



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fifth Session

Wednesday, 9th September, 2026 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 9th September, 2026

*The House met at the Senate Chamber,
Parliament Buildings, at 2.32 p.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 with the Speaker)

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

(The Quorum Bell was rung)

We now have quorum. Clerk, kindly proceed to call the first Order.
Next Order, Clerk.

PAPERS LAID

The Senate Majority Leader or any member of the Senate Business Committee (SBC).

Sen. Faki: I thank you, Mr. Speaker, Sir. I beg to lay the following Papers on the Table of the Senate, today, Wednesday, 9th September, 2026-

REPORT ON NATIONAL GOVERNMENT BUDGET IMPLEMENTATION REVIEW FOR FY 2025/2026

Report of the Office of the Controller of Budget on the National Government Budget Implementation Review for the Financial Year 2025/2026.

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THE NATIONAL TREASURY 2026 BUDGET
REVIEW AND OUTLOOK PAPER

The National Treasury 2026 Budget Review and Outlook Paper.
Thank you, Mr. Speaker, Sir.

(Sen. Faki laid the documents on the Table)

The Speaker (Hon. Kingi): Next order. Sen. Karen Nyamu, proceed.

NOTICE OF MOTION

Sen. Nyamu: Thank you, Mr. Speaker, Sir. I beg to give notice of the following Motion-

RESOLUTION OF THE SENATE ON PROVISION OF SANITARY TOWELS
TO GIRLS IN PUBLIC BASIC EDUCATION INSTITUTIONS

THAT AWARE THAT, Section 39(k) of the Basic Education Act requires the Cabinet Secretary responsible for education to provide free, sufficient and quality sanitary towels to every girl child registered and enrolled in a public basic education institution who has reached puberty, together with a safe and environmentally sound mechanism for their disposal and that Section 88(2)(g) of the Act provides for conditional capitation funds to facilitate the acquisition of sufficient and quality sanitary towels for eligible girls in public basic education institutions;

RECOGNIZING THAT, the National Government has continued to commit public resources towards the provision of sanitary towels to school-going girls, demonstrating its commitment to menstrual dignity, school attendance and equal access to education;

NOTING THAT, currently the administration of the sanitary towels programme is undertaken through the State Department responsible for Gender and Affirmative Action and the National Government Affirmative Action Fund (NGAAF);

CONCERNED THAT, the current administration of sanitary towels through the State Department for Gender and Affirmative Action and the National Government Affirmative Action Fund (NGAAF) and limited funding contravenes the provision of Sections 39(k) and 88(2)(g) of the Basic Education Act;

FURTHER CONCERNED THAT, sanitary towels procured using public funds are distributed or presented by elected leaders in public functions or other individualised distribution channels making the entitlement guaranteed to school-going girls by law be perceived as personal donations or favour from the leaders;

NOW THEREFORE, THE SENATE RESOLVES THAT the Ministry of Education-

1. fully complies with the provisions of Section 39(k) of the Basic Education Act, by aligning the administration, financing and delivery of the sanitary towels to verified numbers of eligible girls and sufficient provision throughout the school calendar;

2. puts in place safeguards to protect the programme from political exploitation, including prohibiting the personal branding or presentation of sanitary towels procured using public funds as donations or favours from individual public or elected officials;

3. pursuant to the provisions of Section 88(2)(g) provides adequate and predictable funding and establishes a robust accountability mechanism to track allocations, procurement, delivery and coverage at school level; and

4. should submit an annual report to Parliament on the compliance to the provisions of Sections 39(k) and 88(2)(g) of the Basic Education Act.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker (Hon. Kingi): Statement pursuant to Standing Order No.53(1). Senator for Nandi County, the honourable Cherarkey.

COLLECTION AND MANAGEMENT OF REVENUE BY KENYATTA INTERNATIONAL CONVENTION CENTRE

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I have a request for a statement on the collection and management of revenue by the Kenyatta International Convention Centre (KICC).

I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Finance and Budget on a matter of national concern regarding the collection and management of revenue by the KICC.

Mr. Speaker, Sir, Government payments are required to be digitised and processed through the e-Citizen platform with the National Treasury responsible for the collection, settlement and reconciliation of public revenue. However, KICC has entered into a private revenue collection and revenue-sharing arrangement covering, among other streams, parking and tower viewing services. This raises concerns about the legality of the arrangement, its consistency with the Government digital payments policy, and the transparency and accountability of public revenue, particularly in the light of recent audit findings on revenue collected through private entities.

In the Statement, the Committee should address the following-

(1) The legal basis, scope and approvals for the private revenue collection arrangement, including procurement procedures and supporting documentation;

(2) The rationale for bypassing the e-Citizen platform, and whether the National Treasury authorised any parallel revenue collection system by the KICC;

(3) The identity of the private entity, terms of engagement, including the payment platforms and accounts used, and safeguards against under declaration and unauthorised retention, diversion of loss of public funds in the KICC;

(4) The total revenue collected from parking, tower viewing, events and other services over the last five financial years, disaggregated by stream, and a comparison between collections under the private arrangement and those processed through e-Citizen, and;

(5) Discrepancies, losses, late remittances or irregularities identified since commencement of the arrangement, the amounts involved and the corrective measures taken, as well as a list of all Government entities still collecting revenue outside the e-Citizen platform.

I thank you, Mr. Speaker, sir.

The Speaker (Hon. Kingi): Senator for Nairobi City County, the Honourable Edwin Sifuna.

Sen. Sifuna: Honourable Speaker, I have three statements. With your kind permission, I will take the three of them at a go. The first one is on the construction of a canal through Visa Oswal Primary School in Westlands, Nairobi.

CONSTRUCTION OF CANAL THROUGH VISA OSHWAL PRIMARY SCHOOL IN NAIROBI CITY COUNTY

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education regarding the demolition of a perimeter wall and opening of a canal at Visa Oshwal School in Nairobi. The actions by the Water Resources Authority (WRA) are contrary to the Safety Standards Manual for Schools in Kenya, which requires schools to provide a safe and secure environment for learning. The demolition of the perimeter wall exposes the school to insecurity, vandalism, theft and unauthorised access, while opening a canal through the school compound poses a safety hazard to learners, staff and the wider school community.

In the Statement, the Committee should address the following-

(1) The justification for demolition of the Visa Oshwal School perimeter wall and the opening of a canal through the school compound;

(2) The measures considered to address the underlying safety concerns for both pupils and school property and;

(3) Whether the demolition, which commenced on 12th August 2026, and the opening of the canal will be halted pending a safety and sustainable resolution that protects the learners, staff and school property from insecurity and encroachment.

