



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



**Fourth Session**

**Thursday, 27<sup>th</sup> November, 2025**  
**at 2.30 p.m. - Special Sitting**

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Thursday, 27<sup>th</sup> November, 2025

### Special Sitting

*(Convened via Kenya Gazette Notice  
No.17352 of 27<sup>th</sup> November, 2025)*

*The House met at the Senate Chamber,  
Parliament Buildings at 2.32 p.m.*

*[The Deputy Speaker (Sen. Kathuri) in the Chair]*

### PRAYER

DETERMINATION OF QUORUM  
AT COMMENCEMENT OF SITTING

**The Deputy Speaker** (Sen. Kathuri): Serjeant-at-Arms, ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

We now have quorum. Clerk, read out the first Order.

### MESSAGE FROM THE COUNTY ASSEMBLY OF NYAMIRA

PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF THE  
GOVERNOR OF NYAMIRA COUNTY, HON. AMOS KIMWOMI NYARIBO

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, I wish to report to the Senate that I have, pursuant to Standing Order No.48(3), received a Message from the Speaker of the County Assembly of Nyamira regarding a resolution of the County Assembly of Nyamira for the proposed removal from office, by impeachment, of Hon. Amos Kimwomi Nyaribo, Governor of Nyamira County, pursuant to Article 181(1)(a), (b) and (c) of the Constitution as read together with Section 33 of the County Governments Act and Standing Order No.62 of the County Assembly of Nyamira.

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The Message, which was conveyed to the Speaker of the Senate *vide* a letter Ref:PK/CN/1/2025 dated Tuesday, 25<sup>th</sup> November, 2025, signed by the Speaker of the County Assembly of Nyamira and received in my office on Thursday, 27<sup>th</sup> November, 2025 listed the following grounds of impeachment against the Governor-

**(1) Gross Violation of the Constitution and other laws**

**Allegation I:** Engagement, endorsement and support of an unlawful, illegal and unconstitutional “*Bunge Mashinani*”

The particulars of this allegation are that the Governor engaged in various acts of gross violation of Articles 1, 10, 73 and 176 of the Constitution, the County Governments Act and the principles of separation of powers by-

(i) Formally engaging, endorsing and supporting an unlawful forum known as “*Bunge Mashinani*,” purportedly convened by an impeached Speaker, despite High Court judgments confirming the Speaker’s removal;

(ii) Recognising the removed Speaker and Clerk as legitimate office holders, contrary to court rulings and Senate resolutions declaring sittings held outside gazetted precincts null and void; and,

(iii) Undermining the principle of separation of powers by enabling an illegal parallel assembly structure to transact county business.

*(Several hon. Senators walked into the Chamber)*

Hon. Senators, kindly, find your way to the nearest seat. This is quite a long Communication. Those who are misplaced can now go back to their comfort zones.

**Allegation II: Unlawful Assent to the Nyamira County Supplementary Appropriation Bill, 2024**

The particulars of this allegation are that the Governor engaged in gross violations of Articles 175(a), 185(1) and 224 of the Constitution, Section 130 of the Public Finance Management Act and Section 21 of the County Governments Act by-

(i) Assenting on 26<sup>th</sup> November, 2024 to the Nyamira County Supplementary Appropriation Bill, 2024 without the approval of the County Assembly as required by law;

(ii) Unilaterally altering county fiscal priorities without legislative authority; and,  
(iii) Usurping the appropriation mandate of the County Assembly and weakening legislative oversight over public finances.

**Allegation III: Illegal appointment of Dr. Peris Nyaboke Oroko alias Peris Mong’are as a County Executive Committee Member**

The particulars of this allegation are that the Governor engaged in gross violations of Article 179(2)(b), Article 259 of the Constitution and Section 30(d) of the County Governments Act by-

(i) Appointing and retaining Dr. Peris Nyaboke Oroko as a CEC Member despite the Assembly’s express refusal to approve her nomination;

(ii) Integrating her into the county executive structure and payroll without lawful authority; and,

(iii) Relying on the unlawful “Bunge Mashinani” process to justify the appointment, contrary to court declarations invalidating all its actions.

**Allegation IV: Illegal appointment of Members of the Municipal Boards of Nyamira and Keroka Municipalities**

The particulars of this allegation are that the Governor engaged in gross violations of the Urban Areas and Cities Act and the Public Appointments (County Assemblies Approval) Act by-

(i) Appointing Board Members for Nyamira Municipality and Keroka Municipality without submitting the names to the County Assembly for vetting and approval;

(ii) Gazetting the appointments despite the absence of mandatory Assembly approval; and,

(iii) Constituting Municipal Boards in a manner contrary to law and outside established appointment procedures.

*(Several hon. Senators walked into the Chamber)*

Hon. Senators, kindly, find your way to your seats fast without further discussions on the aisle.

**Allegation V: Unlawful appointment of a Selection Panel for the County Public Service Board (CPSB)**

The particulars of this allegation are that the Governor engaged in gross violations of the County Governments Act and the Public Appointments (County Assemblies Approval) Act by-

(i) Unilaterally appointing a Selection Panel to recruit members of the County Public Service Board without Assembly approval;

(ii) Enabling the Panel to recruit the Chairperson, Secretary and Members contrary to procedural requirements; and,

(iii) Interfering with the lawful mandate of the County Assembly in the appointment process.

**Allegation VI: Failure to appoint the Chairperson, Secretary and Members of the CPSB**

The particulars of this allegation are that the Governor violated statutory obligations relating to county staffing and administration by-

(i) Failing to fill long-standing vacancies in the CPSB since July 2025; and,

(ii) Allowing the Board to remain non-functional, resulting in administrative paralysis in Human Resource function of the County Government of Nyamira.

**Allegation VII: Failure to deliver the State of the County Address and Annual Reports**

The particulars of this allegation are that the Governor violated Article 183(3) of the Constitution and Section 30(2)(k) of the County Governments Act by-

(i) Failing to deliver the mandatory State of the County Address for the financial years 2023/2024 and 2024/2025;

(ii) Failing to submit annual reports on the progress of the county; and,

(iii) Undermining transparency and accountability obligations imposed on the office of the Governor.

**Allegation VIII: Failure to comply with Court Orders on the appointment of Mr. Clive Ogwora to the County Executive Committee (CEC)**

The particulars of this allegation are that the Governor engaged in gross violations of Articles 10 and 159 of the Constitution and the principle of the rule of law by-

(i) Failing to appoint a duly nominated CEC Member, Mr. Clive Ogwora, contrary to binding court orders;

(ii) Exposing the county to financial loss amounting to approximately Kshs6.9 million in salary arrears arising from non-compliance; and,

(iii) Accruing additional legal costs and undermining judicial authority.

**(2) Abuse of Office**

**Allegation I: Recruitment of staff without a budgetary provision**

The particulars of this allegation are that the Governor engaged in abuse of office contrary to Articles 201(d) and 232 of the Constitution and the Public Finance Management Act by-

(i) Authorising mass recruitment of staff without budgetary provision or approval of the County Assembly of Nyamira, specifically-

(a) The recruitment of 49 officers between February and April, 2021;

(b) The recruitment of the Deputy County Secretary, County Attorney, Support Staff, Ward Administrators and Sub-County Administrators without the requisite approvals;

(c) On 9<sup>th</sup> March 2023, the County Public Service Board (CPSB) advertised 358 vacancies despite the absence of an approved budget for recruitment, an active recruitment freeze imposed by the County Assembly, and clear advisories issued by the Ethics and Anti-Corruption Commission (EACC). This recruitment, expected to add Kshs325 million annually to the wage bill, proceeded without any budgetary allocation or Assembly approval; and,

(d) Accumulating salary arrears amounting to Kshs60 million owed to healthcare workers for seven months.

(ii) Ignoring formal resolutions of the County Assembly that froze further hiring;

(iii) Disregarding explicit advisory issued by the EACC; and,

(iv) Burdening the county with an unsustainable annual wage bill estimated at Kshs325 million.

**Allegation II: Influencing irregular appointments of Senior Human Resource Officials**

The particulars of this allegation are that the Governor abused the powers of his office by-

(i) Handpicking and seconding officers, including Mr. Godfrey Keriago and Ms. Imelda Nyaberi, to strategic Human Resource positions;

(ii) Influencing the transfer of substantive office holders to create vacancies for his preferred officers to be employed; and,

(iii) Manipulating administrative structures to consolidate control over Human Resource functions.

**Allegation III: Personal enrichment through irregular salary arrears**

The particulars of this allegation are that the Governor engaged in abuse of office and financial impropriety by-

- (i) Awarding himself irregular salary arrears amounting to Kshs5,649,706;
- (ii) Using Human Resource officers irregularly appointed or influenced to process the payments; and,
- (iii) Having a pattern of questionable claims, including a prior Kshs13 million housing compensation and a double medical claim.

**Allegation IV: Payroll fraud syndicate resulting in loss of public funds**

The particulars of this allegation are that the Governor was involved in or failed to prevent payroll irregularities contrary to Articles 201 and 226 of the Constitution by-

- (i) Presiding over or allowing irregular overpayments to Early Childhood Development Education (ECDE) teachers amounting to more than Kshs25,018,852, in addition to Kshs1,100,467 and Kshs700,836 in other irregular payments;
- (ii) Receiving illegal benefit, which he admitted under oath; and,
- (iii) Overseeing payroll fraud estimated at over Kshs32 million.

**Allegation V: Influencing dual appointments outside the lawful establishment**

The particulars of this allegation are that the Governor abused his office by-

- (i) Creating duplicate positions for Ward Administrators and Sub-County Administrators;
- (ii) Allowing double occupation of certain offices, leading to double payment of salaries; and,
- (iv) Violating the lawful establishment structure approved by the CPSB.

**Allegation VI: Usurpation of the powers of the Auditor-General and the CPSB**

The particulars of this allegation are that the Governor engaged in abuse of office in violation of the Constitution and County Governments Act by-

- (i) Conducting an unlawful payroll audit without the involvement of the Auditor-General or authorisation of the Assembly;
- (ii) Using the audit to demote over 1,000 staff in 2021 and a further 254 staff in 2024 without due process; and,
- (iii) Attempting to appeal CPSB decisions reversing the illegal demotions despite having no legal mandate to do so.

**Allegation VII: Unlawful Suspension of the Secretary of the CPSB**

The particulars of this allegation are that the Governor abused his office by-

- (i) Purporting to suspend the Secretary of the CPSB without any constitutional or statutory authority;
- (ii) Interfering with the independence and functioning of the CPSB; and,
- (iv) Obstructing lawful human resource administration within the county.

Hon. Senators, annexed to the letter conveying the decision of the County Assembly were the following documents-

- (i) Copy of an approved Notice of Motion dated 11<sup>th</sup> November, 2025
- (ii) Copy of an approved Impeachment Motion containing grounds and particulars with annexures thereto;
- (iii) Copy of the Public Participation Report;
- (iv) Copy of the Invitation letter to the Governor to appear before the County Assembly to respond to allegations dated 17<sup>th</sup> November, 2025;
- (v) Copy of County Assembly Hansard Report dated 25<sup>th</sup> November, 2025;
- (vi) Copy of the Division of Votes list;
- (vii) Advocates for the County Assembly; and,
- (viii) List of witnesses.

Hon. Senators, in terms of the way forward following the reading of the charges against the Governor, Standing Order No.80(1)(b) of the Senate, as read together with Section 33(3)(b) of the County Governments Act, gives the Senate two options on how to proceed with the matter. The Senate may-

(a) By Resolution, appoint a Special Committee comprising eleven of its members to investigate the matter; or

(b) Investigate the matter in plenary.

