

COY

recommended for
approval for tabling

07/08/2024



REPUBLIC OF KENYA



13TH PARLIAMENT | 4TH SENATE | 3RD SESSION

STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS

REPORT ON PERSONAL SECURITY CONCERNS RAISED BY HON.
PHILOMENA KAPKORY, DEPUTY GOVERNOR, TRANS NZOIA
COUNTY



DATE — 01.10.2024
TABLED BY — Chair Person, Devolution
and Intergovernmental Relations
Clerk At — Cherop.
THE TABLE

07/08/24



Clerk's Chambers,
The Senate,
Parliament Buildings,
NAIROBI.

AUGUST, 2024

DC-EG
Forwarded & recommended for
approval for tabling/issuance
07/08/2024

TABLE OF CONTENTS

LIST OF ABBREVIATIONS/ACRONYMS	iii
PRELIMINARIES	iv
Mandate of the Committee	iv
Membership of the Committee.....	iv
CHAIRPERSON’S FOREWORD.....	v
CHAPTER ONE: INTRODUCTION.....	1
1.1 Background	1
CHAPTER TWO: CONDUCT OF INQUIRY INTO THE MATTER.....	3
2.1 Meeting with the Deputy Governor of Trans Nzoia County.....	3
2.2 Meeting with the National Cohesion and Integration Commission (NCIC).....	5
2.3 Meeting with the Governor of Trans Nzoia County	6
2.4 Meeting with the Cabinet Secretary, Ministry Interior and National Administration	7
2.5 County Visit to Trans Nzoia County.....	8
CHAPTER THREE: ANALYSIS OF STAKEHOLDER SUBMISSIONS.....	10
3.1 Threats to personal security and life	10
3.2 Denial of use of designated residence of Deputy Governor.....	10
3.3 Exclusion, Discrimination and being side-lined in decision making and running of County Affairs.....	11
3.4 Communication breakdown	12
3.5 Ethnic profiling and incitement.....	12
3.6 Tracking and trailing by the Governor	12
CHAPTER FOUR: COMMITTEE OBSERVATIONS	13
CHAPTER FIVE: COMMITTEE RECOMMENDATIONS.....	14
PICTORIALS	15
ANNEXURES	18

LIST OF ABBREVIATIONS/ACRONYMS

DCI -	Directorate of Criminal Investigations
MCA -	Member of County Assembly
NCIC -	National Cohesion and Integration Commission.
UNGA -	United Nations General Assembly
USA -	United States of America

PRELIMINARIES

Mandate of the Committee

The Senate Standing Committee on Devolution and Intergovernmental Relations is established under Standing Order 228 (3) and the Fourth Schedule of the Senate Standing Orders. The Committee is mandated to “consider all matters relating to devolution, intergovernmental and inter-county relations, governance and management of county governments, cities, towns and urban areas.”

Membership of the Committee

1.	Sen. Sheikh Mohamed Abbas, MP	-	Chairperson
2.	Sen. Catherine Muyeka Mumma, MP	-	Vice Chairperson
3.	Sen. (Dr) Oburu Oginga, MGH, MP.	-	Member
4.	Sen. Richard Momoima Onyonka, EBS, MP	-	Member
5.	Sen. Peris Pesi Tobiko, CBS, MP	-	Member
6.	Sen. Mohamed Said Chute, MP	-	Member
7.	Sen. George Mungai Mbugua, MP	-	Member
8.	Sen. Hezena M. Lemaletian, MP	-	Member
9.	Sen. David Wafula Wakoli, MP	-	Member

CHAIRPERSON'S FOREWORD

Mr. Speaker,

At its sitting held on Thursday, 2nd November, 2023, the Standing Committee on Devolution and Intergovernmental Relations received a copy of a letter, REF CGTN/DGVN/1/VOL.III (2), dated 1st November, 2023 from the Deputy Governor of Trans Nzoia County, Hon. Philomenah C. Kapkory addressed to the Deputy President and copied to the Speaker of the Senate. The Speaker then referred the matter to the Committee for its urgent consideration.

In the letter, the Deputy Governor brought the following issues to attention;

- a) that on 26th September, 2023 while on official duty in the United States of America (USA), she received information from concerned residents of Trans Nzoia County on some unfortunate happenings touching on her security and posing danger to her life;
- b) that in the said period, social media platforms were awash with threats and abuses levelled against her by the communication staff attached to the County Governor, Hon. George Ntembeya. Her efforts to reach the Governor via phone calls were futile;
- c) that upon returning to the Country on 2nd October, 2023, she reported the threats to the Directorate of Criminal Investigations (DCI), the National Cohesion and Integration Commission (NCIC) and to Muthangari Police Station but no arrest or progress was made. She further wrote to the Governor informing him that she was unable to return to work in the County due to her compromised security situation;
- d) that even after writing to the Governor, the said staff of the Governor continued with the threats undeterred but the Governor never made any response on this;
- e) that additionally, the Governor himself continued making inflammatory statements which further threatened her security and caused a spiking animosity between her ethnic community and that of the Governor;
- f) She further revealed the difficult conditions she was working under including lack of funding for her office that was impacting on her ability to execute her duties as Deputy Governor, being denied her official residence which has been converted to a campaign centre and also the First Lady's office, being side-lined on all decisions and most functions in the County, being denied most of legitimate payments due to her and general mistreatment and humiliation that she has been subjected to;

- g) She concluded by appealing to the Deputy President for an opportunity to meet with him in order to discuss a way of resolving the issues mentioned, for a healthy working relationship with the Governor and focus on service delivery in the County.

Mr. Speaker,

At the sitting, the Committee discussed the issues raised in the letter and resolved first to invite the Deputy Governor to deliberate on the aforementioned issues, then later invite the Governor on the same matter with the aim of resolving the issues and mediating the two. The Committee also resolved to engage relevant stakeholders, that is the Cabinet Secretary, Ministry of Interior and National Administration, the Inspector General of Police, the Director of Criminal Investigations and the National Cohesion and Integration Commission to deliberate further on the issues raised. The Committee sent invitations and successfully held meetings with the following stakeholders;

- a) The Deputy Governor of Trans Nzoia County on Monday, 6th November, 2023;
- b) The National Cohesion and Integration Commission on Monday, 20th November, 2023;
- c) The Governor of Trans Nzoia County on Monday, 27th November, 2023.

The Committee was not able to have a meeting with the Cabinet Secretary for Interior and National Administration, the Inspector General of Police and the Director of Criminal Investigations.

The Cabinet Secretary was invited on two occasions. He conveyed his apologies and requested the Committee to reschedule the meeting to a more appropriate date when he would be available.

Further, the Committee visited Trans Nzoia County on 22nd March 2024 and held a meeting with the Governor and the Deputy Governor with the aim of mediation and resolving the issues. The Committee later paid a courtesy call to the County Assembly of Trans Nzoia.

Mr. Speaker,

Upon receipt of the stakeholder submissions, the Committee did an in-depth analysis and based on its deliberations, the Committee has made various observations and recommendations which are set out in Chapter Four and Chapter Five of this report respectively.

Mr. Speaker,

I wish to inform the Senate that the Committee successfully resolved the issues causing the rift between the Governor and the Deputy Governor of Trans Nzoia County, mediated the two parties

and restored a good working relationship between them.

May I take this opportunity to commend the Members of the Committee for their devotion and commitment to duty, which led to the successful consideration of the issues raised by the Deputy Governor of Trans Nzoia.

I also wish to thank the Offices of the Speaker and the Clerk of the Senate for the support extended to the Committee in undertaking this important assignment. Lastly, I wish to thank the stakeholders who appeared before the Committee and presented their submissions regarding the matter.

Mr. Speaker,

It is now my pleasant duty, pursuant to Standing Order 228 (4) (a), to present the report of the Standing Committee on Devolution and Intergovernmental Relations on its consideration of the personal security concerns raised by the Deputy Governor of Trans Nzoia County.

Signed



Date

6/08/24

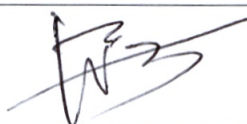
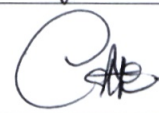
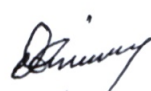
SEN. SHEIKH MOHAMED ABASS, MP

CHAIRPERSON,

**STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL
RELATIONS**

**ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON DEVOLUTION
AND INTERGOVERNMENTAL RELATIONS ON PERSONAL SECURITY
CONCERNS RAISED BY THE DEPUTY GOVERNOR OF TRANS NZOIA COUNTY**

We, the undersigned Members of the Standing Committee on Devolution and Intergovernmental Relations, do hereby append our signatures to adopt this Report-

Sen. Sheikh Mohamed Abass, MP	- Chairperson	
Sen. Catherine Muyeka Mumma, MP	-Vice-Chairperson	
Sen. (Dr.) Oburu Oginga, MGH, MP	-Member	
Sen. Richard Momoima Onyonka, EBS, MP	-Member	
Sen. Peris Pesi Tobiko, CBS, MP	-Member	
Sen. Mohamed Said Chute, MP	-Member	
Sen. George Mungai Mbugua, MP	-Member	
Sen. Hezena M. Lemaletian, MP	-Member	
Sen. David Wafula Wakoli, MP	-Member	

CHAPTER ONE: INTRODUCTION

1.1 Background

1. At its sitting held on Thursday, 2nd November, 2023 the Standing Committee on Devolution and Intergovernmental Relations was presented with a copy of a letter, **REF CGTN/DGVN/1/VOL.III (2)**, dated 1st November, 2023 from the Deputy Governor of Trans Nzoia County, Hon. Philomenah C. Kapkory addressed to the Deputy President and copied to the Speaker of the Senate. *(A copy of the letter is attached to this Report as Annex 2.)*
2. In the letter, the Deputy Governor brought the following issues to attention;
 - a) that on 26th September, 2023 while on official duty in the United States of America (USA), she received information from concerned residents of Trans Nzoia County on some unfortunate happenings touching on her security and posing danger to her life;
 - b) that in the said period, social media platforms were awash with threats and abuses levelled against her by the communication staff attached to the County Governor, Hon. George Natembea. Her efforts to reach the Governor via phone calls were futile;
 - c) that upon returning to the Country on 2nd October, 2023, she reported the threats to the Directorate of Criminal Investigations (DCI), the National Cohesion and Integration Commission (NCIC) and to Muthangari Police Station but no arrest or progress was made. She further wrote to the Governor informing him that she was unable to return to work in the County due to her compromised security situation;
 - d) that even after writing to the Governor, the said staff of the Governor continued with the threats undeterred but the Governor never made any response on this;
 - e) that additionally, the Governor himself continued making inflammatory statements which further threatened her security and caused a spiking animosity between her ethnic community and that of the Governor;
 - f) She further revealed the difficult conditions she was working under including: lack of funding for her office that was making it difficult for her to deliver service to the people as Deputy Governor, being denied her official residence which has been converted to a campaign centre/the First Lady's office, being side-lined on all decisions and most functions in the County, being denied most of legitimate payments due to her and general mistreatment and humiliation that she has been subjected to;
 - g) She concluded by appealing to the Deputy President for an opportunity to meet with him

in order to discuss a way of resolving the issues mentioned, for a healthy working relationship with the Governor and focus on service delivery in the County.

3. The Committee was informed that the Speaker had referred the matter to the Committee for its urgent consideration.

CHAPTER TWO: CONDUCT OF INQUIRY INTO THE MATTER

4. At the Committee sitting held on 2nd November, 2023, the Committee discussed the issues raised in the letter and resolved to invite the Deputy Governor to an urgent meeting of the Committee to be held on Monday, 6th November, 2023 to deliberate on the aforementioned issues.
5. The Committee also resolved to engage the County Governor after the meeting with the Deputy Governor to understand the wrangles and take the necessary measures to mediate between them.

2.1 Meeting with the Deputy Governor of Trans Nzoia County

6. On Monday, 6th November, 2023 the Committee met with Hon. Philomenah Kapkory, the Deputy Governor of Trans Nzoia County, to consider issues raised in the letter she sent to the Committee concerning her personal security.
7. The Deputy Governor took the Committee through various issues which she stated had compromised her personal security, affected her working relationship with the Governor and made it difficult for her to smoothly discharge her official duties and responsibilities. They included: security threats to her life, lack of facilitation to discharge official duties, ethnic profiling, mistreatment and intimidation, public vilification, disrespect by junior staff among others. Her submissions were as follows:

a) Threats to personal security and life

8. The Deputy Governor stated that on 26th September 2023, while attending the United Nations General Assembly (UNGA) conference in the United States of America (USA), she received several messages from concerned residents informing her of abusive and threatening posts on various social media platforms targeted at her. The threatening messages were posted by known County officials who are part of the Governor's communication team. She added that these messages were posted after a delegation of members of the Sabaot community made a presentation at the National Dialogue Committee insisting on the creation of a new county to be called Mt. Elgon County.
9. She reported that her efforts to contact the Governor by phone calls to raise the issues were futile hence she resorted to writing a letter to him. The Deputy Governor claimed that the Governor still ignored her communication and instead proceeded to tacitly endorse the said

threats in his public utterances.

b) Denial of use of designated residence of Deputy Governor

10. The Deputy Governor highlighted that the former Deputy Governor had handed over the keys to the official residence of the Deputy Governor on 26th August, 2023 but immediately after that, she was blocked from accessing or using the residence and was informed that there were plans to renovate the house before she could move in. She later learnt that the staff who were previously working at the Governor's campaign centre were now using the residence as an office. Additionally, she stated that the Governor's spouse was later allocated the same house as her office.

c) Exclusion, Discrimination and being side-lined in decision making and running of County Affairs

11. The Deputy Governor submitted that as the principal assistant to the Governor, she had never been accorded meaningful opportunity to discharge her functions effectively. She added that the Governor had constantly side-lined her in key meetings and functions, disregarded her advice on various aspects, arbitrarily reduced and delayed budgetary facilitation for operations in her office, and encouraged and condoned insubordination and disrespect by junior staff.

d) Communication breakdown

12. She claimed that all her efforts to reach the Governor through phone calls and messages were unsuccessful and instead, the Governor communicated to her through the County Secretary.

e) Ethnic profiling and incitement

13. Hon. Philomenah Kapkory stated that following the move by members of her community, the Sabao, to petition for their county, she had been ethnically profiled by officers working in the Governor's office. She added that the Governor himself made pronouncements bordering on incitement against the said community which resulted in unhealthy ethnic tension.

f) Tracking and trailing by the Governor

14. Furthermore, she submitted that she received credible information that the Governor had been tracking and trailing her since writing the letter to him. This, she argued, is a violation of her constitutional right to privacy, which increases her worries and concerns about her personal security.
15. To prove her allegations, the Deputy Governor tabled nine videos and six screenshots of WhatsApp group conversations, as evidence of some of the aforementioned events. Most of

the videos were utterances made by the Governor at public events.

16. After explaining the above issues impacting on her ability to execute her duties and responsibilities, the Deputy Governor made the following prayers:

- a) that the Senate through the Committee should make appropriate recommendations to the relevant state agencies to take action on reports made regarding the matter, i.e the NCIC, DCI and the Police;
- b) that the Governor should give clarity on her roles as the Deputy Governor and a budget to enable effective execution of the functions; and
- c) that the Committee should intervene in the current security threat to ensure her personal safety is guaranteed for her to freely work from the County.

17. Upon deliberations of the submissions made by the Deputy Governor of Trans Nzoia, the Committee resolved to invite the following stakeholders to a meeting of the Committee to deliberate further on the issues raised. These include:

- a) Meeting with the Chairperson, of the National Cohesion and Integration Commission (NCIC) to be held on Monday, 20th November, 2023;
- b) Meeting with the Cabinet Secretary, Ministry of Interior and National Administration, together with the Inspector General of Police and the Director of Criminal Investigations to be held on Thursday, 23rd November, 2023.
- c) Meeting with the Governor, of Trans Nzoia County to be held on Monday, 27th November, 2023.

2.2 Meeting with the National Cohesion and Integration Commission (NCIC)

18. At its sitting held on Monday, 20th November, 2023 the Committee met with the Chairperson of the National Cohesion and Integration Commission (NCIC) to deliberate on the matter and get his submissions.

19. In his submissions, the Chairperson highlighted that on 3rd October 2023, the Deputy Governor of Trans Nzoia County reported to the NCIC about security threats she was facing in her line of duty as the Deputy Governor. In her statement, she claimed that her trouble began when the Sabaot Community started petitioning for a County of their own. She further alleged that the Governor of Trans Nzoia County, Hon. George Ntembeya, MBS, is opposed to the creation of a county for the Sabaots and that he was on record stating that this will not happen despite

their petition.

20. The Chairperson stated that the Deputy Governor further reported that on 23rd August 2023, the Governor remarked that the Sabaot should be satisfied with the employment positions they have been appointed in the county and should stop asking for a County of their own.
21. He informed the Committee that NCIC noted that the statements by the Governor led to frequent attacks on the Deputy Governor on social media platforms with threatening messages being directed to her.
22. The Chairperson reported that the commission had taken the following actions in handling the matter:
 - i. Commenced investigations on Governor Hon. George Natambeya, MBS, for Ethnic Contempt contrary to Sec 62(1) of the NCIC Act and Hate Speech contrary to section 13(1) of the NCIC Act No. 12 of 2008;
 - ii. Summoned the Governor to appear before the Commission on 28th November 2023; and
 - iii. Investigators from the Commission had travelled to the County to carry out ongoing ground investigations.
23. He concluded by stating that the Commission will submit its full report to the Committee once the investigations are complete.
24. The Committee resolved to allow the Commission to conclude its investigations and thereafter submit a copy of its report to the Committee. Submissions by NCIC are attached as **Annex 3**.

2.3 Meeting with the Governor of Trans Nzoia County

25. Following invitations by the Committee, the Governor of Trans Nzoia County Hon. George Natembeya, MBS, appeared before the Committee on Monday, 27th November, 2023 to deliberate on the matter.
26. In his submissions, the Governor dismissed all the allegations made by the Deputy Governor regarding administrative challenges impacting her ability to execute her official duties and responsibilities and regarded them as false and malicious.
27. He stated that his working relationship with the Deputy Governor was good until when the Deputy Governor left the Country to attend the United Nations General Assembly (UNGA) conference in the USA without his approval. He reported that the Deputy Governor processed

her invitation to the conference through the office of the Deputy President and only asked the County to facilitate her budget for the trip. Since the Governor did not approve it, the County could therefore not facilitate the budget. However, the Deputy Governor proceeded to attend the conference. It was at this point that communication between the Governor and the Deputy Governor broke down and the two never got into contact directly since then.

28. The Governor stated that he had not received any official complaint from the Deputy Governor regarding the issues she had raised. He further noted that the Deputy Governor is always invited to the Executive Committee meetings and County functions but she had not attended any of them since August 2023.
29. In addition, he highlighted that the official functions being performed by the Deputy Governor are those set out in the Constitution and other executive functions assigned to her by the Governor. He also noted that there is no residence officially designated for the Deputy Governor, instead the officeholder is given a house allowance which she should use to get a house on her own.
30. The Governor submitted that the Deputy Governor had been adequately facilitated, with a total budget of Ksh. 7 million having been released to her for office operations for the last year. He additionally stated that the County Government had plans to purchase another vehicle for the Deputy Governor's use.
31. The Governor concluded by informing the committee that he was very much willing to have the working relationship with the Deputy Governor restored. He stated that the issues impacting their relations could be solved amicably to have them run the county smoothly.

2.4 Meeting with the Cabinet Secretary, Ministry of Interior and National Administration

32. Upon invitations to attend a Committee meeting scheduled for Thursday, 23rd November 2023, the Cabinet Secretary wrote to the Committee conveying his apologies and requested that the meeting be postponed to Thursday, 30th November 2023.
33. The Cabinet Secretary failed to attend two Committee invitations where he conveyed his apologies and requested the Committee to reschedule the meeting to a more appropriate date when he would be available. Consequently, the Committee was not able to have a meeting with the Cabinet Secretary for the Ministry of Interior and National Administration.

