



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT—THIRD SESSION

NOTICE OF SPECIAL MOTION BY HON. MUTUSE ECKOMAS MWENGI, MEMBER OF PARLIAMENT, KIBWEZI WEST CONSTITUENCY, FOR THE REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HIS EXCELLENCY RIGATHI GACHAGUA, EGH, THE DEPUTY PRESIDENT OF THE REPUBLIC OF KENYA

Pursuant to the provisions of **Article 150 (1) (b)** and **(2)** and **Article 145** of **the Constitution** and **Standing Orders 64** and **65** of the Standing Orders of the National Assembly of the Republic of Kenya, **THIS HOUSE RESOLVES** to Remove from Office, by Impeachment, **HIS EXCELLENCY RIGATHI GACHAGUA, EGH** the Deputy President of the Republic of Kenya on **THE FOLLOWING GROUNDS:**

PART A: GROSS VIOLATION OF THE CONSTITUTION OR ANY OTHER LAW PURSUANT TO ARTICLE 150 (1) (b) (i) OF THE CONSTITUTION

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

The **Preamble** of the Constitution provides (among other things) that the people of Kenya **adopted** and **enacted** it—

(a) being proud of the **ethnic, cultural, and religious diversity**, and a determination to **live in peace and unity** as one indivisible sovereign nation; and

(b) recognising the aspirations of all Kenyans for a government based on the essential values of **human rights, equality, freedom, democracy, social justice** and **the rule of law**.

The Preamble of the Constitution is supplemented by **Article 10 (2) (a), (b) and (c) of the Constitution**, which establishes the core national values and principles of governance that bind all State Officers (including the Deputy President).

These values and principles include **patriotism, human dignity, national unity, equity, social justice, inclusiveness, non-discrimination, equality, human rights, protection of the marginalised, democracy, and good governance**.

Moreover, **Articles 73 (1) (a) and (2) (b) of the Constitution** establish **responsibilities of leadership**. They provide that the authority assigned to a state officer (such as the Deputy President) is a **public trust** to be

exercised in a manner that is **consistent with** the purpose and objects of the Constitution, **demonstrates respect for the people, brings honour to the nation and dignity to the office** and promotes **public confidence** in the integrity of the office.

Also, **Article 27 (4)** of **the Constitution** prohibits **all forms of discrimination**, including discrimination based on **ethnic or social origin**, conscience, belief, language **and birth**.

Further, **Article 73 (2) (b)** of **the Constitution** provides that decision-making should be objective and impartial and should not be influenced by **favouritism and improper motives**.

Furthermore, **Article 75 (1) (c)** of **the Constitution** provides that a State Officer should behave, “whether in public and official life, in private life, or in association with other persons,” in a manner that **avoids demeaning the office** he holds.

Therefore, as a matter of **constitutional compliance**, the Deputy President of the Republic of Kenya, who is **the principal assistant to the President** of the Republic of Kenya, **is required—**

- (a) to promote the constitutional core values such as **peace and unity of all Kenyans** in the context of ethnic, cultural, and religious diversity, patriotism, national unity, rule of law, democracy and participation of the people, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised; and good governance;

- (b) to **respect and uphold representation of Kenya's multi-ethnic and culturally diverse society** through the promotion of equality and affording equal opportunities to all Kenyans in appointments to the public service and allocation of public resources; and
- (c) to **make, promote, and implement public policy decisions that do not discriminate** against any Kenyan based on conscience, ethnic or social origin, language or birth.

HOWEVER, on diverse dates **throughout the last two years**, His Excellency Rigathi Gachagua **has persistently made utterances threatening to discriminate**, exclude and unlawfully deny sections of the people of Kenya and regions of the Republic of Kenya equal opportunities for public service appointments and allocation of public resources.

Besides, **the utterances are highly inflammatory and inciteful and significantly undermine national unity and the peaceful co-existence** of Kenya's diverse communities.

To illustrate—

- (a) Sometime in **2023**, at a public forum in Kajiado County within the Republic of Kenya, His Excellency Rigathi Gachagua made **highly inflammatory, reckless, inciteful public pronouncements** to the effect that the '**Government of Kenya is a company**' and that the allocation of government development projects and public sector jobs are based on '**shares**' determined by how the populace of the

various ethnic communities voted in the 2022 general election.

Specifically, he stated as follows—

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

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

“Haiwezekani mtu ambaye alikua anakupigia kelele ukichunga hii ng’ombe, na kusema hii ng’ombe ni ile ya kienyeji hakuna haja ya kushugulika naye, hii ng’ombe ni bure haiwezi kutoa maziwa, hii ng’ombe ata ikipona jicho moja, wachana nayo unapoteza wakati. Saa ile ng’ombe imezaa imetoa maziwa...amekuja na kikombe, amekuja na sufuria, anataka atolewe maziwa. Mimi nikasema hiyo haiwezekani. Nikasema yule mwenye hii ng’ombe na

kuichunga na kuitunza, kwanza akamue maziwa, yeye na watoto wake wakunywe, ile itabaki aitie majirani. Ata yule alikuwa anapiga kelele akisema hii ng'ombe ni bure na haiwezekani kama kunayo imebaki pia apewe, kama hakuna imebaki atembee. Si hiyo namna hiyo?"

