

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS, GATANGA CONSTITUENCY
HELD AT KIRUARA HIGH SCHOOL**

ON

23rd April 2002

**CONSTITUENCY PUBLIC HEARINGS, GATANGA CONSTITUENCY,
HELD AT KIRUARA HIGH SCHOOL ON TUESDAY, 23RD APRIL , 2002**

Present

Com. Dr. Mohammed Swazuri
Com. Riunga Raiji

Secretariat Staff In Attendance

Irungu Ndirangu	-	Program officer
Lillian Cherotich	-	Assistant Program officer
Jacqueline Nyumoo	-	Verbatim recorder
Rose Samba	-	Sign language interpreter

The meeting was called to order at 10.00a.m.

Allan Njeru: Karibuni wananchi, tuko tayari kuanza mkutano wetu. Kwanza kabisa tungependa kuanza na maombi kwa hivyo mmoja wenu atuongoze kwa maombi.

Maombi:

Tuombe Baba Mwenyezi Mungu, tunakushukuru na tunakurudia asante kwa vile umetuamsha asubuhi ya leo. Baba tumekusanyika katika ukumbi huu ili kutoa maoni yetu yanayohusu maisha yetu ya kila siku. Tunaomba Baba uwalete wengi ili watoe maoni yao hapa siku hii ya leo na tungeliomba uwape nguvu na akili za kutosha ili wale ambao watakaokuwa wakitusikiza, yale watakayochukua Baba, yawe ya manufaa kwetu. Utupe chanzo chema na utupe kumaliza kwema. Kwa ajili ya Yesu Kristu Muombezi wetu. Amen.

Com. Swazuri: Kwanza nitaanza kuwajulisha sisi ni akina nani. Ma-Commissioners tuko wawili, Commissioner Riunga Raiji na mimi naitwa Mohammed Swazuri. Halafu tuko na wasaidizi wetu, Program Officer Bwana Irungu Ndirangu halafu tuko na Lillian Cherotich, tuko na Jacqueline amesimama pale na tuko na Rose. Kwanza tutawaeleza ile taratibu mnayotakikana kufuata wale wanaotaka kutoa maoni ni lazima waandikishe majina yao hapo nje kwenye ile meza yetu pale. Halafu tutafuata majina kulingana na vile watu wameandika majina yao.

Hiyo ni democracia, atakayekuja kwanza, atasema kwanza halafu atakayekuja baadaye tutampatia nafasi. Unaweza kutoa

maoni kwa kuleta memorandum, ukiileta utaipatia hawa wasichana kama hutaki kuzungumza au unaweza kuja na memorandum na unataka kuzungumza, tutakupatia dakika tano. Usisome memorandum yote, utupatie mapendekezo. Only proposals. Don't read through the entire memorandum, we do not have time for that, we want to give everybody a chance na sisi tutaenda kusoma baada ya hapo.

Kwa hivyo wenye memorandum tafadhali tunawaambia hamna haja ya kusoma memorandum yote. Tupatieni yale mapendekezo, only proposals. We are going to do the reading. Au unaweza kutoa maoni yako kwa kusema tu. Na hiyo tutakupatia dakika kumi sizidi dakika kumi ili watu wote wapate nafasi. Wale watakaosema, mtakuwa mkikaa kwenye hii meza hapa, halafu mkimaliza ni lazima kuandika majina yenu pale. Kila atakayetoa maoni ni lazima tumuandike, ili tujue kwamba ni nani walifika kutoa maoni yao. Halafu unaweza kutumia lugha ile unataka. Any language Kiswahili, Kiingereza, Kimeru, Kikuyu, kuchanganya bora tuelewe wewe unaweza kusema lugha yeyote. Kwa hivyo tutaanza na Bwana Jeremiah Mburu. Karibu ukae hapo. Upande huu. Ulikuwa umetoa. Tafadhali utupatie proposals, usipitie yote, proposals only, recommendations.

Jeremiah Mburu: Bwana Commissioners, ladies and gentlemen good morning. My names are Jeremiah Mburu Ndung'u of P.O. Box 89 Gatura. I have just come here to present to you my views as I would like our new Constitution to be. Preamble, I feel that our Constitution should have a preamble which should state the aspirations of our country. As people of Kenya are sovereign and also in our preamble, I feel that the Constitution should be above all the law authority and even Constitution itself.

The Constitution is for the Kenyans who are committed to democratic values and again in the preamble, I feel it should state our common history about the struggle of our freedom. So, to the hard earned freedom we have to safeguard with our new Constitution. In our Constitution being a republic, I feel that we having a multiparty state should be founded on some values. The multiparty system of democratic Government should ensure accountability and open it to the citizens.

In our Constitution we should have the amendments when they are being made. Members present should be 75% to pass the amendment and this should be the total of all the Members in Parliament. This constitutional amendment should be ratified by the citizens through a referendum.

The Arms of the Government: The three arms of the Government, we have the Executive, the Parliament and the Judiciary. I feel in our new Constitution, we should have the Office of the President as the Head of the State and the Prime Minister as the Head of the Government. The President should be nominated by the political parties and the Prime Minister by the party that forms the Government. The Prime Minister shall appoint the Ministers and the constitutional officers. Both Ministers and the constitutional officers should be subject by scrutiny and approval of the Parliament. Those with criminal records should not be appointed. Both President and the Prime Minister are subject to impeachment while in office.

Com. Swazuri: Remember what I told you, you do not have to read everything, you have less than three minutes.

Jeremiah Mburu: About the three Arms of the Government, actually I would ask that the three Arms of the Government to be independent of each other. About the elections, I feel that every Kenyan should be entitled to vote and birth certificates, baptismal cards, ID, passports either of those be allowed for voter registration. Also, vote counting should be done at the polling station.

Management of public finances: I feel that Parliament should approve all expenditure. Controller Auditor General should have powers, should be independent and have tenure of office. Also, he should prosecute those people from the records of P.I.C. and P.S.C who have done more practices in the Government. About the civil service, we should have the office of the ombudsman where people can take their problems.

About the local authorities: Local authorities should be de-linked from the Central Government. Mayors and Chairmen should be elected directly by the electorate.

Natural resources: Where we have natural resources, actually people within the area should share the natural resources of that particular area. E.g. In our place here at Gatanga we have got Ndakaini water, which goes to Nairobi. People at Gatanga should have a share of that water.

Health services: Actually the Government should provide free medical services to all its citizens and medical services should be brought closer to the people. Education should be free in public schools and institutions. Quarter system should be abolished in secondary schools and the sponsors to be given upper hands in the management of their schools.

Economy: I feel that the Government should stop the importation of agriculture products like eggs, fruits, sugar, maize and wheat when we have got enough in our country. I also feel that taxes should be lowered for farm inputs, implements and machinery so that more people can afford and concerning the...

Com. Swazuri: Thank you, your time is up Mr. Mburu. Thank you very much. I think we are going to read the rest of the memorandum. There is a long memorandum. We will go and read it.

Jeremiah Mburu: I have just two points to make Mr. Chairman. It's about foreign policy. Actually about foreign policy, the Constitution should tell us exactly how the foreign policy should be. Our relationship with our countries and also about national security, it should be defined in our Constitution. About political parties, actually there should be a few and defections should be predicted because they do not have any purpose to the electorate. The transition should also be considered in the Constitution so that when the President is retiring or is handing over, the handing over actually should be smooth. Also, during this time, the

period of handing over, should be considered that after the handing over, there will be no petitions in court. So, when the new President takes over, there will be no other court petitions regarding to this. Thank you.

Com. Swazuri: Okay. Thank you very much. I think you had already recorded, can you please leave it there with us? Then, we have Mr. Simon Mwaura. Simon Mwaura?

Simon Mwaura: Commissioners, ngwaria na Gikuyu. Niundu wa kueheria kiria twitaga one man rule. Executive power to be divided into two.

Translator: To remove one-man rule, Executive powers should be divided into two.

Simon Mwaura: President na Deputy President, Prime Minister na Deputy Prime Minister.

Translator: We should have a President, a Deputy President, a Prime Minister and a Deputy Prime Minister.

Simon Mwaura: Hindi ya voting President avotagwo na kura iria nyingi nake uria ugutuika second in votes, atuikage Deputy Prime Minister.

Translator: During the voting time at polling, the President should be the man who garners the many votes and the person who comes second should be Deputy Prime Minister.

Simon Mwaura: President niagiriire ni guthura Vice-President wa obici.

Translator: The President should have the power to appoint the Vice-President.

Simon Mwaura: Prime Minister athuragwo na votes iria nyingi nake uria ugutuika namba igiri akoragwo e Deputy Prime Minister.

Translator: The Prime Minister should be elected with majority votes but the one to become the Deputy Prime Minister should be the second in votes.

Simon Mwaura: Halafu Prime Minister athurage assistant wake wa kiobici.

Translator: The Prime Minister should appoint an Assistant Prime Minister for his office.

Simon Mwaura: Duties: President akorwo e Commander-In-Chief of the Armed Forces and the Head of the State.

Translator: The President should be the Commander-In-Chief of the Armed Forces and the Head of State.

Simon Mwaura: Prime Minister, the head of the Government and Government Ministries.

Translator: Prime Minister should be Head of Government and Government Ministries.

Simon Mwaura: Kiama kia President na kia President na kia Prime Minister kana kiama kiria kingi o kiriku ki-gain majority, nicio ciagirirwo ni kuunda thirikari. Prime Minister ariundaga thirikari na kiama kiria we mwenyewe ari angikorwo nikioya majority thiini wa Bunge.

Translator: The Prime Minister will form his Government from his own party if it has the majority in Parliament.

Simon Mwaura: Kingirega kuona majority, kiama kia President kione arikio. Kiriholdaga gia Prime Minister na kia President cieri cii hamwe.

Translator: But should the Prime Minister's party fail to get a majority members in the House, then they can form a co-allition with the party from which the President is enthroned.

Simon Mwaura: Kungioneka kiama kingi, apart from kia President na kia Prime Minister ki win majority thiini wa Bunge, gikorwo ti kia Prime Minister na kia President, cirutane co-allition ciothe ciri ithatu.

Translator: Should we have a third party which garners the most seats in the House, other than that of the Prime Minister and that of the President, then we can have a co-allition Government from the three parties. The one of the President, the one of the Prime Minister and third party.

Simon Mwaura: Niundu wa democracy, gutiri mutongoria kana muthamaki wagiriire ni guthura uria ungi.

Translator: Because of democracy, I do not think there should be a leader who should appoint or nominate another one.

Simon Mwaura: Kwoguo President, Deputy Prime Minister na Prime Minister marithuragwo ni raia enyewe na votes.

Translator: So, the President, the Deputy Prime Minister and the Prime Minister himself, will be elected by wananchi through a popular vote.

Simon Mwaura: Parliament ikorwo na Bunge igiri, Bunge ya Nairobi, nio wanasiasa metaga uguo na Bunge ya wakilishi yaani Senate.

Translator: I propose a bi-cameral system of Parliament. Bunge like the common one we have and a Senate.

Simon Mwaura: Kiongozi wa Senate arikorwo e President awe ndiye Senator Mkuu.

Translator: The President should be a Senator or in other words the leader of the Senate.

Simon Mwaura: Abunge a Senate marithuragwo every constituency.

Simon Mwaura: Senator arikoragwo ari kinara wa abunge a District.

Translator: The Senator should be elected from every constituency and the Senator will be the leader of all the MP's in the district.

Simon Mwaura: Kinara wa abunge a District niwe urikoragwo e Senator thiini wa sehemu iyo ya district, na in Kenya angikorwo tugukorwo na fifty districts, kurikoragwo na ma Senator fifty.

Translator: I am proposing that should we have fifty districts, we shall have fifty Senators. In other words, one district will produce one Senator.

Simon Mwaura: Na niundu wa kuongerera President, marikoragwo me ma Senator fifty one.

Translator: If you could add the President then we shall have fifty-one Senators.

Simon Mwaura: Uguo Bunge ya Senate irikoragwo ina 150 MP's, fifty Senators na President igoka 210 othe me wakilishi.

Translator: In other words, we shall have a hundred and fifty elected Members of Parliament, fifty Senators and the President making a total of two hundred and eleven elected officials.

Simon Mwaura: Constituency boundaries, imwe i abolishwo na iria ingi ithondekwo angikorwo kwina zaidi ya thirty eight thousand votes, iyo igayanio ituike igiri, angikorwo kwina less than fourteen thousand iyo ininwo.

Translator: Any constituency with thirty eight thousand elected voters should be divided into two so that we have two constituencies. Any constituency with less than fourteen thousand should be scrapped.

Simon Mwaura: Bunge ya Senate iricemanagia district level niundu wa wananchi kujadili Maundu mao maria mangienda matongorio namo thiini wa bururi.

Translator: I am proposing that the Senate meet at the district level so that wananchi can have easy access to their Senators.

Simon Mwaura: Niundu wa marriage system, ndira propose Katiba ikobie 'Koran' niundu wa 'sex before marriage' niundu wa kugiriria Aids. Kana mundurume o uriku kana mundu wa nja o uriku gukorwo matari illegally matahikanitie, iyo ininwo kaimana.

Translator: I am proposing that to minimize the incidents of sexually transmitted diseases like Aids, the Constitution should adopt sections of the Koran which burs 'come we stay' or rather marriages that are not sanctified by the law.

Simon Mwaura: Niundu wa resources cia bururi, bururi wagiriirwo gutega uchumi kuringana na maumbile ma bururi na niguu agriculture kana mining angikorwo kuri.

Translator: For natural resources and economy, we should base our economic activities on the resources we have; agriculture and mining for instance if we have any mining.

Simon Mwaura: Inheritance, mwana o wothe angikorwo e mwanake kana muiiritu niagiriirwo ni ku-inherit mali ya muciar wake niundu wa hindi iria mahika. Naguo kuria atigire gugakorwo makafile succession case, indo ikagayanwo angicoka acoke agacoka agakora gutari kindu na riu kwoguo agathii kwiikaria. Uguo o mwana agiriire ni kugaya mali ya muciar wake.

Translator: I am proposing that both girls and boys should inherit their parents assets, estates equally. Because, in some cases there are marriage differences in cases where the girls get married and after a divorce, they come back to find that they have nothing and they have got to live alone. Thank you.

Com. Swazuri: James Muiruri.

James Muiruri: Commissioners, I have not written any memorandum but I am just going to make a free speech. Mine is on parliamentarians allowances and salaries. This one, I found that the parliamentarians should have a private or an independent salary review committee since you cannot make a cake, prepare a cake and eat it. So, I found that the parliamentarians are the ones who are preparing the cake and they are eating it and having seen the ailing economy currently in our country, they are not

considering other sectors when they are thinking of their allowances.

The other point is that considering the economy in our country, especially in the agriculture sector, they are not seriously deliberating on the economy which is affecting our country. Because, the industry like coffee, maize, sugar, cotton, tea, pyrethrum and dairy, the Government should seriously or the parliamentarians should discuss the national issue instead of thinking about the increment in their allowances and salaries.

The other thing that I would ask the Commissioners is on the current terms of parliamentarians; Like the President which is two terms. I would also like the Commissioners to think of the parliamentarians to have the two terms as an MP.

The other point I would like the Commissioners to consider or as a proposal is the three Arms of the Government; the Legislature, the Executive and the Judiciary. Legislative is on the policy making which should not interfere with the Executive and the Judiciary. So, the Executive should formulate the policies which have been made by the Legislature and any Executive who do not formulate the policy properly should be sacked or executed.

The other point is on the Judiciary: The Judiciary should be independent from the other Arms of the Government like the Executive and the Legislature. On the parliamentarians on the pensions, the pensions should not be given to the parliamentarians after they are out. Because the hefty increase that they have given themselves has been so much and also if they are given, the one who do not deliver the goods and services should not be awarded that pension. So, the public should decide because the public are the employees of the parliamentarians, they should be asked how much to be given as allowances and benefits of the parliamentarians. So, mine was on the parliamentarians and the Judiciary and the Executive. That's all. Thank you.

Com. Swazuri: Thank you very much. Can you register your name there? Now we have Paul Mungai. Paul Mungai?

Paul Mungai: I am Paul Mungai from the Anglican Church of Kenya stationed at Thika diocese. I just want to make a few recommendations concerning the Government we are having and the elections. One, I will go to the qualifications of our presidential candidate or a President. Among all others as stipulated, we should have our President who is at least able to manage his own household. That is actually what even the Bible teaches. Of all leaders and of all Bishops. A President should actually manage his own household. He should not be a divorcee or a man or woman in separation. To go together with that one, I will still recommend that the retirement age of the President should also be set. Otherwise, it is not very possible to have somebody who is over eighty. The problems of seniority will be affecting that person and yet governing people who are very young with over seventy per cent people below fifty years. It is actually unwise. On appointments of ...

Com. Swazuri: So, what is your age limit? How old should he be? And how young should he be?

Paul Mungai: He should not go beyond fifty-five years. I will go to the appointment of the Members of the Civil service who are the senior members and the Executive. Right now it is like the Executive has swallowed up the Parliament. The appointment of Ministers and Assistant Ministers, Permanent Secretaries, people like the Vice Chancellors of Government Universities, people like the Commander of the Armed Forces, the Chief Justices and the High Court Judges should be approved by Parliament and not just named by one person.

The Parliament should approve that and should also have the power to disapprove whenever it seems necessary. The office of the Attorney General should also be extended to the constituency levels because the church seeks to administer justice. It is not really very possible to have a policeman shoot a man and have another policeman to do the investigations and the same policeman to go to court for prosecution. Actually justice will not come out very clearly. So, we should have the office of the Attorney General to come and most especially investigate cases affecting the police. To go to the elections, I would say that we as a church, will highly condemn the 'mlolongo' method and the acclamation method. We actually recommend that the secret ballot should continue be used and in this case no other seems very appropriate.

Going to the registration of social organizations where churches also fall. We should also recommend that social organizations should be conditioned and should be actually set by Parliament. Not just anybody who wants to register goes and pays probably an amount of money and the organization is registered. This may lead like we are finding out in other parts of the world to mass deaths like people who are led by (inaudible) which is suicidal and they kill so many people. As probably Professor Mbithi said that the region has become the strongest opium* for African. The moment we get into the region and we are directed, we will go even to death because we are religious. So, the Parliament should set a canal to help the register of these organizations or into guiding him on what organizations to register and what not to. Because some are actually disastrous like the 'mungiki' if it is registered and the others.

It will actually be very serious. The President himself, I feel should have a Chaplain and I believe this is the reason why we had the Archbishop of the Anglican Church just next to the Statehouse and seemingly these people have now become allies. Therefore, they are like people who cannot actually sit and negotiate together. I recommend that probably the religious groups should be given a chance to form at least a Chaplain that can meet with the President because they reject those who lead, the people who the Government governs and therefore if the two cannot meet, then it means the moral standards of the people and the governance do not move together. Therefore, we cannot have a very stable Government. Thank you.

Com. Swazuri: Thank you very much for sticking to your time Bwana Mungai. Please register your details here Mr. Mungai. Then we have Miss. Beth Wambui.

Beth Wambui: Commissioners, ladies and gentlemen, I am Beth from Gatundu Secondary and I am a student, Box 2317 Thika. When a child born of Kenya parents become of age that is eighteen years should get a Kenya ID without any maneno.

I.e. If I as a student want to take my ID card, I have to take some money which I don't know why they are asking for. So, ni lazima wawe wakitupea hizo ID cards, wawe wakituletea mashuleni bila ya kuitisha hizo pesa ambazo wanaziitisha.

Com. Swazuri: They charge money?

Beth Wambui: There is some money which they ask for registering.

Com. Swazuri: How much were they charging?

Beth Wambui: I myself have not taken but my friends are having them. Serikali ijikaze zaidi imalize watoto chokora mitaani kote nchini. Ni aibu kwa sisi watoto kuona wenzetu watoto wa chokora mitaani. So, what I can say is that Serikali ione kwamba eti imejenga mashule na inachukua hao watoto ambao wanarandaranda mitaani na iwa-provide na education. Schools, textbooks and education upto Pre-University level should be provided free. Like I myself, we are somehow unable to finish our syllabus due to lack of some textbooks. We are here and there being told to go home and take our school fees, so ningeliza Serikali ione kwamba inatulipia some money and provide some textbooks.

Schools parties and children often disrupt their education to entertain politician and the Head of State. This should be made illegal. Yaani, tuseme kama Provincial Commissioner anakuja ama President, ni lazima tuwe na wiki moja hivi ya kujitayarisha, tujifunze dramas and songs ya ku-entertain and we loose a lot of education while we are practicing those songs. So, what I can say is that this should be made illegal. Serikali iangalie mambo ya kahawa nchini kwani sisi watoto tunateseka zaidi. Wazazi wakikosa pesa kutokana na ukulima wa kahawa. Yaani, kama tumefukuzwa na vile tunavuna kahawa, tunalimia na hakuna pesa, hata wazazi are somehow irritated. Tunakaa nyumbani bila pesa na wanategemea hiyo kahawa. Thank you for listening.

