

**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 2.40 p.m.)

(The Mace was covered)

The Speaker (Hon. Kingi): Serjeant-at-Arms, kindly usher in the witnesses, please.

[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]

Hon. Cabinet Secretary and your team, welcome back to the Senate.

Hon. Senators, just like I stated in my Communication, we are going to allow the Cabinet Secretary and his team to respond to the questions that have already been posed. Thereafter, we will take a second round of questions.

Hon. Cabinet Secretary, you have the Floor. You may proceed to respond to all the questions that have been directed to you. Thereafter, the IG will follow, then IPOA, followed by the NPS Commission and lastly, we will hear from the DCI.

Hon. Cabinet Secretary, you may proceed.

The Cabinet Secretary for Interior and National Administration (Hon. Kipchumba Murkomen): Thank you, Mr. Speaker, Sir. First of all, I appreciate all the Members for their questions and the suggestions given on areas of improvement. Particularly, in terms of law and operation of the NPS. We have taken notes, but also, we will benefit from the HANSARD to ensure that all, especially the policy and regulatory suggestions, are taken into consideration.

I understood this assignment. First of all, I came here today not because I was called or saw any letter from your Office, but because I saw you live announcing that you will need the Cabinet Secretary in the House. I did not even take five minutes, I called the IG and the Chairperson of IPOA and told them that we must go to the Senate. I am very grateful that there is a forum such as this for us to be held to account. Just like many

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

colleagues have said here, I must abide by the same process to be held to account just as I used to do before. I respect the authority of this House.

I also want to correct an impression that may have been created by my statement. Remember when Sen. Eddy rose, he said that he wanted the Cabinet Secretary to shed light on what I saw with my eyes as the possible persons culpable in so far as the murder of Mr. Albert Ojwang' is concerned.

Mr. Speaker, Sir, it is that which led me to Article 245 of the Constitution. Most people may have misconstrued this to mean that the Cabinet Secretary does not have responsibility to oversight the National Police Service in their work, be it in excesses of police officers or in other policy issues. That is far from the truth. I confined myself and zeroed in on Article 245(4) for purposes of the investigation touching on this particular gentleman.

Mr. Speaker, Sir, it will be a violation of our Constitution if as a Cabinet Secretary, I arrogate myself a responsibility contrary to Article 245(4) of the Constitution; where when an investigation is done and it is suspected that a Senator has committed an offence, I call the Inspector General (IG) and tell him to go arrest or investigate so-and-so.

Under Article 245 of the Constitution, Kenyans wanted to remove the possibility of any person; not just the Cabinet Secretary, a Senator, a President or any other person would direct investigations into any matter outside the authority of the National Police Service and the IG himself. That is why it is only the office of the Director of Public Prosecutions (DPP), which can give directions to the IG to carry out investigations. I want to correct that impression.

It does not mean that I do not have an eye to make sure that there is a policy framework where police brutality must be dealt with in the country. We must deal with issues related to abductions and extrajudicial killings amongst others. It is the responsibility of not just the Cabinet Secretary, but also the National Security Council (NSC) to carry out the oversight responsibility on such matters. I want to correct that impression because everybody was riding on that particular Section of Article 245.

If I may read it again, Article 245(4) states-

“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.”

On general enforcement of the law, I can give directions policy-wise and also on investigations to acts or resurgence of certain acts, omissions or offenses. However, I cannot wake up to say Sen. Eddy or Senator so-and-so be investigated. That is what Kenyans were running away from.

Number two, it is also not right for me under the same Article to give direction as to the employment, assignment, promotion, suspension or dismissal of any person who

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

works in the National Police Service. Again, the people of Kenya wanted to remove a situation whereby political leaders, including a Cabinet Secretary, would use their position to determine whether a police officer would be transferred, promoted, fired or hired. That was the intention of the people of Kenya; to insulate the National Police Service and to make sure that it is an independent institution. However, that does not mean that under policy direction, we cannot tell the Inspector General that any person who is found committing an offense must be removed. That is a policy direction.

It is not to superintend upon the rules of the IG by picking on specific officers to say arrest this or leave this other person. If that clarity is achieved, then the problem that people had including, Sen. (Dr.) Khalwale had on the question of whether I do not have an eye. Constitutionally, I do not have an eye for superintending upon specific investigations, but I have an eye of ensuring that the National Police Service operates under the Constitution and the law. I needed to make sure that I cleared that issue.

Mr. Speaker, Sir, on the other issues, my friend, Sen. (Dr.) Khalwale, said that because of Article 245 of the Constitution, I should abdicate my responsibility. Many Senators here, including Sen. M. Kajwang' and Sen. Wambua have spoken about my position. They have said what I did when I was in this House. My position has never changed. Like Caleb in the Bible said, I am as strong as I was five years ago. My position on the issues of brutality, extrajudicial killings and on matters abductions remains the same position that I had when I was in this Senate. Let me say how.

Mr. Speaker, Sir, you know some people speak as though I have been in this office for six months. It is not yet six months since I joined this office. I am glad that many people have expectations of me. I know even of a particular Senator who never even waited for two months, whose national chorus is "Murkomen must resign, Murkomen must be fired." When I was two months in office, that was the song he was singing. I am used to that song. However, the point I want to make is that as a Cabinet Secretary, when I assumed that office, I knew for sure that there were challenges in our National Police Service. In any case, the Statement you have asked me to come and answer today, if it were not for the issue of Albert Ojwang', is in relation to the unfortunate incidents that happened on 25th June last year where a number of cases are under investigation.

A few years ago, there was the question of Baby Pendo and the question of Koome. I disclosed here that lawyer Kimani was my friend; I knew him. In all those investigations, the Independent Policing Oversight Authority (IPOA) did their job even as Sen. Methu was saying there might be a cover-up in the case of Wakili Kimani. In that particular case, there was an attempt to cover up. However, because of the work that IPOA did, six police officers are now on the queue waiting to be hanged because they killed a lawyer whose job was only to defend his client.

There is therefore enough precedent to deal with matters that are related to police brutality and extrajudicial killings. Even though I am not part and parcel of this investigation, I have no doubt in my mind that with the speed that IPOA is using and the cooperation that the National Police Service is giving, the perpetrators of this heinous act against Albert will be brought to book.

Mr. Speaker, Sir, I have no doubt in my mind that if our Judiciary works closely with the DPP and the investigators, these people will follow the same route that other police officers who have committed such heinous acts in the past have followed. I wanted to give that assurance to Kenyans. The Kipchumba of that time is the same one.

I went to Nakuru. Brian Odhiambo's mother confronted me because Brian Odhiambo was kidnapped and taken to the National Park. The investigation had stopped and arrest was not happening. When I came back, I told the investigative authorities that it is their responsibility to make sure that those who participated in the kidnapping of Brian Odhiambo are brought to book. As a result of the pressure that I put in as a Cabinet Secretary, those people were charged in a court in Nakuru.

Mr. Speaker, Sir, since I assumed office, I have been very vocal on matters of abductions, including an ongoing investigation regarding a Member of Parliament. We will unearth all those cases of abductions. When we came to office, even though I was not the Cabinet Secretary, the President gave directions to the country during and after the campaigns, that he does not want to see extrajudicial killings; bodies in River Yala, River Tana and Aberdare, of people who have been abducted and killed.

We may not have completely exterminated these criminals who are doing these acts, but I can tell you there is no systematic or planned acts in Government. It is not by accident that as this administration came to office, no bodies have been found in River Yala or River Tana. Why? It is because we took a stern position and will continue in that direction.

I am glad that we now enjoy this level of democracy and freedom to speak. Even those who presided over the Ministry when bodies were floating in River Yala now have the freedom to call us to order. It is because they know this is a Government that is responsive to the things that the people of Kenya are asking for.

I want to assure the nation that I am the same Kipchumba who was a valiant soldier in this House. I will use the same vigor to exterminate all kinds of criminal activities within the police. I have made it clear to the police in all the forums. I established what is called *Jukwaa la Usalama*, where all the Officers Commanding Stations (OCSs) in every county attend its meeting. We have completed 14 counties. In all those forums, I want to assure the House that as a Cabinet Secretary, I have told the police officer in no uncertain terms that anybody who will be found carrying out extrajudicial killings will carry their burden. That was the first question by Sen. (Dr.) Khalwale. Let me come to the specific questions that touched on me. I have generally responded to questions about my record and so forth. On extrajudicial killings, Sen. M. Kajwang' asked whether I have given any policy directions related to this issue of how to handle an arrested person.

Mr. Speaker, Sir, let me just refer to the police standing orders. I do not want to read so that I give everybody time to respond because it is a long list. Maybe I will table it later. The police standing orders already prescribe and provide for how to handle a suspect. Before booking in a suspect, you must confirm whether he is in good health or not. Those regulations---

(Loud consultations)

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

The Speaker (Hon. Kingi): Hon. Senators, he just said that he will table. He wants to pick a few statements from it before he does that.

The Cabinet Secretary for Interior and National Administration (Hon. Kipchumba Murkomen): Mr. Speaker, Sir, it says that the guidelines require that you must determine the health and general conditions of the suspect. Every arrested person shall be granted police bond and bail at the earliest opportunity. All suspects must undergo mental and physical health screening at the time of booking. The suspect must be immediately booked upon arrest and entry record in the Occurrence Book (OB). All movements of the suspect into and out of the cell must be recorded in the OB.

If you followed the ongoing investigations, they are telling us when he was booked in and when he was removed. That OB will assist IPOA in their investigations. Police cells must not be overcrowded. Space per detainee must conform to minimum standards. The booking officer must inform the suspect of their basic rights. It is not the absence of the legal framework or policy directions that led to the killing of Mr. Albert Ojwang'. It is the blatant disregard of the law and the Constitution. That is why we are not coming here to give excuses that it is in the absence of a policy direction from the Ministry.

Mr. Speaker, Sir, if you could see how that gentleman was beaten, the person who did it is an animal. It calls upon all of us to say that person must face justice in the shortest time possible. Therefore, there is absolutely no reason on my side to try to hide anything because investigations that I mentioned earlier covering previous police officers have led to them being held to account.

Sen. Mungatana asked a question on training of police officers, on the questions of human rights. I must confirm here that there has been progressive growth in terms of training of police officers. However, the truth is that due to a lack of resources, the last training our police officers had is the day they were recruited. Only those in the higher cadre and who sometimes get promotions get to be trained. However, a large number of our police officers do not get to go through this promotion.

One of the things that the National Police Service has been pushing and I will help them push is to ensure that budgetary allocation is provided for police to get money for continuous training and updating their knowledge on human rights. It is also expected that when you punish such perpetrators, it sends a message to others. However, like any other society, when you have a force of 120,000 police officers, you will find a small number of them violating the Constitution and the law.

Mr. Speaker, Sir, I suspect I have answered the question by Sen. Omogeni on whether I had any supervisory responsibility as part of the Security Council. I said yes. The only answer I gave that I did not have an eye on and that I am not supposed to do is to meddle on specific investigations. If I do so, it will reach a state where a Cabinet Secretary will be picking people politically on who is to be charged and who is not to be charged and that is what the Constitution tried to remove from us.

On the question by Sen. Wambua, I think generally I have answered that by the statement I made. I want to assure my friend, Sen. Wambua, that I did demand answers from the Inspector General of Police.

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

The only difference is that since I am a Cabinet Secretary, I cannot demand in public. I cannot call a press conference to demand a speedy investigation from the Inspector General or to request him to make sure that the people of Kenya get answers in good time. It is because we work together. I can give him a call and ask him to speed up the process.

Bearing in mind that this is an issue that was reported on Sunday and today is Tuesday, the speed is commendable. I believe that if IPOA can move with the same speed, they should commit themselves to the shortest time possible to make sure that file is taken to the office of the DPP. I do not want to commit myself because they are independent.

I also agree with the sentiments from Sen. Veronica Maina on human rights, that the reform programme must continue. There is a team that is currently constituted in the Ministry, which is working on the reform programme.

I have also asked my own team in my office to look at all the legislation on issues of abductions and extrajudicial killings; if there are areas that we need to close the gap to make sure that at least internally from our police force, there is no possibility of any person involving themselves in that issue. If I get areas that need legislative reform, I will come back to this House for support.

Mr. Speaker, Sir, I agree with her that in one way or another, we must support Albert's family. I hope that those who will be found culpable will also be held to account over and above us supporting as Government, also all of us sitting here, perhaps from our own calling and generosity.

There was also a suggestion from Sen. Dullo that we may need to look at the use of the computer misuse law. We were here and we debated on this law. There were issues, it went to the High Court and to the Court of Appeal where it is at the moment. We can relook some of those issues.

I have told the team which I have constituted in my office to look at all the decisions of the courts, including Justice Ogola's rules, among others, on how to handle a suspect so that we can see if we need to update the standing orders or to come up with new regulations that will make sure that our police service is a bit up to date.

Mr. Speaker, Sir, I know that I have been asked whether I should run away from this responsibility. For nearly six months that I have been in this office, the effort and energy I have put to revamp this Ministry gives me hope that we will see the fruits of this responsibility in the near future.

I know that in moments like this, like those who went before me and others who have other responsibilities, these are the moments that the duty to serve overrides the contemplation to throw in the towel. As a leader, it is important to provide solutions when faced with challenges. If you become the kind of leader that runs away from solutions, then you will miss the opportunity.

Mr. Speaker, Sir, I have been asked by Sen. Nyutu and Sen. (Dr.) Khalwale why I should not ask the DIG Lagat to step aside. This is an ongoing investigation. To the best of my knowledge so far, the only information we have is that the Deputy Inspector General of Police, despite being the DIG, took the step to report what he thought was an act or a crime committed against him.

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

He went as low as reporting this to the Directorate of Criminal Investigations (DCI) and the investigation was done. In the process of this investigation, somebody has died. Nobody has told me here whether the investigations lead to a particular result. It is not my responsibility to protect, exonerate or charge him. That responsibility rests with the IPOA if they find any culpability.

Should a Senator here at the rank of the Minority Leader, for example, report a case to the police, the suspect is arrested and dies in custody; God forbid that someone will then say that the Minority Leader must take responsibility. In the same breath, there must be a link between the crime and the individual.

As I said earlier, as the Cabinet Secretary, I will not play a role in pushing for a particular person to be charged or exonerated. The evidence must lead to the suspect. When we are going for anybody, it must be based on evidence. Otherwise, if we fail to follow the rule of law, people will be taking advantage of such occasions to do the same.

Mr. Speaker, Sir, I was here in this Chamber when my friend Kimani was abducted by police officers and killed in Machakos. I was here when the case of baby Pendo happened. I was here when Koome happened. Even when people thought that there would be no justice, justice was found because the right process was followed by IPOA. We should support IPOA to do their job instead of getting ourselves in the direction where the House can direct who should be charged or not.

