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Paper Lead
by the Chairman of the
Select Committee on the
activities of unlawful
organizations in Kenya
on Wednesday (morning)
21st July, 2010.
Mogere

KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT – FOURTH SESSION (2010)

REPORT OF THE SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS IN KENYA

Clerk's Chambers
Parliament Buildings
NAIROBI

JULY, 2010

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LIST OF ACRONYMS

P.C	Provincial Commissioner
D.C	District Commissioner
D.O	Divisional Officer
D.C.I.O	District Criminal Investigation Officer
O.C.P.D	Officer Commanding Police Division
C.I.D	Criminal Investigation Division
Y.E.D.F	Youth Enterprise Development Fund
A.C.K	Anglican Church of Kenya
SUPKEM	Supreme Council of Kenyan Muslims
SACCO	Savings and Credit Cooperative Society
K.N.Y.A	Kenya National Youth Alliance
C.D.F	Constituency Development Fund
N.A.R.C	National Rainbow Coalition
K.A.N.U	Kenya African National Union

EXECUTIVE SUMMARY

The Committee derived its mandate from a House Resolution dated July 23, 2008 which allow the Committee to inquire into and establish the membership, organisational structure and operational mode of the unlawful organisations, the reasons for the formation and existence of such organisations, the underlying causes for their proliferation including their motivation, the role of the political elite and other organizations in the activities of these unlawful organisations, the involvement and role of the youth in these organisations, the magnitude and possible impact of the activities of these organisations. The Committee is also expected to review the policy, legal and administrative (institutional) framework governing the existence of those unlawful organizations and make appropriate recommendations to the National Assembly.

This Report consists of the introduction which gives a brief background on gangs in general and the root causes of the gangs. The report discusses in detail some of the known groups and their perceived causes and objectives. Such groups include Mungiki, Saboat Land Defence Force (SDLF), Taliban, Sungu sungu, Amachuma etc. The Report outlines the observations and conclusions made by the Committee in the cause of the inquiry. The main observation made is that the groups affect the unemployed poor youth who have lost hope in the society and have devised all manner of survival tactics.

This Report recognizes that to break the cycle of the organized groups requires a multi-pronged approach which addresses social-economic, political, security, ideology and legal aspects. The Committee recommendations are geared towards addressing the root causes of the problem, sorting out the causes and transforming the groups positively.

The Committee has made far reaching recommendations which include legal proposals for new legislation, amendments to existing laws to address loopholes that allow the groups to thrive and enforcement of existing laws to curb some of the problems caused by the unlawful groups.

The Report further recognizes that politicians play a critical role in influencing the Youth and should therefore use every opportunity to dissuade the youth from joining such groups. The Report faults service providers who have failed to provide services to the slums and other densely populated areas thereby creating a vacuum that are filled by the unlawful groups. The groups provide the services which include water, power, security but at a "fee". The inquiry has established that security forces are complacent in dealing with the unlawful groups and therefore recommends that disciplinary action should be taken against any security officers who collude with the organized groups.

The Committee has made recommendations aimed at rehabilitating the youth who have abandoned the organized groups by training them at the National Youth Service and keeping in touch with such youth even after the training.

The inquiry further established that land remains a major cause of friction in most communities in the country. The Committee recommends land consolidation as opposed to sub-division where the concept of communal land is upheld. To encourage this, the Committee recommends a disposal fee on private land while public or communal disposal sites should be free of charge.

The Report further recommends that the curriculum be reviewed to inculcate social values, incorporate civic education (not examinable) appreciate and recognize talent in areas such as art, drama. The Report also recommends that basic education compulsory up to form 4 to ensure that the youth do not drop out of school while the youth who drop out should be taken to rehabilitation/approved centres.

The Report recommends that a National Integrated Transport Policy be fast-tracked. This will address the problems posed by the organised groups in the public transport sector.

The Report has made further recommendations relating to prisons, where a proposal to expand prison facilities has been made so as to segregate the prisoners according to the nature of offences.

The Report further recognizes the crucial role that the media can play and therefore recommends that they should engage in positive sensitization or coverage (civic education) that educates the masses on the need to shun these illegal groupings and their activities.

The Committee had an opportunity to travel to the Federal Republic of Brazil where it was established that Brazil has a specific budget to deal with organized crime. Brazil has invested in technology to keep surveillance on the borderline with the aim of neutralizing the criminal organizations and seize their property. The Ministry of Justice created the National Program for Public Security and Citizenship-PRONASCI with the sole aim of encouraging young people who are involved in crime or are likely to be endeared to crime to engage in productive activities.

It is envisaged that once the House adopts this Report, the country will have taken a major step towards dealing with organized groups.

PREAMBLE

Mr. Speaker Sir,

The Select Committee on the Activities of Unlawful Organizations was constituted pursuant to a House Resolution passed on July 23, 2008 with a mandate:-

1. To inquire into and establish:-

- a) the membership, organizational structure and operational mode of the unlawful organizations;
- b) the reasons for the formation and existence of such organizations;
- c) the underlying causes for their proliferation including their motivation;
- d) the role of the political elite and other organizations in the activities of these unlawful organizations;
- e) the involvement and role of the youth in these organizations;
- f) the magnitude and possible impact of the activities of these organizations.

2. To review the policy, legal and administrative (institutional) framework governing the existence of those unlawful organizations;

3. To carry out a comparative study of similar organisations in other parts of the world;

4. To report and make appropriate recommendations to the National Assembly.

The Mandate was renewed for a further period of three months with effect from May 2009.

MEMBERSHIP

The Select Committee is comprised of:-

- a) The Hon. Jeremiah N. Kioni, M.P. - Chairperson
- b) The Hon. Elias Mbau, M.P.
- c) The Hon. Isaac Muoki, M.P.
- d) The Hon. George Nyamweya, M.P.
- e) The Hon. Rachael Shabesh, M.P.
- f) The Hon. David Koech, M.P.
- g) The Hon. B.C. Muturi Mwangi, M.P.
- h) The Hon. Clement Wambugu, M.P.
- i) The Hon. Johnstone Muthama, M.P.
- j) The Hon. Lewis Nguyai, M.P.*
- k) The Hon. Ekwee Ethuro, M.P.
- l) The Hon. Millie Odhiambo-Mabona M.P.
- m) The Hon. Charles Kilonzo, M.P.
- n) The Hon. Eugene Wamalwa, M.P.
- o) The Hon. Kambi Kazungu, MP*

N.B-Hon. Lewis Nguyai, M.P ceased to be a member after he was appointed to the Executive in April, 2009 while Hon .Kambi Kazungu, M.P ceased to be a member in April 2010 upon appointment to the Executive.

COMMITTEE MEETINGS

The Committee held thirty two sittings at Parliament Buildings and in the provinces and prisons as stipulated in this report. Further meetings were also held with security teams and the provincial administration in the respective regions visited between February and March, 2009.

The Committee heard oral presentations from various stakeholders as follows:- the Minister of State for Provincial Administration and Internal Security, the Ministry of Cooperatives, representatives from the Kenya National Youth Alliance, the Civil society including the Kenya Human Rights Commission, Oscar Foundation, Release Political Prisoners and the International Centre for Policy and Conflict. The Public Transport Sector also appeared before the Committee and enumerated the effects of the organized groups in the sector. The Committee also received representations from the Evangelical Alliance of Kenya representing religious groups.

The Committee received and considered written memoranda from the public, the Ministry of Cooperatives, the Ministry of Youth and Sports and the Kenya Police.

The minutes of all the meetings are attached herewith as Appendix 1.

PUBLIC HEARINGS

In addition to committee sittings, the Committee held public hearings in five out of the eight provinces i.e. in the Central region starting from Murang'a and Nyeri, in the Eastern Region in Embu and Meru, in the Rift Valley region in Nakuru and Kericho, in the Nyanza Region in Kisumu and Kisii and in the Coast Region in Mombasa Island and Kwale.

The evidence collected through the public hearings is attached as Appendix II

PRISON VISITS

The Committee also visited the following prisons: The Kamiti prison where the alleged leader of the Mungiki group (Maina Njenga) was held, Kodiaga prison in Kisumu, King'ong'o in Nyeri and Kisii prison where the majority of the youth connected to the organized groups are incarcerated.

ACKNOWLEDGEMENTS

Mr. Speaker, the Committee takes this opportunity to express and record its gratitude to the Members of the Committee for their dedication and commitment. Further, the Committee is grateful to all witnesses who appeared before it; it is the evidence adduced from them that made this report possible.

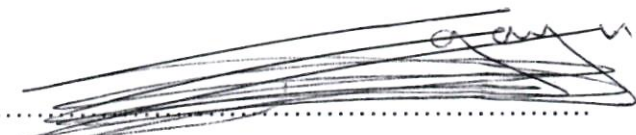
The Committee also wishes to appreciate the Offices of the Speaker and the Clerk of the National Assembly for the support extended to it in the execution of its mandate. The Committee is greatly indebted to the entire provincial Administration and in particular the Minister and the Permanent Secretary in the Ministry of State for Provincial Administration and Internal Security for facilitating the provincial visits.

Mr. Speaker, Sir,

It is my honour and privilege to present the Report of the Select Committee on the Activities of Unlawful Organizations and commend it to the House for adoption pursuant to Standing Order 181.

Thank you

Signed.....



08/07/2010

CHAIRPERSON

HON. JEREMIAH N. KIONI, MP

CHAIRPERSON-SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANISATIONS IN KENYA

INTRODUCTION

1. Unlawful organizations are an international phenomenon and have impacted on many countries across the globe. The growth and development of the unlawful organizations are linked to questions of inequitable distribution of resources, lack of opportunities, security, housing, land, unemployment, poverty and hopelessness. Social researchers have long argued that young people drift into a life of crime when the social crises facing them become acute. The youth join the groups due to unemployment, insecurity, housing, health and high levels of poverty.
2. Although there are similar organizations of groups across the country, each formation has its own culture and traditions that permeate the very community that the organization is located in. Some unlawful groupings do not have long life-spans while some have very long traditions and life-spans. It is generally accepted that groups either become more organized or they dissipate in the course of their life.
3. 33% of our population is between 15 and 30 years of age, by 2012, there will be 16 million youths between 18 and 35 years. Whilst many challenges face young people, undoubtedly the most acute is the inability to access employment – the lack of opportunities to earn a DECENT and HONEST living.
4. It is this that drives young people into crime and drugs and into a general state of hopelessness and despair because economic growth does not equal job creation.
5. The emergence of outlawed groups in Kenya is a complex issue with social, economic and political reverberations. It is an issue that poses a daunting challenge to the security situation in the country.
6. The origin of the formation of the organized groups is not clearly understood. However, it is generally believed that the following factors have been instrumental in the formation of these groups:
 - Unemployment
 - Political influence
 - Inadequate housing especially in the informal settlements
 - Religious beliefs
 - Idleness
 - Lack of recreational facilities and social amenities
 - Peer influence
 - Illiteracy
 - Revenge
7. In a wider perspective, researchers argue that youth groups emerge due to pulls and pushes. Pulls pertain to the perceived benefits of joining an organized group. Groups

may provide attractive opportunities such as the chance for excitement by selling drugs and making money. Thus many youth see a rational choice in deciding to join an illegal group. They see personal advantages to group membership.

8. Social, economic and cultural forces also push many adolescents in the direction of illegal groups. Some researchers contend that the 'under class' status of minority youth serves to push them into organized groups. For some, youth groups provide a way of solving social problems, particularly, the trials and tribulations of adolescence. In some communities, youth are intensively recruited or coerced into groups. A few are virtually born into groups as a result of neighborhood traditions and their parents.

9. Some of the known groups in Kenya include:

1. Sabao Land Defence Force
2. Mungiki
3. Jeshi la Embakasi
4. Jeshi la Kingole
5. Baghdad boys
6. Chinkororo
7. Amachuma
8. Sungusungu
9. Mlungunipa
10. Banyamulenge
11. Talibans
12. Kosovo boys
13. Siafu
14. Iritongo

These groups are affiliated to different communities and some of their activities are circumstantial and organised.

The following is a brief history of some of the groups mentioned above.

SABAOT LAND DEFENCE FORCE (SLDF)

10. SLDF operates clandestinely in Mt. Elgon District and parts of old larger Trans-Nzoia district but with smaller cells in Nyanza and Rift Valley. This force incorporates, *inter alia*, the **Kenya Land Defence Force**, which is a mutation of Mooreland Forces, and the Political Revenge Movement. SLDF Militia was born out of disputes over the fairness of allocations in Phase 3, Chebyuk settlement. The early membership of the SLDF appears to have drawn its ranks from those who were unhappy with the results of phase 3 of Chebyuk settlement scheme and believed there was little alternative but to resist by force. The SLDF used varying degrees of intimidation and force to increase its ranks.
11. The Chebyuk Settlement Scheme was established between 1965 and 1971 when the Government decided to give part of the forest to settle the Ndorobos in the lower parts of the mountain. This was intended to preserve the forest as a water catchment area for western Province and the lake region as well as to develop the area.
12. The exercise witnessed the settlement of 500 families in 4,000 acres in what became Phase 1 of Chebyuk Scheme with each family being allocated five (5) acres. Due to population increase the Ndorobo leaders petitioned the government for more land hence the origin of phase 11 which was allocated but never degazetted as a forest.
13. In 1993, the Soy leaders petitioned the President (H.E.Hon.D.T arap Moi) for allocation of land. The President consented to the excision of more forest land giving rise to Phase 111 called Chebyuk. In January 2006, the Government started plans to settle squatters in Phase 111 of Chebyuk Settlement Scheme. A total of 7,000 people were registered but only 1,732 applicants were allocated land and were earmarked to get 2.5 acres each.
14. Another factor of contention in Chebyuk Settlement Scheme Phase 111 exercise was claim by the Soy and Ndorobo clans of the right to be settled. A Committee comprising village elders from both clans was appointed and a 50-50 formula of land allocation was agreed upon and each clan was to get 866 families to be considered for settlement. The vetting process to identify the beneficiaries was conducted by both the provincial administration and leaders from the two clans.
15. The land earmarked for the settlement exercise was already occupied. Dissatisfaction followed the vetting process and demands for cancellation of the process and issuance of title deeds for those settled in Chepkurkur and Korngotony areas of Kopsiro were raised leading to disputes and violence over allocation of land at Chebyuk settlement scheme. The dissatisfied group sought to pursue the matter legally through court

process but due to lack of *locus standi* they resorted to armed resistance to reclaim their land which was at the verge of being repossessed by the government and to prevent “new comers” from settling on the land, thus marking the beginning of the Sabaot Land Defence Force (SLDF).

16. The group was formed in 1992 and was known as Baghdad Boys but later changed its name to Sabaot Land Defense Force in 2005. The outfit was divided into three platoons (camps) as follows:-

- Simba camp;- the camp was led by the late SLDF commander Wycliffe Kauri Matakwei alias Komon. The camp was located at Kamarang Location Cheptais Division.
- Chui camp; - the camp was led by Jacob Komon alias SOS.
- Nyati camp; -the camp was headed by Aramisi Kanyura Komon.

The main objective of the SLDF is to do the following:-

- To forcefully resist settlement of land by newcomers and politically resist the settlement of new comers to Chebyuk 111.
- To repulse Bukusus and others who had settled on the boundary of Mt. Elgon and Bungoma Districts, alleging that they had illegally acquired part of their land.
- To install /elect a politically friendly team in the local political leadership.

MODE OF OPERATION

17. The SLDF compulsorily recruited youths into the illegal organization and administered illegal oaths to bind them. Those not complying faced serious consequences such as: chopping off ears; thorough beatings, abductions, kidnappings, forceful acquisitions of property e.g. cattle, money and farm produce, torching of houses, cold blood murder, rape etc.

EFFECTS OF SLDF ACTIVITIES

18. The conflict resulted in the collapse of all economic activities including closure of eight (8) primary and four (4) secondary schools as well as health facilities. In addition, 33,000 people were displaced.

GOVERNMENT INTERVENTIONS AND ACHIEVEMENT

19. Due to the threat SLDF posed to national security, the National Security Advisory Committee (NSAC) recommended the use of the military to assist the police in combing the thick forests and provide air-cover as from 10th March 2008. The task force embarked on destroying training camps and caves in Mt.Elgon, cordoning and searching the area in Cheptais Division. This was gradually extended to adjacent villages and eventually the entire district and neighbouring areas netting 710 suspects out of which 104 were identified as SLDF members.

20. The local community that had been adversely affected by the activities of SLDF assisted in identifying militia members and as a result some SLDF members surrendered voluntarily and gave information on location of (SLDF) camps in the forest and of suspects who were later apprehended and arraigned in court. Residents have availed vital information to security forces and even arrested some group members whom they have handed over to the police.

21. During this operation, some militia surrendered and others including Wycliffe Komon Matakwei were killed in security combat and 94 assorted firearms were recovered.

22. At the conclusion of this exercise, it restored normalcy in the area of social/economic activities like:-
 - Recovery of stolen livestock.
 - Resumption of farming activities which had hitherto stalled.
 - Payment of unnecessary taxes has been stopped.
 - Resumption of schooling.
 - Operation of business and social activities has normalized.
 - Elimination of cases of women/girls abduction/rape.
 - Elimination of cattle rustling activities.

CONCLUSION ON SLDF

23. SLDF has been completely subdued, although there are remnants suspected to be hiding in Trans Nzoia District and Uganda.

24. To ensure a durable solution of the problem, the government has formed a task force to resettle the bona-fide beneficiaries of Chebyuk phase III Settlement Scheme with Kshs180 million earmarked in the 2009/10 Budget for their resettlement. The government has also established military barracks leading to improved infrastructure

MUNGIKI

25. The term Mungiki is derived from the Gikuyu word "Muingi" which translates to "masses of people". Mungiki is mainly based in Nairobi, Central and parts of Rift

Valley. The movement started sometime in 1987. According to founding leaders, Mungiki traces its birth to dreams experienced by two schoolboys; Maina wa Njenga and Ndura Waruinge in the Rift Valley in 1987. In these dreams, they claim to have heard God's voice telling them: "go and liberate my people". As a result they formed the mungiki following consultations with elders including leaders of the Mau Mau movement¹

26. The *Mungiki* is a fundamentalist movement with a religious, political and cultural agenda. Since African religion is discerned in terms of beliefs, ceremonies, rituals and religious officials, a conversion to other faiths is not practical. Its followers are therefore calling for re-conversion from foreign worship to indigenous beliefs. Although the *Mungiki* is largely a Gikuyu affair, the sect expects to embrace all other Kenyans. It calls for the teaching of African indigenous values before any change can take place. In practice, *Mungiki* followers have denounced the Christian faith. The movement has adopted Gikuyu religion as a weapon to challenge political and religious authority, and has raised an outcry from religious leaders and government officials. *Mungiki* followers affirm that theirs is a religious and not a political movement.²

27. The tent of the Living God, a controversial African religious group in Nairobi was also attributed to the formation of Mungiki. Grace Wamue; a historian traces the Mungiki movement genesis the same year as an offshoot of a radical African religious group:-

*"Mungiki followers were initially part of the Tent of the Living God, a registered sect founded by 58 year old Ngonya wa Gakonya in 1987, with a large group of followers in Central, Nairobi and Rift Valley Provinces. Ngonya began the Tent Movement as long as 1960 when he started questioning the Christian faith as professed by his parents."*³

28. From 1991 to 1994, during the politically instigated clashes in the Rift Valley, most of the youths affected were from the Kikuyu, Luo, Luhya, Kisii and other opposition-leaning communities then, sought refuge in the sect. Although the Mungiki's presence was initially strongest among the displaced Kikuyu in the Rift Valley, majority settled in the urban slum areas of Korogocho, Mathare, Kibera, Dandora and Githurai. They joined the public transport industry as conductors and drivers.

29. In the run up to the 1997 General Election, the Mungiki commanded a huge following and politicians embraced them giving the group a semblance of legitimacy and thus strengthening them. In 2001 the government banned the mungiki sect

¹ Dilemmas of crime ,Human Rights and the Politics of Mungiki Violence in Kenya, Mutuma Ruteere, pg 7

² Dilemmas of Crime, Human Rights and the Politics of Mungiki Violence in Kenya ,Mutuma Ruteere, pg 8

³ Exertions of protecting rights to life & security in Kenya-RPP Trust, pg 38

because it had become a social menace and a threat to national security, public order and peace. The sect remains banned and outlawed.

OBJECTIVES OF MUNGIKI

30. The spiritual and cultural philosophy around which Mungiki's activities are centered calls for a return to African traditions and spiritualism as the means to the resolution of social problems. It rejects Christianity as corrupting African values. The Mungiki see the Bible as a tool of confusion, referring to it as *gikunjo* (meaning binding or imprisoning). The movement has adopted traditional Gikuyu religious rituals and cultural symbols including the use of tobacco snuff. Members of the movement refer to themselves as "warriors" in keeping with ancient Gikuyu social structure. There are credible reports of their advocacy for female circumcision, although the followers and leaders deny this (Meeting with the Kenya National Youth Alliance in Parliament).

ORGANIZATION AND STRUCTURE

31. The sect has a leadership structure which starts at the village, district, provincial and national level, and the leader of each level is known as the "coordinator". To be a member, one goes through an oath-taking process binding them for life. Those who backtrack are at times hunted down and killed; usually by beheading to instill fear.

MODE OF OPERATION

32. The group formed "operational cells" as follows:-

- a) **The Recruitment and Bathing Cell** – to recruit and conduct oath-taking ceremony meant to bind the members to the group
- b) **The Extortion Cell**- to control matatu stages, collection of money from slum households, heavy commercial vehicles, garbage collection, kidnappings, collection of dues from illegal water and electricity connections, households and protection fees.
- c) **The Robber Elimination Cell**
 - (i) To rob businesses and banks
 - (ii) Elimination of wayward members and suspected collaborators
 - (iii) Oppose government policies and agents.
- d) **The Political Wing** – The Kenya National Youth Alliance (KNYA) whose agenda is to have members run for political office and, or form alliances in order to ascend to power.
- e) **Front Business Operations Cell** – This includes the matatu industry, hair salons, barbershops and hardware stores thereby legitimizing their illegal activities. They have also formed self-help groups with the aim of attracting revenue from the government and other donors, at the same time, sanitizing their sources of money.

- f) **Intelligence Cell** – This group is charged with the collection of intelligence which include:
- i. On police operations with the intent of evading arrests,
 - ii. Planning their operations, planning their businesses, gathering information on prominent personalities with intent of using the information for extortion.
- g) **Propaganda Cell** – It spreads the notion that the police are killing their members, portraying the Mungiki as peace loving Kenyans, seeking to unite the group with other mainstream religions. They also operate gutter press which they use to hoodwink its members.

POSITIVE CONTRIBUTIONS BY THE MUNGIKI

- i. The group is involved in poverty alleviation projects in several areas of the country where it has membership.
- ii. The group has formed cooperative movements which help members' access funds at affordable rates.
- iii. There has been considerable control of drug and alcohol abuse in areas where the group operates

TALIBAN

33. The Taliban group sprung up during the agitation of the multi-party democracy. The youths were mainly from the Luo community and started off as security agents of certain politicians. After the election, the youths found themselves with no source of income and resorted to criminal activities to earn a living. They have transformed into vigilante group mainly operating in Mathare, Kibera, and Dandora slums. They are also involved in extortion of money by demanding "security fee" from the residents and businessmen within the slums.

Most of the time the group remains dormant in various *Jua Kali* engagements and becomes active during electioneering periods when politicians hire them to offer security. The group has largely been subdued and does not have any organized leadership structure.

REPUBLICAN REVOLUTIONARY COUNCIL

34. The group which is the political organ of the Republican force and the Mulungunipa group started between 1996/1997 and operate in Msambweni in Kwale, Mombasa Island, Kaloleni and Kilifi. The group is led by Bafuta Warakah (Rtd. Major) who trained militia from the Mijikenda tribe. The group identified Mulungunipa and Kaya Bombo Forests in as their training ground. They source for firearms by raiding Police stations/Posts and illegally buy firearms from North Eastern Province.

It was alleged that there were new religious groups at the coast disguised as Islamists who were recruiting unsuspecting youth and taking them to Somalia for military training. These groups were also alleged to be involved in child trafficking.

OBJECTIVES OF THE GROUP

- To repossess all ancestral land inhabited by upcountry people.
- To fight for the welfare of the coastal people on matters concerning revival of stalled projects.
- To evict all upcountry people from the coast so that employment is created for the coastal people.
- To mobilize the coastal people for peaceful demonstration against the Government for failing to embrace the *Majimbo* System of Government.

MODE OF OPERATION

35. The group targets urban centers along the coastal strip, focusing on residents from upcountry ("Watu wa Bara"). They operate in groups made up of youths who engage in destruction of property by torching targeted homes business and market centers.

SUNGUSUNGU

36. The group operates in Kisii District especially Bonchari Division of Kisii South District. It is a vigilante group formed in 1992 during the multi-party period. Every constituency had their own group under the supervision and direction of local leaders. In Nyaribari Chache, Nyamataro and Masaba, the group was given a new name "Amachuma". The group is well connected with politicians and therefore a crackdown by security forces is difficult.

ORGANIZATION AND STRUCTURE

They are organized in groups which cover a defined area. They are funded by leaders as well as the community which provides torches/batteries for they consider them as volunteers who provide security.

OBJECTIVES OF SUNGUSUNGU

- To eliminate cattle rustling and other forms of crime. (chinkororo)
- To punish people suspected to be in witchcraft.(sungusungu)
- To defend the Gusii community against attacks by the neighbouring Luo, Maasai and Kipsigis ethnic groups. (chinkororo)
- To follow and recover livestock stolen from the residents of Kisii. (chinkororo)
- To defend individual members of Kisii. Community who have problems of land with the neighbouring communities. (chinkororo)

- During general elections, members of the illegal groups are used to defend the Kisii community who may become victims of violence as a result of their political/party affiliation.(chinkororo)

CHINKORORO

37. The group is associated with the Kisii community, and is believed to have emerged due to tribal animosity grounded on cattle rustling. *Chinkororo* is the name traditionally given among the Gusii people to a group summoned when an alarm has been raised.

AMACHUMA

38. It is also affiliated to the Kisii community. The group was formed when members were recruited as bodyguards by contestants during General Elections in the 1990's. Local politics among the Gusii are characterized by deep rivalries. Combined with the impact of ethnic clashes, this contributed to high incidences of violence in the District around the General Elections of 1992 that reverberated on through the campaigns of 1997. The group was used to terrorize political opponents holding different views from their leaders.

JESHI LA EMBAKASI

39. It is based in the Embakasi constituency of Nairobi Province. Its members were said to be staunch supporters of a one-time local Embakasi Member of Parliament. The group has been linked to land protests and vigilante activities in the estates of Nairobi Eastlands. However, in common, with many other vigilantes for hire in the city estates and slums, individuals do not always operate exclusively within a single group. It is alleged that members of the Jeshi la Embakasi are also active supporters of *Mungiki*.

JESHI LA KING'OLE

40. The group is associated with the Kamba community. It was formed to counter external political aggression in Ukambani region. The group is typical of many sporting, social or development groups formed by politicians which become vehicles for the mobilization of support and other public events.

BAGHDAD BOYS

41. It is believed to have been formed in Nyanza at a time of the Iraq War in 1991, a time when Kenya was experiencing outburst of political violence prior to the 1992 General Elections. The *Baghdad Boys* targeted opponents of a prominent Kisumu political clique. The group achieved national notoriety after its members successfully broke into a police station and a chief's camp to flee detained colleagues. The group has links with Nairobi.

POSITIVE CONTRIBUTION BY THE BAGHDAD BOYS

- i. Although most of them have died, the remnants have now formed an NGO called “Baghdad for Peace Initiative” (BAFOPE), in other words the **Baghdad Foundation**, which is now involved in bringing peace in Luoland and rehabilitating the youth by engaging them in positive economic chores. In some cases, they have taken over from the police to quell crisis in the town.
- ii. They have started a youth centre where the youth are trained in various skills to enable them become self-reliant with the assistance of NGOs, especially, USAID.

KAYA BOMBO YOUTH

42. The group was reportedly recruited, trained and organized in the Kwale District, at the instigation of prominent politicians. The group was deployed to foment ethnic violence in the area in the run up to the 1997 General Elections. Further, Kaya Bombo is blamed for the massacre of some 70 people in Kwale District and the murder of several policemen in Likoni.

JESHI LA MZEE

43. It was at one time the most notorious group. It is believed to have been formed in 1997 by senior members of a political party to demonstrate at public events against opposition groups. *Jeshi la Mzee* first came to wider public attention when it disrupted a pro-reform rally in Nairobi’s Kamukunji grounds in 1997. Later that year, the group played a pivotal role in the election campaigns of several prominent Nairobi politicians, especially within hotly contested constituencies.

IRITONGO

44. This is a vigilante group established in 1998 after an upsurge of serious crimes notably murder, cattle rustling, assaults and illegal firearms. It is based in Kuria West and East Districts. Its leadership structure borrows heavily from Tanzania’s “Mzee wa Nyumba Kumi” model as a method of managing crime in villages. Selected persons to the Iritongo committee must be locals vetted by the Kuria elders and should respect Kuria cultures and customs.
45. The group is coordinated by the chairman of each group. It has a domestic tribunal which is sanctioned by the community. However, some engage in torture of suspects/people arrested through beatings. Confiscation of property, for example, cattle, goats and household goods by force from suspects to compensate complainants. It is also believed that politicians chip in with donations for the upkeep of the group. However some of them have been known to torture and confiscate property without the concurrence of the community.

During the post-election violence in January 2008, the Iritongos welcomed victims of the post-election violence evicted from Migori and Transmara from all communities and made sure nobody attacked them.

COMMITTEE'S OBSERVATIONS

46. From the evidence adduced from the various stakeholders, the Committee made the following observations:-

1. That the activities of unlawful organizations in Kenya are widespread
2. That the youth (18-35years) which forms about 14million of the population is most affected.
3. That the unlawful groups are found in low income densely populated areas.
4. That the groups offer security to the vulnerable low income areas although sometimes they degenerate into extortion rings.
5. That prison is a breeding ground for criminal groupings.
6. That Politicians play a critical role in propagation of the unlawful gangs.
7. That the Governments' initiative on the Youth Enterprise Fund has been mismanaged and does not benefit the youth as intended.
8. That the unlawful groups thrive on extortion whereby they control matatu stages and extort daily levies
9. That the groups thrive on political patronage they enjoy from politicians under the guise of ethnicity.
10. That ownership of land in Kenya is complex and groups such as the SLDF in Mt. Elgon have been formed to agitate for Land.
11. That the high rate of unemployment especially among the Youth makes them vulnerable.
12. Those Unlawful groups serve as engines for the poor to agitate for their rights and are symbols of their contempt for the rich.
13. That Unlawful groups began extorting money from the public transport eleven years ago but in 2008, they expanded their operations to the Kenya Bus Service.
14. That the extortion takes various forms like daily protection at the rate of Kshs500.00 per day, Kshs40.00 per trip on busy routes and between Kshs5,000-10,000 for vehicles joining a new route.
15. That the Kenya Police and the City Council askaris also extort money.
16. That Ex-Military/servicemen recruit, train and manage many unlawful groups in the country.
17. That the unlawful groups are connected to rapid population explosion which is not balanced with economy and growth in job opportunities.
18. That youth from central Kenya get molested in the guise of eliminating the mungiki.

19. That the media has led the onslaught on the unlawful groups by misleading the public.
20. That the Central Region has suffered economic setbacks because businesses close at 6pm while some have been closed down completely.
21. That Oscar Foundation offer free legal services to the youth and poor families who have lost relatives in the hands of the police.
22. The old people support the youth to join the groups to fight for land.
23. That resource distribution is a source of resentment among many people
24. That the Boy Child has been ignored to the advantage of the girl child.

CONCLUSION

47. The Committee finds that as a result of the proliferation of the unlawful organizations the society has suffered negative effects including:-

- (i) Acts of Lawlessness
- (ii) Destruction of Property
- (iii) Abuse and trafficking of drugs
- (iv) Rise in Crime
- (v) Political abuse of power
- (vi) Stunted investments
- (vii) Youth delinquency
- (viii) School drop outs
- (ix) Kidnappings/Rape
- (x) General insecurity

There is the total collapse of the rule of law which should be upheld and enhanced. The Judiciary has frustrated the security agents by releasing persons arrested on crimes related to the unlawful groupings.

On the other hand, the groups have made positive contributions to the Society including:-

- (i) Provision of security services in the low income areas.
- (ii) Dispute resolution in particular communities like in Kuria (Iritongo) and Meru (Nchuri Ncheke).
- (iii) In some cases, the groups have led to control of drugs and alcohol abuse.

RECOMMENDATIONS

48. Dealing with the organized groups requires a multi-pronged approach which addresses social-economic, political, security, ideology and legal aspects. The Committee recommendations are geared towards addressing the root causes of the problem and transforming the groups positively. The Committee therefore makes the following specific recommendations:-

a) LEGAL

The Committee proposes enactment of laws to deal with the gaps recognized in the course of this inquiry, amendments to already existing law and enforcement of laws and by-laws as follows:

Enactment

The Committee recommends the enactment of the following laws:-

- Prevention of Organized Crime Bill
- The Anti Money Laundering Bill and the
- Terrorism Bill

Amendments

The Committee recommends amendment to the following laws:-

- Traffic Act :- to facilitate payment of traffic fines on the spot and to also incorporate the matatus, motorcycles and motorized bicycles
- Criminal Procedure Code:-to enhance sentences for offenders and to enable the courts to send the youth to rehabilitation centers.
- Firearms Act:- To facilitate continued disarmament of illegal firearms and also introduce stringent measures of owning firearms.
- Chiefs Act:-To empower the chiefs to deal with the groups at the local levels
- Evidence Act – To provide for disclosures
- N.S.I.S Act:-To introduce a Special Branch Department

Enforcement

The Committee noted that there was laxity in law enforcement thereby creating loopholes, which loopholes encourage and promote the activities of the illegal groups. The Committee recommends the enforcement of the following laws by the relevant agencies :-

- Witness Protection Act
- Sexual Offences Act.
- City and Municipal By-laws
- Public Officers Ethics Act
- Childrens' Act- to criminalize those who recruit children
- Local Authorities By-laws-

b) POLITICAL

For the purposes of this Report, the Committee describes a politician to include any person who may not be holding a political office but who nevertheless has influence on the youth. Consequently the committee describes a politician as follows:-

“A Politician includes a leader in a position of authority, influence and responsibility”

Such persons use public forums to influence and can also use the forums to dissuade the youth from joining the organised groups and also conduct civic education on the dangers of joining the organized groups.

c) SECURITY

The role of security providers is to ensure that every Kenyan is safe. However, the security agents have created a vacuum by failing to execute their duties as stipulated by law. The police/citizen ratio has continued to shrink from the recommended international ratio of 1:450 to 1:850.

The Committee recommends that the police/citizen ratio be enhanced to Internationally accepted standards of 1:450. Security agents should also work closely with the community to a level where they have integration and accountability.

The Committee recognizes that the unlawful groups are highly trained. Consequently the Committee recommends that a special unit to deal with the illegal groups be formed and trained appropriately.

The Committee further recognizes that the security forces have discipline and attitude issues where some of them are involved in extortion.

The Committee therefore recommends that stern action including summary dismissal be taken against any police officer engaged in bribery activities or colluding with illegal groups.

d) GOVERNMENT AGENTS

The Committee observed that Government agents had failed in service delivery thereby creating a vacuum that has created fertile ground for these groups to organize themselves to offer the services. For example, in manning matatu terminus, water service provision, provision of power, garbage collection and dispute resolution in the low income areas.

The Committee recommends that the service provider's fast-track provision and distribution of services including:

- Electricity
- water
- Garbage collection
- Community Based Organisations through Social Development Officers should formalize registration and capacity building and income generating programmes to empower the youth economically.

e) THE NATIONAL YOUTH SERVICE

The Committee recommends:

- That rehabilitation of reformed members from these organizations into an expanded National Youth Service where they can be provided with life skills within a disciplined environment. They can get service numbers for tracking purposes in addition to organizing some refresher courses during which the former trainees would account for their time out of the service.
- That Approved school be re-introduced as rehabilitation centers.
- That the youth be engaged in labour intensive projects like road construction, re-forestation programmes, irrigation schemes and water pans that are being created in this country.
- That Food-For-Work Programme be encouraged in the whole country to help the youth stay away from crime.
- That an award scheme be introduced to recognize the youth. e.g. an expanded Presidential Award Scheme.

f) LAND

The Committee noted that whereas a land policy was already in place, it was not feasible for everybody to own land. Over-dependency on land as the only source of income should be discouraged.

The Committee recommends land consolidation as opposed to sub-division where the concept of communal land is upheld. To encourage this, the Committee recommends a disposal fee on private land while public or communal disposal sites should be free of charge.

g) EDUCATION

The Committee recommends that the curriculum be reviewed to inculcate social values, incorporate civic education(not examinable), recognize talent in areas such as art, drama and make basic education compulsory(up to form 4) to ensure that the youth do not drop out of school. The youth who drop out should be taken to rehabilitation/approved centres.

h) TRANSPORT SYSTEM

The Committee recommends that a National Integrated Transport Policy be fast-tracked. This will address the problems posed by the organised groups in the public transport sector.

i) CULTURE AND RELIGION

The Committee recommends elimination of cultural values that are not in consonance with the law and common practices and uphold positive cultural practices that bring about identity, create harmony, inculcate cultural values and discipline among the various communities. This will promote respect and sense of belonging. Church leaders should come out clear to disassociate themselves from illegal groupings.

The youth should be dissuaded from blindly joining religious organizations which fall short of moral values. Government should keep tabs on the religious values that are being impacted on the population.

Those communities that still have strong cultural foundations/values should be recognized, supported and facilitated to keep them intact, e.g. Maasai, Samburu, Meru (Nchuri Ncheke) and the Luo Council of Elders.

j) MEDIA

The media council must uphold the values of self-regulation in its true sense. The media should not practice irresponsible journalism that promotes markets and glorifies illegal groupings. They have instilled fear among the people; the groups look dreaded, and attract membership. The groups are portrayed as having superior weaponry to the government's security agencies. The F.M. stations give undue airtime or host leaders of illegal groupings. They give undue coverage to illegal groupings' activities thereby attracting membership.

The Committee recognizes the crucial role that the media can play and therefore recommends that they should engage in positive sensitization or coverage (civic education) that educates the masses on the need to shun these illegal groupings and their activities. They could use the convertees to spread positive messages to dissuade new recruits.

The Media should avoid labeling every criminal as belonging to a particular illegal grouping.

k) THE COOPERATIVE MOVEMENT

The Committee recommends that the government captures the commitment, productivity, energy, skills and creativity of the youth through cooperative movements. The Government should channel help through these cooperative movements e.g. the Baghdad Boys in Kisumu who have already transformed themselves to a cooperative group.

The Ministry of Finance should set up a specific Fund to cater for those members of the illegal groups who have been successfully rehabilitated and have joined the cooperative movement.

l) PRISONS

The Committee recommends expansion of prison facilities to segregate those associated with the illegal groups from the other to avoid continued recruitment in the cells.

The Committee further recommends expansion and extension of guidance and counseling in prisons which should be mandatory.