Com. Swazuri: Thank you very much mama. Now we have another lady, Damaris Muthoni.

Damaris Muthoni: Ndahoya Bible yeherio igotini.

Translator: My prayer is that the Bible should be removed from court proceedings so that we bring something else other than the Bible.

Damaris Muthoni: Namba igiri, ndahoya thiini wa igoti, muthitangwo na muthitangani makorwo maigananitio.

Translator: My second prayer is that in a courtroom, both the accused and the accuser should be treated equally. Should be seen to be at par.

Damaris Muthoni: Ndakinyia hau.

Translator: I have nothing else Commissioners.

Com. Swazuri: Why should we remove the Bible from the courts?

Translator: Urorio atiriri, kirikaniro urenda kieherio niki? Niki githuku?

Damaris Muthoni: Ndirenda kieherio niundu wa riri, tondu mundu wothe agitunya uria ungi kana akiaria ma, mundu wothe agitunyana oyaga Bible na iguru akoiga ati niehita na araria ma. Riu nikio woni wakwa urona kaba Bible yeherio kurehwo undu ungi.

Translator: She says that people who want to cheat others of their properties, lift the Bible and swear to God that they are going to tell the truth, when in fact they use the Bible to cheat, to lie and to grab other people's properties.

Translator: Akiuria atiriri tondu riu ni mihitwori ya igotini ri, Kirikaniro gikoragwo gigitumirwo tari mwihitwo, ugukienda gutumagirwo ki?

Damaris Muthoni: Riu nii ndahoya thirikari imenye uria undu ucio ungicenjio. Tondu andu matunyanaga megiritanitie na nyamu iyo na ni nyamu iria ikoragwo ituikite niyo ya kwihokwo ati ni ibuku ria Ngai.

Translator: She says that, it is her prayer that this book is removed from the Court because people are using it to cheat and commit all manners of crimes. Yet, that is not the purpose for which it was written. So, the Commission and the Government should think of a strategy or something else to replace it. Thank you.

Damaris Muthoni: Naguo undu uria ungi ndirahoya thirikari irere, niundu wa muthitangani angithitanga igotini kana nii thii thitange mundu. Wona ndathitanga mundu, muthenya uria tuguthii ciiraini, muthitangwo wona athii ciiraini, nii ndi muthitangani ndenda kunina kiumia kigima itari ndathii ndingiurio. No muthitangwo acererwo guthii ciiraini, warranty yandikagwo hau hau na ringi ni ngari imucerithirie njiraini.

Translator: She is saying that she has something on the accused in court. If the accuser fails to come to court, nothing is ever done. But if the accused fails to appear in court when on board, a warranty is issued for his arrest regardless of what the reason was. Perhaps it was a vehicle which broke down on the way. But the treatment in the courts is not done justly.

Damaris Muthoni: Nindanina.

Translator: Thank you very much Commissioners.

Com. Swazuri: John Kamau?

John Kamau: A law should be enacted to allow impeachment of President, Ministers, MP's or any other civil servants during his or her term of office if he misbehaves. There should be definition of administration and powers trimmed. Private prosecution of officers who mis-use public office, should State fail as the watchdog to act on such offenders. The law in present Kenya seems to be of drunkards. That is, only this group who are harassed and aligned in court of law for petty crimes while as bank robbers and those who swindle Government, parastatals millions of money are not taken as thieves.

Once a Head of State issues an order or a decree, it must be adhered to. Failure to which, he or she must resign. The Arm of the Government should never at any given time cover or weaken prosecution of civil servants, MP's, Ministers by Attorney General entering what they call 'non proseq' and stating the complainant does not have a locus study. That is legal right. The mechanism must be set up to review President, Ministers and MP's salaries and allowances and cut their current package. They must not have so much enormous powers to increase their earning at any rate and time. Like in Zimbabwe, land reforms remain a mystery in Kenya for Kenyans should not have people without land. The Government must ensure that no individual has thousands of hectares of land. It should buy the said land and resell it to its citizens at affordable prices. No foreigner should own land or rent or be employed in Kenya if there is qualified personnel. The Government must be the only one, which can be authorized to use those stretches of land for irrigation and growing of crops.

Environmental laws must be enacted to safeguard destruction of forests especially at this era when power source are available at every corner of vegetative land. If not checked, soon or later Kenya might turn to be another desert for the rate of cutting down trees to persist the afforestation. Thank you.

Com. Riunga Raiji: Just a question. You said that people should not be allowed to own thousands of acres. What will you propose as the ceiling? The maximum acres of land that one can be allowed to own?

Speaker: Actually, fifty.

Com. Swazuri: Thank you very much. Simon Mwangi Mureithi.

Simon Mwangi Mureithi: Dear Commissioners and the members of public who have attended today. My names as you have heard are Simon Mwangi Mureithi and I am a member of 3C's in Gatanga constituency. Mine I am representing the old age and casuals*. About old age, people in the life of old age are just like children and when people become very old they become just

like children. They should be taken care of. They should be given health care and shelter. What I mean by shelter is like villages where they are given food, clothes and the rest. Because sometimes when we see old people in the family, the children sometimes lack interest or time to take care of them. Because they are Government subjects, there should be established villages for old aged.

The retired ones, you know today in Kenya when you retire and you die, your wife continues to earn pension for only five years. One may ask, what about the rest of the life of the living. This should continue until she dies. The other thing is that pensioners are given duties to tend those who are not dead and they have worked during the colonial era.

We find that they are earning about five hundred shillings or three hundred shillings or even one hundred. Those are peanuts. Nothing, that is not even enough for tickets to go to collect it from the bank. Now this should be increased to the standard of the currency and they should also be given annual increment just like workers. It is only that they quit work but they still continue earning. They should be given annual increment and when there is salary review, theirs should also be reviewed because the shilling is equal to everybody. Whether you are earning or not earning.

About Constitution Review, it should be entrenched, Constitution Review should continue just like Electoral Commission and the Review should not be made after less than thirty years so that it becomes practicable after implementation. When amendments are made, the amendments should be referred to the Commission because when I am a Member of Parliament and I come tomorrow with my own languages and law and then make that change for example members party, if it is referred to Commission, we have time to study it...

Com. Raiji: Did you say that it should not be done after thirty years?

Simon Mwangi Mureithi: After a certain period and I am proposing thirty years. I say Review not amendment. Review, there are some Sections that will be amended and then it will be the work of Commission. It is not the Constitution which will be reviewing but the members, when it is not amendment. When a Member of Parliament speaks of changing something, this should be referred. That clause should be referred to the Commission to go through and recommend how it should be because the Commission will place the interests of the public and not for an individual. Let's go to the public for amendments. When I say the Commission should be permanent and the Commissioners should be looked at. They can be either on permanent employment or contract. I think I would recommend contracts so that they can be coming and going as Commission continues.

Now I will come to agriculture. Agriculture, if you go to places like America, even here in Kenya they have got the minimum G.M.R. Minimum Guaranteed Term. This Minimum Guaranteed Term is that the production cost and because you are feeding the nation, the production cost actually should be returned to you. Even if the prices are low.

The Government should find a certain fund be created to be reimbursing the farmers of the major commodities especially coffee,

rice, tea and something like sugar. So that the members are not destabilized. Then, the market for those four commodities should be published. Kenyan Government should take care of those commodities because we are called agriculturalists. Then if we are agriculturalists we should take care of where we are getting our revenue. So, I feel if they take those cares, the farmer will also be taken care of. The delay of payments should be avoided. Sometimes you will find that members are paid after one year and the proceeds were sold possibly after a quarter an year. Then that money is possibly invested in other banks and by the time they are going to be paid, it is already very late.

I am coming to an issue on tax. The Local Government taxes coffee something we call levy and in the same Local Government they charge society something we call license. So it is the same commodity and this revenue is going to the same person. So, we recommend to be paying one. Either license to market coffee in the area or the levy be deductible from the proceeds after the sale.

Finally, I am coming to primary education. It should be free. This has been there but if our economy recovers, this should be actually enforced so that our people don't get lost. They shall have minimum education. If they do not have this minimum education, you will find that they remain at home and now we are coming back to where we were before. So the Government should take care of having free education of upto form four. Thank you.

Com. Swazuri: Thank you very much. Have your name registered there and leave your memorandum. Now we have Victoria Wambui.

Victoria Wambui: Morning Commissioners and the people present. Here I am representing Gatanga women group who are representing their views as follows:

Citizenship: Persons born in Kenya after the year 1963 and persons staying in Kenya for a period of more than five years are automatic citizens. Persons born in Kenya who stay within and outside Kenya, either the parents is the father or mother should be automatic citizens. A man or woman married to a Kenyan citizen should be entitled to automatic Kenyan citizen unless they choose otherwise. A child of less than eighteen years, his parents are not Kenyans, adopted by a veteran of Kenya should be registered as a Kenyan citizen.

Rights and obligations of a citizen: The Kenyan citizen should provide that all citizens are equally entitled to the rights, privileges and benefits of citizens regardless of gender. Equally subject to the duties and responsibilities of a Kenyan irrespective of gender i.e male or female. The following documents should be proof of Kenyan citizen; Birth certificate, Kenyan passport and national Identity card. There you note that a Kenyan child born of Kenyan parents should be issued with a Birth certificate and ID upon identification of either the mother's or father's ID.

Basic rights: The Constitution should guarantee basic rights which include free health care, water, food, education and that should be free. Gender (inaudible) in decision making should be a basic right to equitable representation in decision making of all levels. That is including women and men together. The right to own and hold property for all Kenyans irrespective of gender or marital status should be upheld by the Constitution. The Kenyan women should suffer no form of discrimination, oppression that reduces her dignity and are seen as Kenyans. The Affiliation Act that was repealed in 1967 should be entrenched in the new Constitution.

Affirmative action policy: Current Constitution is silent on the rights of women and persons with disabilities. One out of ten Kenyans have some form of disability, therefore it is critical that their needs as those related to visual impairment, hearing and physical impairment should be addressed. Rights of equality of all citizens irrespective of gender should be enshrined in the Constitution. The Constitution should make provision for affirmative action from its legal requirements for those posed by the society, where they are left to dwell in discrimination and exclusion due to gender, age and disability. Affirmative action is a matter of justice, equity and human rights. Education opportunities. It is enough to set voters for employment if we do not have enough trained and qualified women to meet those quarters. The girl-child education, the youth and the disabled need to be facilitated specifically. Bursaries should be provided for girls, the disabled or any other marginalized communities like the pastoralists. There should be a provision for the basic rights by the marginalized groups in the Constitution.

Political parties, Legislature and the Judiciary: The Constitution must ensure that the affirmative action clause is employed in the composition of political parties structure. At least a third of the officials in each office organ must be of the opposite gender.

Political parties: The Constitution should regulate the formation, management and conduct of political parties. All national political parties should have a national outlook with membership rule from at least sixty per cent of the Kenyan forty-two given ethnic groups. All national political parties should be funded by public funds to avoid the individual denomination of political party. Parties should not be run as private enterprises from which only the most economically able can benefit.

Electoral system: Electoral Commission should enhance women participation, political leadership by developing and exterminating materials in a name to educate society on the value of women leadership. To change the cultural practices that...to restate against women's leadership.

The appointments of more women to positions of the political responsibility, here, affirmative action, at least thirty three per cent of the total seats in Parliament and local authorities should be held by women. Political parties should be endowed to have at least one third of the officials in the party organs as women to provide skills policy on women issues in their Constitution manifestos. There should be a limit of money used to campaign to make access to women, to enhance women participation and prevent corruption during campaign. Civic, parliamentary elections should be held separately from the presidential elections. Votes should be counted at the polling station and the results announced immediately at the same point. Ballot boxes should be

made transparent to clear doubts for every voter to see through. Secret ballot methods of voting should be enshrined in the Constitution for all public voting including political parties.

Legislature: The law should provide the provision of security for all candidates including the nation, to protect them from physically being prevented from presenting their nomination papers. The law should provide the provision of security for all candidates during campaigns and on election period. The Electoral court should be established at the same status as the High Commission to facilitate the speed of hearing an election petition. The petition should be heard by more than one judge to avoid allegations of partiality. The minimum qualifications for MP's should be O' level. The affirmative action policy should be adopted to increase the representation of women in the local authority. Mayors and Council chairpersons and their deputies be elected by people directly. Councils should be given.....

Com. Swazuri: You need to summarize. Don't try to read the entire thing.

Victoria Wambui: President or the Minister should not have powers to dissolve councils, creation and dissolution of councils. This should be done by electoral Commission in consultation with stakeholders including Councilors and Wananchi who voted for them.

Land and property rights: Women and children have in the past suffered most as victims of calamities, disasters, land conspiracies and other land related insecurity. It is on this basis that we recommend the following: Female offspring regardless of marital status should be entitled to inherit family properties including land without discrimination and land in this case should be decentralized countrywide and succession be carried out at the district level. The title deed of family land should bear the names of both husband and wife. Kenyans living in trust land should be guaranteed protection, security and need a life to move them they should be properly compensated, resettled elsewhere and given ownership.

Management of local resources:

Com. Swazuri: Your time is up Madam. You give us the memorandum; we will read your memorandum please. Thank you very much. Can you have your name recorded and you leave the memorandum there with us. Thank you very much. Mr. James Chege.

James Chege: Commissioners and our officers and members, I have greeted you this morning. Good morning. Kwa mazungumzo yangu, I am to speak in Kiswahili. Kuhusu Katiba yetu ile tunataka Kenya iwe wakati ujao, mimi naonelea Rais angekuwa anachaguliwa mwenye elimu ya kutoka University. Rais akichaguliwa asiwe juu ya sheria. Awe anaweza kushitakiwa wakati anakosa. Kwa vile Rais anaweza kuanzia mwaka mmoja na akose kabla hajatimiza miaka tano, kuonekane makosa na sheria imshitaki na ikionekana ni mzuri aondolewe, aondolewe. Rais asizidi kipindi cha miaka kumi. Rais akichaguliwa hata

akichaguliwa na chama fulani, asiwe akiwa anakalia kiti cha Urais, asiwe sasa anabagua chama kile kilimchagua, awe anasimamia yote. Vyama vya kisiasa visizidi tatu, kwa maoni yangu. Mahakama iachiliwe huru ili isimamiwe na Mkuu wa Sheria mwenyewe.

Polisi waongezewe mishahara kwa vile hongo na ufisadi iko juu kwa vile mishahara yao iko chini. Mtuu wa kawaida, wakati wake wa uzeeni, pia yeye ni mtu hasa kwa vile hana nguvu ya kufanya kazi wakati wake wa uzeeni. Hata yeye anaweza kupewa chakula kwa kuwa wale wako kazini wanapewa pesa ya malipo ya uzeeni. Na pia yeye wakati alikuwa akiichanga, alikuwa anafanyia Serikali kazi. Kwa vile kama mtu ni mkulima na anafanya ukulima, ushuru unakatwa kwa kahawa ile analima. Kwa hivyo uzeeni wake aonekane hana nguvu ya kuweza kuandikwa pahali.

Ukabila umezidi na kwa hivyo maoni yangu, mtu anaweza kuoa bibi kutoka kabila yeyote bila ubaguzi wa ukabila ili wote tuwe tuko Kenya moja.

Mambo ya kuoa: Maisha ya wengi inaharibishwa na wengine wenye pesa. Msichana akipata mimba anaweza kuolewa na yule alimpa mimba. Kwa vile umalaya umezidi sana na utaendelea kueneza na kuzidi kwa vile wenye pesa ndio watakuwa wakiharibu wasichana kwa mapenzi ya moto moto wa pesa. Wale wazee wanaletewa watototo na wale wasichana wanaopata mimba bila mabwana wanaletewa wale wajukuu wao watoto na hawana nguvu ya kuwalea, kwa hivyo mtu katika Kenya akiwa anataka bibi watatu awaoe ili asiwe anazunguka na kila msichana anaona barabarani akiona ni mzuri anaenda naye. Anampa mtoto anawacha, huyo chokora anazidi kuwa wengi katika Kenya yetu.

Mambo ya cost-sharing, kuna wengine sana hawapati pesa wala msaada kutoka pahali na wakihitajika kwenda hospitali, wanakuta cost-sharing. Cost-sharing hii pesa hana. Hapo tena tunaona Serikali iwe inashughulikia wale watu wa kawaida kwa vile hakuna maduka ya matajiri na ya maskini. Bei ya sukari ni bei moja na kuna watu wengine walio juu sana kipesa na wengine walio chini sana na wote kimaisha wanawekwa laini moja. Kwa hivyo hapo Serikali iwe ikiona mtu wa kawaida pia hata yeye anashibishwa. Kwa vile sisi katika Kenya yetu sio watu wa kutafuta msaada kutoka nje wakati Kenya yetu tuko na mashamba mengi yasiolimwa na yanakaa wanyama wa pori na vijana wanazurura ovyo kwa kukosa kazi. Na watu wengine wakiondolewa kazini miaka hamsini na tano, hao bado hawatalea watoto. Wanawacha kazi kabla hawajazeeka. Kwa hivyo mimi naonelea Serikali ina mashamba inaweza patia hao watu wachanga, hao watu wasio na mashamba wapewe mashamba ili kazi ionekane na Kenya yetu isiwe inazidi kuomba msaada wa chakula na watu wasikae bila kazi.

Upande wa ukimwi unazidi kwa umaskini. Katika Kenya yetu wasichana wengi wasio na waume kwa vile wanaume wengi kwa kuwa hawana kazi wanaogopa kuoa. Kwa hivyo kama hawa wanaume wangepata kazi ya kufanya hata kama ni shamba walime, wangukuwa wanauza mavuno yao ya shamba na hangukuwa wanaogopa maisha. Lakini sasa tunaonelea vijana hawana mwenendo wao wa kuelekea. Ile kitu kwa vile wanakosa kazi, bangi ndio wanakunywa tu kwa vile kazi hakuna. Wakienda nyum, bani wanakuta mama iko chakula kidogo anakula, akikuta chang'aa anakunywa kwa vile hana kazi na hana matarajio.

Kwa hivyo ni jukumu yetu au Serikali yetu ionelee mwenendo wa Kenya tunaotaka ili Kenya iwe nzuri au iwe kioo kama mbeleni ilivyokuwa kioo. Hayo ndio maoni yangu bwana officer.

Com. Swazuri: Asante sana. Andika jina lako pale. Halafu tuko na Bwana Paul Ndung'u. Karibu mzee.

Paul Ndung'u: Commissioners na maofisa nindoiga niwega niundu wa kahinda gaka mwahee.

Translator: Commissioners and officers, thank you very much for this opportunity to talk to you.

Paul Ndung'u: Uhoro uria ndirenda kwaria, ndirenda kwaria uhoro wa urimi.

Translator: I want to talk about farming.

Paul Ndung'u: Tondū urimi guku gwitu niguu ututeithagia.

Translator: Because all our income comes from cattle farming.

Paul Ndung'u: Na riu urimi witu utuikite wa tuhu,

Translator: Now farming has become virtually worthless.

Paul Ndung'u: Niundu kahinda karia tuikarite thiini wa bururi uyu witu, migunda iria twinayo miingi ni twahandire kahuwa.

Translator: Because we planted coffee in most of our shambas.

Paul Ndung'u: Niundu mahinda maria twari na haria kabere, nii ninjkarite na kahuwa miaka ikumi na mugwanja kuria settlers.

Translator: I have been in the settler's farms for seventeen years.

Paul Ndung'u: Na miaka iyo ikumi na mugwanja ndiagaga gia kuria kana gia kunyua.

Translator: In all the seventeen years, I was fairly well fed and looked after.

Paul Ndung'u: No hindi iria ndokire ngihanda gakwa karia ge gakwa, nindirathii kinya ngaga irio cia kuria.

Translator: But when I came and planted my own coffee, many times I have nothing to eat. I have no food to eat.

Paul Ndung'u: Okorwo ni andu aria ndinao nimaraga irio cia kuria.

Translator: My family too sometimes go to bed without food.

Paul Ndung'u: Na kahua nitutuaga.

Translator: And we pick our coffee and deliver it.

Paul Ndung'u: Na tutiiragwo kana kahuwa ni kwendio kendagio kana niguteo gateagwo tondu gutiri riboti itukinyagira.

Translator: They never tell us whether they sell our coffee or throw it away. They never give us any reports despite our delivery of our proceeds to them.

Paul Ndung'u: Niundu ucio mahindaini maya, nikuagiriire thiini wa murimi, amenyererwo o wothe thiini wa Kenya.

Translator: My plea is that something should be done about farmers. They should look after our farmers.

