

**RECORD OF MEETING OF THE SENATE WITH THE CABINET SECRETARY
FOR INTERIOR AND NATIONAL ADMINISTRATION, THE INSPECTOR
GENERAL OF POLICE, THE INDEPENDENT POLICING OVERSIGHT
AUTHORITY, THE NATIONAL POLICE SERVICE COMMISSION AND THE
DIRECTORATE OF CRIMINAL INVESTIGATIONS ON CIRCUMSTANCES
SURROUNDING THE DEATH OF MR. ALBERT OMONDI OJWANG' HELD
ON WEDNESDAY, 11TH JUNE, 2025 IN THE SENATE CHAMBER**

[The Speaker (Hon. Amason J. Kingi) - Presiding]

(The meeting commenced at 10.10 a.m.)

The Speaker (Hon. Kingi): Clerk, as the Serjeant-at-Arms covers the Mace, kindly usher in the Cabinet Secretary and his team.

(The Mace was covered)

[The Cabinet Secretary for Interior and National Administration (Hon. Kipchumba Murkomen), the Inspector General of Police (Mr. Douglas Kanja), the Vice-Chairperson of the National Police Service Commission (Mr. Edwin Cheluget), the Director, Directorate of Criminal Investigations (Mr. Mohammed Amin) and the Vice-Chairperson, Independent Policing Oversight Authority (Ms. Ann Mwangi) were ushered into the Chamber]

(Loud consultations)

Order, hon. Senators, kindly take your seats. Clerk, do you confirm that we have the Cabinet Secretary for Interior and National Administration and his team in the House?

The Deputy Clerk of the Senate (Mr. Mohammed): Yes, Mr. Speaker, Sir, we do.

(The Clerk-at-the-Table consulted the Speaker)

Let me take this opportunity to welcome the Cabinet Secretary for Interior and National Administration and his team to the Senate. Now, hon. Cabinet Secretary, you were to appear today for purposes of responding to 15 questions that had been posed by hon. Senators. However, this morning we have had to suspend the sitting of the Senate to address a matter that is extremely urgent and is of a nationwide concern. That is the matter touching on the death of one Mr. Albert Omondi Ojwang'. Therefore, we have suspended the sitting of the Senate for not more than two hours, so that we interrogate this particular matter.

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Thereafter, we will resume the normal flow of the Order Paper of the day by allowing you to respond to the questions that are scheduled for you to respond today. Once the two hours are done interrogating this particular matter, you will be requested to move to the other side of the Chamber where ordinarily Cabinet Secretaries respond to questions in the Senate. Yesterday I directed that the Cabinet Secretary appears with the Inspector General of Police, the Chairperson of the National Police Service Commission and also the Chairperson of the Independent Policing Oversight Authority (IPOA). Can we have a confirmation that those parties are also present, Clerk?

(Loud consultations)

I have just asked something. Let the Clerk answer the question, then I will give you an opportunity.

The Deputy Clerk of the Senate (Mr. Mohammed): Yes, Mr. Speaker, Sir, I confirm that they are present in the House.

The Speaker (Hon. Kingi): Thank you. Yes, Sen. (Dr.) Boni.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I thank you for this unprecedented decision. However, we do not want to do anything this morning in vain, because Parliament does not speak in vain.

Mr. Speaker, Sir, having suspended the sittings of the House, you can see the Mace has been now insulated. This has legal implications. Therefore, technically it means that whatever we transact during these two hours will not count. I would like you to clarify to the House, the country and especially the family of Albert Omondi, why the Senate wants to sit for two hours to transact business that will not technically count.

The Speaker (Hon. Kingi): Sen. (Dr.) Boni, if you listened to my Communication, the last paragraph was to that effect. That whatever is going to be transacted in this particular session will input the report of the Standing Committee on National Security, Defence and Foreign Relations. If you were here yesterday, you are aware that this matter was committed to that Committee. However, Hon. Senators wanted to engage directly with the Cabinet Secretary and his team.

I have directed the Hansard Editor to compile a report, which will be made available to the Standing Committee on National Security, Defence and Foreign Relations. As they prepare their report, it will benefit from whatever will transpire in this particular session. Therefore, this session is not in vain. In fact, it is going to play a major role in shaping the report that will be tabled before this House. Having directed so---

Yes, proceed.

Sen. Sifuna: Mr. Speaker, Sir, understanding that we are sitting as a Committee of the Whole, I kindly request that before any of the gentlemen appearing before this House today say anything, including their names, they be put under oath.

Thank you.

(Applause)

The Speaker (Hon. Kingi): Yes, Sen. Wambua

Sen. Wambua: Thank you, Mr. Speaker, Sir. I seek clarification from the Chair, a follow-up to what Sen. (Dr.) Khalwale has just said. At the end of this session, are we going to have resolutions from this sitting that will be binding on the Committee to which this matter has been directed?

The Speaker (Hon. Kingi): Yes, Senator for Nandi County.

Sen. Cherarkey: Mr. Speaker, Sir, thank you for this opportunity. I rise under Standing Order No.183 because we need clarity. Borrowing from what Sen. Sifuna and Sen. (Dr.) Khalwale have said, when all matters referred to a Committee of the Whole have been considered, the Chairperson shall be directed by Motion to report to the Senate.

Mr. Speaker, Sir, you are the Chair. Of course, I believe in your capacity and ability to chair. However, my only concern is that while we can establish traditions and precedents, Standing Order No.183 directs that the Chairperson of the Committee of the Whole will be directed by the Motion of the Senate to prepare the report. My question is: would it be you or the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations, so that you remain a neutral arbiter? When the Motion is moved with the resolution of the Senate, under the Solomonic guidance you demonstrated yesterday, I believe there needs to be clarity.

Now that the Mace is no longer there and we have transited into the Committee of the Whole, I am well-versed in its establishment and ground rules. Would it be in order, with all tremendous respect to the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations, who will be directed by Standing Order No.183, to prepare the report? We need clarity, so that when we conclude, after interrogating the Ministry of Interior and National Administration on this issue of national importance, we have a clear process. That is my only clarification. However, I am aware of your powers under Standing Order No.1 of the Senate Standing Orders.

I thank you.

The Speaker (Hon. Kingi): Hon. Senators, for purposes of bringing clarity to this session, this is not a Committee of the Whole. The House is suspended. We have just suspended the sittings of the Senate pursuant to Standing Order No.38. Therefore, this is not a Committee of the Whole. I do not need to report after this to any other person or a Motion will not be caused or ensued after this session. We have suspended the sittings of this House, so that we can have a session with the Cabinet Secretary and his team.

Hon. Senators, I repeat, this matter has been committed to the Standing Committee on National Security, Defence and Foreign Relations. However, having listened to your concerns yesterday that all Senators wanted a direct interrogation with the team, procedurally, this was the only way we could allow the entire House to interrogate the Cabinet Secretary and his team. As I said, we are not sitting as a Committee of the Whole. Let us get that clear.

Proceed, Deputy Speaker.

Sen. Kathuri: Mr. Speaker, Sir, thank you very much for giving me this opportunity to raise a clarification. This matter extends beyond the Standing Committee

on National Security, Defence and Foreign Relations. The issue affecting Albert Ojwang' is also a human rights concern. Therefore, I am requesting that the wisdom of the Chairperson of the Standing Committee on Justice, Legal Affairs and Human Rights be also involved in this discussion. That Committee should also be seized of what happened to Albert Omondi Ojwang'.

Thank you.

The Speaker (Hon. Kingi): When we resume the official sitting of the Senate and such a request is made, I will certainly give guidance on that particular matter.

Yes, Sen. Dullo.

Sen. Dullo: Mr. Speaker, Sir, I am just seeking clarification. We have summoned the team that is before the House tomorrow, 12.00 noon. Having this deliberation, does it mean that they will not appear before the Committee and we will go by the resolution of the House? Maybe we need direction on that.

The Speaker (Hon. Kingi): Hon. Dullo, no resolution will be passed in this session. Whatever happens here will only serve as input for the Committee's work. The Committee should proceed with its sittings uninterrupted. However, it will benefit from the interaction we are going to have in this session.

Proceed, Sen. Kajwang'.

Sen. M. Kajwang': Mr. Speaker, Sir, as the Senator for Homa Bay County, where the gentleman killed by the police came from, I am concerned about whether we are going to prosecute this like a *kamkunji*. Please assure us that we shall proceed pursuant to Article 125 of the Constitution and examine the witnesses under oath. Otherwise, if we take the *kamkunji* route, we will get political statements. We will be told that people hit their heads on walls and there will be no consequences.

You have given directions that the House has been suspended, but please let us enforce the issue of oath. That will give some comfort to the people of Homa Bay County, the parents and the people who are watching. It will also bind the witnesses to tell us the truth and nothing, but the truth. The consequences of that will be contempt of Parliament and perjury, which are criminal offences.

Thank you.

The Speaker (Hon. Kingi): That is very valid.

Hon. Senators, we need to start this session. Following on what the hon. Senator for Homa Bay County has said, we are here to hear nothing but the truth. The only way we can get the truth is when statements are made under oath.

(Applause)

Clerk, I am told that the Chairperson of IPOA is not in, but the Deputy is present. Is that the position?

(Loud consultations)

Hon. Senators, this question is to the Clerk. Allow him to respond for purposes of the record.

(The Clerk-at-the-Table consulted the Speaker)

I am informed that the Chairperson of IPOA wrote a letter indicating that he will not be in a position to be with us today, but he has sent his Deputy.

Before we start, Clerk, kindly administer the oath to the team and thereafter, I will call Sen. Eddy, the Mover of this business, to take the Floor. We will start with the Cabinet Secretary who is the head of the team.

