

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Tuesday, 20<sup>th</sup> August, 2024

Afternoon Sitting

Special Sitting

*(Convened via Kenya Gazette Notice  
No.124 of 16<sup>th</sup> August, 2024)*

*The House met at the Senate Chamber,  
Parliament Buildings at 2.00 p.m.*

*[The Speaker (Hon. Kingi) in the Chair]*

### PRAYER

#### DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

**The Speaker** (Hon. Kingi): Clerk, do we have quorum?  
Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

*(Several Senators walked into the Chamber)*

Hon. Senators, please take your seats and be orderly.

*(Sen. Joe Nyutu stood up in his place)*

Order! Sen. Nyutu, since when did you become an usher?

*(Laughter)*

Hon. Senators, at the adjournment of the sitting at 1.00 p.m. today, the Governor was still presenting her case. We had to stand down a witness to allow us to go for a lunch break. Therefore, we will proceed from where we left it.

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Counsel for Governor, you may recall your witness.  
Clerk, proceed to call the Order.

**HEARING AND DETERMINATION OF THE PROPOSED REMOVAL FROM  
OFFICE, BY IMPEACHMENT, OF HON. KAWIRA MWANGAZA,  
THE GOVERNOR OF MERU COUNTY**

PRESENTATION OF THE CASE OF THE MERU  
COUNTY GOVERNOR

**The Speaker** (Hon. Kingi): Counsel, before you start, I remind you that you have one hour 55 minutes to conclude the presentation of the Governor's case.

You may proceed.

**Mr. Edgar Busiega:** Mr. Speaker, Sir and hon. Members, may I remind the witnesses, through the Chair, that he is still under oath.

**Mr. Dickson Munene Nkanata:** Thank you. I am aware that I am still under oath.

**Mr. Edgar Busiega:** Mr. Munene, let us proceed from where we had stopped. We will be moving to the second issue. The Motion for impeachment before the Senate accused the Governor of failing to appoint chairpersons of the Meru County Revenue Board, Meru County Micro Finance Corporation, Meru Youth Service Board and Meru County Investment and Development Corporation. What is your response to that, Mr. Munene?

**Mr. Dickson Munene Nkanata:** Thank you, Mr. Speaker, Sir, and hon. Members. The Governor has been accused of failing to appoint the Chairpersons of the Meru County Revenue Board, Meru Micro Finance Corporation, Meru Youth Service Board and Meru County Investment and Development Corporation Board as required by the law.

I wish to state that by virtue of the information that has come within me, the allegation is not true. The County Secretary, by a letter dated 18<sup>th</sup> June, 2023, forwarded to the County Assembly the name of Japhet Ndumba Ithinji as a nominee Chairperson of the Meru County Revenue Board.

The process of appointment of these chairpersons starts by the Governor forwarding the list of nominees to the Assembly for approval. It is only once the Assembly has approved---

**Mr. Ndegwa Njiru:** Mr. Speaker, Sir, sorry for intervention, but I would seek your guidance that the witness directs us to the place where that evidence is so that we can follow. Most obliged.

**Mr. Dickson Munene Nkanata:** I was getting there.

**The Speaker** (Hon. Kingi): No, get there first. As you explain, we need to be on that page. Start with the page containing that document, so that when all the Senators and other parties are there, you can then proceed to explain yourself.

**Mr. Dickson Munene Nkanata:** Thank you, Mr. Speaker, Sir. It is on page 53 of the Governor's bundle of documents, volume 1B. There is a letter there dated 18<sup>th</sup> June,

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2023 received by the office of the Clerk of the County Assembly on 21<sup>st</sup> June 2023. The Governor and the County Executive Committee Member in charge of Finance, pursuant to Section 6 of the Meru County Revenue Board Act, forwards the list of nominees for the chairperson and two members of the County Revenue Board.

Mr. Speaker, Sir and hon. Members, page 57 of the same bundle of documents is a letter dated 21<sup>st</sup> June, 2023, received in the office of the Clerk of the County Assembly of Meru on the same date. It is forwarding the list of the chairpersons and two members for approval by the County Assembly, specifically the name of Harriet Karamana Gitonga Nkathata as the Chairperson of Meru County Investment and Development Corporation .

Page 58 of the same bundle of documents is a letter dated 21<sup>st</sup> June, 2023. It is forwarding the list of chairperson and nominee members for approval by the County Assembly, pursuant to Section 6 of the Meru County Youth Service Act. That letter was received on 21<sup>st</sup> June, 2023. Of importance is the name of Kimathi Mutembei Dennis, the chairperson the Governor is seeking approval, so that she can appoint.

Mr. Speaker, Sir, and hon. Members, after this letter, the County Assembly through a letter dated 21<sup>st</sup> July, 2023, the Clerk of the County Assembly wrote to the County Secretary. That is in page 60, volume 1B whereby the Clerk of the County Assembly is saying that “My office is unable to recommend the same (the list) for their consideration to be transmitted to the County Assembly for action.” Largely because they observed that there is some missing information regarding the status of offices as some of the offices sought to be filled and substantive office holders.

A similar letter that appears on page 61 of volume 1B, is a reminder letter followed by the letter that was received on 21<sup>st</sup> July, 2023. In response to that letter, the County Secretary and Head of Public Service wrote a letter dated 18<sup>th</sup> September, 2023. It appears on page 54 of volume 1B of the same bundle of documents. This letter indicates that reference is made to the above subject matter and your letter dated 31<sup>st</sup> August, 2023. The nominees of the County Revenue Board are made in anticipation of their lapse of term on 14<sup>th</sup> December, 2023. All the other offices fell vacant by way of natural attrition.

On page 55 is another letter from the County Secretary directed to the Clerk of the County Assembly, which is a polite reminder. It was received on 11<sup>th</sup> January, 2024.

On page 56, volume 1B, on 21<sup>st</sup> March, 2024, the County Secretary wrote another reminder to the Clerk of the County Assembly of Meru, and subsequently, by a letter dated 15<sup>th</sup> July, 2024. It is in the County Assembly's bundle of documents, volume one.

**Mr. Edgar Busiega:** As you check on that, Mr. Munene, is that a demonstration of compliance from Her Excellency the Governor?

**Mr. Dickson Munene Nkanata:** It is a demonstration of compliance and of importance is that the letter dated 31<sup>st</sup> August, which is on page 61, appears on volume 1B of the Governor's bundle of documents.

The Clerk of the County Assembly indicates-

“This is to kindly make a follow-up on the request and information to facilitate the committee of the 400 names to the various semi-autonomous boards of the County Government of Meru to the relevant committee of the County Assembly for vetting and

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consideration, excluding the nominees of the Meru County Alcoholic Drinks Control Board, whose nomination has been since committed to the relevant committee of the County Assembly for vetting and consideration.”

Mr. Speaker, Sir, despite the Clerk of the County Assembly confirming that the list for the Meru County Alcoholic Drinks Control Board had been laid to the relevant committee by 31<sup>st</sup> August, 2023, to date, that vetting is yet to be concluded.

Mr. Speaker, Sir, volume II of the County Assembly documents, page 60, is the letter I was referring to. It is dated 15<sup>th</sup> July, 2024. In this letter, dated 15<sup>th</sup> July, 2024, the County Secretary is making a follow-up of the position of the nominees, whether they have been approved or not, and indicates-

“To date, the County Assembly has deliberately failed to approve and or communicate its rejection of the nominees to the County Executive despite constant reminders.”

This is a letter dated 15<sup>th</sup> July 2024. I emphasize the statement, “despite constant reminders” because I am aware that yesterday, the Clerk of the County Assembly appeared before this honourable House and disputed the three letters that I have mentioned, that is the letter appearing on pages 54, 55 and 56 of the Governor's bundle of documents. The Clerk of the County Assembly indicated they have never received any letter as a reminder.

**Mr. Edgar Busiega:** Thank you. That point has been exhausted. Let us proceed to the next issue.

The next accusation is that the Governor has refused to implement resolutions of the Assembly to dismiss the County Secretary, Dr. Kiambi Thambura, and the Chief of Staff, Mr. Gatobu Nchamba. What is your answer to that, Mr. Munene?

**Mr. Dickson Munene Nkanata:** Thank you, Mr. Speaker, Sir.

The Governor has been accused of refusing to implement the resolution of the County Assembly, requiring the dismissal of the County Secretary and the Chief of Staff.

Mr. Speaker, Sir, I am aware by virtue of the position that I hold, that once a report of the Committee of the County Assembly has been discussed, that report has to be tabled. Once a report of a Petition has been prepared, it has to be tabled in the County Assembly and resolutions pursuant to that report made. Thereafter, the resolutions and the HANSARD for that sitting, adopting the report, are supposed to be forwarded to the Executive or to the Governor to implement the resolution.

I can confirm that the document that the County Assembly seeks to rely on does not include a resolution. They do not include any HANSARD showing whether the report for the Joint Committee was adopted by the Assembly or not. So, to that end, there is no resolution to accuse the Governor of not implementing.

**Mr. Edgar Busiega:** Thank you, Mr. Munene. Quickly, as a practitioner of law, does the County Assembly have a mandate to dismiss a County Secretary and Chief of Staff as officers in the office of the Governor?

**Mr. Dickson Munene Nkanata:** Mr. Speaker, Sir, I am not aware of a provision in the law that mandates the County Assembly to dismiss the County Secretary or the Chief of Staff. To the best of my knowledge and in reference to a decision of a Kilifi High Court, in Owen Yaa Baya versus the Kilifi County Government, the former County

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Secretary of Kilifi County, the decision of that case indicates that the County Assembly can only move a censure Motion against the County Secretary.

The provision of the law, Section 44 of the County Governments Act talks of the removal of the County Secretary by the Governor. That the Governor may remove the County Secretary, subject to the terms and conditions of the contract of service.

**Mr. Edgar Busiega:** Thank you, Mr. Munene. The next question will be the Governor has been accused of illegally dismissing Dr. Ntoiti, the Chief Executive Officer (CEO) of the County Revenue Board, Paul Mwaki, CEO of the Liquor Board, Kenneth Kimathi Mbai, Managing Director of Meru Microfinance Corporation and Joseph Kithure, CEO of Meru Water and Sewerage Services Company Ltd (MEWASSCO), in usurpation of the powers of the appointing authorities. What is your answer to that, Mr. Munene?

**Mr. Dickson Munene Nkanata:** Thank you, Mr. Speaker, Sir. First, I would like you to note that this is a ground or particulars that were presented before the previous impeachment Motion in which I appeared as a witness before this Hon. Senate. I can confirm that this was one of the grounds.

The allegation that has been made is not true. The Governor did not dismiss Dr. Ntoiti, Paul Mwaki, Kenneth Mbae and Joseph Kithure. On the contrary, Dr. Ntoiti resigned and Paul Mwaki served his term, whose contract ended on 15<sup>th</sup> December, 2023 and Kenneth Mbae left. In the decision that they are seeking to rely on, you realize that Kenneth Mbae did not return to work after the court quashed the former County Secretary's letter sending Kenneth Mbae on compulsory leave. He did not resume his work, so he abandoned work. Joseph Kithure served his term until it was terminated by lapse of time.

The allegation that the County Government of Meru has been slapped with the Kshs4 million in that decision is not true. It is not a correct observation. The county government is not a party to that employment and labour relations dispute. In the same order, the cumulative general damages of Kshsh1 million were granted.

**Mr. Edger Busiega:** Perhaps very quickly, Mr. Munene, if you could refer the house to the specific documents they wish to rely on.

**Mr. Dickson Munene Nkanata:** Mr. Speaker, Sir, and hon. Members, page 68 of the bundle of documents, volume 1B of the Governor's bundle of documents, it is a request for confirmation on employment of Dr. John Ntoiti made by the County Secretary to the Nairobi City County Secretary. On page 69 is a resignation of Dr. John Ntoiti dated on 14<sup>th</sup> November 2023.

Page 70 of that bundle of documents is a letter from the Nairobi City County confirming the employment status of Dr. John Ntoiti. That Dr. John Ntoiti is an employee of Nairobi City County.

Page 71 of volume 1B of the bundle of documents, it is a Notice of Appeal indicating that the respondent disagreed with the decision of the court and they have preferred an appeal against that decision.

**Mr. Edger Busiega:** Mr. Munene, I think that is sufficient. I will move to the final issue. The Governor has been accused of having a bloated workforce in her office. What is the response to that, Mr. Munene?

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**Mr. Dickson Munene Nkanata:** Mr. Speaker, Sir, and hon. Members, I confirm that there is such an allegation of a bloated workforce and also there was a similar allegation in the previous impeachment Motion in which I also appeared as a witness whereby, the governor is accused of having a bloated workforce. There are documents on the contrary to indicate that the governor has been categorical on the issue of controlling the wage bill in the county. That is by minimizing any hiring or replacements.

Through the assistance of my advocate, I want to get to that page.

*(Consultations)*

On page 170 of volume 1B of the bundle of documents, this is a letter from the County Secretary. It is an internal memo from the Secretary, County Public Service Board to the chief of staff. It is dated 17<sup>th</sup> October, 2023.

It is of importance to note that at 17<sup>th</sup> October, 2023, it is the same week that the second impeachment Motion was drafted and debated at the County Assembly. This was the document that they sought to rely on; they relied on those documents then and they are the same document that they are relying on.

In this letter dated 15<sup>th</sup> October, 2023 on page 170, the Secretary of the County Public Service Board is communicating to the chief of staff that-

“We would like to inform you that we have exhausted the available vacancies in the office of the governor as per the Transition Authority circular of 6<sup>th</sup> September, 2013, we have concluded on the recruitment process of for staff in the governor's office. Attached, please find the list of the officers who have been so far employed in the office of the governor.

Mr. Speaker, Sir, and hon. Members, that list has 29 employees, 19 directly under the Governor's office and 10 under the Deputy Governor's office. Surprisingly, by a letter dated 6<sup>th</sup> October, 2023, that is the following day. The first letter is dated 5<sup>th</sup> October, 2023; the second letter is dated 6<sup>th</sup> October, 2023, but delivered on 5<sup>th</sup>, December, 2023. That is after the impeachment Motion.

The first letter appearing on 5<sup>th</sup> October, but was sent to the chief of staff on 17<sup>th</sup> October, when it is received. The second letter appearing on page 175 of the same bundle of documents is dated 6<sup>th</sup> October, 2023 and received on 5<sup>th</sup>, December, 2023.

Page 175, volume 1B of the Governor's bundle of documents, this letter, the board has appointed Mr. Gitobu Tunu Gatweri as an Administrative Officer to replace Hellen Bahati Matilu who left service. She will be placed in the Deputy Governor's office. This is, therefore, to give you authority to load her into the payroll.

**Mr. Edger Busiega:** What was the response to that?

**Mr. Dickson Munene Nkanata:** Mr. Speaker, Sir, and hon. Members, by a letter dated 15<sup>th</sup> December, 2023 appearing on page 173, volume 1B of these documents, the chief of staff responds on authority to load in the payroll and indicates that-

“It has been brought to our attention that by a letter detained 6<sup>th</sup> October, you have ordered the chief officer in charge of public service management to loan a certain Gitobu Tunu Gatweri whom you have apparently appointed as an Administrative Officer, employee under the office of the governor.”

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This is a protest letter and on page 174, the letter runs to page 174 of specific importance before this hon. Assembly, Mr. Speaker, and the hon. Members, is that the chief of staff says-

“Be reminded also that solely the Governor's previously and including in the recent impeachment proceedings, both the branch of allegations of bloated workforce under the office of the governor and is not willing to preside over further appointments and overloading of the payroll as suggested by your latest communication.”

In the same memo, she is saying that-

“Be advised that there is an administrative office at the deputy governor's office who was deployed and has been there from 23<sup>rd</sup> February, 2023.”

So, the Governor is resisting any addition. Thank you.

**Mr. Edger Busiega:** Thank you, Mr. Mena. I think you have been clear beyond par adventure.

Mr. Speaker, sir, I will close there in chief. You wait for questions, Mr. Munene.

**The Speaker** (Hon. Kingi): Counsel for the County Assembly---

**Mr. Edger Busiega:** Mr. Speaker, Sir, the witness seems to have one more issue to clarify as Counsel.

**The Speaker** (Hon. Kingi): Very well, you can proceed.

**Mr. Dickson Munene Nkanata:** Mr. Speaker, Sir, and hon. Members, there is also an allegation that has been raised on the issue that the Governor has been accused of abuse of office for paying Mr. Kiambi Manyara full salary while still in remand.

I am aware that the County Public Service Board (CPSB) pursuant to Section 59(1) (c) of the County Governments Act is the one mandated with the powers. The CPSB has the disciplinary powers. When it comes to the issue of interdiction of an employee, it is the role of the CPSB to do the interdiction on disciplinary matters.

At times, the CPSB delegates its disciplinary powers through some authorised officers. I am aware that the governor is not an authorised officer within the meaning of Section 86 of the County Governments Act. It cannot be said that she failed to interdict an employee as required by the law.

**Mr. Edgar Busiega:** Thank you, Mr. Munene.

**Mr. Mwangi Ndegwa:** Mr. Speaker, Sir, for the record, my name is Mwangi Ndegwa. I will take about 10 minutes to cross-examine.

Bw. Dickson.

**Mr. Dickson Munene Nkanata:** Yes, Sir.

**Mr. Mwangi Ndegwa:** How are you, Bw. Dickson?

**Mr. Dickson Munene Nkanata:** I am fine, thank you.

**Mr. Mwangi Ndegwa:** I want to refer you to your affidavit at page 24 of your documents; specifically paragraph three of your affidavit. You deponed the issue of revocation of the appointment, correct?

**Mr. Dickson Munene Nkanata:** Yes.

**Mr. Mwangi Ndegwa:** Do you dispute that, Ms. Miriti was appointed?

**Mr. Dickson Munene Nkanata:** No, I do not.

**Mr. Mwangi Ndegwa:** You have also deponed that the appointment was not legal. You have also deponed the issue of revocation of the appointment, correct?

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**Mr. Dickson Munene Nkanata:** Correct.

**Mr. Mwangi Ndegwa:** It is your evidence that the revocation was pursuant to the legal advice?

**Mr. Dickson Munene Nkanata:** Correct.

**Mr. Mwangi Ndegwa:** You are on record that the legal advice was done both by yourself and the alleged legal advisor?

**Mr. Dickson Munene Nkanata:** Correct.

**Mr. Mwangi Ndegwa:** Have you brought to this Senate an original copy of that legal advice?

**Mr. Dickson Munene Nkanata:** No.

**Mr. Mwangi Ndegwa:** Do you have a certified copy?

**Mr. Dickson Munene Nkanata:** No.

**Mr. Mwangi Ndegwa:** I want to take you to that legal advice, Bw. Munene. Hon. Members, the legal advice is on page 11 of volume IB of the Governor's bundle of documents. In that legal opinion on page 11 of Volume 1B of the governor's response marked as KM5, do we have someone signing off that legal advice? Who is the author of that document on page 12?

**Mr. Dickson Munene Nkanata:** It indicates legal advisor.

**Mr. Mwangi Ndegwa:** Do you have it reflecting the name?

**Mr. Dickson Munene Nkanata:** No, it does not reflect the name.

**Mr. Mwangi Ndegwa:** It does not reflect the name of either the alleged legal advisor or your own name, does it?

**Mr. Dickson Munene Nkanata:** It does not.

**Mr. Mwangi Ndegwa:** Hon. Senators, I want to move with you to the affidavit of Linda Gakii Kiome that was filed yesterday afternoon before this Senate. I hope we all have that affidavit. It is a stand alone affidavit that was filed yesterday afternoon by Linda Gakii Kiome.

Mr. Munene, do you have that affidavit?

**Mr. Dickson Munene Nkanata:** No.

**Mr. Mwangi Ndegwa:** In that affidavit, there is an annexure.

**Mr. Dickson Munene Nkanata:** I do not have the affidavit.

**Mr. Mwangi Ndegwa:** I can supply you a copy. Look at the last annexure that was supplied by Linda Gakii Kiome; the notice of intention to terminate your contract. Do you have that copy, Mr. Munene?

**Mr. Dickson Munene Nkanata:** Yes, I am there.

**Mr. Mwangi Ndegwa:** Can you read the second sentence in the paragraph that starts with; "the reason for termination"?

**Mr. Dickson Munene Nkanata:** The reason for termination is due to your perennial unavailability to offer legal advice as and whenever the governor requires you.

**Mr. Mwangi Ndegwa:** The sentence preceding that.

**Mr. Dickson Munene Nkanata:** You have also deserted your obligation as a legal advisor to the Governor and instead concentrated on your schedule as a council member of the Law Society of Kenya (LSK) and also in the running of your law firm which you are the sole proprietor.

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**Mr. Mwangi Ndegwa:** Mr. Munene, stop at that. This is a notice of intention to terminate the contract of Linda Gakii Kiome, correct?

**Mr. Dickson Munene Nkanata:** Yes.

**Mr. Mwangi Ndegwa:** The reason for termination is perennial unavailability and desertion of work, correct?

**Mr. Dickson Munene Nkanata:** Correct.

**Mr. Mwangi Ndegwa:** What is the meaning of the word “perennial”? Is it not annually?

**Mr. Dickson Munene Nkanata:** It means many times.

**Mr. Mwangi Ndegwa:** What is the date of this letter?

**Mr. Dickson Munene Nkanata:** It is 26<sup>th</sup> March, 2024.

**Mr. Mwangi Ndegwa:** Proceed to the sentence that begins with the word; “When the governor”.

**Mr. Dickson Munene Nkanata:** It says-

“When the governor raised this concern over the same issue in December, 2023 and in an attempt to amicably resolve it, you intimated that due to the exigencies of your schedule, you contemplated resigning.”

**Mr. Mwangi Ndegwa:** In December which year?

**Mr. Dickson Munene Nkanata:** That is 2023.

**Mr. Mwangi Ndegwa:** That means that as at December, 2023, the governor already had issues with her legal advisor, one Linda Gakii Kiome, correct?

**Mr. Dickson Munene Nkanata:** It indicates so.

**Mr. Mwangi Ndegwa:** Is that not the inference?

**Mr. Dickson Munene Nkanata:** That is what it infers.

**Mr. Mwangi Ndegwa:** I want to take you to the date of the internal memo. When is the date of the internal memo?

**Mr. Dickson Munene Nkanata:** It is 23<sup>rd</sup> February, 2024.

**Mr. Mwangi Ndegwa:** A date coming after the Governor having issues with her legal advisor, correct?

**Mr. Dickson Munene Nkanata:** Correct.

**Mr. Mwangi Ndegwa:** A date coming after the governor having identified that her legal advisor has perennially deserted work, correct?

**Mr. Dickson Munene Nkanata:** Not correct.

**Mr. Mwangi Ndegwa:** Do you want me to take you back to the intention to terminate?

**Mr. Dickson Munene Nkanata:** Yes. The issue of perennial unavailability came up on 26<sup>th</sup> March, 2024.

**Mr. Mwangi Ndegwa:** Thank you. There is a paragraph that says-

“When the Governor raised this concern over the same issue. What issue was the governor raising in December, 2023 with her legal advisor? Is it not the issue of perennial unavailability and desertion of work?”

**Mr. Dickson Munene Nkanata:** It talks about exigencies of the schedule and contemplated--- Yes, it is.

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**Mr. Mwangi Ndegwa:** Is it not the issue of perennial unavailability and desertion as of December 2023?

**Mr. Dickson Munene Nkanata:** Yes.

**Mr. Mwangi Ndegwa:** The Governor had problems with her legal advisor for being unavailable at work.

**Mr. Dickson Munene Nkanata:** Yes.

**Mr. Mwangi Ndegwa:** Yet on 23<sup>rd</sup> February, 2024, the legal advisor is in a capacity to advise the governor. Is that correct?

**Mr. Dickson Munene Nkanata:** Yes, it is correct.

**Mr. Mwangi Ndegwa:** If we are to look at the veracity and legality of that opinion, Mr. Munene, which you have admitted that you did indeed give or issue, as an advocate, what is the legality of that opinion in light of Section 58(5) of the County Governments Act? Can I take you there, kindly?

**Mr. Dickson Munene Nkanata:** Yes, sure.

**Mr. Mwangi Ndegwa:** Section 58(5) is to be found on pages 50 and 51 in our volume III of the County Assembly bundle. Section 58 is about composition of the CPSB. Mr. Munene, can you kindly read Section 58(5) of the County Governments Act?

**Mr. Dickson Munene Nkanata:** I am not there yet. Can I be assisted with a copy?

**Mr. Mwangi Ndegwa:** Kindly.

**Mr. Dickson Munene Nkanata:** Thank you.

**Mr. Mwangi Ndegwa:** Page 51.

**Mr. Dickson Munene Nkanata:** Yes.

**Mr. Mwangi Ndegwa:** Can you kindly read?

**Mr. Dickson Munene Nkanata:** The members of the board may only be removed from office –

(a) On grounds set out for the removal of members of a constitutional commission under Article 251(1) of the Constitution; and,

(b) By a vote of not less than 75 per cent of all Members of the County Assembly.

**Mr. Mwangi Ndegwa:** That is the process of removing a member of the board, correct?

**Mr. Dickson Munene Nkanata:** Yes, but not an ex-official member of the board.

**Mr. Mwangi Ndegwa:** Was Ms. Miriti not appointed to the board?

**Mr. Dickson Munene Nkanata:** She was an ex-official member of the board.

**Mr. Mwangi Ndegwa:** Yes or no. Is she not a secretary?

**Mr. Dickson Munene Nkanata:** She is a secretary.

**Mr. Mwangi Ndegwa:** Does this fly on the face?

*(A scream was heard from the Public Gallery)*

**The Speaker** (Hon. Kingi): Serjeant-at-Arms, is everything okay?

**Mr. Mwangi Ndegwa:** I hope my time was paused, Mr. Speaker, Sir. Mr. Munene, it is your evidence that---

**The Speaker** (Hon. Kingi): Just hold on, counsel.

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**Mr. Mwangi Ndegwa:** Sorry, Mr. Speaker, Sir.

*(Loud consultations)*

*(The person screaming was escorted out of the Chamber)*

**The Speaker** (Hon. Kingi): Counsel, you may proceed.

**Mr. Mwangi Ndegwa:** Thank you, Mr. Speaker, Sir. Mr. Munene, it is your evidence that the secretary is an ex-official member.

**Mr. Dickson Munene Nkanata:** Yes, Mr. Speaker, Sir.

**Mr. Mwangi Ndegwa:** Can you kindly look at page 50 of the same volume three bundle of the County Assembly, Section 58 (1) on the composition of the board? Are you there?

**Mr. Dickson Munene Nkanata:** Yes, I am there.

**Mr. Mwangi Ndegwa:** What is the composition of the board?

**Mr. Dickson Munene Nkanata:** The CPSB shall comprise a chairperson appointed in accordance with section 58 (a)---

**Mr. Mwangi Ndegwa:** Go to section 58, subsection 1(c).

**Mr. Dickson Munene Nkanata:** I am on Section 58. It says-  
“At least three, but not more than five members appointed in accordance with section 58 (a). A certified public secretary.”

**Mr. Mwangi Ndegwa:** Is a certified public secretary a member of the board?

**Mr. Dickson Munene Nkanata:** An ex-official member.

**Mr. Mwangi Ndegwa:** She is a member of the---

**Mr. Dickson Munene Nkanata:** An ex-official member.

**Mr. Mwangi Ndegwa:** Where is the issue of ex-official on section 58 (1) (c)? Constrain yourself to that Section. Is a secretary a member of the board? Yes or no?

**Mr. Dickson Munene Nkanata:** Yes.

**Mr. Mwangi Ndegwa:** In respect of Section 58 (5), is the procedure depicted under Section 58(5), the procedure for removal of the secretary? Correct?

**Mr. Dickson Munene Nkanata:** It is for the members of the board?

**Mr. Mwangi Ndegwa:** And the secretary, correct?

**Mr. Dickson Munene Nkanata:** Article 251 (1)---

**Mr. Mwangi Ndegwa:** No, Mr. Munene. Section 58 (5), the members of the board may only be removed from office pursuant to section 58(5), correct?

**Mr. Dickson Munene Nkanata:** Yes and Article 251---

**Mr. Mwangi Ndegwa:** Is that correct? Yes or no?

**Mr. Dickson Munene Nkanata:** Correct.

**Mr. Mwangi Ndegwa:** In respect to the legal opinion, does that legal opinion that you claim to have given not fly on the face of Section 58(5) and Article 251? Yes or no?

**Mr. Dickson Munene Nkanata:** No.

**Mr. Mwangi Ndegwa:** Mr. Munene, I take you to the question of boards. At paragraph six of your affidavit, you have deponed that the letter by the county secretary

dated 18<sup>th</sup> June, 2023 was forwarded to the County Assembly in the name of Japhet Ndome, correct?

**Mr. Dickson Munene Nkanata:** Correct.

**Mr. Mwangi Ndegwa:** Were you copied in those letters?

**Mr. Dickson Munene Nkanata:** Take me to the letter. I will confirm whether I was copied or not.

**Mr. Mwangi Ndegwa:** Hon. Senators, the said letters are to be found at volume 1B of the Governor's---

*(Loud consultations)*

**The Speaker** (Hon. Kingi): Order, Hon. Senators. There is a lot of loud consultations. Kindly, let us hear the witness in silence.

**Mr. Mwangi Ndegwa:** It is at volume 1B of the Governor's bundle. It is marked as KM9A on page 53. Are you copied in that letter dated 18<sup>th</sup> June?

**Mr. Dickson Munene Nkanata:** I am not copied in that letter.

**Mr. Mwangi Ndegwa:** How did you become aware?

**Mr. Dickson Munene Nkanata:** By virtue of my position as a County Executive Committee Member (CECM).

**Mr. Mwangi Ndegwa:** How did you become aware? Were you copied?

**Mr. Dickson Munene Nkanata:** I am not copied in the letter.

**Mr. Mwangi Ndegwa:** How did you become aware of the information?

**Mr. Dickson Munene Nkanata:** By virtue of my position in the County Executive Committee.

**Mr. Mwangi Ndegwa:** Who informed you?

**Mr. Dickson Munene Nkanata:** The County Secretary.

**Mr. Mwangi Ndegwa:** Is he testifying in this Senate today?

**Mr. Dickson Munene Nkanata:** No.

**Mr. Mwangi Ndegwa:** There was a response that you responded to the various requests by the County Assembly, particularly the letter by the clerk seeking clarification on the missing information. That letter is to be found on page 60 of the Governor's bundle. It is marked as KM9H. It was received 21<sup>st</sup> July, 2023. It is a letter by the office of the clerk. Mr. Munene, I kindly refer you to the last paragraph of that letter.

**Mr. Dickson Munene Nkanata:** Yes.

**Mr. Mwangi Ndegwa:** Can you kindly read the last paragraph on page 60 of Volume 1B of the governor's bundle?

**Mr. Dickson Munene Nkanata:** It says-

“Kindly, also feel free to provide any other additional information regarding the nominations that may facilitate the County Assembly to effectively discharge its mandate. We look forward to your response and clarifications.”

**Mr. Mwangi Ndegwa:** Read the preceding paragraph. “We are therefore---

**Mr. Dickson Munene:** It reads-

“We are, therefore, kindly asking for more information/clarification regarding the availability/existence of vacancies in the offices within which the nominations are being

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made in order to facilitate their transmission to the County Assembly for consideration. This will enable the County Assembly to---”

**Mr. Mwangi Ndegwa:** Stop there, Bw. Munene. Did you ever forward a response in terms of providing the necessary information as required by the clerk? Yes or no?

**Mr. Dickson Munene Nkanata:** Yes.

**Mr. Mwangi Ndegwa:** Where is the evidence? Kindly, take us to the evidence quickly.

**Mr. Dickson Munene Nkanata:** It is in volume 1B of the Governor's bundle of documents on page 54.

**Mr. Mwangi Ndegwa:** Did you provide the evidence on the further and better particulars as sought in terms of further information?

**Mr. Dickson Munene Nkanata:** It is talking of “clarifications.” It is providing for a clarification.

**Mr. Mwangi Ndegwa:** Let me take you to our bundle. Were you not appointing members of the board to non-existent positions or positions that have already been filled up?

**Mr. Dickson Munene Nkanata:** No.

**Mr. Mwangi Ndegwa:** Hon. Members, we are referring to volume II of the County Assembly response on page 52. Bw. Munene, can you kindly read out that gazette notice number and the content of the gazette notice?

**Mr. Dickson Munene Nkanata:** It is Gazette Notice No. 538. It is notified for public information that the Governor of the County Government of Meru has extended the period of appointment of the Meru County Revenue Board contained in Gazette Notice No. 5202 of 2017 for a period of three years with effect from 15<sup>th</sup> December, 2020.

**Mr. Mwangi Ndegwa:** Is that not an extension of the office bearers then?

**Mr. Dickson Munene Nkanata:** Yes, it is, as at 6<sup>th</sup> December, 2020. The Gazette Notice is dated 6<sup>th</sup> December, 2020.

**Mr. Mwangi Ndegwa:** It is dated 15<sup>th</sup> November, 2020.

**Mr. Dickson Munene Nkanata:** It says that the extension will be with effect from 15<sup>th</sup> December, 2020.

**Mr. Mwangi Ndegwa:** When was the extension to expire?

**Mr. Dickson Munene Nkanata:** On 14<sup>th</sup> December, 2023.

**Mr. Mwangi Ndegwa:** In your letter in the Governor’s bundle, on page 54, when you read that against the letter by the office of the Clerk on page 60, it says-

“We are, therefore, kindly asking for more information and clarification regarding the availability existence of vacancies in the office within which the nominations are being made.”

Is that so? Was the Clerk asking for information as to which office the members were being nominated to?

**Mr. Dickson Munene Nkanata:** Yes, to clarification.

**Mr. Mwangi Ndegwa:** As at 1<sup>st</sup> July, 2023?

**Mr. Dickson Munene Nkanata:** Yes.

**Mr. Mwangi Ndegwa:** That is what you responded vide your letter dated 18<sup>th</sup> September, 2023.

**Mr. Dickson Munene Nkanata:** Yes.

**Mr. Mwangi Ndegwa:** Did you supply information as to which office you are nominating those members.

**Mr. Dickson Munene Nkanata:** It is not information, but clarification.

**Mr. Mwangi Ndegwa:** Yes or no? Did you clarify that the office was already having office bearers?

**Mr. Dickson Munene Nkanata:** Yes.

**Mr. Mwangi Ndegwa:** Were these office bearers in office on 18<sup>th</sup> September, 2023?

**Mr. Dickson Munene Nkanata:** Yes.

**Mr. Mwangi Ndegwa:** To which office were you nominating members?

**Mr. Dickson Munene Nkanata:** The nominees of the County Revenue Board are made in anticipation of their lapse of their term on 14<sup>th</sup> December, 2023. That is the clarification.

**Mr. Mwangi Ndegwa:** Mr. Speaker, Sir, I yield my few minutes to my colleague, Mr. Mawira.

**Mr. Boniface Mwereru Mawira:** Mr. Munene, the letters appearing on pages 54 to 56, you must be aware that the County Assembly contends that those documents are outright forgeries. Correct?

**Mr. Dickson Munene Nkanata:** Yes.

**Mr. Boniface Mwereru Mawira:** This allegation was brought out yesterday and the Clerk was here. Have you sought the leave of the Speaker or attempted to bring the delivery note of these three letters that you say you are aware they were received by the office of the Clerk?

**Mr. Dickson Munene Nkanata:** No.

**Mr. Boniface Mwereru Mawira:** You have not made such an attempt?

**Mr. Dickson Munene Nkanata:** We have not made any attempt

**Mr. Boniface Mwereru Mawira:** I do not purport to be a forensic expert or a document examiner, but is it a coincidence that these three letters in different years, were stamped on the same place? Different months, different years? Just look at the letterhead of those three letters?

**Mr. Dickson Munene Nkanata:** They are stamped on different pages.

**Mr. Boniface Mwereru Mawira:** Stamped yes, but same place.

**Mr. Dickson Munene Nkanata:** It is not the same.

**Mr. Boniface Mwereru Mawira:** I will leave the hon. Senators to draw their own conclusion. You said that there was a requirement that the County Assembly tabled and adopted a resolution with respect to the petition that had been made by members of the public. Is that your position? Was there a requirement in law that a resolution be passed by the County Assembly for the removal of those officers, the chief of staff and the County Secretary, pursuant to that public petition?

**Mr. Dickson Munene Nkanata:** The requirement is that the report is tabled back to the County Assembly.

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**Mr. Boniface Mwereru Mawira:** Is there a requirement because you say there is a requirement that a resolution should be passed by the County Assembly after debate. Is there such a requirement in law?

**Mr. Dickson Munene Nkanata:** The letter makes reference to resolutions of the Assembly, not of the committee.

**Mr. Boniface Mwereru Mawira:** Let me refer you to that report, volume II of the Assembly's documents, the exhibit is in support of the impeachment Motion. On page 140 of Volume II at paragraph 5.2, you will see the committee's recommendations. Are those the Assembly's or the committee's recommendations?

**Mr. Dickson Munene Nkanata:** They are committee's recommendations.

**Mr. Boniface Mwereru Mawira:** What is recommendation No.2? That the governor do dismiss the county secretary and chief of staff?

**Mr. Dickson Munene Nkanata:** Yes.

**Mr. Boniface Mwereru Mawira:** I will refer you to volume IV of the County Assembly's documents on page 295, the Standing Orders. On committal of petitions, I will read it out and you will tell me whether you agree with it-

"Every petition presented or reported pursuant to this part shall stand committed to the relevant sectoral committee. Whenever a petition is committed to a sectoral committee, the committee shall not in more than 60 calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the table of the Assembly and no debate in relation to the report shall be allowed, but the Speaker in exceptional circumstances, allow comments or observations in relation to the petitions for not more than 20 minutes."

Do you still maintain the position that there needed to be a debate and a resolution passed by the County Assembly in light of this Standing Order on the public petition that was passed by the County Assembly?

**Mr. Dickson Munene Nkanata:** You did not get me clearly. I said that the resolution of the Assembly you are making reference to is in existence. We do not have in the bundle of your documents resolutions of the County Assembly adopting that report. That is your allegation.

**Mr. Boniface Mwereru Mawira:** Mr. Munene, I will refer you to the first paragraph. Kindly read the first and second paragraph.

**Mr. Dickson Munene Nkanata:** Reference is made to the above mentioned subject matter. On Wednesday, 13<sup>th</sup> December, 2023, during the afternoon sitting, the Joint Committee on Labour, Public Service and Social Welfare and the Committee on Justice, Legal Affairs and Cohesion presented and laid their response to Petition No.5 of 2023 by way of a report of their findings on the alleged gross violations of the Constitution of Kenya, 2010 and other statutory laws by various County Executive Committee Members (CECMs) and Chief Officers (Cos) within the County Government of Meru to the Assembly

**Mr. Boniface Mwereru Mawira:** Mr. Munene, what is irregular about this communication by the Clerk to the petitioners because that report was laid on the Floor?

**Mr. Dickson Munene Nkanata:** The allegation here is on the County Secretary and Chief of Staff. This paragraph I have read does not even mention the County Secretary or the Chief of Staff. It is talking about CECMs.

**Mr. Boniface Mwereru Mawira:** Fair enough. The heading is a response to Petition No.5 of 2023, correct?

**Mr. Dickson Munene Nkanata:** Let me read.

**Mr. Boniface Mawira:** It is Petition No.5 of 2023, correct Mr. Munene?

**Mr. Dickson Munene Nkanata:** Mine is not clear.

**Mr. Boniface Mwereru Mawira:** Mr. Speaker, Sir, I think the witness is now filibustering. I leave it at that.

**The Speaker (Hon. Kingi):** He just said his copy is not clear, therefore, he cannot read it. Just provide him with a clear copy, and we conclude this.

**Mr. Boniface Mwereru Mawira:** Very well. On my copy, it is Petition No. 5 of 2023. Can you see that?

**Mr. Dickson Munene Nkanata:** Yes.

**Mr. Boniface Mwereru Mawira:** Mr. Munene, to the best of your knowledge, is that the petition that was presented by 1611 members of the public?

**Mr. Dickson Munene Nkanata:** Sorry?

**Mr. Boniface Mwereru Mawira:** To the best of your knowledge, Mr. Munene is that the Petition that was presented by 1611 members of the public concerning all these officers including COs, and CECMs?

**Mr. Dickson Munene Nkanata:** Yes, it is.

**Mr. Boniface Mwereru Mawira:** The County Secretary as well?

**Mr. Dickson Munene Nkanata:** Unless I confirm.

**Mr. Boniface Mwereru Mawira:** Unless you confirm?

**Mr. Dickson Munene Nkanata:** Yes.

**Mr. Boniface Mwereru Mawira:** I leave it at that, Mr. Speaker, Sir.

**Mr. Ndegwa Njiru:** Mr. Munene, I will be very brief with you. Kindly confirm that before your admission as an Advocate, you underwent rigorous training in the Advocate's Training Program, correct?

**Mr. Dickson Munene Nkanata:** I confirm.

**Mr. Ndegwa Njiru:** During that training, you must have interacted with a topic called Legal Drafting.

**Mr. Dickson Munene Nkanata:** Legal drafting?

**Mr. Ndegwa Njiru:** You must have been trained in legal drafting, correct or not correct?

**Mr. Dickson Munene Nkanata:** Correct.

**Mr. Ndegwa Njiru:** As such, I refer you to the questioned opinion by Advocate Linda. In that drafting, you are taught how to do legal documents, correct or not correct?

**Mr. Dickson Munene Nkanata:** Correct.

**Mr. Ndegwa Njiru:** For example, you are taught how to draft a letter, yes?

**Mr. Dickson Munene Nkanata:** Yes.

**Mr. Ndegwa Njiru:** Including any other legal correspondence, correct?

**Mr. Dickson Munene Nkanata:** Yes.

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**Mr. Ndegwa Njiru:** You are told the characters that must appear on any legal document, yes?

**Mr. Dickson Munene Nkanata:** Not all.

**Mr. Ndegwa Njiru:** You are taught the characters that must appear on any legal document, yes, or no?

**Mr. Dickson Munene Nkanata:** Yes.

**Mr. Ndegwa Njiru:** As such, in any legal document, there must be an identification of the person drafting that document, yes?

**Mr. Dickson Munene Nkanata:** Yes.

**Mr. Ndegwa Njiru:** Kindly look at that document.

**Mr. Dickson Munene Nkanata:** I am on it.

**Mr. Ndegwa Njiru:** Does it bear the person drafting it?

**Mr. Dickson Munene Nkanata:** Yes.

**Mr. Ndegwa Njiru:** Look at where the signature is purportedly embossed or placed. Does it bear the person drafting it?

**Mr. Dickson Munene Nkanata:** Yes, legal advisor.

**Mr. Ndegwa Njiru:** No. What is the name of the person who drafted that document?

**Mr. Dickson Munene Nkanata:** The name is not there, but the title is.

**Mr. Ndegwa Njiru:** That is not there, correct?

**Mr. Dickson Munene Nkanata:** Yes.

**Mr. Ndegwa Njiru:** That is what you were taught in law school, yes?

**Mr. Dickson Munene Nkanata:** Yes.

**Mr. Ndegwa Njiru:** Thank you. Let me finally ask you one more question. You communicated to the Senate that you also act as a legal advisor, correct?

**Mr. Dickson Munene Nkanata:** Sorry?

**Mr. Ndegwa Njiru:** You said that you advised the governor in conjunction with Linda on how to deal with that issue of the CEO, correct?

