

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

**Tuesday, 24<sup>th</sup> September, 2013**

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

*[The Speaker (Hon. Ethuro) in the Chair]*

### PRAYERS

### QUORUM CALL AT COMMENCEMENT OF SITTING

**The Speaker** (Hon. Ethuro): Order, Hon. Senators! Could we confirm if we have a quorum?

**The Clerk of the Senate** (Mr. Nyegenye): Mr. Speaker, Sir, we have 21 Senators in the House; we have a quorum.

**The Speaker** (Hon. Ethuro): Let us proceed.

### COMMUNICATION FROM THE CHAIR

#### ATTACK ON THE WESTGATE SHOPPING MALL

**The Speaker** (Hon. Ethuro): Order, hon. Senators, I have a communication to make on the attack on the Westgate Shopping Mall in Nairobi on Saturday, 21<sup>st</sup> September, 2013.

Hon. Senators, as you are all aware, our country was under attack after armed gunmen stormed the Westgate Shopping Mall in Westlands area of Nairobi County on Saturday, 21<sup>st</sup> September, 2013. Let me take this opportunity, on my own behalf and on behalf of the Senate, to convey our sincere condolences to the families and friends of those who were killed by the heartless terrorists. I want to assure them that we share in the pain and the loss and shall stand with them during this difficult period of grief. We also wish to take this opportunity to wish all those who were injured and hospitalized a quick recovery.

Distinguished Senators, the events of that dark Saturday have left a wave of grief, death, injuries and destruction in its wake, where it is reported that a total of 69 people have tragically and needlessly lost their lives and an estimated 175 others injured. Let me take this opportunity to condemn, in the strongest terms possible, the attack on unarmed and defenceless men, women and children who were peacefully going about their lives as

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global citizens of the free world. The targeting, especially of infants, children and women has clearly exposed the soul of those involved and manifested the fact that the philosophy and objectives of the perpetrators of the heinous attack has nothing to do with religion, but an obvious act of cowardice and criminal barbarism of unimaginable proportions.

Allow me, therefore, to affirm that this country is founded on the principle of transparency, accountability, democracy and good governance as set out very well in our Constitution. We shall, therefore, never surrender to anybody; neither to any criminal nor terrorist of whatever character, now or in the future. In the same breath, I would like to highly commend our security officers for their patriotism and heroism in confronting these agents of terror and for rescuing thousands of innocent people who had been trapped in the mall, and they continue to do so.

I also wish to extend our appreciation, as the Senate, to all those ordinary people who have in one way or another assisted in evacuating people to safety and provided any form of support to those affected as well as our international friends who have expressed their solidarity with us and through other actions after this dastardly attack. We, as a Senate, have also received condolences from many other Senates in the world.

In this regard, I further note with appreciation that the Senators, this morning, sat in their *Kamukunji* and have contributed Kshs2 million to be donated to the Kenya Red Cross Society towards this effort; and this is in addition to the Kshs2 million that was contributed by the National Assembly yesterday. We will continue to donate blood as well as many other initiatives at the county level in collaboration with the governors.

The Senate stands by His Excellency the President, hon. Uhuru Kenyatta, and the Deputy President, hon. William Ruto, and the entire Executive Arm of the Government in managing the crisis that befell our country and asserts its unreserved support in dealing with the criminals, helping those affected and in restoring normalcy back to our country.

Let us now, in our usual parliamentary tradition, distinguished Senators, stand in our places and observe a minute of silence in honour of those infants, children, women and men killed in the senseless attack and to reiterate our resolve to defeat terror and to affirm our way of life, democracy and the unity of the nation. Let us observe one minute of silence.

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

I thank you.

What is it, Sen. (Prof.) Kindiki?

### **NOTICE OF MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.33**

**TERRORIST ATTACK AT WEST GATE MALL**

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Thank you, Mr. Speaker, Sir. I rise on a point of order, in the context of the events that have taken place in our country and in the context of your own communication to this House just a few minutes ago. I am requesting your direction whether it is in order that this House adjourns at a time when you can direct so that we could exhaustively address ourselves as the Senate of the Republic of Kenya on what has happened in our country.

**The Speaker** (Hon. Ethuro): Sen. (Prof.) Kindiki, I am not sure I have followed you. What is the request?

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I stood on a point of order. As you know, I wrote to your office under Standing Order No.33, seeking adjournment, and I am sure that has been---

**Hon. Senators:** He has seen your letter; move the Motion!

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): I move now?

**Hon. Senators:** Yes, move the Motion!

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): At this point? I do not think so; because time has not even---

*(Loud consultations)*

**The Speaker** (Hon. Ethuro): Order, Sen. (Prof.) Kindiki! I am fully aware, but there is a procedure in which you follow when moving such a Motion. You have started by quoting the relevant Standing Order and following the provisions; that is all we need.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, thank you for that clarification. I am rising under Standing Order No.33 to seek your guidance and direction as to whether this Senate can adjourn for the purposes of discussing the Westgate Mall attack as a matter of grave national importance at a time which the Chair will determine. I am hoping this is the procedure. At that time then, I will be happy to move this Motion. I seek your indulgence for us to adjourn.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Thank you.

*(Several hon. Members stood up in their places)*

Thank you. You may now assume your seats.

Of course, Senate Majority Leader, I can confirm that you wrote to the Chair and we have deliberated on the matter. This was just for purposes of doing it as it is supposed to be done; I think Sen. Orengo has been quite handy in supporting you. You realize that the Standing Order you quoted, Standing Order No.33, has a provision in paragraph (3) which states that:-

“If the Speaker is satisfied in terms of paragraph (2) and not less than five other Senators rise in their places in support---“

Of which I think you have also met the requirement. I definitely consider the matter to be a definite matter of urgent national importance and so we will suspend the business when

we start doing the proper business of Motions. Basically, instead of going to Order No.8 on the Order Paper, we will allow you to move the Motion then.

Thank you.

### NOTICES OF MOTIONS

#### TRANSFER OF ALL KERRA FUNCTIONS TO COUNTY GOVERNMENTS

**Sen. Mositet:** Thank You, Mr. Speaker, Sir. I beg to give notice of the following Motion.

THAT, aware that Schedule Four to the Constitution assigns the responsibility of construction and operation of national trunk roads to the national Government and that county transport including county roads are the responsibility of the County Governments; acknowledging that the Kenya Rural Roads Authority (KeRRA) is mandated, under the Kenya Roads Act, 2007, to administer funds for the development, rehabilitation and maintenance of roads in constituencies which are roads within counties and which fall under Class D category and below; cognizant of the fact that there are already established KeRRA structures in each of Kenya's 47 counties; the Senate urges the National Government to transfer all the functions of KeRRA to the County Governments in order to ensure faster and more efficient delivery of services.

*(Sen. Sang stood up in his place)*

**The Speaker** (Hon. Ethuro): Yes, what is it, Sen. Sang?

#### ESTABLISHMENT OF A FUND TO COMPENSATE VILLAGE ELDERS

**(Sen. Sang)** on behalf of Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I arise on behalf of Sen. (Prof.) Lonyangapuo to give a notice of Motion to the Department of Interior and Co-ordination of National Government as follows:-

THAT, aware that in the African context elders popularly referred to as 'wazee wa mtaa' have a special place and they are highly respected; appreciating their work in supplementing the work of Chiefs in matters of administration at the locational and village levels; concerned that no form of structured payment is given to them for the services they render; the Senate urges the National Government to establish a fund from which the elders will be compensated for their services.

Thank you, Mr. Speaker, Sir.

*(Loud consultations)*

**The Speaker** (Hon. Ethuro): Except Sen. Sang, neither you nor Sen. (Prof.) Lonyangapuo intimated to the Chair that you are the one to give the notice.

*(Laughter)*

So, we will allow you for now, but in the future, take note.  
Next Order.

## STATEMENTS

### DELAYED ISSUANCE OF STATEMENT

**Sen. Haji:** Mr. Speaker, Sir, I was supposed to give a Statement, but in view of what has happened at Westgate Mall, most of the officers who were to write the Statement were not able to do so. Therefore, I am not able to give the Statement today. It may be ready by Tuesday next week.

**The Speaker** (Hon. Ethuro): It is so ordered, Tuesday next week.  
Next Order.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, the Statement which the Chairman is supposed to give was requested by me, but I will not be here on Tuesday. I want to seek your indulgence---

*(Sen. Wako stood up in his place)*

**The Speaker** (Hon. Ethuro): Order, Sen. Amos Wako! Order! You cannot be between the one on the microphone and the Speaker.

**Sen. Wako:** O, I was cutting you; I am sorry.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, I was requesting that instead of Tuesday, the Chairman picks another day because I will not be here on Tuesday. Thursday will be a better date.

**Sen. Haji:** Thursday is okay with me, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Next Order. Yes, the Senate Majority Leader.  
Next Order.

## MOTIONS

### CONNECTION OF ALL COUNTY HEADQUARTERS TO THE NATIONAL FIBRE OPTIC NETWORK

THAT, considering the need for implementation of an Integrated Financial Management Information System (IFMIS) as required by the law; noting that most counties are not linked to the National Optic Fibre Broadband Infrastructure (NOPB); aware that the rolling out of e-

government will be hindered by lack of such infrastructure; recognizing the principles of good governance, integrity, transparency and accountability set out in the Constitution and the need for public participation and access to information; further recognizing that investment in ICT creates opportunities for youth employment; the Senate calls on the national Government to connect all county headquarters to the Fibre Optic National Network and to link all county headquarters to relevant national institutions such as the Senate and the Treasury through video conferencing capability to save unnecessary expenses, enhance efficiency and accountability and improve the performance of county governments.

*(Motion deferred)*

ADOPTION OF REPORT ON COUNTY GOVERNMENT CASH DISBURSEMENT  
SCHEDULE FOR FISCAL YEAR 2013/2014

THAT, pursuant to the provisions of Section 17(7) of the Public Finance Management Act, the Senate adopts the report of the Standing Committee on Finance, Commerce and Economic Affairs on the County Cash Disbursement Schedule for Fiscal Year 2013/2014

*(Motion deferred)*

**MOTION OF ADJOURNMENT UNDER STANDING ORDER NO.33**

TERRORIST ATTACK AT WEST GATE MALL

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Thank you, Mr. Speaker, Sir. I rise now to move that this House do now adjourn under the provisions of Standing Order No.33 (1) to discuss the terrorist attack on the Westgate Mall, Nairobi, on Saturday, 21<sup>st</sup> September, 2013.

Mr. Speaker, Sir, as I have already explained earlier on a very unfortunate event took place in our country. The nation is mourning and it is only proper that, as elected leaders, we mourn with the country.

Mr. Speaker, Sir, this is a time when the people who have elected us are looking at leadership; they are looking at new ways of looking at things so that, going forward, we can be assured that, as a country, we will quickly come back to our feet and that our stability, security, peace and harmony will not be jeopardised because of the barbaric acts that took place on Saturday.

So, Mr. Speaker, Sir, for me, all I can say at this point is that what I have seen in this country is a very, very strong reminder that despite the many voices that we sometimes hear, this country is one. I am convinced beyond any doubts that we have one country; we all love our country and some of the things that sometimes appear as if they

are divisive, they are extremely superficial. I stand here to salute all Kenyans; I salute the leadership of our country, from His Excellency the President to the rest of the leadership. I want to be very categorical here before I go very far; that I am impressed by the way my colleagues in the Opposition conducted themselves through this period. I am proud of them. I think it is something they should take with due humility and it is only us who can say it; they cannot say it themselves. It should continue. That is the spirit with which we want to build our country. We want to say that this moment, sad as it is, has given us a different perception about ourselves, about our brothers, about our people who we interact with and, therefore, for once, I can say that I am a very proud Kenyan. I feel very secure that I am in the middle of brothers and sisters and anything that happens to me as an individual or anything that happens to any of us is a collective problem. I can rest assured that, as a country, we will stand with one another in times like these.

There is a proverb among the Xhosa of South Africa, and they say: “It is only when there is trouble when you will realize the value of your friends and your brothers.” I think this trouble has hit on us as a nation and it has reminded us to be very careful as leaders, so that as much as we will continue with business as usual and with our lives going forward, there are certain limits we will not exceed, not because it is comfortable; not because it suits us politically, but because the nation’s interest demands that we restrain ourselves.

Mr. Speaker, Sir, it is in that context that I also want to appreciate the ordinary people in this country who have come out so gallantly and so decisively. I have seen ladies who are camping outside Westgate Mall with thermos flasks and foodstuffs which they are offering to the soldiers who are involved in that operation and to the victims who are being rescued. I do not think there is any other act of patriotism that can supersede that kind of commitment.

So, Mr. Speaker, Sir, I do not want to take a lot of time because I think every Senator, as much as possible, should ventilate and express solidarity with the country at a time like this one. We want to build on what has happened. We condemn these acts, we resist any attempts for criminals to believe or to have it in their minds that they can tear down our country through acts like what happened on Saturday. We want to use this to build our systems going forward. We need, as parliamentarians, to review our legislation to ensure that access to our borders is controlled. I am appalled when people just find their way to our airports and then they are applying for visas there. We know that getting out of this country even for senior Government and political leaders like myself – some of the countries ask you so many questions before they give you a visa – but in this country, any person, so long as he is a tourist and has US\$50, will find their way up to Jomo Kenyatta International Airport and then they will get the visa from there.

We also want to commend the security forces for what they are doing and for what they have done, but also going forward, we will have to face the issue of our homeland security head on. We will not spare anything; we will not spare anybody and if we have to review certain things, if we have to look at re-working our institutional framework on homeland security, this is the time. We could not have a better time as this.

*(Applause)*

So, Mr. Speaker, Sir, I will not end my remarks responsibly without also commending the media, because they reported this incident so responsibly. They never showed unnecessarily alarming pictures and I think they tried their best. Let us also be fair – they tried and I think going forward, they can only do better.

Finally, Mr. Speaker, Sir, as parliamentarians and as Senators, we are together with the country. Let the terrorists be told that we will never be cowed; our spirit will even grow stronger, we will not surrender our nation to thugs and bandits. They can get that from this House.

So, Mr. Speaker, Sir, with those few remarks, I want to move this Motion and I want, in the spirit of bipartisan issues on matters of national importance, humbly request the Senate Leader of Minority, Sen. Moses Wetangula, to second this Motion.

Thank you, Mr. Speaker, Sir.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, the Saturday that passed was a sad day for many Kenyans; in fact, for all Kenyans. It reminded us 16 years ago of the Ufundi House/American Embassy attack.

Mr. Speaker, Sir, we lost lives, properties were damaged and it was painful to see small two or three year old kids and helpless women with bullet wounds lying in hospital. Like my colleague has said, the spirit of the nation came to the fore. President Uhuru Kenyatta had the courage to call former Prime Minister Raila Odinga and myself and speak to us; and he called on us to do what we were expected to do anyway – to stand up as Kenyans and show leadership.

Mr. Speaker, Sir, the philosophy of terrorism is the philosophy of cowardice, hate, despondency and the philosophy of causing pain. You can see that they chose the softest of targets – a shopping mall on a Saturday – and who in this country frequents shopping malls? It is women and children in many cases, and they wanted to inflict maximum pain on our country. When you look back at what has been happening to other countries; take Lebanon in the 1970s – they started by bombing malls – and eventually in 1975, in Lebanon, they bombed the House of Parliament and killed the entire Parliament plus the President, who was then addressing Parliament, President Bachir Gemayel, for those of you who can remember. In Iran, after hitting several soft targets, they hit the House of Parliament and wiped out three quarters of the elected leadership of that country.

Mr. Speaker, Sir, a life lost, whether it is a child or a 100 year old, it is a pain to us, Kenyans, *en masse*. We stand here as a Senate to acknowledge that, yes, many questions will be asked hereafter. But in my community, we have a saying that when your hen is attacked by a fox, you must take up your spear and expel the fox before you come back to blame the hen for wandering into the bush. So, let us expel the fox, that is the terrorist, and then we will be able to ask questions. But we want to say what has been said; that if these terrorists – If I was President Robert Mugabe, I would have described them as “beneath pigs and dogs;” that is the language he uses. If they think that they are going to cow the spirit of Kenya in creating normalcy and peace in Somalia, they are mistaken! If they think that they are going to divide our country on religious lines, they are mistaken!