*(The Cabinet Secretary for Interior and National Administration
(Hon. Kipchumba Murkomen) took the oath)*

(The Inspector General (IG) of Police (Mr. Douglas Kanja) took the oath)

*(The Vice-Chairperson of the Independent Policing Oversight Authority
(IPOA) (Ms. Anne Wanjiku) took the oath)*

*(The Commissioner, National Police Service Commission
(NPSC) (Mr. Edwin Cheluget) took the oath)*

Hon. Cabinet Secretary, the DCI was not among the parties we had invited to appear. In the event that he will give any information to the Senate, we will allow him to take oath. You can proceed to take oath.

*(The Director, Directorate of Criminal Investigations
(Mr. Mohammed Amin) took the oath)*

Hon. Senators, having administered oath to the parties we have invited, I now call upon the Senator for Migori County, Sen. Eddy Oketch, to take to the Floor, him being the Senator who brought this matter before the House.

Hon. Oketch and to all Senators, let us avoid speeches, straight to the question that you wish to get responses for, so that we avoid wasting a lot of time.

Hon. Cabinet Secretary and your team, if you get an opportunity to respond; please keep it concise and straight to the point, so that we save on time.

Proceed, Sen. Eddy.

STATEMENT**DEATH OF ALBERT OMONDI OJWANG’
WHILE UNDER POLICE CUSTODY**

Sen. Oketch Gicheru: Thank you, Mr. Speaker, Sir. This is a request for a Statement on the unfortunate death of Albert Omondi Ojwang’ while under police custody.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Committee on National Security, Defence and Foreign Relations on a matter of national concern regarding the tragic death of Mr. Albert Omondi Ojwang’ who is a resident of both Migori and Homa Bay counties, under police custody.

In this Statement, I take note that the death of Mr. Ojwang’ has caused widespread grief and outrage within the country. The late Ojwang’ sustained fatal head injuries while in police custody at the Central Police Station in Nairobi following his arrest by police officers in Homa Bay County raising serious concerns and questions about police brutality, abuse of authority and lack of immediate accountability by the responsible officers. Therefore, the Committee should address the following-

The circumstances that led to the death of Mr. Albert Omondi Ojwang’, including a detailed account of the events surrounding his fatal injuries.

Secondly, Mr. Speaker, Sir, we would wish to know the actions taken by the National Police Service Commission (NPSC) and the Independent Policing Oversight Authority (IPOA) to investigate the incident, including whether any officers involved have been interdicted or subjected to disciplinary or criminal proceedings.

We would also wish to know the measures that the Ministry of Interior and National Administration and the NPSC are implementing to prevent police brutality and ensure accountability, particularly in handling civilians during law enforcement operations.

Mr. Speaker, Sir, the two specific elements of this, if you allow me, is in this Sitting, we want to be clear on who in the eye of the Cabinet Secretary and Inspector General (IG) of Police, are the suspects in this matter. When our colleague, Hon. Ong’ondo Were died, may his soul rest in peace, the people who were termed as suspects were put in custody. Even if investigations were going on, they did statements while in custody. Why is this different? That is a question that must be answered.

Lastly, the IG of Police informed the nation that the young man who has died, Albert, hit his head on the wall which, therefore, suggested that he killed himself. It is important for this House and the country to know from him, where he got this information. Now that the autopsy has been conducted that says the contrary, what has the Cabinet Secretary done in terms of taking responsibility on those two accounts?

I thank you.

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, you may now proceed. If there are some aspects that you need your team to also take to the stand on, you may allow them.

You may proceed.

The Cabinet Secretary for Interior and National Administration (Hon. Kipchumba Murkomen): Thank you, Mr. Speaker, Sir. I am here today pursuant to your invitation to appear before this House, to address this serious matter of the death of Mr. Albert Ojwang’.

The tragic death of Mr. Albert Ojwang’ while in police custody has deeply pained the conscience of our nation. His parents have lost their only child. I acknowledge this not as an isolated issue, because one life lost, under such circumstances like Ojwang’, is a life too many.

Mr. Speaker, Sir, as a parent, citizen of this Republic and the person with the responsibility of presiding over this important Ministry of Government, it is regrettable that such an act happened in our nation, particularly in the hands of police officers. I would like to send my personal condolences to the family of Mr. Albert Ojwang’, his father, mother, wife, their only child and the entire family, and to promise them that, as a Government official, I will cooperate and put every effort within my Ministry to ensure that justice is served to this family. I assure them that those who were involved in this action will be punished severely, so that it becomes an example that such an act should not happen within police custody.

Mr. Speaker, Sir, I know this is not an isolated issue. The issue of police brutality has been part of our national discourse for far too long. Yesterday, there was no mechanism for holding police officers accountable. However, a few years ago, with the enactment of the new Constitution and the establishment of institutions of accountability, we now have a mechanism of holding police officers into account. That is why, courtesy of that legal framework and the people of Kenya under their Constitution, a number of police officers who have committed such heinous acts, have been held into account.

Mr. Speaker, Sir, we all remember that in 2013, there was the case of Mr. Martin Koome who was killed in the same manner, like Mr. Albert Ojwang’. The suspect was brought to justice because of this process of accountability. We know that there is a process of accountability on the case of Baby Pendo. Similarly, we know that the murder of my friend, Wakili Kimani, in 2016, where, those who performed that act were brought to justice.

I promise the family of Mr. Albert Ojwang’, the people of Kenya and this august House that every effort will be put and every resource that is required, where the Ministry is required to provide resources, for these investigations and any support the investigators will require, we will do our best to make sure that justice is served to this family.

Mr. Speaker, Sir, I would like to bring to the attention of this House, of Article 245(4) of the Constitution, which is clear that the Cabinet Secretary responsible for the police service, which in this situation is myself, may lawfully give direction to the Inspector General with respect to any matter of policy for the National Police Service. As a result of this provision, we have enough legal and policy framework, that the NPS is under proper guidance to make sure that this issue of police brutality is dealt with.

I wish to read that important provision. It says-

“The Cabinet secretary responsible for police services may lawfully give a direction to the Inspector-General with respect to any matter of policy for the National Police Service, but no person may give a direction to the Inspector-General with respect to--

- (a) the investigation of any particular offence or offences;
- (b) the enforcement of the law against any particular person or persons; or
- (c) the employment, assignment, promotion, suspension or dismissal of any member of the National Police Service.”

Mr. Speaker, Sir, we all know that because of our robust constitutional order, the independence of institutions is an extremely important value in our Constitution. As a result, to insulate the NPS from interference from the Executive, even the President is barred from giving directions to the IG of Police regarding any investigations that are going on in a particular matter. So, my position is confined in law to the place where I give either policy directions that must be put in writing under Article 245 of the Constitution, and, also to provide financial support, and other resources. Parliament also has the responsibility to provide these resources through the relevant institutions.

Mr. Speaker, Sir, I sympathise with the position of Hon. Eddy. I agree with him that something has to be done. However, he has asked a very pertinent question as to who the culpable person is, through my eyes. Unfortunately, the Constitution did not give me the eyes to see who is culpable. Those eyes have been given to the investigatory authorities under Article 245 of the Constitution. That is why you rightly invited me, but also invited the independent institutions.

I am confident and this is the promise I give to the people of Kenya, that we will do everything within the Ministry to ensure that there is no interference, shielding of any individual, cover-up from the part of the Executive, the IG of Police and the IPOA. Again, Section 4 of the IPOA Act, they have been given independence in all matters of investigation or regarding matters related to police brutality and crimes committed by police officers.

Mr. Speaker, Sir, should questions arise that touch on policy issues, and the Ministry's policy contribution, I am happy to respond. However, I am glad to note that we have with us the IG of Police who exercises that independent authority as well as IPOA. We have agreed that the IG of Police is going to delve into the matter itself of what really happened, so that this House can get the proper information. As a Cabinet Secretary, I will continue with my oversight responsibility with policy directions and respond to this House on issues that are policy in nature.

Mr. Speaker, Sir, with your permission, I would like to invite the IG of Police to first give as an account of what happened. Let it be known, not just to this House, but also the country, that in the same manner that this House is demanding for accountability, it is the same manner that I demand accountability from the IG of Police.

It is not just for me, but for the people of Kenya that it is the Cabinet Secretary for Interior and National Administration who comes to this House and goes to many other fora to respond to issues happening in the IG's office. The same way many of you

received the news of the death of Mr. Albert Ojwang' is the same way I received the news with a lot of pain. I do not want that issue to continue.

Mr. Speaker, Sir, I used to sit where Sen. Cheruiyot, the Senate Majority Leader, now sits. I also used to sit where Sen. Chute now sits. There used to be cases of police brutality, including arrest of our colleagues in this House. My report is in the HANSARD of this House. I advocated for good behaviour among police officers. Even as we push it from the Executive, I expect the same support from this House---

(Loud consultations)

The Speaker (Hon. Kingi): Order, hon. Senators. Let the Cabinet Secretary be heard in silence.

Hon. Cabinet Secretary, please conclude.

The Cabinet Secretary for Interior and National Administration (Hon. Kipchumba Murkomen): Mr. Speaker, Sir, that accountability is not negotiable or debatable. We expect every national police officer who was involved in this matter to be brought to justice expeditiously.

Mr. Speaker, Sir, allow me now to invite the IG to make his statement.

Hon. Senators: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Senators, you will have an opportunity to speak.

Sen. Sifuna: No.

The Speaker (Hon. Kingi): Sen. Sifuna, you cannot tell me 'no.'

(Sen. Sifuna spoke off record)

Sen. Sifuna, you are treading on very dangerous grounds. All Senators will have an opportunity to speak. Allow the IG of Police to take the Floor.

IG, you may proceed.

The Inspector General of Police (Mr. Douglas Kanja): Thank you very much, Mr. Speaker, Sir. I am here before this House courtesy of the invitation that was done yesterday to address---

(Loud consultations)

The Speaker (Hon. Kingi): Order, hon. Senators. Senate Minority Leader and Senate Majority Leader, please approach the Chair. Sen. Sifuna, do not approach the Chair. I want the Senate Minority Leader and the Senate Majority Leader to approach the Chair.