LIVING CONDITIONS OF REFUGEES AT KAKUMA REFUGEE CAMP AND ACROSS THE COUNTRY

Sen. Sifuna: The second Statement is on the welfare of refugees living in Kenya. Mr. Speaker, Sir, I rise pursuant to Standing Orders No.53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations on a matter

of nationwide concern regarding the living conditions of refugees at the Kakuma refugee camp and across the country. This vulnerable and largely forgotten community after fleeing conflict in their home countries, as espoused in the 1951 Refugee Convention, deserve access to food, healthcare, education and shelter. Yet many refugees in the country frequently report living in sub-human conditions and utter neglect. The lack of decent living conditions and human dignity are major contributors to the illicit recruitment of refugee populations into crime, especially given the fact that some refugees have previously been combatants in conflicts in their mother nations.

In the Statement, the Committee should address the following-

(1) The number of refugees currently living in official camps in Kenya, with details of the countries of origin;

(2) The living conditions of refugees specifically the provision of food, water, shelter, medication and education, and meeting the conditions stipulated in the Refugee Convention; and,

(3) Whether all refugees living in Kenya are documented in accordance with the law and measures to enhance surveillance to forestall the movement of undocumented individuals into the general population.

DISAPPEARANCE OF MS. SHIRLEEN NAFULA
MASINDE FROM BUNGOMA COUNTY

Mr. Speaker, Sir, I rise pursuant to Standing Orders No.53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the disappearance of 15-year-old Shirleen Nafula Masinde from Lurende Village, Khachonge location, Kabuchai Constituency, Bungoma County on 25th April, 2026.

This matter was reported to Nalondo Police Station under OB No.13/27/04/2026. However, the suspect arrested following a tip-off was released and no further update has been provided. Shirleen Nafula Masinde is just one of the many disappearances recorded in the country over time. When investigative agencies drag their feet in solving such cases, the well-being and lives of victims are compromised especially those of minors like Charlene.

In the Statement, the Committee should address the following-

(1) The latest report from investigative agencies following the disappearance of Ms. Shirleen Nafula Masinde on 25th April, 2026; and,

(2) An update on all pending cases of disappearances, detailing the extra measures police and investigative authorities will deploy to halt the growing menace of unexplained disappearances of people.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Senator, you have done your third statement, you had three statements?

Senator for Kajiado County, the Sen. Seki.

PROLIFERATION OF COUNTERFEIT AND ILLICIT
ALCOHOL AND LOSS OF LIVES AMONG CONSUMERS

Sen. Seki: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Orders No.53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations on a matter of nation-wide concern regarding the proliferation of counterfeit, illicit and adulterated alcoholic drinks and the loss of lives among consumers in Kenya.

These illicit and counterfeit drinks pose a grave threat to public safety and have led to loss of lives, serious illnesses and other devastating consequences among consumers. This continued manufacture, distribution and sale raises serious concerns about the effectiveness of Government enforcement mechanisms and co-ordinations among the Ministry of Interior and National Administration, the National Police Service (NPS), the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA), county governments and other relevant agencies.

This situation where dangerous products reach consumers highlights gaps in regulations, licensing, border control, intelligence gathering and protection. Given the lives lost, the Government should provide a clear account on the magnitude of the problem, those involved and the measures being taken to dismantle illicit networks and protect citizens.

In the Statement, the Committee should address the following-

(1) The number of deaths and serious injuries linked to counterfeit, illicit and adulterated alcoholic drinks over the last five years disaggregated by county and year;

(2) The measures undertaken by the Ministry of Interior and National Administration and the NPS to detect, prevent and dismantle illicit alcohol networks, including arrests, prosecution and convictions recorded over the period;

(3) The mandate and role of NACADA and its co-ordination with the Ministry of Interior and National Administration, the NPS, county governments and other relevant enforcement agencies in combating illicit and harmful alcohol drinks, including immediate interventions to prevent further loss of lives;

(4) The steps taken to strengthen intelligence led operations, surveillance and enforcement against illicit and alcoholic networks, address gaps or overlaps in regulations, licensing and inspections, including cross-border control to curb the movement and distribution of counterfeit and adulterated products.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Senator for Murang'a County, the Hon. Joe Nyutu.

OPERATIONAL STATUS OF LAND REGISTRIES
IN MURANGA COUNTY

That statement is dropped.

(Statement dropped)

Senator for Kisii County, the Hon. Richard Onyonka.

SPATIAL PLANNING, LAND-USE MANAGEMENT AND
DEVELOPMENT CONTROL IN KISII COUNTY

Sen. Onyonka: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Orders No.53(1) to seek a Statement from the Standing Committee on Devolution and Intergovernmental Relations on a matter of county-wide concern regarding the spatial planning, land use management and development control of Kisii County.

The rapid growth and urbanisation of Kisii County has exerted immense pressure on existing infrastructure and land resource use. Without updated spatial plans and stringent enforcement of development controls, the county risks haphazard growth that would compromise public utility spaces, environmental safety and the overall quality of life for its residents.

In the Statement, the Committee should address the following-

(1) The status of the Kisii County spatial plan and all approved municipal and urban area plans in Kisii County together with the breakdown of applications for the building approvals, change of users, subdivisions and related services since the Financial Year 2022/2023 to date;

(2) The measures undertaken to prevent unplanned development, including enforcement actions such as notices issued, penalties imposed, and demolitions already carried out;

(3) An account of the revenue collected by the county government from development control services disaggregated by financial year 2022/2023 to date;

(4) The challenges affecting the implementation of spatial plans in Kisii and Ogembo municipalities and other expanding urban centers, and the measures that are being taken to strengthen public participation and enforcement for sustainable development in our county.

PROCUREMENT, UTILISATION AND MANAGEMENT OF TRUCKS AND
HEAVY EQUIPMENT BY KISII COUNTY GOVERNMENT

The second question I have is in pursuant of Standing Orders No.53(1) to seek a Statement from the Standing Committee on Devolution and Intergovernmental Relations on a matter of county-wide concern regarding the procurement, acquisition, utilisation and management of trucks and other heavy equipment by the Kisii County Government.

Mr. Speaker, Sir, the Kisii County Government has committed significant public resources towards the acquisition of trucks and heavy machinery equipment. However, concerns persist regarding the transparency and legality of procurement and acquisition processes, the sources and cost of equipment from foreign manufacturers and the management, deployment, maintenance and accountability of these assets.