(Applause)

If they think they are going to divide our country on racial lines, they are mistaken! The resolve of Kenyans that we saw on Saturday and Sunday up to today – young Indian boys wearing reflectors directing traffic; old women holding flasks ready to help anybody and everybody; volunteer doctors standing with their stethoscopes, ready to support anybody. At Aga Khan Hospital alone on Sunday afternoon, 650 litres of blood was donated by Kenyans. This is a wonderful spirit, and we, as the Senate and the entire leadership, must speak loud and clear that we stand with every Kenyan. This is not about the President or the Deputy President; it is about all of us; it is about every Kenyan, whether it is the police or the ordinary man on the streets who contributes to the national kitty through taxes. Everybody has an overwhelming interest in this. We support the steps taken so far by the President in bringing the country together, but once we finish this, we want to see the President taking the steps that we saw George Bush take after 9/11. That is when America created the Homeland Security Department after checking on their lapses.

Mr. Speaker, Sir, why, one can ask, do people cross the border from Somalia and within three or four days, they have the national identity cards of Kenya. These are questions we are going to ask hereafter. What happened to our intelligence gathering? These are questions we shall ask, and many other things. Why should our armed forces come from their barracks to do what the police would have done? These are questions we shall ask in future. But today, we stand in absolute solidarity with the people of Kenya.

Mr. Speaker, Sir, on behalf of all of us, I want, like you did, to send our unreserved and unqualified messages of condolences to all the families, friends who have lost their beloved ones and wish those who have been maimed in various degrees quick recovery, and call upon the Government that none of the injured persons should be left to foot any medical bill in the hospitals.

(Applause)

This should be the responsibility of the Government and the Government must stand up to meet all the bills, including where necessary, external medical attention where we have a limitation in our local capacity so that every Kenyan can feel and know that we care and we truly care about our country.

Lastly, Mr. Speaker, Sir, I want to thank the Senate for showing responsibility, standing up as the House of dignity, as the House that has to show leadership and example and the House that has accepted to spare valuable time of this busy Senate Chamber to dedicate this afternoon to condole Kenyans and to assure Kenyans that together we stand and together we shall walk together.

Mr. Speaker, Sir, as I finish, I want to urge all Kenyans that the security is not just about our forces; we have a moral duty to be vigilant all the time, to point suspicious characters amidst us and to help the Government and the people of this country live in peace. We have been told of those who escaped – if you heard of a terrorist who took clothes from a shop, put it on and walked out helping people as if he was a philanthropist – so they are in our midst and we must be extra careful because peace is the foundation of

everything. Like a great philosopher said: “there is no way to peace; peace is the way;” and we must embrace peace as the foundation of everything we do.

Mr. Speaker, Sir, I beg to second.

**The Speaker** (Hon. Ethuro): Order! Order, Senators!

*(Question proposed)*

Order, hon. Senators! I want to dispose two issues; first, the business that we are suspending should appear in subsequent Business starting tomorrow morning in the pecking order that is on the current Order Paper. Two, we will give every other contributor--- I am looking for an indication from the Floor.

**Hon. Senators:** Five minutes.

**The Speaker** (Hon. Ethuro): You have assisted me; we will give every contributor five minutes so that every Senator has an opportunity to contribute.

Thank you.

I started by proposing the question, and since I will allow you to do more of the listening, I will therefore ask Sen. Sonko to take the Floor.

*(Laughter)*

**Sen. Mbuvi:** Asante Sana Bw. Spika kwa kunipatia fursa hii kuchangia Hoja hii ya leo. Kwanza kabisa, ningependa kuchukua nafasi hii kutoa rambi rambi zangu kwa jamaa na marafiki waliowachwa na wapendwa wao katika mkasa huu uliotukumba sio watu wa Nairobi peke yetu, lakini kama Wakenya wote. Pili, pia ningependa kuwatakia wale waliolazwa hospitalini waugue pole; tuwaweke katika maombi yetu ili Mwenyezi Mungu awasaidie ili waweze kupona. Tatu---

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

**The Speaker** (Hon. Ethuro): What is it, Sen. (Dr.) Machage?

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, is it in order for a Senator to display placards of whatever form in the House on the head, on the chest or whatever else?

*(Laughter)*

**Sen. Mbuvi:** Thank you, Mr. Speaker, Sir. I have not displayed any placard on my head, but these are messages. I am conveying my views. As you can see on my head, there is a message of peace; there is a message of saying “no to the International Criminal Court (ICC).”

Mr. Speaker, Sir, this issue was discussed in the Tenth Parliament and hon. Marende gave a ruling that I am passing a message because we had a lot of bloodshed in our country then. So, this is a message that I am passing to all Kenyans.

According to me, Mr. Speaker, our two principals are very innocent.

Thank you very much.

*(Several hon. Members stood up in their places)*

I do not need to be informed, hon. Orengo!

(Laughter)

Tatu, Bw. Spika---

**The Speaker** (Hon. Ethuro): Order! Just a moment, Sen. Sonko! For the benefit of Sen. (Dr.) Machage and for all Senators, I can actually confirm that the matter was raised in the Tenth Parliament and the then Speaker, hon. Marende, made a ruling that it was actually proper for Sen. Mike Sonko to display certain messages on his head.

(Laughter)

The ones on his head, until he pronounces, you cannot be privy to. So, the tradition of Parliament is that we usually uphold the previous rulings on such matters.

Proceed, Sen. Sonko!

**Sen. Mbuvi:** So, Sen. (Dr.) Machage, go and read Article 27 of the Constitution.

Tatu, Bw. Spika, ningependa kuwapongeza viongozi wote na wanasiasa wote wa Upinzani, wakiongozwa na aliyekuwa Waziri Mkuu, aliyekuwa Naibu wa Waziri Mkuu, Seneta Orengo na Seneta Wetangula, kwa kuweka tofauti zetu za kisiasa kando na kusimama kwa umoja kama Wakenya kujumuika na Wakenya wengine kwa hili janga lililotupata.

Kwa sababu ya wakati, Bw. Spika, ningependa kuwapongeza viongozi wa vikosi vya usalama – Inspekta Jenerali wa Polisi, naibu wake, Madam Kahindi, mkuu wa kikosi cha wanajeshi, Bw. Karangi, na wale wengine wote ambao waliweza kusaidiana nao katika kuwaokoa manusura waliokuwa ndani ya jumba la Westgate.

Lakini Bw. Spika, siko hapa kumlaumu mtu yeyote yule; huu sio wakati wa kulaumiana lakini kwa sababu maisha ya Wakenya ni muhimu kushinda siasa; usalama wa Wakenya ni kitu cha kuwekewa kipaumbele kuliko mambo mengine yote.

Bw. Spika, ningependa kuvipongeza vikosi hivi vingine lakini swali langu liko kwa Kitengo cha Ujasusi ambacho kijulikanalo kama *National Intelligence Service (NIS)*. Walikuwa wapi mambo haya yote yalipokuwa yakipangwa? Niko ndani ya Serikali na nina imani na Serikali ya Rais Uhuru Kenyatta na Naibu wake, William Ruto. Lakini katika mambo ya uongozi lazima tuwe *serious* na maslahi na usalama wa Wakenya.

Haya mambo ya kushambuliwa yamefanyika Garissa, Mandera na mahali kwingi katika nchi yetu ya Kenya. Haya si mambo yamefanyika jijini Nairobi peke yake. Mashambulizi haya yote yanapofanyika, Idara ya Ujasusi, ikiongozwa na Bw. Gichangi huwa wako wapi ama wakifanya kazi gani?

**An hon. Senator:** On a point of order, Mr. Speaker, Sir.

**Hon. Senators:** Anasema ukweli! Let him go on.

**Sen. Mbuvi:** Bw. Spika, majambazi hawa---

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

**The Speaker** (Hon. Ethuro): What is it, Sen. Haji?

**Sen. Haji:** Mr. Speaker, Sir, is Sen. Mbuvi in order to mention the name of an officer who cannot defend himself here?

**Hon. Senators:** Ask him!

*(Loud consultations)*

**The Speaker** (Hon. Ethuro): Order, hon. Senators! Mentioning names is not a problem. The issue comes about if the names are mentioned adversely.

**An hon. Senator:** Exactly! He is saying the truth!

**The Speaker** (Hon. Ethuro): Proceed, Sen. Mbuvi.

**Sen. Mbuvi:** Bw. Spika, huu si ule wakati wa kuogopana hasa tunapoangalia maslahi ya Wakenya. Ni wakati wa kusimama na ukweli. Niko ndani ya Serikali ya Jubilee na nitaiunga Serikali hii kwa njia yoyote ile lakini ukweli ubaki ukweli na usemwe!

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

**The Speaker** (Hon. Ethuro): What is it, Sen. (Prof.) Kindiki?

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I want to raise a procedural issue. I have no problem with what the Senator for Nairobi County is saying. We all said that, as a Senate, we are not afraid of anything or anybody when it comes to issues of national security. However, as a matter of procedure, what the Senator for Nairobi County has done is actually to apportion blame. That is why I think this is an adverse mention to Michael Gichangi. He has already formed judgment---

**Hon. Senators:** Aaah!

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): No, this is just procedural. I think this is the wrong time to do so. Investigations have not been done and we have not been told who has done what---

**An hon. Senator:** The timing is not wrong!

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Just a minute. If Sen. Sonko has to continue in that direction, then he must substantiate if Michael Gichangi failed.

**Hon. Senators:** *Twambie!*

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

**The Speaker** (Hon. Ethuro): What is it, Sen. (Dr.) Kuti?

**Sen. (Dr.) Kuti:** Mr. Speaker, Sir, this is a time to mourn. I do not think anybody can say Michael Gichangi has knowingly or in any way allowed---

**Hon. Senators:** Ask him!

**Sen. (Dr.) Kuti:** You cannot ask him now because why did such an incident happen in America and there is the Federal Bureau of Investigations (FBI). This situation happens even in the best of intelligence services. This is not the correct way to apportion blame and especially at this particular time.

*(Loud consultations)*

**The Speaker** (Hon. Ethuro): Order, hon. Senators! Sen. Sonko, please, resume your seat. I really do not think there is anything to excite you this early. My understanding of Sen. Sonko's contribution is about the role of certain state agencies. Those state agencies have leaders. One of the risks you ought to take in life, including us, Senators, is that we run the risk, as public entities, to be mentioned in one way or the other. Until it becomes a serious issue where we are talking about a person or his or her personal character, I am satisfied that so far; Sen. Sonko is on the right course. I also want to inform you that the more you interrupt a contributor, the less time is available for you to make your contribution. Unless something is outrageous or out of order, then bring it to the attention of the Chair. If it is not, I will rule you completely out of order.

Proceed, Sen. Sonko.

**An. hon. Senator:** That is very wise.

**Sen. Mbuvi:** Mr. Speaker, Sir, you will allow me to answer some of the points of order---

**Hon. Senators:** Ongea Kiswahili!

**Sen. Mbuvi:** Mr. Speaker, Sir, you will add me some three more minutes because they have taken a lot of my time. This issue concerns my county yet they have interrupted me.

**The Speaker** (Hon. Ethuro): Order, Sen. Sonko! When the Speaker has responded to the points of order, you do not have to. Hon. Senators, let us give Sen. Sonko two minutes to finish because he has been interrupted a lot.

Sen. Sonko, I want to urge you to desist from inviting more points of order.

**Sen. Mbuvi:** Mr. Speaker, Sir, the reason I want to respond and you have already given a ruling on this matter is because this is a matter of public importance. I was arriving to that point. I know I am going to shock the nation. I will surprise the nation.

**Sen. Kembi-Gitura:** On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): What is it, Sen. Kembi-Gitura?

**Sen. Kembi-Gitura:** Mr. Speaker, Sir, we are discussing a very serious issue. Have you noticed that my colleague, Sen. Sonko, has spoken in all languages possible, against the Standing Orders? Could you, please, put him on track?

**An hon. Senator:** *Wacha aonge Kikamba pia!*

**The Speaker** (Hon. Ethuro): Sen. Sonko, I am told you have spoken in all the languages. What you have not even observed is that you are also chewing gum at the same time.

*(Laughter)*

You have one minute to conclude your contribution.

**Sen. Mbuvi:** Bw. Spika, asante sana. Haya si maneno ya mzaha wala kucheka, bado Wakenya wana huzuni. Kwa hivyo, ningomba tuendele.

Kwanza, nimesifu vikosi kadha vya usalama na wakubwa wa polisi. Lakini tuna shida katika upande wa ujasusi. Ni kwa nini nasema hivi? Ninaposimama hapa, Wakenya, Masenata na Wabunge wenzangu watashtuka. Nawapongeza Wabunge kwa ile kazi nzuri ambayo walitufanyia kwa kusimama na sisi wakati wa shida hii.

Walituchangia damu na kutupatia pesa. Pia Masenata walitoa damu kama Sen. Moi na wengine wote. Asante sana na Mwenyezi Mungu awabariki.

Bw. Spika, miezi miwili iliyopita tulikuwa na *information* kuwa majambazi wamekodishwa nyumba upande wa Parklands na Westlands. Niko na ushahidi kutoka kwa kina mama wawili wa Kihindi ambao walikuja katika ofisi yangu – niko na ushahidi kwamba walikuwa wanakaa na majambazi hawa. Sitataja majina yao kwa sasa lakini niko tayari kutoa ushahidi wangu kwa polisi na kwa *committee* inayohusika na usalama kwa *National Assembly* na *Senate*. Kina mama hawa walikuwa wanakaa na majambazi hawa wakaanza kufanyiwa *mistreatment* na kupelekwa kwa njia ambazo si sawa wakionyeshwa *magrenade* na bunduki. Wafanyakazi wa Westlands na Parklands wa asili za Kiarabu na za Kihindi ndio waliwapatia majambazi hawa makao. Walika Nairobi kwa miezi zaidi ya tatu wakipanga haya mashambulizi.

**An hon. Senator:** Uliripoti?

**Sen. Mbuvi:** Tulipeana *information* hii kwa upande wa wachunguzi. Sitataja majina. Lakini niko tayari kutoa ushahidi kwa kuwaleta watu ambao walinipatia hii *information* walipokuwa wakiendelea kupanga mashambulizi haya na walitaja Westgate Mall, Village Market, National Assembly na KICC----

**Hon. Senators:** Toboa! Endelea!

*(Loud consultations)*

**Sen. Mbuvi:** Bw. Spika, nahitaji unilinde kutokana na kelele nyingi hapa.

**The Speaker** (Hon. Ethuro): Order, hon. Senators! There is a time when the Speaker seeks your indulgence in a most democratic manner. You gave five minutes to each person. My job is a very simple one, just to enforce. It is your responsibility to make sure you plan whatever you have to say in the order of priority within the five minutes. So, I am afraid, although Sen. Sonko's contribution was becoming juicer and sweeter, the Chair had already given him extra time.

Sen. Sonko, I am not going to give you any more time. The only thing you need to do is to remove the chewing gum. I will now give Sen. Kembi-Gitura the opportunity to contribute.

*(Loud consultations)*

**Sen. Kembi-Gitura:** Mr. Speaker, Sir, I am sure you will protect me from the loud consultations and that my time will be held until I am able to contribute.

**The Speaker** (Hon. Ethuro): Order, Senators! Let us listen to the contributor. There is no time lost because you did it willingly.

**Sen. Kembi-Gitura:** Mr. Speaker, Sir, I will also be very brief. I will address three issues only.

This is a grave matter of national importance. I am grateful to you for having allowed this Motion of Adjournment. What happened to our country---

*(Loud consultations)*

Mr. Speaker, Sir, I am not sure if am being heard.

**The Speaker** (Hon. Ethuro): Order, Senators! Could we have some order?

**Sen. Kembi-Gitura:** Mr. Speaker, Sir, I will address only three issues. First of all, I would like to send my message of condolences to all the families and people touched by this very grave tragedy of loss of life. I dare say that some of the people who have passed on are people we know at a personal level. I would like to pass a message of condolences to the families of the 69 people who died as a result of this tragedy.

Secondly, I was in Brussels when this tragedy occurred over the weekend. This issue has touched the whole world; everybody is discussing it and seeing the face of terrorism as visited against our country. It did bring out the strong part of Kenya. Again, like hon. Senators who have spoken before me, I want to applaud very highly our armed forces and the very ordinary Kenyans who have been of great help to the disciplined forces. It is important that we should recognize and appreciate the work that has been done across the races by the Asians, Africans, Europeans and everybody else in this country, who came together to help the people who have suffered so much. It was very touching seeing an elderly lady who runs a business in Westlands of selling Githeri and tea giving away her food voluntarily and for free, so that she can alleviate the pain and suffering that is going on in the country.

