



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. III NO. 83**

## THE HANSARD

Tuesday, 8<sup>th</sup> October 2024

The House met at 9.15 a.m.

*[The Speaker (Hon. Moses Wetang'ula) in the Chair]*

### PRAYERS

**Hon. Speaker:** Hon. Members, we have quorum to transact business.

### COMMUNICATION FROM THE CHAIR

GUIDANCE ON CONSIDERATION OF THE SPECIAL MOTION ON  
THE PROPOSED REMOVAL, BY IMPEACHMENT, OF THE DEPUTY PRESIDENT

*(Several Members walked into the Chamber)*

**Hon. Speaker:** Take your seats. Member for Trans Nzoia, take the nearest seat.

Hon. Members, I have a short Communication in relation to the Motion for the removal from office by impeachment of H.E, Rigathi Gachagua as the Deputy President of the Republic of Kenya.

As you will recall, on Tuesday, 1<sup>st</sup> October 2024, the Member for Kibwezi West, Hon. Eckomas Mwangi Mutuse, gave notice of a Special Motion seeking a resolution of the House for the removal from office, by impeachment, of H.E, Rigathi Gachagua, as the Deputy President of the Republic of Kenya. Thereafter, upon consideration of the notice, the House Business Committee (HBC) at its sitting on the same day resolved *inter alia* that the Sitting of Thursday, 3<sup>rd</sup> October 2024 be suspended, which it was and that, in the intervening period, the Clerk of the National Assembly collects and collates public views on the proposed impeachment on Friday, 4<sup>th</sup> October 2024.

*(Several Members walked into the Chamber)*

Members at the Bar, take the nearest seats.

*(Hon. Mutuse Mwangi walked into the Chamber)*

*(Applause)*

Take the nearest seat. That, a Procedural Motion be moved to provide for the speaking time during the debate on the Special Motion and that, the consideration of the Special Motion be undertaken today Tuesday, 8<sup>th</sup> October 2024.

As you are aware, public participation sessions were held on 4<sup>th</sup> and 5<sup>th</sup> October 2024 in all the constituencies. I also note that the public participation exercise which commenced on 2<sup>nd</sup> October 2024 with the invite to members of the public to submit views included the collection of physical and electronic views, some of which were submitted by Kenyans in the diaspora. Whereas the earlier directive by the House Business Committee had intended to centrally collect views from all constituencies at identified locations in each county, in keeping

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with the orders of the High Court Sitting on 4<sup>th</sup> October 2024, the collection of views was extended to 5<sup>th</sup> October 2024 to include all the 290 constituencies offices and the 47 county women representatives' offices, being offices under the Parliamentary Service Commission (PSC). That additional time and coverage ensured the inclusion of a higher number of respondents from across the country. Notably, that extended time also saw the submission of additional views through hand delivery to the Office of the Clerk, as well as through electronic means.

Hon. Members, on behalf of the House Business Committee and my own behalf, I wish to appreciate you for your support during the public participation sessions and commend you for your conduct during the exercise. You took a lead in ensuring the public was well informed of the process and refrained from commenting on the merits or otherwise of the Motion, whether in public or in the media. That is how it is supposed to be. Contrary to media reports on the general absence of Members in the various venues at which public participation was conducted, I wish to clarify that the absence was in keeping with the requirements of the Standing Orders.

Having said that, Hon. Members, I wish to inform you that the views collected during the exercise have since been collated and compiled into a Report which was noted by the House Business Committee at its meeting held yesterday, 7<sup>th</sup> October 2024. The House Business Committee has designated Hon. Millie Odhiambo-Mabona, one of its members, to table the Report on its behalf under Order No.5 at an appropriate time in the course of today's proceeding. I will allow the Minority Whip a maximum of 15 minutes to give an overview of the process that was undertaken and the contents of the Report. It is expected that, as the House debates the Motion, Members will take into consideration the views of the public as expressed between 2<sup>nd</sup> and 5<sup>th</sup> October 2024. I, therefore, call upon Committees to take a keen interest in the Report and isolate matters that fall under their respective mandates for possible consideration, reporting and approval by the House.

Hon. Members, may I remind the House of the Resolution on the limitation of time as resolved on Wednesday 2<sup>nd</sup> October 2024. The Mover will have a maximum of 60 minutes in moving and a maximum of 30 minutes to reply. All other Members will have a maximum of five minutes except the Hon. Leader of the Majority Party, the Hon. Leader of the Minority Party and the Member seconding the Motion, who will each have a maximum of 10 minutes. This is in addition to the 15 minutes that is allocated to the Hon. Whip of the Minority Party to highlight the contents of the Report of the public participation.

Permit me to also remind Members of the provisions of Part 16 of our Standing Orders on the Rules of Debate that ought to guide today's proceedings. Notably, Members should strictly restrict their contributions to matters that are relevant to the Motion before the House and note the provisions of Standing Order 91, Responsibility for Statement of Fact. The Standing Order notes that:

“A Member is solely responsible for the accuracy of any facts which the Member alleges to be true and may be required to substantiate any such facts instantly.”

Additionally, Hon. Members, we recall that, ordinarily, Standing Order 95, Closure of Debate and Standing Order 96, Adjournment of Debate, allow a Member to hasten the conclusion of a debate on a Motion or delay the conclusion of a debate on a Motion, respectively. However, those two Standing Orders do not apply with respect to the consideration of a Special Motion as the one that is before the House today. I will, therefore, not entertain any call for the Mover to reply or any dilatory Motion to be moved until the debate that is scheduled for today is concluded.

I am sure that you are all aware of the rules of natural justice which require that no person should be condemned unheard. This rule is embodied in our Standing Order 67(b)(2), Right to be Heard and, pursuant to that Standing Order, I will accord the Deputy President

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and/or his representatives that opportunity to be heard at 5.00 p.m. for a maximum period of two hours.

Thereafter, the Mover will be called upon to reply; following which the House will proceed to vote on the Special Motion. Further to the Communication issued on 1<sup>st</sup> October, I need to not gainsay the need for the House to conduct itself in the most decorous fashion during today's proceedings. For the best use of the time allotted to Members' contributions to the Motion, I urge that each Member be listened to without interruption.

As we commence today's proceedings, permit me to note that I am aware that yesterday, the Deputy President of the Republic of Kenya held an interview with the local media in which he laid out his defence to the Special Motion before the House. Whereas Standing Order 85 prohibits Members of this House from anticipating debate of a Motion for which notice has been given, the Standing Order, when broadly interpreted, also extends to non-Members, especially persons that are affected by such Motions. Noting that the Special Motion is scheduled for debate and voting today, I believe that the Deputy President ought to have exercised restraint and refrained from holding the press interview. It is noteworthy that the Deputy President has been given an opportunity to appear before this House to make his response to the Motion in accordance with the rules of natural justice. With that as it may, I will not wear the hat of a judge on this matter, but permit me to put it on record that the conduct was, to say the least, abhorrent and decided conduct in the light of the proceedings that are scheduled to commence at the House.

The House is accordingly guided, and we will now move to the next business.

*(Several Members walked into the Chamber)*

Members take your seats. Next Order.

## PAPERS

**Hon. Speaker:** Hon. Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

1. Special Audit Report of the Auditor-General on Illicit Financial Flows in Kenya – focus on Management of Tax Exemption on Public Infrastructure Projects by Foreign Companies for September 2024;
2. Annual Report and Financial Statements of Kenya Civil Aviation Authority for the year ended 30<sup>th</sup> June 2023;
3. The Annual Report of the National Police Service Commission for the Financial Year 2023/2024;
4. Audited Financial Statements for the year ended 30<sup>th</sup> June 2024 from the Central Bank of Kenya; and,
5. Reports of the Auditor-General and Financial Statements for the year ended 30<sup>th</sup> June 2024, and the certificates therein in respect of-
  - (a) Retirement Benefits Authority; and,
  - (b) Insurance Regulatory Authority.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. Order, Hon. Members. Reduce the levels of your conversations. The Minority Party whip, Hon. Millie Odhiambo.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Hon. Speaker, I beg to lay the following Paper on the Table:

Report on public views arising from public participation on the Motion on removal from Office by impeachment of H.E. the Deputy President of the Republic of Kenya.

Thank you.

**Hon. Speaker:** Next Order.

### MOTION

**Hon. Speaker:** Hon. Mwengi Mutuse Eckomas, you take the Floor.

*(Applause)*

Before you begin, can the Hon. Leaders of the Majority and Minority parties approach the Chair?

*(Hon. Kimani Ichung'wah and Hon. Junet Mohamed consulted with the Hon. Speaker)*

Hon. Members, as we start the Motion, there is a slight variation on my Communication. The Hon. Leaders of the Majority and Minority parties in the House will prefer to speak immediately after the subject of the Motion speaks, and before the Mover is called upon to reply. I have acceded to their request and it is so ordered.

### SPECIAL MOTION

PROPOSED REMOVAL BY IMPEACHMENT OF HIS EXCELLENCY RIGATHI GACHAGUA,  
DEPUTY PRESIDENT OF THE REPUBLIC OF KENYA

**Hon. Mwengi Mutuse** (Kibwezi West, MCCC): Thank you, Hon. Speaker, for giving me the opportunity to move the Special Motion on the impeachment of the Deputy President of the Republic of Kenya, His Excellency, Hon. Rigathi Gachagua.

**Hon. Speaker:** Hon. Mwengi Mutuse, you start by saying:

“Hon. Speaker, I beg to move the following Motion”, and then proceed to read it as it is on the Order Paper. What you can probably skip is reading out all the names of the Members which you read. Just say that Members who signed the Motion are listed on the Order Paper.

**Hon. Mwengi Mutuse** (Kibwezi West, MCCC): Hon. Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of Article 150 (1) (b) and (2) and Article 145 of the Constitution and Standing Orders 64 and 65 of the Standing Orders of the National Assembly of the Republic of Kenya, this House Resolves to Remove from Office, by Impeachment, His Excellency Rigathi Gachagua, EGH the Deputy President of the Republic of Kenya on the Following Grounds:

**Part A: Gross Violation of The Constitution or any other Law pursuant to Article 150 (1) (b) (i) of The Constitution**

Ground 1: Gross Violation of Articles 10 (2) (a), (b) and (c); 27 (4), 73 (1) (a) and (2) (b); 75 (1) (c), and 129 (2) of the Constitution and Articles 147 (1), as read with Article 131 (2) (c) and (d) of the Constitution.

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1. The Preamble of the Constitution provides (among other things) that the people of Kenya adopted and enacted it—
  - (a) being proud of the ethnic, cultural, and religious diversity, and a determination to live in peace and unity as one indivisible sovereign nation; and
  - (b) recognising the aspirations of all Kenyans for a government based on the essential values of human rights, equality, freedom, democracy, social justice and the rule of law.
2. The Preamble of the Constitution is supplemented by Article 10 (2) (a), (b) and (c) of the Constitution, which establishes the core national values and principles of governance that bind all State Officers (including the Deputy President).
3. These values and principles include patriotism, human dignity, national unity, equity, social justice, inclusiveness, non-discrimination, equality, human rights, protection of the marginalised, democracy, and good governance.
4. Moreover, Articles 73 (1) (a) and (2) (b) of the Constitution establish responsibilities of leadership. They provide that the authority assigned to a state officer (such as the Deputy President) is a public trust to be exercised in a manner that is consistent with the purpose and objects of the Constitution, demonstrates respect for the people, brings honour to the nation and dignity to the office and promotes public confidence in the integrity of the office.
5. Also, Article 27 (4) of the Constitution prohibits all forms of discrimination, including discrimination based on ethnic or social origin, conscience, belief, language and birth.
6. Further, Article 73 (2) (b) of the Constitution provides that decision-making should be objective and impartial and should not be influenced by favouritism and improper motives.
7. Furthermore, Article 75 (1) (c) of the Constitution provides that a State Officer should behave, “whether in public and official life, in private life, or in association with other persons,” in a manner that avoids demeaning the office he holds.
8. Therefore, as a matter of constitutional compliance, the Deputy President of the Republic of Kenya, who is the principal assistant to the President of the Republic of Kenya, is required—
  - (a) to promote the constitutional core values such as peace and unity of all Kenyans in the context of ethnic, cultural, and religious diversity, patriotism, national unity, rule of law, democracy and participation of the people, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised; and good governance;
  - (b) to respect and uphold representation of Kenya’s multi-ethnic and culturally diverse society through the promotion of equality and affording equal opportunities to all Kenyans in appointments to the public service and allocation of public resources; and
  - (c) to make, promote, and implement public policy decisions that do not discriminate against any Kenyan based on conscience, ethnic or social origin, language or birth.
9. However, on diverse dates throughout the last two years, His Excellency Rigathi Gachagua has persistently made utterances threatening to discriminate, exclude and unlawfully deny sections of the people of Kenya and regions of the Republic of Kenya equal opportunities for public service appointments and allocation of public resources.
10. Besides, the utterances are highly inflammatory and inciteful and significantly undermine national unity and the peaceful co-existence of Kenya’s diverse communities.

11. To illustrate—

- (a) Sometime in 2023, at a public forum in Kajiado County within the Republic of Kenya, His Excellency Rigathi Gachagua made highly inflammatory and inciteful public pronouncements to the effect that the ‘Government of Kenya is a company’ and that the allocation of government development projects and public sector jobs are based on ‘shares’ determined by how the populace of the various ethnic communities voted in the 2022 general election. Specifically, he stated as follows—

*“A Government is like a company, there is shareholding. Kuna wale who have invested a lot of shares, kuna wale wameweka kidogo, kuna wale wamekataa, lakini wote ni wakenya. So ndio tukasema, kama wewe umeenda kupanda mahindi, ama wacha nipeane example ya ng’ombe kwasababu niko Kajiado. Wewe uko na ng’ombe yako ya maziwa, hiyo ng’ombe imezaliwa ikiwa njaù umeichunga vizuri, umepatia majani, umenunulia dairy meal, umepatia chumvi, umepeleka kwa malisho, umepatia maji, imezaa, imeanza kukamuliwa. Wewe unatakiwa kwanza ukuwe mutu ya kwanza kukamua hiyo ng’ombe na kunywa maziwa.”*

12. His Excellency Rigathi Gachagua emphasised the divisive and inciteful narrative embodied in the above utterances as follows—

*“Haiwezekani mtu ambaye alikua anakupigia kelele ukichunga hii ng’ombe, na kusema hii ng’ombe ni ile ya kienyeji hakuna haja ya kushugulika naye, hii ng’ombe ni bure haiwezi kutoa maziwa, hii ng’ombe hata ikipona jicho moja, wachana nayo unapoteza wakati, saa ile ng’ombe imezaa imetoa maziwa, amekuja na kikombe, amekuja na sufuria, anataka atolewe maziwa. Mimi nikasema hiyo haiwezekani. Nikasema yule mwenye hii ng’ombe na kuichunga na kuitunza, kwanza akamue maziwa, yeye na watoto wake wakunywe, ile itabaki aitie majirani. Hata yule alikuwa anapiga kelele akisema hii ng’ombe ni bure na haiwezekani, kama kunayo imebaki pia apewe, kama hakuna imebaki atembee. Si hiyo namna hiyo?”*

13. His Excellency Rigathi Gachagua made similar remarks at another public forum as follows—

*“A Government is like a company, I did not say it is a company, I said it is like a company. In every company, there are shares: preferential shares and ordinary shares. When there is an AGM, non-shareholders do not vote or attend the AGM. When there are dividends to be divided, they are divided according to the number of shares. That is the truth.”*

14. His Excellency Rigathi Gachagua continued the inciteful and divisive utterances at yet another forum where he stated as follows—

*“Sisi lazima tungeangalia nyinyi. Hii serikali ni kampuni na ni ya shares. Sindio? Ni ya shares. Kuna wenye kampuni, wale wako na shares mingi, wale wako na chache. Kuna wale hawana. Sasa nyinyi muli-invest kwa hii kampuni ya William Ruto na Rigathi Gachagua; sasa lazima mvune. Yule ambaye alipanda, atafanya nini? Si mulipanda? Si muliamuka mapema?”*

15. At another forum in Nandi County, His Excellency Rigathi Gachagua continued the same divisive and inciteful narrative as follows—

*“Rais ako pale niko hapo. Huyu Felix ako hapo....Mimi mnanijua msimamo wangu. Ya kwamba watoto wakiwa wengi, kuna wale kwanza ya kuangaliwa. Si mnajua? Sasa huyu Felix ako pale, ndie kuunganisha mawaya. Mambo yenu tumepanga. Mambo iko sawa. Chakula iko jikoni, karibu kuiva. Watoto ni wengi, chakula ni kidogo. Iko watoto ya nyumbani, iko wa jirani. Iko namna hiyo. Na nyinyi mtulie. Chakula ikiiva, sisi ndio*

*wenye kupakua. Na watoto tunawajua kwa sura na kwa msimamo. Hatuwezi kuwa confused. Kuna mtu hajui Watoto wake? Na wiki inakuja, tutatangaza hatua kali ile tutachukua, na ile maneno tumepanga....”*

16. In addition, in September 2024, during a public rally in Nairobi, His Excellency Rigathi Gachagua made public utterances that incited other communities against the ethnic communities that live around the Mt Kenya region by stating as follows—

*“Na mimi mkaniambia nimsaidie Rais kwa kazi! Lakini nikiwa hapo kwa serikari, nikue pia nikichunga mambo ya watu wa mulima! Niendeleo kuchunga mambo ya mulima, ama nisichunge? Sasa hiyo kuchunga mambo ya mulima, inaniletea matatizo. Ati naambiwa mimi ni mkabila! Mimi ni mkabila kweli? Nikichunga mambo ya watu wa mlima, iko makosa? Iko makosa?”*

17. His Excellency Rigathi Gachagua’s utterances throughout the past two years undermine the promotion of national unity in the context of Kenyan society’s multi-ethnic demography and multi-cultural diversity. In addition, they have the potential to alienate, isolate, and create disharmony among the various ethnic communities of Kenya.
18. In Summary, His Excellency Rigathi Gachagua’s above mentioned utterances over the last two years are impeachable offences to the extent that they grossly violate Articles 10 (2) (a), (b) and (c); 27 (4), 73 (1) (a) and (2) (b); 75 (1) (c), and 129 (2) of the Constitution and Article 147 (1), as read with Article 131 (2) (c) and (d) of the Constitution. Specifically, His Excellency Rigathi Gachagua’s divisive and inciteful public utterances over the last two years —
- (a) are incompatible with the high calling and dignified status of the office of the Deputy President of the Republic of Kenya.
  - (b) can stir ethnic hatred and promote ethnic balkanisation of the Republic of Kenya.
  - (c) falsely alluded to a non-existent government policy to discriminate and marginalise the populace of the regions and tribes that did not vote for the current administration in the 2022 general elections.

**Ground 2: Gross Violation of Articles 147 (1) and 152 (1) of the Constitution**

19. Article 147 (1) of the Constitution provides that the Deputy President “shall be the principal assistant of the President and shall deputise for the President in the execution of the President’s functions.”
20. In addition, Article 152 (1) of the Constitution states that the Deputy President is a member of the Cabinet.
21. On various dates throughout the last two years, His Excellency Rigathi Gachagua undermined the President and the Cabinet and the effective discharge of the national government’s executive mandate by making unilateral public statements that were inconsistent with policy positions collectively adopted by the Government.
22. To illustrate—
- (a) On or around 30<sup>th</sup> April 2024, the Cabinet passed a resolution for the evacuation of people residing along the Nairobi River.
  - (b) Shortly after that, His Excellency Rigathi Gachagua made a public statement opposing the Nairobi River Riparian Evacuation Orders, which the Cabinet had sanctioned for public safety and climate change mitigation. His Excellency Rigathi Gachagua made contradictory public statements despite being a Member of the Cabinet and being assigned the function of superintending the Nairobi River Riparian Evacuation Order.



23. In addition, His Excellency Rigathi Gachagua has on several occasions throughout the last two years, made public statements contradicting the President on critical matters of governance and the exercise of the President's function as a symbol of national unity.
24. To illustrate—
  - (a) In March 2023, at a public forum in the Nyanza region, the President said Kenya belongs to all, notwithstanding how people voted in the 2022 General Elections, and that he would ensure the government does not discriminate against anyone. However, His Excellency Rigathi Gachagua, speaking after the President at another public forum, contradicted him by saying that Kenya is a company in which the provision of government services is based on shares.
  - (b) His Excellency Rigathi Gachagua has made numerous other utterances at public forums, where he publicly restates the divisive narrative that Kenya is a company in which the rights of citizens are based on shares determined by how various ethnic communities voted in the 2022 General Elections.
25. His Excellency Rigathi Gachagua's unilateral, divisive and inciteful public statements are impeachable offences to the extent that—
  - (a) They undermine the effective discharge of the national government's executive mandate.
  - (b) They violate the doctrine of collective responsibility.
  - (c) They are equivalent to insubordination of the President, which is incompatible with his constitutional status as the principal assistant to the President of the Republic of Kenya.