Paul Ndung'u: Tondu murimi niwe nyina wa Kenya.

Translator: Because the farmer is the backbone of this country.

Paul Ndung'u: Tondu ta riu ithui turi haha, hwai niturariire na tugiukira nitunyuire mundu gikombe gia cai.

Translator: Because within last night and this morning, we had a cup of tea all of them produced by farmers.

Paul Ndung'u: Na indo icio ciothe ithonketwo ni murimi. Na riu ri angikorwo ndekumenyererwo ni guthii eguthii agithiraga.

Translator: Nothing is done and the farmer is allowed to suffer.

Paul Ndung'u: Nigetha ahote kugia na hinya na ahote kuendelea tondu ndukihota kuruta wira wa tuhu.

Translator: You cannot work while making no proceeds of the effort.

Paul Ndung'u: Okorwo ni ukirima okorwo ni kilo ya kahua ukamenya ati watua kilo imwe ukarihwo kina.

Translator: We should be told how much a kilogram of our coffee costs so that by the time we pick it and deliver it we know what we shall gain.

Paul Ndung'u: No tigtuaga na watua ugakora thiini waku wewe mwenyewe weterera nduri kindu ukona.

Translator: But today you pick you coffee and deliver it and wait, then you find you have nothing.

Paul Ndung'u: Ugacoka mugunda uringi.

Translator: Then you go back to the same shamba.

Paul Ndung'u: Riu kuringana na uguo kungiaga kurorwo, thirikari iria tungithii guthondeka kana Katiba niyagiriire ni kurora uhoro wa murimi.

Translator: For this reason, our new Constitution should do something about the status of the farmer.

Paul Ndung'u: Ningi ningwenda kwaria uhoro wa mathibitari maitu ma thirikari Kenya.

Translator: I want to talk about public hospitals.

Paul Ndung'u: Mathibitari maitu Kenya hindi iria twaheirwo wiyathi, kwi maundu matatu twaruaga namo.

Translator: When we got independence we were fighting three things.

Paul Ndung'u: Wa mbere ni ng'aragu,

Translator: Hunger,

Paul Ndung'u: Na wa keru ni ugi,

Translator: Education,

Paul Ndung'u: Wa gatatu ni magonjwa,

Translator: And good health, we were fighting for good health.

Paul Ndung'u: Na riu andu aingi nimirakua tondu wa mathibitari maitu ma thirikari ndawa niirendio goro muno.

Translator: Unfortunately today, a lot of our people are dying because of lack of medicine in the public hospitals and if they are available, they are too expensive for us.

Paul Ndung'u: Wahota gukora mundu ni muruaru mucii, no wamwira athii thibitari akoiga ndari na mbeca.

Translator: You will find a sick man in his house and if you tell him to go to hospital, he will tell you he has no money.

Paul Ndung'u: Riu mundu ucio agathii agagikua tondu thiini wake ndoima na mbeca cia guthii thibitari.

Translator: Such a man dies because he has no money to go to hospital.

Paul Ndung'u: Tondu ona wathii thibitari ugucoka wirwo uthii ukagure ndawa na nduri na mbeca tondu ndawa riu ciiguru muno.

Translator: Because in the hospitals you are told to go out and buy drugs and yet you have no money.

Paul Ndung'u: Uhoro uria ungi ngwenda kwaria ni uhoro wigie mahaki thiini wa bururi witu.

Translator: I want to talk about bribery and corruption.

Paul Ndung'u: Mahaki nimirathii makanina andu aria matari na hinya.

Translator: Corruption is a killer to the poor.

Paul Ndung'u: Tondu twahitania nawe na wina hinya, ona twathii igotini kana tuthii ku, nii uhoro wakwa ndukaiguu.

Translator: Only the rich that are listened to whether it is in the courts or other public offices. The poor have to suffer.

Paul Ndung'u: Riu we wakiaga hinya, Maundu maku magagithii uguo.

Translator: If you have no money, you are a poor man,

Paul Ndung'u: Okorwo ni kindu kiria uma nakio ugatunywo ugagicokera mucii.

Translator: You lose your property when you should not have done it.

Paul Ndung'u: Niundu ucio nonyende Maundu macio tugithii guthondeka thiini wa bururi mathii maninwo, akorwo ni kihoto kirumirirwo kuringana na uria kihana.

Translator: I want the Commission to re-establish the presupposition* of truth and justice.

Paul Ndung'u: We ugatuagirwo na kihoto kuringana na uria kwagiriire.

Translator: So that only justice is listened to.

Paul Ndung'u: No ti uria gutonyire mahaki.

Translator: And not because of bribes and corruption.

Paul Ndung'u: Maundu maria nyuma namo ni macio.

Translator: Thank you Commissioners, that is all I had.

Com. Swazuri: Francis Karanu.

Francis Karanu: Thank you very much. I would like to present my views today and to start with, first I would like to address this issue of salary increment in the Government sectors. I would say that it has become crisis in the whole of the Government sectors that everybody in the Government sector in the parastatal is crying about salary increment. I would propose that, could we have a tribunal to look into those salary increments? We should not really rely on the Parliament because we have seen the current Parliament has been so self-centered that they are increasing their salaries, day in, day out, while some other sectors like teachers and nurses are suffering. They are out in the streets protesting about salary increment and yet the public scoffers are paying the taxes and the taxes are going to just people's pockets. So we need to have a tribunal to look to those issues about the salary increment.

Secondly, I would also suggest that in our new Constitution that we are going to have, the issue of nominated MP's should be

long gone. Because it seems to be a liability to public coffers that we are adding ourselves some burden. That we are nominating other people and if you can calculate the expense of a Member of Parliament from the time he or she is elected or nominated, it will lead to so many million of shillings and yet we are complaining that we have economic crisis. So, the issue of nominated Members of Parliament and Councillors should be done away with. Then, I would also suggest something on the term of Parliament.

When the issue of dissolving the Parliament comes, this should not be a personal issue, the Parliament should not have that mandate to dissolve Parliament. We should have a time plan or an action plan to facilitate our parliamentarians to know the life of Parliament is to such a point and it will be dissolved at such a time. It should not be a personal weapon for somebody to secure his political ambitions.

Then I would talk about the basic human rights: Our Constitution should cater for the basic human rights to facilitate the common man to survive in an upright manner. To be very specific, I will talk about the issue of security. We should come and formulate a strategy whereby each and every citizen of this country is free and has access to security it demands.

Secondly, I can talk and re-emphasize on health care. Because this is another sensitive issue as somebody has talked about. I am talking about the medication. It is too expensive for a common man to be accessed for medical attentions. Most of our people are dying here in our homes because they cannot get access to medicine because it is very exorbitant.

So, I can also talk about education. The policy of the Government says, they are giving us free education and in the real sense we don't get that free education. Otherwise, we are paying for the examination fees, we are paying for school maintenance fees, activity fees and a lot of things and yet we are being provided with free education. That one, I would suggest that we get free primary education and also free secondary education because we are paying the taxes.

I would also address the issue of unemployment, most of the youths are tarmacking day in, day out because of lack of employment. I think we should come with a way of trying to utilize the money we are being taxed. To be utilized to cater for employment and we come with projects which could be in our area and we will be in a position to accommodate some of those youths who are loitering around looking for employment. Then the other issue of infrastructure, in our country today, if we talk of infrastructure i.e. roads and such other facilities to make people have access to easy transportation infact is a help. Because our roads are never maintained.

Some of those which were never carpeted, have never been carpeted. So, as for the taxes we do give out to the Government in form of fuel taxation should be given directly to the community and should be implemented to the community as the beneficiaries. Then I will talk of the issue of land inheritance and land demarcation. As something had talked about it, we should think of ways because there has been a lot of problems which have been accumulated of people who do not have even a

quarter of an acre to survive or to come up with a house for survival.

We should formulate a strategy where we can even sub-divide the land issue to Kenya so that we may cater and accommodate those people who are landless. Then there are other vital documents and certificates which is a birthright that each and every citizen should have. Like ID cards, somebody had talked about ID cards. Today in Kenya to get an ID card especially in this area is quite a big process. You have to wait for two three months and you have to contribute. You are being charged over two hundred shillings to acquire an ID card and yet it is a birthright issue. Also, we can talk of birth certificate, it is also hectic to get a birth certificate. These things should be centralized and should come even to the locational level so that people can get access. Also, something to do with passports. We should also get them even to the divisional level and then I will talk about the police force. Seriously, it has been a very great problem when it comes to police force and how they are operating. In our area, these people instead of being very friendly to us, they are very brutal especially when they visit some other areas in operations, they get to beat even the people from that area. And they should know, that they should come to us as a friendly people so that we may interact with them and we may be in a position to solve the problem, which could have arisen.

Then, I will talk about the Arms of the Government very briefly. The Legislature, the Judiciary, and also the Executive. They should be very independent, especially when it comes to doing their matters. Okay, thank you.

Then lastly, I will talk about the Presidential qualifications. I would personally feel that if it can be put that the Presidential, - if a Presidential candidate must be a Masters' Degree holder, so that he can deliver and can get to know what it is. Thank you.

Com. Swazuri: Thank you very much. Now, we need Mr. Haron Ndung'u. Ndung'u very briefly please.

Haron Ndung'u: Muriega Macommissioners. Ngwiciria kiria giatume njuke haha, nithiite ngona thirikari tetaturoraga wega.

Translator: I am here because I have a feeling that the Government is not looking after its citizens.

Haron Ndung'u: Tondu hindi iria nguthii rugendo ruakwa nithiaga tangathii Nakuru,

Translator: When I am covering, I come to place like Nakuru,

Haron Ndung'u: Twina mutumia na ciana,

Translator: Me and my wife and children, ...

Haron Ndung'u: Kinya murigo.

Translator: And our luggage.

Haron Ndung'u: Natwarikia gukinya haha stage ya Thika.

Translator: At the Thika bus stage,

Haron Ndung'u: Tugakora andu hau, ngari ringi iria ciaguthii Naikuru ni ta ithatu kana inya.

Translator: You find people there, and there are three or four cars,

Haron Ndung'u: Nii nganyitwo ni mundu umwe ngonio ngari, mutumia akanyitwo niungi, ciana na ciondo.

Translator: Some touts drug me and put me in a different car, another group grubs my wife and put her in a different vehicle, and my children and the luggage are put in the third vehicle.

Haron Ndung'u: Riu wi hau ona okorwo uma na mbia riri uragucanirio mbia niirathii.

Translator: At the same time they steal from you,

Haron Ndung'u: Na riu warikia gwika uguo, ona okorwo thirikari I hakuhi hatiri mundu ungitikira guguteithiria.

Translator: Even if policemen are out, nobody is willing to intervene and help.

Haron Ndung'u: Niundu wa uguo ngakiona watho ucio niwagiriire wikirwo wa kugitira raia tondu ninyonaga raia tetari na mutongoria.

Translator: I have a feeling, I think we should have a law, to protect the Wananchi against such behaviour.

Haron Ndung'u: Riu ningi hari undu ungi wathii akorwo ni giathiini wathii wina kaburi gaku,

Translator: In the market, if you take your goods to sell,

Haron Ndung'u: Wee handu ha wiyenderie kuri na andu angi marakuenderia mburi na matigikuriithagiria.

Translator: Instead of selling your goods directly, you find Brokers to take over your goods and they want to sell it for you, and you don't know them,

Haron Ndung'u: Na riu ona ahota muno niundu nimaretha mbia hau hari we.

Translator: They become a big nuisance for you.

Haron Ndung'u: Riu niundu wa uguo thirikari nikiagiriirwo akorwo ni Maundu mamwe kugia na watho wa kugitira raia athuri aya akuru na atumia._

Translator: (Inaudible) that they protect the old people particularly, the old men and the old women from such behaviour.

Haron Ndung'u: Tonde twina thina muno._

Translator: Because this is the day, - a big program for us.

Haron Ndung'u: Riu ningi akorwo ni kuria turi migundaini,_

Translator: In our shambas,

Haron Ndung'u: Wathii kuria hakuhi baraini kungithukio ni mundu bara,

Translator: Along the road reserves if somebody...

Haron Ndung'u: Wageria gwita munene oke one thina uria wiho ndangitikira tondu bara ndikumuhe mbia.

Translator: If somebody comes and messes up the road reserves, and you call the village heads and the assistant Chiefs to come and look at it, he will not do it because he will not get a bribe from it.

Haron Ndung'u: No ekwenda muhaka uria muhakanite na mundu nigetha ume kindu na uria oime kindu atinde.

Translator: But they are very quick to respond places where two neighbors are arguing. Because both sides will give him money.

Haron Ndung'u: Riu hau niho ngukiugaga thirikari nomugituteithiririe tondu kwi mathina macio marakora andu.

Translator: My plea to you is that you should get a way to protect us Wananchi from such a situation.

Haron Ndung'u: Ndagitira hau.

Translator: Thank you very much Commissioners.

Com. Swazuri: Thank you very much. David Nyanjui...

David Nyanjui: Thank you Commissioners, officers and the members of Public. I would like to dwell on one issue that is not addressed by many. I am here as a representative to the Gatanga Disabled Group. My views are as follows: The Constitution should have powers to protect a spouse or spouses with disability. Part A of birth should be used, if the spouse with disability is a male, and the female spouse decides to divorce, the female spouse should not be allowed by law to share those assets and money belonging to the husband. When the spouse with disability is a female, and the male spouse decides to divorce, those spouses should share assets or money of the male spouse equally. Persons with disability should have an equal share inheritance, whether the owner of the inheritance is alive or deceased.

Where a disabled person is of unsound mind, and his or her parents are alive, they should look after his or her share of inheritance. When the parents are deceased and a succession code is filed in a court of law, the court should appoint a guardian for that person. The guardian should be the person who cares and love him or her more. For a person with disability who is single or married but without children, his/her or their interests in an inheritance, is (Are the same as others). Persons with disability should be denied employment on the grounds of disability. When a disabled person is arrested due to committing a wrong, he/ she should be kept in a different cell from other inmates.

The Government should open up rehabilitation centers at district levels. That is all I have, thank you.

Com. Swazuri: Now we have Dickson Mwangi. Dickson Mwangi...

Dickson Mwangi: Thank you Commissioners, mine will be very brief. In some cases, you find that the Parliament can have the... the Parliament can change a draft of... -in the Constitution by the majority rule. What I could suggest is that that should be abolished. And there is need to change any draft in the Constitution, there should be public hearing.

The other thing is on basic education. The way think, basic education is considered as up to Primary school. I think that should be changed, and should be taken up to secondary education, and should be free.

The other thing is that, Doctors, C/Os Nurses, should not – people who are in Government hospitals- should not be allowed to run clinics. The other thing is that if, in a certain Constituency, those Constituents find that their MP is not performing, they should recall the MP or the councillor through a tribunal or an evaluation committee.

About those Political Parties, we should have a smooth three Political Parties. And the issue of unemployment, there should not arise a case whereby someone has about three jobs whereas there some people who are jobless and they still have qualifications and they can do the exact job. That is all that I had.

Com. Swazuri: Thank you very much for your very focused submission, we now go to Major Peter Thiuta Mwaura. Peter Thiuta Mwaura... he is coming?

Peter Thiuta Mwaura: I am Peter Thiuta Mwaura; I am representing the spinal injury and disabled, together with Gatanga Disabled Group. I would like to speak about the pension fund for the disabled. Every person with disability above 25 years has the right to earn a certain amount of pension regardless of whether employed or not. This will help the people with disability to run a normal and living like people without disability.

Paralegal. A law should be stated to defend the person with disability, as regards inheritance of land, assets and liabilities of their families, companies and any other organization. There is also the abuse of the persons with disabilities like rape, domestic violence, negligence by the society and denial of their rights when it comes to cases like accidents. You know, when they get accidents, and they go to courts, after the case is over, they are never paid what the court has passed.

Rehabilitation centers and special schools. We should have special schools in every Constituency and also rehabilitation centers. Most of the disabled children remain at home until old age, due to poor mobility factors, and lack of special education facilities in normal schools. Also, those who have gone through schools lack training due to lack of rehabilitation, which would offer skills for persons with disabilities. Free education should be implemented for persons with disabilities and for children of parents with disabilities. In primary schools, secondary schools, colleges, and university levels as most of them live below poverty line. We don't see how a person earning over hundred thousand per month, should pay the same fee with somebody earning 2000/= shillings or earning nothing.

Representation. In any area dealing with disability, like special schools, National Fund for disabled, Organization for the disabled, rehabilitation centers and others should be administered by persons with disability, because nothing for disabled without a disabled person.

Free medical services. Majority of people with disability lack medical services because they cannot afford to cater for the cost

sharing system. They are unemployed, relying on (Inaudible) and well-wishers who cannot meet each of their needs.

Transport and communication services. The public should be sensitized, on the rights of the persons with disabilities, in using public means of transport. The drivers, conductors and passengers should attend the person with disability with love. Also on communication, on the side of telephone booths, we should be, there should be a special booth for persons with disability in height and width.

Exceptions on licenses. Most of the people with disabilities operate small-scale business, which cannot afford to raise money for licenses, like shoeshine, vegetable venders, street hawkers, kiosks and others. These businesses make them self-reliant. So, they don't get extra money to pay licenses.

Interjection. Com. Swazuri: Please give us your recommendations, for the entire... (Inaudible)

David: Yeah, I am just winding. The facilities for persons with disability, we have facilities for mobility, like wheelchairs, crutches, calipers, lenses, and (Inaudible) for the blind, which are very expensive. And without them, we cannot be active. Majority cannot afford, that they are being carried to different places when they want to move. This hinders them from being self-reliant. Thank you.

Com. Swazuri: Thank you very much. Next speaker is John (Inaudible)

John: Thank you Commissioners and members of the public. Mine will be very brief, just to do with about two issues. One I will deal with is economic one, I would propose that on the Agricultural sector, all taxes should be waved, for they are double tax when dealing with farm inputs. Also, I want to request that farmers should (Inaudible) about 85% of the total sale of their Agricultural products. I come back now to N.S.S.F. I propose that at attaining the age of 50 years, one should get his or her dues, not necessarily from the N.S.S.F Funds, but from his or her employer, who should go and get the money from the one which has already been contributed. On this issue of N.S.S.F, I request that the N.S.S.F should be transferred to workers' bank.

Now I come to another issue of health. On this side, I propose that, if one becomes ill and is hospitalized in a private hospital, the Government should at least pay about 85% of the total cost, because it is the one which has failed to give the necessary required health mechanism to the Government hospital.

On education, I propose that all education must be compulsory from standard one to form four, it should be free for every child to participate. I come now to the Political issue. I propose that the President should have a running mate, who should also be voted as the President himself. I propose that on the issue of the President and the Vice President, the date of the election

should be delinked from that of the general election. that is, the MPs and the councilors should have their own day, and the President and the Vice President have their own day.

I come now to the county councils. On the county councils I propose that the chairman and the mayors should be the overall heads of the county councils. I propose that the Local Government or the Central Government itself should at least minimize this objective in the council.

I turn around and come to the natural resources. I propose that if a natural resource is diverted to another area of the republic, the people in that area should benefit from it. E.g. like the Kachakaini waterfalls, which serves Nairobi and the other parts, I propose that at least 35% of the total face of that water should be brought back to Gatanga for the ordinary people to benefit.

On the side of the President and the Vice President, I propose that they should be thirty five to fifty five years of age. They should not be older than that.

Lastly but not least, I would propose that on the age of the councilors, they should be 18, to 35 yrs. That's all Mr. Commissioner.

Com. Swazuri: Thank you very much, we now have Reverend Joseph Kariuki,

Reverend Joseph: Thank you very much Commissioners, I am going to start by pinpointing the points that I have written down here, and I want first to talk about the policemen. I find that then police people we have in the country, in the country, their training is not adequate. And I propose, the training of the police force to be three years. On points of the armed forces, I find it not necessary for the President to be the Commander in Chief of the Armed Forces. I find it, it is not necessary for the President to be the Commander in Chief of the Armed forces. And I propose the commander in chief of the Armed Forces, should be given powers to administer the Forces. When we come to the point of the Presidential Candidate, I propose the one to be elected, as a President should have a higher education and at least be a graduate.

On the point of let's say Parliamentarians; a MP should have a Degree Level of education. On the point of civic, a councilor should be of form four. On the point of mayors, I propose the Mayor should be elected directly together with the Chairman. Education of the Mayor should be undergraduate and on the point of let's say civics, I propose the civic person to be elected ama appointed should be of over form four. Thank you very much.

Com. Swazuri: Thank you very much; you have very much focused views. James Irungu, James Irungu very briefly.