Mr. Speaker, Sir, the other issue I would like to address is that of corruption. Sen. (Prof.) Kindiki or Sen. Wetangula mentioned about the issue of immigration. We have deported known international drug lords from this country and they find their way back through the borders, not porous borders, but through formal immigration routes and they are allowed to come in. This is a very worrying trend because the same routes that are used by the drug barons are the same routes that will be used by known terrorists in the world who find their way to wreck this kind of havoc. It is unfortunate that Sen. Sonko was not able to finish what he was saying because it is possible that some people are known to be terrorists and yet they are harbored in our country. This is for a very simple reason, corruption at different levels either with the relevant officers or even with ordinary Kenyans.

Mr. Speaker, Sir, in certain European countries, if you have a visitor coming to visit you – we think that European countries are not police states – but there are European countries where you cannot have a visitor without registering them with the local police force so that they know who is there and what is happening.

The other issue I would like to address is that of refugees in our country. Kenya is a multi-ethnic country. We have the largest refugee camp in the world at Dadaab. This and other refugee camps in this country could be our problem. Kenya is becoming extremely destabilized because of its location and what is expected of it from the international community. We have done what we ought to do as a community of nations, but time has come when Kenya cannot continue to carry the burden of the world on its back without the rest of the world recognizing or helping out in this very difficult situation. It is time for us to start thinking whether we can continue harboring the refugees in this country when other countries continue not to share the burden of refugees

with us when we know that these are some of the areas through which we find this influx of terrorists in our country. When terrorism rears its very ugly head like it has---

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

**Sen. Kembi-Gitura:** Mr. Speaker, Sir, I beg to support this Motion of Adjournment.

**Sen. Orengo:** I thank you, Mr. Speaker, Sir, for giving me this opportunity. Let me also join my colleagues in expressing and sending messages of condolences to those who may have lost their loved ones or those whose family members were injured during this outrageous terrorist attack.

The most iconic picture that I saw in the media, in relation to this incident, was the picture of a Kenyan soldier with a gun carrying a little baby to safety. That little baby was either of European or Asian origin. It reminded me of the job that our men, who work in the security forces, are doing to keep us safe in the sense that this soldier was not only defending our rights and liberties, but was saving the life of a little baby. It reminded me that even men can have tenderness. In fact, a soldier can be a very tender person. The sight of a soldier in arms carrying a little baby is an image I will carry throughout my life. We owe a lot to these people who secure our lives and liberties.

Mr. Speaker, Sir, there are a lot of things we take for granted. But going through this incident, we need to take account of whether we treat our policemen and soldiers properly; whether they are properly remunerated for the work they do. I hope that one of the things that we will do after this incident is to reconsider the welfare of our men and women in arms. But I know that the Government has made indications that our soldiers' welfare will be looked after.

Mr. Speaker, Sir, this gives us the opportunity to express our national outrage. For one, this incident shows how united Kenya is. When the Leader of the Majority said that probably we differ on things that are not so fundamental or trivial, but so long as those differences are within the constitutional framework and the structures of Government and social engineering as it were, those are things we must do. We must continue to be a vibrant democracy. In fact, behind some of these incidents, there is an attempt to change our way of life. But Kenya should not change its way of life as a thriving democracy prepared to maintain peace and at the same time enjoying our liberties for which our people fought so hard for.

I congratulate His Excellency the President for the measures he has taken together with the Government, and also showing the statesmanship of coming together with the leaders of the opposition. I know sometimes it is not very easy and we may take it for granted. There may be some people behind the state power who probably were not so enthusiastic. You can notice them occasionally, that they were not so enthusiastic. But I was impressed that His Excellency the President forgot about petty political differences. In fact, those who were at State House witnessed an occasion where leaders of the opposition were sitting together with the President. There are those in Government who were not able to get to the inner sanctum of State House. Others in the opposition were able to get into the inner sanctum of State House. This was a demonstration of the type of democracy we are trying to thrive in. My only complaint is that His Excellency, when he was having that little team of people he was talking to, he gave instructions that I should



be called upon to join them, but some bureaucrat somewhere thought that I am not worth being in that office. But I do not really mind about that. There are more important things to think about.

*(Laughter)*

Mr. Speaker, Sir, let me end by saying, let each one of us be our brother's keeper. Thank you.

**Sen. Haji:** Mr. Speaker, Sir, first, I would like to say that these people are devil worshippers. They are not Muslims because Muslims do not allow people to take the lives of others. Killing of children and women is a satanic way of doing things. The international community has branded these people Islamists. They should be called terrorists. That is their brand name.

Mr. Speaker, Sir, as a nation, we are saddened for what has happened at Westgate Mall. We send our condolences to the bereaved families who lost their loved ones. We wish those who were injured and are in hospital quick recovery. On the same breadth, we want to congratulate His Excellency the President and other leaders who have joined together in spite of their political differences in order to deal with this problem as people of one nation. We cannot also forget the international community who have sent their support.

Mr. Speaker, Sir, the 42 million Kenyans deserve praise for the unity they have displayed. Some of them have put their lives at risk by going to the mall to try and help save the hostages. Others donated their blood and money. There are women who prepared meals for our soldiers. All these people deserve to be congratulated. We tell our security forces: "Well done." They have proven themselves, not only this time, but also on many other occasions. It will be sad if we try to apportion blame against our officers who have worked tirelessly to secure this nation. His Excellency the President, in his statement said, the security officers have dealt with many other insecurity issues that would have brought this country on its knees. Therefore, I feel very bad, having been a civil servant, that we should stand here to blame other people. Some Senators should not use this House to insult people. The other day, the Minister for Transport and Infrastructure, Eng. Kamau, was abused here. That is why I stood on a point of order when the name of Mr. Gichangi was mentioned.

Mr. Speaker, Sir, I conclude by saying that this exercise was handled very well and we should congratulate the officers who did this job.

**Sen. Ong'era:** Thank you, Mr. Speaker, Sir, for giving me this opportunity so that I may also pass my message of condolences. I would like to send my message of condolences to those innocent Kenyans who lost their lives in this senseless tragedy. This is a matter that should never have happened in our Republic. The barbaric killers who killed many Kenyans; we are being told that the death toll stands at 62, including foreigners.

Who is behind me? I think there are ghosts in this House!

**An hon. Senator:** Nobody!

(Laughter)

**Sen. Ong'era:** Mr. Speaker, Sir, this is a matter that in the next few weeks we shall be discussing and raising valid questions on the nature of our homeland security. I would also like to pass my thoughts to those who are suffering with injuries in hospital, many who did not expect they would be in that state.

As a member of the opposition, I would also like to thank His Excellency the President, which I rarely do, for inviting us, so that we can stand together as one nation in this trying moment. I commend my leader, the Rt. Hon. Raila Amollo Odinga, for being very magnanimous and for going to State House. As a nation, and as members of the CORD family, we really thank him. But in the days to come, we will be asking serious issues in this House. We will be asking about the role of the National Intelligence Service (NIS) of this country and what role they are playing. Instead of being busy tapping our telephones, they should be monitoring the activities of Kenyans. We will be asking questions about the role of the Police Service. We have been saying that the role of the police should be taken to the counties, so that county governments can be more accountable to this role. These will be issues that are inevitable, even as the Senate Majority Leader protests. There will be issues that we will be laying bare in this House. I support my brother, Sonko, in wanting to lay these issues bare.

Thank you, Mr. Speaker, Sir.

**Sen. Wamatangi:** Mr. Speaker, Sir, in solidarity with the rest of the country, I want to send my message of condolence to the families of those who are bereaved and those injured in this tragedy that has occurred in this country.

Mr. Speaker, Sir, I also want to congratulate all the people of goodwill in this country and the forces of this country, who as one, conducted themselves in the spirit of patriotism to make sure that we defeat the actions of the terrorists.

Mr. Speaker, Sir, when this tragedy occurred, those responsible declared that they had come to revenge, because our forces had gotten involved in international missions, to the rescue of humanity. I wish to declare on behalf of the people of this country that if the intention of the strike or terrorism act was to deter our Kenyan forces from rising to the call of humanity, then this mission failed. Many times when those kinds of actions are conducted, most terrorists want to claim that they do that in the spirit or on behalf of a religious group. The embodiment and image of God is life and love. Any person who shoots children and women at pointblank range can never claim at any one time either to be Godly or represent anything Godly. If anything, those terrorists are not only villains, but their actions are in vain.

Mr. Speaker, Sir, any person at this time, who may want or wish to issue any advisories against any nation at this time, is ill advised. Every single human being is equal and every life is equal in the eyes of God. All of us, at this time, should stand as one people in the entire world and declare our battle and war against humanity without any segregation. This is because all human life is sanctimonious.

Mr. Speaker, Sir, in tune and tandem with the rest of the nation, I wish to support the spirit of the Kenyan people.

**Sen. Khaniri:** Thank you, Mr. Speaker, Sir, for the opportunity.

*(Loud consultations)*

Mr. Speaker, Sir, I need your protection.

**The Speaker** (Hon. Ethuro): Order! Order, Senators! Let us listen to Sen. Khaniri. However, Sen. Khaniri if you are in their situation, you do exactly what they are doing, including shouting to the Speaker his familiar names, as if “George Khaniri” can be any different. You are the same one.

**Sen. Khaniri:** My apologies, Mr. Speaker, Sir.

Mr. Speaker, Sir, I want to thank you for the opportunity and start by saying that it is a very good thing that this House has dedicated the entire afternoon to condole with the families that have been affected by this tragedy.

Mr. Speaker, Sir, from the very outset, on my own behalf, my family and the people of Vihiga County, I want to convey our message of condolence to the families who have lost their loved ones and wish those who were injured and are in hospitals a very speedy recovery.

Mr. Speaker, Sir, as the County of Vihiga, I have confirmed that we have lost five members in this tragedy, which translates to close to 10 per cent of the casualties. We lost a prominent lawyer, Mr. Peter Simani, who until his death was the chairman of the Political Parties Tribunal. We also lost a young girl, Wilkister Mboku, and a young man, Morris Adembetsa. I want to send my condolences to these distinguished residents of Vihiga County.

Mr. Speaker, Sir, we condemn what happened in the strongest terms. This should not have happened to our country in the first place. My brother, Moses Wetangula, told us about the Luhya saying, about the fox and chicken. I will deviate from the Luhya practice and do the two things simultaneously, that is, condemn the fox and blame the chicken. As we thank our forces for what they have done and the Red Cross and those who have come out to help save lives, there are a few questions that are coming to the fore. The first question is what Sen. Sonko brought up here; the issue of our intelligence services. Year in, year out, we vote so much money to this particular arm of the Government. But we are learning that the perpetrators of this heinous act practiced in the very place where they hit, that is, the Westgate. Where were our intelligence services? What were they doing?

Mr. Speaker, Sir, the second issue is the information that is coming out from Westgate. We are getting a lot of contradicting information. The Cabinet Secretary is giving his version, the head of the Kenya Defence Forces (KDF) is giving another version and then, the Deputy President comes in and gives another version. The media is confused because it gives some information and then withdraws it later on. We want to have one source of information when there is a tragedy like this, so that we know that there is one spokesman that the whole country will listen to.

Mr. Speaker, Sir, on the issue of security, Westgate and Westlands is one of the most secure and well-guarded places in our Republic. So, the question is: If this can happen in Westgate, how about the other areas that do not have as much sophisticated

security as Westlands and Westgate? It is saddening and we have to re-look into the whole issue of the security of our country, and ensure that all places of our Republic are well-secured.

Mr. Speaker, Sir, coming back to the issue of information flow, we were told that the first and second floors of Westgate were secured and manned by our security forces. Then, a day later, a fire broke on the First Floor – the Nakumatt. The Nakumatt Supermarket in Westgate is located on first floor of the building. So, if the First Floor of the building was secured and manned by our security forces, then how come we are not getting questions as to how this fire broke out at the Nakumatt Supermarket? These are some of the questions that are disturbing Kenyans. We want to have one source of information, so that we get to know the truth of what is happening in Westgate.

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

**Sen. Wako:** Thank you, Mr. Speaker, Sir, for giving me this opportunity also to join my colleagues in sending my message of condolences to the families of the dead and prayer for quick recovery for those who are hospitalized.

Mr. Speaker, Sir, I want to take this opportunity also to thank the Kenya security forces. These are people who have put their lives on the line. I do not want to repeat what my colleagues have said. But maybe just to say that we really have to look at their welfare in due course, because of the extreme sacrifice that they are taking to protect us and ensure that we have peace and security in this country.

Mr. Speaker, Sir, I wish to commend the President and the entire leadership of this country, the former Prime Minister and hon. Musalia Mudavadi for leading the nation very well at this time of the national tragedy. But most of all, I wish to thank the people of Kenya for what they have done. I do not want to repeat what has been said, but they have shown that there is what we call the Kenyan spirit. One of the things that we have noticed is that whenever we have a tragedy in Kenya, be it after the bomb blast of 1998, this spirit is exhibited. Whenever our athletes do very well out there, this spirit is exhibited and lasts for as long as maybe two or three weeks. Thereafter, we are back to our normal lives. I think that this is a great challenge to we, as leaders, to ensure that we sustain this Kenyan spirit throughout and not just at the time when we have a national tragedy.

Mr. Speaker, Sir, it is true that Kenya has had a number of these attacks, starting with the one at the Norfolk Hotel. Since 2011, there has been an upsurge of grenade and bomb attacks and everything else. Now, we have this coming. The tendency normally is that when we have a national tragedy such as this, there is need for the nation to take audit of what happened, why it happened and why it was not detected in time, because prevention is better than cure. I am sure that at the right time, the Senate should be involved in that audit to find out exactly what happened. Where did our intelligence systems fail? Where did the security systems, even at the Westgate itself, fail? That audit is going to be necessary. Remember that after the 11<sup>th</sup> September strike in New York, it led to an audit. That audit led to the changes in the law, not just in America, but also pressure for the entire world to change its security laws. It came from what had happened there. This is a serious matter and we must have an audit to see what is wrong with our anti-terrorism law. Is there something that we can do to amend our anti-terrorism law, so

that we can meet the future challenges of this nature? I am saying this because I heard somewhere, on BBC or wherever, that the Al Shabaab people have sworn to make Kenya the most unsafe country in the world. This means that we should be living in expectation of many more. What shall we be doing to ensure that they do not succeed the way they have done this time round? Hence, there is need for that audit and review of all the laws, like the anti-terrorism law, immigration law and National Security Intelligence law. All these must be reviewed. All the systems of the procedures in the security forces must also be reviewed, to ensure that whatever mistakes, loopholes or weaknesses that were there, which exposed us to this tragedy, are sealed.

Mr. Speaker, Sir, let me also just mention something that nobody has mentioned, that is, the International Criminal Court (ICC). I opposed the withdrawal of Kenya from the Rome Statute, but there was one paragraph there which called upon the ICC to be more flexible in the trials that are going on at The Hague. I want to take that particular paragraph and call upon the ICC to be slightly more flexible in the conduct of the hearings going on. We are not challenging the hearings. They must go on to the final conclusion, but they must realize that they are now dealing with an elected President and elected Deputy President, who have responsibilities here, particularly at this point in time in history.

Thank you, Mr. Speaker, Sir.

**Sen. Lesuuda:** Thank you very much, Mr. Speaker, Sir. I would like to take this opportunity to also pass my condolence to all the bereaved families and also to wish a quick recovery to Kenyans and other people who are admitted in hospitals and also those who are recovering at home. I would also like to salute all our Kenyan forces; the men in uniform who have shown bravery and courage to protect those people who were at the Westgate Mall.

Let me start by saying that if the terrorists who attacked the Westgate Mall wanted to threaten us, as Kenyans, and put fear in our hearts, I am one among those who have vowed, that as soon as the Westgate Mall or whatever it will be called will be up and running, I will go to that place and I know that there are many other Kenyans who will not be cowed by the terrorists. As a citizen of this country, I want to congratulate all Kenyans for their bravery, love and care that they have shown during this time of distress. It is important for us to know that this actually brought us together regardless of our class, colour, race, tribe and it is something that we saw as a country.

