

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 30th April, 2013

*The Senate met at the Kenyatta International
Conference Centre at 2.30 p.m.*

[The Speaker (Mr. Ethuro) in the Chair]

PRAYERS

QUORUM CALL AT COMMENCEMENT OF SITTING

The Speaker (Mr. Ethuro): Order, hon. Senators! We need to determine if we have a quorum. Mr. Clerk, do we have a quorum?

The Clerk of the Senate (Mr. Nyegenye): We have a quorum, Mr. Speaker, Sir.

The Speaker (Mr. Ethuro): In that case, let us proceed.

COMMUNICATION FROM THE CHAIR

DEMISE OF SENATOR FOR MAKUENI COUNTY, SEN. MUTULA KILONZO

The Speaker (Mr. Ethuro): Hon. Senators, it is with a very heavy heart that I regret to announce the demise of our dear colleague, Sen. Mutula Kilonzo, who passed away on Saturday, 27th April, 2013, at his rural home in Maanzoni, Machakos County.

Sen. Kilonzo was born on 22nd July, 1948 in Woyani Village in Mbooni, Makueni County. The late Senator was educated at Mbooni DEB Intermediate School and Machakos High School before joining the University of Dar-es-Salaam in 1969 where he graduated with a first class honors degree in Law in 1974. He became an advocate of the High Court of Kenya in 1975 after which he established Kilonzo and Company Advocates in 1976. In 1983, he was elected Chairman of the Law Society of Kenya, a position he held until 1985. He was appointed Senior Counsel of Kenya in 2003.

Hon. Senators, the late Sen. Kilonzo made his debut in Parliament as a Nominated hon. Member in 2003 and served in that position until December, 2007. During the December, 2007 General Elections, the late Sen. Kilonzo was elected hon. Member for Mbooni Constituency and served in that position until January, 2013 when the term of the Tenth Parliament came to an end.

The late Senator Kilonzo was appointed Minister for Nairobi Metropolitan Development in April, 2008, a position he held until 4th May, 2009, when he was

appointed Minister for Justice, National Cohesion and Constitutional Affairs. On 27th March, 2012, he was appointed Minister for Education where he served until he was sworn into office following his election as Senator for Makueni County on 28th March, 2013. As an hon. Member of Parliament, he served in various parliamentary committees including the Powers and Privileges Committee and the House Business Committee from 2008 to 2012.

The late Sen. Kilonzo was a key member of the Implementation Committee of the National Accord process of 2008 and served in the Panel of Mediators in the National Dialogue and Reconciliation process following the disputed December, 2007 General Elections. At the time of his demise, he was a member of the Coalition for Reforms and Democracy (CORD) and the Secretary-General of the Wiper Democratic Movement and Senator for Makueni County.

Hon. Senators, in recognition of his exemplary service, he received several Head of State decorations including being awarded the Elder of the Burning Spear (EBS) of Kenya in 1994 and Elder of the Order of the Golden Heart (EGH) of Kenya in December, 2008.

Hon. Senators, the country has lost a great son, a gallant politician and an astute lawyer whose contribution in the respective fields, I am sure, will greatly be missed.

On behalf of all hon. Senators and the staff of the Senate, and on my own behalf, I wish to convey our deepest condolences and heartfelt sense of loss following the death of Sen. Mutula Kilonzo.

Hon. Senators, in solidarity with the family of our late colleague, the Rules and Business Committee has appointed the following to constitute a funeral committee to assist the family in burial arrangements:-

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|--------------------------------|---|------------------------|
| 1. Sen.(Prof.) Kithure Kindiki | - | Senate Majority Leader |
| 2. Sen. Moses Wetangula | - | Senate Minority Leader |
| 3. Sen. David Musila | | |
| 4. Sen. Johnson Muthama | | |
| 5. Sen. Beatrice Elachi | | |
| 6. Sen. Janet Ong'era | | |
| 7. Sen. Amos Wako | | |
| 8. Sen. James Orengo | | |
| 9. Sen. Kiraitu Murungi | | |

May the Almighty God grant comfort to his family, friends, relatives and the good people of Makueni County during this very painful and sorrowful period. May the good Lord give them the strength to bear the tragic loss of their loved one. May the Lord God, rest his soul in eternal peace.

Hon. colleagues, in our usual parliamentary tradition, may we stand for a minute of silence in honour of our late colleague and friend, Sen. Mutula Kilonzo.

*(Hon. Senators stood up in their places and
observed a minute of silence)*

Thank you, hon. Senators. You may take your seats.

Sen.(Dr.) Khalwale: On a point of order, Mr. Speaker, Sir.

The Speaker (Mr. Ethuro): What is it, Sen. (Dr.) Khalwale?

Sen.(Dr.) Khalwale: Mr. Speaker, Sir, I rise under Standing Order No.1 to request that you consider giving a few hon. Senators, who might so wish, at least three minutes to formally send condolences to the family of our departed colleague.

The Speaker (Mr. Ethuro): That is in order, Sen.(Dr.) Khalwale. We thought it even better. There is an adjournment Motion coming up shortly, which we will use as an opportunity for hon. Senators to condole the family during this particular sitting. Shortly, we shall get to that Motion.

NOTICE OF MOTION

ESTABLISHMENT OF PUBLIC UNIVERSITIES IN ALL COUNTIES

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I rise to give notice of the following Motion:-

THAT, aware that during the first years after independence the best equipped public schools were established in certain regions of Kenya to the exclusion of other regions, resulting in such regions having undue advantage in producing educated manpower; appreciating that the introduction of the devolved system of Government in the Constitution of Kenya, 2010 was aimed at achieving equalization of development and other opportunities, including education across the country; noting that the Government has lately embarked on establishing more public universities in the country and further concerned that the majority of the public universities are currently concentrated in a few regions of the country to the exclusion of the rest of the country; the Senate urges the Government to take urgent and immediate steps to ensure that there is equitable distribution of universities in the country and to ensure that at least one public university is established in every county in Kenya before the expiry of the term of the current Government.

Sen. Murungi: On a point of order, Mr. Speaker, Sir.

The Speaker (Mr. Ethuro): What is it, Sen. Kiraitu Murungi?

Sen. Murungi: Mr. Speaker, Sir, I rise on a point of order to seek a procedural clarification from you. On the Order Paper, the Motion is indicated in brackets as follows: (Sen.(Dr.) Khalwale) (Department of Education). During previous sittings of the National Assembly, for a Motion like this one, the Minister for Education would respond on behalf of the Government. After this Motion is successfully moved, who from the Government side will respond on behalf of the Department of Education?

The Senate Majority Leader (Sen.(Prof.) Kindiki: On a point of order, Mr. Speaker, Sir.

The Speaker (Mr. Ethuro): What is it, Senate Majority Leader?

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, is it in order to ask whether the Government is represented in this House when there is the Senate Majority Leader?

The Senate Minority Leader (Sen. Wetangula): On a point of order, Mr. Speaker, Sir.

The Speaker (Mr. Ethuro): What is it, Sen. Wetangula?

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, is it possible for the Chair to save us from this morass of confusion from the Majority side of the House? They do not seem to know what and who they represent!

The Speaker (Mr. Ethuro): Starting with the last remark by Sen. Wetangula, I cannot help; it is up to them to get their act together. However, hon. Senators know we adopted a purely presidential system. The Government does not sit in the House *per se*, but Parliament still has the responsibility of prosecuting Government Bills and business. The Standing Orders have provided for the Senate Majority Leader, the Deputy Senate Majority Leader, the Majority Chief Whip and the Deputy Majority Chief Whip on the Government side.

Sen. Wetangula, you will also appreciate that Parliament is so balanced and fair. They have provided for the Senate Minority Leader, on your part. So, the Senate Majority Leader will handle Government business, or whoever they will designate from the Government side.

Sen. Wetangula, I look forward to you prosecuting the opposition agenda in the Chamber. That is the position, and I am sure the hon. Sen. Murungi is advised.

Sen. Murungi: On a point of order, Mr. Speaker, Sir.

The Speaker (Mr. Ethuro): What is it, Sen. Kiraitu?

Sen. Murungi: Precisely, Mr. Speaker, Sir. This is the point I was drawing your attention to. The Motion should read: (Sen. (Dr.) Khalwale) (Senate Majority Leader). It should not read (Department of Education).

The Speaker (Mr. Ethuro): Sen. Murungi, you have a point. We expect the Senate Majority Leader to handle business on behalf of Government as earlier intimated--

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Hon. Senators: Mr. Speaker, Sir, we cannot hear you---

The Speaker (Mr. Ethuro): Sen. Murungi, I am saying you are right to the extent that the Chair expects the Senate Majority Leader to handle Government business in the House. But it has also been pointed out to me, being specific as Sen.(Dr.) Khalwale to the Department of Education, that gives the Senate Majority Leader an opportunity to designate an hon. Senator to be in charge of that kind of portfolio. The Senate Majority Leader should be at liberty either to respond himself or assign any other hon. Senator from the Government side, of course, to that particular responsibility. Indeed, the Chair of the Committee on Education, Information and Technology can also respond to that Motion. So, our system is more flexible than it was previously. It gives the Senate Majority Leader a lot of leeway. Of course, the House expects whatever proceedings, recommendations and resolutions are made, that it is the responsibility of the Senate Majority Leader to ensure that is communicated to Government.

Sen.(Dr.) Khalwale: On a point of order, Mr. Speaker, Sir.

The Speaker (Mr. Ethuro): What is it, Sen.(Dr.) Khalwale?