(Sen. Madzayo and Sen. Cheruiyot consulted with the Speaker)

(Loud consultations)

Hon. Senators, kindly let us take our seats. Sen. (Dr.) Boni and Senator for Nandi, please take your seats.

(Several Senators sat at their places)

Hon. Senators, we had the IG of Police on his feet before we started consultations. I am happy that the consultations are now over. IG of Police, you may now take the stand. Hon. Senators, you will have an opportunity to ask questions to all these people.

IG of Police, please proceed.

Sen. (Dr.) Boni, please, approach the Chair.

(Sen. (Dr.) Khalwale consulted with the Speaker)

(Loud consultations)

Order, hon. Senators. This matter has affected everybody. It did not just affect a single Senator, but everybody is in pain. Let us not try to show the world that it is only one individual in this Chamber who is in pain.

Hon. Senators, the Cabinet Secretary has made his opening statement. He will be open to interrogation by Hon. Senators. Now, we may elect to pursue this matter in these two ways. Now that the Cabinet Secretary has given his opening statement, we can interrogate him and dispense with him.

(Sen. Sifuna and Sen. Abdul Haji consulted loudly)

Sen. Sifuna! Hon. Senators, we are not here for *TikTok* bytes. We are here on a very serious matter.

(Loud consultations)

Give Sen. Wambua the microphone, please.

Sen. Wambua: Thank you, Mr. Speaker, Sir. With great humility, my colleagues, I plead with us to do this process. Let us do this for Albert and for Kenyans who are watching. I plead with us.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Senators, the Motion that just passed indicated that we are suspending the Sitting for not more than two hours. We have already consumed more than one hour. It is a Motion that you have passed. Therefore, whatever is remaining must be transacted within the remaining minutes that we have. We can decide to make good utilization of the few minutes remaining or we can go back to where we have just been a few minutes ago.

IG of Police, you may proceed to take the stand.

The Inspector General of Police (Mr. Douglas Kanja): Mr. Speaker, Sir, once again, thank you very much. As I said from the beginning, I am here courtesy of the invite of this House to address the grave matter that has captured the attention of our country.

The NPS deeply regrets the unfortunate events that resulted in the death of Mr. Albert Ojwang' while in police custody. The Service extends its sincere condolences to the family and loved ones of the deceased during this difficult time. In line with our commitment to accountability and transparency, the NPS pledges full cooperation and support to the IPOA as they undertake a thorough and independent investigation into the matter.

In view of the above, the NPS wishes to provide the following chronology of events leading to the arrest of Mr. Albert Ojwang'-

The summary of incidents-

On 4th June, 2025, the Director of Criminal Investigations (DCI) received a formal complaint from Mr. Eliud Lagat, the Deputy Inspector General in charge of the Kenya Police Service. The complaint alleged that false and malicious information had been published against him on the X platform, formerly *Twitter* social media platform.

The post claimed he was involved in corruption within the NPS. Specifically, the published information alleged that Mr. Eliud Lagat had strategically placed his most trusted officers in charge of the DCI, in the DCI desks, the Occurrence Book (OB) desk and traffic shifts, in order to control both revenue streams and intelligence flow.

Additionally, another post depicted him alongside Mr. Joseph Chirchir who is a senior officer stationed in the Nairobi Area Command, under the caption, "*EACC investigating top cop after purchase of US\$2.6 million home in Dubai.*" This was accompanied by the Deputy Inspector General of Police's (DIG's) photograph and the phrase, "*Eliud Lagat, Mafia Police.*"

These claims were found to be defamatory and unsubstantiated and of significant public concern thereby necessitating immediate investigations under the Computer Misuse and Cybercrime Act No.5 of 2018. The Director, DCI, immediately assigned the case to the Cybercrime Investigation officers composed of Corporal Abdulrahman Hussein, Police Constable Dennis Kanyoni, Police Constable Samuel Kamau and Police Constable Milton Mwanza.

The same day, Mr. Hilary Mutai, Senior Superintendent of Police, who is the officer in charge of the Serious Crimes Unit domiciled at the DCI, and Police Constable Milton Mwanza visited Vigilance House, that is, the Police Headquarters, to record the complainant's statement.

To verify the claims, the investigating team wrote a letter to the Ethics and Anti-Corruption Commission (EACC) to confirm whether Mr. Eliud Lagat was under any investigation. Similarly, a request was made to the Communications Authority of Kenya (CAK) in writing to provide registration details and preserve posts associated with the X-account handle @pixo Pionerai, account name, Pixcel Panea. On 4th June 2025, the CAK responded confirming that the handle was active and had 13,400 followers.

On 5th June 2025, the EACC responded in writing, confirming that Mr. Eliud Lagat was not under investigation by the Commission. On the same day, the investigating team requested additional information from the CAK regarding another X-account handle @kevin Mwisicheles, Account name Kevin Mwiches. The CAK responded with registered details and relevant posts of the account.

Following the evidence analysis the investigating team concluded that –

- (1) The EACC had not initiated any investigations against Mr. Eliud Lagat contrary to the social media claims.
- (2) The CAK reports linked the post directly to the identified suspect.
- (3) There existed a *prima facie* case warranting the arrest of the individuals responsible for the false publication, contrary to Section 22(1) of the Computer Misuse and Cybercrimes Act No.5 of 2018.

On 5th June, 2025, the investigating team travelled to Kisii County and reported to Kenyena Police Station and booked themselves under OB No.23/05/06/2025 at 1255 hours. They were assisted by Police Constable Phanice, who was nominated by the Sub-County Criminal Investigations officer to accompany the team. They arrested Mr. Kevin Moinde at his homestead. He was booked at Kenyena Police Station vide OB No.25/05/06/2025 and later transferred to the DCI Headquarters vide the OB No.25/05/06/2025.

At the DCI Headquarters, Mr. Kevin Moinde provided a statement and disclosed the involvement of four other individuals, one being Mr. Albert Ojwang', now deceased, Ms. Dorcas Mawia, Mr. Douglas Marigiri and Mr. Peter Mbugua. He also shared their respective X account handles.

The team's analysis of Mr. Albert Ojwang's X account revealed that he had posted similar defamatory content. Consequently, on 7th June, 2025, the investigating team travelled to Homa Bay County and reported to Mawego Police Station. They were provided with three officers from the station by the officer commanding the station, the local OCS, to accompany them.

Subsequently, Mr. Albert Ojwang' was arrested and booked vide OB No.09/07/06/2025. His departure for Nairobi was recorded vide OB No.11/07/06/2025 in the same police station. The team made a stop at Narok Town for refreshments, during which the suspect requested for water, a bottle of soda and some biscuits. They arrived at the Central Police Station in Nairobi at approximately 2117 hours. At 2124 hours, Albert Ojwang' contacted his wife via mobile number 0758081612 to inform her of his safe arrival. Chief Inspector Talam, the Officer Commanding Central Police Station (OCS), was contacted via mobile number 0722919880 and authorised the booking. Mohamed Rashid Abdulahi, booked the suspect into the cells after confirming his normal physical and mental state via the OB No.136/07/6/2025 at 2135 hours.

In the early morning of 8th June, 2025, it was reported by the officers manning the report office desk at Central Police Station Nairobi that they found Mr. Albert Ojwang' unconscious at the cells during a routine visit. He was rushed to Mbagathi Hospital, booked via the OB No.090806/2025 at 0139 hours. Unfortunately, he was declared dead upon arrival.

In light of the death in custody, the IPOA was notified immediately to conduct a thorough, independent investigation. Additionally, to safeguard the integrity of the process and ensure full accountability, the following actions were undertaken by the IG of police-

Number one, the interdiction of the Officer Commanding Central Police Station, interdiction of the duty officer on duty in the night of the incident, the interdiction of the cell sentry on duty during the time, the interdiction of all the officers who were on duty at the report office that night, ongoing review to identify and interdict any additional officers involved at the time.

On 10th June, 2025, a post-mortem examination of the late Mr. Albert Ojwang' was conducted at the Nairobi Funeral Home. The autopsy was carried out by the following team of pathologists; Dr. Bernard Midia, representing the Government, Dr. Njoroge representing the Government, Dr. Oduor serving as an overseer on behalf of the family, Dr. Mutuma representing the family and Dr. Ndegwa representing the Independent Medical Legal Unit (IMLU).

Following the examination of the body, they unanimously concluded that the cause of death was blunt-force trauma as evidenced by the following findings-

Number one, head injuries, including internal bleeding into the head, features of neck pressure suggestive of compression or strangulation, multiple superficial injuries on the upper ribs, lower ribs and trunk. The post-mortem was witnessed and documented by the officers from the IPOA, the homicide team from the DCI and the DCI forensic experts.

Investigations into the matter remain ongoing under the direction of IPOA. The NPS remains committed to transparency, accountability and the protection of human rights. All relevant information and support are being provided to IPOA to ensure an impartial investigation.

Thank you very much, Mr. Speaker. That is the information I wish to provide to this House.

The Speaker (Hon. Kingi): Thank you, IG of Police. Hon. Senators, you have heard from the Cabinet Secretary in charge of Interior and National Administration. We have also heard the IG of Police giving an account of how this young man met his death.

Now, at this juncture, I will allow interventions from Hon. Senators. We need to agree on how we are moving forward because I have all of you on my dashboard.

Sen. Dullo: Mr. Speaker, Sir, I am requesting if IPOA can give us what they have done.

The Speaker (Hon. Kingi): Hon. Senators, this is your House and I am here to make sure you conduct the business in an orderly manner.

During the unfortunate incident that we have just witnessed, there was a school of thought that you would wish to hear, cross-examine and dispense with one witness. Then there was another school of thought, that in the interest of time, we hear all the parties that have been summoned to the Senate and then thereafter, we allow hon. Senators to shoot questions.

