaye alitoka sehemu za Ugiriana. Hao ni miongoni mwa wale ambao waliweza kututetea. Wako wengine wengi ambao hatuwajui.



Ni wajibu wetu sisi kama Waheshimiwa kwenda mashinani na kuleta rekodi kamili kwa maana kila mmoja wetu anamjua ni nani aliyeweza kusimama kidete katika sehemu yake ya uwakilishi na kutetea haki za Wakenya. Baadaye, tunapaswa kuwa na kamati maalumu ambayo itaisukuma Serikali yetu ili iweze kuwatetea watu wetu ili waweze kupata haki yao. Hata kama watu hao wameshakufa, wameacha watoto na wajukuu. Hatutakwenda tukamfukue mtu ndiyo aje aseme kwamba aliteswa, lakini tunawajua wale ambao waliteseka. Kwa hivyo, ni wajibu wetu, kama Waheshimiwa, kuchukua rekodi na kusimama imara kuwatetea hao ndugu zetu. Kutambuliwa tu kama mashujaa, haijatosha. Baadhi yao hawatambuliwi kamwe kama mashujaa. Wapeni kitu familia zao ishikilie, na ishukuru Mwenyezi Mungu kwamba kutoka na kizazi chao, wameweza kunufaika katika familia yao.

Hoja aliyotuletea Bungeni mheshimiwa huyo siyo kana kwamba aliumia peke yake, lakini Mwenyezi Mungu amemuwezesha na kumpa moyo ili aweze kuileta Hoja hii Bungeni. Sisi, kama Waheshimiwa, tunaiunga mkono. Kwa niaba ya watu wa Kwale, ninampongeza na kumshukuru. Tuendeleo kushikana mpaka Mkenya apate haki yake. Haki bado haijatangazwa kwa wale ambao walipigania uhuru wa nchi yetu.

Kuongezea, kuna maovu yaliyotendwa baada ya wakoloni kuondoka. Tunataka hayo maovu pia yafuatiliwe, haswa upande unaohusika na masuala ya ardhi. Suala la ardhi limeumiza watu. Mpaka sasa tunaishi kama maskwota licha ya kwamba tunasema tuko katika Kenya huru. Kwa hivyo, tunaomba Wizara inayohusika na masuala ya ardhi, pamoja na Tume, wajikakamue zaidi. Pesa tulipitisha tukawapatia. Tunachotaka ni kuona kwamba ardhi yetu imeregeshwa, na ardhi yenye utata ishuhulikiwe ili mwenye ardhi apewe ardhi yake bila kucheleweshwa.

Ahsante sana, tunaishukuru Serikali yetu na kumshukuru sana mheshimiwa mwenzetu kwa kuileta Hoja hii Bungeni.

Kwa hayo machache, ninaiunga mkono Hoja hii.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Yes, hon. Mohamed Shidiye!

**Hon. Shidiye:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. From the outset, I want to congratulate hon. Wangamati for bringing to the House such an important Motion.

Justice delayed is justice denied. In order to address this historical injustice, it is very important that we compensate the people who fought for this country's Independence. The amount of Kshs2.5billion given to the *Mau Mau* freedom fighters by the British Government is very little considering the number of people who died during the struggle, and the amount of suffering that they went through.

Hon. Temporary Deputy Speaker, we do not celebrate what the heroes who fought for this country's Independence did for this country. Most of the time, we forget the good things that they did for this country and just move on. It is very unfortunate that Kenyans forget the people who struggled in order for us, as a country, to be what we are today. In December, 2013, we travelled with the Speaker of the National Assembly to Ethiopia. They were celebrating their national day in Southern Ethiopia in an area they call "Region 5". What we saw was a wakeup call for us. They were celebrating and showcasing Ethiopia. It is something we need to borrow from them. During every national day, they have an activity in a region. They do not do their activities only in the

capital city. They do their activities in other towns. In our case, we can do our activities in Mombasa, Nyeri and other places to show that we are a united nation.

If you read Walter Rodney's *How Europe underdeveloped Africa*, you will realise that Europeans came to this country and did a lot of injustice to Kenyans. They took away land from African communities. Today this country has serious land problems. If you go to Laikipia today, you will realise that large chunks of land are owned by Britons. The Africans are squeezed in a small portion of land. That is very bad.

Another very important issue which needs to be addressed is racism. Today, if you want to apply for a visa, as Kenyan, you undergo a lot of problems. You are asked many questions, some of which you cannot understand. They border on indignity. You feel very painful. Time has come for Africans to also deny visa to Britons who wish to come to country. If you want to get a visa today, as Kenyan who wants to travel to any European capital, the problem you undergo is so much.

On the issue of land, I want emphasize that today you cannot own huge chunks of land like the ones Europeans own in Africa. Sometimes people look at the current President of Zimbabwe as somebody who is very radical but he has a point to make. The point is that land is owned by Africans and that it must be utilized by Africans. We fought for Independence because of our land. It is also important that we name our airports, roads and museums after our freedom fighters. If we do not recognize them, people will forget the good things those heroes did for this country. History must be taught in school so that children who will be born in the years to come can know how we fought for our Independence and appreciate our history.

In northern Kenya, we also suffered atrocities. We had the Wagalla Massacre, the Malkamare Massacre and the Garissa Massacre. We suffered under the same African Government. There were massacres which took place in this country, and which need to be addressed by compensating the victims. It is not only people who fought the colonial government who should be compensated but also the Africans who suffered during African regimes. I have in mind the heroes of this country's second liberation, some of whom are in this House while others have died. We also need to celebrate them because they have opened the democratic space in this country, which is very important. Today we have one of the most vibrant and progressive Constitutions in this country because of the second liberation struggle.

Hon. Temporary Deputy Speaker, there must be equity, justice and fairness in order for us, as a nation, to continue living harmoniously.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Yes, hon. Njuki!

**Hon. Njuki:** Thank you, hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this very important Motion.

I would like to thank hon. Patrick Wangamati. He spoke like a true *Mau Mau* freedom fighter. I listened to hon. Chris Wamalwa give the meaning of "*Mau Mau*", which may be the second meaning. The first meaning has a lot to do with the origin of *Mau Mau*. The *Mau Mau* movement originated in Mount Kenya. The words "*Mau Mau*" are actually a reversal of the words "*Uma Uma*", which means "Get out, Get out". The freedom fighters reversed the word "get out" in order to confuse the British Army, whom they were fighting.

Today, we are talking about compensation but I would like us to, first and foremost, pay tribute to the heroes who fought that great war. Considering the time when Kenya got Independence, in 1964, compared to countries that are very advanced, including South Africa, which got independence only the other day; it means that if our grandfathers did not go into the forest and fought the British Government, probably, because of our good land and the good things that they were getting from it, we would have gotten our freedom in 1970s and 1980s, like other African countries such as Zimbabwe.

I want to take this opportunity to pay tribute to the many men and women who fought the colonialists. I would like to pay tribute to the *Mau Mau* generals from the Meru region and Mount Kenya East region. Just like other hon. Members paid tribute to freedom fighters from their communities, I would like to recognise Gen. Musa Mwariama and Gen. Baimungi, from Meru; Gen. Ngai Kiriamiti, Gen. Kubai and Gen. Waciuri. These are guys who lived in the caves and only came out when the cause was complete.

We may be talking about compensating people who most of the time do not have that negotiation power. If you look at what happened during the *Mau Mau* struggle, the people who were in the forest fighting missed a lot of opportunities. When they came out, their age mates had gone to school and had educated their children. Their wives had gotten children from other men. Therefore we cannot only compensate for the sake of the physical torture and the psychological torture they went through but we also have to compensate them for the time they lost and everything else that goes with it. If you look at what happened in 2013 when the British law firm called “Leigh Day” represented the *Mau Mau* fighters in a British court, they were 528 former freedom fighters who were included in this case. The British Government decided to pay an out of court settlement. I can only imagine what would have happened if we went full length. May be we would have gotten more money in this particular case.

However, they paid out of court settlement but the most perturbing thing about this is that it was paid in pounds. I do not know what exchange rate was used for what is written in the Motion but I know they were paid Kshs19.9 million. If you use the exchange rate of today, it is roughly about Kshs 2.9 billion. The lawyer’s fee that was levied against this money is what leaves the begging question: Was it really a genuine representation or it was a business? Out of that the British law firm took 35 per cent of that money which is about 6.6 million pounds. How do you represent somebody in court then you go with 35 per cent of their money without even having to look at the tax that actually the law firm claimed? This was not paid to Kenya or the Kenyan taxman. It was paid to Britain. We are not even sure whether the British got value for money. So, as much as we were lucky to have our *Mau Mau* compensated, there is still a lot that needs to be looked into in terms of the genuineness of the lawyer who was representing them.

The criterion that was used to identify these *Mau Mau* freedom fighters may not have been all inclusive. I never at any one time got wind of the system that was used that involved the local community or the Provincial Administration. This was done by the law firm itself. What criteria did they use to get these 5,500 freedom fighters? There is serious need as the previous speakers have said, with or without compensation to identify these men and women who fought for our country. There is need to collect data and possibly I throw my challenge to researchers. I am not one of them but I know we have

serious researchers in this country including those who have been employed here in Parliament to actually put data in place. This is so that our children can actually read about men and women who fought for the freedom in this country. Even if we will not be talking about compensation, we will have history and data. We can say that in every part of this country including Kisii and western Kenya, we have data of those who fought for this freedom. This is so that in future, in the event that we are completely unable to have any further compensation, we have something to show that there was need for compensation even though it never happened.

