

Tuesday, 6th November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA
SIAYA COUNTY ASSEMBLY
THE HANSARD

Second County Assembly - Second Session

Tuesday, 6th November, 2018

The House met at the County Assembly Chamber at 2.30 p.m.

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

PRAYER

COMMUNICATION FROM THE CHAIR

WELCOMING MEMBERS BACK FROM RECESS

Hon. Speaker: Hon. Members, I take this opportunity to welcome you back to our usual house where you conduct your business. Feel free as legislatures to contribute as vigorously as possible with the determination and commitment you got from the groups who have elected you by which ever means used in this House.

It is the last lap of this session, you are aware that we are opened today and we will be proceeding on recess on the 6th of December. We have one month within which we shall do as much business as we can. You are also aware that we have so many Bills which we shall have to clear before we break for the long holiday.

As usual, you are great people, you conducted yourselves with a lot of decorum and you earned us honor and respect among our colleagues which doesn't mean that we cannot always disagree to agree.

I am confident that you will transact with your heads high up without fear or favour but again thinking about the people of Siaya every minute you make every decision. Thank you. After this Session will have adjourned we shall reconvene immediately for an informal meeting.

PETITION

HON. OTIATO

Hon. Speaker: Hon. Members, I am actually aware there is a petition which is supposed to be submitted to this House. Actually it should have been submitted before we went on short

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recess but it's the Committee of House Business that has not prepared, so the chair, Justice, Hon. Otiato you prepare to present it on Thursday afternoon.

NOTICE OF MOTION

IMPEACHMENT

Hon. Speaker: There is an impeachment Motion that was brought here, the Mover --- gave notice but did not mention the date. So he needs to do the rightful thing so that we don't seem to waste time and procedures of the House by having it signed accordingly.

STATEMENT

HON. OLASI, MAJORITY WHIP

Hon. Speaker: Yes, Hon. Olasi.

Hon. Olasi: Thank you, Chair. First, allow me to echo some of the statements you have just mentioned that we appreciate while recognizing that the almighty God favored us and we are now back. We are here for only four weeks and I am glad I can observe the number we have today meets the quorum and that makes me happy. How I wish we could have this number for the next four weeks before we can close for the long holiday.

I also need to remind the Hon. Members that as far as the budget cycle is concerned we have reached a very critical moment and it is the time where each one of us whether nominated or elected to represent the women if not a particular group, we need a bit of seriousness and sobriety. So I wish that if there arises an issue on your Committee, kindly attend the Committee and if it coincides with the Plenary Session, please attend the latter.

Hon. Speaker, I will also say that as much as you have said that we have conducted ourselves honorably, it is not 100 per cent, some of us have misbehaved in one way or another in those forums and I need not mention names but, going forward we need you to forgive one another ...

Hon. Speaker: Hon. Olasi, matters outside this House should remain outside. Why bring them to this House yet they don't belong here? Just confine yourself to the matters of the House.

Hon. Olasi: Thank you, Mr. Speaker Sir, for the guidance. All said and done, Hon. Speaker, when you see Members trying to behave the way they are I beg to rest my case.

(Laughter)

Hon. Speaker: Yes, Hon. Oriaro.

Hon. Oriaro: Thank you, Mr. Speaker Sir, for giving me this opportunity to verbally present my statement by our Standing Orders. While attending to the calls of my representative mandate on behalf of this House as a County Assembly forum Member in Mombasa on Wednesday this year, I want to confirm that the County Governor, Hon. Cornel Rasanga made a phonecall to me and he tended to threaten my life.

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In deed he threatened my life and I quote, “Mr. Oriaro, enough is enough on my side, be prepared to painfully feel from me”. On Tuesday of that week before 8 a.m. in the morning his usual public political entertainer, Mr. Makamu (*Governor’s friend known to the public*), did a phone call to radio Mayienga and made a threat and I would partly quote it “...we are prepared to deal with Oriaro perpendicularly”, adding that it is not a laughing matter.

So I want to report to this Honorable House of which I am a Member that my life is in danger and on Friday when I came back from Mombasa, I recorded a statement at Siaya Police Divisional headquarters, and I also recorded a statement with the CID to that effect. I want to also observe that when he called me it was for 30 seconds and he terminated that call.

I could not reach him as usual he is never found unless when he desires. I did a text to him reminding him of the fact that it is shameful that he calls with raw threats, and I also reminded him that it was not news to me as Makamuhad also threatened me a day earlier.

In my text I just told him that “I wish you well as you plan to execute that plan”. I made public that very same text I sent to him, I sent it to the authorities, County leaders, I sent it to my network of National coalition of human rights defender of which I am a member, I also sent it to the Bunge la Wananchi that I pioneered as the National Speaker, and I also posted it in my official face book account. So it is there, it is no longer a secret.

The only thing I must observe is that such threats came about because of my appearance in the news bulleting on Tuesday. That very same Tuesday Makamu had called the Mayienga radio station at 6 a.m. and 7 a.m. and I can recall that because I also listened to that news. I was trying to address myself as a representative on matters that affect the people we represent.