Sen.(Dr.) Khalwale: Mr. Speaker, Sir, I want to agree with you on what you have just said. But I would like you to substantiate what you mean when you say that the Senate Majority Leader may assign the responsibility to any other hon. Senator or a Chair of a Committee. This week or next week we will elect Committee Chairs. There is no guarantee that all Chairs of these Committees will be from the Government. How do we expect an hon. Senator who is a Chair from the Opposition to commit the Government, which he is not part of, in business that is directed at that particular Government?

The Speaker (Mr. Ethuro): Order, Sen. Khalwale! You cannot require the Chair to substantiate, he only gives orders and rulings. So, I have nothing to substantiate. However, I appreciate where you are coming from, that you need a clarification, which I thought was too obvious. In the unlikely event that the Chair of that particular Committee does not come from the Government side, of course, I do not expect the Senate Majority Leader to assign that responsibility to that particular Chair. That is where the responsibility still lies with the Senate Majority Leader or his designated Senator. It is the designated Senator who could have been the Chair of the Committee if the Chair happened to come from the Majority Party.

I hope it is clearer now.

Sen. (Dr.) Machage: On a point of order, Mr. Speaker, Sir. On today's Order Paper, the last page, there is a schedule of election of committee Chairpersons that has been attached. To the best of my knowledge, we received information from the Office of the Clerk that the timetable had been changed.

Would I be in order to seek your guidance?

The Speaker (Mr. Ethuro): Sen. Dr. Machage, my Order Paper does not have any other business apart from the Motion. In any case, following the point of order by Sen. (Dr.) Khalwale in terms of the communications I read – I had indicated that the Senate Leader of Majority would be moving a Motion for Adjournment of the House – this is the time to do it. That Motion will respond to some of the issues you are soliciting from the Chair in terms of elections of the Committees.

The Senate Leader of Minority (Mr. Wetangula): Mr. Speaker, Sir, this is a learning process and we should ask the Clerk to avoid repeating this in future. If the second one-page Order Paper was supposed to be supplementary, it should have been headed so because there was an earlier Order Paper. I believe this is a supplementary Order Paper that was circulated without being headed as such. More importantly; unless it escapes my mind, with regard to the Standing Orders, my long experience in Parliament, a Motion whose notice has not been given has never appeared in the Order Paper. This is because a Member gives Notice of Motion when the Order for Notices of Motions is called out. It is from there that it goes to the House Business Committee for balloting to be allocated time to be brought to the House.

However, today, we are seeing hon. (Dr.) Khalwale giving Notice of Motion and this is appearing on the Order Paper, something that is highly irregular and unusual. Unless the new Standing Orders say something different---

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I have served in the House Business Committee for five years and I am aware that when a matter is brought to the House Business Committee and is balloted, it does not always find itself to the House.

The point raised by hon. Wetangula is very important because at this stage, it is assumed that my Motion went through the Rules and Business Committee and the Committee balloted and put it in the Order Paper. You cannot put in the Order Paper a Motion which has not been balloted by the Rules and Business Committee. So, maybe as a way of procedure, it is important that this distinction be made so that we start doing things the proper way.

Sen. Muthama: Mr. Speaker, Sir, there seems to be a lot of confusion here. As my colleague, Sen. (Dr.) Khalwale said, we used to be together in the House Business Committee. The two papers that have been produced here are one; the programme of the Senate for the week. If you look at the first one and try to separate, this one deals with the Motion that notice has just been given by Sen. (Dr.) Khalwale. The other one is about business that will start on 2nd May which is the day after tomorrow. This is just a clarification to show that the attached document which reads Thursday, 2nd May, 2013 is not the business of the day. We should pick this up from there.

The Speaker (Mr. Ethuro): When you talk about the one for May, which document are you referring to?

Sen. Muthama: Mr. Speaker, Sir, there are two documents. There is one single piece of paper showing the order of the day and another one which has the programme of the Senate.

The Speaker (Mr. Ethuro): That one is called the Programme of Senate Business.

Sen. Muthama: Exactly! That is where the confusion is coming in because the second piece of paper starts with issues relating to 2nd May, 2013. This is just a clarification.

The Speaker (Mr. Ethuro): Order, hon. Senators! I think you should be having two documents. One is the document that Sen. (Dr.) Machage brought to the Table, which is the Programme of Senate Business. That is the one that on page four has a list of committees and their schedules on the elections of their Chairpersons. I am reading the document brought by Sen. (Dr.) Machage.

Therefore, for his information and for the information of everybody else, that is not the Order Paper.

Hon. Senators: What is it?

The Speaker (Mr. Ethuro): This is the Weekly Programme of the Senate. The Order Paper is of a particular day when we are transacting business. The Weekly Programme is headed; The Weekly Programme Commencing Tuesday, April 30th, 2013.

The Order Paper is in bold and bigger than the other one. I do not think that anyone requires magnifying glasses. This one reads; The Order Paper, Tuesday, April, 30th at 2.30 pm. That is the one that Sen. Wetangula was speaking to after we went through all the Orders and called out Order No.8, where we got stuck with points of order. I think it is now very clear that we have two documents. There is the Weekly Programme and we also have the Order Paper. With a bit of reading, that clarification

will be made. I think I am speaking, not only to Sen. (Dr.) Machage but also to Sen. Muthama. That leaves me with the issue of Motions.

In this case, the Speaker had approved Sen. (Dr.) Khalwale's Motion. The Speaker's directive should also appear in today's Order Paper. Due to the circumstances arising from the Communication I made earlier, if Sen. Wetangula is still worried by issues raised by Sen. (Dr.) Khalwale, he will have another day to consult him.

Sen. (Prof.) Kindiki, may be if you actually proceed, the Senators would not be raising these kinds of points of orders.

MOTION OF ADJOURNMENT UNDER S.O.NO.31

ADJOURNMENT OF SITTING TO ALLOW SENATORS TO
CONDOLE THE FAMILY OF THE LATE
SEN. MUTULA KILONZO

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I beg to move the following Motion:-

THAT pursuant to Standing Order Nos.28(4), 31(1) and 50(b), and notwithstanding the provisions of Standing Order No.30, following the sudden demise of Sen. Mutula Kilonzo and the need for the Senate to condole the family; further cognizant that membership of the Senate Committees was approved on 25th April, 2013; noting further that pursuant to Standing Order No.181(1), the Committees are expected to conduct elections for chairpersons within seven days from the date of approval by the Senate, Thursday 2nd May, 2013, being the final day and the day set aside for elections, the Senate resolves to adjourn until Tuesday, 7th May, 2013 at 2.30 p.m.

Mr. Speaker, Sir, this Motion addresses two things; the first one is the demise of our colleague and friend, the Late Mutula Kilonzo, Senator for Makueni County. This death has shocked the entire country but more critically, it has shocked us, as the Senate because it came at a time when we were expecting so much from each one of us, especially from Sen. Mutula Kilonzo, who is no longer with us.

Mr. Speaker, Sir, Sen. Mutula Kilonzo, I am sure he is known to all of us as a great lawyer, a lawyer of unparalleled brilliance in my estimation, the lawyer who possessed almost all the qualities that you expect to see in a great lawyer. Not only was he brilliant but he was also a very quick thinker, a frank person and a person of very strong views and ideals. Sen. Mutula Kilonzo has been a Minister for our country and has done a great job as the Minister for Justice, National Cohesion and Constitutional Affairs. He goes with the credit of having been the Minister when Kenya got the current Constitution which created this Chamber, among other things. He has been our Minister for Education and as a Minister, he represented our Government and our country well. The late Mutula Kilonzo retained a very close working relationship with the legal profession to which I and a few other hon. Senators here belong. He was a senior counsel, one of the few senior counsel we have in our country. Therefore, this loss affects not just

this House, not just the Government or the people of Makueni who elected him overwhelmingly, but it affects the country as a whole.

Mr. Speaker, Sir, the Late Mutula Kilonzo was also known to be a very committed family person and an effective legislator because of the skills from the legal profession. It is because of these reasons that we feel that the Senators this afternoon should be given an opportunity so that as many as would like just to say a few things in terms of condoling with the family of Mutula Kilonzo. Perhaps at some point, we will travel together to go and visit the family and condole with them. This is the first rationale for this Motion of Adjournment.

Mr. Speaker, Sir, the second rationale relates to the formation of the Committees of this House. The names of Senators to various Committees were approved by this House on 25th March, 2013. The Standing Orders require that within seven days upon that approval, that elections for chairpersons should be held. Therefore, it has been noted that the seventh day elapses on Thursday. After consultations between the majority and minority leadership, the whips, the Speaker's office and also upon deliberations in the Rules and Business Committee, it is not possible that the elections of various chairpersons and various committees can be conducted on Thursday morning alone because of certain requirements. For example, I suppose the Clerk is the returning officer in that process. So, we feel that, hoping that no serious emergency arises, we are able to beat the deadline by having these elections on Thursday which is the last day. Of course, the Standing Orders do allow for a bit of extension of time but it is not desirable that we extend the elections further because the second reason why we should do the elections on Thursday is because the business of this House is linked to the Committees. There is a symbiotic connection between the work of the Committees and the business of this House. So, if this House is to conduct business, then the Committees must be in place urgently so that the business that comes to this House can be referred to those Committees and even those Committees can suggest and create business for the House especially considering that many people in this country are yet to appreciate, recognize and quantify the role of this House which is enormous and extremely heavy. Many people think that this is a House of rest or a House of holiday. Therefore, we must move fast to demystify the Senate.