This is because I may not have a question to the Hon. Cabinet Secretary, but my question may, for example, be directed to IPOA. So, we may agree to hear all the parties that are before us and then if you take to the Floor, you direct the question to the party that you feel your question would adequately be addressed.

(Several Senators called for IPOA to take the Stand)

Let us have IPOA on the stand.

Sen. Veronica Maina: Hon. Speaker, Sir, I need a clarification from you, whether it is possible to extend this session by one hour because we might not finish within the 30 minutes. The questions might not find time. The Speaker has discretion under Standing Orders.

The Speaker (Hon. Kingi): I have that power, Hon. Senators, under Standing Order No.38, but I can only exercise it if I see the time that we have being utilised for the purpose that has brought us here. If that is proven to me, I will have no problem extending. However, I will never extend even a minute for us to argue or fight. I will extend, even if it is one hour or two hours, for us to dig deep into this matter, not for sideshows. I will not give them even a minute.

Sen. Veronica Maina: Most obliged. Thank you, Speaker, Sir.

The Speaker (Hon. Kingi): Proceed, IPOA.

The Vice-Chairperson, Independent Policing Oversight Authority (Ms. Anne Wanjiku): Thank you, Mr. Speaker, Sir. I am standing in for my Chairperson who is away on official duty.

I relay our condolences as the IPOA to the family of Mr. Ojwang'. It was very unfortunate to lose such a young man, a professional with a very young family. We have been mandated as IPOA to oversight the police on issues of crime, criminal offences. The recent judgement by Justice Mugambi J. emphasized that IPOA has the sole mandate to investigate police on criminal matters.

Mr. Speaker, Sir, in regard to this case, I will give a brief of the facts that we have. From start, the DCI received a complaint from the DIG, Kenya Police, Mr. Eliud Lagat, through a letter referenced DIG/KPS/SCC/POL/Volume2, 72, dated 4th June 2025, where he alleged that he suffered continuous false and malicious publications on X account, formerly *Twitter* with the username *Pixel Pioneer*, and requested investigations with a view to establish the person and motive behind it.

On the same day, on 4th June 2025, the complainant was referred to Serious Crime Unit based at DCI Headquarters for investigations. Through forensic analysis, they were able to identify the link used by the blogger and the person linked to the account as one Kelvin Muinde. On 5th June 2025, Kelvin Muinde was arrested by DCI officers from the Serious Crime Unit at Gituki area, Bomachage, Borabu and later escorted to Nairobi.

He was placed in custody at Kamukunji Police Station, Nairobi. On interrogating the suspect, the officers established that one Albert Omondi Ojwang', herein referred to as the deceased, a resident of Lida Centre within Homa Bay County, was a person of interest and, therefore, planned to arrest him.

On 7th of June 2025, at around 8.00 a.m., a team comprising of Sergeant Sigei, Sergeant Wesley Kipkorir Kirui, PC Dennis Kenyoni, PC Milton Mwanze and PC Boniface Rapudo went to Lida Centre in Homa Bay County and arrested the deceased at around 2.30 p.m. and took him to Mawego Police Station and later in custody vide OB/10/7/6 of 2025. At around 3.54 p.m., the deceased was booked out vide OB No.11/7/6 of 2025 and escorted to Nairobi, where he was booked at Central Police Station vide OB No.136/7/6 of 2025, at 9.31 p.m.

On 8th June 2025, according to the police signal, the deceased was rushed to Mbagathi Hospital by police officers from Central Police Station, where he was declared dead and later taken to City Funeral Home. The IPOA learnt of the death of Albert Ojwang' in police custody on 8th June from the media as well as through the police signal sent to the IPOA by the IG of Police and immediately commenced investigation.

Hon. Speaker, we have achieved the following tasks-

(1) The scene was visited and documented for purposes of preserving the integrity of the evidence, to establish the sequence of events and identify any indicators of misconduct.

(2) Blood samples were collected from the scene and blood spatter analysis was also done by our investigating officers.

(3) All relevant police documents were collected from Central Police Station. The CCTV DVR was seized and forwarded for forensic analysis. Statements from all the five DCI arresting officers were recorded. A letter addressed to Mbagathi Hospital requesting information on whether the deceased was treated at the facility was delivered. A reply is expected by 11th of June, that is today. The family of the deceased was contacted. Potential witnesses were also identified. The OB records were obtained from Mawego Police Station. The post-mortem examination was attended and a copy of the report was obtained. The samples drawn from the deceased body were secured and are pending onward transmission to the Government Chemist.

The statement of one detainee held at Central Police Station was also recorded.

Mr. Speaker, Sir, the following are the pending tasks-

(1) To forward the collected samples from crime scene for analysis;

(2) To forward samples collected from the deceased body for analysis;

(3) To record a statement of other potential witnesses and family members;

(4) To record the statement of the officers from Central Police Station today and the statements were to start, the recording was to start at 9 a.m. at our offices at the headquarter;

(5) Collect medical documents from Mbagathi Hospital, that is, the feedback and analyse evidence and also to generate a report on the same.

The key findings are-

One, that the CCTV systems located at OCS office had been interfered with.

Number two, that the post-mortem conducted on 10th June, 2025 revealed the cause of death as head injury due to blunt force trauma, neck compression and multiple subcutaneous bruises all over the body.

Hon. Speaker, the autopsy report and our preliminary investigations rule out the theory of suicide.

Thank you, Hon. Speaker.

The Speaker (Hon. Kingi): The National Police Service Commission (NPSC).

The Vice-Chairperson, National Police Service Commission (Mr. Edwin Cheluget): Thank you very much, Mr. Speaker, Sir. This is the NPSC.

As you are aware, Mr. Speaker, Sir, we do not have a full commission right now and I am standing in as the Vice-Chairperson, awaiting the appointment of the rest of the commissioners to join the Commission.

I do not think at this moment I will have much to say, but first to pass condolences to the family and the entire country for the unfortunate event.

Sen. Dullo: On a point of order, Mr. Speaker, Sir, sorry, for the purpose of HANSARD, can he say his name, please?

The Vice-Chairperson, National Police Service Commission (Mr. Edwin Cheluget): Oh, sorry. My name is Edwin Kiprono Cheluget. As I have said, we are awaiting the rest of the commissioners to join us.

Mr. Speaker, Sir, I only come in on two issues; disciplinary control in the NPSC. The issue of disciplinary control includes actions against police officers who have been convicted of disciplinary offenses, which include such circumstances as has happened today.

If the investigations lead to culpability of any officer, it is the responsibility of the NPSC to take the necessary steps and mete the necessary sentence to that culpable officer and as you have said. As we have said, the IG of Police has already confirmed that he has interdicted four officers already, which is within his mandate as the IG of Police.

When the investigations are over, we will be able to receive that report and whether it will result - depending on the participation of each of the affected officers - mete the necessary sentence or punishment in terms of whether it is a reprimand, whether it is a warning, whether it is reduction in rank or whether it is a dismissal. So as for us, we are waiting for the finalisation of the investigations by IPOA and the support of the IG of Police and any other body that may give us information on culpability of any police officer.

Mr. Speaker, Sir, at this moment, we are waiting and we hope the entire process will be open and transparent. Once we have all the facts, we will know which sentence to mete to which officer and which officer is supposed to get what kind of sentence.

I submit, Mr. Speaker, Sir. Thank you.

The Speaker (Hon. Kingi): The Directorate of Criminal Investigations (DCI)

The Director, Directorate of Criminal Investigations (Mr. Mohammed Amin): Thank you, Hon. Speaker. Mine is to join my colleagues first in really expressing my sincere condolence to the family, relatives and friends of the deceased, the late Albert Ojwang'. It was indeed a very unfortunate incident. Otherwise, mine is to associate---

The Speaker (Hon. Kingi): State your full names and then you proceed.

The Director, Directorate of Criminal Investigations (Mr. Mohammed Amin): My name is Mr. Mohamed Amin, the Director, DCI.

Mr. Speaker, Sir, at this juncture, I would like to associate myself fully with the submissions made by the Inspector General of the National Police Service before this august House. Again, I reiterate the fact that as a Directorate, we are ready and willing to assist the IPOA in terms of the investigations in whatever way we are requested.

Thank you.

The Speaker (Hon. Kingi): Hon. Senators, these are the parties we invited to interact with on the matter of the young man's death. This is how we will proceed. If you take to the floor, you will state which party you are directing your question to. That party will write down your name and the question. Once we are done, I will call upon the Cabinet Secretary, who will respond to the questions directed to him. Thereafter, we will move on to the rest of the parties.

Sen. Eddy Oketch, proceed.

Sen. Oketch Gicheru: Mr. Speaker, Sir, I have two questions. If you read my first question in this Statement, it was very clear. I will repeat it for purposes of the Inspector General of the National Police Service now that the Cabinet Secretary has said that he has neither eyes nor ears. My question concerns the circumstances that led to the death of Mr. Albert Omondi Ojwang', including a detailed account of the events surrounding his fatal injury.

The IG of Police has stated that at around 2335 hrs, Albert was booked at the Central Police Station. He further stated that Albert was booked after an assessment confirmed that he was in good mental and physical condition. My question to the IG of Police is: who assaulted Albert to the point that he was found in critical condition the next morning when he was taken to the hospital? What happened that night? This is what we need to know.

Additionally, the IG of police is on record stating in the media that Albert hit his head on the wall. Who provided him with that information? Does he still stand by that claim given what IPOA has revealed in the autopsy report? That is what I want to know. What exactly happened that night?

Thank you.

The Speaker (Hon. Kingi): Sen. Methu, proceed. There are no speeches.

Sen. Methu: Thank you, Mr. Speaker, Sir. I will be very direct to the point. Having listened to the man who, in my opinion, was supposed to provide the evidence of the chronology of events, I hold this opinion.

We were told that the complainant is the Deputy Inspector General of the National Police Service. Based on what the Inspector General of Police has said--- I believe the evidence he has put together is decorated evidence. I will give two examples of why I think he is trying to cover for his deputy.

