

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 11th June, 2025

*The House met at the Senate Chamber,
Parliament Buildings, at 9.33 a.m.*

[The Speaker (Hon. Kingi) in the Chair]

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have quorum?

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

Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Hon. Senators, kindly, take your seats.
Clerk, proceed to call the first Order.

BILL

Second Reading

THE BUSINESS LAWS (AMENDMENT) BILL
(SENATE BILLS NO.51 OF 2024)

(Sen. Cheruiyot on 29.5.2025)

(Resumption of debate interrupted on 3.6.2025)

The Speaker (Hon. Kingi): Senate Majority Leader, being the Mover of this business, you may now proceed to reply.

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The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I thank all the colleagues who took time to speak to this very fundamental Bill regarding making Kenya a globally competitive business hub.

Like I mentioned when I was moving this Bill, this is perhaps the most bold of reforms that we have seen in creating Kenya into a competitive business environment and making sure that we can compete globally. I observed that there is nothing out of the ordinary that we are actually doing as a country. We are doing what others have been able to do and ended up being better than us, even in spaces that we excelled in.

There are countries that came here in the 1960s to 1980s, copied the things that we were doing and have now done them better than us. Their sectors are performing better than ours thanks to perfect implementation of laws as they are.

I listened to many colleagues when they spoke to this Bill. Unfortunately, we do not seem to appreciate that the world is evolving at an extremely fast pace. This is, therefore, presenting us with a need to ensure that as a country, we are doing things as they are done in other parts of the world.

Mr. Speaker, Sir, as a country, there seems to be a lack of realization that when those with the means and ways to move the economies of the world sit down in their offices in the posh capitals of the world, they do not look at us from an empathy perspective, but they look at us in form of numbers. How competitive are we? How easy is it to do business in this country? There are so many bureaucratic bottlenecks that reduce us and have made us to be a laughing stock.

Mr. Speaker, Sir, you will recall that last year you led us in Mombasa when we had an engagement with the Kenya Private Sector Alliance (KEPSA) and you listened to the kind of things they were telling us. They felt that we, as a country and as Parliament, need to up our game and ensure that we amend the various laws to make them compliant with the demands of the 21st Century. Therefore, I listened to my colleagues who shared their thoughts with quite a number of them proposing various further amendments, which I want to appreciate.

I hope that all the Senators who spoke and proposed amendments to this Bill will ensure that they file them, so that we can move towards voting in the Committee of the Whole, which I think will be when we return from recess.

I appreciate and urge Senators who may not have had time to contribute to this Bill that it is still important that they read it. This is an extremely important Bill. It is one of the things that we will be extremely proud of later on when we look at reports from our sectoral performance; tourism, horticulture and agriculture subsector. Many of those laws are being amended to make sure that our sectors compete with the very best in the world, including the Business Process Outsourcing (BPO) space, which we do so well. Sen. Catherine, we have the ability to be extremely competitive.

No offense to Indians and Filipinos, but people keep telling us that that we speak better English than them; that they do not understand why our BPO space employs over and above, probably 100,000 Kenyans while in those two countries, they do at the very minimum, three to four million people. This is something that we can compete with. They have also led us into listening and appreciating the things that we need to change.

Mr. Speaker, Sir, I hope that colleagues who did not comment on the Bill will take time to read it and perhaps, share amendments before we do the Third Reading. We still have time before we do the Third Reading; it most likely will be after we return from recess.

With those many remarks, I beg to reply.

In accordance with Standing Order No.66(3), I beg to request that the putting of the question be deferred until a later time.

I thank you.

(Putting of the Question on the Bill deferred)

The Speaker (Hon. Kingi): Thank you, Senate Majority Leader.
Hon. Senators, allow me to make a communication.

COMMUNICATION FROM THE CHAIR

MEETING BETWEEN THE SENATE AND CS FOR INTERIOR AND NATIONAL
ADMINISTRATION, THE IG OF POLICE, IPOA AND NPSC ON THE
CIRCUMSTANCES SURROUNDING DEATH OF
MR. ALBERT OMONDI OJWANG'

Hon. Senators, I have a communication to make regarding the meeting between the Senate and the Cabinet Secretary, Ministry of Interior and National Administration, the Hon. Kipchumba Murkomen, EGH, on the circumstances surrounding the death of Mr. Albert Omondi Ojwang' at the Central Police Station in Nairobi City County.

Hon. Senators, as you may recall, during the sitting of the Senate held yesterday, Tuesday, 10th June, 2025, the Senator for Migori County, Senator Eddy Oketch, sought a Statement pursuant to Standing Order No.53(1) from the Standing Committee on National Security, Defence and Foreign Relations regarding the unfortunate death of Mr. Albert Omondi Ojwang' while in custody at the Central Police Station in Nairobi.