(b) His Excellency Rigathi Gachagua made similar remarks at another public forum as follows—

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

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

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

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

“ Raisa ako pale

niko hapo,

huyu Felix ako hapo,

Rais mnamjua,

Mimi mnanijua msimamo wangu,

Ya kwamba watoto wakiwa wengi,

kuna wale kwanza ya kuangaliwa,

si mnajua?

Sasa huyu Felix ako pale,

ndie kuunganisha mawaya

Mambo yenu tumepanga

Mambo iko sawa,

Chakula iko jikoni, karibu kuiva

Watoto ni wengi

Chakula ni kidogo

Iko Watoto ya nyumbani

Iko wa jirani

Iko namna hio

Na nyinyi mtulie

Chakula ikiiva

Sisi ndio wenye kupakua

Na Watoto tunawajua

Kwa sura na kwa msimamo

Hatuwezi kua confused

Kuna mtu hajui Watoto wake?

Na wiki inakuja

Tutatangaza!

Hatua kali ile tutachukua!

Na ile maneno tumepanga

Hii watu nauza hii pombe haramu

Ni hii Kenya watahama

Watahama hii Kenya

Tutatangaza!’

(e) In addition, in **September 2024**, during a public rally in Nairobi, His Excellency Rigathi Gachagua made public utterances that **he primarily represents and speaks for the ethnic communities that live in the Mt Kenya region**. He stated as follows—

“Na mimi mkaniambia nimsaidie Rais kwa kazi! Lakini nikiwa hapo kwa serikari, nikue pia nikichunga mambo ya watu wa mlima! Niendeleo kuchunga mambo ya mulima,

*ama nisichunge? Sasa hio kuchunga mambo ya mulima,
inaniletea matatizo. Ati naambiwa mimi ni mkabila! Mimi ni
mkabila kweli? Nikichunga mambo ya watu wa mlima, hiko
makosa? Hiko makosa?”*

His Excellency Rigathi Gachagua's utterances throughout the past two years **undermine the promotion of national unity** in the context of Kenyan society's multi-ethnic demography and multi-cultural diversity. In addition, *they have the potential to alienate, isolate, and create disharmony among the various ethnic communities of Kenya.*

IN SUMMARY, His Excellency Rigathi Gachagua's abovementioned utterances over the last two years **are impeachable offences** to the extent that they grossly violate **Articles 10 (2) (a), (b) and (c); 27 (4), 73 (1) (a) and (2) (b); 75 (1) (c), and 129 (2) of the Constitution and Article 147 (1), as read with Article 131 (2) (c) and (d) of the Constitution.** Specifically, His Excellency Rigathi Gachagua's divisive and inciteful public utterances over the last two years —

(a) are **incompatible with the high calling and dignified status** of the office of the Deputy President of the Republic of Kenya.

(b) can **stir ethnic hatred** and promote **ethnic balkanisation** of the Republic of Kenya.

(c) falsely alluded to **a non-existent government policy** to discriminate and marginalise the populace of the regions and tribes that did

not vote for the current administration in the 2022 general elections.

Annexed to this Motion are the various video clips that prove the allegations above.

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

Article 147 (1) of the Constitution provides that the Deputy President “shall be the principal assistant of the President and shall deputise for the President in the execution of the President's functions.”

In addition, **Article 152 (1) of the Constitution** states that the Deputy President is a member of the Cabinet.

On various dates **throughout the last two years**, His Excellency Rigathi Gachagua **undermined the President and the Cabinet and the effective discharge of the national government's executive mandate** by making unilateral public statements that were inconsistent with policy positions collectively adopted by the Government.

To illustrate—

(a) On or around **30th April 2024**, the **Cabinet passed a resolution** for the evacuation of people residing along the Nairobi River.

(b) Shortly after that, His Excellency Rigathi Gachagua **made a public statement opposing the Nairobi River Riparian Evacuation Orders**, which the Cabinet had sanctioned for public safety and

climate change mitigation. His Excellency Rigathi Gachagua made contradictory public statements despite being a Member of the Cabinet and being assigned the function of superintending the Nairobi River Riparian Evacuation Order.

In addition, His Excellency Rigathi Gachagua has, ***on several occasions throughout the last two years, made public statements contradicting the President on critical matters*** of governance and the exercise of the President's function as a symbol of national unity.

To Illustrate—

(a) In ***March 2023***, at a public forum in the Nyanza region, the President said Kenya belongs to all, notwithstanding how people voted in the 2022 general elections, and that he would ensure the government does not discriminate against anyone. However, His Excellency Rigathi Gachagua, speaking after the President at another public forum, contradicted him by saying that ***Kenya is like a company*** where the provision of government services is based on ***shares***.

(b) Excellency Rigathi Gachagua has made numerous other utterances at public forums, where he publicly restates the divisive narrative that ***Kenya is like a company*** with governance ***based on shares***.

His Excellency Rigathi Gachagua's unilateral, divisive and inciteful public statements ***are impeachable offences to the extent that—***

- (a) They undermine the effective discharge of the national government's executive mandate.
- (b) They violate the doctrine of collective responsibility.
- (c) They are equivalent to insubordination of the President, which is incompatible with his constitutional status as the **Principal Assistant to the President** of the Republic of Kenya.

