

REPUBLIC OF KENYA



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13TH PARLIAMENT | SECOND SESSION

THE SENATE

COMMITTEE OF POWERS AND PRIVILEGES

THE REPORT OF THE COMMITTEE OF POWERS AND PRIVILEGES
ON ITS INQUIRY ON ITS OWN MOTION INTO CONDUCT OF
SENATOR GLORIA ORWOBA, MP AND TO ESTABLISH IF THE
CONDUCT CONSTITUTED BREACH OF PARLIAMENTARY
PRIVILEGE

Clerk's Chambers,
The Senate,
First Floor, Parliament Buildings,
NAIROBI.

AUGUST, 2023

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ANNEXTURES

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Annex 2: Invitation sent to Sen. Gloria Orwoba, MP to appear before the Committee dated 3rd August, 2023

Annex 3: Request from Sen. Gloria Orwoba, MP for submission of requested recordings

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Annex 5: Letter from the Directorate of Criminal Investigations dated 8th August 2023

EXECUTIVE SUMMARY

Mr. Speaker Sir,

1. The Committee of Powers and Privileges is established under section 15(1) of the Parliamentary Powers and Privileges Act, No. 29 of 2017. Section 15(4) of the Act provides for the functions of the Committee as follows –

The functions of the Committee of Powers and Privileges shall be to—

- (a) inquire into the conduct of a member whose conduct is alleged to constitute breach of privilege in terms of section 16;*
 - (b) perform such other functions as may be specified in this Act.*
2. Section 15(5) of the Act empowers the Committee of Powers and Privileges to inquire, either by its own motion or as a result of a complaint made by any person, into the conduct of a Member whose conduct is alleged to constitute a breach of privilege in terms of section 16.
 3. The membership of the Committee comprises –
 - (a) Rt. Hon. Amason J. Kingi, EGH, MP – Speaker of the Senate (**Chairperson**)
 - (b) Sen. Alexander Mundigi Munyi, MP
 - (c) Sen. Wamatinga Wahome, MP
 - (d) Sen. David Wakoli Wafula, MP
 - (e) Sen. James Lomenen Ekomwa, MP
 - (f) Sen. Shakila Mohamed Abdalla, MP
 - (g) Sen. Esther Anyieni Okenyuri, MP

Mr. Speaker Sir,

4. At its meeting held on Tuesday, 1st August, 2023, the Committee of Powers and Privileges while considering Committee Paper No. 3 on the Recent Developments Relating to the Mandate of the Committee noted the recent allegations made by Senator Gloria Orwoba, MP, on the Senate Business WhatsApp Group.
5. The Committee resolved to have all the allegations made by Sen. Orwoba, MP, compiled for consideration by the Committee in its subsequent meeting.
6. At its meeting held on Thursday, 3rd August, 2023, the Committee of Powers and Privileges considered Committee Paper No. 04 on the Summary of Allegations made by Sen. Gloria Orwoba, MP, in various fora namely –
 - (a) allegations made by the Senator on diverse dates on the Senate Business WhatsApp Group, which is a digital platform for official communication of the Senate;
 - (b) allegations made by the Senator at a Media Briefing at the media centre on Thursday, 27th July, 2023; and
 - (c) allegations published by the Senator on her personal WhatsApp status on Tuesday 1st August, 2023.
7. Upon deliberation, the Committee, pursuant to section 15(5) of the Parliamentary Powers and Privileges Act, 2017, resolved to undertake an inquiry, on its own motion, into the conduct of the Senator to enquire on -
 - (a) if the conduct by Sen. Gloria Orwoba, MP, in relation to the publication of the allegations constitutes a breach of privilege
 - (b) if the conduct is found to constitute a breach of privilege, the appropriate recommendations to make in accordance with the Parliamentary Powers and Privileges Act, 2017, and the Senate Standing Orders.

8. The Committee subsequently held the following sittings –

- (a) on Thursday, 3rd August, 2023, to consider the charges against Sen. Gloria Orwoba, MP, for breach of parliamentary privileges;
- (b) on Monday, 7th August, 2023 at 2:30 p.m. to hear Sen. Gloria Orwoba, MP, on the charges;
- (c) on Wednesday, 9th August, 2023 at 8:30 a.m. to hear Sen. Gloria Orwoba, MP, on the charges against her on breach of parliamentary privilege; and
- (d) On Wednesday, 9th August, 2023 at 1:00 p.m. to consider and adopt the report of the Committee on its inquiry on its own motion into conduct of Senator Gloria Orwoba, MP and to establish if the conduct constituted breach of parliamentary privilege.

Mr. Speaker Sir,

- 9. During the meeting held on Monday, 7th August, 2023, Sen. Gloria Orwoba, MP, appeared before the Committee in person and with Advocates representing her. The Advocates requested for, inter alia, documentation relating to the allegations and additional time, till Wednesday, 8th August, 2023, to enable them prepare adequately for the inquiry.
- 10. During the meeting held on Wednesday, 9th August, 2023 at 8:30 a.m, the Senator appeared before the Committee in person together with her Advocates on record and declined to participate in the hearing stating that the matter was *subjudice*, issue of jurisdiction, premeditation, among others.
- 11. The Committee, noting that it had granted her an opportunity to be heard and taking into account her conduct and standing order 103 of the Senate Standing Orders on *subjudice* and previous Court decisions touching on *subjudice*, resolved to proceed with the hearing in her absence.

12. Following deliberations, the Committee observed as follows –

- a) the matter of *subjudice* does not arise as the committee was seized of this matter long before it went to court. Further, the court is not looking at the substance of the allegations forming the charges but a different matter.
- b) the Senator and her legal team did not table before the Committee any pleadings as proof that there is a matter that is active in Court barring the Committee from proceeding with the matter and therefore the Committee was not persuaded on the claim for *subjudice*.
- c) that instead of abandoning the proceedings the Senator Orwoba, MP and her legal team would have sought an explanation for Sen. Wafula's statement and if not convinced seek the recusal of Sen. Wafula from the proceedings.

In view of the above, the Chairperson directed that the meeting would proceed with the matter in the absence of the Senator and her legal team and make determination on the matter in line with the Parliamentary Powers and Privileges Act.

13. The Committee also took note of the Report of the Directorate of Criminal Investigation by the Officer in Charge of the Directorate of Criminal Investigations, Parliament, Police Station in which the Directorate concluded that –

- (a) the evidence submitted was not enough to sustain a criminal charge in court; and
- (b) the issue of allocation of an office was an administrative matter internal to the Senate and not criminal in nature.

14. The Committee further noted that no evidence was tendered by Sen. Gloria Orwoba, MP, to rebut the charges and hence, the allegations made by her remained unsubstantiated.

15. In line with section 16 of the Parliamentary Powers and Privileges Act, 2017, the Committee of Powers and Privileges found the Senator's conduct to be in breach of parliamentary privilege on the following charges –

A. CHARGE ONE

Conduct constituting breach of privilege under section 16(e) and paragraph 7(a) of the Fourth Schedule to the Parliamentary Powers and Privileges Act, 2017

(a) Count One: Allegations of Pursuit of Sexual Favours

THAT, the Senator on diverse dates, made unsubstantiated allegations that there were instances of pursuit of sexual favours in Parliament by posting various messages on the Senate Business WhatsApp Group.

(b) Count Two: Allegations of Favouritism and Discrimination

THAT, the Senator on diverse dates, made unsubstantiated allegations that there was discrimination in Parliament by posting various messages on the Senate Business WhatsApp Group and made allegations during a Media Briefing held at the Media Centre, Main Parliament Buildings.

(c) Count Three: Allegations of Corruption

THAT, the Senator on diverse dates, made unsubstantiated allegations that there were cases of corruption in Parliament by posting various messages on the Senate Business WhatsApp Group.

(d) Count Four: Allegations of Kickbacks for Legislative Agenda

THAT, the Senator on diverse dates, made unsubstantiated allegations that there were requests for kickbacks for legislative agenda in Parliament by posting various messages on the Senate Business WhatsApp Group.

The Committee, having considered the allegations published and the Senator's refusal to participate in the hearing, despite being accorded an opportunity to refute the allegations, the Committee resolved to proceed with the hearing in her absence. Following deliberations, the Committee resolved that the charge was therefore confirmed. The Committee further resolved that disciplinary action be taken against the Senator.

CHARGE TWO

Conduct constituting breach of privilege under paragraph 8 of the Fourth Schedule to the Parliamentary Powers and Privileges Act, 2017 on the Code of Conduct for Members of Parliament.

(a) Count One: Allegations Disrespecting Fellow Senators

THAT, the Senator on diverse dates, published information that was disrespectful towards fellow Senators on the Senate Business WhatsApp Group.

(b) Count Two: Allegations of Imputing Improper Motive on Fellow Senators

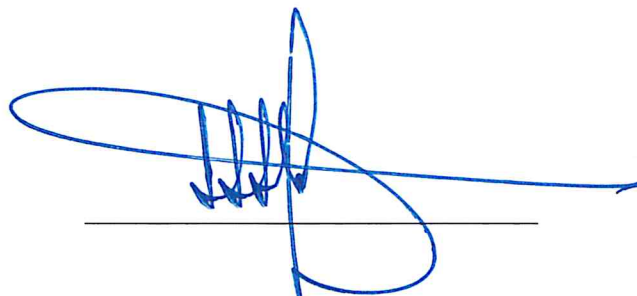
THAT, the Senator on diverse dates, imputed improper motive on other Senators by posting various messages on the Senate Business WhatsApp Group.

Mr. Speaker Sir,

16. The Committee, noting the gravity of the charges, the conduct of Sen. Gloria Orwoba, MP, and the information before the Committee on Powers and Privileges, the Committee resolved

Mr. Speaker Sir,

17. The Chairperson of the Committee takes this opportunity to thank all the Members of the Committee for their immense contribution to the inquiry that culminated in this Report. The Committee wishes to also thank the Office of the Speaker and the Secretariat of the Senate for the necessary support extended to it in the execution of its mandate.
18. On behalf of the Committee of Powers and Privileges, I have the honour and pleasure to present the Report of the Committee of Powers and Privileges on its Inquiry on its own motion into Conduct of Senator Gloria Orwoba, MP and to establish if the conduct constituted breach of parliamentary privilege to the Senate.

A handwritten signature in blue ink, featuring a large, stylized 'A' and 'K' with a long horizontal stroke extending to the right.

Rt. Hon. Amason J. Kingi, EGH, MP
Chairperson
Committee of Powers and Privileges

CHAPTER ONE: INTRODUCTION

1.1 BACKGROUND

1.1.1 Establishment of the Committee of Powers and Privileges

1. The Committee of Powers and Privileges is established under Section 15(1) of the Parliamentary Powers and Privileges Act, No. 29 of 2017, which provides that –

15(1) There is established, for each House of Parliament, a committee known as the Committee of Powers and Privileges consisting of—

(a) ...

(b) in respect of the Senate —

(i) the Speaker who shall be the chairperson of the Committee; and

(ii) six other members of the House appointed in accordance with the Standing Orders of the Senate.

2. The Committee of Powers and Privileges draws its mandate from Chapter Six of the Constitution which prescribes leadership, integrity and the conduct of State officers; the Public Officers Ethics Act, 2003; the Leadership and Integrity Act, 2012 and the Parliamentary Powers and Privileges Act, 2017.

1.1.2 Membership of the Committee of Powers and Privileges

3. Pursuant to section 15(1)(b) of the Parliamentary Powers and Privileges Act, 2017, the Committee of Powers and Privileges in the Senate comprises the Speaker of the Senate as the Chairperson and six other Senators appointed to the Committee in accordance with the Standing Orders of the Senate.
4. The current Committee was established by a resolution of the Senate on Thursday, 13th October, 2022 and subsequently by resolutions of the Senate on 15th November, 2022 and 16th February, 2023 respectively.

5. The Committee comprises –
- (a) Rt. Hon. Amason J. Kingi, EGH, MP – Speaker of the Senate (**Chairperson**)
 - (b) Sen. Alexander Mundigi Munyi, MP
 - (c) Sen. Wamatinga Wahome, MP
 - (d) Sen. David Wakoli Wafula, MP
 - (e) Sen. James Lomenen Ekomwa, MP
 - (f) Sen. Shakila Mohamed Abdalla, MP
 - (g) Sen. Esther Anyieni Okenyuri, MP

1.1.3 Recent Developments in the Senate Relating to the Establishment and Mandate of the Committee

6. During a meeting of the Committee held on 1st August 2023, the Committee was concerned with recent developments in the Senate that relate to the mandate of the Committee and took note of the various instances of alleged breaches of privilege by Senators that were considered in the 11th and 12th Parliaments.
7. The Committee noted recent allegations made by Senator Gloria Orwoba, MP, on the Senate Business WhatsApp Group in particular utterances and allegations made by the Senator, which in the opinion of the Committee, reflect adversely on the dignity and integrity of Parliament and of the Members.
8. Subsequently, the Committee resolved on its own Motion, pursuant to the provisions of the Parliamentary Powers and Privileges Act 2017, section 15 (5), to undertake an inquiry into the conduct of Sen. Gloria Orwoba, MP to ascertain whether her conduct constituted a breach of privilege.

CHAPTER TWO: OVERVIEW OF THE LAWS

2.0 The Constitution

9. Chapter Six of the Constitution sets standards on how a state officer should exercise his authority. Article 73(1) of the Constitution provides that —

(1) Authority assigned to a State officer—

(a) is a public trust to be exercised in a manner that—

(i) is consistent with the purposes and objects of this Constitution;

(ii) demonstrates respect for the people;

(iii) brings honour to the nation and dignity to the office; and

(iv) promotes public confidence in the integrity of the office.

10. Article 75(1) of the Constitution further obliges such an officer to at all times behave in a manner that avoids demeaning the office that he holds. Article 75(2) further provides that —

(2) A person who contravenes clause (1) or Article 76, 77 or 78(2) -

(a) shall be subject to the applicable disciplinary procedure for the relevant office; and

(b) may, in accordance with the disciplinary procedure referred to in paragraph (a), be dismissed or otherwise removed from office.

2.1 The Public Officer Ethics Act, Chapter 183 of the Laws of Kenya

11. Section 9 of the Public Officer Ethics Act requires every public officer to—

(a) carry out his duties in a way that maintains public confidence in the integrity of his office;

(b) treat the public and his fellow public officers with courtesy and respect; and

- (c) to the extent appropriate to his office, seek to improve the standards of performance and level of professionalism in his organisation.*

2.2 The Leadership and Integrity Act, No. 19 of 2012

12. Section 11 of the Leadership and Integrity Act, No. 19 of 2012 requires a State officer to—

- (a) carry out duties of the office in a manner that maintains public confidence in the integrity of the office;*
- (b) treat members of the public and other public officers with courtesy and respect;*
- (c) not discriminate against any person, except as is expressly provided by the law;*
- (d) to the extent appropriate to the office, maintain high standards of performance and level of professionalism within the organisation;*

13. Section 37 of the Act requires each institution to have a specific leadership and integrity code. However, where an institution does not have in place a specific leadership and integrity code, section 38 provides that the general code under the Act would apply to that institution. Given that Parliament does not have in place a specific leadership and integrity code, the general code under the Act applies.

2.3 The Parliamentary Powers and Privileges Act, 2017

14. Section 15(5) of the Parliamentary Powers and Privileges Act, 2017 empowers the Committee to inquire into the conduct of a Member either of its own motion or as a result of a complaint made by any person. The Committee is required to conduct an inquiry into the complaint within fourteen days of receipt of the complaint.

15. The Act further gives guidance, in section 16, on conduct that constitutes a breach of privilege. Section 16 provides that the Committee of Powers and Privileges may find a Member to be in breach of privilege if the Member —

- (a) contravenes sections 25, 26 or 28 which provide as follows –

25. Unauthorized publishing

- (1) *A person shall not publish or tender in evidence—*

- (a) any journal if the publication of that journal is prohibited by or in terms of the Standing Orders or an order or resolution of Parliament;*
- (b) any journal purporting that it has been published under the authority of Parliament or a committee or the Speaker while it has not been published under such authority;*
- (c) any journal purporting that it is a verbatim account of the proceedings of Parliament or a committee while it is not such account.*

- (2) *In any civil or criminal proceedings instituted for publishing any extract from or abstract of any journal referred to in subsection (1), if the court is satisfied that the extract or abstract was published bona fide and without malice, judgment or verdict, as the case may be, shall be entered for the defendant or accused.*

- (3) *The right of access to justice under Article 48 of the Constitution shall be limited as specified under this section for the purposes of facilitating —*

- (a) the conduct of business and the affairs of Parliament;*
- (b) the attainment of freedom of speech and debate in Parliament in accordance with Article 117 of the Constitution.*

26. Prohibited acts in respect of Parliament and its members

- (1) *A person shall not —*

- (a) assault, obstruct, molest or insult any member proceeding to, being within or leaving the precincts of Parliament, or endeavour*

to compel any member by force, insult or menace to declare himself or herself in favour of or against any proposition or matter pending or expected to be brought before Parliament or any committee;

(b) assault, interfere with, molest, resist or obstruct any member of staff while in the execution of his or her duty;

(c) assault or threaten a member or unlawfully deprive a member of any benefit on account of the member's conduct in Parliament;

(d) while Parliament or a committee is sitting, create or take part in any unlawful disturbance which interrupts or is likely to interrupt the proceedings of Parliament or any committee while Parliament or the committee is sitting; or

(e) fail or refuse to comply with an instruction by a duly authorized member of staff or a police officer regarding —

(i) the presence of the public in the precincts of Parliament including a meeting within the precincts of Parliament; or

(ii) the possession of any article, including a firearm, within the precincts.

(2) A person or a member who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand shillings or to a term of imprisonment not exceeding two years or to both.

28. Improper influence of members

(1) A person shall not, by fraud, intimidation, force, insult or threat of any kind, or by the offer or promise of any inducement or benefit of any kind, or by any other improper means —

(a) influence a member in the performance of the member's functions as a member;

(b) induce a member to be absent from Parliament or a committee at a particular time; or

(c) attempt to compel a member to declare himself or herself in favour or against a matter pending before or proposed or expected to be submitted to Parliament or a committee.

(2) A member shall not solicit, receive or accept any fee, compensation, gift, reward, favour or benefit of any kind for the member or another person for in respect of—

(a) voting in any particular manner or not voting on a matter before Parliament;

(b) promoting or opposing anything pending before or proposed or expected to be submitted to Parliament; or

(c) making a representation to Parliament.

(3) A person who contravenes this section commits an offence.

(b) commits an act mentioned in section 27(1)(a), (b) or (2) and (3)(d), (e), (f) or (g). The section provides as follows –

27. Offences relating to witnesses

(1) A person commits an offence where the person —

(a) having been duly summoned in terms of section 18 fails, without sufficient cause to —

(i) attend at the time and place specified in the summons; or

(ii) remain in attendance until excused from further attendance by the person presiding at the inquiry;

16. Section 17 of the Act provides for determination of breach of privilege by the relevant House of Parliament. The relevant House of Parliament has all the powers necessary for enquiring into and pronouncing upon itself on any act or matter constituting breach of privilege in terms of section 16 of the Act.
17. Pursuant to section 17(3) of the Act, where the Senate finds that a Member has committed a breach of privilege, the Senate may, in addition to any other penalty to which the Member may be liable under the Act or any other law, impose any or more of the following penalties –
- (a) a formal warning;
 - (b) a reprimand;
 - (c) an order to apologize to the House or a person in a manner to be recommended by the Committee of Powers and Privileges;
 - (d) the withholding, for a specific period of time, of the member's right to the use or enjoyment of any specified facility provided to Members by Parliament;
 - (e) the removal or suspension for a specified period of time of the Member from any parliamentary position occupied by the Member;
 - (f) such fine in terms of the Member's monthly salary and allowances as the House may determine;
 - (g) the suspension of the Member for such period as the House may decide, whether or not Parliament or any of its committees is scheduled to meet during that period; or
 - (h) vacation of seat pursuant to Articles 75(2)(b) and 103(1)(c) of the Constitution.

18. Section 37(3) of the Act provides for the Code of Conduct regulating the conduct of Members of the respective House of Parliament when discharging their duties and responsibilities. The Code which is set out in the Fourth Schedule to the Act is meant to create public trust and confidence in Members of Parliament and to protect the integrity of Parliament.
19. Further, the Code sets guidelines for ethical behaviour, fostering public trust, and maintaining the integrity of the Parliament. The code demands adherence to principles such as selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.
20. Members of Parliament are expected to act in public interest, prioritize parliamentary duties, and avoid any form of improper rewards or inducements; register financial and non-financial interests that could influence their actions and ensure these are updated; uphold the dignity of Parliament, respect other Members and abide by the General Leadership and Integrity Code set out in Part II of the Leadership and Integrity Act, 2012. The Committee is mandated to enforce the Code and recommend penalties for its breach.

CHAPTER THREE: INQUIRY INTO THE CONDUCT OF SEN. GLORIA ORWOBA, MP

3.1 Overview of the Inquiry

21. The Senate Business Committee held its second meeting on the Thursday, 3rd August, 2023, the Committee on Powers and Privilege, having considered the charges and resolved to carry out an inquiry into Sen. Gloria Orwoba MP's conduct, determined that the Committee would be required to, among other things, determine –

- (a) whether the conduct by Senator Gloria Orwoba MP constituted a breach of privilege; and
- (b) the appropriate recommendations to make, including, if applicable, the disciplinary action to be taken.

22. The Committee further noted that it was required, under section 15(5) of the Powers and Privileges Act, 2017, to conduct the inquiry and table its report before the House within a period of fourteen days.

3.2 Invitation to appear before the Committee of Powers and Privileges

23. The Committee issued an invitation to appear before the Committee to the Senator and respond to the charges and counts as particularised in the invitation. A copy of the invitation was served on the Senator on 3rd August, 2023 and an electronic copy of the invitation served on her by way of WhatsApp and email on the same day.

24. The Senator was required to appear before the Committee on Monday, 7th August, 2023 either in person, by way of Advocates or both and be heard on the charges and counts.