-----END-----

ANNEXE 1 - MINUTES

MINUTES OF THE 1ST SITTING OF THE SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS IN KENYA HELD ON THURSDAY, 31ST JULY 2008 AT 11.00AM AT THE OLD CHAMBERS, PARLIAMENT BUILDINGS

PRESENT

The following Members of the Committee were present:-

The Hon. Jeremiah Kioni, M.P.
The Hon. Rachel Shebesh, M.P.
The Hon. Muoki Isaac, M.P.
The Hon. George Nyamweya, M.P.
The Hon. Elias Mbau, M.P.
The Hon. Lewis Nguyai, M.P

ABSENT WITH APOLOGIES

The Hon. Ekwee Ethuro, MP
The Hon. David Koech, M.P.
The Hon. Millie Odhiambo, M.P.
The Hon. Muturi Mwangi, M.P
The Hon. Eugene Wamalwa, MP
The Hon. Kambi Kazungu, MP
The Hon. Charles Kilonzo, MP
The Hon. Johnstone Muthama, MP
The Hon. Clement Wambugu, MP

IN ATTENDANCE - KENYA NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi	Clerk Assistant
Mr. Jeremiah Ndombi	Legal Counsel
Mr. Finlay Muriuki	Intern, Budget Office

MINUTE NO. 001/2008 - ELECTION OF A CHAIRPERSON

The Members were taken through the procedure of electing a Chairman. It was observed that this was necessary since the resolution forming the Committee did not expressly provide for the mover to be the Chairman.

The Clerk assistant called for proposals and the name of Hon. Jeremiah Kioni, MP was proposed and seconded. The proposal was made by Hon. George Nyamweya, MP and seconded by Hon. Elias Mbau, MP.

In the absence of any other proposal, the clerk Assistant declared Hon. Jeremiah Kioni, MP as the duly elected Chairman of the committee. Thereupon, Hon Kioni, MP assumed the Chair.

MINUTE NO. 002/2008 - REMARKS BY THE CHAIRMAN

In thanking the Members for electing him as the Chairman, Hon.Kioni, MP stated that the Committee had a heavy task that had to be accomplished within the eight months as directed by the House. He observed that it was important for the Committee to adopt a common understanding of the task ahead of them. Consequently a work plan would be developed to cover the Committee's mandate for the eight months up to March 2009.

Members also underscored the need to obtain available information from security and intelligence agencies so as to get the requisite background information as concerns the challenges that these organizations pose, and what factors were contributing to the boldness with which these organizations were being run.

MINUTE NO. 003/2008 - ADJOURNMENT

And there being no other business, the Chairman adjourned the sitting at thirty minutes past eleven O'clock till Wednesday 6th August at 11.00am.

Signed



Chairperson

Date

6/8/2008

MINUTES OF THE 2ND SITTING OF THE SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS IN KENYA HELD ON WEDNESDAY AUGUST 6, 2008 AT 11.00AM IN COMMITTEE ROOM 9, PARLIAMENT BUILDINGS

PRESENT

The Hon. Jeremiah Kioni, M.P. - Chairperson
The Hon. George Nyamweya, M.P.
The Hon. Elias Mbau, M.P.
The Hon. Lewis Nguyai, M.P.
The Hon. Clement Wambugu, MP
The Hon. Muturi Mwangi, M.P.
The Hon. Millie Odhiambo, M.P.
The Hon. Rachel Shebesh, M.P.

ABSENT WITH APOLOGIES

The Hon. Ekwere Ethuro, MP
The Hon. David Koech, M.P.
The Hon. Muoki Isaac, M.P.
The Hon. Eugene Wamalwa, MP
The Hon. Kambi Kazungu, MP
The Hon. Charles Kilonzo, MP
The Hon. Johnstone Muthama, MP

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi - Clerk Assistant
Mr. Njenga Njuguna - Principal Research Officer
Mr. Finlay Muriuki - Intern, Budget Office

MINUTE NO. 004/2008

CONFIRMATION OF MINUTES

Minutes of the 1st sitting were confirmed and signed by the Chairman as a true record of the proceedings thereat. The proposal was made by Hon. Nyamweya, MP and seconded by Hon. Shebesh, MP.

MINUTE NO. 005/2008

COMMITTEE PROGRAMME

The Members resolved to consider the Committee Programme after determining the Terms of Reference of the Committee. Consequently, members resolved to study the motion constituting the Committee and make proposals on terms of reference in readiness for discussion and adoption in the next meeting.

MINUTE NO. 006/2008

DATE OF NEXT MEETING

It was resolved that the next meeting would be held on Tuesday August 19, 2008 at 9.30am to consider the Committees' Terms of Reference and at 2.30pm the same day to meet with the Minister for Provincial Administration and Internal Security.

MINUTE NO. 007/2008

ADJOURNMENT

And there being no other business, the Chairman adjourned the sitting at twelve O'clock till Tuesday August 19, 2008 at 9.30am.

Signed



Chairperson

Date

18/9/2008

MINUTES OF THE 3RD SITTING OF THE SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS IN KENYA HELD ON WEDNESDAY SEPTEMBER 10TH, 2008 AT 10.00AM IN COMMITTEE ROOM, 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS

PRESENT

Hon. Jeremiah Kioni, MP - Chairperson
Hon. Ekwee Ethuro, MP
Hon. Elias Mbau, MP
Hon. Lewis Nguyai, MP
Hon. Millie Odhiambo, MP
Hon. Rachel Shebesh, MP
Hon. Clement Wambugu, MP
Hon. Isaac Muoki, MP
Hon. George Nyamweya, MP

ABSENT WITH APOLOGIES

Hon. David Koech, MP
Hon. Muturi Mwangi, MP
Hon. Eugene Wamalwa, MP
Hon. Kambi Kazungu, MP
Hon. Charles Kilonzo, MP
Hon. Johnstone Muthama, MP

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi	Clerk Assistant
Mr. Jeremiah Ndombi	Legal Counsel
Ms. Mary Munyoki	Parliamentary Intern

MINUTE NO. 008/2008

CONFIRMATION OF MINUTES

Minutes of the 2nd sitting were confirmed and signed by the Chairman as a true record of the proceedings thereat. The proposal to confirm was made by Hon. Elias Mbau, MP and seconded by Hon. Lewis Nguyai, MP

MINUTE NO. 009/2008

MATTERS ARISING

There were no matters arising.

MINUTE NO. 010/2008

TERMS OF REFERENCE

The Committee deliberated on the terms of reference, made appropriate adjustments and adopted them as follows:-

1. Establish their membership, their organizational structure and their operations
2. Reasons for the formation of the unlawful groups.
3. Establish the underlying causes for their proliferation by establishing their nature, classification and what motivates them
4. Establish the role of the political elite and any other persons in these groups.
5. Impact and possible magnitude
6. Review the legal, institutional and policy on Youth issues
7. Carry out a comparative study of similar groups in other parts of the world.
8. Provide guidance to the Government on issues that are of socio-economic and political nature
9. Recommendations and Way-forward

Observing that the problem of organized groups was world wide, Members resolved to undertake a visit to one of the countries in South America for comparative purposes.

It was further observed that the groups were a reflection of a social problem that required attention hence the involvement of the Parliament through the Committee.

MINUTE NO. 011/2008

ANY OTHER BUSINESS

a) Programme of Business

It was resolved that tentative dates for the programme be fixed for discussion in the next meeting.

b) Meetings with Stakeholders

The Members resolved to invite stakeholders from various sectors to brief the Committee on the activities of the unlawful organisations and how these organisations were affecting their businesses and the communities at large.

It was resolved that professional who have done a lot of research on the groups in addition to bodies like the Kenya Human Rights Commission, Institute of Security Studies, Security Research and Information Centre, Release political prisoners etc be invited to appear before the Committee on Tuesday September 16.

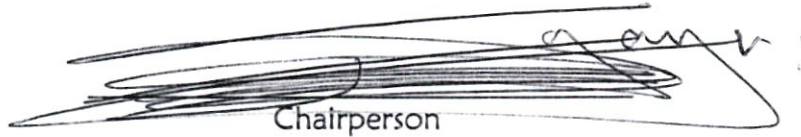
It was further resolved that the Committee would invite the Minister for Internal Security together with all security agents to brief the Committee on the Government's position and its approach in dealing with the unlawful groups.

MINUTE NO. 012/2008

ADJOURNMENT

And there being no other business, the Chairman adjourned the sitting at twelve O'clock till Tuesday 16th September, 2008 at 10.00 am.

Signed

A handwritten signature, appearing to be 'A. O. Omondi', is written over several horizontal lines. The signature is in black ink and is somewhat stylized.

Chairperson

Date

24/9/2009

MINUTES OF THE 4TH SITTING OF THE SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS IN KENYA HELD ON TUESDAY 16TH SEPTEMBER 2008 AT 10.00 AM IN COMMITTEE ROOM, 5TH FLOOR, CONTINENTALHOUSE, PARLIAMENT BUILDINGS.

PRESENT

The Hon. Lewis Nguyai, MP - Chairing
The Hon. Rachel Shebesh, MP
The Hon. Muturi Mwangi, MP
The Hon. David Koech, MP
The Hon. Millie Odhiambo, MP
The Hon. Charles Kilonzo, MP
The Hon. Eugene Wamalwa, MP

ABSENT WITH APOLOGIES

The Hon. Jeremiah Kioni, MP
The Hon. Muoki Isaac, MP
The Hon. George Nyamweya, MP
The Hon. Elias Mbau, MP
The Hon. Kambi Kazungu, MP
The Hon. Ekwee Ethuro, MP
The Hon. Johnson Muthama, MP
The Hon. Clement Wambugu, MP

IN ATTENDANCE

STAKEHOLDERS

Mr. Stephen Musau - Executive Co-coordinator Release Political Prisoners Trust
Mr. Dan Juma - Ag. Programs Co-coordinator/Deputy Executive Director, Kenya Human Rights Institute
Ms. Wangeci Chege - Senior Program Officer, Kenya Human Rights Institute

KENYA NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi - Clerk Assistant
Ms. Mary Munyoki - Parliamentary Intern

MINUTE NO. 013/2008

CONFIRMATION OF MINUTES

Minutes of the third sitting held on September 10, 2008 were deferred to a later date.

The stakeholders attributed the proliferation of unlawful groups and gangs to the following factors:

(a) Security:

The failure of the government to provide security has led to ordinary citizens forming vigilante groups. The sungu sungu of Kisii and other vigilante groups have come about as a result of the failure by the police to deal with the high levels of crime plaguing various regions. Although the activities of such a group are illegal, the police have been slow in cracking them and in some instances have been observed to endorse them.

The Committee was also informed that the police force as currently constituted and operating under the outdated Police Act is unable to implement the Community Policing initiative.

(b) Political:

Political leaders have been accused of forming, financing and associating with unlawful groups. It has been noted that groups such as Kamjesh, Jeshi la Mzee etc are usually dormant in the years preceding elections and re-emerge during elections fuelling speculation that they are tools for enhancing the political aspirations of various individuals.

(c) Land:

The issues surrounding the ownership and allocation of land in Kenya have been and are still very complex. The lack of a National Land Policy has led to the formation of groups such as the Sabaot Land Defense force which use violence as a means for agitating for land that they perceive belongs to them.

(d) Economic:

The youth, particularly those in slums, have no means of income and faced with the crippling poverty often join and/ or form illegal groups. The groups man bus terminals, steal, extort and charge protection fees. Research conducted by the Kenya Human rights Institute in Kuresoi, established that groups are usually formed around harvest time to protect the community from potential loss of their harvest.

The stakeholders informed the Committee that the Government had failed to control the groups due to:

- (a) Lack of a youth policy to address unemployment and other related matters

- (b) Lack of commitment by the police force hence the need to focus on the operations of the special units of the police force
- (c) Failure to address the underlying factors
- (d) Culture of impunity in the Government.

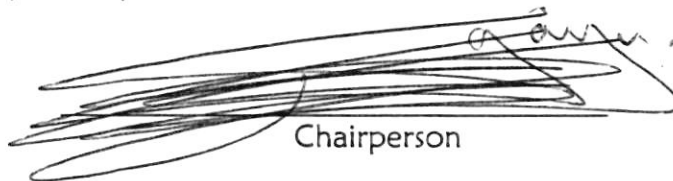
It was agreed that the Committee would benefit from earlier findings by the Akiwumi Commission and the Kiluki Report.

MINUTE NO. 015/2008

ADJOURNMENT

And there being no other business the Chairman adjourned the meeting at fifty-five minutes past noon until Thursday 18th September 2008.

Signed

A large, dark, scribbled handwritten signature, likely in black ink, covering the signature line.

Chairperson

Date

24/9/2009

MINUTES OF THE 5th SITTING OF THE SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS IN KENYA HELD ON THURSDAY SEPTEMBER 18TH, 2008 AT 10.00AM IN CONFERENCE ROOM, 1ST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS.

PRESENT

Hon. Jeremiah Kioni, MP - Chairman
Hon. Lewis Nguyai, MP
Hon. Millie Odhiambo, MP
Hon. Rachel Shebesh, MP
Hon. George Nyamweya, MP
Hon. Kambi Kazungu, MP
Hon. Charles Kilonzo, MP
Hon. Johnstone Muthama, MP

ABSENT WITH APOLOGIES

Hon. Ekwee Ethuro, MP
Hon. Elias Mbau, MP
Hon. Clement Wambugu, MP
Hon. Isaac Muoki, MP
Hon. David Koech, MP
Hon. Muturi Mwangi, MP
Hon. Eugene Wamalwa, MP

IN ATTENDANCE

PUBLIC TRANSPORT SECTOR

Mrs. Judy Thuo	City Hoppa
Mr. Dickson Mbugua	Matatu Welfare Association
Mr. Simon Kimtai	Matatu Owners Association
Mr. Edwin Mukhabana	Kenya Bus Services
Mr. Edward Libedi	Kenya Private Sector Alliance

KENYA NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi	Clerk Assistant
Mr. Jeremiah Ndombi	Legal Counsel
Ms. Mary Munyoki	Parliamentary Intern

MINUTE NO. 016/2008

CONFIRMATION OF MINUTES

Minutes of the third and fourth sittings were deferred to a later date.

The Public Transport Sector represented by Mrs. Judy Thuo (City Hoppa), Mr. Dickson Mbugua (Matatu Welfare Association), Mr. Simon Kimtai (Matatu Owners Association), Mr. Edwin Mukhabana (Managing Director Kenya Bus Services) and Mr. Edward Libedi (Kepsa) appeared before the Committee and gave a presentation on the activities of unlawful gangs/militia and their effect on the public transport sector in the country.

The Committee was informed that:

- i.) Unlawful gangs and sects began extorting the matatus approximately eleven years ago but in January 2008 expanded their operations to include the Kenya Bus Service. These gangs target matatus and public service vehicles due to poor management of the sector, little or no regulation of the industry, no barriers to entry and the high levels of liquidity.
- ii.) The extortion takes various forms such as :
 - Daily protection fees of Ksh 500.00 which is usually collected daily inside the vehicle or at some predetermined location.
 - For vehicles operating in busy areas, fees are levied on the basis of trips, with the gangs charging Ksh.40.00 per a trip.
 - New vehicles or vehicles joining a new route are usually required to pay between Ksh 5,000.00 – Ksh 10,000.00 as goodwill.

The degree of extortion is so advanced that in certain bus stations, particularly those plying upcountry routes, the gangs determine the fare to be charged and the percentage that the matatu owners get to keep.
- iii.) The stakeholders informed the Committee that extortion is not only perpetrated by the unlawful groups and sects but also by the traffic police and the City Council askaris, who collect various charges and fees without the provision of commensurate services. The Committee was further informed that those who report extortion to the police often have their vehicles impounded and their crew arrested.
- iv.) The unlawful groups and gangs have fenced territories within which they operate. For instance Siafu operate in Kibera area while Mungiki operates in Nairobi and Central province.

The groups and gangs are usually well organised and co-ordinated in structures similar to those of the police force. Each group usually divides itself into cells with each cell assigned an area of operation. The number of members in these groups is undeterminable but the members are mostly males between the ages of fourteen and thirty four.
- v.) The most vicious group is mungiki which has good structures and hierarchy followed by kamjesh and Taliban which are however less well organised and co-ordinated and thus could be easier to deal with.

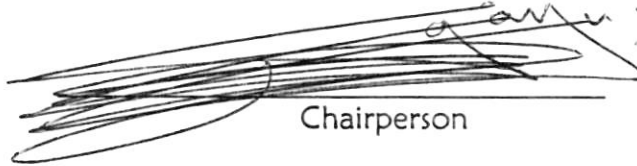
- vi.) In 2007 the Michuki reforms created a power vacuum when there was a change in the operations of bus terminus. Initially, the matatu owners organised the operations of their respective bus terminals. However, the Michuki reforms handed the responsibility of running bus terminus to the city councils which does not have the capacity or ability to manage the bus terminals.
- vii.) It was observed that the activities of unlawful organisations have had the following impact:
- a) **Economic:**
It is approximated that the public service vehicle operators lose Ksh. 1.1 billion annually to the unlawful gangs, Ksh. 1 billion due to police extortion and Ksh 1 billion as a result of theft by the crew. This loses are making it very difficult and uneconomical to operate public service vehicles.
 - b) **Social Impact:**
The extortion and threats are leading to bad attitude and culture in the society particularly amongst the youth. Additionally, it is proving difficult for females to join the matatu industry due to the brutality they encounter.
 - c) **Security Impact:**
The unlawful gangs and groups are perpetrating violent acts on members of the public. The acts of violence are not restricted to members of the public, are the gangs often very vicious to their fellow comrades.
- viii.) The public service vehicle operators expressed concern an emerging trend whereby vehicles that deliver farm produce are increasingly being targeted.
- ix.) The stake holders presented the following as possible solutions:
- a) There need to be rules of entry for those hoping to operate public service vehicles.
 - b) As the gangs are attracted to the matatu industry due to the high levels of liquidity the easiest way to deal with them is to reduce the amount of money that the matatu crews handle.
 - c) The current structure of the public transport industry operates on illegalities not paying for full cost of labour, pension, annual leave, or provision of training. Reforms are needed particularly those that address the training and remuneration of the crews.
 - d) Although, liberalisation is required, there needs to be an institution that oversees the industry where fares increases are commensurate to the increase in the cost of fuel.
 - e) The government needs to implement an integrated national transport policy.
 - f) Empowerment of the youth.

MINUTE NO. 018/2008

ADJOURNMENT

And there being no other business, the Chairman adjourned the sitting at one O'clock till Monday 6th October, 2008 at 2.30 p.m.

Signed



Chairperson

Date

24/9/2009

MINUTES OF THE 6th SITTING OF THE SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS IN KENYA HELD ON MONDAY 6TH OCTOBER, 2008 AT 2.30 PM COMMITTEE ROOM, 5TH FLOOR CONTINENTAL HOUSE, PARLIAMENT BUILDINGS.

PRESENT

Hon. Lewis Nguyai, MP - Chairing
Hon. George Nyamweya, MP
Hon. Charles Kilonzo, MP

ABSENT WITH APOLOGIES

Hon. Jeremiah Kioni, MP
Hon. David Koech, MP
Hon. Muturi Mwangi, MP
Hon. Eugene Wamalwa, MP
Hon. Ekwee Ethuro, MP
Hon. Elias Mbau, MP
Hon. Clement Wambugu, MP
Hon. Isaac Muoki, MP
Hon. Millie Odhiambo, MP
Hon. Rachel Shebesh, MP
Hon. Kambi Kazungu, MP
Hon. Johnstone Muthama, MP

IN ATTENDANCE

EVANGELICAL ALLIANCE OF KENYA

Rev. Dr. Willy Mutiso - General Secretary, Evangelical Alliance of Kenya

KENYA NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi - Clerk Assistant
Ms. Mary Munyoki - Parliamentary Intern

MINUTE NO. 019/2008 CONFIRMATION OF MINUTES

The Committee deferred the confirmation of the minutes to a latter sitting.

MINUTE NO. 020/2008 PRESENTATION BY REV, DR.WILLY MUTISO

Rev. Dr. Willy Mutiso, General Secretary Evangelical Alliance of Kenya appeared before the Committee and stated as follows:-

(i) Evangelical Groups in Kenya

The Evangelical Churches can be divided in to:

- Conservative evangelicals like the African Inland Church;
- Baptist, African Gospel Church;
- Pentecostal Groups like the Deliverance Church of Kenya, Kenya Assemblies of God;
- Charismatic Groups like the unification church
- Cultic ethnic groups and;
- The Seventh Day Adventist which has a unique practice of worshipping on the Sabbath.

There are 8,640 registered denominations in Kenya and a further 4,820 denominations currently seeking to be registered. Due to the stringent registration process, some churches have been forced to register as Trustees through the Ministry of Land, under the Non-Governmental Organisation Board, the Societies Act etc.

Unlawful Groups

The Committee was informed that each ethnic group had its own version of Mungiki.

Mungiki

From the Churches perspective, Mungiki is considered as a church as it has a religious agenda. This group is posing a great threat to the mainstream churches in Central Province because it is able to attract followers at a higher rate than the Church.

Dini ya Msambwe

In the Mt Elgon region Dini ya Msambwe is very active particularly among the Bukusu culture and recruit the youth to protect the community.

Laibons

They operate in Transzoia and the greater Bungoma region; the groups that are most dangerous are those that are affiliated to the Laibons who have a religious, military and political agenda.

Kovonocha

This group which operates in Ukambani, has no military agenda but may be considered a threat because of their threat to the community as it advocates against school/education, hospital, vaccination, fertiliser the equivalent to Kovonocha. Also operational in Ukambani is the Kingole group, which has political affiliations and is clan based.

Although in Luo Nyanza there are many unlawful groups, none pose any real threat as they have no militant agenda. The Chinkororo, have traditional religious dimension and normally operate at the Gusii borders and are on occasion known to attack people thought to be witches.

In the Coast, the groups that are hostile are those that are associated with the Kaya and tend to view people from upcountry as a threat to their way of life.

(a) Motivation for Formation

The Youth Agenda

The key grievance of these groups is to address the issues that affect the youth particularly unemployment. Poverty in Kenya is structural with the policies in place making it impossible to get out of poverty. The high level of crime in this country has been attributed to the high number of unemployed and unoccupied young people. The formation, proliferation and the transformation of unlawful groups into more sophisticated criminal syndicates are symptoms of the youth revolution that is currently taking place in Kenya.

Unlawful groups serve as engines for the poor to agitate for their rights and are symbols of their contempt for the rich who are insensitive to their plight.

Ex-Military/ Servicemen

Research has shown that ex-servicemen are responsible for recruitment, training and management of many unlawful gangs in the country. The tribal clashes and cattle rustling in parts of North Eastern Province have been attributed to ex-servicemen.

The Political Element

The Church has noted with concern that these unlawful groups seem to re-emerge during the run up to the elections and discussion with the members of various gangs has shown that politicians are responsible for this re-emergence.

Politician's use these groups to intimidate would be voters and also to get votes as the membership of these groups is significant enough to affect the outcome of an election. These groups have also been known to proposition politicians for maintenance fees eventually making the politicians hostage to their demands.

(b) Church efforts to address the issues:

- a. The church is currently trying to meet with groups of laibons from the Mt. Elgon region to cleanse the mountain;
- b. Currently, 40% of schools and 45% of churches in Kenya are funded by the church, this way the church is contributing towards eradication of poverty.

- c. The Church in conjunction with the United Nations is trying to implement income-generating programmes targeted at ex-service men. The Church has formed Veterans for Peace and has so far been able to get jobs in Iraq for three hundred veterans and is currently trying to inaugurate five thousand others.

(c) Committee's Observations

The Members noted that:

- (a) The groups have been in existence for several decades and form an important part of their tribal culture;
- (b) Unlawful groups centred on rapid population growth not balanced with economic and job growth;
- (c) Kenya's status as a secular state should be respected by the churches and their participation in the curriculum and education system of the country should be limited;
- (d) The failure of the government to plan and implement policies that cater for the youth is the key reason for the formation and proliferation of unlawful groups. The youth issues need to be looked into urgently;

(d) Recommendations(Evangelical)

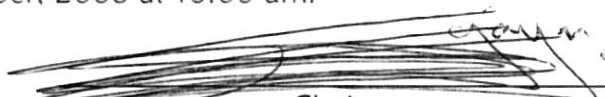
- (a) The Committee must meet with the Kenya National Youth Alliance who would best articulate issues surrounding the youth agenda;
- (b) The Country needs to review its tax system which is skewed against the poor people;
- (c) The policies in Education needs to be geared towards the provision of labour for export, this, the Committee was informed would ease unemployment in the country.
- (d) Politicians and the country as a whole need to come up with solutions to address the youth agenda particularly unemployment and poverty.
- (e) Government policies such as Vision 2030 are well thought out and if implemented properly they should improve the lives of people in this country drastically.

MINUTE NO. 021/2008

ADJOURNMENT

And there being no other business, the meeting adjourned at 5.00 pm until Tuesday 14th October, 2008 at 10.00 am.

Signed


Chairperson

Date

24/9/2008

MINUTES OF THE 7TH SITTING OF THE SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS IN KENYA HELD ON THURSDAY 23RD OCTOBER, 2008 AT 10.00 AM COMMITTEE ROOM, 2ND FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS.

PRESENT

Hon. Jeremiah Kioni, MP - Chairperson
Hon. Elias Mbau, MP
Hon. Clement Wambugu, MP
Hon. Isaac Muoki, MP
Hon. Lewis Nguyai, MP
Hon. George Nyamweya, MP
Hon. Charles Kilonzo, MP

ABSENT WITH APOLOGIES

Hon. David Koech, MP
Hon. Muturi Mwangi, MP
Hon. Eugene Wamalwa, MP
Hon. Ekwee Ethuro, MP
Hon. Millie Odhiambo, MP
Hon. Rachel Shebesh, MP
Hon. Kambi Kazungu, MP
Hon. Johnstone Muthama, MP

IN ATTENDANCE

KENYA NATIONAL YOUTH ALLIANCE

Mr. Njuguna Gitau
Mr. Godwin Kamau
Mr. Simon Gitau
Mr. Robert Gachoka
Mr. Michael Njoroge
Mr. John Njenga

KENYA NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi - Clerk Assistant
Mr. Jeremiah Ndombi - Legal Counsel
Ms. Mary Munyoki - Parliamentary Intern
Mr. Peter Kitheka - Parliamentary Intern

The minutes of the 4th sitting held on Tuesday 16th September, 2008 and the 5th sitting held on Thursday 18th September 2008 were confirmed and signed by the Chairman. The proposal to confirm was made by Hon. Charles Kilonzo, MP and seconded by Hon. Lewis Ngunyai, MP.

Mr. Njuguna Gitau accompanied by other officials from the Kenya National Youth Alliance (K.E.N.Y.A) appeared before the Committee and stated that:-

- (i) Mungiki, which means peace to the masses, was formed by the youth of Central Province. The group was formed to spearhead the social political agenda of the youth. The members of the group are prohibited from taking alcohol and smoking; members help each other and provide support to the community. The group gained a lot of support during the Moi era as it was vocal against the injustices of that regime.
- (ii) The Government misinterpreted the agenda of the group and employed the national intelligence services to discredit the group. The security apparatus formed pseudo groups which perpetrated heinous crimes against the public and blamed this acts on the Mungiki, this had the effect of stirring public sentiments against the group.
- (iii) The Cobra squad (formed by the Narc Government) in conjunction with so called Mungiki defectors are responsible for the mayhem that has been witnessed in Naivasha and Nakuru. The said defectors worked with former Nairobi Provincial Commissioner. By the time of its disbandment, the Cobra squad had not been able to provide evidence of any unlawful activities involving the Mungiki.
- (iv) Prior to the run-up to the general election in 2007, gangsters launched attacks in Hon. John Michuki, Hon. Maina Kamanda and Hon. Njenga Karume constituencies with the aim of accelerating crackdown on Mungiki by the Ministry of Internal Security. The clamour to disband the group was further exacerbated by allegations by Hon. Raila Odinga, MP that Mungiki in conjunction with Hon. John Michuki, Hon. Maina Kamanda and Hon. Njenga Karume were plotting to assassinate him.
- (v) During operation Ondoa KweKwe spear headed by the Eagle Squad, groups of young men attending a rally were arrested by the police who additionally mounted four road blocks on the Thika - Muranga road and arrested any young men travelling in matatus to that area. The operation was mostly restricted to the

Central Province and hundreds of young men arrested. This was compounded by the "shoot to kill" order by former Central Province P.C.Mr.Peter Raburu.

- (vi) The police have never produced any evidence linking mungiki to the beheadings attributed to mungiki. Never have they ever stated what action they were taking.
- (vii) Young men especially from Central Kenya continued to disappear under mysterious circumstances only to be discovered murdered. This was the case in a recent case where two twin brothers, Mr. Moses Irungu Mwangi and Mr. Boniface Mugo Mwangi were arrested by the police on August 11th 2008 in Komarok area in Embakasi and their bodies were later found on Friday 17th and Sunday 19th October 2008 at the City Mortuary. Records indicate that they were taken to the mortuary from Narok where the bodies had been taken on 13th August 2008.
- (viii) The media led the onslaught on Mungiki by misleading the public and portraying mungiki as a monster without providing evidence to substantiate their claims.
- (ix) The members of the K.E.N.Y.A urged the Committee to provide them with security as their lives are now in danger because of the evidence they have given.

At this juncture the Committee deferred further presentation by the K.E.N.Y.A to Thursday October 30, 2008 to allow adequate time for the presentation.

(At this juncture the K.E.N.Y.A left the room)

The Committee undertook to inform the Minister for Internal Security of security fears expressed by the representatives of K.E.N.Y.A.

The Committee also resolved to visit the City Mortuary to ascertain the allegations made by the group.

MINUTE NO. 024/2008

ANY OTHER BUSINESS

Committee programme

The Committee resolved to undertake the following activities:-

- Visit Maina Njenga at the Naivasha prison on Friday November 7, 2008.
- Commence public hearings in Central from December 5 – 11,2008
- Further public hearings in the Rift Valley or Eastern from December 15-18,2008

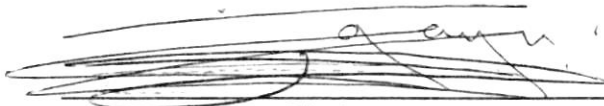
It agreed that the final itinerary would be prepared in consultation with the Chairman.

MINUTE NO. 025/2008

ADJOURNMENT

And there being no other business, the meeting adjourned at 1.00 pm until Tuesday 28th October, 2008 at 10.00 am.

Signed

A handwritten signature, possibly reading 'A. M. N.', is written over a horizontal line. Below the signature, the word 'Chairperson' is printed.

Chairperson

Date

24/9/2009

MINUTES OF THE 8TH SITTING OF THE SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS IN KENYA HELD ON THURSDAY 30TH OCTOBER, 2008 AT 10.00 AM IN COMMITTEE ROOM, 9, PARLIAMENT BUILDINGS.

PRESENT

Hon. Jeremiah Kioni, MP Chairman
Hon. Charles Kilonzo, MP
Hon. Elias Mbau, MP
Hon. Clement Wambugu, MP
Hon. Muturi Mwangi, MP
Hon. Eugene Wamalwa, MP
Hon. Ekwee Ethuro, MP
Hon. Lewis Nguyai, MP

ABSENT WITH APOLOGIES

Hon. David Koech, MP
Hon. Millie Odhiambo, MP
Hon. Rachel Shebesh, MP
Hon. Kambi Kazungu, MP
Hon. Johnstone Muthama, MP
Hon. Isaac Muoki, MP
Hon. George Nyamweya, MP

IN ATTENDANCE

KENYA NATIONAL YOUTH ALLIANCE

Mr. Njuguna Gitau
Mr. Godwin Kamau
Mr. Simon Gitau
Mr. Robert Gachoka
Mr. Michael Njoroge
Mr. John Njenga
Mr. Anthony Kamau Gakura
Mr. James Kihara
Mr. Kinyanjui Njoroge
Mr. Kanyoro Mwangi

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi	-	Second Clerk Assistant
Ms. Mary Munyoki	-	Parliamentary Intern
Ms. Wanjiru Ndindiri	-	Parliamentary Intern

Confirmation of previous minutes was deferred to a later sitting.

Mr. Njuguna Gitau accompanied by members from the Kenya National Youth Alliance (K.E.N.Y.A) appeared before the Committee and stated as follows:-

- (i) That Mungiki which loosely translated as “peace to people” was formed in 1985 as a cultural groups that came up to spearhead social, economic and political agenda of this group. However the name mungiki was used by criminal gangs to terrorise residents hence the formation of the Kenya National Youth Alliance (K.E.N.Y.A) in 1994 with new members to de link the movement from the atrocities committed in the name of mungiki;
- (ii) The main objective of K.E.N.Y.A. was to safeguard the welfare of the youth. The lobby group converted in to a political party in 2004 after seeking and receiving registration from the government;
- (iii) Other pertinent issues that the movement stands for include: right to life, right to practice one’s traditional culture, right to own property, gainful employment, right to Government protection, right to freedom of movement and right to belong to social groups. K.E.N.Y.A is fighting for the rights of the poor such as access to medical care and education. The government only tries to rich out to the youth and the poor during elections when they make promises that they don’t fulfil;
- (iv) The group does not engage in any acts of criminality, the negative image of the group has been created by the media who have attributed any suspicious killings to Mungiki.
- (v) The perception that members of Mungiki/K.E.N.Y.A are manning matatu terminus and extorting public service vehicle operators is part of media’s attempt to tarnish their reputation. It was stated that all bus terminals in the country are manned by young men, who offer protection and manage the affairs of the particular route for a fee; therefore to claim that Mungiki or K.E.N.Y.A are manning matatu terminus and running an extortion racket is neither possible nor practical;
- (vi) The group does advocate for the circumcision of women and advices women to dress decently. They do not strip or forcibly circumcise women;
- (vii) The group’s ideology is for a return of African Socialism where the rich share their wealth with the poor; the existence of a first class and second class in society creates tension eventually leading to a war of the classes. The rich who are also the leaders do not want a status change. In Central Province, the refusal to change the status quo is best exemplified by the fact that the current leaders are those who were in

power during the colonial era and have refused to give way for the younger generation.

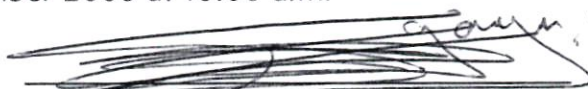
- (viii) K.E.N.Y.A has on several occasions tried to have dialogue with the government; there was a meeting between Former Nairobi Provincial Commissioner Cyrus Maina, Father Teressia Ndikaru and Mr Thandi (who represented the government) and representatives from the group in Naivasha. A follow up meeting was scheduled to take place however this did not happen as the K.E.N.Y.A representatives in the talks were gunned down. K.E.N.Y.A is interested in dialogue with the government hence their willingness to appear before the Committee.
- (ix) There are no policies to address issues affecting the youth e.g. unemployment, illiteracy, poverty, diseases etc. The youth feel misrepresented and misunderstood and is only used by politicians during elections.
- (x) Although K.E.N.Y.A is a "religious" movement, it has no church because of persecution by security forces, it has no age limits but has a leadership structure headed by a "Council" with 12 elected members at the ward/constituency level
- (xi) The group members offer security services at a fee in most of the slums.
- (xii) Most of the members were from very poor backgrounds and never completed secondary school education due to lack of school fees;
- (xiii) K.E.N.Y.A was deregistered on 8th January 2007, in the interest of peace, welfare and good order;
- (xiv) The wives of Mr. Moses Irungu Mwangi and Mr. Boniface Mugo Mwangi have been receiving death threats after the group requested the Committee to look into the deaths of their spouses.

After due deliberations the Committee directed the members of K.E.N.Y.A to provide a written summary of their agenda and a film footage shot by human rights groups that will substantiate some of the claims they made.

MINUTE NO. 028/2008 ADJOURNMENT

And there being no other business, the meeting adjourned at 1.00 pm until Thursday 6th November 2008 at 10.00 a.m.

Signed


Chairperson

Date

24/9/2009

AFTERNOON SITTING HELD AT THE CITY MORTUARY AT 4.00 PM

PRESENT

Hon. Jeremiah Kioni, MP - Chairperson
Hon. Elias Mbau, MP
Hon. Clement Wambugu, MP
Hon. Eugene Wamalwa, MP
Hon. Lewis Nguyai, MP

ABSENT WITH APOLOGIES

Hon. Charles Kilonzo, MP
Hon. Muturi Mwangi, MP
Hon. Ekwere Ethuro, MP
Hon. David Koech, MP
Hon. Millie Odhiambo, MP
Hon. Rachel Shebesh, MP
Hon. Kambi Kazungu, MP
Hon. Johnstone Muthama, MP
Hon. Isaac Muoki, MP
Hon. George Nyamweya, MP

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi - Clerk Assistant
Ms. Mary Munyoki - Parliamentary Intern

MINUTE NO. 029/2008

INSPECTION OF REGISTER AT
CITY MORTUARY

The Members of the Committee visited the City Mortuary and were they were received by Mr. Wanjohi, Senior Superintendent at the Mortuary. While at the mortuary the Committee:

- (i) Inspected the Register and confirmed that the bodies of Mr. Moses Irungu Mwangi and Mr. Boniface Mugo Mwangi were indeed in the mortuary;
- (ii) The Committee was informed that the two bodies were brought together with that of Mr. Jomba Gichovi by Police Constable Chacha in GK A486U from Namanga Police Station;
- (iii) The Members viewed the bodies of Mr. Moses Irungu Mwangi and Mr. Boniface Mugo Mwangi and ascertained that the two bodies had bullet wounds.

MINUTE NO. 030/2008

ADJOURNMENT

The Committee concluded the visit to the mortuary at five O'clock.

Confirmed

A handwritten signature in black ink, appearing to be 'J. O. O.', is written over a horizontal line. The signature is somewhat stylized and overlaps the line.

Chairperson

Date

24/9/2009

MINUTES OF THE 9TH SITTING OF THE SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS IN KENYA HELD ON FRIDAY 7TH NOVEMBER, 2008 AT 11.00 AM AT KAMITI PRISON.

PRESENT

Hon. Elias Mbau, MP - Ag. Chairperson
Hon. Lewis Nguyai, MP
Hon. Kambi Kazungu, MP
Hon. Isaac Muoki, MP

ABSENT WITH APOLOGIES

Hon. David Koech, MP
Hon. Millie Odhiambo, MP
Hon. Rachel Shebesh, MP
Hon. Johnson Muthama, MP
Hon. George Nyamweya, MP
Hon. Jeremiah Kioni, MP
Hon. Charles Kilonzo, MP
Hon. Clement Wambugu, MP
Hon. Muturi Mwangi, MP
Hon. Eugene Wamalwa, MP
Hon. Ekwere Ethuro, MP

IN ATTENDANCE

KENYA NATIONAL YOUTH ALLIANCE

Mr. Maina Njenga

KENYA NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi - Clerk Assistant
Ms. Mary Munyoki - Parliamentary Intern

MINUTE NO. 031/2008

INTRODUCTORY REMARKS

In welcoming the Committee to Kamiti maximum prison, the Officer-in-charge, Assistant Commissioner of Prisons Mr.J.N.Mutevesi and the acting deputy Mr.S.C.Mbaji informed the members that the facility was made to hold 1,500 prisoners and a staff of between 700-800 officers but was currently holding 3,568 prisoners. The facility situated on a 2,000 acres piece of land was put up in 1952.The congestion is caused by the many petty offenders who have to serve their terms in prison. It was proposed that the penal code be amended to address this issue.

The Ag.Chair stated that the Committees' visit to Kamiti Prison was to enable members take evidence from Maina Njenga who had been identified by some of the witnesses who appeared before the Committee as a leader of the Mungiki/Kenya National Youth Alliance.