Mr. Speaker, Sir, finally, we have very urgent pending issues, especially around devolution. I want to state clearly that, for example, the Committee work around areas like devolution should help steer the country in the right direction, because we are not doing well there. I think that in consultation with the Transition Authority and other constitutional organs, if these Committees are in place urgently, we can, as the Senate, begin playing our role of steering the devolution process and also exercising our constitutional mandate. Therefore, for those reasons, it is proposed that we eulogize our colleague and then, perhaps visit the family. Then on Thursday, from morning to evening, elections of chairpersons to committees should be conducted and concluded, so that from Tuesday 7th May, 2013, at 2.30 p.m., this Senate can meet and begin discharging its mandate as expected.

Mr. Speaker, Sir, I want to send my deepest condolences and sympathies to the people who were close to Sen. Mutula Kilonzo, especially the family, his constituents,

the County of Makueni, legal fraternity and the country as a whole. At the same time, I want to take this opportunity to wish the various candidates for elections in the various Committees the best of luck on Thursday.

Mr. Speaker, Sir, with those remarks, I beg to move and request Sen. Wetangula, the Senate Minority Leader, to second.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I beg to second this Motion.

Mr. Speaker, Sir, on the second limb of the Motion, on the elections of Chairpersons of Committees, I will say very little. Hon. Senators know that we have several Committees with overlapping memberships. Ordinarily, one would have said that we hold simultaneous elections, but because of multiple memberships, the elections will be consecutive; one after the other. Therefore, it is desirable and important that we set aside Thursday to hold these elections. I hope that this will find favour with the honourable colleagues.

Mr. Speaker, Sir, Saturday, the ended weekend, was a sad day in this country, in the lives of many Kenyans. The news of the passing on of Sen. Mutula Kilonzo, the Senator for Makueni County, came as a total shocker to many people. The circumstances under which we got to hear he met his death are suspicious, baffling and require thorough investigations for Kenyans to allay any fears that there was foul play. This is because we live in a country that is not strange or new to mysterious deaths, particularly of leaders and politicians.

Mr. Speaker, Sir, the Mutula Kilonzo that I knew was a great man. I first met him in 1981 when my very good friend, Mumo Matemu, took me to his office to enroll me as his pupil and him as my pupil master. I did my pupilage with him and we bonded immediately and have remained great friends since. Sen. Mutula is a man who will be missed by all. He believed in saying what he meant and meaning what he said at all times. He never flattered anybody and was a go-getter for virtually everything he did. If you go to the Ministry of Education, those who have been there for a long time will tell you without hesitation that he was the best Minister for Education that they ever had. If you go to the Ministry of Justice, National Cohesion and Constitutional Affairs, a Ministry that has run through difficulties over and over, Mutula excelled there. He did this country proud by mid-wifing, with others the delivery of the new Constitution. It should not be lost that when this country was at its lowest ebb in our political history, after the madness that followed the elections of 2007, Mutula, other colleagues and I, were those charged with the responsibility of sitting with the Panel of Eminent African Persons to bring normalcy to the country. Mutula, again, showed his prowess in negotiations, conviction and patriotism; leading to the signing of the National Accord.

Mr. Speaker, Sir, when we were formulating the CORD Alliance, Mutula with James Orengo, Johnson Muthama, David Musila, David Eseli and others were there working overnight, to make sure that they delivered an agreement that bound all of us to go through the elections. Anytime that Mutula stood in Parliament to speak, and it was not many times because he only spoke when it was necessary to speak, he convinced everybody that he had his facts, law and decorum at his fingertips.

Mr. Speaker, Sir, everybody in this country knows that we have lost a great man. Mutula never hesitated to speak his mind even on matters he knew would ruffle feathers or were touching on the high and mighty. In a country where we are bedeviled with hypocrisy and people engaging in praise-singing for the sake of it to attract support and other things, Mutula never shied away from calling a spade a spade and not a big spoon. Though Mutula is gone, the ideals that he stood for will live way beyond him. I want to urge this Senate that being a creation of among other people, Mutula's tremendous efforts and commitment to devolution in this country and delivery of the new Constitution, this House unanimously registers its condolences in the annals of our records that we have lost one of the greatest minds in this country.

Mr. Speaker, Sir, to end, as a lawyer, Mutula Kilonzo was a verocious court prosecutor of any issue that he went to court with. I remember, with greatest respect to my brother, Boni, when Sen. (Dr.) Boni Khalwale and others tried to disrupt the tranquility in my party, FORD (K), Mutula Kilonzo went to court and represented my party for free – we did not pay him a cent – and put them where they belonged and the law where it belonged in this matter. Even at the end of the case---

(Sen. (Dr.) Khalwale stood up in his place)

We are eulogizing Mutula, Sen. Boni. I did not attack you. I stated a fact.

Mr. Speaker, Sir, at the end of the case, the judge had this to say:-

“I have served on this Bench for a long time and listened to many lawyers. I want to pay tribute to Senior Counsel, Mutula Kilonzo, for the manner in which he graciously prosecuted his case and convinced even the unconvinced, to see that the law and facts were on his side.”

Mr. Speaker, Sir, those were the words of the judge. Judges hardly go out of their way to praise lawyers who appear before them. That was Mutula for you.

Mr. Speaker, Sir, I want to give an opportunity to others to eulogize our colleague. We, in the CORD fraternity, have lost one of our best advisers, legal mind and man committed to the excellence that we are looking for in this country and to see that those who aspire to high office must meet the content, letter and spirit of Chapter Six of our Constitution. That was Mutula Kilonzo.

Mr. Speaker, Sir, on behalf of the people of Bungoma County that I represent and my co-principals in CORD, the former Prime Minister, Raila Odinga and the former Vice-President, Kalonzo Musyoka, I want to send our heartfelt condolences to the family of our departed brother, the people of Makueni whom he represented and the entire legal fraternity to which he was such a proud member and all members were proud of. May the good Lord rest our brother's soul in eternal peace. May I request, as I second, that since I have no doubt that there will be as many colleagues who want to speak on this Motion as possible, that you use your discretion under Standing Order No.1 to limit time, so that everybody can have an opportunity to say something.

Mr. Speaker, Sir, I beg to second.

(Question proposed)

The Speaker (Mr. Ethuro): Hon. Senators, we will limit this debate to five minutes per contributor to allow everybody to contribute. Although that request came from Sen. Wetangula who had just finished his contribution, usually you are not allowed to make a recommendation especially when you have done your bit.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I rise to support this Motion. As far as the issue of the elections of Chairpersons of Committees is concerned, that is a house keeping matter which is straightforward and I support.

I would like to use this opportunity on my behalf, on behalf of my family and the people of Kakamega County to send my heartfelt condolences to the family of this eminent lawyer; a very able Member of Parliament, able Minister and a Member of this Senate. I would like to take this opportunity to tell the children of the late Mutula that there is one girl in Kakamega who was employed by their father as a teacher. This girl - for purposes of confidentiality, I will not give her name, but I will give the name of the father who is called Peter Okondo – has qualified as a primary school teacher and because she comes from a very desperately poor family, agents of corruption in Kakamega had denied her employment for five straight years. Mutula looked for her when she sent me to his office, he saw her and employed her on the spot. I want to say, thank you very much.

Mr. Speaker, Sir, the death of Mutula has denied me a long waited for opportunity; I had wanted to set up a partnership with him for defending the people's agenda. I remember during the constitutional review process when we were making the new Constitution, Mutula as the Minister for Justice and National Cohesion could sometimes incite Martha Karua, Mungatana and Gitobu Imanyara to pursue a particular line of thought so that he could deliberately come up and agree with us. We did that and we got a new Constitution.

Because there is no much time, I want to use this opportunity to send condolences on behalf of hon. Musalia Mudavadi. Mutula was the first senior politician in this country to endorse Hon. Mudavadi as a presidential candidate. It almost created a storm in his party but it came to pass.

Finally, I want to remember, when I was an Assistant Minister at the East African Community, Mutula took on the Government and defeated it when it had encouraged corruption in its midst in the process of nominations of Members of Parliament to the East African Legislative Assembly (EALA). Mutula defeated the Government and the taxpayer lost hundreds of millions shillings to pay for the legal process. In fact, I am reminded that it was Kshs360 million. For somebody who was committed to the fight against corruption, I would have loved that the people – the Government knows them – who cheated the Government that led to the loss of Kshs360 million, some of who were Members of Parliament, I would be happy if the Government decided to surcharge or decided to sell some of their properties so that this money should be not be borne by the taxpayer but by those people who misled the Government.

I support.

Sen. Muthama: Thank you, Mr. Speaker, Sir. I thank you for the opportunity. I think you gave me the chance to speak at the right time because if there is one person

who knew Mutula, a close friend of his, who understood him very well, I do not think I would have been the tenth one; I would have been between number one and five.

Mr. Speaker, Sir, what happened – I wish to say this with a lot of pain – on Saturday, I was to hold a meeting at Maanzoni which is 10 kilometres away from Mutula's home, where he passed away. At around 11.05 a.m., I received a written note telling me that I should immediately go to Mutula's house. Before I had asked why my phone was brought to me by my Personal Assistant and somebody mentioned to me that probably Mutula was not alive, he may have passed away four hours ago. I took off to his house where I found his son and his brother-in-law.

I know a lot of things have been said and, more so, the 411 news service messages which have been going out, especially this morning. We went inside the house, we found Mutula's body and a few meters from his bed heading to his bathroom, he had vomited there and also inside the bathtub. He was lying on the bed, covered halfway. This demonstrated that before he passed on, probably he struggled to go and vomit.

