

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Monday, 30th June, 2025

Special Sitting

*(Convened via Kenya Gazette Notice
No.8518 of 27th June, 2025)*

*The House met at the Senate Chamber,
Parliament Buildings, at 10.00 a.m.*

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have quorum?

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

Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Hon. Senators, we now have quorum. Kindly take your seats, so that we proceed with today's business.

Clerk, you may proceed to call the first Order.

COMMUNICATION FROM THE CHAIR

CONVENING OF SPECIAL SITTING OF THE SENATE

The Speaker (Hon. Kingi): Hon. Senators, I welcome you to this Special Sitting of the Senate. I regret to interrupt your recess, but this has been necessitated by urgent legislative business, which requires to be dispensed with. On the request to the Senate Majority Leader vide a letter reference No.SEN/MLS/CORR/(24) dated 27th June, 2025

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and with the support of the requisite number of Senators, I appointed today, Monday 30th June, 2025 as the day for a special sitting of the Senate.

The appointment was made via *Gazette Notice* No.8518 dated 27th June, 2025. In the *Gazette Notice*, I indicated that the business to be transacted at this Special Sitting shall be as follows-

(1) Consideration of the Report of the Mediation Committee on the Division of Revenue Bill (National Assembly Bills No.10 of 2025).

(2) Hearing of the charges on the proposed removal from office, by impeachment, of Hon. Abdi Ibrahim Hassan, the Governor of Isiolo County.

Hon. Senators, in accordance with Standing Order No.35, the business specified in the *Gazette Notice* referred to above, and as outlined in the Order Paper, shall be the only business before the Senate during this Special Sitting, following which the Senate shall stand adjourned until Tuesday, 8th July, 2025 at 2.30 p.m. pursuant to the Senate calendar.

Next Order.

MESSAGE FROM COUNTY ASSEMBLY OF ISIOLO

PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF THE GOVERNOR OF ISIOLO COUNTY, HON. ABDI IBRAHIM HASSAN

The Speaker (Hon. Kingi): Hon. Senators, I wish to report to the Senate that I have pursuant to Standing Order No.48(3) received a Message from the Speaker of the County Assembly of Isiolo, regarding the passage by the County Assembly, of a Motion for removal from office by way of impeachment of Hon. Abdi Ibrahim Hassan, the Governor of Isiolo County, pursuant to Article 181, 1(a), (b) and (c) of the Constitution as read together with Section 33 of the County Governments Act and Standing Order No.74 of the County Assembly of Isiolo.

The Message which was transmitted to the Senate vide a letter dated Friday, 27th June, 2025, signed by the Speaker of the County Assembly of Isiolo, was received in my office on the same date.

Hon. Senators, in terms of Article 181 of the Constitution, Section 33(3)(a) of the County Governments Act and Standing Order No.81(a) of the Senate Standing Orders, the Speaker of the Senate is required, within seven days after receiving notice of a resolution from the Speaker of a County Assembly, to convene a meeting of the Senate to hear charges against the Governor.

(Sen. Kathuri stood at the Bar)

Deputy Speaker, you may walk in, the Communication is fairly long.

(Sen. Kathuri walked into the Chamber and sat in his place)

Pursuant to Section 33(3)(b) of the County Governments Act and Standing Order No.81(a) of the Senate Standing Orders, I hereby proceed to read the charges against the Governor of Isiolo County as contained in the Motion of impeachment by the County Assembly of Isiolo. The grounds for removal are as follows-

(1) Gross Violation of the Constitution and other laws

The particulars of this allegation are that the Governor grossly violated:

(i) Section 30(2)(k) of the County Governments Act by failing to deliver an annual state of the county address for three years he has been in office.

