

GOVERNMENT OF NAIROBI CITY COUNTY



Paper laid by
Hon. Hamisi Suleima
3/10/2023

THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY
(SECOND SESSION)



NCCA/TJ/PL/2023(74)

3RD OCTOBER 2023

PAPER LAID

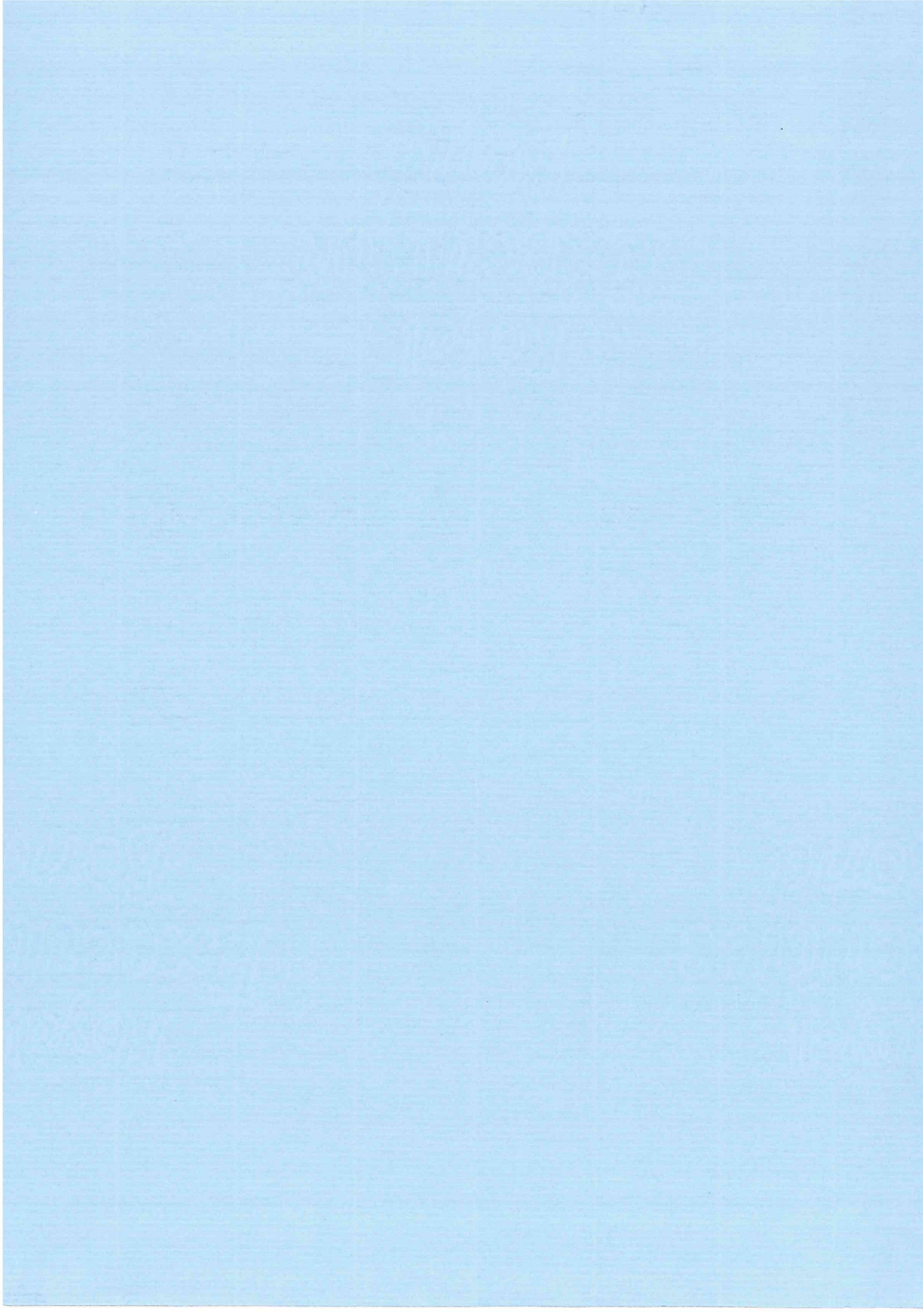
SUBJECT: REPORT OF COMMITTEE

Pursuant to Section 15 of County Assemblies Powers and Privileges Act, 2017 and Standing Order 196 I beg to lay the following Paper on the Table of this Assembly, today Tuesday 3rd October 2023:

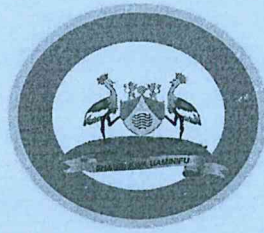
— THE REPORT OF THE SELECT COMMITTEE ON POWERS AND PRIVILEGES ON INQUIRY INTO ALLEGATIONS OF BREACH OF PRIVILEGE BY HON. HASHIM KAMAU, MCA, MEMBER FOR CALIFORNIA WARD.

(Chairperson, Select Committee on Powers and Privileges)

Copies to:
The Speaker
The Clerk
Hansard Editor
Hansard Reporters
The Press



GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY
(SECOND SESSION)

3rd October 2023

NOTICE OF MOTION

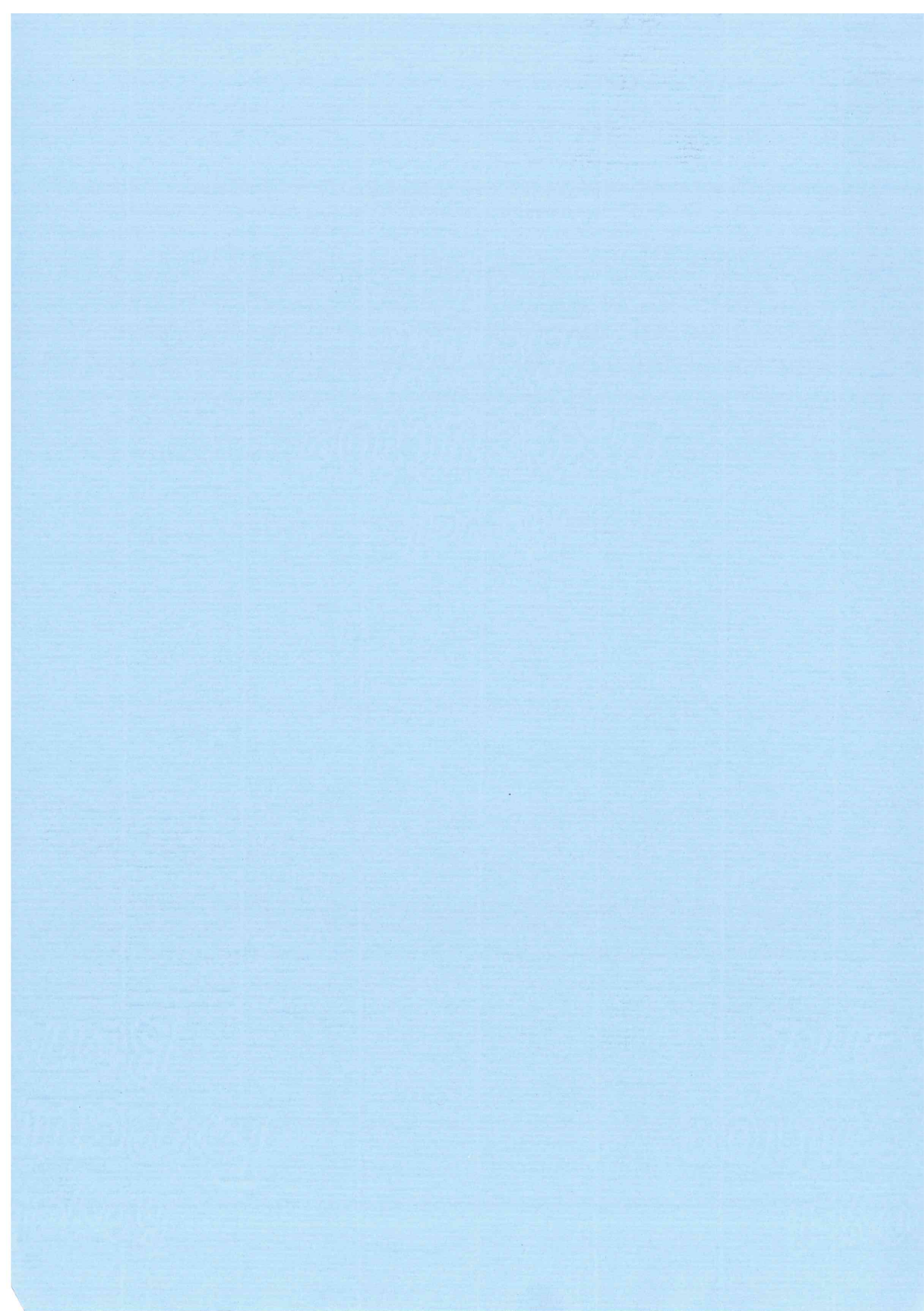
Subject: Adoption of report of a Committee