Lastly, both the victims who are alive or dead deserve compensation. I find it hard to believe that we only compensate those who are alive and those who have passed on and left very needy cases like their spouses such as the case of General Kimathi's wife. There is need to compensate in equal measures even the spouses and the immediate family members. This is because they suffered the same fate that these fighters fought for. Therefore we do not need to discriminate. Yes, there was compensation for *Mau Mau* from those communities that have been mentioned here, but the *Mau Mau* irrespective of the name that has been given are all over Kenya. The case was not about freedom fighters, it was specifically for *Mau Mau*, the people who fought for the freedom.

With those few remarks, I support the Motion. Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Let us have hon. David Wafula.

**Hon. Wekesa:** Asante sana Mheshimiwa Naibu Spika wa Muda kwa kunikabidhi---

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Members, I am using the list as it is. So please bear with me. I have said if you want to help your colleagues to contribute, please lessen the time that you speak.

**Hon. Wekesa:** Asante sana kwa kunikabidhi fursa hii ili nami nichangie Hoja hii na kumpongeza Mheshimiwa Wangamati kwa kuileta. Mheshimiwa Wangamati ni mzee ambaye amekula chumvi nyingi sana na tunajua kwamba kuishi kwingi ni kuona mengi. Nina hakika Mheshimiwa Wangamati kwa kuishi kwingi aliwahi kukutana na baadhi ya hawa mashujaa na ni muhimu tumuunge mkono kwa Hoja hii .

Ingawa tumesema kwamba kuna baadhi ya mashuja ambao watalipwa fidia, ni vyema tuhakikishe kwamba wanalipwa hizi fedha. Vile vile, tujue ni kiwango gani kitalipwa maanake huenda ikawa watalipwa pesa kidogo. Tunajua ya kwamba, kwa upande wa pesa Wakenya hawaeleweki. Huenda wanataka kuwatumia hawa wazee ili wafaidike wenyewe. Ni muhimu pia Serikali iingilie hili jambo ili iwape hawa mashujaa mawakili. Tunajua ya kwamba karibu nusu ya hizi fedha ambazo zinalipwa zinaenda kwa mawakili. Ingekuwa muhimu iwapo Serikali itaingilia hizi pesa za wakili sizikuwe nyingi ili ziweze kuwanufaisha hawa wazee.

Vile wenzangu wamesema ni muhimu sana Serikali iweze kutambua hawa wazee ama mashujaa waliopigania Uhuru wa nchi hii. Tunajua kuna wazee kama Mheshimiwa hayati Martin Shikuku. Tunajua mambo ambayo alichangia akiwa katika Bunge hili na pia alipochangia wakati wa Lancaster. Lakini wakati alipoaga dunia, mambo mengi yaliongelewa wakati wa mazishi na kumbukumbu zake. Lakini baada ya hapo mengi yametupwa kwenye kaburi la sahai. Pia kuna mashujaa wengi ambao hatuwajui. Ingekuwa vyema iwapo Serikali ingechukua rekodi na kumbukumbu yote ili watoto wetu

waweze kutambua ni akina nani walishughulikia kuwepo kwa Uhuru wa Kenya. Kwa mfano, kuna Wambui Otieno aliyeshughulikia sana kuwepo kwa Uhuru wa Kenya lakini hajulikani mahali popote. Mengi tuliyasikia tu wakati alipokuwa na kesi ya bwana yake na wakati alipoolewa na Mbugua. Tulisikia jinsi alivyokuwa akipigania Uhuru.

Asante sana Mheshimiwa Naibu Spika wa Muda. Ninaunga Mkono.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Let us have hon. Ferdinand Wanyonyi.

**Hon. F.K. Wanyonyi:** Hon. Temporary Deputy Speaker, thank you for the opportunity you have given me to contribute on this very important Motion.

I want to take this opportunity to thank hon. Wangamati. Those of you who do not know hon. Wangamati, he is one of the few living legends of this country. Hon .Wangamati - as hon. Wakhungu mentioned - was even expelled from this country and lived in exile in Ghana because he had founded a movement called FERA, which he was the Chairman. I want to thank him. He is a hero and I want to suggest to this House that at the passage of this Motion, if all hon. Members could agree, we should form a Committee because most of the people are saying we know the people who fought for Uhuru; we know the people who are living in poverty. I know of cases because I come from western Kenya, for instance, the Sabaot of Mount Elgon who were living in the caves during the struggle. I know there was a curfew that was imposed on people in a place called Lugulu, Shiatambe, where people were killed during the struggle. I know for sure that the Nandi also took part in the struggle. The Pokots also took part and that is why the *Dini ya Musambwa* went as far as West Pokot.

I want to, therefore, suggest to this House that at the passage of this Motion, we can have a committee where hon. Wangamati can be the Chairman to get the list of the people who were affected in various parts of the country. This is because right from Mombasa all the way to western Kenya, central, eastern and even Maasai land, there was a struggle. Therefore that committee, if allowed, can get the people so that we can have those people compensated.

I also want to say that apart from the monetary compensation that the British Government has agreed to do, it is not fair for them to tell us that they are only compensating people who are alive. It is not possible. I know a few people who are alive and I know two old men in my area who were castrated because they were outspoken during the struggle. I, therefore, want to say that apart from the monetary compensation that the British Government has agreed to give to Kenyans, they should also come and apologize to Kenyans. They should apologize to our forefathers who struggled for us to get Independence. That should be one of our conditions in case the case is going to be taken up.

I also want to say that because of that struggle, I am suggesting that we call upon hon. Wangamati and few hon. Members who come from various areas to form a committee as soon as we can.

Last but not least, at the time Mzee Elijah wa Nameme was buried, I was too young and too naive to pay my tribute not only to him but to others who also took part in the struggle. Mzee Elijah wa Nameme, who started the *Dini ya Musambwa*, was buried like any other Kenyan but I think once we identify those who took part in the struggle

across the country, we will then erect mausoleums for them so that our children and posterity can remember what that struggle was about.

In my own case, as hon. Wakhungu said, it was '*Mzungu Aende Ulaya, Mwafrika Apate Uhuru*'. That kind of slogan is what I think terrified *Wazungus*. Therefore, I want us to have monuments put up across the country for those heroes including the late Elijah wa Nameme, so that we can be able to tell our children and posterity how we struggled to get Independence.

I, therefore, support the Motion with my suggestion.

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Speaker, thank you for allowing me to contribute to this Motion. First and foremost, I want to thank hon. Wangamati for having worked very tirelessly to bring this Motion. When I met hon. Wangamati here in Parliament, I asked him whether he was the leader of the February Eighteenth Movement, FERA, and he told me that he was the one. This is because at that time some of us were very young when he ran away to Ghana because of the frustrations and the wars between him and Moi's regime. So this Motion is timely.

We know that when Kahengeri took this key case to the British court with the people from Kiambu and Nyeri, part of the team that was *Mau Mau* was compensated but the larger team has not been compensated. We know that there were various atrocities that were committed by the British Government. Some of them date back to as early as when they invaded this country in the name of the scramble for and partition for Africa. We know that when the colonialists came, our forefathers, for us in Trans Nzoia we used to occupy that place as the Sabaot and Chief Kesis Arap Kembet resisted the colonialists. In 1930 we had the issue of the Carter Commission that forced our people to migrate; some of them to Uganda, Sudan, some to as far as Ruwenzori Mountains, the Bakonjo and other areas. During that time they were made to sign what was called "the rule of blue" in which blue was the ink which was used to stamp the authority of the white man. Most of them lost their cows. We lost many cows which were killed during that time to create room for the British and this has not been compensated. We feel that, that should be enjoined.

Later on when Kenya attained Independence, the biggest challenge is that for those who fought for Uhuru they were never compensated because children of the home guards are the ones who had gone to school and they were the ones who occupied senior positions within the Government. Therefore, some of them have falsified many records and the genuine *Mau Mau* fighters and the genuine freedom fighters at the end of the day might not really get the compensation of their descendants.

During Kenyatta's regime, some of our people were forced--- For instance, in 1976, our people in Kaptega were banned by the GSU from the forest, their houses destroyed and their cattle was killed. This has never been documented. We even have people who are now Senators who during that time were Provincial Administrators. Sen. Haji was the Provincial Commissioner in Rift Valley in the later ages when our people were being evicted all the way from Kiborua Forest. These are people who supervised that. These are people who are still alive and today they are in positions of leadership. They need to look at some of these issues and rectify them.

*(Hon. S.S Ahmed stood up in his place)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. S.S. Ahmed, what is your point of order?

**Hon. S.S. Ahmed:** On a point of order, hon. Temporary Deputy Speaker. Under our Standing Orders, if an hon. Member wishes to name another--- I think hon. (Dr.) Pukose did not follow the procedure. Yusuf haji is a Senator.

**Hon. (Dr.) Pukose:** Hon. Temporary Deputy Speaker, I withdraw. But I want to say that some of our leaders today who were in the Provincial Administration and supervised the serious atrocities that were committed against Kenyans must also take responsibility and must come out to give evidence.