He states that the complainant lodged a complaint on 4th June. He also mentioned four officers who were assigned to pick up the statement from the Inspector General of the National Police Service. Now, referring to the 5th of June, he says that two letters were written, one in response to the EACC on the 5th of June and another to the CAK on the same day. That same day, they received a reply from the CAK. Once satisfied that there was a case to answer, the officers proceeded to arrest Albert.

The officers arrived in Kisii at 12:55 p.m. Working backward, the distance from Nairobi to Kisii is 307 kilometres. If they indeed left Nairobi after being satisfied, unless these letters were being processed before the Government offices officially opened, this timeline raises concerns.

I understand that Government offices open at 8.00 a.m. If, for example, they wrote to the CAK at 8.00 a.m. and received a response by 8.15 a.m., assuming the Government operates with extreme efficiency, it would mean they drove to Kisii in less than three hours. This could not have happened unless there is further evidence of how---

(Sen. Omogeni spoke off record)

No, we have been told that they did not fly. We have been told that they drove to Kisii.

The Speaker (Hon. Kingi): Sen. Methu, do not engage your colleagues. Just proceed.

Sen. Methu: Mr. Speaker, Sir, they drove all the way to Kisii. According to the IG of Police, they arrived at 1255 hours. This already shows that the evidence has been deconstructed. It is not original and does not present a true record of what happened to Ojwang'. I am very sad that the IG of Police---

The Speaker (Hon. Kingi): Just ask your question.

Sen. Methu: That is my question. My second question.

(Loud consultations)

Hon. Speaker, I do not know why colleagues---

The Speaker (Hon. Kingi): Order, Hon. Senators. One, let me just direct you. I will not take any points of order. We have just suspended the Sitting. Therefore, we are here not strictly enforcing the Standing Orders. Allow the Hon. Senator to proceed. You have made a basis for your question, proceed to ask the question.

Sen. Methu: Mr. Speaker, Sir, we are here because we want to know what happened to Albert Ojwang'. Any information that can help us uncover the truth will be valuable in moving forward.

Finally, may I ask the IG of Police, once it was established in the morning that Albert was unconscious and being rushed to the hospital, why was Mbagathi Hospital chosen over Kenyatta National Hospital? This question may aid the investigation.

I have observed that the distance from Central Police Station to Kenyatta National Hospital via Hospital Road is 5.1 kilometres while the distance to Mbagathi Hospital via Valley Road is 5.8 kilometres. Given that Kenyatta National Hospital has better facilities and is closer to the Central Police Station, I would have expected Albert to be taken there instead.

Thank you.

The Speaker (Hon. Kingi): Sen. Osotsi, proceed.

Sen. Osotsi: Thank you, Mr. Speaker, Sir. I have listened to the IG of Police very keenly. I would like to know the specific brief that led to the suspension of the officers at Central Police Station.

The Speaker (Hon. Kingi): Sen. Boni, proceed.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, my first question is to Cabinet Secretary, Hon. Kipchumba Murkomen. Patriots in this country fought against detention without trial. I assure you, they are going to fight against extrajudicial killings, especially within police custody.

The question is this: The DIG, Mr. Eliud Lagat, went against the provisions of Chapter Six of the Constitution, the National Police Act, specifically Section 17 and in general, the Leadership and Integrity Act.

Hon. Kipchumba Murkomen, you are a member of the National Security Council (NSC) where you sit together with the IG of Police and both of you are present here. Why have you found it difficult to advise the necessary authorities that Mr. Eliud Lagat be dismissed from service?

My next question is to IG of Police. The Kenyans who know the IG of Police have a lot of respect for him because he is the officer - and this is unknown to some - who defeated the terrorists at Dusit D2 Hotel. We know you as a serious police officer. We have been wondering why there are killings under you. Now that Mr. Eliud Lagat is the person we have found to be who he is, we can very well see, who has been undermining you.

I, therefore, appeal to you to tell this country why the Police Spokesperson by the name of Muchiri Nyaga misrepresented material facts and attempted to conceal this killing. He also went and interfered with the circumstances of the crime by stating that Ojwang' hit his head on the wall. IG of Police, why have you not arrested him? He has information, which in his statement, under arrest will help to point fingers at who gave him this deliberate statement, so as to do what I have said above.

Mr. Speaker, Sir, back to Amin. The IPOA has told us the names of the officers from DCI who went to Migori to arrest Ojwang'. Can you tell the country; how it came to pass that Ojwang' was moved all the way, hundreds of kilometres, contrary to the provisions of normal procedure? They would have required that he be taken to the nearest police station in the jurisdiction where he committed "the said crime". If he needed to be moved, a magistrate needed to give permission for him to be moved all the way to Nairobi.

IG of Police, could you tell us why you have found it difficult to arrest these officers? Their names are a little bit disturbing. Tell us why you have not arrested them because they were the only ones who were with this young man, from the last time his parents saw him well and alive up to the time they came to Nairobi, for the country to be told that the young man was dead?

I would like to appeal to Cabinet Secretary, Hon. Murkomen. The National Security Council where you sit is charged with promoting and guaranteeing the security of the country and yet you have the audacity to come and face the Parliament of Kenya telling Kenyans that you do not see and you do not know. Hon. Murkomen, please, for

the respect of this young man, you are yet to grow a child up to the age of 31, can you immediately resign? You are not fit to be in that docket.

(Applause)

Please, I beg you. It is not personal. If you think I am joking, you are a well-read man. You know that in 2011, in Tunisia, a street hawker - Mohamed Bouazizi was killed. People went to the streets and the Government of President Ben Ali was overthrown. You truly do not know what you are playing with. Please, resign. You cannot be an inspiration and be in Cabinet.

The Speaker (Hon. Kingi): Sen. Madzayo.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Swali langu la kwanza linakwenda kwa Inspekta Generali. Ningetaka atueleze kwa wazi, ni sababu gani kulikuwa na lazima kwamba, huyu mtu aliyeshikwa kule Homa Bay, Kajwang'.....*sorry, my brother Kajwang*'.

Huyu Ojwang' aliyeshikwa kule kwao Homa Bay, kuchukua safari ya masaa mengi kama hayo mpaka Nairobi; kulikuwa ni lazima gani aje Nairobi?

Swali la pili, ni sababu gani alipofika Nairobi, kulikuwa na maafisa waliotangulia kuingia ndani ya seli na kuharibu kamera za CCTV ili chochote kitakachofanyika pale ndani, yeyote ataingia au kutoka, hataonekana kwa zile kamera? Ni nani walifanya kitendo kama hicho cha kupoteza CCTV isione? Ni nani aliingia ndani ya ile seli iliyokuwa na Ojwang'? Ile CCTV ingetusaia.

Bw. Spika, wale watu waliingia pale ndani, wewe ukiwa kipaumbele ulisema ya kwamba, pengine huyu alijigonga na akafa. Ningetaka kukwambia ukweli wa mambo kwamba hakuna binadamu ako ndani ya seli anaweza kujigonga mwenyewe mpaka akajiua labda kama alikuwa na akili punguani. Ningetaka kujua wale maafisa wa polisi waliingia pale ndani na kumuua Ojwang' ni akina nani?

The Speaker (Hon. Kingi): The Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I have followed the presentation from IPOA who are the constitutionally charged body with investigating such incidents. However, I found their answer to be a bit vague because of no specific reference to certain critical things that the country would like to know at this time because that would help the country appreciate their investigation.

We have seen the list of interdicted officers who include the OCS and the officers who were on duty. This morning also, IPOA listed the names of officers who went all the way to Homa Bay to pick Albert Ojwang'. From IPOA's records and investigations, would it not have been beneficial if the Vice-Chairperson of IPOA led this House and the country to know the state of Albert Ojwang' when he arrived at Central Police Station?

Second and most importantly, where are these officers, the DCI officers that picked him and the officers who interacted with Albert Ojwang' in the course? Have they recorded their statements? By when should we expect to see the conclusion of this investigation, the closure of the file and the forwarding it to ODPP for people to be

charged? If I could get those three specific items, I would appreciate and know that for sure something is being done to give justice to the family of this deceased young man.

I thank you.

The Speaker (Hon. Kingi): Sen. M. Kajwang', please, proceed.

Sen. M. Kajwang': Mr. Speaker, Sir, for the record, the name Ojwang' in Dholuo means abandoned, neglected and raised in hardship. Clearly, you can see it has come to be true in the case of Albert that we are talking about today.

Mr. Speaker, Sir, can the IG of Police withdraw and apologize to this House for the assertions that he made through the formal communication by the NPS that Ojwang' killed himself? In my culture, suicide brings stigma. Therefore, the IG of Police has brought untold suffering and stigma to the family of Ojwang' by purporting that this gentleman killed himself when the autopsy clearly reveals that he was killed in the hands of the police. Can you direct the IG of Police to apologize and withdraw on the Floor of this House on the strength of the autopsy report?

Secondly, Mr. Speaker, Sir, there are many good officers in the NPS. We must agree. All the Members of Senate here have one or two police officers assigned to them. Generally, they are people of good conduct. However, there are few bad apples that need to be fumigated. That is where the National Police Service and the Cabinet Secretary for Interior and National Administration come in. Has the Cabinet Secretary done any policy directives in writing pursuant to Article 245 to deal with those bad elements?

Mr. Speaker, Sir, further, if you pursue the proximate cause theory, it was a complaint by the DIG, Eliud Lagat, that led to the arrest of this young man in Lida, in Mawego, and that led to his death. Why is DIG, Eliud Lagat, still in office when it is his complaint that triggered the chain of actions and reactions that led to the death of this young man? Can the IG of Police and the Cabinet Secretary tell us why? You cannot be in office still having authority and power and you are the person who is being investigated. I said there are many good police officers. The stepping aside of DIG, Eliud Lagat, will not lead to the collapse of the police service.