2.5 County Visit to Trans Nzoia County

34. At its meeting held on Thursday, 7th March 2024, the Committee noted with concern that the agencies that are investigating the matter had taken too long to conclude their investigations.
35. Consequently, the Committee resolved to undertake a visit to Trans Nzoia County from 21st – 23rd March 2024 to hold meetings with the Governor and the Deputy Governor to mediate over their simmering relations to foster a harmonious working relationship between them, interrogate and ensure the smooth running of the County affairs.

a) Meeting with the Governor and the Deputy Governor of Trans Nzoia County

36. The Committee visited Trans Nzoia County and held its meeting at the office of the Governor on 22nd March 2024. The Committee together with the Governor, the Deputy Governor and the County Commissioner of Trans Nzoia discussed the issues raised by the Deputy Governor and how they had affected her working relationship with the Governor to find amicable solutions.
37. Upon deliberations of the issues, it was agreed that there is need for the Deputy Governor and the Governor to bury the hatchet and work together for effective service delivery to the people. The Governor stated that the Deputy Governor was free to return to the office and assured her of her safety. He also committed to ensuring that the Deputy Governor's office is facilitated in time and that all the benefits due to her office shall be provided. The Deputy Governor agreed to return to office immediately and committed to work with the Governor to ensure the smooth running of County Affairs.
38. The County Commissioner of Trans Nzoia in his submissions assured the committee that he would ensure safety for the Deputy Governor and will handle any threats that she may encounter. He assured the Committee that Trans Nzoia is safe and Hon. Philomenah Kapkory can come back to her office to work.

b) Meeting with the County Assembly of Trans Nzoia

39. The Committee informed the Assembly that it had held a joint meeting between the Governor and the Deputy Governor which successfully resolved their long-standing dispute and further reported that the two agreed to work together and that the Deputy Governor was resuming back to office immediately.
40. The Members of the County Assembly thanked the Committee for taking up the initiative to

mediate the Governor and the Deputy Governor and also reported that the County Assembly's women's caucus had considered the matter and had held a meeting with the Deputy Governor to find a way of having her concerns addressed.

41. The Committee urged the County Assembly to take up the role of initiating conflict resolution whenever there are such wrangles within the county that could hamper effective service delivery to the people.

CHAPTER THREE: ANALYSIS OF STAKEHOLDER SUBMISSIONS

3.1 Threats to personal security and life

42. The threats to the personal security and life of Hon. Philomenah Kapkory appeared to be a major issue that interfered with her official duties as the Deputy Governor of Trans Nzoia. In her submissions, she stated that while she was in the United States of America (USA), attending the United Nations General Assembly (UNGA) conference, she received several messages from concerned residents informing her of abusive and threatening posts on various social media platforms targeted at her. The threatening messages were posted by known County officials who are part of the Governor's communication team.
43. The Deputy Governor claimed that the threats began after a delegation of members of the Sabaot community made a presentation at the National Dialogue Committee insisting on the creation of a new county to be called Mt. Elgon County. She further alleged that the Governor of Trans Nzoia County, Hon. George Natembeya, MBS, is opposed to the creation of a county for the Sabaots and that he was on record stating that this will not happen despite their petition. She reported that her efforts to contact the Governor by phone calls to raise the issues were futile hence she resorted to writing a letter to him but the Governor still ignored her communication
44. The National Cohesion and Integration Commission (NCIC), in their submissions to the Committee, stated that they received the same report from the Deputy Governor of Trans Nzoia County, about security threats she was facing in her line of duty as the Deputy Governor. Hon. Philomenah Kapkory alleged that the Sabaot's petition for their own county led to frequent attacks on social media platforms with threatening messages being directed to her.
45. Upon receipt of this report, the NCIC commenced investigations on the Governor, summoned him to appear before the Commission and sent investigators to Trans Nzoia County to carry out ground investigations. The Chairperson NCIC stated that the Commission will submit its full report to the Committee once the investigations are complete.
46. During the Committee visit to Trans Nzoia County, the Governor stated that the Deputy Governor was free to return to the office and assured her of her safety.

3.2 Denial of use of designated residence of Deputy Governor

47. Hon. Philomenah Kapkory highlighted that she was handed over the keys to the official

residence of the Deputy Governor but immediately after that, she was blocked from accessing or using the residence and was informed that there were plans to renovate the house before she could move in. She later learnt that the staff who were previously working at the Governor's campaign centre were now using the residence as an office. Additionally, she stated that the Governor's spouse was later allocated the same house as her office.

48. With regards to this complaint, the Governor noted that there is no residence officially designated for the Deputy Governor, instead the officeholder is given a house allowance which she should use to get a house on her own.

3.3 Exclusion, Discrimination and being side-lined in decision making and running of County Affairs

49. In her submissions, the Deputy Governor claimed that she had never been accorded meaningful opportunity to discharge her functions effectively despite being the principal assistant to the Governor. She added that the Governor had constantly side-lined her in key meetings and functions, disregarded her advice on various aspects, arbitrarily reduced and delayed budgetary facilitation for operations in her office, and encouraged and condoned insubordination and disrespect by junior staff.
50. In response to the allegations, the Governor stated that he had not received any official complaint from the Deputy Governor regarding the issues she had raised. He further noted that the Deputy Governor is always invited to the Executive Committee meetings and County functions but she had not attended any of them since August 2023. In addition, he highlighted that the official functions being performed by the Deputy Governor are those set out in the Constitution and other executive functions assigned to her by the Governor.
51. Regarding facilitation, the Governor submitted that the Deputy Governor had been adequately facilitated, with a total budget of **Ksh. 7 million** having been released to her for office operations for the last year and added that the County Government had plans to purchase another vehicle for the Deputy Governor's use. In addition, he committed to ensure that the Deputy Governor's office is facilitated in time and that all the benefits due to her office shall be provided.

3.4 Communication breakdown

52. The Deputy Governor in her submissions to the committee claimed that all her efforts to reach the Governor through phone calls and messages were unsuccessful and instead, the Governor communicated to her through the County Secretary.
53. The Governor admitted that there was a communication breakdown between him and the Deputy Governor which was as a result of the Deputy Governor attending the UNGA conference in the USA without his approval. However, the Governor submitted that he was very much willing to have their communication and their working relationship with the Deputy Governor restored.

3.5 Ethnic profiling and incitement

54. Hon. Philomenah Kapkory stated that following the move by members of her community, the Saboot, to petition for their own county, she had been ethnically profiled by officers working in the Governor's office. She added that the Governor himself made pronouncements bordering on incitement against the said community which resulted in unhealthy ethnic tension.
55. The Governor, during his submissions to the committee, disregarded all the allegations made by the Deputy Governor. Despite that, he stated that he was willing to amicably solve the issues impacting their relations so that they could run the County smoothly.

3.6 Tracking and trailing by the Governor

56. In her submissions, the Deputy Governor also stated that she received credible information that the Governor had been tracking and trailing her since writing the letter to him. This, she argued, is a violation of her constitutional right to privacy, which increases her worries and concerns about her personal security.
57. The County Commissioner of Trans Nzoia, during the meeting held at the Governor's office, assured the committee that he would ensure the safety of the Deputy Governor and would handle any threats that she may encounter. He assured the Committee that Trans Nzoia is safe and Hon. Philomenah Kapkory can come back to her office to work.

CHAPTER FOUR: COMMITTEE OBSERVATIONS

58. Having engaged with the Deputy Governor of Trans Nzoia Hon. Philomenah Kapkory, and other relevant stakeholders and analysing their submissions, the Committee observed that;

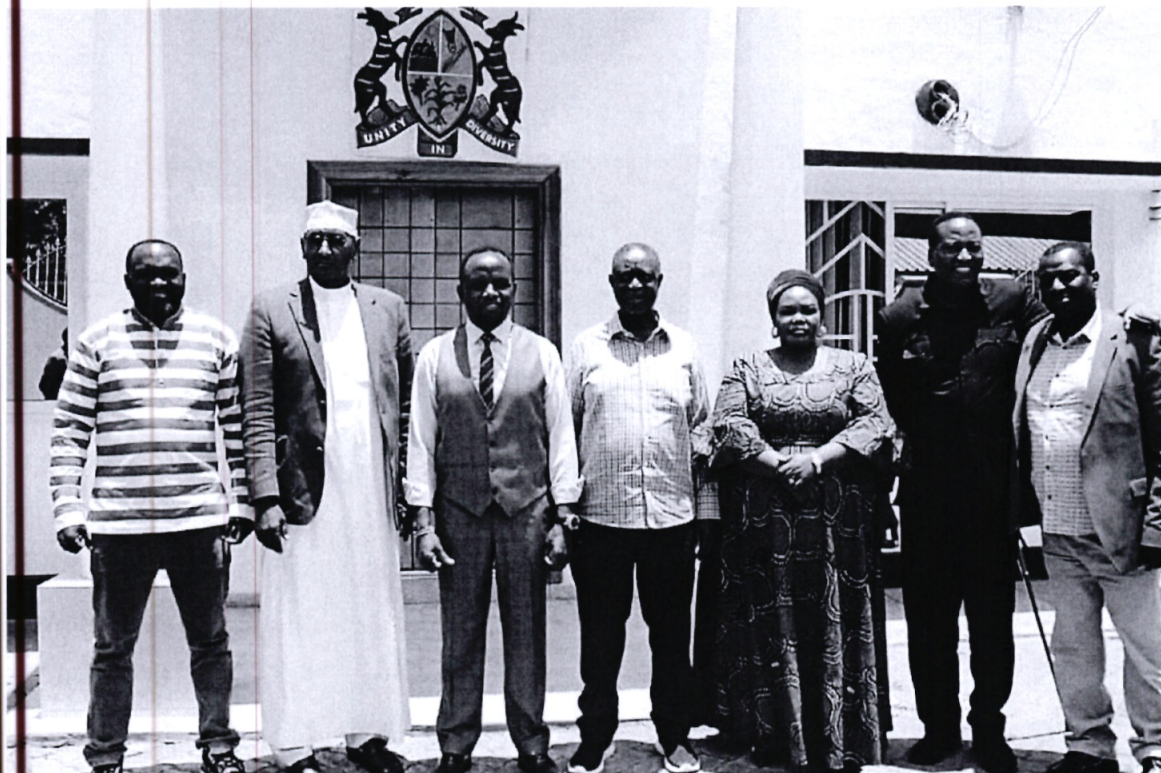
- i. There was a simmering rift between the Governor and the Deputy Governor, even though both of them did not indicate of any major dispute or conflict happening to cause the issues reported.
- ii. The work of the Deputy Governor had significantly been impacted by the communication breakdown between her and the Governor, the lack of a good working relationship with the Governor, lack of sufficient budgetary allocation to her office and also the security concerns and worries that she had.
- iii. The ongoing rift between the Governor and the Deputy Governor was fuelling ethnic animosity amongst the communities living in Trans Nzoia County, mainly between the Governor's tribe (Luhya) and the Deputy Governor (Kalenjin). This may have ultimately affected other communities living in the County hence the need to resolve the dispute before it escalated.
- iv. The National Cohesion and Integration Commission (NCIC) commenced investigations on the matter upon receipt of the report by the Deputy Governor. The Commission is yet to submit its full report to the Committee once the investigations are complete.
- v. The Governor of Trans Nzoia was very much willing to have the working relationship with the Deputy Governor restored. He stated that the issues impacting their relations could be solved amicably to have them run the county smoothly.

CHAPTER FIVE: COMMITTEE RECOMMENDATIONS

59. Based on the findings and observations above, the Standing Committee on Devolution and Intergovernmental Relations recommends that;

- i. Following a successful mediation and both parties agreeing to work together, the Committee recommends that the Governor and the Deputy Governor of Trans Nzoia should maintain the positive, harmonious and healthy working relationship for efficient and effective service delivery to the people of Trans Nzoia County.
- ii. The office of the Deputy Governor should be sufficiently facilitated with budgetary allocation as well as adequate staff and a vehicle for its full operationalisation. This will ensure the Deputy Governor is facilitated to execute her mandate and responsibilities.
- iii. The County Commissioner should ensure safety and security for the Deputy Governor as she returns to her office for her to comfortably work and serve the people of Trans Nzoia.
- iv. Deputy Governors having challenges in delivering services at the County should take pre-emptive measures by writing to the Committee among other relevant agencies to seek assistance early enough before the issues escalate.
- v. The Intergovernmental Relations Technical Committee (IGRTC) and other relevant agencies should intervene and resolve inter and intra governmental disputes and any other disputes in counties that threaten devolution.

PICTORIALS



Picture 1- Committee Members at the Governor's office, with the Governor and the Deputy Governor of Trans Nzoia County.



Picture 2- The Governor, the Deputy Governor and the County Commissioner of Trans Nzoia during the meeting with the Committee members.



Picture 3- Committee members during the meeting to mediate the Governor and the Deputy Governor



Picture 4- Committee members together with the Area Senator during the mediation meeting



Picture 5- The Deputy Governor of Trans Nzoia County in her office after the successful mediation



Picture 6- Committee members together with the County Commissioner at the Deputy Governor's office

ANNEXURES

1. Minutes
2. Letter from the Deputy Governor, REF CGTN/DGVN/1/VOL.III (2)
3. Submissions by National Cohesion and Integration Commission (NCIC)

LIST OF ANNEXURES

<i>Annex 1</i>	Minutes of the Standing Committee on Devolution and Intergovernmental Relations
<i>Annex 2</i>	Copy of a letter by the Deputy Governor of Trans Nzoia County
<i>Annex 3</i>	Submissions by the Deputy Governor, Trans Nzoia County
<i>Annex 4</i>	Submissions by the Governor, Trans Nzoia County
<i>Annex 5</i>	Submission by NCIC
<i>Annex 6</i>	Submissions by Ministry of Interior and National Administration

Annex 1:

***Minutes of the Standing
Committee on Devolution and
Intergovernmental Relations***



**MINUTES OF THE EIGHTY FOURTH SITTING OF THE SENATE
STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS HELD ON THURSDAY, 2ND
NOVEMBER, 2023 AT COMMITTEE ROOM 4, AT 10.00 AM.**

PRESENT

- | | |
|--|--------------------|
| 1. Sen. Sheikh Mohamed Abass, MP | - Chairperson |
| 2. Sen. Catherine Muyeka Mumma, MP | - Vice-Chairperson |
| 3. Sen. (Dr) Oburu Oginga, MGH, MP | - Member |
| 4. Sen. Richard Momoima Onyonka, EBS, MP | - Member |
| 5. Sen. Mohamed Chute, MP | - Member |
| 6. Sen. David Wafula Wakoli, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|------------------------------------|----------|
| 1. Sen. Peris Pesi Tobiko, CBS, MP | - Member |
| 2. Sen. George Mungai Mbugua, MP | - Member |
| 3. Sen. Hezena Lemaletian, MP | - Member |

SECRETARIAT

- | | |
|---------------------------|---|
| 1. Ms. Sylvia Nasambu | - Clerk Assistant I |
| 2. Mr. Walters Omondi | - Legal Counsel II |
| 3. Ms. Ann Kigoro | - Research Officer II |
| 4. Mr. Desmond Rasugu | - Clerk Assistant III (taking minutes) |
| 5. Ms. Mwanamisi mwachasi | - Research Officer III |
| 6. Mr. John Lenkampule | - Serjeant-at-Arms |
| 7. Mr. Johnstone Simiyu | - Audio Officer III |

MIN/SEN/DEVIR/421/2023

PRAYER

The meeting was called to order by the Chairperson at 10:15 am followed by a word of prayer by Ms. Sylvia Nasambu.

MIN/SEN/DEVIR/422/2023: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted as presented after being proposed by Sen. (Dr.) Oburu Oginga, MGH, MP and seconded by the Sen. Catherine Mumma, MP as follows:

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Minutes of the previous meeting;
4. Consideration of matters arising from the Minutes of the previous meeting;
5. Consideration of:
 - a) Statement from Sen. Alexander Mundigi, MP on disparities in development in Embu County; and
 - b) the matrix on submissions on the County Governments (amendment) Bill, 2023, (Senate Bills No. 25 of 2023) sponsored by Sen. Samson Cherarkey, MP;
6. Any Other Business; and
7. Date of the Next Meeting and Adjournment.

MIN/SEN/DEVIR/423/2023: CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETINGS

Confirmation of the minutes of the eighty third sitting was deferred to the next meeting.

MIN/SEN/DEVIR/424/2023: CONSIDERATION OF A STATEMENT BY SEN. ALEXANDER MUNDIGI, MP ON DISPARITIES IN DEVELOPMENT IN EMBU COUNTY

1. The Committee met with Sen. Alexander Mundigi, MP who expounded on his statement regarding disparities in development in Embu County. He explained that some parts of the County, especially Mbeere South and Mbeere North Sub Counties are significantly underdeveloped in terms of infrastructural and social amenities compared to other regions such as Runyenjues which are comparatively better developed;
2. He additionally stated that there is need for deliberate measures to be put in place by both the National Government and County Government to have the affected regions to benefit appropriately from the Equalisation Fund so as to promptly address the conspicuous intra-county inequalities He concluded by urging the committee to intervene on the discrepancies and recommend urgent interventions to address the situation;
3. Having heard the views of the requester of the Statement, the Committee deliberated upon the matter and resolved as follows;

- a) The Committee to write a letter to the Governor of Embu County requesting for a comprehensive written response reporting on distribution of infrastructural and social amenities for each of the Sub counties in Embu County for the last ten years; and
- b) that after receiving and considering the response of the Governor, the Committee shall determine on how to engage the Commission on Revenue Allocation regarding allocation and utilization of the Equalization Fund for the County.

MIN/ SEN/DEVIR/425:

CONSIDERATION OF MATRIX ON SUBMISSIONS ON THE COUNTY GOVERNMENTS (AMENDMENT) BILL, 2023 (SENATE BILLS NO. 25 OF 2023

4. The Legal counsel took the committee through the matrix of the submissions received from various stakeholders on the County Governments (Amendment) Bill, 2023 (Senate Bills No. 25 of 2023) sponsored by Sen. Samson Cherarkey, MP. The Bill seeks to amend section 40 of the said Act in order to increase the threshold required to impeach a member of the County Executive Committee from the current one third of the county Assembly members to two thirds.;
5. The Committee was informed that only two stakeholders; the County Assemblies Forum and the State Department for Devolution had made their submissions, both of which opposed the proposed amendment;
6. Upon deliberation, the Committee resolved to consider the agenda further in another meeting in which the sponsor of the Bill shall be present, before the Committee makes its final resolution.

MIN/SEN/DEVIR/426/2023

ANY OTHER BUSINESS

Letter from Hon. Philomenah Kapkory, Deputy Governor, Trans Nzoia County.

- a) The Committee was presented with a letter from the Deputy Governor of Trans Nzoia County addressed to the Deputy President and copied to the Speaker of the Senate, on issues concerning her personal security. In the letter, she reported that various instances have been taking place in Trans Nzoia County since 26th September, 2023 which have impacted her ability to deliver on her mandate of serving the people as the Deputy Governor. They included threats and abuses levelled against her by the staff of the County Governor;

- b) She stated of the efforts that she had made to have this issue addressed by trying to reach out to the Governor and even reporting the matter to the Directorate of Criminal Investigations and the Police, but reported that she had not received any response from either of them. She additionally stated that from the unfortunate happenings, she had not been able to go back to her office in Trans Nzoia County and that she was operating from Nairobi; and
- c) The committee deliberated on the matter and resolved that owing to its urgency, the Committee **to invite the Deputy Governor to a meeting of the Committee on Monday, 6th November, 2023** to deliberate on the issue.

MIN/SEN/DEVIR/427/2023

ADJOURNMENT AND DATE OF NEXT MEETING.

The Chairperson adjourned the meeting at 11:35 am. The next meeting to be held on Monday, 6th November, 2023 at 10.00 am.

SIGNED.....

DATE.....

16/11/23

SEN. SHEIKH MOHAMED ABASS, M.P
CHAIRPERSON, STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS.