**The Temporary Deputy Speaker** (Hon. Ms. Shebesh): Hon. Member for Luanda.

**Hon. Omulele:** Thank you, hon. Temporary Deputy Speaker for allowing me to speak to this very important Motion by our respectable colleague, hon. Wangamati. I would like to commence by saying that we must take cognizance of history. We must go back to history and we must respect it. If we look at history, we shall be able to see ahead and determine our destiny in a better way.

The Mau Mau uprising started as an agitation against the British, who had taken land belonging to the Mau Mau and their kin. This agitation culminated into the fight for freedom of this country. You will agree with me that during the all-important Lancaster Conferences, our leaders were very clear to the British that the land that had been grabbed by a few of them was totally tied up with the issue of freedom. It was, therefore, necessary that the land that had been acquired forcefully be restituted to the evictees. The British were using the large tracts of land for farming and generally to oppress Kenyans.

It is true, as history, states that if one does not have control of the means of production – we know that the first factor of production is land – then one is not free. I will actually be restating the sentiments of our founding father, Mzee Jomo Kenyatta when he said that Africans must have access to their land as a matter of right. I want to take cognizance of the fact that the Mau Mau fighters were the precursors of the Independence that we enjoy in this country today. The role of the Mau Mau has been recognized in this country, and can never be reduced in the eyes of any Kenyan. We must also appreciate that there are Kenyans from other tribes who also stood up against the British and demanded independence from the British. Mau Mau fighters, having suffered the greatest incidents of British terror on Kenyans, were the ones in the eye of the storm. They were, in fact, the ones history has portrayed as having been the only ones. However, for a fact, we know that there were many other people who demanded that the British leave our country and go back to their country.

I would like to bring to the attention of the House the plight of the people of Luanda, specifically the people of Bunyore. There exists land problems today and these started during the colonial time. I am talking about the land on which Maseno University, Maseno School and other institutions in that place sit. That land, I would like to state on behalf of the people of Bunyore and Luanda, historically, belongs to the people of Bunyore. It was taken away from them by the British who wanted to establish veterinary institutes. They were known for undertaking tests to come up with good breeds of animals and good farming technologies.

Later on, this land was sub-divided so that part of it became Siriba College and part of it Maseno College. In fact, the remaining portion of that land has remained State land for a very long time. However, this land has been handed over to these institutions and the people of Bunyore feel aggrieved that they have not been consulted at all. They have not even been compensated with regard to this land. As we speak, today there is a lot of tension on the borderline at Maseno. The people of Lwanda are asking: Why are we being pushed away from our ancestral land? Why are people building on our land? Why are we being told to move further into smaller pieces of land in the hills away from the most productive land that our ancestors gave up? Why are they doing this to us without consultation or compensation?

I want to laud my brother for bringing this noble Motion. We must look at this issue of compensation and colonization in a holistic way. I do not think we shall have time to complete this issue in this House. We have previously had commissions which have attempted to look at these land issues. I, however, do not think they have really approached this matter in a holistic manner. The people of Lwanda continue to suffer today. The issues facing them are now forming boils that are about to erupt any time from now and disrupt development in this country. We need to form a commission that will take into account all grievances. It should also devise ways of compensating the communities that live in the areas that are faced with this problem.

I would like to pay homage to my senior colleague for bringing this Motion. I support.

**Hon. Chea:** Shukrani sana Bi. Naibu Spika wa Muda kwa fursa hii. Ningependa, mwanzo, nitoe shukrani zangu za dhati kwake mhe Wangamati kwa kuleta Hoja hii. Naiunga mkono Hoja hii kwa maana ni nzuri na imeletwa kwa wakati mwafaka.

Upiganiaji uhuru katika nchi yetu haukuwa kazi ya mtu mmoja. Kazi hii ilifanywa na watu binafsi, jamii na taasisi mbali mbali. Ili tuweze kujua mambo yalivyojiri, kuna maswali ambayo lazima tuulize na tupate majibu. Swali la kwanza ni hili: Ni akina nani walipigania uhuru? Pili, katika kupigania uhuru ni yapi mema na mabaya yaliyotokea? Je, hali ya maisha ya wapiganiaji huru leo hii iko vipi? Mwisho, ni lazima tujadili masuala ya malipo ya wapiganiaji uhuru.

Swali la kwanza nimelijibu. Ukweli ni kwamba kuna jamii mbali mbali ambazo zilipigania uhuru wetu. Tulikuwa na kundi la Mau Mau, Dini ya Msambwa na makundi mengine kutoka sehemu nyingine humu nchini. Jamii ya Mijikenda inapatikana katika Mkoa wa Pwani. Katika jamii hii kuna watu ambao sisi tunajivunia kwa kuwa walipigania uhuru na wakatuletea mema. Kwa mfano, katika jamii ya Wagiriana kulikuwepo na mama shujaa aliyeitwa Mekatilili wa Menza. Yeye sifa zake zilivuma sana. Historia ya Kenya imemrekodi vya kutosha. Alipigania uhuru lakini hali ya maisha ya jamaa zake si nzuri.

Katika eneo Bunge langu kuna mama anayeitwa Mepoho. Nimekumbushwa na mheshimiwa mwenzangu kwamba katika maeneo ya Rabai kulikuwa na mama aliyeitwa Mengao Mose, ambaye alikuwa mstari wa mbele kupigania uhuru wetu. Mwingine anayejulikana ni Bi. Mtwana. Wote hawa walihusika.

Kando na watu waliopigania uhuru, zipo taasisi ambazo zilipigania uhuru. Kwa mfano, katika jamii zetu zipo zile Kaya.



Hizi ndizo baadhi za taasisi ambazo zilikuwa zikitumiwa na watu kuangalia mambo hapa na pale ili kuhakikisha ya kwamba wamepeana habari ya jinsi mkoloni alivyokuwa anapanga kunyanyasa Wakenya. Taasisi hizi zimeachwa nyuma. Wale wazee ambao wanakaa ndani ya zile kaya wanateseka na taasisi hizi pia zimeachwa nyuma. Zingine zinachukuliwa na watu ambao wanachukua ardhi ilhali serikali tofauti tofauti hazijaingilia kati na kuchukua hatua.

Ni kweli watu walienda mahakamani na kuna malipo ambayo yalitoka na kuna wale ambao walilipwa na wengine hawajalipwa. Kile ambacho ningehimiza ni kwamba mbali na mahakama, Serikali yetu ya Kenya, ambayo tuko na imani nayo, kwa hakika inaweza kufanya jambo fulani kuhakikisha kwamba familia hizi, watu hawa na taasisi ambazo zilipigania uhuru huu pia zinaangaliwa. Jambo hilo likifanyika tutakuwa tumeanza safari nzuri.

Kwa kumalizia, hata tukiangalia swala la wale waliopigania uhuru ambapo sasa tumekaa hapa na tunaendelea kufaidi, kuna baadhi ya mambo ambayo pia hukera. Nakumbuka tukiingia Bunge na nimefurahi kuona Mheshimiwa Mustafa Idd, alileta Hoja ya baadhi ya watu ambao husaidia Serikali kufanya kazi yake. Huu ulikuwa ni Mswada kuhusu wazee wa vijiji. Hawa ni watu ambao wanafanya kazi ya kusaidia Serikali hasa za utawala kuhakikisha mambo yanaenda sawa.

*(Hon. Nassir stood in the walkway)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): The hon. Member for Mvita, please take a seat. You are obstructing the Speaker.

**Hon. Chea:** Kuna haja ya sisi kama Wakenya na Serikali kujifunza kutoa shukrani kwa watu ambao wamefanya kazi na watu ambao wanasaidia kwa hali kubwa kuhakikisha na kuendeleza maswala ya maendeleo kwa Jamhuri ya Kenya.

Mheshimiwa Naibu Spika wa Muda, kwa hayo maneno machache, ningependa kuunga mkono Hoja hii. Asante.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): The Member sitting right next to the one who has contributed, I am sorry I forget your constituency. His name was skipped on the list by mistake. Go ahead. Yes, the Member for Mwatate.

**Hon. Mwadime:** Shukran, Mheshimiwa Naibu Spika wa Muda, kwa nafasi hii. Mwanzo kabisa, Hoja hii ni muhimu sana maanake pembe zote za Kenya kwa muda mrefu watu huzungumza kuhusu hawa wazee wetu ambao walipigania Uhuru lakini hakuna mtu ambaye alijitokeza na kuleta hii Hoja Bungeni. Mheshimiwa Wangamati, nakupa kongole kwa Mungu kukumulika ili ulete hii Hoja hapa Bungeni.

Wakenya ni kitu kimoja. Hata lile neno la umoja liko katika wimbo wetu wa kitaifa na limerejelewa. Hili neno lilitoka kwa sababu ya ule umoja Wakenya walikuwa nao wakipigania Uhuru. Ni vyema kuwafidia *Mau Mau* lakini pia ingekuwa vyema zaidi kama wale ambao walipigania Uhuru pembe zote za Kenya kufidiwa. Hata kuna wengine ambao walipigana vita vya ulimwengu na wamesahaulika kabisa.

