



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

AFTERNOON SITTING

THURSDAY, OCTOBER 17, 2024 AT 2.30 PM

1. The Senate assembled at thirty Minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Speaker.
3. **QUORUM OF THE SENATE**

The Speaker, having counted the Hon. Senators present at the commencement of the sitting and confirming that there was a Quorum, invited the Clerk to call the Orders of the Day.

4. **HEARING AND DETERMINATION ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HIS EXCELLENCY RIGATHI GACHAGUA, EGH, DEPUTY PRESIDENT OF THE REPUBLIC OF KENYA**

The Senate resumed consideration of the matter of the proposed removal from Office, by impeachment, of His Excellency Rigathi Gachagua, EGH, Deputy President of the Republic of Kenya.

Presentation of the case of the Deputy President

Counsel for the Deputy President, Mr. Paul Muite, SC, informed the Speaker that the Deputy President had been taken ill. The Counsel sought the indulgence of the Speaker to suspend the sitting until 5.00 pm to allow him to inquire into the health status of the Deputy President and report back to the Senate.

5. **SUSPENSION OF THE SITTING**

The Speaker suspended the sitting at thirty-two minutes past Three O'clock, to allow the Counsel for the Deputy President to inquire into the health status of the Deputy President and report back to the Senate at Five O'clock.

6. **SENATE RESUMED** – at Five O'clock (the Speaker – in the Chair)

7. **HEARING AND DETERMINATION ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HIS EXCELLENCY RIGATHI GACHAGUA, EGH, DEPUTY PRESIDENT OF THE REPUBLIC OF KENYA**

Presentation of the case of the Deputy President

Counsel for the Deputy President, Mr. Paul Muite, SC, informed the Senate that the Deputy President had been hospitalized at Karen Hospital and was suffering from intense chest pains. The Counsel further stated that, owing to the condition the Deputy President was in, he was unable to access the Deputy President. The Counsel, thereafter, sought an adjournment of the Senate until Tuesday, 22nd October, 2024, to allow the Deputy President to be attended to by doctors at the hospital.

Thereupon, the Speaker allowed Counsel for the National Assembly to make comments on the matter.

8. **SUSPENSION OF THE SITTING**

The Speaker suspended the sitting at thirty minutes past Five O'clock to consider and prepare a ruling on the matters raised by Counsel for the parties concerning the absence of the Deputy President.

9. **SENATE RESUMED** – at seven minutes past Six O'clock (the Speaker – in the Chair).

10. **COMMUNICATION FROM THE CHAIR ON THE PROCEDURE TO BE FOLLOWED IN THE ABSENCE OF THE DEPUTY PRESIDENT AT THE AFTERNOON SITTING OF THE SENATE HELD ON THURSDAY, 17TH OCTOBER, 2024**

The Speaker conveyed the following communication from the Chair –

“Honourable Senators, Ladies and Gentlemen,

As you will recall, before the rise of the Senate at 1.15 pm, the Senate had concluded the hearing of the case of the National Assembly. This included the evidence led by the National Assembly, including the calling of its witnesses who were examined, cross-examined by Counsel for the Deputy President and re-examined.

As the House adjourned, I directed that as contained in the Hearing Programme in this matter of the determination on the proposed removal from office, by impeachment, of His Excellency Rigathi Gachagua, EGH, Deputy President of the Republic of Kenya, on resumption at 2.30 pm, the Senate would hear the case of the Deputy President for two hours, comprising examination-in-chief and re-examination, while the National Assembly would have a period of one hour and fifty five minutes for cross-examination.

When the Senate resumed at 2.30 pm, when the opportunity came for the Deputy President's side to commence its case, Senior Counsel Paul Muite, Counsel for the Deputy President, informed the Senate that he did not know the whereabouts of his client and sought to be allowed a little time to establish where he was. Thereafter, he informed the Senate that he had learnt that his client had been taken ill. Asked how he proposed that the Senate proceeds, Counsel for the Deputy President requested for time possibly up to 5.00 pm to try to meet his client before advising on the way forward.

Counsel for the National Assembly, when asked to comment on the circumstances, argued that unfortunate as the situation was, this being a constitutionally time-bound process, it was imperative that pursuant to Rule 11 of Part 1 of the Second Schedule to the Senate Standing Orders, the proceedings proceed. Rule 11 provides as follows –

Where the National Assembly or the [Deputy] President chooses not to appear before the Senate, that fact shall be put on record and the Senate shall proceed with its investigations without further reference to the National Assembly or the [Deputy] President, but the Senate may, for exceptional reasons to be recorded, permit a later appearance before the Senate by the National Assembly or the [Deputy] President.

Honourable Senators, Ladies and Gentlemen,

It is also noteworthy that Rule 12 provides as follows-

Subject to these rules, the hearing of the evidence, once it commences, shall proceed and continue until the Senate concludes the hearing of the matter.

Following the representations made by Counsel for the parties, I suspended the proceedings of the Senate up to 5.00 pm to allow Counsel for the Deputy President to report the status of his client.

When the sitting of the Senate resumed at 5.00 pm, Senior Counsel Paul Muite informed the Senate that he contacted doctors at Karen Hospital who were attending to the Deputy President. He further stated that owing to the condition of the Deputy President, he had not been able to access the Deputy President.

Senior Counsel then proceeded to cite Article 145(6) observing that although the Senate had opted to proceed by way of hearing the matter in plenary and while Article 145(6) provides for hearing of the matter by way of special committee, the provision obligates the Senate to accord the Deputy President “*an opportunity to be heard*” before a vote is taken on the impeachment charges. He further cited rule 11 of the Part 1 of the Second Schedule to the Senate Standing Orders, stating that in accordance with that provision, the Deputy President had chosen to appear and be represented in the proceedings.

Counsel for the Deputy President further submitted that the right of the Deputy President to be given an opportunity to be heard under Article 145(6)(b) of the Constitution is not limited by the ten-day timeline otherwise provided for in the matter.

In the end, relying on these provisions, Counsel for the Deputy President requested that the Senate adjourns the matter to Tuesday, 22nd October, 2024 to enable his client time to be attended to by his doctors.

In response, Counsel for the National Assembly, Mr. Gumbo, registered his sympathies to the Deputy President. On the one hand, he noted that the health matters are matters that are beyond human control. However, he noted that the matter at hand, was one that was governed by constitutional timelines. Counsel further indicated that Article 145(6) of the Constitution applied to impeachment proceedings in committee and was not therefore relevant to the present proceedings which had been convened by dint of Article 145(3) of the Constitution.

Counsel observed that the dates for the hearing had by *Gazette* Notice been set as 16th and 17th October, 2024. Counsel thereafter went ahead to observe that His Excellency the Deputy President had robustly participated in the proceedings by filing detailed responses to the allegations as set out by the National Assembly and through various submissions made in the course of the hearing, including cross-examination of the witnesses. Counsel then indicated that if any prejudice was to be suffered by the failure of the Deputy President to testify and be cross-examined, this would be on the part of the National Assembly which had the legitimate expectation of testing the evidence of the of the Deputy President through cross-examination.

Counsel then referred to the practice in the courts, including the Supreme Court, where parties are allowed to file their respective submissions and the advocates are then allowed to appear and highlight their submissions. Counsel urged that noting that the Deputy President had filed detailed responses and had had the opportunity to cross examine the witnesses of the National Assembly, the health status of the Deputy President and the constitutional timelines and borrowing the practice of the courts, the National Assembly was willing to forego the cross-examination of the Deputy President and requested that both parties be allowed to “highlight” their submissions during their closing statements.

Senior Counsel James Orenge had similar sentiments and cited Article 145(5) of the Constitution, arguing that the right to appear and be represented includes the right to be represented by Counsel. He urged the Senate that the greater duty was to comply with the Constitution and that the Senate could not accordingly go outside the timelines set out in the Constitution.

It is noted that the present hearing was convened vide *Gazette* Notice No. 163, Vol. CXXVI, dated 9th October, 2024. Vide that *Gazette*, I appointed Wednesday, 16th October, 2024, as the date for the commencement of the hearing and further that the hearing would run up to the conclusion of the hearing on Thursday, 17th

October, 2024. As presently convened, therefore, today at midnight (unless midnight finds the Senate in the course of a division), marks the end of the period for the hearing of the present impeachment matter.

