

**RECORD OF EVIDENCE TAKEN BEFORE THE SENATE  
SPECIAL COMMITTEE INVESTIGATING THE PROPOSED  
REMOVAL FROM OFFICE BY IMPEACHMENT OF THE  
GOVERNOR OF WAJIR COUNTY HELD ON THURSDAY, 13<sup>TH</sup>  
MAY, 2021 IN THE SENATE CHAMBER, MAIN PARLIAMENT  
BUILDINGS**

**SENATORS PRESENT**

[The Chairperson (Sen. Okong'o Omogeni, MP) – Presiding]

**Sen. Susan Kihika, MP – Vice-Chairperson**

Sen. Paul Mwangi Githiomi, MP	Sen. Johnson Arthur Sakaja, MP
Sen. Mithika Linturi, MP	Sen. (Eng.) Godana Hargura, MP
Sen. Fredrick Outa, MP	Sen. Kavindu Muthama, MP
Sen. Petronila Lokoria Were, MP	Sen. Issa Juma Boy, MP
Sen. Christine Zawadi Gona, MP	

**INATTENDANCE**

**THE GOVERNOR'S TEAM**

Hon. (Amb.) Mohamed Abdi Mohamud Wajir County	-	Governor,
Mr. Paul Nyamodi	-	Advocate
Mr. Ndegwa Njiru	-	Advocate
Mr. Charles Mwangi Ndegwa	-	Advocate
Mr. Patrick Barasa	-	Advocate

**THE COUNTY ASSEMBLY'S TEAM**

Mr. Ahmednassir Abdullahi SC-	Advocate
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Mrs. Hanan El-Kathiri - Advocate  
Ms. Elizabeth Wangui - Advocate

### MEMBERS OF WAJIR COUNTY ASSEMBLY

Hon. Mohamud Gabane Noor - Majority Leader & MCA  
Sarman Ward  
Hon. Abdullahi Isaack Mohamed - MCA, Elnur/Tula Tula Ward  
Hon. Issa Ahmed - Chairperson, Public  
Accounts & Investments  
Committee  
Hon. Shueb Bare Ahmed - MCA, Diff Ward

### SECRETARIAT

Dr. Johnson Okello - Director, Legal Services  
Ms. Mary Chesire - Deputy Director, Committee Services  
Ms. Josephine Kusinyi - Principal Legal Counsel  
Dr. Brenda Ogembo - Senior Clerk Assistant  
Ms. Sylvia Nasambu - Second Clerk Assistant  
Ms. Lucy Radoli - Legal Counsel II  
Ms. Lorna Okatch - Research Officer  
Mr. Wilson Bosmet - Principal-Serjeant-At-Arms  
Mr. Patrick Murindo - Serjeant-At-Arms  
Ms. Julia Gachoki - Serjeant-At-Arms  
Mr. Mohamed Ibrahim - Serjeant-At-Arms

*(The Special Committee commenced at 10.25 a.m.)*

**The Chairperson** (Sen. Omogeni): Hon. Senators, ladies and gentlemen, good morning. Our apologies, we are slightly behind schedule, but we are waiting for the parties to settle. As is the tradition of the House, I will ask one of the Senators to pray. Sen. Sakaja, please pray for us.

*Prayer*

Let us proceed with this engagement of the Special Committee on the proposed removal from office by impeachment of Hon. Mohammed Abdi Mahamud, Governor of Wajir County.

When we did our introductions yesterday, two Senators were missing. I will ask Sen. Mwangi and Sen. Sakaja to introduce themselves.

*(Sen. Mwangi and Sen. Sakaja  
Introduced themselves)*

I thank you. I presume quorum is as goes yesterday, unless the head of the Legal team wants to introduce any new member.

When we adjourned yesterday, we agreed that when we resume today, we will continue with the cross examination of the County Assembly's Witness No.2, Mr. Bare Ahmed. I hope he is around. Please approach the Dispatch Box so that we proceed with cross examination.

*(Mr. Shueb Bare Ahmed Approached the Dispatch Box)*

Counsel Ndegwa, to ahead.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Good morning, Members of the Committee. Just before we get into the cross examination of the witness, I have an application to make as we wait for Mr. Nyamodi.

Again, while we were filing our documents, we noticed there was one annexure that was missing and it relates to active matters before this Committee. It is a report arising from the Ministry of Health. This report was done with the partnership of the National Council for Population and Development (NCPD). It is a key to today's proceedings as and when we shall be mounting our defense. The report will seek to answer most of the queries and the issues that have been labeled as against the Governor.

I have shared this information with my senior learned friend, Senior Counsel, Mr. Abdullahi. I have forwarded a copy to him for purposes of perusal and he has advised me to make this application.

The other document I want to file is an authority, Petition No.295 of 2018. It was between Hon. Philomena Mbete Mwilu versus Director of Public Prosecutions (DPP) and others. Again, I referred to this document yesterday. We advertently forgot to accompany it in the list of authorities as filed, but it is captured in that list. We will be relying on it during our closing remarks and statements. It will be relevant in guiding the Committee.

Ordinarily, Mr. Chairman, Sir, lawyers and advocates do not oppose the filing of a report or a case law like this one in terms of jurisprudence. Most importantly, where a judicious Committee can take judicial notice of the report itself. It is only out of abundance of caution that we are filing this report because we can ask the Committee to take judicial notice of it. I so pray.

**The Chairperson** (Sen. Omogeni): Senior Counsel, Mr. Abdullahi, do you have any objection?

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Mr. Chairman, Sir, I have no objection to my learned friend submitting an authority of the court, if he has given the two citations. As for the other report, of course, we object it. My learned friend showed me a copy about five minutes ago. It is fairly voluminous and I have not looked at it. I think he is making the case that it is an annexure they forgot. Can he pinpoint to us because I have the affidavit for the witness, Dr. Dahir Somo, which has about 10 annexures?

**The Chairperson** (Sen. Omogeni): Counsel, could you pin point?

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Where was it supposed to be annexed and he forgot? If he can show us that, I will take a more generous view. If not, we will object.

**The Chairperson** (Sen. Omogeni): Counsel, could you take us to the volume where you had referred to the document?

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Mr. Chairman, Sir, I think we are missing that indication.

**The Chairperson** (Sen. Omogeni): Refer us to the volume.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Mr. Chairman, Sir, it is appearing as Annexure 21C. That is a copy of the County's key achievements pre-devolution versus current status according to the Annual Development Plan (ADP).

**The Chairperson** (Sen. Omogeni): In which in volume? Did you say P?

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Mr. Chairman, Sir, we have this file marked P.

**The Chairperson** (Sen. Omogeni): Where in P because it starts from 21A. Did you say P for Peter?

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Mr. Chairman, Sir, 21C. C for cat.

**The Chairperson** (Sen. Omogeni): Which page? Counsel, our P looks like this.

*(The Chairperson (Sen. Omogeni) showed Mr. Ndegwa a file)*

Is that the document?

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Yes, that is the file.

**The Chairperson** (Sen. Omogeni): Take us to the particular page.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Go to page 21C.

**The Chairperson** (Sen. Omogeni): Yes, we are there. Page 21C. Where do you want us to look?

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Mr. Chairman, Sir, Annexure K was omitted. I am left at the mercy of the Senior Counsel and the Committee.

**The Chairperson** (Sen. Omogeni): What annexure was it supposed to be?

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Mr. Chairman, Sir, it was supposed to be Annexure 21K. The same not having been clearly indicated and having read the Statements of Senior Counsel, Mr. Ahmednassir Abdullahi, I am then left at the benevolent of the Chair.

**The Chairperson** (Sen. Omogeni): Before you seek for the mercy of the Chair, I gave you copies of our rules. You can go through them so that you move us properly. You are making the request under which rule?

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Mr. Chairman, Sir, I seek your indulgence. Maybe you can shelf this for a while as I put my house in order.

**The Chairperson** (Sen. Omogeni): We will allow you to put your house in order. In the meantime, we will proceed with cross-examination. You can engage Senior Counsel and if he gives you a consent, it will be easier for us. Have you served him with the documents?

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Mr. Chairman, Sir, yes.

**The Chairperson** (Sen. Omogeni): In the meantime, we can proceed with cross-examination as you put your thoughts together.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Mr. Chairman, Sir, much obliged.

**The Chairperson** (Sen. Omogeni): Hon. Bare Ahmed, we want to remind you that you are still on oath. You will be subjected to cross-examination. You will be asked some questions by the Advocate for the Governor. Cooperate and answer them.

Thank you. We may proceed. Counsel, we agreed you are taking how many minutes?

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Mr. Chairman, Sir, with this witness?

**The Chairperson** (Sen. Omogeni): Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Mine will be about 15 as we wait for Senior Counsel Nyamodi.

**The Chairperson** (Sen. Omogeni): Remember you gave us some undertaking yesterday.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Yes, we did.

**The Chairperson** (Sen. Omogeni): Okay, proceed.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Mr. Witness, you recall where we stopped yesterday. I want to refer you to paragraph No.5 of your affidavit. Have you got hold of it? You have made wild allegations.

**The Chairperson** (Sen. Omogeni): Sorry, you said which paragraph?

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Paragraph 5 of the affidavit marked CA7.

**The Chairperson** (Sen. Omogeni): Members, you can go to CA7 on the affidavit of Bare Ahmed.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): It is your evidence that the First Lady of the County Government of Wajir has been literally running the county affairs, yes?

What affairs has she been running? Which organ of the department has she been running the County Assembly affairs or the executive affairs?

**The Chairperson** (Sen. Omogeni): I hope you can speak to the microphone so that we are able to hear you.



**Hon. Shueb Bare Ahmed:** When I say she is literally running the affairs of the county, I do not mean per se that she is running a department. I mean decisions that are made by the department are influenced by her.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Do you have any witness before this Committee to attest to that fact that they have taken decisions influenced by the First Lady?

**Hon. Shueb Bare Ahmed:** I am saying---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Do you or do you not? Just answer the question.

**Hon. Shueb Bare Ahmed:** I am a witness in this matter and I am saying what I know, what I have seen and what I heard.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): In which department do you work in in the county executive?

**Hon. Shueb Bare Ahmed:** I do not work in the county executive. I am a MCA.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Is she able to influence the performance of the County Assembly?

**Hon. Shueb Bare Ahmed:** The County Assembly is an independent institution off her.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Is she able? Yes or no?

**Hon. Shueb Bare Ahmed:** I may say yes or no. However, she influences in a way.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): So, what is your answer?

**The Chairperson** (Sen. Omogeni): Hon. Ahmed, I think it is good if you say yes or no. If it is no, you say no so that so that---

**Hon. Shueb Bare Ahmed:** She cannot influence the decisions of the County Assembly.

**The Chairperson** (Sen. Omogeni): Pardon.

**Hon. Shueb Bare Ahmed:** She cannot influence the decisions of the County Assembly.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): You recall that you said that you have gone for meetings severally where she has been in attendance. Yes?

**Hon. Shueb Bare Ahmed:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Do you recall one clarification that was sought by the Senator from Machakos as to the venues of those meetings? You recall the venues?

**Hon. Shueb Bare Ahmed:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): You said that they have always taken place in the Governor's residence.

**Hon. Shueb Bare Ahmed:** Governor's residence and hotels too.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I believe that you are aware that the First Lady is a resident in that residence.

**Hon. Shueb Bare Ahmed:** Yes, of course.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Kindly confirm that you do not have any evidence before this Committee; evidence seeing the interference of the First Lady in the performance of the affairs of the county government.

**Hon. Shueb Bare Ahmed:** Evidence is the one that I am saying I have.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Any minutes or resolutions she has participated?

**Hon. Shueb Bare Ahmed:** That is secondary. What I am saying is primarily what I have seen.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Witness, I am asking, do you have any evidence; minutes and resolutions? It is not secondary and it is not for you to choose whether it is secondary or primary.

**Hon. Shueb Bare Ahmed:** The meetings we were attending with her were not official. They were informal.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Do you want to suggest that the county government or the county assembly, more so in which meetings you attended the county assembly operates in an informal way?

Specifically the county assembly, in those informal meetings you attended, does it mean you operate in informal way?

**Hon. Shueb Bare Ahmed:** The county assembly functions in various manners. You have the official businesses that are run in plenary, committees and official businesses that we do in *Kamukunjis*.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Witness, my question to you is: Does the county assembly operate in an informal way because those meetings were informal?

**Hon. Shueb Bare Ahmed:** Sometimes yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Does that embarrass you?

**Hon. Shueb Bare Ahmed:** No.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I want to take you to paragraph 6.

**Hon. Shueb Bare Ahmed:** I am there.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Do you recall the content?

**Hon. Shueb Bare Ahmed:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): It is your evidence that the same First Lady has been influencing the payments. Yes?

**Hon. Shueb Bare Ahmed:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): You said that if you were to be paid as contractor or service person, you have to pay her, or what did you say? What was your statement? What was your evidence?

**Hon. Shueb Bare Ahmed:** You are supposed to pay sometimes and sometimes, you must seek her blessings for you to be paid.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): What did you say, blessings?

**Hon. Shueb Bare Ahmed:** She must give you the go ahead.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): What sort of blessings are you speaking about?

**Hon. Shueb Bare Ahmed:** She has to instruct the chief officers to pay certain suppliers or contractors.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): In which department, the county executive or the county assembly?

**Hon. Shueb Bare Ahmed:** County executive.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Any evidence?

**Hon. Shueb Bare Ahmed:** I am giving that evidence under oath.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Have you brought a witness before this Committee?

**Hon. Shueb Bare Ahmed:** I am a witness to that.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Have you brought a witness to testify to that effect that for you to be paid you must get blessings? Are they just financial blessings or religious ones?

**Hon. Shueb Ahmed Bare:** I think the witnesses are before this Committee representing the county assembly brought their allegations---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Any contractor or service provider that you have brought to that effect?

**Hon. Shueb Ahmed Bare:** I am now telling it.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): You do not have any person to that effect. Yes?

**Hon. Shueb Ahmed Bare:** I am the one giving that testimony.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): You lack a person to testify to that effect, correct?

**Hon. Shueb Ahmed Bare:** I am testifying.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Hon. Ahmed, kindly answer the question that I am putting to you.

Do you have a witness who was paid pursuant to the influence of the First Lady?

**Hon. Shueb Bare Ahmed:** I am saying that I am the one giving that evidence that one must seek blessings for her to pay.

**The Chairperson** (Sen. Omogeni): Hon. Ahmed, you will make life easier if you just answered the question then we move on.

You are being asked of the contractors you have said who must get the blessings of the First Lady. Have you brought any before this Special Committee?

**Hon. Shueb Bare Ahmed:** Mr. Chairman, Sir, there is no witness I have brought, but I have participated in a meeting where contractors were subjected to that.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Witness, let us go to paragraph 7. Do you recall the content?

**Hon. Shueb Bare Ahmed:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): It is your allegation that this money was deposited in her accounts. Yes?

**Hon. Shueb Bare Ahmed:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): You have gone ahead to annex those accounts, correct?

**Hon. Shueb Bare Ahmed:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I want you to take us to that particular account you have labelled as having received these monies.

**Hon. Shueb Bare Ahmed:** Yes

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Where are we?

**Hon. Shueb Bare Ahmed:** Kheira Omar's account

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Is it the one that appears as Annexure 1?

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Is it the one that appears as annexure one?

**Hon. Shueb Bare Ahmed:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): It appears in the supplementary affidavit?

**Hon. Shueb Bare Ahmed:** Yes, in the supplementary affidavit.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Thank you, Senior Counsel. When is that statement dated?

**Hon. Shueb Bare Ahmed:** 31<sup>st</sup> December, 2017.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): What is the source of this statement?

**Hon. Shueb Bare Ahmed:** Mr. Chairman, Sir, as I said yesterday, the source of the statement--- I have given a starting point. This statement is from Kenya Commercial Bank (KCB).

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Kindly, lead us to the exact place that indicates the source of the document.

**Hon. Shueb Bare Ahmed:** The Committee has the powers---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I am referring you to your statement. I do not want to know about the powers of the Committee. You are now before a different Committee. Lead us exactly to the place that points out that this statement came from KCB.