**Mr. Dickson Munene Nkanata:** Yes.

**Mr. Ndegwa Njiru:** That you acted as a legal advisor, correct?

**Mr. Dickson Munene Nkanata:** Yes.

**Mr. Ndegwa Njiru:** What is your job description?

**Mr. Dickson Munene Nkanata:** To advise the governor.

**Mr. Ndegwa Njiru:** What is your constitutional job description? Are you a legal advisor or are you a CECM?

**Mr. Dickson Munene Nkanata:** I am a CECM

**Mr. Ndegwa Njiru:** Who also doubles up as a legal advisor, correct?

**Mr. Dickson Munene Nkanata:** That is part of my---

**Mr. Ndegwa Njiru:** I am asking, who also doubles up?

**Mr. Dickson Munene Nkanata:** Yes.

**Mr. Ndegwa Njiru:** So, you have two job descriptions, correct?

**Mr. Dickson Munene Nkanata:** Part of my job description---

**Mr. Ndegwa Njiru:** You have two job descriptions, correct?

**Mr. Dickson Munene Nkanata:** Part of my job description---

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- Mr. Ndegwa Njiru:** You have two job descriptions, Mr. Munene?
- Mr. Dickson Munene Nkanata:** No.
- Mr. Ndegwa Njiru:** You are aware that there was a Transition Authority that was constituted that was to oversee the transition from the local governments to the county government, correct?
- Mr. Dickson Munene Nkanata:** I am aware.
- Mr. Ndegwa Njiru:** During that time of trying to formulate the county government, they issued a *communiqué* dated 16th of September 2013, correct?
- Mr. Dickson Munene Nkanata:** Correct.
- Mr. Ndegwa Njiru:** That document creates the offices that work under the governors' office, yes?
- Mr. Dickson Munene Nkanata:** Yes.
- Mr. Ndegwa Njiru:** You, as a CECM, are part of what is contemplated, yes?
- Mr. Dickson Munene Nkanata:** No. CECM is in the County Government Act. It is not in the Transition Authority.
- Mr. Ndegwa Njiru:** Hon. Senators, I am looking at page 180 of that document, yes? Volume II, Page 180. Mr. Munene?
- Mr. Dickson Munene Nkanata:** Yes.
- Mr. Ndegwa Njiru:** Can you see where there is a provision for a legal advisor?
- Mr. Dickson Munene Nkanata:** Yes.
- Mr. Ndegwa Njiru:** Are you the legal advisor to the governor?
- Mr. Dickson Munene Nkanata:** No.
- Mr. Ndegwa Njiru:** Thank you. No further questions.
- The Speaker (Hon. Kingi):** County Assembly, are you done with your cross-examination?
- Mr. Bonface Mwereru Mawira:** Yes, Mr. Speaker, Sir.
- The Speaker (Hon. Kingi):** The counsel for the governor, you may re-examine your witness.
- Mr. Edgar Busiega:** Mr. Munene, I have a few questions for you, just for clarification. Counsel for the Assembly's starting point was the governor's legal advisor.
- Mr. Dickson Munene Nkanata:** Yes.
- Mr. Edgar Busiega:** How many advisors does the governor have?
- Mr. Dickson Munene Nkanata:** Three; we have a political advisor, an economic advisor, and a legal advisor.
- Mr. Edgar Busiega:** Mr. Munene, are you among the legal advisors?
- Mr. Dickson Munene Nkanata:** No.
- Mr. Edgar Busiega:** You have been shown the legal advisory through an internal memo that was issued by the legal advisor. To you, is that in contention?
- Mr. Dickson Munene Nkanata:** It is not.
- Mr. Edgar Busiega:** As a legal practitioner, was it necessary for the name to be indicated?
- Mr. Dickson Munene Nkanata:** Not necessary. It is an internal memo. It is legal advice, not a legal opinion, as I noted.

**Mr. Edgar Busiega:** Thank you. Is there an active matter in court between the said Linda Kiome and the governor?

**Mr. Dickson Munene Nkanata:** There is.

**Mr. Edgar Busiega:** Has that matter been determined yet?

**Mr. Dickson Munene Nkanata:** No, it is still active.

**Mr. Edgar Busiega:** Thank you. You were shown an affidavit by Linda Kiome. Do you have that affidavit with you?

**Mr. Dickson Munene Nkanata:** Yes, I do.

**Mr. Edgar Busiega:** When was the Notice of Intention to Terminate issued?

**Mr. Dickson Munene Nkanata:** It is dated 26<sup>th</sup> March, 2024.

**Mr. Edgar Busiega:** Was there a subsisting relationship as of December 2023, as a matter of fact?

**Mr. Dickson Munene Nkanata:** Yes, there was.

**Mr. Edgar Busiega:** Thank you. An insinuation or innuendo was passed that the advisor was unavailable completely. Are you in a position to confirm whether it was sporadic appearance or total shutdown/unavailability?

**Mr. Dickson Munene Nkanata:** Mr. Speaker, Sir, she was not totally unavailable. She was available, but there was a perennial absence that was noted.

**Mr. Edgar Busiega:** Thank you for that clarification. That will be all.

**Mr. Dickson Munene Nkanata:** She was still earning a salary, so she was still an employee of the governor. She earned a salary up until the date of the lapse of the notice. She was an employee until that 30<sup>th</sup> April, 2024 as a legal advisor.

**Mr. Edgar Busiega:** Thank you, Mr. Munene. That will be all for this witness.

**The Speaker (Hon. Kingi):** Hon. Senators, for those who wish to seek for clarification or pose questions to the witness, this is the moment.

Sen. Mumma proceed.

**Sen. Mumma:** Thank you, Mr. Speaker, Sir. I have some two or three questions to the witness. The first question relates to charge No.1. Is there a difference between revocation and dismissal or removal from office?

Question two, is the secretary or Chief Executive Officer (CEO) of the Meru County Public Service Board (CPSB) an *ex-officio* member or a voting member of that board?

Finally, is it the practice that I can be a CEO of an institution and at the same time a holder of an office in the same institution; so, I have taken leave of absence from being an officer in order to be a CEO in the same organization? Is that part of good governance practice in human resource?

I thank you.

**Mr. Dickson Munene Nkanata:** Thank you, Mr. Speaker, Sir, and Hon. Members. I will start with the question on revocation and dismissal. In my opinion, which I believe is the opinion of the law, revocation is different from dismissal. An appointment is made pursuant to certain conditional precedents of qualifications.

The moment the appointing authority realizes that those qualifications have not been met, they have that residual right to recall the appointment, which is technically a

revocation. It is recalling an appointment. Dismissal is pursuant to Section 41 of the Employment Act.

The other question on whether the secretary of the CPSB is an *ex-officio* member or a voting member; I confirm that the secretary does not have a voting right in the board.

As such, she is an *ex-officio* Member. Article 251(1) on their removal excludes *ex-officio* members. It says that a member other than an *ex-officio* member may be removed pursuant to that provision. The secretary of the CPSB is not immune to the provision of Section 58.

Lastly, it is not good governance practice for a person to take a position of a CEO and continue to be a public officer in the same institution. The court has rendered its opinion on that severally and it has indicated that you cannot freeze one position for six years, take another position, await the six years to lapse and come back and purport to continue in that previous position that you had taken.

**Sen. Wakili Sigei:** Thank you, Mr. Speaker, Sir. Mr. Munene, I derive my question from the two letters that you took us through in Volume 1B of the Governor's evidence appearing at pages 170 and 175.

The first letter is dated 5<sup>th</sup> October, 2023, received on the 12<sup>th</sup> October, 2023. The second, which is of interest to me, appears at page 175, dated 6<sup>th</sup> October, 2023, and received on 5<sup>th</sup> December, 2023.

In that second memo, there is a gentleman, Gitobu Tunu, who is appointed to replace Helen Bahati Matilu. Recalling your earlier letter, you indicated that the workforce within the office of the Governor and the Deputy Governor comprised 29 employees.

I cannot see the name of Helen Bahati Matilu in that list of 29 employees. Could you confirm that indeed that was the position, or the communication referred to a completely different person, not within the employee of the deputy governor's personnel?

**The Speaker** (Hon. Kingi): Witness, you may proceed to respond.

**Mr. Dickson Munene Nkanata:** Thank you, Mr. Speaker Sir, and Hon. Members. I confirm that Helen Bahati Matilu is the one that is being replaced. In the letter that appears at page 173, the last paragraph indicates that-

“Whereas no request for appointment of an administrative officer was made from myself as the Chief of Staff under the governor and deputy governor, be advised that there is an administrative officer at the deputy governor's office who was deployed and has been there from 23<sup>rd</sup> February, 2023.”

To put this in context, the appointment for the said Helen Bahati Matilu had been revoked for not having genuine academic certificates. After the revocation, an administrative officer was deployed to the office of the deputy governor. That is what it is confirming, that from 23<sup>rd</sup> February 2023, that administrative officer was in that office.

**Sen. Omogeni:** When I heard your introductions, you said you are the County Attorney?

**Mr. Dickson Munene Nkanata:** No.

**Sen. Omogeni:** He is the County Executive Committee Member (CECM)?

**The Speaker** (Hon. Kingi): Just put the record straight.

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**Mr. Dickson Munene Nkanata:** Thank you, Mr. Speaker, Sir. I am the CECM in charge of legal affairs, public service management and administration.

**Sen. Omogeni:** Okay, that is even better for me. There is an issue that has always caused problems for us. I just wanted to get clarification from you; the issue of public participation.

As a County Attorney, I wanted you to shed some light for us. When you do public participation, do you use your professional staff as a county or it is in order for Members of County Assembly (MCAs) to conduct public participation on their own and prepare minutes?

Maybe, you could refer to page 355 of volume five where minutes were taken and recorded by an MCA. I have also seen it on 340. It appears severally in the report that is before us. I want your comment on that.

Then number two; look at the same bundle from page 27 all through to page 70---

**Mr. Dickson Munene Nkanata:** Can I get the copy?

**Sen. Omogeni:** That is volume V. I am sure the lawyers will give you.

There are a number of photos---

**The Speaker** (Hon. Kingi): Sen. Omogeni, you had not more than two minutes. I will, under Standing Order No.1, give you one minute.

**Sen. Omogeni:** Have a look at those photos and just confirm to me whether the people who did the public participation are staff of the County Assembly or it was done by the members of the public.

Finally, I want you to respond to the issue that has been coming from courts. Public participation needs to be quantitative, qualitative and meaningful. If you go to page 463, the people who attended public participation are given as three; Page 467, three people; Page 468, nobody attended; Page 471, five people; Page 485, seven and Page 501, six.

As an attorney from the county government of Meru, what would be your comment with the documents that we have where the attendance is given as three or seven people? Is that the normal practice when you do public participation?

**Mr. Dickson Munene Nkanata:** Thank you, Mr. Speaker, Sir. Ordinarily, when it comes to the impeachment of a governor, public participation is carried out by the staff of the county assembly.

Although, under the county government, we have a directorate of public participation and civic education, which is at the county executive. I believe, probably because of perceived conflict, the County Assembly prefers to carry out public participation using their staff.

In my opinion and that of the law, there was a decision on public participation that was legalizing the Finance Act, 2023. It majorly dwelled on public participation being qualitative, quantitative. Also, there has to be a report to the parties or participants. They need to know the outcome of public participation.

There are a number of pages in the document that has been computed. You will find that there are few participants like one, two or three. Others, such as the document on page 468, appears that it has not been recorded as having any participants. I believe it

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is due to the exigencies of time within which the County Assembly has to process an impeachment Motion after it has been tabled.

They have to carry out public participation within seven days and also debate that Motion between seven to 10 days. So, in this particular case, public participation was allegedly carried out on the same day in the 45 wards. A notice that was given for that participation was a four-days' notice.

The reason why we have a very low turnout, I believe, partly is because of the short notice and those who decided to abstain did not support the Motion.

**The Speaker** (Hon. Kingi): Sen. Cherarkey, proceed.

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir. Mr. Witness, Nkanata Dixon Munene; in the Law Society of Kenya (LSK) portal, you have indicated that your workplace is Okubasu and Munene Advocates. Why is it so and yet you are a CECM appointed to serve in Meru County? Clarify that for me?

Secondly is the issue of the legal advisor. Yesterday, she contested that she did not sign the legal advice or the letter that was being purported to be tabled as amemo. In her submission, she said that she needed to brief you before briefing the governor as a legal advisor.

Number three; when you look at the letter by Transition Authority (TA), the governor has been given personal staff. In your affidavits, you have indicated that the governor has pushed to reduce the number of staff. However, a quick assessment in page 171 of volume 1B, the governor has four drivers, so I presume she has four vehicles and five support staff who are not indicated. Is this in line with the circular that was issued with by TA in your submission?

Finally, under the same letter, all correspondence and communication should be and must be through the County Secretary. Are you the County Secretary of Meru, the CECM or the legal advisor? Clarify that because you have witnessed in letters that have not even been copied to you as the CECM in charge of Legal Affairs.

I thank you.

**The Speaker** (Hon. Kingi): Witness, proceed to respond.

**Mr. Dickson Munene Nkanata:** Thank you, Mr. Speaker, Sir. I will start with the portal that indicates that I practice in the firm of Kubaso and Munene Advocates. That was my former workplace before I joined the County Executive. I need to follow up with the LSK to make the changes. I note that they have not changed that.

Two is on the issue of---

Sorry, I seem to have lost the trail of thought.

**The Speaker** (Hon. Kingi): You did not get the question?

**Mr. Dickson Munene Nkanata:** Sorry, Mr. Speaker, Sir. I did not get the other questions.

**The Speaker** (Hon. Kingi): Can you give him a foolscap and a pen so that we do not go back to it?

Sen. Cherarkey, just pose it again.

**Sen. Cherarkey:** Mr. Speaker, Sir, quickly, on page 171 of volume 1B, is a letter that has been part of evidence in the breakdown of the Governor's personal staff. There are four drivers, so I presume there are four vehicles and five staff whose job description

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has not been indicated. The question is; in your affidavit, you have indicated that the governor is trying to break down the wage bill.

The final question was; in the same letter by the TA, all communication and correspondence should and must be through the County Secretary. So, my question is, are you the CECM, the County Secretary or the legal advisor? Who are you in Meru County? It looks like you are the king of Meru and we do not know.

Thank you.

**Mr. Dickson Munene Nkanata:** Thank you, Mr. Speaker, Sir. Indeed, page 171, volume 1B of the Governor's document indicates that the governor has four designated drivers. I believe the Governor has three vehicles and there has to be a reliever. There is also the issue of the support staff that is as per the TA advisory, which talks of a few support staff.

On the issue as to whether I am the CECM, the County Secretary or the king of Meru County; I confirm that I am the CECM not a county secretary. There is a County Secretary by the name of Dr. Kiambi Atheru.

**The Speaker** (Hon. Kingi): Sen. Richard Onyonka, proceed.

**Sen. Onyonka:** Thank you, Mr. Speaker, Sir. I just needed clarity on the charge of illegally dismissing Dr. Ntoiti. I think you are aware of that case. That also includes Paul Mwaki, Kenneth Kimathi Mbae and Joseph Kithure.

Could you confirm to this House if, indeed, these officers were dismissed by the Governor? If so, what procedure did she use to dismiss them? Was there a legal procedure followed?

**Mr. Dickson Munene Nkanata:** Thank you, Mr. Speaker, Sir. I can confirm that the officers were not dismissed by the Governor. The dispute was that they were sent on compulsory leave by the former County Secretary. They disputed that letter sending them on compulsory leave and went to court. The court stayed the decision to send them on compulsory leave. They came back and served their term.

Some of them like Dr. Ntoiti resigned after the court stayed the decision to send them on compulsory leave. Another one did not resume. The other two served their contract term until it lapsed. There is no instance or incidence of dismissal. They were never dismissed.

**The Speaker** (Hon. Kingi): Proceed, Sen. Mutinda.

**Sen. Tabitha Mutinda:** Thank you, Mr. Speaker, Sir. In regards to the letter by the legal counsel, Madam Linda who was here yesterday, indicated that this letter is just fake. In her qualifications, she cannot put the composition of the wording.

I listened to you and at some point you acknowledged that the standard of this letter is not to the level of a qualified legal person. At this point, are you on the same page with Madam Linda that truly this letter looks or is fake?

Secondly, there have been issues that there are no appointees in positions, for example, the chair positions in different boards. In your County Acts, it is key and mandatory to have chairpersons who form the composition of any committee. What was your legal advice to the governor for example on the County Revenue Board, which does not have a chairperson to date?

**Mr. Dickson Munene Nkanata:** Thank you, Mr. Speaker, Sir and hon. Senators. On the letter by the legal advisor, let me make this categorical that I did not indicate the letter is fake. As to the advice given there, I do not see any mediocre or mediocrity in the legal advice given. This is advice given to a governor who does not have the background of legal knowledge. It is a simplistic letter made for the consumption of the governor.

On the appointment of the County Revenue Board Chairperson, the advice that I gave the governor is that Section 6 of the County Revenue Board Act requires that the governor appoints a chairperson upon the approval of the County Assembly and two other members. The same Act indicates that in the absence of a chairperson, one of the members or the vice chairperson will take over the role of the chairperson.

Indeed, the Governor forwarded three names for the chairperson and two members to the County Assembly for approval. The delay in the approval persisted and the chairperson and two other members had served their term up to 14<sup>th</sup> December when it lapsed.

I advised the Governor that since the law does not strictly require the approval of these two members by the County Assembly, she can proceed and appoint the two members and leave the position of the chairperson vacant until it has been approved by the Assembly.

These two members together with the Chief Executive Officer (CEO) and the Chief Officer of Finance will constitute the revenue board. That way the board will run without any issues.

**The Speaker** (Hon. Kingi): Thank you. Proceed, Sen. Wambua.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir. I have followed submissions by Munene and the other witnesses. There is a very simple way of settling conflict on this legal advice. I would like the witness to submit to the House, who has custody of the original copy of the legal advice.

**The Speaker** (Hon. Kingi): Witness, proceed.

**Mr. Dickson Munene Nkanata:** Thank you, Mr. Speaker, Sir. We can endeavour to get the original copy from the office of the governor. I believe it is with the private secretary.

**The Speaker** (Hon. Kingi): Mr. Munene, you know we have to conclude this hearing by today. You knew that there was a lot of contention that was surrounding this particular piece of legal advice.

In the morning, the County Assembly counsel made an application that the original copy be produced. I ruled that it shall be handled when the team of the governor gets to the space where they will want to rely on that particular legal advice. If that legal advice is still your evidence, then it must be looked at by the hon. Senators before we close, so that we can conclude this debate as to whether it is fake or not.

**Mr. Dickson Munene Nkanata:** Thank you, Mr. Speaker, Sir. I believe that the legal team for the Governor has heard.

**The Speaker** (Hon. Kingi): In the absence of the original copy, each side will settle for their own opinion.

**Mr. Dickson Munene Nkanata:** Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Yes, Sen. Wambua.

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**Sen. Wambua:** Mr. Speaker, Sir, I do not want to guide you on this, but I would request that you give that as a directive. At a point that is appointed by you, the advice should be made available to us to help us make a decision.

**The Speaker** (Hon. Kingi): I will not direct the team of the Governor on how best to present their case. If you feel withholding the original makes your case stronger, so be it. If you feel producing the original makes your case stronger, so be it. It is within your powers.

**Mr. Ndegwa Njiru:** Mr. Speaker, Sir, I am humbly guided by your directions and the discretion for the defense team to avail or not avail. However, I was making a humble request that in the event the same is availed, grant the County Assembly to recall that particular witness for the purpose of identification of the document.

**The Speaker** (Hon. Kingi): Very well. Proceed, Sen. Mungatana.

**Sen. Mungatana, MGH:** Mr. Speaker, Sir, I am asking the witness this question again. The witness, Linda, explained clearly to the House that she was requested or directed by the Governor to work with you.

Now, from my understanding, the reason I am seeking you to clarify is because working with the Minister in that department means that she was technically working under you. Can you clarify to us whether, when this legal advice was written, it was cleared by you? Were you aware of it before it left the department to go to the governor? Please clear that for us, because it might help us to know the authenticity of this letter.

**Mr. Dickson Munene Nkanata:** Thank you, Mr. Speaker, Sir. I was aware of this legal advice when it was sent to the governor. We discussed about this issue.

Indeed, we used to work together as a team. We used to discuss issues together, especially on legal issues. We could consult with the legal advisor, severally. Most of the time when there was a legal issue that needed to be addressed; we would work together.

I can confirm that when this legal advice was dispatched to the Governor, I was aware.

**The Speaker** (Hon. Kingi): Hon. Senators, due to the time factor, we will terminate this witness at that.

The team of the Governor, do you still have more witnesses that you want to call? You may now proceed to call the next witness.

**Mr. Elias Mutuma:** Thank you, Mr. Speaker, Sir. Our next witness is Evans Mawira.

**The Speaker** (Hon. Kingi): Clerk, how many minutes do we have for the team of the governor, so that they can prepare themselves accordingly on how to manage that time?

*(The Clerk-at-the-Table consulted with the Speaker)*

The Governor's team, you have one hour and 25 minutes, not just for this witness, but for all the remaining witnesses while the County Assembly, you have 32 minutes to do your cross-examination on the remaining witnesses.

Sen. Cherarkey, please proceed.

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**Sen. Cherarkey:** Mr. Speaker, Sir, I seek your indulgence and guidance, under one minute. When CPA Ibrahim Mutwiri Kirimi, who was the County Executive Committee Member (CECM) of Finance and Economic Planning appeared, I asked a clarification question on his standing at the Institute of Certified Public Accountants of Kenya (ICPAK), where the membership number was 10955, and membership status is active, and status is not in good standing. However, in his submission, mark you, under Oaths and Statutory Declaration Act (Cap15), under Section 11, when you do not follow the oath that you have given, the law is punishable at that.

Mr. Speaker, Sir, I have gone ahead and obtained from the ICPAK website, and I want to table to the house, and for the information to indicate that CPA Kirimi Ibrahim W. Mutwiri was not honest by saying that he is in good standing, yet from the ICPAK website it says he is not in good standing.

Mr. Speaker, Sir, I beg to table, and maybe---

**The Speaker** (Hon. Kingi): Senator for Nandi, I am afraid I may not allow you to table that document, unless you get it certified by ICPAK.

**Sen. Cherarkey:** Okay.

**The Speaker** (Hon. Kingi): You have just sought clarification from the witness who has just been stood down, and from the website, it still indicates that he is an associate or a partner in a law firm, whereas indicated that he left a while ago, but it is only that the information had not been updated.

So, unless we get a certified copy of a document from ICPAK, indicating that particular information, I am afraid I will not allow you to table that document.

*(Sen. Cherarkey spoke off record)*

You know what to do, so you do not need to seek my permission.

**Sen. Omogeni:** Mr. Speaker, Sir, these are *quasi*-judicial proceedings. This is a professional who is being condemned without being given a chance to say his side of the story.

This document would have been introduced and given to the witness when he was on the witness box. If we now produce and table it, it becomes a public document without his side of the story, we would have condemned him unheard.

**The Speaker** (Hon. Kingi): Well, if it was certified, I would not mind recalling the witness, so that he has a chance to also explain his side, but downloading from the website is not good enough.

Counsel, you may proceed with your witness.

*(The Witness for the Meru County Governor (Hon. Evans Mawira Kaaria) was ushered into the Chamber)*

*(The Witness for the Meru County Governor (Hon. Evans Mawira Kaaria) took the Oath)*

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**Mr. Elias Mutuma:** Thank you, Mr. Witness. Confirm your full names and the position you hold within Meru County.

**Hon. Evans Mawira Kaaria:** As I have stated, my name is Evans Mawira Kaaria. I represent a ward called Mitunguu Ward, in South Imenti, Meru County. I am also a second-term serving Member of County Assembly (MCA), and I am the immediate former Leader of Majority of the County Assembly of Meru, of the United Democratic Alliance (UDA) Party in the Assembly.

I was also the Mover of the last impeachment Motion that was prosecuted in this Hon. Senate, where it was deemed that all the accounts were unsubstantiated.

**Mr. Elias Mutuma:** Thank you, Mr. Witness. You have sworn an affidavit that you have produced before the Senate. Confirm that it is the one appearing at page 36 of volume I of the Governor's response. Confirm that that is your affidavit.

**Hon. Evans Mawira Kaaria:** I do confirm.

**Mr. Elias Mutuma:** Attached to your affidavit is also authority to swear, where several Members of the County Assembly of Meru have given you authority to plead and swear this affidavit on their behalf. Can you confirm that?

**Hon. Evans Mawira Kaaria:** I do confirm that 17 Members are given the authority to plead on their behalf.

**Mr. Elias Mutuma:** Hon. Senators, that document appears on the last page, just after page 50. It is not paginated, but it should be page 51. Just after page 50, there is authority to swear that has been attached to the affidavit.

Confirm that you have the authority of all these Members of County Assembly to stand here and offer evidence on their behalf, and if that is the case, why do you have that authority?

**Hon. Evans Mawira Kaaria:** I confirm that members who have appended their signatures have given me the authority. This is because, it is a large number that could not appear here in the Senate to testify or be witnesses.

**Mr. Elias Mutuma:** Thank you. You have also alluded to the fact that you were the Mover of the previous Motion for impeachment against the Governor of Meru. Confirm that that is the Motion that has been attached to volume II of the Governor's response.

**Hon. Evans Mawira Kaaria:** I do confirm.

**Mr. Elias Mutuma:** We sat here yesterday, Mr. Witness, and watched the Mover of the current Motion, Zipporah Kinya. Do you know of her relationship with the previous Motion for impeachment, and what kind of relationship is there?

**Hon. Evans Mawira Kaaria:** Yes, I know Hon. Zipporah Kinya, the Mover of the present Motion well. She played a key role in drafting the previous Motion and collecting evidence. She also sat down in the small team that finally came up with the Motion that was brought in the previous impeachment Motion in the Senate.

Hon. Zipporah Kinya also took the position of the Deputy Majority Leader due to the fact that once I decided to support the Governor, I was removed from that position.

**Mr. Elias Mutuma:** We are heading there, Mr. Witness. For now, confirm that indeed you took the Motion for impeachment last year from the Mover of the Motion. That it was indeed her Motion, but you took it from her.

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Is that the position?

**Hon. Evans Mawira Kaaria:** Mr. Speaker, Sir, I did not take the Motion from her. After a small team sat down, it was decided that the Motion be Moved by the Leader of Majority then. That is how it became my Motion.

**Mr. Elias Mutuma:** So, it is your evidence then that the instructions to move the impeachment Motion last year was a party position?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Elias Mutuma:** By party position, what party are you referring to and at what level?

**Hon. Evans Mawira Kaaria:** The UDA Party and the leadership at the county level. Before we moved that Motion, the then Secretary General of the UDA Party had called and told me that was not to be prosecuted as the position of the UDA Party, but the leadership at the county level insisted that it was a UDA Party affair at the county level.

**Mr. Elias Mutuma:** The Governor was here last year and she is here again this year. Her defence has always been that she is being targeted by the political leadership of Meru County.

Having participated in the impeachment process last year and now participating in this process again, but on her side, would you care to shed light on whether you are aware of any political influence from the political leadership of Meru, and if so, what kind of influence is there?

**Hon. Evans Mawira Kaaria:** That is the position. Maybe, Mr. Speaker, Sir, you can allow me to give a little narration of how we came up with the second Impeachment Motion.

After political leaders in Meru felt that the Governor had gone rogue, MCAs were mobilized based on party lines. The first party to do that was the UDA Party. I was called by the UDA county coordinator for a meeting.

In that meeting which I attended with the County Assembly Majority Whip of the UDA Party, we met with the Chairperson of MPs caucus, one Hon. Rindikiri, who is also a UDA member and Sen. Kathuri Murungi, who is the Senator for Meru County.

We made a decision that we had to communicate to other UDA members that it was the position of the party at that moment that we had to withdraw all the support for the Governor within and without the County Assembly, and that we were to introduce a new impeachment Motion by calling all MCAs who belonged to the UDA Party. We communicated the same and issued a press conference to that effect.

Other parties followed suit. They included Jubilee Party, the National Ordinary People Empowerment Union (NOPEU) Party, the Bus Party, and the Democratic Party of Kenya (DP). All the County Assembly parties issued the same directive that Members were to support the impeachment of the governor that we brought to this Senate in the last impeachment Motion.

**Mr. Elias Mutuma Kaaria:** Thank you. Kindly give us the composition of party membership within the Meru County Assembly. How many Members are there from each of the political parties?

**Hon. Evans Mawira Kaaria:** Meru County Assembly is comprised of 69 Members; that is 45 elected and 24 nominated Members. The largest party is the UDA

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Party with a small margin of the majority at 21. The minority is the Bus Party with 20 Members. The Jubilee Party has got 11 Members. We also have PNU, NOPEU, DP and independent Members.

**Mr. Elias Mutuma:** Is it your testimony that all these political parties were united in the quest to remove the Governor of Meru County?

**Hon. Evans Mawira Kaaria:** That is true.

**Mr. Elias Mutuma:** We also watched the Mover of the current impeachment Motion on television saying that it is the business of Meru County Assembly to impeach the Governor, and I was quick to translate the use of the word “business” into Kiswahili Language; “*biashara*”, connoting that there was monetary benefit by people who participate in the impeachment of the governor.

Are you aware of any monetary incentives by people who either support or reprimand for any person who does not support the Impeachment Motion?

**Hon. Evans Mawira Kaaria:** It is true that MCAs benefit financially during impeachment processes. Since I am under oath, it was during the first Impeachment Motion that was defeated in this Senate that there was no inducement.

During the second one, there was a lot of inducement. I believe there is a lot of inducement even for this one. Those who have not been in support of the impeachment Motion have severely suffered in the hands of the Assembly.

**Mr. Elias Mutuma:** Let us talk about the incentive that you are talking about. What nature are those incentives and where do they come from?

**Hon. Evans Mawira Kaaria:** For example, now that we are here for these proceedings, Members have been facilitated for more than five days to be in Nairobi where they draw *per diems* and Daily Subsistence Allowances (DSAs). I am also aware that during this process, Members were put in a common area where they were held---

**Mr. Elias Mutuma:** Before you proceed, Hon. Zipporah was here yesterday and I posed that question to her and she denied categorically that none of the MCAs of Meru is earning allowances for this process.

Are you saying that she lied and that you have received allowances during the last impeachment and you have received the same for this one?

**Hon. Evans Mawira Kaaria:** Yes, because we are facilitated by the County Assembly to be in Nairobi for around five days, where we received DSAs and *per diems*.

**Mr. Elias Mutuma:** How much do you receive as MCA whenever you appear at the Senate for impeachment proceedings?

**Hon. Evans Mawira Kaaria:** According to the circular by the Salaries and Remuneration Commission (SRC), whenever Members are out of a county headquarters, they draw Kshs14,000 as DSA. Even here in Nairobi, they draw Kshs14,000. They are also facilitated with transport from and back to Meru.

**Mr. Elias Mutuma:** Does the County Assembly facilitate all the 69 MCAs?

**Hon. Evans Mawira Kaaria:** Not always, unless there is a common course. That is when maybe---

**Mr. Elias Mutuma:** I am asking about the impeachment processes that you are aware of; that is the second and third which, was held last November and this one. Does the County Assembly facilitate all MCAs?

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**Hon. Evans Mawira Kaaria:** During the second impeachment, only Members who were in support are the ones who were facilitated. For this one, they sent messages to everybody indicating that we should be in Nairobi for the Senate proceedings for about five days.

**Mr. Elias Mutuma:** My understanding of the workings of county assemblies is that you are only entitled to allowances if you are out on official duties and for a specific purpose. Under what vote do you get these allowances?

**Hon. Evans Mawira Kaaria:** Sorry?

**Mr. Elias Mutuma:** Under what vote do you get these allowances?

**Hon. Evans Mawira Kaaria:** Domestic Travel. It is actually Domestic Travel and Accommodation.

**Mr. Elias Mutuma:** For all MCAs?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Elias Mutuma:** I want to refer you to page 382, volume II of the County Assembly's documents. Tell us the amount of expenses under Domestic Travel. Are you at page 382 of volume II of the County Assembly's documents?

**Hon. Evans Mawira Kaaria:** Yes, I am there.

**Mr. Elias Mutuma:** How much is indicated as having been utilised under Domestic Travel? Have you identified that? Perhaps we can move as we look for it at page 272 of volume 1B. Tell us; what was the Auditor-General's comment on the County Assembly's expense? I am at page 272 of Volume 1B. Are you able to see that?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Elias Mutuma:** Has the Auditor-General flagged impeachment as a project of the county?

**Hon. Evans Mawira Kaaria:** It is flagged as an activity of the County Assembly of Meru, Motions for the impeachment of the Governor of Meru County; two Motions for the two impeachment attempts.

**Mr. Elias Mutuma:** Would the Auditor-General flag a project if it had no monetary implication to the taxpayer?

**Hon. Evans Mawira Kaaria:** No, because it should marry the financial statement, so it indicates that there was some monetary implication in that activity.

**Mr. Elias Mutuma:** Have you now found page 382, volume two of the County Assembly? Tell us the expenses involved within the Meru County Assembly.

**Hon. Evans Mawira Kaaria:** The County Assembly spent Kshs35.50 million on committee sitting allowances for the 68 Members of County Assembly (MCAs) against an annual budget allocation of Kshs71.36 million. The average monthly sitting allowance was Kshs57,063,000 and the County Assembly has established 27 committees.

**Mr. Elias Mutuma:** Thank you. As I move to the next issue, confirm that each MCA that was in support of the Motion last year, walked away with at least Kshs80,000 as facilitation from the taxpayer and that they are likely to walk away with the same amount this year?

**Hon. Evans Mawira Kaaria:** That one I confirm, because the Daily Subsistence Allowance (DSA) paid was for five days and the transport allowance of Kshs10,000.

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**Mr. Elias Mutuma:** If we were to look at the 49 MCAs that are in support of this Motion, times Kshs80,000, that would be around Kshs4 million?

**Hon. Evans Mawira Kaaria:** Yes, on average.

**Mr. Elias Mutuma:** Let us proceed to the next issue. When we were in Senate last year, in November, you lost the impeachment Motion, correct?

**Hon. Evans Mawira Kaaria:** Yes. All the counts were not substantiated.

**Mr. Elias Mutuma:** Tell us what transpired immediately when you lost the Motion. Were there any reconciliatory efforts from your side? By your side I mean, the MCAs that were in support of the impeachment Motion. Were there any efforts to reconcile with the Governor and have a working relationship with her?

**Hon. Evans Mawira Kaaria:** There were none and immediately we lost the impeachment Motion, the following day we met in a hotel in Nairobi, where all the 59 Members and the Speaker of the Assembly who were in support of the impeachment Motion together with the deputy governor and hon. Mpuri Aburi came together. In that meeting, it was deliberated that Members should be taken for a retreat to freshen up and maybe relax.

**Mr. Elias Mutuma:** Do you recall the name of the hotel where you attended and you had this meeting?

**Hon. Evans Mawira Kaaria:** Yes, Sunstar Hotel in Nairobi.

**Mr. Elias Mutuma:** Sunstar Hotel in Nairobi?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Elias Mutuma:** You confirmed that meeting took place the following day after you lost the impeachment Motion?

**Hon. Evans Mawira Kaaria:** That is true.

**Mr. Elias Mutuma:** What were the resolutions of that meeting?

**Hon. Evans Mawira Kaaria:** I was just stating that it was agreed that the Assembly facilitates members for a retreat, for members to go and relax and freshen up maybe after the vigorous impeachment process that they had undertaken.

**Mr. Elias Mutuma:** The retreat was in addition to the Kshs80,000 that each of you had pocketed?

**Hon. Evans Mawira Kaaria:** No, it was a new retreat that members had ----

**Mr. Elias Mutuma:** I am saying it was in addition to what you had already pocketed.

**Hon. Evans Mawira Kaaria:** Yes, in addition to.

**Mr. Elias Mutuma:** Okay, proceed.

**Hon. Evans Mawira Kaaria:** We agreed that we will be facilitated for a whole week and we went to Mombasa for a whole week where we were facilitated along Committee lines. Therefore, members who had been de-whipped from Committees were not participants.

We did the Committee work for two days and for the rest of the days we sat down to organize and plan on how to sabotage the government, so that it does not work. That is the time when it was agreed that a Petition be introduced in the County Assembly to try and impeach---

**Mr. Elias Mutuma:** Mr. Mawira, you are using very strong terms here. Is it your evidence that the MCAs at taxpayers' expense went to Mombasa and planned on how to sabotage the Governor and you are saying that on oath?

**Hon. Evans Mawira Kaaria:** That is my evidence and I want to say to this Hon. Senate, that is when it was agreed that a petition be introduced in the County Assembly petitioning that all the County Executive Committee Members (CECMs) for the County Government of Meru, Chief Officer, the County Secretary and Chief of Staff be impeached, so that the government can be sabotaged and does not function because we had already lost the impeachment Motion.

**Mr. Elias Mutuma:** What Petition is that you are talking about and was that resolution ever acted upon, to the best of your knowledge?

**Hon. Evans Mawira Kaaria:** It was acted upon because immediately we went back to Meru, a Petition was brought to the Assembly, requesting that the County Assembly conduct an investigation on around seven CECMs, think three Chief Officer the County Secretary and the Chief of Staff.

That culminated to a report of the Joint Committee on Justice and Legal Affairs Committee (JLAC) recommending the impeachment or the removal from office of the County Secretary and the Chief of Staff and also give the MCAs freedom or they were at liberty to introduce impeachment Motions for three CECMs and that was tabled in the Assembly.

**Mr. Elias Mutuma:** I want you to look at pages 90 to 145 of the County Assembly's documents. That is page 92 of volume two of the County Assembly's documents.

Can you take us to the place where you now term as the evidence of the resolution that was arrived at in Mombasa of impeaching or rather sabotaging, in your own words, the governor's government by impeaching the CECMs? It is at page 90 of the county government's exhibits.

**Hon. Evans Mawira Kaaria:** This one is the exhibit for the governor.

**Mr. Elias Mutuma:** I will retrieve it shortly. As we retrieve that, confirm what transpired in actuation of that resolution.

**Hon. Evans Mawira Kaaria:** I confirm that the Petition was brought to the Assembly. It was committed to a Joint Committee of JLAC and also the Labor Committee. The resolutions or the recommendations of the Committee came back that, three CECMs ---

**Mr. Elias Mutuma:** Before we proceed, hon. Senators, I am referring to volume four of the County Assembly's bundle of documents at page 90 to 145.

Mr. Witness, when I look at that Petition, it is signed by the members of the public. What relationship is there between these members of public or petitioners and the MCAs?

**Hon. Evans Mawira Kaaria:** That is on page?

**Mr. Elias Mutuma:** Pages 90 to 145, volume IV.

**Hon. Evans Mawira Kaaria:** Yes, the Petition is signed by the members of the public, but in that meeting it was agreed that the MCAs look for friendly members of the public, who can introduce the Petition and one is a perennial Petitioner in the Assembly.

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He is Salesio Mutuma, who has signed that Petition and has introduced more than 20 or 30 Petitions in that Assembly.

**Mr. Elias Mutuma:** Is it your evidence, then, that these petitioners were procured by the MCAs for the purposes of appearing as if it was the public behind the impeachments?

**Hon. Evans Mawira Kaaria:** I have stated so.

**Mr. Elias Mutuma:** That is your evidence?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Elias Mutuma:** How soon after the first impeachment was that Petition brought before the Assembly?

**Hon. Evans Mawira Kaaria:** In less than a month.

**Mr. Elias Mutuma:** Was there any other resolution by the MCAs to frustrate Her Excellency's government and if so, in what way?

**Hon. Evans Mawira Kaaria:** It was also agreed that we have to support the Government through the budget making process. Members of the County Assembly (MCAs) agreed that they will do an itemised budget despite the fact that the County Government has always prepared an itemised budget. They also did an allocation to their respective wards at that point.

**Mr. Elias Mutuma:** I am having serious problems, Mr. Witness, to fathom that Members of the County Assembly (MCAs) would sit and scheme against the Executive. Are you sure of your evidence? Do you really want to go on record as a witness of events that really transpired?

**Hon. Evans Mawira Kaaria:** That is very true. Members were very bitter because, initially, they had been assured that the Governor of Meru County was going home.

**Mr. Elias Mutuma:** Who had assured them? You are talking of assurance.

**Hon. Evans Mawira Kaaria:** The political class of leaders, especially those at the national level that come from Meru County.

**Mr. Elias Mutuma:** I want you to say that again for record purposes. If you are capable, you can mention names of people you know were giving that kind of assurance.

**Hon. Evans Mawira Kaaria:** I am saying---

**Mr. Ndegwa Njiru:** Mr. Speaker, Sir, while I do not like objecting, perhaps it would be important that the witness limits himself to the evidence before the Senate, so that he does not open a Pandora's box and goes on a fishing expedition by mentioning names that will not be brought before you or us for cross-examination or examination. That line will greatly prejudice our case, unless we are assured that the names that shall be put on record will be made available for further examination. I am most obliged.

**Mr. Elias Mutuma:** Mr. Speaker, Sir, if I may respond to that issue. It is the Governor's case. That she is a victim of political witch-hunt by the political leadership in Meru County. Those facts have been alluded to in the affidavit of the witness. We have a next video evidence, which we will play. It is only fair for the Counsel to allow me conclude on that issue, unless I am touching on a live nerve that he is aware of.

**Mr. Ndegwa Njiru:** Mr. Speaker, Sir, you may allow me to respond.

**The Speaker (Hon. Kingi):** Counsel for the County Assembly.

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**Mr. Ndegwa Njiru:** Yes, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Just take your seat. Yesterday, I gave you some latitude because the Counsel for the Governor rose on a point of order on the same issue. However, I gave you latitude so that we run this smoothly. Kindly allow the Governor to present her case the best way she knows how. Having said that, Counsel for the Governor, do not veer so far from what is already before us by bringing very new material, which then will not enable the Counsel for the County Assembly to respond adequately.

Proceed.

**Mr. Elias Mutuma:** Thank you, Mr. Speaker, Sir. I will be pursuing that line shortly.

Mr. witness, it is your testimony that you had been assured that the Governor would indeed go home.

**Hon. Evans Mawira Kaaria:** Yes, Mr. Speaker, Sir. Immediately after the first Impeachment Motion came to this honourable Senate and all the charges were still unsubstantiated, we went back to Meru. The President of this country, His Excellency, Dr. William Samoei Ruto and the Deputy President initiated a reconciliation between the Assembly and the Executive. The team from the Meru County Assembly led by the Speaker and the team from the Meru County Executive led by the Governor, stayed at the office of the Deputy President for three days. We resolved all the matters that had brought us to the first impeachment Motion.

Therefore, when we went back to Meru from February, we had a cordial working relationship between the Executive and the Assembly. That is the time that the Assembly approved budgets for the School Feeding Programme, the One-Cow-One Family Programme and so many others. However, immediately the political class sat down and maybe felt that the governor had gone rogue, they started mobilising MCAs, insinuating to us that it was time to remove the Governor from the office.

Many MCAs were reluctant because initially they had a good working relationship with the Governor. However, we were mobilised along the political party lines. That is when we were assured that this time, the Governor of Meru County will not come back to Meru as the governor.

**Mr. Elias Mutuma:** Thank you. You have alluded to a meeting that took place at Mombasa and another meeting that was convened in Nanyuki after one month.

**Hon. Evans Mawira Kaaria:** Yes, Mr. Speaker, Sir.

**Mr. Elias Mutuma:** Kindly explain to us what transpired in Nanyuki. If you can remember, who attended that meeting, what was the agenda and what were the resolutions?

**Hon. Evans Mawira Kaaria:** Just before Christmas when the news for the famous blogger, Sniper, started circulating that he was missing, the MCAs were facilitated to go to Nanyuki for committee work. After finishing the Committee work, 59 members who had supported the impeachment process were left for a meeting, which was attended by all the Members of Parliament (MPs) from Meru County, the former Cabinet Secretary for Agriculture and Livestock Development, excluding the Senator only. All

the other political class was there. We were asked to remain united, so that the cause that we had just lost, be brought back at a later date by June, 2024 and surely win.

**Mr. Elias Mutuma:** What cause is this that you are being urged to continue pursuing?

**Hon. Evans Mawira Kaaria:** It was impeaching the Governor of Meru County.

**Mr. Elias Mutuma:** Did at any time the political class within Meru County preach peace, unity and you having a working relationship with the Governor of Meru County? Did they do that at any moment?

**Hon. Evans Mawira Kaaria:** At no point did anybody talk about reconciliation or peace.

**Mr. Elias Mutuma:** How was this meeting that took place in Nanyuki facilitated?

**Hon. Evans Mawira Kaaria:** It was facilitated by the Assembly through committees. After the meeting ended, we were given Kshs20,000 and told that it was for Christmas.

**Mr. Elias Mutuma:** Who gave you the Kshs20,000?

**Hon. Evans Mawira Kaaria:** The Speaker shared it among MCAs. Of course, it was from the political class that attended.

**Mr. Elias Mutuma:** By Speaker, you mean which speaker?

**Hon. Evans Mawira Kaaria:** The Speaker of the County Assembly of Meru.

**Mr. Elias Mutuma:** Yes, we are in a Senate, which has a Speaker.

**The Speaker (Hon. Kingi):** Certainly, it cannot be me, Counsel.

*(Laughter)*

**Mr. Elias Mutuma:** I wanted to drive that on record, Mr. Speaker, Sir. Thank you for that clarification. It was the Speaker of County Assembly of Meru.

**Hon. Evans Mawira Kaaria:** Yes, Mr. Speaker, Sir.

**Mr. Elias Mutuma:** Thank you. How many MCAs were in Nanyuki for the retreat?

**Hon. Evans Mawira Kaaria:** For the committee, all the 69 MCAs were there. However, the meeting had 59 MCAs only, who had supported the impeachment process for the Governor.