You can recall Nordin Haji, the Director of Public Prosecutions who had made a National pronouncement, it appeared in the broadcast channels; televisions, radios and newspapers addressing himself to the Inspector General to arrest His Excellency, Hon. Coronel Rasanga to be taken to court for prosecution on matters corruption and he was very clear on matters that involve the use of money for foreign and private trips.

Number two, I also addressed myself in the press conference on recent letters written through the County Secretary to the Siaya County Government, several letters by the Ethics and Anti-Corruption that the County Government avails several documents pertaining to specific transactions, some involving vehicle purchase, voter provision etc.

So in all those I told the Inspector General that going by the provision of the Constitution where any member of the public can opt for public petition; I said that if such an order was not adhered to and it was issued from a Constitutional office, so Mr. Haji stands a chance to account for such an order and I said I will go by public petition where I will go to court to challenge his holding of that office if he may abuse it.

I also said very clearly, you can recall while our Governor was in Migori, it is no secret matter even Mr. Haji knows it. He said that he had called the Prime Minister on that matter and it is the Prime Minister who stood on the path of his arrest and he said it is good to associate with the Prime Minister.

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I addressed the Governor in that press statement that he must account for being in the office and I told him that the Prime Minister is the one who defended him and that is a Constitutional office. I will also go by public petition approach so that I prosecute that matter on my own so that he accounts for his words. I believe my threats are directly associated with this.

Lastly, for the last one year, I have been so quiet in everything because of other factors that I may explain later. But I have not been getting it easy in public and in private. The Governor has been pushing me to be silent on matters of corruption. So, that is what I wanted to draw to the attention of this Hon. House but I want to maintain that I took an oath and swore by the Constitution and I said I respect the Constitution.

I also said, I will respect statutory provisions like International Conventions and also respect the public. By that I want to say, no one will stand on my path in representing the people from Central Alego. Any member of the public who feels that I will be the conduit of their reaching this House I will stand by that in life or death; I am prepared for that.

I am only calling upon the Inspector General and those authorities to investigate this matter. This is not ordinary politics because in yesterday's dailies, the Governor denied calling me saying that I am dreaming. This means he is taking this matter lightly. The authorities can investigate this matter.

Mr. Makamu called a radio station and NIS are even in those stations. So it is a serious matter, I want it to be investigated and I don't fear anybody such that if I am the one who is wrong I can also be compelled to account as a Constitutional office holder. Thank you.

Hon. Speaker: I want to call upon the Hon. Member who has just risen on statement to give an account of threat to his life by reporting officially to my office and being the Chairperson of Privileges Committee, also get the assurance that you had reported to the police and relevant authorities then we also see how to approach the matter as a House. As you are all aware, if it is genuine you can be aware that a threat to one of us is a threat to all of us.

For information purposes, I am not relating this exactly to the issues raised by the Member because those ones we will deal with when they are officially brought to us. Remember you use this Floor to air your opinion especially on matters personal and it is at this juncture, but if you look at the County Assembly Powers and Privileges Act, I want Members to know that they have the backing of the law in discharging their duties without fear. Section 26 of the County Assembly Powers and Privileges Act talks about prohibited acts and respect the County Assembly and its Members. It says;

‘A person shall not assault, threaten, use abusive language, obstruct, molest or insult any Member proceeding to being within or leaving the precincts of the County Assembly or endeavor to compel any Member by force, insult or menace to declare himself or herself---or against any position or matter pending or expected to be brought before the County Assembly or any Committee.

That a person shall not assault, threaten, use abusive language, interfere with, molest, resist or obstruct any member of staff while in the execution of his or her duties. A person shall not

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assault, threaten a Member or a unlawfully deprive a Member on any benefit on account of the Member's conduct in the County Assembly.

While the County Assembly or a Committee is Sitting, a person shall not create or take part in unlawful disturbance which interrupts or is likely to interrupt the proceedings of the County Assembly or any Committee while at the County Assembly or the Committee is sitting. A person shall not fail or refuse to comply with an instruction by a duly authorized member of staff or police officer heading:

- 1) The presence of the public in the precincts of the County Assembly during a meeting within the precincts of the County Assembly or the imposition of any article including firearms within the precincts.
- 2) A person including a Member who contravenes Section 1 of which is an offence and is liable on conviction to a fine not exceeding Kshs. 500,000 or to a term of imprisonment not exceeding two years or both'.

I have said this not in relation to the Member's statement but to bring you up to speed in who protected you is in the House but that one I will deal with once it is officially reported and a communication will follow. Yes, Hon. Madialo, do you have something to say?

Hon. Madialo: Mr. Speaker, for purposes of the records, I do know that the Nitti gritty of the upcoming Supplementary Budget shall be dealt with in the informal but allow me to report to this House that the Annual Development Plan has walked the statutory provisions and it has gone to Public Participation and out of the Public Participation the gross product is with the Committee and in due course the Committee is going to sit down to ensure that there is an alignment with the County Integrated Development Plan and that the net product should be in this House within 14 days. Thank you.

Hon. Speaker: Next order

MOTION

ADJOURNMENT

Hon. Speaker: Hon. Members, there being no other Business, will we be upstanding for adjournment!

(Hon. Members on their feet)

Hon. Speaker: There being no other Business, this House adjourns until tomorrow 7th November, 2018 at 9.30 a.m. in the Chamber.

The House rose at 2.52 p.m.

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