Mr. Speaker, Sir, it is important for us to know that we should not normalize evil but refuse it in the strongest terms. That is what we are doing this afternoon in the Senate. I know that there are hard questions which we will ask later. We will ask the issues which have been talked about by my colleagues, including issues of intelligence and corruption at the highest and the lowest level. That Kshs10 or Kshs20 that we received as bribes could have caused us the lives of those people who died at the Westgate Mall. Do we know our neighbours where we live? We shall be asking those questions later, but for now, we are standing in solidarity with all the families and all the people who have been affected by this tragedy. I hope that in future every life lost in Kenya will count. Whether life is lost in the hands of terrorists or other Kenyans who are criminals, we should value it. This is something I have said for the longest time. I hope what we have seen will be

translated into action. When a life of any citizen or anyone else in this country is lost, it is something that we will take with the seriousness that we showed the other day when the Westgate Mall was attacked.

I also take this opportunity to also congratulate His Excellency the President for the leadership that he showed during this trying moment. It was something that he led from the front and all of us, as citizens, actually followed. I wept when I saw a soldier carrying a child while holding a gun. I wondered what he would have done if he was attacked. It is something that really touched all of us as, Kenyans. Whether you are a Member of Parliament or an ordinary citizen, I must say that this is something that has united us beyond our ethnic, political and class lines. I think it is something that we should continue cherishing as we move forward.

*[The Speaker (Hon. Ethuro) left the Chair]*

*[The Deputy Speaker (Sen. Kembi-Gitura) took the Chair]*

Mr. Deputy Speaker, Sir, as Kenyans, we should not profile any Kenyan; whether Muslim or Christian. We should continue with the same solidarity and unity for a better country. I must tell the terrorists that as Kenyans, we shall not be cowed. As a country we shall continue with our normal business.

I support.

**Sen. Muthama:** Asante sana, Bw. Naibu Spika. Ningependa kuungana na wenzangu kutoa rambi rambi zangu kwa Wakenya waliopoteza maisha yao na hasa taifa nzima. Nimeshangaa sana kuona ya kwamba, vile tunavyozungumzia mambo haya nchi yetu imesimamiwa na Wakenya. Juzi tulishangaa tuliopona mlanguzi wa madawa ya kulevya akipelekwa kwao kule Nigeria na baada ya wiki tatu, huyo mlanguzi alipatikana katika nchi yetu akiwa ametengenezewa makaratasi ya kuingia nchini na Wakenya wenyewe. Jambo lilioko mbele yetu ni kwamba nchi ya Kenya imepigwa na kama wananchi, tunataka kuungana pamoja ili tulinde taifa letu. Ningependa kusema wazi wazi kwamba tunaweza kutofautiana hapa kama wanasiasa lakini akitokea adui, watu wasifikirie kwamba watatugawanya. Hiyo haiwezekani.

Adui amefika kwa nyumba na ni jukumu la Wakenya kuungana pamoja na kumtoa. Hawa maharamia wanatuchukia na taifa letu kwa sababu tumeingia nchi ya Somalia. Hatukuingia nchi ya Somalia kwa sababu tulikaribishwa ama kulikuwa na mali ambayo Kenya ilitaka kuchukua kutoka nchi ya Somalia. Hakuna chochote cha thamani Wakenya wanaweza kuchukua kutoka nchi ya Somalia. Lakini wao wameingia ndani ya nyumba yetu na kuanza kuchukua watoto wetu. Walianza kuchukua wageni hapa nchini na kuwapeleka kwao. Ilikuwa ni kawaida ya taifa nzima kumfuata yule adui na kumfunza adabu. Kwa hivyo, kama wanafikiri watakuja kutochokoza ili watuumize, inafaa wafahamu kwamba, taifa hili liliungana kumuondoa mkoloni na tutaungana kabisa ili tuhakikishe ya kwamba amani ya nchi hii imelindwa.

Bw. Naibu Spika, tukiongea haya maneno yote, ni aibu kusikia kwamba eti vitambulisho vyetu vinauzwa na Idara ya Uhamiaji kwa Kshs200. Hakuna Msomali wa Kenya anayeweza kupata kitambulisho katika taifa letu bila kuulizwa babu yake alikufa

akiwa na meno mangapi lakini Wasomali wanaotoka nje, wanapewa vitambulisho bila kuulizwa maswali. Wale wahuni wanataka kutugawanya kwa misingi ya dini. Ninakubaliana na Sen. Haji kwamba hakuna Mwislamu – vile ninavyowafahamu – ambaye anaweza kukubali mtu mwingine ateseke. Kurani na Biblia ni kitu kimoja ila tofauti ni kidogo sana. Tunavyoamini kama Wakristo ndivyo Waislamu wanavyoamini. Kwa hivyo, wale wanaotaka kuleta siasa kwamba watu walikuwa wanaulizwa kama ni Waislamu au Wakristo, Wahindi ama wakosa dini, si ukweli. Watu waliuwawa na hakuna vile mtoto wa miaka miwili, kwa mfano, angeulizwa dini yake. Wale wanaoongea mambo hayo wanatuhuzunisha na nia yao ni kutugonganisha.

Vile Sen. Mbuvi amesema hapa – na ninarudia – hakuna kitengo ambacho hakisimamiwi na Mkenya. Kwa hivyo, kama idara ya kuchunguza na kufahamu ni nani anayeingia na kutoka nchini amelala, ni jukumu la Wakenya kumwondoa na kuweka Mkenya mwingine kufanya kazi hiyo. Sisi hatuwezi kuhatarisha maisha ya watu ovyo ovyo. Unawezaji kuwa nahodha wa meli na inazama na ukose kuulizwa kazi yako ni nini? Kama hutaki kuulizwa, usiwe nahodha wa hiyo meli. Inafaa ukae kando ili iendeshwe na mwingine halafu ikizama, yeye aulizwe. Watu 15 ambao wamejihami wakiingia katika *shopping mall*, hili ni jeshi zima.

Bw. Naibu Spika, Alhamisi iliyopita, kule Mathare kulikuwa na mlipuko na watu wakafa. Tunajua vile mambo yalivyo kule Mandera. Je kule Mandera ni Wakristo au ni Waislamu walio wengi. Na wale wanaouwawa ni akina nani? Mbunge wa Kitui Kaskazini amezungumza na kusema kwamba, pale katika hifadhi ya wanyama kuna watu zaidi ya 5, 000 ambao wanaishi hapo na hawajulikani wanakotoka. Kwa nini mpaka leo Serikali haijashughulika kujua hao ni watu gani?

Ninaudhika sana, na ninasimama kama Mkenya.

**Sen. Moi:** Mr. Deputy Speaker, Sir, let me take this opportunity from this esteemed House to pass my condolences to those who lost their lives, those who were injured and those who were emotionally scared by what happened on Saturday. I want to agree with Sen. Haji that those who perpetrated this heinous crime or diabolical act are not Muslims and are not human. They are not even people. To me, they cannot be called members of humanity. They are basically beasts.

On Sunday, I went to the MP Shah Hospital and I want to commend the doctors, the nurses, the clinical officers and every person who volunteered to help fellow Kenyans. The spirit of Kenyans was alive after the terrorists attack on Saturday up to today. It is huge and massive. I would like to say, thank you to all Kenyans in the way you have displayed unity up to today. I urge them to continue with this unity. I know the blame game for the postmortem will happen afterwards and we will have an opportunity then to ventilate. But for now, I plead that we all stay united. Let us show that our resolve cannot be broken as Kenyans.

Mr. Deputy Speaker, Sir, I would also like to thank leaders of the neighbouring countries and all the leaders of the world who have shown solidarity with Kenyans at this particular time. They include the President of the United States of America, the Prime Minister of the United Kingdom, the Presidents of Uganda, Rwanda, Tanzania, South Africa and all the leaders. I would like to thank them for being with us at this particular

painful time in the history of our country. We should take very seriously what Sen. Mbuvi has said and act upon what he will divulge to this House.

With those few words, I would like to end by saying *poleni*

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, like those who have spoken before me, I would also like to send my heartfelt condolences to the families of those who lost their lives and those who are still in the hospital with injuries.

The matter we are discussing now brings to my mind one question; what is being human? Being human does not mean being rich or coming from this or that kind of society or the profession you are in. Being human means your conscience. Therefore, if the terrorists do not have the conscience of asking themselves of what use or benefit is it to me when I see a little girl, as was seen on the footage, a girl of four years and all her parents were gone. She was running on her own screaming and a man was trying to hold her. That is called conscience. If indeed we are also custodians of the same conscience that I am talking about and we are privileged to be in this Senate, then there is something else we must offer beyond just conscience. We must provide leadership. Providing leadership does not mean coming here. It means having a leading mind. Maybe, if the late Michuki was alive and he had been given opportunity to be the one in charge, he would have come out with a different way forward. You all remember that when some youths in the name of Mungiki assembled in Mathare and started visiting mayhem on Nairobians, Michuki went to Mathare. This is the time for all of us, Kenyan Luhyas, Luos, Somalis and all to ask the Government to bite the bullet and go into the cells of Al Shabaab in Kenya. The cells of Al Shabaab in Kenya are in Eastleigh. The Government must carry out a serious operation in Eastleigh. I want to ask all leaders from the Somali extraction in this country to support the Government on this one because the Somalis of Somalia take camouflage there. Why all of a sudden? We have lived in this city for many years from the days we were in high school and in the university. We know that Eastleigh used to be a Cosmopolitan area. We are saying that an operation must be carried out---

**Sen. Abdirahman:** On a point of order, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, Sen. (Dr.) Khalwale, there is a point of order.

**Sen. Abdirahman:** On a point of order, Mr. Deputy Speaker, Sir. You have heard Sen. (Dr.) Khalwale saying that Eastleigh is the den or home to terrorists, if I heard him right. Listening to a number of Senators, the latest incident being the one in Westgate Mall, Sen. Sonko just told us that people were being housed in Westlands and Parklands. Is the hon. Member in order to apportion blame on particular sections?

*(Loud consultations)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, hon. Members! Everybody would have a chance to be heard.

**Sen. Abdirahman:** We agreed that we are not going to apportion blame today.

*(Loud consultations)*



Let me finish. I have a right to speak my mind. I am a Kenyan and I am determined to have some of these things sorted out but would not want people to cast aspersions at this stage. Is the hon. Member in order to cast aspersions on particular sections of Kenyans or particular sections of Nairobi area at this stage?

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, indeed with all due respect to the hon. Senator, he heard me very well. I talked about going to areas where we have the cells of Al Shabaab. If Sen. Sonko gave Westlands as one of the cells, I have given another example.

Mr. Deputy Speaker, Sir, the next thing I want to speak to is the issue of---

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, Sen. (Dr.) Khalwale. What is the point of order, Sen. Billow?

**Sen. Billow:** On a point of order, Mr. Deputy Speaker, Sir. I think all the hon. Senators who spoke earlier made it very clear that the intelligence of this country did not provide information. We want to know from the hon. Senator whether he is in order to say that the people who carried out that attack in Westgate Mall are indeed from Eastleigh. If he has evidence, could he provide it because you cannot condemn a whole town in which there is an entire community living? You cannot cast aspersions on a whole community in Eastleigh. If you have evidence, you give it to the Government but you cannot come here and try to grand stand.

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, I am not clear what is out of order. What I know is in order, is my speech. Just like Sen. Sonko, I gave an example of an area where we have cells of Al Shabaab.

As I continue, the second way forward is for us to take this seriously by forming a commission of inquiry that should go down into what took place so that it does not take place again. This inquiry will then come to live---

**Sen. Bule:** On a point of order, Mr. Deputy Speaker, Sir.

**Sen. (Dr.) Khalwale:** Please mind about time.

**The Deputy Speaker** (Sen. Kembi-Gitura): You can hold Sen. (Dr.) Khalwale's time.

**Sen. Bule:** Kwa Hoja ya nidhamu, Bw. Naibu Spika. Kwa kweli mazungumzo mengine huwa yanaleta utata na uchochezi mahali kama hapa. Wakati huu Wakenya tunaungana na kutafuta mahali ambapo kuna ubaya. Tunataka kusuluhisha mabaya lakini hatutaki kuleta makuu hapa Kenya. Ikiwa Seneta anataja sehemu fulani ama jamii fulani, ataleta utata na uchokozi. Kwa hivyo, anataka kuleta vurugu hapa Kenya na hiyo sio sawa. Kwa hivyo ni lazima aombe msamaha---

**Sen. Mbuvi:** On a point of order, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): Just a minute, Sen. Sonko. Sen. Bule is on a point of order but I want you to tell me what your point of order is.

**Sen. Bule:** Kama kuna mahali popote anajua kwamba kuna watu---

**The Deputy Speaker** (Sen. Kembi-Gitura): What is your point of order?

**Sen. Bule:** Nasema kwamba Sen. (Dkt.) Khalwale, awache uchochezi.

**The Deputy Speaker** (Sen. Kembi-Gitura): I will give you a chance in your own right but what is your point of order right now?

**Sen. Bule:** Nasema kwamba anachochea na awache kufanya hivyo.

**The Deputy Speaker** (Sen. Kembi-Gitura): What do you want him to stop doing?

**Sen. Bule:** Nasema kwamba akitaja sehemu fulani kwamba kuna Al Shabaab na anajua majina basi ataje ni akina nani. Kama ni Sen. Bule, aseme hivyo na kama ni Sen. Haji pia aseme hivyo.

**The Deputy Speaker** (Sen. Kembi-Gitura): That is not a point of order.

**Sen. Bule:** Kwa hivyo akome.

**Sen. Mbuvi**

: On a point of order, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Sonko, you must appreciate what the Speaker said earlier. The more you interrupt debate, the more people will go without contributing this afternoon.

**Sen. Mbuvi:** On a point of order, Mr. Deputy Speaker, Sir. My colleagues have mentioned about Eastleigh which is within my county and they have also mentioned me. I want to clarify that I mentioned Westlands and Parklands.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Sonko, are you on a point of order or clarifying something?

**Sen. Mbuvi:** I am clarifying what they have just debated on.

**The Deputy Speaker** (Sen. Kembi-Gitura): Raise a point of order, if you have one.

**Sen. Mbuvi:** Mr. Deputy Speaker, Sir, since Eastleigh is part of my county, we want Sen. (Dr.) Khalwale to clarify why he is mentioning that these guys are in Eastleigh. We want evidence from him and if he has any then, he should give it to the police. For instance, in my case, I mentioned Westlands because there is a woman who confided to me this sensitive information and I shared with the police and intelligence officers. She confided to me that the terrorists are residing in Westlands and Parklands and they are going to bomb Westgate and Village Market.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Sonko, you had already said that.

Sen. (Dr.) Khalwale, I am holding your time but several issues have been raised. Do you want to clarify anything or respond to those points of order? How do you want me to go about this situation?

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, I did not see anything out of order but so that nobody thinks that there is malice in me, may I prick their conscience by saying that our colleague in the last Parliament, hon. Hassan, is today in the wheelchair. He was blown up in Eastleigh. The highest number of such incidences has taken place in Eastleigh. Eastleigh is as much as Kenya as Kakamega or Mombasa and this, we shall defend whether some people like it or not. I speak for the weak who cannot enjoy the securities you, people, have, the ones who rely on our word and courage to make sure that they are protected.

Mr. Deputy Speaker, Sir, I was speaking to the point---

**The Deputy Speaker** (Sen. Kembi-Gitura): Time is up, Sen. (Dr.) Khalwale.

**Sen. Chelule:** Asante sana, Bw. Naibu Spika, kwa kunipa nafasi hii. Ningependa kuunga mkono wale ambao wameongea mbeleni na kurudisha pole kwa wale wote

waliopoteza jamaa zao na wale waliopata majeraha n wamelazwa katika hospitali mbali mbali. Ninawaomba wapone haraka. Ningependa kuwashukuru viongozi wa nchi yetu ya Kenya. Jana, nilifurahi sana nilipowaona wamesimama pamoja bila kujali vyama, kabila au rangi. Walikuja pamoja kama viongozi wa Kenya na kushtumu mambo ambayo yalikuwa yamefanyika nchini Kenya.

Bw. Naibu Spika, ningependa kuongezea neno moja tu. Wananchi wa Kenya tunategemea ulinzi bora kutoka kwa Mwenyezi Mungu na ningependa kama inawezekana sisi viongozi na wananchi wote tuje pamoja kuomba nchi yetu na tuombe Mungu atulinde kwa sababu kuna shida. Tuliona vile wananchi wote, haswa, akina mama na watoto wakiumia jana. Hii inahitaji mkono wa Mungu. Kwa hivyo ningependa kusema kwamba tungetenga siku moja kama viongozi ili tuungane pamoja na kutoa msimamo mmoja kama viongozi wa Kenya na kuomba Mwenyezi Mungu.

