



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY, OCTOBER 8, 2024 AT 09.00 A.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements

8*. **SPECIAL MOTION – PROPOSED REMOVAL BY IMPEACHMENT OF H.E. RIGATHI GACHAGUA, EGH, DEPUTY PRESIDENT OF THE REPUBLIC OF KENYA**

(The Hon. Mwengi Mutuse, M.P.)

THAT, pursuant to the provisions of Articles 145 and 150(1)(b) and (2) of the Constitution and Standing Orders 64 and 65, this House resolves to remove from office, by impeachment, H.E. Hon. Rigathi Gachagua, EGH, the Deputy President of the Republic of Kenya on the following grounds—

1. **Gross violation of Articles 10(2)(a), (b) and (c); 27(4), 73(1)(a) and (2)(b); 75(1)(c), 129(2) of the Constitution and Article 147(1), as read together with Article 131(2)(c) and (d) of the Constitution:**

THAT, H.E. the Deputy President has persistently made utterances threatening to discriminate, exclude, and unlawfully deny sections of the people of Kenya and regions of the Republic of Kenya equal opportunities for public service appointments and allocation of public resources;

2. **Gross violation of Articles 147(1) and 152(1) of the Constitution by undermining the President and the Cabinet and the effective discharge of the national government's executive mandate:**

THAT, H.E. the Deputy President has made unilateral public statements inconsistent with policy positions collectively adopted by the Government and

contradicted the President on critical matters of governance and the exercise of the President's function as a symbol of national unity;

3. Gross violation of Articles 6(2), 10(2)(a), 174, 186(1), 189(1) and the Fourth Schedule to the Constitution by undermining Devolution:

THAT, H. E. the Deputy President interfered with the running of Nairobi City County Government by inciting citizens against lawful directives of the County Government on the planning and relocation of markets and publicly disparaging the leadership of the County Government and its decisions;

4. Gross violation of 160(1) of the Constitution on the Institutional and Decisional Independence of Judges:

THAT, H.E. the Deputy President has undermined the institutional and decisional independence of a judge through public attacks on a judge of the High Court of Kenya and falsely threatening to file a petition for the removal of the said Judge in a matter in which he was a party;

5. Gross violation of Articles 3(1) and 148(5)(a) of the Constitution on the fidelity to the Oath of Office and Allegiance:

THAT, H.E. the Deputy President breached his Oath of Office and Allegiance on account of the utterances and actions attributed to the Deputy President under Grounds (1), (2), and (3);

6. Serious reasons to believe that H.E. the Deputy President has committed crimes under sections 13(1)(a) and 62 of the National Cohesion and Integration Act:

THAT, H.E. the Deputy President has persistently made inflammatory, reckless, inciteful public utterances over the last two years in contravention of the law;

7. Serious reasons to believe that H.E. the Deputy President has committed gross economic crimes under sections 45(1), 46, 47(a)(3) and 48(1) of the Anti-Corruption and Economic Crimes Act and sections 2, 3, 4, and 7 of Proceeds of Crime and Anti-Money Laundering Act:

THAT, H.E. the Deputy President has committed gross economic crimes, namely, conflict of interest, abuse of office, and conspiracy to commit crimes under sections by inexplicably amassing property estimated at Kshs. 5.2 billion that is incompatible with his known legitimate income; and by trading with the Office of the Deputy President through proxies;

8. Serious reasons to believe that H.E. the Deputy President has committed crimes by continuously misleading members of the public through false, malicious, divisive, and inciteful remarks that are contrary to the provisions of section 132 of the Penal Code and section 29 of the Leadership and Integrity Act;

9. **Gross misconduct that is incompatible with the high calling and dignified status of the Office of the Deputy President, a member of the Cabinet and the National Security Council. H.E. the Deputy President has publicly attacked and undermined the work of the National Intelligence Service and its Officers;**
10. **Gross misconduct by openly or publicly insubordinating the President, who is the Head of State and Government; and**
11. **Gross misconduct by persistently bullying State and public officers.**

Members who appended their signatures in support of the Notice of Motion

Pursuant to the provisions of Standing Order 64(1)(c) and Standing Order 65(2), it is notified that the names of the Members who appended their signatures in support of the Notice of Motion is as hereunder: -

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|--|--|
| 1) The Hon. Mwengi Mutuse, M.P. | 27) The Hon. Gitonga Murugara, M.P. |
| 2) The Hon. Owen Baya, CBS, M.P. | 28) The Hon. Simon Ng'ang'a, M.P. |
| 3) The Hon. Japheth Nyakundi, M.P. | 29) The Hon. John Kiarie, M.P. |
| 4) The Hon. Mathias Robi, M.P. | 30) The Hon. (Dr.) Shadrack Mwitwi, M.P. |
| 5) The Hon. Kimani Ichung'wah, EGH, M.P. | 31) The Hon. Joseph Iraya, M.P. |
| 6) The Hon. Rahim Dawood, M.P. | 32) The Hon. Betty Maina, M.P. |
| 7) The Hon. Patrick Munene, M.P. | 33) The Hon. Geoffrey Ruku, M.P. |
| 8) The Hon. Eric Wamumbi, M.P. | 34) The Hon. Gabriel Kagombe, M.P. |
| 9) The Hon. George Kariuki, M.P. | 35) The Hon. Julius Taitumu, M.P. |
| 10) The Hon. Daniel Karitho, M.P. | 36) The Hon. Duncan Mathenge, M.P. |
| 11) The Hon. Dorothy Ikiara, M.P. | 37) The Hon. Kwenya Thuku, M.P. |
| 12) The Hon. Mwangi Kiunjuri, M.P. | 38) The Hon. John Wanjiku, M.P. |
| 13) The Hon. Mpuru Aburi, M.P. | 39) The Hon. John Mutunga, M.P. |
| 14) The Hon. Elizabeth Karambu, M.P. | 40) The Hon. Junet Mohamed, CBS, M.P. |
| 15) The Hon. Edwin Gichuki, M.P. | 41) The Hon. Abdirahman Abdi, M.P. |
| 16) The Hon. Rindikiri Mugambi, M.P. | 42) The Hon. Yakub Adow, M.P. |
| 17) The Hon. Jane Kagiri, M.P. | 43) The Hon. Ken Chonga, M.P. |
| 18) The Hon. Anne Muratha, M.P. | 44) The Hon. Ali Wario, M.P. |
| 19) The Hon. John Mwirigi, M.P. | 45) The Hon. Ruweida Obo, M.P. |
| 20) The Hon. Gikaria David, M.P. | 46) The Hon. Khamis Chome Abdi, M.P. |
| 21) The Hon. John Kiragu, M.P. | 47) The Hon. Abubakar Ahmed, M.P. |
| 22) The Hon. Mary Maingi, M.P. | 48) The Hon. Zamzam Mohamed, M.P. |
| 23) The Hon. Alice Ng'ang'a, M.P. | 49) The Hon. Rashid Bedzimba, M.P. |
| 24) The Hon. Wambugu Wainaina, M.P. | 50) The Hon. Said Hiribae, M.P. |
| 25) The Hon. Machua Waithaka, M.P. | 51) The Hon. Peter Shake, M.P. |
| 26) The Hon. Kuria Kimani, M.P. | 52) The Hon. Peter Masara, M.P. |
| | 53) The Hon. Mishi Mboko, M.P. |