Hakuna jambo gumu kama kujitolea mhanga. Kule kwetu Taita Taveta kuna watu kama Mwangeka ambaye alijitolea mhanga. Ni vyema kumtambua kama mmoja wa wapiganiaji Uhuru. Vile vile, kuna mapango ambapo hata mwanzilishi wa taifa hili letu la Kenya, Mzee Jomo Kenyatta, alikuja wakati mapambano yalikuwa moto moto pande

hizi. Alikuwa anafichwa kwa hayo mapango. Ni vyema Serikali kutambua mapango hayo na wale ambao walihusika kuwaficha hawa wapiganiaji Uhuru.

Kwa upande wa mashamba, ni kweli baada ya kupata Uhuru kuna wananchi ambao bado wanatatizika katika mashamba ambayo yalimilikiwa na hao mabeberu. Mwatate ni mojawapo ya mahali ambapo wanasumbua wananchi sana kwa mashamba. Ni vyema, baada ya kupitisha hii Hoja, tujaribu kuangalia kila mahali na tutengeneze ile kamati ambayo itafuatilizia hii Hoja na itekeleze kila kitu ambacho tunaongea hapa.

Ni vyema kutambua yeyote ambaye amefanya kitendo cha ushujaa. Kama vile mwenzangu aliyenitangulia alisema, hawa wazee wa “Nyumba Kumi” na vijiji ni watu ambao wamesaidia kwa muda mrefu sana. Wangetambuliwa pia. Hata kule Taita Taveta kulikuwa na sherehe za kumbukumbu za Vita vya Kwanza vya Dunia. Wakati Vita vya Kwanza vya Dunia vilikuwa kule, baadhi ya watu ambao walikuwa wanaishi hapo walipelekwa mahali tofauti tofauti. Kwa hivyo, ni vyema kutambua watu hao na mahali kama hapo.

Mheshimiwa Naibu Spika wa Muda, mengi yameongelewa na sitakuwa na mengi ya kuongezea. Ninaunga mkono Hoja hii. Asante sana.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Peter Mwangi.

**Hon. Mwangi:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this important Motion concerning our heroes. For any person, group or nation to move forward, it must know its history. One of the things which may have made this country to lose patriotism is the way *Mau Mau* freedom fighters were treated.

It is good that the British Government have realised the mistake that they made to Kenyans. However, we should ask ourselves: What have we done as a country towards our heroes? They fought for this country and yet they live in abject poverty. They were not able to get even a single piece of land. They live as squatters. Here we are talking of Kshs2.5 billion which has been provided by the British Government. What are we doing as the Government and as a people for whom these freedom fighters sacrificed themselves and their families?

I urge this House that it is now time to act. Let us have a Bill which will be able to cater for our freedom fighters. We cannot have people living in abject poverty when they fought for this country. It is good that every part of this country fought for this country. They were the *Mau Mau*, *Dini ya Musambwa* and many others even from the Coast. However, let us now look at what we can do. Here is a case which was taken up by the British Government. However, it was all about business interest on the part of lawyers. Lawyers have taken a whole 35 per cent of the compensation amount. The freedom fighters were only being misused by these lawyers, the same way they were misused by their own people.

It is the right time now. I support what hon. Wangamati is doing. As other Members have said, let us have a register of freedom fighters from all parts of this country and we start thinking of how to compensate them. Even today, there are those who fought for the second liberation of this country. We have somebody like Kenneth Njindo Matiba who is suffering at the Coast. He cannot even get medication. It is now time for this Government to take up the responsibility of looking after him. We know that we are enjoying the fruits brought by the struggle by Charles Rubia and Kenneth Matiba.

Let us now take up the medication of Kenneth Njindo Matiba. We need to start showing the way to be praising our heroes. We should not only be sitting here and looking for compensation from somewhere else then we start praising somebody when he is dead. Why should you praise me when I am dead? Give me something now when I am alive and I will praise you.

With those few comments, I support the Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. James Ekomwa, Turkana South.

**Hon. Ekomwa:** Thank you, hon. Temporary Deputy Speaker for this opportunity. I rise to support this Motion. I want to thank hon. Patrick Wangamati, who is a respected Member of this House. He has a legacy as far as the Independence of Kenya is concerned.

This compensation must start with him. I know he was tortured and his people were also tortured. This Motion has come at the right time. Some counties are celebrating because they were compensated. People from some parts of this country like West Pokot, Turkana and Samburu suffered, but because there was rudimentary reporting, it was not recorded. Those who were compensated were the people who were recorded in Nairobi and Kiambu, where there were reporters who reported everything.

The people who suffered the consequences of non-reporting were not compensated. So, this Motion has opened our eyes. The people from the northern part of Kenya must rise, if they are here, so that we can also file a case to ensure we are also compensated.

One of the elders that suffered so much is the father of hon. Nickson Ngikor, who is here, Mzee Mekede. He suffered and lost most of his people to the British. My grandfather, Mr. Kokoi Lolel, also suffered. Up to now, I do not know where the British took his body. Hon. Wangamati knows the old man. The British Government has not brought him back and I am demanding that they should bring them or otherwise, I will provide an invoice to the British Government to compensate for that. We have elders in Turkana South who were with the late Mzee Jomo Kenyatta like Mzee Napetet, Mzee Ejore and Imana. They are so many and I have the list. They all suffered and even their reproductive systems were interfered with. I do not know how we are going to cost that, so that we ensure that they are compensated maximally.

This is to prove that all Kenyans participated in fighting for the fundamental freedoms as stipulated in our Constitution. These are the people who made us to access that freedom. We must regard them with dignity and respect. If we do not respect them, it will discourage the current generation. We should compensate them. We do not know what will happen. Suppose a war breaks out? There is the international law and we need people who can fight for this country. So, if we discourage those who fought for freedom, how will we ensure that the current generation will maintain the freedom that we have? There is fighting for freedom and maintaining it, which are two different entities. So, if we encourage the people who fought for this freedom, we will be encouraging the current generation to maintain our freedom.

We need to think outside the box. We have underestimated ourselves. It should not just be about compensating the *Mau Mau*, but we should know the quantity and intensity of damage that the British wrought in Kenya and in Africa. People lost their

dignity. Communities lost their culture. This nation and Africa lost resources. Britain has now become like heaven just because of the resources that were taken from Africa and Kenya. It is now creating the European heaven. That is why if you go for a British visa, it is like going to heaven. It is very expensive and you are mistreated yet the materials that were used to build this ghost heaven are materials that were taken from Africa. So, it is not just claiming for compensation. The British Government should compensate for the land, culture and dignity.

The current system in our country is British. It is neo-colonialism. Even the International Criminal Court (ICC) is part of colonisation. Colonisation is now taking place and what we are seeking compensation for was rudimentary. The one that exists is neocolonialism. It is not just compensation, but bringing back dignity to Kenyans. We do not want more colonisation here in Kenya. What did we do to get colonised? What mistake did we make? We were all created in the image of God. Why should the British come to Kenya and make us suffer? Why should we be tortured? Should we be tortured because of our resources, culture and principles? I have never seen anywhere in the Bible where it is stated that Euro centrism is better than Afro centrism. We reason like them. We have respect like them. So, why should we be tortured?

The British Government should compensate for every damage that they caused here in Kenya. It is not just the *Mau Mau*. If they stayed in this land for 50 years, they should be given invoices to pay for that period. They must pay rent. If they destroyed forests, they should pay for them. If they killed people, they must compensate them. If they took goats, they must compensate for that. This land is ours and not theirs. So, it is not just compensating the elders. It is beyond that. They should compensate us for the dignity that we lost. They should compensate all that we lost to them. I have not seen any mistake that we committed. I have read the Bible and I have not seen anywhere where we made a mistake for us to be tortured.

This is a serious issue. If I were the President of this nation, I would not even have allowed the so-called British High Commission in this nation. I could have told them to wait until they clear the messes that they did here in Kenya. I am very serious because I was created in the image of God and I cannot allow any other creature to mistreat me. There is no reason for that.

We all know that there is heaven and earth. There is no other created heaven in this world. We are all waiting for the one that we have been promised by the Bible. These other ones---

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Your time is up, hon. Member.

**Hon. Ekomwa:** Thank you, hon. Temporary Deputy Speaker, for giving me the opportunity.

With those remarks, I beg to support the Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Yes, hon. John Waluke!

**Hon. Koyi:** Thank you very much, hon. Temporary Deputy Speaker, for giving me this opportunity to also air my views. I support this timely Motion by hon. Wangamati.

It is true that many Kenyans died while fighting for the freedom of this country. Many of their families have not been compensated. I always visit the family of Elijah

Masinde Wa Nameme wa *Dini ya Musambwa*. It is in total poverty. If you see them, you can even cry. Their children have never gone to school because of the trouble that they went through. We need to have the face of Kenya when something like this one comes up. When hon. Paul Muite and other lawyers raised the issue of the atrocities committed by the British colonialists against Kenyans, they should have compiled a list of all the affected people from all the tribes across the country – the people who suffered during the fight for freedom. It was not members of only one or two tribes that suffered.

If you read the independence struggle history of this country, you will come across a Turkana tribesman called Kokoy, who died in Rusinga Island and whose body has not yet been found. There are other Kenyans like in Malakisi, Lumboka and Chetambe, whom I know died in 1948 while fighting for the freedom of this country. The genocide that our people went through at that time should be checked.