James Irungu: Commissioners, members of the public, here today I am representing views from Kakuzi division. Kakuzi

division is a part of Gatanga Constituency in the lower side. We are neighboring Machakos District. In fact Commissioners, the education system of our country is very costly, and we propose basic education should be free and compulsory. We also proposed that this Constituency of Gatanga, be spitted into two parts, giving Kakuzi division a right to elect leaders as a Constituency since we believe we are a marginalized Community And we have nothing in common with Gatanga division. For example this Commission has visited this Division twice, and there is no time you have come in our division, Kakuzi division, and yet we the same Constituency.

Com. Raiji: ... is it because of the Commission Visits, or is it Marginalized because of lack of services, or ... (Inaudible).

James: Services, may representation, the area is still big, all those. Secondary schools, we have only two and yet we have got over sixty primary schools. The poverty level is so high in our area because we have no economic income like other areas. Therefore it should be addressed and something should be done to reduce the level of poverty in our area. In fact we have got so many school drop outs, gender issues is still coming up and especially the young girls who are being employed in major towns as house maids, or Cattle herds. We also would like to be addressed in the communication area. Our road network is very poor. When it comes to rainy seasons like this time, our roads are impassable. We have got no telephone networks except few lines which serve the (Inaudible) around.

Water, we have no water in our area, and yet when rain comes, a lot of water passes by our sides and carry our soil, and we have nothing to stop it. So, at least we should have at least the Government should have a dam, or provide a dam so that we can have water for consumption. In fact we travel for a long distance to have drinking water.

The Constitution is written in a technical and legal language, which is difficult for our ordinary people to understand.

Therefore, we ask this Commission to address it so that it can be taught or the civic education can be a continuous process even after elections. Most of our people are landless and they are squatters who work in those plantations. We ask the Commissioners to look into it and see that at least people own something legally. Those who have something they don't have the legal document to own land like title deeds. Something should be addressed on that. And the squatters, those who work in the plantations, their working conditions, is not good, it should be improved, and they should be allowed to join unions, they are not allowed. We request this Commission, to allow or to license more N.G.Os in our area.

Insecurity, people of Kakuzi division feel insecure in many areas. For example we have no police station in the whole division. We have got only two police posts, which are in plantations, they are in the mountain plantations, and they serve the interests of the sponsors. Therefore, we would appeal to this Commission to allow the administration police to be taking people to court, to be allowed to prosecute the suspect in court. Instead to police posts and being re-arrested again, while the distance between the Community and the police is too far.

Interjection. Com. Swazuri: Your time is almost up, please don't read word for word.

James: Okay, I am not reading. Therefore I would like to request this Commission, to consider Kakuzi community as a marginalized community in this country. Because, we have so many problems there and they are not addressed properly. Representation is very poor,

Interjection. Com. Swazuri: Have you talked to your MP about these problems?

James: In fact we saw our MP in 1997 during election, we never saw him here again.

Com. Swazuri: You have never seen him since?

James: No, no no. He comes from this area. He comes from Gatanga division, and all the aspirants are from the Gatanga division. You see the population still, is a factor here. They are many, we are less. They have got resources, we don't have.

Interjection. Com. Swazuri: They have got people who can contest we don't have.

James: Yeah. Because of the poverty level.

Com. Swazuri: So, even if we gave you your own Constituency, someone from here should come and lead you?

James: No, no, but you see, you see people here have got resources, they are richer, they have got everything, but we are less fortunate actually.

Com. Swazuri: Thank you very much, can you hand over your memorandum. And you think you will still elect him if we bring him back?

James: Who?

Com Swazuri: The current MP?

James: That is why we are appealing to you to do something at least. May be next time you can consider,

Interjection. Com. Swazuri: ...(Inaudible) we give you your own?

James: Yeah!

Com. Swazuri: Now we have Anton Kavola, we have Anton Kavola? Then while we are waiting for him, we have Samuel Wainaina. Samuel Wainaina. If he is not there, we will leave it to David Ngugi. David Ngugi... you are Antony Kaguthi? No!

David Ngugi: Thank you Commissioners, members of the public. All my proposals, - I have not deleted anything but my proposals I think, they have been prepared together. The first thing I would like to propose, I wonder how you Commissioners can take an examination to a child before you have taught him. Because like the way we are now here, definitely if I talk on behalf of members, we know nothing about the Constitution. Even the time when I was coming I thought we are, -first thing is to read the old Constitution. Then we will ask ...

Interjection. Com. Swazuri: according to you, has there been civic education ...(Inaudible)

David: No.

Com. Swazuri: ...(Inaudible)

District Coordinator: ...(Inaudible)

Com. Swazuri: so these people have never had a civic education session?

David: Yeah.

Com. Swazuri: is it true the coordinator?

District Coordinator: well, it untrue. Some of them have and others haven't. ...(Inaudible).

Com. Swazuri: Do we have church leaders here to testify that Churches have had civic education for Constitution Review?

Speaker in the audience: Some have. Some Yes, some No.

David: Thank you. For the (Inaudible) you have been sitting here, and the contributions you have been having so far, have very serious configuration. To be able to constitute the Constitution of Kenya, it does not mean that (Inaudible) first of all the issue of marginalisation, land rights and all that ...(Inaudible). To (Inaudible) make your contribution, (Inaudible). So the Constitution about everything about your life. Everything that you feel can (Inaudible) is about, - it is a constitutional issue. Just like we have everything about life found in the bible ... that is very correct. But, even the book that you are trying to supply us now, you

would have done it earlier before. But, let me propose my point, the first thing, in case of any, - sorry, on the side of workers. In Kenya we have this we call C.O.T.U. The Government should not interfere with any working sectors. Especially the Organization of C.O.T.U that should not be uplifted at least.

Number two, the last shield of a worker is a strike. When workers go on strike, the Government throws riot police to beat them, even some are beaten to death.

Number three, Police Force. hiki ni kikosi ambacho hata inafaa kifutwe kabisa. Kwa sababu kabisa we can do without them, because they are...

Interjection. Com Swazuri: Not clear.

David: Tutafute njia nyingine, hata sisi tunaweza kujilinda wakati huu. Kwa sababu hata wa leo, hii police hata kama unawaita, hata badala ya kuja kukosoa hata ikiwa ni maiti ama pengine msiba wa aina fulani, ile kitu wana haja nayo ni pesa.

Na ya mwisho mwisho, ile mambo tunafanya hapa sasa, we don't want to waste all this time for nothing. Tunataka kuona hiyo kitu ifuatwe. Kwa sababu wa leo tungekuwa tunaendelea kufanya kazi ingine. Hata nyinyi muko na kazi ingine mungekuwa munafanya. Lakini, sio kufanya hapa halafu ikwishie hapa hapa.

President akishindwa na kazi yake, inafaa ajiuzulu, hata kabla ya miaka tano.

Interjection. Com. Swazuri: Unataka ajiuzulu ama Wananchi wamutoe?

David: Wamutoe Wananchi.

Com. Swazuri: na unasema President, ama hata Mbunge wote...

David: Hata Mbunge, kuanzia councilors hata Mbunge, akionekana kazi yake sio nzuri ashtakiwe na afukuzwe. Kwa hivyo maoni yangu, sitaenda zaidi. lakini tungetumia, - upande wa polisi tutumie kama vile kampuni zingine zinatumia Sheria zao. Ikiwa ni kuandikwa ukifanya makosa unafutwa mara moja without consultation from above.

Com. Swazuri: Thank you very much. Samuel can we have your (Inaudible) you have given us your valuable confederations. James Kiranda, James Kiranda. Herman Kahoi.

Herman: Okay, my dear honorable Commissioners, the public, I am student at the university, Public University, and the

following are my views concerning the Constitution.

Second, the issue of the help or the higher education loan board, they should increase their full amount or the minimum amount they award the students. And this can be achieved through, -you know that there is always asking the determination of the percentage change of registration rate in the country. On registration range changes, also they should check the minimum amount, and also the range should be maintained. By the range I mean, for example today they offer twenty thousand, as a minimum and forty two thousand as a maximum, that range should be maintained. Also they should expand the scope of beneficiaries, by this I mean the major beneficiaries of this fund, are the public university students and a few from the Private universities. So, they should encourage the midlevel colleges, because they are also significant to higher education in Kenya.

Okay, the other thing is about the research and innovation whereby there should institute punitive measure to things like piracy or (Inaudible) once innovation or innovative work. Also the Government should increase the side funding, which can be achieved through the levy, research levy from the private sector, for example, in Kenya we have the (Inaudible) levy we should also introduce research levy, where every research private sector is supposed to pay, and also the Government. And this should be managed by a subsidiary of the relevant ministry. Also, the word Parliamentary and Presidential contestants should garner at least 6% of the total counted. And in case of any single candidate failing to secure that, the run off should be there between the first and the second candidate. The article in the electoral system that says that 25% representation in at least five provinces should be scrapped.

Also, the Constitution should put a bill on the land acreage, or the ownership of land. In my suggestion, every person should own at most one hundred acres of land.

There should be at most two political parties in Kenya. This is because, although democracy has had pluralism, in our society, which is very delicate, many political parties will heighten the conflict because of the diversity. The President should be a university graduate or undergraduate, whichever, or masters or whoever, with power or with proven track record and subject to impeachment by the Parliament. The MPs should have at least o-level education that is from form four and above. The Constituents should have the right to call back their MPs if concrete evidence is there that they are un-delivering or they have done any thing that is not good to the constituents. The man should be submitted to marry at least or at most three wives if he is able.

The Government should legalize all brews that they are ...(Inaudible).

Interjection. (Inaudible)

At most three wives. The legalize all illicit brews. This is because, even though they are illicit or they are illegal, they are still

prepared in our society, and this is also to ensure that the state of the consumers, who drink a lot currently because they are being prepared in the hide out, where the environment is not so conducive, or is very dangerous, and also it will increase the Government revenue through the licensing, and only those who are able or those who seem to have a good record, should be allowed to run those things.

In our Matatu, - Matatu operators should be stratified to start the (Inaudible) to have the privilege of alertness of the travelers. This is because the Matatus, - our drivers and conductors are very undisciplined, so, they should be taken somewhere to take a course that will make them handle the customers properly. Thank you.

Com. Swazuri: Please have your name registered there. Which university are you in?

Herman: ... (Inaudible).

Com. Swazuri: you have not bothered about the 8-4-4, and the other issues. They are beneficiary, which one would you prefer?

Herman: ... (Inaudible).

Com. Swazuri: Okay, we have now Mr. Francis Chege.

Francis Chege: Ahsante sana Commissioners, hii ni mara ya pili kuja hapa kwetu Gatanga. Kitu ninazungumzia ni habari ya Rais. Tukiwa na Rais asiwe above the law. Kwa sababu chochote anachotaka kufanya atafanya bila kushtakiwa. Na awe siye mwenyewe ambaye anakwenda kuchagua. ...

kwamba wakili ndio wako na ujuzi, na ikiwa Rais hana ujuzi huo wote na si mwanasheria, hawezi kuchukua mtu wa Sheria kusema ni fulani atakuwa na Sheria.

Katika pesa zetu za Kenya, zisiwe zimeandikwa picha ya mtu. iwe crown yetu ya nchi ya Kenya yaani ngao, Simba na mkuki, ndio zitaonyesha pesa ni ya Kenya. kama vile huko uingereza, hata nina senti moja hapa, ilikuwa ya George wa Tano, nina ingine hapa George wa sita. Sasa hii pesa yetu ya Kenya inaonyesha President Moi pekee yake, ile ya Kenyatta ikaondolewa, na ngao hakuna. Sasa ukiangalia ndani ya Shilingi ya leo ya Kenya, Shilingi ndio itakalia crown. Kwa hii ingine tunatawala hapa ni pesa, halafu tunasema ati kuna corruption na corruption, an kama yamekalia, - pesa imekukalia, sasa corruption lazima itaingia.

Ya pili, Bunge likivunjwa limevunjwa. Hakuna Rais, aende kwake nyumbani. Sio ikulu. Ikiwa iko minister ako na bendera, pia

minister asifunge ile bendera yake mbele ya gari aende nayo nyumbani, arudishe katika Parliament. sasa yeye ni raia kama mimi sio minister. Ofisi iwachiwe yule anaitwa, hapana Katiba secretary wa kudumu, Permanent secretary wa kudumu. Wakati Rais ako kwake nyumbani, usukani ni Attorney General. Si ya mtu mwingine kwa sababu ndiye mshauri wa serikali.

Na huko katika ulinzi, yule atapatiwa u-general huko, huyo ndiye ataangalkia habari ya nchi. Sasa hao wengine ni raia kama mimi. Kwa sababu mimi nasema hiyo, hiyo Katiba iende namna hii, itolewe, kwa sababu ile mahakama haina haki, mahakama lazima ipewe haki kutoka mahakama pekee yake. Kwa sababu mtu fulani akishikwa na ni mtu anajulikana huko juu, ukienda mahakamani unasikia mambo imetoka huko juu, inasema hii kesi tuwache. Sasa hii ni ya nini? Hiyo ni upendeleo. Ikiwa tunakwenda kuchukuliwa kama ni ma-permanent secretary au ni ma-D.C au ni ma nini, Serikali ikiwa inaajiri watu, isiajiri watu kwa ukabila.

Kwa sababu ukiangalia serikali yetu ya leo, ni kama Serikali ya ... sijui ni ya mtu mmoja. Mimi najua Rais Moi, tangu kwao huko (Inaudible). Wakati aliingia Parliament mimi niko kwao. Na wakati tulikuwa huko, ilikuwa propaganda ya kusema ati “Kimorio Wakikuyu waende kwao nyumbani.” Hii ilikuwa vita. Sasa ikiwa Rais anatamka neno fulani ya kugawanya watu, ati kukiwa na hivi na hivi, kutakuwa na ukabila na vita, yeye mwenyewe ndiye ameanzisha vita, na hakuna mtu anaweza kumshtaki kwa sababu yuko above the law.

Ya pili ya tatu, hapa tangu zamani, tuseme kwa kila kabila, tribe katika Kenya, kuna utamaduni wa hawa watu wa zamani. Kama ni kuoa, kama ni nini, wako ile kitu wanatumia kwao kienyeji. Sasa, nikufahamishe Commissioner, ile pombe ilipigwa ya kienyeji marufuku, ile busaa, ile muratina, imeletea Wananchi matatizo makubwa kabisa. Wanakwenda kunywa pombe ambayo inauwa watoto wetu. Na hiyo pombe Serikali haishiki. Lakini wakisikia uko na muratina au busaa ya nyumbani, mara moja umechukuliwa na kupelekwa kituo cha polisi.

Interjection. Com. Swazuri: ... (Inaudible).

Francis Chege: Sisi hatukupiga muratina marufuku, na hatukuwa na mkutano wowote, isipokuwa ule mkutano uliendwa na watu wale wanaitwa headmasters, ma-Chief, Sub-Chiefs na D.Os wakakutana kwa D.C wakasema watu wamekataa muratina.

Com. Swazuri: Sasa wewe unatakaje? Unataka tufanyeje sasa?

Francis Chege: Sasa nyinyi kupiga marufuku Muratina ya kenyeji ni kupeleka watu kwa matope. Ni kuua watoto wetu. Sasa ukienda saa ingine utakuta watu wanaanguka.

Com. Swazuri: Sasa turudishe au vipi?

Francis Chege: Irudishwe.

Com. Swazuri: Basi. Sema hivyo. Sema hivyo, usiende round, round tuambie tu unataka urudishiwe muratina basi. Sawa. Ingingine, na time yako imeenda sana.

Francis Chege: nini?

Com. Swazuri: Time yako imeenda sana.

Francis Chege: Imeenda? Haya, hiyo imetosha imekuwa sawa sawa. (Inaudible) na nini, na Attorney General ndiye atakuwa akichagua wakiwa na (Inaudible) ndio watakuwa wakichagua ma-judge. Lakini isiwe mtu ambaye hana Degree, anakwenda kuchagua mtu ambaye ako na Degree.

Com. Swazuri: Haya ahsante sana. Saa hii unakunywa muratina?

Francis: ...(Inaudible) sijakunywa muratina leo. Iko muratina hapo chini...

(Inaudible)

Com. Swazuri: Haya, David Chege, huyu alikuwa ni Francis Chege. Sasa sijui David atatuambia mambo ya Muratina wala, sijui, ni babako huyo? Au ni jina tu? Sijui...

David Chege: Thank you Commission. I am David Chege. The first thing I will talk on the children, you find that there is a lot of Child abuse, especially on this issue of the house girls. We should do away with the issue of the house girls, because it encourages a lot of child abuse, when a child is employed to take care of another child, you find that it is negligence of the parent to take care of the child. If there should be a caretaker in the house, he or she should be above 18 years. So the issue of the child being a house girl, should be done away with.

The other thing on the child, we should provide free health care to the children, to the students from class one to university. We should also give them a compulsory free education, that is from nursery to university.

There is the issue of the voting, voting registration. The registration should be a continuous exercise, and once you get an I.D. you should also be issued with a voting card. Then there is the issue of the Constituency representation. For a member of Parliament to qualify, he or she should garner over 50% of the votes that would have been cast in that particular area. Failure of which would mean we should go for the second round. That is for number one and number two.

The other thing is on religions, the current Constitution allows the freedom of worship, and it doesn't specify who should be worshipped. That is why you will find that people are worshipping Satan. So, the Constitution should specify the only true God. There is this other issue of the Executive power or the executive office. The President and the vice President should be elected direct by the people. And should be a graduate, each of them, and again the election should be held at different time with these others for civic in the Parliamentary.

On health, we should provide free health care for the disabled, those people who are above 80 years, and those people who are terminally ill, should be provided with free health care. Also, on the mothers, in case of caesarian, they should be given free operation.

The issue of taxation. We should tax any produce, which is locally produced, like Agricultural inputs, or put and Agricultural produce. Again, we should not tax anybody who is earning less than 20,000/=. The disabled should not be taxed.

The last is on the infrastructure. We should give priority to the most productive area in our country. For example the Agricultural areas. There is this issue of the Government giving information to the citizens. They only use the Kenya Gazette. They should other media like the TV and the local newspapers. Thank you.

Com. Swazuri: We also need Mr. John Wang'ara.

John Wang'ara: Nii njitagwo John Wang'ara Mukubu.

Translator: My names are John Wang'ara Mukubu.

Wang'ara: Nigukena ndirakena,

Translator: I am happy...

Wang'ara: Hindi iria ndi haha tukiaria.

Translator: for this opportunity to talk.

Wang'ara: Nangiaria kihinda ini giki, ngwenda kuuga ati onayo thirikari ino twinayo ni njega no ningi ni ati kwi Maundu maingi muno iturekereirie.

Translator: I want to say that this Government has neglected too many of its co- duties.

Wang'ara: Na niundu wa guturekereria kuria iturekereirie, iturekereirie na njira ya kuga kuma 1952, nii nindarikuo,

Translator: I have around since 1952,

Wang'ara: Na kuma nginya hindi iyo na nginya umuthi no ndiraigua andu makiuga ati mbeba ninjagu na ndatigire githomo nikuaga mbeba.

Translator: Since that time to this day, I hear the same cry, that there is shortage of money. I myself dropped out of school because of lack of money.

Wang'ara: Na riu umuthi, nindirahota kurihira ona ciana ndina ciana ithano I thukuru na ndirahota gucirihira ona Primary na ngahota kumarihira, uguo murimu uria wikuo ni wa andu aria mekuo marwarite murimu wa kuhuthira, kuhenagia andu aria angi makiuga gutiri mbeba na mbeba nimaiyuritie mabengi mothe.

Translator: I have five children for whom I am paying school fees, but I have a feeling that those people who come and say there is no money, is untrue, they are not telling the true story. They have money perhaps in the bank account or things like that.

Wang'ara: Uguo kuma hindi iyo 1952, kuma hindi iyo na nginya umuthi, gutiari mundu wari na ika ciake magana meri mundu muiru.

Translator: From that time, in 1952, there was nobody that time who had two hundred acres of land.

Wang'ara: Na kuuma hindi iria mbara yaruirwo, yaruo andu acio maruaga nimariganiire na nio matuirwo cionje na nimaruire, uguo kiheo kiaheirwo riria andu acio marua, kiaheirwo andu aria mataruire na nio riu ningi mathukitie thirikari ino.

Translator: Now, I want to say that the freedom fighters who went through the struggle during the emergency after 1952, were neglected, they have been abandoned. The reward was granted to the people who did not fight for this independence and it is this group that has wrecked this country.

Wang'ara: Tondu hindi iyo andu acio mathukitie ni aria riu mari thukuru hindi iyo, matiamenyaga uria kurathii na riu kinya hindi ino noma nio marahenia andu uria kuikara na uria kungithuka. Nigetha mbara yoka ningi o raia iyo yaruaga ciana ciao ningi igathii o mbara kurua na nomaragikua.

Translator: so, what has happened is that group which is in power now, was in school that time. So they do not know the struggles we went through. Now, they are saying that the country has gone to the dogs, so there can be another war, so that our children can go to war, and be killed, and their children will be the beneficiaries like they were in that first war.