MINUTE NO.32/2008

MEETING WITH MAINA NJENGA

Mr. Njenga informed the Committee that:

- (i) He has been in prison since October 2005 serving a five year term for possession of a fire arm and narcotics; he has however lodged an appeal against the sentence.
- (ii) He informed the Members that upon his arrest, the police had taken possession of his house and turned it into a police station. He believes that his arrest was motivated by a directive by Hon. John Michuki - the former Minister of State for Provincial Administration and Internal Security to crack down on Mungiki.
- (iii) This is not his first stint in prison as in 1994 he had been arrested and given a three year sentence.
- (iv) He formed Mungiki while he was a student at Jomo Kenyatta High School in Nakuru in 1987 with the intent of returning to the traditional African way of religion. He became the pastor of the said following...
- (v) Currently, Mungiki has a membership of between two and three million followers' country wide and its adherents include former and current Members of Parliament. The members of the group have pulled funds together and have been able to :
 - purchase matatus and buses,
 - buy plots and build houses,
 - purchase houses for rent,
 - Pay school fees for their members etc.
- (vi) Mr. Njenga drew the Committee's attention to an advertisement appearing in the Daily Nation of 7th November, 2008 page 40 which contained pictures and details of some of the over 8,000 young men, mostly from Central Province, who killed or disappeared under mysterious circumstances after being arrested by the police. The advertisement attributes the deaths and the disappearance of the young men to the 'KweKwe' police squad;
- (vii) Earlier this year, his wife and three others were murdered. Currently, their bodies are lying at Marsh Funeral Home since their relatives have been unable to bury them due to police interference. He requested the Committee to consult with the Minister for Internal Security to allow the burials to be conducted;
- (viii) Mungiki has never been involved in the forceful circumcision of women, the stories of forceful circumcisions and beheadings are all part of Government propaganda.

(ix) The Government is aware of the challenges faced by the youth of this country hence their unofficial cordoning of young men manning public service vehicle terminus at a fee;

(x) During the 2002 campaigns, he was assigned (by the retired President) five land rover vehicles to campaign for Kanu throughout the country. He met the former President through Hon. Njenga Karume.

Mr. Njenga recommended that the groups be allowed to register to give them legal status and enable them operate in the open. He further recommended that the government provides alternative means of livelihood by creating jobs particularly for the young people and providing capital to start businesses.

MINUTE NO. 033/2008

ADJOURNMENT

And there begin no other business the sitting was adjourned at 4.20p.m.

Signed


Chairperson

Date

24/9/2009

MINUTES OF THE 10TH SITTING OF THE SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS IN KENYA HELD ON THURSDAY 4TH DECEMBER, 2008 AT 11.00 AM IN COMMITTEE ROOM 2ND FLOOR, CONTINENTAL BUILDING.

PRESENT

Hon. Lewis Nguyai, MP Ag. Chairperson
Hon. Millie Odhiambo, MP
Hon. Eugene Wamalwa, MP
Hon. Isaac Muoki, MP

ABSENT WITH APOLOGIES

Hon. David Koech, MP
Hon. Rachel Shebesh, MP
Hon. Johnson Muthama, MP
Hon. George Nyamweya, MP
Hon. Jeremiah Kioni, MP
Hon. Charles Kilonzo, MP
Hon. Clement Wambugu, MP
Hon. B.C. Muturi Mwangi, MP
Hon. Elias Mbau, MP
Hon. Ekwee Ethuro, MP
Hon. Kambi Kazungu, MP

IN ATTENDANCE

OSCAR FOUNDATION

Annette Bosibori Programme Officer
Tabitha Wairimu Programme Assis

KENYA NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi Second Clerk Assistant
Ms. Nyaboke Omambia Parliamentary Intern

MINUTE NO. 034/2008

INTRODUCTORY REMARKS

In calling the meeting to order, the Chairman welcomed representatives from the Oscar Foundation to the meeting, outlined the mandate of the committee and informed them that the Committee was in the process of gathering information from stakeholders after which a report on the committees' finding will be tabled in the House.

MINUTE NO. 035/2008

MEETING WITH OSCAR FOUNDATION

The representatives from the Oscar Foundation formed the Committee that:

- Oscar Foundation was founded in 1998 by a Mr. King'ara Kamau;
- The Foundation has affiliate Companies in the United Kingdom and the United States of America;
- They provide free legal services to Kenyans ;
- They have set up 24hr clinics for HIV/AIDS patients in different parts of Kenya;
- They have a team of 150 lawyers in various offices country wide;
- The Foundation has been working with families of victims who have lost family members in the hands of the police;
- Through their research, they have established that 8040 people had been killed, 740 had disappeared;
- Between 200-400 cases of missing persons were reported on a monthly basis;
- Those who were killed were buried in pit latrines by GSU officers while others were buried in Ngong forest, Karura forest and the Nairobi National Park, with the majority of them coming from the Mathare and Kariobangi slums;
- Most of these cases were reported though no action was taken by the police.

It was resolved that Oscar Foundation compiles all the information relating to this matter and forward the same to the Committee after which a further meeting will be held.

MINUTE NO. 036/2008

ADJOURNMENT

And there begin no other business the sitting was adjourned at twelve O'clock.

Signed



Chairperson

Date

24/9/2009

MINUTES OF THE 11TH SITTING OF THE SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS IN KENYA HELD ON TUESDAY 10TH FEBRUARY, 2009 AT 10.00 AM IN COMMITTEE ROOM 2ND FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS.

PRESENT:

Hon. Jeremiah Kioni, MP - Chairperson
Hon. Elias Mbau, MP
Hon. Rachael Shebesh, MP
Hon. George Nyamweya, MP
Hon. David Koech, MP
Hon. B.C Muturi Mwangi, MP
Hon. Millie Odhiambo-Mabona, MP

ABSENT WITH APOLOGY:

Hon. Eugene Wamalwa, MP
Hon. Clement Wambugu, MP
Hon. Lewis Nguyai, MP
Hon. Johnston Muthama, MP
Hon. Kambi Kazungu, MP
Hon. Ekwee Ethuro, MP
Hon. Isaac Muoki, MP
Hon. Charles Kilonzo, MP

IN ATTENDANCE

Mrs. Lucy Wanjohi
Ms. Wanjiru Ndindiri

NATIONAL ASSEMBLY

- Clerk Assistant
- Parliamentary Intern

MIN. NO.37/2009:

INTRODUCTORY REMARKS

The Chairman informed the Committee that a letter had been received earlier in the day from the PS, Internal Security & Provincial Administration, requesting a postponement of his appearance to later since he had to attend a fundraising event with H.E. the President for the Molo fire victims.

The Committee resolved to meet with the Permanent Secretary on Tuesday February 17th 2009, and proceed with their scheduled program of activities despite any cancellation.

The Committee was informed that their mandate ends on March 23rd 2009, which falls in the middle of the traveling programme. The Chairman undertook to request an extension of the Committee's mandate through the Clerk to enable the committee conclude investigations and write and table a report.

MIN. NO. 38 /2009: PROGRAMME OF BUSINESS 2009

The Members were informed that due to the Standing Orders workshop scheduled for Thursday February 12th and Friday February 13th 2009, the committee would start its programme on Thursday, February 19th 2009. The Committee discussed and agreed on the new dates.

The Committee also agreed to have hearings in Garissa so that the final report would be all inclusive.

It was resolved that the Committee would meet with the following groups:-

1. Youth groups
2. Religious Organizations
3. Civic Leaders
4. Public service vehicle operators/Owners
5. Elders
6. Farmers
7. Prisons
8. Media etc


It was further resolved as follows:

- Evidence would be taken in camera where necessary.
- A Hansard reporter would accompany the Committee throughout the visits.
- Security personnel would be provided throughout the visits
- The visits would be publicized through the provincial administration
- Relevant institutions would be informed appropriately

It was observed that a proposal for the Committee to visit another country that has gone through similar experiences for comparative studies had not been approved by the Liaison Committee.

MIN. NO.39 /2009: ADJOURNMENT

And there being no other business, the sitting was adjourned at 12.30pm until Tuesday February 17th 2009 at 10.00am.

Signed 
Chairperson

Date 24/9/2009

MINUTES OF THE 12TH SITTING OF THE SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS IN KENYA HELD ON TUESDAY 17TH FEBRUARY, 2009 AT 10.00 AM IN THE OLD CHAMBER, PARLIAMENT BUILDINGS.

PRESENT:

Hon. Jeremiah Kioni, MP - Chairperson
Hon. Lewis Nguyai, MP
Hon. George Nyamweya, MP
Hon. B.C Muturi Mwangi, MP
Hon. Millie Odhiambo-Mabona, MP
Hon. Charles Kilonzo, MP
Hon. Clement Wambugu, MP
Hon. Rachael Shebesh, MP

ABSENT WITH APOLOGY:

Hon. David Koech, MP
Hon. Elias Mbau, MP
Hon. Eugene Wamalwa, MP
Hon. Johnston Muthama, MP
Hon. Kambi Kazungu, MP
Hon. Ekwee Ethuro, MP
Hon. Isaac Muoki, MP

IN ATTENDANCE

NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi - Clerk Assistant
Ms Nyaboke Omambia - Parliamentary Intern

MIN. NO.40/2009:

INTRODUCTORY REMARKS

The Chairman opened the meeting with a word of prayer after which he informed the Members that the Permanent Secretary, Internal Security was unable to attend the Committee meeting.

It was resolved that the Committee would commence its public hearings from February 19th as earlier planned. The hearings would start from Central province. A letter requesting the Permanent Secretary to allocate a senior officer to accompany the Committee in the visits would be written .

The following members confirmed that they would be available to undertake the visit:-

Hon. Jeremiah Kioni, MP
Hon. B.C Muturi Mwangi, MP

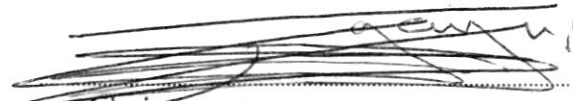
Hon. David Koech, MP
Hon. Elias Mbau, MP
Hon. Clement Wambugu, MP
Hon. Lewis Nguyai, MP

It was resolved that all members meet at Parliament Buildings on Thursday 19th, 2009 for the first visit to Central Kenya.

MIN. NO. 41 /2009: ADJOURNMENT

And there being no other business, the sitting was adjourned at 12.30pm.

Signed


.....
Chairperson

Date

.....
24/9/2009
.....

MINUTES OF THE 13TH SITTING OF THE SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS IN KENYA HELD ON 19TH MAY, 2009 AT 4.00PM IN COMMITTEE ROOM 2ND FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS.

PRESENT

Hon. Jeremiah Kioni, MP - Chairperson
Hon. George Nyamweya, MP
Hon. Johnston Muthama, MP

ABSENT WITH APOLOGY

Hon. B.C Muturi Mwangi, MP
Hon. Millie Odhiambo-Mabona, MP
Hon. Charles Kilonzo, MP
Hon. Clement Wambugu, MP
Hon. Rachel Shebesh, MP
Hon. David Koech, MP
Hon. Eugene Wamalwa, MP
Hon. Kambi Kazungu, MP
Hon. Ekwee Ethuro, MP
Hon. Isaac Muoki, MP-

IN ATTENDANCE

NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi - Second Clerk Assistant
Mr. Peter Kitheka - Parliamentary Intern

MIN.NO. 42/2009

INTRODUCTORY REMARKS

The meeting opened with a word of prayer after which the Chairman informed the Members that the House had extended the mandate of the Committee by three Months starting from 12th May 2009 to 12th August 2009. The extension was to enable the Committee complete its work, visit a foreign country for a comparative study and then write a report.

MIN.NO. 43/2009

CONSIDERATION OF THE PROGRAMME

The Committee resolved that:

- Committee sittings and hearings would be held on Tuesdays, Thursdays and Fridays in the months of May and June while July would be reserved for report writing and a comparative study in a foreign country preferably Brazil and Colombia.

- The Committee would meet with major political parties in addition to meeting with former and current politicians like Hon.G.G.Kariuki, Hon.Njenga Karume, and Hon.J.J.Kamotho.
- Public Hearings would be held in the following areas: Machakos, Kiambu, Thika, Gatundu, Nyahururu, Mt Elgon, Garissa and Slum areas in Mathare, Embakasi and Kibera in Nairobi.
- A meeting with the Internal Security Minister will be held after meetings with all the other groups.

MIN. NO. 44/2009

ADJOURNMENT

And there being no other business, the sitting was adjourned at 5.20pm until Tuesday May 26th 2009 at 10.00a.m.

SIGNED -----



Chairperson

DATE-----

24/9/2009

MINUTES OF THE 14TH SITTING OF THE SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS IN KENYA HELD ON 26TH MAY, 2009 AT 10.00PM IN COMMITTEE ROOM 2ND FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS.

PRESENT

Hon. Jeremiah Kioni, MP – Chairperson
Hon. George Nyamweya, MP
Hon. Johnston Muthama, MP
Hon. Clement Wambugu, MP
Hon. Isaac Muoki, MP
Hon. Eugene Wamalwa, MP
Hon. B.C Muturi Mwangi, MP
Hon. Elias Mbau, MP
Hon. Millie Odhiambo-Mabona, MP

ABSENT WITH APOLOGY

Hon. Charles Kilonzo, MP
Hon. Rachel Shebesh, MP
Hon. David Koech, MP
Hon. Kambi Kazungu, MP
Hon. Ekwee Ethuro, MP

IN ATTENDANCE

NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi	-	Second Clerk Assistant
Mr. Jeremiah Ndombi	-	Legal Counsel
Mr. Peter Kitheka	-	Parliamentary Intern

IN ATTENDANCE

RELEASE POLITICAL PRISONERS GROUP

Mr. Stephen Musau	-	National Executive Coordinator
Dr. E. Wanyama	-	Legal Counsel

MIN.NO. 45/2009

INTRODUCTORY REMARKS

The meeting opened with a word of prayer after which members and the stakeholders were invited to the meeting for discussion on the activities of the unlawful organizations in Kenya. The Stakeholders were asked to feel free and avail information since they were sharing the information with parliament. The Chairman noting the weight of the issue he observed that

the government is planning to hold meetings in Central province with the mandate to condemn and tame the unlawful groups.

It was noted that the unlawful groups in central province are networking with those in Kisii and Mombasa.

The discussion between the Members and the Stakeholders from the Release political prisoners group was guided by the following: -

To find out the organization of the Unlawful groups and the root causes for their proliferation, role of the political elites and other organizations, role and the involvement of the youth, magnitude and the impact of the groups to the welfare of the country, Assist in drafting of the legislation that would inform members to craft appropriate law, give information on comparative studies in other counties and propose recommendations and suggestions to be laid in the House through a report.

MIN.NO. 46/2009

RELEASE POLITICAL PRISONERS GROUP

The stakeholders noted that their organization is committed to the principles of democracy and good governance and current they are working on a project of a Committee against Impunity in Central and Rift valley provinces regions where there are activities of the unlawful groups.

Generally there has been silence in terms of the unlawful groups following police crackdown last year and also the political situations in the affected areas.

The unlawful groups have managed to divert attention by adopting a new face as vigilante groups made to counter the unlawful groups. The vigilantes are gaining recognition from the police while the Mungiki has been demonized.

The unlawful groups are amorphous in terms of organization hence their leadership and coordination is not coherent that is they are formed within economic set up mostly found in matatu terminus and bus stops. According to Gitau Njuguna the Kenya National Youth Alliance (K.E.N.Y.A) Spokesperson (the Mungiki's political wing) he does not recognize the accomplices of Mathira killings as members of the Mungiki. The vigilantes have complicated the issue further through provision of security services and been in charge of the power to be connected in the regions. How are the vigilantes recognized and the community accepting them fast ignoring the laid down channels of electricity connections?

In a report by the Release political prisoners group the unlawful groups especially mungiki were formed in the 1980s.

The root causes of the formation and growth of the groups are as follows: -

- Political orientation in central province – the youths reclaim land that was fought for by the MAU MAU and also political enlightenment is high in central province as it concerns the distribution of resources.
- Politicization of security in the country – political aspirants mobilize groups who are capable of causing harm or injure to the opponents' group. This is common in Nyanza, Western, Rift valley and central province. The underlying issues are political power, unemployment, land distribution and livelihood. An example is 2002 general elections when Mungiki supported a political party showing legitimacy since they know they have the numbers.
- Reform agenda – accountability, land distribution and poverty are critical issues which when left unattended to can lead the youths to transform to various groups like Siafu, Vigilantes among others.
- Old age people – they are linked to the unlawful groups to champion for land and freedom and since they did not get land after fighting for independence they provide the youths with information about taking oaths and they organized MAU MAU operations.

The impacts of the unlawful groups include:-

- Businesses in central province are closed at 6.00pm affecting the economic development of the region.
- The deaths executed by the members of the unlawful groups leave behind orphans and widows.

The compensation for MAU MAU veterans in central province has fuelled resentment among youths. This has led to emergence of two groups that command considerable youth followings. A group is aligned to Gitu Kahengeri through Paul Muite claims to have filed a case in London for compensation as MAU MAU fighters in 2003. The George Waweru group is composed of the true MAU MAU fighters.

The issue in Central Kenya is about resource distribution on which certain people are using some groups to bring out the real picture.

The government crackdown through the police, that involves the use of force creates resentment and normally backfires.

The stakeholders proposed the following suggestions to address the issue of unlawful groups. They include: -

- Draft a policy on National peace and security that would address the political, economic and historical perspectives leading to the formation of the unlawful groups.

- Reform agenda considering the issues of unemployment, constitution, land, poverty, impunity need to be addressed.
- De - branding of the youths as Members of unlawful groups is a proactive way to address the issues of unlawful groups.
- Advocacy on policies through holding critical seminars that would provide social therapy to assist the recruited members to reform.
- The government to review the education policy to factor in an alternative education system focused on talent.
- The civic leaders and political leaders have a role to play on attitude change among youths on issues like work.

The stakeholders observed that when members of the unlawful groups acquire economic empowerment they move out of the groups while the poor do not quit.

MIN.NO. 47/2009

ADJOURNMENT

And there being no other business the meeting was adjourned at quarter past one until 2nd June 2009 at 10.00am.

Signed



Chairperson

Date

24/9/2009

MINUTES OF THE 15TH SITTING OF THE SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS IN KENYA HELD ON 4TH JUNE AT 10.00PM IN COMMITTEE ROOM 2ND FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS.

PRESENT

Hon. Jeremiah Kioni, MP – Chairperson
Hon. Johnston Muthama, MP
Hon. Charles Kilonzo, MP
Hon. Isaac Muoki, MP
Hon. B.C Muturi Mwangi, MP
Hon. Elias Mbau, MP
Hon. Millie Odhiambo-Mabona, MP
Hon. Rachel Shebesh, MP
Hon. George Nyamweya, MP

ABSENT WITH APOLOGY

Hon. David Koech, MP
Hon. Kambi Kazungu, MP
Hon. Ekwere Ethuro, MP
Hon. Clement Wambugu, MP
Hon. Eugene Wamalwa, MP

IN ATTENDANCE
NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi - Second Clerk Assistant
Mr. Tom Ongalo - Hansard Reports

IN ATTENDANCE INTERNATIONAL CENTER FOR POLICY & CONFLICT

Mr. Ndung'u Wainaina - C.E.O-International Center for Policy & Conflict

MIN.NO. 48/2009 INTRODUCTORY REMARKS

The meeting opened with a word of prayer after which members and the stakeholders were invited to the meeting for discussion on the activities of the unlawful organizations in Kenya.

MIN.NO. 49/2009 - PRESENTATION BY THE INTERNATIONAL CENTER FOR POLICY AND CONFLICT

Mr.Ndungu Wainaina gave a brief background on militia groups, the violence and reforms with an emphasis on militia groups. He stated that there basically three types of militias as follows:

Hard core militia (Militarization of violence); **soft core militia** (Politicization of Violence), and **Non- Core Militia** (Mercerization of Latent Violence).

Hard core Militia: within this category, there exist three sub-categories;

- Overtly Armed Militia
- Pseudo-Militarized
- Ethno-Regional Militia

A deeper understanding of the militia

When spaces previously occupied by the state are taken by non-state actors, the violation of rights cannot be a vice associated with the state only. The militias at the two levels of the divide have become violators as well

The militia groups violate rights in order to defend their own rights; our action must be done without sidelining or victimizing either side.

He stated that:-

- Testimonies from militia-infested areas reveal a demand for their services in areas of disputed resolution, debt collection, security and protection. This relationship is 'socially incestuous'.
- The returns accruing to the militia are ploughed back to the same society they exploit through the 'economy of affection'. As a result, there is a tendency for identities to shift: one moment a member of the militia is a provider, next moment he is a plunderer.


As a way forward, Mr.Wainaina proposed that:-

- The immediate establishment of an independent commission, with powers and composition modeled by the Waki Commission
- The public complaint standing committee, should be empowered to ensure accountability
- Develop an effective system for the administration of justice
- Security sector reform to ensure the discharge by the security institutions of their statutory functions;

MIN.NO. 50/2009 ADJOURNMENT

And there being no other business the meeting was adjourned at quarter past one.

SIGNED

A handwritten signature, possibly "A. M. N.", is written over a horizontal dashed line. The signature is somewhat scribbled and overlaps the line.

Chairperson

DATE

24/9/2009

MINUTES OF THE 16TH SITTING OF THE SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS IN KENYA HELD ON TUESDAY 9TH JUNE AT 10.00PM IN COMMITTEE ROOM 2ND FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS.

PRESENT

Hon. Jeremiah Kioni, MP – Chairperson
Hon. David Koech, MP
Hon. Charles Kilonzo, MP
Hon. Isaac Muoki, MP
Hon. Millie Odhiambo-Mabona, MP
Hon. Rachel Shebesh, MP
Hon. George Nyamweya, MP
Hon. Ekwee Ethuro, MP
Hon. Clement Wambugu, MP

ABSENT WITH APOLOGY

Hon. Johnston Muthama, MP
Hon. B.C Muturi Mwangi, MP
Hon. Elias Mbau, MP
Hon. Kambi Kazungu, MP
Hon. Eugene Wamalwa, MP

IN ATTENDANCE

NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi - Second Clerk Assistant
Mr. Peter Kitheka - Parliamentary Intern

MINISTRY OF COOPERATIVES

Mr. Seno Nyakenyanya - Permanent secretary, Cooperatives
Mr.J.K.Waihenya - Assistant Commissioner of Cooperatives
Mr.Njoroge Wanjiru - Youth Officer

MIN.NO.51/2009

PRAYER

The meeting opened with a word of prayer.

MIN.NO.52/2009

INTRODUCTORY REMARKS

The Chairman welcomed members and invited them to the meeting for discussion on the activities of the unlawful organizations in Kenya. The Stakeholders were asked to feel free and avail information since they were sharing the information with parliament. The Chairman noting the weight of the issue he observed that the government is planning to hold meetings in Central province with the mandate to condemn and tame the unlawful groups.

It was noted that the unlawful groups in central province are networking with those in Kisii and Mombasa.

The discussion between the Members and the Stakeholders from the Release political prisoners group was guided by the following: -

To find out the organization of the Unlawful groups and the root causes for their proliferation, role of the political elites and other organizations, role and the involvement of the youth, magnitude and the impact of the groups to the welfare of the country, Assist in drafting of the legislation that would inform members to craft appropriate law, give information on comparative studies in other counties and propose recommendations and suggestions to be laid in the House through a report.

MIN.NO.53 /2009

PRESENTATION BY THE MINISTRY OF COOPERATIVES

Mr.Seno Nyakenyanya, the Permanent Secretary stated that the youth join the unlawful groups as means of making money and getting property. The Ministry of Cooperatives is working to encourage the youths to change and look at life positively. Some of the unlawful groups don't have names but they have organizational structures that are well organized and disciplined.

Causes of the Unlawful groups

1. Cultural, Economic, social and political disruptions of the community way of life.
2. Population Explosion
3. Cultural issues that prevent the youth from participating in agriculture and other businesses since the youth do not own land.
4. Breakdown of social and cultural values allowing young people to be insecure guided and well organized environments.
5. National failure to win war against crime, ignorance and disease since independence.

Proposed solutions

The solutions to the problems are many but a working solution would be the government working with the media to sensitize the young people by use of helpful content. However, the Ministry of youth affairs and sports must be restructured to include an organized department of culture.

The Ministry of cooperatives has over 12,000 registered cooperatives and manages to mobilize Kshs. 170 billion, which represents 31% of the National savings annually. The cooperatives are owned by members hence are localized

Relevance of the cooperative model of economic development to Kenyan Youth

Kenya boasts of a large and well organized co-operative sub sector which is the largest in Africa and seventh in the world. If Kenyan youth could embrace the co-operative principles through deliberate sensitization substantial results can be achieved by increasing their potential to earn a living.

Sensitization and creation of national awareness.

There is need to capture the commitment, productivity, energy and skills of the youth and women through National Youth Policy and National cooperative gender policy.

Cultural identity and national pride.

We must address culture. There is need to develop and implement a cultural policy to rectify and restore the national pride. The draft policy must enable the country to overcome the challenges posed by modernization, globalization, liberalization, democracy and governance. The Policy shall foster the national unity of the Kenyan nation while protecting its cultural diversity for sustainable development.

Information, participation and hard work

Cultural identity should include issues to do with our unique national development and needs. The youths should internalize a broad picture of society and how prosperity can be achieved.

Leadership, management, development and mentorship

There is need to nurture young people to manage cooperatives and as a result the Ministry encourages leaders to allow greater scope for self-awareness by the younger people.

Exploiting potential opportunities through cooperatives

This can be done through engaging the youth in the activities of the cooperatives. Youths have been used to deliver milk on behalf of the farmers to the New KCC and the Githunguri Dairy.

Youth Savings and Cooperative (SACCOS)

The Ministry of Cooperatives is encouraging the youths to make savings. The hawkers, merry go rounds and those in Boda boda business if they make savings through contributions per day they may be in a position to get loans and expand their businesses in the informal sector.

The critical issue is to provide the entrepreneurial skills to the Youths in the Informal sector so as to enable them understand the dynamics of loans and businesses.

The Members were informed of the following:

- The interest rate charged on loans from youth fund is at 8% and the rates can be reduced to 5% provided the Youth fund is managed through the cooperatives.
- There was need to streamline the interest rates considering that SACCOs charge 12% on loans while the Youth fund charges at 8%.
- The Members were requested to monitor the activities of cooperatives in their constituencies to help change the attitude of young people towards cooperatives.
- It was proposed that the Members should recommend the Ministry of cooperatives to the government for increment of funds.
- The ministry has networked with other ministries like ministry of provincial administration to sensitize youths on cooperative movements through Chief's Barazas. The Ministries of livestock and Fisheries have been urged to organize their activities around the cooperatives.
- In the Kazi Kwa Vijana initiative there is need for a policy at every point for a committee elected by the working group that certain amount be deducted to SACCOs. This would provide for the Cooperative field officers were involved in the recruitment of the youths in the Kazi Kwa Vijana Initiative.
- The youth fund through CDF is not been utilized fully and hence need to encourage a culture of saving and cooperatives to be used as vehicles of disbursement.
- In a bid for the Ministry to ensure that cooperatives are successful they have set up a department called good governance an equivalent of the KACC.
- In order to tackle the issue of mismanagement of youth fund there is need for more funds for the sensitization of the cooperative officers through workshops on capacity building.

- The cooperative products are been marketed by the ministry through use of newsletters and local Barazas.
- The cooperative Ministry has a capital base of Ksh.200billion Annually which may be used effectively for wealth creation in the country.
- The problem of population explosion can be addressed by looking at the cultural aspects of the people which calls the Ministry of culture to address the issue of attitude.
- The Ministry has borrowed prudential international management practices to address the issue of mismanagement of SACCOs.
- The members support for the formation of Youth SACCOs is required to enable youths to get organized hence they may access loans from youth fund to engage in entrepreneurship.

It was noted the Kenya Farmers Association (KFA) currently under the Ministry of Agriculture should be transformed with the existing infrastructure at the district level to provide farm inputs instead of loans.

MIN.NO. 54/2009

ADJOURNMENT

And there being no other business the meeting was adjourned at quarter past one.

SIGNED -----



Chairperson

DATE -----

24/9/2009

MINUTES OF THE 17TH SITTING OF THE SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS IN KENYA HELD ON FRIDAY, 7TH AUGUST, 2009 AT 10.00AM IN COMMITTEE ROOM 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS.

PRESENT

Hon. Jeremiah Kioni, MP – Chairperson
Hon. Isaac Muoki, MP
Hon. Elias Mbau, MP

ABSENT WITH APOLOGY

Hon. George Nyamweya, MP
Hon. Charles Kilonzo, MP
Hon. Rachel Shebesh, MP
Hon. David Koech, MP
Hon. Ekwee Ethuro, MP
Hon. Clement Wambugu, MP
Hon. Millie Odhiambo-Mabona, MP
Hon. Johnston Muthama, MP
Hon. B.C Muturi Mwangi, MP

ABSENT

Hon. Kambi Kazungu, MP
Hon. Eugene Wamalwa, MP

IN ATTENDANCE

NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi - Second Clerk Assistant
Mr. Peter Kitheka - Parliamentary Intern

MINISTRY FOR PROVINCIAL ADMINISTRATION & INTERNAL SECURITY

Mr. Mutea Iringo - Director-Internal Security- Office of the President

MIN.NO.55 /2009

INTRODUCTORY REMARKS

The meeting was called to order by the chairman after a word of prayer.

MIN.NO.56/2009

MATTERS ARISING

Report writing

It was observed that the mandate of the committee was almost coming to an end and it was necessary for the Committee to undertake a retreat to consider and conclude the Report.

After due discussions, it was agreed that the retreat be held in either Kilaguni or at the Voi Wildlife Lodge, so as to take place from 31st August to 2nd September 2009.


MIN.NO.57/2009: MEETING WITH THE MINISTRY OF PROVINCIAL
ADMINISTRATION & INTERNAL SECURITY

Mr.Mutea Iringo, of the O.P informed the Committee that the Minister for Provincial Administration and Internal Security could not attend the Committee meeting due to an urgent cabinet meeting that had been convened. He therefore requested that the meeting be rescheduled to another date.

After due discussion, the Committee resolved to meet the Minister along with relevant officers on Wednesday August 12, 2009 at 11.00am.

MIN.NO. 58/2009 ADJOURNMENT

And there being no other business the meeting was adjourned at 11.00am till 12th August 2009 at 11.00a.m.

Signed 
Chairperson
Date 24/9/2009

MINUTES OF THE 18th SITTING OF THE SELECT COMMITTEE ON ILLEGAL AND UNLAWFUL GANGS HELD ON WEDNESDAY, AUGUST 12, 2009 IN COMMITTEE ROOM 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 9.00AM.

PRESENT

Hon. Jeremiah Kioni, M.P. - Chairperson
Hon. B.C. Muturi Mwangi, M.P.
Hon. Clement Wambugu, M.P.
Hon. Rachel Shebesh, M.P.
Hon. David Koech, M.P.
Hon. Elias Mbau, M.P.
Hon. Isaac Muoki, M.P.

ABSENT WITH APOLOGY

Hon. Charles Kilonzo, M.P.
Hon Ekwe Ethuro, M.P.
Hon. Millie Odhiambo-Mabona, MP
Hon. Johnston Muthama, MP
Hon. George Nyamweya, MP

ABSENT

Hon. Kambi Kazungu, MP
Hon. Eugene Wamalwa, MP

IN ATTENDANCE

Mrs. Lucy Wanjohi
Mr. Tom Ongalo
Mr. Willis Otieno

NATIONAL ASSEMBLY

Second Clerk Assistant
Hansard Reporter
Parliamentary Intern

MINISTRY OF PROVINCIAL ADMINISTRATION & INTERNAL SECURITY

Hon. George Saitoti, E.G.H., M.P.	Minister for Internal Security
Mr. Wilberforce Kilonzo	PA to Minister
Mr. Simon Karanja	PA to Minister
Mr. Fred Mwei	SACP
Mr. Caleb Ang'eng'a	SSP
Lawrence Mwadime	Principal Deputy, Comm.of Police

MIN.NO.59 /2009 – PRESENTATION BY THE MINISTER FOR INTERNAL SECURITY

The Minister took the Committee through a presentation on the existence and operations of illegal and unlawful gangs in the country. In his presentation, the minister outlined the measures and steps that the government is taking to address the menace posed by the illegal and unlawful groups.

In his presentation the minister stated that there are eight (8) illegal gangs that created the greatest threat to national security. These are:

- Saboot Land Defence Forces.
- Mungiki.
- Taliban.
- Amachuma.
- Chinkororo.
- Republican Revolutionary Council.
- Sungu Sungu
- Iritongo.

The minister proceeded to inform the committee of the structure and activities of each of the groups and efforts the Government has made in fighting the gangs.

The Committee raised concerns as follows:

- i) Has the government considered engaging the military in quelling the menace poised by Mungiki as it did in tackling the SLDF?
- ii) What steps has the government taken to convert the groups into useful groups with a positive impact on society?
- iii) What plans has the government developed to cover the void which existed that nurtured the formation of these gangs?
- iv) What steps has the ministry taken to ensure there is no reoccurrence of violence in the Chebyuk III settlement scheme in Mt. Elgon province?
- v) What is the police involvement in Mungiki and are there officers who are members of the mungiki?
- vi) What is the government doing to address the police to population ratio?
- vii) Will the youth engaged in kazi kwa vijana initiative pose any threat when the program comes to an end?
- viii) How much money does the mungiki group control?
- ix) What is the total membership to the illegal gangs?
- x) What has the government done to engage the media to aid it in fighting the illegal gang menace?

RESPONSE TO COMMITTEE CONCERNS.

Upon hearing the concerns raised by the committee the ministry officials proffered responses to some of the concerns as hereunder;

- The resettlement in Chebyuk III has been preceded with the formation of a task force which will ensure that only genuine persons are resettled as were done in phases I and II of the resettlement.
- In the last two years government has embarked on a recruitment drive to shorten the ratio of police to population. The ratio currently stands at 1: 700 against the UN recommended standard of 1: 450.
- The government has set aside 15 billion shillings in the current financial year under the Kazi kwa Vijana program to dissuade youths from joining the illegal gangs.
- There may be some officers who belong to the illegal gangs and these should be dealt with in the ordinary court process and where there is lack of sufficient evidence, the force will use its disciplinary procedures to deal with such officers.
- The government is undertaking measures to solve the challenges that face the police in their duty in terms of poor housing, lack of equipment and generally low morale amongst officers.

After giving this presentation, the Ministry undertook to furnish the committee with information on the total membership to the illegal gangs, the amount of money that the mungiki control and challenges which police officers face in their work and necessary proposals to meet them.

MIN.NO.60/2009 ADJOURNMENT

And there being no other business the chairman adjourned the sitting at two O'clock.

SIGNED



Chairperson

DATE

24/9/2009

MINUTES OF THE 19TH SITTING OF THE SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS IN KENYA HELD ON TUESDAY SEPTEMBER 15, 2009 AT 11.00AM IN COMMITTEE ROOM 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS.

PRESENT

Hon. Jeremiah Kioni, MP – Chairperson
Hon. Elias Mbau, MP
Hon. Ekwee Ethuro, MP
Hon. Millie Odhiambo-Mabona, MP

ABSENT WITH APOLOGY

Hon. George Nyamweya, MP
Hon. Charles Kilonzo, MP
Hon. Rachel Shebesh, MP
Hon. David Koech, MP
Hon. Clement Wambugu, MP
Hon. Kambi Kazungu, MP
Hon. Johnston Muthama, MP
Hon. Eugene Wamalwa, MP
Hon. B.C Muturi Mwangi, MP
Hon. Isaac Muoki, MP

IN ATTENDANCE

Mrs. Lucy Wanjohi - Second Clerk Assistant
Mr. Peter Kitheka - Parliamentary Intern

NATIONAL ASSEMBLY

MIN.NO.61 /2009

INTRODUCTORY REMARKS

The meeting was called to order by the chairman after a word of prayer.

MIN.NO. 62/2009

REPORT WRITING RETREAT

It was resolved that the retreat would be held in Mombasa between 21st and 25th September 2009. It was further resolved that the Committee would undertake a comparative study tour to South America.

MIN.NO.63/2009

ADJOURNMENT

And there being no other business the meeting was adjourned at twelve o'clock.

Signed


Chairperson

Date:

24/9/2009

MINUTES OF THE 20TH SITTING OF THE SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS IN KENYA HELD IN MOMBASA ON SEPTEMBER 24,2009 IN THE SUN AND SAND HOTEL,MOMBASA.

PRESENT

Hon. Jeremiah Kioni, MP – Chairperson
Hon. Elias Mbau,MP
Hon. George Nyamweya, MP
Hon. Rachel Shebesh, MP
Hon. B.C Muturi Mwangi, MP
Hon. Isaac Muoki, MP
Hon. David Koech, MP
Hon. Ekwere Ethuro, MP

ABSENT WITH APOLOGY

Hon. Millie Odhiambo-Mabona, MP
Hon. Charles Kilonzo, MP
Hon. Clement Wambugu, MP
Hon. Kambi Kazungu, MP
Hon. Johnston Muthama, MP
Hon. Eugene Wamalwa, MP

IN ATTENDANCE

NATOINAL ASSEMBLY

Mrs. Lucy Wanjohi - Second Clerk Assistant
Mr. Tom Ongalo - Hansard Editor

MIN.NO.64/2009

INTRODUCTORY REMARKS

The Chairman called the meeting to order after a word of prayer.

MIN.NO. 65/2009

REPORT WRITING RETREAT

The Chairperson welcomed members to the Report-Writing Retreat and thanked them for getting time to consider the Committee Report.

Minutes of the 5th-19th sittings were confirmed by members present as a true record of the proceedings thereto.

The Committee then considered a draft report as presented by the secretariat,made appropriate amendments,made observations derived out of the inquiry and proceeded to make recommendations.

MIN.NO.66/2009

ADJOURNMENT

And there being no other business the meeting was adjourned at twelve o'clock.

Signed


Chairperson

Date:

15/6/2010

MINUTES OF THE 21ST SITTING OF THE SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS IN KENYA HELD ON TUESDAY, JUNE 8TH 2010 IN COMMITTEE ROOM, 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.00AM.

PRESENT

Hon. Clement Wambugu, MP - Ag Chairperson
Hon. Charles Kilonzo, MP
Hon. Elias Mbau, MP
Hon. Johnston Muthama, MP
Hon. Eugene Wamalwa, MP

ABSENT WITH APOLOGY

Hon. Jeremiah Kioni, MP
Hon. Ekwee Ethuro, MP
Hon. B.C Muturi Mwangi, MP
Hon. Isaac Muoki, MP
Hon. David Koech, MP
Hon. Millie Odhiambo-Mabona, MP
Hon. George Nyamweya, MP
Hon. Rachel Shebesh, MP

IN ATTENDANCE

NATONAL ASSEMBLY

Mrs. Lucy Wanjohi - Second Clerk Assistant
Mr. Peter Kitheka - Parliamentary Intern

MIN.NO.67 /2009 - CONFIRMATION OF MINUTES

Confirmation of Minutes was deferred to the next meeting.

MIN.NO. 68/2009 - ADOPTION OF COMMITTEE REPORT

The Committee observed that the it would not be prudent to adopt the Report without going through the document It was resolved that the draft Report be availed to all members of the Committee Oin readiness for a meeting on Tuesday, June 15, 2010 to adopt the Report.

MIN.NO.69/2009 ADJOURNMENT

And there being no other business the meeting was adjourned at eleven thirty till Tuesday June 15, 2010 at 10.00am.

Signed 
CHAIRPERSON

Date: 15/6/2010

MINUTES OF THE 22nd SITTING OF THE SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS IN KENYA HELD ON TUESDAY, JUNE 15TH 2010 IN COMMITTEE ROOM, 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.00AM.

PRESENT

Hon. Jeremiah Kioni, MP - Chairperson
Hon. B.C Muturi Mwangi, MP
Hon. David Koech, MP
Hon. Clement Wambugu, MP
Hon. Elias Mbau, MP
Hon. Eugene Wamalwa, MP
Hon. Rachel Shebesh, MP
Hon. George Nyamweya, MP
Hon. Isaac Muoki, MP

ABSENT WITH APOLOGY

Hon. Charles Kilonzo, MP
Hon. Johnston Muthama, MP
Hon. Ekwere Ethuro, MP
Hon. Millie Odhiambo-Mabona, MP

IN ATTENDANCE

Mrs. Lucy Wanjohi - Second Clerk Assistant
Mr. Peter Kitheka - Parliamentary Intern

NATIONAL ASSEMBLY

MIN.NO.70 /2009 - CONFIRMATION OF MINUTES

Minutes of the 20th and 21st sittings were confirmed as a true record of the proceedings thereat. The proposal to confirm was made by Hon. Clement Wambugu, MP and seconded by Hon.

