



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fourth Session

**Wednesday, 27th August, 2025 at
2.30 p.m. - Special Sitting**

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 27th August, 2025

Special Sitting

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

*The House met at the Senate Chamber,
Parliament Buildings at 2.47 p.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)

Hon. Senators, we now have quorum.

(Sen. Cherargei and Sen. M. Kajwang 'consulted loudly)

Senator for Nandi and Senator for Homa Bay, kindly settle down.

(Sen. Cherargei and Sen. M. Kajwang 'sat in their places)

Clerk, you may proceed to call the first Order.

COMMUNICATION FROM THE CHAIR.**RULING ON PRELIMINARY MATTERS AND OBJECTIONS
RAISED BY THE KERICHO COUNTY GOVERNOR'S TEAM**

The Speaker (Hon. Kingi): Hon. Senators, if you may recall, before we went on a lunch break, there was a preliminary objection that was raised by the Governor, which I undertook to deliver a ruling upon resumption, which is now.

Hon. Senators, on Monday 25th August, 2025, as part of the bundle of documents submitted by the Governor, pursuant to Rule 6 of Part I of the Third Schedule to the Senate Standing Orders, M/s. Katwa Kigen, Katwa and Kemboy Advocates, counsel for the Governor sought leave to raise a preliminary objection to the hearing of the proposed removal from office, by impeachment, of Hon. (Dr.) Eric Kipkoech Mutai, setting out a number of grounds.

At the start of the hearing today, counsel for the Governor sought to be allowed to canvass the preliminary objection. In doing so, it became apparent that a number of the grounds that had been set out in the correspondence sent to the Senate on Monday 25th August, 2025 were not argued before the Senate today and, therefore, I need not make reference to them.

As is well known, the impeachment process belongs to the parties. The parties are best placed to navigate their cases and the Senate can only make a determination on matters argued before it. It is for this reason that I stopped Counsel Elisha Ongoya for the County Assembly in his tracks when he sought to make reference to grounds of preliminary objection, which the Governor had not prosecuted today before the Senate.

Hon. Senators, ladies and gentlemen, the present Communication is limited to the preliminary objection as raised and canvassed before the Senate today prior to the adjournment for lunch. Counsel for the Governor made submissions contesting the voting that took place at the County Assembly of Kericho and urging that the Senate finds that the threshold of two-thirds of all Members of the County Assembly (MCAs) in support of the impeachment Motion was not achieved. In this regard, counsel stated that of the 47 MCAs, 18 Members did not vote and that consequently the records as submitted by the County Assembly were incorrect and even fraudulent. Counsel Katwa Kigen and Counsel Peter Wanyama made extensive arguments illustrating the inaccuracy of the technology deployed, including arguing variously that-

- (a) A number of MCAs voted more than once.
- (b) Persons other than MCAs and the administrator of the voting system could access the system.
- (c) That contrary to the Kericho County Assembly Standing Orders, the system did not indicate the number of Members who had abstained.
- (d) The system did not have provision for voting by means of pressing a button as required by the Standing Orders. Instead, a link was sent to the phone numbers of the Members.
- (e) The use of payroll and ID numbers as passwords could easily and was, indeed, compromised and, therefore, the system was neither secure nor accurate.

The thrust of the County Assembly's response to the preliminary objection raised was to urge the Senate to find that this was not a proper preliminary objection and consisted of mere sensational allegations. Counsel drew the attention of the Senate to the decision of the High Court in the matter of Governor Sonko as he then was in the High Court Petition No. E425 of 2020 in which similar contestations arose as between the County Assembly and the Governor on the number of MCAs of Nairobi who had voted in favour of the impeachment Motion and whether the two-thirds threshold had been attained. In that case, the court held that in view of the contradictory evidence adduced by both parties coupled with the lack of expert evidence, the court was unable to find that the two-thirds threshold had not been met.

Counsel further stated that the matter in which the system works and whether the allegations made by the Governor's side about the integrity of the system was sound was the matter of ICT experts who would be required to adduce evidence in support of the County Assembly's position or the Governor's position, whichever.

Arising from the preliminary issues canvassed, the following are the issues that require determination by the Senate-

(1) Whether the preliminary objection raised qualifies as a preliminary objection, properly so-called, and whether, therefore, a determination must precede the further progress of the current impeachment process.

(2) If the answer to the first issue is in the affirmative then whether the voting on the impeachment Motion in the County Assembly took place in accordance with the law and whether the threshold required under Section 33 (2) of the County Governments Act, Cap. 265 of the Laws of Kenya, was therefore met so as to qualify the continued progress of the present impeachment process.

Hon. Senators, ladies and gentlemen, the question of what constitutes a preliminary objection was well set out in the leading case of *Mukisa Biscuits Manufacturing Company Limited versus West End Distributors* contained in the 1969 EA at 696.

It states as follows-

“A preliminary objection consists of a point of law which has been pleaded or which arises by clear implication out of pleadings and which, if argued as a preliminary point, may dispose of the suit. Examples are an objection to the jurisdiction of the court or a plea of limitation or a submission that the parties abound by the contract giving rise to the suit to refer to the dispute to arbitration. A preliminary objection raises a pure point of law which is argued on the assumption that all the facts pleaded by the other side are correct. It cannot be raised if any fact has to be ascertained or if what is sought is the exercise of judicial discretion.”

A preliminary objection does not need evidence to be adduced as proof of its existence. It is limited to points of law and cannot be raised if a fact has to be ascertained.

Hon. Senators, ladies and gentlemen, drawing from the decision in the *Mukisa Biscuits* case, the issue of whether the impeachment of the Governor met the threshold required under Section 33(2) of the County Governments Act, Cap. 265 of the Laws of Kenya, is a factual question that is contested. The Governor has raised questions on the manner and integrity of the voting process which calls for the Senate to interrogate the

documentation and pleadings presented before it by both the County Assembly and the Governor of Kericho County.

It is noteworthy that counsel for the Governor in their own submissions, repeatedly asserted that the contestation was based on the facts of what actually transpired. Indeed, the Governor has called the 18 MCAs whose vote is contested as witnesses to this impeachment proceeding. No summary determination of this matter is possible without these witnesses taking to the stand to give evidence and being subjected to cross-examination in the usual manner.

The factual question of MCAs who voted for the impeachment Motion is a matter that calls for determination by the Senate. The only way for the Senate to determine these questions is to receive evidence on the matter, evaluate the same and make a finding one way or the other based on the preponderance of evidence.

It is important to recall what that the Senate did on the 14th October 2024 vote to uphold a preliminary objection raised by the Governor of Kericho County on the ground that the threshold required for removal of the Governor from office, by impeachment, provided for under Section 33 of the County Governments Act and Standing Order No.74 of the Standing Orders of the County Assembly of Kericho, had not been met.

In those proceedings, there was no dispute as to the fact that the documents submitted in evidence by the County Assembly included a list of 31 out of 47 MCAs of Kericho that had voted in favour of the Motion for removal from office, by impeachment, of the Governor of Kericho. The question for determination by the Senate in those impeachment proceedings was whether the two-thirds constitutional threshold was 31 or 32 MCAs. There was no dispute or contestation between the Governor and the County Assembly as to the following facts-

(a) The County Assembly of Kericho has 47 Members.

(b) Only 31 Members of the County Assembly voted in favour of the impeachment Motion.

The Senate in those proceedings held on 14th October, 2024 was only left with the task of determining the legal question as to whether the two-thirds constitutional threshold was 31 or 32 MCAs. That determination did not require the production of any evidence. On 14th October, 2024, the Senate by its vote determined that the two-thirds threshold is 32.

In the current impeachment proceedings, there is contestation between the Governor and the County Assembly as to the following facts-

(a) The Members of the County Assembly who voted in favour of the Motion.

(b) The transparency and integrity of the electronic voting platform deployed on the 14th August, 2025.

This is not to say that the objection raised by the Governor is not important. It is indeed fundamental. In fact, it is of great importance. It will set a very dangerous precedent if the Senate is sent on a wild goose chase to conduct impeachment proceedings and vote on charges which are defective *ab initio* and on the ground that no lawful impeachment was undertaken. It, therefore, means that the Senate must make a determination one way or the other whether the threshold for impeachment was met.

The real question before us is only the stage at which that question is mature for determination. I, therefore, rule that since this matter of facts requiring the adducing of

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evidence, it will be determined by hearing both parties and entertaining evidence that they have in respect thereof.

This preliminary objection is accordingly disallowed for being premature at this stage. In light of the importance of the question, though, the Senate shall determine the disputed facts prior to making a determination on the impeachment charges. I, therefore, further rule that at the conclusion of the impeachment proceedings and prior to the voting on the charges, the Senate will pronounce itself on its finding on the matter of the threshold and whether it was met.

In the event that the Senate finds that the two-thirds threshold of 32 MCAs was not met, then the impeachment proceeding shall immediately determine and the Senate shall not proceed to determine the impeachment charges. However, if the Senate finds that the two-thirds threshold of 32 MCAs was met, that is, after hearing the evidence, then the Senate shall proceed to determine if the impeachment charges have been substantiated by voting thereon.

The preliminary objection, therefore, fails as the same shall now be subsumed in the main hearing of the impeachment proceedings. It is so ordered. Thank you.

Next order.

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

The Speaker (Hon. Kingi): Now we will proceed to hear the opening statement by the County Assembly. Thereafter, we will move to hear the opening statement by the Governor. Each party has 30 minutes to do so. Counsel for the County Assembly, you may now take to the Floor.

OPENING STATEMENT ON BEHALF OF THE COUNTY ASSEMBLY OF KERICHO

Mr. Elisha Ongoya: I thank you so much, Mr. Speaker, Sir and distinguished Senators. It gives me great pleasure once again to appear before you on a matter involving a Motion for the proposed removal of a governor from office, by way of impeachment. Before I get into the pith and marrow of my opening statement, I will begin by reflecting on the fact that coincidentally, today is 27th August, 2025, which marks precisely 15 years to the hour from the day we adopted, enacted and gave to ourselves and to our future generations, the Constitution of Kenya, 2010.

I also take note of the fact that in his recent presidential proclamation of 27th August as Katiba Day, His Excellency the President, noted that it is befitting for the people of Kenya to commemorate this day as a reminder of our collective duty to obey, preserve, protect and implement the Constitution. I finish that observation by noting that proclamation also observed that Katiba Day shall be observed throughout the territory of Kenya, including our diplomatic missions abroad, as the day dedicated to renewing our shared commitment to the ideals of our Constitution by fostering national dialogue on constitutionalism, governance and the rule of law. The County Assembly of Kericho has,

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by instrument of this Motion, caused this House to sit here today and engage in this conversation, this dialogue on constitutionalism, governance and the rule of law through the prism of the County Government of Kericho.

Mr. Speaker, Sir, it is in the place of an opening statement to lay out the broad outline of one's case. Therefore, I wish to proceed by laying out the broad outline of the case of the County Assembly of Kericho. The case of the County Assembly of Kericho is that generally, once elected, elected representatives like the Governor now before you have some prescribed tenure in office, in our case, a five-year tenure. However, the case by the County Assembly of Kericho is that there is an unwritten word in that five-year tenure, the words being a five-year good behaviour tenure.

The County Assembly of Kericho has brought before you their Governor and they are telling you he is of bad behaviour. They now wish to lay out the basis for their assertion that having observed their Governor for slightly over two years that he has been in office, his conduct reveals bad behaviour.

The County Assembly of Kericho takes note of the fact that this House ordinarily summons county governors and county executives and sometimes decries the rot in county governments. What the Assembly of Kericho has done is that internally, through its standing committees and its *ad hoc* committees, has undertaken an oversight role of the County Governor and his executive. So, they have had a scientific method of approaching this matter.

At the conclusion of their investigations through standing committees and *ad hoc* committees, the rot in the government of the Governor now before you has come to the fore. Therefore, they have carried that rot to you as evidence of bad behaviour and will be inviting you to consequently vote for the removal of this Governor from office. How will they do that? For example, when the time will come, they will take you through payment vouchers for multiple transactions.

When you study those vouchers and their supporting documents, part of the data that you will come across is found in Volume 4D of the County Assembly's documents. When you look at Volume 4D of the County Assembly's documents, you will see a summary of what various payment vouchers and other transactional documents reveal regarding the County Government of Kericho.

I will give you a few examples. Evidence will show that a company called Mengro Products Limited was awarded a contract to maintain a bridge at a contract sum of Kshs3,120,790. As is common with infrastructure contracts, there is a retention amount of 10 per cent that is retained by the contracting party - the County Government - for a defect period. When the vouchers are laid before you, you will notice that 10 per cent of Kshs3,120,790 is Kshs312,079. That is actually the amount that was prescribed in the contract as the documents will show you. On 8th November, 2021, before the Governor in question came to office, that matter was settled and Mengro Products Limited was paid Kshs312,079 in full as the final payment of the retention amount.

After this Governor came to office, fictitious documents were created, new payment vouchers generated and on 16th October, 2024, during the tenure of this Governor in office, Mengro Products Limited was paid Kshs312,079; the same amount that had been paid in full and final settlement on 8th November, 2021.

You will be glad that you will have the inspection reports that were supposed to support this voucher for this payment. Whereas this is a contract for the construction of a bridge, the inspection report will talk about how bushes were cleared. You will see that standard observation in all inspection reports to support this double payment. Somebody had a cut and paste observation in the inspection reports to support all these fictitious payments.

That company, evidence will show, was given another contract to maintain a road that is specified in the evidence before you, at a contract sum of Kshs3,722,878. The retention amount was Kshs372,287. That money was paid fully and finally on 1st April, 2021, before this Governor came into office.

After he came into office, courtesy of creative accounting, fresh payment vouchers and supporting documents were generated and on 16th October, 2024, an amount of Kshs372,288, the same retention amount that I read earlier, was paid afresh to the same company.

Hon. Senators, evidence will show that Mengro Products Ltd., the same company, got another contract for construction of Lelsotet Bridge in Londiani Ward, for a contract sum of Kshs4,968,601. The retention amount, pursuant to that industry practice of having a retention figure, was Kshs496,860.

Vouchers and other supporting documents, which were obtained from the County Executive through the County Assembly's investigation committees will show that on 16th November, 2021 before this Governor came into office, the full retention amount of Kshs496,860 was paid. After this Governor came into office, on 16th October, 2024, the same amount, Kshs496,860 was paid to Mengro Products Ltd.

In the course of this drafting, I sought to know whether someone knows who Mengro is because behind these companies are people. Unfortunately, I was working with people who do not work in the Executive, so they could not put a face to who Mengro was. I hope at an appropriate time this Senate will ask that question directly to those concerned, of who Mengro is.

Cherire Holdings Ltd is a company that was granted a contract to construct a road in Soliat Ward, at a contract sum of Kshs4,530,360. The retention amount was Kshs453,036. That money was fully paid during the term of this Governor on 28th June, 2024. On 16th October, 2024, four months later, fresh payment vouchers and supporting documents were generated and the same amount was paid to that same company; Cherire Holdings Ltd.

To save time, you will find that in respect of another company, called Spike Investment Ltd., through which, by virtue of double payment of retention amounts, the County Government of Kericho and the taxpayer, lost Kshs383,065. You will find that in respect of Green 80 Ltd., by virtue of double payment of retention sums, the County Government of Kericho and the Kenyan taxpayer, lost Kshs416,034. You will find that in respect of Prospera Ventures Ltd., where the taxpayer, through double payment of retention amounts, lost Kshs423,756.

You will find that in respect of Bitworld Holdings Ltd., where through double payment of retention amounts, the taxpayer lost Kshs565,278. You will find that in respect of Afriscape Ltd., Rolly Ventures Ltd., twice.

Distinguished Senators, unlike in the past where people have come here with generalized allegations on misappropriation of funds, the County Assembly of Kericho has meticulously compiled vouchers pointing to each of these transactions.

When you go to page three of that same volume, you will find another scheme of double payment of retention amounts. This involves companies like Prospera Ventures Ltd., Breray Ltd., Bitworld Holdings Ltd., Green 80 Limited, twice; Cherire Holdings Ltd., twice and Spike Ventures Ltd. On page four of that volume, the County Assembly has tabulated for you the full losses amounting to Kshs8,432,182.60.

My clients instructed me that if this was one isolated transaction, they possibly would have thought of excusing the Governor. The multiplicity of these transactions show either a Governor who is not in charge of this county or who is complicit in these ills and they will be accordingly, asking you to hold that Governor to account.

While at it, I would beseech the technical team to give you a sneak preview of what you will see in evidence through playing video No. KCAV11 which will demonstrate to you another element of high handedness on the part of this Governor.

(A video clip was played)

Distinguished Senators, the person whose gumboots you last saw on the screen is the Governor before you. That is someone's private property. He is demolishing it to begin using it as a dumping site without any approvals from NEMA and without any regard of the title documents of that citizen. The County Assembly is saying that it is not bringing rumours here. A court of law has sat and has established that the Governor has violated that citizen's right to a clean and healthy environment and has also directed the Governor to take remedial measures. You will find that judgment of the court in Volume 4B at pages 167 to 193.

Literally, this is a Governor who has taken impunity in his own hands. Evidence will show you that this incident of impunity was undertaken on his second day in office. When that video will be played, you will hear him announcing loudly that there is a new sheriff in town. We are making out a case that this is not a wild goose chase. This is a case founded on solid, tangible and visible evidence. This is evidence that can be felt by our senses and which is properly documented.