MINUTES OF THE EIGHTY FIFTH SITTING OF THE SENATE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS HELD ON MONDAY, 6TH NOVEMBER, 2023 AT COMMITTEE ROOM 5, AT 10.00 AM.

PRESENT

- | | |
|--|--------------------|
| 1. Sen. Sheikh Mohamed Abass, MP | - Chairperson |
| 2. Sen. Catherine Muyeka Mumma, MP | - Vice-Chairperson |
| 3. Sen. Richard Momoima Onyonka, EBS, MP | - Member |
| 4. Sen. Peris Pesi Tobiko, CBS, MP | - Member |
| 5. Sen. Mohamed Chute, MP | - Member |
| 6. Sen. George Mungai Mbugua, MP | - Member |
| 7. Sen. Hezena Lemaletian, MP | - Member |
| 8. Sen. David Wafula Wakoli, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|---------------------------------|----------|
| Sen. (Dr) Oburu Oginga, MGH, MP | - Member |
|---------------------------------|----------|

IN ATTENDANCE

- | | |
|-------------------------------|---------------------------------------|
| 1. Sen. Allan Chesang', MP | - Senator for Trans Nzoia County |
| 2. Hon. Philomenah C. Kapkory | - Deputy Governor, Trans Nzoia County |
| 3. Mr. Erick Naibei | - Advocate for the Deputy Governor |

SECRETARIAT

- | | |
|---------------------------|---|
| 1. Ms. Sylvia Nasambu | - Clerk Assistant I |
| 2. Mr. Walters Omondi | - Legal Counsel II |
| 3. Ms. Ann Kigoro | - Research Officer II |
| 4. Mr. Desmond Rasugu | - Clerk Assistant III (taking minutes) |
| 5. Ms. Mwanamisi mwachasi | - Research Officer III |
| 6. Ms. Juliet Masinde | - Media Relations Officer |
| 7. Mr. John Lenkampule | - Serjeant-at-Arms |
| 8. Mr. Johnstone Simiyu | - Audio Officer III |

MIN/SEN/DEVIR/427/2023: PRAYER

The meeting was called to order by the Chairperson at 10:05 am followed by a word of prayer by Ms. Sylvia Nasambu.

MIN/SEN/DEVIR/428/2023: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted as presented after being proposed by Sen. Mohamed Chute, MP and seconded by Sen. David Wakoli, MP as follows:

1. Prayer;
2. Adoption of the Agenda;
3. Meeting with the Deputy Governor of Trans Nzoia County to consider issues concerning her personal security;
4. Any Other Business; and
5. Date of the Next Meeting and Adjournment.

MIN/SEN/DEVIR/429/2023: MEETING WITH THE DEPUTY GOVERNOR OF TRANS NZOIA COUNTY TO CONSIDER ISSUES CONCERNING HER PERSONAL SECURITY

1. The Committee considered Committee Paper No. 51 which was a brief outlining the issues the Deputy Governor of Trans Nzoia County, Hon. Philomenah Kapkory, brought to the attention of the Deputy President and the Speaker of the Senate vide a letter REF CGTN/DGVN/1/VOL.III (2) dated 1st November, 2023;
2. The Deputy Governor took the Committee through the various unfortunate happenings that have been taking place in the County that had compromised her personal security, affected her working relationship with the Governor and made it difficult for her to smoothly discharge her official roles. They included; security threats to her life, lack of facilitation to discharge official duties, ethnic profiling, mistreatment and intimidation, public vilification, disrespect by junior staff among others as explained below;

a) Threats to personal security and life

She stated that on 26th September, 2023 while attending the United Nations General Assembly (UNGA) in the USA, she received a number of messages from concerned residents informing her of abusive and threatening posts on various social media platforms targeted at her. The threatening messages were posted by known County officials who are part of the Governor's communication team. These messages were posted after a delegation of members of the Sabaot community made a presentation at the National Dialogue Committee in Nairobi, demanding for a creation of a new county to be called Mt. Elgon County.

She stated that she made efforts to reach the Governor and raise the issues with him and even further wrote a letter to him but the Governor ignored her communication and instead proceeded to tacitly endorse the said threats in his public utterances.

b) Denial of use of designated residence of Deputy Governor

She informed the Committee that the former Deputy Governor had handed over to her the keys to the official residence of the Deputy Governor on 26th August, 2023 but immediately after that, she was blocked from accessing or using the residence and was informed that there were plans to renovate the house before her moving in. She later learnt that the staff who were previously working at the Governor's campaign centre were now using the residence as an office. Additionally, the Governor's spouse was later allocated the same house as her office.

c) Exclusion, Discrimination and being sidelined in decision making and running of County Affairs

She stated that as the principal assistant to the Governor, she had never been accorded meaningful opportunity to discharge functions effectively. The Governor has constantly sidelined her in key meetings and functions and even disregarded her advice on various aspects, arbitrary reduction and delay of budgetary facilitation for legitimate operations in her office, encouraging and condoning insubordination and disrespect by junior staff, etc.

d) Communication breakdown

She reported that all her efforts to reach the Governor through phone calls and messages had borne no fruit. Instead, the Governor communicates to her through the County Secretary.

e) Ethnic profiling and incitement

She stated that following the move by members of her community, the Sabaot, to petition for their own county, she has been ethnically profiled by persons working in the Governor's office. That the Governor himself has been making pronouncements bordering on incitement against the said community which has resulted in unhealthy ethnic tension.

f) Tracking and trailing by the Governor

That she received credible information that the Governor has been tracking and trailing her since writing the letter to him. This, she argued, is a violation of her constitutional right and privacy which exacerbates her worries and concerns about her personal security.

3. To Proof her allegations, the Deputy Governor tabled nine videos and six screenshots of WhatsApp group conversations, as evidence of some of the

aforementioned events. Most of the videos were utterances made by the Governor in public events;

4. After explaining the above issues impacting on her ability to execute her duties and responsibilities as Deputy Governor, she made the following prayers;
- a) that the Senate through the Committee to make appropriate recommendations to the relevant state agencies to take action on reports made regarding the matter, i.e the NCIC, DCI and the Police;
 - b) that the Governor gives clarity on her roles as the Deputy Governor and a budget to enable effective execution of the functions;
 - c) that the County Government to give adequate facilitation in terms of budget to her office to enable her carry out her mandate;
 - d) that the Committee intervenes on the current security threat to ensure her personal safety is guaranteed for her to freely work from the County.

After the submissions from the Deputy Governor, the Committee deliberated on the agenda and resolved to invite the following stakeholders to a meeting of the Committee to deliberate further on the issues raised;

1. the Chairperson, of the National Cohesion and Integration Commission (NCIC) to be held on Monday, 20th November, 2023;
2. the Cabinet Secretary, Ministry Interior and National Administration, together with the Inspector General of Police and the Director of Criminal Investigations to be held on Thursday, 23rd November, 2023; and
3. the Governor, of Trans Nzoia County Monday, 27th November, 2023.

MIN/SEN/DEVIR/430/2023

ANY OTHER BUSINESS

There was no any other business

MIN/SEN/DEVIR/431 /2023

ADJOURNMENT AND DATE OF NEXT MEETING.

The Chairperson adjourned the meeting at 12:35 pm. The next meeting to be held on Thursday, 16th November, 2023 at 10.00 am.

SIGNED.....

DATE..... 16/11/23

SEN. SHEIKH MOHAMED ABASS, M.P
CHAIRPERSON, STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS.



**MINUTES OF THE EIGHTY SEVENTH SITTING OF THE SENATE
STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS HELD ON MONDAY, 20TH
NOVEMBER, 2023 AT COMMITTEE ROOM 5, AT 10.00 AM.**

PRESENT

- | | |
|------------------------------------|--------------------|
| 1. Sen. Sheikh Mohamed Abass, MP | - Chairperson |
| 2. Sen. Catherine Muyeka Mumma, MP | - Vice-Chairperson |
| 3. Sen. Peris Pesi Tobiko, CBS, MP | - Member |
| 4. Sen. Mohamed Chute, MP | - Member |
| 5. Sen. George Mungai Mbugua, MP | - Member |
| 6. Sen. Hezena Lemaletian, MP | - Member |
| 7. Sen. David Wafula Wakoli, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|--|----------|
| 1. Sen. (Dr) Oburu Oginga, MGH, MP | - Member |
| 2. Sen. Richard Momoima Onyonka, EBS, MP | - Member |

IN ATTENDANCE

- | | |
|----------------------------|-----------------------------------|
| 1. Rev. (Dr.) Samuel Kobia | - Chairperson, NCIC |
| 2. Mr. Abdulaziz Farah | - Commissioner, NCIC |
| 3. Ms. Dorcas Kedogo | - Commissioner, NCIC |
| 4. Mr. Harrison Kariuki | - CEO/Secretary, NCIC |
| 5. Mr. Kyalo Mwengi | - Deputy Director, Legal services |
| 6. Mr. Gilbert Onyango | - PA to the Chairperson NCIC |

SECRETARIAT

- | | |
|----------------------------|---|
| 1. Mr. Desmond Rasugu | - Clerk Assistant III (taking minutes) |
| 2. Mr. Walters Omondi | - Legal Counsel II |
| 3. Ms. Lucianne Limo | - Media Relations Officer |
| 4. Ms. Anne Kigoro | - Research Officer II |
| 5. Ms. Celestine Jepkosgey | - Public Communications Officer |
| 6. Ms. Lucy Mwaniki | - Serjeant-at-Arms |
| 7. Mr. Charles Oyosi | - Audio Officer III |

MIN/SEN/DEVIR/440/2023: PRAYER

The meeting was called to order by the Chairperson at 10:08 am followed by a word of prayer by Mr. Desmond Rasugu. Thereafter, there was a round of introductions by all those who were present.

MIN/SEN/DEVIR/441/2023: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted as presented after being proposed by Sen. Mohamed Chute, MP and seconded by Sen. David Wakoli, MP as follows –

1. Prayer;
2. Adoption of the Agenda;
3. Meeting with the Chairperson of the National Cohesion and Integration Commission to consider issues concerning the personal security of Hon. Phillomenah Kapkory, Deputy Governor of Trans Nzoia County;
4. Any Other Business; and
5. Date of the Next Meeting and Adjournment.

MIN/SEN/DEVIR/442/2023:

MEETING WITH THE CHAIRPERSON OF THE NATIONAL COHESION AND INTEGRATION COMMISSION TO CONSIDER ISSUES CONCERNING THE PERSONAL SECURITY OF HON. PHILLOMENAH KAPKORY, DEPUTY GOVERNOR OF TRANS NZOIA COUNTY

The Committee took note of the contents of Committee Paper No. 54, a brief on the meeting with the Chairperson of the National Cohesion and Integration Commission (NCIC) for consideration of issues concerning the personal security of the Deputy Governor of Trans Nzoia County. The paper analyzed the submissions made by the Deputy Governor during her appearance before the Committee as well as the resolutions made at the meeting.

Thereafter, the Committee invited the Chairperson of NCIC to make his submissions to the Committee on the matter. He submitted as follows -

1. That on 3rd October, 2023 Hon. Philomenah Kapkory, the Deputy Governor of Trans Nzoia County reported to the National Cohesion and Integration Commission about security threats she was facing in line of duty as the Deputy Governor;
2. That in her statement, the Deputy Governor claimed the issues began when leaders and elders of the Sabao community started petitioning for their own county when they appeared before the National Dialogue Committee;

3. In the statement, the Deputy Governor alleged that the Governor of Trans Nzoia County, Hon. George Natembeya, MBS, is opposed to the creation of a county for the Sabaoths and that he is on record stating that the Sabaoths will not get any county despite their petition for the same;
4. The Deputy Governor further reported that on 23rd August 2023, the Governor remarked that the Sabaoth should be satisfied with the employment positions they have been appointed in the county and should stop asking for a County of their own. He further went on to state that not even an inch of Trans Nzoia County would be hived off to another county, insinuating that the Sabaoths are greedy;
5. He noted that the statement by the Governor had led to frequent attacks on the Deputy Governor on social media platforms with threatening messages being directed to her;
6. He reported that the commission had taken the following actions:
 - a) Commenced investigations on Governor Hon. George Natambeya, MBS, for Ethnic Contempt contrary to Sec 62(1) of NCIC Act and Hate Speech contrary to section 13(1) of the NCIC Act No. 12 of 2008;
 - b) Summoned the Governor to appear before the Commission on 28th November, 2023; and
 - c) Investigators from the Commission had travelled to the County to carry out ground investigations which were ongoing.
7. He concluded by stating that the Commission will submit its full report to the Committee once it concludes its investigations.

Resolution.

The Committee resolved to allow the Commission to conclude its investigations and thereafter submit a copy of its report to the Committee.

MIN/SEN/DEVIR/443/2023:

There was no any other business.

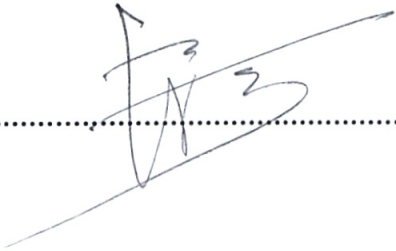
ANY OTHER BUSINESS

MIN/SEN/DEVIR/444/2023

ADJOURNMENT AND DATE OF NEXT MEETING.

The Chairperson adjourned the meeting at 11:32 am. The next meeting to be held on Thursday, 27th November, 2023 at 10.00 am.

SIGNED.....



DATE.....

29/02/24

SEN. SHEIKH MOHAMED ABASS, M.P
CHAIRPERSON, STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS.



**MINUTES OF THE EIGHTY-EIGHTH SITTING OF THE SENATE
STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS HELD ON MONDAY, 27TH
NOVEMBER, 2023 AT COMMITTEE ROOM 7, AND THE ZOOM ONLINE
PLATFORM AT 10.00 AM.**

PRESENT

- | | |
|--|------------------------------|
| 1. Sen. Catherine Muyeka Mumma, MP | - Vice-Chairperson |
| 2. Sen. (Dr) Oburu Oginga, MGH, MP | - Member |
| 3. Sen. Richard Momoima Onyonka, EBS, MP | - Member |
| 4. Sen. Peris Pesi Tobiko, CBS, MP | - Member |
| 5. Sen. Mohamed Chute, MP | - Member (Chairing) |
| 6. Sen. George Mungai Mbugua, MP | - Member |
| 7. Sen. Hezena Lemaletian, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|----------------------------------|---------------|
| 1. Sen. Sheikh Mohamed Abass, MP | - Chairperson |
| 2. Sen. David Wafula Wakoli, MP | - Member |

IN ATTENDANCE

- | | |
|-------------------------------|-------------------------------------|
| 1. Sen. Allan Chesang', MP | - Senator, Trans Nzoia County |
| 2. Sen. Samson Cherarkey MP | - Senator, Nandi County |
| 3. Hon. George Natembeya, MBS | - Governor, Trans Nzoia County |
| 4. Ms. Truphosa Amere | -County Secretary, Trans Nzoia |
| 5. Ms. Janerosa Mutama | - CECM, Trans Nzoia County |
| 6. Mr. Ambora Wanyungu | - CECM, Lands Trans Nzoia County |
| 7. Mr. S.O. Ojwang' | - CECM, Water Trans Nzoia County |
| 8. Mr. Patrick Gacheru | - CECM, Trade Trans Nzoia County |
| 9. Mr. Sammy Sichangi | - Chief officer, Trans Nzoia County |
| 10. Mr. Ereng Samuel | - Director, Governor's Office |
| 11. Mr. Wycliffe Cheptagat | - Director, Human Resource |
| 12. Mr. Felix Sialo | - Director, Communications |
| 13. Mr. Philip Kiptoo | - Deputy Director, Human Resource |
| 14. Mr. David Musundi | - Public Communications Officer |

- | | |
|--------------------------|--------------------------|
| 15. Mr. Emmanuel Wamalwa | - PA, Governor |
| 16. Mr. Nicholas Wamalwa | - Communications Officer |
| 17. Mr. Robinson Wafula | - Protocol officer |
| 18. Mr. Erick wanyoga | - Protocol Officer |

SECRETARIAT

- | | |
|-----------------------|---|
| 1. Mr. Ahmed Odhowa | -Principal Clerk Assistant II |
| 2. Ms. Sylvia Nasambu | - Clerk Assistant I |
| 3. Mr. Desmond Rasugu | - Clerk Assistant III (taking minutes) |
| 4. Mr. Walters Omondi | - Legal Counsel II |
| 5. Ms. Lucianne Limo | - Media Relations Officer |
| 6. Ms. Lucy Mwaniki | - Serjeant-at-Arms |
| 7. Ms. Judith Aoka | - Audio Officer III |

MIN/SEN/DEVIR/445/2023: PRAYER

The meeting was called to order by the Acting Chairperson at 10:10 am followed by a word of prayer by Ms. Sylvia Nasambu. Thereafter, there was a round of introductions by all those who were present.

MIN/SEN/DEVIR/446/2023: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted as presented after being proposed by Sen. (Dr.) Oburu Oginga, MGH, MP and seconded by Sen. George, Mbugua, MP as follows –

1. Prayer;
2. Adoption of the Agenda;
3. Meeting with Hon. George Ntembeya, MBS, Governor of Trans Nzoia County, to consider matters concerning the personal security and administrative issues of Hon. Phillomenah Kapkory, Deputy Governor of Trans Nzoia County;
4. Any Other Business; and
5. Date of the Next Meeting and Adjournment.

MIN/SEN/DEVIR/447/2023:

MEETING WITH HON. GEORGE NATEMBEYA, MBS, GOVERNOR OF TRANS NZOIA COUNTY, TO CONSIDER MATTERS CONCERNING THE PERSONAL SECURITY AND ADMINISTRATIVE ISSUES OF HON. PHILLOMENAH KAPKORY, DEPUTY GOVERNOR OF TRANS NZOIA COUNTY

1. The Committee considered Committee Paper No. 55, a brief on the meeting of the Committee with the Governor of Trans Nzoia County for consideration of issues concerning the personal security of Hon. Philomenah Kapkory, the Deputy Governor of Trans Nzoia County, and took note of its contents thereof. The paper

analyzed the submissions made by the Deputy Governor during her appearance before the Committee and further synthesized the issues arising from the submissions;

2. Thereafter, the Committee took the Governor through the various issues that the Deputy Governor reported to have compromised on her personal security, affected her working relationship with the Governor and made it difficult for her to execute her official roles. They included; security threats to her life, lack of facilitation to discharge official duties, ethnic profiling, mistreatment and intimidation, public vilification, and disrespect by junior staff among others;
3. A copy of the letter that the Deputy Governor wrote to the Deputy President and copied to the Speaker of the Senate on the aforementioned issues was shared to the Governor. Additionally, the videos clips that were presented by the Deputy Governor as proof of some of her allegations were also played in the meeting.
4. Thereafter, the acting Chairperson invited the Governor to make his response to the Committee on the issues raised by the Deputy Governor. He submitted as follows –
 - a) he dismissed all the allegations made by the Deputy Governor regarding administrative challenges impacting her ability to execute her official duties and responsibilities, are false and malicious;
 - b) that his working relationship with the Deputy Governor was very good until when the Deputy Governor left the Country to attend the United Nations General Assembly conference in the US without approval from the Governor. He reported that the Deputy Governor secretly processed her invitation to the conference through the office of the Deputy President and only asked the County to facilitate her budget for the trip. Since the Governor did not approve it, the County could therefore not facilitate the budget. However, the Deputy Governor proceeded to attend the conference. It is at this point that communication between them broke down and the two never got into contact directly since then;
 - c) informed the meeting that he had not received any official complaint from the Deputy Governor regarding the issues she had raised;

- d) that the Deputy Governor is always invited to the Executive Committee meetings and County functions but she had not attended any of them since the month of August 2023;
- e) that the official functions being performed by the Deputy Governor are those set out in the Constitution and other executive functions assigned to her by the Governor;
- f) that there is no residence officially designated for the Deputy Governor, instead the officeholder is given a house allowance which she should use to get a house on her own;
- g) that the Deputy Governor has been adequately facilitated, with a total budget of Ksh. 7 million having been released to her for office operations for the last one year. He additionally stated that the County Government had plans to purchase another vehicle for the DG's use;
- h) that as Governor, he had not ethnically profiled any person or community living in the County but instead he had always endeavoured to promote cohesion and integration of all communities in the county;
- i) he stated that he held different views on the proposal made by some members of the Sabao community on creating a new county by separating from Trans Nzoia County. He however submitted that his position has not interfered with or undermined the efforts of those who were in support of their proposal for it was within their right;
- j) stated that he had not disregarded any advice given to him by the Deputy Governor. As Governor, he considers advice given to him by the County Executive in its official meetings which the Deputy Governor had not been attending despite being a member;
- k) that as Governor, he had no mandate of taking disciplinary action against the junior officers whom the Deputy Governor had accused of threatening and intimidating her as that was the role of the County Public Service Board;
- l) he refuted claims that the procurement of maize seeds for farmers by the County Government was done irregularly. He informed the meeting that the purchase of the seeds was done transparently and in accordance with the open tender procurement rules;

5. to support his commitment of championing for cohesion among the various ethnic communities in the County, the Governor played videos of his public utterances in which he called for unity among all the residents of the county;
6. concluded by informing the committee that he was very much willing to have the working relationship with the Deputy Governor restored. He stated that the issues impacting their relations could be solved amicably to have them run the county smoothly.
7. After the Governor addressed the concerns raised by the members, the Committee appealed to the Governor to initiate reconciliation with the Deputy Governor and try solve their differences amicably even as the external agencies were looking into the matter.