Mr. Speaker, Sir, on Thursday last week, I had lunch with Mutula, Sen. Musila and the former Prime Minister at the Norfolk Hotel and in our lunch which ended at 3.00 p.m., Mutula was crystal clear. He mentioned to the former Prime Minister straight to his face - the former Prime Minister and Sen. Musila were facing us – that you and all of us here are not safe. I want to repeat to you that our lives are in danger. That was after serious discussions on subject matters that we raised there which I do not want to go into the details. We were to have another lunch this coming Thursday, and when I got the news, I truly recalled Mutula's words. This is a man who spoke his mind. Many of us here can remember exactly how Sen. Mutula spoke. He was sacked as the Minister for Justice, National Cohesion and Constitutional Affairs because he was asked a question on whether those who faced charges at the International Criminal Court (ICC) qualified to stand as presidential candidates.

As a Minister in charge of that Ministry, he did not mince his words. He came out and said that they did not qualify. For that, Mutula was sacked. However, I am happy about one thing; that he had no regrets whatsoever, at all. He was moved to the Ministry of Education and performed exceptionally well. Today, whatever he stood for can be demonstrated.

Mr. Speaker, Sir, I want to know whether someone somewhere is behind Sen. Mutula's death because the 411 news service that sends messages to all corners of this country, at 7.00 am, released messages saying that the pathologist who had come from the UK had been detained at the airport and that he had been denied entry. I personally sent my team to pick the doctor at 6.20 in the morning. I was in constant touch with the Prime Minister of the UK who made all those arrangements with the support of the former Vice President.

When Kenyans' hearts are bleeding; when the pain is passing through our minds and bodies, that is when somebody else is making a decision to release messages indicating that what we are doing is wrong and it should not be done. The doctor was picked and he joined the other seven or eight doctors in this country and the post mortem began at 2.00 p.m., this afternoon.

I want to caution Kenyans that truly; if we want to build one Kenya, to build one nation and to become brothers and sisters, we must stop taking issues on tribal basis. Let us not divide this country on tribal lines.

The General Election was concluded. We know what went wrong and what went right. We are not ready to get into that. However, to move us from that or to confuse people ----

The Speaker (Mr. Ethuro): Your time is up!

Sen. Muthama: Sen. Mutula, rest in peace!

The Nominated Senator (Sen. Gertrude): Bw. Spika, Waheshimiwa Maseneta wenzangu, nina masikitiko kwa sababu ni mara yangu ya kwanza kusimama mbele yenu na ninasimama kwa ajili ya rambirambi za kifo. Sikutarajia kusimama hapa mara yangu ya kwanza kutoa rambirambi.

Ningependa kutoa rambirambi zangu kwa familia ya marehemu kutoka kwa familia yangu na watu wote wa Pwani, hasa wazee wa Kaya. Ningependa kutoa sababu ambazo zinasababisha watu kufa. Napenda sote hapa tujue kwamba sote tu maiti watarajiwa na kifo hakikosi sababu. Hii ndiyo sababu Malaika watatu walitumwa kuja duniani na *mission*. Walitembea na kwenda mpaka ilipofika saa kumi na mbili jioni ikaingia giza na hawakuwa wamefika mahali walituma na Mungu. Walifika mahali palipokuwa na nyumba ya nyanya na babu na wakatarajia kukaribishwa lakini wakakataliwa. Waliendelea na safari yao katika nyumba nyingine kuomba mahali pa kulala lakini wakakataliwa. Mwisho, walifika mahali ambapo kulikuwa na vilema wawili. Waliwanyenyekea ili wawape mahali pa kulala lakini wakakataa. Walifika mahali pa tajiri; mwenye mali, magari na kila kitu na wakamwomba awape mahali pa kulala hata kama ni kwa *basement* ya kuweka gari lake lakini wakakataliwa. Lakini askari alimbembeleza yule tajiri ili awaache walale hata kama ni kwenye *basement* chini na mwisho tajiri akakubali. Wale malaika watatu walilala pale walikuwa *in the form of* wanadamu.

Usiku, wale malaika wawili wadogo walimwona yule malaika mkubwa akichimba mahali. Alipomaliza, walimwona akichoka akiziba. Asubuhi, malaika wakamwuliza, ulikuwa ukifanya nini? Yule malaika aliwaambia, nilikuwa nikimtengenezea huyu tajiri mahali. Nitawaelezea sababu yake. Walitoka na kuendelea na safari yao kuelekea kule Mungu alipokuwa amewatuma. Walienda na ilipofika saa kumi na mbili ikielekea saa moja, kulikuwa na baridi na mvua ilikuwa imeanza kunyesha, wakafika kwa masikini wengine na wakaomba mahali wakaribishwa walale. Walikaribishwa na masikini akawaambia; ingieni kwangu. Nina kitanda kimoja. *We will share*. Sisi tutalala chini, ninyi laleni kwenye kitanda kwa sababu ninyi ni wageni na mmetoka mbali.

Walipewa chakula wakala halafu wakalala. Lakini asubuhi, malaika Yule mdogo alipoamka na kuchungulia nje, alipata mtu na mkewe walikuwa wamekaa nje wakilia. Aliwakaribia na kuwauliza, kwa nini mnalia? Walisema, sisi, katika maisha yetu tumekuwa na ng'ombe mmoja tu na ndio tulikuwa tukimtegemea kwa sababu ya maziwa ili tuuze maziwa na watoto wetu wasome na ndio kila kitu kwetu. Leo, ng'ombe wetu amekufa. Yule malaika ndogo alikasirika sana. Aliingia ndani na kumshika malaika mkubwa na kumwuliza ni kwa nini alimwacha yule ng'ombe afe ilhali ana mamlaka ya kusimamisha kufo. Yule malaika mkubwa alitoka na kwenda kwenye yule ng'ombe.

Aliwaangalia na kuwaambia malaika wenzake; yule ng'ombe amekufa lakini ilikuwa ni bwana ya mama huyu ambaye alikuwa afe. Lakini, mimi nimeplead na Mungu na kumwambia afadhali umchukue ng'ombe. Angalia tumeenda kwa tajiri na akatunyima mahali pa kulala lakini masikini ametukubalia. Aliwageukia wale malaika wadogo na kuwaambia; kila kifo huwa na sababu. Nyote mlio hapa ni maiti watarajiwa na kila mtu atakuwa na sababu ya kufa. Tutatafuta kila sababu ambazo zimemchukua marehemu lakini nataka kuwaambia kuwa kila kifo kina sababu. Malaika mdogo alimwambia malaika yule mkubwa, tulipokuwa kwa tajiri, ulikaa usiku mzima ukimzibia mahali palipokuwa pamebomoka na akamwambia hakuwa akiziba. Kuanzia ile siku, pale mahali nilipoziba ilikuwa mahali alikuwa akiweka utajiri wake. Ni dhahiri kuwa hata pesa zake haweki katika benki, anaweka katika shimo lile. Nililiziba na kunzia ile siku, yeye ni masikini. Aliziba mali yake yote.

Ningependa kuwaambia hakuna kifo kisichokuwa na sababu na sote ni maiti watarajiwa. Kila kifo kinapotokea, hatukosi sababu lakini Mungu alituleta na akasema siku moja tutarudi. Kwa hivyo, kwa sababu ya ajali ama sababu yoyote, tutakufa. Ninatoa rambi rambi zangu kwa familia ya marehemu. Nyote mlio hapa, Waislamu na Wakristo, kifo hakikosi sababu.

The Speaker (Mr. Ethuro): Sen. Wamatangi!

Sen. Njoroge: Thank you Mr. Speaker, Sir. The late Sen. Mutula Kilonzo befits in every description of the words; "a fallen hero." One of the greatest qualities of a true leader is bravery. The late Sen. Mutula Kilonzo had bravery in abundance. The Late Mutula Kilonzo was a Kenyan. It is hard for anyone to say that the Late Mutula Kilonzo had any party following. His virtues and what he stood for transcended any party lines. The Late Mutula Kilonzo was a Minister in this country. He was a Minister for Education and he cared for those young children and that means he was not caring for any children of any parties. He was a Minister for Justice, National Cohesion and Constitutional Affairs and when he dispensed justice in his own way, he did it for Kenyans. This time, the country is united in grief and this Senate is also united in grief. We grieve for our fallen colleague! At this moment in time, the family of the Late Mutula Kilonzo requires more than anything, our understanding and our prayers. The favour that we would do in our best stride for the family and for the friends of our fallen colleague is to give them time and prayers. I would like to ask all our countrymen and women to avoid subjecting the family of our fallen colleague to any anguish using any speculations or pre-thoughts. We will be awaiting the results of the pathologists and doctors so that the reasons why our colleague fell would be known. If we can accord them the time to grieve in peace and mourn their father and mentor, then we would have acted responsibly.

Mr. Speaker, Sir, on behalf of the people of Kiambu, the county that I represent and on behalf of all Kenyans who believe that leadership transcends any other personal interests that we mourn Mutula Kilonzo, the Senator for Makueni and I wish to extend my condolences to the family of the Late Senator Mutula Kilonzo and also to the people of Makueni. I am sure that as his colleagues, we stand behind everything that he stood for. I am certain that his legacy will live on to change the lives of hundreds of Kenyans for a long time to come.

