



**THIRTEENTH PARLIAMENT**  
**THE SENATE**  
**OFFICIAL REPORT**



**Fourth Session**

**Thursday, 28<sup>th</sup> August, 2025 at  
9.00 a.m. - Special Sitting**

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Thursday, 28<sup>th</sup> August, 2025

### Special Sitting

*(Convened via Kenya Gazette Notice  
No.11796 of 21<sup>st</sup> August, 2025)*

*The House met at the Senate Chamber,  
Parliament Buildings at 9.03 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 with the Speaker)*

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

*(The Quorum Bell was rung)*

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

*(The Quorum Bell was rung)*

Order, hon. Senators, we do have quorum. So, we will proceed with the business as contained in today's Order Paper.

Clerk, you may proceed to call the first Order.

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

PRESENTATION OF THE CASE OF THE  
COUNTY ASSEMBLY OF KERICHO

**The Speaker** (Hon. Kingi): Hon. Senators, at the adjournment of proceedings yesterday, we were still hearing the evidence from the County Assembly. The witness who was on the stand was Mr. Alfred Korir Kimutai. You may usher in the witness.

*[The witness for Kericho County Assembly (Mr. Alfred  
Kimutai Korir) was ushered into the Chamber]*

Counsel for the County Assembly, you have one hour and 32 minutes to conclude your evidence-in-chief. The Counsel for the Governor, you have a maximum of 1 hour and 34 minutes for cross-examination. Can you power the microphone for the Counsel for the Governor?

**Mr. Katwa Kigen:** Thank you, Mr. Speaker, Sir, and Hon. Senators. The arrangement is on time and everything is okay. I, however, have an application to make.

As it turns out, the Governor's case would require that we have expertise in Information Technology (IT). We very kindly request leave to rely on an affidavit and a report made by one Mr. Okonjo Oguya, who has sworn an affidavit and analysed the same audit logs that the County Assembly presented.

We wish we could have done this earlier, but the efforts to get an expert took a while. We appreciate the importance you attach to the question of whether or not proper voting took place. Owing to the importance of that point, we deemed it necessary to do the report, and we very kindly request for its accommodation.

We also recall that Mr. Ongoya himself said that our contestation of the propriety of the working of that system can only be legitimate if we have an expert report.

Mr. Speaker, Sir, for all those reasons, we plead with you to allow us to rely on the affidavit and report. The report is dated August, 2025 and the affidavit is dated yesterday. For those reasons, we pray that you allow us to rely on it.

We have sent an email of that report and the affidavit to both the Senate and our colleagues. We will shortly be having the hard copies.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): These documents were not contained in your original bundle?

**Mr. Katwa Kigen:** Mr. Speaker, Sir, no, they were not. We just managed to put them together yesterday.

**The Speaker** (Hon. Kingi): Counsel for the County Assembly.

**Mr. Elias Mutuma:** Thank you, Mr. Speaker, Sir. For record purposes, my name is Elias Mutuma for the County Assembly.

The application by my learned friend, Katwa Kigen, is opposed. You will realise that this application is being made in the middle of a trial, where our expert witness is already on the stand. This is an attempt to patch up their case.

The affidavit by our witness was served upon Counsel for the Governor on Monday. There was no attempt from the Governor's team to file a counter-expert report. It is, therefore, an afterthought and an attempt to patch up their case. It will greatly prejudice us because we are in the middle of a trial. We have done almost 90 per cent of our case. How are we supposed to respond to an expert testimony that we have not seen?

For that reason, this application is opposed.

Thank you.

**The Speaker** (Hon. Kingi): Counsel for the Governor, where are these documents? Are you yet to supply them to the Senate?

**Mr. Peter Wanyama:** Mr. Speaker, Sir, we have already sent an email and supplied the soft copy. We have also sent the soft copy to our colleagues, and they have had the opportunity to review the document. The hard copies are being brought as we speak.

As a quick rejoinder in context, if you look at page one to around page 44 of volume 4A of the County Assembly documents, this case turns on a major issue, and we want that truth to come out. There are four Members of County Assembly (MCAs) who said someone voted for them. Yesterday, when Mr. Ongoya was presenting the testimony, he said that the IT person, who is on the stand, cut and pasted the logs from the system; the logs are here.

The IT expert will then be reacting to that to demonstrate that whatever they cut and pasted from the system was incomplete. There is critical information that links these four MCAs in the system. You therefore need an expert to say it, not us, the lawyers.

**The Speaker** (Hon. Kingi): Once we receive the hard copies, I will make a ruling on it.

Let us proceed with the witness.

**Mr. Elias Mutuma:** Alfred, I just want to remind you that you are still under oath. We will begin from where we left yesterday; I want to spend the shortest time with you, so that we can move on to our other witnesses.

Alfred, you have obviously seen the affidavit of the Governor.

**The Speaker** (Hon. Kingi): Just to remind the witness that you are still under oath. It is still very much binding on you, so as you give evidence, get to know that.

Proceed, Counsel.

**Mr. Elias Mutuma:** Thank you, Mr. Speaker, Sir. Alfred, you have obviously seen the affidavit by the Governor, where four people claim that they did not vote, yet their votes were cast.

**Mr. Alfred Korir:** Yes, I have seen.

**Mr. Elias Mutuma:** Those four people are Hon. Hillary Bosuben, Hon. Amos Birir and Hon. Martin Cheruiyot.

Of course, there was Edina, who has since denounced that allegation.

**Mr. Alfred Korir:** Yes, I confirm.

**Mr. Elias Mutuma:** Are you able to give us the audit logs of the voting of the three individuals?

**Mr. Alfred Korir:** Yes, I am able to do that.

**Mr. Elias Mutuma:** Hon. Senators, kindly turn to volume 4A of the County Assembly's documents, from page 13.

**Mr. Alfred Korir:** Let me go to a specific page where the Hon. Members who say that they did not vote are in. On page 27 of volume 4A, we have MCA Hon. Bosuben Hillary Kibet from Cheplanget Ward. He voted 'Yes' on 15<sup>th</sup> August, 2025. The timestamp is at exactly 7.23.34 p.m.

The next one is Hon. Amos Birir---

**Mr. Elias Mutuma:** Before voting, what time had he logged in?

**Mr. Alfred Korir:** Let me refer Hon. Senators to page 13. That is where we have our system audit logs. I will start with the first one, so that we can flow down. We will start with the audit log number 123456 where Hon. Martin logged in. That is Integrated Payroll and Personnel Database (IPPD) No.1996030132.

**Mr. Elias Mutuma:** What time did Martin log in?

**Mr. Alfred Korir:** The time he logged in is 7.26.06 p.m.

**Mr. Elias Mutuma:** What time did Martin vote?

**Mr. Alfred Korir:** He voted at 7:26:12 p.m.

**Mr. Elias Mutuma:** Let us go to the next MCA, Mr. Amos Birir. What time did Mr. Amos log into the system?

**Mr. Alfred Korir:** Amos Birir logged into the system at 19---

**The Speaker** (Hon. Kingi): For the benefit of the Hon. Senators, when you say he voted at 7.22, is it a.m or p.m.?

**Mr. Alfred Korir:** P.m.

**Mr. Elias Mutuma:** Mr. Speaker, Sir, it is Post Meridiem (p.m.). I believe it is a 24-hour---

**Mr. Alfred Korir:** Yes, so I can read it exactly the way it is.

**Mr. Elias Mutuma:** Correct.

**Mr. Alfred Korir:** It is 19:25:12, when Hon. Amos Birir logged in.

**Mr. Elias Mutuma:** That is entry number 13.

**Mr. Alfred Korir:** Correct.

**Mr. Elias Mutuma:** From the top.

**Mr. Alfred Korir:** Yes. Then he cast his vote at 19:25:18. The actual choice that was picked is also shown here.

**Mr. Elias Mutuma:** That is entry number 12, correct?

**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** Let us go to the last Member, Hillary.

**Mr. Alfred Korir:** Hillary logged in at 19:23:28.

**Mr. Elias Mutuma:** That is Transaction No.6, Entry No.6 from page 13, correct?

**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** Proceed.

**Mr. Alfred Korir:** He cast his vote at 19:23:34.

**Mr. Elias Mutuma:** Where is the source of the information that you have just shared with the hon. Senators? Where did you get the information that you have just shared?

**Mr. Alfred Korir:** From our audit logs.

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**Mr. Elias Mutuma:** Is that information still available if someone was to log into the system?

**Mr. Alfred Korir:** Yes, it is.

**Mr. Elias Mutuma:** Have you seen any other opinion that is contrary to what you have stated as you make your presentation today?

**Mr. Alfred Korir:** No. Okay, I wanted to illustrate---

**Mr. Elias Mutuma:** Before you illustrate, just answer my question whether you have seen any other expert opinion disagreeing with the logs.

**Mr. Alfred Korir:** No, I have not.

**Mr. Elias Mutuma:** Thank you. What did you want to demonstrate?

**Mr. Alfred Korir:** I wanted to demonstrate something, hon. Senators. When it comes to information technology, we have what we call data. So, data is the raw facts. What we are showing you under page 13, the audit logs, is the raw data. Once it was processed, it produced the information that was being displayed in our dashboards.

In this case, whatever transaction took place here at the audit logs, a Member logged in, which is data being entered and then voted. That is why you can see that we do not have the name of the voter.

When we go back to page 27, we get the division of information. So, the information comes here specifying the time hon. so-and-so logged in and the choice of the vote. So, this clearly shows that whatever we have done here in giving out the system logs and whatever happens at the back-end of the system, we have opened our servers regarding this election. We were transparent. We never had any other issue hidden behind the curtains.

**Mr. Elias Mutuma:** Thank you. Also, confirm that the results were streamed live on both *Facebook* and *YouTube*.

**Mr. Alfred Korir:** Yes, I confirm.

**Mr. Elias Mutuma:** Also, indicate and confirm that there was an indicator board present at the Assembly.

**Mr. Alfred Korir:** Yes, I confirm. There was an indicator board at the Chamber.

**Mr. Elias Mutuma:** Did the indicator board transmit results in real time?

**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** Were those results streamlined live?

**Mr. Alfred Korir:** It was streamlined live in our *Facebook* and *YouTube* page. It is still available even up to now.

**Mr. Elias Mutuma:** Thank you. At this juncture, I request the technical team to play video KCAV-1, at minute three. Then you will take time to explain to the hon. Members what is happening.

*(A video clip was played)*

**Mr. Alfred Korir:** Mr. Speaker, Sir and hon. Members, that is our screen display. That is the indicator board in our Chamber. Even though it is not very clear, but should you open in your tablets and the rest, it shows that no vote was cast at that time and that Members were preparing to vote.

**Mr. Elias Mutuma:** Is that information still available in your *YouTube* and *Facebook* channels?

**Mr. Alfred Korir:** Yes, that is one of the videos we cropped from *YouTube*.

**Mr. Elias Mutuma:** Are you able to tell from your audit logs whether your audit logs confirm that at this specific hour there was no vote cast?

**Mr. Alfred Korir:** Yes, I can confirm.

**Mr. Elias Mutuma:** Can you lead us to that specific place?

**Mr. Alfred Korir:** Not audit log, but I want us to see page 35 that displays the results. That was our dashboard or indicator board that we were using. That is under volume 4A. The proposed removal from office by impeachment was the Motion. On that matter, we had zero 'yes,' zero 'no,' zero 'abstain,' and the total votes were zero.

**Mr. Elias Mutuma:** What time was that?

**Mr. Alfred Korir:** That was at 19:14:33, the time I took the screenshot.

**Mr. Elias Mutuma:** So, at 19:14:33, there was no vote that had been cast?

**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** So, when an allegation is brought here that votes were cast even before the system was opened, could that be true?

**Mr. Alfred Korir:** That is false.

**Mr. Elias Mutuma:** Can that be confirmed from the system that no vote had taken place at this time?

**Mr. Alfred Korir:** Yes, even from the timestamps for every voter who cast the vote indicate exactly the time he logged in and the time he voted.

**Mr. Elias Mutuma:** Let us proceed and watch KCAV 1 at minute 5.21. Again, you confirm that the video we are about to watch is still available on *YouTube* and *Facebook*?

**Mr. Alfred Korir:** Yes, it is.

**Mr. Elias Mutuma:** At minute 5.21.

*(A video clip was played)*

You can pause. Tell us what time that is and if someone went to *YouTube* and *Facebook*, they would still be able to see the timestamp on *YouTube* that corroborates with the document that you have retrieved from the system.

**Mr. Alfred Korir:** Yes. From my time at the timestamp on the *YouTube* live, the time is at 19:15 because the *YouTube* time does not include the seconds on the time. I want to refer the hon. Senators to page 29 of our document. As at 6 minutes, based on the time on *YouTube*, you can identify it. It is not visible, but it is real-time on *YouTube*.

At 19:15:29, I want us to see on our votes. We go up to page 30, the voter from Tendeno/Sorget, who was casting his vote at 19:15:29.

When we count the number of votes as at that time, 1, 2, 3, 4, 5, there were 6 votes in the system. Within the same time, 19:15, because the *YouTube* does not include the seconds, we received two additional votes from a nominated member and a member from Chilchila. That is what summarized the votes within that time of 19:15.

**Mr. Elias Mutuma:** Thank you. Let us watch KCAV-1, minute 9.51.

*(A video clip was played)*

We can even pause there. You are able to corroborate even at that time.

**Mr. Alfred Korir:** I wish I could get the exact timestamp of the *YouTube*, so that we can confirm also whether at that timestamp--- This is because the one I wanted to play was at 19.

**Mr. Elias Mutuma:** Kindly proceed to 9.51.

**Mr. Alfred Korir:** Minute 9.51 was displaying the results of 21 votes and that was at 19.19.56 based on the times I have picked because it is not very clear. That is the time when the hon. Member from Kipchinchin under page 31 cast his vote, and it was tallied to 21 votes.

The votes were being cast on real time and being posted on the indicator board in the County Assembly. I hope we get that clip.

**Mr. Elias Mutuma:** Are we now able to project minute 9.51?

*(A video clip was played)*

Mr. Speaker, Sir, for the sake of time, we can proceed. Can you confirm what---

**Mr. Alfred Korir:** Yes, I can confirm that by 19.19.56, we had 21 votes already cast.

**Mr. Elias Mutuma:** Is that corroborated from the indicator board at the County Assembly?

**Mr. Alfred Korir:** On *YouTube* and *Facebook* page.

**Mr. Elias Mutuma:** Let us go to KCAV1 minute 14.18. That should be the last vote that was cast.

**Mr. Alfred Korir:** Minute 14.18.

**Mr. Elias Mutuma:** As we wait for the video clip, confirm from the log when the last vote was cast.

**Mr. Alfred Korir:** Mr. Speaker, Sir, the last vote cast is on page 32. It was at 19.26.44. The total duration of voting was 11 minutes 44 seconds.

**Mr. Elias Mutuma:** What would have happened if a Member tried to vote past the period after voting closed?

**Mr. Alfred Korir:** Once the timeframe ended, one could not log in again if you did not vote.

**Mr. Elias Mutuma:** What would you finally say about the integrity of the voting system that was installed and used on 15<sup>th</sup> of August, 2025?

**Mr. Alfred Korir:** To my level best it was transparent, free and fair.

**Mr. Elias Mutuma:** Is there any evidence of any interference from third parties who were not supposed to vote?

**Mr. Alfred Korir:** Maybe when other users wanted to log on different usernames you could see the system failing to log them in.

I wish to make a clarification on the last vote, that was vote No.33. I believe you will get a video to play. It shows the Member for Chepseon, hon. David, Maritim, being assisted since he had difficulty logging in. He was being directed by the Serjeant-At-Arms to go to the ICT team that was assisting the Members to vote.

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That forms a very comfortable closing remark for me.

**Mr. Elias Mutuma:** Thank you. That is all for this witness. The next witness will demonstrate that.

**The Speaker** (Hon Kingi): Counsel for the County Assembly, are you done with the evidence-in-chief for this witness?

**Mr. Elias Mutuma:** Mr. Speaker, Sir, yes, I am.

**The Speaker** (Hon Kingi): Counsel for the Governor, you may now proceed to cross-examine. Just before you proceed, let us hear from Sen. Onyonka.

**Sen. Onyonka:** Mr. Speaker, Sir, before the expert sits down, I need a clarification. How many people---

**The Speaker** (Hon Kingi): Hon. Onyonka, your colleagues would wish to seek clarification as well. That will come after the cross-examination is done.

Proceed, Counsel.

**Mr. Evanson Kirui:** Mr. Speaker, Sir, I represent the Governor. I am going to rely on volume one of the Governor's documents contained in a pink cover and volume 4A, page one to three of the County Assembly's documents.

Kindly confirm that is the list of Members that received the laptops in September, 2024.

**Mr. Alfred Korir:** Yes, I confirm.

**Mr. Evanson Kirui:** Do you confirm that list has ID numbers for the Members?

**Mr. Alfred Korir:** Yes, I do.

**Mr. Evanson Kirui:** As from September, 2024, you had the ID numbers for the Members?

**Mr. Alfred Korir:** I had the details of these Members when they were sworn into the County Assembly.

**Mr. Evanson Kirui:** So, you had all their details, including the IPPD numbers and the IDs?

**Mr. Alfred Korir:** Yes. Under No.4 page four of the same volume four---

**Mr. Evanson Kirui:** No, I am referring to pages one, two and three. I am concerned with only those pages. You have confirmed what I wanted to know.

Let us go to page 259 of volume one of the Governor's documents. In that page, do you confirm that is the first link you sent to the Members during the voting exercise and that link contained all the IPPD numbers for the Members?

I want my technical person to go to the first link, that is, [www.kerichoassembly.co.ke/kchoassembly/v/photos/2025.08.15113626am.pdf](http://www.kerichoassembly.co.ke/kchoassembly/v/photos/2025.08.15113626am.pdf). Do you confirm that is the list of IPPD numbers?

**Mr. Alfred Korir:** Yes, I do.

**Mr. Evanson Kirui:** That is the first link the MCAs received?

**Mr. Alfred Korir:** Yes.

**Mr. Evanson Kirui:** So, any MCA could look at the IPPD number for the other?

**Mr. Alfred Korir:** Yes.

**Mr. Evanson Kirui:** I am concerned particularly for the two Members; that is, the Member appearing at No.35 in that list; that is Hon. Keino Chepng'etich Dora. You confirm that is not the IPPD number, but the ID number?

**Mr. Alfred Korir:** Yes, that is not the IPPPD number. It is the ID number because---

**Mr. Evanson Kirui:** No, it is the ID number?

**The Speaker** (Hon. Kingi): Witness, respond to the questions.

**Mr. Evanson Kirui:** So, Hon. Dora's ID number appears there?

**Mr. Alfred Korir:** Yes.

**Mr. Evanson Kirui:** Kindly, read the ID number.

**Mr. Alfred Korir:** 29159790.

**Mr. Evanson Kirui:** Do you confirm it is the same ID number appearing in page one of volume 4A?

**Mr. Alfred Korir:** Which one?

**Mr. Evanson Kirui:** Volume 4A. She is appearing on page two, No.36. So, I want my technical person to use the link that we were using yesterday with this witness and input these details as the logins. So, the username for Dora Keino, used 29159790 being the ID number and also 29159790 as the password. You confirm that I can log in?

**Mr. Alfred Korir:** Yes, that is why we said it is available.

**Mr. Evanson Kirui:** So, I can still log in?

**Mr. Alfred Korir:** You can still log in, but you cannot---

**Mr. Evanson Kirui:** So, if I had the ID number of Dora that day, I could login and vote on her behalf?

**Mr. Alfred Korir:** The reason why we issued the username and password---

**Mr. Evanson Kirui:** Kindly, answer the question. If I had the ID number for Dora that day, the ID number as the username, and the ID number as the password, you confirm that I could have voted, since that is an IP link?

**Mr. Alfred Korir:** Yes, I can confirm.

**Mr. Evanson Kirui:** So, you can confirm that I could have voted that day. I want us to go to the next person, Hon. Paul Bii. His IPPD number I am referring to is on page 104(a) No.15. The ID number is 10013791. Kindly confirm.

**Mr. Alfred Korir:** I confirm.

**Mr. Evanson Kirui:** You confirm also that the number indicated on page 259 of volume one of the Governor's bundle of documents is for Hon. Paul Kiptoo Bii, that is the username indicated.

**Mr. Alfred Korir:** Yes, I confirm.

**Mr. Evanson Kirui:** Kindly, my technical person, indicate that the ID number, being 10013791, as the username and the password is the same ID number. So, you confirm that also, if I had the ID number for Hon. Paul Bii, I could have voted?

**Mr. Alfred Korir:** Yes.

**Mr. Evanson Kirui:** You confirm that?

**Mr. Alfred Korir:** Yes.

**Mr. Evanson Kirui:** So, as the ICT personnel, you have had all these ID numbers of these members from the inception or the swearing-in. That means as an ICT person, you could access using the login credentials of those MCAs and vote.

**Mr. Alfred Korir:** I am a custodian of this information and I---

**Mr. Evanson Kirui:** It is either 'yes' or 'no.' Do you have the ID number?

**Mr. Alfred Korir:** For integrity reasons, no.

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**Mr. Evanson Kirui:** We cannot confirm if you have integrity. If you were not a person of integrity, could you have voted?

**Mr. Alfred Korir:** As a system admin, I was logged into the system. I could not have voted.

**Mr. Evanson Kirui:** You could not have voted, but someone else with that link and the ID numbers could have voted.

**Mr. Alfred Korir:** True.

**Mr. Evanson Kirui:** That is all for this witness. At the end of your presentation yesterday, you were to do a demo. Why did you not do the demo?

**Mr. Alfred Korir:** Our time was short.

**Mr. Evanson Kirui:** You confirm that yesterday there was a Senate demo that was indicated in your system?

**Mr. Alfred Korir:** We had a different--- In fact, that is where I can explain.

**Mr. Evanson Kirui:** Did you have a Senate demo in your system yesterday?

**Mr. Alfred Korir:** I had created--- You know we only---

**Mr. Evanson Kirui:** You had created a Senate demo.

**Mr. Alfred Korir:** It was on a different link.

**Mr. Evanson Kirui:** On a different link?

**Mr. Alfred Korir:** Yes.

**Mr. Evanson Kirui:** A Senate demo, right?

**Mr. Alfred Korir:** Yes.

**Mr. Evanson Kirui:** You confirm that the Senate demo was not presented because some people voted before you could present that link?

**Mr. Alfred Korir:** Since it was for demo, we had not changed the login details. So, I realised somebody had logged in---

**Mr. Evanson Kirui:** So, somebody outside the Assembly had logged in and voted?

**Mr. Alfred Korir:** Not outside. Somebody used the credentials of Hon. Kiprop Bii and Hon. Rogony to log in.

**Mr. Evanson Kirui:** So, it means all these Hon. Senators could also access that system on that voting day and vote for any Member?

**Mr. Alfred Korir:** No. When the Motion is active, we only activate for a period of 10 or 15 minutes.

**Mr. Evanson Kirui:** Now, let us go to the time. You have taken me there. Let us go to your volume two, the login. What period did the voting take?

**Mr. Alfred Korir:** 11 minutes, 44 seconds.

**Mr. Evanson Kirui:** You confirm that the Standing Order No.77(4) of the County Assembly of Kericho provides that voting is only for five minutes?

