



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

AFTERNOON SITTING

MONDAY, AUGUST 19, 2024 AT 2.30 PM

1. The Senate assembled at Thirty Minutes past Two O'clock.

2. **QUORUM OF THE SENATE**

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

3. **PAPER LAID**

The following paper was laid on the Table of the Senate –
Joint Report of the Departmental Committee on Administration and Internal Affairs of the National Assembly and the Standing Committee on National Security, Defence and Foreign Relations of the Senate, on the approval hearing for the nominee to the position of Inspector General of the National Police Service.

(The Senate Majority Leader on behalf of the Chairperson, Standing Committee on National Security, Defence and Foreign Relations)

4. **NOTICE OF MOTION – JOINT REPORT OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND INTERNAL AFFAIRS OF THE NATIONAL ASSEMBLY AND THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS OF THE SENATE ON THE APPROVAL FOR APPOINTMENT OF MR. DOUGLAS KANJA KIROCHO AS INSPECTOR GENERAL OF THE NATIONAL POLICE SERVICE**

(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)

THAT, the Senate adopts the Joint Report of the Departmental Committee on Administration and Internal Affairs of the National Assembly and the Standing Committee on National Security, Defence and Foreign Relations of the Senate, on the approval hearing for the nominee to the position of Inspector General of the National Police Service, laid on the Table of the Senate on Monday, 19th August, 2024.

5. **HEARING AND DETERMINATION ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HONOURABLE KAWIRA MWANGAZA, THE GOVERNOR OF MERU COUNTY**

The Senate resumed consideration of the matter of the proposed removal from Office, by impeachment, of Hon. Kawira Mwangaza, the Governor of Meru County:-

Presentation of the case by the County Assembly of Meru

Counsel for the Assembly commenced the presentation of the case of the Assembly, by leading the following witnesses in presenting testimonies before the Senate: -

a) **Hon. Zipporah Kinya – Member of the Meru County Assembly**

The witness took oath and informed the Senate that-

- a) she is a Member of the County Assembly of Meru, elected under the United Democratic Alliance (UDA) party, and serves as the Deputy Leader of the Majority Party in the County Assembly.
- b) she was the sponsor and mover of the Motion on the proposed removal from office, by impeachment, of Hon. Kawira Mwangaza, the Governor of Meru County. Her actions were driven by a commitment to good governance, accountability, respect for the rule of law, and the need for the people of Meru County to receive quality services.
- c) the Motion was supported by 49 out of the 69 Members of the Meru County Assembly without any external influence or inducements.
- d) after giving the Notice of Motion on 31st July, 2024, public participation was conducted on 5th August 2024 in all 45 Wards of Meru County. Through this process, the residents of Meru County expressed their views at in-person meetings at the gazetted venues, submitting written memoranda, and sharing their opinions through electronic media. Upon analysis, approximately 85% of the residents supported the Motion.
- e) on the eve of moving of the Motion, the Members of the County Assembly of Meru spent the night in the Assembly building due to fear and intimidation. However, at around 3:00 a.m., a petrol bomb was thrown onto the roof of the County Assembly. The Serjeant-at-Arms, along with other security personnel helped extinguish the fire.
- f) arsonists attacked her home, pouring petrol across the fence and attempting to set fire near the cow shed, but the situation was brought under control by the watchman. The threats were being posed by supporters of the Governor of Meru County and following these, 16 men were arrested and charged in courts of law.

- g) the Governor's continued stay in office undermines effective and efficient service delivery and gravely hurts the interests of the people of the Meru County;
- h) The Governor had grossly violated the Constitution and other laws by:
 - illegally revoking the appointment of CPA Virginia Kawira Miriti as Secretary/CEO of the Meru County Public Service Board, a decision that legally requires a vote of no less than 75% of all County Assembly Members.
 - failing to appoint the Chairpersons of the Meru County Revenue Board, Meru Micro Finance Corporation, Meru Youth Service Board, and Meru County Investments and Development Corporation, following the expiry of the term of the former office holders. This failure had hindered the operationalization of the Boards, thereby negatively impacting the delivery of services to Meru residents.
- i) the Governor had engaged in gross misconduct by deliberately and knowingly misleading the public by providing false information, claiming that Kshs. 86 million was raised through paybill number 247247 and account number 0400163917899, which were established to assist in the collections for the burial of Daniel Muthiani, alias Sniper.
- j) the Governor had made illegal appointments within her office, leading to an inflated workforce, which had negatively impacted the efficiency of service delivery in Meru County.
- k) based on the case presented to the Senate, there was no witchhunt or external malice in the impeachment motion, as the people of Meru County were suffering from compromised service delivery, poor governance, and mismanagement.