**Sen. (Prof.) Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, I would like to join my colleagues in expressing my condolences on behalf of myself and the people of Kisumu County.

*(Loud consultations)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Order Senators!

*(Sen. Bule walked in the Chamber)*

Order, Sen. Bule! Do you understand that the Standing Orders do not allow you to walk around when hon. Senators are contributing?

Let us show some decorum in the House.

**Sen. (Prof.) Anyang'-Nyong'o:** Let me draw the attention of the House that one of us in this House lost a relative. Sen. Mugo lost a nephew in this terrible incidence. Amb. Catherine Muigai Mwangi is a sister to Sen. Mugo and a family friend. In fact, Amb. Catherine, we call her Ciru, was my student at the University of Nairobi and extremely a good student. Subsequently she became an ambassador to Ireland and has served in a very distinguished capacity. We lost two ambassadors. Apart from Ciru's son, we also lost another ambassador, Amb. (Prof.) Kofi Awonoor of Ghana. He is a distinguished African scholar and diplomat who served in the United States of America (USA) as Ghana's Permanent Representative to the United Nations (UN) between 1990 and 1994, when Amb. Ibrahim Gambari of Nigeria, a former Minister for Foreign Affairs in Nigeria was also a Permanent Representative of Nigeria to the UN. I knew both. Amb. Gambari is still alive but we have lost Prof. Awonoor.

Mr. Deputy Speaker, I just want to quote from a poem that Prof. Awonoor wrote which is very reminiscent of what has happened. In fact, I would like to appeal to the Kenyan nation that this incidence should be immortalized by erecting a memorial somewhere opposite Westgate. There is a park there that can be used for the wreath. So all images we are seeing should be kept there so that we can remember this dastardly act. More importantly, I appeal that the poem by Kofi Awoonor, *The Cathedral*, be inscribed in that bowl. This poem was very prophetic. It says;

On this dirty patch  
a tree once stood  
shedding incense on the infant corn:  
Its boughs stretched across a heaven  
brightened by the last fires of a tribe.  
They sent surveyors and builders  
who cut that tree  
planting in its place  
a huge senseless cathedral of doom.

If you saw the smoke billowing out of the Westgate Mall yesterday, you got a feeling that if, indeed, Westgate was being burnt down, we would, subsequently, see a huge senseless cathedral of doom.

We do not want this nation to be turned into a huge senseless cathedral of doom. We want this nation to stand up as a nation of hope, inspiration and of men and women who have faith in their future. Indeed, we have lost such a distinguished poet and diplomat. One of his most memorable book was written in 1971 called *This Earth my Brother*. He wrote this book while teaching in the States. Indeed, it captures the crises of the human race. As some of us have said today, we may be seeing human beings without consciousness who can take guns and kill babies. That is someone who has lost conscious of a human being. My brothers and sisters, this earth must not be left to men and women without conscious to drive us towards a huge senseless cathedral doom. We need to seize our destinies in our hands, defend the human race and look after God's creation. This is because God knew that he had created man and woman in His own image. Therefore, man and woman should not betray that image by losing the conscious of being human.

Mr. Deputy Speaker, Sir, it is this conscious of human that I believe, we, as a nation, will use to defeat terror.

I beg to support.

**Sen. Kagwe:** Thank you very much, Mr. Deputy Speaker, Sir for giving me this chance to echo, like my colleagues, my condolences to the families of those who have passed away. Sen. (Prof.) Anyang'-Nyong'o has mentioned a common friend of ours, a person who was with us in college, whose son died in this terrorism act. The young man who had introduced me to his fiancé and she also died in the same attack.

Terrorism has shown that it will stop at nothing to make us victims of itself. Part of the reason a person can become as inhuman as we have seen is because he has certain believes that if he die while killing other people, he will then go to some uplifted heaven. Today, most of the terrorists sit on the right and left side of Satan. There is no heaven that anyone who has done this kind of act can possibly be going to.

We must also appreciate that nobody should expect defending our nation against terrorism to be easy. These people will not stop because evil is here with us, all over the world. You heard the same people on *Al Jazeera* saying that terrorism in Kenya will continue. Therefore, we must rededicate ourselves to support our troops, our police and all vigilance we can gather. We must also put extra resources to our intelligence and police service. We must appreciate that the battle we are seeing today is not a battle between Kenya and terrorism, but it is a war between terrorism and peaceful and

democratic peoples all over the world. This is not just Kenya. The people who died do not only belong to this nation. Let us appreciate that terrorism is no longer what it used to be.

The face of is not an Eastleigh face. It is not even a Kenyan face. The face of terrorism is now international. We are told that some of the terrorists who killed our people are ladies. These ladies are not from Kenya. Where is the world going when we cannot trust women to look after children? They are the ones killing them. Let us not assign blame where it does not belong. Let us open our minds and realise that we are facing an animal we have not faced in the past. Desperate situations call for desperate measures. The measures we take should not appear as if we are compromising anybody.

There are human rights activists who will now start telling us to treat these people as human beings. However, you cannot treat someone who is not a human being in the same manner that you treat a human being. So, there is no matter of human rights here. Those people are not human. How can they have rights that belong to human beings? We must firmly deal with them. We must not deal with them only at the mall or at the county they come from, but up to the nation that they come from.

**Sen. Chiaba:** Asante Bw. Naibu Spika, kwa kunipa nafasi hii. Nakushukuru kwa sababu umeniona. Nimekuwa nikisimama mara nyingi lakini macho yako hayakuniona. Nakushukuru sana kwa kuniona ili niweze kuungana na wenzangu kutoa hisia zangu juu ya Hoja hii.

Naishukuru Seneti kwa kutenga kipindi hiki cha aduhuri ili kuzungumzia mambo muhimu yaliyotokea katika nchi yetu siku tatu zilizopita. Yale yaliyotokea ni mambo ya kulaaniwa na kila binadamu. Watu wote wanakilaani kitendo hicho kilichofanyika kule Westgate Mall bila kujali kama mtu ni Muislamu, Mkristu, Budhist au wa dnini ile nyinge yoyote. Wale waliyotenda kitendo hicho si Waislamu. Mimi kama Muislamu nimesoma dini kwa zaidi ya miaka 30. Bado sijahitimu katika masuala ya kidini lakini sijaona mahali ambapo magaidi wanatambulika. Hakuna nafasi ya magaidi kutambuliwa na Mwenyezi Mungu.

Ninajua na nina imani kwamba Bibilia haitambui ugaidi wala kitendo cha ugaidi. Kitendo kilichofanyika juzi katika Jumba la Westgate kimesababisha vifo vya Waislamu, Wakristu, Wahindi na wasiokuwa na dini. Jirani yangu mita kumi kutoka kwangu ni Muhindi. Yeye hana dini lakini nilienda kumpa pole kwa sababu mtoto wake ambaye alikuwa aolewe karibuni alifariki katika mkasa huo wa Westgate Mall.

Nilienda kumzika Msomali ambaye ni Muislamu katika Makaburi ya Langata. Yeye pia aliuwao katika mkasa huo. Pia Wakristu waliathirika sana katika mkasa huu. Ningependa watu ambao wanajua kuhusu dini zote waniambie kama dini ya magaidi ni ya Kiislamu, Kikristu au dini ile yoyote. Hawa magaidi hawana dini yao wala hawatambuliwi na dini yoyote. Kwa hivyo, magaidi wanapofanya kitendo kibaya huwa hawajaelekezwa na Mwenyezi Mungu. Mimi ninaamini ya kwamba badala ya magaidi kwenda peponi, watakwenda motoni. Yafaa sisi sote tusimame imara kulinda nchi yetu na dunia nzima. Hatuna uhakika lakini tunaambiwa magaidi hawa wametoka Amerika, Canada na Uingereza. Kuna uwezekano kwamba kati ya magaidi hawa kuna Waislamu na Wakristu. Magaidi hawana nafasi katika dini yoyote.

Nimesoma aya ya Kurani ambapo Mwenyezi Mungu anasema:

“Hakuna mtu yeyote aliye na haki ya kutoa roho ya binadamu isipokuwa Mwenyezi Mungu.”

Naamini ya kwamba pia Bibilia inasema hivyo. Pia Uislamu unafunza hivyo. Wanaoanzisha uchochezi baini ya dini mbalimbali ni watu ambao hawana nia ya kuumaliza ugaidi duniani. Tusimame sote imara dhidi ya ugaidi.

Bw. Naibu Spika, tunawapongeza vingozi wetu wa kitaifa ambao wamesimama imara kuonyesha dunia mzima kwamba Kenya iko tayari kuwamaliza magaidi wakiwa ni wa hapa au wa kutoka nje ya nchi.

*(Several hon. Senators stood up in their places)*

**The Deputy Speaker** (Sen. Kembi-Gitura): His turn is not over!

**Sen. Chiaba:** Bw. Naibu Spika, naomba tuwe imara na tusimame na majeshi yetu wapopambana na ugaidi hapa nyumbani na hata nje. Wale ambo wameenda katika jumba hili hatujui kama wamafariki, lakini tunajua wamejitolea mhanga kufanya kazi ambayo ni ya umuhimu kwetu sisi sote.

Kwa hayo machache, ninaunga mkono.

**Sen. Kittony:** Thank you, Mr. Deputy Speaker, Sir. I also join the rest of my colleagues in sending my heartfelt condolences to the bereaved families, those who are in hospital and those who are traumatized.

It was a sad and dark weekend for Kenya. I am equally affected because my niece was there. However, by the grace of God, she was saved. She is still going through serious trauma.

Terrorism is ugly and bad. We have not seen anywhere in the world where children and women are killed. I speak as a mother. Let women go through the pain of childbirth, but not the pain of terrorism through the killings of innocent people. What has happened to this country is, indeed, very sad. I condemn it in the strongest manner possible. This should not happen to a country like ours.

Mr. Deputy Speaker, Sir, I would like to commend many Kenyans. On Sunday, I went to the Westgate and Visa Oshwal Centre. Many Kenyans came out to volunteer their services. Women from the Asian community were at hand to feed the doctors who came out to give services. This is commendable.

Mr. Deputy Speaker, Sir, I want to echo one thing which I saw in the media; that this is one country and one people. Indeed, this problem has brought us together as one. This is how we would like it to be in this country. It is only unfortunate that we tend to forget. When things happen to us, we put into place strict security measures, but it is short-lived. I am even very concerned here in this Kenyatta International Convention Centre (KICC) Building. I would like to appeal that the security in this building be intensified because it is a target. Therefore, the security officers should not relax. Sometimes you find people in your office and do not even know how they came there because there is nobody who checks them. Therefore, security should be intensified.

Mr. Deputy Speaker, Sir, I would like to join my colleagues in saying that our forces tried. But why should they have to wait until it is late? Sen. Sonko cautioned them, but no action was taken. The people who were eating at the Artcaffe on Friday saw

people going up and down. This was reported, but no action was taken. Why do we have to wait until we lose people in this manner? As I join the rest in mourning the innocent Kenyans, I think that we need to be very alert as a country.

Mr. Deputy Speaker, Sir, I would like to echo the leadership of Jubilee, led by the President and his team for uniting us. But I would like to see the unity live longer. We should not behave as if all is normal when things happen. We also need to intensify our security and be alert.

Thank you, Mr. Deputy Speaker, Sir.

**Sen. Billow:** Mr. Deputy Speaker, Sir, I want to join my colleagues in, first and foremost, condemning in the strongest possible terms what has happened in this country in the last few days. At the same time, I want to also condole with the families of all those who lost their families and all those who are in hospitals, including the President himself who lost his nephew and other relatives.

Mr. Deputy Speaker, Sir, I also want to take this opportunity to thank all the Kenyans, like all my colleagues have done, for their solidarity, unity and brotherliness that has been shown. I also commend the cohesiveness, not just among the politicians, but particularly amongst the Kenyans in general. In the last few days, we have seen and witnessed, both in terms of standing with those who have been affected and coming out in their own small way to contribute money, donate blood and do whatever is possible to try and participate and stand up together with the rest of the Kenyans. That action is commendable. We also thank the President for his leadership in this matter and bringing together both sides of the leadership---

*(A mobile phone rang)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Hold on a minute, Senator. There is somebody with a phone ringing in the House. I think that, that is the highest disregard for this House to have your phone ringing and even taking a call. That is the greatest dishonour and disregard that you can have for this House. I am not going to tolerate it as long as I am sitting here. I think that in respect, it is important that you should, at least, put your phone on silent mode and then take your calls afterwards or stay outside. Do not sit here and receive your calls. I think that it is not proper or acceptable. I did not mention any Senator, but I am saying this for the record.

**Sen. Kajwang:** On a point of order, Mr. Deputy Speaker, Sir. I am one of the culprits and I want to take that advice with a lot of remorse. I was outside and thought that I had put it off, but I am surprised that it came on. I was not taking it, but actually busy trying to put it off. I am very sorry about it, but I did not receive it.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you, Sen. Kajwang. I did not mention anybody, but of course, every Member sitting here, has had on more two occasions a phone ringing. I appreciate that you have said it and shown remorse on that call. Those are basic House rules that we must set and respect.

You can go on, Sen. Billow!

**Sen. Billow:** Thank you, Mr. Deputy Speaker, Sir. It is human nature that in adversity, people come and stand together. It is also human nature that when there is

adversity people like finding faults and blames. So, it is not surprising that we are blaming the security forces. But, personally, I think that they have done a wonderful job. As the President said, one of the important things to note is the many other opportunities for violence that the security forces have been able to avoid. We have been told this. Only last year, we were informed that there was an attempt by terrorists to attack the National Assembly. In fact, we were told that had it not been for the lack of quorum, they would have gone ahead with it. Some of the actions taken by the security forces are commendable. However, I agree with other Members that maybe, at the end of all this, it is important also to question some of the issues that they have raised.

Mr. Deputy Speaker, Sir, what has happened now is a heinous crime. Terrorism is a crime against humanity. There is no doubt about it; we all condemn it in the strongest terms possible. What happened is barbaric. You cannot justify the killing of innocent women and children, for whatever cause. I do not think that any cause justifies. In fact, you lose the cause if you try to justify your action or problems by killing other innocent men, women and children. So, it cannot be dealt on the blood of innocent people.

Mr. Deputy Speaker, Sir, I think that the discrimination that we also saw at Westgate Mall by the terrorists, trying to identify who is a Muslim and who is not, was also criminal. It was a despicable and mischievous attempt to try and divide the people in this country. It is very good that Kenyans have said that we cannot be divided on religious terms. You cannot say that you are fighting for Islam when, in fact, everyday you are blowing people in Somalia, Kenya and Ethiopia. Everywhere else you are causing violence and then, say that you are a Muslim. As you all know, Islam stands for peace and does not condone violence.

Mr. Deputy Speaker, Sir, the challenge in this country is corruption. It is very difficult for a Somali or Arab businessman, for example, who want to come and invest to come through the airport. But it is the easiest thing for the terrorists, who can pay Kshs1,000, to walk into this country from any side, including the border, airport or ports. That is challenge that we have. This is why the question of identity cards is being raised. My son and daughter are born in this town, but it took my son three years to get an identity card. When my daughter finished school, they issued identity cards to everyone in that school, but declined to issue her with one. I have called the Immigration officers more than three times to give her an identity card. But anyone who comes with Kshs500 or Kshs1,000 get it. This is the challenge that we have. We can only fight terrorism through intelligence. I think that is something that we need to do.

Thank you, Mr. Deputy Speaker, Sir.

**Sen. Sang:** Thank you, Mr. Deputy Speaker, Sir. I want to take this opportunity to join my colleagues in passing my personal message of condolence to the affected families.

Mr. Deputy Speaker, Sir, we, as a country, need to take seriously the issues that arose after the attack on Westgate Mall. This has taken us back to square one. We need to look at the fight against terrorism in this country. How do we ensure that our people in this country are secure? We need to look at opportunities of even getting our security forces organized for purposes of responding to some of these challenges when they occur. We should not continue joking around with the security of the Kenyan people. We must



be able to ask ourselves: What does the life of one Kenyan count for? How do we value the lives of the many Kenyans that we have lost in this country? So, it is important for us, as a legislature, to review the legislation that touches on security in this country.

