

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**VERBATIM REPORT**

**CONSTITUENCY PUBLIC HEARINGS,**

**KAMUKUNJI CONSTITUENCY, HELD AT**

**BAHATI SOCIAL HALL**

**ON**

**29<sup>TH</sup> May, 2002**

**CONSTITUENCY PUBLIC HEARINGS, KAMUKUNJI CONSTITUENCY, HELD AT  
BAHATI SOCIAL HALL, ON WEDNESDAY, 29<sup>TH</sup> MAY, 2002**

**Present:**

1. Com. Ibrahim Lethome
2. Com. Githu Muigai

**Secretariat in Attendance:**

1. Collins Mukewa - Programme Office

2. Andrew Ambwayo - Asst. Programme Officer
3. Grace Gitu - Verbatim Recorder

**Meeting was called to order as 9.20 a.m. with Com. Githu Muigai in the Chair.**

**Com. Lethome:** Hebu tumpate mtu mmoja atuongoze kwa maombi. Mulioko nje tafadhali ingieni tuweze kuanza. A volunteer please to lead us in prayers. Just say your name for the purposes of recording.

**Grace Owuor:** Heavenly Father we want to thank you for the free gift of life that you have given unto us today. As we come before you Lord we are here for the benefit of the country. Father will you have mercy upon us and for everything we are going to deliberate upon oh Lord may it have a place in the Government, so that every Kenyan should enjoy what he or she is supposed to enjoy. Father we ask for your blessings, we ask for your mercy, we ask you Lord to cover us here that everything we ask today, Father we shall say thank you after all these things have been accomplished. It is in Jesus' name we pray all this. Amen.

**Com. Lethome:** Thank you very much, Grace. Na sasa Tumepata maombi na tutaanza kikao chetu.

Kwanza kabisa tungependa kwa niaba ya Tume ya Marekebisho ya Katiba kuwakaribisha wakaanzi wa mtaa huu wa Bahati. Twawakaribisha mje mtoe maoni yenu ili tuweze kuyaweka katika Katiba mpya. Na kabla hatujaanza kuchukua maoni yenu - kwa sababu hiki kikao ni chenyu, siyo chetu cha kuzungumza, sisi Tumekuja hapa kuwasikiza - ningependa kuwajulisha wale ambao wako na sisi hapa kutoka ofisi ya Tume ya Marekebisho ya Katiba. Huku nina Programme Officer, Solomon Mukenion, yule aliye kule, ni yeye anayesimamia idara ya kazi zetu hapa katika kikao hiki. Kisha tuna yule Binti aliye karibu na yeye ( I have forgotten the name) Christine yeye ni interpreter wa Sign Language . Ikiwa kuna mtu ye yote ambaye hafahamu lugha ama hasikii lugha ambayo sisi tunayoitumia, anatumia sign language, mtatujulisha; yeye atatumia lugha hiyo. Hatutaki kumuwacha Mkenya ye yote nyuma. Upande huu wa kulia ninaye Grace Gitu, kazi yake ni kurekodi; kila njambo utakalilozungumza litanaswa kwa machine, hatutaki neno lolote lipotee. Karibu na yeye kuna Andrew Ambwayo kazi yake ni ku-record kwa maandishi. Mimi ni Commissioner Ibrahim Lethome, Ma-Commisiona wengine wawili watakuja hivi sasa, mmoja anaitwa Commissioner Paul Wambua, na hivi sasa anaingia ni Commissioner Githu Muigai, ambaye tutashirikiana na wao katika kutekeleza shughuli za kuskiza maoni yenu na kuyachukua maoni yenu.

Karibu, Commissioner Githu nimekutaja dakika moja iliyopita.

Sasa ningependa tu kuwajulisha kuwa katika kuchukua maoni, tutakaa hapa kuanzia saa hizi mpaka saa kumi na moja alasiri, kuchukua maoni yenu. Na kuna baadhi ya masharti ambayo tunafuata katika kuchukua haya maoni yenu kwa sababu tunajua watu ni wengi na lazima kuwe na masharti fulani au taratibu fulani ambazo tukakazofuata. Mwenye kiti wetu wa leo

katika kikao hiki atakuwa ni Commissioner Githu Muigai, kwa hivyo ninamwachia ashike usukani sasa awambiye ni masharti gani haya ambayo tunafuata, kisha tuanze kuchukua maoni yenu. Karibu Commissioner.

**Com. Githu Muigai:** Ahsante hali yenu wananchi watukufu, Salaim Aleikum (Aleikum Salaam) Sasa ningependa sana kuwakaribisha kikao cha leo na kabla hatujaanza ningependa tusikizane vile tutaendesha kiakao cha leo. Kwanza tungelipenda sana tukumbuke sote kwamba ni lazima tuheshimu maoni ya kila mtu. Kwa hivyo hata mtu yeyote akisema mambo ambayo wewe unaona hayafai lazima tu heshimu na tumpatie mda wake, hicho ni kitu cha kwanza. Kitu cha pili ni kwamba, sisi tutakapo anza tunajua kutakuwa watu wengi ambao watataka kuzungumza na hivyo ni vizuri; lakini tungependa zile dakika za kuzungumza ziwe dakita tatu tatu. Sasa tunajua nyinyi wananchi mna malalamishi mengi. Kuna mambo mengi ambayo yamefanyika nchi yetu ambayo hayafai. Kuna mambo mengi, wananchi wamedhulumiwa na Polisi na Ma Chief na Serikali na Ma Commissioner kama sisi na mengineo. Lakini tungependa saana, nyinyi, mtueleze vile mgependa sheria mpya mtakayo andikwa kwa Katiba iandikwe. Kwa hivyo tungependa sana sana, muwe mkitueleza marekebisho. Tunajua kuna pombe za kienyeji zinapikwa hapa karibu na mayumbani ya watu, mgependa nini? Tunajua kuna watoto wetu hawawezi kwenda mashule kwa sababu pesa za shule zimekuwa ni nyingi, Hospitali hazina dawa, kwa hivyo mgependa nini? Kwa hivyo tutawauliza, msitoe hadithi ndefu sana, kwa sababu sisi sote tunajua taabu ya nchi yetu. Hasa sana tunataka kusikia vile unavyo pendekeza, na sema nini taabu yetu hapa ni Polisi kudhulumu watu na tunapendekeza hivi na hivi na vile. Njambo lingine ni kwamba nyinyi, kuna wengine wenyu ambao mmetengeneza memorandum, tafadhali mjaribu sana msije na kusoma ile memorandum tena, kwa sababu tuna watu kule ofisini kama watu kumi na wanane hawafanyi kazi ingine yeyote ni kushika memorandum, kuisoma kuweka kwa computer na kutoa yale maneno yametolewa na maoni. Kwa hivyo msisome hiyo memorandum mjaribu saana kwa hisani yenu kutoa tu! Kwa muhtasari yale mambo ya maana wewe mwenyewe unaona ni lazima uchukuwe.

Jambo la mwisho ni kwamba, haya mambo yote mtakayo yasema yanaingia kwa Tape Recorder kwa hivyo kila jambo unalosema liko kwa tape recorder na tutaenda tena tutoe kwa recorder iwekwe kwa computer alafu itawekwa kwa record.

Kwa hivyo usije ufikirie kwamba umesema mambo ambayo yatapotea na kwa hivyo inafaa urudie yale uliosema mwanzo. (hapana usirudia) Mwisho mwisho tutawauliza mkisema kitu chochote ambacho hatuelewi tutakuuliza maswali, nia yetu si kukuuliza mwaswali ndio tuonyesha kwamba wewe hujui vile unasema au unasema mambo ya upuzi, hapana, tukikuuliza swali ni kwa sababu tunataka kuelewa, kabisa lile jambo unalosema. Kwa hivyo usiwe na wasi wasi. Na mwisho mwisho, hiki siyo kikao cha DO, siyo kikao cha Chief; siyo kikao cha President, siyo kikao cha Polisi, hiki ni kikao cha Tume na sisi Wana Tume tuko huru, hatujakuja hapa kusema vile serikali inasema au vyama vya siasa vinasema, Tumekuja kusikiliza maneno ya wa Kenya huru. Kwa hivyo usisimame hapa kuzungumza halafu uangalie Chief pengine yuko, DO pengine yuko, Polisi pengine wako, usiwe na wasi wasi wowote. Kwa hayo machache wananchi, tuanze tutajaribu kwenda na ile listi ya wale mlijiandikisha mapema. Nikikuita tafadhali unakuja hapa mara moja, halafu unasema maneno yako, ukisha maliza kusema, tafadhali ujiandikishe pale kwa maofisaa wetu, sababu tuna kitabu ambacho kinaonyesha wale watu walitoa maoni, siku gani na wapi na lini na kadhalika.

**Com. Githu Muigai:** Grace Oduor atafatiwa na Andrew Waiganjo na Gilbert Ndegwa – Ukifika hapa Grace Oduor unatwambia jina lako na mahali unapotoka, na ikiwa unasimamia kikundi, chochote unasema jina la kikundi halafu unaendelea.

**Grace Oduor:** (Our Lady of Mercy Primary School)

I have the pleasure to stand before you, I come from Our Lady of Mercy Primary School, I am Grace Oduor and that school is composed of all lady teachers. It is struggling with others and here we've come three of us at least to deliberate on a few issues, if not all. Therefore straight away I will start on the rights of venerable groups; the way men interests are not fully guaranteed, in the Constitution therefore women should be given equal rights to men. Two, women should have rights to land ownership without any discrimination, also Constitution should ensure that women are fully given a chance to inherit the properties of the husbands in case of death. A widow should not be forced to choose a partner after the death of her husband, but should be given a freedom of association. Now children should also be guaranteed free special education mostly even in rural areas, depending on the disability of the children they should be guaranteed employment to support themselves. The government should also form a department to cater for the needs of the people with special disabilities. The rights of children.

The government should improve the machinery to make sure that children enjoy necessary basic facilities, e.g. love, shelter, clothing and basic education. Childrens homes should also be established in districts and approval schools to cater for childrens needs, care and protection and discipline.

Ancestral property - children should also inherit especially the ophans should also inherit the family property like land without any grabbing from the relatives. Child Labour also should be stopped. There should also be rule to bind all the parents to take the obligation seriously in the child upbringing. We also deliberated on th legislature, appointment of judges and chief justice should be vetted by Parliament. Appointment of Permanent Secretaries should also be vetted by Parliament. Appointment of Governor of Central Banks should also be vetted by Parliament. Functions of Parliament should be extended to approve appointment of permanent secretaries to review salaries for parastatals, teachers, and other corporations, should have final approval for a bill to become a law, not only by the President but by Parliament. Now member of Parliament should be a full-time occupation and not part-time this will enable them to have adequate time to deliberate on government issues, again in till have effective service to the constituency if they are full time in Parliament. It will also help to avoid technical appearance in Parliament as some of MPs do, it will also help cut down on MPs abseteesm in Parliament. MPs should therefore be more committed to their work.

**Com. Githu Muigai:** I may need to ask you one or two questions. You say that the MPs should be full-time in Parliament, do you have anything to say about their salaries, who should approve the salaries.

**Grace Oduor:** The salaries of the MPs should be approved by the public service Commission.

**Com. Githu Muigai:** I have one question for you madam, If you haven't thought about it , just say you haven't thought about it. Don't worry. One of the problems that we have today is the fact that the President is an MP. Would you like the President to continue being an MP or should he be above the politics of Parliament; while you think about it can I ask you another one?

**Grace Oduor:** Fine.

**Com. Githu Muigai:** The other thing is that the cabinet of the President is chosen from MPs . Do you think that is a good thing or the President should be allowed to choose a cabinet from anywhere , if he wants a good minister of education he goes to school, gets a good teacher makes him the minister. Could you answer those two questions?

**Grace Oduor:** Yeah to begin with the first one, if I got it right the President should be a member of Parliament and for presidency I think it should also go the same way the MPs are being elected. So he should also be elected just as the MPs all over the country, the way the election is being done . Where he should get his cabinet, I think just out of the Parliament, he can now choose who is the right person to do what, and that is why I also brought in that this Parliament should be a place of appointing these people and salaries also to be deliberated upon in Parliament because otherwise, I was the President I would just choose on friendly terms and the person whom I have chosen has to be royal to me ; and he cannot perform properly to the wananchi.

**Com. Githu Muigai:** Okay thank you very much , Please register there.

**Gilbert Ndegwa:** Habari zenu wakaaji wa Bahati na Macommissioners waheshimiwa.

Mimi naitwa Gilbert Ndegwa, and I am a civic education provider na kikundi ambacho kinaitwa Muundo Cultural Group. Nina Maoni ya fuatayo na kwanza kabisa nitapinga nguu hadi idara ya polisi ambapo pana rottenness na ambapo panasaidia kukanyanga haki za binadamu . Kwanza kabisa ningepropose ya kwamba ile curriculum ambayo iko pale Kiganjo ya miezi sita iwe overhauled , maanake tunasikia ati pale wanasomeshwa na kuambiwa ati mama yako ni adui , baba yako ni adui, na rai ni suspect. The intention of that curriculum wakati ule ilikuwa ikiundwa wakati wa kikoloni , ilikuwa ni hao askari wa serikali ya Her Majesty, lakini juu tulipata uhuru, sisi ndio the boses to the civil servants tukiwa raiya. Na pia ningepropose ku professionalise our police force . Na nitoe maoni ya kwamba , the minimum entry ya kuingia pale kwa mtu yeyote anayetaka kuingia polisi iwe ni a Mean Grade of C Plain. Halafu pale wafunzwe miaka tatu, a Diploma in Policing, juu wao watakua ni law enforcement and unless you are a genuine , huwezi someshwa pale miezi sita na uweze kui interpret law ukiwa huko uwanjani, ili ujua kama mwananchi amekosea ama hajakosea. Pia ningependekeza kama ilivyo pale katika military, ya kwamba kulifunguliwa kitivo katika one of our Universities ya kwamba wanaweza pata a degree in Military Science. Pia Polisi ningetaka wafunguliwe Kitivo katika our Universities ili wanaweza kuwa na a degree in Policing. This will make such professionals to be hired even outside this country like the Scotland Yard and the FBI .

Nikitoka hapo nitaingia katika idara ya mahakama; na hapo ndipo ningepropose sheria zingine ambazo ni za Kikoloni ziondolewe pale kama hii sheria ya kuweka petty offenders rumande siku kumi na nne, ile hali mtu mwingine pale akikiri, na alikuwa mlevi, na alikuwa ana randaranda anafungwa nusu siku, na anaambiwa afgangie hapo. Na yule ambaye hajakiri, anafungwa siku kumi na nne pale rumande. Hiyo ningetaka iondolewe. Kupelekwa rumande ningepropose iwe ni kwa wale ambao wamestakiwa na capital offences lakini sio petty offenders. Pia the vangracy regulation ningesema ziondolewe. Ie sheria ya kusema pia ulikuwa ati mlevi iyo pia ningetaka isiwe ati watu watastakiwa pale. Juu it is applied selectively. People from coast areas hawastakiwi ati ni walevi na wanakunywa. Lakini watu wa pande hii, wanasingiziwa ati ni walevi na wanastakiwa. Kwa hivyo hiyo ningependekeza iondolewe. I also propose pale katika judiciary tuwe na a strong judicial service Commission. Ambayo itachaguliwa kutoka mashirika kama LSK, kutoka huko judiciary na pia waalimu kutoka vyuo vikuu watakuwa pale katika hiyo Judicial Service Commission. Kazi yao itakuwa ni ku appoint judges, na kuwa dismiss ama kuwachukulia sheria za ki nidhamu.

Pia ningetaka niongee mambo mengine ambayo watu hawaongei juu yake sana, mambo kuhusu intellectual property rights, the patent laws. Kipawa kwa maoni yangu ni rasli mali, the talents to invest ni rasli mali ya taifa na inaweza kutuletea utajiri mwingi. Lakini sheria za Kenya kiyoko sasa, hazijalinda sawasawa ile Hati (Miliki) na juzi tuliona wana sayansi wetu waliofumbua chanjo ya Ukimwi karibu wanyanganywe hiyo hekma yao na their counterparts wa wingereza. Pia tunaona wanasayansi wengine kama Professor Aurthur Obel, akikataa kutoa ile formular juu anajua hiyo formular haitalindwa sawa sawa. So I propose very strigent and tight patent laws zitambuliwe na Katiba. Pia ningepeana mfano mwingine wa vija wawili waliku pale Kiambu ambao wali invent ndege na wakapaa nayo kilometer mbili kutoka view point. Vijana hao pia wali invent a radio that could run on chacoal. Wote walili pia waka invent gari ambayo wali iita the 2000 mellenium digital car, ilikuwa inaenda na nguvu ya jua. Na watu kama hao hawatambuliwi, vipawa kama hivyo ningepropose watu kama hawa wakijulikana, in our Universities kunafunguliwa indara ya creative thinking ambao wanapelekwa hapo moja kwa moja. Sio kama hao waliopotelea bure.

**Com. Githu Muigai:** Hapo Tume elewa, intellectual prompting

**Gilbert Ndegwa:** Let me go straight to the Executive ambapo hapo mimi ningepropose Rais aondolewe mBunge. He should not be a member of Parliament. Na zile nguvu ningetaka awachiwe ni kama the prerogative of mercy, pia awe the commander in chief of the armed forces, awe akiongoza taifa katika sherehe za siku kuu, kama national holidays. Na ikiwa atakuwa pale Bunge ata address kama vile the queen of England alikuwa anafanya. Pia ningetaka Parliament iwe na calendar yake, so section 58 and section 59 of our current Constitution ifanyiwe marekebisho ili Bunge iwe na calendar yake. The speaker should be given the powers to summon Parliament when the need arises. And in the bill of rights, ningesema the delegation and the limitational words ambazo ziko hapo ziondolewe, na kama mwananchi ananyimwa uhuru, ambayo utakuwa katika the Bill of Rights, Uwe ni wakati ambao Emergency has been declared. Lakini sio wakati kama huu ambao misaso inafanywa, and Kenya hakuna emergency. Kwa hivyo the delegation and limitations ambazo ziko katika the Bill of Rights

ziondolewe.

Making treaties; to make treaties (inaudible) treaty should be approved by a 65% votes in Parliament and the power of the A.G to enter non prosecute. Hizo ziondolewe. Na tuwe na idara ya Director of prosecution pale mahakamani. Na kwa hayo machache, mabwana Commissioners yangu ni kupatiana tu hii memorandum yangu.

**Com. Githu Muigai:** Ahasante Sana bwana Waiganjo. Kuna swali moja Bw. Ndegwa tafadhali.

**Com. Wambua:** Mr. Ndegwa, Umesema watu wakilewa pande ile hawashikwi na wakilewa pande hii wanashikwa, ile sheria iliyoko ile tunajua, offence ama makosa ambayo wanashtakiwa, ni kuwa drunk na disorderly siyo ulevi peke yake, kunywa pombe kulewa sio hatia lakini, drunk and disorderly, hii ya pili ndiyo lazima iweko hiyo order iwe haiko umekosa nidhamu, kwa hivyo hiyo ndiyo offence ambayo wanashtakiwa. Sijui kama ungetaka kubadilisha maoni yako ama itakuwa hivyo hivyo tu, ikiwa sasa unajua hiyo offence vile iko katika sheria iliyoko sasa.

**Gilbert Ndegwa:** Vile mimi ningesema, askari wetu wakifunzwa sawasawa pale hawatakuwa wakisingizia watu kama vile wanavyo singizia wakati huu, unajua ata ukiwa pastor, utashtakiwa pale na ulevi. So it is a portrayal of inefficiency by our police officers and that is why I propose that they be professionalised. (offence drunk and disorderly) ndiyo hiyo iondolewe, kama mtu analewa anapelekwa polisi, analala huko anaachiliwa asubuhi; kwa hivyo hiyo offence iondolewe.

**Com. Wambua:** Hata kama amekosa andabu iondolewe pia, ukiwa mlevi na umekosa andabu pia iwe offence isikuwepo, that is what I am finding (untra )

**Com. Githu Muigai:** Bwana Wambua anakuuliza, ikiwa wewe ni mzee mheshimiwa kama wewe na umelewa, unakojoa ovyo ovyo, mbele ya watu wote na kina mama, si hiyo ni kitu sheria inatakikana ipinge.

**Mr. Gilbert Ndegwa:** Yes hapo nakubaliana na nyinyi, inaweza pinga, lakini pale katika Judiciary, mtu huyo asipelekwe remand for 14 days.

**Com. Githu Muigai:** Okay thank you very much. Stella Kaburia, you are here please come up here.

**Stella Kaburia:** Thank you our Honourable Commissioners, guests and my fellow citizens. I'm Stella Kaburia from Our Lady of Mercy Primary School, Special Education Department, we have a Special Education Department at our Lady of Mercy which deals with the visually, impaired children in Nairobi. I have been a teacher in the profession for the last 25 years, and now I am in-charge of the special education area. As I have said I will talk more on education, that is the basic rights of the education system we have today. We have a system especially in Primary, whereby we are told that there is a free Primary education for our children. This one is not very clear whether it incorporates both the disabled and the able children and it is



there in words but not practically. Because the children whose parents are not able to pay are not in school today, and we have faced a lot of drop-outs especially this year because many parents felt that the education was put free but it is not in reality. There should be a formulated law that shows that it is workable. The money that is collected from the tax payers that is consolidated fund should be formulated so that there is a system that shows this free education is workable and if possible, it should incorporate all the departments, including the disabled. Because in the disabled department we do not have a formulated law that shows how it is run. While I am there the teachers who are dealing in this education especially special education, we are given only 10% of the remuneration as a token, that means we are not recognized and we have moved a step ahead to help these disabled children because I have worked in the normal section for over 15 years before I joined the disabled side, so you have to go a step ahead to be able to take care of these children. So there should be a formulated law to see that these teachers are also well remunerated in their work. Now will also talk about employment, and I will take more interest on retrenchment of the workers this has crippled many Kenyans and as a result of it it has also increased the school drop-outs especially in the sector of special education, whereby most of parents are not able even to get transport to bring these children to school. So the teacher is sometimes forced to do what we call home programme where you visit the child at home try to talk to the parents and at least see how you can be able to assist these children. I deal more with the blind and visually impaired, that is the low visioned children, so we have gone to an extent of going to the homes to find out what happened to our children because they dropped out lack of money because they parents were retrenched. So retrenchment should be abolished completely, it should not be a government word, and it shows an incompetent government that is not able to take care of its citizens. While I am on retrenchment should encourage the hawkers and the Jua Kali Sector, which are a form of employment for these low class people so that they can be able to take care of their children especially in education. There has been a lot of looting from the economy, (inaudible) is looted from very high sectors in our government, I feel the abolition of Kenya Anti corruption authority was a kick back to Kenyan public. It should not have been abolished and may be replaced whatever replaced it is not clear to the public. What replaced K.A. C.A. I did not understand and upto now have not been able to follow how it works, but it left the public unaware of what kind of system we have. So we should have a formulated rule whereby there is the body that checks the balances of the government and the looters should be impeached, or they should be punished by the law, and there should be nobody above the law, as far as government money is concerned. It should not be looted by a few individuals.

I have another point on security, the security of our state is wanting. It deserves to be checked I feel there should be a law where by the training of the law enforcers such as the police and the GSU should be longer period, a period of about two to three years. So that they come out competent and they should be fellows of moral characters. They should not be school failures. Those who are taken for training should be people who have passed their form IV examinations and should have a record of morally upright from their schools. Many robberies we have today have an attachment of a law reinforcement officer, may be a uniformed. Because there is nowhere they go after they have been retrenched, or they have left the forces. There should be a system that follows these people after they leave employment where they go. And the training should be longer as I said earlier. Six month is not enough for someone to come and reinforce the law out there in the field, especially the

police and the GSU.

With health care, we have had a lot of problems with our government hospitals and dispensaries whereby no doctors, no medicine. And this field has been left without any regulation at all. I feel it is good also to have a law governing our health institution, mainly for the government. We have had out of the failure to provide proper medical care we have had a lot of private clinic printing up and making the Mwananchi not to be able to pay what is charged in those private clinics and hospitals.

So there should be a law that is governing both the government hospitals and private clinics and the charges should be made uniform, so that at least medical care can be affordable to every citizen. Because it has been proved that there is no free medical care in Kenya. So can there be a law whereby those sectors are regulated so that they can be able to afford. And money charged from these sectors in form of may be taxes should be channeled to the right place so that there can be checks and balances from the government. It can boost the tax payers money. That you very much, I have combined by points together with my colleagues so that we give it as a memorandum. Thank you.

**Com. Githu Muigai:** Thank you very much Karen Odero

**Caren Odero:** To the members of the Constitution Review, ladies and gentlemen. Goodmorning! Now I'm also from our lady of mercy, my name is Caren Odero. I'm here to deliver a few points, starting with the basic rights. We found that the fundamental rights are not adequate, so something should be done about it. And others may also be entrenched in the Constitution, include for example freedom of religion, for example you find that there are students in various schools may be Moslem schools, now if a student is in such a school, you find that they might be forced to follow the Islamic religion or they are not given the right to worship on the Friday. That should be looked into along with that those who belong to the SDA religion, should be allowed to worship on Saturday and the other Christians on Sunday but sometimes this one is also infringed at times, so it can cause confusion in the minds of the children. Another point is on the social political institution. This one we feel that there should be freedom of association with any political party a Kenyan fees like supporting. At the moment the Constitution does not allow especially teachers and civil servants to support any political party of their choice. Now I feel that there should be a certain amount of freedom as far as that is concerned. Another point on basic rights, we feel that death penalty should not be abolished, because if that is done the rate of crime and as you know in our country is already very high and it will help to help in such serious cases like rape, which is on the increase or even child defilement such characters involving such crimes should be given capital punishment to reduced such cases. Along with that we also consider robbery with violence, which is very cruel and it also infringes on the freedom of the individuals. So if death penalty is abolished, then there will be too much freedom for these criminal, and so there should be a strict penalty against the culprits. Another thing which the Constitution should also consider is that the level poor of our country is very high so in such cases, the government should be in a position if possible to construct reasonable structures for the people who cannot afford. Another thing the Constitution should also guarantee all the workers the right to trade unions representation, so that they are well protected in terms of welfare and even it will be also good for their family members. Another point I would like to touch on but it is already touched by my

colleague, is retrenchment, which has brought a lot of misery in our country in fact it should be done away with completely.

I also want just to chip in on fees-point referring to pensions. The Constitution has it that pension is a government property, I do not know whether that is that case, I do not know whether that is the case, but we feel that it should be after the person has died whatever pension was entitled to him or her, should be given to the family. But there comes a case where especially if it is a lady, and she hasn't got any children, we hear that, that money cannot be given to husband, which is a bit unfair, I think it should be given to whoever the lady might indicate if at all she makes a will. So if that is looked into then I think we shall be well taken care of. There is also this question sometimes, where after a family member has passed away, may be somebody's child, they consider the age. If a child is beyond a certain age then the parents whoever is there the father or the mother is not entitled to any form of payment. I think a child is a child, no matter what the age that should be put into consideration. So that at least the parents is consoled in one way or another.

**Com. Githu Muigai:** Thank you very much madam. Please register your memorandum there.

Ladies and gentlemen, if you enter your appearance this morning as having a memorandum, only I will not call your name, because I expect that you will take your memorandum there.

Wananchi ikiwa nia yako ilikuwa kulete mandishi na pia kusema jambo fulani, nenda pale nje na uandikishe tena, useme pamekuwa na shida ya mawasiliano. Bwana Joseph Irungu. Afiatwe na Moses Kariuki.

**Joseph Irungu:** Yangu yatakuwa machache. Asante sana kunipa hii nafasi, Jina langu ni Joseph Irungu, natoka Jericho Estate. My first point is on the President. I feel the new Constitution should state that any President should not be above the law. The other point is on the judiciary I would suggest that the all three arms of the government, the judiciary, the executive and the other should be de-linked. My third point would be on the police as my other friends and colleagues have suggested, I also call for a vigorous training for the police, the time should be extended from six months to may be two years or three, such that these police should have full training. My fourth point it has already been said but and I will also add to it, and this concerned the appointment of judges and suggest that the appointment of judges should not be the work of the President. It should be the work of the Parliament. My fifth point will be on the Attorney General's Office, I suggest this office should have two attorney generals. My sixth point is on education in this country you realize quite a number of children do not attend school, because of lack of fees, I suggest there should be a provision of education, making the government would be accountable for education, all over the country. My seventh point is on corruption. I suggest there should be a very strict law on corruption and anybody found being part of receiving bribes, there should be a law which should be strict and (not clear).

My eighth point I do not know whether it is eighth or seventh, is that I would also suggest this habit of paying a person extra-retirement after 55 or so years I would suggest NSSF should pay the money and especially this time of retrenchment even if you are 30 or 35 you should be paid your money.

**Com. Githu Muigai:** There is one question for your sir.

**Joseph Irungu:** Yes

**Com. Wambua:** Why should they have two attorney generals and what will they be doing.

**Joseph Irungu:** Well I think!

**Com. Wambua:** Interject – you had proposed there should be two attorney generals, but you did not tell us why we should have two, and what exactly would each of this Attorney Generals Will be doing.

**Joseph Irungu:** I don't know it is my feeling that the Attorney General's office is a very busy one and I would suggest two because, you find that you are charged, and you are in a court of law sometimes it takes very long for your to be charged. Because consent has to come from the Attorney General's office. So I would suggest two, because this will speedy up, did you understand that (Interject) Com. Githu: yes I understand you, what you mean is that there should be a Minister of Justice, who should work with the politicians and sit in cabinet and do those political matters, and an Attorney General who sits in the office and does legal work only.

**Com. Githu Muigai:** Thank you very much. Moses Kariuki, are you here now sir, no, David Kariuki his brother, not yet, Hassan Adams, he has just left, Rose Wangari, she is an observer; Gitahi Kimani, Yes Bwana Gitahi Kimani please come up here. Nganga Kimwaite, are you there, please sit down and Adam, and Mary Isangari, tafadhali ketini hapa nyote wawili, So we will come back to you right away.

**Com. Githu Muigai:** Yes please carry on ahead.

**Gitahi Kimani:** Jina ni Gitahi Kimani,

**Com. Githu Muigai:** Gitahi wa Kimani, Hauna jina lingine?

**Gitahi Kimani:** Gitahi Kimani, Yangu, Kwanza naanza mambo ya kortini. Unakuta mtu anashikwa tuseme ni kuua ameua, either aliua ni ajali au ni nini, ni kuua aliuwa mtu akipelekwa pale kortini anaambiwa kwanza usijibu nyamaza tu, makaratasi yako haijakuja wataziita committal documents. Huu mtu anakaa rumande, anakaa, anakaa miaka mbili tatu nne sioni kwanini mtu huyo akae miaka hiyo miaka yote na kuna wakati tulikuwa tunasikia hata usiku, saa moja ya usiku watu wanapelekwa high court wana charjiwa, wanaenda wanafungwa kesho tunasoma Gazetini amefungwa. Kwanini huyu mwananchi ata kama ameua, Huyu AG hizi makaratasi zake aharakishe, ili maneno yake iishe haraka haraka, kama ni kunyongwa anyongwe kama ni kufungwa afungwe. Hiyo story iishe. Ee Mambo ya Age Limit, wafanyikazi wa uma inasemekana miaka 55. Hiyo Miaka 55 ni

kusema ya kwamba ukipitisha hapo hii miaka 55 wewe si productive, na wewe hakuna kitu unaweza unajuwa, labda we ni Senile. Kwa hivyo hii miaka iwe mi na propose hata kama ni judge hii miaka yake ati anafikisha miaka 74, akipitisha hii 74, akienda kugusa miaka 80 huyo akili yake imeenda kuwa ya mtoto. Hata Akifika pale kortini, ndio unakuta anafungwa, unakuta mtu ari rape anafungwa probation, ali rape mtoto, Mwingine ali rape mbuzi, anafungwa miezi mbili. Shauri ya hiyo, kwa hivyo, hii miaka hata judge hii miaka ichungwe sana. Kama ni miaka 55, mfanyi kazi wote wa serikali, 55 ikifika, henda home. Hii mambo ya wewe umeshikwa na polisi, una hatia ata kama hujapelekwa kortitini, amekushika, sasa hii ijulikane, hata kama amekushika, akweleze kitaratibu sawa sawa kwa nini amekushika. Bado huna hatia, tukienda pale mbele, ndipo utajulikana kama una hatia. Lakini unakuta, wakati huo huo umeshikwa ndio una hatia na una pelekwa ndani. Kwa hivyo hiyo ilelezwe sawa sawa. Na mambo ya Polisi, hiyo miezi sita hata mini ninasema haitoshi iongezwe wafike hata kama miaka tatu, na iwe si ati alifika standard 8 kwa sababu baba yake ni superintendent wa polisi, akamwambia sasa kuja iko job, akaenda, huyo si polisi, hakuwa amezalila kama polisi, he is not trained, na hata kama ataenda hiyo miaka tatu, ndio tusiwe na shida (not clear) police man, huyo mtu hata familia yake hata akichukuliwa, ichunguzwe labda familia yao kuna ungonjwa ya wenda wazimu. Na huyo akiwa polisi apewe mbunduki atapinga risasi kila mtu. Mambo youth, youth wakitoka shule hii story yao wakitoka shule wanakaa mtaani, wanaitwa idlers sikupenda kwake ni job imekosa, na sikupenda kwake kukimbia kimbia akiona polisi kwa sababu polisi wamekuwa si utumishi kwa wote, wamekuwa ukimwona ni lazima uepe ndio atakuwekelea vitu nyingi bangi, wanatitoea, wekwa kwa mfuko, (not clear)kulewa na kukosa adabu, tunakubali kupelekwa pale kwa sababu sitaki kwenda remande. Nakubali tu, nafungwa, au napigwa fine hiyo ndiyo wasi wasi mwingi. Mambo ya disabled, disabled sujui kama nimeitafuta kwa Constitution siioni, mambo ya kama ni mjengo, hizi buildings zina jengwa kama ni mambo ya usafiri, unakuta disabled mara nyingi hawafikiriwi. Kuna nyumba anaweza kutaka kwenda gorofa ya sita, hawezi fika labda lifti imeharibika, ama kama ile gari kila wakati inaharibika, anaenda gorofa ya kumi, sasa ningepropose kama ingewezekana kwa Constitution hata hawa wajenzi iwe akijenga nyumba, lazima hizo vitu za kujali mambo ya disabled ziwe ziko hapo. Vile anaweza fika ile gorofa anataka, vile anaweza safirishwa. Senior citizens; wazee, wananchi wamezeeka wakifanyia Kenya hii yetu kazi, ame retire, lakini akienda pale home, hafikiriwi, hafikiriwi hata kidogo. Kwa hivyo na propose kama ingekuwa mchango fulani imewekwa kando na serikali ya kujali hawa watu, hawa wazee. Provincial Administration: Chief, P.C.ya polisi wake – na shindwa kujuwa kwa nini tuna polisi tunaita utumishi kwa wote. Kuna hawa A.P sasa unashindwa kuna kazi ile wanafanya hawa na ni nani mkubwa wa mwingine. Tunashindwa kujua. Sasa pesa nyingi ya tax yetu unapata zinapotelea katikati. Kwanini hawa A.P wasichukuliwe wewekwe kwa hiyo polisi, labda pesa nyinyi tuta save sababu hata chief hata hiyo pesa nyingo anasosi, ni za bure tu. Kusema kweli hakuna kitu anafanya. Mtaa ama kijiji chenyewe kinaweza kaa chini kwa Katiba iliyoko kwa Katiba wanachagua wazee wa vijiji ambao wanajua hiyo kitu, wanaichunga, na ni mtu amejitolea si mtu ati amejiriwa, na vile amejiriwa, labda ameletwa hapo ki siasa kuchunga siasa ya mtu fulani ndiyo wakati wa campaign zikifika huyo akifanya mikutano yake haingiliwi. Ule mwingine anaingiliwa. Kwa hivyo sioni haja ya chief, sioni haja ya A.P (Administration Police) hawa wanaweza enda tuwe na wale tulikuwa tunaita home guards, mtu amejitolea ni hayo tu.

**Com. Githu Muigai:** Asante sana, Swali Kidogo tu, Wewe ulikuwa na shinda yoyote ya tukibandilisha ma chief wasiwe watu wanaletwa kutoka office of the President wawe ni watu wanachaguliwa na wananchi wenyewe, Ikiwa ni Bahati tunakutana hapa

jumamosi moja tuna piga poleni tunasema huyu ndiye chief wetu apewe askari wake. Utakuwa na shinda na hayo?

Basi tumuite jina lolote, tumwite headman wetu, tumwite mzee mkuu.

**Gitahi Kimani:** Achaguliwe na wananchi hao ndio wanajua historia yake, wanajua kama ni mwenda wazimu, ama ni nini kitu kama hiyo.

**Com. Githu Muigai:** Okay, naelewa, Niko na swali moja, Ulizungumzia habari ya provincial administration, tuna PC, tuna DC na kuna DO sijui ona mambi gani kuusu ofisi zao na kazi zao .

**Gitahi Kimani:** Nilisema kutoka juzi PC, DC, DO Chief mapoja na AP wote wangolewe.

(inaudible) Hao wazee wanatosha kutoka juu. Kama ni mzee wa mtaa kabisa, chini kabisa elimu yake ni tabia yake.