(ii) Article 201(d) and (e) of the Constitution by employing a bloated workforce, including 36 advisors in the office of the governor and 31 chief officers, yet the county has only six departments and two deputy county secretaries whose positions are not recognized in law thereby resulting in an excessive wage bill amounting to 46 per cent of the annual revenue allocation, which far exceeds the 35-limit prescribed under Section 25(1)(a) and (b) of the Public Finance Management (County Governments) Regulations, 2015.

(Sen. Kavindu Muthama stood at the Bar)

Hon. Kavindu Muthama, you may walk in and take a seat.

(Sen. Kavindu Muthama walked into the Chamber and sat in her place)

(iii) Articles 10, 2, 73, 232 and 235 of the Constitution and Sections 59(a), 60 and 62 of the County Governments Act, 2012 by disregarding the criteria for the establishment of offices within the County Public Service, by illegally creating offices for advisors and deputy county secretaries without the involvement of the county public service board.

(iv) Articles 10(2), 185 and 201 of the Constitution by refusing to implement the recommendations and/or resolution of the County Assembly requiring the Governor to control and manage the county public debt, thereby undermining the authority of the County Assembly and resulting in the unmitigated accrual of debt to unmanageable levels.

(v) Articles 201(d) and (e) of the Constitution, by failing to utilize bursary funds in accordance with the approved budget, resulting in discrepancy of Kshs30 million, which cannot be accounted for.

(2) Abuse of Office

The particulars of this allegation are that the Governor engaged in acts and omissions that collectively and individually amount to the abuse of office and gross violation of, amongst others, Articles 201, 232 of the Constitution, Sections 8, 9, 10, 11, 12, 13 and 35 of the Leadership and Integrity Act, 2012, by-

(i) Appointing 36 advisors in the office of the Governor, contrary to the Salaries and Remuneration Commission (SRC) circular dated 29th July, 2013 and Transition Authority circular dated 6th September, 2013 and subsequent guidelines from the Inter-

Governmental Relations Technical Committee, all of which limit the maximum number of advisors to three.

(ii) Appointing 31 chief officers instead of 18, which are provided for in the County Executive Staff Establishment of July, 2022, despite the County having only six departments;

(iii) Appointing chief officers under two-year contracts, thereby creating a climate of fear and uncertainty contrary to Articles 73(1)(b) of the Constitution and failing to renew the contracts of County Executive Committee Members, significantly affecting the continuity of service delivery in the County; and,

(iv) Appointing two deputy county secretaries to positions that are neither recognised in law nor provided for in the County Staff Establishment.

(Sen. Cherarkey stood at the Bar)

Hon. Cherarkey, you may walk in and take a seat.

(Sen. Cherarkey walked into the Chamber and sat in his place)

(3) Gross misconduct

The particulars of this allegation are that the Governor grossly violated Articles 10(2), 27, 28, 73, 75 and 232 of the Constitution; Sections 3, 7, 8, 9, 11, 34 and 52 of the Leadership and Integrity Act; Sections 9, 10 and 21(2) of the Public Officers Ethics Act, 2003; Sections 2, 30(2) and 30(3) of the County Governments Act by engaging in acts which singularly and collectively amount to gross misconduct by doing the following-

(i) making public statements against Sen. Fatuma Adan Dullo, MP, the Senator for Isiolo County, which are considered disrespectful and sexist, thereby violating the principles of leadership and integrity, and the right to dignity under the Constitution and undermining the decorum expected of a public office by amounting to gender-based psychological violence, contrary to the values and responsibilities of the Office of the Governor;

(ii) breaching public trust by making divisive, derogatory and discriminatory remarks against other clans residing in the county, thereby undermining public confidence in the integrity of his Office and sowing discord in the community; and,

(iii) being continuously absent from the County and running its affairs remotely from Nairobi, thereby stalling service delivery.