**Mr. Alfred Korir:** I confirm.

**Mr. Evanson Kirui:** You confirm that it should be five minutes?

**Mr. Alfred Korir:** However, with the permission of the Speaker, which is in the HANSARD, he extended additional two minutes.

**Mr. Evanson Kirui:** Additional two minutes will make it seven, not 11, right?

**Mr. Alfred Korir:** When additional two minutes was added, there was loud consultation or some commotion.

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- Mr. Evanson Kirui:** No. This is a voting link, consultation---
- Mr. Alfred Korir:** You can confirm from the HANSARD.
- Mr. Evanson Kirui:** So, it took 11 minutes?
- Mr. Alfred Korir:** It took 11 minutes.
- Mr. Evanson Kirui:** The Standing Order says it should take?
- Mr. Alfred Korir:** Five minutes.
- Mr. Evanson Kirui:** The voting deadline indicated in your documents is 8.58 p.m.?
- Mr. Alfred Korir:** For the real voting, you know we had created the Motion in advance. We did not know exactly what time the question would be put.
- Mr. Evanson Kirui:** You just confirmed that the voting deadline was 8.58 p.m. and not 7.26 p.m. when the last vote was cast?
- Mr. Alfred Korir:** When the Speaker ordered that the time for voting had ended, the session for voting ended and it closed.
- Mr. Evanson Kirui:** What was happening during this period between 7.26 p.m. and 8.58 p.m.?
- Mr. Alfred Korir:** Between?
- Mr. Evanson Kirui:** 7.26 p.m., when the last vote was cast and when the voting deadline was indicated.
- Mr. Alfred Korir:** Nothing happened because once the last vote was recorded, we closed the vote and the commotion started in the Assembly, everybody went on their way.
- Mr. Evanson Kirui:** You can also confirm from your audit logs that there are no IP addresses?
- Mr. Alfred Korir:** There are.
- Mr. Evanson Kirui:** Are there any IP addresses?
- Mr. Alfred Korir:** Yes.
- Mr. Evanson Kirui:** I want you to look at your logins, particularly, let us go to page 16 of Volume 4A of the County Assembly's documents.
- Mr. Alfred Korir:** Our IP addresses are on page 29 of our documents.
- Mr. Evanson Kirui:** No, I am referring to the audit logs. Should audit logs have IP addresses?
- Mr. Alfred Korir:** No.
- Mr. Evanson Kirui:** They should not have?
- Mr. Alfred Korir:** No.
- Mr. Evanson Kirui:** You have answered my question. I will still tell you that anyone else outside the Assembly could have voted that day. You confirm?
- Mr. Alfred Korir:** Based on the---
- Mr. Evanson Kirui:** No, anyone else---
- Mr. Alfred Korir:** IP addresses that have been used specifically to vote here are from our own gadgets within the Assembly.
- Mr. Evanson Kirui:** No. From your testimony of the ID numbers and the IPPD numbers, anybody else with that link could have voted that day?
- Mr. Alfred Korir:** Yes.
- Mr. Evanson Kirui:** Thank you.

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**Ms. Wanjiku Thiong'o:** Mr. Speaker, Sir, Hon. Senators and my colleagues, my name is Wanjiku Thiong'o. I represent the Governor. I will pick it up from where my colleague has stopped.

Alfred, I will refer you to your affidavit, which is in your volume two. It is your testimony, as my colleague was cross-examining you, that the username was the IPPD numbers and the password was the ID. Is that correct?

**Mr. Alfred Korir:** Yes, correct.

**Ms. Wanjiku Thiong'o:** I refer you to paragraph 11 of your affidavit, and it is your testimony that--- Sorry, his affidavit is on page 81. Running from page 79, but I am referring to page 81, paragraph 11, the Assembly bundle, volume two. It has the affidavit of the witness. Volume two of the Assembly bundle, Page 81, paragraph 11. Alfred, it is your testimony that the electronic voting was rolled out following the amendment in the Standing Orders. Is that correct?

**Mr. Alfred Korir:** Yes.

**Ms. Wanjiku Thiong'o:** When exactly did this electronic voting framework become available for voting?

**Mr. Alfred Korir:** It is only the time when we got the first division in the Assembly, which happened, by coincidence, to be the impeachment of the Governor.

**Ms. Wanjiku Thiong'o:** No, it is okay. From the ICT Department, when did you develop this system of electronic voting? Was it on the material day?

**Mr. Alfred Korir:** We have been working on it.

**Ms. Wanjiku Thiong'o:** When did it become available, a specific date?

**Mr. Alfred Korir:** It became available for voting two days before voting. That is when we created the link when we were testing whether the members---

**Ms. Wanjiku Thiong'o:** So, it became available two days before the voting?

**Mr. Alfred Korir:** Yes.

**Ms. Wanjiku Thiong'o:** You can then confirm that the MCAs did not have the opportunity to interact with their system prior to this voting?

**Mr. Alfred Korir:** Yes, I do.

**Ms. Wanjiku Thiong'o:** It was the first time it was used?

**Mr. Alfred Korir:** They have been using other systems in the Assembly.

**Ms. Wanjiku Thiong'o:** To take that further, you can confirm there was no opportunity for the MCAs to then develop their personal password or change the password before any activity is undertaken?

**Mr. Alfred Korir:** I confirm because the Standing Orders gives only five minutes for voting.

**Ms. Wanjiku Thiong'o:** It is okay. Was there opportunity to change the password? Yes or no?

**Mr. Alfred Korir:** No.

**Ms. Wanjiku Thiong'o:** There was no opportunity. Hon. Senators, if I take you back to your paragraph four on page 79 of the same bundle, at paragraph 4D, where you indicate that the platform then would be utilised to supply for voting. When you go back to B, it would be utilised for attendance register and circulation of Order Papers. Had the system been utilised to circulate the Motion for this particular issue, for the impeachment of the Governor?

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**Mr. Alfred Korir:** That is our internal--- From our affidavit, I have indicated that we have been using a financial management operation system that had---

**Ms. Wanjiku Thiong'o:** Let us go to paragraph B (2).

**Mr. Alfred Korir:** Yes.

**Ms. Wanjiku Thiong'o:** Circulation of Order Papers and committee reports. Was the system utilised to supply the papers for this particular Motion during that day?

**Mr. Alfred Korir:** Yes.

**Ms. Wanjiku Thiong'o:** It was utilised?

**Mr. Alfred Korir:** Yes.

**Ms. Wanjiku Thiong'o:** Have you adduced evidence to that?

**Mr. Alfred Korir:** I did not but---

**Ms. Wanjiku Thiong'o:** You did not?

**Mr. Alfred Korir:** Yes.

**Ms. Wanjiku Thiong'o:** It is also your testimony that the bundle---Hon. Senators, I am referring to the Assembly bundle volume 4A. This is the list of the Members who received the laptops. Kindly confirm from that list, there is no information on training of electronic voting to the MCAs, just from that list on the face of it.

**Mr. Alfred Korir:** Yes, there is no---

**Ms. Wanjiku Thiong'o:** There is also no content of the training course. In your testimony previously, you had said they had been undertaken through several trainings.

**Mr. Alfred Korir:** Yes.

**Ms. Wanjiku Thiong'o:** Have you given us the training course tabulating the content which they had been trained on?

**Mr. Alfred Korir:** No.

**Ms. Wanjiku Thiong'o:** Specific dates of these trainings?

**Mr. Alfred Korir:** They have been attending training---

**Ms. Wanjiku Thiong'o:** Specific dates of this training?

**Mr. Alfred Korir:** I cannot recall.

**Ms. Wanjiku Thiong'o:** You cannot recall. We can move to the logs, which is in the same volume 4A. Hon. Senators, I am referring to volume 4A of the Assembly, page 13. So that we understand how these logs were obtained, when your lawyer was submitting in the preliminary objection, he indicated that your team got into the system, copied the logs, pasted somewhere and you printed out. Do you stand by that testimony?

**Mr. Alfred Korir:** Yes.

**Ms. Wanjiku Thiong'o:** For those of us who are not ICT officers, help us to understand. When you get to the system and you want to generate the logs, does it show from the oldest activity or the most recent activity?

**Mr. Alfred Korir:** From the oldest.

**Ms. Wanjiku Thiong'o:** From the oldest?

**Mr. Alfred Korir:** From the recent to the oldest.

**Ms. Wanjiku Thiong'o:** From the recent to the oldest?

**Mr. Alfred Korir:** Yes.

**Ms. Wanjiku Thiong'o:** It is from that order that you copied the same?

**Mr. Alfred Korir:** Yes.

**Ms. Wanjiku Thiong'o:** Move up to page 17. Confirm you have not attached a certificate of electronic evidence for us to understand the manner in which the logs were copied, to which device you pasted and from which you printed. Did you prepare such a certificate where you elaborate how you pasted and printed the logs? Did your lawyer guide you to do that?

**Mr. Alfred Korir:** I did not do that.

**Ms. Wanjiku Thiong'o:** Mr. Speaker, it can go on record that this is an extract of electronic evidence and is not supported by the certificate under Section 109 of the Evidence Act.

With that, Hon. Senators, I am on page 13. You have told us it is on chronological order. Go to entry No.1. What is the timestamp? What is the time of that activity, entry one? Just read out the time.

**Mr. Alfred Korir:** It is 19:08---

**Ms. Wanjiku Thiong'o:** We are on page 13 of Volume 4A of the Assembly.

**Mr. Alfred Korir:** Yes, it is 19:08:48.

**Ms. Wanjiku Thiong'o:** What is the next time on entry No.2?

**Mr. Alfred Korir:** 19:36:06.

**Ms. Wanjiku Thiong'o:** 19:36:06. Entry No.3?

**Mr. Alfred Korir:** 19:26:44.

**Ms. Wanjiku Thiong'o:** Explain to us that chronology, that they do not follow each other. From one to three, just reading on the face of it, it starts from 19:08, goes to 19:36, we go back to 19:26. That chronology, as you told us, is from--- You had said it is from the oldest to the newest?

**Mr. Alfred Korir:** Yes, but that was copying. That was just---

**Ms. Wanjiku Thiong'o:** That was coping?

**Mr. Alfred Korir:** Yes.

**Ms. Wanjiku Thiong'o:** So, in copying, then you had some leeway in editing of which comes first and which comes next?

**Mr. Alfred Korir:** No.

**Ms. Wanjiku Thiong'o:** Then why does the chronology not come? Anyway, we can confirm that the chronology lacks from even on the face of it, from entry No.1 to 3. The chronology is not there.

**Mr. Alfred Korir:** So, the chronology from No.3---

**Ms. Wanjiku Thiong'o:** No, it is okay. Chronology No.1 to three, is it as you had said it is systematic from the oldest or there is a mix up?

**Mr. Alfred Korir:** There is a mix up.

**Ms. Wanjiku Thiong'o:** It is also your testimony that the system was developed internally by the Assembly, your department?

**Mr. Alfred Korir:** Yes.

**Ms. Wanjiku Thiong'o:** Can you confirm you have not adduced before this House, the system security certificates for them to build their confidence in your system? You have not produced those certificates.

**Mr. Alfred Korir:** Standing Orders cover us in terms of---

**Ms. Wanjiku Thiong'o:** It is okay. We are before the Senate. Do you have those certificates for this system?

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**Mr. Alfred Korir:** We rely on the Standing Orders.

**Ms. Wanjiku Thiong'o:** You rely on the Standing Orders. So, you do not have them. Have you ever tried the penetration test to your system to see what my colleague was alluding to, that anyone who had the user ID and the ID numbers from wherever they were in this country, they could log in and vote and get out? Did you ever do some penetration test to confirm that there could be no hacking to your system?

**Mr. Alfred Korir:** Yes, because in the Assembly, you have the firewall.

**Ms. Wanjiku Thiong'o:** It is okay. Do you have the test certificates before us today?

**Mr. Alfred Korir:** No, I do not.

**Ms. Wanjiku Thiong'o:** You do not. As I finalise, on your login, I know my colleague, Mr. Wanyama, will come in deeply to that. Confirm that apart from the IP address, your logs do not show us when a specific MCA gets in and when they log out. There are no log outs.

**Mr. Alfred Korir:** Most of them did not logout.

**Ms. Wanjiku Thiong'o:** They did not log out?

**Mr. Alfred Korir:** Most of them.

**Ms. Wanjiku Thiong'o:** So up to now, they are still in the system?

**Mr. Alfred Korir:** So, the extract of this I did not include because by the time I extracted, they did not log out.

**Ms. Wanjiku Thiong'o:** Either way, when we got through your logs, which is on from page 13 all the way to page 17, it does not show us the log outs.

**Mr. Alfred Korir:** Some log outs are there.

**Ms. Wanjiku Thiong'o:** Some log outs are there?

**Mr. Alfred Korir:** Yes.

**Ms. Wanjiku Thiong'o:** Okay. Finally, this system audit as you are calling it, who did it? You call them the system audit logs. Who generated this report?

**Mr. Alfred Korir:** It is the system that audits automatically.

**Ms. Wanjiku Thiong'o:** So, it was you who developed these logs?

**Mr. Alfred Korir:** It is generated by the system.

**Ms. Wanjiku Thiong'o:** By yourself? You are the one who went to the system and printed it out?

**Mr. Alfred Korir:** Yes.

**Ms. Wanjiku Thiong'o:** Did you subject it to a third-party audit for them to give us a third-party opinion, expert opinion, that, indeed, this is what is in the system? Was it subjected to a third-party audit?

**Mr. Alfred Korir:** No.

**Ms. Wanjiku Thiong'o:** It was not. As I wind up then, your lawyer may have shown you affidavit of around 17 or 18 MCAs who alleged to have not voted. You are aware of that as you stand here? You are aware that there are 18 or 17 MCAs saying they have not voted.

**Mr. Alfred Korir:** They are 18.

**Ms. Wanjiku Thiong'o:** They are 18. Do you have any evidence from your system, which you can demonstrate to us that they personally voted – not their credentials



– that they are the ones you can link them to that vote? Can you link the particular like you were shown that one for Dora? Can you link them to that particular vote personally?

**Mr. Alfred Korir:** No, I cannot.

**Ms. Wanjiku Thiong'o:** You cannot link them to that particular vote. So with that, let us go back to your--- As we try--- Just one more, Hon. Senators. Well I am at Volume 4A. I can leave it at that.

So that we wind up, Mr. Alfred Korir, let us go back to your paragraph two. As you seek to give credence to your testimony, are you testifying as an employee of the County Assembly or as an ICT expert?

**Mr. Alfred Korir:** Both as an employee of the County Assembly and the system admin.

**Ms. Wanjiku Thiong'o:** So, you confirm you are not an ICT expert? Are you an ICT expert, 'yes' or 'no'?

**Mr. Alfred Korir:** No.

**Ms. Wanjiku Thiong'o:** You are not an ICT expert? Anyway, let us look at your paragraph two. You said you are the system administrator?

**Mr. Alfred Korir:** Yes.

**Ms. Wanjiku Thiong'o:** Let us look at your paragraph two. You said that you have a Bachelor's degree in Business Management.

**An hon. Senator:** Which page?

**Ms. Wanjiku Thiong'o:** I am sorry. This is the affidavit of Korir. It is on page 79 of volume two of the Assembly's bundle. I am looking at his credentials where he has confirmed that he is not an ICT expert.

**Mr. Alfred Korir:** When you said an expert, I thought it is somebody who has been sourced from somewhere to come and verify, but I am an ICT expert by profession.

**Ms. Wanjiku Thiong'o:** So, you are an ICT expert?

**Mr. Alfred Korir:** Yes.

**Ms. Wanjiku Thiong'o:** Okay, we take it that way. Let us look at your paragraph two. You said that you went to the University of Kabianga (UoK) and undertook a degree in Business Management. You also have a diploma from Multimedia University (MMU) and several certifications. You also have a master's degree from the UoK. Those are your certifications.

**Mr. Alfred Korir:** Yes.

**Ms. Wanjiku Thiong'o:** So that hon. Senators can examine your expertise and competence due to the doubts in your system, have you attached your certificates?

**Mr. Alfred Korir:** I think I forwarded the certificate to our team.

**Ms. Wanjiku Thiong'o:** Have you attached them and can you show us?

**Mr. Alfred Korir:** They are not here.

**Ms. Wanjiku Thiong'o:** You do not have them before the House. I will leave it at that.

Mr. Speaker, Sir, with your permission, I would like to invite Mr. Wanyama.

Thank you.

**Mr. Peter Wanyama:** Can you again remind us the qualifications that you have in the ICT sector?

**Mr. Alfred Korir:** I have a degree in Business Information Systems, a diploma in Management of Information Systems from Multi-Media University (MMU)---

**The Speaker** (Hon. Kingi): Witness, you need to be loud enough.

**Mr. Alfred Korir:** I have a degree in Business Information Systems from UoK and diploma in Management of Information Systems. It used to be Kenya College of Communication Technology (KCCT), currently MMU.

I also did up to Section Four of Kenya Accountants and Secretaries National Examinations Board (KASNEB), formerly known as Certified Information Communication Technologist (CICT). That is when I stopped doing the KASNEB exams.

**Mr. Peter Wanyama:** Are you aware of the Government of Kenya's policy in respect to development and hosting of domains?

**Mr. Alfred Korir:** Yes, I am.

**Mr. Peter Wanyama:** What is the policy?

**Mr. Alfred Korir:** It should be hosted on *.go.ke*, which is the Government platform.

**Mr. Peter Wanyama:** What is the policy? We will come to the domain, which is *.go.ke* protocol. What is the policy that governs creation of ICT issues, including you as a developer going to host a website, developing and deploying it for application for usage? What is the Government policy on that?

**Mr. Alfred Korir:** I am not very sure about that.

**Mr. Peter Wanyama:** You are not very sure? You have just mentioned it. Are you aware that the Government of Kenya has prohibited hosting of our data abroad unless there are sufficient safeguards put in place for data protection? Are you aware of that policy?

**Mr. Alfred Korir:** I am not aware but our official website is hosted by the ICT Authority (ICTA) Kenya.

**Mr. Peter Wanyama:** What is the domain that you said is hosted by the ICTA? That is extremely important.

**Mr. Alfred Korir:** *kerichoassembly.go.ke*.

**Mr. Peter Wanyama:** That is the official County Assembly domain that is hosted by the ICTA. Is that correct?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** If you go to your website, which platform are you using? Is it the *.co.ke* protocol or *.go---*

**Mr. Alfred Korir:** I can confirm that the *.co.ke* platform is for management of our internal affairs.

**Mr. Peter Wanyama:** And that is the one that I am concerned about. How was that system procured?

**Mr. Alfred Korir:** We worked on it. It is our inbuilt system.

**Mr. Peter Wanyama:** You are sure that you worked on it?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** Are you sure about that?

**Mr. Alfred Korir:** Very sure.

**Mr. Peter Wanyama:** And you are the user?

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**Mr. Alfred Korir:** Of the system? The finance and other teams are the users of the system.

**Mr. Peter Wanyama:** You are not the user of this system?

**Mr. Alfred Korir:** I do not understand properly the meaning of user, but I am the system admin.

**Mr. Peter Wanyama:** You are the system administrator, right?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** As the system administrator, what are you supposed to do?

**Mr. Alfred Korir:** To allocate the rights to users to manage all the processes within that system.

**Mr. Peter Wanyama:** Who allocates you rights as a user? Sorry, as a system admin, who allocates you rights?

**Mr. Alfred Korir:** It is the system admin who has the super rights to the system.

**Mr. Peter Wanyama:** You have the super rights?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** And who creates this system?

**Mr. Alfred Korir:** I have a team.

**Mr. Peter Wanyama:** Where is it hosted?

**Mr. Alfred Korir:** We host with HostPinnacle.

**Mr. Peter Wanyama:** This is important. What is HostPinnacle?

**Mr. Alfred Korir:** It is a hosting site.

**Mr. Peter Wanyama:** Where is this HostPinnacle located? Is it public or private institution?

**Mr. Alfred Korir:** It is a private institution.

**Mr. Peter Wanyama:** It is a private institution. The hosting of data from the County Assembly is on a private site and you have confirmed that HostPinnacle is a private institution. How was that procured? How did you procure the services of hosting your site with a private entity, despite the Government of Kenya's policies on data protection? How did you do that? Did you procure services with HostPinnacle, which is a private entity, to host very important information on the impeachment of the Governor? Did you do that?

**Mr. Alfred Korir:** Not for the impeachment of the Governor. It is for hosting our internal management systems.

**Mr. Peter Wanyama:** Which is a web-based system. Is that correct?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** And the application for voting was tied to that system. Is that correct?

**Mr. Alfred Korir:** It is correct.

**Mr. Peter Wanyama:** The question is: How did you procure an application for voting tied to a system that is hosted in a private site? Remember these are MCAs. You have their confidential data, Integrated Payroll and Personnel Database (IPPD) numbers and Identification (ID) numbers. Do you have a Service Level Agreement (SLA) with this private company that runs this platform?

**Mr. Alfred Korir:** Yes, we have.

**Mr. Peter Wanyama:** Do you have it here?

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**Mr. Alfred Korir:** I did not attach it because I did not know it will be needed.

**Mr. Peter Wanyama:** You did not know it will be needed?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** Now that you have confirmed that you have it, how did you procure it? Did you procure their services in accordance with the provisions of the Public Procurement and Asset Disposal Act?

**Mr. Alfred Korir:** We just paid for the space directly.

**Mr. Peter Wanyama:** You used public funds to pay for the hosting without procurement?

**Mr. Alfred Korir:** Since the hosting fee is not much, I paid directly.

**Mr. Peter Wanyama:** From your private sources?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** You paid from your private sources to host a Government activity in a private site? Is that your testimony?

**Mr. Alfred Korir:** The ICTA does not charge us to host there. However, sometimes the downtime is too long. I have seen that at some point, the website is---

**Mr. Peter Wanyama:** Just explain because that issue is very significant, Mr. Speaker, Sir. Just explain the safeguards that you have with this private entity that hosts confidential data of MCAs. Do you have any SLA?

**Mr. Alfred Korir:** I have said we have an SLA.

**Mr. Peter Wanyama:** What safeguards do they have on data protection?

**Mr. Alfred Korir:** I can get that from the website.

**Mr. Peter Wanyama:** From your own. Just tell us because you are before the Senate. You are the ICT expert; remember, we are lawyers. We want to come into your world and you tell us what safeguards do we have to ensure that the confidential data of MCAs is not used by anyone else.

**Mr. Alfred Korir:** Nobody can access unless he has the rights to our site.

**Mr. Peter Wanyama:** Have you gotten the approval of the Data Commissioner in this regard?

**Mr. Alfred Korir:** We relied really on the Standing Orders.

**Mr. Peter Wanyama:** No, no. Have you gotten the approval in terms of data protection of the Data Commissioner for purposes of you giving out this private data of MCAs, which they use for voting to a private entity? It is a 'yes' or 'no' answer?

**Mr. Alfred Korir:** No.

**Mr. Peter Wanyama:** Do you know this private entity? Is it a Kenyan company or a foreign company?

**Mr. Alfred Korir:** We have a branch in Kenya.

**Mr. Peter Wanyama:** Yeah, you have a branch in Kenya?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** Could you happen to know where the servers for this company are kept?