- 54) The Hon. Joyce Bensuda, M.P.
 55) The Hon. Fatuma Masito, M.P.
 56) The Hon. Mohamed Machele, M.P.
 57) The Hon. Aduma Owuor, M.P.
 58) The Hon. Jerusha Momanyi, M.P.
 59) The Hon. (Dr.) Lilian Gogo, M.P.
 60) The Hon. Millie Odhiambo, M.P.
 61) The Hon. Irene Mayaka, M.P.
 62) The Hon. Dick Maungu, M.P.
 63) The Hon. Joshua Oron, M.P.
 64) The Hon. Walter Owino, M.P.
 65) The Hon. Patrick Osero, M.P.
 66) The Hon. Nolfason Barongo, M.P.
 67) The Hon. Mark Nyamita, M.P.
 68) The Hon. Tom Odege, M.P.
 69) The Hon. Clive Gisairo, M.P.
 70) The Hon. Oku Kaunya, M.P.
 71) The Hon. Rozaah Buyu, M.P.
 72) The Hon. Charles Were, M.P.
 73) The Hon. Fatuma Mohammed, M.P.
 74) The Hon. Paul Abuor, M.P.
 75) The Hon. Bady Twalib, M.P.
 76) The Hon. (Dr.) Charles Onchoke,
 M.P.
 77) The Hon. Caleb Amisi, M.P.
 78) The Hon. Elisha Odhiambo, M.P.
 79) The Hon. Farah Maalim, M.P.
 80) The Hon. Memusi Kanchory, M.P.
 81) The Hon. Kakuta Maimai, M.P.
 82) The Hon. Aden Mohamed Daudi,
 M.P.
 83) The Hon. Raphael Wanjala, M.P.
 84) The Hon. Peter Orero, M.P.
 85) The Hon. Martin Owino, M.P.
 86) The Hon. Peter Kaluma, M.P.
 87) The Hon. TJ Kajwang', M.P.
 88) The Hon. Chiforomodo Mangale,
 M.P.
 89) The Hon. Dorice Donya, M.P.
 90) The Hon. Stephen Mogaka, M.P.
 91) The Hon. Phelix Odiwuor, M.P.
 92) The Hon. Geoffrey Odanga, M.P.
 93) The Hon. Tim Wanyonyi, M.P.
 94) The Hon. Christine Ombaka, M.P.
 95) The Hon. Hussein Weytan, M.P.
 96) The Hon. George Aladwa, M.P.
 97) The Hon. Joseph Oyula, M.P.
 98) The Hon. John Bwire, M.P.
 99) The Hon. Omar Mwinyi, M.P.
 100) The Hon. Catherine Omanyoo, M.P.
 101) The Hon. Danson Mwashako, M.P.
 102) The Hon. Innocent Mugabe, M.P.
 103) The Hon. Charles Nguna, M.P.
 104) The Hon. Elsie Muhanda, M.P.
 105) The Hon. Julius Sunkuli, M.P.
 106) The Hon. Amina Udgoon, M.P.
 107) The Hon. John Ariko, M.P.
 108) The Hon. Tindi Mwale, M.P.
 109) The Hon. (Dr.) Otiende Amollo, M.P.
 110) The Hon. Christopher Aseka, M.P.
 111) The Hon. Ekwom Nabuin, M.P.
 112) The Hon. Nicholas Ng'ikor, M.P.
 113) The Hon. Yussuf Farah, M.P.
 114) The Hon. Abdikadir Mohamed, M.P.
 115) The Hon. James Onyango, M.P.
 116) The Hon. Sarah Korere, M.P.
 117) The Hon. Umulkher Harun, M.P.
 118) The Hon. (Dr.) James Nyikal, M.P.
 119) The Hon. Daniel Manduku, M.P.
 120) The Hon. Mohamed Adow, M.P.
 121) The Hon. Wario Guyo, M.P.
 122) The Hon. Paul Katana, M.P.
 123) The Hon. Kakai Bisau, M.P.
 124) The Hon. Emmanuel Wangwe, M.P.
 125) The Hon. Bernard Shinali, M.P.
 126) The Hon. Nabwera Nabii, M.P.
 127) The Hon. Patrick Makau, M.P.

- 128) The Hon. Shakeel Shabbir, M.P.
 129) The Hon. Adan Keynan, M.P.
 130) The Hon. Fatuma Jehow, M.P.
 131) The Hon. Amina Mnyazi, M.P.
 132) The Hon. Gertrude Mbeyu, M.P.
 133) The Hon. Adipo Okuome, M.P.
 134) The Hon. Abdi Omar Shurie, M.P.
 135) The Hon. Anthony Oluoch, M.P.
 136) The Hon. Beatrice Elachi, M.P.
 137) The Hon. Samuel Arama, M.P.
 138) The Hon. Guyo Jaldesa, M.P.
 139) The Hon. Anthony Kibagendi, M.P.
 140) The Hon. Samuel Atandi, M.P.
 141) The Hon. Ruth Busia, M.P.
 142) The Hon. Eve Obara, M.P.
 143) The Hon. Johnson Naicca, M.P.
 144) The Hon. Johana Kipyegon, M.P.
 145) The Hon. Omboko Milemba, CBS,
 M.P.
 146) The Hon. Marwa Maisori, M.P.
 147) The Hon. Moses Kirima, M.P.
 148) The Hon. Haika Mizighi, M.P.
 149) The Hon. Adan Haji Yussuf, M.P.
 150) The Hon. Mumina Bonaya, M.P.
 151) The Hon. Charles Gimose, M.P.
 152) The Hon. Mohamed Tubi, M.P.
 153) The Hon. Zaheer Jhanda, M.P.
 154) The Hon. Clement Sloya, M.P.
 155) The Hon. Suleka Harun, M.P.
 156) The Hon. Jackson Lekumontare, M.P.
 157) The Hon. Anthony Kenga, M.P.
 158) The Hon. Bashir Sheikh Abdullahi,
 M.P.
 159) The Hon. Didmus Barasa, M.P.
 160) The Hon. Malulu Injendi, M.P.
 161) The Hon. Geoffrey Mulanya, M.P.
 162) The Hon. Fredrick Ikana, M.P.
 163) The Hon. Oscar Nabulindo, M.P.
 164) The Hon. Titus Khamala, M.P.
 165) The Hon. Joseph Denar, M.P.
 166) The Hon. Ernest Kagesi, M.P.
 167) The Hon. Vincent Musyoka, M.P.
 168) The Hon. Fabian Muli, M.P.
 169) The Hon. Caleb Mutiso Mule, M.P.
 170) The Hon. Joshua Mwalyo, M.P.
 171) The Hon. (Dr.) Rachael Nyamai, CBS,
 M.P.
 172) The Hon. Nimrod Mbai, M.P.
 173) The Hon. Dido Raso, M.P.
 174) The Hon. Joseph Lekuton, M.P.
 175) The Hon. Silvanus Osoro, M.P.
 176) The Hon. Abdisirat Khalif Ali, M.P.
 177) The Hon. Abdul Haro, M.P.
 178) The Hon. Mary Emaase, M.P.
 179) The Hon. Irene Njoki, M.P.
 180) The Hon. Nebart Muriuki, M.P.
 181) The Hon. George Gachagua, M.P.
 182) The Hon. Stephen Karani, M.P.
 183) The Hon. Githua Wamacukuru, M.P.
 184) The Hon. Rahab Mukami, M.P.
 185) The Hon. Njoroge Wainaina, M.P.
 186) The Hon. Elijah Njoroge, M.P.
 187) The Hon. Nanok Daniel, M.P.
 188) The Hon. Muthoni Marubu, M.P.
 189) The Hon. Kenneth Tungule, M.P.
 190) The Hon. Muthama Stanley, M.P.
 191) The Hon. Joseph Namuar, M.P.
 192) The Hon. Faith Gitau, M.P.
 193) The Hon. Cecilia Ngigit, M.P.
 194) The Hon. Pamela Njoki, M.P.
 195) The Hon. Robert Basil, M.P.
 196) The Hon. Protus Akuja, M.P.
 197) The Hon. Kassim Sawa, M.P.
 198) The Hon. Pauline Lenguris, M.P.
 199) The Hon. (Dr.) Robert Pukose, M.P.
 200) The Hon. George Sunkuyia, M.P.
 201) The Hon. Joash Nyamoko, M.P.
 202) The Hon. Kitilai Ole Ntutu, M.P.