**Com.Githu Muigai:** Asante sana, Mary Isangari, Tushulishe majina.

**Mary Isangari:** Mary Osangari together with my friend Nanga we are from Uhuru.

**Com. Githu Muigai:** We have come to share the review here, and I just want put in some strengths in this point of succession. I would like Kenyan women to succeed after the demise of the husband to be given full mandate to inherit what was their husbands and not to have clans coming in to kind of reject that she does not belong to clan because of this woman marrying somebody else or either not being inherited within the clan and not marrying anybody she likes that the clan comes in very strongly and objects to that kind of inheritance. So I would like the Kenyan Constitution to make provision for this woman whose inheritance to the husbands clan and also the Constitution should be very clear on legal wife inheriting or of the husband and this concubine issue or the women who come there after during the death to also seek inheritance to be barred by the law of this country and then the dead man has made such provisions in his will before he dies that all his friends including the concubines should also seek inheritance or share the assets that he has left behind. This law should be very emphatic and very clear so that our courts are not messed up when it comes to what they should do in the absence of the owner. I also want here to put strength on equal rights in employment of both gender in this country, we have ladies and of course gentlemen who still own rights to every employment and the ladies have been sidelined for a long time even if they have the necessary qualification so that the Constitution should be very clear on who gets the employment where and when and this should be and this should be everybody should be entitled to proper employment because we are all deserving citizens and we all work towards the welfare of this country. I will also just point out on our education in this country we have had this problem over and over again and I think it is because we did not have a law saying education should be free and compulsory for all our children from the age of 5 the country should make it very compulsory for all children in that age upto age 15 to atleast have received some education so that all of us should be literate people we should know how to read and write, basically that should be our goal and objective in this country other than the government talks about free education but at the end of day this free education has very many comas because you have to pay for this, you have to pay for that, then what was free becomes almost paying for education and most most parents cannot even afford some two hundred



shillings or even one hundred shilling. So if that age can be catered for into the compulsory education and free, then from form one education can be paid I think this way we shall get everybody. Somebody also mentioned about the street children, street children are becoming a menace and we are just watching so they should be a no righter way that street children should have a fund a revolving fund from within the government so that these people can be rehabilitated, we have been having juvenile home which of course have been grabbed and are on individual lands so this juvenile homes if they can be reinstated and these street children can be put in these homes and be taught certain skills, because they already actually educated as street children they only need to be rehabilitated and be taken care of to become self reliant because like somebody said we are walking on a bomb that will explode anytime and we shall not even stand the weight of that bomb. These street children will destroy all of us both the rich and the poor the story will be the same because we have given them a lot of time to do what they want while we watch and we are doing nothing to watch their growing numbers. I think goes along with that we have given the President of this country very many powers so the powers of the President should be reduced in that he should not be the one saying everything that happens in this country, some powers should be directed to other departments and other bodies so that he may be can only look at the general view of the country with information being repeated to him through other department, but we have entrusted a lot of powers that he call the (unclear) every other time he wishes he can use us to run and we just have to follow and this is because we empowered him from the day go something we now in the new Constitution make good some of those powers and spread them out to the arms of the government. On the executive we have a problem with our ministers, Ministers are appointed to ministries they have no idea about. and this has made the entire government with people who are non performing because they go there because they have been appointed by the President and yet they cannot deliver, so they rely on their Permanent Secretaries for making decisions for them and they themselves cannot make any concrete decision and this should may be looked into by the new Constitution that you avoid an education minister because that guy has an idea about education system running in this country. The on management and use of natural resources; we have had a problem on our public servants and this is because they are not well remunerated. If we can offer attractive salary to our civil servants we shall actually get ride of corruption this people get corrupted because they earn peanuts and they are not able to meet their end and therefore what is right is kuitisha kitu kidogo to survive because you cannot them to survive at the same flat footing like people in private sectors who are their equivalent in qualification they earn hefty while they earn very little. If want our civil servants to work and work efficiently, we should remunerate them very well. On the land rights, there should be a ceiling on land ownership in this country. We have chunks of land under one owner people own a thousand you hear a thousand acres of land and is not putting this land into use effective use. What is the point leaving land to lie for years even for the whole life of that person he does not put it to use and yet most of us Kenyans just have fractions of pieces of land which we are not even able to produce enough to feed most of us. If land ownership should be strictly put into some may be you limit how much is an individual entitled in terms of land then we also on the same note on land rights we have public land that should not be sold at will by the government. If the government is planning on how may be they want certain public facility they should remunerate the owners of theland very handsomely so that they can get an alternative place or the government should re-settle them. You find that people have may be like we have a case in Ofafa of the titanium, people are crying because if land has been planted there I believe they have not been well remunerated and that is why they are crying. If they were given enough money to

resettle them somewhere else may be there would not be that kind crying. So let the government also put a law into force that when we get land from individuals, we shall give them an alternative or money equivalent so that they can be settled elsewhere. And the from land now I will talk about electoral system and the process(inaudible) I will not talk much about it but I am more concerned about the constituency when they are demarcating . You find that people have been living an area under a certain constituency when it comes to election and because they want to create a room and may create a constituency for an individual who they want to the government they will demacate without taking note of the people who live in that area so that you find people who have known to this tribe or this clan are pushed into an area there least understand even the cultural spacing of that area and this is what has been bringing in land clashes. If you look at presently Kuria we have been told that Luhyas as supposed to shift to central and you cannot cope with that kind of pastoral background in Teso land. So the government when they are doing their demacation, for creating new constituencies, they should have a plan and understand the background of the individuals they are trying to wipe out and they should get they packing or their okay so that when they drawing the demacation lines people are in agreement with them and the electoral process should actually give Kenyans definite dates when election should take place in this country other than leaving it open, they talk about five years, come five years they want to extend the period of Parliament and like I say got more power that is given to the President he can choose we are doing it after five years, or he can decide to seven years I mean it is at his discretion he can decide to do with election in this country. Because they should be then set out and the Constitution should spell out those dates for a period set that cannot be bypassed. I do look at our local government, I think most of us are not happy with what happens, mayors are chosen by councillors who have been imposed in or have been rigged in as the case may be, so I would propose that mayors should be elected by the people and not by a few councillors, because these councillors are bought and of course can vie for an individual who might have done a lot of lobbying around and may not be a really qualified mayor to take care of the welfare of the city on the sun as the case may be. And Councillors must atleast have 'O' level education as we hear the rumour circulating in (inaudible) so that they may have some education for which they can argue their points not just be put there for the sake of it. Then on citizenship in this country. Single parents, particularly ladies and their children have been sidelined on these sides, you find a single lady cannot get a passport of her child for traveling out of this country because the law does not recognize ladies alone purchasing such documents. I propose that the new Constitution let every parent in this country (inadible) they are all part and parcel of the this society and therefore they should enjoy the same law as the male counterpart. So they can transfer their things to their children without being barred that you do not have a man behind you and therefore you cannot do much. Then we have judiciary, anti-corruption unit should be invented and should not be the work of the judiciary or the AG. The AG should have no say in as far as the anti-corruption unit is concerned, it should be an independent body so that it can take care of these looters, who after they have been caught up the AG appears and you find that certain individuals cannot be brought to court because they are correctly connected with the powers that be. So again the Constitution should be very clear on that. Then we have environment and natural resources. The law on the protection of environment should be based here because we have reached a stage where our environament had been destroyed and it all because we have people who are too hungry in this country and they don't care what happens.



In fact taking care of the environment should be made a private or an independent affair so that we have a body that actually takes care of the environment both animals and of course trees and plants in this country so that we can protect without the destruction that has happened for (not clear) houses, or some big shots claiming land that they can sell.

**Com. Githu Muigai:** Thank you very much, we have two questions for you.

**Com. Wambua:** Mary you suggested that Ministers should be qualified to lead the ministries they are appointed to lead, and it happens that it is not all the time to easy get such qualifications from elected members of Parliament, are you suggesting or proposing that such ministers should be appointed from outside the elected members of Parliament. That is question number one, because we have received similar proposals.

The second one is that you mentioned about ceiling about land ownership, you did not give us the acreage, what acreage are you proposing, what should be the ceiling.

**Mary Isangari:** I believe most of our ministers are qualified men and women, and when you look across they qualification at least you can pinpoint if you are doing the choices who can fit where. At least there must be some indication in his studies or his qualification that this person can actually handle this ministry very well other than the haphazard choices that are made because because I want to benefit a certain individual against another even within the same ministerial cabinet who has the qualification for that kind of thing because we have seen it happen so if it can be at least constituted such that we know across the board who qualified for what.

**Com. Githu Muigai:** Let me more blunt, should the ministers be appointed on elected MPs or they should be elected outside Parliament.

**Mary Isangari:** Some can be elected from within and other can be got from outside.

On land ceiling, those Kenyans who have be endowed to own much let them own about 100 acres is comfortable to anybody.

**Com. Wambua:** My question is of Parliament and the life of Parliament, you note in todays paper that Parliament is proposing to extend its own life beyond the contitutional committee dates, what are your views about that now and for the future.

**Mary Isangari:** Me as a person my own opinion and I am sure I would share it with my school, the life of Parliament should not be extended, whether the Ghai review has finished with its review process or not we could still have election, go into the next Parliament, let the new Parliament review the Constitution we have been brought out and then work with it for the future of this country.

**Com. Githu Muigai:** Thank you very much Mary for your thoughts on this matter, please pass on the documents to our

secretariat. Rose Murage, Followed by Anne Obwara, is she here, Yes. Thank you very much.

**Rose Murage:** Thank you Commissioners, I am Rose Murage, I am a teacher at Aquinas High School, I have my colleague there we are present separately our presentation and purely verbal and therefore we will not be surrendering any document and I am sure as you said at the beginning, you are recording everything. So we know we are not losing anything by being verbal. I would like to start on an area that is quite familiar to all of us, and this is found on page 17 of this document those of us who have it. I would like to present according to the way they have been layed out here. I will be commenting on the areas and this one has to do first of all are the interest of women fully guaranteed in the Constitution, that one I say a big No! Not that I want to be a man and I do not want any man to be woman. But the rights of women are not fully represented. We come to employment, we find a lot of bias, even when I am better education than my male colleague, I will find him being given a job just because he happens to be man. And as far as that one is concerned, I would say that may rights are not represented. A colleague has touched on single parenting. I find that women are discriminated against because of being single parent, and then I wonder who made them single parents, and then I wonder who made them single parents? The same men who are discriminating against them, so that single parenting I would like the man who caused it also to be discriminated against or the woman be treated like there is no stigma against her. At the same time a colleague has also touched on passport, that issue of passport is not special at all and it causes a lot of corruption in the immigration department, I would request the new Constitution that one to be totally decentralized it be treated the same way Identification cards are treated, and Kenyans not be gated in this country we should be allowed freedom of movement either in or outside Kenya as long as you are not a criminal the police have got records on each one of us. These documents should be made freely to us all men and women as long as we can stand of ourselves we can finance our going out or our coming in. We come to the issue of, are the interest of people with disabilities fully taken care of, again I say a big NO! We find people who have got physical disabilities may be a blind person, a deaf person or a lame person those people are not at all mentally disabled and they should be treated like every other mentally stable person and that disability should not be highlighted to the point that the person feels embarrassed. They need to be treated well because we have seen people who have got all eyes and very good eye sight, all ears and very physic they are just superb, but inside here they have nothing and they are being given very big appointments this are the same people who are taking our country to the dogs p just because they happen to be big bodied people and an intelligent person somewhere is being ignored because he happens to be lame. So these people are not being well represented in the present Constitution I would like them to be thought about. I think the only limiting disability is mental, and even those mentally disabled people should not be treated like animals the way they are treated in mental hospitals something should be done because somebody is sick that person is sick he should not be humiliated, he should not be treated like an animal because he happens to be mentally sick. We also should be having rehabilitation homes where the mentally sick can be taken, not roaming in the street where anybody can do whatever they want to do with them. Many of them have been manhandled by people because of being out there so we need to take care of them because mental illness is a sickness just like any other so. I come to the next point here what specific concerns of people with disabilities should the Constitution address. I have here for example have talked about employment, consider the disability and if it is not affecting the kind of employment that person is seeking give it without

discrimination. If it is to do with housing, let us also have houses where we cater for their disabilities, somebody talked about the offices I concur with that, even the places where they live, even the distribution of property they should not be discriminated against. And when it comes to schools, provision of transport somebody somewhere has completely forgotten them they can struggle to get into public transport but nobody seems to care for them. I would like something to be done about that one to cater for their physical needs, basic needs, they are no lesser human beings because of those disabilities. I look at how can the Constitution guarantee and protect the right of children. I will start now I will start with the rights of the child right in the mothers womb. That child should not be aborted they should be no legalisation of abortion for whatever reason, that child never put himself there he should be given his right to live, when they are born there are rules and regulation to cater for all children equally, not according to where they are born, who has given them birth, so the rights of children should be looked into by adults I do not know why the children of the world are fighting. They are fighting because adults have failed them. If adults learn to cater for children, we will not be having the children Parliament the children cabinet the children conference, I am asking adults to take your responsibilities fully and protect the rights of the children. Men stop defiling young girls, stop raping young girls, and women who also torture young boys whatever they do stop it let us take responsibility of every adult to protect the right to children. Now if adults are taking their responsibilities seriously, there is no way we are going to have children working I totally disagree with children working in order to earn their livelihood. I want to say also here there is no reason why there should be any children in the street. We should come up with a law that allows responsible citizens to freely adopt these children. I for one would volunteer to adopt. But the rules are so stringent that even if one wanted to take in those children you have got to go through a lot of beaucratic requirement and so on it becomes so difficult you even wonder why you wanted to do it in the first place. So the street children they also belong to parents they were born by people some of them have run away because their parents are not able to look after them we should be able to cater for all those by looking at their rights as adults not leaving it to them to cater for themselves. So I am calling the new Constitution that every Kenyan adult would be a responsible citizen where we feel and care for each other. I am of opinion for example that if we did that if we showed much more love if we showed much more care if we showed much more concern we would not be having some of this problems we are having it all starts with the leadership that we have in this country. We do have a lot of water preaching , instead we are taking wine. Do this be mindful but you know very well you are not mindful because from the same people you are saying be mindful you are also stealing from them. You are also whatever belongs to the public, instead of the government taking care of that it looting it is grabbing it is looking, instead of calling a spade a spade we say for private development who is that private developer , is that a Kenyan , so if the governments is responsible enough, this country is well endowed , with enough resources to cater for the nationals of this country, every one of them but we have irresponsibilities from the top it runs down the line to the botton, and therefore we are saying we have got problems. This is a very blessed country. I want to say that.

Let us look what other groups do you consider to be vulnerable. And why, I also consider the youth of this country to be very vulnerable we have given back to them,we have educated them we have brought them to the level that we could have as parents, but we have got a government that does not have any plans for its youths. We would like some programmes specifically for the youth, so that when they come out of Collegeout of institutions they don't just go out there to roam in the

streets because there is nobody thinking about them, we should have definite plans for the youth so that they feel they are catered for. That way we may even find we will not be having any drug abuse, we may even find we do not have so many petty criminals, we may even find that we do not have violence robbers, those, let us have programme for the youth in this nation. I also want to say something about the retrenched workers. That is another very special group in Kenya today they don't seem to be Kenya simply because they were retrenched. The same government which had employed them on contract has breached those contracts, and is not willing to look upon them as human beings. If people are being retrenched let those contracts that those contracts that they signed when they were employed be put into full force, that at the end of the so many years I would have given you this much, now that you have to go and you have to continue living, you have dependants, this is what you should be taking. If there has to be retrenchment, let those people be properly remunerated, they are rightly citizens of this nation and they should not be even taking the government to court. And the government should not even be spending tax payers money to pay any advocate to stand against those people. I have also for retrenched workers. (Interjection) Com. Githu: I will have to request you Madam to summarise, because we have now at least 110 registered (inaudible)

**Rose Murage:** so I'm just finishing I consider the aged also a special group. At what age is one aged. Right now I am 53 years and I am teaching and I beg your pardon, I'm much more active today than when I was 20 years this is my 27 year. So going at 55 that is not the solution, if a judge can continue working upto 70 then even a teacher can continue working upto 80. but I would like to quote age limit for everybody no special category, as long as we are using our brains, if I go at 60, 65 that should be okay. And then after that let me make get my retirement dues, and I enter the class of the aged from 65 onwards. And as a senior citizen, and a properly remunerated by my government I will be able to do everything. And then for those who are not in the government employment, let us have programmes for them because they are also important we need them. And finally may I say that the Presidential power should be clipped. He should remain the commander of the armed forces. He should be non partisan, Cabinet Ministers should be appointed from elected MPs not from parties because from some of those parties we have very competent people who could be heading very many ministries and the country would not be going to the dogs the way it is. So thank you very much.

**Com. Githu Muigai:** Thank you very much Madam. Anne Obwara, I would be very happy if you can please try as much as possible to summarise.

**Anne Obwara:** My name is Anne Obwara, I am a teacher at St. (inaudible) School. I would like to talk about education first of all. First of all I begin with the management of schools, the BOG are the managers, the BOG are managers of schools yet they do not have children in those schools, we do not know the criteria that is used to appoint them, and they manage the funds that are paid and contributed by the parents, so I would suggest that the new Constitution in the sector of education are puts a nut that would mandate the PTA Parents Teachers Association to be managers of their own money and their own schools where their children are. I would also like to talk about the remuneration of teachers. Ofcourse being a teacher myself it is very unfortunate, when a teacher is teaching in a certain school and he or she cannot pay school fees for his or her son in

that school, I would wish that the the new Constitution would also look into that issue Then the other is PTA Constitution should be uniform, for the whole country as it is PTA make their own Constitution in their own schools, so you would find that they are not uniform. So the new Constitution would look into that. The other one that has affected the education sector is the child right, the bill, it has made it almost imposible to discipline students. It is getting into a point where the teacher is now answerable to the student instead of the other way round, how far can we go with the children rights without violating freedom and responsibilities that go with those rights. As for free education, yes it is espounded in the Constitution but it is not practiced the question in the booklet is how far, and as to what levels should compulsory education be free. I think for the time being it should be upto primary school level standard eight. At least free basic compulsory education, then after the countries GDP has improved we can put it up further to secondary school. Still on education but in conjuction with the social welfare department, I think it should be mandated to take the disabled children away from home in especially thosecases where we find that those children have been hidden and they have not been taken to any special schools, I think that should be in the new Constitution take care of that and also I think the law should be strengthened on the establishment of foster care homes. We find them mushrooming everywhere without rules and laws. Some of these homes I think most of us are familiar with Oliver Twist where a foster home care was actually a harvesting ground for a pick-pocket trainer, so this are areas should be looked into how this foster care homes are established, how they are run and such things. On the Legislature and the executive. I think that the Constitution should be formulated in such a way to make it very difficult to meddle with. What I mean here is from 1984 we may be to the present date we have no less than ten amendments as is suited the present government. Some of those we have to repeal and repeal again and again so I think the Constitution should not be easy to meddle with at all there should be checks and balances and referendum. Then on cultural, ethnic and regional and communal rights. First of all it is good now that the Constitution is being home made, we should delete out those aspects of western democracy that are not in line with our communcal ethnic and cultural backgrounds , as such we should throw out those aspects of western democracy that do not suit us that have failed us and involve a constituion that will incorporate our own indigenou institution as Africans, so that they would suit us. A good example is may be judicial system the legal right, today the child is more defiled and more at danger than when that child was being guided under the indigenou institution. Today a lot of legal mambo jambo has given us grey area whereby sometimes you are not sure whether that person is a thief or not, may be they were not guilty or even if they were there is something to it. I think our indigenou institution whether they were clanism, atheism system or kingship they did something good for us may be they should be incorporated into this Constitution. On Kenyan Citizenship and immigration laws. They have made it is so easy for any foreigner to become a citizen yet it is very difficult for a Kenyan to be citizen in another country, these laws should be tightened. On affirmative action especially on women, I think women of child bearing age or with young children should be given less working hours compared to men and women may be over and abover child bearing age. As pay is calculated by the hour that female employee is well aware of her package and at the hour she will be working looking at her children and this gives our children a better foundation it also lessens the employment of underage children as maids to look after the children. On political Parties. Political Parties should not funded made by political funds. The other thing is that members of those parties should make their own donations these funds should not be representative, what I mean is a head of a parastatal should not make a donation to a party and say it is on behalf of that parastatal let those donations be personal, let

those donation and funds also be audited so that if a party spending more than it receives then it should explain how that has happened. The party should also formulate their income generating activities to get their own funds. On Land and Property Rights No one is that yes there should be a ceiling as to how much land a person can own in Kenya. I think I will not give a specific acreage when it is five hundred or two thousand, but it should be proved beyond reasonable doubt the the amount of acreage that person owns is being utilized properly. We have people who own land some of it is still forests virgin land and there might be people needing land in that area. The other one is on Urban and City Council and County Council Bylaws. Land is sold demarcated sub-divided and and sold to a private developer. So there should be in the new Constitution a law mandating U rban or County Council to give a plan on may be what kind of houses should be built there such that we do not have always have a slum bodering a highrise area it drops the value of the land . You do not have someone building a block of mad and someone has built a mansion and it becomes dark because all around that person is surrounded. I think what we used to have before was very good, whereby in a certain area you can own only five acres you build a house of certain plan, certain type, and that way we have uniformity, we have order and I think the country will look good. The other one of course is on Trade Unionism and labour rights, all workers should have the right of trade union represenation. I would think with except from defence and security averators who make an oath to the President and the leader of that nation. The other one I would like to say is that bodies like FKE, COTU, and other worker representation body should be empowered to appoint and be given veto who has a very important parastatal like NSSF. Honestely what happened to Mr. Konzolo the other day is disgrace he is taking care of our money, how does just one person, vested with much power to appoint and dismiss someone who we think is doing good for us. How accountable and to who is the person appointed to head NSSF accountable to or responsible to. I think the law should make it clear that there should be consulted before any step like that is taken. Still on trade unionism and labour rights, Trade Union Leader should not be appointed by the government, I think what happened to Mugalla was also a disgrace being a KANU MP how does he then fight for the workers rights. A Trade Union leader should be non partisan, should be elected by the workers or workers representative body. On other basic rights touching on the medical field. The present Constitution does not provide enough protection for patients, especially on gross negligence by medical practitioners this is because our legal system does not provide for qualified doctors or para legal experts. We know that the legal language is pouched such that the patients does not know what the doctors means. And this has enabled our doctors anor other medical practioners get away with cases of gross negligence. So our Constitution should protect the patients more. The legislature. On the aspect of moral and ethical qualification, now I think we are trying to build up a democracy on the lines of U.S.A.which is the largest western democracy. And we call it the country under God. A state one Nation under God. Kenya I think is predominanty christain, and most of our laws do emanate from the Ten commandments the Bible and so on. So I think it is important that our MPs should actually adhere to a certain moral conduct. I do not mean to exclude a divorcee, a widower or a widow as taking up the appointment, but what I am talking about is we get an MP we know his wife, and immediately he gets to Parliament, when he is campaigning he is with his wife because it is accepted that a good lead is a Man of one wife, should be able to manage his family first. How is it when they get to Parliament all of a sudden the wives are no longer seen, and we see them with dubious characters in dubious places. Such bad habits have percolated from our leaders down to the Youth no wonder AIDs is killing so many people now, because our men know they do not have to attend any functions with their wives.



With anybody. I think that should be taken care of. And those are my views thank you very much.

**Com. Githu Muigai:** Thank you. There is a question for you Madam.

**Com. Wambua:** Only two clarification Anne. You said that political parties should not be funded by political funds, if I heard you correctly, and personally I do not understand what political funds are, may be you meant to say public funds, you may need to enlighten us on that. Two, You talked of aspects of western democracy which we need to look into and possibly use in the Constitution, and you suggested the question of adopting indigenous systems which in your view may be more protective of the children than the western approach. One of the issues we are supposed to address as a Commission is the question of that we retain our nationhood unity while respecting the diversities of the cultures of our people and that we know they are quite a number we are talking of 42 plus or even more and we would like to share with you your proposals, I mean how do we go about meeting this challenge, how do we go about ensuring that we have the best system from this various cultures. Do you have an idea if you have thought about it you can tell us if you have not it is a challenge we are raising as a Commission you can just leave it and continue thinking about it.

**Anne Obwara:** Yes thank you for the correction. I meant public funds. Then the issue Western us involving our own institutions, I would imagine that the Commission is already on the right footing, you are traveling all over Kenya, and you are going to get views from every community I believe that you will pick from those that will be espoused in those spaced community belonging to the indigenous institutions and you are going to involve them, modify them and fit them into the present community. Thank you very much.

**Com. Githu Muigai:** Thank you. May I request Joseph Kihonge to come up here and Joseph Muthia, fuatana na Bwana Kihonge, (Interjection) Luugaditu Christine!, Christine.

**Joseph Kihonge:** Yes Habari zenu, yangu si mengi ila nitasitiza, kwa Jina naitwa Joseph Kihonge mkazi wa Bahati, nitazunguza ninayo jua na nisha yaona, nitasitiza na neno effectiveness katika sehemu nyingi ama sector nyingi within our society. Ama serikali kwa jumla. Ninapo sema hivyo na maanisha tukifuata Katiba ile ina run hii government currently si mbaya hata kidogo. Rather ikiwa put into effect it is favour of Mwananchi, common mwananchi, mi nasema. Maana yake kwa mfano sometimes back nakumbuka masomo yaliku ya bure katika primary school, matibabu yalikuwa ya bure hospitalini, lakini nasikitika situ hizi mtoto kuingia Primary school ni Ngiri 17 ama zaidi baba yake haja pata elfi mbili maisha yake, sasa, how do you think he will get the money.

**Com. Githu Muigai:** Mapendekezo Ndugu yangu, mapendekezo sasa.

**Joseph Kihonge:** Sasa mimi ningependekeza, wa rudi nyuma wa put into effect ule mpango wao wa kusomesha masomo ya bure katika primary schools, at least mtu awe na njia ya kusoma gazeti kidogo na kuandika tubarua kidogo. Tukirudi hupande

was hospitali, Casualty Kenyatts zamani mtakubaliana na mimi ilikuwa iko house full 24 hours, Casino ya STD thenashara asubuhi ilikuwa na laini ya almost one kilometer siku hizi hakuna watu na ile maradhi bado iko na wale wagonjwa bado wako wa Kenyatta where do they go? (interjection) Mapendekezo - Mapendekezo – Utafiti ufanywe na serikali irudishe matibabu ya bure. The other thing is hii kama mnavyojua, ina itwa social hall ya Bahati, na nafurahia kuna wizara ya Social sevices and Housing nikisema ukweli wananchi wengi wa Bahati hawaitumii ifaavyo kwa sababu ya hawa askari. Na sema ukweli, kwa sababu wale wangeitumia hii holi siku hizi ni maandui wa polisi (vijana) maanake ukitembea usiku kama wewe ni kijana upende usipende lazima utasimamishwa. Uwe na makosa usiwe nayo nazima utasimamishwa. Kwa hivyo ningependelea ama ningerecommend has watu wame grav area hii watafutiwe mahali wa njenge outside this social halls. These Aps the Administration that is. Haya twende kwa upande wa the killings. Mimi nikiangalia zaindi, au nikilinganisha maisha ya binadamu, awe yeye ni President, awe yeye ni raiya wa kawaida, death is death. Hii mambo ya suspect kuua suspect ni mbaya sana mimi si –recommend naona ikiwezekana ashikwe awekwe kwa mahakama, maana yake tukiangalia Pope John Paul wa pili anapigwa risasi na ana ma body guard hawa ui huyo mtu, rather wanamshika na wana mhukumu. President wa US ana u awa na hawau suspect, wanamshika na wanapeleka kortini, sasa hapa unasikia magangsters 20 short dead, why don't they arrest the three, I think they are more important to the police force alive than dead because watazungumza kitu kidogo. (Interjection) Pendekezo- Ni polisi wajaribu kushika hao watu. Pia nikizungumzia the influx ya hao ma refugees katika mitaa hii yetu, sioni ni kwa nini mu oria ati amezalia Kenya na yuko 56, 60 years na hajui kiswahili, huyo si ni alien huyo ni mtu ameingia ki ndira. The government should therefore wale wote hawajui kiswahili washikwe na waishi Ki refugees because wana ingilia zile furaha za wananchi wa Kenya which we deserve our rights ndio wana kula. The other thing is nikimalizia, nataka kuzungumzia juu ya hii mambo ya nikisema ukweli sheria hii ni paramount, nasikitika kusema ya kwamba, ni mbaya sana mimi nikiwa ni mimi nimeua baba yangu anashikwa anawekwa ndani ya celi si wanitafute mimi, why should they victimize somebody else for no mistake at all. Thank you.

**Com. Wambua:** Ngonja kidogo tu, ngonja kidogo. Umesema wale wasio jua kiswahili washikwe na wawekwe kwa refugee, na ukataja Wasomali, ni Wasomali peke yake ama ni wale Wakenya hawajui Kiswahili wote.

**Joseph Kihonge:** Tuseme kuna wale indigenous Kenyans, (interjection) hao tunajua ni wa Kenya. lakini hawa wengine tunashuku those ones we suspect tuanzia hapa section mpaka mwisho, na Nairobi Town we will get them.

**Com. Lethome:** Swali langu la kwanza umelizwa na Commissioner na umejibu, lakini bado nina swali lingine. Umesema those who are indigenous ebu nambie indigenous Kenyans ni kina nani.

**Joseph Kihonge:** Ni kama mimi. By that I mean, my grandfather was born in Nyeri, my father Nyeri and I Nyeri.

**Com. Lethome:** So what you are saying is like Kikuyu's are indigenous.



**Joseph Kihonge:** Yes! Those are indigenous

**Com. Lethome:** What about Maasais

**Joseph Kihonge:** They are.

**Com. Lethome:** Don't we have Maasais in Tanzania

**Joseph Kihonge:** We have those are Tanzanian Maasais, that is why we say Tanzanians Maasais.

**Com. Lethome:** Okay. We have a Patel Patel , Babu yake alikuja hapa kujenga Reli, Patel akazaliwa hapa, amezaa watoto hapa, na watoto wamezaa watoto hapa are they indigenous or not ?

**Joseph Kihonge:** They are. Thank you.

**Com. Githu Muigai:** Joseph Mbuthia, wapi Lugadiri Christine, simama hapa, everlene Ochando, Janet Nzioka.

**Joseph Mbuthia:** Kwa jina mimi naitwa Joseph Mbuthia, mimi ni mkaji wa hapa Bahati. Kwanza mimi ningependekeza ya kwamba kuwe na sheria ambazo zinaweza kununuliwa za kuwa na mambo ya kunjenga, watu wanapojenga mijenga, kwa sababu wakati huu watu wanajenga majumba ya kukondisha ambayo yako hali ya juu sana, kama orofa kumi na tano na ambayo hayana lift. Mimi ningeomba inatatiza sana hasa wakati ambapo tunawaita wazazi wetu kutoka nyumbani wengine wakongwe hawawezi panda magorofa na wewe unaishi gorofa ya kumi na tatu ama gorofa ya sita na mnapofika pale unapomwambia mimi naishi pale juu hataweza kupanda maana haina lift. Mimi ningependekeza ya kwamba haya maorofa ambayo tunajenga yawe yanawekwa lift, kuwe na sheria aina hizo maana kuna matatizo nyingi sana ambayo inaleta, na tena ile sheria iwe inasimamia ile nyumba ni nani anayenjega na injengwa na -styli ngani tusiwe kunajenwa, kwa maana wengi wanaojenga hii manyumba wanafunga mpaka barabara, hakuna hata park. Kuwe na sheria aina hiyo. Ya pili ningependa kuzugumzia mambo ya afya. Ya kwanza kuwe na sheria za madi kuwa Nairobi city ni ajabu sana kusikia kuwa kuwa kama mbu. Na ni city of Nairobi Kenya Capital na kuna mbu watu bado wanakufa Malaria. Hivi ni kwamba lazima kuwe na wale watu wa zamani walikuwa wakibeba mitungi na ndawa, wananyuyizia kila mahali mitaro. Kila asubuhi kunaposhesha. Haya makampuni ya Madawa yawezwe kupunguzwa, maana haya ndiyo yanatatiza haya mambo wanahonga City Council ili wasiweze kunyunyizia mitaro ili tuweze kununua madawa zao kama hizi ma coil, lazima kila nyumba iwe na coil , kwa nini, na mitaro hii yote ni wao wanastahili –ku deal nayo manyasi hawakati, lazima kuwe na mazingira safi atleast. Kwa hivyo hayo ni mambo ya kiafya. Sasa mimi narundi tena mambo ya- retirement. Hakuna kitu kama kustaafu, katika binaandamu unapofanya kazi, vile ilivyo mimi napendekeza kusiwe mambo ya kustaafu. Ukiwa mzee kama wewe ulianza hii kazi, kama itakushinda, wale wakubwa wakishaona wewe umeshindwa nayo, si uko juu, wewe teremshwa. Utakuwa ukiteremshwa chini kwa chini mpaka

wakati unakapofika wakati wa kuokota karatasi. Lakini mambo ya kusema kuna retirement, huo ni upuzi. (interjection) Sasa mimi ningependekeza ya kwamba

wawe ni watu wakufunza wengine, kama Rais apunguzwe awekwe pale chini kwenye benji atakuwa akiwaonyesha wajamaa wake ama mawaziri wake mimi nilikuwa nafanya kivi wakati wangu na hasa siwezi toka pale. Kama ni mtu wa kufagia kama ni hii nyumba

kama alianza yeye ni mkubwa na amepanda hakuna haja ya ku-retire,(interjection) yeye atakuwa akiwafunza wengine njinsi ya kufagia nyumba ikakuwa safi kabisa. Ahasante sina mapendekezo mengine.

**Com. Githu Muigai:** Asante sana, una mambo mazuri sana Bwana Mbuthia. Karibu hapa Christine, Everline Achando, Janet Nzioka, Pauline Nzilani, Pamela Adhiambo

**Christine Lugadilu:** I take this opportunity to greet you all, Good morning!

**Com. Githu Muigai:** Good morning

**Christine Lugadilu:** I am representing the whole class because, we sat down as a class and came up with the following views:-

**Com. Githu Muigai:** So represent Everline, Janet and Pamela, what are your names?

**Christine Lugadilu:** My names are Christine Lugadilu

**Com. Githu Muigai:** Proceed please

**Christine Lugadilu:** There are six factors that promote national unity, one of them being Equal distribution of resources, you find that there is corruption and no unity and peace in the country because this factor has been done away with you find that resources are only distributed in the known places and in the unknown places such as the rural areas the resources are not supplied in those areas. So my views are there should be resources being supplied in these unknown areas so that we can have unity and cooperation in our country. The second one is the Constitution should consider the jobless who are disabled people you find that the jobless strain so much in order to make ends meet. So my view is the Constitution should at least consider them by may be by may be providing something small for the jobless to start businesses. And for the disabled organizations should be put across so that they can assist them through their relatives rather than them being kept or sitting on the sides of the road in the name of begging. My third view I will speak on the police, you find that you do not have a chance to express yourself instead when the police get hold you, you are just punished on the spot. So my view is one should be given a chance to at least support or express him or herself and if the expression and if the expression or the support is satisfying the person should

be released the person should be released there is no need of being arrested. Another one is gender equity. It should be considered by the Constitution because because we are equal before the eyes of the Lord. Women should at least be given a chance and tis time we should have at least ten women in Parliament representing women. Another one is on inheritance. A rule should be put across for both boys and the girls to inherit something from their parent. Another view is on culture and beliefs. I think the Constitution should also consider this, you find that there are other cultures and beliefs which you cannot understand them, like this reteridoctomy this female circmscision there should be a rule or a law to make sure there is not female circumsision and if anyone will be found practicing this type of belief or rather culture should be punished thoroughly.

**Com. Lethome:** ngonja kidogo tafathali, Umesema at leastkuwe na – you said they should be at least ten women in Parliament, should they go Parliament as nominated member of Parliament or should they contest for the seats. And I do not know whether you are aware of the affirmative action talks about a third and I do not thing 10 is one third of the 210. Why are you advocating for less seats for women. Then about FGM, there is an act in placewhich says that up to the age of 16 if a girl is subjectd to FGM and he is not above 16 then it is a crime but after 18 it is not an offence. Do you think that act is adequate orwe need may be to improve on it so that it is banned totally for all ages even a woman of 30 should not be subjected to FGM.

**Christine Lugaduli:** May be it should be banned totally I think it should not be there. There is no need of being circumsed.