Mr. Speaker, Sir, I know there is privilege in the Chamber. I was a bit worried when Senators diverted the attention of determining who is to be charged and who is not to be charged. It violates the same Article 245 of the Constitution and affects the question of rule of law. We should be demanding that led by evidence, every person who is found culpable must be brought to book, regardless of the position or his relationship with anybody.

The last was something to do with reforms. In closing, I would like to assure Sen. Haji because when he was speaking, I was fighting tears. He spoke for all of us and for this country. The life of Albert Ojwang' is as painful as the life of Father Alois who was killed by criminals. It is also as painful as the life of that person killed in Garissa. It is the same for the ones who died in Todonyang, where I visited recently.

In the national security architecture, we take every life seriously. We are glad that today, there is an opportunity to discuss the question of the life of Mr. Albert Ojwang'. I do not take it away from those who brought it to this Chamber, but I would like to assure the country that we take the same seriousness for every other life just like in the case of Albert. I hope that this Chamber and the Republic will be conscious to deal with these issues when they come before us.

Mr. Speaker, Sir, I remain seized of this matter. I will remain accountable to this House and, therefore, I am ready and willing to ensure that I respond to all the questions in this Chamber. In the statement I was going to bring to this House, there are very weighty issues about abductions, police brutalities and citizens' killings during protests last year. I believe that when we get time to come back again, these issues will have to be ventilated based on the responses that we are going to bring to this Chamber.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Now, we are going to hear responses from the IG.

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Mr. Kanja, you will mention the name of the Senator and the question; and then proceed to respond so that we save on time.

The Inspector General of Police (Mr. Douglas Kanja): Thank you, Mr. Speaker, Sir and hon. Members of Senate. I will start by saying that I appreciate all of you. The questions that were raised here are weighty, valid and they are going to assist us, even as we look at our standard operating procedures. The questions asked are also important to us. I, therefore, appreciate the Senators' contributions.

Secondly, when I was being vetted by Parliament, I stated that I will operate within the frameworks of the law and I demand the same from my officers, the members of the National Police Service (NPS) to operate within the framework of the law. That is the reason I, as the Inspector General and the leadership of the NPS, is pained by the loss of the late Ojwang' in our police cells. As a parent, I am also pained for losing the young Ojwang'.

I will go to the questions. The first question was by Sen. Oketch on the circumstances that led to the death of the late Ojwang'. These circumstances are being investigated by IPOA. As my Cabinet Secretary has said, we should give IPOA the opportunity to quickly investigate and tell us openly what exactly happened.

Secondly, there was this report of Albert hitting his head against the wall. That was the primary information that came from the same station. However, in the subsequent press briefing that I did, that was rectified and we can see that clearly from the results of the investigations.

There was this question by Sen. Methu on why he was taken to Mbagathi County Hospital and not Kenyatta National Hospital, which probably was a bit nearer. Both of them are Government hospitals. Maybe, the officers who were taking him to hospital made a decision to take him to Mbagathi. We believe both hospitals have what it takes to treat a sick person.

Mr. Speaker, Sir, there was the question on why the IG interdicted the officers immediately. The reason as to why I did interdict the Officer Commanding Central Police Station, the duty officer of the night when the late Albert Ojwang' lost his life and the officers manning the report office---

The Speaker (Hon. Kingi): Inspector General, just pause. What is your intervention, the Senator for Kilifi?

The Senate Minority Leader (Sen. Madzayo): Thank you, Mr. Speaker, Sir. I can see he has now gone to answer the questions asked. I had a question as to why he was not arrested, charged or put in custody or something like that in Homa Bay. Why did he have to travel all the way from Homa Bay to Nairobi to end up losing his life here?

The Speaker (Hon. Kingi): Senator for Kilifi, the IG has a list of all those questions. He will get to yours. Just be patient.

Proceed, IG.

The Inspector General of Police (Mr. Douglas Kanja): Thank you, Mr. Speaker, Sir. This question was asked by Sen. Methu on why I interdicted these officers. Those were the officers who were on duty there. I wanted to ensure that once IPOA took over, investigations will be smooth and there is no one to interfere with those investigations.

That is why we wanted them to step aside to allow free investigations because we wanted expeditious investigations to be carried out. We want to know who this is or who are these who committed that heinous crime. I would like to know that as quickly as possible.

There was a question from Sen. (Dr.) Khalwale, which has been answered by the Cabinet Secretary. There is a question from Sen. Madzayo on why Albert Ojwang' was arrested in Homa Bay and why he had to be transported up to Nairobi. The Director of DCI is going to answer this question very clearly on the reasons why he was transported from Homa Bay to Nairobi. However, it was because in Nairobi that is where the offense was committed.

The other question by Sen. Madzayo was on why the CCTVs were interfered with. The Independent Policing Oversight Authority (IPOA) is investigating the entire scene of crime and they are going to tell us exactly what happened with the CCTVs. If there is anyone who was involved in that, then punishment must be meted for an offence of that nature. The same case applies to the question, "who are these police officers who committed the crime of murder to the late Albert Ojwang'?" We are waiting for answers from the Independent Policing Oversight Authority (IPOA), who are investigating the same at the moment. We look forward to the resolution of that issue soonest possible, because it is an incident that has actually captured the attention of entire country in regards to what happened on that date.

I wish to move on to the question from Sen. M. Kajwang' on withdrawing and apologizing to the Senate and the country for alleging that the late Ojwang' hit his head on the wall. As I said from the word go, let us allow IPOA to investigate. They are going to give us concrete answers. I have already indicated that in the subsequent media briefing that I did, that situation was corrected.

The Speaker (Hon. Kingi): Inspector General (IG), you need to respond to that question in a better way. This was the question by Sen. Kajwang'; that, through your official communication, the first information you put out there to the public was that the young man had hit his head against the wall and, therefore, died. Later on, after the autopsy was carried out, it was found to be totally different.

The question that the Senator rose to ask was, having put that communication to the public, that the young man hit his head on the wall and died, would you withdraw that particular communication and proceed to apologize to the nation? That was the question that the Hon. Senator asked. If you are unable to do that, that is also an answer.

The Inspector General of Police (Mr. Douglas Kanja): Thank you, Mr. Speaker, Sir.

On that question, let me say this: If in the ongoing investigations by the IPOA we get to know the truth, the officers who issued the initial report that we relied upon will have to face disciplinary proceedings as provided for by the regulations in regards to providing incorrect information. So, we are awaiting the outcome of the investigations of IPOA.

The Speaker (Hon. Kingi): IG, we have had the benefit of hearing the representatives of IPOA in the morning, who were very categorical on what caused the death of this young man. What more do you want to hear?

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

The Inspector General of Police (Mr. Douglas Kanja): Mr. Speaker, Sir, from what we have heard here from the IPOA, although we have not yet gotten that report, we will proceed and take appropriate measures on the officer who gave the primary report on that material day.

(Loud consultations)

The Speaker (Hon. Kingi): We have taken note, IG. Please, proceed.

The Inspector General of Police (Mr. Douglas Kanja): There was also the second question.

(Loud consultations)

The Speaker (Hon. Kingi): Hon. Senators, I think we are doing pretty well now. What is your intervention, Hon. Mungatana?

IG, you are attracting a lot of interventions because you do not want to open up and tell the Senators exactly what happened. We are here to hear the truth. Just give us the truth, and there will be minimal interventions.

Proceed.

Sen. Mungatana, MGH: Mr. Speaker, Sir, I have a lot of respect for the current Inspector General of Police (IGP), who is a professional police officer. However, I would like to remind him that the Constitution has given us, under Article 238, the principles of national security.

Mr. Speaker, Sir, Article 238(2)(c) says-

“In performing the functions and exercising their powers, national security organs shall respect the diverse culture of the communities within Kenya.”

Hon. Sen. M. Kajwang’ has said, to imply suicide from his cultural background is attracting a huge stigmatization of that family. So, I am inviting the IGP to offer an unconditional apology to the Senate in view of the post-mortem report that has been made public, and then we proceed.

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

The Inspector General of Police (Mr. Douglas Kanja): Thank you, Mr. Speaker, Sir. It is true, as Sen. Mungatana has said, that going by the report that we have gotten from IPOA, that it is not true. He did not hit his head against the wall. However, that is the report that we had from the word go. I, therefore, tender my apology on behalf of the National Police Service because of that information.

(Applause)

There was also the question of how the police are trained. That question was clearly answered by the Cabinet Secretary (CS). He also mentioned that funds is also another constraint that has been bedeviling the National Police Service to enable us to train everybody within the Service.

There was also the question of how many were in the cell where Albert was held. This question will be answered clearly in the investigations report by IPOA, of how many were actually in that cell.

I would like to proceed to the questions by Sen. Omogeni. As I have indicated, I am a parent, and so are my other senior level commanders. It, therefore, pains us to lose Ojwang'. It is not right to lose him in a police cell.

When he was brought in from Homa Bay, he was given an opportunity to call his family back home, as I indicated from the statement that I provided. He indicated to his wife that they had reached the Central Police Station safely, and he was safe. So, that confirms that when he reached the Central Police Station, he was alright, if we are to go by his statement to his family that he was fine.

The second question was why Ojwang' was booked alone in a cell. As I indicated earlier, this is something we are going to be provided answers on by the investigating agency because those are some of the questions we must answer.

There are questions that were raised by Sen. Wambua---

The Speaker (Hon. Kingi): IG, two minutes ago, you were doing fairly well. Now there is a relapse. The question was, why was the young man booked alone in a cell? If I got you correctly, your response was that that matter is under investigation. Is that your response?

The Inspector General of Police (Mr. Douglas Kanja): Yes. We want to establish the correct position.

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

Sen. M. Kajwang': Mr. Speaker, Sir, I am assuming that the IG is proceeding sequentially. He has conveniently avoided two questions that I asked. I wanted to know why the Deputy Inspector General of Police is still in office when he was very quick to interdict or give directives for junior officers to be out on the basis of the proximate cause theory.

I also asked a very specific question that came out of his submission that there were other four persons of interest. Are they alive or they are in a ditch somewhere? Are they at the Nairobi Funeral Home? He is supposed to tell us if he is going sequentially.

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

The Inspector General of Police (Mr. Douglas Kanja): Mr. Speaker, Sir, in relation to the question that was asked by Sen. M. Kajwang', I would like to assure the House that all the four who were mentioned are alive. I will give an answer, but the rest of the details will be provided by the DCI.

This is what I would like to say. There is one suspect who was arrested and taken to Kamukunji Police Station. When the file was taken to the Office of the Director of Public Prosecutions (ODPP), he raised issues that needed to be looked at. Thereafter, the suspect was set free. The file is supposed to be taken back to the ODPP to give his recommendations. For the rest, none of them had been arrested. We believe they are still out there.

Regarding the question on why the DIG is still in office, I did not want to answer that question because the Cabinet Secretary had given an answer on the same.

The Speaker (Hon. Kingi): IG, proceed because we need to save on time.

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

The Inspector General of Police (Mr. Douglas Kanja): Thank you very much, Mr. Speaker, Sir.

Another question was why Ojwang' was booked alone in the cell. I have just answered that.

(Loud consultations)

The Speaker (Hon. Kingi): Hon. Senators, the IG has responded to that question. His answer may not be satisfactory, but it is still an answer because that is what he replied.

Please, proceed.

The Inspector General of Police (Mr. Douglas Kanja): Mr. Speaker, Sir, there are questions that were raised by Sen. Wambua. He first raised his displeasure about the absence of the Chairperson of the IPOA. I think that one was recorded. The question he directed to the IG is why Albert was booked alone in the cell, and I have answered that.

The Speaker (Hon. Kingi): IG, could you repeat your response to that question, so that it is clear?

The Inspector General of Police (Mr. Douglas Kanja): My response to that question is what I have indicated. Why he was booked in a cell alone is something we need the investigating team to also let us know because there are many cells at Central Police Station. I do not have figures of those who were in those cells. However, after investigations are done, we will get the answers.

The Speaker (Hon. Kingi): IG, your Cabinet Secretary has tabled the Police Standing Orders, which are very clear on how to handle a suspect after being booked in and all that. This is what Senators would wish to know. Under what circumstances can a suspect be put in a solitary confinement and did that young man fit the description, so as to be put in a solitary confinement?

The Inspector General of Police (Mr. Douglas Kanja): Once again, thank you very much, Mr. Speaker, Sir. The Cabinet Secretary has tabled the standing operating procedures that the police follow when someone is arrested and brought in, the recording of the Occurrences Book (OB), the recording in the cell register and the number of suspect held in a particular cell.

What I am not sure of as at now is why he was alone in that cell. I am looking forward to the investigation by IPOA on that. Is it that there were free cells or there were no other suspects? We are waiting for those answers from IPOA.

Hon. Senators: Point of order!

The Speaker (Hon. Kingi): Hon. Senators, let him conclude. We will get better responses from IPOA.

IG, before you proceed, Sen. Mandago, what is your intervention?

Sen. Mandago: Mr. Speaker, Sir, I just needed some clarification. In the morning, I thought I heard the officer from IPOA say that they have a statement from one of the detainees. Was that detainee in the same cell with Ojwang', so that we deal with the question of whether Ojwang' was in the cell alone? Could we marry the two because we have IPOA and police representatives here?

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

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

The Inspector General of Police (Mr. Douglas Kanja): Mr. Speaker, Sir, there was another question by Sen. Wambua. He wanted to know whether the Officer Commanding Station (OCS) confirmed if Albert Ojwang' was fine when he was booked in.

I answered that earlier. I said that when he was taken to Central Police Station, he was given an opportunity to talk to his spouse, where he confirmed that they had arrived safely and he was fine. That record is in the Occurrence Book. It was recorded by the officers who were at the Report Office at the Central Police Station. That is a confirmation that he was fine when he reached the police station.

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

The Speaker (Hon. Kingi): It cannot be a point of order, Sen. Onyonka. You may put forth your intervention.

Sen. Onyonka: Thank you, Mr. Speaker, Sir. IG, are you aware that Mr. Benjamin Talaam, who was the Officer Commanding Police Division (OCPD) of that police station, refused to book Mr. Ojwang' when he was brought in and that is why he was taken to the hospital? In today's newspaper, he said he refused to accept him because of the condition in which he was in. He said that according to his training, Mr. Ojwang' would not have been accepted into the cells.

The Inspector General of Police (Mr. Douglas Kanja): Mr. Speaker, Sir, according to the information that I have, the late Albert Ojwang' was booked in at Central Police Station at 09.35 p.m. and placed in the cells. The OCS who is responsible for that station was informed of the same. So, I am not aware of the other one that the Hon. Senator has talked of.

