



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

AFTERNOON SITTING

THURSDAY, MARCH 14, 2024 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 Temporary Speaker, (Sen. Abdul Haji, MP).

3. **QUORUM OF THE SENATE**

The Temporary Speaker, (Sen. Abdul Haji, MP), having counted the Hon. Senators present at the commencement of the Sitting and confirming that there was no Quorum, directed that the Bell be rung for ten minutes, pursuant to Standing Order 40;

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

The Temporary Speaker (Sen. Abdul Haji, MP) invited the Clerk to call the Orders of the day.

4. **HEARING AND DETERMINATION ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HON. (DR.) ROBERT MONDA, THE DEPUTY GOVERNOR OF KISII COUNTY**

The Senate resumed consideration of the matter of the proposed removal from Office, by impeachment, of Hon. (Dr.) Robert Monda, Deputy Governor of Kisii County-

Presentation of the case of the Deputy Governor

Counsel for the Deputy Governor resumed the presentation of the case of the Deputy Governor, by leading the following witnesses in testifying before the Senate –

a) Dr. Robert O. Monda – The Deputy Governor of Kisii County.

The witness took oath and informed the Senate that-

- i) on 22nd February, 2024, he was served with a Notice to appear before the County Assembly of Kisii on 29th February, 2024 which he deems procedurally flawed and time-barred;
- ii) he disputed the allegations of bribery, misuse of county staff, and involvement in his brother's arrest, claiming that the accusations were baseless and under investigation by the police and the Ethics and Anti-Corruption Commission (EACC);
- iii) the legal process against him lacked proper validation by the County Assembly and highlighted procedural discrepancies, such as the timing of public participation and discrepancies between the Notice and the Motion for impeachment;
- iv) he denies the bribery allegations, explaining the financial transactions as refunds and mutual support between him and Joseph Misati, a long-standing friend;
- v) regarding other accusations, he maintained that he has not been incompetent or abused his office, noting his limited executive power in budget matters and distancing himself from decisions made by the Governor's office. He emphasized his efforts to improve county administration and criticized the Governor's handling of county affairs, including the use of personal residences for official functions and the alleged influence of the Governor's wife in county decisions; and
- vi) he denied responsibility for various allegations, including desecration of funerals. He requested the dismissal of the impeachment motion against him.

The witness was cross-examined by Counsel for the County Assembly and re-examined by Counsel for the Deputy Governor.

Thereupon, Senators sought clarifications on the testimony, following which the witness was discharged.

b) Hon. Lilian Anyango Gor - Nominated Member, County Assembly of Kisii.

The witness took oath and informed the Senate that-

- i) she was present on Thursday, 29th February, 2024, the day the Motion for removal from office by impeachment of Hon. (Dr.) Robert Monda was moved and that she opposed the Motion on procedural and substantive grounds;
- ii) she and other Members of County Assemblies (MCAs) were not able to see the Notice of Motion neither did the Speaker refer to any signatures;
- iii) a Senior Staff mortgage facility in Kisii County Assembly had been implemented, with its approval process shifted from the committee level to the governor's residence, affecting the staff members' benefits;
- iv) the governor conducts official county activities at his home;
- v) Human Resource Audit reports were neither accessible to the members nor discussed in the assembly, and the problem of ghost workers remained unresolved despite extensive media coverage; and
- vi) Members of County Assembly (MCAs) during voting on the Motion for removal of the Deputy Governor from office by impeachment, had been compelled to take photos of their faces and Identification Cards to avoid being dewhipped.

The witness was cross-examined by Counsel for the County Assembly and re-examined by Counsel for the Deputy Governor.

Thereupon, Senators sought clarifications on the testimony, following which the witness was discharged.

c) Hon. Obare Thomas – Member, Boitang'are Ward, County Assembly of Kisii.