Wang'ara: Uguo Katiba ikihitukio, ningwenda andu acio mathiganwo tondu ndathii Thika kwi handu ndirona handikitwo Kimathi road. Ngathianga handu hekuandikwo ta haha ha wendi, hakandikwo mutumia uyu ugwitwo, he mutumia wandikitwo hau na ka area karia ke hau gakandikwo ritwa riake. Christina. Ngona nihandikitwo Christina no andu acio maruiire mbara hatiri handu ona ungitura uthiaga ukona mandikitwo na nikuri andu mekuo matari maheo wiyathi kinya hindi iyo na nginya umuthi. Na ithui tuaheo wiyathi ri, andu acio matiririkanagwo, niundu ucio nimekirwo Katiba ini ni thirikari iria iri riu.

Translator: I want the freedom fighters to be entrenched in the Constitution, their contribution be entrenched in the Constitution. Because, if I go to Thika I find people who did not fight for independence are honored by having roads named after them. Or gardens. But, I have been around, I have been around the country I have not seen one place where freedom fighters have been honored.

Wang'ara: Niundu ucio ningi ngacoka kabara he handu hangi mwana niarathoma na arikiya guthoma, ndekuheo certificate. Riu certificate iria ikuo igatura thiini wa thukuru na mwana ucio nake agakorwo ona angitiirwo wira ndangiona na thirikari nikiri na hinya wa kuuga mundu ucio, makarora mundu ucio I mume thutha. Nginya muthenya uria akandikwo wira, athitangwo nake arihe mbea icio.

Translator: Another problem is, children are graduating from schools, but they never receive their certificates. The reason is, these children go out of school, they even can get jobs, can get opportunities, but they cant get them because they have no certificates. Yet, the reason being that half their school fees was not cleared. Yet the government has power to follow up the people who do not clear school fees in their lives, so that they ensure that after getting a job, and after a failure to pay, they pay those loans instead of detaining the schools, - the certificates.

Wang'ara: Uguo thirikari niyagiriirwo ni gukiona uhoro ucio. Yarikia kubarira wega na nigetha tondu bururi wakinya hay waa kurorwa wega na haria yarega kuandikwo wega thiini wa uhoro ucio ubarirwo wega, ninguona ati ni gukugia na athini aingi muno guku bururi ini uyu na riu magia aingi tondu ni kuri ona andu me bururi uyu, matiri na bointi. Haria agathikwo na gutiri na uria aikarite na riu andu acio namwe ni aria maruire mbara nikio ukuona gwi ciana iria irorura na guku Thika itari andu tondu andu makiuma kuria mbaraini makorire andu menyitiire migunda, mahetwo Maundu maria mangi na me wiraini na riu nio maratuika ati andu acio me guku bururiini. Ciana cia andu mari kuria, riu nicio irahura andu na mai guku Thika. Ndungiona hakuhitukira thika nikuhuruo ni ciana ici ciitagwo cia kiria. Riu niundu ucio ngwira thirikari iteithie hau.

Translator: I want the Government to do something about this, because there are too many poor people and they are continuing to increase. Part of the problem has to do with the failure to look after the freedom fighters. When they came from detention and other places, they found all the land had been taken, all opportunities had been taken, and they have remained poor from that day to this one. The result is the street children, street families we see, who are now a threat to security in towns and urban areas. So, if nothing is done, this country will be overwhelmed by the number of poor people around.

Wang'ara: Niundu ucio ningucokeria thirikari ino ngatho ituike o mundu o mundu aheane maoni make. Nii maoni makwa mekuona uguo tondu ciana iria ikuo na andu aria mekuo, thutha ini hanini ona wathii na wa njira nikuona o hindi ukurorwa ni andu, na ni ukinyitwo handu andu makihituka, ugitunyagwo mbeca na matingiaria. Matingiguteithia. Na thirikari yo ndingiguteithia borithi iyo. Niundu ucio ri, thirikari niiteithiririe raia tondu matiri na muteithia uria uramateithia. Marakua ota ngui.

Translator: Wananchi are dying out there like dogs. They need help urgently. The result is, if this goes on like this, there will be too many poor people, already you are robbed in broad day light in the streets, and nobody will care to come to your aid, not even policemen who are employed for that job, will come to your aid when they rob you in broad day light in the street. That is the only way this country can be saved, if the Government can assist the poor.

Wang'ara: Ngugaga kuga atiriri, hindi ya mubeberu gutiari Maundu maria mekuo ma utunyani uria wikuo. Hindi ya Kenyatta gutiari utunyani uria wikuo niundu ucio thirikari nigituthondekere Maundu mega kuage ikuo na kuage wuici tondu ona muici wathii kuga ati niwe wuiyire, urakorwo kuu. Ugicoka kuigua wi mume thutha. Na wewe ni we woiga ati niwe ukuiyite. Riu wagitigwo o wiki nduri na mundu ungiguteithia. Na nindanina.

Translator: I want to say that during Kenyatta's time and before the colonial Government, there was not as much crime as there is today. Today you go to police station and you report that I suspect so and so is a thief, and he is arrested. But before you get home you he is already released and is with you in the house. So, something has to be done about the state of affairs, the country is in today. Thank you Commissioners.

Com. Swazuri: ... (Inaudible)

Joshua: Thank you Commissioners, for giving me this opportunity to contribute to the review. Mine is very brief, I have five points to make. One: when a candidate wins election as a President, he should lose his position as a representative of his home Constituency.

Two: for the period the President is in Office, he should not be Chairman or leader of a political party.

Three: Nowhere in the world, people do not retire from service at a certain time. As such, an MP should retire after serving

three terms of five years each. But, be eligible to contest election again after five years, for a further period of three terms.

Fourth point: all MPs should be provided with an office, by the Government, in their areas at the administration offices. And the same case should be applied to the local councilors. I end there Commissioner, Thank you very much.

Com. Swazuri: Mzee Joshua, can you please hand in your memorandum there, I think we will take a break and we assemble back here at two, for those who have already registered, so that we can continue until in the evening. Thank you very much. Tuko na James Kuria, yuko? Kama hayuko tutaangalia Njau Muturi, kama hayuko tutaangalia Harrison Mburu, aa kama hayuko tutaangalia Patrick Kimani, Francis Njoroge, Rosemary Nduta, Elias. Is Rosemary Nduta. Five minutes please.

Nduta: Nimeshukuru commissioners kwa kufika hapa leo, ijapokuwa sikuwa nafikiria nitachukua upesi namna hiyo. Mimi nimetoka Kakuzi, ninataka tu kuongezea yale mambo ya kakuzi yalikuwa yameeandaliwa hapo mbeleni. Tuseme kuna mambo mengine yaliachwa nje lakini nataka kuongeza kwa yale mambo yalipatiwa hapo mbeleni.

Kwanza mambo ya kwetu chini kakuzi nataka kusema mambo sana ya Kakuzi kwa sababu huko ndio taabu nyingi zinajaa. Sisi hatuna stima huko. Kuna mambo mengine yalitajwa sitaki kurudia. Hatuna stima ambaye stima inatufanya tuwe na kazi nyingi kwa vijana wetu, sababu vijana wetu wengi wanasoma mpaka std. 8 kwa vile mlielezwa sisi hatuna ma-secondary nyingi, na pia kuna taabu ya wazazi kufundisha watoto Katika secondary.

Sasa tukiwa na stima, tungetaka Serikali itufikirie sana kwa upande wa stima sababu ita-create jobs to our youth na hata pia kwa sisi hata akina mama wazee, tunaweza tukiona na machine kwa stima hivi. Na pia kwa upande wa akina mama, tuna shida sisi akina mama kwa sababu tukiwa na mashida mengi hata ikiwa ni shida inahusu polisi wetu. Sisi hatufikiriwi. Kwanza kama sasa kwa mfano, tulikuwa na kesi moja akina mama wetu wanapotea sana, hatujui wanapotelea wapi na mabwana ndio wanajua pahali hawa mabibi wanapotelea. Hata tukiripoti haya maneno kwa polisi, sisi hatuchukuliwi kama ni kitu.

Com. Swazuri: Wanapotea namna gani.

Nduta: they disappear, kabisa lakini hata fununu ikipatikana tukipeleka haya mambo polisi haifuatiliwi sawa sawa. Kwa mfano kuna mama mmoja alipotea juzi juzi na ni bwana yake alikuwa amemwita Thika, hayo maneno tulipeleka polisi Thika na hayo maneno hayakuchunguzwa. Hata sasa mama haijapatikana, watoto wake bado wanalia. Sasa tungependelea sisi polisi wafanye kazi sawasawa bila mapendeleo, bila kuangalia, 'kuhuthio' sisi akina mama. Tuna- 'huthio' sana.

Nikifuatilia huko mambo ya title deed, nayo ni shida Kakuzi. Wale wako na tushamba twao kidogo kidogo, shida ya title deed ni shida nayo. Na pia shida ya barabara ilielezwa hapo mbeleni.

Shida ingine ni ya vijana wetu, vijana wetu hawapati pahali popote, hata wakisoma wale wamesoma, hata wakati watoto wanachukuliwa kwa colleges, nao wale wanahusika kwa maofisi, wanachukua watoto wa pahali wametoka, wale wetu wanaachiliwa bado huko. Nataka kufikisha tu hapo sababu nilikuwa tu nataka kuongezea yale yalikuwa yamesemwa na yule aliripoti mbele mambo ya Kakuzi. Asante.

Com. Swazuri: na nyinyi mko na ma-councillor huko?

Nduta: tuko na ma-councillor.

Com. Swazuri: wangapi?

Nduta: tuko na ma-councillor watatu.

Com. Swazuri: wako hapa?

Nduta: hawako hapa.

Com. Swazuri: Wamechukua hatua gani kuwasaidia?

Nduta: hawajachukua hatua yoyote kutusaidia. Sisi tuna taabu sababu hata MP mwenyewe kwa vile huyu alisema mbeleni, yule alisema hapo mbeleni, tangu tuchaguane MP mwenyewe hajafika hapa, na ndio tunahitaji kuwa na mbunge wetu ambaye atakuwa anazungumzia mambo ya Kakuzi. Tunaweza kutoa mtu huku hata tumchague hata sisi. Sio eti tutawaliwe tu, hata sisi tunaweza tukatawala.

Com. Swazuri: Haya, asante sana mama. Sasa tutasikiliza Elias, nenda upande ule uandike jina lako. Elias Mwaura Mburu, Jackson Mwai, Moses Ng'ang'a, John Mwangi, John Kabiria, haya, tutarudia tena wale ambao hawakuweco James Kuria, Njau Muturi, Harrison Mburu, Francis Njoroge, Patrick Kimani, Elias Mwaura Mburu, Jackson Mwai, Moses Njenga, John Mwangi, John Kabiria, kuna mtu anaitwa Ndutei, nyote mmeshazungumza au majina yenu yako wapi?

Response: sisi hatujazungumza.

Com. Swazuri: Mmeandika majina?

Response: Bado hatujaandika,

Com. Swazuri: Hebu, watupatie hiyo list. Nani ameandikisha jina lake hapa ambaye yuko? Mzee ingia hapa. hatuwezi kuongoja wakati na watu wako. Haya, tuambie jina lako.

Mr. Murathe: Jina langu kamili ni John Ndung'u Murathe. Nashukuru sana kwa kuona ya kwamba Serikali imetuletea commission kuchukua maoni yetu. Kitu ambacho ningesema, mimi nitasema kwa niaba ya wapiganiaji wa uhuru katika kenya, hapa Gatanga, mimi kama mwenyekiti wa wapiganiaji wa uhuru Gatanga, nimeshatembea kila pahali na nimekutana na wengine wetu zaidi na ningeomba, commission hii, sisi wapiganiaji wa uhuru, tangu tupigania uhuru mpaka wa leo, hakuna mwingine hata mmoja katika parliament.

Diwani pia, kuingia ni vigumu sana kwa vile hatuna pesa, ningeomba tutengewe kiti maalum. Pia, kama kazi ya parastatals na kazi ya Serikali tuwe tukipewa, ndivyo sisi wenyewe, tuwe ni matunda ya kazi tuliyofanya kwa sababu watoto wetu ambao tumezaa, wanatuaibisha sana kwa sababu wanasema mlipigania uhuru, baada ya miaka hii yote, mna nini? Kwa hivyo ningeomba Serikali yangu, jambo hilo litufikirie zaidi kwa sababu hata ukiona katika kenya mpya ni vigumu kuona mpiganiaji wa uhuru akiwa na motokaa. Yangu ni hiyo tu, tufikiriwe, asante.

Com. Swazuri: Lakini nauliza, kwa nini msipigania kwamba Serikali iwapatie priority watoto wenu wasomeshwe vizuri, ili wawe na elimu kuliko nyinyi wapate zile kazi nzuri, kuliko nyinyi saa hizi nyote mko wazee kupita miaka sabini, saa hizi nyote ambao mlipigania uhuru. Kama kuna mmoja ni kijana basi yuko na miaka sitini, sitini na tano. Sasa, kama mko miaka sabini, na sisi hatuwezi kuwaweka kwamba kwa hizo kazi kama hizo Serikali. Umeshapita retirement age. Mngepigania haki za watoto wenu wafanyiwe bora kuliko nyinyi.

Mr. Murathe: asante sana. hiyo ndio tunataka zaidi na zaidi kwa sababu hawa watoto wetu wanauliza sisi, mlifanya lakini hakuna dalili yoyote. Kwa vile hawa watoto wetu pia ni vigumu sana kupata kazi, tungeuliza Serikali ifikiriwe hawa watoto wetu zaidi. Kama kazi ya ma-subchief, ma-chief na hiyo ingine yote, wapewe ili waone ya kwamba hatukufanya kazi ya bure.

Com. Swazuri: Haya, asante sana mzee,

Mr. Murathe: Ndivyo waone ya kwamba hatukufanya kazi ya bure. Hayo tu ndiyo mimi nalilia zaidi Serikali iliyomwaga damu juu yake. Asante.

Com. Swazuri: Haya, asante sana. Tunakushukuru sana kwa kutuletea uhuru lakini tunataka kukusaidia wewe kupitia kwa mtoto wako.

Mr. Murathe: Nikupe jina ya mtoto?

Com. Swazuri: Hapana sio leo. Okey, andika jina lako pale. Jane Wanjiru.

Wanjiru: Nii njitagwo Jane Wanjiru,

Translator: My names are Jane Wanjiru,

Wanjiru: na kiria ngwenda kwariria ni ithui atumia tondu twateo ni athuuri ringi wahikire kuo utari mwana, ugateo ni mthuuri ringi wina ciana ithano.

Translator: I want to talk about the problems facing women who have been separated from their husbands, she got married as a young girl without any child, and then she is separated with the husband when she has five children.

Wanjiru: ringi wiina ciana ithano, ciana icio wathii nacio kwanyu niuguthii uingawo,

Translator: you go with those children back to your parents and they tell you they don't want you there.

Wanjiru: na ciana icio uguthii nacio mburoti,

Translator: so, you go and live in the shopping centers,

Wanjiru: na ciana icio itithomaga,

Translator: these children don't go to school.

Wanjiru: tondu ndungihota kumahe irio, na urihe nyumba na umathomithie.

Translator: Because you can't feed them, pay the house rent and send them to school as well.

Wanjiru: riu ningwenda waatho wikirwo, arume mundu ate mwana, ciana icio onake agakinyirwo ni thirikari, ciana icio agatigira niciathoma.

Translator: I want the commission to think of bringing in a law to ensure that the men who get these children are forced to look after them.

Wanjiru: wa keeri ni nduka ici turagura guku,

Translator: secondly, is about the shopping centers where we live in,

Wanjiru: nituraathii ndukaini ukeerwo wagura mutu kiro imwe na hindi iyo mutu ucio ti mukinyu.

Translator: the new experience we are getting through is that you go and buy a kilo of unga but it is not a kilo yet.

Wanjiru: na ithui andu aria matoonaga mbia guku gicagiini ringi uuma na ciringi kifao kia mutu, na ringi ukugura mutu ucio $\frac{3}{4}$ kwoguo nitukwenda thirikari ona guuku ndukaini ikinyire ona nginya matukaini tondu ona kuo no turahinyirio.

Translator: we want the government to investigate this cheating so that they pack unga in one kilogram packet but it is not a kilogram it is something like $\frac{3}{4}$ of a kilogram and this we are poor people we have only a little money like a pound, 20 shillings and we expect to get the full value of 20 shillings which we don't. We want the government to investigate this.

Wanjiru: undu wa gatatu ni thibitari, thibitari ni turarihio mbeba imwe nyingi muno na ringi turoona thibitari io ni ya bure.

Translator: the third item is hospitals. They are charging far too much money, public hospitals are charging far too much money yet the government says these are free medical services and the money we don't have.

Wanjiru: wa kana ni thukuru, ciana niikwenda aria matari na hinya, ciana icio iteithio tondu nikio ona uchokora uingirite muno thiini wa mburoti.

Translator: the fourth item is school fees. We want the government to step in to ensure that all children go to school. We have

too many chokoras street children because too many children are not going to school particularly of the poor.

Wanjiru: wa kana ni ati, kuri itonga nyingi ciina migunda minene nginya ukaigwa mundu eena acre ngiri imwe na bado ithui tutiri na migunda, ona thirikari acio meena indo nyingi no magaire aria matari.

Translator: We would like the government to sub-divide, to force the rich who own up to one thousand acres of land to give some of that land to the absolute landless because we are there and we don't have any land and some people have so much land.

Wanjiru: ndiri na maangi no macio.

Translator: thank you very much commissioners.

Com. Raiji: nilisikia ukisema ya kwamba mwanamume akipata mtoto na yeyote awe ameolewa au hajaolewa ni lazima amlee huyo mtoto mpaka atafika miaka kumi na nane, ilikuwa ikiitwa affiliation Act. Unataka hiyo irudishwe?

Wanjiru: hiyo nataka irudishwe kwa maana tunazaliwa watoto na mtu anaachwa, wewe unaenda na watoto wako utawapeleka wapi?

Com. Swazuri: Lucy W. Kamau.

Mrs. Kamau: I will say that / and the other location I am very happy to hear our views as we Gatanga Division. My points are three and one I proposed that many women are suffering during birth because our maternity in this area, it is proposed that is should be extended from cost sharing to be well facilitated including minor areas like Kiruara and Gatutha.

The second, if a makes a girl pregnant he should marry that girl and because if the girl was in the school, that should be provided for services during pregnancy and after delivery to the child the facility should be that man should provide with anything, mother and child to continue with school, therefore he should. ...Sorry, the mother of the child to continue with school, therefore there should be no gender harassment. That means we mother and father we harass each other because of that child to be pregnant during her school life.

Third, abusive language during the election campaigns if a candidate do that, he or she should be disqualified because many candidates during the elections were having bad habits of abusing each other.

Com. Swazuri: Thank you very much mama Lucy. Can you register your name there and now we have Mary Mwangi. Yuko wapi? Ooh, tutasikiliza Mwaura Peter, Catherine Mbuki, hayuko, Maina Francis, hata huyo hayuko. Kimani Ngari.

Mr. Kimani Ngari: Honourable commissioners, ladies and gentlemen, what I would like to say in this sitting is that as the constitution puts the pledge now, the AG himself is the custodian of public interest but as you would look at it, actually the way

he carries out his responsibilities it appears that he migrates his responsibilities to the care of fate creating a situation in some instances he seems to betray his very close he is expected to protect.

For instance, we have read situations where people are charged in courts of law with having stolen public property of having that case but when these cases go to court, when they have gone to advanced level, he intervenes and have these cases start.

Com. Swazuri: So what do we do, what law should we put in there to correct that?

Mr. Kimani: We should put a law where the AG once a case has been presented to the court, he has no authority over that case at all, he leaves it to the court to decide. In any case he would have to seek for the termination, he would have to present a formal application like anybody else so that the court may decide whether that one is admissible or not.

The other point is where the AG is the advisor of the government. you know we have three arms of the government as of now. And I would think unless it is a misunderstanding or a misconception, that he stands between the three arms to ensure that they don't come to the collision cause but at times you find that he is reluctant and in most cases would be seen to protect one arm of the government. For instance, there happens to be a case where elections of the president in execution of his duties happened to assist somebody I know and he helped that person out of a land problem, it was public later that matter was taken to court.

That case now, up to this day after ten years have not been decided. When you see the AG s comments, he says that he has no powers of the court. When you ask the chief justice to arbitrate in that matter, he just ignores or he just leaves the matter. To me, nobody has the power to arbitrate in such a case. So you see the owner of that land now, has a problem between him and the person who owns it in the first place. So that would create a situation where those people would kill each other. In this case I want to say, it is the irresponsibility of the AG on his part.

Com. Swazuri: Okey, next.

