



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FOURTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

SPECIAL SITTING

TUESDAY, JULY 08, 2024 AT 9.00 AM

1. The Senate assembled at Nine 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 no Quorum after the expiry of the ten minutes, the Speaker directed that the Bell be rung for a further ten minutes;

And there being a Quorum after the expiry of the ten minutes;

The Speaker invited the Clerk to call out the Orders of the day.

4. **COMMUNICATION FROM THE CHAIR CONVENING OF A SPECIAL SITTING OF THE SENATE FOR THE HEARING ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HONOURABLE ABDI IBRAHIM HASSAN, THE GOVERNOR OF ISIOLO COUNTY**

The Speaker conveyed the following communication from the Chair: -

“Honourable Senators, Ladies and Gentlemen,

I have a Communication to make relating to the business of the Senate scheduled for consideration during this solemn Sitting.

You will recall that at the Special Sitting of the Senate held on Monday, 30th June, 2025, I appointed today, Tuesday, 8th July, Wednesday, 9th July and Thursday, 10th July, 2025, as the days when the Senate will hear the charges for the proposed removal from office, by impeachment, of Honourable Abdi Ibrahim Hassan, the Governor of Isiolo County.

Vide Gazette Notice No. 8732 dated 1st July, 2025, I notified the general public that pursuant to Standing Order 80 (1) (b) (ii) of the Senate Standing Orders, the Senate shall investigate the proposed removal from office, by impeachment, of Honourable Abdi Ibrahim Hassan, the Governor of Isiolo County, in Plenary. Consequently, a Hearing Programme has been prepared and appended to the Order Paper for today.

Honourable Senators, Ladies and Gentlemen,

In accordance with the schedule of activities for an impeachment hearing in Plenary, the Senate will hold a closed-door preparatory session to deliberate on the management of the investigation. The objective of the preparatory session is to ensure that the process is conducted seamlessly, concluded timeously, and in line with the requirements set out under the Constitution and the Senate Standing Orders.

Honourable Senators, Ladies and Gentlemen,

During the pre-hearing, the parties (if they are present), all members of the public and the media will be expected to withdraw from the Chamber and the galleries and any form of broadcasting from the Chamber shall cease.

Consequently, I now direct the parties, all members of the public and the media, to withdraw from the Chamber and the galleries and that any form of broadcast from the Chamber to cease forthwith. In accordance with the Hearing Programme for an Impeachment Hearing in Plenary, the open session will commence at 10.00 am.

I thank you.”

5. **BRIEFING ON THE RULES OF PROCEDURE FOR THE HEARING AND DETERMINATION OF THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HONOURABLE ABDI IBRAHIM HASSAN, THE GOVERNOR OF ISIOLO COUNTY.**

The Speaker directed that the Senate proceeds to an *in-camera* session;

Thereupon, members of the public and media withdrew from the galleries;

Upon invitation by the Speaker, the Clerk briefed Senators on the Rules and Procedure for the hearing and determination of the proposed removal from office, by impeachment, of Honourable Abdi Ibrahim Hassan, the Governor of Isiolo County.

6. **OPEN SESSION RESUMED** – at forty-six Minutes past ten O'clock.

7. **COMMUNICATION FROM THE CHAIR ON THE MANDATE OF THE SENATE, RULES OF PROCEDURE FOR THE HEARING AND DETERMINATION OF THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF**

HONOURABLE ABDI IBRAHIM HASSAN, THE GOVERNOR OF ISIOLO COUNTY.

The Speaker conveyed the following communication from the Chair: -

“Honourable Senators, Ladies and Gentlemen,

Having dispensed with the Pre-Hearing meeting of Senators, which was a closed session, it is now time to commence the proceedings of the proposed removal from office, by impeachment, of Honourable Abdi Ibrahim Hassan, the Governor of Isiolo County.