Resolution. ✕

Upon deliberations, the Committee resolved to allow the relevant agencies that are investigating the matter i.e the Directorate of Criminal Investigations, the National Police Service and the National Cohesion and Integration Commission to conclude their investigations and thereafter share their reports with the Committee.

MIN/SEN/DEVIR/448/2023:

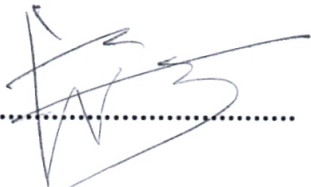
ANY OTHER BUSINESS

There was no any other business.

MIN/SEN/DEVIR/449/2023

ADJOURNMENT AND DATE OF NEXT MEETING.

The acting Chairperson adjourned the meeting at 2:10 pm. The next meeting to be held on notice.

SIGNED.....

DATE.....29/02/24.

SEN. SHEIKH MOHAMED ABASS, M.P
CHAIRPERSON, STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS.

—



MINUTES OF THE NINETY-THIRD SITTING OF THE SENATE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS HELD ON THURSDAY, 7TH MARCH 2024, AT VIP ANNEX I, KICC BUILDING AT 10 AM

PRESENT

- | | |
|--|---------------|
| 1. Sen. Sheikh Mohamed Abass, MP | - Chairperson |
| 2. Sen. Richard Momoima Onyonka, EBS, MP | - Member |
| 3. Sen. George Mungai Mbugua, MP | - Member |
| 4. Sen. David Wafula Wakoli, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|------------------------------------|--------------------|
| 1. Sen. Catherine Muyeka Mumma, MP | - Vice-Chairperson |
| 2. Sen. (Dr) Oburu Oginga, MGH, MP | - Member |
| 3. Sen. Peris Pesi Tobiko, CBS, MP | - Member |
| 4. Sen. Mohamed Chute, MP | - Member |
| 5. Sen. Hezena Lemaletian, MP | - Member |

SECRETARIAT

- | | |
|----------------------------|---|
| 1. Ms. Sylvia Nasambu | - Clerk Assistant I |
| 2. Mr. Desmond Rasugu | - Clerk Assistant III (taking minutes) |
| 3. Mr. Walters Omondi | - Legal Counsel II |
| 4. Ms. Mwanamisi Mwachasi | - Research Officer III |
| 5. Ms. Celestine Jepkosgey | - Public Communications Office |
| 6. Mr. Johnstone Simuyu | - Audio Officer III |
| 7. Mr. David Barasa | - Serjeant-at- arms |

MIN/SEN/DEVIR/474/2024: PRAYER

The meeting was called to order by the Chairperson at 10:10 am followed by a word of prayer by Ms. Sylvia Nasambu.

MIN/SEN/DEVIR/475/2024: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted as presented after being proposed by Sen. Richard Onyonka, EBS, MP and seconded by George Mbugua, MP, as follows –

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Minutes of the Previous Meeting;
4. Consideration of Matters Arising from the Minutes;
5. Consideration of Statement by Sen. Mohamed Chute, MP, on the hand over of unfinished projects from the second to the third County Government of Turkana;
6. Consideration of brief on the Committee retreat with the Principal Secretary of the State Department for Devolution and the Intergovernmental Relations Technical Committee (IGRTC);
7. Any Other Business; and
8. Date of the Next Meeting and Adjournment.

MIN/SEN/DEVIR/476/2024: CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

The Minutes of the meeting that was held on Thursday, 29th February, 2024 were confirmed as a true record of the proceedings after being proposed by Sen. Richard Onyonka, EBS, MP and seconded by Sen. George Mbugua, MP.

MIN/SEN/DEVIR/477/2024: CONSIDERATION OF MATTERS ARISING FROM THE MINUTES

There were no matters arising.

MIN/SEN/DEVIR/478/2024: CONSIDERATION OF THE STATEMENT BY SEN. MOHAMED CHUTE, MP ON THE HANDOVER OF UNFINISHED PROJECTS FROM THE SECOND TO THE THIRD COUNTY GOVERNMENT OF TURKANA

Noting that the requester of the Statement Sen. Mohamed Chute, MP, was not present at the meeting, the Committee resolved to defer the agenda to the next meeting.

MIN/SEN/DEVIR/479/2024: CONSIDERATION OF BRIEF ON THE COMMITTEE RETREAT WITH THE PRINCIPAL SECRETARY OF THE STATE DEPARTMENT FOR DEVOLUTION AND THE INTERGOVERNMENTAL RELATIONS TECHNICAL COMMITTEE (IGRTC)

The Committee considered Committee Paper No. 64, a brief on the consultative retreat of the Committee with the Principal Secretary of the State Department for Devolution and the

Intergovernmental Relations Technical Committee (IGRTC). The Committee noted the key concerns it will focus on during the retreat with the stakeholders. They included the state of unbundling and transfer of devolved functions, valuation and transfer of assets to County governments and matters regarding intergovernmental relations.

MIN/SEN/DEVIR/480/2024

ANY OTHER BUSINESS

Matters concerning Issues raised by the Deputy Governor of Trans Nzoia County.

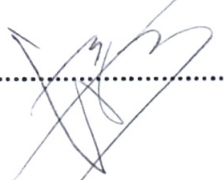
The committee deliberated on the issues raised by Hon. Philomenah Kapkory, Deputy Governor, Trans Nzoia County, concerning her personal security which she stated have impacted her ability to execute her official duties as Deputy Governor. The Committee noted with concern that the agencies that are investigating the matter have taken too long to conclude their investigations.

Consequently, the Committee resolved to undertake a visit to Trans Nzoia County from 21st- 23rd March 2024 to hold meetings with the Governor and the Deputy Governor in an effort to mediate them over their simmering relations to foster a harmonious working relationship between the them and ensure the smooth running of the County affairs.

MIN/SEN/DEVIR/481/2024

ADJOURNMENT AND DATE OF NEXT MEETING.

The Chairperson adjourned the meeting at 10.40 am. The next meeting to be held on Friday, 8th March, 2024.

SIGNED.....

DATE.....28/03/24.....

SEN. SHEIKH MOHAMED ABASS, M.P
CHAIRPERSON, STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS.



MINUTES OF THE NINETY-NINTH SITTING OF THE SENATE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS HELD ON FRIDAY, 22ND MARCH, 2024 AT THE OFFICE OF THE GOVERNOR OF TRANS NZOIA COUNTY, KITALE TOWN AT 10.00 AM.

PRESENT

- | | |
|--|---------------------|
| 1. Sen. (Dr.) Oburu Oginga, MGH, MP | - Member (Chairing) |
| 2. Sen. Richard Momoima Onyonka, EBS, MP | - Member |
| 3. Sen. Mohamed Chute, MP | - Member |
| 4. Sen. George Mungai Mbugua, MP | - Member |
| 5. Sen. David Wafula Wakoli, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|------------------------------------|--------------------|
| 1. Sen. Sheikh Mohamed Abass, MP | - Chairperson |
| 2. Sen. Catherine Muyeka Mumma, MP | - Vice-Chairperson |
| 3. Sen. Peris Pesi Tobiko, CBS, MP | - Member |
| 4. Sen. Hezena Lemaletian, MP | - Member |

PRESENT

- | | |
|--------------------------------|---------------------------------------|
| 1. Sen. Allan Chesang', MP | - Senator, Trans Nzoia County |
| 2. Hon. George Natembeya, MBS, | - Governor, Trans Nzoia County |
| 3. Hon. Philomenah Kapkory | - Deputy Governor, Trans Nzoia County |
| 4. Mr. Gideon Oyagi | - County Commissioner, Trans Nzoia |

SECRETARIAT

- | | |
|---------------------------|---|
| 1. Ms. Sylvia Nasambu | - Clerk Assistant I |
| 2. Mr. Desmond Rasugu | - Clerk Assistant III (taking minutes) |
| 3. Mr. Walters Omondi | - Legal Counsel II |
| 4. Ms. Mwanamisi Mwachasi | - Research Officer III |
| 5. Ms. Lucianne Limo | - Ag Chief Media Relations Officer |
| 6. Mr. Johnstone Simiyu | - Audio Officer III |
| 7. Mr. David Barasa | - Serjeant-at- arms |

MIN/SEN/DEVIR/495/2024:

PRAYER

The acting Chairperson called the meeting to order at 10:15 am followed by a word of prayer.

MIN/SEN/DEVIR/496/2024

MEETING THE GOVERNOR AND THE DEPUTY GOVERNOR OF TRANS NZOIA COUNTY TO DELIBERATE ON WAYS OF FOSTERING A HARMONIOUS WORKING RELATIONSHIP BETWEEN THEM.

1. The acting Chairperson began his remarks by thanking the Governor and the Deputy Governor for welcoming the Committee to the County and stated that the Committee looked forward to healthy and fruitful deliberations on matters concerning the County Affairs;
2. He explained that the Committee resolved to visit the County to meet with the County Government officials in order to ensure a smooth running of County affairs and interrogate intergovernmental relations at the County level following the issues raised by the Deputy Governor concerning her personal security and other administrative challenges which she stated had impacted her ability to execute her official duties as Deputy Governor;
3. The Committee reported that it had engaged with the agencies that were investigating the allegations raised by the Deputy Governor including the National Cohesion and Integration Commission (NCIC), the Inspector General of Police, and the Directorate of Criminal Investigations whom it had noted were yet to conclude the matter;
4. The meeting discussed the issues raised by the Deputy Governor and how they had affected her working relationship with the Governor with a view to finding amicable solutions and mediate the two for a good working relationship. They included the travel of the Deputy Governor to the US without the approval of the Governor, inadequate facilitation of her office, threats and intimidation from the staff affiliated with the Governor, denial of use of the Deputy Governor's official residence etc;
5. Upon deliberations of the aforementioned issues –

- a) It was agreed that there is need for the Deputy Governor and the Governor to bury the hatchet and work together for effective service delivery to the people;
- b) The Governor stated that the Deputy Governor is free to return to the office and assured her of her safety;
- c) The Governor also committed to ensure that the Deputy Governor's office is facilitated in time and that all the benefits due to her office shall be provided;
- d) The Deputy Governor agreed to return to office immediately and committed to work with the Governor to ensure that County Affairs run smoothly.

MIN/SEN/DEVIR/497/2024

ANY OTHER BUSINESS

There was no any other business.

MIN/SEN/DEVIR/498/2024

**DATE OF NEXT MEETING AND
ADJOURNMENT**

The meeting was adjourned at 12.35 pm. The next meeting to be held on the same day at 2:30 pm.

SIGNED.....

DATE.....15/4/2024

SEN. SHEIKH MOHAMED ABASS, M.P
CHAIRPERSON, STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS.



MINUTES OF THE HUNDREDTH SITTING OF THE SENATE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS HELD ON FRIDAY, 22ND MARCH 2024 AT THE COUNTY ASSEMBLY CHAMBERS OF TRANS NZOIA COUNTY AT 2:30 PM.

PRESENT

- | | |
|--|---------------------|
| 1. Sen. Mohamed Chute, MP | - Member (Chairing) |
| 2. Sen. Richard Momoima Onyonka, EBS, MP | - Member |
| 3. Sen. George Mungai Mbugua, MP | - Member |
| 4. Sen. David Wafula Wakoli, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|-------------------------------------|--------------------|
| 1. Sen. Sheikh Mohamed Abass, MP | - Chairperson |
| 2. Sen. Catherine Muyeka Mumma, MP | - Vice-Chairperson |
| 3. Sen. (Dr.) Oburu Oginga, MGH, MP | - Member |
| 4. Sen. Peris Pesi Tobiko, CBS, MP | - Member |
| 5. Sen. Hezena Lemaletian, MP | - Member |

PRESENT

- | | |
|---------------------------|----------------------------|
| 1. Hon. Andrew Wanyonyi | - Speaker, County Assembly |
| 2. Hon. Joshua Anuwai | - Member, County Assembly |
| 3. Hon. Ann Anjiku | - Member, County Assembly |
| 4. Hon. Alfres Weswa | - Member, County Assembly |
| 5. Hon. Hellen Taragon | - Member, County Assembly |
| 6. Hon. Andrew Kutitila | - Member, County Assembly |
| 7. Hon. Nasir Adan | - Member, County Assembly |
| 8. Hon. Emily Romo | - Member, County Assembly |
| 9. Hon. Margaret Mutai | - Member, County Assembly |
| 10. Hon. Kibet Ndiwa | - Member, County Assembly |
| 11. Hon. Mosibei Daniel | - Member, County Assembly |
| 12. Hon. Georffrey Wambwa | - Member, County Assembly |
| 13. Hon. Eric Wafula | - Member, County Assembly |
| 14. Hon. Sarah Lubano | - Member, County Assembly |
| 15. Hon. Kefa Were | - Member, County Assembly |

16. Hon. Jacqueline Kurgat	- Member, County Assembly
17. Hon. Tabitha Waruguru	- Member, County Assembly
18. Hon. Barbara Kisuya	- Member, County Assembly
19. Hon. Jamanun Ustii	- Member, County Assembly
20. Hon. Bonface Cheloti	- Member, County Assembly
21. Hon. Magret Sabina	- Member, County Assembly
22. Hon. Anna Situma	- Member, County Assembly
23. Ms. Collect Kisiya	- Deputy Clerk, County Assembly
24. Ms. Christabel Nanjumbia	- Legal Counsel, County Assembly
25. Mr. Maureen Makete	- Legal Counsel, County Assembly
26. Ms. Jackyne Mutua	- Committee Clerk County Assembly
27. Mr. Mathew Wanyama	- Serjeant-at-arms County Assembly
28. Mr. Ronald Wanjala	- Serjeant-at-arms County Assembly
29. Mr. Evans Wanjala	- Serjeant-at-arms, County Assembly
30. Mr. Benjamin Biloi	- Serjeant- at-arms, County Assembly
31. Mr. Mike Musungu	- Serjeant-at-arms, County Assembly
32. Ms. Winnie Koech	- Hansard reporter, County Assembly
33. Mr. Benard Kwalia	- Hansard reporter, County Assembly

SECRETARIAT

1. Ms. Sylvia Nasambu	- Clerk Assistant I
2. Mr. Desmond Rasugu	- Clerk Assistant III (taking minutes)
3. Mr. Walters Omondi	- Legal Counsel II
4. Ms. Mwanamisi Mwachasi	- Research Officer III
5. Ms. Lucianne Limo	- Ag Chief Media Relations Officer
6. Mr. Johnstone Simiyu	- Audio Officer III
7. Mr. David Barasa	- Serjeant-at- arms
8. Mr. Charles Musera	- Travel Officer

MIN/SEN/DEVIR/499/2024:

PRAYER

The Speaker of the County Assembly called the meeting to order at 2:45 pm followed by a word of prayer. Thereafter, there was a round of self-introductions by all those who were present.

MIN/SEN/DEVIR/500/2024:

COURTESY MEETING THE MEMBERS OF THE COUNTY ASSEMBLY OF TRANS NZOIA

1. The Speaker of the County Assembly in his opening remarks, welcomed the delegation from the Senate and stated that the County Assembly was pleased to host them and they looked forward to discuss matters of mutual interest;
2. The acting Chairperson in his opening remarks stated that the Committee had visited the County in an effort to mediate the County Governor and the Deputy Governor over their simmering relations which were affecting the smooth running of County Affairs.
3. The Committee informed the Assembly that it had held a joint meeting between the Governor and the Deputy Governor which successfully resolved their long standing dispute and further reported that the two agreed to work together and that the Deputy Governor was resuming back to office immediately;
4. The Committee urged the Assembly to take up the role of initiating conflict resolution whenever there are such wrangles within the county that could hamper effective service delivery to the people;
5. Members informed the Assembly that the Senate recognises County Assemblies as its sister institution at the County government level and was determined to develop legislative frameworks that are aimed at strengthening the mandate of the Assemblies. These include current legislations that are underway in Parliament whose objectives include; granting financial autonomy to the Assemblies, anchoring the county assemblies forum into law, increasing the remuneration and benefits of the Members of the County Assemblies;
6. The Committee further invited the assembly to front any legislative matters that the Senate should look into with a view to improving effective service delivery by MCAs and the County Governments in general;
7. The Assembly members thanked the Committee for taking up the initiative to mediate the Governor and the Deputy Governor and also reported that the Assembly's women caucus had considered the matter and had held a meeting with the Deputy Governor to find a way of having her concerns addressed;
8. The Assembly's Committee on intergovernmental relations expressed their interest in conducting a benchmarking visit with the Senate Committee on Devolution and Intergovernmental Relations. It was agreed that two Committees shall liaise and schedule an appropriate date for the visit.

MIN/SEN/DEVIR/501/2024

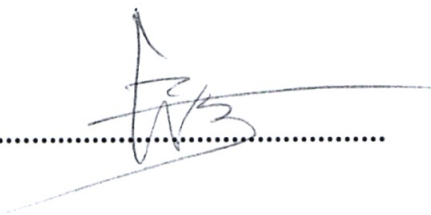
ANY OTHER BUSINESS

There was no any other business.

MIN/SEN/DEVIR/502/2024

DATE OF NEXT MEETING AND
ADJOURNMENT

The Chaiperson adjourned the meeting at 4.15 pm. The next meeting to be held on notice.

SIGNED.....

DATE.....15/4/2024.

SEN. SHEIKH MOHAMED ABASS, M.P
CHAIRPERSON, STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS.



**MINUTES OF THE HUNDRED AND TWENTY-SEVENTH SITTING OF THE
SENATE STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS HELD ON TUESDAY, 6TH AUGUST,
2024, AT 10.00 AM AT COMMITTEE ROOM 6, BUNGE TOWER.**

PRESENT

- | | |
|--|--------------------|
| 1. Sen. Sheikh Mohamed Abass, MP | - Chairperson |
| 2. Sen. Catherine Muyeka Mumma, MP | - Vice-Chairperson |
| 3. Sen. (Dr.) Oburu Oginga, MGH, MP | - Member |
| 4. Sen. Richard Momoima Onyonka, EBS, MP | - Member |
| 5. Sen. Mohamed Chute, MP | - Member |
| 6. Sen. George Mbugua, MP | - Member |
| 7. Sen. Hezena Lemaletian, MP | - Member |
| 8. Sen. David Wafula Wakoli, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|----------------------------|----------|
| Sen. Peris Tobiko, CBS, MP | - Member |
|----------------------------|----------|

SECRETARIAT

- | | |
|----------------------------|---|
| 1. Ms. Sylvia Nasambu | - Clerk Assistant I |
| 2. Mr. Desmond Rasugu | - Clerk Assistant III (taking minutes) |
| 3. Mr. Walters Omondi | - Legal Counsel I |
| 4. Ms. Lucianne Limo | - Media Relations Officer |
| 5. Ms. Mwanamisi Mwachasi | - Research Officer III |
| 6. Ms. Celestine Jepkosgey | - Public Communications Officer |
| 7. Mr. Alex Mutuku | - Serjeant-At-Arms |
| 8. Mr. Johnstone Simiyu | - Audio officer |

MIN/SEN/DEVIR/627/2024:

PRAYER

The meeting was called to order at 10:15 am by the Chairperson followed by a word of prayer by Ms. Sylvia Nasambu.