Sen. Kajwang: Mr. Speaker, Sir, I want to use this opportunity to condole with the family, friends and relatives of Sen. Mutula Kilonzo and especially to pass the condolences on behalf of the people of Homa Bay to the people of Makueni for the loss and grief that they have been going through due to the loss of their Senator and representative. May I say that for the first I went to Mr. Mutula Kilonzo's office when he was still beginning and his office was still a small one, the first thing I saw on his wall, that made me go closer to watch was his certificate from the University of East Africa where they were classmates with the former Attorney-General where he got a first class in law. I went closer because there are few lawyers who got first class those days. It was not only given to you because of good marks but also because of good conduct. He was not only brilliant but also a man of good conduct. That is why the University honoured him with that degree. I know that later at my own time, in the University of Nairobi there is somebody who got the highest mark but did not get a first class because the university thought that he was not of good conduct and he was very unhappy about it. Let me say that when I met him practicing law, I was then representing university students who had been expelled from the University of Nairobi for some reasons that did not add up to me but the university lawyers at that time were of the view that the students should be expelled and their expulsion to be upheld. When Mr. Mutula was instructed by the University of Nairobi, he wrote to me a letter asking for an undertaking that the students would not come to Nairobi Campus, except to do their exams. If I only gave him that undertaking, he would allow them to come back to the university, be registered and do their degree. I gave that undertaking without getting any instructions from my clients because it was something out of the ordinary that you can be given a chance to go back to university to do your exams if you had been expelled. I knew that from my own experience because I had been expelled also and I had to go to Makerere University to finish my degree. When I meet him again, we were at KISS 100 in a programme called Cross-fire. For four years, every Sunday at 6.00 p.m., I missed one or two times because of a flight from Kisumu but Mr. Kilonzo never missed a single programme. I used to admire the way he would argue because he did so with a light touch. He used to tell me repeatedly that I was a politician and he was not. He considered himself a lawyer of the former President. I always told him that at one time, he would end up being a politician but he refused. I told him that the two people who had been at cross-fire before us, that is, Dr. Mukhisa Kituyi and Prof. Anyang'-Nyong'o had proceeded not only to be politicians but became Ministers. I told him that he will eventually end up being a Minister. So, it was very surprising and sweetly that both of us became Ministers and we were sitting next to each other in the Cabinet throughout. This was not by choice but that is how they organized it. He helped a great deal in our contributions in the august House. When the secretary knocked, I found him in that office with nothing on his desk, except a newsletter of property and he was flipping through it. I asked him:-

“Senator, is this where you are hiding?”

He told me:-

“Kajwang, you cannot find me. I am relaxed and have no tension. I am enjoying myself. I have achieved all that a man should achieve. This is my foundation office. If you want some fish, you can get it from here.”

I asked him:-

“How do you fundraise?”

He told me:-

“I am a big fundraiser; come and learn some tricks from me.”

He took me to the next wooden office and told me:-

“This is now my political office.”

After he showed me his political office, he then introduced me to---

The Speaker (Mr. Ethuro): Sen. Kajwang, your time is up!

Sen. Kajwang: Oh my! I have lost a friend.

Sen. Kembi-Gitura: Mr. Speaker, Sir, I stand here to condole with the family of a friend, colleague and somebody that I have known for very many years.

Mr. Speaker, Sir, towards the end of 1978, I was admitted as an advocate of the High Court of Kenya. In early 1979, I opened my first office in Atlas House, what was then called the bottom of Moi Avenue. Sen. Mutula Kilonzo had just opened his office upstairs in Atlas House. That is the time when I knew him and started interacting with him as a colleague. I have known him all those years as a lawyer and person against whom I argued cases. We acted sometimes on the same side in certain transactions and he was always there, particularly for the younger lawyers. I met him in Parliament in 2003 when I was first elected as a Member of Parliament. We got along very well, not just as lawyers, but because we had known each other for a long time. We discussed the issues that we had to deal with as Members of Parliament, particularly those that had to do with the law.

Mr. Speaker, Sir, last week on Thursday when we had a breakfast meeting with the Commission on Revenue Allocation (CRA), I sat next to him and we discussed many things. Among the things that I remember discussing with him that morning, as we were being briefed by the CRA, was when they discussed about marginalized areas. We were talking about the Equalization Fund being shared among 14 counties that are said to be marginalized. Working quickly, we saw that it was coming to about Kshs20 million per county that is marginalized. We discussed with him what a pittance that kind of money is. If it is supposed to equalize counties that are said to be marginalized, it is not sufficient. We agreed that was an issue that needed to be taken up on board when the budget for the counties would be discussed. We sat together in this Chamber and I remember challenging him to participate in the discussion on the Presidential Address. But I know that he never got a chance to participate in that Address. We learnt about his death as we were attending the Kenya Women Parliamentary Association (KEWOPA) Conference in Mombasa. That is when we were informed that our colleague had passed on.

Mr. Speaker, Sir, it is unfortunate that we have lost hon. Mutula Kilonzo. He was a very good lawyer. We can use a lot of epithets about him, but he was a very good lawyer. Above all, he believed in himself and what he believed in. He did not play around with words. He said what he thought and believed in. He and I, of course, disagreed on many issues, as people should, particularly lawyers, but that did not diminish the respect that I had for him. I know for sure that I have lost a friend. We have lost somebody who was going to make a major contribution, in my very honest opinion, to the work of this

House of Senate. But then it is beyond us now. He has gone to rest. I am sure that was going to be, but I would never have thought he was going to leave us when he did.

Mr. Speaker, Sir, if we think about his death or passing on, then we would say as it is stated in the Bible, that truly, “he has fought a good fight and finished the race.” All we can do is to wish his family strength because they have been left and that is where the pain is which we may not understand. As one of our colleagues said, I wish that we, as Kenyans, particularly those of us that are leaders, could accept that Mutula is not with us. At the moment, speculation about his death is not helping his family to deal with the pain and loss that they feel. The reason we have professionals or a pathologist who has come all the way to do the postmortem is so that we can know the truth. Once we know the truth, let us discuss the issues with full knowledge of what has happened. We, as leaders, should not join the fray of talking about things that we do not know at the moment because we do not know why Mutula Kilonzo is not with us. When we do, then we, as leaders, should be able to talk about it freely and with open minds, like Sen. Mutula Kilonzo would have wanted and done.

Mr. Speaker, Sir, I support the Motion.

Sen. Mugo: Mr. Speaker, Sir, I would also like to join my colleagues, the Senators, in mourning a good friend who has left us. I have worked with him both in Parliament and the Cabinet.

Mr. Speaker, Sir, when I first started working with Sen. Kilonzo in Parliament and later in the Cabinet, I was always amazed by the clarity of his mind. He was a leader and not a follower. What other people did or thought did not deter him from offering leadership. For that, I dearly respect him. Especially with the Constitution, when things seemed like they were coming to a standstill, he was able to move the Constitution to conclusion. He also was very passionate in proposing the laws that would operationalize the Constitution. He is a man who will be remembered in this country as a great legislator and Cabinet Minister. That is why I really would like to appeal to our leaders not to politicize his death. We should not also tribalise the leadership of Mutula Kilonzo, because I do not think that he fits in the cocoon of a tribal leader. He was a national leader.

There are things that I did not agree on with the late Mutula Kilonzo, but there are many things that I admired him for. For example, I do not see how the International Criminal Court (ICC) comes into this. My colleagues, I think that it is very bad to start emotionalizing this issue when we all, especially the family, feel the loss. It is belittling the figure of the late Senator. I believe that the reason a pathologist has even come from as far as London is so that we can know the truth. Everybody wants to know the truth. It is painful for the whole nation, so, please, let us not whip emotions of a certain region because that way, we are not contributing to or helping Mutula’s legacy in any way. Let us think of him as the big man that he has been; a Kenyan servant.

We will definitely know the truth. If there are things that will not come out that some leaders know, it is good to report to the police so that it can be investigated fully. Let us leave the gossip to leaders whose occupation is maybe only to send those Short Message Services (SMSs) which are not true, but to whip people’s emotions. For example, one SMS said that the pathologist had been stopped at the airport. This is not

true. We all remember the letter that was written to the President of the Supreme Court which, in the end, turned out to be lies which were meant to insult Kenyans. When a Kenyan's life is in danger, we should report to the police so that it can be investigated. If anybody was in danger during the elections, they are over and now we are moving forward. Please do not draw this country backwards.

Mr. Speaker, Sir, let us remember that that was a great leader who has served this country well; not a tribal leader but a great Kenyan. He served this country with distinction. I send my condolences to the family of Mutula; mama Nduku, the children and the relatives and pray to God that he gives them strength to go through this very difficult time. May his soul rest in eternal life!

Thank you.

Sen. Orenge: Mr. Speaker, Sir, thank you very much for giving me this opportunity to join my colleagues to express my deeply felt condolences to the family of the late Sen. Kilonzo, particularly his widow, Nduku, Mutula Junior, his daughter Kethi and other members of the family.

Mr. Speaker, Sir, I was in Ugenya on Saturday attending a funeral service. In the middle of it, somebody stood up and announced to the gathering that Mutula had passed on. Everybody in that funeral forgot about the pain and anguish that people were undergoing in respect to the person who we were burying. He was quite a prominent teacher, but people started wailing at a corner of Ugenya. For all intents and purposes, for anybody who has not been in that part of the world, this shows the kind of influence that this great Kenyan has had on the people of Kenya as a whole, and in particular places where he has worked.