Kenyans want to see DIG, Eliud Lagat, not just stepping aside, but also going to a police station, record a statement and have his fingerprints taken, because there is no way they will carry out an investigation without addressing the proximate cause of the chain of events that led to the death of this young man.

Mr. Speaker, Sir, we have been told that there are other suspects that were mentioned. There was Kelvin who was taken to Kenyenyia and ultimately, ended up in Kamukunji Police Station. What is the status? Are they still alive? Kevin, Dorcas, Peter and Douglas. Albert is dead. What about the other four that were adversely mentioned? Can the IG of Police assure this House? In fact, we might need to issue *habeas corpus*, so that they can be produced and we confirm that they are alive, since one of the co-accused is right now lying at the City Mortuary.

Finally, Mr. Speaker, Sir, the Cabinet Secretary has pointed us to Article 245. He is an illustrious former Member of this House. I have a lot of personal respect for him. We are friends and agemates and I believe we operate at the same intellectual bandwidth. However, I fail to recognize him when he becomes the Cabinet Secretary because the

things he spoke and stood for while in this House continue to happen unabated under his watch. He was very articulate and eloquent when talking about the killings in Elgeyo Marakwet and Baringo counties. However, they are still happening today. He was very articulate one time when the police came to the precincts of Parliament. He moved this House to suspend its sittings and the Speaker ordered the police to exit the precincts of Parliament. That is a gentleman who today is the Cabinet Secretary.

When our colleagues, Sen. Malala, Sen. (Dr.) Lelegwe and Sen. Langat were arrested on the eve of an important debate, the then Sen. Murkomen was passionate, articulate and eloquent, citing the relevant provisions of the Constitution and he moved this House to adjourn until the rights of our Senators were observed. I know he might not tell us what happens when he was appointed a Cabinet Secretary because, obviously, there seems to be a metamorphosis from positive to negative.

Can he tell us whether he has issued any directions in writing as he had referred to Article 245 and he tables them before this House and before the relevant Committee? Can he tell us whether he has given policy guidelines, prudential advice on extrajudicial killings, enforced disappearance, violation of rights of protesters and citizens, the emergence of vigilantes and non-state actors who are abducting people in this country? That is part of his responsibility. Can he confirm that he has lived to that responsibility?

Thank you.

The Speaker (Hon. Kingi): Sen. Mungatana, please proceed.

Sen. Mungatana, MGH: Asante, Bw. Spika. Kifungu cha 239 cha Katiba ya Kenya kinasema, vitengo vya usalama ni vitatu; *Kenya Defence Forces* au Jeshi, *National Intelligence Service* (NIS) ama majasusi, na Polisi. Vile vile, kinasema, mamlaka hizi tatu ziko chini ya wananchi, yaani, *under civilian authority*. Kwa hivyo, ningependa kujua, je, ni mafunzo gani waliopata, wale waliomkamata Bw. Albert Ojwang', na kumwekwa katika seli? Je, afisa akiwa dani ya seli anaweza kufanya chochote kwa yule mtu ambaye mamlaka yako chini yake?

Ningetaka kuuliza Inspekta Generali na Waziri anayehusika kama katika *training* ya hawa polisi, *are they taught* kuhusu *Constitution* na kuhusu *being under civilian authority*? Wanafundishwa haya?

Pili, mawakili wote ambao washawahi kusimamia wateja wao ambao wanashitakiwa na kesi za jinai, ukienda kwa police station, ukitaka kuona mteja wako yeyote, ni lazima ujiandikishe kama wakili. Ni lazima useme ni nani unataka kumwona. Kwa kawaida ukiingia pale vitu vyako vyote na *identity card* vinatolewa na kuwekwa mahali kando. Unaingia kwa seli peke yako na nguo zako. Polisi au Inspekta Generali anafaa kutuambia, je, walikuwa watu wangapi katika hiyo seli. Hii kwa sababu huyu mtu tumeambiwa amepigwa au amekufa kwa sababu ya maumivu aliyoyapata. Hivyo basi, aidha, alipigwa na wenzake waliokuwa hapo ndani ama alipigwa na polisi ambao walipata nafasi ya kuingia ndani ya seli? Kila mtu anayeingia pale ni lazima ajiandikishe. IG wa polisi, tunataka kujua, je, kile kitabu ambacho kinaandikwa ukitaka kuingia kwa seli kiko wapi? Je, ni askari wagani waliopewa nafasi ya kuingia na ni watu wangapi waliokuwa ndani ya seli na Bw. Albert Ojwang'?

Haya maswali tunataka yajibiwe. Wakenya wanataka kujua, je, ni nini kilichoendelea usiku huo ili asubuhi huyu kijana awe amefariki?

Asante.

The Speaker (Hon. Kingi): Sen. Omogeni, please, proceed.

Sen. Omogeni: Thank you, Mr. Speaker, Sir. The people who have appeared before us this morning have taken an oath. I believe Mr. Amin swore by a Quran and the others lifted a Bible. When I had read a Quran some time ago, it strongly condemns murder. Cabinet Secretary, Hon. Murkomen, you are a Christian. The Bible says thou shall not kill. This matter is painful and this is an extraordinary sitting.

Mr. Speaker, Sir, the people who started the events that led to the murder of that young man who was the only son of a fairly elderly parent, were from the DCI. When he was picked from Homa Bay, I believe he was first taken to the DCI.

Mr. Amin, you are a Muslim and you also have children. All of us have children. Nobody will have joy to see somebody's son die.

The Speaker (Hon. Kingi): Sen. Omogeni, the two hours have lapsed. I will, therefore, extend for a further 45 minutes.

Sen. Omogeni: Thank you, Mr. Speaker, Sir. I believe that you have CCTV cameras at DCI offices if we need to connect the events before we end up at the Central Police Station.

Mr. Speaker, Sir, the life of Ojwang' stopped. We can also stop everything we are doing to get to the bottom of this matter. If we adjourn, could we get the CCTV cameras to track the movement of that young man from DCI Headquarters all the way to Central Police Station if we sincerely want Kenyans to know the truth? We should know whether he was taken to Central Police Station dead or alive.

Mr. Speaker, Sir, this is an extraordinary session. If we have to get to the bottom of the matter, could the DCI officer tell us this afternoon, since he has sworn by the Quran that he will get us CCTV cameras to show the state that the late was in when he left the DCI offices, assuming that CCTV cameras at the Central Police Station were tempered with? That is the first question.

Secondly, this is to the IG of Police. Bw. IG of Police, that was an ordinary suspect booked at the Central Police Station. Hon. Murkomen, you are a colleague lawyer and you also have a wife and children. I also have wife and children. We are here pained because of what the police did; murdering a Kenyan in a police cell. That was somebody's only child. How heartless can the police force be? We would like to know why Ojwang' was booked alone in a cell at Central Police Station if that was not cover-up.

We have the Vice-Chairperson of IPOA. The Chairperson of IPOA knows that we are investigating a matter where a Kenyan was murdered in a police cell; a safe haven for any criminal. Lawyers know that a police cell should be a safe haven.

I would like to know this afternoon where the Chairperson of IPOA is. We adjourned every business to address this matter. What is that very important business that he can travel out of the country instead of coming to the House to give us answers that we are seeking?

Finally, this is to Cabinet Secretary, Hon. Murkomen. You were our colleague in the last Parliament. Chapter 14 of the Constitution has 10 Articles. You know that Article 240 establishes the National Security Council (NSC). Article 240(3) states that-

“The Council shall exercise supervisory control over national security organs and perform any other functions prescribed by national legislation.”

“Supervise” is a verb or action word. Hon. Cabinet Secretary, how can you come here this morning to tell us that the Government of the Republic of Kenya has no eye and can say nothing, when the Constitution commands the police to respect human rights, the rule of law and fundamental freedoms? Fundamental freedoms demand that if I am a suspect, arrest and take me to a police station. If there is a crime I have committed, take me to a court of law.

Cabinet Secretary, I would like to ask you this morning: Do you want to tell us that the Government of the day, led by the Commander-in-Chief, has got no supervisory powers over the police force in Kenya? Is that what you are telling the Senate of the Republic of Kenya this morning?

Those are my questions.

The Speaker (Hon. Kingi): Let us now listen to the Deputy Speaker.

Sen. Kathuri: Mr. Speaker, Sir, I would like to join my colleagues in addressing this matter. The report that the DCI officers who brought Albert Ojwang’ to Nairobi states that he was in good health and the IPOA has agreed with that report. They have also concluded that Albert Ojwang’ did not commit suicide. This question goes to IPOA. How truthful is the report that you have?

I learnt from the media that there are CCTV cameras at the entrance of Central Police Station and reception, but they were interfered with. Therefore, you cannot tell whether Albert Ojwang’ was taken there when he was sound and safe. I do not know whether you correlated the travel from Homa to Nairobi and eventually DCI offices the way my colleague has explained here. As investigators, the IPOA should not give us half-baked information. Please, tell us exactly what has been happening.

The Chairperson is the person to pin down. Since you are the Vice-Chairperson, perhaps, there are issues you are not privy to. Where is the Chairperson and why is he not attending this important session?

The Senate of the Republic of Kenya has stopped all its business to handle this matter. Yesterday we spent almost the whole afternoon discussing this. We are still dealing with the same matter and we are ready to stop any business. I was to travel to my county, but I have suspended everything I was to do, either personal or official duties, so that we handle this matter.

Mr. Speaker, Sir, you can direct that we continue with the same matter in the afternoon because we are not in a hurry. We want to stop that issue once and for all, so that we help Kenyans and the Government of Kenya to function. We can only help if we deal with officers working for the Government.

Maybe the person at the helm might not be aware of what is happening. We can only deal with issues affecting Kenyans if we put officers of the Government to task. Let

them explain. If they say they were given authority to say or do something, we should know.