MIN.NO. 71/2009 - ADOPTION OF COMMITTEE REPORT

The Committee Report on the Activities of Unlawful Organisations was unanimously adopted. The proposal to adopt was made by Hon. David Koech, M.P and seconded by Hon. Elias Mbau, M.P. The Chairperson thanked Members and the secretariat for commitment and courage.

MIN.NO.72/2009 ADJOURNMENT

And there being no other business the meeting was adjourned at Twelve O'clock.

Signed



CHAIRPERSON

Date:

15/6/2010

ANNEX 2 - PUBLIC HEARINGS

PUBLIC HEARINGS HELD IN MURANG'A DISTRICT ON 19TH FEBRUARY, 2009.

PRESENT

Hon. Jeremiah Kioni, MP - Chairperson
Hon. David Koech, MP
Hon. Lewis Nguyai, MP
Hon. B.C. Muturi Mwangi, MP
Hon. Clement Wambugu, MP
Hon. Elias Mbau, MP

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

Ms. Lucy Wanjohi	Clerk Assistant
Mr. Tom Ongalo	Hansard Editor
Ms. Susan Maritim	Clerk Assistant
Ms. Nyaboke Omambia	Parliamentary Intern

COURTESY CALL ON THE DISTRICT COMMISSIONER – MURANG'A DISTRICT

The Committee arrived at 2.00 pm and was received at the District Commissioner's office by the District Commissioner; Mr. George Matembeya. The D.C was accompanied by Mr. Gasper Makau, OCPD, Mr. Harrison Meeme, DCIO and Mr. Stephen Macharia, SRIC/Intelligence.

The Committee Chairman Hon. J. Kioni introduced the Committee Members and staff from the National Assembly after which he informed the D.C and his team the objective of the Committees' visit, which was to collect views from all stakeholders including the public on the factors leading to the formation of unlawful organized organizations in the region.

Mr. Matembeya then informed the Committee that:-

- Mungiki was the main outlawed sect that existed in the District.
- The Mungiki sect was an amorphous outfit that thrived on threats.
- Petty thieves masquerade as Mungiki for the sake of instilling fear to the public.
- The sect has co-coordinators who assist in achieving its goals.
- The main activities of the sect are criminal in nature.
- They collect money from matatu crew and the owners, quarries and anybody with any little income.
- They are engaged in these activities as a means to a livelihood or employment; some of them have political ambitions both at the local level as councilors and also at the national level as Members of Parliament.
- The Mungiki have a wing that recruits members and watches over movement of security personnel and matatu owners in the Province.

- It is estimated that the group has a membership of about 50,000 persons spread throughout the district.
- The motivating factor to join this group is mainly lack of employment
- High level of school drop-outs, poverty, they are also enticed by politicians who use them during political campaigns, and who engage in irresponsible utterances, for example, “our community is being finished”, for their own survival and the urge to emulate the Kikuyu tradition.
- The procedure for admission entails oathing and anybody who turns away after taking the oath is beheaded. *(Pictures to that effect were shown to the Committee Members).*
- The Mungiki adherents have cards to identify them; either the Mungiki card emblemed “Freedom, Justice and Prosperity” or the Kenya Youth Alliance party card.
- The Kenya Youth Alliance Party and the Mungiki is one and the same thing. The Kenya Youth Alliance Party is meant to sanitize the latter.
- He proposed the way forward as strong legislation to deter would be recruits. He regretted that to date, no Mungiki member has been convicted as belonging to the outlawed sect due to lack of appropriate law.

Hon. Muturi advised that there was need to get key persons involved in the Mungiki activities talk to the Committee in confidence to enable it make sound and practical recommendations to Parliament.

PUBLIC HEARING AT THE MURANG'A SOCIAL HALL

The hearing commenced at 2.40 pm with the District Commissioner apologizing to members of the public who had been waiting for the Committee since morning hours. He further assured the public that the session enjoyed parliamentary privileges therefore no member could be victimized for giving any information to the Committee.

After introductions by representatives of various groups, the D.C welcomed the Committee Chairman to address the meeting.

The Chairman welcomed the public to the meeting and informed them that this was the first stop in their planned visits across the country and thanked them for being patient and turning up in large number.

He stated that the Committee was established by Parliament in July 2008 to look into the problems afflicting the Youth thereby leading to formation of organized groups, get first hand information from the affected persons, understand the problems posed by such gangs and the reasons for their existence in order to make recommendations based on first hand experiences. He also welcomed written memoranda and an opportunity to give views in camera for those who chose to do so.

He then invited the public to give their views in the following order:-

- Religious Groups
- Security
- Elders/Farmers
- Women representatives
- Civic leaders
- Youth Leaders
- Matatu owners and operators
- Business people etc.

Religious Leaders

A.C.K

Representatives from this group stated that the groups existed due to:-

- Poverty
- Coffee and tea income has gone down
- Political leaders use them for campaigns and then they abandon them
- Elected leaders don't plough back to the community
- Leaders forget/abandon the youth
- The idle youth then join the Mungiki sect as an alternative way of survival.

He stated that the church was not effective because, besides spiritual needs, it lacks the resources to help the youth sustain themselves and therefore, the youth do not find the church an attractive alternative to their needs for money and love.

As a remedy, he suggested

- (i) A needs assessment exercise to be carried out by the Government in order to understand the needs of the youth.
- (ii) The Mungiki adherents are normal people who should be talked to by the Government without being threatened.

Redeemed Gospel Church

He agreed with the first speaker but suggested a spiritual approach as the only way of changing the bad habits of the Mungiki sect members. He stressed the church and the word of God as the only solution to the youth challenges.

Youth Leaders

Mr. Samuel Wanderi- a youth leader in Murang'a Town stated that:-

- Youth killings by security agents is the reason for the upsurge
- Not all youth are criminals or belong to Mungiki and, therefore, should not be labeled so.
- The youth are arrested on flimsy charges and forced to agree to be members of the sect by the police. As a way of revenge, they end up joining the sect.

- 75 per cent of the youth in Murang'a are unemployed. They have therefore, turned to cheap alcohol.

As a remedy to the problem he urged the Government to:-

- (i) Distribute the Youth fund evenly and train the youth on how to manage small income generating businesses before the Youth Development Enterprise Fund (YDEF) money is disbursed to them.
- (ii) The Ministry of Youth and Sports should introduce sporting activities to occupy the youth in the constituencies to avoid idleness.

Mr. Waiganjo a Coordinator on Anti Drugs Abuse in the District stated that:-

- Laxity of the Government to confront the problem head on. He likened it to a mustard seed, which is bound to spread wide in the near future. The Government should not wait for the problem to run out of control before it takes action.
- He also cited youth unemployment and misuse of the youth by politicians as other reasons for the existence of Mungiki.
- The wide gap that exists between the rich and the poor has led to the youth joining the Mungiki.
- He said that these are youth mainly from poor backgrounds. He also reiterated the need for the police to desist from harassing the youth in the name of Mungiki.

He proposed that the C.I.D be used to identify the Youth to avoid rampant killings of innocent youth by the security forces.

The Chairman again urged members of the public to give solutions to the Committee and not to be repetitive. He informed them that the Committee wanted to know what other reasons led the youth to join the sect.

Another youth, a Mr. Andrew requested for openness in the operations of the Ministry of Youth and Sports and informed the Committee that:-

- The conditions of accessing the Youth Development Enterprise Fund money were prohibitive to the youth.
- He also stressed the need to reactivate sports activities in the district.
- That there is a lot of untapped talent among the youth, which should be nurtured, and the police should differentiate between Mungiki from youth from the Kikuyu community.
- There should be a stop to arbitrary youth arrests and executions in the district. They should take time to identify the real Mungiki sect members
- The Mungiki do not fleece people completely; they simply share in the earnings of others.

- He decried the culture of recycling the old people whenever job opportunities in the villages arise e.g., the CDF and other Government projects in the district and constituency.

He proposed that the youth should be allowed a chance to manage some of these projects.

Hon. C.M. Wambugu asked members of the public to tell the Committee how the Mungiki sect has affected them.

The Chairman also dissuaded them from thinking that it is only non- accessibility to the YDEF and unavailability of sports that has led to the increasing number of persons joining the Mungiki sect. He asked for concrete measures that the public thinks that Parliament should put in place to curb the upsurge in membership. He stressed long term solutions other than short term.

The Chairman also sought to know the effects of Mungiki on the community.

oech wondered whether the youth are arrested arbitrarily in the whole country and whether they would still be arrested if there were no Mungiki. He wanted wananchi to offer strong solutions to the Mungiki menace, which can be put in the final report of the Committee.

Matatu Industry

Mr. Francis Githinji a Kamuma Sacco official informed the Committee that:

- Matatu conductors are continuously arrested by the police on flimsy charges while soliciting for bribes which range from Kshs 1,000 to Kshs2, 000.
- Police had a penchant to arrest uniformed matatu crew who ended up disappearing.

He stated that the only way to root out the Mungiki is to involve youth in productive engagements.

Bedan Kihara-Chairman, Kamuma Sacco appreciated the visit by the Members of the Committee and hoped that their recommendations would be adopted upon presentation of their report to Parliament.

Mr.Kimani –Treasurer –MTN Sacco stated that

- Mungiki is a cultural movement and it is not criminal to be a Kikuyu.
- Recruitment to the movement takes place during transition from boyhood to manhood, precisely, circumcision in the villages. That is the time when oathing takes place.
- Harassment of the youth by police officers. The youth therefore, join the sect in order to seek revenge.
- The Mungiki also lure the youth with money. They offer them loans where the Government agencies have put strict rules to accessing loans. They therefore, serve as

an alternative Government. They operate as alternative Sacco or financial lending institutions.

- In the matatu industry, he noted that police roadblocks have failed to regulate the operations of the industry. The Committee was informed that the matatu industry has embraced bribery as a way of life.

He proposed that:-

- (i) The cultural rites of passage should be well managed or move away from this traditional circumcision.
- (ii) Self-regulation mechanisms to be put in place in the matatu industry.

Mr. Manyeki a matatu stakeholder also stated that:-

- The most harassed persons by Mungiki members were those in the matatu business; the owners and the crew.
- Matatus' make daily payments to the Mungiki sect, payments, which are receipted. They even have inspectors who ascertain whether this has been done or not. Failure to pay leads to severe penalties.
- The Mungiki kill the matatu crew, the owners, innocent wananchi and even the police.
- He said that it would be hard to do away with the Mungiki sect because it has political godfathers in Parliament who keep crying wolf whenever they are also killed.
- He wondered why there were a lot of police roadblocks in Central Province than any other part of the country and the police seemed eager to enforce the traffic rules in Central Province at the expense of facing off robbers.
- There are many learned youths who have no jobs.

As a way forward he proposed that:-

- i) Enact legislation geared towards assisting the youth
- ii) Conduct seminars at the grassroots to educate the youth
- iii) Assign a policeman to every matatu bay to ensure that the matatus move
- iv) Introduce local industries to create jobs for the youth
- v) Security forces to fight crime and desist from arresting young men in the name of "mungiki"

The Chairman asked wananchi not to politicize the issue but assist the Committee to find tangible solutions to the menace.

Business Community

Fr. Gitonga

- Asked the police to protect the matatu business from harassment by the sect.
- They should desist from taking bribes, which has become a norm.
- The Government should revive the textile industries that collapsed.
- We should embrace local industrialization.
- He asked the Government to deal with criminals and not to label them before taking action.

He proposed that:-

- i) All prisoners and remandees should be engaged in productive work in the dry areas of the country through digging boreholes and dams.
- ii) Members of Parliament should introduce development-related motions to Parliament.

Duncan Maina informed the Committee that:-

- Lack of school fees by many school children has made them easy targets of the sect.
- Many youth sat for exams but have been denied certificates by head teachers. They can therefore not find employment and joining the sect becomes a better landing pad.
- Lack of identity cards has also hampered youth from venturing out of the villages to look for jobs. They end up joining the sect.
- The continued confinement of the youth in prisons has also aggravated the situation. Prisons and remands have turned recruitment and training grounds for Mungiki.
- Bribery for employment or the godfather syndrome during interviews has demoralized many youth and endeared them to the dreaded sect.

He proposed that:

- i) The CDF Act should be amended so that projects geared to assisting the youth are funded.
- ii) Parliament should come up with legislation to ban the misuse of gangs or idle youths during campaigns.
- iii) Politicians should rise to the occasion and not hide behind their communities when faced with challenges.

Women Groups

Jacinta Muthoni Mwangi stated that:-

- Women are the backbone of the Society
- In the past women used to form women groups to form saccoes to help each other financially
- Today women meet to contribute foodstuffs to one another

- The cost of living is high and every member of the family is forced to go look for something to help the family
- The youth are adults and need to fend for themselves, they join the groups to sustain themselves

She proposed that:-

- i) Governments assist women through micro financing institutions so that they can take care of their families without having to involve the vulnerable youth who in turn join the sect.
- ii) The Minister for Provincial Administration and Internal Security should stop the arbitrary arrests of youth from the district. They should be listened to and not killed.

Ms. Wangeci Njoroge informed the Committee that:-

- Mungiki was a criminal sect whose way of life is horrifying.
- They have instilled a lot of fear among women who have to undergo forced circumcision rites.
- Women who undergo this dehumanizing rite of passage are in turn threatened never to talk about it or risk losing their lives.
- There was no difference between Mungiki sect and the Kenya Youth Alliance Party and the party should be deregistered.

Councilor Catherine Wanjiru suggested that the youth should be empowered financially and engaged in various sporting activities at the village level to dissuade them from engaging in criminal activities by:-

- Buying Motor bikes for them
- Introduce Sporting activities to keep them busy
- Irrigation should be encouraged in the district as a way of earning a living.

She informed the Committee that agents who engage in the recruitment of youth into the Mungiki sect are paid Kshs2,000 for any every young person recruited.

Teachers

A retired teacher Mr. Kariuki stated that:

- The youth become vulnerable to Mungiki after they fall out of school due to lack of fees.
- There is recruitment into the Mungiki sect in schools.
- The Mungiki even pay school fees arrears for students whose parents are unable to do so, on condition that they join their sect.
- Mungiki is made up of two groups; real hardened criminals and mere extortionists. The extortionists' take money and issue cards.

Farmers

Farmers decried the collapse of the coffee sector in the district and the high interest rates charged by micro-finance institutions. The Committee was also told that the youth despise farming because it is no longer lucrative. They therefore, prefer to join Mungiki where they can make quick money.

Community policing

Mr. Benjamin Gachagua stated that:-

- They are supposed to cover a vast area with a large population of over 400,000 people thereby making it difficult for security agents to get information
- They also cited historical injustices from the colonial era where home guards and their children were the beneficiaries at the expense of the rest of the population.
- Chiefs and their assistants also deserve police security because they risk being culprits of the Mungiki wrath.
- The general public have been let down by the rich political class in the country.
- The Mungiki are such an amorphous outfit that cannot be easily identified and that the sect started as a religious or cultural organization, but poverty led them to criminal activities in order to survive.

Civic Leaders

- They decried the lack of cultural events in Murang'a district. This in turn has created a cultural vacuum, which is being exploited by Mungiki. That Mungiki are thought to be taking back people to their roots and disguised themselves as moralists.
- They cited the unmanageable administrative boundaries as one of the reasons for not being able to provide good leadership and adequate security to the people of Murang'a.
- Mungiki's first activities were felt in the matatu industry where they got employment. But since all of them could not fit in the industry, they decided to venture out into other avenues that could generate money for them.
- The girl-child campaign was also cited as one of the causes of strengthening the Mungiki sect.
- The church leadership was also blamed for having ignored the youth. The youth are neither embraced nor given opportunity to lead in the churches. However, they felt that freedom of worship should not be curtailed as long as it was done in the right way.
- They decried the culture of bribery during interviews to the Kenya police, administrative police and the armed forces of the country. It was alleged that the youth asked to pay as much as Kshs 100,000 in order to get a chance in the disciplined forces.

Mr. Peter Ngugi suggested that the problems of the youth can only be solved by youthful leaders and not the old generation who seem to have a wrong attitude towards them. The youth feel that they are not trusted.

The Mungiki is on the rise because the older generation has ignored their plight and is busy amassing wealth. The youth therefore engage in illegal activities in order to compete with them. They also engage in draconian ways in order to force the Government to listen to them so that their problems can be sorted out.

Parents were also blamed for having neglected their parental duties. They have failed to instill discipline in their children and in some cases side with their children when they engage in criminal activities.

“In order to end the Mungiki menace, the buck stopped with the politicians” That is how the people of Murang’a summed it up.

Way-forward

- i) Compulsory free education for persons below the age of 18 years,
- ii) Creation of employment opportunities at the grassroots level for the youth,
- iii) Issuance of land title deeds to deserving families
- iv) Legislation is put in place to ban politicians from engaging the youth in criminal activities during campaigns.
- v) Cultural events should be revived but controlled in order to fill the gap that presently exists.
- vi) The boy child has been ignored in accessing education and employment opportunities in preference for girls, thus rendering the boy child illiterate and unemployed.
- vii) Importation of unskilled labour especially of Indian origin into the country should be discouraged in preference to our own youth.
- viii) The landless or squatters in the district should be settled.
- ix) Creation of manageable administrative boundaries in the district.
- x) Parental guidance should be emphasized.
- xi) Encourage irrigation.
- xii) Employ 10% of youth in all sectors.
- xiii) Illicit beer should be banned.
- xiv) Encourage local tourism-there were many tourist sights in Central Kenya which can create employment e.g. wangu wa Makeri sight.
- xv) Youth fund should be made easily accessible to the youth by making the conditions favourable.
- xvi) Stop publicizing mungiki activities since criminals use the name.
- xvii) Freedom of worship.

The Chairman closed the meeting with a word of prayer.

SITTING OF THE SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS HELD IN NYERI ON 20TH FEBRUARY, 2009

PRESENT

Hon. Jeremiah Kioni, MP	-	Chairperson
Hon. David Koech, MP		
Hon. Lewis Nguyai, MP		
Hon. B.C. Muturi, MP		
Hon. Clement Wambugu, MP		
Hon. Elias Mbau, MP		

NATIONAL ASSEMBLY

Ms. Lucy Wanjohi	Second Clerk Assistant
Ms. Susan Maritim	Third Clerk Assistant
Ms. Nyaboke Omambia	Parliamentary Intern
Mr. Tom Ongalo	Hansard Editor

PROVINCIAL ADMINISTRATION

Mr. Ong'ayo - Deputy Police Commissioner
Mr. Kaaria Mbaria – District Officer – Tetu
Mr. Mwangola – DO 1

The Committee arrived at the Central Province headquarters at 11.20 a.m and was received by the Deputy P.C who gave apologies on behalf of the Provincial Commissioner, Mr. Rugut who had travelled to Nairobi for a pre-arranged meeting

Mr. Ong'ayo gave a brief background of the Province as follows:

- It has 27 districts, 56 divisions, 227 locations and 789 sub-locations.
- This was in keeping with the Government's policy of moving services closer to the people as envisaged in the Vision 2030.
- Comparatively Central Province is well endowed agriculturally though with a very high population of about 4.2 million people.
- The Province still faces challenges such as high poverty levels, poor infrastructure, high rates of youth unemployment, high rate of school drop-outs which impact on the socio-economic dynamism of the area.
- The main known unlawful organization in the province is Mungiki, which poses a great threat to the region's economic development.
- Insecurity posed by the Mungiki sect has even led to some shopping centers in the province to close down. If its activities are not tamed many more will close down.

- However, their upsurge is well planned and organized.
- Just like any other organized groups in the country, the Mungiki have sucked themselves in crime because of economic, social and political reasons.
- Mungiki started a religious grouping which wanted to take the Kikuyu community back to their culture. When the Government outlawed the sect, it went underground so as to conceal its activities. However, its influence is strong in many parts of the province and they are also free for hire.
- The sect evolved from a point of social neglect in society and later on assumed a political line when it had matured.
- Most of the youth join the sect to get identity because they feel that society has neglected them; identity crisis.
- The Government has however maintained its old approach to fighting criminals where crime is met with some force. This in turn has been baptized “extra-judicial killings”. He described it as use of “reasonable force” to subdue the perceived enemy (Mungiki), given the crude manner in which the sect members also treat their victims in their in a bid to silence them.
- Matatu operators are also the other main targets of Mungiki.
- In what he referred to as “normal police crackdown”, there are bound to be casualties. He however, reminded the Committee not to lose site of the fact that these casualties are borne by both sides; the police and the Mungiki. He presented to the Committee bizarre photographs of beheaded victims, allegedly by the Mungiki sect members.

He made the following proposals to combat the Mungiki upsurge:

- (i) Effective use of security interventions.
- (ii) Increase in surveillance awareness.
- (iii) The need for police officers to undergo security drills.
- (iv) Enhance the collection of security intelligence information.
- (v) Take care of vital installations i.e., electricity installation points, water sources, information centres, et cetera, and increase police surveillance on the above points on a 24 hours basis.
- (vi) Politicians should co-operate with the central government and the security agencies of the country.
- (vii) Address the unemployment problem and other ills that affect the society
- (viii) The three arms of government should work in harmony to curb the menace.
- (ix) The Government should revise the conditions of disbursing money to youth funds since the appointed agencies created the roadblocks, for example, collateral and other stringent rules, making it impossible for the youth to access the funds.

- He identified the major areas where Mungiki activities were so prevalent in the district as the large Murang'a and the Nyeri area adjoining Murang'a, while Laikipia and Nyandarua are mainly recruiting zones.
- Finally, he warned that in future, if this trend goes on unchecked, class wars could soon erupt.

The Chairman thanked him for the brief and spelt out the objectives of the Committee as mandated by Parliament through a House resolution passed on July 23, 2009. The Committee wanted to establish:-

- whether there are other sects in the province apart from the known ones;
- how they function;
- why the Mungiki is still growing despite efforts by the Government to stop its activities;
- How effective the methods being used to control the menace are and what solutions could be offered.

He warned against extra-judicial killings as enumerated by wananchi in Murang'a and the negative attitude that seems to exist between the police and the youth.

He informed the Deputy P.C., of alleged recruitment taking place in police cells and questioned the ability of the CID to investigate the operations of the organization.

He also informed the Deputy P.C. that the people of Murang'a District had claimed that there were some police officers who were working in cohort with the Mungiki members.

He however, reiterated the Committee's determination to get raw information from the public, who are the affected persons. He clarified that the Committee was not investigating but wanted to get information as a social friend and not an adversary.

Hon. D. Koech inquired whether there were any statistics on the extent of Mungiki in the Province.

The Deputy P.C informed the Committee that this information was not readily available. However, he pointed out that there was need to increase the ratio of police presence in the Province.

Hon. D. Koech wondered whether the Mungiki target anybody who has something to give them and whether the fight to combat the group was succeeding. He also wondered whether the police roadblocks were a cause for alarm.

The Deputy P.C. informed the Committee that there is impunity in society where whereas the police are paid to protect wananchi and enforce traffic rules in the matatu industry, a weak institutional base has made this impossible. They instead mount the roadblocks so as to take bribes, especially from the matatu crew.

He suggested that in future the law could be changed where the Local Authorities would then control traffic operations in the municipalities and out councils.

Hon. Muturi decried the use of excessive force by the police on the youth. He also raised alarm over recruitment into the sect through schools and police cells. He noted that the Committee had also been informed that the Mungiki sect financed some student's school fees in some cases. It had become a social welfare organization.

Youth arrested while coming from burials or wedding ceremonies are labeled Mungiki whereas it is always not true. This has resulted in the youth losing self-confidence. He decried excessive use of force by the police against the youth in Central Province. He suggested that there should be change in approach to youth matters in the province. The local administration should also be retrained and educated accordingly.

The Chairman noted that the labeling of all criminals as Mungiki was an excuse by the police. The police showed laxity in investigating criminal activities and instead took short cut by labeling them Mungiki.

Hon. Wambugu blamed the police for rounding up youth as Mungiki, but not charging them as such. It is appalling that no single person has been charged as belonging to the outlawed sect. The Committee noted that Mungiki threaten politicians for not doing what they want and the situation was serious in Murang'a District.

Hon. Muturi asked the Government to accept that the Mungiki menace is a social problem that came about as a result of the collapse of the coffee and tea sectors.

Hon. Wambugu suggested a realignment of boundaries to ease their management.

The Chairman hoped that the plan to turn all districts into constituencies would become a reality.

The Deputy P.C. emphasized that Mungiki was a statement that society had neglected the youth. He observed that maybe it was not right for the Government to use force to de-oath them. Traditional means of de-oathing should be found out.

Hon. Muturi called upon the church to intervene in solving this menace.

The Chairman thanked the Deputy P.C. for that insight and the Committee left for King'ong'o Maximum Prison.

VISIT TO NYERI MAIN PRISON

Mr. Stephen Kabiro (SSP) Officer in Charge, Nyeri Main Prison, welcomed the Committee at the Prison.

Mr. Kabiro informed the Committee that:-

- The physical capacity of prisons was overstretched with the prison holding 1,468 prisoners against a capacity of 600 prisoners.
- Recruitment could be taking place in the prison, but it is very secretive and not complete, because it is not possible to do oathing in the prison. The Mungiki hide their identity while they are in prison.
- That most of the youth prefer making prisons their homes while most of the jailbirds suffer culture shock when they get released from prison because it takes a long time for them to be reintegrated into society. The immediate family members are usually not ready to readmit them and in some cases, they discover that their property has been shared out among the relatives and friends.
- He informed the Committee that despite many Mungiki members being arrested none appeared in the committal papers as having belonged to the sect; the charges are always different.

The Officer –In-Charge proposed that an after care service or department be formed to rehabilitate former prisoners since the probation service is not adequate.

The Committee then proceeded to interview three prisoners as follows:

1. Isaac Wachira Wangari, Criminal Case No.41/09 a robbery with violence prisoner;
2. George Gitonga Mwangi, Criminal Case No.1543/06, in possession of bang; and,
3. Mr. Francis Weru Mbuga a murder suspect.

Mr. Gitonga, 30 years old was brought into prison with charges of possession of bhang. He was recruited into the sect in the year 1999 in Othaya, Central Province. When he joined the group they began going to stages to collect protection fees and they had an encounter with another group and a conflict broke out. He fled from his home area to Nyahururu where he lived with his grandfather for one year till they were recalled and were told to pick letters from the D.O's office stating that they had left the sect. A man called Kenda came and started recruiting the young men to go and collect money from the stages so that they could fend for themselves. Inspector Nzau became partners of the warring faction and started looking for the other group and started killing them. He mentioned one rule that is existent; if one leaves the group then he shall die through beheading. He told the committee that most of the young men who join the group are idlers. He said that there is a leader for every group of thirty so that information is disseminated appropriately.

Mr. Gitonga was willing to change upon serving his sentence if he does not go back to Othaya and upon getting finances to start business elsewhere.

Mr. Francis Weru Mbuga, 30 years is accused of murder. It is said that he attacked a patient at Provincial General Hospital Nyeri in November 2008. He was a matatu driver in Othaya and was attacked by criminals the day that he was suspected of the crime that he was charged for. Since then, his brother David Maina Mbugua and a man mentioned as Mutwa have disappeared. He said that the police work together with Mungiki and they even collect fees on the roads in Central Province and offer a receipt for the money that the matatu has paid. He suggested that the government to try and reduce the number of idle youths by creating jobs or activities for them.

The other two were not willing to give in. They however, cited lack of employment and arbitrary arrests as one of the reasons for joining organized groups.

They also informed the Committee that some policemen shared funds with the squad.

The Chairman thanked the prison management for their co-operation.

COMMITTEE SITTING AT THE NYERI MUNICIPAL HALL

The committee arrived at the hall at 4.00pm and was received by Mr. Kaaria Mbaria, District Officer, Tetu.

The Chairman introduced members of the Committee and staff, gave a brief background on the formation and objectives of the Committee. He then invited the public to give their views and assured them that this was a parliamentary sitting that enjoyed all the privileges associated with Parliament.

Religious Groups

Mr. Murimi Majid Supkem stated that:-

- Mungiki activities were not very rampant in Nyeri District, but were increasing in number.
- The groups were increasing due to Poverty, unemployment, misuse of youth by political leaders and the rich who introduce them to money and liquor in exchange for protection.
- Parents and leaders had ignored their responsibility while religious leaders were not preaching peace and spirituality.

Peter Ndigirigi Muchemi informed the Committee that

- The upsurge was as a result of religious groups being denied land or opportunity to preach
- Mungiki should be allowed to worship
- Unemployment due to corruption especially in the armed forces
- Poverty leading to crime
- Arbitrary police arrests.

He proposed that the Mungiki members should be allowed to go on with their religious activities while employment in the Civil Service should be transparent and squatters should be settled.

Farmers

James Karimi stated that:

- There is no more land for the youth to inherit.
- Unemployment and Poverty leads to negative attitude towards the rich.
- Government has failed to protect its people.
- Cultural vacuum.
- The Government was also blamed for interfering with organized groups even when they were not intent on engaging in criminal activities.

He proposed that the Government should start industries at the grass roots level and revamp the coffee and tea sectors.

Transport Industry

Jimnah Obedi stated that:

- Council by - laws were punitive to the operations of the youth.
- The youth have also lost confidence in the security agents of the country.
- No action against Mungiki sect members.

Civic Leaders

Councillor John Gicheha-Tetu stated that:-

- Poor parenting and lack of financial support has led the youth to the organized groups
- Young boys exposed to the gangs since they are let loose at an early age
- The youth not exposed to Christianity
- Illiteracy levels were very high
- Unemployment
- Identity crisis-the youth idle around shopping centres thereby becoming easy target
- Stringent conditions to the Youth Fund, the security required to access the money is out of reach
- Squatter problem
- Neglect of the street families

Way-forward

- Make youth Fund accessible to the Youth.
- Educate parents on the need to distribute property to the children
- Transparency in recruitment to the armed forces.
- Recruitment and distribution of resources should be commensurate with the population.
- Legislation to compel parents to take care of the youth until adulthood.
- Equal distribution of resources.
- Train the Youth on cultural matters.
- Introduce District Industrialization program and fund.

Kenya National Youth Alliance Rep-Macharia Benjamin attributed the menace to:

- Poor leadership-policies do not address the grassroots e.g education is for the rich people
- Extra-judicial killings due to poor investigations
- Poverty

He proposed that the youth fund be availed to the youth to enable them start small businesses to support themselves.

Squatters

Representatives from Witemere Village, Chania stated that:

- Policemen were lazy and not ready to investigate who belonged to Mungiki and who did not.
- Other problems include, the shoot to kill approach towards the youth by the police,
- Abuse of human rights of perceived Mungiki members,
- Police extortions
- Selfish interests of politicians who do not mind the welfare of the people at the grassroots level,
- The gap between the rich the poor, poor investigation systems and the squatter problem.
- Poor pay (Kshs120 per day) to coffee and tea harvesters has led to apathy.

The Chairman of the Committee thanked the community for being patient and undertook to make appropriate recommendations that will address their plight.

The Committee adjourned its sittings at 6.00 p.m.

PUBLIC HEARINGS AT THE EASTERN PROVINCIAL HEADQUARTERS EMBU ON THURSDAY, 19TH MARCH, 2009

IN ATTENDANCE

Hon. Jeremiah Kioni, MP - Chairperson
Hon. Elias Mbau, MP
Hon. Muturi Mwangi, MP
Hon. Isaac Muoki, MP

KENYA NATIONAL ASSEMBLY

Ms. Lucy Wanjohi
Mr. Tom Ongalo

PROVINCIAL ADMINISTRATION

Mr. David M. Jakaiti - P.C. Eastern Province

The Committee arrived at the Eastern Province Headquarters, Embu at 11.30 am and was received by the Eastern Provincial Commissioner, Mr. D.M. Jakaiti.

The Chairman introduced members of the Committee and outlined the mandate of the Committee and its objectives. He explained that the Committee was interested in finding out the opinion of Kenyans about unlawful organizations; whether they exist in Eastern Province, why they exist, why they are growing in numbers despite the Government's efforts to stop their activities and what can be done to stop their activities and their increase in numbers.

The P.C., Mr. Jakaiti explained that:-

- There was general crime and insecurity in Eastern Province, just like any other province in Kenya.
- Insecurity here was unique
- It was also very challenging since Eastern Province is the second largest Province in the country.
- It is composed of pastoralists, agriculturalists and businessmen.
- Prevalent is the issue of cattle rustling, mainly in Isiolo, Moyale and Garbatula areas.
- Their activities are not organized, but the pattern is along clanism lines with the latest incidents between the Samburu and the Borana.
- The Meru do not steal cattle from the Samburus and Borana, but the latter steal from the Meru community.
- There is banditry as a result of the number of firearms in wrong hands.

- The bandits stop vehicles and rob the passengers, but they are not organized as such. They are not an identifiable group. They are simply criminals.
- Along the border, there exists the OLF, which is a military wing in Ethiopia. They are from the Oromo community, but they have sympathizers in Kenya.
- The Provincial Administration together with their counterparts from Ethiopia often carry out simultaneous military operations along the two borders. They attach officers from Kenya and Ethiopia to security agents of the two countries to comb areas suspected to harboring OLF members, but there has not been any trace of their presence in Kenya. When they cross the border to the Kenyan side, they melt into their kinsmen looking for food. There is no evidence to link banditry to the OLF group.
- The rest of the Province only experiences normal crimes arising from poverty. At the moment, drought is very severe and people could engage in criminal activities to get food.
- He emphasized that organized groups do not exist in Eastern Province.
- In Athi River, which borders Nairobi, there are traces of Mungiki, a result of the spillover effect from Nairobi.
- During the run up to the 2007 General Elections, it was rumoured that there was an attempt to recruit members from Embu, Chuka and Meru. In Kyeni, it was also reported that a few people were said to be recruiting, but none was arrested.
- He stated that if there are any members of the sect from the area, they do not operate from that area.

Hon. Mbau wondered why there were no organized groups in Eastern Province and yet the area was vast.

Hon. Muoki explained that in the Ukambani part of Eastern there used to be some groups like King'ole and Kilunda, but they have since been subdued.

The P.C. informed the Committee that the only known incident is where people are killed and dumped in Ukambani, but this was not organized crime. In some cases, bodies without heads were identified, but there was no evidence to link them to Mungiki. Generally, he has not come across organized criminal gangs in Eastern Province.

The Chairman wondered why this was so in Eastern Province.

The PC attributed the non-existence of organized criminal gangs in the Province to:-

- A stable economy in the Meru and Embu region
- Religion and culture in other parts of the province.
- The issues Mungiki subscribe to are not popular among the people of Eastern Province.
- On a political angle, he observed that whatever goes on in Central Province is generally resisted in Eastern Province.

- The Embu are generally reserved people. Most businesses in the Province are run by persons from Central Province. The Kamba and Meru are fairly aggressive, but the Embu only complain but they are silent.

The Chairman informed the PC that from evidence received elsewhere, politicians were being blamed for aiding organized groups during the electioneering period.

Was the situation the same in Eastern Province?

Mr. Jakaiti explained that fortunately, politicians in the province do not involve gangs in their campaign teams. In Meru, the Nchuri Ncheke, which is a cultural outfit, plays a major role in determining who goes to Parliament. In the upper eastern side, for example, Isiolo, clans and alliances played a big role in determining who goes to Parliament.

The Chairman noted that either way politicians had a role to play whether positive or negative. They can bring sanity or insanity in a region.

The PC explained that Members of Parliament faced a lot of pressure from the people. If a politician gives into this pressure, he can be a captive of gangs. However, the current crop of politician is very accommodative.

In Samburu, for example, there are certain declarations which guide the way people relate and even mete out punishments.

Hon. Muturi asked how they deal with banditry in Marsabit.

The P.C explained that peace talks and the Modogashe Declaration had helped to keep tempers down. It states that if a community, for example, steals 10 cows, the other community is given double the herd until they are found. So, the community supervises itself.

The Chairman blamed the breakdown of traditional structures in Central Province as a fertile ground for Mungiki.

The PC explained that unlike Central Province, land is communal in upper eastern. Issues to do with grazing rights and water points are discussed at the community level. The Provincial Administration only regulates grazing land.

In Meru, the Nchuri Ncheke plays a very pivotal role in decision making. Even when the Government did away with tribal organizations, it was left intact.

The Nchuri Ncheke resolves disputes and does not fight the Government. They support the Government of the day. It has been dealing with land disputes for over 40 years. Nobody is allowed to use the organization to achieve his or her ambitions. It is a very strong cultural outfit that cannot be compared to any other.

The Chairman wondered how the politician and the community could assist in security operations.

Mr. Jakaiti explained that the existence of all these organizations; the Taliban, Sungu Sungu, Mungiki and the rest is as a result of economic issues. They should therefore be engaged in economic activities. He hailed the recently launched Kazi Kwa Vijana initiative.

The PC noted that there was a lot of untapped potential in Ukambani. They have a potential of exporting fruits, but there is no value-addition, the marketing strategies are poor with the emerging cartels that dictate terms and frustrate new entrants.

The Co-operative movement should assess the problems of farmers from the region.

The Chairman observed that the cartels could breed other security issues. They could mutate into armed groupings.

Hon. Muturi noted that if the youth are engaged in self-help groups for economic gain, they could do away with the cartels.

The Chairman again observed that individualism in Central Province could be giving rise to these groups.

Hon. Muturi gave an example of the economic depression in the 1930s when the American Government engaged the population in digging up man made lakes to provide employment and conserve the environment.

have been The PC informed the Committee that community policing could started with positive intentions but selfish interests and the corrupt, for example, the police, fought it to retain the status quo. There was no follow-up to maintain and sustain their operations in an organized manner.

It was borrowed from Tanzania and Uganda, but there was no proper research done before its implementation.

In some cases, he observed that the Kenya police and the Provincial Administration were talking differently. If community policing is repackaged, nothing will happen at the grassroots level without the prior knowledge of Government security agencies.

Hon. Muturi wondered whether the Government usually pays community-policing youth.

The PC informed the Committee that whereas chiefs and assistant chiefs presently earn some salary, this used to be voluntary work. He observed that the village elders below assistant chiefs; Mukasa, Kokwet or Likuru knew their role at the time of recruitment. Payment was mostly gotten from fines that were gotten from way ward villagers.

He suggested that community policing should involve the youth, the elderly, women, church representatives and other trusted people who the community has faith in. They should be people who can stand by the truth. He observed that in the current set up, the elders had been left out. The chosen persons should be under the command of the OCS and the OCPD.

Hon. Muturi regretted that the concept had been misunderstood.

The PC said that there should be change of attitude among politicians, civil society and wananchi. The old school of thought that it was the duty of the Government to protect its citizens should be shunned. The Government cannot work in isolation. People should not only be told their rights, but their obligations too.

Hon. Mbau asked for the reorganization of community policing. He observed that in Kisii the sungu sungu were being used positively by the Provincial Administration, though in some cases they went overboard. Probably the youth should be integrated to work with security agents. Community policing should be harmonized countrywide and made to work.

The Chairman thanked the PC for that brief about the security situation in the Province. He observed that the Committee had gained immensely from the expose. He informed the PC that the solution to the problem of illegal groupings was with the people themselves alongside other Government interventions. The Committee was however, very grateful to the PCs candid talk.

The Committee then met with the District Security team led by its Chairman, Mr. M. A. Maalim, District Commissioner, Embu.

COMMITTEE SESSION WITH THE EMBU DISTRICT SECURITY COMMITTEE

The District Commissioner, Embu Mr. M.A. Maalim, welcomed the Committee.