**Hon. Shueb Bare Ahmed:** As I said and put it before the Committee, this statement is from KCB.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Evidence.

**Hon. Shueb Bare Ahmed:** For further clarification, the Committee has the powers to go and investigate and validate this statement.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Therefore, where do we take it that this statement came from? Confirm to us that there is no indication that the statement came from KCB; either in your affidavit or on the face of the document.

**Hon. Shueb Bare Ahmed:** I know this statement came from KCB.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Who is the owner of this statement?

**Hon. Shueb Bare Ahmed:** The owner of this statement is Mrs. Kheira Omar Maalim.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Confirm that it belongs to the First Lady.

**Hon. Shueb Bare Ahmed:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): How did you procure this statement from KCB?

**Hon. Shueb Bare Ahmed:** I was given by a person.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): You were given by a person.

**Hon. Shueb Bare Ahmed:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): When were you given?

**Hon. Shueb Bare Ahmed:** Before we started the impeachment process.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): When were you given? Stop being evasive.

**Hon. Shueb Bare Ahmed:** I am saying what I know, counsel.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): When did you get to hold this statement?

**Hon. Shueb Bare Ahmed:** Early April of this year.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I want you to disclose the source of the person that gave you the statement.

**Hon. Shueb Bare Ahmed:** To the best of my knowledge, it is the correct statement of Mrs. Kheira Omar Maalim from KCB.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I did not ask the authenticity. I am at the person who gave you the statement.

**Hon. Shueb Bare Ahmed:** I was given by a person who is my source. This is because we were carrying out investigations as the County Assembly.



**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Who is this person that gave you the statement?

**Hon. Shueb Bare Ahmed:** It is a person whom I do not want to disclose.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Mr. Witness, allow me to ask you, before you became a Member of the County Assembly (MCA), what was your previous employment?

**Hon. Shueb Bare Ahmed:** I diligently served as a public officer in the National Police Service Commission in the Directorate of Criminal Investigations (DCI).

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Where were you attached?

**Hon. Shueb Bare Ahmed:** I served for 20 years.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Where were your last days of engagement?

**Hon. Shueb Bare Ahmed:** My last place of engagement was in Mutomo Criminal Investigation Department (CID) office.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Where?

**Hon. Shueb Bare Ahmed:** Mutomo in Kitui County.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): When did you leave the service?

**Hon. Shueb Bare Ahmed:** I left the service in March, 2017.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Why did you leave the service?

**Hon. Shueb Bare Ahmed:** I retired gracefully.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Did you ever work with Kenya Ports Authority (KPA)?

**Hon. Shueb Bare Ahmed:** I worked as a CID officer.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Were you ever attached at KPA?

**Hon. Shueb Bare Ahmed:** Give me time. I will answer you.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** That is a yes or no answer question.

**Hon. Shueb Bare Ahmed:** I worked at the Kilindini CID Office.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** So, you were once attached at the KPA?

**Hon. Shueb Bare Ahmed:** I was not attached at KPA. I worked in Kilindini CID Office.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** You were posted there. When were you there?

**Hon. Shueb Bare Ahmed:** I served there for eight years.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** When were you last in that station?

**Hon. Shueb Bare Ahmed:** I left in October, 2016.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** While you were there, were you involved in disciplinary cases? And are you aware of the bribery case that faced you?

**Hon. Shueb Bare Ahmed:** Those are false allegations you are making before this Committee.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** I am asking whether you are aware.

**Hon. Shueb Bare Ahmed:** That is false.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Are you aware or you are not aware? I do not need explanation.

**Hon. Shueb Bare Ahmed:** Mr. Chairman, Sir, the counsel is making wild allegations against me. I need protection.

**The Chairperson** (Sen. Omogeni): You are well protected. We will record your answers being they are wild allegations.

**Hon. Shueb Bare Ahmed:** Thank you, Mr. Chairman, Sir.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Is it your craftiness or thorough your craftiness that you are able to get hold of this document?

**Hon. Shueb Bare Ahmed:** As I appear before this Committee, I was duly elected by the people.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I am not asking whether you were duly elected. We know you were elected.

**Hon. Shueb Bare Ahmed:** For you to cast aspersions on my character, I can say you are wrong.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Then you are at the dock. If you do not want us to cast aspersion, you have the opportunity to clear your name in directing us on how you procured this document.

**Hon. Shueb Bare Ahmed:** I am not in a dock. I am in the witness stand. I am not an accused person.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Correct. You are right on that point. How did you get this document? The absence of an answer will be an inference that you are a crafty person.

**Hon. Shueb Bare Ahmed:** I was given this document by a person. I said before this Committee that I will not disclose the name of the person.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Where did you first use this document? Is it the first place of call?

**Hon. Shueb Bare Ahmed:** This is the first place I am using it.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): You said that you got it in the month of April?

**Hon. Shueb Bare Ahmed:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Was KCB aware of these arrangements?

**Hon. Shueb Bare Ahmed:** I am not aware.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Were they party to the procurement of this document?

**Hon. Shueb Bare Ahmed:** I am not aware.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Can you defend the authenticity of this document?

**Hon. Shueb Bare Ahmed:** To the best of my knowledge, this document is factual.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): And you are aware and you can confirm that these accounts belong to the First Lady?

**Hon. Shueb Bare Ahmed:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Do you have any documents that facilitated the opening of this account?

**Hon. Shueb Bare Ahmed:** No. I do not have.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): If I put it to you that you are only here to embarrass, ridicule the person of the first lady, what would you say?

**Hon. Shueb Bare Ahmed:** That is not the substance of my affidavit.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Let us go to paragraph nine. Before I go to paragraph nine, would you want this Committee to rely on this statement?

**Hon. Shueb Bare Ahmed:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Are you the maker?

**Hon. Shueb Bare Ahmed:** No.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Where is the maker?

**Hon. Shueb Bare Ahmed:** I have answered that question substantially.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Who is the maker? Is it you who made the document, is it the person who gave you, or is it KCB? Who is the maker of the document?

**Hon. Shueb Bare Ahmed:** Definitely, a statement must originate from KCB.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Who is the maker of the document?

**Hon. Shueb Bare Ahmed:** KCB.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I can see a stamp of Ethics and Anti-Corruption Commission (EACC) on it.

**Hon. Shueb Bare Ahmed:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): What does it indicate? Why does it bear that statement?

**Hon. Shueb Bare Ahmed:** I believe there is active investigations going on by EACC.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Is it your evidence that you are litigating this matter on two forums?

**Hon. Shueb Bare Ahmed:** I cannot say so. The matter I am here for is because of this Committee.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I am asking, are we litigating these matters in two constitutional forums?

**Hon. Shueb Bare Ahmed:** No.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Are you aware of the findings or the outcome of the EACC?

**Hon. Shueb Bare Ahmed:** I am not aware.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Have you ever written to EACC to confirm the position?

**Hon. Shueb Ahmed Bare:** No, Mr. Chairman, Sir.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Do you feel or think that you have been executing your duties of oversight effectively, efficiently and with due diligence?

**Hon. Shueb Ahmed Bare:** Mr. Chairman, Sir, to the best of my knowledge.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Okay. Let us go to Paragraph 9. What did you want to achieve with that? You indicate ‘according to your investigations’?

**Hon. Shueb Ahmed Bare:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Which investigations were these?

**Hon. Shueb Ahmed Bare:** Part of our oversight role.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Which committee in particular was investigating this matter?

**Hon. Shueb Ahmed Bare:** As a House Member.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I am asking: Which sectoral committee of the County Assembly was investigating the issue?

**Hon. Shueb Ahmed Bare:** Personally, I said as a Member of the House.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I am not asking about your personal opinion. I am asking about the committee of the County Assembly.

**Hon. Shueb Ahmed Bare:** I do not know the committee; this is my statement and not the committee's statement.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Who investigated? You say, 'further to that, according to our investigation.' Who is this 'our'?

**Hon. Shueb Ahmed Bare:** I said 'as a House.' I belong to the Wajir County Assembly.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Is it the County Assembly that was investigating the matter?

**Hon. Shueb Ahmed Bare:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Which committee investigated?

**Hon. Shueb Ahmed Bare:** As a Member of the House, I said I am aware. I am the one giving the statement.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Read Paragraph 9, the first sentence, up to where you have a comma.

**Hon. Shueb Ahmed Bare:** 'Further to that, according to our investigation, I am aware---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): According to 'our' investigations.

**Hon. Shueb Ahmed Bare:** But it does not end there.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): It is okay. I want to stop at that. Who is this 'our'?

**Hon. Shueb Ahmed Bare:** I said, and I am saying, that it is the County Assembly of Wajir.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): What was the finding of the investigation?

**Hon. Shueb Ahmed Bare:** The findings of the investigations are as per Paragraph 7.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): What was the finding of the investigation?

**Hon. Shueb Ahmed Bare:** I came to know that---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I am done with Paragraph 7; I am at Paragraph 9.

**Hon. Shueb Ahmed Bare:** I am saying that part of that outcome of investigations is that we came to know that monies are deposited into the account of the---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Have you brought that investigation before this committee?

**Hon. Shueb Ahmed Bare:** Yes, it is here.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Where is it? Lead us to the annexure.

**Hon. Shueb Ahmed Bare:** It forms part of my affidavit.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Ahmed, I am assuming that when the County Assembly carries out a process of investigation, there must be a report, finding and recommendations. Correct?

**Hon. Shueb Ahmed Bare:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I am assuming that is the investigation that you executed—

**Hon. Shueb Ahmed Bare:** It culminated into this impeachment process.



**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Witness, come slow, you will hear me and answer. I am assuming that it is the investigation in issue. Correct?

**Hon. Shueb Ahmed Bare:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I am also assuming that the investigation was guided by the Wajir County Assembly Standing Orders.

**Hon. Shueb Ahmed Bare:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I am asking about the end results of that investigation. Where is the report?

**Hon. Shueb Ahmed Bare:** The end result for that investigation led to the impeachment process that is here before the Committee.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Sorry.

**Hon. Shueb Ahmed Bare:** The outcome of that investigation led to the start of this impeachment process.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): The impeachment process of the Governor of Wajir County is premised on the wishes, whims and aspiration of you, as a witness.

**Hon. Shueb Ahmed Bare:** I form part of it.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Confirm to this Committee that there was no report that was generated following this investigation.

**Hon. Shueb Ahmed Bare:** I said the outcome of those investigations led to the impeachment process.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I move with you to Paragraph 10. Are you there?

**Hon. Shueb Ahmed Bare:** I am there.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): What did you want to achieve?

**Hon. Shueb Ahmed Bare:** Paragraph 10, as I have stated earlier in the chat provide, I wanted to show the proxy companies being operated by the first family in Wajir County.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I want you to lead us to your evidence in respect of you pointing out specific CR12, indicating that the Governor has been having members of the first family as directors or members of these companies.

**Hon. Shueb Ahmed Bare:** Come again.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): You lead us to your evidence which points that members of the Governor's family are either directors or shareholders of these companies. But, before I go to that, in Paragraph 9, in your wild investigations did you culminate to find the Governor culpable in respect to Paragraph 9?

**Hon. Shueb Ahmed Bare:** He takes responsibility.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): In your wild imagination, yes?

**Hon. Shueb Ahmed Bare:** As you say, but not wild.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Move with me to Paragraph 10. Point out in your affidavit that Zulma Construction and General Supplies is owned by either the governor or member of his first family.

**Hon. Shueb Ahmed Bare:** I said in the paragraph that one Osman Abdi Jimali is the director of Zulma Construction.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Witness, in this country we have a law called the Companies Act. For your information, it is a 2015 Act. There is the means in which we follow when

one wants to establish the ownership of a company. Are you aware of that fact?

**Hon. Shueb Ahmed Bare:** I have not been conversant with that law.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): You are not conversant?

**Hon. Shueb Ahmed Bare:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): So, I put it to you that when you want to establish the ownership of a company, you go to a document called CR12. Are you aware now?

**The Advocate for Wajir County Assembly** (Mr. Ahmednassir): Mr. Chairman, Sir, my learned friend is misrepresenting the Companies Law. By the mere fact that some is on CR12, it does not mean that he is the owner of the company. There is Case Law of both trusts. There is a new amendment recently, where the Attorney General made provisions that there can be proxies who own, but they must be declared in the register of companies. Contrary to my learned friend's submission, CR12 on the face of it does not show who the owner of the company is under the Companies Act, 2015.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Thank you, Mr. Chairman, Sir, for the wisdom of the Senior Counsel Ahmednassir and the small lecture on Companies Law. Using the wisdom of Senior Counsel, where is the document indicating that the Governor or members of the first family used a proxy? I am borrowing the words of the Senior Counsel, and thank you for the information.

**Hon. Shueb Ahmed Bare:** I said the directors as stated in the CR12 is one Osman Abdi Jamali—

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Now, borrowing the wisdom of Senior Counsel, where is the proxy indicating the connectivity or nexus between the first family, the governor and the company?

**Hon. Shueb Ahmed Bare:** If you refer to my second affidavit at the back of it, there is a graph supplied at the back.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Is this the one that you filed yesterday?

**Hon. Shueb Ahmed Bare:** Yes.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** I want you to show me the proxy form. Which page?

**Hon. Shueb Ahmed Bare:** The last page, where the graph is.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Okay. Again, and I beg to be guided if I am wrong on this presumption, in the Companies Act there are specific forms. Correct?

**Hon. Shueb Ahmed Bare:** I said I am not conversant with the Companies Act.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** I then put it to you that we identify documents either from a schedule in law, through use of the word ‘form.’ It is either Form 2, Form 2 or Form 3, so that the document can have connectivity with the statute. I now want you to lead me and tell me the origin of this form. Is it Form 1, Form 2, Form 3, Form 4 or what form in the Companies Act did you originate this from?

**Hon. Shueb Ahmed Bare:** Mr. Chairman, Sir, --

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** I am referring to the statutory form, for purposes of clarity.

**Hon. Shueb Ahmed Bare:** Mr. Chairman, Sir, the Counsel asked me the nexus between---

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** I am not asking about the nexus, do not put questions to me—

**Hon. Shueb Ahmed Bare:** That was the question and it is on record. You asked me the nexus between this company and the first family, and that is why I am referring to my graph here.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Thank you, just hold that, I will come to it. Which statutory form is this?

**Hon. Shueb Ahmed Bare:** Which one?

**Hon. Shueb Bare Ahmed:** Which one?

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): The one that you have indicated.

**Hon. Shueb Bare Ahmed:** These are the letters that I prepared myself to show---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I am okay with the nexus. I am using the wisdom of senior counsel Ahmednassir where he guided us that the Governor or any member of his family can use proxies to establish that Zulma Camp Construction and General Supplies is actually owned by the Governor through proxies. That is what I want you to establish.

**Hon. Shueb Bare Ahmed:** You can establish that by looking at how I explained in my affidavit.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): So, you recall that a proxy is the---

**The Chairperson** (Sen. Omogeni): Counsel.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Yes, I am guided.

**The Chairperson** (Sen. Omogeni): The timekeeper indicates to me that in the next five minutes, you will have used over 30 minutes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): And I still have a long way to go but I will try to work within that limit.

**The Chairperson** (Sen. Omogeni): Yesterday you promised us to use 30 minutes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Let me try to work with the same.

**The Chairperson** (Sen. Omogeni): How many minutes more do you need?

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): 15 minutes will be okay.

**The Chairperson** (Sen. Omogeni): Can you try to do 10?

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Let me work within the constraints.

**Sen. Outa:** Mr. Chairman, Sir, I propose that the time allocated for submissions be adhered to. We might not conclude today since the day is long for us yet we keep on giving extra time. This matter has a timeline. Therefore, we cannot keep adding extra time all the time. I think they need to prepare themselves within the time allocated.

**The Chairperson** (Sen. Omogeni): Counsel, we still have seven witnesses to deal with. You can imagine the kind of pressure based on the time we have. So, try to sum up.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I will try to, Mr. Chairman, Sir.

Witness, confirm to us that you do not have any proxy document or statutory form connecting the Governor with these allegations.

**Hon. Shueb Bare Ahmed:** What I have is in my affidavit clearly stating how these companies are working for the Governor and the first family.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** I am satisfied.

Witness, let us go to paragraph 14. What is the content?