The witness took oath and informed the Senate that-

- i) on Thursday, 29th February 2024, he attended the County Assembly session when the Motion for the impeachment and removal of Hon. (Dr.) Robert Monda was presented and passed. He unsuccessfully contested the Motion, arguing that it was not timely;
- ii) the budget approved by the County Assembly was modified, a change that Deputy Governor publicly contested;
- iii) along with other MCAs, he sent a formal letter to the Controller of Budget highlighting the changes in Kisii County's

Revised/Supplementary Budget Estimates for the fiscal year 2023/2024. Additionally, a request for an explanation regarding budget discrepancies was directed to the CECM of Finance and Economic Planning;

- iv) the Deputy Governor expressed concern over the increasing radicalization, indoctrination, and grouping of youth in Kisii County, indicating awareness of the situation's gravity; and
- v) efforts had been made to address and curb violence in Kisii, but these measures had so far not been successful.

The witness was cross-examined by Counsel for the County Assembly and re-examined by Counsel for the Deputy Governor.

Thereupon, Senators sought clarifications on the testimony, following which the witness was discharged.

d) Hon. Amos Begi Onderi – Member, Bokimonge Ward, County Assembly of Kisii

The witness took oath and informed the Senate that-

- i) he was one of the MCAs that opposed the motion on the proposed removal from office by impeachment of the Deputy Governor on the for lack of evidence and fatal procedural defects;
- ii) the Notice of Motion dated 13th February, 2024 did not have particulars of the allegations as well as signatures supporting it;
- iii) the two Motions dated 13th February, 2024 and 21st February varied, he raised these variances in the County Assembly of Kisii unsuccessfully;
- iv) the Deputy Governor was not given audience to defend himself at the County Assembly;
- v) complaints against the Deputy Governor were brought up through public participation. The report from the public participation was not signed;
- vi) the Governor is responsible for the absorption of the budget allocated for Kisii County therefore should be answerable and not the Deputy Governor; and
- vii) the impeachment Motion had been sponsored by the Governor who sent money to those who complied.

The witness was cross-examined by Counsel for the County Assembly and re-examined by Counsel for the Deputy Governor.

Thereupon, Senators sought clarifications on the testimony, following which the witness was discharged.

5. SUSPENSION OF SITTING

The Temporary Speaker (Sen. Veronica Maina, MP) suspended the sitting for fifteen minutes to allow Counsels of the Parties to prepare closing statements.

6. SENATE RESUMED – At one minute past eight O'clock.

7. HEARING AND DETERMINATION ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HON. (DR.) ROBERT MONDA, THE DEPUTY GOVERNOR OF KISII COUNTY.

The Senate resumed its consideration of the matter of the proposed removal from Office, by impeachment, of Hon. (Dr.) Robert Monda, the Deputy Governor of Kisii County –

a) Closing statements by the County Assembly

Upon invitation by the Speaker, the Counsel for the County Assembly made their closing statements on behalf of the Assembly.

b) Closing statements by the Deputy Governor

Upon invitation by the Speaker, the Counsel for the Deputy Governor made their closing statements on behalf of the Deputy Governor.

Thereupon, the Senate proceeded to an in-camera session for fifteen minutes, pursuant to Rule 27 of the Rules of Procedure for the hearing and determination of the proposed removal from office by impeachment of a Deputy Governor in Plenary.

(Camera session)

8. NOTICE OF MOTION - HEARING AND DETERMINATION OF THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HON. (DR.) ROBERT MONDA, THE DEPUTY GOVERNOR OF KISII COUNTY.

(The Senate Majority Whip)

THAT, WHEREAS, pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, on Thursday, 29th February, 2024, the Kisii County Assembly approved a Motion to remove from office, by

impeachment, Honourable (Dr.) Robert Monda, the Deputy Governor of Kisii County;

AND FURTHER, WHEREAS by a letter dated 1st March, 2024 and received in the Office of the Speaker of the Senate on Saturday, 2nd March, 2024, the Speaker of the Kisii County Assembly 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;

FURTHER WHEREAS, pursuant to Article 181 of the Constitution, Section 33 of the County Governments Act and Standing Order 80 of the Senate, the Senate heard the County Assembly on the grounds for the proposed removal from office, by impeachment, of Honourable (Dr.) Robert Monda, the Deputy Governor of Kisii County;

