

## **REMARKS BY THE CHAIRMAN OF THE SPECIAL COMMITTEE ON THE PROPOSED REMOVAL FROM OFFICE OF THE GOVERNOR OF WAJIR COUNTY**

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1. Honourable Senators, ladies and gentlemen, the Special Committee on the proposed removal from office of the Governor of Wajir County was established on Tuesday, 11<sup>th</sup> May, 2021, by a Resolution of the Senate.
2. The Special Committee is provided for under section 33(4) of the County Governments Act, 2012 and standing order 75(2) of the Senate Standing Orders. The Special Committee is required to-
  - (a) investigate the matter; and
  - (b) report to the Senate within ten days whether it finds the particulars of the allegations against the Governor to have been substantiated.
3. Honourable Senators, by way of a status update, the Speaker of the County Assembly of Wajir and the Governor of Wajir County were, on 7<sup>th</sup> May, 2021 served by the Senate with Invitations to Appear before this Special Committee today, Wednesday, 12<sup>th</sup> May, 2021. The parties were required to file their documentation with the Office of the Clerk of the Senate by 5:00 p.m., Tuesday, 11<sup>th</sup> May, 2021 setting out –
  - (a) the mode of appearance before the Special Committee: whether in person, by advocate or in person and by advocate;
  - (b) for the County Assembly, the designation of not more than three Members of the County Assembly who would attend and represent the Assembly in the proceedings before the Special Committee;

- (c) the names and addresses of the persons to be called as witnesses, if any, and witness statements containing a summary of the evidence to be presented by such witnesses before the Committee; and
- (d) any other evidence to be relied on.

4. Honourable Senators, on Tuesday, 11<sup>th</sup> May 2021 at 4:56pm, the Office of the Clerk of the Senate received a response to the Invitation to Appear from Messers Ahmednasir Abdullahi Advocates, stating that they had been instructed to represent the County Assembly of Wajir. The Advocates forwarded a bundle of documents which would be adduced by the County Assembly as evidence during the Hearing.

5. The Advocates also submitted a list of three members of the County Assembly of Wajir designated to represent the Assembly whom they intended to call as witnesses and a further list of four persons which the Advocates requested the Special Committee to summon pursuant to Rule 9 of Part 2 of the Fifth Schedule to the Senate Standing Orders. The Committee shall at an appropriate time pronounce itself on the request made by the Advocates on behalf of the County Assembly.

6. On the same day at 4:30pm, the Office of the Clerk of the Senate received a response to the Invitation to Appear from the Governor, Wajir County, stating that he would appear before the Special Committee in person and by Advocate, namely, Messers V.A Nyamodi & Company Advocates and Messers Ndegwa & Ndegwa & Associates Advocates. The Advocates also forwarded a bundle of documents which would be adduced by the Governor as evidence during the Hearing.

7. Pursuant to Rule 8 of Part 2 of the Fifth Schedule to the Senate Standing Orders, each party was furnished with the documentation filed by the other party on 11<sup>th</sup> May, 2021 soon after the documents were received by the Office of the Clerk of the Senate.
8. This Committee shall therefore proceed to conduct the hearing and attendant proceedings in line with its mandate as set out under section 33(4) of the County Governments Act, 2012, and standing order 75(2) of the Senate Standing Orders.
9. The Special Committee wishes to emphasize that it is cognizant of the gravity of the matter with which it is seized and that it has accorded all parties to the proceedings the right to be heard and shall accord the parties a fair hearing.
10. I urge all Honourable Senators and the parties to this matter to desist from discussing the matter while it is still actively before the Committee and the Senate and to allow the constitutional and legal processes to take their course.
11. The Special Committee hereby restates its commitment to ensuring a fair and just process that is founded on the law. The Special Committee, in making its decision, shall be guided by the evidence adduced by the parties and the law.

12. Honourable Senators, ladies and gentlemen, it is important to observe the strict ten-day timeline attached to the discharge of the mandate of the Special Committee. The Special Committee shall, in the conduct of this hearing, be guided by the Rules of Procedure set out in the Fifth Schedule of the Senate Standing Orders. These Rules were served on the parties to these proceedings together with the Invitations to Appear before this Committee.

**SEN. OKONG'O MOGENI, SC, MP**

**CHAIRMAN, SPECIAL COMMITTEE ON THE PROPOSED REMOVAL  
FROM OFFICE OF THE GOVERNOR OF WAJIR COUNTY.**

**12<sup>TH</sup> MAY, 2021**