As this process is time-bound by the Constitution to be concluded in not more than ten days, pursuant to Article 145 as read with Article 150 of the Constitution, and noting that the period provided for ends on Saturday, 19th October, 2024, the only window open to the Senate (if it is to oblige the request for adjournment sought by Counsel for the Deputy President), would be to *Gazette* Saturday, 19th October, 2024 as a further and final day for the hearing of this matter.

Honourable Senators, Ladies and Gentlemen,

Such a request is not made to the Speaker but to the Senate and is accordingly a matter for the Senate to determine. To facilitate this decision, I direct the Clerk of the Senate to circulate a Supplementary Order Paper incorporating a Notice of Motion and Motion for the adjournment sought. This being a procedural matter, the Motion, if carried will result in the Speaker Gazetting Saturday, 19th October, 2024 as a sitting day to conclude the hearing and determination of this matter, this being the last day allowed by the Constitution of Kenya for these proceedings to conclude.

Needless to say, if the Motion is not carried, the decision of the Senate will be that this hearing continues to conclusion in the manner provided for under rule 12. In such event, the Hearing will continue as set out in the programme with the parties moving to making their closing statements.

Honourable Senators, Ladies and Gentlemen,

In conclusion, let me take this opportunity, on my own behalf and on behalf of the Senate, to convey our sincere sympathies and best wishes for a quick recovery to His Excellency Rigathi Gachagua, EGH, the Deputy President of the Republic of Kenya.”

11. **PROCEDURAL MOTION – TO HOLD SITTINGS ON SATURDAY, 19TH OCTOBER, 2024**

Order read;

Motion made and Question proposed;

THAT, AWARE THAT, the National Assembly on 8th October, 2024 resolved, with the support of 282 members, being at least two-thirds of all Members of the National Assembly, that pursuant to the provisions of Article 145(2) as read with Article 150(1)(b) and (2) of the Constitution and standing order 65(2) of the National Assembly Standing Orders, His Excellency Rigathi Gachagua, EGH, Deputy President of the Republic of Kenya be removed from office, by impeachment, on the grounds specified in the Special Motion;

WHEREAS by letter Ref: NA/DLP/TBO/MTS/2024/(025) dated 8th October, 2024 and received in the Office of the Speaker of the Senate on 9th October, 2024 the Speaker of the National Assembly informed the Speaker of the Senate of the approval of the Special Motion by the National Assembly and further forwarded to the Speaker of the Senate, documents in evidence of the proceedings of the National Assembly;

AND WHEREAS, *vide* Kenya Gazette No. 13178 Vol. CXXVI – No. 163 dated 9th October, 2024, and Article 145(3)(a) of the Constitution, the Speaker of the Senate appointed Wednesday, 16th October, 2024 and Thursday, 17th October, 2024 as sittings convened for the purpose of hearing the proposed removal from office, by impeachment, of His Excellency Rigathi Gachagua, EGH, Deputy President of the Republic of Kenya in plenary;

FURTHER WHEREAS, pursuant to Article 145 as read with Article 150(1)(b) and (2) of the Constitution and standing orders 78 and 79 of the Senate Standing Orders, the Senate heard the National Assembly on the grounds for the proposed removal from office, by impeachment, of His Excellency Rigathi Gachagua, EGH, Deputy President of the Republic of Kenya;

AND FURTHER WHEREAS, pursuant to Article 145 as read with Article 150(1)(b) and (2) of the Constitution and standing orders 78 and 79 of the Senate Standing Orders, the Senate also heard Counsel for His Excellency Rigathi Gachagua, EGH, Deputy President of the Republic of Kenya during cross-examination of the witnesses for the National Assembly on the grounds of the proposed removal from office, by impeachment, of the Deputy President of the Republic of Kenya;

NOTING THAT His Excellency Rigathi Gachagua, EGH, Deputy President of the Republic of Kenya did not appear during the afternoon sitting of the Senate on Thursday, 17th October, 2024;

FURTHER NOTING THAT Counsel for His Excellency Rigathi Gachagua, EGH, Deputy President of the Republic of Kenya sought an adjournment of the Senate until Tuesday, 22nd October, 2024 at 9.00 am to allow His Excellency Rigathi Gachagua, EGH, Deputy President of the Republic of Kenya to appear and give evidence, if any, on the grounds for his proposed removal from office by impeachment;

FURTHER NOTING that pursuant to Article 145(4) of the Constitution, a proposed impeachment hearing for the removal from office of a Deputy President must be concluded within 10 days from the date of the reading of the charges, which period, in this case expires on Saturday, 19th October, 2024;

NOW THEREFORE, the Senate resolves –

- (i) to adjourn the afternoon sitting of Thursday, 17th October, 2024; and

- (ii) pursuant to Standing Order 34(4)(c) of the Senate Standing Orders, to hold sittings on Saturday, 19th October, 2024 commencing at 9.00 am until 1.00 pm and 2.30 pm until conclusion of business in the Order Paper of the day;

in order to conclude the hearing and determination of the proposed removal from office, by impeachment, of the Deputy President of the Republic of Kenya.

(The Senate Majority Leader)

And there being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (1), the Speaker ruled that the Motion does not affect counties.

And the Speaker having ascertained that there was Quorum, pursuant to Standing Order 42 (1);

Question put and negatived.

12. **HEARING AND DETERMINATION ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HIS EXCELLENCY RIGATHI GACHAGUA, EGH, DEPUTY PRESIDENT OF THE REPUBLIC OF KENYA**

The Senate resumed consideration of the matter of the proposed removal from Office, by impeachment, of His Excellency Rigathi Gachagua, EGH, Deputy President of the Republic of Kenya.

Counsel for the Deputy President, Mr. Paul Muite, SC, informed the Senate that he was unable to proceed with presentation of the case of the Deputy President in his absence, as Counsels for the Deputy President were unable to receive instructions from their client. As such, he requested permission to withdraw from the Chamber.

Thereupon, the Speaker granted leave for the Counsels for the Deputy President.

Closing statement by the National Assembly

Counsel for the National Assembly, Mr. Eric Gumbo; Hon. Otiende Amollo, SC, MP; Hon. George Gitonga Murugara, CBS, MP and Hon. Zamzam Mohammed, MP made the closing statements on behalf of the National Assembly.

The Senate subsequently proceeded to an *in-camera* session, pursuant to Rule 27 of Part 1 of the Rules of Procedure for Removal of {Deputy} President by Impeachment.

(In-Camera session)

13. **OPEN SESSION RESUMED** - at fifty-two minutes past Seven O'clock.

14. **NOTICE OF SPECIAL MOTION – PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HIS EXCELLENCY RIGATHI GACHAGUA, EGH, THE DEPUTY PRESIDENT OF THE REPUBLIC OF KENYA**

(The Senate Majority Leader)

THAT, AWARE THAT, the National Assembly on 8th October, 2024 resolved, with the support of 282 members, being atleast two-thirds of all Members of the National Assembly, that pursuant to the provisions of Article 145(2) as read with Article 150(1)(b) and (2) of the Constitution and standing order 65(2) of the National Assembly Standing Orders, His Excellency Rigathi Gachagua, EGH, Deputy President of the Republic of Kenya be removed from office, by impeachment, on the grounds specified in the Special Motion;

WHEREAS by letter Ref: NA/DLP/TBO/MTS/2024/(025) dated 8th October, 2024 and received in the Office of the Speaker of the Senate on 9th October, 2024 the Speaker of the National Assembly informed the Speaker of the Senate of the approval of the Special Motion by the National Assembly and further forwarded to the Speaker of the Senate, documents in evidence of the proceedings of the National Assembly;

FURTHER WHEREAS, pursuant to Article 145 as read with Article 150(1)(b) and (2) of the Constitution and standing orders 78 and 79 of the Senate Standing Orders, the Senate heard the National Assembly on the grounds for the proposed removal from office, by impeachment, of His Excellency Rigathi Gachagua, EGH, Deputy President of the Republic of Kenya;