The Senate Majority Leader will, at an appointed time during this sitting, give Notice of Motion for the establishment of a Special Committee. Should this Motion be carried, the Special Committee will be required, under Section 33(4) of the County Governments Act and Standing Order No.80(2) of the Senate Standing Orders, to investigate the matter and to report to the Senate on whether it finds the particulars of the allegations against the Governor to have been substantiated. In the event that the Motion for the establishment of a Special Committee does not pass, the fallback position is that the Senate shall proceed to investigate and consider the matter in plenary. In this event, I will appoint the dates on which the Senate will sit in plenary to hear and determine the charges against the Governor.

Hon. Senators, I wish to emphasise that when we come to the debate on the Motion for the establishment of the Special Committee, debate on the Motion shall be limited to the substance of the Motion, principally, whether or not to establish the Special Committee.

It will not be a debate on the substance of the impeachment or its merits, propriety, prudence or even the constitutionality or the legality of the processes that have preceded the submission of this matter to the Senate. It is, therefore, not permissible to deviate to any issues other than the Motion before the Senate.

In the meantime, and during the pendency of the impeachment process in the Senate, I wish to caution hon. Senators to refrain from publicly commenting on the merits or demerits of the impeachment Motion before the Senate. Doing so would amount to anticipation of debate, which is an infringement of Standing Order No.99 of the Senate Standing Orders.

Accordingly, it shall be out of order, within the meaning of Standing Order No.122 for any Senator to make comments, whether written or spoken, relating to the conduct of the Governor or the impeachment process outside the confines of the

impeachment proceedings, as such comments may prejudice the fair and just outcome of the process.

Hon. Senators, during the 13<sup>th</sup> Parliament, the Senate has dealt with nine impeachment proceedings, two of which were considered by Special Committees and seven by the Senate sitting in plenary, including one involving the Deputy President.

It is important that we draw on the best practices established in previous proceedings as we deliberate on this matter. The Senate will be sitting as a *quasi-judicial* body and will conduct investigations into the alleged violations of the Constitution and the law, and thereafter make its determination on the matter.

Let me remind you that the impeachment hearing is not just a procedural formality, but a critical process that plays a crucial role in upholding the principles of democracy and good governance. This hearing is one of the Senate's most vital oversight functions and key responsibilities. I conclude by urging all hon. Senators to exercise the highest level of responsibility on this matter.

I thank you.

Next Order.

## PAPERS LAID

### FINANCIAL STATEMENTS OF VARIOUS COUNTY ENTITIES

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today, Thursday, 27<sup>th</sup> November, 2025-

Report of the Auditor-General on financial statements of Nandi County Education Scheme for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Meteitei Sub-County Hospital - County Government of Nandi for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Nandi Hills Sub-County Hospital - County Government of Nandi for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Mosoriot Sub-County Level 4 Hospital - County Government of Nandi for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Marsabit County Enterprise Fund for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Marsabit County State Officers and other Public Officers Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Ikutha Level 4 Hospital - County Government of Kitui for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Tseikuru Sub-County Hospital - County Government of Kitui for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Isiolo County Education Bursary Fund for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Isiolo County Emergency Fund for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Ruiru Municipality - County Government of Kiambu for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Limuru Municipality - County Government of Kiambu for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Thika Municipality - County Government of Kiambu for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Karuri Municipality - County Government of Kiambu for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Kikuyu Municipality - County Government of Kiambu for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Limuru Water and Sewerage Company Limited - County Government of Kiambu for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Elgeyo Marakwet County Alcoholic Drinks Control Fund for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Busia County Revolving Fund for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Modogashe Sub-County Hospital - County Government of Garissa for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Mombasa County Assembly Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Taita Taveta County Climate Change Fund for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Vihiga County Climate Change Fund for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Meru County Executive Staff Housing Fund for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Meru County Micro-Finance Corporation for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Meru County Service Board for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Meru Municipality - County Government of Meru for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Miathene Sub-County Hospital - County Government of Meru for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of West Pokot County Assembly Car Loan and Mortgage Scheme (Members) Fund for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of West Pokot County Bursary, Education Development and Infrastructure Fund for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Chepareria Municipality - County Government of West Pokot for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Murang'a County Education Scholarship Fund for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Kangari Municipality - County Government of Murang'a for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of JM Kariuki Memorial County Referral Level 4 Hospital - County Government of Nyandarua for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Engineer County Referral Level 4 Hospital - County Government of Nyandarua for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Embu County Revenue Authority for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of County Assembly of Embu Car Loan and Mortgage (Members) Scheme Fund for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Turkana County Education Fund for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Turkana County Emergency Fund for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Turkana County Biashara Fund for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Turkana County Water Services Fund - County Government of Turkana for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Nyamira County Mortgage and Car Loan (Executive) Fund for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of Nyeri Water and Sanitation Company Limited - County Government of Nyeri for the year ended 30<sup>th</sup> June, 2025.

Mr. Deputy Speaker, Sir, I beg to lay.

*(Sen. Cheruiyot laid the documents on the Table)*

**The Deputy Speaker** (Sen. Kathuri): Next is the Chairperson of the Standing Committee on Finance and Budget.

REPORT ON CONSIDERATION OF THE KENYA NATIONAL  
COUNCIL FOR POPULATION AND DEVELOPMENT BILL  
(NATIONAL ASSEMBLY BILLS NO.72 OF 2023)

**Sen. Tabitha Mutinda:** Mr. Deputy Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, 27<sup>th</sup> November, 2025-

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Report of the Standing Committee on Finance and Budget on its consideration of the Kenya National Council for Population and Development Bill (National Assembly Bills No. 72 of 2023).

*(Sen. Tabitha Mutinda laid the document on the Table)*

**The Deputy Speaker** (Sen. Kathuri): Next, the Chairperson of the Standing Committee on Labour and Social Affairs.

**Sen. Murgor:** Mr. Deputy Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today, 27<sup>th</sup> November, 2025-

REPORT ON PETITION ON NON-PAYMENT OF OUTSTANDING  
TERMINAL BENEFITS AND MAZIWA SACCO DUES TO  
FORMER EMPLOYEES OF KCC LTD

Report of the Standing Committee on Labour and Social Welfare on a petition to the Senate by employees of the former Kenya Cooperative Creameries Limited (KCC) concerning non-payment of outstanding terminal benefits and Maziwa Sacco dues to former employees of Kenya Cooperatives Creameries Ltd.

REPORT ON PETITION BY MR. TITUS NJOROGE ON HIS DISMISSAL BY  
AIC AND NON-PAYMENT OF ARREARS OWED TO HIM

Report of the Standing Committee on Labour and Social Welfare on a petition to the Senate by Mr. Titus Njoroge concerning his dismissal by the African Inland Church (AIC) of Kenya and nonpayment of arrears owed to him.

I beg to lay.

*(Sen. Murgor laid the documents on the Table)*

**The Deputy Speaker** (Sen. Kathuri): Next Order.

**NOTICE OF MOTION**

ESTABLISHMENT OF A SPECIAL COMMITTEE TO INVESTIGATE THE  
PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HON. AMOS  
KIMWOMI NYARIBO, THE GOVERNOR OF NYAMIRA COUNTY

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I beg to give notice of the Motion on the establishment of a special committee to investigate the proposed removal from office, by way of impeachment, of Hon. Amos Kimwomi Nyaribo, Governor of Nyamira County-

THAT, WHEREAS, pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, 2012, on Tuesday, 25<sup>th</sup> November, 2025, the County Assembly of Nyamira approved a Motion for the removal from office by impeachment, of Hon. Amos Kimwomi Nyaribo, the Governor of Nyamira County;

AND FURTHER, WHEREAS by letter Ref. SPK/CAN/1/2025, dated 25<sup>th</sup> November, 2025, and received in the Office of the Speaker of the Senate on 26<sup>th</sup> November, 2025, the Speaker of the County Assembly of Nyamira informed the Speaker of the Senate of the approval of the Motion by the County Assembly and further forwarded to the Speaker of the Senate, documents in evidence of the proceedings of the Assembly;

AND WHEREAS, pursuant to Section 33(3)(b) of the County Governments Act, 2012 and Standing Order 80(1)(b)(i) of the Senate, the Senate by resolution, may appoint a special committee comprising eleven of its Members to investigate the matter;

NOW THEREFORE, pursuant to Section 33(3) (b) of the County Governments Act, 2012 and Standing Order 80(1) (b) (i), the Senate resolves to proceed on this matter by way of establishment of a special committee to investigate the proposed removal from office by impeachment of Hon. Amos Kimwomi Nyaribo, the Governor of Nyamira County.

Hon. Senators, we will come back to Order No.7 at the appropriate time. We now go to Order No.8.

### MOTION

ESTABLISHMENT OF A SPECIAL COMMITTEE TO INVESTIGATE THE  
PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HON. AMOS  
KIMWOMI NYARIBO, THE GOVERNOR OF NYAMIRA COUNTY

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I beg to move the following Motion-

THAT, WHEREAS, pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, 2012, on Tuesday, 25<sup>th</sup> November, 2025, the County Assembly of Nyamira approved a Motion for the removal from office by impeachment, of Hon. Amos Kimwomi Nyaribo, the Governor of Nyamira County;

AND FURTHER, WHEREAS by letter Ref. SPK/CAN/1/2025, dated 25<sup>th</sup> November, 2025, and received in the Office of the Speaker of the Senate on 26<sup>th</sup> November, 2025, the Speaker of the County Assembly of Nyamira informed the Speaker of the Senate of the approval of the Motion by the County Assembly and further forwarded to the Speaker of the Senate, documents in evidence of the proceedings of the Assembly;

AND WHEREAS, pursuant to Section 33(3)(b) of the County Governments Act, 2012 and Standing Order 80(1)(b)(i) of the Senate, the Senate by resolution,

may appoint a special committee comprising eleven of its Members to investigate the matter;

NOW THEREFORE, pursuant to Section 33(3) (b) of the County Governments Act, 2012 and Standing Order 80(1) (b) (i), the Senate resolves to proceed on this matter by way of establishment of a special committee to investigate the proposed removal from office by impeachment of Hon. Amos Kimwomi Nyaribo, the Governor of Nyamira County.

Mr. Deputy Speaker, Sir, you know this drill and, therefore, the 11 Members are-- Sen. Githuku Kamau, Sen. Oketch Gicheru, Sen. Sifuna, Sen. Mwaruma---

Mr. Deputy Speaker, Sir, you know that I know how to read letters that are inside envelopes. Therefore, I have never seen people with angrier faces when I am moving a Motion such as this one.

I do not know what crime I have committed, but I do not like how I am being stared at.

So, with those many remarks, I beg to move and request Sen. Oketch Gicheru to second.

**Sen. Oketch Gicheru:** Mr. Deputy Speaker, Sir, Nyamira County has faced a lot of problems.

*(Several hon. Senators spoke off record)*

Just relax. Can you just let me do my thing?

Mr. Deputy Speaker, Sir, the Minority side feels that because Nyamira County has faced a lot of problems, I have instructions from them not to second this Motion. The implication is that if I do not second, you know what it means.

I thank you, Mr. Deputy Speaker, Sir.

*(Motion withdrawn)*

### COMMUNICATION FROM THE CHAIR

EFFECT OF OUTCOME ON MOTION FOR THE ESTABLISHMENT OF A SPECIAL  
COMMITTEE TO INVESTIGATE THE PROPOSED REMOVAL FROM OFFICE,  
BY IMPEACHMENT, OF HON. AMOS KIMWOMI NYARIBO,  
THE GOVERNOR FOR NYAMIRA COUNTY

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, let me give this Communication. The Motion having failed to get a seconder has been withdrawn.