In the Statement, the Committee should address the following-

(1) Provide the list of all trucks and heavy machinery acquired since Financial Year (FY) 2022/2023, including the makes, models, costs, suppliers and confirmation of

compliance with the Public Procurement and Asset Disposal Act and the Public Finance Management (PFM) Act;

(2) Seek a full disclosure of equipment sourced from China, including the manufacturers, suppliers, agents involved in procurement and importation arrangements, and a breakdown of all associated costs such as purchase price, taxes paid, shipping costs, insurance costs and customs clearance;

(3) Current location, operational conditions and deployment of each truck and heavy machinery that has been bought, together with the expenditure incurred on fuel, maintenance, repairs and insurance supported by the county government's asset register showing the acquisition date, recorded value, depreciation, and current status of each asset; and,

(4) Look at measures instituted by the county government to ensure proper management, accountability and optimal utilisation of each of these trucks and heavy equipment for the benefit of the people of Kisii County, who I represent.

Thank you so much, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Next is the Senator for Vihiga County, Hon. Godfrey Osotsi.

STATUS OF EACC INVESTIGATIONS ON VIHIGA COUNTY GOVERNMENT

Sen. Osotsi: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Justice, Legal Affairs and Human Rights on a matter of countywide concern regarding the status of investigations by the Ethics and Anti-Corruption Commission (EACC) concerning Vihiga County Government.

Vihiga County Government has been involved in practices that indicate irregular procurement, embezzlement of public funds, and unlawful acquisition of assets by its officials. This raises serious concerns about integrity in the county financial management and delivery of essential services to the residents of Vihiga County.

In the Statement, the Committee should address the following-

(1) Provide a list of all current and past cases by the EACC concerning officials of Vihiga County, indicating investigations, asset recovery suits, and prosecution files with case reference numbers, nature of each matter and their present status;

(2) Timelines for completion of all pending investigations and commencement of civil or criminal proceedings;

(3) Measures the EACC has put in place to freeze or recover misappropriated public funds and assets, and systemic safeguards established to prevent further financial loss; and,

(4) The extent of collaboration among the EACC, the Directorate of Criminal Investigations (DCI), the Office of the Director of Public Prosecutions (ODPP), and the Office of the Auditor-General (OAG) to ensure speedy and effective resolution of all pending cases.

Thank you, Mr. Speaker, Sir.

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

DEATH OF MS. ROSEMARY KOECH KIMWATU

Sen. Kibwana: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the death of Ms. Rosemary Koech Kimwatu, the Head of Data Protection at the Kenya Commercial Bank (KCB) Group on Friday, 21st August, 2026, at her home in Ngong, Kajiado County. Her demise has prompted calls by the Alliance for Human Rights Activists for an independent and impartial investigation into the circumstances surrounding her death. It has also raised broader concerns about psychosocial safety in the workplace, including protection of employees from bullying, harassment, intimidation and other psychosocial hazards.

In the Statement, the committee should address the following-

(1) Whether an independent and impartial investigation has been initiated into the circumstances surrounding the death of Ms. Rosemary Koech Kimwatu, including the agencies involved and measures to ensure transparency and expeditious conduct;

(2) Steps taken to preserve, secure and examine all relevant physical and electronic evidence relating to the case;

(3) Assessment of the Directorate of Occupational Safety and Health Services (DOSHS) on workplace circumstances and psychosocial hazards relevant to the concerns raised following her death and the findings thereof; and,

(4) Mechanism in place for employees to confidentially report workplace bullying, harassment, intimidation and psychosocial hazards, including safeguards against retaliation by senior managers and executives, and the status of the draft code of practice on psychosocial hazards management with timelines for its finalisation and enforcement.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Senators, I will allow comments for not more than 15 minutes. If you get an opportunity to speak, kindly do so for not more than three minutes.

Proceed, Sen. Mohamed Chute.

Sen. Chute: Mr. Speaker, Sir, allow me to support the Statement by the distinguished Senator from Nandi County on the issue of KICC. Sometimes when I go to Ethiopia and see how Ethiopian Airlines is operated, I become ashamed of being a Kenyan. Our aircraft are written “The Pride of Africa.” The KICC is a landmark that shows what Kenya has. Today, the property worth Kshs40 billion makes only five per cent profit. That is why I mentioned Ethiopian Airlines because they make millions of shillings as profit.

Ethiopia is a country in Africa managed by Africans. They have not ‘imported’ any European or American from anywhere. If you look at their electricity power, today they charge about Kshs1 per kilowatt of electricity for domestic use, and they have made profits. If you look at the Ethiopian Communications Authority (ECA)--- You know that Safaricom has taken over the Kenyan Telecoms, however in Ethiopia, they did not manage because of the profit they are making and good management.

The Government injected Kshs1.9 billion into the KICC as an investment. If you are making a profit of Kshs200 million, that means you will recover that money after another 10 years. I support Sen. Cherarkey. The Committee should look even beyond what the Senator has asked for. Do we need it? The total sitting capacity in total is 9,000. What we are having in Bomas today, the new one---

(Technical hitch)

I mention Ethiopia because these are Africans managing institutions professionally. What is happening to Kenyan professionals? Why is the KICC not making profits? Why do we even have Bomas while KICC is not making money? The Government should have invested in good professionals and good managers so that we can recoup that money.

Mr. Speaker, Sir, on the Auditor-General's report, do you know what she said? That board sittings have consumed millions of monies. Why do they sit every day? They have tax arrears of Kshs1.5 billion. When will they pay?

I support this Statement. Finally, let me---

The Speaker (Hon. Kingi): Proceed, Sen. Beatrice Ogola.

Sen. Ogola: Mr. Speaker, Sir, I rise to comment on the Statement by the Senator for Kisii, Sen. Richard Onyonka, on spatial planning and development control in Kisii County. The Urban Areas and Cities Act categorizes urban centres from markets, small markets that have up to 2,000 people. Then we have towns, municipalities and cities. When these urban areas are not planned, we end up with the disasters that we always see around.

Projections of urbanization are that by the year 2050, almost 60 per cent of the world will be living in some urban centres. That is why we go back to the old adage that says that when you fail to plan, then you are planning to fail.

Most of the challenges we are dealing with in our urban centres are because of lack of planning. We must know that land space remains the same, it does not grow. So even when populations are bulging, we still have the same space. So, it is only prudent for the governments to plan their areas. Planning is a function of county governments.

It is unfortunate that when devolution came in, physical plans were tied to budgets. However, the moment that was relaxed, county governments also relaxed. Let us be warned that if we do not plan our urban centres, counties, and our spaces, we will be walking into the disasters that we are already seeing, such as floods.

Our towns specifically must be planned. We must plan for all urban utilities, including the storm water drainage. Some of the problems we are dealing with in this City, like waster, are aspects of planning.

That is why I support this.

The Speaker (Hon. Kingi): Proceed, Sen. Boni Khalwale.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I congratulate the Senator for Nandi for the wake-up call. You have once again proven that you come from the Nandi DNA of Chelagat Mutai and Jean-Marie Seroney. I hope you can conclude it by defecting

from Government to come to the Opposition so that we continue checking the theft that is currently going on in the eCitizen platform.

