

PETITION TO THE SENATE BY RESIDENTS OF WAJIR COUNTY
CONCERNING ALLEGED MISAPPROPRIATION OF FUNDS BY THE
GOVERNOR AND THE COUNTY GOVERNMENT OF WAJIR, AND
OTHER GRIEVANCES

Honourable Senators,

PARLIAMENT
OF KENYA
LIBRARY

06 FEB 2015

1. Pursuant to Standing Orders 220 (1) (a), and 225(2) (b), I hereby report to the Senate that a petition has been submitted to the Speaker, through the Clerk, concerning alleged misappropriation of funds by the Governor and the County Government of Wajir.
2. As you are aware, under Article 119(1) of the Constitution, and I quote:-“Every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation.”
3. The petitioners, namely; Mohammed Abikar, Abdi Birik Abdinur, Abdifatah Diriye, Ahmed Abdi Sabdow, Abukari Abdullahi Sheikh, and Johara A. Hussein, are citizens of Kenya and residents of Wajir County. The petitioners state that they are also members of a lobby group made up of many residents in Wajir County and known as the Wajir Anti-Corruption and Justice Forum.
4. Honourable Senators, in their Petition, the petitioners state the following-
 - a) **THAT**, in the 2013/2014 financial year, the Governor and the County Government of Wajir misappropriated and/or misapplied public finances and resources amounting to slightly over Kenya Shillings One Billion (Kshs.1,000,000,000/=);
 - b) **THAT**, this was done through:
 - i) theft and pilferage of public resources for a period of three months upon assuming office in 2013; and

Original

21/05/15.

received on 24/5/15

- ii) single sourcing of contracts for the supply of goods and services to the County Government, whereby contracts were awarded to entities closely associated with the Governor and his team, their close family members, and to members of the Governor's clan;
 - c) **THAT**, in so doing, the Governor and officers of the Wajir County Government acted in violation of various provisions of the law, among them the County Governments Public Finance Management Transition Act (No. 8 of 2013), the Public Procurement and Disposal Act (Cap 412C) and Chapter Six of the Constitution of Kenya on leadership and integrity;
 - d) **THAT**, the Governor has failed to obey Article 27 of the Constitution, on equality and freedom from discrimination, by allocating more public resources and job opportunities to members of his clan and in the process disenfranchising other clans resident in Wajir County;
 - e) **THAT**, the Governor has failed to employ qualified people in his government and this has led to the residents of Wajir County not getting value for the taxes paid;
 - f) **THAT**, the Governor and the County Government of Wajir have failed to adhere to the guidelines on remuneration and allowances of public officers as set by the Salaries and Remuneration Commission, thus causing severe pilferage of public finances at the County Government; and
 - g) **THAT**, the above actions have been made possible by the weak oversight mechanisms prevailing at the County Assembly of Wajir.
5. The petitioners confirm that they have made efforts to have these matters addressed by the Ethics and Anti-Corruption Commission without success, and that the issues raised in the petition are not subject to any suit pending in court.

6. The petitioners petition the Senate, to:-

- a) Recommend to the President to form a commission of inquiry to investigate the allegations against the County Government, pursuant to Article 192 of the Constitution, with a view to suspending the County Government;
- b) Review the Report of the Auditor-General on the accounts of Wajir County for the year 2013/2014 and recommend appropriate action on the recommendations of that Report;
- c) Resolve that no further development funds be released to the Wajir County Government until the audit queries raised under the said Report and in the petition are addressed; and
- d) Order for a comprehensive human resource audit to be undertaken of the entire workforce of the County Government including on the remuneration and allowances paid to the officers employed by the County Government.

7. The Petition is signed by all the six (6) petitioners.

8. **Honourable Senators**, pursuant to standing order 226, I shall now allow comments, observations or clarifications in relation to the petition for not more than thirty minutes.

(after comments by Senators)

Honourable Senators, pursuant to standing order 227(1), the Petition stands committed to the relevant standing committee, in this case the Standing Committee on Finance, Commerce and Budget. In terms of standing order 227(2), the Committee will be required, in not more than sixty days from the time of reading the Prayer, to respond to the Petitioner by way of a Report addressed to the Petitioner and laid on the Table of the Senate.

SCHEDULE

[Section 3.]