**Com. Lethome:** How about women how should they get into Parliament.

**Christine Lugadilu:** They should be nominated (interjection) mine.

**Com. Lethome:** Thank you very much Madam, can we now have Allan Njoroge, is he here, if he is not here, how about Evans, What is you name Sir, Evans Njoroge

**Evans Ndungu Kuria:** First I will speak about the Kenyan culture, I think it should be protected in this, in this wear. What we are wearing today, is what has been dumped to us from the Western Country. And we should protect our ways of clothing by protecting our industries, which are our Textile Industries which will also create employment, and we protect our culture and by so doing there will be no immorality which has been triggered by someone wearing in an awkward manner. Second about the cabinet. I think there should be no academic qualification for someone to be a President, first of all there is no faculty in our universities which is know to be Bachelor of Arts in presidency or leadership. I think leadership is given by God, and wisdom is given by God, and a leader is never made rather is born. Second the President should not be a member of Parliament because there will be inbalance in development in our Constitutions. First, if I am made a President today, and I am a member of Parliament in Kabete, even the shanties in Kabete will have electricity and mansion in Bondo District of Bondo Constituency if there is will have no electricity so my cattles will be enjoying light in expense of a person who lives in another constituency. (Interjection) So the President should not be a member of Parliament. Secondly we a putting a lot of weight in eliminating the

President's power and we are not considering our MPs power. First of all our MPs have got a lot of power in that they hike their salaries the way they want, they can hike the dividends the way they want. First of all we are supposed to understand we are their bosses and they should not prolong their term, they should not add the salaries without us being involved because we are supposed to elect them to represent us, so we are their bosses. We are also putting a lot of weight in protecting our Fauna and Floras in expense of human beings, for example between us people and those trees outside there who is important. (Interjection) In my view, us we are so important than animals may be an elephant or a leopard. So I don't see why a person should live in a slum where there is a virgin land and unutilized land which can be given her or him to develop. (interjection) I propose that everybody has got a right to own land whether he is kid or a mature and every body should be given somewhere to build and somewhere to do his daily calls. About our education systems, the 8:4:4 system it should be done away with completely, because one it has prolonged our metamorphosis, well I entered to class one when I was age 6, I spent , Nursery school that is when I was age 6, I spent 1 year pre-unit, 8 years Primary School, 4 years Secondary, 4 years University. Before I get a job I am already 26 years and get married I am thirty, I am retiring when my first born is already 15. So in the near future you will have a lot of dependants Ophans and Kenya (Interjection) Propose we at least try to eliminate this 8:4:4 system and we come with a system which will take short time. And by the age of 25 I am economically able. (Interjection) Then we should standardize our salaries for example I am a caterer, not because I cannot be a Manager, I am a caterer by choice and I have all the qualifications of becoming a Manager, but you see, this manager, are doubling my salary, and they triple the already double salary and make it their own salary. So they are (unclear) sentence my salary and I am doing the actual job. So we should standardize our salaries such that we do not have a very big gap between the poor and the rich. I think that is all.

**Com. Githu Muigai:** Very outspoken, thank you very much Sir. I will now ask Mgeni Musa from the Muslim Sisters Network.

**Mgeni Musa:** The Commissioners, Ladies and Gentlemen good morning.

**Com. Githu Muigai:** Good morning

**Mgeni Musa:** I have got a written memorandum and I am just going to go through. I'm going to summarise. I will start with citizenship. On the issue of citizenship we propose that any of the following automatically be citizens, any child born in Kenya, or a child born of to Kenya parent, or adopted by a Kenya parent. We also propose that visitors with a valid entrance visa and investors residing in Kenya for at least five years to be awarded citizenship upon application. That all Kenyans regardless of their gender be accorded similar citizenship right. Both genders should have the right to pass citizenship to their spouse and their children. I will go to the Police. The police be instructed to function in National provisional and local authorities. A police Act should be set the powers and functions of police so that they will be able to function effectively. The main objective is to prevent combat and investigate crime, to maintain public order, protect and secure all people and properties within the

boundaries of Kenya. I will go to political parties. We are of the view that political parties are important in any democracy and they ought to play a much bigger role than they do now. They should work towards the realization of their Manifestos, they should practice democracies within their structures and operation, they should assist in poverty eradication, creating of jobs opportunities, education, economical and improvement strategies and empowerment of the people. Structure and the system of Government. We propose a unitary system of government where strict revolution of power to the local authorities will be observed, and implement it to enable government to be closer to the people. We further propose that we should retain the Presidential system of government although we recommend reduction of the Presidential powers and we shall state in details later. The Vice-President to be given specific functions by the Constitution, we do not see the role of Prime Minister if a Vice-President will get specific duties and powers of the executive will be dissolved. We go to the judiciary. We propose various changes in the Judiciary as the current system has not served us well. Instead of a Supreme Court we feel that we should have Regional Court of East Africa that will otherwise deal with the functions of a Supreme Court. We also want to have a Constitution culture. We propose the establishment of a Constitutional court. Kadhi and Chief Kadhi should have an LLB Degree in Islamic Sharia, and be Graduate of Kenya School of Law. Kadhi and Chief Kadhi should be appointed by the Judicial Service Commissioner on recommendation of three Muslim institutions to be decided by the Said Commisisoner. We propose that the Kadhi's Court to deal also matters of children, Matrimonial properties, administration of the state and deceased muslims. For Moslems to fully enjoy freedom to worship and to effective implementation of the Sharia, it should be imperative that the Kadhi should be upto the Appeal level. The Constitution should limit the power of the President, he should certainly not be above the law. The Constitution should provide for impeachment of the President in the following circumstances:-

Corruption, immoral behaviour, and misconduct.

The President should not be a member of Parliament.

I will go to the Basic Rights. We propose that the chapter on the basic rights to be expanded to include social, economical and political rights. It should also adequately provide for the already existing right so as they can be fully enjoyed. No the death penalty should not be abolished taking into account the rate of insecurity and crime. We propose the following to be chapter for fundamental and rights freedom and duty; health care, water, social security, education , housing, equality before the law, human dignity, right to life and liberty, right to privacy, freedom to religion, expession of opinion, movement and assembly and organization.

Participatory Governing – In order to have effective participation of governance, we propose that non-governmental organizations to be given a role in the government. At the moment they definitely play a complementary role. The Constitution to address the complementary role and also their freedom and rights to conduct their affairs without state interference. The state should regulate the affairs to the civic society to ensure that their objectives are met.

Environmental and Natural Resources: The Constitution should preserve and protect

forests, water catchment areas, rivers, lakes etc. The Kenyan people as a whole should have power to enforce and protect environment. Local communities, local Government and the State should have the role of managing and protecting the environment. I think that it all.

**Com. Githu Muigai:** Thank you very much but we do have some questions if you will be kind to hold on.

**Com. Wambua:** Specifically I want to know about the proposed Court of Appeal, or Regional Court for East Africa instead of the Supreme Court, why would be the difference with this other proposed Court for East Africa.

**Mgeni Musa:** Sorry, would you please come again.

**Com. Wambua:** You have proposed, in your memorandum that we should have a Regional Court for East Africa instead of a Supreme Court, and my question to you is, What is the difference. What is the benefit of having the Regional Court for East Africa rather than our own Supreme Court.

**Mgeni Musa:** So that it can deal with other functions of the Supreme Court.

**Com. Lethome:** Madam if I got you right, you were talking freedom of religion as opposed to freedom of worship, so right now what we are enjoying is freedom of worship, are you suggesting now that we have freedom of religion and what is the difference. Uhuru wa dini and Uhuru wa kuabundu.

**Mgeni Musa:** Uhuru wa Ndini na Uhuru wa

**Com. Lethome:** Hapa mimi nime propose Uhuru wa dini, na Katiba iliyoko sasa inazungumzia Uhuru wa Kuabudu, sana kwa mfano mini nikianza kuabudu shetani na niseme hii ndio ndini yangu, naweza kutumia kifungo hicho niseme kuwa Katiba imenipa Uhuru wa Ndini na Uhuru wa Kuabudu.

**Mgeni Musa:** Uhuru wa kuabudu dini iliyo sawa, si kama dini hiyo ya Kishetani.

**Com. Lethome:** So are you proposing that you are going to amend that to say the right religion, to worship God.

**Mgeni Musa:** Yes.

**Com. Githu Muigai:** Thank you very much. There is some gentleman from the Kenya Institute.

**Thomas Mugo:** Ayub Onyango, Daniel Mutiso, Are they here. You are here, Is one of you speaking or all of you.

(interjection) Ah very good, then your representative could you please come here. Your names are. (interjection) and you are the chief of that group. (interjection) thank you

**Thomas Moga:** My names are Thomas and I am from Kenya Institute of Catering and we come here to share our views, I think I will be very brief and where I need explanation I will call my friends. I am going to start at the point of citizenship whereby it was asking who should be an automatic citizen, A citizenship should be that person who is originally born in Kenya, parents are Kenyans, and must be registered as a Kenyan, then another way of acquiring this citizenship, now we've got cases, I am a Kenyan and marry a lady from Australia now here it will determine, if I marry that lady and I am a Kenyan and I have my own citizenship in Kenya I will ask that lady to come to Kenya, and be registered as part as parcel of citizen of Kenya.

**Com :** Then there another point should spouses of Kenya citizen of Kenya regardless of the gender be citizens.

**Thomas Moga:** As I have said Sir, just now if I marry outside, that lady has to live in Kenya because my citizenship is entitled in Kenya. It is not in Australia where I married that lady from so I have to chuck her off from Australia and let her be registered in Kenya as a citizen as part and parcel of Kenya now. Because everything we going to do, we are going to do it in Kenya.

Another point is should a child born of Kenyan parents regardless of the parents gender be entitled to automatic citizenship? Well If I am a Kenya and just decide to marry a lady outside the Kenya now, you see that child is not a Kenyan because if I impregnate that woman lady and she is outside there, that child is not a Kenyan, unless I take both of them or I take the child, if it is born in Kenya, yes well, but if it is outside Kenya, it should never be given unless the

child is born in Kenya and registered as a citizen. The rights and obligation of a citizen. I think here now a citizen has so many roles to play and has got rights and obligations, first, as I am standing here, I am standing like a Kenyan Citizen and I am standing to present my problems, so I have a right of expression, but a times you find that loger people like me who is underneath, under the law now, (unclear) but I have a right to do what to talk, what I am trying to say is, every citizen should be given time and time and that chance to express what he feels and what she thinks is the best to be done for him or her for the services of (unclear). Another right is that every citizen has a right to use that resources within the country but you see now there are some resources I cannot use and I am a citizen why, because I have been denied those rights, and there is nobody who can let me have them, so lack of exposure and lack of that giving me a chance to go through them and have them done is limited. So as we say that the Constitution should let the rights of using the resources be it national be it even internationally, which have come to Kenya, I benefit from them. Another thing is that the right of doing a business, you see I have a right to engage in a business from within the country which ever I want only that if it is allowed in the country, the country here, I as a citizen I am not given that change, for example we have just some people here this capenters they have been denied that chance, because when they are trying this the people come in a press them and says this goods are inferior and the business you are doing is inferior. So you find that I cannot do other business because I fear I am going to be stressed, and the business is going to done away with. So I think the constituion should look into that and give me the right to engage in a business. Now another point I am going to talk about is do the Constitution allow the dual citizens. I think this one should be depending. You know I cannot be a



citizen when I am a thief or a robber, if I run from U.S.A. because I did a wrong there, I come here and acquire a citizenship, don't you think I will do the same thing I'm doing here? So it will be on a ground that what I am doing should be clear to the government of where I am leaving and why I have to acquire that citizenship, if it is unorthodox way I should not be given that citizenship. But for example now I am a Doctor here and I go there I get a job but going there I can decide to be given citizenship consulting my country, if my country cannot allow me, then I should not be given (Interjection) so what I am saying is that it should be dependent that what you are going to do should qualify you for the citizenship or not. Now another document the document which a citizen of Kenya has to carry is the ID that is the most important first of all, but now you see many times these IDs are coming now not to be important when it comes now to your security such as things. I walk with it when I meet a policeman, I am from work, I meet a policeman when I am yet to produce it already I have been changed, they do not want to listen to me. So I think another way should be given if by that it cannot be effective they should again ask the Constitution to give another alternative of identification may be if there is a document which can assist the ID for Kenyans it should be invented. Then I'm going to talk about environmental and natural resources. The environmental and Natural resources have all these things which are to be enjoyed by our citizens now. We've come to a point where by you find that all these things are now being given to an individual. The best thing we should do what the Constitution should check is that this environmental resources are given power or body be formed to check into them I feel that if for example we've been given a rule that if you cannot (not clear) you plant. But it is a word not an action. I go there cut one but I don't plant, when you come to me I say that I have been given permission. Somebody in authority. So one thing the authority given to such individuals should be enumerated and these environmental resources should be given powers to the public or the citizens to take care of another group to take that part and not them. Another thing we have many things in Kenya, we have minerals now for examples we have minerals in Kenya, but you find that these minerals are not benefiting Kenyans, you see for example that issue of titanium, how is it being handled, is it being handled in public or in transparent way, you find that it has been sold to an individual. Such things should be made to the benefit the country and the person living in that particular country, and if anybody has to acquire it, should come and just get a fraction and pay for it. And the money got from there should benefit the Kenyan. So what I am trying to say is that kind of selling or giving things without the knowledge of the citizens or not being said in a transparent way, the Constitution should give a good transparent way of handling such cases. Not that you come to an officer you see over the screen you are selling a document and giving to another person, then that is all. How do I know whether you have signed something which can come unwritten and harm me, and let me give land and let me give land me anywhere somewhere in a ditch. Another thing I am trying to say is the land, land application under that environmental because the land is the major natural resource we have. Many Kenyans have got the right to possess land, but few individuals tend to get more land than the others, why because, I am so and so. So what I am trying to say, the land has been the major natural resource should be given another good attention and care, for example the produce we get from the land and the major sources of income in Kenya now, but if some people get one thousand acres but it lies there, what is it doing, nothing, I think the best thing to look for a land if anybody is found with a land which is lying idle the constitution should give a law that, that land should be snatched, or given to those needy people who are dedicated to dig it and do something about it. And the acreage should be limited, there is no way you can get a thousand acres, which can cover around ten people. For ten people, for one person, I think it is not necessary, what I am



recommending, if somebody can get at most 50 to 100 is better for one person. Then I am going to speak about the basic right.

We have basic rights today, now my basic rights as a Kenya is, I have a right to live, I have a right to walk, a right to express but now when I am going to speak out something which touched somebody above me, I am going to be questioned why and there my security is going to be deteriorating because I fear that person so I can't say the truth which I know because if I say I am going to be doomed. And I have a right to live, so for example that issue of Dandora a driver was shot, that person deserved to live and to express and say what he had done but here he comes and shoots and leaves without a word. So what I recommend is that, before any action is implemented, to a person they should be given a time and express what why they did it. And if they deserve to be charged or questioned they should be handled in a way that they are going to be taken to the authority and questioned if it is something to make that person go to the court he should be given Court summons and that Officer who took you there should be the responsible person to serve you with the Court Summons to get you and be answerable to that case. Now I am going to talk again about employment a bite. You see in Kenya we say we do not have employment but it truth there are employment, why do I say this, you find that some people in offices and covering a job for two people for examples in Ministers you find somebody is Minister in this and another other one, why do you think it is necessary to be just subjected to one Ministry and the other Ministry to have another person, so that person will be giving another chance of employment, so those chances should be given to other people. Another employment, Jua Kali has been neglected very much, but Jua Kali is doing wonderful things in Kenya. Now look at Gikomba there, those people have got very wonderful things to sell but they cannot sell because they are so limited in a way there is nobody to come in and promote them to sell those things internationally so the market is within here and wherever they make them somebody from a Company comes in and does something or gives a kick-back somewhere (interjection) I recommend that those people be given to do those time, to exercise they practices correctly. Another thing is about vulnerable groups. In Kenya we have those independence pioneers, those people have been neglected. Those people did a wonderful thing and what I recommend the Constitution to do is those people be given a special attention, for example like Mandela, when he retired the government takes over everything. So because these people did something to the Kenyan they should be attended and be given a special attention, security and even shelter and their provision. Another thing is about the nomination I do not think it is very necessary if I contest for a sit and I be defeated I shift from my party to another to seek that nomination, at the first place I failed, now I am going to another place to be nominated. My first letter indicated that I did not really satisfy the people so definately the other people too are the same I'm going to contest for that nomination, so there should be no nomination by shifting from one party to another. When you have failed, you have failed there is no anything about it. And another special group is now about these people like homosexuals, because when speak about special group we are going to inclue these, but this not a culture now we can't preserve a culture what I am saying is that such characters, or that aspect of living should never be encouraged because that is another adoption of another Constitution which is in America which is not in Kenya. We are making our contistution. We should not allow that, the Constitution should straighten that. The other thing somebody has talked about is FGM. This thing here is doing more harm to our ladies. There has been cases of much loss of life due to this, some contact of diseases, I think the best thing we can do is this, FGM be dismantled for good and should never be existing in life. The best thing they can do is get a National Identification for such people to identify that they are of that age because I believe it is just a passage from child to adulthood so I think

there should be a special mark for those people for that stage to the other stage. Another thing is freedom of worship. Somebody has talked about (GL) you can't tell me that if I have to worship I go to Devil Worshipping I go there because there is freedom of worship. I go there I create chaos and killing people because we know this asre Ocult things, because of this I feel the costitution should be straight on these, a religion which is a God serving or worshipping religion something they have to be specific. Devil worship is not a religion, it should not be there. Free Masonry like that should never be there, they have to be very specific on what they want to say about religion or worshipping or that freedom. I think another thing is about finances of the National Finances. I think this is another chaos, everybody is like I want to sign that contract, what I'm saying is this, Constitution should have that body form or have a law regarding that natural resources becomes when they come in they are meant for the whole nation but when it comes it is now directed to one person, because I have a greater name, you see such things. You see, such things, they should be specifically meant for the people and that is thus they have to be divided equally if it is in constituencies it something to be built it has to be built and there and therefore I want to say that CASA has to be revived back, so that the CASA can play its role, because by throwing that list of shame it will have eliminated. So Police harrassment the people have said, people have said mh! And I thing I shall not talk about it spying on freedom we have talked about it, that is corruption and I think we as Kenyans we a not supposed to buy our freedom. When a Police catches up with me I should not give him two hundred for my freedom. I should better be taken there, and be let explain my problems, then if it deserves to be there I be there I 'm not supposed I be released.

**Com. Githu Muigai:** Thank you very much Evans you have spoken very, very eloquently, on very important issue and you have represented the Youth very well we than you very much. I will now ask Mr. David Kariuki to step here and be very brief, because as you know Mr. Kariuki your turn had already been allocated to somebody else, please try to be very brief. After him can we have Mr. Francis Mathu, Francis Mathu here.

**David Kariuki:** Yangu kwanza ni kuhusu the current Parliament. (interjection) Jina langu ni David Kariuki kutoka Bahati Car Wash. Ya kwanza ni kwamba Parliament ambayo tuko nayo, hatutaki iwe extended kwa sababu hata wale waBunge tuko nao evern by now wengi hawana chama na hata sijui wanakuwa wana-represent nani, wamekuwa wamejam wana enda enda and so we cannot trust them kwa hii Review Commission Constitution wakati huu hatuwetu wa-trust sana, na sioni ni kwanini mtu akianzisha mrandi anaona yeye ndiye anaweza maliza, so- naamini kabisa hata wale wamBunge ambao tutachagua katika election inayo kuja wataweza kumaliza Constitution yetu, kwa hivo ningepomba iwe na atleast nina Constitution Review ya ku-guide katika election kwa sababu already –muko na –views ambazo mmepewa kuhusu ambao mwelekeo ambao tunataka sisi wananchi. So hapa nasema ya kwamba hatutaki Parliament iwe –extended kwa sababu pia Review Commission imekuwa inaomba wakati, isiende pamoja na wele, hatu waamini. Secondly katika mambo ya kiserikali, Serikali imewatuma, sisi tuko hapa kuwakilisha maoni yetu lakini tukiangalia upande wa Serikali ni kitu ya kwanza ambayo imetumaliza sisi kulingana na vile ambavyo inaendelea, hivyo nataka kusema ya kwamba katika every parastatals these institutions have not been insured, magari ambazo ni za serikali haziko katika insurance cover na mtu akienda akigongwa na hii gari, ina kuwa ni shida ya mtu kulipwa kwa sababu ile accident ime-causiwa na gari la serikali so- ningependekeza kila institution ya serikali iwe insured ili wakati mtu

wa kawaida amepata majeraha kutokana na hio institution, basi akaweza kulipwa fedha, ile ambayo inatakiwa. Jambo lingine ni kuhusu polisi na siku zile kumi na nne wamepeleka za investigation, wakati mimi nikishikwa kama raia wa kawaida nawekwa police station siku kumi na nne na sasa wamekuwa wa-me-abuse hii sheria wanatushika katika njia za kutuonea na wanatuweka kule ndani, kwahivyo ningependa polisi kabla ya kushika mtu wanafanya investigation na wakimpeleka pale wanampeleka korting within- three or one to three days bila ya kumuweka katika police station. Pia ningependa watu ambao wanashikwa sisi raia tumeumia. Tumekuwa tukishikwa na askari na tunapelekwa katik remand homes ambayo wanaita remand prison, na ningependa Katiba ambaye inayowekwa basi itiyeye nguvu ya kwamba mtu akishikwa bure na akifanya case yake na ashinde, base yule mtu awezwe kulipwa na kupitia hiyo hongo itaweza kuisha kwa sababu tutakuwa na ujasiri wa kufanya kesi na wale askari ambao wanatushika ovyo ovyo, akijua ya kwamba ukimshinda katika kesi basi utamrudisha kortini na uulize compensation. Kwa hivyo corruption katika kuhonga askari haitaisha kama wale askari hatutaweza kuwashtaki kwa sababu ya kutushika bure. Pia upande wa suspect ningependa iwe ni criminal offence kwa askari kupiga mtu risasi kama hana kitu chochote cha kudhibitisha kwamba walikuwa wanapigana, Tumesikia kwamba ma suspect wame uwawa wamekuwa kama ishirini na mmoja ndiye alikuwa na bunduki, wa bunduki auawe hao wengine washikwe kwa hivyo kam atapiga mtu ambaye hako armed, basi huyo askari ashtakiwa na kifungo ambayo ningependa iwekwe ya kwamba hiyo ni criminal offence, kuuu mtu ambaye hana kitu ambayo alikuwa amejishikia. Pia kuhusu utawala kama hapa Nairobi kuna shinda ya ndo ambayo imefanywa na hatujuwi imefanywa aje, kuhusu local government na Administration kama hii Hall ni yetu lakini City Council wameipeana, nunaona ya kwamba –unless tuje na sheria ambayo ina-govern mambo ya City Council na Administration tunataka zitawanyishwe, hatutaki kama hapa kwa Social Hall kuna administration, police na bado mahali petu pa community. Kwahivyo vijana hawawezi kuja hapa na mambo ambayo tunaweza fanya ya ku-recreate vijana katika hii Hall vijana wanakuwa vigumu kuja karibu na askari, Kenya tunajua ya kwamba na yule ana mbio ndio ana faidika, ukishiwa hata kama huna shida utapata una shida. So ningependekeza watu wa administration wasiende karibu na mapali pa community recreation centers, wawe independent, wamewekwa kando huko na wa wache kuwa karibu mapala ambapo panahusika na uma. Na sina mengi isipokuwa hayo.

**Com. Githu Muigai:** Ahsante sana kuna maswali ngoja kidogo.

**Com. Wambua:** Kama nilikusikia vyema bwana Kariuki ulisema, Ikiwa watu hawa ni ishirini, na mmoja ndiye ako na bunduki auawe na wale wengine wakamatwe, wewe ungependekeza polisi waue au wakamate hata kama mtu ako na bunduki, ndio aende kortini.

**David Kariuki:** Ule ako na mbuduki ni-threat kwa ule askari,

**Com. Wambua:** Lakini ni kuuu ama ni ku umiza?

**David Kariuki:** Apigwe ya mguu ama ya ile mkono ambayo imeshika hiyo mbuduki.

**Com. Wambua:** Asante sana.

**Com. Githu Muigai:** Umesema Vijana hawawezi kuja hapa kwa sababi ya kuogopa polisi.

**David Kariuki:** Ndiyo

**Com. Githu Muigai:** Na Tumesikia mapali pengine pia watu wanalalamika, wanaogopa polisi hata polisi akifa mapahi pengine badala ya watu kulia, wana furahia(Interjection) Sasa unapendekeza kitu gani ili uhusiano baina ya raia na polisi uwe mzuri.

**David Kariuki:** Polisi na raia ile uhusiano ule mzuri Tumesema ya kwamba nilikuwa na pendekeza, kama hapa ni mahali ambapo ni pa ume, hapa ni pa community, askari akiwa pale, askari saa zote atashika kijana, kijana aponyoke, kwa sababu atajuwa hana makosa, na yule kijana hawezi tena kukaribia kwa yule askari. (interjection) Ile kitu ningependekeza, ni askari wale ambao wana mwelekeo, hata pia kuwe na seminar, tuwe tuna wahusisha mambo ambayo tunataka. Kwa sababu askari ambao wanaletwa ni wageni na hawatu elewi, kwa hivyo kukiwa na siminar wanawaza jua –who is who lakini wasikae karibu na mahali ambapo ni petu, wakae mbali kabisa, (interjection) and I believe-kuna council nyingi ambazo zime-formiwa, kuna administrion camp, kuna kama hii social activities ya hii community kw hivyo watengezewe mapali ambapo wanaweza kaa wasi mix na community activities, lakini katika mtaa wanaweza kuwa pamoja na sisi lakini kwa hapa, hatuwataki kwa sababu wanakataza vijana kuwa karibu kwa sababu imekuwa ni tishio kwa vijana wakiona Karao hawezi karibia pale(interjection) Askari hapa kwetu ni tishio kuanzia six mpaka six ni arrest kwa hivyo hata tuna kanga kwa nyumba hatutoki nje hapa, ukiona askari ni lazima upotee.

**Com. Lethome:** Okay, wacha ni kuulize swali moja. Tukibadilisha sheria na tuseme, kila kijiji kama Pumwani itapewa ruhusa ya kutafuta askari wake, ambao wataitwa Home Guards, or Home Defence au vyoyove vile, na watachaguliwa na wazee wa kijiji na wanasimamia usalama wakijiji unaonaje wewe.

**David Kariuki:** Hiyo naweza kataa kwa sababu pia wazee wanaweza kuwa na-grudge katika pengine ndo na mambo kama hayo na watachukua ile nafasi ya kukushika wewe ma (unclear) kwa hivyo polisi wabaki wakiwa polisi lakini wawe kando na sisi.

**Com. Lethome:** Okay asante sana, Tumeelewa, Ebu jilandikishe hapo. Charles Khamala we have three minutes each participant.

**Charles Alenga Khamala:** Thank you very much honourable Gommissioners, members of the public, warai wa Kenya, Habari zenu Hamjambo. Now I just want to make one point (interjection) Charles Alenga Khamala, my point I will start from where the other gentleman left because it is the same point but I will take it one step futher. The provision in the law which

makes robbery with violence a capital offence should be amended or changed and I will say why, at the moment all the people who are being arrested and kept for 14 days as he is saying, are people charged with lesser offences like stealing, and other offences but robbery with violence at the moment people are being held in remand until their case come for hearing, because it is not a bailable offence at all. Now in Kenyan law what that means is that you come before a magistrate for your trial your case will be heard you may be convicted of robbery with violence and the requirement of that offence are so vague that it can be anything if you are walking two people,. If you snatch a chain from somebody you don't have to be violent at all, that is the definition of the Kenyan law, at the moment that is the section that is being used by police to round up anybody the people who he says police have grudge against, that is the section that is being used to deny people a chance to come before a magistrate and keep them in remand without trying first. There is a problem with that offence if somebody murders somebody, that person is better off than somebody who commit robbery with violence, the reason is this, the matter will defended by the advocate in the high court but if somebody does violence over in the state will not provide anybody to defend this person in court. But if you look at today's standard on the first page you will find that a judge has increased the sentence somebody was sentenced to 60 years the judge says no, you must have capital punishment, we must kill you regardless of how serious the offence was he was accused of stealing I think 750 hundred shillings. But we treat the same person in the same category of as somebody to murders in court plus a person who shot Babu Achieng the former Chief Magistrate, we treat them the same, which means that this person who rather even have had a chance to be defended by an advocate of high court, most likely, he can even be acquitted, he will not more likely even face the capital punishment for the offence that he commits. What I am saying is that in the net effect of that in the Kenyan law property is more valued by law. (interjection) my recommendation, first of all the people who are charged with robbery with violence need to get the same Constitutional safe-guard as those people charged with murder that is one, at the moment it is discriminatory, the fact of giving one person who is charged with capital offence a high court trial defence a right to appeal on what is law and fact and the right to assessors all these safe guard given to the murderers should also be given the person charged with robbery with violence, otherwise he is being discriminated against. (interjection) The second point the Constitution as drafted today, does not give Kenyans a right to representation by an advocate in any case, where it says you are charged with a criminal offence you have a right to be represented by the advocate of your choice, another section says that you can not insist that you will be provided with an advocate you cannot demand it. In other words the Attorney general at the moment simply in murder cases just provides a advocate at the state expense for his own reasons he just provides it at the moment it is not legally binding for him to provide that advocate. What I'm saying is that while that is being done for these people it should also be done for the other people. And number two, it should be made obligatory, the state must provide an advocate and if somebody appears for the murder case and that advocate is not provided, then it cannot go for hearing. That is one thing and then also that same provision should be provided for those people facing a robbery with violence offence. Just for the sake of the Commissioners, I am asking for an amendment this section 77 sub-section 14 on the Constitution to say that the state must provide an advocate to represent an accused when he is facing any criminal charge, that is in the (not clear) staff. And if they are satisfied that he does not have the money to do that or he cannot do that at least it should provide an advocate for those who are facing capital charges, those people who are in remand, they can't organize the evidence, they can't organize for their cases, should provide

for those people at least, and studying to the extent that it continue doing so for people who are charged with murder, it must be bound also to do for those others who are charged with capital punishment. And Bwana Commissioners the reasons is this, at the moment police are not even charging for murder because they realize that this person is get worth his protection, but instead they achieve the same objective by even when there is murder existing, they charge you with robbery with violence so that they can achieve the same objective through the back door and deny your high court trial, deny you all the protection that accompany some charges without some defence without trial.(interjection) No that is I was just highlighting what I had the previous presenter talking about the police and how it does not work, and at the moment, it is that section which I think is being used to abuse the rights of Kenyans.

**Com. Wambua:** I want to throw this to you as a person trained in law, there has been a complaint specifically yesterday that I have not hear about the peace corps, the so called the peace cops, where police arrest you, and you are supposed to be taken to court and you bind yourself not to breach the peace, there was a serious objection to that kind of situation, you want to comment on that.

**Charles Atenga Khamala:** Yes that is a section which came up during emergency time in Kenya where the colonial government were afraid that people were far to the Mau Mau movement and however people were lined up 15 of you and each one without being asked specifically as a person or being explained to why an individual is a threat to the peace, the police man causes nani to swear that this people look like suspicious characters or troublesome therefore each of you must give that bond for one year or else you be arrested immediately after here immediately. So do you agree, do you agree and each one has to say yes, yes, yes, and then it then they are let out. The problem is that we are ignoring the presumption of innocence until proven guilty if somebody is supposed to be and that is one thing, and the second thing it ignores the right to silence you are allowed to remain silent and nothing to be presumed against you and the police have enough resources to carry out their own investigation, reach a conclusion that there is evidence to charge you and then charge, infact they ask you to record a statement and ask you if you have anything to say agaist it, even to exonerate you incase your can exonerate yourself, then if they compare the two and see that you cannot be let out then they can charge you. That one is suggesting that there is something wrong with a person who remains silent and does not explain himself, you have to given an account of yourself, I think to is to deny somebody his privacy and his (interjection) the police must explain to somebody when he is being arrested why he is being arrested at that time.

**Com. Githu Muigai:** But that is not the problem, the problem is when you get to court even if the police have explained to you the magistrate will still bind you, the Commissioner will ask who is concerned as well (un clear) liberty.

**Com. Githu Muigai:** There is no specific offence that is binding you, to keep the peace is a broad thing. My submission to you Honourable Commissioner is that unless somebody does not even have an obligation to accompany the police to the police station, in my view unless the police arrest you. If the police ask you to assist him with his investigations, I believe there is a



police act which section 26 they can say we are investigating on something we want you to assist us the investigation, they cannot start searching for offences on you as if you are helping them to incriminate yourself because (interjection) Abolish the law.

**Com. Githu Muigai:** I have a question for you relating to criminal trials. I hope you are experience in criminal trials (interjection) When you are charged with an offence, say murder, in this country, you are tried by a judge with assessors, those assessors are people who are picked literary from the streets after they have heard your case they tell the judge something, (Internection) he can ignore it, he can completely treat them on cotempt, now if I live in majengo, and I am alleged to have committed a murder, I am not tried with people who know me, who know Majengo, who know the culture who know the tradition, who would you be in favour of jury trial in Kenya.

**Charles Alenga Khamala:** Yes, in one word yes, there has always been the situation from Roman times to English Law any time a person must be tried by his peers, I because his peers are the onces who pass judgement on him and want to enforce the peace among themselves. It is only when the law came from the U.K that there was trial for the jury by Europeans but not for the Africans. Africans were not considered to have the intergrity to be jury people maby be people would be corrupted because they were too poor, or because they do not understand the law. But there was that distiction. But in my view the time has come to a least make the assesors views binding on the judge, or make the judge at least give some reason why he is rejecting. At the moment the court of appeal is saying that even if the High Court judge departs from the assessor he is under no duty to tell us why he did not follow their holding. Bwana Commissioner the only trouble is budgetary expense in requiring people to do jury duties. Kenyans want to (not clear) on the Constitution not just by voting for the Parliamentarians but by doing civic duties but turning up like this but in court cases but giving the magistrate too much power to listen not only to the procecutor but to determine matters from facts. But now that means taking a time out like people have taken their time out today like people take time out to go a vote, to take time out and go and do jury duties and also let it be corrupted so somebody else is caught thus a participatory court system.

**Com. Githu Muigai:** Thank you very much we have appreciated very much your comments. Please have your particulars take down. Wananchi watukufu Tumepata hapa ujumbe kutoka mheshimiwa Norman Nyaga ambayo ni mjumbe wa Kamkunji , anawaomba radhi sana kwa vile hakuweza kufika leo, yuko nchi za nje ameenda kuwakilisha nchi yetu. Tuendelee. Kuna Bwana Richard Muli wa Bahati Estate, Bwana Andrew Sudi, Tafadhali Bwana Sudi.

**Andrew Sudi:** Dear Commissioners, and participants of tis review process, my name is Andrew, I salute you all. My major concern is about the way in which our government should be governed one, when we go on the side Parliament an MP should be elected only two terms of four years each and upon loosing he must not re-sit for election from the previous year. Two, when an MP declares that he has defected to the other party regardless of the restuation letter he must cease to be an MP immediately. Three, in Parliament for example, an PM should be paid allowance according to the contribution he is making in

the Parliament, we should not just pay him because he attended the Parliament, consider what he contributed to the nation. Concerning the Civil Servants upon one attaining the age of 55 thus he has retired, he must not be allowed to hold any public office, chiefs should be elected by the people and not the government. Aboutland. Land disputes and matrimonial cases, should be handled by a council of elders as courts are biased they are wasting a lot of time and extend widening the gap between the disputes. On the the side of bursary for education, we must also ask the council of elders from a particular area who shall be in a position to see the needy children not presence position whereby we have to fill forms and then through filling forms there is corruption. And we end up selecting people who are not in need. When it comes to Ministries. A Minister should be qualified to handle such a ministry, for example when it comes to finance Ministry, one must be qualified in economics not just appoint somebody because he is closer to the President. About Judiciary, Magistrates and judges should be de-linked from the powers of the President, we must have a separate body that appoints magistrates and judges. Attorney general post must be abolished completely, and instead create a Constitutional Affairs Ministry and that the person incharge must be an electedMP. Legal proceedings must be maximized, for example, a case should be confined into a specific period of for example now we are taking even three years handling a case that can last only a week. Parastatal bodies. Parastatal bodies must have managers elected among Board of directors but not Presidential appointees, the work appointees must be scrapped completely. Education. We scrape 8:4:4 and instead we replace with 7:4:2: . Principal and Headmasters and any people incharge of higher learning institutions, must be contracted for aperiod let us say two years by a board of governors, not through the Ministry. Hospitals, Government hospitals should not charge any money instead wananchi must be taxed highly and in a rate so that we get proper treatment. Private Hospitals should also accept cost sharing, for example when a person has died, in a private hospital, we must come up with a solution so that there is cost sharing. The victim must contribute let us say two thirds and then the remaining one third should be met by th hospital. About economy. Investors must be decentralized, for example if the number of investors who have applied are eight, we must distribute them equally, to represent each of the provinces of Kenya and not to confine them in one area. Lastly the speaker of the National Assembly must be given powers to dissolve the Parliament and not the President.