Ground 3: Gross Violation of Articles 6 (2), 10 (2) (a), 174, 186 (1), 189 (1) and the Fourth Schedule to the Constitution (Undermining Devolution)

26. Article 10 (2) (a) of the Constitution provides that devolution is a fundamental national value and principle of governance. In addition, Article 6 (2) of the Constitution provides that governments at the county and national levels are distinct and interdependent and shall conduct their mutual relations based on consultation and cooperation. These provisions are supplemented by Article 189 (1) of the Constitution, which provides that governments at each level shall perform and exercise their powers “in a manner that respects the functional and institutional integrity of government at the other level...
27. Under paragraph 7 (a) of Part 2 of the Fourth Schedule of the Constitution, county governments are responsible for trade development and markets as an exclusive function. Moreover, the Deputy President chairs the Intergovernmental Budget and Economic Council, an essential organ for consultation between the two levels of government.
28. On or around 20<sup>th</sup> September 2024, His Excellency Rigathi Gachagua, recklessly unmindful of the high calling and dignified status of the Office of the Deputy President of the Republic, unlawfully interfered with the running of Nairobi City County Government by holding a public rally in which he incited citizens against lawful directives of the Nairobi City County Government on the planning and relocation of markets.
29. Further, His Excellency Rigathi Gachagua publicly disparaged the leadership of the Nairobi City County Government and its decisions.
30. Moreover, His Excellency Rigathi Gachagua has interfered with the proper discharge of county governments' constitutional functions regarding alcohol control and regulation.

31. His Excellency Rigathi Gachagua's inciteful and demeaning public statements and conduct are impeachable offences to the extent that—
  - (a) They undermine devolution.
  - (b) They undercut the functional and institutional integrity of county governments.
  - (c) They unjustifiably vilify and ridicule the leadership of county governments, especially the Nairobi City County Government.
32. Consequently, His Excellency Rigathi Gachagua has grossly violated Articles 6 (2), 10 (2) (a), 174, 186 (1) and 189 (1) of the Constitution as read with the Fourth Schedule to the Constitution.

Ground 4: Gross Violation of 160 (1) of the Constitution (Undermining the Institutional and Decisional Independence of Judges)

33. Article 160 (1) of the Constitution provides that the Judiciary “shall be subject only to this Constitution and the law and shall not be subject to the control or direction of any person or authority.” Many international law instruments, treaties, and principles require the guarantee of the judiciary's independence and require all governmental and other institutions to respect and observe it.
34. In 2023, His Excellency Rigathi Gachagua, recklessly unmindful of the high calling and dignified status of the Office of the Deputy President of the Republic of Kenya and the need to respect, protect and uphold the independence of the Judiciary, made a scathing public attack against the Honourable Lady Justice Esther Maina, Judge of the High Court of Kenya, and falsely threatened to file a petition for the removal of the said Judge in gross violation of Article 160 (5) of the Constitution.
35. The Honourable Judge had presided over a case in which His Excellency Rigathi Gachagua was a party and had, in the lawful performance of her judicial function, ordered His Excellency Rigathi Gachagua to forfeit to the State the sum of KShs.200 million, which she had found to be proceeds of corruption and money laundering.
36. His Excellency Rigathi Gachagua's public attacks against the Judge are impeachable offences to the extent that they undermine the functional and decisional independence of judges.

Ground 5: Gross Violation of Articles 3 (1) and 148 (5) (a) of the Constitution (Breach of the Oaths of Office and Allegiance)

37. His Excellency Rigathi Gachagua's actions and utterances outlined in Grounds 1, 2, 3 and 4 of this Motion constitute a gross violation of Article 3 (1) of the Constitution, which requires every person to respect, uphold and defend the Constitution. Further, the actions and utterances of His Excellency Rigathi Gachagua grossly violate Article 148 (5) (a) of the Constitution, which prescribes the Oath of Allegiance of the Office of the Deputy President that obligates the Deputy President to obey, preserve, protect and defend the Constitution and all other laws.

**Part B: Serious Reasons to Believe that the Deputy President has Committed a Crime under National Law pursuant to Article 150 (1) (b) (ii) of the Constitution**

Ground 6: Serious reasons to believe that His Excellency Rigathi Gachagua has committed crimes under sections 13 (1) (a) and 62 of the National Cohesion and Integration Act

38. Section 13 of the National Cohesion and Integration Act provides that it is an offence for any person to use threatening, abusive or insulting words or behaviour where the person intends to stir up ethnic contempt, hatred, hostility, violence or discrimination. The section also makes it an offence to use such words or engage in such behaviour when, having regard to all the circumstances, ethnic hatred is likely to be stirred up.
39. Besides, Section 62 of the National Cohesion and Integration Act states a person commits an offence when the person makes statements that are intended (or are likely) to stir up feelings of ethnic contempt, hatred, hostility, violence or discrimination.
40. His Excellency Rigathi Gachagua's persistent inflammatory, reckless, inciteful public utterances over the last two years, the details of which are set out in Grounds 1, 2, 3 and 4 of this Motion, establish serious reasons to believe that he has committed crimes under section 13 (1) and 62 of the National Cohesion and Integration Act.

Ground 7: Serious reasons to believe that His Excellency Rigathi Gachagua has committed crimes under sections 45 (1), 46, 47 (a) (3), and 48 (1) of the Anti-Corruption and Economic Crimes Act and sections 2, 3, 4, and 7 of Proceeds of Crime and Anti-Money Laundering Act

41. For the past two years, His Excellency Rigathi Gachagua has inexplicably amassed a humongous property portfolio estimated at KShs.5.2 billion, primarily from proceeds of corruption and money laundering.
42. The value of the property and wealth that His Excellency Rigathi Gachagua has acquired over the last two years is incompatible with his known legitimate income (i.e., Kshs.Twelve Million per annum or thereabouts).
43. His Excellency Rigathi Gachagua has acquired the abovementioned property and wealth using his two sons, Kevin Rigathi Gachagua ('Kevin Gachagua') and Keith Ikinu Rigathi ('Keith Ikinu') and other close family members and associates as proxies.
44. His Excellency Rigathi Gachagua and his proxies (especially the two sons) have used the following companies to massively launder money, conceal proceeds of crime, corruption, and benefit from influence peddling—

| S/No. | Company  | Date of Incorporation | Shareholders  |
|-------|--|-----------------------|---|
| 1.    | Spirit Way Limited<br>(PVT-Y2ULDMKY)                 | 14/11/2023            | Dorcas Wanjiku Rigathi—<br>Director/Shareholder/Beneficial<br>Owner—100 Shares  |
| 2.    | Fortis Vis Group Limited<br>(PVT-MKUMAKEE)           | 14/02/2023            | Kevin Rigathi Gachagua—50<br>Shares<br>Keith Ikinu Rigathi—50 Shares  |
| 3.    | Grand Bypass<br>Apartments Limited<br>(PVT-5JUZEKL8) | 11/01/2024            | Rigathi Gachagua—Director<br>John Mwai Mathenge<br>(7676931)—Director<br>Peter Njoroge Regeru<br>(4686103)—Director<br>Vipingo Beach Resort Limited<br>(C.159289)—Shareholder—1 Share |
| 4.    | Kuruwitu Properties<br>Limited<br>(PVT-EYUBKG83)     | 26/04/2023            | Vipingo Beach Resort Limited<br>(C.159289)—Shareholder—1000<br>Shares<br>John Mwai Mathenge   |
| 5.    | The Anansi Collective<br>(BN-JRCG76AG)               | 29/03/2021            | Keith Ikuni Rigathi   |

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| S/No. | Company  | Date of Incorporation | Shareholders  |
|-------|--|-----------------------|---|
| 6.    | Biovet (K) Limited<br>(CPR/2009/4880)                    | 10/06/2009            | Rigathi Gachagua–200 Shares<br>Dorcas Wanjiku Rigathi–200 Shares  |
| 7.    | Calvary Creed International Limited<br>(CPR/2015/186154) | 16/04/2015            | Rigathi Gachagua–50 Shares<br>Dorcas Wanjiku Rigathi–950 Shares   |
| 8.    | Cosmere Venture Limited<br>(PVT-Q7ULE6Z)                 | 26/02/2018            | Herman Thuita Maina–200 Shares<br>James Mwangi Kagotho–50 Shares<br>Kevin Rigathi Gachagua–250 Shares<br>Keith Ikinu Rigathi–50 Shares<br>Irene Nyanjau Wachira–250 Shares<br>David Kipkemboi Muthamia–200 Shares |
| 9.    | Crystal Kenya Limited<br>(CPR/2009/4898)                 | 12/06/2009            | Kevin Rigathi Gachagua–200 Shares<br>Keith Ikinu Rigathi–200 Shares   |
| 10.   | Delta Merchants Limited<br>(CPR/2009/4874)               | 09/06/2009            | Rigathi Gachagua–200 Shares<br>Dorcas Wanjiku Rigathi–200 Shares  |
| 11.   | Vipingo Beach Resort Limited<br>(C.159289)               | 05/08/2008            | Kevin Rigathi Gachagua–<br>Director<br>Keith Ikinu Rigathi–Director<br>Estate of the deceased James Nderitu Gachagua–Shareholder<br>10,000 Shares   |
| 12.   | Rigathi Gachagua Foundation<br>(CLG-XXFXRG)              | 11/11/2022            | Rigathi Gachagua  |
| 13.   | Dorcas Rigathi Foundation<br>(CLG-G9FV2G)                | 19/10/2022            | Kevin Rigathi Gachagua<br>Keith Ikinu Rigathi<br>Dorcas Wanjiku Rigathi<br>Nancy Wambui Kangethe  |
| 14.   | Heartland Supplies Limited<br>(CPR/2009/4881)            | 11/06/2009            | Rigathi Gachagua–<br>Director/Shareholder–200 Shares<br>Dorcas Wanjiku Rigathi–<br>Director/Shareholder–200 Shares  |
| 15.   | Karandi Farm Limited<br>(C.94303)                        | 25/06/2001            | Rigathi Gachagua –<br>Director/Shareholder–700 Shares<br>Dorcas Wanjiku Rigathi–<br>Director/Shareholder–100 Shares   |

| S/No. | Company  | Date of Incorporation | Shareholders  |
|-------|--|-----------------------|---|
| 16.   | Morani Manufacturers Limited<br>(PVT-8LU7Q8GD)                 | 13/10/2021            | Dorcas Wanjiku Rigathi–<br>Director/Shareholder–200 Shares<br>Keith Ikinu Rigathi–<br>Director/Shareholder–200 Shares<br>Joshua Karianjahi Waiganjo–<br>Director/Shareholder –600 Shares<br>Grace Wachuka Mwangi–<br>Beneficial Owner |
| 17.   | Mothers of the Land Limited<br>(CLG-55FD3B)                    | 01/12/2021            | Louiza Njeri Wanjiru–<br>Director/Member<br>Caroline Jepkemboi Waiyaki–<br>Director/Member<br>Lucy Njuguini Mutegi–<br>Director/Member<br>Dorcas Wanjiku Rigathi–<br>Director/Member  |
| 18.   | Pioneer Medical (K) Limited<br>(CPR/2009/4910)                 | 09/06/2009            | Rigathi Gachagua–<br>Director/Shareholder–200 Shares<br>Dorcas Wanjiku Rigathi–<br>Director/Shareholder–200 Shares  |
| 19.   | Ridor Furniture Mart Limited<br>(C.141876)                     | 18/07/2007            | Rigathi Gachagua–<br>Director/Shareholder–500 Shares<br>Dorcas Wanjiku Rigathi–<br>Director/Shareholder–500 Shares  |
| 20.   | Royal Crimson Ventures Limited<br>(PVT-LRU2QZL)                | 26/02/2018            | Kevin Rigathi Gachagua–<br>Director/Shareholder –400 Shares<br>Keith Ikinu Rigathi–<br>Director/Shareholder –400 Shares<br>Peter Kangangi Githaiga–<br>Director/Shareholder–200 Shares  |
| 21.   | Technical Supplies and Services (K) Limited<br>(CPR/2009/4895) | 06/06/2009            | Rigathi Gachagua–<br>Director/Shareholder–400 Shares<br>Francis Muchiri Wanguo–<br>Director   |
| 22.   | Wamunyoro Investments Limited<br>(C.93670)                     | 23/04/2001            | Kevin Rigathi Gachagua–<br>Director/Shareholder–1 share<br>Keith Ikinu Rigathi–<br>Director/Shareholder–1 share   |

45. To illustrate—

- (a) In November 2023, Crystal Kenya Limited, a proxy company of His Excellency Rigathi Gachagua, purchased Outspan Hotel, situated at Nyeri Municipality Block/1/1669, from Aberdare Safari Hotels for KShs.535,000,000.00. The Directors of Crystal Kenya Limited are the sons of His Excellency Rigathi Gachagua, namely Kevin Gachagua and Keith Ikinu. Sometimes, in August 2024, His Excellency Rigathi Gachagua publicly admitted that his family had acquired this property.

- (b) In November 2023, Kevin Gachagua and Keith Ikinu, the proxies of His Excellency Rigathi Gachagua, acquired Treetops Lodge, a high-end hotel situated in Nyeri County. Sometimes, in August 2024, His Excellency Rigathi Gachagua publicly admitted that his family had acquired this property.
- (c) His Excellency Rigathi Gachagua and his proxies also acquired Olive Gardens Hotel and Queens Gate Serviced Apartments in Nairobi.
- (d) His Excellency Rigathi Gachagua acquired Vipingo Beach Resort, in Kilifi County.
- (e) His Excellency Rigathi Gachagua acquired a parcel of land known as Ruguru/Kiamariga/1223 in Mathira East Constituency, where he has constructed a helicopter landing facility.
- (f) His Excellency Rigathi Gachagua acquired approximately 40 acres of land in Kakuret in Kamburaini in Nyeri County.
- (g) His Excellency Rigathi Gachagua acquired 80 acres of land in Meru County.
- (h) His Excellency Rigathi Gachagua acquired a dairy farm in Nyandarua County.
- (i) Additionally, His Excellency Rigathi Gachagua used his Office of Deputy President to exert influence and connive with unscrupulous Ministry of Lands officials to issue an allotment letter to Wamunyoro Investments Limited, a company that he owns, to acquire L.R. 209/12077 and LR 90923, situated at Embakasi in Nairobi. After that, this company used the fraudulently acquired documents to support a court case at the expense of the legitimate owner of the property.
- (j) Moreover, companies associated with His Excellency Rigathi Gachagua and his proxies were involved in the KEMSA KShs.3.7 billion irregular procurement of Malaria nets that put the lives of millions of Kenyans at risk.
- (k) In addition, His Excellency Rigathi Gachagua has used the Office of Deputy President to corruptly influence unnecessary and expensive renovation of his official residence in Karen and Mombasa running into millions of shillings. In essence, His Excellency Rigathi Gachagua has chosen personal comfort, extreme luxury, and pomposity at the expense of service delivery to the people of Kenya.
- (l) The following are images of some of the properties that His Excellency Rigathi Gachagua has acquired from proceeds of corruption, influence peddling, and money laundering—
- | S/No. | Name and address                          |
|-------|---|
| 1.    | Treetops Hotel, located in Nyeri.         |
| 2.    | Outspan Hotel, located in Aberdare Ranges |
| 3.    | Olive Gardens Hotel, Argwings Kodhek Road |
| 4.    | Vipingo Beach Resort                      |
46. Additionally, His Excellency Rigathi Gachagua has the following proxy companies to trade with the office he holds:
- (a) AgroBriq Investment Limited
47. It is a private limited company incorporated in Kenya on 28<sup>th</sup> May 2017 under certificate number PVT-RXUP6E. The company deals in building and construction. The company's directors/shareholders are—
- (a) Rudani Mayurkumar Mahendrabhai.
- (b) Patel Ankitkumar Hasmukhbhai, a non-Kenyan national.
48. The company operates a bank account (number withheld for data protection reasons) at Sidian Bank, opened on 19<sup>th</sup> February 2022, with the company directors as the account signatories. On 18<sup>th</sup> October 2022, Bhavika Nathalal Hirani was added as an account

signatory and given full mandate to operate the account. Bhavika Nathalal Hirani is a proxy of His Excellency Rigathi Gachagua.

49. On 23<sup>rd</sup> January 2023, the company account received a transfer of KShs.47,015,367.75 from the Executive Office of the Deputy President. The payment was supported by—
- Notification of Award Letter Ref ODP/ADM.1/57 Vo.IV (70) dated 16<sup>th</sup> December 2022 from the Office of the Deputy President to Agrobriq Investment Limited for the proposed Refurbishment of Deputy President’s official residence at Karen, at a cost of KShs.55,559,520.00.
  - Payment Voucher of KShs.55,133,265.92 was received on 10/01/2023 as the 1<sup>st</sup> Interim payment in respect of the contract ODP/RT/001/2022-2023
  - An agreement letter dated 22<sup>nd</sup> December 2022 between Office of Deputy President and Agrobriq Investment Limited for the proposed renovation of Deputy President’s official residence in Karen. Bhavika Nathalal Hirani signed the document as a Director of Agrobriq Investment Limited.
50. On 23<sup>rd</sup> January 2023, the funds were suspiciously transferred through a transfer of KShs.45,000,000.00 to a related entity (i.e., Vaghjiyani Enterprises Limited).
51. Shockingly, the account had been dormant for around nine months before it received the payment from the Office of the Deputy President, adding to the reasonable suspicion that it was a special-purpose vehicle to siphon funds for His Excellency Rigathi Gachagua.
- (B) Lusona Events Limited
52. This is an events management company that was registered on 30<sup>th</sup> October 2012 under certificate number CPR/2012/87037. The company directors are—
- Esther Wanjiru Njenga.
  - Cecilia Muthoni Njenga.
53. The company operates two bank accounts at the SBM Bank, which it opened in 2015. The company’s directors are account signatories. Ian Njuguna Gitata was also introduced as an account signatory and is the sole account operator, pointing to the likelihood that he is the beneficial owner. Between 1<sup>st</sup> January 2024 and 11<sup>th</sup> July 2024, the account at SBM Bank received a total of KShs.100,262,821.43 from the Office of the Deputy President, characterised by the receipt of multiple transfers. On 2<sup>nd</sup> July 2024, the Deputy President’s Office paid Lusona Events Limited part of the abovementioned proceeds of corruption and money laundering in eight transactions in a single day as follows—
- | S/No | Date        | Amount       |
|------|-------------|--------------|
|      | 2-JULY-2024 | 2,946,900.00 |
|      | 2-JULY-2024 | 4,806,639.00 |
|      | 2-JULY-2024 | 4,679,130.00 |
|      | 2-JULY-2024 | 2,955,450.00 |
|      | 2-JULY-2024 | 3,374,400.00 |
|      | 2-JULY-2024 | 5,451,912.40 |
|      | 2-JULY-2024 | 3,582,536.50 |
|      | 2-JULY-2024 | 3,840,625.60 |
54. A substantial portion of the KShs.100,262,821.43 was used for luxurious largesse and unnecessary expenditure for carpets, etc., laid down for the Deputy President’s functions.
55. Some of the funds were utilised as follows—
- Ian Gitata made KShs.22,800,000.00 in cash withdrawals. Some of the withdrawals were declared as cash to pay undisclosed beneficiaries. It was suspicious why they preferred cash payments as opposed to bank transfers.

- (b) KShs.4,000,000.00 transferred to a law firm.
  - (c) KShs.26,993,350.00 Investment in fixed-term deposits as follows—
    - (i) On 27<sup>th</sup> May 2024, KShs.9,993,350.00
    - (ii) On 11<sup>th</sup> July 2024, KShs.17,000,000.00
56. The utilisation of funds was reasonably believed to be an act of corruption and money laundering, as most of the money was withdrawn in cash rather than bank transfers, which is the custom for huge payments. His Excellency Rigathi Gachagua is reasonably suspected to be the principal beneficiary of these dubious transactions.
3. St. Nicholas Rehabilitation and Industrial Training Institute Limited:
57. The company was incorporated on 8<sup>th</sup> April 2021 under registration number PVT-AAACMO4. It deals with student rehabilitation and industrial training, trading as St Nicholas Rehabilitation Centre and Psychiatric Hospital. The sole company director is Nicholas Mugambi Maingi. The company operates an account at Equity Bank, opened on 18<sup>th</sup> August 2017, with the company director as the sole account signatory.
58. Between 1<sup>st</sup> March 2024 and 5<sup>th</sup> June 2024, the account received a total of KShs.21,060,000.00 from the Office of the Deputy President. The funds were suspiciously utilised as follows—
- (a) KShs.2,000,000.00 was allegedly used to purchase a white Toyota Prado from Umarali Motors Limited for KShs.8.5 million.
  - (b) Another KShs.4,000,000.00 was suspiciously transferred to Nicholas Maingi's account. A cash trail in the personal account revealed that upon receipt of the funds, Nicholas made a transfer of KShs.4,660,000.00 to Umarali Motors Limited on 21<sup>st</sup> March 2024. The purported payment to Umarali Motors Limited using two routes raises reasonable suspicion of corruption and money laundering.
59. Further, prior to receipt of the two payments from the Office of the Deputy President, the account was transacting in minimal accounts, raising suspicions that the entire transaction was a conduit used by His Excellency Rigathi Gachagua to siphon public funds. The payment scheme used typifies money laundering transactions.
60. From the matters outlined in the preceding parts of this Motion, it is patently clear that there are serious reasons to believe that His Excellency Rigathi Gachagua, the Deputy President of the Republic of Kenya, using his state office has committed gross economic crimes, namely conflict of interest, abuse of office, conspiracy to commit crimes under:
- (a) Sections 45 (1) (a), 46, 47 (a) (3), and 48 (1) of the Anti-Corruption and Economic Crimes Act; and
  - (b) Sections 2, 3, 4, and 7 of the Proceeds of Crime and Anti-Money Laundering Act.