To date, Kshs18.4 billion has been reported lost through the eCitizen platform by the Auditor-General. Of this money, outright loss is Kshs9.4 billion, while Kshs6.3 billion is through unreconciled receipts through eCitizen. Kshs127.85 million is diverted directly from Government payroll platforms to private entities. Finally, Kshs2.6 billion is lost through overcharges from the so-called convenience fee.

We must question eCitizen. Why? Because at the moment, there is no clear legislation to govern management of the eCitizen platform. Secondly, the Government, as of now, has no administrative control.

Finally, the vendors – some of them just are just the ordinary *dukawalas* in this town – they are the vendors and they have serious influence because they use these billions to oil the systems that are supposed to investigate.

I want to end there but request the Government to immediately make a formal announcement about the unprecedented, uncalled for, reckless and murderous statement of introducing xenophobia in Kenya. Burundians are East Africans, and any citizen of the East African Community is here by dint of---

The Speaker (Hon. Kingi): Sen. Boni, which Statement are you commenting on?

Sen. (Dr.) Khalwale: On business of eCitizen. So, I was concluding by just begging you to allow me---

The Speaker (Hon. Kingi): How does the eCitizen--- I have given you latitude, being a seasoned legislator, but I am beginning to lose you. Kindly confine yourself to the Statement that you have picked to comment on, under the rule of relevance.

Sen. (Dr.) Khalwale: Yes, Mr. Speaker, Sir. Since I want to respect you and stop there, the country has watched where I was going. Let me just tell my cousins in Burundi that until these xenophobia attacks on Burundi are ended, my name has now become officially Dr. Boni---

(The microphone went off)

(Sen. (Dr.) Khalwale spoke off record)

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

Sen. Sifuna: Mr. Speaker, Sir, I will help Sen. Boni Khalwale, because I have a resource on my left here; she is called Sen. Crystal Asige. She was reminding me that in fact the Burundians have to apply for Class R permits on the eCitizen platform, and it is free. That is where Sen. Boni Khalwale was going with that---

The Speaker (Hon. Kingi): No, do not read Sen. Boni's mind, Senator for Nairobi.

Sen. Sifuna: We are brethren; we are on the same wavelength with Sen. Boni Khalwale---

The Speaker (Hon. Kingi): Sen. Sifuna, proceed to make your comments.

Sen. Sifuna: I doubt that Sen. Cherarkey is a tenant of KICC. I want to speak as a tenant of KICC. I have been there all this time and, of course, I thank you, hon. Speaker

and your office, for the facilities that you have availed me in my time at KICC. Although it is drawing to a close, I might be moving to a new address in 2027.

One of the things---

(Hon. Senators consulted loudly)

Mr. Speaker, Sir, protect me from the outgoing Government hecklers.

The Speaker (Hon. Kingi): May the Senator be heard in silence.

Sen. Sifuna: Thank you very much. One of the things, as a Senator of ---

Sen. (Dr.) Khalwale: On a point of order.

The Speaker (Hon. Kingi): What is so disorderly about Sen. Sifuna?

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, the Senator for Nairobi knows that there is Standing Order No.105 for statement of fact. Senator for Nairobi, could you, please, help Kenyans to understand better the specificity of your new address? They might be thinking that you are moving to Malinya. Where are you going, next year after the vote of 10th August, 2026---

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, your point of order is overruled. Sen. Sifuna, disregard it and proceed with your thoughts.

Sen. Sifuna: Thank you, Mr. Speaker, Sir. I will remember you for always protecting me in this House.

I was speaking as one of the tenants of Kenya International Convention Centre (KICC). One of the things that we thought was settled was how to run a parking system. There used to be a company called Kenya Airports Parking Services (KAPS) – and I do not hold brief for them – that had figured out how this thing is supposed to work.

The parking system at the KICC right now is so inconveniencing. When leaving KICC, I have to wait for someone with a remote-control button to come and run from the other side to open it for me. They are doing this, yet KAPS had already figured that one can have a card or a sticker put on someone's vehicle and all one needs to do is to load the card then the system deducts the money. Nowadays, one does not need the ticket at the airport. The system is fully automated. It reads one's number plate, and one goes ahead to pay via Mpesa. I do not think that parking at the KICC should be paid through eCitizen, because we have problems with that system.

The Electronic Toll Collection (ETC) system on Expressway has shown us that technology exists to allow people to quickly access services. Such a system can allow people to quickly access parking at the KICC, and it will also help them increase their revenue.

I feel that the KICC should report properly on its revenue collection when it comes to tower viewing services. I say this because we see many students from different schools visiting the KICC. I am sure they go there before they come to Parliament. A water feature was developed there, and I also see those students dancing there every time. The KICC should pull up its socks. I would not want us to go the eCitizen way because that system has a lot of questions. There are better systems to manage parking.

Thank you.

Sen. Cherarkey: Mr. Speaker, Sir, I want to comment on the Statement that has been sought by Sen. Seki. Drug abuse, gender-based violence and insecurity are related. A lady, Jane Chelimo Chebo, was brutally murdered in Kabunyeria in Chepterit Centre, Chesumei Sub-County, Nandi County last month in August. Allegedly, there is a lot of consumption of illicit alcohol and drug abuse in the area where she was murdered.

When *Jukwaa la Usalama* or was it *Jukwaa la Kisiasa* was held in Kapsabet, Nandi County, we raised these issues with the Cabinet Secretary. What we did not know was that the event was just a public relations session. Nothing has been done. We see young people being consumed by alcohol and drugs. This does not just happen in Nandi County, but it is happening across the country. These vices are increasing insecurity in this country. I appeal to the Inspector-General of Police to ensure that illicit alcohol and drug abuse is arrested once and for all, because they are creating a lot of insecurity. As a nation, we need to move towards that direction.

I want to confirm that courtesy of your office, I am also a tenant at the KICC alongside Sen. Sifuna, although he has a better office and working space which looks more VIP than mine, but we suffer from the dysfunctionality of that institution. Finally, I want to confirm to the Senator of Kakamega County that I do not have any intention to join opposition. I am the kitchen cabinet of the two-term President William Ruto, and I will continue enjoying trappings of power. These people can wash their hands, but they cannot eat the meat.

With those many remarks, I beg to support.

Sen. Osotsi: Thank you, Mr. Speaker, Sir. Allow me to comment on the Statement by Sen. Kibwana on the issue of circumstances surrounding the death of Ms. Rosemary Koech, who was the head of Data Protection at the Kenya Commercial Bank.

Even as the Committee investigates this matter, they need to dig deep into the death in relation to her duties at the bank, because she was in charge of data protection. Was there an issue regarding the sensitive data that she was holding? That is an important issue that needs to be investigated.

