



REPUBLIC OF KENYA

TWELFTH PARLIAMENT

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, NOVEMBER, 07, AT 2.30 P.M.

1. The Senate assembled at Thirty Minutes past Two O'clock.
2. The proceedings were opened with a Prayer said by the Speaker.

3. QUORUM OF THE SENATE

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

4. HEARING AND DETERMINATION OF THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HON. KAWIRA MWANGAZA, THE GOVERNOR OF MERU COUNTY

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

a) Presentation of the case by the County Assembly of Meru County

Counsel for the Assembly commenced the presentation of the case of the Assembly, by leading the following witnesses in presenting testimony before the Senate –

- i. Mr. Paul Mwaki Arimi** - **Chief Executive Officer (CEO), Meru County Alcohol Control Board.**

The witness took oath and informed the Senate that-

- i) On 6th September 2022, he was served with a letter from the Governor's Office alongside other heads of County agencies, sending them on compulsory leave. Other heads of the agencies were Dr. John Ntoiti,

Managing Director Meru County Revenue Board, Mr. Joseph Mberia, Secretary to the Meru County Urban Water and Sanitation Services Corporation and Mr. Kenneth Kimathi Mbae, the CEO of Meru County Microfinance Corporation.

The position was then filled, in acting capacity, by Mr. Tonny Kirima Anondo. The appointment of other persons to serve in acting capacity was unprocedural as the County Public Service Board did not take part in the exercise;

- ii) The witness therefore, sought the Governor's intervention for about 30 days but efforts to secure her audience were futile;
- iii) The witness then resorted to seek the intervention of the court to challenge his dismissal. He filed a case, Petition No. 1 of 2022, in the Employment and Labour Relations Court of Meru;
- iv) On 7th October, 2022, the court issued a conservatory order restraining the Governor from sending the witness, together with other the agencies heads, on compulsory leave or appointing other persons to hold the offices;
- v) On 8th October, 2023, he reported back to work in compliance with the court but was prevented from accessing his office by armed goons who claimed they were working on the instructions of the Governor;
- vi) At public rallies, the Governor together with her husband, would swear never to allow him and his counterparts to return to office;
- vii) He subsequently applied for contempt of court orders and on 29th September, 2023, the court ruled that the Governor and her accomplices were guilty of contempt of court. Further, the court also ordered that the Governor and her accomplices appear personally to show cause why they should not be punished in accordance with the law;

The witness was subsequently cross-examined by Counsels for the Governor and re-examined by Counsel for the County Assembly, following which, the witness was discharged.

ii. Mr. Evans Mawira Kaaria – Member of County Assembly of Meru.

The witness took oath and informed the Senate that-

- i.) The Governor embezzled county funds through her relatives by issuing large sums of imprest;

- ii.) He became aware of a scheme to divert and misuse county resources including funds and motor vehicles to run a private charity referred to as “okolea”;
- iii.) An instance was when the Governor’s relatives travelled to China for an inspection of cancer equipment, on the invitation of the Beijing League Tech Company Limited;
- iv.) He stated that the Deputy Governor was excluded from County Executive Committee meetings and that the Governor bullied, undermined and posted insulting and demeaning messages about the Deputy Governor in two WhatsApp Groups namely; “3rd Government 012 and “County Admin services” , whose membership includes several officers who are subordinate to the Deputy Governor; and
- v.) The Governor appointed Mr. Kenneth Mwiti Riungu as Chief Officer without the approval of the County Assembly and had also appointed unqualified persons as acting chief officers without competitive recruitment and recommendation of the County Public Service Board.

The witness was subsequently cross-examined by Counsel for the County Governor and re-examined by Counsel for the County Assembly, following which, the witness was discharged.

iii. Hon. Mugambi Murwithania Rindikiri - Member of Parliament for Buuri Constituency

The witness took oath and informed the Senate that-

- i) The Governor consistently insulted, demeaned, vilified and undermined other leaders in her development tours, political rallies, and Okolea rallies disguised as charity programs across the County; and
- ii) He illustrated that the Governor had been falsely accusing Members of Parliament, Members of County Assembly and other leaders of cartelism, blackmail, greed and corruption despite the issue featuring in previous impeachment proceedings.

The witness was subsequently cross-examined by Counsel for the County Governor and re-examined by Counsel for the County Assembly, following which, the witness was discharged.

iv. Dr. Jeremiah Gitonga Luruti – Radiologist, Director of Ivy Healthcare

The witness took oath and informed the Senate that-

- i.) The Beijing League Tech Company limited is partly owned by the Government of the Peoples Republic of China and pursues the overseas interests of the Chinese Government;

- ii.) Ivy Health care partnered with Beijing League Tech Company Limited to plan a medical investigation trip to China;
- iii.) By a letter dated 25th April, 2023, the Beijing League Tech Company invited the Governor and the technical team to inspect medical equipment for cancer treatment;
- iv.) He was surprised to learn that upon arrival in China, the delegation the Governor recommended to Ivy Health Care and Beijing League Tech Company for inspection were her relatives.

The witness was subsequently cross-examined by Counsel for the County Governor and re-examined by Counsel for the County Assembly, following which, the witness was discharged.

5. **COMMUNICATION FROM THE CHAIR ON COMMENTS BY SENATORS AND OTHER PUBLIC OFFICERS ON THE IMPEACHMENT PROCESS CURRENTLY BEFORE THE SENATE**

The Speaker conveyed the following communication from the Chair:

“Honourable Senators,

As you may recall, in my Communication issued on Tuesday, 31st October, 2023, I cautioned Senators against making comments whether written or spoken, in relation to the proposed removal from office, by impeachment, of Hon. Kawira Mwangaza, the governor of Meru County while the matter is pending before the Senate.

It has been brought to my attention that comments that are prejudicial to the ongoing proceedings in the Senate have been made in various fora including social media X (formally Twitter) by Kenyans who sadly include senior state and public officers. In particular, the Cabinet Secretary for Public Service, Performance and Delivery Management, has made several posts criticizing the ongoing proceedings, intimidating and casting aspersions on the conduct of some Senators.

Honourable Senators,

The matter of impeachment of a governor is in public discourse and the fact that the Senate is holding the hearing in public including live broadcasting of the proceedings in the major TV channels and on YouTube, should not be an avenue for targeting specific Senators and casting aspersions on the Senate by no less than a leader and a Cabinet Secretary of the Government of Kenya.

I, therefore, caution the Hon. Moses Kuria, Cabinet Secretary in the Ministry of Public Service, Performance and Delivery Management and all other persons, to desist from adversely commenting and making utterances, whether written or

spoken, in relation to the conduct of the impeachment process which may prejudice the just and fair disposal of the present matter.

I thank you.”

And there being no other business for the Afternoon Session, the Speaker adjourned the Senate at twelve O'clock midnight without Question Put, pursuant to the Standing Orders.

6. SENATE ROSE – at twelve O'clock midnight.

MEMORANDUM

*The Speaker will take the Chair on
Wednesday, November 08, 2023 at 9:00 a.m.*