My colleagues will agree with me that we can suspend any other business. Actually, Order No.9 is a report by Liaison Committee. I am not ready to move that Motion until we get clear information from the team that is here because we are not in a hurry. Let the Senate of Kenya, which I am serving in this Thirteenth Parliament, be known as the one that stopped extrajudicial killings.

Four years ago, we lost a very young man, Daniel Muthiani alias Sniper, from Meru County. That guy has not been buried to date because we are waiting for investigations to be concluded. We lost another gentleman called Mwenda Mbijiwe in 2016. Up to date, we have no traces of Mwenda Mbijiwe. Sniper is lying at the morgue in Maua Hospital. The Meru community has said that we will not bury him until we get justice for Sniper and his family.

I am a Senator representing a community. I feel that coming here to rush over issues when we speak is doing the wrong thing. In that case, I can resign as a Senator for Meru County if we do not finish the business that we do here conclusively. I can tender my resignation if we do this covering and the officers leave with no conclusion. I am at pains because of what happened to those two guys from Meru and the case of Homa Bay County.

Homa Bay County is bleeding. They lost a Member of Parliament the other day and they have lost another young soul. We must get these things right. I was consulting with my friend, the Senate Majority Leader and I realized that he is also at pains. *Acha tuchimbue kila kitu katika hii msakato. Asante sana.*

The Speaker (Hon. Kingi): Sen. Wambua, Sen. Madzayo and the Senate Majority Leader---

Sen. Wambua, you may proceed.

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

(Loud consultations)

The Speaker (Hon. Kingi): Just proceed, Sen. Wambua.

Sen. Wambua: Thank you, Mr. Speaker, Sir. First, I want to register my displeasure with the absence of the IPOA Chairman in these proceedings. I will say this for the record. IPOA is perhaps the weakest link when it comes to investigating crimes committed by police officers. They have failed this country. The absence of their Chairman in a proceeding as important as this is a testimony of how they do their work casually. To hear that the IPOA Chairman is in Arusha, undertaking whatever business he is undertaking, when this matter is being transacted in the Senate, is a shame.

I will now go to the questions that I want to ask. My first question goes to the IG of Police. Was the Central Police Station the first police station for Albert to be booked upon arrival in Nairobi? Is that the place where he was first booked? Secondly, IG of Police, did you tell us on record and under oath that the OCS Central Police Station

confirmed that Albert was in good physical health at the time when he was booked in the police cell?

If that question is answered, then it will lead to a lot of other conclusions. Was this man okay when he was being booked in the police cell? IG of Police, who interfered with the CCTV cameras at the Central Police Station on the night in question? You cannot tell us you do not know because if you do not know, then there is a big problem. Who interfered with the CCTV cameras and for what reason?

My next question goes to the DCI boss. What is the fate of the arresting officers? Where are they? Where are your arresting officers? We have been told that the officers who booked in the suspect at the Central Police Station have been suspended. We have also been told they recorded statements. What about the arresting officers? Where are they? You have given us their names, but are they still in service? Could they perhaps be pursuing the next suspect? Where are they?

It is at this point that I must put it straight to the DCI boss that Kenyans have a big problem with officers from his unit. In fact, I will say it on record in the Senate, that the operational tiff between his officers and regular police officers is a source of serious concern to the security of this country. He cannot tell us that officers who received a suspect have been suspended from service yet we do not know where the officers who did the arrest and transported the suspect all the way from Mawego to Nairobi are.

I will next address the Cabinet Secretary, Hon. Murkomen, as I conclude. The Cabinet Secretary is our colleague so much so that we actually have him in one of our social forums where we discuss our social issues as colleagues. My brother, when the country was faced with similar circumstances while you served with us here, you took a very firm position. I remember the day when you were sitting there and you were digging into the character of the then Regional Commissioner, Mr. Natembeya, because you believed that he was doing certain things that were not right for Kenyans.

To hear you today, Senator, Cabinet Secretary, Hon. Murkomen, say that you have no eyes on matters security is a big betrayal to what we, as leaders, stand for. It is actually a shame. Hon. Murkomen, on this one, you can and must do better. You must have been the first person demanding answers before we even brought you here. You must have been the first person to demand that heads within the senior police officers roll.

I will conclude my submission. I have seen you call our leaders. I do not know if you have consulted on the issue that I want to raise. This matter is so grave and so important that we cannot limit time for this. If it means that we spend the whole day today dealing with this matter, so be it. A life has stopped inside a police station.

For the first time, I am now being confronted with admissions from police officers that a police station is a scene of crime and that crime is murder. This is a serious issue. We cannot say that we are rushing to do other things when people are being killed in police stations. As the Senator for Meru County has said, we have suspended a lot of things. I am supposed to be attending my party's Parliamentary Group (PG) meeting, but I did not go because this is important.

Mr. Speaker, Sir, give the Senators, my colleagues, a chance to deal with this matter. If we need CCTV footage to be played for us to get to the bottom of this matter, so be it. I submit.

Sen. Veronica Maina: Thank you, Mr. Speaker, Sir, for the opportunity. I want to thank the Cabinet Secretary for coming in promptly to respond to issues that arise on his desk. These are serious and emergency issues in our country.

Hon. Cabinet Secretary, I want to take you to Article 244 of our Constitution before I get into the specific questions of this matter. Article 224 of the Constitution of Kenya, 2010 lays down the objects and the functions of the National Police Service. I am very concerned because Article 244(c) and (d) of the Constitution of Kenya 2010 states-

“The National Police Service shall-

(c) comply with constitutional standards of human rights and fundamental freedoms;

(d) train staff to the highest possible standards of competence and integrity and to respect human rights and fundamental freedoms and dignity; and---”

I want to remember the police officers who served during our days in the university. We used to attend the Christian Union in main campus. We would go back to Parklands at night. The people who would escort us in the night were police officers. Where are the police officers upholding the constitutional standards of human rights and fundamental freedoms? What are you doing as a means of policy to guide and help the police service to comply with Article 244 (c) and (d)?

A few years ago, there was a police reform programme, which was being offered by Laikipia University and I think other universities. Is that programme still on? I think the police officers may not be understanding what to do with suspects when they arrest them. Are you going to revise your management strategy on how you reform the handling of suspects from the time of detection of crime, arrest, placement into custody, bail and board process? How do you show accountability to Kenyans?

What are you going to do following these very distressing incidents of Mr. Albert Ojwang’ losing his life in a police custody? Until when is a suspect supposed to be produced in court? What documents are Kenyans going to be checking? The next time somebody is arrested in a police station, are they going to sign something that they are not beaten; and by the time they exit that police station within the 24 hours, what document is the suspect going to be given to show to Kenyans, as a form of accountability that all has been well when they are arrested?

I want to come to the specific questions that beg answers and which Kenyans want to hear. Who deleted Mr. Albert's X account? When was it deleted? What was the reason for that X account to be deleted?

IPOA, you are the agency investigating this specific aspect. Initially, the account was being investigated for posting something against the DIG, Eliud Lagat. When investigations commenced and Mr. Albert eventually lost his life, his X account was deleted. Who deleted his X account? IPOA has given us a narration of evidence here that the CCTV at the Central Police Station was interfered with. My colleagues have asked, who interfered with the CCTV? I ask the next question, was there a backup of what was

in the CCTV? There must have been a backup somewhere. Can that backup be recovered, so that the incidents of what happened in that cell can be made known to Kenyans?

Finally, how long will these investigations take? I know the IPOA was given seven days by the Directorate of Public Prosecutions (DPP) through a public announcement. I believe this is the second day. How long will it take for justice to be granted to the family of Mr. Albert?

Finally, Hon Cabinet Secretary, I hope you, together with the team that you are with here, will have the boldness. You have done a good thing to offer condolences to the family and we deeply feel for the family. This is Senate's way of saying we are deeply sorry for what has happened to this family.

I hope you and your team, will sit down with Mr. Albert's family, not too long from now, to say how deeply sorry you are for the loss of this young man. After sitting with this family, the NPS will take full responsibility for this loss and will indemnify this family, not that it will bring Mr. Albert back to life, but as a way of showing your remorse.

For the police officers in all the stations, this is a different nation. When a suspect walks into your station, you must have the dignity of the life of every Kenyan. Sometimes people are suspected, yet the court acquits them because they did not commit any crime. So, when you are in your stations, you are accountable for the lives of the people who are placed under you.

The Speaker (Hon. Kingi): Sen. Dullo, you may proceed.

Sen. Dullo: Thank you, Mr. Speaker, Sir. The whole country is watching these proceedings today. I know this is a matter that is very serious. Personally, I should have had a function in my county. However, with your instruction, I had to cancel my function today in Isiolo County to be here to listen to these proceedings and also contribute.

I want to ask the IG of Police and the team, we have been told that the DIG, Eliud Lagat, wrote to DCI to carry out investigations. Can we be provided with all documentary evidence from the letter written by DIG, the result of the CAK, the result of the autopsy and all the findings? All those documents must be submitted to this House for thorough interrogation.

Secondly, there is a tendency in the case of cybercrime where individuals commit crime and they are transported all the way from where the crime was committed to Nairobi. Taxpayers' money is spent, police officers are then sent and vehicles are fueled.

I have a case in my county of a young girl by the name of Ms. Samira, who was arrested in Mombasa and brought to Nairobi to record a statement. From Nairobi, she was taken to Isiolo to record a statement. She has a young baby. Her phones were taken three months ago. Up to now, they were not returned to her. Is there a law that says when somebody is arrested, for example, in Mombasa, she should not be tried there, she should be brought to Nairobi or taken wherever police want to take them?

Thirdly, I am not happy with the position given by IPOA. Of course, they have had their findings. What action or instructions have they given out as far as their preliminary investigation is concerned? This is a very serious matter as far as cybercrime is concerned where individuals politically fix each other. This is a matter I

would ask the Cabinet Secretary, Hon. Murkomen, even if it means amending the law that governs cybercrime, something has to be done, so that we correct that situation where our children and even politicians, fix each other. That law must govern that particular act properly.