Ground 8: Serious reasons to believe that His Excellency Rigathi Gachagua has committed crimes under Section 132 of the Penal Code and Section 29 of the Leadership and Integrity Act

- 61. His Excellency Rigathi Gachagua has continuously misled members of the public through false, malicious, divisive and inciteful remarks that are contrary to the provisions of Section 132 of the Penal Code and Section 29 of the Leadership and Integrity Act.
- 62. To illustrate—
  - (a) sometime in January 2024, His Excellency Rigathi Gachagua made a sensational but false accusation that Hon. Justice Esther Maina, Judge of the High Court of Kenya, had engaged in corruption. He publicly said he would



present a petition for the removal of the said judge (which he has not done to date), leading to the inevitable conclusion that he knew his allegations were false.

- (b) On or around 26<sup>th</sup> June 2024, His Excellency Rigathi Gachagua recklessly and unmindful of the high calling and dignified status of the Office of the Deputy President of the Republic and his membership to the National Security Council, both being positions that require one to be a discrete and tempered leader, especially during moments of national crisis, addressed Kenyans on live television in Mombasa County and publicly made sensational statements against the National Intelligence Service (an essential national security organ), its Director General and officers. The following is an excerpt of part of his speech:

*“The Director General of the National Intelligence Service, Noordin Haji, was a junior officer in the National Intelligence Service before he was appointed as DPP. When he was appointed to the Office of the Director General, because of his inferiority complex, he chased away all the people who were senior to him when he was in the Service, therefore, crippling the capacity of that service and making it dysfunctional. Three Directors were chased away and reassigned to desk jobs in Ministries across Government. Thirteen Assistant Directors, men and women with proven track record of intelligence collection and analysis, were removed from the National Intelligence Service, leaving a shell under a clueless Director General who has no capacity to run the organisation. And that is why the security sector was caught off guard by the intensity, the anger of the Kenyan people, the agitation of the Kenyan people, the resilience of the Kenyan people.”*

**Part C: Gross Misconduct pursuant to Article 150 (1) (b) (iii) of the Constitution**

Ground 9: Gross Misconduct (Public Attacks on the National Security Intelligence Service and its Officers)

63. The phrase “gross misconduct” generally refers to behaviour that is “very unpleasant,” “disgusting,” or “very rude” (see the Oxford Advanced Learners Dictionary). Therefore, public attacks against an essential national security organ in circumstances that require one to be discreet and tempered constitute gross misconduct.
64. On or around 26<sup>th</sup> June 2024, His Excellency Rigathi Gachagua, the Deputy President of the Republic of Kenya, unmindful of the high calling and dignified status of the Office of the Deputy President of the Republic and his membership to the National Security Council, both being positions that require a leader to be discreet and tempered, especially during moments of national crisis, addressed Kenyans on live television in Mombasa County and made a scathing attack on the National Intelligence Service (an essential national security organ).
65. His Excellency Rigathi Gachagua extended the extremely reckless personal attacks to the Director General of the institution.
66. With the unprecedented acts, His Excellency Rigathi Gachagua acted in a manner that is incompatible with the high calling and dignified status of the Office of the Deputy President and member of the Cabinet and the National Security Council (refer to the excerpt in Ground 8 of this Motion).
67. The attacks against the National Intelligence Service and its Director General constitute gross misconduct and an impeachable offence to the extent that—

- (a) They are incompatible with the high calling and dignified status of the Office of the Deputy President of the Republic of Kenya.
- (b) They undermine national security from both internal and external points of view.
- (c) They are incompatible with the effective discharge of the delicate and sensitive mandate of the National Intelligence Service.
- (d) They had the potential, given the circumstances prevailing in the country at the time, to significantly diminish public confidence in the viability of the Kenyan state and its ability to protect the lives and properties of its citizens.
- (e) They go against the constitutionally prescribed oath of allegiance of the Office of the Deputy President under Article 148 (5) (a) of the Constitution, which requires the Deputy President to obey, preserve, protect and defend the Constitution and all other laws.

Ground 10: Gross Misconduct (Insubordination)

- 68. As stated in Ground 9 of this Motion, the phrase “gross misconduct” generally refers to behaviour that is “very unpleasant,” “disgusting,” or “very rude” (see the Oxford Advanced Learners Dictionary). Therefore, open or public insubordination of the President, who is the Head of State and Government under our constitutional framework, is gross misconduct.
- 69. As stated in the preceding parts of this Motion, Article 147 (1) of the Constitution designates the Deputy President as the principal assistant of the President who shall deputise for the President in the execution of the President’s functions.
- 70. His Excellency Rigathi Gachagua has persistently undermined, demeaned, and committed insubordination instead of assisting the President in executing the State executive mandate. Instead, he has opted to run a smear campaign against the presidency for political expediency.
- 71. Further, whereas Article 147 (2) of the Constitution requires the Deputy President to perform the functions conferred by the Constitution and any other functions that the President may assign, His Excellency Rigathi Gachagua is openly sabotaging the State’s efforts in agriculture, including the coffee, tea, sugar and milk sectors which the President tasked him to oversee
- 72. To illustrate—
  - (a) His Excellency Rigathi Gachagua has connived with cartels in the tea sector to block the Kenya Tea Development Agency from implementing guaranteed minimum returns that would benefit smallholder tea farmers.
  - (b) His Excellency Rigathi Gachagua has influenced his family members, allies, associates, and proxies to take control of a local cooperative society (name withheld) in Mathira, which they are financially haemorrhaging.

Ground 11: Gross Misconduct (Bullying)

- 73. As stated in Ground 9 of this Motion, the phrase “gross misconduct” generally refers to behaviour that is “very unpleasant,” “disgusting,” or “very rude” (see the Oxford Advanced Learners Dictionary).
- 74. Section 34 of the Leadership and Integrity Act provides that a State officer shall not bully any person. “Bullying” includes repeated offensive behaviour that is vindictive, cruel, malicious or humiliating and is intended to undermine a person.
- 75. For the past two years, His Excellency Rigathi Gachagua has persistently bullied state and public officers.

76. To illustrate—
- (a) His Excellency Rigathi Gachagua bullied Kenya Medical Supplies Agency officials into awarding a tender for the supply of mosquito nets to Crystal Limited, his proxy company. Crystal Limited had submitted a fake bid bond with the sole intention of fraudulently acquiring public property.
  - (b) His Excellency Rigathi Gachagua routinely bullies public officers in national security organs, whom he subjects to public attacks and humiliation.
  - (c) His Excellency Rigathi Gachagua routinely summons procurement officers in ministries and state institutions and instructs them to direct the procurement of goods and services in a specific manner.
  - (d) In the presidency, His Excellency Rigathi Gachagua identified public officers who he thinks stand in his way of creating dominance within government and political kingship, and he has severely threatened, intimidated, and harassed them.
  - (e) In 2023, His Excellency Rigathi Gachagua used his position as the Deputy President to intimidate public officers and a contractor and divert materials meant for the construction of the Kilifi—Malindi Road to tarmac a private road to Vipingo Beach Resort, a hotel associated with him.
  - (f) His Excellency Rigathi Gachagua uses his constitutional power as Deputy President solely to implement sectarian, parochial, and personal interests that seek to profit him.

#### Part D: Conclusion

77. In the preceding parts of this Motion and the evidence annexed to this Motion, I have outlined eleven grounds for the removal from office by impeachment of His Excellency Rigathi Gachagua.
78. Each Ground of impeachment contains sufficient particulars and evidence to prove that His Excellency Rigathi Gachagua has grossly violated the Constitution and other national laws throughout the last two years.
79. Additionally, I have attached satisfactory and compelling evidence of serious reasons to believe that His Excellency Rigathi Gachagua has committed high crimes under various national laws, including but not limited to—
- (a) The Anti-Corruption and Economic Crimes Act.
  - (b) The Proceeds of Crime and Anti-Money Laundering Act.
  - (c) The Leadership and Integrity Act.
  - (d) The National Cohesion and Integration Act.
80. Finally, the conduct of His Excellency Rigathi Gachagua, as depicted in this Motion—
- (a) Is unethical, deplorable and reprehensible.
  - (b) Is incompatible with the high calling and dignified status of the Office of Deputy President of the Republic of Kenya.
  - (c) Is a ticking time bomb to the extent that it has the potential to plunge the country into ethnic hatred and strife.
81. Given the matters outlined in the preceding parts of this Motion, I humbly beg to move:  
THAT, pursuant to the provisions of Article 150(1)(b) and (2) and Article 145 of the Constitution and Standing Orders 64 and 65 of the Standing Orders of the National Assembly of the Republic of Kenya, this house resolves to remove from office, by impeachment, His Excellency Rigathi Gachagua, EGH, the Deputy President of the Republic of Kenya.

Pursuant to the provisions of Standing Order 64(1)(c) and Standing Order 65(2), it is notified that the names of the Members who appended their signatures in support of the Motion are hereunder:

- |                              |                                     |
|------------------------------|-------------------------------------|
| 1. Hon. Mwengi Mutuse        | 48. Hon. Zamzam Mohammed            |
| 2. Hon. Owen Baya            | 49. Hon. Rashid Bedzimba            |
| 3. Hon. Japheth Nyakundi     | 50. Hon. Said Hiribae               |
| 4. Hon. Mathias Robi         | 51. Hon. Peter Shake                |
| 5. Hon. Kimani Ichung'wah    | 52. Hon. Peter Masara               |
| 6. Hon. Rahim Dawood         | 53. Hon. Mishi Mboko                |
| 7. Hon. Patrick Ntwiga       | 54. Hon. Atieno Bensuda             |
| 8. Hon. Eric Wamumbi         | 55. Hon. Fatuma Masito              |
| 9. Hon. George Kariuki       | 56. Hon. Mohamed Machele            |
| 10. Hon. Daniel Karitho      | 57. Hon. Aduma Owuor                |
| 11. Hon. Dorothy Muthoni     | 58. Hon. Jerusha Momanyi            |
| 12. Hon. Mwangi Kiunjuri     | 59. Hon. Dr Lilian Gogo             |
| 13. Hon. Mpuru Aburi         | 60. Hon. Millie Odhiambo-<br>Mabona |
| 14. Hon. Elizabeth Kailemia  | 61. Hon. Irene Mayaka               |
| 15. Hon. Edwin Gichuki       | 62. Hon. Dick Oyugi                 |
| 16. Hon. Mugambi Rindikiri   | 63. Hon. Joshua Oron                |
| 17. Hon. Jane Kagiri         | 64. Hon. Walter Owino               |
| 18. Hon. Ann Wamuratha       | 65. Hon. Patrick Osero              |
| 19. Hon. John Paul Mwirigi   | 66. Hon. Nolfason Barongo           |
| 20. Hon. David Gikaria       | 67. Hon. Mark Nyamita               |
| 21. Hon. (Eng) John Kiragu   | 68. Hon. Tom Odege                  |
| 22. Hon. Mary Maingi         | 69. Hon. Clive Gisairo              |
| 23. Hon. Alice Ng'ang'a      | 70. Hon. Oku Kaunya                 |
| 24. Hon. Michael Wainaina    | 71. Hon. Rozaah Buyu                |
| 25. Hon. John Waithaka       | 72. Hon. Charles Ong'ondo           |
| 26. Hon. Kuria Kimani        | 73. Hon. Fatuma Mohammed            |
| 27. Hon. George Murugara     | 74. Hon. Paul Abuor                 |
| 28. Hon. Simon King'ara      | 75. Hon. Bady Twalib                |
| 29. Hon. John Kiarie         | 76. Hon. David Ochieng'             |
| 30. Hon. (Dr) Shadrack Mwiti | 77. Hon. Caleb Amisi Luyai          |
| 31. Hon. Joseph Wainaina     | 78. Hon. Elisha Odhiambo            |
| 32. Hon. Betty Maina         | 79. Hon. Farah Maalim               |
| 33. Hon. Ruku GK.            | 80. Hon. Elijah Memusi Kanchory     |
| 34. Hon. GG Kagombe          | 81. Hon. Kakuta Maimai Hamisi       |
| 35. Hon. Julius M'anaiba     | 82. Hon. Aden Mohammed Daudi        |
| 36. Hon. Duncan Mathenge     | 83. Hon. Raphael Wanjala            |
| 37. Hon. Kwenya Thuku        | 84. Hon. Peter Orero                |
| 38. Hon. Njuguna Kawanjiku   | 85. Hon. Martin Owino               |
| 39. Hon. (Dr) John K Mutunga | 86. Hon. Peter Kaluma.              |
| 40. Hon. Junet Mohamed       | 87. Hon. TJ Kajwang'                |
| 41. Hon. Abdikadir Mohamed   | 88. Hon. Chiforomodo Mangale.       |
| 42. Hon. Yakub Adow          | 89. Hon. Dorice Donya.              |
| 43. Hon. Ken Chonga          | 90. Hon. Stephen Mogaka             |
| 44. Hon. Ali Wario           | 91. Hon. Phelix Odiwuor             |
| 45. Hon. Ruweida Mohamed     | 92. Hon. Geoffrey Odanga            |
| 46. Hon. Khamis Chome        | 93. Hon. Tim Wanyonyi               |
| 47. Hon. Abubakar Ahmed      |                                     |

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|--------------------------------|--|
| 94. Hon. (Dr) Christine Ombaka | 144. Hon. Johana Kipyegon              |
| 95. Hon. Hussein Weytan        | 145. Hon. Omboko Milemba               |
| 96. Hon. George Aladwa         | 146. Hon. Maisori Kemero               |
| 97. Hon. Maero Oyula           | 147. Hon. Moses Kirima                 |
| 98. Hon. John Bwire            | 148. Hon. Haika Mizighi                |
| 99. Hon. Omar Mwinyi           | 149. Hon. Yusuf Adan                   |
| 100. Hon. Catherine Omanyoo    | 150. Hon. Mumina Bonaya                |
| 101. Hon. Danson Mwashako      | 151. Hon. Charles Gimose               |
| 102. Hon. Innocent Mugabe      | 152. Hon. Bidu Mohamed                 |
| 103. Hon. Charles Nguna        | 153. Hon. Zaheer Jhanda                |
| 104. Hon. Elsie Muhanda        | 154. Hon. Clement Sloya                |
| 105. Hon. Julius Sunkuli       | 155. Hon. Suleka Harun                 |
| 106. Hon. Amina Siyad          | 156. Hon. Jackson Lekumontare          |
| 107. Hon. (Dr) John Namoit     | 157. Hon. Kenga Mupe                   |
| 108. Hon. Nicholas Mwale       | 158. Hon. Major (Rtd) Abdullahi Sheikh |
| 109. Hon. (Dr) Otiende Amollo  | 159. Hon. Didmus Barasa                |
| 110. Hon. Christopher Wangaya  | 160. Hon. Malulu Injendi               |
| 111. Hon. Paul Nabuin          | 161. Hon. Geoffrey Mulanya             |
| 112. Hon. Nicholas Ng'ikor     | 162. Hon. Fred Ikana                   |
| 113. Hon. Yussuf Farah Mohamed | 163. Hon. Peter Nabulindo              |
| 114. Hon. Abdikadir Mohamed    | 164. Hon. Titus Khamala                |
| 115. Hon. James K'Oyoo         | 165. Hon. Joseph Hamisi                |
| 116. Hon. Sarah Korere         | 166. Hon. Ernest Kivai                 |
| 117. Hon. Umulkher Harun       | 167. Hon. Vincent Musau                |
| 118. Hon. (Dr) James Nyikal    | 168. Hon. Fabian Muli                  |
| 119. Hon. Daniel Manduku       | 169. Hon. Caleb Mule                   |
| 119. Hon. Mohamed Adow         | 170. Hon. Joshua Mwalyo                |
| 120. Hon. Ali Wario Guyo       | 171. Hon. (Dr) Rachael Nyamai          |
| 121. Hon. Paul Katana          | 172. Hon. Nimrod Mbai                  |
| 122. Hon. Bisau Kakai          | 173. Hon. Ali Raso                     |
| 123. Hon. Emmanuel Wangwe      | 174. Hon. Joseph Lekuton               |
| 124. Hon. Bernard Shinali      | 175. Hon. Silvanus Osoro               |
| 125. Hon. Nabii Nabwera        | 176. Hon. Abdisirat Khalif             |
| 126. Hon. Patrick Makau        | 177. Hon. Abdul Haro                   |
| 128. Hon. Shakeel Shabbir      | 178. Hon. Mary Emaase                  |
| 129. Hon. Adan Keynan          | 179. Hon. Irene Njoki                  |
| 130. Hon. Fatuma Jehow         | 180. Hon. (Eng.) Nebart Muriuki        |
| 131. Hon. Amina Mnyazi         | 181. Hon. George Gachagua              |
| 132. Hon. Gertrude Mwanyanje   | 182. Hon. Wachira Karani               |
| 133. Hon. Adipo Okuome         | 183. Hon. Githua Wamacukuru            |
| 134. Hon. Abdi Shurie,         | 184. Hon. Rahab Mukami                 |
| 135. Hon. Anthony Oluoch       | 185. Hon. Antony Wainaina              |
| 136. Hon. Beatrice Elachi      | 186. Hon. Elijah Kururia               |
| 137. Hon. Samuel Arama         | 187. Hon. Daniel Nanok                 |
| 138. Hon. (Prof.) Guyo Jaldesa | 188. Hon. Muthoni Marubu               |
| 139. Hon. Antoney Kibagendi    | 189. Hon. Kenneth Tungule              |
| 140. Hon. Samuel Atandi        | 190. Hon. Stanley Muthama              |
| 141. Hon. Ruth Odinga          | 191. Hon. Joseph Emathe                |
| 142. Hon. Eve Obara            | 192. Hon. Faith Gitau                  |
| 143. Hon. Johnson Naicca       |  |

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| 193. Hon. Cecilia A. Ngitit      | 243. Hon. Joseph Tonui       |
| 194. Hon. Pamela Njeru           | 244. Hon. Paul Chebor        |
| 195. Hon. Robert Basil           | 245. Hon. Fred Kapondi       |
| 196. Hon. Protus Akujah          | 246. Hon. Lillian Siyoi      |
| 197. Hon. Kassim Tandaza         | 247. Hon. Naomi Waqo         |
| 198. Hon. Pauline Lenguris       | 248. Hon. Faisal Bader       |
| 199. Hon. (Dr) Robert Pukose     | 249. Hon. Alfah Miruka       |
| 200. Hon. George Sunkuyia        | 250. Hon. Dekow Mohamed      |
| 201. Hon. Joash Nyamoko          | 251. Hon. Innocent Obiri     |
| 202. Hon. Kitilai Ole Ntutu      | 252. Hon. Gideon Ochanda     |
| 203. Hon. Leah Sankaire          | 253. Hon. Sabina Chege       |
| 204. Hon. Lemanken Aramat        | 254. Hon. Peter Lochakapong  |
| 205. Hon. Agnes Pareyio          | 255. Hon. Samwel Chumel      |
| 206. Hon. Gabriel Tongoyo        | 256. Hon. Rael Kasiwai,      |
| 207. Hon. Rebecca Tonkei         | 257. Hon. David Pkosing,     |
| 208. Hon. Catherine Wambilianga  | 258. Hon. Titus Lote,        |
| 209. Hon. John Makali of Kanduyi | 259. Hon. Joseph Samal       |
| 210. Hon. John Chikati           | 260. Hon. Letipila Eli       |
| 211. Hon. Susan Ngugi            | 261. Hon. Kareke Mbiuki      |
| 212. Hon. Mburu Kahangara        | 262. Hon. Martin Wanyonyi    |
| 213. Hon. Geoffrey Wandeto       | 263. Hon. Wanami Wamboka     |
| 214. Hon. (Capt.) Ronald Karauri | 264. Hon. David Ochieng'     |
| 215. Hon. (Dr) Jackson Kosgei    | 265. Hon. Ferdinand Wanyonyi |
| 216. Hon. Adams Korir            | 266. Hon. Gladys Boss        |
| 217. Hon. Kangogo Bowen          | 267. Hon. Paul Biego         |
| 218. Hon. Jematiah Sergon        | 268. Hon. Marianne Kitany    |
| 219. Hon. Kassait Kamket         | 269. Hon. Samwel Chepkonga   |
| 220. Hon. Caroline Ng'elechei    | 270. Hon. Janet Sitienei     |
| 221. Hon. Kiborek Reuben         | 271. Hon. Cynthia Muge       |
| 222. Hon. Gideon Kimaiyo         | 272. Hon. Josses Lelmengit   |
| 223. Hon. Musa Sirma             | 273. Hon. David Kiplagat     |
| 224. Hon. Joseph Makilap         | 274. Hon. Julius Melly       |
| 225. Hon. Joshua Kandie          | 275. Hon. Julius Rutto       |
| 226. Hon. Charles Kamuren        | 276. Hon. Bernard Kitur      |
| 227. Hon. John Waluke            | 277. Hon. Phylis Bartoo      |
| 228. Hon. Richard Yegon          | 278. Hon. Oscar Sudi         |
| 229. Hon. Kilel Richard          | 279. Hon. Dan Wanyama        |
| 230. Hon. Brighton Yegon         | 280. Hon. Adagala Beatrice   |
| 231. Hon. Francis Sigei          | 281. Hon. Amina Dika         |
| 232. Hon. Victor Koech           | 282. Hon. Abdi Ali Abdi      |
| 233. Hon. Linet Chepkorir Toto   | 283. Hon. Hussein Abdi       |
| 234. Hon. Justice Kemei          | 284. Hon. Gonzi Rai          |
| 235. Hon. Nelson Koech           | 285. Hon. Ibrahim Saney      |
| 236. Hon. Beatrice Kemei         | 286. Hon. Umul Kheir Kassim  |
| 237. Hon. Joseph Cherorot        | 287. Hon. Farah Yakub        |
| 238. Hon. Kibet Komingoi         | 288. Hon. Caroli Omondi      |
| 239. Hon. Hilary Kosgei          | 289. Hon. Gichimu Githinji   |
| 240. Hon. Benjamin Lang'at       | 290. Hon. Michael Muchira    |
| 241. Hon. Alfred Mutai           | 291. Hon. Jared Okello       |
| 242. Hon. Liza Chelule           |                              |

Hon. Speaker, it will be remembered that I gave the notice of Motion on Tuesday, 1<sup>st</sup> October 2024 and the House will also take notice that though unprocedurally, the Deputy President addressed the nation yesterday and, therefore, part of what he said may form part of what I will be talking about.