Distinguished Senators, we all remember the infamous Londiani accident where a truck lost course and subjected to abrupt death and injury to multiple citizens of this country. The national Government made its contribution to the victims of that accident. The County Governor before you collected money, Kshs14 million, to help those victims. In his public statements and you will see that in a number of videos, but I will not play them because of time, he states that all that money is for the victims. At the end, slightly above Kshs4 million went to the victims. More than Kshs9 million was eaten under the watch of this Governor by his officers, led by his then County Secretary.

At Volume 4B, page 82 to 83, you will see the minutes that the County Secretary presented to the *Ad hoc* Committee of the County Assembly trying to cover up for that theft. The report of that Committee investigating that matter, you will be told that Kshs100,000 was paid to the pastor who prayed at the function where they were

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collecting that money itself. You will be told that Kshs300,000 was given to the County Commissioner in order to facilitate him to move around. You will see millions of shillings that is accounted for as money for tents.

I was telling my clients that I wish we were told that those tents were set up in funerals to help people mourn. No, these were set up at hotel establishments for bureaucrats to meet and eat lunch. The evidence will show how that was. We are saying this is evidence of bad behaviour; that if there is a learning and teaching aid on bad behaviour for removal of governor, this is the one.

Mr. Speaker, Sir, unfortunately I cannot see the time properly. How many minutes do I still have?

The Speaker (Hon. Kingi): You have 10 minutes.

Mr. Elisha Ongoya: Thank you and my apologies, Mr. Speaker, Sir. My eyes - I will need to see an ophthalmologist soon.

There is another scandal. If the technical team can show us the exhibit on page 14, Volume 6A. I will appreciate. If they cannot, then I will ask the hon. Senators to look at their volumes on page 14. In that bundle, you will see a motor vehicle. I would not give the design, but it looks like a Probox with speakers mounted on it at the background.

Volume 6A of the County Assembly's documents, soft copy of coloured photographs contained in a flash disk. On page 14, there are people meeting there. I have two explanations to give you, but the evidence will show you. There is a motor vehicle mounted with speakers and this was a public participation event to settle squatters. Those two speakers mounted there for a one-day event, which took five hours cost the County Government of Kericho Kshs325,000. They are the ordinary speakers we use in village funerals in day-to-day practice.

The question I would ask if I sat on the Governor's seat would be, why not buy speakers for the County Government of Kericho in multiple numbers rather than hiring those two speakers you are seeing there at a cost of Kshs325,000? However, that is not enough. There are people seated in that photo under the sun, but you will be told that tents were paid for this event at millions of shillings and the tents are covering the very people seated under the sun.

Mr. Speaker, Sir, I am demonstrating that we are not using the words 'bad manners' to exaggerate anything or as an alarmist statement. We have documented vouchers, bank statements and photographs to show that.

When you turn to Volume 4. There is number 4 and then we start with 4A and 4B. I would like us to look at the bills of quantities on pages 129 to 136. They were for renovation of certain houses at a place called Kipkelion.

The Speaker (Hon. Kingi): Counsel, as you refer to the volumes, also refer to the page, so that the hon. Senators can follow.

Mr. Elisha Ongoya: I was coming to that. The bills start on page 129, but the actual bills are on page 130, which tells you what should be done to external walling and to do re-roofing.

Subject to your guidance, Mr. Speaker, Sir, I request your technical team to put on the screen photos of those houses. They are in Volume 4A from pages 102 to 107. As you look at the bills of quantities in front of you, I beseech the technical team to play for us the photos from pages 102 to 107 in Volume 4A.

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Mr. Speaker, Sir, may you in the interest of time direct your technical team to allow our technical team out there to put these photos that are in Volume 4 (A) pages 102-107 on the screens.

The Speaker (Hon. Kingi): Technical team, can you beam those photos on the screens. Counsel for the County Assembly, are they in clip form?

Mr. Elisha Ongoya: They are just scanned. Alternatively let me make work easier for everybody. Let us look at Volume 6A.

The Speaker (Hon. Kingi): Counsel for the County Assembly, if we could have one of your team members in the control room---

Mr. Elisha Ongoya: Mr. Speaker, Sir, we already have somebody there.

(Scanned photos were displayed on the screens)

I request hon. Members to look at the Bill of Quantities (BQs) against those houses that are finalized and paid for at Kshs2.9 million. One of the BQs paid for is reroofing and you will see the description of the roof. These houses have been fully paid for at Kshs2.9 million.

When the County Assembly steps here and tells you that we have brought you a Governor of bad behaviour, I beseech you, to give them a keen hearing and ask yourselves: There are some wrongs you can commit to fellow citizens and we can say man is to err and may excuse you. Even if this was the only ground can we say man is to err and forgive him?

I asked myself this question that if I served as governor and travelled to Kipkelion West where this project is and learnt that this was what I was doing to my fellow citizens, would it prick my conscience that I am bringing a curse to my own children and grandchildren?

The decision, hon. Senators, is yours. Our duty is to lay that evidence before you. Seeing that my time is spent this is the contour of the evidence that you are going to see in the multiple volumes presented before you.

In the interest of the citizens of Kericho County, three more years to them is too long if this is what they are going through. We will be asking you to help them remove this Governor from office because only you can do so by law established.

I rest the County Assembly's opening statement.

The Speaker (Hon. Kingi): Counsel for the Governor, you have 30 minutes to make your opening statement.

OPENING STATEMENT ON BEHALF OF THE KERICHO COUNTY GOVERNOR

Mr. Katwa Kigen: Thank you, Mr. Speaker, Sir. I request that you allow me to invite the Governor who want to say something. We will confine to the 30 minutes you have given us.

The Governor for Kericho County (Dr.) Erick Kipkoech Mutai: Thank you, Mr. Speaker, Sir and hon. Senators. I appreciate this sitting. As the lead counsel for the

County Assembly has indicated, we are here to celebrate the Katiba Day a very important promulgation by our President.

As I stand before you, I wish to indicate some few observations. One, is that a decision has already been made on our preliminary objection. The bigger question we will be advancing as we move forward in these proceedings is whether there were proper impeachment proceedings or not at the County Assembly.

I say this with a lot of conviction as the Governor of great County of Kericho. Among the items that have been tabled before the Senate today is the *Ad hoc* Committee report on the National Agriculture Value Chain Development Project (NAVCDP), Financing Locally-led Climate Action Funds (FLLoCA) and fictitious payment. The role of a Governor is to instill, discipline where necessary.

The report of the fictitious payment was handed to me by the County Assembly after the Motion for my impeachment Motion had been tabled. They asked me to act on it after tabling the Motion for my impeachment.

On its recommendations, much of it, including the pictures you have seen here of houses and many others, the good Committee had indicated that the Chief Officers be punished by the County Public Service Board (CPSB). Impeachment Motion has already been tabled before I even got the report.

Mr. Speaker, Sir, the conversations on the FLLoCA promises and other *Ad hoc* Committee reports were tabled right after my impeachment and the reports were equally given to me after the tabling of the Motion. Naturally, how would the Governor has acted on the said officers when an impeachment Motion has been tabled and reports later given?

I say this to demonstrate the malice in the County Assembly of Kericho. We were here last year, but these hon. Senators indicated that the vote numbers were not 32. The County Assembly led by the Speaker, in its own wisdom, decided to manufacture the 33 votes by adding one so that they could be heard in this House. I say fair enough. We will be here to listen to those charges and be able to demonstrate any of our wrong doing.

On the question of Londiani, which is an emotional one--- It is the same impeachment ground that was brought to this House last year. The Governor has no role whatsoever in creating committees that runs burials. We will be demonstrating that the committee was run by the County Secretary and the County Commissioner. The County Secretary and many of the officers mentioned here are no longer in office.

We will also demonstrate to this Senate that already a ruling has been made by a court indicating that no funds were lost. The same issue has been brought to this Senate for debate.

What is happening in Kericho County is well orchestrated political conspiracy to remove the Governor. One, is for political interest and expediency. This is because you are seated there as the Speaker of the Senate. At the County Assembly we also have a Speaker whose interest is one, to be the Governor of Kericho County. How then does he become the governor? Impeach the current Governor, make it easy for him and probably along the way impeach also the Deputy Governor and sit in as both the Governor and Speaker.

This is so that out of the 10 years he has served as the CECM for Finance in Kericho County and as CECM for Roads, he will be able to execute what he has not accomplished. We will demonstrate that as we make our defense.

I wish to speak from my heart. Somebody was asking me why I chose to make this statement unlike last time. In the County Assembly in the last impeachment, I reminded them of the great works and writings of Dostoevsky in *Crime and Punishment*.

These are my last words: that Raskolnikov, after killing Alyona, the old pawn lady, proceeded and realized that somebody called Lizaveta was witnessing. Due to the urge to murder and kill, he went ahead to kill Lizaveta. I then implored upon the County Assembly of Kericho that let us not just spill blood for blood's sake.

I also said at that time, with a lot of remorse and humility, that in tragedy of Macbeth, Shakespeare, when Macbeth, the great lady, told her husband he can kill King Duncan and become the king and remember that Macbeth was a cousin to King Duncan, Macbeth was reluctant to kill King Duncan. However, along the way, the evil spirit possessed him. In her words, she says, "come ye gods and search me, that I may be a man and kill King Duncan." Indeed, Macbeth went ahead to vanquish King Duncan, not because he wanted to kill, but because of the drive for murder.

Thereafter, he went ahead to vanquish every other witness that was at the court in his quest to become the king. My imploration to the County Assembly of Kericho at that time was that, much as we have political aspirations, let us resist the temptation of political murder for us to get what we want. We are here in a faulty process and the whole world must know that, as it is, there was no impeachment in Kericho.

I know, Hon. Speaker, because the 'upper' House will always make correct decisions at every time, I beseech of you and the hon. Senators, that as we deal with this matter, we separate between the responsibility of the Governor and the responsibility of the Chief Executive Officers (CEOs). Some of them that will be brought here to adduce evidence are former County Executive Committee Members (CECMs) of Kericho County. Some of them were mentioned in the Londiani scandal. Out of it, I was able to release some of them out of work.

Today, I am in the Senate being told that I sacked some people unprocedurally, while some of those names that will be testifying here are the same names that were active in the so-called Londiani scandal. Some of them were presiding over *Kazi mtaani*. Today, they are seated here also, probably being aligned as advocates, after we released them.

We are in a case of history, to celebrate the Katiba Day, to ask ourselves to what extent is political persuasion and political desire compared to morality and the rights of an individual. As the Governor of Kericho County, I am here under your mercy, so that you also help me to get justice as an individual because of the injustices and the wrong allegations that have been leveled against me, while the Governor has nothing to do with even signing a voucher or authorising payments.

My commitment has been simple. The officers who are found culpable of wrongdoings, the law will then follow its course. Out of this, I call then for your consideration deeply and the honourable judges seated here on the matters that will be laid on us, so that the people of Kericho County get justice, while at the same time also the Governor of Kericho County gets justice that he so deserves.

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Thank you and may God bless this great Senate. We put all our trust and hope in this very good 'upper' Senate. Over time, has proven that it does things in an appropriate way and upholds the Constitution. Thank you so much.

Mr. Katwa Kigen: Mr. Speaker, Sir, and hon. Senators, the first issue I wish to address is our insistence on the preliminary objection we raised earlier. We take on board the directions and the guidance given by the Speaker. We will adduce evidence of the 18 MCAs who did not vote. We maintain that, indeed, this Motion should not be here because the total optimum number of MCAs who could have possibly voted in favour of it could have been 29. We are not saying that 29 necessarily voted. We are saying that the results that were brought here were manipulated and so that would be the first item in terms of my opening address.

Mr. Speaker, Sir and hon. Senators, the second issue I wish to contend with, is that we contest the allegation or the contention that the Governor is of bad behaviour. We argue that the Governor is a victim of political machinations, especially at the instance of the Speaker of the County Assembly.

Mr. Speaker, Sir, it will be our case that the law provides for responsibility for every individual in all the cases that the County Assembly, through my learned friend Mr. Ongoya, has identified. Whether it is a case of signing of the contracts, payment, procurement, or of fictitious payment, there are people whom the law has assigned responsibility for and none of those situations touch on the Governor.

It is our argument that the nearest you could come to holding the Governor responsible in a fair situation is if it were to be the case that, indeed, the improprieties have been brought to his attention, he has been accorded an opportunity to act and he has chosen not to act. It is our case in this situation that the impeachment Motion was hijacked by the mover of the Motion even before the various *ad hoc* reports had properly landed at the County Assembly.

It will also be noted when we eventually come to the case that each of those *ad hoc* reports made recommendations for actions to be taken by various aspects of the County Assembly, where it touches on the CECMs, it is the Governor to act. Where it touches on CEOs, it is the County Service Board to act. There are instances also where recommendations have been made for even the Ethics and Anti-Corruption Commission (EACC) to act.

As it were, it is our argument that we were not afforded an opportunity to act. The responsibility of the Governor could only attend his inaction if he had been afforded an opportunity to act. Now, we are prepared to accept that if it were to be the case that there is a very pervasive and rampant impropriety at the county, you could start wondering whether the Governor has put in place a proper mechanism.

It is our argument that keeping away the emotional way the issues have been put and we are neither belittling the amount that has been lost nor the issues that have been raised, we are only saying that it is not true that it is as rampant as it has been alleged. When you critically look at both the amounts involved and the incidences in the face of the size and the turnover of Kericho County, we are not belittling it. However, we are saying that these incidences have been blown completely out of proportion and that they do not indicate in any way either complicity or inaction on the part of the Governor.

We would also like to indicate and we will adduce evidence on this point, that much as the Governor was taken through the process of impeachment at the County Assembly and came to learn of the reports subsequently, he has already forwarded some of those aspects of those reports to EACC and the EACC is already taking action on some of those issues. It just goes to show how proactive and interested he is in making sure there is accountability for public resources. The extent to which the description of him as having bad behaviour is very far from the truth of the situation.

Now, my learned friend has also singled out a number of issues. Let me start with the retention money because that is the one he referred to multiple times. He says in all the instances that payment was made in previous regime and then another payment was made in this regime. It brings us back to the basis and the root cause of this case, being this argument we made at the county assembly and we will be making here, that these allegations are rooted in the political ambition and interest of the Speaker of the County Assembly.

The basis of that is that these allegations of retentions having been paid in the previous regime, at the instance of the current Speaker when he was in charge of finance and proper investigation as to whether there was previous payment and a subsequent payment in this regime is an issue which he is a witness and has an interest in. Our position is that we deny and we were entitled to more time to look at it and address that issue. However, we are emphasising the extent to which the speaker in the County Assembly would go out of his way to generate and fabricate a case against the Governor.

Mr. Speaker, Sir, we invite the attention of this honourable Senate, on the issue of Londiani. We contest the allegation on two dimensions. The first one is that it was part of the allegations, which you threw away in September, 2024. They have been brought back. That is contrary to the provisions of Standing Order No.70(a), which prohibits reintroduction of previously highlighted allegations. That is the first issue we wish to take up on that issue of Londiani.

The second issue we wish to take up on this issue is that the allegation against the Governor is that he failed to act on a report that had been given to him by the County Assembly. We would like to bring you to your attention and we will point out to you that report of the County Assembly was stayed by the court. The court said no action can be taken on that report because of the impropriety and malice with which it was made and, therefore, it cannot be right to say that the court, having found that no action should be taken by the Governor, he should now be brought here for impeachment.

There is also the issue of private property and the emotional play of the video where they said the Governor was in gumboots. We would like to point out again that allegation was in the previous complaint in September, 2024, which you threw away. Understanding Standing Order No.70(a), it should not be brought back.

Secondly, my learned friend, Mr. Ongoya, has said that was invading private property. He then went on to say that it has been determined by court. Hon. Senators, we will surprise you when we get to that judgment, where we will show you that there is no determination that, that is private property. It is the position of Kericho County Government that, indeed, that property is public property and remains public property. The nearest that the court determined in that case was that there was need to have proper National Environmental Management Authority (NEMA) certifications before dumping

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could be done there. There was no determination that it belongs to the person who had complained. The nearest that was made was that the property should not have been used for dumping before certification has been issued.

Mr. Speaker, Sir and hon. Senators, for those reasons we pray that in the course of this trial, we will show that this impeachment Motion, does not meet the threshold for it to stand here. Number two, that the allegations have been overstated, exaggerated and that quite a number of them are not true. Within the time that I still have I would like my learned friend, Mr. Wanyama, to say something.

The Governor of Kericho County (Hon. (Dr.) Erick Kipkoech Mutai): Mr. Speaker, Sir, just a minute before he sits down. I forgot to indicate that the land in question that has been debated and so sensationally brought here, Sen. Aaron Cheruiyot – because I do not need to discuss him here because he is the Senate Majority Leader – helped us the other day to get the title deed towards the purchase of that land through Hon. Adana Duale. The process is ongoing to get the title deed of the entire parcel. The documents that will be tabled here will also demonstrate that.

Secondly, Mr. Speaker, Sir, since I do not know my fate after this, I would like to emphasise that it will be prudent in future - this is just my thinking, not as a Governor, but as a scholar – that if we will not be careful in this country, Speakers who have ambition and have good money in their pockets, will wake up one morning, create a list and send to the Senate for governors to be impeached. If we are not careful, with a lot of humility, there will be cocktails of impeachments in the Senate.

Some Senators here are also aspiring to be governors. I know some of them at a personal level and they have high chances of being governors. If we will tread in this direction, nobody will be safe in this country and this Constitution we are talking about today, will be just a piece of paper. That is why the Constitution was very clear, that to impeach a governor, you must have two-thirds of the threshold required. That two-thirds is what will later on provide the latitude now to discuss the substance. It because the substance is tied with the numbers.

