



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

MORNING SITTING

THURSDAY, MARCH 14, 2024 AT 9.00 AM

1. The Senate assembled at Nine 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 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 Speaker invited the Clerk to call the Orders of the day.

4. **COMMUNICATION FROM THE CHAIR - WITNESS SUBMISSION BY MR. DAVID HAGGAI OYAGI, IN THE HEARING AND DETERMINATION OF THE PROPOSED REMOVAL 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, Ladies and Gentlemen,

As you may recall, at the sitting of the Senate held yesterday, 13th March, 2024, the Counsel for the County Assembly made a request for Mr. David Haggai Oyagi, the Acting Director, Enforcement and Compliance, County Government of Kisii, to appear before the Senate, as a witness in the hearing for the proposed removal from office by impeachment, of Hon. (Dr.) Robert Monda, the Deputy Governor of Kisii County.

I therefore ruled that the witness be summoned and subsequently directed the Office of the Clerk of the Senate to immediately issue the Summons and facilitate the appearance of the Mr. Oyagi, in the Senate today, Thursday, 14th March, 2024 at 12 noon, to produce his appointment letter and confirm if the persons who are said to be working in the Deputy Governor's home, are officials in the County Government of Kisii.

Honourable Senators, Ladies and Gentlemen,

It has been indicated to me that the said witness is available this morning. I therefore wish to ask the Counsel for the County Assembly to confirm whether he is ready to present the witness.

If the Counsel for the County Assembly is ready, I wish to guide the Senate as follows –

- a. The examination of the witness to take a maximum of 20 minutes;
- b. The cross-examination to take a maximum of 15 minutes; and
- c. Re-examination to take a maximum of 10 minutes.

Upon the discharge of the witness, the Hearing Programme will proceed as indicated, namely the evidence by the Deputy Governor.

The Senate is accordingly guided.”

5. **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) Presentation of the case by the County Assembly of Kisii County

Counsel for the Assembly commenced the presentation of the case against the Deputy Governor, by leading the following witness, who had been summoned by the Senate, in presenting his testimony before the House–

Mr. David Haggai Oyagi, the Acting Director, Enforcement and Compliance, County Government of Kisii.

The witness took oath and informed the Senate that-

- a) he was unaware of the deployment of Enforcement Officers to the Deputy Governor's residence and, therefore, wrote a letter to the Deputy Director of Enforcement, Nyaribari Chache Sub-County, requesting

information on what transpired and why it was not communicated to him beforehand.

- b) the officers were mobilized and commanded by the Sub-County Administrator and Sub-County Commander and that this action was taken without the knowledge of the office of the Deputy Director or the office of his deputy, contrary to procedure which requires that his office be informed of any occurrence.
- c) the deployment had happened following the instructions of H.E the Deputy Governor who had requested assistance in the arrest of his brother who was splitting family trees against the wishes of H.E the Deputy Governor;
- d) the Deputy Governor did not have the mandate to commandeer the officers and that the responsibility lies in the office of the Director of Enforcement.
- e) there was no provision for Enforcement Officers to be assigned to the Deputy Governor as their job description differs significantly from that of personal staff, with Enforcement Officers primarily focusing on security;
- f) the deployment of Enforcement Officers to the Deputy Governor's home to assist him with manual work was a matter under investigation; and
- g) the matter was not reported earlier because neither the Sub-County Administrator nor the County Commander had communicated to the Enforcement Directorate.

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

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

b) Presentation of the Defence by the Deputy Governor of Kisii County

Counsel for the Deputy Governor commenced the presentation of the Deputy Governor's defence by leading the following witness to present his testimony before the Senate –

Mr. Joseph D. Misati – Former colleague to the Deputy Governor and Father to Mr. Dennis Misati, a witness of the County Assembly.

The witness took oath and informed the Senate that –

- a) the Deputy Governor, who was a long-term friend, had lent him Kshs. 500,000/= in cash between October and November, 2022 and that the

payments he made to the Deputy Governor on 28th May, 2023 of KShs. 251,000/= through his Co-operative Bank account and of KShs. 249,000/= through his son, Mr. Dennis Misati's MPesa was a repayment of the same and not a bribe as alleged;

- b) he never gave the Deputy Governor Kshs. 300,000.00 in cash as alleged, and that all the money paid to the Deputy Governor belonged to him and not Mr. Dennis Misati as claimed;
- c) on 28th May, 2023, he had requested the Deputy Governor to assist him in securing employment for his children where possible, including Mr. Dennis Misati, who had applied for and had been interviewed for a job at Gusii Water and Sanitation Company Limited (GWASCO); and
- d) as at January, 2024, he owed the Deputy Governor the sum of Kshs. 600,000/=, some of which was used to pay for school fees for his grandchild, the child of Mr. Dennis Misati.

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.

And the time being One O'clock, the Deputy Speaker interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

6. **SENATE ROSE** - at One O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Thursday, March 14, 2024 at 2.30 p.m.*

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