**Mr. Elias Mutuma:** So, each of the 59 MCAs got Kshs20,000 from the Speaker?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Elias Mutuma:** Might you know where that money had come from?

**Hon. Evans Mawira Kaaria:** It was not disclosed, but we were told it was a Christmas gift from the political leaders who were there at that time. I stated that all the Members of National Assembly from Meru County were there, in the exclusion of the Senator only. The Women Representative and the former Cabinet Secretary for Agriculture and Livestock Development was in that meeting.

**Mr. Elias Mutuma:** You are talking about the political leadership across the political divide, and not just one political party?

**Hon. Evans Mawira Kaaria:** Yes, across the political parties of the political divide.

**Mr. Elias Mutuma:** Were you given any timelines or specifics on how you would prosecute the resolution that had been arrived at?

**Hon. Evans Mawira Kaaria:** Of course, we gave all the plans we reached out in Mombasa, and then we were told to forge ahead with them. The impeachment process of the Governor was to be reintroduced on or around June, 2024.

**Mr. Elias Mutuma:** You have talked about other ways of frustrating Her Excellency's Government. What other ways were agreed upon, if any, on how you would frustrate the Governor of Meru County?

**Hon. Evans Mawira Kaaria:** The main agreement was to sabotage the Government of Meru County through the budget-making process, including the County Annual Development Plan (CADP) and the County Fiscal Strategy Paper (CFSP) going onwards. In addition to that, it was agreed that there were programmes that were being undertaken by the County Government of Meru that were making the Governor very popular on the ground and, therefore, had to be stopped. There was the school feeding programme for ECDE learners and the One-Cow-One-needy family programme that were being carried out by the County Government of Meru.

**Mr. Elias Mutuma:** Is it your evidence that MCAs schemed to have the ECDE school feeding programme scrapped for the sole purpose of sabotaging the Governor's governance within the County?

**Hon. Evans Mawira Kaaria:** Yes, and it indeed happened in the Assembly where the Committee on Agriculture tabled a report and declared that there was no policy for the One-Cow-One-needy family programme and it was halted. The school feeding programme was also halted by the same Assembly.

**Mr. Elias Mutuma:** Hon. Mawira, MCAs of the Meru County Assembly are public officers, paid by taxpayers. How does it make you feel that you are part of a scheme to frustrate the very *mwananchi* that has elected you to the public office, to the extent of scrapping the feeding of poor children, just for political gain? What does it also say about the County Assembly of Meru?

**Hon. Evans Mawira Kaaria:** It is very unfortunate and regrettable that public servants can sit down and try to sabotage the same *wananchi* who had voted for them. It also shows the level of desperation or the lows the County Assembly of Meru can go to so as to remove from office, Governor Kawira Mwangaza.

**Mr. Elias Mutuma:** Yesterday, there was a clip that was played here in the Senate and there was one vocal gentleman. The mover of the Motion said that gentleman is not a leader within the Meru County. Do you recall that?

**Hon. Evans Mawira Kaaria:** The clip can be played again.

**Mr. Elias Mutuma:** Can we watch VKM13? Mr. Speaker, Sir, we may need an interpreter of the Meru language on standby, with your indulgence.

**The Speaker** (Hon. Kingi): Serjeant-at-Arms, kindly usher in the translator.

**Mr. Elias Mutuma:** Let us watch VKM13.

*(A video clip was played)*

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The interpreter is here. We can proceed with the clip.

*(The Interpreter (Mr. Muthengi Mpara) was ushered into the Chamber)*

*(A video clip was played)*

**The Interpreter** (Mr. Muthengi Mpara): Mr. Speaker, Sir, my name is Muthengi Mpara. I am from the Mwago FM, KBC.

“We are begging you to support us. This time round, we do not want many stories. We want to be very simple. We will go to the Senate. Kathuri, I know you are there, our Senator, *tutaleta huyo mama huko*. This time round, *hata sisi mtatuona kama wamama. Akitoa kitambaa, tunatoa*. If she cries, we will also cry as women from the County.

We, as the County Assembly of Meru, are determined to help you at whatever cost. Some of us have even made a decision.”

**The Speaker** (Hon. Kingi): Just interpret the Kimeru part only. We understand Kiswahili and English.

**Mr. Elias Mutuma**: Much obliged, Mr. Speaker, Sir. We can proceed with the clip uninterrupted when it is in Kiswahili or English

*(A video clip was played)*

**The Interpreter** (Mr. Muthengi Mpara): Kindly, can we get back a little.

I can see that we have several hon. Members, like Hon. Munya and others. Kindly do not disrupt the process and do not take us round.

Please rewind the video clip a bit.

**The Speaker** (Hon. Kingi): Mr. interpreter, kindly be attentive, we are losing time.

**The Interpreter** (Mr. Muthengi Mpara): “Just prepare yourselves, it is you who will help us. Do not let us down. Considering we are men, we can sit down and talk like elders. Therefore, we have heard what you have said with our ears.”

**Mr. Elias Mutuma**: I request the translator to remain by with your permission, Mr. Speaker, Sir.

Hon. Mawira, kindly explain to us if you are aware of the venue of this meeting, who were in attendance and what was being said. Most importantly, who is the gentleman who spoke first?

**Hon. Evans Mawira Kaaria**: It was in a burial in a certain part of the Igembe region where majority of the MCAs who were supporting the impeachment process were there. There were also other leaders there, including the former Governor, Hon. Peter Munya and the then Cabinet Secretary for Agriculture, Hon. Mithika Linturi and our beloved Senator was also there.

The first gentleman who spoke is called Mwendia Muguna *alias* Alhaji who is the Secretary General for the *Mbus* Party for the County of Meru.

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**Mr. Elias Mutuma:** The mover of the Motion was here yesterday and said that gentleman, Alhaji, is not a leader of any political party in Meru. What would your evidence be?

**Hon. Evans Mawira Kaaria:** He is the Secretary General for the *Mbus* Party in Meru County. Previously, he served in the government of Governor Kiraitu as the Director of Events and in 2013, he was a nominated MCA by the *Mbus* Party in the County Assembly of Meru.

**Mr. Elias Mutuma:** Briefly, what transpired in that meeting, what were the resolutions and what were the pleas by the various speakers?

**Hon. Evans Mawira Kaaria:** The plea from the various speakers we have seen from that video was for the continuation of the removal of the Governor of Meru from office through impeachment.

**Mr. Elias Mutuma:** Did you get any response to the pleas from the people speaking?

**Hon. Evans Mawira Kaaria:** Yes, the MCAs and the crowd that was there applauded at those pleas.

**Mr. Elias Mutuma:** There is a certain lady in that clip whom we have just heard say that; we will go to the Senate and take that woman, and this time round, we will take a woman who will also cry. Who is that person uttering those words?

**Hon. Evans Mawira Kaaria:** That is a Member of the County Assembly (MCA) of Meru, nominated by the *Mbus* Party. She was indicating that because the Governor is a woman and maybe the Senate saves the Governor because of her gender, then the next impeachment process will be initiated by a woman, so that when they come to the Senate if the Governor sheds tears, she also shed tears for the Senate to sympathize with them.

**Mr. Elias Mutuma:** Is it then a surprise that this impeachment Motion was brought by a woman?

**Hon. Evans Mawira Kaaria:** It was not a surprise at all.

**Mr. Elias Mutuma:** Is it part of the scheme, or was it just a coincidence?

**Hon. Evans Mawira Kaaria:** It is part of the scheme and the machinations behind the impeachment of Governor Kawira Mwangaza.

**Mr. Elias Mutuma:** Let us watch ZKM-12 from the Governor's exhibit of videos.

*(A video clip was played)*

We can pause there and have the translator tell us what he has just said.

**The Interpreter** (Mr. Muthengi Mpara): "I am the Secretary-General for the Bus Party."

**Mr. Elias Mutuma:** So that gentleman introduces himself in the capacity that he holds. Is that so, Mr. Witness?

**Hon. Evans Mawira Kaaria:** Yes, that is true.

**Mr. Elias Mutuma:** Thank you. Let us proceed.

*(A video clip was played)*

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We can pause and have the translator.

**The Interpreter** (Mr. Muthengi Mpara): Finally, I am very excited now that Maua is not paying the cess or the tax.

*(A video clip was played)*

No one is going to pay anymore. Even those metals should be sold like scrap metals.

*(A video clip was played)*

Those metals over there should be sold like scrap metals.

*(A video clip was played)*

We are going to advertise. We are going to say that there is nowhere that tax will be collected anymore.

*(A video clip was played)*

We will never give out our money to be used for corruption in the Senate.

**Mr. Elias Mutuma:** Mr. Witness, you have confirmed that this gentleman is the Secretary General of the *Mbus* Party at the county level.

**Hon. Evans Mawira Kaaria:** In fact, he stated the same himself in that clip.

**Mr. Elias Mutuma:** Where was this event, what was taking place and who was in attendance, if you are aware?

**Hon. Evans Mawira Kaaria:** It was held at Kinoru Stadium in Meru during a requiem mass for the late Sniper. MCAs were present. Other leaders also from the National Assembly were present and members of the public.

**The Speaker** (Hon. Kingi): What is your intervention, Sen. M. Kajwang'? Certainly, it cannot be a point of order.

**Sen. M. Kajwang':** Mr. Speaker, Sir, there was an inconsistency between the verbal interpretation and whatever we saw written on the screen, particularly within that clip that relates to bribe of the Senate. The interpreter did not mention bribe, but the transcript on the screen mentioned bribe. Could that be made clear?

**The Speaker** (Hon. Kingi): Can you play that clip again? And Mr. Interpreter?

**The Interpreter** (Mr. Muthengi Mpara): Yes, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): You know the Meru language very well?

**The Interpreter** (Mr. Muthengi Mpara): Yes, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Then give us the true translation.

**The Interpreter** (Mr. Muthengi Mpara): Alright, thank you.

**Mr. Elias Mutuma:** You can play to the very end. The very end, I think the last few seconds.

*(The video clip was played)*

**The Interpreter** (Mr. Muthengi Mpara): I am very excited now that Maua is not paying cess or taxes to the government. We are not going to pay any more. Even those metals should be sold like scrap metals. Those metals over there should be sold like scrap metals. We are going to announce that there is nowhere that tax will be collected to give out our money to go and bribe the Senate.

**Mr. Elias Mutuma:** Thank you. We can pause there. I think for the sake of Sen. M. Kajwang,' that is now clear.

Mr. Witness, the---

**The Speaker** (Hon. Kingi): Is it now clear, Senator for Homa Bay? Did you get it?

**Sen. M. Kajwang':** In the first instance, the translator used the word to "corrupt" the Senate. In the second instance, he used the word to "bribe" the Senate. Perhaps, I will leave it to the Senators to confirm whether those are synonyms.

**The Speaker** (Hon. Kingi): You know, English and Meru sometimes can vary drastically.

**Mr. Elias Mutuma:** Indeed, I can confirm that. So, the gentleman is talking about selling some metals as scrap. What metals is he referring to?

**Hon. Evans Mawira Kaaria:** It is the cess fund which is used to collect revenue for the Meru County Government.

**Mr. Elias Mutuma:** So, he is inciting members of the public not to pay revenue and to even destroy public property.

**Hon. Evans Mawira Kaaria:** That is true.

**Mr. Elias Mutuma:** Why is he telling them to do that?

**Hon. Evans Mawira Kaaria:** He is alluding that the revenue collected by the County Government of Meru is used to bribe the Senate during impeachment processes.

**Mr. Elias Mutuma:** Thank you. Can we now watch VKM18 from the beginning?

*(A video clip was played)*

**The Interpreter** (Mr. Muthengi Mpara): The body of Sniper is over there. For the one who has cash--- Those who got that cash should bring to the bishop here. Bishop, can you stand? Get a place you can receive that cash. We should drop that cash over there.

**Mr. Elias Mutuma:** We can stop there for now. Mr. Witness, where was this event and who are the people that we have just watched in that video so far?

**Hon. Evans Mawira Kaaria:** Mr. Speaker, Sir, that was another requiem mass for the late Sniper held at Kinoru Stadium. The speakers who have already been shown in that clip are Hon. Rindikiri, Member of Parliament (MP) for Buuri Constituency. We have also seen another Hon. Member from Igembe Constituency and the Speaker of the Meru County Assembly.

**Mr. Elias Mutuma:** What role was the Speaker playing in this event?

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**Hon. Evans Mawira Kaaria:** Mr. Speaker, Sir, he is passing the microphone to one Alaji Mwendia Muguna. Therefore, I think he was the Master of Ceremonies (MC) of that event.

**Mr. Elias Mutuma:** We have seen something about *sadaka* for a Pay bill and some other forms. Kindly explain what you understood.

**Hon. Evans Mawira Kaaria:** Mr. Speaker, Sir, it was money being raised for the late Sniper's family. The Speaker is stating that money can be raised through the Pay bill number provided. He also states that whoever has cash can hand it over to the bishop for the same purpose.

**Mr. Elias Mutuma:** Was cash raised during the event to the best of your understanding; not through the Pay bill? Was cash raised because we see him giving bishop that task of collecting cash? Was there any cash?

**Hon. Evans Mawira Kaaria:** Of course, because it was in a public meeting, there ought to have been cash that was raised in that meeting.

**Mr. Elias Mutuma:** We have also heard utterances by one person directed to the Governor. Who is that individual?

**Hon. Evans Mawira Kaaria:** I did not capture that.

**Mr. Elias Mutuma:** There is an individual talking about the murder of Sniper and saying that they are going to light fire within Meru County.

**Hon. Evans Mawira Kaaria:** Yes, he is a political activist in Meru County.

**Mr. Elias Mutuma:** Thank you. Let us proceed and watch the remaining part of the video.

*(A video clip was played)*

*[The Speaker (Hon. Kingi) left the Chair]*

*[The Temporary Speaker (Sen. Mumma) in the Chair]*

**Mr. Elias Mutuma:** Thank you. I do not know whether you want to make any comments in respect to that video, but I felt that it is self-explanatory.

**Hon. Evans Mawira Kaaria:** I do not wish to comment because it is regrettable, and the words are self-explanatory.

**Mr. Elias Mutuma:** Mr. Mawira, kindly, in very few minutes, talk about the Governor's efforts. Thank you for the indication of time. Tell us any efforts that you are aware of that the Governor of Meru County made to reconcile with leaders, if any, and what role you played. The assumption has been that the Governor is a lone-ranger who does not work with any Member of County Assembly (MCA) and other political leaders within Meru County.

**Hon. Evans Mawira Kaaria:** Madam Temporary Speaker, in fact, immediately after the second impeachment failed in the Senate, the Governor went back to Meru County and made a clarion call that let all leaders come together and unite. She made a call for reconciliation and also asked for forgiveness if she had wronged any leader in

Meru. Thereafter, the Governor went ahead and stopped *Okolea* programmes, which had aggrieved MCAs.

She also tried to reach out to me, as the Leader of the Majority Party at that time. I heeded to the call and went and listened to her carefully. She told me the plans she had of inviting all the MCAs to come and work together with her.

At that moment, I asked her to give me time as the Leader of the Majority Party to go try to reach out to other Members, so that maybe she could organize a meeting with them and try to bring reconciliation.

After I left, I reached out to other MCAs, and they all, especially the leadership of the Assembly, declined to attend a meeting with the Governor. Once I communicated that message back to her, she asked me if she could make our efforts about reaching out, public and state that we had met and I agreed because I was convinced about her genuineness at that time.

She went ahead and made that remark that the Majority Leader of the Meru County Assembly had agreed to reconcile and work with her. Immediately thereafter, a meeting was convened by the Majority Whip of the County Assembly, together with the Speaker for the 59 members who were in support of the impeachment process.

During the meeting, I was tasked to explain if I was still for the cause of removing the Governor from office because of the statement that the Governor had made. If so, I should apologize to the members because I intended to maybe bring disunity or disarray to their cause.

At that point, I stood up and told them that a time had come for every MCA to be given freedom to exercise their democratic right of either to support Governor Kawira Mwangaza or to oppose her.

I walked out of that meeting because I declined to apologize or tell them if I was for that cause. Immediately after, a press conference was issued led by the Majority Whip, where they declared they had to do some alignments in the leadership positions of the County Assembly, so that the business of the Assembly would not be disrupted by leaders who had abandoned that cause.

Madam Temporary Speaker, at that point, because that was a press conference that was covered nationally, the then Secretary General (SG) of the United Democratic Alliance (UDA) party nationally, Hon. Cleophas Malala, wrote a letter to me and the Whip indicating that there should be no leadership changes in the positions of the Majority Party. He also invited us for a meeting that we attended in Nairobi City County.

During that meeting, majority of Members said that the problem of Meru County was the Majority Leader. It is at that point that I was removed as the Majority Leader of the Majority party in the County Assembly. Other changes were also made and the Deputy Majority Whip was also removed because we were all in support of the Governor of Meru County.

**Mr. Elias Mutuma:** Thank you.

Have you adduced any evidence to support that you involved your party leadership at the national level and that they gave a clear direction that was ignored?

**Hon. Evans Mawira Kaaria:** Yes, I have adduced evidence.

**Mr. Elias Mutuma:** Hon. Senators, I refer you to pages 470 of volume 1B of the Governor's Case, all the way to page 491. We can go all the way to page 500 indicating the complaints by the MCAs who are in support of the Governor and are being victimised for their move. For the sake of time, I will just leave the Senators to refer to those documents.

Mr. Mawira, what transpired after your removal from the County Assembly? Who took over your position?

**Hon. Evans Mawira Kaaria:** My position was taken by the Member who was formerly my deputy, while that of the Deputy was taken by the Mover of the current Motion, Hon. Zipporah. You remember, during the second impeachment Motion, the Governor had only 10 Members and when I was tasked to stay for the cause, I walked out and the other two Members followed me, so we became 13.

Immediately after the changes were made and communicated in the Assembly, the leadership of the County Assembly of Meru went further ahead and de-whipped the 13 of us from three key select committees, that is, the Committee on Budget and Appropriations, Public Accounts Committee and Implementation Committee.

Thereafter, every person of the 13 who held a leadership position in any of the Committees of the Assembly, was removed from those positions through a vote of no confidence. Therefore, members lost the chairmanship and vice chairmanship of committees. Also, those who served in the Speaker's Panel initially were removed. The Speaker's Panel was then expanded to 18 members, so that it can incorporate more members out of the 56, who are not earning any responsibility allowance in that Assembly.

**Mr. Elias Mutuma:** I want you to clarify that issue of expanding the Speaker's Panel. What was the initial number of members of the Speaker's Panel?

**Hon. Evans Mawira Kaaria:** The initial number that the Assembly had approved was 11 members. However, in our Standing Orders, the members of the Speaker's Panel should be five; that is, the Speaker, the Deputy Speaker and three other members. It was still expanded to 18 members so that it could take care of members who were not earning any responsibility allowance and were in opposition to the Governor.

**Mr. Elias Mutuma:** When you talk about the Speaker's Panel, what kind of allowances, if any, do they draw?

**Hon. Evans Mawira Kaaria:** Of course, when you serve in the Speaker's Panel, you draw some responsibility allowance and also benefit from training, capacity building, skills improvement and what have you.

**Mr. Elias Mutuma:** You said the maximum number of members allowed as per the Standing Orders is four?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Elias Mutuma:** How much money are we losing as taxpayers for the expanded Speaker's Panel in your estimation?

**Hon. Evans Mawira Kaaria:** In my estimation, every Member who serves in the Speaker's Panel draws around Kshs26,000 or Kshs27,000 every month as a responsibility allowance. They also have special meetings that they draw allowances from and, of

course, they do benefit from Daily Subsistence Allowances (DSAs) and *per diems* when they attend trainings and capacity-building workshops.

**Mr. Elias Mutuma:** Let us look at page 262 of volume 1B. There lies the report of the Auditor-General confirming, indeed, that 18 members of the County Assembly of Meru have been included in the Speaker's Panel for the purpose of drawing allowances. Are you able to see that?

**Hon. Evans Mawira Kaaria:** The one on that page was before the expansion of the Committee that was composed of 11 members.

**Mr. Elias Mutuma:** Yes, proceed.

**Hon. Evans Mawira Kaaria:** Later, it was expanded to 18 members and it is indeed true that they draw benefits from taxpayers' money.

**Mr. Elias Mutuma:** Thank you.

In your assessment, what does that communicate about the County Assembly of Meru?

**Hon. Evans Mawira Kaaria:** It clearly shows that the County Assembly, especially, the leadership was going to any length to make sure that no single MCA would support the Governor because of the victimisation, intimidation and, of course, the financial losses that that member was undergoing.

*[The Temporary Speaker (Sen. Mumma) left the Chair]*

*[The Temporary Speaker (Sen. Abdul Haji) in the Chair]*

**Mr. Elias Mutuma:** Thank you. For the sake of time, I want to conclude.

You have alleged that you were not able to exercise your oversight role at the County Assembly during the impeachment process. Is that the case? How many other Members of the County Assembly were not allowed to exercise their mandate?

**Hon. Evans Mawira Kaaria:** That is true because, in the first instance, we were denied entrance into the Chambers by strangers. Later, the Serjeant-at-Arms also---

**Mr. Elias Mutuma:** Can we watch Video VKM20?

*(A video clip was played)*

Pause there, thank you.

Could you explain to us what is happening and which day this was?

**Hon. Evans Mawira Kaaria:** That was the day when the impeachment Motion was being prosecuted. When the third impeachment Motion was introduced in the Assembly, 10 members out of the 56 who were left opposing the Governor felt that it was not right for us to continue with the in-fights between the Assembly and the Executive. They then joined the 13 of us who were in support of the Governor. However, three Members were intimidated and left the cause. So, we were left with a number of 20 members.

So, on that day when the impeachment Motion was being prosecuted in the Assembly, we came in as a team and there was an attempt to deny us entry to the

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Chambers, so that we could prosecute that Motion. Also, the process was rushed and most of us who were in support of the Governor, especially me, were denied a chance to contribute to that Motion.

**Mr. Elias Mutuma:** Thank you. Previously, through your video of VKM10, which we may not have time to play, you alleged that you were also excluded from crucial meetings of the county, where the MCAs were taken for retreats and other meetings and you are not involved.

**Mr. Dickson Munene Nkanata:** It is true? I wish that clip can be played.

**Mr. Elias Mutuma:** VKM10 kindly.

*(A video clip was played)*

We can have the translation quickly, so that you can understand.

**Mr. Elias Mutuma:** Kindly, can we play now? Restart.

*(A video clip was played)*

**The Interpreter** (Mr. Muthengi Mpara): Let us meet here as Meru Members of the County Assembly (MCAs) who support the Governor.

*(A video clip was played)*

--- because others went to Mombasa for 15 days---

*(A video clip was played)*

---and we were denied to go with them.

*(A video clip was played)*

They said they were going for a training---

*(A video clip was played)*

--- but we are having questions on the kind of training are they going to?

**Mr. Elias Mutuma:** Thank you, we can proceed to where the current witness is speaking for the sake of time.

*(A video clip was played)*

**The Interpreter** (Mr. Muthengi Mpara): We do not know how it was planned because if it was about all MCAs---

*(A video clip was played)*

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--- there are no MCAs who are of two sides.

*(A video clip was played)*

There is no difference between an MCA who was elected and the one nominated.

*(A video clip was played)*

They are all Meru MCAs.

*(A video clip was played)*

However, when we are trying to ask the County Clerk---

*(A video clip was played)*

--- he is saying that he was given instructions.

*(A video clip was played)*

After a kind of a discussion was done---

*(A video clip was played)*

---he was advised---

**Mr. Elias Mutuma:** You can stop there.

Mr. Witness, what had happened during this event?

**Hon. Evans Mawira Kaaria:** The 56 MCAs at that time who were in support of the opposition for the Governor had been facilitated for 15 days training in Mombasa. They were taken through the budget making process. The 13 of us were left out without a single explanation, simply because we were supporting the Governor of Meru.

**Mr. Elias Mutuma:** Is it your evidence that you have been punished and targeted for supporting the Governor?

**Hon. Evans Mawira Kaaria:** We have been punished, ridiculed, intimidated and threatened because we decided to support the Governor of Meru. That is true.

**Mr. Elias Mutuma:** Does the Governor have any working relationship with other groups within the County?

**Hon. Evans Mawira Kaaria:** Of course. It is true that she has a working relationship with other groups like religious leaders, women groups, factions of the Njuri Ncheke, among many other groups.

**Mr. Elias Mutuma:** Let us briefly watch VKM14.

**The Temporary Speaker** (Sen. Abdul Haji): Counsel, if I may interrupt you. You have less than 15 minutes and I see on the list that you still need to call three other

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witnesses, including the Governor. Will you be able to manage that within the 15 minutes?

**Mr. Elias Mutuma:** Thank you, Mr. Temporary Speaker, Sir. This is a very crucial witness for us. I will only take the next three minutes with him then we reserve the remaining minute for one more witness who is the Governor. We will drop the others.

**The Temporary Speaker** (Sen. Abdul Haji): Very well, proceed.

**Mr. Elias Mutuma:** Thank you.

Mr. Mawira, can we watch VKM14?

*(A video clip was played)*

We can proceed just for a few more minutes.

*(A video clip was played)*

We can now stop there.

We will play it shortly, but, Mr. Witness, tell us your summary of the charges that are before this Senate. You have time to go through the Motion of impeachment now and back then in 2023. What are the basis of these charges?

**Hon. Evans Mawira Kaaria:** Since I have been present in that Assembly since the first impeachment process, I would like to tell the hon. Senators that the impeachment process has been abused in the Assembly and has been weaponized to fight political fights. Whereas, we know that impeachment should be used sparingly, it should be a measure of the last resort whenever there are violations of the Constitution and other laws. Therefore, it is my humble submission that the Senate vindicate the Governor of Meru from the objectivity of the charges that are there. According to me, the charges are malicious and frivolous in nature.

**Mr. Elias Mutuma:** We have specific charges. One of the charges is employing a bloated workforce. Was that a charge that you brought before the Senate in the last impeachment?

**Hon. Evans Mawira Kaaria:** It was.

**Mr. Elias Mutuma:** You have a charge that accuses the Governor of dismissing certain employees of boards, one of them being Mr. Mwaki. Is that a charge that you brought and prosecuted before the Senate during the last motion?

**Hon. Evans Mawira Kaaria:** It was part of the Motion.

**Mr. Elias Mutuma:** There is a specific charge where the Governor is accused of misconduct by stating that Kshs86 million was raised in support of the burial of the blogger, Mr. Sniper. What would you say about that specific charge?

**Hon. Evans Mawira Kaaria:** Since I was privy to whatever was happening during the demise of blogger Muthiani, the Governor did not allude to a specific collection of money because there were several fundraisers that were held in support of that family.

**Mr. Elias Mutuma:** Are you aware of any other forms of fundraising that were done? Did you participate in any yourself?

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**Hon. Evans Mawira Kaaria:** Yes, I participated in the one that was conducted by MCAS, where initially each of the 59 Members who were then opposing the Governor contributed Kshs1,000. Later, we contributed Kshs10,000 each for the same. Additionally, other political leaders contributed to that course.

**Mr. Elias Mutuma:**By political leaders, who are you referring to and in your estimation how much money was raised? Sorry to ask this. What is the status of that kitty, if you are aware of, and how was it utilised?

**Hon. Evans Mawira Kaaria:** The one for the Assembly was utilised by conducting roadshows across Meru County. Other monies were used to hold prayers in various stadia such as Kinoru, Maua and others. By the time I left that group where the fundraising was being held, the remainder of the money had not been accounted for.

**Mr. Elias Mutuma:** So, when the Governor states that Kshs86 million might have been raised, is it anywhere near the truth, in your estimation, having participated in the fundraisers in various modes?

**Hon. Evans Mawira Kaaria:** It could be the truth.

**Mr. Elias Mutuma:** Thank you. I will rest this witness and hand him over to cross-examination.

**Mr. Ndegwa Njiru:** Mr. Temporary Speaker, Sir, we will be very brief with this witness.

Mr. Witness, do you confirm that you moved the Motion for impeachment last time?

**Hon. Evans Mawira Kaaria:** Yes, I confirm.

**Mr. Ndegwa Njiru:** Do you confirm that you live by the statements that you have indicated in your affidavit that you have testified to?

**Hon. Evans Mawira Kaaria:** Sorry?

**Mr. Ndegwa Njiru:** That you confirm and want to rely on the affidavit that you have filed?

**Hon. Evans Mawira Kaaria:** Yes, I confirm.

**Mr. Ndegwa Njiru:** That you remember on 7<sup>th</sup>November, 2023, you took the same stand and testified before this Assembly as a Mover, is that correct?

**Hon. Evans Mawira Kaaria:** Yes, I confirm.

**Mr. Ndegwa Njiru:** Do you remember a question was put to you on whether or not the impeachment then was politically instigated?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** Do you recall your answers?

**Hon. Evans Mawira Kaaria:** I may not recall the exact answer.

**Mr. Ndegwa Njiru:** I will give you the answer.

Hon. Temporary Speaker, Sir, I am referring to the HANSARD of this House, dated 7<sup>th</sup>November,2023. That is on page 53.

Mr. Muthomi Thiankolu was the lead counsel then, is that correct?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** Do you remember him putting this question to you and you answered in negative that it was not politically instigated? Do you remember? Do you recall or you do not, Mr. Witness?

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**Hon. Evans Mawira Kaaria:** I do not recall. Perhaps, you can read the answer for me.

**Mr. Ndegwa Njiru:** Do you remember Mr. Muthomi asking you whether it is true from the Governor's allegations, that the impeachment was politically instigated and you said it was not true? Have I now refreshed your memories?

**Hon. Evans Mawira Kaaria:** From the records, yes.

**Mr. Ndegwa Njiru:** Do you still want to hold that position?

**Hon. Evans Mawira Kaaria:** Of course, everything that was in that Motion was not substantiated---

**Mr. Ndegwa Njiru:** Excuse me, Mr. Witness. I want a "Yes" or "No" answer. Do you still hold that position or you want to run away from it?

**Hon. Evans Mawira Kaaria:** As at then, I held that position.

**Mr. Ndegwa Njiru:** What has now changed?

**Hon. Evans Mawira Kaaria:** So many things.

**Mr. Ndegwa Njiru:** One is that you are no longer the County Assembly Leader of Majority?

**Hon. Evans Mawira Kaaria:** No.

**Mr. Ndegwa Njiru:** Number?

**Hon. Evans Mawira Kaaria:** The Governor reached out and called for reconciliation. I did a lot of soul searching. I have consulted widely---

**Mr. Ndegwa Njiru:** It is okay. Do not answer questions that I have not put to you. You have testified at length how people were induced to bring that particular Motion, correct?

**Hon. Evans Mawira Kaaria:** Yes, and I have stated the facts.

**Mr. Ndegwa Njiru:** Is that the Motion that you brought on 7<sup>th</sup> November, 2023?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** Did you bring a Motion out of ulterior motives of being induced as at then?

**Hon. Evans Mawira Kaaria:** According to the circumstances then.

**Mr. Ndegwa Njiru:** Did you allow yourself to be induced?

**Hon. Evans Mawira Kaaria:** As per the circumstances then.

**Mr. Ndegwa Njiru:** So, on that day when you took the stand, on 7<sup>th</sup> November, 2023, you did not speak the truth of this Senate, but rather out of inducement. Is that correct?

**Hon. Evans Mawira Kaaria:** I am saying---

**Mr. Ndegwa Njiru:** Is that correct or not? I do not want a vague answer.

**Hon. Evans Mawira Kaaria:** That is not correct.

**Mr. Ndegwa Njiru:** From your evidence, were you induced at that particular time?

**Hon. Evans Mawira Kaaria:** I have narrated all the events that led to production of that Motion.

**Mr. Ndegwa Njiru:** One of the events, Mr. Witness, was that you were induced, correct?

**Hon. Evans Mawira Kaaria:** I did not say we were induced. I said we were mobilised according to party lines.

**Mr. Ndegwa Njiru:** How were you mobilised?

**Hon. Evans Mawira Kaaria:** I stated that we met as the leadership---

**Mr. Ndegwa Njiru:** For financial gains, including Kshs20,000 that you were given, is that correct?

**Hon. Evans Mawira Kaaria:** That was later, after the second impeachment.

**Mr. Ndegwa Njiru:** Do you remember the Christmas gift?

**Hon. Evans Mawira Kaaria:** That was after the second impeachment that failed in the Senate.

**Mr. Ndegwa Njiru:** Do you remember the Christmas gift?

**Hon. Evans Mawira Kaaria:** I am saying that was after the second impeachment that failed at the Senate.

**Mr. Ndegwa Njiru:** Did you receive a gift?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** For work well done?

**Hon. Evans Mawira Kaaria:** A Christmas gift for work well done? Christmas was coming.

**Mr. Ndegwa Njiru:** Mr. Witness, if you allowed yourself to be induced at that particular time to bring that impeachment Motion, how truthful is your statement today?

**Hon. Evans Mawira Kaaria:** I was not induced. I said we were mobilised on party lines.

**Mr. Ndegwa Njiru:** Which party do you belong to?

**Hon. Evans Mawira Kaaria:** The UDA Party.

**Mr. Ndegwa Njiru:** So, the UDA Party mobilised its MCAs to bring the Motion?

**Hon. Evans Mawira Kaaria:** The UDA Party at Meru County level mobilised the MCAs to introduce an impeachment Motion.

**Mr. Ndegwa Njiru:** Does that mean that the UDA Party is or was against the Governor?

**Hon. Evans Mawira Kaaria:** I stated in my statement---

**Mr. Ndegwa Njiru:** Does that mean at that particular time, the UDA Party was against the Governor?

**Hon. Evans Mawira Kaaria:** At the county level, yes. Nationally, the Secretary General had stated that that was not the party position.

**Mr. Ndegwa Njiru:** Which other party was against the Governor at that time?

**Hon. Evans Mawira Kaaria:** Parties that were mobilised. We had the *Mbus* Party, Party of National Unity (PNU), the Jubilee Party, and others.

**Mr. Ndegwa Njiru:** You spoke about receiving Kshs80,000, do you remember?

**Hon. Evans Mawira Kaaria:** That was facilitation to be in the Senate.

**Mr. Ndegwa Njiru:** Who gave these Kshs80,000?

**Hon. Evans Mawira Kaaria:** It was paid by the Assembly.

**Mr. Ndegwa Njiru:** Did you receive or partake of it?

**Hon. Evans Mawira Kaaria:** Yes, I received.

**Mr. Ndegwa Njiru:** Was it a motivation for you to appear?

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**Hon. Evans Mawira Kaaria:** It was facilitation to be in the Senate for the five days that we were here.

**Mr. Ndegwa Njiru:** Have you been facilitated today?

**Hon. Evans Mawira Kaaria:** I have said that we have received a message---

**Mr. Ndegwa Njiru:** Have you been facilitated today?

**Hon. Evans Mawira Kaaria:** Yes, we have been facilitated, but it has not yet been paid. However, it will be paid because we have received a message from the Clerk, saying that Members will be facilitated for five days to be in the Senate.

**Mr. Ndegwa Njiru:** That notwithstanding whether or not you appear for Governor Kawira as a witness or a witness for the Assembly?

**Hon. Evans Mawira Kaaria:** Witness for the Governor.

**Mr. Ndegwa Njiru:** The County Assembly has equally facilitated you, is that correct?

**Hon. Evans Mawira Kaaria:** I have received that message.

**Mr. Ndegwa Njiru:** That you will receive your *per diems* for participating?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** So, it was usual for the County Assembly to facilitate its Members?

**Hon. Evans Mawira Kaaria:** During the previous one, only 59 Members were facilitated.

**Mr. Ndegwa Njiru:** Since today you have received a message that you will receive facilitation, is it usual for the County Assembly to facilitate its Members?

**Hon. Evans Mawira Kaaria:** Yes, we have received the message.

**Mr. Ndegwa Njiru:** Therefore, the County Assembly considers its Members as equal, is that correct?

**Hon. Evans Mawira Kaaria:** No.

**Mr. Ndegwa Njiru:** Mr. Witness, I want to refer you to your affidavit. Before I do that, have you critically read the Motion before this Assembly for the impeachment of the Governor?

**Hon. Evans Mawira Kaaria:** I have gone through the Motion.

**Mr. Ndegwa Njiru:** Have you answered those allegations in your affidavit? If yes, kindly point to us the particular paragraph that answers to the allegations.

**Hon. Evans Mawira Kaaria:** The particular allegations?

**Mr. Ndegwa Njiru:** Excuse me. Just take your affidavit and lead the Senate to the particular paragraph that has responded to Issue No.1. Where have you responded?

**Hon. Evans Mawira Kaaria:** Just a minute. I have responded to the issue of money that was raised for the---

**Mr. Ndegwa Njiru:** Not the money that was raised. I am talking about the issue of illegal revocation. Where have you responded in your affidavit?

**Mr. Evans Mawira Kaaria:** Mr. Temporary Speaker, Sir, I have not responded to it in that affidavit.

**Mr. Ndegwa Njiru:** Have you responded to it in your affidavit?

**Hon. Evans Mawira Kaaria:** I have not responded to it in that affidavit.

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**Mr. Ndegwa Njiru:** You have not responded to it. Issue number two, where have you responded to it?

**Hon. Evans Mawira Kaaria:** I have stated---

**Mr. Ndegwa Njiru:** Do you know what issue number two is all about?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** Show us the particular paragraph that responds to those allegations.

**Hon. Evans Mawira Kaaria:** Mr. Temporary Speaker Sir, it is in paragraph 23

**Mr. Ndegwa Njiru:** Paragraph 23; read it out.

**Hon. Evans Mawira Kaaria-**

“That the Clerk of the Assembly, under the instructions of the Speaker, has been writing several letters to frustrate the approval of the Governor's nominees for the boards of various semi-autonomous government agencies. The Clerk has no role.”

**Mr. Ndegwa Njiru:** Do you have evidence in that respect?

**Hon. Evans Mawira Kaaria:** It is in the Governor's bundle.

**Mr. Ndegwa Njiru:** Were you aware of this frustration by the Clerk before you came to this Assembly?

**Hon. Evans Mawira Kaaria:** Yes, I was aware because when those----

**Mr. Ndegwa Njiru:** You were aware, thank you.

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** Did you take any actions to curtail these frustrations?

**Hon. Evans Mawira Kaaria:** Yes, I did.

**Mr. Ndegwa Njiru:** What did you do?

**Hon. Evans Mawira Kaaria:** When these letters came---

**Mr. Ndegwa Njiru:** Where is the evidence in your affidavit?

**Hon. Evans Mawira Kaaria:** It is not in the affidavit, but personally, I gave my opinion in a meeting---

**Mr. Ndegwa Njiru:** Mr. Witness, please, listen. I am not asking you to give us your opinion; you have given so many of them. So we do not want to entertain any further opinion. We want to go to the facts.

Where have you pleaded in your affidavit that you took actions against the Clerk for frustrating the works of the Governor?

**Hon. Evans Mawira Kaaria:** I did not take any action against the Clerk, but I have responded to Count No.2.

**Mr. Ndegwa Njiru:** Yes.

**Hon. Evans Mawira Kaaria:** I did not take any action, but in my affidavit, I have responded to that---

**Mr. Ndegwa Njiru:** Show us in your affidavit, where you have responded to issue number three. I put it to you that Paragraph 23 does not respond to the, to the allegations contained in the notice of Motion; issue number two.

**Hon. Evans Mawira Kaaria:** Sorry.

**Mr. Ndegwa Njiru:** I put it to you that paragraph 23 of your affidavit is not a response, and is not evidence that relates to the allegations of failing to appoint chairpersons.

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**Hon. Evans Mawira Kaaria:** I do not agree to that.

**Mr. Ndegwa Njiru:** Let us go to issue number three and point to us in your affidavit where you have responded to it.

**Hon. Evans Mawira Kaaria:** Mr. Temporary Speaker, Sir, I have not responded to issue number three.

**Mr. Ndegwa Njiru:** Thank you. Let us go to issue number four. Point us in your affidavit to you have responded to it.

**Hon. Evans Mawira Kaaria:** I have responded to it where I stated that I am aware that the count was initially in the previous impeachment Motions.

**Mr. Ndegwa Njiru:** Where in you, in your paragraph, and is the issue about dismissing or the issue of the expenditure of county money, the Governor dismissing individuals and making the county accrue unnecessary resources paid to the litigants.

**Mr. Ndegwa Njiru:** Did you understand?

**Hon. Evans Mawira Kaaria:** If I can read it, it is illegally dismissing and it is in bold.

**Mr. Ndegwa Njiru:** Yes.

**Hon. Evans Mawira Kaaria:** The words “illegally dismissing” are in bold, and then narration continues.

**Mr. Ndegwa Njiru:** As a consequence of?

**Hon. Evans Mawira Kaaria:** Illegally dismissing.

**Mr. Ndegwa Njiru:** As a consequence, thereof, what happened?

**Hon. Evans Mawira Kaaria:** A loss.

**Mr. Ndegwa Njiru:** A loss of how much?

**Hon. Evans Mawira Kaaria:** Kshs4 million.

**Mr. Ndegwa Njiru:** Where is that in your affidavit?

**Hon. Evans Mawira Kaaria:** I have said---

**Mr. Ndegwa Njiru:** Where is it in your affidavit?

**Hon. Evans Mawira Kaaria:** It is not in my affidavit.

**Mr. Ndegwa Njiru:** It is not in your affidavit?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** Let us go to Count No.2 on gross misconduct; “deliberately misleading the members of the public that in the burial of Mr. Sniper Kshs86 million was raised, correct?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** You are aware of those utterances, correct?

**Hon. Evans Mawira Kaaria:** Yes, I am aware.

**Mr. Ndegwa Njiru:** That the same were done by the Governor, yes?

**Hon. Evans Mawira Kaaria:** Yes, I am aware.

**Mr. Ndegwa Njiru:** That it was done in public, correct?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** That there was a pay bill that was generated for that purposes, yes?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** That in the same pay bill, it is only Kshs286,516, that was related, correct?

**Hon. Evans Mawira Kaaria:** According to the County Assembly's evidence.

**Mr. Ndegwa Njiru:** Do you have any contrary evidence to that affirmation?

**Hon. Evans Mawira Kaaria:** Yes, in my statement, I was stated---

**Mr. Ndegwa Njiru:** Please, lead us to that particular paragraph.

**Hon. Evans Mawira Kaaria:** Just a minute.

**Mr. Ndegwa Njiru:** You are also aware that the Governor made averment and allegations that the wife, the widow to the Mr. Sniper has moved on with a certain MCA? Correct?

**Hon. Evans Mawira Kaaria:** I am not aware of that. I am not aware.

**Mr. Ndegwa Njiru:** Let us pray video 1A and 1B in our videos. Did you *changa* to that particular pay bill?

**Hon. Evans Mawira Kaaria:** No, no. Not to the pay bill.

**Mr. Ndegwa Njiru:** How did you *changa*?

**Hon. Evans Mawira Kaaria:** Through the WhatsApp group created for the County Assembly Members.

**Mr. Ndegwa Njiru:** How was the money collected?

**Hon. Evans Mawira Kaaria:** It was collected through a Member of the County Assembly.

**Mr. Ndegwa Njiru:** Which Member?

**Hon. Evans Mawira Kaaria:** Through a Member of the County Assembly hon. Sarah Gakii.

**Mr. Ndegwa Njiru:** Is it true that the wife of the deceased Mr. Sniper moved on with an MCA?

**Hon. Evans Mawira Kaaria:** I am not aware.

**Mr. Ndegwa Njiru:** Did you see her testifying yesterday?

**Hon. Evans Mawira Kaaria:** I did not watch the proceedings?

**Mr. Ndegwa Njiru:** Are you aware that she was a witness?

**Hon. Evans Mawira Kaaria:** Sorry?

**Mr. Ndegwa Njiru:** Are you aware that she was a witness?

**Hon. Evans Mawira Kaaria:** Yes, I am aware she was a witness.

**Mr. Ndegwa Njiru:** Did you follow through her evidence?

**Hon. Evans Mawira Kaaria:** I did follow.

**Mr. Ndegwa Njiru:** Alright. As viewed from the playing of those videos, you have indicated before this Assembly that one of the frustrations that you colluded to undertake was to make sure that the Governor was frustrated in the feeding program, correct?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** That frustration was actualized according to your evidence. Correct?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** How was it actualized?

**Hon. Evans Mawira Kaaria:** Through a motion in the County Assembly, a report of a committee.

**Mr. Ndegwa Njiru:** Through a motion, correct?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** So it is in your evidence that that programme is no longer running, correct?

**Hon. Evans Mawira Kaaria:** It was stopped.

**Mr. Ndegwa Njiru:** Mr. Witness, I refer you and I refer the Senators to our further bundle of vol.6 at page 83.

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** Kindly look at the entry where we have the votes correct. Can you see them?