**Com. Lithome:** Peter Mbogo, Maina Githinji, followed by Douglas Kamau follow each other in that order 3 minutes each.

**Peter Mbogo:** Habari zenu nyote. Mimi naitwa Peter Mbogo, kutoka Bahati sports, hapa Bahati. First of all I want to talk about the welfare association. They should be registered and have rights of the estates and not the Local Government. Number two, residents should be guaranteed by the Kenyan Costitution to own the houses after the years of payment number three, Governments should protect residents security to (inaudible)and surrounding. Number four, workers should have rights of their own trade unions as their own representatives, only place the government where retrenchment does not consider the the Union. Kenyans currency should maintain one logo, upto future currents not to every President who is elected. (Interruption) the potrait itself. Number 6, poverty eradication to local people is another killer disease since it increases the poverty let us say like retrenchment, whereby most of the people kill themselves because of retreachment. Number seven. Government agencies are mis using public utilities, eg. the current social hall at Bahati, the Churches and also the recent land for example where the



administrative police and mis handling the hall whereby it is owned by the public and the council. We should as residents should be given the right (interjection)

**Com. Lethome:** This is a view we have heard from the beginning I would like you to put it very clearly and candidly now, you said that this Social Hall now has been specifically used by the Administrative Police does that mean that a civilian is not allowed to come and use the Hall? (interruption) Bila uoga unajua Wakenya Tumeфика stage mahali Tumeambiwa tuzungumze bila uoga, na umeambiwa ukifika hapa kutoa maoni yako when you are victimized by the Police Officer or anybody then the acts of Parliament protects you infact the Commission can even go to court to protect you. So you are free to say it so that we change. Mnatarajia Wakenya kutatoka watu waje kuja kutusaidia kubadilisha, ni sisi wenyewe. Speak candidly hata kama polisi yuko hapa ndani just speak don't worry just come out clearly because right from the beginning we have been hearing hii Hall imechukuliwa na Polisi, Put it candidly.

Peter Mbogo: Ntajibu hapo na Kiswahili ili niweze kufafanua kabisa, Tangu Asst. Chief apewe hapa katika hii Hall ya Bahati, vijana walifukuzwa kuchezea hapa ndani hatuna mandate ya kutumia hii Hall mpaka ufanye requirement kwanza. Pili kuna mda ambao huwezi kuja hata kama ni emergency ku riporti hapa unaambiwa unawasumbua wakiwa usingizini. Hatuoni sababu yao kuwa hapa kama unaweza kuja kupiga simu katika polisi station, sisi wakaaji wa Bahati Tumevamiwa na Wakora, ama neighbour yangu ameshikwa na ugonjwa nije niite kama ambulance, unaambiwa hii ni kambi ya askari wa chief, mimi kama mkaaji na kijana wa hii Hall naomba wapewe mda wa kutosha iandikiwe kwa PC through the council na residents wa Bahati na MP wetu ingawa hayuko na hatupatii usaidizi usaidizi wowote, tuandike sisi tukiwa vijana na wakaaji wa Bahati, tuwapatie mda watolewe hapa kuna viwanja wanapeana huko chini, waende wanjenge huko, ama watumie sehemu zingine watuwachie na welfare wa Bahati Hall iwe yetu na Makanisa pia wasitumie. Number nane. Chief ama Asst. should be selected from residents who know the area and behaviour of the people within their premises, hapana tuwe tukiletewa watu from nowhere, hawajasoma, hawajui niaba yetu, hawajui vile tunakaa na vijana wa hapa na halafu hawa wenyewe ndio wanasimamia watu wakuje wanjenge slums, wakuje waongeze viosk kutoka mahali pengine na while tuko na estate officer na welfare officer ambao wanakaa na sisi hapa katika mtaa.

**Com. Lethome:** Unasema watu ambao hawajasoma, kwa hivyo unapendekeza chief awe amesoma.

**Peter Mbogo:** Chief awe amesoma mpaka form IV and above, Asst. Chief awe ni wa class ya seven ama eight, itakuwa imesaidia residents wa mtaa.

Number tisa. Single fathers should also have the same right as single mothers, not always you talk about single mothers while we also have single fathers, the same rights should also be applied to them. Number ten; ID Cards should not be sold to any citizen as is today at the registrar of society or of Ids. Since it denies young ones to register either by papers or home back. That is my own views because as we have a lot of generations here in Bahati and we have been denied chances for them to have Ids so that they can have the rights to vote. Because one, they do not have the papers, birth papers, or school registration, some of

them were born here in Bahati, their parents did not even register through the Chief or through the registrar of the birth they should be given the chances as the assistant Chief or Chief who knows them from their birth to have their Ids. Thank you Sir, my name is Peter Mbogo.

**Com. Lithome:** Thank you Peter Mbogo. Maina, Mfuatane vile nilivyo waita, Maina Githinji, Kuna walimu walili wameomba mtagonja kidogo nitawaita.

**Maina Githinji:** Kwa jina mimi naitwa Maina Githinji, kwanza nitaanza kwa upande wa health, kwa upande wa Health hapa Kenyatta Hospital unakuta kwamba hakuna matibabu, ika ya hali chini sana, na further more- Kenyatta hospital imejaa corruption, unakuta sijuwi kwa nini Daktari na amendikwa na serikali na wanakubali ku wa Hospitali yao Kama Doctors Plaza, (interjection) napendekeza ya kwamba ya kwamba Daktari hastahili, unaenda kupigwa X-Ray Daktari mwenyewe niye anaku-direct mpaka Doctors Plaza, huko unasikia ni kama two thousand na (interjection) recommend mimi nasema daktari yule ameandikwa na Serikali hastalili kuwa na Private Hospital katika the same same Hospital (interjection) mbali anaweza kuwa nayo lakini asichukuwe dawa. Sasa Tumesikia upande wa corruption kwa upande wapolisi, nini, unakuta kitu kama polisi, polisi sijui anaweza kuwa mtu wa aina gani awe mtu wa kawaida juu ya mwananchi, sababu unakuta wana unakuta wanaambia mtu Kiganjo, Nafikiri kuundwe kikosi fulani kama vile Military Police iwe kwa wasia yao, sababu kama kwa mtaa huku unakuta polisi wanasumbua sana wananchi, (Interjection) Sasa mimi ningesema kwa upande wangu polisi wawe na kama overseer wao, unajua overseer ni kana C.I.D hivi and they also corrupted. Wawe na Kikosi kama Military Police namna hiyo, (interjection) ya kuwachunguza wale wengine. Sababu polisi hakuna wakati atakuja sikizana na watu wakawaida. Ni ngumu sama.

**Com. Lethome:** Hapana sana tunataka wasikizane, you recommend, sababu nchi zingine unakuta relationship ya Polisi ya wananchi ni nzuri, Hapa kwatu polisi akifa tunasheherekea. (Interjection) kwa sababu hatuoni kama ni part of us. We want to make them part of this society. What do you recommend.

**Maina Githinji:** Sababu polisi akipelekwa pahali kama Kileleshwa, anajaribu sana aende Mathare ama Eastlands mahali atapata pesa. (interjection) Vile mimi ningesema, sijui ni kikosi gani inaweza inawezwa kuwekwa iwe Overseer ya hawa watu.

**Com Lethome:** Hebu nikusaidie, ka mfano, leo ukidhulumiwa na polisi, unaenda ku-complain wapi. Leo hii polisi kwa mfano wakikuja wakupige bila makosa yeyote, utaenda ku-complain wapi.

**Maina Githinji:** Okay saa hii, kama mtu mmjao alisema hapa, Polisi huwezi kuenda kushtaki Polisi kwa Polisi.

**Com. Lethome:** Haya ndiyo hapo nataka kitu gani katika sheria mpya.

**Maina Githinji:** Vile mimi ningetaka, sheria iwekwe ya kwamba mtu mkubwa na mdogo anaweza hudumiwa na Polisi. Kama Polisi wangelipa watu ridhaa, wale wamepigwa bure, ama wale wameshtakiwa bure, wanachi wa kawaida wangukuwa Millionnaire, sababu ni wengi wanashikiwa bure na kama ni wote wangelipwa, wanachi wa kawaida wangukuwa na pesa nyingi sana. Sasa nitaenda mambo ya land. Mambo ya land mimi ningesema, sasa sisi tulikuwa wazee wetu, alikuwa na kama Acre mbili ya shamba, akazaa, sasa tungesema every Kenyan, kuanzia miaka kumi na nane atleast hao wapewe shamba. Unakuta mju mmoja tu, kama yule mlikuwa mnasikia alikuwa anaitwa sijuwui mzungu anaitwa Criticos ako na kama constituency ya Kamkunji kitu kama shamba kama acre elfu kumi. Mtu yeyote ule anakaa kwake ni squatter lazma umpigie kura kwa hivyo mtu kama huyo hatatoka mBunge. Shamba kama hiyo inashikwa, ama kama watu wengine na Gichuru, Koinange wako na shamba kubwa, haijulikani walitoa wapi.

**Com. Lethome:** Unapendekeza nini?

**Maina Githinji:** Ningependekeza shamba kama hiyo, na kwa record kama alinunua ama alifanya nini, na haitumii, ipewe watu wa kawaida wale wanahitaji (interjection)

**Com. Lethome:** Na ungependekeza ceiling ya land ya mtu mmoja, yaana maximum ambayo mtu mmoja anaweza kupewa.

**Maina Githinji:** Itategemea population, tujue mashamba zina kaa namna gani, si unaona hata kwa gazeti jana, DC na ni yeye anagawa mashamba, anajipatia acre kumi anaweka kwa mfuke, na ndiye Serikali imemweka agawe hizi shamba, sasa mimi ningesema, kulingana na ile shamba kila kijana kama hizo miaka kumi na nane hivi, awe na atleast hata kama ni acre tatu hivi ni nzuri. Kwa upande mwingine Commissioner wetu ningengea habari ya askari wetu wa sheshi hapa. Tumesikia wameenda Iraq, wameenda Sierra Leon wameenda wapi kuweka Peace Keeping, juzi umeona watu bado wamelaliwa na mawe, hatuwezi tumia facility yao, wacha kutoa watu wamelaliwa na mawe. (Interjection) Ningependekeza wafanyie wananchi kazi kwanza ndio waende huko Sierra Leon wanaenda. Unakuta hata Mathare nyumba inaunguwa na Air Force iko hapo, hawawezi toa gari ya kuenda zima moto sababu general hajaweka sign na saa hii ako huko Mombasa. Sasa, wafanyie wananchi kazi ndio tu recommend kama wataenda huko SierraLeon kufanya kazi ya International. Kitu ingine ningengea mambo ya City Council. City Council wako na sheria zile zinatusimamia ama zile waliachiwa na Mzungu zinatusimamia. Wao wanaziweka kwa ukuta, unaenda unajisomea, so that we can question them, kwa nini hamtuhudumii na ndiyo ile sheria imewekwa mnastahili kutuhudumia. Unakuta manyumba, huku Bahati, ama hapa Eastlands, hizi manyumba ni miaka za jana, na hizi mayumba labda tushalipa. Iko wakati waliandikania labada na mzungu Lease hizi manyumba zipewe wananchi, zimezeeka zipewe wananchi. Na naskia nyumba hapa hakuna dustbin hakuna shower it is pathetic (interjection) Ninge- recommend kwa upande wangu hizi manyumba zipewe wananchi ama walipe pesa kidogo (interjection) Hizi mayumba ile rent tinalipa iwe-entitled na dustbin ona ona, you are entitled-na maji, katika the same same rent. Saa hii hizi manyumba zinanyesha, ukienda kubadilisha kitu hapo umeshikwa.(interjection) Kwa ufupi hizi mayumba kwa ufupi zipewe wananchi, ama tu walipe pesa kidogo. (interjection) Yea ! iko mtu aliongea hapa mambo ya insurance, hizi magari za polisi, ama magari za jeshi ama za Serikali wanatumia hizo magari

vibaya sana na ni tax payer. Unakuta kagari kama hii ya posili iki kugonga hauwezi kufuata yeye. Gari ya Jeshi igonge mtu ama igonge gari ingine uniingia kwa kambi, ukiingia huko utanyogwa. Unaona, kwa hivyo hizi gari huwezi ambia mtoto asivute sigara na wewe iko kwa mdomo, eh unaona serikari inaambia watu walipe Insurance na wenyewe kwanini wenyewe magari zao hawalipi. (interjection) Ninapendekeza pia walipe Insurance

**Com. Lethoma:** Kwa hivyo magari ya Serikali yote yawe na Insurance

**Maina Githinji:** Zoote ziwe na Insurance. Okay ni hayo tu , Asante

**Com. Lethome:** Asante sana Maina. Kuna mtu hapa wa Saba Saba Asili, Douglas Kamau.

Baada ya hapo ningependa kuwapa hii nafasi walimu: Otuka Kennedy, Abuya Jane, na Raphael Wandui. Nitawapa dakita tano tano haraka haraka, kwa hivyo fataneni make karibu hapa.

**Douglas Kamau:** Habari zenu.

**Com. Lethome:** Mzuri.

**Douglas Kamau:** Mimi niye nimeitwa Douglas Kamau, na niko na furaha, mimi ni wa Saba Saba Asili, na niko na furaha siku ya leo nitoe maoni yangu, vile ningetaka, Katiba yangu ya nchi yangu ikae. Ya kwanza ningengeo tu kuhusu registration ya chama. Saba Saba Asili ni ni registered party na uoga wetu watu wa Saba Saba ni ya kwamba hatujui kama tutasajiriwa na registrar yule ako wa serikali kwa sababu pengine ana uoga ya sisi. Kwa hivyo nigezana recommendation wa hii Kamati ya ku-review Constitution mpango wa ku-register party uachiliwa the Electoral Commission wakati kunafanywa uchaguzi kuwe wakati huo ndiyo watu wanaleta application ya registration wanafanywa registration automatically. Kwa hivyo after, baada ya election, Party inavunjwa, pia ningetaka Presidential iwe abolished ama zipunguzwa kwa sababu present wetu wa Kenya ana nguvu nyingi sana yake kwa sababu kazi yake nyingi, Amepewa kazi nyinyi kwa sababu yeye ndiye executive, yeye ndiye anaandika ma Judge, yeye ndiye anaandika Permanent Secretaries, Yeye ndiye ana appoint Ministers kwa hivyo anakuwa yeye ndiye amechukuwa nguvu zote na ku-run affairs za serikali. Kwa hivyo ningepomba apunguziwe powers ili tuwe na ceremonial President. Kuhusu polisi, mambo ya polisi imeongewa sana, lakini nitaongeza ni seme polisi wamekuwa wabaya, wamekuwa (inaudible) ningependekeza warudishwe shule, wasomeshwe tena vile watakuwa wakikaa na wanachi, ili wa-socialize na wananchi, ili uadui wa polisi na mwananchi uondoke. Pia ningependa kuongea petty offences, vile tunashikwa na hawa polisi kila siku, kama mtu ni mlevi, those petty offences kama ulevi ukienda kortini useme umekubali unapigwa faini pengine ya shillingi mia moja ama unafungwa siku moja na ule anakataa, ule anasema hajafanya hiyo kosa, anawekwa remand fourteen days, kwa hivyo anafungwa siku kumi na nne ule amekataa ule amekataa, na yule amekubali anafungwa siku moja. Kwa hivyo hiyo inakuwa si vizuri. Vile vile hapa Kenya polisi akikushika akupeleke kortini, wewe jukumu lako ni ku-prove vile wew hauko guilty, na polisi ndiye amekushika yeye ndiye trained, yeye ndiye amefundishwa, tungetaka iwe hivi, polisi awe na kazi ya

ku-prove ati kabisa kabisa wewe uko guilty na umefanya hiyo makosa, siyo vice-vasa kwa sababu wewe ukienda kortini wewe unakuwa peke yako prosecutor ako pande ile na judge ako pandi ile. We unabaki hakuna mtu wa kukusaidia. Ingingine ni hii land issue is very burning kwa sababu hii ndiyo mali yetu sisi wana Kenya wote, it is the only property we share together kama Kenya na inatakika iwe fairly distributed, vile watu wengine walipata ma ekari zaidi ya elfu moja, hiyo bado iko na maswali mengi sana. (Interjection) ningezendekeza kuwe na limit ya kuwa na land (interjection) maximum iwe 50 acres na kuwa na mimimu ya 10 kwa sababu zile zingine zitabaki kuwe na mara kwa mara watu wa-review the land issue kwa sababu kama hii Kenya kuna land kubwa hata haituitumii, kwa hivyo itengenezwe sector ya ku-deal na mambo ya land watu wa Kenya wakijaa zaidi wana review. Lakini wale wako na zaidi pengine kuna watu wengine wanaotaka rental plans pengine kufanya mambo ingine, that one can be considered as a separate key. Pia ningeopa Jua Kali Sector iwe-improved, iangaliwe vizuri na njia hii, hakuna haja ya ku-import kitu ambaye watu wa kawaida wa Kenya wanaweza tengeneza, waitoe ulaya ikuje hapa ifanye kazi. Hiyo ni kuhangaisha mwananchi wa kawaida, na pia mgeni, kwa hivyo protection to local investor, pia ningetaka iangaliwe, kuwe na limit ya kuokoa hata ni kama ni mabiashara, kama mgeni asipewe jukumu ya ku-own kila kitu hapa, kuwe na limit kwa sababu hiyo exercise ikiendelea hivyo, inakuja wakati moja, wachukuwe Kenya yote. Na nikiwa hapo hapo ninge omba mgeni asihusike na kununua shamba. Pia ningeomba Kiswahili iwe the official language ya Kenya na masomo iwe kitu ya bure, iwe ni government policy na ipewe kila mwananchi paka level ya Technical.

**Com Lethome:** Technical ni level gani

**Douglas Kamau:** Mpaka mahali anapata (unclear) Pia ningefanya proposal, Private Hospital, Kusiwe na ruhusa, ati Kila mtu akitaka kufungua Private Hospital apewe, ziwe institutionalized by that I mean kama Catholic, yaana entity zinajulikana zina uhaki, na ukweli. Na pianingetaka kuongeza paper citizen. Kenya hii ingawa mambo haya hameongewa, wale watu wameharibu ni wageni kwa sababu hawana ownership, hawana grassroot hapa kwa hivyo hata wakihabu nchi, wana mahali pengine pa kuenda, hawana nchi hii yetu ndani za roho zao. Na mwisho ningependa kusema, President awe na limit ya miaka ya kuchaguliwa, between 35-70, MP awe na between 19 –70, Councillor awe na sijui ni 18-70 na academic qualification ya Present iwe School certificate, EACE, ama equivalent na zile Moi anapeana ya kufanya proficiency na kuandikisha mna elewa vizuri. Councillor anaweza kuwa wa KCPE kwa sababu hatungetaka kipimo ya masomo iwe ndiye kipimo ya ukweli wa (inaudible) Pia ningetaka tuwe na hiyo jukumu ya watu wapate kuwa wana Kenya wapee heshima wale watu walipigania Uhuru ili patriotism mtu asione Patriotism ni kitu bure. Tu-encourage wale watu wengine wanaotaka ku-serve hii country wawe na encouragement ati ata akifanyia serikali, au wananchi kazi ina malipo ama kuna recognision aweza kufurahi.

**Com. Lethome:** Kuna swali hapo kuhusu hawa kurecognise freedom fighters, unajuwa kila mahali tunaenda, watu wanasimama, kusema Oh freedom fighters , kila mahali ukienda, magroup wengine wanasema sisi ndio genuine hawa sio genuine una recommend kitu gani ili kuwaza kujua ni genuine freedom fighter, na unaposema wawe recognized, unakusudia wawe recognized kwa njia gani, majina yao iwekwe kwenya Katiba au vipi?

**Douglas Kamau:** Ya kwanza ningesema makosa ilifanyika wakati watu walipata uhuru kwa sababu, itu moja walifanya ni kuficha historia ya wale walipigania Nchi hii. Pili wale watu warirudi kuzaliwa hapo baadaye katuna uhakika vizuri kabisa ni nani alifanya hii, na ni nani aliku hapo. Lakini tuna ukweli mmoja watu kama Kimathi, watu wote hawangukuwa wakiongea alifanya (inaudible) ningetaka pia familia zao ziangaliwe na zichunguzwe zijulikane zinakaa ki aje kwa sababu hawakuangaliwa na wazazi wao kama vile wangeangaliwa sababu hao walikuwa msituni na walikuwa wakipigania hii nchi na wengine wakakufa.

**Com. Lithome:** Sasa, wacha nikwambie vile tulisikia Mathira, mzee mmoja alisimama akasema, nchi hii iko na Kirumi, Kirumi si unajua ni curse, na kumbe wale walikuwa wakifa nakumbe wameshika mchanga hivi, Sasa ungependekeza nini, wee unaamini kuna hii kirumi, na kama unaamini tutaiondoa aje? See we have to be conversant with our history, lazima tutambue historia yetu.

**Douglas Kamau:** Kirumu iko, that curse is there na kwa sababu nikiumbuka historia vile tunaabiagwa, kuna maagano wale watu wlikuwa walipigani Uhuru waliagana na Mungu wao, na wa kaagana hii vita tunapiana, ni yetu kimwili lakini kiroho ni wewe Mungu unapigana. Na Ukishinda wewe ndiwe utakuwa mshindi, Na tukishindwa, wewe niwe utashindwa, na tukishinda tutafanya mambo ya kuonyesha kabisa Tumefurahi. Hiyo ndio ilikuwa baada ya kupata Uhuru hiyo mambo yote wamesahau, (interjection) Ningependekeza kwa hii Katiba ya kwanza kuwe na equality, kama si kama ile inafanyagwo ihakikishe ama ichimbe historia, ya hiyo curse, inaweza toka na recommendation. Asante.

**Com. Lethome:** Haya asante Douglas, kama una memorandum unaweza kupeana huko. Sasa kuna waalimu hapa na ningeta kuwapa nafasi niliwaita hapa, Utuka Okoth Kennedy, Abuya Jane Betty, atamfuata halafu mwalimu Stephen Ouma Ochieng, fuata yule alafu John Mbole halafu sasa tufunge Waalimu tuingie kwa watu wengine.

**Otuka Okoth Kennedy:** Good afternoon everyone you are getting tired but I will be brief Honourable Commissioners (interjection) I beg to say unlike very many other speakers, I am standing here a worried presenter, and I am going to tell you exactly why I am a worrying presenter because there is growing concern over certain worrying trends, that I'm observing in Kenya today, and I wish to put it very clear that even this Commission should not be reviewing the Constitution, we should be writing because the Kenyan Law is rotten. It is because nobody is observing the law, why I will be very fast, the other day we formed the Commission to review the laws of Kenya, it is a one sitting here. We have formed several other Commissions some of which were banning clubs, we have gazetted things in the Kenya Gazatted which is a very special document they go like that. Where is the Kenyan Law, even what I am saying might go down the drain and that is why I am saying I am a worried presenter. I hope it will make sense. I said I'm Otuka Okoth Kennedy that is my name and I am teacher upper education. The other thing I would feel that as far as forming Commissions are concerned it should be the duty of Parliament, I would not like to see a Commission being formed by the President and later they ask us to take to Parliament to be entrenched. Which normally happens. I believe if you wake up today an annoyed person he will disband this, and they have also talked about it. That they are going to disband in October. So it means, I hope we are not wasting time, to talk so we are saying can we have



Parliament by registrar forming a Commission so that we have a permanent thing not a thing that is formed by a person and later he talks about his Party per sei where are we heading to. Two, we are politically inclined towards reviewing submissions, I am happy to report that you had very good people who were coming to our places schools and all that and they were creating a lot of awareness and thank you very much, but we still had very hot arguments because we were asking them why all Kenyans have decided these days including those sitting in the hall to be politically inclined, the kind of Constitution they want works about Prime Minister, it works about the President, cutting the power of the President, and nobody is growing about coffee growing, nobody is taking about tea growing, nobody is talking about Kitale, maize growing, can we have also a Constitution that is economically driven and I would and I would propose therefore instead of having two energy Ministers Odinga and the other one Okello Could we have four Ministers of Agriculture every one to have a particular crop. Then I come to registration, registration of voters, or review of the Constitution there again a problem here, when elections are on the verge ladies and gentlemen that is the time you hear that people are being asked to go to their chief to register, this is the time you are being told and you you read on presses that there are pile and piles of ID cards in different cards in different places without elections those are dreams, why do work with conditions that is working continuously, so that we end with comprehensive business. We are are going to end with piece meal is it not. Because right now they are talking about election and Constitution and that is why they want to disband they want to disband because they are saying that it is the Constitution that is bring people to the election. We should have a Constitution that will keep on reviewing slowly and leaving alone the election to come after every five years, but we have a permanent Constitution (inaudible) Commission that reviews the Kenyan Constitution each and every day. And that is their work, they permanently employed to do that. Right now there is a problem, if you want to extend Parliament because of the same Commission (interjection) with or without those are the recommendations. Then I am coming to the law, the Legislature one the mechanism of making the law is corrupt proposal, moving the motion, First Reading, Second Reading, Committee Speech, Third Reading all are (inaudible) whereas, then there is a funny part that we call the Presidential Aspect, you know that part, that part is corrupt because it is personal, it should be removed. Because is the First Reading very many people are together, in the Second Reading, very many people and together in Committee stage very many people are together, and Presidential Aspect he wakes up reads on himself come to say it is either never or nill, personal, very personal convictions.(interjection) The Judiciary, I ma still on the mob, I want to propose if am accused in a court of law, I 'm accused and there is complainant, I would like to propose because the Judiciary is corrupt, If the complainant hires a lawyer, and I m not able to hire my lawyer, then lawyer should be rejected so that he comes there I stand here. Because the problem is this lawyer will speak a language there that you do not understand as a common person, so when there is a case three quarters of your case is gone wrong, so if you don't have a lawyer can you say that you do not have a lawyer (inaudible) ata kama wewe ni Minister utaongea kingeres na mimi pia kingeresa! and I am looking and Kalonzo and Kalonzo is looking at me. But if Lawyer I hire my lawyer he hires his lawyer, they can now go for their languages nonproseque, Subjudice, and all that.

**Com. Lethome:** Excuse me Mwalimu, you are saying that the Judiciary is corrupt, can you suggest your recommendations on what do with the Judiciary to eliminate corruption.



**Otuka Okoth Kennedy:** I even recommend that we should have an overseer who will be sitting down in the office and the Magistrate keeps on visiting that office to sign a register what ever so that you do not know which courts you are going to the day, you are just told after signing that to day you are going to Machakos the vehicle is there can you go. As you are waiting for a case to get your person that you possibly can favour you have been told to go to Machakos and not (inaudible) so there is no way you will work, so there is no way you will work.

**Com Lethome:** About appointment of Judges, I want you to say about the appointment of Judges you know how they are appointed, what would you recommend.

**Otuka Okoth Kennedy :** I would recommend that one, they even also the professional being of these judges, because as a teacher, we undergo very intense course, if you cannot pass what we call the teaching practice, then you do not become a teacher. (interjection) Judges must be appointed by equally technical personnel within the same profession who can say you are becoming a judge, you are trained but you are not becoming one. Then we come to industrial action, I trust we have a lot of (inaudible) today in Kenya there is something that very unusual when you want to fight for your right and you have a right to do this somebody superior to your life will tell you thing, I am waiting for that thing and you will be sacked. But we are forgetting that we are used the same kind of action to attain independence, Africans what were we doing, we had strikes, we downed our tools, Sidiyo and we even refused those labor Sidiyo why do we down our tools today (interjection) I am recommending, that if industrial action is given the right procedure, like in some cases they require 21 days and in others seven days if we follow the right procedure and we can be allowed to go ahead with that action.

**Com. Lethome:** Sasa ya mwisho mwalimu tupatie walimu wenzako nafasi.

**Otuka Okoth Kennedy:** Okay I go very quickly, I would also like this Commission to do something about cases of sacking, we are tired of sacking, KANU will sack here FORD is not in the mortuary, you keep on saying, when it comes to burial, we shall deal the communal kind of law so long as they are not reported (interjection) I am recommending that the Constitution should come up with a standardized thing on burial not community because it is no part. (interjection) The same thing goes for another one which surprises me, I think it should have an act in the law, cohabity, that when I am staying with a wife and I have promised to marry her and have stayed for six months, when I tell her to go to her home, I am the one to be accused, if I have wasted her time, she has also wasted my time, and therefore that section is very awkward, So I feel if the lady is accusing me I am also accusing her, if it six months, my six months, I am saying she has used me I have also used her and we come in middle infact she should not be given to the ph (inaudible) very poor.

**Com. Lethome:** Thank you Mwalim,

**Otuka Okoth Kennedy:** Finally, to complete I feel in the Kenya like we normally have the Election the Presidential election that the Parliamentary should not run as smoothly. We should have a President and another President even if I am the one

challenging the President I can still come we go with him we choose the winner because by the end of day, if I win I'll have more votes, across the country, why am I saying this because if the President is a KANU and then we have all the members of Parliament and cabinet eventually we are having a kind of rigging because we there is some people being used by the President but if we have two one against I even propose some more men have decided to challenge a few new comers I should be accorded total security just as that person. Number one, Number 2 vehicles like that person, why, because a Presidential aspirant is also a temporary President. Any Presidential challenger must be accorded total security details, total campaign machinery. Thank you very much

**Com. Lethome:** Mwalim Jane

**Jane J. Betty:** Good afternoon everybody,

**Com. Lethome:** Good afternoon Mwalim

**Jane J. Betty:** Mine is on basic rights of the child, the child in school. Now I feel the Government has done very little about the education systems in the country, one we have the haves and we have the don't's, you find that in the community not everybody is equal. I think in the early seventies when I was in school, our parents used to pay some money, and these money used to be forward to the Kenya School Equipment Scheme. You are provided with the basic needs that we needed in schools. I feel the parents are really burdened because some are so poor they cannot afford even buying the schoolbooks for school children. (interjection) my recommendation is that parents should pay some minimal amount of money and these money should be taken in a central pool where the necessary equipments should forwarded to the school. I feel the school committees should be disbanded. The Parents pay the money and this money is never utilized in the right way.

**Com. Lethome:** So who should manage the school

**Jane J. Betty:** The school should be managed by the school of Education plus the parents so that this money is accounted for upto the last cent. I may divert from that a little, I feel it is very immoral and sad indeed for the government to just wake up one morning and say that I have retrenched you. I am talking about retrenchment, look at it this way, it is unfortunate or fortunate that teachers we are permanent and pensionable so we do no contribute to NSSF, but I feel it is the work of government that once one person is retrenched, that person should be given back his money so that he can see what to do with this money. Now Village Polytechnics should be be re-activated so that the school dropouts can be made to do some courses in those Village Polytechnics. Mine was very brief and the last one is about the police force. I think the government should construct decent houses for the Policemen. This people take bribes because they live in pathetic conditions, unbearable, and the basic salaries for the police men should be kept Shs.10,000/= (Ten thousand shillings) and above. With regardless with whether one is junior or has not served for long.

**Com. Lethome:** Thank you Mwalim, I hope the other Mwalimus will be as brief as Mwalim Jane. Register your memorandum Mwalim. Next Mwalimu.

**John Mutuku:** Honourable Commissioners, Good afternoon, I have a few observations or recommendations I'm going to make because much of what I intended to say, has been said by my fellow teachers. I think something as somebody said here, there should be Board to check for the police injustices that are metted out to the common mwananchi. It is very difficult for the common person to go to the police and report a crime done by a fellow policeman. May be we should have a mechanism that if you have any complain against another police man, may be you should be able to go straight to the OCS, straight to the OCPD and give your grievances, because as it is now if you go to a Police Station and the OB there and say I want to report this police man, you will not pass that place (interjection)

**Com. Lithome:** Is it not because the person sitting at the desk is a Police Officer also.

**John Mutuku:** It is

**Com Lethome:** What about the OCS is he not a Police Officer also.

**Jonn Mutuku:** He is a Police Officer but see the bosses there do not have the picture on the ground they don't know these things are happening done by their junior officer. (Interjection)

Com. Lethome: So what would you prefer mwalimu, is it an independent body, within the police themselves –nikama umeumizwa na fisi mdogo unaenda kushtaki kwa yule mkubwa.

John Mutuku: We should have either independent or within the Police force or but not just trained where they go bidders is. The other thing I would like may be to say is that much poverty in this country has been caused by the industries all of them being dumbered in Nairobi, yet Nairobi produces very little, so I would like a situation where if it is like the maize milling firms they should be situated when the maize is grown, if it is coffee millings firms, they should be situated where the coffee is grown, tea, and the other crops, In that way we are going to have opened up the country those in the tea growing area will not come to the office, rather they get employment there in their homes, therefore I do not see the need of these industries being classified in Nairobi while we can have them wherever the raw materials comes from. Then about Land I will not recommend any acreage of land although I should say is this, there should be provision made that if you own this no or this amount of land and you are not using it, it should be leased out to other people because when we try to put the acreage is not fair we are a capitalist and if you have money you can buy it. But you should not have ten thousand acres and you are only using ten thousand. Those eight thousand should be leased out. Then the demarcation of the constituency boundaries should be in proportion to the population, You find that some constituencies have 40 thousand a hundred thousand people while others have five, it is not fair, and when these MPs go to Parliament, I am representing a hundred thousand people you are representing a thousand people, and we get the same privileges, we should the constituencies almost not exactly but at par with each other. The Mayor. The mayor

should be elected directly, that is my feeling because if he is elected by a group of councillors, within no time they go they disagree on the grabbing of plots so twenty councilor say we do not want you, so they put their own, and it goes on and own but if the Mayor was elected directly by the people then you would have no allegiance to any side and I think you will do a good job. Anti-corruption. There was this Hula balu about KASA and all that, We should have a permanent Anti-corruption body that does not have to get the consent of the Attorney General to prosecute someone on corruption. If you so and so you are corrupt you are taken to the court straight let the Attorney General be called there may be as a friend of the court not anything else. The police as I have said, I always wonder may be over the news you see or hear some other fellow saying, we met the gangsters on a fierce exchange of gun fire three gangster were shot dead, what are these gangsters surely, why don't they shoot the police officers(interjection) I recommend as much as possible the Police should not kill and comparing the police and the gangsters, police have more equipment, they have more time they have more machinery. If gangsters are from one side and maybe they are so fierce the police can always call the helicopters and all that and try and arrest these gangsters. Like there was one case this year or last year where people were got off from the bus somewhere in Industrial Areas or Mombasa Road and they were shot dead in the full public view and nothing happened, we never heard anything about that. So to wind up I would not advocate for this argumentive action business that some seats should be allocated to women. I do not agree with that I think sits, should be there on merits, if a woman merits to be this, then let her that, but not we take some seats and we put to women. I think everything should be on merit. The President should have executive power but then he should not have absolute power to veto all kinds of decision that may be the Parliament has reached. We should have a situation where if anything happens, if the President wants to do something he should take it to Parliament unless and let there be an emergency situation we watch over the news like in Israel or whatever the President was in America there were some suicide bombers he had to come back and call an emergency session to authorize the Israels to go and attack the Palestinians. We should not have the President just waking up one day and saying we are going to do this, we are going to do that, everything should be passing through Parliament because that is why we elect the Parliament to make our laws because if you look at it, we are most attached to Parliament because we elect the members of Parliament than we are to the President, The President may be was only elected through rigging, so we should have Parliament being supreme, let all the authority come to Parliament and not visa versa. And then these other people in government, I fail to understand, you appoint to be Permanent Secretary, he is also a manager, in may be Total Kenya, he also sits on the board of Kenya Commercial Bank, he is in NSSF he is everywhere, why are we short of manpower, so we should have a provision that if you are a Pemanent Secretary then may be the only other place you can go is, may be you can be an elder in your Church not in other institutions. Thank you.

**Com. Lithome:** Thank you very much. We have the last Mwalim then to go back to our list.

**Stephen Ochieng:** Good afternoon Mr. Machira. My name is Stephen Ouma Ochieng, I have a few to talk about. The first one I start with is the political parties. I think we should (inaudible) them. I propose that fund all the political parties. This is the excellence that we should be able to allow for all those good leaders who want to go to Parliament to be able to go and it will also allow us to have people who do not defect because

of richness or being paid money because if the party has money then they do not have to defect.

The second one is the number of political parties should be reduced, we have too many. You realize that in Kenya not all of us are learned so we are using the principle of logos or symbols to choose the party you want to go to. This one (inaudible) to contrive the electorate so we prefer let's have a few and if the others have to be there let them be liberalized.

On legislature, my interest is on appointment. All key appointments to parastatal heads, key judges, corporation should be made through Parliament. The government is employer, let them propose the people they want then after they have proposed they sit down with the Parliamentarians argue and debate about the merits and demerits of the people they have chosen, if the person qualifies then let him go through but we should not have a situation whereby politicking creating (inaudible) and corporation heads this brings mismanagement and rooting of the economy. In certain areas of the Parliament procedures I believe they should not be controlled by the Parliament. Amending this like let's say where they want to amend bills because of the wish of individuals this try to call something done. He may be want change the environmental position of certain places regarding certain forests, then we go to Parliament to amend a bill so that we certify the will of a person though this one should not be there.

Remuneration and emoluments of Parliamentarians should not be with the Parliamentarians. You can never fix your own salary, somebody else should fix the salary. Create Commissions for that but don't let the Parliamentarian themselves create Commissions to remunerate themselves.

Extension of terms of Parliament should not be debated in Parliament because it is only in a case of a war that is when we can extend the Parliament. We should not extend the Parliament because we want to continue earning more salary. We should stop positions of nominated MPs we do not need them. These people are usually there so that whenever we have voting in Parliament they can always be forced to vote a certain way.

We have also to remove the powers of the President from Parliamentary proceedings. These I say whereby if something has been passed in Parliament then the President refuses then we take it back to Parliament the President refuses, we should have a position where if he refuses the second time whatever it is can become law.

**Com. Lethome:** I have a question on the nominated seats in Parliament. They are supposed to be taking care of the special interest groups if we scrap them who will take care of the special interest groups?