3.1 The Charges

25. The charges preferred against Sen. Orwoba, MP are as follows –

CHARGE ONE

Conduct constituting breach of privilege under section 16(e) and paragraph 7(a) of the Fourth Schedule to the Parliamentary Powers and Privileges Act, 2017 which section and paragraph provide respectively, as follows –

Section 16 – Conduct constituting breach of privilege

16. *The Committee of Powers and Privileges may find a Member to be in breach of privilege if the Member –*

- (a) ...
- (e) *conducts himself or herself in a manner which, in the opinion of the Committee on Powers and Privileges, is intended, or is likely to reflect adversely on the dignity or integrity of Parliament, or of the Members or to be contrary to the best interests of Parliament or its Members.*

Paragraph 7(a) – Members to uphold the dignity of the House

7. *A member of the House shall uphold the dignity and integrity of the House by –*

- (a) *promoting respect for the House and its institutions at all times; ...*

Count One: Allegations of Pursuit of Sexual Favours

That, Sen. Gloria Orwoba, MP on diverse dates, you made allegations that there were instances of pursuit of sexual favours in Parliament by posting the following messages –

On Wednesday, 31st May, 2023 on the Senate Business WhatsApp Group as follows—

Obviously I am not sleeping with any staff members or knocking on their doors with kick back envelopes from trip perdiems. So obviously I am not scheduled for any trips or getting it easy on any services that I need from these offices.

A quick point to note:

Parliament staff are shuttling between KICC corridors for lack of office space but Clerk Nyegenye and his team of whoever is running and impersonating me in that Red Cross building would rather lock that room, put a sign of my name and pretend that they did not hear a thing about the matter I raised.

Owing to the fact that I am now aware of the rot in that system, and that I have no intention of trading sexual favors or paying kick backs as an honourable member of this Parliament. I rest this case.

Just don't ask me why I am, the way I am. Know that, in your space in Parliament things don't operate as they do in my space as a vocal, fearless nominated female senator.

On Thursday, 27th July, 2023 on the Senate Business WhatsApp Group as follows—

#TeamGlo

#ImpeachNyegenye

#DevolveClerksPowers

#NoSexforWork

#NoKickBackForLegislativeAgenda

#NoSkyTeam

Billboard coming up

On Friday, 2nd June, 2023 on your Facebook page and posting a screenshot of the same on the Senate Business WhatsApp Group as follows –



Gloria Orwoba

11 hours ago · 🌐

...

ATTENTION:

I have been forced to put up this public notice because the relevant authorities have refused to act.

This office at Red Cross Building is NOT my office. I understand that it has been running for over 8 months without my knowledge and all efforts to address this matter through the proper Parliament channels have been thwarted by the deep rooted cartels that have been operating in parliament for years!

I DO NOT OCCUPY THIS OFFICE NOR DO ANY OF MY OFFICIAL REPRESENTATIVES.

Friends, being a woman in Parliament is hard! Especially if you are outspoken and do not participate in the 'game' of trading sexual favors or kick backs.

I REPEAT, THIS IS NOT MY OFFICE.



On Tuesday, 1st August, 2023 on your personal WhatsApp status as follows–

When a clerk colludes with his
tribesmate legislators to kill a bill
just to punish you for speaking
up...

Know that you have lost the battle
but won the war!

#DevolveClerksPowers
#NoSexForWork
#NoKickBackForLegislativeAgen
da
#NoSkyTeam

Count Two: Allegations of Favouritism and Discrimination

That, Sen. Gloria Orwoba, MP on diverse dates, you made allegations that there was discrimination in Parliament by posting the following messages –

On Saturday, 27th May, 2023 on the Senate Business WhatsApp Group as follows–

I have been at the clerk's office severally @Mr. Nyegenye CoS I have been at your office concerning this matter.

In fact, I have intentionally stopped to come to your office because I just sense bad intent. What was so special about the other senator that I was with who ended up on the reimbursement? What was so bad about my request similar to hers that the Parliament staff were given instructions to forcefully allocate me an office in absentia and run it.

Anyway, I wrote the letter, you can dispense it as you wish. At this point I will focus on fighting for women and girls outside of Bunge. Bunge can continue cutting my feet and frustrating me for being me.

I am waiting for the assessment about my complaint on parliamentary staff running an office under my name and the head of sergeant at arms dismissing me and my complaint.

I am also waiting to hear from the clerk on the same.

*Unless of course cctv shows that my claims are apparently unsubstantiated..
Because I already have evidence of the same complete with admissions... But
it appears that theft is prohibited but impersonation is ok.*

On Wednesday, 31st May, 2023 on the Senate Business WhatsApp Group as follows –

*For purposes of records and clarity and the true picture of the ongoing
favouritism and discrimination that is pronounced in Parliament operations,
I will document this here:*

...

- 1. A staff member forcefully allocated an office to me and set it up without my knowledge*
- 2. The request I made in the company of another senator was ignored and somehow the similar request this other Senate made was honored and facilitated through Clerk Nyegenye's office. In fact, at the point when I am demanding to see the official paper work, I note that it is not even the Senate who requested in writing but Clerk Nyegenye who triggered her compensation through a letter from his office.*
- 3. Like a synchronized operation... even the letters that were being slid under that alleged office I was allocated, we're being collected and brought to me in chambers, to ensure I do not discover about this very disgusting cartel. The keys are still in Parliament possession.*

It was unbelievable to me, because Mr. Sorobit is not specially abled by way of hearing or understanding.

Anyway, noting his Condensending and outright disrespectful demeanor. I leave.

**On Thursday, 27th May, 2023 at a Media Briefing held at the Media Centre,
Main Parliament Buildings as follows –**

Senator Gloria Orwoba: (inaudible) to my submission, even when I am called upon to represent Kenya in certain forums, that there is obvious subversion of the facilitation of the same.

I am not talking about money because most of the places that I have been invited to either give my legislative agenda or speak on what the Government of Kenya is doing on certain legislative issues, most of those trips are actually facilitated by whoever is inviting me. But you find that even matters where Parliament is supposed to help you to secure certain things such as visas and what, you get that there is even frustration in that. The recent one being the case of Geneva where a staff member in Senate was actually given instructions to keep my passport for three and a half weeks and not submit it to the Embassy.

Most of these people that are here, workers who are here, they are operating in fear and I know they are operating under instructions. There has been a lot of bullying and based on my legislative agenda and my work in Senate, I can state authoritatively that the office of the Clerk of Senate is actually highly involved. It is something that I have brought the attention to the Speaker's Office, I have brought the attention to all relevant issues---- but what I am sensing is that there is a lot of fear in the quarters that needs to deal with this issue.

Recently, I even asked, how can I--- you know, because as a legislator, you are supposed to deal with things in a legislative manner. When I realized this is a difficult issue, I asked, how can I present a Motion, a Bill something-

--

(Sound from the background)

(Inaudible) a particular person in this office because they are actually messing with the agenda, the development agenda that Senate has. And even the people who are supposed to guide you on the processes of impeachment and things like that are very terrified.

So, you can say in one way or another that the Senate has been captured by one office, by one State Officer. You know, I can speak like this because this particular situation, they have taken away everything from me which is so-- the good thing is that I have nothing to lose. That is why I have reached a point and I am like, you know what, something has to be done or at least, some of these concerns have to be addressed.

The Journalist: *What is this something that has to be done?*

Senator Gloria Orwoba: *From what I have been advised, in fact, because I cannot even get advice from the Senate officers, because they are afraid on advising me on how to deal with the matter because they are afraid of the repercussions of the victimization of them even engaging with me. So I have had to seek external legal counsel, on my budget, to be advised on how to either follow the procedure in terms of impeachment or removal of a Senate Clerk. I am actually having to take the extra effort and extra resources on my part because even the people who have been--- the resources that are there for Senators here in the House, they are intimidated. They are completely afraid of even speaking up against all the abnormalities that are going on.*

My experience, and that is why I gave a Personal Statement of my experiences in the last ten months that I have been here, including my legislative agenda being shortchanged. Including impersonation of offices. Jeremiah Nyegenye, the Senate Clerk, has actually impersonated me because when I reported that I do not have an office in Red Cross, he wrote an official letter saying that I have an office in Red Cross. I was wondering

why is he forcing this office on me. That is an ongoing criminal matter now that is being investigated but there are so many other issues.

The worst thing about this is that, as a legislator, if I feel this cornered by a person who is supposed to assist legislators to legislate the agenda of Kenya, I am just wondering where people are supposed to go hence my Personal Statement that I brought to the Floor of the House.

The Journalist: *So, do you have plans of impeaching the Clerk?*

Senator Gloria Orwoba: *Quite frankly, I would say this. This is an individual who has mastered how to maneuver the legal process of being removed. He is also an individual that is being backed by so many serious-- I do not want to say cartels but he is being backed by people who for instance when I bring a statement on data protection, they just pick up the phone, they call the Clerk, they start telling the Clerk do this this--- and somehow, he is involved.*

So, for me at this point, as a legislator, I have done my part. I have gone, I have given a Personal Statement at the Floor of the House, I have said this is happening, I have blown the whistle. I am going to sit down later with advisors. I have also been seeking advice from previous legislators who have experienced the same thing. What is happening is, I am considering, because for us, as legislators, particularly for me, all I care about is how do I play my role of oversight. How do I ensure that my Bills, most of them that are imparting Kenyans directly, are actually seen to fruition? My sanitary provision Bill, which is being fought left, right and centre. Konza Bill that took heaven and earth to just get to second reading.

The challenges that I am experiencing here as a legislator they are not new but what is happening is that now we are in 2023 and we have younger

legislators who are actually passionate about making a difference in that House. That is the frustration that I am getting.

The Journalist: *You have not answered. Do you have plans of impeaching the Clerk?*

Senator Gloria Orwoba: *I think the Clerk should be impeached. I think the Clerk of the Senate, Jeremiah Nyegenye, should be impeached for so many reasons. I do not want to prematurely empty but I think he should be impeached. And as soon as I am able--- You know, also you should consider --- I am a new legislator and I am sure many people are thinking, oh that one has bitten more than they can swallow oh... but you know I am a change maker. It takes change makers to blow the whistle and say, this person is not doing the right thing, this person is subverting the development and the work of the House, this person needs to be called.*

That is why we were put in the Senate to play oversight and ensure that Kenyans are not being taken for a ride. It is very unfair for legislators to come to the Floor of the House, try to persecute their business and you have people sitting in the office in the name of clerks who are actually continuously ensuring that we cannot legislate. That we cannot do anything, that we cannot represent this country, that we cannot--- you know---

So, I as a person who has been put here--- I am nominated, and I am well aware, to represent women. You saw what happened when I was even pushing when we had certain committees of impeachment of the Governor of Meru, Kawira, when I said that women actually have to be part of that Committee. Those are some of the things that made now this office and this particular person, you know, because he is being influenced.

So, I am here to represent women and girls. At the point where I cannot push legislation in terms of sanitary towels because someone is protecting an

industry or a person, at the point where I cannot push my legislation even on Konza and all these other Bills that I am trying to front, then it is my responsibility and--- I know the risk I am taking to come and stand here and say, this is what is happening.

Count Three: Allegations of Corruption

That, Sen. Gloria Orwoba, MP on diverse dates, you made allegations that there were cases of corruption in Parliament by posting the following messages –

On Friday, 26th May, 2023 on the Senate Business WhatsApp Group –

By the way.. It's the same thing that happens to local transport in Mombasa. Kuna mtu ako na tender... Who sometimes never shows up... Then you take a taxi and pay... And when you ask for a refund you are told to start writing letters to the clerk.

Such outright daylight robbery. I am owed over 20k on this Mombasa airport/local transport. Na kuna mtu anakulia tender.

On Friday, 2nd June, 2023 on your Facebook page and posting a screenshot of the same on the Senate Business WhatsApp Group as follows –



Gloria Orwoba

11 hours ago · 🌐

...

ATTENTION:

I have been forced to put up this public notice because the relevant authorities have refused to act.

This office at Red Cross Building is NOT my office. I understand that it has been running for over 8 months without my knowledge and all efforts to address this matter through the proper Parliament channels have been thwarted by the deep rooted cartels that have been operating in parliament for years!

I DO NOT OCCUPY THIS OFFICE NOR DO ANY OF MY OFFICIAL REPRESENTATIVES.

Friends, being a woman in Parliament is hard! Especially if you are outspoken and do not participate in the 'game' of trading sexual favors or kick backs.

I REPEAT, THIS IS NOT MY OFFICE.



On Thursday, 27th July, 2023 on the Senate Business WhatsApp Group –

(a) *#TeamGlo*

#ImpeachNyegenye

#DevolveClerksPowers

#NoSexforWork

#NoKickBackForLegislativeAgenda

#NoSkyTeam

Billboard coming up

(b) *Jeremiah Nyegenye you can continue to pay the few news editors to shut the story and intimidate the majority free media journalists by threatening them with expulsion from Bunge, but we are in 2023 the story will come*

out, with or without your tactics! Let's how many local and international media houses you and your cartels control. Aluta Continua!

On Tuesday, 1st August, 2023 on your personal WhatsApp status –

When a clerk colludes with his
tribesmate legislators to kill a bill
just to punish you for speaking
up...

Know that you have lost the battle
but won the war!

#DevolveClerksPowers
#NoSexForWork
#NoKickBackForLegislativeAgen
da
#NoSkyTeam

Count Four: Allegations of Kickbacks for Legislative Agenda

That, Sen. Gloria Orwoba, MP on diverse dates, you made allegations that there were requests for kickbacks for legislative agenda in Parliament by posting the following messages –

On Friday, 2nd June, 2023 on your Facebook page and posting a screenshot of the same on the Senate Business WhatsApp Group as follows –



Gloria Orwoba
11 hours ago · 🌐

...

ATTENTION:

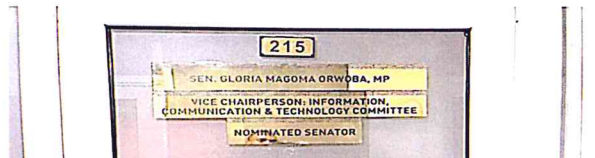
I have been forced to put up this public notice because the relevant authorities have refused to act.

This office at Red Cross Building is NOT my office. I understand that it has been running for over 8 months without my knowledge and all efforts to address this matter through the proper Parliament channels have been thwarted by the deep rooted cartels that have been operating in parliament for years!

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Friends, being a woman in Parliament is hard! Especially if you are outspoken and do not participate in the 'game' of trading sexual favors or kick backs.

I REPEAT, THIS IS NOT MY OFFICE.



On Thursday, 27th July, on the Senate Business WhatsApp Group –

#TeamGlo

#ImpeachNyegenye

#DevolveClerksPowers

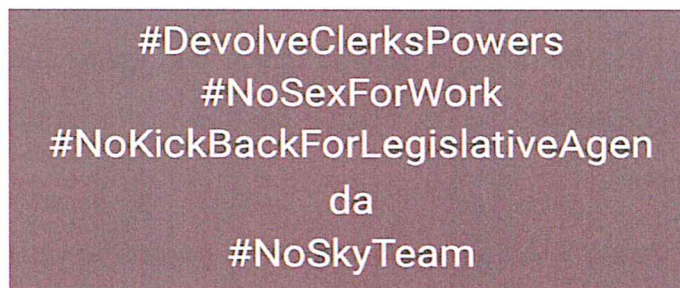
#NoSexforWork

#NoKickBackForLegislativeAgenda

#NoSkyTeam

Billboard coming up

On Tuesday, 1st August, 2023 on your personal WhatsApp status as follows –



CHARGE TWO

Conduct constituting breach of privilege under paragraph 8 of the Fourth Schedule to the Parliamentary Powers and Privileges Act, 2017 on the Code of Conduct for Members of Parliament which provides that, *“A member of the House shall treat other members with respect and strive to have cordial relations with all other members”*.

Count One: Allegations Disrespecting Fellow Senators

That, Sen. Gloria Orwoba, MP on diverse dates, you published the following information that was disrespectful towards fellow Senators—

On Friday, 26th May, 2023 on the Senate Business WhatsApp Group as follows—

Sen. Oketch, who died and made you prefect of how senators express themselves? Let the owner of the mouth piece come out and defend himself or start preparing himself to come down from his high heavens. ... I cannot sit back and watch one man misuse his office ... Stop purporting to be mature than Methuselah. You and I are both first term legislators, stop with your Condensending nonesense ... Sit down.

On Tuesday, 1st August, 2023 on the Senate Business WhatsApp Group as follows –

YET ANOTHER MILESTONE!

In under one year of being a legislator, I have managed to table a bill that has gone through the very bureaucratic, political and tedious process, all the way past second reading and to voting.

The Konza Technopolis Bill seeks to put a legal framework on Konza Operations, with an aim to attract investors to set up ICT enterprises in Kenya and particularly in Konza City. This bill is what is needed to unlock the full potential of Kenya's Silicon Valley and offset thousands of jobs by boosting the data center industry among other industries.

I could speak about this bill until the heavens come down but I will leave it there for now.

This afternoon, after extensive lobbying particularly with the opposition Senators, I managed to garner 22 votes out of the 24-vote threshold.

The Bill failed to pass.

I want to thank all the Senators who voted for the bill and encourage the following six senators below who voted against it, to prioritize our youth and many Kenyans who would benefit from the Konza Bill to reflect on the opportunities that they have denied Kenyans.

Senators Who Voted Against the Konza Bill:

1. Senator Bonnie Khalwale - Kakamega
2. Senator Karungo Wa Thangwa - Kiambu
3. Senator Hillary Sigei - Bomet
4. Senator Wakoli Wafula - Bungoma
5. Senator Eddy Oketch - Migori
6. Senator Godfrey Osotsi - Vihiga

I am particularly grateful to the ODM Senators who put the politics and internal Senate wrangles aside and carried out their duties as responsible legislators and represented the needs of the electorate accurately.

I shall be tabling the same bill afresh because I am committed to my duties as a legislator.

Beaten but NOT defeated!

We MUST deal with the issue of unemployment and Konza Technopolis is one way to boost job creation!

Senator Gloria Orwoba

On Tuesday, 1st August, 2023 on your personal WhatsApp status –

When a clerk colludes with his
tribesmate legislators to kill a bill
just to punish you for speaking
up...

Count Two: Allegations of Imputing Improper Motive on Fellow Senators

That, Sen. Gloria Orwoba, MP on diverse dates, you imputed improper motive on other Senators by posting the following messages –

On Friday, 26th May, 2023 on the Senate Business WhatsApp Group –

Sen. Oketch, who died and made you prefect of how senators express themselves? Let the owner of the mouth piece come out and defend himself or start preparing himself to come down from his high heavens.... I cannot sit back and watch one man misuse his office...Stop purporting to be mature than Methuselah. You and I are both first term legislators, stop with your Condensending nonesense...Sit down.

On Tuesday, 1st August, 2023 on the Senate Business WhatsApp Group –

YET ANOTHER MILESTONE!

In under one year of being a legislator, I have managed to table a bill that has gone through the very bureaucratic, political and tedious process, all the way past second reading and to voting.

The Konza Technopolis Bill seeks to put a legal framework on Konza Operations, with an aim to attract investors to set up ICT enterprises in Kenya and particularly in Konza City. This bill is what is needed to unlock the full potential of Kenya's Silicon Valley and offset thousands of jobs by boosting the data center industry among other industries.

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Senator Gloria Orwoba

On Tuesday, 1st August, 2023 on your personal WhatsApp status –

When a clerk colludes with his
tribesmate legislators to kill a bill
just to punish you for speaking
up...

3.2 Preliminary Issues

26. During the appearance of the Senator before the Committee on 7th August 2023, before charges against the Senator were read, the Senator and her legal team raised the following objections –

- (a) that the Advocates of the Senator had only been issued with instructions to represent her immediately before the meeting of the Committee and hence, requested the Committee to allow the defense additional time to prepare an appropriate defense for the Senator;
- (b) that there was no complainant with regard to the charges levelled against the Senator;
- (c) that the Senator's request for more information as follows was not granted –
 - (i) Audio-visual recording of the Senator's media briefing at the media center on 27th July, 2023;
 - (ii) Audio-visual recording of the Senator's personal Statement during the Sitting of the Senate on Thursday 27th July, 2023;
 - (iii) Audio and transcripts of the meeting of the Committee of Powers and Privileges held on Thursday 3rd August, 2023;
 - (iv) Printout of the Senate Business WhatsApp Group since creation; and
 - (v) Senate Social Chat Room WhatsApp group since creation;
- (d) that Sen. Esther Okenyuri, MP, should recuse herself from proceedings due to their longstanding political differences; and
- (e) that the authenticity of the invitation to appear before the Committee be disclosed, specifically, whether the letter originated from a resolution of the Committee.

27. Following deliberations, the Chairperson ruled as follows with respect to the above matters –

- (a) On the application for more time, the Committee resolved to grant the Senator an extension until Wednesday, 9th August, 2023 at 8:30 a.m. to appear, enter a plea, and proceed to substantiate or affirm the charges.
- (b) Regarding the assertion that there was no complainant against the Senator, the Speaker informed the Senator that the Committee, as members of the Senate Business WhatsApp group had taken note of the allegations made by the Senator in the group. Consequently, the Committee, on its own motion, invoked section 15(5) of the Parliamentary Powers and Privileges Act to consider whether the Senator's statements constituted a breach of privilege.
- (c) In response to the request for information, the Senator was apprised of the following—
 - (i) That the audio from her press briefing at the Media Center in Parliament on Thursday, 27th July, 2023 had been transcribed and attached to the invitation to the Senator to appear before the Committee dated 3rd August, 2023.
 - (ii) That the audio-visual recording and Hansard report for the Senator's personal Statement made in plenary on Thursday, 27th August, 2023 is privileged and therefore of no relevance to the proceedings. However, the Committee resolved to provide the Senator with the Hansard even though the Senator was informed that it would not form any basis of the proceedings as it was privileged information.
 - (iii) That there are no audio recording of the meeting of the Committee of Powers and Privileges held on Thursday 3rd August, 2023. However, the minutes of the meeting of the Committee will be availed to the Senator immediately the minutes have been confirmed and signed.
 - (iv) That the Committee was unable to provide printouts of posts in the Senate Business WhatsApp and Senate Social Group since creation. The

Senator's legal team was informed that Sen. Orwoba, MP is a member of both the WhatsApp chat groups and was therefore privy to all the information shared on the groups. Further, the Senator was informed that none of the charges relate to posts on the Senate Social WhatsApp group.

- (d) On the application for Sen. Esther Okenyuri, MP to disqualify herself, the Chairperson informed the Senator's legal team that Sen. Okenyuri, MP voluntarily recused herself and was not going to sit through the proceedings to ensure Sen. Orwoba, MP gets a fair hearing.
- (e) On the authenticity of the letter sent to the Senator requiring her to appear before the Committee, the Chairperson informed Sen. Orwoba, MP that the letter arose from a resolution of the Committee following a meeting held on 3rd August, 2023. Further, the letter was signed and transmitted by the Deputy Clerk of the Senate, Mr. M.A. Mohamed as the administrative head of the secretariat of the Committee communicating the resolutions of the Committee.