The Chairman introduced himself and other Members of the Committee. He also outlined the mandate of the Committee to the team and hoped to have an open session with them.

He particularly informed them that he was interested in knowing whether these organized groups existed in Embu. If they did not, why is the situation so and what lessons can the Committee learn from Embu to export to the affected areas?

Mr. Maalim stated that:-

- In certain cases, vigilante groups become terror gangs.

- Community policing should be reorganized and recognized so that its members can be identified openly.
- There was no known organized group in Embu District.
- In the run up to the elections, December 2007, there was prior intelligence information that oathing was taking place in Kyeni, Karunduri Village. The security team moved swiftly and managed to apprehend 21 suspects with what looked like oathing paraphernalia. There were specific people picked from Embu and Mbeere.
- A beheaded body was once dumped in Embu town and the head collected in Kutus.
- The impact of any illegal gang in Embu is less, but there were serious attempts to have a stronghold in the region.
- From his past working stations, politicians have a role to play in mobilizing gangs in areas where they exist.
- Where suspects belonging to some of these organizations are arrested there was no sufficient law to charge them for belonging to an illegal gang.
- Parliament should enact a punitive law to punish these people ruthlessly given their crude way of operation. In some cases, they torture a culprit by way of skinning him alive before they behead him.
- Human rights should not be applied subjectively because in some cases, they demoralize security agents who are also affected.
- Attempts have been made to come up with the Gangship Law and that drafts are available with the Permanent Secretary, Provincial Administration and Internal Security. It outlines methods to deal with illegal groupings.
- Illegal gangs bring disorder and chaos in the matatu industry. The Local Authorities seem to have lost the management of matatu bus stops and termini.
- Where they exist, all attempts are being made to make sure that they cease to operate. He was happy that countrywide, the public was not for them.
- In Embu, there exists a council of elders known as Nyangi Mbiriri who check the penetration of Mungiki into Embu. They work with the Provincial Administration to build confidence among the residents.

The Chairman reiterated the need for Members of Parliament to appreciate the role of other arms of Government. They should work together so as not to loose the war on curbing the increase in numbers of illegal groupings.

He underscored the need for the public to join in the debate so as to equip the Committee with the necessary facts to be presented to Parliament.

Hon. Mbau noted that law enforcement officers have been demoralized in areas like Nyeri. The Philip Alison Report on Judicial killings seemed to have fanned the activities of Mungiki.

The DC warned the Committee that not every person, especially, foreigners were for the stability of Kenya as a country. Therefore, not all that was reported was correct and for the good of our country.

Hon. Mbau questioned the ability of Local Authorities to control bus parks and termini in the country. He also wondered whether councils of elders were necessary in every village in the country.

The DC agreed that councils of elders were very necessary in every community. Every village could also form a peace community to arbitrate on local level issues before seeking court redress. Councils of elders, he noted, build confidence of the people in their own capacity alongside the Provincial administration.

He also suggested that probably the Kikuyu community should go back to their roots and form strong cultural groupings to check the activities of their own people, especially the youth.

Hon. Mbau agreed that if rehabilitated, the Mungiki youth could play a positive role rather than a negative one, as is the case at the moment.

The Chairman suggested that labeling groups or persons Mungiki or bandit could have a negative impact on their character. We should therefore, shun use of negative terminology on persons or communities.

Mr. Mohammed asked for scrutiny of the linkages between illegal groups. We should assess why Mungiki is so strong in Central Province. We should try to understand the historical perspective of Mungiki. It is an economic activity and that is why so many people are joining it.

Mungiki's operations are mainly felt in the matatu industry where they fraudulently obtain money.

He however noted that engaging in running battles with Mungiki may not be the panacea.

The Chairman suggested the fast tracking of the Money Laundering Bill to check some of these activities.

The DC suggested that we should use the lessons learnt from the activities of these groups to make strong legislation. In a nutshell these bespeaks of impunity in that has engulfed the country.

The Committee completed its sitting at the DC's office and proceeded to listen to views of the public.

The Committee adjourned at 2.00 p.m.

PUBLIC HEARING AT THE EMBU MUNICIPAL HALL

The Committee arrived at the Hall at 2.30 p.m and started with a word of prayer.

Mr. Maalim, DC Embu once more welcomed the Committee to Embu and asked the public not to shy from giving their views to the Committee openly without fear of intimidation. He thanked the public for coming in large numbers.

The Chairman introduced himself and other Members of the Committee. He briefed the public on the mandate of the Committee: That this is a select Committee of the House which had come to Embu to meet the public and security teams to know whether they exist in Embu, understand what can be done to curb the increasing number of organized gangs in Kenya. What leads youth into these groups? How effective have the various Government security agencies been in tackling this problem and who is to blame among other issues? He welcomed the views of the public starting with the religious groups.

Mr. Njuguna identified poor education policies as one of the reasons that lead to youth unemployment, idleness and therefore, a fertile ground to engage in criminal activities. Education policies are strictly academic. The youth have the wrong mentality that if you complete Form IV, you must be engaged in a white-collar job or formal employment. They therefore shun informal employment.

Drug abuse and the inability of the security system to respond to security matters was also mentioned.

Patrick Mwenda and evangelist blamed the country's leadership, which cannot be trusted by the citizenry. Unfulfilled promises have caused this lack of trust in the political leadership of the country. This has bred hopelessness and anger among the youth, who then look for alternative avenues where there is a sense of belonging and, therefore, being easy prey to illegal groupings.

Leaders were also blamed for not keeping secrets. The public and the country's enemies seem to know everything the Government intends to do, sometimes leading to sabotage of its activities.

Muhsin Gidi cited lack of employment opportunities for the youth in the country as one of the factors that lead them to lawlessness.

The youth have to bribe in order to be employed in the Public Service, especially the armed forces, the National Youth Service and the police.

Politicians were also blamed for engaging the youth in the culture of handouts. They misuse the youth as security shields during campaigns. The general moral decadence in society was also cited as another factor that moulded the untoward behavior among the youth.

The Chairman wondered whether politicians in Embu do the same.

Muhsin informed the Committee that fortunately, the politicians in Embu did not fully engage the youth in their campaigns. The lifestyle of the youth was such that most of them engaged in income generating chores.

Peter Kariuki Njeru informed the Committee that organized groups could only surface in Embu if the community allowed them to infiltrate. But at the moment, they have so far successfully managed to resist. The Embu people were described as generally polite people.

Youth idleness was alluded to the fact that the youth cannot access the Youth Enterprise Development Funds because they are not able to write proposals. He therefore, suggested the sensitization of the youth on proposal writing skills and generally, engaging them productively.

Mugo Wambugu Godfrey Lewis suggested the introduction of guidance and counseling lessons in schools by elders. The elders must not necessarily be paid but could be given a token. Lack of discipline in schools after the withdrawal of the cane has also led so many of them to criminality after completing their education.

Lack of proper parental care also makes many of the youth engage in reckless behavior, which is not easily discovered by the parents. Inflammatory utterances by politicians also incite the youth into taking the law into their own hands.

Misuse of religion by some churches to mobilize the youth into organized groups.

He said that as much as there were no illegal gangs in Embu there was fear that they could infiltrate from other regions.

Regulations in the matatu industry should be tightened to avoid the industry being an easy target for traffic officers to take bribes.

Micheal Njiru blamed it all on idling among the youth. He also cited the hard tackling tactics by the local council askaris in the bus parks, and market places as rendering the youth jobless and therefore, bitter with the system. They therefore engage in criminal activities to revenge against a system they think is unfair to them.

The Government should first carry out in-depth investigations into the activities of any particular group before criminalizing it. The security agents should monitor youth activities cautiously and not with the intention of arresting them on trumped-up charges.

The culture of businessmen and politicians bailing out criminals from cells endears many youth into criminal activities because they are sure of being released. They even use blackmail to extort money from businessmen and politicians.

The Government should embark on a major programme to form and support youth groups so that they can engage in productive activities.

Rosemary Mbega of Maendeleo ya Wanawake blamed the education system in the country, which divided pupils into private and public schools. Where those who have attend private and those who do not have attend public schools. This has caused the class system in our society. Those in public resent those in private schools and are easy prey for recruitment into organised groups.

Our children are socialised to believe that upon completion of education, they will get formal employment. When they fail to get employed, they become bitter and join organized gangs. The youth should be socialised to change their perception of issues and attitude to life. They should be ready to engage in informal employment.

The boy child should be socialised to desist from engaging in short-term economic benefits, which in most cases turn out to be criminal.

The broken down family units in some areas was also a recipe for children becoming unmanageable. For example, most families in Central Province seem to lack father figures. Women manage most family units. So, the boy child has no role model and tends to be wayward.

A corrupt legal system was also blamed for the increase in numbers of illegal gangs. The youth feel that they are imprisoned illegally because they cannot bribe. Upon release from prison, they join groups, which they think are sympathetic to them. In most cases, they are organized gangs.

The suggested remedies include the Government coming up with policies on nationalism from the village, to the constituency up to the national level.

Andrew Ireri Njeru a member of the Nyangi Ndiriri group blamed the elders for neglecting their responsibilities and identity. He stressed the need for different cultures to be upheld.

He suggested the enactment of the Kenya Parliamentary Council of Elders Act to give elders relevance in society.

Hon. Mbau asked how many members formed the Nyangi Ndiriri council of elders.

Njeru explained that they were composed of the elders from 45 years and above. Membership depends on the character of a person and the respect he wields among the group. They were about 800 elders.

Jane Muthoni cited idleness while Elisha Migwi cited landlessness.

Senator Shadrack Nyagah advised that there should be a limit to freedom of speech. Leaders should be good role models and not scramble for power. This scramble for power hypes tensions in the country that could even culminate in the formation of illegal gangs.

Hon. Muturi wondered where we lost this integrity.

Sen. Nyagah informed the Committee that landlessness is the root cause of all these problems. He suggested that the Government should strive to uplift the living standards of all Kenyans in order to avoid bitterness and rivalry among the citizens. This will do away with illegal groupings.

Roster Mbogo blamed politicians who engage the youth as security guards during campaigns and then later on abandoning them. The solution to the increasing numbers of gangs lies with the politician. If the politician stops mobilizing the youth during campaigns the youth may not have the capacity to mobilize themselves.

The rising number of street families should be checked. They were a time bomb waiting to erupt. The Government should strive to come up with industries at the grassroots level to avoid rural urban migration, which is a recipe for chaos.

Stephen Murithi blamed moral decay in society especially the television as influencing the youth negatively. The Government should censor television programmes. Council askaris were also blamed for the manner in which they treat small-scale traders in the markets.

Patrick Gichohi Francis Njagi complained about poor leadership in the country, which tended to have a trickle down effect. When the top leadership of a country is corrupt, the youth could easily engage in corrupt practices e.g., extorting money from wananchi.

Patrick alluded this state of affairs to stringent terms to access the Youth Enterprise Development Fund money and the high population growth. The Government should step up the family planning campaign.

Ileri Mukunji blamed politicians who incite the youth and misuse Government funds.

The DC thanked the people of Embu for their patience and for expressing themselves boldly and openly. He hoped the Committee had gained immensely from their views.

The Chairman thanked the Provincial Administration for facilitating the Committee and the public for having given their sincere views. The Committee had indeed, gained a lot from their views and would use them positively in coming up with recommendations.

He congratulated the people of Embu for resisting organized gangs in the district and closed the meeting with prayers.

Prayers.

PUBLIC HEARINGS AT THE MERU DISTRICT HEADQUARTERS ON FRIDAY, 20TH MARCH, 2009

PRESENT

Hon. Jeremiah Kioni, MP - Chairman

Hon. Muturi Mwangi, MP

Hon. Isaac Muoki, MP

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi

Mr. Tom Ongalo

PROVINCIAL ADMINISTRATION

Mr. W. O. Ogallo - D.C, Meru

Mr. Nyagah - SRIC

Mr. Mithamo - DCIO

The Committee arrived at the Meru District Headquarters at 9.20 a.m and was received by Mr. W.O. Ogallo, DC Meru and the District Security Team.

The Chairman introduced himself and other Members of the Committee. He gave a brief on the mandate of the Committee whose main purpose was to seek views from Government security agencies and the public on the existence of unlawful organizations in the whole country, with a view to coming up with a report to be presented to Parliament in the coming session. This will enable Parliament make new enactment to the law and influence Government policy in dealing with unlawful organizations or youth groups.

The DC welcomed the Committee to the District and informed the Members that there was no known organized group in Meru. However, in the run up to the General Elections in 2007, there was a group from outside the district which tried to recruit the youth into Mungiki, but they did not find a fertile ground to flourish. Apart from touts at matatu stages, there were no other youth groupings in Meru.

Why are there no organized gangs in Meru?

The DC explained that membership to a group demands that a person subscribes to the group's doctrine. This could be in the form of rituals and the thinking pattern of the group.

However, the District security team considered any unlawful grouping a threat to security and does not give it a chance to operate. They have also managed to maintain order at bus stages though with some resistance from touts.

In his experience, the DC informed the Committee that most youth groupings rise to a given cause, but subside after achieving their goal. Some of engage in the activities of organized group as a source of income due to their joblessness.

Mr. Nyagah the SRIC informed the Committee that every person has the right to assemble and associate. He was of the opinion that these groups should be registered when their activities become routine. They should not be criminalized outrightly. Instead, Government security agencies should investigate their objective.

What are the positive or negative aspects of Nchuri Ncheke?

The DC explained that Nchuri Ncheke was a cultural grouping whose operations were for all intents and purposes positive. This is a cultural grouping that has existed for many years. It is a group of elders that dictates how the Meru people live. These elderly men are believed to be of upright character.

The Chairman noted that it was encouraging that there were no organized groupings in Meru. However, he wondered what positive lessons the Committee could learn from Meru. Could the Nchuri Ncheke be the strong point?

Mr. Ogallo explained that there is no aspect of life in Meru that Nchuri Ncheke does not come in right from birth to death. They offer homegrown solutions and the Meru have lived with it from time immemorial. It is composed of old people. Conflicts among the Meru community are resolved communally.

Mr. Nyagah the SRIC informed the Committee that the activities of Nchuri Ncheke could be traced from Kirimara. The Meru have a strong attachment to traditional structures. The Nchuri Ncheke always supports policies of the Government of the day.

What is the security team doing to build on this?

The DC informed the Committee that the Government security agencies have recognized the role of Nchuri Ncheke. They quell conflicts and resolve marital and land feuds.

Does the Nchuri Ncheke play any role in the matatu business?

The locals manage the matatu business in Meru. These locals subscribe to the Nchuri Ncheke upbringing.

Hon. Muturi noted that the impact of the Nchuri Ncheke on the Meru community is very strong that Meru can be described as a closed society.

Do politicians involve the youth in their campaign activities?

Mr. Ogallo observed that luckily, politicians from Meru do not misuse the youth or engage them negatively during campaigns. The rate of idleness is also low and generally, the Meru do not react to political eruptions. Most of the youth are one way or another engaged in a productive activity e.g., picking, marketing and transporting miraa.

Mr. Nyagah the SRIC informed the Committee that there were attempts by Mungiki to penetrate the Meru area, but they were not able to because they were detected early enough. The Meru community is very cohesive. The Nchuri Ncheke condemned their penetration.

Mr. Mithamo the DCIO observed that the youth started Mungiki as a cultural grouping. They were returning to their original Kikuyu cultural values, which have been lost in Central Province. So, cultural assemblies should be revived because they give identity of people.

The Nchuri Ncheke stands for strong cultural values from birth. They also deal with communal feuds before involving the police.

What values can be borrowed from the Meru community?

The area Member of Parliament, Mr. Silas Muriuki joined the Committee and also formally welcomed the Committee to the district. He informed the Committee that though there were no organized groups in Meru, the whole country was waiting for the Committee's report with bated breath. The Committee's work instilled some confidence among the citizens because they felt that their concerns were being addressed.

He informed the Committee that when the young men are initiated to adulthood by way of circumcision, they are tasked to protect the community. They are even taught how to take care of women at childbirth.

He also observed that churches had a very strong influence on the moral behaviour of the Meru people. There exists the Methodist, Catholic, Presbyterian, ACK, and Pentecostal churches in Meru, alongside others.

Though economic challenges exist in Meru giving birth to petty criminals, they have not formed into organized militia.

During the last General Elections in 2007, a lorry load of Mungiki was seen in Meru trying to recruit the youth, but they were chased away.

Luckily, he noted politicians from opposing camps do not engage the youth in criminal activities during campaigns. They do not steal or loot. The Meru culture abhors use of stones as a fighting tool. When provoked, the Meru use catapults and fruits to fight.

He noted that in other areas, politicians fund the militias.

Mr. Nyagah, from SRIC observed that the definition of Mungiki is skewed and therefore, it is very hard to arrest them. For a person to be a member of a group, they must have registered and pay subscription fees. No law defines Mungiki or any other sect. Parliament should enact laws to outlaw sects. Even extortion is not well defined in our laws.

The Nchuri Ncheke elders recruit and then initiate the new members to Nchuri Ncheke.

Hon Muriuki also decried corruption in the recruitment of youth into the armed forces and the police force. He revealed that bribes range from Kshs100, 000 to Kshs150, 000. Bribery was also evident in the recruitment of teachers by the Teachers Service Commission.

The Chairman thanked Hon. Muriuki for availing himself and for the brief he had given to the Committee. He also thanked the District Commissioner for the warm reception the Committee had received. The Committee would use the experience from Meru to make recommendations to Parliament.

COMMITTEE SITTING AT THE MERU MUNICIPAL HALL

The Committee commenced its sitting at 11.20 a.m. with a word of prayer.

The DC who had accompanied the Committee to the municipal hall gave a brief of the objectives of the Committee. He asked wananchi to air their views free without fear of intimidation.

The Vice Chairman, Meru County Council, Mr. Maingi, welcomed the Committee to the County Council.

The Mayor Meru County Council also welcomed the Committee and introduced his fellow councillors to the Committee.

The Chairman thanked the DC, the Mayor and the Councillors for the warm reception the Committee had received. He also thanked wananchi for turning up in large numbers. He informed them that their views will be useful for the Committee to come up with recommendations in a report to be tabled in Parliament.

The issues he wanted them to address among others were: -

- What the Government needs to do to curb the increase of illegal groupings or organizations.
- Why the membership of the groups keeps increasing despite the Government's efforts to curb them.

- Why there are no organized groups in Imenti North Constituency.
- How politicians have contributed towards the increase of the illegal gangs.

He requested them to be very candid and give their views without any fear. He also asked them to give solutions to the various reasons they think have helped the groups to exist.

Francis Kanja hailed the Committee for considering Meru as one of their fact-finding destinations. He asked the Committee to consider the historical background of these organized groups like Mungiki. How did they start to exist?

He blamed politicians and other powerful persons for aiding these illegal gangs. They use them to achieve their campaign goals and only criminalized them after achieving their goals. In most cases they offer politicians security. Politicians also protect illegal gangs on ethnic grounds. When they are abandoned, they cause instability and insecurity in the country for the need of money.

He also regretted that the Government was not paying much attention to the ever-increasing number of street families who could easily build into a force in the future. He blamed the media for over-publicizing illegal gangs and marketing violence.

As a solution he suggested that the Government should carry out civic education to sensitize the youth not to be misused by politicians. The Government should also continue the street families' rehabilitation programme and also find ways of industrializing the rural areas in order to create jobs for the youth and also create a conducive environment for small-scale traders to engage in business.

James Muthuri blamed the KANU Government for having started this culture of organized youth groups. The Mungiki and other organized groups came up to counter the activities of KANU youth that were manning bus parks and stages, and even offering security. The Head of State at that time used KANU youth wingers to maintain the *status quo*. Laxity in the security arms of Government has left a vacuum for the youth groups to flourish. The NSIS, for example, has withdrawn from the grassroots and can therefore, not detect criminal activities that are being planned at an early stage.

He stated that the security agencies should listen to, and trust wananchi. Politicians should stop the culture of handouts to the youth and other persons during campaigns.

The Government started disbursing the Youth Enterprise Development funds before imparting adequate entrepreneurial skills to the youth. The Ministry of Youth and Sports should supervise projects, which have been started by the youth. The media should stop highlighting criminal activities without offering solutions.

The youth are a dejected lot because of unfulfilled promises e.g., the 500,000 jobs that the Government promised to create for the youth.

Very stringent rules for accessing the Youth Enterprise Development Fund were also cited as an impediment to engaging the youth productively.

The police not acting swiftly to security concerns gave a chance to the youth to take over security matters, in turn becoming criminal.

The culture of impunity by the leaders trickles down to the youth. There is a strained relation between the leaders and wananchi leading them to defy the Government and its institutions.

Mr. Mbauni blamed politicians for the culture of handouts during campaigns alongside poverty and drug abuse. For the youth to be engaged productively, the Government should step up irrigation in areas that are not arable.

Gilbert Kirara informed the Committee that the Meru have resisted the entry of unlawful gangs into their community. Religious and political leaders in Meru alongside the Nchuri Ncheke have unanimously condemned Mungiki, thus discouraging the youth from joining the sect.

Leaders opposed to the previous Government used the Mungiki to get to power then after that abandoned them. They therefore, have to engage in criminal activities to maintain their lifestyle. He was of the opinion that the Government should dialogue with the "unlawful groups" and engage them in productive ventures to earn a living.

Silas Mwiti informed the Committee that society breeds criminals. People engage in criminality to serve certain physical needs. He advised that pupils should be sensitized in schools on the law and life skills. When there is no alternative social group, the youth tend to join organized gangs. This is because societal values have broken down. The society should not ignore the wayward youth. They should be integrated into normal life.

Mr. Anampiu wondered why the Government has not taken a stand to denounce these organized gangs. For the gangs to be routed out, there should be a concerted effort by all Members of Parliament to denounce the groups and preach peace.

Ms. Carol Muthigani blamed the leadership of the country for having lost touch with the people in order to understand their problems. She also noted that education standards in the country had deteriorated. Teachers are inadequate in schools. The Government should initiate irrigation schemes in the dry lands of Kenya.

Ms. Joice Muriuki blamed the increase in numbers of organized groups to use of illicit brews and idleness among the youth. Youth polytechnics and other tertiary universities should be strengthened to admit the youth. We should move away from the university mentality as the only route to success.

She noted that though there were no organized groups in Meru, there are indications that they could be on the rise because of the increased number of rape cases in the district.

Mr. N'toriberia Mongo blamed politicians for aiding the unlawful organizations. They should repent and ask for forgiveness. The politicians mobilized gangs that they can now not stop. The television is a bad influence to the youth and should be censored.

The Affiliation Act should be passed by Parliament to control the number of bastards in the community. The weakening of the Chief's Act has also led to lawlessness among the youth. We should strive to get grassroots solutions to problems by recognizing village elders.

Kiunga Muthigani blamed lack of equity in society. The Equity Commission for Promotions and Employment should be put in place. The youth should also be patriotic.

The Chairman informed him that in the new Standing Orders, Parliament had catered for this through the formation of the Equal Opportunities Committee.

The Committee was informed that these armed groups are criminals and should be hard tackled. Politicians should support the Executive and the security agents in clamping down on organized gangs. The *Kwe Kwe* squad should be reactivated to deal with Mungiki and other organized groups. Schooling should be made compulsory in order to avoid idleness.

Julius Muoria a councillor complained of very vast administration areas. He also regretted that the retirement age of civil servants had been increased to 60 years instead of being brought down. This will deny the youth employment opportunities in the Civil Service.

He noted that instead of prisons being rehabilitation centres, they had become training grounds for criminals. The youth, regardless of their varied levels of education, should be considered for employment in the Civil Service.

Mutethia blamed the corrupt traffic police officers for making it impossible for someone to do matatu business, thus rendering many youth that could otherwise have been employed in the industry jobless.

He also noted that the public had lost confidence in their own institutions e.g. the Judiciary and Parliament. Politicians were blamed for defending armed militia groups whenever the Government tried to clamp down on them.

Mercy Muriithi was worried by the rate at which street families were increasing in number. They posed a security risk and could easily form into an organized gang if they were not rehabilitated. The street boys should be issued with identity cards so that they are easily identifiable. A law should be put in place to ban glue sniffing. It should be declared a drug.

The Chairman thanked the people of Meru for having given their views candidly to the Committee and promised to borrow heavily from their experience. He praised them for resisting armed gangs in the district.

The Committee adjourned at 4.00 p.m with a word of prayer.

SITTING OF SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS
IN KENYA HELD IN MOMBASA ON THURSDAY 26TH MARCH, 2009

IN ATTENDANCE

Hon. Lewis Nguyai, MP - Acting Chairman
Hon. David Koech, MP
Hon. Isaac Muoki, MP
Hon. Racheal. Shebesh, MP

KENYA NATIONAL ASSEMBLY

Mrs. Lucy Wanjohi
Mr. Tom Ongalo
Mr. Jeremiah Ndombi

PROVINCIAL ADMINISTRATION

Mr. Ernest Munyi - Coast Provincial Commissioner

The Committee arrived at the Coast Province headquarters at 9.30 a.m.

The Acting Chairman introduced himself and other Committee Members.

The Acting Chairman, Hon. Lewis Nguyai, MP outlined the mandate of the Committee. He informed the PC that the Committee was collecting views from the Provincial Administration and the public in order to enrich their recommendations in a report to be presented to Parliament.

The Committee looked forward to making recommendations that would contain their upsurge. He noted that the problem of organized groups affected the youth and for us not to have a failed State, we should control youth activities.

Notable reasons for youth forming organized groups as told by wananchi in many places the Committee had visited include landlessness and unemployment among others.

He wondered whether there were any organized groups at the coast involved in extortion from matatu business.

The Provincial Commissioner welcomed the Committee to the province. He thanked the Committee for having considered Coast province in their itinerary.

He informed the Committee that Coast province was generally a peaceful area with no criminal issues that border on organized groups arising. It is experiencing low crime rate,

compared to other provinces in the country. However, just like any other province, they were experiencing security threats of disgruntled elements based on historical issues to do with land. The coastal tribes complain of the Arabs, Indians and non-coastal tribes of having dispossessed them of their land.

However, the truth is that after Independence, all the land that was acquired by outsiders was made lawful. When "foreigners" put up hotels and other industries in the town, the coastal people felt deprived.

They are therefore making demands to take back what they feel is their land through organizations like the **Revolutionary Republican Council (RRC)** and the **Mombasa Republican Council (MRC)**. The groups are inciting the people to lay claim on the 10-mile coastal strip, which runs all the way from the South Coast, Kaloleni, down to Mariakani. They are trying to spread their tentacles though silently, claiming autonomy or cessation.

The Provincial Administration has, however downplayed this issue. They have not given them any recognition or hearing. This is a strategy not to upscale its activities. Past uprisings were to flush the upcountry people out of the coast.

In 2006, the police arrested a few people in Takaungu, in a cave. They had suspicious paraphernalia, like bows, arrows and simis alongside oathing material. During their arrest, it was alleged that some gunshots were heard; though none was arrested with a gun. They were charged with other criminal offences but not related to membership to the organization.

The second security threat happened in South Coast, where members of a group called Mlungu Nipa were alleged to be grouping with intentions of taking an oath and committing criminal activities at the Kaya Forest. There was a bloody confrontation with the police and some of the members were killed.

So, the Mlungu Nipa group exists, but people are reluctant to talk about them. The Provincial Administration, however, engages the locals in tackling local

During the last General Elections it was alleged that they burnt a chief's camp. However, most of the local people are not receptive to them. They lynched eight suspects in Tiwi, Kwale area.

At one time, they released literature to Her Majesty the Queen of England to allow them secede from Kenya.

The PC informed the Committee that there were attempts by some youth to extort money from matatus but they were promptly arrested and the issue disappeared. Investigations revealed that the youth were conniving with some police officers to extort money from matatu operators.

Was there any organized crime around the Port of Mombasa? What about Malindi serving as a drug centre and the situation in Tana River and or Taita?

There is no organized crime at the Port of Mombasa. There are however, land cartels at Kwale, Kilifi and Kaloloeni that sell land to unsuspecting buyers and later on hold them hostage in the name of offering them protection from the real owners. This is also common in Malindi, Kisauni, Mtwapa and Kikambala areas.

Mombasa being a transit point suffers the proliferation of hard drugs and other drug substances. However, this trade is highly secretive and does not involve the locals. They are simply consumers.

There are no known reported cases of organized groups in Tana River and Taita areas apart from normal petty criminals.

Hon. Koech warned that those who lynched the suspected gang in Tiwi area could organize themselves into a group to protect the people. This showed that they had lost confidence in the Government security agencies.

What can we do as a country to stop these groups which are a serious security threat to the country?

The PC informed the Committee that the probability of these people turning into a criminal gang is very remote since their action was spontaneous. They were not organized in any way.

What action did the Government take after this action by the villagers?

The Committee was informed that the police simply recorded statements from the villagers who were involved, majority of whom were illiterate youths. School dropout rate in the Coast Province is very high. This coupled with high unemployment rate renders the youth vulnerable to untoward behaviour. The Government should sustain the Kazi Kwa Vijana initiative.

Was land issue a problem at the coast?

The PC informed the Committee that lack of title deeds was the main problem at the Coast Province. The Ministry of Lands should carry out a squatter identification exercise along the so-called 10-mile coastal strip and find a settlement scheme for them.

However, the Government has bought eight parcels of land to settle some squatters and survey is on going. It is only land cartels who mislead the people about availability of land. Land problems can only be solved without political interference.

Tenants-at-will make it hard for the original owners to get title deeds. Survey charges are also very high.

What is the rate of street families in Mombasa?

The PC informed the Committee that street boys in Mombasa are from outside the province. The Municipal Council on the other hand makes it worse by not providing a dropping centre for the Street Family Trust Fund. The problem is aggravated by the fact that Mombasa is mainly a Muslim town and Muslims welcome migrants into the town on Fridays to receive gifts and other goodies. They end up staying permanently.

How can the Government address the issue of poverty at the coast?

The Government should support farmers in the production and marketing of crops. To encourage farming, dam construction should be prioritized.

How do the coast people benefit directly from tourism in their area?

Sometimes tourists donate money for construction of schools and for the provision of basic amenities to the schools at the coast.

The Acting Chairman, Mr. Nguyai thanked the Provincial Commissioner for the brief insight into the problems bedeviling the Coast Province residents. He also was grateful to the warm reception.

The Committee adjourned its sitting at the Provincial Commissioner's office at 10.15 a.m.

COMMITTEE SITING AT THE KWALE DISTRICT HEADQUARTERS, KWALE DISTRICT

The Committee arrived at the Kwale District Commissioner's office at 11.15 a.m.

The Acting Chairman introduced himself and other Members of the Committee. He outlined the mandate of the Committee as delving into the reasons why organized groups exist and why they are increasing in numbers despite the Government's efforts to stop them. What measures can be put in place to stop them from increasing?

In its quest to come up with recommendations, the Committee wanted to interact with the Provincial Administration, the security team and the public who are affected by the problems arising from organized criminal gangs.

He was also concerned that the public had lynched eight persons in Tiwi area. Could this be an indicator that the Government security agencies had failed?

The Kwale District Commissioner, Mr. Mureithi Kangi informed the Committee that for sometime, save for the lynching of 12 persons in Tiwi, Kwale District was calm. No major incidents of insecurity have been reported.

There was no post election violence in Kwale in 2007. However, there is a fertile ground that could lead to the upsurge of such groups. There was potential for their formation. The main drive is the quest for land. People were still holding onto land leases inherited during colonial times. When the population of an area grows, land availability also becomes less.

In Kwale District, you could find a whole sub-location of squatters living on absentee landlord's land.

They make reference to some historical documents to justify the need for cessation. It is believed that the 10-Mile Coastal Strip belonged to Zanzibar and should not have been merged with Kenya.

In some cases, local leaders, including Members of Parliament who rarely talk about it openly in public accelerate this agitation. They are passive at the national level but very active at the local level. The District Security team suppresses this issue without discussing it openly.

Are the activities of this group spontaneous or co-ordinated?

The DC informed the Committee that there was no central co-coordinating unit for these activities. They were self-propelling as and when an issue arose. At the moment they are dormant, maybe waiting for a spark. The coastal people are so passionate about majimbo and any talk of it usually ignites them to action.

To what extent is the Government attending to land issues in Kwale District and is downplaying the issue effective in calming down nerves? Could the Committee's visit activate them into action?

The DC informed the Committee that there was a presidential directive to buy land and distribute it to the so-called squatters in the district. Idle land in the district was located and the beneficiaries identified. Even in his Madaraka Day Speech, the President promised that titles would be ready by the end of the year. However, the Ministry did not move with speed. There were budget, legal hurdles *et cetera*, which were cited as slowing down the pace. Also, in 2006, there was legislation in Parliament to take over idle land.

The Government again nullified former settlement schemes, but there was no formal write-up from the Ministry of Lands to formalize the process, though the Provincial Administration had done the survey.

Formal acquisition of land in Sheikh Raouf has not been done. There are allotment letters, but there are no title deeds. About 20 absentee landlord farms in the district have not yet been acquired.

This issue raised the expectations of the public but nothing has happened on the ground. This is a recipe for Chaos in future.

No law is in place to review the 99-year leases right from the colonial times. Leaders in the Coast Province use this state of affairs to incite the locals to take back what is believed to belong to them.

What is the state of unemployment in Kwale?

The DC informed the Committee that unemployment was very high in Kwale District because of high illiteracy levels. Most youth in Kwale drop out from school at Form IV level. Although Kwale can boast of having some of the oldest schools in the country like Waa, Ribe and Dr. Kraft, the community was not keen on education matters. This is an attitudinal problem arising from their cultural values. The coast people do not consider education as key to success. They prefer to go for the easy options in life like prostitution at the beaches for both men and women.

They engage in small-scale fishing just to suffice their daily needs. Outsiders do large-scale deep-sea fishing. So the coastal people do not benefit a lot from fishing as a way of earning a living.

How effective is community policing in Kwale District?

The DC informed the Committee that perhaps community-policing initiative was rushed. It has been hard to integrate the police approach to criminal matters and with the local approach. There was inadequate briefing to the police when the programme was rolled out.

The public was also not sensitized on their role and the role of the police. So the whole programme looked alien to both parties.

There should be harmony in the operations of the security agencies alongside sensitizing the public.

If community policing is handled properly the District security agencies can get prior information on any planned activities. The illegal groupings often engage in oathing for solidarity.

Finally the DC stressed the fact that local leaders including the Members of Parliament from the area were aware of the existence of these groups but it was an athema to discuss them.

The Acting Chairman, Hon. Nguyai thanked the DC for the meeting and the brief discussion.

The Committee adjourned its sitting at the DC's office at 12.00 a.m.

COMMITTEE SITTING AT THE KWALE COUNTY COUNCIL HALL

The Committee commenced its hearings at 12.15 p.m.

Prayer.

The Acting Chairman, Hon. Nguyai introduced himself and other Members of the Committee. He outlined the mandate of the Committee and hoped that their views will assist the Committee come up with workable recommendations in a report to Parliament. The report in turn would assist the Government to stop their illegal activities.

He then welcomed views from the public.

Mr. Chomba Khamis informed the Committee that there were no organized criminal groups in Kwale, but youths coming together at a particular time to fight injustice. For example, the *Kaya BoOmba*. The coastal people claim to have been discriminated against by the past and present regimes since Independence.

Sheikh Amir Banda informed the Committee that the youth from the coast formed the *Mlungu Nipa* group to fight for land. Most of them are squatters in their homeland. There is no equity in the distribution of the country's resources. Lack of employment and discrimination in admission to universities. They are also not gaining from the proceeds from the Port. Recruitment in the armed forces and the police force is not fair to them. Very few are recruited from the coast province. They are also asked for bribes they cannot afford.

Pastor Simon said that he has never met any of them. They only appear during political campaigns for hire by politicians.

Hamisi Bakari informed the Committee that though the youth are the backbone of the society, the Government has neglected them. This has led to a feeling of hopelessness among the youth who are then forced to engage in criminal activities in order to be heard. Hard conditions to access YEDF funds through the banks was also cited as another reason for youth apathy to the Government.

He also complained that youth from the coast do not get employment after completion of Standard Eight and Form Four. There should be equity in the distribution of the country's resources.

The Government security agents should not criminalize all youth activities before carrying out investigations. Politicians on the other hand, should not divide the people along ethnic lines. They should be good role models.

Zainab Chidzuga lamented that the Government's failure to provide employment to the youth after completion of their education. She also blamed Government security agents for protecting drug barons who have littered Coast province with hard drugs that are consumed by the youth who then engage in criminality.

The Government was blamed for not coming up with good economic policies to empower wananchi so as to discourage the youth from being idle and in turn engaging in criminal activities.

Councilor Shikeli decried the gap between the rich and the poor. He also mentioned the discriminatory distribution of resources in the country.

He suggested that the Government should market products from the coast. Resources accrued from the Port should be recouped back to the province to assist the coastal people. The coastal people are not hired in Government corporations and the hotel industry at the coast.

Salama Awadhi informed the Committee that idleness led the youth to lawlessness.

Mohammed Gakuria alleged that the Kenya National Examinations Council was discriminating the coastal students so that most of them failed examinations.

Alfani Bakari Manyenzi informed the Committee that retirees of the former Kenya Cargo, Kenya Railways, Kenya Power and Lighting Co. and Kenya Posta had not been paid their dues to date. They are therefore very bitter with the Government and are easy prey to organized criminal gangs.

He informed the Committee that though the activities of the *Kaya Bombo* have been subdued, there was capacity to erupt if youth problems at the coast are not addressed.

The Committee was also informed that employment opportunities at the coast favour the upcountry people.

Recruitment into the armed forces and the police should be fair to the coastal people. Employment opportunities should be distributed equally.

James Dena asked for equity in distribution of wealth in the country and landlessness among the people as resulting into organized criminal gangs.

Retirees of the former East African Community should be paid their dues.

The local people should be involved in manual employment in Government projects in their area.

Omari Boga informed the Committee that *Mlungu Nipa* youth engage in robbery with violence and other warlike activities.

Politicians started the Kaya Bombo group, which then graduated, to *Mlungu Nipa I* and now *Mlungu Nipa II*. Some of the group members have undergone military training in Somalia.

The locals should be considered in the hotels for employment. Not all organizations are criminal. The Government should allow the Coast Peoples Forum to carry on with its activities, since it is not a criminal gang.

Qualifications, e.g., height, so as to merit recruitment into the armed forces and the army should be changed. They are archaic and defranchise many capable youth.

The Acting Chairman thanked the district administration for facilitating their meeting and the people for being patient and airing their views openly.

The meeting was adjourned with a word of prayer at 2.30pm.

COMMITTEE SITTING AT THE MOMBASA MUNICIPAL HALL

The Committee arrived at the Mombasa Municipal Hall at 4.00 p.m.

Prayer

The Chairman introduced himself and other Members of the Committee. He informed wananchi that the Committee was in Mombasa to find out whether organized gangs exist in the province, why they exist and what probable solutions could be offered to end their increase in numbers and activity.

He then invited views from the public:-

The Committee was informed that there were new religious groups coming up at the Coast disguised as Islamist groups, but were instead recruiting unsuspecting youth and taking them to Somalia for military training. These groups were also involved in child trafficking.

Rev. Sumbeiywo informed the Committee that there were foreigners who came to the coast disguised as tourists or donors, but ended up recruiting the youth into illegal activities like drug peddling and prostitution. If the activities of foreigners are not investigated, they could become a security risk to the country.

The Committee was also informed that idleness, joblessness, poverty and unequal distribution of resources could also cause youth to engage in criminal activities.

The stringent conditions attached to accessing the Youth Enterprise Development Fund made it impossible for the youth to access these funds. The method of disbursing the funds should be revised.

The Committee wondered whether graduates also belonged to these illegal gangs in the forest.