**Hon. Shueb Bare Ahmed:** It is about the purchase of motor vehicle.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Who purchased that motor vehicle?

**Hon. Shueb Bare Ahmed:** The County Government.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** In your paragraph 15, it is your allegation that the said motor vehicle was confiscated. Is that true?

**Hon. Shueb Bare Ahmed:** Yes, previously.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** What do you mean by previously?

**The Witness for Wajir County Assembly (Hon. Shueb Bare Ahmed):** It was under investigations.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** That status has since changed?

**Hon. Shueb Bare Ahmed:** I am made to understand that it has changed.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): What status?

**Hon. Shueb Bare Ahmed:** I am told it has gone back to the County Government.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): It has gone back to the County Government following conclusion of investigations, yes?

**Hon. Shueb Bare Ahmed:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): So, you want the Governor to be impeached for something that has been concluded by a statutory or a constitutional organ?

**Hon. Shueb Bare Ahmed:** The allegations for him to be impeached are many. It is not only this.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I am on that allegation. *Hiyo ya kwanza tu.*

**Hon. Shueb Bare Ahmed:** It is not only this as you put it.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Now I am on this. You want us to impeach the Governor for an issue that has already been concluded?

**Hon. Shueb Bare Ahmed:** But you know, Mr. Chairman, Sir---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Just answer me. Do not lecture me.

**Hon. Shueb Bare Ahmed:** I am not lecturing. I am replying to your questions.



**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): You want us to impeach him on the basis of these allegations 14 and 15?

**Hon. Shueb Bare Ahmed:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Good. I put it to you that this impeachment is laced with malice, vendetta and personal grudge. Is that true?

**Hon. Shueb Bare Ahmed:** No.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): As I sum up, let us look at paragraph 18. What is the content?

**Hon. Shueb Bare Ahmed:** Statement of account held by the Central Bank of Kenya (CBK) for the current---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Do you have that statement of account attached?

**Hon. Shueb Bare Ahmed:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Which page?

**Hon. Shueb Bare Ahmed:** Page 25.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Where did you procure this document from?

**Hon. Shueb Bare Ahmed:** From the CBK.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Did you just walk to the CBK and they gave you the statement?

**Hon. Shueb Bare Ahmed:** No.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): What procedure did you employ to procure the same?

**Hon. Shueb Bare Ahmed:** I got it before we started the impeachment process.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): What procedure did you employ to procure the document?

**Hon. Shueb Bare Ahmed:** Somebody gave it to me in an envelope.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Somebody came with an envelope?

**Hon. Shueb Bare Ahmed:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Where did the envelope come from?

**Hon. Shueb Bare Ahmed:** The County Assembly.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Does that then mean that you hold files for the CBK? Are you partners with the CBK to hold documents on their behalf?

**Hon. Shueb Bare Ahmed:** That one is not there.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Where exactly did you get this statement from?

**Hon. Shueb Bare Ahmed:** Mr. Chairman, Sir, we have envelope system in this country for people who do not want to be known when they give you information.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Can we ask the committee to go in camera for us to establish that position?

**Hon. Shueb Bare Ahmed:** There is no point.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** So, you are not able to express that point in the glare of the cameras and even in camera? Is that correct?

**Hon. Shueb Bare Ahmed:** These are genuine documents from the CBK.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** I am not asking about the authenticity. I am asking if you want us to go in camera for you to disclose.

**Hon. Shueb Bare Ahmed:** I am already here giving evidence.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** So, you are not able to disclose even in camera?

**Hon. Shueb Bare Ahmed:** No.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Does that cast aspersions to your source of the said documents?

**Hon. Shueb Bare Ahmed:** No.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Do you think that cast aspersions and doubts to the integrity of your evidence?

**Hon. Shueb Bare Ahmed:** No.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Finally, let us move to paragraphs 21 and 24. What did you want to achieve?

**Hon. Shueb Bare Ahmed:** I wanted to bring to light how non-existent projects are being paid.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Who paid, is it the Governor?

**Hon. Shueb Bare Ahmed:** The County Government headed by the Governor.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Do you have any report to indicate that a project was paid for and the same in non-existent?

**Hon. Shueb Bare Ahmed:** Come up again.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Do you have any evidence to show that a project that was paid is a ghost project?

**Hon. Shueb Bare Ahmed:** Yes, I have evidence.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): You can lead us to that evidence. What page, witness?

**Hon. Shueb Bare Ahmed:** Page 32.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Yes, we are there. It is for Wajir County. Where does it indicate in the statement that this is a ghost project?

**Hon. Shueb Bare Ahmed:** The statement shows that this company was paid.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I agree the company was paid. I am not asking about the payment. I am asking about the allegation of it being a ghost project.

**Hon. Shueb Bare Ahmed:** I have previously said before the committee that we got this---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Witness, did you understand the nature of my question? I rephrase. I want you to give us evidence that this is a ghost project. Please indicate.

**Hon. Shueb Bare Ahmed:** This project is non-existent.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Where is the documentation?

**Hon. Shueb Bare Ahmed:** Let me clarify. For this project, a structure should be there. When we went to the location, this structure does not exist.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Witness, which year was this project paid?

**Hon. Shueb Bare Ahmed:** Mr. Chairman, Sir, it was paid on 16<sup>th</sup> December, 2019.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Are you aware that the Auditor-General has given a report to that effect?

**Hon. Shueb Bare Ahmed:** I am not aware.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): The report for 2018/2019?

**Hon. Shueb Bare Ahmed:** What specific---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Are you aware that the Auditor-General's report has been generated to that effect?

**Hon. Shueb Bare Ahmed:** The Auditor-General's reports are generated every year.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Would it surprise you that you have not given us that auditor's report indicating or capturing that a ghost project was paid for, or do you doubt the work of the Auditor-General?

**Hon. Shueb Bare Ahmed:** I have said under oath and it is in my affidavit that this---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): No I am asking you. Just answer me! We have read your affidavit. That is why we are cross examining you. We have read it. Are you saying that this country should not trust the work of the Auditor-General?

**Hon. Shueb Bare Ahmed:** I cannot reply for a third party.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Sorry?

**Hon. Shueb Bare Ahmed:** I cannot reply for a third party and my statement under oath says that.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): No further questions.

**The Advocate for Wajir County Assembly** (Mr. Ahmednassir): Mr. Chairman, Sir, I will ask just one question. Hon. Shueb, your affidavit dwells a lot on the First Lady and how far her influences reaches in the County Government of Wajir. You know in many African communities there are women who are very domineering. Is it your understanding that this is just a case of a domineering woman or is it much more than that?

**Hon. Shueb Bare Ahmed:** It is much more than that.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Can you explain just a little bit, very briefly?

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Mr. Chairman, Sir, kindly who is on trial? Is it the Governor's wife or the Governor? Who is on trial, senior counsel?

**The Advocate for Wajir County Assembly** (Mr. Ahmednassir Abdullahi SC): Let him answer. I just want him to give one or two examples as to why he thinks this is not just an ordinary case of a dominant wife which is very common among certain communities.

**Hon. Shueb Bare Ahmed**: It is like electricity; you can see it but you cannot touch it. So, the First Lady of Wajir, you only see her, but if you cross her line, you are out. She is not an ordinary woman.

**The Advocate for Wajir County Assembly** (Mr. Ahmednassir): That is all, Mr. Chairman, Sir. Thank you very much.

**The Chairperson** (Sen. Omogeni): Hon. Senators, I do not know whether you want to ask this particular witness some questions. We did ask this witness questions yesterday but if there is anything that has arisen where you need clarification, you can ask.

**Sen. Kihika**: Just a very quick one. I might be a bit confused, were you the witness who was coming in after the first one who was to give us the hard evidence on how the First Lady influences the ongoing in the county? I am just not sure if it was you or somebody else.

**Hon. Shueb Bare Ahmed**: I was the second witness.

**Sen. Linturi**: I want a bit of clarity because the manner in which the First Lady has really featured in these proceedings, the answer will determine whether I will ask the next question. Are you elected from the same party as the Governor? Are you members of the same party?

**Hon. Shueb Bare Ahmed**: What are you asking me, Senator?

**Sen. Linturi**: I am asking whether you are from the same political party with the Governor.

**Hon. Shueb Bare Ahmed**: We are from the same coalition.

**Sen. Linturi:** You were elected under which ticket?

**Hon. Shueb Bare Ahmed:** I am elected under KANU.

**Sen. Linturi:** The question now that will follow is that, I have gone through your affidavit and the words “related family ties” has really featured extensively in this affidavit. When you people were campaigning for the elections, was the First Lady’s presence notable during campaigns or she just came in after the election was over?

**Hon. Shueb Bare Ahmed:** Senator, I am sorry, I did not get you very well.

**Sen. Linturi:** I am asking---

**Sen. Outa:** On a point of order, Mr. Chairman, Sir. Would I be in order to request the witness to communicate directly to the Chair instead of engaging the Senator?

**The Chairperson (Sen. Omogeni):** Hon. Shueb, you should address the Committee through the Chair. Answer the question.

**Hon. Shueb Bare Ahmed:** Mr. Chairman, Sir, if the Senator could repeat the question.

**Sen. Linturi:** I am saying you have used the words “associated, related, connected to family members” quite a lot to try to bring the connection regarding what has been going on. I would have really wanted to understand exactly what you mean by use of those words.

Secondly, I would like to know if this is the first time that the First Lady’s presence is being felt around the Governor or even before the Governor’s election that this lady moved around the county with the Governor or whether she was - to borrow the words from senior counsel Ahmednassir - domineering during the campaigns?

**Hon. Shueb Bare Ahmed:** On the second question, even before the elections and I have said in my affidavit, in Wajir and far, she has been known to be domineering. That is not an issue that just started after the Governor was elected.



**Sen. Linturi:** So during the campaigns, she participated and you knew the kind of lady that she was?

**Hon. Shueb Bare Ahmed:** Sure yes, but---

**The Chairperson** (Sen. Omogeni): Yes, Sen. Sakaja.

**Sen. Sakaja:** Mr. Chairman, Sir, Article 125 of the Constitution of Kenya says that for purposes of where any of our committees were to summon a witness to appear to give evidence, it says that the committee has the same powers as the High Court to enforce attendance of any witness, examine them on oath, to compel the production of documents and to issue and commission a request to examine witnesses. During the course of the cross examination, there has been the question on the source of documents that has been raised but not on the authenticity. I just want to ask because it will be our decision whether to invoke this provision, but I want on record to get from the witness, all these bank statements that you have mentioned and you have attached and all the documents from CBK and certain accounts, can you confidently tell us that if we compel the production of these from the respective institutions that what we will find is what you have attached?

**Hon. Shueb Bare Ahmed:** Yes, Mr. Chairman, Sir.

**Sen. Sakaja:** Thank you. That is all.

**Sen. Were:** Mr. Chairman, Sir, this second witness was really the one who was supposed to give us facts about the role of the First Lady. That is why we are dwelling so much on this. I want to know: The informal meetings you were holding at the Governor's residence, is that residence official the way we have our State House here or is it a totally private residence?

**Hon. Shueb Bare Ahmed:** We do not have an official residence for the Governor. It is his personal residence.

**Sen. Were:** So it is his private residence? Then that would explain why the wife normally chairs meetings. Wives are normally the CEOs of homes.

*(Laughter)*

**Sen. Kavindu Muthama:** Thank you, Mr. Chairman, Sir, for this opportunity. I just have one question for the witness. Yesterday you said that if you had time, you would produce some evidence that the First Lady was chairing meetings. Were you able to get any?

**Hon. Shueb Bare Ahmed:** Even though the hon. Chair said yesterday that we were beyond that, I have some pictures if I would be allowed to share with the Committee.

**Sen. Kavindu Muthama:** I thought you were to bring evidence of the pictures.

**Hon. Shueb Bare Ahmed:** Yes, I have them.

**Sen. Kavindu Muthama:** You were not allowed?

**Hon. Shueb Bare Ahmed:** The Chairman said were not allowed because of issues of time.

**Sen. Kavindu Muthama:** Then I concur with my fellow Senator that if you do your meetings in that First lady's house, she has a right to be there in those meetings because that is her home.

**The Chairperson** (Sen. Omogeni): Hon. Shueb Bare Ahmed, these are ladies. They know how they run their homes. I think that is why they are asking so many questions around the first lady.

**Sen. (Eng.) Hargura:** Thank you, Mr. Chairman, Sir. There is this issue of companies being associated with the Governor and his family as in No.21 on the Alek Construction. How were they associated? Were they associates or relatives?

**Hon. Shueb Bare Ahmed:** They are blood relatives.

**Sen. Outa:** Mr. Chairman, Sir, I request that in your ruling, you consider the proposal made by Sen. Sakaja on the extra evidence that may attest to the authenticity of the source of the documents before us.

**Sen. Sakaja:** Mr. Chairman, Sir. I did not make a proposal for production. I said we have the power to invoke that. I just wanted an affirmation by the witness that what we would find would be the same as he stated. He has held under oath that what we see is what we shall get if we went that route.

**The Chairperson (Sen. Omogeni):** We leave it at that. Do we have any other? On my part, I want one clarification. In paragraph 10, you have said Mr. Osman Abdi Jamale owns the following companies. You have listed them.

**Hon. Shueb Bare Ahmed:** Yes, Mr. Chairman, Sir.

**The Chairperson (Sen. Omogeni):** On page 34 all through to page 40, you have attached CR12. Did you attach the Company Registration CR12 to confirm Mr. Omar Abdi Jamale owns those companies or you wanted to show those companies are associated with the First Lady? Which is which?

**Hon. Shueb Bare Ahmed:** It was for both. To show that he is the director and owns them and also acts as a proxy for the Governor and his family.

**The Chairperson (Sen. Omogeni):** There are about eight companies. There are three people mentioned there. The First Lady, the son and the daughter. Is there anywhere where they are directors?

**Hon. Shueb Bare Ahmed:** They are not directors as per the CR12.

**The Chairperson** (Sen. Omogeni): You are released. We can take the next witness.

**Hon. Shueb Bare Ahmed:** Thank you. I wish everybody *Eid Mubarak*.

**The Chairperson** (Sen. Omogeni): Senior Counsel, we are waiting for your next witness.

**The Advocate for Wajir County Assembly** (Mr. Ahmednassir): Mr. Chairman, Sir, he is coming. However, I need a small clarification from the Chair. Yesterday you said summons would be issued to one Mr. Osman Abdi Jamale. Has it been issued?

**The Chairperson** (Sen. Omogeni): We will tell you as we proceed. I will consult the Clerk's Office and let you know the status.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru):

*(Hon. Hussein Abdirahman Dahir took the Oath)*

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Hon. Dahir, you are our third and last witness. Introduce yourself to the Committee.

**Hon. Hussein Abdirahman Dahir:** Mr. Chairman, Sir, my name is Hon. Hussein Abdirahman Dahir. I am MCA for Habswein Ward. At the same time, I chair the Committee on Agriculture, Livestock and Fisheries at the County Assembly of Wajir. With dues regard allow me to introduce part of my affidavit that is sworn. I swore two affidavits.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Before you do that, Mr. Chairman, Sir, we are looking at CA (1) and (2).

**The Chairperson** (Sen. Omogeni): We are there.

**The Advocate for Wajir County Assembly** (Mr. Ahmednassir): Confirm to the Committee that there are two affidavits you have sworn and explain briefly what each depones to?

**Hon. Hussein Abdirahman Dahir:** Mr. Chairman, Sir, I confirm that I swore two affidavits with regard to evidence in support of the impeachment of His Excellency the Governor of Wajir. One of them majorly talks on health issues. That is the reason why we said in the main Motion that Article 43 of the Constitution of Kenya allows the public to get the highest attainable health care has been squandered because of the deplorable state of the health institutions that serve our people get.

Secondly, it was about the pending bills. There were public outcries on the huge pending bills which did not have any goodwill of payment from the Governor.

**The Advocate for Wajir County Assembly** (Mr. Ahmednassir): Are the two affidavits your evidence before this Committee?

**Hon. Hussein Abdirahman Dahir:** That is my evidence before this Committee.

**The Advocate for Wajir County Assembly** (Mr. Ahmednassir): would you like to submit the two affidavits and the annexures as evidence for this Committee's consideration?