MIN/SEN/DEVIR/628/2024**ADOPTION OF THE AGENDA**

The Agenda of the meeting was adopted as presented after being proposed by Sen. David Wakoli, MP, and seconded by Sen Mohamed Chute, MP as follows -

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Minutes of the Previous Meetings; (8 sets)
4. Consideration of Matters Arising from the Minutes;
5. Consideration of a legislative proposal on The County Government Laws (Amendment) Bill, 2024;
6. Consideration and adoption of the following reports of the Committee:
 - a) Report on personal security concerns raised by Hon. Philomenah Kapkory, Deputy Governor, Trans Nzoia County;
 - b) Report on the Statement sought by Sen. Godfrey Osotsi, MP, regarding the state of markets in Vihiga County; and
 - c) Report on the Statement sought by Sen. David Wakoli, MP, regarding the state of markets in Bungoma County.
7. Any other Business; and
8. Date of the Next Meeting and Adjournment.

MIN/SEN/DEVIR/629/2024**CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETINGS**

1. The minutes of the hundred and fourteenth sitting held on Monday, 20th May, 2024 at 10.00 am were confirmed as a true record of the proceedings after being proposed by Sen. Mohamed Chute, MP and seconded by Sen. George Mbugua, MP;
2. The minutes of the hundred and fifteenth sitting held on Thursday, 23rd May, 2024 at 11.00 am were confirmed as a true record of the proceedings after being proposed by Sen. Mohamed Chute, MP and seconded by Sen. George Mbugua, MP;
3. The minutes of the hundred and sixteenth sitting held on Tuesday, 28th May, 2024 at 10.00 am were confirmed as a true record of the proceedings after being proposed by Sen. Mohamed Chute, MP and seconded by Sen. David Wakoli, MP;
4. The minutes of the hundred and seventeenth sitting held on Friday, 21st June, 2024 at 10.00 am were confirmed as a true record of the proceedings after being proposed by Sen. Richard Onyonka, MP, EBS, and seconded by Sen. David Wakoli, MP;
5. The minutes of the hundred and eighteenth sitting held on Friday, 21st June, 2024 at 1.00 pm were confirmed as a true record of the proceedings after being proposed by Sen. Richard Onyonka, MP, EBS, and seconded by Sen. David Wakoli, MP;

6. The minutes of the hundred and nineteenth sitting held on Saturday, 22nd June, 2024 at 10.00 am were confirmed as a true record of the proceedings after being proposed by Sen. George Mbugua, MP and seconded by Sen. David Wakoli, MP;
7. The minutes of the hundred and twentieth sitting held on Saturday, 22nd June, 2024 at 2.00 pm were confirmed as a true record of the proceedings after being proposed by Sen. George Mbugua, MP and seconded by Sen. David Wakoli, MP; and
8. The minutes of the hundred and twenty-first sitting held on Monday, 15th July 2024 at 10. 00 am were confirmed as a true record of the proceedings after being proposed by Sen. George Mbugua, MP and seconded by Sen. Mohamed Chute, MP.

MIN/SEN/DEVIR/630//2024

**CONSIDERATION OF MATTERS ARISING
FROM THE MINUTES**

There were no matters arising from the confirmed minutes.

MIN/SEN/DEVIR/631/2024

**CONSIDERATION OF A LEGISLATIVE PROPOSAL
ON THE COUNTY GOVERNMENT LAWS
(AMENDMENT) BILL, 2024.**

The Committee considered the legislative proposal that seeks to amend the County Governments Act to set out clear and specific functions of a Deputy Governor, in order to streamline the responsibilities of the said office and also foster harmonious relations with the office of the county governor.

Upon deliberation of the matter, the Committee resolved to have a meeting with the sponsor of the Bill, Sen. Kathuri Murungi, MGH, MP, Deputy Speaker, and the Deputy Governors Forum to have an in-depth discussion on the consequences of the proposal before submitting the comments of the Committee to the Speaker. The meeting was scheduled to take place on Tuesday, 20th August, 2024.

MIN/SEN/DEVIR/632/2024

**CONSIDERATION AND ADOPTION OF
REPORTS**

a) Consideration of the report on personal security concerns raised by Hon. Philomenah Kapkory, Deputy Governor, Trans Nzoia County.

The Committee was presented with the report on the personal security concerns that were raised by the Deputy Governor of Transnzoia which covered the background of the matter, analysis of stakeholder submissions, the observations and recommendations made by the committee. The report was unanimously adopted after being proposed by Sen. David Wakoli, MP and seconded by Sen. Mohamed Chute, MP;

b) Consideration of report on the statement sought by Sen. Godfrey Osotsi, MP, regarding the state of markets in Vihiga County.

The Committee was presented with the report on the Statement sought by Sen. Godfrey Osotsi, MP regarding the state of markets in Vihiga County which covered the background of the matter, an analysis of the stakeholder submissions and the Committee observations. The report was unanimously adopted after being proposed by Sen. David Wakoli, MP and seconded by Sen. Mohamed Chute, MP.

c) Consideration of report on the statement sought by Sen. David Wakoli, MP, regarding the state of markets in Bungoma County

The Committee was presented with the report on the statement sought by Sen. David Wakoli, MP regarding the state of markets in Bungoma County which covered the background of the matter, an analysis of the stakeholder submissions, and the Committee observations. The report was unanimously adopted after being proposed by Sen. Mohamed Chute, MP and seconded by Sen. David Wakoli, MP.

MIN/SEN/DEVIR/633/2024

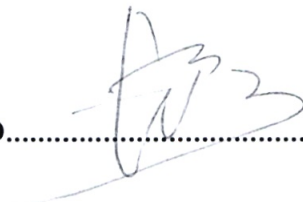
ANY OTHER BUSINESS

There was no any other business.

MIN/SEN/DEVIR/634/2024

**DATE OF NEXT MEETING AND
ADJOURNMENT**

The Chairperson adjourned the meeting at 11:52 am. The next meeting to be held on notice.

SIGNED.....

DATE.....06/08/2024,

**SEN. SHEIKH MOHAMED ABASS, MP,
CHAIRPERSON, STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS.**

Annex 2:

**Copy of a letter by the Deputy
Governor of Trans Nzoia County**

Sen. Abbas - Chairman of Devolution & Intergovernmental Committee

Kindly make it follow up.

21/11/23

REPUBLIC OF KENYA

COUNTY GOVERNMENT OF TRANS NZOIA

TEL: 054 – 30301
054 – 30302

Email: countyoftransnzoia@gmail.com



P.O. BOX 4211 – 30200
KITALE

OFFICE OF THE DEPUTY GOVERNOR

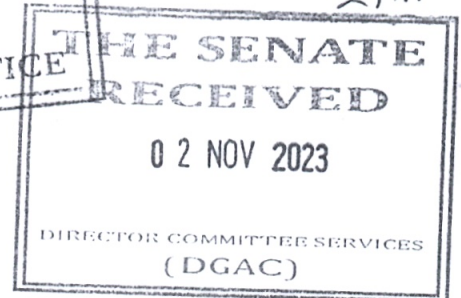
Our Ref: CGTN/DGVN/1/VOL.III (42)

Date: 1st November, 2023

The Deputy President,
Republic of the Kenya,
Harambee House Annex,
Harambee Avenue,
P O Box 74434 -00200,
NAIROBI.



*Not / Lead
Determine
Please deal
2/11/2023*



Your Excellency Sir,

REF: ESCALATION OVER SECURITY CONCERNS

Your Excellency, I trust this mail finds you well.

My name is Philomenah Bineah Kapkory, the Deputy Governor, Trans Nzoia County. I am a hardworking Kenyan leader with a sterling performance record throughout my working career in the banking industry where I was before joining politics. I am a person of integrity with a strong sense of responsibility and service delivery as I am passionate about putting people first.

Your Excellency, I write to escalate to you an issue of critical importance that is impacting my ability to deliver on my mandate to serve the people of Trans Nzoia as the Deputy Governor. This is in regard to my personal which security which has been threatened therefore not allowing me to perform and execute my duties and responsibilities as envisaged by the constitution.

On 26th September, while I was in the US attending the United Nations General Assembly (UNGA) I was informed by concerned residents of Trans Nzoia of some unfortunate happenings touching on my security and posing danger to my life. The social media platforms were awash with threats and abuses leveled against me by the communication staff attached to the Governor, George Nitembeya. I immediately I called the Governor via WhatsApp twice but he did not pick up my calls. I then followed up on 28th September with a text message and even forwarded to him some of the threatening messages on WhatsApp but he did not respond.

Upon my return to the country on 2nd October 2023, I reported these threats to the DCI, NCIC and to Muthangari Police Station but unfortunately till now no arrests have been made and there has been no progress. I also wrote a letter to the Governor informing him that I was unable to return to work in the County but was happy to serve from a different location due to my compromised security. So far, I have written two letters to the Governor and both have remained unresponded to. I decided to write these letters because other forms of communication went unanswered. (I have attached herein copies of these letters).

Your Excellency, what is odd is that the said staff boldly continued with this for over three weeks undeterred and one of them even recorded himself on video to address me directly. These messages

and the videos have been availed to the DCI, NCIC and the Police and I am happy to share them. The Governor has completely refused to address the matter and neither has he taken action against the staff concerned. Political leaders, elders and church leaders have tried to talk to him but he has refused to address the issue. I have also informed the County Commissioner who has assured me of my safety but I feel my security is still compromised as the perpetrators are going about their business as usual in the County. Additionally, the Governor has continued to make inflammatory statements which further threaten my security (videos to that effect are available). These are comments that incite animosity between communities and as we speak there is a lot of tension between his community and mine. This is uncalled for and goes against the tenets of cohesion and peace which negatively impacts devolution.

Your Excellency, due to this matter remaining unresolved, I am still not able to go back to the office in Trans Nzoia. I am currently in Nairobi as I feel it is not safe operating from my office the way things stand.

Your Excellency, I want to take this opportunity to also escalate the conditions under which I work some of which include lack of funding for my office which makes it difficult for me to deliver; being assigned a newly created department (GDU) with zero budget thus impacting on ability of deliver; being denied my official residence which was converted to a campaign centre/ the First Lady's office; being sidelined on all decisions and most functions in the County; being denied some of legitimate payments due to me. I have undergone untold humiliation and mistreatment which I have respectfully and quietly persevered with but now I come to you for help as it has gone overboard and is not sustainable.

Your Excellency, I take this chance to request an opportunity to meet you to give further details on these issues with the goal of resolving them to pave way for a healthy working relationship and focus on service delivery in the County.

Sincerely,



H.E. Philomenah C. Kapkory
THE DEPUTY GOVERNOR

- C.C: 1. Rt Hon Amason Kingi Jeffah, EGH
Senate Speaker
2. Hon Teresia Mbaika
Principal Secretary
State Department For Devolution

REPUBLIC OF KENYA
COUNTY GOVERNMENT OF TRANS NZOIA

TEL: 054 - 30301
054 - 30302

Email: countyoftransnzoia@gmail.com



P.O. BOX 4211 - 30200
KITALE

OFFICE OF THE DEPUTY GOVERNOR

Our Ref: CGTN/DGVN/I/VOL.III (39)

Date: 4th October, 2023

H.E. The Governor
County Government of Trans Nzoia
P.O. Box 4211 - 30200
KITALE.

REF: THREATENING MESSAGES FROM YOUR STAFF

The above refers.



Based on this and many other threatening messages towards me from your staff and of which you are aware of, I fear for my life. My security at the County is highly compromised and therefore, I will not be able to discharge my duties from the County for now until further notice.

I am available on phone and email and if there's a County office in Nairobi I can work from here until I am convinced that it is safe to come.

H.E. Philomenah C. Kapkory
THE DEPUTY GOVERNOR

REPUBLIC OF KENYA
COUNTY GOVERNMENT OF TRANS NZOIA

TEL: 054 – 30301
054 – 30302

Email: countyoftransnzoia@gmail.com



P.O. BOX 4211 – 30200
KITALE

OFFICE OF THE DEPUTY GOVERNOR

Our Ref: CGTN/DGVN/1/VOL.III (40)

Date: 9th October, 2023

H.E. The Governor
County Government of Trans Nzoia
P.O. Box 4211 – 30200
KITALE.



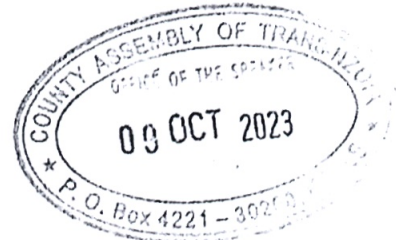
REF: THREATENING MESSAGES FROM YOUR STAFF

The above refers.

I am writing to make up a follow up regarding my letter Ref:CGTN/DGVN/1/VOL.III (39) dated 4th October, 2023 and marked as confidential, which was received by your Secretary on 4th October, 2023 through the delivery book.

I am concerned that there has been no acknowledgement nor responses to this letter and text messages that I've sent you since 28th September, 2023 when I first informed you about the threats to my security from your personal staff who are attached to your office and which I included the screen shots of the threats in my messages to you.

H.E. Philomenah C. Kapkory
THE DEPUTY GOVERNOR



- C.C: 1. County Secretary
2. Speaker of the County Assembly of Trans Nzoia

Annex 3:

**Submissions by the Deputy
Governor, Trans Nzoia County**

PRESENTATION TO THE SENATE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS

BY H.E HON. PHILOMENAH C KAPKORY

6th November, 2023

INTRODUCTION

The office of the Deputy Governor is created under Article 180 of the Constitution of Kenya, 2010. The functions of the Deputy Governor are defined under section 32 of the county Government Act, 2012. I was elected on a joint ticket with Governor George Nitembeya on 9th August, 2022 and sworn in on 25th August, 2022.

Immediately thereafter, I embarked on duties and assignments on specific tasks assigned by the Governor from time to time. During these early days, I made various suggestions to the Governor on duties I could run with to improve on delivery of services by the County, but he declined.

However, late last year, the Governor assigned me several the duties via an executive order. One the duties included heading the Governor's Delivery Unit, whose mandate is to track and monitor progress of all projects and programmes initiated by the county government. However, there was no budget assigned for the discharge of these functions.

Since assumption to office, I have not had the opportunity to effectively discharge my roles due to a number of factors and reasons. My predicaments as Deputy Governor border on lack of facilitation to discharge duties, contempt, mistreatment, intimidation, security and threats to life, public vilification, and deliberate acts of disrespect by junior county staff, among others. The situation became worse in the month of September, 2023, when I received threatening and intimidating information initiated by the communication staff attached to the Governor's office.

Owing to the above circumstances, I made an official communication to the Office of the Deputy President and to this House, seeking for intervention and possible resolution of these issues.

SUMMARY OF THE ISSUES

1. Threats to Personal Security and Life

- a. Threats towards me via WhatsApp chats and Facebook posts.
- b. Persistently making demeaning public utterances against me.

a. Threats

On 26th September, 2023, while I was in the United States attending the United Nations General Assembly (UNGA), I received a number of messages from concerned residents informing me of abusive and threatening posts on various social media platforms targeted at me. The threatening message were posted by known officials who are part of the Governor's communication team. These messages were published/posted after a delegation of members of the Sabaot community made a presentation at the National Dialogue Committee at Bomas in Nairobi, demanding for the creation of an extra county.

The threats issued against me were personal and the constant message was that I am not required to step in my office as I had become a "*persona non-grata*" and that "*the DG should not step at town hall.*" The threats were to the effect that if I stepped in the office or if I was seen, the said officials were ready "*to deal with me*; ... that I should "*prepare for the worst*; ... that *they had taken oaths*; ... that *they were ready to take in bullets*;...*kama ni mbaya mbaya*; that they would not handle the issue *politely* when *violence could solve it*;... that "*you must expect the worst to happen*; ... that "*the world is cruel when you go against the boss...*"

Some of the messages are captured in the screenshots shown in *annexture 1*, with the most lethal messages being issued by one Sammy Edambo whose personal contact information is discernible from the screenshots.

I made efforts to reach the Governor and raise these issues with him, and further wrote a letter dated 4th October, 2023. However, the Governor ignored and/or disregarded my communication and instead proceeded to tacitly endorse the said threats by making public utterances meant to further damage my dignity.

Following my formal communication to the Governor through the letter dated 4th October, 2023, one of the communication's officer attached to the Governor's office, one Sammy Edambo, went ahead to record and circulate a video in which he directly addressed me. In that video, the official is heard abusing me using unprintable words like "*wacha upuzi yako, wacha ujinga, hatukuogopi, tutadeal na wewe*, and threatening to deal with me. The words used in the video were not only demeaning and disrespectful, but they also amounted to threats to my personal security and life. .
[See the video clips No 1 in the flashdisk attached hereto].

b. No action was taken by Governor

Once the threats were issued from the Governor's communications officers and close aides, whose offices and roles ~~is~~ bear the name and honour of the Officer of the Governor, it was important for the Governor to immediately intervene and address the issue administratively, but his inaction and subsequent speeches raised a lot of questions.

Despite receiving communication from me, the Governor never took any action. Instead, the Governor joined in the public vilification, giving public speeches meant to defame, demean and further disrespect me. *[See the video clips Nos 2-8 in the flashdisk attached hereto].* In the video clips, the Governor can be heard uttering words meant to spur ethnic animosity, incite communities against each other, and create a false impression that a certain community is under threat/attack. The impression created in one of the video clips (No 2) is that during a recent funeral/burial ceremony, members of a community were armed with dangerous weapons, and that him (the Governor) is being targeted. The import of the message is to inspire ethnic animosity and hatred, and to incite a section of the community against me as a person. This exposes me to grave danger from some resident members of the county who were falsely made to believe that I was behind the alleged arming of citizens (*See video No 2 and 3*).

c. No action from security agencies

I reported the issue at Muthangari Police Station and also to the Director of Criminal Investigations (DCI). I also reported the matter formally to the National Cohesion and Integration Commission (NCIC). The DCI is yet to take action, one month down the line, despite follow ups.

d. Tracking and trailing me

I have been receiving credible information that Governor Nitembeya has been tracking and trailing me since I wrote the letter dated 4th October, 2021. This is in violation of my constitutional right to privacy, and it exacerbates my worries and concerns about my personal security.

2. Denial of use of Designated Residence as Deputy Governor

The former Deputy Governor handed over to me the keys to the official residence of the Deputy Governor on 26th August, 2022, but immediately after that, I was blocked from accessing or using the residence. I was informed that there were plans to renovate the house before moving in and while I was preparing myself, I was blocked from accessing it. I later learnt that the staff who had were previously working at the Governor's campaign center were now using the residence as an office. The Governor's spouse was later allocated the same house as her office. I have never been given an alternative official residence.

3. Exclusion, Discrimination and being sidelined in decision making and running of County Affairs

As the Deputy Governor and the principal assistant to the Governor, I have never been accorded a meaningful opportunity to discharge functions effectively. I have constantly been sidelined in key meetings and functions and my advice on various aspects has often been disregarded. In breach of Articles 10, 19 (2), 28, 73, 75 and 179 of the Constitution, (ii) sections 9 (b), 19 and 24 of the Public Officer Ethics Act, (iii) sections 29 and 34 of the Leadership and Integrity Act and (iv) sections 30 (2) and (3) (c) and (d) of the County Governments Act, the Governor has sidelined me in the issues of county governance, and he has subjected me to bullying, intimidation and mockery by junior county staff. Some particulars instances include:

- a) Exclusion from key meetings and other county functions.
- b) Encouraging and condoning bullying, undermining and posting insulting and demeaning messages about me.
- c) Encouraging and condoning insubordination and disrespect by some members of the executive and junior staff.
- d) Arbitrary reduction and delay of budgetary facilitation for legitimate operations of my office.
- e) One old vehicle.
- f) Imprest /DSA/Per diem.