Hon. Senators, as you may have noticed, the Senate Majority Leader moved the Motion at Order No.8 on today's Order Paper for the establishment of a special committee to investigate the proposed removal from office, by impeachment, of Hon. Amos Kimwomi Nyaribo, Governor for Nyamira County. The Motion failed to be seconded and, therefore, deemed to have been withdrawn by someone who is standing under Standing Order No.70(1) of the Senate Standing Orders.

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Hon. Senators, as I had communicated earlier by way of Message on the resolution of the Nyamira County Assembly made on the 25<sup>th</sup> November, 2025 for the removal from office, by impeachment, of Hon. Amos Kimwomi Nyaribo, Governor of Nyamira County, Section 33A of the County Governments Act and Standing Order No.80(1)B of the Senate, providing that the Senate may, one, by resolution, appoint a special committee comprising 11 of its members to investigate the matter, or two, investigate the matter in Plenary.

The Motion has been withdrawn, the route of a special committee is abandoned and now implies that the Senate will investigate the proposed removal from office, by impeachment, of Hon. Amos Kimwomi Nyaribo, Governor of Nyamira County, in plenary, pursuant to Section 33(3)(a) of the County Governments Act and Standing Order No.80(1)(B)(2).

Hon. Senators, at its meeting, today, 27<sup>th</sup> November, 2025, the Senate Business Committee (SBC) considered the provisional dates for this investigation in the event that the matter was investigated in plenary. In line with the schedule of activities for an impeachment hearing in plenary, I hereby give the following directions-

(a) The Clerk of the Senate to issue instructions to appear to the parties on Thursday, 27<sup>th</sup> November, 2025;

(b) The parties to file their responses with the office of the Clerk of the Senate by Monday, 1<sup>st</sup> December, 2025 by 5.00 p.m.;

(c) The Clerk to circulate documents received from the parties, including the plenary hearing programme to all hon. Senators by close of business on Tuesday, 2<sup>nd</sup> December, 2025 by 5.00 p.m.; and,

(d) The Senate shall then investigate the matter in plenary on Wednesday, 3<sup>rd</sup> December, 2025, and Thursday, 4<sup>th</sup> December, 2025.

The Senate is accordingly guided.

Next Order.

## MOTION

### ADOPTION OF REPORT ON PETITION ON COMPENSATION OF SUGARCANE CROP DAMAGED IN PAP/ORIANG', SIAYA COUNTY

THAT, the Senate adopts the Report of the Standing Committee on Roads, Transportation and Housing on a Petition to the Senate by Mr. Francis Otieno regarding compensation for sugarcane crop damaged by the Department of Public Works, Roads, Energy and Transport in Pap/Oriang' in Siaya County, laid on the Table of the Senate on Wednesday, 12<sup>th</sup> November, 2025.

*(Sen. Oketch Gicheru on 19.11.2025 - Afternoon Sitting)*

*(Resumption of debate interrupted on 26.11.2025 - Afternoon Sitting)*

**The Deputy Speaker** (Sen. Kathuri): I can see the Mover is not around, but that cannot stop us from--- Which one is this? You can proceed to reply.

**Sen. Oketch Gicheru:** Mr. Deputy Speaker, Sir, I can see you are used to seeing me as a regular Member. I am now the Chairperson to the Committee on Transport, Roads and Housing in the Senate. So, I am around and a very diligent Member of this House. I do not miss the House unless under very unavoidable circumstances.

Mr. Deputy Speaker, Sir, I take this opportunity to thank Members of the House who had the opportunity to contribute to this Motion. I want to say categorically that, as a House, we are not only here to pass legislation, but also exercise our role of representation, and part of representation is also to fight for what is good for our people and the general public.

This Petition is one of those areas that gives us the opportunity to fight for different people who might be facing a lot of challenges, including exploitation by different people in positions of power, as Mr. Francis might have faced.

Therefore, I must make it categorical that the Members of the Standing Committee on Transport, Roads and Housing who got a chance to listen to this petition, gave it a thorough hearing. I want to thank Sen. Chute, Sen. Tobiko, Sen. Wambua, Sen. Kinyua, Sen. M. Kajwang' who is a Member of this committee, Sen. Miraj and Sen. Crystal Asige, the very committed Members of this Committee.

Mr. Deputy Speaker, Sir, while I am grateful to Members who had the chance to contribute to this Motion, I must also say that I have seen a very dichotomous element in debating when it comes to reports in this House, of course, starting with the report that we presented here.

On one hand, I saw Members, and I will not mention names, who were keen on reading the entire Report in its entirety, and after reading the report, they saw the judicious nature of the work that we did. I want to thank those Members because we must read these reports.

When you read the report, you not only understand why the Petition was there, but you also get to understand the nuances that our people are dealing with in the course of carrying out their day-to-day duties and livelihood aspirations in the communities.

Mr. Deputy Speaker, Sir, without casting any aspersions on a few Members who did not read this report thoroughly and contributed so passionately, but then ended up bashing the report, I want to invite them that it is very important to read the report. For instance, I saw a few Members here getting up and going to the conclusion or the recommendations given by this report, which was very thorough, that the Senate based on the nature of how this matter was presented to it, does not have the jurisdiction to deal with the issue, and then they just attacked the report.

For those Members who did not read the report, let me reiterate that the Petition that was presented before this House was between Mr. Francis Otieno and the County Government of Siaya. Mr. Otieno had sought that the County Government of Siaya pays him for having damaged his crop in the course of constructing a road through his shamba.

At face value, the understanding of the Petition was that the County Government of Siaya was directly implementing a project that was affecting the land of Mr. Otieno.

Therefore, that would mean that we should hold the County Government of Siaya's public works department liable.

Upon inviting the County Government of Siaya and inviting Mr. Otieno, we further established that this was far from the truth. There was actually a contractor by the name Mr. Aineah, who had been contracted to do a different project in the hospital and because he did not have the time to go around the shamba, the contractor had an agreement with Mr. Francis Otieno to pass through his land and access the construction site. So, that was not something that was made clear initially.

So, then we said, let us invite the contractor to give us his side of the story. Let us invite the County Government of Siaya, led by none other than the CEO, as established in Article 179 of the Constitution, who is the Governor of Siaya County. We had all three parties come before our Committee.

When they came, we established other complexities that had not been indicated in the Petition. For instance, we established that the petitioner had a contractual agreement with the contractor to cross the farm. They had an agreement that involved compensation for accessing the project site. Therefore, we established that there was no road construction on this piece of land. Two, we established that there was not just access, but simple access. It was an agreement that the contractor and the said petitioner had actually come to.

If the people who are bashing the report dare to read it, they will realize that, in the first place, the contractor and the petitioner had agreed to a deal of Kshs34 million as compensation. It is written in the report that the two had gone and engaged the Ombudsman over their initial agreement of Kshs34 million and after that meeting with the Ombudsman, they further agreed to revise the money down from Kshs34 million to Kshs1.3 million, which the contractor was not honouring.

Lastly, after a tête-à-tête between the two of them, after all those engagements, they had even engaged the Department of Public Works informally to try and find a way of paying each other, the petitioner went to court over that agreement that they had with the contractor.

So, by the time this Petition was finding itself in this House, the matter was active in court, which, if the petitioner had been very frank and very open about all those incidents and that historical background and not limiting it only to the issue of County Government of Siaya, then, perhaps, even the petitioner could not have been admitted in the first place. It was *sub-judice*, hence, the recommendation by the Committee that this Petition was not properly before us and the jurisdiction was not subject to the Senate.

So, I wish that the Members who are bashing the report would take time to read and understand the historical background. For instance, we are getting the findings as raw as possible. In fact, when the petitioner appeared before us, the petitioner said that he could not speak in English and there was no prior arrangement or even request to get an interpreter, so that he could present his case to the best of his ability. Do you know that the Committee took the hardest decision to say, okay, we are ready in the meeting---

*(Sen. Okiya Omtatah crossed the aisle  
without bowing to the Chair)*

**The Deputy Speaker** (Sen. Kathuri): Sen. Okiya Omtatah, you have violated these Standing Orders twice. First, is standing between me and the Member speaking, and two, is to cross to the other side of the aisle.

**Sen. Oketch Gicheru:** Mr. Deputy Speaker, you know that Sen. Okiya Omtatah has spent a lot of time in the streets, so this criss-crossing in the streets anyhow is his habit, but you can perhaps forgive him, so that he can learn the manners of the House. With time, he will understand.

**The Deputy Speaker** (Sen. Kathuri): Sen. Oketch Gicheru, I have listened to you keenly since you started. Once you bring a report to the House, the Members will read and debate it the way they think is the best way. You have said that the Members bashed the report. First, you thanked those who were positive on the report.

**Sen. Oketch Gicheru:** I did, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): You should still thank those who negated the Report for taking time to debate the Committee's report. Therefore, reply in a way that does not demean the effort or the work your colleagues are doing.

**Sen. Oketch Gicheru:** Thank you, Mr. Deputy Speaker, Sir. This House has Standing Orders and I am grateful that you are the one who taught me most of it in the early times. You know, you are an elder and you used to sit with me and you would show me the Standing Orders. One of the Standing Orders that I am passionate about is Standing Order No.105 on factual conversation in this House.

There is danger of possibly misinforming the public when one does not read the report and absorb it. That is the context in which I am trying to make those clarifications. The public could have been misinformed that the Committee did not handle the petitioner appropriately or maybe dismissed him, which would be a miscarriage of justice. That is a misrepresentation of fact.

Otherwise, I appreciate them for contributing. Any contribution is still a contribution. If you invite me to a harambee---

**Sen. Cherarkey:** On a point of order, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): Sen. Cherarkey, you are on intervention. What is your point of order?

**Sen. Cherarkey:** Mr. Deputy Speaker, Sir, I rise under Article 50 of the Constitution of Kenya. Some Members together with me expressed reservations on the report. Sen. Oketch Gicheru should realise he is replying to the Motion. Article 50 of the Constitution states that justice should be adjudged without technicalities.

We differed with the report of the Committee because we found that the Committee did not recommend anything. They just acted on the rule of *sub judice*, which does not apply because there is what you call principle of separation of powers.

I rose under Article 50 of the Constitution and I am not debating. Is it in order for Sen. Oketch Gicheru to isolate a few Senators who differed with the report? This is not a choir. Must we agree with the report? Our argument was very simple. We needed to know why the report failed to give a way forward on the prayers of the Petitioner. That was our argument because the Constitution states that technicality should not affect justice to the aggrieved individual.

Is it in order for Sen. Oketch Gicheru, the Chairperson of the Committee on Roads and Transport, to continue running over the reason and Solomonik engagement of Members of this Senate? Can he withdraw and apologise? If he does not do that, we will shoot down the report.

**Sen. Oketch Gicheru:** Mr. Deputy Speaker, Sir, time without number, I keep on talking about the need for Members to read and understand. You have heard my brother, Sen. Cherarkey, quote Article 50 of the Constitution on matters of technicalities. He has done that twice and you can confirm with the HANSARD, yet that is not the right article. He does not understand that.

The judicial authority given to this House is found in Article 125 of the Constitution. That is what makes us become---

*(Sen. Cherarkey spoke off record)*

Just relax, I educate you, my friend.

Mr. Deputy Speaker, Sir, he quoted procedural technicalities which is established under Article 159 of the Constitution. That article is the one that gives us, as a House, judicial authority where we are then established as a High Court under Article 125 of the Constitution. I will read it for him.