Annexed to this Motion are the various video clips and evidence proving this allegation.

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

Article 10 (2) (a) of the Constitution provides that devolution is a fundamental national value and principle of governance. In addition, **Article 6 (2) of the Constitution** provides that governments at the county and national levels are distinct and interdependent and shall conduct their mutual relations based on consultation and cooperation. These provisions are supplemented by **Article 189 (1) of the Constitution**, which provides that governments at each level shall perform and exercise their powers "*in a manner that respects the functional and institutional integrity of government at the other level...*"

Under **paragraph 7 (a) of Part 2 of the Fourth Schedule to the Constitution**, county governments are responsible for trade development and markets as an exclusive function. Moreover, **the Deputy President chairs the Intergovernmental Budget and Economic**

Council, an essential organ for consultation between the two levels of government.

On or around **20th September 2024**, His Excellency Rigathi Gachagua, **recklessly unmindful of the high calling and dignified status of the Office of the Deputy President of the Republic**, unlawfully interfered with the running of Nairobi City County Government by holding **a public rally in which he incited citizens** against lawful directives of the Nairobi City County Government on the planning and relocation of markets.

Further, His Excellency Rigathi Gachagua publicly **disparaged the leadership of Nairobi City County Government** and its decisions.

Moreover, His Excellency Rigathi Gachagua has usurped the constitutional functions of county governments on alcohol control and regulation.

His Excellency Rigathi Gachagua's inciteful and demeaning public statements and conduct **are impeachable offences to the extent that—**

- (a) They undermine devolution.
- (b) They undercut the functional and institutional integrity of county governments.
- (c) They unjustifiably vilify and ridicule the leadership of the Nairobi City County Government.

Consequently, His Excellency Rigathi Gachagua **has grossly violated Articles 6 (2), 10 (2) (a), 174, 186 (1) and 189 (1) of the Constitution** as read with the **Fourth Schedule to the Constitution**.

Annexed to this Motion is a video clip evidencing His Excellency Rigathi Gachagua's inciteful public utterances at Wakulima Market. Also annexed hereto is a Press Statement issued by the Governor of the Nairobi City County in response to His Excellency Rigathi Gachagua's inflammatory and inciteful utterances.

GROUND 4: Gross Violation of 160 (1) of the Constitution

Article 160 (1) of the Constitution provides that the Judiciary "*shall be subject only to this Constitution and the law and shall not be subject to the control or direction of any person or authority.*" Many international law instruments, treaties, and principles require the guarantee of the judiciary's independence and require all governmental and other institutions to respect and observe it.

Sometime in 2023, His Excellency Rigathi Gachagua, recklessly unmindful of the high calling and dignified status of the Office of the Deputy President of the Republic of Kenya and the need to respect and protect and uphold the independence of the Judiciary, **made a scathing public attack against the Honourable Lady Justice Esther Maina, Judge of the High Court of Kenya**, and falsely threatened to bring action against the said Judge in gross violation of **Article 160 (5) of the Constitution**.

The Honourable Judge had determined a case in which His Excellency Rigathi Gachagua was a party and had, in the lawful performance of her judicial function, ***ordered forfeiture to the State KShs.200 million proceeds of corruption.***

His Excellency Rigathi Gachagua's ***public attacks against the Judge are impeachable offences*** to the extent that they undermine the functional and decisional independence of judges.

Annexed to this Motion is evidence proving this allegation

GROUND 5: Gross Violation of Articles 3 (1) and 148 (5) (a) of the Constitution

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

PART B: SERIOUS REASONS TO BELIEVE THAT THE DEPUTY PRESIDENT HAS COMMITTED A CRIME UNDER NATIONAL LAW PURSUANT TO ARTICLE 150 (1) (b) (ii) OF THE CONSTITUTION

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

Section 13 of *the National Cohesion and Integration Act* provides that *it is an offence for any person to use threatening, abusive or insulting words or behaviour where the person intends to stir up ethnic hatred*. The section also makes it *an offence to use such words or engage in such behaviour when, having regard to all the circumstances, ethnic hatred is likely to be stirred up*.

Besides, **section 62** of the National Cohesion and Integration Act states a person commits an offence when the person makes statements that are intended (or are likely) to *stir up feelings of ethnic contempt, hatred, hostility, violence or discrimination*.

His Excellency Rigathi Gachagua's persistent inflammatory, reckless, inciteful public utterances over the last two years, the details of which are set out in **Grounds 1, 2, and 3** of this Motion, establish serious reasons to believe that he has committed crimes under **section 13 (1)** and **62 of the National Cohesion and Integration Act**.

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

For the past two years, His Excellency Rigathi Gachagua ***has inexplicably amassed a humongous property portfolio*** estimated at ***KShs.5.2 billion***, primarily from suspected proceeds of corruption and money laundering. The value of the property and wealth that His Excellency Rigathi Gachagua has acquired over the last two years ***is incompatible with his known legitimate income (i.e., KShs.Twelve Million per annum or thereabouts)***.