One of the things I want to say is that we have really lost one of the sterling heroes of the second republic. I am mindful of what my sister has just said not to emotionalize, but every time we have elections and after elections, we lose prominent leaders in this country. I remember the time when we lost George Kapten who died in almost similar circumstances. He had also vomited. Up to today, nobody can say that we have found really truly the cause of death in so far as the passing away of this other great lawyer from western Kenya. So, in this death of our colleague Mutula Kilonzo, I hope that everything will be done to investigate and make a determination of what occurred.

Secondly, I hope all Kenyans can have the type of positive and fighting spirit that Mutula Kilonzo had. When Mutula was appointed a Cabinet Minister, he was put in a Ministry that nobody had ever had of; the Ministry of Nairobi Metropolitan Development. People thought, really, in that Ministry, what do you do? During his tenure there, I can tell you that you heard more of the Ministry of Nairobi Metropolitan Development than any other Ministry in Government in terms of what he was doing. He was then moved to the Ministry of Justice, National Cohesion and Constitutional Affairs and equally did a wonderful job. The record shows quite clearly that on the issue of constitutional reforms, he had no fence and no enemies. He had a clear focus in his mind as to what was good for this country. He did his work in good spirit and with determination.

When he was then taken to the Ministry of Education, people thought that he had been sacked or demoted. Again, he went there with a fighting and positive spirit. All over

this country if you ask teachers about his performance, he did well. I agree with Sen. (Dr.) Khalwale that within the teaching community, he had a very good and positive record. For this reason, I am appealing to those who get into position where you appoint others or work with others not to sack anybody because he has done a good job. To that extend I agree with Sen. Muthama. Not on the issues that he mentioned here, but on the issue that he was doing a good job. He was taking this country without caring which side of the political divide the Constitution was going to turn out to be. He was looking for what was good for Kenya in the areas of reform. For that, he was sacked. We can go through a history for the last 50 years and find out that there are so many Kenyans who met the fate of Mutula Kilonzo.

I want to tell you that these things actually cause pain and anguish. Mutula may have been a very strong man, but when I met him on Thursday, I talked to him when he was sitting there. I asked him: "Mutula, why have you not spoken? He was one of the people who wanted his views known on an important Motion like that one. He was kind of tired and distraught. He said: "Is there anything really to talk about?" Sometimes when people get punished for doing the right thing, you have to give it a second thought and find out whether what you are doing is right or wrong. For this reason, Kenyans should have a memory and look to the past how we have treated our heroes, from J.M. Kariuki to Seroney to Muliro. If you look somewhere in their history, the country and the leadership was not nice to them. You can trace that equally from the beginning in 1963. When I talked to Mutula on Thursday, there was something that was definitely disturbing him and Sen. Amos Wako is my witness because he asked him the same question. I am sure what was bothering Mutula Kilonzo was that we have a very big agenda for this country that requires us to look at Kenya in the spirit of what Senator---

The Speaker (Mr. Ethuro): Sen. Orengo, your time is up!

Sen. Orengo: I support.

Sen. Hassan: Thank you, Mr. Speaker, Sir. On behalf of the people of Mombasa, I wish also to register our heartfelt condolences to the family of Mutula the former Senator for Makueni. He was my Minister at the Kenya National Commission on Human Rights (KNCHR) when he was in the Ministry of Justice National Cohesion and Constitutional Affairs. For that reason, I will recollect some of our great moments when he was in that Ministry.

I will share in what Sen. Orengo has just said that in Mutula we had a man who aspired to do the right thing. In this country, many of us must continue to aspire for that noble goal. He was an inspiration to many. I cannot call him a friend or a compatriot because he has children like Ms. Kethi and Mutula Kilonzo Junior who are about my age mates. He could have been my father. I think Sen. Dullo Adan who was a former commissioner at the KNCHR will recollect that Mutula was, probably, our best Minister during the time we were there. I recall very well that in his first days, he decided to up the budget at the KNCHR because he believed that human rights were the right things and he believed in what we were doing.

I believe today we need to eulogise him accurately. Like many of you, I think we saw a pale image of Mutula. I do recall he was seated here when I had gone out to do some logistics work. When I came back he asked me to sit where he was sitting and I

said, no, and picked up my i-Pad and proceeded to go and sit next to Sen. Orengo on that particular Wednesday which was the last time I was in the House. We have had several interactions deciding on how to take the Senate agenda forward and, in particular, our roles in the minority. I think he was a great guide constitutionally and legally. I really admired his fierceness of mind even when he was a Minister in the Kibaki Government and even at that point when he was expected to always hold brief for the Government.

Mr. Speaker, Sir, I think in many instances he supported us and he was an inspiration to many of us. I just wanted to rectify an impression created by Sen. Muthama that on Thursday between 1.00 p.m. and 1.30 p.m. I sat next to him---

Sen. Muthama: It was on Wednesday, I remember.

Sen. Hassan: On Thursday I was having lunch with the former Prime Minister, so it has to be Wednesday. So, that said and done, it is important when we come to these kind of fora, our facts are more accurate because it then tests our entire consciousness as a country. This is because next time somebody would say I was with Raila Odinga on Thursday. How could it have happened? So, it was important to correct that particular set of facts. We need to eulogise him and to share in the pain of their family and to tell Kethi--- She needs to carry on with her father's legacy. They need to carry on with the great work of their father and ensure that he is "immortal" at this point in time.

Lastly, I think as a Senate, we have lost an important General. This is in terms of the Constitution and in terms of safeguarding the institution of the Senate in this country. You will recall that I was one of those who raised the controversial issue of whether the Senate is the Upper or the Lower House. In fact, it is him who gave me the logic when he said; "of course, why would I look at going to a lower House when I know that the Senate is the Upper House?" So, those are some of the things. The late Sen. Mutula had very tactful and jovial interventions. I then said that we all needed to use our logic. That is why I continue to bring out the point of logic. It is illogical for you to say that the Senate is the Lower House. Who else was better placed to interpret the Constitution than the late Sen. Mutula who was the author of the spirit and letter of that Constitution? We need to continue to carry out his work of a legal practitioner, reformer and that of a person who cared for this country. This Senate must always reflect that in the principles and conduct of our business.

Finally, I agree with one of my friends, the Senator from Kiambu, that Sen. Mutula had capacity to transcend ethnic and regional barriers based on the principles he stood for. That is a very important reference point. We, as Senators, must not feel balkanized by the regions and the parties that we represent. We must feel balkanized only, by national interests that make us one and which put us together. I extend my heartfelt condolences to his family.

Sen. Murkomen: Mr. Speaker, Sir, I rise to eulogize the great lawyer that Sen. Mutula Kilonzo was. Unlike many of the speakers who spoke before me, I never had personal interaction with the late Mutula Kilonzo. However, I remember that when I was making a decision to become a lawyer, three people were inspirational to me. One of them was the late Sen. Mutula Kilonzo. The other was James Orengo. Therefore, when I was elected to the Senate and I heard that they had been elected through their respective political parties to become Senators, I knew that was an opportunity for me to learn from

the best legal minds. This is a man who got First Class Honours and I looked forward – we were put together in one of the Committees – to debating and learning from the knowledge that he had, but unfortunately, we have been robbed by death of that very unique opportunity. Luckily, there are other senior lawyers here that we will learn from.

When we were in campus, many years ago - do not ask me when - I would go, in the morning hours at the magistrates court and in the afternoon to the Court of Appeal and watch how he would prosecute his matters. He was quite an inspiration. He was the kind of a person that after I went back, I wanted to write about what had happened in the Court of Appeal and not what had happened in the lower courts. If there is a man who demonstrated passion for what he loved, this was Sen. Mutula Kilonzo. He was very passionate in defending his clients, but also in the cause that he believed. When he was in KANU, he was passionate in defending KANU.

I went to court, those days in campus because I was a political activist of some sort. When students were expelled, he used to act for the university. Therefore, he was known as the university lawyer. After that, Mutula continued to defend the cause that he believed in. He defended his party KANU and his client Mr. Moi. He later defended other clients in CORD and he did this very well in a manner that demonstrated that as a lawyer, he did everything that he believed in with a passion.

I think it transcended all that we say about ethnicity because his interaction in the legal profession allowed him to meet and interact with other people. Picking from what Sen. Hassan said, the Senator for Mombasa, it is important for us, first of all as an Upper House at this point of mourning, to conduct ourselves as the Upper House we are in terms of assisting and supporting the family in this time of grief.

Secondly, we, as a House, must borrow from this great legal mind. This is the Alexander Hamilton of our days. We need to borrow from him and realize that this House is not about our political parties, regions or our bipartisan interests. We have a higher cause and a greater calling than even the Lower House down there in terms of protecting devolution and ensuring that our mandate is achieved collectively as a family in the First Senate under the new Constitution.

I pass my condolences to his family; his great children, especially the ones I know, Mutula Kilonzo Jnr and Kethi, at this time of mourning. I wish them God's grace. May God comfort them. We will be available and I will be among Senators who will be available to stand with the family in whichever way is required by this House.

Thank you.

Sen. (Dr.) Machage: Mr. Speaker, Sir, allow me on behalf of the Migori people to condole with the family, friends and relatives of the late Mutula Kilonzo. His life was dramatic and it can just be compared to a thriller movie which ends when everybody wants to see more. Indeed, as Sen. Khalwale said, I had the opportunity to face the wrath of Mutula's brilliance when I was the Minister for the East African Community (EAC) and hon. (Dr.) Khalwale was the Assistant Minister. He drove the Ministry crazy. However, we expected a lot from the man who in the last two weeks repeatedly said that he had a secret. Whatever it is, we do not know. He has gone with it. It is only his ghost which can tell us what it was all about. He was a man to admire and a man with passion.