**Stephen Ochieng:** I believe all Kenyans are equal. People talk about special interest group.

**Com. Lethome:** I am talking about people with disability, I am talking about marginalized groups like the pastoralists and others

who will never find way into Parliament or people to represent them in Parliament especially some of the people with disabilities, how do we take care of them?

**Stephen Ochieng:** I believe there is something we have to agree on is one thing. Even if you have a disability it does not change your character, it does not change the person you are. You still remain the same person with disabilities. As much as we can consider you on special interest group, we have found that in Kenya that the nominated MPs are not on the special interest group. What we have there is not special interest group, those are chronics people we drink together with, people we sit down together with. This is what come in, if there were special groups and they were disabled, yes we agree but whatever we have now is not disabled group. So let 's avoid this habit scrap it altogether so that we don't have any abuse. And more on that one, on the executive I should say that the President should only lead for only two terms. Then we should reduce the power of the President and allow for him to be charged in court. He should not make any stupid public utterances because he is the President. He should be allowed to be taken to court at any time at any period at any juncture. Another thing that the Constitution should provide is such that we can impeach an incompetence President. If the economy is not working well we ask the President. If you take the case of (inaudible) they impeached him because they could not work.

**Com. Lethome:** But what about the MPs some people are complaining they only see their MPs towards the end of their term when they are coming to woe them with a kilo of sugar so that they can elect them back. What do you do with a failure who we have elected into Parliament before the term is over?

**Stephen Ochieng:** I believe there will be a way but the way I am seeing it the way we have the situation in Kenya it is very hard because in a constituency a representative should represent between one to ten thousand people. Then you'll find among four thousand ni watu wake. They are relatives, they are what, we still have so much in an MP it is not like somewhere in a potential area in Nairobi we can do that. But in the rural area you will find it related to a certain group of patronage.

**Com. Lethome:** Si you just wait until his term is over?

**Stephen Ochieng:** No. We should not be able to wait until his term is over we should also whatever we are talking about the presidency should also cover the MP.

**Com. Lethome:** We can recall him?

**Stephen Ochieng:** We can recall him and remove him. Then with the council, local government I believe the minimum qualification of a councillor should not be less than form four. We should have somebody who can understand a proceedings in a council meeting. We should not have somebody because he has money, his father was rich then we elect him to the council. Let him have minimum education. Then the mayor should be elected by the people. Let the mayor go round, let him use his

money, let him find out what the problem is. We have mayors in Nairobi who have never visited even parts of Nairobi. They hear about them because he goes to the council and then he is elected by the councillors. He has never even gone to Zimmerman, he has never gone to Keleleshwa, making it in Eastlands. All (inaudible) coming from Eastlands, coming from Keleleshwa does not know the problem in this area. Let him go around, let him push his agent, let him hear what these people say.

And then the last one the President should not have the power to dissolve the council. What we have now the President can dissolve a council.

**Com. Lethome:** Is it the President or the minister?

**Stephen Ochieng:** The minister should not be able to dissolve a council because this one we have found out it is abuse where the minister has personal interest, if he is going to grab land and the council cannot allow you, then the only thing he can do is to bring another chief may be a clerk then find a way of dissolving that council and creating Commissions.

**Com. Lethome:** Thank you very much mwaalim, just register with us. Ilikuwa nani wa mwisho ni John? Raphael Wandui, Raphael joo uzungumze halafu turudi kwa Jane. Hillam Wambugu yuko hapa. Joseph W. Muriuki, Joseph Kagunda, James Muladi, Paul Maina, Patrick Karimi, Kamau Ngure, Franco Mary, Mr. Matindi, Maina Kamau, Evanstone Irungu, Mutuku Bahati, Peter Kahonge, Patrick Wanjohi, Charles Omengo, watu wali-register wakapotea. Francis Wambugu, Felix Meno John, ni watu wangapi wako hapa wame-register na wanataka kuzungumza? Nitawapatia numbers ili msiongeze ingine let me give you numbers. One, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen sasa wewe ndio number one, wewe number two lakini tafadhalini nawaomba kuna mama pale kutoka majengo wacha tumpatie number two and you number three please. Tutafuata hivyo haya sasa baada ya mzee ni wewe. Twende hivyo.

**Raphael Wandui:** Asante sana Bwana Commissioner, hamjambo wananchi?

**Com. Lethome:** Silence please.

**Raphael Wandui:** Yangu nitaanza na Constitution. The Constitution should be available in a language understandable to the layman. It should be available in the bookshops so that as many people as possible can read and be conversant with it bila shaka kuna watu wengi hapa hawajaona Constitution na ikitengenezwa kwa lugha tunayofahamu na kuwekwa kwa bookshop mtu anaweza kwenda kujinunulia na anasoma. It should clearly stipulate the citizens rights such as freedom of worship, association, movement, information and so on. There should be a good reason for amending the Constitution and this should be only for the benefits of the citizens and not for the powers that being, hivi ni kusema ya kwamba kama ikiwa Constitution itakuwa amended kuwe na reason ya kutosha. The current procedure of 65% Parliamentary amendment for amending the



Constitution is okay but the public should be involved and their opinion sought.

Concerning the citizenship - any person born in this country should be an automatic citizen. All that should be through application. Spouses of Kenya citizens should be granted citizenship regardless of the gender. Yaani kama ukiwa umeolewa na mtu wa kutoka nje na wewe ni citizen wa Kenya huyu anapaswa kupewa citizenship.

We should have a unitary government but the local government should be given autonomy and should be free from domination of the ministry of local government. We should have an executive President as well as Prime Minister whose powers should be clearly defined. The President should not be above law and should be liable for impeachment. He should be a married person with a family, we don't want bachelors and should not be an MP and should serve only for two terms. There should be a body to institute Electoral Commission which should be independent from the executive. It should be having power and logistics to organize and conduct general elections.

Parliamentary and local authorities candidates should be interviewed and examined thoroughly to include only people with impeccable reputation and character. They should also declare their wealth and their record of their past service to the citizenry.

Currently we are having many MPs and councillors of dubious characters. Bila shaka wananchi mnaona kama ni City Council badili ya kuonyesha vile wanajadiliana mambo, tunaoshwa vile wanapigana. We should actually have people who are concerned with the welfare of the people.

Constituencies should be proportionate to the population of a given area, that means somebody will

**Com. Lethome:** Mzee you don't have to explain, it is understandable you made your point, just continue.

**Raphael Wandui:** Okay, thank you, votes should be counted at the polling stations and not at the central area. This will prevent rigging and placing of extra ballot boxes during transportation. We should do away with by-elections which are proving to be too expensive and time wasting. If a candidate obtained more than 50% votes cast, the representative party should be allowed to nominate another MP or a councillor. If he obtains less than 50% votes the number two candidate during the election should take the seat. Ministers, permanent secretaries, head of parastatals, judges should be vetoed by Parliament on appointment.

Political parties should be partners in development of the country and not opponent for the sake of it as it is at present. They should also be financed from public funds with accordance to their sizes that is the number of MPs they have in the Parliament.

The President should be the commander in chief of the armed forces but any declaration of war should be approved by Parliament. The Parliament should have a roll in the vetting emergency powers. There should be a body to regulate a

renumeration of MPs currently they are voting for themselves exorbitant and run away salary while they are unable to support even the bigger increment of teachers salaries.

Voters should be allowed to replace non performing MPs and councillors if they are about to be so. We are currently having MPs and councillors who do not go back to their electorate after elections until the time of the next election. MPs job should be fulltime jobs as the salary they are getting is more than enough to make them fulltime. They should be university degree holders. We should do away with nominated MPs as currently they serve the interest of their nominating parties if they have to be they should be strictly representatives of particular groups or professions.

The Constitution should provide for coalition government. In addition to the present structure of the Judiciary we should have court to deal with land matters and family affairs. This should be added in order to execute the relevant cases which remain pending for a long time. Citizens should be given Constitutional right to legal aid particularly where a person cannot afford legal representation due to poverty.

Judges should be university degree holders and should be incorruptible. There should be an appointing body and the appointments should be vetoed by Parliament.

Mayors and chairmen of local authorities should be elected directly by the people to avoid too much politicking and a little action by the councillors. They should serve five year term. They should be form four level of education with a C grade. They should be person of proven good character free of criminal records. People should have a right to recall non performing councillors, nominated councillors should be done away as they serve no useful purpose. Basic rights should be entrusted in the Constitution. Such rights as security, education, food , shelter, health care, water employment, information, education and health care should be free.

The right of women should be actually granted and I am for the affirmative action. They should have a 30% Parliamentary representation and all the public positions. Land should be owned by the state as well as individuals and there should be a ceiling as to amount of land a person can own.

Cultural and ethnic values should also be recommended and they serve as purifying factors. Tribalistic star should be abolished.

Controllers and auditor general should be given the power to prosecute wrong doers or those who misappropriate public funds. A party also should be instituted in order to take care of national resources which are now printed and also hours should be I will recommend, satisfactory government.

**Com. Lethome:** Are you going to read the whole of that paper?

**Raphael Wandui:** It is only two that are remaining now. The speaker of the national assembly should assume the power of the government during Presidential elections and the slums which appear to here to stay should actually be given and provided with amenities such as sanitation and water provided for the President and also the present Parliament should not be extended. If the Commissioners dealing with the Constitution cannot finish in time, they should be given more time but the Parliament should not be extended and the government also should actually protect the farmers from exploitation which come (inaudible) their product.

**Raphael Wandui:** My name is Kibue and I would recommend of this Constitution review that you are going in is first to ask ourselves pause and ask this Constitution to answer question why is it that after 30 years of independent we are writing it? This is a question we should ask ourselves why were we discontinued so that we have Constitution in the year 2002? Did it begin in 1963 when the first Constitution was started or did it begin in 1887 in a Constitution invalid? These are the questions that I want my Constitution to answer. In 1887 there was an invasion of moral and geographical. These are the questions I want my Constitution to answer and there was somebody here before who spoke about the curse of a country a Mau Mau speaking may be he said in Nyeri in Mathira saying this country is cursed because of the nature of our education. We didn't pause and ask ourselves, what were the dreams and aspirations of these people who are dying for us? What did they want? What was their objective? Has the land changed? When I was ingraded, was I ingraded only geographical or morally?

**Com. Lethome:** Kibue what you should do is this, we have the problem, recommend ways to solve those problems now.

**Kibue Peter:** What I want my Constitution as now is to pause and go back to those old men and ask them to put it in words what the dreams and inspirations of what they were fighting for at that time. Otherwise without a head we will make very good rules but we are heading nowhere that is all I wanted.

**Com. Lethome:** Asante. Tumpe mama nafasi halafu tuendelee na number vile vile si ni kwako. Would you like to sit or stand? Which would you prefer. We expected you yesterday. Give us your name and then give your views.

**Kibue Peter:** Mr. Chairman for Constitutional Review of Kenya, the Commissioners, ladies and gentlemen my name is Saada Chepkurui Bi Ali from Kamukunji, I am representing the collaboration centre for gender equity and infact I will speak in Swahili because I have seen that most of our people have gone out because we started in English and most of us can not understand properly. So I will do it in Swahili.

Jina langu ni Saada Chepkurui bi Ali naakilisha usawa wa akina mama na nitazungumza na Kiswahili kwa sababu wengi tulikuwa Tumejaa hall lakini watu wamechoka kutokana na tangu mwanzo mmechukua station hii yenyewe hawaelewi Kiswahili lakini hawa wote wanajua Kiswahili. Kwa hivyo kitu changu cha kwanza bwana chairman, Ibrahim Lethome na Commissioners ningependa kwanza ombi la kwanza ni wakina mama wote ni sawa katika kazi hizi zote. Jambo la kwanza wale wanapewa

jukumu katika ugawaji na mambo yote ya kisheria kwa sababu wanawake ni wachache sana hawawezi kuwakilisha wanawake inavyotakikana.

Jambo la pili ni kuwa akina mama wa Kamukunji wamenyanyaswa kwa miaka mingi sana haswa kutokana kuwa wao ndio walezi wa watoto wao ndio kila kitu lakini wakiwa hawajatoka ndani ndio kusema wakienda kwenye zile (inaudible) za sheria kama kwa chief vile ama kwa DO ama kwa DC wanaonekana kuwa yeye ni mama hafai kuwa atakuwa anazungumzia jambo fulani. Hio imekuwa ni uhakika kwani kumetokea vita vingi sana kutokana na kuwa wao hawatabuliki kama part and parcel ya sheria. Tungeomba chief na assistant chief wasiwe na kazi mingi ambayo wamepewa kazi mingi unamkuta yeye ndiye anasimia hiki na kile na wakati watoto wanazulula zulula hajali na wengine wana elimu ambao wanaweza kusaidia kwenye kazi ile.

Tungependelea malipo ya hospitali kwa watu wasiojiweza yaondolewe, malipo ya mortuary kwa watoto hadi miaka kumi na minne yafutiliwe mbali na watoto wasiwe wanalipiswa hospitali.

Upande wa ardhi – Ardhi ni kitu muhimu sana mtu mmoja asiwe na ardhi inayozidi acre 200 kwani wengine wengi wanakuwa na ardhi zaidi ya maelfu. Tungeomba sheria hii ya Kenya iangalie kitu kinachoitwa lease ambayo sisi Tumezaliwa Kenya ni Wakenya na unakuta watu wanapewa lease ya 99 years especially here in Kamukunji. Kamukunji Tumepeva lease ya miaka 99 ambako kwa bahati mbaya nimekosa kuja na karatasi yenyewe kwa sababu nimepeva mda mfupi sana wa nusu saa kujitayalisha kuja hapa. Lease ya miaka 99 kwa Mkenya haifai kwani wewe umezaliwa hapa na baada kuwa umezaliwa hapa miaka hiyo 99 ikiisha utakuwa unakwenda wapi na hapa ndio kwenu wazazi wako ni wa hapa? Tungeomba lease kwa Mkenya ya miaka 99 iondolewe kwani hiyo lease ilikuwa inatakiwa kuwa wakati ule wa Sultan wa Oman ama Wazungu waliokuja. Kama ni kwa investors ni sawa na kama ni investors wasiwe wanapewa 99 years lease. Iwe inakuwa reviewed after every 10 years kwa sababu wanachukua kama vile mfano wa Basil Wakiringu, amekuwa na acre nyingi za ardhi wengi hawazitumii. Ile anasema kwa sababu analease alinunua miaka ile kwa shiringi 3,000. Halipi kordi ya ardhi, amekondisha yeye yuko mbaali, wananchi wa Kenya wananyanyazika. Kwa hivyo lease kwa mtu yeyote wa nchi iwe ni miaka 10 na itakuwa inakuwa reviewed after every 10 years ili kuzudi waweze kulipa pesa zinazotakikana ambazo zitakuwa ni income kwenye nchi yetu.

Free education for primary level – Hiyo inatakiwa kwa watu wote na nimesukulu sherikali hio wameiangalia jambo kuwa wametupatia lakini baado vitabu vitolewe kwa sababu sisi tuna shida na munaniona tu hapa nimeng'ala lakini taabu nayo ajabu. Watoto hawana vitabu hawana nini, tungetaka serikali iangalie vitabu wakisema ni free education, that means books.

Watu wasiojiweza – Kuwe facilities zinazoweza kuwasaidia kama vile wheel chair kuwawezeza kuwa wanaweza kwenda pahali popote freely na kufanya kazi.

Nimesikia hapa tukizungumzia mambo ya freedom fighters. Freedom fighters kweli kwenye nchi yetu ni kama kuna curse. Mimi ni Mkalenjin, kuna bwana mmoja hapa alisema kuwa kuna watu wanazungumza na mother tongue, I am sorry to say that. Kwani hiyo si kweli? Uhuru wa Kenya hii ulipiganiwa na Wakenya wote na vile mlinioniona kwenye TV, kwa KTN ya Jumatatu saa moja na robo. Baba yangu mimi yeye ndiye alitengeneza bendela ya nchi hii. Na ni Mkalejin, boona mpaka sasa baado ananyanyazika bona bado mpaka sasa bona mpaka sasa bado kuna shida. Kwa hivyo tungeomba Constitution Review iangalie the freedom fighters who was he. Kwa sababu mlisema ni kama ni kweli kuna hapo kardi? Hakuna aliye pigania uhuru wa nchi hii mmoja utasema yeye ana mahali pazuli pa kukaa. Kamukunji as a whole, Kamukunji ndio imeweka historia ya Kenya maana vyama vya upigianaji ukombozi wa nchi hii ulianza Kamukunji, Pumwani, Bahati, Shauri Moyo especially in Pumwani baado Bwana Commissioner uliona tunaishi kwenye nyumba za udongo hawa waliotolewa kakaletwa Bahati na Ofafa Jericho na Ufafa Kunguni walitolewa Kariorkor wakaletwa kupewa nyumba hizi. Nyumba ambayo haina facilities zozote. Nyumba ambazo zina shida, tungetaka serikali iangalie ku-upgrade watu hawa tutawasaidia namna gani? Shuluhizo ni upgrading ya standard of living. Watu wale wale wanaoishi kwenye nyumba hizo wawe ndio watakuwa the first priority wanapewa nyumba zile zitengenezwe wapewe pale kukaa. Sio watu wakiona hapa ni karibu na Industrial Area na ni karibu na town wanatoa watu wale kwa sababu ni maskini na kuwatupa nje ambao hiyo inafanyika haswa kwenye mtaa wangu Pumwani. Mtaa wetu umeuzwa kama sisi tuko ndani na kwenye land board nimewakilisha ombi hili. Mimi sitakuwa na mambo mengi kwa sababu Constitution review hii ndio proposal ya akina mama wa Kamukunji nimeandika in a written document kwa hivyo sikutaka kuchukua mda wenu mlefua kwa hivyo iko hapa inawakilisha maombi na matako ya watoto na wamama wa Kamukunji pamoja na hawa wazee ni wetu ijapokuwa wanatumbagua.

**Com. Lethome:** Asante sana mama Saada kuna swali kutoka kwa Commissioner.

**Com. Wambua:** Hio swali ni kushahihisha ulisema huyu Basil Mwakiringo ako na sijui acre ngapi nafikilia ulikuwa ukisema Basil Criticos sio...

**Saada Chepkurui:** Basil Criticos.

**Com. Wambua:** Asante sana mama Saada. Sasa tumpate number two. Number two ni huyu.

**Khakasa Marakalu:** Habari zenu? Mimi kwa jina naitwa Khakasa Marakalu, mimi ni mkaazi wa Eastlands na unapata ya kwamba kuna mtu alikuwa hapa awali akauliza sisi kama Wakenya kweli tunasema tunaweza kuandika Constitution baada tangu 1963 ndio tunaanza saa hizi unapata kuwa Constitution ya Kenya imeshindwa ku-protect interest ya Wakenya kwa sababu haikuandikwa na Wakenya wenyewe na hii Constitution iliandikwa kulingana na sheria za Kiingereza na hizi sheria ambazo zilitumika ni zile zilikuwa za ukoloni ambazo ya kwanza ilikuwa foreign jurisdiction act ambayo iliandikwa 1897 ndio ilitumika kuandika Constitution ya Kenya kama reference. Kitabu cha pili kilichotumika ni cha colonial court of (inaudible) act ya 1887 ikatumika kama reference ya kuandika Constitution ya Kenya ikanja ingine ya tatu, British settlement

act ya 1902 ndio ilitumika tena kama reference ya kuandika Constitution ya Kenya na ukiangalia kwa hii yote unapata hakuna African law au our traditional values zile zilitumika kwa ile Constitution na ndio unasikia kuna vitu kama freedom of worship ile inasemwa na ile Constitution lakini Mafrika akijaribu kufanya vitu vyake vya kimila anapigwa na anastakiwa kuwa amekosa.

Kitu ile ningependa kusema ni kwamba tukiangalia hivi vitu vyote vilikuwa amended in 1945 ambapo hii Constitution kwanza ningependa kwanza iwe abolished totally juu hakuna Mkenya aliandika na ndio ilifanya Kenyatta na group yake ile ilikuwapo wote waliitwa Lancaster House ilipeanwa kama Kenyan order juu hata President hana power is just a mayor preceding officer hata tuchague nani leo Kenya hii hatakuwa na any powers kama Mkenya kusema Wakenya kunatakiwa kuwe hivi na hivi. So even our President today unapata statutory instrument section 12 inasema kabisa ndani ya hio Constitution kuwa ambayo iliandikwa on 11<sup>th</sup> April 1963 hakuna kutu chochote kitamzuilia Queen ama kitakachozuia kupatia nchi hii mawaidha na kututawala ambapo congress countries zote zina-report kwake directly na ndio unaona economically hatuwezi kuwa sawa kwa vile azri mia kubwa yetu inaenda kwa Queen of England 56% ya revenue serikali inabakia na 34, 32 ya kulipa civil servants, serikali inabakia na 2% whereby hii Constitution hai-serve interest ya Mkenya ama Mafrika yeyote ambaye anatomia.

**Com. Lethome:** Sasa Khakasa recommend please.

**Khakasa Marakalu:** Yes, sasa recommendation ni kuwa ndio tuandike Constitution first and foremost lazima tuangalie the African values ndio tunasema wasomi wasome wasomi lakini msomi zaidi unapata hajui hata values za Kiafrica yeye anafikilia Kizungu, anaangalia kila kitu Kiingereza na ndio wako ready kuunga kila kitu wakisema sheria sijui watawala wote wawe form four, wawe standard seven, nilisikia standard seven ikitajwa hapa, hata waalimu wakicheka sijui position gani alikuwa anatoa hii ya chief. Ilikuwa gani rafiki yangu? Assistant chief ati akuwe mtu wa seven nikasikia wengine wamecheka hapa waalimu wale walikuwepo na nataka nipewe nafasi wakiwepo kwa vile the system of education ime-prove kuwa a failure na haitufaidi sisi. Inatufundisha kuwa good slaves, good servants. What do you (inaudible)? What is there? Does this system of education pia ime-fail na inafanya vijana wetu hata wanakaa mitaani hawana mind ya crativity nafikili tulikuwa na kazi mingi sana ya kufanya hata mashambani vijana hawakuwa idle we were so busy, the African was not lazy. But ile system Tumekuwa trained nayo imetu-disable hata kimawazo, spiritually hatujijui. Haya na ndio ninasema kimafunzo, tulikuwa na njia zetu za kufunza watoto na kuwalea na ndio unaona moral values zinapotesha Wafrika juu Tumepata zile za Kiingereza na as far tutaandika Constitution Kiingereza tutaendelea kutawalwa na Mwingereza ama na Mzungu na ndio unaona hata political parties zile zimenjengwa tuna opposition parties. We are not supposed to have opposition parties juu hata ukiangalia opposition parties za Kenya leo zote zinakuwa funded by foreign government.

**Com. Lethome:** Khakasa let me interrupt you. One thing at a time na u-recommend. Education, what do you recommend? What system una-recommend idhamu gani ya elimu ambayo ni mzuli itatusaidia?

**Khakasa Marakalu:** Mimi nina-recommend wakifunzwa nyumbani na ndio ilikuwa responsibility ya akina mama, unapata

ndiyo ilikuwa njia ya kweli ambapo ikiwa ile itatumika ndio unaona wanawake wanakuwa idle we want to be equal to men. Sasa juu hawana kazi zao imepeanwa mtu mwingine ndiye anaenda na ile kitu anafundisha mtoto ni kumuunga mkono Mzungu hajui mtoto wake anafunzwa nini. Kama mtoto wangu anaenda shule lakini sijui anafunzwa nini ndio unaona system inabadilishwa kila siku, mkipata watu wa zamani ilikuja sijui 8-4-4 nini, wengine zamani ilikuwa kukutana kukaa wakijaliana.

**Com. Lethome:** Hawasikizani?

**Khakasa Marakalu:** Ndiyo ile system yenyewe ni...

**Com. Lethome:** Hiyo Tumesikizana, ukaja Constitution ukataja ukasema tunatawaliwa zaidi na wakoloni kwa sababu bado tunaandika kwa Kizungu. Una-recommend Katiba mpya iwe katika lugha gani?

**Khakasa Marakalu:** Mwanzo, wewe unadhani ni lugha peke yake nafikili vile umenipata umenipata vibaya. Nimekwambia Constitution ya Kenya iliandikwa based on English values not on African values because it was based on English law not African law that is what I am saying. So what I would like we write something based on African values not English values. Na hio ndio itakuwa si struggle na sisi with our own nature kwa vile nimepata kama hii for example tukifika kwa land sasa, land to the African in our own natural laws, land is a natural birth right to any African si kitu ati ohh iandikwe na nani ati utapewa. It is your right as an African to have land ambapo foreigner yeyote anakuja hapa anachukua land na anakuja anaset law na ndio unaona nikasema kuna hii British Settlement Act Law ndio ilikuja na hiyo government land. Sasa mzee mmoja hapa alikuwa anasema ati kuwe na partnership ya wananchi na serikali. Mwanzo serikali ni nani? Hapana mzee kwa nini wewe ushaa sikia unauliza sukari ikiiongezwa tuulizwe itawekwa pesa ngapi? Na tukienda tu-demonstrate ati tunapinga na vile unaabiwa ni serikali tunapigwa rungu ya kichwa. It means we are not the government. Sasa hapo kuna karata inachezwa ambayo sisi kama raia hatuelewi ambapo huu ni wakati Tumepewa hio power tuseme okey sisi kama Wakenya tunataka tuende vipi na ndio nimesema the best way ni the African Constitution and the fundamental rights of the African people juu ukinja hata kortini leo you are guilty until proven not guilty kwa English law. Lakini ukija Mafrica alikuwa na system yake wazee wataitwa toka huko, toka pande hii wakae waulizane huyu mtoto alikuwa vipi mpaka suruhizom itapatikana na ile shida itaondolewa. Lakini kwa ile inabidi ukae jera kwanza, uozee huko, kama huna pesa, huna bond nini halafu mambo yako itaangaliwa badaaye.

**Com. Lethome:** Sasa wakati unaonekana umeenda. Katika judiciary what do you recommend now about the legal system of all disputes resolution mechanism? What do you recommend?

**Khakasa Marakalu:** Sasa mechanism zile tunaweza tumia kama Wafrica unapata wazee, elders, wanaweza kaa chini na waweze kutatua hii shida. Kwa vile hawa judges kuna system wame-trainiwa nayo na kuwa kule wana (inaudible) ambapo hata ukija ile traditional value, they don't know them na ndio mimi nimesema juu ya kupeana watoto away hawezi jua character yake. Mtoto akilelewa nyumbani utajua character yake hata tabia yake ndio ilikuwa inafanya hata vitu inakuwa able



ku-solve any problem. Sasa kwa ingine ndugu yangu, economics. Kwa economics unapata kuna hizi foreign government wanasema investor wamechukua a lot ya resources zetu kutoka kwa nchi hii na wakatumia na utapata vitu mingi kama Wakenya haturuhuziwi kufanya. Mtu akiwa na idea ya ku-produce kitu chochote ama kutengeza kama jamaa yule alitengeneza ndege akapeleka hapa show unapata anapigwa na ananyamazizwa kwa nini? Juu ile English law ile ndio biashara ya mzungu kutengeneza ndege atuuzie, atengeneze ndege atuuzie, ndio unapata kitu yeyote iko hapa lazima itakufa. Hatuwezi kuwa na ile ku-produce vitu zetu wenyewe ambapo ndio mimi naona economically tuwe stable. Tuweze ku-utilize our own resources training yeyote, ile mali iko kama tatinum inatoka kule, kitu fulani inatoka mahali fulani, kahawa inatoka mahali fulani, wale watu ndio wanaitengeneza na wanaiuzia wenyewe. Hii mambo ya brokers wanaingia katikati ndio wanafanya tunakuwa the have and the have not ndio unaona mkulima ataendelea kubakia maskini kwa sababu akingojea broker akuje anunue mali yake. Sasa tukatae hii kitu, mkulima ikiwa mali yake haitaenda basi turudi hata kwa trade yetu juu pesa imefurupia ina wenyewe na wengine hawana. Ikiwa tutaweza kufanya butter trade kiafrica itatufaidi zaidi kuliko tuseme saa yote tunategemea mkopo. So the only way tukatae kuomba omba na tuweze turudi kwa reality ya life tuwache kufikilia tukikufa tutaenda mbinguni juu mpaka ukija kwa dini hakuna mbinguni. Africa ndio paradise outside Africa there is no paradise na ndio ninaquestion mpaka hizi dini zote saa hii hata tukiona nyinyi ndugu zangu. Kwa sababu dini zimekuja walikuja na dini zao na hizi dini zote hakuna ile ya Mafrika.

**Com. Lethome:** Khakasa just recommend the religion what religion are you recommending? Kuhusu dini una-recommend nini?

**Khakasa Marakalu:** Mwanzo nitakupa recommendation saa hizi lakini unapata hizi dini zote zilikuja. Mwanzo hizi dini lazima zitujibu huu bond walikuja na yeye ni nani? Kwa sababu Wakenya Tumeomba, Wafrika nzima Tumeomba na hatuaidiki ambapo kwa hii Constitution ikiandikwa hizi dini zinastahili zitujibu na ambapo mimi naona njia zetu zilikuwa za kweli kuliko hizi Tumepata za Warabu, Wazungu, Wahindi na Wachinese juu kabla hazijakuja wazee wetu wangeenda chini ya (inaudible) huyo mti wanasema na watarudi na mvua nyumbani lakini tangu waende kwa Kristo, Mohammed sijui nani, hio mambo yote iliisha na ndio hio laana wanazungumzia saa hii wazee walikufa wanasika mchanga juu walikuwa wanajua wanapigania nchi yao na ni mchanga yao, udongo yao, na huu udongo utaendelea kulisha mpaka the future generation, lakini leo tunafikilia mimi nitasimba ngapi niwache kambi? Ndio unaona wanakuja wanatununua kombale mzee. Sasa religion, hizi foreign religion zimetu-upset ambapo zinatakiwa zirudi kule zilitoka na Wafrika tupate njia zetu. Nafikili itatusaidia.

**Com. Lethome:** The question here in the Constitution we have what we call freedom of worship, uhuru wa kuabudu, sijui una comment gani kwa sababu unazungumzia habari ya dini.

**Khakasa Marakalu:** Haya kwa hii uhuru wa kuabudu kwa hio Constitution unapata hakuna hii uhuru kwa nini? Gakonya anapigwa kila siku hapa, mimi si mtu wa thai lakini nitamtetea. Mungiki wakienda kunyua vitu zao huko wanapigwa. Mama alisikwa Nyeri juu aliambiwa ametukana Mkristo ati incitement na juu hajui sheria hangeweza kujitetea. Sasa na yeye alikuwa anajaribu kuhumbili akionyesha hizi dini zimetu-affect kama Wafrika ndio mtu kama mimi nimesoma Kolan, Bible,

(inaudible) nikapata hakuna mahali inanihusu Yesu alikuja kwa Israeli hao ndio nawambia ndugu yangu. Unapata hio freedom of worship ina-protect the foreign religion not the African religion or the African .....

**Com. Lethome:** Can we remove it from the Constitution?

**Khakasa Marakalu:** Not to remove it.

**Com. Lethome:** Asubuhi tulikubaliana hapa when a person comes here yeye ndiye anatoa views zake, okey. We are not on a political platform and this is our meeting this person is on the floor, let him speak his mind bila kutatizwa na mtu yeyote. Endelea Khakasa.

**Khakasa Marakalu:** Kitu ile ningependa ni Uafrika itiliwe mkazo zaidi kuliko foreign religion juu ni kwetu. Mtu akija kwako inastahili afuate njia zako na ikiwa sisi tukienda kwao, ukifika Ujeremani itabidi uende shule mwaka mzima ujifunze lugha ya Kijeremani ndio uweze ku-intergret kwa ile society. Kwa nini yeye asikuje hapa ajifunze ikiwa ameenda kwa Wakikuyu anataka ku-invest huko ajifunze Kikuyu ndio aweze kukaa? Kwa nini tuna-insist so much tusome Kiingereza? Hata kwa mashule tuna-insist so much Kiingereza ndio first Mafrica akuwe serious. So nasema kuwa ikiwa ni nini juu ni kwetu kwanza vile nimesema, tuulize zile dini hii ni nini wanaabudu? Juu hio kitu imekataa kujitokeza haeleweki, haisaidii watu, ukija kwa Wakristo, majaribio yametokea, usijari ndugu, hio ni majaribio ya Mungu ama ya shetani.

Sasa nikija kwa system ya politics – Kwa hii political system ambayo wanasisia wetu wanatumia leo, I think I said earlier support hii. What we need now kwa vile Wakenya hata saa hii mkienda round majority of Kenyans hawajui what Constitution is. Mnaenda round lakini 99% haijui. Sasa unapata unaenda kuuliza Mkenya ambaye hata hajui Constitution ni nini, iliandikiwa wapi, ama kwa nini unamwambia aibandilisha. Ndio atatoa lakini ile tu ni ile wanaitanga aje? Hii ya kuwekwa tu, formality ya kuja tu muone mlitoa maoni lakini kuna kitu imekuwa prepared tu tayari. Side formality ati Tumeenda mitaani ndio unaona unaona tunapewa certain wakati ile haraka haraka twende nyumbani. Lakini ningependa ikiwa hii Constitution inataka tunofaisha Wakenya ipewe at a time kwa TV watuwekee mtu ambaye atafundisha nchi nzima life mambo ya Constitution na akifundisha na sisi tunapiga simu tunauliza maswali. Tukiuliza maswali ndio unapata hawa kuna Constitutional lawyers ya Kibutha Kibwana, nani, akina Orengo hautampata hata wakili wa land siku moja asimame aseme ati leo tutawafunza Constitution. No anakuja anasema Moi, nani matuzi tosha ngari go home. So mimi ningependa ikiwa Wakenya wanatakiwa kweli tuwe part and parcel of it, lazma kuwe na hio education. What we need most is mass re-education, we have been educated for too long. So hio ni kitu tunahitaji zaidi ndio watu waweze kuelewa ni nini wanabadilisha. Otherwise ndugu yangu, hayo ndiyo yangu kwa leo nina karatasi nimeandika ni vile nimepata message saa hii saa tano lakini I have African Constitution and the fundamental rights of the African people ile Tume-draft na nafikili tutakutana na nyinyi, nitawaletea.

**Com. Lethome:** You must bring it. Kama kweli wewe ni mzalendo wa Kenya, and you would like to see change in this

country you must bring it. Do you know where our offices are? Kencom House, 2<sup>nd</sup> floor mahali wewe unahubilia saana bwana Khakasa.

**Khakasa Marakalu:** Sawa, Asante.

**Com. Lethome:** Sasa kuna mtu alijiandikisha asubuhi halafu akatoka kwenda kuchukua memorandum yake amerudi tafadhali naomba msamaha azungumze halafu twendeleee na number zeut. Hassan Adams kwenda kuchukua memorandum yake, amerrudi sasa.

**Hassan Adams:** Thank you Commissioners wetu siku ya leo, wananchi (inaudible) First and foremost mimi naitwa Hassan Adams ni chairman wa KANU hapa Kamukunji branch na pia ni national secretary wa youth affairs, KANU. Our Commissioners I wish to thank and congratulate you people for the guidebook and handbooks that you have prepared that have enabled a lot of people understand the basic question in Constitution making and for my case I have decided to follow a bit of the area that I think are of interest to me and to the people probably who share the same mind as me.

About the preamble we need a preamble in our Constitution that declares the state republic of Kenya on the onset. I further defined it in terms of geographical location, size and map.

(inaudible) of importance also. As the changes of the Constitution or any amendments I do recommend that we retain the two thirds majority rule for the Parliament for any amendment of the Constitution. With an exception where that Constitution might affect the entire section of the Constitution collectively. If the changes are to be dramatic and affects big portions at a go then such cases be preceded by a referendum. Referendums should be conducted by the Electoral Commission of Kenya.

Parliamentary Bill should remain as have always been universal as instrument of management and governance by government and should be a reserve for the government of the day irrespective of which government of the day. Parliamentary motions should continue as of now as to be the (inaudible) of ideas and desires of MPs for government consideration in their problems. Otherwise a loving private bill is tantamount and carrying the sabotage of electoral government by the very person he defeated in democratic election. We have all the same built to support privately and have contradicted the Constitution. This one can be stemmed out if it is carefully put in the Constitution that bills are instruments of governance that should be at the disposal of the government of the day. In other common Parliamentary systems like in Canada latter on issue of bill promotion members of the governing time even the (inaudible) can not even ask a question. So these are meant to avoid contradiction which are very very much inherent in our system here.

About the citizenship a child born of a Kenyan parent one parent regardless of parent gender should be entitled to automatic citizenship. All citizens should enjoy the same rights and privileges to avoid discrimination irrespective of if one got it through naturalization or anything, we can not have a class system. Dual citizenship should be allowed, it is a healthy way and in thing

today in the world. It would encourage investment because one feels better investing in a place that he owns and it will also free Kenyans on the other hand in the diaspora to effectively play their rightful roles in the communities and countries where they live and are eligible to citizenship. The ID and passport could continue to be prove of citizenship without a problem.