For purposes of Members who are following what I will be presenting, I choose to be very methodical by reading the ground, stating the provisions of the law that have been violated, briefly stating the facts constituting the particulars and, finally, tying it up by giving the evidence supporting the allegations. This will make it easy for Members to understand why we are accusing the Deputy President of doing so.

In doing this, I choose to be a prosecutor and remove my political cap. I will, therefore, avoid the bravado and machismo that was displayed yesterday on television and talk about the law, facts and evidence.

*(Loud consultations)*

**Hon. Speaker:** Order, Members. Take your seat, Hon. Makilap.

**Hon. Mwangi Mutuse** (Kibwezi West. MCCC): Hon. Speaker, Hon. Members, and Kenyans at large, if I do not talk about my departed relatives, it is because I do not think it is proper to use departed relatives to whip public emotions and seek public sympathy

*(Applause)*

Therefore, as much as I also have departed relatives, I will not talk about them.

Hon. Speaker, before I start going count by count, allow me to state two important questions, and I want Hon. Members to listen. These two things are important because this is a historic and constitutional moment because Kenya under the 2010 Constitution has never dealt with the impeachment of a Deputy President. However, we have dealt with the impeachment of governors numerous times. Our courts of law have set the threshold on which the impeachment should be considered.

From the outset, I need to set out the threshold on which impeachment should be considered so that, as I take you through the evidence that we have, you can gauge it against what the courts of law have decided.

Hon. Speaker, allow me to read Paragraph 31 of Civil Appeal No. 21 of 2014 famously called the ‘Wambora Decision’. The ‘Wambora Decision’ is now the locus for most of the impeachment cases and has been cited with the approval by our Supreme Court.

In Paragraph 31 the court stated as follows:

“Our reading and interpretation of Article 181 of the Constitution as read with Section 33 of the County Government Acts shows that the removal of a governor is a constitutional and political process. It is a *sui generis* process that is *quasi-judicial* in nature and rules of natural justice and fair administrative action must be observed.”

What I am going to read is the most important part:

“The impeachment architecture in Article 181 of the Constitution reveals that the removal of a governor is not about criminality or culpability, but it is about accountability, political governance as well as policy and political responsibility.”

The couching of Article 181 in the Constitution which relates to the removal of a governor is similar to the couching of Article 150 which relates to the removal of a deputy governor and, therefore, *mutatis mutandis*. The Court of Appeal stated that the removal of a governor is not about criminal or culpability, but accountability, political governance as well as policy and political responsibility which apply when it comes to the removal of a deputy president.

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This morning, I am prepared to discharge my burden of proof because “he who alleges must prove”. I am ready to discharge it to the required threshold. Therefore, in consideration of the time that I have been allocated, allow me now to go to the specific grounds.

On Ground No. 1, we have alleged that the Deputy President has grossly violated the Constitution, particularly Articles 10(2)(a), (b) and (c); 27(4), 73(1)(a) and (2)(b); 75(1)(c), 129(2) of the Constitution and Article 147(1), as read together with Article 131(2)(c) and (d) of the Constitution. For clarity, allow me to read out the specific provisions so that Members may relate to what we are saying. Article 10 is about national values and principles of governance. Article 10(2)(b) states as follows:

- (2) The national values and principles of governance include—
- (a) patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;
  - (b) human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised;
  - (c) good governance, integrity, transparency and accountability; and,
  - (d) sustainable development.

We have also alleged that the Deputy President has breached Article 27 of the Constitution. Article 27 of the Constitution is about equality and freedom from discrimination. Article 27(4) states as follows:

“The State shall not discriminate directly or indirectly against any person on any ground including race, sex, pregnancy, marital status and so forth.”

It is important to emphasize that the State shall not discriminate.

We have also alleged that the Deputy President has breached Article 73(1) of the Constitution on Leadership and Integrity and it speaks to the authority that is assigned to a State officer. It states that the authority assigned to a State officer is a public trust to be exercised in a manner that is consistent with the purposes and objects of this Constitution.

Article 73 (2)(b) states that the guiding principles of leadership and integrity include objectivity and impartiality in decision-making and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices.

We can go on and on to demonstrate. Article 75 (1)(c) states that a State officer shall behave, whether in public and official life, in private life, or in association with other persons, in a manner that avoids demeaning the office that the officer holds.

I am taking time on this one because it is important to demonstrate that the Deputy President has not lived up to the high calling of the Office that he holds and thus has violated the Constitution.

Article 129 is about the principles of executive authority. We have said that the Deputy President has breached Article 129(2) which states that the executive authority shall be exercised in a manner that is compatible with the principles of service to the people of Kenya, and for their wellbeing and benefits.

In conclusion on this particular ground, we have alleged that the Deputy President has breached Article 147. This Article is about the functions of the Deputy President. It provides that the Deputy President shall be the principal assistant of the President and shall deputise for the President in the execution of the President's functions. Article 131 provides for the authority of the President and 131(2) provides that the President shall respect, uphold and safeguard this Constitution; and promote and enhance the unity of the nation.

Hon. Speaker, it is our allegation that on numerous occasions in the last two years, the Deputy President has used divisive language. He has described the Kenyan Government as a shareholding company where it is only the shareholders of the company who should benefit. It is our contestation that, that particular shareholding language contradicts, contravenes and violates all the provisions of the Constitution that I have highlighted above.



Hon. Speaker, in the preamble, the Constitution recognises that Kenya is a multi-ethnic society. We have about 45 ethnic groups in this country, both big and small. All of them are recognised by our Constitution and they should all enjoy equal rights. The Deputy President has consistently told Kenyans in several places of this country that some will benefit more than others from the Government.

Hon. Speaker, I need not waste a lot of time prosecuting this point. For those of you who listened to him yesterday, he admitted that he has been using the words ‘shareholder’ and ‘company’ against Kenyans. When there is an admission by the accused person, the prosecution does not need to prove a point. It is important for Hon. Members to note that, for the first time, that allegation has proof. That is because he admitted having used the words ‘shareholder’ and ‘company’. While admitting that, he said that he has been using those words in reference to coalition agreements.

The evidence which I will present shortly will demonstrate that in the last two years, he has never talked about coalition agreements or power-sharing deals that were signed before the election among the Kenya Kwanza political formation. He has been talking directly to communities. In Kajiado, he told the people there that they do not have shares. In Kitui during a church service at African Inland Church (AIC) Kitui, he told the people of Ukambani that they should not have a Cabinet Secretary. In Bungoma, he told the people there that they have too many appointments in the Government and yet, the votes they brought were not equivalent to the positions they have. In Nandi, he told the people there that they are a major shareholder and will benefit more than others from the Government. He has been using the word ‘shareholder’ in direct reference to communities, but not to political party formations.

Hon. Speaker, without belabouring this point, allow me to request that the evidence on ethnic profiling and divisive shareholder politics, that is contained in video one and four, be played for the House to take note.

*(A clip of the Deputy President speaking about shareholding in the Government was played)*

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Members!

**Hon. Mwenge Mutuse** (Kibwezi West, MCCP): I kindly request the technicians playing to repeat and add volume. Please, pause. Hon. Speaker, I request when the clips are being played, my time should be paused. Please, repeat so that Members may appreciate and Kenyans may know what we are prosecuting.

**Hon. Speaker:** Go ahead.

*(A clip of the Deputy President speaking about shareholding in Government was replayed)*

Hon. Speaker, in the interest of time, I have 14 other videos where the Deputy President has been recorded speaking in different parts of the country; saying that Kenya is a company which belongs to shareholders. I am not the one who made that clip. The person who is talking in it is none other than the Deputy President of the Republic of Kenya.

The Office of the Deputy President is a national office. The territory of the Republic of Kenya is defined in the Constitution and is known. The ethnic communities of this Republic are supposed to enjoy equal benefits from the Government. Therefore, I am inviting Hon. Members to find that the Deputy President has breached all the Articles of the Constitution as contained in this ground.

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It needs not be gainsaid that divisive ethnic politics is dangerous. You only need to look at Yugoslavia, Bosnia and Rwanda to see what ethnic politics has done to those countries. In Burundi to date, they are still trying to reconfigure their State. Look at what ethnic politics has done to the good Republic of Sudan which was once a stable State. Even Nigeria, Ethiopia and our own country where in 2007 we experienced Post-Election Violence (PEV).

If you can remember in 1992, there were clashes in Molo and there is evidence that the Deputy President was the District Officer (DO) there. Character is very important in deciding evidence and persuasion. In 1992, there were clashes in Likoni and our tourism industry has never recovered. We need not go in that direction again. If the person occupying the high office of the Deputy President wants to take Kenya in that direction, the time has come for the National Assembly to stand on its feet, defend the Constitution and impeach him. Even if not on any other ground, but for trying to divide Kenya. Today, he must be impeached.

On ground two, I am alleging that the Deputy President has violated Articles 147(1) and 152(1) of the Constitution. All of us are not lawyers and for purposes of clarity, allow me to read those two Articles so that Hon. Members can appreciate.

Article 147(1) of the Constitution states:

“Functions of the Deputy President.

(1) The Deputy President shall be the principal assistant of the President and shall deputise for the President in the execution of the President's functions.”

Article 152(1) states:

“Cabinet.

(1) The Cabinet consists of -

(a) the President;

(b) the Deputy President;

(c) the Attorney-General.

(d) Not fewer than fourteen and not more than twenty-two Cabinet Secretaries.”

Hon. Speaker, the importance of this is to show that the person I am pleading with this House to impeach is assigned to assist the President and is a member of the Cabinet. I will be brief because we are under a time constraint but what we are demonstrating is that the Deputy President sits in the Cabinet where decisions are made. Cabinet Memos come before the Cabinet, and are discussed. Later, the Deputy President moves out of the Cabinet to contradict those decisions. In proving this, I rely on the affidavit of Ms. Mercy Wanjau, the Secretary to the Cabinet. The affidavit is attached in my bundle of documents on Pages 77 to 79. She states in oath that:

The Cabinet decided to rejuvenate Nairobi River. This is because the law requires that settlements be 30 metres away from a river. When that decision was made, the Deputy President was among the people who sat in the Cabinet. He is the Chairman of the Cabinet sub-committees. Therefore, I believe he chairs the sub-committee that made that decision. However, for political expedience, immediately after the decision was made, he went to the public to oppose the decision. That is inconsistent with the principle of collective responsibility and the requirement that once a decision is made, you need to live by it.

During his televised interview yesterday, the Deputy President said that he is the most compassionate person. Further, he said that he cares so much about the poor. Hon. Members, this morning, I ask the following...

*(Loud consultations)*

Hon. Speaker, I request to be heard in silence.

The Deputy President of the Republic of Kenya is on record as the one who ordered demolitions in Mavoko Constituency in Athi River.

*(Applause)*

Yesterday, he gave half-truths to Kenyans by saying that he opposed the Cabinet decision because it was unconstitutional, and because he is compassionate about Kenyans. He, however, did not tell the nation that he led the demolitions in Mavoko Constituency. Are the people of Mavoko Constituency lesser citizens or it is because in his own thinking, they are not shareholders of this Republic? I, therefore, plead with Members to find that the Deputy President has breached the particular Articles of the Constitution by being averse to the doctrine of collective responsibility, and contradicting the President and Cabinet decisions.

*(A video clip of the Deputy President's public speech in Kayole was played)*

That video is in addition to the affidavit of Ms. Mercy Wanjau, which is on record. It depicts the Deputy President contradicting a Cabinet decision. He sat in Cabinet while the decision was being made.

Hon. Speaker, because of time, I will proceed to Ground Three. The Deputy President has breached Articles 6(2), 10(2) (a), 174, 186 (1) and 189 of the Constitution. These Articles relate to the functions of the county governments and the co-operation framework between the national Government and county governments. To prove this, we are relying on the affidavit of His Excellency, Hon. Johnson Sakaja, the Governor of Nairobi City County. In our bundle of documents, it is contained on Pages 80 to 84 of my Motion. Later, we will also rely on the oral testimony by Governor Sakaja. The work of regulating markets is an exclusive function of county governments. The Nairobi City County Government is independent, as well as inter-dependent on the national Government. Where a function of a county government is independent of the other arm of Government, the national Government has no mandate at all to interfere in the execution of that function. As Members are aware, in the affidavit of Hon. Sakaja, he states on oath that the Nairobi City County Government decided to relocate traders from the Central Business District (CBD).

Further, the Deputy President, recklessly and without regard to the high office that he holds, went to incite people to disobey lawful decisions of the Nairobi City County Government and hence, undermining devolution. We invite Members to find that the Deputy President breached and violated the Constitution by undermining devolution and interfering with the running of the Nairobi City County Government.

Hon. Speaker, allow me to move to Ground Four. This is about intimidation and vilification of judges, contrary to Article 160 of the Constitution, which speaks to the independence of the Judiciary. In our bundle of documents on Pages 145 to 163, we have attached the decision of Lady Justice Esther Maina. In the decision, she found that Ksh200 million assets of His Excellency, Rigathi Gachagua, were proceeds of crime and directed that the same be forfeited to the State. Later, the Deputy President intimidated her. In a public statement, he accused her of corruption. Further, he said that he would file a petition for her removal solely because she found him culpable of economic crimes.

*(Applause)*

Parliament makes laws while the Judiciary interprets them and makes decisions. Members must ask themselves what kind of a country this is, if we can have a Judge make a decision that does not favour me, and then I resort to personal vendetta against him or her.

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Shortly, I will be playing a clip where the Deputy President threatened to occasion the removal of Lady Justice Esther Maina on ground of her finding that he was culpable of money laundering. I request the media team to play the clip, in evidence.

*(A video clip from Citizen TV showing the Deputy President's intention to file a petition to push for the removal of Lady Justice Esther Maina from office was played)*

Hon. Speaker, in the interest of time, I request that we pause the video. From the utterances, it is clear that the attack on the judge is based on a decision she made in performing her constitutional mandate. It is clear that this is personal vendetta. It is also clear that the Deputy President threatened the judge. This is intimidation and an attack on the independence of the Judiciary. The Deputy President is a president in waiting. If he cannot protect and uphold the independence of the Judiciary, then he becomes a dangerous man. He must be impeached for that particular reason. I, therefore, request Members of this House to find that this allegation has been proved to the required standards, and approve the impeachment of Hon. Rigathi Gachagua from the Office of Deputy President.

*(Applause)*

In the fifth ground, we have alleged that the Deputy President has breached Articles 3(1) and 148(5)(a) of the Constitution. Article 3(1) of the Constitution states that every person has an obligation to respect, uphold and defend this Constitution. Article 148(5) of the Constitution is about the oath or affirmation of allegiance that the Deputy President took on assumption of office. He swore to protect and uphold the Constitution. I have demonstrated in all the particular incidences above that he has not lived up to the calling in the Oath of Office.

Therefore, I call on this House to find that the Deputy President does not uphold the Constitution and runs averse to his Oath of Office, in terms of his conduct, as highlighted in the allegations that I have already proven. For that reason, the fifth ground is proven.

The sixth ground is on the breach of the National Cohesion and Integration Act, particularly Sections 13(1)(a) and 62. There is enough evidence to prove it. Section 13 of the Act says that it is an offence for any person to use threatening, abusive or insulting words or behaviour where he intends to stir up feelings of ethnic contempt, hostility, violence or discrimination. Section 62 of the Act provides that a person commits an offence when he or she makes statements that are intended or likely to stir feelings of ethnic contempt, hatred, hostility, violence or discrimination.

Hon. Speaker, in proving the first ground in terms of the violation of the Constitution or national unity, I provided evidence that the Deputy President has been using the shareholder language or terming the Government of Kenya as a company. As much as those words offend the Constitution, similarly, they offend the National Cohesion and Integration Act. By the same evidence, I invite Members to find that the Deputy President has breached those provisions of the law.

I will now turn to the seventh ground which is important for Members to know. It says there are serious reasons to believe that His Excellency Rigathi Gachagua has committed gross economic crimes under Sections 45(1), 46, 47(a)(3) and 48(1) of the Anti-Corruption and Economic Crimes Act, and Sections 2, 3, 4 and 7 of Proceeds of Crime and Anti-Money Laundering Act. All you need in law is to believe that he has committed crimes. That is the threshold. If you believe that Hon. Rigathi Gachagua - by the narration that I will give - has committed crimes, then you vote in the affirmative.

Our allegation here is that the Deputy President has amassed wealth in the last two years. During the short period that I was able to do research, it totals to about Ksh5.2 billion, which is inconsistent with his known sources of income and last declaration of income. During the Presidential Debate, he declared that he was worth Ksh800 million. It is also known, by virtue of gazettements by the Salaries and Remuneration Commission (SRC), that he earns a million or thereabout per month. Therefore, he needs to show us where he got the money to amass those properties. The import of my allegation is two-fold. Firstly, there are unexplained assets under the Anti-Corruption and Economic Crimes Act. Secondly, there is money laundering.

In my Motion, I have listed a total of 22 companies that I believe the Deputy President uses to amass wealth and award himself, through conflict of interest, businesses in his Office and the Government. Secondly, he purchases properties using unexplained sources of income. During the televised interview yesterday, the Deputy President went through all the companies. He did not deny that all of them belong to him. All he did was to say that he registered some of them before he became the Deputy President. I am not interested in the time that the companies were registered, but in what they have done in the last two years. I will demonstrate that those companies have committed economic crimes against Kenyans.

I have also listed properties that the Deputy President has purchased within the two years he has been in Office. I have listed Treetops Hotel in Nyeri, Olive Gardens Hotel, Outspan Hotel and Vipingo Beach Resort. Hon. Speaker, you will be told by the defence that some of the properties that I have listed do not belong to Hon. Rigathi Gachagua but to the estate of Nderitu Gachagua. As you listen, please know that this man is not fond of telling the truth.

*(Applause)*

I will prove this to you. I want you to listen to me very carefully. It is true that Hon. Rigathi Gachagua was one of the administrators of the estates of his late brother. It is easy to hide under the dead because they cannot come to give evidence. But, I have documents. I have the joint will executors' report on the status of the estate of Nderitu Gachagua as at 27<sup>th</sup> June 2024. This is a valid document that is part of our bundle of documents. I have also seen that it is part of the documents that came through public participation. In this document, there is something the Deputy President has not told Kenyans. Listen to me. He actually committed another crime yesterday by misleading Kenyans. What he has not told Kenyans is that in those two years, he is the one who has bought the properties of his own brother through coercion.

*(Applause)*

I have no problem with people owning properties. I have a problem that I need him to explain to us. Where did he get the money to buy these properties? This is the big question. Hon. Speaker, you will be told that when he became Deputy President, he transferred his companies to his two sons and that they are the best entrepreneurs that Kenya has ever produced. They are the best investors that Kenya has ever produced. One day they walked into a bank and got a loan of Ksh600 million. I have looked at the identity card numbers of the two sons and I confirm that they are in their early 30s. I want Gen-Zs who were in the streets to tell me which Kenyan, a 23-year old, can walk into a bank and secure a Kshs600 million loan. Where can one get security to secure Ksh600 million loan?

I started by saying that all you need to do is to believe that His Excellency Rigathi Gachagua has committed crimes. If buying properties worth Ksh5.2 billion within a period of two years is not reason enough to believe that he has stolen from the Kenyan Republic, what

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else would be? If a 28-year-old can be alleged to have walked into a bank and gotten a loan of Ksh600 million, what else is a serious reason to believe that an economic crime has not been committed? I have therefore proven that the Deputy President, indeed, is the one who bought, through coercion, the estate of his late brother. The source of funds to buy the estate is not known.

In my bundle of documents, there is a company called Crystal. This is a very interesting company. It is the one that bought Aberdare Safari Hotel. I have exhibited, on Page 122 of my documents, a transfer document transferring the ownership of the hotel to the children of the Deputy President Rigathi Gachagua at a consideration of Ksh535 million. This transfer was done on 22<sup>nd</sup> November 2023, immediately after he assumed office telling Kenyans that he found empty coffers. He was able, within two months, to buy a property worth Ksh535 million in Nyeri. Which empty coffers did he find?