**Hon. Hussein Abdirahman Dahir:** Yes, I do submit my affidavits with annexures as evidences to this Committee.

**The Advocate for the County Assembly (Mr. Ahmednassir):** Mr. Chairman, Sir, that is the end of my examination.

**The Chairperson (Sen. Omogeni):** Okay. Counsel Mr. Nyamodi, welcome.

**The Advocate for the Governor (Mr. Nyamodi):** Thank you very much, Mr. Chairman, Sir. My apologies for being late.

**The Chairperson (Sen. Omogeni):** I hope you have assumed your role as the Lead Counsel or Mr. Ndegwa Njiru to be the lead counsel.

**The Advocate for the Governor (Mr. Nyamodi):** Mr. Chairman, Sir, he has handed it back to me. I was going to leave it with him but he has quickly handed it back to me and I have accepted it.

**The Advocate for the Governor (Mr. Ndegwa Njiru):** Mr. Chairman, Sir, we have to oblige the seniority.

**The Chairperson (Sen. Omogeni):** You can take it over from there. The witness has been sworn in. He has confirmed his affidavit. Now it is over to you for cross-examination.

**The Advocate for the Governor** (Mr. Paul Nyamodi): Mr. Chairman, Sir, Mr. Mwangi will do this cross-examination.

**The Chairperson** (Sen. Omogeni): Okay, we proceed.

**The Advocate for the Governor** (Mr. Paul Nyamodi): Mr. Chairman, Sir, thank you.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): Good morning.

**Hon. Hussein Abdirahman**: Good morning to you.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): In your affidavit, you have deponed extensively in respect to pending bills. Is that correct?

**Hon. Hussein Abdirahman**: Yes.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): I wish to take you to Paragraph---

**The Chairperson** (Sen. Omogeni): Please, speak to the microphone so that we are able to get your questions.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): I wish to take you to Paragraph 5 of your affidavit.

**The Chairperson** (Sen. Omogeni): I would request that you cite affidavit CA1 or CA2 as you ask your questions.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): The affidavit is labelled CA2. Are you there at Paragraph 5?

**Hon. Hussein Abdirahman Dahir:** Yes, I am there.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): You agree that the issue of pending bills is not unique to Wajir County?

**Hon. Hussein Abdirahman Dahir:** It is not unique to Wajir County. However---

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): Yes or no?

**Hon. Hussein Abdirahman Dahir:** It is not unique to Wajir County. However Wajir County had the largest pending bills in this country. Secondly---



**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): Hon. Dahir, I am asking the questions and you answer. Is that correct? You agree that---

**Hon. Hussein Abdirahman Dahir:** According to the report from the National Treasury, it is not unique to the Wajir County Government.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): Hon. Dahir, you respond to the questions that I am asking to you so that we save this Committee time.

**Hon. Hussein Abdirahman Dahir:** I said according to National Government---

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): I want to take you there, Mr. Dahir. It is not unique to Wajir County. Is that correct?

**Hon. Hussein Abdirahman Dahir:** It is not unique to Wajir County however we have the largest pending bills in the larger country.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): Do you have a report to show that Wajir County has the largest pending bills?

**Hon. Hussein Abdirahman Dahir:** Yes. I do have a report to show that evidence.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): Where is the report?

**Hon. Hussein Abdirahman Dahir:** The report is in the annexure.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): Which annexure?

**Hon. Hussein Abdirahman Dahir:** The Report to the Pending Bills Ad-hoc committee.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): Where is the annexure showing that Wajir County has the highest pending bills?

**Hon. Hussein Abdirahman Dahir:** Pages 13 to 46. One is that annexure. The second annexure to the same effect is at Page 10 which is a document supplied to us as the Ad-hoc Committee---

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): Hon. Dahir, I will come to that document you are referring to, correct? Let me

take you back to Paragraph 7. You make reference to the directive that was made by the President that accounting officers to pay all pending bills.

**Hon. Hussein Abdirahman Dahir:** Yes.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): Is the Governor an accounting officer?

**Hon. Hussein Abdirahman Dahir:** The Governor is solely responsible on everything that is done. He is to take the leadership role. These people serve under his capacity as the Chief Executive Officer (CEO) of Wajir County Government.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): Hon. Dahir, do you understand he is an accounting officer in respect to the Public Finance Management Act?

**Hon. Hussein Abdirahman Dahir:** The accounting officers are political appointees appointed by His Excellency the Governor. Therefore they are accountable.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): Who is the accounting officer for the Department of Finance?

**Hon. Hussein Abdirahman Dahir:** The issue at hand is with regard to the Governor who had appointed the accounting officers and he is solely responsible on behalf of the people of Wajir County.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): Who is the accounting officer?

**Hon. Hussein Abdirahman Dahir:** I say again that the Governor is solely responsible because these are employees who give information to him at the cabinet meetings. Therefore, he knew all that has been going on there.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): If you are going to respond to the question that we are asking directly, we are going to take a very short time. Just calm down. Who is the accounting officer for the Department of Finance in Wajir County?

**Hon. Hussein Abdirahman Dahir:** My responses are very clear that these are employees of the county government.

**The Chairperson** (Sen. Omogeni): Hon. Dahir, make it easier for us if you are asked who the accounting officer is, if it is the Governor, just say it is the Governor, then we record. If you are not sure we will not punish you. Just

say that one I do not know who the accounting officer is so that we make progress. Otherwise, if you go round and round, we will not leave here.

**Hon. Hussein Abdirahman Dahir:** Thank you, Mr. Chairman, Sir. He is not the accounting officer but these are people who work under him.

**The Chairperson** (Sen. Omogeni): That is okay. So we will record that way.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): You have also mentioned that at Paragraph 10, there are goods and services that were not paid for, correct?

**Hon. Hussein Abdirahman Dahir:** Which Paragraph?

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): Paragraph 10 of your affidavit.

**Hon. Hussein Abdirahman Dahir:** Paragraph 10 does not talk of goods and services which have---

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): To small and micro enterprises.

**Hon. Hussein Abdirahman Dahir:** Yes.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): Do you have evidence for that?

**Hon. Hussein Abdirahman Dahir:** Yes, I have evidence for that.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): Have you annexed it here?

**Hon. Hussein Abdirahman Dahir:** Yes, you can check and go through all the documentation from the departments, Local Service Orders (LSOs) that were issued by the departments.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): I take you to Paragraph 13 of your affidavit. You have also deponed extensively that as a County Assembly, you formed an Ad-hoc committee, correct?

**Hon. Hussein Abdirahman Dahir:** Correct.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): To investigate on the pending bills.

**Hon. Hussein Abdirahman Dahir:** Correct.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): That is your averment at Paragraph 13?

**Hon. Hussein Abdirahman Dahir:** Correct.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): Take us to that annexure marked as MIM2. Through the Chairperson, the annexure is at Page 2.

**Hon. Hussein Abdirahman Dahir:** This is a Motion.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): What is that annexure?

**Hon. Hussein Abdirahman Dahir:** This annexure is a Motion which was debated at the county Assembly of Wajir as a result of the public outcry of the huge amounts of pending bills. The Motion was sponsored by Hon. Shueb Bare Ahmed which led to the formation of the Ad-hoc committee which I chaired.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): Is the Motion the one at Page 4 of the annexure?

**Hon. Hussein Abdirahman Dahir:** Page?

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): The Motion that was tabled at the Assembly.

**Hon. Hussein Abdirahman Dahir:** Page 2.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): Pages 2 and 4, what document is at Page 4?

**Hon. Hussein Abdirahman Dahir:** Page 4 is the Order Paper of the County Assembly of Wajir. However, the content of the Motion is at Pages 2 and 6 as well.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): At Page 6, kindly go to the last paragraph to the Notice of Motion. Are you there?

**Hon. Hussein Abdirahman Dahir:** Yes.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): Kindly read the last paragraph.

**Hon. Hussein Abdirahman Dahir:** This House further resolves that the Controller of Budget (CoB) halts any further payment of development fund to the County Government of Wajir without established genuine and authentic pending bills from the County Assembly of Wajir.



**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): So, you actually passed a resolution to stop the forwarding of money to the County Government, correct?

**Hon. Hussein Abdirahman Dahir:** It is with regard or it is pegged on the time when genuine and authentic pending bills of the County Assembly have met.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): Just interpret the last paragraph. You passed a resolution that money for the county development fund should not be sent to the County Government of Wajir, correct?

**Hon. Hussein Abdirahman Dahir:** With regard to genuine and authentic pending bills, yes.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): Which were the genuine and authentic bills?

**Hon. Hussein Abdirahman Dahir:** The genuine and authentic pending bills that were submitted to the CoB in the Financial Year 2018/2019 at a cost of Kshs2.6 billion by the County Government.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): Hon. Dahir, with the resolution of the Assembly, the Assembly function in terms of development record and paid pending bills. Yes or no?

**Hon. Hussein Abdirahman Dahir:** The Assembly?

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): Could the County Government function without the development fund?

**Hon. Hussein Abdirahman Dahir:** No.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): Could the County Government pay pending bills?

**Hon. Hussein Abdirahman Dahir:** Come up again please.

**The Advocate for the Governor** (Mr. Charles Mwangi Ndegwa): Could the County Government pay pending bills?

**Hon. Hussein Abdirahman Dahir:** Yes.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Hon. Dahir, I take you to page 23 of your affidavit. Are you there? You have also reported that in the capacity of that *ad hoc* committee you summoned the County Executive Committee Member (CECM) of Finance. Correct?

**Hon. Hussein Abdirahman Dahir:** Yes, we summoned the CECM of Finance.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): You have annexed two annexures as summons to the CECM of Finance. Correct?

**Hon. Hussein Abdirahman Dahir:** Yes.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Hon. Members, the annexures on page 12. On page 10 annexure No. MIM05 and MIM06. The letter dated 26<sup>th</sup> November 2019 is alleged to be summoning the CECM of Finance. Correct?

**Hon. Hussein Abdirahman Dahir:** Correct.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Was it received by the CECM of Finance?

**Hon. Hussein Abdirahman Dahir:** Yes, it was received by the CECM of Finance.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Is the copy that you have forwarded to this Committee received by the department or the CECM of Finance?

**Hon. Hussein Abdirahman Dahir:** For this one, no. It was not received, but the CECM could not be found. He however received the second one.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Hon. Dahir, is the one marked Annexure MIM06 received by the CECM of Finance?

**Hon. Hussein Abdirahman Dahir:** Yes, on his behalf.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): When was it received?

**Hon. Hussein Abdirahman Dahir:** On the same date, 5<sup>th</sup> December 2019.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): In the event that the CECM refused to appear before your committee, what other powers does the Assembly have in respect to the CECM of Finance?

**Hon. Hussein Abdirahman Dahir:** In the event that the CECM does not appear, according to the Standing Orders, we have powers to write to him three times.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): What other powers do you have?

**Hon. Hussein Abdirahman Dahir:** The final one is to bring him on board through the Speaker. We write him a summons and get hold of him. However, this did not go up to that decision. He refused to accept the first one.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Hon. Dahir, what are the final powers of the Assembly in respect to a CECM?

**Hon. Hussein Abdirahman Dahir:** To summon the CECM is the final power.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Do you have powers to impeach a CECM?

**Hon. Hussein Abdirahman Dahir:** Yes, we have the powers to impeach a CECM.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Did you undertake that route?

**Hon. Hussein Abdirahman Dahir:** Not for this CECM, however the County Assembly has done that to another CECM.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): You had made reference to Annexure 007. Correct?

**Hon. Hussein Abdirahman Dahir:** Let me go there.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Hon. Members, it is on page 30. What is that document?

**Hon. Hussein Abdirahman Dahir:** That is the document supplied by the then CECM of Finance. It has his signature at the end and the stamp of the CECM himself.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): As a Cabinet Member for the County Government of Wajir, does he just forward a document without a forwarding letter? Is there a forwarding letter to this? Yes, or no.

**Hon. Hussein Abdirahman Dahir:** He appeared before the committee.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Is there a forwarding letter?

**Hon. Hussein Abdirahman Dahir:** He appeared before the Committee.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Is there a forwarding letter for this document?

**Hon. Hussein Abdirahman Dahir:** Not a forwarding letter, however, he appeared before the Committee and brought it. That is the reason why it is signed off by him.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Where is it signed off?

**Hon. Hussein Abdirahman Dahir:** It is signed off by him on 12<sup>th</sup> December 2019 on page 46. You can also refer there. This is a genuine document that we received from the CECM.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Who was the then CECM?

**Hon. Hussein Abdirahman Dahir:** Mr. Abdihakim Billow.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): This was a summons to the CECM of Finance and not the Governor. Correct?

**Hon. Hussein Abdirahman Dahir:** Correct.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): You have also responded in paragraph 31 of your affidavit that the Committee made observations. Have you shared with us a report of the Committee dully adopted by the Assembly? Yes, or no?

**Hon. Hussein Abdirahman Dahir:** Yes, adopted by the *ad hoc* Committee which was as a result of the Assembly's approval.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Has it been adopted by the Assembly?

**Hon. Hussein Abdirahman Dahir:** On behalf of the Assembly, it has been adopted by the *ad hoc* committee.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): The *ad hoc* committee?

**Hon. Hussein Abdirahman Dahir:** Yes.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): As I wind up with you, I wish to take you to paragraph 32 of your affidavit. You have mentioned that procurement was done through single sourcing. Correct?

**Hon. Hussein Abdirahman Dahir:** Yes, I mentioned that.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): You have mentioned that procurement is done through single sourcing, correct?

**Hon. Hussein Abdirahman Dahir:** Correct.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Have you shown any evidence?

**Hon. Hussein Abdirahman Dahir:** You can go through the reports submitted by the CECM Mr. Abdihakim Billow.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Are you aware that there is a procedure of disputes under the Public Procurement and Assets Disposal (PPAD) Act?

**Hon. Hussein Abdirahman Dahir:** Yes.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Are you aware of the review board under that Act?

**Hon. Hussein Abdirahman Dahir:** Come again?

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Are you aware of the review board?

**Hon. Hussein Abdirahman Dahir:** Yes, there is a review board.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Have you attached any complaint in respect to any procurement procedures of Wajir County?

**Hon. Hussein Abdirahman Dahir:** It is part of the recommendations of the *ad hoc* committee.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Have you attached any complaint from that board?

**Hon. Hussein Abdirahman Dahir:** It is a part of the *ad hoc* committee's report.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): In respect to this averment, have you attached any complaint to that board?

**Hon. Hussein Abdirahman Dahir:** No. The report was to be submitted to the Assembly for adoption. That is part of the recommendations of the report.



**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Thank you, hon. Member. Go with me to Paragraph 36. You have reported extensively about the debt management strategy. Correct?

**Hon. Hussein Abdirahman Dahir:** Yes.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Your allegation is that the County Government of Wajir does not have a debt management strategy?

**Hon. Hussein Abdirahman Dahir:** Yes. The County Government does not have a debt management strategy.

**The Advocate for Wajir County Governor** (Mr. Njiru Ndegwa): Is it evidenced on oath and in your affidavit and statement?

**Hon. Hussein Abdirahman Dahir:** On my statement, this is an affidavit that I swore on oath.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Do you have any documents to show to that effect?

**Hon. Hussein Abdirahman Dahir:** It is a public document. With regards to the Controller of Budget---

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Hon. Dahir, if it is a public document, do you have it with you?

**Hon. Hussein Abdirahman Dahir:** It is not part of my affidavit, but this is what I swore as the person who has sworn in his affidavit.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Go with me to paragraph 37.

**Hon. Hussein Abdirahman Dahir:** I am there.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): You have indicated that some officers lack the capacity and they do not understand their roles.

**Hon. Hussein Abdirahman Dahir:** Yes, it is indicated that there was a capacity gap.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): May I find out from you who these officers are?

**Hon. Hussein Abdirahman Dahir:** The officers are the Chief Officers (C.O.s), the CECMS, and the procurement officers.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Are they appointed by the County Public Service Board (CPSB)? Is that correct?

**Hon. Hussein Abdirahman Dahir:** They were appointed by the CPSB but these were political employees. Some of the CECMs and COs are political employees hired by the Governor.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Hon. Dahir, CECs, COs and procurement officers are appointed by the CPSB, correct?