- 28. Sen. Esther Okenyuri, MP, immediately thereafter withdrew from the meeting.
- 29. Following further deliberations, Counsel for Sen. Orwoba, MP, requested that the Hansard Report of the proceedings of the meeting be availed to the legal team before the end of day to aid in their preparations of the Senator's defense. The Chairperson acceded to the request.

3.3 The Inquiry

- 30. The Committee met on Wednesday, 9th August 2023 at 9:30 a.m. as the agreed date for the appearance of the Senator before the Committee to answer the charges against her for breach of Parliamentary privilege.
- 31. The Chairperson reminded the Senator that she was still under oath, and that the charges against her were going to be read and the proceedings would be guided by how she pleaded against each charge against her.

32. Before charges against the Senator were read, counsel for the Senator raised the following objections-

- (a) the proceedings of the Committee were *subjudice* since there was an active Court case *Petition No. E283 of 2023; Gloria Orwoba and Five (5) others* which had been filed at the High Court on 4th August, 2023, and therefore it would be *subjudice* for the Committee to continue with proceedings against the Senator.
- (b) that the Committee did not have the jurisdiction to conduct any proceedings against Sen. Orwoba, MP on the charges facing her, as the said allegations did not take place within the precincts of Parliament as defined in section 3 of the Parliamentary Powers and Privileges Act, 2017.
- (c) that the proceedings against the Senator were not in good faith and further, the Senator would not be accorded a fair hearing as a Member of the Committee, Sen. David Wafula, MP in his utterances in the previous meeting of the Committee, as captured in the Hansard, sought to know whether there was any information or leading notes to crucify Sen. Orwoba, MP.

33. Thereupon, the Senator and her legal team informed the Committee that they did not wish to be part of the proceedings and walked out of the meeting room.

34. Following deliberations, the Committee resolved as follows with respect to the above matters –

- (a) the matter of *sub judice* does not arise as the Committee was properly seized of this matter long before Sen. Gloria Orwoba, MP, filed the matter in the High Court. Further, the issue before the Court is substantially different from the subject matter that is before the Committee;
- (b) the Senator and her legal team did not table before the Committee any evidence as proof that there is a matter that is active in Court barring the Committee from

proceeding with the matter and therefore the Committee was not persuaded on the claim for *subjudice*;

(c) that the Committee has jurisdiction of the Committee pursuant to section 15 and 16 of the Parliamentary Powers and Privileges Act, 2017; and

(d) that instead of abandoning the proceedings Sen. Gloria Orwoba, MP, and her legal team would have sought an explanation for Sen. Wafula's statement and if not convinced seek the recusal of Sen. Wafula from the proceedings.

35. In view of the above, the Committee resolved that the meeting would proceed with the matter in the absence of the Senator and her legal team and make recommendations.

CHAPTER FOUR: COMPARATIVE JURISDICTIONS ON THE APPLICATION OF PARLIAMENTARY PRIVILEGE

Comparative Jurisdictions on Regulation of the Conduct of Members

37. In modern parlance, the term "privilege" usually conveys the idea of a "privileged class", with a person or group granted special rights or immunities beyond the common advantages of others. This word, taken in its active sense, is a particular law, or a particular disposition of the law, which grants certain special prerogatives to some persons, contrary to common right.

38. "Parliamentary privilege" refers more appropriately to the rights and immunities that are considered necessary for Parliament, as an institution, and its Members, as representatives of the electorate, to fulfil their functions. It also refers to the powers possessed by the House to protect itself, its Members, and its procedures from undue interference, so that it can effectively carry out its principal functions, which are to inquire, to debate, and to legislate.

39. The classic definition of parliamentary privilege is found in Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament which defines parliamentary privilege as follows –

"Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively ... and by Members of each House individually, without which they could not discharge their functions, and which exceeds those possessed by other bodies or individuals. Thus privilege, though part of the law of the land, is to a certain extent an exemption from the general law."

40. These "peculiar rights" can be divided into two categories: those extended to Members individually and those extended to the House collectively. The privilege of a Member individually may be categorized as; freedom of speech, freedom from arrest

in civil action, exemption from attendance as a witness among others. The rights and powers of the House as a collectively may be categorized as follows-

- a) the power to discipline, that is, the right to punish persons guilty of breach of privilege or contempt and the power to expel Members who are found to be guilty of disgraceful conduct;
- b) the regulation of its own internal affairs;
- c) the authority to maintain the attendance and service of its Members;
- d) the right to institute inquiries and to call witnesses and demand papers; and
- e) the right to administer oaths to witnesses.

41. The rationale for the existence of parliamentary privilege is to "protect legislators in the discharge of their legislative and deliberative functions, and the legislative assembly's work in holding the government to account for the conduct of the country's business."

What does Parliamentary Privilege apply to?

42. As highlighted above, parliamentary privilege applies to the house and to the members. The privilege as applies to Members of Parliament may be classified into freedom of speech and inviolability, as it applies to the house; as the right of the house to determine its procedure; and the power to discipline.

Freedom of Speech

43. It is also referred to as "non-liability", meaning immunity against any judicial proceedings for votes, opinions and remarks related to the exercise of parliamentary office, or in other words, a wider freedom of speech than for ordinary citizens. The application of parliamentary privilege in this case varies from country to country as follows –

- a) scope - in some countries it applies only to Member of Parliament in other it applies to member and well as participants in parliamentary proceedings;
- b) commencement of protection - in some countries, the protection take effect once a Member of Parliament is elected in others it commences once they take the oath of office.
- c) duration of protection - in some countries it covers members utterances at all times while in other they are only covered while undertaking their parliamentary duties.
- d) location - in some countries the privilege is only extended while in the precincts of their respective Parliaments while in others it covers them at all times.

44. Generally, the protection applies first to Members of Parliament and to all who take part in proceedings of Parliament.

45. In the United Kingdom and New Zealand freedom of speech applies to all who take part in parliamentary activities, thus both to Members of Parliament and officials of Parliament, witnesses, lawyers, and petitioners. In France, privilege in principle only covers members of parliament.

46. In certain countries such as Belgium, Chile, Denmark and Egypt, Members of Parliament enjoy protection from the moment of their election, but on condition that the election is not subsequently declared invalid. In other countries such as Argentina, Bangladesh, Cyprus, Philippines, India, Malaysia, Mongolia, Mozambique, and Namibia, it begins upon taking of the oath of office. In other countries, privilege only exists during sittings. As a result, the Member of Parliament enjoys the protection of privilege from the first sitting.

47. The duration for protection also varies from country to country, in some countries such as Australia, Canada, Chile, Egypt, Mozambique, New Zealand, United Kingdom, the principle of freedom of speech is only observed during parliamentary sittings.
48. In other countries such as Denmark, Finland, Gabon, Italy, Kenya, Kuwait, Croatia, Mali, Mongolia, Norway, Austria, protection applies in all circumstances whether or not Parliament is in session. Freedom of speech ends at the expiration of the mandate or at the dissolution of parliament, but the privilege remains in force for what took place during the exercise of the mandate.
49. In a large number of countries, freedom of speech is not limited to location and is accorded both outside as well as within the parliamentary estate. The privilege is in this case limited to the execution of the member's parliamentary mandate more than to the location where the contested words were spoken as seen in the case of Argentina, Australia, Belarus, Belgium, Burkina Faso, Colombia, Croatia, Denmark, Gabon, Greece, Italy and Kuwait. In certain countries freedom of speech applies only within the parliamentary buildings to the exclusion of all other places. This is the case in Germany, Austria, Bangladesh, Cyprus, Egypt, Estonia, Finland, India and Kenya. In France, privilege applies only in the parliament that is in the place where the parliamentary mandate is exercised. According to French jurisprudence, privilege does not cover either word of a Member of Parliament in a radio interview, nor the report drafted by Members of Parliament in the context of a mission undertaken for the government. It remains a matter for debate whether a Member of Parliament can invoke privilege when he or she repeats, in the press or in writing, words he has spoken in the assembly. In certain countries, the Member of Parliament cannot invoke privilege in this latter instance. This is the case In Australia, Belarus, Belgium, Canada, Egypt, Estonia, Gabon and India.

50. In most countries, Freedom of speech is subject to certain restrictions and certain declarations, or behaviour are deemed inadmissible and are not covered by privilege. These restrictions are based on the rules of the respective Parliaments and aim to ensure the good order of meetings.
51. The degree of protection offered by freedom of speech against proceedings varies significantly from one country to another. In some countries privilege is absolute and all form of proceedings - criminal or civil for example Belgium, Canada, Denmark, Germany, Egypt, Hungary, France. Italy, Mongolia. Portugal, the United Kingdom and in Switzerland. The President or Speaker or other bodies of the assembly can, however, apply disciplinary sanctions against any disorder. In some countries proceedings for slander or libel and defamation remain possible for example, in Estonia, Greece, Hungary and Mozambique. In some countries privilege only offers protection against civil proceedings but not criminal action as is the case in New Zealand and India. In other countries, proceedings can only be entered upon after the preliminary authorization of the assembly. This is particularly the case in Finland where a majority of 516 of the assembly is required to authorize proceedings against a member. Freedom of speech does not apply, however, to civil proceedings.
52. The Parliament of India has in place, a specific code of conduct consisting of practices, rulings of the Chair and unrecorded traditions of Parliament that have been consolidated into a code of parliamentary decorum and etiquette. This code sets out intricate details regarding the manner in which a Member of Parliament. should behave and conduct himself or herself in Parliament and in the course of proceedings before a House. Issues covered include –
- (a) the time and manner in which a person enters into chamber, the items such Member should carry for purposes of proceedings and the registration of one's presence:
 - (b) the manner in which a member speaks and addresses the House;

- (c) issues of conflict of interest:
- (d) the manner and position in which members sit in the House;
- (e) parliamentary expressions that should not be used in the House:
- (f) non-acceptance of gifts or remuneration in the carrying out of their duties.
- (g) misuse of facilities and amenities available to the members.

53. The publication of the code on parliamentary decorum and etiquette followed an All India Conference of Presiding Officers, Chief Ministers, Ministers of Parliamentary Affairs, Leaders and Whips of Parties on “*Discipline and Decorum in Parliament and Legislatures of States and Union Territories*” held on 25th November, 2001 in New Delhi. The conference focused on the issues of conduct by Members of Parliament and in particular, the wave of unrest by political parties against the government of the day which included attempts at stalling House proceedings. The Conference identified major contributory factors behind the trend of disorderly conduct which included-

- (a) non-availability of adequate time for members to raise matters pertaining to their grievances on the floor of the House:
- (b) misgivings created at times by seemingly unresponsive attitude adopted by government and retaliatory posture by treasury benches:
- (c) disinclination, at times, on the part of the leadership of legislature parties to adhere to parliamentary norms;
- (d) absence of prompt and proper action against erring member under the Rules of Procedure; and
- (e) lack of sufficient training and orientation especially of new members in parliamentary procedure and etiquette.

54. It was the identification of these issues that led to the adoption of resolutions geared towards ensuring that decorum was maintained in the House of Parliament and to the adoption of rules of procedures that were aligned to addresses the factors identified above.

55. In the case of Canada, the Speaker is charged with maintaining order in the Chamber by ensuring that the House's rules and practices are respected. These rules are found in the standing orders of the House and regulate most aspects of conduct by a member. These include proper attire, the quoting and tabling of the proper documents in debate, the application of the sub judice convention to debates and questioning in the House, and the civility of remarks directed towards both Houses: Members and Senators, representatives of the Crown, judges and courts, orderly conduct of debate and ensuring that the debate is focussed.

56. The Speaker is charged with the responsibility of ensuring that such rules are adhered to and maintaining the dignity and decorum of the House, Members themselves are required to take responsibility for their behaviour and conduct their business in an appropriate fashion.

Procedures for Disciplining Members of Parliament in Comparative Jurisdictions

57. The Rajya Sabha (the Council of States) in India is entitled to discipline its members. The Committee of Privileges has authority to investigate the conduct of members that is contrary to the usage or derogatory to the dignity of the House, or in any way inconsistent with the standards which the House is entitled to expect of its members. The Committee of Privileges in the Council of States is constituted under Rule 192 of the Rules of the Council of States which provides that –

(1) The Chairman shall, from time to time, nominate a Committee of Privileges consisting of ten members.

(2) The Committee nominated under sub-rule (1) shall hold office until a new committee is nominated.

(3) Casual vacancies in the Committee shall be filled by the Chairman new Committee is nominated.

58. Questions of privilege may be raised by a member of the Council pursuant to Rule 187 which provides that –

Subject to the provisions of these rules, a member may, with the consent of the Chairman, raise a question involving a breach of privilege either of a member or of the Council or of a Committee thereof

59. A question of privilege may be also be referred to the Committee of privileges by the Chairman of the Council under Rule 203. Pursuant to Rule 188-

A member wishing to raise a question of privilege shall give notice in writing to the Secretary-General, before the commencement of the sifting on the day the question is proposed to be raised. If the question proposed to be raised is based on a document, the notice shall be accompanied by the document.

60. Rule 189 goes on to provide for the conditions for admissibility of a question as follows—

The right to raise a question of privilege shall be governed by the following conditions, namely —

(i) the question shall be restricted to a specific matter of recent occurrence:

(ii) the matter requires the intervention of the Council.

61. The procedure for raising a question of privilege once notice has been given is as follows —

(1) The Chairman, if he gives consent under rule 187 and holds that the matter proposed to be discussed is in order, shall, after the questions and before the list of business is entered upon, call the member concerned who shall rise in his place and while asking for leave to raise the question of privilege make a short statement relevant thereto:

Provided that where the Chairman has refused his consent under rule 187 or is of opinion that the matter proposed to be discussed is not in order, he may if he thinks it necessary, read the notice of question of

privilege and state that he refuses consent or holds that the notice of question of privilege is not in order:

Provided further that the Chairman may, if he is satisfied about the urgency of the matter, allow ur question of privilege to be raised at any time during the course of a sining after the disposal of questions

(2) If objection to leave being granted is taken, the Chairman shall request those members who are in favour of leave being granted to rise in their places and if not less than twenty-five members rise accordingly the Chairman shall intimate that leave is granted. If less than twenty- five members rise the Chairman shall inform the member that he has not the leave of the Council

62. The matter may then be referred to the Committee of Privileges pursuant to rule 190 which provides as follows- *If leave under rule 190 is granted, the Council may consider the question and come to a decision or refer it to the Committee of Privileges on a motion made either by the member who has raised the question of privilege or by any other member*
63. The committee is then expected to conduct investigations and make recommendations to the House, which are then debated upon and may be adopted by the House.
64. The House of Commons in Canada has a right to discipline its own Members for misconduct and also the power to punish anyone for interfering with the conduct of parliamentary business (which it considers to amount to a breach of privilege or contempt). While Article 9 of the Bill of Rights gives both Members and rangers" protection from outside interference when engaged in the business of the House, it also subjects them to the disciplinary power of the House for their conduct during proceedings.
65. However, under the House of Commons Standing Order 117, neither committees nor their Chairs have the authority to censure an act of disorder or misconduct. If a committee desires that some action be taken against those disrupting the proceedings,

it must report the situation to the House. The House may then take such measures as it deems appropriate.

Comparative jurisdiction on the derogatory statements made on parliament official WhatsApp groups and medial platforms

Parliament of Uganda Committee On Rules, Privileges and Discipline on the Inquiry into the Allegations of Misconduct and Misbehaviour by Hon. Persis Namuganza Princess, MP and Minister of State for Housing

Background

66. At the 7th Sitting of the first Meeting of the Second Session of the 11th Parliament held on Wednesday 13th July, 2022, Hon. Silwany Solomon (MP, Bukooli County Central) rose on a point of procedure regarding an allegation of misconduct and misbehavior against Hon. Persis Namuganza Princess (MP, Bukono County, Namutumba District and Minister of State for Housing). Hon. Silwany alleged that Hon. Namuganza took to social media and television bashing the operations of Parliament and questioning the powers and integrity of the presiding officers of Parliament to form Ad hoc Committees.

Particulars of Allegations

67. The particulars of the allegations that were made against Hon. Persis Namuganza Princess were:

- a) That Hon. Namuganza made derogatory statements about on the official WhatsApp Group of the 11th Parliament, named the *11th PARLIAMENT – official*.
- b) That Hon. Namuganza made derogatory statements about Parliament in an interview with NTV Uganda regarding the Report of Nakwa-Naguru Land Allocations.

Preliminary objections raised

68. At the onset of the inquiry, Hon. Namuganza through her Counsel raised objections to the inquiry. The objections were *inter alia* as follows:

- a) That the matter being investigated by the Committee was sub judice as it related to active civil proceedings in the High Court of Uganda in which Hon. Namuganza sued the Attorney General of Uganda vide Miscellaneous Cause No. 111 of 2022, challenging the actions of Parliament and the Parliamentary Ad Hoc Committee on the Naguru-Nakwa Land Allocations.
- b) That she was not given adequate time to prepare and defend herself and to cross examine witnesses.
- c) That she was not given adequate time to review the evidence brought against her.

Ruling on the preliminary objections

69. The Committee furnished Hon. Namuganza with a copy of the Ruling wherein the Rt. Hon. Speaker *inter alia* held that the matter was not sub-judice since the High Court of Uganda had delivered its Ruling on Miscellaneous Cause No.111 of 2022. In light of this, the Committee resolved to proceed with the inquiry.

70. On 12th September, 2022, Hon. Namuganza through her Counsel raised another objection stating that the matter under inquiry was sub-judice following her appeal against the Ruling of the High Court in Misc. Cause No.111 of 2022. The Committee overruled the objections raised and consequently Hon. Namuganza walked out of the meeting based on the decision by the Committee.

71. Having accorded Hon. Namuganza, an opportunity to be heard, and having elected to walk out of the meeting, the Committee proceeded to consider the matter in her absence but supplied her with the evidence it received from witnesses and the audio recordings.

Observations made

72. During its inquiry and investigations in respect to the allegations made against Hon. Namuganza, the Committee on Rules, Privileges and Discipline made the following observations:

- a) From the evidence presented to it, Hon. Namuganza made the impugned statements on social media as alleged by Hon. Silwany and corroborated by the testimonies of Hon. Sarah Opendi, Hon. Elijah Okupa, and the "Admins of the 11TH PARLIAMENT Official WhatsApp Group. The statements made by Hon. Namuganza on social media imputed improper motives to Parliament and its presiding officers and **were therefore an affront to the dignity Parliament, they denigrated public trust and confidence in the integrity of the Office of the Speaker, members and the institution of Parliament and brought the House and its members into disrepute.**
- b) In addition, the statements Hon. Namuganza made in an interview with NTV were **contemptuous, demeaning of the institution of Parliament and undermined its authority.**
- c) Throughout the inquiry, Hon. Namuganza **exhibited disrespectful behavior on several occasions she did not appear in person as required**, and on Wednesday 14th September when she appeared before the Committee in person, she was one and a half hours late and did not apologize for her late coming. **She later walked out of the meeting in protest stating that the proceedings of the Committee were an illegality.**

73. In conclusion, the Committee found that the conduct and behavior of Hon. Namuganza constituted gross misconduct and misbehavior and is not befitting of a Member of Parliament more so a Minister.

Recommendations made by the Committee

74. Vide its Report of October, 2022, the Committee having found that the conduct of Hon. Persis Namuganza Princess was not befitting of a Member of Parliament and a Minister,

recommended that the House invokes Article 118(1)(b) of the Constitution and Rule 106 of the Rules of Procedure to censure her.

75. The Committee further recommended that:

- 1) Members of Parliament should uphold their duty to maintain and strengthen the public trust and confidence in the integrity of Parliament at all times, they should desist from conduct that denigrates the integrity and reputation of Parliament, its presiding officers and Members in the eyes of the public.
- 2) Parliament should orient Members on the Rules of Procedure with special emphasis on the Code of Conduct for Members of Parliament enumerated in the Rules of Procedure and the mechanisms available in the Rules of Procedure and the mechanisms available in the Rules for resolving grievances.

CHAPTER FIVE: OBSERVATIONS AND FINDINGS OF THE COMMITTEE

A. Whether the proceedings before the Committee were *subjudice*

76. Advocate representing the Senator during their appearance before the Committee on 9th August, 2023 raised an objection to the proceedings of the Committee that the matters before the Committee were *sub judice* since they had filed a case being *High Court Constitutional Petition Number E283 of 2023; Gloria Orwoba versus the Attorney General & 4 others* challenging the jurisdiction of the Committee.

77. Standing order 103(2) of the Senate Standing Orders provides that a matter shall be considered to be *sub judice* when it refers to active criminal or civil proceedings and the discussion of such matter is likely to prejudice its fair determination. Standing Order 103(3) and (4) further provide as follows –

(3) In determining whether a criminal or civil proceeding is active, the following shall apply—

- (a) criminal proceedings shall be deemed to be active when a charge has been made or a summons to appear has been issued;*
- (b) criminal proceedings shall be deemed to have ceased to be active when they are concluded by verdict and sentence or discontinuance;*
- (c) civil proceedings shall be deemed to be active when arrangements for hearing, such as setting down a case for trial, have been made, until the proceedings are ended by judgment or discontinuance;*
- (d) appellate proceedings whether criminal or civil shall be deemed to be active from the time when they are commenced by application for leave to appeal or by notice of appeal until the proceedings are ended by judgment or discontinuance.*

(4) A Senator alleging that a matter is sub judice shall provide evidence to show that paragraph (2) and (3) are applicable.

78. Therefore, the question that arises is whether the inquiry by the Senate Powers and Privileges Committee, while there is a challenge of the process before the High Court would amount to *sub judice*.

79. Prejudice in court administrative process refers to any conduct that may impede the Court's ability to deliver on the overriding objective of a fair, just, affordable, proportionate and expeditious resolution of a dispute. This was the observation of Honourable F. Gikonyo in the case of Ajit Singh Viridi v J.F. McCloy [2014] eKLR where he stated as follows:

"...Prejudice to the plaintiff entails delayed benefits of the law and unnecessary costs being occasioned on the plaintiff. Prejudice to the administration of justice entails wasting of court's precious time and impediment to the court's ability to deliver on the overriding objective; i.e. a fair, just, affordable, proportionate and expeditious resolution of disputes."

80. On the issue of sub judice as raised by Counsel for the Senator, the Committee noted—

(a) *sub judice* is a rule of the Senate itself for its own convenience;

(b) it is also a rule requiring evidence for it to be invoked; and

(c) it is not absolute rule as standing order 103(5) of the Senate Standing Orders provides that notwithstanding the provisions of the Standing Orders, the Speaker may allow reference to any matter before the Senate or a Committee.

81. Following precedents, it is quite clear that the competence and jurisdiction of the Committee of Powers and Privileges and the Senate to inquire into the conduct of a Member is a legal mandate of the Committee independent of the mandate of the judiciary or any other organ.