(Loud consultations)

The Speaker (Hon. Kingi): Hon. Senators, I am taking notes. Sen. Wambua, I will come back to you.

Just run through the questions that you have. We will certainly have an opportunity, Sen. (Dr.) Khalwale, to seek clarification on the questions that we feel have not been satisfactorily answered.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, the public and the Senate expect the witnesses we have this afternoon to shed light. That light can only come out of the quality of the evidence that they are adducing. There is something called a hostile witness. A witness becomes hostile when they deliberately, with due respect to Mr. Kanja, become economical with the truth or attempts to evade a question.

What is the value of this exercise if the IG, who is supposed to have convinced himself on how Ojwang' was handled, is the same one deflecting that responsibility to the Independent Policing Oversight Authority (IPOA)? He is supposed to give evidence in the same manner he will give to IPOA when they call him to appear before them.

The Speaker (Hon. Kingi): I know. Hon. Senators, the beauty of this is that we have all the players before us. He has shifted the burden to IPOA and IPOA is right before us. They will take to the stand and they will go through the responses that have

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

been put forth by the IG. If the IPOA representative was not here, then a lot would have been left hanging. So, hon. Senators, let us be patient.

Proceed.

The Inspector General of Police (Mr. Douglas Kanja): Thank you, Mr. Speaker, Sir. I can probably read a small part of my earlier statement.

The Speaker (Hon. Kingi): Just pick a question and respond for us to move.

The Inspector General of Police (Mr. Douglas Kanja): I would like to reply as follows to the questions that were asked.

They arrived at Central Police Station in Nairobi at approximately 2117 hours. At 2124 hours, Mr. Albert Ojwang' contacted his wife via a mobile number provided there to inform her of his safe arrival. The Chief Inspector, Mr. Talam, the Officer Commanding Police Station, was contacted through his mobile phone provided there. He authorized the booking. Police Constable Mohamed Rashid and Hiro Abdullahi booked the suspect into the cells after confirming that his physical and mental state was okay vide Occurrence Book (OB) No.136/07/06/2025. This was done at 2135 hours. That is the information that I have on that note.

There was also the question of who interfered with the Closed Circuit Television (CCTV) cameras at the Station. This is one of the many questions that the investigating agency that deals with matters of criminal activities by police is looking at. They will give us an answer on that one. When they do that, we will take appropriate measures on anyone who interfered with the normal settings of the CCTVs around that Station.

Sen. Veronica Maina also asked a question. She wanted to know the person who deleted Albert's X account. Again, this question will be answered by the Directorate of Criminal Investigations (DCI). She also wanted to know the person who interfered with the CCTV cameras and whether there is a backup of the same. On the CCTV cameras, it is as I have indicated. We are waiting for the results of the investigations to help us know the person who interfered with the cameras. As to whether we have a backup or not, my response is that we have assigned some experts that responsibility and we will get a report very soon, when we are still here.

All police officers must, at all times, ensure that the rights of the suspects are respected. That is our standard operating procedure. Those who deviated from that must face the full wrath of the law. That is our position. Police officers must at all times respect the rights and freedoms of the people, whether they are suspects or not.

I am saying this because police officers are at the forefront in the defense of the rights and freedoms of the people. Any officer who turns against that goes against the same law that he is supposed to protect. All of the police officers in this Republic are aware of this. They know that the rights of suspects and other Kenyans must be protected at all times. Therefore, anyone who goes against that must face the full wrath of the law.

I will now respond to the questions by Sen. Dullo. She requested that I provide all the documentary evidence of the letters that the Deputy Inspector General (DIG) wrote to the DCI. We have them and I promise to bring them tomorrow when we will be attending the meeting with the Committee of the Senate. She further asked why the police had to drive the suspect all the way from Homa Bay to Nairobi. The answer is as I stated earlier. The DCI will also give additional details on the same.

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Mr. Speaker, Sir, Sen. Abass was asking the same question that there are several police stations along the way that the suspect was driven from Homa Bay County to Nairobi. There are many police stations along the way. So, the question is: Why could he not be placed in any of those stations along that transport corridor? My answer, as earlier stated is, first, the offence was committed in Nairobi. That is the area of jurisdiction. That is the reason the suspect was brought to Nairobi.

Then there was also this question from Sen. Abdul Haji. He asked why the investigations could not be conducted where the suspect was arrested. So, the answer to that question is that the offence was committed in Nairobi. That is the reason why the suspect was driven from Homa Bay County to Nairobi.

On the last bit, where Sen. Joe Nyutu asked about why the investigations have not been done as fast? He wanted to know who killed the late Mr. Albert Ojwang. As I had answered earlier, I am eagerly waiting to know, amongst those officers who were on duty, or any other officer who was involved in that transaction, who is it that did it or who were involved in the corporate murder of Mr. Albert Ojwang'.

Then there is this question of, since when did the police start assessing the well-being of suspects? That question, if you look at our Occurrence Book (OB), it has several columns. In one of the columns, there is the physical state and also the weather. So, we do indicate in that particular column what the suspect looks like. Even the weather. If it is raining, we say it is raining. If it is chilly or cold, we say that too. So, they are provided for in that OB. It is on that basis, and also after he spoke with his spouse, that he confirmed that he was okay and he had arrived safely in Nairobi. So, based on that, the OB recorded the same and it is there to be seen by everybody.

On the last question by Sen. Joe Nyutu, on why Ojwang' was transported from Homa Bay County to Nairobi---

The Speaker (Hon. Kingi): Inspector General of Police, you have already responded to that. This is the tenth time. Just pick a new one and conclude.

The Inspector General of Police (Mr. Douglas Kanja): Mr. Speaker, Sir, I am already through with the questions.

The Speaker (Hon. Kingi): Just hold on, IG. I think there are a few questions that you may have noted down. Sen. Methu, just remind the IG of your question.

Sen. Methu: Mr. Speaker, Sir, sometimes you ask and you are not answered. So, it is fair that we remind the IG of the questions that have not been answered.

Inspector General of Police, I asked a very specific question on the events of 5th June, 2025. That was a very specific question. I do not want to repeat the question. I am sure it has rung back in your mind that I said that on the 5th June, 2025 so much happened. The officers were in Kisii by 12:55p.m. I had asked that question and you have not answered.

Finally, why did you choose Mbagathi Hospital and not Kenyatta National Hospital?

The Speaker (Hon. Kingi): Sen. Methu, I think the IG responded to that question. IG, what you need is the second limb of Sen. Methu's question, that the time computation does not add up. What do you say to that?

The Inspector General of Police (Mr. Douglas Kanja): Mr. Speaker, Sir, the DCI has a unit that deals with serious crimes and although he is going to give details on the matter, in that unit, he has those who record the statements, those who are investigating on other bits of every continuing investigations. That is why you find that once it has been confirmed, for example, by the Communications Authority of Kenya (CAK), it has been confirmed by the EACC, then there is this team that moves immediately and effects, for example, the arrest.

Basically, the reason why it is really not the same team that is seated at the DCI, that is doing all that, but it is one unit. So, the information is passed to the other teams that are down there.

The Speaker (Hon. Kingi): Sen. Methu, I think he has passed the buck to the IPOA and the DCI. So, wait until the DCI or the IPOA, then they may be able to take on that question.

Hon. Senators, let us now have the IPOA take the witness stand.

Sen. Abdul Haji, proceed. We still have all the witnesses around.

(Sen. Abdul Haji spoke off the record)

Exactly. Proceed, Sen. Abdul Haji.

Sen. Abdul Haji: Thank you, Mr. Speaker, Sir. This is an unusual sitting. It is sort of like a special or an extraordinary sitting. The rules are not very clear. I would really wish that you would make a ruling, so that we can proceed with speed and conclude on time. If you allow everybody to ask a supplementary question, we will be here for a very long time.

To my understanding, we are not here to cross-examine the individuals who are appearing here today. If we were informed that that is the case, then we would have been here very well prepared to cross-examine every answer that is submitted to this House. Also, not to forget, this matter has also been referred to the committee. I do not know what you expect the Committee to do, if we are going to handle everything here today. We do not have the time.

So, I indulge that you to make a ruling, so that we can move with speed and give opportunities to the Senators who have not spoken today to also ask questions to the individuals that are here.

The Speaker (Hon. Kingi): Now, hon. Senators, I was very clear on the procedure to adopt going forward. I said that we were going to hear all the witnesses. Thereafter, I was going to allow Senators to ask for clarifications or ask questions.

We did the first round before we adjourned for lunch. When I came back, the way forward I had communicated was that before we take the second round of Senators, we would allow the witnesses to respond to the questions or clarifications that were directed to them. Once we are done with that, we will take the second round of Senator's questions.

Now, the problem is that there are some questions that hon. Senators have posed that have not found satisfactory answers. There are those questions that hon. Senators

have asked to whom the IG has referred to the IPOA. We are here to cross-examine everybody, simply asking questions and clarifications from the witnesses that are here.

Hon. Senators, I urge that we step down the IG. A lot of his responses were actually shoved towards either IPOA or DCI. Let us allow DCI to take the stand because the IPOA will combine DCI and IG.

Hon. Senators, for us to make progress, let us minimise the interventions. Let us allow the DCI to proceed to respond to the questions sought. As the DCI does that, please, let us not have any interventions so that we make progress.

The Director, Directorate of Criminal Investigations (Mr. Mohammed Amin): Thank you, Mr. Speaker, Sir. I also appreciate the hon. Speaker and the Members for giving me this opportunity to respond to some of the issues raised on the Floor.

The hon. Senator has actually appealed to my religious faith. I categorically confirm that I fully understand the religious implications of swearing by the holy Quran. I cannot please a human being so as to displease my Creator. So, mine is to reaffirm that whatever I have said before the Senate and whatever I am going to say shall be the truth and the whole truth.

Some of the issues I will be addressing have been raised since they are cross-cutting. I may not be able to attribute the questions to a particular Senator. I wish to confirm that it is true that just like any other citizen, the Deputy Director General (DIG) of the National Police Service, Mr. Lagat, filed his complaint with the DCI in view of the very serious allegations touching on the integrity both on the office and on his person.

With those very, very serious allegations, his only recourse, Hon. Speaker was to report the matter to the DCI, which is the investigative agency of the National Police Service, so as to investigate those allegations to their logical conclusion.

There was nothing extraordinary with that report. We have in the past received and investigated similar complaints from senior Government officials, Senators, Members of the National Assembly, and the investigative process has always remained the same. We receive the report, investigate with a view to identify the culprits and take appropriate action.

So, the complaint by the DIG, Mr. Lagat was subjected to the same due process and there was no any preferential treatment as such. I confirm to this august House that throughout the subsistence of our investigations, the DIG never interfered with the investigations whatsoever.

Relating to the complaint letter and the statement, just like the IG has said, we are ready and willing to avail the same before this House. There is a question on why the deceased, may his soul rest in peace, was transferred from Homa Bay to Nairobi. The Criminal Penal Code (CPC) Section 71, Cap.75 is very clear on the places of trial and jurisdictions. Ordinary places of trial for an offence is determined where the crime was committed. Our courts also do have jurisdictions, save for those courts that do have or enjoy inherent jurisdictions. For this particular matter, the offence we believe was committed in Nairobi, but the arrest was done in Homa Bay County, which is why the deceased had to be driven all the way from Homa Bay to Nairobi.

You may also wish to know that offences of cybercrime have a national jurisdiction, as there is no way of justifying the place it has been perpetrated. It is an

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

offence that can be committed even when somebody is on a journey. So, it has a national jurisdiction.

Sen. (Dr.) Khalwale alluded to the fact that we did not have a court order. I state very clearly that we do not require a court order to move a suspect from one police jurisdiction to another. The deceased was booked at Mawega Police Station, which is in Homa Bay County and booked out at 1600 hours. He was booked at the Central Police Station in Nairobi at 2132 hours.

There was a question as to why we could not provide the CCTVs at the DCI offices in Mawega Police Station. We do not have DCI offices in Mawega Police Station. It is a recently elevated police station from a police post, and we do not have the presence of CCTV there.

I further wish to confirm that the deceased was treated with utmost humility throughout the journey, all the way from Homa Bay to Nairobi by the arresting officers. Indeed, while at Narok, he asked for refreshments and was given by the officers.

Mr. Speaker, Sir, he was booked at the Central Police Station at 2132 hrs. At 2124 hrs., the deceased was given an opportunity while at the Central Police Station to talk to his wife, one Nepheline Apondi on cell phone number 075808161, registered under one George Onyango, who apparently was the father.

The vehicle that was used to ferry the deceased from Homa Bay County to Nairobi was a DCI vehicle, GKC519B, a Subaru Forester. I can confirm, Hon. Speaker, without any fear of contradiction, that from Homa Bay, the suspect was driven straight to the Central Police Station and nowhere else. For this, we can technically confirm even the movement of the Subaru vehicle by using the GPS system.

Some members were alluding to the fact that maybe the suspect was taken to DCI Headquarters, and nothing can be far from the truth. From Homa Bay, he was taken straight to the Central Police Station, where he was booked in the cells. The actual booking, the digital booking, was done by the report office personnel vide OB 136/76/2025 at 2132hrs, and it says that the suspect was placed in the cells while appearing normal. That was captured digitally. So, there is no room for human manipulation.

It has further been confirmed that before the booking, the report office personnel called the OCS. It is unfortunate, it is being said, that Talam - actually, Talam, is the OCS and not the OCPD - that he declined to book the suspect. Talam is the Officer Commanding Central Police Station. From the totality of things, he should be treated as a prime suspect in the matter.

So, a question was raised about the whereabouts of the DCI arresting officers. I would like to first state that the issue here is what caused and who caused the death of the late Albert Ojwang'. We are not talking about the circumstances that led to his arrest from Homa Bay. The arrest was legitimate and lawful. He was arrested for legitimate reasons, in view of the complaint and the subsequent revelations by our investigations. Therefore, we know where the DCI officers are. They are actively on duty. They are available, if required, by IPOA for interrogation and interview. If the investigation establishes that they participated in the killing of the deceased, then the law should take its course and suitable action be taken against them.

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

In regard to one Kelvin Muinde, who was arrested and detained at Kamukunji Police Station, the Inspector General has very well elucidated that it is true he was arrested, and we forwarded the file to the ODPP, who said that we did not cover certain points. On the basis of that, he was released unconditionally, until such a time when we cover some of the points raised by the ODPP.

In regard to the other two, we did not arrest them. We do not know where they are, and we cannot confirm whether they are dead or alive, because these are characters we have never interacted with at all.

Mr. Speaker, Sir, it is true that the EACC confirmed, the same day that our officers were in Homa Bay--- When we are conducting investigations, we task, there is Division of Labour. We give the teams specific tasks. We have the action teams, we have the teams that do the interviews, the interrogations, the writing of the correspondence and the compilation of the file. So, it is not the same team that collected the correspondence from EACC that arrested the suspect from Homa Bay.