I have exhibited on Page 118 the CR12 of the new company. It shows that his two sons are the directors. I have also exhibited the transfer document to show that the ownership of the company did shift at a cost of Ksh535 million. Therefore, I believe I have discharged my burden of proof to the required standards. Yesterday, 7<sup>th</sup> October 2024, the Deputy President said that immediately he took office, he asked his children not to do business with government. But, we realise that he is speaking from both sides of his mouth. Even in these transactions about hotels, Tree Top Hotel belongs to Kenya Wildlife Service. It is true he leased it. But when he says that he instructed his children not to transact with government, then lease a hotel owned by the government, he is not transacting with government?

Therefore, the live interview by the Deputy President, yesterday, is a further ground for him to be impeached.

I can go on and on to show that he did purchase Kuruwitu Home Resort at a cost of Ksh250 million from the estate of his own brother. We were told that Vipingo Beach Resort is a property within the estate of the late brother to the Deputy President. But I have exhibited in my bundle of documents CR12 (the document that shows the company directors) showing the children of the Deputy President as directors of the Vipingo Beach Resort. His children are not listed in the will as executors of his estate. Since they are not listed as executors of the estate of Nderitu Gachagua, one would wonder where they come in. It can only be by way of purchase or by way of money laundering.

One other reason why I have provided the list of the 27 companies and properties is also to demonstrate character. Some of these companies have not transacted. It is in my prosecution theory that these are special purpose vehicles for purposes of money laundering and for purposes of preparation of money laundering. Therefore, one would wonder why the Deputy President would have so many companies that are not active except for the reason of waiting for a prime day to launder resources from government. I have also listed many companies and suspicious transactions where companies were being paid as much as Ksh100 million from the Office of the Deputy President. They are paid in the morning and at noon they are withdrawing the money in cash. We are aware that under our regulations one cannot withdraw more than one million shillings from a bank. I have listed in schedules where in a single day, as many as 10 cash transactions were paid from the office of the Deputy President. These are serious reasons to believe that they were monies that were being withdrawn for suspicious reasons. It for that reason that I believe I have discharged my burden of proof. This ground is proven beyond the required threshold. It should be confirmed as a ground of impeachment.

Allow me to proceed to ground No.8. It is about breach of Section 132 of the Penal Code and Section 29 of the Leadership and Integrity Act. Basically, this is about misleading the public. On this one, I rely on evidence of the video in the case of Justice Esther Maina. That the Deputy President did mislead the public that Justice Esther Maina was corrupt simply

because she had made a finding that was against him. I also rely on a video which I am going to play shortly. The Deputy President attacked the National Intelligence Service (NIS) in a televised interview in Mombasa. In the televised interview, you will see it shortly, the Deputy President misled the Republic of Kenya on several accounts. I will discuss them after the video has been played. I now request the media team to play the video from Mombasa on the National Intelligence Service.

*(A video of the Deputy President speaking about NIS in Mombasa was played)*

Hon. Speaker, with your permission, I request that we pause the video because we have already displayed the context.

My point here is simple. By virtue of being the Deputy President of the Republic of Kenya, he is also a member of the National Security Council. The NIS is also in the membership of the National Security Council. In case the Deputy President has any concerns, the Constitution has provided a forum where he can raise them within official structures of Government. Instead of doing that, with complete disregard of the high calling of the Office of the Deputy President that he holds, he chose to be reckless. It will be remembered that the country was at a security crisis at this time. Inflammatory remarks would have led to the country disintegrating. Inflammatory remarks would lead to the tearing apart of the social fabric of this country.

By doing such, I invite the House to find that the Deputy President misled the public. He lived below the expectations of the office he holds. He made unfounded sensational statements. Therefore, his impeachment for that ground should be upheld.

*(Applause)*

Further to that, I quote the Oath of Allegiance to office, the Deputy President swore "...to refrain from directly or indirectly revealing such matters as shall come to my knowledge in the discharge of my duties and committed to my secrecy". As you would notice in that clip, the Deputy Speaker says he has been told in confidence. Mark the words "I have been told in confidence by officers of the following, the following, and the following..." While aware that he took an oath not to divulge information that comes to him in secrecy, he went ahead and divulged that information.

I will be inviting this House to find that the Deputy President breached his own Oath of Allegiance to office. A person who breaches his own Oath of Allegiance to office is not fit to hold the Office of the Deputy President. I therefore urge Members to find that this ground has been proven to the required standard and uphold it for impeachment.

Ground nine is still on gross misconduct. The *Black's Law Dictionary* defines gross misconduct as, "the dereliction of duty and unlawful or improper behaviour". We have alleged that the Deputy Speaker's utterances against the NIS breached Article 150 (1)(b) of the Constitution. That is incompatible with the high calling, dignified status, and the discretion required of the Office of the Deputy President. Because I had laid basis in the foregoing ground and using the same evidence adduced above, I urge Members to also find ground number nine proven.

Ground number 10 is gross misconduct of insubordination. Here, we have the evidence of Mercy Wanjau in the form of an affidavit. It is that Cabinet that makes decisions and the Deputy President defies. I have video clips of Nyanza where the President directed. In fact, he said it is primitive for people to say that certain sections of the country cannot receive development by virtue of how they voted in the last elections. The Deputy President repeated

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his shareholder-Kenya-government-company utterances immediately thereafter, directly contradicting the President. In that arrangement, I submit that that is insubordination. In the interest of time, the evidence we have tendered on record is enough to prove that ground.

Members should be able to approve that the Deputy President, His Excellency Rigathi Gachagua, has been undermining his boss. He has been undermining the Cabinet. Therefore, he is guilty of the offence of gross misconduct of insubordination.

Hon. Speaker, I come to a very interesting last one. It is that the Deputy President has breached Article 150 (1) (b) and Section 34 of the Leadership and Integrity Act. I have the affidavit of Dr Andrew Mulwa in my bundle of evidence. I would want it displayed. Dr Andrew Mulwa was the acting Chief Executive Officer (CEO) of the Kenya Medical Supplies Agency (KEMSA). The KEMSA, through the funding of the Global Fund, advertised for a tender to purchase mosquito nets to benefit Kenyans. The tender was worth about Ksh3.7 billion. In this affidavit, Dr Andrew Mulwa avers that he came to KEMSA when the tender had happened. The witness is before the House. However, because this is not a trial chamber, we will not lead him in evidence nor will he be cross-examined. He is ready to be cross-examined when we go to the Senate. He avers that when he was appointed as an acting CEO of KEMSA, he found the tender process ongoing, and one day the Deputy President called and threatened him so that he could release a bid bond. In his testimony on pages 70 to 76 of my bundle of documents, Dr Andrew Mulwa avers that:

“His Excellency Rigathi Gachagua called me from his mobile phone (the number is provided) and pressured me to surrender to his proxy the original bid bond submitted by Shobikaa Impex for the above tender. He told me that he would send a proxy to collect the original bid bond.”

He goes further to state:

“Dr Ikinu Rigathi, who is a son of Rigathi Gachagua, the Deputy President, sent a *WhatsApp* message from his mobile phone number (which is provided), claiming to be acting for and on the instructions of His Excellency Rigathi Gachagua. He asked for Shobikaa Impex Private Limited's original bid bond for the above tender, which he said His Excellency Rigathi Gachagua was trying to collect from KEMSA.”

Annexed here and marked “AM 1” are the screenshots of those messages, and they are displayed on the screen.

*(Screenshots of the messages were displayed on the screen)*

He goes further to aver that:

“Dr Ikinu Rigathi, His Excellency Rigathi Gachagua's son, sent one Ogola Wilson Okulo to collect the original bid bond submitted by Shobikaa Impex Limited.”

He concludes by saying:

“Given the status, power, threats and influence of the people involved in the interference with the investigations and the cover-up of the irregularities surrounding the procurement of treated mosquito nets, I was constrained to surrender the original bid bond to Ogola Wilson Okulo. In short, I was caught up in a tricky situation and there was nothing much I could do as a junior government officer against a sitting Deputy President of the Republic of Kenya.”

This allegation was admitted by none other than the Deputy President yesterday, live on television. He confirmed that, yes, he called Dr Mulwa. He also confirmed that he called him in relation to a bid bond. And he confirmed that the local representative of Shobikaa is a company called Crystal, which is owned by none other than Rigathi Gachagua and his children. Therefore, there was a direct conflict of interest that the local representative of Shobikaa, which is an international company registered in India, is a company owned by the Deputy President,

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and he is making a call to a junior government officer regarding a tender. I wonder how many other calls he has made. I do not need to belabour this point because none other than the Deputy President himself admitted on live television yesterday that he made the call. It was in relation to the bid bond. Therefore, I urge Members to adopt the evidence of Dr Andrew Mulwa as truthful and factual, exhibiting that His Excellency Rigathi Gachagua interfered with the tendering process and with investigation into the same.

His Excellency the Deputy President falsely informed the country that no money was lost. You would know that this tender was funded under the Global Fund. The Global Fund, through letters that we have exhibited, cancelled this funding. Therefore, the Kenyan people lost up to Ksh5 billion as well as the relationship with the Global Fund, which is a major partner in our health sector. To allege that no money was lost is false. The Global Fund cancelled the tender and also the matter affected our relationship in terms of funding from the Fund. We had to do a lot of diplomatic work, including going to the World Health Organisation (WHO) in Geneva, in order to restore our relationship with the Global Fund.

Hon. Speaker, I have rushed through the grounds because of the time allocated. I have endeavoured to provide evidence that all the 11 proposed grounds for the impeachment of His Excellency Rigathi Gachagua are merited and there is enough evidence. The work of this Chamber is to examine whether, *prima facie*, there is a case. The trial chamber is the Senate. Therefore, I plead with Members of this House: It does not matter whether you signed the Motion or not. I have endeavoured to persuade each one of you individually that this country requires serious leadership, and His Excellency Rigathi Gachagua is not part of that serious leadership. I have endeavoured to persuade each one of you that this country requires leaders who can respect the rule of law. This country requires leaders who can respect the Constitution. His Excellency Rigathi Gachagua is not one of them. Therefore, I implore each one of you, despite our political persuasions, to realise that we want the best for our country. This is the country that we shall bequeath to our children. If the country is destroyed by reckless leaders like His Excellency Rigathi Gachagua, there will be nothing to bequeath our future generations. I persuade each one of you to vote with your conscience. Put Kenya first above your politics when you come to vote.

Lastly, Members of Parliament, if you listened carefully to His Excellency Rigathi Gachagua—and I said at the time of giving notice of my Motion that I have nothing against him as a person—I was perturbed yesterday because he insulted Members of Parliament. He insulted the intelligence of Members of Parliament. There are Members here who are senior lawyers, senior accountants, teachers and accountants. All of us are respected in our societies. The people of Kenya have elected us to exercise a constitutional mandate in this country. His Excellency Rigathi Gachagua said that most Members of Parliament signed the Motion without reading it. That is an insult to your intelligence. His Excellency Rigathi Gachagua, in the live interview yesterday, said that Parliament is a theatre of the absurd. In my training as a lawyer, he who insults the jury deserves no mercy from the jury. His Excellency Rigathi Gachagua has insulted you before Kenyans. I urge you to rise to the occasion and uphold all the 11 grounds.

**Hon. Members:** Put the Question.

**Hon. Mwengi Mutuse** (Kibwezi West, MCCP): Hon. Speaker, there is evidence that I have not gone through, including the whole issue of Wamunoro Investments and the land in Embakasi. I have evidence in my bundle of documents that His Excellency Rigathi Gachagua used his office as the Deputy President to call junior officers of the Ministry of Lands and forced them to forge documents to the effect that Wamunoro Investments had bought the land in Embakasi long even before it had been registered as a company. That land belongs to a sickly civil servant. It belongs to a father or a mother. We must have a Deputy President who is compassionate. I watched the Deputy President yesterday on television displaying impunity and arrogance. He told Kenya: “Yes, I have said Kenya is a company. *Mta do?*”

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Unapologetically, he said that he has said Kenya is a company. Is this the kind of a person you would want to be your Deputy President?

**Hon. Members:** No!

**Hon. Mwengi Mutuse** (Kibwezi West, MCCC): Members of Parliament, I do not want to imagine that anything could happen to the sitting President, but it is also a factual reality that something could happen to him. God forbid that anything happens to the sitting President, is this the man you would want to complete his term as President?

**Hon. Members:** No!

**Hon. Mwengi Mutuse** (Kibwezi West, MCCC): Hon. Members, this man called Rigathi Gachagua has already said that the Members of Parliament from Mount Kenya are either *tugunia*, whose meaning I do not know, or collaborators, and that he will send them home. He has already said that the people of Ukambani, where I come from, Nyanza, Coast and North Eastern do not deserve any development from the Government. He has said that the people of Western do not deserve any development or appointments by the Government. Those are the people you represent. As you rise up to vote, please have the best interests of your people at heart. Hon. Members, as one of your colleagues, I urge you that when this Motion is finally put to a vote, please vote to impeach Rigathi Gachagua on all grounds.

As I conclude, I am confident that Members will approve this Motion. I want to assure them that in the event that they vote for this Motion, I will also persuasively defend it before the Senate. I am sure that the Senate of the Republic of Kenya will also uphold the impeachment, and Kenya will have a better Deputy President who views the country as one.

With those remarks, I beg to move and call our able Deputy Leader of the Majority Party, Hon. Owen Baya, to second the Motion.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Owen Baya, you have 10 minutes.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you very much, Hon. Speaker. I rise to second the Special Motion for the removal from office, by impeachment, of His Excellency the Deputy President of the Republic of Kenya, Hon. Rigathi Gachagua.

In opening, I would like to thank Hon. Mutuse for his courage and valour in tabling and moving this Motion. In his address yesterday, the Deputy President called Parliament and this National Assembly a theatre of the absurd, and a House of ridicule which processes trash. That is what he said about this Parliament.

Hon. Speaker, just like the Deputy President, I am a student of literature, having been taught by the late Wasambo Were and the late Professor Imbuga. In their definition of the term “theatre of the absurd”, they posit that it is plotless, directionless and laced with stupidity. It lacks thought, coherence of ideas, and is irrational and illogical. If you have read the book *Waiting for Godot* by Samuel Beckett, you will know that he actually said that this Parliament is as good as that piece of literature. Hon. Members, I sit in this Parliament like many of you. Are we a theatre of the absurd?

**Hon. Members:** No!

**Hon. Owen Baya** (Kilifi North, UDA): Are we directionless?

**Hon. Members:** No!

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Members, are we stupid?

**Hon. Members:** No!

**Hon. Owen Baya** (Kilifi North, UDA): That is how the Deputy President characterised this Parliament. He said that we are stupid, directionless and very useless to this country. Hon. Speaker, a person of the stature of a Deputy President, who can say such things about this House, does not deserve to continue being the Deputy President of this Republic. A theatre of the absurd is when the Deputy President demands to be paid Ksh2,000 for each of the 8 million

votes from Mount Kenya, translating to Ksh16 billion, so that he can bring peace to this country. That is the theatre of the absurd

*(Several Members spoke off the record)*

Hon. Rigathi Gachagua has committed impeachable offences as provided for in Articles 150(1) and (2) of the Constitution. He has grossly violated the Constitution and has committed crimes under national and international law, as has been ably demonstrated by the Mover of the Motion. The evidence provided by the Mover of the Motion is enough to impeach the Deputy President, and he must stand impeached by the end of today.

Hon. Speaker, Article 131(e) of the Constitution states:

“131(1) The President –  
(e) is a symbol of national unity.”

Article 147(1) of the Constitution states:

“147(1) The Deputy President shall be the principal assistant of the President and shall deputise for the President in the execution of the President’s functions.”

For this to happen, there must be harmony at the top, in spite of how they were elected into office. His shareholding utterances, which we saw on television and as demonstrated by the Mover, ensure that there is no harmony within the presidency. The Deputy President wants to balkanise this country like in George Orwell's *Animal Farm*, that there are people who are more equal than others. As Parliament, we must refuse to buy into the theories of the Deputy President.

The Deputy President wants to be a tribal king of the *murima*, ready to break the country and sow seeds of disunity for his own political gain. By the end of today, we must not have a Deputy President who wants to balkanise this country.

Hon. Speaker, the Office of the Deputy President is a high office, as established under Article 130 of the Constitution. The authority of his Office must be exercised within the provisions of Article 10(2) of the Constitution, which anchors the principle of national unity. The holder of this Office must exercise this Article at the highest possible level. As Deputy President, he must be beyond reproach. Like Caesar's wife, he must be above any form of suspicion and must be beyond reproach. But the utterances and actions of the Deputy President bring his reputation into disrepute because he has sown seeds of disunity and has taken a trajectory that is likely to balkanise this country. For that, we cannot continue to have a Deputy President who cannot uphold the Oath of his Office, therefore, Rigathi Gachagua must go.

Hon. Speaker, if you look at the story of Pompeia, the wife of Julius Caesar, you realise that although she had been accused of sacrilege but was later acquitted by the courts, Julius Caesar actually divorced her, not because of what she had been accused of, but because there was suspicion that she could have done something like that. As a House of Parliament, we have the authority and right to say that this man has brought himself into disrepute. He has gone low and portrayed himself as a man who cannot be trusted with the position of a Deputy President of the Republic of Kenya. He provides himself as a man who cannot be trusted with the position of a Deputy President of the Republic of Kenya. Therefore, Hon. Rigathi Gachagua, must go.

*(Applause)*

Hon. Speaker, Article 131(2)(c) and (d), gives the President and his deputy the responsibility to promote and ensure the unity of the nation and promote respect for the diversity of the people and communities. The Deputy President has presided over the policies of exclusion and championed the rise of resource allocation to only one region of this country. Has the Deputy President exhibited the values of national unity and diversity? He has not! He

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does embrace that key value of the Constitution. Therefore, he must remain impeached because diversity and unity do not exist in his vocabulary. On that premise, the Deputy President, Hon. Geoffrey Rigathi Gachagua, must go by end of today.

Hon. Speaker, Articles 4, 5 and 6 read together with the third paragraph of the Constitution of Kenya, reinforce the fact that Kenya is one united indivisible state. In the same breath, the Constitution establishes the structures of counties as units of sharing resources. However, the Deputy President has established an unlawful and unconstitutional structure of the country as a structure of sharing national resources where we now have a new structure of shareholders and non-shareholders. That is sacrilege. We cannot establish another structure of resource allocation apart from the one provided in the Constitution. We now have a new structure, where those who are shareholders in the country get more resources while those that are not shareholders do not get resources. For that new structure that he is trying to establish in this country, the Deputy President, Hon. Rigathi Gachagua, must go.

Hon. Speaker, I ask you to add me a few more minutes and allow me to say this. There was a time in this country when the Deputy Chief Justice, Hon. Nancy Baraza, was bundled out of office because of impropriety. It was an issue that Kenyans thought was not proper—just pinching the nose of someone. She was bundled out of the high office of the Deputy Chief Justice. That is what happened. Just pinching a nose and she was bundled out of office. Here we have a Deputy President who has committed sacrilege by trying to balkanise the country. He has called people names and he has also called a Member of Parliament a prostitute. He has amassed wealth that cannot be accounted for. For that, just like Ms. Nancy Baraza was bundled out of office, he must also be bundled out of office because of that impropriety.

*(Applause)*

Hon. Speaker, the Mover has ably demonstrated to us how he took on a judge. However, it is not just a judge, it is a female judge. He probably attacked the judge because she was a woman; a lady judge. Where is the place of women judges or women in this country if we have a Deputy President who has no respect for female leaders in the country? For the abuse on a lady judge, the Deputy President must go.

*(Applause)*

Hon. Speaker, I know my time is running out. In closing, I want to say that if you ever face an impeachment Motion, you would rather have a rich dead brother whom you can shield yourself with. We saw what the Deputy President tried to do yesterday. However, I want to tell him that Kenyans are clever and they read through what he wanted to do. They will not buy it. It does not sell and it will not be bought. We know who he is.

**Hon. Speaker:** Give him one more minute to finish up.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Speaker, we know what he tried to do yesterday but we cannot buy it. Therefore, Hon. Rigathi Gachagua must stand impeached at the end of the day. We are in this boat called Kenya together but we have one character who is trying to rock it from within. He is trying to break this country. In that event, we have a duty, if we are in that boat, to remove the person and toss him into the high seas so that everybody is safe. We must carry out that duty today. I want to convince even those that still have doubts on whether he should continue holding that position that we are safer as Kenyans without Hon. Rigathi Gachagua, as the Deputy President of this Country. The North Eastern, Coast and Nyanza regions and all parts of Kenya are safer without Hon. Rigathi Gachagua as Deputy President.

Hon. Speaker, we do not want Hon. Rigathi Gachagua to resign. We want this House, which he has called the theatre of absurd to impeach him so that he knows that he also needs to respect institutions. Lack of respect for institutions is sacrilegious for the person of the stature of a Deputy President. For not respecting Parliament, the National Assembly and the Senate, must impeach Hon. Geoffrey Rigathi Gachagua tonight. We should send him home so that he knows his place in the country.