**Hon. Hussein Abdirahman Dahir:** Like it or not, the CECM takes the blame.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Just respond to my question. They are appointed by the CPSB, which is a statutory body, correct?

**Hon. Hussein Abdirahman Dahir:** Correct.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Which body conducts interviews and calls for applications?

**Hon. Hussein Abdirahman Dahir:** Through the Governor, their accountability matters.

**The Advocate for Wajir County Governor** (Mr. Njiru Ndegwa): In respect to the CECMs, they are appointed by the Governor with the approval of the Assembly, correct?

**Hon. Hussein Abdirahman Dahir:** Yes.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Are you a Member of the Assembly?

**Hon. Hussein Abdirahman Dahir:** Yes, I am a Member of the Assembly.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Did you participate in the approval?

**Hon. Hussein Abdirahman Dahir:** Yes, I participated in the approval.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): You approved someone who is not qualified?

**Hon. Hussein Abdirahman Dahir:** There was change of members of the Committee on Finance.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Hon. Dahir, did you approve people who are not qualified?

**Hon. Hussein Abdirahman Dahir:** There was change of CECs from different departments. The capacity that we are talking about here---

The CECM who was serving then was an educationist who did not have the capacity of being a finance person.

**The Chairman** (Sen. Omogeni): Hon. Dahir, there is a question we are not able to record. There is a question put to you on whether the Assembly approved the people. We want to know whether they were approved or they got in without approvals.

**Hon. Hussein Abdirahman Dahir:** They were approved, but the capacity in which the Assembly has approved is different since then.

**The Advocate for Wajir County Governor** (Mr. Charles Mwangi Ndegwa): Mr. Chairman, Sir, that is all. I pass it to my learned senior, Mr. Ndegwa.

**The Advocate for Wajir County Governor** (Mr. Njiru Ndegwa): Mr. Chairman, Sir, I will just deal with the last affidavit. This witness has two affidavits. I will start with Affidavit CA, and I will work within 10 minutes.

Go to Affidavit CA and move with me to Paragraph 9.

**Hon. Hussein Dahir Abdirahman:** Mr. Chairman, Sir, both are CA. Which one?

**The Chairperson** (Sen. Omogeni): I presume CA1, Counsel?

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Yes, Mr. Chairman, Sir. Kindly cooperate so that we may save time.

**The Chairperson** (Sen. Omogeni): Do you have it, Hon. Abdirahman?

**Hon. Hussein Dahir Abdirahman:** Mr. Chairman, Sir, I am there.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Paragraph 8: What did you want to achieve with that paragraph, witness? Kindly, do not answer questions that I have not put to you.

**Hon. Hussein Dahir Abdirahman:** I wanted to achieve in this paragraph and I quote that before I delve into the complaints. The complaints presented here were about the issues of Universal Health Care (UHC) staff.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Witness, I am dealing with Paragraph 8. Listen! I know you can talk very fast. We are not in a talking competition.

**Hon. Hussein Dahir Abdirahman:** This was my affidavit, which I swore---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): We are dealing with Paragraph 8.

“Before I delve into the complaint, it is instructive to note that the sum of Kshs2.4 billion was allocated over the said financial year. That is 22 per cent of the County budget. The percentage exceeding 20 requirement and under the UHC coverage.” Yes?

**Hon. Hussein Dahir Abdirahman:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): So, the Governor or the County Government allocated 22 per cent instead of 20 per cent. Yes?

**Hon. Hussein Dahir Abdirahman:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Was the County Assembly involved in the allocation?

**Hon. Hussein Dahir Abdirahman:** It has approved.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Was it involved?

**Hon. Hussein Dahir Abdirahman:** It is involved because---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Okay. Were you present during that process?

**Hon. Hussein Dahir Abdirahman:** It is involved because it is the County Assembly that approves the budget from the---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Listen to the next question. Were you involved?

**Hon. Hussein Dahir Abdirahman:** Personally?

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): The County Assembly?

**Hon. Hussein Dahir Abdirahman:** Yes. The County Assembly is involved in budgeting.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Paragraph 9: What did you want to achieve? It is your allegation that the Governor and his cronies have managed to squander all the monies and they did not spare a dime even during the time the country was facing COVID-19. Yes?

**Hon. Hussein Dahir Abdirahman:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): How much was squandered?

**Hon. Hussein Dahir Abdirahman:** The much which was squandered regarding COVID-19 is almost Kshs167 million.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): No. You have alleged that he has managed all the monies and not in respect to particular monies.

**Hon. Hussein Dahir Abdirahman:** The money has been squandered and there was nothing to show of because of this---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): How much has been squandered?

**Hon. Hussein Dahir Abdirahman:** There is nothing to show off because of the deplorable state of our health facilities.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** We shall come to that. I am asking, how much?

**Hon. Hussein Dahir Abdirahman:** For COVID-19, Kshs167 million.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** No, Witness. I have 10 minutes to deal with you. Please, cooperate. It is your averment that all the monies allocated for health, have been squandered. How much?

**Hon. Hussein Dahir Abdirahman:** I can tell you a coin allocated to serve the people of Wajir County, which has been squandered is---

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Mr. Chairman, Sir, could this witness cooperate, so that he understands the business we are engaged in? Someone's political career is at stake courtesy of your evidence.

**Hon. Hussein Dahir Abdirahman:** I believe and this is what I swore.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** So, kindly answer the question I am putting to you. How much was squandered?

**Hon. Hussein Dahir Abdirahman:** I said these are two points. One point is with regard to COVID-19 and another the other money meant for---

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Okay. So, how much regarding the first question I am putting. How much?

**The Chairperson (Sen. Omogeni):** If you have a figure, tell us this much has been squandered, so that we also have the benefit of knowing.

**Hon. Hussein Dahir Abdirahman:** Mr. Chairman, Sir, there is no exact figure.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Good.

**Hon. Hussein Dahir Abdirahman:** However, a coin which has been mismanaged is the money for Wajir County.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): You have answered. We move on.

**The Chairperson** (Sen. Omogeni): Okay. Very well.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): You speak about the Governor's cronies. Who are these cronies?

**Hon. Hussein Dahir Abdirahman:** The Governor's cronies are the people whom he has entrusted to serve him.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Are they faceless?

**Hon. Hussein Dahir Abdirahman:** They have faces.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Are they faceless or they have faces?

**Hon. Hussein Dahir Abdirahman:** They have faces.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Good. Could you name them?

**Hon. Hussein Dahir Abdirahman:** No, I will not name them.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Why would you not name them?

**Hon. Hussein Dahir Abdirahman:** It is known because the Department of Finance---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Listen! Why would you not name these individuals?



**Hon. Hussein Dahir Abdirahman:** The Department of Finance is managed under---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Sorry, I may not pronounce your name correctly. Pardon me if I do not. Mr. Abdirahman, why would you not name these persons if you are interested in protecting public finance?

**Hon. Hussein Dahir Abdirahman:** Naming them regarding how money has been spent has been delved into much by the previous witnesses.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): It is you on the dock. Why would you not name them?

**Hon. Hussein Dahir Abdirahman:** It is me on the dock, and I said under the capacity of the leadership of the Governor, those under him have squandered the money.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Upon learning this mismanagement of public funds, as a diligent public officer, duly sworn to protect the same, did you record any complaint with any organ responsible for overseeing this?

**Hon. Hussein Dahir Abdirahman:** There are a good number of statements. The County Assembly ---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): No, did you or not?

**Hon. Hussein Dahir Abdirahman:** The County Assembly is one of the authorities entrusted to safeguard public resources.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Mr. Dahir, it is not the County Assembly testifying. It is you testifying on their behalf. Did you record any complaint either with the Ethics and Anti-Corruption Commission (EACC), DCI or any other organ?

**Hon. Hussein Dahir Abdirahman:** At my level at the County Assembly, there were Statement regarding how money was used. The County Assembly was to oversight the executive on that.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I am not asking for expenditures, but theft of these monies. Did you record any complaint in that regard?

**Hon. Hussein Dahir Abdirahman:** Through expenditure programmes, that is where thieves are and money is squandered.

**The Chairperson** (Sen. Omogeni): Excuse me, Hon. Dahir. You can make life very easy for the Committee. The question is very simple. Did you record a complaint to any of the investigative agencies? If 'yes' or 'no,' say so. I do not think you have committed any crime if you did not. If you did, you have not committed a crime either.

**Hon. Hussein Dahir Abdirahman:** Mr. Chairman, Sir, not at a personal level, but I think it is known to---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): You have answered the question. Let us go to Paragraph 10.

**Hon. Hussein Dahir Abdirahman:** It is known to the larger public that Wajir County Government has been raided by EACC for quite some times, just because of the money squandered.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I am satisfied with the answer that you have not. Paragraph 10: What did you want to achieve? You allege that the Wajir County health system is at its worst since Independence. Yes?

**Hon. Hussein Dahir Abdirahman:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): What were the comparative parameters during Independence and now?

**Hon. Hussein Dahir Abdirahman:** Among the comparative parameters that we use is the public outcry that exists currently. I was not there during Independence.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Okay. You have answered.

**Hon. Hussein Dahir Abdirahman:** There is a public outcry as we speak. A good number of health facilities are not functional.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Mr. Dahir, I have not put another question to you. Kindly, listen to me. Kindly, confirm that you do not have any evidence as to how the state was during Independence. Yes?

**Hon. Hussein Dahir Abdirahman:** According to reports, but not evidence that I was there.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Okay. You are unable to say whether there is improvement of the public health since then to now?

**Hon. Hussein Dahir Abdirahman:** When my electorate complain day in, day out as I represent the at the County Assembly, that is the time I will say challenges are and health facilities are not done.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** This information about the state of health during Independence, is it matters within your knowledge or matters conveyed to you by your electorate?

**Hon. Hussein Dahir Abdirahman:** Matters within my knowledge as well as those I receive from my electorate.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Paragraph 11: What did you want to achieve?

**Hon. Hussein Dahir Abdirahman:** Paragraph 11 regards complaints and petition served by the people of Habaswein to Wajir County Assembly.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Yes, what did you want to achieve?

**Hon. Hussein Dahir Abdirahman:** To correct the menace that existed in the Department of Public Health and Medical Services.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): What mess existed in Habaswein Sub County Referral Hospital? Who dragged it into crisis? Is it the Governor?

**Hon. Hussein Dahir Abdirahman:** Under his leadership role.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): No, who dragged it under into crisis?

**Hon. Hussein Dahir Abdirahman:** The CEC under the leadership of the Governor.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Is the CEC the superintendent of that Hospital?

**Hon. Hussein Dahir Abdirahman:** No. He mans the department and the Governor mans the responsibility of the CEC.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): What crisis are you referring to?

**Hon. Hussein Dahir Abdirahman:** It is found there. That, the causal workers have not been paid and have downed their tools.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Only the casual workers.

**Hon. Hussein Dahir Abdirahman:** Not only that. You can see the attachment on Pages 5 to 14.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Only the crisis involving casual workers.

**Hon. Hussein Abdirahman Dahir:** Go through page 5-14. It is not only the casual workers. This has got support documents.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): What descriptive and concrete nature, concise, was the crisis? Was it about the employees? What crisis was it so that the Committee can understand?

**Hon. Hussein Abdirahman Dahir:** The crisis of not paying the casual workers their dues, staffing and about the poor working conditions of health staff in Habaswein Sub-County Referral Hospital.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Where did you get information of the poor working conditions?

**Hon. Hussein Abdirahman Dahir:** I represent them at the County Assembly of Wajir. As their representative, I have their things at my fingertips.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): How did you establish about the poor working conditions?

**Hon. Hussein Abdirahman Dahir:** By visiting the hospital.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I hope and understand that you are a fully qualified health officer. Yes?

**Hon. Hussein Abdirahman Dahir:** I am not a health officer. I represent them

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): What is your qualification?

**Hon. Hussein Abdirahman Dahir:** I hold a Master's Degree in Strategic Management.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): You think it plays a role in the hospital management?

**Hon. Hussein Abdirahman Dahir:** I represent them. I have to make a visit and see---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I am not asking about representation. I know you represent them. I am asking if your qualification plays a role in evaluating the nature and status of a hospital.

**Hon. Hussein Abdirahman Dahir:** Yes, because of representing them at the County Assembly.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Did you generate a report subsequent to your visit?

**Hon. Hussein Abdirahman Dahir:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Where is the report?

**Hon. Hussein Abdirahman Dahir:** Go through the petition.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): No. Lead us to where you have annexed the alleged report of the visit.

**Hon. Hussein Abdirahman Dahir:** Go through page 16-20, which is the petition of the County Assembly, through me.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I am on paragraph 11. I am dealing with a report generated by a statistician. That is what we are dealing with. Where is the report? Did you generate a report? Yes or no.

**Hon. Hussein Abdirahman Dahir:** On being their representative, I---

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** This Committee understands your capacity. We are not interested in your capacity. We are interested in the execution of this task.

**Hon. Hussein Abdirahman Dahir:** I do it through statements and petitions at the floor of the County Assembly.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Did you generate a report of the crisis? Move to No.12. What did you want to achieve?

**Hon. Hussein Abdirahman Dahir:** Go to its annexure. I believe that annexure has---

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** You are saying as a result of the public outcry from my constituents, the members of the public petitioned the County Assembly over the deplorable status of that hospital. Yes?

**Hon. Hussein Abdirahman Dahir:** Yes.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** When was this petition? Which date?

**Hon. Hussein Abdirahman Dahir:** It is dated 8<sup>th</sup> April 2021.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** 8<sup>th</sup> April 2021. When were these crises?

**Hon. Hussein Abdirahman Dahir:** Crises have been occurring year in, year out.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): They have been occurring. When did you commence the process or when did you conceive the process of the impeachment of the Governor?

**Hon. Hussein Abdirahman Dahir:** Towards the end of April.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): So, this was in preparation of that malice. Yes?

**Hon. Hussein Abdirahman Dahir:** No.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): We move on to paragraph 14. Address me on paragraph 14, Mr. Witness.

**Hon. Hussein Abdirahman Dahir:** In paragraph 13, it is talking about---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): A petition. Correct?

**Hon. Hussein Abdirahman Dahir:** Not a petition. This was a statement.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): You are saying this petition was tabled before the County Assembly on 4<sup>th</sup>.

**The Chairperson** (Sen. Omogeni): Counsel, you should be winding up.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I only have about three or four questions.

**Hon. Hussein Abdirahman Dahir:** That was a statement, Senior Counsel.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): If you address me as Senior Counsel in the presence of Senior Counsel Ahmednasir and the Chairperson, you will be in contempt.



**The Chairperson** (Sen. Omogeni): Proceed. It is good to spice the proceedings with some humour.

*(Laughter)*

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Address me on paragraph 14. You are speaking about a petition. Yes?

**Hon. Hussein Abdirahman Dahir**: Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): And you are saying there was a petition before. Are you saying that it was a misconception of facts?

**Hon. Hussein Abdirahman Dahir**: This is an oversight on the date.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Did you say it was a misconception?

**Hon. Hussein Abdirahman Dahir**: No. I am not saying it was a misconception.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Where is this petition if you are not misconceived?

**Hon. Hussein Abdirahman Dahir**: The petition is the same as the petition that was petitioned by the Sub-County Referral Hospital of Habaswein.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): What action was taken by the County Assembly?

**Hon. Hussein Abdirahman Dahir**: It was taken by the County Assembly.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): What action was taken?

**Hon. Hussein Abdirahman Dahir:** It was tabled and handed over to the Committee on Health and Medical Services.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Was there a report that was generated following that filing?

**Hon. Hussein Abdirahman Dahir:** Not yet.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** So, it is a matter before the---

**Hon. Hussein Abdirahman Dahir:** Preliminary report is that when they visited they affirmed on the issue that was there.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Hon. Dahir, so these are matters pending before the County Assembly. Correct?

**Hon. Hussein Abdirahman Dahir:** Correct, but preliminary reports are there.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** We move on to paragraph 18. Address me. The county lost its longest serving and most dedicated Member. May his soul rest in eternal peace. How was the Governor involved?