Article 159 (2) (d) states-

“(d) justice shall be administered without undue regard to procedural technicalities;”

That is the article that he was trying to quote, but he quoted the wrong article of the Constitution. It is for that reason that I am saying that these Senators, like Sen. Cherarkey, are not reading the entire report. They are just being---

**Sen. Cherarkey:** On a point of order, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): What is your point of order, again?

**Sen. Oketch Gicheru:** Mr. Deputy Speaker, Sir, he is once again debating the Report.

**Sen. Cherarkey:** Mr. Deputy Speaker, Sir, I argued on Article 50 of the Constitution on fair hearing and technicality, which I extrapolated under Article 159 of the Constitution. When you read the fair hearing process, you will see that it is well set out. So, my argument was simple. Was the petitioner given a fair hearing as per the Report?

I am surprised because this is the first time a Chairperson of a Committee is running away from his own report. He is arguing that they gave a way out, yet the report that we read does not have a way out. Could it be that the House was given a wrong Report? From what we have, there is no way out. The argument was that the matter is still in court under Alternative Dispute Resolution (ADR).

Can Sen. Oketch Gicheru table the real report and tell us the conclusion of the Committee on the petitioner's prayers on the issue of the County Government of Siaya and the matter in court? I say this because what we were given is totally different. You must have seen him gallivanting and perambulating around the issue by saying, “oh, you

know, the matter is *sub judice*.” Can he tell us what they recommended? Can he read the recommendation for the benefit of the House?

**The Deputy Speaker** (Sen. Kathuri): Sen. Cherarkey, the report was discussed yesterday in this House and I was sitting here most of the time. There was that conclusion. It is in your gadget. You can check the report. I referred to it when I heard Members not agreeing with the recommendation of the Committee. It is there. You can have a look at their recommendations.

Conclude, Sen. Oketch Gicheru.

**Sen. Oketch Gicheru**: Let me conclude, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): I wonder why you have all this time. You only had 15 minutes.

**Sen. Oketch Gicheru**: I will conclude, Mr. Deputy Speaker, Sir. If I do not do conclude, there is the danger of Sen. Cherarkey re-debating the report in the pretext of what I have just complained about, not reading, and he wants me to take him back to class to read again. I cannot do it. The work was done.

In a report, we have Committee observations which is now establishment which then informs recommendations. We also have a history of the report.

*(Sen. Cherarkey spoke off record)*

Mr. Deputy Speaker, Sir, you have to protect me because Sen. Cherarkey is now debating the report, yet he had done that. We do have Senators in this House---

**The Deputy Speaker** (Sen. Kathuri): Mr. Chairperson, Committee on Roads and Transportation, you are the one who opened this debate when you bashed the Members of the Senate.

**Sen. Oketch Gicheru**: I was not bashing them, Mr. Deputy Speaker, Sir.

**Sen. Mungatana, MGH**: On a point of intervention, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): I will open the Floor to Members to interrogate your issues. Sen. Mungatana, are you on a point of order?

**Sen. Mungatana, MGH**: Mr. Deputy Speaker, Sir, I was on intervention. I want to bring the Hon. Chairperson to the attention of Standing Order No.235, which sets the form of Petition. The petitioner is supposed to show whether there was any other body that dealt with the matter and what the reply was. He is also supposed to indicate if the matter was pending before any court of law. If the matter is pending before court, that petition is dismissed immediately. The recommendation of that report said that the petitioner should go and seek other bodies to solve out the matter.

I say this, Mr. Deputy Speaker, Sir, with a lot of respect. The Chairperson should be a bit restrained in his wording. Assuming that Senators did not read, he is going in the wrong direction. If I were him, I would have said that we discovered the matter was in court and we withdrew.

It is not the first time that such a thing has happened. When we were in the Senate Standing Committee on Energy, Sen. Okiya Omtatah brought a Petition on behalf of the residents of Uyombo village in Kilifi County. When we went there, the moment we discovered that the matter was in court, we closed the matter, and the report came here,

before the House to say that. We did not come to say, “Follow the matter with other legislative or adjudicative bodies”, like what the report has said. Look at that recommendation and the summary of the recommendations. We read that report. The recommendation was clear that the petitioner should go to other adjudicative bodies.

Please inform me.

**The Deputy Speaker** (Sen. Kathuri): Sen. Eddy Oketch, there is a way Sen. Mungatana communicated to me and we were able to communicate. So, proceed to inform him if he has accepted to be informed.

**Sen. Cherarkey:** Mr. Deputy Speaker, Sir, so that we dissuade this misinformation by the Chairperson of the Senate Standing Committee on Roads, Transportation and Housing, I have the report, unless the Committee Chairperson is running away from the report.

Item 6.0 - Committee Recommendations states-

“(1) In accordance to the above Prayer, the Committee states that it cannot grant these prayers. The petitioner has failed to produce any documentation or formal contract to the Committee linking the Department of Public Works, Roads and Transport. However, the Committee recommends that the petitioner to pursue the original contract entered between him and Mr. Onyango through other appropriate jurisdictions.

(2) In response to the above prayer, the Committee recommends that any grievances from petitioner should be addressed through appropriate legal channels, as the Committee has noted that the petitioner lacks authority to raise their complaint about the alleged encroachment.”

So, he has already violated Standing Orders Nos.232 and 235. Therefore, I would like to inform my brother, Sen. Mungatana, that it is right. The Chairperson did not read the report.

I yield, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): Have you informed him that he is right?

**Sen. Cherarkey:** Yes, he is right

**The Deputy Speaker** (Sen. Kathuri): Sen. Tabitha, please proceed. Let us conclude this matter. Do you want to further inform Sen. Mungatana? Are you on a point of order?

**Sen. Tabitha Mutinda:** Thank you, Mr. Deputy Speaker, Sir. It is not really a point of order, but information. I would like to request for a minute.

In Sen. Eddy's submissions as the Chairperson, there is something that he brought out. In my opinion, perhaps the Clerk of that Committee was not able to put that information in this report, and it was an oversight. What am I saying? It seems that when the Petitioner appeared before the Committee, he did not disclose full information. The petitioner did not indicate that the matter was in court. He did not indicate earlier, when he appeared before the Committee that there was a contract between him and the contractor.

So, as pertaining the Standing Orders of the Senate, the Committee started listening to this Petition until at a point that they invited the contractor. It is at that point that the Committee realised that the matter was live in court. Therefore, the Hon. Chairperson gave directions and said, we cannot proceed if this matter is in court. The

Petitioner was not honest enough to say this matter is in court, and to bring out everything and all the agreements.

The contractor brought about written, live agreements that they had entered with this petitioner. So, the petitioner is the one who was not honest. However, perhaps, the Clerk of this Committee should have written and highlighted these recommendations, so that Members can see that.

I thank you, Mr. Deputy Speaker, Sir.

**Sen. Cherarkey:** On a point of Order, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): No, I want to advise Sen. Tabitha Mutinda. This report does not belong to the Clerk. This is a Committee's report. The Chairperson is the Chief Executive Officer (CEO) of that Committee. This document now belongs to the House of the Senate. So, Sen. Oketch, leave it for the Senate to make the decision that they feel is appropriate. It is not your Committee's report any longer. This is the Senate's report. Any decision made by the Senate, in one way or the other, there is a question to be put. So, the Senate can negate the report.

That said, what Sen. Mungatana asked is very genuine - When the Committee realised that matter was active in court, why did you proceed to execute that Petition? You should have dismissed that Petition because it is a matter pending in court. Even when reading a petition, at the bottom of any petition, the Clerk or the petitioner declares that this matter is not pending in a court of law. So, once you realised that the matter was in court, why did the Committee proceed to hear and summon? I do not know whether you visited the county. Did you visit the county?

*(Sen. Oketch Gicheru spoke off record)*

**The Deputy Speaker** (Sen. Kathuri): Write them down or you cram them. The issues raised by the Members are very genuine. Just conclude and leave it at that. The Senate will make the decision on the report in one or the other, when the right time comes.

**Sen. Oketch Gicheru:** Mr. Deputy Speaker, Sir, when I serve in the Committee, I serve under your honour. I do your work in the Committee. When I am doing your work in the Committee and come to this House, I tell you things as they happened, not as I think they should have happened. That is why when I bring you a report in the House, it then becomes your property as a House because I have informed you about what happened.

*(Loud consultations)*

Mr. Deputy Speaker, Sir, can you protect me? I am being harassed by Senators who feel that they are legally sounder than I am.

**The Deputy Speaker** (Sen. Kathuri): Sen. Oketch, avoid exchanging with your colleagues.

**Sen. Oketch Gicheru:** If you protect me, I will avoid, because I cannot avoid hearing Sen. Cherarkey and Sen. Mungatana shouting.

**The Deputy Speaker** (Sen. Kathuri): Sen. Cherarkey---

*(Sen. Cherarkey spoke off record)*

*(Loud consultations)*

**Sen. Oketch Gicheru:** Mr. Deputy Speaker, Sir, will you protect me?

**The Deputy Speaker** (Sen. Kathuri): Sen. Mungatana, let him conclude the reply

**Sen. Oketch Gichehu:** Mr. Deputy Speaker, Sir, there is a point of order button. If the Senators want to put a point of order, I will see it, they can express themselves and then I will listen respectfully to what they want to bring up.

*(Loud consultations)*

**Sen. Oketch Gicheru:** I am on HANSARD, requesting you as the leader of this House, because this is a very important Petition. We have done a narrative of everything that transpired. I encourage the Senators that, before they take a decision on this Report, they read it. There are Senators who read it very well and understood it. I appreciate them. That informed their---

**An Hon. Member:** On a point of order.

**The Deputy Speaker** (Sen. Kathuri): I cautioned you about bashing your colleagues.

**Sen. Oketch Gicheru:** I did not bash them.

**The Deputy Speaker** (Sen. Kathuri): I cautioned you. You invited yourself to all this.

*(Loud consultations)*

Sen. Eddy Oketch, you are the Chairperson of the Committee.

**Sen. Oketch Gicheru:** Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker, Sir---

**Hon. Senators:** Point of order!

**The Deputy Speaker** (Sen. Kathuri): Have your seat. There is a point of order from Sen. Mungatana.

**Sen. Mungatana, MGH:** Mr. Deputy Speaker, Sir, I want the Chairperson of this Committee to take responsibility now that he is asking for it. I am standing under Standing Order No.105 on responsibility for statement of fact for the statement that some Senators did not read. Did he spend the night with all these Senators to know whether they read the report or not? Is he in order? Can he withdraw and apologise for that statement? We do not come here to joke, my friend.

**The Deputy Speaker** (Sen. Kathuri): What is your point of order, Sen. Esther Okenyuri?

**Sen. Okenyuri:** Mr. Deputy Speaker, Sir, I equally take offence because I gave my views on this report as insufficient based on what I read. I am entitled to give an

opinion. It is not all the time that we have to agree with what has been brought here. I gave my views based on what was brought by the Committee. Therefore, I implore the Chair to be kind because we have actually gone through the report. It is on that basis we are giving our views.

Thank you.

**The Deputy Speaker** (Sen. Kathuri): Sen. Cherarkey, what is your point of order again?

**Sen. Cherarkey:** Mr. Deputy Speaker, Sir, I rise under Standing Order Nos.101 and 105 on contents of speech and responsibility for statement of fact. Have you seen the Chairperson, Standing Committee on Roads, Transportation and Housing, trying to impute improper motive against the Senators of this House? This House is blessed with vast people who can read and understand

Mr. Deputy Speaker, Sir, I read that report. You have done a good job. I have read all the reports. I am even reading his report at the moment. Can he withdraw and apologise? Or, if he does not want to withdraw and apologise, pursuant to Standing Order Nos.122, 123 and 125, he should be thrown out. Kenyans would believe that their representatives do not read. You can imagine the embarrassment, while some of us are very learned.