AND FURTHER, WHEREAS pursuant to Article 181 of the Constitution, Section 33 of the County Governments Act and Standing Order No. 80, the Senate also heard the Honourable (Dr.) Robert Monda, on the grounds for his proposed removal from office, by impeachment, as the Deputy Governor of Kisii County;

NOW THEREFORE, pursuant to Article 181 of the Constitution, Section 33 of the County Governments Act and Standing Order 80, the Senate resolves to remove from office, by impeachment, the Honourable (Dr.) Robert Monda, the Deputy Governor of Kisii County, on the following charges-

Charge 1: Gross Violation of the Constitution or any other Law

Charge 2: Abuse of Office

Charge 3: Gross Misconduct

Charge 4: Crimes under National Law

9. MOTION - HEARING AND DETERMINATION ON THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HON. (DR.) ROBERT MONDA, THE DEPUTY GOVERNOR OF KISII COUNTY.

Order read;

Motion made and Question proposed;

THAT, WHEREAS, pursuant to Article 181 of the Constitution and Section 33 of the County Governments Act, on Thursday, 29th February, 2024, the Kisii County Assembly approved a Motion to remove from office, by impeachment, Honourable (Dr.) Robert Monda, the Deputy Governor of Kisii County;

AND FURTHER, WHEREAS by a letter dated 1st March, 2024 and received in the Office of the Speaker of the Senate on Saturday, 2nd March, 2024, the Speaker of the Kisii County Assembly 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;

FURTHER WHEREAS, pursuant to Article 181 of the Constitution, Section 33 of the County Governments Act and Standing Order 80 of the Senate, the Senate heard the County Assembly on the grounds for the proposed removal from office, by impeachment, of Honourable (Dr.) Robert Monda, the Deputy Governor of Kisii County;

AND FURTHER, WHEREAS pursuant to Article 181 of the Constitution, Section 33 of the County Governments Act and Standing Order No. 80, the Senate also heard the Honourable (Dr.) Robert Monda, on the grounds for his proposed removal from office, by impeachment, as the Deputy Governor of Kisii County;

NOW THEREFORE, pursuant to Article 181 of the Constitution, Section 33 of the County Governments Act and Standing Order 80, the Senate resolves to remove from office, by impeachment, the Honourable (Dr.) Robert Monda, the Deputy Governor of Kisii County, on the following charges-

Charge 1: Gross Violation of the Constitution or any other Law

Charge 2: Abuse of Office

Charge 3: Gross Misconduct

Charge 4: Crimes under National Law

(The Senate Majority Whip)

Motion made and Question proposed -

That, pursuant to Standing Order No. 111 (1), the Senate resolves to limit the allotted time for Debate on the Motion to a maximum of three minutes on contributions by each Senator.

(Sen. John Muhia Methu, MP)

Question put and agreed to;

Debate on the Motion arising;

And there being no other Senator wishing to contribute;

Mover replied;

Pursuant to Standing Order 80 (4) (b) the Deputy Governor was given an opportunity to be heard before the vote on the charges was taken,

Before the Question was put and pursuant to Standing Order 84(1) the Speaker ruled that the matter affects counties and voting would be by Delegations;

The Senate proceeded to a Division;

The Speaker directed that a vote would be taken on each charge separately;

The Speaker directed that electronic voting be taken pursuant to Standing Order 86 and that the division bell be rung for five minutes;

After the expiry of five minutes, the Speaker directed that the doors be closed and the bar be drawn and Senators asked to log-in for electronic voting;

Charge 1: Gross Violation of the Constitution or any other Law

The Speaker put the Question and directed Senators to cast their votes by pressing either the “Yes”, “No” or “Abstain” button.