System of (inaudible) – We should retain a strong Presidential system of government and a unitary system. There should always be a very clearly defined centre of power and such the President should be executive and elected directly. The President could appoint the Vice President as his assistant and the Prime Minister where the cabinet and government business in Parliament. The President having been elected directly and (inaudible) bestowed upon him by Kenyans should be given a free hand in putting in place a cabinet structure of managers that didn't fit to deliver on his promises and effective management of state because when we put an executive President we are putting charge of the management both of all our resources and management of state affairs in the hand of that President. And once mandate has been given then if we go now again defining a management structure for him which may not deliver on the very promises he made, then we will also be giving somebody a position with one hand and undercutting him with the other hand. We should be able to give such a person if true universal surprise the right to put in place a management structure that he feels he can be accounted for or accountable for and can be able to flag off after another five years while seeking the re-election. The current qualifications for a Presidential candidate are adequate as all the limitation of two five year plan. The President should not run for the office of the MP. The provincial administration should remain and recognize in the Constitution as the defact coordinators of government business and problems at the respective areas of jurisdiction as well as the guaranters for security. This one to me there has been a lot of talk about the provincial administration. We cannot wholesomely wipe out the provincial administration because of the misdeeds of a few administrators per see. We have mechanisms of disipline which should apply not all systems or all parts of systems can ever be perfect. At the same time the administration could be the cause because in our development because in our development mode is normally disjointed we don't have a collective integrated (inaudible) of development. You will find in a district ministry of water does not know what ministry of works does. Ministry of public works does not know what ministry of health does. Now, if the coordination round is given in the hands of politicians, we have to be very honest with ourselves. Politicians will always put their immediate interest areas of their favour first and cannot be trusted with overseeing everything impartially. We saw a year ago when it was decided or proposed in Parliament that area MP should elect their respective chairmen of the DDC in the district. It was almost chaos all over. This is because an MP who is say in KANU and the other three are in opposition one now to deal with development agenda that suit him and vice versa so a neutral person would be the person who should be held responsible in the utilization of the government resources for the good of the people. So the provincial administration being a reflection of the office of the President should be able to undertake that coordination role. So what I would say is their current role be redefined so that the coordinator is a matter of security and development without loading all the people in their social life. Without necessarily being harambee collection centers, without necessarily charging people for services they ought to be given free. It is just a question of redefining and having their duties well put otherwise if we look in the regional establishment of Uganda and Tanzania, it is only in Kenya that public service vehicles travel overnight. You can leave Mombasa six in the evening arriving Busia the following morning 6.09 but you cannot and it is

prohibited by law in Uganda and Tanzania a public service vehicle cannot move after 6 p.m. This is because of the insecurity of the countryside country like Tanzania is adopting the provincial system that we now have chief established chiefs appointed, Uganda is doing the same and this has been brought by the necessity of having a well coordinated machinery so once after six (inaudible) take over the highway. They only hear about Kenya attacked once in a while in buditary area but it is worse there but the government has burnt transportation. Here we can move (inaudible) so I would rather give a bit of this credit to administration so we should not condemn them wholesale for a few misdeed of a few junior chiefs.

On the legislature, our current set up of Parliament should not and should never be allowed to vet on any appointment since this will be like sharing responsibility with executive. The executive has the responsibility and is answerable for its action. Now if Parliament takes part in the vetting of appointments of officers in any position, then how will they ever delink themselves from auditing actions of double while they took a role in what the executive should do. Let the executive the government and its power make these appointments. Let them be held responsible for the failures omissions and Commissions done by those officers by the Parliament because currently Parliamentary failing in assessment of such appointment are very well catered for through the watch dog committees on the public accounts committees on the public accounts committee and the public investment committee. So how does the Parliament or a committee of Parliament sensure an officer that it took part in appointing? So if you are going to maintain the same system of legislature then that demacation and the like should be very cleary drawn. We don't also need to expand functions of Parliament in the current set up if we expand we automatically fall in the race of trespassing into other arms of government. You might expand, given a bit of like judicial powers where they can form a committee that can have judicial power they will be now overriding within the judiciary. Given powers to form house committees that will come up with policy formulation they will be taking on the executive so let them remain at there.

Also in the legislature the current requirement for Parliamentary elections are sufficient. Any extra qualification will defeat democracy. Every action should also be a reflection of the people they represent in their parties. We have heard a few well learned guys saying that in future some have even suggested that civic candidates apart from mayor should be graduate. Now paper qualification will not necessarily always tarry with basic wisdom of leadership. We have seen people with strings of degrees but some actions they commit in place of leadership, then you wonder when somebody tries to over value themselves.

**Com. Lethome:** Hassan let me just interrupt, just recommend. What is your recommendation.

**Hassan Adams:** My recommendation is the current qualifications are adequate and sufficient. Salary emolument of the MPs should be determined by an independent Commission appointed by the executive because when the executive is in place they have to manage the resources, they are the ones who budget and they are the ones who are to control that government resource it is in their hands. So when Parliamentarians set a Commission among themselves to look into their emoluments and salary then the very act of transparent and accountability they ought to be defending or promoting lacks because they themselves becoming a judge on themselves. So the only way we can check this let the person charged with responsibility of

utilizing revenue or resources be party to it, let them put the motion say like they feel they need an increment. Let it be looked in relation to the policy and the budget, provision and all that have been made for otherwise all they will end up doing is upsetting problems that have been in place. Now that will be a set back to programmes that have been put up by government, so you cannot check yourself and say you want to check on others.

Position of nominated MP, I don't see anything wrong with it. It should be retained in actual fact in addition and in the right of devolution at least of government services to the provincial level I would say we also create a position of an automatic MP. This automatic MP will not be regulated by camp like these nominated or elected MPs. The automatic MP will assume office by automation by virtue of holding offices of the Provincial Commissioner. I would suggest the Provincial Commissioner actually be renamed regional Commissioner he is not appropriate. Now these people if given automated position Parliament then they are then placed those advisory wise or to contribute on matters affecting regions where they are charged, they oversee because they are in touch, in actual fact they will say much better than central government on the daily happening and misgivings and any problems that are there to the population in that region. And when such a regional Commissioner ceases to be in office, then he ought to vacate that Parliamentary position, that is why I am saying we call them automatic MPs so that he can only hold that office by virtue of holding the office of the Provincial Commissioner which will be renamed regional Commissioner.

It is also desirable because of what I said earlier on the check and balances because in our current system Parliament play that role on checking on government and other arms of government but we don't have very effective counter measures of counter checking the legislature themselves. We have seen very easily because of political (inaudible) people honourable members can conspire and defeat a just cause.

**Com. Lethome:** Hassan since you have a memorandum in fact you have (inaudible) the time we gave you just highlight the important points and hand in the memorandum please.

**Hassan Adams:** It is desirable that we have a (inaudible) Parliament with a representative chamber for the MPs and a senate or upper house we preferably a 42 number membership representing all ethnic communities to balance up issues when they come up in the lower chamber. The President should retain powers to dissolve Parliament. This is a very critical element which could easily be misunderstood. The only safety valve that we have when some sort of clothing or any problem in a democratic institution, the only safety valve that we have is you go back to the election. So if you put the date of election fixed and the country gets itself into problems, how do we rejuvenate or how do we rebuild the confidence again? We can only do that through election, be it mid term, be it after one year, be it after two years, it could be an expensive process but democracy is not always cheap.

On local government, only mayors I would say should be elected directly while council chairmen continue to be elected by the



councillors. Councillor should have a primary education and leadership skills that are acceptable as qualifications. The most vulnerable groups are the marginalised community in Kenya. The Constitution should provide for a clause on affirmative action that requires at least 3% on the total government revenue for the exclusive views in developing marginal areas for at least the next 20 years in order to forestall an involvement of a class system of citizenship. It is very unfair for us to speak about like now the ministry of water development becoming a regulatory ministry with no services provision. While it has provided water services to have the population and has not reached the other half. We cannot talk about going into our pocket for education and infrastructure while government ministry did exactly that for part of the country and left there. Then how can we ever tell, there will be regensis of problems in this country so the only way we must agressive it squarely marginal areas that were neglected that were never given anything, Constitution to give a provision that when the minister of finance is reading the budget a certain amount is not negotiable it is put aside to assist those less fortunate in marginal areas catch up with us and in 20 years that clause can be reviewed.

The issue of Constitution offices should be viewed also critically. Why should we insulate an office without any predetermine known justice performance? We have heard problem of office holders being totally on issues of attitude, arrogance, individual attitudes cannot be gained. Today the auditor general bwana Njoroge does a wonderful job. He never calls press conferences to brag about it, he is appointed by the government. He checks on them, puts all the call in paper, present it to the public investment committee. That is the committee that sorts out this issue then the councillors get it. The man is known for his job. He does'nt even need security of tenure because he is doing exactly what he was hired for we leave a lot if like can jog the empowering or the hiring arm to keep on insulating its own servants, then we will be now generating decent within if people have bad attitude or bad intensions then they can use such avenues for subbortage purposes. So I would rather say let the employer know his employees better and let the employees just perform without necessarily, why do you need protection if you can do your job?

Finally, thank you for your patience I will talk on the election system that we have – defection should be treated as such. Party should be empowered to discipline errant members so that by withdrawing support they would lead to law suit. 25% rule should be retain quality leadership as a post dictarial leadership. No seat should be reserved for any group because we are one society if it is the disabled they live within their family, they live within the Kenyan community. If it is women they our daughters they are our wives we live with them. All Kenyans should be equal in the eyes of the world. All our elections should be simultaneous civic, Parliamentary, and Presidential otherwise we need to reverse to the single party mode of government. If today we held the Presidential election first and somebody of party A wins, then everybody knows he is going to form the government, what will happen is people will now most likely rush enmass there then when the civic come it will be senseless you might end up having a one party system like before. So it is good we just have them simultaneous as we have been having them. No election again should be fixed as I said earlier because we like subbortaging democracy and with those few remarks, thank you very much.



**Com. Lethome:** Commissioner has a question. Hold on for clarification may be.

**Com. Wambua:** Hassan you said that we retain the two third majority rule of (inaudible) the Constitution and then you went on and said that dramatic changes should require a referendum and you didn't explain to us why this dramatic changes. I think we need something that we can understand and translate into a Constitutional proposal what do you have in mind when you say dramatic changes put into the Constitution. Do you have in mind some specific amendment to the Constitution which you prefer to go to the referendum?

**Hassan Adams:** Yes in actual fact this is the core area of the Constitution as it might be that like to be government system that will be there, the electoral system that will be there, things that will not just call the normal clause by clause changes where it can uphold a whole section of the Constitution changing the complete face of the Constitution by amending that portion. Such areas is what we should go for a referendum.

**Com. Gaitho:** I have one more question relating to election of the President. Today you know and our current Constitution in order to be elected President, you require to have 25% majority in five provinces. Kenya has how many provinces? Eight. Now in real terms what that means what that means is that as a Presidential candidate I can be elected in a province with only 100,000 people but those 100,000 people are one electoral college with the same weight as Nairobi with 2.5 million people. Do you consider that fair, do you consider we would need to change that or we would retain it? Yes I was clear to the fact that we retain it to avoid secretarian leadership. A popular leader should not have a problem of getting those quarters and in the event of them not getting the provision in the current Constitution which I believe and I propose should still remain there will be a run-off of among the first two. In the run-off whoever now wins with the majority will also definitely be having the 25% in the five provinces or more.

**Com. Githu:** Number three, number four, can we have all the gentlemen sitting here, number three is coming, number four, five, six, seven please sit here so that we know and you follow each other and then we will have no problem. Thank you very much for your cooperation. Asanteni sana. Twambie jina lako na kikundi chako halafu utoe maoni.

**John Kuria Mwenja:** Thank you the Commissioners and my fellow residents of Bahati. My name is John Kuria Mwenja I am a resident of here Bahati. I just want to talk little about the old Constitution of Kenya. Most of us people here they don't understand the old Constitution. It has been a preserve for the lawyers, judges and may be law enforcement officers here in Kenya. That old Constitution has put us so far up to where we are now here. That Constitution did not teach us to steal, kill, to bribe, or to do all these what you have been seeing around here. The people in power have abused that old Constitution, now how are we sure when we make this new Constitution that the same people if they are going to obey the same old Constitution again.

**Com. Githu:** So you propose?

**John Kuria Mwenja:** So I propose or I recommend that we have a Constitution that have proper check and balances. We want a devolution of power back to the people again. We want the people of here in Bahati they have a say, say for example we have a chief here who does not perform well, we should have a say that this chief, we don't want him, he cannot be able to deliver. We have a say a police officer here in Jogoo who cannot be able to do his job the right way. People here should have a say, say we don't want that person because of abcd problem.

**Com. Githu:** You know the proposal you are making is the basis of this Commission. This Commission is set up because we all agree the Constitution is wrong, it is not being used properly. So I would urge you please, don't give general proposals give specific. For example you have taken the issue of chiefs I would want you to say, should we elect them, and if we elect them can we remove them something specific. You understand why we need something specific? Because everybody here agrees with you, si machief wanafanya kazi mbaya? (affirmation) Tunataka kutengeneza ofisi ya chief iwe mzuli tukumbaliane tutaitengeneza na njia gani.

**John Kuria Mwenja:** My recommendation as to the chief what I am saying we have a say of these people say for example I am employed in a company, there is that side man who say is employing me and then I am told to go and perform in abcd problem, where I am going to work if I cannot be able to perform and may be the my managing is not able to whatever, the people who are there they can be able to put a recommendation this is what I am saying, say the chiefs whoever is employing them people here can put a recommendation, say for example they can have their complain may be to certain body. Say for example we have a police officer who is not able to perform.

The other thing is as I said the old Constitution most of us did not understand it. We want the new Constitution people to understand it. You heard the people may be to be taught in schools if possible right from primary school everybody should understand his own civil rights. Today we have a police officer and arresting you, he tells you nimekusika. If you ask why, atakwambia wewe unaleta siasa and then how do you take it to the police station. The judges are going to find out afterwards is you don't understand what. The arresting officer should tell somebody I am arresting you say you have been stealing I am arresting you. You have been fighting, I am arresting you should announce openly I am arresting for abcd problem and not just say I am arresting you. For what? They should say for what they are arresting anybody.

And the other thing any law enforcement officer who does not follow the law should be dealt with severely. First he should be apprehended or whichever. The other thing is when I talk of machinery and check of balances, I support the Commission when they bring the expert so that they can bring their own expertees on how to control may be for abcd because most of us they don't understand may the reccur leader and so on, we support when the Commission ivites people of that nature.

The other thing I want to talk about is employment in the civil service. At the moment when we go to NDA say parastatal, the army, the police we find that there are so many people employed. We find that people in civil service the army, the police in certain areas say for example if you go to the army now, you ask how many people have employed from Nairobi or Kamukunji you find only one or two. You go to another area, how many are appointed? They are in thousands and the same thing and here in Nairobi we have so many young people around here who are not employed. We fail to understand why these things or how abcd problem. We find this trend simply because say for example today I become the President of Kenya today because I am a Kikuyu I am going to say the army I am going to bring all my Kikuyus there, I am going to bring the Kikuyu force in the army or in the parastatal or abcd for that we stop on that. We don't want to see that again. We want employment in the civil service to reflect the geographical area or population density. By that I mean say for example say a district like Siaya say we have got 500,000 people, and the district of Wajir we have 10,000 people if you are going to employ 10 army men from Siaya, you expect to employ in that ratio, say from ten to one. And we don't want to hear these excuses that say in Nairobi they can't find people who are fit for the army or for the police or for anything, we have got all qualified people in all the parts of Kenya.

The other thing is the fringe benefits for these public officers – Their fringe benefits should reflect the wealth of that geographical area or of the country. There will be no point of having let's a PS going with a pajero or macedez or buying a new car and abcd at the same time they are complaining there is no money. How can you say you don't have money say like a mzee I am buying a new (inaudible) and then when I go in the house I say there is no money and I am coming in the house with a new suit and then I am telling my children there is no money. It doesn't make any sense. If a country does not have money, it does not have money we don't want to see these posh cars all around here for the public servants.

**Com. Githu:** I will have to ask you to wide up sir.

**John Kuria Mwenja:** Okey, the other thing I want to talk about is our residential area here in Bahati. Most of the residents here in Bahati either those wazees or their children, they are banded up around this area by the colonial masters because of their freedom struggle and abcd. Most of them were not living here, some of them were living in Kibera, some Kaloleni and they were brought up in this area to be controlled by their colonial master. We know the role those people played in their freedom of struggle. We want the government to recognize the role those people played in the freedom of struggle.

**Com. Githu:** I have to ask you again sir, by doing what? You must go to the specifics.

**John Kuria Mwenja:** Yes I will go to the specifics hold on. I am giving an example say like now we have the Nubians who fought by the British say (inaudible) the Mau Mau and so on, wherever they are staying in Langata, the government has recognized that those people can own land there. I fail to understand why we cannot have let's say B for the Bahati people. The Bahati people should be given the right to own houses or the land here in Bahati.

The other thing – We want the government to recognize and work compensate for the role of the freedom officers. If you have a question you can ask.

**Com. Githu:** Thank you very much I will ask number four just register there sir. Please sit down we will not fight sir, we will come to you, he is already there I recognize your right as you are next. Don't want I will solve the problem move a little. Thank you very much.

**Nicholas Gathu Mbugua:** My name is Nicholas Gathu Mbugua, I am a resident of Bahati and I have only three points I want to Raise here. The first one is the fact of history, ten years ago I am one of the Kenyans who gave their views like I wrote a paper to the Saitoti Review Commission. The recommendations we put forward were never acted on, we were taken on a wild goose chase I am wondering dear Commissioners is this a repeat of 1990? So I would just urge the Commissioners please take our views very seriously because the views we gave the Saitoti Review Commission in 1990 are adequate if they can be looked at by you Commissioners. That's number one.

Number two I will state this because of what I saw today in the papers. This review should not be in any way be connected to the coming elections this year. If you have to have time extended let it not be related to the elections. Thus number two.

Now number three, I will come to the actual part of your review is that I do support an autonomous Parliament with its own calendar of events.

Number two I do support head of state separate, an executive head of state separate from the head of government who should be a Prime Minister. Infact I recommend that we have four Prime Ministers. One Prime Minister and three Deputy Prime Ministers. One in operations, one in programmes and so forth. That will be for Parliament to decide.

Number three is a touchy issue here because a lot of people have various ideas about it. I do support election of mayors direct by the electorates but I qualify it and say that these mayors should have administrative and managerial abilities as qualifications.

(Inaudible communication)

**Com. Githu:** Wananchi wanafurahia maneno yako wanataka kusikia vizuli.

**Nicholas Gathu Mbugua:** Okey, the number four is that we should have autonomous local authorities. By autonomous I mean local authorities that have all the powers executive powers to administrate in their own local authorities and therefore we will not need provincial administration we have strong and able local authorities. Therefore I am recommending abolition of provincial administration entirely and (inaudible) with good local authorities that can manage their resources effectively.

Now the final one is that I do support putting up the office of the ombudsman. This is to check excessive use of executive powers and where the ordinary mwananchi can go and complain on the ills of the government.

**Com. Githu:** Thank you very much for being very concise and very brief. Number five, you are the new number five. Is that alright, mhesimiwa I don't know whether you want to speak in English or Swahili.

Kiswahili

**Com. Githu:** You remember yesterday when we met you, we requested you to be very very brief because we have your memorandum. Please don't exceed your four minutes and try not to..

**Geoffrey Riba:** Thank you very much Commissioners, nashukuru pia wananchi ambao wamekuja. Normally I feel frustrated when any time I come...

**Com. Githu:** Sema jina kwanza.

**Geoffrey Riba:** My name is Geoffrey Riba whenever I come to the Commission they normally tell me not to talk all that much, these have been a routine of days. I remember the last hearing you used to tell me not to talk all that much and I am seeing people here standing for more than 20 minutes. So naona kama si vizuli. Please allow me to express my views well I don't even want to go that far but I feel frustrated wakati munaniambia usiongee sana. Roho yangu inaanguka.

**Com. Githu:** Unajua Mr. Riba hatutaki kukupimia yale utasema lakini ni vile kuna wananchi wengine na tayari Tumezungumza na wewe siku zingine mbili, ikiwa unataka kuongea kushida dakika tano, nitakuuliza uketi chini nimalize haraka na hawa wengine, wengine ni waalimu wanarudi shuleni halafu tuachwe na wewe nikupatie 20 minutes.

**Geoffrey Riba:** Haya nitafanya brief basi. Tumekubaliana. Yangu si mengi sana leo kwa sababu jana niliongea na nikapatia, I am not here to address the public I am addressing the Commission. So I don't have to repeat what I spoke yesterday so I will just.. I remember yesterday we promised each other you'll give me a pair of time to finish what I had yesterday. Jana nilikuwa na memorandum yangu na nilisoma ikabaki so I am repeating nitaendelea. Kuna vitu ambayo niliongea jana briefly ndio nitagusia gusia na kwa sababu Commission ina memorandum yangu ikiwa kama vile watu wanasema mtajibiwa manane kwa kweli memorandum hio imembeba kila kitu ambao sitasema. Ile ambayo nataka kusema haya kuna kitu nilisahau kusema jana kama mambo ya muudo wa serikali.

Muudo wa serikali ambao tungetaka ni serikali ya vyama vyote visilikishwe, a government of national unity. Mnajua kwamba nchi yetu ya Kenya ina makabila nyingi 42 nimeonelea ili kila kabila ambao imetoa MP kwao ishilikishwe katika utawala wa

serikali. Hio ni maoni yangu ili kuzuia ukabila ati kabila hii haizilikishwi kwa serikali.

Kitu ya pili, President katika serikali uchaguzi President ninasema kwa Commission awe akichaguliwa na raia na baada ya kuchaguliwa immediately he is sworn to be the President of Kenya he ceases to be a party member immediately. Hii ni kuzuia macampaign ya KANU, sijui ya DP, ati mimi wa DP ndio nime-win we need a clean President ambaye hakuwa akiimba wimbo ya KANU.

Now kazi ya President tunataka iwe ni kazi specific sio kazi zoote kwanzia juu mpaka chini kazi ya President nina-propose awe ni security ya nchi hii na awe yeye ndiye anauza nchi ya Kenya ngambo na kutafuta market what I mean we need a President who looks for better relationship with other countries of the world. Kwa mfano akienda kama safari akija anakwambia nilipata nafasi ya madaktari na tutaenda nitawapeleka madaktari mia mbili tuna shida ya kazi vijana wanapatiwa graduation lakini they are damped they remain jobless.

Kitu ingine ninataka kutilia maanane sana mambo ya auditor general na permanent secretaries na wote hawa wakati wanateuliwa they should be appointed by the President na baada ya ku-appointiwa na President Bunge lazima ishilikishwe kama ilivyo Katiba leo President amepatiwa mamlaka yote ya kuteua na kuvuta. Hio hatutaki tunataka kila chochote ambacho kinafanyika hata kama ni mambo ya kuvuta Bunge ishilikishwe na kuwe na Commission ya kuchunguza huyo mtu kile alifanya ili akaweza kufutwa ama kubandilishwa sio kuamka asubuhi na kusema wewe hayuko kazi ni huyu Njoroge sasa.

Kuna ofisi ingine nilisema inaitwa Ombusman ambayo inajali maslahi ya mwanachi yeyote. Mwana nchi yeyote hana mahali ya kukimbilia akikosewa na any public service. Tukienda mahali kama Nyayo House unataka license fulani wale watu wanakuwa ndio wanaku-control na hakuna mahali ingine unaenda, wanakwambia ukisindwa uende na ukiwa unataka kuchota uchote. Hio ninamaanisha ya kwamba akikataa na kitambulizo ama license yeyote ama chochote unataka utendewe katika ofisi kuwe na ofisi ya raia ambayo wewe unaweza kimbilia. Hio nilieleza na hata nimeandika kwa memorandum yangu.

Kuwe na independent media, mambo ya maandizi, mambo ya gazetti, isiandikwe kama vile Attorney General alipeleka malalamiko zake ama makaratazi Bungeni na kusema ati kuwe na control ya magazetti ama media. We protest at the highest degree and I personally ya kwamba ati magazetti yawe yakipelekwa ili iluhusiwe kuandikwa kuwe na uhuru wa maandizi ama kuwe na uhuru wa kuongea. Katika ulimwengu wote kuna international freedom of press, kusiwe na intimidation ya kusema mala utaandika na upeleke maoni ama upeleke karatasi ndio upatiwe ruhusa.

Kitu ingine nilisema ni mambo ya human rights. Kuna sheria ambazo zinaitwa fundamental rights zinajulikana ulimwengu kote. Hio katika Commission nyinyi ambao mumeendelea sana na masomo mko hapo kwa sababu munajua tunahimiza muingie kwa makaratasi ama kwa Katiba ambao ziko za international na zingine ambazo mmeletewa, muone kuna international human right. Ziwe zinafuatiliwa za Kenya katika karatasi ya Katiba ya Kenya iko lakini on the ground haifuatiliwi. Unakuta askari yuko na

ruhosa ya kuua popote akipenda, he will only shoot. Nakumbuka wakati wa back 60s tulikuwa na Patrick Shaw. Shaw alikuwa anajua yule ni mwizi na akijua wewe ni mwizi ana-make all his means anakushika. Nowadays askari does not arrest but normally they shoot. Hata wana-shoot somebody from 10 feet hata hapa karibu na bandala ya kumshika wanam-shoot. Hio ni kinyume ya fundamental rights ya ulimwengu yote na hio ninaonelea kamati hii ama Commission hii ambayo iko itilie mkazo katika maandizi ya Katiba, fundamental rights zifuatiliwe na zipelekwe mpaka kwa crown, tunataka fundamental rights zipelekwe hata sub-location ijue kuwe na ofisi ya human rights next to chiefs office ili mwananchi awe analindwa. Katiba ambayo iko hailindi mwananchi hata kidogo wala haimzugulikii wala haiongei kuhusu mwananchi wala haingei Katiba hii iliundua na nani na kwa niamba ya nani.

Kuna kitu ingine ambao nataka kukubusha, mambo ya vyama. Tumekuwa na vyama vingi Kenya na ni vizuli kwa sababu tunataka vyama vingi lakini tunahimiza ya kwamba Commission hii wakati watakuwa wakiandika Katiba, chama ambacho kinataka kusajiriwa sio watu wawili, watatu wanaungana wanaenda wanasajiri chama lakini lazima kuwe na signature karibu elfu tano, 5,000 minimum signatures ili hawa watu waweze kusajiriwa kuwa chama. Kuna kitu ingine pale kwa upande wa parties kwa election. Nchi hii inaenda hasala kubwa sana kwa sababu ya by-election, ninaonelea yule mtu ambaye walikuwa wanasindana na councillor ambaye alikufa kwa mfano, na alikuwa amemfuata, na hio record bado iko na huyo mtu bado hajakufa, mimi naonelea running councillor ambaye alikuwa nyuma yake afuate lakini sisemi amuue ama afanye magaidi ndio achukue kiti.

Hebu tuingie kortinini – Jana sikuongea juu ya korti ndio nataka kutilia sana. Kuna kitu tunaita judicial service Commission na ninaonenea hapo nitatilia mkazo, judicial service Commission ndio inateua majudges wote wa Kenya na iwe wakati wa kuteuliwa iwe inaidhinishwa na Bunge na yeyote ambaye anaweza kosa (missed words when turning the tape) vile kwa matendo amefanya na kabla achaguliwe pia kunatakiwa historia mzuli sio vile kusoma tu na kwenda college ya ujudge na kumaliza tuangalie ukora wake vile amefanya kama amefanya ukora wa nini na kama ameimba pesa. Tusiweke judge hapa wa kukatia watu case na tuseme yeye zamani alikuwa mwizi na ameimba mashamba. Iwe inaangaliwa.

Kuna area ya President jana sikuguzi nataka kuguzi kidogo. President asipatiwe kazi mingi nilisema hio na sitaki kurudia. Lakini nataka President ambaye ninakuja kabisa na ninakatalia mbali mambo mambo ya province tano. Hio ilikuwa imeundwa ili ifurashe wachache lakini tunaona ya kwamba mtu akipitisha 51% ikiwa walikuwa wamesimama wawili au watatu, yule ambaye atapita na 51% awe yule ndiye amesinda lakini wakishika 45, 45 watarudi kwa running race, warudi kwa uwaja ili tuone mmoja amefika 51%

Mambo ya emergency kukiwa na vita or (inaudible) please. Kukiwa na emergency kama vile Katiba ya leo imesema, imesema President ndiye yuko na mamlaka ya kutoa emergence ama kuvuja ama ku-declare ninaonelea chochote kikifanyika kwa upande wa security ya nchi hii, isifanywe na mtu binafsi lakini ihusiswe waBunge kwa sababu wao pia ndio representatives wa wananchi hawa ambao wako isiwe ni kitu personal.



Kuguzia mambo ya police – Police wamekuwa vile wako kumezungumzia sana na sitaki kuzindi sana upande wa police lakini kuna kitu ambao nataka kuguzia upande wa police force. Kuna curriculum ambao hufundisha hawa watu, police force haiendangi shule kwa vile wako na curriculum ambao wanatumia. Ningeonelea bwana Commissioner,

**Com. Githu:** Mda wako unayoyoma kabisa, una dakika moja na nusu.

**Geoffrey Riba:** Haya, ningeonelea kwa police ile curriculum ambayo walikuwa wanafundishwa nayo ilekebishwe ili iwe na mafunzo ya human right na vile watakuwa wakishilikiana na wananchi. Nitaruka yoote kwa sababu mengi yameongewa lakini kuna moja hapa sitaki kuwacha, mambo ya mashamba.

Wakati uhuru ulikuwa unapiganiwa, tulikuwa tunapigania uhuru na shamba lakini kweli uhuru tulipata lakini mashamba zilimbaki na wachache. Nikiwahesabu kama nilikuwa na ruhusa ya Commissioner hapa ningewataja watu kumi ambao wamegawana Kenya hii. Wengine Tumembaki bila shamba na shamba inakuwa kama ni yao. Nina-make example bila ku-specify mtu fulani, ningetaka kuambia Commission hii sasa mtu mmoja kutoka Naivasha mpaka Nakuru ako na shamba ni shamba ya mtu mmoja. Tuna-propose hivi mtu ya juu kabisa ambaye pengine analima ngano awe na acre elfu moja na kila mwananchi yuko above 18 years awe na at least acre 5 kwa sababu shamba iko. Lakini sio shamba sikae na watu wachache wengine tukulane.

Ya mwisho ninasema hivi, nimesema juu ya askari kuuana,

**Com. Githu:** Hio Tumeelewa songa mbele.

**Geoffrey Riba:** Hapa kuna ingine ambayo inasema kuna upande wa PC, DC na upande wa criteria hiyo ya kutoka PC mpaka kwa chief wale watu ninapropose wambaki ni DO na chief peke yake. DC na PC wasetuke, hakuna kazi wanatufanyia.

Ninapropose hapa kukiwa na amendment zozote katika Katiba hii ambayo tutaandika tunataka kuwe na referendum nchi yote isiwe na amendment kama zile zimekuwa zikifanyika Bungeni. Kumefanyika amendment zaidi ya 30 tangu uhuru na zote zilikuwa zinafanywa ili zifulahishe watu wachache sio wananchi. Kwa hivyo naonelea referendum iwe ikiitwa ili kubandilisha Katiba. Sio tufanye kazi ngumu ambaye tunafanya hapa ya kupiga mdomo mwisho mwisho hii Katiba ikienda Buneni itabandilishwa baada ya wiki tatu halafu wanakaa vile wanapenda.

**Com. Githu:** Tumekuelewa asante sana. Sasa....

**Geoffrey Riba:** Ya mwisho kuna kitu ambao Tumesahau sana, mambo ya magari ambayo inatubeba na watu wa Nairobi ninaona kila siku nikikaa pale mnasahau hio. Matatu, mabus ambao tuko nayo Tumezoea kushombwa kama magunia. Tungeonelea Commission iandike na iseme magari iwe kama ya Uganda iwe watu ambao wamekaa chini seated wawe hivyo

nayo kordi ambayo ingewekwa kwa matatu, matatu zimewekwa kordi kubwa sana lipunguzwe ili hawa vijana watu wakikaa wawe ile gari inaweza kujilipa.

Ya mwisho kuna bill ambayo tunaingojea sana ya Donde bill na ndio imelima na imelalia watu wote. Mwanamke hawezi amka kwa sababu mabenki ukikopa pesa kidogo kwa mfano ukope 100,000 utakuja lipa karibu nusu milioni. Kwa hivyo naonelea Commission hii ambayo iko kuna bills ambazo zinapelekwa Bungeni na Attorney General na they are contradicting this Commission. Wakati sisi tuko hapa tunaimba ifanyike hivi, Attorney General naye ako na makaratasi anapeleka Bungeni wanajadili mambo ya Katiba bii. Hio tunaona haitupeleki vizuri. Tunaonelea kama Attorney General is not faithful to the wananchi

**Com. Githu:** Pendekeza.

**Geoffrey Riba:** Sasa napendekeza Attorney General kwa sababu ni member wa Commission hii asiendelee kuchukua bill na kuzipeleka Bungeni. Hembu aipeleke kwa Commission ili iandike Katiba mpya. Asanteni sana.

**Com. Githu:** Asante. Number sita ujaribu ndugu, asante tunataka hivyo sio ndiyo tukukatishe lakini ndiyo tuzikishe kila mtu.

**Stanley Maina Mwangi:** Jina langu ni Stanley Maina Mwangi mimi ni mkaazi wa hapa Bahati na yangu si mengi sana kwa sababu mengi imeongewa. Lakini ukweli wa mambo ni kwamba kuna hii mambo ya treaty na ningetaka kuizungumzia zaidi juu ya jambo hii treaty. Treaty mingi zimefanywa lakini ukweli wa mambo ni kwamba sisi Wakenya hata hatujui gani ambayo inaendelea, wote kabila sisi huona makaratasi ikimbandilishana mikono iwe ni minister ama mtu yeyote yule ambaye anatuakilisha lakini kwetu inambakia kuwa ni hivyo hivyo na hakuna wakati hata mmoja tuajua ni nini kwa hakika iliyomo ndani katika zenye hizo makaratasi. Kwa hivyo mimi ningependekeza hivi bwana Commissioner. Ya kwamba hizi treaties zipelekwe katika national achieves ili mtu kama mimi nikitaka kujua ni nini inaendelea, kwa hakika ninaipata huko hata kama ni kwa treaty ndogo. Hiyo ni ya kwanza.

Kuna hizi treaties zingine ambazo zilifanywa kabla Kenya kwa hakika haikuwa imekuwa uhuru. Nikizungumzia katika hizo treaties nina katika kichwa yangu ninayafikili kama zile treaties ambazo ziliwekaniwa wakati wa mkoloni hasa kwa sababu ya vitu kama Lake Magadi ama treaty ambao iliwekeanwa kati ya nchi ya Egypt na serikali ya mkoloni ambayo ilikuwa hapa Kenya wakati huo. Those treaties bwana Commissioner should be reviewed. Thank you.

Halafu ningeguzia mambo ya police – Ukweli wa mambo hapo Tume-demonstrate kutokana na harassment ya police lakini ukweli wa mambo hata tukifanya nini ile sheria kuwekwa kwamba mimi leo nikishikwa bila hatia iwe sitapelekwa katika remand ukweli wa mambo nitakubali nikipelekwa kwa korti. Kwa hivyo mimi napendekeza hivi iwe nimesikiwa kweli ama ni uongo na police, nisipelekwe kwanza remand eti ndiyo investigation ifanywe, tuanze na investigation kwanza wakimaliza investigation

nikipatikana nina hatia kunipeleka kortini niletewe surmon ya kuniambia niende kortini. Hio kwangu nafilili itanisaidia police kukosa kuni-harass kwa sababu hata yeye atakuwa na kibarua kingumu cha ku-prove kwa hakika ati nina mambo ya kuni-charge katika court of law.

Nikiwa baado katika area ya police nimeona pesa yangu ya uma ama pesa yote ya uma ya Wanakenya ikiharibiwa hapa na watu ambao wanajiita maaskari wa security. Ningependekeza hivi, serikali wa police na hasa hawa wa intelligent ama maflying squard hata kama wanafanya kazi mzuli ningelitaka kuona wapewe pesa na serikali wa-invest hii mapeni pesa zenye watapewa like the (inaudible) waki-invest hii mapeni faida ile watapata wawe wakiitumia kuweka zile magari mafuta kwa sababu leo hii ninaona wanazunguka huko ovyo ovyo, I am not yet convinced ya kwamba katika hiyo kuzunguka kwao na kuchoma petroli eti wana pitiza zaidi ili hali nimeona uovu na ungaidi unafanyika kila mahali. So ninge-recommend hivyo ya kwamba wapewe pesa iwe ni kama parastatal, wajitegemee hio mapeni yenye watapata kama faida hio pesa itumiwe fulani the security operators in this nation.

Nikiwa katika hiyo ya mapolice ningesema kitu kama military, military yetu mimi sijaona wakifanya kazi ambayo kwa hakika inatuhusu kama vile ningelivyotaka. Ningetaka kwa sababu wana the all that it takes waitumie kama ni pande ya engineering watumike tuone wakinjenga barabara huku bwana Commissioner na iwe right size na ninge-recommend pia kila mtoto yeyote au mtu yeyote akifika kidato cha form four apelekwe katika military kwa miezi sita ku-instill kitu ambayo inaitwa nationhood and displine na kitu ingine ambayo inajulikana kama patriotism ya nchi hii. Nikiwa hapo hapo ningelitaka pia kuona kwa sababu mimi kwa mda mrefu sana sijaona Nairobi vijana wakichukuliwa either police ama recruitment yote ya military, ningetaka kuona kitu kama hicho kikitendeka hapa Nairobi iwe fairly distributed. We would like to see that one also.