The Committee was informed that there were all classes of people in the forest with the sole aim of fighting injustice; mainly land distribution. They also complained of non-issuance of title deeds to the locals.

There is general lack of trust in government policies by the people. They cited the non-creation of 500,000 jobs as promised by the NARC Government in 2003.

Omar Juma informed the Committee that a group known as *Mlungu Nipa* existed at the coast province. It is an organized group, which has a chairman, a commander and even a flag for their identity.

Mlungu Nipa came about because the people of the coast feel that the Government has neglected them. They are discriminated in the provision of jobs at the coast and in the whole country. They no longer fish from the ocean because the Government has declared a 10-mile distance from the sea to the land as a marine park. Fishing at the coast is now a preserve of outsiders who own motorboats for deep-sea fishing while the locals watch.

The people of the coast have been denied title deeds for the land they believe rightly belongs to them.

Mr. Shallo complained of joblessness among the youth from the coast province. He also informed the Committee that the Local Authority, in this case the Mombasa Town Council, has not been empowered to support youth activities.

Ms. Agnes informed the Committee that one Swaleh Nguru owns the whole Mombasa Island. The locals therefore squat on land and houses in the town. They pay monthly rates to an absentee landlord. Even if an individual lives in his own house, he or she still pays some fees to an absentee landlord.

Dr. Chokwe informed the Committee that Mombasa Town is like a country because of its historical background. The Portuguese, Hindu, Yemeni and Africans inhabit this town.

Mlungu Nipa exists and its main agenda is for the coast people to gain independence from the rest of the country. They are agitating for the cessation of the coast people. The absence of Members of Parliament on the ground further aggravates this problem because the local people lack answers to issues that affect them. However, Members of Parliament and even Ministers from the coast were aware of the existence of Mlungu Nipa.

There is need for affirmative action to employ a certain percentage of coast people in coast-based industries. The squatter problem at the coast is very serious. In Taita Taveta, for example, two families; the Kenyatta family and Criticos own almost the whole district. He suggested that the CDF and the LATF Fund Acts should be amended to cater for the new pressing problems that arise.

Andrew Mativo informed the Committee of the existence of a group by the name of "40 Brothers" in Kisauni. They usually strike their targets with vengeance. The "40 Brothers" have mutated from youth wingers, Sungu Sungu, vigilante and then community policing. They even collect protection fee from people's houses in Kisauni. They have organized themselves and have the money, judges and cells in the area.

Muhammad Chiruba informed the Committee that these groups existed because of the high rate of unemployment in the Coast Province. When it comes to distribution of resources, coastal tribes are ignored in favour of other ethnic communities in the country, mostly from upcountry.

Mwalimu Rama informed the Committee that the youth have not been given a hearing. When it comes to making important decisions in the community or the country, the youth are usually ignored. Therefore, the youth should be involved in decision making at all levels. Political leaders only fall to youth groups for selfish political gains.

The Committee was also informed that drug abuse at the coast is very high. The easily available drugs include bang and brown sugar. Heroin intake is also gaining momentum among the youth.

Abdalla Mbwana informed the Committee that the coastal people started forming themselves into discrete organizations when the Government denied the IPK party registration. Their main drive is to have a *majimbo* or federal government in Kenya.

Rose Nyamai complained that it was very hard for the Muslim community, which formed the bulk of coastal communities to be issued with identity cards. She also informed the Committee that community policing agents work with the "40 Brothers" group. They collude with the OCS and the village elders to solicit for money from the public.

The Committee was also informed that foreigners have been allocated big chunks of land at the coast without regard to the local's needs. Foreigners own most prime property at the coast without regard to the people's needs.

Police do not respond with speed to security matters. The people lack protection from the police and therefore, take the law into their hands in order to provide their own security. The exercise of recruiting the youth into the armed forces, police and the NYS is riddled with corruption, making it hard for those who qualify to be recruited. For one to be recruited into the armed forces or police force, a bribe of Kshs70, 000 is sought.

Hassan M. Hassan suggested that in order to rehabilitate youth who were hooked on drugs, they should be recruited into the NYS in order to engage them productively and to contribute to the development of the country.

The Committee was informed that the coastal people are usually not considered when it comes to short-term employment opportunities as election clerks and census officers.

Chief Bakari Mohammed called upon the Provincial Administration to re-launch the community-policing concept, which has not been well understood by wananchi.

The Acting Chairman thanked the people of Mombasa for their patience and for their views to the Committee. He also thanked the District Administration for facilitating the Committee in the District.

The Committee adjourned at 6.30 p.m with a word of prayer.

SITTING OF SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS
IN KENYA HELD IN VOI ON FRIDAY 27TH MARCH, 2009

IN ATTENDANCE

Hon. Jeremiah Kioni, MP - Chairman

Hon. Isaac Muoki, MP

Hon. Rachel Shabesh, MP

KENYA NATIONAL ASSEMBLY

Ms. Lucy Wanjohi

Mr. Tom Ongalo

PROVINCIAL ADMINISTRATION

Mr. G.M. Kamweru - District Officer, Voi

The Committee arrived at the District Officer's office at 10.30 a.m.

The Chairman introduced himself and other Members of the Committee.

Mr. Kamweru informed the Committee that there were no known organized groups in Voi. It is home to the Taita and covers Sagalla, Mbololo and Voi town. The area experiences both common and unique challenges like poverty, illiteracy, joblessness, prostitution, drug abuse, landlessness among others. However, they are able to deal with most of these cases, at the local level without going to the courts.

The youth in Voi smoke "mapangala" or bang, which is imported in the district by foreigners. Being on the main Mombasa-Nairobi Highway, closer to the Port of Mombasa and a transit point to Tanzania, drug trafficking flourishes.

Voi District also has a unique problem of incest. This practice is so common in the District, though many cases go unreported. The community prefers to sort this problem locally. Truck drivers who park at the Maungu Market centre for the night en-route to other destinations have also contributed to the high rate of prostitution among under age girls. The rate of HIV infections is very high in the community. This has resulted in high death rates.

From the last census, the total population of Taita was recorded as 250,000 people, but at the moment, it is estimated that it has reduced to 229,000 people. Complications during pregnancy have also contributed to this. There is a serious generation gap in the district.

School dropout rate is also very high in the district because of under-age pregnancies between ages five and eight years. He stunned the Committee that for the last five years, no student has qualified from the district to join university.

The Committee adjourned its sitting at 11.30 a.m.

any community can settle there.

Apart from these challenges of life, Voi District is generally a calm place and a person from

destroy crops in the field.

Wildlife has also affected schooling in areas around the parks. Students report to school late for fear of being mauled by elephants. Farming is also impossible because the animals

and cut off water supply to Mombasa Town.

However there is a worrying trend that they are putting up semi-permanent structures on way-leaves along the Mzima Springs pipe that connects to Mombasa. They graze in the parks at night and sleep during the day. They usually tamper with the Mzima Springs pipe

The Somalis have also invaded the area in search of pasture.

Immediately after the post election violence of 2007, the town experienced a high influx rate of upcountry people who include the Kikuyu, Meru and Kamba. Some came to join their relatives in the district whereas others were simply looking for a safe haven to settle.

COMMITTEE SITTING AT THE TAITA COUNTY COUNCIL HALL

The Committee arrived at the County Council hall at 11.45 a.m.

His worship the Mayor, Councillor Hamisi Mokea Kidaki welcomed Members of the Committee to the Council and proceeded with the Committee to listen to the public's views.

The Chairman introduced himself and other Members of the Committee to wananchi and asked them to air their views without fear of any intimidation. He explained to them that the Committee would be immensely enriched with their views, which would form the basis of their report to Parliament.

The Chairman then opened the floor to the public's views:

Peter Kwanza, the first speaker who is the Chairman of Community-policing in the District informed the Committee that Voi District did not have any illegal groups at the moment. However, they used to have a group by the name Sungu Sungu who alongside the Provincial administration used to deal with criminals in the area.

How were the Sungu Sungu identified?

The elders identified youth between ages 18 years and 35 years who were of sound mind and good morals to form the group. However, just like in any group, others started to engage in criminal activities. After disbanding Sungu Sungu, they formed community-policing groups, which are still active to date.

Councillor Ochieng informed the Committee that politicians mobilize the youth into small groups during campaigns, and then they graduate to organized groups. Politicians usually fund these organizations.

He suggested that the Government should deal harshly with these organizations before they spread to Voi and other parts of the country where they do not exist.

Oliver Mwakirani informed the Committee that there were no organized groups in Voi. They were experiencing normal criminal offences in Voi. Idleness and joblessness among the youth should however be addressed urgently to stop them from engaging in criminal activities.

Why are these groups not in Voi?

The Committee was informed that the Taita have a very strong religious background and strict cultural traits that discourage the youth from engaging in certain criminal activities like murder.

However, the Taita wonder why after the ban on all tribal associations in the country, for example, the Taita Hills Association, the Government still allowed other associations like GEMA to continue with their activities. The Government should allow the Taita Hills Association to carry on with its activities.

Richard Mwangeka complained that contractors undertaking Government road construction activities in the district do not usually consider the Taita for employment in manual jobs. They instead come with their own people. This open discrimination could lead the youth from the district to form into organized groups to fight this injustice. The Taita are not considered for award of contracts or tender in the Local Authority.

He also informed the Committee that there are many squatters in Voi District whereas there was a lot of land lying idle. If they are not settled, they could be forced to form themselves in to a gang and invade these lands.

During the post election violence that rocked most parts of the country, Voi district did not experience any violence. The youth listen to the elders to give direction. In this case the elders were for peace.

Chris Njomba informed the Committee that idleness and poverty in the district was very high. Youth and women who want to access the Youth Enterprise Development Fund and the Women Enterprise Development Fund are denied access because of stringent conditions attached to it. They are asked to produce logbooks and title deeds which they do not have, as collateral.

The Ministry of Labour should amend labour laws to protect workers from arbitrary sacking by employees. Employees especially those who are not permanent and pensionable usually have their jobs terminated without notice and or benefits. This mainly affects housemaids, shamba boys, watchmen *et cetera*.

The Taita cannot access loans in banks to engage in small businesses because they have no titles to their land. The Government should speed up issuance of title deeds to Voi residents.

Christopher Kayanda cited ownership of land in the district by a few individuals.

He also wondered why the Government has not arrested politicians who support Mungiki in Central Province, yet they are known. Youth in the country could easily copy the Mungiki way of operation and do the same in all parts of the country if their activities are not checked.

Organized groups, however, do not exist in Voi at the moment. A council of elders known as the *Bagosi Baisanga* gives direction to the youth. It is this council of elders who stopped the youth from joining the post election violence.

There is corruption in the issuance of title deeds leaving the locals squatters. Bribery among traffic police officers makes operation in the matatu business very hard. Politicians should help the country heal from ethnicity. Civil servants in a particular station should not be from one ethnic group. They should strive to reflect the face of the country.

He complained of the high qualifications that are needed for a person to be employed into the Civil Service. Some flexible terms should be considered for some communities like the Taita.

Why are there no organized groups in Taita?

The Taita culture abhors murder. Besides, they have a very strong religious background.

Martha Shigadi complained of corruption in the Judiciary. Wananchi have lost faith in Government institutions and therefore resort to other ways of solving their problems. That leads to organized groupings. There is also no equity in distribution of resources and this forces one group to unite and use force in order to get a share of the resources.

The Government should make it mandatory for every town to have an industry. For example, sisal processing plant and a fruit factory should be started in Voi Town. This would stop the youth from idleness, drug abuse and consuming *mpangara* a local brew.

In Voi, there is also a lot of human wildlife conflict. Farming and education has also been affected by wildlife. Elephants also discourage livestock farming. The Government should consider compensating the community and ploughing back the resources accrued from the park to the community.

When the community raises their concerns, animal rights groups become very harsh to the local residents. An organized group could form itself to fight the elephants if the situation is not checked. The same group could then grow into a criminal gang.

Land boundaries of Taita should be properly realigned and the people issued with title deeds.

Kimeu Musomba informed the Committee that the youth should be empowered financially. They should in fact be encouraged to form into groups for economic empowerment. The Government should only assess which ones mean well and which ones do not.

All citizens must uphold the rule of law; nobody should be allowed to practice impunity.

Parliament should enact law to deal firmly with politicians who hire or mobilize the youth during campaigns. Hiring of youth or use of youth wingers during campaigns should be declared an electoral offence. All investors in Taita should contribute their earnings to development projects in the area.

The recently raised Civil Service retirement age to 60 years should be reconsidered. This will create employment opportunities for the youth after completion of school.

The Government should involve locals in determining the distribution of resources.

Whereas the local people are willing to engage in farming activities, there are no passable roads to take their produce to the market. Their harvest ends up being consumed locally, whereas they could sell some outside the district and earn money.

The sisal estate should be removed from the town.

The Taita may be humble people, but could erupt if land issues are not resolved. They should also accrue some benefits from the parks in their areas.

The Government was also blamed for giving empty promises to wananchi, e.g., provision of 500,000 jobs, and resettling squatters. They complained that only certain tribes had been employed in the Civil Service.

Touting should be regulated to ensure that criminals do not infiltrate the business.

Local Authorities should stop asking people to have licenses for very small businesses. This discouraged many willing traders from engaging in trade.

The Mayor cited skewed allocation of resources as the main reason for the increased number of organized gangs.

The Chairman thanked the Mayor for allowing the Committee to do business in the Council premises and the people for being candid and straight to the point. He promised to use some of their experiences in making recommendations to Parliament. He hailed the community for shunning the culture of organized groupings.

The Committee adjourned after prayer at 2.30 p.m.

SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS IN KENYA
SITTINGS HELD IN KISUMU, ON THURSDAY February 26TH, 2009

In Attendance

Hon. Jeremiah Kioni, MP - Chairperson
Hon. Rachel Shebesh, MP
Hon. Isaac Muoki, MP
Hon. Lewis Nguyai, MP
Hon. David Koech, MP
Hon. Elias Mbau, MP

Kenya National Assembly

Mrs. Lucy Wanjohi - Clerk Assistant
Ms. Susan Maritim - Clerk Assistant
Mr. Tom Ongalo - Hansard Reporter
Ms. Nyaboke Omambia - Parliamentary Intern

Provincial Administration

Mr. Joseph Irungu - Deputy Provincial Commissioner
Ms. Susan Waweru - Administrator Officer I

Courtesy call on the Provincial Commissioner

The Committee arrived at the Provincial Commissioner's office at 9.30 a.m. and was received by the Deputy P.C. Nyanza Province to the Provincial Headquarters, Kisumu.

The Chairman introduced himself and other Members of the Committee. He outlined the mandate of the Committee, its findings so far, and the objectives of the visit to the region.

The Deputy P.C. informed the Committee that:-

- Nyanza Province is informally divided into Luo Nyanza, Kisii and Kuria. Every region hosts a different outfit that can be labeled unlawful.
- In Kisumu, there are the Baghdad Boys, while in Kisii there are the Amachuma, Chinkororo and Sungu Sungu and Ilitongo in Kuria. There could be others, but these are the main organizations, which are a course of insecurity in the Province.
- The Chinkororo's operations are similar to the Mungiki style. They extort and burn homesteads in the name of flushing out witches. In some cases, they appear in public places in uniform. (*The Ruto, Magara Vs Nyachae case during the 2007 campaigns*)
- However, they are mainly used by politicians during campaigns to offer security and scare or harass their opponents.

- In Kuria, the Ilitongo are a group of elders who like a kangaroo court, act as arbitrators in the village over land matters, family squabbles and upholding culture. However, in some cases they pass very unlawful harsh judgments, which include killings. In some cases, they even call upon the Provincial Administration to uphold their rulings. The Provincial Administration sometimes uses these elders to pass messages to the people.
- In Luo Nyanza, Baghdad Boys are dormant and only explode when there is something political at stake. The late Mayor Lawrence Oile used to act as their leader, but at the moment, they have no leader. Politicians give the Baghdad Boys life. They induce them with tokens to fight for a particular course. In some cases, the Baghdad Boys also take law into their hands when they feel one of their own or their tribe is being persecuted. During such incidents, they visit atrocities on people and even cause them to migrate. In some instances, teachers have sought for transfer in fear. He noted that they could be used for community policing. However, they have not been tried since they could over do it.
- No person has been arrested and charged for belonging to any of these unlawful outfits.
- He informed the Committee that the emergence of these organizations poses socio-economic problems. Most youth are endeared to these organizations as a means to generating income.
- The Government should strive to engage the youth in formal employment and that the community policing concept should be reworked. The public should be educated to change their attitude towards the police and vice-versa.

Hon. Koech asked the Deputy P.C to enumerate to the Committee some practical recommendations that the Committee could take on board.

The Deputy P.C. recommended a research or survey to be carried out on how these groupings came about because some of their actions are entrenched in their culture. However, fighting them may not help but only cause more eruptions.

Hon. Shebesh wondered how widespread the Baghdad Boys are.

The Deputy PC informed the Committee that Baghdad Boys were a town outfit, but could be transported to various places where they were needed. But basically, they were a reserve of politicians.

The Chairman asked the Deputy P.C whether these groups were lethal.

The Deputy P.C., informed the Committee that these unlawful groupings were very lethal and some of them are hardcore criminals. However, the Nyanza groupings are not as organized as Mungiki, but they are capable of graduating to that level.

Dr. Koech wondered whether these groupings existed because of poverty.

The Deputy P.C., informed the Committee that their existence was not strictly poverty related. Some of the youth are not poor.

The Committee was informed that chang'aa and bang were easily accessible in Nyanza Province, but so far, cases of hard drugs like cocaine have not been reported.

The Chairman thanked the Deputy P.C for the brief into the operations of the unlawful organizations and for the warm welcome that had been accorded to the Committee.

The Committee then proceeded to Kodiaga Prison accompanied by Ms. Susan Waweru from the PCs office.

COMMITTEE SITTING AT KODIAGA PRISON

The Committee was welcomed at the Kodiaga Main Prison by Mr. Okomba, SSP, Officer in Charge.

The Chairman introduced himself and other Committee Members. He outlined the mandate of the Committee, its objectives and sought to have recommendations from the officer and the prisoners who are the real culprits on the way to help end the upsurge of unlawful organizations in Kenya.

Mr. Okomba informed the Committee that although the Prison has a capacity of 500 persons, it is overstretched and had 2268 prisoners in total.

He decried the number of death row inmates in the prison whose appeal cases are taking too long, therefore, congesting the prisons. This, he also noted affected the feeding programme in the prison.

He informed the Committee that none of the prisoners could be identified as having been arrested on charges of belonging to any unlawful organization. They were simply there on various criminal charges.

In as much as the prison authorities would like to engage the prisoners in productive activities such as furniture production and welding, the machines were so old and dilapidated that they could not engage in mass production or meet the present market quality.

The Chairman suggested a policy where all Government Ministries, departments and State Corporations could be compelled to purchase furniture from the Prisons industries. However, the capacity to meet the demand was cited as one of the probable impediments.

The Chairman thanked Mr. Okomba for the insight and the Committee proceeded to the Prison to meet the prisoners.

MEETING (KAMUKUNJI) WITH PRISONERS AT THE KODIAGA PRISON

The Committee met with the Prisoners at a Kamukunji(meeting) inside the Prison.

The Chairman introduced himself and other Committee Members to the inmates and outlined the mandate of the Committee. He requested them to air their views without fear of being victimized. He assured them of the Committee's protection and reiterated the determination of the Committee to make strong recommendations that would help check the existence of outlawed organizations.

By a show of hands, it was evident that most of the prisoners were youth below 30 years.

The prisoners aired their views as follows:-

Condemned prisoners represented by one of them nicknamed "Councilor" informed the Committee that some factors that led the youth to gang up were;

- as a result of unemployment and hopelessness
- most families in the country lived below US\$1 dollar per day and could not afford basic amenities, not even justice.
- The rich and particularly politicians take advantage of their disadvantaged position to lure them with handouts and in turn engage them in their "dirty work".
- The "Councilor" also told the Committee the problems the prisoners encounter when they are released. In most cases, they are not easily welcomed back into the communities they belonged to. The public has a negative attitude towards them and therefore, it becomes hard for them to utilize the skills they acquire while in prison cells.
- The Government should therefore put in place proper rehabilitation mechanisms for the released prisoners so that they can be reintegrated into society. There should be set a landing base where they can engage in income generating activities.
- He pointed out that jails could rehabilitate somebody positively but in some cases worsens their otherwise criminal behaviour.
- The death row inmates at Kodiaga Prison complained of delay in appeal cases, lack of drugs in prison clinics and lack of television sets.

The Committee made a tour of the premise i.e., the kitchen and the prison industries. The kitchen had rusty boilers that were supplied so many years ago but were never put to use. The industry had obsolete and broken down equipment.

The Chairman then thanked the Prison officers for facilitating the visit and the face to face interaction with the prisoners.

COMMITTEE SITTINGS AT KISUMU MUNICIPAL HALL

The meeting started with Prayers.

The Committee commenced its sittings at the Kisumu Municipal Hall at 3.00 p.m.

The Committee was met by Mr. Ole Sirian, the D.O incharge of the municipality who then invite the Chairman to introduce the other Committee Members and direct the meeting.

In attendance was Mr. Samuel O. Okello the Mayor of Kisumu City who welcomed the Committee to the town.

The Chairman introduced himself and the other Members of the Committee. He hailed the warm welcome of the people of Kisumu to the lake region. He outlined to the gathering the mandate of the Committee and asked them to be free in airing their views.

He informed them that the Committee was not investigating anybody, but only wanted to gather views from wananchi who are most affected by the activities of the various outlawed gangs.

In some instances, he noted, the groups' existence could be necessary, so that, other than being condemned, they could be listened to and engaged positively.

(The Chairman welcomed views from wananchi).

Religious groups

The first to give views was Pastor Lewis Ondiek of the SDA Church.

- He confessed that the existence of these outlawed organizations was a threat to the society.
- He however was candid that these organizations like the Baghdad Boys were a creation of the politicians. Politicians use them to deal with opponents and then abandon them. They are usually very active during any elections to Parliament or councils.
- The organizations also posed a threat to the thriving of religious activities. They made it difficult for church activities to go on. They are also a threat to development and contributed to poverty in the Province.
- He noted that they are hooligans and criminals who should be dealt with.

- He observed that when they are arrested for engaging in criminal activities, politicians cause them to be released.

Mr. George Ondo differed with the pastor's views. He informed the Committee that:-

- The Baghdad Boys played a positive role towards the change to multipartism in Kenya.
- The Baghdad Boys were group out to resist bad governance that was being experienced in the country before the scrapping of Section 2(a) of the Constitution of Kenya.
- After achieving their goal, there was lapse in the security system in the country. There was a vacuum in the role of the police force to assure citizens security. This led to the group gaining more ground in order to fill that gap. He even warned that they could regroup if the Government does not solve the Migingo Island issue.
- He informed the Committee that hopelessness among the youth leads them to form illegal groupings and to engage in criminal activities.
- He suggested that the Provincial Administration should involve the youth groupings in community policing.

Mr. Audi Ogada confessed to having belonged to the Baghdad Boys grouping.

- He was one of the commanders of the group.
- The name Baghdad was borrowed from the 1991 America/Iraq War. That time, the youth endeared themselves to the resilience of the Iraq forces.
- The Baghdad Boys stood with Jaramogi Oginga Odinga during the fight for multipartyism and even went on to stand with Raila Odinga after his father's death.
- He state that Luo community is usually overzealous with its leaders that they can do anything for them, even it means dying for them.
- He regretted that most of the gang members have since died either in police cells or from police killings.
- Since most of them died, the remnants have now turned to the **Baghdad for Peace Initiative (BAFOPE)**, in other words the Baghdad Foundation, which is now involved in bringing peace in Luo land and rehabilitating the youth by engaging them in positive economic chores. In some cases, they have taken over from the police to quell crisis in the town.
- They have started a youth centre where the youth are trained in various skills to enable them become self-reliant. He welcomed the support they are getting from NGOs, especially, USAID.
- He informed the Committee that the youth are now in their barracks waiting to be hired by politicians, but they are not a threat to the residents. Politicians usually hire them for selfish ends.
- He decried the arbitrary arrests by the police and the so-called extra-judicial killings.
- He hailed the change in attitude of the Provincial Administration in the Province towards the youth who are ready to change.

- He informed the Committee that the youth are now being listened to by the assistant chiefs, chiefs, District Officers, the District Commissioner and the Provincial Commissioner.

Hon. Shebesh asked Mr. Ogada if the politicians were the main cause of the existence of Baghdad Boys.

Mr. Ogada informed the Committee that 90 per cent of the politicians who were voted in did not perform to the expectations of the youth. Politicians should change their attitude towards the youth; the use and dump attitude.

The Chairman asked them to give recommendations to enable the Government stop politicians from misusing the youth in future campaigns.

Mr. Collins Oluoch informed the Committee that after being elected, the politicians were absent on the ground to give guidance to the youth. He proposed that:-

- A Bill be passed by Parliament to permanently outlaw the use of youth as security agents during campaigns. Instead the police force should be revamped to do what they are paid to do i.e. to offer security.
- There should be dialogue between politicians and the youth to identify their problems.
- The Ministry of Sports and Youth Affairs has got its priorities wrong. The method for disbursing funds to the youth should be reviewed.
- The retirement age in the Civil Service should be upheld so that the youth get employment opportunities and also get a chance to lead.

Francis Owuor of the Kisumu Joint Bunge Association or the Citizens Assembly decried the collapse of security systems in Kisumu. The police have failed in discharging their duties and created a security vacuum, which the gang is trying to fill. The people have also lost confidence in the police force.

Inaccessibility to justice was also identified as one of the reasons that lead wananchi to take the law into their hands.

In some instances, the Committee was informed that the Government also uses these organizations to get information.

He pointed out that the Government has neglected the socio-economic situation of the youth.

Mr. Ken Akoko cited unemployment as one of the major factors that lead the youth to group up. It is a survival tactic. He also cited the high rate of school dropouts, HIV and the urge to fight against injustice as other factors.

Mr. Dennis Ogada informed the Committee that:-

- Free education at the grassroots level was non-existent. The community was not feeling the impact of Free Primary and Secondary Education.
- The unlawful organizations were as a result of educated persons trying to resist a situation or trying to bring change. He however wondered what criterion is used by the Government to label a group unlawful, when in some cases, the same Government uses the same groups. For example, why Jeshi la Mzee was never outlawed.
- The misuse of youth groups by politicians but asked the Government to engage the perceived gangs in dialogue.

Joseph Apollo of the Nyando Residents Association informed the Committee that

- these were youth that offered protection to politicians during campaigns and are later dumped.
- In some cases, after they have served the politicians they are not paid their dues. They therefore, resort to threats in order to subdue the politicians into paying them.
- When they offer community-policing services, they do not receive any allowances.
- The community was accused of glorifying those people who have become rich through unlawful means. This encouraged the youth to engage in crime.
- The youth are used as alternative security sources. Some of these vigilante groups are supported financially by the Provincial Administration. The police have conscripted them.
- Inconsistency by Members of Parliament in addressing human rights issues e.g. when the youth are arrested while offering services to politicians, they cry foul and label it human rights abuse, but when they turn against them, they are labeled unlawful.
- Failure by the police force to assure residents security encouraged them to look for alternative ways of protection which the youth readily offered.
- He also accused the Government recruitment agencies into the police force and the armed forces for demanding bribes which the youth could not afford in order to be employed.

Tom Mboya confessed to having been a FORD Youth winger an organized youth group that protected the interests of the politicians who belonged to the once very popular party. He informed the Committee that:-

- whenever we have conflicts in the political systems, these groups emerge.
- Communication from the Government to the grassroots was poor, thus the poor perception or understanding of the Government's activities by the youth which leads to lack of confidence among the youth.
- The increase in numbers of organized groups is dependent on supply and demand. The more the politicians demand for "youth wingers" the more the youth group up for the task.

He proposed that :-

- the idle youth hitherto involved in gang activities be rehabilitated.
- The Constitution of Kenya Review should be fast-tracked by Parliament. Parliament should not expect wananchi to legislate for the country. This will cause unnecessary delays and anxiety in the country.
- all parties should respect genuine democratic practices and desist from having party youth wingers who in most cases mete terror on their opponents under the guise of offering security.

He accused the police force of being partisan and transacting business with terror gangs. He pointed out that community policing had collapsed and needs to be revamped.

Asked by the Chairman whether the Baghdad Boys were also involved in extortion rackets, Mr. Tom Mboya informed the Committee that ownership of matatu routes was one of the ways they use to extort money from the public.

They also use threats to extort money from politicians. Those who do not yield are asked not to visit their constituencies or risk being killed.

The Chairman asked the gathering how deep-rooted the culture of *Konya*; a handout, is prevalent in the district.

Mr. Josiah Orwa a Kisumu resident with disability asked Parliament to enact legislation banning the culture of handouts. Councils should also enact by-laws that ban this culture from the streets. He also appealed to Parliament to fast-track the Persons with Disabilities Act.

Betty Okero informed the Committee that politicians hire youth wingers to protect them whereas the police act arbitrarily and in contempt of the laws of the land. She feared that the country lacked proper leadership. Leaders should not encourage handouts.

The Kisumu Mayor, advised the Committee that dialogue is key to dealing with organized groups.

He however, he wondered the benchmark for declaring a group illegal or unlawful. The right definition for unlawful organizations that cuts across the board should be institutionalized.

Recommendations of Committees should be acted upon to avoid the public's disillusionment.

There should be leadership by example so that the youth are not demoralized. At the moment, the youth lack a mentor; father figure.

He informed the Committee that the Council was in the process of banning handouts in the Town by declaring *Konya* illegal.

Finally he noted that job creation, not only formal, was necessary for the socio-economic stability of the country.

The Chairman informed him that this was a Select Committee of the House whose mandate and timeframe is defined under the Standing Orders. There was no way its recommendations would gather dust on the shelves.

He thanked the participants for their participation and advised the residents to look for sections in the CDF Act that are protective of a Member of Parliament and give suggestions for their amendment.

Finally, the D.C, Mr. Ole Serian attributed the existence of organized groups to:-

- weak institutions. In some cases, youth organizations had overrun local authorities in control, for example, of bus parks and businesses in the towns.
- Large families due to failed family planning methods have led to many families not being able to fend for themselves thus resorting to other means of survival.
- He advised the Committee that activities of ex-servicemen especially the sacked ones should be investigated.
- He informed the Committee that conflicts in families, politics and businesses attracted the services of youth groups.
- He also informed the Committee that it is not clear whether some youth groups deserve to be declared unlawful or not. For example, are Youth for KANU lawful or unlawful? In some instances, it would be better to formalize their existence.
- He challenged the gathering to change their attitude towards employment opportunities. They should not only look forward to formal employment but also could start their own businesses or even engage in small-scale farming.

The Chairman closed the meeting at 6.00 p.m., and thanked the Provincial Administration, the Mayor for organizing the session and the residents for their patience and openness in giving their views.

The meeting was closed at 6.00p.m with a word of prayer.

SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS IN KENYA
SITTINGS HELD IN KISII, ON FRIDAY 27TH, 2009

IN ATTENDANCE

Hon. Jeremiah Kioni, MP - Chairperson
Hon. Rachel Shabesh, MP
Hon. Isaac Muoki, MP
Hon. Lewis Nguyai, MP
Hon. David Koech, MP
Hon. Elias Mbau, MP

Kenya National Assembly

Ms. Lucy Wanjohi, - Clerk Assistant
Ms. Susan Maritim, - Clerk Assistant
Ms. Nyaboke Omambia - Parliamentary Intern
Mr. Tom Ongalo - Hansard Reporter

Provincial Administration/Kenya Police

Mr. Benjamin Njoroge - District Commissioner
Mr. Poghisio - DCIO
The OCPD, Kisii District

The Committee arrived at the District headquarters at 9.30 am and was received and welcomed to the district by the District Commissioner Mr. Benjamin Njoroge.

The Chairman introduced himself and the other Members of the Committee. He outlined the background and objective of the Committee visit to the District and thanked the officers for making themselves available. He requested for candid and sincere discourse throughout the sitting to enable the Committee make recommendations based on first hand information from the prisoners who are the affected youth, the people who are affected and the Provincial Administration who are charged with security in the district. In a nutshell he wanted a grassroots solution to the problem.

He also reiterated his call for protection of witnesses. He then asked the District Commissioner to give an insight into the activities of the unlawful organizations in the district.

The District Commissioner, Mr. Benjamin Njoroge informed the Committee in Kisii there existed, the Sungu Sungu, Amachuma and Chinkororo. Amachuma are everywhere, whereas the Chinkororo are located at the border with Trans Mara.

- They were basically formed to protect their land and cattle rustling.
- These were small groupings of youth that were meant to protect the community's boundaries, flush out thieves and identify criminals in their vicinity.
- In some cases, politicians used them to offer security services during campaigns.
- After politicians achieved their objective and abandoned them, they turned against the community they were supposed to protect. First they were identifiable, but later they went underground after the Government outlawed all organized youth groups.
- They disguised themselves as vigilante groups engaged in community policing. At some point they became arbitrators in border disputes and marital issues.

Hon. Koech asked the DC to also talk about the activities and existence of KEBAGO.

The DC informed the Committee that :-

- KEBAGO (Kisii Educated Boys and Girls Organization) was a criminal outfit.
- The Sungu Sungu was formed to counter their activities.
- The Ilitongo was basically a Kuria outfit that was initially formed to counter cattle rustling along the community's border with its neighbours.
- The main reason for their existence as poverty and idleness.

He recommended that the Government offer free training in youth polytechnics. He observed that the Kisii community was generally a very industrious community who only needed some financial support in order to engage in small business ventures.

Hon. Mbau asked the OCPD how they deal with these groups in the district in order to stop their upsurge.

The OCPD confessed that indeed, these groups existed in the district, but he had not met them personally, and they had not come out to identify themselves as such. Their activities are underground. However, they are few.

They have never charged anybody for being a member to any of the groupings because the community is not ready to give evidence in court. Before the cases are concluded, they are withdrawn or the witnesses disappear. They refer to them as: "Mambo ya kinyumbani", even if it is murder or rape cases.

The community nurtures and seems to accept the crimes committed by the groups.

The Chairman asked how effective the Provincial Administration was in dealing with these groupings.

The OCPD said that there some good elements in the community who offered information voluntarily but looked forward to some form of compensation, which is not catered for.

Hon. Koech asked the administration to offer practical solutions. For example, to what extent is the Provincial Administration offering security to the people who voluntarily offer

information? In some cases, they seem to have been overwhelmed. What is the capacity of local authorities to manage these gangs in bus parks?

The DCIO informed the Committee that the Witness Protection Bill states that for anybody to be protected, they have to seek authority from the Attorney-General to allow the police to offer protection to the witnesses. So far, they have only managed to protect one witness. In most cases the witnesses disappear and court cases are never concluded.

The Chairman wondered whether they extort from the public.

The DC informed the Committee that there is an assumption among the public that anybody arrested or charged with a crime must be convicted. So, they sort it out kinyumbani, in some cases demanding for compensation from the accused persons.

In most instances, the village elders arbitrate cases, charge fines and give solutions.

Hon. I. Muoki wanted to know whether these activities are active all the time or sometimes they are dormant.

The DCIO informed the Committee that in most cases, the groups are dormant, but only erupt when politics and border conflicts erupt.

However, the OCPD informed the Committee that they could be operating on a daily basis – though silently - in land dispute cases.

He further told the Committee that they have tried to decongest the Bus Park of conductors and established a special police unit at the Bus Park to stop the groups from extorting money from matatu operators in the name of paying route fees.

The Chairman wondered how effective Government agencies and local authorities would be in running bus parks.

Hon. Mbau asked whether the above groups engage in rituals in order to be admitted as members.

The OCPD informed the Committee that these were amorphous groupings that were not involved in any oath-taking.

The DC however regretted that wananchi seem to have lost confidence in the national security agents and some action needs to be taken to regain their confidence and change their attitude towards the security agents.

The OCPD suggested public barazas as an avenue for sorting out some of these problems.

The Chairman underscored that from the various visits, it was obvious that wananchi had totally lost confidence in the security agents. There was a lot of bribery taking place in the police force. He decried the number of traffic roadblocks on our roads.

The DCIO also noted that bribery was a cancer, which had a giver and a taker and the public should also be educated on the need to stop the practice.

However, the Chairman informed him that whichever the case, there must be one standing on the higher ground, in this case the police force.

The Chairman thanked the Provincial Administration for the brief and proceeded to the Kisii Main Prison at 10.30 a.m.

COMMITTEE SITTING AT THE KISII MAIN PRISON

The Committee was welcomed to the main prison by Mr. Partrick Aranduh, SSP, Officer in Charge and Ms. Jacinta Seenoi Officer in Charge, Women Prison.

The Chairman introduced himself and other Members of the Committee. He gave a brief summary on the mandate of the Committee and reiterated the fact that the Committee was not investigating anybody but only listening to views from the affected persons in order to make recommendations to Parliament on how to tame unlawful organizations.

Mr. Aranduh informed the Committee that :-

- The Kisii main prison had a capacity of 600 inmates but had 1,164 on that day.
- The number of remandees was very high due to the slow pace in court processes.
- There could be persons belonging to these organizations or having been arrested because of crimes by these organizations, but nobody has been charged as belonging to those organizations per se.

The Chairman wondered whether women also belonged to Sungu Sungu.

Ms. Seenoi had no knowledge of female Sungu Sungu members. The crimes the female prisoners are charged for have no relation to Sungu Sungu.

The Chairman wondered whether Magistrates are aware of the crowded situation in the prisons before remanding suspects.

The Committee was informed that the Magistrates are aware of the crowded situation in the prisons. But in some instances, cases for suspects charged with capital offences can only be heard by a judge and Kisii High Court only had one judge who is overwhelmed with the number of cases. That is why they take long to conclude.

It was observed that the majority of the inmates were remandees with pending appeal cases.

Hon. Mbau sought to know the major challenge faced by the prison.

Mr. Aranduh informed the Committee that congestion was the main problem and that there was need for expansion.

The Committee then proceeded to listen to the views of the inmates.

VIEWS FROM THE INMATES AT KISII MAIN PRISON

In the prison, the Committee observed that 70 per cent of the inmates were below 35 years of age.

Mr. Stephen Nyakua an inmate, informed the Committee that murder cases in the prisons were very high and were related to the Sungu Sungu.

He further informed the Committee that the DC was protecting the Sungu Sungu group. Sometimes feuding families pay them to kill their opponents and take their property. After they are killed, they are not buried in their homes as the Kisii culture demands.

The inmates fear for their lives if they are released. The community does not accept them back. Some former inmates have been killed after they are released from prison.

It was alleged that the DC is housing a group of Sungu Sungu members at St. Jude and that a Charles Midika was also commanding a gang of Sungu Sungu at Keumbu.

He complained that arrested suspects take too long in remand cells before they are taken to court and that, police investigations take too long. The hardcore criminals bribe their way out of the police cells while petty thieves and those arrested taking local brews remain in prison.

The Sungu Sungu group was accused of running a parallel government.

Dedan Otieno Ojwang' wondered why the magistrates could not release the suspects or the accused persons on a "Bond to keep Peace". He also complained that most of the remandees were petty offenders. He also complained of corrupt court prosecutors and congestion in the prisons.

Ogero Bosire noted that the Sungu Sungu take advantage of domestic conflicts to extort money from the people. Those who are wealthy use them to send their competitors to jail. He also complained about the slow court procedures. He requested the Government to post one more Judge to the district High Court.

Olando Okumu also decried the congestion in the prison and the delay in appeal cases. He suggested that the Government should put in place rehabilitation mechanisms for the prisoners after they complete their sentences. He requested the Government to allow prisoners to take identity cards and be allowed to vote. He informed the Committee that the police have ceded their responsibility to vigilante groups, and thus the emergence of outlawed organizations like Sungu Sungu. He noted that the people had lost confidence in the Provincial Administration. He also informed the Committee that the police seize property of suspects when they are arresting them.