**Mr. Alfred Korir:** Yes, they have, there are many servers in Kenya and the others in the USA

**Mr. Peter Wanyama:** They have the servers in the USA?

**Mr. Alfred Korir:** Yeah.

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- Mr. Peter Wanyama:** Are you sure about that?
- Mr. Alfred Korir:** Yeah.
- Mr. Peter Wanyama:** As an IT expert, if you are given a laptop and then you check, is it possible for you to tell where the servers are located?
- Mr. Alfred Korir:** It is possible.
- Mr. Peter Wanyama:** It is possible to check it as an ICT person?
- Mr. Alfred Korir:** Yeah.
- Mr. Peter Wanyama:** Have you checked to confirm where these servers are located?
- Mr. Alfred Korir:** I will make sure I confirm.
- Mr. Peter Wanyama:** Have you confirmed?
- Mr. Alfred Korir:** We have the host.
- Mr. Peter Wanyama:** Are you aware that the servers are actually hosted in Germany?
- Mr. Alfred Korir:** Yes, I am aware from the previous findings that I had.
- Mr. Peter Wanyama:** That the servers are actually hosted in Germany?
- Mr. Alfred Korir:** Yes.
- Mr. Peter Wanyama:** And do you know the person who hosts this private MCAs data in Germany?
- Mr. Alfred Korir:** I do not.
- Mr. Peter Wanyama:** You do not?
- Mr. Alfred Korir:** Yes.
- Mr. Peter Wanyama:** You say that you have a Service Level Agreement with this private company and they are supposed to be telling you all this. You are the ICT person.
- Mr. Alfred Korir:** When we will request for that information, they will.
- Mr. Peter Wanyama:** And you are not aware? Will you then oppose if an ICT expert from our side comes to say that these servers are actually located in Frankfurt, Germany, and they are developed by a person known as Brian Njeru. Will you confirm, because that information, if you are an ICT person, you give me a laptop, I will quickly check, check, then I see Kenya, I see Germany, I see Brian Njeru. Can you confirm that information?
- Mr. Alfred Korir:** I have to log in and confirm.
- Mr. Peter Wanyama:** Have you logged in to confirm? You have not?
- Mr. Alfred Korir:** I have not gone to that detail you have gone.
- Mr. Peter Wanyama:** Ah. So, again, back to the same, same question that you have no guarantee on the security of the data by the MCAs in this private setup? You have no guarantee, right?
- Mr. Alfred Korir:** I choose not to answer that.
- Mr. Peter Wanyama:** Okay. The Senators have heard it. Again, let us look at this system that you say you developed. Again, I will ask this question: MCAs are the users of this system, is that correct?
- Mr. Alfred Korir:** Correct.
- Mr. Peter Wanyama:** Who else can use this system apart from the MCAs?
- Mr. Alfred Korir:** This electronic voting system?

**Mr. Peter Wanyama:** Yes, the one that you used for voting. You said MCAs are the end users, is that correct?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** Who else can use this system?

**Mr. Alfred Korir:** The System administrator only.

**Mr. Peter Wanyama:** System administrator?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** Who is this system administrator?

**Mr. Alfred Korir:** Me.

**Mr. Peter Wanyama:** Can the Clerk have access to this system?

**Mr. Alfred Korir:** No, we indicated system administrator/clerk because all the correspondence from the Assembly will finally come out from the Clerk.

**Mr. Peter Wanyama:** It will come from the Clerk?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** Okay. Now, let us look at the evidence that you have submitted before the Senate.

Mr. Speaker, Sir, at the end of this line of examination, there is one inquiry which the witness needs to answer; the authenticity of the system and whether these four MCAs actually voted. If they voted, then our case collapses. If they did not vote, then the County Assembly case collapses.

I am going to ask this question. Look at volume 4A of the County Assembly document. Do you confirm that from page 1 all the way to page 47, this is the entire evidence from you to this Senate that these four MCAs voted? Is that correct?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** Secondly, you confirm that you are a very important witness in this Senate on that question. Do you confirm that for the Senate to believe anyone, then you are an important witness in this Senate for that question? Do you confirm that?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** So, at pages one, two, three of volume 4A, you confirm that at some point you bought laptops for MCAs?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** All of them?

**Mr. Alfred Korir:** Only two did not have.

**Mr. Peter Wanyama:** Who are they?

**Mr. Alfred Korir:** It is Hon. Vincent and the Hon. Speaker.

**Mr. Peter Wanyama:** Hon. Vincent, did he vote?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** He voted which side? "Yes", "No" or he did not vote?

**Mr. Alfred Korir:** He voted "Yes".

**Mr. Peter Wanyama:** He voted "Yes". So only two MCAs do not have laptops, according to you? In your testimony - this is important - you confirm that at the County Assembly premises, there is no place where you can place a laptop?

**Mr. Alfred Korir:** Yes, I can confirm.

**Mr. Peter Wanyama:** That there is no place where you can place a laptop?

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- Mr. Alfred Korir:** Yes.
- Mr. Peter Wanyama:** Thank you. On this voting day, was there an MCAs with a laptop on the Floor of the House?
- Mr. Alfred Korir:** ICT officers were in the Chambers---
- Mr. Peter Wanyama:** Ah, you were there.
- Mr. Alfred Korir:** I was not there.
- Mr. Peter Wanyama:** You were not there?
- Mr. Alfred Korir:** I was not in the Chambers.
- Mr. Peter Wanyama:** So, you cannot tell. If you cannot tell, I will move on.
- Mr. Alfred Korir:** I cannot tell.
- Mr. Peter Wanyama:** You cannot tell. I will move on. So where were you because you said you were not there? Where were you?
- Mr. Alfred Korir:** I was in a different office monitoring whether Members are able to log in.
- Mr. Peter Wanyama:** Members are able to log in?
- Mr. Alfred Korir:** Yes.
- Mr. Peter Wanyama:** Second question before I go to the third question. These laptops, as the ICT person, have you confirmed that they are all functional?
- Mr. Alfred Korir:** Yes, I did.
- Mr. Peter Wanyama:** They are functional?
- Mr. Alfred Korir:** Yes.
- Mr. Peter Wanyama:** There is no MCA who does not have a functioning laptop? The software is updated, everything is okay? It works very well?
- Mr. Alfred Korir:** I can confirm that some Members are not even working with those laptops.
- Mr. Peter Wanyama:** They do not use the laptops?
- Mr. Alfred Korir:** They use their phones.
- Mr. Peter Wanyama:** They use their phones. I will come to the phones shortly.
- Mr. Alfred Korir:** Okay.
- Mr. Peter Wanyama:** So, there is a possibility that these laptops are not fully functioning?
- Mr. Alfred Korir:** It is fully functioning, but most Members choose maybe---
- Mr. Peter Wanyama:** But are you aware that these laptops are functioning or not? Are you aware?
- Mr. Alfred Korir:** They are functioning, yes.
- Mr. Peter Wanyama:** You are aware?
- Mr. Alfred Korir:** I am aware.
- Mr. Peter Wanyama:** Okay. Have you installed and updated software in these laptops?
- Mr. Alfred Korir:** We usually do that.
- Mr. Peter Wanyama:** You usually do that?
- Mr. Alfred Korir:** We update the antivirus every time it expires and any other updates they require.
- Mr. Peter Wanyama:** Which software do you use?
- Mr. Alfred Korir:** We use Kaspersky.

- Mr. Peter Wanyama:** Kaspersky?
- Mr. Alfred Korir:** Yes.
- Mr. Peter Wanyama:** Thank you. Do you confirm that the documents at page 1, 2 and 3 contains ID numbers of MCAs?
- Mr. Alfred Korir:** Yes, I can confirm.
- Mr. Peter Wanyama:** Do you confirm that under the data protection laws, ID numbers are confidential information?
- Mr. Alfred Korir:** Because it was for internal issues---
- Mr. Peter Wanyama:** Ah, wait. Do you confirm that ID numbers are confidential information?
- Mr. Alfred Korir:** Yes, I do.
- Mr. Peter Wanyama:** Okay, and for this system that you say you created, these ID numbers were the passwords to this system for voting. Do you confirm that?
- Mr. Alfred Korir:** Yes, I do.
- Mr. Peter Wanyama:** The ID is publicly available. What was the username for an MCA?
- Mr. Alfred Korir:** IPPD number.
- Mr. Peter Wanyama:** Are these IPPD numbers the ones in page four of volume 4A?
- Mr. Alfred Korir:** Yes.
- Mr. Peter Wanyama:** Okay. Again, you confirm that both the password and the Integrated Payroll and Personnel Database (IPPD) numbers for each Member of the County Assembly (MCA) are publicly available?
- Mr. Alfred Korir:** Publicly available? We have them in our data base.
- Mr. Peter Wanyama:** They are publicly available to members of staff of Kericho County Assembly?
- Mr. Alfred Korir:** Those who can interact with the system can access.
- Mr. Peter Wanyama:** They are publicly available to you as the administrator?
- Mr. Alfred Korir:** Yes.
- Mr. Peter Wanyama:** They asked you a question then. I have listened to you carefully. If you have the IPPD and Identity Card (ID) number of an MCA, would you have voted for that MCA?
- Mr. Alfred Korir:** As a system administrator, no.
- Mr. Peter Wanyama:** If you have the two links, I am not saying you. If anyone has the IPPD number and the password of the MCA and then you have the link, could you have voted for that MCA?
- Mr. Alfred Korir:** The link had timelines and we expected all the Hon. Members---
- Mr. Peter Wanyama:** Within those timelines that you are saying, if you have that access.
- Mr. Alfred Korir:** The link was only available to the Members' individual phones.
- Mr. Peter Wanyama:** No, we will come to that availability shortly. You confirm that if anyone has this, they will vote?
- Mr. Alfred Korir:** Yes.

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**Mr. Peter Wanyama:** For the integrity of this voting system, yourself as the Information and Communication Technology (ICT) administrator, you could have voted for any of the MCAs. Is that correct? I am using the words, “you could have voted”, because of the information that you had. You could have voted for any of the MCAs. Is that correct?

**Mr. Alfred Korir:** Yes, it is correct.

**Mr. Peter Wanyama:** Now, go to page 12 of volume 4A. We now have the information to access the system. Now, the system is being deployed and the evidence here is at page 12 of volume 4A. Is that correct?

**Mr. Alfred Korir:** The link.

**Mr. Peter Wanyama:** Is that correct? That at page 12, we are now activating the system?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** You activated by sending--- What did you do? You send what?

**Mr. Alfred Korir:** An SMS.

**Mr. Peter Wanyama:** You send an SMS to who?

**Mr. Alfred Korir:** All the phone numbers of the Hon. Members.

**Mr. Peter Wanyama:** This SMS was for what purpose?

**Mr. Alfred Korir:** To provide the link to access the voting.

**Mr. Peter Wanyama:** Was this a bulk SMS like the one we usually receive from people who market services?

**Mr. Alfred Korir:** We have a customised SMS for the Assembly, KCO Assembly.

**Mr. Peter Wanyama:** I am asking, is it a bulk SMS?

**Mr. Alfred Korir:** Yes, it is.

**Mr. Peter Wanyama:** Okay. Thank you. You send these links to mobile numbers of MCAs. Is that correct?

**Mr. Alfred Korir:** Correct.

**Mr. Peter Wanyama:** How many persons, according to page 12, received the text message containing the links for voting? How many persons received? You can count on this one because it is an important question. On page 12, how many persons, if you count from the bottom to the top?

**Mr. Alfred Korir:** 48.

**Mr. Peter Wanyama:** How many MCAs are there?

**Mr. Alfred Korir:** 47.

**Mr. Peter Wanyama:** Who was the 48<sup>th</sup> person that received a link to vote?

**Mr. Alfred Korir:** Me, as the system administrator.

**Mr. Peter Wanyama:** You received a link to vote as a system administrator?

**Mr. Alfred Korir:** To confirm whether the link was opening. I actually added myself there intentionally to make sure the link I am forwarding can connect to the link.

**Mr. Peter Wanyama:** Help me understand this. You are already the administrator. You have all these full rights to access the system.

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** Why would you need a link?

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**Mr. Alfred Korir:** To confirm whether the link attached to the message I sent is really working.

**Mr. Peter Wanyama:** You had access to the system anyway as the administrator?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** Any time, you had access to the system?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** Let us focus on these four MCAs. Let us focus on them throughout. We will focus on them because ultimately I am going to finish with an important observation and a question. Did these four MCAs also receive a link to vote? Who are these four MCAs that have disputed they never voted, but instead someone voted for them? Who are they?

**Mr. Alfred Korir:** Hon. Hillary Bosuben.

**Mr. Peter Wanyama:** What is his full name?

**Mr. Alfred Korir:** Hillary Kibet Bosuben.

**Mr. Peter Wanyama:** He is the one that appears at page 27, volume 4A? Is that correct?

**Mr. Alfred Korir:** Let me confirm.

**Mr. Peter Wanyama:** Go to volume 4A, at page 27.

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** You are saying these are his results, that he voted 'yes'?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** Okay. Then the next MCA is who?

**Mr. Alfred Korir:** Amos Birir.

**Mr. Peter Wanyama:** What is his full name?

**Mr. Alfred Korir:** Amos Birir Kimutai.

**Mr. Peter Wanyama:** Then the third MCA?

**Mr. Alfred Korir:** Martin Cheruiyot Kiplang'at.

**Mr. Peter Wanyama:** Who is the fourth MCA?

**Mr. Alfred Korir:** Edna Tanui.

**Mr. Peter Wanyama:** Okay. This is very important. Are you aware if their telephone numbers were linked to the laptops?

**Mr. Alfred Korir:** Linked to?

**Mr. Peter Wanyama:** Yes, their telephones were linked to the laptops or they were operating the voting from their phones. There are instances where I can link my phone to the laptop, then I operate it from there. There are instances where I just need to use my phone, which has internet access.

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** So, which is which?

**Mr. Alfred Korir:** I was not in the Chamber. I cannot confirm.

**Mr. Peter Wanyama:** You cannot confirm?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** You are however an important witness in this Senate. Okay. Before I go to the results again, these MCAs have now received the message according to you, and you have put the evidence there that you sent the message to them.

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**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** Let us look at the security of this site that you are using. Have you ever done any penetration tests on this site to demonstrate that it is secure?

**Mr. Alfred Korir:** That one I can---

**Mr. Peter Wanyama:** I handled the presidential election petition and we had an issue on ICT. I did something about penetration sites. Do you know about them?

**Mr. Alfred Korir:** I know.

**Mr. Peter Wanyama:** In this system, did you do penetration tests to confirm that it is a very secure system and we are ready to deploy it?

**Mr. Alfred Korir:** We confirmed because the---

**Mr. Peter Wanyama:** Did you do penetration tests?

**Mr. Alfred Korir:** No, we did not.

**Mr. Peter Wanyama:** You did not. So, you do not have any report on the security of the system?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** On training of MCAs, according to the ICT protocols, the policy that you said you have not read, or have you read the policy on ICT on deploying of technology and applications? There is an important aspect of training that you are aware, is that correct? Were MCAs adequately trained on how to use this system? Where is the evidence of the training because training is an important part of system application and development? Were MCAs adequately trained on this system?

**Mr. Alfred Korir:** We had trained them on the internal system.

**Mr. Peter Wanyama:** What about the voting system?

**Mr. Alfred Korir:** The voting system was too easy to understand and we are using the same platform.

**Mr. Peter Wanyama:** No, you are an ICT person.

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** Do we all have the same knowledge as you?

**Mr. Alfred Korir:** We provided---

**Mr. Peter Wanyama:** Are all MCAs ICT personnel?

**Mr. Alfred Korir:** We provided the guide on how they could vote through that link.

**Mr. Peter Wanyama:** Why is there a requirement that training must be done?

**Mr. Alfred Korir:** To build the capacity.

**Mr. Peter Wanyama:** To build the capacity to use of the system.

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** What about the manual? Do you have a manual that shows how this system is supposed to be used?

**Mr. Alfred Korir:** User manual?

**Mr. Peter Wanyama:** Do you have a user manual to show the Senate here, the House, the upper Chamber, that this is a user manual, these MCAs were trained, they are lying to the Senate, they were trained. Do you have it before the Senate?

**Mr. Alfred Korir:** No, I do not.

**Mr. Peter Wanyama:** You do not have. Now, let us come to the penultimate question. This is a bit technical. You will help us to understand.

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Mr. Speaker, Sir, we are at pages 13 to 17 of volume 4A. This is the penultimate question and it will tell you where the fraud is. If you have sent me a message to my phone and that phone has access to internet, right?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** Then I was expected to vote using the phone.

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** Is there Wi-Fi in the County Assembly?

**Mr. Alfred Korir:** Yes, we have.

**Mr. Peter Wanyama:** Are you aware whether the speaker had informed members that they are going to use their phone, that they are going to use electronic voting, so that all of them carry their phones to the Chamber? Are you aware? If you are not aware, we will move on.

**Mr. Alfred Korir:** The Standing Orders dictates that.

**Mr. Peter Wanyama:** Are you aware that at some point, some MCAs stood up on division and said, “we are standing up,” and they made the requisite majority, and therefore, the speaker ought not to have used electronic voting? Are you aware of that?

**Mr. Alfred Korir:** I am not aware.

**Mr. Peter Wanyama:** You are not aware. So, let us come back to what you are aware. When you send me a link to a phone, and that phone is internet-based, I can actually vote, eh?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** What if the phone does not have internet?

**Mr. Alfred Korir:** We have the internet in the Assembly.

**Mr. Peter Wanyama:** Okay, are there phones which are not internet-based? Is “*Mulika Mwizi*” internet-based?

**Mr. Alfred Korir:** No.

**Mr. Peter Wanyama:** It is not, right?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** Now, when I vote, when I actually vote, and Mr. Speaker, Sir, this is the only evidence that someone voted. When I actually vote, my phone has a unique address, a digital footprint, which is only unique to me, just like the thumb, my thumbprint, only unique to me in this world.

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** So, your phone has a digital footprint, which when we check, we will definitely say that you are the one who voted. What are you talking about? Is that correct?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** This information on a digital footprint is called an IP address, is that correct?

**Mr. Alfred Korir:** IP address, yes.

**Mr. Peter Wanyama:** It is called an IP?

**Mr. Alfred Korir:** Address.

**Mr. Peter Wanyama:** What is the full name of IP?

**Mr. Alfred Korir:** Internet Protocol.

**Mr. Peter Wanyama:** Internet Protocol, but we call it IP address.

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**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** If I am voting, it will trigger action on a server, is that correct? Or a computer system, let me use the words ‘computer system.’

**Mr. Alfred Korir:** True.

**Mr. Peter Wanyama:** That is the one that you are using to vote.

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** As the expert on ICT, we are all laymen. You are the expert on ICT. What evidence do you need to show that I accessed, I actually voted and my data went to a system? What evidence do you need?

**Mr. Alfred Korir:** We have the IP address that shows.

**Mr. Peter Wanyama:** What evidence do you need?

**Mr. Alfred Korir:** We have to see the login.

**Mr. Peter Wanyama:** Ah, login, hold on there. So, you are saying that of necessity, for any evidence to be correct that someone voted, then you must have logged-in.

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** When you log in, you leave in a digital footprint.

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** And this digital footprint, later on you can access them by way of system logs.

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** Thank you very much, system logs. Are these the logs in pages 13, 14, 15, and 16?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** The one which you say is evidence that these four MCAs voted?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** Thank you. What are the characteristics of a log, a computer log? If I look at a computer log, remember I have seen these computer logs before. If I look at a computer log, and I want to tell my neighbour and colleague, these are computer logs, what should I expect to see in those logs?

**Mr. Alfred Korir:** The username.

**Mr. Peter Wanyama:** Username.

**Mr. Alfred Korir:** Time you logged in.

**Mr. Peter Wanyama:** No, let us start with the first information. What is the first information in accordance with the ICT protocols?

**Mr. Alfred Korir:** Username.

**Mr. Peter Wanyama:** By the way, you said that you are the one, before we answer that question, you are the one who developed this system?

**Mr. Alfred Korir:** Yes, we did.

**Mr. Peter Wanyama:** With your team?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** What computer programming code were you using? The computer language?

**Mr. Alfred Korir:** PHP and JSON.

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- Mr. Peter Wanyama:** PHP, not Java?
- Mr. Alfred Korir:** Not Java.
- Mr. Peter Wanyama:** Thank you very much. So, you are familiar with these codes?
- Mr. Alfred Korir:** Yes.
- Mr. Peter Wanyama:** Should the codes contain a timestamp?
- Mr. Alfred Korir:** Yes, they should.
- Mr. Peter Wanyama:** If someone has access to the system, will it show their names?
- Mr. Alfred Korir:** Names, as in?
- Mr. Peter Wanyama:** From a computer technology perspective, will the logs show their names or the details that you put in before? That is the IPPD number and the ID.
- Mr. Alfred Korir:** The IPPD number.
- Mr. Peter Wanyama:** Not the password, right?
- Mr. Alfred Korir:** Not the password.
- Mr. Peter Wanyama:** Not the password, the IPPD number. Is the IPPD number in this?
- Mr. Alfred Korir:** Yes, it is.
- Mr. Peter Wanyama:** Thank you. Will it show the names of persons in accordance with the computer programming language that you say you used? Can it show a name of an individual?
- Mr. Alfred Korir:** Under the audit log, it does not show, but in the---
- Mr. Peter Wanyama:** Just wait first. I am looking at the audit. Do they show or not?
- Mr. Alfred Korir:** When you log in.
- Mr. Peter Wanyama:** When you log in.
- Mr. Alfred Korir:** Yes.
- Mr. Peter Wanyama:** When you check from the system, can they tell that Peter Wanyama accessed this system?
- Mr. Alfred Korir:** It shows the IPPD number.
- Mr. Peter Wanyama:** Only the IPPD number. So, my question is, why is it from your audit logs you have names of individuals that appear? For example, you have Peter, who appears seven times in the computer-generated logs and you are saying it is not possible?
- Mr. Alfred Korir:** Yes. Peter was trying to log in using the username of his personal name, not a personal number. That is why that Peter did not manage to log in. You see them log in and fail. Logged in, failed.
- Mr. Peter Wanyama:** Yes. You are now telling us that MCAs were adequately trained. If this Peter was an MCA, he was trying to log in using his name, and here you are telling us that they were adequately trained. Do you still maintain your statement that MCAs were adequately trained?
- Mr. Alfred Korir:** They are trained.
- Mr. Peter Wanyama:** And some MCAs tried to log in using his name?

**Mr. Alfred Korir:** This is because of the suggested username, before reading the--

**Mr. Peter Wanyama:** Who else attempted to log in using their names?

**Mr. Alfred Korir:** I saw Anthony--- Let me just confirm. Anthony Ruto. Anthony Ruto from page 15. Yes, I see Kemoi Peter.

**Mr. Peter Wanyama:** As we finish my time, just my time, I want to ask you these questions as I finish. These logs, if you see the logs, and the evidence that these MCAs accessed the system, do you not think that their unique identification, the IP address of the telephone numbers of the mobile phone they used to access internet and vote will be in the logs?