He was a man who understood the position of the marginalized communities of this country.

Severally, I went to see him when he was the Minister for Education and pleaded to have more teachers in our schools in Kuria when I was the Member of Parliament for Kuria where a school of 900 pupils had only three teachers. Indeed, he acted. This was a man who knew his facts and he used to use this phrase, and I quote:-

“I say without fear or favour”.

Indeed, he said whatever he wanted without fear or favour. He had the facts to prove himself over a position he took. Maybe we should or should not talk about International Criminal Case (ICC), but these are historical facts. It is true that sometimes, brushing yourself against the authorities is detrimental. I once found myself in that position when I had to be in the gallows. That is what it is. Postmortems will be done and I hope that the eminent doctors will give us the results. I wish it is not the other way because poisoning would depress us as Senators. It has been done before. George Kapten was poisoned, the late vice-president was also poisoned. We do not want it again to appear as if it is that way this time. Indeed, in the last three Parliaments we have had a jinx. In 2003, we had a Member of Parliament dying in the first one month. In 2007, we had two Members of Parliament dying in the first month. Again, this is a third time. We should pray to God that this jinx is removed in Parliament. It is disheartening and very sad. Allow me to condole the family.

Sen. Chelule: Mr. Speaker, Sir, I stand here to give my message of condolence to the family of Sen. Mutula Kilonzo. As my fellow Senator, I have known him for a short time, but I have known him to be a prominent lawyer and Minister for Education in our country. I have also known him to be a very principled person. So, it is my humble request to my fellow Senators to pray for the family and stand with them in this situation. This is a situation of sadness and tears. I also request the whole country to pray for the family.

Mr. Speaker, Sir, regarding speculations, I do not think we need to speculate when investigations are going on. I just want to take this time to request fellow Kenyans to wait for the results of investigations. I also want to pass my condolences on behalf of my family, other Kenyans and moreso from Nakuru County.

May God Bless you.

Sen. Murungi: Mr. Speaker, Sir, I would like to take this opportunity on my own behalf and on behalf of the people I represent, the people of Meru on this very sad and painful occasion to send my most sincere condolences to the family, relatives and friends of our friend Sen. Mutula Kilonzo and the people he represents, that is, the people of Makueni. This is a moment when one does not really have the words to express himself on this matter.

Mr. Speaker, Sir, I have known Mutula Kilonzo for a long time. He was a truly great man and we could also describe him as a man for all seasons. Mutula is a man who thoroughly enjoyed his life. My own images of him is when as the Minister for Education, he went to dance with school girls and the school girls decided to kneel down, lie down in the dance and Mutula knelt and also went down on the dust with them. That was Mutula Kilonzo.

Mr. Speaker, Sir, Mr. Kilonzo rose to stardom early in his life when he became the first law student in East Africa to get a first class degree in law. He never got employed by anybody. He did pupillage with G.M. Gakure and Company Advocates. Thereafter, he set up his own firm.

As young people in 1980s we campaigned for him and he became the youngest chairman of the Law Society of Kenya (LSK) after Lee Muthoga and Senator Wako where he did a great job as a young chairman of the LSK.

In the late 1980s and early 1990s he became the lawyer for the former President Mr. Moi and KANU. I remember we fought him hard because those were the days of the struggle for multiparty democracy and he would not hear of it. He was fighting for single party rule and showing us the virtues of President Daniel arap Moi. I remember at one time at the meeting of International Committee of Jurists (ICJ) at Safari Park, we had to throw him out of the meeting because he became unruly in his defence of KANU and the one party rule.

Mr. Speaker, Sir, Mr. Kilonzo's true leadership came out in the Ministry of Justice, National Cohesion and Constitutional Affairs. This is one of the most difficult dockets that anybody can handle. All the Ministers who have been in that Ministry had to leave under fire. The first Minister, Mr. Tom Mboya, you remember what happened to him, then the Ministry was abolished for many years. Then the former Attorney-General, Mr. Charles Njonjo took the docket and he left under fire. The Ministry was abolished, again, for a long time. The third Minister was Mr. Kiraitu Murungi and I also left under fire. After me, it was Martha Karua who also left under fire. Then came Mr. Mutula Kilonzo who also left under fire. It was a very hot seat, I tell you. It is no wonder that the docket has now been abolished under this new Government.

Mr. Speaker, Sir, I pay tribute to Mr. Mutula Kilonzo because constitution making was very political and very difficult. Those who were with us at the Bomas of Kenya know how difficult it was, but Mr. Kilonzo handled the docket with what I would call a light head and a light heart. That is how he survived and was able to steer all the interests in this country and eventually enabled us to pass the new Constitution in 2010.

Moving to education, Mr. Kilonzo never really fitted in the traditional role of a yes-yes Minister. When he was in the Ministry of Education, he was on the side of teachers. He was campaigning with Treasury to get more money for teachers' pay rise. You remember the debate about mini-skirts and Mr. Kilonzo appearing in cartoons wearing a mini-skirt, fighting for the right of the girls at that time. On a serious note, he was focused on the higher ideals of this society.

We worked with him in the PNU Alliance. He gave me the wooden office that Sen. Kajwang was talking about on Ngong Road. We worked there for six months, trying to bring the leaders of this country together, so that we could face the elections as a united front. Both of us were very disappointed. Mutula was an asset in the Grand Coalition Government because he was very level-headed and thought across parties and tribal lines. I do agree with Sen. Mugo that we should not cocoon and put Mutula in any tribal boxes.

Mr. Speaker, Sir, what has happened is very sad. We have had very many investigations into the death of politicians in this country. We had the one of the late Prof.

George Saitoti which we expected to come out with earth-shaking information, but we were disappointed when the report came out. We hope that the investigation into the death of Sen. Kilonzo will be taken very seriously. We want no stone left unturned. We would like very public information about the findings of that investigation.

Mr. Speaker, Sir, allow me to send my condolences, once again, and say that Mutula was a hero.

The Speaker (Mr. Ethuro): Your time is up!

Sen. Murungi: Thank you, Mr. Speaker, Sir.

Sen. Obure: Mr. Speaker, Sir, I rise to support this Motion.

I would like to take this opportunity to say a few words about the late Sen. Mutula Kilonzo. We are mourning the passing away of a very highly gifted Kenyan, who had distinguished himself as an eloquent and fearless defender of justice for all. We are mourning a great thinker and professional. I had the opportunity to serve with him in the Cabinet when he served as both the Minister for Justice, National Cohesion and Constitutional Affairs and the Minister for Education. We will all remember the late Senator for the critical role that he played in the drafting and passage of the 2010 Constitution. He was particularly instrumental in preparing and sponsoring the various pieces of legislation which were necessary to support the Constitution and actualize it. He leaves behind a strong legacy. He was an achiever and had risen to very high levels in society and yet, was simple and down to earth. He was a man who could not be manipulated easily because he believed in strong principles and ideals. I take this opportunity, on behalf of the members of my family and the people of Kisii County whom I represent here, to convey our condolences to the family and the entire people of Makeni whom he represented in this House.

Mr. Speaker, Sir, I know that there is anxiety around the country because hon. Mutula was a great man in his own right. People want to know what happened. Therefore, I call upon all the medical professionals and security organs in the Government involved to carry out proper and effective investigations, so that people know the cause of the passing away of this great man. It is my prayer to the Almighty God to extend his grace to the family, particularly the children, and bless them abundantly.

Mr. Speaker, Sir, I support.

The Speaker (Mr. Ethuro): Hon. Senators, we intended to end this Motion at 4.30 p.m. but I can see that there is a lot of interest. So, we will take it up to 5.00 p.m. and limit your contributions to a maximum of three minutes, starting with the Senator for Nyeri.

Sen. Kagwe: Thank you very much, Mr. Speaker, Sir. I rise to support the Motion and offer my condolences to the family on behalf of my family and the people of Nyeri County.

Mr. Speaker, Sir, the late Sen. Mutula Kilonzo, stood out distinctly because of his issues of principle. He was a man who stood for what he believed and it is a rare thing in politics. I say so in front of many politicians. It is very easy in politics to become a wishy-washy person because the demands on us are so much that it takes a rare person to

stand up and be counted in the manner in which the late Senator did. He was a person that we should emulate and look up to.

Mr. Speaker, Sir, I am not surprised that some of the Senators who have contributed to this Motion have actually said that they became lawyers because of the late Mutula Kilonzo. But one of the characteristics that comes out very clearly, and has just been mentioned by the previous speaker, is that as leaders we should never be so engrossed in our importance or who we are in terms of our positions as Senators, Members of Parliament or other leaders, to the extent that we lose ourselves in the process. Too many of us---

The Speaker (Mr. Ethuro): Your time is up, Sen. Kagwe!

Sen. Kagwe: Thank you, Mr. Speaker, Sir.

Sen. Adan: Mr. Speaker, Sir, I wish to join my colleagues in condoling the family. I came to know the late Sen. Mutula Kilonzo when he was the Minister for Justice, National Cohesion and Constitutional Affairs. As Sen. Hassan said, we really interacted with him. At one time, we really had a lot of problems with Members of Parliament and the Executive when I was working with the Kenya National Commission on Human Rights (KNCHR) and our salary was slashed. We went to see him, so that the salary could be reviewed. I remember Mutula saying:-

“You guys are saying that you are going to the Members of Parliament or the Committee on Justice and Legal Affairs. Do you know that you do not have friends in this Assembly?”