Osoro observed that many youth were languishing in cells as a result of domestic squabbles with their family members. Relatives of orphaned children take advantage of their poverty status and collude with Sungu Sungu and convict them on trumped up charges in order to seize their property. The youth usually offer security to politicians during campaigns, but are ignored after the elections.

Peter Ouko decried the arbitrary arrests by police officers. He accused some police officers of being compromised when they deal with land cases. Some of the police officers arrest them so as to snatch their wives. He however informed the Committee that most youth were forced to join the outlawed Sungu Sungu group because of poverty. He proposed that the Government should start a rehabilitation programme for the youth so that they do not idle. Sungu Sungu was a means to livelihood for the youth. He also complained that most parents had neglected their children. Most parents were irresponsible and had nothing for their children to inherit. He alleged that the Sungu Sungu work in cohort with village elders, assistant chiefs and the OCS. He also claimed that politicians are funding the Chinkororo and even housing them. He informed the Committee that whereas petty offenders languished in prison cells, the real criminals went unpunished. He alleged that the MPs for Bonchari and Bobasi housed Chinkororo. They are a gang for hire by politicians and powerful businessmen. He observed that there was no proper rehabilitation programme for those who are released. He suggested that they should be allowed to join the National Youth Service after serving their sentences.

The Chairman thanked the inmates for being patient and expressing their views openly to the Committee. He promised to make recommendations that would draw the youth away from organized crime.

(The Committee then proceeded to the Women Prison)

The women prisoners complained of being arrested on trumped-up charges. In many instances, as chang'aa brewers and bang sellers.

However, they informed the Committee that there were so many youth serving the Sungu Sungu and Chinkororo groups in Kisii and Kuria districts. They complained that Sungu Sungu operated like a vigilante group. They were arbitrators in land squabbles. They even arrest suspects and charge them. They have offices at a place called Mutungu.

The Reverend informed the Committee that indeed the Sungu Sungu could kill the youth that are released from prison but this was in cases where they felt that justice had not been done. The police had failed to curb Sungu Sungu activities in the district.

The Reverend informed the Committee that indeed the Sungu Sungu could kill the youth that are released from prison but this was in cases where they felt that justice had not been done. The police had failed to curb Sungu Sungu activities in the district.

The Chairman asked the gathering whether it was true that Sungu Sungu killed youth when they are released from prison.

The Sungu Sungu started in Kisii South where they burnt witches and flushed thieves out of their homes. This was because police officers were not performing their duty. People no longer trust the police force. They cannot even confide any secrets in them.

The Committee first heard from Rev. Onchari of New Life Church who informed the Members that Amachuma offered security to politicians against their rivals. They even used to shave supporters of the opposing side. They later on graduated to Sungu Sungu. Though Amachuma could be identified, Sungu Sungu cannot be identified.

He allayed any fears of victimization and assured them that any recommendations would be taken seriously and would benefit the youth who belong to the unlawful groups and wananchi who suffer the consequences of their existence.

The Chairman introduced himself and other Members of the Committee. He outlined the mandate of the Committee and stressed the need for wananchi to give views openly and also offer solutions, which the Committee could include in its recommendations to Parliament.

The DC Kisii welcomed the Committee and asked the Chairman to proceed with the afternoon's session.

The Committee commenced its sitting at the Kisii County Council at 2.30 p.m with a word of prayer.

COMMITTEE SITTING AT THE KISII COUNTY COUNCIL HALL

The Members thanked the women inmates for their courage to speak and wished them well.

Hon. Shabesh noted that it was a violation of human rights for mothers with babies to be imprisoned. Alternative means should be found to punish or rehabilitate them.

He informed the Committee of the stringent measures that have been put in place by the Government in accessing the YDEF funds. He suggested that the Government should finance the youth through other means and not the Provincial Administration

He also said that the Ministry of Sports and Youth Affairs' activities were not known to the youth at the grassroots level. He went on to say that the Government was lax in dealing with youth affairs

Richard Ogendi informed the Committee that jails were supposed to correct the behaviour of the convicts, but those who failed to change, were simply compulsive criminals. He also informed the Committee that the Sungu Sungu youth did not have identity.

Youth join these groups because of unemployment, hopelessness and illiteracy. They therefore use other methods to survive. He also said that Parliament had lost credibility in the face of Kenyans. He informed the Committee that the Sungu Sungu do not use force to get money from their culprits. The police should differentiate other criminals from the Sungu Sungu. The Sungu Sungu take the law in their hands in cases where there is slow or no response from police officers.

A Mr. Ngui Thomas informed the Committee that not all police officers are bad. Some are hardworking. Together with the vigilante groups have really tried to maintain security.

The Government should do something about the idle university graduates who are capable of creating a lot of havoc in society if they are not engaged productively. He decried the skewed employment procedures in the police force and the armed forces.

He suggested that there should be equity in disbursing Government funds in all regions of the country. For example, the YDEF should not only be disbursed through Family Finance Bank and Equity, but also Saccos in Kisii District while action should be taken to improve the slow police response to crime scenes. He informed the Committee that these youth groupings emerged as a result of police failure in tackling insecurity. This gave birth to youth groupings.

Sungu Sungu was the main youth organization in Kisii District and that wananchi support their activities e.g. flushing out criminals and restoring order when there is lawlessness.

He also informed the Committee that some convicts feared coming out of the prisons because they are hardened criminals who fear the wrath of the wananchi they wronged.

He also reiterated the fact that in some instances, wananchi felt that justice had not been done and so they eliminate them.

He recommended small-scale industries to be put up in Kisii District so as to engage the otherwise available youth manpower. The Government should also put up a banana processing factory in Kisii to process crisps and even juice.

Finally, he decried the level of corruption in the Government, which he felt denies wananchi their rightful share of taxes that are collected.

The Chairman thanked the Gusii community for their patience and readiness to share their views and experiences with the unlawful organizations. He promised to inform the relevant authorities some of the problems they had identified.

The Committee then closed its sittings in Kisii District.

SITTING OF SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS
IN KENYA HELD IN NAKURU ON THURSDAY 12TH MARCH, 2009

PRESENT

Hon. Jeremiah Kioni, MP - Chairman
Hon. David Koech, MP
Hon. B.C.Muturi Mwangi, MP
Hon. George Nyamweya, MP

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

Ms. Lucy Wanjohi
Mr. Tom Ongalo

PROVINCIAL ADMINISTRATION

Mr. Ole Kiwili - Deputy PC
Mr. Thuku - District Commissioner, Nakuru

The Committee commenced its sittings at the Rift Valley Provincial Headquarters at 11.00 a.m.

The Deputy PC, Mr. Kiwili, welcomed the Committee to the Province after which the Chairman introduced himself and other Members of the Committee. He introduced the background of the Committee and its mandate. Among other issues he noted that most of these organizations attract the youth, although in some cases, old people are also involved.

The Committee had been to two provinces so far, and the problem these organized groups posed were major. The Committee however, would like to know whether the Government security agents dealing with them are effective or not, what brings them together and what makes them grow.

The Committee also wanted to find out whether there were social issues related to their increase in numbers that need to be discussed by Parliament. From the security point of view, has the Government succeeded in tracking these organized groups?

Is there any legislative agenda that needs to be put in place so as to combat their existence?

The Committee simply wanted to find out whether there were any such organized groups in the Rift Valley Province and stressed the importance of people opening up and discussing this issue openly with the Committee in its public hearings.

The Deputy PC Mr. Kiwili welcomed the Committee to the province and promised to assist in any way possible to facilitate their movement and achieve its objective.

In his brief, the Deputy PC observed that these organized groups exist in the province and posed a major security headache or risk in the province. The major groups that exist in the province are Mungiki and those that are engaged in cattle rustling.

He informed the Committee that these were youth who had refused to listen to the elders as it used to be traditionally and that the elders were no longer in control of them.

However, for society to tackle these groups, he suggested that we need to look at the historical perspective or their origins. He informed the Committee that Mungiki started as a small religious sect which the Government could afford to ignore, but later on grew in numbers and sophistication to the level it is today.

Formally, the group's members could be identified through their snuffing and dreadlock appearances, but today the group has shed off their dreadlock (amorphous). It has got out of hand in some cases, even challenging Government authority.

They extort money from wananchi as protection fees at bus stops and terminuses. He wondered what social dimensions could be associated with the group because it is even increasing in numbers and becoming sophisticated in its operations.

He noted that politicians cannot exonerate themselves from their existence and growth. This is because every politician seems to have a youth wing during campaigns.

To control them, the Provincial Administration uses the community to infiltrate them and know first hand what they are planning.

Their areas of operation in the Province are mainly, Nakuru, Molo, Naivasha, Laikipia West and a few of them in Uasin Gishu.

He observed that whenever the administration tries to deal with them viciously, the issue is politicized, on the other hand ignoring the viciousness with which Mungiki deals with its perceived enemies, for example, the macabre beheadings.

Whereas the security personnel have been accused of so many ills they have meted on the gang, little is hailed about them whereas they are also victims of the sect. Police officers have also lost their lives while trying to nub them.

The Provincial Administration, therefore, needs the support of Members of Parliament and the civil society in tackling these groups.

However, he stressed that the Government security agents will not relent in pursuit of security for its citizens.

In the case of cattle rustling, he informed the Committee that the Government intends to carry out a thorough, full-scale disarmament exercise, simultaneously with Uganda and Ethiopia so as to stamp it out once and for all. He observed that many firearms were in the wrong hands.

In doing so, he warned that some pain must be borne by the culprits because they could not understand the language of dialogue.

That whereas the cattle rustling communities can engage in farming as an alternative way of life and animal culling methods to improve their stocks, they simply wait for relief food.

He observed that cattle rustling had been commercialized. It is now organized cattle rustling. In Trans Nzoia and Kwana, he informed the Committee that they even steal, maim and kill and noted that this is a terror gang, which needs deterrent legislation.

Hon. Koech welcomed the Committee to the Province and thanked the Provincial Administration for facilitating the Committee's work and agreeing that indeed, the organized groups pose a dangerous trend in the province.

He however, wanted to know where they existed in big numbers, why the Government security agents have not been able to wipe them out, including the cattle rustlers in Pokot and Samburu areas.

He informed the Deputy PC that in some cases, people complained of not being given protection from aggressions from Uganda and Ethiopia. They therefore organized themselves into groups so as to protect themselves.

He wondered whether a way could be found out to legalize the possession of guns by the border communities.

Mr. Kiwili noted that although Mungiki existed, there were other *ad hoc* groupings that only erupt to deal with certain issues at hand and then go underground. This he blamed on politicians and business people.

He blamed the increase in numbers of these organizations to the broken social fabric and poverty in society. There are many idle youth who are unemployed and would provide ready market for criminal gangs. They are potential gun powder which can erupt at any time.

The Government should provide long term solutions to problems of the youth, for example, the Vijana Na Kazi initiative and the Youth Enterprise Development Fund. These would be better avenues for the youth to channel their energies to useful engagements.

The Deputy PC who recommended appropriate security machinery to be put in place to combat crimes in society alongside development activities such as schools and improved infrastructure.

Hon. Nyamweya suggested that home guards be trained and incorporated in the security system in their home areas.

Mr. Kimiywi agreed that this could be a positive aspect, where they could hold a register of all the firearms in the hands of the home guards and even give them certificates or label the firearms to avoid the same being hired by criminals.

He however stressed the need to train these people so that they are, for example, answerable to the OCS in order to monitor them.

The Chairman wondered whether Mungiki was becoming a darling of the youth. Whether the youth were easily enticed into joining this group and why.

Mr. Kiwili observed that in some cases, there is forceful recruitment. This is in a bid for the group to create its own economic power base, disguised as offering protection. He also informed the Committee that other communities, besides Kikuyu were now being recruited into the sect.

The Chairman noted that it was very clear from the views of the public that the Government had failed the youth. He suggested that the Government should isolate the youth that want to positively engage with the Government in productive activities and criminal elements. Has the Government succeeded in handling youth issues?

Hon. Muturi suggested that the Government should look at the increase of these groupings from an economic point of view. Yes, the Government has started various Funds, but the conditions are very stringent, and therefore, the youth cannot access them. He also observed that there was lax in Government security agents, and therefore creating a vacuum for the groups to operate.

The Chairman observed that if not checked cattle rustlers could also be heading the Mungiki way. They were becoming sophisticated by the day. However, the target for Mungiki is the traffic industry. Some traffic policemen could be agents of Mungiki. The attitude of traffic police officers should change.

Hon. Muturi informed the meeting that Mungiki gave financial support to drivers and conductors who lose their jobs, thus luring many drivers and conductors to join the sect.

The Chairman suggested that thorough investigations be carried out in the operations of traffic officers.

Hon. Koech informed the Deputy PC that there were so many firearms in the wrong hands in the Rift Valley. What is the Government doing to disarm these people? If not checked, he warned that the Government was going to loose the country to the wrong people. Should the Government carry out a programme to disarm anybody carrying illegal firearms in the country?

Mr. Kiwili noted that this was possible, only if politicians and civil society groups kept off the exercise. He stressed that this would be a ruthless exercise, which in some cases will be painful.

Hon. Nyamweya supported the ruthless disarmament exercise. He compared it to surgery. He observed that the people who have these firearms are well known to the Government security agents, but there was no political goodwill to support the disarmament exercise.

The Chairman suggested that, this was the best time for the ruthless disarmament exercise to be carried out since in a few years time, it would be diluted with politics for the 2012 general elections.

Hon. Koech warned that this exercise must stick to its target. The security agents must prepare early enough and even work with religious leaders from different regions to identify their targets.

The Deputy PC observed that in times of war, even the innocent are bound to suffer. However, in every operation, there are also bad eggs that divert to wrongdoing. He regretted that Parliament and the Executive had left the media and civil society to set the agenda.

The Chairman also blamed the media and the Government for giving Mungiki a lot of credit. The Government should not attach every criminal activity to Mungiki. The media on the other side should not hype Mungiki activities.

Mr. Kiwili agreed that this was like marketing nondescript characters. He observed that talking to illegal groupings would not yield any fruits.

Hon. Nyamweya compared dialoguing with the illegal groupings to allowing university students to demonstrate peacefully in the streets, but end up being rowdy and engaging in looting.

Hon. Muchiri agreed that it is sometimes good to use force.

The Chairman recommended a good working relationship between the Government, leaders and the public.

Mr. Kiwili observed that the Committee's public hearings would let wananchi reveal the weaknesses of the Provincial Administration. He hoped that the Committee would share its findings and recommendations with them.

The Chairman promised that copies of the recommendations would be availed to those who were involved in the exercise, once the report is debated and adopted by Parliament.

Hon. Nyamweya wondered whether the Provincial and District security teams were effective given the vast areas that they covered.

Mr. Kiwili agreed that sometimes they were not very effective because they covered very large areas, alongside the poor infrastructure. He recommended the creation of smaller administrative units.

The Chairman thanked the Deputy P.C and his team for facilitating the Committee.

COMMITTEE SITTINGS AT THE NAKURU MUNICIPAL HALL

The Committee arrived at the Hall at 2.30 p.m with a word of prayer.

The DO, Mr. Bori welcomed the Committee.

The Chairman gave the background of the Committee's mandate. He asked wananchi to identify the outlawed organizations that exist in the District and the reasons that lead the youth to join them. He also invited the media to give their views on what they think should be done to crack the various unlawful organizations.

Pastor Richard Ndede informed the Committee that indeed, Mungiki existed in the District. Many youth were easily enticed to join the sect due to the feeling of hopelessness. They cannot access education, health, and employment *et cetera*.

The use of force by the police officers has not deterred the youth groups from carrying out their activities. They attack markets and people on the streets.

The moral fabric of society has broken down; the youth have swayed from the religious teachings. They have now joined various sects where they even oath. Some of them could be in various church congregations, but they cannot be identified.

Mr. Peter Zakayo was of the opinion that the Government should dialogue with Mungiki and even register their existence. The Government should try to understand what they stand for. He informed the Committee that the use of force by the various government security agents forces them to hibernate. He, however, cited poverty, corruption and laxity in the law enforcement agencies as some of the factors that led the youth to join these sects.

The Chairman wondered how dialogue could take place when the activities that Mungiki engage in are criminal.

Mr. Zakayo blamed politicians for inciting the youth not to toe the Government's line.

Mr. Johnson Ndimu Ndegwa requested the Government to dialogue with Mungiki. He wondered why the Mungiki did not exist during the colonial time and just after independence. He cited failure by the Government to address youth problems.

He recommended a Special Development Trust Fund for idle youth. He also cited the displacement of small-scale traders by local authorities. For example, the destruction of 600 kiosks in Nakuru Town by the Council askaris.

The Chairman asked whether they chop off people's heads.

Mr. Ndegwa agreed that they usually do so when they are under the influence of alcohol and other drug substances.

Samuel Kamau Murumbi informed the Committee that Mungiki became very active in Nakuru from 2002 in Kimathi and Flamingo estates.

He cited politics as one of the reasons for the spread of Mungiki. He informed the Committee that there was recruitment at bus stages and among hawkers. After the 1992/97/2007 clashes, many youth were recruited into the sect.

After 2007, tenants were evicted and rent in the town rose. Up to date, the Government has not compensated the residents. This has led to hopelessness and rising insecurity. There is also laxity in Government security agents.

The Government should come up with economic incentives in the rural areas and address economic imbalances.

Community policing concept should be re-evaluated to make it relevant. Politicians should not lure the youth into their campaigns using money.

Mary Adagala informed the Committee that the Government had failed to address the grassroots issues affecting its people. The people were therefore yearning for change. She complained that there were so many refugees in the country who seemed to have better lives than Kenya citizens.

She blamed the high insecurity in the country to the emerging organizations. She informed the Committee that the youth were used by feuding parties or persons to fight others. She suggested that the Minister for Provincial Administration and Internal Security should be a grassroots person.

The Government should relax conditions for accessing funds from the Youth Enterprise Development Fund (YEDF) and Women Enterprise Development Fund (WEDF).

Justus Oyier Oler complained that there was hunger in the country whereas the youth lacked employment. The youth were easy targets by politicians during campaigns.

Wananchi had lost confidence in the Government security agents and therefore looked for alternatives like Mungiki and others to provide security.

He complained that there was idleness among the youth. Politicians and businessmen therefore, easily hire them.

(Mathew 5:9)

Jane Nyabiko informed the Committee that politicians sponsor most of the organized groups. They gain ground during political campaigns. They are groups aligned to different opposing camps. They however wine and dine with politicians. It is only the politicians who can stop them from increasing in numbers; demand verses supply.

The Chairman asked her what she thought could be done to stop politicians from misusing the youth.

Nyabiko suggested that civic education should be carried out among the youth besides good parental care.

Jacktone Lukale Aura informed the Committee that security agents are aware of the existence of the organized groups in the district. The Mungiki use bottle chips to circumcise women.

They are thugs for hire who were transported to Nakuru by politicians in 2007 during the post-election violence. He informed the Committee that Nakuru does not have resident Mungiki adherents but their bosses stay in the town.

William Okello requested the Government to streamline accessibility to funds. He observed that there is high youth population, though the old people stay too long in leadership positions. The youth are only useful during campaigns. The Government should minimize expenditure and ensure equity in distribution of resources.

The problems of male youth should be addressed urgently to avoid vulnerability for hire.

He also decried lack of transparency when hiring youth into the police force, army and National Youth Service. The officers ask for bribes which the youth cannot afford to pay. Successful recruits are from the well to do families.

The Ministry of Youth and Sports is useful but lacks the capacity to attend to all the youth in the country. Its capacity should be strengthened. The youth should also be sensitized to change their attitudes. They should resist being misused by politicians during campaigns.

Daniel Kibet informed the Committee that population is very high but there is no employment. He blamed the increased numbers of youth joining organized groups to high illiteracy levels and tribalism. The youth organize themselves into groups because wananchi lack confidence in the Government security agents. The youth, therefore, provide alternative security for wananchi.

Pauline Wanjiku cited idleness among the youth as one of the factors leading to lawlessness. She recommended that the youth should be engaged in compulsory youth service. All youth involved in criminal activities should not be branded Mungiki.

She informed the Committee that there are criminal youths masquerading as boda boda cyclists. The Mungiki should be given a media blackout. They thrive on media publicity that is given to them.

Catherine Waiyego informed the Committee that careless political utterances during campaigns gave rise to organized criminal gangs. Impunity, for example, grabbing of people's houses led them to form into groups so as to counter their adversaries.

Media reporters agreed that indeed, the media portrayed Mungiki in as a very powerful group. The labeling, for example, of Mungiki sect as "the dreaded sect" gave them strength to go about their criminal activities with impunity.

However, the Press depends on witnesses; the police in most cases, who label every criminal especially from Central Province, Mungiki.

Hon. Nyamweya decried terms used by the press such as extra-judicial killings as fanning hatred and brining about lawlessness.

The Chairman noted that this country belongs to all of us, and each and every person has a role to play in taming these unlawful gangs including the media. He proposed to have a meeting with the owners of the media houses to discuss this issue with them.

Hon. Koech asked the media to stop labeling all criminals Mungiki and yet nobody has been charged for belonging to this outlawed sect.

The Chairman disabused the notion that Parliament and the Executive are intruders in the lives of the media and the public. The public perception of the Provincial Administration is that of an intruder. Their relation is generally poor. He therefore, asked for change of attitude between the two parties.

The Chairman thanked the Provincial Administration for facilitating them and the public for turning up in big numbers. He promised that the Committee would make recommendations for the long term. He requested the media to be supportive of Government initiatives towards stamping out criminals from our environment.

The Committee adjourned its sitting at 5.30 p.m with a word of prayer.

SITTING OF SELECT COMMITTEE ON THE ACTIVITIES OF UNLAWFUL ORGANIZATIONS
IN KENYA HELD IN KERICHO ON FRIDAY, 13TH MARCH, 2009

IN ATTENDANCE

Hon. Jeremiah Kioni, MP - Chairman
Hon. David Koech, MP
Hon. George Nyamweya, MP

KENYA NATIONAL ASSEMBLY

Ms. Lucy Wanjohi
Mr. Tom Ongalo

PROVINCIAL ADMINISTRATION

Mr. S.K. Njora - DC, Kericho
Mr. J. A. Omwenga - SRIC, Kericho
Mr. Patterson Maelo - OCPD, Kericho
Mr. Ndumba V. Thangalani - DCIO, Kericho

The Committee arrived at the Kericho District Headquarters at 11.30 a.m.

Mr. S.K. Njora, the DC welcomed the Members of the Committee to the District.

The Chairman introduced himself and other Members of the Committee.

He thanked the DC and his team for the warm reception they had accorded the Committee. He informed the DC that the Committee was mandated by Parliament to look at the origins of the various unlawful organizations; why they are growing; what measures have been put in place to curb them and what the public think should be the solution to stopping their operations or even legalizing them.

The Committee was interested to know whether they exist in Kericho or not. If they do, which ones and their dynamism. The Committee wanted to find out whether there was need to re-look at various Acts of Government with a view to amending them.

He noted that everywhere the Committee held its sittings, the politician takes the flak. What needs to be done to stop the politicians from misusing the youth? What level is the public ready to open up while not engaging in politics?

He however regretted that formerly, there was unnecessary suspicion of the Committee by the Provincial Administration. It was however, encouraging that this perception seemed to have changed with time. He reiterated the fact that the Committee was not out to criminalize anybody, but rather to get solutions.

The DC informed the Committee that there were no organized groups in Kericho, but a huge army of idle unemployed youth who can be mobilized to engage in criminal activities. They could also think of mobilizing themselves into organized groups.

The Chairman regretted the strained relation between the Provincial Administration and the youth. He also noted that idle youth could mutate into organized criminal gangs.

The DC insisted that he had not come into contact with any organized groups in the district in the course of duty.

The Chairman wondered whether the youth were violent during campaigns.

The DCIO, Mr. Ndumba informed the Committee that these groups were only visible during campaigns, where the youth aligned to different parties form into youth wingers for different candidates but fizzle out immediately after the campaigns. They no longer conglomerate to mob politicians after the elections.

Hon. Nyamweya wondered why organized groups did not exist in Kericho unlike other regions of the country. Could it be that the level of unemployment in Kericho is not very high?

The DC informed the Committee that among other reasons, the matatu industry was not very vibrant in Kericho. However, there was no general insecurity in the area. The security situation in the district has not broken down.

The level of unemployment is high although food was readily available and they could also be engaged any time in the tea estates. Most of the idle youth were not indigenous Kericho District residents, but outsiders.

The Chairman wondered whether Kericho District was adequately covered in terms of the number of police stations and equipment than other districts in the country.

Mr. Njora explained that Kericho like any other district in the country also lacked security equipment. However, the infrastructure is fairly good and allowed security officers easy access to almost all parts of the district. Besides, the population was generally quite busy in the tea estates. What they were experiencing were only petty thieves.

Hon. Koech related the general calm in the district to the many economic opportunities that exist in the district and the intact family structures.

The Chairman questioned why then some were still idle.

The DC explained that this was the case immediately after every general election where politicians engage them on short-term basis and then damp them after the elections.

The DCIO recommended that the youth should be engaged in productive work permanently and not on short-term basis. He however hailed the state of affairs in Kericho where most of them are engaged in shoe shining business while others control bus stages with the permission of the council.

Hon. Koech questioned whether the use of illegal brews and drugs was rampant in the district.

The DCIO explained that although chang'aa and busaa were easily available in Kericho, it was not with criminal intent. They just drink during the day and then relapse to their homes. Bang is available, though of late not on a large scale.

The Committee heard that bang was readily available in Kericho because it was a transit route for bang transporters from Uganda and Tanzania en-route to Nairobi and other towns. But since the completion of the Narok Road its presence in Kericho had reduced tremendously since the transporters had diverted it to the new road. Besides, the many roadblocks along the Kericho Nairobi Highway deterred the transporters from using that road.

Hon. Koech wondered whether thieves and other persons with criminal intent could hide in the tea estates.

The DCIO alluded the peace in the tea estates and Kericho generally, to the security arrangements in those farms. The owners of the tea estates and the security agents work together to stamp out crime. Any visitors into the tea estates are accounted for making them unattractive to criminals. The tea estates also have their own security machinery that works in conjunction with the police.

Mr. Omwenga from SRIC informed the Committee that barriers had been erected in the tea estates where any new entrants surrender identity cards and thorough scrutiny is done.

The DC informed the Committee that in Uganda and Tanzania, the village elders were being used to register anybody visiting their areas thus providing effective policing.

The DCIO recommended change in Kenya's community policing concept, where they could involve the village elders.

The DC noted that Kenyans take advantage of loopholes in the security system to commit crimes.

Hon. Koech asked whether people were complaining of roadblocks in the district.

The DC explained that there was only one roadblock in the District and others were only mounted at night to counter thieves who hijack buses and to prevent logging in the forest. Criminals were only using other people to complain.

The Chairman asked what politicians could do to improve security in their areas.

The DCIO explained that politicians should stop meddling in the work of the Provincial Administration and other security agents. They should stop paying cash bails for criminals and other persons who are arrested. This amounted to incitement because the criminals are sure to be bailed out. Politicians can also easily mobilize idle youth.

What law can be applied stop politicians from misusing idle youth?

The DCIO explained that currently there was no serious charge that can be preferred against the politicians apart from incitement.

The OCPD went on to explain that there is a tendency among politicians to please the youth whether it is negative to the security operations. They buy for the youth illegal brews and in some cases bang. Politicians engage in careless utterances when under siege. This was also identified as a reason for inciting the youth.

How can the politician be shielded from the youth that mob them for handouts?

The DC explained that this purely depended on the politics of an area. For example, in Kericho it was not there.

Hon. Nyamweya agreed with the DC that it purely depends on the type of politics practiced in an area. He gave an example of Kisii where after you talk to the people, they ask you to "summarize". This means giving them handouts. The youth even demand for handouts in funerals.

The OCPD explained that the culture is the same in Kericho but it was very minimal.

The Chairman noted that though this is not yet a security issue, but it can mutate into something else.

The DC blamed politicians for strengthening this culture. Politicians can stop this culture if they do not use money to seek votes.

The Chairman suggested a media campaign to sensitize wananchi and to dissuade the politicians.

The DC stressed that though this could be effective, but those seeking for votes were the major culprits. If they stopped using money, wananchi could with time get used to that.

Hon. Nyamweya informed the DC that the public seemed to fear the Provincial Administration and asked for change of attitude and image of police officers.

Finally, the Chairman thanked the DC and his team for that brief insight of the security situation in Kericho, but warned that though it appeared that there were no organized gangs in Kericho, when it becomes fashionable in other parts of the country, the district may not be spared either. It is important to address the situation other than living in denial.

The Committee adjourned its sittings at the DC's office at 12.30 p.m.

COMMITTEE SITTING AT THE COUNTY COUNCIL OF KIPSIGIS HALL

The area town chief welcomed the Committee to the Hall after which prayers were conducted by one of the participants.

The Chairman introduced himself and other Members of the Committee.

He outlined the mandate and objective of the Committee to the public and encouraged them to give their views openly without fear. He assured them that no one would be intimidated or punished for giving their views.

He noted that there were lessons for the Committee to learn from the public and that is the reason the Committee attached a lot of importance to their views.

The Committee wanted views, which could help Parliament legislate to curb the illegal activities of organized outlawed sects or groups.

Mr. Al Haj Abdulahi Kiptanui of the SUPKEM Council informed the Committee that:-

- politicians had ignored the welfare of the youth.
- unemployment, high poverty levels, landlessness, drugs and cheap illicit brews are some of the factors that lead the youth to engage in criminal activities.
- Politicians take advantage of this hopeless situation to entice the youth and mobilize them into groups.
- NGOs were blamed for misusing the youth for their own selfish gains.
- There are no informal sector employment opportunities for the youth.
- He also blamed parents for babying their children for too long.
- In enforcing security, the police should consult or work with village elders so as to understand the problems in different areas.
- He decried corruption among the officers who carry out recruitment exercises for the youth into the army, GSU and police force. The officers demanded as much as Kshs100, 000 which they could not afford. The youth therefore, lack confidence in Government policies.
- Municipal Council askaris were also blamed for hampering youth engagement in small-scale businesses in towns.

He recommended that the Government should buy land, which is owned by foreigners, and distribute it to wananchi. Some national parks should be converted to settlement schemes for the landless.

Ezekiel Arap Chumo blamed the Government for not involving indigenous communities in Government projects, e.g., road construction.

He proposed that -The Ministry of Youth and Sports should encourage sports activities in the rural areas to keep the youth busy and also other Factories besides the tea factories should be started in Kericho to provide jobs to those who are not employed in the tea factories.

The Chairman suggested the use of secret balloting after all the youth who merit recruitment have been picked so as to make the recruitment exercise into the armed forces and police force transparent.

He also proposed that Chumo also suggested that village elders should be involved in the exercise.

He also informed the Committee that the media has succeeded to portray politicians negatively and therefore, the youth lack role models.

Careless utterances by politicians through the media also hyped tension among the youth.

Abednego Nyangoka blamed politicians who use the services of the youth during campaigns and then abandon them after they have achieved their goals.

Politicians were also blamed for breeding seeds of ethnicity through their utterances, e.g., "Sisi Wakalenjin ama Wajaluo tunanyanyaswa". They set one group against another for selfish political survival. They also create hatred among communities to perpetuate corruption and maintain the *status quo*.

The youth have lost confidence in the political leadership of the country. They do not have good role models.

He suggested that the youth should be sensitized on their basic human rights and the law generally.

William Kepkemi Keptienya blamed the problems of the youth on leadership that is not focused, unemployment and tribalism.

Politicians exhibit tribal tendencies through careless utterances such as, "Mimi ninamalizwa", when they are faced with scandals. This galvanizes the youth from their areas to rise up in defense of yule anayemalizwa.

Nepotism and bribery in recruitment into the army and police force also kills youth morale and leads them to criminal activities.

There is also nepotism in recruitment into the civil service and Government corporations.

The youth cannot access Government funds due to the stringent measures in place. Councilors embezzle local council funds. This has led to a freeze in local council employment and rendered the youth idle.

There should be change in obsolete land policies to allow the landless access land. Employment should be on merit. The Government should look forward to industrialization. The Vision 2030 should be achieved.

Rose Ruto informed the Committee that though organized unlawful organizations did not exist in Kericho at the moment, there was a possibility of the region heading there.

She suggested that the Government should scrutinize religious sects and determine what they stand for. She gave an example of the sect in Naivasha that enticed people to enter a bunker in preparation of the end of the world. Has the Government ever thought of finding out what they are involved in at the moment?

The organized groups erupt because of defiance to historical injustices e.g., poor land distribution policies.

She also cited drug abuse as another factor that led youth to become criminals. That NACADA does not address grassroots issues. Street children and families who have been neglected mutate into organized criminal gangs.

The media was also blamed for glorifying gangsterism. The Mungiki have been given unnecessary coverage.

She also blamed the education system that many people could not afford. Though there is free primary and subsidized secondary education, not all could afford to pay other hidden charges.

She blamed the breakdown in social structures; the elders have been ignored whereas they used to play a big role in molding the youth.

The Committee was informed that the Kalenjin community has strong traditional social structures that instill discipline among the youth and even do cleansing.

The security agencies were also blamed for glorifying Mungiki. However, she advised that they should not use excessive force when dealing with certain issues. The Government should not label every youth a criminal.

Peter Kigen informed the Committee that the youth had developed a sense of hopelessness as a result of being given empty promises by the Government, e.g., the creation of 500,000 jobs. The youth should be given an enabling environment to be productive. Youth groups should be empowered financially and supervised.

Mwangi Njuguna attributed the reason for emerging organized groups to poverty (gorogoro). He suggested that local authority activities should be streamlined, especially, the council askaris operations. They should stop the forced evictions of hawkers and other small-scale traders from their known operating zones. The Government should re-introduce food price controls.

Gedion Mutahi decried the rising unemployment rate in the country. He expressed shock that the Government had raised the retirement age for civil servants to 60 years. He also condemned impunity by role models that are our political leaders. He also cited historical injustices such as, distribution of land, as another reason for disaffection among the youth.

Christopher Arap Ng'eno cited stringent terms in accessing government funds. He also blamed the security agents who mistrust matatu drivers and conductors. He however, was happy that the situation had changed in Kericho. The Provincial Administration now recognized them.

Wesley Ruto asked for an urgent Constitution Review exercise to do away with obsolete laws that do not currently meet people's needs.

Joseph Osaba blamed politicians who entice the youth. He however, hailed the Vijana Na Kazi initiative and hoped it will work. He asked leaders to unite wananchi.

Alice Chumo blamed their problems on harassment by council askaris who run them out of business.

Joseph Kosgey predicted a revolution if the Government did not check the vacuum that it had created security wise and economically.

Dennis Kiprono informed the Committee that the youth had shattered hopes. From school they hoped to be employed but that was not the case. They also lacked good role models.

The Deputy Mayor, Kericho blamed Members of Parliament for neglecting their voters or constituents. He also cited financial instability among the youth. He also agreed that the organized youth groups did not exist in Kericho, though there was a possibility that they could emerge.

Wesley Rono asked that youth polytechnics should be revived to admit youth that do not join universities and other middle level colleges.

Philip Kirui a media practitioner asked the Government not to gag the media.

The Chairman thanked the public for being patient and for airing their views openly. He agreed that indeed, the Committee had received helpful information from the public that will assist it in making good recommendations to Parliament.

He thanked the Provincial Administration for facilitating the Committee and wished them well.

The Committee adjourned its sitting at 5.00 p.m with a word of prayer.