**Mr. Alfred Korir:** Not in the logs.

**Mr. Peter Wanyama:** Is it your testimony before this House that the IP address of these MCAs who accessed the system cannot be in the logs?

**Mr. Alfred Korir:** Yes, that is my--- Yes.

**Mr. Peter Wanyama:** It ought not to be in the logs?

**Mr. Alfred Korir:** Not to be in the logs.

**Mr. Peter Wanyama:** It ought not to be in the logs?

**Mr. Alfred Korir:** But in the real--- In the voting that they did---

**Mr. Peter Wanyama:** No, I am just asking a simple question. Yes. If I have accessed this system and the system has generated a report, will this report show the IP address of the telephone numbers of the MCAs who voted?

**Mr. Alfred Korir:** Yes, it shows under the detailed report.

**Mr. Peter Wanyama:** Under the detailed report?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** So, my question is, we are before the House of Senate. Where is this detailed report of the logs?

**Mr. Alfred Korir:** It is in page 29.

**Mr. Peter Wanyama:** Page 29. Are these the logs that you are talking about?

**Mr. Alfred Korir:** I am talking about the IP---

**Mr. Peter Wanyama:** No, the logs. The computer logs.

**Mr. Alfred Korir:** The logs do not have--- The computer logs are the ones we are looking at page 13.

**Mr. Peter Wanyama:** Confirm that the document which appears at pages 13, 14, 15 and 16, you went to the system---

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** Extracted what you wanted us to see and pasted them here. Is that correct?

**Mr. Alfred Korir:** No, I extracted all the logs.

**Mr. Peter Wanyama:** But where are the--- I am just asking a simple question. This person attempted to log in. Where is the IP address for each person? This is because as a person who has handled electoral disputes, I can quickly see from logs that a log ought to contain the IP address. In fact, the purpose of the IP address is for security of the system.

So as the user, you can tell what happens and who is trying to get into my system. Then you can trace them and say, “Mr. Peter Wanyama, this is the log that he is using, this is the IP address, and I will shut him down”. Is that correct?

**Mr. Alfred Korir:** It is correct.

**Mr. Peter Wanyama:** So, your logs are cut and paste. There is information in the system, which you do not have before the Senate?

**Mr. Alfred Korir:** No.

**Mr. Peter Wanyama:** Thank you.

**Mr. Katwa Kigen:** Mr. Bett, I will be struggling with time, so I will just go straight to the question I want to ask you.

Good morning, Mr. Bett.

**Mr. Alfred Korir:** Korir.

**Mr. Katwa Kigen:** Now, paragraph 15 of your affidavit and your testimony this morning, you said only 48 people had access to the site, is it not?

**Mr. Alfred Korir:** Yes.

**Mr. Katwa Kigen:** And that is the 47 MCAs and the---

**Mr. Alfred Korir:** The system administrator.

**Mr. Katwa Kigen:** And the system administrator. You appreciate that our case is that four MCAs were voted for. You appreciate that is our case, is it not?

**Mr. Alfred Korir:** I know the case that they were voted for.

**Mr. Katwa Kigen:** Yes, you understand that, is it not?

**Mr. Alfred Korir:** From my end, I know they voted.

**Mr. Katwa Kigen:** Yes, I understand. Your defence is that they voted.

**Mr. Alfred Korir:** Yes.

**Mr. Katwa Kigen:** And you know we are saying they were voted for. Is it not? You understand that?

**Mr. Alfred Korir:** Yes.

**Mr. Katwa Kigen:** Now, if it were to be the case that, indeed, it is only you other than the MCAs that had access, the only other person who could have voted for them, if it were to be the case that they were voted for is yourself, Mr. Korir, is it not?

**Mr. Alfred Korir:** No, I cannot vote as an admin.

**Mr. Katwa Kigen:** Why would you not, Mr. Korir? Why would you not?

**Mr. Alfred Korir:** This is because I was logged in as an admin to monitor the way they are.

**Mr. Katwa Kigen:** But you had all the protocols. You had the username.

**Mr. Alfred Korir:** I had, yes.

**Mr. Katwa Kigen:** And you had the ID number.

**Mr. Alfred Korir:** Yes.

**Mr. Katwa Kigen:** Both the password and the username. You had the ID number?

**Mr. Alfred Korir:** Yes.

**Mr. Katwa Kigen:** Both the password and the username?

**Mr. Alfred Korir:** Yes.

**Mr. Katwa Kigen:** If you chose to, you could have voted, is that so?

**Mr. Alfred Korir:** Yes.

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**Mr. Katwa Kigen:** Similarly, when my learned friend, Mr. Kirui, was demonstrating, he showed you that when you log into one of the sites, you can get the whole list of the payroll numbers.

**Mr. Alfred Korir:** Not the site, but we have in our database.

**Mr. Katwa Kigen:** Yes, you have. If Mr. Rogony had access to that database or if you, his friend, gave him the password and the username for Hon. Kibet, he could have voted for Hon. Kibet. Is that so? As a question of possibility, is it possible?

**Mr. Alfred Korir:** Once they have the password, it is possible.

**Mr. Katwa Kigen:** I would like to ask on Volume 4A. You have given us items Nos.6, 7, 8 and 9. No.6 is the biometric attendance register, No.7 is the system extract of voting results, No.8 is an extract of detailed votes cast and No.9 is the screenshot images of indicator board display. You can see that?

**Mr. Alfred Korir:** Yes.

**Mr. Katwa Kigen:** Could you confirm that, similar to what my colleague, Fiona, asked you, you do not have a certificate under Section 106B of the Evidence Act, confirming the authenticity of this extract? Could you just attend to my question?

**Mr. Alfred Korir:** I have the certificate; it was in there.

**Mr. Katwa Kigen:** On all these items, six to nine?

**Mr. Alfred Korir:** Certificate of electronic 40. I have confirmed from you.

**Mr. Katwa Kigen:** Could you tell us which page it is on?

**Mr. Alfred Korir:** Page 114, that is, volume two, page 114.

**Mr. Katwa Kigen:** It is in the County Assembly's bundle, hon. Senators. I will come back to that question as my colleagues assist me on that, but I will move on to a different issue.

I would like you to confirm from the way you displayed to us when you were testifying. Your first display was at 19.15 and you displayed the screen at 19.15?

**Mr. Alfred Korir:** Yes.

**Mr. Katwa Kigen:** Could you confirm that the first display displayed six votes?

**Mr. Alfred Korir:** Yes, I do.

**Mr. Katwa Kigen:** Can you confirm that you have no display showing escalation of the votes from one to six? The first entry is six.

**Mr. Alfred Korir:** No, inside that one, the display---

**Mr. Katwa Kigen:** I am asking from what you said. Can you confirm that you do not have any display showing graduation of the votes from one to six?

**Mr. Alfred Korir:** Yes.

**Mr. Katwa Kigen:** You do not.

Are you familiar with the Data Protection Act? You are dealing with data and you are an ICT expert. So, you are familiar with the Data Protection Act, is that so?

**Mr. Alfred Korir:** Yes.

**Mr. Katwa Kigen:** It is also common ground now that we have agreed through the cross-examination of my colleague, Wanyama, that the domain is hosted in Germany and developed by a gentleman by the name Brian, is that so?

**Mr. Alfred Korir:** Yes.

**Mr. Katwa Kigen:** You have not given us the protocols of your relationship with the host of that domain. Do you have the permission of the Data Protection Director for the hosting of Kenyan's data in Germany?

**Mr. Alfred Korir:** No, I do not.

**Mr. Katwa Kigen:** Have you registered this system under Section 18 of the Data Protection Act?

**Mr. Alfred Korir:** We relied on the Standing Orders.

**Mr. Katwa Kigen:** Just answer my question. Have you registered it?

**Mr. Alfred Korir:** No.

**Mr. Katwa Kigen:** Do you know the exemptions that obtain for you to be exempted from having to register under the Data Protection Act; that it requires that you have employees of less than 10 people and a turnover of less than Kshs5 million? Were you aware of that?

You said you were familiar with data protection. Do you have the exemption, under any circumstances, for you not to have registered with the data protection?

**Mr. Alfred Korir:** It is an internal system.

**Mr. Katwa Kigen:** I have asked; do you have or you do not have?

**Mr. Alfred Korir:** I do not have.

**Mr. Katwa Kigen:** As we speak today, you said that you developed the system a day before the voting, is that so?

**Mr. Alfred Korir:** Not a day. The system came live the day before.

**Mr. Katwa Kigen:** As you were using it on the 15<sup>th</sup> August, did you have a policy on the use of that specific system?

**Mr. Alfred Korir:** Electronic voting is in the Standing Orders.

**Mr. Katwa Kigen:** Apart from the Standing Orders, do you have a standalone policy on how to use that electronic voting system?

**Mr. Alfred Korir:** We have not developed a policy.

**Mr. Katwa Kigen:** Do you have a manual?

**Mr. Alfred Korir:** We do not have.

**Mr. Katwa Kigen:** Do you have any regulations regarding the use of electronic voting?

**Mr. Alfred Korir:** The Standing Orders.

**Mr. Katwa Kigen:** Please, answer my question. Do you have any regulations on the use?

**Mr. Alfred Korir:** No.

**Mr. Katwa Kigen:** Hon. Senators, I will take you to Volume 1 of the Governor's Report, page 195.

You are familiar with these Standing Orders from the way you are talking, and I want you to go to the second last paragraph. Are you there?

**Mr. Alfred Korir:** Yes.

**Mr. Katwa Kigen:** I want us to read the last sentence. The Speaker said; "who knows even whether there is a system? I do not know."

As it were in the morning of the voting, the Speaker did not even know whether there was a voting system, is that so?

**Mr. Alfred Korir:** From his speech, yes, he did not know. He did not even know how the system would be logged into.

**Mr. Katwa Kigen:** He said that he did not know whether there was a system, is that so?

**Mr. Alfred Korir:** Yes.

**Mr. Katwa Kigen:** How come you are saying that the MCAs were aware that they could vote electronically when the Speaker did not know?

**Mr. Alfred Korir:** Considering the Standing Orders.

**Mr. Katwa Kigen:** The Speaker does not know the Standing Orders?

**Mr. Alfred Korir:** He knows.

**Mr. Katwa Kigen:** How come then you are saying that? Let us move on.

There was something you said yesterday in your testimony, but first let us hear what you have just said a moment ago. Have you just said that he did not know how it would work?

**Mr. Alfred Korir:** Yes.

**Mr. Katwa Kigen:** Just listen to my question. That is consistent with your testimony yesterday, saying that you decided at the last minute that the password would be the ID number and the username would be the payroll number.

**Mr. Alfred Korir:** Yes.

**Mr. Katwa Kigen:** The Speaker did not know that information and the MCAs did not know that either?

**Mr. Alfred Korir:** Yes.

**Mr. Katwa Kigen:** And are you an MCA?

**Mr. Alfred Korir:** I am staff.

**Mr. Katwa Kigen:** So, as staff, you decide for the MCAs what they should do?

**Mr. Alfred Korir:** It was a voting system, I had to keep the details.

**Mr. Katwa Kigen:** Did you need to consult with the Speaker on that issue or you decided on your own?

**Mr. Alfred Korir:** We were expecting---

**Mr. Katwa Kigen:** My question is, did you consult with the Speaker on what password and username to use?

**Mr. Alfred Korir:** No, I did not.

**Mr. Katwa Kigen:** You did not. On the same page 195, it is true that long before voting, the 18 MCAs who incorporate the four MCAs, had already complained that some people had voted for them, from the HANSARD, is that so?

**Mr. Alfred Korir:** Yes.

**Mr. Katwa Kigen:** Exactly the same people who had complained that they had been voted for were eventually voted for, is that so?

**Mr. Alfred Korir:** Or they voted. From my end, I believe they voted.

**Mr. Katwa Kigen:** No, what I am asking is that they had already complained before the voting, is that so?

**Mr. Alfred Korir:** Yes.

**Mr. Katwa Kigen:** They knew that you had voted for them long before, is that so?

**Mr. Alfred Korir:** No.

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**Mr. Katwa Kigen:** As I close my cross-examination because of time, can you confirm as my learned friend, Mr. Kirui, took you through, we have the delivery of the laptops in which year?

**Mr. Alfred Korir:** September, 2024.

**Mr. Katwa Kigen:** September, 2024 and there is a list of ID numbers. The ID numbers are usually used when you are either delivering things like laptops or paying the MCAs.

**Mr. Alfred Korir:** We use their IPPD numbers mostly as their primary.

**Mr. Katwa Kigen:** Occasionally, you use ID numbers for laptops and other times, you use payroll numbers, is that so?

**Mr. Alfred Korir:** Yes.

**Mr. Katwa Kigen:** Is that information accessible to Members of the County Assembly?

**Mr. Alfred Korir:** Not publicly, but only to those who have the rights to the system.

**Mr. Katwa Kigen:** Yes, it is not only you.

**Mr. Alfred Korir:** Even the Human Resource (HR) has them.

**Mr. Katwa Kigen:** Then even the HR could have voted from your system. Lastly, Mr. Bett--

**Mr. Alfred Korir:** I am Korir.

**Mr. Katwa Kigen:** My apologies. I kept calling you Bett.

I know we are smiling at each other, but the question I want to ask you is fairly nasty. The instructions I have is that you actually voted for the four MCAs. I put it to you that you voted for the four MCAs.

**Mr. Alfred Korir:** No, I did not.

**Mr. Katwa Kigen:** Is it true that you come from Mulot?

**Mr. Alfred Korir:** No.

**Mr. Katwa Kigen:** So, it is wrong for my client to refer to you as a Mulot boy?

**Mr. Alfred Korir:** Yes, it is.

**Mr. Katwa Kigen:** That is not true?

**Mr. Alfred Korir:** That is not true.

**Mr. Katwa Kigen:** Clearly, you are very eloquent, but you manipulated the data.

**Mr. Alfred Korir:** No, I did not.

**Mr. Katwa Kigen:** I want to leave it at that. My learned friend has just one question, and then we will go.

**Mr. Peter Wanyama:** Mr. Speaker, Sir, just one question in one minute.

Earlier on, I asked you about call logs, which ought to contain the Internet Protocol (IP) address. Is that correct?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** You said that these IP addresses are in the Senate. Is that correct?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** Are they the IP addresses on pages 29, 30, 31, and 32 of volume 4A?

**Mr. Alfred Korir:** Yes.

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**Mr. Peter Wanyama:** Mr. Speaker, Sir, this is extremely important for us. These IP addresses must be unique to each MCA because of the different gadgets they used. Is that correct?

**Mr. Alfred Korir:** So, in our---

**Mr. Peter Wanyama:** Wait! Is that correct? They must be unique for each one. You sent a message to each one.

**Mr. Alfred Korir:** The message was within the same link.

**Mr. Peter Wanyama:** So, this is the question; on page 30, the last end, there is an IP Address - Mr. Speaker, Sir, this is now where the fraud is - serial No.41. An MCA for Kedowa/Kimugul Ward voted 'yes.'

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** The IP address is 41, 139, 237, and 129. Is that correct?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** On page 31, that same IP address appears for MCA of Soliat Ward. Is that correct on line two?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** It appears on line five for another MCA.

**Mr. Alfred Korir:** Yes. I can explain that.

**Mr. Peter Wanyama:** Wait, you will explain to the Senators when they ask you; I just want to lay the basis. This IP address then appears nine times. Do you confirm that?

**Mr. Alfred Korir:** I confirm.

**Mr. Peter Wanyama:** So, on the first of these logs, nine MCAs voted yes using one gadget?

**Mr. Alfred Korir:** Yes, we had a laptop in the chambers.

**Mr. Peter Wanyama:** The evidence before the Senate is that only three MCAs were assisted. Do you know that?

**Mr. Alfred Korir:** At the Chambers, we have one router that has a static IP, which we normally use for the livestream. Static IP does not change; the others have dynamic IPs.

**Mr. Peter Wanyama:** As I finish up, go to volume two, page 88. That is the MCAs who were assisted to vote using one machine because the logs show that nine MCAs voted with one machine.

**Mr. Alfred Korir:** Not a machine exactly, but---

**Mr. Peter Wanyama:** Look at page 88 of volume two, paragraph eight in the affidavit of Martin Langat. How many MCAs in the Chambers were assisted to vote according to that affidavit?

**Mr. Alfred Korir:** We had two ICT officers in the Chambers.

**Mr. Peter Wanyama:** I am asking; according to the affidavit before the Senate, how many MCAs?

**Mr. Alfred Korir:** Three.

**Mr. Peter Wanyama:** Only three?

**Mr. Alfred Korir:** Yes.

**Mr. Peter Wanyama:** Thank you.

**The Speaker** (Hon. Kingi): Counsel for the County Assembly, any re-examination?

**Mr. Elias Mutuma:** Thank you, Mr. Speaker, Sir. I will do the re-exam for the witness.

Alfred.

**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** Other than speculation and blanket accusations, has the Governor's team pointed you to any audit report that indicates that you, indeed, voted or conducted any illegal activities on the platform?

**Mr. Alfred Korir:** No.

**Mr. Elias Mutuma:** Is that accusation backed by any evidence?

**Mr. Alfred Korir:** Yes, because once I log in, I log in as an administrator, and I was not within these IP addresses within the Assembly. The IP addresses for the Assembly---

**Mr. Elias Mutuma:** We will get to that point; mine was just to confirm whether there is any evidence that has been tabled to show that, indeed, there are activities from the administrator.

**Mr. Alfred Korir:** No evidence.

**Mr. Elias Mutuma:** Let me ask you a question as a layman. Is there a system on earth that does not have a system administrator?

**Mr. Alfred Korir:** No.

**Mr. Elias Mutuma:** All systems must have an administrator? What are the specific roles of an administrator of any system?

**Mr. Alfred Korir:** The specific roles are to assign the users, create the users in the system and assign the rights. For example, if it is the voting; the rights to vote and assign who can vote and who cannot vote.

**Mr. Elias Mutuma:** Does that include internet banking (IB)?

**Mr. Alfred Korir:** Internet banking---

**Mr. Elias Mutuma:** Do we have a system administrator for that application? Is there always someone at the end who is doing the administration work?

**Mr. Alfred Korir:** Yes, even in the Central Bank of Kenya (CBK), we have somebody we consult usually when we have problems.

**Mr. Elias Mutuma:** Is it not true to state that the system administrator has super rights in other systems?

**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** So, it is then not unusual for you to have super rights as an administrator?

**Mr. Alfred Korir:** Very true.

**Mr. Elias Mutuma:** That is indeed standard, correct?

**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** Does Kericho County Assembly have an ICT policy?

**Mr. Alfred Korir:** Yes, we have.

**Mr. Elias Mutuma:** Has that policy been approved by the County Assembly Service Board?

**Mr. Alfred Korir:** It was approved.

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- Mr. Elias Mutuma:** Does that include procurement issues of the system?
- Mr. Alfred Korir:** Yes, it includes.
- Mr. Elias Mutuma:** Did the development of this system comply with the ICT policy of Kericho County Assembly?
- Mr. Alfred Korir:** Yes, it did.
- Mr. Elias Mutuma:** You confirmed that you were not in Chambers during the voting?
- Mr. Alfred Korir:** Yes, I was not in the Chambers.
- Mr. Elias Mutuma:** So, if there was voting that took place in the Chambers, it cannot be from you? If we are able to tell that voting came from the chambers?
- Mr. Alfred Korir:** Yes.
- Mr. Elias Mutuma:** Kindly turn to page 32. Let us major on the four MCAs whose votes are contested. Are we able to tell from the IP addresses where the specific voter was at the time the vote was cast?
- Mr. Alfred Korir:** Yes, based on the routers, which we have in the Chambers, we can identify.
- Mr. Elias Mutuma:** Kindly proceed and indicate specifically where the votes of the four MCAs were cast from. What volume are we looking at?
- Mr. Alfred Korir:** Volume 4A, page 31.
- Mr. Elias Mutuma:** Volume 4A of the County Assembly's documents?
- Mr. Alfred Korir:** Yes.
- Mr. Elias Mutuma:** At which page?
- Mr. Alfred Korir:** Page 31.
- Mr. Elias Mutuma:** Kindly take us to the first IP address.
- Mr. Alfred Korir:** Cheplanget, 41, 139, 237, 129, which is our static IP in the Chambers.
- Mr. Elias Mutuma:** Give us the specific entry for the sake of the Senators who are---
- Mr. Alfred Korir:** The second last.
- Mr. Elias Mutuma:** So, the second last entry is an IP address?
- Mr. Alfred Korir:** A static IP address that is within our chamber.
- Mr. Elias Mutuma:** So, that vote then must have been cast from Chambers, is that correct?
- Mr. Alfred Korir:** Yes.
- Mr. Elias Mutuma:** Were you in the chamber to cast that vote?
- Mr. Alfred Korir:** No, I was not.
- Mr. Elias Mutuma:** Let us go to the end.
- Who then cast that vote? Are you able to tell the specific member who cast that vote?
- Mr. Alfred Korir:** Hon. Hilary Bosuben.
- Mr. Elias Mutuma:** From chambers?
- Mr. Alfred Korir:** Yes.
- Mr. Elias Mutuma:** Let us go to the second MCA that purports they did not vote, and that you are the one who voted.

**Mr. Alfred Korir:** On page 32, the first MCA from Kapkatet also used a router in our chambers, which is, 105. We are using the Safaricom fibre. We have the routers in the chambers to assist Members' access especially when we are running live broadcasts for the *Facebook* page and *YouTube*. That is why we have a static IP address, the one that does not change. We use that to avoid disruptions when there is a livestream.

**Mr. Elias Mutuma:** Again, you confirm that vote was cast from chambers?

**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** And you were not in chambers?

**Mr. Alfred Korir:** Yes. That is page 32, the first one.

**Mr. Elias Mutuma:** The first entry on page 32?

**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** Which Member cast that vote?

**Mr. Alfred Korir:** Amos Birir.

**Mr. Elias Mutuma:** From chambers?

**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** Let us go to the third one.

**Mr. Alfred Korir:** The third one is within the chambers within the static IP.

**Mr. Elias Mutuma:** Which specific MCA?

**Mr. Alfred Korir:** Martin Cheruiyot.

**Mr. Elias Mutuma:** The second last entry on page 32?

**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** Where was that vote cast from?

**Mr. Alfred Korir:** From the chambers.

**Mr. Elias Mutuma:** From the chambers, which you were not in?

**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** The last one for Edina?

**Mr. Alfred Korir:** I am trying to trace the one for Edina, since she is a nominated member. 19, 22, 27. It is through the Chambers, static---

**Mr. Elias Mutuma:** Give us the entry number. What page?

**Mr. Alfred Korir:** Page 31. 1, 2, 3, 4, 5, 6, 7--- It is the 7<sup>th</sup> one. So, it is hon. Edina.

**Mr. Elias Mutuma:** What entry number?

**Mr. Alfred Korir:** Entry number from the bottom is No.6 from the bottom.

**Mr. Elias Mutuma:** Again, you confirm that that vote was cast from Chambers?

**Mr. Alfred Korir:** Yes, I do.

**Mr. Elias Mutuma:** Thank you. Now, was the electronic voting done through the website so as to be affected by where the website is hosted?