With those many remarks, I second. I ask other Hon. Members to support this Motion. Thank you, Hon. Speaker.

**Hon. Members:** Put the Question.

*(Hon. Ruth Odinga and other  
Hon. Members stood along the gangways)*

**Hon. Speaker:** Order. Hon. Members on their feet, take your seats. Hon. Ruth Odinga, take your seat.

I want to put the Question. However, you will note that there is the long and brief versions of the Motion on the Order Paper. For those of you who want to look for details of the longer version, you can find it there.

*(Question proposed)*

**Hon. Speaker:** Members, before I open the debate, I received a letter from one Hon. Wandeto purporting to withdraw his signature. I invite the Hon. Member to read the Standing Orders that are very clear. Once you append your signature to a Special Motion, you have crossed the Rubicon. You cannot withdraw that signature.

Hon. Otiende Amollo.

**Hon (Dr.) Otiende Amollo** (Rarieda, ODM): Thank you, Hon. Speaker. May I use the Dispatch Box with your permission?

**Hon. Speaker:** Yes.

*(Hon. Otiende Amollo moved to the Dispatch Box)*

**Hon (Dr.) Otiende Amollo** (Rarieda, ODM): Hon. Speaker, this Special Motion is unprecedented but contemplated by the Constitution, and I support it. Let it be ye never so high, the Constitution is still above you. Some have told me and have told us that this is not our war. They do not know that in circumstances of combat, a bystander is at greater risk than a combatant. You must choose your side, and I have chosen. After listening to the display of jingoism; after listening to the self-entitlement for two-and-a-half hours; after listening to the disdain of governance institutions, this Parliament and the courts; after listening to the Deputy President threatening that Parliament and the courts should know that it is not easy to remove a Deputy President who had 7.2 million votes; after treating Kenyans as fools by trying to mislead on the intent and purpose of his utterances on the idea of Government being a company; it was easy for me to decide to cast my lot with impeachment of the Deputy President.

*(Applause)*

There can be much to say on the reasons. It is easy, for example, to talk about the confessions of the Deputy President regarding Ksh600 million that his son under 30 years was able to acquire and he says, without tabling any evidence, it was acquired from a bank. With that, he admits two things:

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1. That the property in issue was Government property irregularly acquired without the usual procurement processes.
2. That the son was given a moratorium of one year not to pay anything while enjoying the proceeds and the Deputy President thinks there is nothing wrong with that.

It is for good reason that the anti-corruption laws in this country do not limit themselves to the individual, they go to the spouse and the children. It is for such reasons.

It is also interesting that the Deputy President admits to abuse of office. How does he do that? The Deputy President admits to abuse of office on the issue of KEMSA. It is important, and this bears repetition that the evidence tabled by Hon. Mutuse includes an affidavit by Dr. Mulwa. That affidavit on paragraph 5 is very instructive. It says that the Deputy President's phone calls were aimed at interfering and covering procurement irregularities, That is a direct affidavit. But more importantly, if you look at page 69, you will see the SMSs. That SMS, the son of the Deputy President, Dr. Ikinu Rigathi, has the courage to say that there is a document for His Excellency that they are trying to collect. Not for himself nor for any other company, for His Excellency.

*(Applause)*

The fact that the Deputy President admits to these processes and sees nothing wrong with them is a very serious matter of integrity. But I will not speak to all those, I will speak to a more fundamental fact: the blatant justification of discrimination and inciteful utterances against Kenyans. That is where I want to focus.

In this, the Deputy President and I have gone through the documents, there are various places where the Deputy President repeats that Kenya is a company and those who did not vote for Kenya Kwanza are not entitled to enjoy the proceeds of that company. What worries me is that with a straight face, the Deputy President could appear on live television and justify these utterances. How does he justify it? He says that he is entitled to do that because there are some partisan political agreements or promises that were made. What does that mean? The Deputy President elevates promises at a political party level above the National Cohesion and Integration Act, Section 13. He elevates those promises at a political party level above the Constitution of Kenya. There are 15 different Articles that speak against this. The fact that the Deputy President can think that he can justify such utterances and elevate these agreements above the law and the Constitution is the clearest evidence that he must go because he has breached the Constitution.

*(Applause)*

It is important to note that Article 145(1) (a) and (c) do not say that if you are respecting a political promise, then you can breach the Constitution. If that were to be the case, Article 24 would include that as a limitation. It does not include. If you want one reason, Members, to impeach the Deputy President, it is because he has admitted to breaching the Constitution on account of a political promise.

Hon. Speaker, Article 145 (1)(b) is another interesting one. It speaks to serious reasons to believe that the Deputy President has breached the Constitution. You do not need the hard evidence. Members, remember conviction is for courts. We are not a court of law. Ours is to look at the evidence and see if there is a serious reason to believe. Those serious reasons speak to integrity and impropriety. If you look at them and then find that there is some impropriety, then Ground 7 will have been proved. Ground 7 talks of the issue of acquired property coming to Ksh5.2 billion.

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What struck me is that the Deputy President took one-and-a-half hours to explain that he is not corrupt. Of the two-and-a-half hours, he took 90 minutes to explain that he is not corrupt! The very fact that you take 90 minutes to explain that you are not corrupt is *prima facie* evidence of corruption.

*(Laughter)*

Hon. Speaker, if you are not corrupt, you can explain it in a sentence, period! To take 90 minutes is in itself *prima facie* evidence that there is corruption.

On KEMSA issue, other than the affidavit, the Deputy President admitted interference. Whoever advised him to do that live interview could not have had his interest at heart. However, that has made our work much easier because there are now self-incriminations, confessions, and admissions that we can work with. It is clear from yesterday's presentation that the Deputy President can no longer deputise the President. The role of any deputy under the Constitution is to deputise.

Hon. Speaker, I want to request for two more minutes.

*(Loud consultations)*

It is not a ground for the impeachment by Hon. Mwengi Mutuse, but it has become a clear ground from yesterday's interview that the Deputy President is incapable of deputising the President. If we needed an independent ground, then that is very clear. It is also clear that the Deputy President can no longer be part of a Cabinet. It is a basic rule in terms of labour law. If you cannot work with your boss, and if you insubordinate your boss, if one person has to go, then it is the subordinate and not the boss.

*(Applause)*

I want to close by addressing one issue. It is important to address this issue. Some Kenyans want us to divert attention from the impeachment that is before us. There is only one impeachment Motion before us, and it is in respect of the Deputy President. Some people have said *kufa makanga, kufa dereva*. Now, let me explain that to you. First of all, when you say so, you must remember that in that bus there are passengers, and they can die if you are reckless. In this case, those passengers are Kenyans. As Parliament, we must navigate that issue carefully so that the passengers – Kenyans - remain safe.

*(Applause)*

Hon. Speaker, that is extremely important. Why is it so? We are in a very unique position where we have a President and a Deputy President, but we do not have an Independent Electoral and Boundaries Commission (IEBC). If anything happens right now, if we impeach the Deputy President as we need to, the position can be filled even without an IEBC. However, if there is no President and there is no Deputy President, only the Speaker can act for 60 days. Within those 60 days, there must be an election. We cannot currently have an election because we have no IEBC.

For us to have IEBC Commissioners, we need a President to nominate the board that will select them. Once the board is nominated and the names are proposed, they must again be forwarded to us. It is only the President who can nominate them. In other words, if you say *kufa dereva, kufa makanga*, you want absolute turmoil for all the Kenyans to die in that accident. That would be a very reckless act. Having looked at the Deputy President, and having

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listened to him, I am convinced that he is not remorseful. He is not sorry for any utterances. He is not prepared to change. He is a man who must be saved from himself by impeachment.

Thank you. I support.

*(Applause)*

**Hon. Speaker:** Order! Hon George Murugara.

*(Loud consultations)*

Order, Hon. Members.

*(Hon. Atieno Bensuda stood along the gangways)*

Hon. Atieno Bensuda, freeze where you are. I know the limits of exuberance are high.

*(Hon. Beatrice Elachi stood along the gangways)*

Hon. Beatrice Elachi, freeze where you are. I know the levels of exuberance are high, but let us listen to those who are speaking. There are a lot of requests to speak, and I told you that in a Motion such as this one, Hon. (Dr) Robert Pukose will not ask me to put the Question.

*(Laughter)*

So, let us listen to each other. Of course, the candour and banter of debate cannot be ruled out in acknowledging good issues or disagreeing, but let us have some decorum. For those of you who want to speak, you have five minutes but it will be better if you finish earlier so that many more Members can speak.

Go on, Hon. George Murugara. Hon. Members, when you are given permission to speak, if you wish to come to the Dispatch Box, please, do so. If you want to speak from where you are, do so.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Speaker. Before I even state my position regarding this Motion, it is important for me to express the views of Kenyans regarding this Motion, especially with a hindsight of the public participation that we did, and also from the public opinion which was communicated to Kenyans through an agency that conducts opinion polls. It is vitally important to remind Kenyans that through the public participation that we did on Friday and Saturday, it was overwhelming that Kenyans were in approval of the Motion and, therefore, we must respect their position.

We must also remind Kenyans that TIFA Research came up with an opinion poll which indicated that Kenyans are in favour of the Motion. Therefore, even as we debate and agonise over this Motion today, even as we consult Hon. Mwengi Mutuse, as we have done from time to time as regards this Motion, it is quite clear that Kenyans are in favour of the Motion carrying the day. I, therefore, respect the position of Kenyans and my constituents of Tharaka Constituency. I rise to support that the Motion that has been brought to this House to have His Excellency the Deputy President of the Republic of Kenya, Hon. Rigathi Gachagua, impeached, carries the day by a vote to be taken by the House.

I must commend Hon. Mwengi Mutuse, my Vice-Chairperson in the Departmental Committee on Justice and Legal Affairs, for the work excellently done. I want to repeat the position he made that we are not a court of law trying a suspect. We are a House of Parliament which is required to just consider whether the grounds advanced are actually substantiated. Do



we have reasons to believe that the grounds advanced are substantiated? Having listened to the Mover, and having looked at the documentation, and I confess we have burnt midnight oil looking at this particular Motion and the supporting documentation, I want to state that these grounds are substantiated.

Allow me to briefly mention a few. Ground No. 1 is on dangerous divisions in the country as propagated by the Deputy President. Last night, the Deputy President admitted and tried to qualify the admission that he had likened Kenya to a company. There is total difference between likening the Government to a company and stating categorically that the Government is actually a company. In the clips that we have watched, the Deputy President was candid in his statement to Kenyans – that the Government is a company and each one of us either has shares or not. The net effect is this: if you do not have shares, then you do not belong to Kenya. If you have shares, then you are more Kenyan than another person with lesser shares than you. This is a dangerous division which this House must frown against and hold squarely against the Deputy President.

The second admission he made, which is a very strong ground for this Motion, is breach of collective responsibility. It has been clearly stated that the Cabinet includes the Deputy President. He is the principal assistant of the President. He breached this doctrine of collective responsibility and stated that he did this because he thought, in his view and opinion, it was unconstitutional to have decided the way they did. This clearly shows that he is unable to work with the Government which he is mandated to work with. He failed to assist the President and spoke contrary to what the President said. This in itself is insubordination.

The net effect is that even if he survives this impeachment Motion, where will he work? He cannot work with the President! This is because he made another admission that this Motion has the nod of the President. We have not had a Parliamentary Group (PG) or any meeting whatsoever regarding this Motion. He is convinced that the President has a hand in it. If that is the case and he survives, whom will he work with? Who will be his boss?

He said that whatever they do in the Cabinet tinkers on unconstitutionality. If that is his position, that the Cabinet as it sits today can make decisions which he can execute at one time or another and are unconstitutional, which Cabinet will he work with? Therefore, it goes without saying that the personality of the Deputy President, His Excellency Rigathi Gachagua is untenable in as far as the Presidency and the Cabinet are concerned.

Please give me one more minute. There has been an argument regarding his companies as read out by Hon. Mutuse. Nobody seems to know why they were formed or the exact ulterior motive of forming them. What I wish to point out about them and what Kenyans should know is that some of the properties which belonged to his late brother are, today, his properties.

Most important, is a property known as Kuruwitu Home Resort. It was sold to another company known as Kuruwitu Properties Limited for Ksh250 million. A search of these companies indicate that Kuruwitu Properties Limited is owned by Vipingo Beach Resort Limited and John Mwai Mathenge. We have to ask ourselves who Vipingo Beach Resort Limited is. The CR12 indicates that this company is owned in shares by Keith Ikinu Rigathi, Kevin Gachagua Rigathi, and the estate of the deceased James Nderitu Gachagua. As we were told, these two persons, namely Keith and Kevin, are not executors of the estate of the late Nderitu Gachagua. If they own this company which owns one of the properties of the deceased purchased at Ksh250 million, then it goes without saying that the Deputy President has an explanation to give regarding this matter.

Finally, we have been told about the press statement he made in Mombasa which is evidence of insubordination. The country was on fire and burning. The President had finished giving the measures he would take to restore it. The Deputy President went to Mombasa where he gave a statement which was inciting to Kenyans thus casting aspersions on the Government and our agencies. At the end of the day, we have also seen him casting aspersions on the

Judiciary which is supposed to be an independent institution. As Members of Parliament, we are required to prove only one ground and the rest of them will fall or succeed. I can assure that out of the 11 grounds, there is cogent evidence that he has committed acts inconsistent with his office. This in itself warrants this House to impeach him today as we go to the vote.

As I conclude, I urge the House to look at the bigger picture of Kenya as a country. We are not trying to appease one person. We are doing this so that the country is saved. We have always asked ourselves, if the second in command does not work with the first in command and his team, of what use is that person to this country?

Thank you, Hon. Speaker. With those very many remarks, I beg to support this Motion.

**Hon. Speaker:** Hon. Mishi Mboko. Give her the microphone.

**Hon. Mishi Mboko** (Likoni, ODM): Asante sana, Mhe. Spika. Nasimama hapa kuunga mkono Hoja hii ya kumng'atua mamlakani Naibu wa Rais, Bw. Rigathi Gachagua. Naunga mkono kwa sababu Katiba yetu, katika Kifungu 159, imetupatia sababu mwafaka za kuweza kumng'atua Naibu wa Rais.

Sababu ya kwanza imezungumzia kukiuka Katiba. Mhe. Rigathi Gachagua amekiuka Katiba haswa nikiangalia Kifungu cha 10 ambacho kinazungumzia maadili ya Kitaifa, ikiwemo umoja, demokrasia, na usawa. Mara nyingi sana amezungumzia mambo ya nchi yetu kwamba ni kama kampuni na ni ya washikadau. Hawa ni wale watu ambao walipigia serikali ya Kenya Kwanza kura. Hivyo basi, amekiuka maadili katika Kifungu cha 10. Ni kwa sababu tunajua Wakenya wote wanalipa ushuru na wana haki sawa kila mmoja: wale waliopigia serikali kura na wale ambao walikuwa upande mwingine. Kwa sababu ni demokrasia, unaweza kuwa upande wa serikali ama upande wa upinzani.

Vile vile, Kifungu 147 cha Katiba kinasema kwamba yeye atakuwa msaidizi mkuu wa Rais katika serikali na naibu katika zile kazi ambazo Rais anazifanya. Lakini, je, vitendo vyake vimeonyesha maneno hayo? Vimeonyesha kwamba yeye si msaidizi. Wakati ule wa maandamano ya *Gen Z* Rais alitoa hotuba hapa Nairobi ya mwelekeo wa taifa kuhusu jambo lile. Yeye alikuwa Mombasa akitoa hotuba ambayo ilikuwa inazungumza tofauti na ile ya Rais. Hapo pia akatia fitina katika taasisi zetu za kiserikali na kumlaumu Bw. Noordin Haji. Inaonyesha kwamba yeye ni kama anachukua nafasi ile ya Rais wala si msaidizi. Vile vile, tumeona Naibu Rais amekiuka Katiba na kuwa na utovu wa nidhamu wa hali ya juu. Kwa Kiingereza tunasema *gross misconduct*. Kwa mfano, aliita mmoja wetu, Mhe. Jematiah, malaya. Unapoita mwanamke yeyote malaya, umeita akina mama wote wa Kenya hivyo. Sisi siyo malaya: sisi ni akina mama na pia viongozi. Hatuwezi tukakubali Naibu wa Rais kutuita malaya. Vile vile, alisema hao akina mama wa Mlima Kenya ambao hawamuungi mkono ni akina mama wa Rais. Alikuwa anamaanisha nini? Mhe. Rigathi Gachagua, hauna heshima kwa akina mama wa taifa hili la Kenya.

(Heko)

Katika huo utovu wa nidhamu, alinunua shamba ambalo akina mama walikuwa wamelima mahindi, viazi, na maharagwe ya kifaransa huko Nyandarua. Aliweka *Member of the County Assembly (MCA)* huko na wakavunja na kuvuruga chakula chote. Kama ana hekima kama kiongozi, angewacha mimea ikue, watu wavune halafu achukue shamba hilo. Hana ubinadamu, nidhamu, na hafikirii Wakenya yeye kama Naibu wa Rais.

Sababu nyingine ni kukosa ufanisi. Kwa Kiingereza ni *incompetence*. Alikosa ufanisi kwa sababu alisema anapigana na pombe haramu na dawa za kulevya. Alipoenda Pwani, kazi aliyofanya kubwa ni kutukana viongozi na kusema anajua wanaouza mihadarati, na atawataja na kuwashika. Aliwataja? Aliwashika? Mihadarati iko ama hakuna?

**Hon. Members:** Iko.

**Hon. Mishi Mboko** (Likoni, ODM): Hii pombe haramu, iko Mlima peke yake ama pia iko kule Magharibi, Nyanza, na Nairobi? Tumwulize, zile milioni ametumia kwa hiyo kazi, zimetupatia natija gani? Zimekuwa na faida gani isipokuwa kunyakua ardhi na kuandika jina la mke wake, ati atatengeneza sehemu za kunasua vijana katika jambo hilo?

Jambo lingine ni kashfa ya KEMSA ambayo imezungumziwa vizuri sana. Aliwezesha watoto wake na makampuni yake kuiba pesa zile katika kashfa hiyo. Hatuwezi kuwa na Naibu wa Rais ambaye juzi tu mali yake ilikuwa Ksh800 milioni na hivi sasa mali yake ni Ksh5.2 bilioni. Pesa hizi amezipata wapi kwa muda mfupi?

Pia, Naibu wa Rais amedhulumu bibi wawili wa marehemu ndugu yake aliyekuwa Gavana wa Nyeri. Utapatiwa *flat* kumi aje na wao wapewe tano, na ni wawili na wana watoto? Jamani, ni sheria gani hiyo? Tunayo ile sheria ya Kiingereza....

**Hon. Members:** Aongezwe muda.

**Hon. Speaker:** Give her one minute.

**Hon. Mishi Mboko** (Likoni, ODM): Tunajua sheria inazungumzia njia ya kurithi mali wakati mume amekufa. Bibi na watoto wanarithi mali. Itakuwaje wewe uchukuwe huo urithi wote, mpaka hoteli? Ati ulisema ndugu yako alikupa mali. Jamani, wewe kama Naibu wa Rais, muogope Mwenyezi Mungu.

Pia, ujue kwamba hatuko hapa kwa sababu ya ukabila. Tukiangalia sheria ya Bunge ya National Cohesion and Integration, inasema yeyote atakayetumia maneno ya matusi ama kutishia ili kuleta bugudha katika makabila anatakikana ashtakiwe. Yeye amefanya makosa. Tunajua vile matamshi ya kikabila huko Rwanda yaliwatia katika vita vikali vya kikabila. Naibu wa Rais anataka kuleta vita katika taifa la Kenya. Tuliona Molo *clashes* na inasemekana alikuwa kwa hayo maneno.

**Hon. Speaker:** Hon. Mishi, your time is up. Hon. Faith Gitau.

**Hon. Faith Gitau** (Nyandarua County, UDA): Thank you, Hon. Speaker, for according me this opportunity. At the outset, I support this Special Motion. Firstly, our supreme law of the land expects the presidency, the President and Deputy President, to symbolise national unity. In that case, the office holders are expected to portray a national image instead of an ethnic outlook. Our Deputy President has been at the forefront of advancing a selfish ethnic agenda. For him, it is about his community and nothing more.

After an election, the Government has to serve those who voted for it and those who did not. It was wrong for the Deputy President to advocate for shareholding to discriminate against the rest of the communities. This may create ethnic animosity against Mount Kenya region. As a County Member of Parliament, I have traversed this nation more than the Deputy President.

*(Applause)*

Secondly, the Deputy President, as the second in command, should act as a father figure to Members of Parliament and the community at large. Far from it, during his tenure, he has been divisive and egocentric. For him, it is about me, myself and I. Unfortunately, he has lowered the status and respect expected of such a high office.

Lastly, when we went to the people urging them to elect this Government, we gave them an undertaking that women must be respected. Therefore, it disturbs me so greatly when the Deputy President is at the forefront of demeaning women in leadership, particularly those he perceives as his enemies. He has no respect for women whatsoever. He has made scathing public attacks on a woman who is a judge of the High Court. In addition, he has been attacking women, especially Members of Parliament like me and others. Therefore, he has no respect for women. He can never work with them.

With those few remarks, I support the Motion.