AND FURTHER WHEREAS, pursuant to Article 145 as read with Article 150(1)(b) and (2) of the Constitution and standing orders 78 and 79 of the Senate Standing Orders, the Senate also heard His Excellency Rigathi Gachagua, EGH, Deputy President of the Republic of Kenya on the grounds of his proposed removal from office, by impeachment, of the Deputy President of the Republic of Kenya;

NOW THEREFORE, pursuant to Article 145 as read with Article 150(1)(b) and (2) of the Constitution and standing orders 78 and 79 of the Senate Standing Orders, the Senate resolves to remove from office, by impeachment, His Excellency Rigathi Gachagua, EGH, 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), and 129 (2) of the Constitution and Article 147 (1), as read together with Article 131 (2)(c) and (d) of the Constitution;
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;
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;

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4. Gross violation of Article 160 (1) of the Constitution on the Institutional and Decisional Independence of Judges;
 5. Gross violation of Articles 3 (1) and 148 (5)(a) of the Constitution on the fidelity to the Oath of Office and Allegiance;
 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;
 7. Serious reasons to believe that H. E. the Deputy President has committed gross economic crimes under sections 45 (1), 46, 47A (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;
 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 and 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 Security 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.
15. **SPECIAL MOTION - PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HIS EXCELLENCY RIGATHI GACHAGUA, EGH, THE DEPUTY PRESIDENT OF THE REPUBLIC OF KENYA**

Order read;

Motion made and Question proposed;

THAT, AWARE THAT, the National Assembly on 8th October, 2024 resolved, with the support of 282 members, being atleast two-thirds of all Members of the National Assembly, that pursuant to the provisions of Article 145 (2) as read with Article 150(1)(b) and (2) of the Constitution and standing order 65(2) of the National Assembly Standing Orders, His Excellency Rigathi Gachagua, EGH, Deputy President of the Republic of Kenya be removed from office, by impeachment, on the grounds specified in the Special Motion;

WHEREAS by letter Ref: NA/DLP/TBO/MTS/2024/(025) dated 8th October, 2024 and received in the Office of the Speaker of the Senate on 9th October, 2024 the Speaker of the National Assembly informed the Speaker of the Senate of the approval of the Special Motion by the National Assembly and further forwarded to the Speaker of the Senate, documents in evidence of the proceedings of the National Assembly;

FURTHER WHEREAS, pursuant to Article 145 as read with Article 150(1)(b) and (2) of the Constitution and standing orders 78 and 79 of the Senate Standing Orders, the Senate heard the National Assembly on the grounds for the proposed removal from office, by impeachment, of His Excellency Rigathi Gachagua, EGH, Deputy President of the Republic of Kenya;

AND FURTHER WHEREAS, pursuant to Article 145 as read with Article 150(1)(b) and (2) of the Constitution and standing orders 78 and 79 of the Senate Standing Orders, the Senate also heard His Excellency Rigathi Gachagua, EGH, Deputy President of the Republic of Kenya on the grounds of his proposed removal from office, by impeachment, of the Deputy President of the Republic of Kenya;

NOW THEREFORE, pursuant to Article 145 as read with Article 150(1)(b) and (2) of the Constitution and standing orders 78 and 79 of the Senate Standing Orders, the Senate resolves to remove from office, by impeachment, His Excellency Rigathi Gachagua, EGH, 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), and 129 (2) of the Constitution and Article 147 (1), as read together with Article 131 (2)(c) and (d) of the Constitution;
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;
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;
4. Gross violation of Article 160 (1) of the Constitution on the Institutional and Decisional Independence of Judges;
5. Gross violation of Articles 3 (1) and 148 (5)(a) of the Constitution on the fidelity to the Oath of Office and Allegiance;
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;
7. Serious reasons to believe that H. E. the Deputy President has committed gross economic crimes under sections 45 (1), 46, 47A (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;

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 and 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 Security 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.

(The Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

The Senate proceeded to a Division;

Thereupon, the Speaker ruled that voting would be by all Senators, pursuant to Article 150 (2) as read with Article 145 (7) of the Constitution;

The Speaker directed that a vote would be taken on each charge;

The Speaker directed that electronic voting be taken pursuant to Standing Order 86(2) and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Speaker directed that the doors be locked and the bars be drawn, and asked Senators to log in for electronic voting;

Charge 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 Article 147 (1), as read together with Article 131 (2)(c) and (d) of the Constitution

The Speaker put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Speaker allowed one (1) Senator to record her vote verbally.

Thereupon, the following Senator recorded her vote as **“Yes”** -

Sen. Keroche Tabitha Karanja, MP

The results of the Division were as follows: -

AYES – 54

NOES - 13

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Abdulrahman Miraj Abdullahi, MP
3. Sen. Adan Dullo Fatuma, MP
4. Sen. Boy Issa Juma, MP
5. Sen. Cherarkey Samson, MP
6. Sen. Cheruiyot Aaron Kipkirui, MP
7. Sen. Chesang Allan Kiprotich, MP
8. Sen. Chute Mohamed Said, MP
9. Sen. Ekomwa James Lomenen, MP
10. Sen. Haji Abdul Mohammed, MP
11. Sen. Kajwang’ Moses Otieno, MP
12. Sen. Kamar Margaret Jepkoech, MP
13. Sen. Kathuri Murungi, MP
14. Sen. Keroche Tabitha Karanja, MP – voted verbally
15. Sen. Khalwale Boni, MP
16. Sen. Kibwana Hamida Ali, MP
17. Sen. Kipkiror William Cheptumo, MP
18. Sen. Kisang William Kipkemoi, MP
19. Sen. Korir Joyce Chepkoech, MP
20. Sen. Lelegwe Steve Ltumbesi, MP
21. Sen. Lemaletian Hezena , MP
22. Sen. Madzayo Stewart Mwachiru, MP
23. Sen. Maina Veronica Waheti, MP
24. Sen. Mandago Jackson Kiplagat, MP
25. Sen. Mbugua George Mungai, MP
26. Sen. Mogeni Erick Okong’o, MP
27. Sen. Montet Betty Batuli, MP
28. Sen. Mumma Catherine Muyeka, MP
29. Sen. Mundigi Alexander Munyi, MP
30. Sen. Mungatana Danson Buya, MP
31. Sen. Mutinda Maureen Tabitha, MP
32. Sen. Mwaruma Johnes Mwashushe, MP
33. Sen. Mwenda Gataya Mo Fire, MP
34. Sen. Mwinyihaji Mohamed Faki, MP

35. Sen. Mwinzagu Raphael Chimera, MP
36. Sen. Nyamu Karen Njeri, MP
37. Sen. Oginga Oburu, MP
38. Sen. Ogola Beatrice Akinyi, MP
39. Sen. Ojienda Odhiambo Tom, MP
40. Sen. Okenyuri Esther Anyieni, MP
41. Sen. Oketch Eddy Gicheru, MP
42. Sen. Olekina Ledama, MP
43. Sen. Omar Mariam Sheikh, MP
44. Sen. Onyonka Richard Momoima, MP
45. Sen. Orwoba Gloria Magoma, MP
46. Sen. Osotsi Godfrey Atieno, MP
47. Sen. Recha Julius Murgor, MP
48. Sen. Roba Ali Ibrahim, MP
49. Sen. Sifuna Edwin Watanya, MP
50. Sen. Syengo Beth Kalunda, MP
51. Sen. Tobiko Peris Pesi, MP
52. Sen. Wafula David Wakoli, MP
53. Sen. Wakili Hillary Kiprotich Sigei, MP
54. Sen. Wamatinga Wahome, MP

NOES

1. Sen. Asige Crystal Kegehi, MP
2. Sen. Kamau Joseph Githuku, MP
3. Sen. Maanzo Daniel Kitonga, MP
4. Sen. Methu John Muhia, MP
5. Sen. Mohamed Shakila Abdalla, MP
6. Sen. Murango James Kamau, MP
7. Sen. Muthama Agnes Kavindu, MP
8. Sen. Nderitu John Kinyua, MP
9. Sen. Nyutu Joe, MP
10. Sen. Okoiti Andrew Omtatah, MP
11. Sen. Seki Lenku Ole Kanar, MP
12. Sen. Thangwa Paul Karungo, MP
13. Sen. Wambua Enoch Kiiro, MP