Mr. Kimani: Secondly, I would like to tackle the issue of education. We are talking about children going to school, where we have a lot of unemployment and a lot of poverty. It would be actually good if the government in the new constitution would put in place a situation where education would be free for children particularly in primary schools.

The other issue is on the economy. Where people are known to be very poor, we cannot afford to live our people under the care of fate. It would be reasonable if the new constitution will put in place a situation where people are taken care of at least for the basic needs. So we put in place an economic limit below which nobody is allowed to fall.

There is also the issue of elections. We have heard situations where people will vye for elective posts are not vetted. They just

come from anywhere and we elect them, creating a situation where we have heard people who are only blessed with a gift of talking cleverly to induce people to vote them into position. We want a situation where people are vetted.

Com. Swazuri: Who should vet them and on what criteria?

Mr. Kimani: They should be vetted by the electoral commission.

Com. Swazuri: What criteria are we talking about?

Mr. Kimani: We are talking of people who have been, for example we have people who live jobs, one leaves a government job after stealing or embezzling funds and then he comes to be elected. That one is always a bad luck, because he will not do anything for the public.

Com. Swazuri: Which other criteria, that is moral code of conduct records.

Mr. Kimani: The other criteria is actually education, should matter.

Com. Swazuri: Up to what level?

Mr. Kimani: Up to O level.

Com. Swazuri: For councillor, MP, President.

Mr. Kimani: Well, all of them. When you come to the area of leadership, we want a constitution put in place a situation where we have a president who is above party politics. We want a government where we have a prime Minister and he must be a man of high caliber, informed and well educated.

Com. Swazuri: Not a woman?

Mr. Kimani: Whether a man or a woman, it doesn't matter.

Com. Swazuri: You said it should be high caliber.

Mr. Kimani: Yeah, and of high education, preferably university level.

Com. Swazuri: Finish up, your time is almost up. You have one minute more.

Mr. Kimani: We want the government or the new constitution to put in place where land is not only a preserve of the rich. Land should be a right not a privilege. That is all.

Com. Swazuri: Thank you very much, now we want Mr. Kimani Ngari, thank you very much. We are about to have... is Mary Mwangi here now? Please welcome. Five minutes please.

Mrs. Mwangi: I am Mary Mwangi, I will read recommendations to the commission on behalf of the other Gatanga Parish.

Com. Swazuri: Please read us the recommendations, we will take that and go and read it thoroughly.

Mrs. Mwangi: The post of the president and the vice president of the republic of Kenya should not discriminate on religion or culture. The appointment of the chief or sub-chief should be elective by the public, so that they can attend public needs seriously. The appointment of the government ministers should be elected in the parliament through speaker of the national assembly.

We also strongly recommend the idea of having prime minister in our country.

Drug dealers who target to ruin youth in our country if found guilty, should be sentenced to life imprisonment or be rehabilitated.

Pensionable civil and public servants should receive increment from time to time to adjust the value of the token. The ministry of social services should be empowered to cater wholesome for the street children, the constitution should never leave loophole for the devil worship in Kenya. Thank you.

Com. Swazuri: Thank you very much. The other person we want to hear if she is there is Mary Mungai. John Kamande, we didn't have Mwaura Peter, Maina Francis,

Mr. Maina: Good afternoon all of you, my name is Francis Kimani Maina and I am a teacher in this school for the last six years. now, as a teacher, the success of any nation depends on the education of its pupils.

For the last six years I have been here, I have really been shocked

Com. Swazuri: Switch off the mobile phone please, whoever has a mobile phone, switch off.

Mr. Maina: I have been really shocked with the kind of education that we offer in our secondary schools because it is a very broad curriculum but it used to almost producing a half bit as the graduates. Now, we had about 12 subjects to offer, combination of arts, sciences, humanities, technical and all that and pumping all of them into one student, then at the end of the form four, he may get a B or a B- or even a C or a D+ or whichever grade he gets but very few of them manage to go to the institutions of higher learning. The rest of them I normally find them wandering around even coming to tell me mwalimu, please if there is a place where you know that we can go and work please show us. so I would really like the constitution to talk about rejuvenation of the vocational training institutes, whereby those who are not very fortunate can go and learn Jua Kali skills, technical skills and all that.

Com. Swazuri: What of the system of education itself, you have said that it is overburdening the curriculum is broad, what do we do?

Mr. Maina: It is very broad, I don't want to talk about all the details but I believe that we have educational experts and they are the ones we should sit down and come up with, the right curriculum not the politicians. They have the teachers, the employers should come up with a kind of syllabus that should be taught in secondary schools.

Then still on the issue of teachers, in 1997 we were promised that we are going to get something but so far we got so little and so far we have really persevered and most of us are thinking of quitting this profession, and some of us are even thinking of getting out of this country, go and teach students away which is not our wish. You were trained and brought up in this country, we should give them the best, and also they should give us the best.

Then the second thing that I would like to talk about is taxing. We Kenyans are heavily taxed, starting with the business community. For example if somebody owns just a small lorry, or a vehicle or a matatu, he has to pay for the TLB, road licence, insurance, inspection unit, then he must pay for the P.S.V and all those taxes and some of them for example the insurance for matatu is 65,000 and to leave that money in a rural sector is not so easy. So please look into the issue of taxation. When it comes to the business community we are having here, most of them are parents in this school and other schools and that they really have a lot of problems.

When it comes to starting a small kiosk, you have to pay taxes up to six thousand and then the local community has mechanisms of even / his property if he has not paid these taxes. So, going even to the city council, one day I went there and I witnessed a woman being stripped naked for the only crime she has committed was illegal hawking. As a parent, as a teacher and also the, I find this to be very de-humanising. So the local council, the city council and the local authority should not actually harass citizens when they are doing illegal business. They should give them a grace period and if they don't pay the taxes, take them to the court but not brutalize or beat them.

Finally, I would like to talk about affiliation Act. I am very much proposed to affiliation Act given the refined condition, the wide economic situation whereby this man can be accused to have fathered five or six children with different women. Now, will I be forced to pay all of them or to educate all these children.

Com. Swazuri: But there is DNA test, we can verify that.

Mr. Maina: Probably it is true but I am talking very frankly, some women are really prostitutes and I am very sorry to say that and probably we have so many men today and that is our profession. Now will I be victimized, will any man be victimized for something probably he committed without any conscience.

Finally, just one point on retrenchment. So many of our friends have been retrenched in various government offices. They are very painful experiences, some of them are turning to illicit drinks, illegal business and some of them are even having psychological problems, even marriage breakdowns, simply because they have lost hope, they have really sacrificed and given themselves to the government which has really frustrated them to the bitter end. So please if we have to do the retrenchment, let it be organized and let those who have been retrenched get their rightful demands.

Today, we may have a very great constitution but the biggest question to ask ourselves who will implement this constitution. Thank you.

Com. Raiji: Mwalimu, I think you were here in the morning and issues were raised about children who are left behind when the wives are chased away by the husbands and they are forced to go to their mothers, to their parents. Now, would you be opposed to the father of those children being forced to maintain them?

Mr. Maina: Now, I believe in the village especially to our customs, there are wazees, there are even the sub-chiefs, and infact they are the people who have more experience. They know the brute problems of those families and they are the ones who should to give their recommendation.

Com. Raiji: I am sorry, I am asking you a question. We have children who have come to this world without their own choice. Would you be opposed to the father of that child assuming that he can be recognized like where you have chased away your wife for example? Would you object to that father being forced to maintain his own children?

Mr. Maina: I am not opposed and at the same time, I am opposed. So the reason behind it,

Com. Swazuri: It has to be one side. You cannot be opposed and then not opposed.

Com. Raiji: The issue that has been raised is not only by the women including by the old men because yourself if your daughter is chased away by her husband if you have one, eventually would you not want the father of those children to maintain them if he is alive and is able? Is there anything wrong with us recommending that that person, forget about prostitutes for now, but those children whose fathers have chased away their wives and the children have gone back to their parents who are aged. Would you propose or oppose that the father of those children be forced to maintain them.

Mr. Maina: I accept, you have won. We should force those fathers to take care of those children but the rule should not be so strict, otherwise it explodes to a thousand and one arguments.

Com. Swazuri: Thank you very much mwalimu, can you have ... another thing I want to tell you I don't want you to abandon your profession. I am also a teacher myself,

Mr. Maina: But you have better conditions.

Com. Swazuri: No, no the conditions are the same for all teachers. All teachers in the world are not paid well because their reward is in the hands of God. It is a noble profession. If we can have Catherine Mbuki, then we go back to our list and if we have Elias Mwaura Nguru.

Mr. Mwaura: Nii ngwenda kwaria na kikuyu,

Translator: I will speak in kikuyu.

Mwaura: nii wakwa wa mbere no nyende presidential powers inyihanyihio, hindi president angikorwo niahitia, no athitangwo igotini.

Translator: I want the presidential powers reduced so that if the president abuses his office he should be impeachable, we should be able to take him to court.

Mwaura: wa keeri, ndi muhuri wa biashara ngwaria uhoro wa county council. County council, niyo sirika ya mbere guuka itari licence.

Secondly, I am a businessman and I want to talk about the county council. County council is an organization that has no interim licences.

Mwaura: Ta riu akorwo ni nii ndirenda kugia na licence na ndirenda kugia ta mweri wa ikumi na umwe. Matingihe licence niini nigetha iingire mwaka uyu ungi.

Translator: what he means is that they should have an interim licence so that you can be trading with it awaiting to purchase a new licence for the new year.

Mwaura: wa gatatu, ngwenda kwaria uhoro wa Kambuni ino ya post and telecommunication. Kambuni ino ri, niithiaga,

akorwo ni gitingi ikahanda kwa mundu mugunda iteetikiritio na niundu ucio ni ingiuria angorwo ni mundu aheo wiathi wa gukorwo agiatha indo ciake, ateekeuingirwo tondu riu ona mangihanda na mateekuhuthira handu hau,

Translator: I want to talk about Telkom, Telkom places its post well for cables for telephone wires in people's shambas and it is like they own that spot. It is like they become the owners of that without the consent of the owner of the land. If you tell them to come and remove it because you want to put the place to some other uses they say no, they have no dealings with you.

Com. Swazuri: But there is a law before they come to put an electricity post they ask.

Mwaura: matiuragia,

Translator: he is saying they don't ask.

Mwaura: mahandaga o uguo, andu aria mooragia ni a power, acio nimahoyaga njira, no andu a thimu matiuragia.

Translator: the Kenya Power, they use the law, the don't just invade but the Telkom just invades your land and plant there their equipment.

Mwaura: wa gatatu ngwenda kuaria uhoro wa kenya power and lighting, Kambuni ino nayo niyo Kambuni ya mbere thiini wa kenya.

Translator: I want to talk about the kenya power and lighting company.

Mwaura: ni hari mbeba turihaga ngorwo ni one fifty, indo icio ni ithui tukirihaga aruti a wiira, na magoti mangi me thiini wao matagiriire. Ni mundu ucio hau niuroona angorwo ni kampuni io ya kenya power and lighting ihererie andu muico wa gutuika nio mariaga micaara muico wa mweri.

Translator: he is saying that Kenya power and lighting company has a way of taxing the users of power in a manner which ensures that this money is used to pay the company taxes. the consumer is paid the salaries of the workers of this company. He wants it to be a real trading company so that he wants, I think what he is saying is that he wants the tariffs reduced.

Mwaura: wa gatano no theende kwaria uhoro wa mititu iitu niundu wa kumenyerera uhoro wa maai na uhoro wa mbura, kulingana ona inyui muui uria ithuukitio, no ninyenda angikorwo ni watho wa mititu, ikirwo hinya. Ona angorwo ni mundu arikiya kunyitwo na aciirithio, ni ingiuria ona kaba mundu ucio akowo bila fine niundu wa guthukia mititu. Niundu wa umenyereri wa ugitiri wa bururi wiitu, natural resources.

Translator: I want to talk about the country and it's natural resources, particularly forests. The forests have been destroyed and you know how important they are in terms of rain and water provision for the country. The law relating to environment should be strengthened so that those who destroy forests cuts forests are punished possibly without fines, probably they are just punished and sent to prison.

Mwaura: wa gatandatu no nyende kuringana na murigo uria wi kuo ukonie aciari, no nyende tuheo free education.

Translator: I am pleading for education for our children.

Mwaura: ya mugwanja no nyende kuheo health.

Translator: Free medical service for the citizens of this country,

Mwaura: wa kanana no njuurie angorwo ni waatho wikirwo hinya niundu wa undu uria utiite na mbere wa mahaki, magerie

kunina.

Translator: we should look for ways of reducing corruption.

Mwaura: wa kenda no nyende, angorwo ni civil servants handu ha ku-pointwo ni muthamaki, maakirwo commission ikama-appoint.

Translator: I would like civil servants to be employed through a commission, instead of them being appointees of the president.

Mwaura: no njurie angorwo ni kipindi kia parliament MPs ki-reducwo from five years to four years.

Translator: Na and then I would like the parliamentary term to be reduced from five years to four years.

Mwaura: lastly, no nyeende angorwo ni chief na assistant chiefs mahuragwo transfers ta ma-officers maria mangi.

Translator: chiefs and assistant chiefs to be transferable. Thank you.

Com. Swazuri: James Kuria.

Mr. Kuria: I am James Kuria and in my view I find it better for this land, in my view on private sectors of this land owned by councils and public land. Water for domestic animals to be demarcated and be transferred to a more suitable location where members of the public may build either nursery schools or social halls. The reason is that this land are nowadays cultivated by individuals in / this land together with the chiefs.

About the future president, he should have no power to dissolve parliament whatsoever and to dissolve this meeting to be debated in the house.

The president's term should be fixed. I mean which is equal to ten years. Provincial administration need to be elected directly from wananchi. The president should not be above the law. When he errors the nation, he needs to be taken to court and be charged if found guilty and this is about the farmers.

Should be respected, citizens should be pensionable from the age of sixty years. Farmers to the nation- farmers are the mothers of the nation and they should be compensated as the other industrial workers.

Finally it is about education and medical care. It should be free. Thank you.

Com. Swazuri: Thank you very much. Now, we have got Njau Muturi.

Mr. Njau: Niwega niundu wa kuhe kamweke gaaka,

Com. Swazuri: ngoja kidogo.

Translator: thank you very much for giving me the opportunity to talk to you.

Njau: nii ni nguona kwagiriire machibu na ma-headmen mathuuragwo ni muingi wa matuura maria maathaga.

Translator: I think chiefs and headmen should be elected by the people over whom they govern.

Njau: na mathuuragwo thutha wa miaka itano o uria tuthuuraga ma-MP.

Translator: and these two categories and the assistant chiefs should be elected after a five year term just like we have with the members of parliament.

Njau: akorwo ni ooi wira wake, agakindirwo ni matuura macio aathaga.

Translator: if he is good at his work he will certainly be re-elected by his own people over the home he rules.

Njau: akorwo atooi wiira wake, akabutwo no matuura macio aathaga.

Translator: and if he is bad at his work he will be sacked by his own people in the sub-location or even the location.

Njau: uguo ni kuuga maandikagwo ni kura kana makabutwo ni kura.

Translator: that means they will be employed by the votes and be fired by the votes.

Njau: ni ndariikia.

Translator: thank you very much commissioners.

Com. Swazuri: Okey, Harrison Mburu. Nataka watu wawe focused kama wewe mzee.

Mr. Mburu: Maoni yangu ya kwanza ni kuhusu askari. Askari wa barabara ndio wanaweka jam ile haijawahi kuonekana kwa maana hawa watu ukiwaandika kazi ya kuangalia ile magari ambayo iko na , ile gari ambayo haina road licence, lakini ile kazi wamechukuliwa juu ya kuchukua pesa na sisi ndio tumewaandika. Kwa hivyo hao watu hawatakiwi kuwa barabarani. Wafanye ile kazi inawafaa.

Maoni ya pili, ni kuhusu makamu wa rais. makamu wa rais hatakiwi kuchaguliwa na rais. hali ya binadamu, makamu wa rais anaweza kufariki na vile vile wanafanya kama MP. MP akiaga dunia, inakaa miezi kama tatu tunatangaziwa uchaguzi. Kwa hivyo hata makamu wa rais, awe amechaguliwa na wananchi kwa maana sisi ndio tuliwapeleka huko kama wananchi.

Ya tatu, ni kuhusu watu wa mimba. Wale wasichana ambao wanatoa mimba wanatakiwa washtakiwe kama wauaji.

Ya nne, ni kuhusu tohara ya wanawake. Wanawake inafaa wawe wakitahiriwa. Kwa maana kila kabila iko na desturi yake na haiwezekani kuwa eti kwa maana wewe una uwezo unasema kabila fulani ifanye namna hii saa ile wengine, kutahiri kwao ni kama kung'olewa meno wanaendelea na kung'olewa meno, wengine wanaendelea na kukata masikio kama desturi yao inamaanisha kukatwa masikio inastahili.

Com. Swazuri: Tungeachia wanawake wenyewe wakaamua. Haya, endelea.

Mr. Mburu: Nimefikisha hapo.

Com. Swazuri: Haya, asante.

Com. Raiji: Hiyo ndiyo pendekezo yako kama mwanamume. Je, kungekuwa na taabu gani tungewaachia akina mama wenyewe kama wanataka au la.

Mr. Mburu: Nimetoa hiyo pendekezo kwa maana hiyo pendekezo itatofautisha na wale tuliowachagua. Kuna point pia ambazo hawa MP wangeenda / kwa kuwa hii ni pendekezo yangu.

Com. Swazuri: Nafikiri tukiuliza akina mama hapa kutakuwa na mambo mengi sana. haya, Harrison Mburu hayo ni maoni yake. Francis Njoroge, Patrick Kimani, Jackson Mwai. Endelea.

Mr. Mwai: I am Jackson Mwai, we have to talk about environmental constitution. People are so much suffering because of lack of employment. But because they are not educated some of them are very educated. Even with degrees others have completed their colleges and they don't have any employment.

There is much corruption in the country such that without bribes or a godfather you can't get any employment. Then, those who are already retired workers of / will not be recruited again, instead they should be succeeded by young tax.

Those already have been retired, workers or officers should not be recruited again. Instead they should be succeeded by young tax.

Com. Swazuri: Are you one of those employees.

Mr. Mwai: No.

Com. Swazuri: You are speaking of behalf of the others. Okey, thank you. Come on Mr. Jackson, record your name there. Moses Njenga.

Mr. Njenga: I am Moses Njenga and my contribution as part of the constitution itself. Okey, the current constitution is offering more powers to those already in the authority such that it is only those who are in authority benefit out of it. We as Kenyans we are convinced that it is only this constitution that you get rid out of poverty. Where it has led us to a higher poverty. For example, the space being the rights of children which were passed in the parliament and when we look at it, the bill was about burning the figure of the children to school and also it was burning the employment among children.

I am not against the bill but what they were doing instead of first identifying what causes them to do it infact they were passing it and when we look at it we can see that they fail to go to school due to poverty. They also go to seek jobs also due to poverty. And I would like to recommend the new constitution to address the causes of all these things and what they should do is that they should protect the public. They should act as some property to the public in that they should ensure that there is proper management and utilization of natural resources, there is also proper security among its citizens, there is also fear conducted elections. Okey, secondly, I would like also to talk about the judiciary. As we know the judiciary is a important branch of the government whereby without it the poor is not safe, but when you look at the judiciary nowadays it is so much corrupt such that the judges and magistrates they have to look ahead at the case before them before they make their final decisions so the problem is because of their new salaries. So I would like also the new constitution to look at the salaries of the magistrates and the judges so that it can be a substantial amount that can cater for their needs and after that, failure to which, the poor will continue to be poorer and the truth will never be discovered. I don't have much to say.

Com. Swazuri: Thank you very much, very well focused, John Mwangi.

Mr. Mwangi: Mimi ni John Mwangi. Ningetaka kuwe na sheria ya kuwa maisha ya mwananchi yanaangaliwa kikamilifu kwa vile tunasikia kama hapa Nairobi tunasikia kuna mchezo ambao tunasikia polisi waliwapiga washukiwa watano risasi na kuokoa bunduki tatu. Tena tunasikia huko upande wa rift valley wengine ni wa-pokot wana bunduki hatari, waturkana pia wana bunduki hatari. Na hii mambo ya Serikali iko. Kama Serikali ina uwezo wa kuangalia mwananchi, ina uwezo pia wa kufuatilia kama kuna wakora na kama kuna mambo kama hayo.

Pia, mtu akitembea Nairobi, asishikwe ovyo ovyo kama hakuna hali ya hatari imetangazwa na kurushwa gerezani kama mfungwa. Hayo ni mambo ambayo imekufa taifa hili na tumeona hiyo kunaweza kuwa na sheria ya kuchunguza haya mambo.