- 203) The Hon. Leah Sankaire, M.P.
- 204) The Hon. Lemanken Aramat, M.P.
- 205) The Hon. Agnes Pareyio, M.P.
- 206) The Hon. Gabriel Tongoyo, M.P.
- 207) The Hon. Rebecca Tonkei, M.P.
- 208) The Hon. Catherine Wambilianga, M.P.
- 209) The Hon. John Makali, M.P.
- 210) The Hon. John Chikati, M.P.
- 211) The Hon. Susan Ngugi, M.P.
- 212) The Hon. Mburu Kahangara, M.P.
- 213) The Hon. Geoffrey Wandeto, M.P.
- 214) The Hon. Ronald K. Karauri, M.P.
- 215) The Hon. Jackson Kosgei, M.P.
- 216) The Hon. Adams Kipsanai, M.P.
- 217) The Hon. Kangogo Bowen, M.P.
- 218) The Hon. Jematiah Sergon, M.P.
- 219) The Hon. William Kamket, M.P.
- 220) The Hon. Caroline Ng'elechei, M.P.
- 221) The Hon. Reuben Kiborek, M.P.
- 222) The Hon. Gideon Kimaiyo, M.P.
- 223) The Hon. Musa C. Sirma, M.P.
- 224) The Hon. Joseph Kipkoros, M.P.
- 225) The Hon. Joshua Kandie, M.P.
- 226) The Hon. Charles Kamuren, M.P.
- 227) The Hon. John Waluke, M.P.
- 228) The Hon. Richard Yegon, M.P.
- 229) The Hon. Richard Kilel, M.P.
- 230) The Hon. Brighton Yegon, M.P.
- 231) The Hon. Amb. Francis Sigei, M.P.
- 232) The Hon. Koech Victor, M.P.
- 233) The Hon. Linet Chepkorir, M.P.
- 234) The Hon. Justice Kemei, M.P.
- 235) The Hon. Nelson Koech, M.P.
- 236) The Hon. Beatrice Kemei, M.P.
- 237) The Hon. Joseph Cherorot, M.P.
- 238) The Hon. Kibet Komingoi, M.P.
- 239) The Hon. Hilary Kosgei, M.P.
- 240) The Hon. Benjamin Langat, M.P.
- 241) The Hon. Mutai Alfred, M.P.
- 242) The Hon. Liza Chelule, M.P.
- 243) The Hon. Joseph Tonui, M.P.
- 244) The Hon. Paul Chebor, M.P.
- 245) The Hon. Fred Kapondi, M.P.
- 246) The Hon. Lillian Siyoi, M.P.
- 247) The Hon. Naomi Waqo, M.P.
- 248) The Hon. Feisal Bader, M.P.
- 249) The Hon. Alfah Miruka, M.P.
- 250) The Hon. Dekow Barrow, M.P.
- 251) The Hon. Innocent Obiri, M.P.
- 252) The Hon. Gideon Ogolla, M.P.
- 253) The Hon. Sabina Chege, M.P.
- 254) The Hon. Peter Lochakapong, M.P.
- 255) The Hon. Samwel Chumel, M.P.
- 256) The Hon. Rael Kasiwai, M.P.
- 257) The Hon. David Pkosing, M.P.
- 258) The Hon. Titus Lotee, M.P.
- 259) The Hon. Samal Lomwa, M.P.
- 260) The Hon. Letipila Eli, M.P.
- 261) The Hon. Kareke Mbiuki, M.P.
- 262) The Hon. Martin Pepela, M.P.
- 263) The Hon. Wanami Wamboka, M.P.
- 264) The Hon. David Ochieng, M.P.
- 265) The Hon. Ferdinand Wanyonyi, M.P.
- 266) The Hon. Gladys Boss, M.P.
- 267) The Hon. Kibichy Biego, M.P.
- 268) The Hon. Marianne Kitany, M.P.
- 269) The Hon. Samuel Chepkonga, M.P.
- 270) The Hon. Janet Sitienei, M.P.
- 271) The Hon. Muge Cynthia, M.P.
- 272) The Hon. Josses Lelmengit, M.P.
- 273) The Hon. David Kiplagat, M.P.
- 274) The Hon. Julius Kipbiwot, M.P.
- 275) The Hon. Julius Rutto, M.P.
- 276) The Hon. Bernard Kitur, M.P.
- 277) The Hon. Phylis Bartoo, M.P.
- 278) The Hon. Oscar Sudi, M.P.
- 279) The Hon. Daniel Wanyama, M.P.

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| 280) The Hon. Beatrice Adagala, M.P. | 286) The Hon. Umul Ker Kassim, M.P. |
| 281) The Hon. Amina Dika, M.P. | 287) The Hon. Salah Farah, M.P. |
| 282) The Hon. Abdi Ali Abdi, M.P. | 288) The Hon. Caroli Omondi, M.P. |
| 283) The Hon. Hussein Abdi Barre, M.P. | 289) The Hon. Robert Gichimu, M.P. |
| 284) The Hon. Gonzi Rai, M.P. | 290) The Hon. Michael Muchira, M.P. |
| 285) The Hon. Ibrahim Abdi Saney, M.P. | 291) The Hon. Jared Okello, M.P. |

(The full text of the Motion is annexed to the Order Paper under NOTICES – Pg. 2258)

(A Report of the public views submitted to be circulated)

Denotes Orders of the Day

NOTICES

I. FULL TEXT OF THE MOTION ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF H.E. HON. RIGATHI GACHAGUA, EGH, DEPUTY PRESIDENT OF THE REPUBLIC OF KENYA

(As submitted by Hon. Eckomas Mwengi Mutuse, MP)

Pursuant to the provisions of **Article 150 (1) (b)** and **(2)** and **Article 145** of the Constitution and **Standing Orders 64** and **65** of the Standing Orders of the National Assembly of the Republic of Kenya, **THIS HOUSE RESOLVES** to Remove from Office, by Impeachment, **HIS EXCELLENCY RIGATHI GACHAGUA, EGH** the Deputy President of the Republic of Kenya on **THE FOLLOWING GROUNDS:**

PART A: GROSS VIOLATION OF THE CONSTITUTION OR ANY OTHER LAW PURSUANT TO ARTICLE 150 (1) (b) (i) OF THE CONSTITUTION

GROUND 1: Gross Violation of Articles 10 (2) (a), (b) and (c); 27 (4), 73 (1) (a) and (2) (b); 75 (1) (c), and 129 (2) of the Constitution and Articles 147 (1), as read with Article 131 (2) (c) and (d) of the Constitution

1. The **Preamble** of the Constitution provides (among other things) that the people of Kenya **adopted** and **enacted** it—
 - (a) being proud of the **ethnic, cultural, and religious diversity**, and a determination to **live in peace and unity** as one indivisible sovereign nation; and
 - (b) recognising the aspirations of all Kenyans for a government based on the essential values of **human rights, equality, freedom, democracy, social justice** and **the rule of law**.
2. The Preamble of the Constitution is supplemented by **Article 10 (2) (a), (b) and (c) of the Constitution**, which establishes the core national values and principles of governance that bind all State Officers (including the Deputy President).
3. These values and principles include **patriotism, human dignity, national unity, equity, social justice, inclusiveness, non-discrimination, equality, human rights, protection of the marginalised, democracy, and good governance**.
4. Moreover, **Articles 73 (1) (a) and (2) (b) of the Constitution** establish **responsibilities of leadership**. They provide that the authority assigned to a state officer (such as the Deputy President) is a **public trust** to be exercised in a manner that is **consistent with** the purpose and objects of the Constitution, **demonstrates respect for the people, brings honour to the nation and dignity to the office** and promotes **public confidence** in the integrity of the office.

5. Also, *Article 27 (4) of the Constitution* prohibits *all forms of discrimination*, including discrimination based on *ethnic or social origin*, conscience, belief, language *and birth*.
6. Further, *Article 73 (2) (b) of the Constitution* provides that decision-making should be objective and impartial and should not be influenced by *favouritism and improper motives*.
7. Furthermore, *Article 75 (1) (c) of the Constitution* provides that a State Officer should behave, “whether in public and official life, in private life, or in association with other persons,” in a manner that *avoids demeaning the office* he holds.
8. Therefore, as a matter of *constitutional compliance*, the Deputy President of the Republic of Kenya, who is *the principal assistant to the President* of the Republic of Kenya, *is required—*
 - (a) to promote the constitutional core values such as *peace and unity of all Kenyans* in the context of ethnic, cultural, and religious diversity, patriotism, national unity, rule of law, democracy and participation of the people, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised; and good governance;
 - (b) to **respect and uphold representation of Kenya’s multi-ethnic and culturally diverse society** through the promotion of equality and affording equal opportunities to all Kenyans in appointments to the public service and allocation of public resources; and
 - (c) to *make, promote, and implement public policy decisions that do not discriminate* against any Kenyan based on conscience, ethnic or social origin, language or birth.
9. **HOWEVER**, on diverse dates **throughout the last two years**, His Excellency Rigathi Gachagua **has persistently made utterances threatening to discriminate**, exclude and unlawfully deny sections of the people of Kenya and regions of the Republic of Kenya equal opportunities for public service appointments and allocation of public resources.
10. Besides, *the utterances are highly inflammatory and inciteful and significantly undermine national unity and the peaceful co-existence* of Kenya’s diverse communities.
11. To illustrate—
 - (a) Sometime in **2023**, at a public forum in Kajiado County within the Republic of Kenya, His Excellency Rigathi Gachagua made *highly inflammatory and inciteful public pronouncements* to the effect that the ‘**Government of Kenya is a company**’ and that the allocation of government development projects and public sector jobs are based on ‘**shares**’ *determined by how the populace of the various ethnic communities voted in the 2022 general election*. Specifically, he stated as follows—

“A Government is like a company, there is shareholding. Kuna wale who have invested a lot of shares, kuna wale wameweka kidogo, kuna wale wamekataa, lakini wote ni wakenya. So ndio tukasema, kama wewe umeenda kupanda mahindi, ama wacha nipeane example ya ng’ombe kwasababu niko Kajiado. Wewe uko na ng’ombe yako ya maziwa, hio ng’ombe imezaliwa ikiwa njaù umeichunga vizuri, umepatia majani, umenunulia dairy meal, umepatia chumvi, umepeleka kwa malisho, umepatia maji, imezaa, imeanza kukamuliwa. Wewe unatakiwa kwanza ukuwe mutu ya kwanza kukamua hio ng’ombe na kunywa maziwa.”