By a letter dated 27th June, 2025, the Speaker of the Isiolo County Assembly informed the Speaker of the Senate that at a sitting of the Isiolo County Assembly held on Thursday, 26th June, 2025, the County Assembly of Isiolo approved a Motion for the removal from office, by impeachment, of Honourable Abdi Ibrahim Hassan, the Governor of Isiolo County.

The Speaker of the County Assembly of Isiolo also forwarded the following documents to the Senate, being the record of proceedings of the County Assembly and the evidence adduced in support of the impeachment Motion –

- (i) Copy of the Approved Notice of Motion “the Motion” dated 17th June, 2025 – laid on the Table of the Assembly on Wednesday, 18th June 2025 (Morning Sitting) – Soft copy of the Notice of Motion and Exhibits contained in the accompanying flash disk;
- (ii) Copy of Exhibits – Laid on the table of the Assembly on Wednesday, 18th June, 2025 (Morning Sitting) – Video Exhibits contained in the accompanying flash disk;
- (iii) Order Papers for the Assembly Sittings of Wednesday, 18th June, 2025 (Morning Sitting), and Thursday, 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, 26th June, 2025 (Afternoon Sitting) - Soft copy of the Hansard Reports are contained in the accompanying flash disk;
- (v) Copy of 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 a Form for verification of signatures for the Members in support of a Motion for Removal of the Isiolo County Governor by Impeachment dated 26th June, 2025 made pursuant to the provisions of Standing Order 65 (b) – a scanned copy of the form is contained in the accompanying flash disk;

- (vii) Certified Copy of the Roll Call Vote on the Motion of Impeachment of the Governor of Isiolo County held during the Assembly Sitting of Thursday, 26th June, 2025 – a soft copy of the scanned roll call vote is contained in the accompanying flash disk;
- (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 various radio stations;
- (ix) Pictures and videos of the various public participation forums held on Tuesday, 24th June, 2025 contained in the accompanying flash disk;
- (x) Copy of a Public participation report dated 25th June 2025, and laid on the Table of the Assembly on Thursday, 26th June, 2025 (Afternoon Sitting) – a scanned copy of the report is contained in the accompanying flash disk;
- (xi) Written/ printed memoranda from the 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 Memorandum include submissions received via email - minutes, attendance registration sheets and registration forms for memoranda of the public participation forum held on Tuesday, 24th June, 2025 contained in the accompanying flash disk; and
- (xii) Soft copy of the Second Edition Standing Orders of the County Assembly of Isiolo contained in the accompanying flash disk.

Pursuant to Section 33(3) (b) of the County Governments Act and Standing Order 80 (1) (a) of the Senate Standing Orders, at a Special Sitting of the Senate held on Monday, 30th June, 2025, the charges against the Governor of Isiolo County, as contained in the Motion of Impeachment by the County Assembly of Isiolo, were read to the assembled Senate.

Honourable Senators, Ladies and Gentlemen,

As you are aware, the mandate of the Senate in relation to the proposed removal by impeachment, of a County Governor is provided under Article 181 of the Constitution as read together with section 33 of the County Governments Act, 2012 and Standing Order 80 of the Senate Standing Orders. In particular, Article 181 of the Constitution provides as follows—

- (1) *A county governor may be removed from office on any of the following grounds –*
 - (a) *gross violation of the Constitution or any other law;*
 - (b) *where there are serious reasons for believing that the county governor has committed a crime under national or international law;*

- (c) *abuse of office or gross misconduct; or*
 - (d) *physical or mental incapacity to perform the functions of office of county governor.*
- (2) *Parliament shall enact legislation providing for the procedure of removal of a county governor on any of the grounds mentioned in clause (1).*

Section 33 of the County Governments Act, 2012, Senate Standing Order 80 and the Third Schedule to the Senate Standing Orders provide for the procedure to be followed in the hearing and determination of the proposed removal from office, by impeachment, of a Governor. Specifically, section 33 (3) and Standing Order 80(1)(b) of the Senate provide that the Senate may either, by resolution, appoint a Special Committee comprising eleven of its members to investigate the matter; or investigate the matter in Plenary.