The results of the Division were as follows: -

AYES - 39

NOES - 3

ABSTENTION - 1

AYES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Boy Issa Juma, MP
3. Sen. Chesang Allan Kiprotich, MP
4. Sen. Chute Mohamed Said, MP
5. Sen. Ekomwa James Lomenen, MP
6. Sen. Kamau Joseph Githuku, MP
7. Sen. Kathuri Murungi, MP
8. Sen. Kajwang' Moses Otieno, MP
9. Sen. Keroche Tabitha Karanja, MP
10. Sen. Khalwale Boni, MP
11. Sen. Kipkiror William Cheptumo, MP
12. Sen. Kisang William Kipkemoi, MP
13. Sen. Lelegwe Steve Ltumbesi, MP
14. Sen. Maanzo Daniel Kitonga, MP
15. Sen. Madzayo Stewart Mwachiru, MP
16. Sen. Mandago Jackson Kiplagat, MP
17. Sen. Methu John Muhia, MP

18. Sen. Mogeni Erick Okong'o, MP
19. Sen. Mundigi Alexander Munyi, MP
20. Sen. Murango James Kamau, MP
21. Sen. Muthama Agnes Kavindu, MP
22. Sen. Mwaruma Johnes Mwashushe, MP
23. Sen. Mwenda Gataya Mo Fire, MP
24. Sen. Mwinyihaji Mohamed Faki, MP
25. Sen. Nderitu John Kinyua, MP
26. Sen. Nyutu Joe, MP, MP
27. Sen. Ojienda Odhiambo Tom, MP
28. Sen. Oketch Eddy Gicheru, MP
29. Sen. Okoiti Andrew Omtatah, MP
30. Sen. Olekina Ledama, MP
31. Sen. Osotsi Godfrey Atieno, MP
32. Sen. Recha Julius Murgor, MP
33. Sen. Roba Ali Ibrahim, MP
34. Sen. Seki Lenku Ole Kanar, MP
35. Sen. Sifuna Edwin Watanya, MP
36. Sen. Thangwa Paul Karungo, MP
37. Sen. Wafula David Wakoli, MP
38. Sen. Wamatinga Wahome, MP
39. Sen. Wambua Enoch Kiio, MP

NOES

1. Sen. Cherarkey Samson Kiprotich, MP
2. Sen. Cheruiyot Aaron Kipkirui, MP
3. Sen. Wakili Hillary Kiprotich Sigei, MP

ABSTENTION

Sen. Onyonka Richard Momoima, MP

Question, agreed to.

Charge 2: Abuse of Office

The Speaker put the Question and directed Senators to cast their votes by pressing either the "Yes", "No" or "Abstain" button.

The results of the Division were as follows: -

AYES - 39

NOES - 3

ABSTENTION - 1

AYES

1. Sen. Abass Sheikh Mohamed, MP

2. Sen. Boy Issa Juma, MP
3. Sen. Chesang Allan Kiprotich, MP
4. Sen. Chute Mohamed Said, MP
5. Sen. Ekomwa James Lomenen, MP
6. Sen. Kamau Joseph Githuku, MP
7. Sen. Kathuri Murungi, MP
8. Sen. Kajwang' Moses Otieno, MP
9. Sen. Keroche Tabitha Karanja, MP
10. Sen. Khalwale Boni, MP
11. Sen. Kipkiror William Cheptumo, MP
12. Sen. Kisang William Kipkemoi, MP
13. Sen. Lelegwe Steve Ltumbesi, MP
14. Sen. Maanzo Daniel Kitonga, MP
15. Sen. Madzayo Stewart Mwachiru, MP
16. Sen. Mandago Jackson Kiplagat, MP
17. Sen. Methu John Muhia, MP
18. Sen. Mogeni Erick Okong'o, MP
19. Sen. Mundigi Alexander Munyi, MP
20. Sen. Murango James Kamau, MP
21. Sen. Muthama Agnes Kavindu, MP
22. Sen. Mwaruma Johnes Mwashushe, MP
23. Sen. Mwenda Gataya Mo Fire, MP
24. Sen. Mwinyihaji Mohamed Faki, MP
25. Sen. Nderitu John Kinyua, MP
26. Sen. Nyutu Joe, MP, MP
27. Sen. Ojienda Odhiambo Tom, MP
28. Sen. Oketch Eddy Gicheru, MP
29. Sen. Okoiti Andrew Omtatah, MP
30. Sen. Olekina Ledama, MP
31. Sen. Osotsi Godfrey Atieno, MP
32. Sen. Recha Julius Murgor, MP
33. Sen. Roba Ali Ibrahim, MP
34. Sen. Seki Lenku Ole Kanar, MP
35. Sen. Sifuna Edwin Watanya, MP
36. Sen. Thangwa Paul Karungo, MP
37. Sen. Wafula David Wakoli, MP
38. Sen. Wamatinga Wahome, MP
39. Sen. Wambua Enoch Kiio, MP