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) Ms. Hyrene Kawira Kamenchu- Widow of the late blogger, Daniel Bernard Muthiani alias Sniper

The witness took oath and informed the Senate that-

- i) she is the widow of the late Daniel Bernard Muthiani alias Sniper. The late Sniper was a public-spirited person and blogger who took a keen interest in Meru County politics. The late Sniper went missing on 2nd December, 2023 and was later found dead in Marimanti in Tharaka Nithi County;
- ii) her late Muthiani had not been buried and was lying in the mortuary. This delay in the burial was due to an allegation made by the Governor that she had received 86 million shillings as contributions for her late

husband's funeral. As a result, the community had distanced itself from her, believing that she already had sufficient funds to cater for the funeral;

- iii) in preparation for her husband's burial, the family had registered a paybill number for donations from well-wishers and that the total amount collected through the M-pesa paybill number was 409,516 shillings. This total does not match with the amount claimed by the governor;
- iv) as a State Officer, the governor was obligated to provide the public with accurate and honest information. Unfortunately, the Governor had deliberately distorted details about the funds collected for the funeral of the late Sniper. This misrepresentation not only put her and her family at risk, but also had the resultant effect of the community withdrawing their support;
- v) the allegation that she had been living with an unnamed Member of the Meru County Assembly was false; and
- vi) the claim that some leaders were seen moving around with her late husband's body for business purposes was also untrue.

And the counsel for the Governor electing not to cross-examine the witness; Thereupon, Senators sought clarifications on the testimony, following which the witness was discharged.

c) Ms. Linda Gakii Kiome – former legal Advisor to the Governor

The witness took oath and informed the Senate that-

- i) she was appointed to the position of Legal Advisor on 28th March, 2023;
- ii) she filed an affidavit before the Senate on 18th August, 2024. This action came after Hon. DMK Kiogora, a Member of the County Assembly of Meru, had informed her that the Index of Documents submitted by the Governor of Meru County in response to the impeachment motion included an internal memo dated February 23, 2024, had been filed as evidence purportedly prepared by the Legal Advisor to the Governor of Meru County;
- iii) she was in utter shock and disbelief when she read the said memo as it was referenced “Legal advice on the validity of appointment of Ms. Virginia Kawira Miriti as Secretary/CEO Meru County Public Service Board”. The Internal Memo was signed by a “Legal Advisor” and that the faint impression of the signature was alleged to be hers. The signature, while it resembles her own, was not genuine;
- iv) the advisory in the memo did not originate from her and that it contained advice and information neither prepared nor authorized by her. She asserted that the document was a forgery;

- v) she intended to seek legal redress through both criminal and civil proceedings. She planned to address charges of forgery, impersonation, and defamation of her character as a reputable advocate, pursuing the matter to the fullest extent possible; and
- vi) on 26th March, 2024, she received a notice of termination indicating that her services would end on 30th April, 2024.

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.

d) Mr. Jacob Njiku Kirari – Clerk of the County Assembly of Meru

The witness took oath and informed the Senate that –

- i) the documents alleged to have been authored by him regarding a number of nominees for appointment to semi-autonomous county government agencies in Meru were forgeries as he did not author them;
- ii) the allegation that he was responsible for the delay in the approval of the aforementioned nominees was false, because he had sent several correspondences to the County Secretary, seeking additional information for the County Assembly to process the nominees, but none was provided; and
- iii) it was his intention to protect the integrity of his office, and that was why he thought it important to clarify the matter.

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.

And the business for the afternoon session having been concluded in accordance with the Hearing Programme, the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) adjourned the Senate at Fifty-Seven minutes past Eleven O'clock without Question put, pursuant to the Standing Orders.

6. **SENATE ROSE**

– at Fifty-Seven minutes past Eleven O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Tuesday, August 20, 2024 at 9.00 a.m.*