Hon. Wangamati, I thank you so much for coming up with this good Motion, and for thinking about Kenyans from other tribes as well. People like Jean-Marie Seroney from the Kalenjin community in Rift Valley Province suffered. The Maasai warriors could not be left behind when the war came. We know that the Samburu people are fighters. Kenya should have a memory all the time.

The other day, I was in Namibia with Beatrice. They keep their documents in the archives and museums. Kenya assisted them during the struggle for their independence. The first Government Land-Rover was given to President Sam Nujoma by President Moi. They still remember and thank the Kenyan people for helping them during their fight for freedom. So, our country also needs to have the same. Let us not just forget what happened during the fight for the freedom of this country. I was in Namibia serving under Kenbatt 1, when we were trying to keep peace there, and fighting for them to get freedom. The Members of Parliament I was with were excited and happy to realise that Kenyans played a very big role, under General Opande, at that time. Therefore, our country should keep the record of those people who fought for the freedom of this country for posterity.

We are losing the history of this country because we want to create the impression that it is only one tribe that fought for the freedom of this country, which is not true. Hon. Wangamati, thank you very much for bringing this very important Motion to the House.

With those remarks, I beg to support the Motion and urge other hon. Members to support it.

**The Temporary Deputy Speaker** (Hon. Shebesh): Hon. (Ms.) R.N. Wanyonyi, the Floor is yours.

**Hon. (Ms.) R.N. Wanyonyi:** Thank you, hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this Motion.

I thank hon. Wangamati for coming up with this particular Motion. To me, it evokes a lot of emotions. There are names of certain places in my county of Bungoma that I later came to learn that had a lot to do with the liberation struggle of this country. We have places like Mabanga, which in the local language means “a place where blood was shed”. If you inquire why it was given that name, you will learn that our people died in the struggle for freedom. People were killed by the British Army whenever they resisted colonization. Places like Chetambe and Lumboka are known for the independence struggle of this country. Those were places where the African people who

resisted the British colonial rule were killed. Up to now, the people living in those places are stigmatised because of the manner in which their people were killed. There are certain phrases that were used at that time, for example the “war of diarrhoea” which in the Luhya language means “the war of *kumunyalasia*”, which means war where resistance of people armed with crude weapons could not march the British defences, who were armed with guns.

People were killed in such a manner that they could not withstand. As we talk of how to compensate the victims of the struggle for independence, we need to understand that the atrocities happened across the country. It would, therefore, be unfair to compensate different people in piecemeal. It is important that we sit down, as a Government, and assess the magnitude of the matter across the country. We should go back in history and look at the reports of our population census that we carry out every 10 years. There must have been a census taken in 1949 and 1959. We could use the 1949 census report as a benchmark for compensation. The people who were around then are the ones who should be compensated by the British Government for the atrocities they suffered as they struggled to liberate this country. We need to come up with a benchmark of that kind.

I agree with hon. Members who suggested that we come up with a committee that will assess the situation with a view to compensating all Kenyans who were affected, and not just those who had the advantage of accessing the court in London. Such an approach will help to resolve the problem once and for all.

If I may go to the issue of *Dini ya Musambwa*, I would like to thank hon. Wangamati for mentioning it. It must go on record that when we talk of the very first African religion, it is *Dini ya Musambwa*.

Its founder, *Mzee* Elijah Masinde wa Nameme is one of those people who resisted the British. He is one person whose whole life was actually torn into war with the British. Left and right, he struggled so much. As we are talking, those are some of the heroes that are very much unsung to the dismay and shame of some of us who stand here and cannot remember how they struggled to have the freedom that we are enjoying now. In fact, as we talk, the late *Mzee* Elijah Masinde wa Nameme, in my view, is one person we should have an institute or even a whole university built in his honour in the Western Kenya region. That will be in memory of the struggle for the freedom we are enjoying right now.

As I finish, I want to thank hon. Patrick Wangamati for bringing up this Motion and I urge Members that we support and pass it. Let us dance and embrace our heroes and be Kenyans who can make those who struggled proud and be remembered.

With those few remarks, hon. Temporary Deputy Speaker, I support this Motion. Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Stephen Karani.

**Hon. Karani:** Thank you, hon. Temporary Deputy Speaker. I also join other hon. Members in supporting this Motion. I also want to thank the hon. Wangamati for bringing this noble Motion to this House.

I would also want to thank people from the two counties of Nyeri and Kiambu for having sought audience with the courts and getting this compensation. Were it not for those people, we will not be discussing this Motion today. I would also want to point out that, of late, and especially after the new Constitution, we have started having the

tendency of people using the Judiciary to stop very noble ideas. For example, it took two years for those people to be paid this money after the British Government agreed to pay the compensation. That is because some busy-bodies went to court and put injunctions. Those people, as old and sick as they are, have waited for two years to get their compensation. Recently, we have seen people going to court to challenge the noble idea of the Constituencies Development Fund (CDF) and, hence, it being declared illegal. This is the time that busy-bodies should cease using the Judiciary to interfere with very noble ideas of this country.

In Laikipia County, my people were compensated by the same British Government because their defence forces use our county to practice. The people who were injured and killed by grenades were compensated in the year 2003. Those people were paid so well that a majority of them have not lived to enjoy that money. That is because once they were given the compensation, they were not advised on how to spend the money. Overnight, people became millionaires and most of them have since died with only a few managing to make use of that money.

The only problem I have with this Motion, hon. Temporary Deputy Speaker, is that I do not know how, as a Government, we are going to make sure that there is compensation from a foreign country. That is because it is not money from our Government but from the British Government. Specific people have gone to court and won compensation. I do not know how the Government will ensure that, that money is shared between the different people in the country, if they were not represented in the courts after we pass this Motion. It is upon the Mover of this Motion to show how the Government will make that possible.

Thank you very much. I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Oburu Odinga.

**Hon. (Dr.) Oginga:** Thank you very much, hon. Temporary Deputy Speaker. This is a very important Motion. For those who did not live at that time, this is, perhaps, just a theoretical exercise. However, some of us witnessed the torture of the *Mau Mau*.

In fact, most people in detention from Central Province were brought to the area I come from. There were concentration camps in a place called Sinyanya. The *Mau Mau* were taken to Sinyanya because it is a bush infested with a lot of tsetse flies. They were actually taken there to die. There is another island called Mageta Island which is very deep and surrounded by crocodiles. They *Mau Mau* were taken there so that they could be eaten by crocodiles.

At Oyamo Island, we still have the ruins of the torture chambers which were constructed by the British and I have been urging the Government to take them over and make it some kind of a national monument. That is because those tortures were real.

Our people participated in protecting the *Mau Mau*. There is an incident where one *Mau Mau* member escaped. There was no way he could have escaped to Nairobi if he was not being protected by our people. Our people also participated in the resistance against the British rule. There is an old *Mzee* called Agola Walla who resisted the British when they wanted to convince him to be their lackey. He said that it was only over his dead body that he would accept to be a leader appointed by a white man. He was arrested and detained on an island called Kismayu where he died.

In our area, the counter of *Mau Mau* was called Piny Owacho. The elders of the Luo said that they were going to resist British colonial rule. They met at a place called Lundha and formed a movement which was called “Piny Owacho”. Whatever they said there was so much of a secret that when the British tried to investigate what they discussed, everybody said “Piny Owacho” which just means “The country has spoken”. That was the name of the movement.

*Mzee* Gitu Kahengeri who initiated this process went around the country. He even came to our area and registered names of our people who were tortured during the *Mau Mau* time. He has all the names from all over. In fact, I helped him to collect those names. I am a bit taken aback when I am told that some people were compensated, but I did not hear names of people from our area who were also party to all the processes that *Mzee* Gitu Kahengeri was taking. I know there are many people from Alego, Gem, Ugenya and even from Bondo who participated in the *Mau Mau* and were tortured. They had all the evidence that they were actually tortured during that time.

I, therefore, thank hon. Wangamati for having thought it fit to bring this Motion. I know that Elijah Masinde who he has been talked about was a great friend of my dad and he was tortured very many times by the British colonial authorities. This was because of his persistent struggle and resistance against the British colonial rule. It is not only him but there are many others who struggled.

An hon. Member was asking how this is going to be done. It is going to be done in the same way the others were done because the British have not closed the window. They know that it is not only those who were compensated who were actually involved in the struggle, but they were just the people who managed to go to court. Therefore, those others can still be forwarded and negotiated outside the courts because those settlements were not settled in courts.

I believe that what we are doing here is not in futility. I believe that once this Motion is passed, there is going to be a window for negotiating with the British Government to compensate many others who also suffered in the hands of their authorities. It was very harsh because the British colonial authorities used to adopt a tactic called divide and rule, which was a very dangerous policy. They wanted to make it more or less a civil war between the Kikuyus, Embus and Merus and the rest of the country. However, Kenyans were very clever because they refused to get into the trap of the British colonial authorities and supported whoever was struggling against the British colonial rule.

This is what eventually brought the British authorities down and they accepted Independence. Actually, they did not give it us; we forced them to leave our country through bloodshed.

So, hon. Temporary Deputy Speaker, this is a good Motion and I want to conclude by saying that hon. Members of this House should support it wholeheartedly so that it can be pushed and those who did not benefit from the first round can benefit from this very important initiative.