12. His Excellency Rigathi Gachagua emphasised the divisive and inciteful narrative embodied in the above utterances as follows—

“Haiwezekani mtu ambaye alikua anakupigia kelele ukichunga hii ng’ombe, na kusema hii ng’ombe ni ile ya kienyeji hakuna haja ya kushugulika naye, hii ng’ombe ni bure haiwezi kutoa maziwa, hii ng’ombe ata ikipona jicho moja, wachana nayo unapoteza wakati. Saa ile ng’ombe imezaa imetoa maziwa...amekuja na kikombe, amekuja na sufuria, anataka atolewe maziwa. Mimi nikasema hiyo haiwezekani. Nikasema yule mwenye hii ng’ombe na kuichunga na kuitunza, kwanza akamue maziwa, yeye na watoto wake wakunywe, ile itabaki aitie majirani. Ata yule alikuwa anapiga kelele akisema hii ng’ombe ni bure na haiwezekani kama kunayo imebaki pia apewe, kama hakuna imebaki atembe. Si hiyo namna hiyo?”

13. His Excellency Rigathi Gachagua made similar remarks at another public forum as follows—

“A Government is like a company, I did not say it is a company, I said it is like a company. In every company, there are shares: preferential shares and ordinary shares. When there is an AGM, non-shareholders do not vote or attend the AGM. When there are dividends to be divided, they are divided according to the number of shares. That is the truth.”

14. His Excellency Rigathi Gachagua continued the inciteful and divisive utterances at yet another forum where he stated as follows—

“Sisi lazima tungeangalia nyinyi. Hii serikali ni kampuni na ni ya shares. Sindio? Ni ya shares. Kuna wenye kampuni, wale wako na shares mingi, wale wako na chache. Kuna wale hawana. Sasa nyinyi muli invest kwa hii kampuni ya William Ruto na Rigathi Gachagua; sasa lazima mvune. Yule ambaye alipanda, atafanya nini? Si mulipanda? Si muliamuka mapema?”

15. At another forum in Nandi County, His Excellency Rigathi Gachagua continued the same divisive and inciteful narrative as follows—

“Rais ako pale niko hapo. Huyu Felix ako hapo...Mimi mmanijua msimamo wangu. Ya kwamba watoto wakiva wengi, kuna wale kwanza ya kuangaliwa. Si mnajua? Sasa huyu Felix ako pale, ndie kuunganisha mawaya. Mambo yenu tumepanga. Mambo iko sawa. Chakula iko jikoni, karibu kuiva. Watoto ni wengi, chakula ni kidogo. Iko watoto ya nyumbani, iko wa jirani. Iko namna hio. Na nyinyi mtulie. Chakula ikiiva, sisi ndio wenye kupakua. Na watoto tunawajua kwa

sura na kwa msimamo. Hatuwezi kuwa confused. Kuna mtu hajui Watoto wake? Na wizi inakuja, tutatanga hatua kali ile tutachukua, na ile maneno tumepanga....”

16. In addition, in **September 2024**, during a public rally in Nairobi, His Excellency Rigathi Gachagua made public **utterances that incited other communities against the ethnic communities that live around the Mt Kenya region by stating as follows—**

“Na mimi mkaniambia nimsaidie Rais kwa kazi! Lakini nikiwa hapo kwa serikari, nikue pia nikichunga mambo ya watu wa mlima! Niendee kuchunga mambo ya mulima, ama nisichunge? Sasa hio kuchunga mambo ya mulima, inaniletea matatizo. Ati naambiwa mimi ni mkabila! Mimi ni mkabila kweli? Nikichunga mambo ya watu wa mlima, hiko makosa? Hiko makosa?”

17. His Excellency Rigathi Gachagua’s utterances throughout the past two years **undermine the promotion of national unity** in the context of Kenyan society's multi-ethnic demography and multi-cultural diversity. In addition, *they have the potential to alienate, isolate, and create disharmony among the various ethnic communities of Kenya.*
18. **IN SUMMARY**, His Excellency Rigathi Gachagua’s abovementioned utterances over the last two years **are impeachable offences** to the extent that they grossly violate **Articles 10 (2) (a), (b) and (c); 27 (4), 73 (1) (a) and (2) (b); 75 (1) (c), and 129 (2) of the Constitution and Article 147 (1), as read with Article 131 (2) (c) and (d) of the Constitution.** Specifically, His Excellency Rigathi Gachagua’s divisive and inciteful public utterances over the last two years —
- (a) are **incompatible with the high calling and dignified status** of the office of the Deputy President of the Republic of Kenya.
 - (b) can **stir ethnic hatred** and promote **ethnic balkanisation** of the Republic of Kenya.
 - (c) falsely alluded to **a non-existent government policy** to discriminate and marginalise the populace of the regions and tribes that did not vote for the current administration in the 2022 general elections.

[The various video clips that prove the allegations above are have been provided separately].

GROUND 2: Gross Violation of Articles 147 (1) and 152 (1) of the Constitution

19. **Article 147 (1) of the Constitution** provides that the Deputy President “*shall be the principal assistant of the President and shall deputise for the President in the execution of the President’s functions.*”
20. In **addition, Article 152 (1) of the Constitution** states that the Deputy President is a member of the Cabinet.

21. On various dates *throughout the last two years*, His Excellency Rigathi Gachagua *undermined the President and the Cabinet and the effective discharge of the national government's executive mandate* by making unilateral public statements that were inconsistent with policy positions collectively adopted by the Government.
22. **To illustrate—**
 - (a) On or around 30th April 2024, the *Cabinet passed a resolution* for the evacuation of people residing along the Nairobi River.
 - (b) Shortly after that, His Excellency Rigathi Gachagua *made a public statement opposing the Nairobi River Riparian Evacuation Orders*, which the Cabinet had sanctioned for public safety and climate change mitigation. His Excellency Rigathi Gachagua made contradictory public statements despite being a Member of the Cabinet and being assigned the function of superintending the Nairobi River Riparian Evacuation Order.
23. In addition, His Excellency Rigathi Gachagua has *on several occasions throughout the last two years, made public statements contradicting the President on critical matters* of governance and the exercise of the President's function as a symbol of national unity.
24. **To Illustrate—**
 - (a) In *March 2023*, at a public forum in the Nyanza region, the President said Kenya belongs to all, notwithstanding how people voted in the 2022 general elections, and that he would ensure the government does not discriminate against anyone. However, His Excellency Rigathi Gachagua, speaking after the President at another public forum, contradicted him by saying that *Kenya is a company* in which the provision of government services is based on *shares*.
 - (b) His Excellency Rigathi Gachagua has made numerous other utterances at public forums, where he publicly restates the divisive narrative that *Kenya is a company* in which the rights of citizens are *based on shares* determined by how various ethnic communities voted in the 2022 general elections.
25. His Excellency Rigathi Gachagua's unilateral, divisive and inciteful public statements *are impeachable offences to the extent that—*
 - (a) They undermine the effective discharge of the national government's executive mandate.
 - (b) They violate the doctrine of collective responsibility.
 - (c) They are equivalent to insubordination of the President, which is incompatible with his constitutional status as the *Principal Assistant to the President* of the Republic of Kenya.