Even as we talk about data protection, I have seen continuous violations of the Data Protection Act and data protection principles in general. We have seen people moving from one village to the other collecting personal data from people. They are particularly collecting the contents of people's identity cards and their polling station details. In some addresses here in Nairobi, we have seen data being picked from people who visit that place and their identity cards have been scanned.

We are getting concerned, during this period of election, on matters of data protection. I want to encourage the Independent Electoral and Boundaries Commission (IEBC) to be very strict on data protection, because people are accessing data from institutions and villagers, yet we do not know what they are going to do with this data. This could be rigging. As a House, we need to investigate the whole issue about violation of data protection principles and the law, at this period when we are heading into the election.

The political party that is moving in villages collecting people's identity cards must be investigated, because we do not know where they are taking this data. I can see the Senator for Nandi County is looking at me because he knows what I am talking about.

The United Democratic Alliance (UDA) party agents on the ground, particularly in my County, Vihiga, have been moving in every polling station collecting people's identity cards and data. What are they using it for?

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

The Speaker (Hon. Kingi): Order, Sen. Osotsi. What is the point of order?

Sen. Cherarkey: Mr. Speaker, Sir, I stand under Standing Order No.105 on the statement of fact. Is it in order for the distinguished Senator of Vihiga County, Sen. Osotsi, to claim that UDA is illegally collecting identity cards across the country? Is it in order, yet Linda Mwananchi does not even have a political party? What does he know about a political party? Could he withdraw or substantiate? They will never register, and I can confirm that even Sen. Sifuna knows that.

The Speaker (Hon. Kingi): The last statement was totally unnecessary, Senator for Nandi County.

Sen. Ototsi, you have made a statement of fact that UDA, through its agents, is collecting data, and there could be rigging, if I heard you correctly. You used that word. Could you then substantiate that indeed UDA agents are collecting data for purposes of rigging?

Sen. Osotsi: Mr. Speaker, Sir, I have said that I have received reports from my county that some people who are associated with the UDA party, are collecting personal data of identity cards and the polling station. I was saying that in the context of ensuring that there is no data protection violation in this election. This information that has come to me, as the Senator of Vihiga County.

The Speaker (Hon. Kingi): Hon. Osotsi, if you are unable to substantiate, go collect that information and share it with your colleagues for them to confirm that indeed, such an activity did take place. If you are unable to do that, kindly proceed to withdraw.

Sen. Osotsi: Mr. Speaker, Sir, I will come up with a Statement on that particular issue with the specifics. For now, because of the interest of the Nandi County Senator, who is now introducing other issues into this matter, I withdraw at this point. However, I promise this House that I will bring the evidence in a Statement to this House, including even bringing---

The Speaker (Hon. Kingi): Very well.

Sen. Kisang', please, proceed.

Sen. Kisang': Thank you, Mr. Speaker, Sir---

The Speaker (Hon. Kingi): Sen. Boni, what is your point of procedure?

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, maybe the Chair should help the country. The complaint by the Senator of Vihiga that this exercise is taking place is also the same in Kakamega County. Given a chance, I would have said what he said. In addition, the Senator of Wajir County, who is seated here, is saying the same data is being collected by the UDA. So, the Speaker can help us to see how we can handle it. The public is telling us so that we can do something in this Parliament for the exercise to be stopped.

The Speaker (Hon. Kingi): Sen. Boni, you cannot throw at any Statement without giving cogent evidence. The Hon. Senator for Vihiga County made a Statement of Fact, and I requested him, under Standing Order 105, to proceed and substantiate. It is that grave, and I am happy that you are concerned. However, he has opted for the easier

route of withdrawing, instead of taking the step of saying ‘this is grave, I have the evidence, and I am willing to substantiate, if not today, at another date.’ It is within his powers either to seek another date to do so, or to withdraw. He has elected to withdraw. Let us leave it there.

Sen. Kisang’, please, proceed.

(Loud consultations)

The Speaker (Hon. Kingi): Let us make progress, Hon. Senators. Senator for Nairobi City County, let us make progress on this. Let us leave that matter there.

(Loud consultations)

Senator for Nairobi City County, what is your clarification? I hope, Senator for Nairobi City County, you are not going back there.

Sen. Sifuna: No, Mr. Speaker, Sir. It is a bit--- I do not know how to put it. This late in the term of Parliament, when we still have questions about how we process and bring certain things to the attention of the Speaker or the House--- If I saw something, myself, as the Senator of Nairobi City County, in the streets of Nairobi City, is it within or without the rules of a House, if I witnessed it myself, to come and say I saw it with my eyes or heard it with my ears? How are we supposed to bring things we experience ourselves in our counties and constituencies to the Floor of the House?

The Speaker (Hon. Kingi): Now---

(Loud consultations)

Sen. Sifuna: Let me finish.

The Speaker (Hon. Kingi): Order! Order, Senator for Nandi County, I will give you a caution for the day. If you proceed with that disorderly conduct, I will request you leave the Chamber.

Sen. Sifuna: Mr. Speaker, Sir, I think I will remember you in my next office. Thank you, for your protection. However, that is a clarification that we wanted. How do we bring things we have experienced in the streets out there to the Floor?

The Speaker (Hon. Kingi): Hon. Senators, if you look at our Standing Orders, if you come across or experience it yourself, you can make a Statement under Standing Order 51(2). But if you make a Statement of Fact when contributing to a Statement, then under Standing Order 105, you are obliged to substantiate. If you are unable, you do the honourable thing like what the Senator for Vihiga County has done; you withdraw.

Sen. Kisang, proceed, please.

Sen. Kisang: Thank you, Mr. Speaker, Sir. I would like to comment on the Statement by Sen. Hamida on the death of Rosemary Koech. I knew Rosemary Koech when she was growing up as a young child with my children. It is unfortunate that we lost her through some mysterious circumstances.

Sen. Hamida has said that we need to check on the psychosocial support at the workplace. However, it is also important to note what happened at home was very unfortunate. It is good to advise our young girls, daughters and wives that there are some relationships that may not be tolerated. From what we know and from some information that I have which Sen. Hamida may not have, because of the abuse in the family, it went to that extent. It is, therefore, good to advise young girls that if there is an abuse, it is good to---

The Speaker (Hon. Kingi): What is the point of order, Sen. Crystal

Sen. Crystal Asige: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I rise as well on Standing Order 105, on Statement of Fact. I also regret interrupting Sen. Kisang', but he has brought to the House information he says that he has, about the circumstances surrounding Rosemary Koech's death. I believe that from Sen. Hamida's Statement, she was talking about psychosocial support, intimidation, retaliation from the workplace, and it is supposed to be investigated surrounding her workplace, which is Kenya Commercial Bank (KCB) Group, from what I see in her statement.