Lastly, Mr. Speaker, Sir, in another circle, I was teaching at the university and I am still a don. Mr. Ongoya kept referring to me as this and that. With a light touch, probably, I would have been his senior and I beseech of him that he does not refer to me again as that or this, but rather with some decorum. Thank you.

Mr. Peter Wanyama: Thank you, Mr. Speaker, Sir. I want to ask a question in response to a video which was played by Mr. Ongoya, where the Governor has undertaken what we call self-help measures. When you go home and find a stranger in your kitchen, what will be your first instinct as a human being?

In common law there is a doctrine known as self-help. In Kenya, there is a major problem of land grabbing. The land in question where the Governor undertook self-help measures, which is allowed in law and the matter is under litigation, is public land. A private developer, an individual who has an interest in this land, then takes up the matter in court and then we are saying that is a ground for impeaching the Governor. That demonstrates to you the nature of the County Assembly case.

If you examine the County Assembly case, it does not meet the threshold in Article One of the Constitution. The gross violation of the Constitution and law and gladly, the Senate has already interpreted this question in very many decisions. For you to

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determine that there is culpability by the Governor, you must look at the evidence. There must be something which the Governor did personally for purposes of being removed from office.

What is it that the Governor did in respect to the procurement? Look at the evidence of the County Assembly; they will not be saying the Governor did this. Instead, they will be saying that a procurement officer did not write a professional opinion and then that contract was approved by the accounting officer. So, in that case, who has the responsibility if there is a malpractice on a procurement failure to write a professional opinion? It is the procurement officer and the accounting officer who then signs off. So, if the Governor interferes with the process, then that is something else.

Mr. Speaker, Sir, throughout the evidence submitted by the County Assembly, you will not see personal culpability by the Governor to necessarily lay basis for the threshold for the removal of Governor from office.

Kericho County has more than 3,500 staff. Secondly, Kericho County has more than 10 departments. All the staff work in various departments. At the top of each department, is a CEC and an accounting officer known as the Chief Officer. There is also an accountant. So, you cannot foreclose the possibility that in the workings of government, there could be an issue within that value chain for the provision of government services to the people.

When that happens, there are procedures to be followed because we are a country governed by the rule of law. These procedures are outlined in legislation. One is with respect to procurement, you have the Public Procurement and Asset Disposal Act and the Regulations. It outlines the entire chain of procurement. With respect to the Public Finance Management Act, it governs the payment system. If you look at the PFM specifically, the responsibility of the CEC and Chief Officer for Finance are clearly outlined, so that when there is a problem, the responsibility is ascribed to an individual. If you look at the legal framework on corruption, responsibility is on an individual committing a crime.

Secondly, there is a process for auditing which this House too and the County Assembly have roles to play. You will find that most of the allegations which they have submitted against the Governor have not been subjected to a process of audit for purposes of verification, either by the County Assembly in examining the report of the Auditor-General or by this House. Therefore, do we take that precipitate decision to impeach the Governor when all these things appear to be premature? Definitely not.

Look at the responsibility of the County Assembly itself within this process. The County Assembly under Article 185 of the Constitution has a heavy responsibility on audit and oversight. Sorry, let me use the word oversight. They oversight the County Executive.

What steps has the County Assembly taken to summon the procurement and accounting officers within the County Government in the various departments for them to answer and get satisfied on the primary questions before we take the next level issues to impeach the Governor? That is very important. You will be seeing this throughout the issue of nexus. It is not there throughout the evidence by the County Assembly.

On the issue of voting or the threshold question, we will be laying basis in cross-examination and also part of our evidence. We will cross-examine the ICT officer who

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says he developed the system internally. The system was deployed for the first time in this impeachment. That is a serious matter concerning the removal of the Governor from office. It was being deployed for the first time.

We will demonstrate to you the vulnerabilities of this system. To access the system to vote, all you need is to get the Integrated Payroll and Personnel Database (IPPD) number of an MCA and the password is your Identification (ID) number, then you can access the system which is tied to the website. Anyone with that can access.

We will lay evidence in terms of video showing that the Leader of Majority has confessed on record indicating that he voted on behalf of an MCA who will stand before this House to tell you that he never voted. Instead, the Mover of the Motion promised some financial inducement to that MCA to vote. That is evidence on the question of numbers.

We will lay evidence here showing that despite the logs which are before the House, there are four MCAs who never voted. They will be standing here to speak but the County Assembly report says that they voted. There are 18 other MCAs who will appear before this House.

Mr. Speaker, Sir, in totality of the facts, after we have completed the evidence, you will definitely see that the threshold of 32 Members, as required, was not met by the County Assembly. What is before the House is a fraudulent document that was created by the Speaker to meet that number which the Speaker does not have.

I thank you.

The Speaker (Hon. Kingi): We shall now move to hear the case by the County Assembly. Counsel for the County Assembly, you have five hours. Within those five hours, three hours shall be used for witnesses to give evidence-in-chief and be re-examined. Out of those five hours, the County Assembly has three hours to adduce evidence and for re-examination. The team for the Governor will have two hours for cross-examination. Once the five hours are done, we will move to the case by the Governor.

It is now 4.00 p.m. and the House will adjourn at 6.30 p.m. Therefore, you will have two-and-a-half hours today. When we resume at 9.00 a.m., you will have the remainder to be utilised tomorrow morning.

The team from the County Assembly, may the lead counsel take the Floor, so that you start by calling your first witness?

PRESENTATION OF THE CASE OF THE COUNTY ASSEMBLY OF KERICHO

Mr. Elias Mutuma: Thank you, Mr. Speaker, Sir, for the opportunity. For record purposes, my name is Elias Mutuma. I will be leading our first witness. His name is Geoffrey Bett.

Mr. Speaker, Sir, you will recall that we had made a request to accommodate this witness, considering that he is physically challenged. I hope the arrangements have been made.

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

[The Temporary Speaker (Sen. Mumma) in the Chair]

The Temporary Speaker (Sen. Mumma): Please, proceed.

Mr. Elias Mutuma: Thank you, Madam Temporary Speaker. In terms of our documents, we shall be making a lot of references to Volume 2 of the County Assembly's documents. His affidavit is at page 103 of Volume 2.

The Temporary Speaker (Sen. Mumma): Clerk, you may swear in the witness.

*(The witness for Kericho County Assembly
(Mr. Geoffrey Kipng'eno Bett) took the Oath)*

Mr. Elias Mutuma: Thank you, Madam Temporary Speaker. I humbly request Senators to also turn to our Volume 4A. That is where most of our annexures shall be contained. I shall be leading the witness towards the specific pages.

Mr. Geoffrey Bett, good afternoon?

Mr. Geoffrey Kipng'eno Bett: Good afternoon.

Mr. Elias Mutuma: Kindly state your full names for the record and what you do for a living.

Mr. Geoffrey Kipng'eno Bett: My official name is Kipng'eno Geoffrey Bett. I am an ICT specialist. Formerly, I was the Chief Officer (CO) ICT, Gender, Sports and Youth Affairs in the County Government of Kericho.

Mr. Elias Mutuma: Just a minute. You have alluded to the fact that you are an ICT specialist. Kindly be more specific as to your professional qualifications.

Mr. Geoffrey Kipng'eno Bett: I hold a Master of Science in Information Technology (IT), a Bachelor's degree, a Diploma in Computer Studies and several other networking-related fields. I am a member of the Institute of Information Systems and Audit Association (ISACA).

Mr. Elias Mutuma: Thank you. You also confirmed that you have worked as the Chief Officer in Kericho County. Correct?

Mr. Geoffrey Kipng'eno Bett: Yes.

Mr. Elias Mutuma: When were you employed as a Chief Officer? Kindly also explain to us the process of your recruitment.

Mr. Geoffrey Kipng'eno Bett: I was employed by the County Government of Kericho on 13th December, 2022 up to 20th July when I left the County Government.

Mr. Elias Mutuma: Hon. Senators, the letter of employment is contained at page 51 of Volume 4A of the County Assembly's documents.

Mr. Bett, I have also seen that you have sworn an affidavit that you have presented before this Senate. Confirm that is the affidavit contained at page 103 of the Governor's Volume 2.

Mr. Geoffrey Kipng'eno Bett: That is true.

Mr. Elias Mutuma: You confirm that is your affidavit?

Mr. Geoffrey Kipng'eno Bett: Yes, I confirm.

Mr. Elias Mutuma: Do you also stand by the averments and contents of that affidavit?

Mr. Geoffrey Kipng'eno Bett: Yes, I do.

Mr. Elias Mutuma: Thank you. I have looked at that affidavit, Mr. Bett, and you have attached a disability card.

Mr. Geoffrey Kipng'eno Bett: Yes, I have a physical disability and I am registered under the National Council for Persons with Disability.

Mr. Elias Mutuma: Would you mind sharing the nature of your disability?

Mr. Geoffrey Kipng'eno Bett: Okay, I contracted disability at the age of five through polio.

Mr. Elias Mutuma: Thank you, and you have attached that card.

Hon. Senators, that disability card is to be found at page 47 of our Vol.4A.

Mr. Bett, you have confirmed that you terminated your contract with the County Government of Kericho, but before we get there, tell me about your previous engagement as a professional. Where were you working before you joined the Kericho County Government?

Mr. Geoffrey Kipng'eno Bett: Before I joined the Kericho County Government, I was employed in the National Treasury in the year 2005, where I served for about 15 years before joining the county government.

Mr. Elias Mutuma: Where was your work station?

Mr. Geoffrey Kipng'eno Bett: My work station was at the Bima House, employed by the National Treasury.

Mr. Elias Mutuma: Bima House in which city?

Mr. Geoffrey Kipng'eno Bett: Bima House in Nairobi, along Harambee Avenue.

Mr. Elias Mutuma: Correct. Then it would mean that you had to relocate from Nairobi to Kericho when you got this employment, correct?

Mr. Geoffrey Kipng'eno Bett: Yes, after going through the rigorous exercise and competitive process, I was employed and I had to relocate my family to Kericho County, even the schooling of my children.

Mr. Elias Mutuma: Even the schooling of your children. Thank you.

You have made an allegation against the Governor and I am looking at paragraph six of your affidavit contained at Page 104 of Vol.2. You have said that on several occasions, the Governor of Kericho County required you to send him money. Kindly expound on that.

Mr. Geoffrey Kipng'eno Bett: On several occasions, there were phone calls from the two Personal Assistants (PAs) and on one occasion from the Governor himself; he asked me to send him some cash, which proof is there in the Safaricom M-Pesa statement.

Mr. Elias Mutuma: When you talk about his PAs, kindly give their names.

Mr. Geoffrey Kipng'eno Bett: Okay. I do not know the exact official names, but we have one, Elias Rulite, and another who is known as Rennie.

Mr. Elias Mutuma: Maybe to refresh your memory, at paragraph six, you have mentioned Mr. Robinson Kiplangat and Mr. Rennie Kipsang Ng'etich. Are those the PAs you are talking about?

Mr. Geoffrey Kipng'eno Bett: Yes.

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Mr. Elias Mutuma: From the Governor himself, has he directly ever asked you to send him money and if so, where would he expect you to get that money from?

Mr. Geoffrey Kipng'eno Bett: He asked me on some occasion to send him money. Yes, I did and the proof is there. I do not know where he was expecting me to get the money from, but basically, there are several occasions that he could ask and there are several humiliating statements that he could use if you failed to.

Mr. Elias Mutuma: When you talk of humiliating statements, kindly, for the sake of the Senators, what were the nature in terms of the humiliating statements?

Mr. Geoffrey Kipng'eno Bett: I think it is good if we just go to--- Yeah, that: "You cannot even afford to send this much." At times, it is: "That is being silly."

I remember one day when I had put on the loudspeaker, I had put on loud audio when my family members were there and unexpectedly, I got some communication from him. Even my children and wife can attest to that. When I told him that I could not afford to, he told me that: "That is being silly. I have given you this job and you cannot even send this little money." So, it affected me.

Mr. Elias Mutuma: What time of the day was it when he made this request?

Mr. Geoffrey Kipng'eno Bett: It was approximately around 9.30. p.m.

Mr. Elias Mutuma: Okay. So that was family time, I presume?

Mr. Geoffrey Kipng'eno Bett: Yeah.

Mr. Elias Mutuma: Kindly, take us through the different transactions where money was requested from you and you sent it to the Governor.

Hon. Senators, kindly, turn with me to Volume 4A at pages 55 to 67. The first transaction is to be found at page 56 of Volume 4A of the County Assembly's documents. From the top, if you count the 23rd transaction, you will come across a transaction, 23rd and 26th transaction from the top, if you were to count.

Mr. Geoffrey, tell us what time that was, what transaction was that, and why you had to send money to the number attached therein.

Mr. Geoffrey Kipng'eno Bett: Actually, it was in the evening and I was asked to send the money. It was Kshs30,000, but instead of sending Kshs30,000, I made an error. I sent Kshs3,000. After realizing, I had to resend Kshs27,000 to make it Kshs30,000.

Mr. Elias Mutuma: Where did you get that money from?

Mr. Geoffrey Kipng'eno Bett: The money was from my savings.

Mr. Elias Mutuma: From your savings?

Mr. Geoffrey Kipng'eno Bett: Yes.

Mr. Elias Mutuma: Let us look at the next transaction which is transaction 26. Tell us what time it was.

Mr. Geoffrey Kipng'eno Bett: Okay. The first one was 20:08 and 24 seconds.

Mr. Elias Mutuma: That was at night at 20:08 p.m.?

Mr. Geoffrey Kipng'eno Bett: Yes at night, 8.08 p.m. Then another one was 8.09 p.m. at night.

Mr. Elias Mutuma: To whom were you sending this money? Was it to the PAs or to the Governor directly?

Mr. Geoffrey Kipng'eno Bett: It was to the governor direct.

Mr. Elias Mutuma: It was to the Governor directly.

Mr. Elias Mutuma: Who made that request for the two transactions, the 23rd and 26th transactions? Was it the Governor or the PA?

Mr. Geoffrey Kipng'eno Bett: The Governor.

Mr. Elias Mutuma: The Governor himself?

Mr. Geoffrey Kipng'eno Bett: Yes.

Mr. Elias Mutuma: Was the amount requested related to your work, to your normal duties?

Mr. Geoffrey Kipng'eno Bett: No, it was not related to my normal duties.

Mr. Elias Mutuma: Mr. Geoffrey, were you under any obligation to send this money? You could have refused. Why did you have to attack your savings to give the money to the Governor?

Mr. Geoffrey Kipng'eno Bett: I was not under any obligation, but because of the embarrassing statements and the coercing, I had to.

Mr. Elias Mutuma: Hon. Senators, let us go to page 58, transaction 13. There is a transaction there, Mr. Geoffrey. Could you kindly confirm what time of the day it was?

Mr. Geoffrey Kipng'eno Bett: The time is 14:12 p.m.

Mr. Elias Mutuma: It was 14:12 p.m.?

Mr. Geoffrey Kipng'eno Bett: Yes.

Mr. Elias Mutuma: To whom did you send the money?

Mr. Geoffrey Kipng'eno Bett: It is not 14:12 p.m. It is 12.36 p.m., sorry.

Mr. Elias Mutuma: Was it 12.00 a.m. or 12.00 p.m.? Are you able to confirm?

Mr. Geoffrey Kipng'eno Bett: This one was p.m.

Mr. Elias Mutuma: Okay. To whom did you send the money and again, how much did you send?

Mr. Geoffrey Kipng'eno Bett: I sent it to a number that I was directed to, which one of the PAs was using, alias Rulite, but when you send money, it is bringing the name Irene Chepkwony.

Mr. Elias Mutuma: Irene Chepkwony?

Mr. Geoffrey Kipng'eno Bett: Yes.

Mr. Elias Mutuma: You confirm that number was attached to one of the PAs. Kindly give us the name of that PA. We had Mr. Robinson Kiplangat and Renni Kipsang Ng'etich.

Mr. Geoffrey Kipng'eno Bett: Mr. Robinson Kiplangat.

Mr. Elias Mutuma: Okay. How much did you send?

Mr. Geoffrey Kipng'eno Bett: It was Kshs15,000.

Mr. Elias Mutuma: Again, was that request for money related to your work as a Chief Officer?

Mr. Geoffrey Kipng'eno Bett: No.

Mr. Elias Mutuma: It was not?

Mr. Geoffrey Kipng'eno Bett: Not at all.

Mr. Elias Mutuma: Was it for any official use by the Governor to the best of your knowledge?

Mr. Geoffrey Kipng'eno Bett: I am not aware, but I do not think so.

Mr. Elias Mutuma: Hon. Senators, let us move to page 59, transaction 16. Again, there is an amount sent to the same Irene Chepkwony. How much was it?

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Mr. Geoffrey Kipng'eno Bett: It was Kshs50,000.

Mr. Elias Mutuma: What time of the day?

Mr. Geoffrey Kipng'eno Bett: It was 4.20 p.m.

Mr. Elias Mutuma: Let us go to page 60, transaction 30. I want you to pause there and tell me what you had to do to raise that money. To whom did you send the money?

Mr. Geoffrey Kipng'eno Bett: To Irene Chepkwony.

Mr. Elias Mutuma: Irene Chepkwony: the same person, correct?

Mr. Geoffrey Kipng'eno Bett: The same person.

Mr. Elias Mutuma: How much?

Mr. Geoffrey Kipng'eno Bett: It was Kshs40,000.

Mr. Elias Mutuma: I noted that money that you sent has a remark there. What is the remark?

Mr. Geoffrey Kipng'eno Bett: The remark is Fuliza M-Pesa.

Mr. Elias Mutuma: What does that mean?

Mr. Geoffrey Kipng'eno Bett: Going beyond what you have in your account.

