



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FOURTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

SPECIAL SITTING

THURSDAY, AUGUST 28, 2025 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 Honourable Senators present at the commencement of the Sitting and confirming that there was no Quorum, directed that the Bell be rung for ten minutes, pursuant to Standing Order 40;

And there being Quorum before the expiry of the ten minutes, the Speaker invited the Clerk to call out the Orders of the day.

4. **HEARING AND DETERMINATION ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HON. (DR.) ERIC MUTAI, GOVERNOR OF KERICHO COUNTY**

The Senate resumed the hearing and determination of the proposed removal from office, by impeachment, of Hon. (Dr.) Eric Mutai, Governor of Kericho County, as follows –

a) Presentation of the case of the County Assembly of Kericho

Counsel for the Assembly resumed the presentation of the case of the Assembly, by leading the following witness in presenting testimonies before the Senate –

Hon. Kiprotich Rogony - Member of the County Assembly of Kericho

The witness took oath and informed the Senate that –

- a. he serves as a Member of the County Assembly of Kericho, representing Sigowet Ward.
- b. he was the Mover of the motion for the impeachment of the Governor of Kericho County, dated 6th August 2025.
- c. he was aware of the circumstances that have led to the present charges seeking the removal of Hon. Erick Kipkoech Mutai, Governor of Kericho County, by impeachment, and was therefore competent to swear the affidavit.
- d. since the beginning of 2024, he had been collecting evidence in support of the impeachment Motion, spurred by concerns raised by residents of Kericho County over lack of accountability, corruption, mismanagement of funds, a culture of impunity, hindered development and consistent failure of leadership.
- e. between January 2025 and July 2025, the Governor either aided, abetted, or permitted fictitious payments for goods, services, and works that were neither delivered nor carried out, causing a financial loss to the county of approximately Kshs. 85,704,522.90.
- f. on the proposed repairs, redecoration, and reroofing works to council houses at Kipkelion West Sub County, a contract was awarded to Debral Ventures. The contractor was paid in full despite not completing the project. An investigation carried out by the County Assembly's Ad Hoc Committee, indicated that the works remained unfinished.
- g. during the investigation into the Chelimo Settlement Public Participation Event, it was discovered that Denbi Holdings Limited was paid based on documentation claiming to supply various goods and services for a five-day event, even though the event took place as a single day gathering on 6th December 2024. None of the items and services listed in the payment vouchers were provided.
- h. in the aftermath of the Londiani accident on 30th June 2023, that claimed 52 lives, funds were raised by the County and National Governments to support victims' families. The Governor of Kericho County established a committee to oversee the collection and disbursement of these funds to the families of the victims. Despite public assurances by the Governor that the entire sum would be given to the intended beneficiaries, investigations by the County Assembly revealed that large amounts were diverted to unauthorized recipients or inflated expenses.
- i. the County Executive Committee Member for Finance and Economic Planning, Mr. Jackson Rop, upon appearing before the County Assembly's Ad Hoc Committee on alleged fictitious payments on 25th July 2025, confirmed that the following companies had been paid for works, goods, and services procured without proper supporting documents-

- i. Mengro Products Limited – Ksh. 403,430.60
 - ii. Hildama Construction and Supplies – Ksh. 422,670
 - iii. Brissack Constructions and Supplies Limited – Ksh. 417,456
 - iv. Prospera Ventures Limited – Ksh. 370,199
 - v. IBM Pro Construction Limited – Ksh. 3,558,960
- j. the facts presented indicated that the Governor had severely breached the Constitution of Kenya, 2010, as well as national and county laws, had blatantly abused his office, committed acts of gross misconduct and was no longer suited to hold the position of County Governor.

The witness was cross-examined by Counsel for the Governor and re-examined by Counsel for the County Assembly.

Thereupon, Senators sought clarifications on the testimony, following which the witness was discharged.

(b) Presentation of the Defence by the Governor of Kericho County

Counsel for the Governor commenced the presentation of the Governor's defence, by leading the following witnesses in presenting testimonies before the Senate: -

Hon. Martin Cheruiyot Kiplangat – Member of the County Assembly

The witness took oath and informed the Senate that –

- i. he serves as a Member of the County Assembly (MCA) for Kericho County representing Kapkurgetwet Ward.
- ii. on 6th August 2025, Hon. Kiprotich Rogony introduced a Notice of Motion to remove the Governor of Kericho County from office, with the hearing and voting set for 15th August 2025.
- iii. on the day of the vote, the Speaker required members to use electronic voting. However, throughout the process, he feared that the Speaker would rig the results by enforcing electronic voting without adequate procedures, safeguards, or training.
- iv. eighteen MCAs, including himself, openly opposed the impeachment Motion. They declared their intention to vote against it, and demanded a roll-call vote in accordance with Standing Order 79(1)(b) of the County Assembly.
- v. despite these objections and apparent majority opposition by acclamation, the Speaker insisted on electronic voting and did not announce the results of the voice vote by stating whether the "Ayes" or "Nays" carried the day.

- vi. he did not take part in the vote since he did not have his phone with him during the Sitting. He got to know about the electronic voting after the session ended, and when he regained access to his phone.
- vii. the official electronic voting results falsely stated that 33 out of 47 MCAs voted for the impeachment, whereas 18, including himself, did not vote, meaning that only 29 could have voted for the impeachment Motion. The results, therefore, did not meet the threshold.
- viii. any record indicating that he voted for impeachment was fraudulent and a manipulation or rigging of the system.

The witness was cross-examined by Counsel for the County Assembly and re-examined by Counsel for the Governor.

Thereupon, Senators sought clarifications on the testimony, following which the witness was discharged.

The Temporary Speaker (Sen. Veronica Maina, MP) interrupted the proceedings and adjourned the Senate at forty-three minutes past six O'clock, in line with the Hearing Programme.

5. **SENATE ROSE** – at forty-three minutes past six O'clock

M E M O R A N D U M

*The Speaker will take the Chair on
Friday, 29 August, 2025 at 9:00 am*

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