Honourable Senators will recall that at the Special Sitting of the Senate held on Monday, 30th June, 2025, the Motion for the establishment of a Special Committee was deemed to have been withdrawn pursuant to Standing Order 70. This paved the way for the default position, the hearing of the impeachment charges against the Governor of Isiolo County to be held in Plenary.

Honourable Senators, Ladies and Gentlemen,

By way of a status update, pursuant to Rules 4(a) and 6 of the Rules of Procedure when considering the proposed removal of a governor in Plenary, the Senate invited the Governor to appear and be represented before the Senate during its investigation. The Senate further invited the Governor, if he so chooses to appear before the Senate, to file an answer to the Charges with the Office of the Clerk of the Senate by 5:00 pm on Friday, 4th July, 2025, setting out –

- (i) the Governor's response to the Particulars of the allegations;
- (ii) the mode of appearance before the Senate; whether in person, by advocate or in person and by advocate;
- (iii) the names and addresses of the persons to be called as witnesses, if any, and witness statements containing a summary of the evidence to be presented by such witnesses before the Senate; and
- (iv) any other evidence to be relied on.

Pursuant to Rules 4(b) and 7 of the Rules of Procedure when considering the proposed removal of a governor in Plenary, the Senate notified the County Assembly of the date for the commencement of the investigation and invited the County Assembly to designate Members of the County Assembly, who shall appear and be represented before the Senate during the investigation. The County Assembly was further invited, if it so chooses to appear before the

Senate, to file with the Office of the Clerk of the Senate by 5:00 pm on Friday, 4th July, 2025, documentation –

- (i) designating the Members of the County Assembly, being not more than three Members, if any, who shall attend and represent the Assembly in the proceedings before the Senate;
- (ii) indicating the mode of appearance before the Senate; whether in person, by Advocate, or in person and by Advocate;
- (iii) indicating the names and addresses of the persons to be called as witnesses, if any, and witness statements containing a summary of the evidence to be presented by such witnesses before the Senate; and
- (iv) specifying any other evidence to be relied on.

Honourable Senators, Ladies and Gentlemen,

On Friday, 4th July, 2025, the Office of the Clerk of the Senate, received a response, Ref. No. TW/LIT/027/2025, and dated 4th July, 2025, to the Invitation to Appear issued to the Governor, from M/S Theuri Wesonga and Company Advocates, who indicated that the Governor had appointed the firm to represent him in the hearing before the Senate and that the Governor would also appear in person and by advocates. The letter also indicated the list of Counsel representing the Governor and the list of witnesses for the Governor.

Similarly, on the same day, the Office of the Clerk of the Senate received a response, Ref. No. 1/CA/1-001/ab/25 and dated 4th July, 2025, to the Invitation to Appear issued to the County Assembly of Isiolo, from M/S Alex and Boniface Advocates, who indicated that the County Assembly of Isiolo had appointed the firm to represent the County Assembly in the hearing; and that the County Assembly would equally appear in person and by advocates. The letter also indicated the list of Counsel representing the County Assembly and the list of witnesses for the County Assembly.

Pursuant to Rule 8 of the Rules of Procedure when considering the proposed removal of a governor in Plenary, the Clerk of the Senate furnished each party with the documentation filed by the other party in accordance with Rules 6 and 7 of the Rules of Procedure.

Honourable Senators, Ladies and Gentlemen,

The Hearing Programme which has been appended to today's Order Paper, details the various activities in the hearing and determination of the matter and the time allocated to each activity. It will be crucial that all the parties comply with the time allocated. The parties should keep track of the balance of time on each activity displayed through the digital clocks.

In summary, the Programme states that today, Tuesday, 8th July, 2025, after we have dispensed with preliminary matters, the Charges against the Governor

shall be read. The Governor will be given an opportunity to take a plea on each charge. This will be followed by an opening statement by the County Assembly and thereafter by the Governor. After the conclusion of the opening statements, the presentation of the case of the County Assembly shall commence and shall not exceed five (5) hours.