82. The Supreme Court *Supreme Court Petition No.11 (E008) of 2022; Mike Mbuvi Sonko vs The Clerk County Assembly of Nairobi & Others* in considering the appeal by Honourable Mike Sonko against his removal from office upheld the decision by the

Speaker of the Senate to allow the removal proceedings to continue despite the existence of proceedings in court challenging the removal process. The Supreme Court upheld the reasoning of the Speaker of the Senate, to wit, *“that the competence and jurisdiction of the Senate to hear and determine the question of removal of a governor from office is a constitutional mandate vested in the Senate independent of the Judiciary or any other organ.”*

83. On the question of *sub judice*, the Supreme Court held that *sub judice* is not an absolute rule and does not oust the competence and jurisdiction of the Senate and the County Assembly to hear and determine the question of removal of a governor from office. The Supreme Court held that the constitutional mandate vested in the legislative arm, independent of the Judiciary or any other organ.

84. Further, the substratum of the matter in court is with regard to jurisdiction of the Committee to inquire into the conduct of Senator Orwoba which proceedings are totally different from the Committee proceedings.

85. It should also be noted that the proceedings before the Committee commenced before Senator Orwoba filed a case challenging those proceedings.

86. Considering the above, the Committee therefore noted that it was properly seized of the matter and proceeded to consider it.

B. Fair administrative action and right to a fair hearing

87. This is a legal requirement that a person whose interests and rights are likely to be affected by an administrative action has a reasonable expectation that they will be given a hearing before any adverse action is taken as well as reasons for taking the adverse administrative action.

Article 47(1) of the Constitution provides that –

Every person has the right to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair.

Further, Article 47(2) provides that –

If a right or fundamental freedom of a person has been or is likely to be adversely affected by administrative action, the person has the right to be given written reasons for the action.

88. Article 47 of the Constitution has now been effectuated by the section 4(3) of the **Fair Administrative Action Act, 2015** which provides that –

(3) Where an administrative action is likely to adversely affect the rights or fundamental freedoms of any person, the administrator shall give the person affected by the decision –

- (a) prior and adequate notice of the nature and reasons for the proposed administrative action;*
- (b) an opportunity to be heard and to make representations in that regard;*
- (c) notice of a right to a review or internal appeal against an administrative decision, where applicable;*
- (d) a statement of reasons pursuant to section 6;*
- (e) notice of the right to legal representation, where applicable;*
- (f) notice of the right to cross-examine or where applicable; or*
- (g) information, materials and evidence to be relied upon in making the decision or taking the administrative action.*

89. Fair administrative action is closely intertwined with the right to fair hearing. Article 50(1) of the Constitution makes provision for fair hearing. The Article is to the effect that every person has the right to have any dispute that can be resolved by the application of law decided in a fair and public hearing before a court or, if appropriate,

another independent and impartial tribunal or body. The question in this case is whether the Committee accorded the Senator fair administrative action and a fair hearing.

90. In this instance, the Committee observes that it did afford the Senator a fair hearing by the following actions –

- (a) notified the Senator of the charges against her and provided her with all the relevant evidence that was available to the Committee;
- (b) gave her an opportunity to respond to the charges and to appear before the Committee for hearing of the charges against her;
- (c) gave her sufficient time to prepare her defence. The Committee acceded to her request for additional time in order to enable her to prepare her defence and on that note the meeting of 7th August, 2023 was rescheduled to 9th August, 2023;
- (d) provided her with all the documents requested;
- (e) acceded to the request to have a member of the Committee recuse herself; and
- (f) gave her an opportunity to be represented by Counsel and indeed she appeared before the Committee with four Counsel to represent her.

91. It should be noted that despite the Committee according her the opportunity to be heard, Senator Orwoba elected to waive that right by refusing to participate in the proceedings of the Committee.

92. Further, Senator Orwoba and her Counsel, misled the Committee on 7th August, 2023, that she had just instructed Counsel on record and needed time to familiarize themselves with the case that necessitated the adjournment. However, on appearance before the Committee on 9th August, 2023, counsel for Sen. Gloria Orwoba, MP, indicated that they had filed a case before the High Court on 4th August, 2023, challenging the jurisdiction of the Committee. It is therefore apparent that they had been instructed earlier and the request for adjournment was misleading and in bad faith.

C. Jurisdiction of the Committee on Powers and Privileges

93. Article 117 of the Constitution provides for the powers, privileges and immunities of Parliament, its Committees, the leader of the majority party, the leader of the minority party, the chairpersons of committees and members and makes provision for regulating admittance to and conduct within the precincts of Parliament. The Article provides: -

117. (1) there shall be freedom of speech and debate in Parliament. (2) Parliament may, for the purpose of the orderly and effective discharge of the business of Parliament, provide for the powers, privileges and immunities of Parliament, its committees, the leader of the majority party, the leader of the minority party, the chairpersons of committees and members.

94. The main objective of the Parliamentary Powers and Privileges Act is therefore to give effect to Article 117 of the Constitution, provide for the powers, privileges and immunities of Parliament, its committees, the leader of the majority party, the leader of the minority party, the chairpersons of committees and members and to make provision regulating admittance to and conduct within the precincts of Parliament, and for connected purposes.

95. The Act provides for the privileges and immunities of members. These are freedom of speech in Parliament, immunity from legal proceedings, freedom from arrest for civil debt during session of Parliament, circumstances where the proceedings of Parliament or Committees are barred from being given as evidence in court and when they can be allowed and determination by the House or a Committee of a question on the right or power of Parliament or Committee.

96. The definition of precincts of Parliament is therefore important as it defines areas under which Members of Parliament enjoy privileges and immunities under the Act.

97. The definition of the precincts of Parliament does not in itself limit the mandate of the Committee.

98. Further, section 16(e) of the Act provides that the Committee of Powers and Privileges may find a Member to be in breach of privilege if the Member —

... (e) conducts himself or herself in a manner which, in the opinion of the Committee on Powers and Privileges, is intended, or is likely to reflect adversely on the dignity or integrity of Parliament, or of the Members or to be contrary to the best interests of Parliament or its Members”

99. It is therefore prudent that a Member of Parliament conducts himself or herself in a manner that does not reflect adversely on the dignity and integrity of Parliament as is stipulated under section 16(e) of the Parliamentary Powers and Privileges Act, 2017. Such conduct extends to public social media platforms which the members patronize. A member is a representative of the institution and as such their social media posts on their accounts are deemed to be admissible as evidence before the Committee.

100. From the foregoing, the Committee resolved that it was properly seized of the matter and thus has jurisdiction to inquire into the conduct of Sen. Gloria Orwoba, MP, and thereafter table its findings to the House with recommendations.

D. Investigations by the Directorate of Criminal Investigations

101. A Report of the Directorate of Criminal Investigations (DCI) was submitted to the Committee by Samuel Kimani, Officer In charge of the Directorate of Criminal Investigations, Parliament Police Station. In the Report, the DCI stated that they had received a complaint on 2nd June, 2023 by Sen. Orwoba, MP alleging that members of the public were complaining that she could not be reached for services since she was never available in her office.

102. The Senator stated that the allegations were false since she was operating from her office along Ngong Road. Further, she stated that she had established that there was an office based at 2nd Floor, Red Cross Building room 215 with her full names pasted on the door and that the office was being operated by unknown people who could be out to tarnish her reputation. The Directorate documented the allegations and an investigation filed was opened. The Directorate of Criminal Investigations in its Report concluded that –

- (a) the evidence submitted was not enough to sustain a criminal charge in court; and
- (b) the issue of allocation of an office was an administrative matter internal to the Senate and not criminal in nature.

103. The Committee, upon considering the information published by Sen. Gloria Orwoba, MP, found that there was no evidence to support the allegations made by the Senator. The Committee further found that the Senator's conduct amounted to harassment and intimidation of fellow Senators and the Secretariat of Parliament.

E. Findings on the Charges

1. Charge one: Conduct constituting breach of privilege under section 16(e) and paragraph 7(a) of the Fourth Schedule to the Parliamentary Powers and Privileges Act, 2017

(a) Count One: Allegations of Pursuit of Sexual Favours

That, Sen. Gloria Orwoba, MP on diverse dates, made unsubstantiated allegations that there were instances of pursuit of sexual favours in Parliament by posting various messages on the Senate Business WhatsApp Group.

(b) Count Two: Allegations of Favouritism and Discrimination

That, Sen. Gloria Orwoba, MP on diverse dates, made unsubstantiated allegations that there was discrimination in Parliament by posting various messages on the Senate

Business WhatsApp Group and made allegations during a Media Briefing held at the Media Centre, Main Parliament Buildings.

(c) Count Three: Allegations of Corruption

That, Sen. Gloria Orwoba, MP on diverse dates, made unsubstantiated allegations that there were cases of corruption in Parliament by posting various messages on the Senate Business WhatsApp Group.

(d) Count Four: Allegations of Kickbacks for Legislative Agenda

That, Sen. Gloria Orwoba, MP on diverse dates, made unsubstantiated allegations that there were requests for kickbacks for legislative agenda in Parliament by posting various messages on the Senate Business WhatsApp Group.

Having accorded Sen. Gloria Orwoba, MP, an opportunity to be heard, the Senator declined to participate in the inquiry by the Committee on Powers and Privileges and hence, the Committee found the charges to stand.

The Committee considered the evidence before it on this charge and given that there was no evidence to the contrary to refute the charge, the charge was therefore confirmed.

- 2. Charge Two:** Conduct constituting breach of privilege under paragraph 8 of the Fourth Schedule to the Parliamentary Powers and Privileges Act, 2017 on the Code of Conduct for Members of Parliament.

(a) Count One: Allegations Disrespecting Fellow Senators

That, Sen. Gloria Orwoba, MP on diverse dates, published information that was disrespectful towards fellow Senators on the Senate Business WhatsApp Group.

(b) Count Two: Allegations of Imputing Improper Motive on Fellow Senators

That, Sen. Gloria Orwoba, MP on diverse dates, imputed improper motive on other Senators by posting various messages on the Senate Business WhatsApp Group

Having accorded Sen. Gloria Orwoba, MP, an opportunity to be heard, the Senator declined to participate in the inquiry by the Committee on Powers and Privileges and hence, the Committee found the charges to stand.

The Committee considered the evidence before it on this charge and given that there was no evidence to the contrary to refute the charge, the charge was therefore confirmed.

CHAPTER SIX : RECOMMENDATIONS

Based on the above findings and having reviewed the sanctions provided for in section 17(3) of the Parliamentary Powers and Privileges Act, 2017, as well as practice in other jurisdictions, the Committee finds that Sen. Gloria Orwoba MP's conduct was in breach of privilege and recommends that –

- 1. Pursuant to section 17(3)(g) of the Parliamentary Powers and Privileges Act, 2017, the Senator be suspended from the House for the remainder of the Second Session of the Thirteenth Parliament;**
- 2. Pursuant to section 17(3)(d) of the Parliamentary Powers and Privileges Act, 2017, restriction of access to the precincts of Parliament as defined in section 3 of the Parliamentary Powers and Privileges Act 2017 and standing order 2 of the Senate Standing Orders and withholding the use or enjoyment of any specified facility provided to Members by Parliament to be applied to the Senator for the remainder of the Second Session of the Thirteenth Parliament; and**
- 3. On resumption of Senate sitting for the Third Session, the Senator, while at the bar apologizes to the Senate, Honourable Senators, the Clerk of the Senate and the secretariat of Parliament before being admitted to the Senate, pursuant to section 17(3)(c) of the Parliamentary Powers and Privileges Act, 2017, in the following manner –**

I, Senator, Gloria Orwoba hereby tender my unreserved apology to this Senate, Honourable Senators, Clerk of the Senate and secretariat of Parliament for having acted in a manner which pursuant to section 16(e) and paragraphs 7 and 8 of the Fourth schedule to the Parliamentary Powers and Privileges Act, 2017 constituted a breach of parliamentary privilege that reflected adversely on the dignity and integrity of Parliament and its Members and was contrary to the best interests of Parliament and its Members. I undertake that I shall abide by the responsibilities of leadership as set out in the Constitution, the Leadership and Integrity Act, 2012 and the Parliamentary Powers and Privileges Act, 2017. I therefore beseech to be admitted to the Chamber. I thank you.



ANNEX I

**MINUTES OF THE SIXTH SITTING OF THE COMMITTEE OF POWERS
AND PRIVILEGES HELD AT 3.00 P.M. ON WEDNESDAY, 9TH AUGUST,
2023 IN COMMITTEE ROOM 4, MAIN PARLIAMENT BUILDINGS**

PRESENT

- | | |
|--|---|
| 1. The Rt. Hon. Amason J. Kingi, EGH, MP | - Speaker of the Senate
/Chairperson |
| 2. Sen. Shakila Mohamed Abdalla, MP | - Member |
| 3. Sen. James Lomenen Ekomwa, MP | - Member |
| 4. Sen. David Wafula Wakoli, MP | - Member (Virtually) |
| 5. Sen. Alexander Mundigi Munyi, MP | - Member |
| 6. Sen. Wamatinga Wahome, MP | - Member (Virtually) |

ABSENT WITH APOLOGY

- | | |
|-------------------------------------|----------|
| 1. Sen. Esther Anyieni Okenyuri, MP | - Member |
|-------------------------------------|----------|

SECRETARIAT

- | | |
|----------------------------|---|
| 1. Mr. Mohamed Ali, MBS | - Deputy Clerk |
| 2. Mr. Lawrence Amolo | - Deputy Director, Legislative and
Procedural Services |
| 3. Mr. Job Wambulwa | - Snr. Legal Counsel |
| 4. Ms. Carolynne Cheruiyot | - Snr. Legal Counsel |
| 5. Mr. Innocent Mbaya | - Snr. Clerk Assistant (<i>Taking Minutes</i>) |
| 6. Ms. Christine Mwaura | - Legal Counsel II |
| 7. Ms. Carolynne Cherop | - Clerk Assistant III |
| 8. Ms. Tiffany Kiarie | - Clerk Assistant III |
| 9. Ms. Shirley Cheruto | - Hansard Reporter III |
| 10. Mr. Joseph Otieno | - Audio Officer III |
| 11. Ms. Judith Aoka | - Audio Officer III |
| 12. Ms. Lucy Mwaniki | - Serjeant-At-Arms |

MINUTE SEN/CPP/NO.026/2023: PRAYER

The Chairperson called the meeting to order at 3.03p.m and opened the meeting with a word of prayer.

MINUTE SEN/CPP/NO.027/2023:

ADOPTION OF THE AGENDA

The Committee adopted the agenda of the Sitting, having been proposed by Sen. Alexander Mundigi, MP and seconded by Sen. Shakila Abdalla, MP.

MINUTE SEN/CPP/NO.028/2023:

**CONFIRMATION OF MINUTES OF
THE PREVIOUS MEETINGS**

The Minutes of the 6th Sitting of the Committee held on Wednesday 9th August, 2023 at 8.30a.m, were confirmed as a true record of the deliberations and signed by the Chairperson, after being proposed by Sen. Alexander Mundigi and seconded by Senator James Lomenen, MP.

MINUTE SEN/CPP/NO.029/2023:

**CONSIDERATION OF PENALTIES
TO BE IMPOSED ON SEN.
GLORIA ORWOBA, MP,
PURSUANT TO SECTION 17(3)
OF THE PARLIAMENTARY
POWERS AND PRIVILEGES ACT**

1. The Committee considered penalties to be imposed on Sen. Gloria Orwoba, MP pursuant to Section 17 (3) of the Parliamentary Powers and Privileges Act and resolved that –
 1. Pursuant to section 17(3)(g) of the Parliamentary Powers and Privileges Act, 2017, the Senator be suspended from the House for the remainder of the Second Session of the Thirteenth Parliament;
 2. Pursuant to section 17(3)(d) of the Parliamentary Powers and Privileges Act, 2017, restriction of access to the precincts of Parliament as defined in section 3 of the Parliamentary Powers and Privileges Act 2017 and standing order 2 of the Senate Standing Orders and withholding the use or enjoyment of any specified facility provided to Members by Parliament for the remainder of the Second Session of the Thirteenth Parliament; and
 3. On resumption of Senate sitting for the Third Session, the Senator, while at the bar apologizes to the Senate, Honourable Senators, the Clerk of the Senate and the secretariat of Parliament before being admitted to the

Senate, pursuant to section 17(3)(c) of the Parliamentary Powers and Privileges Act, 2017, in the following manner –

I, Senator, Gloria Orwoba hereby tender my unreserved apology to this Senate, Honourable Senators, Clerk of the Senate and secretariat of Parliament for having acted in a manner which pursuant to section 16(e) and paragraphs 7 and 8 of the Fourth schedule to the Parliamentary Powers and Privileges Act, 2017 constituted a breach of parliamentary privilege that reflected adversely on the dignity and integrity of Parliament and its Members and was contrary to the best interests of Parliament and its Members. I undertake that I shall abide by the responsibilities of leadership as set out in the Constitution, the Leadership and Integrity Act, 2012 and the Parliamentary Powers and Privileges Act, 2017. I therefore beseech to be admitted to the Chamber. I thank you.

MINUTE SEN/CPP/NO.029/2023:

**ADOPTION OF THE DRAFT
REPORT OF THE COMMITTEE
OF POWERS AND PRIVILEGES
ON THE INQUIRY ON ITS OWN
MOTION INTO CONDUCT OF
SENATOR GLORIA ORWOBA, MP
TO ESTABLISH IF THE
CONDUCT CONSTITUTES
BREACH OF PARLIAMENTARY
PRIVILEGE.**

The Committee thereafter considered the draft Report of the Committee of Powers and Privileges on the inquiry on its own motion into conduct of Senator Gloria Orwoba, MP to establish if the conduct constitutes breach of Parliamentary Privilege and adopted it.

MINUTE SEN/CPP/NO. 030/2023:

ADJOURNMENT

There being no other business for consideration, the meeting was adjourned at 4.01 p.m.

The next sitting of the Committee would be held on notice.

SIGNED:

RT. HON. AMASON J. KINGI, EGH, MP (CHAIRPERSON)

DATE: 09/08/2023



**MINUTES OF THE SIXTH SITTING OF THE COMMITTEE OF POWERS
AND PRIVILEGES HELD AT 08:30 A.M. ON WEDNESDAY, 9TH AUGUST,
2023 IN COMMITTEE ROOM 4, MAIN PARLIAMENT BUILDINGS**

PRESENT

- | | |
|--|---|
| 1. The Rt. Hon. Amason J. Kingi, EGH, MP | - Speaker of the Senate
/Chairperson |
| 2. Sen. Shakila Mohamed Abdalla, MP | - Member |
| 3. Sen. James Lomenen Ekomwa, MP | - Member |
| 4. Sen. David Wafula Wakoli, MP | - Member |
| 5. Sen. Alexander Mundigi Munyi, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|-------------------------------------|----------|
| 1. Sen. Wamatinga Wahome, MP | - Member |
| 2. Sen. Esther Anyieni Okenyuri, MP | - Member |

SECRETARIAT

- | | |
|---------------------------|---|
| 1. Mr. Mohamed Ali, MBS | - Deputy Clerk |
| 2. Mr. Njenga Ruge, OGW | - Director, Legislative and Procedural
Services |
| 3. Mr. Zakayo Mogere | - Deputy Director, Legislative and
Procedural Services |
| 4. Mr. Lawrence Amolo | - Deputy Director, Legislative and
Procedural Services |
| 5. Mr. Job Wambulwa | - Snr. Legal Counsel |
| 6. Ms. Carolyne Cheruiyot | - Snr. Legal Counsel |
| 7. Mr. Innocent Mbaya | - Snr. Clerk Assistant (<i>Taking Minutes</i>) |
| 8. Ms. Christine Mwaura | - Legal Counsel II |
| 9. Ms. Carolyne Cherop | - Clerk Assistant III |
| 10. Ms. Tiffany Kiarie | - Clerk Assistant III |
| 11. Ms. Shirley Cheruto | - Hansard Reporter III |
| 12. Mr. Joseph Otieno | - Audio Officer III |
| 13. Ms. Judith Aoka | - Audio Officer III |
| 14. Ms. Lucy Mwaniki | - Serjeant-At-Arms |

IN ATTENDANCE

- | | |
|---------------------------|---------------------|
| 1. Sen. Gloria Orwoba, MP | - Nominated Senator |
|---------------------------|---------------------|

- | | | |
|-------------------------|---|----------|
| 2. Mr. Kariuki Karanja | - | Advocate |
| 3. Mr. Wambugu Wanjohi | - | Advocate |
| 4. Mr. Simon Mwangi | - | Advocate |
| 5. Mr. James Wang'ang'a | - | Advocate |

MINUTE SEN/CPP/NO.021/2023: **PRAYER**

The Chairperson called the meeting to order at 8:43 a.m. and opened the meeting with a word of prayer.

MINUTE SEN/CPP/NO.022/2023: **ADOPTION OF THE AGENDA**

The Committee adopted the agenda of the Sitting, having been proposed by Sen. Alexander Mundigi, MP and seconded by Sen. Shakila Abdalla, MP.

MINUTE SEN/CPP/NO.023/2023: **CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS**

The Minutes of the 5th sitting of the Committee held on Monday 7th August, 2023 at 2.30p.m, were confirmed as a true record of the deliberations and signed by the Chairperson, after being proposed by Sen. James Lomenen, MP and seconded by Sen. Shakila Mohamed Abdalla, MP.