Pursuant to Standing Order No.53(3), I allowed Senators to make comments on the Statement sought by Sen. Eddy Oketch. All Senators who spoke on this matter expressed grave concern over the inhumane treatment and resultant death of Mr. Albert Ojwang' while at the police station. The Senators demanded for urgent action from the relevant Government agencies, particularly the Cabinet Secretary, Ministry of Interior and National Administration, the Inspector General (IG) of Police and the Independent Policing Oversight Authority (IPOA).

Subsequently, following the comments by hon. Senators on the Statement and in view of the urgent nature of the matter, which is of a nationwide concern, considering the expression of grief by the public, I directed that the Cabinet Secretary, Ministry of Interior and National Administration appears before the Senate, accompanied by the Inspector General of Police, the Chairperson of the IPOA and the Chairperson of the

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National Police Service Commission (NPS) to respond to concerns from Senators for and on behalf of the people they represent.

The matter at hand relates to the safety and well-being of persons in custody at police stations across the country and in particular, the circumstances surrounding the unwarranted treatment and grotesque death of Mr. Ojwang’.

Hon. Senators, as you may be aware, Wednesday mornings are reserved for questions to Cabinet Secretaries. However, special arrangements must be made for the Senate to engage with the Cabinet Secretary and his team on this particular issue.

Consequently, I will very shortly allow the Senate Majority Leader to move a Motion for the temporary suspension of this sitting pursuant to Standing Order No.38. The period of suspension of this sitting shall not exceed two hours.

This time will be used for the Senate to engage with the Cabinet Secretary and his team, after which normal business as scheduled in the Order Paper will resume, beginning with questions scheduled for reply by the Cabinet Secretary. You will acknowledge that this is, indeed, an unprecedented occurrence in the Senate. However, it is necessary that this route is taken to allow for the necessary flexibility to get a report on the concrete actions being undertaken by the Cabinet Secretary and his team for the Senators to effectively interrogate the matter.

During the session with the Cabinet Secretary and his team, the proceedings will be open. Media access will be granted, and so is the live broadcasting of the session. Accordingly, the Hansard Editor is directed to prepare a special report thereon.

Senate Majority Leader, you may now proceed to move the Motion.

MOTION

TEMPORARY SUSPENSION OF THE SENATE TO INTERROGATE CIRCUMSTANCES SURROUNDING THE DEATH OF MR. ALBERT OMONDI OJWANG’

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

THAT, pursuant to Standing Order No.38(1), the Senate do suspend its proceedings for not more than two hours in order to allow Senators to efficiently interrogate the Cabinet Secretary for Interior and National Administration, the Inspector General of Police, the Chairpersons of the Independent Policing Oversight Authority (IPOA) and of the National Police Service Commission regarding the safety and the well-being of arrested persons in police custody and in particular the circumstances surrounding the death of Albert Ojwang’.

Yesterday afternoon, we made a resolution as a House and I must really appreciate you, Mr. Speaker, Sir, for accommodating the views of Senators. When we say that we must not only appear to be doing something; we actually must do something.

Hon. Colleagues, the country looks up to us at such a time where a 31-year-old, young father was picked up by people known to be law enforcement officers. He was

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subsequently booked into a police station and then the report gets hazy after that. The next thing we know, the young man is lying at a morgue. If there was ever a time that we needed to rise to the occasion as a House and ensure that we do justice for the people that we represent in this House, it is now.

We have, therefore, made this request that you allow us break from the normal session where we will ask the Cabinet Secretary seated there to just respond to us. However, there are other people that we want to hear from, particularly the Chairperson of IPOA. There have been one too many deaths of civilians in the hands of police officers. Those circumstances have been documented here with Members raising statements with many such instances.

What we want to hear from them is the report of how many people have so far been charged, why do investigations take so long and what are the challenges? Is there anything that we can do as a House? Is it a case of insufficient laws, since we are a law-making entity; that those who misuse their firearms are not charged? We would wish to understand that from the gentleman who is appearing before us on behalf of IPOA.

We have the Chairperson of the National Police Service Commission (NPSC). This is an entity created by a statute to handle issues of discipline, promotion and whatnot in the police service. There are many questions that arise in particular on the conduct of police officers. It will be important that the Senate, on behalf of the country, is made aware of how many such incidents have been reported and what the police service is doing about it.

There are many things that this House has raised in the past on the conduct of police. We finally have the opportunity to get responses to the raised concerns this morning. More particularly, this death that has struck the conscience of the nation and brought everybody out and any Kenyan of goodwill, to want to know what really happened.

As a last comment because I do not want to take time and we want to listen to the people that are appearing before us, yesterday, we were reminded that when we had the unfortunate demise of one of our colleagues, there was such serious attention to that particular matter. That almost on an hourly basis, we were being briefed as a country on what happened. The motorbike that followed him, the vehicle registration, the occupants and their details. It did not take more than 24 hours.