**Mr. Alfred Korir:** No.

**Mr. Elias Mutuma:** So, the hosting of the website has nothing to do with the voting?

**Mr. Alfred Korir:** But where we have hosted--- Because it must be accessed through the database in our hosting site.

**Mr. Elias Mutuma:** Could where the website is hosted affect the voting system?

**Mr. Alfred Korir:** It did not.



**Mr. Elias Mutuma:** Has any material been produced by the team for the Governor showing that there was a compromise from the host of the website?

**Mr. Alfred Korir:** Not in my knowledge.

**Mr. Elias Mutuma:** You have been accused of not training Members of the County Assembly (MCAs) on the use of this system. Kindly confirm the other functions that are available in this system other than the electronic voting.

**Mr. Alfred Korir:** The others that are available are members interacting with the system during committee meetings within the assembly.

**Mr. Elias Mutuma:** How many times have MCAs interacted with the system through meetings?

**Mr. Alfred Korir:** Multiple, since 2022.

**Mr. Elias Mutuma:** Since 2022?

**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** Has any MCA ever complained that they were unable to use the system, even for the other functions?

**Mr. Alfred Korir:** Yes, we have had some cases and we resolved the issues.

**Mr. Elias Mutuma:** Indeed, this is the very system that is used to pay members' *per diems*, correct?

**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** To also generate vouchers, correct?

**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** The same Members who are now complaining that they could not use the system, correct?

**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** Is there anything in law that prevents the County Assembly from developing its own system internally?

**Mr. Alfred Korir:** Standing Orders are sufficient to allow us to do the system for the operations within the Assembly.

**Mr. Elias Mutuma:** Is the system you generated the only system that is being used within Kericho County Government, including the executive?

**Mr. Alfred Korir:** No, we are using it in the Kericho County Assembly.

**Mr. Elias Mutuma:** Are you aware if the county executive has their own internal systems?

**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** Give an example of such an internally developed mechanism.

**Mr. Alfred Korir:** They say they have a revenue collection system.

**Mr. Elias Mutuma:** So, the revenue system of Kericho is internally developed?

**Mr. Alfred Korir:** They say so.

**Mr. Elias Mutuma:** Is there anything wrong then for you to develop your own system?

**Mr. Alfred Korir:** Not at all.

**Mr. Elias Mutuma:** Let me ask this question. In your own understanding as an Information Technology (IT) expert, does the revenue system that has been internally developed by Kericho Government have an administrator?

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**Mr. Alfred Korir:** Yes, it does.

**Mr. Elias Mutuma:** Does that administrator have the same user rights as you, as you interact with your system?

**Mr. Alfred Korir:** Yes, he must have.

**Mr. Elias Mutuma:** This involves the entire revenue of Kericho County that is collected?

**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** Let us talk about the data that you presented as audit logs for the voting system.

**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** Other than what you printed, is the raw data still available on the system that is untampered with, that is uncopied?

**Mr. Alfred Korir:** It is.

**Mr. Elias Mutuma:** It is?

**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** You have also been accused of not producing a certificate of electronic evidence to demonstrate the procedure you used. Kindly, for record purposes, confirm that, indeed, you supplied us with a certificate of electronic.

**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** Where is that certificate contained?

**Mr. Alfred Korir:** Volume two, page 114.

**Mr. Elias Mutuma:** Thank you. What was the specific mode that you used to copy and print the logs? How would you explain the fact that we had some logs that do not follow each other sequentially? Why would that be the case?

**Mr. Alfred Korir:** The logs were in five pages. So, I had to copy page by page. I copied page one, pasted in a notepad and then copied the next page. That is where duplication came in. I did not countercheck.

**Mr. Elias Mutuma:** But you confirmed that the system has the logs intact, correct?

**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** Does the system audit show that there were votes that were received from any other quarter apart from the County Assembly Chambers?

**Mr. Alfred Korir:** No.

**Mr. Elias Mutuma:** Did the MCAs or any other person apart from you know the credentials that were going to be used in the voting exercise?

**Mr. Alfred Korir:** No.

**Mr. Elias Mutuma:** Specifically, did the Speaker know that it was the ID cards that were supposed to be used as the passwords prior to the announcement?

**Mr. Alfred Korir:** No, I communicated to him once he ruled that Division was to be done and electronic voting was to be used.

**Mr. Elias Mutuma:** Thank you. Do the audit logs indicate that there was any activity that took place beyond the 11 minutes that were provided for voting?

**Mr. Alfred Korir:** In regards to voting, no.

**Mr. Elias Mutuma:** So, the only activity that is confirmed from the audits is activities that took place within the 11 minutes?

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**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** Who gave direction for extension of voting time from five minutes to 11 minutes?

**Mr. Alfred Korir:** The Speaker.

**Mr. Elias Mutuma:** It is the Speaker?

**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** You cannot then be accused of extending the voting period without the permission of the Speaker, correct?

**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** Could a voter log in at any other time than the time the system was activated?

**Mr. Alfred Korir:** Before or after voting?

**Mr. Elias Mutuma:** Any time, before and after. Could anyone access and vote?

**Mr. Alfred Korir:** They could not vote, but they would log in and the message would be voting has ended.

**Mr. Elias Mutuma:** So, if someone logged in right now, they would not be able to vote, correct?

**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** What if they attempted to access the system before it was activated?

**Mr. Alfred Korir:** Before we created the Motion, there was nothing in the page.

**Mr. Elias Mutuma:** There was nothing in the page?

**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** So, there was no possibility of voting at any other time, correct?

**Mr. Alfred Korir:** Until the time the Motion has been created.

**Mr. Elias Mutuma:** Thank you. You have been brought to the attention of two Members of the County Assembly. One, Hon. Paul Bii, who does not seem to have an Integrated Payroll and Personnel Database (IPPD) number. Kindly explain why that is the case.

**Mr. Alfred Korir:** Hon. Paul Bii used to be a police officer. I think he left the service before retirement and we were unable to transfer his IPPD number from the previous employer. So, he worked for the Government before.

**Mr. Elias Mutuma:** What have you been using instead of his IPPD number?

**Mr. Alfred Korir:** His ID.

**Mr. Elias Mutuma:** Has that been the case for all other functions than for voting purposes?

**Mr. Alfred Korir:** Yes.

**Mr. Elias Mutuma:** Explain the discrepancy with Hon. Dora.

**Mr. Alfred Korir:** Even Dora was working with a Government institution, but the transfer of the file was not successful. We have not received her IPPD number linked to Kericho County Assembly.

**Mr. Elias Mutuma:** So, for all other functions, you still do not use her IPPD number?

**Mr. Alfred Korir:** Yes, we do not have.

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**Mr. Elias Mutuma:** So, was there anything wrong for you to use her ID instead of an IPPD number as the user?

**Mr. Alfred Korir:** In that case, no.

**Mr. Elias Mutuma:** Thank you. Lastly, Mr. Wanyama, yesterday, in front of this House, stated that he was able to vote after the system was closed. What would you say?

**Mr. Alfred Korir:** You only vote for an active Motion that has been created, but not in the Motion that has ended.

**Mr. Elias Mutuma:** Could Mr. Wanyama then be able to vote?

**Mr. Alfred Korir:** At that time I had created a demonstration page which we wanted to come and use in case it was asked. I had indicated it was a demo page and used the credentials of two honourable Members because the information was with them. I had changed the log in details from the username and password.

For demonstration purposes, I was in the process of doing, but when I realised somebody was trying to get into the system through another place, as system administrator, I removed the page.

**Mr. Elias Mutuma:** The demo page, in my understanding, could be a dummy page.

**Mr. Alfred Korir:** It was a dummy page.

**Mr. Elias Mutuma:** It had no effect whatsoever.

**Mr. Alfred Korir:** No effects on the vote whatsoever.

**Mr. Elias Mutuma:** Thank you, Mr. Speaker, Sir. That is all for this witness, unless the honourable Senators have any requests.

**The Speaker** (Hon. Kingi): Hon. Senators, you may ask questions and seek clarifications either directly to the witness or to Counsel. You need to do that in under one or two minutes.

**Sen. Veronica Maina:** Thank you, Mr. Speaker, Sir. Mr. Witness, I want you to go to pages 13 to 17 the one that has the system audit logs and the username you chose to apply together with password.

It is true that the username being the IPPD number together with the ID was information that was available to the secretary at the County Assembly.

**Mr. Alfred Korir:** True.

**Sen. Veronica Maina:** That means anybody would have accessed if they had that information, for example, from the finance department where payments are made.

**Mr. Alfred Korir:** They were not aware of the link that is sent to the Members and username they were using.

**Sen. Veronica Maina:** I am asking you if that information was available and somebody had the link because the proceedings were public; everybody knew that Motion was happening, they could easily access.

**Mr. Alfred Korir:** That is true.

**Sen. Veronica Maina:** When did you create the electronic voting system?

**Mr. Alfred Korir:** We started immediately when the Standing Orders were amended. We did not know when the Motion would come up, so we were not so fast in doing it---

**Sen. Veronica Maina:** I asked when you created it. A week or two days before, for example.

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**Mr. Alfred Korir:** We made it live two days before.

**Sen. Veronica Maina:** Do you have an ICT policy in Kericho County? In your ICT policy, what process---

**The Speaker** (Hon. Kingi): Proceed, Sen. Wambua.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir. I will ask my questions to the ICT expert.

First, I wish to know whether the IP address is assigned to a gadget or to an individual.

**Mr. Alfred Korir:** The IP address, the first two numbers such 105.106 is assigned to the network. The rest is attached to the gadget.

**Sen. Wambua:** Mr. Speaker, Sir, I asked that question because I also have some knowledge in IT. It is impossible to get more than one log in using the same credentials at the same time. If you have logged in using whatever password or address assigned, you have to log out and log in afresh.

**Mr. Alfred Korir:** That is true.

**Sen. Wambua:** You cannot log in twice at the same time, yet I see on page 13 of volume 4A, there is a person there that has logged in twice at the same time, voted two seconds later and until this document was brought to us, that person is still logged in. They did not log out.

I want to understand from the IT expert how it is that some people logged in and logged out---

**The Speaker** (Hon. Kingi): Proceed, Sen. Kathuri.

**Sen. Kathuri:** Thank you, Mr. Speaker, Sir. I have two issues. One is may be a comment on the application that was requested by the Governor's Counsel, whether he should raise it now or later after we clear with the witness. If not, then I have a question to the witness.

He has alluded to the fact that this system was never tested before by the MCAs, yet we know not everyone is an ICT expert. It is now I am learning that Sen. Wambua has some knowledge in ICT; I thought he was just a journalist.

I am an environmentalist not an IT expert. I am asking the administrator of the system, why did you not test the system with your client, the MCAs, before you went to the vote? This is because for sure even though we have a system in this House, we did some orientation when the system was installed in both Houses of Parliament.

Why did you go that route? Did you install the system specifically for the Impeachment Motion? If you were not sure it would work or Members able to use it, why could you not go the manual way because Members were in the Chamber and they could have voted in a very verifiable manner?

**The Speaker** (Hon. Kingi): Proceed, Sen. Onyonka.

**Sen. Onyonka:** Thank you, Mr. Speaker, Sir. I wanted to go back to the clarification I had attempted to seek. You made a presentation which I got half way through. I did not get what I wanted you to educate me on. How many people according to you voted?

**Mr. Alfred Korir:** Thirty-three people.

**Sen. Onyonka:** Okay.

**Sen. Mungatana, MGH:** Thank you, Speaker, Sir. We also have our voting system, as the Deputy Speaker has said. We are 47 Senators just as you are in the County Assembly.

We take just about two minutes and everyone has voted. For you, it was five minutes, as you said. Your Standing Orders allow for five minutes, yet you tell us you had 11 minutes and 44 seconds. What was happening in between there? You also said you were camping in the system as its administrator. Is the system foolproof? Make me confident that there was nothing fishy within that period of time.

**The Speaker** (Hon. Kingi) Proceed, Sen. Kajwang.

**Sen. M. Kajwang:** Mr. Speaker, Sir, for the record, I am an IT expert with verifiable credentials and background.

My friend in the profession, there are four MCAs whom it is contested whether they voted or not. Three of them are Chepkirui Edina Tonui, Bosibet Kibet Hilary and Martin Kiplangat had the same IP on voting, which is 41139237129. Could you explain how that occurred?

If you are challenged to provide the MCA addresses of the devices they were using, are you able to provide that to differentiate the votes of the three?

Finally, I listened in amazement as the Counsel for the County Assembly said that they copied and pasted logs. In 2017, a similar matter came up before the Supreme Court. It was established that logs can only be verifiable if they are extracted in the presence of both parties. So, it is very difficult to admit logs that have been generated by one party, copied and pasted, and where Counsel even admits that there are errors as far as they are concerned. Is the County Assembly willing to extract the logs in the presence of the Governor and the presence of an independent witness provided by the Senate, as was established in 2017?

Thank you.

**The Speaker** (Hon. Kingi): Sen. Cherarkey, please, proceed.

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir. I am not an ICT expert, so I will ask basic questions; I am a lawyer.

Mr. Witness, and I request that you write this down, I have heard the assertion that some MCAs have ‘*mulika mwizi*’ phones. Are you able to send the voting SMS links to ‘*mulika mwizi*’ phones?

Number two, Standing Order No.77 was adopted and passed by the House in October, 2024. Does it mean that the County Assembly has an obligation to train the MCAs from Standing Order No.1, all the Standing Orders in the Standing Orders of Kericho County Assembly?

In addition, just for clarity, does it mean the IPPD and ID numbers that belong to MCAs are available to the public? Public, meaning, people who work outside. For example, are the Governor and the County Executive of Kericho aware of the IPPD and ID numbers of the MCAs within the County Assembly?

Finally, I have seen on volume one, page six, that there are some MCAs who did not take their phones into the Chamber. After the adoption of Standing Order No.77, were they aware that they were supposed to receive their SMS links on their phones?

I yield, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Omogeni, please proceed.

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**Sen. Omogeni:** I just want clarification on page 31. Did you say that the IP address that looks similar, these MCAs voted from the same gadgets?

**Mr. Alfred Korir:** We have the static IP within the Chambers.

**Sen. Omogeni:** Did they use the same gadget, the same laptop, these three who were assisted?

**Mr. Alfred Korir:** With the static IP, it can allow multiple users to log in using that static---

**Sen. Omogeni:** The same gadget?

**Mr. Alfred Korir:** Maybe the person who was inside the chambers can confirm how they voted.

**Sen. Omogeni:** Okay. If you were to assist one MCA, roughly how many minutes does it take; one who does not understand the system?

**Mr. Alfred Korir:** Like a minute.

**Sen. Omogeni:** Now, finally, there is one who was assisted at 19.22.27 seconds, and the next one was assisted at 19.22.33 seconds. Can you move from one MCA to another within five seconds? Excuse me, can you assist two MCAs within five seconds?

**Mr. Alfred Korir:** Kindly refer me to the volume, please.

**Sen. Omogeni:** I said on page 31, you assisted an MCA at 19.22.27 seconds, and the next one 19.22.33. That means the difference of five seconds.

**Mr. Alfred Korir:** That is the issue of the static IP. It can allow multiple devices to log in using the same IP.

**Sen. Omogeni:** I am referring to the IP address being the same. The explanation is that the gadget was one. They were using the same gadgets, unless we are lost. That is the clarification I need from you. You need to convince me of what happened. The IP address is the same, and the time taken is five seconds. If you convince me, I will be persuaded. I am lost there. Do you get me?

**Mr. Alfred Korir:** Yes, I do.

**The Speaker** (Hon. Kingi): Would you want to respond to it, or you will respond later as you respond to the others?

**Mr. Alfred Korir:** Later.

**The Speaker** (Hon. Kingi): That should be easy.

**Mr. Alfred Korir:** The only clarification is that the use of static---

**The Speaker** (Hon. Kingi): Witness, let me make it easier. The Senator is referring to the assisted MCAs. If they are not assisted, then they can log in at the same time, because they are not assisted. However, these ones were being assisted. So, you assist one, you clear with one, then you go assist the other one. Now, his concern is the efficiency that was deployed in assisting.

**Mr. Alfred Korir:** We had two ICT officers within the Chambers. Also, we have the static IP. I think the issue came from the static IP that we are using in the Chambers.

**The Speaker** (Hon. Kingi): Sen. Boni, please proceed.

**Sen. (Dr.) Khalwale:** Mr. Alfred Korir, you have truly impressed me with your honesty when you are responding to the question raised by the two young lawyers from the Governor's side. I would like you to uphold that standard.

The question is this: Cybersecurity expects the highest standards. The reason why end-to-end encryption is the standard, is specifically to address what is disturbing us now,

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namely, to make it impossible for unauthorised persons to access the system. So, given that you honestly accepted that your system is not full-proof, do you still want the Senate to use your evidence to remove the Governor when it was porous? That is question number one.

The last question. Since you said you are the expert, who asked you to advise the County Assembly of Kericho to use a system which you, the expert, knew was porous?

**The Speaker** (Hon. Kingi): Sen. Beatrice Akinyi, please, proceed.

**Sen. Ogola:** Thank you, your Excellency, the Speaker. Other than policies of the Kericho County, e-voting systems must comply with other national existing legal and regulatory frameworks. Is there any, nationally, that you think you may not have complied with?

**The Speaker** (Hon. Kingi): Sen. Thang'wa, please, proceed.

**Sen. Thang'wa:** Thank you, Mr. Speaker, Sir. Yes, an assembly can indeed have a static IP address. That is the router. However, that router will give different IP addresses to all the gadgets. So, you cannot have the same IP address from each gadget. I am a verified IT expert.

My question is hypothetical. From the IT department of Kericho Assembly, can you recommend your system to the Independent Electoral and Boundaries Commission (IEBC), so that probably they can use this system in the next general election? That is one.

Question two, we have seen that one IP address voted about nine times. My question is to the Counsel for the Governor. Are these nine people who are voted for the ones who have already done an affidavit to say they were voted for? Those are my questions. However, this is a classic case of a proxy voting system.

Thank you.

**The Speaker** (Hon. Kingi): Sen. Mumma, please, proceed.

**Sen. Mumma:** Thank you, Hon. Speaker. To the witness, the matter before the Senate is for us to determine whether there was a valid vote taken in respect of the impeachment of the Governor and how many MCAs voted.

I would want you to indicate how many MCAs were present and how many voted. Can you confirm that nobody voted for any MCA? Is that evidence before us?

**The Speaker** (Hon. Kingi): Sen. Kisang, proceed.

*(Sen. Olekina consulted Sen. Omogeni)*

Order, Senator for Narok County.

**Sen. Kisang:** Thank you, Mr. Speaker, Sir. I have two questions. One, who made the decision to use a system that had not been used before on a critical matter like this?

Secondly, as the County Assembly of Kericho, are you registered as data processor and data controller or not? Third, as IT experts, you and I--- I have 34 years of practice, did you send the IPPD numbers and ID numbers as bulk or you sent to each person individually? What was the use because I believe each MCA knows their IPPD numbers and IDs? Do you have a system also to regularly assist the MCAs to change their passwords?

**The Speaker** (Hon. Kingi): Sen. Oketch Gicheru.

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**Sen. Oketch Gicheru:** Thank you, Mr. Speaker. Expert in the House, yesterday when you argued on the principles and requirements of a secure e-system, you argued that ID was the best to use for password generation, yet, we know that any member of the public's ID numbers are everywhere in the county documents. So, why was there no other or do you have any other way that you could have given password access, for instance, generation of OTP, so that it is a second layer verification?

Secondly, this was the first time you were adjusting the existing system to a voting system. Therefore, you said that you designed this system to meet that in the shortest time possible. In an event where Sen. Kajwang' has asked to access the logs and the Governor decides to access the logs--- In an event where you cannot share that with us, can you share with us a rational, unified process, especially looking at the project duration and software increments that you did? Can you share with us that in this House or can you take us through your RUP process?

**The Speaker** (Hon. Kingi): Sen. (Dr.) Lelegwe, proceed.

**Sen. (Dr.) Lelegwe Ltumbesi:** Thank you, Mr. Speaker. Mr. Alfred, I want to point you to page 12, where message confirmation report is contained on electronic voting link. In that page, I wanted you to confirm whether that link is manually or system generated.

**The Speaker** (Hon. Kingi): Are you done, Senator?

**Sen. (Dr.) Lelegwe Ltumbesi:** Secondly, if it is system generated, why is entry No.13 a 25-digit number, while all others are 24-digit numbers?

**The Speaker** (Hon. Kingi): Sen. Chute.

**Sen. Chute:** Thank you, Mr. Speaker, Sir. To the witness, it is in your evidence that you said each member takes a minute. On pages 29 to 32, nine persons voted on the same IP address. It is also your evidence that there are two devices in the premises. So, the IP address is on a particular device.

My question is; unless you want us to remove the Governor on a flimsy excuse, why should you use the same IP address that takes one minute for each person? That is already nine minutes. How is it possible that these people took nine minutes to vote on the same IP address? Definitely, they used a system. Tell this honourable House, how it happened, that you used nine minutes for nine persons?

**Sen. Githuku:** Thank you, Mr. Speaker, Sir. I wanted to know from the witness, for how long have they been using the electronic voting system in the County Assembly of Kericho? That is point number one.

Secondly, I also wanted to know, in the event of system failure, which system have they kept in place to assist the MCAs of Kericho County to vote?

Thank you.

**Sen. Munyi Mundigi:** Thank you, Mr. Speaker, Sir. Swali langu ni kwa Mkurugenzi wa IT. Hii ni mara ya pili kumtimua Gavana wa Kericho na unajua kuna *two-thirds*. Katika kona zote siku hizi kila kitu ni IT. Kama ni kwa *election* au hata nini, siku hizi watu walirudi kwa *numbers*. Na kama ulikuwa unataka kusaidia watu wa Kericho na Kenya nzima, *system* ilipoleta shida wakati wa kupiga kura na macho yote yalikuwa kwako – ijapokuwa hukuwa ndani ya *Chamber* – kwa nini hukusimamisha mara moja na useme *system* ni mbaya; ndio wangetafuta watu wawili wa kusema “Yes” na “No” ndio waweze kupata *two-thirds*? Hilo ndilo swali langu.

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**Sen. Kavindu Muthama:** Thank you, Mr. Speaker, Sir, for this opportunity. My question to the witness is; I want to know if this Peter on page 15 of volume 4A and 16 and 17, who tried to log in so many times and the login failed, if he was ever assisted to vote.

I would also want to ask; this is a very heavy matter of impeachment. When we look at the system, it had problems. How come you continued with it and allowed MCAs to vote through the same system, where they had difficulties in voting for an impeachment? This is a heavy matter.

**The Speaker** (Hon. Kingi): Sen. Wamatinga, proceed.

**Sen. Wamatinga:** Thank you, Mr. Speaker, Sir. My question goes to the IT expert. You know, in the age of cybersecurity, I waited for you to mention what kind of firewalls you had put to ensure that we do not have unlawful intrusion. If you did have such a firewall, would you kindly provide us with the logs that showed that there were people who attempted to log in and they were actually denied entry?

The second question is; why was it not easy for you to use randomly generated passwords instead of using designated passwords to the MCAs, which could be manipulated?

Thank you, Mr. Speaker.