His Excellency Rigathi Gachagua has acquired the abovementioned property and wealth ***using his spouse, two sons (Kevin Rigathi Gachagua ('Rigathi Gachagua') and Keith Ikinu Rigathi ('Keith Ikinu')) and other close family members and associates, as proxies.***

His Excellency Rigathi Gachagua and his proxies (especially the two sons) ***have used the following companies*** to massively launder money, conceal proceeds of crime, corruption, and benefit from influence peddling—

S/No.	Company	Date of Incorporation	Shareholders
1.	Spirit Way Limited (PVT-Y2ULDMKY)	14/11/2023	Dorcas Wanjiku Rigathi– Director/Shareholder/Beneficial Owner–100 Shares
2.	Fortis Vis Group Limited (PVT-MKUMAKEE)	14/02/2023	Kevin Rigathi Gachagua–50 Shares Keith Ikinu Rigathi–50 Shares
3.	Grand Bypass Apartments Limited (PVT-5JUZEKL8)	11/01/2024	Rigathi Gachagua–Director John Mwai Mathenge (7676931)– Director Peter Njoroge Regeru (4686103)– Director Vipingo Beach Resort Limited (C.159289)–Shareholder–1 Share
4.	Kuruwitu Properties Limited (PVT-EYUBKG83)	26/04/2023	Vipingo Beach Resort Limited (C.159289)–Shareholder–1000 Shares John Mwai Mathenge
5.	The Anansi Collective (BN-JRCG76AG)	29/03/2021	Keith Ikuni Rigathi
6.	Biovet (K) Limited (CPR/2009/4880)	10/06/2009	Rigathi Gachagua–200 Shares Dorcas Wanjiku Rigathi–200 Shares
7.	Calvary Creed International Limited	16/04/2015	Rigathi Gachagua–50 Shares

S/No.	Company	Date of Incorporation	Shareholders
	(CPR/2015/186154)		Dorcas Wanjiku Rigathi–950 Shares
8.	Cosmere Venture Limited (PVT-Q7ULE6Z)	26/02/2018	Herman Thuita Maina–200 Shares James Mwangi Kagotho–50 Shares Kevin Rigathi Gachagua–250 Shares Keith Ikinu Rigathi–50 Shares Irene Nyanjau Wachira–250 Shares David Kipkemboi Muthamia–200 Shares
9.	Crystal Kenya Limited (CPR/2009/4898)	12/06/2009	Kevin Rigathi Gachagua–200 Shares Keith Ikinu Rigathi–200 Shares
10.	Delta Merchants Limited (CPR/2009/4874)	09/06/2009	Rigathi Gachagua–200 Shares Dorcas Wanjiku Rigathi–200 Shares
11.	Vipingo Beach Resort Limited (C.159289)	05/08/2008	Kevin Rigathi Gachagua–Director Keith Ikinu Rigathi–Director Estate of the deceased James Nderitu Gachagua–Shareholder 10,000 Shares
12.	Rigathi Gachagua Foundation (CLG-XXFXRG)	11/11/2022	Rigathi Gachagua

S/No.	Company	Date of Incorporation	Shareholders
13.	Dorcas Rigathi Foundation (CLG-G9FV2G)	19/10/2022	Kevin Rigathi Gachagua Keith Ikinu Rigathi Dorcas Wanjiku Rigathi Nancy Wambui Kangethe
14.	Heartland Supplies Limited (CPR/2009/4881)	11/06/2009	Rigathi Gachagua– Director/Shareholder–200 Shares Dorcas Wanjiku Rigathi– Director/Shareholder–200 Shares
15.	Karandi Farm Limited (C.94303)	25/06/2001	Rigathi Gachagua – Director/Shareholder–700 Shares Dorcas Wanjiku Rigathi– Director/Shareholder–100 Shares
16.	Morani Manufacturers Limited (PVT-8LU7Q8GD)	13/10/2021	Dorcas Wanjiku Rigathi– Director/Shareholder–200 Shares Keith Ikinu Rigathi– Director/Shareholder–200 Shares Joshua Karianjahi Waiganjo– Director/Shareholder -600 Shares Grace Wachuka Mwangi–Beneficial Owner

S/No.	Company	Date of Incorporation	Shareholders
17.	Mothers of the Land Limited (CLG-55FD3B)	01/12/2021	Louiza Njeri Wanjiru–Director/Member Caroline Jepkemboi Waiyaki– Director/Member Lucy Njuguni Mutegi– Director/Member Dorcas Wanjiku Rigathi– Director/Member
18.	Pioneer Medical (K) Limited (CPR/2009/4910)	09/06/2009	Rigathi Gachagua– Director/Shareholder–200 Shares Dorcas Wanjiku Rigathi– Director/Shareholder–200 Shares
19.	Ridor Furniture Mart Limited (C.141876)	18/07/2007	Rigathi Gachagua– Director/Shareholder–500 Shares Dorcas Wanjiku Rigathi– Director/Shareholder–500 Shares
20.	Royal Crimson Ventures Limited (PVT-LRU2QZL)	26/02/2018	Kevin Rigathi Gachagua– Director/Shareholder -400 Shares Keith Ikinu Rigathi– Director/Shareholder -400 Shares Peter Kangangi Githaiga– Director/Shareholder–200 Shares