Mr. Elias Mutuma: At that time, did you have enough cash to send to the Governor?

Mr. Geoffrey Kipng'eno Bett: I did not have, but because of the pressure, I had to do that.

Mr. Elias Mutuma: You had to borrow to satisfy the Governor's request. Thank you. page 61, transaction 34: Again, how much did you send to the Governor?

Mr. Geoffrey Kipng'eno Bett: Kshs50,000.

Mr. Elias Mutuma: What time of the day?

Mr. Geoffrey Kipng'eno Bett: It was 5.55 p.m.

Mr. Elias Mutuma: Did you have enough balance in your M-Pesa?

Mr. Geoffrey Kipng'eno Bett: No, I did not have. I had to go to Fuliza as well.

Mr. Elias Mutuma: Page 62, transaction 27: Again, are you able to see that?

Mr. Geoffrey Kipng'eno Bett: Yes.

Mr. Elias Mutuma: To whom did you send the money, what time of the day and how much?

Mr. Geoffrey Kipng'eno Bett: To one of the Personal Assistants (PAs), Irene Chepkwony. It was at 5.06 p.m.

Mr. Elias Mutuma: Let us go to page 64, transaction six. To whom did you send the money and what time of the day and how much?

Mr. Geoffrey Kipng'eno Bett: I sent Kshs40,000 to Ng'etich Kipsang.

Mr. Elias Mutuma: Who is Ng'etich Kipsang?

Mr. Geoffrey Kipng'eno Bett: One of the PAs to the Governor.

Mr. Elias Mutuma: Was that request made by the Governor or the PA?

Mr. Geoffrey Kipng'eno Bett: By the Governor and then you are directed on the number you are supposed to send to.

Mr. Elias Mutuma: Thank you. Page 67, transaction 23: How much did you send? What time of the day was it?

Mr. Geoffrey Kipng'eno Bett: It was at 12.27 p.m. I sent it to Ng'etich Kipsang. It was Kshs2,000.

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Mr. Elias Mutuma: Thank you. Kindly look at your affidavit at paragraph six of Volume 2. Give us the three numbers that you have stated you sent money to and tell us to whom are those numbers registered.

Mr. Geoffrey Kipng'eno Bett: The first number that I sent the money to was 0705 81004.

Mr. Elias Mutuma: To whom is that number registered?

Mr. Geoffrey Kipng'eno Bett: Just a minute. That is His Excellency the Governor, Dr. Erick Mutai.

Mr. Elias Mutuma: The second number?

Mr. Geoffrey Kipng'eno Bett: The second number is Robinson Kiplangat.

Mr. Elias Mutuma: Give us the number for record purposes.

Mr. Geoffrey Kipng'eno Bett: 0706579476.

Mr. Elias Mutuma: The third number?

Mr. Geoffrey Kipng'eno Bett: 0720122975.

Mr. Elias Mutuma: To whom is that number registered?

Mr. Geoffrey Kipng'eno Bett: Renny Kipsang Ng'etich.

Mr. Elias Mutuma: Thank you. How much in total, Geoffrey, can you tabulate from your M-Pesa statements that you confirm you sent to the Governor either directly or through his proxies?

Mr. Geoffrey Kipng'eno Bett: It is approximately Kshs200,000 through M-Pesa.

Mr. Elias Mutuma: Are there instances where you sent money through any other mode?

Mr. Geoffrey Kipng'eno Bett: Cash, but--- Yes.

Mr. Elias Mutuma: There are cash?

Mr. Geoffrey Kipng'eno Bett: Yes.

Mr. Elias Mutuma: Are you able to approximate how much you gave through cash?

Mr. Geoffrey Kipng'eno Bett: I cannot approximate at this time. However, the cash money were huge than the M-Pesa money.

Mr. Elias Mutuma: So, the amount you gave in cash was more than Kshs200,000?

Mr. Geoffrey Kipng'eno Bett: Yes.

Mr. Elias Mutuma: How did you raise the amount you gave in cash?

Mr. Geoffrey Kipng'eno Bett: Initially, it was through savings. Then I went on-- At some point, I had to apply for a loan. At some point, I had to dispose off my property, including the vehicle that I had when I was going to work for the County Government.

Mr. Elias Mutuma: You sold your vehicle to give proceeds to the Governor?

Mr. Geoffrey Kipng'eno Bett: Yes, to give the cash money in order to meet the demands which were there. I also sold a parcel of land.

Mr. Elias Mutuma: You sold your parcel of land?

Mr. Geoffrey Kipng'eno Bett: Yes. Not one, but two.

Mr. Elias Mutuma: All that money you gave to the Governor? Is that your testimony before the Senate?

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Mr. Geoffrey Kipng'eno Bett: It is not all the money, but the better part of the money.

Mr. Elias Mutuma: How would you describe that conduct or the demand from the Governor in your own assessment?

Mr. Geoffrey Kipng'eno Bett: That is unexpected from a leader of that calibre. It is also inhuman, especially savings that you have from your personal gains ending up being used for other things.

Mr. Elias Mutuma: Thank you, Geoffrey. Let us move on to the next issue. I want to refer you straight to paragraph 13, which, Hon. Senators, is at page 105. You have made an allegation about the procurement of a Revenue Management Information System (RMIS).

Mr. Geoffrey Kipng'eno Bett: Yes, it came in relation with the derogatory remarks that were made by the Governor against me when we had a full meeting between the CECMs and the CEOs.

Mr. Elias Mutuma: Before we get to the remarks, which one came first? Is it the need for a procurement of a RMIS or the remarks?

Mr. Geoffrey Kipng'eno Bett: No, the procurement of the RMIS came first.

Mr. Elias Mutuma: Kindly, tell us about this system.

Mr. Geoffrey Kipng'eno Bett: As I joined county government, the Revenue Management System that was there had expired around February. It was from then that we had several discussions with His Excellency the Governor about the acquisition of the new system.

During the first instances, there were situations where people showed interest and we could have one-on-one discussion with them. It was not on one or two occasions. However, after interrogating using some technical skills that I have in assessing issues related with the system, I could realise that I could put off some of the people who had interest in doing that. During the process, I was asked to give my personal opinion as a technical expert. I advised the Governor that we can try, one, the in-house development, two, the government-to-government acquisition of system. That is why in early February, we went to Kwale to do the benchmarking.

Mr. Elias Mutuma: Did the Governor heed to your professional opinion, or what was his reaction towards your professional opinion?

Mr. Geoffrey Kipng'eno Bett: During that time, when we were in the process of acquiring the system, we were still working in tandem. It was until the remarks that he made against me during the full meeting where we had the CECs and the COs. When he called me, I gave out my opinion as a technical expert and a person who understands what is related with that.

Mr. Elias Mutuma: Tell us more about this meeting. Where was this meeting held?

Mr. Geoffrey Kipng'eno Bett: It was held in the Governor's Boardroom.

Mr. Elias Mutuma: Who were the attendees of this meeting?

Mr. Geoffrey Kipng'eno Bett: The CECs and the COs.

Mr. Elias Mutuma: How many CECs in total?

Mr. Geoffrey Kipng'eno Bett: The exact number of the CECs who attended then, can be confirmed from the minutes, but it was approximately 90 percent.

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Mr. Elias Mutuma: And the chief officers, how many in your approximation?

Mr. Geoffrey Kipng'eno Bett: The exact number can be confirmed again from the minutes, but it was approximately equally the same, 90 percent.

Mr. Elias Mutuma: What was the agenda of this meeting called by the Governor?

Mr. Geoffrey Kipng'eno Bett: It was related to having the general status of every department. My department was to mention something related with the acquisition of revenue management system. I gave out my stand.

Mr. Elias Mutuma: When you gave your professional opinion in the presence of the CECs and chief officers, what did the Governor tell you? What did the Governor say? How did he react?

Mr. Geoffrey Kipng'eno Bett: If I can remember vividly, he said, I thought you have physical disability alone. *Kumbe*, you have mental disability as well. Mark you, it was in the presence of all the staff. It would have been all the CECs and COs.

Mr. Elias Mutuma: How did that make you feel, Geoffrey?

Mr. Geoffrey Kipng'eno Bett: It was too much for me. I was totally humiliated because that is a derogatory statement that belittled me. He tried to put me down. It affected me psychologically because immediately after that, I was forced again to go on leave. That is a two-weeks leave, which I signed the form. I saw it as a blessing because I was going to rest and internalise the kind of humiliation I got in front of my colleagues. It was too hard on me.

Mr. Elias Mutuma: Thank you, Geoffrey and *pole*. You said that you were forced to proceed for compulsory leave.

Mr. Geoffrey Kipng'eno Bett: It was not compulsory. I was asked to fill the annual leave; take two weeks.

Mr. Elias Mutuma: Who requested you to do that?

Mr. Geoffrey Kipng'eno Bett: The then county secretary.

Mr. Elias Mutuma: During the period of your leave, what transpired in respect of this procurement revenue management system? What happened in respect to its procurement?

Mr. Geoffrey Kipng'eno Bett: The process of procuring revenue management system began. A team was constituted from the technical team. I do not know the details, the other details, but I am aware that a team was constituted. It went on through an advertisement, opening of tender and evaluation of the bidder who was to be given the tender of developing revenue management system.

Mr. Elias Mutuma: Did the county government eventually procure this system?

Mr. Geoffrey Kipng'eno Bett: No, it did not procure. I think it was the Office of Procurement. It is the one who gave out the guidelines. This is because the lowest bidder of the revenue management system was asking for approximately Kshs68 million. The money which was available was not sufficient.

So, I think I was kept out of the whole process. However, it came out clearly that the revenue - especially that is the direct - I advised them that it is against the procurement law to procure something or a project that you do not have sufficient funding.

Mr. Elias Mutuma: What is the revenue management system that is in place now at Kericho?

Mr. Geoffrey Kipng'eno Bett: The revenue management information system that is there is online. I mean it is an end-to-end system which was developed in-house by our county staff.

Mr. Elias Mutuma: Is that in tandem with your initial professional opinion?

Mr. Geoffrey Kipng'eno Bett: Yes.

Mr. Elias Mutuma: Thank you. Why, in your assessment, would the Governor of Kericho tell you that I thought you have a problem with your physical disability along *Kumbe*, you have mental disability as well? Why would the Governor make such demeaning statements against a person living with disabilities, in your own understanding and assessment?

Mr. Geoffrey Kipng'eno Bett: I might not be as--- Okay, I can relate the forceful directive to go on leave and trying to procure the revenue management system because it was immediately after the derogatory remarks.

Mr. Elias Mutuma: Thank you. Okay, maybe we can move on to the next issue because of time. Geoffrey, your initial term as per your letter of employment was for five years. Correct?

Mr. Geoffrey Kipng'eno Bett: Yes.

Mr. Elias Mutuma: What happened to your term of employment?

Mr. Geoffrey Kipng'eno Bett: Initially, it was five years, but down the line, early this year, we were asked to sign a performance contract of three years.

Mr. Elias Mutuma: When you said we were required to do that, who made that request?

Mr. Geoffrey Kipng'eno Bett: His Excellency the Governor.

Mr. Elias Mutuma: You have also alluded to--- Did you eventually then sign a performance contract reviewing your employment term to three years?

Mr. Geoffrey Kipng'eno Bett: Yes, after that--- Okay, yes, I later signed and it was all of us, the COs and the CECs.

Mr. Elias Mutuma: You have also made an allegation against the Governor at paragraph 20 about you being coerced to sign undated resignation letters in advance.

Mr. Geoffrey Kipng'eno Bett: Yes.

Mr. Elias Mutuma: When was this done?

Mr. Geoffrey Kipng'eno Bett: It was on 27th March 2024, that we were summoned to the Governor's Boardroom and we were instructed of the exercise that was waiting for us and each CEC, it was a pairing of CEC and CO. We were to appear in the Office of His Excellency the Governor and we were coerced to sign a resignation letter in front of His Excellency the Governor and the then county secretary.

Mr. Elias Mutuma: Why would the Governor make you sign an undated resignation letter?

Mr. Geoffrey Kipng'eno Bett: We were forced to sign. I do not know the intention, but it was so clear, so that in the event that you failed to adhere to the demands or maybe his wishes, maybe he could just sign because at that time you have been forced to sign the resignation but the date was left blank.

Mr. Elias Mutuma: Thank you. Eventually you terminated your contract with the County Government of Kericho. What was the reason for you terminating the contract prematurely?

Mr. Geoffrey Kipng'eno Bett: Towards the end of this last financial year, I was frequently coerced by the then again county secretary, that is Kirui Kipyegon. The first day, he told me that the communication I have been given by His Excellency is that you terminate the contract before the end of the last Financial Year. At some point, I asked him on what basis because, one, I have not been summoned on any disciplinary issues. Two, to the best of my knowledge, I was delivering my mandate in relation to the Information and Communication Technology (ICT) related issues. Not even a day did our data or our systems act up. So, I was not ready to.

There was consistent persuasion to a point that Kipyegon called me and we met at the shopping centre around my place. Later, he dropped me off at home. I felt it was too much intimidation. At some point, I told him, "I thought you had the legal background and know what it means". Later, the three Chief Officers (Cos), including myself, were asked to meet His Excellency the Governor one morning at the International Training Centre (ITC) in Kericho.

The two never showed up but I did. I met His Excellency the Governor, Kirui, Kipyegon, Leonard and the former MP Bureti, Elias Chamanbuch, who is the current economic advisor to the Governor.

Mr. Elias Mutuma: Thank you. So, can you directly attribute the harassment that led to you terminating the contract to the Governor or was it through other people?

Mr. Geoffrey Kipng'eno Bett: I can fully attribute it to the Governor because the Governor told me that when somebody is no longer interested in working with you, he or she has to pack and go. I felt like it was a splash on my face because I did not come based on the physical appearance, but through the competitive process. Section 16 of the Persons with Disability (PWD) Act 2025 states-

"Every person with disability has a right to human dignity and the right for that dignity to be respected and protected and in particular not to be referred to by demeaning, embarrassing, derogatory and any other term that may be considered as lowering his or her human dignity."

I did not see that because the three-year's process was a dark season for me. I am sure that several other PwDs are suffering the same in silence. That is why it is good to speak out. I remember at some point, I told the then County Secretary that the day I tell His Excellency, I will be healed because it was too much for me.

I think of those other PwDs who have been going through the same humiliation of the derogatory statements against Article 54 of the Constitution of Kenya---

Mr. Elias Mutuma: Thank you. So, is this part of a healing process for you? Do you feel that it is the beginning of a healing process?

Mr. Geoffrey Kipng'eno Bett: After mentioning this, it is part of my healing process. I know it is a bitter truth, I will request the Senate for protection for me and my family. I know I have spoken it plainly from my heart without any other ill motive.

Mr. Elias Mutuma: Geoffrey, thank you so much for your testimony and my apologies on behalf of the people of Kenya for what you went through.

That is all for this witness, Madam Speaker.

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The Temporary Speaker (Sen. Mumma): Thank you. Counsel for County Assembly, your time left is two hours and 21 minutes. It is displayed there. We can now move on to Counsel for Governor for cross-examination.

Mr. Katwa Kigen: Thank you very much. Good evening, Mr. Bett.

Mr. Geoffrey Kipng'eno Bett: Good evening to you, Counsel.

Mr. Katwa Kigen: Mr. Bett, I would like you to understand me. I will ask you my questions with the greatest respect. I do not mean to demean or disrespect you. I hope you do not mind the questions I will be asking you.

Now, could we start with the last comment you made? You said that as a consequence of the opportunity you have been afforded here, you feel a process of healing already.

(Silence)

Did you not hear my question or are you opposed to answering the question?

Mr. Geoffrey Kipng'eno Bett: No, I am digesting what you are implying.

Mr. Katwa Kigen: Do you want me to repeat?

Mr. Geoffrey Kipng'eno Bett: Kindly.

Mr. Katwa Kigen: Okay. My learned friend asked you whether as a result of having come here and said your bit, you have started a healing journey. My recollection is that you said "yes, I have started healing".

Mr. Geoffrey Kipng'eno Bett: Healing is a continuous process. So, it is part of the healing process.

Mr. Katwa Kigen: Which has started today?

Mr. Geoffrey Kipng'eno Bett: No, it is part of the healing process.

Mr. Katwa Kigen: Okay, it is part of the healing process?

Mr. Geoffrey Kipng'eno Bett: Yes.

Mr. Katwa Kigen: The healing process will be greatly helped by people believing what you said here?

Mr. Geoffrey Kipng'eno Bett: Not believing--- okay, it could be believing, but basically pouring out the kind of remarks His Excellency made against me. Not only me, but also the people living with disability.

Mr. Katwa Kigen: Thank you. I will move on to a different issue. Am I right to summarize your complaints in your testimony as being three issues: One, you were constrained to send money by the Governor. That is one of your allegations. Is that not it?

Mr. Geoffrey Kipng'eno Bett: Constrained or coerced?

Mr. Katwa Kigen: Coerced.

Mr. Geoffrey Kipng'eno Bett: Yes, the demand was there.

Mr. Katwa Kigen: That is one. The second one is that you were asked to divert public money. Did you say that?

Mr. Geoffrey Kipng'eno Bett: No.

Mr. Katwa Kigen: No issue of diverting public money?

Mr. Geoffrey Kipng'eno Bett: Yes.

Mr. Katwa Kigen: Okay. So, the second one then is a question of being belittled?

Mr. Geoffrey Kipng'eno Bett: It is not only belittling, but a constitutional requirement that you should not call names to persons living with disability; leading to demeaning, derogatory remarks and also belittling them.

Mr. Katwa Kigen: Okay. One of your complaints is that you have been belittled.