Question, **agreed to.**

Charge 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

The Speaker put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

The results of the Division were as follows: -

AYES – 28

NOES - 39

ABSTENTION – 0

AYES

1. Sen. Abdulrahman Miraj Abdullahi, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Chesang Allan Kiprotich, MP
6. Sen. Ekomwa James Lomenen, MP
7. Sen. Kamar Margaret Jepkoech, MP
8. Sen. Keroche Tabitha Karanja, MP
9. Sen. Khalwale Boni, MP
10. Sen. Korir Joyce Chepkoech, MP
11. Sen. Lemaletian Hezena , MP
12. Sen. Mandago Jackson Kiplagat, MP
13. Sen. Montet Betty Batuli, MP
14. Sen. Mumma Catherine Muyeka, MP
15. Sen. Mungatana Danson Buya, MP
16. Sen. Mwaruma Johnes Mwashushe, MP
17. Sen. Mwenda Gataya Mo Fire, MP
18. Sen. Mwinyihaji Mohamed Faki, MP
19. Sen. Mwinzagu Raphael Chimera, MP
20. Sen. Nyamu Karen Njeri, MP
21. Sen. Oginga Oburu, MP
22. Sen. Ogola Beatrice Akinyi, MP
23. Sen. Ojienda Odhiambo Tom, MP
24. Sen. Onyonka Richard Momoima, MP
25. Sen. Recha Julius Murgor, MP
26. Sen. Roba Ali Ibrahim, MP
27. Sen. Syengo Beth Kalunda, MP
28. Sen. Wakili Hillary Kiprotich Sigei, MP

NOES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Asige Crystal Kegehi, MP
3. Sen. Cherarkey Samson, MP
4. Sen. Chute Mohamed Said, MP
5. Sen. Haji Abdul Mohammed, MP
6. Sen. Kajwang' Moses Otieno, MP
7. Sen. Kamau Joseph Githuku, MP
8. Sen. Kathuri Murungi, MP
9. Sen. Kibwana Hamida Ali, MP
10. Sen. Kipkiror William Cheptumo, MP
11. Sen. Kisang William Kipkemoi, MP
12. Sen. Lelegwe Steve Ltumbesi, MP
13. Sen. Maanzo Daniel Kitonga, MP

14. Sen. Madzayo Stewart Mwachiru, MP
15. Sen. Maina Veronica Waheti, MP
16. Sen. Mbugua George Mungai, MP
17. Sen. Methu John Muhia, MP
18. Sen. Mogeni Erick Okong’o, MP
19. Sen. Mohamed Shakila Abdalla, MP
20. Sen. Mundigi Alexander Munyi, MP
21. Sen. Murango James Kamau, MP
22. Sen. Muthama Agnes Kavindu, MP
23. Sen. Mutinda Maureen Tabitha, MP
24. Sen. Nderitu John Kinyua, MP
25. Sen. Nyutu Joe, MP
26. Sen. Okenyuri Esther Anyieni, MP
27. Sen. Oketch Eddy Gicheru, MP
28. Sen. Okoiti Andrew Omtatah, MP
29. Sen. Olekina Ledama, MP
30. Sen. Omar Mariam Sheikh, MP
31. Sen. Orwoba Gloria Magoma, MP
32. Sen. Osotsi Godfrey Atieno, MP
33. Sen. Seki Lenku Ole Kanar, MP
34. Sen. Sifuna Edwin Watanya, MP
35. Sen. Thangwa Paul Karungo, MP
36. Sen. Tobiko Peris Pesi, MP
37. Sen. Wafula David Wakoli, MP
38. Sen. Wamatinga Wahome, MP
39. Sen. Wambua Enoch Kiio, MP

Question, **negatived.**

Charge 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

The Speaker put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

The results of the Division were as follows: -

AYES – 19

NOES - 45

ABSTENTION – 3

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Abdulrahman Miraj Abdullahi, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson, MP
5. Sen. Ekomwa James Lomenen, MP
6. Sen. Khalwale Boni, MP

7. Sen. Korir Joyce Chepkoech, MP
8. Sen. Lemaletian Hezena , MP
9. Sen. Montet Betty Batuli, MP
10. Sen. Mwenda Gataya Mo Fire, MP
11. Sen. Nyamu Karen Njeri, MP
12. Sen. Oginga Oburu, MP
13. Sen. Ogola Beatrice Akinyi, MP
14. Sen. Ojienda Odhiambo Tom, MP
15. Sen. Omar Mariam Sheikh, MP
16. Sen. Onyonka Richard Momoima, MP
17. Sen. Recha Julius Murgor, MP
18. Sen. Syengo Beth Kalunda, MP
19. Sen. Wakili Hillary Kiprotich Sigei, MP

NOES

1. Sen. Adan Dullo Fatuma, MP
2. Sen. Asige Crystal Kegehi, MP
3. Sen. Cheruiyot Aaron Kipkirui, MP
4. Sen. Chesang Allan Kiprotich, MP
5. Sen. Chute Mohamed Said, MP
6. Sen. Haji Abdul Mohammed, MP
7. Sen. Kajwang' Moses Otieno, MP
8. Sen. Kamar Margaret Jepkoech, MP
9. Sen. Kamau Joseph Githuku, MP
10. Sen. Kathuri Murungi, MP
11. Sen. Keroche Tabitha Karanja, MP
12. Sen. Kibwana Hamida Ali, MP
13. Sen. Kipkiror William Cheptumo, MP
14. Sen. Kisang William Kipkemoi, MP
15. Sen. Lelegwe Steve Ltumbesi, MP
16. Sen. Maanzo Daniel Kitonga, MP
17. Sen. Madzayo Stewart Mwachiru, MP
18. Sen. Maina Veronica Waheti, MP
19. Sen. Mandago Jackson Kiplagat, MP
20. Sen. Mbugua George Mungai, MP
21. Sen. Methu John Muhia, MP
22. Sen. Mogeni Erick Okong'o, MP
23. Sen. Mohamed Shakila Abdalla, MP
24. Sen. Mundigi Alexander Munyi, MP
25. Sen. Murango James Kamau, MP
26. Sen. Muthama Agnes Kavindu, MP
27. Sen. Mutinda Maureen Tabitha, MP
28. Sen. Mwaruma Johnes Mwashushe, MP
29. Sen. Mwinyihaji Mohamed Faki, MP
30. Sen. Mwinzagu Raphael Chimera, MP
31. Sen. Nderitu John Kinyua, MP
32. Sen. Nyutu Joe, MP

33. Sen. Okenyuri Esther Anyieni, MP
34. Sen. Oketch Eddy Gicheru, MP
35. Sen. Okoiti Andrew Omtatah, MP
36. Sen. Olekina Ledama, MP
37. Sen. Orwoba Gloria Magoma, MP
38. Sen. Osotsi Godfrey Atieno, MP
39. Sen. Roba Ali Ibrahim, MP
40. Sen. Seki Lenku Ole Kanar, MP
41. Sen. Thangwa Paul Karungo, MP
42. Sen. Tobiko Peris Pesi, MP
43. Sen. Wafula David Wakoli, MP
44. Sen. Wamatinga Wahome, MP
45. Sen. Wambua Enoch Kiiro, MP

ABSTENTION

1. Sen. Mumma Catherine Muyeka, MP
2. Sen. Mungatana Danson Buya, MP
3. Sen. Sifuna Edwin Watenya, MP

Question, **negatived.**

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

The Speaker put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Speaker allowed one (1) Senator to record his vote verbally.