**The Deputy Speaker** (Sen. Kathuri): Chairperson, Standing Committee on Roads, Transportation and Housing, you even saw the Chair referring Members to that document because I also read it. You heard me referring Sen. Cherarkey to his ipad so that he can also read the conclusion because I read the report.

Sen. Oketch Gicheru, Chairperson, Standing Committee on Roads, Transportation and Housing, you have been doing so well since your appointment as the Chair. However, I do not know what has happened to you this afternoon that you have the audacity to lecture other Senators. Kindly withdraw the statement that Senators do not read the reports and apologise to the extent that Senators would be satisfied.

**Sen. Oketch Gicheru:** Mr. Deputy Speaker, Sir, if it pleases you, I withdraw and apologise.

**The Deputy Speaker** (Sen. Kathuri): If it pleases me or the House?

**Sen. Oketch Gicheru:** “You” does not refer to “Mr. Deputy Speaker.” “You” is a word that refers to the House. That is what the English I was taught tells me. With a lot of sincerity, this is a House of justice. I am trying to petition the House, on behalf of this petition, to seek deeper understanding of some of the issues that we are told to bring to this House as a Committee.

You asked me a fundamental question on whether we visited the site. I was getting there had it not been for Sen. Cherarkey, whom I did not even question whether he had a different interpretation of this report or not. The reason why the Committee decided not to visit the site is because we discovered it was an active matter in court, as we were dealing with the petition. If the petitioner had indicated that this matter was in court from the beginning, we could have dismissed it without hearing.

Mr. Deputy Speaker, Sir, we were very clear about the language that has been used. The recommendation that has been used verbatim is that, as per the matter between the contractor and the petitioner, let them pursue it in the jurisdiction that it is in. In

simple English it means, if it is a matter in court, let them deal with it in court. I do not know whether a few Senators wanted us to explicitly tell them go to court.. You have established that this matter is being dealt with in a different jurisdiction. Let it continue in that jurisdiction. That is what I wanted to encourage.

Having said that, I reply.

**The Deputy Speaker** (Sen. Kathuri): Sen. Eddy Oketch, what do you want me to do?

**Sen. Oketch Gicheru:** Hon. Deputy Speaker, pursuant to Standing Order No.66 (3), I beg that putting of the question be deferred to a later date.

I thank you.

**The Deputy Speaker** (Sen. Kathuri): The putting of the question on the Motion has been deferred.

*(Putting of question on the Motion deferred)*

Next Order.

*(The Clerk-at-the Table consulted with the Deputy Speaker)*

Hon. Senators, we will defer Order No.10 and 11.

## MOTION

### THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, pursuant to Standing Order No. 27 (6), the Senate –

(a) Records its thanks for the exposition of public policy contained in the Address of His Excellency the President, delivered on Thursday, 20<sup>th</sup> November, 2025 and laid on the Table of the Senate on Tuesday, 25<sup>th</sup> November, 2025; and

(b) Notes the following Reports submitted by His Excellency the President in fulfilment of Articles 132 (1) (c) (1) and 240 (7) of the Constitution, laid on the Table of the Senate on Tuesday, 25<sup>th</sup> November, 2025 –

(i) 12<sup>th</sup> Annual Report on all measures taken and progress achieved in the realization of National Values and Principles of Governance; and

(ii) The Annual Report to Parliament on the state of National Security, 2025.

*(Motion deferred)*

**MOTION****ADOPTION OF REPORT OF COMMITTEE ON HEALTH ON OVERSIGHT  
NETWORKING ENGAGEMENTS IN LAIKIPIA AND MERU COUNTIES**

THAT, the Senate adopts the Report of the Standing Committee on Health on the County oversight networking engagements in Laikipia and Meru Counties laid on the Table of the Senate on Tuesday, 11<sup>th</sup> November, 2025.

*(Motion deferred)*

Let us move to Order No.12. Sen. Eddy, proceed.

**MOTION****ADOPTION OF REPORT OF COMMITTEE ON HEALTH ON  
OVERSIGHT NETWORKING ENGAGEMENT IN KILIFI COUNTY**

THAT, the Senate adopts the Report of the Standing Committee on Health on the County oversight and networking engagement in Kilifi County laid on the Table of the Senate on Tuesday, 11<sup>th</sup> November, 2025.

*(Sen. Mariam Omar on 26.11.2025 – Afternoon Sitting)*

*(Resumption of debate interrupted on 26.11.2025 - Afternoon Sitting)*

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, Sen. Eddy had a balance of 17 minutes. You can either use your minutes or ---

*(Sen. Oketch Gicheru spoke off record)*

Does it mean you have not read it?

**Sen. Oketch Gicheru:** No, I have read it, but there are things I want to refer to. May I have the hard copy?

Mr. Deputy Speaker, Sir, I know I have had heated debate today in the House because I was fighting the issue of scanning reports instead of reading them. However, it does not affect you. I know that you are an elder and read reports. Even the people I was talking about are good readers. Some of them are lawyers. I was not even referring to them in the first place, so they should be okay. Sen. Okenyuri reads reports all the time. The people I was doubting are not even in this House right now.

Yesterday, I was contributing and appreciating the Standing Committee on Health for the great work they did in Kilifi County. When a good job is done, I will always appreciate. This was a networking and oversight visit where they established findings. Perhaps, it might interest the House to know that, together with my sister, Sen. Tabitha

Mutinda, we served in the Committee on the Shakahola matter. We had a task to do when we went to Kilifi. Part of our oversight was visiting the hospital and looking at some of the observations that are appropriately indicated here. They are factual because we also observed them when we went there.

One of the observations that I care about that this Committee observed is the infrastructure of the pharmacy at the hospital. You can do all diagnostics in a hospital. You can have all the equipment in a hospital. You can have the best personnel possible in a hospital, but if you do not come to the main point where the rubber meets the road, which is the drugs that are administered to people to cure them; then it can be a struggle.

The challenge that we are having is lack of proper infrastructure of pharmacy in this hospital. That then culminates into the issue of lack of drugs entirely in this hospital or sometimes the lack of proper records on drugs, which then leads to issue number three that was observed by the committee. I might not get time to go through what I read yesterday, which was the issue of expired drugs that cost Kilifi County a lot of money.

These are issues that I find global. They are not only manifesting in Kilifi County; but also manifesting in other hospitals in our own respective counties. It is an issue that I think this House should perhaps extrapolate from this report and make it a substantive issue on how do we deal with this issue of drugs in the hospital?

Why is it that in all the hospitals that we have in our counties, that are county hospitals, always when people go to get medication, they are given prescriptions and then they are told there are no drugs here, but the doctors and the physicians in those hospitals are very particular in recommending where you are going to get the drug.

They are very particular. They will tell you there is no drug in Migori Hospital but you go to this particular pharmacy in Migori Town. If it is just a matter of prescribing as a physician and not knowing the number of chemist shops that are around, then you should allow people to just go where they can get the drug in a free and fair manner. They prescribe specific places and this matter also happens when it comes to diagnostics.

We have complained about the state of healthcare in our communities, in counties, being a mission care, not an issue of profiteering from the sickness of our people. How come, for instance, the services around ultrasound or radiology services or any other diagnostic services in these hospitals in our counties, you go to a hospital A, the amount that you are being charged is different from hospital B, which is just a stone throw away from hospital A.

When you go to another facility, which is not a hospital, but it is just a simple diagnostic centre, you are charged more. We are seeing it even in Nairobi here. I have said time without number that if you go, for instance, for an MRI service in Aga Khan, for instance, you will be charged Kshs45,000. This is real. Then if you go to Mediheal, you are charged Kshs19,000. If you go to Kenyatta, it is below Kshs9,000. It is the same service, same machine and same results. How did we get there as a country, where the same service in the medical field would cost different prices? They are not marginal differences in the prices; they are humongous differences.

That is happening in relation to drugs. It is happening with all diagnostics services in all hospitals. I think this is the core element of this report. The question around drugs and diagnostic services is a question that this House must address itself to, not only on

the Kilifi County Referral Hospital, but we need, perhaps, to do a serious legal assessment test as a House, now that we are a House of legislation.

We need to do a proper legal assessment on the status of drug administration, drug management and drug delivery in our hospitals to the extent that we must make sure that drugs are available. Otherwise, we might be running counties where - I hope that I will not be casting aspersions here; of course, it is not Members of this House - people have got serious vested interests in the medical field so that they are actually the ones who are running these pharmaceuticals. It could be doctors, it could be clinical officers in our hospitals, but even worse, it could be the governors themselves, their chief officers or their CECMs running these kiosks around and peddling some pocket change. Maybe they have got some aligned incentives with the systems in the hospitals to sell drugs and therefore ending up making it difficult for people to access drugs.

Mr. Deputy Speaker, Sir, this is what I wanted to emphasise on, but other than that, I think there are other issues that were very good in this report that I think they can be explored by other Senators. I think that it would be good that I give other Senators time.

I just want to plead with this House that let us have a conversation around drugs and drug management in our hospitals and make sure that our people can be able to get drugs.

This is a problem that I am seeing in Migori County. People are calling me from Migori County every single time. They have gone to hospitals, they have been given prescriptions and diagnosis from the doctors and physicians there and then there are just no drugs. Despite this, you can see in the budget of Migori County that money was dispensed; money was used to buy drugs. The money that is being paid to KEMSA is a lot of money to get these drugs. How come that people just do not have those drugs?

I want to encourage the Members of this House that are future governors, including, Mr. Deputy Speaker - I see you as a very sober leader in this House. I believe that one day, you will become a governor. We have got people like Sen. Tobiko who I am praying hard that one day she becomes a governor. There are many of us here who are aspiring governors. As we interact with these reports, let them inform our strategic thinking when one day we become governors in those counties, that when you do become governor, let us deal with fundamental issues. One of those fundamental issues is drugs, but the last one that is very important, I hope that all our sub-county hospitals, not the county hospitals, will one day have functional maternity wings.

It is embarrassing, because when you look at the infrastructure across Kilifi County, today things like Cesareans for deliveries has become a fundamental technology, a very simplistic technology but a very core, key one.

You cannot keep on having people being referred to the county referral hospitals such as mothers to go and deliver on cesarean on a technology that is now basic and must be available to everyone.

In Migori County where we have got eight major sub-counties and then 10 in total; would it not be so good if our health centres were equipped in a way that they can help our mothers deliver? When you make it a condition that cesareans can only be done in the county referral hospital like the Migori Hospital, a mother coming from Nyatike in

this rainy season, must travel through bad roads, the extra expense of getting to the hospital and then get there and then find another queue.

She arrives at the hospital tired after being battered in bad roads, she has to queue and then there is the cost implications of all this. It is not fair to our mothers. I hope, and I want to encourage, one day when Sen. Cherarkey becomes the governor of Nandi, and I am wishing him well, because as a lawyer, he knows the law, but he is learning from people who have run businesses and are managers from this House. There are very good professionals in this House. He will go and establish this fundamental infrastructure for people in Nandi County, the same way one day if Sen. Tobiko becomes the Governor of Kajiado, she will make sure that there are maternity facilities in all the sub-counties. She will ensure that there is adequate access to drugs in all the sub county hospitals and even dispensaries. By the way, if we deal with those two issues, we can fundamentally improve the state of healthcare in our counties.