**Hon. Evans Mawira Kaaria:** Yes. I can see the votes.

**Mr. Ndegwa Njiru:** Votes 2211015. Can you see it?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** Confirm that this is a Meru County budget estimate for the year ended for the year 2024.

**Hon. Evans Mawira Kaaria:** Yes, it is.

**Mr. Ndegwa Njiru:** Confirm that you participated in this process, Correct?

**Hon. Evans Mawira Kaaria:** I did participate.

**Mr. Ndegwa Njiru:** That you are aware of the allocations and apportionment, correct?

**Hon. Evans Mawira Kaaria:** I am aware.

**Mr. Ndegwa Njiru:** Therefore, you want to read with us about that particular vote? Yes.

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** What does it provide?

**Hon. Evans Mawira Kaaria:** Food duration, feeding programme.

**Mr. Ndegwa Njiru:** How much has been allocated?

**Hon. Evans Mawira Kaaria:** Kshs54 million.

**Mr. Ndegwa Njiru:** For which financial year?

**Hon. Evans Mawira Kaaria:** Financial Year 203 2024.

**Mr. Ndegwa Njiru:** What was the purpose of the allocation?

**Hon. Evans Mawira Kaaria:** The feeding programme.

**Mr. Ndegwa Njiru:** Thank you. Was it approved?

**Hon. Evans Mawira Kaaria:** It was approved by the County Assembly.

**Mr. Ndegwa Njiru:** Has this year's budget also been approved?

**Hon. Evans Mawira Kaaria:** This year's budget has been approved.

**Mr. Ndegwa Njiru:** Thank you. Let us go to the next one, about the cows. It is your evidence that the County Assembly has colluded to frustrate the Governor's programmes. Correct?

**Hon. Evans Mawira Kaaria:** Yes, please.

**Mr. Ndegwa Njiru:** Let us look at page 79 of the same bundle. Hon. Senators, we look at the vote written 3111302-00001. Can you see it?

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- Hon. Evans Mawira Kaaria:** Sorry, come again.
- Mr. Ndegwa Njiru:** Can you see that vote end?
- Hon. Evans Mawira Kaaria:** Yes. Yes.
- Mr. Ndegwa Njiru:** Can you see it?
- Hon. Evans Mawira Kaaria:** Yes.
- Mr. Ndegwa Njiru:** Again, confirm that these are for Financial Year 2024/2025.
- Hon. Evans Mawira Kaaria:** Sorry.
- Mr. Ndegwa Njiru:** Confirm that this is the approved budget for Financial Year 2024/2025.
- Hon. Evans Mawira Kaaria:** Yes.
- Mr. Ndegwa Njiru:** The County Assembly has approved that budget, correct?
- Hon. Evans Mawira Kaaria:** Yes, it has been approved.
- Mr. Ndegwa Njiru:** That even Financial Year 2023/2024, the same was approved, correct.
- Hon. Evans Mawira Kaaria:** What you are saying it is the budget for the Financial Year 2024/2025, but there is nothing that has been approved for that vote?
- Mr. Ndegwa Njiru:** Yes. What was the reason for failure to approve?
- Hon. Evans Mawira Kaaria:** The Assembly halted the programme.
- Mr. Ndegwa Njiru:** On the failure to have policies, correct?
- Hon. Evans Mawira Kaaria:** Yes.
- Mr. Ndegwa Njiru:** Is there a policy that exists in that respect?
- Hon. Evans Mawira Kaaria:** It was introduced in the County Assembly, and the Assembly is trying to approve it.
- Mr. Ndegwa Njiru:** Is there a policy that exists in that respect?
- Hon. Evans Mawira Kaaria:** I am saying that the policy was introduced in the County Assembly by the CECM for Agriculture, and the County Assembly failed to approve it.
- Mr. Ndegwa Njiru:** Is it mandatory for the County Assembly to approve anything or---
- Hon. Evans Mawira Kaaria:** That was the requirement that they had a recommendation in the report---
- Mr. Ndegwa Njiru:** Are you aware that that policy was rejected through the public participation?
- Hon. Evans Mawira Kaaria:** No, it was not. Some subject them to public participation---
- Mr. Ndegwa Njiru:** So, so the County Assembly must at all this time act according to the demands as they come according to your evidence. Correct.
- Hon. Evans Mawira Kaaria:** Sorry.
- Mr. Ndegwa Njiru:** The County Assembly must always pass anything without scrutiny even without looking at the viability of the project, correct?
- Hon. Evans Mawira Kaaria:** It has to look at the viability and---
- Mr. Ndegwa Njiru:** Thank you. Confirm to us that you have responded to Count No.3 on Abuse of Office. Have you, and if yes, point us to that evidence.



**Hon. Evans Mawira Kaaria:** Under Abuse of Office, I have responded to count number---

**Mr. Ndegwa Njiru:** What paragraph?

**Hon. Evans Mawira Kaaria:** Paragraph 10.

**Mr. Ndegwa Njiru:** Yes, paragraph 10.

**Hon. Evans Mawira Kaaria:** Employed a bloated workforce of at least 111 personal staff and I indicated in my affidavit that it was---

**Mr. Ndegwa Njiru:** Paragraph 10.

**Hon. Evans Mawira Kaaria:** Yes. I indicated in my affidavit that it was ---

**Mr. Ndegwa Njiru:** Can you read out paragraph 10?

**Hon. Evans Mawira Kaaria:** Employing a bloated workforce of at least ---

**Mr. Ndegwa Njiru:** Paragraph 10 of your affidavit.

**Hon. Evans Mawira Kaaria:** I did not say paragraph 10 of my affidavit but let me see.

**Mr. Ndegwa Njiru:** I have asked you whether you have responded to paragraph 10.

**Hon. Evans Mawira Kaaria:** Yes, I have responded to---

**Mr. Ndegwa Njiru:** Where is that response?

**Hon. Evans Mawira Kaaria:** Counsel, I have responded to count number three in paragraph 10 on employment of a bloated workforce.

**Mr. Ndegwa Njiru:** Where is that in your affidavit? That is what I want you to show us.

**Hon. Evans Mawira Kaaria:** Just a minute. It is at paragraph 22 of my affidavit.

**Mr. Ndegwa Njiru:** Read it out.

**Hon. Evans Mawira Kaaria:** That I am also aware that the current impeachment Motion features some issues which were also in the previous Motions in the Senate, and the Senate finding the allegations unsubstantiated and not meeting a threshold of impeaching a governor. The issue of bloated workforce and alleged illegal dismissal of Dr. Ntoiti and three others was in the failed Motion.

**Mr. Ndegwa Njiru:** Do you work for the County Executive?

**Hon. Evans Mawira Kaaria:** No.

**Mr. Ndegwa Njiru:** How did you conclude on the question of the bloated workforce?

**Hon. Evans Mawira Kaaria:** We brought it here and it was not substantiated. We could not prove it.

**Mr. Ndegwa Njiru:** Did you call out for any statement from the responsible organ of the county government?

**Hon. Evans Mawira Kaaria:** My work ended when I brought it to the Senate and it was not substantiated.

**Mr. Ndegwa Njiru:** Did you or did you not? Did you call for any oversight over that issue when you went back to the County Assembly?

**Hon. Evans Mawira Kaaria:** I did not.

**Mr. Ndegwa Njiru:** You have alleged that individuals were called somewhere in Mombasa. Were you in attendance?

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**Hon. Evans Mawira Kaaria:** I have alluded to two meetings in Mombasa. In one, I was in attendance and the other one I was not.

**Mr. Ndegwa Njiru:** Which one were you in attendance?

**Hon. Evans Mawira Kaaria:** The one immediately after the second impeachment.

**Mr. Ndegwa Njiru:** Immediately after the second impeachment?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** Who was paying for your allowances?

**Hon. Evans Mawira Kaaria:** The County Assembly of Meru.

**Mr. Ndegwa Njiru:** Is it unusual or usual for the County Assembly to do that?

**Hon. Evans Mawira Kaaria:** It is not unusual.

**Mr. Ndegwa Njiru:** Thank you.

**Hon. Evans Mawira Kaaria:** What was unusual were the activities---

**Mr. Ndegwa Njiru:** I am satisfied with your answer. Mr. Witness, confirm that a county government must spend money in accordance to the budgetary allocations and prudence, correct?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** Have you looked at issue No. 11 in our Motion? To that effect, do you know one Kiambi Christus Manyara?

**Hon. Evans Mawira Kaaria:** I am there.

**Mr. Ndegwa Njiru:** Do you know Kiambi Christus Manyara?

**Hon. Evans Mawira Kaaria:** He is not personally known to me.

**Mr. Ndegwa Njiru:** Have you ever heard of him?

**Hon. Evans Mawira Kaaria:** I think I heard the name being mentioned during the hearing case of one ---

**Mr. Ndegwa Njiru:** In what circumstances was the name being mentioned?

**Hon. Evans Mawira Kaaria:** That he was an accused person.

**Mr. Ndegwa Njiru:** In which matter?

**Hon. Evans Mawira Kaaria:** Involved in that murder.

**Mr. Ndegwa Njiru:** Do you know of somebody called Supuu?

**Hon. Evans Mawira Kaaria:** Yes, Supuu is well known to me.

**Mr. Ndegwa Njiru:** How do you know him?

**Hon. Evans Mawira Kaaria:** He is a personal friend and we come from the same locality.

**Mr. Ndegwa Njiru:** Do you know where he was working or where he works?

**Hon. Evans Mawira Kaaria:** According to my knowledge, I am not aware of where he works because he has always told me that he is not employed.

**Mr. Ndegwa Njiru:** You are aware that he works in the office of the Governor, yes?

**Hon. Evans Mawira Kaaria:** I am not aware.

**Mr. Ndegwa Njiru:** I therefore put it to you that he does work in the office of the Governor.

**Hon. Evans Mawira Kaaria:** I cannot accept that one.

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**Mr. Ndegwa Njiru:** Equally, have you seen from that allegation that this one Christus Kiambi Manyara, while he was in custody, he was being paid his full salary?

**Hon. Evans Mawira Kaaria:** I am not aware if he is in custody.

**Mr. Ndegwa Njiru:** Read the allegations. Read them out.

**Hon. Evans Mawira Kaaria:** Being Kiambi Christus Manyara a Public Communications Officer in the Office of the Governor, his full salary and benefits while in remand and despite being accused of murder, contrary to Section 4.2 of the Public Service Commission, Discipline Manual for the public service.

**Mr. Ndegwa Njiru:** You are aware that he was arrested pursuant to that murder, correct?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** And that he was remanded, correct?

**Hon. Evans Mawira Kaaria:** I am not aware of that.

**Mr. Ndegwa Njiru:** I therefore put it to you that he was remanded and that while in remand, he was accruing all his full salary.

**Hon. Evans Mawira Kaaria:** That is your evidence counsel.

**Mr. Ndegwa Njiru:** That is our evidence. Have you controverted it in your affidavit?

**Hon. Evans Mawira Kaaria:** I have not controverted it in any way.

**Mr. Ndegwa Njiru:** You have not controverted it?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** You therefore cannot doubt what I am telling you this afternoon, correct?

**Hon. Evans Mawira Kaaria:** I can doubt because there is no ---

**Mr. Ndegwa Njiru:** You cannot doubt what I am telling you unless you have contrary evidence.

**Hon. Evans Mawira Kaaria:** It is your word against mine, counsel.

**Mr. Ndegwa Njiru:** Where is your word?

**Hon. Evans Mawira Kaaria:** It is nowhere in the affidavit, but I am stating it now.

**Mr. Ndegwa Njiru:** It is nowhere in your affidavit?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** I told you or I put to you, or I asked you, whether you know one Supuu.

**Hon. Evans Mawira Kaaria:** Yes, I said I know one Supuu.

**Mr. Ndegwa Njiru:** Have a look at this document. Hon. Senators, we are looking at volume two of our evidence at page 443 and he can be ready to play the video. Can you see serial number one?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** Can you read out that name?

**Hon. Evans Mawira Kaaria:** Vincent Mureithi.

**Mr. Ndegwa Njiru:** Vincent Mureithi?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** First of all, who is the originator of that document?

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**Hon. Evans Mawira Kaaria:** The Acting Secretary, Meru County Public Service Board (CPSB), one, Virginia Kawira.

**Mr. Ndegwa Njiru:** It is an internal memo, correct?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** And the internal memo speaks to the appointments of contractual employees in the Office of the Governor, correct?

**Hon. Evans Mawira Kaaria:** They do.

**Mr. Ndegwa Njiru:** Therefore, whatever appears therein is a list of those individuals who work in that office, correct?

**Hon. Evans Mawira Kaaria:** That is true.

**Mr. Ndegwa Njiru:** And that Vincent Mureithi of ID number that, works as an assistant director in that office, correct?

**Hon. Evans Mawira Kaaria:** That is true, according to the memo.

**Mr. Ndegwa Njiru:** That is Vincent Mureithi, alias Supuu, correct?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** Let us play that video. As we await, you know that the said Supuu and Manyara at page 429 of our bundle Volume 2, contains the information of the individuals who were charged with the murder of one Sniper, correct?

**Hon. Evans Mawira Kaaria:** Yes, correct.

**Mr. Ndegwa Njiru:** You can see accused number one is Vincent Mureithi Kirimi, alias Supuu, correct?

**Hon. Evans Mawira Kaaria:** True.

**Mr. Ndegwa Njiru:** Number two is who?

**Hon. Evans Mawira Kaaria:** Murangiri Kenneth Guantai alias Tali.

**Mr. Ndegwa Njiru:** Do you know him?

**Hon. Evans Mawira Kaaria:** Personally, no.

**Mr. Ndegwa Njiru:** Do you know that, that is the Governor's brother?

**Hon. Evans Mawira Kaaria:** According to you.

**Mr. Ndegwa Njiru:** Let us look at number three.

**Hon. Evans Mawira Kaaria:** Boniface Githinji alias DJ Kabum.

**Mr. Ndegwa Njiru:** Number four?

**Hon. Evans Mawira Kaaria:** Christus Manyara alias Chris.

**Mr. Ndegwa Njiru:** And that is Christus Manyara, who works in the Office of the Governor, correct?

**Hon. Evans Mawira Kaaria:** The one that we have seen is working in the Office of the Governor is Vincent Mureithi Kirimi.

**Mr. Ndegwa Njiru:** Let us look at that as we play the video.

*(A video clip was played in Kimeru)*

Pause. Do you know whom she was referring to as those people *wanazunguka na mwili ya Sniper*?

**Hon. Evans Mawira Kaaria:** In this video?

**Mr. Ndegwa Njiru:** Yes.

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**Hon. Evans Mawira Kaaria:** I am not aware of the specific people because it was a group of people.

**Mr. Ndegwa Njiru:** Could it have been the Mover of the Motion?

**Hon. Evans Mawira Kaaria:** Maybe, yes, because the MCAs were there.

**Mr. Ndegwa Njiru:** Could it have been you?

**Hon. Evans Mawira Kaaria:** Personally, I was not there.

**Mr. Ndegwa Njiru:** Okay. Let us proceed.

*(A video clip was played in Kimeru)*

**Mr. Ndegwa Njiru:** Pause. Have you heard what the Governor has said?

**Hon. Evans Mawira Kaaria:** Yes, Mr. Temporary Speaker, Sir.

**Mr. Ndegwa Njiru:** What has she said?

**Hon. Evans Mawira Kaaria:** She mentioned, "Supuu".

**Mr. Ndegwa Njiru:** Mshtakiwa mtuhumiwa---

**Hon. Evans Mawira Kaaria:** Anayedaiwa.

**Mr. Ndegwa Njiru:** Play it again.

*(A video Clip was played in Kimeru)*

**Mr. Ndegwa Njiru:** The chief---

**Hon. Evans Mawira Kaaria:** Suspect.

**Mr. Ndegwa Njiru:** Who is the chief suspect?

**Hon. Evans Mawira Kaaria:** Supuu.

**Mr. Ndegwa Njiru:** Has "Supuu" been charged before the court of law?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** Proceed.

*(A video Clip was played in Kimeru)*

Have you heard her an owning up that *mnafaa mtafute mtu mmoja wa* Governor? Have you heard that statement? Listen carefully.

**Hon. Evans Mawira Kaaria:** Can it be played again?

**Mr. Ndegwa Njiru:** Just play it again for him. Please, listen carefully.

*(A video Clip was played in Kimeru)*

**Sen. Okiya Omtatah:** On a point of order, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Okiya Omtatah, what is your point of order?

**Sen. Okiya Omtatah:** Mr. Temporary Speaker, Sir, my point of order is that this matter is live before the court of law under criminal proceedings. We should exercise a lot of precaution and deference to the court process because we are beginning to tread

into the area of testing the evidence and the witnesses in that matter, which is not before this court. That is *sub judice* for the rule of law.

**Mr. Ndegwa Njiru:** Mr. Temporary Speaker, Sir, we can then abandon it and go to the same clip at Minute 2.14.

*(A video Clip was played)*

Pause. You have heard the Governor say that *wanataka haki kama familia*.

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** I have put to you that his brother has been charged in these proceedings.

**Hon. Evans Mawira Kaaria:** Well and good.

**Mr. Ndegwa Njiru:** Thank you. No further questions in that respect. I invite my learned friend, Mr. Muriuki, to proceed from there. Kindly, confirm that you have no evidence that controverts all the averments contained in the Motion, and that you have not tabled it before this Senate?

**Hon. Evans Mawira Kaaria:** It is in my affidavit and there are supporting documents in the Governor's part.

**Mr. Ndegwa Njiru:** Does the account you have given in just your frustrations and bitterness for having been removed as a leader of majority.

**Hon. Evans Mawira Kaaria:** That is not true, counsel.

**Mr. Ndegwa Njiru:** You have seen the last video that was played. There was an issue of gender card being played. Yes?

**Hon. Evans Mawira Kaaria:** Which video?

**Mr. Ndegwa Njiru:** You have seen the Governor play the last video where there was one person seated.

**Hon. Evans Mawira Kaaria:** Yes, I have seen it.

**Mr. Ndegwa Njiru:** The video started saying that this is all about women leadership and the people of Meru must accept it. Is that correct?

**Hon. Evans Mawira Kaaria:** Yes, that is his opinion.

**Mr. Ndegwa Njiru:** Is there a contention that she is a Governor?

**Hon. Evans Mawira Kaaria:** There is none.

**Mr. Ndegwa Njiru:** Yes?

**Hon. Evans Mawira Kaaria:** None whatsoever, but she is facing an impeachment Motion.

**Mr. Ndegwa Njiru:** Are you a man who is supporting the Governor?

**Hon. Evans Mawira Kaaria:** I am supporting the Governor.

**Mr. Ndegwa Njiru:** Are you a Meru?

**Hon. Evans Mawira Kaaria:** Yes, I am.

**Mr. Ndegwa Njiru:** Supporting a Governor. Is that correct?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** Therefore, when it comes to accountability, there is no defence of being a gender person. Is that correct?

**Hon. Evans Mawira Kaaria:** That depends---

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**Mr. Ndegwa Njiru:** There is no defence. Gender is not a defence.

**Hon. Evans Mawira Kaaria:** Of course, it is not a defence.

**Mr. Ndegwa Njiru:** Finally, when she was asked the last time, she said it was not me. Today, you have played clips blaming the Senators. Do you associate yourself with the statements that were made by Ali Haji?

**Hon. Evans Mawira Kaaria:** I do not associate myself with those sentiments.

**Mr. Ndegwa Njiru:** Do you have confidence with this Senate that they can dispense with substantive justice?

**Hon. Evans Mawira Kaaria:** A lot of confidence.

**Mr. Ndegwa Njiru:** That is why we are here. Is that correct?

**Hon. Evans Mawira Kaaria:** True.

**Mr. Ndegwa Njiru:** Do you attribute that statement to any Member of the County Assembly (MCAs)?

**Hon. Evans Mawira Kaaria:** It was used to incite MCAs---

**Mr. Ndegwa Njiru:** Can you associate it with any MCA?

**Hon. Evans Mawira Kaaria:** Yes, because they were there nodding and applauding when Al-Haji was speaking those words.

**Mr. Ndegwa Njiru:** Is it wrong for somebody to hold an opinion?

**Hon. Evans Mawira Kaaria:** It is not wrong.

**Mr. Ndegwa Njiru:** Thank you. Mr. Muriuki, you may proceed. Before I go to Mr. Muriuki, you remember he claimed to be the Secretary General of the Bus Party?

**Hon. Evans Mawira Kaaria:** Yes, Al Haji claimed---

**Mr. Ndegwa Njiru:** He said he is a Secretary General and he never defined where he is a Secretary General. He gave a statement that, "I am the Secretary General."

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Ndegwa Njiru:** Thank you.

**The Temporary Speaker (Sen. Abdul Haji):** Counsel, you have three minutes.

**Mr. Eric Muriuki:** Thank you, Mr. Temporary Speaker, Sir.

Mr. Mawira?

**Hon. Evans Mawira Kaaria:** Yes, counsel.

**Mr. Eric Muriuki:** Today, you have taken an oath when you stood here.

**Hon. Evans Mawira Kaaria:** True.

**Mr. Eric Muriuki:** Just like you did the last time you were here on 7<sup>th</sup> November, 2023?

**Hon. Evans Mawira Kaaria:** True.

**Mr. Eric Muriuki:** In that oath, you said that you are going to tell this House the truth, the whole truth and nothing but the truth.

**Hon. Evans Mawira Kaaria:** True.

**Mr. Eric Muriuki:** You have come here today saying that the last time, your impeachment Motion was politically instigated?

**Hon. Evans Mawira Kaaria:** Yes.

**Mr. Eric Muriuki:** Did you tell the Senate that last time when you were here?

**Hon. Evans Mawira Kaaria:** At that point---

**Mr. Eric Muriuki:** Did you make such statement last time you were here, yes or no?

**Hon. Evans Mawira Kaaria:** I did not make such a statement last time.

**Mr. Eric Muriuki:** You did not tell the whole truth to the Senate?

**Hon. Evans Mawira Kaaria:** I told the truth.

**Mr. Eric Muriuki:** You did not tell the whole truth.

**Hon. Evans Mawira Kaaria:** I told the truth according to the proof that---

**Mr. Eric Muriuki:** Mr. Mawira, you have said--- I do not have time, so please do not argue with me. Just answer yes or no. You have said that party formations were used to whip you into moving an impeachment Motion?

**Hon. Evans Mawira Kaaria:** That is true.

**Mr. Eric Muriuki:** Have you adduced any documents to that effect?

**Hon. Evans Mawira Kaaria:** None.

**Mr. Eric Muriuki:** Have you adduced any letter telling you to move the impeachment Motion?

**Hon. Evans Mawira Kaaria:** None.

**Mr. Eric Muriuki:** Mr. Mawira, I put it to you that you do not have a mind of your own, that you are a gun for hire.

**Hon. Evans Mawira Kaaria:** That is your opinion, counsel.

**Mr. Eric Muriuki:** Mr. Mawira, you stated that you are giving evidence on behalf of other people who are not here.

**Hon. Evans Mawira Kaaria:** That is true.

**Mr. Eric Muriuki:** Are you aware that there is no such thing as giving evidence on behalf of other witnesses? You can only give evidence on behalf of a party.

**Hon. Evans Mawira Kaaria:** They have given me the authority to plead on their behalf.

**Mr. Eric Muriuki:** Mr. Mawira, you have claimed that there were meetings organized to sabotage the executive that you took part.

**Hon. Evans Mawira Kaaria:** Yes, there were such meetings.

**Mr. Eric Muriuki:** Have you brought the minutes for those meetings?

**Hon. Evans Mawira Kaaria:** No minutes. They were informal meetings.

**Mr. Eric Muriuki:** Mr. Mawira, you have stated in your affidavit that the MCAs who are supporting the Governor, at paragraph 13 of your affidavit---

**The Temporary Speaker** (Sen. Abdul Haji): Counsel, your time is up. I will allow you to ask that last question and conclude.

**Mr. Eric Muriuki:** Thank you, Mr. Temporary Speaker, Sir. Mr. Mawira, you have stated in paragraph 13 of your affidavit that the MCAs who support the Governor were removed from committees, including the Budget and Finance Committee, the Public Accounts Committee and the Committee on Implementation.

**Hon. Evans Mawira Kaaria:** That is true.

**Mr. Eric Muriuki:** Who is the chair of the Budget Committee?

**Hon. Evans Mawira Kaaria:** Hon. Mwirigi from Kibirichia Ward.

**Mr. Eric Muriuki:** Is he a witness for the Governor in this case?

**Hon. Evans Mawira Kaaria:** Yes.

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- Mr. Eric Muriuki:** Who is the Chairperson of the Gender Committee?
- Hon. Evans Mawira Kaaria:** Hon. Murogocho.
- Mr. Eric Muriuki:** Did she support this impeachment Motion?
- Hon. Evans Mawira Kaaria:** No.
- Mr. Eric Muriuki:** Who is the Chair of the Transport Committee?
- Hon. Evans Mawira Kaaria:** Hon. Kithinji.
- Mr. Eric Muriuki:** Did he support this impeachment Motion?
- Hon. Evans Mawira Kaaria:** No.
- Mr. Eric Muriuki:** Who is the Chair of the Finance Committee?
- Hon. Evans Mawira Kaaria:** Hon. Caleb.
- Mr. Eric Muriuki:** Did he support this impeachment Motion?
- Hon. Evans Mawira Kaaria:** No.
- Mr. Eric Muriuki:** Who is the Chair of the Committee on Delegated Legislation?
- Hon. Evans Mawira Kaaria:** Hono. Sarah Gakii.
- Mr. Eric Muriuki:** Did she support this impeachment Motion?
- Hon. Evans Mawira Kaaria:** No.
- Mr. Eric Muriuki:** Thank you, Mr. Temporary Speaker, Sir.
- Hon. Evans Mawira Kaaria:** In that paragraph, it is clearly stated 13 MCAs---
- Mr. Eric Muriuki:** Mr. Temporary Speaker, Sir, I am done with my questions for the witness. Thank you.
- The Temporary Speaker** (Sen. Abdul Haji): Thank you, Counsel. Hon. Senators, we will now give you an opportunity to ask questions.
- Mr. Elias Mutuma:** Mr. Temporary Speaker, Sir, I have one minute for re-exam.
- The Temporary Speaker** (Sen. Abdul Haji): Counsel, you have four minutes remaining.
- Mr. Elias Mutuma:** I will utilize one.
- The Temporary Speaker** (Sen. Abdul Haji): Okay. Proceed.
- Mr. Elias Mutuma:** Hon. Mawira, I will need you to confirm the names that have just been read to you. Are they members of that committee and were they still members then or what transpired? There are names the counsel has just read to you confirming that they still hold their positions in the committees and yet they did not support the Motion.
- Kindly, in one minute.
- Hon. Evans Mawira Kaaria:** These are Members who started supporting the Governor just the other day when the impeachment Motion was introduced. However, when we were de-whipped from committees, we were 13 and that is what I have alluded to in that affidavit.
- Mr. Elias Mutuma:** That is all. Thank you, Mr. Temporary Speaker, Sir.
- The Temporary Speaker** (Sen. Abdul Haji): Legal Counsel for the Governor, have you concluded your questions?
- Mr. Elias Mutuma:** Yes, I am done with the witness.
- The Temporary Speaker** (Sen. Abdul Haji): Your time of three minutes?
- Mr. Elias Mutuma:** I have the Governor as the last witness and with your indulgence, I seek to engage the Governor in under 20 minutes.

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**The Temporary Speaker** (Sen. Abdul Haji): Counsel, we will first take questions and clarifications from the Senators and then we will get back to giving you more time, once we finish with the Senators.

**Mr. Elias Mutuma:** Most obliged, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. Abdul Haji): Hon. Senators, we will now take your questions and we will keep it under 30 minutes. We will be giving each Senator one minute to ask questions because there are several requests and we need to have many people as possible. Therefore, one question, one minute and be very brief.

Sen. Murango James Kamau.

**Sen. (Dr.) Murango:** Asante, Bw. Spika wa Muda. Mnamo tarehe 16/10/2023, wakati tulikuwa tukiangalia Hoja iliyokuwa imewasilishwa hapa kuhusu kung'atuliwa kwa Gavana Kawira, Mhe. Mawira ambaye yuko mbele yetu alikula kiapo. Aliweka hati ya kiapo ambayo alikuwa amechukua kusema kwamba ana akili timamu na ana uwezo wakuaminika na akatia kidole, ile hati ya kiapo aliyoleta katika Seneti.

Leo, chini ya kiapo, ameleta pia, hati ya kiapo kingine, ambayo imebadilisha mawazo na kusema ya kwamba, hii Seneti ilikaa chini kuangalia makaratasi, tukapoteza pesa za umma na wakati, kufuatilia stakabadhi ambazo zilikuwa hazina maana.

**The Temporary Speaker** (Sen. Abdul Haji): Seneta, ulikuwa uulize swali lako katika dakika moja. Wewe umeanza hadithi nyingi. Uliza wali sasa.

**Sen. (Dr.) Murango:** Bw. Spika wa Muda, ninauliza Mhe. Mawira, uliokokea kanisa gani ili tukuamini leo na ulitudanganya wakati tulikuwa tunaangalia masuala hayo wakati ule mwingine?

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Wambua, halafu utajibu maswali hayo mawili.

**Sen. Wambua:** Is it the evidence on record of the witness and under oath that last year, you moved a Motion for the impeachment of the Governor of Meru, under duress and that you do not believe in what you said and the grounds that you adduced? If that be the case, why should we believe you have faith in what you are telling us?

**The Temporary Speaker** (Sen. Abdul Haji): You see, Wambua, you managed in one minute. Witness, go ahead and answer those two questions.

**Hon. Evans Mawira Kaaria:** Thank you, Mr. Temporary Speaker, Sir. It is true I moved the previous impeachment Motion and whatever I stated under the circumstances and the facts availed to me, I believed to be the truth at that point. However, looking at the sequence of events that led to that impeachment Motion, I felt that we were misused at that point and lied to.

I also believe that answers the question by Sen. Wambua that if I believed in the grounds then. Yes, I believed in them. I also believe in what I have right now stated.

**The Temporary Speaker** (Sen. Abdul Haji): Next question is by Sen. Karen Nyamu and Sen. Mumma, in that order.

**Sen. Nyamu:** Witness, you say that you were part of a scheme to impeach the Governor, which was politically instigated. You even were part of the team that went to Mombasa for a retreat. What changed your mind and what was the exodus moment so that now, you are supporting the Governor? The other question---

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Nyamu, just one question, please. Sen. Mumma.

**Sen. Mumma:** Thank you, Mr. Temporary Speaker, Sir. My question to the witness is, the Governor is widely accused of not being a people person who brings people together. What efforts have been made to bring the Governor and the County Assembly to work together for the benefit of the people of Meru?

**Hon. Evans Mawira Kaaria:** To answer the first question is that what changed my mind was that immediately after the second impeachment Motion failed in this Senate and immediately we left Mombasa and the Nanyuki meeting, I personally suffered because I fell ill. I was admitted in the Karen Hospital here. My blood pressure levels had gone up and I disclosed this fact to the Assembly Speaker who came to visit me.

Thereafter, I felt that I needed to take some time to chart the way forward on what was happening in Meru. I did a lot of soul searching and consulted my wife, family and close confidants, including my electorate. My electorate had started saying that they did not send me to fight the Governor and it is at the point when the Governor reached out to me, I felt I needed to listen to her and see if she was genuine. I then saw her genuineness and that was the point when I decided to support the Governor.

About the Governor not bringing people together, I have stated that immediately the Governor left this Senate during the last impeachment Motion, she went round the county, making a call for peace and reconciliation, amongst all leaders. She also asked for forgiveness, if at all she had wronged any leader in Meru. She even went further to reach out to me.

I know she also tried to reach out to the other leaders because there were reconciliation efforts brought by the President and the Deputy President where the Governor sat down with all the leaders from Meru County, including the Deputy Governor. This did not culminate to any peace in the county. However, from the side of the Assembly, they have been going out and doing everything possible to frustrate any reconciliation process.

**The Temporary Speaker** (Sen. Abdul Haji): The next question will be from Sen. Samson Cherarkey, followed by Sen. Beatrice Ogola.

**Sen. Cherarkey:** Thank you, Mr. Temporary Speaker, Sir. Witness, according to the Senate HANSARD of 7<sup>th</sup> November, 2023, Dr. Muthomi Thiankolu, asked you that since you as the mover of the Motion; is this message consistent with the narrative of a peaceful governor who is a victim of some evil scheme to oust her out of office?

Hon. Mawira Kaaria, you responded by saying it is inconsistent. Is this still your position, or has it changed? What will make us believe that it is out of inducement that you are supporting the Governor now?

**Sen. Ogola:** The hon. witness, a video was shown to you and the Senate on the funeral of one alias Sniper. There was bashing of the Senate and some Senators and then there was the funeral of Sniper. So, between the two, the death and the loss of Sniper, and the bashing, which is most important to you and the people of Meru?

**Hon. Evans Mawira Kaaria:** Sorry, I beg your pardon.

**Sen. Ogola:** A video was shown to you and the Senate of a burial of one alias Sniper. In that video, there was the bashing of the Senate and some Senators. So, between the bashing of the Senate and the loss of Sniper---

**Hon. Evans Mawira Kaaria:** The message that we passed during the second impeachment Motion that the Governor was not a peace-seeking person, was valid at that point depending on the activities that had happened previously. As at this point, it is invalid because we have seen efforts from the Governor trying to bring peace and call for reconciliation in the county.

If there is one sign that can tell you the Governor is peaceful, I am the one who was here crucifying her. I moved the Motion to impeach her. If it went through, the Governor could have been sent packing, condemning her from serving in any public office in this country for the whole of her life.

When she reached out, we sat down and considered all the events and factors surrounding that position at that point. She told me she had no problem at all with me or with any other leader or with any other MCA. From that point up to now, we have been working together, supporting her by trying to bring peace to that county. I do not believe there will be any other sign to show that the Governor has reformed and she is a peaceful person.

About any inducement, I am not aware of any. If at all there is an inducement that would have led me to support the Governor, it is the service delivery for the people who elected me, of Mitunguu Ward.

On the second question of bashing the Senators and the loss of Sniper, I believe that the hon. Senator was asking which is a weightier issue. I would say that the unfortunate loss of life is a weightier issue than the bashing of the Senate.

**The Temporary Speaker** (Sen. Abdul Haji): Next question is by Sen. Hilary Wakili, followed by Sen. Johns Mwashushe Mwaruma.

**Sen. Wakili Sigei:** Thank you, Mr. Temporary Speaker, Sir. Mr. Mawira, you have told this House that you are a member of United Democratic Alliance (UDA). Did you have any meeting before the alleged meeting that you said you were caucused to bring out an impeachment Motion against the Governor, which you were a mover?

Secondly, you told this House earlier on in that Motion that you moved that the Governor had gone rogue. At what point did you have your Damascus moment and that the Governor could have changed?

**Sen. Mwaruma:** Hon. Mawira, in your assessment, if by chance the Governor happens to be acquitted, do you think there is a possibility of the Governor working with the Assembly? What needs to be done for that to be achieved or do you think the situation is irredeemable?

Thank you.

**Hon. Evans Mawira Kaaria:** On the question by Sen. Wakili Sigei, there was no meeting for the party, but there were informal meetings, commonly known as *Kamukunji*, in the Assembly where the leadership of the House and Members felt that they needed to punish the 10 members who were not supporting the impeachment Motion in the Assembly.

It was my opinion then in that meeting that there was no need to punish these Members because of their political decision or their democratic right of either supporting or not supporting the impeachment Motion.

Furthermore, they had not stopped the Assembly from impeaching the Governor at that point. Therefore, at that point, I told the informal meeting that I did not see any need for us to punish the 10 Members. I have been reminded that in the previous impeachment Motion, I said the Governor had gone rogue. However, considering the facts and events that previously happened, there was some element of truth. What changed, or when did I change, is when the Governor now started preaching reconciliation and peace. In her own act, even went ahead to stop the Okolea Programme that most of the MCAs were disgruntled with. Therefore, at that point, I saw that the Governor was genuine and agreed to change.

On the second question if the Governor is acquitted, is she likely to work with other leaders? That is very true because if you can follow the sequence of events from the first impeachment Motion. During the first impeachment Motion, the Governor was being supported by only one MCA at that point.

During the second impeachment Motion, the Governor had the support of only 10 Members. During this third impeachment Motion, the Governor has the support of 20 Members, and it was only when three more were intimidated and coerced that they abandoned the course of calling for dialogue, we could have been 23 members.

If at all the Assembly can be set free from the victimization, the intimidation, the threats that have been put upon the Members who are supporting the Governor, if that is done today, you will see more than 40 Members of the County Assembly working with the Governor of Meru.

The 13 of us even wrote a letter to the Committee on Devolution and Intergovernmental Relations of this hon. Senate, calling them to come to Meru, and at least help us set the Assembly and the MCAs free. It is out of fear that now when you support the Governor, you will be victimized, lose your committee positions, your allowances and all privileges, even to the point of being denied an opportunity to contribute in the Assembly, even to a point of being thrown out of the Assembly because of your contribution. If we address that, the problem of Meru will have come to an end, I want to promise you that.

**The Temporary Speaker** (Sen. Abdul Haji): Hon. Senators, the questions have been very similar. So, I hope the next Members who want to ask a question will ask different questions going forward.

Sen. Kisang, followed by Sen. Beth Syengo.

**Sen. Kisang:** This is my question to Hon. Mawira. You have told us that immediately after the failed impeachment of November last year, you went to Mombasa and agreed to plan for another impeachment. So, it means no matter what the Governor does, the County Assembly will continue to come up with impeachment Motions against her.

**Sen. Beth Syengo:** Thank you, Mr. Temporary Speaker, Sir. Mr. Witness, during the second impeachment Motion, you were on the other side. When you went back, you

saw the light. Did you make efforts to reach more? You have talked of 20. Are you willing after this to reach more to see the light?

I thank you.

**Hon. Evans Mawira Kaaria:** Thank you, Mr. Temporary Speaker, Sir and Hon. Senators. It is true that I stated that this impeachment Motion that has been brought to this House started being planned immediately after the second one failed. I have narrated what transpired previously.

You have all seen video clips especially alluding to the Mover, indicating that even if the Senate acquits the Governor today, they are ready to bring more Motions up to maybe six or seven times. This is the character of the Meru County Assembly especially because the Members of County Assembly (MCAs) are not being set free to exercise their democratic right. Unless that is reversed expect to see more impeachment Motions in this Senate just in case the Governor is acquitted.

Mr. Temporary Speaker, Sir, however, if that is addressed, I want to assure you that this will be the last impeachment Motion to come to this House because the Governor has proved that she is ready to work with other Members. About my efforts to reach others; yes, I have done so severally. When you approach anyone in the Assembly, they tell you that they do not have any problem working with the Governor. However, when we come to support her, we lose the privileges of the Assembly.

That single fact holds many Members in abeyance for supporting the Governor. I believe if she is acquitted and this Senate helps us address these issues in Meru County, you will see that the Governor will be ready and willing to work with each and every MCA. Nothing proves that more than the evidence that has been placed before this Senate that the Governor herself and the Executive team have agreed to allocate Kshs33 million for each and every ward, which was a bone of contention previously for the Ward Fund allocation.

Therefore, I believe if the Senate finds it objective depending on the facts and evidence that have been placed before it to acquit the Governor, there will be peace in Meru County.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Mungatana, MGH followed by Sen. Kavindu Muthama.

**Sen. Mungatana, MGH:** Thank you, Mr. Temporary Speaker, Sir. A very quick one. A video was played here in the course of your evidence. In that video, this Senate was called a House of shame and greed. In fact, it was in Kiswahili and said that we are *wenda wazimu* in this House.

I just wanted the witness to tell me and this House what was the purpose of that video. Was he adducing evidence to annoy or abuse us? What was the purpose of that evidence? Evidence is supposed to build your case. What did it build in terms of the case?

Secondly, I invite the Speaker to make a ruling on whether we can allow any form of evidence to be adduced. I cannot speak in this House like that. Why should someone who is a---

*(Sen. Mungatana, MGH's microphone switched off)*

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**The Temporary Speaker** (Sen. Abdul Haji): Thank you. Sen. Kavindu Muthama.

**Sen. Kavindu Muthama:** Thank you, Mr. Temporary Speaker, Sir, for this opportunity. Mr. Witness you stated that you have been whipped on party lines in the previous impeachment Motions. Does anyone not have a right to stand with their understanding? If you knew the Governor was either right or not, why then did you agree to take over the Motion that the lady told us she drafted? You took it over because you were sure that the Governor was going to be impeached, so that you could take the glory. I believe that even in this Senate, we have parties and people who can stand on their own and make the right decisions.

**Hon. Evans Mawira Kaaria:** Thank you. Mr. Temporary Speaker, Sir. First of all, I do regret the words that were uttered in that video. It is not my position that this is a House of shame. I know the Senate is very credible and objective in undertaking its work. However, that evidence was brought before you to illustrate how MCAs have been incited and induced by party leaders.

Specifically, the video that was played showed the Secretary-General (SG) of the Bus Party in Meru County. Maybe at that point, that was the feeling of the MCAs who were supporting the impeachment Motion. Therefore, we played it to show you the low level that political players in the county can go to make sure that the process of impeaching the Governor does not stop even once the Senate acquits her.

On the second question of whipping of party line and people's stance. I believe that Hon. Senators, in this House were elected through parties. We have seen that parties can bite. The consequences of defying party orders are there and we cannot deny that. We have already seen it being inflicted on us by being removed from committees, denied opportunities to attend trainings, capacity building and even opportunities to contribute in the House.

We have sacrificed. As a matter of fact, the 13 Members who have been supporting the Governor since February this year have not received a single dime from that Assembly. Therefore, when it comes to that point, most Members decide to weigh the consequences of defying the party lines, and since we are all human beings, most of them decide to support the party line.

**The Temporary Speaker** (Sen. Abdul Haji): Next question by Sen. Veronica Maina, followed by Sen. Omogeni.

**Sen. Veronica Maina:** Hon. Evans Mawira, you were in this House on 6<sup>th</sup> and 7<sup>th</sup> November, 2023 with an impeachment Motion and you say this was politically instigated by some political leaders. However, in paragraph four of your affidavit, you did not disclose who these political leaders were.

I have seen many meetings taking place together with a lot of fights and squabbles in Meru County. In your opinion, do you think the residents of Meru County are being served by the Meru County Assembly? Are you, the Hon. MCAs, serving the people or a lot of time has been spent fighting and tossing the ball from one side to the other? Is Meru County getting any benefit from devolution with all these fights?

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**Sen. Omogeni:** *Bwana* Witness, I just wanted to get your experience as an MCA. You seem to have conducted this public participation or the entire process in one day. I have seen the photos and the people who were in attendance. There seems to have been a very low turnout. Have you done any previous public participation exercises? How was the attendance and the process carried out and chaired? Were the minutes recorded by MCAs or were they captured by members of staff from the County Assembly? I wanted to understand that because we have had issues with public participation before.

**The Temporary Speaker** (Sen. Abdul Haji): Witness, proceed.

**Hon. Evans Mawira Kaaria:** Thank you, Mr. Temporary Speaker, Sir. To address the first question, there is indeed a lot of political infighting in Meru County. This can be attributed mostly to the losers during the previous general elections. I have been asked if the people of Meru County are being served by the Meru County Assembly and the MCAs. I will come to that.

Mr. Temporary Speaker, Sir, I state that the people of Meru have not received the best from the County Assembly of Meru because the MCAs have been reduced to participating in political infighting instead of focusing on serving the people of Meru.

On the question of who those people are; I previously mentioned what has been transpiring in that county. However, even for the reason of safety of my life, I would want not to mention the names expressly in this Senate. It is as dangerous as that.

During the public participation, my experience as an MCA I would say the first impeachment Motion was held at the County Assembly where MCAs and staff were present. The attendance was well. For the second impeachment Motion, the public participation was held at the sub-county level where MCAs were present as well. They participated and took minutes although the attendance had started to go down. During this third impeachment Motion, the attendance was very poor. Also, MCAs attended very few venues of the public participation. Therefore, the public participation meetings were conducted by MCAs.

What I can attribute to the low attendance during this impeachment Motion was the feeling of the people of Meru were really tired of these fights. If you could listen to many of them, because, personally, I listened to my electorate, they wanted these fights to cease and to give every elected leader a chance to serve. When it comes to removing them from office, we will do so during the general elections because they are about just three years away from now.

Thank you.

**The Temporary Speaker** (Sen. Abdul Haji): The next questions are from Sen. Alexander Munyi and Sen. Osotsi.

**Sen. Munyi Mundigi:** Asante, Bw. Spika wa Muda.

Swali langu kwa mheshimiwa ni hili; wakati wa kuondolewa mamlakani kwa Gavana Kawira mara ya kwanza na mara ya pili, ulikuwa hapa ukiunga mkono ili aweze kutimuliwa.