S/No.	Company	Date of Incorporation	Shareholders
21.	Technical Supplies and Services (K) Limited (CPR/2009/4895)	06/06/2009	Rigathi Gachagua– Director/Shareholder–400 Shares Francis Muchiri Wanguo–Director
22.	Wamunyoro Investments Limited (C.93670)	23/04/2001	Kevin Rigathi Gachagua– Director/Shareholder–1 share Keith Ikinu Rigathi– Director/Shareholder–1 share

To illustrate—

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

(b) In **November 2023**, Kevin Gachagua and Keith Ikinu, the proxies of His Excellency Rigathi Gachagua, acquired **Treetops Lodge** situated in Nyeri County. Sometimes, in **August 2024**, His Excellency

Rigathi Gachagua publicly admitted that his family had acquired this property.

(c) His Excellency Rigathi Gachagua and his proxies also acquired **Olive Gardens Hotel** and **Queens Gate Serviced Apartments** in Nairobi.

(d) His Excellency Rigathi Gachagua acquired **Vipingo Beach Resort**, in Kilifi County.

(e) His Excellency Rigathi Gachagua acquired a parcel of land known as **Ruguru/Kiamariga/1223** in Mathira East Constituency, where he has constructed a helicopter landing facility.


(f) His Excellency Rigathi Gachagua acquired approximately **40 acres** of land in Kakuret in Kamburaini in Nyeri County.





(g) His Excellency Rigathi Gachagua acquired **80 acres** of land in Meru County.


(h) His Excellency Rigathi Gachagua acquired **a dairy farm** in Nyandarua County.

(i) Additionally, His Excellency Rigathi Gachagua used his office of Deputy President to exert influence and connive with unscrupulous Ministry of Lands officials to issue **an allotment letter to Wamunyoro Investments Limited**, a company that he owns, to acquire **L. R. 209/12077 and LR 90923**, situated at Embakasi in Nairobi. After that, this company used the fraudulently acquired documents to support a court case at the expense of the legitimate owner of the property.

- (j) Moreover, companies associated with His Excellency Rigathi Gachagua and his proxies were involved in the 2023 **KShs.3.7 billion irregular procurement of Malaria nets** that put the lives of millions of Kenyans at risk.
- (k) In addition, His Excellency Rigathi Gachagua has used the office of Deputy President to corruptly influence **unnecessary and expensive renovation of his official residence** in Karen and Mombasa running into millions of shillings. In essence, His Excellency Rigathi Gachagua has chosen personal comfort, extreme luxury, and pomposity at the expense of service delivery to the people.
- (l) **The following are images of some of the properties** that His Excellency Rigathi Gachagua has acquired from suspected proceeds of corruption, influence peddling, and money laundering—

S/No.	NAME AND ADDRESS	IMAGE
1.	Treetops Hotel, located in Nyeri.	

2.	Outspan Hotel, located in Aberdare Ranges	
3.	Olive Gardens Hotel, Argwings Kodhek Road	
4.	Vipingo Beach Resort	
5	Riara One Apartments, Riara Road	

6.	Langata Apartments, Bypass	View Southern	
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Additionally, His Excellency Rigathi Gachagua has ***the following proxy companies*** to trade with the office he holds:

1. AGROBRIQ INVESTMENT LIMITED

It is a private limited company incorporated in Kenya on **28th May 2017** under certificate number PVT-RXUP6E. The company deals in building and construction. The company's directors/shareholders are—

- (a) Rudani Mayurkumar Mahendrabhai.
- (b) Patel Ankitkumar Hasmukhbhai, a non-Kenyan national.

The company operates a bank account (number withheld for data protection reasons) at Sidian Bank, opened on **19th February 2022**, with the company directors as the account signatories. On **18th October 2022**, Bhavika Nathalal Hirani was added as an account signatory and given full mandate to operate the account. Bhavika Nathalal Hirani is a proxy of His Excellency Rigathi Gachagua.

On **23rd January 2023**, the company account received a transfer of **KShs.47,015,367.75** from the Executive Office of the Deputy President. The payment was supported by—

- (a) Notification of Award Letter Ref ODP/ADM.1/57 Vo.IV (70) dated **16th December 2022** from the Office of the Deputy President to **Agrobriq Investment Limited** for the proposed Refurbishment of Deputy President's official residence at Karen, at a cost of **KShs.55,559,520.00**.
- (b) Payment Voucher of **KShs.55,133,265.92** was received on 10/01/2023 as the 1st Interim payment on respect of the contract ODP/RT/001/2022-2023
- (c) An agreement letter dated **22nd December 2022** between Office of Deputy President and **Agrobriq Investment Limited** for the proposed renovation of Deputy President's official residence in Karen. Bhavika Nathalal Hirani signed the document as a Director of Agrobriq Investment Limited.

On **23rd January 2023**, the funds were after that suspiciously transferred through a transfer of **KShs.45,000,000.00** to a related entity (i.e., Vaghjiyani Enterprises Limited).

Shockingly, **the account had been dormant** for around nine months when it received the payment from the office of the Deputy President, adding to the suspicion that it was a special-purpose vehicle to siphon funds for His Excellency Rigathi Gachagua.