Mr. Geoffrey Kipng'eno Bett: Especially on the side of “*Kumbe*, you are mentally ill” yet I have never been to any mental assessment whatsoever. The only assessment that I have appeared before is the physical assessment. So, I do not know where the Governor got that nonsense from.

Mr. Katwa Kigen: I intended to come to that later on, but let me ask you at this point. You said that the Governor made those comments, you have specifically quoted them at paragraph 15 of your statement, where you say, I thought you had a problem and so on and so forth.

Mr. Geoffrey Kipng'eno Bett: No, he said I thought you have the physical disability alone, *kumbe* you have mental disability as well.

Mr. Katwa Kigen: Okay.

Mr. Geoffrey Kipng'eno Bett: It is good to be on record that I have never appeared before any mental assessment whatsoever.

Mr. Katwa Kigen: I understand that. It is just your word, is that not it? You have nothing to back up that he said that.

Mr. Geoffrey Kipng'eno Bett: It is not my word. I am just returning the same words to His Excellency the Governor.

Mr. Katwa Kigen: I am saying the proposition that the Governor said is what you are saying. It is not captured in a document or anything.

Mr. Geoffrey Kipng'eno Bett: Yes.

Mr. Katwa Kigen: Okay. Now, on all these allegations you have made about the Governor, may I ask you? So you have, in paragraph 24 and 25 and in your testimony today, in paragraph 24 said the rights under Article 54 have been violated. Do you remember saying that in your affidavit?

Mr. Geoffrey Kipng'eno Bett: Article 54(1)(a).

Mr. Katwa Kigen: Yes. I am on a timely show, just answer my question.

Mr. Geoffrey Kipng'eno Bett: Also, Section 16 ---

Mr. Katwa Kigen: No, which question are you answering now?

Mr. Geoffrey Kipng'eno Bett: The same. Also, Section 16 ---

Mr. Katwa Kigen: You have answered my question, I am okay with the answer.

Mr. Geoffrey Kipng'eno Bett: Section 16 of Persons with Disabilities Act (PwD) Act 2025.

Mr. Katwa Kigen: Thank you. I wanted to ask you that. Now, is it something that you have learned today or did you know it as far back as when you were resigning in June 2025? Is it something you have just learned today or something you always knew even when you were at work, since 2022?

Mr. Geoffrey Kipng'eno Bett: It is something that has been deep in me and I have been going through.

Mr. Katwa Kigen: Mr. Bett, you have made specific reference to provisions of the law, which according to you, were violated. Is that not it? My question is: When did that realisation that some of your rights have been violated come in? Did the realization

come today, yesterday or as back, way back as 2022 when you started experiencing these challenges?

Mr. Geoffrey Kipng'eno Bett: For the Constitution of Kenya---

Mr. Katwa Kigen: Please, just answer the question.

Mr. Geoffrey Kipng'eno Bett: For the Constitution of Kenya, I knew---

Mr. Katwa Kigen: You are not answering my question. Madam Temporary Speaker, I am really struggling with time and I wish the witness could just answer my question.

Is it okay if I ask my question again?

Mr. Geoffrey Kipng'eno Bett: Yes.

Mr. Katwa Kigen: You have said that there are violations of Article 54 and your right under Section 16 of the Disabilities Act. Is it not? All I am asking you is: When did you realise that those rights exist? Is it in 2022 when you were going through all this, or in 2025 when you resigned or now as you come to testify?

Mr. Geoffrey Kipng'eno Bett: Immediately, when I was abused. But for the Act, it was approved in this---

Mr. Katwa Kigen: Just wait for the question. Having made that realisation, have you ever made any report to the police that your rights have been violated?

Mr. Geoffrey Kipng'eno Bett: First, the process that I went through---

Mr. Katwa Kigen: Please, answer my question. Have you made any report to the police?

Mr. Geoffrey Kipng'eno Bett: No, but to the leadership of persons with disabilities in Kericho County.

Mr. Katwa Kigen: Next question, Mr. Bett. Who is your employer at the Kericho County Government? Is it the County Public Service Board?

Mr. Geoffrey Kipng'eno Bett: Yes.

Mr. Katwa Kigen: Have you made any complaint to the County Public Service Board?

Mr. Geoffrey Kipng'eno Bett: No, because I was restrained by the person with disabilities to protect---

Mr. Katwa Kigen: That is all, I am satisfied. You also say that at various points you were---

I know that today, in the course of your testimony, you have retracted that you were not compelled to take compulsory leave but in your affidavit, you said that you were forced to take compulsory leave. You say you were not forced?

Mr. Geoffrey Kipng'eno Bett: I was forced.

Mr. Katwa Kigen: You were forced to take compulsory leave?

Mr. Geoffrey Kipng'eno Bett: To sign.

Mr. Katwa Kigen: Then you also said that you were forced to change your terms of employment. Is it not?

Mr. Geoffrey Kipng'eno Bett: Yes.

Mr. Katwa Kigen: Eventually, you resigned, is it not?

Mr. Geoffrey Kipng'eno Bett: Yes.

Mr. Katwa Kigen: Have you filed a civil suit to complain that your rights to employment have been violated?

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Mr. Geoffrey Kipng'eno Bett: I have not, because the working environment was not favourable to me, so coming back to my former employer was good for me.

Mr. Katwa Kigen: Who would you be filing a civil suit to the Governor, the county or to the court?

Mr. Geoffrey Kipng'eno Bett: I think that information I---

Mr. Katwa Kigen: You do not know where you would go? You do not know where you would file a civil suit?

Mr. Geoffrey Kipng'eno Bett: Maybe it would be through the legal process---I do not want to answer if I do not know that.

Mr. Katwa Kigen: You prefer not to answer that. Now, you say you were compelled to go on leave, is it not?

Mr. Geoffrey Kipng'eno Bett: Yes.

Mr. Katwa Kigen: Were you written a letter telling you to go on compulsory leave or you initiated that request?

Mr. Geoffrey Kipng'eno Bett: The County Secretary (CS) called me to his office---

Mr. Katwa Kigen: Let us talk about documents not words. Is it you who wrote saying: "I am writing to request to go on leave", or a letter or memo was written to you saying "please, Mr. Bett, proceed on compulsory leave"?

Mr. Geoffrey Kipng'eno Bett: I was coerced by the former County Secretary, verbally.

Mr. Katwa Kigen: Was it through a memo?

Mr. Geoffrey Kipng'eno Bett: I am saying verbally.

Mr. Katwa Kigen: Then, in writing?

Mr. Geoffrey Kipng'eno Bett: I filled the leave form to proceed on leave.

Mr. Katwa Kigen: That form entails the request that "I am requesting to go on leave" is it not?

Mr. Geoffrey Kipng'eno Bett: Yes.

Mr. Katwa Kigen: So on document, you requested to go on leave?

Mr. Geoffrey Kipng'eno Bett: But after---

Mr. Katwa Kigen: Just leave it like that. The face of the document for you going on leave says you are requesting to go on leave, is it not?

Mr. Geoffrey Kipng'eno Bett: Yes, but there was coercion.

Mr. Katwa Kigen: Now, who wrote the letter of resignation in June, 2025?

Mr. Geoffrey Kipng'eno Bett: I did after coercion as well.

Mr. Katwa Kigen: Okay. You have not annexed that letter to your case, is it not?

Mr. Geoffrey Kipng'eno Bett: It was there, but I have it in soft copy---

Mr. Katwa Kigen: That is not what I am asking. I am asking; in the affidavit that you brought to this Hon. Senators, you did not annex a copy of that letter of resignation?

Mr. Geoffrey Kipng'eno Bett: It was there.

Mr. Katwa Kigen: You have not annexed it?

Mr. Geoffrey Kipng'eno Bett: No, it was there, I forwarded it---

Mr. Katwa Kigen: You will ask my colleagues; they did not put it there.

In that letter, you have given the reason why you are resigning, is it not?

Mr. Geoffrey Kipng'eno Bett: I did not mention the reason. I just said I am resigning.

Mr. Katwa Kigen: So, somebody looking at the documents will see on the face of it that Mr. Bett has chosen to resign, is it not?

Mr. Geoffrey Kipng'eno Bett: But there is proof and a witness that I was coerced.

Mr. Katwa Kigen: Is that in writing?

Mr. Geoffrey Kipng'eno Bett: No, it is verbal.

Mr. Katwa Kigen: That is not in writing. At paragraph 13 to 14, you also say that there were advertisements for filling up certain positions of revenue management information system. That is part of your case, is it not?

Mr. Geoffrey Kipng'eno Bett: Not filling; procuring.

Mr. Katwa Kigen: Procuring, okay. You said that you expressed reservations. At paragraph 14 up to 15, you expressed reservations and there were consequences on you. Is it not?

Mr. Geoffrey Kipng'eno Bett: Yes.

Mr. Katwa Kigen: Did you put those reservations in writing, Mr. Bett?

Mr. Geoffrey Kipng'eno Bett: No, I did not.

Mr. Katwa Kigen: Okay. The advertisement inviting people procuring the revenue management information system, is it signed off by the Governor? Is it him who has said: "I, Governor, am advertising for a procuring revenue management information system"?

Mr. Geoffrey Kipng'eno Bett: I was kept in darkness. It happened during the time when I was in---

Mr. Katwa Kigen: Did you see the advertisement of the procurement?

Mr. Geoffrey Kipng'eno Bett: I saw the advertisement on the newspaper.

Mr. Katwa Kigen: Did you see the name of Governor in that procurement?

Mr. Geoffrey Kipng'eno Bett: Normally, for advertisements, it is the procurement department.

Mr. Katwa Kigen: It is the Procurement Department?

Mr. Geoffrey Kipng'eno Bett: Yes.

Mr. Katwa Kigen: So the Governor's name does not appear there, does it?

Mr. Geoffrey Kipng'eno Bett: But the---

Mr. Katwa Kigen: Just answer the question. Is the Governor's name on the document inviting the procurement?

Mr. Geoffrey Kipng'eno Bett: All county staff are under the Governor.

Mr. Katwa Kigen: Please, answer my question.

Mr. Geoffrey Kipng'eno Bett: Yes.

Mr. Katwa Kigen: You saw the document, you said that, is it not?

Mr. Geoffrey Kipng'eno Bett: Yes.

Mr. Katwa Kigen: Is the Governor's name anywhere in it?

Mr. Geoffrey Kipng'eno Bett: No, it is not there.

Mr. Katwa Kigen: Okay. You also say that at the time of your resignation, there were multiple times when a gentleman by the name Kipyegon came to you.

Mr. Geoffrey Kipng'eno Bett: Yes.

Mr. Katwa Kigen: Was it Kipyegon?

Mr. Geoffrey Kipng'eno Bett: Kipyegon Kirui, the former County Secretary.

Mr. Katwa Kigen: Kipyegon Kirui. How are you connecting that to the Governor?

Mr. Geoffrey Kipng'eno Bett: By then, he was the acting County Secretary and he told me that that was the directive from His Excellency.

Mr. Katwa Kigen: So, your testimony is that he told you that the Governor had sent him?

Mr. Geoffrey Kipng'eno Bett: Yes, but at some instance, we had to meet the three of us. He called me and we met with the Governor, Kipyegon Kirui and the Governor's Economic Advisor.

Mr. Katwa Kigen: Now, when you were changing your contract from five years to three years, the explanation given to you was that it is related to the contract performance appraisals, is it not? That is what you have said in your affidavit.

Mr. Geoffrey Kipng'eno Bett: Yes.

Mr. Katwa Kigen: Do you have any document in this Senate today to show that you were performing so well that you were eligible for extension of the term or renewal of the contract?

Mr. Geoffrey Kipng'eno Bett: No assessment was conducted to all Chief Officers (Cos), not only me.

Mr. Katwa Kigen: That is the second question. First of all, you do not have an appraisal distinguishing you in any way, is it not?

Mr. Geoffrey Kipng'eno Bett: I was not assessed.

Mr. Katwa Kigen: Now, the change of the terms was not isolated to you. It is not like you were targeted. It involved many other COs, is it not?

Mr. Geoffrey Kipng'eno Bett: Not many; three.

Mr. Katwa Kigen: You signed that contract with who?

Mr. Geoffrey Kipng'eno Bett: I signed the contract with the---

Is it the people who signed or witnessed by? All the COs and County Executive Committee Members (CECMs) signed the contract.

Mr. Katwa Kigen: With who? It is a contract, so it has two parties. For example, you, whom did you sign with?

Mr. Geoffrey Kipng'eno Bett: I signed with the---

Mr. Katwa Kigen: County Public Service Board?

Mr. Geoffrey Kipng'eno Bett: No. The CECM signed with the Governor and then I signed with the CECM.

Mr. Katwa Kigen: So, you did not sign with the Governor. If you were a CECM, you would have signed with the Governor, is it not?

Mr. Geoffrey Kipng'eno Bett: That is the practice which was there.

Mr. Katwa Kigen: Okay. So, even as you rope in the Governor in this, number one, it involved many people and number two, it is not like the Governor was sitting with you and saying, "let us redo the contract". Did he?

Mr. Geoffrey Kipng'eno Bett: Finally, he told me, "I am not interested in working with you".

Mr. Katwa Kigen: That is your word of mouth?

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Mr. Geoffrey Kipng'eno Bett: In the presence of witnesses.

Mr. Katwa Kigen: Have you called those witnesses?

Mr. Geoffrey Kipng'eno Bett: It was in the presence of the Governor's Economic Advisor and Kirui Kipyegon.

Mr. Katwa Kigen: Mr. Bett, thank you so much for answering my questions. I hope I was not unfair to you, was I?

Mr. Geoffrey Kipng'eno Bett: You are biased in a way.

Mr. Katwa Kigen: I was biased. Anyway, thank you so much for answering my questions. That is all, Madam Temporary Speaker.

Mr. Geoffrey Kipng'eno Bett: Not to me, to persons with disability, because these are derogatory statements which really touch on humanity and also the dignity and respect for persons with disability. I am sorry for taking me through that, but it is okay.

Mr. Katwa Kigen: I would like to apologize. What have I said that has offended you, Mr. Bett, because I want to apologize for it? Is it the way I have asked you questions?

Mr. Geoffrey Kipng'eno Bett: The humanity aspect of it.

Mr. Katwa Kigen: The way I have asked questions?

Mr. Geoffrey Kipng'eno Bett: Maybe it is within the line of your duties but I feel---

Mr. Katwa Kigen: Yes, I would like you to understand me in that sense. It was in line of duty, but I apologise if you feel offended. I did not intend to offend you.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Mumma): Counsel for the Governor, you have one hour and 44 minutes left. Back to Counsel County Assembly.

Mr. Elias Mutuma: Thank you, Madam Temporary Speaker. I have a few questions.

Geoffrey, you have been asked whether you made any form of complaint against the conduct of the Governor. My direct question is: Have you ever made any complaint against the conduct of the Governor?

Mr. Geoffrey Kipng'eno Bett: No.

Mr. Elias Mutuma: You have not?

Mr. Geoffrey Kipng'eno Bett: Yes.

The Temporary Speaker (Sen. Mumma): Is that microphone on? Please, adjust it.

Mr. Elias Mutuma: It is. Thank you.

I remember you mentioning the Association of People Living with Disabilities. Did you make any complaint of your treatment by the Governor to that Association?

Mr. Geoffrey Kipng'eno Bett: Yes, I made to the Chair and the Association for Persons with Disabilities, Kericho County, and also to the Ambassador of Persons with Disabilities about the next step. I wanted to take the step of terminating the contract then, but I was told by the Association of Persons with Disabilities that I remain a little bit because in future, it would affect negatively on the employment of persons with disabilities because they would think that I did not serve to the fullest.

Mr. Elias Mutuma: Is the fact that you have not taken any legal action against the Governor an indication that you were not violated in any way by the Governor?

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Mr. Geoffrey Kipng'eno Bett: No.

Mr. Elias Mutuma: Lastly, on the request to review your terms of contract, was it made directly by the Governor or through other officials of the county?

Mr. Geoffrey Kipng'eno Bett: It was in a meeting headed by His Excellency the Governor and clearly, the directive was from His Excellency, in his boardroom.

Mr. Elias Mutuma: In his very boardroom. Thank you, Geoffrey.
Madam Temporary Speaker, that will be all from Mr. Geoffrey unless the hon. Senators have any questions for him.

The Temporary Speaker (Sen. Mumma): You may now move to your next witness. He may be sworn in.

Mr. Elias Mutuma: Madam Temporary Speaker, the witness is making a specific request to the House and I have no capacity to make that request.

The Temporary Speaker (Sen. Mumma): Yes, go on.

Mr. Geoffrey Kipng'eno Bett: There is that first request where I had requested about my protection and for my family members after appearing in this hearing.

The Temporary Speaker (Sen. Mumma): Your request has been noted. It will be taken into account.

Next witness, please.

Mr. Elias Mutuma: Our next witness is Ms. Edina Chepkirui Tonui.

The Temporary Speaker (Sen. Mumma): Just hold on and hold the time. Can I have the two leaders; Minority and Majority Leaders here?

*(The Temporary Speaker (Sen. Mumma) consulted with
Sen. Cheruiyot and Sen. Madzayo)*

For the first witness we had, we would like to request that he should not leave because the hon. Senators will seek clarifications in case they have any. For the next witnesses, we will seek those clarifications immediately after re-examination. Can we swear in the next witness, please?

*(The witness for Kericho County Assembly
(Ms. Edina Chepkirui Tonui) took the Oath)*

Mr. Elias Mutuma: Thank you, Edina. Kindly state your full names for record purposes and what you do for livelihood.