Some of the notable instances where I have offered advice in vain and/or where my input as the Principal Assistant has not been considered include.

- a. Employment: Cases of nepotism in the employment processes have been averse, and despite my advice, relatives were employed to key positions.
- b. There have been cases of violations of the law in appointments to the County Government, including instances where the Governor has usurped the roles of the County Public Service Board eg in the recruitment of kazi mtaani staff, directors, etc. I was concerned that these was a gross violation of (i) Articles 10, 232, and 236 of the Constitution, (ii) section 17 of the Public Officer Ethics Act, (iii) sections 45, 55, 59A, 60, 62, 63, 64 and 65 of the County Governments Act, (iv) section 4 of the Public Appointments (County Assemblies Approval) Act, 2017, (v) section 34 (3) of the Public Service Commission Act, 2017.
- c. Seeds project: I offered advice of a cheaper and more efficient approach on procurement of maize seeds by the county government, but the Governor chose a more expensive approach.
- d. Demolitions: I advised the Governor against the move to initiate blanket demolitions of houses and structures surrounding the issue of alleged grabbing of public land, and instead take each case on its merit, but the Governor went ahead to initiate haphazard demolitions. We are now facing legal suits challenging these actions.

4. Communication Breakdown

There has been a complete communication breakdown between me and the Governor. All my efforts to reach the Governor through phone calls and messages have borne no fruits. The Governor has not been responding to my communication. Instead, he communicates to me through the County Secretary and other junior officers including the Chief Officer in charge of Governance.

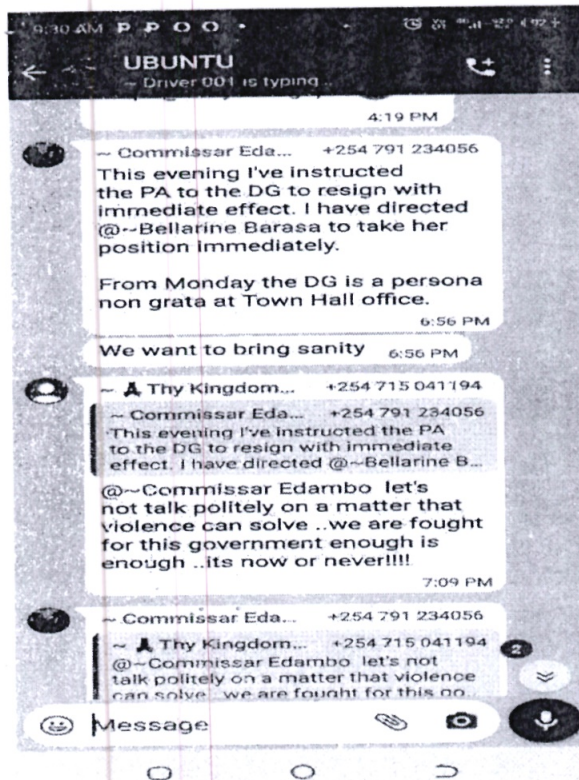
5. Ethnic Profiling And Incitement

Following the move by members of the Sabao community to petition for a county, I have been ethnically profiled and attacked by persons working in the Governor's office. The Governor himself has been on the forefront in viciously opposing the creation of an extra county, and while at it, he has been making public pronouncements bordering on incitement against the said community. This has degenerated into messy and vicious fights on social media platforms by members of two communities and has resulted in unhealthy tension (*See videos 4-8*).

PRAYERS

- a. Security: I would like to discharge my constitutional duties in an environment that is secure.
- b. Facilitation: My office should be facilitated to enable me carry out my mandate
- c. Clarity of roles and a budget to enable execution.
- d. The House to make appropriate recommendations for relevant state agencies to take action on reports made, that is, DCI.

ANNEXTURE 1: INTIMIDATING AND THREATENING MESSAGES



Forwarded
Power abhors vacuum, if no one will speak I'll do that without fear or favour.

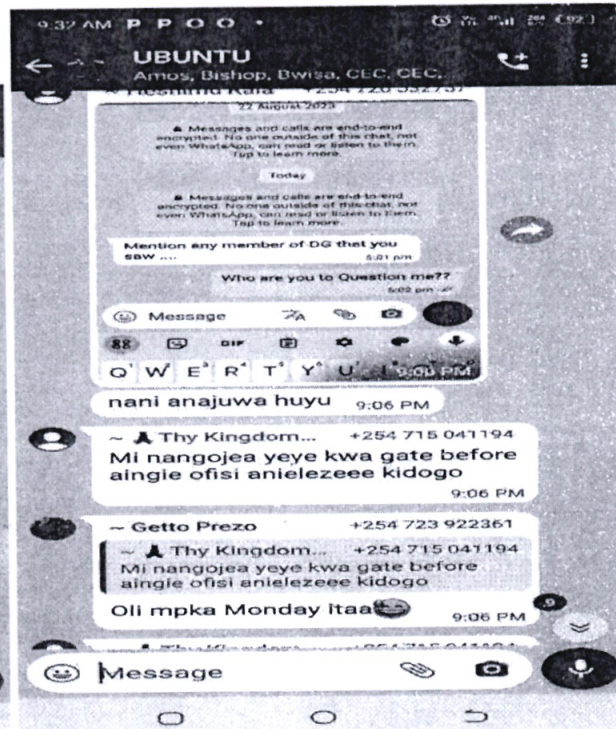
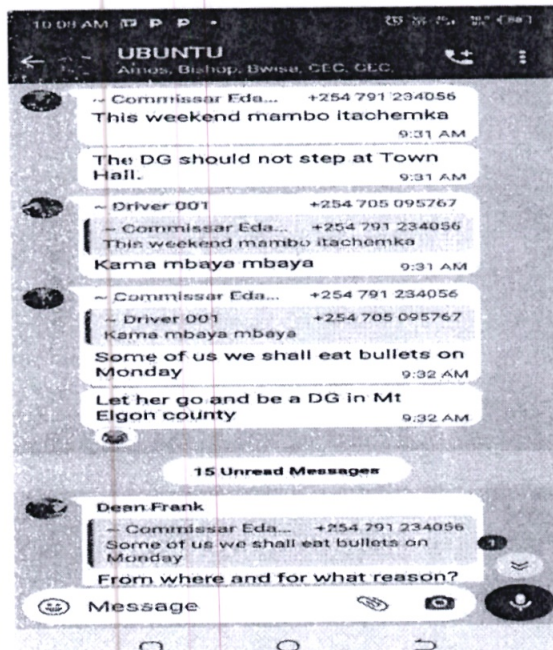
Madam Philomena Kapkory, don't leap into a dark void without looking.

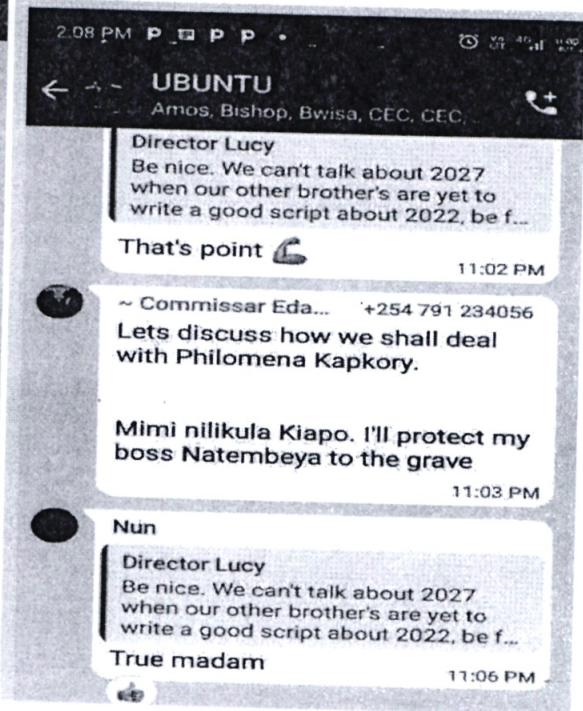
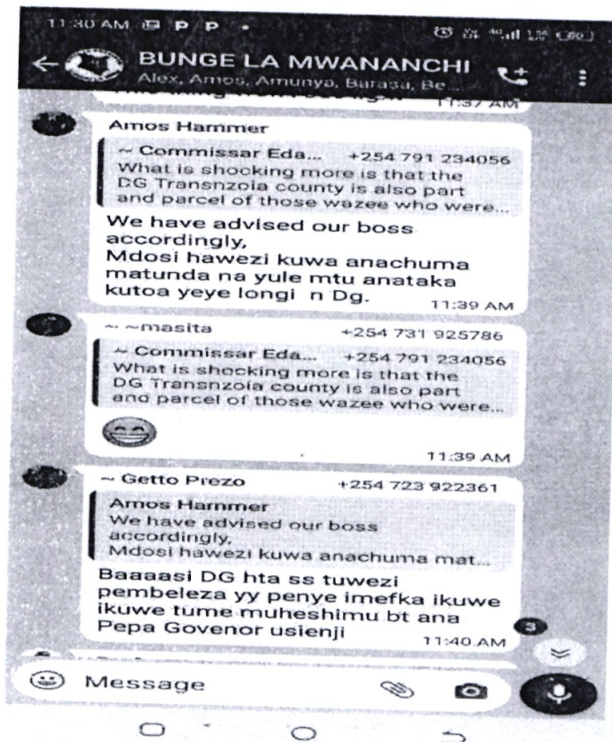
Though admirable by your community and especially your kinsmen whom you send them to represent you at Bomas of Kenya, this disposition of creating "MT ELGON COUNTY" is a logical and costly miscalculation. It sounds sweet and sappy, but it's a lie of the heart over the mind. Instead, I Sammy Edambo urges you to choose pessimism over optimism. That is, prepare for the worst and hope for the best. When I say prepare for the worst, I mean that you must expect the worst to happen. Whatever you hope for is irrelevant because hope has never been a strategy of anything. Yes, they say hope springs eternal but that statement is born of the unlettered mind of the child, not an adult who has clocked a few years on planet Earth. Anyone of reasonable maturity even a simpleton with an uneducated noggin knows the world is cruel especially when you go against the boss. DISLOYALTY!

To be continued....

16:58

This is from Edambo 16:58





➤ See Videos 1-8 on the flash disk.

PRESENTATION TO THE SENATE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS

BY H.E HON. PHILOMENAH C KAPKORY

6th November, 2023

INTRODUCTION

The office of the Deputy Governor is created under Article 180 of the Constitution of Kenya, 2010. The functions of the Deputy Governor are defined under section 32 of the county Government Act, 2012. I was elected on a joint ticket with Governor George Nitembeya on 9th August, 2022 and sworn in on 25th August, 2022.

Immediately thereafter, I embarked on duties and assignments on specific tasks assigned by the Governor from time to time. During these early days, I made various suggestions to the Governor on duties I could run with to improve on delivery of services by the County, but he declined.

However, late last year, the Governor assigned me several the duties via an executive order. One the duties included heading the Governor's Delivery Unit, whose mandate is to track and monitor progress of all projects and programmes initiated by the county government. However, there was no budget assigned for the discharge of these functions.

Since assumption to office, I have not had the opportunity to effectively discharge my roles due to a number of factors and reasons. My predicaments as Deputy Governor border on lack of facilitation to discharge duties, contempt, mistreatment, intimidation, security and threats to life, public vilification, and deliberate acts of disrespect by junior county staff, among others. The situation became worse in the month of September, 2023, when I received threatening and intimidating information initiated by the communication staff attached to the Governor's office.

Owing to the above circumstances, I made an official communication to the Office of the Deputy President and to this House, seeking for intervention and possible resolution of these issues.

SUMMARY OF THE ISSUES

1. Threats to Personal Security and Life

- a. Threats towards me via WhatsApp chats and Facebook posts.
- b. Persistently making demeaning public utterances against me.

a. Threats

On 26th September, 2023, while I was in the United States attending the United Nations General Assembly (UNGA), I received a number of messages from concerned residents informing me of abusive and threatening posts on various social media platforms targeted at me. The threatening message were posted by known officials who are part of the Governor's communication team. These messages were published/posted after a delegation of members of the Sabao community made a presentation at the National Dialogue Committee at Bomas in Nairobi, demanding for the creation of an extra county.

The threats issued against me were personal and the constant message was that I am not required to step in my office as I had become a "*persona non-grata*" and that "*the DG should not step at town hall.*" The threats were to the effect that if I stepped in the office or if I was seen, the said officials were ready "*to deal with me*; ... that I should "*prepare for the worst*; ... that *they had taken oaths*; ... that *they were ready to take in bullets*;...*kama ni mbaya mbaya*; that they would not handle the issue *politely* when *violence could solve it*;... that "*you must expect the worst to happen*; ... that "*the world is cruel when you go against the boss...*"

Some of the messages are captured in the screenshots shown in *annexture 1*, with the most lethal messages being issued by one Sammy Edambo whose personal contact information is discernible from the screenshots.

I made efforts to reach the Governor and raise these issues with him, and further wrote a letter dated 4th October, 2023. However, the Governor ignored and/or disregarded my communication and instead proceeded to tacitly endorse the said threats by making public utterances meant to further damage my dignity.

Following my formal communication to the Governor through the letter dated 4th October, 2023, one of the communication's officer attached to the Governor's office, one Sammy Edambo, went ahead to record and circulate a video in which he directly addressed me. In that video, the official is heard abusing me using unprintable words like "*wacha upuzi yako, wacha ujinga, hatukuogopi, tutadeal na wewe*, and threatening to deal with me. The words used in the video were not only demeaning and disrespectful, but they also amounted to threats to my personal security and life. .
[See the video clips No 1 in the flashdisk attached hereto].

b. No action was taken by Governor

Once the threats were issued from the Governor's communications officers and close aides, whose offices and roles ~~is~~ bear the name and honour of the Officer of the Governor, it was important for the Governor to immediately intervene and address the issue administratively, but his inaction and subsequent speeches raised a lot of questions.

Despite receiving communication from me, the Governor never took any action. Instead, the Governor joined in the public vilification, giving public speeches meant to defame, demean and further disrespect me. [See the video clips Nos 2-8 in the flashdisk attached hereto]. In the video clips, the Governor can be heard uttering words meant to spur ethnic animosity, incite communities against each other, and create a false impression that a certain community is under threat/attack. The impression created in one of the video clips (No 2) is that during a recent funeral/burial ceremony, members of a community were armed with dangerous weapons, and that him (the Governor) is being targeted. The import of the message is to inspire ethnic animosity and hatred, and to incite a section of the community against me as a person. This exposes me to grave danger from some resident members of the county who were falsely made to believe that I was behind the alleged arming of citizens (See video No 2 and 3).

c. No action from security agencies

I reported the issue at Muthangari Police Station and also to the Director of Criminal Investigations (DCI). I also reported the matter formally to the National Cohesion and Integration Commission (NCIC). The DCI is yet to take action, one month down the line, despite follow ups.

d. Tracking and trailing me

I have been receiving credible information that Governor Ntembeya has been tracking and trailing me since I wrote the letter dated 4th October, 2021. This is in violation of my constitutional right to privacy, and it exacerbates my worries and concerns about my personal security.

2. Denial of use of Designated Residence as Deputy Governor

The former Deputy Governor handed over to me the keys to the official residence of the Deputy Governor on 26th August, 2022, but immediately after that, I was blocked from accessing or using the residence. I was informed that there were plans to renovate the house before moving in and while I was preparing myself, I was blocked from accessing it. I later learnt that the staff who had were previously working at the Governor's campaign center were now using the residence as an office. The Governor's spouse was later allocated the same house as her office. I have never been given an alternative official residence.

3. Exclusion, Discrimination and being sidelined in decision making and running of County Affairs

As the Deputy Governor and the principal assistant to the Governor, I have never been accorded a meaningful opportunity to discharge functions effectively. I have constantly been sidelined in key meetings and functions and my advice on various aspects has often been disregarded. In breach of Articles 10, 19 (2), 28, 73, 75 and 179 of the Constitution, (ii) sections 9 (b), 19 and 24 of the Public Officer Ethics Act, (iii) sections 29 and 34 of the Leadership and Integrity Act and (iv) sections 30 (2) and (3) (c) and (d) of the County Governments Act, the Governor has sidelined me in the issues of county governance, and he has subjected me to bullying, intimidation and mockery by junior county staff. Some particulars instances include:

- a) Exclusion from key meetings and other county functions.
- b) Encouraging and condoning bullying, undermining and posting insulting and demeaning messages about me.
- c) Encouraging and condoning insubordination and disrespect by some members of the executive and junior staff.
- d) Arbitrary reduction and delay of budgetary facilitation for legitimate operations of my office.
- e) One old vehicle.
- f) Imprest /DSA/Per diem.

Some of the notable instances where I have offered advice in vain and/or where my input as the Principal Assistant has not been considered include.

- a. Employment: Cases of nepotism in the employment processes have been averse, and despite my advice, relatives were employed to key positions.
- b. There have been cases of violations of the law in appointments to the County Government, including instances where the Governor has usurped the roles of the County Public Service Board eg in the recruitment of kazi mtaani staff, directors, etc. I was concerned that these was a gross violation of (i) Articles 10, 232, and 236 of the Constitution, (ii) section 17 of the Public Officer Ethics Act, (iii) sections 45, 55, 59A, 60, 62, 63, 64 and 65 of the County Governments Act, (iv) section 4 of the Public Appointments (County Assemblies Approval) Act, 2017, (v) section 34 (3) of the Public Service Commission Act, 2017.
- c. Seeds project: I offered advice of a cheaper and more efficient approach on procurement of maize seeds by the county government, but the Governor chose a more expensive approach.
- d. Demolitions: I advised the Governor against the move to initiate blanket demolitions of houses and structures surrounding the issue of alleged grabbing of public land, and instead take each case on its merit, but the Governor went ahead to initiate haphazard demolitions. We are now facing legal suits challenging these actions.

4. Communication Breakdown

There has been a complete communication breakdown between me and the Governor. All my efforts to reach the Governor through phone calls and messages have borne no fruits. The Governor has not been responding to my communication. Instead, he communicates to me through the County Secretary and other junior officers including the Chief Officer in charge of Governance.