2. Lusona Events Limited

This is an events management company that was registered on **30th October 2012** under certificate number CPR/2012/87037. The company directors are—

(a) Esther Wanjiru Njenga.

(b) Cecilia Muthoni Njenga.

The company operates two bank accounts at the **SBM Bank**, which it opened **in 2015**. The company's directors are account signatories. Ian Njuguna Gitata was also introduced as an account signatory and is the sole account operator, pointing to the likelihood that he is the beneficial owner.

Between **1st January 2024** and **11th July 2024**, the account at SBM Bank received a total of **KShs.100,262,821.43** from the Office of the Deputy President, characterised by the receipt of multiple transfers. In a single day on **2nd July 2024**, the Deputy President's Office paid the company in eight transactions as follows—

S/No	Date	Amount
1.	2-JULY-2024	2,946,900.00
2.	2-JULY-2024	4,806,639.00
3.	2-JULY-2024	4,679,130.00
4.	2-JULY-2024	2,955,450.00

S/No	Date	Amount
5.	2-JULY-2024	3,374,400.00
6.	2-JULY-2024	5,451,912.40
7.	2-JULY-2024	3,582,536.50
8.	2-JULY-2024	3,840,625.60

A **substantial portion of the KShs.100,262,821.43 was used for luxurious largesse and unnecessary expenditure** for carpets, etc., laid down for the Deputy President's functions. Some of the funds were utilised as follows—

(a) Ian Gitata made **KShs.22,800,000.00** in **cash withdrawals**. Some of the withdrawals were declared as cash to pay undisclosed beneficiaries. It was suspicious why they preferred cash payments as opposed to wire transfers.

(b) **KShs.4,000,000.00** transfers to a law firm.

(c) **KShs.26,993,350.00** Investment in fixed-term deposits as follows—

(i) On 27th May 2024, **KShs.9,993,350.00**

(ii) On 11th July 2024, **KShs.17,000,000.00**

The utilisation of funds was suspicious, as most of the cash was withdrawn in cash rather than wire transfers. His Excellency Rigathi Gachagua is suspected to be the principal beneficiary of these dubious transactions.

3. St. Nicholas Rehabilitation and Industrial Training Institute Limited

The company was incorporated on **8th April 2021** under registration number PVT-AAACMO4. It deals with student rehabilitation and industrial training, trading as St Nicholas Rehabilitation Centre and Psychiatric Hospital. The sole company director is Nicholas Mugambi Maingi. The company operates an account at Equity Bank, opened on **18th August 2017**, with the company director as the sole account signatory.

Between **1st March 2024** and **5th June 2024**, the account received a total of **KShs.21,060,000.00** from office from the Office of the Deputy President. The funds were suspiciously utilised as follows—

(a) **KShs.2,000,000.00** was used to purchase a car from **Umarali Motors Limited** (for the purchase of a white Toyota Prado at a cost of **KShs.8.5 million**).

(b) Another **KShs.4,000,000.00** was suspiciously transferred to Nicholas Maingi's account. A cash trail in the personal account revealed that upon receipt of the funds, Nicholas made a transfer of **KShs.4,660,000.00** to Umarali Motors Limited on **21st March 2024**.

Why pay Umarali Motors Limited using two routes?

Further, prior to receipt of the two payments from the Office of the Deputy President, the account was transacting in minimal accounts, raising suspicions that the entire transaction was a conduit used by His Excellency Rigathi Gachagua to siphon public funds. The payment scheme used typifies money laundering transactions.

FROM THE MATTERS OUTLINED IN THE PRECEDING PARTS OF THIS MOTION, it is patently clear that there are serious reasons to believe that His Excellency Rigathi Gachagua, the Deputy President of the Republic of Kenya, using his state office has committed gross economic crimes, namely conflict of interest, abuse of office, conspiracy to commit a crime, under **sections 45 (1) (a), 46, 47 (A) (3), and 48 (1) of the Anti-Corruption and Economic Crimes Act** and offences of money laundering under the **sections 2, 3, 4, and 7 of the Proceeds of Crime and Anti-Money Laundering Act**.

Annexed to this Motion is evidence that supports this allegation.

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

His Excellency Rigathi Gachagua has **continuously misled members of the public** through *false, malicious, divisive and inciteful* remarks that are contrary to the provisions of **section 132 of the Penal Code** and **section 29 of the Leadership and Integrity Act**.

To illustrate—

(a) sometime in **January 2024**, His Excellency Rigathi Gachagua made a sensational but false accusation that **Hon. Justice Esther Maina, Judge of the High Court of Kenya, had engaged in corruption**. He publicly said he would present a petition for the removal of the said judge (which he has not done to date),

leading to the inevitable conclusion that he knew his allegations were false.

(b) On or around **26th June 2024**, His Excellency Rigathi Gachagua recklessly and unmindful of the high calling and dignified status of the Office of the Deputy President of the Republic and his membership to the National Security Council, both being positions that require discretion and strategic leadership, especially during moments of national crisis, addressed Kenyans on live television in Mombasa County and publicly made sensational statements against the National Intelligence Service (an essential national security organ), its Director General, and officers.