Ms. Edina Chepkirui: I am Edina Chepkirui Tonui. Currently, I am a business lady as well as a farmer.

Mr. Elias Mutuma: Previously, what was your engagement or relationship with the County Government of Kericho?

Ms. Edina Chepkirui: I was the County Executive Committee Member in the Department of Agriculture, Livestock and Cooperatives Management until 23rd December, 2024.

Mr. Elias Mutuma: What was the recruitment process for you? Was it competitive or was it a direct nomination by the Governor?

Ms. Edina Chepkirui: It was competitive.

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Mr. Elias Mutuma: What do you exactly mean by competitive?

Ms. Edina Chepkirui: I mean the positions were advertised, we applied, went through a panel and we were selected. After that, we were vetted by the County Assembly of Kericho and our names were forwarded to the Governor for appointment.

Mr. Elias Mutuma: Would you term your employment as being on merit?

Ms. Edina Chepkirui: Yes, it was on merit.

Mr. Elias Mutuma: Thank you. In your affidavit at paragraph four, you have talked about that your employment was terminated on 23rd December, 2024.

Ms. Edina Chepkirui: When I remember, it becomes very emotional for me. On 23rd December, I was seated with my family, ready for dinner. Then on Facebook, my son asked me; Mom, are you aware that you have been dismissed? What did you do? I was like, no, that cannot happen. My son told me that it was in the Facebook page of the Governor and he asked me why I was saying it was not so.

When I checked, I saw six of us had been dismissed on 23rd at 7.00 p.m. on a Facebook page without prior notification that we will be terminated. It was sad. On 23rd, we were going for Christmas to enjoy with our children, but here we were, being told to go home.

Mr. Elias Mutuma: Kindly, point to the Senators the specific page where that Facebook post is contained.

Ms. Edina Chepkirui: The Facebook page is 73 of Vol. 4A.

Mr. Elias Mutuma: Can you confirm that is the official page of the Governor?

Ms. Edina Chepkirui: Yes, it is.

Mr. Elias Mutuma: Proceed and read to the Senators the comments that were made by the Governor in that Facebook post.

Ms. Edina Chepkirui: “For Immediate Release, Reorganization of Government: Pursuant to Article 179 of the Constitution of Kenya and County Governments Act Section 30(2)(3), I Hon. Erick Kipkoech Mutai PhD., Governor Kericho County, in exercise of executive authority have made the following changes in the County Government Executive-

Pursuant to paragraph 23 of the Section of the service of the county executive together with Section 40 (1) of the County Government Act No. 17 of 2012, I have given notice for termination of contract to the following County Executive Members-

- a) Hon. Kipruto Malel
- b) Hon. Rosemary Rop
- c) Hon. Edina Tonui; that is myself.
- d) Hon. Leornard Ng’etich
- e) Hon. Ben Bernard Bii
- f) Hon. Brian Langat

Mr. Elias Mutuma: Prior to that Facebook post, had you been subjected to any disciplinary action by the County Public Service Board, Governor or any other mechanism in law?

Ms. Edina Chepkirui: No.

Mr. Elias Mutuma: Was this the first time you were hearing about the termination of your employment?

Ms. Edina Chepkirui: It was the first time and at first, I did not believe it only to see the comments from people telling me sorry. It was humiliating. In my 50 years that I have lived, I have never been subjected to such a thing.

Mr. Elias Mutuma: Sorry, Edna. Eventually, did you get official communication from the county?

Ms. Edina Chepkirui: On the 24th, I got a message from the Governor's secretary asking us to go and pick the letters. I did not go for it that day because I had already travelled out for Christmas with my family. So, I picked my letter on 27th December.

Mr. Elias Mutuma: What was the reason given for your termination?

Ms. Edina Chepkirui: The reason given was Executive Order No.1 of 2023 and No.1 of 2024. In those Executive Orders, it was just the normal rearrangement of government where one is transferred from one department to another. At no one point was I transferred and refused to move.

In the two years I served in Kericho County, I was in the Health Department when I joined on 4th of November, 2022. In April, 2023, I was moved to Public Service Management (PSM) and I moved without question. On the 26th of October, 2023, I was moved from PSM to Agriculture and that is where I exited.

Mr. Elias Mutuma: Had you received any form of notice to show cause or an appraisal of any kind?

Ms. Edina Chepkirui: None at all.

Mr. Elias Mutuma: Why would the Governor abruptly on his Facebook page dismiss you from employment?

Ms. Edina Chepkirui: To date, I can tell this House, I have never known. I have some instincts telling me maybe it was because I was unable to continue giving out the money the way he used to ask us to support him in the fundraisers. Since we had committed our pay slips, we were unable to continue supporting him. I told myself maybe that could be one of the reasons.

Mr. Elias Mutuma: You have made a serious allegation there. Did the Governor make a request for you to provide money to him at any given time?

Ms. Edina Chepkirui: He did.

Mr. Elias Mutuma: Hon. Senators, let us turn to page 80 of Vol.4A transaction 35. Edna, kindly, tell us whether you made any transactions to who, what time and how much it was.

Ms. Edina Chepkirui: This is a transaction which was done on the 30th of June.

The Temporary Speaker (Sen. Muma): Counsel, please, guide Senators on the exact page.

Mr. Elias Mutuma: Madam Temporary Speaker, it is page 80 transaction 35 which is No.5 from the bottom. To whom was that money sent?

Ms. Edina Chepkirui: It was sent to Dr. Erick Mutai who is the Governor for Kericho County from my M-Pesa No.0722734522.

Mr. Elias Mutuma: How much was it?

Ms. Edina Chepkirui: It was Kshs10,000.

Mr. Mutuma: Refer to the next page 81, the last transaction. How much was sent and to whom?

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Ms. Edina Chepkirui: It was 23rd of June, 2024 to Dr. Erick Mutai, Kshs30,000 from my M-Pesa.

Mr. Elias Mutuma: Page 82, the fifth transaction from the top. How much was sent and to whom?

Ms. Edina Chepkirui: It was from my M-Pesa to Dr. Erick Mutai, Kshs20,000.

Mr. Elias Mutuma: Page 83, transaction 22.

Ms. Edina Chepkirui: This was on 24th of December, 2023. I sent Kshs100,000 to His Excellency Dr. Erick Mutai from my M-Pesa to his M-Pesa line.

Mr. Elias Mutuma: Page 84, transaction 30.

Ms. Edina Chepkirui: This was on 17th of December, 2023. I sent Kshs40,000 to His Excellency Dr. Erick Mutai from my M-Pesa to his M-Pesa line.

Mr. Elias Mutuma: Page 85 transaction 31. How much and to whom?

Ms. Edina Chepkirui: It was on 14th of November, 2023. I Sent Kshs10,000 to Dr. Erick Mutai from my M-Pesa.

Mr. Elias Mutuma: How were these requests made?

Ms. Edina Chepkirui: The requests were made through phone calls. I was called and told, "I have something urgent to attend to. *Waziri*, kindly, send me some Kshs10,000 or 20,000. Sometimes he would say, "I need some Kshs100,000. If you do not have, send Kshs20,000 or Kshs50,000 if you have.

Sometimes he would give me the phone numbers of his Personal Assistants (PAs). There is one Mr. Robinson Kiplangat and Rennie Kipsang who normally the Governor would call and tell me to send money to their phone lines and the rest is just there.

Mr. Elias Mutuma: Are there instances where you gave money in any other form than M-Pesa?

Ms. Edina Chepkirui: There are other forms, but I cannot prove here, so I would not want to dwell on that.

Mr. Elias Mutuma: How much money, in your estimation, have you given to the Governor pursuant to his request?

Ms. Edina Chepkirui: From what I estimate via M-Pesa, direct to him and through the aides, it is close to Kshs1.6 million.

Mr. Elias Mutuma: Where was the source of this money, Edina?

Ms. Edina Chepkirui: Before I joined the County Government of Kericho, I used to work in Uasin Gishu County as a career civil servant and Ministry of Health as a senior public health officer until I got the job. I took early retirement, which I was not ready for anyway, but nevertheless I did. I am a business lady, I run a hardware store; I am a landlady and I have residential houses and I also do farming. So, I have many businesses. That is the source of my income.

Mr. Elias Mutuma: Let us go to paragraph 23 of your affidavit at page 101. There was an incident that was alluded to by a witness who preceded you. You have also highlighted the same incident in your affidavit. Can you kindly tell us what you meant in paragraph 23?

Ms. Edina Chepkirui: On that day, there was a meeting in the boardroom. After the meeting, the Governor told us to go to his office. Unfortunately, I did not go because I already knew from the first team that had gone there were forced to sign a resignation on

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blank paper. I told myself, I cannot take myself to a slaughterhouse, let it come, if it will come in a different style. However, I did not sign.

Mr. Elias Mutuma: So, you did not sign?

Ms. Edina Chepkirui: I did not sign any blank resignation.

Mr. Elias Mutuma: In respect to the remarks made against Mr. Geoffrey, you have also alluded to the fact that you were in that meeting, correct?

Ms. Edina Chepkirui: Yes. It is unfortunate, and for me as a mother, it really pains. No one chooses to have a certain child, and if nature makes you to be who you are, no one should ridicule anyone. It is unfortunate. It is not only for the former Chief Officer (CO), Geoffrey Bett, whom the Governor used so many words to describe him as a person,

“I thought this young man was just physically disabled. He is also mentally disabled.” Which is, for a mother like me, painful and unfortunate to come from a leader. Such words are heavy.

Even as he used to demean us in the cabinet, telling us we are clueless. At some point, I would sit and ask myself, fine, I could be clueless, but why are you asking for money from a clueless County Executive Committee Member (CECM)?

Mr. Elias Mutuma: Thank you. I think we have already addressed that, Edina. The question is, were you present when the Governor uttered those specific words?

Ms. Edina Chepkirui: Yes.

Mr. Elias Mutuma: You are before Senate to testify on the Governor's conduct, and you have highlighted that in paragraph two. What are the specific complaints you have against the Governor? What are the violations that you are accusing the Governor of?

Ms. Edina Chepkirui: One, the unlawful termination of my contract, which he made me to take an early retirement at the age of 50. I still had another 10 years to work in the public service, but he decided to offer me a job for five years, which I signed the contract. However, in two years, he decided to terminate the contract without the proper procedure.

Mr. Elias Mutuma: Does the law, specifically the Employment Act and the County Governments Act, give the Governor mandate to arbitrarily terminate the employment of a CECM?

Ms. Edina Chepkirui: Through a procedure.

Mr. Elias Mutuma: Was that procedure followed?

Ms. Edina Chepkirui: No.

Mr. Elias Mutuma: Thank you very much, Edina. Madam Temporary Speaker, that is all for this witness.

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

The Temporary Speaker (Sen. Mumma): Counsel for County Assembly, you now have two hours, one minute. We now move on to cross-examination.

Counsel for Governor, please proceed.

Mr. Katwa Kigen: Good evening, Madam Edina.

Ms. Edina Chepkirui: Good evening, *Wakili*.

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Mr. Katwa Kigen: Your complaints are mainly two; the issue of your termination and your complaint about being asked to remit money. Is it not?

Ms. Edina Chepkirui: Yes.

Mr. Katwa Kigen: Okay. Now I would like us to start with the issue of termination. You have annexed a copy of your employment contract, which is on page 72 of Volume 4A. You recall annexing it, is it so? Your letter of employment.

Ms. Edina Chepkirui: Yes.

Mr. Katwa Kigen: Hon. Senators, I am referring to Assembly's bundle Volume 4A pages 68 to 72. Could you confirm that indeed---

The Temporary Speaker (Sen. Mumma): Did you say page 72?

Mr. Katwa Kigen: Yes, page 68 to 72. My interest is on page 72, Clause No.23. Edina, could you confirm that the contract provided that your relationship could be terminated by notice?

Ms. Edina Chepkirui: Yes, I was aware.

Mr. Katwa Kigen: Yes, and it is a one-month notice, is it not?

Ms. Edina Chepkirui: I am aware of that.

Mr. Katwa Kigen: You were given one month's notice of termination, is it not? You confirm that?

Ms. Edina Chepkirui: Yes.

Mr. Katwa Kigen: Okay. Number two, is it true also that as we speak now, you have filed a case in court challenging your termination?

Ms. Edina Chepkirui: We do not have any case.

Mr. Katwa Kigen: You did not file any case?

Ms. Edina Chepkirui: We withdrew the case.

Mr. Katwa Kigen: It is also true that you attempted to get the court to give an order to stay your termination, is it not?

Ms. Edina Chepkirui: Yes, at that time, before the end of our termination.

Mr. Katwa Kigen: It was unsuccessful?

Ms. Edina Chepkirui: Yes.

Mr. Katwa Kigen: Okay. Madam Edina, being the knowledgeable person that you are, if you are genuinely aggrieved and you felt you had an entitlement in the sense of the termination of your employment, it is the court that would have determined that issue, is it not? Is there any expectation on your part that this Senate can give you back your job?

Ms. Edina Chepkirui: I am not here to be given back my job.

Mr. Katwa Kigen: Okay. If you are aggrieved about your termination and you wanted redress, you would have maintained your case in court, is it not?

Ms. Edina Chepkirui: I am here because of the abuse of office.

Mr. Katwa Kigen: Okay, I will leave that question there. Now, you took us through various pages where you said you sent money to His Excellency.

Ms. Edina Chepkirui: Yes.

Mr. Katwa Kigen: Could we look at one of them? The first entry. Could you tell us again where your first claim of remittance of the money is? Could you just indicate to us which page it was?

Ms. Edina Chepkirui: Page 81.

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Mr. Katwa Kigen: Could we look at that entry on page 81? Could you tell the Hon. Senators the name indicated there? Just say the name.

Ms. Edina Chepkirui: It is Mutai Erick.

Mr. Katwa Kigen: Could you confirm that his phone number is not indicated on the exhibit you have brought to court?

Ms. Edina Chepkirui: It is indicated.

Mr. Katwa Kigen: Does it show the numbers? Does it show his phone number?

Ms. Edina Chepkirui: It is normal for M-Pesa not to show the full name, not to show the phone number, but I am 100 per cent sure he is the one and I am the one who did the transaction. I am 100 per cent sure.

Mr. Katwa Kigen: Okay. I will ask you the question again. I do not know which question you answering. I will ask you the question again. On page 81, you have shown and contended that Erick Mutai, who you show at the bottom, is the Governor. Could you again answer the question I have asked you? Does it show the full number of the Governor there?

Ms. Edina Chepkirui: It shows #*2547*004 and then Mutai Erick.

Mr. Katwa Kigen: So, it does not show the full number or name?

Ms. Edina Chepkirui Tonui: It does not show the full number, but that is the Governor.

Mr. Katwa Kigen: That is all I was asking, Madam. Is that the same with all the transactions? Is it not?

Ms. Edina Chepkirui: It is normal for M-Pesa statement. That is how it is removed

Mr. Katwa Kigen: Ms. Edina, that is not the question. The question is, all the entries you have taken us through do not have the full number. Is it not?

Ms. Edina Chepkirui: It does not.

Mr. Katwa Kigen: Thank you. Now, part of your contention is that you saw--- Whose money is this you were sending?

Ms. Edina Chepkirui: My money.

Mr. Katwa Kigen: It is your personal money?

Ms. Edina Chepkirui: Yes.

Mr. Katwa Kigen: Okay. How was the requisition for this money made?

Ms. Edina Chepkirui: Through phone calls.

Mr. Katwa Kigen: Through phone calls.

Ms. Edina Chepkirui: Yes.

Mr. Katwa Kigen: Now, apart from the Exhibit 81, the exhibits of the M-Pesa dispatch that you have shown us, have you presented to this court, any call logs that His Excellency called you to tell you, "please, send me any money"?

Ms. Edina Chepkirui: If need be, I can present.

Mr. Katwa Kigen: Please, answer my question. As you stand there, have you brought anything to show that, indeed, His Excellency called you?

Ms. Edina Chepkirui: I have some messages from him.

Mr. Katwa Kigen: I have asked you, have you brought any call logs?

Ms. Edina Chepkirui: I can present. I have.

Mr. Katwa Kigen: You do not have with you here?

Ms. Edina Chepkirui: I have.

Mr. Katwa Kigen: Have you annexed your affidavit?

Ms. Edina Chepkirui: It is not in the affidavit, but I have it.

Mr. Katwa Kigen: Now, did you say, in fairness to the Governor, that he would call you and say, “kindly send the money?” Did you say that? Your advocate asked you how the requisition---

Ms. Edina Chepkirui: Do you want me to use the words that he normally uses or I just put it? Yes, he calls you, “Waziri, I have a fundraiser or I have something to sort, send this money.” When you say I do not have that, he tells you to look for even Kshs20 or 30. Maybe he has asked for Kshs100 and I do not have it, he would tell me to send even Kshs50.

Mr. Katwa Kigen: Now and he would request you?

Ms. Edina Chepkirui: I would not call it a request because sometimes when you say, “I do not have”, you would get insults.

Mr. Katwa Kigen: Have you captured that insult anywhere?

Ms. Edina Chepkirui: Yes, if I remove my call logs, you will just be muffled.

Mr. Katwa Kigen: From the way you are so unhappy, you obviously would have produced them if they were there. Is it not, Ms. Edina?

Ms. Edina Chepkirui: If I am given a chance, I can produce them.

Mr. Katwa Kigen: I will move on to a different issue, Madam. Now, in your affidavit, you said you have sent him about Kshs1.5 million, but in your testimony today, you say it is Kshs1.6. So, is it Kshs1.5 or 1.6 million?

Ms. Edina Chepkirui: I said more than Kshs1.5 million.