Finally, there was the aspect of who deleted the social media account. This issue came after the fact of the murder, and we got this in the social media. I believe in the investigations, because we are not the ones having the conduct of the investigations. This should be an area that should interest the IPOA team to find out besides other issues, who actually deleted the social media account, why and when. Those are issues that can be sufficiently addressed by the IPOA investigations.

Otherwise, I want to rest my submission there, unless there are any other questions.

Thank you very much.

The Speaker (Hon. Kingi): Thank you, DCI. Just before you take your seat, the question as to why the young man was arrested in Homa Bay, not charged in Homa Bay, but transferred all the way to Nairobi, was asked to the IG. His response was that the crime was committed in Nairobi. That was the response of the IG. The same question was directed to you, DCI, and this was your response, that the crime under the Computer Misuse and Cyber Crimes Act is a crime of a national jurisdiction, meaning it can be tried anywhere. If indeed that is the case, having arrested this young man in Homa Bay with a crime of national jurisdiction, why was he brought to Nairobi?

The Director, Directorate of Criminal Investigations (Mr. Mohammed Amin): Thank you very much, Hon. Speaker. When we are making the decision to determine where to take a suspect, there are several variables that we consider. One is the logistics and the investigation convenience.

If we say that we take him to a court in Homa Bay, and majority of the witnesses are in Nairobi, the forensic lab evidence is in Nairobi, the complainant is in Nairobi, because of that, and because of the logistical reasons, that is why sometimes we find it more convenient to have the suspect charged here in Nairobi, instead of wasting a lot of resources going to Homa Bay. That is provided for in our service standing orders.

The Speaker (Hon. Kingi): Let us hear IPOA.

You may take your seat, DCI.

The Vice-Chairperson, Independent Policing Oversight Authority (Ms. Anne Wanjiku): Thank you, Mr. Speaker, Sir. I was asked four questions, and the first one was

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

from the Majority Leader on the status of the young man as he left Homa Bay to Nairobi. The documents that we have obtained from the Central Police Station, which include the OB, indicate that he was booked in as of good health.

We have also have statements from the five arresting DCI officers, who alleged that he spoke to his wife before being booked in. In regard to that, we have written to Safaricom to obtain the code lock and verify whether it is true that he spoke to his wife at the same time. Once the family statements are taken tomorrow, the indication will become clear.

The other thing that would have clearly shown his condition is the Closed Circuit Television (CCTV), which, as indicated in our report, was tampered with. According to forensic experts at the Authority, it is evident that the CCTV was functional. The first thing the investigating officer noted upon entering the Central Police Station was that the CCTV power cable was not connected to the socket. However, once it was connected, the CCTV resumed operation. When attempting to review the previous day's events, no footage was found.

This confirms that the CCTV was tampered with and the matter has been referred to an expert for data retrieval. Whether the retrieval will be successful depends on whether the hard disk was removed or if the data was simply erased. We are awaiting further updates.

There was also a question regarding police stations equipped with CCTV. In the judgment of Judge Ogola, he provided recommendations to us and the Inspector General of the National Police Service on the importance of installing CCTVs in police cells, which we are currently pursuing. Similarly, the LSK made a recommendation on the same matter and we have conducted inspections and written recommendations to the Inspector General of the National Police Service.

I commend the Inspector General of the National Police Service, as during his job interrogation, he emphasized the significance of officers wearing body cameras while on duty. This would have provided another avenue to determine what truly transpired. I believe these are some of the reviews and reforms we would like to see the National Police Service (NPS) implement.

The other question was about the interdicted officers and what the Authority is doing about them. In my report, I indicated that six officers were to report today for statement writing at the Authority Headquarters. At lunchtime, I confirmed that they had reported and their statements were being taken. Eight officers, including the Officer Commanding Station (OCS), had already recorded their statements. Additionally, the Authority identified 11 more officers from the Central Police Station as persons of interest since they were around, who will also be required to provide statements.

There was also a question regarding the timeframe within which the Authority can submit the case to the Office of the Directorate of Public Prosecutions (ODPP) for prosecution. After deliberation with my team, our legal team and investigators, we estimate that if given less than 10 days, we will have all the necessary reports ready, as there are around four or five remaining matters to conclude.

Hon. Chair, we had a Bill in front of this House through the Standing Committee on Justice, Legal Affairs and Human Rights, which is Hon. Sigei's Committee, on powers

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

to arrest and prosecute. There was a question on why the officers have not been arrested. These are still powers that we are seeking as an Authority. If given these powers, we will be able to arrest and also prosecute immediately we are done with our investigations.

Mr. Speaker, Sir, we are committed, as the Cabinet Secretary stated, nobody is above the law. The IPOA Act grants us the mandate and authority to summon anyone, including the Inspector General of the National Police Service, for statement-taking.

Thank you,

The Speaker (Hon. Kingi): Let us hear from the National Police Service Commission. Let him say for the record.

The Vice-Chairperson, National Police Service Commission (Mr. Edwin Cheluget): Thank you, Mr. Speaker, Sir. I do not think there was a question directed to the National Police Service Commission. However, I want to highlight two points. Regarding the issue raised by the Cabinet Secretary for Interior and National Administration, as well as the Inspector General of the National Police Service, we have encountered situations where the IG intends to carry out promotions, but officers have not completed the required career progression courses. The Cabinet Secretary has emphasized the need to pool resources to facilitate these trainings.

Finally, we are in discussions with the National Police Service Commission, which is responsible for approving the curriculum. Once it is developed in collaboration with all relevant stakeholders, it will be the Commission's mandate to approve any new changes.

Thank you.

(Sen. Wakili Sigei spoke off record)

The Speaker (Hon. Kingi): Sen. Sigei, once you have the Floor, you will seek that and ask your question. We are doing the second round of questions. Hon. Senators, if you can be direct in your questions, we will save a lot of time. I am persuaded to set a time limit for asking questions, three minutes at most. If you wish to make a speech, you will have five minutes. However, if you need to seek clarification, three minutes should be enough.

Sen. Ali Roba, proceed.

Sen. Ali Roba: Thank you very much---

The Speaker (Hon. Kingi): Sen. Ali Roba, just take your seat. I remember that Sen. Nyutu had not concluded when we adjourned. Therefore, let him conclude.

Sen. Joe Nyutu: Thank you, Mr. Speaker, Sir. I will take under one minute. I was stood down by the point of order by the Senate Majority Leader. My last question was to IPOA. I wanted to ask them how safe they are investigating people who have power to arrest and carry firearms. I say this because lawyer Willie Kimani was doing exactly what IPOA does and he lost his life. What is a security guarantee for IPOA?

The Inspector General of the National Police Service did not get my question. He said that I claimed that investigation about this death has been speedy. I was talking about the claim made by Deputy Inspector General of the National Police Service, Mr. Lagat that the investigation was speeded up. That is what I meant.

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Finally, to Cabinet Secretary, Hon. Kipchumba Murkomen, quoted Article 245 of the Constitution. Why we are demanding that the Deputy Inspector General of the National Police Service, Mr. Lagat, to step aside is because he is a police officer and this matter revolves around him. You cannot liken this to a complaint made by a Senator or somebody else. This is a police officer who can interfere or command the officers that are investigating. That needs to be made clear.

Thank you.

The Speaker (Hon. Kingi): Sen. Crystal Asige.

Sen. Crystal Asige: Thank you, Mr. Speaker, Sir. The clarification that I sought, which I hope is not part of my three minutes, was whether Albert Ojwang' was alone or with others in the cell. The Inspector General of the National Police Service said that that would be answered by the DCI and or IPOA and neither of them answered that question. That was the clarification that I was seeking. It was further highlighted by Sen. Mandago, who said that there is a detainee witness statement that IPOA took, that would probably shed light on whether he was alone or with others.

My first question is to the DCI. Who issued the orders for Albert to be driven from Homa Bay all the way to Nairobi? I would like to know who issued the particular instruction for that to happen and not to process him in Homa Bay.

Next, we have been informed that the Deputy Inspector General (DIG) personally recorded a complaint. Who took down that complaint? I would like to know from the Directorate of Criminal Investigations (DCI) as well and who else recorded a statement in support of the allegations made by the DIG? That is also to DCI.

Next, is to the Inspector General (IG). I know that the IG already has said that many of the questions will be answered or will be revealed once investigations are complete, but this one perhaps, he can answer directly. This is to the IG: You said in your first media brief that the cause of death was that Albert hit his head on the wall. You have just clarified that was wrong information given to you by the primary report by an officer. Who was this officer who gave you this false information that you then issued in your first media briefing that misled the country as to the cause of death? That is what I want to know. The reason I ask this is because if someone saw and alleged that he had repeatedly hit his head on the walls---

The Speaker (Hon. Kingi): Sen. Tobiko, please, proceed. Sen. Crystal Asige, do not worry, I will take care of that. Just have your seat

Sen. Tobiko: Mr. Speaker, Sir, I will be very brief because a number of questions that I had have already been answered in the process. The DCI said the crime was perpetrated in Nairobi. That is why the suspect was brought to Nairobi yet cybercrime, social media, including X, is not necessarily domiciled in Nairobi.

It still baffles me why the suspect was brought to Nairobi. However, now that this happened and he seems to have paid for his crime with his life, what then would be the recourse for the murder of this young man who has been murdered by the police? What will then be the recourse for the family and for Kenyans in general? This is because there seems to be a crime on top of another crime.

The lady from the Independent Policing and Oversight Authority (IPOA) has responded. I wanted to know whether the interdicted officers have recorded their

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

statements and what is the account of the deceased since he was brought to the station. What was his situation when he was brought to the station? She said those statements were being taken today in the afternoon, so maybe we will get to know that later on.

I want to know whether the officers at the station, that is the report office, the cell sentry, record at the OB, if they clearly stated the status or the health situation of the deceased before he was booked in. It is also of interest to this House to know how many hours it took to pick Mr. Ojwang' from his home to Mawego Police Station and then from Mawego to Nairobi. There seems to have been so many hours in between. We want to know whether that is normal or whether there was a detour to some other place before he was finally booked into Nairobi.

I also want to know the normal situation. Do police arrest to investigate or they investigate, forward the case to the Office of the Directorate of Public Prosecutions (ODPP) and then the Director of Public Prosecutions (DPP) recommends the arrest? What is the normal situation?

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

Sen. Mumma: Thank you, Mr. Speaker, Sir. I will be very quick. First, policy questions to the Cabinet Secretary (CS). CS, whatever you might call law or policy in Kenya, it would seem it does not work for police excesses. However, in your speech, you seem to suggest that currently, we are out of the woods on matters police excesses. I would want to ask: Do you have any policy review proposals around issues of abductions and extrajudicial killings?

Secondly, what is your view about commissions of inquiry and inquests as tools that would be used to investigate police excesses? Finally, for you, does the police have any curriculum on human rights approaches to service delivery? CS, that is different from human rights. Human rights approaches are about how you apply human rights in service delivery.

For the IG, DCI, IPOA, severally and together, first, regarding the offence of publication, why do you not consider inviting the person you think has offended you, to come to the police station for you to ask them questions? Why do you need to deploy a whole vehicle - and you are complaining about resources - all the way to arrest one person?

IG, it would be good for you to confirm again that what your communication director issued is a false statement. Thirdly, does IPOA have an independent forensic lab where you are going to carry your---

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

Sen. Kinyua: Swali langu ni kwa IG Kanja. Walipomfikisha Albert Ojwang' pale Central Police Station, tayari yule ambaye ni afisa mkuu pale katika police station ambaye anaitwa Talam, hakuwepo. Inasemekana alipigiwa simu kuulizwa kama atakubali yule Albert Ojwang' aweze kuwekwa katika cell. Ni utaratibu katika police station zetu kuwa afisa anayesimamia station awe akiulizwa kama mtu yeyote anayeletwa katika police station awekwe ndani au la?

Swali la pili, hawa maafisa ambao walikuwa pale, ikiwemo Talam, tayari wamesimamishwa kazi. Talam makosa yake ni kuwa yeye ndiye afisa mkuu katika ile Central Police Station.

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Tutafika mwisho wapi kuwasimamisha watu kazi kwa sababu kulingana na mwendo huo huo, afisa mkuu wa polisi wa Nairobi, kwa sababu ana mamlaka, anapaswa kusimamishwa kazi? Sio huyo peke yake. Afisa mkuu wa polisi katika Jamhuri ya Kenya anapaswa kusimamishwa kazi. Kabla tufike hapo, naibu wa inspekta generali anapaswa kusimamishwa kazi. Kutoka pale, Waziri wa Usalama, rafiki, Kipchumba Murkomen, anapaswa kujiondoa ama kusimamishwa kazi ili tuweze kuonyesha ya kwamba mwisho wetu ni wapi.

Ikiwa huyu afisa Talam atasimamishwa kazi kwa sababu yeye ni afisa mkuu ilhali hakuhusika--- Unasema alipigiwa simu, hakuwa katika kituo cha polisi kuulizwa. Ikiwa makosa yake ni sababu ni mkuu, moja kwa moja inamaanisha mtu yeyote au afisa yeyote anayehusika, anapaswa kuchukuliwa hatua.

Bw. Spika, kwangu, zoezi hili tusilifanye lisiwe na maana yeyote, tumalize siku ya leo halafu twende nyumbani. Ni mpaka tupate majibu. Wahusika wachukuliwe hatua za kisheria.

The Speaker (Hon. Kingi): Sen. Beatrice Akinyi.

Sen. Ogola: Thank you, Mr. Speaker, Sir. My first question is on this famous call. There has been emphasis on a call that was made to the wife. From some background, we have always known that people who are going to die, to be hanged or are facing the hangman are always given what they want. Was this a prelude? Why is there emphasis on the call to the wife? Was Ojwang' being given an opportunity to talk to his better-half, knowing what would happen at the next level?

The second one is to all the officers here who have taken oath, from the Cabinet Secretary, the IG, DCI, NPC and IPOA. I know they are parents. If given an opportunity, what message or advise would each one give the family of Ojwang' publicly?

The other one is to the Cabinet Secretary; what was the motive of this murder? To me, it is coincidence that we have just come from a Madaraka Day celebrations in Homa Bay. Why this murder at the time it happened? Are we able to get deeper and get a motive? Did we rub someone or some group the wrong way, so that they had to get this death to Homa Bay? To the IG, what is your take on Hamurabi laws, an eye for an eye?

The Speaker (Hon. Kingi): All the Senators rising on a point of clarification should take the Floor immediately Sen. Ali Roba is done.

