



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT - (THIRD SESSION) THE NATIONAL ASSEMBLY

COMMUNICATION FROM THE CHAIR

_____ (No. 049 of 2024) _____

ON

THE MOTION FOR THE REMOVAL FROM OFFICE, BY IMPEACHMENT, OF H.E. RIGATHI GACHAGUA, EGH, AS THE DEPUTY PRESIDENT OF THE REPUBLIC OF KENYA

Honourable Members,

1. As you will recall, on Tuesday, 1st October 2024, the Member for Kibwezi West Constituency, the **Hon. Eckomas Mwengi Mutuse, MP**, gave notice of a Special Motion seeking a resolution of the House for the removal from office, by impeachment, of **H.E. Rigathi Gachagua, EGH, as the Deputy President of the Republic of Kenya**. Thereafter, upon consideration of the Notice, the House Business Committee, at its sitting of the same day, resolved, *inter alia*—
 - (a) **THAT**, the sitting of Thursday, 3rd October, 2024 be suspended;
 - (b) **THAT**, in the intervening period, the Clerk of the National Assembly collects and collates public views on the proposed impeachment on Friday, 4th October 2024;
 - (c) **THAT**, a Procedural Motion be moved to provide for the speaking time during debate on the Special Motion; and
 - (d) **THAT**, consideration of the Special Motion be undertaken today, Tuesday, 8th October 2024.

2. **Honourable Members,** As you are aware, public participation sessions were held on 4th and 5th October 2024 in all Constituencies. I also note that the public participation exercise, which commenced on 2nd October, 2024 with the invite to members of the public to submit views, included the collection of physical and electronic views, some of which were submitted by Kenyans in the Diaspora.
3. Whereas the earlier directive by the House Business Committee had intended to centrally collect views from all constituencies at identified locations in each county, in keeping with the orders of the High Court sitting at Kerugoya dated 4th October 2024, the collection of views was extended to 5th October 2024 to include all 290 Constituency Offices and the 47 County Women Representative Offices, being offices under the Parliamentary Service Commission. This additional time and coverage ensured the inclusion of a higher number of respondents from across the country. Notably, this extended time also saw the submission of additional views through hand-delivery to the office of the Clerk as well as through electronic means.
4. **Honourable Members,** on behalf of the House Business Committee and indeed on my own behalf, I wish to appreciate you for your support during the public participation sessions and commend you for your conduct during the exercise. You took a lead in ensuring the public were well informed of the process and refrained from commenting on the merits or otherwise of the Motion, whether in public or on the media. **This is how it is supposed to be.** Contrary to media reports on the general absence of Members in the various venues at which public participation was conducted, I wish to clarify that the absence was in keeping with the requirements of the Standing Orders.
5. Having said that, **Honourable Members,** I wish to inform you that the views collected during the exercise have since been collated and compiled into a Report which was noted by the House Business Committee at its meeting held yesterday, 7th October, 2024.

The House Business Committee has designated the Hon. Millie Odhiambo-Mabona, MP, one of its Members, to table the Report on its behalf under Order No. 5. At an appropriate time in the course of today's proceedings, I will allow the Hon. Minority Whip a maximum of fifteen (15) minutes to give an overview of the process undertaken and the contents of the Report.

6. It is expected that as the House debates the Motion, Members will take into consideration the views of the public as expressed between 2nd and 5th October, 2024. I therefore call upon Committees to take a keen interest in the Report and isolate matters that fall under their respective mandates for possible consideration, reporting, and approval by the House.
7. **Honourable Members**, may I remind the House of the resolution on the limitation of time as resolved on Wednesday, 2nd October 2024. The Mover will have a maximum of **sixty (60) minutes** in moving and a maximum of **thirty (30) minutes** to reply. **ALL** other Members will have a maximum of **five (5) minutes** except the Leader of the Majority Party, the Leader of the Minority Party, and the Member seconding the Motion, who will each have a maximum of **ten (10) minutes**. This is in addition to the fifteen (15) minutes allocated to the Minority Whip to highlight the contents of the Report on Public Participation.
8. Honourable Members, Permit me to also remind Members of the provisions of **Part XVI of our Standing Orders on the Rules of Debate** that ought to guide today's proceedings. Notably, Members should strictly restrict their contributions to matters that are relevant to the Motion before the House and note the provisions of Standing Order 91 (*Responsibility for statement of fact*). The Standing Order notes that a Member is solely responsible for the *accuracy of any facts which the Member alleges to be true and may be required to substantiate any such facts instantly*.

9. Additionally, **Hon. Members** will recall that, ordinarily, Standing Order 95 (*Closure of Debate*) and Standing Order 96 (*Adjournment of Debate*) allow a Member to hasten the conclusion of debate on a Motion or delay the conclusion of debate on a Motion, respectively. **However**, these two Standing Orders do not apply with respect to the consideration of a Special Motion such as the one that is before the House today. I will, therefore, not entertain any call for the Mover to reply or any dilatory Motion to be moved until the debate scheduled for today is concluded.
10. **Honourable Members**, I am sure that you are all aware of the *Rules of Natural Justice* which require that no person should be condemned unheard. This rule is embodied in our Standing Order 67(b)(ii) (*Right to be heard*), and pursuant to this Standing Order, I will accord the Deputy President and/or his representatives, that opportunity to be heard at 5.00pm for a maximum period of **two (2) hours**. Thereafter, the Mover will be called upon to reply, following which the House will proceed to vote on the Special Motion.
11. Further to the Communication issued on 1st October, I need not gainsay the need for the House to conduct itself in the most decorous fashion during today's proceedings. For the best use of the time allotted for Members' contribution to the Motion, I urge that each Member be listened to without interruption.
12. **Honourable Members**, As we commence today's proceedings, permit me to note that I am aware that yesterday H.E. Rigathi Gachagua, the Deputy President of the Republic of Kenya held an interview with the local media in which he laid out his defence to the Special Motion before this House. Whereas Standing Order 85 prohibits Members of this House from anticipating debate of a Motion for which notice has been given, the Standing Order, when broadly interpreted, also extends to non-Members, especially persons affected by such Motions.

13. Noting that the Special Motion is scheduled for debate and voting today, I believe that the Deputy President ought to have exercised restraint and refrained from holding the press interview. It is noteworthy that the Deputy President has been given an opportunity to appear before this House to make his response to the Special Motion in accordance with the rules of natural justice. Be that as it may, I will not wear the hat of a judge on this matter. Permit me to put it on record that the conduct was to say the least, abhorrent and unsighted conduct in light of the proceedings scheduled to commence before the House.

14. The House is accordingly guided.

I thank you!


THE RT. HON. (DR.) MOSES F.M. WETANG'ULA, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Tuesday, 8th October 2024