**Hon. Hussein Abdirahman Dahir:** The Governor was involved in the misuse of the money that was set aside to prepare the county to combat the COVID-19 disease.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** So, you want to involve the Governor in a false issue.

**Hon. Hussein Abdirahman Dahir:** No. It is a point that I swore.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Do you sympathise with the family of the deceased?

**Hon. Hussein Abdirahman Dahir:** I do sympathise with the family of the deceased and that is the reason why we had an *ad hoc* Committee to investigate on his death.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): What was the finding of that *ad hoc* Committee? Did it attribute the death of this officer to the Governor?

**Hon. Hussein Abdirahman Dahir:** They gave out a report on the mismanagement of the processes of combating COVID-19.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Now that you are a Master's holder, I am also thinking that you are conversant with what is happening in India. Yes?

**Hon. Hussein Abdirahman Dahir:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Do you understand that the pandemic has hit them hard?

**Hon. Hussein Abdirahman Dahir:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Do you attribute that to Prime Minister Modi?

**Hon. Hussein Abdirahman Dahir:** Yes, to some extent.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Move with me to paragraphs 23, 28 and 29. In paragraph 23, what did you want to achieve?

**Hon. Hussein Abdirahman Dahir:** On how the government will seek emergency funds to tackle the crisis of COVID-19.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Yes. What is the fault that you attribute to the Governor in that respect?

**Hon. Hussein Abdirahman Dahir:** The Governor, with regard to emergency funds and how it is going to be withdrawn from the county coffers without the approval of the County Assembly.

Under the leadership of the Governor, the County Executive Committee Member (CECM) ---

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Is the Governor a signatory to this emergency fund?

**Hon. Hussein Abdirahman Dahir:** No, but he takes leadership of all officers.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** We shall come to that. Is he a signatory?

**Hon. Hussein Abdirahman Dahir:** No, he takes the leadership role.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Who is responsible for the withdrawal, the banking and whatever?

**Hon. Hussein Abdirahman Dahir:** The CECM.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** What about paragraph 24? What did you want to achieve?

**Hon. Hussein Abdirahman Dahir:** On the supplementary budget?

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Yes.

**Hon. Hussein Abdirahman Dahir:** Where the County Assembly approved Kshs194 million for the County Executive to combat the COVID-19 menace?

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Yes.

**Hon. Hussein Abdirahman Dahir:** On the way, the money has been used?

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Yes. Where is the report on how the money has been used?

**Hon. Hussein Abdirahman Dahir:** We have a special audit report.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** You want to allege that there was misuse. Correct?

**Hon. Hussein Abdirahman Dahir:** A special audit report from the Auditor-General.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Have you attached it here?

**Hon. Hussein Abdirahman Dahir:** It is a public document and I can provide it to you.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Have you attached that document?

**Hon. Hussein Abdirahman Dahir:** Not attached, but it is a public document which can be provided.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Are you aware that this Senate is dealing with those matters currently?

**Hon. Hussein Abdirahman Dahir:** Yes, I am aware.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Did you attend the meeting for the 10<sup>th</sup> May 2021?

**Hon. Hussein Abdirahman Dahir:** I was not invited to attend.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Are you aware that it was taking place.

**Hon. Hussein Abdirahman Dahir:** I was aware that it was taking place.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Good. In paragraph 27, there is a table there that you have structured. Correct?

**Hon. Hussein Abdirahman Dahir:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): One is appearing as No.6. Kindly, very fast, what does this table want to capture?

**Hon. Hussein Abdirahman Dahir:** This is a summary tabulated from the special audit by the Auditor-General. Therefore, the money, which was set aside for---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): This table is an extract from the Auditor-General's report?

**Hon. Hussein Abdirahman Dahir:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): 28.

**Hon. Hussein Abdirahman Dahir:** The county government ought to have in place an approved work plan, budget and procurement plan that indicates how each of the funds were to be used for prevention and mitigation of COVID-19.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Is it the sole responsibility of the Governor to generate plans, budgets and procurement plans?

**Hon. Hussein Abdirahman Dahir:** Under his leadership---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I am not asking about his leadership. I am asking, is it his sole responsibility? I hope as a Master's Degree holder, you understand the word 'sole'.

**Hon. Hussein Abdirahman Dahir:** Under his leadership---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Do you or do you not understand the word 'sole'?

**Hon. Hussein Abdirahman Dahir:** It is the responsibility of County Executive Committee (CEC) Members.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I am just about to conclude with you, but not before you tell us whether you understand the word 'sole'. Do you or do you not?

**Hon. Hussein Abdirahman Dahir:** He is not the sole, but he supervises those elements.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Good.

**The Chairperson** (Sen. Omogeni): You should be winding up, counsel.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): This is will be my last question.

**The Chairperson** (Sen. Omogeni): Okay.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Paragraph 41. What do you want to achieve?

**Hon. Hussein Abdirahman Dahir:** That the money which was disbursed by the national Government---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Read out paragraph 41.

**Hon. Hussein Abdirahman Dahir:** The funds were disbursed by the national Government to the county government citing urgency to deal with COVID-19 pandemic. Therefore, failure by the CEC to invoke Section 135 (1) of the Public Finance Management Act, 2012, to utilize the funds implies that the funds were sent to the county government.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I am satisfied with that. According to your testimony, whose failure?

**Hon. Hussein Abdirahman Dahir:** By the CEC being an employee of the county government.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Is the Governor the CEC?

**Hon. Hussein Abdirahman Dahir:** The Governor has the leadership role.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I am asking; is the Governor the CEC?

**Hon. Hussein Abdirahman Dahir:** I believe that this is done---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Not what you believe. I want you to---



**Hon. Hussein Abdirahman Dahir:** I believe and I saw that this is done in the cabinet meetings that the Governor chairs.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I want you to testify on what you know and not what you believe. We all have different believes.

**Hon. Hussein Abdirahman Dahir:** I have driven my point. It is the CEC.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): It is the CEC's failure. Correct? Did you take any action following that failure?

**Hon. Hussein Abdirahman Dahir:** Which has brought us to this session?

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Did you take any action? I want to take you to the last page on your affidavit where we have the stamp. Are you able to see this?

**Hon. Hussein Abdirahman Dahir:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): You say you appeared before a Commissioner for Oaths called Mr. Danstan Omari.

**Hon. Hussein Abdirahman Dahir:** Yes, I appeared.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): When did you appear?

**Hon. Hussein Abdirahman Dahir:** On 11<sup>th</sup> May.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Where did you appear?

**Hon. Hussein Abdirahman Dahir:** In Nairobi.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Where exactly in Nairobi?

**Hon. Hussein Abdirahman Dahir:** In Nairobi at his office.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Where is the office located?

**Hon. Hussein Abdirahman Dahir:** In Nairobi at his office.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Where is the office located?

**Hon. Hussein Abdirahman Dahir:** In Nairobi at his office.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Where is the office located?

**Hon. Hussein Abdirahman Dahir:** You can locate the office.

**The Advocate for Wajir County Governor (Mr. Ndegwa Njiru):** Mr. Chairman, Sir, I would want to have that question answered. The purpose of the question has legal merits. Where did you appear, witness?

**Hon. Hussein Abdirahman Dahir:** I think you know where his office is. You can locate.

**The Chairperson (Sen. Omogeni):** The question is; where did you appear when you took oath? The Counsel wants to know where the office is.

**Hon. Hussein Abdirahman Dahir:** Mr. Chairman, Sir, if asked about the Governor's Office, you will obviously say where the Governor's Office is.

Everyone knows that the Governor's Office is in Wajir. He knows where the office is.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Do I take it that you never appeared before any Commissioner for Oaths? And would you---

**Hon. Hussein Abdirahman Dahir:** My signature is there. That one affirms and confirms that I appeared before him.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Where is this firm located in Nairobi?

**Hon. Hussein Abdirahman Dahir:** You can find it for yourself.

**The Chairperson** (Sen. Omogeni): Hon. Hussein Abdirahman Dahir, this is a very simple exercise. When you are asked a question, respond. If you respond to a question through another question, we will stay here the whole day. The question is very simple and we just want to record. These questions are recorded. You are being asked; you appeared before Mr. Danstan Omari, Advocate and Commissioner for Oaths. If I understand the question, he is asking, where is the office of Mr. Danstan Omari? It is a very simple question.

**Hon. Hussein Abdirahman Dahir:** Mr. Chairman, Sir, I mentioned Nairobi. Nairobi is a location.

*(Mr. Ndegwa Njiru Spoke off record)*

**Hon. Hussein Abdirahman Dahir:** Mr. Chairman, Sir, I have answered this question very well. I need your protection.

*(Mr. Ndegwa Njiru Spoke off record)*

**Hon. Hussein Abdirahman Dahir:** I met him in person. I cannot go into personal description.

**The Chairperson** (Sen. Omogeni): Senior Counsel Ahmednasir, any re-examination?

**The Advocate for Wajir County Assembly** (Ahmednasir Abdullahi): Can my learned friend withdraw his last statement? It is unbecoming for counsel. He can cross-examine. His last words when he says that the witness has nothing to offer other than lies are unbecoming. You cannot make that judgment.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Mr. Chairman, Sir, I do not---

**The Chairperson** (Sen. Omogeni): Counsel, kindly, repeat what you said.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Mr. Chairman, Sir, I said that the witness has nothing more useful to offer other than his lies captured in his purported affidavit by the failure for him to identify the commissioner of oath office. It means that this question is an issue.

**The Chairperson** (Sen. Omogeni): The best way is to put the question to him then he either agrees or denies.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I will be guided by the wisdom of the Senior Counsel.

**The Chairperson** (Sen. Omogeni): You cannot do it as a concluding remark, but you can put it then he has an opportunity to agree with you or refuse to agree with you.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I will be guided by the wisdom of the two Senior Counsels. I am still learning the ropes.

**The Chairperson** (Sen. Omogeni): Kindly, put your question properly.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Mr. witness, do you feel that you have anything more useful to offer to save the sinking ship?

**Hon. Hussein Abdirahman Dahir:** Your previous item summarizes everything.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I am just asking a question. Yes, or no.

**Hon. Hussein Abdirahman Dahir:** Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Good. You will have another bite of the cherry next time.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): It is likely to take him by that rectorate, but I will ask one question. Hon. Dahir, you have two affidavits before the Committee, one of them basically talks about the health sector and the other one talks about pending bills.

When my learned friend was asking you many questions about the many problems of Wajir, including accountability, lack of development, failure in healthcare, lack of water, whom do you blame for the problems of Wajir and why do you blame?

**Hon. Hussein Abdirahman Dahir:** Through the Chairman, I blame His Excellency the Governor. This is because he has to take the leadership role of everything going on. For the 756, 000 people of Wajir County, responsibilities are on his shoulders. That is the reason why I blame His Excellency the Governor.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Any other person you blame?

**Hon. Hussein Abdirahman Dahir:** Not at all.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Thank you very much. That is all.

**The Chairperson** (Sen. Omogeni): We will invite the hon. Senators. If they have any questions for you to clarify, they can ask now. Any Senator who wants any clarification? Sen. Linturi, kindly, proceed.

**Sen. Lunturi:** Thank you, Mr. Chairman, Sir, for this opportunity. I want to be as brief as possible. During cross-examination, the witness indicated that if he had participated in the approval of the County Executive Committee (CEC) Members, he would understand the responsibilities given to the CEC by law, specifically Section 35 of the County Governments Act.

It requires of any County Executive Committee Member (CECM) to have five years' experience, competent, with a degree from a recognized

university and the expertise to the department he or she is being appointed to.

This begs the question; there was a mention that they participated in the approval of the business. Later, I do not know whether there was a reshuffle. They alluded to the fact that the subsequent office holders were not vetted or the Assembly did not participate. This is the clarity I am seeking.

**Hon. Hussein Abdirahman Dahir:** Mr. Chairman, Sir, when the CECMs are being approved at the County Assembly, it is known that the majority have their way and the minority have their say. This might be the reason why I might have voted otherwise.

Secondly, there were different kinds of reshuffles for that department as was explained by my previous colleagues. That is another reason of the incompetence of the then CECM in that docket.

**The Chairperson** (Sen. Omogeni): Sen. Linturi, he has answered. He said the vetting took place and where he was not satisfied, he voted against but the majority carried the day, but you had your say?

**Hon. Hussein Abdirahman Dahir:** Yes. Similarly, the way this Committee will be working.

**The Chairperson** (Sen. Omogeni): Thank you. Any Senator who has any question for Hon. Dahir? Sen. Linturi, you have another question? Okay, proceed.

**Sen. Linturi:** Mr. Chairman, Sir, I do not want people to make a joke of this proceeding and the time we commit in trying to gather as much information as possible. This process is a serious process and out of the exercise, we are doing we will be in one way or another trying to develop the law especially in terms of impeachments because it is a new phenomenon.

Mr. Dahir, the question I am raising, when you come to give evidence and it is given by way of an affidavit, sworn, signed by you and commissioned by a Commissioner of Oath, and why we are cross-examining is to test the veracity of your statement or evidence.

Why do you find it difficult to explain where Mr. Omari's office is, if at all you appeared before him? I do not want to have any doubts that you never appeared before him or tell us I did not appear before him or probably we send somebody. I agreed with the statement as given.

**Hon. Hussein Abdirahman Dahir:** Mr. Chairman, Sir, my appearance before my signature on the affidavit, I swore and that was the statement I mentioned during cross-examination has summed up that advocate. There is a stamp indicating where the person is. It is habitual. That sums my previous statement on that.

**The Chairperson** (Sen Omogeni): Sen. Linturi, are you satisfied with the answer? Sen. Were, proceed.

**Sen. Were:** Hon. Dahir, is it your first time in Nairobi? Have you been to Nairobi before?



**Hon. Hussein Abdirahman Dahir:** It is not my first time in Nairobi.

**Sen. Were:** So, you know Nairobi?

**Hon. Hussein Abdirahman Dahir:** Yes.

**Sen. Were:** You can tell where the City center is, where Kariokor and Lang'ata are?

**Hon. Hussein Abdirahman Dahir:** Not all the places but the places you have mentioned I know.

**Sen. Were:** In the one place that you signed this affidavit, where was it?

**Hon. Hussein Abdirahman Dahir:** Somewhere at Lang'ata road. Sorry, Lenana Road.

**Sen. Were:** Okay, thank you.

**The Chairperson** (Sen. Omogeni): We record that you appeared before Danston Omari in his offices along Lenana road? Is that settled?

**Hon. Hussein Abdirahman Dahir:** Yes.

**The Chairperson** (Sen. Omogeni): You have done better, the way you have taken us round and round. Any other clarification? Any question? It seems like there is none. You are released.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Mr. Chairman, Sir, that closes the case for the County Assembly of Wajir.

**The Chairperson** (Sen. Omogeni): Okay. Thank you. We now move on to the Governor's case. I promised that I will give an update on the ruling we made yesterday.

Yesterday, on the request of Senior Counsel, Ahmednasir Abdullahi, we issued summons against Osman Abdi Jamal invoking the provisions of the Standing Order No.9 of the Fifth Schedule, Article 125 of the Constitution and the provisions of the Parliamentary Powers and Privileges Act.

I have an update from the Office of the Clerk that the summons were issued yesterday. However, as at midday today they have not been able to trace Osman Abdi Jamali.

They have intensified efforts to trace him and effect summons. As soon as I get any other update, I will issue a communication to this Special Committee. Governor, you can open your case and call in your first witness.

**The Advocate for Wajir County Governor** (Mr. Nyamodi) Mr. Chairman, Sir, we are ready to call the first witness. The first witness will be the County Secretary.

**The Chairperson** (Sen. Omogeni): You can take the Witness's oath. Can the witness be sworn? You want to be sworn or you want to affirm?

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): I want to be sworn.

**The Chairperson** (Sen. Omogeni): Okay, the Quran is there. You can proceed

*(The Acting County Secretary (Mr. Abdullahi Hassan Maalim) took the Oath)*

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Good morning, Mr. Abdullahi Hassan Maalim.

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): Good afternoon, counsel.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Would you kindly give a description about yourself?