At the Sitting scheduled for tomorrow, Wednesday, 9th July, 2025, Honourable Senators will be given an opportunity to ask questions or seek clarifications from the County Assembly. Thereafter, the Governor will have an opportunity to present his case before the Senate. The presentation shall also not exceed five (5) hours. Honourable Senators will also be given an opportunity to ask questions or seek clarifications from the Governor.

At the Sitting scheduled for Thursday, 10th July, 2025, the closing statements by the parties will be made for a period not exceeding one hour each. The Senate shall then proceed to a debate prior to voting on each of the charges. At this stage, a Supplementary Order Paper will be published to facilitate this debate.

In accordance with section 33(7) of the County Governments Act, 2012 and Standing Order 80(6) of the Senate Standing Orders, the voting shall be by county delegations. The Governor shall cease to hold office if a majority of the county delegations in the Senate vote to uphold any impeachment charge. If, however, the vote in the Senate fails to result in the removal of the Governor, pursuant to Standing Order 80(7), the Speaker of the Senate shall notify the Speaker of the Isiolo County Assembly accordingly.

Honourable Senators, Ladies and Gentlemen,

I now invite Counsel for the County Assembly of Isiolo to introduce the legal team of the County Assembly and the Members of the County Assembly of Isiolo representing the County Assembly, by stating the full name and designation of each person.

Thereupon, Mr. Paul Nyamodi introduced himself as Lead Counsel for the County Assembly of Isiolo and proceeded to introduce the following: -

- i.) Dr. Ekuru Aukot
- ii.) Mr. Mwereru Boniface Mawira
- iii.) Mr. Mwirigi Eric Muriuki, Advocate.
- iv.) Mr. Jamal Abdikadir, Advocate.
- v.) Mr. Kyalo Kennedy Maweu, Advocate.
- vi.) Mr. Paul Wafula, Advocate.
- vii.) Mr. Kosgei Alvin Kemboi, Advocate.
- viii.) Ms. Diana Bosire Nyaboke, Advocate.
- ix.) Mr. Mugambi Kennedy Mutua, Advocate.
- x.) Mr. Hussein Kassim Roba, Advocate.
- xi.) Mr. Derick Kigotho Kambo, Legal Assistant.
- xii.) Ms. Aromo Marion, Legal Assistant.
- xiii.) Hon. Abubakar Abdi Godana, Member of County Assembly/Witness.
- xiv.) Hon. Lemantile David Ltirisian, Member of County Assembly/Witness.

- xv.) Hon. Lorot Nicholas Ewoton, Member of County Assembly/Witness.
- xvi.) Hon. Peter Losu Loyan, Member of County Assembly/Witness.
- xvii.) Ms. Anab Kasim – Witness.
- xviii.) Mr. Abdirahman Mohamed Ibrahim – Witness.

Honourable Senators, Ladies and Gentlemen,

I now similarly invite Counsel for the Governor to introduce the legal team representing the Governor, by stating the full name and designation of each person.

Thereupon, Mr. Eric Theuri introduced himself as Lead Counsel for the Governor of Isiolo County and proceeded to introduce the following: -

- i.) Mr. Elisha Ongoya – Advocate
- ii.) Mr. Elias Mutuma – Advocate
- iii.) Mr. Taji Israel Tali – Advocate
- iv.) Mr. Marcelino Lesaigor – Advocate
- v.) Ms. Miriam Rebecca Abong – Advocate
- vi.) Ms. Ruth Kiunga – Advocate
- vii.) Ms. Nura Abdulkadir Nura – Advocate
- viii.) Mr. Brianlee Maingi – Legal Assistant
- ix.) Mr. Brian Gathii – Legal Assistant
- x.) Mr. Ali Fila – Legal Assistant

Honourable Senators, Ladies and Gentlemen,

On behalf of the Senate, I welcome the team for the County Assembly, the team for the Governor, members of the public and the media to the Senate and to these proceedings.