NOES

1. Sen. Cherarkey Samson Kiprotich, MP
2. Sen. Cheruiyot Aaron Kipkirui, MP
3. Sen. Wakili Hillary Kiprotich Sigei, MP

ABSTENTION

Sen. Onyonka Richard Momoima, MP

Question – agreed to.

Charge 3: Gross Misconduct

The Speaker put the Question and directed Senators to cast their votes by pressing either the “Yes”, “No” or “Abstain” button.

The results of the Division were as follows: -

AYES - 35

NOES - 7

ABSTENTION - 1

AYES

1. Sen. Boy Issa Juma, MP
2. Sen. Chesang Allan Kiprotich, MP
3. Sen. Ekomwa James Lomenen, MP
4. Sen. Kamau Joseph Githuku, MP
5. Sen. Kathuri Murungi, MP
6. Sen. Kajwang’ Moses Otieno, MP
7. Sen. Keroche Tabitha Karanja, MP
8. Sen. Khalwale Boni, MP
9. Sen. Kipkiror William Cheptumo, MP
10. Sen. Kisang William Kipkemoi, MP
11. Sen. Maanzo Daniel Kitonga, MP
12. Sen. Madzayo Stewart Mwachiru, MP
13. Sen. Mandago Jackson Kiplagat, MP
14. Sen. Methu John Muhia, MP
15. Sen. Mogeni Erick Okong’o, MP
16. Sen. Mundigi Alexander Munyi, MP
17. Sen. Murango James Kamau, MP
18. Sen. Muthama Agnes Kavindu, MP
19. Sen. Mwaruma Johnes Mwashushe, MP
20. Sen. Mwenda Gataya Mo Fire, MP
21. Sen. Mwinyihaji Mohamed Faki, MP
22. Sen. Nderitu John Kinyua, MP
23. Sen. Nyutu Joe, MP, MP
24. Sen. Ojienda Odhiambo Tom, MP
25. Sen. Oketch Eddy Gicheru, MP
26. Sen. Okoiti Andrew Omtatah, MP
27. Sen. Olekina Ledama, MP
28. Sen. Osotsi Godfrey Atieno, MP
29. Sen. Recha Julius Murgor, MP
30. Sen. Roba Ali Ibrahim, MP

31. Sen. Seki Lenku Ole Kanar, MP
32. Sen. Sifuna Edwin Watenya, MP
33. Sen. Thangwa Paul Karungo, MP
34. Sen. Wafula David Wakoli, MP
35. Sen. Wambua Enoch Kiiro, MP

NOES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Cherarkey Samson Kiprotich, MP
3. Sen. Cheruiyot Aaron Kipkirui, MP
4. Sen. Chute Mohamed Said, MP
5. Sen. Lelegwe Steve Ltumbesi, MP
6. Sen. Wakili Hillary Kiprotich Sigei, MP
7. Sen. Wamatinga Wahome, MP

ABSTENTION

Sen. Onyonka Richard Momoima, MP

Question – agreed to.

Charge 4: Crimes under National Law

The Speaker put the Question and directed Senators to cast their votes by pressing either the “Yes”, “No” or “Abstain” button.