Hon. Senators, annexed to the letter conveying the decision of the County Assembly were the following documents-

(i) copy of the approved Notice of Motion, the Motion dated 7th June, 2025, laid on the table of the Assembly on Wednesday, the 18th June, 2025, Morning Sitting, soft copy of the Notice of Motion and exhibits contained in the accompanying flash disk;

(ii) copy of the exhibits laid on the Table of the Assembly on Wednesday, the 18th June, 2025, Morning Sitting, video exhibits contained in the accompanying flash disk;

(iii) order papers for the Assembly sittings of Wednesday, the 18th June, 2025, Morning Sitting and Thursday, the 26th June, 2025, Afternoon Sitting; soft copy of the Order Papers are contained in the accompanying flash disk;

(iv) certified HANSARD reports for the Assembly sitting of Wednesday, 18th June, 2025, Morning Sitting and Thursday, the 26th June, 2025, Afternoon Sitting; soft copy of the HANSARD reports are contained in the accompanying flash disk;

(v) copy of a letter dated 19th June, 2025, notifying the Governor of the Notice of Motion of removal from Office, by impeachment; scanned copy of the letter is contained in the accompanying flash disk;

(vi) certified copy of the form for verification of signatures for the Members in support of Motion for removal of the Isiolo County Governor, by impeachment, dated the 26th June, 2025, made pursuant to the provisions of Standing Order No. 65(B). A scanned copy of the form is contained in the accompanying flash disk;

(vii) certified copy of the roll call vote in the Motion of Impeachment of His Excellency, the Governor of Isiolo County, held during the Assembly sitting of Thursday, 26th June, 2025, a soft copy of the scanned rollcall vote are contained in the accompanying flash disk;

(Sen. Mungatana, MGH and Sen. Abass walked into the Chamber)

Sen. Mungatana and Sen. Abass, you may take your seats, please.

(Sen. Mungatana, MGH and Sen. Abass sat in their places)

(viii) flash disk 32GB containing video annexures evidencing the particulars alleged in the Motion, as well as voice adverts on the public participation on the Motion run on the various radio stations;

(ix) pictures and videos of various public participation forums held on Tuesday, 24th June, 2025, contained in the accompanying flash disk;

(x) copy of a public participation report dated the 25th June, 2025 and laid on the Table on Thursday, 26th June, 2025, Afternoon Sitting and a scanned copy of the report is contained in the accompanying flash disk;

(xi) written and printed Memorandum from different wards and regions submitted to the County Assembly during the public participation exercise on the Motion submitted both in support and against the Motion. The Memoranda includes submissions received via email, minutes, attendance registration sheets and registration forms for memoranda of the public participation forum held on Tuesday, 24th June, 2025, is contained in the accompanied flash disk; and finally,

(xii) a soft copy of the second edition Standing Orders of the County Assembly of Isiolo County, contained in the accompanying flash disk.

(Several Senators walked into the Chamber)

Hon. Senators, you may take your seats.

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Hon. Senators, in terms of the way forward, following the reading of the charges against the Governor, Standing Order No.80(1)(b) of the Senate as read together with Section 33(3)(B) of the County Governments Act give the Senate two options on how to proceed with this matter.

The Senate may-

(a) By resolution, appoint a special committee comprising 11 of its Members to investigate this matter; or,

(b) Investigate the matter in plenary.

The Senate Majority Leader will, at an appointed time during this Sitting, give Notice of Motion for the establishment of a special committee. Should this Motion be carried, the special committee will be required under Section 33(4) of the County Governments Act and Standing Order No.80(2) of the Senate Standing Orders, to investigate the matter and report to the Senate on whether it finds the particulars of the allegations against the Governor, to have been substantiated.

In the event that the Motion for the establishment of a special committee does not pass, the fallback position is that the Senate shall proceed to investigate and consider the matter in Plenary. In this event, I will appoint the dates on which the Senate will sit in Plenary to hear and determine the charges against the Governor.