MINUTE SEN/CPP/NO.024/2023: **APPEARANCE OF SEN. GLORIA ORWOBA, MP BEFORE THE COMMITTEE TO RESPOND TO CHARGES AGAINST HER**

- i) The Chairperson welcomed Sen. Gloria Orwoba, MP and proceeded to introduce Members of the Committee. Sen. Orwoba, MP thereafter introduced herself and her legal team.
- ii) The Chairperson informed the Senator and her legal team that there should be a lead counsel to speak on behalf of the Senator, unless the team had made specific arrangements for each advocate to speak on a specific charge and count against the Senator.
- iii) The Chairperson informed the Senator that the charges and respective counts against her were going to be read and the proceedings would be guided by how she pleads to each charge and count against her.
- iv) Before the charges were read, the Senator and her legal team raised the following objections: -

- a) that the matter under consideration by the Committee of Powers and Privileges was before the High Court under Court case *Ref. No. E283 of 2023; Gloria Orwoba and Five others* and was, therefore, *subjudice* pursuant to Standing Order 103.
- b) that the Committee lacked the jurisdiction to conduct any proceedings against Sen. Orwoba, MP as the alleged conduct in support of the charges did not take place within the precincts of Parliament as defined in Section 3 of the Powers and Privileges Act.
- c) That the proceedings against the Senator were not in good faith and the Senator would not be accorded a fair hearing in view of certain comments by a Member of the Committee, Sen. David Wafula, MP at a previous meeting of the Committee, allegedly seeking to know “whether there was any information or leading notes to crucify Sen. Orwoba, MP.”
- v) Thereupon, the Senator and her legal team informed the Committee that they did not wish to be part of the proceedings and walked out of the meeting room.
- vi) Following deliberations, the Committee resolved as follows with respect to the above matters –
 - a) the matter of *Subjudice* did not arise as the committee was seized of the matter long before the Senator went to court and further, the court was not considering the substance of the allegations forming the charges but a different matter.
 - b) That the Committee had the jurisdiction to proceed with the inquiry against Sen. Orwoba, MP as had already been determined by the Committee following the Senator’s objections at the Sitting of the Committee on 7th August, 2023.
 - c) The Senator and her legal team had not tabled any pleadings as proof that the matter was active in Court barring the Committee from proceeding. The Committee was, therefore, not persuaded on the claim for *Subjudice*.
 - d) That, instead of declining to participate in the proceedings, the Senator and her legal team should have sought an explanation for Sen. Wafula’s statement, and if not convinced, seek the recusal of Sen. Wafula from the proceedings.
- vii) The Committee, having considered the allegations published and the Senator’s refusal to participate in the hearing, despite being accorded an opportunity to be heard, the Committee resolved to proceed with the

hearing in her absence. Following deliberations, the Committee resolved that the allegations stand. The Committee further resolved that disciplinary action be taken against the Senator.

In line with section 16 of the Parliamentary Powers and Privileges Act, 2017, the Committee of Powers and Privileges found the Senator's conduct to be in breach of parliamentary privilege on the following charges –

A. CHARGE ONE

Conduct constituting breach of privilege under section 16(e) and paragraph 7(a) of the Fourth Schedule to the Parliamentary Powers and Privileges Act, 2017

(a) Count One: Allegations of Pursuit of Sexual Favours

THAT, the Senator on diverse dates, made allegations that there were instances of pursuit of sexual favours in Parliament by posting various messages on the Senate Business WhatsApp Group.

(b) Count Two: Allegations of Favouritism and Discrimination

THAT, the Senator on diverse dates, made allegations that there was discrimination in Parliament by posting various messages on the Senate Business WhatsApp Group and made allegations during a Media Briefing held at the Media Centre, Main Parliament Buildings.

(c) Count Three: Allegations of Corruption

THAT, the Senator on diverse dates, made allegations that there were cases of corruption in Parliament by posting various messages on the Senate Business WhatsApp Group.

(d) Count Four: Allegations of Kickbacks for Legislative Agenda

THAT, the Senator on diverse dates, made allegations that there were requests for kickbacks for legislative agenda in Parliament by posting various messages on the Senate Business WhatsApp Group.

CHARGE TWO

Conduct constituting breach of privilege under paragraph 8 of the Fourth Schedule to the Parliamentary Powers and Privileges Act, 2017 on the Code of Conduct for Members of Parliament.

(a) Count One: Allegations Disrespecting Fellow Senators

THAT, the Senator on diverse dates, published information that was disrespectful towards fellow Senators on the Senate Business WhatsApp Group.

(b) Count Two: Allegations of Imputing Improper Motive on Fellow Senators

THAT, the Senator on diverse dates, imputed improper motive on other Senators by posting various messages on the Senate Business WhatsApp Group.

- viii) The Committee, thereafter, resolved meet at 1.00p.m on the same day, to determine the penalties to which the Senator may be liable under the Parliamentary Powers and Privileges Act and the adoption of the report.

MINUTE SEN/CPP/NO. 025/2023:

ADJOURNMENT

There being no other business for consideration, the meeting was adjourned at 9.19 a.m.

The next sitting of the Committee would be held on Wednesday, 9th August, 2023 at 1:00 p.m.

SIGNED:

RT. HON. AMASON J. KINGI, EGH, MP (CHAIRPERSON)

DATE:



MINUTES OF THE FIFTH SITTING OF THE COMMITTEE OF POWERS AND PRIVILEGES HELD ON MONDAY, 7TH AUGUST, 2023 IN COMMITTEE ROOM 4, MAIN PARLIAMENT BUILDINGS AT 02:30 P.M.

PRESENT

- | | |
|--|--------------------------------------|
| 1. The Rt. Hon. Amason J. Kingi, EGH, MP | - Speaker of the Senate /Chairperson |
| 2. Sen. Shakila Mohamed Abdalla, MP | - Member |
| 3. Sen. James Lomenen Ekomwa, MP | - Member |
| 4. Sen. Esther Anyieni Okenyuri, MP | - Member |
| 5. Sen. David Wafula Wakoli, MP | - Member |
| 6. Sen. Alexander Mundigi Munyi, MP | - Member |

ABISENT WITH APOLOGY

- | | |
|------------------------------|----------|
| 1. Sen. Wamatinga Wahome, MP | - Member |
|------------------------------|----------|

SECRETARIAT

- | | |
|----------------------------|--|
| 1. Mr. Mohamed Ali, MBS | - Deputy Clerk |
| 2. Mr. Njenga Ruge, OGW | - Director, Legislative and Procedural Services |
| 3. Mr. Zakayo Mogere | - Deputy Director, Legislative and Procedural Services |
| 4. Mr. Lawrence Amolo | - Deputy Director, Legislative and Procedural Services |
| 5. Ms. Michelle Bibi Fondo | - Deputy Director, Speaker's office |
| 6. Mr. Benedict Furaha | - Chief of Staff, Speaker's office |
| 7. Mr. Job Wambulwa | - Senior Legal Counsel |
| 8. Ms. Carolyne Cheruiyot | - Senior Legal Counsel |
| 9. Mr. Innocent Mbaya | - Senior Clerk Assistant |
| 10. Ms. Carolyne Cherop | - Clerk Assistant III (<i>Taking Minutes</i>) |
| 11. Ms. Tiffany Kiarie | - Clerk Assistant III |
| 12. Ms. Shirley Cheruto | - Hansard Reporter III |
| 13. Mr. Joseph Otieno | - Audio Officer III |
| 14. Ms. Judith Aoka | - Audio Officer III |
| 15. Ms. Lucy Mwaniki | - Serjeant-At-Arms |

d) Mr. James Wang'ang'a - Advocate

- ii) The Chairperson informed the Senator of the Agenda as stated in Agenda No. 5 which was *"Appearance of Sen. Gloria Orwoba, MP before the Committee to respond to Charges against her."*
- iii) Senator Gloria Orwoba, MP, was further informed that before proceedings commenced, an oath or affirmation would be administered to her in line with the Senate Standing Orders. Thereupon, the Clerk administered the Oath prescribed in the seventh schedule of the Senate Standing Orders.
- iv) The Chairperson informed Sen. Orwoba, MP, that she had the right to choose to prosecute her case on her own or to be represented by her advocates during the proceedings.
- v) Before charges against the Senator were read, the Senator and her legal team raised the following objections-
 - a) that the Notice for the Senator to appear before the Committee was short and any proceedings against the Senator would be prejudicial. The Senator's legal team requested the Committee to allow the defense additional time to prepare appropriate defense for the Senator.
 - b) that there was no complainant with regard to the charges levelled against the Senator.
 - c) that the Senator's request for more information as follows was not granted -
 - (i) Audio-visual recording of the Senator's media briefing at the media center on 27th July, 2023;
 - (ii) Audio-visual recording of the Senator's personal Statement during the Sitting of the Senate on Thursday 27th July, 2023;
 - (iii) Audio and transcripts of the meeting of the Committee of Powers and Privileges held on Thursday 3rd August, 2023;
 - (iv) Printout of the Senate Business WhatsApp Group since creation; and
 - (v) Senate Social Chat Room WhatsApp group since creation.
 - d) that Sen. Esther Okenyuri, MP, should recuse herself from proceedings due to their longstanding political differences.
 - e) that the authenticity of the invitation to appear before the Committee be disclosed, specifically, whether the letter originated from a resolution of the Committee.
- vi) Following deliberations, the Chairperson ruled as follows with respect to the above matters -

- a) On the application for more time, the Committee resolved to grant the Senator an extension until Wednesday, 9th August, 2023, at 8:30 a.m. to appear, enter a plea, and proceed to substantiate or affirm the charges.
- b) Regarding the assertion that there was no complainant against the Senator, the Speaker informed the defense that the Committee, as members of both the Senate Business and Senate Social WhatsApp groups, had taken note of the allegations made by the Senator in these groups. The Committee, under its own motion, invoked Section 15 (5) of the Parliamentary Powers and Privileges Act to consider whether the Senator's statements constituted a breach of privilege.
- c) In response to the request for information, the Senator was apprised of the following:
- (i) That the audio from her press briefing at the Media center in Parliament on Thursday, 27th July, 2023 had been transcribed and attached to the request to Senator Orwoba, MP to appear before the Committee dated 3rd August, 2023.
 - (ii) That the audio-visual recording and Hansard report for the Senator's personal Statement made in plenary on Thursday, 27th August, 2023 is privileged and therefore of no relevance to the proceedings. However, the Committee resolved to provide the Senator with the Hansard even though it will not form any basis of the proceedings.
 - (iii) That there are no audio recordings of the meeting of the Committee of Powers and Privileges held on Thursday 3rd August, 2023. However, minutes of the meeting will be availed to the Senator today, immediately the minutes have been confirmed and signed.
 - (iv) That the Committee was unable to provide printouts of posts in the Senate Business WhatsApp and Senate Social Group since creation. Further, the Senator's legal team was informed that Sen. Orwoba, MP is a member of the chat groups and any material in those groups are available to her. The Senator and her legal team were informed that none of the charges relate to posts on the Senate Social WhatsApp group.
- d) On the application for Sen. Esther Okenyuri, MP to disqualify herself, the Chairperson informed the Senator's legal team that Sen. Okenyuri, MP voluntarily recused herself and is not going to sit through the proceedings, to ensure Sen. Orwoba, MP gets a fair hearing.
- e) On the authenticity of the letter sent to the Senator requiring her to appear before the Committee, the Chairperson informed Sen. Orwoba, MP that the letter arose from a resolution of the Committee following a

meeting held on 3rd August, 2023. Further, the letter was signed and transmitted by the Deputy Clerk, Mr. M.A. Mohamed pursuant to section 18 (2) of the Parliamentary Powers and Privileges Act.

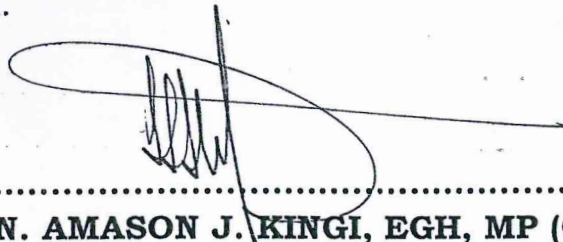
- vii) Thereupon Sen. Esther Okenyuri, MP withdrew from the meeting.
- viii) Following further deliberations, the Counsel for Sen. Orwoba, MP, requested that the Hansard report for the proceedings of the meeting be availed to the defense team before end of day. The Chairperson acceded to the request.

MINUTE SEN/CPP/NO. 020/2023:

ADJOURNMENT

There being no other business for consideration, the meeting was adjourned at 4.32 p.m.

The next sitting of the Committee would be held on Wednesday, 9th August, 2023 at 8:30 a.m.



SIGNED:
RT. HON. AMASON J. KINGI, EGH, MP (CHAIRPERSON)

DATE: 09/08/23



**MINUTES OF THE FOURTH SITTING OF THE COMMITTEE OF POWERS
AND PRIVILEGES HELD ON THURSDAY, 3RD AUGUST, 2023 IN
COMMITTEE ROOM 4, MAIN PARLIAMENT BUILDINGS AT 01:30 P.M.**

PRESENT

- | | |
|--|---|
| 1. The Rt. Hon. Amason J. Kingi, EGH, MP | - Speaker of the Senate
/Chairperson |
| 2. Sen. Shakila Mohamed Abdalla, MP | - Member |
| 3. Sen. James Lomenen Ekomwa, MP | - Member |
| 4. Sen. Esther Anyieni Okenyuri, MP | - Member |
| 5. Sen. David Wafulā Wakoli, MP | - Member |
| 6. Sen. Alexander Mundigi Munyi, MP | - Member |
| 7. Sen. Wamatinga Wahome, MP | - Member |

SECRETARIAT

- | | |
|----------------------------|---|
| 1. Mr. Mohamed Ali, MBS | - Deputy Clerk |
| 2. Mr. Zakayo Mogere | - Deputy Director, Legislative and
Procedural Services |
| 3. Mr. Lawrence Amolo | - Deputy Director, Legislative and
Procedural Services |
| 4. Ms. Carolynne Cheruiyot | - Senior Legal Counsel |
| 5. Mr. Innocent Mbaya | - Senior Clerk Assistant |
| 6. Ms. Carolynne Cherop | - Clerk Assistant III (<i>Taking Minutes</i>) |
| 7. Ms. Tiffany Kiarie | - Clerk Assistant III |

MINUTE SEN/CPP/NO.016/2023: PRAYER

The Chairperson called the meeting to order at 01:30 p.m. and opened the meeting by a word of prayer.

MINUTE SEN/CPP/NO.017/2023: ADOPTION OF THE AGENDA

The Committee adopted the agenda of the Sitting, having been proposed by Sen. Alexander Mundigi, MP and seconded by Sen. Esther Okenyuri, MP.

**MINUTE SEN/CPP/NO.018/2023: CONSIDERATION OF DRAFT
CHARGES AGAINST SEN. GLORIA**

ORWOBA, MP FOR BREACH OF PARLIAMENTARY PRIVILEGES

Upon invitation by the Chairperson, the Deputy Director of Legislative and Procedural Services, took the Committee through draft charges against Sen. Gloria Orwoba, MP for breach of parliamentary privileges, namely-

1. CHARGE ONE

Conduct constituting breach of privilege under section 16(e) and paragraph 7(a) of the Fourth Schedule to the Parliamentary Powers and Privileges Act, 2017-

Section 16 – Conduct constituting breach of privilege

16. The Committee of Powers and Privileges may find a Member to be in breach of privilege if the Member –

(a) ...

(e) conducts himself or herself in a manner which, in the opinion of the Committee on Powers and Privileges, is intended, or is likely to reflect adversely on the dignity or integrity of Parliament, or of the Members or to be contrary to the best interests of Parliament or its Members.

Paragraph 7(a) – Members to uphold the dignity of the House

7. A member of the House shall uphold the dignity and integrity of the House by –

(a) promoting respect for the House and its institutions at all times;...

Count One: Allegations of Pursuit of Sexual Favours

That, Sen. Gloria Orwoba, MP on diverse dates, made allegations that there were instances of pursuit of sexual favours in Parliament by posting the following messages –

On Wednesday, 31st May, 2023 on the Senate Business WhatsApp Group as follows–

Obviously I am not sleeping with any staff members or knocking on their doors with kick back envelopes from trip per diems. So obviously I am not scheduled for any trips or getting it easy on any services that I need from these offices.

A quick point to note:

Parliament staff are shuttling between KICC corridors for lack of office space but Clerk Nyegenye and his team of whoever is running and

impersonating me in that Red Cross building would rather lock that room, put a sign of my name and pretend that they did not hear a thing about the matter I raised.

Owing to the fact that I am now aware of the rot in that system, and that I have no intention of trading sexual favors or paying kick backs as an honourable member of this Parliament. I rest this case.

Just don't ask me why I am, the way I am. Know that, in your space in Parliament things don't operate as they do in my space as a vocal, fearless nominated female senator.

On Thursday, 27th July, 2023 on the Senate Business WhatsApp Group as follows--

#TeamGlo

#ImpeachNyegenye

#DevolveClerksPowers

#NoSexforWork

#NoKickBackForLegislativeAgenda

#NoSkyTeam

Billboard coming up

On Friday, 2nd June, 2023 on the Senator's Facebook page and posting a screenshot of the same on the Senate Business WhatsApp Group as follows -



Gloria Orwoba
11 hours ago · 🌐

ATTENTION:

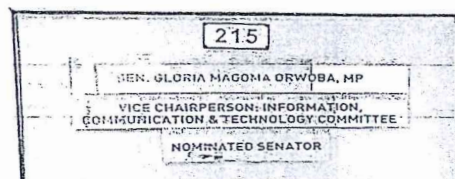
I have been forced to put up this public notice because the relevant authorities have refused to act.

This office at Red Cross Building is NOT my office. I understand that it has been running for over 8 months without my knowledge and all efforts to address this matter through the proper Parliament channels have been thwarted by the deep rooted cartels that have been operating in parliament for years!

I DO NOT OCCUPY THIS OFFICE NOR DO ANY OF MY OFFICIAL REPRESENTATIVES.

Friends, being a woman in Parliament is hard! Especially if you are outspoken and do not participate in the 'game' of trading sexual favors or kick backs.

I REPEAT, THIS IS NOT MY OFFICE.



On Tuesday, 1st August, 2023 on the Senator's personal WhatsApp status as follows-

When a clerk colludes with his tribesmate legislators to kill a bill just to punish you for speaking up...

Know that you have lost the battle but won the war!

#DevolveClarksPowers
#NoSexForWork
#WorkWithoutFear
#LegislationAfrican
#NoSIP

Count Two: Allegations of Favouritism and Discrimination

That, Sen. Gloria Orwoba, MP on diverse dates, made allegations that there was discrimination in Parliament by posting the following messages –

On Saturday, 27th May, 2023 on the Senate Business WhatsApp Group as follows–

I have been at the clerk's office severally @Mr. Nyegenye CoS I have been at your office concerning this matter.

In fact, I have intentionally stopped to come to your office because I just sense bad intent. What was so special about the other senator that I was with who ended up on the reimbursement? What was so bad about my request similar to hers that the Parliament staff were given instructions to forcefully allocate me an office in absentia and run it.

Anyway, I wrote the letter, you can dispense it as you wish. At this point I will focus on fighting for women and girls outside of Bunge. Bunge can continue cutting my feet and frustrating me for being me.

I am waiting for the assessment about my complaint on parliamentary staff running an office under my name and the head of sergeant at arms dismissing me and my complaint.

I am also waiting to hear from the clerk on the same.

Unless of course cctv shows that my claims are apparently unsubstantiated.. Because I already have evidence of the same complete with admissions... But it appears that theft is prohibited but impersonation is ok.

On Wednesday, 31st May, 2023 on the Senate Business WhatsApp Group as follows –

For purposes of records and clarity and the true picture of the ongoing favouritism and discrimination that is pronounced in Parliament operations, I will document this here:

...

- 1. A staff member forcefully allocated an office to me and set it up without my knowledge*
- 2. The request I made in the company of another senator was ignored and somehow the similar request this other Senate made was honored and facilitated through Clerk Nyegenye's office. In fact, at the point*

when I am demanding to see the official paper work, I note that it is not even the Senate who requested in writing but Clerk Nyegenye who triggered her compensation through a letter from his office.

3. Like a synchronized operation... even the letters that were being slid under that alleged office I was allocated, we're being collected and brought to me in chambers, to ensure I do not discover about this very disgusting cartel. The keys are still in Parliament possession.

It was unbelievable to me, because Mr. Sorobit is not specially abled by way of hearing or understanding.

Anyway, noting his Condensing and outright disrespectful demeanor. I leave.

On Thursday, 27th May, 2023 at a Media Briefing held at the Media Centre, Main Parliament Buildings as follows -

Senator Gloria Orwoba: (inaudible) to my submission, even when I am called upon to represent Kenya in certain forums, that there is obvious subversion of the facilitation of the same.

I am not talking about money because most of the places that I have been invited to either give my legislative agenda or speak on what the Government of Kenya is doing on certain legislative issues, most of those trips are actually facilitated by whoever is inviting me. But you find that even matters where Parliament is supposed to help you to secure certain things such as visas and what, you get that there is even frustration in that. The recent one being the case of Geneva where a staff member in Senate was actually given instructions to keep my passport for three and a half weeks and not submit it to the Embassy.

Most of these people that are here, workers who are here, they are operating in fear and I know they are operating under instructions. There has been a lot of bullying and based on my legislative agenda and my work in Senate, I can state authoritatively that the office of the Clerk of Senate is actually highly involved. It is something that I have brought the attention to the Speaker's Office, I have brought the attention to all relevant issues---- but what I am sensing is that there is a lot of fear in the quarters that needs to deal with this issue.

Recently, I even asked, how can I--- you know, because as a legislator, you are supposed to deal with things in a legislative manner. When I realized this is a difficult issue, I asked, how can I present a Motion, a Bill something---

(Sound from the background)

(Inaudible) a particular person in this office because they are actually messing with the agenda, the development agenda that Senate has. And even the people who are supposed to guide you on the processes of impeachment and things like that are very terrified.

So, you can say in one way or another that the Senate has been captured by one office, by one State Officer. You know, I can speak like this because this particular situation, they have taken away everything from me which is so--- the good thing is that I have nothing to lose. That is why I have reached a point and I am like, you know what, something has to be done or at least, some of these concerns have to be addressed.

The Journalist: What is this something that has to be done?

Senator Gloria Orwoba: From what I have been advised, in fact, because I cannot even get advice from the Senate officers, because they are afraid on advising me on how to deal with the matter because they are afraid of the repercussions of the victimization of them even engaging with me. So I have had to seek external legal counsel, on my budget, to be advised on how to either follow the procedure in terms of impeachment or removal of a Senate Clerk. I am actually having to take the extra effort and extra resources on my part because even the people who have been--- the resources that are there for Senators here in the House, they are intimidated. They are completely afraid of even speaking up against all the abnormalities that are going on.

My experience, and that is why I gave a Personal Statement of my experiences in the last ten months that I have been here, including my legislative agenda being shortchanged. Including impersonation of offices. Jeremiah Nyegenye, the Senate Clerk, has actually impersonated me because when I reported that I do not have an office in Red Cross, he wrote an official letter saying that I have an office in Red Cross. I was wondering why is he forcing this office on me. That is an ongoing criminal matter now that is being investigated but there are so many other issues.

The worst thing about this is that, as a legislator, if I feel this cornered by a person who is supposed to assist legislators to legislate the agenda of Kenya,

I am just wondering where people are supposed to go hence my Personal Statement that I brought to the Floor of the House.

The Journalist: So, do you have plans of impeaching the Clerk?

Senator Gloria Orwoba: Quite frankly, I would say this. This is an individual who has mastered how to maneuver the legal process of being removed. He is also an individual that is being backed by so many serious--- I do not want to say cartels but he is being backed by people who for instance when I bring a statement on data protection, they just pick up the phone, they call the Clerk, they start telling the Clerk do this this--- and somehow, he is involved.