The results of the Division were as follows: -

AYES - 32

NOES - 10

ABSTENTION - 1

AYES

1. Sen. Boy Issa Juma, MP
2. Sen. Chesang Allan Kiprotich, MP
3. Sen. Ekomwa James Lomenen, MP
4. Sen. Kamau Joseph Githuku, MP
5. Sen. Kathuri Murungi, MP
6. Sen. Kajwang’ Moses Otieno, MP
7. Sen. Keroche Tabitha Karanja, MP
8. Sen. Khalwale Boni, MP
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10. Sen. Maanzo Daniel Kitonga, MP
11. Sen. Madzayo Stewart Mwachiru, MP
12. Sen. Mandago Jackson Kiplagat, MP
13. Sen. Methu John Muhia, MP
14. Sen. Mogeni Erick Okong’o, MP
15. Sen. Mundigi Alexander Munyi, MP

16. Sen. Murango James Kamau, MP
17. Sen. Muthama Agnes Kavindu, MP
18. Sen. Mwaruma Johnes Mwashushe, MP
19. Sen. Mwenda Gataya Mo Fire, MP
20. Sen. Nderitu John Kinyua, MP
21. Sen. Nyutu Joe, MP, MP
22. Sen. Ojienda Odhiambo Tom, MP
23. Sen. Oketch Eddy Gicheru, MP
24. Sen. Okoiti Andrew Omtatah, MP
25. Sen. Olekina Ledama, MP
26. Sen. Osotsi Godfrey Atieno, MP
27. Sen. Recha Julius Murgor, MP
28. Sen. Roba Ali Ibrahim, MP
29. Sen. Seki Lenku Ole Kanar, MP
30. Sen. Sifuna Edwin Watanya, MP
31. Sen. Wafula David Wakoli, MP
32. Sen. Wambua Enoch Kiio, MP

NOES

1. Sen. Abass Sheikh Mohamed, MP
2. Sen. Cherarkey Samson Kiprotich, MP
3. Sen. Cheruiyot Aaron Kipkirui, MP
4. Sen. Chute Mohamed Said, MP
5. Sen. Kipkiror William Cheptumo, MP
6. Sen. Lelegwe Steve Ltumbesi, MP
7. Sen. Mwinyihaji Mohamed Faki, MP
8. Sen. Thangwa Paul Karungo, MP
9. Sen. Wakili Hillary Kiprotich Sigei, MP
10. Sen. Wamatinga Wahome, MP

ABSTENTION

Sen. Onyonka Richard Momoima,MP

Question – agreed to.

11. **COMMUNICATION FROM THE CHAIR ON THE EFFECT OF THE VOTE TO REMOVE FROM OFFICE, BY IMPEACHMENT, OF HON. (DR.) ROBERT MONDA, THE DEPUTY GOVERNOR OF KISII COUNTY.**

The Speaker conveyed the following Communication from the Chair: -

“Honourable Senators,

Section 33 (7) of the County Governments Act provides that, *If a majority of all the members of the Senate vote to uphold any impeachment charge, the {deputy} governor shall cease to hold office....*

Honourable Senators,

The result of the divisions indicate that the Senate has upheld the following impeachment charge(s): -

Charge 1: Gross violation of the Constitution and any other Law

Charge 2: Abuse of Office

Charge 3: Gross Misconduct

Charge 4: Crimes under National Law

Honourable Senators,

Pursuant to Article 181 of the Constitution, Section 33 (7) of the County Governments Act and Standing Order 80 (6) of the Senate Standing Orders, the Senate has resolved to remove from office by impeachment, Honourable (Dr.) Robert Monda, the Deputy Governor of Kisii County and the Deputy Governor accordingly ceases to hold office.

I thank you.”

And there being no other business on the Order Paper, the Speaker adjourned the Senate at midnight without Question put, pursuant to the Standing Orders.

12. **SENATE ROSE** - at midnight.

MEMORANDUM

*The Speaker will take the Chair on
Tuesday, March 19, 2024 at 2.30 p.m.*

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