Thereupon, the following Senator recorded his vote as “**No**” -

Sen. Thangwa Paul Karungo, MP

The results of the Division were as follows: -

AYES - 51

NOES - 16

ABSTENTION - 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Abdulrahman Miraj Abdullahi, MP
3. Sen. Adan Dullo Fatuma, MP
4. Sen. Boy Issa Juma, MP
5. Sen. Cherarkey Samson, MP
6. Sen. Cheruiyot Aaron Kipkirui, MP

7. Sen. Chesang Allan Kiprotich, MP
8. Sen. Ekomwa James Lomenen, MP
9. Sen. Haji Abdul Mohammed, MP
10. Sen. Kajwang' Moses Otieno, MP
11. Sen. Kamar Margaret Jepkoech, MP
12. Sen. Keroche Tabitha Karanja, MP
13. Sen. Khalwale Boni, MP
14. Sen. Kibwana Hamida Ali, MP
15. Sen. Kipkiror William Cheptumo, MP
16. Sen. Kisang William Kipkemoi, MP
17. Sen. Korir Joyce Chepkoech, MP
18. Sen. Lelegwe Steve Ltumbesi, MP
19. Sen. Lemaletian Hezena , MP
20. Sen. Madzayo Stewart Mwachiru, MP
21. Sen. Maina Veronica Waheti, MP
22. Sen. Mandago Jackson Kiplagat, MP
23. Sen. Mogeni Erick Okong'o, MP
24. Sen. Montet Betty Batuli, MP
25. Sen. Mumma Catherine Muyeka, MP
26. Sen. Mundigi Alexander Munyi, MP
27. Sen. Mungatana Danson Buya, MP
28. Sen. Mutinda Maureen Tabitha, MP
29. Sen. Mwaruma Johnes Mwashushe, MP
30. Sen. Mwenda Gataya Mo Fire, MP
31. Sen. Mwinyihaji Mohamed Faki, MP
32. Sen. Mwinzagu Raphael Chimera, MP
33. Sen. Nyamu Karen Njeri, MP
34. Sen. Oginga Oburu, MP
35. Sen. Ogola Beatrice Akinyi, MP
36. Sen. Ojienda Odhiambo Tom, MP
37. Sen. Okenyuri Esther Anyieni, MP
38. Sen. Oketch Eddy Gicheru, MP
39. Sen. Olekina Ledama, MP
40. Sen. Omar Mariam Sheikh, MP
41. Sen. Onyonka Richard Momoima, MP
42. Sen. Orwoba Gloria Magoma, MP
43. Sen. Osotsi Godfrey Atieno, MP
44. Sen. Recha Julius Murgor, MP
45. Sen. Roba Ali Ibrahim, MP
46. Sen. Sifuna Edwin Watanya, MP
47. Sen. Syengo Beth Kalunda, MP
48. Sen. Tobiko Peris Pesi, MP
49. Sen. Wafula David Wakoli, MP
50. Sen. Wakili Hillary Kiprotich Sigei, MP
51. Sen. Wamatinga Wahome, MP

NOES

1. Sen. Asige Crystal Kegehi, MP
2. Sen. Chute Mohamed Said, MP
3. Sen. Kamau Joseph Githuku, MP
4. Sen. Kathuri Murungi, MP
5. Sen. Maanzo Daniel Kitonga, MP
6. Sen. Mbugua George Mungai, MP
7. Sen. Methu John Muhia, MP
8. Sen. Mohamed Shakila Abdalla, MP
9. Sen. Murango James Kamau, MP
10. Sen. Muthama Agnes Kavindu, MP
11. Sen. Nderitu John Kinyua, MP
12. Sen. Nyutu Joe, MP
13. Sen. Okoiti Andrew Omtatah, MP
14. Sen. Seki Lenku Ole Kanar, MP
15. Sen. Thangwa Paul Karungo, MP – voted verbally
16. Sen. Wambua Enoch Kiio, MP

Question, **agreed to.**

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

The Speaker put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

The results of the Division were as follows: -

AYES – 49

NOES - 16

ABSTENTION – 2

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Abdulrahman Miraj Abdullahi, MP
3. Sen. Adan Dullo Fatuma, MP
4. Sen. Boy Issa Juma, MP
5. Sen. Cherarkey Samson, MP
6. Sen. Cheruiyot Aaron Kipkirui, MP
7. Sen. Chesang Allan Kiprotich, MP
8. Sen. Ekomwa James Lomenen, MP
9. Sen. Haji Abdul Mohammed, MP
10. Sen. Kajwang’ Moses Otieno, MP
11. Sen. Kamar Margaret Jepkoech, MP
12. Sen. Kathuri Murungi, MP
13. Sen. Keroche Tabitha Karanja, MP
14. Sen. Khalwale Boni, MP
15. Sen. Kibwana Hamida Ali, MP

16. Sen. Kipkiror William Cheptumo, MP
17. Sen. Kisang William Kipkemoi, MP
18. Sen. Korir Joyce Chepkoech, MP
19. Sen. Lelegwe Steve Ltumbesi, MP
20. Sen. Lemaletian Hezena , MP
21. Sen. Madzayo Stewart Mwachiru, MP
22. Sen. Mandago Jackson Kiplagat, MP
23. Sen. Mbugua George Mungai, MP
24. Sen. Montet Betty Batuli, MP
25. Sen. Mumma Catherine Muyeka, MP
26. Sen. Mundigi Alexander Munyi, MP
27. Sen. Mutinda Maureen Tabitha, MP
28. Sen. Mwaruma Johnes Mwashushe, MP
29. Sen. Mwenda Gataya Mo Fire, MP
30. Sen. Mwinyihaji Mohamed Faki, MP
31. Sen. Mwinzagu Raphael Chimera, MP
32. Sen. Nyamu Karen Njeri, MP
33. Sen. Oginga Oburu, MP
34. Sen. Ogola Beatrice Akinyi, MP
35. Sen. Ojienda Odhiambo Tom, MP
36. Sen. Okenyuri Esther Anyieni, MP
37. Sen. Oketch Eddy Gicheru, MP
38. Sen. Olekina Ledama, MP
39. Sen. Omar Mariam Sheikh, MP
40. Sen. Onyonka Richard Momoima, MP
41. Sen. Orwoba Gloria Magoma, MP
42. Sen. Osotsi Godfrey Atieno, MP
43. Sen. Recha Julius Murgor, MP
44. Sen. Roba Ali Ibrahim, MP
45. Sen. Sifuna Edwin Watanya, MP
46. Sen. Syengo Beth Kalunda, MP
47. Sen. Tobiko Peris Pesi, MP
48. Sen. Wafula David Wakoli, MP
49. Sen. Wakili Hillary Kiprotich Sigei, MP

NOES

1. Sen. Asige Crystal Kegehi, MP
2. Sen. Chute Mohamed Said, MP
3. Sen. Kamau Joseph Githuku, MP
4. Sen. Maanzo Daniel Kitonga, MP
5. Sen. Maina Veronica Waheti, MP
6. Sen. Methu John Muhia, MP
7. Sen. Mogeni Erick Okong'o, MP
8. Sen. Mohamed Shakila Abdalla, MP
9. Sen. Murango James Kamau, MP
10. Sen. Muthama Agnes Kavindu, MP
11. Sen. Nderitu John Kinyua, MP

12. Sen. Nyutu Joe, MP
13. Sen. Okoiti Andrew Omtatah, MP
14. Sen. Seki Lenku Ole Kanar, MP
15. Sen. Thangwa Paul Karungo, MP
16. Sen. Wambua Enoch Kiio, MP

ABSTENTION

1. Sen. Mungatana Danson Buya, MP
2. Sen. Wamatinga Wahome, MP

Question, **agreed to.**

Charge 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

The Speaker put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Speaker allowed one (1) Senator to record his vote verbally.