However, Sen. Kisang is bringing a different angle, which is something about family, personal life and he says that he has heard. So, can he also substantiate, since you have just given a previous ruling, that if you make a statement of fact, then you need to bring facts?

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): This matter, after it has been requested, stands committed to the Committee. The Committee has heard what Sen. Kisang has just said. When you sit to do your work, you may want to hear more from him so that whatever information he has can aid to unravel the cause of death of this good lady. At least the Senate can benefit from that.

Proceed, Sen. Kisang.

Sen. Kisang: Thank you, Mr. Speaker, Sir. I do not mind if I will be invited and get representation from the family, because there is a note of about five to eight pages that she wrote before she did what she did. So, it is important also for people to know that we cannot assume the direction of the employer, and we know this could have been as a result of some family dispute. However, I am only giving advice that some of us have daughters and we are married. There are some relationships that cannot be tolerated. It is, therefore, good to advise people to quit and block these people who sometimes behave like human beings, but they are basically animals.

Thank you, Mr. Speaker, Sir.

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

The Senate Minority Leader (Sen. Madzayo): Asante, Mhe. Spika kwa kunipa fursa hii. Ningependa kujiunga na wenzangu kuongea kuhusu hii Taarifa ya wakimbizi kutoka nchi mbali mbali za Afrika na kwingineko, ambayo imeletwa hapa na ndugu yangu, Sen. Sifuna.

Mhe. Spika, hakuna mtu yeyote anayependelea kukimbia nchi yake. Hakuna mtu yeyote katika ulimwengu anayependa asiishi mahali pazuri. Tunaona ya kwamba wakimbizi wanaokuja katika nchi hii wanaishi katika hali ya uchochole. Makaazi yao ni ya kusikitisha sana. Utaona hata katika picha za runinga katika sehemu zile ambazo

wakimbizi wako, watoto wengine wanatembea wakiwa uchi, huku kina mama wakiwa hawana nguo za sawasawa, na wazee vile vile wanaonekana katika hali ambayo si sawa.

Mhe. Spika, ni jukumu la Serikali kuona ya kwamba hao wakimbizi kutoka nchi zao wameangaliwa vilivyo. Kwa mfano, wapewe mahali pa madaktari, chakula na mazingira mazuri ya kuishi. Hii itahakikisha kwamba baada ya siku, hata watoto wa shule watajua ni mahali gani wanaenda kujipumzisha au kulala au katika nyumba zao ndogo, na kuona ya kwamba wanaishi kama binadamu. Hali wanayoishi ni ya kusikitisha.

Kamati itakayozingatia hili swala la wakimbizi kutoka nchi zingine ndani ya Kenya inafaa kuhakikisha kwamba Serikali yetu imewasaidia, si tu kuwapa nafasi peke yake, lakini pia kuwaangalia kwa hali na mali, ugonjwa na kila kitu. Kwa hivyo, Kamati yetu ambayo itachunguza hii Taarifa, inafaa kuzingatia mambo kama haya.

Asante Bw. Spika.

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

Sen. Mariam Omar: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I wanted to comment on the Statement by Sen. Sifuna on the issue of refugees. The way he put it, the refugee issue is pathetic in Dadaab and Kakuma in matters of shelter. If there is an outbreak of waterborne disease, it quickly spreads and many people, especially kids, lose their lives. If you welcome refugees into the country, Article 42 on the right to a clean and healthy environment, should apply, so that at least these human beings can live the way other Kenyans live.

Thank you, Mr. Speaker, Sir.

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

Sen. Crystal Asige: Thank you, Mr. Speaker, Sir. First, I want to thank you for the ruling that you gave on my point of order. I was trying to avoid any event that we would bring personal family matters or personal issues surrounding the death of Madam Rosemary Koech onto the Floor of the House, without due process. So, thank you for that ruling.

As I stand to support a couple of comments, I want to make it clear that our roles, as Senators, are very simple; they are to represent, to oversee and to legislate. I remember the Senator for Nandi County saying that he would never join the opposition because he would continue to “enjoy the trappings of power”. I hoped he would have said to serve the people of Kenya, but nevertheless, here we are. Some of us will continue to serve the people of Kenya, whether in opposition or on the majority side.

Mr. Speaker, Sir, I want to rise and support the Statement by the Senator regarding the EACC investigating the operations of the Vihiga County Government. I hope that, this late in the day in our term of office in the Senate, that all Senators will take a leaf from that statement and do the same. This is because there are several questions pending across all county governments on operations, budgets, money, appropriations of funds and things of the sort. These are still not answered. There are many counties that are still looking to us in the Senate to bring forth these issues and close the gaps before we finish our term in Parliament.

You will remember, Mr. Speaker, Sir, when you helped us to launch the County Fiscal Performance Index right here in the Senate last month, there were so many questions that arose from that report that was put together by our Parliamentary Budget

Office (PBO). From there, I would have hoped that there would be plenty, in fact, of statements on your tray to approve from each Senator representing every county, so that these questions are answered *vis-à-vis* the data that we were given and that was put in our hands just last month.

However, I am grateful to see that the Senator for Vihiga County is leading the way in that regard, and I hope that the rest of us, myself included, can also get an opportunity to question every county government before our time runs out in this Senate. Next year, as you know, all of us will be on the ground campaigning and so, I really plead and appeal to every single Senator to take time to do the same before our December recess.

Thank you.

The Speaker (Hon. Kingi): Sen. Abass Sheikh.

Sen. Abass: Thank you, Mr. Speaker, Sir. I want to also contribute to the Statement by Sen. Cherarkey on KICC. The KICC is a national landmark, and one of the best buildings that we have seen for a long time since 1971. It is also a national heritage. From the records I have, KICC has a pending bill of about Kshs928 million. Since 2015, there was this World Trade Organisation Conference, which still has a pending bill of Kshs 686 million. From the records, they make about Kshs4 billion in gross revenue. They are supposed to earn, if well-managed, a profit of 20 per cent, which would be about Kshs800 million. However, since 2015, that money has not been paid.

One other thing is that if you go to KICC, you will see very many students and other tourists. That place is as busy as a beehive. But if you go the building, the place is wanting and scary. Some of the lifts were put there in 1971 and they have not been repaired. There are only a few lifts that have been replaced. Inviting students and visitors in large numbers using those kinds of lifts is a worrying social trend.

One other thing is that the Kenyan Government is now moving towards Public-Private Partnership (PPP) businesses. They are turning all the parastatals into Government enterprises. Most of the institutions have been turned into private enterprises, and they are not performing well. This business is actually so opaque that people do not even know where the money is going. It might be going to private enterprises or businesses.