Mr. Deputy Speaker, Sir, so that I allow my colleagues time to also make their input on this report, I want to appreciate as well as support this report in totality.

I thank you.

**The Deputy Speaker** (Sen. Kathuri): Proceed, Sen. Cherarkey Samson.

**Sen. Cherarkey:** Mr. Deputy Speaker, Sir, I would like to commend the Committee on Health. In the last Parliament when I was the Chairperson of the Committee on Justice, Legal Affairs and Human Rights, the committee then defined what the Senate was. I think the Committee on Health, led by my elder sister Sen. Sheikh Omar, the Vice Chair, is continuing to distinguish the Senate.

I will not get tired saying that whether devolution works or fails, it is because of the issue of health. If the health sector succeeds, then devolution will have succeeded. That is why the Senator for Migori has insisted on very critical issues in terms of how the health sector should be.

Mr. Deputy Speaker, Sir, as I support this report, I would like to thank the Committee on Health---

**The Deputy Speaker** (Sen. Kathuri): With another hat, I also chair the Liaison Committee of the Senate. However, I have never met Sen. Sheikh in any Liaison Committee meeting. You said that Sen. Sheikh Omar chairs the Committee on Health.

*(Loud consultations)*

You said that the committee is led by the Vice-Chairperson who is Sen. Sheikh Omar. I am wondering; how is the committee led by the Vice-Chair? That is my question because Sen. Mandago is a Member of my committee.

**Sen. Cherarkey:** I will rectify for the comfort of the House. My apologies because I thought I said this report was brought here by the Vice-Chair, Sen. Omar Sheikh. I think that is correct if my memory serves me right unless she did not move the Motion. I would like to change by saying the committee led by Sen. Mandago, if that will please you.

I was celebrating the committee. You know a committee is as good as the Chair and its membership. Since I used to chair a committee, I would like to encourage my

younger brother that some of us *ni chuma ya zamani*. We have been chairing committees and, therefore, we can share with him invaluable lessons moving into the future.

Mr. Deputy Speaker, Sir, I am celebrating the Committee on Health and I am happy that some of the Members are here. I can see the Vice-Chairperson being distracted but I hope she will get what I am saying. I celebrate the Committee on Health for the good job they are doing. We also have Sen. Tabitha and others.

Mr. Deputy Speaker, Sir, I would like to repeat, so that they get it clear. This session of the Senate will be defined by the Committee on Health because they are doing extremely well. As the Chairperson of the Liaison Committee, make sure that they have enough resources to go round the entire country, including Migori because the story is sad from what we have heard from the area Senator. Giving birth should be a blessing and not a curse in our areas.

This report is detailed. I am shocked by the industrious nature of the Committee on Health. In some of the pictures, you can see the walls are not painted. They even talked about laundry. They have gone to details because the devil is in the details and that is what I like about this report. They are talking about lack of paint, poor laundry services and issues of drugs and Intensive Care Units (ICUs).

They also visited Mtwapa Sub-County Hospital in Kilifi. I have seen the pictures but, unfortunately, my report is not coloured. I saw Sen. Tabitha in one of the photos seriously looking at the drugs, perhaps, to establish whether they are expired or not. I think that is important. I am happy with the way they are doing their job. I hope to host them soon in Nandi County because there is a sad story.

They tabled a report a few minutes ago about Meteitei Sub County Hospital, Nandi Hills Sub County Hospital and Mosoriot Sub County Hospital. It is a sorry state. For example, Meteitei Sub County Hospital does not have even one gynaecologist to assist our women in case they develop complications. Out of almost 200 nurses needed in Nandi Hills Sub County Hospital, there are less than 70. There is even no procurement plan. The issue of expired drugs is common in both Mosoriot Sub County Hospital and Nandi Hills Sub County Hospital. That is a problem.

I am told Phase One of Kilifi County Referral Hospital Complex was allocated a budget of Kshs389 million. In future, the committee should give us the status of that project so that we are aware of what is happening. I know those issues will come before the County Public Accounts Committee (CPAC) because they are being futuristic.

Let me quickly look at a few issues that have been raised especially regarding Mtwapa Sub County Hospital. I am happy that the facility is an eight-bed capacity, serving almost 400 people daily and it is located off Mombasa-Malindi Road. Serving 400 patients daily, it means it is a huge facility but they are seriously understaffed, which is very unfortunate. There is also the issue of inadequate infrastructure. I am happy because the committee has indicated that apart from waiting bays, pharmacy stores, severe understaffing---

Mr. Deputy Speaker, Sir, this is what I request the committee because I will make four comments only. Through the Chair, Vice Chair and Members of the Committee on Health, you should have recommended immediate closure of the hospital.

The committee has stated that the facility's pharmacy lacks an accreditation licence from the Pharmacy and Poisons Board (PPB) which is likely to jeopardize patients' safety and regulatory compliance. This is a sufficient reason for the committee to order immediate closure of Mtwapa Sub County Hospital. If they do not have accreditation, then that is unfortunate.

The Mover of the Motion, who is also the Vice-Chair, and Members of the committee who are here should guide us. To me, that is a sufficient reason to order for closure of the hospital.

Others are issues of salaries and incinerators. I think these are small issues that we should not be discussing in the Senate of the Republic of Kenya. What we should be discussing is how to ensure that the Kenya Medical Supplies Authority (KEMSA) becomes efficient in terms of supplying drugs.

Yesterday a report was tabled here and we saw that Meru Teaching and Referral Hospital (MeTRH) is experiencing serious issues. We also have Kibirichia Sub-county Hospital having issues. The incinerator is dysfunctional and that is unfortunate because it helps in waste management. Nyahururu County Referral Hospital in Laikipia has a similar challenge of managing the waste from the hospital.

Another one is the issue of staff salaries. The staff have not been paid for two months. I am happy that the committee noted that the County Public Service Board (CPSB) should move with speed and ensure that staff are paid---

Mr. Deputy Speaker, Sir, we also have interns and what we call contracted cleaning staff here in Parliament. These are people who live from hand to mouth. It is small money to some of the big men in the County Government of Kilifi because it could be Kshs7,000 or Kshs10,000 but it means the world to those cleaners. I am happy that the committee has directed that those cleaners must be paid.

Mtwapa Sub-county Hospital attends to about 400 people daily. We all know where Mtwapa is. That is where there is life around Mombasa. People who like nightlife or nocturnal activities will tell you what goes on in Mtwapa. You only see but you do not say it anywhere else.

Mr. Deputy Speaker, Sir, I do not know whether Members of the committee who are here can direct because these issues are critical. In future, the county government must be held to account. Looking at the money for improving the facilities, they have allocated a huge chunk of money which should be looked at. For the benefit of the Committee, I have seen improvements in other facilities with a lot of money.

Mr. Deputy Speaker, Sir, looking at the Kilifi County Referral Hospital, I do not know whether this is backed by statistics but we are aware it is 1.5 million. Those are similar problems we saw in Meru County Referral Hospital, Kibirichia, Nanyuki and Nyahururu. Even in Nandi, Kapsabet or Nandi Hills, the issue of staff is a problem.

I am happy that a report has been laid by the Senate Majority Leader on some of these hospitals and the problem I have is critical. For example, Meteitei Sub-county Hospital needs almost 17 medical officers but they only have three. What does that mean? Poor service delivery. Imagine Kilifi County Referral Hospital is the major hospital that serves 1.5 million but they have challenges in staffing.

I am still shocked and I would like to appeal to the Committee on Health to order immediate closure of Kilifi County Referral Hospital because it is operating without a valid Pharmacy and Poisons Board license. Who knows the quality of drugs, whether they are expired or not?

Mr. Deputy Speaker, Sir, one can see further, expired drugs and injectables. When I was growing up and I do not know whether malaria has lost its lethality---

**The Deputy Speaker** (Sen. Kathuri): Yes, Sen. Mungatana? Are you on a point of order?

**Sen. Mungatana, MGH:** Mr. Deputy Speaker, Sir, I am on a point of order.

Is the Senator for Nandi in order to ask for a whole referral hospital to be closed? Does he know what that means? Imagine closing a police station. Can you imagine closing a hospital and not just a hospital but a referral hospital? Is he in order to ask the Committee to order just a thing?

**The Deputy Speaker** (Sen. Kathuri): What Standing Order has he violated?

**Sen. Mungatana MGH:** He has violated Standing Order No.1.

*(Laughter)*

**The Deputy Speaker** (Sen. Kathuri): Sen. Cherarkey, proceed and conclude.

**Sen. Cherarkey:** Mr. Deputy Speaker, Sir, can I read again?

**The Deputy Speaker** (Sen. Kathuri): That is a point of argument where you can contribute and argue your point.

**Sen. Cherarkey:** I can clarify that to him because it is in the report. I want to read the provisions of the report to my brother, Sen. Mungatana so that he can be with me on the same page.

It says-

“The hospital pharmacy operated without a valid Pharmacy and Poisons Board license for both facility and pharmacist.”

This report also says that there are expired drugs, including injectables. I thought that should worry us. This is because, if a facility is operating and dispensing out drugs, they will be killing more people than saving them. Some of us when we were growing up used to fear injections. Imagine an injection that is already infected.

*(Several Senators spoke off record)*

Mr. Deputy Speaker, Sir, even warriors fear something.

I would like to appeal to the Committee that if it is possible to close down this facility because they are dispensing drugs.

**The Deputy Speaker** (Sen. Kathuri): Would you wish to be informed by Sen. Tabitha Mutinda?

**Sen. Cherarkey:** Yes, please.

**The Deputy Speaker** (Sen. Kathuri): Proceed, Sen. Tabitha.

**Sen. Tabitha Mutinda:** Thank you, Sen. Cherarkey, for allowing me to inform you. I am a member of this Committee. When we embark on the oversight role mandate

that we do, the first thing we do is to identify problems and still as leaders, offer a solution. We do not go to negate results and not give credit. In those reports, we have concentrated on the negative side and yet, there are bits of what is positive in some of those hospitals. These are some of the issues we came across but that did not warrant a Committee to make a decision of closure.

**The Deputy Speaker** (Sen. Kathuri): What information are you giving?

**Sen. Tabitha Mutinda:** Mr. Deputy Speaker, Sir, that our main goal is to try and see where the problems are and guide the counties on how to improve.

Lastly on the same, as far as the drugs we are concerned, we realized that there were expired drugs that were set aside and their value is much. It did not mean that patients were being given expired drugs.

**The Deputy Speaker** (Sen. Kathuri): Sen. Tabitha Mutinda, you will get your time to contribute to this Motion.

**Sen. Tabitha Mutinda:** I seconded it and I will not be on the Floor. I was just informing my brother on the issue that arose in terms of closing such a hospital.

**The Deputy Speaker** (Sen. Kathuri): Sen. Cherarkey.

**Sen. Cherarkey:** I am sufficiently informed, but would I rest there? What I am saying is very simple and I love my colleagues. I would like to assure that the information they are giving me is useful and because we are looking for solutions, would it be possible for the Committee to give them a 30-days period to acquire this license? That is my suggestion.

**The Deputy Speaker** (Sen. Kathuri): Sen. Cherarkey, you are right. As the Chair, even if I cannot contribute, I must give some direction. If our facility has no license from the Pharmacy and Poisons Board, it should not operate. It is illegal and they are operating illegally. The recommendation should have been to provide within a week and if you do not have the license to dispense drugs and then you have expired drugs, are you saving lives or you want to kill people?

Proceed, Sen. Cherarkey.

**Sen. Cherarkey:** Mr. Deputy Speaker, Sir, I agree with the dilemma the Committee is having because they want to close a hospital that is critical *vis-a-vis* with not operating legally. I also agree with you, Mr. Deputy Speaker, Sir.