Mr. Deputy Speaker, Sir, this may not be the right time to point out a number of those challenges that we face within the security sector, but it is important that we make deliberate steps in this House. We should task even the relevant Committees to look at the various security legislations that exist in this country and identify the gaps, so that we do not witness Kenyans losing lives beyond this Westgate Mall case. We should not lose the opportunity to thank the very gallant forces of this country that responded professionally to the attack. We may have lost a lot of lives. But if you look at the magnitude and organized nature of the attack, most likely if we did not have a professional force, we would have lost more than even 1,000 lives. It is very important that we are able to encourage our forces. We saw the Inspector General of Police, Chief of Defence Forces and the Cabinet Secretary for Interior and Coordination of National Government spending almost three or four days in there and giving us updates. We may not believe some of those updates or point out some of the lapses, but we must appreciate that they did their job.

Mr. Deputy Speaker, Sir, I want to appreciate the media in the way they covered the incident, save for one case in one of the newspapers on Sunday. All the other media houses attempted to give a balanced reporting to this incident. We must appreciate them and ask the others to follow suit. More importantly, we need to appreciate the political leadership in this country. Seeing the President and the former Prime Minister addressing the nation at State House was quite reassuring. I saw one of the tweets in the social media today indicating that, that was the right way to go. Somebody was asking whether we appreciate the terrorists because they gave us and the political leadership in this country an opportunity to come together. I do not think that we need to wait for such kind of a tragedy for us to engage as leaders from both sides. We need to appreciate the political leadership for doing this.

Mr. Deputy Speaker, Sir, I want to finalize by appreciating the gesture that was extended to this country by the International Criminal Court (ICC), in allowing the Deputy President to come back home and mourn with Kenyans. I think that was a respectful move. We know that His Excellency the President lost a nephew. In that state of mind, he needs the principal assistant to help him in dealing with this crisis. Therefore, we appreciate the ICC. Of course, we will be asking them to consider, now that we have seen this challenge, that they extend the same gesture---

**The Deputy Speaker** (Sen. Kembi-Gitura): Your time is up!

**Sen. Sang:** Thank you, Mr. Deputy Speaker, Sir.

**Sen. Murungi:** Thank you, Mr. Deputy Speaker, Sir. On behalf of Meru County, allow me to join my colleagues in sending my very deep and sincere condolences to all those Kenyans who have lost their children, parents, relatives and friends in this very ugly incident. I think it is Sen. (Prof.) Anyang'-Nyong'o in his characteristic manner who has described this, quoting the other poet, a huge senseless cathedral of doom.

Indeed, it is. However, I think we need to go beyond description. We need to understand the mind of the terrorists. We need to understand the terrorist theory and

practice. There is nowhere in this world where terrorists target combatants. They cannot go to fight with the army, the police or what have you. Terrorists always target what I call soft targets; children and women. So, what has happened at Westgate Mall is a typical terrorist situation where they go for soft targets. The whole idea of a terrorist is not even to overthrow a government. They have no capacity to overthrow a government. What they do is to spread fear and paralysis in society. In fact, they are considered as mosquitoes. Mosquitoes cannot take over a house, but they can make so much noise in the house that you do not sleep. So, the terrorists in Kenya cannot be stopped at Westgate. They will continue disturbing Kenyans and looking for soft targets because the idea is to spread the psychology of terror and make people fear. I am so happy that Kenyans have come out boldly to say that they are not scared, because that is the only way to defeat terrorism.

Mr. Deputy Speaker, Sir, the media has been praised, but indeed, terrorists rely on the media to spread fear in society. The way the Kenyan media has behaved, they have actually assisted the terrorists because people who were in other places with continuous play of Westgate, some could not leave their houses. In future, we should look at the law of the media because they are likely to spread more fear and advance terrorist objectives. Because this is not going to be the last one, we should be prepared as a country how to deal with the terrorists. One of the things we should do, especially where those soft targets are, is to intensify our security.

Getting people with *rungus* to guard our malls and schools, who does not know that there is no security there? We should do what Uganda has done. We should identify a company, for example, G4S or whichever and arm them. There are many retired soldiers here without any work. We should create a specialized security company which can handle armed people and post them around.

Mr. Deputy Speaker, Sir, secondly, we have an anti-terrorism unit in this country which is seriously underfunded. It is high time we allocated it sufficient budget, so that we can equip ourselves to deal with future cases of terrorism. I do not think they are going to stop with the Westgate case because they are very angry with what the Kenya Defence Forces (KDF) did in Somalia.

With those few remarks, I want to support.

**Sen. G.G. Kariuki:** Thank you, Mr. Deputy Speaker, Sir. I want to make a very short statement about this matter. First of all, I would like to pass my condolences like everybody else has done to the families of those who have departed. Having said that, we have to accept that international terrorism is here to stay. Let us not beat about the bush about it.

*[The Deputy Speaker (Sen. Kembi-Gitura) left the Chair]*

*[The Temporary Speaker (Sen. Ongoro) took the Chair]*

This is not just a Kenyan war, but it is an international war created by those who have reason to do so. Sometimes I get surprised when I hear somebody saying that the terrorists do not know what they are doing. Again, terrorists are not human. Those who

are familiar with international terrorism, they must accept that terrorists are agents of some powers. That is why we say that a terrorist is a freedom fighter for a certain group of people in this world. Since we are not going to deal with it the way we want, we must start from why and how we can deal with this matter.

Madam Temporary Speaker, first of all, we must accept that we do not have any power to stop terrorists from striking anywhere in this world. We are in a new era which we were not so much involved, although terrorism is not just the one that happened on Saturday, it started in 1982 when they bombed the Norfolk Hotel. So, it is important for this Senate to note that unless Kenyans themselves behave like the Israelis and other nations which have really proved strong against terrorism, we are still going to be moaning almost every now and then. We have to decide what we want to do with terrorism. It is not a matter of laying blame to any group of people because terrorism does not give notice where to strike. They do not strike to win any war, but to achieve a certain objective.

It is alleged that the armed terrorists at the Westgate Mall were about 10 or 15 persons. We must know that these people are serving a certain course. When you say that they are inhuman, I think you are below their understanding because they have their objective and they know what they are doing. Therefore, we must make sure that whatever they want to achieve will not be achieved in Kenya. Kenya should not be a breeding ground for terrorism. So, we have to give up quite a number of our values to be able to deal with them. Here you cannot just say that this is an issue about people from a certain religion. The Somalis do not belong to terrorism; they are Kenyans. We can only support each other to be able to fight terrorism.

Madam Temporary Speaker, I want to support those who said that it is only in Kenya where a foreigner can just walk in get registration documents because of our own customs and traditions and also our culture. Our culture is nothing, but corruption. I have said this even in the print. I have written a book. It gives me a lot of worry when I look at it as an afterthought because all our children have been trained to think that we must be corrupt in order to become a person of reputable standard.

**Sen. Hassan:** Thank you, Madam Temporary Speaker, for this opportunity. Like all those who have spoken before me, on behalf of Mombasa County and, in fact, on my own behalf and that of my family, I want to send my sincere condolences to all the bereaved families and those who have sustained injuries. I also want to commend the actions of our security forces which are ongoing in terms of reclamation of the Westgate Mall and to ensure that more lives are not lost.

Everything has been said and so repeating will not be a good thing. However, we also have to interrogate the narrative of terrorism in this world. I am a young Muslim. In fact, if you look at the profile of most of those who are engaged in terrorism acts, they are not ordinary beggars or paupers. If you look at the profile of some of the people who undertake terrorism actions, they are men and women of our stature. They are educated, they come from wealthy backgrounds. In fact, Sen. Hargura was just showing me a report of a study of about 400 samples of terrorists which indicated that at least 95 per cent of those were actually middle class Muslims. They do not necessarily recruit from the ranks of the poor and the disenfranchised. They recruit from all the ranks.

Madam Temporary Speaker, if you look at history, most of these global jihadist movements started just at the time most of us were youthful. That was about 1989 or 1990 at the collapse of the Berlin Wall and the Soviet Union and focus was shifted to Islam. At that point in time, some of us were at our formative ages and that is why in many of the terrorist actions you can pin point a family or an individual that you know. Some of the people on the most wanted list were young men we grew up with in our neighbourhoods. So, when I talk about terrorism, it has affected us real time. So, we need to interrogate the narrative. As we said, it is a discussion for another day, but we also need to interrogate the causes of terrorism globally so that we can rescue even those young stars who commit these senseless acts because some of them could have been engineers, doctors and men and women who could make a worthwhile contribution to society.

I was listening to one of the spokespersons of one of these groups on the international media and he spoke one of the finest English I have ever heard. He was up to date with his vocabulary. When you looked at some of the Tweeter accounts that were held up and down, their grammar was up to date. So, it is not true to think that it is just one ordinary passenger here and there. We need to interrogate the entire narrative of terrorism so that we make the world safe for everybody. I think it is the collective duty of the entire humanity.

Lastly, I would like to commend the leadership of this country who have helped to shift the narrative from the archaic thinking that terrorists and Muslims are synonymous. I think it was the bold statements of the President and the former Prime Minister who made it abundantly clear that this must be delineated from the Muslim community. What I must warn or urge the security forces is not to direct blanket victimization to the Muslim community either in Somalia or anywhere else in their pursuance of terrorists. As Sen. Billow said, intelligence apparatus must use intelligence guided crime fighting mechanisms so that we can arrest and punish those who are directly responsible for these actions. I really must caution against that blanket victimization. That is why some of us were extremely upset by that characterization of Eastleigh. We know that these are the people who we ultimately still represent in Mombasa, Nairobi and everywhere else in the country. If you go to those areas, you should exercise the highest diligence with respect to fundamental rights and other rights accorded by the Constitution of this Republic.

I wish to support the Motion.

**Sen. Leshore:** Madam Temporary Speaker, thank you very much for giving me this opportunity. May I also join my colleagues who have spoken before me? On my own behalf and on behalf of the people of Samburu County, I condemn in the strongest terms possible the beastly and senseless act by terrorists. May I also congratulate our political leaders---

*(Loud consultations)*

**The Temporary Speaker** (Sen. Ongoro): Order, Senators!

**Sen. Leshore:** Madam Temporary Speaker, I want to thank our political leaders for the stand they have taken over this matter. I was very happy when I saw President Uhuru Kenyatta, hon. Raila Odinga, hon. Musalia Mudavadi and Sen. Wetangula appealing to Kenyans to be united in this particular moment of grief. I live near there and my two young daughters normally go to Westgate Shopping Mall when they are around here. I almost shade tears when I saw innocent people die and get injured. These terrorists are all over the world. Some are from Peru, Ghana and all over the world. These people were killed by terrorists. These people did not come from heaven, they must have passed through our borders. They came all the way to their soft target. We must ask ourselves as Kenyans: What happened? Why did we allow these people to penetrate us until they reached the heart of our city? I am at a total loss. We must be vigilant. If all Kenyans were vigilant, these bastards would not have come and hit us in the heart of our city. I call them bastards because they do not have any love for their children, parents or brothers and sisters who are just about to marry. They are bastards.

**Sen. Hassan:** On a point of order, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Ongoro): What is your point of order? Have you dropped your point of order?

**Sen. Hassan:** I have dropped it.

**The Temporary Speaker** (Sen. Ongoro): Okay. Sustained!

**Sen. Leshore:** Madam Temporary Speaker, we must start educating our people to be vigilant. We should be as vigilant as Tanzanians. When you go to Tanzania, even in the village, the authorities will know you are there. I have been in Switzerland and it is also like that. When you go there, they will know that a visitor is in the town and they will notify the police. Kenyans should be vigilant. They should be educated and knowledgeable about these terrorists. They must have passed through our borders and through Eastleigh, Pangani, Parklands and Westlands. Maybe they might even have been living near Hurlingham where the President lives.

So, I urge all Kenyans to take time and do an audit because we must be responsible people and assist our security agents do the work they have done. I must congratulate the Kenya Defence Forces (KDF) because they were brave enough.

With those few remarks, I support.

**The Temporary Speaker** (Sen. Ongoro): Sen. Mvita Mshenga.

**Sen. Kisasa:** Madam Temporary Speaker, thank you for giving me this chance. The flag represents a living organ and a living country. It is also called a living thing. In this country, we normally regard the flag as a living thing. You have seen the number of lives which have been lost. These are Kenyans who were innocent just doing their daily duties. Our flag still stands high. I do not know if I am the only one making that observation. Kindly, can we also mourn the way the other countries are mourning with us? Could we fly our flags half mast so that we can all be mourning? Once the flags are half mast then even the schools can give a one minute respect to the dead.

Madam Temporary Speaker, when a president dies in this country, the flag is going to fly half mast for one month. When deputy president dies, the flag is going to fly half mast for ten days, if I am not wrong. If the Chief Justice (CJ) of this country dies, the

flag will also fly half mast for ten days. Could we fly our flags half mast when we have such a tragedy?

**Sen. Abdirahman:** Madam Temporary Speaker, thank you for giving me this opportunity to contribute to this Motion of Adjournment this afternoon. I want to join my colleagues in sending my heartfelt condolences to those bereaved families and pray for the quick recovery to those who are in various hospitals in Nairobi. I also want to thank His Excellency, the President for the manner in which he steered the country in this three or four difficult days. I also thank other leaders in this nation for the manner in which other leaders of this nation, irrespective of their party affiliations have joined His Excellency in ensuring that we keep Kenyans together at this time or at this period of need.

At such a time, we need to go above our small short-term or long-term interests because we all get affected. In fact, as the man in charge of the KDF spoke, what we saw is actually terrorism in a very complex manner, because there were 15 of them fighting or trying to hold this country is not like the rag tag militia that invaded parts of Garissa County two months ago. These are not ordinary people. These are people who are well-trained, well-equipped and have done a proper survey to ensure that they put us in a very bad state.

Personally, I do not subscribe to saying that one particular area must be spared. That is why you saw me protest against the assertion of Sen. (Dr.) Khalwale. I do not believe that the terrorist cells are only in one place. I believe they are in many places. We have had attacks in Wajir, Mandera, Garissa, Nairobi, Mombasa and Bungoma. We will get divided if we do not talk in one voice. If they are Somalis who are terrorists then they must be dealt with. If there are other communities who may be subscribing to this kind of engagement, then they must be dealt with. We, as a country, must fight collectively to ensure that we stop these acts.

I would support my brother who called them bastards because they are worse off than even bastards.

Regarding the intervention by KDF in Somalia, I think it was well-intentioned by the Government of Kenya and we should have no apologies to make. We share a common border with Somalia and the stability of Kenya is very much depended on Somalia. Kenyans should not be cowed by these very weak fellows. I call them weak because as Sen. Murungi said, they are killing girls and small boys and yet traditionally, we do not kill small children even in war. Even the traditional wars that were fought by African societies, children and women were spared. These are cowards. We need to find them collectively and capture them alive. I wish they are caught alive. Let us know what comes out this evening.

I stand to support and thank you for giving me the opportunity.

**Sen. Sijeny:** Madam Temporary Speaker, thank you for giving me the opportunity to contribute and to support the Motion in the following manner. I wish to join fellow Kenyans and, indeed, the entire world in mourning the people who lost their lives at the Westgate incident which was very tragic. When I heard about Westgate incident, I thought it was just a usual robbery, but at 4.00 p.m. people were still suffering. That is the time I knew things were getting bad and, indeed, they became worse. The

worst thing is that when I watched television and saw the Kenya Police officers and the General Service Officers (GSU), I could identify the people I knew. So, I asked myself whether I will ever see them alive again. It is, indeed, sad that some of them have lost their lives and some were terribly hurt. When they start spraying bullets to innocent children--- There is a child who was lost because she had lost both parents and had to be helped by a soldier who now became a daddy to a child he has never seen just because some people have lost it. They have indeed lost it because they do not know how to live in this world. They do not want to live in harmony with their fellow human beings causing us unnecessary and untold embarrassment and suffering by killing our visitors, killing us. Westgate is a place where we take our children all the time. They celebrate their birthday parties there and so on. So, it could have been any of us. That is the time you realise that as you leave your house and come to the Senate--- Sen. Sonko has told us about the safety of the KICC. It is time we learnt serious lesson from this incident. We should tighten our security because we do not know whether we can go back. We do not know whether there is a bomb beneath our seats. Our Government and the security personnel should learn a lesson and take advantage of this incident and, probably, search the entire building to ensure that everywhere is safe and then tighten security. We should also look at the neighbourhoods. There are neighbours who just move in lock themselves up and people do not know what they are doing. We must interrogate them and be each other's keepers to ensure that our lives are safe.