So, it is high time that this House, as rightly said by Sen. Cherarkey, the Senator for Nandi County, needs to investigate the whole business. So, if we are turning all the parastatals into Government enterprises, then we must know where this money is going. Otherwise, we cannot just be invested in a place where we are paying the taxpayers' money, and we do not know where the money is going and where the money has been taken from. Who is the owner, who is managing it, and where does the money go to? I think that needs to be investigated.

Mr. Speaker, Sir, one other thing I will propose is for the KICC to---

The Speaker (Hon. Kingi): You are off record, hon. Senator, but I will give you an extra minute to conclude your thoughts. Just switch on your microphone. You may proceed now.

Sen. Abass: Okay. Thank you for adding the one minute. I am saying that we need to put the KICC under management that manages companies and knows how to make business and how to make profit.

Thank you, Mr. Speaker, Sir, for the opportunity to comment on the statements this afternoon.

The Speaker (Hon. Kingi): Sen. Okoiti Andrew Omtatah.

Sen. Okiya Omtatah: Thank you, Mr. Speaker Sir, for the opportunity to comment this afternoon. First, I would like to pass my condolences to the family of Rosemary. She was very well known to me. She and her husband were very close friends. They used to come to my office. This tragedy is something I have not been able to fathom. So may she rest in peace.

Secondly, is the question of the KICC. I think there is enough theft and misuse of public resources in this country that when issues like this come up, they should attract law enforcement. The EACC should be seized of this debate and tell us where this money goes; if not, who are the culprits?

Finally, Mr. Speaker, Sir, on the statement by Sen. Edwin Sifuna on the question of refugees. As a Christian, I am taken to the days when Joseph was told to take his wife Mary and the child Jesus to Egypt to flee the wrath of Pharaoh. If there was no room for refuge, maybe our salvation would have been destroyed. Therefore, a refugee is somebody who needs protection and the kind of support they need to survive, because even God himself in the Holy Scripture recognizes refuge as a means of survival.

The roadside pronouncement by the President, first, violated the Constitution, in particular, Article 135 that does not allow the President to go yapping around and saying things that have not been approved. The President must act according to Article 135 or he faces sanctions.

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

[The Temporary Speaker (Sen. Abdul Haji) in the Chair]

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

Sen. Okiya Omtatah: So, as far as I am concerned---

The Temporary Speaker (Sen. Abdul Haji): What is your point of order?

Sen. Cherarkey: Mr. Temporary Speaker, Sir I rise under Standing Order 101 on parliamentary language. Did you hear the distinguished Senator for Busia saying that the President was yapping? Is that allowed in parliamentary language? Even if you do not respect that the President holding the office at the moment, just even respect the office.

Senator Omtatah, you are a respectable man. I would not expect you to go down that route. Could you withdraw and apologise because when the President speaks, he speaks through decree and edicts. You are a presidential candidate; you should talk like a President if you want to be one. That is Rule number 34 on 48 Laws of Power. If you want to be a king, behave like one. Can he withdraw and apologize? You cannot said that a president is yapping!

Sen. Faki: On a point of information.

The Temporary Speaker (Sen. Abdul Haji): Sen. Cherarkey, do you want to be informed by Senator Faki?

Sen. Okiya Omtatah: Yes, he can inform me. He is my senior.

Sen. Faki: Thank you, Mr. Temporary Speaker, Sir. According to the definition of Google, “yapping” means talking too much about unimportant, trivial and uninteresting things. So, I support Sen. Cherarkey.

Sen. Cherarkey: There are students sitting in your gallery. This Parliament has rules, procedures and Standing Orders. Can the distinguished Senator from Busia use the correct parliamentary language. You cannot describe the President as yapping. The President is a serious man that he cannot yap. He gives decrees and directions and edicts. Can he withdraw and apologise so that we take his predisential candidacy seriously?

The Temporary Speaker (Sen. Abdul Haji): Senator Omtatah, if indeed you used the word yapping---

Sen. Okiya Omtatah: I used it.

The Temporary Speaker (Sen. Abdul Haji): You need to withdraw because it is unparliamentary.

Sen. Okiya Omtatah: Where is---

The Temporary Speaker (Sen. Abdul Haji): Just let me finish, Senator.

Sen. Okiya Omtatah: No; your lack of command of English cannot limit me.

The Temporary Speaker (Sen. Abdul Haji): Senator Omtatah, take a seat. Senator, you know you are talking about the command of English whereas, in this House, we have the Standing Orders and procedures. When the Chair is addressing you, you sit down, listen and then respond.

Senator Omtatah, the point of order raised by Senator Cherarkey is valid. It is out of order to use the word “yapping,” which is unparliamentary, while addressing the Head of State of the Republic of Kenya. You can withdraw and replace it with another word which is parliamentary. That is the communication, Senator Omtatah.

Proceed.

Sen. Okiya Omtatah: The word “yapping” is not an insult. I would like to read it in the context of Article 135 of the Constitution. We have got a Constitution in this country, and it is headed: “Decisions of the President” and reads as follows: -

“A decision of the President in the performance of any function of the President under this Constitution shall be in writing and shall bear the seal and signature of the President.”

That is the law. So---

The Temporary Speaker (Sen. Abdul Haji): What is your point of order, Senator Cherarkey?

Sen. Cherarkey: I invite you to look at Standing Order 122, which reads as follows:-

“A Senator commits an act of gross disorderly conduct if the Senator defies a ruling or direction of the Speaker or the Chairperson of Committee.”

Mr. Temporary Speaker, when you spoke, you gave clear direction that the distinguished Senator from Busia must and should withdraw the use of the word “yapping” in reference to the Head of State. That was the ruling as per Standing Order

122. If the Senator does not comply with the rule, I invite you to Standing Order 123, that the distinguished Senator, my brother, should be thrown out of the House, because he is defying your ruling.

He is also even going ahead and challenging you, by saying you do not have proper command of English, when some of us know that you went to the best Ivy League of schools in this country that can only be jealousy among Kenyans. Can you either withdraw and apologise, or you throw him out?

The Temporary Speaker (Sen. Abdul Haji): Senator Omtatah, I may remind you that Senator Faki did read the meaning of “yapping” which I believe, based on that, it does not describe the statements or the conversation that the President has with the country to be referred to as “yapping”.

I do urge you, and as you have been guided also by Sen. Cherarkey according to the Standing Orders, once you have been given a ruling, you abide by the ruling, and then proceed with your submissions. So please, Senator Omtatah, withdraw, replace the word “yapping” and proceed with your submission.

Sen. Okiya Omtatah: Mr. Temporary Speaker, Sir, I read to you Article 135---

Sen. Cherarkey: On a point of Order.

Sen. Okiya Omtatah: If I must choose between the Constitution and this House, I choose the Constitution.