**Hon. Speaker:** Hon. Makali Mulu.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you very much, Hon. Speaker, for giving me this opportunity to contribute. Impeachment of a Deputy President is a matter of national and international interest. Based on that, people have to be very careful with what they do with this impeachment.

I want to remind the House that we are only one of the many parts of the process. The National Assembly will make its decision. From there, we will go to the Senate and then the courts, if need be. We must isolate personal issues from issues that make sense to Kenyans, so that as a House we do not go for mob justice mentality then at the end of the other stages, we lose. In the past, this House has been thrown under the bus because of this kind of mentality. We make decisions and when they go to the courts, they are nullified. A number of our Acts of Parliament have been declared unconstitutional because, as Members, we come here and shout assuming other people do not watch.

Hon. Speaker, what am I saying? I have listened to the grounds of this impeachment Motion, and I listened to my friend, Hon. Mutuse, making the presentation. He tried to justify some of these grounds. I want to pick a few of them, and ask myself whether they meet the expectations in terms of saying that the Deputy President should be impeached on those grounds.

The first one is the issue of demolitions. In this country, our Constitution clearly says that Kenyans have their own rights. If the Government decides to carry out demolitions, looking at the hierarchy, we have governors. The topmost person in terms of hierarchy is the President. It is not the Deputy President. So in that situation, when that decision is made, and the Deputy President says he does not support it, the question is: should you be harassing the Deputy President or the President? The person who took the oath as the Head of the Executive is the President, not the Deputy President!

So, on the basis of those demolitions, it is going to be very unfair to say that it is the Deputy President who is insubordinating the President because at the end of the day, whose decision carried the day? That is the question.

The second issue is that of shareholding. Hon. Members, let us be very honest with ourselves. We are all politicians who were voted to represent constituencies. How many of us can say that we are not practising what has been explained in this Motion? How many? Let us be very honest with ourselves. Let us be very honest with ourselves that most of us, majority of us, are doing exactly what has been said in this Motion. It is only that we do not say it publicly.

*(Loud consultations)*

That is the truth of the matter.

**Hon. Stephen Mogaka** (West Mugirango, JP): On a point of order, Hon. Speaker.

**Hon. Speaker:** Yes. Hon. (Dr) Makali Mulu, there is a point of order.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Yes. I have no problem. I hope I will be saving my time.

**Hon. Stephen Mogaka** (West Mugirango, JP): Hon. Speaker, is the Member on the Floor in order to speak about what I practise? What does he know about what I practise? Can he restrict himself to what he does and not start throwing aspersions on Members of Parliament as if he is in their minds and he is in their practice? He is not. Is he not out of order?

**Hon. Speaker:** Yes, Hon. (Dr) Makali.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Hon. Speaker, I really do not see any point of order there. I ignore and proceed.

The issue of the judicial officer who is being accused in one of the grounds in this Motion ....

**Hon. Speaker:** Order, Hon. (Dr) Makali.

**Hon. Farah Maalim** (Dadaab, WDM): On a point of order, Hon. Speaker.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Hon. Speaker.

**Hon. Speaker:** There is another point of order here.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Another point of order?

**Hon. Speaker:** Take your seat. Give Hon. Farah the microphone.

**Hon. Farah Maalim** (Dadaab, WDM): Hon. Speaker, is Hon. Makali, somebody I have a lot of respect for, in order to compare a Member of Parliament who represents a constituency with the Deputy President of the Republic of Kenya who represents the four corners of this country? He says that because the Members of Parliament go to develop... The presumption is that he thinks the National Government Constituencies Development Fund (NG-CDF) funds for one constituency cannot be taken to another constituency, but that is a different thing when it comes to national resources and the Deputy President of the Republic of Kenya.

**Hon. Speaker:** Hon. (Dr) Makali, wind up. Your time is up.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): You know, Hon. Speaker, I hope this is not just to drive me to not say what I want to say. I can see a very deliberate move to curtail me from saying what I want to say.

**Hon. Speaker:** Do you want information from Hon. Nimrod Mbai?

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): You know the thing is, Hon. Speaker, you need to protect me. You have been protecting everybody who has spoken unless, also, you are on the same side of those who are supporting. I do not think it is fair! You have been protecting everybody else...

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. (Dr) Makali Mulu! Order, Hon. Makali Mulu! You have been sitting here since we started. Not a single previous speaker attracted a single point of order. If any came, the Speaker would allow it. Not a single person raised a point of order. In fact, I am being gracious by asking you that Hon. Nimrod Mbai wants to inform you. Do you want his information? If you do not want it, you go on. Hon. (Dr) Makali Mulu, you know when you lose your cool, you also lose your argument. So just be composed and say your bit. The Speaker has no dog in this fight. Just say what you want to say, finish and we give space to somebody else. Any Member who wants to stand on a point of order is seen within your Standing Orders.

**Hon. Nimrod Mbai** (Kitui East, UDA): On a point of information, Hon. Speaker.

**Hon. Speaker:** He has said he does not want your information. Go on.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): You know Hon. Speaker, with all due respect, people have been making their contribution here since morning. Nobody has been shouting, 'Point of order'. It is my democratic position to oppose the Motion.

*(Several Members spoke off the record)*

**Hon. Speaker:** Order! Go on.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): I have been elected by the people of Kitui Central to come to this House three times, and nobody can assume that I cannot make my contribution. I have been saying, on the matter of judicial officer...

**Hon. Speaker:** Wind up.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): The judicial officer has been accused of corruption related matters. There is a court case as we are speaking. Are we running away from accountability as a country? Why do we not allow the courts to do their work up to conclusion? That, as a House, we want to make this a ground for impeachment... There is separation of power and we should respect that.

Third thing is the idea of officers being called by the Deputy President. How many of us here since morning have been called by the President? How many of us here, since morning, have been called by the Deputy President pleading with us to either support or oppose the Motion? Can one be impeached on that note? On a serious note, we need to be serious as a House. That is why I am saying, from where we are seated as a House, we go for mob justice mentality, we lose it at the top there. We are trying to reduce the credibility of this House to the lowest level. I know we are already low. I wish we should not reduce it further than where we are.

Let us go for strong grounds for opposition of this Motion. Is it a situation where we have been set to catch another thief? This seems to be the situation. This country has much more serious issues than what we are discussing.

**Hon. Speaker:** Your time is up. Take your seats. Order, Hon. Robert Mbui.

*(Several Members spoke off the record)*

**Hon. Speaker:** Order, Hon. Robert Mbui. Give him one minute to finish.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Hon. Speaker, so I was saying that Kenyans, and in particular people of Kitui Central, have said *kufa makanga, kufa dereva, kufa makanika*. It is because Kenyans have more serious issues to think about. We want a renewal of this country. This idea of mob justice, we are not going to allow it in this country. Kenyans have more serious things to do. I oppose.

**Hon. Speaker:** Hon. Millie Odhiambo-Mabona to speak to the Public Participation Report.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you Hon. Speaker for giving me this opportunity. I was just wondering if after speaking to the public participation, I could also just make my contribution.

**Hon. Speaker:** You have 15 minutes within which you have to speak to all those.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Okay. Thank you, Hon. Speaker. I will try. Earlier on in the morning, I had tabled before the House the Report. I am... Is it vertically challenged?

**Hon. Speaker:** You are loud enough. Go on.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Speaker. I was indicating that earlier in the morning, I had presented a Report of Public Participation on the Proposed Removal from Office by Impeachment of His Excellency, Rigathi Gachagua, EGH, the Deputy President of the Republic of Kenya. This is following the Notice of a Special Motion by Hon. Mwengi Mutuse and in line with Article 118 of the Constitution. Consequently, the House Business Committee approved a public participation programme across all 290 constituencies, and I present on behalf of the House Business Committee.

I will speak to the issue of the legal framework of public participation, and Article 102 of the Constitution provides for the participation of the people as one of the National Values and Principles of Governance. Again, Article 118 of the Constitution requires Parliament to ensure public access and participation of the people in its affairs. I will not go to the details, and we can read it for ourselves because of time. I wish to note that in quasi-judicial proceeding like this, public participation is not really necessary even though the courts pronounced

themselves that they are. In my view, they are not necessary in a quasi-judicial processes like this one. It is like saying that the Judiciary needs public participation in making its decision.

Having said that, I also want to speak to the issue of timelines. Parliament has spoken very clearly on the issue of timelines under Standing Order 64(2). In summary, if you read the Standing Order, there are very strict timelines for a Motion like this one. In setting the period, the National Assembly was guided by the need to preserve the overarching constitutional principle of acting without unreasonable delay. The special Motion for removal from office by impeachment of the Deputy President was, therefore, processed in accordance with the timeline set out under Standing Order 64. In buttressing the necessity for expedited consideration of special Motions, previous Speakers of the National Assembly of Kenya expressed themselves on the question of timelines for considering special Motions by the House when the special Motions were filed proposing the removal by impeachment of the then Cabinet Secretaries, Hon. Anne Waiguru, Hon. James Macharia, Hon. Kaimenyi and more recently, Hon. Mithika Linturi. In all the foregoing instances, the Speakers emphasised the need to dispose of a special Motion as soon as is practicable to remove the anxiety of hangman's noose from the neck of a state officer proposed for impeachment.

Hon. Speaker, you have seen the level of anxiety that the Deputy President has undergone. Indeed, when he was giving a press statement yesterday, he was almost in tears. That is why the House has to hasten the process so that the emotional turmoil is lessened when one goes through this process. The Clerk of the National Assembly published advertisements on the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> of October 2024 and invited written submissions via hand delivery, post, or email until the 5<sup>th</sup> of October 2024. All these were also advertised on the 4<sup>th</sup> of October and extended to the 5<sup>th</sup> of October in each constituency. To assist in this exercise, a public view template was made available to the public in both English and Kiswahili to guide submissions. On 3<sup>rd</sup> and 4<sup>th</sup> of October 2024, 40,000 copies of the public view templates were also circulated as newspaper pull-outs. This template was designated to provide clarity and precision in responses whether for or against the Motion, to supplement other means of public input and to ensure both qualitative and quantitative feedback was captured as it had been directed by the courts in the past. I want to indicate that many means were used, including radio; television stations; X, formerly Twitter; Facebook; and others, to publicise this process.

The public was invited to submit views either in support or in opposition of the special Motion or to offer other views. I wish to laud Kenyans for their growing consciousness on their civic rights and duties. People participated in various ways as was witnessed both on electronic and social media. Many Kenyans participated very expressively. Many of us saw people expressing their views in many ways, some I will explain later. However, by nature of news-making, we saw the areas where the views were expressive, but much less in the areas where the views were not that expressive.

I want to laud the parliamentary team. If you look at the Report, they captured photos of members of the public giving their views in constituencies peacefully. However, I want to repeat that by the very nature of news-making, what we saw were the dramatic scenes.

*(Hon. John Kiarie spoke off the record)*

I do not think it is shame as such. It is their right and they can express it. I wish to report that based on all that, over 200,000 responses were received. Now, 65.1 per cent supported the Motion, 33.81 per cent opposed the Motion, and 1.09 per cent offered neutral or other alternative views. Some of the Members while contributing alluded to some of those alternative views. I heard the speaker before me talking about Kenya having very many pressing issues. Indeed, it is true that Kenya has many pressing issues. As a House, we are already seized of those issues and are already dealing with some of them. One of the issues that Parliament raised

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is the issue of the education system. We called the Cabinet Secretary for Education more than two times to deal with that issue. On the health issue, we invited the Cabinet Secretary for Health among other officials. So, the House can chew and walk at the same time.

When a Motion of this magnitude is brought before the House, Parliament, following its Standing Orders, must stop everything else and give priority to the Motion. That is why Parliament stopped all its business on Thursday and focused on this Motion. All Members of Parliament went to their constituencies to deal with this issue.

Given that this was a very special public participation process – first of its kind since the Constitution was promulgated - there were some challenges but they did not affect the overall product of public participation. Some of the challenges were as follows: political interference at public forums such as the Bomas of Kenya and Muranga; violent disruptions in areas like Ol Kalou, Kipipiri and Nyeri Town; incomplete or unclear submissions of forms, including forms without identifying information or with contradictory responses; turmoil in some constituencies such as Bura due to insecurity; public expectation for monetary compensation; late submission of forms and memorandum in some instances; threats of violence towards officers and inappropriate language in some email submissions; and, pressure from some constituencies such as Ol Kalou and Kipipiri for officers to declare results prematurely.

On the whole, public participation in most places in the country went on uninterrupted. The results that I have just shared with you were based on that.

Because of time – I would like other Members to speak – I want to invite Members to look at the Report that has been tabled by the House Business Committee. I will speak very briefly on my own account. As the Member for Suba North Constituency, I want to agree with the Hon. Member who spoke and said that what we are going through post 2010 Constitution is a very important process. Indeed, it is a defining moment constitutionally. I agree with the Hon. Member who has spoken on what we are going through post the Constitution of Kenya 2010. The Member said that this is a very important process. Indeed, it is. Constitutionally, it is a defining moment and a first of its kind since 2010. It is both a legal and political process. The Supreme Court in Sonko's case confirmed that impeachment is not just about civil liability or criminal culpability. It is also about accountability, political governance, as well as policy and political responsibility.

I will very briefly speak to that in the end. I want to speak to grounds. I will be very brief.

Article 150 of the Constitution gives three grounds. The third ground is gross misconduct. I have looked at the Constitution and there is no definition of gross misconduct. I have looked at our laws and there is no definition of gross misconduct. The Black's Law Dictionary defines gross misconduct as dereliction of duty and unlawful or improper behaviour. On that account alone, virtually every ground stipulated here would amount to gross misconduct.

*(Applause)*

Speaking as a governance expert, perhaps it is one of the areas in the Constitution we may want to change in future. I was saddened when Nancy Baraza was removed from office just for touching somebody's nose only or even pinching. Just touching somebody's nose. Based on these grounds, it is easy to impeach.

Hon. Speaker, please add me one minute.

**Hon. Speaker:** Okay. You have one-and-a-half.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Speaker.



I know I am by nature a very tough person. I am also very empathetic by the very nature. I have been sympathising with the Deputy President a lot, especially when he prays. I am also a prayerful person. However, I would want the Deputy Speaker to learn from this.

**Hon. Speaker:** It is the Deputy President.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Sorry, I mean the Deputy President. I do not know why I keep going to Hon. Gladys.

Principle 9 in my book which I have just released called *Rig or Be Rigged* is about the power of words and taming the tongue. The Deputy President would have carried many people in this House if he had been quiet. He did not tame his tongue. He just shows further and further division of the country every time he speaks. I have many friends in Central Kenya. They are calling me, not from a governance perspective. They are requesting me to save them, Mt Kenya. I feel sad for us as a country that many people, even my friends, think that way. When will we as a country ever reach a point when we look at governance issues and not ethnic parochial issues that have divided the country for a long time?

I empathise with the Deputy President. I wish he had extended that hand to the President much earlier. I hope he learns from the experience of Cornelius of Ancient Rome. Cornelius had won many battles and the same preceded him. However, his mouth brought him down when he got in politics.

Hon. Speaker, I support.

(Applause)

**Hon. Speaker:** Hon. Gladys Boss, you cannot rise to inform. There is nobody on the Floor. Speak. You wanted to speak.

**Hon. Gladys Boss** (Uasin Gishu County, UDA): Just allow me to correct an issue on Nancy Baraza that has been raised twice. Nancy Baraza was alleged to have pinched the nose of someone. It was never confirmed. The CCTV footage did not reveal it. She was found with no guilt on that point. As a woman leader, I want to correct that. Nancy Baraza served this country faithfully. So, let us correct *The Hansard*.

Thank you.

(Loud consultations)

Hon. Speaker, can I proceed?

**Hon. Speaker:** Go on.

**Hon. Gladys Boss** (Uasin Gishu County, UDA): Hon. Speaker, thank you very much.

Again, allow me to clarify just one issue before I proceed to support this Motion. The Deputy President has accused me of bias, indicating that I cannot preside over these impeachment proceedings. I want to confirm that when... (*technical hitch*). Okay, thank you. I confirm that I am not biased at all. I made the statements as the Member of Parliament of Uasin Gishu County. Not as a Deputy Speaker sitting on the Speaker's Chair. You can only accuse me of bias if I make those statements from the Speaker's Chair. I am first a Member of Parliament before I am Deputy Speaker. If the law contemplates a situation where I am gagged as Deputy Speaker, that law would expect me to resign like the substantive Speaker does in that case.

I now want to proceed to support the Motion, speaking as an ordinary Member of Uasin Gishu County. Not as Deputy Speaker. I have a few points to point out. The Deputy President has been engaged in various conducts that meet the threshold for impeachment. One, on numerous occasions, he has insisted that Kenya is a company of shares. This is contrary to Article 10 of the Constitution and our national values. I also want to bring it to the attention of

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the House that he has contravened his Oath of Allegiance. When he took his Oath of Allegiance, he said, "... in full realisation of the high calling I assume as Deputy President of the Republic of Kenya, I swear and affirm that I will be faithful and bear true allegiance to the Republic of Kenya...". The Oath of Allegiance does not mention *murima*. It does not mention Mt Kenya. He bears allegiance to the Republic of Kenya, not to his wife and his sons. He has gone against his Oath of Allegiance.

I also want to go on to refer to the press conference the Deputy President held in Mombasa on 25<sup>th</sup> June 2024. In that press conference, he distanced himself from the Finance Bill of 2024. As a member of Cabinet, in his position as Deputy President, he is collectively responsible for all the decisions made in the Cabinet. Therefore, in distancing himself, he violated Article 154 of the Constitution. As we know, the Finance Bill is the overarching legislative document that underpins revenue raising measures for the Executive to achieve its programmes. The Deputy President ought to have held his peace and tongue or resigned as a member of the Cabinet if he did not agree with the decision of the Cabinet on the Finance Bill. There are no two ways about it.

Furthermore, by the mere fact of holding a presser at a time when the country was in crisis and when the President had addressed the nation, he went on to have his own one-man show of a presser. That is the greatest definition of gross misconduct. It is pure insubordination. No one can do that. It is unthinkable for a principal assistant to contradict the principal. If you want to contradict the principal, you resign your position and go and contradict them from outside.

Thirdly, the Deputy President also distanced himself from the activities of the Nairobi Rivers Commission. He claims that the activities were undertaken contrary to the law. Again, the Cabinet endorsed the work of the commission. The government followed laid down laws regarding eviction and resettlement of the public. The Deputy President knows this has been a crisis in this country and a contravention of laws by people living on riparian zones. Actually, people died this year. In order to prevent further deaths in future, the Cabinet in its wisdom decided to relocate the members of the public. He again failed to take collective responsibility with the Cabinet. He did not resign but went on to countermand the decisions that had been made in the Cabinet. Furthermore, he has taken an Oath of Secrecy and therefore cannot publicly divulge what was decided in the Cabinet. Again, on that he has contravened the law.

Four, during the press conference in Mombasa on 25<sup>th</sup> June 2024, the Deputy President accused the Director-General of NIS of providing faulty intelligence and firing some senior officers. As a State officer and, most importantly, a member of the National Security Council under Article 240(2)(b), he cannot discuss intelligence briefs that come to his knowledge during the proceedings of the National Security Council. With that, he has gone against the Official Secrets Act and his Oath of Secrecy. If he had any reservations, he has opportunity, as a member of the National Security Council, to raise them at the National Security Council proceedings and to raise them with the President in person. He cannot appear as an ordinary citizen who is in the Opposition and speak about the reservations in public. That is wrong. In fact, it is juvenile. It reveals him as a person who is unhinged and cannot control his tongue.

Five, during the rally in Githurai, Nairobi, which was presided over by the Deputy President, with some Members of Parliament present, he was involved in leading chants that said, "Ruto must go. Ruto is a one-term President". He never denounced those statements. What that amounts to is that he is guilty of treason and other allied offences. That is section 40(1)(a)(i) of the Penal Code, and I will read it out so that there is no doubt. It says that:

- “(1) Any person who, owing allegiance to the Republic, in Kenya or elsewhere –
- (a) compasses, imagines, invents, devises or intends -

(i) the death, maiming or wounding, or the imprisonment or restraint, of the President; or is guilty of the offence of treason.”

So Rigathi Gachagua is guilty of treason. It also amounts to gross misconduct. The Deputy President cannot, therefore, expect to remain in his office as Deputy President when he is party to efforts to remove the President, undermine the President and campaign against the President. His tenure as a principal assistant is not tenable by any interpretation or meaning.

Six, during his appearance in church in Meru, the Deputy President insinuated that if he is removed, the tribes of Kenya who are native to the Mount Kenya area will revolt and be violent. Again, that is treason and other allied offences. He also goes against the National Cohesion and Integration Commission Act with his utterances that relate to ethnic profiling. As late as yesterday, if I had any doubt in my mind that Rigathi Gachagua must be impeached and removed from office as the Deputy President of the Republic of Kenya, he made it very clear. Yesterday he went on to disclose details of the Kenya Kwanza pre-election pacts. This is contrary to non-disclosure agreements that were signed by parties. Without any due regard to these non-disclosure clauses, and without seeking consensus from other principals who are party to those pacts, he went on to sing like a parrot on national television. That is unbecoming behaviour of a person who holds an office as high as that of the Deputy President of the Republic of Kenya.