Finally, I now invite the Clerk to call the next order and thereafter to read the charges against Honourable Abdi Ibrahim Hassan, the Governor of Isiolo County.

I thank you.

8. **RECITAL OF THE CHARGES ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HONOURABLE ABDI IBRAHIM HASSAN, THE GOVERNOR OF ISIOLO COUNTY**

The Speaker directed the Clerk to read to Honourable Abdi Ibrahim Hassan, the Governor of Isiolo County, the particulars of the allegations against him as presented by the County Assembly of Isiolo.

Upon invitation by the Clerk, the Governor proceeded to take the stand;

Thereupon, pursuant to Rule 16 of the Rules of Procedure for the hearing and determination of the proposed removal from office by impeachment of a

Governor in Plenary (Part 1), the Clerk proceeded to read out the particulars of the allegations as follows: -

“Honourable Abdi Ibrahim Hassan, the Governor of Isiolo County, the charges against you as received from the County Assembly of Isiolo are as follows, and I quote —

Ground 1: Gross Violation of the Constitution and Other Laws

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

The Governor has grossly violated *Articles 201(d) and (e) of the Constitution* by employing a *bloated workforce*, including 36 advisors in the office of the Governor, 31 Chief Officers, yet the County has only six departments, and 2 Deputy County Secretaries whose positions are not known to law. This has created an *excessive wage Bill* that is 46% of the annual revenue allocation, far beyond the 35% limit set by *section 25(1)(a) and (b) of the Public Finance Management (County Governments) Regulations, 2015*.

The Governor has grossly violated *Articles 10 (2), 73, 232 and 235 of the Constitution and sections 59, 59A, 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.

The Governor has grossly violated *Articles 10 (2), 185, and 201 of the Constitution* by *refusing to implement* the recommendations and/or resolutions of the County Assembly requiring the Governor to control and manage the county public debt in a manner that undermines the authority of the County Assembly thus resulting in unmitigated accrual of debt to unmanageable levels.

The Governor has grossly violated *Articles 201(d) and (e) of the Constitution* by failing to utilise bursary funds in accordance with the approved budget, resulting in a discrepancy of KShs. 30,000,000.00, which cannot be accounted for.

Ground 2: Abuse of Office

The Governor has engaged in acts and omissions which singularly and collectively amount to abuse of office and gross violation of (among others) *Articles 201 and 232 of the Constitution, sections 8, 9, 10, 11, 12, 13 (1) and 35 of the Leadership and Integrity Act, 2012*, by the following:

- a) appointing 36 advisors in the office of the Governor contrary to the Salaries and Remuneration Commission (SRC) Circular dated 29th July 2013, the Transition Authority Circular dated 6th September 2013 and subsequent guidelines from the Intergovernmental Relations Technical Committee, all of which limit the maximum number of advisors to 3;

- b) appointing 31 Chief Officers instead of eighteen (18), which are provided for in the County Executive staff establishment of July 2022, yet the County has only six departments;
- c) appointing Chief Officers under two-year contracts, thus creating a climate of fear and uncertainty which reduces public servants to be servants of the Governor and not the people, contrary to Article 73(1)(b) of the Constitution. The Governor failed to renew the contracts of thirty-one (31) chief officers, and instead directed them to hand over to County Executive Committee Members, significantly affecting the continuity of service delivery in the County; and
- d) *appointing 2 Deputy County Secretaries*, which positions are not known to law and are not in the County Staff Establishment.