Sasa, unasema kwamba baadaye, ulienda ule upande mwingine ili uweze kuleta watu pamoja. Wakati ulienda upande ule mwingine ili ulete watu pamoja, ndio wakati mheshimiwa mmoja alisema kwamba ng'ombe 20 wa pesa nyingi walifariki. Pia tukaona

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kwa *video* watoto wakizaliwa nje ya hospitali. Hospitali hiyo ilikuwa haifianyi kazi kwa sababu madaktari hawakuwa mle ndani.

Ukiwa mtu wa kuleta watu pamoja kama unavyodai, ulichukua hatua gani ama wewe ni mmoja wa wale walipatiwa pesa ili wamuunge mkono gavana.

Asante.

**Sen. Osotsi:** Mr. Mawira, I refer you to your affidavit, which is on page 39 where you have said that the anger and malice was directed towards the Financial Year 2024/2025 County Fiscal Strategy Paper (CFSP). You say 56 MCAs openly went against the previously agreed Ward Equalization Development Fund and allocated Kshs45 million in each of the wards whose elected MCAs were against the Governor and Kshs15 million to the wards whose elected MCAs were supporting the Governor. This is after they had been advised against tabling ward development fund---

**The Temporary Speaker** (Sen. Abdul Haji): Hon. Senator, ask your question, because you only have one minute.

**Sen. Osotsi:** What I want from the witness is---

**The Temporary Speaker** (Sen. Abdul Haji): Give him 30 seconds to ask the question.

**Sen. Osotsi:** This particular statement confirmed that this is an illegality because it is against Article 10 of the Constitution. It is clearly discriminatory. What is your view about this and was this CFSP approved?

**Hon. Evans Mawira Kaaria:** Thank you, Mr. Temporary Speaker, Sir. Kulingana na lile swali limeulizwa na eleza hii Seneti ya kwamba kama ni pesa inafanya tumuunge mkono gavana, basi tungekaa na wale wanaompinga. Hii ni kwa sababu County Assembly ya Meru ndio ina uwezo wa kupea MCAs money.

As I have said, since February, we have not received even a single cent from that Assembly as a consequence of supporting the Governor. Therefore, it is unfortunate that we could be told that it is money that has led us to support the Governor.

I believe that as a peace loving Senate and a people, we should strive to preach more peace, so that we bring the Executive Arms of Government and the County Assembly together regardless of what has happened in the past. Not mentioning that you can only support the Governor because of money inducements.

According to the CFSP that I have stated, that is true. The CFSP was approved by the MCAs. Whereas the 38 elected members who opposed the Governor were allocated Kshs45 million in their wards, the seven of us who were in support of the Governor were allocated Kshs15 million. This was up until when the CECM Finance, Economic Planning and ICT complained to the office of the Control Budget (CoB) and sought some advice.

That is when that illegality was corrected and all wards were allocated that Kshs36 million according to the agreement between the negotiation team.

Thank you.

**The Temporary Speaker** (Sen. Abdul Haji): Hon. Senators, since we are out of time, I will take the last two questions from Sen. John Kinyua, followed by Sen. Mo Fire Gataya.

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**Sen. Kinyua:** Asante, Bw. Spika wa Muda. Shahidi mheshimiwa Mawira, sijui ni kuamini leo ama ule wakati mwingine ulikuja hapa. Hii ni kwa sababu Biblia inasema unapaswa utumiwe kama chombo. Sijui kama wewe ni chombo?

Unasema ulishurutishwa na ulitishwa wakati ule mwingine. Leo ulipokuwa ukiongea, ulisema ya kwamba huwezi kutaja majina fulani kwa sababu unahofia maisha yako. Sijui nitakuamini leo ama wakati ule mwingine. Nina ugumu na ninakanganyikiwa.

**Sen. Gataya Mo Fire:** Thank you, Mr. Temporary Speaker, Sir.

Hon. Mawira, I have just captured your confessions that once you left this House after you brought the Motion of impeachment against the Governor, the Governor extended some gestures of reconciliation to the MCAs. In your own view, why do you think other MCAs did not listen to the reconciliation mood and gesture extended by the Governor as you did?

I have been an MCA for a decade and I know the workings and relationship between the Governor and the MCAs. Why do you think other MCAs did not listen to those reconciliation moves from the Governor?

**Hon. Evans Mawira Kaaria:** Thank you, Mr. Temporary Speaker, Sir. In reference to the question by Sen. Kinyua, I have stated and given facts that led to me bringing the second impeachment Motion to this honourable Senate. If at all there is a time you should believe me, it is now. This is because I agreed to testify in this honourable Senate knowing the circumstances and the fact that I was here previously.

That shows you the level of commitment and sacrifice that I have gone to show and prove to you, hon. Senators and the country at large, because this is a matter of national interest right now, that the Governor has been fought incessantly, political fights. That is why we are here right now. Therefore, those are the facts that I can attest to in this honourable Senate.

There are reconciliation efforts by the Governor. It is true that she reached out. On why other Members are not agreeing or accepting the olive branch being extended to them by the Governor, the County Assembly of Meru punishes any Member who attempts to work with the Governor.

The MCAs of Meru, especially the elected ones, cannot be seen even following up projects in the executive wing of the government. If you are seen there, you are deemed as a traitor and, therefore, punished by being removed from committees and denied Assembly privileges. That makes it very hard for other Members to try and forge a working relationship with the governor.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, witness.

Counsel for the Governor, you had a remainder of four minutes. Which witness do you want to call next?

**Mr. Elias Mutuma:** Mr. Temporary Speaker, Sir, my next and last witness is the Governor of the County of Meru. I had requested for the time to be extended by at least 15 minutes, so that I have a total of 20 minutes to be done with the Governor in examination-in-chief.

**The Temporary Speaker** (Sen. Abdul Haji): Yes, Counsel for the Assembly.

**Mr. Ndegwa Njiru:** Mr. Temporary Speaker, Sir, in the morning, the Assembly was moved with an application called the doctrine of equality of arms by Mr. Ongoya,

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our learned counsel. He indicated that there ought to have been equality of arms. I still invoke the same wisdom, that there ought to be equality of arms to which I seek your indulgence, since this is the main character in these particular proceedings.

When they had the opportunity of dealing with our main witness, they had one hour 30 minutes. Therefore, it would suffice to indicate that in the effort of ensuring that we are all balanced and there is equality of arms, proper access to justice and fair hearing, you apportion us equal time, so that we can do justice to this case.

Remember, it is we who have accused the Governor and we need sufficient time. If it so pleases the Senate, grant us leave to have at least one hour 30 minutes, so that we can dispense with the justice. At the end of the day, people will feel that justice has been done.

I so beg.

**The Temporary Speaker** (Sen. Abdul Haji): Counsel, you have requested for an extra 15 minutes. As put by the Counsel for the Assembly, indeed, in the morning, your lead counsel requested that we give equality of arms as per the timings of yesterday.

Counsel for the Assembly, I doubt we can give you one hour 30 minutes. In all fairness, they are asking for an extra 15 minutes. You utilised your whole one hour 10 minutes of cross-examination. To be fair, we will also give you 20 minutes to cross-examine the key witness.

They will have extra 15 minutes on top of their four minutes. Roughly we will give them 20 minutes and you will also get 20 minutes to cross-examine the witness.

**Mr. Ndegwa Njiru:** Mr. Temporary Speaker, Sir, I am well guided by your wisdom. In the event that we do not make it, I will still seek leave for indulgence.

I am most obliged.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you. Counsel for the Governor, you may proceed.

*[The Temporary Speaker (Sen. Abdul Haji) left the Chair]*

*[The Speaker (Hon. Kingi) resumed the Chair]*

*(The Governor of Meru County (Hon. Kawira Mwangaza) took the Oath)*

**Mr. Elias Mutuma:** Good evening, Madam Governor?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Good evening to you, Wakili.

**Mr. Elias Mutuma:** Thank you. You are appearing before the Senate for the third time, courtesy of MCAs of Meru who seek to have you removed from office by way of impeachment and they have cited three main grounds for impeachment.

One is that you were invited to appear before the County Assembly of Meru, but you did not. Could you explain to the Senate why you did not honour the summonses of the County Assembly?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Thank you, Mr. Speaker, Sir, and hon. Senators. I did not appear before the County Assembly of Meru

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because there was a court issue on the impeachment. I was afraid that if I went there, it could be termed as contempt of court.

**Mr. Elias Mutuma:** You have talked about there being a court issue. Are you aware if the court had stopped the impeachment process at the County Assembly level?

**The Governor of Meru County** (Hon. Kawira Mwangaza): There was a court order for the same.

**Mr. Elias Mutuma:** Subsequent to the impeachment, did you take any action against the County Assembly for disobeying court orders?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes. After they moved and debated the impeachment Motion, I went to court and sued them for contempt of court.

**Mr. Elias Mutuma:** Subsequently, you wrote to the Speaker of this House, informing him of the court processes and orders that had been issued. Do you recall doing that?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Elias Mutuma:** What was the date of that letter?

**The Governor of Meru County** (Hon. Kawira Mwangaza): It was 9<sup>th</sup> August, 2024.

**Mr. Elias Mutuma:** Nevertheless, you are here today to answer to the charges. You filed response dated 17<sup>th</sup> August, 2024. Do you wish to stand by the response as adduced before this Senate?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Elias Mutuma:** With all the affidavits attached therein?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Elias Mutuma:** Thank you. I will go specifically to the three charges. I would like you to guide me on any evidence that you have adduced. If the same has been adduced by other witnesses, you are free to state that indeed that issue has been addressed to your satisfaction.

The first ground for impeachment is illegally revoking the appointment of one Virginia Kawira. Have you made a response to that allegation?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Elias Mutuma:** You brought witnesses here to testify on that fact and there was a serious controversy as to a legal opinion that you allegedly received that informed your revocation. I want you to specifically address that issue because all the other issues have been addressed.

I will be very specific. Did you or did you not receive any advisory from your legal advisor, Linda Kiome?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Mr. Speaker, Sir, I received an advisory from the legal advisor. To be very specific, when we were here last time, I was advised by this honourable House that, if any, I should go do away with illegal appointments.

I called my legal advisor and also *Waziri* for Legal Affairs and Public Administration and sought their advice about one Virginia Kawira.

**Mr. Elias Mutuma:** Who was your legal advisor that you sought advice from?

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**The Governor of Meru County** (Hon. Kawira Mwangaza): Ms. Linda Kiome.

**Mr. Elias Mutuma:** Ms. Linda Kiome appeared here yesterday and said that you have lifted her signatures from other documents and, or you have forged her signature or used it without her consent and termed that advisory as a mediocre.

Why would Linda Kiome, an advocate of the High Court of Kenya, appear before Senate and disown a document that you allege she had forwarded to you, in your own understanding?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Perhaps due to some political pressure or because there is a case in court that she sued me because of terminating her services as my legal advisor. Those are among the issues that have, perhaps rendered her to say that the letter did not originate from her.

**Mr. Elias Mutuma:** Madam Governor, are you familiar with technology to the extent of being able to lift a signature from another document? Are you that conversant with?

**The Governor of Meru County** (Hon. Kawira Mwangaza): I do not know any technology about signature lifting.

**Mr. Elias Mutuma:** So, your testimony in simple is that there is a personal vendetta between yourself and the advocate who disowned that document.

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Elias Mutuma:** Has the said legal advisor reached out to you, personally, or through other formal communications available to the county complaining about her use of that signature? Has she written any letter to you? Has anyone from your office been called? Has she called you personally to make that complaint?

**The Governor of Meru County** (Hon. Kawira Mwangaza): She has not called me or written anything to me. I just saw her here yesterday.

**Mr. Elias Mutuma:** For the first time?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Elias Mutuma:** Thank you. Is it your testimony before this Senate, because the actual charge is legally revoking the appointment, that you acted on that advisory to take the action that you took?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes, I acted on advisory from the legal and the *Waziri*.

**Mr. Elias Mutuma:** In two minutes, Madam Governor---

**Mr. Ndegwa Njiru:** Mr. Speaker, Sir, I am constrained to object to the leading questions.

**Mr. Elias Mutuma:** Mr. Speaker, Sir, can we have my time frozen?

**Mr. Ndegwa Njiru:** I am constrained to counsel leading the witness and putting leading questions, yet he is a seasoned advocate. Perhaps he needs to comply to the rules of examination-in-chief to avoid unnecessary intervention. I am greatly humbled.

**The Speaker** (Hon. Kingi): Objection overruled. Proceed.

**Mr. Elias Mutuma:** Thank you, Mr. Speaker, Sir. Madam Governor, the issue is illegally revoking the appointment of CPA Virginia. Why did you find it necessary, even at the wake of that advisory, to take the action that you took? In your understanding, was

the revocation illegal or not? Why did you take that action? Kindly, explain that in two minutes.

**The Governor of Meru County** (Hon. Kawira Mwangaza): The revocation was not illegal. I am the one that appointed Virginia Kawira. The original agreement with her was that she would put away the first assignment that was given by the County Government, that is, the head financial officer in the county, and then get the new job. However, she did not honour the pledge that she promised.

**Mr. Elias Mutuma:** So, by the time she took over the role of the Chief Executive Officer (CEO) of the CPSB, had she relinquished her previous post?

**The Governor of Meru County** (Hon. Kawira Mwangaza): No.

**Mr. Elias Mutuma:** How would that have affected service delivery in your government had you allowed that to proceed?

**The Governor of Meru County** (Hon. Kawira Mwangaza): It could have affected the county government because having or holding that position for six years, as a government, we could not have recruited another person. That is why I asked, respectively, to handle one line and leave the Public Service Officer as a Financial Officer.

**Mr. Elias Mutuma:** Thank you. What is your stand in respect to the accusation of failing to appoint chairpersons of various boards? Have you made any attempts to appoint the chairperson whose positions are vacant?

**The Governor of Meru County** (Hon. Kawira Mwangaza): We took several names for appointment for all the semi-autonomous Government agencies that are in dispute, but to my astonishment, the Assembly has never given a reply or given us a go-ahead to have them as the board members.

**Mr. Elias Mutuma:** Your County Executive Committee Member (CECM) Legal affairs and Public Service was here today and testified to that effect. Do you stand by the evidence that he produced?

**The Governor of Meru County** (Hon. Kawira Mwangaza): I stand by the evidence that he produced.

**Mr. Elias Mutuma:** The other issue is refusing to implement the recommendations of the resolutions of the County Assembly. Have you ever received, in your capacity as a governor, any resolution addressed to you by the County Assembly of Meru, requiring you to take action against Harrison Gatobu Nchamba and Dr. Kiambi Atheru Thambura, by way of removing them from office? Have you ever received any letter?

**The Governor of Meru County** (Hon. Kawira Mwangaza): I have never received any letter or resolution for the same.

**Mr. Elias Mutuma:** Has the County Assembly produced a single Communication that is specifically addressed to you as the governor requiring you to take action for a recommendation they made?

**The Governor of Meru County** (Hon. Kawira Mwangaza): The Assembly has not produced any single letter or any resolution, addressed to me.

**Mr. Elias Mutuma:** The report is seen to have been received by Harrison Gatobu Nchamba and the County Secretary. What is your comment on that?

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**The Governor of Meru County** (Hon. Kawira Mwangaza): I am not aware whether he received any resolution or any letter on my behalf.

**Mr. Elias Mutuma:** Would it be prudent for the County Assembly of Meru to forward a recommendation for the removal of these two officers through the same officers that you were meant to take action over, or were they meant to just address you directly on this issue?

**The Governor of Meru County** (Hon. Kawira Mwangaza): That could have been the best way. They could have just written to me directly rather than to the chief of staff or the county secretary.

**Mr. Elias Mutuma:** Thank you. You have also been accused of illegally dismissing three individuals from the County Revenue Board, the Liquor Board and the Meru Microfinance Corporation. Did you have a chance to interact with the same accusation during the last impeachment?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes, it was among the impeachment accusations.

**Mr. Elias Mutuma:** Have you taken any other action since the time we left Senate in respect to the three names that would have formed the basis for the new impeachment? Have you taken any other action?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Sorry?

**Mr. Elias Mutuma:** Have you taken any other step towards these three individuals? Have you dismissed them afresh? Have you recalled them? Have you done anything to their detriment since we left Senate last year?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes, we wrote to the County Assembly of Nairobi City, where one of them was an employee. In fact, he was an employee at the County Government of Meru and, at the same time, an employee of Nairobi City County.

**Mr. Elias Mutuma:** I would like to quickly move on to the next issue.

You have been accused of gross misconduct by deliberately and knowingly misleading the public that Kshs86 million had been raised through the paybill that had been provided for the burial arrangement of a blogger in Meru.

Madam Governor, we have watched you in a clip making certain utterances. What informed those utterances and on what basis would you claim that Kshs86 million had been raised for this purpose?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Thank you, Mr. Speaker, Sir. Yes, I stated that the contributions were made to the magnitude of Kshs86 million. This is because for more than two months, the leaders and also the Members of the County Assembly went around Meru County in all stadium that is Kinoru stadium. They had a fundraising in that stadium where they raised a lot of money, even though they did not disclose how much it was.

They went ahead to Maili Tatu Stadium where there were thousands and thousands of people. They raised money from there. They raised money from Maua Stadium. All Members of the National Assembly and MCAs raised a lot of money. Again, they had to crosscut across Meru County---

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**Mr. Elias Mutuma:** Thank you. What was your connection with this issue that you had to make this statement? How was it concerning you that you had to make this statement? How was it your business that you had to make this comment? Give that context.

**The Governor of Meru County** (Hon. Kawira Mwangaza): Thank you, Mr. Speaker, Sir. For me to make the statement, the leaders and also the MCAs were accusing me of being one of the killers of the young man. From there, they went ahead and started vilifying this House in connection to me that when I came here, maybe I bribed or so.

From that is the time I addressed the media to clear my name and also to shed light about the money that was raised. At the same time, it was to assist the young family get justice. Not only for the young man, but also for the funds that were raised during those times.

**Mr. Elias Mutuma:** This is an incident that was widely covered and a lot of disquiet was in Meru. What did you do to the family of the deceased? Did you take any action? Did you reach out? What did you do, Madam Governor?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Mr. Speaker, Sir, I tried to reach out to the family, but unfortunately the person that I sent there, one of my supporters, was almost torched because he was associated with me. I continued now to call the media at least to see that the money, which was raised was given to the family.

**Mr. Elias Mutuma:** Let us very quickly watch VKM4 and VKM8. We may need the help of the translator.

**The Speaker** (Hon. Kingi): Serjeant-at-Arms, please usher in the translator.

**Mr. Elias Mutuma:** If we could have the time frozen as we wait for the help of the translator.

*(The Interpreter (Mr. Dancan Gitonga) was ushered into the Chamber)*

We can now play the video.

*(A video clip was played)*

**The Interpreter** (Mr. Dancan Gitonga): Tunapeana onyo, hiyo mwili tutaizika kwa boma ya gavana.

Video haikiki vizuri.

**Mr. Elias Mutuma:** Can you repeat that part kindly?

**The Interpreter** (Mr. Dancan Gitonga): Onyo. Mwili huo tutaizika kwa boma ya gavana. Kila siku tutakuwa tunatafuta mwenye aliuwa Sniper.

**Mr. Elias Mutuma:** Mr. Speaker, Sir, I object to that translation. It is grossly misleading. I fully understand the Kimeru language. It has nothing to do with what the translator---

**The Speaker** (Hon. Kingi): How many translators do we have out there? Is he the only translator we have? There are two? Bring in the other one. As a translator, there can never be any doubt cast upon you.

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*(The Interpreter (Mr. Dancan Gitonga)  
was escorted out of the Chamber)*

*(The Interpreter (Mr. Muthengi Mpara) was ushered  
Into the Chamber)*

Proceed.

*(A video clip was played)*

**The Interpreter** (Mr. Muthengi Mpara): A warning, if that body is found at the home of the Governor---

**Mr. Elias Mutuma:** Mr. Speaker Sir, I think we have a serious problem.

**The Interpreter** (Mr. Muthengi Mpara): No, kindly let us play it.

**The Speaker** (Hon. Kingi): Translator, do this; face the other side; do not face the screen because you are translating what is in Meru to English. Just face the other side and simply hear the Meru language and translate it.

*(A video clip was played)*

**The Interpreter** (Mr. Muthengi Mpara): A warning, if that body is found at the residence of the Governor, well, I will not bury that body.

Mr. Speaker, Sir, the sound of the video clip is not that good.

**Mr. Elias Mutuma:** We all can hear.

**The Speaker** (Hon. Kingi): Alright, just replay it.

*(A video clip was played)*

**The Interpreter** (Mr. Muthengi Mpara): A warning, if that body is found at the residence of the Governor, I will not bury that body. It will remain there forever until when we come to get the one who killed Sniper. If it is not possible, we will take it to Senate because those are the people who brought back that person who killed Sniper. We will fight and we do not care.

**Mr. Elias Mutuma:** Mr. Speaker, Sir, we can pause a bit. We had provided a transcript of those utterances. They are contained at volume IV on page six. Since I am dissatisfied with that translation, perhaps Senators can retreat and look at it and compare with a more qualified translator.

We can have the next clip.

*(A video clip was played)*

**The Interpreter** (Mr. Muthengi Mpara): The body of Sniper, we will take it round in Kenya. We will take it to Senate. We will take it to Tigania. We will take it to Imenti. We will take it to Igembe and we will take it to the whole county.

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**Mr. Elias Mutuma:** Thank you very much.

Madam Governor, what transpired after those utterances were made against you and connecting you to the death of Sniper? Kindly as you answer that be mindful of the fact that it is an issue that is alive in court.

**The Governor of Meru County** (Hon. Kawira Mwangaza): After a lot of public rallies and leaders accusing me of killing Sniper, a team from the Directorate of Criminal Investigation (DCI) came to my place. They searched everybody, took all our phones and made even my last son, who is 16 years, to write a statement on the same.

After that, they arrested my younger brother. I tried to ask them as to why they did so and they said the investigation was still on. I believe that justice will be served as we serve justice to Sniper's family, my brother will also be served with justice. To me, I have never even thought of killing; leave alone killing, even thinking about it is very far from me.

**Mr. Elias Mutuma:** Thank you. So, is it your evidence that you were thoroughly investigated and you have not personally been in any way connected to this matter and you have not faced any charges?

**The Governor of Meru County** (Hon. Kawira Mwangaza): I have not faced any charges. I did not even record a statement on the same. They came to our place; that is the Governor's official residence, did the investigations and went away.

**The Speaker** (Hon. Kingi): Counsel for the Governor, I am informed your time is up. What do you say?

**Mr. Elias Mutuma:** Mr. Speaker, Sir, I am truly saddened by that fact. I know we have had serious issues of mismanagement of time; that is a fault on our side. If I can have just 10 minutes with your kind permission, this is a very crucial witness. She is the Governor who is facing the charges. I believe that 10 minutes will do us justice in this matter. I will be done in 10 minutes.

**The Speaker** (Hon. Kingi): Since it is her career that is on the line and she only has today to fight for it, I will give you 20 minutes.

**Mr. Elias Mutuma:** Mr. Speaker, Sir, I am really obliged.

Madam Governor, so you confirm that the criminal investigative agencies within the country were involved in this process?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes, the criminal investigative agencies were involved and they came to Meru for more than a month to do the investigations.

**Mr. Elias Mutuma:** By the time those utterances were made by the people we have seen, had investigations been concluded or begun?

**The Governor of Meru County** (Hon. Kawira Mwangaza): They had not even begun.

**Mr. Elias Mutuma:** They had not begun?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Elias Mutuma:** Did you make utterances during the course of the investigations? Did you make any public statements in respect to the issue during the course of investigations?

**The Governor of Meru County** (Hon. Kawira Mwangaza): The only public utterance that I made is about the amount that was raised during that time.

**Mr. Elias Mutuma:** During that time?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Elias Mutuma:** Thank you, Madam Governor. We have been told that you have caused a lot of problems to the widow of the deceased by claiming that she is cohabiting with a MCA. What do you say about that issue?

**The Governor of Meru County** (Hon. Kawira Mwangaza): That is very wrong. I have never uttered such. Perhaps they think by the time I said that Sniper's wife was being hosted by an MCA, they thought that I was alleging a male MCA, which was not.

**Mr. Elias Mutuma:** Which was not the case?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Elias Mutuma:** We have seen in the clips saying that they will take that body to various places. Have you witnessed them doing exactly that? If they have done that, who has done that and what is the target?

**The Governor of Meru County** (Hon. Kawira Mwangaza): The target was just to victimize the Governor. They had the purpose that immediately they raise alarm and also continue telling people lies that I murdered Sniper, I will take plea and immediately they will bring another impeachment Motion out of that.

**Mr. Elias Mutuma:** Madam Governor, there is an accused person in that murder, one Chris Kiambi and you have been told that you have continued to pay him despite him being a murder suspect. Number one, I want you to confirm if you know the said individual and if he works in your office.

**The Governor of Meru County** (Hon. Kawira Mwangaza): I learnt after the investigations were over that he is an employee of the county government in the Department of Communication.

**Mr. Elias Mutuma:** There is a letter of appointment that appears at volume VI of the County Assembly's documents. Who is the author of that letter of appointment?

**The Governor of Meru County** (Hon. Kawira Mwangaza): It is Virginia Kawira, Secretary, Chief Executive Officer (CEO), Meru County Public Service Board.

**Mr. Elias Mutuma:** Was that position in your understanding a competitive process or those are among one of the staff that work directly under you?

**The Governor of Meru County** (Hon. Kawira Mwangaza): It was a competitive position.

**Mr. Elias Mutuma:** An issue was raised and I know it will come up during cross-examination of your association with the main suspect in that murder case, one Supuu. Have you adduced evidence to show that he is not a member of your staff neither does he work for the county?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes, he is not a member of my staff. He does not even work in our county.

**Mr. Elias Mutuma:** What would be the connection between him and the County of Meru? Was he ever employed by the county?

**The Governor of Meru County** (Hon. Kawira Mwangaza): The CPSB advertised various positions. He was among the people who were appointed by then.

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Immediately after they went to check on his papers, according to the letter that I see and I also saw from the County Secretary, it was a fake degree. For that reason, the CPSB immediately revoked the appointment.

**Mr. Elias Mutuma:** Where is that letter found, in volume?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Volume II.

**Mr. Elias Mutuma:** Of the county government's document at what page?

**The Governor of Meru County** (Hon. Kawira Mwangaza): On page 454.

**Mr. Elias Mutuma:** So, would you be having any association with the same individual?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Not at all.

**Mr. Elias Mutuma:** Finally, on that issue, Madam Governor, what are your sentiments towards the family of the late Sniper? It has been argued that you have not made any utterances or directed your feelings towards the family. What would you say and had you even done that previously?

**The Governor of Meru County** (Hon. Kawira Mwangaza): I did it previously. I also repeat that I am sorry about the family. In fact, I am I went out of my way to ask for justice for the same family.

This is a young family that is not able. The reason as to why I went to the media to give my stand is that I saw some kind of mishandling and stealing from the same family. They were doing it for politics and not to assist the family.

**Mr. Elias Mutuma:** Your utterances in that press statement, were they directed at the family or to whom were they directed?

**The Governor of Meru County** (Hon. Kawira Mwangaza): My utterances were directed to the general public of Meru.

**Mr. Elias Mutuma:** Thank you. Let us go to the last count of abuse of office. You have been accused of employing a bloated workforce. Did you stand before the Senate last year to answer to the same charges?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes, I was here for the same charges.

**Mr. Elias Mutuma:** Were you found guilty of those charges?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Not guilty.

**Mr. Elias Mutuma:** A list was produced here of the names that you have purportedly employed. Was it the same list that was produced last year purporting that you had a bloated workforce?

**The Governor of Meru County** (Hon. Kawira Mwangaza): It was the same list that was brought here.

**Mr. Elias Mutuma:** Let me go back to the issue of paying Kiambi Christus Manyara. You have been accused of not taking any disciplinary action against the said individual despite him facing criminal charges. Do you have powers to take disciplinary action against an individual who has been accused of any criminal offence as a governor?

**The Governor of Meru County** (Hon. Kawira Mwangaza): I do not believe I have any powers to do that.

**Mr. Elias Mutuma:** Who should take disciplinary action in your understanding?

**The Governor of Meru County** (Hon. Kawira Mwangaza): I think it is the CPSB.

**Mr. Elias Mutuma:** To the best of your knowledge, has that issue been brought to the attention of the CPSB for their attention?

**The Governor of Meru County** (Hon. Kawira Mwangaza): The issue has not been brought to the CPSB. If there is any, maybe they could have informed me.

**Mr. Elias Mutuma:** We also watched clips by the Mover of the Motion touching on two main issues. One is the issue of the death of 20 cows within your county that died because of an outbreak of a skin disease. Are you aware of that issue and what have you done in respect to it? Do you have any data of any form?

**The Governor of Meru County** (Hon. Kawira Mwangaza): I saw the issue on this screen yesterday. For the veterinary services that we offer in Meru County, for the last two financial years, we have vaccinated over 200,000 against various diseases. I only saw the clip, but I did not see any dead cow or even people supporting the same.

**Mr. Elias Mutuma:** You are also accused of poor service delivery where even mothers within your County, specifically within Kiguchwa Hospital, are giving birth by the roadside. Are you aware of that incident and what have you done about it?

**The Governor of Meru County** (Hon. Kawira Mwangaza): I also saw the incident yesterday. Kiguchwa is not a Level 4 or Level 3 facility. It is just a dispensary. We are putting up a maternity facility. Perhaps the woman that went to that place was also assisted by the person in charge of that facility. As I said, it has no maternity wing.

**Mr. Elias Mutuma:** Thank you. Madam Governor, I have less than 10 minutes. You have brought several witnesses to testify in support of your case. One of those witnesses is Mheshimiwa Evans Mawira. It has been alleged by the County Assembly that you have procured this witness by way of buying his loyalty. What would you say about that specific allegation?

**The Governor of Meru County** (Hon. Kawira Mwangaza): The allegation is wrong because I do not see if I am able to buy any MCA. Immediately after the third impeachment Motion, I called Mr. Mawira as the majority leader then, to bring us together and also bring other MCAs as their leader. From that time, he has faced many challenges. As he said, joining this other camp and refusing to fight the government.

**Mr. Elias Mutuma:** This is your third impeachment Motion, Madam Governor. At the point when you were first brought to the Senate, how many MCAs did you have in your team that would support anything that the County Executive would do? How many MCAs did you have?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Having been elected as an independent candidate, the first time the impeachment Motion was brought here, I had only one out of 69 MCAs. I did a lot of effort to bring them together.

In the second impeachment Motion, I had 10 of them. After, the second impeachment, I went ahead and tried to see how we can work with them together. I can proudly say that up to now, I have 23 MCAs on my side.

**Mr. Elias Mutuma:** The 23 MCAs are out of what membership of the County Assembly?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Out of 69.

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**Mr. Elias Mutuma:** What other efforts have you made to bring about unity and reconciliation in the Meru County?

**The Governor of Meru County** (Hon. Kawira Mwangaza): From the first impeachment, the issues raised were about the first gentleman of Meru County. We discussed as a family and agreed that he will never participate in any county meeting apart from accompanying me to the church. This was to make sure that the MCAs are comfortable with me. The issue of first gentleman appeared in this Senate. We, therefore, sat as a family and agreed that it was over for him attending any meetings that pertained to the county.

Again, I thought it was the issue of money because it was raised in this Senate. The first financial year, that is 2022/2023, we allocated Kshs10 million per every ward on the equalisation or ward fund. They call it ward fund. They said it was not enough. I went ahead and increased it by Kshs5 million up to Kshs15 million. Again, they said that the money was not enough and wanted more money.

This financial year, we have given every ward that Kshs33 million to see if at all there will be peace in Meru County. I took those two steps as early as I realized that there were issues with the MCAs.

There is also an issue raised that I should have stopped my programmes that I do with the church. That is the Okolea programme where we go as a church and donate cows, blankets and mattresses to the poor. Again, the MCAs and the leadership was not happy with the programme. They said I should stop it and not continue doing anything to do with the charity work in Meru County. For the sake of unity and bringing people together, I stopped my charity work that I have been doing for the last 15 years.

I have taken many steps to see that we work together, including writing to the Standing Committee on Devolution and Intergovernmental Relations of this Senate to come to Meru County and see what is the problem. I wrote twice to the committee, but to my surprise, I am still waiting to see if they will come and see the issues that are ailing Meru County.

Immediately after that second impeachment, I went across Meru County, saying sorry if I had wronged anyone. In fact, at one point, I said sorry 70 times, each sorry for every MCA and another one for the Speaker. I asked for forgiveness so that the county would take progress. I want to thank this honourable House for the advice that they gave me to go and try and sit with every leader.

I started with the Njuri Ncheke. I went to them and they asked for a sitting. We sat and talked, and then amended everything that was not going well. I sat with the Members of Parliament (MPs) and every leader in Meru County. The only person who did not avail himself for a sitting to see that Meru County moves forward is the hon. Senator of this House. We have sat and talked with the rest. We have no issues at all.

**Mr. Elias Mutuma:** Madam Governor, yet you are here yet again even after all those efforts. Clearly, the Senators might be inclined to think that you have a problem. The people of Meru and across the country imagine that you are the one with the problem. Where is the problem, then? Why are you here?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Maybe I am here because of various reasons. One is the threats and intimidation to the hon. MCAs, as the witness who has just left the stand said.

Number two, is about the external forces from the leaders at the county level. We have many leaders from the county level. You have seen them in the clips. Maybe, you will play another clip that one of them is saying, the Senator--- However, I need protection for this because I might land myself in problem.

**Mr. Elias Mutuma:** You can make the application directly to the Speaker for that line.

**The Speaker** (Hon. Kingi): Hon. Governor, you shall not be victimized for whatever you say as long as it is truthful and in line with the oath that you have just taken.

**The Governor of Meru County** (Hon. Kawira Mwangaza): Thank you, Hon. Speaker and the hon. Senators. Since I am here, let me say the truth. The issue of MCAs in Meru County, one leader who is trying to fuel and bring disharmony is no one else, but the Deputy Speaker of this House.

Several times I have tried to reach to him, so that I can at least say sorry to him, but he does not avail himself. I tried to reach the Devolution and Intergovernmental Relations Committee of this House to come to Meru County, but he said through his people, that at no time the Committee will come to Meru County until he gives a green light for the same.

This hon. Senator, the Deputy Speaker of this House, is heard in many meetings like in the video clip we have just seen--- The MCAs were planning on how to impeach the governor immediately after we left here, and then they ask for comments from the hon. Deputy Speaker of this House. In the video clip that has been played here, he stands and says, “We as circumcised men. We will make sure that we assist hon. Members in whatever way.”

The assistance that he gives to the MCAs is to make sure that they impeach me as many times as possible. In fact, he promises them that immediately they leave River Kavitha to this end, he will take care of this House. I do not know how he will take care of this House, but hon. Senators, the Deputy Speaker, my Senator whom I give a lot of respect, has greatly interfered with the running of the County Government of Meru.

**Mr. Elias Mutuma:** Are you saying that your Senator who also happens to be my Senator, is behind your problems in Meru County?

**The Governor of Meru County** (Hon. Kawira Mwangaza): We can play the clip.

**Mr. Elias Mutuma:** Kindly, let us play that clip.

**The Speaker** (Hon. Kingi): It is a ‘yes’ or ‘no’ answer. We do not need to play the clip.

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Elias Mutuma:** Thank you, Madam Governor. Do you think that devolution works in Meru County with you as the governor or the only solution is for you to vacate your seat and give it to someone else so that we can have peace? Do you think there is a working relationship, especially with the County Assembly of Meru because that is where your focus should be? Do you think there is that working relationship?

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**The Governor of Meru County** (Hon. Kawira Mwangaza): Thank you, Mr. Speaker, Sir. Concerning the working relationship or progress in Meru County, I have said that I started with one MCA, then went to nine MCAs and now I have 23 MCAs.

**The Speaker** (Hon. Kingi): Counsel for Governor, conclude. Your time is up.

**Mr. Elias Mutuma**: That was my last question. I thank you, Mr. Speaker, Sir. I yield the witness for cross-examination.

**The Speaker** (Hon. Kingi): Counsel for County Assembly, proceed for cross-examination.

**Mr. Ndegwa Njiru**: Thank you, Mr. Speaker, Sir. I beg your indulgence to advise us on extension of time. We had agreed previously there shall be equality of time. However, I leave it to you so that as we progress, you will consider.

**The Speaker** (Hon. Kingi): Just utilize your 20 minutes first. At the end of the 20 minutes, you know exactly what you need to do.

**Mr. Ndegwa Njiru**: I am well guided, Mr. Speaker, Sir.

Hon. Governor, good evening. The last time you were here, you indicated that you were a victim of misogyny. Do you remember?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Ndegwa Njiru**: Do you still hold that preposition, this afternoon?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Ndegwa Njiru**: You still hold the position that you are a victim of the gender card and it is because of the gender card, that you have always been brought before this Assembly?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Ndegwa Njiru**: Do you reckon that the Mover of the Motion was a woman?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Ndegwa Njiru**: Do you reckon that the Motion was equally supported by the men and women, the MCAs of the Meru County?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Ndegwa Njiru**: Yet, you still hold the preposition that you are a victim of gender and should female governors be held to account?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes, they should.

**Mr. Ndegwa Njiru**: Should they be told when they are wrong?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes, they should.

**Mr. Ndegwa Njiru**: Are they bound by the law?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes, they are bound.

**Mr. Ndegwa Njiru**: Are they exempted by any clause that you know of?

**The Governor of Meru County** (Hon. Kawira Mwangaza): No, Mr. Speaker, Sir.

**Mr. Ndegwa Njiru**: Therefore, when we tell you that you illegally revoked the appointment of Virginia Kawira and that you contravened Section 58(4)(5) and Section 59(a) of the County Governments Act. How is that victimization? How do we victimize you as a woman when we say you violated Sections 58 and 59?

**The Governor of Meru County** (Hon. Kawira Mwangaza): I did not violate any section.

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**Mr. Ndegwa Njiru:** Listen to my question. How do we victimize you? I am not asking whether you violated. I am asking how do we victimize you as a woman? I know you did not violate and that is why you are putting a defence. The question is, how have we victimized you?

**The Governor of Meru County** (Hon. Kawira Mwangaza): I did not violate---

**Mr. Ndegwa Njiru:** That you have said. The question is, how did we victimize you? *Tukisema kwamba umevunja hii sheria naumesema hujavunja sheria hii, tumekuonea vipi eti kwa sababu wewe ni gavana mwanamke?*

**The Governor of Meru County** (Hon. Mwangaza): Ni kwa sababu sijavunja sheria yeyote ile hamjanionea.

**Mr. Ndegwa Njiru:** You are not understanding my question. The question is about victimization. How have we victimized you?

**The Governor of Meru County** (Hon. Kawira Mwangaza): I am understanding.

**The Speaker** (Hon. Kingi): The counsel has tried to put it in English and Swahili, but it is not sinking well. I wish I could allow Kimeru, but that language is not allowed here.

Let me try to assist the witness maybe to understand. If a governor breaches the law and is held to account, if it happens that governor is a woman, is she being victimized?

**The Governor of Meru County** (Hon. Kawira Mwangaza): She is not.

**The Speaker** (Hon. Kingi): Counsel, have I?

**Mr. Ndegwa Njiru:** Thank you for the indulgence. I enjoy from your wisdom of having practiced many years of law, Senior Counsel.

You sat through of one Linda Kiome and you heard that she distanced herself from that particular letter?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Ndegwa Njiru:** You were given leave to bring or to produce the original letter. Correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Ndegwa Njiru:** Have you produced it before the Senate this afternoon?

**The Governor of Meru County** (Hon. Kawira Mwangaza): I made calls, but I have not produced the letter.

**Mr. Ndegwa Njiru:** Thank you. Who is in custody of that original letter?

**The Governor of Meru County** (Hon. Kawira Mwangaza): I think the office of the legal advisor?

**Mr. Ndegwa Njiru:** Think or know? Who is in custody of that letter?

**The Governor of Meru County** (Hon. Kawira Mwangaza): I have a secretary.

**Mr. Ndegwa Njiru:** Is that secretary within your reach?

**The Governor of Meru County** (Hon. Kawira Mwangaza): She is in Meru.

**Mr. Ndegwa Njiru:** Is she within your reach?

**The Governor of Meru County** (Hon. Kawira Mwangaza): She is within my reach.

**Mr. Ndegwa Njiru:** Did you communicate to her that it was important to have that letter produced before the Senate?

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**The Governor of Meru County** (Hon. Kawira Mwangaza): I communicated to her and she said that she had given the letter to the legal team that was preparing.

**Mr. Ndegwa Njiru:** So, the letter was still within the custody of the legal team?

**The Governor of Meru County** (Hon. Mwangaza): So that they can have a copy.

**Mr. Ndegwa Njiru:** Have they produced it?

**The Governor of Meru County** (Hon. Kawira Mwangaza): They have produced a copy.

**Mr. Ndegwa Njiru:** Have they produced the original letter?

**The Governor of Meru County** (Hon. Kawira Mwangaza): They have not.

**Mr. Ndegwa Njiru:** How can we tell and how can you dispute the allegation of forgery? How can you distance yourself with the allegation of forgery in that letter?

**The Governor of Meru County** (Hon. Kawira Mwangaza): There was no forgery in that letter.

**Mr. Ndegwa Njiru:** In the absence of the original letter, how can you distance yourself from that letter?

**The Governor of Meru County** (Hon. Kawira Mwangaza): It was asked a few minutes ago and because it is in Meru, we needed to do some arrangements.

**Mr. Ndegwa Njiru:** You cannot distance yourself from that letter in the absence of the original and you cannot distance yourself from the allegation of forgery in the absence of the original letter?

**The Governor of Meru County** (Hon. Kawira Mwangaza): I can distance myself.

**Mr. Ndegwa Njiru:** When do you allege that the advisory was given? Is it your testimony that it was given on 23<sup>rd</sup> February, 2024?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Ndegwa Njiru:** When did you begin having problems with Ms. Linda.

**The Governor of Meru County** (Hon. Kawira Mwangaza): Way back.

**Mr. Ndegwa Njiru:** Which specific date?

**The Governor of Meru County** (Hon. Kawira Mwangaza): I do not remember the date.

**Mr. Ndegwa Njiru:** Do you remember issuing a notice after intention to terminate her services?

**The Governor of Meru County** (Hon. Kawira Mwangaza): No.

**Mr. Ndegwa Njiru:** I will remind you that on 26<sup>th</sup> March, 2024, you issued a notice of intention to terminate her services and at that particular time, your relationship with Linda had already starting going south. Correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Not completely.

**Mr. Ndegwa Njiru:** Let us look at that letter. You indicate that the reason for the termination is due to her perennial unavailability to offer legal services. You also say that when the governor raised this concern over the same issue in December--- It is an independent letter annexed to the affidavit of Linda, which was filed yesterday.

**The Speaker** (Hon. Kingi): Ms. Linda's affidavit is an independent document and is not contained in any of those volumes, but it was circulated. If you do not have a copy,

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kindly make available a copy to hon. Orwoba. Is there any other Senator who does not have a copy of Ms. Linda's affidavit?

**Mr. Ndegwa Njiru:** Mr. Speaker, Sir, may we freeze time?

**The Speaker** (Hon. Kingi): Make a copy available to Sen. Omogeni and Sen. Orwoba.

Proceed, Counsel.

**Mr. Ndegwa Njiru:** That annexure indicated as office of the Governor, a letter dated 26<sup>th</sup> March, 2024, which is on the last page, indicated as notice of intention to terminate your services. Have you seen it?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Ndegwa Njiru:** Did that letter originate from your office?

**The Governor of Meru County** (Hon. Kawira Mwangaza): From the chief of staff.

**Mr. Ndegwa Njiru:** From the office of the governor?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Ndegwa Njiru:** This is an officer who was working under you?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Ndegwa Njiru:** The chief of staff works under your instructions, yes?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Ndegwa Njiru:** She cannot execute any functions without you having indicated or given instructions, correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Ndegwa Njiru:** As such, therefore, this letter originated pursuant to your instructions, yes?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Ndegwa Njiru:** Therefore, you are indicating that you have a problem with Ms. Linda due to her perennial unavailability to offer advice, correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): True.

**Mr. Ndegwa Njiru:** So, on this particular day, where was Ms. Linda when issuing this advisory?

**The Governor of Meru County** (Hon. Kawira Mwangaza): I do not know.

**Mr. Ndegwa Njiru:** You do not know?

**The Governor of Meru County** (Hon. Kawira Mwangaza): No.

**Mr. Ndegwa Njiru:** Did you instruct her to issue this advisory?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Who now?