Hon. Senators, I wish to emphasise that when we come to the debate on the Motion for the establishment of a special committee, debate on the Motion shall be limited to the substance of the Motion, principally, whether or not to establish a special committee. It will not be a debate on the substance of the impeachment or its merits, propriety, prudence or even the constitutionality or the legality of the process that have preceded the submission of this matter to the Senate. It is, therefore, not permissible, hon. Senators, to deviate to any issues other than the Motion before the Senate.

In the meantime, and during the pendency of the impeachment process in the Senate, I wish to caution hon. Senators to refrain from publicly commenting on the merits or demerits of the Impeachment Motion before the Senate because doing so would amount to anticipation of debate, which is an infringement of Standing Order No.99.

Accordingly, it shall be out of order within the meaning of Standing Order No.122 for any Senator to make comments, whether written or spoken, relating to the conduct of the Governor or the impeachment process outside the confines of the impeachment proceeding, as such comments may prejudice the fair and just outcome of this process.

Hon. Senators, during the 13th Parliament, the Senate has dealt with seven impeachment proceedings, two of which were considered by special committees and five by the Senate sitting in Plenary, including one involving a Deputy President.

Notably, this is the third governor proposed to be impeached during the current term of Parliament. It is important that we draw on the best practises established in the previous proceedings as we deliberate on this particular matter.

The Senate will be sitting as a quasi-judicial body, conducting investigations into the alleged violations of the Constitution and the law and subsequently make its determination on the matter. The impeachment hearing is not merely a procedural

formality, it is a critical process that plays a crucial role in upholding the principles of democracy and good governance.

It represents one of the Senate's most significant oversight functions and core responsibilities. I conclude by urging all hon. Senators to exercise the highest level of responsibility on this particular matter.

I thank you.

Let us move to the next Order.

The Senate Majority Leader, please, proceed.

NOTICE OF MOTION

ESTABLISHMENT OF A SELECT COMMITTEE TO INVESTIGATE THE
PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF THE
GOVERNOR OF ISIOLO COUNTY, HON. ABDI IBRAHIM HASSAN

Sen (Dr.) Khalwale: Mr. Speaker, Sir, I rise to give Notice as per the Order Paper for a Motion for the establishment of a special committee to investigate the proposed removal from office, by impeachment, of the Hon. Abdi Ibrahim Hassan, the Governor of Isiolo County-

THAT, WHEREAS, pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, on Thursday, 26th June, 2025, the County Assembly of Isiolo approved a Motion for the removal from office, by impeachment, of Hon. Abdi Ibrahim Hassan, the Governor of Isiolo County;

AND FURTHER, WHEREAS by letter Ref.CA/RES/VOL.I/001, dated 26th June, 2025 and received in the Office of the Speaker of the Senate on 27th June, 2025, the Speaker of the County Assembly of Isiolo informed the Speaker of the Senate of the approval of the Motion by the County Assembly and further forwarded to the Speaker of the Senate, documents in evidence of the proceedings of the Assembly;

AND WHEREAS, pursuant to Section 33(3)(b) of the County Governments Act and Standing Order No.80(1)(b)(i) of the Senate, the Senate by resolution, may appoint a special committee comprising of 11 of its Members to investigate the matter;

NOW THEREFORE, pursuant to Section 33(3)(b) of the County Governments Act and Standing Order No. 80(1) (b)(i), the Senate resolves to proceed on this matter by way of establishment of a special committee to investigate the proposed removal from office, by impeachment, of Hon. Abdi Ibrahim Hassan, the Governor of Isiolo County.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Who is your seconder?

It is a notice.

Let us move to the next Order.

MOTION**ADOPTION OF REPORT OF THE MEDIATION COMMITTEE ON THE DIVISION
OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO.10 OF 2025)**

THAT, the Senate adopts the Report of the Mediation Committee on the Division of Revenue Bill (National Assembly Bills No. 10 of 2025), laid on the table of the Senate on Friday, 27th June, 2025; and that, pursuant to Article 113(2) of the Constitution and Standing Order 167(3) of the Senate, approves the mediated version of the Bill.