Thank you.

**Hon. (Ms.) Leshoomo:** Ahsante Mhe. Naibu Spika wa Muda kwa kunipa nafasi hii hata mimi nimshukuru Mhe. Wangamati kwa kuleta Hoja hii. Nafikiri tunazungumzia mambo ya wazungu wakoloni. Nafikiri kila mahali katika Kenya ilipata shida kwa



sababu watu waliteswa. Mahali nimetoka kama Samburu, Wakenya wote wanajua wakati Jomo Kenyatta aliletwa huko kufungwa. Watu wanajua yale mateso Wasamburu walipata wakati huo. Ni mateso hata babu zetu wakituambia leo, tunatoa machozi hata kama hutukuona.

Maajabu yalifanyika. Haikujulikana vile wananchi walifanyiwa wakati huo. Haswa ukienda Samburu, kuna mzee mmoja kwetu anaitwa Leaduma. Ukitaka kumpiga mwanamke au mtoto unamwambia: “Nitakupeleka mahali Leaduma alipelekwa.” Lakini hatujui Leaduma alipelekwa wapi. Kwa hivyo, wale wenzetu waliopigania Uhuru wa Kenya, nafikiri ni Wakenya wote. Hakuna pembe haikuteswa ama kuwa na waliopigania Uhuru na kuteswa. Tuna mzee mmoja, marehemu, alikuwa anaitwa Lekalja. Ndiye alimlisha marehemu Jomo Kenyatta katika Samburu. Wakati alikuwa anaenda kupeleka maziwa ama nyama yake, ile taabu alipata ilikuwa ni ya maajabu sana. Hadi sasa, familia ya Lekalja ama familia ya Leaduma tunavyosikia bado wanafuata historia ya baba zao walivyofanyiwa.

Wakenya wengi au wazee waliopigania Uhuru wamekufa na familia zao bado wanafuatilia historia za familia zao. Serikali yetu ingeangalia hizo familia na kuona vile zitasaidiwa. Ama wakoloni – sisi tunawaita *makaburu* – wasaidie hizo familia. Ukiangalia mambo ya ardhi, kutoka kwetu hadi Laikipia, hao mabeberu bado wameisimamia. Bado hayo mashamba ni yao. Hata sasa tukitaka nyasi, hatupati. Ile taabu tunayo sasa ni kuwa wamechukua ardhi yote katika Laikipia. Hata nyasi hatupati. Bado wanawatesa watu wetu wakienda kutafuta nyasi. Bado wanawatesa watu wetu hata wakienda kutafuta maji kwa sababu wamechukua ardhi yote. Kwa hivyo, haya mambo ya *Mau Mau* yalikuwa ya Wakenya wote. Wote walipigania Uhuru wetu.

Kwa hivyo, Serikali ingeangalia wale mabeberu wamebaki hapa - hata kama wanasema wao ni Wakenya - bado wanawaona Wakenya ni kama wako katika ukoloni. Hii ni kwa sababu tunaona watoto wetu wakipigwa wakipatikana wakifuga ng’ombe katika mashamba ya wazungu. Bado unapigwa, unateswa na unapigwa risasi. Hakuna kitu hatufanyiwi wa wale walibaki. Kwa hivyo, ningetaka kusema warudishwe kwao. Bado tuna uchungu sana. Yangu ni kusema tu tunaunga mkono na tunamshukuru Mhe. Wangamati kwa kuleta Hoja hii. Napendekeza kamati iundwe kutoka Bunge ili izunguke na kuyachukua majina ya familia ya wale waliopigania Uhuru. Pia, wale waliopigana katika Vita vya Pili vya Dunia, wangewekwa pamoja kwa sababu hawajulikani. Wakati wa Mashujaa Day, ingefaa wale wamebaki wapewe nafasi ili wapate kujulikana hasa na watoto wa kisasa kwamba ndiyo walipigania Uhuru wetu.

Mhe. Naibu Spika wa Muda, naunga mkono. Ahsante.

**Hon. Bishop R. Mutua:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this great Motion by my friend, hon. Wangamati. On the outset, this Motion gives us an opportunity to discuss the very core of patriotism in this country. When you are discussing this Motion, we are discussing about the liberation movement of this country and the sacrifice that was paid so that we may be free. I would like to share three points on this particular Motion.

One, the British Government has a responsibility to compensate all those that they tortured, killed and maimed. The Kenyan Government has a responsibility to lead a process that is going to recognize all those heroes who fought for Independence and even recognize the families that paid a very high price and have continued to pay that price

because they are living in poverty even though Independence has come. Last year, we were celebrating our Jubilee since we attained Independence. During that celebration, we should have highlighted the number of people who suffered when they were fighting for Independence. As a Kenyan society, we need to recognize all those fallen heroes in such a way that we can have them in our museums. We can have their names displayed in public places so that our people can begin to learn our new history and our children can begin to celebrate the liberation movement that Kenyans engaged in.

It is very important that this House passes and agrees to set up a very special commission - a fact-finding commission - that will go around the country and come up with a corrected history of heroes who were involved in that particular struggle. As it is now, it is only patches here and there, pieces of information that are hardly complete. We need a comprehensive report on this particular issue so that when we are talking about compensation, it is not only compensation from the British Government, but even our own Government can compensate them. It can do something for those families that have suffered for so long because of the price they had to pay for us to be free.

Hon. Temporary Deputy Speaker, I would like to see a scenario where Kenyans can begin to celebrate the heroes who brought independence. Today, we celebrate the heroes who are in power and forget that before the power came, there was a struggle. Blood was shed, people suffered and even today, there are people who are not enjoying just because their fore-fathers had to do the payment. They had to pay the price. So, why can we not come up as a nation and facilitate those families that are suffering? Their fore-fathers had to go to the bush and fight the colonialists.

Finally, I want to thank hon. Wangamati for this very special thought. It is high time we discussed the history of this country from a very positive point of view. So, this Committee should bring a report to this House so that we can continue and come up with a Bill that is going to say exactly how we are going to treat those fallen heroes of Kenya.

With those remarks, I beg to support. I will be ready to bring the Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Ghati.

**Hon. (Ms.) Ghati:** Thank you very much hon. Temporary Deputy Speaker for giving me this opportunity. It allows us to pay tribute to those people who went before us. They sacrificed their lives, families, comfort and health so that this country is safe and independent. I remember when I was growing up, hearing of names like Dedan Kimathi, Mekatilili and all other people who fought for the independence that we are enjoying today. It pains me that, at this time and moment in life, we find that there are people who are languishing in poverty. We should not be a country that is using the Judiciary and the courts to give justice and rights to those people.

Hon. Temporary Deputy Speaker, the United Kingdom Government has agreed to compensate a section of people who fought for independence in this country. However, this country was not liberated by people from just one place or region. The people who participated in this struggle came from across the country. So, it just is not fair that a small section of freedom fighters get compensated and in other regions we do not have people being compensated.

We are a country that forgets very fast. We should be in the front line to even commemorate and remember our freedom fighters. We could remember them through naming our institutions of higher learning and our roads after them. We forget that our

archives are not very up to date. Even our children, as they grow up, do not even understand that there are people who came before us and sacrificed their lives fighting for the freedom that we are enjoying as a nation. Therefore, I join the rest of my colleagues in thanking hon. Wangamati for this very important Motion. It is timely. It is very unfortunate that even at this time, there are people who retire from public service having spent their entire lives offering services to this country and yet, they languish in poverty. There are people who retire from the military and they have to use the courts to get their dues or pensions. We should not go that direction. We should give people their dues when they retire so that they can stop using Parliament or the Judiciary to get what is rightfully theirs.

With those few remarks, hon. Temporary Deputy Speaker, I wish to support the Motion fully. Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Nicholas Gumbo.

**Hon. (Eng.) Gumbo:** I thank you, hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this very important Motion by my good friend. He is one of the very highly respected Members of the Eleventh Parliament.

I want to look at this Motion as one that gives us an opportunity to put the history of the freedom struggle in proper perspective. For a long time, we have tended to concentrate on those who took part in acts of resistance as opposed to those who took part in passive resistance. Under the passive resistance, I have in mind the local or African churches and those who went to great risk to give solace and accommodation and even food to the freedom fighters. The name, for instance, Habil Omolo from Bondo may not mean much to those who talk about the freedom fighters per se. But those are some of the people who took part in the freedom fight.

Hon. Temporary Deputy Speaker, from where I come from, we boarder Lake Victoria and ---

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Gumbo, I will give the Mover an opportunity to reply at 12.30 p.m. So, you have three minutes.

**Hon. (Eng.) Gumbo:** Hon. Temporary Deputy Speaker, from where I come from, we border Lake Victoria. We have had very horrifying stories of those who tried to rescue the detainees who were trying to escape from detention in prisons in Mageta and Oyamo Islands in Lake Victoria. Since those people who were detained could not swim, a lot of times, our people put their lives on the line to try to help them cross the lake and get refuge. Many times, they also used their boats. In fact, we are being told of cases where the colonialists, at random, would choose to shoot at an entire boat to kill everybody in it in the hope of making sure that they prevented an escape. Many of those people still carry those scars up to now.