Mr. Speaker, Sir, funny enough, we tried to lobby all the Members of Parliament in terms of reviewing our salary, but that never worked until we left the Commission last year.

Mr. Speaker, Sir, secondly, his daughter, Kethi Kilonzo, was my classmate when I was doing my Masters Degree. I am sure that she was a very brilliant and bright girl. What happened to Sen. Mutula is very sad. I am sure that the family is going through a lot of pain, especially given that sudden death is very painful. What they need from us right now is all the support that we can give. We should stop speculation and support the family.

Thank you, Mr. Speaker, Sir.

Sen. Sang: Thank you, Mr. Speaker, Sir. I rise to support this Motion and pass my message of condolence from myself, my family and that of the people of Nandi to the family of the late Sen. Mutula Kilonzo. I personally never had personal relations with the late Senator, but I admired him. I think like Sen. Murkomen and others, he was one of the inspirations that led me to join the legal profession. I want to take this opportunity to pass my condolence. I know the late Mutula was admired by the people of Nandi and so I pass the condolence of the people of Nandi.

Let us allow the legal due processes to take place so that we are able to get to know what really transpired. Let us not speculate, but remain calm and support the family and the people of Makueni at this time of grief.

Thank you.

Sen. Ongoro: Thank you, Mr. Speaker, Sir. I rise to support the Motion, though it is very sad that I support such a Motion. I personally knew Sen. Mutula when I was

appointed as the Assistant Minister in the Ministry of Nairobi Metropolitan Development and he was the Minister. I had the rare opportunity to work with a man who was so disciplined. I thought I was so disciplined, but my encounter with him raised my level of discipline. He was so disciplined and such a workaholic. At exactly 6.30 a.m., he was in the office. I think he told me that he was always in his private office by 5.30 a.m. and by 6.30 a.m., he was in the Ministry office and we would have our meetings at 7.00 a.m. He was a humble man with such a rare sense of humor that if any difficult situation arose, he would somehow drive the Ministry out of it.

I remember one such situation when we had a problem with Kajiado County when they were having problems joining the metropolis. He told me: "Just give me three days and I will solve that." What he did was to transfer the Ministry to Narok. We went to Maasai Mara and for three days, we were running the affairs of the Ministry in the wild. That somehow appealed to the people of Kajiado and they joined.

I am talking of a man who was so highly educated, yet almost every time, he would be having such a listening ear to you and everybody else, thinking out of the box for the sake of moving forward and solving any problem. For the time that I worked with him, it was difficult to know that he was a man of means. He was so humble and he treated all of us equally. As I stand here I find it very difficult because we were with him in this same building for almost three years as his Assistant Minister. For me to stand in this same building to talk about the death of Mutula Kilonzo, a man who I thought I had known all my life. When we were still in school, he was one of those people that would encourage you to really think of yourself as a lawyer. I believe all my classmates who wanted to do law, one of their best role models was Mutula Kilonzo. I am saddened on behalf of the people of Nairobi and on behalf of the people of Kenya.

I support.

Sen. Musila: Mr. Speaker, Sir, I want to join my colleagues in paying tribute to my departed friend. On behalf of the people of Kitui County, I want to send my deepest condolences to the family of the late Mutula Kilonzo and also to the people of Makueni who elected him only recently with many votes. The late Mutula Kilonzo was many things; first and foremost, he was a family man. He was a very successful lawyer as has already been stated by his colleagues. He was a successful businessman and a fearless politician. I want to specifically thank him for the role he played as Secretary-General of the Wiper Democratic Movement, a party of which I am Chairman. His contribution to that party will never be forgotten.

Mr. Speaker, Sir, the late Mutula Kilonzo was passionate about the welfare of the people he served and, indeed, the people of Kenya. You will recall during the Ninth Parliament I was a lone voice in urging the release of certificates for the Kenya Certificate of Secondary Education (KCSE) examinations which had been withheld on account of school fees balances. The late Mutula was the Minister and he offered one of his sons Mutula Junior to go to court with me to sue the Government so that these certificates could be released and they were released. Many Kenyans benefitted.

Recently before we left the National Assembly, the late Mutula brought the Kenya Examinations Council Bill in the House and I persuaded him to make an amendment in that Bill to outlaw the withholding of certificates of KCSE. That

amendment went through with his support. The tribute that I would like the Ministry of Education to pay to the late Sen. Kilonzo is to ensure that that amendment is implemented because even as we speak, those certificates are being withheld and it was the wish of Sen. Kilonzo that the poor children of Kenya whose certificates are withheld by Principals of schools for non-payment of school fees balances are released. As of now, they have not been released.

I send my condolences to the widow and the family.

Sen. Karaba: Thank you very much, Mr. Speaker, Sir, for giving me this chance to condole our friend, the late Sen. Mutula Kilonzo. He was a person who would crack jokes to every other person. I did not know him for creating enemies. I only knew him as a person who created friends. So on my own behalf and that of my family and also the people of Kirinyaga, I take this opportunity to condole the family of the late Mutula Kilonzo.

Mr. Speaker, Sir, I was with this gentleman on Thursday and we were talking about the Committee on Education, Information and Technology. He was so passionate about education that he even wished to be the Chairman of that Committee. As we were cracking jokes, I told him that I was older than him and that I deserved to be the Chairman, but he told me: No, we agree that when it comes to the election of the Chairman of that Committee, I should support him. We argued and almost agreed that I was to be the Chairman. He was a person that wanted education to be run professionally. I know that he was going to keep abreast with education matters because even during his last dinner, he wished that he was going to be a Member of the Committee on Education, Information and Technology even if he was not going to be a Minister.

We would also like the family to continue thriving in spite of problems. We should stop speculating because speculations could bring hatred amongst communities and regions. We should let the officers who are charged with the investigation to continue doing what is necessary so that we can know the truth.

Thank you.

The Speaker (Mr. Ethuro): I will take the last contribution and then allow the Majority Whip to conclude. Harold Kipchumba!

Sen. Kipchumba: Thank you, Mr. Speaker, Sir. I wish to join my colleagues and the whole nation in condoling a hero. On behalf of my family, myself and the fraternity of people with disabilities, I wish to mention two issues that the late Senator was very passionate and supportive of. We, the persons with disabilities, always called him the disability champion. Whenever we had issues, I can remember way back in the 1997 you would call some young lawyers and ask them issues of persons with disability---- A lot of *pro bono* services were offered because of him. People with disabilities remember him during the constitutional review process. He was very pertinent in seeing to it that the gains of persons with disabilities are entrenched in the Constitution.

I remember being part of the team that came up with issues of disabilities. In Kiswahili, he said; “*nyinyi walemavu mtasurvive kukiwa na Bill of Rights.*” Without it, you will not survive. Therefore, the Bill of Rights, Chapter Four, is where the hearts and lives of people with disabilities are and he championed it.

Secondly, he championed the Education Bill and especially the draft that was not able to go through; the Learners with Disabilities Bill. He was always in consultation with our disability caucuses on the implementation of the Constitution, and he provided guidance whenever we had issues.

So, on behalf of the people with disabilities, we will cherish the legacy he has left behind and we believe that the foundation he laid for us was what has made it real for some of us to be here. It is sad that it had to end this way. We pray for the family and for the people of Makueni. We pray that deaths that are suspicious will come to an end in this country.

The Speaker (Mr. Ethuro): Finally, Majority Whip, reply to the Motion.

Sen. Elachi: Thank you, Mr. Speaker, Sir. I also want to take this opportunity to also send my condolences to the family. I believe and know that if there is one hero who championed the issues of women in the Constitution and who gave us space in his office, it was the late Sen. Mutula Kilonzo. On behalf of the women of this country, we pray to God to give Mama Nduku the strength and courage during this trying time. I know that she is a prayerful woman and that she will be guided by God's wisdom to continue guiding the family.

Hon. Senators, I want to thank you for contributing. I know that as the Senate, we had a hero who would have guided us in this House in terms of law and legislation. We pray and believe that Makueni people will give us a person who will lead them and ensure that devolution is achieved in their county.

Mr. Speaker, Sir, I want to thank you and to request Senators, during the election of the Committees, to go beyond parties and show the country that in terms of democracy, indeed, we are mature. Therefore, on Thursday, as we carry out the elections, let us carry them out knowing that we will be opening space to start working for the Senate.

I beg to support.

The Speaker (Mr. Ethuro): Just before I put the voice vote, I want to bring to your attention Standing Order No.69(1) which states as follows;

“When the Senate is to vote on any matter other than a Bill, the Speaker shall rule on whether the matter affects or does not affect counties.

(2) The Speaker's ruling under paragraph (1) shall be made after conclusion of debate on the matter but before the Question is put.

(3) When the Senate votes on a matter that does not affect counties, each Senator has one vote.”

Hon. Senators, I, therefore, rule that the subject matter before us in this Motion is of general national interest and not necessarily affecting counties within the meaning of Article 123 of the Constitution.

It, therefore, follows that to the Question on this Motion, each Senator will have one vote.

(Question put and agreed to)

ADJOURNMENT

The Speaker (Mr. Ethuro): Hon. Senators, having resolved to go and condole with the family, this is, therefore, to inform you that pool transport to the late Senator's home is available for immediate departure at the Kenyatta International Conference Centre (KICC) forecourt, the area outside the Supreme Court. We will depart not less than 10 minutes from now.

It is now time to adjourn the House. The House, therefore, stands adjourned until Tuesday, 7th May, 2013 at 2.30 pm.

The House rose at 5.00 p.m.