I wish to thank the political leadership, His Excellency the President, the former Prime Minister and the Senate Minority Leader for coming up together in solidarity to fight this heinous act of terrorism. I urge them to continue fighting the worst monster; that is, corruption. It is clear that all this is happening because of corruption. We have heard these tales in various capacities. As a lawyer when dealing with an election petition, I often hear that that people come from Somalia, get identity cards and vote in this country.

Madam Temporary Speaker, we should keep our borders safe and ensure that our lives are safe. These people are taking us back. When we forge ahead in development activities, we end up going back to think about our security. We divert resources and our economy becomes weaker at a time when as Kenyans, are going through a lot.

**Sen. Karaba:** Thank you very much, Madam Temporary Speaker, for allowing me to contribute and pass my sympathies to all those people who were affected by the brutal actions meted out by terrorists on Saturday, Sunday and yesterday. We are not sure whether they are there or not. We are yet to be informed. I am saddened because I would have been involved in that spate. However, my conscious was clear and within two minutes, I had already made a decision not to go. My nephew was there and held for five hours with his children. He managed to crawl outside to safety with a lot of difficulties. These are things which are real. They have affected us. So, as we contribute, we are serious about what we are saying.

This issue could have happened anywhere. Whatever happened at Westgate Mall can happen here. Whenever I park my car at the basement, I always pray that it will not happen like it did in 1998 to the American Embassy. That is where they entered through and blew the Embassy from below. We need to be very serious when scrutinizing people

who visit public buildings. We also need to be very thorough when it comes to the chiefs and sub chiefs.

I read somewhere about what was happening and it seems as if these people had met earlier in Mombasa. I am not trying to castigate anybody, but it is said that they were there, to set up the explosives. They then travelled to Nairobi. When I saw the way they were armed, I wondered whether they just landed in that building from the air because other people should have seen them. The way they coked their guns to be in that kind of an arsenal is a mystery. We need to laud the security officers who are there, but also to ask them whether they were alert when those things were happening. It is important to say that it can happen to anybody. It has not happened in some countries. Those are the countries where we should visit to find out what they do to avert such happenings in future.

Madam Temporary Speaker, we need to deploy more of our intelligence people on the ground, air and even in the waters just like the Israelites do. They have now earned a name for being the most protected country in the world. If there is a way we can borrow from the Israel Mossad, let us go ahead and do it. We have the money. Let us use whatever we have to protect our citizens. The moment they are left in that position, we will be accused of not protecting them.

I, therefore, join the rest of Senators in condemning the heinous act on my own behalf and that of the people of Kirinyaga County.

**Sen. Kipchumba:** Thank you, Madam Temporary Speaker. I take this opportunity to pass my heartfelt condolences to the people who were affected both by those who died and those who are in hospital, the majority who were traumatized and the people of Kenya, in general. I want to say; *pole sana*.

Madam Temporary Speaker, 21<sup>st</sup> September, 2013 was, unfortunately, my birthday. I was supposed to be part of people celebrating my 50<sup>th</sup> year somewhere near Westlands and not at Westgate Mall. I was delayed because I was at a polio campaign in Kiambu area. I felt very sad because there are people that I personally know who died. Some are in hospitals, especially my friends who are in the KDF.

I also want to take this opportunity to thank a team of Kenyans who always appear when you least expect them; the Kenya Red Cross Society (KRCS). The KRCS and the volunteers were among the first people who arrived before the police. Men who are licensed to hold arms were very useful at that time because they repelled some of those people.

I take this opportunity to urge the Government to see how we can strengthen the KRCS as an institution. We should strengthen them, through facilitation, to work in every county. We should appreciate by providing resources and even training opportunity to Kenyans who volunteer in this society.

I also want to take this opportunity to thank young Kenyans. I remember I saw young artists who remembered that they had talent. They came to perform through songs while others were donating blood and others going through lists of victims. I want to thank the young people of this country for all that they did. I support and ask; what is the KDF doing that the Kenya Police Service (KPS) is not doing? This is the question although we will revisit it another time. However, what is this particular thing that the



KDF is doing and getting a lot of trust among our people that the KPS is not doing? I got worried when I saw a police officer with a gun running around in a raincoat. What can we, as Kenyans and as a community, do to improve on our own security? That is where community policing should be rethought by the strategist.

I support.

**Sen. Kajwang:** Thank you, Madam Temporary Speaker, for giving me a chance to say the following. On behalf of myself, my family and the people of Homa Bay County, I extend my deepest sympathies to those who lost their lives, limbs and those who are traumatized by this heinous crime that was committed within our borders.

Terrorism is at war with our civilization. The aim is to destroy civilisation of a free world, the democratic world and replace it, if possible, with very primitive and authoritarian theocratic state. They are not real believers of any religion. As a matter of fact, if this was about religion, the *Al Shabaab* would not be fighting the Government of Somalia because they are all Somalis. They are all Muslims, but they kill one another daily. They commit heinous crimes against their own people. In fact, if this was about tribalism or anything like that, the people of Rwanda would not have fought against one another because they belonged to one community, one religion and spoke one language.

There is something that is competing for space in the world. These are people who are resisting civilisation or the democratic free world as we know it and want to replace it with another system of governance for the international community. Of course, the tool they use is terror. Terror has more power than real war. If somebody hit one of us in this room, but we did not see where the person was hit from, that would cause more harm than if we knew it was Sen. Kajwang who had hit Sen. Obure because that way you can deal with it. However, if it came from somewhere you did not know, that would cause terror. The reaction is very primitive and desperate. So, what will we do? The only way is to protect our civilization. The Constitution has done it for us. The only way way to do so is to enforce the Constitution.

The Constitution has divided this country down to a village Government. If you look at the Constitution properly, you will see that this applies up to the village level. At the village level, everyone knows one another. If there is a group of elders at that village; whether voluntary or people who are paid some steepen, our forces should know them. Our intelligence should know what is happening what in every village at any time if it is against our interests.

However, we cannot run security the way we are running it and survive in this kind of situation. We have left everything to the security forces who deal with issues at the top level. How are they supposed to access information? How many are they? People would know where to go because there would be a government at the village, ward level and at the sub county levels of people who consult on a daily basis about their own security.

I was the Minister for the defunct Ministry State for Immigration and Registration of Persons and I know how difficult it is to divide between the person who applies genuinely as hon. Sen. Billow Kerrow was saying and someone who says that he is the son of Sen. Kerrow, but is not. The person is completely new, but has somebody in the village saying “this is my son” and writing affidavits saying “yes, this is my son,” and

yet, he knows that, that is not his son. The village elders also say that they know him, yet they know that, that is not a Kenyan. It is extremely difficult. The only way to help this is to go back and energize the village governments, so that they take responsibility for whoever comes from amongst them, whom they know or do not know. Even cities can be divided into villages. Buru Buru Phase 1 can be a village and Buru Buru Phase 2 another village, with their own governments. Eastleigh can be divided into villages with community leaders. If that is done this security will be contained. It must be contained by the people themselves and not by the security forces alone. If you divide this security into two; the security and the people, and leave the people here to be protected, there will be no protection.

**Sen. Wangari:** Thank you, Madam Temporary Speaker, I would like to join my colleagues in condemning the act of cowardice that was taken by a few, who were looking to disintegrate this country. At the same time, I would want to give my heartfelt condolences to everyone who lost someone in that heinous act, including His Excellency the President and our colleague, Sen. Beth Mugo, who were directly affected. At the same time, I want to also condole with those who are not sure even where their kin are, because we still have many of those cases. I want to also empathize with those that are in hospitals and pray that they get quick recovery.

Madam Temporary Speaker, I want also to empathize with the hostages that were freed from Saturday up to today, knowing that this trauma will not go in one day. Some will be affected for a very long time. We condemn in the strongest terms possible this act. As a woman, even to hear that there is a possibility that there was a woman terrorist, I really want to register my utmost disgust to that, because women do not take lives. Women bring life to this world and nurture it. I really hope that is not true. I want to quote a tweet that was doing round yesterday, on a light note. An Army officer was asked: "Would you forgive a terrorist?" The Army officer replied: "Well, God forgives. What we do is to arrange their meeting." Really it can only be that, because these are not people that we need to even talk about human rights.

Madam Temporary Speaker, I also want to really congratulate the Kenyan people, starting with the leadership of this country. Before I came to this House, I went to Uhuru Park in the early afternoon and the queues of people lining up even now to donate blood were amazing. You will find a group of artists trying to entertain these donors and another person comes with water to give the people singing to the donors who are giving blood, and the chain continues. If there is something that the terrorists have failed in, it is dividing this country. It is not about being Muslim or Christian. They have failed in dividing this country into tribal lines and that has been demonstrated in this House. It is not about being a Somali or Kikuyu. We have had known terrorists carrying the name Onyango and Gitonga. It is not anything to do with tribe. One of the first persons at the scene was the son of our own Senator for Garissa, Sen. Haji. He was one of people who rescued the first victims of that blast and he is a Somali. Somali or Islam does not equal terrorism. I want us to really get that out to the country. Since the terrorists have failed, it cannot take the politicians to take Kenyans back there. We cannot be the ones to take the county back there. That feeling that makes me proud to be a Kenyan, as we celebrate this

Jubilee year must be nurtured by everyone in this House, other leadership position and even as Kenyans on the streets.

Madam Temporary Speaker, when you look at that child who was running, that video keeps on tormenting most of us, she is like our own. You do not see an Asian, Somali or Kikuyu. You see a Kenyan or even if it is not a Kenyan from your county, a human being. That is the basic of having a conscience. There is a saying in Somali that if you have been shot with two arrows, one on your buttock and another one in your eye, you first remove the one on your buttock, so that you can sit down and remove the one in your eye very carefully. I think that this time, it is about removing the one on our buttocks. We should sit down and condole with the country and then, evaluate what we need to do as a country.

Thank you, Madam Temporary Speaker.

(Laughter)

**Sen. Mositet:** Asante sana, Bi Spika wa Muda, kwa kunipatia nafasi hii niweze kuungana na Wakenya na hasa Maseneta wenzangu katika kuchangia Hoja hii. Kwanza, natoa rambirambi zangu, za jamii yangu na watu wa Kaunti ya Kajiado kwa wale wote ambao walipoteza maisha zao. Pia nawakumbuka wapendwa wao na wale ambao wako hospitalini hadi sasa. Nasema pole sana na Mungu awe nanyi. Ombi letu ni kwamba hili taifa litasimama imara.

Bi Spika wa Muda, jambo hili lililotokea liliweza kutupatia mawazo mengi. Ukijaribu kufikiria ni nini hawa magaidi walitaka ifanyike, kwanza, walijaribu sana kuweka uoga katika uongozi wa taifa hili na hata baina ya sisi hapa katika Seneti. Pia pengine walitaka wananchi wawe na uoga ili wasiweze kutembea bila wasiwasi. Pia walitaka kugawanya watu kulingana na dini. Lakini Mungu ametusaidia kusimama pamoja kama Wakenya. Natoa hongera kwa Wakenya kwa kusimama imara baada ya jambo hilo kutokea.

Bi Spika wa Muda, siasa ambayo tumezoea kama ile ya *Referendum* na maneno mengine huwa inatugawanisha, lakini jambo kama hili haliwezi kuigawanya jamii ya Kenya. Hebu na tuzidi kushikana na kuwa kitu kimoja.

Bi Spika wa Muda, mimi ninaweza kusema kwamba ufiisadi umesababisha haya mambo. Idara ya uhamiaji inawaruhusu watu kuingia katika nchi ya Kenya kwa uraisi sana. Mimi ningeomba tukiwa viongozi tutafanye lolote liwezekanalo kuwasaka watu woate ambao wameingia hapa nchini kwa njia isiyo ya halali. Kila mwananchi aweze kumtambua jirani wake ambaye si Mkenya ama aliye na tabia mbaya. Sisi tumewakubalia watu wengi kuingia hapa nchi bila vibali maalum. Jambo hili limekuwa likifanyika kwa miaka mingi iliyopita. Wageni wengi wameingia humu nchini bila vibali. Katika Kaunti ya Kajiado, kuna wakati hata watu walikuwa wanasema kwamba siku hizi ikiwa wewe ni mwalimu wa Kiswahili, uende Kajiado ili uwafundishe wageni lugha hii jioni. Kuna wageni wengi ambao waliingia katika nchi hii bila vitambulisho na hawajui neno moja la lugha ya Kiswahili au Kiingereza. Lakini utaona ya kwamba raia wa Kajiado wanawajua. Hiyo inamaanisha kwamba hata walinda usalama wetu wanajua

lakini kwa sababu ya kupokea hongo kutoka kwao hawana shughuli nao. Wanawacha nchi iharibike na kuwa katika hatari sana.

Bi. Spika wa Muda, baada ya jeshi letu kwenda Somalia, ni lazima walinda usalama wangejua kwamba kuna vile wale watu wanavyopanga. Na tangu wakati huo, ingefaa, sisi sote tueleze kazi ya kila idara ili tuhakikishe kwamba wale magaidi hawataweza kuingia ama kuja kutusumbua kwa njia yoyote. Lakini kusema tu kwamba jeshi letu limefanya kazi nzuri bila kuelezwa ni mikakati gani imewekwa, ninafikiri ni lazima Serikali ihakikishe ya kwamba Wanakenya hawatakuwa na uoga pahali popote.

Kwa hayo machache, ninaunga mkono.

**Sen. Mwakulegwa:** Asante, Bi. Spika wa Muda. Magaidi ni maajenti wa shetani. Ukisikia kwamba mtu anaitwa ajenti wa shetani, yeye hana dini. Kama wangekuwa na dini, hawangeweza kufanya hayo mambo. Nataka nipeane rambirambi zangu binafsi na watu wa Taveta Taveta kwa waliofariki dunia. Na walioko hospitalini tunawaombea afueni. Mwenyezi Mungu awaguze wapate kupona kwa haraka.

Magaidi ni maajenti wa shetani. Na kama unaenda kupigana na shetani, ni lazima ummalize kwa sababu ukimwaacha, atakumaliza wewe. Sisi tukimuona nyoka, tunasema ni shetani. Nyoka ukimuua, ni lazima umgonge kichwa. Kwa hivyo, ni lazima tuwe na mbinu ya kupambana na magaidi hawa. Tusilaumiane kidini au kikabila. Inafaa tuwe na sheria mpya ambazo zitaongoza wale wanaofanya kazi katika mipaka, viwanja vya ndege na bandari ili tufahamu ni mtu yupi anayeruhusiwa kuingia nchini. Pili, akiingia nchini Kenya tutamfuata vipi ili tujue ni vitendo gani anavyofanya ndani ya nchi. Tumeshindwa na mataifa majirani wetu. Hata ukienda Namanga, ukiongea Kiswahili, maafisa wa usalama watakutambua kama Mkenya na watakuuliza maswali fulani. Hapa nchini Kenya, mtu anaweza kufika katika kituo cha ndege na kupandishwa gari na kupelekwa hadi Kisumu na huku hatujui ni mtu wa aina gani. Inafaa tubadilishe sheria ili kwamba tuanza kuwafuata watu na tujue mienendo yao. Hata kama ni wawekezaji ama watalii, kuna wengine wanaokuja wakijitambua kama watalii na huku malengo yao ni mabaya.

Bi Spika wa Muda, pili tusije tukaweka lawama, lakini ninajua tutazungumza hapa na kusema kwamba, kama mtu amekaa kwa ofisi kwa miaka mingi, labda uzoefu na maarifa yamepungua, inafaa tufanye mabadilikio. *Let us change management.* Katika usalama wa Kenya tunafaa kubadilisha jambo gani ili Kenya ithibitiwe kama nchi huru ili kwamba yaliyofanyika juzi hayatatendeka tena. Ninaomba Mungu sana. Mimi nilikuwa pale na baada ya kuondoka, kwa muda wa dakika kumi nikienda Village Market, nilipigiwa simu kuambiwa kwamba pamelipuka. Ninapigia Mungu wangu asante na wale mababu zangu walioenda mbele. Kama ningekuwa pale, labda leo mningekuwa mnaomboleza. Lakini tuseme kwamba yaliyotokea iwe ni funzo. Tusilaumiane na tusije tukasema kwamba fulani hajafanya makosa. Kosa ni kosa. Lakini kurudia kosa, ndio kosa zaidi. Kama yamefanyika, tuyatatue.