Hon. Temporary Deputy Speaker, even from Rarienda where I come from, we have those who took part in the passive resistance to the colonialists. People like George Ongo Sereta, a friend of mine who is still waiting for their compensation---

*(An hon. Member crossed the  
Floor without going to the Bar)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Gumbo, please give me some minutes. Hon. Member, please go and use the right way to move from one side of the House to another.

**Hon. (Eng.) Gumbo:** Okay, hon. Temporary Deputy Speaker. We have also heard of people from upcountry who used to work in sisal farms in Nakuru, for example, Kwa Ronda. They used to provide the veterans with food and accommodation. Of course, over time, the colonialists got to know of their schemes. Some of those people had to run to their upcountry homes to get refuge. That was at great personal risk. By far, one of the most undocumented forms of freedom struggle in our country is the African churches. We have talked about *Dini ya Msambwa* and all the other African churches like the *Akorinos*. In my constituency, one of the famous African churches is called Nomiya Luo Church. Those were actually attempts by our own people to resist indoctrination by the colonialists using religion. So, it is an opportunity for us, as a country, to use this Motion and put the freedom struggle in proper perspective, so that all those who participated, whether actively, inactively or passively, can be compensated.

As I conclude, a lot of times, people tend to think that the freedom struggle started in the 1950's. That is not true. In Nyanza, where I come from, we had the movement in the 1920's called *piny owacho* which simply means, "The world has said." The idea of those people was to come together. In fact, those were the very early forms of resistance. Those who have read the book by Jaramogi Ogiga, *Not yet Uhuru*, on page 65, it talks about *piny owacho* in detail. It lists some of the unspoken heroes of Kenyan struggle. One of them, you may wish to know, was the father of a former Deputy Speaker of this House, the late Job Omino. His father, Joel Omino, was among the people who came up with the idea of *piny owacho* as a way of injecting patronage by the colonialists.

Because of time, I wish to support and urge my colleagues to try to find a way to transform this Motion into a Bill, so that we can put the freedom struggle into proper perspective.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Thank you hon. Members for that contribution. I want to give the Mover a chance to reply, but before I do that, allow me to recognise Kabungut Boys High School from Bomet Central Constituency.

(Applause)

Hon. Wangamati, you have ten minutes. If you are donating any time, you have to make it clear to me to whom and how many minutes you are donating.

**Hon. Wangamati:** Thank you, hon. Temporary Deputy Speaker for giving me this opportunity. I want to thank all the Members of this House who have spoken positively on this Motion. There are some Members who have not had a chance and I want to donate two minutes to each.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Okay. Give me the names.

**Hon. Wangamati:** I will start with hon. Kamama, hon. Moroto, hon. Ole Ntutu and hon. Sabina Chege.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Let us start because the time will lapse even before we start contributing. I take it that you have given out all your minutes. Hon. Kamama, you have two minutes.

**Hon. Abongotum:** Thank you, hon. Temporary Deputy Speaker. I want to support the Motion. I want to propose that we have a Bill enacted and debated by this House, so that the victims can be compensated. The Independence struggle started with the Kikuyu Central Association. It was followed by the Bukusus and the Pokots under the *Dini ya Msambwa*. I remember the first struggle took place at Kolowa in Tiaty, where three white officials, namely, Robin Grant Cameron, Charles Taylor, the Office Commanding Police Division (OCPD), and Allan James Stevens, who was a Division Officer (DO), were all killed there. The Pokots and the Bukusus under their leader by the name Elijah Masinde, and a Pokot called Lucas Kipkoech and a lady called Chemosop, were the ones who started the second struggle after the one started by the Kikuyu Central Association on 24<sup>th</sup> April 1950. Then after that, the *Mau Mau* took over. Those people should be compensated, so that they can also feel that they did something for this country.

With those few remarks, I support the Motion. Do I have a minute to donate to my friend?

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): The donation was being done by hon. Wangamati and no one else. Hon. Moroto.

**Hon. Chumel:** Thank you, hon. Temporary Deputy Speaker. I also want to join my colleagues who have talked about this important Motion. I want to thank hon. Wangamati for bringing this Motion before us. I hope that when it comes as a Bill, we will be in a position to make it more effective.

I want to thank the *Mau Mau* Movement, especially those from Kiambu and Nyeri. I know a few of them and not all, benefited out of this. As mentioned by hon. Kamama, we have freedom fighters from other parts like the Pokots and the Luhyas under the *Dini ya Musambwa*. I am part of this family of the *Dini ya Msambwa*. My parents are there. The known Lucas Kipkoech is my uncle. They suffered. I was brought up there and I am happy that this issue is before this House. I also want to thank the Government of the former President Kibaki.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Thank you. Your two minutes are up. Hon. ole Ntutu.

**Hon. ole Ntutu:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. I want to thank hon. Patrick Wangamati for giving me this opportunity. Much has been said by other Members of this House. I agree with most of the Members that we need to bring this as a Bill because it is not just the people who lost their lives, but there are so many others who suffered, particularly the Maasai Community. They lost their land especially here in Nairobi. In fact, I was told by one of my grandfathers that where Parliament stands used to be a Maasai village. So, I am also looking forward to include some of those issues. In Nakuru, we lost land as a community and we need to be compensated for that. We also lost most of the Ukambani region and other areas. As a community, we have lost a lot and we need to be compensated for that. We will put it in this Bill. I hope Members of this House will help me to get back our land.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Who was the next one, hon. Wangamati? The last one? Hon. Nassir from Mvita.

**Hon. Nassir:** Ahsante sana, Mhe. Naibu Spika wa Muda. Ningependa kumshukuru mwenzetu Mhe. Wangamati kwa kuileta Hoja hii katika Bunge. Ningetaka kuipeleka Kenya katika mwaka 1913 ambapo katika maeneo ya Pwani, kulikuwa na mwanamke wa Kigirima aliyejulikana kama Mekatilili wa Menza aliyekataa mila, desturi, uonevu na unyanyasaji wa Uingereza. Alikataa maonevu ya kiuchumi. Wakoloni walikuwa wakiweka kila aina ya ushuru katika biashara zao na kuathiri maswala mengi yakiwemo kulipa ushuru kwa kila nyumba almaarufu ikijulikana kama Hut Tax. Katika mwaka huu wa 1913, Mekatilili wa Menza, pamoja na mwenzake, Wanje wa Moderikola, walishikwa na kupelekwa hadi sehemu ya Mumias. Baada ya miezi, walitoka Mumias na walikimbia. Ni muhimu kuwa tukiwa wenye kuangalia maswala ya waliopigania Uhuru wa Kenya, tuhakikishe watakuwa wote ambao walipigania Uhuru huu katika Kenya.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Your time is up. When you are given time, you must respect when you are told that it is up!

**Hon. Member:** On a point of order, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): There is nothing out of order. Can I give you one minute you complete this? Hon. Wangamati requested for it.

**Hon. (Ms.) S.W. Chege:** Thank you, hon. Temporary Deputy Speaker for giving me this opportunity. I want to thank hon. Wangamati for giving me the opportunity.

I support the Motion. When we talk about the face of Kenya, we should appreciate that all communities are the face of Kenya. So, it is of importance that we embrace national cohesion. Secondly, when we speak about Murang'a, there is a famous lady called Nyanjiru, and you know I am Wanjiru, who challenged men to wear skirts and was shot at the Central Police Station.

Hon. Temporary Deputy Speaker, therefore, when speaking about the MAU MAU struggle and compensation, I would urge that this House--- This is a very good Motion but its implementation is difficult. We need to come up with a formula by which the Government can identify all the freedom fighters. We know General Ihura and General Kago. We have many other people whose names are in the public domain. Despite the fact that only a small group of freedom fighters went to court and got compensated, I would urge this House to come up with a Bill, so that all the MAU MAU freedom fighters can be well compensated.

Thank you,

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Okay, thank you. Hon. Members, I really want to thank you for those contributions. I am sure hon. Wangamati you have been satisfied by the response of the House. I beg your indulgence for those who were not able to contribute and I know they were very passionate to do so. For obvious reasons, we will not be putting the question.

Next Order!

## MOTION

### ESTABLISHMENT OF SELECT COMMITTEE TO INVESTIGATE RECENT DEATHS

**Hon. Mirenga:** Hon. Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, aware that Article 26 of the Constitution guarantees the right of every person to life, and that no person shall be deprived of life intentionally; further aware that Article 35 provides for the right of access to all important information by all; cognizant of the fact that national leaders and their families form an integral part of national being that builds and helps in forging unity; concerned that several national leaders and/or prominent personalities including the late Hon. Sen. Mutula Kilonzo, the late Hon. Sen. Otieno Kajwang' and the late Fidel Castro Odinga have lost their lives in unclear circumstances in the last two years; further concerned that the causes of death of those prominent national leaders have been shrouded in mystery creating unnecessary anxiety among different groups of people; this House resolves to establish a Select Committee to comprehensively investigate and inquire into the causes of death of the three personalities, consider and review all related findings on the deaths and table its report within ninety (90) days, and approves the following Members to constitute the Committee:-

- (i) Hon. Ken Obura, MP – Chairperson
- (ii) Hon. Soipan Tuya, MP – Vice-Chairperson
- (iii) Hon. Ababu Namwamba, EGH, MP;
- (iv) Hon. Adan Keynan, CBS, MP;
- (v) Hon. Aisha Juma, MP;
- (vi) Hon. Bare Shill, MP;
- (vii) Hon. Charles Mongare Geni, MP;
- (viii) Hon. Florence Kajuju, MP;
- (ix) Hon. Jared Opiyo, MP;
- (x) Hon. Dennis Waweru, MP;
- (xi) Hon. Mary Emaase, MP;
- (xii) Hon. Michael Kiso, MP;
- (xiii) Hon. Sabina Chege, MP;
- (xiv) Hon. Samuel Chepkong'a, MP; and,
- (xv) Hon. (Dr.) Robert Pukose, MP.