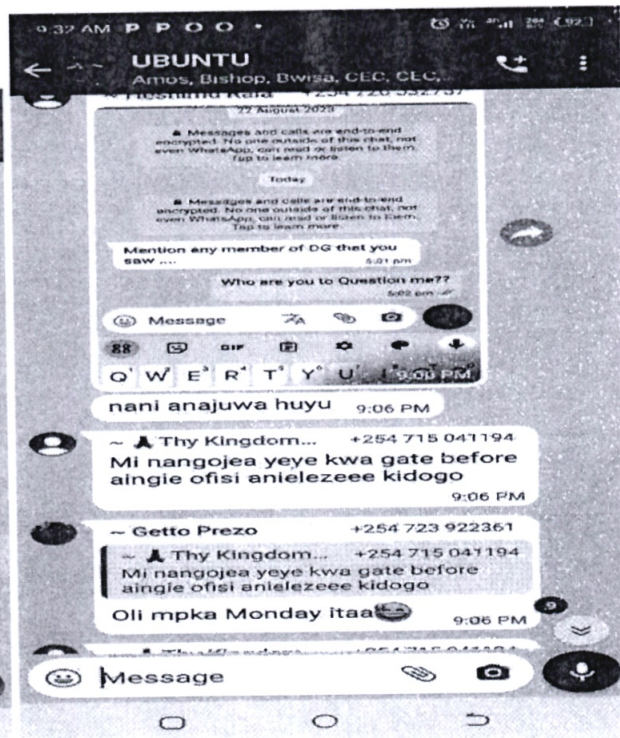
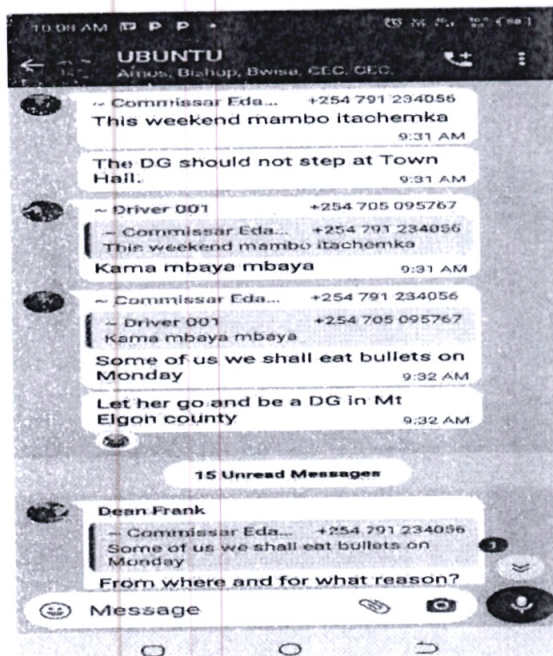
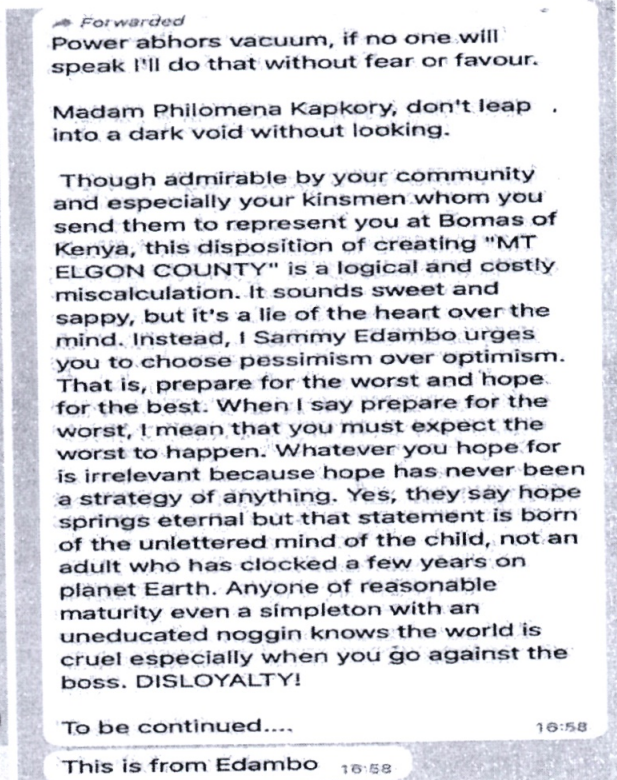
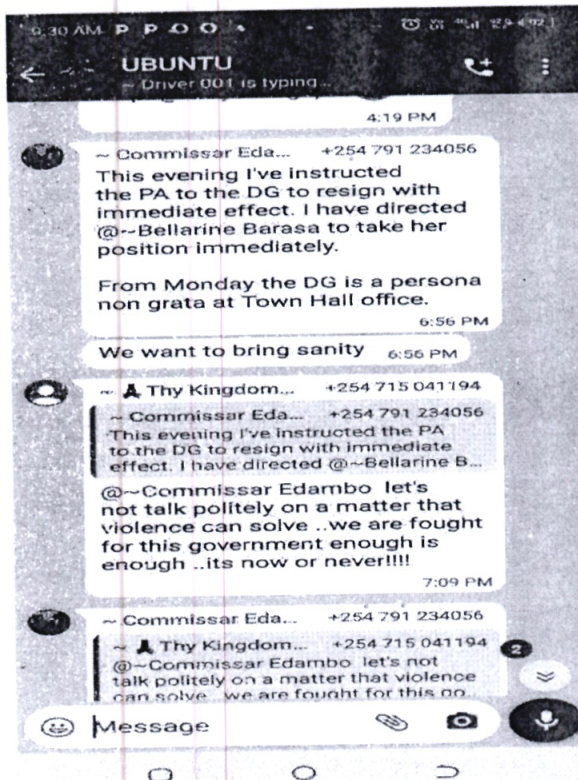
5. Ethnic Profiling And Incitement

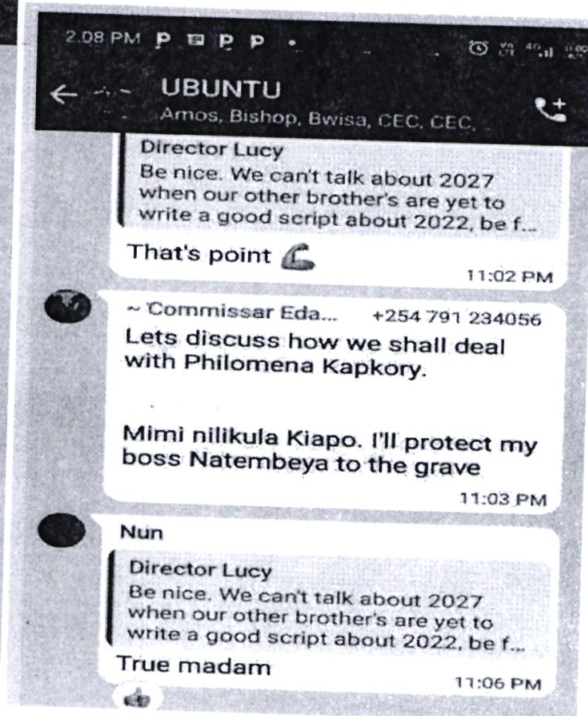
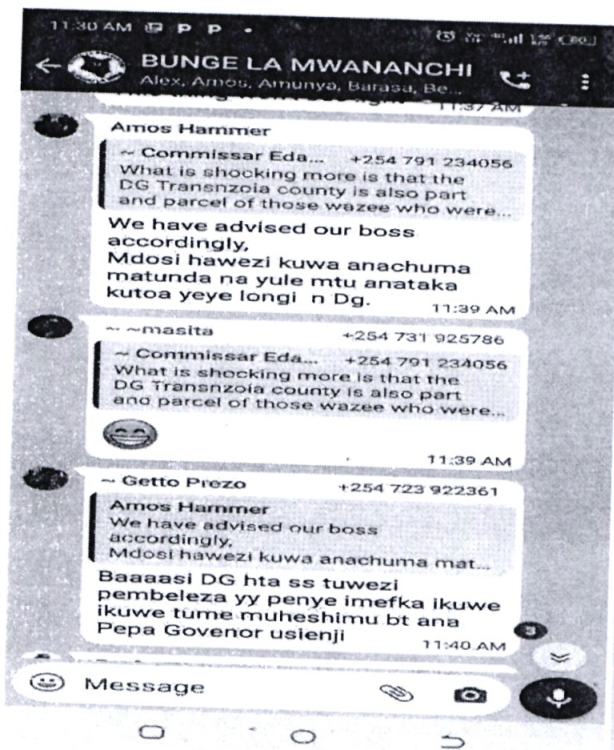
Following the move by members of the Sabao community to petition for a county, I have been ethnically profiled and attacked by persons working in the Governor's office. The Governor himself has been on the forefront in viciously opposing the creation of an extra county, and while at it, he has been making public pronouncements bordering on incitement against the said community. This has degenerated into messy and vicious fights on social media platforms by members of two communities and has resulted in unhealthy tension (*See videos 4-8*).

PRAYERS

- a. Security: I would like to discharge my constitutional duties in an environment that is secure.
- b. Facilitation: My office should be facilitated to enable me carry out my mandate
- c. Clarity of roles and a budget to enable execution.
- d. The House to make appropriate recommendations for relevant state agencies to take action on reports made, that is, DCI.

ANNEXTURE 1: INTIMIDATING AND THREATENING MESSAGES





➤ See Videos 1-8 on the flash disk.

Annex 4:

**Submissions by the Governor,
Trans Nzoia County**

THE GOVERNOR,
COUNTY GOVERNMENT OF TRANSNZOIA,
P.O BOX 4211-30200,
KITALE.

27th November,2023

THE SENATE OF KENYA
STANDING COMMITTEE ON DEVOLUTION &
INTERGOVERNMENTAL RELATIONS
PARLIAMNENT BUILDINGS
P.O BOX 41842-00100
NAIROBI.

Dear Honourable Members,

**RESPONSE TO THE SUMMONS BY STANDING COMMITTEE ON DEVOLUTION
AND INTERGOVERNMENTAL RELATIONS**

Chair and Honourable members of the committee,

1. I received your letter dated 10th November, 2023 requiring my attendance to this committee and shed light on the issue at hand and I wish to state as follows;
2. **WHEREAS** I recognize the role of the senate to oversight the County Governments under Article 96 of the Constitution;
3. **WHEREAS** I recognize the establishment of the Standing Committee on Devolution and Intergovernmental relations understanding order 228(3) of the Senate Standing Orders

AND

4. **WHEREAS** I recognize the invaluable role of the Standing Committee on Devolution and Intergovernmental relations under the fourth schedule of the Senate Standing Orders of the Senate being to consider all matters relating to “**devolution, intergovernmental and inter-county relations, governance and management of county governments, cities, towns and urban areas.**”

AND

5. **WHEREAS** the Senate has powers to summon a witness or any other person as it deems appropriate in advancement of its mandate under order 205 the Senate Standing Orders of the Senate;

Honourable Members, permit me to respond as thus on the wild allegations laid against me by the Deputy Governor:

A. Threats to Personal Security and Life

Under this issue, the DG has raised two-fold matters that I will deal with sequentially:

a. Alleged threats towards the DG via WhatsApp and Facebook posts

1. The DG has blamed my communication officer, Sammy Edambo for allegedly threatening her. I have talked to Mr. Edambo about this matter, and he has categorically denied ever issuing any threats whether on WhatsApp or Facebook or anywhere else.
2. In her statement, the DG indicates that she received a number of messages from **concerned residents** informing her of the abusive and threatening posts allegedly posted on various sites, however, she does not disclose the identity of this purported concerned residents.
3. It follows, that the DG's complaint is based on **hearsay** and **rumors** as it is communication coming from unknown third parties who have not been brought before this committee.
4. Honourable Members, the nature of this complaint, is criminal in nature, in that issues regarding personal security fall within the province of the National Government under the National Police Service; and the same is well regulated in our country's well established criminal justice system.
5. The National Police Service with its partners within the multiagency framework have both a constitutional obligation under Article 244 of the Constitution of Kenya and the National Police Service Act to maintain law and order as well as protect life and property. (Section 24 of the National Police Service Act).
6. The Deputy Governor has not availed any evidence (in form of an OB Extract or otherwise) before this Committee that she has reported this matter to Kenya Police to investigate the same.
7. The DG purports that she made a report at Muthangari Police Station within Lavington area in Nairobi, one would wonder why she made a report at Muthangari instead of

Kitale Police Station, which is the station within the local limits where the threats were allegedly made and therefore closer to the incident (if any at all).

b. No action was taken by Governor

8. The DG has never raised any complaint to me about the alleged threats to her security and safety.
9. As a matter of fact, the DG has absconded duty from around 14th September, 2023 to date and therefore she has been unavailable within the County Offices for a discussion on any emerging issue.
10. If indeed she had made me aware, I could have advised her to report the matter to police.
11. In any event, I am not an authorized officer to initiate disciplinary action against any county employee. The County has established channels of redress which include first raising such an issue with the relevant Chief Officer, and in this case, the Chief Officer Governance who may escalate the matter to the County Public Service Board as the case maybe.
12. In this particular instance, I am not aware if the Deputy Governor pursued these channels that she is well aware of.

c. Purported Tracking and trailing the DG

13. This allegation confirms that indeed the entire complaint is a frivolous and scandalous one. I do not have the necessary tools to track and trail anyone.
14. In any event, and for argument sake only, I have no reason at all to track and trail a state officer who has abdicated and deserted her responsibilities as a DG.

B. Purported Denial of use of Designated Residence as Deputy Governor

15. The DG is entitled to a House Allowance of Kshs.100,000 per month to which she has been issued with every month.
16. Just like the DG, I too, do not have an official residence.
17. This complaint has no basis at all.

C. Purported Exclusion, Discrimination and being sidelined in decision making and running of County Affairs

i. No budgetary allocation for her duties

18. The department of governance under the office of the Governor facilitates the Governor and Deputy Governor. There is evidence to confirm that the DG's office has been facilitated sufficiently.

ii. Exclusion from key meetings and other county functions

19. The DG has always been invited to Cabinet Meetings and other official government functions until she chose to abscond duty on or about 14th September, 2023 to date.

iii. Encouraging and condoning insubordination/disrespect

20. This is not true. I am not aware of any particular instance. In any event, this is an HR issue which the DG ought to process within the required parameters.

iv. One Old Vehicle

21. Most departments have no vehicles, she is lucky to have one.

22. I am equally using an old vehicle that was being used by my predecessor.

v. Imprest/DSA/Per diem

23. This is not true. Her office is allocated Kshs.100,000 per month.

vi. Nepotism in Employment

24. This is not true. No evidence has been led on this score.

vii. Governor usurped roles of the CPSB e.g., in recruitment of kazi mtaani staff.

25. This is not true. No evidence has been led. Malicious complaint.

viii. **Seeds project**

26. This is not true. This was an open national tender which was processed lawfully and there no challenge to the same either at the PPARB or in any Court of Law.

ix. **Demolitions**

27. This is not true. Clearly, the DG has become a mouth piece for land cartels. In any case, these are matters active in court, therefore we are barred by the *sub judice* rule to discuss them.

D. Communications breakdown

28. I have been in constant communication with the DG until around 14th September, 2023 when she deserted duty to date.

E. Ethnic Profiling and Incitement

29. This is not true. This a figment of her own imagination. Transzoia County remains a very peaceful County that draws its strength in diversity of the communities living there.

30. For your information, Transzoia County is among the 13 Counties in the Country that have complied with ethnic inclusion as required by the Constitution of Kenya.

31. Further, I was recently issued with an award by NCIC for my exemplary efforts as Governor in promoting peaceful co-existence of communities (Ethnic and Diversity Audit Compliance Award), it cannot therefore be true that I am profiling any community and/or causing incitement in whatever form or shape.

F. Conclusion

32. Honourable Members, as I have demonstrated the DG's complaints have no bearing at all. The prayers she has sought do not even fall within the purview of this House. Matters concerning security are not to be taken lightly and must be processed within the known channels. On disciplinary matters of employees, they must be processed within the established framework of dispute resolution in strict compliance with the rules of natural justice as prescribed by our laws. Further to this, it has come out very clearly that the DG is pursuing a matter of self-aggrandizement and there is nothing, even remotely to suggest that this is a public interest matter.

33. I beseech this House, to evaluate the threshold of complaints before it, it would serve justice, if certain complaints such as these are screened and extinguished even before summoning witnesses before it because by our very appearance here today, it serves a selfish interest purpose in favor of the DG who knows that our appearance alone no matter the outcome satisfies her goals.

That is what I wish to say.

Regards,

Hon. GEORGE NATEMBEYA,
GOVERNOR TRANZOIA

C
11

REPUBLIC OF KENYA
COUNTY GOVERNMENT OF TRANS NZOIA

TEL: 054 – 30301
054 – 30302

Email: countyoftransnzoia@gmail.com



P.O. BOX 4211 – 30200
KITALE

OFFICE OF THE COUNTY SECRETARY

Our Ref: CGTN/CS/1 VOL.III

Date: 21st December, 2022

The Deputy Inspector General
Kenya Police Service
P.O. Box 30083
NAIROBI

REF: REQUEST FOR REPLACEMENT OF A BODYGUARD

The above subject matter refers.

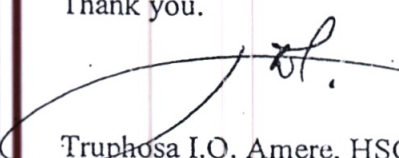
The Deputy Governor, County Government of Trans Nzoia, kindly requests for replacement of PC No.101606 Cheptegi Carolyne Ndiema who has been promoted to the rank of Inspectorate and was recalled back.

The officer below has been identified as a suitable replacement: -

S/NO.	NAME	SNO.	DESIGNATION	DUTY STATION
1.	Philis Cheptoo Wananda	256546	Police Constable	Mois Bridge

Kindly facilitate.

Thank you.


Truphosa I.O. Amere, HSC (Mrs)

COUNTY SECRETARY/HEAD OF COUNTY PUBLIC SERVICE

DG
W

KENYA POLICE SERVICE

Telegrams "POLICE"

E-Mail. soyscpc@gmail.com

Fax:.

When replying please quote:

REF:KPS/DIG/RVR/UG/SEC/CRI/33/1



SUB COUNTY POLICE HQRS,
SOY SUB COUNTY,

P.O BOX 2,

ELDORET

24TH APRIL, 2023

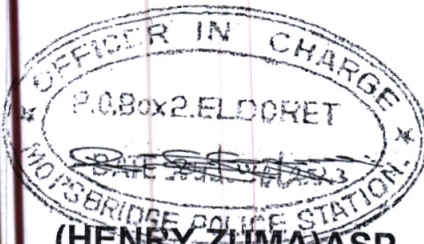
MOI'S BRIDGE POLICE STATION

RE: REQUEST FOR REPLACEMENT OF A BODY GUARD

The County Police Commander vide his letter **KPS/DIG/RVR/UG/SEC/CRI/33/179** dated **24th April 2023**, has approved the replacement of a body guard of the following officer with immediate effect.

1. S/NO. 256546/2017089975 PC (W) PHILIS CHEPTOO WANANDA

Kindly release the officer to report to her new duties immediately.



(HENRY ZUMA)ASP

SUB COUNTY POLICE COMMANDER SOY



COUNTY GOVERNMENT OF TRANS NZOIA
OFFICE of the COUNTY SECRETARY

Kitale Town Hall
P.O. Box 4211 – 30200
KITALE

Tel: 054 – 30301
Web: www.transnzoia.go.ke
Email: countysecretary@transnzoia.go.ke

REF.CGTN/CS/55 VOL.1

31ST May, 2023

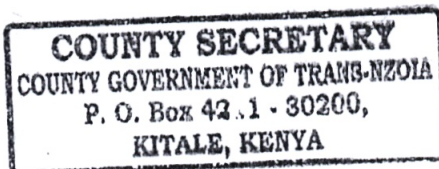
Deputy Human Capital Management
Kenya Police Service
P.O. Box 300083 - 00200
NAIROBI.

RE: V.I.P. ALLOWANCE – MOSES NAIBEI MWANJA P/NO. 2008068646

This is to confirm that the above mentioned officer was transferred from Kasgau Police Station, Voi Sub-County to Trans Nzoia County to provide security in the Office of the Deputy Governor from November, 2022 to date.

The purpose of this letter is to request that the officer be paid V.I.P. allowance.

Truphosa I.O. Amere, HSC(Mrs)



COUNTY SECRETARY/HEAD OF COUNTY PUBLIC SERVICE

REPUBLIC OF KENYA
COUNTY GOVERNMENT OF TRANS NZOIA



TEL: 054 – 30301
054 – 30302

Email: countyoftransnzoia@gmail.com

P.O. BOX 4211 – 30200
KITALE

OFFICE OF THE DEPUTY GOVERNOR

Our Ref: CGTN/ DVGN/1 VOL.III (13)

Date: 22nd November, 2022

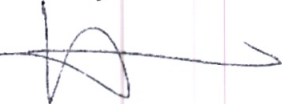
The Chief Officer – Public Service Management

REF: REQUEST FOR AN ENFORCEMENT OFFICER

The above subject matter refers.

Kindly deploy Dennis Kimutai Busi of P/No.20190029522 from Enforcement department to the office of the Deputy Governor.

Thank you in advance.