Mr. Katwa Kigen: More than Kshs1.5? The truth of it is that what you have presented, assuming it was his because you do not have his full names numbers, does not exceed Kshs200,000? Does it?

Ms. Edina Chepkirui: 300.

Mr. Katwa Kigen: About 300?

Ms. Edina Chepkirui: Yes.

Mr. Katwa Kigen: For the difference of what you say, you do not have anything. Do you?

Ms. Edina Chepkirui: I have them.

Mr. Katwa Kigen: Do you have it here in the---

Ms. Edina Chepkirui: Yes, it is there.

Mr. Katwa Kigen: Okay. Is it in the M-Pesa printout that you have given us?

Ms. Edina Chepkirui: Yes, M-Pesa to Irene Chepkwony and Ng’etich Kipsang. Both of them are the Personal Assistants (PAs) to the Governor.

Mr. Katwa Kigen: Is it your presumption that when you send it to those people, they are giving it to Governor?

Ms. Edina Chepkirui: I do not assume because I send the money after I get a call from the Governor himself.

Mr. Katwa Kigen: But you do not have any call logs to say that there is a correlation between the two?

Ms. Edina Chepkirui: I have said, given a chance to produce them if need be, I will produce them. I will go to Safaricom and I will get them.

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Mr. Katwa Kigen: Madam Temporary Speaker, that is all I have for this witness.

The Temporary Speaker (Sen. Mumma): Thank you. Counsel for Governor, you have one hour, 34 minutes.

Counsel for County Assembly, any re-examination?

Mr. Elias Mutuma: None, Madam Temporary Speaker. Thank you.

The Temporary Speaker (Sen. Mumma): Hon. Senators, anybody with a question for the witness before we step her down?

Sen. (Dr.) Khalwale, proceed.

Sen. (Dr.) Khalwale: Thank you, Madam Temporary Speaker. I am a little bit lost. I would like, Mr. Kigen to help me. The witness has attempted to demonstrate how she gave the money to the Governor. From your cross-examination, you give me the impression that you are watering that evidence down because there is no evidence of the conversation or correspondence between the witness and your client. Do you have any information that you have in your possession---

The Temporary Speaker (Sen. Mumma): Sen. (Dr.) Khalwale, you are actually verifying from the witness not from the Counsel.

Sen. (Dr.) Khalwale: True, but I want that clarity. The witness has attempted to convince us that she sent this money. We have it, but the weight of that evidence seems to be taken away---

The Temporary Speaker (Sen. Mumma): Sen. (Dr.) Khalwale, is there a particular question you want the witness to reassert, reaffirm or you do not have any? It is not a question to the counsel.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, if it was in the absence of the other parties, I would have told you what I think about what you have told me. So, I will restrain myself for that respect and step down that question. However, think about your trying to gag me.

Madam CEC, if you had not been sacked, would you still have given this evidence?

Ms. Edina Chepkirui: Yes, I would have given whenever asked to.

The Temporary Speaker (Sen. Mumma): Yes, Sen. Omogeni.

Sen. Omogeni: Madam Temporary Speaker, I just want clarification from the witness. She mentioned that the money she was allegedly sending to the Governor is from her savings. However, having gone through her statements, I can see a number of deposits that were made into her accounts. So, I just want her to clarify, at page 80, you received money from Paul Misik, Kshs50,000. On page eight, you received the money from Janet Koech, Kshs10,000. The same page, you received money from a Beatrice Kiptanui, Kshs10,000?

(Ms. Edina Chepkirui spoke off record)

Sen. Omogeni: Yes?

The Temporary Speaker (Sen. Mumma): Sen. Omogeni, ---

Sen. Omogeni: Paid in means what?

(Ms. Edina Chepkirui spoke off record)

It is a deposit? Yes, I believe withdrawn is the second last column and paid in is the first one. Then I can see at page 81, Kshs84,000. So, can I just get a clarification from you. At page 83, there are a number of deposits there; Kshs50,000, Kshs150,000 Kshs50,000 Kshs100,000. I just wanted to hear from you, what was the purpose of these deposits and did you send the same money to the Governor?

Ms. Edina Chepkirui: Through the Chair, I think I put across a statement that I am a business lady. In business, there is a way you transact using even your phone. Paul Missik that you have mentioned is my uncle. He had borrowed some money from me and he was returning it.

I normally do a lot of transactions using my registered mobile phone number. I have only one M-Pesa number that I use; I do not have two.

The Temporary Speaker (Sen. Mumma): Can we move to the next question? I do not think the witness has to explain transactions that have nothing to do with this hearing.

Next is Sen. Osotsi. Sorry, I had not seen---

Sen. Osotsi: Well, I want to find out from the witness just in line with the question that has been posed by Sen. Omogeni. It is actually from experience because we know these things.

I would like you to confirm or deny that maybe some of the monies that you forwarded to the Governor were proceeds of corruption. It is clear that some payments were made to you as well before you transferred to the Governor.

Ms. Edina Chepkirui: Chair, I can confirm that no money was paid to me from anywhere as proceeds of corruption to forward to the Governor, not at any one time.

The Temporary Speaker (Sen. Mumma): Sen. Cherarkey, quickly. You have one minute.

Sen. Cherarkey: Thank you, Chair. Madam witness, mine will be very short. You said you were fired on 23rd of December via a *Facebook* post. Before you were fired, how was your relationship with the Governor? In your own opinion, what should have been the best way for the Governor to dismiss you?

Finally, when you were being hired as a CECM, did the Governor at any instance advice that you were becoming a CECM and, therefore, you would be contributing in all *harambees* in Kericho?

I thank you, Madam Temporary Speaker.

Ms. Edina Chepkirui: Let me respond from the first to the last. Before we were dismissed, personally, I did not see it coming. That is why I was surprised because I could not believe it.

The last official meeting we had was in Naivasha, where we presented the departmental progress. It was a meeting involving both the County Executive and the County Assembly. After that, we went for Christmas holiday from 23rd up to 2nd January, only to see it on *Facebook* that I had been fired. I can say it was a bitter Christmas gift. Nevertheless, I encouraged myself that we are in a world whereby you do not see things coming.

I knew His Excellency even before he became the Governor. Therefore, I could not imagine that he would do such a thing. However, that is water under the bridge.

To your second question, at no point were we told that we were supposed to contribute in *harambees* when we were coming in during the induction. We just realised afterwards that as CECMs, we were supposed to support the Governor during fundraisings.

The Temporary Speaker (Sen. Mumma): Next is Sen. Mungatana.

Sen. Mungatana, MGH: Thank you, Madam Temporary Speaker. Just a quick one for Madam witness.

In your evidence, you have mentioned before the Senate that the contribution that you can give evidence on is about Kshs300,000. However, the total amount that you gave the Governor is in excess of Kshs1.5 million. I would like you to clarify to me and the Senate how you gave the other money, that is, Kshs1.2 million. Was it in cash or bank transfers?

Still on that, you sound well-read and well-educated. You must have known that you were coming to the Senate. Did you not plan to buttress the Kshs1.2 million difference? How were you going to explain it? Was it a statement that was given in bitterness because of the mode through which you were fired? I would like you to clarify to me and the House.

I thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Mumma): Let Sen. Onyonka ask his question, then you will answer both.

Sen. Onyonka: Thank you, Madam Temporary Speaker.

Former CECM, I do not know whether this question should be directed to you or your counsel because I assume the two of you to be the critical witnesses for---

The Temporary Speaker (Sen. Mumma): Sen. Onyonka, the questions are to the witness. You need to clarify something that the witness has said.

Sen. Onyonka: I should not have gone that way, but let me say this. Do you find anything that is uncomfortable with you being a witness who worked with the Governor and he fired, including the gentleman who was there and also fired? What does that make you feel? Did the Governor fire you after you had done something wrong, or did he fire you after you refused to do something wrong, which then has put you in the position you are in? I just need that clarity.

Ms. Edina Chepkirui: Madam Temporary Speaker, I will start with the one by Sen. Mungatana regarding Kshs1.2 million. I have proof and it is also here. It was through the Personal Assistants (PAs). What I gave directly through M-Pesa to the Governor is Kshs300,000. The other Kshs1.2 million was through his two PAs.

Concerning the question by Sen. Onyonka, in my own understanding, it could be when you refuse to do the wrong things you are expected to do and that is when you are fired.

The Temporary Speaker (Sen. Mumma): Hon. Senators, we will now step down that witness and move on to---

(Sen. Mandago spoke off record)

Okay, one minute only. Proceed, Sen. Mandago.

Sen. Mandago: Thank you very much.

Witness, are you testifying over this matter because you are looking for your money, or it is out of bitterness of having been fired?

Secondly, Chair, I do not know why we should discuss about money that is not governed under the PFM Act because it is neither revenue for the county nor equitable share. Why is it a matter in this subject? We are supposed to discuss matters that affect the conduct of the Governor.

I would like to know whether she is probably here following up her money or she is here out of bitterness. If that is the case, that money is not managed under the PFM Act. Therefore, we have nothing to do with it as a Senate.

The Temporary Speaker (Sen. Mumma): Sen. Mandago, she is here as a witness for the County Assembly. Therefore, I will protect her from that kind of question.

Sen. Tabitha, quickly.

Sen. Tabitha Keroche: Thank you, Madam Temporary Speaker. I also want to take a minute to ask Madam witness a question. What is coming out is some high level of impunity, but they are professionals.

We have had the first witness and now you. Maybe the third one will come and say the same thing. Why would you not stop the governor from doing what he was doing to you because, when I listen to you, I am just wondering; could other CECMs all over Kenya be suffering the way you people are suffering according to the testimony that you are coming to give us here?

Is what you are saying true because it is unbelievable? It seems that all of you are going through the same thing. If that is true why would you not stop the Governor, because he is one person and you are the majority? That is my question.

The Temporary Speaker (Sen. Mumma): Sen. Joe Nyutu, quickly and then the witness can answer the two questions.

Sen. Joe Nyutu: Thank you Madam Temporary Speaker. My question to the witness is, now that she sent some money to the Governor and the first witness also said that he sent money to the Governor or his Personal Assistants several times; was there an expectation, Madam Witness, that once you send this money, then you are expected to commit some fraud in order for you to be able to recover the money that you are sending to the governor? I wish I had asked the same question to the first witness.

Is it the submission then of the witness that there is a culture in the Kericho County Government that the Governor receives money from employees on condition then that they will do some fraud with the systems or something and get their money back, send to the Governor and also be left with something on top?

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Mumma): The witness may answer the question, but ignore the bit on the fraud. Answer the question on why you and the other CECMs did not stop it.

Ms. Edina Chepkirui: Okay, Madam Temporary Speaker. I wish to answer the question from the Senator for Nakuru County. At some point I contemplated actually resigning because of the pressure. The only unfortunate thing which was there is we had committed our pay slips and had taken mortgages and loans.

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So, at that point you weigh your thoughts on how you will repay these things and also remember that now you have already started giving out your hard-earned money. It was like a matter of 'let me just cool down and then things will sober up.' Unfortunately, when we were thinking that things will change, it was now getting worse and worse.

So, I would just say it is an unfortunate situation and let no one tell you the CECMs in Kericho County are enjoying anything, nothing. I can speak that without fear or favour. It is true.

My Senator from Uasin Gishu County where I was working before I came to Kericho, I am not here to ask for my money which I gave the Governor. No, I am here to shed light on what is happening.

Thank you.

The Temporary Speaker (Sen. Mumma): Okay, we have three more Senators.

Sen. Eddy, let us do one minute each, so we move on. I believe we have quite a number of it.

Sen. Oketch Gicheru: Thank you, Madam Temporary Speaker.

CECM, the law of equity requires you come to any institution of law or any institution that exercises judicial authority to help you with clean hands. Do you feel in the context of the exercise that you did which was basically to corrupt the Governor for favour, do you think you are in our presence here with clean hands?

Ms. Edina Chepkirui: Madam Temporary Speaker, I am clean.

The Temporary Speaker (Sen. Mumma): Let us get the other two questions and then you answer all of them.

Sen. (Prof.) Kamar, you may proceed.

Sen. (Prof.) Kamar: Thank you, Madam Temporary Speaker. Mine is a very simple question. On Page 74, you have given us the letter of termination. In your own understanding, what was the reason for you being terminated because, I do not understand these things called executive orders. What is it that is you have been accused of?

The Temporary Speaker (Sen. Mumma): Proceed, Sen. Okiya Omtatah.

Sen. Okiya Omtatah: Madam Temporary Speaker, I would like to ask the witness, given the pain she has expressed in terms of how she was being managed and understanding that what she was being asked to do was wrong; did she try to seek the help of law enforcement like reporting to the Ethics and Anti-Corruption Commission (EACC) or any other authority that could maybe protect her?

That is all, Madam Temporary Speaker.

The Temporary Speaker (Sen. Mumma): One more. Sen. Seki, you may proceed.

Sen. Seki: Thank you, Madam Temporary Speaker. I also wanted to ask to the witness, after your termination, have you appealed? Have you gone to court over the same now that you know the process has not been followed by the Governor on the termination of a CECM?

The Temporary Speaker (Sen. Mumma): You may now answer the questions.

Ms. Edina Chepkirui: Madam Temporary Speaker, I will start with the one from the Senator from Uasin Gishu County, Sen. (Prof.) Margaret Kamar.

Madam Senator, the Executive Order one of 2022, one of 2023, and one of 2024 were only rearrangement of offices, just like you are transferred from one department to another. So, there was nothing like you violate anything as long as you have reported you are discharging your duties, there was no violation of anything.

On the issue of the EACC, I have not reported anywhere. Also, there is the issue of our case and the appeal; we will seek for compensation when the right time comes.

The Temporary Speaker (Sen. Mumma): Sen. Mwaruma, please, move to the next microphone, it is on.

Sen. Mwaruma: Thank you, Madam Temporary Speaker.

You are using the M-Pesa statement to show that the Governor abused office. Do you have any other way of corroborating that information like a message from the Governor, a call recording, or it is just that statement you want to rely on?

Ms. Edina Chepkirui: Madam Speaker, I can respond to that?

The Temporary Speaker (Sen. Mumma): Yes, proceed.

Ms. Edina Chepkirui: If given a chance to produce the same, because I have to go through a court and produce my conversations through the Safaricom, I will be able to provide.

The Temporary Speaker (Sen. Mumma): The witness may now be stepped down please, so that we move on to the next witness.

Counsel for County Assembly, can you kindly indicate how many witnesses you have, so that we see how best to manage the time and you have two hours, one minute left.

(The witness was stepped down)

Mr. Elias Mutuma: Thank you, Madam Temporary Speaker. We have two technical witnesses in respect to the issue of voting and we have two more, including the Motion mover. So, in total we have four remaining.

The Temporary Speaker (Sen. Mumma): That is very well. Who is the next witness you want to bring on board?

Mr. Elias Mutuma: We had hoped to bring in Mr. Alfred Korir Kimutai, the administrator of the ICT system.

The Temporary Speaker (Sen. Mumma): You may proceed. You can invite the witness in and give them the Oath, please.

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

Clerks, you may proceed to give Oath to the witness.

*(The witness for Kericho County Assembly
(Mr. Alfred Kimutai Korir) took the Oath)*

Mr. Elias Mutuma: Thank you, Madam Temporary Speaker and Alfred for that. Kindly state your full names again for the record purposes and also tell us how you are associated with Kericho County Assembly.

Mr. Alfred Korir: Thank you very much. I am Alfred Kimutai Korir, Director, Information and Communication Technology (ICT), Kericho County Assembly. I joined Kericho County Assembly during the transition in 2013. Before then, I used to work for Litein Town Council.

(Loud consultations)

The Temporary Speaker (Sen. Mumma): Order, hon. Senators. Please, can we listen to the witness in silence?

Mr. Alfred Korir: I worked with Litein Town Council as the ICT Officer. Since then, I have been working in the Assembly to date. I am a graduate from University of Kabianga with a Bachelor's Degree in Business Management, Business Information Option. I am a current Master's student at the same university. I did my diploma at Kenya College of Communication Technology, currently known as Multimedia University.

Mr. Elias Mutuma: Thank you very much, Alfred.

Madam Temporary Speaker, at this juncture, allow me to make a very simple request. The witness before you is a technical witness. We had hoped to take the Senators through a live demonstration of the Electronic Voting System. However, by him being present here in the Chamber, he cannot do that. With your permission, can he share his login credentials to his assistant, so that we are able to follow through the screen provided?

The Temporary Speaker (Sen. Mumma): Can you be clear on that? You want him to share his login credentials?

Mr. Elias Mutuma: Yes, to his assistant, who will then be with the technical team upstairs, in order to access the system and take the Senators through the actual process.

The Temporary Speaker (Sen. Mumma): You may proceed.

Mr. Elias Mutuma: Thank you, Madam Temporary Speaker. Alfred, you have described yourself as the person in charge of the Kericho Assembly Internal Financial Management and Reporting System. You are the administrator of that system, correct?

Mr. Alfred Korir: Yes.

Mr. Elias Mutuma: How was that system procured?

Mr. Alfred Korir: In 2018, we embarked on a journey to digitise the Assembly's operations, as we had been using manual vouchers. We did it internally with my colleagues, three other staff members serving in the ICT department. We developed a system that has been in use since 2018 for managing payment vouchers and other payment processes within the Assembly.

Mr. Elias Mutuma: What were the specific functions of this system?

Mr. Alfred Korir: The specific functions of the system at that time was to automate the manual vouchers, which used to disappear during audit. We used to have a lot of problems with vouchers not being able to be traced. Using the system, we are able to have copies of the vouchers retained in the system. At that time, the entry of the details

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of the vouchers was through manual entry. However, in 2020, we progressed and made it automatic, especially for the meetings of members outside the Assembly.