(Loud consultations)

Sen. Ali Roba: Mr. Speaker, Sir, can I be heard in silence, please? Mine is a simple question. Part of it was answered by the Vice-Chairperson of IPOA when she responded to the questions. The last part I want to ask is coupled with a short statement.

In processing the persons that have become persons of interest from the time you took over this process of investigation, have you exhausted those persons of interest? What is not adding up for me is where a DIG raises a complaint against a suspect. That process is undertaken through DCI with the suspect being processed, picked from his house, booked at an intermediary police station near his home, brought to Nairobi and booked in a cell. Then the suspect is killed.

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

What is not adding up for me is that whereas the situation is extremely tense, there is a position of preconceived conviction before the investigation is completed. We need to go deeper into investigating. It is not adding up. We do not point fingers at you at every step along the way; that you are the suspect until the killing happens. Therefore, my cautionary statement is that we should broaden our investigations in order to make sure that we do not narrow down on the basis of the fact that they are pointers rather than conclusions.

The Speaker (Hon. Kingi): Proceed, Sen. Hezena.

Sen. Lemaletian: Thank you, Mr. Speaker, Sir. First, I convey my deepest condolences to the father and the family of the late Ojwang'. The cost of death is very expensive and every life is very precious.

We go through this every day in Samburu County. Our people are murdered like flies and it has become the norm only that we are a minority in this country. The only weapon we have to defend our people is the Constitution of Kenya. I wish the same Constitution was respected by everybody in this country no matter the community or region one comes from.

Mr. Speaker, Sir, the other day in Homa Bay, we were having jubilations. As a young citizen, I was happy that finally we have a regime that considers every part of this country, especially the forgotten parts of this country. I had hope for me and my fellow youth that, finally, we will have a country where development will not be discriminated against specific regions because of population.

Our Constitution is a double-edged sword and it is a protecting tool for everyone, regardless of which position you hold and where you come from. As legislators, we are here to protect the law and the people we represent equally. Every citizen has a right to a fair hearing and evidence is crucial in establishing the culprits. I am not a lawyer, but they say you are innocent until proven guilty.

Mr. Speaker, Sir, what baffles me is how Homa Bay is suddenly weeping just after having jubilations the other day and now, the whole country is weeping with Homa Bay. That is sad. I heard the official from IPOA and my question is directed to her because they have said that the CCTVs were tampered with. If the CCTV can be tampered with in an institution that is supposed to protect and ensure security in this country, then which place is safe in this country? I can assure you that Samburu was not until a few months ago. In the case of tampering with the CCTV and evidence, what usually does IPOA do to make sure that there is a fair hearing to both parties?

While at it, I beg everyone to reason with sobriety and stop the blame games because that is why we are legislators.

The Speaker (Hon. Kingi): Sen. Mo Fire.

Sen. Gataya Mo Fire: Mr. Speaker, Sir, I wish to send my deepest condolences on my behalf and on behalf of Tharaka Nithi County. It is painful, sad and regrettable that a young soul died in the hands of the very people and institutions that are supposed to protect lives.

I will be speaking on behalf of thousands of Kenyans that the most mentioned person in this saga is a Mr. Eliud Lagat, a senior police officer and the second most

powerful policeman in this country. The general mood in the country is that Mr. Lagat is an accomplice in this saga.

Mr. Speaker, Sir, I am, therefore, seeking to get answers from IPOA, the IG of Police and the Director, DCI. What steps do we expect your good offices to address this matter and make sure that millions of Kenyans get answers?

Many Kenyans have the view that the suspended police officers are a cover-up. Is it possible for you to parade these officers before this House in order for us to hear their side of the story?

I thank you.

The Speaker (Hon. Kingi): Sen. (Dr.) Oburu.

Sen. (Dr.) Oburu: Thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, many questions have been asked by my colleagues and they have been answered, so I will be very brief.

I would like to know whether there are laws, which only apply to the ordinary Kenyans and do not apply to the high in the society. I am asking this question because the Director of Criminal Investigations (DCI) has told us the way they investigated, and they were doing so based on complaints from the Deputy Inspector General (DIG), that the complaint from the Deputy IG led them to go into great details of a so-called cybercrime. I wonder if an ordinary Kenyan went to complain about a cybercrime, anything would be done.

I have complained that I have been defrauded of money. Did this young man defraud anybody of anything or was he just an ordinary blogger? I have complained when I have been defrauded through cybercrime and the police take no action. They do not take them seriously. Are there laws which are meant for some people? Are we, politicians, treated differently? This boy was just a blogger who was accused of defaming somebody. We are defamed every day, on a daily basis, yet that is not treated as a crime. It is making me more famous by raising those issues. So, I do not mind. However, does he want to tell us that the complainant, who is the second in command, was completely innocent during the whole process of going to Homa Bay and doing the so-called thorough investigations, that, he was just standing by and watching, and did not know what was happening? Are you telling us that he is just an innocent complainant like any other Kenyan? I do not believe that the Deputy IG was an innocent complainant like any other. His role in this matter must be investigated.

The officer at the central police station is a very small person---

(Sen. (Dr. Oburu's microphone was switched off)

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

Sen. (Dr.) Lelegwe Ltumbesi: Thank you, Mr. Speaker, Sir. The Vice-Chairperson of the Independent Policing Oversight Authority (IPOA), Anne Mwangi, just informed the House that the Closed Circuit Television (CCTV) footage at the Central Police Station was interfered with.

Mr. Speaker, Sir, my question to the IG is: What measures will you take to preserve and review the CCTV footage, cell records, duty rosters and visitors' logs from

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

the time Mr. Ojwang' was in custody? Lastly, to the IG, is there an existing or planned national database to publicly track and report deaths in police custody?

Thank you.

The Speaker (Hon. Maanzo): Sen. Maanzo, please, proceed.

Sen. Maanzo: Thank you, Mr. Speaker, Sir. I would like to request provision of the digital logs entered during the last five days of the CCTV at the Central Police Station, names of officers with digital credentials, rights of those that can delete the CCTV footage, because it cannot be done by anyone, names of officers that entered their credentials to delete records on the day of the death, names of officers that entered their credentials or deleted records soon after the transfer of the deceased to Mbagathi Hospital. That information should be available from that platform. In addition, how sure are they that he was not under threat?

(Loud consultations)

The Speaker (Hon. Kingi): Order, hon. Senators! May the Senator for Makueni County be heard in silence.

Sen. Maanzo: Thank you, Mr. Speaker, Sir. Could his communication to the spouse have been under duress? How sure is the IPOA or any investigator that Albert did not arrive at the Central Police Station already injured, he is booked in, worsens, and passes away, and without investigating the DCI officers, you go on to condemn the police officers, yet this person may have come there already injured? Was his status established by any medical person before he was booked or was it just by looking with the eyes?

Finally, to the Hon. Murkomen, are you aware that there is no policy in your Ministry which has gone through this Parliament, so that it becomes a policy? Without bringing your policies to Parliament, they are null and void. In addition, are you aware of the so-called police Standing Orders that fall under regulations are expired and you have not bothered as a lawyer to bring them here so that we may renew them?

I thank you.

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

Sen. Seki: Thank you, Mr. Speaker, Sir. I would also like to direct my question to the IG and the Cabinet Secretary (CS). Somebody had just asked about the fairness of the officers who have been interdicted. However, there is one officer who was adversely mentioned in this issue. For fairness of civil servants, not because somebody is running an office and is senior in that position, I still strongly believe that DIG Lagat must be interdicted to await the IPOA verdict. That fairness must be brought by the IG and the CS, rather than escaping because somebody is holding a big office and yet he is just equal like any other officer who has been interdicted. The same law, regulations and Public Act is the one that works for all the civil servants.

Thank you.

The Speaker (Hon. Kingi): Sen. Betty Montet, the Floor is yours.

Sen. Betty Montet: Thank you, Mr. Speaker, Sir. Mine is simple and I am going to direct it to the DCI. From the little I know, because I have never been on the wrong side of the law, is that if a suspect is brought in by the DCI, they are booked in the

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Occurrence Book (OB) by the DCI and they are the only officers who can come and remove that person. My questions are: Who is the DCI officer who booked Albert at the Central Police Station? Who is the officer at the Central Police Station who had the keys to the cells? Who did the officer give the keys to, so that Albert can be harmed? Who is the investigating officer in the DCI?

Thank you.

The Speaker (Hon. Kingi): Sen. Wakili Sigei.

Sen. Wakili Sigei: Thank you, Mr. Speaker, Sir. First, I would like to join the rest of my colleagues in sending my deepest condolences to the family of the late Ojwang’.

Secondly, Mr. Speaker, Sir, questions have been asked and answers have been given. The importance of this session is underscored by the fact that we suspended our normal business for purposes of this particular inquiry. I am, however, of the very critical concern that it should not be lost to us that this is a preliminary process. Investigation reports so far received from officers, whether from DCI or IPOA, are still preliminary.

It is true that we have got various parties. There are those who are being investigated and those being suspected. We still expect much to come. Even as we make statements that we are making, I hope we are not doing that for the sake of it. This calls for much more than just the questions we are asking the IG or IPOA to respond to.

My question, which is of great concern is to the IPOA, that is the institution that will carry a heavy load in this particular investigation. I am not happy that the Chairperson of that institution found it important to be engaged in some other engagements other than this, which is very important today. We have not been explained that which is very important that took him away from being in this House today. I believe that the team that is presently here will take questions that have been asked as critical, notwithstanding the absence of the Chairperson of IPOA.

They have asked for a period of 10 days to conduct investigations. How I wish they do it in less than 10 days. The commitment has not come from their end. Even as Kenyans raise concerns about the death of Ojwang’ and the rest of us have suspended our business, we need less that period they are asking for in order to get to the bottom of the investigations and tell Kenyans the truth.

Mr. Speaker, Sir, this is not the time to make popular statements. It might sell today, but are we dealing with it for posterity? That should be the question we should ask ourselves even as we interrogate and seek for answers from entities that are present this afternoon.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. (Prof.) Kamar.

Sen. (Prof.) Kamar: Thank you, Mr. Speaker, Sir, for the opportunity. I also did not get an opportunity yesterday. Therefore, I would like to join colleagues in passing my deepest condolences to the family of Ojwang’. Losing a child is never easy; worst still an only child. It is painful for all of us.

I just have one question to IPOA. Now that the autopsy results are out and suicide has been ruled out, the IPOA mentioned to us that they have been taking statements since morning. What is the breaking news since morning? Do we know any leads? The country is listening to us. We have kept the Cabinet Secretary and everybody here, but there are

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

people who have been doing investigations. Are people being arrested? What is the current situation?

Members of the public accuse us that when a high-ranking person dies, security systems move very fast. We need to know what exactly has been going on as we are in this House since yesterday when suicide was ruled out.

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

Sen. Cherarkey: Finally! Mr. Speaker, Sir, I would like to ask the following questions to the IG and DCI. They have said that the CCTV cameras at the Central Police Station were tampered with. We need to know what happened on Saturday, 7th June, 2025, from 9.00 p.m. to 4.00 a.m. on Sunday, 8th June, 2025. The OB states that Albert was booked in at 2.35 a.m. and he was dead by 3.45 a.m.

To the Cabinet Secretary, you flew to Nandi a few weeks ago when Fr. Alois Cheruiyot Bett was killed and told the family that you know the killers. People have been killed in Angata Barikoi. Fr. Maina was also killed.

When you read Articles 240 and 245, it is clear that the Ministry of Interior and National Administration suffers from leadership crisis. It is good that the nation has seen the incompetence of Cabinet Secretary Murkomen on this matter. If anybody has to resign, we must start with the Cabinet Secretary Murkomen because that is where the buck stops.

The Murkomen that we have today is different. Abraham Lincoln said that if you want to know the true test of a man, give him power and money. All of us can withstand adversity. I heard that the Cabinet Secretary has a wrong assertion that he has been in office for barely six months. Does he need 10,000 years to make change in this country? He has not presented any policy on police brutality as per Articles 240 and 245 of the Constitution. It is high time that the President did a reshuffle. He should take the Cabinet Secretary for Interior and National Administration back to sports because he likes *kuleta mchezo* on the business that we discuss about this country. We will not sit and allow that to happen. Everybody must be held to account.

When Hon. Ong'ondo Were was killed, his Principal Secretary, Mr. Omollo, used to give information blow-by-blow. What is happening in the cases of Albert Ojwang', Fr. Alois Cheruiyot and the people of Angata Barikoi who were killed? He must be held accountable. If he does not want to be held accountable, let him take a walk.

Mr. Speaker, Sir, those are my questions to the Cabinet Secretary, IG and DCI.

I have been a guest of most cells. I do not fear sleeping in them in future because I know how to maneuver. The only danger is that I might be killed. What I would like to know is whether we have CCTV cameras in most police cells. Are they introducing CCTV cameras to all police stations across the country? Is there *modus operandi* that you can be arrested in Nandi, the way I was driven for four hours? That day, I never even got a soda---

The Speaker (Hon. Kingi): Proceed, Sen. Hamida.

Sen. Kibwana: Bw. Spika, Waswahili husema; mkuki kwa nguruwe, kwa binadamu mchungu. Sio tu Albert pekee bali pia kuna watoto wengine waliofariki.

Huu ni mwezi wa afya ya akili, yaani *mental health*. Sijui kama wazazi wa Albert walipewa ushauri nasaha. Sijui kama Serikali imefikia wazazi wa Albert kuwashauri na kuwapa imani.

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Swali langu la kwanza ni kwa IPOA. Je, mmeweza kuchukua *statement* kutoka kwa DIG Bw. Lagat? Yeye ameshaandikisha *statement*? Kufikia sasa, kwa nini hatuna habari yoyote ya kuweka lawama kwa mtu yeyote? Mhe. Were alipofariki, kwa siku mbili tuliambiwa washukiwa wakuu. Kufuatia kisa cha Albert, hakuna mshukiwa mpaka sasa. Nashindwa kwa nini hivyo.

Pili, je, Albert alipewa nafasi ya kukutana na wakili wake na kuzungumza naye? Alishikwa na kila kitu kikaendelea kwa siku moja. Aligongwa kisha akafa siku hiyo. Kulingana na ripoti ya IPOA, imethibitishwa kuwa Albert hakujinyonga wala kujiua ila aliuawa. Damu ya Albert na machozi ya wazazi wake yatadhulumu kila mtu ambaye alihusika.

Leo tuweke mambo parwanja bila kuficha. Leo ni Albert na kesho ni wenu. Kwa hivyo, tunaomba mambo haya yawekwe wazi. Tunataka kujua kama DIG Lagat aliandika *statement* au la, na kwa nini imechukua muda huo wote mpaka sasa hakuna uwazi kuhusu kilichofanyika. Hatujui kama ameshikwa wala kufanyiwa lolote.