Another point, sasa nimemaliza na police, hio nimemaliza bwana Commissioner wacha nije katika fair distribution of wealth. Ukweli wa mambo ni hivi Kenya sisi Tumeangalia na tukabaki hohe hahe ila hadi wewe leo hii ni Commissioner sijui ni kazi ingine pengine unayo na mimi pengine nina kabiashara kale mimi hufanya na mbado mimi ni member wa kitu ingine. Ninge-recommend hivi katika Kenya, mtu yote kwa hakika ana kiganda anybody who is actually in the manufacturing sector zile vitu zote ambavyo ametengeneza ili tutafute kazi katika nchi hii ambayo kazi imekosekana, ikiwa ni brewery ambayo inatengeneza pombe ama kitu kama BAT mimi nikiwa distributor ya sigala ya embassy, huyu kijana na yeye apewe distribution ya sportsman, yule mwingine na yeye apewe ya roster bwana Commissioner, that is what we would like to see na more so katika area hii yetu ya Bahati kila pahali hata kama ni tusker inakuwa mimi ni distributor wa tusker, yule naye ni wa pilsner hivyo hivyo, one man one job in the main voice kwa sababu nchi yetu iko katika hali mbaya sana katika area ya employment.

**Com. Githu:** Tumekuelewa hapo.

**Stanley Maina Mwangi:** Jambo la tatu katika hiyo area ya employment ninge-recommend hivi, mtu yote kwa hakika ambaye ana license yake ya kiosk amepewa na City Council na amepewa mahali pale ajenge sioni sababu gani arudi tena hiyo kiosk

yake ifunjwe ilihali ametengeza na mapeni ambayo amejaribu zaidi kuyarudishia pamoja akai-save halafu anakuja inagongwa. Anybody ambaye ana license ya kuonyeshana amekuwa registered. Napendekeza hivi mtu yeyote kwa hakika ana license anybody with a license having been given by the necessary authority be it the City Council or the trade ministry and commerce asisubuliwe na asihalibiwe mali yake. That is another recommendation. Thank you very much. Na apewe compensation kama kitu kama hio itatokea.

Pande ya tatu, sasa upande wa agriculture – Upande wa agriculture mimi ningesema hivi na hasa sio agriculture, tuna ministry tatu ambao mimi kwangu ndizo za muhimu zaidi katika nchi hii, ambazo ni health, education na kitu ingine inaitwa ukulima ama agriculture, hizo tatu. Zipewe katika budget yetu zimbembe 60% kwa sababu hizo ndizo backbone za nchi hii. Hatutaki kuona OP ati inachukua eti 19. what billion na kwa hakika hatuoni kile kitu inafanya. We should have 60% of our budget going to the three ministries that is the health, the agriculture na education. Hapo nimetoka sasa.

Ninje kwa upande wa uongozi – electoral laws. Bwana Commissioner ningependekeza na kwa sababu yangu mimi ninaamini education isitumiwe kama yard stick ya kupima ni nani anastahili kuwa kiongozi kwa sababu haya maneno yamezungumzwa hapa lakini nikastaajabu kwa sababu leadership ama uongozi unazaliwa na mtu na all that is to take in leadership is wisdom and fairness. That is all it takes kwa hivyo mimi ningependekeza kisomo ama education isitumiwe kama yard stick katika area ya uongozi. Thank you very much.

Nikitoka hapo na yangu sasa ndio ya mwisho ningesema katika area ya electoral laws nilikuwa nimesahau mtu yote akichaguliwa councillor ama MP tupewe kitu inaitwa reshedule powers. Tuwe na nguvu ya kumuitisha baada ya kipindi yake tuseme kama nusu hivi either we use na ninapropose hivyo tutumie the same political party through the Electoral Commission ile ya kuchagua kufanyie opinion huru hapa ambao pengine itaingia katika area ile alichaguliwa iwe lazima watu watapiga kula again ya kuonyesha kuwa he is delivering to the same people. That is my recommendation, awe recalled, we can be able to recall him that is.

Na kwa sababu nimeona watu wamezungumza mambo mengi wacha tusikie bwana Commissioner yale yalio na wale wengine. Thank you very much.

**Com. Githu:** Ngoja hapa tafadhali tuna maswali mawili kwanza.

**Com. Wambua:** Umetaja kuhusu hii mikatamba ya kimataifa ama treaties made. Ukasema ungependa ziwekwe katika archives ziwe Wanakenya wanaweza kusoma kujua na (inaudible) nchi ya Kenya ilikubaliana na mataifa mengine. Lakini hukutaja kama ungependa kabla ya mikatamba kuwekwa sahihi Waanakenya wahusiswe ama waulizwe wangependa mikatamba gani ndio iwekwe sahihi na taifa? Sasa hio sijui maoni yako ni namna gani.

**Stanley Maina Mwangi:** Maoni yangu kuhusu hio ningependekeza hivi, ni vizuli maoni hayo kwanza ipite katika Bunge yote any international treaty kwanza ipite katika Bunge na ipite na two thirds the moment imepita na two thirds I am sure hata kama mimi sitasema automatically the area MP ambaye anawakilisha huko automatically will be represented because imepita the two thirds majority. I don't know whether I am clear katika hiyo area.

**Com. Wambua:** You are clear.

**Stanley Maina Mwangi:** Thank you very much.

**Com. Githu:** One more question swali langu sasa, wewe umesema sheria na Katiba isikimbishe ya kwamba mtu lazima awe musomi ndiyo awe councillor wetu au mBunge au awe Rais. Sasa ningependa kukuliza hivi, ukiona kweli serikali kama ni serikali ya mkoa ama ni serikali ya council ama ni serikali kuu, kuna mambo mengi siku hizi ambao nimangumu. Kuna mambo ya kisheria, kuna mambo ya huduma ya jamii, kuna mambo ya barabara na maji na zinginevyo. Hufikili ya kwamba kunatakikana masomo kiwango fulani.

**Stanley Maina Mwangi:** Let me help you here before you go very far. One we have the (inaudible)

**Com. Githu:** I want them to follow, answer in Kiswahili.

**Stanley Maina Mwangi:** Kwanza kabisa tunao wasomi ambao wameajiliwa na City Council ambao wanaitwa chief officers. Kama ingewesekana iwe tuseme council niitumie kama example, council ipewe autonomy, automatically the chief officer atakuwa answerable to the councillor isn't it? In that area I think automatically they will be able to work because I believe in a leader kwa kiongozi tuseme kama yule mzee, haistahili point kama hii ambayo tunajua watoto wengi ama watu wengi hawakusoma si kwa sababu hawakutaka kusoma ama hawakusoma kwa sababu hawa ni wajinga, walikosa kusoma kwa sababu nyingi sana sababu issue hapa ama the idea hapa ni mapeni ambao hakuna katika nchi.

**Com. Githu:** Lakini itambidi chief officer kueleza macouncillor ikiwa tunataka kujenga hospitali Pumwani, macouncillor lazima yule chief officer awe wataelewa vile anawaeleza na wamuulize maswali ambayo yana muhimu ndio awaeleze tujenge hospitali ya watoto au tujenge hospitali ya wazee, ama tujenge hospitali ya namna hii, lakini ikiwa yule councillor hana masomo yeyote, chief officer atamsaidia aje? Hii ni kusema, watu wengine wanaweza kusema hii ni kusema tutakuwa na council lakini si macouncillor wataangalia mambo yetu wananchi, ni machief officer wataangalia. Ungesema aje?

**Stanley Maina Mwangi:** Thank you. Wacha niseme hivi ukweli wa mambo katika nchi hii tuna lugha mbili ambao kwa hakika zimekubalika ambao ni Kizungu na ya pili ni Kiswahili kama ninavyozungumza hapa. Ukweli wa mambo mimi

ninge-recommend hivi, kwamba language proficiency iwekwe na ni lazima upite hata kama una certificate ya kuonyesha kwamba wewe ni wa kidato cha nne ama wewe ni wa kidato cha 'A' level ama wewe ni wa university, lazima uende through kitu ambao inaitwa language proficiency. Lakini tusiweke ati ya kwamba karatasi kama hii kwa sababu yule amefika form four, yule amefika katika form six ati lazima hiyo ndio sasa itamu-approve. What I am saying here bwana Commissioner ni kwamba pawekwe language proficiency kwa sababu mimi kwa maoni yangu ninafikili ama ninaamini ya kwamba katika council ama Parliament ile kitu inahitajika zaidi ni kuelewa lugha ili mfanye mambo yanaitwa mawaziliano, communication that is the most important rule in leadership. Kwa hivyo mimi ama yule ama msichana yeyote anaweza, I think in the language proficiency ikifanywa automatically hakutakuwa na problem.

**Com. Githu:** Tunakusukulu sana, Tumekuelewa ni asante sana utafikisha pale.

**Kisha Simiyu Toiri:** Hamjambo wananchi? Jina langu ni Kisha Simiyu Toiri, mimi ni Vice Chairman wa Ford Kenya Kamukunji Sub branch. Sasa niliambiwa nisije kama chama nje kama mwananchi. Nitaongea kama mwananchi wa Kamukunji sub branch.

**Com. Githu Muigai:** Na ujaribu kwa mkutasari tu ndiyo tusikie kila mtu.

**Kisha Simiyu Toiri:** Ya kwanza mimi nitaongea juu ya taxation. Wananchi wa Kenya tusanganyike ya kwamba ile system tuko naye katika nchi hii ya taxation imetusaidia kwa njia yeyote, no. That system has failed us and failed us totally because today kama unataka chochote nchi hii ni fedha zitoke kwa muhindi mwenye duka na mwenye factory na mfanyi kazi ambaye msahala wake utkatwa kidogo in form of taxation. Sasa mapendekezo yangu ni hii, hizi pesa kwa vile zimekuwa kidogo na zimefanya watu wa viwanda sasa kuanza kutoroka kwa sababu hawa ni wachache na inabidi serikali lazima iongeze usuru, hawa watu sasa sisi tuwasaidie kwa sababu Tumeendelea kiwango kidogo. 39 years of indepency si miaka mbili Tumefika hatua kidogo, turudi nyumba hii mambo ya abolition of gratuited personal tax ilikuwa ni siasa. That was pure (inaudible) mtu alitaka kuwa popular na wananchi wa Kenya akasema wananchi hamtalipa ushuru sasa kilioko ukinunua kanguo utakuwa umelipa ushuru, ukilipa fees umelipa ushuru lakini hio ushuru sasa is not helping our country to create wealth. Badala yake inauua nchi yetu, hakuna pesa za kuendesha nchi yetu, there are no creation of jobs in Kenya. If you want to create jobs let us go back to the basic and pay taxes sisi wenyewe na pendendekeza hivi kiwango kitafutwe if it is a hundred bomb, if it is two hundred, if it is five hundred an kwa vile sisi wote waume kwa wanawake tuko na vipande sisi tulipe ushuru kutoka kwa mifuko yetu kila mwananchi atoe ushuru. Hii ushuru pesa ikipatikana itasaidia mambo mengi, watoto wetu watapata kazi ya kufanya dani ya ofisi hizo za ushuru. Ma county councils na municipalities na City Councils zitaajiri watoto wetu kazi, central government itaajiri watoto wetu kazi lakini tukisema tu ati oh muhindi awe ndio yeye anagalamia kila kitu nchi hii we are failing and we will keep failing.

The other point is this mambo ya land – Tunasema land tunandanganyana hapa ati mtu awe na acre 50, acre 5, acre 1,000 hii ni

sawa si baya but unless we have a Constitution that enforces the irrigation of those arid and semi arid areas of this country, we are not going to succeed tupende tusipende. Hayo mashamba inakaa bure, tunayaita pastral areas bure tu na kumbe tungepata majani ya chai huko. Kumbe huko Kamau angeenda huko na apande kahawa. Here we are talking of unitaly system hatutaki mambo ya kutenganisha sisi Wakenya. Wakenya tunataka tuzambae kila pahali hii mambo ya irrigation ya mashamba ya kule juu ningeomba maCommissioners muandike chini mswada hii kuwe na lazima kwa ile serikali yeyote itakuweko yale mashamba kuwe na irrigation yasiwe mtu yuko state house amepita hapa akandanganya Wakamba wakampa kula for five years he keeps flying over the Kambas kama wako na shida anaenda na magari Kambas wako na shida, anarudi after another five years anawaomba na yeye haangalii hawa Wakamba. Hii mito tutapita ndani ardhi yao nikifanya mpango hii mito maji yaingie kweli hawa Wakanya hawawezi kujitoshelesha kwa upande wa chakula? We are not doing that.

**Com. Githu Muigai:** Lazima upendekeze.

**Kisha Simiyu Toiri:** Napendekeza hivi, irrigation ifanywe kwa semi arid and arid areas iwe a Constitutional requirement that those pieces of land be provided with water in order to make them productive.

Ya tatu mimi naongea juu ya business – Mmesema kuwe na gazetting requirement, hiyo ni sawa. Tuna ministers fulani waliingia katika hiyo Bunge na wakasema mtu akitaka kufanya biashara ya insurance lazima awe na masomo fulani, lazima awe na pesa fulani, lazima awe na condition fulani, haswa business ya insurance, business ya banking system, building societies, financial institutions, auctioneering, valuation and surveying, all these businesses Tumewekewa sheria fulani bila kuwa na masomo fulani huwezi kufanya. Nasema hivi wananchi, wakati huu tuko na enough man power, Tumepita kiwango ya mambo mengine, tunaomba hii Katiba tafadhali, tukienda kuunda Katiba mpya kuwe na provision ya kwamba businesses in this country be they professional or not professional will be set free na iwe inategemea competation ya mtu mwenyewe. Mimi nikiwa hata sijasoma insurance nikifungua ofisi yangu, nikifanyia wananchi vizuri, wacha niendeleo kama kuna mtu ana pesa kidogo ya kufungua bank na anajua kuendesha hiyo biashara apewe nafasi na Katiba ya nchi afungue bank maana tukifanya namna hiyo ndio tutafungua nafasi ya kazi katika nchi hii. Sisi wenyewe Tumetumia ile Bunge yetu kufunga minyororo ya nchi yetu halafu tunasema our children don't have jobs.

**Com. Githu Muigai:** Hiyo Tumelewa tusonge mbele sasa.

**Kisha Simiyu Toiri:** Haya, naingia mahali ya police – Police mumesema mambo mengi I am not for that. Mine is this, if we want to have an efficient force unajua kazi ya security ni kazi ya security. Mpe mtu kazi ya security yule ambaye akiangalia nyuma namna hii akiharibu hii kazi hakuna mahali anaenda. Lakini wewe ukimpa mtu kazi ana qualifications zake, yeye yuko marketable, he can be a teacher, he can be anything huyu mtu anaenda akiimbia iimbia watu pesa because he doesn't care hata police ikiharibika kesho ataajiriwa mahali ingine. Hii basic academic requirement kwa police force irudishwe standard seven ama standard eitht ile na kuwe na grading system Constitutionally kuwe na grading system from one rank to the other there be



set an examination for these people to sit for. Tuwe na subject fulani because today in the police force we only have English literacy and inspectorate and then gazetted of that examination. Hi tatu peke yake na ndiyo mtu atoke chini aende kwa from constable to corporal inatakikana uangaliwe tu ni ukabila na undugu na mambo mengine si kujua kazi ni kuangaliwa tu, mtu anakuangalia kama wewe ni ndugu yake anakupatia. That is what is happening today and that is why you find most of the police officers have no confidence in their jobs and now what they are doing is just business ni biashara kama baishara ingine. Infact hata ukienda hapa Kaloleni wanakondisha hizo mapistals vijana wafanye mambo wawaletee pesa ya kula asubuhi because you can't help it ulikuwa na Cheriot pengine yeye hakuwa mzuli kwa darasa Kiganjo. Kwa sababu fulani yuko mbele amepandisha mandaraka ten times than yourself, what will you do. I am not a police man mimi ni raia lakini naona hiyo maneno ndiyo yako kule.

**Com. Githu Muigai:** Pendekeza tafadhali.

**Kisha Simiyu Toiri:** Napendekeza hivi ndiyo tuwe na efficiency ya police tuje tupende police vile tunapenda army yetu, hii grading system iwekwe from one rank to the other there be an examination for these people to sit. Na wasiwekewe viwango ati kwa vile yeye hana 'O' level, hana degree hata akifanya kazi yake vizuli hata hawezi kwenda hata ng'ambo, hapana.

**Com. Githu Muigai:** Basi hapo Tumeelewa. Tusonge mbele.

**Kisha Simiyu Toiri:** Ninaenda upande wa political parties na provincial boundaries. Mhesimiwa Commissioner hapa Tumepata taabu sana kwa nchi hii, kwa hii miaka 39. Hizi provincial boundaries kwa upande wangu nasema hivi, hii mipaka iliwekwa na wazungu wakati huu kwa sababu tunataka kutengeneza upya yote tupige marufuku tuanze upya. Hii boundary kama inaweka hawa wa Central Province hapa tukate, watu wa Central Province waunganishwe na watu wengine wa mkoa ingine. Haya tukienda Rift Valley Tumekuta huko watu wameona hata kuna wakati wanatisha sisi wanasema, we can set, tunaweza kutengeneza nchi yetu because that thing is just too big to be a province. Nikiangalia ndani those are just five provinces in itself, Rift Valley peke yake. Kwa nini tunaweka hivyo?

**Com. Githu Muigai:** Pendekeza.

**Kisha Simiyu Toiri:** Tunaeneza ukabila. Hiyo robbing iwe split na mipaka itengezwe tuwe na something like ten or eleven provinces in this country so that we do not have people like Luos dominating Nyanza, Luhyas dominating Western, Kalenjina dominating Rift Valley, Kikuyus dominating Central and then Minji Kenda dominating Coast. We have to get rid of this tribalism by mixing these people. Hiyo imeishia hapo.

With political parties my recommendation is that we have a maximum of four political parties for this country. Let us avoid tribalism, hizi vyama zingine ni ukabila tupu. Hakuna kutu zinasaidia sisi tuachane na hizo vitu tuwe na vyama tatu ama nne ndio

makabila fulani yalazimizwe hata kama wewe unachukia fulani lakini utafika mahali fulani uanze kufanya kazi ya siasa na fulani. Hiyo tutakuwa tukicheka Kenya yetu.

Haya, administrative roles – Ukiingia katika sheria za administration nchi hii, hakuna kitu kinaitwa mzee wa mtaa ama mayouth but surprisingly if you are offended by somebody somewhere in an estate ukienda kupiga report yako kwa chief, chief anasema nenda kwa mzee wa mtaa, jambo hiyo aangalie maneno yako halafu mtakuja na hawa wazee hapa. Unaona. Administratively sisi tunajua sub-chief

**Com. Githu Muigai:** Usilalamike. Usilalamike pendekeza. Unapendekeza nini?

**Kisha Simiyu Toiri:** Kama wazee wa mitaa ipigwe marufuku.

**Com. Githu Muigai:** Wapigwe marufuku? Okey.

**Kisha Simiyu Toiri:** Hiyo itolewe kabisa because they are the genesis of corruption in this country. Watu wanadhalau chief bure tu wenye wanalete taabu kwa chief ni hawa wazee tunaita wazee wa mtaa na mayouth. Na ni youth ya chama moja cha KANU.

Halafu tunaenda kwa minimum academic requirement for councillors – Jameni ikiwa sisi tuko na macho tunaona, kwa nini sisi tunapenda sana kuji-contradict watu wa Kenya. Academic qualifications in the polling of this country ni sawa hatukatai lakini academics inasaidia watu tu kama daraja.

**Com. Githu Muigai:** Pendekeza.

**Kisha Simiyu Toiri:** Sisi tunaonelea hivi, huu uwanja uwachwe free and free, uwachwe kabisa hata kama wewe hujaona mlango wa secondary wewe ukiwa na tatics zako za kuunganisha, Mulinge was just a form two, na hakuna professors wengi wangefikia Mulinge. Mulinge alikuwa anajua sana kukaa na watu.

**Com. Githu Muigai:** Pendekeza.

**Kisha Simiyu Toiri:** Napendekeza hivi hiyo tuachiwe mambo ya academic qualifications isiwe pale.

**Com. Githu Muigai:** Tuondoe?

**Kisha Simiyu Toiri:** Tuondoe iwe tu ni mtu vile anataka kujipeleka.

Integrity – We have something called integrity, sijui kwa kiswahili inaitwa aje. Hii kitu kama hatuwezi kujenga na tuweke katika Katiba yetu tutakuwa na watu wanachezea maofisi, maofisi tutakuwa tukiimba wimbo, ooh Moi must go, Moi must go tukilete mwingine after two years tutasema Matiba must go, Matiba we have to do this. Integrity lazima tuwe na sheria za kulinda maofisi hizi ofisi za juu especially tenants of state house, the office of Chief Justice, the office of the Attorney General, Permanent Secretaries and all other Commissioners. These people lazima mtu akiingia hiyo ofisi ajue ako katika high office of the land and he has got to behave with a lot of integrity when he is in that office. Hiyo Tumesema kuko na ufisadi kortini, the whole judiciary is rotten and somebody stands up anataka kutuonyesha how much he can get annoyed. Are we interested in your annoyances? We are not interested in your little mind we are interested in your good service. We want you to serve us you must know you are in the high office and you have to conduct yourself with a lot of integrity even if you are..

**Com. Githu Muigai:** Pendekeza. Ugependa sheria iandikwe hivi, vile na vinginevyo. Usitete. Wee sema unajua zote tunajua mambo yoote ambayo yametendeka ambayo sio mazuli kwa hivyo ningependa wewe useme kortini sisi wananchi hatulidhiki, tungependa ... halafu upendekeze. Tunaelewana, ndio hawa wazee wengine ambao wanangojea pia wapate nafasi. Sisemi yale mambo unasema sio ya ukweli lakini nataka uende kwa ile solution jawabu yake ni nini? Proposal. Asante.

**Kisha Simiyu Toiri:** Kile ninasema ni hii, tuwe na heshima neno la kwanza tuwe na heshima mtu yeyote anaingia kwa ofisi ya upresidency awe na heshima. Nafikili nimetumia hiyo lugha kama kuna kitu ingine inatakikana nizungumze hapo nafikili siwezi.

**Com. Githu Muigai:** Hapo Tumelewa.

**Kisha Simiyu Toiri:** Heshima. Ya pili kama President wa nchi basic requirement tuseme ukienda huko you have to create wealth for this country. If you fail to create wealth for our country then let there be a provision to empower members of public to pass a vote of no confidence in your leadership after a certain period of your leadership. Na hiyo isiwe kwa President peke yake iwe hata kwa minister na iwe na other top civil servants wa serikali including even Chief Justice and Attorney General. Tumekuwa na mambo ya kutoelewana, miswonder inaletwa Bungeni, ukiangalia miswanda yenyewe haina mzingi, haina macho, haina nini hii ina-contradict hii, hii ina-contradict hii kwa sababu hatujakaa chini kama nchi tukaandikia hawa viongozi wetu ukiingia kwa hiyo ofisi utafanyia wananchi hii, na utafanyia wananchi hii, ufanyie wananchi ile, na usifanye hii na usifanye hii.

**Com. Githu Muigai:** Na kwa hivyo unapendekeza nini ndiyo tulekebishe hapo?

**Kisha Simiyu Toiri:** Ndio tulekebishe kama office of the Attorney General – Office of the Attorney General in particular because that one is in charge of amending the laws and rules of this country and also office of the Chief Justice. These people let there be set an examination for them to sit. Hiyo isiwe tu kwa sababu eti fulani kwa sababu ni rafiki ya fulani awe appointed hapana. Tuwe na mitihani wanapita iwe set by Parliament they pass those examinations and also rules and conditions siwe set

on how to manage those offices. Wakienda kado Parliament ipewe nguvu ya kuwaondoa, especially chief officers. Nafikili nimemaliza na hapo.

**Com. Githu Muigai:** Tafadhali fanya kwa muhtasari sasa kwa vile kuna watu wengine wanangojea. Na kuna watu wanafika pale kutoka kazini sasa pia tutawapatia nafasi.

**Kisha Simiyu Toiri:** Okey, asante. Tunaenda upande wa railways cooperations – Hili shirika la railways limekaa sana tangu lifuniwe na wakoloni mpaka wa leo. Na hili shirika lenyewe ukiangalia zile sheria ambazo zinaendesha hili shirika sheria haina manufaa yeyote kwa raia wa Kenya especially ma-estates as we are talking now about a year ago railways walipatia watu vioski land mawe. Sasa hizo vioski as we are now here zinabomolewa ukiuliza ni kwa nini unaabiwa wanafanya hivyo kulingana na sheria ya railway ya management estate. Sasa ningependelea kama Katiba, kuwe na Katiba ya kuruhusu Bunge zetu lifutilie mbali sheria za railways ambazo haziambatani na matakwa ya wananchi kwa Kenya ya leo.

Halafu ya mwisho kabisa ni President and Prime Ministership – Mimi naonelea hivi, kitu nzuli Kenya hii Tumejaribu hii post ya presidency Tumeona pengine imetupeleka mahali ambapo labda hatujafaulu. Kama Tumefaulu wananchi mnajua, why don't we now try Prime Minister's office, hiyo ni mapendekezo yangu. Tusiwe na President badala yake tuwe na Prime Ministerna kama tutakuwa na President tuwe na President ceremonial wacha executive powers. For the nine years Tumekuwa na executive powers hasijatusaidia sana wacha tujaribu hii ya Prime Minister, pengine Prime Minister akija ataona vile Tumefanyia yule mwingine na yeye naye ajikasho atengeneze nchi.

**Com. Githu Muigai:** Asante sana, number shamba tafadhali jilandikishe pale.

**Gidraph Kangara Mutura:** Hamjamboni? Mimi naitwa Gidraph Kangara Mutura nimekuwa mzee hapa kijiji hata ingawa huyo amesema wazee wa kijiji wasiitwe wazee wa kijiji, lakini nimekuwa hapa kwa mda huo wote nimezaliwa hapa, mimi mzee wa hapa. Mimi ningetaka kusema machache tu sitaki kusema mengi sana lakini ningesema ya kwamba hata ingawa ikitaka kweya mti, ukweye kutoka chini lakini yangu ni kusema ya kwamba ukitaka kuwa nyoka uwe kutoka kichwa. Kwa hivyo mimi yale yangu ningeonona ya kwamba ni kitu kizuli sana cha kuzungumzia sana katika Katiba hii, tusizungumze mambo mengi saana lakini tukate short yale mambo ambayo ni ya residential privileges, kama mtu kuwa above the law hicho ndicho kitu ambacho kinachoua mambo yote. Tukimaliza hiyo mambo ya kuwa above the law na tumalize kama ni mambo ya majimbo kwa sababu wengine wetu above the law hata kwa police inawekwa above the law, tukitengeneza mambo kama hayo nafikili tutakuwa Tumeelekea mwelekeo mzuli. Mimi nilisoma pahali zamani kuna nchi ambayo inaitwa Swizerland, na nchi ya Swizerland ndio iko na democracia ile kubwa kabisa kwa sababu katika Swizerland mukiona hamtaki army munapiga kula. Mnapiga kula mnasema hatutaki army, hiyo watakula pesa bure, hakuna police. Kwa hivyo badala ya hizo pesa zitumike kwa mambo ingine inatumika kwa mambo ya mashule na mambo kama hayo. Mimi ningetaka kama ni Constitution ingine tunataka kutengeneza, kama vile ilimbandilishwa 82(a) ilibandilishwa na Parliament. Mimi sioni kama kuna haja ya kusinda tukizungumza

mambo mengi sana ya kubandilisha. Inaweza kubandilishwa hata pia na Parliament lakini yale ya muhimu saana ni tufikilile kama sasa tukiwa tunaweza kufanya nini. Kama ni mambo ya kuwa na democracia zaidi kamili, lakini sio democracia ya kusema lazima nikupige ama nipige yule mwingine lakini iwe ni democracia ya kufanya kitu tukifikilia sisi wenyewe tunakutana, tunaweka masahihi yetu, tunaleta kwa Commission kama ni Commission kama hii, tunatengenezewa mambo yetu. Kama sasa mimi ninaangalia kama sisi katika mtaa kama huu, tunalipishwa pesa za nyumba na nyumba zenyewe zinanyesha hakuna pahali hata unaweza peleka mateta yako lakini yule mtu mnapelekea hakusaidii. Kwa hivyo mimi mambo yangu ni hayo lakini nilikuwa na ingine nilikuwa nataka kuongesha ni kama mambo ya national disaster. Kama ni national disaster kama ugonjwa kama ya aids, aids tunaabiwa ati tukiwa watu kama sita hapa sasa kama hivi, watu watano wako nayo. Lakini hii hatu-address sisi wenyewe tunasema watu waende wakichekiwa lakini hiyo ni kitu ambacho kinachukuliwa na sheria ati lazima kama kukiwa na kitu kama hicho, inakuwa kila mtu lazima awe na certificate ya kuonyeshana amechekiwa kwa sababu ukienda pahali kama America, kama unataka visa kama ya America lazima hata utoe nguo uchekiwe kama wewe ni mgojwa. Lakini watu wakiingia huku sisi hatucheki vitu kama hivyo. Kwa hivyo ningetaka vitu kama hivyo zihimizwe katika Constitution.

**Com. Githu Muigai:** asante sana number nane.

**Harun:** Commissioners na wakaazi wa mtaa huo, yangu ni machache ya kuchangia. Jina ni Harun (inaudible) nitaanza na upande wa parastatal. Parastatals zetu ile kitu ilifanya ikaanguka ni mamlaka na mandaraka. Wakati serikali tunayo ilichukua usukani ilianza kuwachukua watu wao wale maMP walikuwako maministers ni kuanza kuchukua cousin yeke anakuja anawekwa kama director tuseme kama kwa mfano KBC. Na yule brother ni wa form four. Ule mtu akiianza kazi yake pale, wale waliko pale walikuwa ni chini yake na unajua kule ile pesa ule mtu kazi yake inakuwa ni kuweka sahihi. Kwa hivyo hawa walipata nafasi ya kwenda kupola zile pesa zaidi. Ndio unapata si kupanga (inaudible).

Inginge yangu ni hii, hawa civil servants – Civil servants naonelea hawastahili kuwa wanafanya biashara kwa mfano police inspector na ana matatu tatu ziko barabarani. Nayeye yuko pale ndiye ana-man (inaudible) road. Watakosa kumbemba mpaka kwa keria na zake ziko hapo naye ni matatu zingine anachukua na zake ziko hapo. Hiyo ujue kama civil servants wanakuwa na biashara kama hiyo ambayo ile inafanywa lazima corruption iingie. Hawa civil servants wakati wanapoajiliwa inatakiwa wa-diclarer their wealth. Nasema hivyo kwa nini? Mmoja anandikwa anakuwa director mahali pahali, baada ya mwaka mmoja, ako kazini unasikia ana 10 billion na anatembelea hizi mapajelo mnaona hapa na ametolewa huko mashambani na hii ngari (inaudible). A whole one year na huyo mtu ana hizo gari si amepola katika serikali?

Inginge na ni ya mwisho – Mambo ya aids, district development office, hiyo jina (inaudible) na inakuwa ndiyo watu wake ni MP, DO sijui na hawa machief. Wakati kuna kutu kama bursary inasemekana inatumwa hapa, kwa hivyo kitu ya chief ni, ni watu wengi hapa hata wako mashule wengine wamepita hata kwenda mauniversity lakini ukija kuuliza hapa DO anasema ilikuwa hapa mimi si kuwa na ID chief anasema ilikuwa mimi nilirudisha. Juu yule chief si mtu wa hapa, hajui mambo ya hapa, kitu ikifika hapa hajui. Wale hawa wanasema ile

(inaudible) committee ni watu anakuja nayeye. Kama yule yuko hapa amekuja na watu wake, ukiangalia sub-chief wetu hapa (inaudible). Amekuja na mtu wake wa kutafsiri sasa utamwambia nini ati unataka mambo ya shule sijui nini (inaudible)

**Com. Githu Muigai:** Umemaliza?

**Harun:** Baado. Mambo ya (inaudible) na City Council. Hizi nyumba zetu za City Council sasa zimekuwa na area chief na kama ni ufisadi kazi yake apigwe transfer. Mambo ya nyumba wakati wanataka kujenga extension siku hizi, watu wanaongeza kwa vile tushaa

(inaudible). Unakuta kwa nyumba moja mtu ana watoto kama sina unaongeza ingine hapo. Wakati zitabomolewa, zitabomolewa. Ukitaka kujenga hizo extension, ten thousand in the office of the chief. Hiyo mjue hiyo mambo imetukela sana.

Pendekezo langu ni hili, ofisi ya

(inaudible) na ya chief itenganizwe hiyo ni kazi tofauti hapa tuna (inaudible) welfare, na zingine. Kama chief hana kazi ingine angoje anze case zingine zinafanywa za miiba ulifanya hivi kwa shamba hili hio ni kazi sahihi. Hawa chief wametukela saana (inaudible).

Ingingine, hawa maskari wake tuko nao katika kutudhalau. Ukikosana nayeye kule kwa club mje hapa anaweza rudi na achukue bunduki na akupige lizazi. Ndio tunasema hawastahili kuwa na sisi hapa in the community. Na ni kazi

(inaudible) the police officer is drunk na mnakosana na yeye pale na atakuja hapa na unajua tu how they treat us.

Mambo ya aids – Kunayo hii committee kuna chairman wake ni MP hiyo committee iko hapa kwa DO. Hapa kuna

(inaudible) kucheza hizi job namna hii. Na tukiandika proposals zetu tuseme tunataka hiyo tunataka, hazifiki huko. Tukiaambia hata chief hatuoni mambo yote. Ile kitu chairman alifanya mzuli saana ni pale majengo, alileta condoms 36 bandala ya kutuletea vitu zingine za (inaudible). Kutuletea condoms nikutuonyesha tuendelee na hiyo kazi na kuna vitu zingine anaweza kutuletea kama hizo (inaudible) tuwe tukionelea na kitu yenyewe sio kutuletea condoms hapa inasaidia na nini? Sikatai condoms si mbaya lakini kuna vitu zingine ambazo anaweza kutusaidia nazo za maana.

Mambo ingine ni ya police – Hiyo lazima niongee ama police station hapo hawa wetu central unasikiwa huko Jogoo. Jogoo police officer yule hayuko kazini mchana na anaingia kazini saa kumi, lazima watoke wakiwa watatu wasimame pale huwezi pita. Ukipita lazima uwe na shiringi mia moja na huyu ni ukweli. Yule anaingia kazi usiku saa mbili lazima aje hapa akae pale mpaka saa kumi na moja asifunge ndiyo akienda kuingia awe na shiringi mia tano. Kuna kangaroo court iko pale. Pendekezo langu ni hili, (inaudible interjection) Jana hata asubuhi, asubuhi mchana hata saa hii mlikuwa hapa mnaona nikiwambia hamuwezi mkawafikia. Hiyo pendekezo langu ni hili, watafutiwe kama vile mmoja hapa alisema, kuwe na askali wale watakuwa wakiangalia yani hawa juu kazi yao ni hiyo, tunaumia sana. Kwa hii pendekezo yangu ni kujulikane vile haya mambo ya police itaenda. Asanteni.

**Com. Githu Muigai:** Number tisa.

**Redempta Mwanaongoro:** Jina langu ni Redempta Mwanaongoro. Nasukulu wana Commission na wananchi kwa jumla. Mimi nitazungumzia mambo manne hasa ambayo kama Wanakenya tunapaswa kuzingatia kwanza ni kazi, ujinga, umaskini na magojwa. Nchi yetu inaanguka ama inadhigimia kwa sababu ya kazi, hatuna kazi na hatuna kazi na wale wanaofanya kazi nafikili hatufanyi kazi yetu vizuri. Hiyo lazima tujiangalie sisi wenyewe unakuta mtu anafanya kazi hata mimi nitaenda kwa leader kwa sababu kiongozi ni mtu wa maana sana mahali popote pa kazi. Unakuta viongozi wetu si waaminifu, viongozi wetu wanapenda kazi, huwa wanasema cheo ni dhamana, ukiwa na cheo unaangalia cheo chako vile uta-lead watu, vile utaongoza watu. Kwa hivyo unakuta kama jiji letu la Nairobi ninachukua mfano, limeoza. Drainage system ni mbaya, dispensaries hakuna dawa kama siku hizi wamama ni Pumwani. Wengine tuko mbali na Pumwani, sasa wamama vile tutajisaidia hatujui. Sasa hapo upande wa magojwa serikali inatakiwa iangalie magojwa yawe bure, hospitalini treatment iwe bure kwa sababu ukiiangalia sisi tunavyoenda sa usoni tuna shida nyingi. Wale watakuwa hai watakuwa na shida nyingi kwa sababu ya ugojwa huo wa ukimwi. Tutaachiwa watoto nijikulie mfano kama mimi mwenyewe nikiwako, ninawachiwa watoto na hata dada zangu na kaka zangu wachache sitaweza kuwatibu kwa vile sitakuwa na pesa za kuwatibu woote wengine watakufa kwa sababu ya magojwa. Kwa hivyo serikali itilie kutupatia free treatment.