So, for me at this point, as a legislator, I have done my part. I have gone, I have given a Personal Statement at the Floor of the House, I have said this is happening, I have blown the whistle. I am going to sit down later with advisors. I have also been seeking advice from previous legislators who have experienced the same thing. What is happening is, I am considering, because for us, as legislators, particularly for me, all I care about is how do I play my role of oversight. How do I ensure that my Bills, most of them that are imparting Kenyans directly, are actually seen to fruition? My sanitary provision Bill, which is being fought left, right and centre. Konza Bill that took heaven and earth to just get to second reading.

The challenges that I am experiencing here as a legislator they are not new but what is happening is that now we are in 2023 and we have younger legislators who are actually passionate about making a difference in that House. That is the frustration that I am getting.

The Journalist: You have not answered. Do you have plans of impeaching the Clerk?

Senator Gloria Orwoba: I think the Clerk should be impeached. I think the Clerk of the Senate, Jeremiah Nyegenye, should be impeached for so many reasons. I do not want to prematurely empty but I think he should be impeached. And as soon as I am able--- You know, also you should consider -- - I am a new legislator and I am sure many people are thinking, oh that one has bitten more than they can swallow oh... but you know I am a change maker. It takes change makers to blow the whistle and say, this person is not doing the right thing, this person is subverting the development and the work of the House, this person needs to be called.

That is why we were put in the Senate to play oversight and ensure that Kenyans are not being taken for a ride. It is very unfair for legislators to come

to the Floor of the House, try to persecute their business and you have people sitting in the office in the name of clerks who are actually continuously ensuring that we cannot legislate. That we cannot do anything, that we cannot represent this country, that we cannot--- you know---

So, I as a person who has been put here--- I am nominated, and I am well aware, to represent women. You saw what happened when I was even pushing ~~when we had certain committees of impeachment of the Governor of Meru, Kawira,~~ when I said that women actually have to be part of that Committee. Those are some of the things that made now this office and this particular person, you know, because he is being influenced.

So, I am here to represent women and girls. At the point where I cannot push legislation in terms of sanitary towels because someone is protecting an industry or a person, at the point where I cannot push my legislation even on Konza and all these other Bills that I am trying to front, then it is my responsibility and--- I know the risk I am taking to come and stand here and say, this is what is happening.

Count Three: Allegations of Corruption

That, Sen. Gloria Orwoba, MP on diverse dates, made allegations that there were cases of corruption in Parliament by posting the following messages –

On Friday, 26th May, 2023 on the Senate Business WhatsApp Group –

By the way.. It's the same thing that happens to local transport in Mombasa. Kuna mtu ako na tender... Who sometimes never shows up... Then you take a taxi and pay... And when you ask for a refund you are told to start writing letters to the clerk.

Such outright daylight robbery. I am owed over 20k on this Mombasa airport/local transport. Na kuna mtu anakulia tender.

On Friday, 2nd June, 2023 on the Senator's Facebook page and posting a screenshot of the same on the Senate Business WhatsApp Group as follows –



Gloria Orwoba
11 hours ago • 🌐

ATTENTION:

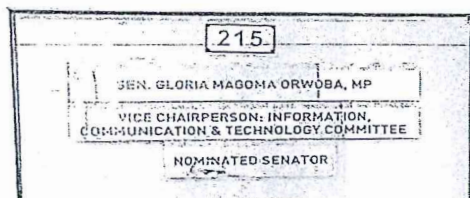
I have been forced to put up this public notice because the relevant authorities have refused to act.

This office at Red Cross Building is NOT my office. I understand that it has been running for over 8 months without my knowledge and all efforts to address this matter through the proper Parliament channels have been thwarted by the deep rooted cartels that have been operating in parliament for years!

I DO NOT OCCUPY THIS OFFICE NOR DO ANY OF MY OFFICIAL REPRESENTATIVES.

Friends, being a woman in Parliament is hard! Especially if you are outspoken and do not participate in the 'game' of trading sexual favors or kick backs.

I REPEAT, THIS IS NOT MY OFFICE.



On Thursday, 27th July, 2023 on the Senate Business WhatsApp Group –

- (a) #TeamGlo
#ImpeachNyegenye
#DevolveClerksPowers
#NoSexforWork
#NoKickBackForLegislativeAgenda
#NoSkyTeam
Billboard coming up

- (b) Jeremiah Nyegenye you can continue to pay the few news editors to shut the story and intimidate the majority free media journalists by threatening them with expulsion from Bunge, but we are in 2023 the story will come out, with or without your tactics! Let's how many local and international media houses you and your cartels control. Aluta Continua!

On Tuesday, 1st August, 2023 on the Senator's personal WhatsApp status

When a clerk colludes with his
treasonable legislators to kill a bill
just to punish you for speaking
up.

Know that you have lost the battle
but won the war!

#DevolveClerksPowers
#NoSexForWork
#NoKickBackForLegislativeAgenda
#NoSkyTeam

Count Four: Allegations of Kickbacks for Legislative Agenda

That, Sen. Gloria Orwoba, MP on diverse dates, made allegations that there were requests for kickbacks for legislative agenda in Parliament by posting the following messages –

On Friday, 2nd June, 2023 on your Facebook page and posting a screenshot of the same on the Senate Business WhatsApp Group as follows –



Gloria Orwoba
11 hours ago · 🌐

ATTENTION:

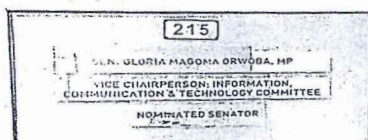
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#ImpeachNyegenye

#DevolveClerksPowers

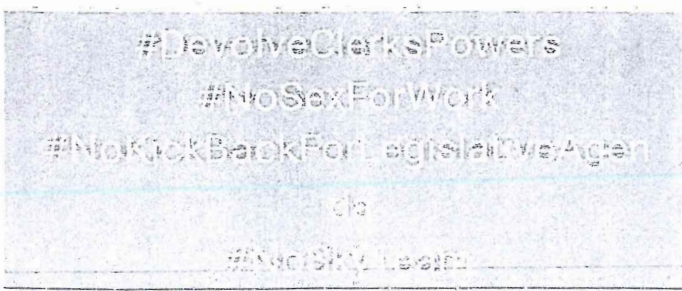
#NoSexforWork

#NoKickBackForLegislativeAgenda

#NoSkyTeam

Billboard coming up

On Tuesday, 1st August, 2023 on the Senator's personal WhatsApp status as follows –



2. CHARGE TWO

Conduct constituting breach of privilege under paragraph 8 of the Fourth Schedule to the Parliamentary Powers and Privileges Act, 2017 on the Code of Conduct for Members of Parliament which provides that, *"A member of the House shall treat other members with respect and strive to have cordial relations with all other members"*.

Count One: Allegations Disrespecting Fellow Senators

That, Sen. Gloria Orwoba, MP on diverse dates, published the following information that was disrespectful towards fellow Senators—

On Friday, 26th May, 2023 on the Senate Business WhatsApp Group as follows—

Sen. Oketch, who died and made you prefect of how senators express themselves? Let the owner of the mouth piece come out and defend himself or start preparing himself to come down from his high heavens.... I cannot sit back and watch one man misuse his office...Stop purporting to be mature than Methuselah. You and I are both first term legislators, stop with your Condensending nonesense...Sit down.

On Tuesday, 1st August, 2023 on the Senate Business WhatsApp Group as follows –

YET ANOTHER MILESTONE!

In under one year of being a legislator, I have managed to table a bill that has gone through the very bureaucratic, political and tedious process, all the way past second reading and to voting.

The Konza Technopolis Bill seeks to put a legal framework on Konza Operations, with an aim to attract investors to set up ICT enterprises in Kenya and particularly in Konza City. This bill is what is needed to unlock the full potential of Kenya's Silicon Valley and offset thousands of jobs by boosting the data center industry among other industries.

I could speak about this bill until the heavens come down but I will leave it there for now.

This afternoon, after extensive lobbying particularly with the opposition Senators, I managed to garner 22 votes out of the 24-vote threshold.

The Bill failed to pass.

I want to thank all the Senators who voted for the bill and encourage the following six senators below who voted against it, to prioritize our youth and many Kenyans who would benefit from the Konza Bill to reflect on the opportunities that they have denied Kenyans.

Senators Who Voted Against the Konza Bill:

1. Senator Bonnie Khalwale - Kakamega
2. Senator Karungu Wa Thangwa - Kiambu
3. Senator Hillary Sigei - Bomet
4. Senator Wakoli Wafula - Bungoma
5. Senator Eddy Oketch - Migori
6. Senator Godfrey Osotsi - Vihiga

I am particularly grateful to the ODM Senators who put the politics and internal Senate wrangles aside and carried out their duties as responsible legislators and represented the needs of the electorate accurately.

I shall be tabling the same bill afresh because I am committed to my duties as a legislator.

Beaten but NOT defeated!

We MUST deal with the issue of unemployment and Konza Technopolis is one way to boost job creation!

Senator Gloria Orwoba

On Tuesday, 1st August, 2023 on the Senator's personal WhatsApp status

When a clerk collides with the
software legislators to kill a bill
just to put them in for spending

Count Two: Allegations of Imputing Improper Motive on Fellow Senators

That, Sen. Gloria Orwoba, MP on diverse dates, imputed improper motive on other Senators by posting the following messages –

On Friday, 26th May, 2023 on the Senate Business WhatsApp Group –

Sen. Oketch, who died and made you prefect of how senators express themselves? Let the owner of the mouth piece come out and defend himself or start preparing himself to come down from his high heavens.... I cannot sit back and watch one man misuse his office...Stop purporting to be mature than Methuselah. You and I are both first term legislators, stop with your Condensending nonsense...Sit down.

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6. Senator Godfrey Osotsi - Vihiga

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Senator Gloria Orwoba

On Tuesday, 1st August, 2023 on the Senator's personal WhatsApp status

When a clerk colludes with his
tribesmate legislators to kill a bill
just to punish you for speaking
up...

After deliberations, the Committee adopted the draft charges and resolved as follows –

THAT, the Nominated Senator (Sen. Gloria Orwoba, MP) appear before the Committee of Powers and Privileges on Monday, 7th August, 2023 at 2:30 p.m. in Committee Room 4, First Floor, Main Parliament Buildings, Nairobi to respond to the two charges and provide information regarding the counts outlined in the charges.

The Committee observed that should the Honourable Senator choose not to attend before the Committee of Powers and Privileges on the date and time specified, the Committee, and thereafter the Senate, shall proceed with the matter in accordance with the Constitution and the law, without further reference to the Senator.

The Committee noted the applicability of the standing order 100 of the Senate Standing Orders which provides that, *"No Senator shall refer to the substance of the proceedings of a Select Committee before the Committee has made its report to the Senate"* in the proceedings ensuing.

MINUTE SEN/CPP/NO. 019/2023:

ADJOURNMENT

There being no other business, the meeting was adjourned at 02:14 p.m. until Monday, 7th August, 2023 at 02:30 p.m.

SIGNED:

RT. HON. AMASON J. KINGI, EGH, MP (CHAIRPERSON)

DATE: 07/08/2023



**MINUTES OF THE THIRD SITTING OF THE COMMITTEE OF POWERS
AND PRIVILEGES HELD ON THURSDAY, 3RD AUGUST, 2023 IN
COMMITTEE ROOM 4, MAIN PARLIAMENT BUILDINGS AT 8:30 A.M.**

PRESENT

- | | |
|--|---|
| 1. The Rt. Hon. Amason J. Kingi, EGH, MP | - Speaker of the Senate
/Chairperson |
| 2. Sen. Shakila Mohamed Abdalla, MP | - Member |
| 3. Sen. James Lomenen Ekomwa, MP | - Member |
| 4. Sen. Esther Anyieni Okenyuri, MP | - Member |
| 5. Sen. David Wafula Wakoli, MP | - Member |
| 6. Sen. Alexander Mundigi Munyi, MP | - Member |
| 7. Sen. Wamatinga Wahome, MP | - Member |

SECRETARIAT

- | | |
|-------------------------|---|
| 1. Mr. Mohamed Ali, MBS | - Deputy Clerk |
| 2. Mr. Njenga Ruge, OGW | - Director, Legislative and Procedural
Services |
| 3. Mr. Zakayo Mogere | - Deputy Director, Legislative and
Procedural Services |
| 4. Mr. Innocent Mbaya | - Senior Clerk Assistant |
| 5. Ms. Carolyne Cherop | - Clerk Assistant III |
| 6. Ms. Tiffany Kiarie | - Clerk Assistant III (<i>Taking Minutes</i>) |

MINUTE SEN/CPP/NO.011/2023:

PRAYER

The Chairperson called the meeting to order at 9:00 a.m. and opened the meeting by a word of prayer.

MINUTE SEN/CPP/NO.012/2023:

ADOPTION OF THE AGENDA

The Committee adopted the agenda of the Sitting, having been proposed by Sen. Alexander Mundigi, MP and seconded by Sen. David Wafula Wakoli, MP.

MINUTE SEN/CPP/NO.013/2023:

CONFIRMATION OF MINUTES

The Minutes of the 2nd meeting held on Tuesday, 1st August, 2023, were confirmed as a true record of the deliberations and signed by the Chairperson, after being proposed by Sen. David Wafula Wakoli, MP, and seconded by Sen. Abdalla Shakila Mohamed, MP.

MINUTE SEN/CPP/NO.014/2023:

**CONSIDERATION OF COMMITTEE
PAPER NO.4 ON THE SUMMARY OF
ALLEGATIONS MADE BY SEN.
GLORIA ORWOBA, MP**

Upon invitation by the Chairperson, the Deputy Director of Legislative and Procedural Services, took the Committee through Committee Paper No. 04, on the summary of allegations made by Sen. Gloria Orwoba, MP in various fora namely: -

- i.) allegations made by the Senator on diverse dates on the Senate Business WhatsApp Group, which is a digital forum for official communication of the Senate;
- ii.) allegations made by the Senator at a Media Briefing at the media centre on Thursday, 27th July, 2023; and
- iii.) allegations published by the Senator on her personal WhatsApp status on Tuesday 1st August, 2023.

After deliberations, **the Committee resolved -**

- (i) pursuant to section 15(5) of the Parliamentary Powers and Privileges Act, No. 29 of 2017 to undertake an inquiry, on its own motion, into the conduct of the Senator to ascertain if the alleged conduct constitutes a breach of privilege; and
- (ii) directed the secretariat to prepare draft charges based on allegations contained in the Paper for consideration by the Committee in a sitting to be held on Thursday, 3rd August 2023 at 1:00 p.m.

MINUTE SEN/CPP/NO. 015/2023:

ADJOURNMENT

There being no other business for consideration, the meeting was adjourned at 10:30 a.m until Thursday, 3rd August, 2023 at 1:00 p.m.

SIGNED:

RT. HON. AMASON J. KINGI, EGH, MP (CHAIRPERSON)

DATE: 07/08/2023

ANNEX II

REPUBLIC OF KENYA

Telegraphic Address
'Bunge', Nairobi
Telephone 2848000
Fax: 2243694
E-mail: cSenate@parliament.go.ke



PARLIAMENT

The Senate
Clerk's Chambers
Parliament Buildings
P. O. Box 41842 - 00100
NAIROBI, Kenya

OFFICE OF THE CLERK OF THE SENATE

REF: SEN/L&P/PPP/ 2023 (001)

3rd August, 2023

Sen. Gloria Orwoba, MP,
Nominated Senator,
Parliament Buildings,
NAIROBI.

Dear *Senator,*

RE: APPEARANCE BEFORE THE SENATE COMMITTEE OF POWERS AND PRIVILEGES

The above matter refers.

At its meeting held on Thursday, 3rd August, 2023, the Committee of Powers and Privileges resolved, pursuant to section 15(5) of the Parliamentary Powers and Privileges Act, No. 29 of 2017 to undertake an inquiry into your conduct which was alleged to constitute a breach of privilege as follows –

1. CHARGE ONE

Conduct constituting breach of privilege under section 16(e) and paragraph 7(a) of the Fourth Schedule to the Parliamentary Powers and Privileges Act, 2017 which section and paragraph provide respectively, as follows –

Section 16 – Conduct constituting breach of privilege

16. The Committee of Powers and Privileges may find a Member to be in breach of privilege if the Member –

(a) ...

- (e) *conducts himself or herself in a manner which, in the opinion of the Committee on Powers and Privileges, is intended, or is likely to reflect adversely on the dignity or integrity of Parliament, or of the Members or to be contrary to the best interests of Parliament or its Members.*

Paragraph 7(a) – Members to uphold the dignity of the House

7. *A member of the House shall uphold the dignity and integrity of the House by –*
(a) promoting respect for the House and its institutions at all times; ...

Count One: Allegations of Pursuit of Sexual Favours

That, Sen. Gloria Orwoba, MP on diverse dates, you made allegations that there were instances of pursuit of sexual favours in Parliament by posting the following messages –

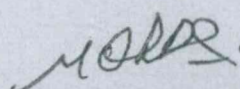
On Wednesday, 31st May, 2023 on the Senate Business WhatsApp Group as follows–

Obviously I am not sleeping with any staff members or knocking on their doors with kick back envelopes from trip per diems. So obviously I am not scheduled for any trips or getting it easy on any services that I need from these offices.

A quick point to note:

Parliament staff are shuttling between KICC corridors for lack of office space but Clerk Nyegenye and his team of whoever is running and impersonating me in that Red Cross building would rather lock that room, put a sign of my name and pretend that they did not hear a thing about the matter I raised.

Owing to the fact that I am now aware of the rot in that system, and that I have no intention of trading sexual favours or paying kick backs as an honourable member of this Parliament. I rest this case.



Just don't ask me why I am, the way I am. Know that, in your space in Parliament things don't operate as they do in my space as a vocal, fearless nominated female senator.

On Thursday, 27th July, 2023 on the Senate Business WhatsApp Group as follows–

#TeamGlo
#ImpeachNyegenye
#DevolveClerksPowers
#NoSexforWork
#NoKickBackForLegislativeAgenda
#NoSkyTeam
Billboard coming up

On Friday, 2nd June, 2023 on your Facebook page and posting a screenshot of the same on the Senate Business WhatsApp Group as follows –



Gloria Orwoba
11 hours ago • 🌐

...

ATTENTION:

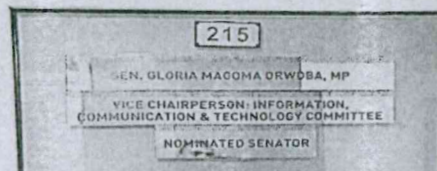
I have been forced to put up this public notice because the relevant authorities have refused to act.

This office at Red Cross Building is NOT my office. I understand that it has been running for over 8 months without my knowledge and all efforts to address this matter through the proper Parliament channels have been thwarted by the deep rooted cartels that have been operating in parliament for years!

I DO NOT OCCUPY THIS OFFICE NOR DO ANY OF MY OFFICIAL REPRESENTATIVES.

Friends, being a woman in Parliament is hard! Especially if you are outspoken and do not participate in the 'game' of trading sexual favors or kick backs.

I REPEAT, THIS IS NOT MY OFFICE.



MSHDS

On Tuesday, 1st August, 2023 on your personal WhatsApp status as follows–

When a clerk colludes with his
tribesmate legislators to kill a bill
just to punish you for speaking
up...

Know that you have lost the battle
but won the war!

#DevolveClerksPowers
#NoSexForWork
#NoKickBackForLegislativeAgen
da
#NoSkyTeam

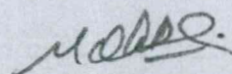
Count Two: Allegations of Favouritism and Discrimination

That, Sen. Gloria Orwoba, MP on diverse dates, you made allegations that there was discrimination in Parliament by posting the following messages –

On Saturday, 27th May, 2023 on the Senate Business WhatsApp Group as follows–

I have been at the clerk's office severally @Mr. Nyegenye CoS I have been at your office concerning this matter.

In fact, I have intentionally stopped to come to your office because I just sense bad intent. What was so special about the other senator that I was with who ended up on the reimbursement? What was so bad about my request similar to hers that the Parliament staff were given instructions to forcefully allocate me an office in absentia and run it.



Anyway, I wrote the letter, you can dispense it as you wish. At this point I will focus on fighting for women and girls outside of Bunge. Bunge can continue cutting my feet and frustrating me for being me.

I am waiting for the assessment about my complaint on parliamentary staff running an office under my name and the head of sergeant at arms dismissing me and my complaint.

I am also waiting to hear from the clerk on the same.

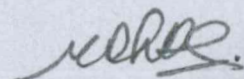
*Unless of course cctv shows that my claims are apparently unsubstantiated..
Because I already have evidence of the same complete with admissions...
But it appears that theft is prohibited but impersonation is ok.*

On Wednesday, 31st May, 2023 on the Senate Business WhatsApp Group as follows –

For purposes of records and clarity and the true picture of the ongoing favouritism and discrimination that is pronounced in Parliament operations, I will document this here:

...

- 1. A staff member forcefully allocated an office to me and set it up without my knowledge*
- 2. The request I made in the company of another senator was ignored and somehow the similar request this other Senate made was honored and facilitated through Clerk Nyegenye's office. In fact, at the point when I am demanding to see the official paper work, I note that it is not even the Senate who requested in writing but Clerk Nyegenye who triggered her compensation through a letter from his office.*
- 3. Like a synchronized operation... even the letters that were being slid under that alleged office I was allocated, we're being collected and*



brought to me in chambers, to ensure I do not discover about this very disgusting cartel. The keys are still in Parliament possession.

It was unbelievable to me, because Mr. Sorobit is not specially abled by way of hearing or understanding.

Anyway, noting his Condensending and outright disrespectful demeanor. I leave.

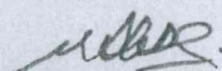
On Thursday, 27th May, 2023 at a Media Briefing held at the Media Centre, Main Parliament Buildings as follows –

Senator Gloria Orwoba: (inaudible) to my submission, even when I am called upon to represent Kenya in certain forums, that there is obvious subversion of the facilitation of the same.

I am not talking about money because most of the places that I have been invited to either give my legislative agenda or speak on what the Government of Kenya is doing on certain legislative issues, most of those trips are actually facilitated by whoever is inviting me. But you find that even matters where Parliament is supposed to help you to secure certain things such as visas and what, you get that there is even frustration in that. The recent one being the case of Geneva where a staff member in Senate was actually given instructions to keep my passport for three and a half weeks and not submit it to the Embassy.