**Mr. Ndegwa Njiru:** You. Did you instruct her to issue this advisory?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Her or he?

**Mr. Ndegwa Njiru:** Did you instruct Ms. Linda to issue the advisory dated the 23<sup>rd</sup> of February?

**The Governor of Meru County** (Hon. Kawira Mwangaza): I called the legal advisor, that is Ms. Linda and also---

**Mr. Ndegwa Njiru:** So, you instructed her, correct?

**The Speaker** (Hon. Kingi): Governor, it is either a 'yes' or 'no.'

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**The Governor of Meru County** (Hon. Kawira Mwangaza): I asked for advice from them.

**Mr. Ndegwa Njiru**: I am asking a simple question. Did you instruct her?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Ndegwa Njiru**: What was the mode of communication?

**The Governor of Meru County** (Hon. Kawira Mwangaza): One-on-one.

**Mr. Ndegwa Njiru**: One-on-one, on that particular day?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Not that particular day, but earlier

**Mr. Ndegwa Njiru**: When did you seek this advisory?

**The Governor of Meru County** (Hon. Kawira Mwangaza): After maybe three days.

**Mr. Ndegwa Njiru**: When did you seek the advisory?

**The Governor of Meru County** (Hon. Kawira Mwangaza): I cannot remember the date.

**Mr. Ndegwa Njiru**: What triggered you to seek this advisory? What had caused the need to seek this advisory?

**The Governor of Meru County** (Hon. Kawira Mwangaza): There was an allegation that Virginia Kawira was holding two positions.

**Mr. Ndegwa Njiru**: Are you the one who sent out this advisory? Are you the one who called for it?

**The Governor of Meru County** (Hon. Kawira Mwangaza): I called Ms. Linda and asked for advice.

**Mr. Ndegwa Njiru**: Was the revocation of Ms. Linda done pursuant to the provisions of the law?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Ndegwa Njiru**: Do you know what the law says in terms of the revocation of a member of a board?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Ndegwa Njiru**: You understand that you cannot revoke an appointment of a member of a board without a resolution of the County Assembly, correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): It is not true.

**Mr. Ndegwa Njiru**: Just show her the law. Read it out for her.

**The Governor of Meru County** (Hon. Kawira Mwangaza): Are we talking about Ms. Linda or Ms. Virginia?

**Mr. Ndegwa Njiru**: Ms. Virginia. I am on Ms. Virginia. Would you read Section 58(5)?

**The Governor of Meru County** (Hon. Kawira Mwangaza):

The members of the board may only be removed from office-

(a) On grounds set out for the removal of members of a Constitutional Commission under Article 25(1) of the Constitution and via a vote of not less than 75 per cent.

**Mr. Ndegwa Njiru**: A vote of not less than 75.

**The Governor of Meru County** (Hon. Kawira Mwangaza): Per cent.

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**Mr. Ndegwa Njiru:** We have two ways of removing a person from an office, correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): I revoked, not removed.

**Mr. Ndegwa Njiru:** When you revoked, did she leave the office?

**The Governor of Meru County** (Hon. Kawira Mwangaza): She went to court.

**Mr. Ndegwa Njiru:** I am asking, when you revoked, assuming that she did not go to court, was she to leave the office?

**The Governor of Meru County** (Hon. Kawira Mwangaza): After revoking, she was not supposed to leave the office.

**Mr. Ndegwa Njiru:** Ulipo revoke hiyo barua yake, ulitarajia atarudi ofisini siku nyingine?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Nilitarajia atachagua kazi moja kati ya kazi mbili alizokuwa anashikilia.

**Mr. Ndegwa Njiru:** Haukutarajia kwamba hatarudi kwa hiyo ofisi? Kweli?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Nilimpatia achague atarudi kwa ofisi gani.

**Mr. Ndegwa Njiru:** Naomba ujibu swali langu. Nimekuuliza vizuri sana. Ulitarajia kwamba atarudi kwa ile ofisi yake awe CEO wa Board tena?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Ndegwa Njiru:** Ulitarajia vipi nausharevoke?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Revoking is not dismissing.

**Mr. Ndegwa Njiru:** I understand English. My question is, whether you dismiss, whether you revoke, the ultimate result is that she is going to leave that office. She is going to be removed from that office, correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): She would not leave that office if she had left the job that she was holding.

**Mr. Ndegwa Njiru:** The revocation was done under which law? Which law did you invoke when revoking that appointment?

**The Governor of Meru County** (Hon. Kawira Mwangaza): The law that makes me an appointee for the CEO.

**Mr. Ndegwa Njiru:** The laws in Kenya are known. We know all the laws. Which law specifically did you invoke? Show us from that purported advisory, which law was invoked while purporting to revoke. Have a look at that advisory and lead us to the law from that particular lawyer who advised you that a revocation can ensue. Which law did he/she invoke?

**The Governor of Meru County** (Hon. Kawira Mwangaza): The legal advisor is Ms. Linda. I knew the law that she used.

**Mr. Ndegwa Njiru:** Yes, I understand. Which law did she invoke in her advisory? Can you see what she is saying, I am relying on the County Government Act.

**The Governor of Meru County** (Hon. Kawira Mwangaza): No.

**Mr. Ndegwa Njiru:** The last paragraph of that letter. Kindly show Madam Governor.

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**The Governor of Meru County** (Hon. Kawira Mwangaza): This is Ms. Linda's affidavit.

**Mr. Ndegwa Njiru:** Madam Governor, be patient. You will be shown where to read.

*(Sen. Orwoba spoke off record)*

**The Speaker** (Hon. Kingi): Proceed Counsel. Sen. Orwoba, you do not shout. If we have not given you any permission to speak, you stay silent.

**Mr. Ndegwa Njiru:** Can you see where it is written? In rendering this legal advice, I am relying on the County Governments Act. Correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Ndegwa Njiru:** Has she quoted any provision?

**The Governor of Meru County** (Hon. Kawira Mwangaza): No.

**Mr. Ndegwa Njiru:** Did you hear her say that this is a mediocre advice? Therefore, she distanced herself from this mediocrity.

**The Governor of Meru County** (Hon. Kawira Mwangaza): She cannot distance herself from this.

**Mr. Ndegwa Njiru:** I am asking; did you hear her saying it is mediocre?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Ndegwa Njiru:** Do you understand why it is mediocre? It is because she is not referenced in any law. I put it to you that the letter is referred to as mediocre because it is not referred to any law and it was done by an amateur.

**The Governor of Meru County** (Hon. Kawira Mwangaza): I am not a legal expert. That is why I sought legal advice.

**Mr. Ndegwa Njiru:** Mr. Speaker, Sir, could we have video number 11, in the County Assembly videos played, from second 12. As we await that video, it is your testimony that there is proper delivery of services in Meru County, correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Ndegwa Njiru:** There is no hue and cry, whatsoever in nature, correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Maybe there are some parts.

**Mr. Ndegwa Njiru:** Yes, there is no hue and cry, correct? All services are flowing smoothly according to you, correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Ndegwa Njiru:** Including the health sector, correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Ndegwa Njiru:** Play at second 12 and you confirm that facility has no maternity ward, correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): We are putting it up, it is not yet finished.

**Mr. Ndegwa Njiru:** Have a look.

*(A video clip was played)*

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We are just interested in that writing on the wall, we do not even need an interpreter.

**The Governor of Meru County** (Hon. Kawira Mwangaza): That is a new block.

**Mr. Ndegwa Njiru:** Wait, I have not put a question to you. *Rudisha nyuma kidogo tafadhali*. We are interested in where we have the Kiboshua Maternity Ward.

Madam Governor, would you kindly read out?

**The Governor of Meru County** (Hon. Kawira Mwangaza): That is a new block, which is not even furnished.

**Mr. Ndegwa Njiru:** Can you see where it is written, Kiboshua Maternity Ward?

**The Governor of Meru County** (Hon. Kawira Mwangaza): It was written two months ago. Yes, I can see.

**Mr. Ndegwa Njiru:** It is okay. Who opened this facility?

**The Governor of Meru County** (Hon. Kawira Mwangaza): It has not been opened yet because it has no furniture.

**Mr. Ndegwa Njiru:** Is this facility functional?

**The Governor of Meru County** (Hon. Kawira Mwangaza): It is functional as a dispensary.

**Mr. Ndegwa Njiru:** A dispensary that can take any emergency of whatever nature, correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): No. Limited to some services.

**Mr. Ndegwa Njiru:** We need an interpreter now. Let us have where the women are saying that a woman delivered on the road. Let the video be played.

*(A video clip was played)*

Mr. Speaker, Sir, we need an interpreter.

**The Speaker** (Hon. Kingi): Can you bring the interpreter to the House?

*(Sen. Orwoba spoke off record)*

What is your issue, Sen. Gloria, as we wait for the interpreter to walk in? Keep it short.

**Sen. Orwoba:** Mr. Speaker, Sir, in the interest of this House, I hate to say this. However, we have been taking time out of the other team to get the interpretation for the visually impaired. I do not see why now when we are saying there is a visually impaired person in the interest of time, they are getting favoured to run clips without an interpreter. I am seeing as if there is a problem here. They should also stop badgering the witness. She should be allowed to answer the question. She is not being allowed to answer the questions. It is a common thing here.

**The Speaker** (Hon. Kingi): Do we have the interpreter in the House? Sen. Orwoba, you have never registered yourself as a visually impaired Senator. Continue with the proceedings.

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**Mr. Ndegwa Njiru:** Kindly have the video played.

*(A video clip was played)*

**The Interpreter** (Mr. Muthengi Mpara): These are women from the village who are saying it is a big risk to the baby and the mother. I came here early in the morning at 4.00 a.m. as I was going to pray, I found women here---

**Mr. Ndegwa Njiru:** We can stop at that. Thank you, Mr. Speaker, Sir. Have you heard what those women are saying? What are they saying?

**The Governor of Meru County** (Hon. Kawira Mwangaza): She was going for prayers and met a woman who was crying along the road.

**Mr. Ndegwa Njiru:** Proceed to play the video.

*(A video clip was played)*

**The Interpreter** (Mr. Muthengi Mpara): I was going to church, but I did not even attend. I went looking for other women from the village. During delivery, the children were all over and we were chasing them, so that they could not join us in the process.

**Mr. Ndegwa Njiru:** Thank you. We have heard what the women are saying. They are complaining that one of them is delivering along the roadside. Correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes, Mr. Speaker, Sir.

**Mr. Ndegwa Njiru:** Did it catch you by surprise?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Mr. Speaker, Sir, I was also surprised.

**Mr. Ndegwa Njiru:** You did not know about it, correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): No, Mr. Speaker, Sir. I saw it yesterday.

**Mr. Ndegwa Njiru:** Thank you. You are the Chief Executive Officer (CEO) of Meru County Government. Correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): We have---

**Mr. Ndegwa Njiru:** You are the CEO?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Ndegwa Njiru:** Let us play video No. 1A at minute 242.

*(A video clip was played)*

**Mr. Ndegwa Njiru:** Are you the one speaking?

**The Governor of Meru County** (Hon. Kawira Mwangaza): That is very true.

**Mr. Ndegwa Njiru:** What is the context of your address? Are you addressing the death of Sniper?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes, Mr. Speaker, Sir.

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**Mr. Ndegwa Njiru:** You are distancing yourself from that person called ‘Supuu’ and stating that he has never worked in your office. Correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes, Mr. Speaker, Sir. He has never worked in my office

**Mr. Ndegwa Njiru:** Do you still hold that position even this evening?

**The Governor of Meru County** (Hon. Kawira Mwangaza): He has never worked in my office

**Mr. Ndegwa Njiru:** Let us look at the evidence in volume II of the County Assembly’s’ bundle of documents on page 430.

**The Speaker** (Hon. Kingi): Counsel for the County Assembly, your time is up.

**Mr. Ndegwa Njiru:** Mr. Speaker, Sir, that has caught us by surprise. This is a crucial witness; we seek your indulgence and favour that you may grant us at least 20 more minutes, so that I can also yield to my friends to carry on with the rest.

**The Speaker** (Hon. Kingi): Counsel for County Assembly, we have a deadline to beat. We have until midnight tonight to conclude this matter. We are not doing very well in terms of time management. Therefore, I will give you 10 more minutes.

**Mr. Ndegwa Njiru:** Most obliged. Let us have a look at that document. Page 430, are you at page 430 Madam Governor? We can begin on page 429. That is the information that the individuals were charged with, correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes, Mr. Speaker, Sir.

**Mr. Ndegwa Njiru:** Vincent Muriithi Karimi, alias ‘Supuu’, is one of the accused persons. Correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes, he is one of the accused.

**Mr. Ndegwa Njiru:** Is that the same Vincent Muriithi Karimi on page 430?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes, he is.

**Mr. Ndegwa Njiru:** Can you confirm that this is a Curriculum Vitae (CV) for Vincent Muriithi?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Ndegwa Njiru:** Let us move to page 431. Can you see where it is written Baite TV?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes, Mr. Speaker, Sir.

**Mr. Ndegwa Njiru:** Do you know Baite TV? Where does it broadcast from?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes. It broadcasts from Meru County.

**Mr. Ndegwa Njiru:** Do you have any association with that particular station?

**The Governor of Meru County** (Hon. Kawira Mwangaza): No, Mr. Speaker, Sir.

**Mr. Ndegwa Njiru:** Kindly look at where we have the references. Can you see them?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes, Miriam Guantai.

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**Mr. Ndegwa Njiru:** That is one of the references to Victor Muriithi. Correct?  
**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes and Father Kaberia.

**Mr. Ndegwa Njiru:** Do you know Miriam? Who is she?  
**The Governor of Meru County** (Hon. Kawira Mwangaza): Mr. Speaker, Sir, I know Miriam. She is a close relative.

**Mr. Ndegwa Njiru:** Relative to who?  
**The Governor of Meru County** (Hon. Kawira Mwangaza): Relative to the Governor.

**Mr. Ndegwa Njiru:** Who is she refereeing?  
**The Governor of Meru County** (Hon. Kawira Mwangaza): From this document she is referring Vincent Muriithi.

**Mr. Ndegwa Njiru:** Does she not work as your Personal Assistant (PA)?  
**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes, she does.

**Mr. Ndegwa Njiru:** Do you still maintain that you do not know Vincent and that he does not work for you?

**The Governor of Meru County** (Hon. Kawira Mwangaza): He does not work for me.

**Mr. Ndegwa Njiru:** Has he ever worked in the county government in any given time?

**The Governor of Meru County** (Hon. Kawira Mwangaza): He has never worked for the Meru County Government.

**Mr. Ndegwa Njiru:** Let us go to page 443 of the same bundle of documents. That is a letter from the CPSB, correct?

**An Hon. Senator:** Which page?  
**Mr. Ndegwa Njiru:** Hon. Senators, page 443.  
**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes, Mr. Speaker, Sir.

**Mr. Ndegwa Njiru:** The CPSB is responsible of a placement, correct?  
**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes, Mr. Speaker, Sir.

**Mr. Ndegwa Njiru:** That letter is an internal memo sent from the Meru CPSB to the chief of staff. Correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes, it is an internal memo.

**Mr. Ndegwa Njiru:** Does the chief of staff work under your office?  
**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes, Mr. Speaker, Sir.

**Mr. Ndegwa Njiru:** Can you see where you have serial number one?  
**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes, Mr. Speaker, Sir. I can see.

**Mr. Ndegwa Njiru:** Who is that?  
**The Governor of Meru County** (Hon. Kawira Mwangaza): The first person?

Vincent Muriithi.

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**Mr. Ndegwa Njiru:** Can you see what is written in the designation? What is he?  
**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes, Mr. Speaker, Sir. Assistant Director of Governor's Press.

**Mr. Ndegwa Njiru:** Do you still maintain your position that he does not work for you?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes, Mr. Speaker, Sir. He does not work for me.

**Mr. Ndegwa Njiru:** As I yield to my next Counsel; I put it to you that you are capable and have been a pathological liar who has always craved and hidden under the gender card. You have come before this Assembly to lie. Your witnesses have always lied and they have lied today. Yes?

**The Governor of Meru County** (Hon. Kawira Mwangaza): I will prove to you now---

**Mr. Ndegwa Njiru:** Did you listen to the submissions or the response of the County Executive Committee Member (CECM) for Information Communication and Technology (ICT)?

**The Governor of Meru County** (Hon. Kawira Mwangaza): No, Mr. Speaker, Sir.

**Mr. Ndegwa Njiru:** Did you listen to that evidence?

**The Governor of Meru County** (Hon. Kawira Mwangaza): From who?

**Mr. Ndegwa Njiru:** Mr. Ibrahim.

**The Governor of Meru County** (Hon. Kawira Mwangaza): Which Mr. Ibrahim?

**Mr. Ndegwa Njiru:** Mr. Ibrahim Mutwiri.

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes, Mr. Speaker, Sir.

**Mr. Ndegwa Njiru:** Did you hear him confirming that he is a man of proper standing?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes, Mr. Speaker, Sir.

**Mr. Ndegwa Njiru:** And that has now been proved otherwise?

**The Governor of Meru County** (Hon. Kawira Mwangaza): He has not been proved.

**Mr. Ndegwa Njiru:** Madam Governor, I yield to the next Counsel, but you shall not keep on lying. We shall not allow you to evade accountability on account of misogyny or on "it was not me". I yield.

**Mr. Boniface Mwereru Mawira:** Mr. Speaker, Sir, my name is Mr. Mawira. I will take the few minutes that are remaining.

Madam Governor, in your opening statement, you said that the County Assembly defence consists of lies, correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Boniface Mwereru Mawira:** You said that it is a pure lies, correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Boniface Mwereru Mawira:** We have shown you evidence that the purported legal advice from the purported legal advisor is a lie. We have caught you

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lying. We have shown you further evidence that the letters that were purportedly written by the notorious County Secretary, but never received by the Office of the Clerk, which you purport in your evidence to have been received by the Office of the Clerk, are also outright forgeries.

We have also shown you evidence, contrary to what you say in that video, that you do not know Vincent Mureithi alias Supuu. We have shown you evidence that that person has actually worked under your office.

**The Governor of Meru County** (Hon. Kawira Mwangaza): I know Supuu, but he has never worked in my office.

**Mr. Boniface Mwereru Mawira:** Wait for the question, Madam Governor. Do you still maintain that despite all these lies and inconsistencies in your evidence, it is the County Assembly that is lying?

**The Governor of Meru County** (Hon. Kawira Mwangaza): There are no lies.

**Mr. Boniface Mwereru Mawira:** Okay. Madam Governor, for the benefit of time, we will not play it, but there is a video in your bundle of videos where you did a tour. After the last impeachment proceedings, you went to Meru and you were addressing a rally from the top of a car, correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Boniface Mwereru Mawira:** Is that your best available evidence of your reconciliation efforts?

**The Governor of Meru County** (Hon. Kawira Mwangaza): It is among the best available evidences.

**Mr. Boniface Mwereru Mawira:** Have you presented all the other evidences before this Senate?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Boniface Mwereru Mawira:** Where are they? Madam Governor, turn with me to page 394 of our volume IV. As you open that, also open page 558 of the said volume. Show them to the Governor. This is a recommendation by the County Assembly, which I will read and you will agree with me that a sub-vote be established within the Office of the Governor to provide a budget for the Deputy Governor. Is that correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Boniface Mwereru Mawira:** This recommendation was made to the County Treasury, correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Boniface Mwereru Mawira:** The Head of the County Treasury is Mr. Ibrahim who testified in the morning in your favour, correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Boniface Mwereru Mawira:** On page 558, this is the report on the Meru County Budget Appropriation Bill No.2 of 2024. You will agree with me that the committee noted that the CECM Finance did not adhere to that resolution at No.16. That is on page 558, correct?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Boniface Mwereru Mawira:** Madam Governor, if your evidence is that you are the foremost peacemaker and that you have made all attempts for reconciliation, why

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would you allow your CECM to deny the Office of the Deputy Governor a budget if indeed you want to reconcile with the Deputy Governor and all other leaders?

**The Governor of Meru County** (Hon. Kawira Mwangaza): First, Deputy Governor does not have a vote. Secondly, the amount allocated to the Governor is for both the Deputy Governor and the Governor.

**Mr. Boniface Mwereru Mawira:** You did not get my question. Why would you deny that office which is still within your office?

**The Governor of Meru County** (Hon. Kawira Mwangaza): We have never denied that office a budget.

**Mr. Boniface Mwereru Mawira:** Mr. Speaker, Sir, I will leave it to the interpretation by the House.

I ask that video 1B in our bundle of videos be played for my last question.

*(A video clip was played)*

Mr. Speaker, Sir, I seek your indulgence to get a translator. This is my last question.

**The Speaker** (Hon. Kingi): It is rendered in English, proceed.

**Mr. Boniface Mwereru Mawira:** The video can be played.

*(A video clip was played)*

**The Speaker** (Hon. Kingi): Counsel, your time is up. Take a minute to conclude.

**Mr. Boniface Mwereru Mawira:** Thank you, Mr. Speaker, Sir. Who is speaking in that video, Madam Governor?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Myself.

*(Sen. Orwoba consulted loudly)*

**The Speaker** (Hon. Kingi): Proceed, Counsel. Sen. Gloria, you are out of order and I am giving you a caution.

**Mr. Boniface Mwereru Mawira:** Madam Governor, the posture you have taken in that video is quite different from the posture you have taken in the witness stand. Would you say you were sensitive to the plight of that family?

**The Governor of Meru County** (Hon. Kawira Mwangaza): No.

**Mr. Boniface Mwereru Mawira:** You agree that you were not sensitive. Thank you for that answer. What evidence have you placed before this honourable House to prove or show that, indeed, Kshs86 million was raised?

**The Governor of Meru County** (Hon. Kawira Mwangaza): There is a video clip.

**Mr. Boniface Mwereru Mawira:** No, evidence of money, not a video clip.

**The Governor of Meru County** (Hon. Kawira Mwangaza): Evidence of money in the video clip.

**Mr. Boniface Mwereru Mawira:** Thank you, Mr. Speaker, Sir, for listening to me.

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**The Speaker** (Hon. Kingi): Counsel for the Governor, you may re-examine. You have five minutes to do that.

**Mr. Elias Mutuma:** Thank you, Mr. Speaker, Sir. I will be very brief with the governor.

Madam Governor, you have been taken through a series of questions about a number of issues. Is the murder of Sniper subject of this impeachment? Has there been any accusation in the Notice of Motion about your involvement to the murder?

**The Governor of Meru County** (Hon. Kawira Mwangaza): No.

**Mr. Elias Mutuma:** Secondly, you have been put to task about certain employees of the County Government of Meru, one of them being Vincent Mureithi. Again, in the impeachment Motion, is the issue of the employment of Vincent Moreithi featured anywhere in the Notice of Motion? Is it an accusation you are facing?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Not featured anywhere.

**Mr. Elias Mutuma:** Does it have any relevance in these proceedings?

**The Governor of Meru County** (Hon. Kawira Mwangaza): It does not have any relevance.

**Mr. Elias Mutuma:** Do you confirm that there is a murder trial that is taking place, as we speak, in respect to the unfortunate murder?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Very active one.

**Mr. Elias Mutuma:** Thank you. You have been told about a facility within Kiguchwa Ward. Kindly clarify on the status of that ward. Is it an operational maternity wing or not?

**The Governor of Meru County** (Hon. Kawira Mwangaza): It is not operational. We just finished construction the other day and yet to have the furniture so that it can start being operational.

**Mr. Elias Mutuma:** Are you offering maternity services at the facility?

**The Governor of Meru County** (Hon. Kawira Mwangaza): We are not offering maternity facilities there.

**Mr. Elias Mutuma:** Thank you. Again, back to the issue of the employees of the county. How many employees do you have at the Meru County Government?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Almost 6,000.

**Mr. Elias Mutuma:** Are you in charge of all these employees?

**The Governor of Meru County** (Hon. Kawira Mwangaza): No.

**Mr. Elias Mutuma:** Specifically, on the issue of Vincent Mureithi, is he an employee of Meru County?

**The Governor of Meru County** (Hon. Kawira Mwangaza): He is not an employee of Meru County.

**Mr. Elias Mutuma:** Did he attempt to be an employee of Meru County?

**The Governor of Meru County** (Hon. Kawira Mwangaza): He attempted then the letter was revoked after one week.

**Mr. Elias Mutuma:** By the time you were making those comments, was he an employee of Meru County Government?

**The Governor of Meru County** (Hon. Kawira Mwangaza): He was not an employee.

**Mr. Elias Mutuma:** Thank you. Finally, you have been asked about copy of the original of the legal advisory that was offered to you by Ms. Linda Kiome. Given a chance, would you bring it to the Senate? Why have you not brought it to Senate, as we speak?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Due to time because it was asked a few hours ago.

**Mr. Elias Mutuma:** The issue of production was done when you were still in the Senate? Is that your evidence? Was that request made while you were still in the Senate?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Elias Mutuma:** How far is Meru from where we are currently?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Five hours drive.

**Mr. Elias Mutuma:** It would then require a reasonable amount of time for that to be availed in time, is that not it?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Elias Mutuma:** Thank you very much. Finally, have you made specific responses to all the allegations that have been brought against you in this House?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Elias Mutuma:** Have you supplied enough evidence to controvert every allegation against you?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Elias Mutuma:** Have you brought witnesses before the Senate who have talked on various issues?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Elias Mutuma:** Do you stand by the evidences that they have adduced in this Senate?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Yes.

**Mr. Elias Mutuma:** Thank you.

Mr. Speaker, Sir, that is all for this witness and I wish to close the Governor's case at this juncture.

**The Speaker** (Hon. Kingi): Thank you. We shall now move to allow Hon. Senators to seek clarifications or ask questions.

As the Hon. Senators are doing that, counsel for the parties, prepare your closing statements. We are not going to take a break. Immediately, the Hon. Senators are done seeking clarifications, we will straightaway move to closing statements.

Sen. Mungatana, please proceed. We have exactly half an hour to allow clarification from Hon. Senators, starting now. So, we will stop at 8.40 p.m.

**Sen. Mungatana, MGH:** Mr. Speaker, Sir, I would like to seek a clarification from the Governor. It is normal, that Senators and Governors have differences, because of the nature of their roles.

I would like the governor to clarify, or explain to me and the Senate, why she singled out the Senator for Meru County, maybe just for exercising or playing his role as

a Senator? Is there a particular reason why she has singled him out and yet he is just one of the Senators? We all have issues with our governors.

I would like that clarification. Is it really true that he is causing a problem in Meru County or is it that he is just playing his rightful role?

**The Speaker** (Hon. Kingi): Governor, please proceed.

**The Governor for Meru County** (Hon. Kawira Mwangaza): Thank you, Mr. Speaker, Sir. I agree that my Senator, the Deputy Speaker of this House, should do his oversight or any role that is given to him. However, in this case, he has gone beyond in disrupting peace in Meru.

One of the reasons is this: I have written to Kathuri Murungi requesting that the Senate Committee on Devolution and Intergovernmental Relations comes to Meru County to help solve our issues.

I am not lying, but telling the truth. He denied me that chance for the Senate Committee on Devolution and Intergovernmental Relations to come to Meru County and mend the issues in the county.

Number two, my hon. Senator for Meru County has an ambition of becoming a governor, which is not wrong. It is his right to dream for that position. However, I believe that you cannot light your candle by putting off other people's candles.

**Sen. M. Kajwang'**: Mr. Speaker, Sir, Linda Gakii Kiome depones that there was forgery in the affidavit that was circulated yesterday. I have looked at the ruling of Justice Nzioka in Civil Suit No. 551 of 2011, where she ruled that:

"For a signature to be deemed and certified as forged, a document examiner's report must be produced."

I would like to ask the Governor, in the case of allegations of forgery, who bears the burden of proof?

Number two, many human resources issues have been brought up. Could the governor tell this Senate what measures she has undertaken since she took office? Can the governor tell us whether the Kshs500 million growth in expenditure in the 2022/2023 Financial Year, that was cited by the Assembly was approved in the budget and whether the Assembly approved it?

Finally, people are dancing on the grave of 'Sniper', which is unfortunate. Can the Governor tell us whether she is a suspect, whether she has been taken to court, and whether she is part of those who have been taken to court on suspicion or allegations of killing 'Mr. Sniper'? We cannot use that innocent boy to settle political scores. It is unfortunate that all parties are choosing to dance on the grave of 'Mr. Sniper'.

**The Speaker** (Hon. Kingi): Governor, please respond to that.

**The Governor of Meru County** (Hon. Kawira Mwangaza): Thank you, Speaker, Sir. I am not a suspect in that case. I did not even record a statement with the police. They came, did the investigations, and left.

On the issue of 2023 approval, the approval for this year, the County Assembly has not approved. They still have issues with the budget. *Waziri* for Finance elaborated the issue we have with the Assembly.

For the document that Linda Kiome said that it was forgery, I feel that forensic investigation should take course and give us an answer for that. This is because I am not a

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forensic investigator and neither this House. I do not think this House has the power to know if the document is forged or not unless it is taken to the examiner.

**The Speaker** (Hon. Kingi): Sen. Abass, you have the Floor.

**Sen. Abass:** Thank you, Mr. Speaker, Sir. The Governor has said that the Committee on Devolution and Intergovernmental Relations has tried to intervene in the issue between her and the County Assembly. That is very true. However, I want to put the record straight that there was no one time the Deputy Speaker of this House said that we cannot go to Meru County or have a reconciliation with anybody.

A team went there, led by the Vice-Chairperson of the Committee of Devolution and Intergovernmental Relations. They met with Her Excellency, the Governor and also talked to the Speaker of the County Assembly and the MCAs. However---

**The Speaker** (Hon. Kingi): What is your clarification Senator because you time is running? The microphone will go off.

**Sen. Abass:** Okay. I just want to conclude. We did not succeed because the County Assembly at that time was going to have a retreat. That is why we could not meet the two of them. However, we tried again, but when we were going there, there was an issue in Meru and we could not go back again. I want to put that record straight.

**The Speaker** (Hon. Kingi): Sen. Okiya Omtatah, please proceed.

**Sen. Okiya Omtatah:** Thank you, Mr. Speaker, Sir. There are a lot turns on this issue because some of us have been wondering why there has been no intervention in these matters of Meru County by the Senate before we come to be treated to this theatre of absurd.

I would like confirmation from the Secretariat whether it is true or not that the Meru governor sought the intervention of the Committee---

**The Speaker** (Hon. Kingi): You should seek clarification from the witness, not from the Secretariat.

**Sen. Okiya Omtatah:** The witness has alleged that they wrote to this House. The only person who can defend is the secretariat.

**The Speaker** (Hon. Kingi): No, the secretariat is not on trial. Sen. Omtatah, if you do not have any clarification let us seek it from the governor---

**Sen. Okiya Omtatah:** Okay, there is. Governor, to whom did you address the letter that sought the intervention of the Committee of Devolution and Intergovernmental Relations in the Affairs of Meru County?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Mr. Speaker, Sir, I wrote to the Standing Committee on Devolution and Intergovernmental Relations which is led by the Chairperson, Sen. Abbas, and the Senator who has just spoken before, Sen. Okiya Omtatah, has agreed that, indeed, I tried to call them to Meru County so that they can intervene.

**The Speaker** (Hon. Kingi): Very well. Sen. Orwoba, you have the Floor.

**Sen. Orwoba:** Mr. Speaker, Sir, I have two clarifications: You have alleged that one of the political interference is by the Deputy Speaker, Sen. Kathuri. Is this the only person, because I would like to know, if you are saying that this impeachment is being pushed by Sen. Kathuri or who the other politicians behind it are. I would also want to

know if among those politicians there is any woman who is also trying to get you impeached.

The other clarification I seek is on the issue of the hospital. Do you have a County Executive Committee Member (CECM) of Health? If you have a CECM of Health, have the Members of County Assembly (MCAs) tried to impeach the CECM, because there is a Clause in the Constitution for removal of a CECM. The duty of care of the Ministry of Health falls under the CECM, yet they are jumping the CECM and going straight to the governor to impeach. Kindly, clarify.

**The Governor of Meru County** (Hon. Kawira Mwangaza): Thank you, Senator. Indeed, I have a CECM of Health. The County Assembly of Meru has never tried to impeach the CECM of Health. That is the position.

About political interference in Meru, there are so many other people who believe that they should not be led by a woman and that is why you see them gathering together and trying to politicize the issue of a young family to bring me down.

There is a tradition in Meru that they should not be led by a woman. I want to say categorically that the chair of the interference or the person who interferes most is the Deputy Speaker of this House. For the rest, I do not see if it is good for me to mention them in absentia.

**The Speaker** (Hon. Kingi): Proceed, Sen. Olekina.

**Sen. Olekina**: Thank you, Mr. Speaker, Sir. I just need to seek some clarification from the Governor.

Madam Governor, in your bundle of submissions and I asked this question earlier on, there seems to be a lot of letters back and forth from your office to the Assembly seeking for particular members to be confirmed in specific boards.

Can you tell us whether those letters as alleged are fake or indeed those are the letters that you sent to the Assembly and were either ignored by the Assembly or were responded to?

Finally, can you just tell us whether there is any form of cooperation or harmony between you and the County Assembly of Meru?

I thank you.

**The Speaker** (Hon. Kingi): Proceed, Governor.

**The Governor of Meru County** (Hon. Kawira Mwangaza): Thank you, Senator. Indeed, I have tried to engage the County Assembly of Meru by giving the names for the board, unfortunately, they have been ignored throughout.

**The Speaker** (Hon. Kingi): Proceed, Sen. Mo Fire.

**Sen. Gataya Mo Fire**: Mr. Speaker, Sir, I want some clarification from the Governor. I happen to be a neighbor to the Governor and of late, I have witnessed an influx of patients from Meru County to Tharaka Nithi County, seeking medical attention.

I would request to know from the Governor, maybe there could be some breakdown in the health facilities in Meru County, as alluded to in that video that we have just witnessed before us.

Recently we have witnessed a national reconciliation which has been executed by His Excellency the President, because we had some national crises that called for broad-based engagement and now the country is at peace.

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One would want to know from the governor, why has it taken her close to two years without managing just 69 MCAs to sit down and work for the Meru people.

**The Governor of Meru County** (Hon. Kawira Mwangaza): Thank you, Senator, for your consideration. As I said earlier, I have tried my best to reconcile the leaders. The *mwananchi* has no problem at all apart from the few elected leaders who have some issues.

I sat with the *Njuri* as I said, the Members of Parliament (MPs), the former Cabinet Secretary of Agriculture, Livestock and Fisheries and the County Assembly leadership. The only person that I did not have a chance to sit with was the Deputy Speaker of this House.

There is progress because when I was here the first time, I had only one MCA. In the second impeachment Motion, I had nine of them. I now have 23 MCAs on my side. That is great progress to me, bearing in mind the political interference that has been going on and the intimidation of MCAs by the same leaders.

I have tried my best and I believe as I continue, more will come on board because I am doing a lot of civic education to show the community that they should not disregard the leadership of a woman just because she is a woman or the tradition says so.

Concerning the hospital in Meru County, Sen. Gataya Mo Fire, most of our patients come from Tharaka Nithi County to Meru General Hospital. They do not move from Meru County to Tharaka Nithi County, but from Tharaka Nithi County to Meru.

I thank you.

(Laughter)

**The Speaker** (Hon. Kingi): Sen. Madzayo, proceed.

**The Senate Minority Leader** (Sen. Madzayo): Asante Bw. Spika. Gavana Kawira, swali langu ni moja tu kuhusu yule mshauri wako kwa mambo ya sheria anayeitwa Linda Gakii Kiome.

Ulimuajiri kazi kama mshauri wako wa mambo ya sheria tarehe ishirini na nane, mwezi wa tatu, mwaka wa elfu mbili ishirini na tatu. Mwaka mmoja kamili baadaye, tarehe ishirini na sita, mwezi wa tatu, mwaka wa elfu mbili ishirini na nne, ulimpatia barua ya kumuachisha kazi.

Je, baina yako na yeye, kulikuwa na kukosana, tabu, ama kutoelewena fulani ndio sababu akasema kwamba sio yeye aliyehandika ile barua, bali ile barua iliyoandikwa, si wewe uliyetia sahihi. Nataka kujua hayo tu.

**The Governor of Meru County** (Hon. Kawira Mwangaza): Asante sana Seneta. Nilipotoka hapa wakati wa *Impeachment Motion* ya kwanza na Seneti ikaniambia nitafute njia ya kufanya kazi pamoja na watu wa vyama vingine, nilimtafuta Bi. Linda, aliyekuwa anawania kuwa naibu gavana wa Linturi wakati wa Kutafuta uongozi. Nikamwambia tufanye kazi pamoja.

Wakati nilimtafuta, sikuwa na roho mbaya. Hakuwa amenikampeinia na hatukuwa tunajuana, lakini kwa sababu nilitaka kuleta nyumba yote na Wameru wote pamoja, nikamchukua hata kama alikuwa mpinzani wangu. *After one year*, alikuwa na kazi nyingi sana maana ni wakili na alikuwa anafanya kazi zake. Kwa hivyo, ilikuwa vigumu kumpata.

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*Number two*, kulikuwa na wakati alikuwa anatafuta kiti kwa Law Society of Kenya (LSK) na akawa hapatikani kabisa. Nilimuita kwa ofisi yangu na tukaongea. Nilimwambia kwamba, kwa sababu Kaunti ya Meru ina changamoto nyingi na kuna mambo mengi yanayohitaji *advisory*, aje awe karibu na mimi. Aliniambia hapatikani.

Hivyo basi, nilimwambia kama hapatikani na kuna maneno mengi ambayo anapaswa kuhusishwa, tukakubaliana ya kwamba atatoka kwa hiari yake, lakini baadaye alikataa. Nikaona ni vyema nitafute mtu mwingine ama nimusimamishe kazi ndio Kaunti ya Meru iweze kuendelea vizuri. Sina ubaya wowote na yeye.

**The Speaker** (Hon. Kingi): Sen. Mariam Omar, proceed.

**Sen. Mariam Omar:** Thank you, Mr. Speaker, Sir. I need clarification. Madam Governor, this is your third impeachment. What is different from the other two? How is it different from the other two, which have been already done?

The second one is about the maternity ward. If it is not equipped, why is it labelled? If you have labelled and there is delivery outside there, this means that there is demand, what action did you take when you saw there was delivery outside there?

**The Speaker** (Hon. Kingi): Governor.

**The Governor of Meru County** (Hon. Kawira Mwangaza): *Asante sana*. The labelling of the maternity was just done less than a month ago. We had anticipated that we will have equipment, so that we the maternity could be functional, but due to the budget constraints, we did not make it for the last one month. I believe in the coming two or three weeks, the maternity will be ready for use.

My CECM for health visited the place and other places because we have more than 230 health facilities in Meru and that is one of them. I agree that we have small issues but we the county government is looking at how we will improve everything so that *mwananchi* is happy.

**The Speaker** (Hon. Kingi): Sen. Wambua.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir. I have two questions to the Governor: One of your key witnesses, Hon. Mawira confessed on record and under oath that he and a group of other MCAs of Meru on their Motion, converted themselves into economic saboteurs. That they sat down and conspired to sabotage the economy of the County Government of Meru.

At what point did you get to know this admission of crime and as the governor of Meru, did you report this matter to the police because it is a criminal offence?

Secondly, I want to get your appreciation of the impeachment process. Appreciate it as a legal, constitutional process that the Assembly should take as part of the business and facilitated by the Assembly or is it a personal initiative by people who have a grudge against their governor?

**The Speaker** (Hon. Kingi): Governor.

**The Governor of Meru County** (Hon. Kawira Mwangaza): Thank you, Mr. Speaker, Sir. I have not reported any economic sabotage to the police because this is kind of political, fueled by external forces to sabotage my administration and the good work that I do.

I would like the hon. Senators of this House to know that the *mwananchi* kwa ground has no issue with the way I run Meru County. It is only a few leaders who have

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sworn that I will never have peace in that county and they must keep me busy with other things because of the 2027 politics.

There is nothing more or less. It is only the 2027 politics that are being played by the MCAs who are being used by the political leaders across Meru County.

**The Speaker** (Hon. Kingi): Governor, are you done? Sen. Joyce Korir?

**Sen. Korir:** Thank you, Mr. Speaker, Sir. My question to the Governor is on the effort she has put in place, especially with the impeachment and on the relations, she has with the rest of the governors, particularly on this impeachment and the stability of the county.

**The Governor of Meru County** (Hon. Mwangaza): Thank you. I have made a lot of effort since the last impeachment. The first one was providing the hon. MCAs the ward fund for projects in every ward to the tune of Kshs33 million per ward.

Number two is involving them to be part and parcel of my tours to the ground, so that at least they can assist in participating and knowing what is ailing the community for us to work together.

The relationship between myself and other leaders, especially the governors, is good. I have no issues with the other leaders, apart from a few leaders from Meru County.

**The Speaker** (Hon. Kingi): Sen. Hamida.

**Sen. Kibwana:** Thank you, Mr. Speaker, Sir. Madam Governor, just wondering, if dissolving the county is the way to go, looking at the relations you have with the County Assembly?

I am also wondering if they have called you all names; they have called you a mad person. They said that the impeachment of the governor is their business. So, what is the way forward? Also, is there anything working in the county?

Thank you.

**The Governor of Meru County** (Hon. Kawira Mwangaza): Thank you, Senator. Everything in the county is working apart from politics. In terms of development, Meru County has been ranked among the five best-performing counties in Kenya. We have no issues with even absorbing the budget. We have been ranked with 79 per cent.

That means that *mwananchi* is getting services - very happy about the leadership and happy about the progress that we are making as the government of Meru - apart from the few political leaders who want to show that filthy picture to the country that there is something wrong.

Dissolving the county, Hon. Senators, this is the mandate that is vested upon you. I cannot resolve this on my own. I do not think I have the power to do so. This honorable House has powers. I think the President also has the power to do so. However, as I said earlier, we have young men and women as MCAs in Meru - Those who are not in the madness of political issues. They participated in the elections and won in different wards. They have just been in office for two years and the remaining three years. They did their best to be leaders in their respective wards. Will we be doing injustice to a person who has no issues with Meru politics?

Will there be any justice for the governor who ran the whole county as an independent governor and won the position against two bigwigs? And against the

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tradition of Meru that says that we should not have a woman as a leader. As I speak, Hon. Senators, in Meru, we have only one elected lady who comes from my place.

Out of the 45 elected MCAs, we have only one. Meru has never elected a leader at the national level. We get nomination slots and no election for women. I think the other way to solve this issue is to do a lot of civic education for Meru, so that people can understand and embrace the leadership of women. That is the only issue in Meru. For development, we are doing well. For absorption of the budget, we are doing well.

**The Speaker** (Hon. Kingi): Thank you, Governor. You are now repeating yourself.

Sen. Veronica?

**Sen. Veronica Maina:** Governor, assume that the impeachment proceedings do not succeed and you went back to Meru to continue with your task as a governor. Do you see a possibility of ever reconciling and giving development to the people of Meru or you will be brought back here by the politics that are causing all this trouble in Meru?

Is there a possibility? Have you been able to do any projects in the course of all these quibbles and fights?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Thank you, Senator. With all these fights in Meru County, I have been able to do a lot of projects. We have done many kilometres of roads in Meru County. We have also constructed major dams too. We have also constructed a big rehabilitation centre, renovated and equipped more than 50 health facilities and done more than 31 boreholes.

We have come up with Early Childhood Development Education (ECDE) programme for 777 primary schoolchildren in the county. We have done a lot in terms of development apart from the interferences---

**The Speaker** (Hon. Kingi): Governor, that is not the question you have been asked. For purposes of argument, assuming that the verdict is that you go back to Meru, with whatever you have explained such as the toxic political environment, will you deliver anything or will you be brought back here? That is the question that the Senator asked.

**The Governor of Meru County** (Hon. Kawira Mwangaza): Thank you, Senator. I do not believe in coming back here again. This is because there is a lot of progress. From one MCA, to nine and then 23. I believe in the next two months; I will have around 40 on my side. There is a lot of progress since I left this Senate.

**The Speaker** (Hon. Kingi): Sen. Omogeni, proceed.

**Sen. Omogeni:** Governor, you gave Linda Gakii Kiome a notice of termination on 26<sup>th</sup> March, 2024. How did she take it and how is your relationship with her? Is it cordial, do you talk, and is there any vendetta against either of you?

**The Governor of Meru County** (Hon. Kawira Mwangaza): Thank you, Senator. She did not take it lightly. She took me to court and the case is live in Meru High Court. I do not think she was happy about it. Since then, the working relationship is not good.