I have read the recommendation, but they need to give us a way out. I hope that when Sen. Omar will be replying, she will give clarity on this matter.

On the issue of the kitchen, I do not think you can eat from such a kitchen. It is poor, dirty and from the photos, it is not well lit. In that hospital, you can get sicker from eating from such a kitchen. Even on paint, do we need to discuss how to paint and clean a kitchen in Kilifi? It is very unfortunate.

I would like to thank the Committee for the issue on human resource. They have classified all those issues and the recommendations are very good, especially on the issue of ambulances. That is why I am asking the Committee what will happen to all those ambulances; Sen. Mutinda, Sen. Omar and all the other Members of Health, although I do not know whether Sen. Nyaituga is part of that Committee. Have they put in place mechanisms to ensure they are functional? Can we track them because I have seen they have recommended that?

There is the issue of medical waste. They have said that incinerators must be built. There is the issue of cleaning and making sure that kitchens are okay.

There is the issue of KEMSA and I would like to thank the President when he was in Logologo, somewhere in Marsabit, he directed that KEMSA must do the last mile distribution of drugs.

There is the issue of human resource. I agree that there should be electronic health records. There is the Data Protection Act and I know Sen. Mungatana will agree with me that the Committee should have been clear on the issue of data protection and the privacy and confidentiality of patients.

Sen. Omtatah has ever dealt with litigation on the issue of data protection laws. He was one of the serious litigators on this issue. I would like to appeal to the Committee and ensure that we have good health records, as much as we are pushing for their digitisation.

Mr. Deputy Speaker, Sir, I am happy that the Committee has said that they want an inventory audit to remove expired drugs. I do not know how that can be tracked. Sen. Mutinda has informed the House that they were there and there were expired drugs. What became of it? We need to know whether those drugs were destroyed.

We know in this country, people like shortcuts. You may go back and find that those expired drugs are still in the system. How do you ensure enforcement? I call upon the agencies to look into the expired drugs. You heard the Member of Parliament (MP) of Mosop making serious accusations against the Nairobi Hospital. He said that he was given drugs that were making him worse and when he flew out of the country, he was given drugs that made him better. It is on record in the National Assembly. Not all Kenyans can fly outside Kenya, some of them cannot even drive to Arusha-Tanzania, Uganda or even to Meru from Nandi County. Thanks to the Parliamentary Service Commission (PSC), he was able to get better medication. However, is it possible for all Kenyans - the *holo poloi* from somewhere in Mulot, Bomet County, to fly out of the country to countries such as Germany?

Mr. Deputy Speaker, Sir, with those many remarks, I support this Committee report. I thank the Sen. Mandago-led Committee and Sen. Sheikh Omar, the Vice-Chairperson for the good job they are doing. Next, we want to see them in Tana River, Bomet, Nandi and Busia counties. We were in Busia County and it is a crime scene.

With those many remarks, I beg to support.

**The Deputy Speaker** (Sen. Kathuri): Sen. Esther Okenyuri, proceed.

**Sen. Okenyuri:** Thank you, Mr. Deputy Speaker, Sir. I wish to support this report by the Senate Committee on Health led by Sen. Mandago and his Vice-Chairperson, Sen. Mariam Omar. The committee continues to do quite a lot of work which puts the Senate in the picture. Actually, I miss being a member of this committee because on many occasions, we interacted with issues that Kenyans face daily.

The observations paint a very sad picture that is happening across counties. Yesterday, we talked about Laikipia and Meru. Today, we are talking about Kilifi and the situation seems to be worsening. When you look at the pictorials shared in the report, it is a really sad situation. What is even more sad is that at the Kilifi Teaching and Referral Hospital (KTRH), there are seven ambulances and five of them are grounded. Only the remaining two are operating. I really wonder how emergency cases

are handled if we have five grounded ambulances with essential parts missing because of vandalism.

I think the County Government of Kilifi needs to get more serious. If you cannot prioritise the health of your own people, where do your priorities lie? Most of the pictorials here are painting a very sad situation. You can actually see a mobile clinic just lying there and being used to store expired drugs. Ordinarily, this mobile clinic should be offering services in rural areas within Kilifi, but it is grounded and being used as a storage facility for expired drugs.

We have talked about the issue of expired drugs. Expired drugs are a threat to the environment and the people themselves. This is one of the issues that the Kenya Medical Supplies Authority (KEMSA) needs to crack the whip on. Apart from dispensing drugs to facilities, KEMSA needs to also come out and really see if the drugs they are giving to facilities are in use. Though I am not seeing the issue of disposal in Kilifi, however, the issue of having expired drugs is recurring just as we saw in Laikipia and Meru counties.

Mr. Deputy Speaker, Sir, the observation of maternity wards being overcrowded is in most facilities. Mothers who are bringing children to life should not be in overcrowded places. Anytime I visit those facilities, I have had experiences of medical practitioners telling me that children are getting disabilities out of overcrowding. This is an issue we need to look at keenly; mothers who are bringing forth life need to be given good attention, so that they are also happy in doing so. I wonder if they even get room to shower if they are sharing beds. The County Government of Kilifi needs to prioritise such critical matters. They should not prioritise politics over health because if we succeed politically, who are we going to govern if voters are sick and cannot even wake up to go vote for you?

I see the other issue of lack of promotions making the staff demoralised. We discussed about the county public service board coming up with a modality of promoting staff who have worked for a very long time without promotions, so that they can motivate them. However, besides staff motivation, as medical practitioners, your first priority is attending to the patient. Your motivation should be attending to the patient more than the promotion you are looking at. We should not have a scenario where if the staff are demoralised, they watch a patient die without taking any action.

Generally, the observations of the Committee mirror what is happening across many county governments. As a leadership and a county government, I wish we prioritised health in general because we actually cannot enjoy with a sick nation.

I commend this Committee for consistently painting the picture as it is and giving recommendations which I think, county governments are not taking seriously. This Committee needs to follow up on whether the recommendations made here are being implemented in the different counties, so that we make progress.

Otherwise, I generally support this report by the Committee on Health and wish to encourage them to make visits to many other counties. The Senate needs to give this Committee support because it is among the very hard working committees we have in the Senate and whatever they are actually presenting here, is very important.

I thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): Sen. Mungatana Danson, proceed.

**Sen. Mungatana MGH:** Thank you, Mr. Deputy Speaker, Sir. I start this contribution by acknowledging the good work of the committee. I also thank the Hon. Mariam Sheikh, the Vice-Chairperson, for ably moving this report which was seconded by the Hon. Tabitha Mutinda.

I will, first of all, start by saying Kilifi County Referral Hospital has been a lifeline to Tana River County residents for a long time because of the failures of Tana River County health management systems and Hola Referral Hospital. Many people are referred from our referral hospital to Kilifi County Referral Hospital. So, to hear a Senator suggesting on the Floor of this House that this referral hospital in Kilifi be closed down is an anathema. He should be discouraged totally because as Senators, we are not supposed to be writing death sentences for our people.

If this referral hospital has problems, it is our responsibility to point them out and seek the Governor of Kilifi County and his staff to pay attention to these reports and make necessary corrections. It is not to close the referral hospital at Kilifi County. Even if it is bad, it is better than what is happening in Tana River County. If you say that we close it, what then happens to those that we refer from Tana River County to that facility?

Mr. Deputy Speaker, Sir, I want to start by acknowledging the work that has been done for us in Tana River County, as good neighbours. There is something I wanted to acknowledge. When the Committee went to Kilifi County, they found that in the Financial Year 2024/2025, the county planned to undertake several major development projects in the health sector. They put some of them down.

The first one is to procure and install medical equipment. They said it would be a countywide installation of advanced radiology equipment, such as CT scans. They also said the contract sum is not specified, but the status of this procurement is ongoing. This is a good thing that the referral hospital and Kilifi County are planning to do. I hope they do it. They said that they were planning to establish and expand mental health clinics in various sub-counties. They also said that it is an ongoing project. They then said that they are constructing 112-bed male and female wards at St. Luke's Hospital in Kaloleni and the tender is ongoing. They also said they are constructing and completing a 30-bed maternity ward with an operating theatre at St. Luke's Hospital in Kaloleni Ward. Again, the tender process is ongoing and everything is going on as planned.

I wanted to pause there and say that at least with all the problems that Kilifi County is facing, this Senate Committee found that they are doing something about future projects. Tendering is going on. Construction of new materials, construction and expansion of the health infrastructure is going on. This is contrary to what the Senate Committee found in Laikipia and Meru counties.

I do not know whether those counties do not have new projects or if it is the format of writing the report that differs. Of particular interest to me is the fact that there is a county here that is saying that, for the first time, and this is the first time I am hearing it, they are going to set up mental health clinics, so that they can fight the stigma of mental health amongst our people. It is a huge step forward because in most of these places, mental health has been associated with, I do not know how to say it, but *uganga* and *uchawi*. In English, these people have been exposed to *mashetani*. I do not know how to put it. They have been exposed to witchcraft and then they are left suffering.

It is not only in this county. When we were having the Second Bi-Annual Devolution Conference in Homa Bay--- when we reached Luanda area on the road, the highway to Hon. Omtatah's place, in Busia, we saw a many people who were wandering all over and we were told that there are a lot of mental cases around that area. However, we have not heard the county government say that they have a plan for the expansion of the mental health clinic.

This particular one has said that they have a plan to expand the mental clinic in various places. I commend them, and I hope that they will actually do so in various sub-counties. They said this plan is ongoing and is supposed to be completed within this financial year. I hope that when the Committee on Health visits next year, they will find good reports coming from that side.

Mr. Deputy Speaker, Sir, having given them that good report or commended the efforts Kilifi County Government is making, we also need to point out some of the things the Senate Committee on Health found in this report. There are supply chain and pharmaceutical management issues. How can it be that the Senate Committee visited and found that there were some expired drugs and they were found mixed with the current stock? This included injectables. How can you leave a situation to deteriorate like that? I hope Governor Mung'aro is listening because he is my friend.

The Senate Committee on Health visited Kilifi County Referral Hospital and found that expired drugs were mixed with the current stock. This included injectables. These are just management issues. If the Governor and his team can invest money in computerizing, so that when the stock comes, they know which one has come, which batch, which are the details, where they are being stored, which one is going out, which are the dates of expiry and they are going out to which places, then this is a simple matter that should be resolved.

The Senate Committee also found discrepancies between the physical and the recorded stock. Which means there is no proper record-keeping. Again, this is a management issue that the Governor can look at. The Governor can take time to visit these hospitals.

The problem is that we are not, as political leaders, giving these things the kind of weight they require. We do other things, but when we come to visiting hospitals and pushing these agendas for the people, then we are not doing it. I am sure if the Governor came and asked the County Executive Committee Member (CECM) in charge of Health or the Chief Officer of Health in Kilifi County, they would be able to explain to him what this problem is. How can they have a situation where the recorded stock and the physical stock are not in consonance? It means that either people are stealing or there is a problem in the actual recording of stock and people have been employed.

Health records are actually a degree at the University of Eldoret. People actually study that for four years. How can it be that you cannot record things properly? I think the Governor needs to pay attention to some of these things. If today, the Governor decides to visit the kitchen of this referral hospital--- I am sure if he says he is going there next week to see the status of the kitchen, just like the way our functionaries and our civil servants behave, when the President is coming to Tana River in some place and they

know the road that he will use, they will push murram to that place, they will bring tractors and machines and the road will become smooth.