Pia, watoto kutolewa kwa mimba za mama zao hiyo tunaona ni makosa kabisa na kama Serikali ina uwezo pia ina uwezo wa kuangalia haya mambo. Wamama ambao wanarandaranda mitaani pia nao kunaweza kuwa na sheria washughulikiwe.

Com. Swazuri: Na je, akina baba wanaorandaranda mitaani?

Mr. Mwangi: Pia nao washughulikiwe.

Com. Swazuri: Lakini si ni ukweli kuna akina baba wanarandaranda mitaani hao akina mama wangepata amani kama hakuna wanaume.

Mr. Mwangi: Maana tunasikia kama watu waliopigania uhuru, mababa zetu waliingia msituni na wengine hawakutoka. Hawa mama zao walitafuta tu chakula cha kuwapea hao watoto ili wawe wakipata maisha ya kuishi. Lakini elimu hawakupata. Serikali

imejigamba eti inaangalia maisha ya mwananchi na hao watu hawakupata elimu, hawakupata chochote. Hawana mashamba, wanarandaranda mitaani na pahali popote. Wanakuwa ni kama mpira wanapigwa na askari na bure. Hayo mambo tungetaka hii sheria iwekwe kushughulikia wale watu walipigania uhuru. Mama zao na wengine walikufa, sasa hiyo ningetaka iwe.

Elimu ya mtoto yeyote ikiwa ni mkenya, kama Serikali ina pesa za kuwapea, wahuduma wengine mishahara minono wanatembea na magari makubwa na pia elimu ipatikane kwa kila mkenya bila malipo yoyote.

Cost sharing hii ya hospitali, pia hiyo ni kitu ya maana sana. sijui hii Serikali inafanya nini. Mtu anaenda hospitali na ni mgonjwa, hawa watu wa stima wanashughulikia stima hakuna mtu anaweka stima yake. hawa watu wanaweka mahospitali zao, nguo za biashara, watu wanakufa bure, wengine wanaishi na magonjwa yao. Hiyo tungetaka kenya yetu tuone haya mambo yanaendelea. Hii ni ya wale wazee ambao walipigania uhuru wangukuwa na kanisa ambayo wangejengea watu, maana walikuwa wakimwabudu mungu. Wangukuwa kama ile tunasikia rika ya mwangi ya Irungu wangejenga madhabahu na tuone.

Ya mwisho ningetaka agano jipya ihusishwe kwenye Katiba ili tuone ingekuwa aje.

Com. Swazuri: okey, andika jina lako hapo, haya John Kabiria, Miriam Wanjiru Mbogo. Mama mzee kabisa lakini maoni tunayataka.

Wanjiru: Muri eega. Nii wakwa wa mbere ni atiriri, ngwaria na gikuyu tondu ndi mugikuyu.

Translator: I will speak in Kikuyu.

Wanjiru: wakwa wa mbere ni atiriri, ngwenda kumumenyithia uu, ati bururi uyu tukiruiria wiathi, na kiugo kiu mugagiita uteti, twauruire turi andu ta milioni ithatu,

Translator: I want to say this that when we fought for independence we were about three million.

Wanjiru: na umuthi twi makiria ya milioni makiria mirongo itatu.

Translator: and today we must be over 30 million.

Wanjiru: na twi hau, ungithii gwaku mucii, ciana cia a muruguo kana cia a mwariguo, ukunye kamwe turi ikumi, tondu milioni imwe ya tene irugamiriire milioni ikumi, ukunye tuu tungi tuonthe tukuringe tugwite kiguuka giki, no kugwa ungigwa.

Translator: and today because we have so many grandchildren, you went home and pinched one, the rest of them can shout at you or even attack you until you until you fall.

Wanjiru: ngukienda mumenye uu, hindi iria mugwika mawatho, mumabange na njira njega, ona akorwo ni mundu wamwira ati ni Moi urahitia ri, tiga gwitikia. Tondu riu mutumia wina mucii wake na ndina miaka mirongo inana na uyu ni wa mirongo inana na itano. Ndaciariro mwaka wa ikumi na inyanja.

Translator: when you do these laws do them very carefully. If somebody tells you that perhaps it is Moi who is wrong, don't take it at face value. The reason is I myself I am now about 85 years old. I was born in 1918 and I have my own homestead.

Wanjiru: ndamukanira uguo na ndiri munandi, tondu ndangihota guikaria recordi. Wee wina githomo niwe uikaragia record na

niwe urathuukia.

Translator: I support Moi and I say this in support of Moi because and I am not from his tribe because he does not keep records everywhere in the offices. It is you people who are educated who have these records. He is not keeping records everywhere.

Wanjiru: muratwira gutiri mbia. Maratathi maya moothe mucabite haha mangicabitwo mbecha ri, tungihero ciigana?

Translator: You are telling us that there is no money, but supposing all the papers that we have before us were printed into cash how much money would we be having?

Wanjiru: Na noomo muthiaga kioro namo?

Translator: and then you use them for every purpose.

Wanjiru: ti mbia gutari, ni aheani gutari, tondu uraaka nyumba cia ngoroba na ithui aria twaruirire bururi tukiguaga barabara tutari na ateithia.

Translator: it is not that we don't have money, it is we are building storeyed buildings but those of us who fought for independence are dying of poverty.

Wanjiru: nii ndiramwira uguo, nimwonaga kiwanja gi Thika kiandikitwo Christina Wangari, kana ringi mugitaga guardian, ni nii ndaandikithirie ndi Thika ndari mutongoria wa KANU kana twathamite na a Christina na muka wa Kenyatta Kamiti.

Translator: the garden at Thika Christina Wangari garden it is me who gave that name for that garden. We had been detained with Christina Wangari and the wife of the late President.

Wanjiru: Nimukuona mwana ucio wa Kenyatta witagwo uhuru, twathamiitio na muka wa Kenyatta.

Translator: we were detained with uhuru's mother, I suppose it is Ngina.

Wanjiru: tugitigithuranwo naake Ngina agitwarwo kwi muthuri wake kuria athamiirwo na ithui tukiinukio. Agithii kuheo pole, akigia na nda ya uhuru na nikiyo giatumire twite muriu ucio wake uhuru, tondu ni irigithathi riitu ria andu aria twathaamitio.

Translator: when we came from detention, Mama Ngina was taken to her husband wherever he was detained Jomo Kenyatta and that is when he got that baby uhuru. Uroorio ukwenda meeke atia?

Wanjiru: ndirenda hindi iria muraigwa gwakorwo nieguthurwo, ngwenda kumwira wee tiga kubinga mundu, ika uguo ucuthiririe mundu na uthamaki wake wa muciarire.

Translator: my advice is when the next elections come, you should look at the man and his leadership qualities and elect him or not.

Wanjiru: tondu Moi anengerwo giti kiu eena kio ri nitwanegenire muno ithui tugikiuga makinengera muuru uriri na ithui niturakiruirire bururi.

Translator: she is saying when the president goes into power, some of them complained that the wrong person had been given the job and yet they had not fought for independence.

Wanjiru: no ni ooririo ni mundu maathuritwo naake atiriri, na tondu niwaneo giti kiu ri, ungitua gutiga ungitira uu. Nake amwirire uu. Wagithii kwa mundu woee icembe ri ucimbe ri, ungitokeria uu githi too mwene ungitokeria.

Translator: Well, somebody asked him now that. ta cokera hau ringi.

Wanjiru: ooririo ni muthuri maathuritwo naake atiriri ungitithii giti giki tondu niwaneo ii, ungitokeria uu? Naake akimwira uu

we unghithii kwa mundu uhoe icembe ri urikii gucimba ri, githi to mwene ungcokeria.

Translator: so somebody asked him, that if you borrowed somebody's jembe what would you do at the end of the job and then the president answered him that I would return it to the owner. Ureerwo atiriri, thaa ti njega.

Wanjiru: thaa ciakwa ti njuru, thaa ciakwa ni njega. Riu ningukiendaga kumwira atiriri, gutikiri undu, muririkane andu aria mwaruirire bururi uyu tutiri na hinya ithui na bururi uyu, tutiri na hinya ithui na bururi uyu tumutigiire na mwi marikithathi maitu, na a cucu nio aingi kuo riu tondu matuku macio twina cio ti maniini. Muririkane, tene nii Thika nindoonganagia atumia athiini athuuri,ciana, magatwarwo gwa kanju makaheo irio, makaheagwo nguo icio cia mitumba cioka ti kwendio ciendagio ciaheagwo andu. Mugerie guteithia athiini. Ihoya riakwa ni riu. Muteithia athiini. Ni kwari

Translator: I am appealing to you to make sure that the freedom fighters are assisted and the poor too are assisted. She remember those days when she used to collect the poor in Thika and she would take them to the local municipal council and they would get food and free clothing.

Wanjiru: Ni kwari thibitari ya atumumu. Mugerie gwika kindu ta kiu gia guteithia athiini, ihoya riakwa ni riu.

Translator: there was the hospital for the blind.

Wanjiru: ninjui ndeto icio itikoragwo iri njega kuri inyui.

Translator: she is saying that you don't like those things.

Com. Swazuri: We want to listen but we don't have time for stories now. Ann Wanjiru.

Ann Wanjiru: Okey, this is Ann Wanjiru, I would like to talk about the rights of the vulnerable groups

Com. Swazuri: Your name please.

Ann Wanjiru: You realize that in the current constitution the interests of the women have not been fully guaranteed. So, what we are saying is that relevant women rights should be addressed in the new constitution and we are talking on matters pertaining to property rights, especially on inheritance and ownership, sexual abuse, for example the female genital mutilation and rape, domestic violence and equal opportunity in development.

Still in the current constitution you realize that the interests of people with disability have not been fully guaranteed and what we are saying is that the relevant rights of people with disability should be addressed in the new constitution. So, such things like special facilities like the bills for the blind, land and other special facilities for such people with disability should be put in place.

Then free education for these special children in all levels. Rehabilitation, we are talking about counselling opportunities to learn skills and free health care for people with disabilities. Then we also have other vulnerable groups that have been left out by the current constitution and we are looking at the single parents, especially the single mothers, then we have children in need of special protection like the street children, the aged, the economically incapacitated, we have the HIV and the AIDS patients, the

mentally sick or retarded.

I would like to mention something about the gifted and the talented. These are the people that have been ignored so much in Kenya. Maybe the current constitution should come up with policies to cater for the gifted and the talented children.

Okey, I also want to mention something about something about the structure and the system of government. The Presidential system of Government should be retained but with checks and balances. There should be separation of power between the three Arms of Government i.e the Legislature, the Executive and the Judiciary. More so the: President should not be Parliamentary candidate. He should be elected by at least 75% of the voters. The President should not belong to any Political Party. If the President is a woman, the Vice-President should be a man or vice versa.

The President's age must be from thirty-five to sixty years. The President should be married and have a stable family or home or house. Then we are also saying that the minimum education qualification must be a degree holder and he should be morally upright

I would like also to mention something on Land and Property Rights. We have all matrimonial property to bear names of both spouses so that if is a Title Deed let it bear the name of the husband and wife. Then there should be some establishment of property succession laws and the local community should have the power to control the use of land by the owners of the occupants. I wish to end there. Thank you.

Com. Swazuri: Please leave your memorandum there and record your details. Now we want Samuel Kikahui. Joseph Thuo? Mburu Wanjuki?

Mburu Wanjuki: Ha riiwa riakwa njitagwo Mburu wa Njuki,

Translator: My names are Mburu Wanjuki.

Mburu Wanjuki: Kiria giatuma njuke haha,

Translator: I am here,

Mburu Wanjuki: Wa mbere nitwirirwo muno.

Translator: Because we have been exploited too much.

Mburu Wanjuki: kuuma gichagi,

Translator: From the village,

Mburu Wanjuki: nginya kwa cibũ,

Translator: Through the Chief,

Mburu Wanjuki: nginya kwa D.O

Translator: To the DO's office.

Mburu Wanjuki: uguo tondu andu acio nimaheagwo mucaara, na ithui tutiri haandu tuthukumaga.

Translator: Because these people are on salaries and we are not,

Mburu Wanjuki: ni kuri igoti rirehirwo ma-division.

Translator: There is a Court that was brought to the Divisional Headquarters,

Mburu Wanjuki: igoti riu ri, nitwekirwo uuru muno, tutuuagirwo ciira na githukio.

Translator: This Court has been very unfair. It decides its cases most unjustly.

Mburu Wanjuki: Tondu tutituuagirwo ni uria uhana.

Translator: The decision of this Court does not go as per law.

Mburu Wanjuki: Niundu igoti riu nii haria ndaciiriirwo, ndakorwo ndiri na mbeca ni ndireherio ho, niundu wa mbeca.

Translator: What matters in this Court is how much money you can put together.

Mburu Wanjuki: na ndina title deed wakwa.

Translator: People have lost land to which they have Title Deeds through this Court.

Mburu Wanjuki: na we uranduunya, title deed ugucoka ukagia title yaaku ingi, nii itooi.

Translator: Somehow the Protagonists are able if they are appearing in this Court are able to get a second Title Deed other than the original one.

Mburu Wanjuki: Na nii ndiina yakwa.

Translator: The original one I have and yet the man with whom I appear before this court turns up with a new Title deed.

Mburu Wanjuki: Naguo uhoro ucio uroima thiini wa igoti riu na DO.

Translator: The source of this matter is the DO and this Court.

Mburu Wanjuki: Ni tondu DO uukaga angorwo ni ta haha division ya Gatanga, ookaga atari ngari na ndaninaga mieri ina atari na ngari Njeru.

Translator: The District Officers who are posted here at Gatanga, they come on foot without a car and within four months they have a new car.

Mburu Wanjuki: Niingi igoti riri, riaheirwo Kiruara, na ti Kiruara wiki, ni andu aria maritaiire na angi ni aria matuhungaga mahuri Kandara.

Translator: Some of the people sitting and hearing the matters in this Court were the home guards at Kandara during the Colonial days who operated against us in those days.

Mburu Wanjuki: Gutiri ciira ungiciirwo thiini wa division utari na ngiri ikumi na mugwanja. Muthuuri ta nii ndirutaga ku?

Translator: The members of this Court ask for up to seventeen thousand shillings. An old man like me, how would he raise seventeen thousand shillings?

Mburu Wanjuki: Tondu DO eeguka akeerwo, muthuuri uyu nii ta riu ciira wakwa ugatwirwo, nderirwo kana niukwenda kana ndukwenda na njiguite niundu wa kuuga he mundu iteekwenda akorwo ciiraini. Na ugituuo na ugitwarwo igotiini.

Translator: My own case was decided before that Court against my protestations. I had pointed out that I was one of those people sitting there who did not want to be part of the hearings.

Mburu Wanjuki: Na mundu uria twaciiraga nake riu niwe mwene title deed.

Translator: That case was decided against me and the man with whom I appeared before that Court now has the Title Deed to my land.

Mburu Wanjuki: Riria ndakiheirwo ni thirikari na ndaheirwo title ya mugunda ucio ri, original ri, ikiri yaaki. Twakiheagwo ya ki?

Translator: What was the point of issuing the original Title deed. The one which I hold if they were useless.

Mburu Wanjuki: Nii ngukiuga angorwo nimuguthondeka Katiba andu aria, nitureherwo mundu wina githomo, no ti tutuagirwo na githukio.

Translator: My appeal to you is that as you make this Constitution, make sure that there is justice in such matters.

Mburu Wanjuki: Ningi, hau ni ndoima ni mwaigua ati nii ta nii ndi mutunye mugunda kundu itooi.

Translator: You have heard that I have lost my land unjustly.

Mburu Wanjuki: Mumenye kana igoti riu ni ria ma. Tonde ni biashara ikoragwo ii kuo.

Translator: So you have to decide whether that Court is worth its name. I believe that it is just a commercial enterprise being run there in the name of a Court.

Mburu Wanjuki: Undu ungi ni ati, turani turia twa DO ndaagiriirwo ni kunina handu miaka itano tondu ni mundu wa thirikari, niekagwo transfer.

Translator: I recommend that the Clerks to the DO's office should be transferable after five years.

Mburu Wanjuki: Tonde hau ti kuthimindirwo athimindirwo ho. Niacenjio ta mundu wa thirikari.

Translator: They are not cemented in that office. They should be transferable like everybody else.

Mburu Wanjuki: ningi thigari ici turehagirwo cia gwa cibi, AP.

Translator: I want to talk about the AP's.

Mburu Wanjuki: Andu acio nao arutaga wira ta wi wake ta uria urutaga wiira gwaku mugunda gwaku tondu eena miaka ikumi akorwo ni kambi ta ino. Aikaraga hau miaka ikumi.

Translator: These people work like the way we work in our own shambas. The reason being that they have been in that one station for ten years.

Mburu Wanjuki: Onaake aagirirwo ni gucenjagio ta mutugo wa andu a thirikari.

Translator: They should all be transferable like every other Civil Servant.

Mburu Wanjuki: Angorwo ni ma-headmen, nimatigage gucoka kuandikwa na githukio, maitikage kihaaro tukamathuura. Angorwo ni cibũ, tondu acio nio magituriaga muno. Matwiraga ni mwandikite.

Translator: We should be elect even our own Chiefs and Assistant Chiefs because these are the most corrupt people around.

Mburu Wanjuki: He handu ngugweta mutongoria ngiririria. Nii nindaari mbara-ini ya Italian.

Translator: I fought the Second World War.

Mburu Wanjuki: Ndi mwandike ni mungereetha.

Translator: For the British Army.

Mburu Wanjuki: Na he hindi turakinyire tureerwo ni governor tuiyurie form.

Translator: The time came when the Governor contacted us,

Mburu Wanjuki: Nigetha tuheo haki iitu.

Translator: So that we could receive what is owed to us by the British Government?

Mburu Wanjuki: Na tukiiyuria, mbecha icio cioriire kuri ma-DC.

Translator: We filled those forms and that money was lost in the DC's office.

Mburu Wanjuki: tondu nii turi andu atandatu, riu turathiite kwa governor wa ngeretha.

Translator: Six of us have recently gone to the British High Commission in Nairobi.

Mburu Wanjuki: na agitwira indo cianyu nitwaneanire ciuriire haha.

Translator: He told us that he had released our dues.

Mburu Wanjuki: Haha nitwaruire mbaara iria iratuma muriage indi hiu, nyama hiu, toothi hiu, na kindu giothe kihiu. Nitwaruire wiathi uyu wa mau mau.

Translator: I want to talk about Mau Mau War.

Com. Swazuri: Please summarise.

Mburu Wanjuki: Na tutiri twaheo kindu na kindu giothe nikiarutirwo.

Translator: We have never been given anything.

Mburu Wanjuki: ciana icio itiathomire hindi io

.

Translator: Our children did not go to school.

Mburu Wanjuki: tukiraira wiathi,

Translator: Because we were at war.

Mburu Wanjuki: Riu ithui ni guthira turaathira. Na maitu tutiri twaheo.

Translator: We are now dying out.

Mburu Wanjuki: Na maitu tutiri twaheo.

Translator: We have never been paid for what we worked for.

Mburu Wanjuki: Nii ngukinyia o hau na ni ngatho niundu wa kunjitikiria njarie.

Translator: Thank you very much Commissioners.

Kamau: Thengyu muno tondu wa kunjitikiria njarie.

Translator: Thank you very much Commissioners for allowing me the opportunity to talk.

Kamau: tondu ndiri na undu ingihota kwaria ni kumaka.

Translator: I am unable to talk because of shock.

Kamau: Niundu mbia ciakwa cia kahuwa, nii nduuraga na mukanda ruciini gwakia ndiina homa.

Translator: Because of my Coffee dues. Every morning I have a jembe on my shoulders and a rope.

Kamau: Na ndacooka kuthikiriria, mundu uria athuurite nowe urathitanga.

Translator: The man I have elected is the man who has taken me to Court.

Kamau: Ngakiuria atiriri, mutumia angiregwo, ni mundurume ni acokaga kwiringiriria mundurume.

Translator: My question is “when a woman has been rejected by a man, does she continue pressing to be accepted?”

Kamau: Ngagicooka ngooria atiriri, hindi ya mbaara ya mau mau, nii ndatuire ndi murwaru,

Translator: Throughout the Mau Mau war I was a sick man,

Kamau: na munene uria waigitwo kuo anjitaga kagui.

Translator: The Chiefs that time called me a dog.

Kamau: Niundu wa kumenya ndathii wiraini ndingiraitikirio ndute wiira no nyingatirwo tondu ndaari murwaru.

Translator: Because every time I went to the work place, I would not work because I was a sick man or I would be sent away.

Kamau: Njoke thutha hanini, kahuwa gagiitwo, nii ndaingatirwo gicagi ati ndingihanda kahuwa itatwarite irebe ria thumu. Ndwarite kuria kahuwa gaitagwo.

Translator: I could not plant coffee before I had delivered the manure, the headquarters of the nurseries.