Most of these people that are here, workers who are here, they are operating in fear and I know they are operating under instructions. There has been a lot of bullying and based on my legislative agenda and my work in Senate, I can state authoritatively that the office of the Clerk of Senate is actually highly involved. It is something that I have brought the attention to the Speaker's Office, I have brought the attention to all relevant issues--- but what I am sensing is that there is a lot of fear in the quarters that needs to deal with this issue.

Recently, I even asked, how can I--- you know, because as a legislator, you are supposed to deal with things in a legislative manner. When I realized this is a difficult issue, I asked, how can I present a Motion, a Bill something---



(Sound from the background)

(Inaudible) a particular person in this office because they are actually messing with the agenda, the development agenda that Senate has. And even the people who are supposed to guide you on the processes of impeachment and things like that are very terrified.

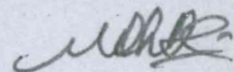
So, you can say in one way or another that the Senate has been captured by one office, by one State Officer. You know, I can speak like this because this particular situation, they have taken away everything from me which is so--- the good thing is that I have nothing to lose. That is why I have reached a point and I am like, you know what, something has to be done or at least, some of these concerns have to be addressed.

The Journalist: *What is this something that has to be done?*

Senator Gloria Orwoba: *From what I have been advised, in fact, because I cannot even get advice from the Senate officers, because they are afraid on advising me on how to deal with the matter because they are afraid of the repercussions of the victimization of them even engaging with me. So I have had to seek external legal counsel, on my budget, to be advised on how to either follow the procedure in terms of impeachment or removal of a Senate Clerk. I am actually having to take the extra effort and extra resources on my part because even the people who have been--- the resources that are there for Senators here in the House, they are intimidated. They are completely afraid of even speaking up against all the abnormalities that are going on.*

My experience, and that is why I gave a Personal Statement of my experiences in the last ten months that I have been here, including my legislative agenda being shortchanged. Including impersonation of offices. Jeremiah Nyegenye, the Senate Clerk, has actually impersonated me because when I reported that I do not have an office in Red Cross, he wrote an official letter saying that I have an office in Red Cross. I was wondering why is he forcing this office on me. That is an ongoing criminal matter now that is being investigated but there are so many other issues.

The worst thing about this is that, as a legislator, if I feel this cornered by a person who is supposed to assist legislators to legislate the agenda of Kenya, I am just wondering where people are supposed to go hence my Personal Statement that I brought to the Floor of the House.



The Journalist: So, do you have plans of impeaching the Clerk?

Senator Gloria Orwoba: Quite frankly, I would say this. This is an individual who has mastered how to maneuver the legal process of being removed. He is also an individual that is being backed by so many serious-- I do not want to say cartels but he is being backed by people who for instance when I bring a statement on data protection, they just pick up the phone, they call the Clerk, they start telling the Clerk do this this--- and somehow, he is involved.

So, for me at this point, as a legislator, I have done my part. I have gone, I have given a Personal Statement at the Floor of the House, I have said this is happening, I have blown the whistle. I am going to sit down later with advisors. I have also been seeking advice from previous legislators who have experienced the same thing. What is happening is, I am considering, because for us, as legislators, particularly for me, all I care about is how do I play my role of oversight. How do I ensure that my Bills, most of them that are imparting Kenyans directly, are actually seen to fruition? My sanitary provision Bill, which is being fought left, right and centre. Konza Bill that took heaven and earth to just get to second reading.

The challenges that I am experiencing here as a legislator they are not new but what is happening is that now we are in 2023 and we have younger legislators who are actually passionate about making a difference in that House. That is the frustration that I am getting.

The Journalist: You have not answered. Do you have plans of impeaching the Clerk?

Senator Gloria Orwoba: I think the Clerk should be impeached. I think the Clerk of the Senate, Jeremiah Nyegenye, should be impeached for so many reasons. I do not want to prematurely empty but I think he should be impeached. And as soon as I am able--- You know, also you should consider --- I am a new legislator and I am sure many people are thinking, oh that one has bitten more than they can swallow oh... but you know I am a change maker. It takes change makers to blow the whistle and say, this person is not doing the right thing, this person is subverting the development and the work of the House, this person needs to be called.

That is why we were put in the Senate to play oversight and ensure that Kenyans are not being taken for a ride. It is very unfair for legislators to come to the Floor of the House, try to persecute their business and you

have people sitting in the office in the name of clerks who are actually continuously ensuring that we cannot legislate. That we cannot do anything, that we cannot represent this country, that we cannot--- you know---

So, I as a person who has been put here--- I am nominated, and I am well aware, to represent women. You saw what happened when I was even pushing when we had certain committees of impeachment of the Governor of Meru, Kawira, when I said that women actually have to be part of that Committee. Those are some of the things that made now this office and this particular person, you know, because he is being influenced.

So, I am here to represent women and girls. At the point where I cannot push legislation in terms of sanitary towels because someone is protecting an industry or a person, at the point where I cannot push my legislation even on Konza and all these other Bills that I am trying to front, then it is my responsibility and--- I know the risk I am taking to come and stand here and say, this is what is happening.

Count Three: Allegations of Corruption

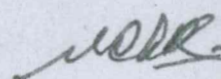
That, Sen. Gloria Orwoba, MP on diverse dates, you made allegations that there were cases of corruption in Parliament by posting the following messages –

On Friday, 26th May, 2023 on the Senate Business WhatsApp Group –

By the way.. It's the same thing that happens to local transport in Mombasa. Kuna mtu ako na tender... Who sometimes never shows up... Then you take a taxi and pay... And when you ask for a refund you are told to start writing letters to the clerk.

Such outright daylight robbery. I am owed over 20k on this Mombasa airport/local transport. Na kuna mtu anakulia tender.

On Friday, 2nd June, 2023 on your Facebook page and posting a screenshot of the same on the Senate Business WhatsApp Group as follows –





Gloria Orwoba

11 hours ago · 🌐

...

ATTENTION:

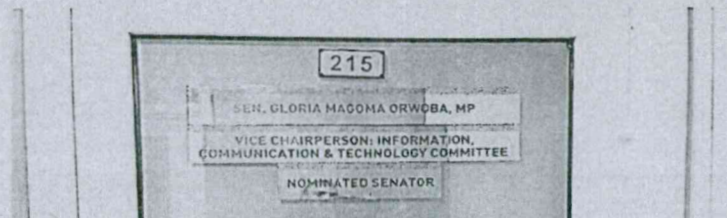
I have been forced to put up this public notice because the relevant authorities have refused to act.

This office at Red Cross Building is NOT my office. I understand that it has been running for over 8 months without my knowledge and all efforts to address this matter through the proper Parliament channels have been thwarted by the deep rooted cartels that have been operating in parliament for years!

I DO NOT OCCUPY THIS OFFICE NOR DO ANY OF MY OFFICIAL REPRESENTATIVES.

Friends, being a woman in Parliament is hard! Especially if you are outspoken and do not participate in the 'game' of trading sexual favors or kick backs.

I REPEAT, THIS IS NOT MY OFFICE.



On Thursday, 27th July, 2023 on the Senate Business WhatsApp Group –

(a) #TeamGlo

#ImpeachNyegenye

#DevolveClerksPowers

#NoSexforWork

#NoKickBackForLegislativeAgenda

#NoSkyTeam

Billboard coming up

(b) Jeremiah Nyegenye you can continue to pay the few news editors to shut the story and intimidate the majority free media journalists by threatening them with expulsion from Bunge, but we are in 2023 the story



Gloria Orwoba
11 hours ago · 🌐

ATTENTION:

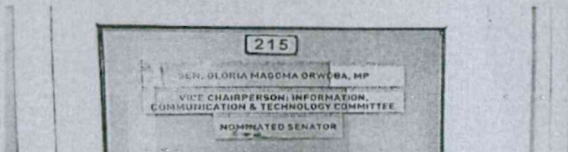
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#ImpeachNyegenye

#DevolveClerksPowers

#NoSexforWork

#NoKickBackForLegislativeAgenda

#NoSkyTeam

Billboard coming up

On Tuesday, 1st August, 2023 on your personal WhatsApp status as follows

#DevolveClerksPowers
#NoSexForWork
#NoKickBackForLegislativeAgen
da
#NoSkyTeam

2. CHARGE TWO

Conduct constituting breach of privilege under paragraph 8 of the Fourth Schedule to the Parliamentary Powers and Privileges Act, 2017 on the Code of Conduct for Members of Parliament which provides that, *"A member of the House shall treat other members with respect and strive to have cordial relations with all other members"*.

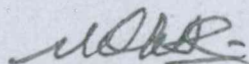
Count One: Allegations Disrespecting Fellow Senators

That, Sen. Gloria Orwoba, MP on diverse dates, you published the following information that was disrespectful towards fellow Senators—

On Friday, 26th May, 2023 on the Senate Business WhatsApp Group as follows—

Sen. Oketch, who died and made you prefect of how senators express themselves? Let the owner of the mouth piece come out and defend himself or start preparing himself to come down from his high heavens.... I cannot sit back and watch one man misuse his office...Stop purporting to be mature than Methuselah. You and I are both first term legislators, stop with your Condensending nonesense...Sit down.

On Tuesday, 1st August, 2023 on the Senate Business WhatsApp Group as follows –



YET ANOTHER MILESTONE!

In under one year of being a legislator, I have managed to table a bill that has gone through the very bureaucratic, political and tedious process, all the way past second reading and to voting.

The Konza Technopolis Bill seeks to put a legal framework on Konza Operations, with an aim to attract investors to set up ICT enterprises in Kenya and particularly in Konza City. This bill is what is needed to unlock the full potential of Kenya's Silicon Valley and offset thousands of jobs by boosting the data center industry among other industries.

I could speak about this bill until the heavens come down but I will leave it there for now.

This afternoon, after extensive lobbying particularly with the opposition Senators, I managed to garner 22 votes out of the 24-vote threshold.

The Bill failed to pass.

I want to thank all the Senators who voted for the bill and encourage the following six senators below who voted against it, to prioritize our youth and many Kenyans who would benefit from the Konza Bill to reflect on the opportunities that they have denied Kenyans.

Senators Who Voted Against the Konza Bill:

1. Senator Bonnie Khalwale - Kakamega
2. Senator Karungu Wa Thangwa - Kiambu
3. Senator Hillary Sigei - Bomet
4. Senator Wakoli Wafula - Bungoma
5. Senator Eddy Oketch - Migori
6. Senator Godfrey Osotsi - Vihiga

I am particularly grateful to the ODM Senators who put the politics and internal Senate wrangles aside and carried out their duties as responsible legislators and represented the needs of the electorate accurately.

I shall be tabling the same bill afresh because I am committed to my duties as a legislator.

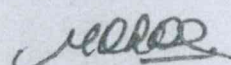
Beaten but NOT defeated!

We MUST deal with the issue of unemployment and Konza Technopolis is one way to boost job creation!

Senator Gloria Orwoba

On Tuesday, 1st August, 2023 on your personal WhatsApp status –

When a clerk colludes with his
tribesmate legislators to kill a bill
just to punish you for speaking
up...



Count Two: Allegations of Imputing Improper Motive on Fellow Senators

That, Sen. Gloria Orwoba, MP on diverse dates, you imputed improper motive on other Senators by posting the following messages –

On Friday, 26th May, 2023 on the Senate Business WhatsApp Group –

Sen. Oketch, who died and made you prefect of how senators express themselves? Let the owner of the mouth piece come out and defend himself or start preparing himself to come down from his high heavens.... I cannot sit back and watch one man misuse his office...Stop purporting to be mature than Methuselah. You and I are both first term legislators, stop with your Condensending nonsense....Sit down.

On Tuesday, 1st August, 2023 on the Senate Business WhatsApp Group –

YET ANOTHER MILESTONE!

In under one year of being a legislator, I have managed to table a bill that has gone through the very bureaucratic, political and tedious process, all the way past second reading and to voting.

The Konza Technopolis Bill seeks to put a legal framework on Konza Operations, with an aim to attract investors to set up ICT enterprises in Kenya and particularly in Konza City. This bill is what is needed to unlock the full potential of Kenya's Silicon Valley and offset thousands of jobs by boosting the data center industry among other industries.

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The Bill failed to pass.

I want to thank all the Senators who voted for the bill and encourage the following six senators below who voted against it, to prioritize our youth and many Kenyans who would benefit from the Konza Bill to reflect on the opportunities that they have denied Kenyans.

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1. Senator Bonnie Khalwale - Kakamega
2. Senator Karungu Wa Thangwa - Kiambu
3. Senator Hillary Sigei - Bomet
4. Senator Wakoli Wafula - Bungoma
5. Senator Eddy Oketch - Migori
6. Senator Godfrey Osotsi - Vihiga

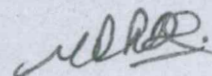
I am particularly grateful to the ODM Senators who put the politics and internal Senate wrangles aside and carried out their duties as responsible legislators and represented the needs of the electorate accurately.

I shall be tabling the same bill afresh because I am committed to my duties as a legislator.

Beaten but NOT defeated!

We MUST deal with the issue of unemployment and Konza Technopolis is one way to boost job creation!

Senator Gloria Orwoba



On Tuesday, 1st August, 2023 on your personal WhatsApp status –

When a clerk colludes with his
tribesmate legislators to kill a bill
just to punish you for speaking
up...

The Committee further resolved as follows –

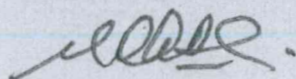
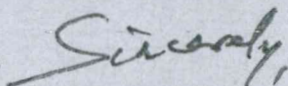
That you appear before the Committee of Powers and Privileges on Monday, 7th August, 2023 at 2:30 p.m. in Committee Room 4, First Floor, Main Parliament Buildings, Nairobi to respond to the two charges and provide information regarding the counts outlined in the charges.

Take note that should you choose not to attend before the Committee of Powers and Privileges on the date and time specified in this letter, the Committee, and thereafter the Senate, shall proceed with this matter in accordance with the Constitution and the law, without further reference to you.

The Committee also draws your attention to standing order 100 of the Senate Standing Orders which provides that, *"No Senator shall refer to the substance of the proceedings of a Select Committee before the Committee has made its report to the Senate"*.

I am directed to bring to your attention the above resolutions of the Committee.

Yours



**M. A. MOHAMED, MBS,
DEPUTY CLERK OF THE SENATE.**

ANNEX III



04 AUG 2023

Time: 2:07 pm

1352 hrs

Hon. Gloria Orwoba, MP

Senator

Menstrual Hygiene Ambassador

Parliament Buildings
P.O. Box 41842 - 00100
Nairobi, Kenya

Mobile: +254 728 370 412
Tel: +254 20 2221291
Email: gorwoba@yahoo.com.au

4th AUGUST 2023

THE CLERK,
SENATE,
PARLIAMENT BUILDING,
PO BOX 41842-00100,
NAIROBI,

Dear sir

RE: URGENT REQUEST FOR TIMELY SUBMISSION OF REQUESTED RECORDINGS.

Kindly provide me with the Hansard recordings of the following parliamentary proceedings and engagements:

1. Audio and Visual recording for the media briefing at the Media Centre on Thursday 27th July 2023.
2. Audio and Visual recording of my personal statement during the preliminary session on Thursday 27th 2023.
3. Audio and Transcripts of Meeting of Powers and Privilege Committee on Thursday 3rd August 2023
4. Senate Business WhatsApp Group since creation.
5. Senate Social Chat Room WhatsApp Group since creation

The above be submitted by Close of Business 4th August, given the time-sensitive nature of the use if the same.

Your timely response is greatly appreciated.

Sincerely,

Senator Gloria Orwoba.

CC

THE SPEAKER,
SENATE,
PARLIAMENT BUILDING,
PO BOX 41842-00100,
NAIROBI

ANNEX IV(a)

REPUBLIC OF KENYA

Telegraphic Address

'Bunge', Nairobi

Telephone 2848000

Fax: 2243694

00100

E-mail: csenate@parliament.go.ke



The Senate

Clerk's Chambers

Parliament Buildings

P. O. Box 41842 -

NAIROBI, Kenya

PARLIAMENT

OFFICE OF THE CLERK OF THE SENATE

REF: SEN/L&P/CPP/ 2023 (002)

4th August, 2023

Sen. Gloria Orwoba, MP,

Nominated Senator,

Parliament Buildings,

NAIROBI.

Dear *Senator,*

RE: REQUEST FOR SUBMISSION OF RECORDINGS

We acknowledge receipt of your letter dated 4th August, 2023 on the above matter.

Attached, please find a USB flash drive with the audio/visual recording of your personal statement made during the session held on Thursday, 27th July, 2023. An electronic version of the recording has also been sent to your email and your WhatsApp.

Yours

**M. A. MOHAMED, MBS,
DEPUTY CLERK OF THE SENATE.**

Copy to: **Rt. Hon. Amason J. Kingi, EGH, MP**

Speaker of the Senate,

Parliament Buildings,

NAIROBI.

REPUBLIC OF KENYA



Telegraphic Address
'Bunge', Nairobi
Telephone 2848000
Fax: 2243694
00100
E-mail: csenate@parliament.go.ke

ANNEX IV (6)

The Senate
Clerk's Chambers
Parliament Buildings
P. O. Box 41842 -

NAIROBI, Kenya

PARLIAMENT

OFFICE OF THE CLERK OF THE SENATE

REF: SEN/L&P/CPP/ 2023 (003)

7th August, 2023

Sen. Gloria Orwoba, MP,
Nominated Senator,
Parliament Buildings,
NAIROBI.

Dear *Senatr,*

RE: SUBMISSION OF DOCUMENTS

The above matter refers.

During the Sitting of the Committee of Powers and Privileges held on Monday, 7th August, 2023, at which you requested for documents, the Committee considered your request and resolved that you be provided with the following documents -

1. Minutes of the Sitting of the Committee of Powers and Privileges held on 3rd August 2023 at 08:30 a.m.
2. Minutes of the Sitting of the Committee of Powers and Privileges held on 3rd August 2023 at 01:30 p.m.
3. Hansard proceedings of the meeting of the Committee of Powers and Privileges held on 7th August 2023 at 2.30 p.m.

Electronic copies of the documents have been sent to your email address (Gloria.orwoba@parliament.go.ke and gorwoba@yahoo.com.au) and your WhatsApp Number (+254728370412).

This is, therefore, to submit to you the said documents as directed by the Committee.

Yours *Sincerely,*

M. A. MOHAMED, MBS,
DEPUTY CLERK OF THE SENATE.

Copy to: **Rt. Hon. Amason J. Kingi, EGH, MP**
Speaker of the Senate,
Parliament Buildings,
NAIROBI.

ANNEX V

NATIONAL POLICE SERVICE

Telegrams: CRIMINAL NAIROBI

Email:

Tel.: 222222

When replying please quote

Ref: DCI/SEC/1/2/A/VOL.XII/50



DIRECTORATE CRIMINAL INVESTIGATION,
OC DCI PARLIAMENT
P.O. BOX 45796-00100
NAIROBI.

8th August, 2023

DIRECTORATE OF CRIMINAL INVESTIGATIONS

TO:
THE CHAIRMAN,
PARLIAMENTARY SERVICE COMMISSION,
COUNTY HALL BUILDING,
P.O. BOX 41842.
NAIROBI.



Dear Sir,

RE: PARLIAMENT POLICE STATION OB 29/02/06/2023

COMPLAINANT: HON. GLORIA MAGOMA ORWOBA.

On 2nd day of June, 2023, Hon. Gloria Magoma Orwoba nominated senator from Kisii county walked into parliament police station. She tabled an allegation that members of the public were complaining that she couldn't be reached for services since she was never available in her office. According to her, the allegations were false since her office which is along Ngong Road was operational. She went ahead and stated that out of her own inquiries, she had established that there was an office based at 2nd floor Red cross building room number 215 with her full names pasted on the door and that the office was being operated by unknown people who could be out to tarnish her reputation. Owing to the seriousness of the matter, the allegations were documented and investigation file opened.

SUMMARY OF EVIDENCE

During the investigations, statement from complainant **HON. GLORIA MAGOMA ORWOBA** was penned down. From her statement, it was established that immediately after she took the oath of office she embarked on her duties which included service delivery to mwananchi. She was operating from her Ngong Road office. After sometime, she realized that there were some offices, which had been proposed for them (senators) at KICC and Red Cross building. She stated that she was not comfortable with them. She communicated the

Mohammed
Kinyua
09/08/23

Hon. Speaker/Chairperson
& Privileges
Committee
Forwarded for Consideration
by the Committee.
09/08/23

same to Mr. Nyegenye clerk Senate. Mr. Nyegenye persuaded her to have a second look on the office at Red cross building but she was not still comfortable and even declared that she was ready to wait to be allocated an office at the new building when they finally move there and for the time being she was willing to maintain her private office along Ngong road. Mr Nyegenye was okay with that arrangement and he promised her a new office in the new building when the right time comes. She further states that after sometime, she received office equipment in her Ngong road office, this included flags, computers and stationaries. However, she does not disclose the person who delivered them.

Around May 2023, she started getting reports from different quarters complaining that she was never available in her office. She cited a scenario where she was in Mombasa on a committee trip, while there, a sergeant at Arm whom she didnt mention came to her and informed her that he had some items that he wanted to drop in her office but was unable since the office is ever closed. On further questioning, the sergeant at arm informed her that the office was at Red Cross building. The complainant sent her body guard to red cross building to check whether the office was indeed there. In response, the body guard confirmed that the office was there.

When she come back to Nairobi from Mombasa, she personally went to the Red Cross building and saw the office. Her signage was pasted on the door.

She went to Mr. Sorobit office but he was not there. He met Mr. Nkobitu and after a lengthy discussion over the matter, she was advised to do a letter to the clerk senate for the rent reimbursement.

She has tried to follow up the matter with different offices but no help was coming along. Due to the dissatisfaction, she decided to report the matter for investigations.

SAMSON SOROBIT

He is the sergeant at arm in charge of senate. In his statement, he clearly indicated that it is his responsibility to supervise allocation of offices to all senators using the order of precedence. Apart from senators in the leadership and those representing the senate in parliamentary service commission, all other senators are allocated offices based on seniority and are listed in alphabetical order. All this is done with the approval at the senate board of management.

In the course of his work, he allocated an office to Hon. Gloria Orwoba at red cross building door no. 215 and appropriate signage were placed on the door. Senator Orwoba was informed of the same verbally. Senators who did not get offices within parliamentary square submitted request for rent reimbursement to the relevant offices.