Thereupon, the following Senator recorded his vote as “**Yes**” -

Sen. Ojienda Odhiambo Tom, MP

The results of the Division were as follows: -

AYES – 48

NOES - 18

ABSTENTION – 1

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Abdulrahman Miraj Abdullahi, MP
3. Sen. Adan Dullo Fatuma, MP
4. Sen. Boy Issa Juma, MP
5. Sen. Cherarkey Samson, MP
6. Sen. Cheruiyot Aaron Kipkirui, MP
7. Sen. Chesang Allan Kiprotich, MP
8. Sen. Ekomwa James Lomenen, MP
9. Sen. Haji Abdul Mohammed, MP
10. Sen. Kajwang’ Moses Otieno, MP
11. Sen. Kamar Margaret Jepkoech, MP
12. Sen. Kathuri Murungi, MP
13. Sen. Keroche Tabitha Karanja, MP
14. Sen. Khalwale Boni, MP

15. Sen. Kibwana Hamida Ali, MP
16. Sen. Kipkiror William Cheptumo, MP
17. Sen. Kisang William Kipkemoi, MP
18. Sen. Korir Joyce Chepkoech, MP
19. Sen. Lelegwe Steve Ltumbesi, MP
20. Sen. Lemaletian Hezena , MP
21. Sen. Madzayo Stewart Mwachiru, MP
22. Sen. Mogeni Erick Okong'o, MP
23. Sen. Montet Betty Batuli, MP
24. Sen. Mumma Catherine Muyeka, MP
25. Sen. Mundigi Alexander Munyi, MP
26. Sen. Mungatana Danson Buya, MP
27. Sen. Mutinda Maureen Tabitha, MP
28. Sen. Mwaruma Johnes Mwashushe, MP
29. Sen. Mwenda Gataya Mo Fire, MP
30. Sen. Mwinyihaji Mohamed Faki, MP
31. Sen. Mwinzagu Raphael Chimera, MP
32. Sen. Nyamu Karen Njeri, MP
33. Sen. Oginga Oburu, MP
34. Sen. Ogola Beatrice Akinyi, MP
35. Sen. Ojienda Odhiambo Tom, MP – voted verbally
36. Sen. Okenyuri Esther Anyieni, MP
37. Sen. Oketch Eddy Gicheru, MP
38. Sen. Olekina Ledama, MP
39. Sen. Omar Mariam Sheikh, MP
40. Sen. Orwoba Gloria Magoma, MP
41. Sen. Osotsi Godfrey Atieno, MP
42. Sen. Recha Julius Murgor, MP
43. Sen. Roba Ali Ibrahim, MP
44. Sen. Sifuna Edwin Watanya, MP
45. Sen. Syengo Beth Kalunda, MP
46. Sen. Tobiko Peris Pesi, MP
47. Sen. Wafula David Wakoli, MP
48. Sen. Wakili Hillary Kiprotich Sigei, MP

NOES

1. Sen. Asige Crystal Kegehi, MP
2. Sen. Chute Mohamed Said, MP
3. Sen. Kamau Joseph Githuku, MP
4. Sen. Maanzo Daniel Kitonga, MP
5. Sen. Maina Veronica Waheti, MP
6. Sen. Mandago Jackson Kiplagat, MP
7. Sen. Mbugua George Mungai, MP
8. Sen. Methu John Muhia, MP
9. Sen. Mohamed Shakila Abdalla, MP
10. Sen. Murango James Kamau, MP
11. Sen. Muthama Agnes Kavindu, MP

12. Sen. Nderitu John Kinyua, MP
13. Sen. Nyutu Joe, MP
14. Sen. Okoiti Andrew Omtatah, MP
15. Sen. Onyonka Richard Momoima, MP
16. Sen. Seki Lenku Ole Kanar, MP
17. Sen. Thangwa Paul Karungo, MP
18. Sen. Wambua Enoch Kiio, MP

ABSTENTION

Sen. Wamatinga Wahome, MP

Question, **agreed to.**

Charge 7: Serious reasons to believe that H. E. the Deputy President has committed gross economic crimes under sections 45 (1), 46, 47A (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

The Speaker put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

The results of the Division were as follows: -

AYES – 13

NOES - 53

ABSTENTION – 1

AYES

1. Sen. Boy Issa Juma, MP
2. Sen. Cherarkey Samson, MP
3. Sen. Ekomwa James Lomenen, MP
4. Sen. Khalwale Boni, MP
5. Sen. Mwenda Gataya Mo Fire, MP
6. Sen. Nyamu Karen Njeri, MP
7. Sen. Ogola Beatrice Akinyi, MP
8. Sen. Ojienda Odhiambo Tom, MP
9. Sen. Omar Mariam Sheikh, MP
10. Sen. Recha Julius Murgor, MP
11. Sen. Roba Ali Ibrahim, MP
12. Sen. Syengo Beth Kalunda, MP
13. Sen. Wakili Hillary Kiprotich Sigei, MP

NOES

1. Sen. Abdulrahman Miraj Abdullahi, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Asige Crystal Kegehi, MP

4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Chesang Allan Kiprotich, MP
6. Sen. Chute Mohamed Said, MP
7. Sen. Haji Abdul Mohammed, MP
8. Sen. Kajwang' Moses Otieno, MP
9. Sen. Kamar Margaret Jepkoech, MP
10. Sen. Kamau Joseph Githuku, MP
11. Sen. Kathuri Murungi, MP
12. Sen. Keroche Tabitha Karanja, MP
13. Sen. Kibwana Hamida Ali, MP
14. Sen. Kipkiror William Cheptumo, MP
15. Sen. Kisang William Kipkemoi, MP
16. Sen. Korir Joyce Chepkoech, MP
17. Sen. Lelegwe Steve Ltumbesi, MP
18. Sen. Lemaletian Hezena , MP
19. Sen. Maanzo Daniel Kitonga, MP
20. Sen. Madzayo Stewart Mwachiru, MP
21. Sen. Maina Veronica Waheti, MP
22. Sen. Mandago Jackson Kiplagat, MP
23. Sen. Mbugua George Mungai, MP
24. Sen. Methu John Muhia, MP
25. Sen. Mogeni Erick Okong'o, MP
26. Sen. Mohamed Shakila Abdalla, MP
27. Sen. Montet Betty Batuli, MP
28. Sen. Mumma Catherine Muyeka, MP
29. Sen. Mundigi Alexander Munyi, MP
30. Sen. Mungatana Danson Buya, MP
31. Sen. Murango James Kamau, MP
32. Sen. Muthama Agnes Kavindu, MP
33. Sen. Mutinda Maureen Tabitha, MP
34. Sen. Mwaruma Johnes Mwashushe, MP
35. Sen. Mwinyihaji Mohamed Faki, MP
36. Sen. Mwinzagu Raphael Chimera, MP
37. Sen. Nderitu John Kinyua, MP
38. Sen. Nyutu Joe, MP
39. Sen. Oginga Oburu, MP
40. Sen. Okenyuri Esther Anyieni, MP
41. Sen. Oketch Eddy Gicheru, MP
42. Sen. Okoiti Andrew Omtatah, MP
43. Sen. Olekina Ledama, MP
44. Sen. Onyonka Richard Momoima, MP
45. Sen. Orwoba Gloria Magoma, MP
46. Sen. Osotsi Godfrey Atieno, MP
47. Sen. Seki Lenku Ole Kanar, MP
48. Sen. Sifuna Edwin Watanya, MP
49. Sen. Thangwa Paul Karungo, MP
50. Sen. Tobiko Peris Pesi, MP
51. Sen. Wafula David Wakoli, MP

- 52. Sen. Wamatinga Wahome, MP
- 53. Sen. Wambua Enoch Kiio, MP

ABSTENTION

Sen. Abass Sheikh Mohamed, MP

Question, **negatived.**

Charge 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

The Speaker put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Speaker allowed one (1) Senator to record his vote verbally.

Thereupon, the following Senator recorded his vote as “**No**” -

Sen. Thangwa Paul Karungo, MP

The results of the Division were as follows: -

AYES – 27

NOES - 40

ABSTENTION – 0

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Abdulrahman Miraj Abdullahi, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson, MP
5. Sen. Ekomwa James Lomenen, MP
6. Sen. Haji Abdul Mohammed, MP
7. Sen. Kajwang’ Moses Otieno, MP
8. Sen. Keroche Tabitha Karanja, MP
9. Sen. Khalwale Boni, MP
10. Sen. Lelegwe Steve Ltumbesi, MP
11. Sen. Lemaletian Hezena , MP
12. Sen. Madzayo Stewart Mwachiru, MP
13. Sen. Montet Betty Batuli, MP
14. Sen. Mungatana Danson Buya, MP
15. Sen. Mwaruma Johnes Mwashushe, MP
16. Sen. Mwenda Gataya Mo Fire, MP

17. Sen. Mwinyihaji Mohamed Faki, MP
18. Sen. Mwinzagu Raphael Chimera, MP
19. Sen. Nyamu Karen Njeri, MP
20. Sen. Oginga Oburu, MP
21. Sen. Ogola Beatrice Akinyi, MP
22. Sen. Ojienda Odhiambo Tom, MP
23. Sen. Olekina Ledama, MP
24. Sen. Orwoba Gloria Magoma, MP
25. Sen. Recha Julius Murgor, MP
26. Sen. Syengo Beth Kalunda, MP
27. Sen. Wakili Hillary Kiprotich Sigei, MP