Speaker: Ngicoka kahuwa kau ngirwo nganeeo bure, njokete guthikiriria andu aria maandikirwo, tugiikirwo permit ya kahuwa. Na permit io tweekiriirwo, andu acio na mariitwa niura bure. Nii ni nii ndamarihire, ngicoka ngineo permit.

Translator: Initially they told us they would give a free permit to plant tea and coffee but they charged us for it.

Com. Swazuri: What else does he want the constitution to do for him?

Translator: Ureenda twike atia niguo uroorio.

Kamau: Ndireenda njike atiriri tondu wiira ucio ndarutaga ndionire mucaara ri, na andu acio no matuuraga ona umuthi, manumiriire, agicooka. Ndireenda gwikuo atiriri, andu acio meeherio acio tukumarega, kuria kwa thothaiti tukumarega.

Translator: He wants to be given an opportunity to change the management in that society whichever (the Coffee Society) because it is the same group that was there those days.

Kamau: Tondu matihandirirwo ta gitota.

Translator: Because they are not concrete there.

Kamau: Nii uhoro wakwa ugukinya hau.

Translator: He ends there.

Com. Swazuri: Julius Kamande?

Julius Kamande: ni munyaka mweka muno kuheo kahinda gaka ka kwiharia. Njitagwo Julius Kamande wa Muigai.

Translator: Thank you very much. My names are Julius Kamande Kamuigai.

Julius Kamande: nii ngwenda kwaria uhoro wa unduire wiitu.

Translator: I want to talk about the Kikuyu cultural practices.

Julius Kamande: No nyeende andu aria mari guuku mbere, nimahurage nyamu iitagwo traditional medical care na technology na indigenous.

Translator: I want to say that the people who were before us were using traditional medical practices, traditional technology and indigenous food.

Julius Kamande: Nii uria ingihoya constitution ino igithondekwo, igukurwo na mufango mweka wa ku-sensitize andu aya a community, o kuringana na unduire wao, mamenye uhoro wa traditional medical care, technology ta carving and pottery na indigenous food.

Translator: My prayers are that the Constitution we are making now should create opportunities for the people today to learn about the traditional medical care, traditional technologies like carvings and pottery and indigenous food.

Julius Kamande: nayo miti iitu I-classifawo kuringana na kuhuthirwo mbao, ya herbal medicine na ya fruits.

Translator: I would also like to see our trees and bushes and shrubs classified for industrial use and timber, herbal medicines and food.

Julius Kamande: na tweeka uguo ni tukuhota kuteithika na unduire wiitu yaani natural resources.

Translator: If we do that, we shall reap the benefits of our natural environment.

Julius Kamande: Thank you.

Stephen Ndungi: Thank you Commissioners and the audience. I have a few comments to make regarding our Constitution.

1. The President should be a graduate preferably with adequate knowledge about economics and should be a family man or woman.
2. President should declare his wealth.

3. He should not have a foreign bank account
4. His tenure should not exceed two terms.
5. He should be a Member of Parliament.

Ministers should be appointed by Parliament according to their qualifications.

Should not be changed at random.

Should declare their wealth.

Basis Rights: Life is a God's gift.

No death penalty instead life imprisonment

Education should be free up to Secondary School level.

Land Rights: Maximum land ownership should be 40 hectares or about 100 acres and should be fully utilized.

Kenyans should own land anywhere.

Women should own land.

Farmers should have a say in their farming productions.

Others: Controller and Auditor-General should be appointed by Parliament.

Everybody in Kenya should be subject to the law of the land.

(Capital Letters – No corruption in our Constitution) and;

Finally, retirees should be fully cared for they have served the Nation fully. Thank you.

Com. Swazuri: Thank you very much. Simon Mwangi? Simon Mwangi?

Daniel Mbugua? Daniel Mbugua?

Daniel Mbugua: My request is when arranging the work of this country to be a rate from such low dignities and no one should be allowed to interfere with one's work where there is no wrong?

Com. Swazuri: What does that mean?

Daniel Mbugua: I say when arranging the dignities of the work of this country from high to low, one's work not to be interfered with by any one without a wrong that has been done.

Com. Swazuri: Go on.

Members of Parliament should be given equal rights when making decisions of developments or other investments.

State treasury is worthy to be transparent to both parties, in all ways.

Investments and developments in care of lives should be put into the first line. Governmental sector and non-governmental bodies and private sectors should work together when it is necessary.

Com. Swazuri: Thank you very much. Write your name in the register there. There is George and then we go up to Mwaura Peter, and if he is not here, John Kamande, Mary Mungai, she is not here, Catherine Mbuki, this is the last chance we are giving them. So we don't have those names. Francis Njoroge, not there. Patrick Kimani, not there. John Kabiria? So we will relax. Christopher Mathanja, Rosemary Nyambura, okey.

Rosemary Nyambura: Muri eega inyuothe, riitwa ni Rosemary Nyambura ta uguo ndetwo,

Translator: My names are Rosemary Nyambura,

Rosemary Nyambura: na undu uria ngwenda kwaria ona akorwo ndikuui ati hari undu kurathii na mbere, nindona ni wega kugweta tuundu tumwe muno ni ta arimi,

Translator: I want mention a few things on farming.

Nyambura: andu aria matuheaga indo cia gwikira mugunda muno ta ndawa, fertilizers cia kuhuhira indo ta waaru na kahuwa,

Translator: farming suppliers,

Nyambura: nituguraga thogora wi iguru muno muno na indo iria tugucoka kugetha kuu tugatwirwo thogora wa indo icio tukugura ndawa na no nginya tugure na thogora ucio tondu tutingihota gucionu kundu kungi, no indo iria twagetha migunda igakorwo nacio tutingihota gutua thogora tondu gutiri na undu ungi tungiika, kwogwo ndawa iria twagurire akorwo ciari goro muno, gukira indo iria tukugetha migunda.

Translator: My complaint is that we buy farm inputs, fertilizers, chemicals at very very high prices and we have no say in how this prices are determined but when we harvest our produce, we are unable to determine the price at which we sell our own produce,

Nyambura: kwoguo tugatuura ta ngombo thiini wa wiira uria twarutaga

Translator: For that reason we remain like slaves,

Nyambura: kwoguo hau niingiuria agiiciirio, arimi mageeciragio uhoro wa indo uria mangendio mathogora ma indo ingi ikeendio thi nigetha makahota guteithika uhoro wa uturo uria matuuraga.

Translator: Something should be done about reducing the prices of farm inputs.

Nyambura: undu uria ungi ni indo ta kahuwa, amwe twarima kahuwa ta ihinda riu turarimire, nituhatirikite muno na thirikari tutimenyaga kana nimamenyaga -----

Translator: On coffee, for the last three years we farmers have suffered tremendously. We have been harvesting our coffee and cherry and delivering but the payment are next to nothing.

Nyambura: Hindi iria kwaara muno riria magetha maagire, tugituika ona aria magethire kanini muno, katiahotire ku-maintain andu aria mari kuu wiraini na ku-process, kwoguo twatuikire ona kaba mundu agethire ni nii njagirirwo ni kuria iguru ria kurima na kugetha na gutwara ngacooka ngeerwo riu ni njagirirwo ni kuriha ta ciringi ikumi na igiri o kiro. Nii ndihe.

Translator: At one time we were told that after a long drought that even those of us who had harvested some coffee cherries and delivered to the factory and the coffee had been sold, we were told that, that a third of coffee and delivered would have not have been enough to maintain the cost of operation, therefore the farmer was going to pay an extra twelve shillings per kilo for the maintenance of that factory.

Nyambura: hau niho riu turi. Karia tukugetha riu, niguo twetereire kundu kumwe, turihe ta uguo na ona cia kugethithia tutiri na cia kuria tutiri, uhoro ucio tugakiona thirikari ni yaagirirwo kurora mathiina ta macio riria kwaara riu, andu magathiina me bururi wao na matimenyagwo piu ati ona mooneka ni kugeria kwiumiriria kumwe kunene muno.

Translator: We expect to deliver our coffee now and we lose our income because of the happened or because of the drought some three years or so ago. Now, my appeal is that the Government should look at this situation and see what it can do to correct them because people get poor while working hard in their own country.

Nyambura: undu ucio ni umwe nyuma naguo wi vata. Uria ungi ni andu aria maritaite, aria marutire hibi wira ta miaka kuuma fifties. Na tumicaara tuniini muno na riu nimarikitie ku-retire.

Translator: I want to talk about the retirees particularly those who started working in the fifties and were working for very little salaries and are now in retirement.

Nyambura: nimoona mucaara ucio ni mwega tondu ciringi ta magana mana ni ingiagurire acre ya mugunda na kuu mucaara ucio waari mwega na niwamuikaragia indo ciothe ciari thi.

Translator: Those days a salary of four hundred shillings was a lot. You would buy your acre of land with four hundred shillings and people lived well with that salary.

Nyambura: mahinda maya andu acio ma-retire matiiciragio, ati uria gwathii na mbere, tubeca turia mundu aceteirwo nuthu ya mucaara uria aheagwo, no maheagwo na hatiri handu meeciragio kwoguo andu acio no magatuika ta andu nao mahinyirikite muno tondu nimateere mahinda mangi mao maingi riria marutaga wira ucio no ihinda riri matihotaga kumira thiini wa andu aria angi na hau hationekaga.

Translator: Unfortunately their retirement benefits were set at those very low salaries of those days. They have not been reviewed for all these years and therefore they are living on very, very little income and they are really in very bad shape and nobody seeks to remember that there is need to review their pension.

Nyambura: Ngooria hau nimaagiriirwo ni gwiciragia o uria bururi urakura nayo micaara yao imenywo ni atia irikoragwo igiicirio nigetha matige kuona ati ona kuruta mawira mamwe mau marutire ati nimathuukite ona gukira andu aria matari mawiraini.

Translator: Sometimes these people tend to think that they suffer more than the people who were not working those days because of the little pension they are receiving.

Nyambura: Ni tondu andu aingi mathiire business na andu makihota ku-set maundu maingi riria andu acio marutaga wiira.

Translator: Their contemporaries went into business and set themselves up when these people were working for the Government those days and the result is a very difficult life today for them.

Nyambura: Uria ungi ngoona president akoragwo ari wa kurugamirira maundu moothe, institutes ciothe, ngoona ati

nikwagirirwo ni kuheo andu aria marugamiriire institutes hinya wa kuhota kurugamirira, nigetha mundu akaigua niarugamiririe, o haria arugamiriire akaheo ta we uheto ta gitiyo gia kurugamira handu hau na kwaria hindi iria no ta president urikoragwo ati uria ungikorwo e ho. Akoragwo no we urirutaga wiira woothe. Tugakorwo ati o mundu haria arugamiriire akoonwo ni mundu ugukenera na akooneka ona riria agutwika proud niundu ni wiira munene arugamiriire na ahota kurugamirira weega. No mundu umwe ndangihota gutuika no arugamiriire maundu moothe thiini wa bururi tondu we ni overall no andu aria angi no maheo handu makarugamira mawira maria matongoretie.

Translator: My appeal is that today the President seems to be in-charge everywhere, but the normal situation is, the people who are in-charge of those departments and institutes should be responsible, should be the people to take credit and to be responsible for them on a day-to-day running instead of the Head of State being seen to be in-charge of every little operation in the Country.

Nyambura: Ungi ni ati ona atumia ni maagirirwo ni gwiciiragio riria maikarite, uhoro wa kugaya. Mugunda andu angi nimaikaraga magacoka haria makinyio muthuuri angikua ukoona andu angi nimeekunyita mutumia ucio na njira itari njega ni hagirirwo kuoneka ati ona ho ni hagirirwo ni gukorwo hoonekete ni arugamiriirwo ni thirikari. No ti kuigagwo ta mundu ukwaagaaga na family yake.

Translator: My other appeal is that widows should have a right to inherit the properties or the assets of their husbands when the later dies and it seems today widows are harassed by family members and they are not able to particularly claim what is genuinely theirs when they lose their husbands.

Nyambura: Muthuuri ungi ni aria uhoro wa circulation ya female, nao hao ngoona ona ho gutiagiriire tondu thiini wa health na uria tungiaria riu ucio niurikitie kuoneka na ukamenyeka ati ucio tiguu waagiriru, no ti gutuika arume meekagwo uu nao atumia maigue uguo. Kwoguo nii ndingi-recommend kuri circumcision ya atumia.

Translator: I am opposed to the female circumstances because it has been proven to be wrong in terms of health, in terms of (word not clear). We can't do things because everybody else is doing it.

Nyambura: Thank you.

Translator: Thank you very much.

Com. Swazuri: Thank you very much. Joseph Muriithi? Joseph Muriithi? You are who?

Muriithi: I am Joseph Ndungu Muriithi.

Com. Swazuri: Maybe you are the one.

Translator: Thank you very much Commissioners.

Joseph Muriithi: Niundu wa kunjitikiria,

Translator: For allowing me to come before you.

Joseph Muriithi: Nii mwene njitagwo Joseph Ndung'u Muriithi.

Translator: I am Joseph Ndungu Muriithi

Joseph Muriithi: Na ndi muhonokie ni mwathani,

Translator: I am a born again Christian.

Joseph Muriithi: Kwoguo riria ngwaria haha, ndiraria njuui ciugo iria ndiraria,

Translator: When I speak here I know,

Joseph Muriithi: Ni ikoragwo cii mahitia thiini wa bururini,

Translator: I know that what I am going to say reflects what is wrong in the Country.

Joseph Muriithi: Angikorwo maundu maya maraandika ma Katiba Njeru, akorwo maya muraandika noomo magathii haria mbere nigetha Katiba Njeru ithondekwo, gutiri maangi makaarutwo maturaga tene ri, no njuge atiriri, muneene woothe uria tugukorwo twi naake uria tuguthuura tondu riu turorete githuurano, ndakanakorwo ee iguru ria waatho.

Translator: I want to say this, the President should never be above the law.

Joseph Muriithi: akoragwo ee thi ya waatho.

Translator: He should be answerable under the law like everybody else here.

Joseph Muriithi: ati angika ihitia o riothe thiini wa bururi waake no athitangwo na amuukirwo igootini aciirithio.

Translator: So that he can be impeachable before a Court of law.

Joseph Muriithi: tondu ta riu andu aingi ni maaria ciugo cia bata muno haha, na uhoro ucio ungituika maratathi maya muraandika, magakora maangi maandikirwo tene. Marutwo muno maya maigwuo ona angi.

Translator: If the things that you are writing are the things that we are saying here are the same things that will go and appear in the Constitution,

Joseph Muriithi: No gutuika oro ona inyui mbia iria muraria na ni cia kenya iria turoiga ndiri mbia muraciria o tuhu.

Translator: If there are other records other than the ones you are putting here and you allow it to happen,

Joseph Muriithi: Andu aria twi namo, akorwo ni thigari ta iria twi nacio haha kiruara meekaga undu makiugaga uhoro ucio arutite na iguru. Riu mundu ta nii akarigwo na iguru ni kwa ngai kana niku arutite tondu eekuga hii mambo inatoka juu.

Translator: A lot of the things that get done like in the public offices like here, the policemen below us, they say they do them following orders from above. People like me do not know 'where is the above', that is.

Joseph Muriithi: Tondu kiria giatuma njuge uguo ati mutongoria wa bururi no nginya akoragwo ee thi wa waatho ri, kiugo kiu kia kuuga uhoro uumite na iguru ri, gikoragwo ukirorete we ucio riu ututongoretie.

Translator: He says, they say so, that orders have come from above, meaning that it is him, the Head of State who has given those orders.

Joseph Muriithi: Tondu nginya muici woothe uria uiyaga mbeeca cia kenya, ee thirikarini gitiini kiria kinene.

Translator: The biggest criminals today are occupying high Government positions.

Joseph Muriithi: Na anyitwo gwatuika ati nianyitwo niwe uiyaga, ndathitangikaga gutionekaga kuria athitangagwo.

Translator: Once they are arrested, they never seem to get convicted and once proven that they have stolen, these matters never seem to go anywhere.

Joseph Muriithi: Kwoguo acio no ho mooragaga aria angi, na maamooraga magatuiria na makamenyeka nio mamooragite no ndangithitangika, tondu uhoru, ukiumite kuuria iguru.

Translator: These are the people who commit other even more heinous crimes like murders and even when they are known, they cannot be charged because of the protection that they seem to enjoy.

Joseph Muriithi: Nii kwoguo nguugaga korwo no kuhoteke thirikari iria iguthoondokwo, uria uguikarira giti, akoragwo oya ati angihitia niegutwarwo igootini na atuirwo.

Translator: My single prayer is that the Head of State or rather the next Head of State, should know that, should he abuse his office, he will be charged with a criminal offence.

Joseph Muriithi: Undu uria ungi muthuuri uria uuma haha mbere niagwetire kiugo oiga ona gutwika ndanatuguura hau. Thirikari ino ya ngeretha, andu aria yaathite, magacoka makarua nayo makaheo wiathi niundu wa mbaara ri u guothe kuria yaathanite, niiheanaga kindu gia guteithia andu aria maari mbaaraini io.

Translator: I want to recall that the British Government wherever it went always gave a grant of some money to assist the people who fought for it.

Joseph Muriithi: Ta riu nii umwe, ni nii muthugunji wa mbaara iria yaari guuku na mau mau kiambiriria.

Translator: I was in the center of the Mau Mau war here.

Joseph Muriithi: na ninjui ni kuri gicunji kiarutirwo gikinengerwo thirikari, ya guteithia andu acio matigarire maari mbaara na aria makuire, mateithirie andu ao. Na matiaheirwo.

Translator: And I know the British Government gave out money to assist the families of those who died in the Mau Mau war or the ones who fought in the Mau Mau war, but this money never reached us or the families of the dead.

Joseph Muriithi: Angikorwo Katiba Njeru no ihote gukorwo ina hinya, ona utuirio ucio no igie naguo wa kuona ati indo icio ciaheanirwo igithii kuu.

Translator: The new Constitution should made it possible for people to know who took this money or if it is there.

Joseph Muriithi: Kwoguo nii motto yakwa yuuma o president akorwo ee thi ya waatho tondu tuhinyiririo ni maundu macio

niundu waake. Mooragane, makarega kuthitangwo niundu waake tondu ari ona gitini. Wakwa ni waathira.

Translator: My prayer is that the President should never be above the law.

Joseph Muriithi: Thank you.

Translator: Thank you very much Commissioners.

Com. Swazuri: Thank you very much. Au kuna mtu yoyote ambae anataka kuongea na hakuandika jina lake? Okey, kama hakuna -----.

Translator: They are talking about the farming and it will take time for the farmers. Other countries they give something called subsidy. That subsidy helps the farmers, it is a discount but it is taken by the Ministry of Agriculture so that even when you burn with this input, when you harvest then you remain with some subsidy. I hear these ladies do not understanding what is happening, but this subsidy is a term used by other countries.

Com. Swazuri: Okey, can we have somebody to pray for us. Tumeshukuru sana, tumefika, tumekaa tumewasikiliza, mumetusikiliza, kwa hivyo siku imeisha. Tunataka kuondoka, tungependa mtu mmoja atuomba zote tuliohapa.

Prayers: Nitwagucokeria ngatho mwathani tondu wi Ngai na wi mwega watugomania giikaro giki na mubango uria wi ho ihinda riri Ngai tugucokeria ngatho. Ni tuui ni maoni maingi marutitwo ni andu aria mookite giikaro giki mwathani na niuimaiguite na niumoonete mwathani.

Ni tugukuhoya niundu wa bururi uyu wiitu mwathani nigetha maundu maya magithii kuario na magithii guthii na mbere Ngai ukorwo wi mbere uikarire giti nigetha maria moothe meekwario na meeguthii makiaragia ona kuria guothe uhoro ugathii guthondekerwo mwathani maikare magikuonaga ati wi iguru riao mwathani na nikuamooria o mundu wira uria eekurutiire, nikiro ni twahoera aya othe meenogetie na mageeciria meeciria mega.

Na twakuhoya ati umatongorie na umeeke weega nigetha bururi wiitu ucoke kugia na thaayu maundu maya maagiriire na kugiite mibango miega ona gute muthamaki ukuhota kunyita maundu maya ona kumeeciria Ngai. Ota uria wathuurire Suleiman mwathani na ukimunenehia, naake agikuhooya uugi na ugucoka kumurathima na indo ona iria atakuhoete.

Nitungikuhoya muthamaki ukoomba gukuhoya uugi wa gutongoria nigetha atongorie na uugi uria ukumuhe, ucoke na kumwongerera maundu mega niundu wa uria atongoretie andu aku ona utungoretie andu aku ona utongorotie bururi uyu mwathani watuteithia na njira ya thaayu. Nitwahoya na twamenya ati Ngai niugutuigwa. Aria othe moima haha guthii na maguru