Tunaomba wazazi wa Albert wafikiwe na kupewa ushauri nasaha kisha waambiwe kinagaubaga kilichotendeka. Babake Albert alikuwa analia akisema huyo ndiye alikuwa mtoto wake wa pekee. Mtawapa fidia gani wazazi wake Albert? Yangu ni hayo tu.

The Speaker (Hon. Kingi): Next is Sen. Mundigi.

Sen. Munyi Mundigi: Asante, Bw. Spika. Bw. Albert alitolewa Homa Bay akaletwa Central Police Station, Nairobi. Tunajua ya kwamba kuna askari katika kila kituo cha polisi. Hivyo vituo huwa havifungwi kwa sababu watu huvitembelea. Ningependa kujua pahali ambapo askari ambao walikuwa wakilinda hicho kituo cha polisi walikuwa wapi.

Inspector General of Police (IG), ulikuja hapa na tukakupitisha. Tulikuwa na matumaini eti utalainisha ulinzi nchini. Ningependa kujua kuna wafanyikazi wangapi wa *guidance and counselling* katika kila sub-county. Tunajua ya kwamba askari ni watu kama sisi. Wengine wao wako na *pressure* na wengine wanakunywa pombe.

Tuko na Kenya moja na IG wa polisi mmoja. Ninajua ya kwamba mtu hawezi uliza Bw. Spika swali kwa hivyo, nitautiliza Seneti swali. Ningependa kujua mbona DIG, Eliud Lagat, hakuambiwa aje hapa ajibu maswali. Yeye angetuambia kile ambacho kiliendelea. Huenda ikawa IG wa polisi hafai kujibu maswali haya yote.

Sen. Onyonka: Thank you, Mr. Speaker, Sir. This is a sad event. The family said that he was picked on 6th June, 2025 and he died on 7th June, 2025. There is a letter that I want the IG of police to look at. He gave a press conference and said that the gentleman was not taken directly to Central Police Station after he was picked. He said that he was kept at the DCI offices. The letter exists and he can refer to it. The DCI denied that the gentleman was taken to their offices.

My honest observation is that our country has issues. Right now, we can try and sanitise what happened, but you need to know that these events are sequential. Many of you remember a lady called Njeri who is a blogger. She was picked up. If people did not make noise, she would most probably be dead. The gentlemen who did the British Broadcasting Corporation (BBC) documentary were arrested. We do not know if their case is in court or not. We now have the death of this young man. Many of you have also

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

talked about the death of Ong'ondo Were's case, which is a good case of the Government getting involved.

We have lost so many Gen Zs. Do you remember the dam where these children were being dumped? I have heard many people talk about River Yala, but let us forget about that. Let us bring an inquiry to this House to investigate the deaths that happened in River Yala and all the deaths of people who have been killed. These children have never been compensated and they have never been talked to. Their families are treated like rubbish and we are very comfortable. I know that after this, everybody will go home and it will be business as usual.

I wish you all the best. Thank you.

Sen. (Dr.) Murango: Asante sana Mstahiki Spika. Waswahili husema, akutanguliaye chanoni hukuzidi tonge. Wale ambao walinitangulia wameuliza maswali mengi. Kwa hivyo, sina mengi ya kuuliza.

Swali langu la kwanza ni kwa IPOA. Kulingana na uchunguzi wao, ningependa kujua kama mshukiwa Albert Ojwang' alikuwa peke yake katika ile seli ama alikuwa na wenzake. Kanuni za kushughulikia wafungwa ambayo tumepewa leo na IG wa polisi inasema ya kwamba mshukiwa anafa kuwa na uhakiki wa kiafya kabla hajaekwa katika seli. Je, kuna stakabadhi yoyote ambayo yanaonyesha ya kwamba vipimo vilifanywa na Albert alionekana kuwa sawa kabla hajaingizwa katika seli?

IG wa polisi ameomba msamaha kwa kupotosha nchi. Hii ni kwa sababu alisema ya kwamba Albert alijigonga kichwa kw ukuta. Ni kama Homa Bay hakukua na ukuta aliupata tu hapa Nairobi. IG wa polisi alipotoshwa ndiposa alitoa ile taarifa. Wale maafisa ambao walimpea ile taarifa ndio wataenda mbele ya IPOA. Swali ni: Hao maafisa wameokoka katika kanisa gani ndiposa wakienda kwa IPOA waseme ukweli.

Sen. Githuku: Thank you, Mr. Speaker, Sir. I want to join my colleagues in conveying my sincere message of condolences to the family of the late Ojwang'.

My question is to the NPSC. Can they tell us the reforms they are prepared to put in place to restore the confidence of Kenyans for them to know that police stations or police cells can be the centres of reform rather than sites of terror? Thank you.

Sen. Mandago: Thank you very much, Mr. Speaker, Sir. From the onset, I want to say that indeed it is sad that life was lost in a police station. I only have two questions to the IG of police.

On the matter of the CCTV, we would like to know where the control centre of that CCTV is. Is it at the Central Police Station, Vigilance House or the Regional Police Commander's Office? Where is the control of the CCTV to the extent that it was switched off before that incident?

Finally, we, as a Senate or as a House, did not invite this team, in this session, to gather evidence, pass a judgment and sentence those who seem or we think are accused. There have been calls for stepping aside or resignations of the DIG. Senators who have been once arrested when asked not to contest said that they are innocent until they are proven guilty. How then do we expect the DIG, whose investigations are still ongoing to resign? He has not been taken to any court of law. However, all of a sudden, we have a chorus that he should resign.

I also want to ask the IG of Police and IPOA if the investigations have been to the political groupings that have been saying, “You are playing with fire, there will be the Arab Spring.” What makes us think that they are not behind this process to actualise the Arab Spring they have been perceiving and trying to conceive in their minds? There is need to widen the investigation, so that those opportunists who want to use such incidences to pursue a political agenda are cut to size.

Finally, it is not proper for us to use the Floor of the House to make sweeping accusations on the officers or the team that has appeared here because of the privileges we have as a House.

Sen. Chute: Thank you, Mr. Speaker, Sir. I want to refer you to Article 26(1) and (2) of our Constitution. It states-

“(1) Every person has the right to life.

(2) The life of a person begins with conception.”

Article 29(d) of the Constitution states that-

“Every person has the right to freedom and security of the person, which includes the right not to be-

(d) subjected to torture in any manner, whether physical or psychological;”

Mr. Speaker, Sir, last week we lost four people in Loiyangalani. Two of them were between 19 and 20 years and two others were between 35 and 75 years. A police officer, OCS, was injured in that fracas. OCS Marwa is in Nairobi West Hospital, currently hospitalised with gunshot wounds to his two legs. I really condole with the friends and family of Mr. Albert Ojwang’.

I have a very good and simple question. How is Safaricom involved in this matter of identifying people? When you are even in a toilet, a police officer will get to you. Can we ask Safaricom to come to this House and tell us what is going on?

Secondly, this is a question to the DCI. Long before apprehending a suspect, they normally request the person to report to a police station. Why do you go all the way to Homa Bay to arrest an individual for a minor case? Why could you not have asked him to report to the nearest police station?

The Speaker (Hon. Kingi): Sen. Karungo Thang’wa, you may proceed.

Sen. Thang’wa: Thank you very much, Mr. Speaker, Sir. Just to feel a bit safe, I think the Serjeant-at-Arms should be close to me, owing to the fact that the gentleman behind me ordered my arrest a few months ago.

(Laughter)

Mr. Speaker, Sir, the question is not what Mr. Ojwang’ did. The question is, why did they kill Mr. Ojwang’? We have been told that he was brought to Nairobi because the crime was committed in Nairobi. Is social media Nairobi?

Why was Mr. Ojwang’ grilled at the comfort of the DIG Office at Vigilance House rather than the Kiambu Road DCI Headquarters where they do all these kinds of investigations? We were told here by the IG of Police himself that he was taken to Vigilance House. Also, who ordered the arrest, because that one has not been put here?

Mr. Speaker, Sir, just to advise the Senator for Garissa County before he lectures us again, it took the death of the firstborns of Israelites for Pharaoh to let the Israelites go. It has taken the death of Mr. Ojwang' for us to confine together. So, we have to fight this to the end. He is a martyr. So, we must say as a Senate, no one else should die. No one else. If anybody dies in the hands of the police or anybody else, do not bury them. Their families should not bury them. We should be going to every police station to tell them that you killed this man. We need justice. Even Mr. Ojwang' should not be buried until we get justice.

My question to the Cabinet Secretary, Hon. Murkomen, is, who is killing us? Who is killing Kenyans? Who is killing the youth? If you do not have the answer, hon. Cabinet Secretary--- Four years ago, on the Floor of this House, you said, "Let us not sacrifice Kenya." We are not going to sacrifice Kenya, but we must sacrifice someone who is in line from the DCI, the IG of Police, the DIG, even the Cabinet Secretary. Propose to us who should step down on this issue. At least justice should not only be done, but it should seem to be done.

As I rest my case, the officers who arrested Mr. Ojwang', all the way from Homa Bay seemed okay to me. They were fine. They were giving him the phone to talk to his family and his friends. There is even a clip that is online. So, it seems those officers were doing their work. We need to find out after he arrived in Nairobi, who did what they did.

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

Sen. Kisang: Thank you, Mr. Speaker, Sir. I want to associate myself fully with the statements made by the Senator for Garissa County. Those of us from the North Rift have suffered for so long. I wish the media could have helped and highlighted our issue the way we are doing this.

I have three questions. Question number one is to the DCI. How is Chief Inspector Talam a main suspect as you have alleged. You have told us Mr. Talam was not in the police station during this particular period when Mr. Ojwang' was brought to the Central Police Station.

Secondly, I want to find out from the IG of police. I do not know if there is harmony in the senior ranks of the NPS, from the IG going down. I am suspecting they could have used this opportunity, which was a complaint by the DIG, Mr. Eliud Lagat, to settle some scores, because we know in the next one or two years, there will be a succession in the NPS.

Third, Cabinet Secretary, Hon. Murkomen, you have heard from my colleagues here that cybercrime is not a very serious crime. There is an opportunity for you to have a policy where those who are suspected of having committed cybercrime are invited to go to the police stations instead of being sought. I expected the DCI to have used the same resources they used going to Homa Bay County to look for those who killed Father Alois.

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

Sen. Okenyuri: Thank you, Mr. Speaker, Sir. First, I wish to say that the issue of Mr. Ojwang' is very emotive. We have spoken about every other thing, but no one is speaking about the young lady, the wife who has been left behind and the young child.

Cabinet Secretary, Hon. Murkomen, I would wish that out of empathy, we commit to assisting the young lady and child who have been left behind.

I also wish to find an explanation for the time difference. In an ordinary day, when I leave Kisii for Nairobi, in less than four hours, I will be in Nairobi. I would wish to have an explanation from the IG of Police on the time difference between the time Mr. Ojwang' was picked and his arrival at the Central Police Station.

To the DCI, what criteria did you use to conclude that the OCS is the prime suspect because, even for the members of the public who viewed the body at the city mortuary, the body does not appear fresh, meaning there was quite some time after his death.

It is either that the officers at the Central Police Station were under duress to admit a half-dead person because the time duration from arrival at Central Police Station and the time Mr. Ojwang' was taken to Mbagathi Hospital was less than one hour and Mr. Ojwang' was declared dead.

I do not wish to ask further questions, but the death of young people like Mr. Ojwang', the late Mr. Duke Nyabaro in Kisii, who was found hanging and nothing happened after that--- I hope you are not just going to be emotional and this gathers dust. We need to find out why Mr. Ojwang', a young man from a peasant family, had to undergo this when they came to the city to try to make a living for themselves.

May his soul rest in eternal peace. I am so sorry for the family and the people of Homa Bay County.

The Speaker (Hon. Kingi): Sen. Mariam Omar.

Sen. Mariam Omar: Thank you, Mr. Speaker, Sir. First, we are only listening to one side of the story. I urge the committee to first listen to the family of Mr. Albert Ojwang'.

My question is about cybercrime. In Kenya, cybercrime is increasing. Why is this so important that a young man lost his life? Could it be that Albert lost his life because the offended person is holding a big office?

Secondly, IPOA listed five members of DCI who arrested Albert from Homa Bay. Why are they not the prime suspects? This is because when Albert was taken to Central Police Station, the OCS refused to admit him because of his health condition. They said they could not book him before he was taken to hospital. That means the five members of the DCI must be the first suspects to be interdicted.

Mr. Speaker, Sir, why are the interdicted officers not yet arrested and put in cells as the investigation go on?

Sen. Mbugua: Thank you, Mr. Speaker, Sir. First from the IG of Police, I would want to know the name and designation of the officer who found the late Albert Ojwang' in the state he was in, in the cell for him to be taken to the hospital.

Secondly, still to the IG, I would want to tell this House the cell number and the holding capacity of the cell the late Albert Ojwang' was in.

Finally, I would want you to assure this House and the country at large, that officers who will be called as witnesses in this matter will not be discriminated and they will be safe.

Sen. Nyamu: Mr. Speaker, Sir, I know the IG of Police has apologized today for the initial statement. That initial statement is tantamount to a cover-up. We are curious to know on whose behalf was he doing that cover-up.

Secondly, Mr. Speaker, when it is a Very important Person (VIP) who is subject to investigations, it takes a very short time to have people charged in court. How many police officers were on duty at the Central Police that night? I have been held at the Central Police cell and I know at night there are not so many police on duty. How come we do not have all of them taking plea? Why have they not been charged to date?

Such a crime cannot be committed in the ignorance of anyone in that cell. Everyone is involved one way or another. Another thing, this complacency by the police is giving this Government a very bad name. We have a tag on this Government as a 'blood-based government.' How many people have been charged with the death of the multiple Gen Zs who have died under this administration? It is not the work of the Government to charge, it is the work of the police. Are you also involved in sabotaging our Government? We want to know.

The Speaker (Hon. Kingi): Sen. Asige, I will give the one minute that you lost when you were asking your question.

Sen. Crystal Asige: Thank you, Mr. Speaker, Sir, for acknowledging that I had lost a minute. The Clerk's table, for some reason, has given every other Senator three minutes as you had instructed, but I only got two minutes and that is on record. I am thankful for the extra minute.

The IG of Police spoke about a primary report having been the reason he said the cause of Albert Ojwang's death was suicide. Who gave him that primary report because that might at least shed some light on whether that officer who gave him the false report is involved in the cover-up and obstruction of justice.

Secondly, I want to know if this particular investigation is hinged upon one tweet, one post, by the complainant. Where is this post because none of us have seen it? Can the DCI table it, so that we can analyze its veracity and its authenticity and make sure that it is not AI generated or tampered with in any other way?

The Speaker (Hon. Kingi): Hon. Senators, I will now allow the witnesses led by the Cabinet Secretary to respond to the many questions that you have raised.