[The various video clips and evidence proving this allegation have been provided separately]

GROUND 3: Gross Violation of Articles 6 (2), 10 (2) (a), 174, 186 (1), 189 (1) and the Fourth Schedule to the Constitution (Undermining Devolution)

26. **Article 10 (2) (a) of the Constitution** provides that devolution is a fundamental national value and principle of governance. In addition, **Article 6 (2) of the Constitution** provides that governments at the county and national levels are distinct and interdependent and shall conduct their mutual relations based on consultation and cooperation. These provisions are supplemented by **Article 189 (1) of the Constitution**, which provides that governments at each level shall perform and exercise their powers “*in a manner that respects the functional and institutional integrity of government at the other level...*”
27. **Under paragraph 7 (a) of Part 2 of the Fourth Schedule to the Constitution**, county governments are responsible for trade development and markets as an exclusive function. Moreover, **the Deputy President chairs the Intergovernmental Budget and Economic Council**, an essential organ for consultation between the two levels of government.
28. On or **around 20th September 2024**, His Excellency Rigathi Gachagua, **recklessly unmindful of the high calling and dignified status of the Office of the Deputy President of the Republic**, unlawfully interfered with the running of Nairobi City County Government by holding **a public rally in which he incited citizens** against lawful directives of the Nairobi City County Government on the planning and relocation of markets.
29. Further, His Excellency Rigathi Gachagua publicly **disparaged the leadership of the Nairobi City County Government** and its decisions.
30. Moreover, His Excellency Rigathi Gachagua **has interfered with the proper discharge of county governments’ constitutional functions** regarding alcohol control and regulation.
31. His Excellency Rigathi Gachagua’s inciteful and demeaning public statements and conduct **are impeachable offences to the extent that—**
 - (a) They undermine devolution.
 - (b) They undercut the functional and institutional integrity of county governments.
 - (c) They unjustifiably vilify and ridicule the leadership of county governments, especially the Nairobi City County Government.
32. **Consequently, His Excellency Rigathi Gachagua has grossly violated Articles 6 (2), 10 (2) (a), 174, 186 (1) and 189 (1) of the Constitution** as read with the **Fourth Schedule to the Constitution**.
[Video clips evidencing His Excellency Rigathi Gachagua’s inciteful public utterances and also a Press Statement issued by the Governor of the Nairobi City County in response to His Excellency Rigathi Gachagua’s inflammatory and inciteful utterances are provided separately]

GROUND 4: Gross Violation of 160 (1) of the Constitution (Undermining the Institutional and Decisional Independence of Judges)

33. **Article 160 (1)** of *the Constitution* provides that the Judiciary “*shall be subject only to this Constitution and the law and shall not be subject to the control or direction of any person or authority.*” Many international law instruments, treaties, and principles require the guarantee of the judiciary's independence and require all governmental and other institutions to respect and observe it.
34. **In 2023**, His Excellency Rigathi Gachagua, *recklessly unmindful of the high calling and dignified status of the Office of the Deputy President of the Republic of Kenya* and the need to respect, protect and uphold the independence of the Judiciary, *made a scathing public attack against the Honourable Lady Justice Esther Maina, Judge of the High Court of Kenya*, and falsely threatened to file a petition for the removal of the said Judge in gross violation of **Article 160 (5)** of the Constitution.
35. **The Honourable Judge had presided over a case in which His Excellency Rigathi Gachagua was a party** and had, in the lawful performance of her judicial function, *ordered His Excellency Rigathi Gachagua to forfeit to the State the sum of KShs.200 million, which she had found to be proceeds of corruption and money laundering.*
36. His Excellency Rigathi Gachagua’s *public attacks against the Judge are impeachable offences* to the extent that they undermine the functional and decisional independence of judges.

[Evidence proving this allegation is provided separately]

GROUND 5: Gross Violation of Articles 3 (1) and 148 (5) (a) of the Constitution (Breach of the Oaths of Office and Allegiance)

37. His Excellency Rigathi Gachagua’s actions and utterances outlined in **Grounds 1, 2, 3 and 4** of this Motion constitute a gross violation of **Article 3 (1)** of *the Constitution*, which requires every person to respect, uphold and defend *the Constitution*. Further, the actions and utterances of His Excellency Rigathi Gachagua grossly violate **Article 148 (5) (a)** of *the Constitution*, which prescribes the **Oath of Allegiance** of the Office of the Deputy President that obligates the Deputy President to obey, preserve, protect and defend *the Constitution* and all other laws.

PART B: SERIOUS REASONS TO BELIEVE THAT THE DEPUTY PRESIDENT HAS COMMITTED A CRIME UNDER NATIONAL LAW PURSUANT TO ARTICLE 150 (1) (b) (ii) OF THE CONSTITUTION

GROUND 6: Serious reasons to believe that His Excellency Rigathi Gachagua has committed crimes under sections 13 (1) (a) and 62 of the National Cohesion and Integration Act

38. **Section 13** of *the National Cohesion and Integration Act* provides that **it is an offence for any person to use threatening, abusive or insulting words or behaviour where the person intends to stir up ethnic contempt, hatred, hostility, violence or discrimination.** The section also makes it *an offence to use such words or engage in such behaviour when, having regard to all the circumstances, ethnic hatred is likely to be stirred up.*
39. Besides, **section 62** of the National Cohesion and Integration Act states a person commits an offence when the person makes statements that are intended (or are likely) to **stir up feelings of ethnic contempt, hatred, hostility, violence or discrimination.**
40. His Excellency Rigathi Gachagua's persistent inflammatory, reckless, inciteful public utterances over the last two years, the details of which are set out in **Grounds 1, 2, 3 and 4** of this Motion, establish serious reasons to believe that he has committed crimes under **section 13 (1)** and **62 of the National Cohesion and Integration Act.**

GROUND 7: Serious reasons to believe that His Excellency Rigathi Gachagua has committed crimes under sections 45 (1), 46, 47 (a) (3), and 48 (1) of the Anti-Corruption and Economic Crimes Act and sections 2, 3, 4, and 7 of Proceeds of Crime and Anti-Money Laundering Act

41. For the past two years, His Excellency Rigathi Gachagua **has inexplicably amassed a humongous property portfolio** estimated at **KShs.5.2 billion**, primarily from proceeds of corruption and money laundering.
42. The value of the property and wealth that His Excellency Rigathi Gachagua has acquired over the last two years **is incompatible with his known legitimate income (i.e., KShs.Twelve Million per annum or thereabouts).**
43. His Excellency Rigathi Gachagua has acquired the abovementioned property and wealth **using his two sons, Kevin Rigathi Gachagua ('Kevin Gachagua') and Keith Ikinu Rigathi ('Keith Ikinu') and other close family members and associates as proxies.**
44. His Excellency Rigathi Gachagua and his proxies (especially the two sons) **have used the following companies** to massively launder money, conceal proceeds of crime, corruption, and benefit from influence peddling—

S/No.	Company	Date of Incorporation	Shareholders
1.	Spirit Way Limited (PVT-Y2ULDMKY)	14/11/2023	Dorcas Wanjiku Rigathi— Director/Shareholder/Beneficial Owner—100 Shares
2.	Fortis Vis Group Limited (PVT-MKUMAKEE)	14/02/2023	Kevin Rigathi Gachagua—50 Shares Keith Ikinu Rigathi—50 Shares

<i>S/No.</i>	<i>Company</i>	<i>Date of Incorporation</i>	<i>Shareholders</i>
3.	Grand Bypass Apartments Limited (PVT-5JUZEKL8)	11/01/2024	Rigathi Gachagua–Director John Mwai Mathenge (7676931)–Director Peter Njoroge Regeru (4686103)–Director Vipingo Beach Resort Limited (C.159289)–Shareholder–1 Share
4.	Kuruwitu Properties Limited (PVT-EYUBKG83)	26/04/2023	Vipingo Beach Resort Limited (C.159289)–Shareholder–1000 Shares John Mwai Mathenge
5.	The Anansi Collective (BN-JRCG76AG)	29/03/2021	Keith Ikuni Rigathi
6.	Biovet (K) Limited (CPR/2009/4880)	10/06/2009	Rigathi Gachagua–200 Shares Dorcas Wanjiku Rigathi–200 Shares
7.	Calvary Creed International Limited (CPR/2015/186154)	16/04/2015	Rigathi Gachagua–50 Shares Dorcas Wanjiku Rigathi–950 Shares
8.	Cosmere Venture Limited (PVT-Q7ULE6Z)	26/02/2018	Herman Thuita Maina–200 Shares James Mwangi Kagotho–50 Shares Kevin Rigathi Gachagua–250 Shares Keith Ikinu Rigathi–50 Shares Irene Nyanjau Wachira–250 Shares David Kipkemboi Muthamia–200 Shares
9.	Crystal Kenya Limited (CPR/2009/4898)	12/06/2009	Kevin Rigathi Gachagua–200 Shares Keith Ikinu Rigathi–200 Shares
10.	Delta Merchants Limited (CPR/2009/4874)	09/06/2009	Rigathi Gachagua–200 Shares Dorcas Wanjiku Rigathi–200 Shares