(Sen. Ali Roba on 27.6.2025)

(Resumption of debate interrupted on 27.6.2025)

(Division)

The Speaker (Hon. Kingi): The Senate Minority and Majority Leaders, kindly approach the Chair.

(Sen. Cheruiyot and Sen. Madzayo consulted the Speaker)

Serjeant-at-Arms, kindly ring the Division Bell for five minutes.

(The Division Bell was rung)

The Speaker (Hon. Kingi): Order, hon. Senators! Five minutes are gone. We will therefore proceed with the Division.

Serjeant-at-Arms, kindly close the door and draw the Bar.

(The doors were closed and the Bar drawn)

Hon. Senators, voting shall be electronic.

(Sen. (Dr.) Murango stood up in his place)

The Speaker (Hon. Kingi): Sen. (Dr.) Murango, have your seat please. Before we vote, I will proceed to put the Question.

(Question put)

Hon. Senators, you may now proceed to vote.

(Voting in progress)

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The Speaker (Hon. Kingi): Hon. Senators, may I have your silence because we are going to call upon the hon. Senators who are online to cast their vote and that requires silence.

We shall start with Sen. (Cpt.) Ali Roba.

Hon. Senators you may proceed to vote.

(Voting in progress)

The Speaker (Hon. Kingi): Let us have silence, so that we can hear how they are voting.

Let us proceed.

(Voting in progress)

DIVISION

ELECTRONIC VOTING

(Question, that the Senate adopts the Report of the Mediation Committee on the Division of Revenue Bill (National Assembly Bills No.10 of 2025), laid on the Table of the Senate on Friday, 27th June, 2025; and that, pursuant to Article 113(2) of the Constitution and Standing Order No.167(3) of the Senate Standing Orders, approves the mediated version of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Ali Roba, Mandera County; Sen. Boy, Kwale County; Sen. Cherarkey, Nandi County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Munyi Mundigi, Embu County; Sen. Mwaruma, Taita-Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; and, Sen. Wambua, Kitui County.

NOES: Nil

The Speaker (Hon. Kingi): Hon. Senators, the results of the Division are as follows-

AYES: 32

NOES: Nil

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ABSTENTIONS: Nil

The “Ayes” have it.

(Question carried by 32 votes to Nil)

The Speaker (Hon. Kingi): Serjeant-at-Arms, you may now withdraw the Bar and open the doors.

(The Bar was withdrawn and the doors opened)

Clerk, let us move to the next Order.

MOTION

ESTABLISHMENT OF A SELECT COMMITTEE TO INVESTIGATE THE
PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF THE
GOVERNOR OF ISIOLO COUNTY, HON. ABDI IBRAHIM HASSAN

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I beg to move-

THAT, WHEREAS, pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, on Thursday, 26th June, 2025, the County Assembly of Isiolo approved a Motion for the removal from office by impeachment, of Hon. Abdi Ibrahim Hassan, the Governor of Isiolo County;

AND FURTHER, WHEREAS by letter Ref.CA/RES/VOL.I/001, dated 26th June, 2025, and received in the Office of the Speaker of the Senate on 27th June, 2025, the Speaker of the County Assembly of Isiolo informed the Speaker of the Senate of the approval of the Motion by the County Assembly and further forwarded to the Speaker of the Senate, documents in evidence of the proceedings of the Assembly;

AND WHEREAS, pursuant to Section 33(3)(b) of the County Governments Act and Standing Order No.80(1)(b)(i) of the Senate, the Senate by resolution, may appoint a special committee comprising eleven of its Members to investigate the matter;

NOW THEREFORE, pursuant to Section 33(3)(b) of the County Governments Act and Standing Order No.80(1)(b)(i), the Senate resolves to proceed on this matter by way of establishment of a special committee to investigate the proposed removal from office by impeachment of Hon. Abdi Ibrahim Hassan, the Governor of Isiolo County.