The Speaker (Hon. Kingi): Sen. Abass, you may proceed.

Sen. Abass: Thank you so much, Mr. Speaker, Sir. Mine is very short. I want to ask one question to the IG of Police. This question has been asked many times. There are police stations in every part of this country. What necessitated people to be driven for 370 kilometres? Do you not trust your officers in the other places?

Secondly, did the DIG, Eliud Lagat, who complained about Mr. Albert record a statement? If yes, where is the statement? Can it be submitted to the Senate Committee?

Thirdly, IG of Police, Kenyans seek protection from the police when they have a problem. They run to police stations. The same is where people die now. Can you advise Kenyans where we can run to for security?

Sen. Abdul Haji: Thank you, Mr. Speaker, Sir. I would like to start by sending my condolences to the family and friends of the late Albert Ojwang'. What happened to him is indeed a sad incident. It should not happen to any Kenyan. Any life, one life, is a life too many when we lose it.

Today is special. It is quite unprecedented that we are having this special sitting to discuss the death of a Kenyan. I hope that this is a precedence that we are going to set as this Senate and as a country.

I have to relate the matters happening to this country to where I come from and to the people that I represent. As we discuss the death of Albert Ojwang' and the circumstances that led to his death, I would like the Senator for Homa Bay, Sen. M. Kajwang' and Sen. Beatrice Ogola to try and understand where I am coming from.

In no way am I trying to disrespect this very sitting today here. I would like to see some level of fairness in this country. I would like to see that the life of any Kenyan, anywhere, is important to all of us. Last week, the Senator of Turkana stood on the Floor of this House with a statement inquiring about the death of 40 fishermen who were killed and left in the lake and four other individuals who were detained and then killed thereafter. Not a single Senator requested for a special sitting for those 44 individuals or begged for questions about the deaths; not the main media, not even on the social media.

It begs the question, are there some Kenyans who are more equal than others? Are we to believe that we are brothers and sisters, or cousins for that matter or maybe there are cousins who are more equal than others? Is the death of a young man, such as Albert Ojwang', an opportunity for political expediency whether on the main media or the social media?

Mr. Speaker, Sir, people will label me whatever they want to label me. They will say I am part of the system and that I am a brother to so-and-so. I was a patriot of this country before I came to the Senate. I was a patriot before any of my relatives living was serving in any part of this Government.

I have personally fought for this country and put my life on the line for this country. So, whether I am related to anybody, it is not the issue here. The issue is as a

country, can we be so sincere to each other and agree that we are brothers and sisters or tell us of certain regions that there are people who are more brothers than we are.

I have listened to senior citizens and Senators, speak on the Floor of the House and remind this country of the Arab Spring. I have tremendous respect for Sen. (Dr.) Khalwale. I have tremendous respect for him as a leader in this House.

I have tremendous respect for Sen. Wambua, but they both mentioned the Arab Spring. Sen. Wambua yesterday, today, Sen. (Dr.) Khalwale reminded us and the youth of this country about the Arab Spring. What happened subsequently after the Arab Spring? Has any of those countries benefited in any way? Constantly reminding the youth of this country that you have an option and that option is the Arab Spring. Look at the Arab Spring. Take an example from them and superimpose it on this country. That is very unfortunate. We should not be going that way.

Mr. Speaker, Sir, we must remember that any seeds that we sow today, we will reap the results not far too long. If we want to sow the seeds of disconnect, of inequality, of some regions being better than others, it will be very unfortunate if we continue in that path.

I would want to beg this House. I have a case of six youths in Garissa aged between 18 to 21 who were brutally murdered, execution style, on the road in Garissa. They were asked to kneel down and shot in the back of the head. Until today, it has been two years. We do not know whether it is the security apparatus or a criminal organization that killed them. Not the human rights organizations, the civil society or the media houses have ever decided to pursue justice for those six people.

If this continues, some of us, or some Senators here, will feel disconnected from the rest of the country. We will not feel for the pain of some people, which will turn us to less of a human. We all believe that a life, any life, is important.

I beg this House. If this is the precedence we are setting, let us keep it to this. Let us not use this as a political opportunity to get mileage for whatever matter. The next death of any Kenyan, let us have a special sitting and discuss the circumstance

I would like to ask the member representing IPOA today here. She had mentioned the issue of CCTV and I know many Senators have asked the same. I was a bit curious to know, how many of our police stations have CCTV? How many of those cameras are placed within the cells of those police stations? In the case of Albert Ojwang', were those CCTVs working even before IPOA decided that they were interfered with?

My next question is to the IG of Police. He had stated here that when they moved the deceased Albert Ojwang' from the cell to Mbagathi Hospital, he was declared dead upon arrival. Was he alive at the time he was moved from the station? That is something we missed in his statement.

My final question to the IG of Police, I am just wondering out loud, why do the police arrest people in certain areas and transport them to Nairobi for investigation? Does it mean that with the devolved system that we have now, the DCI or the police cannot conduct investigations where the person has been arrested? Could you elaborate on this issue as well?

Thank you very much, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Nyutu.

Sen. Joe Nyutu: Thank you, Mr. Speaker, Sir. I will be very fast in my questions. I would like to first remind both the Cabinet Secretary and the IG of Police that the reason the Kenya Police Service is Kenya Police Service today and not Kenya Police Force, why that transformation happened, was because there was need to establish a friendliness between members of the police service and the members of the public. What we are seeing here is that members of the public now increasingly will find the police very hostile and they may not even be able to collect information from members of the public.

Why I say this is because the speed at which this particular complaint against Albert Ojwang' was executed, the investigation, a mere three days and every investigation had been done and arrests made. This then shows that the police and those serving in this service have become very special people. When we are talking of Ojwang', whose only crime was making allegations on social media, that is X, and investigations were carried out in that type of speed. While we have Ojwang' who is now lying dead and the police have actually no substantive results of this investigation, they have not been able to indicate who committed this particular crime. We must ask ourselves very many questions.

Mr. Speaker, Sir, the IG of Police should tell us why Ojwang' was held in a cell alone. This is because the problem that we have here of identifying who committed this crime is due to the fact that there is no particular eyewitness to what was happening. We do not know what happened in that particular cell if this murder happened in the cells.

The IG of police must tell us why Ojwang' was held all alone in a cell. Had he been held with other cellmates, then we would be able to get information from them that they would have been with. My question to the Cabinet Secretary, Hon. Murkomen, is: does DIG, Eliud Lagat have to be in office? Would the whole police service crumble just because DIG, Eliud Lagat, steps aside? We have seen even more senior people stepping aside to allow for investigations. Cabinet Secretary, Hon. Murkomen, should tell us why DIG Eliud Lagat, has to be in office. Unless DIG Eliud Lagat is so important that everything else would come to a standstill if he steps aside. He must step aside, so that Kenyans can have faith in the investigations that will be done by the IPOA and any other body. The IG of police has said a very interesting thing. You know, we have also been guests of the state. I have never ever seen any examination carried out on somebody arrested to establish their physical or mental wellness. So, the IG of Police, kindly tell us since when did the police start assessing the mental well-being and physical well-being of people before admitting them to the cells? This has never ever happened. He is economical with the truth. Let him tell this House when this started happening.

Mr. Speaker, Sir, we have crime being perpetrated right in a police station and that is the interference with CCTV cameras. If the police are the people that are supposed to investigate crime and even arrest criminals and there are criminals within, then the IG of police must tell us where our safety lies.

Cabinet Secretary, Hon. Kipchumba Murkomen, Sen. Wambua said you can and should do better. I totally agree with him. You said you have no eyes, yet we have seen you recently having very sharp eyes on political comments made by individuals. You have actually been calling for the arrest of people making political statements that are not suitable to you. How can you have no eyes when a young man has lost his life in the hands of the police? We need to see a more serious Cabinet Secretary.

The IG of Police must tell the DIG, Mr. Eliud Lagat, that if he does not have a thick enough skin to tolerate public criticism, then he has no business being in public service. We cannot believe that we are here now, debating the death of a young man simply because he made comments on social media.

In any case, since Hon. Kipchumba Murkomen is a lawyer, he should be able to clarify this matter. Some of us believe that this was a civil issue rather than a criminal one. Why was Ojwang' arrested and transferred all the way to Nairobi? The DCI should confirm whether there is a DCI office in Homa Bay. That is where these investigations should have taken place. If he does not provide an explanation, then we can conclude that the DIG, Mr. Eliud Lagat, instructed that he wanted to see Ojwang' before anything else. Otherwise, this crime should have been investigated in Homa Bay, given that there is a DCI office.

The Speaker (Hon. Kingi): Sen. Joe Nyutu, there is an intervention from the Senate Majority Leader. You will still proceed. Please, take your seat.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, it is now 12.57 p.m. and I am worried that we are running out of time before hearing a single response from the parties before us. Will it be in order---

(Sen. Cherarkey spoke off record)

The Speaker (Hon. Kingi): Senator for Nandi County, this is not a point of order. It is a point of intervention. I was very clear.

(Loud consultations)

Just proceed.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, whatever I say will benefit many people, including Sen. Cherarkey. I request that since many of our colleagues have not had an opportunity to speak on this important matter, we transact this business in the afternoon as well, with your permission.

I understand there is a technicality because the Motion lapsed at some point. However, if you permit, we could reintroduce the Motion in the afternoon at 2.30 p.m., so that we revert and listen to the statement. That is my humble plea to you because we are out of time.

(Applause)

The Speaker (Hon. Kingi): Hon. Senators, it is now one minute to 1.00 p.m., which is the time for the House to adjourn. Looking at the business that still lies ahead of us, we certainly cannot conclude in less than a minute. I will, therefore, be amenable to allow this debate to proceed at 2.30 p.m.

(Applause)

The meeting adjourned at 12.58 p.m.