As it is today, there is very little that we know. I think to the best of my knowledge, I have only seen the names of the officers who were on duty at the Central Police Station. Up to now, nobody knows the officers that picked young Albert Ojwang' from Migori, how he was driven and what his status was when he arrived at Central Police Station.

Those are things which, as a leader, you want to know, so that you begin to appreciate the things that are before us. It is important to also hear from the NPSC because there is a particular complex matter of the DIG. Mr. Eliud Lagat is a gentleman I know, a very diligent officer. However, he finds himself in a situation that I do not envy.

When you are the deputy of an institution and you make a complaint, it is the right thing to do. When you feel your rights have been violated, you make a

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complaint. Unfortunately, the situation gets complicated by the fact that officers who report to him went and picked this particular young man who died under very mysterious circumstances.

If it was up to me, it would have been neater to advise Mr. Eliud Lagat that nobody has said you are guilty, but for the country and myself, as your friend to have a clear conscience, appreciate and know what really happened, step aside until investigations are concluded. Otherwise, as it is, no person of good conscience, even if you are to remain firm in the things that are being said about it, can absolve you. However, that is just it; it is not in my place. It is the place of Chairperson of the NPSC to tell us how such matters are to be handled. If it was a separate institution that was reporting about what happened, people would have appreciated that he did the right thing.

I do not want to indulge into the pros and the cons of what is before us. What is important is for Senators to take this time to appreciate what is before us. It is a very solemn moment for the country to watch and listen and get to learn.

With those very many remarks, I beg to move this Motion and request the Senator for Kitui County, the Deputy Minority Leader, to second.

Sen. Wambua: Thank you, Mr. Speaker, Sir, for this opportunity to second the Motion as moved by the Senate Majority Leader; the suspension of our debate, to listen to and interrogate the Cabinet Secretary in charge of security, the Chairperson of the NPSC, the Chairperson of IPOA and the Inspector General of Police on matters insecurity and specifically, the murder of Albert Omondi Ojwang’.

One person that is glued on their television this morning is the father of Albert. We have an opportunity that perhaps he does not have. Whatever it is that you are going to do when those officers appear before us, we must know that our first responsibility is to get him answers; who killed his son and why.

If we can achieve that within the first 20 or 30 minutes, we will begin the process of closure for a father who is mourning his son. There are school children in Taita Taveta County who are glued on their televisions waiting to know who killed their teacher and why. This is a very heavy assignment that we have today. All of us must rise to the occasion and transact this matter in the most objective way that we can ever do. Make sure that we get answers for Kenyans, the family, relatives and friends of Albert.

Mr. Speaker, Sir, as I conclude, there is an aspect in this incident that we need to get clarity on. Those of us who have interacted with the NPS, know that there is always this operational tiff between officers of the Directorate of Criminal Investigations (DCI) and the regular police officers.

The DCI officers do not have cells of their own, so they arrest whoever they arrest and book them in police station cells. Were the officers that arrested Albert, from the regular police or the DCI Department? When they arrested him, was Nairobi Central Police Station the first destination in Nairobi or is it possible that this young man was tortured and beaten up almost to death in a different place and then brought to the station?

These are important questions for us to ask, so that we direct and assign responsibility where it belongs. I associate myself fully with the comments of the Senate Majority Leader in relation to the DIG, Mr. Eliud Lagat, who is also known to

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me. Perhaps reporting harassment was the right thing to do. However, what followed after that? For purposes of closure and bringing calm in the country, perhaps what he should have done by now is to say; “I acted in good faith and as a demonstration of that good faith and a continuation of that good faith, I am leaving office to let investigations continue. If I am found culpable, I should be taken to court. If I am exonerated, I will go back to service because I did the right thing”.

That is how you bring closure to a matter like this. My Whip is telling me that we need to start and I agree with him.

With those many remarks, I second.

The Speaker (Hon. Kingi): Hon. Senators, I will now propose the question.

(Question proposed)

Hon. Senators, this is a procedural Motion; we need not debate on it. With your concurrence, may I proceed to put the question?

Hon. Senators: Yes.

(Applause)

Thank you. I will, therefore, proceed to put the question.

(Question put and agreed to)

(The sitting of the Senate was suspended at 10.10 a.m.)

(End of suspension of the Senate sitting at 12.58 p.m.)

(The Mace was uncovered)

(The House resumed at 12.59 p.m.)

The Speaker (Hon. Kingi): At this juncture, we shall resume the normal sitting of the Senate. We will proceed to adjourn and then come back at 2.30 p.m.

ADJOURNMENT

Hon. Senators, we are now back to the normal session with all the Standing Orders in full force. It is now 1.00 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until later today, Wednesday, 11th June, 2025, at 2.30 p.m.

I thank you.

The Senate rose at 1.00 p.m.

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