**The Speaker** (Hon. Kingi): Hon. Senators, we have to terminate that session. The 30 minutes allocated to this session has long been spent. Governor, you may retire to your seat.

**The Governor of Meru County** (Hon. Kawira Mwangaza): Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): We are now going to move to the closing statements. The first team to make their closing statement is the team from the County Assembly. Counsel for the County Assembly, you may proceed to make your closing statement for not more than 60 minutes.

CLOSING STATEMENT ON BEHALF OF  
MERU COUNTY ASSEMBLY

**Mr. Ndegwa Njiru:** Thank you, Mr. Speaker, Sir. We will have Mr. Muriuki taking the first 20 minutes.

**Mr. Eric Muriuki:** Mr. Speaker, Sir, my name is Eric Muriuki. I will take the first 20 minutes of our closing argument.

Hon. Members of the Senate, when the story of devolution in Kenya is told or written, the Members of the third Meru County Assembly will be remembered fondly as champions of devolution, who, without compromise or favour, exercised their oversight role and championed for accountability, transparency and good governance by holding the person accused before you to account for every transgression.

These MCAs of the Third County Assembly have performed their oversight duty, even when it was inconvenient or not fashionable to do so, despite several and serious challenges, including threats to their lives and their families as you heard the testimony on the attempted torching of the Assembly.

Mr. Speaker, Sir, the MCAs, who are the elected representatives of Meru County, have told this hon. House time and time again that there is a problem in Meru County.

In 2022, the MCAs were before this House when the Governor, barely a few months after being sworn in, had opened a war front against MCAs through vilification campaigns against the church and elected leaders in the county. Back then, during the first impeachment process, the Governor was offered invaluable pieces of advice by the Members of this House who were in the Select Committee that was investigating the matter. Indeed, the Governor vowed to become the foremost peacemaker in Meru.

This vow was short lived and in 2023, the Governor found herself again before this House answering to other charges, having opened more war fronts, including now, her own Deputy Speaker, by encouraging and condoning junior officers to undermine and insult that Deputy Governor. She was at war with the Members of Parliament (MPs) from Meru, the Council of Elders, the Senator of Meru and other leaders as records of this House will reflect.

Now, the Governor has fallen out with her own Secretary of the County Public Service Board. Perhaps, inspired by getting away with her actions twice, the governor has now become so bold in her violations of the law to the extent that she has personally, under her own signature, purported to dismiss the Secretary of the County Service Board in clear and gross violation of Sections 58 and 59 of the County Governments Act and in usurpation of the powers of the Assembly.

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Although the Governor terms what she did as revocation, she has failed, when put to task, to point to any provision of the law that allows this thing called revocation.

Mr. Speaker, Sir, for purposes of putting records straight in this House, once a member of the County Public Service Board is appointed, in accordance with the Section 58 of the County Government's Act, the process of removing that member is as provided in Section 58(5) of the County Government's Act and upon the grounds that are set out in Article 251 of the Constitution.

Despite being advised by her own Chairperson of the County Public Service Board, the governor proceeded to purport to revoke the appointment of Ms. Virginia Kawira Miriti who is now only in office, pursuant to a Court Order.

Mr. Speaker, Sir, and hon. Senators, surely, it cannot honestly be that everybody else is a problem in Meru. It cannot be that it is the MCAs, the church, the elected leaders, her own deputy governor and now, the County Public Service Board that are the problem. During previous proceedings before this House, the governor blamed her misdeeds or whatever went wrong in the county on two officers; the Chief of Staff and the County Secretary in her famously infamous defense of "it was not me".

When the County Assembly made recommendations, that the Governor institutes disciplinary measures including dismissal against these officers that she blamed for things going wrong in the county, she refused to implement these recommendations. A fair minded and reasonable person must, therefore, conclude that the Governor has been acting through those officers or that they have been violating the law and the Constitution with her blessing and patronage.

On one hand, the Governor tells you in her defense that the violations of the law she is being accused of are occasioned by others. It is the county secretary, the chief of staff and that those others should be called to answer those violations.

On the other hand, the Governor proceeds to tell you that the County Assembly has no powers to recommend that the governor should take action against these very officers that she blames for those violations. Surely, hon. Senators, the governor cannot have it both ways.

Article 185(3) of the Constitution of Kenya empowers the County Assembly to exercise oversight over the county executive. One of the measures of oversight is to recommend the removal from office of these officers that the governor herself has previously pointed at and blamed for violations of the law.

Mr. Speaker, Sir, and hon. Senators, when you retire to make your determination, remember it is not the Members of County Assembly (MCAs) word against the Governor's. It is the governor's own words and actions against the legal and constitutional requirements of good governance and integrity.

You have heard in videos Nos.1A and 1B of the County Assembly, the governor in her own words tell a dangerous lie that Kshs86 million was collected for the burial of the deceased 'Sniper', a fact she very well knew to be false.

When put to task to prove those statements, she failed. In cross-examination, the governor states that the only evidence she has of Kshs86 million is a video, which video has not even been shown to this House.



You heard the young widow that stood here, Irene tells you that as a result of the governor's lies, she has not only been ostracized by the community but has also become a target because people think she has Kshs86 million that she is holding on to.

Hon. Senators, let me remind you that the evidence of the young widow was unchallenged. Not a single question was put to her in cross-examination by the governor. The inference here must be that she was telling the whole truth and nothing, but the truth to the extent that her testimony could not be challenged.

Hon. Senators, words spoken by leaders mean something or at least ought to. Words spoken by leaders have real consequences. A leader of the stature of a Governor telling such a lie to the public has led to such disastrous consequences. You heard the witness testify here that she cannot even live in her matrimonial home. That cannot be taken as anything else other than gross misconduct.

Article 73 of the Constitution of Kenya does not leave any room for a public officer to make such misleading utterances to the public, endangering the lives of others and bringing dishonor and disrepute to the office that she occupies. Such misleading claims are also in gross violation of Section 19 of the Public Officer Ethics Act.

Mr. Speaker, Sir, and hon. Senators, you heard the Governor in cross-examination admitting here that her conduct was insensitive to the family.

The Governor engaged in this pattern of lying to the public, while paying full salary and benefits to one of the persons accused of the murder of Sniper. Christus Kiambi Manyara is a Communications Officer in the office of the governor.

It is not in doubt that he was charged on the 29<sup>th</sup> February, 2024. It is also not in doubt that he continues to receive his full salary and benefits as evidenced by the pay slips produced in among others page 392 and 393 of Volume 2 of the County Assembly's documents.

Mr. Speaker Sir, in that pattern of lying, the governor says in a video that, she does not know this person who is the main suspect called Vincent Mureithi. However, documents have proven that this person was employed as a Deputy Director of the governor's press and that one of his referees in the governor's own words is the governor's sister who is also her Personal Assistant (PA). You will find this person's letters of appointment in pages 445 to 452 of volume two. This is the person that the governor denied having any knowledge of.

Hon. Senators, it cannot be a coincidence that this outspoken activist who criticized the Governor, was murdered just a few weeks after the second impeachment Motion. It cannot be a coincidence that the people accused and charged are so close to the governor by her own admission.

Hon. Senators, moving on, as a result of the Governor's breach of the law and court orders, the county of Meru has suffered financial losses including being slapped with costs of Kshs3 million shillings and this House can confirm the same from the decree of the court produced in pages 162 and 163 of volume two.

Hon. Senators, the Auditor-General's report identifies that the management of Meru County is headed by the Governor. This is in line with Article 179(4), which identifies the governor as the Chief Executive of the County Assembly.

The Auditor-General's report flags breaches of the law by the management by including other things, irregular payments, excessive wage bill, use of the manual payroll, which compromises transparency and accountability. This can be confirmed from pages 344 to 347 of our volume two.

Hon. Senators, the use of the manual payroll, according to the Auditor-General, has led to a loss of Kshs102.9 million. Hon. Senators, the governor has refused or failed to appoint chairpersons of various boards in Meru County and therefore these boards cannot be said to be legally constituted.

Even when the Governor purportedly forwarded names of nominees to these boards, she failed to forward accompanying information or clarification sought, as is required by the Public Appointments County Assemblies Approval Act, Sections 4 and 6.

Hon. Senators, you have been treated or at least attempts have been made to treat this House to theatrics by the governor and her legal team, who in attempts to deflect the attention of this House from the governor's violations of the law have resulted to the stories of gender and other irrelevancies, which are not a sufficient defense or explanation to any of the violations in the impeachment Motion.

Hon. Senators, the Governor claimed that she legally revoked the appointment of the Chief Executive Officer (CEO) of the Public Service Board based on advice from an unnamed legal advisor.

Mr. Speaker, Sir, the person who was serving as the legal advisor to the Governor at the time in question came here and testified that the internal memo dated 23<sup>rd</sup> February was a forgery. She saw an affidavit that was presented to this House. The said memo bears no name and there can be no clearer indication than this, that it is indeed a forgery.

In the opening remarks by the Governor's counsel, this House was told that the County Assembly is lying, and, in fact, the word used was that the County Assembly is made of pathological liars who have believed their own lies. In view of this forged memo, I therefore, ask this honourable House and I invite the Senators to ask who is lying.

The same Governor, who accuses the county assembly of lying, is caught forging that internal memo. A ruling was made this morning that she should deliver the original memo. She has failed to do so.

The Governor, in the same pattern of lies, stands here and tells you that she has 23 MCAs supporting her. The impeachment Motion, a cursory look will tell you it was signed by 49 MCAs. Simple math tells you that 49 plus 23 gives you 72. Yet shockingly, the County Assembly of Meru has only 69 MCAs. So, it cannot be true that the governor has 23 MCAs supporting her.

The Supreme Court in the Sonko's case was categorical that there is no obligation in impeachment proceedings to prove each and every charge, and this means that even one charge substantiated should suffice.

In that case, hon. Senators, guidance was offered that impeachment proceedings are quasi-judicial in nature and are not in the nature of criminal proceedings. They do not necessarily require that criminal culpability should be proven to succeed. All that is required is that these allegations be substantiated.

What does the word “substantiate” mean? It simply means to provide evidence. It does not necessarily mean to prove beyond a reasonable doubt. It means that there must be substance in those allegations; that they have been proven to have substance.

Hon. Senators, as I conclude, the evidence presented before this House cannot be trivialised to statistical count as an attempt was made in cross-examination of the Mover. The gender card cannot be used to escape accountability. It is not a *carte blanche* or a shield to commit impunity. It is not about being female or male. It is about violations of the law and the Constitution.

Finally, in paragraph VII of the Governor's Response, that is volume one of the Governor's document; she seems to suggest that the county government of Meru should be dissolved. I call on this House to reflect on the word of the Bible in the book of Matthew 18:8-9, and to paraphrase the words of Jesus Christ as he was teaching the people then-

“If your hand or your foot makes you sin, cut it off and throw it away. For it is better to enter the kingdom of heaven maimed or lame than to be thrown to everlasting fire in both feet and hands.”

There is no cause for the dissolution of Meru County. The problem is the Governor and Meru can be saved by removing the Governor from office as the Constitution empowers the county assembly and this honourable House to do.

Thank you, Mr. Speaker, Sir, and hon. Senators. I pray that you will find that the charges against the governor have been substantiated.

I pray that in keeping with the motto of this Hon. House: ‘For the Welfare of Society and the Just Government of the People’, including the people of Meru, that you will do the right thing and send Gov. Kawira Mwangaza home.

Thank you. I invite my senior, Mr. Ndegwa to conclude our closing.

**Mr. Ndegwa Njiru:** Thank you. I must begin by conveying the apology on the part of the County Assembly, for having to engage this distinguished Assembly in all these processes. It is not out of the own making; it is a call of necessity.

Necessity has dictated that we must come before you as and when time, situations and circumstances arise. A situation has risen where we have to come before you, Hon. Members of the Senate, to ask you to do your noble thing of exercising oversight over the county government of Meru.

I have time and again put it on record, that the County Assembly of Meru and the people of Kenya have a lot of confidence in the manner in which this House conducts its business. It is on that basis, therefore, that we have been able to appear before you severally, seeking and pleading for only one thing, that justice be done in the county government of Meru.

What justice are we looking for, hon. Members? We are looking for justice of that particular person who is not able to access services, courtesy of bad governance. What justice are we looking for? We are looking for justice of that child we saw, who was born in a *karai*, who cannot speak and whose faith is not even determined and when the governor is put to task, says, I have just been made aware.

How would you take that Governor to be a responsible person? How would you take that person to be a person who is capable of enhancing good governance and

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delivery of services? How is it that she was not aware that that hospital is not functional? How is it that she is not aware that that hospital or dispensary has a functional maternity wing?

She takes no bother to confirm why the hospital was not functional as at then. Even having been made aware as at yesterday, she still says, I am not aware. Is that the governor who is capable of running the County? Is it really the mistake on the part of the County Assembly or is the County Assembly being invited by the misconduct and the misdeeds of the governor?

Can the County Assembly of Meru, sit pretty and watch things go south? Is it not their responsibility to exercise oversight over the performance of the county government? Are they wrong when they invite the Senate to help and facilitate the operationalization of the oversight function? That is all we are asking for.

If we were in the United Kingdom (UK) setup, this House qualifies to be the House of Lords. It is a House of Lords because it is capable of determining where the truth is and where the lie is.

Evidence has been laid from the County Assembly, grounds were approved by the Mover of the impeachment that it is true the governor has transgressed and violated the Constitution. When she was put to task to explain the circumstances that led to the revocation of that Chief Executive Officer (CEO), she simply said it was not me.

How can it be, that the Governor can be allowed to get away with a forgery? Is it not a criminal case in the first instance and who has the burden of proof? The person who claims that the signature was forged appeared before the Senate.

Her evidence was put through test by cross-examination, clarification and verification was sought by the Members of the Senate. Who then is lying? Is it Linda Kiome or is it the Governor?

Can the Governor be trusted, put to task and granted an opportunity to bring the original advisory? She simply said it was seated somewhere in Meru County. Unfortunately, she mistook the place of the trial.

The place of the trial is not in Meru County, but before this Senate. Is that a conduct that is consistent with innocence? If she was innocent and not forgery, why was it so difficult for her to bring that one letter?

Why could resources not be committed to make sure that as and when she was made aware that that is an issue, a letter could not be procured 180 kilometers away from the place of her trial? What is she concealing? What is she hiding? Is she hiding scrutiny? Is that conduct again consistent with an innocent man or woman?

I urge you hon. Senators, to find it in our favour that we have proved that particular ground. That the advisory that was meant to rebut our evidence in respect to ground one is a document that is a forgery.

In the case of Philomena Mwilu, the Deputy Chief Justice of the Republic of Kenya, it was held that evidence that is tainted with illegality cannot be admitted. The admissibility of that evidence is in question.

Having read the case of Wambora in the Civil Appeal No.21 of 2014, the Court of Appeal suggests that this is a quasi-judicial process, and the rules of evidence plays a fundamental role in the manner in which the admissibility of document is concerned.

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I sought leave of this House to have the document placed on record. They took no initiative. Why? It is because they wanted to conceal the lie and the offence of perjury. They could not withstand the embarrassment that a signature was lifted. It matters not whether the governor is an Information Technology (IT) guru or she is techno-savvy. It matters that a document was brought before you that is as a result of a forgery.

We seek that you find it in our favour that that particular ground was not defended. It was not controverted. That the ground suffices to meet the test laid down under Article 181 as read together with Section 33 of the County Government Act, 2012.

What is the threshold in terms of that charge? The threshold lies between balance of probability and below, beyond reasonable doubt. That is the case that Governor Wambora stated. That you are not supposed to prove, the burden of proof is not beyond reasonable doubt. It is not beyond reasonable doubt because this is not a criminal trial.

That distinguishes the case from the case that was quoted by Sen. M. Kajwang'. That this is not a criminal trial to seek the County Assembly to prove the case beyond reasonable doubt to the extent of seeking the intervention of a forensic document examiner. It is on balance of probability.

Whom should we believe? Is it the person who has committed serious transgressions? Is it the person who is not in touch with the county? Is it the person who is in war with all the leaders in the entire county? Is it the person who is not even in good terms with his Senator? Whom should we believe? Should we not believe Linda? What personal vendetta would Linda be having? She is not vying for a seat of governor. It matters not that she was a running mate to the previous candidate or not. However, it matters that an offense was committed.

We urge you, Hon. Senators, to find that in revoking the appointment of CPA Virginia Kawira, Governor Kawira Mwangaza violated Article 10 of the Constitution on the rule of law. She violated Article 27 on the equality protection and equal benefits of the law. That, CPA. Virginia was not subjected to equal protection and equal benefit of the law under Article 27. She equally violated Article 50 that she was not given a fair trial or opportunity to defend her case.

Mr. Speaker, Sir, she attempts to become a linguistic, purporting to differentiate between removal and revocation. When called to task to read the provisions of Section 58 and 59 of the County Governments Act, she simply could not distinguish. At the end of the day, whether a revocation or a dismissal, it never followed the due process.

The County Assembly was never involved. It violated that particular provision. For that reason, Governor Kawira must take responsibility. Taking responsibility is not an act of cowardice or weakness, it is an act of saying; yes, I was wrong. It is an act of admitting when somebody is wrong and that is what Article 10 speaks about – the question of accountability. That is what Article 73, which Governor Kawira has violated, speaks about.

Article 73 speaks about a person who holds the office of a governor or any other office in the Republic of Kenya, breathing confidence in that particular office. When Governor Kawira lies blatantly and openly to the whole world that she procured an advisory opinion, who can believe her? Is she breathing confidence in that particular

office? Should she not be held to account? Is she not bringing that office to disrepute? We submit that particular charge has been sufficiently proved.

Mr. Speaker, Sir, on the question of the appointment of chairpersons, again we prove that we have been able to dispose of our burden of not proving this allegation beyond reasonable doubt but on balance of probability; that yes, Governor Kawira has crippled the operations of Meru County by blatantly failing, ignoring or neglecting to execute her functions as the CEO of Meru County.

That amounted to the violation of Section 4 of the Public Appointments Act that requires that when the governor is bestowed with the responsibility of a duty to follow the provisions of the law. Can she be acquitted? How many times is Governor Kawira going to commit transgressions and get away with them?

When she gets away with transgressions, where do we leave the people of Meru County? They deserve justice. Should there be no balance between the people of Meru County and where should the balance lie? How should the balance swing and in whose favour is the balance swinging?

I suggest, propose and submit that the balance swings in favour of the people of Meru County. They deserve justice before this House. They are crying out for justice and they are looking upon you to dispense with justice. There cannot be justice by sending governor Kawira back to Meru.

The only justice that can be served is telling her; you have failed in your duties, you have neglected your duties, you have violated the Constitution and you do not know what the Constitution dictates. Remember, she swore to defend this Constitution but she is one of the greatest transgressors of the same document that she is seeking solace and reprieve from.

Hon. Senators, Governor Kawira has come before you with dirty hands. She deserves no favour or kindness before this House. She is not even remorseful that a child was born in a *karai* when there is an adjacent health facility. If there will be any other reason for sending Governor Kawira home, please remember the fate of that particular child and the mother, who got embarrassed on that day.

Remember the interpretation that was done that men and women had to make sure that young children do not go near that naked woman to see her nakedness. How many embarrassments will this House be treated to? Is that not something that we all need to take cognizance of? Was that video not proving failure of service delivery?

Who is responsible for delivering those services if not Governor Kawira who has proved on oath that she has failed? Who else should we hold accountable? Should she even be allowed to hide behind the cultural card?

She has submitted that it is the culture of the Meru people to look down upon women. I believe that hon. Senators who are present before this hon. House, including the Senator for Meru, is a family man. There must be a woman in that particular house.

If the Senator is a misogynist, how does he live with his wife and daughters in his house? If it is true that the people of Meru are masculine, how do they multiply and perpetuate the Meru generation? That is a blatant lie! She should not be allowed to hide behind issues that are not founded either in law or in fact.

She must be told it is now time to go. She must be told she has been given two opportunities but she failed to reform. She must be told that the Senate has listened to her on several occasions, but she has failed to conform. She cannot conform, she will not conform, and she will not reform because she is not a reformist. She does not understand the story of a reformist. All she understands, as indicated in her submissions and evidences, is that the County Assembly is telling a single story.

Which other single story have we told the Senate other than the single story of the violations of the Constitution? Which other single story have we told this House other than the story of the suffering of the people of Meru County? That is a single story. We have no other than a single story of the suffering of the people of Meru County. They are craving upon you, hon. Senators, to save them. They are craving upon you to save them from all these blatant violations.

On the question of refusal to implement the recommendations by the County Assembly, you might want to ask yourself why the failure. It was not a coincidence. It is by design because it is the conduit between the governor, the Chief of Staff and the County Secretary.

That web must be in existence for Governor Kawira to exist. That is why she could not implement the report recommended by the County Assembly. Those are her conduits. If you find any mismanagement, embezzlement, or failure of good governance, look at that web. It must be maintained for Governor Kawira to continue transgressing the county. It must be maintained for Governor Kawira to continue perpetuating the suffering of the people of Meru.

Why is it so difficult for her to implement that report? Why is it difficult for her to see that it was necessary for her to implement that report as recommended by an equal arm of her government? The answer is one; she needs that network for her to perpetuate illegalities that she is currently perpetuating in Meru County.

When put to task on why the reports were not implemented, she simply said they were not sent to me. Evidence was laid that they were submitted to her, received in her office but she blatantly refused to act on them. I think she does not understand the weight behind accountability and transparency. She does not understand the reason there is rule of law in this country.

Count No.2 is on misconduct. She acknowledged that she made those particular statements. She said she made those statements about Kshs86 million. She acknowledged misleading the people. She acknowledged that there was not only one account and that whatever she was saying was falsehood.

If a leader cannot be held to account for the statement that they make, then where is this country going? We must tell the current and future generation that it is important to speak the truth and to stick to its ways. That is what is right and just. Did Governor Kawira maintain and stick to the path of truth? Did she do what is right in the circumstances?

We submit that she willingly veered away from the path of truth. The evidence of the widow whose spouse - may he rest in peace - was never tested. None of them cross-examined that lady. Her evidence went uncontroverted.

Is it usual for a defense counsel to not test the veracity of the evidence of a witness who is putting up a serious case such as this one? It is not. They only knew that they had nothing to cross-examine that lady on, and that whatever she said was therefore the truth.

As such, we submit Article 10 of the Constitution, which speaks to values and principles of governance was proved. Among them the value of good governance, integrity, accountability, and transparency. How can a person lead a county if she has a deficit of integrity, accountability, transparency and cannot respect the rule of law? How can she lead the county?

The county performance is premised on the rule of law. If she does not respect that rule of law, is she then worth her salt? Article 73 of the Constitution is paramount when seeking to establish whether or not this allegation has been substantiated. It speaks about the authority assigned to a state officer. It speaks about public trust that must be exercised in a manner that is consistent and demonstrates respect for the people.

Does the video and the conduct that was exhibited before this Assembly demonstrate respect for the people? Does it bring honor to the nation and dignity to the office of the governor? Does it promote public confidence in the integrity of that office?

We submit that the conduct exhibited by the Governor, through the evidence of the witness that was not controverted flies over the face of Article 73 and that does not breathe confidence. It does not demonstrate respect for the people. It does not indicate integrity. It does not bring honor to that office. If she cannot honor that office, and she has no dignity for it, why should she hold or keep it? Hon. Senators, I urge you to find that the provision has been proved and substantiated.

On the question of paying Kiambi Christus Manyara; It must be remembered that she has admitted on oath that Kiambi Christus is a person who works in the office of the county governor. She has also admitted on oath that evidence has been led that he is one of those people who are accused of the murder of the slain 'Mr. Sniper'. Put to task why he has continued to earn his full salary while still in custody for six months, she simply said, "it was not me."

When will Governor Kawira learn to be responsible? When will she ever learn to own up to a mistake that is so glaring, as this one? She takes no cognizance that money was spent unlawfully or the provisions of Article 201 of the Constitution.

Hon. Senators, this article is paramount in the manner in which the resources of this nation are governed. It speaks about the principles of public finance and it provides that there must be prudent use of public finances. Was this one way of prudent use of these resources? Why should a person who is remand continue to earn a full salary? Why should action not be taken against a person who perpetuates these violations? It speaks about openness and accountability, including financial integrity. Was that the best way of applying the meagre resources?

Hon. Senators, as I pen off, I urge you to find it that this act and conduct must be attributed to the Governor. There is a clear nexus that the governor knew that this person is in custody having worked in her office. It was then irresponsible of the Governor not to know that a person attached to her office is not in office for six months.

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How responsible is that Governor if she cannot learn that a person who is attached to her office is not present? How can she be allowed to get away with this? This is a Governor who is incapable of running the affairs of Meru County. We ask you and humbly submit that you pave way for her to have another person manage the affairs.

This is not about being a woman; accountability is not about being a woman. It has nothing to do with being a woman when you are called to order. We are all called to pay allegiance to the Constitution. It is so easy to tell a lie but so hard to maintain the same. Telling a lie is the easiest bit, but telling the truth and pretending that you are lying is so hard.

Success requires that an individual must accept responsibility. Kawira Mwangaza must accept that the county is not functional. It is not functional courtesy of her misdeeds. Accepting that one has failed is not a sign of weakness. It is rather a signal that is being directed towards that particular person to check her true north.

As I sum up, accountability is when you accept responsibility for the consequences of your actions. Consequences for the actions as proved by the County Assembly demand that Governor Kawira must go.

As I sum up, I want to repeat what I earlier submitted, that for there to be proper running of the county government of Meru, Kawira Mwangaza must go. For there to be proper delivery of services in the county government of Meru, Kawira Mwangaza must go. For the women of Meru County to access maternity services, Kawira Mwangaza must go. For the babies of Meru to be saved from the embarrassment of being born in a *karai*, Kawira Mwangaza must go. For proper running of Meru County, Kawira Mwangaza must go. It is only proper for her to pack and go. She has demonstrated incompetence, inability and incapacity to deliver services to the people of Meru.

Hon. Senators, we urge you to find it in our favour and send governor Kawira home. Let her not hide behind other leaders and say that political leaders have instigated this Motion.

She has not brought any person as a witness, including any affidavit swearing that the Senator for Meru County is behind this impeachment.

Let her not play the victimisation card. Let her not hide behind victimisation, let her take responsibility for her actions.

*(Mr. Ndegwa Njiru sang)*

*Na kila mtu atauchukua mziro wake mwenyewe!*

*(Laughter)*

**The Speaker** (Hon. Kingi): Order Counsel. This is a House with rules.

**Mr. Ndegwa Njiru**: I submit.

**The Speaker** (Hon. Kingi): Counsel for Governor, the Floor is yours.

**Mr. Elisha Ongoya**: May I proceed, Mr. Speaker, Sir?

**The Speaker** (Hon. Kingi): Absolutely.

CLOSING STATEMENT ON BEHALF OF  
MERU COUNTY GOVERNOR

**Mr. Elisha Ongoya:** Thank you so much, Mr. Speaker, Sir, and distinguished Senators.

For the record, my name is Ongoya. I will be making the Governor's closing submissions. Distinguished Senators, courtesy demands that I open this process by thanking this House for the opportunity given to us as counsel and the opportunity given to the governor to be heard as we have been heard. The challenges associated with the time notwithstanding, we are satisfied that we have had a fair day in this hon. House.

Distinguished Senators, the Governor invites this House to be guided by certain enduring principles that she will draw the attention of this House to. The Governor invites this House to be guided by the guidance that was supplied by the famous philosopher Socrates to all persons sitting in the position of judges, which you now do. Four things belong to a judge; to listen courteously, to answer wisely, to consider soberly and to decide impartially.

There is a biblical injunction that also addresses itself to the attributes of judges, an advice that was given by a man called Jethro to a man called Moses in the Book of Exodus when Jethro thought that Moses was spending significant amounts of time deciding cases.

He advised him to appoint judges to help him decide disputes between the children of Israel. He gave the following attributes; able men, such as fear God, men of truth, hating covetousness. The Governor holds this Senate in the highest possible regard and attributes these attributes that have survived the age of time to this Senate.

Allow me to deal with what I consider to be some side issues that have arisen in the course of this trial and in the Assembly's final submissions. An issue emerged as to whether Institute of Certified Public Accountants of Kenya (ICPAK) member No. 10955, Kirimi Ibrahim Mutweri, is an active member of ICPAK in good standing.

Fortunately for us, like many other professional bodies, our professional data is now available in the public databases of the respective professional associations. Any Senator who cares to search member No. 10955 on the member search engine of icpak.com will get a chance to satisfy themselves as to the active status and good standing status of that member.

Each Senator is at liberty to search on the website icpak.com/search-member to establish for themselves the standing of that member. I say that with great humility because it is important that we address ourselves to the substantive issues that have kept us here and keep us here up to now.

It is not for lack of other business that distinguished Senators are sitting in this house after 9.00 p.m. to resolve this dispute. The Governor believes that the issue before this Senate is so significant that it should never turn on a matter of side issues. Once Senators search member No.10955 in the icpak.com search engine and establish the active and good standing status of that accountant, they will then form their own opinion, as to who is standing on the platform of truth and who is standing on the platform of lack of truth, in the conduct of these proceedings.

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Mr. Speaker, Sir, I will beseech the timekeepers to remind me at intervals of perhaps 15 minutes, because I like managing my time, as I get along. This is my humble plea.

Impeachment processes, as I have said before, are processes governed by law and legal principles. It is now settled by no lesser authority than the Supreme Court of the Republic of Kenya that, public participation is an important pillar of the impeachment process. It therefore means that if an impeachment process is undertaken on a foundation of lack of proper public participation, then that particular impeachment process cannot stand the test of scrutiny.

I would like to take these hon. Senators through the public participation report in volume V of the County Assembly's documents so that they can ascertain whether that principle was satisfied. If the Senators can access volume V, the largest possible volume of the County Assembly's Documents, I will beseech them to look at page number 35 of that document. It is the biggest volume in the County Assembly's document.

If you look at page 35, there is a photograph on that page which is supposed to be a photograph of the members of the public attending a public participation function at Abogeta West Ward. I beseech the Hon. Senators who have seen that photo, to look at page number 30 of the same Volume, which is supposed to be the public participation event at Abogeta East Ward.

On the face of it, the same people in the same sitting arrangement, taking the same posture on page 30 at Abogeta East Ward, are the same in the same sitting arrangement, taking the same posture that you will discover on page 35. I leave it to your able judgment about what that says of the integrity of this public participation process.

That is not enough. I will beseech hon. Senators to turn to page number 331 of that same document. May I urge that we start at page 330 for proper context?

On page 330 is the title of the minutes, showing that this should be a public participation event at Akirang'ondur Ward, in Machungulu Social Hall. I will beseech the hon. Senators to look at Minute No.3, which runs from page number 331. I would like you to look at the entire of that minute from where it starts, all the way overleaf to page 332.

To make my point, I would ask the Senators, while keeping their finger on that minute, to turn to Page No.373 of the same bundle; they will see that these are supposed to be minutes of a public participation function in Mbeu Ward, at a place called Kimire MCK. These are supposed to be events done on the same day at the same time.

You realize that Minute No.3 of those minutes starts at page 374 and turns over leaf to page No.375. This minute taker somehow meticulously used the same words, word for word across one and a half pages of minute taking of an objectively taken set of minutes.

Distinguished Senators, while at it, I want you to turn to page 390 of that same bundle. You will come across a public participation event that apparently took place in Igembe East Ward at a place called Karaune MCK, and just for comparison, I will then urge you to turn to Page 393, which is supposed to be a public participation event in Athiru Ruujine Ward. I try to understand how to pronounce this name in Meru language, a lot of difficulty. Athiru Ruujine Ward at a place called Akune MCK.

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Putting your finger on those two minutes, I want you to look at Minute No.3 of each of those two minutes. The one that starts at page 390 through page 391, all the way to page 392, and the one starting at page 393. Minute No.3 starts at page 393 through page 394, all the way to page 395. You will discover, those minutes use the same words in the same order, the same sentences in the same order, word for word, across three pages of minutes. I leave it to you to have your judgments, applying this Socratic standard that I have just prescribed for this Senate.

Courteously, you answer wisely, you consider soberly and you decide impartially, distinguished Senators, would you say that this is a public participation process that passed the requisite test of integrity?

I just want to demonstrate one thing, which can be done without taking too much time, which is page 332 of that document. At page 332 of that document, which is part of the minutes of a public participation event, taking place at Akirang'ondy Ward at Matungulu Social Hall, at Minute No.4, you will come---

Sorry, my apologies. I misled you when I referred to 332. I want us to refer to 370. Let me just see where this brings out the point, then I can conclude, just that we do not waste a lot of time.

Let me look at 373. If it does not, I will just go to the next minute, and then we clear that in a short while.

*(Consultations)*

Yes. Thank you so much. That is the one.

I wanted to look at page 332, Minute No.4 at the Akirang'ondy Ward. The minute taker says as follows, members of the public upon equal and fair representation from across the locations in the ward ended the meeting at 1:00 p.m. A member of staff from the County Assembly gave closing remarks and thanked members of the public for exercising their constitutional mandate and conducting their exercise peacefully and inclusively.

When you go to page 375, which are minutes of a completely different ward, you will also see Minute No.4 in Mbeu Ward, where members of the public, upon equal and fair representation from across the locations in the ward, ended the meeting at 1.00 p.m. A member of staff from the County Assembly gave the closing remarks and thanked the members of the public for exercising their constitutional mandate and conducting their exercise peacefully and inclusively. The same minute with the same words in the same order.

I spoke here about some things being too fantastic to be true. Distinguished Senators, these are the sort of things I was referring to. Normal human fallibilities militates against this kind of coincidences.

I will briefly make that point by looking at Page 392 of the minutes from Igembe East Ward. On Page 392, after (xi) up there, there is an entry; a lady who spoke and was not in support of the Impeachment Motion said that since the Governor was a woman, the MCAs were planning to impeach out and need to give her time to work and complete her

term. It follows; another one said that she does not support the Impeachment Motion because the Governor is the only senior-most politician from Meru County.

I want us to turn to page 395, which is part of the minutes from Athiru Ruujine Ward. Just after (xi), it states that a lady who spoke and was not in support of the impeachment Motion said that since the Governor was a woman, the MCAs were planning to impeach her out and need to give her time to work and complete her term. It follows; another one said that she does not support the Impeachment Motion because residents of Meru County are tired with these unending fights between the Governor and the MCAs.

Distinguished Senators, I leave it to your able judgment as able men, such as fear God of truth, hating covetousness, using this standard of Jethro as he advises Moses, to determine for yourself the quality of public participation that underwrites this Motion. We are looking at a document that is 1,344 pages. Time cannot allow us to continue with this kind of analysis, but the point has been made.

Allow me to move to the next point. I want to deal with the various allegations that have been made against the Governor in this Impeachment Motion. If you look at the Impeachment Motion, at Count No.1, the Governor is accused of gross violation of the Constitution and other laws and a general allegation of violations of laws is made there. The burden for us is to establish whether the ground in support of that allegation has been made.

I will start by dealing with Ground No.4 for good order. I will deal with the other grounds as I carry on with these submissions. The Governor is accused of dismissing Dr. Ntoiti, Paul Mwathi, Kenneth Kimathi Mbae and Joseph Kithure in usurpation of the powers of appointing authorities.

The mover of the Motion was taken through this ground as against what was Count No.4, paragraph 16, of the Motion that was before this House in November last year. She confirmed that there has been no new action on the part of the County Government in respect of these officials. She confirmed that what she was complaining about here is the same action that informed the previous allegation in the previous Impeachment Motion.

While at it, and so that I do not revisit this question, I will also deal with Count No.3, paragraph 3 of the present Motion, where the Governor is accused of employing a bloated workforce of at least 111 personal staff in her office. The mover of this Motion came here and conceded that this was the same allegation in Count No.4, paragraph (g), of the Motion that this Senate dealt with in November last year.

The question I want this Senate to grapple with is a question of principle. Is it permissible for this Senate to be called upon to re-debate the same fact, which it debated and acquitted the Governor? Is it permissible in law? Is it permissible in good sense to re-debate and make a decision on it? Are these grounds you are going to vote for or in your private discussion and deliberation, you are going to move that they be struck out first, before you consider the residue of the Motion?

That is something that I invite this Senate to grapple with, so that it guides future processes of this nature. I am making out an argument that the Governor invites this

Senate to take a position on allegations that have been debated here in previous Impeachment Motions, in respect of which the governor has been cleared of the same.

May I draw the attention of this Senate to the fact that the mover of this Motion confirmed that in respect of the claim of employment of a bloated workforce, the same list of employees in the same order that was presented here in November last year, is the same list of employees in the same order that she has presented here today and sought that this Senate reviews its previous decision, and enters a different decision from the one it entered last year.

The second set of matters I want to deal with are pending active litigation in court as we stand here today. What I will describe as matters that are *sub judice*. Count No.1, paragraph one of the impeachment Motion alleges that the Governor illegally revoked the appointment of CPA Virginia Kawira Miriti as the Chief Executive Officer (CEO) of the Meru County Public Service Board.

Distinguished Senators, it is not in dispute that this matter is pending active litigation at Meru Employment and Labour Relations Court, Case No.E002 of 2024, CPA Virginia Kawira Miriti versus the Governor Meru County. The Governor invites this court to consider as a matter of principle, what is its policy on matters *sub judice*? What is the policy of this Senate on matters that are pending active litigation before other competent institutions of dispute resolution?

Evidence of the pendency of that case has been supplied in volume two of the Governor's documents at page 14. Another matter that the Governor wants you to apply the same mind on, matters that are actively pending in court is what I referred to earlier as Count No.1, paragraph four on the alleged illegal dismissal of Dr. Ntoiti, Paul Mwaki, Kenneth Mbae and Joseph Kithure Mberia.

Madam Temporary Speaker, in addition to the fact that this is a matter that this Senate has already applied its own mind upon and made a decision on, it is not in dispute that this matter has been and continues to be in active litigation in our courts. This matter went to court as Meru Employment and Labour Relations Petition No.1/2022 and is now pending appeal. Evidence of that pendency of that appeal process is at page 71, volume 1B of the Governor's documents.

With tremendous humility, I invite this House to take this as a question of principle. What is the legal policy of this Senate on matters that are actively pending in our courts, such as paragraph four, Count No.1 of this impeachment Motion? If you look at Ground No.2, paragraph six and Ground No.3, Paragraph 11 of the impeachment Motion in the County Assembly's documents volume one, this matter relates to the case of one Daniel Muthiani alias Sniper and contributions towards his family and the role connection of Kiambi Crispus Manyara, an accused person in that murder.

The County Assembly at volume two of its documents, at page 429, has supplied this House with the charge sheet for that murder case. I beseech you, distinguished Senators, to again make a principled decision, in a matter such as this where the County Assembly by its own documents admits that it is a matter pending active trial in our High Court. What is the policy of this Senate towards matters such as those?

I submit that this is a matter of principle because this should be able to guide future impeachments, so that we do not have to revisit this question of principle and people can be guided by the decision of this Senate, once and for all.

Finally, Madam Temporary Speaker, Sir, the impeachment process itself in its entirety; I wish to refer you to volume two of the Governor's documents at pages 28 to 32. On page 28, you can see Meru Constitutional Petition No. E013/2024. The parties to that case are hon. Kawira Mwangaza, the Petitioner and the County Assembly of Meru, Respondent.

The two parties now appearing before you and represented by Counsel as has been the case. If we turn to page 31, of the Governor's volume two, there is a ruling of court. The ruling of the court says the upshot of the above is that, "the impeachment process is halted pending my ruling." Since this matter is of public interest the ruling on the interested parties and the main petition will be delivered on 29<sup>th</sup> July, 2024 via email to all parties.

It is in the public domain that, that ruling was not delivered on that day and is still pending delivery and this order remains in force. As a matter of principle, I invite Senators to reflect on this question because the Governor has been brought here by the County Assembly claiming that it wants to strike a blow to the rule of law, and yet, we are here debating this matter in the face of an order reading and I quote, "the upshot of the above is that the impeachment process is halted."

As a matter of principle, distinguished Senators, what position do you want to take on this matter? You are the judges; you will make the decision one way or the other. I have done my part as a legal representative to my clients. I have made full and candid disclosure that we may be perpetuating a violation of the rule of law.

I am not the decision maker. I leave the eventual decision to your able hands, distinguished Senators. Is this the way we shall grow our institutions if a court of competent jurisdiction can make an order such as this and the County Assembly proceeds in violation of this order?

The Governor has told you on her part she has taken some action on this violation, and from page 35 onwards, you will see a contempt of court application that she has filed. She has done her part the court will deal with that.

Shall we sitting here in good conscience and our attention having been drawn to these facts perpetuate this process, which on the face of it, the County Government has undertaken in violation of a valid court order? It is not for the Governor. It is not for her Counsel to make that decision.

Distinguished Senators, the heavier task lies with you to make a decision one way or the other on this question of principle touching on those specific paragraphs of those specific counts that I have alluded to, and on this impeachment process as a whole, as I have drawn your attention to Page 30 of Volume No.2 of the Governor's documents.

Let me proceed by addressing you briefly on the Public Audit Act. Distinguished Senators, I beseech you as you make this decision this evening, to be guided by the provisions of Section 53 and Section 54 of the Public Audit Act. I say this in summary in response to the multiple audit questions that have arisen in the course of this hearing.

Time will not permit me to point at specific audit queries having in present here we know those audit questions. Section 53 of the Public Audit Act has a side note entitled 'Implementation of Reports.' These are audit reports by an accounting officer. Section 53(1) of the Public Audit Act provides that-

"The relevant accounting officer of a state organ or public entity shall within three months after Parliament has considered and made recommendations on the audit report."

So, first, there is an audit report. Two, there is parliamentary consideration of the audit report. Three, there are actions to be taken which are-

Take the relevant steps to implement the recommendations of Parliament on the report of the Auditor General (AG) or give explanations in writing to Parliament on why the report has not been acted upon. The law itself actually anticipates failure to act on those reports with reason.

Hon. Senators, there is a principle in law called the Subsidiarity Principle. The Principle of Subsidiarity in law dictates that a dispute must be resolved at the lowest institution competent to resolve it. For example, as a litigation lawyer, if I have a case that can competently be handled by the High Court, but when I look at the law, it can also competently be handled by a lower court such as a Magistrate's Court. I am obligated to file that case in the Magistrate's Court, which is the lowest court competent to hear that dispute.

We now know that the Meru County Assembly has not exercised its mandate by seizing this report and making necessary recommendations on steps to be taken to implement the report. Instead, it has picked the reports and come to this House with those reports. Speaking for myself, I want to believe that that is overburdening this very busy House.

I want to suggest to you Senators that if you set a precedent here in these proceedings that a county assembly can do that; it means that if we get a year where the 47 county governments with some issues - you know better than I do that virtually every year every county government has some issues in the audit reports - it is possible for county assemblies to bring 47 impeachment Motions here.

I suspect that may break the functional machinery of this House. I think that you better take a position in this matter that reminds county assemblies that they also have a role to discharge; to sit, invite relevant officers of the Executive, interrogate audit reports, resolve disputes that can be resolved there first, then come here with only such residues of issues that the relevant officers have proved to be incorrigible. That is my humble submission distinguished Senators.

There is a cadre of claims before you where I submit, respectfully, that the County Assembly is, in fact, the author of the problem. It has then brought the Governor here; the alleged failure to appoint the chairpersons of the Meru County Revenue Board, Meru Microfinance Corporation, Meru Youth Service Board and Meru County Investment and Development Corporation (MCIDC) Board.

I invite you to look at the correspondences at Pages 53, 54, 57, 58, 60, 61, 62, 65, 67, 84, the document at Pages 85 to 163, and the document at Page 135 of Volume 1B of the Governor's documents.

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I will not read them save just to summarize that these are the multiple correspondence between the office of the Governor and the office of the Clerk of the County Assembly. There is no doubt, distinguished Senators, that the Governor nominated persons to these offices. If the Governor did not furnish sufficient particulars, the County Assembly had the option of rejecting those names; just consider and reject them, so that there is no jam in the system, so to speak. What has happened here is that for more than one year, the County Assembly has engaged the Governor's office in correspondence, but failed to make a decision on the chairpersons of these boards. There is nothing the Governor can do without the County Assembly first making a decision one way or the other.

The law, for example, requires that ambassadors and Cabinet Secretaries be appointed by the President upon approval by the National Assembly. If the President was to forward names of Cabinet Secretaries to the National Assembly, then the National Assembly takes one year engaging the President in correspondence on those names without making a decision on them, then eventually moves a motion to impeach the President for failure to appoint, that is malice in the extreme.

I have reflected on the various categories of malice; I submit respectfully that this would fall into the category of malice of the highest order. This is a teaching aid in malice. It is inconceivable that there can be a higher grade of malice than this.