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): Thank you counsel and with the permission of the Chairman, I wish to open with a verse of the Holy Quran; I am a Muslim. It talks about-

*"Rabbish rahli sadri wa yassirli amri wah lul uqdatan min lisaani, yaf kahu kauli"*

It translates to mean-

“My Lord, open my chest for me and make my task easy for me and make lose the knot from my tongue, so that they may understand my speech”.

I want you to understand my submissions.

I want you to understand my submissions. I am willing to give nothing but the truth as a Muslim. I am the Acting County Secretary for Wajir County.

**The Chairperson** (Sen. Omogeni): What are your full names? The Acting County Secretary, Mr. Abdullahi Hassan Maalim is my name.

**The Chairperson** (Sen. Omogeni): Counsel, where is his affidavit?

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): It is contained in this file.

**The Chairperson** (Sen. Omogeni): You brought boxes of files. You need to guide us. Hon. Senators, look for the Executive box files because we were dealing with the County Assembly. It is marked “Witness Statements” but not numbered. Are we together? There are so many. You will bear with us as we try to sieve through to pick your file. Hon. Senators are you there?

Okay, you can proceed.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Let us look at the document appearing on the first page of that file.

**The Chairperson** (Sen. Omogeni): We will go by the commitment you put yesterday. How many minutes had you said?

**The Advocate for Wajir County Governor** (Mr. Paul Nyamodi): I said 30 minutes, Mr. Chairman, Sir.

**The Chairperson** (Sen. Omogeni): Okay.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Hon. Members, through the Chair, that is the only file containing all the statements from the witnesses. So, even subsequently, we will also be referring to the same file. The annexures will be provided because they are in different files.

We have arranged our case in a manner that each witness will testify to the issues contained in the Motion. The issues are contained in different files. So, they will be supplied through the kindness of the Chair.

Abdullahi Hassan, kindly tell us about yourself. Address your education background and current status.

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): Thank you so much. I am Abdullahi Hassan Maalim, the Acting County Secretary for the County Government of Wajir. I am a civil servant. I have been working for the past 20 years.

In terms of education, I have a Masters Degree in Education, Leadership and Policy. I was a teacher and also a principal. I have been serving in the County Government of Wajir from the onset to date.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): When you say you have served in the County Government of Wajir from the onset to date, what does that mean?

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): From the first cycle. That is from December 2013 up to now. I served in various positions from being a Chief Officer (CO) to the Acting County Secretary currently.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Where were you attached?

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): I started by being the CO for Roads. I moved to Education and then Public Health. I had a short stint as the Deputy County Secretary and now I am the Acting County Secretary in the County Government of Wajir.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Have you recorded a statement towards defending the Governor?

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): Yes. As the Head of the County Public Service (CPS), when I saw---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): When did you record the statement?

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): I recorded on 19<sup>th</sup>.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Abdullahi, do you wish to rely on the content of this statement?

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): Yes, I wish to rely on the content of this statement.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Are you aware of the charges facing the Governor?

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): I am very much aware.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Are you aware of the consequences in the event this Senate finds him culpable?

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): Yes, I am aware.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): So, you understand the weight on your shoulders?

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): Very well.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I will take you issue by issue very first. I want you to address Issue No.1. What was the allegation?

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): The allegation is abuse of power and authority. It has been alleged that the Governor abused his power by reshuffling the CO Finance six times. According to my knowledge as the Head of CPS and coordinator of the County Government affairs, I know of only four reshuffles.

If you look at Section 45(5) of the County Governments Act, it expressly gives the Governor the mandate of reassigning duties to his COs and there are no restrictions on the number of reassignments that His Excellency the Governor can do. As the Head of the CPS, I have been the procedural adviser of the Governor and I see nothing abnormal with that.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Is the Governor supposed to seek anybody's approval before the reshuffles?

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): No. We advise and in his wisdom, he believes that the reshuffles will improve service delivery. As per Article 175(b) of the Constitution of Kenya, the Governor has the mandate to expressly do so.



**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): You heard a witness who testified here alleging that the purpose for which the reshuffles were done was to make sure that there is no accountability and institutional memory. What is your evidence towards that?

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): I said earlier and I want to reiterate that the Governor had not made any mistake. If the reshuffles were done in bad faith, there are avenues for grievances and redress.

None of the three COs who were reassigned duties has registered any complaints in any competent court of law or any other institution. To me, they are normal reassignments and administrative action to at least improve service delivery.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): It was alleged that the reason why these reshuffles were perpetrated was so as to create an avenue for plunder of county resources. What is your statement?

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): Unless proven and substantiated, I do not see it holding any water because I am not aware of any of those reassignments with that kind of knowledge.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): When a reshuffle occurs in the County Government, does that particular officer move with all the office documents and files to the new office or there is perpetuity?

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): I think so. There is perpetual succession. Governments are there to stay and offices, in their life cycle, are eternal by themselves. The person does not move with the items.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): So, there is no loss of institution memory?

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): No loss at all. That is why the head of CPS comes in when we require some important issues of capacity improvement for those that require some mentoring.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Were these reshuffles done in malice, pursuit of personal vendetta or in bad faith?

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): We do not want to imply what each and every person can attribute to matters.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Were they done in bad faith?

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): They were not done in bad faith. That is why I said there was no evidence for any court orders or other redress mechanisms.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): I want to take you to allegation No.2. Do you understand the issue there? There is allegation of nepotism, favouritism and other improper activities or corruption practices and that the Governor has allowed his wife to literary run the affairs of the county authority.

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): I think Section 44 of the County Governments Act expresses outrightly the role of the County Secretary as the Secretary to the County Executive Committee (CEC) and functions of the County Government are normally coordinated at that level.

I am not aware of the first lady being a member of the CEC. I am also not aware of any meeting that we have undertaken where she was in attendance. I feel that is an excess.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): They allege that the Governor has abdicated his duties and delegated to the wife to deal with the matters of the County Government of Wajir. What do you say?

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): From 2018 to date and I alluded to it earlier. As the procedural advisor I have been close to the Governor. We met with Her Excellency the First Lady on very substantive matters of the county government in its deliberations and running. However, socially you might meet here elsewhere. I want to go on record by saying that there is nowhere.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Other than her status as the First Lady of the county government of Wajir does she hold any other office that you are aware of?

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): There is no other office that I am aware of, that she holds in Wajir County.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): So, where do you place these allegations?

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): I see those allegations as not true and I see them as a bit far-fetched.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): They say that it is an open secret that in Wajir County and far beyond its borders that Kheira Omar is a supreme leader. Do you share in this open secret?

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): Statements are normally very subjective and every person has a right to make their own statements. However, I feel it is not true and it does not have a place.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Could you confirm whether the Governor is in full control and in grip of the running of the affairs of the Wajir County Government?

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): The Governor is the Chief Executive Officer of the County. There is no lacuna. He is in charge from all the reshuffles and all the executive minutes I have annexed you can see his presence. It all means that he is in charge.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Let us go to the next allegation. The Governor has been accused of usurping the powers of the County Public Service Board by appointing a person to hold the office. They say that the Governor has allowed Jeff Mworira to participate in the running of the affairs of the County Government. What is your take on that?

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): Jeff Mworira was employed by the Governor on 1<sup>st</sup> November, 2017 and he was advising on economic matters. His work was clearly cut out as per his appointment letter. Sometimes in 7<sup>th</sup> March, 2018, the county secretary then the former (*inaudible*) called him invoking Section 72 of the County Governments Act on the deployment through a letter Reference Number---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Witness, do you have that deployment letter? Where do we find it? Is it the one that appears as annexure 24C?

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): Yes. It is the annexures, which is on the pocket of---

**The Chairperson** (Sen. Omogeni): Counsel, you will do very if you carried Members with you. You are making reference to Paragraph 17.9?

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Yes, Paragraph 17.9 of the statement.

**The Chairperson** (Sen. Omogeni): And where will we find that annexure?

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): You will find it in a box labelled as 24C. It appears in this form. It is labelled as

Response to the Senate on the Impeachment of the Wajir County Governor Violation of Section 59 of the County Governments Act, for usurping the powers. It is written: Violation of Section 59(3).

**The Chairperson** (Sen. Omogeni): Proceed as we try to look for that particular file.

**Sen. Outa:** On a point of order, Mr. Chairman, Sir, we really need to follow what the counsel is submitting.

**The Chairperson** (Sen. Omogeni): Secretariat do you have the orange box?

**Sen. Outa:** We are finding it very difficult to follow up. There are so many orange files.

**The Chairperson** (Sen. Omogeni): It is written II and III.

**Sen. Outa:** Could we give them five minutes to rearrange them because we are really finding it hard to follow up?

**The Chairperson** (Sen. Omogeni): Are we there? Okay, proceed.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): This one is marked as 24C. It is County Secretary Deployment Letter as Head of Accounting Service.

Witness, who executed this deployment?

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): The County Secretary.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): We are now looking at the letter dated 28<sup>th</sup> June, 2018.

**The Chairperson** (Sen. Omogeni): Then it is not in Annexure 24C.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): It is 22A. I am well guided by my assistants.

**The Chairperson** (Sen. Omogeni): What is the date of the letter?

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): 28<sup>th</sup> June, 2018. Witness, we are looking at the letter dated 28<sup>th</sup> June, 2018. What is the content of that letter?

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): It is the one on acting appointment as chief officer for finance and audit?

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Yes. Just have a look at it.

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): I thought we were discussing the cases---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): We are discussing the letters.

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): This is an acting appointment, which was given to the chief officer for finance and audit as an indication that the Governor has done his reshuffles and Ahmed Gorad Omar was appointed as the acting chief officer for finance and audit. That is why counsel I felt we are not discussing the question on Jeff Mworira.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): We are discussing Jeff.

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): Jeff should have been 24A. That is not 22 or 23. We should have moved to 24. I wanted to guide you but it is very difficult to guide a counsel.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): 24 is the one that deals with the deployment.

**The Acting County Secretary** (Mr. Abdullahi Hassan Maalim): The one on the deployment is on 24?

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Correct.

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): The one on deployment is on Page 24. That is where Mr. Jeff was appointed as the Economic Adviser on 1<sup>st</sup> November, 2017, and his roles are very clear on that part.

That is followed by 24 (B), where Jeff has accepted the appointment as an Economic Adviser. Later, he was deployed as acting head of Treasury in Wajir County when there was a vacancy. That is the letter we were on, where the former County Secretary, Ahmed Sahal Omar, has signed for the deployment

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Who actuated this deployment?

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): It was the County Secretary.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Was the Governor involved?



**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): He was not involved.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Tell us what became of Mr. Jeff Mworira and the County Secretary later.

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): Later on, unfortunately, on 26<sup>th</sup> November, 2018 along with two other officers, one of them being the CEC Finance and the County Secretary---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Was this the County Secretary who had deployed him?

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): Yes. They were later on charged. In my Statement, on 15<sup>th</sup> March, 2021---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Just a moment, witness. There is Kshs26.1million.

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): Mr. Jeff Githinji, along with the other two, who were the CEC, Finance and the County Secretary, were accused of abuse of office and misappropriation of Ksh26.1million.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Who had accused them?

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): It was the EACC.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): What followed thereafter?

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): As per the rules, once somebody is charged in a court of law, we interdict them on half-pay. We did accordingly. Later, they were convicted on 15<sup>th</sup> March, 2021. The case was determined, where they were either to pay a fine of Ksh800,000, or in default, they serve a term of four years in prison. Since that determination was done, we suspended them from the County Government of Wajir.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Are you referring to the Chief Magistrate's Case No.47 of 2018?

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Are you able to tell the how many witnesses appeared in that case or recall whether there was a witness whom you know appeared in that case?

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): I was one of the witnesses who appeared because I took over immediately from him. To certify and authenticate the minutes, I appeared as a witness along with His Excellency the Governor.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): You all appeared to testify against Mr. Jeff Mworira?

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): It was to testify against not only Mworia, but all of them and to put the record straight, as per the documentations before us.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): What motivated your attendance? Were you testifying against Jeff Mworia and the other two co-accused persons out of malice or were you in pursuit of the tenets of good governance?

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): We were in pursuit of the tenets of good governance.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): What else about Mr. Jeff Mworia? Was that a substantive appointment or in acting capacity?

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): He was substantively appointed and competitively sourced through the County Assembly.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): The other allegation was on the PFM Act; failing to establish audit committee for the county which is allegation No.18 on the Statement. Are you aware the Governor is facing that charge?

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): What is your evidence?

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): I have seen the charge sheet from the County Assembly, but I would wish to know that---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Has that committee been established?

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): The Audit Committee?

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Yes.

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): The audit committee was not established, but we have done some attempts towards establishing it. Paragraph 18 says that the county government of Wajir through the CPSB has done the advertisement for the vacant positions in the audit committee via a notice in *The Standard Newspaper* on 19<sup>th</sup> June and they were circulated elsewhere in the county notice boards.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Most crucial, who is responsible for establishing the Committee?

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): It is the CPSB upon request made by the CEC, Finance.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Is the Governor responsible?

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): No.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Did the Governor facilitate the process of the establishment of this committee?

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): He has done it as long as there are no hindrances, which are alluded to as done by the Governor. The CPSB made the attempt of advertising. They also received applications and minuted the reasons they could not finish that work. I feel the governor is not involved in any way.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): What prohibited the establishment of that committee? Is it in the advent of Governor of some other natural occurrences?

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): It is not the Governor, but as a result of some administrative failures arising from the applicants who were non-responsive. Ten applicants have applied for that and only two were qualified for those positions.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Is it your evidence that COVID19 has in one way or the other inhibited the continuation of establishment?

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): Yes. Once that was done, the Board made a decision in its meeting on 23<sup>rd</sup> September, 2020 vide their minutes that the position be re-advertised.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Considering time, are you inviting the Senators to look at Annexures 8(A) (B) and (C) as they retire to write their findings?

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): On Allegation No.20, there is the question of the County Budget Consultation process as stipulated. Is that so?

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): Similar process: The CEC finance and his team are expected to draw the Terms of Reference (TOR). Once they do that we normally---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Is that process---

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): Yes, we started the process.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Is it work-in-progress?

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Do you blame the Governor for that?

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): No.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Has the Governor put in place the necessary facilities to facilitate the procurement?

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): Yes, he has done it.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): In No. 22 the Governor is accused of gross violation of that Section by failing to give an annual address.

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): The Governor has given addresses but the problem is the specificity of the venue.

**The Chairperson** (Sen. Omogeni): There is a small intervention by Sen. Issa.

**Sen. Boy:** Which file is that?

**The Chairperson** (Sen. Omogeni): That will be found in File H. Do you have it?

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): That is where those Annexures are domiciled. Due to time, we are pleading with the Committee to look at those annexures when you retire to render yourselves.

What is that file containing the Annexures?

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): The one of H has the first document---

**The Chairperson** (Sen. Omogeni): Next time you appear before us, just give Senators one bound annexures. I can see they are struggling to trace file H.

**Sen. Outa:** On a point of Order. I am still finding very difficult to follow the Counsel when he makes references. I do not know whether we need to give them a few minutes to rearrange their documentation. It takes time to follow them.

**The Chairperson** (Sen. Omogeni): During lunch time, we will try and rearrange the files.

Proceed.

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): In that file the annexures are very clear. Annexure 8(A) is the notice in *The Standard Newspaper*.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): What does that notice relate to?

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): It was advertisement for the vacant positions of the Audit Committee.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): For creation of that office?

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): When was that done?

**The Ag. County Secretary Wajir County** (Mr. Abdullahi Hassan Maalim): It was done on 19<sup>th</sup> June, 2020.



We had the next one where applicants have submitted the applications. That is an extract of the application.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): How many applicants responded?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Ten of them.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Yes move on.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): The next one is a report on the shortlisting of candidates for the position of members of the audit committee done by the MCAs. You could see five out of seven were present so they had the quorum. If you look at the minutes towards the end, they have made their report. This was the report. Once they have complied the report, in the subsequent annexure, you will see the board has declared itself.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): How did the board declare itself?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): They said there are only two candidates who had made the preliminary requirements for the shortlist. As such, the advert was deemed nonresponsive.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Which document are you referring to?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): The last annexure. It is the extract of minutes of the County Public Service Board (CPSB).