The Temporary Speaker (Sen. Abdul Haji): Sen. Omtatah, please take us to the Constitution where it allows you to refuse a direction or ruling by the Speaker; and also take us to the Constitution where it allows you to give demeaning or derogatory statements against this President of the Republic of Kenya by using the word “yapping” as described by Senator Faki. What was it, Senator Faki? Boring, useless information, continuous talking? We all know that the President does not do that So could you stick to what is parliamentary, use parliamentary language and proceed to make your submission.

It is a very simple directive, Sen. Omtatah.

Senator Cherarkey, proceed, and then Sen. Kajwang. What is your point of order?

Sen. Cherarkey: Mr. Temporary Speaker, Sir, just to buttress what you have raised, since Senator Omtatah wants to take us to the Constitution, we will meet him there. The Standing Orders are a constitutional creation which creates parliamentary language. When you look at Article 124 talks about the Committees and Standing Orders, which guide the proceedings and procedure of this House. Therefore the Standing Orders are a creation of the Constitution, and Senator Omtatah cannot cherry-pick what he wants to share with the country.

The interpretation of the Constitution is purposive and unintentional. So, reading of Article 124, the standard Standing Orders is a creation of the Constitution, and in that Standing Orders there is what we call parliamentary language. What we are requesting, my brother, you can replace with another word instead of using the word “yapping” and make your submissions. If he continues to defy your ruling under Standing Order 122 and 123, he can take leave. There are many other important matters in Busia he can go and attend to and allow us to proceed.

Sen. M. Kajwang: Mr. Temporary Speaker, Sir, the Constitution gives Members of this House freedom of speech. Many a times when we raise or we rise on points of

order, sometimes we are limiting that freedom of speech. The unnecessary application of clarifications under Standing Order No.105 is stripping this House of the power that it has: the power to represent our people, the power to represent the emotions and the feelings of our people.

Mr. Temporary Speaker, Sir, the strict definition of “yapping” is to talk a lot. I do not think the President talks a lot; but maybe Omtatah thinks the President talks a lot. To “yap” means to talk a lot, especially in an annoying, continuous or empty way. I do not think the President talks a lot in an annoying, continuous or empty way. I do not think that refers to the President; but perhaps Omtatah thinks the President talks a lot in an annoying, continuous or empty way. He is entitled to his opinion.

Mr. Temporary Speaker, Sir, let us not reduce this House to a House of sycophancy, a House where we are apologists for the Executive. Let us ensure that the freedom of speech granted to us in this Constitution is not cut down. Under the circumstances today, Sen. Cherarkey is “yapping” from my perspective. He is talking a lot, continuously, and in an annoying manner. I am entitled to that opinion and I should not be asked to apologise.

Therefore, let us not reduce ourselves to defenders of people who are out there. Let us take advantage of freedom of speech. Let us allow Omtatah to say the things he believes, and the things that he feels. Let us not limit it. If Sen. Cherarkey thinks the President does not yap – and I also think the President does not yap – I am perfectly in order to say the President does not yap.

However, if Omtatah thinks the President yaps, he is entitled to that opinion, and that is why he has presented himself as a presidential candidate in this Republic. Will I vote for him? Probably I will vote for William Ruto, but I cannot take away the right of Omtatah to say that he thinks that the President yaps.

(Senator Cherarkey spoke off record)

The Temporary Speaker (Sen. Abdul Haji): Senator Cherarkey, let me put this matter to rest.

Sen. Kajwang, do not worry. I completely agree with you that there is freedom of speech, and we should be allowed to make submissions as we wish according to what we feel is right or wrong. That is happening in the country. However, we also have the Standing Orders of this House, and if I may take you and Sen. Omtatah to Standing Order 103 with regard to “Content of Speech:”

“It shall be out of order to use offensive or insulting language, whether in respect of Senators or any other persons.”

That being the case, Sen. Omtatah, “yapping” whether if it is what you believe to be what the President is doing, there are parliamentary languages that you can express yourself with to mean “yapping” and several of them have also been laid down by Sen. Kajwang’. The ruling of this House is that you withdraw, substitute it, and proceed with your submissions, failure of which, Sen. Omtatah, I shall be forced to find you grossly out of order, and have to throw you out of the House.

So, you have the Floor, Sen. Omtatah.

Sen. Okiya Omtatah: Mr. Temporary Speaker, Sir, to consider the word “yapping” an insult is a fresh thing for me. Having read Article 135 of the Constitution on how a President should conduct himself when making decisions, you have to take things in their context. Having read Article 135, on the question of the refugees, the President was “yapping.” It is not an insult, it is a statement of fact.

The Temporary Speaker (Sen. Abdul Haji): Senator Chute, what is your point of order?

Sen. Chute: Mr. Temporary Speaker, Sir, I want to urge my friend, Sen. Omtatah, that what Sen. Kajwang was saying is fine. However, the ruling has already been done, and the sentiments by Senator Kajwang are fine, but already you have ruled. Now we need to look at our Standing Order No.122, and I ask you, kindly, Sen. Omtatah, to please withdraw that particular wording and any other so that we move forward because the Speaker has already ruled. Let us not go there now.

Thank you very much, Senator Kajwang’ for the informative sentiments. *Mzee ameongea*. So please, let us proceed.

(An hon. Senator spoke off record)

The Temporary Speaker (Sen. Abdul Haji): No, it is okay, Senator. On who: There is nobody on the Floor. No, let us give him a chance.

Yes, Faki.

QUORUM

Sen. Faki: Mr. Temporary Speaker, Sir, there is no quorum in the House.

The Temporary Speaker (Sen. Abdul Haji): Sen. Faki, we need to dispense of this matter before we listen to your point of order.

An hon. Senator: There is no quorum.

(Hon. Senators consulted off record)

The Temporary Speaker (Sen. Abdul Haji): Sen. Omtatah, you might be saved by the bell, but before we even proceed to that line, are you going to withdraw “yapping” as the direction given by the Chair or not? It is as simple as that.

Sen. Okiya Omtatah: There is no quorum in the House.

The Temporary Speaker (Sen. Abdul Haji): Sen. Omtatah, it is not---
The House is not empty.

Sen. Okiya Omtatah: We cannot conduct any business. We are not quorate.

The Temporary Speaker (Sen. Abdul Haji): Take your seat, Sen. Omtatah.

Hon. Senators, we will have to check quorum. Clerk, can you ascertain if we have quorum?

Serjeant-at-Arms, please ring the bell for 10 minutes.

(Quorum Bell was rung)

ADJOURNMENT

Hon. Senators, having failed to attend quorum at the expiry of 10 minutes, the Senate stands adjourned pursuant to Standing Orders No.41(2)(a) until tomorrow, Thursday, 10th September, 2026 at 2.30 p.m.

The Senate was adjourned at 4.26 p.m.