NOES

1. Sen. Adan Dullo Fatuma, MP
2. Sen. Asige Crystal Kegehi, MP
3. Sen. Cheruiyot Aaron Kipkirui, MP
4. Sen. Chesang Allan Kiprotich, MP
5. Sen. Chute Mohamed Said, MP
6. Sen. Kamar Margaret Jepkoech, MP
7. Sen. Kamau Joseph Githuku, MP
8. Sen. Kathuri Murungi, MP
9. Sen. Kibwana Hamida Ali, MP
10. Sen. Kipkiror William Cheptumo, MP
11. Sen. Kisang William Kipkemoi, MP
12. Sen. Korir Joyce Chepkoech, MP
13. Sen. Maanzo Daniel Kitonga, MP
14. Sen. Maina Veronica Waheti, MP
15. Sen. Mandago Jackson Kiplagat, MP
16. Sen. Mbugua George Mungai, MP
17. Sen. Methu John Muhia, MP
18. Sen. Mogeni Erick Okong'o, MP
19. Sen. Mohamed Shakila Abdalla, MP
20. Sen. Mumma Catherine Muyeka, MP
21. Sen. Mundigi Alexander Munyi, MP
22. Sen. Murango James Kamau, MP
23. Sen. Muthama Agnes Kavindu, MP
24. Sen. Mutinda Maureen Tabitha, MP
25. Sen. Nderitu John Kinyua, MP
26. Sen. Nyutu Joe, MP
27. Sen. Okenyuri Esther Anyieni, MP
28. Sen. Oketch Eddy Gicheru, MP
29. Sen. Okoiti Andrew Omtatah, MP
30. Sen. Omar Mariam Sheikh, MP
31. Sen. Onyonka Richard Momoima, MP
32. Sen. Osotsi Godfrey Atieno, MP
33. Sen. Roba Ali Ibrahim, MP
34. Sen. Seki Lenku Ole Kanar, MP

35. Sen. Sifuna Edwin Watenya, MP
36. Sen. Thangwa Paul Karungo, MP – voted verbally
37. Sen. Tobiko Peris Pesi, MP
38. Sen. Wafula David Wakoli, MP
39. Sen. Wamatinga Wahome, MP
40. Sen. Wambua Enoch Kiio, MP

Question, **negatived.**

Charge 9: Gross misconduct that is incompatible with the high calling and dignified status of the Office of the Deputy President and 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 Security Intelligence Service and its Officers

The Speaker put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

The results of the Division were as follows: -

AYES – 46

NOES - 20

ABSTENTION – 1

AYES

1. Sen. Abdulrahman Miraj Abdullahi, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Asige Crystal Kegehi, MP
4. Sen. Boy Issa Juma, MP
5. Sen. Cherarkey Samson, MP
6. Sen. Cheruiyot Aaron Kipkirui, MP
7. Sen. Chesang Allan Kiprotich, MP
8. Sen. Ekomwa James Lomenen, MP
9. Sen. Kajwang’ Moses Otieno, MP
10. Sen. Kamar Margaret Jepkoech, MP
11. Sen. Kathuri Murungi, MP
12. Sen. Keroche Tabitha Karanja, MP
13. Sen. Khalwale Boni, MP
14. Sen. Kibwana Hamida Ali, MP
15. Sen. Kipkiror William Cheptumo, MP
16. Sen. Kisang William Kipkemoi, MP
17. Sen. Korir Joyce Chepkoech, MP
18. Sen. Lelegwe Steve Ltumbesi, MP
19. Sen. Lemaletian Hezena , MP
20. Sen. Madzayo Stewart Mwachiru, MP
21. Sen. Mandago Jackson Kiplagat, MP
22. Sen. Montet Betty Batuli, MP
23. Sen. Mumma Catherine Muyeka, MP
24. Sen. Mundigi Alexander Munyi, MP

25. Sen. Mungatana Danson Buya, MP
26. Sen. Mutinda Maureen Tabitha, MP
27. Sen. Mwenda Gataya Mo Fire, MP
28. Sen. Mwinyihaji Mohamed Faki, MP
29. Sen. Mwinzagu Raphael Chimera, MP
30. Sen. Nyamu Karen Njeri, MP
31. Sen. Oginga Oburu, MP
32. Sen. Ogola Beatrice Akinyi, MP
33. Sen. Ojienda Odhiambo Tom, MP
34. Sen. Okenyuri Esther Anyieni, MP
35. Sen. Oketch Eddy Gicheru, MP
36. Sen. Olekina Ledama, MP
37. Sen. Omar Mariam Sheikh, MP
38. Sen. Onyonka Richard Momoima, MP
39. Sen. Orwoba Gloria Magoma, MP
40. Sen. Recha Julius Murgor, MP
41. Sen. Roba Ali Ibrahim, MP
42. Sen. Sifuna Edwin Watanya, MP
43. Sen. Syengo Beth Kalunda, MP
44. Sen. Tobiko Peris Pesi, MP
45. Sen. Wafula David Wakoli, MP
46. Sen. Wakili Hillary Kiprotich Sigei, MP

NOES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Chute Mohamed Said, MP
3. Sen. Kamau Joseph Githuku, MP
4. Sen. Maanzo Daniel Kitonga, MP
5. Sen. Maina Veronica Waheti, MP
6. Sen. Mbugua George Mungai, MP
7. Sen. Methu John Muhia, MP
8. Sen. Mogeni Erick Okong'o, MP
9. Sen. Mohamed Shakila Abdalla, MP
10. Sen. Murango James Kamau, MP
11. Sen. Muthama Agnes Kavindu, MP
12. Sen. Mwaruma Johnes Mwashushe, MP
13. Sen. Nderitu John Kinyua, MP
14. Sen. Nyutu Joe, MP
15. Sen. Okoiti Andrew Omtatah, MP
16. Sen. Osotsi Godfrey Atieno, MP
17. Sen. Seki Lenku Ole Kanar, MP
18. Sen. Thangwa Paul Karungo, MP
19. Sen. Wamatinga Wahome, MP
20. Sen. Wambua Enoch Kiio, MP

ABSTENTION

Sen. Haji Abdul Mohammed, MP

Question, **agreed to.**

Charge 10: Gross misconduct by openly or publicly insubordinating the President, who is the Head of State and Government

The Speaker put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Speaker allowed one (1) Senator to record his vote verbally.

Thereupon, the following Senator recorded his vote as “**Yes**” -

Sen. Khalwale Boni, MP

The results of the Division were as follows: -

AYES – 23

NOES - 44

ABSTENTION – 0

AYES

1. Sen. Abdulrahman Miraj Abdullahi, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Boy Issa Juma, MP
4. Sen. Cherarkey Samson, MP
5. Sen. Cheruiyot Aaron Kipkirui, MP
6. Sen. Ekomwa James Lomenen, MP
7. Sen. Haji Abdul Mohammed, MP
8. Sen. Kamar Margaret Jepkoech, MP
9. Sen. Khalwale Boni, MP – voted verbally
10. Sen. Montet Betty Batuli, MP
11. Sen. Mumma Catherine Muyeka, MP
12. Sen. Mungatana Danson Buya, MP
13. Sen. Mwenda Gataya Mo Fire, MP
14. Sen. Mwinyihaji Mohamed Faki, MP
15. Sen. Mwinzagu Raphael Chimera, MP
16. Sen. Nyamu Karen Njeri, MP
17. Sen. Oginga Oburu, MP
18. Sen. Ogola Beatrice Akinyi, MP
19. Sen. Ojienda Odhiambo Tom, MP
20. Sen. Orwoba Gloria Magoma, MP
21. Sen. Recha Julius Murgor, MP
22. Sen. Syengo Beth Kalunda, MP