On 19/05/2023, Mr. Sorobit received a notification from the Clerk's office. In the letter, the complainant had indicated that she had been allocated office No. 215 at red cross building but she was facing operational challenges. She was therefore requesting for rent reimbursement for use of private office. Mr. Sorobit didn't follow much on the matter since he thought a solution had been reached. (see document marked 'A')

In the month of June 2023, Mr Sorobit came to learn that senator Orwoba had filed a complaint with police indicating that there were unknown persons operating an office in red cross building. According to him, the allegations were false. Mr. Sorobit instructed Mr Maru to go and establish the circumstances of the complaint with the officer responsible for the management at Red Cross building who is Mr kirwa. Mr Kirwa and Mr Maru accessed the said office by use of a spare key. They found the office very dusty and it was as if it had not been used for a long time. Later, Mr Sorobit received orders to remove the signage from the said office door (room 215). He went ahead and executed the orders.

Mr. Sorobit further states that, Red cross building is manned by both administration police officers and sergeant at arms and therefore it is not possible for unknown people to access any office there.

DANIEL KIRWA .

He is the sergeant at arms in charge of Red Cross building. He has manned this building for the last one year. His duties entails maintaining general order in the building. He is normally supported by an armed security officer at the entrance of the building to ensure safety and security at the offices.

In his statement, he indicated that he received 12 senators at Red Cross building from Mr. Sorobit. They had been allocated offices there. Among them was Senator Gloria Orwoba who had been allocated office No. 215. from there, the senators started operating from their offices apart from Hon.Gloria Orwoba (complainant) who have never occupied her office. However, they have always ensured its safety.

He further states that he never seen /heard any member of public asking to access the said office for any services. Also He have never heard any complaint relating to the said office coming from members of the public.

In June, 2023 ,Deputy clerk senate (Mr Mohammed) and Mr. Maru visited Gloria Orwoba's office in Red cross building. Mr. Kirwa opened the door for them using a spare key. From the observation, Mr. Kirwa noted that the office was very dusty and it appeared that it had not been in use for quite some time. Later, Mr Kirwa came to learn that Hon.Gloria Orwoba had filled a complaint with the police in reference to the said office.

JEREMIAH NYEGENYE

He is the clerk of the senate and secretary to the parliamentary service commission. He states that on 19th May, 2023 he received a letter from Sen. Orwoba in which she requested from reimbursement for rent for use of her private office since she had declined the office number 215 at Red cross building allocated to her by the senate.

That under the parliamentary service commission policy, members of parliament are entitled to an office space within parliament building and if the same is not provided, the Mp may seek rent reimbursement for rented offices outside parliament precincts.

That allocation of offices to senator is based on list of precedence though there may be some variations when circumstances of senator's change like a change in leadership offices.

Mr Nyegenye confirmed that the correct criteria was applied while allocating offices to senator Orwoba. He stated that a senator can only claim reimbursement of rent for renting an office outside parliament if the senator was not allocated an office within parliament and after the chief sergeant at arms has visited and inspected the office to be rented and made a recommendation to the clerk that further there must be a signed and valid lease agreement and submission of proof of payment of rent.

He said that to the best of his knowledge sen. Orwoba had been allocated office number 215 /216 on 2nd floor of red cross building and the said office was still allocate to her. That the senator never raised any complaint about the office to anyone in the senate administration until 19th may, 2023 when she sent the letter requesting reimbursement to the clerk.

He further stated that he read on the senate business WhatsApp forum allegations by senator Orwoba that an officer from sergeant at arm department was impersonating her and operating her office at Red cross building though she did not present any evidence to support the impersonation.

FINDINGS

1. It is confirmed that Senator Gloria Orwoba filed a complaint at parliament police station vide OB 29/1/06/2023 and her complain was based on two issues. That :
 - Members of the public were complaining that they could not reach her for services since her office is always closed.
 - There is an office at red Cross building 2nd floor room 215 with her name placed on the door which was being operated by unknown persons for criminal activities.

2. Investigation has shown that Red Cross building which houses the office in question squarely seats within the parliament square.
3. After strict adherence to rules and regulations, Hon Gloria Orobwa was allocated an office at the Red Cross building, second floor room 215/216. This is well documented in the statement at chief sergeant at arms in charge at senate (Mr. Sorobit) and corroborated by the clerk of the senate (Mr. Nyegenye)

The complainant acknowledges the same vide her letter to the clerk reference SEN/RR/(001)2023 dated 19/5/2023, even though he cited operational challenges. (see attached document marked 'A')

4. According to Mr. David Kirwa who is in charge of security at Red Cross building, the complainant in this file and her personal assistant has never stepped in the questioned office.
5. Upon perusal of the visitors register at the entrance of the Red Cross building, no visitor or member of the public was found to have entered the building heading to room 215/216. (see attached document marked **B-1(i) to B-1(xxvii)**)
This corroborates the evidence of David kirwa who says that he has never seen visitors heading to the questioned office.
6. Officers from DCI Parliament visited the said office and with the help of David Kirwa, they accessed the office and it was found very dusty and it appeared like it had not been in use for quite some time. The same was documented as per **annexed photographs in a khaki envelop marked 1-7.**
7. On the part of the complainant, she has not named any member(s) of the public who were complaining that they were unable to reach her for services. As a result, no independent witness is supporting the allegations.

Conclusion

In this investigation file, there are only two issues for determination based on Parliament police station OB 29/2/6/2923.

- a. **That**, members of public were complaining that they were unable to reach the complainant's office for services.
 - On this issue, not even one member of the public have come forward to record a statement to support the allegation.
 - Visitors register at Red Cross building did not show any visitor who came to the building intending to visit the office in question.

- Apart from the complainant statement, no other independent witness came forward to support the claims.
- b. **That**, there were unknown people operating office No. 215 2nd floor of Red cross building under the name of Hon Gloria Orwoba.
- On this issue, the chief sergeant at arms Mr. Sorobit has identified himself as the one who allocated the office in question to the complainant after following all the required procedure and her signage posted at the door officially.
 - The Clerk senate Mr. Nyegenye and David Kirwa corroborate Mr. Sorobit statement.
 - Mr. David Kirwa clearly indicated that he is aware that the office in question was allocated to Hon Gloria Orwoba but she has never utilized it, even her personal assistant has never accessed the office.
 - Being the person in charge of security in that building, he confirms that no unknown people operate from the said office.
 - No member(s) of public have come forward to record a statement indicating that they were served from the office in question by anybody personating to be Hon Orwoba or her staff. As a result issues of personation cannot stand.
 - Again, on this issue, the complainant is not supported by any other witness or exhibit.

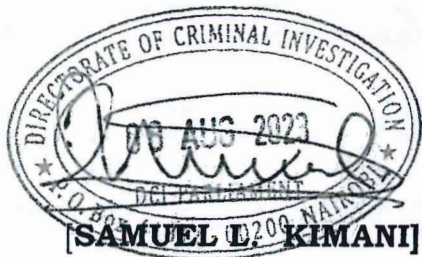
In the whole file, the complainant has no independent witness or exhibit to support her allegations. This makes it difficult for investigators to identify any offence and suspect(s) based on the allegations.

For an accused person to be successfully convicted before a court of law, then the evidence adduced must be beyond reasonable doubt.

RECCOMENDATIONS.

1. Having analyzed all the available evidence in this matter, I do not find watertight evidence enough to sustain a criminal charge in court.
2. On this issue of being uncomfortable with the allocated office, I find that it is not criminal in nature and can be settled through the senate internal mechanism.

However, the file will also been placed before the ODPP for further directions.



OC-Directorate of Criminal investigation-Parliament

Cc.

Clerk of the senate/Secretary Parliamentary service Commission.

DN: 02/06/2023

AT:
PARLIAMENT
POLICE
STATION

INITIAL REPORT

OB: 29/02/06/2023
AT: 1318 HRS

ABUSE OF OFFICE /PERSONATING PERSON(S) EMPLOYED IN THE PUBLIC SERVICE REPORT: To the station is nominated senator Hon. GLORIA ORWOBA of Kisii County of cell 0728-370412 and of parliament building Senate. She alleges that for about two and a half weeks ago, she received information from member of the public that claimed that their efforts to trace her/ to engage her have been fruitless since they claimed that she is never in her office. She was surprised because her office which is based along Ngong road is normally active and on. On further inquiry, she found out that there is an office with her name placed on the door, which is based at the Red-cross building 2nd floor room 215 which she alleges, is being run/operated by unknown person(s). She suspects that the office has been in operation for probably the past 8 months and could have been used to tarnish her name or even obtain money by false pretenses from uninformed members of the public or business entities engaged in her "campaign against periods poverty" She now makes a formal report of the matter seeking for police assistance and is hereby referred to the Anti-crime office.

Signed by: PC Koech.

GLORIA MAGOMA ORWOBA
P.O BOX 61761-00200
NAIROBI
ID NO. 24587951
TEL: 0728-370412

25/7/2023
Dci
Parliament office
1400 hrs

HOME PARTICULARS

DIST: SAMETA

DIV: SAMETA

LOC: BASII CHACHE

S/LOC: BOGETAORIO II

STATES AS FOLLOWS IN ENGLISH

I am the above named person and the above details are mine. I am a first time nominated senator from Kisii County. I took my oath of office alongside other Senators on 8th September, 2022. I was the vice Chairperson; Information communication and Technology Committee.

I wish to state that, after being sworn in I embarked on my duties, which include service delivery to mwananchi. I was operating from my private office situated along Ngong road. After sometime, I realized that there were offices being proposed for us at KICC and Red-cross building. Personally, I was not comfortable with them. I decided to share my dissatisfaction with the clerk (Mr. Nyengenyne). I was therefore asking that I be issued with office supplies to enable me operate my Ngong road office comfortably. At this point Mr. Nyengenyne tried to persuade me to go and have a second look at other offices at Red-cross building. I agreed and I was taken there by a sergeant at arm whose name I cannot recall. After inspecting the offices, I was actually not comfortable with them. I went back to Mr. Nyengenyne's office and informed him of the same. I went ahead and informed him that I would rather wait to be allocated an office in the new building when we finally move there but for the time being, I was willing to maintain my private office along Ngong road. The clerk (Mr. Nyengenyne) was okay with that arrangement and he even assured me of an office in the new building.

After some time, flags were delivered in my Ngong road office and because there had been hiccup on stationaries and office equipments, I received computers and stationaries in March this year. In May 2023, I started getting reports / complaints from different quarters about people complaining that I am never in my office. A case in hand is when I was on a committee trip in

Mombasa. While there, one sergeant at arms told me that he had some items that he wanted to drop in my office but he was unable since my office was always closed and I never go there. He further said that my staff never opens it. In shock, I asked him to clarify about the office he was talking about. It was at that point that he talked about the Red-cross office. This was unbelievable to me. I therefore decided to send my bodyguard to go and see whether there is such office in the said building (Red cross). After a short time, he sent me videos and photos with a door that had my name and titles. When I got back to Nairobi, I visited the said office to see it myself. Indeed the office was there. I inquired about the office keys and I was informed that they were under the custody of Parliament Staff.

At this point, I decided to look for the Chief sergeant at arms Mr. Sorobit. Unfortunately, he was not there. I was directed to see Mr. Nkubitu. I discussed the matter with him and from the discussions, it was evident that someone had forcefully allocated an office to me and set it up without my knowledge. I also realized that some of my applications had been ignored and somehow similar request from other senators had been honored and facilitated through Clerk Nyengenyne's office. After some days, Mr. Sorobit called me to have a sit down in his office. I went there and we were in the presence of a lady Sergeant at arms. We relooked into the matter and Mr. Sorobit noted my dissatisfaction about the said office. At some point, the Deputy Clerk Mr. Mohammed reached out to me and informed me that the matter was being investigated. I tried following up the matter with the Clerk (Mr. Nyengenyne) but he is not available most of the time.

I further wish to clarify that during my visit to Mr. Nkubitu's office, the issue of reimbursement of rent came up. Mr. Nkubitu advised me to write a letter over the same. I went ahead and did the letter referenced SEN/RR/ (co)/2023 dated 19th May 2023 addressed to the clerk senate.

Since I did not get any assistance, I decided to report the matter at parliament police station for help.

R.O.C

Signed by: Senator Gloria Orwoba

SAMSON SOROBIT
P.O BOX 41843-00100
NAIROBI.
TEL: 0724962176
ID NO. 9425393

OTHER PARTICULARS

DIST: UASIN – GISHU

DIV: KAPSERET

LOC: KAPSERET

S/LOC: SIMAT

STATES AS FOLLOWSIN IN ENGLISH.

I am the above named person of Kenyan origin. I am an employee of the parliamentary service commission. I am the Chief Sergeant At Arms In charge Senate. I have been in this position since 2014. My duties entails;

- Estate management and support service, which is responsible for office accommodation for state and Senator, it also include general maintenance service.
- I also coordinate chamber and public education services, which involves plenary sittings and public engagement.
- I also oversee operating liaison and event management, which involves committee support and coordinating with police services for provision of bodyguard for Senators.
- General office security and support to senators during parliamentary and National events.

On the matter of allocation of offices, I wish to state that, immediately after senators are sworn in, I supervise allocation of offices using order of precedence. This includes allocation of offices to the leadership and senators representing Senate in the Parliamentary Service Commission. The rest of the members are allocated offices based on seniority and are listed in the alphabetical order.

I further wish to state that, sometimes in the month of September 2022, immediately after the general election, the successful senators were sworn into office as usual. I embarked on my duties of allocating offices with the approval of the Senate board management.

I followed all the requisite procedures and requirements. I allocated an office to one Hon. Gloria Orwoba at Red cross building door No. 215/216.

The same was communicated to her verbally and she was taken to that office by an officer just like any other senator. After that, all the office doors were labelled with senators preferred names and counties they represent. Senator in the leadership, chairs of committees and vice chairs had their respective signage of their titles placed on their office doors. Senator who did not get offices within the Parliamentary square submitted request for rent reimbursement upon which inspection was conducted and recommendations submitted from the Chief Sergeant At Arms office to the Clerk for further processing.

On 19/05/2023, I received a notification from the Clerk's office. It was a request for reimbursement of rent for use of private office by senator Gloria Orwoba. On the letter, the senator indicated that she had been allocated an office in Red cross building office No. 215 but she was facing some challenges. I confirmed that it was indeed the office allocated to the Senator. I did not follow up on the matter again since I presumed that a solution had been reached. Later in the month of June 2023, I came to learn that hon. Gloria Orwoba had filed a complaint with the police indicating that there were unknown people operating an office in red cross building room 215. She was saying that the unknown people could be engaging in criminal activities. In my response to this allegation, I wish to state that they are false since at no any time do a senators office get accessed by unknown people.

Further, after receiving the said complain I directed Mr Maru to establish the circumstances of the complaint with the officer responsible for management of the building who is Mr Daniel kirwa. The office was accessed by use of a spare key, which is always under the custody of Mr kirwa. The office was found to be very dusty and had not been used for some time.

During the same period, I received direction from the clerk to execute the orders of the speaker of the senate to remove the signage on the door of office no. 215 allocated to senator Gloria orwoba.

The instructions were duly executed.

I further wish to state that, there have never been a report of unknown people either accessing the senator's office or red cross building since the building is manned by both sergeant at arms and administration police officer on daily basis.

Hon. orwobas letter to the clerk senate is referenced SEN/RR/001/ 2023 dated 19/5/2023.

Later on 10/7/2023 I was summoned to the DCI office within parliament where I recorded my statement to that effect.

R.O.C

Signed by: Samson Sorobit

DANIEL KIRWA
P.O BOX 41842-00100
NAIROBI.
TEL 0727 445529
ID 23003796

OTHER PARTICULARS.

DIST-UASIN GISHU
DIV-KESSES
LOC-RACECOURSE
S/LOC-RACECOURSE

STATES AS FOLLOWS IN ENGLISH

I am the above named person of Kenyan origin. I reside within Kasarani area here in Nairobi. I am an employee of Parliamentary Service Commission. I am a sergeant-at-arms in charge Red Cross building. The building is within the parliamentary square. I have been in this position for the last one year. My duties entail maintaining general order in the building. The building holds several offices including some senators' offices. We normally have an armed security officer at the entrance to ensure safety and security of the office. We do maintain daily visitors' book at the entrance and it is usually maintained by a sergeant-at-arms on duty. We also have a receptionist at the entrance.

I wish to state that, during the month of September/October 2022, just after the general elections, successful senators were allocated offices by the chief sergeant- at- arms as usual. At the Red Cross building where I manage, I received 12 senators. Among them was Hon. Gloria Orwoba. She was allocated office no. 215 and 216. From there the senators started operating from their new offices. In the month of November, the said offices were labelled. On the part of Gloria Orwoba, her case was different because I have never seen her or her personal assistant accessing the office. The office has remained closed all through.

However, we have always ensured its safety.

I further wish to state that I have not seen or heard any member of public asking to access the said office for any service. Our visitors' book at the entrance does not show any person who came to the building heading to the said office (215/216)

As a manager of the said building, I have not heard any complain relating to the said office coming from members of public.

Sometimes back, early June 2023, Mr Maru called me asking about the spare key to room 215. He also informed me that Mr Mohamed Ali (Deputy Clerk senate) would be coming to check the said office. I asked Mr Maru what the issue was. Mr Maru told me that Senator Gloria Orwoba was complaining that she had not been allocated an office.

After about two days, Mr Mohammed and Mr Maru came to the Red Cross building.

I led them to the said room and using the spare key, which I normally keep, I opened the door for them to check. I also got a chance to see what was in the office. According to me, the office was very dusty and it looked like it had not been occupied for quite some time. Later Mr Mohammed and Mr Maru left. I securely locked the door/office and resumed normal.

On 10/7/2023, I was summoned to the DCI office within Parliament. At the office, I was questioned about Senator Gloria Orwoba's office. I was informed that the said Senator had booked a complain that

the said office was being used/operated by unknown people who could be engaging in criminal activities like obtaining money by false pretences. In my response to this allegation, I wish to state that the allegations were false since from the time it was allocated to Hon. Gloria Orwoba nobody else has ever accessed or operated from there in. In addition, there is no way unknown people can access the said office since it is always under 24hr security surveillance.

SIGNED BY: DANIEL KIRWA.

JEREMIAH NYEGENYE, CBS
CLERK OF THE SENATE &
SECRETARY, PSC
P.O. BOX 41842-00100
NAIROBI
ID NO. 11030832
TEL: 0722315703

HOME PARTICULARS

DISTRICT: BUSIA

DIVISION: MATAYOS

LOCATION: BUKHAYO WEST

SUBLOCATION: SIKULU

RE: OFFICE ACCOMODATION FOR SENATOR GLORIA ORWOBA

I Jeremiah Nyegenye, CBS, of the above mentioned particulars, wish to state as follows regarding the above referenced matter:

That I am the Clerk of the Senate and secretary to the Parliamentary Service Commission.

That I received a copy of a letter addressed to the Chairman of the Parliamentary Service Commission and copied to myself from the Officer in Charge-Directorate of Criminal Investigations-Parliament in which he informed the Chairman that Sen. Gloria Orwoba had on 2nd June reported at Parliament Police station that some unknown people had been operating an office on 2nd floor of Red Cross building which had a signage with her names on it.

I had earlier on 19th May, 2023, received a letter from Sen. Orwoba reference number SEN/RR/(001)2023 dated 19th May, 2023 in which she indicated that she had in September, 2022 been allocated office No. 215 at Red Cross building but had declined to take up the office for personal reasons and by virtue of having an existing private office within Nairobi. *(attached is a copy of the letter by Sen. Gloria Orwoba).*

Senator's Office Entitlement

Under the Parliamentary Service Commission (the Commission) policy, Members of Parliament are entitled to an office space within Parliament Buildings or if the same is not provided, the Member may seek rent reimbursement for rental offices outside Parliament. It is worth noting that allocation of offices and rent reimbursements are not discretionary under the policy and a Senator may not decline an office and instead request to be paid rent for an office outside Parliament Buildings.

Office allocation with Parliament buildings is based on a list of precedence though some variations may occur when the circumstances of Senators change, namely changes in leadership offices. The above stated criteria was applied while allocating offices to the Senators of the 13th Parliament, Sen. Gloria Orwoba included.

On reimbursement of rent of an office outside Parliament, the following are the requirements:-

- (a) that a Senator is one to whom an office has not been allocated within the precincts of Parliament;
- (b) submission of a recommendation by the Clerk for rent reimbursement based on an inspection report from the office of the Chief Sergeant-at-Arms;
- (c) submission of a duly signed and valid lease agreement; and
- (d) Submission of proof of payment or rent in accordance with provisions of a valid lease agreement.

Office for Sen. Gloria Orwoba

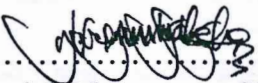
Sen. Glora Orwoba, MP was allocated office no. 215/216 on 2nd floor of Red Cross Building and the relevant signage was posted indicating her name and position as the then Vice Chairperson of the Standing Committee on Information, Communication and Technology.

After the said office allocation, the Senator did not communicate to my office or that of the Chief Sergeant-at-Arms that she had declined the office allocated to her and only did so on 19th May, 2023 when I received her letter Ref No. SEN/RR/(001)2023.

Senator Gloria Orwoba further, on Saturday, 27th May, 2023 through the Senate Business, 2022 WhatsApp forum alleged that an officer from the Sergeant-at-Arms Directorate was impersonating her and operating the office allocated to her at the Red Cross Building. She did not however provide any evidence of the said impersonation or of the said officer of the Sergeant-at-Arms Directorate or any staffer of the Senate Service operating the office.

To the best of my knowledge, office number 215/216 at Red Cross Building remains allocated to Senator Orwoba and at no time has the office been occupied by a staffer of Serjeant-at -Arms or the Senate Service.

That is all I wish to state regarding this matter.

Signed :  ID. No. 11030832
Jeremiah Nyegenye, CBS



REPUBLIC OF KENYA
PARLIAMENT

Hon. Gloria Orwoba, MP

Senator

Menstrual Hygiene Ambassador

Parliament Buildings
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Nairobi, Kenya

Mobile: +254 728 370 412

Tel: +254 20 2221291

Email: gorwoba@yahoo.com.au

SEN/RR/(001)2023

19TH May, 2023

CLERK SENATE,
SECONDARY PARLIAMENTARY SERVICE COMMISSION,
SENATE,
NAIROBI.

Dear Sir/Madam

RE: REQUEST FOR REIMBURSEMENT FOR USE OF PRIVATE OFFICE

I was allocated office NO.215 Red cross building in September 2022. I declined to take up the office for personal reasons and by virtue of having an existing private office within Nairobi.

I have faced operational challenges in meeting my Legislative mandates because of the office issues.

I kindly request to be given the reimbursement so that I can operationalize my office to the standards of a senator status.

Kind regards,

Senator Gloria Orwoba

DC HA

Kindly deal

Eg 19/05/2023