Elimu iwe bure kwanzia class one mpaka university pia kwa sababu hatutaweza ku-educate hawa watoto kwa hivyo yale tulikuwa tunasema wakati wa ule tunafukuza ujinga, bado tunaendelea na ujinga na hautaisha na utazidi kuendelea. Kwa hivyo serikali ifikilie mambo ya elimu, elimu iwe bure.

Halafu jambo lingine ambalo serikali ifikilie ni mambo ya watoto kukaa idle. Watoto wetu wanakaa bila kazi wakimaliza form four wanakaa nyumbani miaka miwili (inaudible) na wakienda university holiday zao ni ndefu sana na wakati huo wa holiday wanafanya

(inaudible) ni drugs ndiyo mambo ya drugs yamekuwa mengi katika nchi yetu kwa sababu serikali yetu haina mpangilio ya watoto wetu. Naomba serikali iwe na mpangilio ya watoto wakimaliza shule wajue tutafanya nini.

Kila nchi ina economy ambayo inapaswa kuangaliwa vile economy, uchumi wa nchi utakavyokuwa. Kwa hivyo hapa nazungumzia kuhusu viongozi wetu kuanzia kwa President na waziri na watu wengine. Wanapazwa kuachia mtu kazi yake ambayo anajua. Unakuta kuna wakati mwingine wanasema 10%, kulikuwa na wakati kulikuwa na 10% kila ministry waongeze wafanyi kazi 10% na ikafanyika hivyo kwa sababu ni order from above. Na hiyo order mwishowe inakuwa sasa ni retrenchment kwa sababu uchumi hakuna, pesa hakuna una wafanyi kazi wengi unafanya nini? Kwa hivyo mandaraka ya Rais na wakubwa wetu wengine yapunguzwe. Mtu afanye kazi kulingana na ujuzi wake, kwa hivyo kama mambo ya kutafuta wafanyi kazi mandaraka yarudi kwa wananchi kama una kashule kako si barua itoke kwa mkubwa aseme employ my people. Patia huyo kazi na hujui nini, ni uchumi uko kiasi gani na unakuta unapatiwa wafanyi kazi wengi ambao sitaweza kuwalipa na



mwishowe unakuta viwanda vinaanguka wafanyi kazi wahapati mahitaji yao ya kawaida na kunyanyashwa kunazindi. Kwa hivyo Rais atakayekuwepo, mawazili watakaokuwepo wasiwe na mandaraka ya kusema huyu ni mtu wangu, mwingize kazi wanaorder the industries na sehemu zingine za uchumi na uchumi wetu unaanza kuanguka kwa sababu ya bad leadership, waangalie kazi zao.

Halafu kazi wakati contractors wanapewa kazi, anapatia mtu kazi haimfai ndiyo maana unaona barabara zetu ni baya ukienda nchi zingine wana barabara nzuli na watengenezaji barabara ni wale wale lakini kwa vile nchi yetu ina tamaa sana inapatia mtu kazi ambayo hana ujuzi wa kazi hiyo. Kwa hivyo tuwe sincere, serikali iweke sheria ya kuwachunguza viongozi kuchunguza wananyi kazi yule ambaye hajui kazi afutwe katika kazi hiyo apewe yule anayefahamu kazi.

Halafu tuna watoto wa mitaani wanaongezeka na watazidi kuongezeka. Serikali iwatoe hawa watoto. Iganye juu chini watoto wa mitaani watoke kwa sababu ni picha baya kwa nchi yetu na tunajiita tuko uhuru lakini ukiangalia hatuko uhuru na ukoloni mambo leo. Kwa hivyo watoto wa mitaani, serikali itenge pesa fulani watoto kama hawana wazazi na wengine hawana wazazi kabisa wawekwe kwa home na wale wana wazazi nasema serikali ina mkono mlefufu inyoshe huyo mkono irudishiwe wazazi na kila mzazi awe responsible kwa mtoto wake na wale wasio na watu wa kuwasaidia serikali iwe responsible kuwachunga hawa watoto.

Halafu tuwe na proper housing schemes – Unakuta watu tuna nyumba lakini nyumba zetu ziko vibaya saana vile wengine wamezungumzia na serikali ijengee wananchi nyumba. Maana ya uhuru ni maisha bora, kama sisi hatuna maisha bora unaenda nyumba ya mtu vile wazee wengine wanasema hapa nyumba zifunja wengine hawana vyoo, ukienda sehemu zingine kama kwa shanties huko kama Huruma wapi watu wana shida saana maisha yao si mazuli, serikali iangalie maisha ya wananchi na kuwapatia mahitaji yao.

Halafu City Council pia wafanyi kazi wa City Council wachunguzwe na serikali waweke a board which will be looking at them kuangalia kazi zao na vile wanafanya kwa sababu mji mkubwa wa Nairobi ni mji mkuubwa wa Kenya ambao tunataka kujifunika ni Nairobi. Lakini ukiangalia Nairobi iko katika hali baya nyumba ni mbaya, shule mbaya, hakuna toilet, hakuna hata public facilities zote ziko katika hali mbaya. Kwa hivyo viongozi ambao serikali iingilie kazi katika City Council iangalie kwamba wafanyi kazi wanaofanya kazi huko wanafanya kazi yao sawasawa. Wengine hawafanyi kazi wanaenda ku-report wanarudi nyumbani na wengine hata unakuta wanamaliza miezi miwili, mitatu bila msahala labda watu wanasema binadamu ni mtu.

(Inaudible interjection from the Commissioner)

**Redempta Mwanaongoro:** Nipe time nani, kuna wengine wamezungumza saana. Kwa hivyo unakuta watu hawafanyi kazi na wengine wanaokota msahala kwa sababu wame-employ watu wengi na kazi haifanyiki na kordi tunalipa hakuna mambo mazuli. Halafu kuhusu elimu

(inaudible) ambayo inafanya sasa watu – mimi naomba serikali itoe parallel programme kwa sababu unakuta malecturers wana-concentrate na parallel programme kwa sababu wanalipwa pesa na wanaacha hii. Ndio unakuta watoto wetu wengine wanakuwa na very long holiday kwa sababu wale wenye pesa wanapeleka watoto wao ndio wanahudumiwa. Sisi maskini watoto watakuwa wanakaa nyumbani miezi sita mtoto yuko holiday kwa sababu anajipatia time ya kwenda kwa parallel programme kwa hivyo hiyo parallel programme inaumiza sisi maskini lakini inafaidisha matajiri na nchi wetu tuko below poverty line.

Halafu kwa akina mama kuna makabila katika nchi ya Kenya ambao akina mama hawako protected especially widows ambapo bwana anakufa in-laws wanawaingilia hata wengine wananyanganywa mali. Hiyo iangaliwe kabisa.

Na pia upande wa kilimo - (inaudible) yetu iangaliwe na serikali itafute njia ya kutunza mizitu yetu halafu (inaudible) term Fulani tulikuwa tunaabiwa zamani kwamba backbone ya country ya Kenya ni agriculture na unakuta minister of agriculture hajui mambo yeyote kuhusu kulima sijui tea board of Kenya,

(Inaudible interjection)

**Redempta Mwanaongoro:** I cannot recommend before I explain. Sasa agriculture wakulima wenyewe wasimamie upande wa kilimo kama ni kilimo cha chai, wakubwa wao ambao watasimamia ofisi mkubwa awe ni mukulima ambaye atajua shida za wenzake na shida yake mwenyewe.

Halafu naenda kwa citizenship – Watu wengi wanapata matatizo wakati wa kupata vipande na birth certificate na unaambiwa maneno mengi

**Com. Githu Muigai:** Recommend.

**Redempta Mwanaongoro:** Yes I am recommending. Serikali ipatiane mtu akifika 18 automatic apate ID kwa sababu haya mambo ya kusema mambo mengine mengine wanaweka wakati wa ID inafanya watu wanafanya wamaintaining IDs na vipande vingine ambavyo vinahusu usalama wa wananchi. Kwa hayo machache nasukulu.

**Com. Githu Muigai:** Asante, number ten. Who was number ten? Number eleven who was the next one. Are you next okey. Give your name.

**Peter Wahome:** Yes asante sana. Nasukulu kupata nafasi hii kuongeresha hii team ya Constitution of Kenya review. Sasa ile imefanya tuje hapa Tume kuwa na mda mwingi tunahepa tupate nafasi. Tulikuwa kule mji wa Kayole wakati tulikuwa tunataka kuja saa nane hakuja. Sasa nimekuwa nafasi nzuli ya kuwa hapa. Sasa case yetu iko namna hii. Mimi na-represent jua kali –

na hasa ninaposema nina-represent jua kali nataka kuwa very very specific.

**Com. Githu Muigai:** Sema jina.

**Peter Wahome:** Mimi naitwa Peter Wahome.

**Com. Githu Muigai:** Endelea.

**Peter Wahome:** Ninataka kuchukua example moja practical hapa. Tunayo kiwanja hapa Rabai Road off Jogoo Road pale karibu na Tom Mboya hall pale inaitwa NCCCK light industries. Ni ya wana jua kali hapo ndipo tuko. Kulingana na mpango ule serikali ilifanya hapo NCCCK, National Council of Churches of Kenya walienda wakaambia serikali tunataka kupata kiwanja. Hiki kiwanja tunataka kupata tunataka kusaidia wenye kufanya kazi hizi ndogo ndogo za jua kali. Kiwanja serikali ikaawambia ndiyo hii bure wakapewa na ilikuwa ni grant na document zote ziko hapo tunazo hapo na mimi nitawaachia hizo vitu zote hapa. Halafu baada ya kupata ile kiwanja tukaenda waka-allocate wale watu wanafanya jua kali business around hata Gikomba area watu wote wakawekwa pale. It is seven acres. Baada ya NCCCK kuwa na haja ya kujenga pale wakaenda kwa donors wakatumia sisi ndio tunaenda ku-benefit pale. Donor akasema haya, hapa tuna seven million chukua na tuna evidence ya kila kitu ya kuonyeshana hii. Baada ya kujenga na ku-allocatiwa na kuanza kufanya kazi pale, majuzi 1995 leadership ile iliyo katika NCCCK wakati huu, wakasema wanataka kuuza hicho kiwanja na hata kutuambia hawakuambia sisi share holders walio hapo sasa. Wakaenda waka-advertise tukaona katika Nation na tukaona katika Standard eti pale tunapofanyia kazi ambapo tuko 2000 panauzwa. Ilikuwa ni taabu kubwa sana tuanze kukimbia hapa na pale. Wale wanajaribu kwenda kuzuia haya maneno isiendele, tunawekewa mapolice hapo waje watusike ili tusifanye chochote. Tukaenda kwa bwana DO wa area hii Makandara akaandika barua na iko hapa. Akaandika barua akisema very brief letter mzikize. Plot no. 209 9324 NCCCK Jogoo Road small scale industry – hii ni barua DO aliandika mwezi 18 August 95. I am referring to your letter of 29<sup>th</sup> March 1978 addressed to the Commissioner of Lands which a copy has been availed to me accepting the grant of the above plot by the government. The objectives being to help and assist the artisans on the ground. As you can see the government was mindful enough of the welfare of these artisan I am giving out a plot free and your council appointed the trustees.

**Com. Githu Muigai:** Si utatuachia hizo?

**Peter Wahome:** Hii nakuachia.

**Com. Githu Muigai:** Sasa fanya hivi hebu tuambie ile ina muhimu unataka kutuambia and then you recommend. Then we will take all the documents and see what can be done.

**Peter Wahome:** Fine I can even give it. I can even talk without it. Halafu isitoshe tukaenda kortini tukafanya harambee sisi

wenyewe kwenda kusimamisha haya maneno lakini haikwenda vile ilitakikana. Makorti yetu yako corrupt na hiyo si kitu ambayo ni siri vile mchezo ulichezwa kule, na akina Mtama Msiemi hatuwezi jua. Case ikawekwa kado kidogo, tukaenda court of appeal, wakiri wetu wale tulikuwa nao wakanjifanya technical problem hajui katika court of appeal. Kufika court of appeal Justice Gicheru akasema hii case iko compromising one way or the other kwa maana hapa kuna technicality na hata lawyer yeyote yule ameenda katika chuo kikuu na ana certificate ya ku-practice anaweza ona hii ni cham gani katika technicality tena tukatupwa nje. Haya, isitoshe, tukajaribu kusema Mtama Msiemi walichukua 40 million na iko hapa na mkienda Commissioner of lands muangalie file iko hapo mtakuta 40 million. Hii 40 million alipochukua hawakuweka ndururu hata moja ku-develop kule. Tukakuwa na board meeting na wao tukawauliza where did you take the 40 million. Akapiga meza, you jua kali, you see, ku-Raise kidogo point you are very negative in your thinking (missed words when turning the tape) pasiuzwe. Hiyo ndiyo recommendation ya kwanza. Na hiyo title deed ambayo NCCK walipewa kama grant na kama trustees iwe revoked iandikwe cooperative ambaye iko hapo inaitwa Glassic Jua Kali Cooperative na pia ili pawe na future guarantee ati hata wale watakuwa katika hiyo cooperative hawata-imagine vile NCCK wali-imagine kwenda kuuza hiyo mahali iwe attached pamoja na ministry of lands ama ministry ya jua kali ile itakuwa inahusiana na mambo ya jua kali now and in the year to come. Kwa ufupi nasema hebu haya maneno tunayosema hapa yaingie katika hii Constitution review ili tuone kanisa ama NGO ingine ile itaenda kuuliza property in the name of the poor isije ikaambiwa mnakuwa ndio trustees halafu wa-abuse hiyo trustees watumie wana jua kali ama watu wengine kama beit ya kupata ile mali. Na mimi ningeliomba hii team at your own convenient time mtembelee hapo mahali muone what we are saying. Those people are 2,000 they have been able to create an impact na mkifikilia 2,000 people na kuringana na extended families you multiply those 2,000 people by 10 those are 20,000 souls who are getting their daily bread from that ground. Hata isitoshe hivyo, utazame wale wanabeneft kama unataka kuchangiwa unga although you don't have a store there you get the service and others when you come with your car and what have you. So we should be very very careful. And the other thing that this Constitution review needs to take into account to safeguard the jua kali if that is the backbone of the economy in this country if we have to be industrialized in the year 2020. And not only that 200 years to come from now because the document you are doing is a very expensive exercise, it cannot just be repeated again. So yangu ni haya machache and I would really appreciate you people to come there. Msiseme mna maslahi yetu na hamututembelei huko. Asante.

**Com. Githu Muigai:** Asante saan bwana Wahome. Wewe ni number ngapi. Nafikili watu wa number wameisha.

(inaudible). Sasa mnaona ni saa kumi na moja, time yetu ya kikazi inaisha saa kumi na moja lakini Tumejitolea mpaka kila mtu anataka kuzungumza azungumze, lakini itategemea sisi kuhesimiana hapa nikikupa dakika tatu zitumie vizuli kila mtu hapa atazungumza. Kwa hivyo wewe tatu kwanza jana ulizungumza kwa hivyo leo ni chap chap halafu tupate wengine tafadhali. Haya anza sasa na useme jina.

**Samuel Wairangu Karanja:** Hamjambo wote Commissioner na watu walioko? Jina ni Samuel Wairangu Karanja. Nawakilisha wakulima all wakulima trade market wanajeshi. Nazungumzia kuhusu mkataba wa Lake Victoria ambaye ilipitiswa na mkoloni na wale walihusika na huyo mkataba. Badala ya huyo mkataba ati hiyo mali itumike (inaudible)

napendekeza hiyo mali itumike irrigation hapa Kenya.

Nazungumzia kuhusu watoto wa mitaani – napendekeza serikali iamue acre kama mbili isomeshe hawa watoto wawe ma-carpenter, wengine wawe wa agriculture ile kazi ambaye mtu ataweza ili awe mtu anakubalika kesho.

Nazungumzia kuhusu haki za binadamu – Napendekesha itumishwe mtu apewe haki zake zote na kuhusu utaratibu wa Bunge, nazungumzia Katiba ipendekeze namna Rais atawachia yule atakayechaguliwa. Hio wajibu wake.

Kuhusu ardhi, mashamba – Kuna watu wana acre 300,000 na million moja hivi, napendekeza mtu mwenye shamba kubwa saana aridhi acre 1,000 na acre tano tano igawiye watu wamefikisha miaka 18.

Kuhusu police – Uajiri wa police waajiriwe watu ambaye wana elimu ya ndarasa la saba kwendelea mbele na kuhusu kazi ya mawaziliwano, ihusizwe lugha ambaye Kiswahi itabuliwe lugha lasmi sawa na Kizungu.

Na Katiba inaandikwa sasa iandikwe na Kizungu na Kiswahili.

Na kuhusu uhuru wa kusema, napendekeza watu wana haki ya kunena.

Kuhusu Katiba ilioko ambaye jana sikuzungumzia na ninarudia hapa inajurikana kama 1946 Kenya development planning per capital incomes 7425(1) inasema utajiri wa kahawa na sukari na pytherum na korosho na pesa za utalii, shiringi 74 inabaki uraya, shiringi 25 ni ya Mwalabu na Mhindi, mkulima anabakishiwa shiringi moja. Napendesha mkulima auze mavuno yake mahali anataka. Napendekesha haya nikisukulu kuna wengine nao watueleze maoni yao.

**Com. Githu Muigai:** Huyu mwingine? Ulikuwa number ngapi wewe? Dakika tatu haraka haraka.

**Benson Mutura:** Kwa jina naitwa Benson Mutura. Yangu nataka kuongea yahusu public health – inaongewa vile serikali inafaa kuleta matibabu kwa raia lakini yangu hasa ni upande wa private hospitals. Hapa nimeona pia pamekuwa na kasoro hakuna control, nataka kuwe na control kama vile tunazo hoteli sina clerk five star, three star hivyo. Kama umeenda hospitali fulani hapa wewe ni mgonjwa malaria, matibabu ya malaria isiwe cost ya zaidi ya tuseme elfu moja. Kama ni kidney ama surgery umeenda Nairobi Hospital hiyo bill unapatiwa labda 6,000, mgojwa mwingine wa hospitali ingine unasikia amepatiwa 200,000 unaona haina control. Serikali iweke control maanake raia wananyanyaswa saana upande wa hospitali. Na hapa ndipo nataka kusema hivi, madaktari wetu bila kuficha wamekuwa kama mechanics, ukienda na ugojwa wanataka ku-exagerrate kuonyesha vile uko kwa hali mbaya zaidi na wana-make pesa zaidi ya hivyo. Hapa nitafafanua kuna ile ukweli niko naye, unapata mtu labda yuko hospitali fulani private. Amekufa ama alikufa siku mbili zilizopita lakini baado wanamuweka kwa High Dependency Unit maanake hapo wanajua wanapata pesa zaidi na ile bill watakupatia itakuwa non-negotiable.

**Com. Lethome:** Sasa unapendekeza nini?

**Benson Mutura:** Ndio napendekeza serikali, waraia hawana pesa, ugonjwa kama unapita more than 400,000 bill ya zaidi ina-offsetiwa na serikali. Kama wale wagojwa tunaona kwa TV kila siku.

**Com. Lethome:** You've done it hiyo point imeingia.

**Benson Mutura:** Hii ingine ni ya police – Police hakuna haja wanakaa upande moja, kuwe na community police ndio kama hapa pakiwa na funjo ama wezi wameingia wale police wako area hiyo wale wanaishi kwa hizo nyumba ndio wanafaa kutoka na kulinda raia wenyewe. Hiyo tu.

**Com. Lethome:** Asante sana. Mwingine afanye kama hivyo Benson alivyofanya. Mzee. Wangapi hawajazungumza na wangependa kuzungumza? Wale wameketi, one, two, three, watatu. Mtafuatana hivyo in that order, wewe mzee one,two three Benson ukajiandisha pale.

**Kimani Kamau:** Asante sana mimi jina langu ni Kimani Kamau naishi hapa Bahati. Jambo la kwanza ningeomba ni kwamba Vice President

**Com. Lethome:** Utazungumzia kwenye machine.

**Kimani Kamau:** Vice President achaguliwe na watu direct.

Nomination positions ziwe abolished.

Provincial administration iwe removed but gradually when elected (inaudible) councillors and so on.

The other point is question of demography to areas where they are over represented whereas some are under represented. An area with 50,000 people has an MP while as another one with 500,000 they have the same this is very disproportionate, (inaudible).

Now we come to the police just to mention the

**Com. Lethome:** Weka mbali kidogo.

Police are mainly recruited from people who could not get jobs anywhere else. Now these people should be re-trained before retirement so that they don't become budicts police

(inaudible) people observing for say 25 years he should be taken back trained for a year so that he can be a good civil servant to rely on himself. I have known some members of police force when they retire they die very quickly because they cannot adjust themselves to civil society. Otherwise I don't have any more except that as I said police should (inaudible interjection)

**Com. Lethome:** Thank you very much. Wewe ngoja utapewa nafasi yako. Wewe atiriri man, eterera niukwaria, niukwaria.

**Isaac Mwangi:** I am called Isaac Mwangi I live at Jerusalem. I want to make a few proposals and that is election of a President is very essential and that is the problem we are having here because the system is not straight forward. The proposal I would like to make is all those who will stand for the election can stand but if the first candidate gets 51% that is number one, if he gets 51% then he can go through. If not then there should be a run-off between number one and number two. Abolish the 25% from the provinces. The age of the President should be between 35 and 75 years. President should be at least form four standard of education.

There is something else which is a problem and that is the appeal. When you are to appeal the election of President is a problem. You have to hand in the papers to him but then it is difficult. It is likely to be difficult for volunteers to accept the whole paper. So now whoever is

**Com. Lethome:** Is it an appeal or petition?

**Isaac Mwangi:** Petition, the papers can be handed to the high court registrar because the AG will handle that. Okey.

The powers of the President should be reduced so that there can be President and a Prime Minister. So they share the powers.

Appointments whether for ministers or those who are to vie the various organizations should be vetted by Parliament or a council which has been set up by Parliament so as to avoid the system of awarding posts as gifts. Ministers appointed to various ministries should be qualified for those ministries, say for example like if it is the minister for health, he should be a qualified doctor, if it is for agriculture he should be an agriculturist. Even the Permanent Secretary it is the same so that it can help to understand more what happens in that field.

For election of councillors – A councillor should be at least of KCPE, MP should be at least form four, the President I forgot to mention that.

There is something else that is happening in the civil service – Promotion should be on seniority but not on district focus because



that is what is sometimes happening and might be somebody came to the service five years ago and

**Com. Lethome:** The point is clear, should be on seniority and merit not on any other basis.

**Isaac Mwangi:** It should be on seniority and merit but not on district focus.

Constituencies – Boundaries should be amended such that there is equal representation, so that we don't have one constituency has got 10,000 voters the other one is having 60,000 voters and also even for the wards.

Land laws should be observed and amended where necessary to avoid these possibilities of double allocations and so forth.

University loans should be automatic that is there can be a form of formality whether do you want loan or you don't want loan whileas it should be automatic but not where it is nowadays you will find people have to decide whether they can give you a loan or not.

There is something like roads levy – Road levy should actually be used to maintain the roads within the area or if you find roads where there many more vehicles they wear out faster but if they are not maintained within the reasonable time it is a problem they become worse whereas the roads levy is there to take care of that. I think there are other issues that have been mentioned but this one I think they are major problem. Ofcourse there is like the case of the women mentioned about women, there should be law to take care of the widows for the distribution of the wealth. So I think briefly yea.

**Com. Lethome:** Okey can we have, it was you after him? Please give your name.

**Richard Kanyoro Kihato:** Kwa jina naitwa Richard Kanyoro Kihato. Point ya kwanza ile nataka kuongea badala yake ni maneno ya conditions za kuanzisha biashara. The licenses from the city authorities huwa ni very expensive such that watu wengi wanakuwa forced ku-avoid hizo vitu.

**Com. Lethome:** What do you recommend as far as licenses are concerned?

**Richard Kanyoro Kihato:** I recommend that zifanywe ziwe a bit cheap to make people not to avoid them.

**Com. Lethome:** They should be affordable.

**Richard Kanyoro Kihato:** Yeah, they should be affordable. Kuna hii question ya kama sasa mtu akiwa assorted by the police and then if you want to take the action you have to sue the Attorney General, that process is cumbersome,

**Com. Lethome:** What do you recommend?

**Richard Kanyoro Kihato:** I recommend that the person involved should be charged directly, yeye mwenyewe aki-assort mtu.

The third point is the President should not be above the law because somebody who holds absolute power will be corrupted by absolutely the same. There should be checks and balances.

The next question is election should be held on schedule hakuna ati mambo ya – they should not be pegged on the Constitutional review so members of Parliament should be appointable na wawe they cannot award themselves whatever they feel like.

**Com. Lethome:** Like their salaries, who should review their salaries and approve....?

**Richard Kanyoro Kihato:** There should be another independent body ambayo inaweza kufanya hivyo, not themselves. Kwa hivyo maneno ya election kitu kama ku-extend that should be out.

Another point naweza kuongea juu yake – About our national budget a lot of cash goes to defense yet we are not at war. I feel that hiyo pesa ya defense ni vizuli ikatwe most of it iende in health and education. Our forces should be deployed to do other work ambayo inasaidia community kama kujenga mabarabara in the health sector and other areas instead of being dormant. That's all.

**Com. Lethome:** Thank you very much Richard. Mama kabla hujakuja kulikuwa na mzee nilikuwa nafikili ameenda lakini amerudi. Sasa itakuwa mzee halafu wewe. Next ni wewe.

**Richard Kanyoro Kihato:** Okey. My name is Richard Muli. I will (inaudible) all the provinces that we have in our country so I will just not mention the problem but my views according to what we should do. I start with taxation. I think that the paid to earn taxation should be deducted to civil servants with more than 12,000 but not the current 7,000.

I also pray that provision of piped water should be provided to all citizens in Kenya it doesn't matter where you come from whether you are in North Eastern or you come from (inaudible).

In provincial administration the chiefs and sub-chiefs should be elected by people and they should be trained administration and ethics. We have so many problems with our provincial administration especially the sub-chiefs and chiefs.

The local government – I also feel that the mayor should be elected by the people and not the councillors. The council matters should not be left to selfish individual or to the councillors who are out to enrich themselves during the period they are in their seats.

Health should be provided to all citizens free of charge – we have seen so many Kenyans their lives being paralysed by retrenchment so we also feel that retrenchment should be abolished.

On Electoral System and process – I feel that the election date should be specified in the current Constitution. Then on basic right the Constitution should guarantee all workers the right to trade union representation who should enlist deliver their grievances or the workers grievances to the higher authorities.

I also feel that education should be free and compulsory from standard one to standard eight. Thank you.

**Com. Lethome:** Thank you very much. Mzee nafasi yako imekuja ile ulikuwa ukisema sasa umekaa hapo, sasa sema ukiwa umesimama.

**Wilson Karanja:** Mimi sitaongea sana. Utaongea sana si ulikuwa unaongea pale? Wewe nitakupatia dakika tano, wengine nawapatia tatu, unajua ulikuwa ukiongea ukiwa pale, sasa umeingia kwenye uwanja.

**Com. Lethome:** Jina?

**Wilson Karanja:** Wilson Karanja.

**Com. Lethome:** Haya sema Karanja.

**Wilson Karanja:** Sasa mambo mengi yamefanyika huku. Wakenya na ninasema kwa serikali hii iko kwa ile Constitution ambaye tuko nayo, tuna coffee sector, hiyo pengine, kuna coffee sector imekuwa baya, agriculture, imekuwa baya mambo mingi.

**Com. Lethome:** Sasa unataka agriculture ifanywe nini?

**Wilson Karanja:** Agriculture, nataka itengenezwe vile ilivyo sababu siwezi kaa hapa Nairobi.

**Com. Lethome:** Isimamiwe na nani? Kwa mfano mambo ya kahawa unataka isimamiwe na nani?

**Wilson Karanja:** Nataka iwekwe act moja nzuli ambayo itasimamia hiyo serikali ndiyo niondoke hapa Nairobi.

**Com. Lethome:** Ngonja, ngonja. Sasa unazungumzia habari ya kahawa na mambo ya marketing ya kahawa unataka nini?

**Wilson Karanja:** Marketing? Kama ni marketing ile ya kuwa si wakora, tusiwe na wakora.

**Com. Lethome:** Wachaguliwe na nani kwanza hawa wanafanya marketing ya kahawa?

**Wilson Karanja:** Marketing iteuliwe na watu ambao ni wa kanisa.

**Com. Lethome:** Kama wewe hivi?

**Wilson Karanja:** Kama mimi hivi.

**Com. Lethome:** Sasa ulikuwa ukizungumzia mambo ya police ukiwa pale, mwenzako ame...apana sema mambo ya police...

**Wilson Karanja:** Police wametua-arrest sana.

**Com. Lethome:** Sasa unataka nini?

**Wilson Karanja:** Wakati tukija themanini tukiingia themanini wametua-harass wanatwambia sisi ni wambaya  
(inaudible)

**Com. Lethome:** Na nyinyi si ni wambaya.

**Wilson Karanja:** Sisi si wambaya tunakuja against corruption. Police unaenda unafika mwisho kama huna  
(inaudible)

**Com. Lethome:** Kwa nini huna?

**Wilson Karanja:** Hapa nikija kwa chief ninaambiwa lete abstract na sina pesa ya kutoa abstract.

**Com. Lethome:** Abstract ni ya pesa? Si ni ya bure?

**Wilson Karanja:** Ni ya pesa.

**Com. Lethome:** Ya serikali ama ni ya kitu kidogo? Ni kitu kidogo ama ni pesa ya serikali?

**Wilson Karanja:** Pesa si kitu kidogo wanakwambia lete pesa hadhalani sio ya kuficha.

**Com. Lethome:** Sasa police wetu wako wambaya sana ndio unasema wewe. Si ndio? Sasa tufanye nini mambo hiyo ilekebishwe ile ulikuwa ukisema ukiwa pale.

**Wilson Karanja:** Ile nilikuwa nikisema nikiwa hapo. Si waongeshewe hata msahala hata wakati nilikuwa wakati wa Kenyatta, hawakuongeshewa pesa eti sababu ya.... ni wawe na discipline officers wajue wanalipwa na serikali. Serikali inalipa pesa.

**Com. Lethome:** Ile msahara unapata unaona kama inawatosha.

**Wilson Karanja:** Inawatosha, mimi sifanyi kazi na hawa wanafanya kazi na wanalipwa na kama si wafanyi kazi wanatoka kwa barabara.

**Com. Lethome:** Sasa mwisho baina ya raia na police inazolota umekuwa mbaya saana. Wewe unafukilia sababu yake ni nini? Saa hizi sehemu zingine police akikufa watu wanafulahi, hawaoni kama ni mtu kwa sababu uhuziano baina ya raia na police imekuwa mbaya. Sasa wewe kwa maoni yako kwa nini raia hawapendi police?

**Wilson Karanja:** Kwa sababu wakiona police wanatoroka. Siku hizi hata watu....

**Com. Lethome:** Kwa nini wanatoroka?

**Wilson Karanja:** Hata afadhali mkola kuliko police.

**Com. Lethome:** Kwa nini wanasema afadhali mkola kuliko police?

**Wilson Karanja:** Sababu police ndio watamwimbia.

**Com. Lethome:** Police ni waizi? Sasa tufanye nini waache kuimba?

**Wilson Karanja:** Hawahitaji kuongezewa pesa. Wanastahili kuhesimu watu wale wanaishi nao.

**Com. Lethome:** Sasa tukisika police na makosa ama amemdhulumu amempiga mtu kimakosa amechukua kitu cha mtu, unataka tumchukulie hatua gani police kama huyu?

**Wilson Karanja:** Kama huyo? Kama huyo asitakiwe na ile mastaka nzuli.

**Com. Lethome:** Nzuli ni gani?

**Wilson Karanja:** Nzuli ni ile awekwe ndani hata kama....

**Com. Lethome:** Kama miaka ngapi?

**Wilson Karanja:** Miaka kumi.

**Com. Lethome:** Uko na maneno ingine.

**Wilson Karanja:** Ingingine nitakuletea kesho.

**Com. Lethome:** Wewe ulipokuwa pale chini maneno yalikuwa mengi umekuja hapa maneno yameisha. Haya ukajiandikishe pale. Ukajiandikishe pale Karanja. Haya mama ndiye utakuwa mtu wa mwisho. Wewe ulikuwa unazungumza? Umemaliza? Mama, tutafunga na mama unless kuna mtu mwingine hapa anataka kuzungumza tunafunga kikao na mama. They want to speak, most of them are observers. Nasikia kuna watu wameingia saa hii wanataka kuzungumza akina mama? Hakuna. They should Raise their hands nobody is Raising their hands.

**Pauline Makwaka:** We were together but we are free to say.

**Com. Lethome:** So what you do if you are speaking on their behalf give all their names.

**Pauline Makwaka:** Actually I don't know whether they want me to speak on their behalf so they can say.

**Com. Lethome:** Just a minute. Munataka kuzungumza pia? So you are okay, you are comfortable? Fine, but we want your names to appear on our register, so all those who came with mama register yourself.

**Pauline Makwaka:** My name is Pauline Makwaka, I live in Bahati. And I do training for civic education that is why these ladies are with me, we have just been in a workshop. My first point is on corruption – it seems as if we Kenyans are pointing fingers on one direction. We are saying that the leaders are corrupt but we are forgetting that we are also corrupt so there must

be a policy to make us know that corruption can only be dealt with if at all there is a law that will deal with the one who is corrupting and the corrupted person because we give police money, police do not even ask us money we just give the police because we are afraid to go to court and be charged for a mistake. So we must deal with this issue by making sure that both of us or all of us are dealt with.

Police harassment in the estate is a lot here and we women in Bahati feel very very afraid for girls especially young women being arrested at night by the police. We feel that the police might not handle these young women properly may be they can even rape them, and we are saying that, I personally I am saying if there is police arresting there must also be police women at night to arrest so that the young women are safe in this estate. Now police force is not a bad department because the police are protecting the wananchi (words missed when changing the tape) department because the police are protecting the wananchi so my suggestion is the police should start right from school level explaining the students and pupils about the police and the work they do so that the students when they finish school should also join the police force. Everybody is afraid of the police because of the negative attitude they have towards the police. We feel the police their work is just to shoot people and hunt people but yet the police can do a lot in this country because they are the ones giving us security.

Violence against women – There is a lot of violence in the estate especially with wife battering so we are saying if the case is taken to the police, the police should not just tell the women or the chief should not tell the woman mama kwenda nyumbani na ufanye kazi yako usiku labda hukutimiza kazi yako. We want the police to take it seriously because in the end we hear women are dead and in this case if we are not covered by law, then women's life is in danger especially rape. Rape cases have gone to the police station and the police don't take it seriously. Many many women come to complain and say the police just tell them mama kwenda nyumbani and they don't take the case seriously although rape is a crime, they should definitely deal with the rapist and make sure that he goes to court.

Education – Going round Kenya you see a lot of young men and women just idle. I feel that education in this country is not liberated, it is not creative, they should come up with syllybus that can liberate young people while they are in school so that when the pupil come out of school they can be creative, they can be self reliant by doing some things instead of waiting for a collar job which is no longer there.

In the estate we are like we are in Gichagi, no light, the bush there was a mayor who used to say there is a lot of vegetation so we would also like the local government through our councillors, through our leaders, we should have a clean estate and light so that we are not afraid to walk at night.

Hawkers in the city – The hawkers are trying to meet their ends because of poverty in Kenya they have to do it. But is there a policy that can (inaudible) these hawkers.



**Com. Lethome:** What do you recommend?

**Pauline Makwaka:** Yes I recommend that there should be a policy that can help the hawkers may be to put up their business, may be they can have a place somewhere where they can have their business. Like now if you go to town you cannot pass through the pavement.

**Com. Lethome:** So you made your point. Another thing, you know we are late you are the last person.

**Pauline Makwaka:** Pardon?

**Com. Lethome:** I said we are late we are supposed to end at five.

**Pauline Makwaka:** I thought you were ending at six. Street children something must be done also to the street children because most of them have become big women and men and they are causing a lot of problem in town. They even hold mavi and snack vimbeti kutoka kwa wamama.

**Com. Lethome:** What do you recommend?

**Pauline Makwaka:** I recommend that there should be a policy to address the issue of street children, I am sure it can be done if the government takes serious measures on these children.

Leaders – Tunataka sheria iwepo ambayo inaweza kusema kama leaders do not perform they should be taken out. The people should demand for him to be no longer a leader and elect another one.

Now because you are saying there is no time, I am talking about affirmative action. We need affirmative action so that we can have representative into Parliament. Women should be in Parliament in order to represent us and I think so far so good. Thank you I have stopped other things.

**Com. Lethome:** If you have a memorandum please hand it over. Thank you very much mama.

**Pauline Makwaka:** Asante.

**Com. Lethome:** Na kufikia hapo nafili Tumefika mwisho wa kikao chetu kwa leo, lile tu ningetaka kuwakubusha ni kuwa sio mwisho wa kutoa maoni, unaweza kutoa maoni yako uyafikishe kwa ofisi yetu ambayo iko Kencom House na pia unaweza kupitisha kwa District Coordinator ama wale wanakamati ambao tuko nao hapa wa constituency hii. Kwa hivyo tunawasukulu