Mr. Speaker, Sir, in your Communication, you have told us that this is the fifth time we are speaking on and processing this kind of a Motion. In a way, it therefore looks like a Procedural Motion. Therefore, I do not want to take too much time of the House.

Hon. Members, you either choose that we form a committee or we have it in plenary. I appeal to you to weigh this very important issue because the country has a lot

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of confidence in us. They should see that we have given the Governor of Isiolo the best opportunity to be heard as a decision is made.

I therefore leave it in your hands and invite my colleague and friend of many years, Justice (Rtd.) Madzayo, the Senator of Kilifi, to second me.

I thank you, Mr. Speaker, Sir.

The Senate Minority Leader (Sen. Madzayo): Bw. Spika, Hoja hii ya kumfusha mamlakani Gavana wa Isiolo ni muhimu sana sio tu kwa Seneti, bali pia kwa wananchi wote wa Kenya.

Tangu niwe katika Bunge hili, mara nyingi tumekuwa tukienda njia ya kamati. Hata hivyo, ukizingatia jinsi *petitions* zinaletwa, ni muhimu Maseneta wote wapewe nafasi ya kukaa na kujadiliana ili kuamua njia ambayo tutafuata.

Mimi napinga Hoja hii kwamba tuunde kamati. Napinga vikali sana Hoja hii na sikubaliani nayo kamwe.

Asante, Bw. Spika.

The Speaker (Hon. Kingi): Hon. Senators, as you may have noticed, the Senate Majority Whip moved the Motion at Order No.9 on today's Order Paper for establishment of a special committee to investigate the proposed removal from office, by impeachment, of Hon. Abdi Ibrahim Hassan, the Governor of Isiolo County, but the Motion was not seconded.

Therefore, pursuant to Standing Order No.70 of the Senate Standing Orders, the Motion is deemed to have been withdrawn. As I communicated earlier, by way of Message, on the resolution of the Isiolo County Assembly made on Thursday, 26th June, 2025 for the removal from office, by impeachment, of Hon. Abdi Ibrahim Hassan, the Governor of Isiolo County, Section 33(3)(a) of the County Governments Act, and Standing Order 80(1)(b) of the Senate, provide that the Senate may-

(i) By resolution, appoint a special committee comprising 11 of its members to investigate the matter; or

(ii) Investigate the matter in plenary.

The Motion having been negated, the route of special committee is abandoned and that now implies that the Senate will investigate the proposed removal from office, by impeachment, of Hon. Abdi Ibrahim Hassan, the Governor of Isiolo County, in plenary, pursuant to Section 33(3)(a) of the County Governments Act, and Standing Order No.80(1)(b)(ii).

(Motion negated)

Now, hon. Senators, at its meeting held today, Monday, 30th June, 2025, the Senate Business Committee (SBC) considered the provisional dates for this investigation, in the event that the matter was to be investigated in plenary. In line with the schedule of activities for an impeachment hearing in plenary, I hereby give the following directions-

(a) The Clerk to issue invitations to appear to the parties on Tuesday, 1st July, 2025;

(b) The parties to file their responses with the office of the Clerk of the Senate by Friday, 4th July, 2025, by 5.00 p.m.;

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(c) The Clerk to circulate documents received from the parties, including the plenary hearing programme, to all hon. Senators by close of business on Monday, 7th July, 2025, by 5.00 p.m. and;

(d) The Senate shall then investigate the matter in plenary on Tuesday, 8th July and Wednesday, 9th July, 2025.

The Senate is, therefore, advised accordingly. I thank you.

Hon. Senators, if you look at the Order Paper, there is no other business to transact.

ADJOURNMENT

The Speaker (Hon. Kingi): Hon. Senators, having concluded the business for which I called this Special Sitting, the Senate stands adjourned until Tuesday, 8th July, 2025, at 2.30 p.m.

The Senate rose at 11.03 a.m.