Before I allow the Cabinet Secretary to take to the stand, Sen. Karungo wa Thang'wa, while asking a question, indicated that the IG of Police had said that the young man was interrogated at Vigilant House. I have asked the Clerk-at-the-table to confirm from the HANSARD whether that is true. He has indicated to me that, that it is not true.

You may now proceed, Cabinet Secretary.

The Cabinet Secretary for Interior and National Administration (Hon. Kipchumba Murkomen): Thank you, Mr. Speaker, Sir. Let me start by thanking my colleagues, the Senators, for raising very weight issues. As I already said, some we have been able to note some we will get it from the HANSARD. Those which concern policy issues will do the proper follow-up.

IPOA is being requested to investigate very many cases. From a policy perspective, it is important as a country that we give IPOA more support in terms of

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

resources and ability to hire more investigators, so that these cases are heard and resolved expeditiously.

People are asking how come the one for Hon. Were was handled within a week or so, on a shorter time and this one is not moving at the same speed. It must be understood that this is IPOA investigating police. On the other incident, it was the police themselves investigating a crime. Whereas there are no enough resources on the DCI side, we believe that DCI has a greater capacity than the IPOA itself. Therefore, IPOA requires some level of support, so that this can move expeditiously.

The question Kenyans are asking is whether we are treating this case different from those that are affecting persons who are prominent such as Members of Parliament and so on. It must be seen from the context that for the questions of investigation in, for example, Ang'ata Barkoi and this one for Albert, are all by IPOA, which has a smaller establishment than the DCI. The process gets slower. If it was the efficiency and the capacity that the DCI has, it would have moved a little bit faster.

Mr. Speaker, Sir, very few questions have been raised, but in depth, Sen. Mumma has asked about policy review. I already gave my undertaking in the House earlier that when I came to office, I instructed the team in my office to look not just at the law, but also the judicial decisions, including Justice Ogola's decision. This is to see how we can mainstream them and improve the police service standing orders, work on different regulations or establish a new legislation that can fill the gaps. This is not an exercise that is confined only to the Ministry, but also we can work together with the relevant committee of this House.

Mr. Speaker, Sir, on the commission of inquiry and an inquest, I think those are very genuine legal constitutional instruments that can be used to get to the truth. Where there is doubt that the truth can be found, these mechanisms can be utilised. In the situation that we are, I think it is too early, considering that it was only two days ago to pass judgment that IPOA is unable to do these investigations. Should the investigations not bear any fruit, those are the instruments that can be considered by this House as ways of investigation.

Mr. Speaker, Sir, we have the curriculum. As Sen. Mumma, having myself trained before on rights-based approach to development, I know what you mean by saying, talking about human rights approach to service delivery.

The instruments are there, but the ability to disseminate them, to catch up with the older population that are already being trained, and also the ability for the NPS to have continuous training is constrained by resources and facilities. In fact, we might have this discussion another time. You know that all over the country, wherever you go, and for those who have been with me in the Jukwa La Usalama, you realise that the NPS has many issues that need to be dealt with. Even for a police station to have a CCTV is just by luck. This is because some of them do not have OB. Some of them do not have furniture or a computer. We have shortage of vehicles. We have all many other challenges that this administration realised. That is why there was a police reform committee that was put in place to see how best we could address most of these challenges.

Mr. Speaker, Sir, we are doing procurement now for vehicles. We are trying to do digitalisation and digitisation, so that if you heard the DCI properly, it told you that part of the OB is reported digitally. That is evidence that cannot easily be erased, not like a book or a paper within the police station.

There is a lot of work that we want to do on digitisation and digitalisation of the police service. However, the challenge we still have is to work on the resource constraints that we have. So, police officers are asking for basics. They are asking for a police station with a cell and vehicles. At the moment, an OCS is sharing a vehicle with OCPD and so forth. All this we are working on as a Ministry. This is an area that I put a greater emphasis on, to see that police officers are resourced to do their work.

Again, on the issue of Sen. Beatrice Ogola, I am very clear. I am very clear in my mind. I saw the father of the late Albert Ojwang', and like any other parent, I felt the pain of that parent. The only possible gift we can give them in the time that they have lost their loved one - it is even more painful when it is the only child - is to promise them that we will do everything we can to ensure that justice is done. In addition, to ensure that those who perpetrated this heinous act are put behind bars, so that they can suffer the pain of having inflicted this grievous bodily harm, which eventually resulted in the death of Albert Ojwang'. That is the little we can give.

As I said earlier, we are obligated as leaders and also as citizens and also within this leadership of this Ministry to support their family, like Sen. Veronica Maina asked earlier. We, in a small way, can facilitate and help them to find ways of comforting themselves.

Mr. Speaker, Sir, there is nothing that can actually compensate the loss of a child. Therefore, I stand with them and I will do everything as a Cabinet Secretary to ensure that those who committed this act are brought to justice.

Mr. Speaker, Sir, she has also asked, what is the motive? I think the motive is the subject of investigation. Let us allow the investigations to go on. It will eventually reveal to us who exactly did it and why. There are many indications showing that this is a crime that happened within the police station. If it is confirmed that it happened within the police station, I believe that those who will be found should be held accountable. We must also find resources to expeditiously make our police station safe for those who are going there to get justice, particularly to be brought before justice.

Sen. Maanzo has raised a very valid question. There are a host of regulations whose period was past 10 years. We had an omnibus extension that happened. However, as I said, there is a review process for the service standing orders. When eventually the review is done, it will be brought to this House and the National Assembly for purpose of approval. I agree with you; it is not true that a policy must come here for it to be effective. However, it must come to this House and, therefore, approved by Parliament. If we want to have a policy for the sake of a policy, it can be adopted by the Cabinet after public participation processes. It can still work as a national policy.

Mr. Speaker, Sir, I want to confirm to Sen. Seki and all others who are talking about whether or not I know whether the DIG should be held accountable or not, that I do not hold brief to defend or in any way to accuse him. I believe, as a lawyer, that evidence must lead to the suspect. When that evidence leads to that suspect, in my office and any

other office of Government, no one should be able to block any process of justice. What I hope we cannot do as a nation is that we cannot sanctify a process, a very heinous act that was done by criminals, somehow maybe through even a mob justice, if I put it that way.

We cannot sanitize it by also carrying out mob justice against the other people. We must always, if we are calling for equity, come with clean hands. If we are calling for justice, we must be ready to follow the legal processes, so that we can lead us to the response.

Mr. Speaker, Sir, Sen. Chute asked a question that generally just captured the issue of OCS Marwa. OCS Marwa is a person known to me personally. I was with him in Marsabit just not long ago. Most of these police officers are suffering. A lot of them are sacrificing for their country.

I went to see some of the police officers who have suffered because of the operations in Boni Forest, protecting our country in the border, those who are doing a lot of operations in the Kerio Valley region and issues of banditry in the eastern and upper eastern areas.

There are many police officers who are sacrificing their time and energy to protect this country. This cannot be a representation of the police officers. There are very few elements in the police service who are errant, who are violating the law, but that does not mean we do generalization, that the entire 120,000 police officers are all culpable. Even in this reform process and the work we have been doing, we have been trying to edify and praise those who are doing a good job, even as we hand over to a justice system process to those like the ones who have committed this heinous act to be held into account.

Sen. Thang'wa has asked me, who is killing Kenyans? That is a very good question, but better answered from an investigation process. Again, when I come back with a statement that was capturing the protests, the deaths that happened in the protests last year, when all of us, including Sen. Thang'wa and the group were on one side, I will be coming with that statement back to the Floor of this house. When I do so, we will interrogate all the people who suffered as a result of that protest. Again, we will be able to know how far the investigations have gone. So, let me not use this opportunity to enlist it, because already that statement is due to our office. The day I will be called again and we were supposed to interrogate today, but the day I will be called again, we can look at these issues. However, every case is investigated independently and every person who is held culpable is brought before justice.

Sen. Kisang has said a true thing that, perhaps, we should be also expending our energy to make sure that we deal with banditry. We are doing everything possible. The problem of banditry, particularly where Sen. Kisang comes from, which is also my home county, and the entire Kerio Valley, has been a problem since 1975.

It had been so intensified the last two years. It was a big problem two years ago. The statistics I have and I really challenge anyone to call me to come with the numbers here, is that between January, 2024 and June, 2024, in comparison to January, 2025 and June, 2025, we have reduced the incidences of cattle rustling by more than half. That is tremendous progress. It is because of police officers who are sacrificing their time and energy to deal with issues of banditry in the Kerio Valley. You heard Sen. Hezena

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

speaking here that some time ago, Samburu was terrible. We are working hard to make sure we deal with this issue. Even as we fight the bigger problem of small arms proliferation, the access to ammunition from neighbouring countries, porous borders and all the other challenges, our police officers are doing everything possible. Having sat in this Chamber, I previously raised serious concerns about banditry. I feel personally challenged and responsible for ensuring we eliminate bandits in that region. We are doing so.

Sen. Kisang has referred to the case of Father Allois. First, the entire Kerio Valley belt is now pacified, except for a corner in Marakwet, as Kisang mentioned, between Elgeyo Marakwet, West Pokot and Baringo in Tiya Constituency, as well as a corner in Loruk, Baringo County. There have been incidents in Samburu and in a corner between Samburu, Meru, and Isiolo counties. Even the recent incident in Marsabit was isolated.

The fact that the rest of the region is now pacified reflects the efforts of this administration and our police officers in securing the area. That is why some leaders, in search of soundbites and petty remarks, have nothing substantial to offer. Their statements, though lofty and big, lack statistics, references or any connection to the actual performance of the officers.

I am very happy that some of these critics that criticise the Cabinet Secretary---

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, we will have---

The Cabinet Secretary for Interior and National Administration (Hon. Kipchumba Murkomen): I am on the last answer, Mr. Speaker, Sir. I still have two more. I was simply stating that, on this particular issue, the good news is that those targeting the Cabinet Secretary have no problem with the Inspector General of the National Police Service. For their political gain, if they choose to use my name, they are free to do so.

Regarding Sen. Essy's question, as a Ministry, we will extend our support to the family. We will reach out to the widow, parents and extended family to determine how best we can work together during this time of grief and provide the necessary assistance.

Regarding Sen. Nyamu's question, she was raising the same issue about the protests that happened last year and the people who were affected. I beg your indulgence to answer that question together with the statement that is already before this House.

Sen. Cherarkey has continuously continued with this song of, "The Cabinet Secretary must resign." It is important to address this because I will continue appearing before this House. Since my appointment as Cabinet Secretary, this Senator has consistently focused on the demand that Murkomen must resign.

When I was the Cabinet Secretary for Roads and Transport, Sen. Cherarkey repeatedly argued that I must resign due to road accident fatalities. However, since my departure from the Ministry, those concerns have gone quiet. Suddenly, there are no discussions about road accidents. When I was in the Ministry of Youth Affairs, Creative and Sports, Sen. Cherarkey repeatedly called for my resignation. In one instance, when a team lost a volleyball tournament, he insisted the Cabinet Secretary must resign. However, since I left the Ministry, he has never commented on the performance of the volleyball or football teams, nor has he demanded my resignation.

When I joined this Ministry, he did not wait even two months before calling for my resignation. All these demands for resignation is compounded around a theme that the

Cabinet Secretary is incompetent. Sen. Cherarkey was my student. I taught him not one or two subjects, but more than two. His performance was below average. Therefore, he has no legitimacy at all to question my competence or performance.

(Laughter)

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, the academic performance of any Senator is not something to be debated here.

The Cabinet Secretary for Interior and National Administration (Hon. Kipchumba Murkomen): I will go further, Mr. Speaker, Sir. I will not even talk about this---

The Speaker (Hon. Kingi): Hon. Cabinet Secretary, kindly conclude and allow the other witnesses to take the stand.

The Cabinet Secretary for Interior and National Administration (Hon. Kipchumba Murkomen): Mr. Speaker, Sir, since you gave him good time---

The Speaker (Hon. Kingi): We only have 20 minutes to be shared among the four witnesses.

The Cabinet Secretary for Interior and National Administration (Hon. Kipchumba Murkomen): Mr. Speaker, Sir, I need two minutes of right of reply and I will be done.

The Speaker (Hon. Kingi): Conclude.

The Cabinet Secretary for Interior and National Administration (Hon. Kipchumba Murkomen): Mr. Speaker, Sir, when I was a Senator here, the biggest debate I ever had in this Chamber was police brutality against the Senators who were being arrested, so that they do not vote in this House.

When I stood in this Chamber and told the Speaker he must not sacrifice Kenya, it was because Sen. Malala, Sen. (Dr.) Lelegwe and Sen. Langat had been arrested to reduce the numbers of people who were voting to defend people from marginalised areas, including Kilifi County. That time, Sen. Cherarkey was opposed to any process. He told the Speaker in this Chamber that we must progress and vote because he cared less. The HANSARD will bear me witness on that. If performance is anything to go by, anyone else can assess my performance, not Sen. Cherarkey in that regard.

Mr. Speaker, Sir, I have many things to say, which I do not need to say here. However, I want to conclude. This Chamber is a very serious House. I always have to come here for one individual to always be speaking about my incompetence and that I must resign. That it is a normal song every day. He does not provide evidence, except asking questions that are procured from out there. What else has Sen. Cherarkey done in this country?

We must respect each other and people's offices. When people question you the way some Senators have questioned me here and asked me about my performance, I respect them because it is objective. However, not every time you say this and that. He reduces this august House, which I served gladly, to a place of vendetta.

Mr. Speaker, Sir, beg to submit and I thank you.

(Applause)

The Speaker (Hon. Kingi): The Inspector General of the National Police Service, please, take the stand and respond to the questions that have been directed to you.

The Inspector General of the National Police Service (Mr. Douglas Kanja): Thank you very much, Hon. Speaker. Once again, I begin by expressing that both myself and the NPS deeply regret the unfortunate events that resulted to 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 commitments to accountability and transparency, again, I would urge the IPOA to move with speed, so that it can tell us who are these who committed this heinous crime at the Central Police Station. At the end of the day, they should face the law squarely and answer to their crimes.

Having said that, I have already apologised for the erroneous reporting that was done at the very early stages when this kind of crime was realised. That has since been rectified because we have even seen the outcomes of the autopsy that was done yesterday.

In terms of compensation, my Cabinet Secretary has discussed on the way forward in terms of getting in touch with the family and assisting where we are able and we support that cause completely.

The status of the deceased when he was brought in to Central Police Station at that 2123 hours was normal. The number of hours that was spent while driving from Mawego Police Station in Homa Bay to Central Police Station was roughly five hours 15 minutes. The team left Mawego Police Station at around 1600 hours and arrived in Nairobi at around 2117 hours; roughly five hours and some minutes from Homa Bay to Nairobi.