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): When is it dated?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): It is dated on 23<sup>rd</sup> September, 2020.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): What was the finding of that?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Now that the advert was nonresponsive, they have agreed to re-advertise. Unfortunately, thereafter interruptions arising from COVID-19 and other work exigencies related to the rolling out of the Universal Health Coverage (UHC), employment of the staff has taken centre stage. The board will now re-advertise the soonest time possible.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): The most fundamental is that the County Government of Wajir has taken the necessary initiative to comply with the law. Yes?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): I can confirm that. Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Would you blame the Governor for the failure to have that establishment?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): No, that cannot be blamed on the Governor. The board has done some steps and they are doing their work.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Had it not been for the unforeseeable intervening factors, would that board be in place?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Hon. Senators, we move to the very last allegation. The next allegation appearing at Paragraph 22.1. What is the Governor being accused of?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Failure to deliver the Annual State of the County Address.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Yes.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): It is an issue of---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Witness, a moment. For purposes of flow, we have it contained in a file marked as G.

**The Chairperson** (Sen. Omogeni): Senators, you can go to the box file marked G. Counsel, he can be testifying as we trace the box file. Proceed, County Secretary.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): The Governor is being accused of having violated Section 30 (2) Paragraph (k) by failing to give an annual address. Yes?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): If you look at Section 30 (2) (k) of the County Government Act states that the Governor shall deliver an Annual State of the County Address containing such matters as maybe specified in the county legislation. Now that we do not have the county legislation---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Is there a county legislation stipulating how, when and where his address shall be given?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): I was going there. Now that we do not have a county legislative to state on where, how and when to do it, we believe the Governor has delivered these addresses at various locations. If you look at my response, paragraph 23.1, I feel it is not true. It is only that there were no clear cut guidelines on how the Governor should do.

The Governor held---

*(There was a technical hitch)*

The ward-based development project of Kshs25 million per year, which has become an issue for our county. If you look at Paragraph 23.1.3 on the next page, on 19<sup>th</sup> September, 2020, again, the Governor met with the MCAs at the ICT Hall, where they were discussing on issues to do with service delivery.

The Governor has pleaded for shift of mindset on delivery of service and also he requested the Assembly to approve the draft budget that was on their desk. Further, that was the time there was the stalemate of the revenue

allocation formula. The Governor could brief the Assembly that, that had been resolved and the county got an upward increase of about Kshs929 million.

I believe the Governor has made enough addresses. These are just but a sample we have picked from all that is available. The County Government Act has no statutory defined venue and format. Now that there were no county legislation to guide on that, I believe there are enough evidence where the Governor has made his addresses.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Thank you Witness. Are you aware that the Governor of Kirinyaga County also faced similar charges?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Are you aware of the verdict that was reached by this honourable House? Was there an indictment on the part of the Governor?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): No.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Should it be any different currently?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): I do not expect because this is not a constitutional obligation, but a statutory duty stipulated under Section 30 (2) (k).

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Thank you Witness. I offer you and yield you to my senior learned friend Mr. Ahmednassir Abdullahi, Senior Counsel for cross-examination.

**The Chairperson** (Sen. Omogeni): Senior Counsel, how long do you think you will take?

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Mr. Chairman, Sir, I think I will not take long. Maybe about seven minutes.

**The Chairperson** (Sen. Omogeni): Good. Then we can finish with the witness before we break for lunch.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Mr. Abdullahi Hassan Maalim---

**The Chairperson** (Sen. Omogeni): Counsel Mr. Ndegwa Njiru you can switch off your microphone. Thank you.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Mr. Abdullahi Hassan Maalim, I will ask you a few questions.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Okay.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): The first one touches on Mr. Jeff Mworira Githinji. I want you to look first at the letter of his appointment 24A.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Okay. I am there.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Just read for the Committee the one that starts with pursuant.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): “Pursuant to the fulfillment of the powers conferred to me by the Constitution of Kenya Article 235, I hereby appoint you to the position of economic advisor with effect from 1<sup>st</sup>, November, 2017.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Do you have a copy of the Constitution with you?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): I can get. I had one. I have it.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Just read for the Committee Article 235 (1).

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): It reads: “A county government is responsible within a framework of uniform norms and standards prescribed by an Act of Parliament to (a) establishing---

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Just stop there. The powers are given to a county government.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Yes.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Those powers are exercised within a framework of uniform norms and standards prescribed by an Act of Parliament.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Yes.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): It gives the county government powers to (a) establishing and abolishing offices in its public service or (b) appointing persons to hold or act in those offices, and confirming appointments. In the letter you read of 1<sup>st</sup> November, does the Governor cite any provision or a statute?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Thank you so much. I think so.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Answer my question.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): The Governor cites Article---

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Listen to me again. In that letter, does the Governor cite a specific provision of a statute? Yes or no? It is not a difficult question.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): He is citing Article 235.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): That one I know.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): On the first part is an abolishing of office. The first part, it is an abbreviation of the office. The office of the economic advisor was there. There was a precedence set by the first Governor.



**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Please, listen to me again. I will repeat my question. In that letter, does the Governor's letter cite a specific provision of a statute?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Unless you demystify what a statute is. I am talking of Article 235. I wish you would have written the specific sub-article.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Let me frame it like this. Does the Cabinet Secretary (CS) in that letter cite a specific provision in an Act of Parliament? This Parliament.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): It is Article 235 (1).

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): That is the Constitution. In addition to that, does he cite a provision in a statute?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): No.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Thank you. I just wanted that. Let me take you to Annexure 24 (9), which is another letter.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Is it 24 (9) or 24 (g)?

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): I think it is 24 (9).

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): It cannot be 24 (9).

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Sorry. It is 24 (g). Are you there with me? Just read for me the part that starts with “pursuant.”

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): It is an extension. “Pursuant to the fulfillment of the powers conferred to me by the Consultation of Kenya Article 235, I hereby extend your appointment to the position of economic advisor for a further one year.”

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Again, does he cite any provision of a statute?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): No.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Thank you very much. Let me take you to your witness statement. I will be very brief. The first paragraph is on the Chief Officer (C.O.) of Finance. Will you agree with me that that is a critical office in a county government?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): I totally agree with you.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): This is because he handles money, the budget and all those issues.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): He handles the budget and the money for his specific department. It is very critical, just like the other COs, but this one is very sensitive. I agree with you.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Thank you very much. Confirm to me the following facts. The first C.O. during the tenure of Gov. (Amb.) Mohamud was a man called Bare Idriss.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): That is very true. He was the first one we started with.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): He was removed from office on 30<sup>th</sup> July 2018.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): That is okay.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Confirm to me that he was replaced by Ahmed Gerat who took over from him on 1<sup>st</sup> July 2018.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Very true. That was the first reassignment.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Ahmed Gerat was again reassigned in October 2018.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): No. I do not agree on that part. It was Mr. Bare, to Mr. Great, Mr. Great handed over to another person.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Yes, I am coming to that.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): You said the same Mr. Gerat, so I wanted to correct the semantics.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Mr. Mohamed Sela took over from Mr. Gerat in October 2016?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): I agree with you totally. That is the second reassignment. I am counting for you.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Mr. Bare Idriss then came back to the job?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): That is right. It was the third assignment.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): So, you will agree with me that there have been quite a number of movements with the C.O. of Finance?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): I totally agree with you. I only want to negate on a few high tender kind of statements.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): We are together. You say that is was four, not six. Yes, I understand that. I will take you to the second issue. I am just confirming what you said. In paragraph 19 you said that you have tried but have not established an audit committee.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Yes.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): So, up to now, there is no audit committee?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Yes, and the reasons why are well displayed.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): I do not want your reasons. Go on. Let us go to my second issue. Look at paragraph 20. Again, in your own evidence you say that Wajir County does not have a County Budget and Economic Forum as provided for in Section 137 of the Public Finance Management (PFM) Act.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Yes, but then the same Act says---

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): No, just confirm to me.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): As soon as it is practical, so we are within that description.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): My last question to you is in paragraph 22. Do you understand what we mean by an annual state address? Do you know that there is a national one where the President of this country--- I am coming to that, wait. Do you understand that at a national level, the President addresses the nation once every year?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Yes.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): He comes to Parliament to address the country on what is achieved and what he hopes the country will achieve. Are you aware of that?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): I am aware of that.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Section 30 (2) (k) provides for an annual state of the county address. Are you aware?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Yes.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): The Governor has not addressed the people of Wajir in an annual state of the county address to date?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): I think that is arguable. In my knowledge, he has addressed.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Can you give us copies of that annual---

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): I have annexed----

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Listen to me please. Do you have a copy of an annual state of the county address, for example for 2018?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): 2018?

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Yes.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): I can give you for 2018. The Governor appeared before the Assembly two times.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Annual means only once. It is not many times.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): What should have guided us is if there were specific legislations to say how it should be done, at what time, and in what place. Now that there is no such specificity, I believe anything done by the Governor becomes an address.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Read Section 30 (2) (k). Read it.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): I will read, as I have read severally. “The Governor shall deliver an annual state of the county address containing such matters as may be specified in county legislation.” Now that there were no matters specified in the county legislation, we were within our mandate to make sure that the Governor addresses on issues that have substance at that time. At one time the budget and the ward based development project was of substance. Therefore, I believe that we did it like that.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Listen to me, please.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): I will. I am listening.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): I emphasize the following for your benefit. Sub-Section (k) says, “Deliver annual state of the county address containing such matters as maybe be specified by county legislation.” It is the content. It may be agriculture, water, healthcare, or education. It is the content that the legislation should define, not the venue.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Senior Counsel, I want to buy from your very rich wisdom, but I am not seeing anywhere where venue is specified in this particular Act. As a result of your many years of interaction with the law and different Acts, if you can provide, we will really learn from you. For now, I am not aware of that.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): Thank you. If you look at paragraph 23 (1), you basically say, “This allegation is blatantly false as the Governor has addressed Members of the County Assembly (MCAs) in various locations, not necessarily the County Assembly.”

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Sure.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): He has addressed many *barazas*, I agree with you.

Not *barazas*, specific meetings with the Assembly.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): However, he has not given what is called an annual state of the county address.



**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): It is relative how we define it. The jury is out to look at it and give it more dimension.

**The Advocate for Wajir County Assembly** (Mr. Ahmednasir Abdullahi SC): I have no further questions.

**The Chairperson** (Sen. Omogeni): Any re-examination?

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): This issue of the deployment which the Senior Counsel calls employment, was it made with the knowledge of the Governor?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): I believe that the Governor has only appointed him as an economic advisor. The deployment was done---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Upon the realization, did the Governor cooperate with the investigating agencies?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Did he cooperate with the court?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): There is an issue you wanted to negate. Do you recall?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Remind me please.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): It was about the fourth and sixth issues of the movements of these officers. What did you want to negate?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): I just wanted to put to perspective as has been highlighted by our Senior Counsel that the reshuffles were only four times, they were not six times.

I believe Section 45(5) of the County Governments Act, 2012 gives the Governor the mandate to do so. It does not state the specific number of times the Governor can reassign his Chief Officers (COs).

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): You were referred to Section 137 of the Public Finance Management Act. You said ‘as soon as it is practically possible.’

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): What did you mean that it is not practically possible as at that time?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): To my understanding, which might be very different from any other, I feel we have put the establishment of the County Budget and Economic Forum (CBEF) to motion. The Governor came into office in 2017 and by May, 2021, we were through with the call for nominees.

However, the Coronavirus (COVID-19) pandemic has given us---

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): So, is that the practicability of the unforeseen state the Act is contemplating?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Yes.

**The Advocate for Wajir County Governor** (Mr. Ndegwa Njiru): Thank you, witness.

**The Chairperson** (Sen. Omogeni): Thank you. Any Senator who wants to seek any clarification? Sen. Were, proceed.

**Sen. Were:** Thank you, Mr. Chairman, Sir. The Acting County Secretary, just a clarification. You have been acting as County Secretary for three years?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Yes.

**Sen. Were:** Okay. The Governor has been in power for three and a half years. Why is it so difficult for you to be confirmed?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): I agree with you it is very inordinately long but there was a case in court, which was just determined the other day. Immediately it was determined, the Governor has confirmed by appointment and it has been taken to the Assembly. My confirmation to the position, is before Wajir County Assembly. It is the court that made it inordinately long for it to be done.

**Sen. Were:** Secondly, you say that the County Government has not set up the CBEF because of Coronavirus (COVID-19). Does it mean this was not set up in 2020 when Coronavirus (COVID-19) hit or you have not had this since 2017? Just confirm for us that.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): We have not had it from 2017

**Sen. Were:** So, it is not Coronavirus (COVID-19) that has prevented you from setting up this?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Maybe the first bit. As we speak, the concerned Department of Finance have prepared the Terms of Reference (ToR); we have made the call for the nominations from the different non-state actors.

When we were in the process is when we saw that we might not proceed because of Coronavirus (COVID-19). We then gave priority to others. I agree with you before Coronavirus (COVID-19) pandemic, we had not done it.

**Sen. Were:** Thank you,

**The Chairperson** (Sen. Omogeni): Sen. Outa, proceed.

**Sen. Outa:** Thank you, Mr. Chairman, Sir. May I know from the Acting County Secretary whether Wajir County Government hold cabinet meetings. In those meetings, have they ever discussed the appointment of officers as the agenda?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Thank you, Hon. Senator. We hold cabinet meetings very regularly and minutes are available. Some of them are even sampled in the annexures. Maybe with the support of the ---

Second, on issues to do with the appointment. If it is appointment of the County Executive Committee, I think it is done before the CEC Committee is constituted. If it comes to issues of the audit Committee, I believe it is to be done by the County Public Service Board (CPSB) in a very competitive process and we do not have a role in it.

**The Chairperson** (Sen. Omogeni): Thank you. Sen. (Eng.) Hargura, proceed.

**Sen. (Eng.) Hargura:** Thank you, Mr. Chairman, Sir. There is this issue of the State of the County Address. The section of the law where the State of the County Address is quoted talks of the content of the speech or the matters to be addressed is specified in a county legislation. Are you aware of any county legislation basically done by the County Assembly?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): No, I am not aware of any.

**The Chairperson** (Sen. Omogeni): Sen. Linturi, proceed.

**Sen. Linturi:** Mr. Chairman, Sir, I have perused this file and I have seen the letter that was written to you by EACC. It is regarding the judgment of the three that were convicted. On the second page, I have not seen the damages because it is not signed on the last page. Secondly, any copy of this judgement? That is what you would have to respond to.

Finally, there is that area on failure to give the annual State of the County Address. I specifically want you to try to bring out the aspect of there being no legislation to determine how that should be done. Who has the greatest responsibility to originate legislation to provide for such?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Mr. Chairman, Sir, it is a two-way on issues of regulations. The executive can initiate and the Assembly can also initiate. It is an oversight on our part for not initiating. These are part of the learning areas we can take from here.

On the issue of that other page that is not there, I am sure it is available and we can provide it within the day.

**The Chairperson** (Sen. Omogeni): Okay. Sen. Mwangi, proceed.

**Sen. Mwangi:** Mr. Chairman, Sir, we have been told that a Mr. Jeff was recruited and the appointment letter was signed by the Governor himself. Mr. Jeff was later interdicted on half salary and accused of abuse of office.

By the time he was being accused, there was a substantial loss of over Kshs100 million. Can we know from the witness whether his case was concluded and what the decision of the court was?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Mr. Chairman, Sir, the case was concluded and determined. The three accused were convicted with either four years in prison or a fine of Kshs800,000. Once the conviction happens as per the Economic Crimes Act, the people have to be laid off, suspended there is a determination from an appeal court.

**Sen. Mwangi:** Who were convicted?

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Mr. Jeff Mworira together with the former County Secretary, whose position I have been acting and the CECM for Finance.

**The Chairperson** (Sen. Omogeni): Thank you. If there are no more questions, that is it for you.

**The Ag. County Secretary** (Mr. Abdullahi Hassan Maalim): Thank you, Mr. Chairman, Sir, I appreciate the opportunity.

**The Chairperson** (Sen. Omogeni): It is now 1.30 p.m. and we need to break for lunch. Can we take 45 minutes instead of one hour and come back by 2.15 p.m.

*(The Special Committee temporarily adjourned at 1.35 p.m.)*