Hon. Temporary Deputy Speaker, in moving this Motion, I seek to the end speculations and anxiety that has gripped this nation over the last two years. I must say that this country has a history of unresolved mysterious deaths. As a country, we are in danger of going that same direction; of history repeating itself. One of the best things in life is to learn to know that which you do not know. As at now, we do not know the causes of death of Hon. Sen. Mutula Kilonzo, Hon. Sen. Otieno Kajwang and Fidel Castro Odinga. I move this Motion today to seek to know the causes of death of those personalities. I must say that a lot of people have asked me to try and amend this Motion to include the late hon. George Muchai, who passed on while still serving as the Member of Parliament for Kabete. The intention here is different. In the case of the late hon. Muchai, we are, at least, aware that he was gunned down. However, in those three cases,

to date, histology and toxicology reports have not been made public. Therefore, we need to establish the exact causes of death.

Soon after the 2013 general election, hon. Sen. Mutula Kilonzo was found dead in bed at his Maanzoni Ranch, somewhere in Machakos County. Up to now, we are still waiting for the report about the true cause of his death. At least, the report is not in the public domain. Sometime in November last year, the late Hon. Sen. Otieno Kajwang' of Homa Bay County was also allegedly rushed to hospital, where he unfortunately collapsed and was pronounced dead. We are still waiting for the autopsy report. On 4<sup>th</sup> January this year, Fidel Castro Odinga, the firstborn son of CORD Leader, hon. Raila Odinga, was found dead at his home in Karen in the early hours of that morning. We are still waiting for the histology and toxicology reports.

The truth is that the mystery behind the deaths of prominent figures in our society has remained unresolved. The causes of deaths are not known. The issue has been left to public speculation. The truth is that the impact of such deaths can be very negative and can adversely affect the nation. A nation that is keen on remaining united must ensure that the causes of such deaths are known and made public. Hon. Members will recall that the cause of the 2007/2008 post-election violence was partly as a result of feelings by communities that some time back; some members of the society, whom they regarded their own, had unjustly been taken away from them. There was a feeling that they were being targeted as a community. When the post-election violence presented itself, some communities ended up engaging actively in the terror acts that followed with a view to revenging.

Over 1,000 lives were lost, thousands of Kenyans were displaced and property worth millions of shillings destroyed. We all know what happened to our country. We do not want to go that route again, particularly if all that is needed is to make known the causes of the deaths of those people. The rest will then be left to the due process of the law. That is one of the reasons as to why I am moving this Motion – to have the proposed Committee to inquire into those deaths and eliminate any doubts or speculations that could be lingering in our minds and in the minds of the people we represent, so that the matters can be put to rest once and for all.

I am aware that usually, the results of any inquiry can be very discomfoting. I know that it may not be very good for the Government. It may be discomfoting to the families and friends of the deceased or political allies of the deceased. But because we are interested in having a united country by ensuring that there is national cohesion, it is important that we unearth the actual causes of those deaths and make them known to the public. In setting up the proposed Committee in the manner I am proposing, it will hopefully serve to clarify the situation.

Depending on the results of those investigations, this may eventually have the effect of removing this subject from the public discourse and ensuring that due process of the law then takes effect. So, I propose that we have a serious Select Committee, a standard Select Committee that can be used as a benchmark or as a blueprint for future similar investigations in this Republic. So, I propose a standard Committee. I want to call it a gold standard Committee. It will ensure that the Select Committee only works for a period of 90 days. Within those 90 days, the Committee must finish its work. It must be able to report its work to this House after the conclusion of the work. I am also proposing



that the Members of this Committee come from across the divide for obvious reasons. We must ensure that the national face and the political interests among other things are taken care of.

I am also proposing that the people who are members of this Committee - and I am very serious about this - and I am sure that at some point there is an electoral law that is being proposed that will ensure that those who will be members of this House from the next elections will only be of certain academic qualifications. So, you will be sure that those who have so far been enlisted in this Motion, at least, I have scrutinized them. I am sure that their educational background is not lacking. We are looking, at the same time, to ensure that the members of this Committee have the necessary expertise, knowledge and authority that obviously will assist this Committee in its deliberations.

I also propose that the *modus operandi* of this Committee will be one that will be properly agreed by in this House. It will be firmly based on the due process of the law, the natural justice and the general functioning of a public body as we all know. Therefore, I want to insist that this Committee will not engage in any witch-hunting because those are deaths and they are very painful, particularly to the families, relatives, friends and others. So, this Committee will not be engaged in any witch-hunting. It will be very impartial. Its research, deliberations and recommendations must also be based on the due process of the law, the open revelations of the facts and the objective assessment of those facts.

We hope that within the ambit of this whole Parliamentary Select Committee, we should be able to consider how in future the Kenya's investigatory and medical authorities can be able to properly get to do their work in so far as legislation is concerned. I hope that by the end of this work within the 90 days, we will be able to propose a piece of legislation to compel the authorities that are involved to always ensure that the causes of deaths of certain personalities that, of course, will be defined in that legislation, are made public within a period of 72 hours, or whatever time it is that the piece of legislation will define.

We will be asking ourselves a number of questions. As a country and in the year 2015, is it necessary to have forensic evidence flown to South Africa for further tests, for serious determination in order for us to be sure about the results, the causes of deaths and to have the confidence that we must have in the results? Do we have to fly those pieces of evidence to Britain or Germany? By the end of this, we will be able to propose a raft of changes that will make our country be capacitated to handle its own issues in so far as those forensic issues are concerned. So, we will also be asking ourselves a lot of questions. Do we have the necessary expertise?

If we do, then why is this happening? Do we have the facilities? You will remember and you will agree with me that we have a Government pathologist. For all the controversial cases of deaths that have always been presented to that Office of the Government Pathologist, anytime Kenyans are waiting for the results, the results are always the same; that the causes of death cannot be determined. We want to know whether we are paying the wrong person or we hired the wrong person or there is something in that department that makes it impossible for that pathologist to work. Those are some of the questions we should ask.

Hon. Temporary Deputy Speaker, we will also be asking why in the case of Kenya, we must have four or more pathologists attending to an autopsy which, in other jurisdictions, you only need one or two persons to deduce the truth and have the facts presented to the nation. We will also be asking a number of questions, among which of course, with the Terms of References (TORs) of the Committee and other things, will come up within the Committee. When we finally make our report, it will be clear.

We want to do an investigation that is thorough; that is objective; that is critical and an investigation that I will be asking hon. Members of the Committee to ensure that as we go into this work, we must do it dispassionately. We must remain impartial. We must be very critical and ensure that strictly, the truth is revealed. We do not want to do an investigation with the sole aim of confirming our prejudices. I propose that we do an open and a transparent investigation and give the report fully without fear or favour. It is on this basis that I urge---

**The Temporary Deputy Speaker** (hon. (Ms.) Shebesh): Hon. Mirenga, you have only two minutes remaining and you need a seconder to second before we proceed.

**Hon. Mirenga:** Hon. Temporary Deputy Speaker, it is on this basis that I urge the House to support this Motion. I thought I am entitled to 20 minutes and I have hardly done the 20 minutes. I think I have only done around 10 minutes. I urge this House to support.

**The Temporary Deputy Speaker** (hon. (Ms.) Shebesh): Hon. Mirenga, it is not about your time; it is about the lapsing of this Motion. Who is seconding you?

**Hon. Mirenga:** I urge the Member for Dagoretti South, hon. Waweru, to second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Waweru, you have two minutes to second this Motion.

**Hon. Waweru:** Thank you, hon. Temporary Deputy Speaker. As I second this Motion, I want to say that life is important. Every Kenyan's life is important and valuable. I will be compelling my brother that we expand this list from three names to probably include our brother, hon. Muchai, so that we can understand under what circumstances he lost his life.

I want to state that Fidel Odinga was my personal friend. At 42, it was very sad for a gentleman at his prime age with a child of less than two years to have lost his life. I want to state that as a Committee, our first mandate will be to look at what kind of names we should include in this list so that we can---

**The Temporary Deputy Speaker** (hon. (Ms.) Shebesh): Hon. Waweru, I said two minutes and you have not yet seconded.

**Hon. Waweru:** So that we can be able to remove speculation and depoliticize this exercise. I urge hon. Members that once we sit, we can look at the mandate of the Committee.

With those few remarks, I beg to second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Members, let me take this time to recognize Murang'a County Students Council that has been sitting in the Speaker's Gallery.

*(Applause)*

Hon. Members, we will resume debate on this Motion in the next session.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Members, time being 1.00 p.m. this House stands adjourned until this afternoon, Wednesday, 25<sup>th</sup> February, 2015, at 2.30 p.m.

The House rose at 1.00 p.m.