<i>S/No.</i>	<i>Company</i>	<i>Date of Incorporation</i>	<i>Shareholders</i>
11.	Vipingo Beach Resort Limited (C.159289)	05/08/2008	Kevin Rigathi Gachagua– Director Keith Ikinu Rigathi–Director Estate of the deceased James Nderitu Gachagua–Shareholder 10,000 Shares
12.	Rigathi Gachagua Foundation (CLG-XXFXRG)	11/11/2022	Rigathi Gachagua
13.	Dorcas Rigathi Foundation (CLG-G9FV2G)	19/10/2022	Kevin Rigathi Gachagua Keith Ikinu Rigathi Dorcas Wanjiku Rigathi Nancy Wambui Kangethe
14.	Heartland Supplies Limited (CPR/2009/4881)	11/06/2009	Rigathi Gachagua– Director/Shareholder–200 Shares Dorcas Wanjiku Rigathi– Director/Shareholder–200 Shares
15.	Karandi Farm Limited (C.94303)	25/06/2001	Rigathi Gachagua – Director/Shareholder–700 Shares Dorcas Wanjiku Rigathi– Director/Shareholder–100 Shares
16.	Morani Manufacturers Limited (PVT-8LU7Q8GD)	13/10/2021	Dorcas Wanjiku Rigathi– Director/Shareholder–200 Shares Keith Ikinu Rigathi– Director/Shareholder–200 Shares Joshua Karianjahi Waiganjo– Director/Shareholder -600 Shares Grace Wachuka Mwangi– Beneficial Owner

<i>S/No.</i>	<i>Company</i>	<i>Date of Incorporation</i>	<i>Shareholders</i>
17.	Mothers of the Land Limited (CLG-55FD3B)	01/12/2021	Louiza Njeri Wanjiru– Director/Member Caroline Jepkemboi Waiyaki– Director/Member Lucy Njuguini Mutegi– Director/Member Dorcas Wanjiku Rigathi– Director/Member
18.	Pioneer Medical (K) Limited (CPR/2009/4910)	09/06/2009	Rigathi Gachagua– Director/Shareholder–200 Shares Dorcas Wanjiku Rigathi– Director/Shareholder–200 Shares
19.	Ridor Furniture Mart Limited (C.141876)	18/07/2007	Rigathi Gachagua– Director/Shareholder–500 Shares Dorcas Wanjiku Rigathi– Director/Shareholder–500 Shares
20.	Royal Crimson Ventures Limited (PVT-LRU2QZL)	26/02/2018	Kevin Rigathi Gachagua– Director/Shareholder -400 Shares Keith Ikinu Rigathi– Director/Shareholder -400 Shares Peter Kangangi Githaiga– Director/Shareholder–200 Shares
21.	Technical Supplies and Services (K) Limited (CPR/2009/4895)	06/06/2009	Rigathi Gachagua– Director/Shareholder–400 Shares Francis Muchiri Wanguo– Director
22.	Wamunyoro Investments Limited (C.93670)	23/04/2001	Kevin Rigathi Gachagua– Director/Shareholder–1 share Keith Ikinu Rigathi– Director/Shareholder–1 share

45. To illustrate—

- (a) In **November 2023**, Crystal Kenya Limited, a proxy company of His Excellency Rigathi Gachagua, purchased ***Outspan Hotel***, situated at ***Nyeri Municipality Block/1/1669***, from Aberdare Safari Hotels for ***KSbs.535,000,000.00***. The Directors of Crystal Kenya Limited are the sons of His Excellency Rigathi Gachagua, namely Kevin Gachagua and Keith Ikinu. Sometimes, in ***August 2024***, His Excellency Rigathi Gachagua publicly admitted that his family had acquired this property.
- (b) In **November 2023**, Kevin Gachagua and Keith Ikinu, the proxies of His Excellency Rigathi Gachagua, acquired ***Treetops Lodge***, a high-end hotel situated in Nyeri County. Sometimes, in ***August 2024***, His Excellency Rigathi Gachagua publicly admitted that his family had acquired this property.
- (c) His Excellency Rigathi Gachagua and his proxies also acquired ***Olive Gardens Hotel*** and ***Queens Gate Serviced Apartments*** in Nairobi.
- (d) His Excellency Rigathi Gachagua acquired ***Vipingo Beach Resort***, in Kilifi County.
- (e) His Excellency Rigathi Gachagua acquired a parcel of land known as ***Ruguru/Kiamariga/1223*** in Mathira East Constituency, where he has constructed a helicopter landing facility.
- (f) His Excellency Rigathi Gachagua acquired approximately ***40 acres*** of land in Kakuret in Kamburaini in Nyeri County.
- (g) His Excellency Rigathi Gachagua acquired ***80 acres*** of land in Meru County.
- (h) His Excellency Rigathi Gachagua acquired ***a dairy farm*** in Nyandarua County.
- (i) Additionally, His Excellency Rigathi Gachagua used his office of Deputy President to exert influence and connive with unscrupulous Ministry of Lands officials to issue ***an allotment letter to Wamunyoru Investments Limited***, a company that he owns, to acquire ***L. R. 209/12077 and LR 90923***, situated at Embakasi in Nairobi. After that, this company used the fraudulently acquired documents to support a court case at the expense of the legitimate owner of the property.
- (j) Moreover, companies associated with His Excellency Rigathi Gachagua and his proxies were involved in the KEMSA ***KSbs.3.7 billion irregular procurement of Malaria nets*** that put the lives of millions of Kenyans at risk.
- (k) In addition, His Excellency Rigathi Gachagua has used the office of Deputy President to corruptly influence ***unnecessary and expensive renovation of his official residence*** in Karen and Mombasa running into millions of shillings. In essence, His Excellency Rigathi Gachagua has chosen personal comfort, extreme luxury, and pomposity at the expense of service delivery to the people of Kenya.
- (l) ***The following are images of some of the properties*** that His Excellency Rigathi Gachagua has acquired from proceeds of corruption, influence peddling, and money laundering—

S/No. NAME AND ADDRESS

1. Treetops Hotel, located in Nyeri.
2. Outspan Hotel, located in Aberdare Ranges
3. Olive Gardens Hotel, Argwings Kodhek Road
4. Vipingo Beach Resort

[Images are provided separately]

46. Additionally, His Excellency Rigathi Gachagua has *the following proxy companies* to trade with the office he holds:

(A) AGROBRIQ INVESTMENT LIMITED

47. It is a private limited company incorporated in Kenya on **28th May 2017** under certificate number PVT-RXUP6E. The company deals in building and construction. The company's directors/shareholders are—

- (a) Rudani Mayurkumar Mahendrabhai.
- (b) Patel Ankitkumar Hasmukhbhai, a non-Kenyan national.

48. The company operates a bank account (number withheld for data protection reasons) at Sidian Bank, opened on **19th February 2022**, with the company directors as the account signatories. On **18th October 2022**, Bhavika Nathalal Hirani was added as an account signatory and given full mandate to operate the account. Bhavika Nathalal Hirani is a proxy of His Excellency Rigathi Gachagua.

49. On **23rd January 2023**, the company account received a transfer of **KSbs.47,015,367.75** from the Executive Office of the Deputy President. The payment was supported by—

- (a) Notification of Award Letter Ref ODP/ADM.1/57 Vo.IV (70) dated **16th December 2022** from the Office of the Deputy President to **Agrobriq Investment Limited** for the proposed Refurbishment of Deputy President's official residence at Karen, at a cost of **KSbs.55,559,520.00**.
- (b) Payment Voucher of **KSbs.55,133,265.92** was received on 10/01/2023 as the 1st Interim payment in respect of the contract ODP/RT/001/2022-2023
- (c) An agreement letter dated **22nd December 2022** between Office of Deputy President and **Agrobriq Investment Limited** for the proposed renovation of Deputy President's official residence in Karen. Bhavika Nathalal Hirani signed the document as a Director of Agrobriq Investment Limited.

50. On **23rd January 2023**, the funds were suspiciously transferred through a transfer of **KSbs.45,000,000.00** to a related entity (i.e., Vaghjiyani Enterprises Limited).

51. Shockingly, *the account had been dormant for around nine months* before it received the payment from the office of the Deputy President, adding to the reasonable suspicion that it was a special-purpose vehicle to siphon funds for His Excellency Rigathi Gachagua.

(B) Lusona Events Limited

52. This is an events management company that was registered on **30th October 2012** under certificate number CPR/2012/87037. The company directors are—

- (a) Esther Wanjiru Njenga.
- (b) Cecilia Muthoni Njenga.

53. The company operates two bank accounts at the **SBM Bank**, which it opened **in 2015**. The company's directors are account signatories. Ian Njuguna Gitata was also introduced as an account signatory and is the sole account operator, pointing to the likelihood that he is the beneficial owner.

54. Between **1st January 2024** and **11th July 2024**, the account at SBM Bank received a total of **KShs.100,262,821.43** from the Office of the Deputy President, characterised by the receipt of multiple transfers.