You have been told that the Governor has failed to implement the recommendations/resolutions of the County Assembly. You were taken through the letter by the Clerk claiming to be forwarding a resolution of the County Assembly. In fact, when you look at that letter, it says that the HANSARD is also enclosed. We have asked for that HANSARD and resolution and it has not been presented to you.

The question is; how would you impeach the Governor on the strength of such an allegation? More importantly for me, questions were put here to a number of witnesses to show who that report of the Committee of the Assembly is addressed to. That report was addressed to the petitioners, not the Governor.

Who was that report copied to? That report was copied to the various officers who allegedly the petitioners had sought to be removed from office one by one. That report was neither addressed nor copied to the Governor. Now, you are told to make a finding that the Governor failed to implement that report that was neither addressed nor copied to her.

As a matter of fact, can we say that in accordance with the law, the County Assembly of Meru has established this fact. I repeat, it is not in my place to make that determination, it is in your place distinguished Senators, to make that determination.

I invite you to make that determination with this factual matrix in your mind, so that you vote in good conscience that a governor, who is neither the addressee of a letter nor copied in the letter, can be removed from office on an allegation of failure to implement the contents of that letter.

Factual matters on the dismissal of Dr. Ntoiti Paul Mwaki, Kenneth Kimathi Mbaye and Joseph Kathure Mberia have arisen in addition to the principle matters of pendency of court cases in them. To the factual question whether these people have been dismissed from office, the CECM in charge of Public Service has been here and adduced

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evidence that the contracts of some of these people ran out by effluxion of time; that a contract that has ended, has ended.

Number two; you were told that the Governor never dismissed these people. Would it have been easier for the County Assembly to present us with at least a sample dismissal letter of any of these people. The multiple volumes before you contain very many documents except anything in the name of a dismissal letter, even to prove that fact of an allegation of dismissal.

You are going to make a decision this evening. I want you in good conscience to reflect on whether you can dismiss a governor for the alleged dismissal of an employee without the dismissal letter and affidavit before you claim to have been dismissed, yet you are told to remove this Governor from office.

An allegation has been made that this Governor deliberately and knowingly misled the public that Kshs86 million had been raised through Pay bill No. 247247, Account No.0400163917899. First, let me contextualize that video. We had the opportunity to review that video and you are aware that other videos have been played to show just the amount of mud that was thrown at the Governor; not by the family of the deceased or the wife of the deceased, but by persons whether called activists or other leaders from Meru County.

You listened to that clip and I have no doubt in my mind that the Governor is addressing those leaders who are throwing mud at her. When I finally document the story of this Governor, as I hope I will get to do one day, she is the only leader who has been expected to have mud thrown at her with no corresponding right to respond. Every time she responds to those very scurrilous attacks, she is brought here for impeachment.

All of us heard somebody claiming that a body of a deceased person would be placed in the home of the Governor to remain there, and if push comes to shove, it is to be brought to this Senate. How do we expect our fellow citizens not to respond? Human beings have an instinct of anger, shame, fear and pride that is natural and normal.

There is nothing inherently wrong in those human values. It is just the way God made us as human beings. When the Governor responds to those leaders saying those leaders must support the deceased's wife, build a house for her, buy her a car, start a foundation to support her children, judged in context, that is a Governor who is empathetic to this widow. A Governor who is calling for her to be assisted rather than being taken advantage of for political ends or possibly for business ends. I would want this particular charge to be understood in that context.

Ground No.3, in Paragraph viii, an allegation is made of an alleged use of manual payroll. First, I think sufficient evidence has been laid here that this was an issue in the audit report. The County Assembly is yet to consider that audit report and recommend appropriate action or seek answers from the County Executive. Evidence has been laid to you that this Governor inherited a government where manual payrolls were a systemic problem. In fact, she had finished that problem before this impeachment Motion was filed. That is something I beseech you to keep at the back of your mind as you make a decision, one way or the other on these proceedings.

Evidence has been laid before you that the issue of manual register has appeared in audit reports in respect of an excess of more than 40 counties. What lesson do we learn

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from that? This may be a systemic government problem beyond Meru County. Therefore, there is a need for proper interventions by legislative and oversight institutions such as this to provide systemic solutions.

What can we do to ensure that Integrated Payroll and Personnel Database (IPPD) numbers of staff are processed much faster to conduce an environment where payrolls are run without the necessity to resort to manual payrolls as we wait for IPPD numbers? You will empathize with the Governor, but if her government were to keep kindergarten teachers without salary for eight months, pending processing of Integrated Payroll and Personnel Database (IPPD) numbers by another government institution, that may as well be an unfair labour practice, which will also violate the Constitution.

I have addressed the question of employing a bloated workforce. As a matter of fact, the Governor has not employed a bloated workforce. This matter has been dealt with before in a previous impeachment Motion. Evidence has been laid here of the Governor's office rejecting other staff being sent to her office. I beseech you to keep that fact at the back of your mind as you make this decision.

Finally, hon. Senators, on the allegation of paying Kiambi Christus Manyara, a Public Communications Officer in the office of the Governor, full salary while in remand, I would like you in good conscience, to make a decision whether governors pay staff. Make a decision whether in the government organogram, a governor pays staff.

The appointment letter of this particular staff shows that this is actually a staff of the County Public Service Board. That is the appointing and disciplining authority; so that, where a staff who is charged in court is supposed to be either suspended or interdicted and relevant communication made to the payroll team, that would be the function of the County Public Service Board, which is an independent board established as such under the County Governments Act.

To blame the Governor for the failure or omission of an independent board, which if the Governor sought to interfere with, may as well be a ground of impeaching her, that will be putting this Governor in a grave dilemma. We beseech you not to put this Governor or any other governor in such a position of dilemma.

The Supreme Court of Kenya, in the case of Sonko versus the County Assembly of Nairobi City, set a principle, and I quote-

“Though a political process, impeachment is sanctioned by the Constitution and the law, and it is not a platform to settle political scores.”

It is well within the rights of the Governor to adduce evidence before you to show what political machinations are there, so that you can contextualize her allegations that these are processes to settle political scores.

Make no mistake, the Governor has set out here that she is a leader like any other leader. That, she is subject to oversight and sanction like any other leader, but let it be fair oversight, sanction, and not be politically motivated sanction.

A side issue has been raised here that this Governor is waving a gender card. When the Governor was brought here in September last year, she told this House that she was a victim of misogyny. She did not stop here. She played video clips for you to see and feel with your own senses.

The decision was yours, and the HANSARD of this House shows that even this Senate was abhorred by the misogyny that was displayed in those videos. The Governor is not creating a narrative of misogyny. She presented evidence of misogyny before this House.

A narrative has been created here that this Governor has been given two opportunities before. An impression is being created that this Governor was perhaps convicted and pardoned. The truth is, this Governor has been acquitted on every other occasion that she has been brought here. Therefore, you cannot blame her for whatever decision this Senate made based on the evidence that has been brought before the Senate.

The case of Martin Nyaga Wambora before the Court of Appeal of Kenya, set out the principle that allegations for removal of a governor must be serious, substantial and weighty.

Mr. Speaker, Sir, let us face it. If we want to look for technical infractions of law, that is easy. We can get a technical infraction of law on any officer in any office or any citizen in whatever situate. The principle, as enunciated by our courts, is that to remove a Governor from office, the allegation must be serious, substantial and weighty.

It is in this context that I understood the clarification as sought by Sen. M. Kajwang', as to whether labour or employment disputes would form a basis of an Impeachment Motion. This institution of Parliament has employees. I leave it to your own assessment as to whether there are any employees that have ever taken this institution to court.

What is sure is that we have an entire Employment and Labour Relations Court, whose business is to resolve labour disputes every day. We do not create institutions for fun. That institution was created because there was an understanding that in our day-to-day lives, people are going to have labour disputes. Therefore, to use a labour dispute that is properly before a court of competent jurisdiction to remove a Governor from office, that in and of itself does not pass the test of seriousness, substantiality and weight.

The Court of Appeal also established, as a principle, that a nexus must be drawn between the Governor and the alleged gross violations of the Constitution or any law. Where the CPSB, for example, fails to interdict or suspend an employee who is charged in a court of law, it strains my imagination how anyone within the most fertile imagination on earth can create a nexus between that and the Governor? I leave it to the distinguished House here to make a decision on that question.

In conclusion, distinguished Senators, I have been reflecting on the life and the times of Hon. Kawira Mwangaza. In my other world, I am a teacher and I talk to my law students every day in a mentorship programme.

I was telling them that in the fullness of time, when I am tasked to make my intellectual contributions on gender and the law, my writing will not be on the two-thirds gender principle, it will be on the struggle to sustain a woman governor in Meru County.

It is difficult for me to imagine of any public official in this country who has been subjected to the trials and tribulations of this Governor. I look at this Governor who stands here and see either my elder sister or mother. I cannot imagine of a lesson in resilience than that, which is embodied in this woman who sits here before you as Governor.

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I beseech you to have the weight of this submission in your conscience as you grapple with the principle, evidentiary and factual issues that I have raised this evening. I beseech you to acquit this Governor on each of the three counts.

I rest the Governor's final submissions.

**The Speaker** (Hon. Kingi): Thank you, counsel

Hon. Senators, ladies and gentlemen, pursuant to Rule 27 of the Rules of Procedure as contained in the Third Schedule of our Standing Orders, we will proceed to an in-camera session. Therefore, at this juncture, I ask the parties and members of the public to withdraw from the Chamber and the media to cease live broadcast forthwith.

*(All the parties, members of the public and the media withdrew from the Galleries)*

*(The House went into an in-camera session)*

*(End of in-camera session)*

*[The House resumed at 11.12 p.m.]*

**The Speaker** (Hon. Kingi): Order Members! Sen. Veronica, approach the Chair, please.

Clerk, can you call the parties, members of the public and the media back to the Plenary?

*(All the parties, Members of the public and the Media were allowed into the Galleries)*

*[The Speaker (Hon. Kingi) left the Chair]*

*[The Temporary Speaker (Sen. Veronica Maina) in the Chair]*

*(Sen. Orwoba spoke off record)*

**The Temporary Speaker** (Sen. Veronica Maina): Hold on, Sen. Gloria.

Hon. Senators, let us resume our seats. Sen. Ledama, let us resume our seats for a few minutes. We are settling all those issues. Please, resume your seats. Sen. Gloria and Sen. Wambua, resume your seats first.

*(Several Senators sat at their places)*

*(Loud consultations)*

*[The Temporary Speaker (Sen. Veronica Maina) left the Chair]*

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*[The Speaker (Hon. Kingi) in the Chair]*

**The Speaker** (Hon. Kingi): Order, hon. Senators, Sen. (Dr.) Khalwale, Sen. Madzayo, Sen. Omtatah and all the Senators who are upstanding, take your seats. Take your seats. You are disorderly and I am going to throw out some of you. For all the Senators who are standing, you are cautioned for the first time.

Take your seats. Clerk, can you confirm that we have the parties back in the House?

*(The Clerk-at-the-Table consulted with the Speaker)*

Okay, hon. Senators, as I have already informed you, there is a Supplementary Order Paper that has been circulated. I will ask the Clerk to proceed to call the First Order in that Supplementary Order Paper.

Clerk, proceed to call the first Order, please.

### NOTICE OF MOTION

RESOLUTION TO REMOVE FROM OFFICE, BY IMPEACHMENT, THE  
GOVERNOR OF MERU COUNTY, HON. KAWIRA MWANGAZA

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, the hearing and the determination on the proposed removal from office by impeachment of Hon. Kawira Mwangaza, the Governor of Meru County.

I beg to give Notice-

THAT, WHEREAS, pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, on Thursday, 8<sup>th</sup> August, 2024, the Meru County Assembly approved a Motion to remove from office, by impeachment, Hon. Kawira Mwangaza, the Governor of Meru County;

AND FURTHER, WHEREAS by a letter Ref. MCA/RES/VOL.IV/79, dated 9<sup>th</sup> August, 2024, and received in the Office of the Speaker of the Senate on Friday, 9<sup>th</sup> August, 2024, the Speaker of the Meru County Assembly informed the Speaker of the Senate of the approval of the Motion by the County Assembly and further forwarded to the Speaker of the Senate, documents in evidence of the proceedings of the Assembly;

FURTHER WHEREAS, pursuant to Article 181 of the Constitution, Section 33 of the County Governments Act and Standing Order 80 of the Senate, the Senate heard the County Assembly on the grounds for the proposed removal from office, by impeachment, of Hon. Kawira Mwangaza, the Governor of Meru County;

AND FURTHER, WHEREAS pursuant to Article 181 of the Constitution, Section 33 of the County Governments Act and Standing Order No. 80, the Senate also heard the Hon. Kawira Mwangaza, on the grounds for her proposed removal from office, by impeachment, as the Governor of Meru County;

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NOW THEREFORE, pursuant to Article 181 of the Constitution, Section 33 of the County Governments Act and Standing Order 80, the Senate resolves to remove from office, by impeachment, the Hon. Kawira Mwangaza, the Governor of Meru County, on the following charges-

Charge 1: Gross Violation of the Constitution and other laws

Charge 2: Gross Misconduct

Charge 3: Abuse of Office

**The Speaker** (Hon. Kingi): Next Order.

Proceed, the Majority Leader.

### MOTION

#### RESOLUTION TO REMOVE FROM OFFICE, BY IMPEACHMENT, THE GOVERNOR OF MERU COUNTY, HON. KAWIRA MWANGAZA

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to now move the following the Motion, which is the hearing and determination on the proposed removal from office, by impeachment, of the Hon. Kawira Mwangaza, the Governor of Meru County-

THAT, WHEREAS, pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, on Thursday, 8<sup>th</sup> August, 2024, the Meru County Assembly approved a Motion to remove from office, by impeachment, Hon. Kawira Mwangaza, the Governor of Meru County;

AND FURTHER, WHEREAS, by a letter Ref. MCA/RES/VOL.IV/79, dated 9<sup>th</sup> August, 2024 and received in the office of the Speaker of the Senate on Friday, 9<sup>th</sup> August, 2024, the Speaker of the Meru County Assembly informed the Speaker of the Senate of the approval of the Motion by the County Assembly and further forwarded to the Speaker of the Senate, documents in evidence of the proceedings of the Assembly;

FURTHER WHEREAS, pursuant to Article 181 of the Constitution, Section 33 of the County Governments Act and Standing Order No.80 of the Senate, the Senate heard the County Assembly on the grounds for the proposed removal from office by impeachment, of Hon. Kawira Mwangaza, the Governor of Meru County;

AND FURTHER, WHEREAS pursuant to Article 181 of the Constitution, Section 33 of the County Governments Act and Standing Order No. 80, the Senate also heard the Hon. Kawira Mwangaza, on the grounds for her proposed removal from office, by impeachment, as the Governor of Meru County;

NOW THEREFORE, pursuant to Article 181 of the Constitution, Section 33 of the County Governments Act and Standing Order No. 80, the Senate resolves to remove from office, by impeachment, the Hon. Kawira Mwangaza, the Governor of Meru County, on the following charges:-

Charge 1: Gross Violation of the Constitution and other laws

Charge 2: Gross Misconduct

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## Charge 3: Abuse of Office

Mr. Speaker, Sir, I will be extremely brief because this is not something new to all colleague Senators here. All the Senators before this House this evening have had an opportunity to handle an impeachment process. They are aware that when you elect to handle an impeachment process by way of Plenary, then you individually get the chance to listen to the merits and the demerits of the case and inform your decision.

Therefore, it is not those occasions where I choose or elect to either persuade or dissuade any Senator, in making the decision in one way or the other, in whichever matter that is before the House.

All these Senators; the 67 of them, those present before the House and those following this proceeding virtually, have had the opportunity to listen to both parties that are before this House.

Mr. Speaker, Sir, it is now my humble duty to request colleague Senators to make a decision that is in the best interest of the people of Meru because that is what is at the heart of our core mandate in accordance to Article 96, the Senate being the custodian of the interest of counties and their governments.

With those very few remarks, especially bearing in mind that we have statutory timelines that we have to observe without running into legal challenges, I, therefore, wish to move and request the Senator for Laikipia, Sen. Kinyua to second.

**Sen. Kinyua:** Mr. Speaker, Sir, I stand here to support the Motion. Everybody has listened to what has been presented to this House and it is up to this House to make their decision. Today, we sit here as judges. We have listened to the evidence that has been placed to this Senate. It is up to us to make an informed decision whether to support this Motion or otherwise.

Mr. Speaker, Sir, I support and second this Motion.

**The speaker** (Hon. Kingi): Hon. Senators, I will proceed to propose the question.

*(Question proposed)*

The Floor is open.

**Sen. Cherarkey:** On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Yes, what is your point of order, Senator for Nandi County?

*(Interruption of Debate on Motion)*



**PROCEDURAL MOTION**

## LIMITATION OF DEBATE ON MOTION

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir. I beg to move the following Motion-

THAT, pursuant to Standing Order No.111, the debate on the hearing and determination on the proposed removal from office, by impeachment, of Hon. Kawira Mwangaza be limited to three minutes.

We should allow the Mover to reply at around 11.48 p.m., so that we can meet statutory timelines as per the Gazette Notice and not risk running into legal challenges.

Mr. Speaker, Sir, with a lot of humility, grace and honour, I request the Deputy Majority Whip, Sen. (Dr.) Lelegwe Ltumbesti, the Senator for Samburu County, to second.

**Sen. (Dr.) Lelegwe Ltumbesti:** Mr. Speaker, Sir, I second.

**The speaker** (Hon. Kingi): Hon. Senators, I am going to propose the question.

*(Question proposed)*

*(Several Senators stood in their places)*

Hon. Senators---

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Hon. Senators, having met the requisite number, we will proceed to Division.

Sen. (Dr.) Khalwale, a point of order on who? Who is out of order?

*(Sen. (Dr.) Khalwale spoke off record)*

All right, proceed on intervention.

**Sen. (Dr.) Khalwale:** I thank you, Mr. Speaker, Sir.

*(Sen. Omogeni stood up in his place)*

**The Speaker** (Hon. Kingi): Just have a seat. I have not given you--- Sen. Omogeni, you know the rules. Just have the chair.

*(Sen. Omogeni resumed his seat)*

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir for this time.

**The Speaker** (Hon. Kingi): As Sen. (Dr.) Khalwale is seeking for his clarification, Secretariat, proceed to prepare for the Division, please.

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**Sen. (Dr.) Khalwale:** Thank you. Mr. Speaker, Sir. I am reflecting on the history of Parliament. If Martin Shikuku, Jean Marie Seroney, Chelagat Mutai and J.M. Kariuki were alive, they would have wanted that the Chair settles the important issue of matters in this case that are currently active in court, because they are *sub judice*.

*(Applause)*

Mr. Speaker, Sir, in this case---

*(Loud consultations)*

**The Speaker** (Hon. Kingi): Sen. Boni, you are totally out of order! Take your seat.

**Sen. (Dr.) Khalwale:** I have the Floor, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Boni, take your seat. You are out of order.

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I am begging you with respect.

**The Speaker** (Hon. Kingi): I know you are begging me.

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, this is the Parliament of Kenya. It is the Parliament of Kenya, I tell you.

**The Speaker** (Hon. Kingi): Sen. Boni, do not push me into throwing you out!

**Sen. (Dr.) Khalwale:** Then do not throw me out! I beg you.

**The Speaker** (Hon. Kingi): Sen. Boni, then take your seat!

*(Loud consultations)*

Take your seat, Sen. Boni.

**Sen. (Dr.) Khalwale:** We have been---

**The Speaker** (Hon. Kingi): Clerk, are you ready for the Division?

*(Loud consultations)*

Order!

**Sen. Olekina:** On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Olekina, you are totally out of order and do not push me!

We are on Division now, how can you rise on a point of order on Division. You are out of order.

Clerk, proceed so that we conduct the Division.

*(Loud consultations)*

Sen. Olekina, I am cautioning you!

Proceed, Clerk.

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*(The Speaker (Hon. Kingi) consulted with the Clerk-at-the-Table)*

Hon. Senators, we are ready for Division. Kindly log in. Serjeant-at-Arms, because this is a Division, you may lock the door and draw the Bars.

*(The Bars were drawn and the doors closed)*

Hon. Senators, once you have logged in, you can proceed to vote, either by saying yes, no or abstain.

Hon. Senators, this is a procedural Motion, even nominated Senators can take part. Proceed to vote.

*(Voting in progress)*

Time is running, hon. Senators, please vote.

The Senators who are surrounding the Chair, move immediately. Withdraw from the precincts of the Chair!

*(Voting in progress)*

**The Speaker** (Hon. Kingi): Order, hon. Senators. Kindly be orderly and take your seats. The following Senators must proceed to the Dispatch Box and cast their votes; Sen. Olekina, Sen. Omogeni, Sen. Onyonka, Sen. Osotsi, Sen. M. Kajwang', Sen. Beth Syengo, Sen. Kavindu Muthama, Sen. Lemaltian, Sen. Montet, Sen. Shakila Abdalla and Sen. Maanzo.

Hon. Senators, I am giving you two minutes to conclude this exercise. Those Senators that I have called if you do not cast your vote in the two minutes---

*(Loud Consultations)*

Proceed to cast your vote.

*(Voting in progress)*

*(Loud Consultations)*

**The Speaker** (Hon. Kingi): Now Hon. Senators. Order! The two minutes that I have granted are now over. Senate Minority Leader.

*(Loud Consultations)*

Order, Sen. Beth Syengo. Serjeant-At-Arms kindly get Sen. Beth Syengo out of the Chamber.

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Serjeant-At-Arms! When the Chair is speaking, you do not shout. Take your seats. Hon. Senators, kindly take your seats. Hon. Senators, I can only give you an opportunity to speak if you are orderly.

*(Loud Consultations)*

Then take your seats, hon. Senators! Senate Minority Leader. Order! Serjeant-At-Arms, can you listen to me? Order, hon. Senators! Serjeant-at-Arms. Can I speak to the Serjeant-at-Arms? Serjeant-At-Arms!

Serjeant-at-Arms, can you take your positions.

*(There was commotion in the House)*

Serjeant-at-Arms take your positions and await my further orders.

*(There was commotion in the House)*

Order, Sen. Madzayo.

Order! Order! Can you take your seats!

Everybody has witnessed everything. Take your seats.

Order!

Can I have the results?

Hon. Senators, kindly, take your seats.

*(There was commotion in the House)*

Hon. Senators, let the Senator be. Serjeant-at-Arms, can you walk away from the Senator, please?

## DIVISION

### ELECTRONIC VOTING

*(Question, that Debate on Motion be limited to three minutes, put and the Senate proceeded to vote)*

**AYES:** Sen. Abass; Sen. Abdul Haji; Sen. Boy; Sen. Cheptumo; Sen. Cherarkey; Sen. Cheruiyot; Sen. Chesang; Sen. Chimera; Sen. Chute; Sen. Gataya Mo Fire; Sen. Githuku; Sen. Joe Nyutu; Sen. Kathuri; Sen. Kinyua; Sen. Korir; Sen. (Dr.) Lelegwe Ltumbesi; Sen. Mandago; Sen. Mbugua; Sen. Methu; Sen. Mungatana; Sen. Munyi Mundigi; Sen.(Dr.) Murango; Sen. Murgor; Sen. Nyamu; Sen. Seki; Sen. Tabitha Keroche; Sen. Tabitha Mutinda; Sen. Veronica Maina; Sen. Wakili Sigei; Sen. Wamatinga and Sen. Wafula.

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**NOES:** Sen. Faki; Sen. Lomenen; Sen. Madzayo; Sen. Mariam Omar; Sen. Olekina; Sen. Omogeni; Sen. Orwoba; Sen. Osotsi and Sen. Tobiko.

**ABSENTIONS:** Sen. Miraj.

**The Speaker** (Hon. Kingi): Hon. Senators, the results of the Division are as follows -

**AYES:** 31

**NOES:** 9

**ABSENTIONS:** 1

The "Ayes" have it.

*(Question carried by 31 votes to 9)*

Let us proceed. You may now withdraw the bars and open the door.

*(The Bars were undrawn and doors opened)*

The Senate Majority Leader, you may have the Floor.

*(There was commotion in the House)*

Hon. Senators, we are now doing intervention on the Motion.  
Senator for Nandi, proceed.

*(There was commotion in the House)*

Proceed, Sen. Cherarkey.

*(Loud consultations)*

**Sen. Cherarkey:** Mr. Speaker, Sir, my Motion was very specific. Mr. Speaker, Sir, can I have your attention? The Mover should be called to reply at 11.48 p.m. That was specific and you can check the HANSARD.

Mr. Speaker, Sir, I beg that the Mover be called to reply.

**The Speaker** (Hon. Kingi): Let us listen to Sen. Onyonka.

*(Loud consultations)*

Order, hon. Senators. Take your seats.

*(An hon. Senator spoke off record)*

**Sen. Olekina:** Mr. Speaker, Sir, our Members have not voted.

**Sen. Orwoba:** Mr. Speaker, Sir, the head of Kisii delegation must vote for the Motion. The head of the delegation has not voted.

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**The Speaker** (Hon. Kingi): Sen. Orwoba, you are totally out of order. Withdraw from the Chamber and the following shall follow---

*(Loud consultations)*

Take your seats, save for Sen. Onyonka. Sen. Onyonka, you have two minutes.

**Sen. Onyonka:** Mr. Speaker, Sir, under the circumstances---

**Sen. Olekina:** On a point of order!

**The Speaker** (Hon. Kingi): Sen. Ledama, you would not want to be the next to withdraw from the Chamber. Let Sen. Onyonka be heard in silence.

Sen. Onyonka, proceed.

**Sen. Olekina:** On a point of order!

**The Speaker** (Hon. Kingi): Proceed, Sen. Onyonka. Sen. Olekina, you are cautioned. If you insist, I will throw you out.

**Sen. Olekina:** I am just asking for a point of order.

**The Speaker** (Hon. Kingi): That is how you will land outside this Chamber.

**Sen. Onyonka:** Mr. Speaker, Sir, under the circumstances, I find it difficult to raise and discuss issues that have led us to where we are. My sincere and honest observation and evaluation, especially to Members who are in this House and Members of---

*(Sen. Olekina spoke off record)*

Yes, Sir.

**The Speaker** (Hon. Kingi): I have not allowed that.

Proceed, Sen. Onyonka.

**Sen. Onyonka:** Mr. Speaker, Sir, and colleagues who are here, I would like to ask all of you---

**Sen. Olekina:** On a point of order! Point of order!

*(Loud consultations)*

**The Speaker** (Hon. Kingi): Order! Let the Senator be heard in silence, please.

*(Loud consultations)*

**Sen. Onyonka:** Mr. Speaker, Sir, I would like---

**The Speaker** (Hon. Kingi): Sen. Onyonka, you have under one minute.

**Sen. Onyonka:** Mr. Speaker, Sir, in that case, I will not say anything, because under the circumstances, I cannot express myself.

**The Speaker** (Hon. Kingi): Very well. At this juncture, I will call upon the Governor for Meru County, in two minutes, to make her closing remarks to the Senate.

Proceed, Governor for Meru County. If you have anything to say, this is the time to address the Senate. If you do not have anything to say, it is okay.

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So let the Mover of the Motion proceed to reply.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, this is totally embarrassing. I have never---

*(Loud consultations)*

**The Speaker** (Hon. Kingi): Order!

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, in light of the fact that there are people who have chosen to behave in a disorderly manner, I cannot give my comments.

I beg to reply.

*(Loud consultations)*

**The Speaker** (Hon. Kingi): Thank you.

Clerk, may you ring the division bell for two minutes?

*(The Division Bell was rung)*

Is the Serjeant-at-Arms ringing the bell? Serjeant-at-Arms, proceed to lock the door, and draw the Bar.

*(Several Senators stood up in their place)*

*(The Bar was drawn and the doors closed)*

Hon, Senators, kindly take your seats. We will proceed to vote.

Clerk, can you get the system underway? Clerk, is the system ready?

Now, hon. Senators, voting shall be done electronically. Kindly take your seats.

Clerk, can you put the system up and running?

The Division has started long before midnight. So we are good to go. We are in Division. Hon. Senators, kindly take your seats.

Now, hon. Senators, we are going to vote electronically, charge after charge.

I will proceed to put the question.

*(Question put)*

Now, hon. Senators, we are going to vote on Charge No.1, which is gross violation of the Constitution and other laws. You may now proceed to vote.

*(Voting in progress)*

*(Sen. Cherarkey consulted loudly)*

The Senator for Nandi, you are totally out of order. You vote and keep your calm.

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*(Loud consultations)*

We have Senators who are online. Sen. (Prof.) Tom Ojienda, you may proceed to vote. Sen. Chimera stay calm. The Information, Communication and Technology (ICT) people can project the online vote because we need to see how the Senator is dressed and whether they are within the Speaker's Rules.

I had called Sen. (Prof.) Tom Odhiambo Ojienda, but he is not online. Secretariat, is he? We need to see how he is dressed up. You need to project Sen. Tom Ojienda on the screen.

*(Laughter)*

*(Loud consultations)*

Can we see Sen. (Prof.) Tom Odhiambo Ojienda? We are simply seeing a forehead. We do not know to whom it belongs. It is my ruling that Sen. (Prof.) Tom Ojienda, as he is now appearing, cannot vote. We move to Sen. Sifuna.

Sen. Sifuna, you may proceed to vote.

*(Applause)*

*(Sen. Sifuna spoke off the record)*

Sen. Sifuna, you are out of order and may not partake in any proceedings of the House. Let us move to the other Senator.

*(Loud Consultations)*

Let us move to Sen. Dullo. Sen. Dullo, you may proceed to vote.

*(Sen. Dulo proceeded to vote)*

Let us move to Sen. Kisang.

**Sen. Sifuna:** Even if you pretend you have not heard us, we have told you the truth. You are an embarrassment---

*(Sen. Sifuna's microphone went off)*

**The Speaker** (Hon. Kingi): Can you mute Sen. Sifuna, please? I have ruled him disorderly. Mute him and remove him from the platform.

Sen. Kisang, please, proceed.

*(Loud Consultations)*

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Sen. Kisang, I am afraid you may not proceed to cast your vote. We are unable to see you.

*(Loud Consultations)*

**The Speaker** (Hon. Kingi): Order, hon. Senators.

*(Sen. Madzayo stood up in his place)*

Senate Minority Leader, Sen. Madzayo, take your seat. Sen. Mandago and Sen. Faki, take your seats.

The following Senators have not cast their votes. I am, therefore, inviting them to the Dispatch Box to cast their votes in the next two minutes; Sen. Omogeni, Sen. Lomenen, Sen. M. Kajwang', Sen. Muthama Agnes Kavindu, Sen. Mwaruma, Sen. Boy Issa Juma, Sen. Mwinyi Haji Faki, Sen. (Dr.) Boni Khalwale, Sen. Oketch Eddy, Sen. Okoiti Omtatah, Sen. Olekina, Sen. Onyonka, Sen. Osotsi, Sen. Wambua, Sen. Madzayo, Sen. Mohamed Abdalla Shakila and Sen. Maanzo Daniel Kitonga.

You may now proceed to cast your votes and be done in the next two minutes. After the expiry of the two minutes, we shall tally and proceed to the next charge.

*(Voting in progress)*

**The Speaker** (Hon. Kingi): Order, hon. Senators; Sen. Tabitha Keroche, Sen. Kibwana and the Senator for Nandi County, the Chairperson of the County Public Accounts (PAC) and the Senate Minority Whip and Senate Minority Leader.

Hon. Senators, the results of the Division on Charge No.1 is as follows.

## DIVISION

### ELECTRONIC VOTING

*(Question, that now therefore, pursuant to Article 181 of the Constitution, Section 33 of the County Governments Act and Standing Order No.80, the Senate resolves to remove from office, by impeachment, the Honourable Kawira Mwangaza, the Governor of Meru County, on the following Charge: Charge 1 - Gross Violation of the Constitution and Other Laws, put, and the Senate proceeded to vote by county delegations)*

**AYES:** Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Cheptumo, Baringo County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Mandago, Uasin Gishu

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County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County and Sen. Wamatinga, Nyeri County.

**NOES:** Nil.

**ABSTENTIONS:** Sen. Boy, Kwale County; Sen. Faki, Mombasa County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Lomenen, Turkana County; Sen. M. Kajwang', Homa Bay County; Sen. Maanzo, Makueni County, Sen. Madzayo, Kilifi County; Sen. Mwaruma, Taita Taveta County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; and, Sen. Wambua, Kitui County.

**The Speaker** (Hon. Kingi): Hon. Senators the results of the Division on Charge No.1 are as follows-

**AYES:** 26

**NOES:** Nil

*(Sen. Cherarkey stamped his feet)*

**The Speaker** (Hon. Kingi): Senator for Nandi county. I have told you---

*(Several Senators spoke off record)*

**Hon. Senators:** Throw him out!

**ABSTENTIONS:** 14

The "Ayes" have it.

*(Question carried by 26 votes to Nil)*

**The Speaker** (Hon. Kingi): Hon. Senators, we proceed to Charge No.2. Can you get the system up and running? Charge No.2 is on Gross misconduct. Hon. Senators, you may now proceed to vote.

*(Voting in progress)*

**The Speaker** (Hon. Kingi): There are those Senators who would wish to vote online. Sen. Dullo, proceed to vote.

**Sen. Dullo:** Mr. Speaker, Sir, I vote "yes".

**The Speaker** (Hon. Kingi): Sen. Kisang, proceed to vote. I am afraid that we cannot see Sen. Kisang on the screen. We will move to Sen. (Prof.) Tom Ojienda.

**Sen. Kisang:** Mr. Speaker, Sir, I vote "no".

**The Speaker** (Hon. Kingi): I am afraid that Sen. (Prof.) Tom Ojienda will not be allowed to cast his vote.

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Sen. Kisang, can we see you? I am afraid we cannot see Sen. Kisang. Therefore, he cannot vote.

The following Senators should proceed to the Clerk's Table and cast their votes: Sen. Lomenen, Sen. M. Kajwang', Sen. Kavindu Muthama, Sen. Mwaruma, Sen. Boy Issa Juma, Sen. Abass Sheikh Mohamed, Sen. Okoiti Andrew Omtatah, Sen. Onyonka, Sen. Wambua, Sen. Osotsi, Sen. Olekina, Sen. Oketch Eddie, Sen. Mwinyihaji, Sen. Omogeni Erick, Sen. Madzayo, Sen. Maanzo and Sen. Boni.

*(Several Senators approached the Clerks-at-the-Table and registered their votes)*

*(Voting in progress)*

## DIVISION

### ELECTRONIC VOTING

*(Question, that now therefore, pursuant to Article 181 of the Constitution, Section 33 of the County Government Act and Standing Order No.80, the Senate resolves to remove from Office by Impeachment, the Hon. Kawira Mwangaza, the Governor of Meru County on the following Charge: Charge 2 – Gross Misconduct put, and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Cheptumo; Baringo County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri; Meru County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Mandago, Uasin Gishu County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; and, Sen. Wamatinga, Nyeri County.

**NOES:** Sen. Lomenen, Turkana County; and, Sen. Onyonka, Kisii County.

**ABSTENTIONS:** Sen. Boy, Kwale County, Sen. Faki, Mombasa County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Maanzo, Kitui County; Sen. Madzayo, Kilifi County; Sen. M. Kajwang', Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Okiya Omtatah; Busia County; Sen. Omogeni, Nyamira County; Sen. Osotsi, Vihiga County; Sen. Kavindu Muthama, Machakos County; Sen. Wambua, Kitui County; and, Sen. Mwaruma, Taita Taveta County.

**The Speaker** (Hon. Kingi): Hon. Senators, kindly take your seats.

The Senator for Nandi County, the Senate Majority Leader, and Sen, Eddy Oketch, please take your seats.

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Sen. Boy, take you seats, please.

Now, hon. Senators, the result for the Division on Charge No.2 are as follows-

**AYES:** 26

**NOES:** 2

**ABSTENTIONS** 14

“The Ayes have it”.

*(Question carried by 26 votes to 2)*

*(Sen. Cherarkey consulted loudly)*

**The Speaker** (Hon. Kingi): Senator for Nandi County, please contain your excitement however misplaced it may be.

Now, hon. Senators, we are going to vote on Charge 3: Abuse of Office.

Secretariat, kindly put the system up and running.

Hon. Senators, the system is ready for you. You can now proceed to vote on Charge No.3, which is Abuse of Office.

*(Voting in progress)*

**The Speaker** (Hon. Kingi): The Hon. Senators who would wish to vote online, kindly proceed.

Sen. Fatuma Dullo, proceed to vote.

**Sen. Fatuma Dullo:** Mr. Speaker, Sir, I vote “yes”.

**The Speaker** (Hon. Kingi): We now move to Sen. Kisang. Sen. Kisang?

**Sen. Kisang:** Mr. Speaker, Sir, I vote “no”.

**The Speaker** (Hon. Kingi): We cannot see you, Sen. Kisang.

**Sen. Kisang:** You cannot see me?

**The Speaker** (Hon. Kingi): We need to see him. Sen. Hezena, you may want to join Sen. Orwoba at the Lounge.

**Sen. Kisang:** Mr. Speaker, Sir, I do not know what is wrong with my camera.

**The Speaker** (Hon. Kingi): Sen. Kisang, I am afraid we may not be able to take your vote. We cannot see you.

So, we proceed to Sen. (Prof.) Tom Ojienda. Prof. Tom Ojienda?

We cannot see Sen. (Prof.) Tom Ojienda and, therefore, he may not proceed to vote.

**Sen. (Prof.) Tom Odhiambo Ojienda, SC:** Mr. Speaker, can you hear me?

**The Speaker** (Hon. Kingi): I can hear you, but I cannot see you. I need to see you for you to proceed to vote.

**Sen. (Prof.) Tom Odhiambo Ojienda, SC:** Mr. Speaker, Sir, I am concerned about the time. I do not know whether we are in time for this third process.

**The Speaker** (Hon. Kingi): Can you beam honourable Professor Tom Ojienda on the screen, please?

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**Sen. (Prof.) Tom Odhiambo Ojienda, SC:** Mr. Speaker, Sir, I think I have network challenges.

*(Laughter)*

**The Speaker** (Hon. Kingi): Professor, I am sorry, you will not be able to vote. As far as ‘Prof. Sifuna’ is concerned, he has already been ruled out of order.

**Sen. (Prof.) Tom Odhiambo Ojienda, SC:** How about myself, Mr. Speaker, Sir?

*(Laughter)*

**The Speaker** (Hon. Kingi): Sen. (Prof.) Tom Odhiambo Ojienda, we can only see your forehead. We cannot confirm if it is yours or if it is for your neighbor. We need to see you.

**Sen. (Prof.) Tom Odhiambo Ojienda, SC:** Mr. Speaker, Sir, I confirm that it is mine.

*(Laughter)*

**The Speaker** (Hon. Kingi): We need to see how you are dressed.

**Sen. (Prof.) Tom Odhiambo Ojienda, SC:** I am dressed in an expensive suit, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): I rule that Sen. (Prof.) Tom Ojienda is not in a position to make a vote.

Now, the following Senators should make their way to the Dispatch Box for purposes of casting their votes. Sen. Sifuna has been ruled disorderly for the rest of this sitting.

Sen. M. Kajwang’, Sen. Kavindu Muthama, Sen. (Dr.) Khalwale, Sen. Okiya Omtatah, Sen. Onyonka, Sen. Osotsi, Sen. Wambua, Sen. Olekina, Sen. Oketch Gicheru, Sen. Faki, Sen. Omogeni, Sen. Madzayo, Sen. Maanzo Daniel and Sen. Boy.

Proceed to the Dispatch Box and cast your vote.

*(Several Senators approached the Clerks-at-the-Table and registered their votes)*

*(Voting in progress)*

**The Speaker** (Hon. Kingi): Sen. Lomenen, proceed to the Dispatch Box and cast your vote.

*(Sen. Lomenen approached the Dispatch Box and voted)*

*(Voting in progress)*

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**The Speaker** (Hon. Kingi): Order, hon. Senators. The Senate Minority Leader? Senator for Nandi, why are you admiring the suit of the Minority Leader?

*(Sen. Madzayo and Sen. Cherarkey consulted)*

Take your seats.

The Chairperson of the CPAC and my favourite Senator, Sen. Okoiti Omtatah.

## DIVISION

### ELECTRONIC VOTING

*(Question, that now therefore, pursuant to Article 181 of the Constitution, Section 33 of the County Governments Act and Standing Order 80, the Senate resolves to remove from office, by impeachment, the Honourable Kawira Mwangaza, the Governor of Meru County, on the following Charge: Charge 3 – Abuse of Office, put and the the Senate proceed to vote by County Delegations)*

**AYES:** Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Gataya, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. Kinyua, Laikipia County; Sen.(Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. WakiliSigei, Bomet County; Sen. Wamatinga, Nyeri County; and, Sen. Wafula, Bungoma County.

**NOES:** Sen. Mwaruma, TaitaTaveta County.

**ABSENTIONS:** Sen. Boy, Kwale County; Sen. Faki, Mombasa County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. M. Kajwang', Homa Bay County; Sen. Maanzo, Makueni County; Sen. Madzayo, Kilifi County; Sen. Olekina, Narok County; Sen. Oketch Gicheru, Migori County; Sen. Omogeni, Nyamira County; Sen. Okiya Omtatah, Busia County; Sen. Onyonka, Kisii County; Sen. Osotsi, Vihiga County; and, Sen. Wambua, Kitui County;

**The Speaker** (Hon. Kingi): Hon. Senators, the results of the Division on the Charge No.3, which is Abuse of Office are as follows-

**AYES:** 27

**NOES:** 1

**ABSENTIONS:** 14

The "Ayes" have it.

*(Question carried by 27 votes to 1)*

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**The Speaker** (Hon. Kingi): Hon. Senators, the results of the Divisions indicate that the Senate has upheld the following impeachment charges-

Charge No. 1: Gross violation of the Constitution and any other law.

Charge No. 2: Gross misconduct.

Charge No. 3: Abuse of office.

Hon. Senators, pursuant to Article 181 of the Constitution, Section 33 of the County Governments Act and Standing Order No. 80(6) of the Senate Standing Orders, the Senate has resolved to remove from office, by impeachment, Hon. Kawira Mwangaza, the Governor of Meru County and the Governor, accordingly, ceases to hold office.

I thank you.

*(Applause)*

Hon. Senators, kindly be upstanding.

*(Loud consultations)*

Order! Order, hon. Senators.

*(Loud consultations)*

Hon. Senators, before we adjourn the House, it is the decision of the Senate, I abide.

Before we adjourn the House, I have the following communication to make. You may sit.

### COMMUNICATION FROM THE CHAIR

#### JOINT COMMITTEE APPROVAL HEARINGS FOR NOMINEE TO POSITION OF DIRECTOR-GENERAL, COMPETITION AUTHORITY OF KENYA

Hon. Senators, Section 12(1) of the Competition Act provides for the position of the Director-General of the Competition Authority, who shall be appointed by the Authority with the approval of Parliament. I am making this Communication pursuant to today's Order Paper on the Order of Communication.

Vide a letter Reference No.TNT, Conference/268/001C(78) dated 6<sup>th</sup> August, 2024, the office of the Clerk received a communication from His Excellency Dr. Musalia Mudavadi, EGH, the then Acting Cabinet Secretary of the National Treasury and Economic Planning, on the nominee for appointment to the position of the Director-General of the Competition Authority of Kenya.

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In the letter, the then Acting Cabinet Secretary indicated that in exercise of the powers conferred by Section 12 of the Competition Act, Cap 504, Mr. David Kibet Kemei, had been nominated for appointment to the position of Director-General of the Competition Authority and was, therefore, seeking the approval of Parliament.

Hon. Senators, the Act does not provide specific timelines within which Parliament is to consider the matter. However, Section 8(1) of the Public Appointments (Parliamentary Approval) Act requires the Committee to undertake an exercise within 28 days from the date on which the notification of nomination was given in accordance with Section 5.

Since the approval of Parliament is required and taking cognisance of the need to dispense of the matter expeditiously, I direct that the relevant Committee of the Senate, namely the Standing Committee on Finance and Budget, undertakes the approval hearing jointly with the equivalent Committee of the National Assembly, namely the Departmental Committee on Finance and National Planning, within the framework set out in the Public Appointments (Parliamentary Approval) Act, as well as the Houses of Parliament Joint Sittings Rules.

It is so directed.

### ADJOURNMENT

**The Speaker** (Hon. Kingi): Now, you may be upstanding.

Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourned until Tuesday, 17<sup>th</sup> September 2024, at 2.30 pm.

Hon. Senators will be given priority to leave the Chamber. Thereafter, the teams from the County Assembly and the Governor will follow, followed by the members of the public.

The Senate rose at 1.09 a.m. on 21<sup>st</sup> August, 2024