Annexed to this Motion is evidence of this allegation

PART C: GROSS MISCONDUCT PURSUANT TO ARTICLE 150 (1) (b) (iii) OF THE CONSTITUTION

GROUND 9: Gross Misconduct

On or around **26th June 2024**, His Excellency Rigathi Gachagua, the Deputy President of the Republic of Kenya, ***recklessly and unmindful of the high calling and dignified status of the Office of the Deputy President of the Republic and his membership to the National Security Council***, both being positions that require exercise of discretion and tempered leadership, especially during moments of national crisis, ***addressed Kenyans on live television in Mombasa County and made a scathing***

attack on the National Intelligence Service (an essential national security organ).

His Excellency Rigathi Gachagua extended the extremely reckless personal attacks to the Director General of the institution.

With the unprecedented acts, His Excellency Rigathi Gachagua **acted in a manner that is incompatible with the high calling and dignified status of the Office of the Deputy President** and member of the Cabinet and the National Security Council. The following is an excerpt of part of his speech:

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

intensity, the anger of the Kenyan people, the agitation of the Kenyan people, the resilience of the Kenyan people.'

The attacks against the National Intelligence Service and its Director General **constitute gross misconduct and an impeachable offence to the extent that—**

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

Annexed to this Motion are video clips evidencing the inflammatory, reckless, inciteful public statements.

GROUND 9: Gross Misconduct (Insubordination)

As stated in the preceding parts of this Motion, **Article 147 (1) of the Constitution** designates the Deputy President as the **Principal Assistant of the President** who shall deputise for the President in the execution of the President's functions.

His Excellency Rigathi Gachagua **has persistently undermined, demeaned, and committed insubordination instead of assisting the President** in executing the state mandate and instead opted to run a smear campaign against the Presidency for political expediency.

Further, whereas **Article 147 (2) of the Constitution** requires the Deputy President to perform the functions conferred by the Constitution and any other functions that the President may assign, His Excellency Rigathi Gachagua is **openly sabotaging the state's efforts** in agriculture, including the coffee, tea, sugar and milk sectors which he was guided to manage. To illustrate, His Excellency Rigathi Gachagua has connived with cartels in the tea sector to block the Kenya Tea Development Authority from implementing guaranteed minimum returns that would benefit smallholder tea farmers. Secondly, His Excellency Rigathi Gachagua has influenced his family members, allies, associates, and proxies to take control of a local cooperative society (name withheld) in Mathira, which they are financially haemorrhaging.

Annexed to this Motion is evidence of this allegation.

GROUND 10: Gross Misconduct (Bullying)

Section 34 of *the Leadership and Integrity Act* provides that a State officer shall not bully any person. "**Bullying**" includes repeated offensive behaviour that is vindictive, cruel, malicious or humiliating and is intended to undermine a person.

For **the past two years**, His Excellency Rigathi Gachagua has demonstrated a persistent habit of coercing and bullying state and public officers in the security services, whom he subjects to public attacks and humiliation. He also summons staff working in ministries and state institutions, especially procurement officers, and instructs them to direct the procurement of goods and services in a specific manner. For example, **he bullied Kenya Medical Supplies Agency officials to award a tender for the supply of mosquito nets to Crystal Limited**, his proxy company. Crystal Limited had submitted a fake bid bond with the sole intention of fraudulently acquiring public property. At Kenya Revenue Authority, he has significantly bullied many innocent employees.

In the Presidency, His Excellency Rigathi Gachagua has identified **public officers who he thinks stand in his way of creating dominance** within Government and political kingship and has severely threatened, intimidated, and harassed them.

Further, **sometime in 2023**, His Excellency Rigathi Gachagua used his position as the Deputy President to **intimidate public officers and a**

contractor and divert materials meant for the construction of the Kilifi—Malindi Road to tarmac a private road to Vipingo Beach Resort, a hotel associated with him.

As is evident from the above acts, ***His Excellency Rigathi Gachagua uses his constitutional power as Deputy President solely to implement sectarian, parochial, and personal interests that seek to profit him.*** He operates like the famed Frankenstein monster straddling the entire public sector landscape, seeking dominance and dishing out orders that he wants implemented. Anyone who stands in his path is an enemy.

PART D: CONCLUSION

In the preceding parts of this Motion and the evidence annexed thereto, I have outlined ***ten grounds*** for the removal from office by impeachment of His Excellency Rigathi Gachagua.

Each Ground of impeachment contains sufficient particulars and evidence to prove that His Excellency Rigathi Gachagua ***has grossly violated the Constitution and other national laws throughout the last two years.***

Additionally, I have attached satisfactory and compelling evidence of serious ***reasons to believe that His Excellency Rigathi Gachagua has committed high crimes under various national laws***, including but not limited to—

(a) The Anti-Corruption and Economic Crimes Act.

- (b) The Proceeds of Crime and Anti-Money Laundering Act.
- (c) The Leadership and Integrity Act.
- (d) The National Cohesion and Integration Act.

Finally, the conduct of His Excellency Rigathi Gachagua, as depicted in this Motion—

- (a) Is unethical, deplorable and reprehensible.
- (b) Is ***incompatible with the high calling and dignified status*** of the Office of Deputy President of the Republic of Kenya.
- (c) Is ***a ticking time bomb*** to the extent that it has the potential to plunge the country into ***ethnic hatred and strife***.