Lastly, I want to point out that all the violations that I have set out in support of this Motion were brought upon and the evidence said by the Deputy President himself. This is not from anywhere but from his own very utterances. Practically, this is what the Deputy President has done: He has doused paraffin on himself and lit the matchstick all by himself without the help of anybody else. And so, he has only himself to blame. I support this Motion.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Adan Keynan.

**Hon. Adan Keynan** (Eldas, JP): Thank you, Hon. Speaker. From the outset, allow me to thank Hon. Mutuse for being courageous and focused. I am sure in the annals of the history of this country and the history of the 13<sup>th</sup> Parliament, Hon. Mutuse will be appreciated.

Having said that, I have also gone through the impeachment clauses. The 11 clauses are cogent, rich in evidence and clearly demonstrate the actions, omissions and commissions of the Deputy President. I have had an opportunity to reflect, because there is one phrase the Deputy President has been using: That he is a truthful man. I went back to how a truthful man is supposed to be described in the Bible, Quran and in civil society. In those definitions, I have missed an iota of resemblance to anything that I can associate with those actions and activities of the Deputy President. As Members of Parliament, our work is to protect the Constitution. Our work is to oversee. Our work is to do one of the things that are being demanded today by this impeachment. In all these clauses, the common denominator is that the Deputy President has abused his office through corruption, tenderpreneurship, disparaging and disobeying his boss, undermining devolution, and by being a threat to our sovereignty. This country is a collection of many nation-states. The Kikuyu nation, the Somali nation, the Luhya nation—and this is what we are proud of and what constitutes the sovereign Republic of Kenya.

The other day—and I want to repeat this and you will excuse me for saying it—this country has a very rich history. In 1982, one gallant son from northern Kenya called Gen. Mahmoud saved Kenyans from militarism, and we all appreciate it. He is still alive. In 2007, another general by the name Muhammed Ali saved Kenyans from the effects of the socio-political turmoil of the 2007 post-election violence. In 2024, another son from that region Noordin has also saved this country from the effects and activities of Riggy G and his cohorts. That does not take away the contributions of many other Kenyans.

In all these, what I have gathered, and we have been in Parliament together, is that we are doing a favour to Riggy G. We are doing a favour to members of the Executive. We must

save Riggy G from the other members of the Executive, because he is a threat to their continued performance of their jobs. We must also save Riggy G from members of the Judiciary, because he keeps attacking them. We must also save Riggy G from members of the Legislature, because he attacks them. We must also save Riggy G from the 47 tribes, because he keeps attacking them. We must also save Riggy G from the remnants of Mau Mau, because he keeps abusing their names. We must save Riggy G because he abuses our ladies. We must also save Riggy G from the people of Mount Kenya, because he abuses their names, and he wants to have them collide with and isolate other Kenyans.

Finally, on that aspect, we must save him from himself because when I watched that teleprompter-driven press conference last night, one thing that came to my mind was that he was incriminating himself. In all these, we have a President who has applied a gingerly approach to managing the affairs of this nation. What comes to mind is that we have a Deputy President who, in every statement that he utters, abuses, wrongly uses the Constitution, threatens and demeans everybody. It is because of this that, we, as a Parliament, must go down in history and support this impeachment.

Hon. Speaker, you have finally ruled on this. I do not want my colleagues to be threatened. What they are doing is right and within their legislative rights. Those of us who have supported this Motion by appending our signatures should also be available to vote today in our numbers to impeach Riggy G. By doing that, we will be saving Kenya.

I support the Motion.

**Hon. Speaker:** Hon. John Makali.

**Hon. John Makali** (Kanduyi, FORD-K): Thank you, Hon. Speaker, for the opportunity that you have granted me to also weigh in on this Motion. We are facing a constitutional moment where our Constitution is being tested. At the outset, let me state that I have nothing against the Deputy President or where he comes from. The Deputy President is not an ordinary person. He is the second in command in our nation. Before he assumed Office, Article 74 of the Constitution required him to take an Oath of Office. I have looked at the Oath of Office of the Deputy President. It requires him to be faithful to the Republic, and to give counsel and advice to the President without fear or favour. Equally, the Deputy President is a ranking State officer. Article 75 of the Constitution requires that as a State officer, he needs to bring honour and dignity to the office that he holds.

Looking at the grounds for impeachment that have been availed, I want to state categorically that the Deputy President has violated the Constitution and his Oath of Office. Why do I say that? One, the Constitution of Kenya, which the people of Kenya gave to themselves, requires that Kenya is a unitary State, regardless of the regions it has. Equally, Article 10 of the Constitution puts national unity and patriotism as key components of our national values in the discharge of our duties.

On several occasions when the Deputy President – as the truthful man that he says he is – attended church services in Bungoma, we mentioned to him that we had several problems which needed to be handled, specifically road programmes and employment opportunities. The Deputy President – as the truthful man that he is – told us to our faces that according to the votes that we cast, whatever we had received was enough and we had no grounds to keep on asking for more projects. That is the Deputy President who is supposed to be the principal assistant to the President, and who is supposed to portray national unity.

Equally, the Deputy President clearly said yesterday that the Kenya Kwanza Government is a government of shareholders. He said that the Government was formed because of shareholding agreements. Once you become a Deputy President, you are the face of national unity. He cannot keep invoking the promises and agreements which were made prior to the Government being formed. What happens to those areas which are not part and parcel of those particular agreements that are alleged to have been made?

The Deputy President is reasonably expected to have committed an offence relating to the visits which he makes throughout the country. He said that he visited Elgeyo Marakwet and other parts of the country and was given animals. He said that he kept the animals in his home and he now has a herd. Article 76 of the Constitution clearly indicates that when you receive a gift or a donation, you are supposed to donate it back to the Republic. You do not keep it in your home as your reward. The Deputy President of the Republic of Kenya has committed a corruption offence for which he needs to go home. The Deputy President of the Republic of Kenya is supposed to be above board. He is supposed to be the number two citizen in the country who needs to preach national unity. He is supposed to be the president-in-waiting so that, if anything happens, he takes over the reins of the country.

Listening to the utterances that have been made by the Deputy President, for example, the KEMSA case and the affidavit by Dr Andrew, it is very clear that the Deputy President had a conflict of interest in the KEMSA supply case. Article 75 of the Constitution requires all State officers to avoid situations where they are in conflict of interest. As a leader, the Deputy President should be at the forefront in avoiding situations where there is a conflict of interest.

Taking into account the proposed 11 grounds for impeachment, I have no doubt in my mind that for his arrogance, breach of the Constitution, defiance, statements and conduct, he is not the truthful man that he pretends to be. We cannot have such a person as the Deputy President of the Republic of Kenya. It is high time that we slayed the dragon of tribalism, ethnicity, and regionalism, and move our nation forward.

I support this Motion. The Deputy President of the Republic of Kenya must go and we start a fresh page.

**Hon. Speaker:** Hon. Julius ole Sunkuli.

**Hon. Julius Sunkuli** (Kilgoris, KANU): Hon. Speaker, I come from an older time period, having been a member of KANU, and having served in the KANU Government. I find some things rather difficult to understand. This position of Deputy President is a new one since it came in 2010. The position of Vice President had many holders who were very good gentlemen. I still recall the way the office was occupied by the late Hon. George Saitoti, the late Kijana Wamalwa, and the other fine gentleman that we have in politics now, Hon. Kalonzo Musyoka. Those people understood their job. If I were to accuse Hon. Rigathi of one thing, it is that he does not get it. He does not know the job description of a Deputy President.

The Constitution of Kenya says that there shall be a President who will be assisted by a Deputy President. That means that our Constitution foresees a situation where we have one driver and one *makanga*, where one is not trying to do the job of the other. How did we get into a situation where we now have two bosses in the country? We have the President, who is the boss, and we have the Deputy President, who also says he is the boss. We have to resolve that dispute as a House. The country cannot run when we have...

**Hon. Speaker:** Give Hon. Wamuchomba the microphone. Yes, *Mheshimiwa*.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Hon. Speaker, I rise on a point of order to ask if the word "*makanga*" is parliamentary. Is the Member in order to use that kind of language today?

*(Loud consultations)*

**Hon. Millie Odhiambo-Mabona** (Suba North, UDA): On a point of information.

**Hon. Speaker:** Order, Members. Yes, Hon. Millie.

**Hon. Millie Odhiambo-Mabona** (Suba North, UDA): I do not know if Hon. Sunkuli has allowed me to inform him.

**Hon. Julius Sunkuli** (Kilgoris, UDA): Yes. Go ahead.

**Hon. Millie Odhiambo-Mabona** (Suba North, UDA): Hon. Speaker, I want to inform Hon. Sunkuli that those words are acceptable, as long as they are in quotes. In fact, people saying, “*Kufa dereva, kufa makanga*,” are the ones crucifying the Deputy President. By saying that “*the makanga*” should die, they are not referring to “*the dereva*.” People who want to bring the Motion on “*the dereva*” can do so after this. Right now, we are dealing with the *makanga*.

**Hon. Speaker:** Hon. Wamuchomba, language is dynamic and living. It grows. That is why you now find Kiswahili words in the Oxford English Dictionary. Through ordinary usage, every Kenyan knows what the word “*makanga*” means. Hon. Sunkuli was not mixing languages; he spoke in a manner like he was quoting.

**Hon. Julius Sunkuli** (Kilgoris, UDA): Hon. Speaker, I will definitely need an extra minute. Our Constitution anticipates a scenario where the President and the Deputy President work together harmoniously. If your primary role is to assist the President and your partnership with the President is now irreparably damaged, the function of this House is to dissolve the partnership and determine that the Deputy President is no longer able to fulfil his duties. I recall the late President Moi telling us that the issue with Africans is that they do not resign until they are kicked out. In this case, the marriage is irreparably broken and the Deputy President, as a gentleman, should acknowledge that it is not functioning and steps down. He likened this situation to a company. A company exists for the common good. The mixture of strategy, vision and a deep understanding of the core business is what will bear fruits.

I believe that two main issues need to be addressed by this House. Firstly, the Deputy President should have faith in the Republic of Kenya. If I were to search for the number of times the Deputy President has mentioned the phrase “Mount Kenya” compared to the number of times he has mentioned “Kenya,” the instances where he has said “Mount Kenya” outnumber those where he has said “Kenya.” The Deputy President of the Republic must be patriotic.

Secondly, the Deputy President should believe in his boss and support...

*(Hon. Julius Sunkuli's microphone went off)*

**Hon. Speaker:** Give him one more minute to wind up.

**Hon. Julius Sunkuli** (Kilgoris, UDA): Hon. Speaker, if your core business is to work for your boss, you must believe in him. If you do not believe in him, what are you doing with him? You must also believe in the country. If you believe that your responsibility is to look after your share of your side, then what are you doing with the rest of the country?

Lastly, the next time the President appoints a Deputy President, let him understand that this is a serious matter. One must appoint a person who will understand that if something happens to the President, he or she will take over as the President. Do not just appoint someone because he or she will bring votes. Let us be serious about this responsibility because that is where we are going wrong. Someone saying that they qualify just because they can bring in votes instead of being appealing to the rest of Kenyans and are trustworthy should not be the case.

I, therefore, vote to impeach.

**Hon. Speaker:** Hon. Osoro

**Hon. Silvanus Osoro** (South Mugarango, UDA): Thank you very much, Hon. Speaker. At the outset, I want to state that I support this Motion entirely without proposing to put a comma or full stop on any ground that has been placed here. I want to remind the Hon. Members that the United States of America President, Bill Clinton was almost impeached. The impeachment attempt against him in 1998 was out of the Monica Lewinsky...

**Hon. Speaker:** Read your history properly, he was actually impeached.

**Hon. Silvanus Osoro** (South Mugarango, UDA): Exactly, out of the Monica Lewinsky matter. Of course, it was overturned later by the courts and other issues, but I am saying it was

out of that scandal. The very small sexual scandal in the White House. I want to start by first proposing this question to the Hon. Members. How would you feel that when you eventually transit to the next world, your brother or the person that you entrust to take care of your wife and your children's property decides to start using them for his personal use? As Members, how do you feel about that? That is the question that Hon. Members should be answering before they vote later today.

The late Governor, Nderitu Gachagua passed on 24<sup>th</sup> of February 2017. Between 2017 and 2024, it is indeed true that the late Governor then, amongst Mwai Mathenge and Njoroge, entrusted Mr. Rigathi, the Deputy President, as the executor of his will. But between 2017 and 2024, the property that... This is in the document that Hon. Mwengi Mutuse tabled in this House. Between 2017 and 2024, Mr Rigathi has altered or tampered with those companies, made himself director in some of those companies, transferred some of those properties to himself and disinherited some of the beneficiaries including his kids. One particular case is the Olive Garden that was altered on 2<sup>nd</sup> of March 2022, using the position of power to his advantage. How can you explain that? He will then tell you that he bought it. That it was on a willing buyer, willing seller basis. Does it mean that with all the money that you have acquired, which is also questionable, the only property that you could identify is the one supposed to help the family and the widows of your late brother? How wicked can we be? Then you come in the full glare of cameras and tell the members of the public that, “please let my brother rest in peace. I decided to hold this property in trust for them”, when the kids, widows, daughters and sons of the late are languishing in poverty, complaining and crying. It is a total shame. You cannot use your position for that. These are practical examples. I am telling the Hon. Members to acquaint themselves and go through Ground 7. It is on pages 16 to 30. This is nothing but a gross violation of the law. Taking advantage of their power.

Hon. Speaker, you will realise that the time those new companies were being registered and the time the transfer took place is contemporaneous. You need not be a rocket scientist to know that this is fraud and taking advantage of one's position. I want to remind the Deputy President of the good book of Proverbs 15:25, which says that the Lord tears down the house of the proud, but he will establish the border of the widow. That is why we are here today. If there is no other reason that has brought us here, it is to protect the family that is being disinherited of their property under coercion, blackmail and threats. It is biblical. In the good book of Exodus 22:22-24, the Lord says that we should not take advantage of the widow or the fatherless. “If you do and they cry to me, I will certainly hear their cry and my anger will be aroused, and I will kill you with a sword.”

*(Loud consultations)*

Today, we are using the sword here to protect. It is biblical. Today, we are using the sword to impeach you just to protect the children that are suffering, that you threatened, blackmailed, and dared not to speak or utter a word because you are the Deputy President of Kenya elected by 7.2 million people, and that if they speak you will finish them. Finish who? We will finish you today on this Floor of the House.

Hon. Speaker, there is nothing more for me on this matter other than cannibalism. Your brother leaves his properties under you then you take them to your advantage. On television, you tell us that in the will, your brother gave you, your wife, and your sons property. What about his children, widows and his sons? How can you proudly say that you are the only one enjoying the property of your brother? For that reason alone, we say Hon. Gachagua must go. If there is no other reason today, Gachagua must go.

Hon. Speaker, I relate this matter with the Speluncean Explorers case, where the members...

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**Hon. Timothy Kipchumba** (Marakwet West, Independent): On a point of order, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Timothy Kipchumba.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Hon. Speaker, I rise pursuant to Standing Order 91, on the responsibility of statement of fact.

Hon. Speaker, is it in order for Hon. Osoro to claim that Hon. Rigathi Gachagua disinherited the wives of his late brother? Can he table the facts before this House that he disinherited...

*(Loud consultations)*

**Hon. Speaker:** Hon. Kipchumba, those are the facts that the Mover of the Motion placed on the table. It appears you probably were not in the House then. Finish up, Hon. Osoro.

**Hon. Silvanus Osoro** (South Mugirango, UDA): Hon. Speaker, I refer the Hon. Member to pages 16 to 30 of this very Motion that was tabled in this House, and these are facts. I have also said that on this particular matter, the threshold is two-thirds, and we are also working on the balance of probability.

We are looking at this matter and how the facts place themselves on the table from the registration of the companies and the transfer of the properties. The facts are contemporaneous. You do not need to be a rocket scientist to identify this whole thing. For this very reason, I say that I support the impeachment Motion. Please, let us make it early. Even if it is at 6.00 p.m., Hon. Rigathi Gachagua must go.

*(Loud consultations)*

**Hon. Speaker:** Hon. TJ Kajwang' will be the last for the morning session.

**Hon. TJ Kajwang'** (Ruaraka, ODM): Hon. Speaker, I can see there is only one minute to the hour, confirm to me that...

*(Hon. Speaker spoke off the record)*

Thank you very much.

If there is any Member who came into this Chamber believing that all the Members are going to impeach the Deputy President without a reason, they need to listen to us for reasons why we stand here at noon today to make this contribution.

*(Loud consultations)*

**Hon. Speaker:** Member for Machakos County, what is the problem?

**Hon. Joyce Kamene** (Machakos County, WDM): What about the dissenting voices, surely?

**Hon. Speaker:** The Speaker has no way of knowing who is dissenting. Go on, Hon. Kajwang'.

**Hon. Charles Nguna:** On a point of order, Hon. Speaker.

**Hon. Speaker:** Hon. Ngusya, what is the problem? One minute, Hon. TJ Kajwang'.

**Hon. TJ Kajwang'** (Ruaraka, ODM): Hon. Speaker, I have come to make a very small presentation as the Member for Ruaraka. First of all, the Motion has been signed by 291 Members. In this House, there are 290 single constituencies. If 291 Members have signed and will vote, then Gachagua must go.



Secondly, we have not come here to vilify anybody. We have come here with facts, evidence and law. I want to be in a country where my son and daughter, if they qualify and are eligible, will get employment, do business, and walk proudly and tall not because they come from Waondo Village in Nyanza, but because they are eligible. These politics of everybody must come from Mount Kenya, ‘*usiguze mlima*’ need to stop. We must show that this country is for us all. We must show that there are no people who are more entitled than the others. That there are people who fought as *Mau Mau* more than others, or that there are people who are more populated than others. They must stop this idea that they work for Kenya Kwanza Government, and that it is their time to eat. The mentality of this Deputy President is that he got votes for President Ruto, and so it is his time to eat. For that reason only, I will vote because I want a situation where after elections, everybody, including me, is served because I pay taxes like everyone else.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): On a point of order, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Wamuchomba.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Hon. Speaker, is the Member on the Floor...

*(Several Members spoke off the record)*

I am addressing the Speaker. You are not the Speaker. Stop heckling.

**Hon. Speaker:** Go ahead.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Hon. Speaker, is Hon. Kajwang’ in order to say that the Deputy President has a mentality to eat? Does he have any gadget to measure mentality? Is that a fact? Can you prove that there is a mentality? Which gadget do you use to measure mentality?

**Hon. Speaker:** Go on, Hon. Kajwang’.

**Hon. TJ Kajwang’** (Ruaraka, ODM): Thank you, Hon. Speaker. First of all, pronounce my name properly. I am not Kachechwa. I am Hon. Kajwang’, not Kanjwang’.

*(Laughter)*

This is a problem. I heard them pronounce some names as ‘Raira’ and ‘Kanjwang’. Some of you must learn that we are in a country for everybody. Nobody is more powerful than the other. Nobody comes from a section of a community.

Today, we will show that this country is for everybody. There must be hygiene in leadership. You cannot trade with the government, if you are a Deputy President or state officer. Even you seated here, stop trading with the government. You only have one work which is an elected Member of this House.

Evidence has been laid before us and on page 16 of him and his family... First of all, he thinks that it is alright if his family trades with the government. He has not read the Leadership and Integrity Act. You, your wife, mother, son or daughter must not trade with the government so that enterprises can grow out there. On that basis, I think there is a situation here which we must save.

He is the principal assistant to the President. If we do not deal with this today, future Deputy Presidents will think that the President is their age mate. There must be a distinction between a President and Deputy President. At least, the President allowed him to be the Chair of the Cabinet and the law allowed him to be the Chairman of the Intergovernmental Budget and Economic Council (IBEC). What would happen if as the Chairman of IBEC, he only gives budget allocations to people from *Mlima* or his family?

Lastly, this presidency is so dysfunctional. Even if we left it today, there will still be a problem that will undermine national integrity and security. I do not need information. I just have one minute to go.

**Hon. Speaker:** Thank you. Finish up.

**Hon. TJ Kajwang'** (Ruaraka, ODM): Yes, Hon. Speaker.

Hon. Speaker, we are not going to impeach him because of what you said that we are lynching or doing mob justice. We have carefully considered this. We are not talking about civil liability or culpability. We are talking about accountability, political governance and responsibility. All those things he has said out there, he must take responsibility. We are politicians and not a court of law. He will be tried in Senate. Ours is just to initiate the process then the Senate will ask him very pertinent questions. He said that he got all those things from his brother. They will investigate to find out if he paid tax for them. When he filed a report stating how much he is worth, did he mention the things he got from his brother? He will be asked these questions in the Senate which is the trial chamber.

**Hon. Speaker:** Wind up.

**Hon. TJ Kajwang'** (Ruaraka, ODM): The Senate will also ask for his Kenya Revenue Authority (KRA) returns to see if this information is consistent. From all the evidence I have seen for all the charges, I return a verdict that Gachagua must do what?

**Hon. Members:** Go!

#### ADJOURNMENT

**Hon. Speaker:** Hon. Members, be upstanding. Order, Hon. Members. It is now 1.09 p.m., and the House stands adjourned until 2.30 p.m., this afternoon. Thank you.

The House rose at 1.09 p.m.

*Published by*  
Clerk of the National Assembly  
Parliament Buildings  
Nairobi