23. Sen. Wakili Hillary Kiprotich Sigei, MP

NOES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Asige Crystal Kegehi, MP
3. Sen. Chesang Allan Kiprotich, MP
4. Sen. Chute Mohamed Said, MP
5. Sen. Kajwang' Moses Otieno, MP
6. Sen. Kamau Joseph Githuku, MP
7. Sen. Kathuri Murungi, MP
8. Sen. Keroche Tabitha Karanja, MP
9. Sen. Kibwana Hamida Ali, MP
10. Sen. Kipkiror William Cheptumo, MP
11. Sen. Kisang William Kipkemoi, MP
12. Sen. Korir Joyce Chepkoech, MP
13. Sen. Lelegwe Steve Ltumbesi, MP
14. Sen. Lemaletian Hezena , MP
15. Sen. Maanzo Daniel Kitonga, MP
16. Sen. Madzayo Stewart Mwachiru, MP
17. Sen. Maina Veronica Waheti, MP
18. Sen. Mandago Jackson Kiplagat, MP
19. Sen. Mbugua George Mungai, MP
20. Sen. Methu John Muhia, MP
21. Sen. Mogeni Erick Okong'o, MP
22. Sen. Mohamed Shakila Abdalla, MP
23. Sen. Mundigi Alexander Munyi, MP
24. Sen. Murango James Kamau, MP
25. Sen. Muthama Agnes Kavindu, MP
26. Sen. Mutinda Maureen Tabitha, MP
27. Sen. Mwaruma Johnes Mwashushe, MP
28. Sen. Nderitu John Kinyua, MP
29. Sen. Nyutu Joe, MP
30. Sen. Okenyuri Esther Anyieni, MP
31. Sen. Oketch Eddy Gicheru, MP
32. Sen. Okoiti Andrew Omtatah, MP
33. Sen. Olekina Ledama, MP
34. Sen. Omar Mariam Sheikh, MP
35. Sen. Onyonka Richard Momoima, MP
36. Sen. Osotsi Godfrey Atieno, MP
37. Sen. Roba Ali Ibrahim, MP
38. Sen. Seki Lenku Ole Kanar, MP
39. Sen. Sifuna Edwin Watanya, MP
40. Sen. Thangwa Paul Karungo, MP
41. Sen. Tobiko Peris Pesi, MP
42. Sen. Wafula David Wakoli, MP
43. Sen. Wamatinga Wahome, MP
44. Sen. Wambua Enoch Kiiro, MP

Question, **negatived.**

Charge 11: Gross misconduct by persistently bullying state and public officers

The Speaker put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Speaker allowed seven (7) Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes -

YES

Sen. Mwenda Gataya Mo Fire, MP

NO

1. Sen. Abdulrahman Miraj Abdullahi, MP
2. Sen. Chesang Allan Kiprotich, MP
3. Sen. Keroche Tabitha Karanja, MP
4. Sen. Methu John Muhia, MP
5. Sen. Nyamu Karen Njeri, MP
6. Sen. Thangwa Paul Karungo, MP

The results of the Division were as follows: -

AYES - 18

NOES - 47

ABSTENTION - 2

AYES

1. Sen. Boy Issa Juma, MP
2. Sen. Ekomwa James Lomenen, MP
3. Sen. Khalwale Boni, MP
4. Sen. Kibwana Hamida Ali, MP
5. Sen. Korir Joyce Chepkoech, MP
6. Sen. Madzayo Stewart Mwachiru, MP
7. Sen. Montet Betty Batuli, MP
8. Sen. Mungatana Danson Buya, MP
9. Sen. Mwenda Gataya Mo Fire, MP – voted verbally
10. Sen. Mwinzagu Raphael Chimera, MP
11. Sen. Ojienda Odhiambo Tom, MP
12. Sen. Okenyuri Esther Anyieni, MP
13. Sen. Oketch Eddy Gicheru, MP
14. Sen. Olekina Ledama, MP
15. Sen. Omar Mariam Sheikh, MP

16. Sen. Recha Julius Murgor, MP
17. Sen. Roba Ali Ibrahim, MP
18. Sen. Syengo Beth Kalunda, MP

NOES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Abdulrahman Miraj Abdullahi, MP
3. Sen. Adan Dullo Fatuma, MP
4. Sen. Asige Crystal Kegehi, MP
5. Sen. Cherarkey Samson, MP
6. Sen. Cheruiyot Aaron Kipkirui, MP
7. Sen. Chesang Allan Kiprotich, MP
8. Sen. Chute Mohamed Said, MP
9. Sen. Haji Abdul Mohammed, MP
10. Sen. Kajwang' Moses Otieno, MP
11. Sen. Kamau Joseph Githuku, MP
12. Sen. Kathuri Murungi, MP
13. Sen. Keroche Tabitha Karanja, MP
14. Sen. Kipkiror William Cheptumo, MP
15. Sen. Kisang William Kipkemoi, MP
16. Sen. Lelegwe Steve Ltumbesi, MP
17. Sen. Lemaletian Hezena , MP
18. Sen. Maanzo Daniel Kitonga, MP
19. Sen. Maina Veronica Waheti, MP
20. Sen. Mandago Jackson Kiplagat, MP
21. Sen. Mbugua George Mungai, MP
22. Sen. Methu John Muhia, MP
23. Sen. Mogeni Erick Okong'o, MP
24. Sen. Mohamed Shakila Abdalla, MP
25. Sen. Mumma Catherine Muyeka, MP
26. Sen. Mundigi Alexander Munyi, MP
27. Sen. Murango James Kamau, MP
28. Sen. Muthama Agnes Kavindu, MP
29. Sen. Mutinda Maureen Tabitha, MP
30. Sen. Mwaruma Johnes Mwashushe, MP
31. Sen. Mwinyihaji Mohamed Faki, MP
32. Sen. Nderitu John Kinyua, MP
33. Sen. Nyamu Karen Njeri, MP
34. Sen. Nyutu Joe, MP
35. Sen. Oginga Oburu, MP
36. Sen. Ogola Beatrice Akinyi, MP
37. Sen. Okoiti Andrew Omtatah, MP
38. Sen. Onyonka Richard Momoima, MP
39. Sen. Orwoba Gloria Magoma, MP
40. Sen. Osotsi Godfrey Atieno, MP
41. Sen. Seki Lenku Ole Kanar, MP
42. Sen. Sifuna Edwin Watenya, MP

43. Sen. Thangwa Paul Karungo, MP
44. Sen. Tobiko Peris Pesi, MP
45. Sen. Wafula David Wakoli, MP
46. Sen. Wakili Hillary Kiprotich Sigei, MP
47. Sen. Wambua Enoch Kiio, MP

ABSTENTION

1. Sen. Kamar Margaret Jepkoech, MP
2. Sen. Wamatinga Wahome, MP

Question, **negatived.**

16. **COMMUNICATION FROM THE CHAIR ON EFFECT OF VOTE ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HIS EXCELLENCY RIGATHI GACHAGUA, EGH, DEPUTY PRESIDENT OF THE REPUBLIC OF KENYA**

The Speaker conveyed the following communication from the Chair –

“Honourable Senators,

The result of the division indicate that the Senate has upheld the following impeachment grounds:

- 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 Article 147 (1), as read together with Article 131 (2)(c) and (d) of the Constitution;
- Ground 4: Gross violation of Article 160 (1) of the Constitution on the Institutional and Decisional Independence of Judges;
- Ground 5: Gross violation of Articles 3 (1) and 148 (5)(a) of the Constitution on the fidelity to the Oath of Office and Allegiance;
- Ground 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;
- Ground 9: Gross misconduct that is incompatible with the high calling and dignified status of the Office of the Deputy President and 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 Security Intelligence Service and its Officers;

Honourable Senators,

Pursuant to Articles 145 (7) and 150 (1) (b) and (2) of the Constitution and Standing Order 78 (8) of the Senate, the Senate has resolved to remove from office

by impeachment, His Excellency Rigathi Gachagua, EGH, Deputy President of the Republic of Kenya. Accordingly, His Excellency Rigathi Gachagua, EGH, ceases to hold office.

I thank you.”

And the time being thirty-three minutes past Eleven O'clock, the Speaker adjourned the Senate without Question put, pursuant to the Standing Orders, in line with the Hearing Programme.

17. **SENATE ROSE** - at thirty-three minutes past Eleven O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, October 22, 2024 at 2.30 p.m.*

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