GIVEN THE MATTERS OUTLINED IN THE PRECEDING PARTS OF THIS MOTION, I humbly urge Parliament to remove His Excellency Rigathi Gachagua from the office of Deputy President of the Republic of Kenya.

SIGNED AT THE NATIONAL ASSEMBLY ON.....SEPTEMBER 2024

.....
HON. MUTUSE ECKOMAS MWENGI
(MEMBER OF PARLIAMENT, KIBWEZI WEST CONSTITUENCY)



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT—THIRD SESSION

NOTICE OF SPECIAL MOTION BY HON. MUTUSE ECKOMAS MWENGI, MEMBER OF
PARLIAMENT KIBWEZI WEST)

AFFIDAVIT IN SUPPORT OF THE REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HIS
EXCELLENCY RIGATHI GACHAGUA, EGH, THE DEPUTY PRESIDENT OF THE REPUBLIC OF
KENYA

I, **HON. MUTUSE ECKOMAS MWENGI**, an adult male of sound mind residing and
working for gain in Nairobi and Makueni Counties of the Republic of
Kenya, **MAKE OATH AND SOLEMNLY STATE AS FOLLOWS—**

- 1 I am a Member of the National Assembly of the Republic of Kenya
("the Assembly") representing **Kibwezi West Constituency**.
- 2 I have personal knowledge of the matters set in the Motion for the
Removal from Office, by Impeachment, of HIS EXCELLENCY RIGATHI
GACHAGUA, EGH, the Deputy President of the Republic of Kenya ("the
Deputy President"), and hence competent to swear this Affidavit.
- 3 On or around **2nd September 2024**, I began collecting and collating
evidence to support the Motion. This was inspired by complaints about
His Excellency Rigathi Gachagua's ***persistent discreditable and***

dishonourable acts and omissions over the last two years, each and all of which amount to—

- (a) gross violations of the Constitution;
 - (b) gross violations of other national laws; and
 - (c) gross misconduct over the last two years.
- 4 I downloaded the videos alluded to in the Motion (**"the videos"**) from the internet using an HP Desktop Computer with Serial Number 00330—80000—00000—AA627 (**"the HP Desktop Computer"**).
- 5 The Videos are in the public domain, as multiple television stations of national coverage have recorded the relevant events. Indeed, His Excellency Rigathi Gachagua's violations of the Constitution and laws of Kenya and misconduct are matters of general notoriety.
- 6 I later transferred the videos onto the USB Flash Drive presented herewith using the HP Desktop Computer.
- 7 I also collected and collated the documents and other forms of evidence alluded to in the Motion, copies of which are annexed hereto as part of the Motion and marked as **"Exhibits."**
- 8 When I signed this affidavit, I verified the authenticity, accuracy, availability, and downloadability of the videos from the World Wide Web.
- 9 I earnestly believe that the videos accurately and verifiably depict His Excellency Rigathi Gachagua's public utterances on the various

occasions alluded to in the Motion. Again, I earnestly believe that His Excellency Rigathi Gachagua's public utterances, as captured in the videos, are matters of general notoriety.

10 The HP Desktop Computer—

- (a) was in good working condition at all times relevant to the downloading, transfer and saving of the videos;
- (b) was under the exclusive access, custody, control and use of authorised persons at all times relevant to the downloading, transfer and saving of the videos; and
- (c) performed all the relevant tasks seamlessly and free from all malware, technical defects, human sabotage and any other shortcomings that would distort or otherwise affect the accuracy and reliability of the electronic evidence embodied in the videos.

11 I urge the Assembly to treat this Affidavit as a Certificate for purposes of **section 106 (B) of the Evidence Act** and all other legal requirements governing the admissibility of photographic and electronic evidence.

12 I swear this Affidavit in support of the Motion and humbly urge all Members of Parliament to approve the Motion.

13 The depositions in this Affidavit and the averments in the Motion are accurate to the best of my knowledge and belief, save where I have relied on advice or information whose sources are disclosed.

SWORN at **NAIROBI** by the said
HON. MUTUSE ECKOMAS MWENGI
on 29 September 2024

BEFORE ME:

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REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT—THIRD SESSION

**NOTICE OF SPECIAL MOTION—HON. MUTUSE ECKOMAS MWENGI, MEMBER OF
PARLIAMENT, KIBWEZI WEST CONSTITUENCY**

Pursuant to **Articles 145** and **150 (1) (b)** and **(2)** of the **Constitution** and Standing Orders 64 and 65 of the Standing Orders of the National Assembly of the Republic of Kenya, the following Members have appended their signatures in support of the Motion for Removal from Office, by Impeachment, of **His Excellency Rigathi Gachagua**, the Deputy President of the Republic of Kenya.

**LIST OF MEMBERS OF THE NATIONAL ASSEMBLY IN SUPPORT OF THE MOTION FOR REMOVAL
FROM OFFICE, BY IMPEACHMENT, OF HIS EXCELLENCY RIGATHI GACHAGUA, THE DEPUTY
PRESIDENT OF THE REPUBLIC OF KENYA**

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