So, if the Governor and his team decide to visit the kitchen in the referral hospitals, I am sure, somehow, money will be found and the kitchen will be neater. What we are communicating to Kilifi County is, when the Senate visited them, they were not happy with the status of the kitchen that are serving the people there.

There was so much untidiness in the kitchen, taking into consideration all those people who are sick depend on that food, something needs to be done fast. This is not just for Kilifi County. Our governors, including the Governor of Tana River County, need to take off from their good, nice, air-conditioned offices and visit these facilities where our people are admitted. I repeat that it is time that we actually prepared a law that will be saying governors, and I am saying governors, chief officers and all those people who serve in the counties, must be admitted in the counties where they are serving.

This law will force them to go and think, where is the food coming from? Is there water in these facilities? Are there bathrooms in these facilities? Are there places to shower or to do the normal things that human beings do? Is there security around these facilities? If these governors, the chief officers and the county executive committee members are not being treated in these hospitals when they are sick, then our people have no hope. This is because when these people get sick, they fly to Nairobi, they go to Mombasa and big cities such as Kisumu. They go to private hospitals. They do not use the facilities which our people who elected them and gave them those responsibilities are using.

I keep giving the examples of Prof. Anyang'-Nyong'o, who is still Governor of Kisumu and Prof. Kivutha Kibwana, who was the Governor of Makueni. These were gentlemen who went into the public facilities and spent their nights there seeking treatment. So, you can imagine, if the governor will be admitted in this hospital, what kind of a standard that hospital would be.

I agree with this report. I fully support it. Something needs to be done about the morale of the workers. There are so many pending promotions, pending reassignments and understaffing. We need them to be addressed by the governors.

Finally, this Senate asked me to chair the *Ad Hoc* Committee on Shakahola, where so many of our people died and they mainly came from Kilifi County. The Senate Committee now has found out that 400 bodies are still locked up in Malindi Hospital. These 400 bodies are overstretching the resources of the mortuary there. We appreciate that Kenya Red Cross has offered refrigerated containers, but we need now to apply that law for disposal of bodies. This is because the county is paying so much money in terms of electricity. We also need to tell the Shakahola cases and the inquiries and whatever that is going on there, to give special permission for disposal of the bodies. It cannot be that all this long you have not finished with the identification of these bodies and releasing them to the owners. The families who have been waiting for these bodies need to take them. We are using this Senate report, again, to make an appeal to the people who are carrying out the DNA testing, those who are carrying out DNA tests following up on these Shakahola matters; please, release those bodies from the mortuary.

I pass through that road many times and I know that there are problems that this county is facing. Imagine how much electricity they are paying to Kenya Power every month to refrigerate over 400 bodies. So, as I support this, I urge that the necessary Government institutions that are involved, please, allow the families to pick those bodies. If you cannot, can you make the proper applications to the law for the disposal of the bodies, so that the mortuary facilities can be released for normal operations?

Mr. Deputy Speaker, Sir, with those so many remarks, I beg to support. I thank you.

**Sen. Abass:** Thank you, Hon. Speaker. I also join my colleagues to support the report.

Indeed, the report is actually well-researched and it shows a pathetic situation of hospitals in Kilifi County. Kilifi is one of the counties that get one of the highest budgets from equitable share. Kilifi County is actually one of the largest counties in the coast. It is one the driest areas with a high level of poverty. Unfortunately, the way things are now, people are experiencing problems in Kilifi. You saw what happened in Shakahola, and many people up to today are not even known where they came from and they cannot be identified. There are still more and more problems there.

With that kind of poverty and considering the population in that area, the situation in the hospitals is unbelievable. If you look at those pictures about the hospitals, for instance, the wards, it is very unfortunate. I was asking myself, if any patient goes to that ward, he or she will be sicker instead of getting well.

The wards are so crowded. I do not believe that the wards in these hospitals are adequate for people to be assisted and get treated. One of the biggest frustrations is the morale of the staff. When the medical officers or nurses are unwell also because their morale is down, if they are not promoted, not given a meal, they will also get sick at heart. They will not give services to the public.

This situation is not confined only to Kilifi County. It cuts across the board. Most medical staff in the counties face the same predicaments that the ones in Kilifi County are experiencing. It is total neglect in terms welfare. Promotions hardly come and it takes too long for one to be promoted.

Also, the challenge could be that the money from the equitable share does not consider remuneration for officers who have been promoted. They do not get an additional fund. Counties do not have money to promote staff every year as it is in the national Government. Therefore, this House must consider, like any other institutions in the national Government, where staff progressively move on promotion; they go upwards and progress, they should have an increment. This must be budgeted for.

Otherwise, as it is, you expect the staff in the counties not to be performing. Most of them even go and look for other businesses. They open their own clinics and neglect the main hospitals. While we appreciate that it is human nature and that ethics should be there, but the sidelines of these problems is lack of promotions. It is the onus of this Senate that this must be considered. We must at least work to see how best we can handle this situation. Otherwise, as it is, we will be seeing these kinds of scenarios in every place.

Hon. Deputy Speaker, I had the privilege of travelling with the Committee one time, to my county and Mandera. I must commend the Committee that they do their work very well. The only problem is that we have reports that portray these kinds of conditions and worse, but there is no revisit or follow-ups. When committees get these kinds of scenarios and reports, they should revert and revisit the places. For example, we visited the infectious disease hospital in Wajir which we call the Tuberculosis (TB) Manyatta that handles patient of TB and HIV/AIDS. The situation was very bad. The kitchen in Kilifi is actually better than the one in the TB Manyatta. Since then, we do not even know whether that facility has improved. I think there should be a follow-up.

We are being told there are 400 bodies lying in those mortuaries. I think by this time; we should have had an alternative place to take those bodies most of which cannot be identified. A decision has to be made very fast, so that, at least, we can help the Malindi and Kilifi hospitals, so that the people can get services.

Since the coming of the Social Health Authority (SHA), the Facility Improvement Financing (FIF) are increasing for the hospitals. The funds are not well utilised. The counties should also be able to account for the money that is generated from the hospitals because most of it is utilised at source. Once the money is used at source, then you expect misuse and corruption. I ask the Committee to also look at that, and at least to help people to improve on the utilisation of SHA funds and other resources generated from the hospitals.

I support.

**Sen. Korir:** Thank you, Mr. Deputy Speaker, Sir, for also giving me this opportunity. I congratulate the Committee on Health, led by very able Vice-Chairperson, Sen. Mariam, for finding time to move to the ground and ascertain what is happening within our hospitals.

We have a common problem across the country in terms of health issues. Looking at the budget of every county, the recurrent surpasses the development budget. This is a challenge affecting us, as a House of representation. This House struggles so much to make sure that we allocate enough resources to these counties. The biggest challenge is that once we send the monies to the counties, the budget that the counties normally present gives us recurrent expenditure being higher than the development. Even where they have allocated money to development, when you go through this report, you can barely see the developments that have been done.

I saw in the report where the committee was given a report of procurement and installation of medical equipment. That is the radiology equipment, the CT scans. The county cannot tell the amount of money that has been budgeted for the same. Not only that, there is an issue of the mental health clinic establishment and expansion. Every county does an itemised budget. Within the itemised budget, they always give the proposed amount that they are supposed to spend in every item. Funny enough, within this report, they are telling us that it cannot be specified, but it is ongoing.

What does it tell this House? I would not want to belabour much and get into the details of the colleagues that have spoken before me. It is high time that we also have a look at ways and means of making sure that these counties are put to work.

Mr. Deputy Speaker, Sir, I have heard Hon. Mungatana talking about some of these hospitals being able to treat the governors and even us, as leaders. The way they are doing the allocation and explaining the prudent use of the resources, I think we have a long way to go.

The committee recommended that they give sufficient resources to Kilifi County Referral Hospital to expand current bed capacity and equip critical units, including the ICU and expand maternity and pediatric ward.

I would also want to ask the CS Health, Hon. Duale, whom I know is up to the task, that we need to look at these rural hospitals and find a better way. This is because I know as far as we are talking about the resources that are going to the county governments, they may not be sufficient to handle a number of issues.

Within the same report, they are telling us that the county government is in possession of 400 bodies from Shakahola. What are we trying to tell Kenyans? How do we expect a county government mortuary to store 400 bodies and the issue has never even been concluded? As we speak, there are new bodies that are being found on site. These are some of the issues that I want to believe should be taken up totally by the national Government. This is a disaster and we cannot leave it to the county government.

Despite the fact that we are putting the county government to task, there are some things that we need to look at as the national Government. I will challenge the CS that the Government needs to step up and make sure that the 400 bodies and plus, because this is something that is happening day in day out, are addressed accordingly.

I do not want to say much because colleagues have talked. The recommendation by the Committee in terms of motivation to the nurses and doctors that we have within the county government is another challenge. Kilifi County has a big problem in terms of motivating the nurses.

Mr. Deputy Speaker Sir, it is not only in Kilifi; in all the 47 counties, every now and then you find our nurses going to the streets, asking for payment or promotions and we expect the same nurses and doctors to give services to wananchi. It should be a wake-up call to this House that we need to look at critically the best way we can put these counties on their toes in terms of offering their services.

Not only that, I would want to talk about the issue of proper storage, regular disposal of expired drugs and adherence to the professional standards with pharmacist oversight. If within the stores that we have in the county governments, we have expired drugs mixed with the ones that have been ordered; what are we telling Kenyans? Where are we safe?

If the expired drugs can be found within the stores by the Committee, how regularly are we supposed to be there, to be noting these things? Sometimes when a nurse is demoralised, they can give you any drug; they do not mind whether it is expired or not. I think that there should be a better way of handling medical issues, reports and everything within the county governments. They should improve.

I do not want to belabor much. These are issues that are being shared across the country. I can tell and I can say that none of the counties have tried to an extent that a governor or an hon. Member can decide today: "I am going to a certain county hospital to be treated there, or even my kids". We have a long way to go.

We are getting money day in, day out. Can we sometimes look at a way whereby we can leave these white elephants that we are doing? You find a county government doing 20 dispensaries, where you cannot even find a Panadol instead of lumping those amounts, equip one of the hospitals, put all the amenities, so that at least it can be able to save our people.

I just want to congratulate the committee and to remind the governors that the committee does not come to the ground because they are just coming to waste their time. They are coming to check and to bring the records to this House to tell us how best we are handling our issues, especially on mothers' health. I support the Committee, despite the fact that they have talked about 60 days. I believe it is too much, bearing in mind that there are a number of things that need urgent attention.

I support, Mr. Deputy Speaker, Sir. Thank you.

**The Deputy Speaker** (Sen. Kathuri): Sen. (Prof.) Kamar, what is your point of concern, intervention?

### QUORUM

**Sen. (Prof.) Kamar:** Thank you, Mr. Deputy Speaker, Sir. I stand, unfortunately, under Standing Order No.41 because as Members have spoken very eloquently, this report is extremely important for all of us and I think the House should be full.

I am therefore calling your attention to the fact that we have no quorum. Please, invite Members back to the House, so that all of us can take advantage of this Motion and this wonderful report.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): Let me confirm whether we have a quorum.

*(The Clerk-at-the-Table consulted with the Deputy Speaker)*

Yes, Serjeant-at-Arms, ring the bell for 10 minutes.

*(The Quorum bell was rung)*

### ADJOURNMENT

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, we have not succeeded in raising the quorum.

Hon. Senators, having failed to attain the quorum at the expiry of 10 minutes, the Senate stands adjourned pursuant to Standing Order No.41(2)(a) until Tuesday, 2<sup>nd</sup> December, 2025 at 2.30 p.m.

The Senate rose at 5.18 p.m.