**The Speaker** (Hon. Kingi): Sen. Shakila.

**Sen. Shakila Abdalla:** Thank you, Mr. Speaker. It is unfortunate today we are doing the work of the MCAs on how they voted, whether they voted or not, which is not our work as a Senate. We can as well call those the MCAs to come and vote here, to establish the truth of the matter. It is because it seems now that doubt is how they voted, who voted, who did not vote and how many times; which is not our work.

When the Governor is brought here, we are here to look at the issues and impeach the Governor or we save him. However, we are now doing the work of the MCAs. That is not the work of this House. It is very unfortunate. We either bring those MCAs here to vote before the eyes of the Senators, to establish the truth of the matter and close this case once and for all.

(Laughter)

**An. Hon. Senator:** There was no question.

**The Speaker** (Hon. Kingi): Order, hon. Senators.

Sen. Wakoli, you may proceed.

**Sen. Wafula:** Asante, Bw. Spika. Kulingana na mawasilisho ya mawakili, kumekuwa na mtafaruku kwamba kuna wale waliopiga kura kupitia simu na wengine kupitia vipakatalishi. Ili Wakenya waelewe, je, ni kina nani waliopiga kura kupitia simu za rununu na wangapi walitumia kompyuta?

Pili, kulingana na weledi wa mtaalamu huyu, je, kuna thibitisho kupitia kanda ya video kama sasa ambapo Wakenya wanafuata kinachoendelea katika Seneti moja kwa moja, kwamba waliopiga kura walikuwa katika *County Assembly* ama walikuwa wapigakura hewa ambao tu kupitia nambari ulizosema?

Swali la mwisho ni hili. Wewe kama mtaalamu, iweje kuwa huelewi mfumo, mbinu ama sheria zinazopasa viongozi katika *County Assembly* kupiga kura?

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**The Speaker** (Hon. Kingi): Proceed, Sen. Murango.

**Sen. (Dr.) Murango:** Bw. Spika, swali nililotaka kuuliza limeulizwa na Sen. Wakoli.

**The Speaker** (Hon. Kingi): Please, take your seat.

Proceed, Sen. Methu.

**Sen. Methu:** Mr. Speaker, Sir, I would like to confirm from the witness on the stand who took an oath. There are so many documents here and the witness on the stand has sworn with the Bible.

Mr. Witness, just a confirmation, is it your position before God and before this Senate that indeed 33 or 28 MCAs voted? That is my first concern.

Secondly, do you know the implication of the oath that you have taken before this House if it is later found out, because that can be established, that it is not 33, but 28 MCAs who voted? Do you know the implication of the oath that you have taken as a witness before this House?

**The Speaker** (Hon. Kingi): Proceed, Sen. Abass.

**Sen. Abass:** Thank you, Mr. Speaker, Sir.

Go to page 12 of volume 2A. I am looking at the bulk Short Message Service (SMS) that was sent. That is 28 out of 47. Why did the witness send to 28 only and not all the 47?

Secondly, you have 47 MCAs. I want to believe they were all in the Assembly at that time. Where are those who abstained and those who voted against?

**The Speaker** (Hon. Kingi): Next is Sen. Olekina.

**Sen. Olekina:** Mr. Speaker, Sir, let me get some clarification in terms of the IP address. I was listening to the Counsel for the Governor cross-examining the witness who referred to the IP address. The first question that was asked, which I would like clarity on, is whether or not one or two devices can use the same IP address.

The second question goes to the witness. I would like to know whether there is a Wi-Fi router at Kericho County Assembly or all MCAs vote using their unique phone numbers. Clarify whether there is one Wi-Fi router that produces one static IP address that is shared amongst several devices, or whether each of the MCAs use their own phones to vote.

Finally, I would like to know whether the device that was used based on the IP addresses listed on pages 29, 30 and 31, the one that you allege were assisted voters--- I would like to know whether the laptop that was used during voting shared the same IP address, or was it the same router or Wi-Fi because I heard you saying that you get fiber from Safaricom?

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Witness, you may now respond to those queries.

**Mr. Alfred Korir:** Thank you very much, Mr. Speaker, Sir, and hon. Senators. I will start with the question about the Wi-Fi and users within the Assembly.

We have a Wi-Fi that is dedicated to the Chamber, and I have said it has a static IP address. That is why it picked the same IP address all along. However, my assistant will come here to clarify whether multiple devices accessed it. Concerning the question on whether multiple devices accessed using the static IP address, I believe an IP address can be used by more than one device. That is why it happened on several pages here.

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Secondly, Members use either laptops or their phones to vote. We have a laptop in the Chamber for voting.

Regarding the question on implication of the oath by Sen. Methu, I know the implications. About the number of MCAs who voted, as the administrator, 33 votes were cast. Since four have contested the vote, I cannot confirm the authenticity as an expert since I was not in the Chamber. When Members take the stand, they will confirm whether they voted or somebody voted on their behalf.

*[The Speaker (Hon. Kingi) left the Chair]*

*[The Deputy Speaker (Sen. Kathuri) in the Chair]*

Mr. Deputy Speaker, Sir, I think I have talked about the issue of confirmation of votes.

Another issue is about the firewalls. I can confirm---

**The Deputy Speaker** (Sen. Kathuri): Mr. Witness, is it possible to mention the name of the Senator who asked the question you are responding to?

**Mr. Alfred Korir:** I did not note the names of Senators. Therefore, I will just answer them.

Regarding the question on password and why I used the IDs, that was the easiest way for MCAs of Kericho County Assembly to remember because of the timeline of five minutes. I have realised the Senate has a voting system that takes a minute because of electronic voting machines. Should they have had electronic voting machines, it could have been faster. We wanted the easiest way for them to log in and cast their votes within the shortest time possible.

On the question on alternative voting when electronic system fails, that is provided in the Standing Orders. They could have reverted to roll call voting, but at that time, there was no indication that there was an error or problem with the votes since it recorded 33 votes. Other Members who had not voted remained pending. That means they did not trigger the voting button. That is why on the dashboard, it shows "00" because they did not log in to either abstain or vote 'no.'

I think I can answer those ones. I have not chosen what to answer. On the decision to use data processor or data experts, I think I did not get that question correctly.

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, if the questions have not been answered, it is you to make the decision at the end of the day in one way or the other. You cannot force him to give you answers that he does not have. If you are done, then we can step you down and---

*(Loud consultations)*

Order, hon Senators.

Counsel for the Governor, what is it?

**Mr. Katwa Kigen:** Mr. Deputy Speaker, Sir, there was one question directed at us by Sen. Karungo Thang'wa, on whether part of the MCAs we are contesting did not vote, are part of the nine who were voted choosing the same IP address. We want to

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confirm three of them are there. The first one is on page 31, an MCA marked as 20220296111, nominated, that is Hon. Edina Chepkemoi.

We are looking at volume two, page 31 and I am looking at the column marked "MCAs." Sorry, Volume 4A. Well, let me use the column of ward page 31 of volume 4A. There is an MCA for Kipkelion Ward and then below that is a nominated MCA, Hon. Edina Chepkemoi, who was voted for and her affidavit is on page 128 in Volume 1 of the Governor's Bundle.

*[The Deputy Speaker (Sen. Kathuri) left the Chair]*

*[The Speaker (Hon. Kingi) resumed the Chair]*

Mr. Speaker, Sir, then the next MCA in the column of wards is Cheplanget and that is Hon. Hillary Bosoben Kibet and his affidavit is on page 121 of volume one. The third one is on page 32. The MCA for Kipkukeruet Ward, Hon. Martin Cheruiyot Kiplangat and his affidavit is on page 121 of volume one.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Well, I was of the impression that the main witness will maybe take time to respond to the many queries, but I am told that he opted to leave it at that. Okay. Were there any queries directed to any other party than the witness, so that we proceed?

*(The Clerk consulted the Speaker)*

Okay. Now, hon. Senators, before---

**Sen. M. Kajwang'**: Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Please, proceed.

**Sen. M. Kajwang'**: Mr. Speaker, Sir, there was a query that I raised, but I thought both parties would respond to it. It was on whether we should take the logs as they are, considering they were extracted by one party without the involvement with the other party. I referred to the 2017 presidential election, where some precedent was established. I do not know whether the Governor's Counsel is happy with that.

**The Speaker** (Hon. Kingi): I will make my observation on that.

Now, before we allow the team from the County Assembly to call their next witness, there was a request that had been made by the Counsel for the Governor, and I want to proceed to make a ruling.

Counsel, just take your seat.

**Mr. Katwa Kigen**: Okay.

**The Speaker** (Hon. Kingi): What is your point of order?

**Sen. Kathuri**: Mr. Speaker, Sir, before you make that ruling for the application which was sought by the Governor's Counsel, in your ruling yesterday, you indicated that the Senate will make some determination on threshold before voting on the main impeachment charges.

Listening to the witness, the examination-in-chief, the cross-examination, the re-examination and also maybe point of clarification from the Senators, before we make this

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decision tomorrow, whether there was threshold in the County Assembly, we really need an expert to assist us to verify the information that has been brought to this House.

The side of the County Assembly, they are defending that the voting was right and the Governor's side, they are also defending their goal that the voting did not go on well.

The Senate leadership should be assisted. During this application, I am not here to assist either side, but for the benefit of the Senate of the Republic of Kenya because tomorrow we will be making a very critical decision whether to allow the impeachment process to proceed; to vote for the impeachment charges or not.

We have the ICT Authority which has very informed experts. We can get someone who can look at all these ID numbers, IPPD addresses and all these credentials, so that as we make our decision, we can make an informed decision. Therefore, if we can get a neutral expert, then we can be better placed.

**The Speaker** (Hon. Kingi): Thank you. Now, hon. Senators, this is my ruling on the request made by the counsel for the Governor and also to address the concerns raised by Sen. M. Kajwang' and also the Senator for Meru County.

*(Interruption of Presentation of the Case of the  
County Assembly of Kericho)*

### CONSIDERED RULINGS

#### APPLICATION BY GOVERNOR'S TEAM TO ENGAGE IT EXPERT

Hon. Senators, at the start of the proceedings this morning, Counsel for the Governor, Mr. Katwa Kigen and Peter Wanyama, made an application to be allowed to call the expert evidence of one, Mr. Job Ogun Oguya, whom they claim to be an information technology expert.

Counsel sought to be allowed to rely on evidence on behalf of the Governor on the report prepared by the said Mr. Oguya, on 25<sup>th</sup> August, 2025 and his affidavit sworn at Nairobi on the 27<sup>th</sup> of August, 2025.

The Counsel for the Governor asserted that they had served the Counsel for the County Assembly, by e-mail, with the report and affidavit sought to be relied on and that the hard copies were available for circulation to hon. Senators.

Counsel for the County Assembly opposed the application arguing that this was an attempt by the Governor's side to introduce new evidence at this late time during the impeachment trial and that this would be prejudicial to the County Assembly's case.

Hon. Senators, you will recall that I undertook to make a ruling on the application after having sight of the document sought to be relied on by the Governor. I have since had sight of the documents. They are contained in a bundle titled "Volume 5, H.E. (Dr.) Erick Kipkoech Mutai Defense Response Affidavit of Mr. Ogun Job Oguya."

In the affidavit, Mr. Oguya depones that he holds a Bachelor of Computer Science Degree from Kenyatta University, having graduated in the year 2014 and that he is

currently the project consultant security and networks at Cyber Hub Systems, with the mandate to provide high level threat detection; penetration testing for clients.

He further depones that he was requested to analyse the extracts of the system audit logs, which are contained in volume 4A of the County Assembly documents and was also given the affidavit of Mr. Alfred Kimutai Korir, contained in volume two of the County Assembly documents to make observations on the matter.

Mr. Oguya depones that he undertook a cybersecurity audit of Kericho County Assembly electronic voting system and made observations contained in a report, which report was also attached.

Now, hon. Senators recall that yesterday in disallowing the preliminary objection raised by the Governor's side contesting the voting system and the threshold of the vote at the Kericho County Assembly, I ruled among other things that no summary determination of this matter is possible without these witnesses taking the stand to give evidence and being subjected to cross-examination in the usual manner.

I further rule that the only way for the Senate to determine this question is to receive evidence on the matter, evaluate the same and make a finding one way or the other on the preponderance of evidence.

Hon. Senators, Rule 10 of the Rules of Procedure for Hearing and Determination of the Proposed Removal from Office by Impeachment of a Governor provides as follows-

“The Senate may, at the request of the County Assembly or the Governor, invite or summon any person to appear and give evidence before the Senate.”

Rule 2 of the said Rules make it very clear that the impeachment proceedings are an investigation to determine whether the particulars of the allegations against the Governor have been substantiated.

Hon. Senators, on the basis of the importance of the question on the voting system and the voting process that was undertaken, and noting the ruling that I made yesterday and on the strength of Rule 10 of the Rules of Procedure, I will allow the application by the Counsel for the Governor to admit the affidavit by Mr. Job Okun Oguya and his report on the Cybersecurity Audit on the Kericho County Assembly Electronic Voting System.

I find that the opposition by the County Assembly to the application is outweighed by the need for the Senate to get to the root of the voting system and the voting process. No prejudice will be suffered by the County Assembly if the Senate establishes the truth on this matter.

I also note that for similar reasons yesterday, I allowed the County Assembly's application to provide documentation which had been referred in its submitted documents, but had not been attached.

Now, Hon. Senators, in allowing the Governor to call its expert witness, I direct that the Governor's side will have to accommodate the witness within its time, as already allocated. The evidence of the witness will also be limited to matters raised in the evidence of the County Assembly. The witness will be subject to cross-examination in the usual manner.

THE SENATE TO ENGAGE IT EXPERTS  
FROM THE ICT AUTHORITY

Hon. Senators, I also wish to make an additional ruling on this matter. It has become apparent from hearing the evidence so far adduced in this case and the examination, cross-examination and re-examination of Mr. Alfred Korir Kimutai, Head of Information, Communication and Technology (ICT), Kericho County Assembly, as well as the request by the Governor's application to call the expert witness, that the Senate requires neutral, impartial and dispassionate advice on the matter away from the witnesses of the parties.

Indeed, this was referred to by Sen. Moses Kajwang', MP, when seeking clarification from the County Assembly's witness. Sen. M. Kajwang' reminded the Senate of its power to summon any person to assist it in its investigation in an impeachment process. The Senate has indeed invoked this jurisdiction before.

For this reason, I direct the Office of the Clerk to immediately contact the ICT Authority of Kenya and request the Authority to provide the Senate with two ICT experts to come and assist the Senate in this matter.

I direct that the Office of the Clerk provides facilities for the two experts from the ICT Authority to sit with the Head of ICT of Kericho County Assembly and the ICT expert called by the Governor together with the representatives, whether counsel or otherwise of the County Assembly and the Governor and for the experts from the ICT Authority to prepare a report for consumption of the Senate.

The report, which must be brief and concise, should be submitted to the Office of the Clerk of the Senate not later than 6.00 p.m. today, Thursday, 28<sup>th</sup> August, 2025 and must answer the following questions-

- (1) Did an electronic voting process take place using the system?
- (2) Is the number of MCAs who voted on the impeachment of the Governor verifiable?
- (3) Was it possible for any MCA or any other person who had a link to vote on the Motion on behalf of an MCA or another MCA?
- (4) How many MCAs voted in the affirmative on the Motion to impeach the Governor?
- (5) Is there any evidence of multiple voting or other compromise of the voting system and or impropriety in the voting system or process?

It is so ordered.

*(Applause)*

Next witness.

*(Sen. (Dr.) Khwalale spoke off record)*

You may, Sen. Boni.

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I thank you for that indulgence. My mind is telling me there is something that the parties might lose if we only receive a written

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response to the issues you have raised. It might offer them a better opportunity if we allow that expert takes the witness stand. Besides responding to the five issues you have raised, the parties should be given an opportunity to interrogate him further. I believe if we do so, it would be better and great.

*(Applause)*

**The Speaker** (Hon. Kingi): The only person who can table this is the one who would have prepared it. He can only do so when he takes the oath, tables this and takes us through it. If you need to get any clarification from the experts, you certainly will be at liberty to do so.

Thank you.

*(Applause)*

Next witness.

*(Resumption of Presentation of the Case of the  
County Assembly of Kericho)*

**Mr. Elisha Ongoya:** Mr. Speaker, Sir, before the next witness comes, may I request that you direct the Governor's side to give us a copy of their expert affidavit and report? We do not have it.

**The Speaker** (Hon. Kingi): One was transmitted to you via email, but you can be served with a hard copy right now. You may proceed to exchange documents.

Let us hear the next witness.

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

Yes, Counsel for the Governor.

**Mr. Katwa Kigen:** Mr. Speaker, Sir, I was requesting if the hard copies of the said report can be given out to Hon. Senators.

**The Speaker** (Hon. Kingi): Absolutely.

**Mr. Katwa Kigen:** Thank you very much.

**The Speaker** (Hon. Kingi): Now, Counsel for the County Assembly, you have 57 minutes and I note here you still have six more witnesses to call. So, apportion your time accordingly.

*(The witness for Kericho County Assembly  
(Hon. Albert Kipkoech) took the Oath)*

**Mr. Elisha Ongoya:** Thank you, Mr. Speaker, Sir. We now wish to move to the next limb of the impeachment Motion, which will be about the alleged theft of public funds. Tell the Senate your full name.

**Hon. Albert Kipkoech:** Thank you. My name is Albert Kipkoech.

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**Mr. Elisha Ongoya:** Where do you live?

**Hon. Albert Kipkoech:** I live in Kericho, a place called Kaitui in Soin Sigowet Sub-County.

**Mr. Elisha Ongoya:** What do you do for a living?

**Hon. Albert Kipkoech:** I am a Member of Kericho County Assembly representing Soliat Ward.

**Mr. Elisha Ongoya:** I understand that you are an elected Member of Kericho County Assembly?

**Hon. Albert Kipkoech:** Yes, I am an elected Member.

**Mr. Elisha Ongoya:** What other roles do you discharge officially within Kericho County Assembly?

**Hon. Albert Kipkoech:** At the Kericho County Assembly, I am the Chair of the Budget Appropriation Committee.

**Mr. Elisha Ongoya:** Is there any other Committee you may have chaired or been a member of in that County Assembly?

**Hon. Albert Kipkoech:** Last month, July, through an establishment of the Assembly, I was given a responsibility to chair an *Ad Hoc* Committee on Fictitious Payments.

**Mr. Elisha Ongoya:** I did not get the right name of *ad hoc* Committee?

**Hon. Albert Kipkoech:** *Ad Hoc* Committee on Fictitious Payments.

**Mr. Elisha Ongoya:** Thank you so much. We wish to now move to that committee on fictitious payment. Did that committee do its work as established?

**Hon. Albert Kipkoech:** Yes, we were given a mandate and that mandate is in my affidavit, paragraph 8. The first thing that we did ---

**Mr. Elisha Ongoya:** Allow me to put the question. So, let me take you a step further and ask this question as follows. Have you presented an affidavit before the Senate?

**Hon. Albert Kipkoech:** Yes, it is in my --- it is in volume two.

**Mr. Elisha Ongoya:** Are you able to give us the page? Is that the affidavit at pages 51 to 78 of volume two?

**Hon. Albert Kipkoech:** Yes.

**Mr. Elisha Ongoya:** Do you stand by the contents of the affidavit on pages 51 to 78 of volume two?

**Hon. Albert Kipkoech:** Yes, I stand.

**Mr. Elisha Ongoya:** Allow me then to briefly move to the mandate of that committee. What made that committee to be established as an *ad hoc* committee?

**Hon. Albert Kipkoech:** Okay, on 10<sup>th</sup> July, 2025, His Excellency Deputy Governor Fred Kirui wrote a letter to the Assembly on issues on financial impropriety. That is what made the County Assembly to establish an *ad hoc* committee.

**Mr. Elisha Ongoya:** Thank you so much. Let us go to how you discharged your mandate as a committee. How did you get or take evidence as a committee?

**Hon. Albert Kipkoech:** The first thing that we did is that we invited witnesses and it is in paragraph 9 of my affidavit. The first witness was Deputy Governor.

**Mr. Elisha Ongoya:** Because we do not have time, just give us the list of the witnesses. The Senators will read for themselves.

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**Hon. Albert Kipkoech:** Okay. The first person was Deputy Governor. The invitation letter is in volume four, page 221. The second person was CEC Finance, Jackson Rop. It is also in volume four, page 222. The third person was Gillian Soy, Director of Procurement. The fourth person was Betsy Chebet, Chief Officer, Agriculture. The invitation letter is in volume four, page 230 and page 231, because there were two chief officers.

Another invitee was Jacqueline Langat. Her invitation letter is in volume four, page 227. The next person was Quantity Surveyor (QS) Anderson Terer, Chief Officer, Public works, Roads and Transport. The invitation letter is also in volume four, page 229. Then we had Kiplangat Richard Mitei, CO, Water. The invitation letter is also in volume four, page 228. The other witness was Dr. Japheth Cheruiyot, CO Health Services. It is also in volume four, page 225. Then CPA Kenneth Omundi and the last person was Richard Tonui, Chief Officer Education. The invitation letter is also in volume four, page 224.

**Mr. Elisha Ongoya:** Very briefly, what material generally, in the interest of time, did these witnesses present to your committee?

**Hon. Albert Kipkoech:** Okay, it is in paragraph 11. That is procurement plans, payment vouchers, local service orders, delivery notes, requisitions and other relevant documents.

**Mr. Elisha Ongoya:** So essentially, they gave you accounting documents for the County Government of Kericho?

**Hon. Albert Kipkoech:** Yes.

**Mr. Elisha Ongoya:** Did this committee complete its work and produce a report?

**Hon. Albert Kipkoech:** Yes, we produced a report. That report is in volume 4A, page 108 to page 190.

**Mr. Elisha Ongoya:** Thank you. Generally, what departments in the County Government of Kericho were of concern from the findings of that report?

**Hon. Albert Kipkoech:** There were six departments. The first one is land and fiscal planning departments.

**Mr. Elisha Ongoya:** So, let us go step by step. That department of lands, what were the key issues from your committee findings?

**Hon. Albert Kipkoech:** The key issue is that there was a proposed repairs, decoration and re-roofing works that was done in Kipkelion, and they paid without completing the works. That was the first one.

The second one in the department of lands was public participation.

**Mr. Elisha Ongoya:** What was the issue about public participation?

**Hon. Albert Kipkoech:** They also paid and they did not do the works.

Thank you.

**Mr. Elisha Ongoya:** The second department?

**Hon. Albert Kipkoech:** Roads.

**Mr. Elisha Ongoya:** What were the key issues in the department of roads generally?

**Hon. Albert Kipkoech:** Double payments on retentions and also falsification of documents.

**Mr. Elisha Ongoya:** The next department?

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**Hon. Albert Kipkoech:** Agriculture.

**Mr. Elisha Ongoya:** What were the key issues in agriculture?

**Hon. Albert Kipkoech:** Splitting of contracts.

**Mr. Elisha Ongoya:** Maybe you may explain what you mean by splitting of contracts?

**Hon. Albert Kipkoech:** It is expected that works of more than Kshs5 million should be subjected to opening tendering. Unfortunately, what the department did was to make sure that they procure works of less than Kshs3 million, so that it fits requests for quotations.