55. On **2nd July 2024**, the Deputy President's Office paid Lusona Events Limited part of the abovementioned proceeds of corruption and money laundering **in eight transactions in a single day as follows—**

<i>S/No</i>	<i>Date</i>	<i>Amount</i>
1.	2-JULY-2024	2,946,900.00
2.	2-JULY-2024	4,806,639.00
3.	2-JULY-2024	4,679,130.00
4.	2-JULY-2024	2,955,450.00
5.	2-JULY-2024	3,374,400.00
6.	2-JULY-2024	5,451,912.40
7.	2-JULY-2024	3,582,536.50
8.	2-JULY-2024	3,840,625.60

56. A **substantial portion of the KShs.100,262,821.43** was used for **luxurious largesse and unnecessary expenditure** for carpets, etc., laid down for the Deputy President's functions.

57. Some of the funds were utilised as follows—

- (a) Ian Gitata made **KShs.22,800,000.00** in **cash withdrawals**. Some of the withdrawals were declared as cash to pay undisclosed beneficiaries. It was suspicious why they preferred cash payments as opposed to bank transfers.

- (b) **KSbs.4,000,000.00** transferred to a law firm.
 - (c) **KSbs.26,993,350.00** Investment in fixed-term deposits as follows—
 - (i) On 27th May 2024, **KSbs.9,993,350.00**
 - (ii) On 11th July 2024, **KSbs.17,000,000.00**
58. The utilisation of funds was reasonably believed to be an act of corruption and money laundering, as *most of the money was withdrawn in cash rather than bank transfers*, which is the custom for huge payments. His Excellency Rigathi Gachagua is reasonably suspected to be the principal beneficiary of these dubious transactions.
- 3. St. Nicholas Rehabilitation and Industrial Training Institute Limited**
59. The company was incorporated on **8th April 2021** under registration number PVT-AAACMO4. It deals with student rehabilitation and industrial training, trading as St Nicholas Rehabilitation Centre and Psychiatric Hospital. The sole company director is Nicholas Mugambi Maingi. The company operates an account at Equity Bank, opened on **18th August 2017**, with the company director as the sole account signatory.
60. Between **1st March 2024** and **5th June 2024**, the account received a total of **KSbs.21,060,000.00** from office from the Office of the Deputy President. The funds were suspiciously utilised as follows—
- (a) **KSbs.2,000,000.00** was allegedly used to purchase a white Toyota Prado from **Umarali Motors Limited** for **KSbs.8.5 million**.
 - (b) Another **KSbs.4,000,000.00** was suspiciously transferred to Nicholas Maingi's account. A cash trail in the personal account revealed that upon receipt of the funds, Nicholas made a transfer of **KSbs.4,660,000.00** to Umarali Motors Limited on **21st March 2024**. The purported payment to Umarali Motors Limited using two routes raises reasonable suspicion of corruption and money laundering.
61. Further, prior to receipt of the two payments from the Office of the Deputy President, the account was transacting in minimal accounts, raising suspicions that the entire transaction was a conduit used by His Excellency Rigathi Gachagua to siphon public funds. The payment scheme used typifies money laundering transactions.
62. **FROM THE MATTERS OUTLINED IN THE PRECEDING PARTS OF THIS MOTION**, it is patently clear that there are serious reasons to believe that His Excellency Rigathi Gachagua, the Deputy President of the Republic of Kenya, using his state office has committed gross economic crimes, namely conflict of interest, abuse of office, conspiracy to commit crimes under:
- (a) **sections 45 (1) (a), 46, 47A (3), and 48 (1) of the Anti-Corruption and Economic Crimes Act;** and
 - (b) **sections 2, 3, 4, and 7 of the Proceeds of Crime and Anti-Money Laundering Act.**

[Evidence that supports this allegation is provided separately]

GROUND 8: Serious reasons to believe that His Excellency Rigathi Gachagua has committed crimes under section 132 of the Penal Code and section 29 of the Leadership and Integrity Act

63. His Excellency Rigathi Gachagua has *continuously misled members of the public* through false, *malicious, divisive and inciteful remarks* that are contrary to the provisions of *section 132 of the Penal Code* and *section 29 of the Leadership and Integrity Act*.
64. **To illustrate—**
- (a) sometime in **January 2024**, His Excellency Rigathi Gachagua made a sensational but false accusation that *Hon. Justice Esther Maina, Judge of the High Court of Kenya, had engaged in corruption*. He publicly said he would present a petition for the removal of the said judge (which he has not done to date), leading to the inevitable conclusion that he knew his allegations were false.
 - (b) On or around **26th June 2024**, His Excellency Rigathi Gachagua recklessly and unmindful of the high calling and dignified status of the Office of the Deputy President of the Republic and his membership to the National Security Council, both being positions that require one to be a discrete and tempered leader, especially during moments of national crisis, addressed Kenyans on live television in Mombasa County and publicly made sensational statements against the National Intelligence Service (an essential national security organ), its Director General, and officers. The following is an excerpt of part of his speech:

“The Director General of the National Intelligence Service, Noordin Haji, was a junior officer in the National Intelligence Service before he was appointed as DPP. When he was appointed to the office of the Director General, because of his inferiority complex, he chased away all the people who were senior to him when he was in the Service, therefore, crippling the capacity of that service and making it dysfunctional. Three Directors were chased away and reassigned to desk jobs in Ministries across Government. Thirteen Assistant Directors, men and women with proven track record of intelligence collection and analysis, were removed from the National Intelligence Service, leaving a shell under a clueless Director General who has no capacity to run the organisation. And that is why the security sector was caught off guard by the intensity, the anger of the Kenyan people, the agitation of the Kenyan people, the resilience of the Kenyan people.”

[Evidence of this allegation has been provided separately]

PART C: GROSS MISCONDUCT PURSUANT TO ARTICLE 150 (1) (b) (iii) OF THE CONSTITUTION

GROUND 9: Gross Misconduct (Public Attacks on the National Security Intelligence Service and its Officers)

65. The phrase “*gross misconduct*” generally refers to behaviour that is “*very unpleasant*,” “*disgusting*,” or “*very rude*” (see the Oxford Advanced Learners

Dictionary). Therefore, public attacks against an essential national security organ in circumstances that require one to be discreet and tempered constitute gross misconduct.

66. On or around **26th June 2024**, His Excellency Rigathi Gachagua, the Deputy President of the Republic of Kenya, *unmindful of the high calling and dignified status of the Office of the Deputy President of the Republic and his membership to the National Security Council*, both being positions that require a leader to be discreet and tempered, especially during moments of national crisis, *addressed Kenyans on live television in Mombasa County and made a scathing attack on the National Intelligence Service* (an essential national security organ).
67. His Excellency Rigathi Gachagua extended the extremely reckless personal attacks to the Director General of the institution.
68. With the unprecedented acts, His Excellency Rigathi Gachagua *acted in a manner that is incompatible with the high calling and dignified status of the Office of the Deputy President* and member of the Cabinet and the National Security Council (refer to the excerpt in **Ground 8** of this Motion).
69. The attacks against the National Intelligence Service and its Director General *constitute gross misconduct and an impeachable offence to the extent that—*
 - (a) They are incompatible with the high calling and dignified status of the Office of the Deputy President of the Republic of Kenya.
 - (b) They undermine national security from both internal and external points of view.
 - (c) They are incompatible with the effective discharge of the delicate and sensitive mandate of the National Intelligence Service.
 - (d) They had the potential, given the circumstances prevailing in the country at the time, to significantly diminish public confidence in the viability of the Kenyan state and its ability to protect the lives and properties of its citizens.
 - (e) They go against the constitutionally prescribed oath of allegiance of the Office of the Deputy President under **Article 148 (5) (a)** of *the Constitution*, which requires the Deputy President to obey, preserve, protect and defend *the Constitution* and all other laws.

[Video clips evidencing the inflammatory, reckless, inciteful public statements have been provided separately]

GROUND 10: Gross Misconduct (Insubordination)

70. As stated in **Ground 9** of this Motion, the phrase “*gross misconduct*” generally refers to behaviour that is “*very unpleasant*,” “*disgusting*,” or “*very rude*” (see the Oxford Advanced Learners Dictionary). Therefore, *open or public insubordination of the President*, who is the Head of State and Government under our constitutional framework, is gross misconduct.
71. As stated in the preceding parts of this Motion, **Article 147 (1)** of *the Constitution* designates the Deputy President as the *principal assistant of the President* who shall deputise for the President in the execution of the President’s functions.