FORM OF PETITION



REPUBLIC OF KENYA

PETITION TO THE SENATE OF THE REPUBLIC OF KENYA

IN THE MATTER OF THE GOVERNOR, WAJIR COUNTY



① DLPs
Please deal,
reply.
21/11/14

DRAWN BY:

Ruthugua & Associates Advocates,

Corner House, 11th Fl (BTC)

Kimathi Street

P.O. Box 25479-00100,

NAIROBI

TEL: 0727 740740.

② Mr. Magerl,
Please peruse and
prepare for presentation
by the speaker.
24/11/14



[Faint, illegible text, possibly bleed-through from the reverse side of the page]

SCHEDULE

[Section 3.]

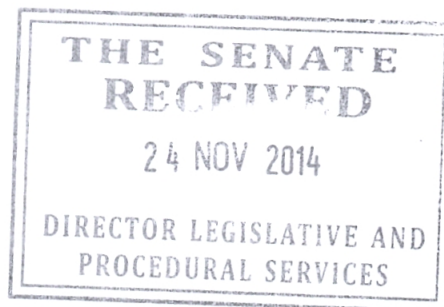
FORM OF PETITION



REPUBLIC OF KENYA

PETITION TO THE SENATE OF THE REPUBLIC OF KENYA

IN THE MATTER OF THE GOVERNOR, WAJIR COUNTY



DRAWN BY:

Ruthugua & Associates Advocates,

Corner House, 11th Fl (BTC)

Kimathi Street

P.O. Box 25479-00100,

NAIROBI

TEL: 0727 740740.

REPUBLIC OF KENYA

IN THE MATTER OF PETITION TO PARLIAMENT (PROCEDURE) CAP 7C (Act
No. 22 of 2012) LAWS OF KENYA

AND

IN THE MATTER OF ARTICLE 37 AND ARTICLE 119 OF THE CONSTITUTION
OF KENYA 2010

AND

THE GOVERNOR OF THE COUNTY OF WAJIR

PETITION TO THE SENATE OF THE REPUBLIC OF KENYA

I/WE, THE UNDERSIGNED are citizens of Kenya. We are also natives, residents and registered voters within Wajir County of the Republic of Kenya. Further we are members of a Lobby Group made up many residents of Wajir County commonly known as Wajir Anti-Corruption and Justice Forum which is just an informal gathering of several natives and local residents of the said county brought together by a common goal ensuring that acts of corruption, human rights violations and abuse of public resources and offices are highlighted to the relevant National constitutional and legal bodies.

DRAW the attention of The Senate to the following:

1. THAT in the 2013/2014 Financial Year, the Governor and the County Government of Wajir have misappropriated and/or misapplied and/or embezzled public finances and resources amounting to slightly over Kenya Shillings One Billion (Kshs 1,000,000,000/=).

REPUBLIC OF KENYA

IN THE MATTER OF PETITION TO PARLIAMENT (PROCEDURE) CAP 7C (Act
No. 22 of 2012) LAWS OF KENYA

AND

IN THE MATTER OF ARTICLE 37 AND ARTICLE 119 OF THE CONSTITUTION
OF KENYA 2010

AND

THE GOVERNOR OF THE COUNTY OF WAJIR

PETITION TO THE SENATE OF THE REPUBLIC OF KENYA

2. **THAT** these blatant acts were made possible by the aforementioned State Officers taking advantage of the weak oversight mechanisms prevailing at the County Assembly of Wajir.
3. **THAT** majority of the misappropriated finances were allegedly spent on single sourced procurement activities contrary to County Governments Public Finance Management Transition Act (No. 8 of 2013) and Public Procurement and Disposal Act, Cap 412A Laws of Kenya.
4. **THAT** besides 3 above, the said Governor and his team invented an irregular scheme of awarding huge contracts to entities that were closely associated with them, their spouses, relatives and/or nominees contract the Public Procurement and Disposal Act and Chapter Six of the Constitution of Kenya, 2010.
5. **THAT** in fact, the report by the Auditor General on the Financial Operations of Wajir County dated 5th December 2013 and covering the period between 1st January to 30th June 2013 points out to numerous acts open theft and pilferage of public resources for a period of 3 months after assuming office.
6. **THAT** the subsequent reports are likely to be more damning when they are published.