**Mr. Elisha Ongoya:** The next department?

**Hon. Albert Kipkoech:** The next department is water.

**Mr. Elisha Ongoya:** What were the key issues in water?

**Hon. Albert Kipkoech:** They over-procured. Money that was budgeted was only Kshs1 million, but they procured works of more than Kshs3 million.

**Mr. Elisha Ongoya:** They procured goods and services beyond the budget?

**Hon. Albert Kipkoech:** Yes.

**Mr. Elisha Ongoya:** The next department?

**Hon. Albert Kipkoech:** The next department is health.

**Mr. Elisha Ongoya:** What was the issue in health?

**Hon. Albert Kipkoech:** The issue in health is that they paid equipment that was not supplied to hospitals.

**Mr. Elisha Ongoya:** What was the next department?

**Hon. Albert Kipkoech:** The next department is the department of finance.

**Mr. Elisha Ongoya:** What were the key issues in finance?

**Hon. Albert Kipkoech:** The key issues in finance were that there were no documents.

**Mr. Elisha Ongoya:** No documents to support or to do what?

**Hon. Albert Kipkoech:** Yes, to support payment. I can take hon. Members to page 74, whereby there is a table there, for example, Fringe Focus Ltd---

**Mr. Elisha Ongoya:** That is enough. I will come to the specifics in a short while, because I can see time is running and we need to manage it properly. Allow us to sample some of these matters.

At this juncture, I will be asking the ICT team to put for us on the screen the image in volume 6A on page 16. The image in volume 6A on page 16. As they do so, allow me to draw your attention---

The image in volume 6A of the County Assembly's document is a thin volume, very thin, on page 16. As the ICT team is putting up, Mr. Deputy Speaker, Sir, you may direct them so that we see it up. I will be going to the next question that we have on time.

So, to be sequential, let us begin dealing with the department of lands; in particular, the Kipkelion houses issue. I want you to look at volume 4, witness, on page 87 and answer the following question. What document is at Volume 4, page 87? What is the project in respect that voucher is generated?

**Hon. Albert Kipkoech:** The project is maintenance of lands, housing and physical planning offices buildings.

**Mr. Elisha Ongoya:** How much money is that voucher paying out?

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**Hon. Albert Kipkoech:** It is Kshs2,999,000.

**Mr. Elisha Ongoya:** Was that payment made before or after the commencement of the work of your *ad hoc* committee?

**Hon. Albert Kipkoech:** Before.

**Mr. Elisha Ongoya:** Look at the screens in the House. Did you visit the site of that project?

**Hon. Albert Kipkoech:** Yes, we visited the site on the 30<sup>th</sup> July.

**Mr. Elisha Ongoya:** No, give us the full date. 30<sup>th</sup> of July, which year?

**Hon. Albert Kipkoech:** 2025.

**Mr. Elisha Ongoya:** Is that image a correct representation of the houses you saw in Kipkelion on 30<sup>th</sup> of July, 2025?

**Hon. Albert Kipkoech:** Yes.

**Mr. Elisha Ongoya:** Please, wait for me to finish, then you answer for the HANSARD. Is that image the correct representation of the house you found on 30<sup>th</sup> July, 2025?

**Hon. Albert Kipkoech:** Yes, it is the correct. We took those photos as a committee.

**Mr. Elisha Ongoya:** Let us now go to page 129 of volume 4. What document do you see on that page?

**Hon. Albert Kipkoech:** A contract. Oh, a BQ, sorry.

**Mr. Elisha Ongoya:** Just repeat, what document do you see on page 129 of Volume 4?

**Hon. Albert Kipkoech:** A Bill of Quantities (BQ).

**Mr. Elisha Ongoya:** The BQ in respect of which project?

**Hon. Albert Kipkoech:** Proposed repairs and redecorations to council houses, the 15 in number. It was signed by county quantity surveyor on the 5<sup>th</sup> of September, 2024.

**Mr. Elisha Ongoya:** Is the house we are seeing on that screen, the ICT may have to leave the screen on, I do not know why it is going into sleeping mode. Thank you. Is the house we are seeing on that screen, the subject matter of that BQ?

**Hon. Albert Kipkoech:** Yes.

**Mr. Elisha Ongoya:** Let us pick one item because time is running. The roofing element in the BQ. What does the BQ prescribe to be done on the roofing?

**Hon. Albert Kipkoech:** The BQ says that it allows for the careful removal of the asbestos roof.

**Mr. Elisha Ongoya:** Let us look at the screen. Is the asbestos roof removed?

**Hon. Albert Kipkoech:** No.

**Mr. Elisha Ongoya:** Proceed.

**Hon. Albert Kipkoech:** It also says it be cart away as directed by the project manager.

**Mr. Elisha Ongoya:** Is that element of the BQ undertaken from what you are seeing on the screen?

**Hon. Albert Kipkoech:** No.

**Mr. Elisha Ongoya:** Next.

**Hon. Albert Kipkoech:** Allow for replacement of defective timber work for roofing, for example, rafters and palings.

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- Mr. Elisha Ongoya:** Was that done?
- Hon. Albert Kipkoech:** No.
- Mr. Elisha Ongoya:** Next.
- Hon. Albert Kipkoech:** Supply and fix pre-painted resin coat 115 profile sheet gauge.
- Mr. Elisha Ongoya:** Those are resin coat iron sheets?
- Hon. Albert Kipkoech:** Yes.
- Mr. Elisha Ongoya:** Is that work undertaken?
- Hon. Albert Kipkoech:** No.
- Mr. Elisha Ongoya:** Anything else?
- Hon. Albert Kipkoech:** Another one is allow for the production of facial board to the pitch board roof as directed by the project manager.
- Mr. Elisha Ongoya:** I will stop there because time is running. What is the payment status in respect of this project?
- Hon. Albert Kipkoech:** It was paid.
- Mr. Elisha Ongoya:** How much money was paid?
- Hon. Albert Kipkoech:** A sum of Kshs2,999,000.
- Mr. Elisha Ongoya:** Let us look at the same volume four on page 128.
- Hon. Albert Kipkoech:** The interim payment certificate is there.
- Mr. Elisha Ongoya:** Who prepared that interim payment certificate?
- Hon. Albert Kipkoech:** The county quantity surveyor.
- Mr. Elisha Ongoya:** When is it dated?
- Hon. Albert Kipkoech:** On 22<sup>nd</sup> February, 2025.
- Mr. Elisha Ongoya:** Look at the municipality in respect of which that payment certificate relates. What is that municipality?
- Hon. Albert Kipkoech:** Kericho Municipal Board.
- Mr. Elisha Ongoya:** To your knowledge, are these houses at Kipkelion within Kericho Municipality?
- Hon. Albert Kipkoech:** No, they are not within Kericho Municipality.
- Mr. Elisha Ongoya:** What is the recommended figure to be paid in that interim certificate?
- Hon. Albert Kipkoech:** It is Kshs2,699,100.
- Mr. Elisha Ongoya:** You may look back at the voucher that we looked at earlier on page 87. How much money is being paid according to that voucher?
- Hon. Albert Kipkoech:** Kshs2,999,000.
- Mr. Elisha Ongoya:** Let us pick some other element because this is the sample we are going to do for the Department of Lands and look at volume four, page 92. What document do you see there?
- Hon. Albert Kipkoech:** A Local Supply Order (LSO).
- Mr. Elisha Ongoya:** When is that LSO generated on the face of it?
- Hon. Albert Kipkoech:** On 20<sup>th</sup> February, 2025.
- Mr. Elisha Ongoya:** Let us now look at page 93 of the same volume four. What document do you see there?
- Hon. Albert Kipkoech:** An invoice.
- Mr. Elisha Ongoya:** When is that invoice issued?

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**Hon. Albert Kipkoech:** On 6<sup>th</sup> February, 2025.

**Mr. Elisha Ongoya:** Between the payment invoice and the LSO, which one is issued first according to those documents?

**Hon. Albert Kipkoech:** A LSO is issued first before the billing because billing is invoicing.

**Mr. Elisha Ongoya:** That is the practice?

**Hon. Albert Kipkoech:** Yes.

**Mr. Elisha Ongoya:** In those documents, which one was issued earlier?

**Hon. Albert Kipkoech:** The invoice.

**Mr. Elisha Ongoya:** The invoice was issued before?

**Hon. Albert Kipkoech:** Before the LSO.

**Mr. Elisha Ongoya:** What do you make of that aspect of your evidence?

**Hon. Albert Kipkoech:** On this one, they were forging documents so that they will can pay. It was falsification of documents.

**Mr. Elisha Ongoya:** Allow me to move to the second element from the Department of Lands in the Ministry of Housing on the Chelimo Settlement Scheme.

As I begin putting these questions, I request the ICT to put on the board the image at volume 6A, page 11.

Witness, look at volume four on your end, page 38. What do you see there?

**Hon. Albert Kipkoech:** The payment voucher.

**Mr. Elisha Ongoya:** What is being paid for?

**Hon. Albert Kipkoech:** Provision of catering services.

**Mr. Elisha Ongoya:** How much money is being paid in that voucher for catering services?

**Hon. Albert Kipkoech:** Kshs2,985,000.

**Mr. Elisha Ongoya:** For catering services?

**Hon. Albert Kipkoech:** Yes.

**Mr. Elisha Ongoya:** Look at volume 4B, on page 445. What do you see on that page?

**Hon. Albert Kipkoech:** A budget for the County Government of Kericho Budget Estimates for the financial year 2024/2025, Lands Housing and Physical Planning.

**Mr. Elisha Ongoya:** That is the budget for 2024/2025, the Department of Lands.

**Hon. Albert Kipkoech:** Yes.

**Mr. Elisha Ongoya:** That is the Department from which the voucher we have looked at earlier relates?

**Hon. Albert Kipkoech:** Yes.

**Mr. Elisha Ongoya:** What was the budget for catering? Find it as the fifth item counting from below in that budget line.

**Hon. Albert Kipkoech:** Kshs1,000,500.

**Mr. Elisha Ongoya:** The budget for that item is Kshs1,000,500. How much money is the voucher paying?

**Hon. Albert Kipkoech:** Kshs2,985,000.

**Mr. Elisha Ongoya:** Is that payment within the budget?

**Hon. Albert Kipkoech:** No, it is more than the budget.

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**Mr. Elisha Ongoya:** Let us look at volume 4 - the first volume that you are looking at on page 41. What document do you see there?

**Hon. Albert Kipkoech:** An invoice.

**Mr. Elisha Ongoya:** To what transaction or event does that invoice relate?

**Hon. Albert Kipkoech:** To Chelimo.

**Mr. Elisha Ongoya:** The same transaction we are looking at in this line of questions?

**Hon. Albert Kipkoech:** Yes, with a figure of Kshs2,985,000.

**Mr. Elisha Ongoya:** That is the invoice?

**Hon. Albert Kipkoech:** Yes.

**Mr. Elisha Ongoya:** When is that invoice dated?

**Hon. Albert Kipkoech:** 10<sup>th</sup> December, 2024.

**Mr. Elisha Ongoya:** Now go to page 40. What document do you see there?

**Hon. Albert Kipkoech:** An LSO.

**Mr. Elisha Ongoya:** A Local Supply Order.

**Hon. Albert Kipkoech:** Yes.

**Mr. Elisha Ongoya:** In accounting terms, this is the document giving the contract?

**Hon. Albert Kipkoech:** Yes.

**Mr. Elisha Ongoya:** When is it dated?

**Hon. Albert Kipkoech:** It was generated on 20<sup>th</sup> February, 2025.

**Mr. Elisha Ongoya:** Sorry, let us go step by step. When was it generated?

**Hon. Albert Kipkoech:** It was generated on 20<sup>th</sup> February, 2025.

**Mr. Elisha Ongoya:** Before or after the invoice is issued?

**Hon. Albert Kipkoech:** After the invoice.

**Mr. Elisha Ongoya:** The invoice comes first then the contractual document, the LSO, follows. Is that what you are observing from these documents from Kericho County?

**Hon. Albert Kipkoech:** Yes, that is what I am observing.

**Mr. Elisha Ongoya:** I need to confirm what you are narrating. So, it was generated on 20<sup>th</sup> February. When was it printed?

**Hon. Albert Kipkoech:** On 25<sup>th</sup> February.

**Mr. Elisha Ongoya:** You are looking at the far right-hand corner?

**Hon. Albert Kipkoech:** Yes.

**Mr. Elisha Ongoya:** 25<sup>th</sup> February, 2025. When is it signed by hand?

**Hon. Albert Kipkoech:** 21<sup>st</sup> February, 2025.

**Mr. Elisha Ongoya:** It is signed by hand in advance of printing?

**Hon. Albert Kipkoech:** From the document, it was signed before printing.

**Mr. Elisha Ongoya:** Yes. In this transaction, between billing the county and contracting, which one came first from those documents?

**Hon. Albert Kipkoech:** Billing came first.

**Mr. Elisha Ongoya:** The County was billed first, then contracted later?

**Hon. Albert Kipkoech:** Yes.

**Mr. Elisha Ongoya:** What do these documents tell you as the chair of that committee?

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**Hon. Albert Kipkoech:** Our observation was that they were trying to do forgery. As you can see, they were in a hurry to make sure that they prepared documents for payment.

**Mr. Elisha Ongoya:** I had requested for Volume 6A, page 11, to be on the screen. Kindly, if it can be returned, I will run through them fast in the interest of time.

Let us turn to page 13. We are observing as we go. What are we seeing in that image?

**Hon. Albert Kipkoech:** Members of the public.

**Mr. Elisha Ongoya:** Look at the invoice on page 41. Is there an element of tents being invoiced in that invoice?

**Hon. Albert Kipkoech:** It is there; hire of 100-seater tents.

**Mr. Elisha Ongoya:** How many?

**Hon. Albert Kipkoech:** Five.

**Mr. Elisha Ongoya:** Five hundred-seater tents.

**Hon. Albert Kipkoech:** Yes.

**Mr. Elisha Ongoya:** Is there an element of a red carpet being billed for?

**Hon. Albert Kipkoech:** Yes, there is one red carpet hire 10 meters square.

**Mr. Elisha Ongoya:** Is there an element of dressed chairs being billed for?

**Hon. Albert Kipkoech:** Yes, 30 of them.

**Mr. Elisha Ongoya:** Are you seeing any of those elements in the images I have so far showed the Senators.

**Hon. Albert Kipkoech:** No, it is not there.

**Mr. Elisha Ongoya:** Let us move to the next image, page 14. Are you able to see something in the background there? A motor vehicle in that image par chance?

**Hon. Albert Kipkoech:** Yes, a motor vehicle is there.

**Mr. Elisha Ongoya:** What is it carrying?

**Hon. Albert Kipkoech:** Two speakers.

**Mr. Elisha Ongoya:** According to the invoice at page 41 how much is being billed for the public address system?

**Hon. Albert Kipkoech:** A figure Kshs375,000.

**Mr. Elisha Ongoya:** How many days did this activity take?

**Hon. Albert Kipkoech:** One day, 6<sup>th</sup> December, 2024.

**Mr. Elisha Ongoya:** Let us look at some Volume 4, page 77.

**Hon. Albert Kipkoech:** There is requisition for public participation at Chilima, internal memo.

**Mr. Elisha Ongoya:** How much money is in that requisition?

**Hon. Albert Kipkoech:** A figure of Kshs2,987,500.

**Mr. Elisha Ongoya:** This is the same public participation for Chilimo that we are looking at in these photos and invoices.

**Hon. Albert Kipkoech:** Yes.

**Mr. Elisha Ongoya:** For how many days was the requisition made?

**Hon. Albert Kipkoech:** Five days.

**Mr. Elisha Ongoya:** There is a requisition for five days for an activity that took how many days?

**Hon. Albert Kipkoech:** One day. The public participation was expected to be carried out from 18<sup>th</sup> November, 2024, as per that requisition.

**Mr. Elisha Ongoya:** When did the invoice say it was done?

**Hon. Albert Kipkoech:** The invoice is on page 40. It was only for one day and the date is 6<sup>th</sup> December, 2024.

**Mr. Elisha Ongoya:** Thank you. Allow me - in the interest of time - to sample the Department of Roads. For starters, I would want you to look at Volume 4B, page 343.

What transaction do you see on that page?

**Hon. Albert Kipkoech:** It is an internal memo a report on inspection and acceptance for construction of Lelsotet Bridge.

**Mr. Elisha Ongoya:** It is an internal memo by the Inspection and Acceptance Committee. What is the important of that document and government finance?

**Hon. Albert Kipkoech:** It will enable the department to prepare payment certificates.

**Mr. Elisha Ongoya:** When is that memo dated? That date is very crucial.

**Hon. Albert Kipkoech:** 27<sup>th</sup> September, 2024.

**Mr. Elisha Ongoya:** To whom is it addressed?

**Hon. Albert Kipkoech:** Mrs. Leah Chirchir, Chief Officer (CO), Public Works and Transport.

**Mr. Elisha Ongoya:** Was Mrs. Leah Chirchir the Chief Officer of that department at that time in history?

**Hon. Albert Kipkoech:** No.

**Mr. Elisha Ongoya:** Do you know Leah Chirchir?

**Hon. Albert Kipkoech:** Yes, I know her.

**Mr. Elisha Ongoya:** When did she stop serving as Chief Officer of that department?

**Hon. Albert Kipkoech:** 2022.

**Mr. Elisha Ongoya:** 2022, following the general election?

**Hon. Albert Kipkoech:** Yes.

**Mr. Elisha Ongoya:** Look at page 348 of volume 4B. What document is there?

**Hon. Albert Kipkoech:** Internal memo also from the appointment to the inspection and acceptance committee.

**Mr. Elisha Ongoya:** Under whose name is that memo signed?

**Hon. Albert Kipkoech:** Mrs. Leah Chirchir.

**Mr. Elisha Ongoya:** When is that memo dated?

**Hon. Albert Kipkoech:** It is dated 20<sup>th</sup> September, 2024.

**Mr. Elisha Ongoya:** 20<sup>th</sup> September, 2024, the department is generating memos in the name of Leah Chirchir? Is the CEO in that department at that time?

**Hon. Albert Kipkoech:** As we speak, she is not the CEO.

**Mr. Elisha Ongoya:** Was she the CEO at that time?

**Hon. Albert Kipkoech:** 20<sup>th</sup> September, 2024?

**Mr. Elisha Ongoya:** Yes.

**Hon. Albert Kipkoech:** No, she was not the CEO.

**Mr. Elisha Ongoya:** Was she working in Kericho County Government generally, to your knowledge?

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**Hon. Albert Kipkoech:** Yes, she was working from 2017 to 2022 as a CEO.

**Mr. Elisha Ongoya:** In 2024, was she working there?

**Hon. Albert Kipkoech:** No.

**Mr. Elisha Ongoya:** She had left the whole Kericho Government structure?

**Hon. Albert Kipkoech:** Yes.

**Mr. Elisha Ongoya:** What do you make of those observations?

**Hon. Albert Kipkoech:** These are a falsification of documents. They are trying to create a lot of false issues for the purpose of payment.

**Mr. Elisha Ongoya:** Looking at the time, we will now summarize for the Senators where your observations are found for the rest of the transactions in your documents. Draw the Senator's attention to Volume 2, which is where your affidavit is found on page 63. Then turn over to page 64 and tell them what that table represents.

**Hon. Albert Kipkoech:** Hon. Speaker and hon. Senators, I prepared this table to show the double payments.

**Mr. Elisha Ongoya:** The double payments for?

**Hon. Albert Kipkoech:** For the Roads Department.

**Mr. Elisha Ongoya:** For what aspect of the Roads Department? It is a whole Department.

**Hon. Albert Kipkoech:** Mostly maintenance of roads and also bridges; box culverts.

**Mr. Elisha Ongoya:** I want you to look at the second last column.

**Hon. Albert Kipkoech:** The second last column is the first payments.

**Mr. Elisha Ongoya:** Of what?

**Hon. Albert Kipkoech:** Of retentions.

**Mr. Elisha Ongoya:** What about the second column?

**Hon. Albert Kipkoech:** The second payment for the same project, and it is also a retention of the same amounts.

**Mr. Elisha Ongoya:** My apologies, Volume 2, page 64.

**The Deputy Speaker (Sen. Kathuri):** Sorry, Counsel. What is it, Sen. Onyonka?

**Sen. Onyonka:** Could you, please, give us the page reference because you are so fast. I know you are fighting time.

**Mr. Elisha Ongoya:** I am wrestling time. Thank you so much, Senator. We are looking at the table in volume two. The table starts on page 64. Just so that we do not miss the point, what do you say this table represents?

**Hon. Albert Kipkoech:** It represents a double payment of retention fees.

**Mr. Elisha Ongoya:** Where did you get this data from?

**Hon. Albert Kipkoech:** From the retention register.

**Mr. Elisha Ongoya:** Look at Volume 4D on pages 221 to 244. What document is that?

**Hon. Albert Kipkoech:** RTGS that shows payments.

**Mr. Elisha Ongoya:** This is the RTGS register that shows various transfers of money from the County Government of Kericho?

**Hon. Albert Kipkoech:** Yes.

**Mr. Elisha Ongoya:** You are saying this summary can be found from those RTGS transactions?

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**Hon. Albert Kipkoech:** Exactly.

**Mr. Elisha Ongoya:** Thank you. In the interest of time, explain to the Senator what the table found on volume two, page 68 represents.

**Hon. Albert Kipkoech:** Okay, on page 68, these are the companies that were fully paid and later on they were also paid retentions.

**Mr. Elisha Ongoya:** Just in a half a minute, tell us what you mean by fully paid, then finally paid retentions?

**Hon. Albert Kipkoech:** When they were paying for these contracts, they paid without retaining the retention money.

**Mr. Elisha Ongoya:** So, the original payment is without retention?

**Hon. Albert Kipkoech:** Yes.

**Mr. Elisha Ongoya:** Then, subsequently, also see retentions being paid?

**Hon. Albert Kipkoech:** Yes.

**Mr. Elisha Ongoya:** Then, very fast, let us move to the table on page 74 of volume two. What does that table represent?

**Hon. Albert Kipkoech:** It represents tender irregularities in the Department of Finance and Economic Planning. These are supplies that were made without documents. For example, this Finch Focus Limited were supplying and delivering stationery. There was no professional opinion, no tender award letter was provided, no tender opening and evaluation minutes and no inventory in the form of letters; that is, S11 or S13.

**Mr. Elisha Ongoya:** In a nutshell, what are you telling the Senators at paragraph 25 on page 77 of volume two regarding the Health Services Department.

**Hon. Albert Kipkoech:** Which paragraph?

**Mr. Elisha Ongoya:** Paragraph 25, page 77.

**Hon. Albert Kipkoech:** Okay. In that paragraph, the Department of Health contacted two companies to supply medical equipment at a total cost of Kshs4 million. One of them is Afroscape Limited at a cost, which I would request Hon. Members to look at, Volume 4D, page 84 and also Volume 4D, page 146, whereby they split the contract.

**Mr. Elisha Ongoya:** They split the contract to bring it within the permissible limits for requests for quotations. In a summary, what was your quarrel with the Department of Water, Energy and Environment?

**Hon. Albert Kipkoech:** In the Department of Water, they contracted Roly Ventures Limited at the cost of Kshs2.7 million to supply office furniture. Unfortunately, there was no budget.