Ground 3: Gross Misconduct

The Governor has grossly violated (i) *Articles 10(2), 27, 28, 73, 75 and 232* of the Constitution, (ii) *sections 3, 7, 8, 9, 11, 34 and 52* of the Leadership and Integrity Act, (iii) *sections 9, 10 and 21(2)* of the Public Officer Ethics Act, 2003, (iv) *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 the following:

- a) making disrespectful, sexist and demeaning statements against Senator Fatuma Adan Dullo publicly that are only meant to denigrate and degrade her as a woman leader, thus violating her right to dignity. The Governor's utterances do not demonstrate respect for the people and other public officers, nor do they bring honour, dignity or maintain public confidence in the office he holds. The Governor's statements amount to gender-based psychological violence and undermine the dignity and the integrity of the Governor's office;
- b) breaching public trust by making divisive, derogatory and discriminatory remarks against other Clans residing in the County, thus undermining public confidence in the integrity of his office and sowing discord in the community; and
- c) being continuously absent from the County and running its affairs remotely from Nairobi, thus stalling service delivery.

Taking of plea:

The Clerk of the Senate invited the Governor to plead to the particulars of the allegations as read;

Thereupon, the Governor pleaded 'Not Guilty' to the charges.

9. **PRELIMINARY OBJECTIONS TO THE HEARING AND DETERMINATION OF THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HONOURABLE ABDI IBRAHIM HASSAN, THE GOVERNOR OF ISIOLO COUNTY**

Before commencement of the hearing for the Proposed Removal from Office by Impeachment of Honorable Abdi Ibrahim Hassan, Governor of Isiolo County, the Speaker invited the counsels for the parties to submit any preliminary objections.

Thereupon, the Counsels for the Governor namely, Mr. Eric Theuri, Mr. Elisha Ongoya and Mr. Elias Mutuma, submitted preliminary objections to the proceedings as follows –

1. that there is no valid/competent Motion for removal by way of Impeachment of Governor of Isiolo County, passed from a resolution of the County Assembly of Isiolo in that:
 - a. on 27th June, 2025 and 2nd July, 2025, the High court in Isiolo vide Isiolo High Court Constitutional Petition Number E004 of 2025, *Hon. Abdi Ibrahim Hassan -vs- County Assembly of Isiolo & 2 Others*, invalidated the proceeding of the County Assembly of 26th June, 2025 giving rise to the impugned impeachment and further declared the resolutions to impeach the Governor as null and void and of no legal consequence.
 - b. the law contemplates that impeachment proceedings can only be commenced and/or sustained before the Senate, upon the passage of a valid resolution by the County of Assembly of Isiolo in compliance with the procedure laid down in the law governing the removal of the Governor from office. However, in this instance, the County Assembly of Isiolo did not sit on 18th June, 2025 and 26th June, 2025 to table, debate, pass and/or vote on the Motion for removal of the Governor from office by way of impeachment.
2. that the purported Hansard reports of 18th June and 26th June, 2025 relied upon 2 and furnished to Senate by the County Assembly are forged, concocted, manufactured and engineered in a venue outside the County Assembly chambers. There exists no vote and proceedings, voice transcripts and video recordings to corroborate the Hansard reports. Towards this end, the counsel invited the Senate to conduct a preliminary inquiry by way of trial-within a trial in *limine*, with a view of establishing the authenticity of the Hansard reports presented by the County Assembly in support of the impeachment proceedings.
3. that the purported impeachment Motion as presented by the County Assembly of Isiolo fails to meet the criteria and legal threshold under Article 181 of the Constitution, Section 33 of the County Government Act, the Standing orders of Isiolo County Assembly and the Standing orders of the Senate.

Pursuant to Rule 14 of the Rules of Procedure for the Hearing and Determination of the Proposed Removal from Office by Impeachment of a Governor in Plenary, the Speaker allowed the Counsels for the County

Assembly, namely, Mr. Paul Nyamodi, Mr. Boniface Mawira, Mr. Eric Muriuki and Mr. Paul Wafula, to make arguments on the preliminary objections.

The Speaker interrupted the proceedings and adjourned the Senate at fourteen minutes past One O'clock for the convenience of the Senate, pursuant to Standing Order 34(2A).

10. **SENATE ROSE** – at fourteen minutes past One O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, July 08, 2025 at 2.30 p.m.*

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