Erick Wangasa

PROTOCOL OFFICER – OFFICE OF THE DEPUTY GOVERNOR

BARASA JAPHARY.
A01 : ASA P





COUNTY GOVERNMENT OF TRANS NZOIA
OFFICE OF THE CHIEF OFFICER GOVERNANCE

Kitale Town Hall
P.O. Box 4211 – 30200
www.transnzoia.go.ke

Tel: 054 – 30301
Web:

KITALE Email: info@transnzoia.go.ke

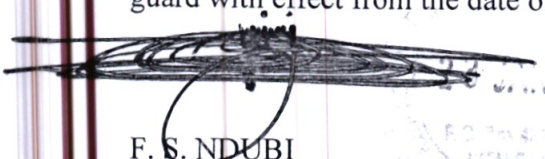
CGTN/GOVERN/ENF/64

Date: 23rd January, 2023

DENNIS KIMUTAI
P/NO.20190029522

RE: DEPLOYMENT

This is to inform you that you are hereby deployed/ transferred to Deputy Governors' Office as a guard with effect from the date of this letter.


F. S. NDUBI
DIRECTOR ENFORCEMENT

Copy to:

- ✓ 1. CHIEF OFFICER, GOVERNANCE
2. CHIEF OFFICER, PUBLIC SERVICE MANAGEMENT


24 NOV 2023
P.O. Box 4211
KITALE
COUNTY GOVERNMENT OF TRANS NZOIA

REPUBLIC OF KENYA
COUNTY GOVERNMENT OF TRANS NZOIA

TEL: 054 – 30301
054 – 30302

Email: countyoftransnzoia@gmail.com



P.O. BOX 4211 – 30200
KITALE

OFFICE OF THE DEPUTY GOVERNOR

Our Ref: CGTN/DVGN/1 VOL.III (12)

Date: 17th November, 2022

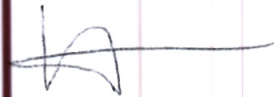
The Chief Officer – Public Service Management

REF: REQUEST FOR AN ENFORCEMENT OFFICER

The above subject matter refers.

Kindly deploy an officer from Enforcement department to the office of the Deputy Governor.

Thank you in advance.

A handwritten signature in blue ink, appearing to be 'Erick Wangasa'.

Erick Wangasa

PROTOCOL OFFICER – OFFICE OF THE DEPUTY GOVERNOR

A handwritten signature in blue ink, appearing to be 'Erick Wangasa', and a circular stamp. The stamp is blue and contains the text 'CHIEF OFFICER - PUBLIC SERVICE MANAGEMENT' around the perimeter. In the center of the stamp, the date '24 NOV 2023' is stamped in red.

COUNTY GOVERNMENT OF TRANS NZOIA

DEPUTY GOVERNOR'S OFFICE FACILITATION FY 2022/2023 & 2023/2024

	DATE	PAYEE	DESCRIPTION/ PARTICULARS	IMPRES T NO.	PV NO.	VOTE ITEM	AMOUNT
1	26/10/2022	PHANICE PKEMEI	PER DIEM	006730		Daily Subsistence Allowance	34,800.00
2	26/10/2022	SAMUEL KOSGEY	TEMPORARY IMPREST	008893		Motor Vehicle Insurance	12,000.00
3	31/10/2022	MOSES CHEBUYO	PER DIEM	006732		Daily Subsistence Allowance	122,400.00
5	14/12/2022	MOSES CHEBUYO	SURRENDER		42721272	Daily Subsistence Allowance	122,400.00
6	14/12/2022	PHANICE PKEMEI	SURRENDER		42721273	Accommodation-Domestic	79,150.00
7	10/1/2023	SAMUEL KOSGEY	SURRENDER	008893	427201177	Motor Vehicle Insurance	12,000.00
8	17/01/2023	ERIC WANGASA	TEMPORARY IMPREST	008661		Advertising, Awareness and Publicity Campaigns	54,500.00
9	24/01/2024	ERIC WANGASA	SURRENDER		42720180	State Hospitality Costs	100,000.00
10	9/2/2023	PHANICE PKEMEI	CLAIM		42720283	Other Operating Expenses-Other	82,400.00
11	16/02/2023	PHANICE PKEMEI	PER DIEM	4430378		Accommodation-Domestic	99,000.00
12	23/02/2023	PHANICE PKEMEI	PER DIEM	4430364		Other Operating Expenses-Other	53,700.00
13	23/02/2023	PHANICE PKEMEI	PER DIEM	4430395		Other Operating Expenses-Other	242,800.00
14	3/3/2023	PHANICE PKEMEI	PER DIEM			Other Operating Expenses-Other	70,800.00
15	8/3/2023	PHANICE PKEMEI	PER DIEM			Other Operating Expenses-Other	36,700.00
16	8/3/2023	MOSES CHEBUYO	PER DIEM			Other Operating Expenses-Other	136,600.00
17	8/3/2023	MOSES NAIBEI	PER DIEM			Other Operating Expenses-Other	176,000.00
18	31/3/2023	PHANICE PKEMEI	TRAVEL CLAIM		427203109	Courier & Postal Services	87,000.00
19	31/3/2023	MOSES NAIBEI	PER DIEM			Other Creditors	164,600.00
20	13/04/2023	MOSES NAIBEI	PER DIEM	969637		Other Creditors	275,050.00
21	19/04/2023	PHANICE PKEMEI	CLAIM		427204123	Accommodation-Domestic	159,600.00
22	5/5/2023	PHANICE PKEMEI	TRAVEL CLAIM		427205134	Boards, Committees, Conferences and Seminars	84,000.00
23	5/5/2023	ERIC WANGASA	TRAVEL CLAIM		427205135	Other Creditors-Other Budge	33,600.00
24	5/5/2023	PHANICE PKEMEI	PER DIEM	070735		Other Creditors-Other Budge	75,800.00

25	5/5/2023	PHANICE PKEMEI	CLAIM			427205138	Boards, Committees, Conferences and Seminars	322,000.00
26	16/05/2023	PHANICE PKEMEI	PER DIEM FOR OFFICERS ACCOMPANYING H.E. THE YTRAVEL CLAIM	070205			Other Creditors-Other Budge	109,580.00
27	29/05/2023	PHANICE PKEMEI	YTRAVEL CLAIM			427205147	Boards, Committees, Conferences and Seminars	159,600.00
28	27/06/2023	ERIC WANGASA	CLAIM			427206134	Subsidies to small Business-Other	50,000.00
29	27/06/2023	PHANICE PKEMEI	SURRENDER	070205		427206148	Other Creditors-Other Budge	109,580.00
30	27/06/2023	PHANICE PKEMEI	PER DIEM	4430395		427206152	Other Operating Expenses-Other	242,800.00
31	27/06/2023	PHANICE PKEMEI	PER DIEM	006730		427206157	Daily Subsistence Allowance	34,800.00
32	27/06/2023	MOSES NAIBEI	SURRENDER	69620		427206162	Other Creditors	164,600.00
33	27/06/2023	MOSES NAIBEI	SURRENDER	069637		427206164	Other Creditors	275,050.00
34	27/06/2023	PHANICE PKEMEI	SURRENDER	4511179		427206178	Accommodation-Domestic	200,000.00
35	27/06/2023	ERIC WANGASA	SURRENDER	008661		427206104	Advertising, Awareness and Publicity Campaigns	54,500.00
36	26/06/2023	MOSES CHEBUYO	SURRENDER			427206115	Other Operating Expenses-Other	136,600.00
37	26/06/2023	PHANICE PKEMEI	SURRENDER			427206116	Cooperative Societies	117,200.00
38	23/08/2023	PHANICE PKEMEI	PER DIEM AND ALLOWANCES	4511332			Daily Subsistence Allowance	144,900.00
39	28/08/2023	SAMUEL KOSKEI	FUEL AND	4919816			Refine Fuels and Lubricants for Transport	60,000.00
40	5/9/2023	PHANICE PKEMEI	PER DIEM	4558320			Project Allowance	169,600.00
41	5/9/2023	MOSES NAIBEI	PER DIEM AND TRAVEL ALLOWANCE	4558306			Travel Costs-Domestic	106,400.00
42	5/9/2023	SAMUEL KOSKEI	REIMBURSEMENT			42720912	Refine Fuels and Lubricants for Transport	3,000.00
			Total					4,775,110.00

H.E PHILOMENAH BINEAH KAPKORY DEPUTY GOVERNOR, TRANS NZOIA COUNTY FACILITATION
2022/2023 and 2023/2024

S/NO	NAME OF OFFICER	P/NO	REQUISITION DATE	IMPREST NO	REASON	AMOUNT
1.	Phanice Pkemei	20220029166	31/4/2023	Claim	Reimbursement	322,000
2.	Julie Omaido	20150024874	12/09/2022	08738	Office Sept/ October	200,000
3.	Moses Chebuyo	20220297328	7/3/2023	066584	Daily Subsistence Allowance	136,600
4.	Phanice Pkemei	20220029166	15/5/2023	070205	DSA	109,580
5.	Julie Omaido	20150024874	24/11/2022	08907	DSA	123,900
6.	Phanice Pkemei	20220029166	28/11/2022	08912	DSA	117,200
7.	Phanice Pkemei	20220029166	4/11/2022	06734	DSA	79,150
8.	Julie Omaido	20150024874	22/9/2022	06701	DSA	62,100
9.	Julie Omaido	20150024874	15/6/2023	Claim	Fuel	15,000
10.	Phanice Pkemei	20220029166	27/3/2023	Claim	DSA	87,000
11.	Phanice Pkemei	20220029166	9/5/2023	070735	DSA	75,800
12.	Julie Omaido	20150024874	8/3/2023	066589	DSA	99,800
13.	Julie Omaido	20150024874	11/5/2023	070740	DSA	81,000

2 NOV 2023

14	Erick Wangasa	20220287174	26/6/2023	Claim	Office	50,000
15.	Erick Wangasa	20220287174	12/4/2023	069636	Office- claim March	45,000
16	Julie Omaido	20150024874	17/4/2023	069641	Office	50,000
17	Julie Omaido	20150024874	23/8/2023	4511314	Office	100,000
18.	Erick Wangasa	20220287174	18/10/2023	06700	Office	100,000
19.	Julie Omaido	20150024874	5/6/2023	Claim	Office- <i>MAY</i>	46,184
20.	Phanice Pkemei	20220029166	22/6/2023	4511179	Office July/ June	200,000
GRAND TOTAL						2,000,314



Annex 5:

***Submissions by the National
Cohesion and Integration
Commission***



**INTERIM REPORT SECURITY ON THREAT TO THE PERSON-
H.E. HON. PHILOMENAH BINEAH KAPKORY DUTY
GOVERNOR TRANS NZOIA COUNTY**

**PRESENTED TO
THE SENATE STANDING COMMITTEE ON DEVOLUTION
AND INTERGOVERNMENTAL RELATIONS**

20TH NOVEMBER, 2023

**REV. DR. SAMUEL KOBIA, CBS
THE CHAIRPERSON
NATIONAL COHESION AND INTEGRATION COMMISSION**

Introduction

The National Cohesion and Integration Commission is a statutory body established by the National Cohesion Integration Act, No 12 of 2008. The Commission was formed under Agenda Item 4 of the Kenya National Dialogue and Reconciliation Accord, which focused on Longer Term Issues and Solutions key among them consolidating national unity. The object and purpose for which the Commission is established, is to facilitate and promote equality of opportunity, good relations, harmony and peaceful coexistence between persons of different ethnic and racial communities of Kenya, and to advise the Government on all aspects thereof.

Background information

H.E. Philomena Bineah Kapkory, the Deputy Governor Trans Nzoia reported to the National Cohesion and Integration Commission (NCIC) about the threats she is undergoing in line of her duty as the Deputy Governor of Trans Nzoia. In her statement, she claimed that her trouble began when the Sabaot Community began the petitioning for a County of their own.

The meeting by leaders and elders from Sabaot was to discuss matter touching on the proposed creation of a county for members of the Sabaot community.

However, H.E Philomena in her complaints alleges that the Governor of Trans Nzoia County H.E. George Natembeya is opposed to the creation of a county for Saboats, and is on record stating that the Sabaots were dreaming and they will not get any

county despite their petition to the National Dialogue Committee, requesting for the creation of County for Sabaots.

H.E. Philemon further reported that on the 23rd August, 2023, H.E the Governor stated that the Sabaot should be satisfied with the positions that they have in the County of Trans Nzoia and should stop asking for their own county. He further went on to state that not even an inch of Trans Nzoia would be hived off to form another county, insinuating that the Sabaot are greedy.

The above statement has led to the frequent attacks on the person to H.E the Deputy Governor Trans Nzoia on Social media. The social media platforms where the attacks and hate messages directed to the Deputy Governor Include:

1. Bunge la Wananchi
2. Obuntu Group
3. Endebess Development Forum
4. County of Trans Nzoia and
5. Facebook

ACTION TAKEN BY THE COMMISSION

The Commission is investigating the Governor of Trans Nzoia County H.E. George Natembeya, for the offence Ethnic Contempt Contrary to Sec 62(1) of NCIC Act and Hate Speech Contrary to Section 13(1) of The NCI Act No. 12 of 2008.

SEQUENCE OF EVENTS

1. 3RD OCTOBER, 2023

- i. NCIC received initial complain by HE. Philomena Bineah Kapkory the Deputy Governor of Trans-Nzoia County about the inflammatory utterances made by H.E. George Natembeya that was going viral on several social media platforms.
- ii. In regards to her complaint an Inquiry, File No. **NCIC/COMP/13/2023** opened.
- iii. **H. E.** Hon Philomena Bineah Kapkory recorded her statement at NCIC commission offices.
- iv. The investigators travelled to Trans Nzoia County for the purpose for conducting investigations in regards of the complaint made by the deputy Governor.
- v. Request Letter was written the Communication Authority of Kenya (CAK) vide Ref. **CID/IB/NCIC/SECPOL/4/4/VOL.11/108** requesting for the retrieval of Hon George Natembeya utterances clips.
- vi. The investigators travelled to Transnzoia County in order to serve HE Hon. George Natembeya the Governor of Transnzoia County the summons vide NCIC/comp/13/2023; the Governor personally received

and booked to appear at the NCIC Commission on 28th November, 2023 at 10.00am.

2. The matter has gone viral on social media platforms including WhatsApp group amongst other forums of Trans Nzoia, Bunge la Wananchi, Ubuntu group, Entebbe's development forum and COTN – county of Transnzoia that could easily lead to ethnic discrimination amongst the Sabaots and other communities living in the County.
3. This happened when the Sabaots demanded for a County of which the Governor reacted vehemently admonishing the Sabot community for their quest.
4. It is alleged by members of the Sabaots that they have been discriminated during the employment, and that most of the employment opportunities are given to the dominant communities.
5. Further findings and recommendations will be submitted after H. E. Governor George Nitembeya appears before the Commission in order to assist with the ongoing investigations.

Investigations on going.



Britam Tower, 17th Floor, Hospital Rd, Upper Hill, P.O. Box 7055-00100, Nairobi. Tel: 020-2585701/2
Cell: 0702-777000. Email: info@cohesion.or.ke. Website: www.cohesion.or.ke

NCIC/ADM/COMP/VOL 10(83)

5th March 2024

J.M. Nyegenye, CBS
Clerk of the Senate
Office of the Clerk of the Senate
Parliament Buildings
P.O Box 41842-00100
NAIROBI



① DGAC

Kindly deal

Dear Mr Nyegenge

**REF: PERSONAL SECURITY AND ADMINISTRATIVE ISSUES CONCERNING
HON. PHILOMENA KAPKORY, DEPUTY GOVERNOR, TRANZOIA COUNTY**

The National Cohesion and Integration (NCI) Act, No. 12 of 2008, established the National Cohesion and Integration Commission (NCIC). The desire to establish NCIC was a blunt recognition that Kenya had many communities with diverse cultural practices and as many political affiliations that required a common rallying strategy to enhance cohesion amongst them. The Commission fundamentally promotes equality of opportunity, good relations, harmony and peaceful coexistence between persons of different ethnic and racism communities of Kenya, and to advise the Government on all aspects thereof.

The Commission acknowledge receipt of your letter referenced SEN/DGAC/DEVIR/2024/006 dated 27th February, 2024 in respect of the above captioned Subject matter. The Hon. Philomena Kapkory, Deputy Governor Transzoia County made her complain to the Commission on 3rd October, 2023 touching on Issues of Ethnic discrimination against her by the Governor Trans Nzoia Hon. George Ntembeya

Investigation into the complaint on ethnic discrimination was instituted vide inquiry file NCIC/COMP/13/2023 and is ongoing at an advanced stage. Hon. George Ntembeya the Governor Transzoia County was summoned and recorded his statement on 28th November 2023. The Inquiry file is yet to be forwarded.

Yours sincerely,

[Signature]
CPA Harrison Kariuki
Ag. COMMISSION SECRETARY/CEO.



② HOD - Governance
Lead Clerk - Devolution & LR

Kindly deal

Mission: To promote national unity, equity and the elimination of all forms of ethnic discrimination by facilitating equality of opportunities, peaceful resolution of conflicts and respect for diversity among Kenyan communities.

Rev. Dr. Samuel Kobia, C.B.S. (Chairperson) Ms. Wambui Nyutu, OGW. (Vice Chairperson),

Commissioners: Hon. Abdulaziz A. Farah, Hon. Eng. Philip O. Okundi, Hon. Dorcas L. Kedogo, Mr. Sam Kona,

Dr. Danvas Makori,

Ag. Commission Secretary/CEO - Harrison Kariuki

6.1 March 2024

**Annex 6: Submissions by the
Ministry of Interior and
National Administration**

MEETING WITH THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON SECURITY CONCERNS RAISED BY HON. PHILOMENAH KAPKORY, DEPUTY GOVERNOR, TRANS NZOIA COUNTY

Honourable Chair, this Committee has extended an invitation to me as the Cabinet Secretary for Interior and National Administration regarding security concerns raised by Honourable Philomenah Kapkory, the Deputy Governor for Trans Nzoia County.

I state as follows:

Honourable Chair, through a letter referenced F10357N/HSS/B dated 17th October, 2023, the Federation of Women Lawyers - Kenya wrote to the Director, Directorate of Criminal Investigations requesting for investigations into the security concerns raised by the Honourable Philomenah Kapkory, the Deputy Governor for Trans Nzoia County.

From their complaint letter, it was established that the Federation was acting on behalf of their client, Honourable Philomena. The complainant alleged that she has been threatened by people well known to her and that the perpetrators had published false information through various social media platforms, such as WhatsApp and messaging platform, among others.

To establish the veracity of the complaint, the investigating team contacted the complainant and she availed herself at the DCI Headquarters for interview and statement recording. From the interview, the complainant disclosed that she had already reported the matter at the office of the National Cohesion and Integration Commission (NCIC) in Nairobi and the Commission was handling the matter.

To this end, the investigating team has accomplished the following: -

- i. On 23rd October, 2023, the investigating team wrote to Communications Authority of Kenya vide DCI/IB/SCU/SEC/1/1/20A/VOL.V/20 in relation to the stated accounts for purposes of preservation and forensic analysis.
- ii. On 7th November, 2023, the investigating team wrote to National Registration Bureau vide DCI/IB/SCU/SEC/2/1/6/VOL.V/158 requesting for information in respect to the identity of suspects.

The Investigating team were able to get feedback from the National Registration Bureau and were provided with details of a blogger who was suspected of publishing the offensive posts on social meadia. He was traced, interrogated and his statement recorded.

On 21st December, 2023, the complainant was requested to submit her mobile hand set to facilitate forensic investigations. However, she is yet to do so.

The investigating team is yet to receive feedback from the Communications Authority of Kenya in order to commence the next course of action.

Thank you, **Honourable Chair.**

A handwritten signature in black ink, appearing to read 'Kithure Kindiki', with a long horizontal line extending to the left.

KITHURE KINDIKI

CABINET SECRETARY FOR INTERIOR
AND NATIONAL ADMINISTRATION

3rd MARCH, 2023