**Mr. Elisha Ongoya:** What was the budget line for that item?

**Hon. Albert Kipkoech:** It was Kshs1 million.

**Mr. Elisha Ongoya:** What is the value of the sum being contracted?

**Hon. Albert Kipkoech:** A sum of Kshs2.7 million.

**Mr. Elisha Ongoya:** It was Kshs2.7 million. Are these the positions in your affidavit true representation of what your committee actually established by looking at the documents?

**Hon. Albert Kipkoech:** Yes.

**Mr. Elisha Ongoya:** Are those documents before these Senators in full?

**Hon. Albert Kipkoech:** Yes.

**Mr. Elisha Ongoya:** Are you adopting the contents of those documents as your evidence?

**Hon. Albert Kipkoech:** Yes, I adopt.

**Mr. Elisha Ongoya:** The Governor, then, says you never gave him time to implement these findings. What do you say to that to the Senators?

**Hon. Albert Kipkoech:** When Governor sees those things happening in his government, he is supposed to have acted on it. For example, whistle blower said on 10<sup>th</sup> June, 2025 that there was fictitious payment. So, he was supposed to act or to look at all the affected departments so that he sees if these things are real or not, instead of waiting for the Assembly.

**Mr. Elisha Ongoya:** You are saying the alarm bell was by a whistle blower way back in June?

**Hon. Albert Kipkoech:** In July.

**Mr. Elisha Ongoya:** In July?

**Hon. Albert Kipkoech:** Yes.

**Mr. Elisha Ongoya:** The Governor took no action.

**Hon. Albert Kipkoech:** Yes.

**Mr. Elisha Ongoya:** As we stand before this Senate, do you know of any action the Governor has taken in respect of these transactions?

**Hon. Albert Kipkoech:** So far, no. He has taken none.

**Mr. Elisha Ongoya:** Mr. Speaker, in the interest of time, I can see my time is far much spent. We have another witness. I will rest these witness' testimony at that.

Thank you.

**The Deputy Speaker** (Sen. Kathuri): That is okay. Serjeant-at-Arms, save some minutes. Bring the next witness. We are balancing off the time. Counsel for the Governor, you can go ahead with cross-examination.

**Mr. Katwa Kigen:** Thank you, Mr. Deputy Speaker, Sir, and Hon. Senators.

Good afternoon, Mr. Kipkoech.

**Hon. Albert Kipkoech:** Good afternoon.

**Mr. Katwa Kigen:** Yes. Now, I want to start from the last answer you gave. You said that the alarm was raised in July---

**The Deputy Speaker** (Sen. Kathuri): Counsel, you have 18 minutes in total for cross-examination.

**Mr. Katwa Kigen:** Yes, Mr. speaker, Sir. Thank you. You said the alarm was raised in July?

**Hon. Albert Kipkoech:** Yes. 10<sup>th</sup> July, 2025.

**Mr. Katwa Kigen:** 10<sup>th</sup> July, 2025. The Motion was moved for impeachment on which day? Is it 6<sup>th</sup> August, is it not?

**Hon. Albert Kipkoech:** I cannot confirm that.

**Mr. Katwa Kigen:** You do not know when the Motion was moved---

**Hon. Albert Kipkoech:** The only person who can confirm, that is, the mover of the Motion.

**Mr. Katwa Kigen:** May I ask you, Mr. Kipkoech, you were not in the Assembly when the Motion was being moved for his impeachment?

**Hon. Albert Kipkoech:** I was there, but I cannot answer for somebody else.

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**Mr. Katwa Kigen:** Did you participate in those proceedings?

**Hon. Albert Kipkoech:** In voting? Yes, I participated on 15<sup>th</sup>.

**Mr. Katwa Kigen:** On 15<sup>th</sup>?

**Hon. Albert Kipkoech:** Yes. So, if it is the issue of date 15<sup>th</sup> I will answer.

**Mr. Katwa Kigen:** Okay. That is okay. You do not recall that the Motion was moved on 6<sup>th</sup> August. You do not remember that?

**Hon. Albert Kipkoech:** I will leave that to the mover of the Motion.

**Mr. Katwa Kigen:** You do not recall or you do?

**Hon. Albert Kipkoech:** Of course, I recall, but I will leave it to the mover of the Motion.

**Mr. Katwa Kigen:** As you have said, the alarm was raised on 25<sup>th</sup> and the Motion was moved on 6<sup>th</sup> of August. That is about 10 days, is it not?

**Hon. Albert Kipkoech:** Which alarm are you talking about?

**Mr. Katwa Kigen:** The Motion for Impeachment was on 6<sup>th</sup> of August. You said the alarm was raised on 25<sup>th</sup> of July, is it not so?

**Hon. Albert Kipkoech:** The alarm on fictitious payment. Just ask me about issues of fictitious payment. The whistle blow was on 10<sup>th</sup> July, 2025.

**Mr. Katwa Kigen:** Who is asking the questions? I am asking you again. Your point, through your Counsel, was that the Governor had time to act, is it not so? That was your point.

**Hon. Albert Kipkoech:** Yes.

**Mr. Katwa Kigen:** It is because he heard the alarm on 25<sup>th</sup> of July, is it not so? That was your point, is it not so?

**Hon. Albert Kipkoech:** The alarm---

**Mr. Katwa Kigen:** Mr. Deputy Speaker, Sir, I am really struggling with time. The witness should just answer without being obstinate.

**The Deputy Speaker (Sen. Kathuri):** You should answer either 'yes' or 'no.'

**Mr. Katwa Kigen:** Did you say the Governor had time to act?

**Hon. Albert Kipkoech:** Yes.

**Mr. Katwa Kigen:** According to you, when was the alarm raised?

**Hon. Albert Kipkoech:** The alarm on fictitious payment was raised on 10<sup>th</sup>.

**Mr. Katwa Kigen:** Of?

**Hon. Albert Kipkoech:** July.

**Mr. Katwa Kigen:** As at 6<sup>th</sup> of August when the Motion for his impeachment was being moved, that was about 20 days, is it not so?

**Hon. Albert Kipkoech:** Basically, about 25 days.

**Mr. Katwa Kigen:** Yes. According to you, that was adequate time for him to have acted, is it not so?

**Hon. Albert Kipkoech:** Yes.

**Mr. Katwa Kigen:** Okay. Now, I want to move to a different issue. Were the other reports sent to the Governor?

**Hon. Albert Kipkoech:** Yes, they were sent to the Governor.

**Mr. Katwa Kigen:** Were they sent before the Motion to impeach him or after?

**Hon. Albert Kipkoech:** Before the Motion.

**Mr. Katwa Kigen:** Which date were they sent to him?

**Hon. Albert Kipkoech:** 5<sup>th</sup> of August.

**Mr. Katwa Kigen:** Just a day before the Motion for impeachment, is it not so?

The Deputy Speaker has told you to answer the questions. If you do not know, just say so. They were sent a day before the impeachment, is it not so?

**Hon. Albert Kipkoech:** Yes, a day before the impeachment.

**Mr. Katwa Kigen:** That one day was enough for him to act?

**Hon. Albert Kipkoech:** He had enough time from 10<sup>th</sup>.

**Mr. Katwa Kigen:** Let me ask you a different question. On 10<sup>th</sup> of July when you said the alarm was raised, do you have any document showing that indeed a communication raising the alarm was made?

**Hon. Albert Kipkoech:** In the report, you will realise---

**Mr. Katwa Kigen:** Please, just answer my question. Do you have any document where you can place your finger to show that indeed the Governor was notified on 10<sup>th</sup> of July that there were improprieties in the county?

**Hon. Albert Kipkoech:** I do not have.

**Mr. Katwa Kigen:** Okay.

Each of those reports provided for time to act, is it not so? I am talking about the fictitious payments and all the other reports. They gave timelines within which the Governor was to act, is it not so?

**Hon. Albert Kipkoech:** Yes.

**Mr. Katwa Kigen:** By the time the Motion was being moved on 6<sup>th</sup> of August, that time had not expired, is it not so?

**Hon. Albert Kipkoech:** It had not expired.

**Mr. Katwa Kigen:** Thank you very much.

According to your paragraph three, the whistleblower is the Deputy Governor, is it not so?

**Hon. Albert Kipkoech:** Yes.

**Mr. Katwa Kigen:** That Deputy Governor deputises the Governor, is it not so?

**Hon. Albert Kipkoech:** Yes.

**Mr. Katwa Kigen:** Have you moved a Motion to impeach him because he is equally responsible?

**Hon. Albert Kipkoech:** We have not.

**Mr. Katwa Kigen:** Inversely---

**The Deputy Speaker** (Sen. Kathuri): Just a minute, Counsel. The House is supposed to rise at 1.00 p.m. However, I will invoke Standing Order No.34(2A) to extend for 15 more minutes, so that you conclude your cross-examination.

**Mr. Katwa Kigen:** Thank you, Mr. Deputy Speaker, Sir.

The whistleblower was the Deputy Governor and you confirm that you have not moved a Motion to impeach him?

**Hon. Albert Kipkoech:** There is no impeachment.

**Mr. Katwa Kigen:** If this impeachment succeeds, he is the beneficiary, is it not so?

**Hon. Albert Kipkoech:** Of course, yes.

**Mr. Katwa Kigen:** Okay.

You have taken us through some issues and I will summarise what you have raised. You have raised issues of contracts on works and goods, improprieties in procurement, including splitting contracts and payment of money. Those are the issues you have raised, is it not so?

**Hon. Albert Kipkoech:** Yes.

**Mr. Katwa Kigen:** When you were presiding over this committee on fictitious payments, did you find anywhere where the Governor signed any of the contracts that you are dealing with?

**Hon. Albert Kipkoech:** Of course I cannot be---

**Mr. Katwa Kigen:** Please, answer the question. Did you find anywhere where the Governor signed?

**Hon. Albert Kipkoech:** In terms of signing, no.

**Mr. Katwa Kigen:** Procurement?

**Hon. Albert Kipkoech:** It cannot happen in all the departments.

**Mr. Katwa Kigen:** Please, answer my questions because I am the one asking you. Is there anywhere he was involved in procurement such as advertising?

**Hon. Albert Kipkoech:** No.

**Mr. Katwa Kigen:** Is there anywhere where he was involved in splitting contracts?

**Hon. Albert Kipkoech:** But Counsel---

**Mr. Katwa Kigen:** Please, answer my question. Did you find him anywhere---

**Hon. Albert Kipkoech:** It can happen in all the departments.

**Mr. Katwa Kigen:** Witness, please, answer my question.

**Hon. Albert Kipkoech:** He is either incompetent or he is complicit.

**The Deputy Speaker (Sen. Kathuri):** Mr. Witness, please, stop that exchange. Just answer questions as you have been asked.

**Hon. Albert Kipkoech:** Okay.

**Mr. Katwa Kigen:** Did you find him involved anywhere splitting contracts?

**Hon. Albert Kipkoech:** No.

**Mr. Katwa Kigen:** Did you find him anywhere going to the bank to withdraw money or signing?

**Hon. Albert Kipkoech:** No.

**Mr. Katwa Kigen:** Now, in your committee, you said some people appeared before you, is it not?

**Hon. Albert Kipkoech:** Yes.

**Mr. Katwa Kigen:** Some of those people in your report, you subsequently recommended action against them, is it not?

**Hon. Albert Kipkoech:** Yes.

**Mr. Katwa Kigen:** Now, as you speak today, you are coming to support an action against the governor, is it not?

**Hon. Albert Kipkoech:** Yes.

**Mr. Katwa Kigen:** Now, prior to taking action against the Governor, have you taken any action against those people who you found culpable directly?

**Hon. Albert Kipkoech:** The only person who will take that action---



**Mr. Katwa Kigen:** Please, answer my question. Have you taken an action against any of the people you very specifically placed your finger on and said this one is responsible for splitting tenders, this one was responsible for procuring beyond the budget and this one was responsible for---

**Hon. Albert Kipkoech:** Yes, we recommended.

**Mr. Katwa Kigen:** You have made recommendations.

**Hon. Albert Kipkoech:** Yes, sir.

**Mr. Katwa Kigen:** You have not taken any action.

**Hon. Albert Kipkoech:** Of course, we do not have that mandate.

**Mr. Katwa Kigen:** You do not have that mandate.

**Hon. Albert Kipkoech:** Yes.

**Mr. Katwa Kigen:** Is it not that true that the County Governments Act gives you powers to act on CECMs?

**Hon. Albert Kipkoech:** Yes.

**Mr. Katwa Kigen:** Have you acted on any of them?

**Hon. Albert Kipkoech:** But in this case, most of them were Chief Officers.

**Mr. Katwa Kigen:** Okay. So, what have you done in terms of acting, merely recommending?

**Hon. Albert Kipkoech:** Yes, on Chief Officers, we are recommending.

**Mr. Katwa Kigen:** The recommendation is to who?

**Hon. Albert Kipkoech:** The recommendation is to the County Public Service Board.

**Mr. Katwa Kigen:** Have you set up that County Public Service Board?

**Hon. Albert Kipkoech:** It is in the report.

**Mr. Katwa Kigen:** Lastly, just to save on my time, prior to the excitement to bring this impeachment against the Governor, did you give him an opportunity to react to your concerns? Did you hear him? Did your committee give him an opportunity to be heard?

**Hon. Albert Kipkoech:** Of course, what we did---

**Mr. Katwa Kigen:** Please, answer my question. Did you invite him to respond to your concerns?

**Hon. Albert Kipkoech:** As a county assembly, there is no way we can invite the--

**Mr. Katwa Kigen:** Please, answer my question, *Mheshimiwa*. Did you invite him to answer any of your concerns?

**Hon. Albert Kipkoech:** At the County Assembly, we do not have that mandate. The only way we can invite the Governor is through impeachment.

**Mr. Katwa Kigen:** Listen to my question again. You are chairing our committee, is it not?

**Hon. Albert Kipkoech:** Yes.

**Mr. Katwa Kigen:** Did you invite him to come and answer any of the questions you had?

**Hon. Albert Kipkoech:** The only way---

**Mr. Katwa Kigen:** Mr. Deputy Speaker, Sir, if the witness could answer my question.

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**Hon. Albert Kipkoech:** Yes, we invited him to respond to these issues through an impeachment Motion, which is here before us.

**Mr. Katwa Kigen:** Okay. Let the Senators listen.

So, the only way you invited him is through an impeachment Motion?

**Hon. Albert Kipkoech:** Of course.

**Mr. Katwa Kigen:** You did not bring him down and ask him about the building you are splashing on the---

**Hon. Albert Kipkoech:** That is why he had an opportunity to be in the County Assembly on the 15<sup>th</sup>.

**Mr. Katwa Kigen:** This impeachment is meant for him to explain how there was improper procurement, why procurements were split and why contracts were not properly executed?

**Hon. Albert Kipkoech:** Yes.

**Mr. Katwa Kigen:** That is your point?

**Hon. Albert Kipkoech:** Yes.

**Mr. Katwa Kigen:** Mr. Deputy Speaker, Sir, thank you very much for the opportunity to cross-examine. Mr. Kipkoech, thank you for answering my question.

**The Deputy Speaker** (Sen. Kathuri): Counsel for the County Assembly, do you want to do re-examination to the witness.

**Mr. Elisha Ongoya:** Yes, Mr. Deputy Speaker, Sir. I have some two or three clarifications to seek information.

**The Deputy Speaker** (Sen. Kathuri): Go ahead.

**Mr. Elisha Ongoya:** Thank you so much. Who raised the alarm that founded the basis for forming the *ad hoc* committee?

**Hon. Albert Kipkoech:** The Deputy Governor H.E. Fred Kirui.

**Mr. Elisha Ongoya:** In which department does the Deputy Governor work? In which section of the county structure, is it the Executive or the County Assembly?

**Hon. Albert Kipkoech:** He is the Principal Assistant of the Governor.

**Mr. Elisha Ongoya:** The Principal Assistant to the Governor is the one who raised these issues?

**Hon. Albert Kipkoech:** Yes.

**Mr. Elisha Ongoya:** You have been asked about the Deputy Governor being the principal beneficiary of this impeachment Motion. My question to you is, the facts in the Deputy Governors alarm, when you did your investigation, did you confirm them to be correct or false? The facts he raised, were they eventually confirmed to be correct or false?

**Hon. Albert Kipkoech:** It was correct.

**Mr. Elisha Ongoya:** It was correct?

**Hon. Albert Kipkoech:** Yes.

**Mr. Elisha Ongoya:** Who supplied you with the documents that helped you to verify the allegations in the Deputy Governor's alarm?

**Hon. Albert Kipkoech:** It was the CECM for Finance, the Chief Officer, Finance and Chief Officers from the affected departments.

**Mr. Elisha Ongoya:** To whom is the CECM for Finance, answerable?

**Hon. Albert Kipkoech:** To the Executive headed by the Governor.

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**Mr. Elisha Ongoya:** To the executive headed by the Governor.

You have been asked as to why you now attribute these actions to the Governor without any signature of his on the paper trail. What do you say to that?

**Hon. Albert Kipkoech:** It cannot be coincidence that all these departments are being affected by all these fictitious payments. It is either the Governor is incompetent or in support.

**Mr. Elisha Ongoya:** That is all in my re-examination.

**The Deputy Speaker** (Sen. Kathuri): We have more 10 minutes. I open the floor to the Senators if you need any clarification.

Sen. Joe Nyutu.

**Sen. Joe Nyutu:** Thank you, Mr. Deputy Speaker, Sir. I need to seek some clarifications from the witness. Mr. Witness, when you did the fictitious payment report, you must have been motivated by the need to see that resources in Kericho County Government were expended in the right way.

**Hon. Albert Kipkoech:** Yes.

**Sen. Joe Nyutu:** It is also true that the Governor does not or did not sign any of those documents. So, once this corruption was found to have happened, apart from impeaching the Governor, did you as a committee or at a personal level find it necessary to report this crime to the Ethics and Anti-Corruption Commission (EACC) as a good resident of Kericho County?

Thank you.

**Sen. Olekina:** Thank you, Mr. Deputy Speaker, Sir. I have a couple of concerns here. These are issues that we deal with on a daily basis; issues of accountability. I am deliberating on the earlier resolution of the House as chaired by the Speaker on calling additional witnesses to verify certain claims which are being raised here.

The issues being discussed here relate to the issues of accountability, which falls under two committees of this House. Specifically, the Committee on County Public Accounts (CPAC). I have followed keenly on the submissions by the counsel for the Assembly. I have looked at volume 4, page 87, on the picture which was being displayed on the screens of a building, which is supposed to have been paid for Kshs2 million. All of us here are quite clear on that.

I have also followed keenly on the issues that have been raised on public participation and the expenditures which were incurred for that exercise. My concern is this. The earlier issue we are dealing with was of technicality. However, we now come to the issue of fiduciary responsibility.

I have two questions and one for you, Mr. Deputy Speaker.

**The Deputy Speaker** (Sen. Kathuri): For me or the witness? I am not the witness, Sen. Olekina.

**Sen. Olekina:** I request that this goes to you, Mr. Deputy Speaker, Sir. Will it be in order for us to call for the contractor who was paid this money? We are all talking about fighting corruption. If a contractor was paid Kshs2.8 million to fix a building and it was not built, we need to separate fact from fiction.

Number two is now to the witness. You have indicated that you have carried out a fictitious expenditure report and you are able to identify the payments that were made.

There is one which was overpaid. There was one department that you allege, the water department, was budgeted for Kshs1 million---

**The Deputy Speaker** (Sen. Kathuri): My communication is that all the time you will be consuming two minutes only.

**Sen. Olekina:** Then can I finish this? You should have told me that, Mr. Deputy Speaker, Sir. This is a very important matter.

**The Deputy Speaker** (Sen. Kathuri): Conclude within one minute.

**Sen. Olekina:** Thank you, Mr. Deputy Speaker, Sir. You had indicated that in the water department, the budget was Kshs1 million, but the procurement was Kshs3 million. Did you verify clearly that these payments were paid out? Was it a planning budget or an actual budget?

Mr. Deputy Speaker, Sir, the issue that I have requested you, can you please, guide this House in the matter of expenditures that have been paid out, whether we can verify that from either the Controller of Budget (CoB) or the contractor?

**The Deputy Speaker** (Sen. Kathuri): Let the witness answer or clarify those issues. Maybe he has an answer for you, Sen. Olekina. That he has the documents to justify his allegations. So, witness, you have four minutes.

**Hon. Albert Kipkoech:** Okay, thank you, Hon. Speaker. The first question on EACC reports from ---

**An hon Senator:** We have other questions.

**The Deputy Speaker** (Sen. Kathuri): Order, Hon. Senators.

Witness, proceed and give your responses.

**Hon. Albert Kipkoech:** Mr. Speaker, Sir, when the Deputy Governor appeared before *ad hoc* committee, he confirmed that he wrote a letter to EACC on the said fictitious payment. We also invited the County Secretary, who confirmed that they have also received the reports from the EACC. So, when we saw that already the EACC has a report, we decided to deal with the issues that we were expected to do by the Assembly.

On the issue that was raised by Senator for Narok County, we had a budget of Kshs1 million. When the EACC appeared before us, he confirmed that all the payments in that list, the fictitious payment was paid. So, which means it was overdrawn in that vote line.

Thank you.

**The Deputy Speaker** (Sen. Kathuri): Are you done with the answers?

**Hon. Albert Kipkoech:** Yes.

**The Deputy Speaker** (Sen. Kathuri): Then I have two or three minutes for other Senators to still ask their questions.

Let us have Sen. Keroche Tabitha.

**Sen. Tabitha Keroche:** Mr. Deputy Speaker, Sir, thank you. I also want to ask the witness a question. This is because I believe that a county is governed and it has systems and structures. I believe your committee plays a great role when it comes to the procurement plans, the payment vouchers, Local Service Orders, deliveries, invoices and all that.

How did it happen that money was paid prior to the job being done? Where do you come in? Is it that you are just a stamp? A committee for stamping things? This is

because I do not think the CEO – I have been a CEO of a company, so I know the CEO does very little. He or she depends on the people on the ground.

I support what you have done. As MCAs, when you see misappropriation of your funds and all that, you take action. You deserve to be commended because some of us come from counties that misappropriation of funds is an everyday business, but we have never had any attempt to impeach our governor.

Congratulations for that.

*(Laughter)*

However, for now, I just want to understand ---

**The Deputy Speaker** (Sen. Kathuri): Sen. Tabitha Keroche, let the witness answer you in less than one minute. If you have---

*(Loud consultations)*

My time is over. Yes, witness answer my question.

**Hon. Albert Kipkoech:** Thank you, Mr. Deputy Speaker, Sir. What prompted the investigations to be done by the Assembly was the letter that was sent through the Speaker by His Excellency the Deputy Governor, so that we start investigations on those fictitious payments.

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, most Senators will have time in the afternoon to still ask or seek for clarifications. I can see we have so many on my screen.

*(Sen. Veronica spoke off record)*

Sen. Veronica, it is already 1.15 p.m. The County Assembly will have 20 minutes as balance of their time. Then also the Governor's team will have nine minutes for cross-examination of other witnesses.

## ADJOURNMENT

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, it is now 1.15 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until later today, that is, Thursday, 28<sup>th</sup> August, 2025, at 2.30 p.m.

The Senate rose at 1.15 p.m.