There is that question of why not invite the suspect to come to record statements at the nearest police station. The DCI will deal with that one. On the question of why the OCS had to be consulted before the suspect was placed in the cells, again the DCI will answer it very clearly.

There was also the question why the late Albert Ojwang' was given an opportunity to call the spouse. When I was here previously answering the other questions, I indicated that the police officers are well trained on how to treat suspects and other Kenyans alike. It is on that basis that he was given that opportunity to check on his family and even report that he has safely arrived in Nairobi.

I also indicated that police officers are always on the forefront in the defence of the rights and freedoms of the people; that is our training. It is on that basis that he was given that opportunity.

The Speaker (Hon. Kingi): Two minutes to go IG of police.

The Inspector General of the National Police Service (Mr. Douglas Kanja): Now, in terms of processing persons of interest, the question is whether the persons of interest have actually been exhausted. I think that one can be effectively answered by IPOA who are actually investigating on the same.

There was also the question as to whether DIG, Eliud Lagat, could be paraded before the House to hear his side of story. I think again, that is a decision that this House can consider.

Whether there are different sets of laws for different sets of people or groups - our laws are for everybody and nobody is above the law. The DIG, as was explained by the DCI, did lodge his complaint in writing to the DCI and the DCI, in his wisdom, had a team to look into that complaint. Basically, as he explained, that is how that investigation commenced.

There was also the question of who is the DCI officer who booked Albert in the cells. The names are also there with the IPOA and I believe the IPOA will provide that.

The Speaker (Hon. Kingi): IG of Police, you are referring quite a number of things to DCI and IPOA. Kindly allow DCI to take the stand. DCI, I will give you eight minutes.

The Director, Directorate of Criminal Investigations (Mr. Mohammed Amin): Thank you, Hon. Speaker. One is what is my message to the family? The message simply is that we will play any legal role to have justice for the family and confidence by the public towards the police. We shall go out of our way to make sure that we accord all the support and cooperation to the investigations currently being undertaken by IPOA.

Sen. (Dr.) Oburu asked whether there are different laws. I would like to confirm that we do not have a different set of laws. The laws apply equally as enacted by our Parliament and the law says any person. So, we are not selective as officers of the NPS in the application of the laws.

Suffice to say, however, that the perception of defamation is relative and may be construed differently by different people. Why the officers gave a chance to the suspect, the IG of Police has very well explained that it is part of the reform process and it is normal for us to grant the suspect a telephone facility. That was actually a request made by the suspect, so that he could contact his wife and family members. It is also a clear testimony of our adherence to the Constitution, the fundamental freedoms and the Bill of Rights.

Sen. Maanzo alluded to the possibility of the deceased having been injured by the DCI officers who effected the arrest. I may not wish to dwell on this matter. In my earlier presentation, I was able to give a chronology and the graphic details of the movement of the suspect all the way from Homa Bay up to Central Police Station. I am sure these are issues the IPOA will investigate to its logical conclusion. Like I said, if any DCI officer is found to be involved in the killing, then let the law take its course. We are not covering up for anybody.

In terms of the DCI officer who booked Albert Ojwang', the booking was not done by a DCI officer. Like I had said in my previous submission, the booking was done digitally by a report office personnel. I am sure the identity of that particular officer will be established in the investigations.

Why not summoned? When it comes to investigations, particularly on matters of computer and cybercrimes, it is not a walk in the park. You are starting your investigations from the unknown to the unknown. You are dealing with persons operating from dark webs, persons running pseudo accounts and persons whose accounts are

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

domiciled in other jurisdictions. At the commencement of our investigations, we did not know the true identity of Albert Ojwang’.

We were only dealing with an X handler, a person whose identity was not known to us. It was, therefore, not possible for us to summon him. It took a lot of efforts and expertise for us to unveil the identity of the owner of that X handle. That is why it was not possible for us to summon the late Albert Ojwang’ until when the officers went and arrested him.

Mr. Speaker, Sir, although this is a general investigative technique, sometimes, some summons might be prejudicial or can interfere with our investigative processes. If you are investigating a cybercrime and you want to recover a computer from a suspect, you cannot just summon that suspect to report to a police station. What is the risk? There is the risk of that suspect deleting the information you require as evidence in court. That is why sometimes, we opt to not summon suspects, but go for them. If someone has material exhibits or documents you believe are crucial to your investigations, you cannot just summon them. Summoning them will give them ample time to destroy and interfere with those exhibits.

On who issued the orders to have Albert Ojwang’ ferried from Homa Bay to Nairobi; we do not micro-manage our investigation processes. We give the officers the leeway to make decisions. We have professional officers who are well-guided by the Service Standing Orders and our Guide to the criminal investigations. For example, if a cow is stolen in Lodwar and the suspect is arrested in Homa Bay, the court that has competent jurisdiction is the one that is domiciled in Lodwar. It would then be futile for the investigating officer to go ask his commander whether he should take the suspect to Lodwar or the suspect gets prosecuted in Homa Bay. Those are simple operational and tactical matters that we leave for the officers to make determination as guided by the Service Standing Orders.

On how many hours there are from Homa Bay; the IG of police has explained that.

The Speaker (Hon. Kingi): Director, DCI, you have one minute to conclude.

The Director, Directorate of Criminal Investigations (Mr. Mohammed Amin): Mr. Speaker, Sir, I would like to reiterate the fact that DIG, Eliud Lagat has no command over IPOA. His command is limited to the National Police Service.

I am urging this august House that the general mood in the country should not be used to victimize DIG, Eliud Lagat. Let us wait for investigations in order to establish the circumstances under which Albert Ojwang’ met his death.

I thank you and I submit, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): The Vice-Chairperson of IPOA, take the stand.

The Vice-Chairperson, Independent Policing Oversight Authority (Ms. Anne Wanjiku): Thank you, Mr. Speaker, Sir. I would like to first answer a concern raised on my Chair. I spoke to him during the break. We got the notice of this sitting yesterday when he was already out of the country. However, as I speak, he is finding his way back to Kenya because tomorrow, we have a similar session tomorrow in Parliament before a committee.

Mr. Speaker, Sir, together with me today are three commissioners and the Chief Executive Officer (CEO) of the Authority. So, we are taking this matter with the seriousness that it deserves. One of the commissioners present today, Hon. Jackline Lukalo, attended the autopsy process on our behalf.

I now would like to proceed to respond to the questions that were asked. One of them was the clarity from Sen. Sigei, Sen. (Dr.) Murango and Sen. Mandago. Our preliminary findings show that the young man, Ojwang' was alone in the cell. However, the neighbouring cell had two witnesses. One has recorded a statement and said they heard loud screams from that particular cell. Unfortunately, the cells are not numbered. So, we are also giving a recommendation for the cells to be numbered, so that a cell is allocated alongside a person in the OB.

The next concern was by Sen. Wambua on the safety of our investigators and officers. Our investigators, especially, are not safe, going by the fact that they are investigating armed police officers. However, in the same light, in the security service laws, which are headed by the Cabinet Secretary for Interior and National Administration, we are seeking for licensing to carry firearms. We were recently in South Africa and our counterpart, the Independent Police Investigative Directorate (IPID), the body that a lot was borrowed from in the formation of IPOA, have licenses to carry firearms, powers to arrest and prosecute. So, we are pursuing that through the legal reforms in the security services laws.

There was also a question by Sen. Hezena on tampering of the CCTV. As I had said, we have engaged experts to help with the retrieval of the same. We have the Digital Video Recorder (DVR), which is like the motherboard of the CCTV with us. So, that is what we will use to reconstruct the evidence after the information that we will get from the experts. As I had indicated, the investigations are ongoing, so, I believe we will have more information as we go by.

Mr. Speaker, Sir, there was also a question on the forensic laboratory. We have a small forensic laboratory at the Authority that we use, especially in the small cases. However, in most cases, we have been referring to the DCI laboratory. That is why in the same security service laws, we are seeking for an independent forensic laboratory, especially on the issues of ballistics. However, we work with the Government Chemist, like what we have sent currently on blood and tissue samples. We also have partners that we have signed Memorandum of Understanding (MoU) with, who have the capacity of the same laboratories.

Mr. Speaker, Sir, I believe I have answered the questions, but there was one on the DIG. As I had indicated, we are taking statements from the officers who are at the station. There are 17 in total. If the investigation and the evidence that you are getting will lead to any other officer, including senior officers, to be investigated, we would have no problem in calling or summoning them to IPOA to give us the evidence that is required.

With what we are receiving today, as Sen. (Prof.) Kamar had asked on what is leading, I have said we specifically asked for information from the OCS, because the CCTV is domiciled in his office. So, after today, I believe he will be able to have a report that we will give to the Committee as our progress report.

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

As Hon. Sigei said, I believe that we will be able to work in less than the 10 days to submit the file to the Office of the Director of Public Prosecutions (ODPP). However, we seek for cooperation from the Senate. We have a small budget. We are also understaffed because we have 77 investigators only across the country. We hope we will get that support to enable us fulfil our mandate.

Thank you very much, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Thank you. We have three minutes for further clarifications. I will go back to the Mover of this business, that is Sen. Eddy, then we will have Sen. Methu.

Sen. Eddy, you may proceed. If you do not have any clarification to seek, you can yield the Floor to your colleagues.

Sen. Oketch Gicheru: Mr. Speaker, Sir, because of time, I have three quick clarifications to seek, which I will do in under two minutes.

Does the Cabinet Secretary and the IG of Police appreciate what Senators have talked about on the issue of the DIG, given this is somebody who died in a cell and the possibility of cannibalization of the process by one senior member of the authority, hence their call for him to resign? That is the first question.

Secondly, this goes to the IG of Police. Who are your key suspects even if they are not guilty? That is a simple question. I have cited the case of Hon. Ong'ondo Were. I know he did not die in a police cell. Any form of a suspect is arrested and asked to write a statement. However, we are leaving here not knowing who the IG of Police considers his main suspects.

Lastly, this goes to the DCI. Given that this was a matter of cybercrime and you have talked about the competence of the court, our feeling is that this case should have been handled in Homa Bay. Are you arguing that the cloud is only in Nairobi? Let me ask it this way from an ICT perspective. In your view, where do you think the cloud is? Is it in Nairobi or where is it?

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Proceed, Sen. Methu.

Sen. Methu: Mr. Speaker, Sir, I would like to disagree with the DCI officer for saying that all animals are equal. What the IG of Police told us is that investigators led by Hussein went to record the statement of the DIG from his office at Vigilance House.

I also disagree with him for saying that they have many teams and, therefore, they got to Homa Bay very early. Those teams only left Nairobi after confirming that the complaint against Ojwang' was a valid one. It is my feeling that investigations on this matter cannot be free and fair if the DIG, Mr. Eliud Lagat, continues sitting in that office. Finally, to the IPOA. I wish you well as you look into this matter, so that you give us answers in 10 days.

Mr. Speaker, Sir, allow me to inform the House about this. Yesterday in my county, which is Nyandarua, a pregnant woman was arrested at a place called Rwanyambo and detained at Rwanyambo Police Station. I think she was six or seven months pregnant. Having been detained, she cried to the police officers to help her get medical support. This morning, the people of Rwanyambo woke up to a horrific scene of a pregnant woman with her dead baby that was aborted in the cell.

Disclaimer: *The electronic version of the Senate Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

If that inhumanity in our police force is not stopped, I do not think we have a country. They just watched and listened to the cries of that pregnant woman who was accused of stealing Kshs9,000 only. That is money that could have been paid even by her family. If they had summoned Milka to go the following day, I am sure she would have gone. It is the same case for Ojwang'. There is no record that Ojwang' was summoned and he refused to appear in a police station. IG of Police, I do not know whether you have heard of the harassment or the kind of things happening to the people of Kenya meted out by your own officers. That incident happened yesterday as the country mourns Ojwang'.

In accordance with Article 26 of the Constitution of Kenya, even an unborn child has a right to live. We have lost that child. I do not know what will happen to Milka because she has not been taken to hospital. People went to the police station to complain, but they were beaten up by police and tear gassed the whole day. I do not understand the kind of police force that we have right now. I want to throw that challenge. I have written to the IG---

The Speaker (Hon. Kingi): IG of Police, you have two minutes, DCI, two minutes and IPOA, two minutes then we will conclude.

The Inspector General of the National Police Service (Mr. Douglas Kanja): Thank you very much, Mr. Speaker, Sir. A question has been asked on who my key suspects are. That question refers back to what I did. I suspended some officers because I did not want them to interfere with the investigation now that they are the first key suspects. However, we will get to know those who committed the offenses from IPOA when they are through with the investigations.

My work was to ensure that we preserve the scene and nobody interferes for us to go to the bottom of that matter. I am happy they recorded their statements with IPOA today and I hope that that process will move quickly. We want to know the people who carried out this heinous act.

I have heard of the case of a pregnant woman who was mistreated in a certain police station. In fact---

The Speaker (Hon. Kingi): IG, conclude. We barely have a minute to conclude this session.

The Inspector General of the National Police Service (Mr. Douglas Kanja): I am happy that the Hon. Senator has already written to IPOA and requested them to investigate the same. I will also study the same through the Internal Affairs Unit for us to get to the bottom of that. If that is the case, we will crack the whip and those involved will get the ultimate punishment. Thank you very much. That is what I wish to submit.

The Speaker (Hon. Kingi): Thank you. You may have your seat. DCI and IPOA, you will proceed from where we have left it before the Committee, tomorrow. We do not have time to hear you.

Hon. Senators, we have come to the end of this session. I wish to thank the Cabinet Secretary and his team for the responses given. The closure of this session is not the end of pursuing this matter by the Senate. If you are aware, the Senate Standing Committee on National Security, Defence and Foreign Relations is already seized of this matter and it has scheduled for a sitting tomorrow.

I, therefore, direct the secretariat to make available the record of this meeting to our Standing Committee on National Security, Defence and Foreign Relations for them to use this to further their probe and make the appropriate recommendation for tabling in the Senate.

I also direct that the Committee proceed in this matter with a lot of urgency and to table their report. We are going on recess tomorrow. However, we are going to call for a special sitting before the end of the recess to discuss other businesses. This will be among the businesses: to receive the report from the Committee on National Security, Defence and Foreign Relations.

IPOA, you have indicated to us that you need 10 days. This is a matter that is more complicated than that of the Hon. Ong'ondo Were. It is a matter that happened in the hands of police officers in the precincts of a police station. It should be the easiest thing to conclude in the shortest time possible. If I were you, I would conclude it way before the expiry of the 10 days. The country is watching. Thank you so much, Hon. Senators. We now resume the normal and ordinary session of the Senate.

The meeting adjourned at 6.27 p.m.