The meeting of members outside the precincts means whenever they attend committee meetings outside the Assembly, there is a way in which we create the process of initiating requisition from committee services to liaison and from liaison approval to the Speaker to the Clerk.

Once the Clerk and the Speaker approve, when members receive their messages to travel, which every member is conversant with our system, we have an automated customised SMS system called KCO Assembly and every member knows how to interact with that particular system. The moment that message is delivered, vouchers are automatically generated and then it awaits the results.

In the Assembly, we also introduced biometrics. We are also using biometrics for logging into the chamber. For them to attend their sittings in the chamber, they are logging-in using biometrics. When they attend meeting outside the precincts, be it in Nakuru or Nairobi, every time we make sure an ICT Officer is present, so that he takes the biometrics of the members present.

When we upload the information to the vouchers that was automatically generated, it will post the amount to be paid to every member based on the number of days he attended the given meeting. If the meeting is for five days and he attends for three days, biometrics automatically pays for three days. So, these members have interacted with the system.

Mr. Elias Mutuma: Thank you. How can you be sure or what do you have to demonstrate to these Senators that the members have interacted with this system? When you talk of members, is it all the members?

Mr. Alfred Korir: I am talking about the Hon. Members of the County Assembly of Kericho and the staff. They are using the system to log in. I would request the technical---

Mr. Elias Mutuma: Before you do that---

Mr. Alfred Korir: I wanted to demonstrate the logs for the---

Mr. Elias Mutuma: Before we get there, what kind of gadgets are these Members equipped with to enable them access and use the system?

Mr. Alfred Korir: In the previous Assembly, we had supplied our members with laptops, so that they could use to access the system. In the current Assembly, we supplied the laptops to Members in September, 2024. Maybe the technical team can project for me number one under volume 4A---

Mr. Elias Mutuma: That is not necessary. Hon. Senators, at Volume 4A of our bundle, at page one, we have a list. Kindly tell us what that list is about, Alfred.

Mr. Alfred Korir: The list before us here is the list of acceptance where members were receiving their laptops to be used in the Assembly, for the assembly, for executing their mandate within the assembly.

Mr. Elias Mutuma: How many MCAs of Kericho County Assembly were afforded laptops?

Mr. Alfred Korir: It is only two members; the Speaker and the Hon. Vincent Korir, who did not take the gadgets because he wanted a tablet and he had a functional laptop that he could use for the business.

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Mr. Elias Mutuma: I am sure you have interacted with the Governor's response. Can you confirm that the 18 MCAs who have opposed this Motion got their laptops and have signed against the list before?

Mr. Alfred Korir: Yes, I can confirm.

Mr. Elias Mutuma: You can confirm that?

Mr. Alfred Korir: Yes.

Mr. Elias Mutuma: Is there any MCA that has not received a laptop bought by taxpayers' money?

Mr. Alfred Korir: Apart from Vincent Korir, whom we gave a tablet in that relation.

Mr. Elias Mutuma: In what instances have all the MCAs interacted with the system through their laptops or other gadgets, apart from voting, of course?

Mr. Alfred Korir: Apart from voting, we normally share the committee reports through the County Assembly's official SMS because we realise we have the email addresses for the members, but logging in is a problem. We decided to customise our system so that it can send an SMS with a link that will redirect every member to access the reports that is being tabled in the House. We normally share the Order Paper and reports so that we avoid bulky printing within the Assembly.

Mr. Elias Mutuma: Would you then describe the County Assembly of Kericho as being almost fully automated?

Mr. Alfred Korir: I cannot say fully, but we are progressing slowly because after that we had to look at a way of sorting the committee sittings within the assembly. Since the system in the first place, we have developed to work on meetings outside the assembly, so our committee meeting sittings are normally done through the system. We schedule the meetings within a week. When we receive the schedule from head of committee services, we normally allocate the boardrooms through the system. So, they allocate the boardrooms. Once they do the meeting, we will pick the biometric logins and upload.

Therefore, members who attended the meeting will get their payment at the end of the month. So, at the end of the month, we normally run what we call HR reports, and it picks the members' attendance for the whole--- Usually, we pay the best four within a week, and the maximum number of weeks we normally pay is four, and in some other instances we can add five because we have other months which has more weeks than four.

Mr. Elias Mutuma: Thank you. Have members of the county assembly been trained on the use of this system?

Mr. Alfred Korir: Members of county assembly are well-versed with the system, and any other time they have had any issue, they have always been consulting the ICT department on any technical issue, whether they are not receiving the SMS or they cannot be able to log in to a particular ---

Mr. Elias Mutuma: Has there been any training done by the county assembly in respect of the use of the system?

Mr. Alfred Korir: Okay, they have attended several trainings, but specifically on the use of tablets, we have really done it from the department level.

Mr. Elias Mutuma: Thank you. When did you incorporate electronic voting as part of this system?

Mr. Alfred Korir: The issue of electronic voting came in when our Standing Orders were amended late last year, around October/November, Standing Order No.77 directed that whenever there is a division in the House, when the Speaker directs, the voting shall, which means it is mandatory, to have electronic voting done.

Bearing in mind that by the time we talk about our Standing Orders, the members approved the Standing Orders, meaning that all our members were aware from last year, November or October, had the idea that any other division that will come to the House will be through electronic voting.

When you talk about electronic voting - I believe my learned counsel - I heard him talking about a button, which was not available. I would like to brief him shortly about the options that are available for electronic voting. We have electronic voting by machine where you press that manual button that the learned counsel was talking about.

Number two, we have what we call internet voting. So, internet voting is also within the electronic voting. The internet voting is where the voter logins are shared through a secure link that is shared to the members. That is the approach we took because at the Assembly of Kericho, we are currently constructing our modern chambers. Even if you see the setup of our Assembly, we do not have a place where we could place the tablets and these other voting machines.

Therefore, to the best of our abilities, what we did as the Assembly is to ensure that we implement that Standing Order No.77 because once it has been made as a rule of the House, the Standing Order dictates that a department relevant should take action and see how that Standing Order is implemented according.

Mr. Elias Mutuma: Thank you. I think at this juncture, Alfred, I will request you to take us through the live demo of how the system works, beginning with who is the administrator, what access rights they have, who has super user rights, and so on.

Mr. Alfred Korir: Okay, the system that we developed has only 48 users, which from my--- I think somewhere there, I must have printed that one. The 48th user is the system admin, whom I stroke it as a clerk also because in our reporting system, as much as we will run the system, the final person who can communicate any results or any correspondence of the Assembly is the Clerk of the Assembly.

So, you can confirm from page eight of our annexure 4A. So, the admin, that is the county clerk, is me. I log in as an admin and that is the only person who is inside the system.

Mr. Elias Mutuma: This is quite important, Alfred, because there was an accusation here by the Counsel for the Governor alleging that there were a number of people in the system and one of them was the clerk and yourself as the administrator.

Mr. Alfred Korir: So, that is the only person who is there. It is me as an admin and all the other members are hon. members. Remember, as an admin, I do not have my IPPD to log into this system. So, you have a different platform, so that I cannot qualify to vote since I am an admin. Should I have even intended to vote, it should reflect that admin voted. So, that is how our system.

Therefore, the members who are here are our members. For the benefit of doubt, after we worked on this system, because we were expecting the Speaker to put a question

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any time when the motion was ongoing, even the Speaker himself did not know about the login credentials. We had them say that we would use the IPPD and the ID as their passwords.

So, the reason I used the IPPD and their own ID as their password is because, one, the Standing Orders stipulates that once the division bell has been rung, the process of voting should take strictly five minutes. Therefore, I was thinking about a way in which our members would be very comfortable to access their login credentials.

The first thing we did was once the Speaker pronounced that the voting would be by electronic, that is the time I shared with the Speaker the procedure on how the voting would be done. In our answer, the Speaker gave direction to the members that voting would be done electronically.

The procedure is this: You will receive a link of which the link I sent at exactly--- I have the annexures for the link. So, I can also confirm that all the members received at around 7.12; they received their first SMS. That SMS contained a link that had only IPPD numbers. The reason I had to give them IPPD numbers is because for the benefit of doubt, I imagine that there are some members who have not memorised their payroll numbers. However, the next SMS was with the link and indicating that your password is your ID, which is personal to every member. I did not publish the IDs anywhere for the login.

Mr. Elias Mutuma: There was an allegation that if you click that link, it would give you both the username and the password. Is that correct?

Mr. Alfred Korir: It is not correct.

Mr. Elias Mutuma: Would you like to demonstrate through a live demo?

Mr. Alfred Korir: Yes. I do not know whether my guys are up there.

Mr. Elias Mutuma: Perhaps, Madam Speaker, we can confirm if the assistant is ready. Yes, kindly take us through the system and confirm that, that is a live demo.

(A live demo was displayed)

Mr. Alfred Korir: Okay, this is our live demo. So, I would like to request my assistant to first log into the Motion. Let me remind this honourable House that any motion that comes, we set the timelines for the Motion and it can be forwarded to us that it has been voted on. Once it has been voted on, it will expire. So, the link expires automatically. So, I want him to log in to our previous page. Log out first. We want to see where members were voting. Kindly log-in to the vote area for the Motion for impeachment of the governor. Kindly log-in.

Mr. Elias Mutuma: Kindly explain the various slots that we are witnessing from the screen. It is not obvious to everyone, including myself.

Mr. Alfred Korir: Okay, first of all, there is a screen I am expecting my technician to show. That shows that the voting ended and the results were to be displayed. Kindly go back to that page first before you come in, so that I can explain that one.

The Temporary Speaker (Sen. Mumma): Now, Mr. Witness, exactly what are you demonstrating? Please, go through that clearly.

Mr. Alfred Korir: Okay, so I can---

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The Temporary Speaker (Sen. Mumma): Is it how to vote? What is it?

Mr. Alfred Korir: Okay. Hon. Speaker, I am trying to explain that the link that we provided had time limits. So, the time for division ended, our system is reading the voting has ended.

Mr. Elias Mutuma: So, then a very specific question because---

Mr. Alfred Korir: I have read ---

Mr. Elias Mutuma: Mr. Wanyama alluded that he was able to vote after the session was closed.

Mr. Alfred Korir: We will give him a chance maybe to log-in also and vote to this one, the motion on impeachment of the governor.

Mr. Elias Mutuma: So, if right now we were to go to that link---

Mr. Alfred Korir: That is the link we are there. So, it is showing that the voting has ended and the results are to be displayed. That is about voting.

Secondly, I have seen affidavits from the Governor's side stating that we pulled down the link immediately after voting. I will clarify that and go through their documents. Our system for internal management runs under *kerichoassembly.co.ke*. On their affidavits, they have added their own terms. They say that they wanted to log into *kerichoassembly.go.ke*

There is a difference between the two systems. The *.go* runs our website while the one for our internal management is run under *.co.ke* and that is why they claimed that we pulled down the link. There was no need for us to pull the link and the division for that vote had ended.

Mr. Elias Mutuma: Take us through a step by step of the first thing you prompted and what would happen after that prompt.

Mr. Alfred Korir: The first thing I did was that I sent the first SMS at 7.12 p.m. showing Members their IPPD numbers.

Mr. Elias Mutuma: Who were the recipients of that SMS and how would you identify them?

Mr. Alfred Korir: I can refer because you can only see the numbers for deliveries that we see on our system. We have the numbers of the Members, which they gave as their official numbers. They use them to receive information from the Assembly. There is no Member and I have not seen in any of their affidavits claiming that they did not receive the link or the SMS.

Mr. Elias Mutuma: Was there possibility of any other person who is not among Members of the County Assembly receiving the SMS?

Mr. Alfred Korir: No.

Mr. Elias Mutuma: How is that so?

Mr. Alfred Korir: We have a database which we run for the voting system contained only 48 people. I was the only additional person who received the additional SMS as the system administrator because I wanted to confirm whether the SMS I forwarded that the link is opening in the right way. I, therefore, attached myself.

Mr. Elias Mutuma: Before we go there, in the volume you have, kindly take the hon. Senators to the specific extract of the messages that were sent to each of the numbers.

Mr. Alfred Korir: The specific extract is in pages 11 and 12 of our affidavit, Volume 4A.

Mr. Elias Mutuma: What is contained at page 11 and 12?

Mr. Alfred Korir: Up there, you can see that; follow the link below to access your IPPD number. When you clicked on that link, it directed every Member to the page where the IPPD numbers were being displayed. I cannot for these numbers. The last one is my number, ending with 319. I did that in order to confirm that the messages I had sent to the Members were really working.

Mr. Elias Mutuma: Are you able to tell when there is no delivery of your message?

Mr. Alfred Korir: Yes. When there is no delivery on the message, I will get a 'fail' instead of 'send.'

Mr. Elias Mutuma: Do we have any fail on your extract?

Mr. Alfred Korir: No fail message.

Mr. Elias Mutuma: Thank you.

Mr. Alfred Korir: Then the next message that is on page 12, which was the confirmation of where I sent an SMS which said; 'electronic voting link.' I shared the link. That is the link where every member should have clicked, logged in using their username as IPPD and for the password I told them to use their ID numbers.

Remember, I said use your ID number and I did not display the ID numbers. Therefore, the claim that their ID numbers were used is false and not true.

Mr. Elias Mutuma: Again, are you able to account for the delivery of your link to all the numbers in your database?

Mr. Alfred Korir: Yes, I can account.

Mr. Elias Mutuma: Where is that found?

Mr. Alfred Korir: It is in page 12. We all see all that the messages were sent also.

Mr. Elias Mutuma: What you have at page 12, is it the same thing we are accessing live on the demo that is on the screen?

Mr. Alfred Korir: Yes.

Mr. Elias Mutuma: That we have now entered into the platform and we can see that exactly.

Mr. Alfred Korir: Yes. For the messages, I captured the delivery reports because once I confirm the deliveries, we do not save the logs for deliveries within our internal system. Provided I have seen all the messages have been delivered, just like any other sent message in any phone, you can see the message was delivered.

Mr. Elias Mutuma: Let us go to the controversial issue as raised by Counsel for the Governor. Are you able to take us through each vote, what time it was made and the choice made by a specific member?

Mr. Alfred Korir: I will because I shared the link for voting at 7.14.00 exactly.

Mr. Elias Mutuma: Is that time stamp available anywhere?

Mr. Alfred Korir: It is available. We can see the first log-ins. Let us confirm from page 17 and come onwards. That is how we will see how log-ins started coming in.

For avoidance of doubt, I heard our learned Counsel saying that the admin logged in and did not log out. I can confirm that I logged in and I never logged out because I was

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monitoring at the back-end, so that if Members were getting trouble logging in, I would alert the ICT officers who were in the Chambers to know which specific Member was having difficulties in logging in.

Mr. Elias Mutuma: Other than being present in the platform, can the logs confirm whether there were any other activities conducted by the admin?

Mr. Alfred Korir: Yes, if there was any other activity conducted by admin, that should be displayed by the logs. However, considering that I sent the link at around 19.14, you will see that the first user tried to log in at around 14.25, meaning they had received the link and they were trying to log in.

In some instances, they could attempt with different usernames. At some point, you can see where it is reading someone's name. The specification after clicking the link was that username, someone was quick to type the name but realized it was not going in. You can see there are some failed attempts, meaning that our system was secure.

You could not log in without logging in specifically with what we had instructed, the IPPD and their IDs which are personally known to them. The reason why I am saying we used their IDs is because the voting exercise was to take five minutes only. I imagined how another person can get another person's ID within five minutes but if all the other members had voted, the system was accepting simultaneous votes.

This is because, we recorded our first vote at 19.15 and there were two votes. So, two people casted their vote at exactly the same time. If the other hon. Members who were opposed to the motion failed because we had three options and the Speaker categorically explained the three options. It was either a member chose yes, no, or abstained.

I have heard them arguing that the results we displayed show that 33 voted and there were zero abstainers. The system cannot know whether you abstained or you were absent if you do not trigger the button. We had the log-in buttons for them to click. It was simple inside there. They found either yes, no, in support of that motion and submitted.

It was a simple exercise. I have seen one of the affidavits where a member is telling me that he is not able to use Internet and yet he is on *Facebook* and *WhatsApp*, very active on *WhatsApp*.

Mr. Elias Mutuma: Can you kindly take us to the specific member who has alleged that they do not have internet-enabled phones?

Mr. Alfred Korir: For example, I will take on Hon. Amos Birir. He is a very active Member. He is an old man, but we have been assisting him in ICT. He has an active *Facebook* page. He is active on *WhatsApp*. Even if you check his *WhatsApp* status today, he must have been live a few minutes ago.

At this point, it is about honesty because as the staff of the County Assembly, we are there to facilitate Members execute their mandate. We do not have any interest. If interest was there, I would like to tell hon. Senators that His Excellency, Hon. Erick Kipkoech Mutai, is my neighbour in my maternal home, where I come from. He is my immediate neighbour. He has my number and if I was to take sides, it would be in his favour. However, since we are being professional and we have integrity to protect, I decided to have this system to make sure that we do not compromise on the end results. I will prove to this House that all these Members logged in at a particular time and they cast their votes. The assumptions that they did not vote, for me as an ICT officer---

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ADJOURNMENT

The Temporary Speaker (Sen. Mumma): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The balance of time for the County Assembly is one hour, 30 minutes for evidence of witnesses and re-examination. The balance of time for the Governor is one hour, 34 minutes for cross-examination.

The Senate, therefore, stands adjourned until tomorrow, Thursday, 28th August, 2025, at 9.00 a.m.

The Senate rose at 6.30 p.m.