LIST OF PARTICIPANTS

PUBLIC HEARINGS CENTRAL PROVINCE

NYERI DISTRICT

NO.	NAME	ORGANIZATION
1.	S.K. Ndirangu	Civic Leader – Municipal Council of Nyeri
2.	Chrispus Wachira	Civic Leader – Municipal Council of Nyeri
3.	Ichera Wandauu	Civic Leader – Municipal Council of Nyeri
4.	Paul W. Waruru	Civic Leader – Municipal Council of Nyeri
5.	Cllr. John W. Nderitu	Civic Leader – Municipal Council of Nyeri
6.	J.M. Nderitu	Eklder- Kigwandi
7.	Paul N. Nguru	Elder
8.	Simon M. Wangwaro	Elder
9.	Peter K. Curu	Community Leader(Karundu)
10.	R.W. Mbuthia	Elder
11.	J. Karimi	Bussiness Community
12.	David Ngige	Civil Society(CSO) NSF
13.	Lybia W. Karina	Business
14.	Uledi Majid	SUPKEM
15.	Duncan N. Komu	Community policing - Tetu
16.	Sparsit G. Mwangi	
17.	Jeremano N. Maina	
18.	Jospert M. Nyairumbe	Businessman
19.	Elijah K. Muito	Transport Industry
20.	Peter K. Mwangi	
21.	Julius K. Gichure	
22.	Alice Nyaruai	
23.	David W. Nderitu	Chania Village
24.	Jane W. Njogu	Wetemere Village
25.	Abigael Nduta M.	
26.	Lucy W. Nderitu	
27.	Priscillah Mwangi	
28.	Teresa W. Nguru	
29.	Margaret W. Ng'arua	Chania Village
30.	Jane W. Wahome	Wetemere Village
31.	Patricia M. Muthoka	
32.	Charity W. Mwaya	
33.	Mary W. Wabugu	Chania Village
34.	Isaac W. Ngatia	
35.	James Maina	
36.	Judy W. Rashid	Chania Village

37.	Shelmith W. Maina	Chania Village
38.	Beatrice W. Nderitu	Chania Village
39.	Tabitha W. Mutua	Wetemere Village
40.	John M. Kariuki	Wetemere Village
41.	Esther Wakonyo	Wetemere Village
42.	Miriam Wambui	Wetemere Village
43.	Mary W. Gitah	Chania Village
44.	Cllr. Esther M. Kariuki	Nyeri Municipal Council
45.	Cllr. Patrick Kiago	Nyeri Municipal Council
46.	Cllr. Wanjau	Nyeri Municipal Council
47.	Cllr. Robert M. Mwai	Nyeri Municipal Council
48.	Zaina Wanja	Chania Village
49.	Salome Wambui	Chania
50.	Peter N. Muchemi	Chania
51.	John M. Mwangi	Chania
52.	John Gitonga	Chania
53.	Paulo M. Munyingi	Chania
54.	Simon M. Maina	Chania
55.	Wilfred Sichaki	Chania
56.	Elizabeth W. Wanderi	Chania
57.	Dominica Wanjeru	Chania
58.	David N. Ndegwa	Chania
59.	Beatrice W. Ngunjiri	Chania
60.	Njuguna Murugu	Chania
61.	Esther W. Mwangi	Chania
62.	Peter W. Wanja	Chania
63.	Regina W. Gatore	Chania
64.	Susan W., Wachira	Chania
65.	Shelmith Wanjira	Chania
66.	Eunice Muthoni	Chania
67.	Mary Wanjiru	Chania
68.	Nancy Wanjiku	Chania
69.	Margaret Wanjiru	Wetemere
70.	James Ndegwa	Wetemere
71.	David Mugo	Wetemere
72.	Stephen Kiboi	Wetemere
73.	TabithaWanjiku	Chania
74.	Peter Munene	Chania
75.	Purity W. King'ori	Chania
76.	Jane W. Mwangi	Chania
77.	Jane M. Mathenge	Chania
78.	Kara Karani	Chania
79.	John W. Kariuki	Chania

80.	Jane M. Gathigia	Chania
81.	Ann W. Kariuki	Chania
82.	Jennifer N. Wambugu	Chania
83.	Lucy N. Theuri	Chania
84.	Catherine W. Wanjaria	Chania
85.	Evah W. Kagika	Chania
86.	Jennifer G. Kagenye	Chania
87.	John W. Kimani	Chania
88.	John G. Gatugwa	Chania
89.	Benjamin K. Macharia	KNYA
90.	James Njoroge	Chania
91.	Joseph W. Ndirangu	Chania
92.	Peter N. Ndung'u	Chania
93.	Esther Wangui	Chania
94.	Elizabeth Nyangari	Chania /Wetemere
95.	Jane Muthoni	Chania /Wetemere
96.	Gachanja	Chania /Wetemere
97.	Stephen Maina	Chania /Wetemere
98.	Alice W. Njenga	Chania /Wetemere
99.	Wangari Mwangi	Chania /Wetemere
100.	Peter Mathenge	Chania /Wetemere
101.	Lydia W. Maina	Chania /Wetemere
102.	Charles M. Gicuki	Chania /Wetemere
103.	Susan Theuri	Chania /Witemere

MURANG'A DISTRICT

NO.	NAME	ORGANIZATION
1.	Cllr. Peter I. Kihungi	Murang'a County Council
2.	Hezbon A. Mwangi	Community leader- Gatheru
3.	Kennedy M. Kabui	Community leader- Gatheru
4.	Richard M. Kanyoro	CDF leader
5.	David G. Mwangi	D.I.O- Kenya News Agency(KNA)
6.	Charles B. Kamiri	Chairman – Githuri F.A.D.C
7.	Fr. Joachim Gitonga	Evangelism
8.	Benjamin Gachagua	Chairman – Kiharu Community Policing
9.	James K. Wakaunga	Murang'a Municipal Council
10.	Francis B. Manyeki	MTN. SACCO LTD
11.	David W. Ndung'u	Public Officer Makuyu
12.	Peter M. Chege	D.G.A.K, Kiharu
13.	Cllr. Waweru J.M	Murang'a County Council

14.	Wamulevu	D.O, Mathioya-Office of the President(OOP)
15.	C.L Murithi	D.O,Kiharu- Office of the President(OOP)
16.	Kibet Michael	D.O, Kangema- Office of the President(OOP)
17.	Cllr. Catherine W. Mwangi	Civic Leader – Gikindu Ward
18.	Rev. Joseph Kamau	ACK
19.	Francis B. Munyoki	MTN SACCO
20.	Hillary K. Gakara	Mugima Orphans
21.	Benson M. Kibia	Land District Tribunal
22.	Agrippa W. Maina	Gikindu/ Kandabibi Water
23.	Samuel T. Maina	Gikindu Youth Polytechnic
24.	Gerald N. Wachira	
25.	Julius I. Gatuku	Community Health Worker9Gikindu Location)
26.	John Walter Kibunja	Divisional Community policing Committee
27.	Samson G. Daniel	Divisional Community policing Committee
28.	Wanjohi N. Mundui	Land Dispute Tribunal
29.	Jacinta Mwangi	Women Leader, Gitugi Location
30.	Dedan K. Mathu	Chief- Gitugi Location
31.	Douglas N. Kihara	Chief - Njumbi Location
32.	Stephen K. Njona	Chief – Gaturi Location
33.	Moffat G. Njau	Chief- Kimathi Location
34.	Francis Kamande	ACK Church
35.	Hezbon Mwangi	Community Leader- Gatheru
36.	Kennedy Mwangi	Community Leader- Gatheru
37.	Macharia Kanyoro	School Management Committee
38.	Charles B. Kaniri	Chairman - F.A.D.C. Githuri Sub-Location
39.	Nguku Wachira	Kangema Town Council
40.	John W. Wandugo	Kangema Town Council
41.	Joseph M. Kaingi	Mukuria Hungu Selp Help Group
42.	Joyce W. Kariuki	Church leader
43.	Bishop J. Kiragu Mwangi	Deeper Truth Church/ Chairman - CDF Wangu Sub-location
44.	Rev. Wilson K. Irungu	Redeemed Gospel Church Kahuti
45.	Ishmael I. Kiunjuri	Sub-Location Development Committee
46.	Charles M. Wachiuri	
47.	Fredrick Mwanzu	
48.	Faith M. Gichemi	
49.	Francis G. Mwangi	Kamuna SACCO Ltd.
50.	Samuel K. Kamau	Chief- Kanyenyani
51.	Ephantus I. Chege	CDF- Mugoiri
52.	Lucy W. Mwangi	CDF – Township (Secretary)
53.	Nancy W. Muchoki	CDF – Township (Treasurer)
54.	Lydia W. Kuria	Assistant Chief-Gacharaigu
55.	Jennifer M. Irungu	Assistant Chief - Mukangu

56.	Paul I. Josphat	ACK St. John Kahuhia
57.	George K. Wambugu	Town Council of Kangema
58.	Cllr. James Nderu	Town Council of Kangema
59.	Lucy W. Njoroge	MYWO
60.	Tabitha N. Mwangi	Businesswoman
61.	Haron M. Kang'ethe	Youth Leader
62.	Johnson M. Muchoki	Church Leader
63.	James Muiruri	Chief –Mbiri Location
64.	William M. Mbureri	Youth Leader
65.	John K. Kiragu	Youth Leader
66.	Jediel Kahungu	Youth Leader
67.	Stanley Githinji	Society Leader
68.	Abdallah S. Kilara	SUPKEM
69.	Carolyn M. Kabae	Businesswoman
70.	John Keru	Businesswoman
71.	Chrisanous Kimoto	Businesswoman
72.	D.M. Waiganjo	Youth Leader
73.	Mwangi Macharia	
74.	J.M Waichuhi	Secretary - Contractors Association
75.	Daniel Kuria	Youth Leader
76.	James K. Mwangi	Youth Leader
77.	Kimani Mbaru	Local Authority
78.	Dr. S.G.G. Gichuru	Business Community
79.	Peter M. Chege	Farming Community
80.	Mr. K. Samuel	Business Community
81.	Peter Mwangi	Business Community
82.	Simon Muthuma	Business Community
83.	Charles Muchiri	Business Community
84.	Johnstone Maina	CDF Member
85.	Hillary Ngotho	Church Leader
86.	Andrew Gatuma	Youth Representative
87.	Kanyutu Njoroge	CDF Member
88.	James N. Gitau	District Education Board Member
89.	Lawrence Mukoma	CDF Kahuro Sub- Location
90.	Amos Mwangi	Village Elder
91.	James G. Kamitha	Church Leader
92.	James K. Gichira	
93.	Hannah W. Kang'ethe	Kiharu CDF Member
94.	Mary N. Muthari	Women Leader
95.	Bidan K.	
96.	Nahashon Muhari	Business Community
97.	Patrick M. Kinyoko	
98.	Maina David	Location Leader

99.	Mwangi Kibari	Transport Sector
100.	Eliud Mwangi	Transport Sector
101.	Peter Kanyari	Transport sector
102.	James Mwangi	Transport sector
103.	John Waboyo	Transport sector
104.	Geofrey Kimani	Transport sector
105.	Martin Muraya	Transport sector
106.	Duncan M. Gathiithe	VDC Githuuri
107.	James K. Gichohi	VDC Muthigiriri
108.	Hellen W. Waweru	VDC Kambirwa
109.	Samson N. Mugo	Assistant Chief-Kabirwa
110.	Titus G. Nduati	Assistant Chief- Kirooho
111.	J.K. Wakahiga	Murang'a Municipal Council
112.	Cllr. Allan M. Kabiro	Murang'a County Council
113.	Cllr. Kagunda	Murang'a County Council
114.	Cllr. Githuku Wa Joe	Murang'a County Council
115.	Mwangi Gichohi	Teacher- Adult Education
116.	Maina Kamau	
117.	Harrison F. Gacheru	
118.	Harun Maruru	Businessman

PUBLIC HEARINGS EASTERN PROVINCE

EMBU DISTRICT

NO.	NAME	ORGANIZATION
1.	George Muyonga	OCS- Embu
2.	Musalia Edebe	D.O Central
3.	Mugo W. G. Lewis	Nyangi Ndiriri
4.	Robert G. Yesse	D.O - Wembure Division
5.	Andrew I. Njeru	Chairman- Embu Nyangi Ndiriri
6.	Elisha Migwi	Secretary - Embu Nyangi Ndiriri
7.	Ireru Mukunji	Embu Nyangi Ndiriri
8.	Patrick F. Njagi	Embu Nyangi Ndiriri
9.	Raban N. Simon	Runyenjes Chairman - Embu Nyangi Ndiriri
10.	Charles N. Kariuki	Embu Nyangi Ndiriri
11.	John K. Ngahu	Emuki Transport SACCO
12.	Ferdinand Njiru	Embu Nyangi Ndiriri
13.	Joseph M. Njue	Embu Nyangi Ndiriri
14.	Marcus N. Njagi	Embu Nyangi Ndiriri
15.	James N. Njeru	Assistant Chief- Kithimu

16.	Samuel N. Gerishon	Chief - Kithimu
17.	Conseta G. Njiru	AG. Chief – Gaturi South Location
18.	Ann N. Njeru	Assistant Chief- Kevote
19.	John N. Kiarago	
20.	Wilfred M. Gichuki	Church leader – Majimbo
21.	David Kaaria	Embu Prisons
22.	Albert N. Nyaga	Assistant Chief- Kithegi
23.	Salesius Ireri	Councilor Embu County council
24.	John M. Ngari	Assistant Chief – ENA- East
25.	Pen N. Magu	Senior Assistant Chief – ENA West
26.	Patrick N. Njagi	Senior Assistant Chief - Gatunduri
27.	Muriithi Nixon	Parade Officer
28.	Murugi Njiru	K.N.A
29.	John Mwangi	K.N.A
30.	Wilson N. Nthigaa	Pastor
31.	David H. Njeru	Elder – Ngunjiri
32.	Ev. Patrick Mwenda	Preacher
33.	Rev. H. Kingawei	CCF- Kenya
34.	Roster M. Kaumbi	Community policing
35.	Astord G. Njue	Bussinessman
36.	Margaret W. Njagi	Businesswoman
37.	Jacinta W. Njiru	Farmer
38..	Bishop P.I. Mbogo	PFF Ministry
39.	Shadrack K. Nyagah	Chairman Kameu/Kavangalu project
40.	Francis J. Kariuki	Chief- Makengi
41.	Francis M. Kasungo	Manager- ATC
42.	Josphat Mutua	PHO-Central Division
43.	Felistus Mutua	NSIS-Embu
44.	Patrick N. Kamwega	Elder
45.	Lawrence M. Njagi	Assistant Chief
46.	Rose W. Karanga	Ag. Chief Municipality
47.	Julieta W. Mutitu	National Registration Bureau
48.	Paul M. Njoka	AG. Chief Mbatia North
49.	Margaret K. Nzivo	PHO - Central Division
50.	S.K. Marete	District Cultural office
51.	Lydia W. Maina	District Water office
52.	Anisia T. Mwoje	District Cooperative office
53.	John M. Kiminda	Businessman
54.	Patrick K. Ngondi	Businessman
55.	Stephen Muriithi	Photographer
56.	Charles N. Onyari	E.A.S.T. College, Embu
57.	Rosemary W. Nthiga	MYWO - Chairperson
58.	John I. Mwayi	Provincial Information Office

59.	Nyambura Njoka	Coro F.M.
60.	Mohosin I. Mwangi	Imam Majimbo Nur Mosque
61.	Sheikh R. Njuguna	SUPKEM MUSLIMS, Embu
62.	Michael Miu	
63.	Jane Muthoni	

MERU (NORTH IMENTI DISTRICT)

NO.	NAME	ORGANIZATION
1.	Joshua M. Muthuri	Councilor- Meru Central County Council
2.	John K. Ndurai	Councilor - Meru Central County Council
3.	Joshua Lutukai	Deputy OCPD Meru Central
4.	Festus Riungu	Councillor – M.C. M
5.	Kiome Riombere	Cathedral Ward Meru Municipality
6.	Samson Thurania	Nominated Councilor
7.	Salesio Mutea	Nominated Councilor
8.	Albert Maingi	Vice chairperson County Council Of Meru
9.	Henry Kiogora	Mayor- Municipal Council
10.	Silas Kirianki	Chief- Mtima location
11.	Peter K. Ndumba	Assistant Chief - Mriri
12.	Francis G. M'inoti	Senior Assistant Chief- Kaaga
13.	Francis Kiruja	Elder
14.	Gervasio Mutua	Elder
15.	Zaverio Bundi	Elder
16.	Patrick Gakumbi	Councilor - Ruiru Ward
17.	Hardy Mubichi	Councilor
18.	M'rimberia Mwongo	
19.	John Kwaria	
20.	Misheck Mutwiri	
21.	Zavero Kirimi	
22.	Silveria Mutua	
23.	Rufus Mutua	Assistant Chief - Njoka
24.	Julius M. M'thambura	Councilor- County Council Meru Central
25.	George Koome	Chief Mulathankari
26.	Sebastian Mikwa	Chief Nkabuwe
27.	Julius Marete	Chairman- Mazingira , Nkabuwe
28.	James Muthuri	
29.	Japheth Murangiri	CJPC Thuura Rwanyage
30.	Geoffrey K. Samson	
31.	Julius Mworira	Councilor Meru Municipal council
32.	J. Mboroki Ndiira	Councilor Meru Municipal council

33.	Simon Kiambi	Meru Butchers Association
34.	Joseph Bundi	Meru - Nbi luxury Travels
35.	Margaret K. Gakubi	Assistant Chief- Township
36.	Mercy K. Muriithi	Chief- Meru Municipality
37.	Stanley J. Ngera	Assistant Chief Gakoromone
38..	Stephen K. Mururu	Assistant Chief- Nkando
39.	Elijah Maingi	Chief- Thuura
40.	Joseph N. Mururu	Assistant Chief- Kanjagi
41.	Phyllis Gatungi	Secretary - Mutindwa Group
42.	Hakim Hussein	Chairman – Mutindwa Theatrix
43.	Antony Kimathi	
44.	Andreano Kaibunga	
45.	Nicholas M. Wang'ombe	Treasurer - SUYI
46.	James K. M'Mbui	Secretary- SUYI
47.	David Mutuma	Youth Xpress Co-ordinator
48.	Cecilia K. Muguna	Assistant Chief - Kathita
49.	Elias M. Murira	Assistant Chief - Mukua
50.	Benson Murithi	District Organising Committee
51.	Julius Kathendo	Businessman
52.	Francis Mutuma	JURI Member
53.	Isaac K. M'Mukiri	Assistant Chief -Tuntu
54.	John Mwenda	Assistant Chief – Magundu
55.	Francis M. Muthuri	Assistant Chief- Mbeu
56.	Joshua M. Birichui	Assistant Chief- Kambereu
57.	Benard Kalulu	Secretary – Arwekona Water Project
58.	Peter N. Mugwika	Assistant Chief- Kambiti
59.	James M. M'muru	Assistant Chief- Mbaikene
60.	Judah Matumbi	Chief – Nthimbiri
61.	David Mugambi	Assistant Chief- Kirimaini
62.	Joshua Narangwi	Chief- Chugu
63.	Gilbert Kirema	Secretary- Njuri Ncheke
64.	Stanley Mrichu	Chairman- Njuri ncheke
65.	Stanley Kaari	Senior Assistant Chief
66.	Zauemo Kinoti	
67.	Japhet K. Jonathan	Chief
68.	Germano G. Njeru	Assistant Chief- Mutarakwa -Timau
69.	Salome Ntinyari	Assistant Chief- Kiirua-Buuri
70.	Jediel M. Ikiara	Vice Chairperson- Meiso Nissan Sacco
71.	Japhet M. Rukaria	Chairperson- Munithi Primaaary School
72.	Henry Kinoti	
73.	John Gakubi	
74.	Julius Gikundi	Eprian Kambiti Day Secondary school
75.	Augustino K. Ngeera	Acting Chief- Igoki

76.	Batista Mbabu	Assistant Chief Maritati
77.	Jacob K. Marete	Chief-Ngusishi

MERU DISTRICT

NO.	NAME	ORGANIZATION
1.	Francis Mwenda	Senior Assistant Chief- Kirimene
2.	Kobia Anampiu	Market Chairperson
3.	John Mbuirugu	
4.	Samuel K. Pharis	Youth Leader – Buuri District
5.	John Mbabu	Church leader
6.	Joseph Bundi	Matatu Operator
7.	Simon Kiambi	Chairman- Meru Butchers
8.	Julius Mworira	Councilor Meru Municipal;
9.	Stephen M. Kiugu	Teacher, Miriga mieru East
10.	Silas M. Kuura	Teacher
11.	Stanley N. Mwithimbu	Teacher Miriga Mieru East
12.	Julius Kimathi	Businessman
13.	Antony M. Guantai	Businessman
14.	Clifford J. Kinoti	Businessman
15.	Yassin O. Johari	Businessman
16.	Patrick Mutuma	Businessman
17.	Shaaban G. Maitai	Businessman
18.	Clifford M. Guantai	Businessman
19.	Muuthia W. Kagwiria	Youth Officer- Imenti North
20.	Magaju D. Kimathi	District Youth Officer- Imenti North
21.	Queen Gitonga	Meru Youth Centre
22.	Tito Thurania	Teacher
23.	Mercy Nkaitha	Peer Educator
24.	Nelly Nyawira	Business Lady
25.	M'kuura M'migwi	
26.	Julius M'mburugu	Njuri Ncheke

PUBLIC HEARINGS RIFT VALLEY PROVINCE

NAKURU DISTRICT

NO.	NAME	ORGANIZATION
1.	Stephen K. Koech	Office of the President(OOP)
2.	A. Hassan Ibrahim	Office of the President(OOP)

3.	Rose W. Wambugu	PAVITE
4.	Pauline W. Kamau	UNV
5.	Catherine Wakihoro	PAVITE
6.	Margaret W. Gitonga	Apple Family HIV/AIDS Group
7.	Hannah M. Wanderi	
8.	Nancy Wairiu	
9.	Mary Adagala	Secretary- MYWO
10.	Faith Muigai	
11.	Susan Chepkorir	MYWO
12.	Rose Kayasi	DDC
13.	Pauline Kerubo	
14.	Jenerita Njoki	
15.	Lukale Aura	
16.	Godfrey E. Gordon	
17.	Raphael K. Siliman	
18.	Jane Nyandiko	Divisional Peace Committee
19.	Hassan Noor	Divisional Peace Committee
20.	Kennedy Biegon	Press
21.	Fred Lenapuir	Press
22.	Bernard Waweruh	KNA
23.	James E. Mutai	Press
24.	Michael Wandera	Press
25.	Sam Njuno	Press
26.	Elijah Kiragu	Media
27.	Peter C.Z. Chibusya	Peace Secretary
28.	Evans Keya	Provincial Music Office
29.	Fredrick Otor	Music Office
30.	Samuel K. Murumbi	Opinion Leader
31.	Pastor Richard N. Olero	Vice- Chairman-UNYDP
32.	Samuel Oliech	Bussinessman
33.	Johnson N. Ndigawa	UNYDP – Biashara Ndogo Organization
34.	Wiliam O. Adhiambo	Chairperson - Nakuru Estate Youth Group
35.	Masinza N. Quanzima	Businessman
36.	Annah King'atole	Community Health Worker
37.	Winney Chelang'at	Community Health Worker
38.	Francis Olaki	Businessman

KERICHO DISTRICT

NO.	NAME	ORGANIZATION
1.	Erick K. Kibet	
2.	Kemei P. Kipsane	

3.	Dennis Kiprono	
4.	Benard K. Langat	
5.	Reuben N. Kipkorir	
6.	Chrizz Ngeno	
7.	David Byegon	
8.	Alhaji A. Kiptonui	SUPKEM
9.	Kipkorir Langat	
10.	Kimutai Bii	Community policing
11.	Juma K. Cheruiyot	
12.	John Too	
13.	Daniel Matingwony	
14.	Peter Mosonik	
15.	Alice Rotich	
16.	Ruth Kesio	
17.	Daisy Torer	
18.	Ruth Chongin	
19.	Grace Langat	
20.	Esther Chemuta M.	
21.	Alice Kurgat	
22.	James Soimo	
23.	Wilson Koech	
24.	S. Maritim	
25.	Cheruiyot Kurgat	
26.	J.K. Chirchir	
27.	Wesly Bett	
28.	Joseph Ngetich	
29.	Moses Mosonik	
30.	Chumo	
31.	Christopher Kurgat	
32.	Julius Mutai	
33.	William Kipkurui	
34.	Stanley K. Chirchir	
35.	Collins Rutto	
36.	Geoffrey Korir	
37.	Richard Bii	
38.	John Koech	
39.	Daniel K. Ng'eno	
40.	Grace Kurgat	
41.	Alice Chumo	
42.	Esther Tikire	
43.	Irine Chepkoech	
44.	Rero Soi	
45.	Joshua Soi	

46.	Musa tanui	
47.	Morgan K. Rotich	Businessman
48.	Samwel C. Rutto	
49.	Stephen K. Kerio	
50.	Wesley K. Rono	Former M.P./Retired Teacher
51.	William K. Kettienya	
52.	Raymond Tonui	Pastor
53.	Rev. David C. Chumo	Pastor
54.	Jenifer C. Koske	District Youth Advocate
55.	Ezekiel Chumo	
56.	Josiah Chepkwony	
57.	Daniel K. Swei	
58.	Ruth C. Sang	FWRK
59.	John K. Cheruyot	
60.	Benjamin Cheruiyot	
61.	Patrick Langat	
62.	Sarah Mutai	
63.	Grace Togom	
64.	Kimutai Jumo	
65.	Ediwe Mursoi	
66.	David Chepkwony	
67.	Richard Chebusit	
68.	Joel Langat	Businessman
69.	Alfred Maritim	Businessman
70.	Joseph K. Koskei	
71.	Julius Ndung'u	Kericho Youth Leader
72.	Abedinego Nyangoka	
73.	Raphael M. Ndale	
74.	Peter Ndeba	
75.	Salim O. Mbukitsa	
76.	Hillary Koech	
77.	Elijah Rutto	Councilor
78.	Phillip Kemei	Councilor
79.	Dr. David K. Rono	Africa Gospel Church- Cheptonye
80.	Cllr. Maina	Local Government
81.	Cllr. Joseph Maritim	Local Government
82.	Cllr. Kiprono Reuben	Local Government
83.	David A. Sang	Kibarao Group
84.	Stephen K. Langat	Chesoche Self - Help Group
85.	Elijah Kiebemei	Kolonge Group
86.	Kennedy Shivano	Press
87.	Gardson N. Iguta	

PUBLIC HEARINGS :NYANZA PROVINCE

KISUMU DISTRICT

NO.	NAME	ORGANIZATION
1.	Seth O. Kanga	Kisumu Transport
2.	Caleb M. Auch	Kisumu Transport
3.	Auch Ogada	Kiarero Bus Parkl
4.	Joseph T. M. Onganya	Kisumu Bus park
5.	Ken O. Akoko	Kisumu Traders Forum
6.	Rosemary Sihanya	National Youth Council
7.	Dennis O. Ogada	
8.	Carey O. Karan	National Youth Council
9.	James A. Matete	Anglican Church of Kenya
10.	George C. Owuor	
1.	Stephen Akola	
12.	J. Onyango	District Agricultural Office
13.	Ben O. Kitoto	Kenya National Chamber of Commerce
14.	Pastor Lewis Ondiek	SDA church
15.	Antony O. Riako	
16.	Dickson Odhiambo	The people's daily press
17.	Tom O. Nyambok	Everbright Youth Group
18.	Hoseah P. Oriandoh	Journalist – Sahara radio
19.	Salim Swaleh	
20.	Ben Malinga	
21.	Francis Owuor	
22.	George O. Obala	East to West YouthGroup
23.	Smurf Amadi	Soabil Youth Group
24.	Allan Obiero	Journalist-Radio Umoja
25.	George Kaiga	Reporter- KNA
26.	Evanse O. Odongo	
27.	Betty Odero	CSO Network
28.	Washington O. Bach	
29.	Joseph A. Angira	Nyando Resident Association(NYADRA)
30.	Martin S. Wanaswa	Journalist- KNA
31.	Isaac Yaah	Journalist – KNA
32.	Cllr. Bernard Muga	Municipal Council of Kisumu
33.	Josiah Orwa	
34.	John O. Oyucho	Power of Jesus Around the Church
35.	Holden O. Ogonyo	Power of Jesus Around the Church
36.	Rev. David Odindo	Power of Jesus Church

37.	Rev. Phoebe Ogonyo	Power of Jesus Church
38.	Rev. Elphas O. Wambwaya	Power of Jesus Around the Church
39.	William A. Adede	Journalist
40.	Walter O. Kadel	Wukwoyo Self-Help Group
41.	Peter A. Nyambok	Chief
42.	David Onyango	Journalist
43.	Maurice M. Ogwenyo	CSO Network
44.	Nyamai Joshua	Nyanza Youth Coalition
45.	Dukens Wasonga	Journalist – Radio Star FM
46.	Wilson Okoye	Journalist – Radio Star FM
47.	Cllr. Caroline Owen	MCK
48.	James Ole Seriani	

KISII DISTRICT

NO.	NAME	ORGANIZATION
1.	John M. Ontita	
2.	Mokua Periz	The People Daily Nespaper
3.	Jared Maobe	Citizen Radio
4.	Ben Nyagesiba	Nation Media
5.	Nahashon Obae	
6.	Hezron Musota	
7.	Dismas Olgo	
8.	Moriasi Mogaka	
9.	Francis Nyakundi	
10.	Stanzlaus Nyaanga	
11.	Dismas Gwaro	Businessman
12.	Patrick Nyakundi	Clan elder
13.	Joseph Ontita	Clan elder
14.	Samuel Kenyoru	Clan elder
15.	Wilfred Maiko	
16.	Joseph Aminga	Elder
17.	Thomas O.	Elder
18.	Richard Onyando	Small scale trader
19.	Nelson Okemwa	
20.	Stephen O. Nyasimi	
21.	Evans N. Bosire	
22.	Richard O. Ogeti	Businessman
23.	David O. Nyabiagoro	Businessman
24.	Henry Ogechi	Veterinary Office
25.	George M. Gesoka	Businessman

26.	Joseph Nyangena	Church Elder
27.	Florence Omuya	BusinessWoman
28.	Elkanah Ocharo	
29.	Jason Achika	Education Officer
30.	Robert Bosire	
31.	George M. Nyamwaka	Assistant Chief- Nyanchawa
32.	Mohamed Hassan	
33.	Wilferd Ochako	
34.	Peter I. Ogendi	G.C.C
35.	Rev. Abel Onchari	Chairman – Kenya Church, Kisii Central;
36.	John O. Omari	G.C.C
37.	Alexander B. Nyamache	Businessman
38.	Olemuya Ole Sein	District Information Officer
39.	James Ombese	Deputy Clerk County Council Of Gusii
40.	ElijahOmbiro	County Council of Gusii
41.	Zachary Kinaro	Ministry of Fisheries Development
42.	Edwin Muga	

PUBLIC HEARINGS COAST PROVINCE
KWALE DISTRICT

NO.	NAME	ORGANIZATION
1.	Fatuma H. Masito	Nominated Councilor Kwale County Council
2.	Edward M. Kavoko	Councilor Kwale County Council
3.	Mwanafuraha J. Baa	Councillor Kwale County Council
4.	John M. Mbombo	Councillor
5.	Ali Warrakeh	
6.	Beatrice Mwaisonga	MYWA – Vanga Location
7.	Mwinyikai Matano	ACIPK - Coast
8.	Hamisi A. Mpemba	CIPK
9.	Damaris S. Mbaka	Assistant Chief
10.	Omari B. Chimato	Assistant Chief
11.	Mangale Y. Mwayoyo	Assistant Chief
12.	Rama Ali Janji	Chief
13.	Francis W. Mangao	Snr. Assistant Chief
14.	Justus K. Mulinge	Chief – Lukore
15.	Ali M. Matzoozo	Assistant Chief
16.	Patrick Mugesani	Administrator
17.	Hamisi B. Nariri	Youth Leader - Matuga
18.	Mohamed Chiyuge	Chief's Office – Tiwi
19.	Fatuma M. Tuli	Chief's Office – Ng'ombeni
20.	Salim O. Changu	Assistant Chief – Kombani - Waa
21.	Athmani Jm	Assistant Chief – Kitete
22.	Hussein M. Kadara	Chief's Office - Waa
23.	Masudi Chillango	Councillor Kwale County
24.	Mnyaka M. Kidulu	Assistant Chief-Kizibe
25.	GaKurya Chitsetse	Chief – Waa location
26.	Fatuma B. Manyenze	MYWA- Matuga
27.	Nronga M. Dzilala	Assistant Chief – Kitivo
28.	Suleiman S. Mwandago	Chief – Mwaluvanga
29.	Bakari D. Huphi	Assistant Chief- Matuga
30.	Mohamed S. Nyaome	Assistant Chief- Ngo'mbeni
31.	Salim R. Sawa	Nominated Councilor- Kwale County Council
32.	Hamisi A. Banda	Nominated Councilor- Kwale County Council
33.	Mbito Mongo	Officer- Kwale County Council
34.	Chirima M. Mwalenga	Councilor Kasemeni West Ward
35.	Yawa Ngana	Councilor Puma Ward
36.	James M. Dena	Councilor Kasemeni East Ward
37.	Hamisi J. Rasso	Councilor Nkunda Ward
38.	Paul K. Makiri	Councilor Ndavaya Ward
39.	Hassan C. Juma	Nominated Councilor

40.	Emmanuel Nzuga	Councillor Samburu Ward
41.	Rashid B. Kurera	Nominated Councilor
42.	James M. Nyawa	Councillor Mwavumbe Ward
43.	Antony Lukuni	Councilor Mwatate Ward
44.	Juma Gasen	Councilor Lunga Lunga
45.	Swaleh B. Simba	Councilor Mbuguni/Ngombeni
46.	Bakari Mawkazi	Village Chairman
47.	Said Kalima	Chairman Social services – Kwale zone
48.	Omar I. Boga	
49.	James Wambua	Assistant Chief
50.	Alex C. Maithya	Assistant Chief - Mwaluvanga
51.	Juma O. Mlaula	
52.	Stephen Kilongosi	Pambazuko CBO- Mwaluvanga
53.	Sadiki M. Mwalimu	Youth
54.	Mohamed Suleiman	Muslim Leader
55.	Francis Mgalla	Redeemed Gospel Church - Kwale
56.	Hassan Nguo	
57.	Ngala J. Ngoka	
58.	Khalfan Bakar	
59.	Martin Z. Sindi	
60.	Samuel B. Kudunga	
61.	Gombo J. Vyani	
62.	Simon Kudunga	
63.	Robai Chome	
64.	Salama Awadhi	
65.	Mesalimu O. Maziwa	
66.	Mwanaali Tembo	
67.	Mohamed M. Ndaro	
68.	Said R. Mwakafani	Chief – Tsimba Location
69.	Athuma S. Mwasene	
70.	Hamisi M. Rashid	
71.	Matsudzo Mwamrezi	
72.	Nassoro J. Kuphuma	Chief - Tiwi Location
73.	Justus M. Nzomo	
74.	Jackson M. Kaume	
75.	Hamisi H. Chiewi	
76.	Zainab K. Chidzuga	Chairperson - MYWO
77.	Mesalini J. Gombeni	MYWO
78.	Fatuma A. Kaole	MYWO
79.	Fatuma B. Nyatili	MYWO
80.	Alhaj K. Tairi	Chairperson- CIPK –Kwale District
81.	Jackson M. Wathome	
82.	Fatuma Khalfan	Tunu Women Group(Ngo'mbeni)

83.	Bidala Juma	Tunu Women Group
84.	Swaleh O. Ziwaizi	Mamaki YouthGroup
85.	Ali H. Hindu	Hatua CBO
86.	Willy Mutua	Amka Group
87.	Francis M. Maweu	Utukufu kwa Vijana
88.	Daniel F. Tsimba	Assistant Chief – Bayai Sub-location
89.	Mutua N. Kavatha	Assistant Chief – Makobe Sub- Location
90.	Hamasi H. Mtawazo	Assistant Chief – Mangawani Sub- location
100.	Adam M. Chivumba	Muhuri (Muslims for Human Rights)
101.	Hamisi D. Hamisi	Chairperson Community policing
102.	Hamisi S. Dzillah	Chairperson Shimba Hills Community Forest Association (SHICOFA)
103.	M'mbetsa Beja	Nominated Councilor / Journalist
104.	Patrick Kamanza	Councillor
105.	Bitiali Mwachirima	Umwenga ni Nguvu
106.	Juma Mwakadzango	Umwenga ni Nguvu
107.	Boniface K. Chege	Kwale Youth Group
108.	Suleiman Suwar	Samar Group
109.	Ali M. Luvi	Councilor
110.	Chaka Tsuma	Village Chairman – Mburela
111.	Vyani L. Mongolo	Village Chairman – Zora
112.	Abdallah Saidi	Mpaji ni Mungu
113.	Salimu Dzinga	Harambee
114.	Hamisi Juma	Amkeni Farmers Group
115.	Shabani Juma	Amkeni Farmers
116.	Ngome Z. Kidilo	Councilor
117.	Nassir R. Kilanga	Councilor
118.	Mariam Mashobo	Heri Liwe
119.	Sikwao Tsuma	Pungu Women Group
120.	Aboulrahman S. Njama	Imam
121.	Fatuma S. Zito	Council Officer
122.	Mariam Mashobo	Messenger
123.	Mgandi K. Magongo	Councilor Makamini
124.	Abbas Ngedzo	
125.	Fatuma Nchizumo	Councilor Kwale County Council
126.	Amani Makasi	Kwale County Council
127.	Nailil H. Zai	Kwale County Council
128.	Alfred N. Mwambala	Provincial Administration
129.	Mwabata A. Salim	CCK
130.	Rashid A. Were	Provincial Administration (DO- KUBO)
131.	Salim B. Mwabilo	Chairperson Kwale Town Council
132.	Said R. Shikey	P.R.O Kwale town
133.	Sofiani M. Changani	

MOMBASA DISTRICT

NO.	NAME	ORGANIZATION
1.	Duncan O. Gwara	Kilindini district peace committee - Treasurer
2.	Henry L. Odera	Kilindini district peace committee
3.	Mwijaa Badi	Kilindini district peace committee - Chairman
4.	Omar M. Mwinyipembe	Kilindini district peace committee
5.	Mwanamkasi Mwinyikombo	Kilindini district peace committee- Secretary
6.	Bimvua Abdalla	District Msamweni- Treasurer
7.	Zubeida Sumba	Women Leader – Mombasa
8.	Agnes W. Jola	MYWO-Chairlady Mombasa
9.	Victoria S. Kalama	MYWO
10.	Athman Tolle	Assistant Chief- Maweni
11.	Francisca K. Moruri	Women Leader
12.	Bakari Mohammed	Chief - Old town
13.	Mwalimu Mohammed	Councilor – Nyali Ward
14.	Agnes Geke	Shimanzi Peace Committee
15.	Pamela Abele	Shimanzi Peace Committee
16.	Edward Namai	Shimanzi Peace Committee
17.	Omar K. Mwikaa	Village Elder- Tudor
18.	Mohamed H. Kadembi	Elder – Tudor
19.	Gucu Mwagugu	Councilor – Shika Adabu Ward
20.	Mwalimu Rama	Youth Leader
21.	Amos Kiprop	Youth Leader
22.	Maureen Atieno	Media
23.	Rose K. Nyamai	Women Leader
24.	Said K. Shume	Assistant Chief
25.	Hamisi S. Kesi	Assistant Chief
26.	Mwambanga Antony	Pastor
27.	Shaban N. Ngoro	Assistant Chief
28.	Ahmed A. Razak	Assistant Chief
29.	Asha Hussein	Councilor- Kingorani Ward
30.	Halima K. Abdallah	Assistant Chief- Ganjoni
31.	MwanaHamis Omar	Chief- Tudor
32.	Manthura S. Hazid	Village Elder- Ganjoni
33.	Mary Nyambura	Village Elder- Ganjoni
34.	Rabia M. Banja	Chief- Bamburi
35.	Jeremiah T. Machache	Assistant Chief - Bamburi
36.	Vincent R. Mwanza	Village Elder
37.	Rev. Ernest Ombeva	Reverend
38.	Maamvu Abubakar	Councilor – Mombasa Municipal
39.	Pius Chorongu	Councilor – Bamburi Ward

40.	Hassan M. Hassan	Village Eider
41.	Mohamed Shallo	Elder
42.	Rashid Suleiman	Village Elder
43.	Archbishop A. Darra	Chairman of Peace Committee - Mombasa
44.	Mohamed Nzaro	Chief – Kisauni
45.	Titus Sitasi	
46.	A.D. Mwinyi	
47.	A.M Mbawa	
48.	Joseph K. Charo	Changamwe Development Resource Centre
49.	Zulekha Omar	Mwembetayari Peace Committee
50.	Mohamed Gimba	Councillor Mwakirunge Ward
51.	Taari S. Rwana	D.O- Mombasa Island
52.	Alex M. Kago	Elder
53.	Zubeida Wazir	
54.	Swaleh N. Manasseh	Village Elder
55.	Omar Juma	
56.	Milton Obote	Youth Leader
57.	John Kofa	
58.	Victor Mwang'ombe	Chief- Kongowea
59.	Andrew Mativo	Youth Chsairman-Kisauni
60.	Stephen Nyamu	Assistant Chief- Tudor
61.	Henry Oduor	Village Elder- Majengo
62.	Mustafa Salim	Village Elder- Majengo
63.	Feisal Bahero	Chairman - Divisional Peace Committee
64.	Dr. Edwin Muinga	KEMRI/KAPH/Makupa Hospital

VOI DISTRICT

NO.	NAME	ORGANIZATION
1.	Omar Kivambi	Wazee wa Kaya
2.	Christopher Kayanda	Wagosi wa Isanga
3.	Richard M./ Mwangeka	Opinion Leader
4.	Lewis Mbogho	Community policing
5.	Rose Walegwa	Community Policing
6.	Evans Mombo	
7.	Delphin Mwazo	Assistant Chief- Mwangea
8.	Claris Maghema	
9.	Rufenci Mwakamu	
10.	Stella Mwakio	
11.	Hamisi Mwakio	
12.	Bazilisa Runga	
13.	Sophia Mwangi	

14.	Rehema Salale	
15.	Grace Kolola	
16.	Nelly Mwambeo	
17.	Evelyne Mambori	
18.	Peter Mwakisha	Community Policing- Tanzania
19.	Zaina Abdala	
20.	Willie Mwandawiro	
21.	Thomas Mwawasi	
22.	Esther Sau	Female Football Representative
23.	Amina Idd	
24.	James Mrembo	Tanzania/Bondeni Settlement Society
25.	Zakayo Kinyi	Tanzania/ Bondeni Settlement Society
26.	Pascal Keke	Tanzania/ Bondeni Settlement Society
27.	Kimeu Musomba	
28.	Hassan Ngonyo	
29.	Salim Chai	
30.	Paul Oliya	Yatta
31.	Zainab Nassir	
32.	Mishi Mkomboni	
33.	Zainabu Tinah	
34.	Hadija Hassan	
35.	Philister Mbula	
36.	Dismus M. Mwanjari	
37.	Hamisi Z. Mwasema	
38.	Salim Mwangombe	
39.	Grace Sowa	
40.	Philicah Kiwure	
41.	Jumaa M. Fadhili	
42.	Chris Mjomba	
43.	Michael Juma	
44.	Michael Mnanyasi	
45.	Esther D. Mombo	
46.	Patrick Kaloki	
47.	Benard Katiku	
48.	Alfred Mwamigunga	
49.	Babu S. Msoi	
50.	Oliver Mwakirani	Mukenyi Settlement Scheme
51.	Donsa Kadoni	
52.	Asina Mkwachu	
53.	Peter K. Jumaa	Chairman – Community policing Taita/Taveta
54.	Matha Shighadi	
55.	Donald Mombo	