72. His Excellency Rigathi Gachagua *has persistently undermined, demeaned, and committed insubordination instead of assisting the President* in executing the State executive mandate. Instead, he has opted to run a smear campaign against the presidency for political expediency.
73. Further, whereas *Article 147 (2) of the Constitution* requires the Deputy President to perform the functions conferred by the Constitution and any other functions that the President may assign, His Excellency Rigathi Gachagua is *openly sabotaging the State's efforts in agriculture*, including the coffee, tea, sugar and milk sectors which the President tasked him to oversee.
74. **To illustrate—**
- (a) His Excellency Rigathi Gachagua has connived with cartels in the tea sector to block the Kenya Tea Development Agency from implementing guaranteed minimum returns that would benefit smallholder tea farmers.
 - (b) His Excellency Rigathi Gachagua has influenced his family members, allies, associates, and proxies to take control of a local cooperative society (name withheld) in Mathira, which they are financially haemorrhaging.

[Evidence of this allegation has been provided separately]

GROUND 11: Gross Misconduct (Bullying)

75. As stated in **Ground 9** of this Motion, the phrase “*gross misconduct*” generally refers to behaviour that is “*very unpleasant*,” “*disgusting*,” or “*very rude*” (see the Oxford Advanced Learners Dictionary).
76. *Section 34 of the Leadership and Integrity Act* provides that a State officer shall not bully any person. “*Bullying*” includes repeated offensive behaviour that is vindictive, cruel, malicious or humiliating and is intended to undermine a person.
77. For *the past two years*, His Excellency Rigathi Gachagua has persistently bullied state and public officers.
78. To illustrate—
- (a) His Excellency Rigathi Gachagua *bullied Kenya Medical Supplies Agency officials into awarding a tender for the supply of mosquito nets to Crystal Limited*, his proxy company. Crystal Limited had submitted a fake bid bond with the sole intention of fraudulently acquiring public property.
 - (b) His Excellency Rigathi Gachagua routinely bullies *public officers in national security organs*, whom he subjects to public attacks and humiliation.
 - (c) His Excellency Rigathi Gachagua routinely *summons procurement officers in ministries and state institutions* and instructs them to direct the procurement of goods and services in a specific manner.
 - (d) *In the presidency*, His Excellency Rigathi Gachagua identified public officers who he thinks stand in his way of creating dominance within government and political kingship, and he has severely threatened, intimidated, and harassed them.

- (e) ***In 2023***, His Excellency Rigathi Gachagua used his position as the Deputy President to intimidate public officers and a contractor and divert materials meant for the construction of the Kilifi—Malindi Road to tarmac a private road to Vipingo Beach Resort, a hotel associated with him.
- (f) His Excellency Rigathi Gachagua uses his constitutional power as Deputy President solely to implement sectarian, parochial, and personal interests that seek to profit him.

PART D: CONCLUSION

- 79. In the preceding parts of this Motion and the evidence annexed to this Motion, I have outlined ***eleven grounds*** for the removal from office by impeachment of His Excellency Rigathi Gachagua.
 - 80. Each Ground of impeachment contains sufficient particulars and evidence to prove that His Excellency Rigathi Gachagua ***has grossly violated the Constitution and other national laws throughout the last two years.***
 - 81. Additionally, I have attached satisfactory and compelling evidence of serious ***reasons to believe that His Excellency Rigathi Gachagua has committed high crimes under various national laws,*** including but not limited to—
 - (a) The Anti-Corruption and Economic Crimes Act.
 - (b) The Proceeds of Crime and Anti-Money Laundering Act.
 - (c) The Leadership and Integrity Act.
 - (d) The National Cohesion and Integration Act.
 - 82. Finally, the conduct of His Excellency Rigathi Gachagua, as depicted in this Motion—
 - (a) Is unethical, deplorable and reprehensible.
 - (b) Is ***incompatible with the high calling and dignified status*** of the Office of Deputy President of the Republic of Kenya.
 - (c) Is ***a ticking time bomb*** to the extent that it has the potential to plunge the country into ***ethnic hatred and strife.***
 - 83. **GIVEN THE MATTERS OUTLINED IN THE PRECEDING PARTS OF THIS MOTION,** I humbly urge Parliament to this Motion to the following effect that:
PURSUANT to the provisions of **Article 150(1)(b) and (2)** and **Article 145** of the Constitution and **Standing Orders 64 and 65** of the Standing Orders of the National Assembly of the Republic of Kenya, **THIS HOUSE RESOLVES** to remove from office, by Impeachment, **His Excellency Rigathi Gachagua, EGH,** the Deputy President of the Republic of Kenya.
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LIMITATION OF DEBATE

The House resolved on Wednesday, October 2, 2024 as follows—

Limitation of Debate on Special Motion under Articles 145 and 150 of the Constitution

- II. THAT**, each speech in a debate on a **Special Motion under Articles 145 and 150 of the Constitution** shall be limited as follows:-
- (a) A maximum of sixty (60) minutes for the **Mover** in moving;
 - (b) A maximum of ten (10) minutes for **the Member seconding** the Motion;
 - (c) A maximum of ten (10) minutes for the Leader of the Majority Party;
 - (d) A maximum of ten (10) minutes for the Leader of the Minority Party;
 - (e) A maximum of five (5) minutes for **any other Member speaking**;
 - (f) **THAT**, at least **two and a half hours** before a vote is taken on the Motion, the Deputy President shall be accorded an opportunity to be heard, in accordance with Standing Order 67(b)(ii) (*Right to be heard*); and
 - (g) **THAT**, the Mover shall have a maximum of thirty (30) minutes to reply, following which the vote will be taken.
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III. EXCERPT OF THE NATIONAL ASSEMBLY STANDING ORDERS RELATING TO THE SPECIAL MOTION

Procedure for removal of President by impeachment

64. (1) Before giving notice of motion under Article 145(1) of the Constitution, a Member shall deliver to the Clerk a copy of the proposed motion in writing—
- (a) stating the grounds and particulars in terms of Article 145(1) of the Constitution upon which the proposed Motion is made;
 - (b) signed by the Member; and
 - (c) signed in support by at least a third of all the Members.
- (1A) The grounds specified in a motion under this Standing Order shall be admissible if—
- (a) framed clearly to particularize and disclose a gross violation of the Constitution or other written law, where gross violation of the Constitution or other written law is indicated as a ground for the intended removal;
 - (b) stating with precision, the provisions of the Constitution or other written law that are alleged to have been grossly violated, where gross violation of the Constitution or other written law is indicated as a ground for the intended removal; and
 - (c) accompanied by necessary evidence, including annexures or sworn testimonies in respect of the allegations.
- (2) A motion under paragraph (1) shall be disposed of—
- (a) by the Speaker in accordance with Standing Order 47 (*Notices of Motions*) within three days of receipt of notice by a Member under paragraph (1); and,
 - (b) by the Assembly within seven days of a Member giving notice under Standing Order 47 (*Notices of Motions*) and if not, such Motion shall be deemed to have been withdrawn and shall not be moved again in the same Session, except with the leave of the Speaker.
- (3) If the National Assembly is not then sitting, the Speaker shall summon the Assembly for a special sitting to dispose of the motion.
- (4) An Order Paper on which the motion under paragraph (1) is listed shall set out—
- (a) the grounds and particulars upon which the proposal is made;
 - (b) the name of the Member sponsoring the motion; and
 - (c) the names of the Members in support of the motion.

- (5) Upon receipt of the motion by the Clerk any signature appended to the list as provided under paragraph (4) shall not be withdrawn.

- (6) When the motion has been passed by two-thirds of all members of the National Assembly, the Speaker shall inform the Speaker of the Senate of that resolution within two days in terms of Article 145(2)(a) of the Constitution.

Procedure for removal of Deputy President

65. (1) Where a Member proposes the removal of the Deputy President on the grounds of physical or mental incapacity in terms of Article 150(1)(a) of the Constitution, Standing Order 63 (*Procedure for removal of President on grounds of incapacity*) shall, with necessary modifications, apply.

(2) Where a Member proposes to impeach the Deputy President in terms of Article 150(1)(b) of the Constitution, Standing Order 64 (*Procedure for removal of President by impeachment*) shall, with necessary modifications, apply.



NOTICE PAPER

Tentative business for

Tuesday (Afternoon), October 8, 2024

(Published pursuant to Standing Order 38(1))

It is notified that the following business is *tentatively* scheduled to appear in the Order Paper for Tuesday (Afternoon), October 8, 2024 –

- A. **SPECIAL MOTION – PROPOSED REMOVAL BY IMPEACHMENT OF H.E. HON. RIGATHI GACHAGUA, EGH, DEPUTY PRESIDENT OF THE REPUBLIC OF KENYA**
(The Hon. Mwengi Mutuse, M.P.)

(If not concluded on Tuesday, October 8, 2024 – Morning Sitting)