Tunasema ya kwamba ugaidi usije ukatambuliwa kwa rangi au lugha. Ugaidi ni ugaidi. Tunavyotaka kufanya ni kama vile Seneta wa Homa Bay amependekeza. Inafaa tupeleke usalama hadi vijijini ili kwamba utakaemuona pale, ni lazima umuulize ni nani na amekuja kwa nani. Hapa Nairobi, wengine tumeishi kwa miaka kumi na hatuwajuwi majirani wetu na kile wanachofanya. Ni wakati tuamuke na tuanze kujua majirani wetu. Tukichukua uwezo huu kama wananchi, tutathibiti usalama wetu.

Bi Spika wa Muda, jambo la mwisho ni kwamba askari wetu na wale wote wanaohusiana na usalama wamefanya kazi nzuri. Wale walioteleza kidogo, tutawarekebisha baadaye. Lakini tuwape motisha kwa kufanya kazi nzuri, maanake kazi bado inaendelea. Walioponyoka, tunataka washikwe ili watuambie kile walichokuwa wakitatafuta nchini Kenya. Tusipojua lengo lao, basi hatutajihami. Tukifahamu malengo yao, tutajiweka vizuri zaidi ili tutetee usalama wetu.

Ninaunga mkono.

**Sen. (Dr.) Kuti:** Thank you, Madam Temporary Speaker. I would like to join my colleagues in sending condolences to the families of the departed citizens of this country and other countries in that ghastly incident. I would also like to send words of encouragement to the injured who are in hospitals and wish them quick recovery. I would also like to salute Kenyans for showing leadership. The true heroes of this incident are Kenyans who have really overcome and defeated the intentions of the terrorists. They had an intention of creating fear and division among us. Kenyans woke up and they were not shaken. They stood up for each other, they supported each other and divisions were put aside. I would really like to say that the true heroes of this incident are the Kenyans, our defence forces, the Kenya Red Cross and all those who in one way or the other supported either by donating blood, sending cash or being there in person to support in whatever way to alleviate pain and to create comfort to the affected.

I would like to echo the issue of audit, but I would like to say that today is a day to show leadership and awaken the Kenyan spirit which *wananchi* have shown.

Madam Temporary Speaker, we, as leaders, our work is to fire up our people to go back to their business, be strong, not to be shaken and not show any sign of defeat. I agree that an audit must be done, but today is not that day. Today is the day that we should encourage the Kenyan spirit that has arisen on its own and we, as leaders, need to support that spirit.

We want to congratulate our political leaders who have shown unity and have given Kenyans comfort. All leaders came out including the President, the former Prime Minister and others who showed unity thus giving Kenyans a lot of comfort in these trying times.

Regarding the issue of audit, I think it should be done so that we can understand our immigration systems and overhaul it. We need to look at the issue of our porous borders and agree fully that we must also devolve our security responsibility as much as it is a national duty. We need to make sure that the involvement of the common people even in the villages and *vijijis* like in Kibera and Mathare. This should also include up-market areas like Lavington, Parklands, Westlands and so on. We must sub-divide our neighbourhood in such a way that we be keepers of our neighbours so that we know who our neighbours are. I also fully support that idea.

Madam Temporary Speaker, regarding the issue of flags, I agree that this is a day to mourn, but I think it is also a day to show defiance. I will actually ask all Kenyans to put flags on their cars and the other flags to remain high. This is the day to have our spirits high. I am sure even the dead would like us to show bravery and to show that we are mourning in the sense that we have been defeated. This is the day we should have our

flags very high and not half mast. All Kenyans should put a flag on their cars and show that we are higher in their spirit and we are going to move on.

The other issue is branding. Terrorism has no religion, ethnic background and has no race. Therefore, we should treat terrorists as people who are not human beings.

**The Temporary Speaker** (Sen. Ongoro): Your time is up!

**Sen. (Dr.) Kuti**: I support.

**The Temporary Speaker** (Sen. Ongoro): Sen. Obure.

**Sen. Obure**: Madam Temporary Speaker, our country Kenya has been the target of attack by international terrorists who are seeking to intimidate and blackmail us into deviating from the cause of humanity, peace and harmonious co-existence among the various communities in our country. They are also seeking to deviate us from our role in the community of nations. The aim of the attack is to divide us along tribal and religious lines, but as a people we should not allow ourselves to be divided. Indeed, we will not be divided. We must stand together to fight this common enemy. We should never allow terror, whatever its scale, to break our unity. We must never allow terror to instill fear, despondence and hopelessness among us.

Madam Temporary Speaker, the attack at Westgate Mall was beastly and cowardly. It was aimed at innocent people largely children and women. The question one asks is: What kind of people are these who attack defenseless people like women and children? What satisfaction do they get by killing children and maiming others? This is something they should be ashamed of. Even their supporters and financiers should be embarrassed and ashamed of what they have done.

On behalf of the residents of Kisii County, myself and my family, I convey my deep condolences to those who loved their loved ones. To those who were injured, those in hospitals and those recovering in their homes, we wish them speedy recovery. More importantly, we thank the Almighty God for those who came out unhurt. I want to take this opportunity to appreciate the brave efforts by patriotic Kenyans who participated in various ways during the rescue operations. This goes to security forces, the Red Cross, all the medical staff at various hospitals, those who have been donating blood and continue to do so and people of all ages who participated in various ways in providing relief.

We cannot go on mourning forever because like what we saw in the United States of America (USA) in September, 2011, this incident will give us an opportunity to review our security arrangements. We should look at the role of the various security organs in this country and their performance. I want to agree in particular with the proposal made by Sen. Kajwang, Sen. (Dr.) Kuti and Sen. Mwazo that we need to get all Kenyans involved in security arrangements at all levels all the way to the homes. We need to participate because we all have an obligation to make our country safer. We need to make our environment safer, our residences safer, our towns and our roads safer. We have that responsibility and we cannot afford to leave it to the Government alone. We must participate to make sure that we appraise our security arrangements at all levels because we cannot afford this kind of thing again.

With those few remarks, I support.

**The Temporary Speaker** (Sen. Ongoro): Hon. Senators, if you are in agreement, it is my opinion that we can reduce the contributing time from five minutes to three

minutes so that we can have at least five Senators to contribute. Going by the expression on your faces, I take it that you are in agreement. So, we shall have three minutes for each.

**Sen. Mbura:** Asante, Bi. Spika wa Muda, kwa nafasi hii. Kwanza ningependa, kwa niaba ya akina mama wote wa Pwani, wazee wa Kaya wa Kimijikenda na akina mama wote ulimwenguni ambao wamepitia uchungu kuzaa, kulaani kitendo hiki cha ugaidi kilichotokea katika Westgate Mall. Hawa ambao tunawaita *Al Qaeda* ni watu waliopitia kutoka kwa matumbo yetu sisi wanawake. Pia ningetuma risala zangu za rambirambi kwa Rais wetu wa Jamhuri ya Kenya wakati huu wa msiba katika taifa letu la Kenya na kwa familia zote ambazo ziliopatikana na mkasa huu na marafiki. Ningependa kuwapa moyo kutoka kifungu cha Biblia, kitabu cha Warumi, 8:36. Kifungu hiki kinasema hivi:-

“Neither death nor life, neither angels nor demons, neither the present nor the future, not any powers, neither heights nor depths.”

Not anything else shall be able to separate Kenyans from the love of God which is in Christ Jesus, and the people of God say; Amen.

Bi. Spika wa Muda, ningependa kusema kwamba yule ambaye alihusika na kisa cha kigaida cha Twins Tower America, mkewe ndio yule mwenye yuko katika vyombo vya habari anaitwa Samantha. Yeye ndio mastermind wa kitendo cha Westgate Mall. Ametoa habari kwa *facebook* akisema kwamba hivi karibuni ataungana na mumewe. Mumewe alikufa kwa hivyo inamaanisha kwamba anaenda kufa. Kwa hivyo, huyo ni mwanamke amejihami na vyombo vya habari vimetangaza hivyo. Je, Serikali ya Kenya inajipanga vipi kukabiliana na matamshi ya huyu mwanamke? Ningependa kuiomba Serikali yetu ya Kenya isilaumu Wizara ya Usalamu. Mwanadamu alimshinda Mungu akili. Katika Bustani la Eden Mungu aliwaumba Adamu na Hawa na akawapa masharti. Hata hivyo, shetani aliwashinda nguvu na wakamgeuka Mungu. Mungu Hakuwaua lakini aliwafukuza. Mwanadamu ni mtu aliye na akili. Viongozi kama hao hubabaika dereva anapoidesha basi bila kujiuliza kama dereva huyu angependa kufa.

**Sen. Kipchumba:** On a point of order, Madam Temporary Speaker. Is the hon. Senator in order to suggest that the Almighty God, as we commemorate Him in our Constitution, is weak?

**Sen. Mbura:** Bi. Spika wa Muda, narudia tena kusema mwanadamu alimshinda Mungu akili. Hii ndiyo sababu alimfukuza kutoka Bustani la Eden.

**Sen. (Prof.) Lesan:** Thank you, Madam Temporary Speaker. First, I would like to join my colleagues in sending my condolences and those of my people of Bomet to those who whose family members were killed, maimed, injured and the whole nation of Kenya.

Before I proceed, I would like to make an appeal to Kenyans. This appeal goes to Kenyans in terms of their curiosity. The curiosity of Kenyans when such incidences happen hampers the rescue missions. It was very difficult for the forces to rescue the situation simply because *wananchi* who were there were very curious to know what was happening. In fact, we were very fortunate to learn that there were no injuries that resulted in the stampede caused by civilians who appeared without caring about the magnitude of the situation.

This is something we have noticed every time there have been catastrophes. This is something we have noticed severally when this country has experienced catastrophes. We have been reckless as Kenyans in terms of our security. We never realise the dangers we are in. We take it very lightly. We have 40 millions and we should have 80 million eyes taking care of this country. This is not so because of the casual way we take things.

I support the Motion.

**Sen. Nabwala:** Thank you, Madam Temporary Speaker, now that I have caught your eye.

Madam Temporary Speaker, I would like to join my fellow Kenyans in condemning this brutal act of terrorists who attacked our innocent Kenyans at the Westgate Mall. I also want to thank the people who have participated in rescuing those who were trapped inside. Our forces have shown bravery, although we lost about four of them. I also want to thank the Kenya Red Cross for the role they have played in assisting those who were injured.

Madam Temporary Speaker, when this incident happened on Saturday we were out visiting counties, but were so restless because every minute we kept calling people in Nairobi to find out what was happening. I would also like to thank our President, Uhuru Kenyatta, and the Opposition leaders led by hon. Raila, hon. Wetangula and hon. Mudavadi for joining hands in condemning this act of terrorism.

**The Temporary Speaker** (Sen. Ongoro): Your time is up!

Sen. Hargura, you have two minutes.

**Sen. Hargura:** Thank you, Madam Temporary Speaker, for giving me this opportunity to contribute to this Motion.

Madam Temporary Speaker, first of all, on behalf of the residents of Marsabit County, I would like to convey my sincere condolences to bereaved families. I also wish those who were injured a quick recovery. I would also like to commend Kenyans for the way they have come out in solidarity, starting with our leaders who came together despite their political differences, to hold the nation together. I would also like to commend our forces and the common *wananchi* who came out in all manner of ways to take part in this activity, to make sure that we came through this unfortunate event stronger.

Madam Temporary Speaker, as a lesson from this, we should take care of our immigration systems, so that we do not allow these kinds of things to happen, because from the international media, we are told that most of these people were not Kenyans. That means that they came through our borders and entry points, including airports. We need to be mindful of how we allow foreigners into our Kenyans. As ordinary Kenyans on the streets, we also need to change their perception about how we take care of one another. You will find when somebody is mugged on the streets, the others do not care. Maybe that is the mentality that is allowing enemies to come into our country and do their own things. We do not care until this kind of thing happens. So, I urge Kenyans to be mindful of who is with them. I also urge the Government to take security issues seriously.

Thank you, Madam Temporary Speaker.

**Sen. Melly:** Thank you, Madam Temporary Speaker. I know that time is not on our side.



Madam Temporary Speaker, first and foremost, let me pass my heartfelt condolences to the loved ones who lost their lives. I also wish those who are in hospitals a quick recovery.

Madam Temporary Speaker, secondly, Kenya is going through the most difficult time in history. We have witnessed our people being killed brutally in our country. I want to appreciate what the Government, led by the Head of State and security organs are doing to contain this situation. We must be vigilant as Kenyans because our greatest fear is from within. From the information that we have today, which is not confirmed, those thugs had hired a room almost two months ago, pretending to be doing the business of selling phones, yet that was used as their store. Every now and then, they would bring firearms and store them there, awaiting the day to kill innocent Kenyans.

Madam Temporary Speaker, I want to join my friends who are praying for our loved ones who are in hospitals today. I have never seen a situation where gangs killing innocent children as young as five and ten years. It is true that these are agents of the devil and the devil was defeated 6,000 years ago. I want to assure Kenyans that the devil has no place in Kenya. We must be vigilant and work as a team right from our village, to the counties up to the constituencies. Security starts within us because the Government alone cannot do that. We must join hands together to fight this vice. Otherwise, if these people think that they will stop our noble job of pursuing the *Al Shabaab* in Somali, they are in for a rude shock. We will not stop; we will pursue them until we ensure that their work is zero. Kenya is still safe and everybody who wants to come to Kenya should do so. The situation has been contained. I want to thank everybody. God bless you for your good work and God bless Kenya.

Thank you.

**Sen. Ndiema:** Thank you, Madam Temporary Speaker. I want to join fellow Senators in conveying condolences on behalf of the people of Trans Nzoia for the loss of Kenyan citizens and others. I wish a quick recovery to those who were injured. I also want to commend the manner in which all Kenyans at all levels, starting with the leadership have handled this matter with utmost unity and patriotism. This is what we should always do because it is our nation which is under threat.

I asked myself why Kenya? Every time it is happening in Eastleigh, Mandera and other parts of the country and yet we have never interfered with the internal affairs of other countries. If anything we have only taken peace to those countries even if it by using our armed forces. I can only conclude that it is a satanic act motivated by envy for the peace and unity that Kenyans have had since we attained Independence.

Madam Temporary Speaker, we have been generous---

**The Temporary Speaker** (Sen. Ongoro): Your time is up!

**Sen. Ndiema:** Thank you, Madam Temporary Speaker.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Madam Temporary Speaker, last Saturday some wicked people did what they did. It was very sad, indeed. In the process, they have awakened the Kenyan dream. I stand here to tell them that our country will never be the same again. Our flag, our national anthem and our map is going to rise and rise forever. I want to conclude by saying that Kenyans and friends have done their bit depending on their strength, ability and expertise. We, as legislators, will do our bit.

When this dust settles, we want a Motion to be able to, first of all, recommend for the establishment of a homeland security unit involving the police, the military and all the other forces, including the department of immigration, so that we cannot have *ad hoc* responses to disasters.

Secondly, we also want to bring legislation in order to make it compulsory for landlords to demand information about people who rent their houses. We also want people who hire out cars to demand enough information from those hiring. That way we will prevent some of these things from happening.

Lastly, we have to review the issue of selectively arming private security guards. If that was the case at the Westgate Mall, that event would have been disoriented, delayed and would have allowed the regular police and other interventions to come.

Thank you for your support Senators.

**Sen. Adan:** Madam Temporary Speaker, I want to pass my message of condolences to Kenyans who have lost their dear ones. Those who are hospitalized I wish you a quick recovery. Finally, I would like to say that Kenyans forget very fast. If you go to all the malls in this country, they are either closed or the security is very tight. But after the dust settles, it will be business as usual. I think we should tighten our security and be on alert at all times.

Thank you.

**The Temporary Speaker** (Sen. Ongoro): Very well! This is a Motion that did not need anybody to have an official reply or response and no question to be put. We seem to be having a crisis; Madam Temporary Speaker does not seem to locate her purse. In the spirit of collective responsibility hon. Senators, since Madam Temporary Speaker cannot leave without a purse, kindly help locate it for her.

**An hon. Senator:** Here it is!

### ADJOURNMENT

**The Temporary Speaker** (Sen. Ongoro): Hon. Senators that concludes the business of the Senate. The Senate, therefore, stands adjourned to tomorrow, 25<sup>th</sup> September, 2013 at 9.00 a.m.

The Senate rose at 6.30 p.m.