REPUBLIC OF KENYA

IN THE MATTER OF PETITION TO PARLIAMENT (PROCEDURE) CAP 7C (Act
No. 22 of 2012) LAWS OF KENYA

AND

IN THE MATTER OF ARTICLE 37 AND ARTICLE 119 OF THE CONSTITUTION
OF KENYA 2010

AND

THE GOVERNOR OF THE COUNTY OF WAJIR

PETITION TO THE SENATE OF THE REPUBLIC OF KENYA

7. THAT the Governor has failed to obey Article 27 of the Constitution of Kenya on equality and freedom from discrimination by allocating more public resources and job opportunities to the members of his clan and in the process disenfranchising other clans resident in Wajir County.
8. THAT the Governor has failed to employ qualified people in his government and this has led to the people of Wajir County not getting value for their taxes paid both to the National and County Governments.
9. THAT the Governor has now gone ahead and presented another budget for the year 2014/2015 which is a replica of the previous budget without any form of public participation or justification as to the method or formula used in allocation of resources to the people of Wajir County.
10. THAT the Governor of Wajir has refused and/or failed and/or neglected to adhere to the set guidelines on remuneration and allowances by the Salaries and Remuneration Commission thereby causing severe pilferage of public finances through payment of allowances not qualified for and also giving preferential treatment to junior officers to earn very high figures as allowances.

THAT, here confirm that efforts have been made to have the matter addressed by the Ethics and Anti-Corruption Commission (EACC) through a petition/complaint dated 29th July 2014 and presented on 15th August 2014 through our lobby group. Despite

REPUBLIC OF KENYA

**IN THE MATTER OF PETITION TO PARLIAMENT (PROCEDURE) CAP 7C (Act
No. 22 of 2012) LAWS OF KENYA**

AND

**IN THE MATTER OF ARTICLE 37 AND ARTICLE 119 OF THE CONSTITUTION
OF KENYA 2010**

AND

THE GOVERNOR OF THE COUNTY OF WAJIR

PETITION TO THE SENATE OF THE REPUBLIC OF KENYA

EACC acknowledging in writing receiving our petition vide a letter dated 11th September 2014, no action has been taken so far. The Petitioners have since written to the Commission with further evidence of theft of public resources by the Governor vide a letter dated 13th November 2014.

THAT the issues raised in this petition are not subject to any suit pending in court.

HEREFORE your humble Petitioners pray that The Senate:

1. That the Honourable Senate be pleased to invoke the provisions of Article 192 Sections 1(b), 2 and 3 by recommending to the President to form a Commission of Inquiry to investigate these allegations.
2. That the Honourable Senate be pleased to direct the Auditor General to provide the Audit Report of the year 2013/2014 and recommend action on the recommendations.
3. That The Honourable Senate be pleased to order the Controller of Budget and The Treasury not to release any further development funds until the audit is dispensed with.
4. That the Honourable Senate be pleased to order for a conclusive Human Resource Audit of the entire workforce and come up with a report on

REPUBLIC OF KENYA

IN THE MATTER OF PETITION TO PARLIAMENT (PROCEDURE) CAP 7C (Act
No. 22 of 2012) LAWS OF KENYA

AND

IN THE MATTER OF ARTICLE 37 AND ARTICLE 119 OF THE CONSTITUTION
OF KENYA 2010

AND

THE GOVERNOR AND THE COUNTY OF WAJIR

PETITION TO THE SENATE OF THE REPUBLIC OF KENYA

qualification, gender, distribution by clan and ward, remuneration, grading, duties,
responsibilities and allowances.

AND your humble PETITIONERS will ever pray

<u>Name of Petitioner</u>	<u>Full Address</u>	<u>National ID or</u> <u>Passport No.</u>	<u>Signature/Thumbprint</u> <u>impression</u>
Mohammed Abikar TEL. 0714533333	P.O. Box 149 Wajir	1699287	
Abdi Birik Abdinur TEL. 0729006465	P.O. Box 149 Wajir	0177295	
Abdifatah Diriye	P.O. Box 149 Wajir	24080716	
Ahmed Abdi Sabdow	P.O. Box 149 Wajir	4884394	

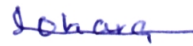
Abukari Abdullahi Sheikh P.O. Box 149



Wajir 9989200

Johara A. Hussein

P.O. Box 149



Wajir 0055706

DRAWN & PRESENTED BY:

Ruthugua & Associates Advocates

Corner House, 11th Fl (BTC Ltd)

Kimathi Street

P.O. Box 25479-00100

NAIROBI