Hon. Speaker, I beg to give notice of the following motion:-

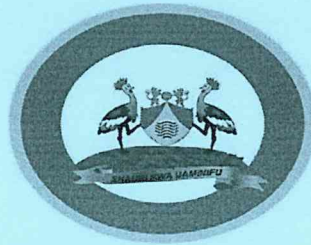
- **THAT**, pursuant to Section 15 (7) of County Assemblies Powers and Privileges Act, 2017, this Assembly adopts **THE REPORT OF THE SELECT COMMITTEE ON POWERS AND PRIVILEGES ON INQUIRY INTO ALLEGATIONS OF BREACH OF PRIVILEGE BY HON. HASHIM KAMAU, MCA, MEMBER FOR CALIFORNIA WARD**, laid on the table of the Assembly today, Tuesday, 3rd October 2023.

(Chairperson, Select Committee on Powers and Privileges)

*Notice of Motion given
by Hon. Hamisi Suleiman
3/10/2023*



NAIROBI CITY COUNTY GOVERNMENT



THE NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY – SECOND SESSION

THE REPORT OF THE SELECT COMMITTEE ON POWERS AND PRIVILEGES ON THE
INQUIRY INTO ALLEGATIONS OF BREACH OF PRIVILEGE BY HON. HASHIM
KAMAU, MCA, MEMBER FOR CALIFORNIA WARD

THE SELECT COMMITTEE OF POWERS AND PRIVILEGES

Clerk's Chambers,
CITY HALL,
NAIROBI.

JUNE, 2023

Appendices

- 1) Petition for Judicial Review on the resolution of the County Assembly passed on 15th March 2023
- 2) Notice of withdrawal of the Petition

Table of Contents

1.0 PREFACE.....	3
1.1 Establishment and Mandate	3
1.2 Committee Membership	3
1.3 Secretariat.....	4
1.4 Acknowledgement	4
2.0 BACKGROUND TO THE INQUIRIES	6
2.1 Inquiry into the alleged breach of privilege by Hon. Member of the County Assembly.....	6
2.2 Committee Inquiry into the Breach of Privilege	6
a) Legal Framework.....	6
b) Events Occasioning Breaches and the Inquiry.....	7
2.3 Witnesses	8
3.0 INVESTIGATION INTO THE ALLEGATION OF SUING THE COUNTY ASSEMBLY ON ITS RESOLUTION.	8
3.1 Witnesses from the County Assembly.....	8
a) The Clerk of the County Assembly	8
b) The County Assembly Legal Counsel	8
4.0 COMMITTEE FINDINGS	9
5.0 COMMITTEE RECOMMENDATIONS	10
5.1 Recommendations on the allegation of breach of privilege.....	10

1.0 PREFACE

1.1 Establishment and Mandate

Hon. Members,

The Committee on Powers and Privileges is established pursuant to Section 15 of the County Assemblies Powers and Privileges Act, 2017 (hereafter referred to as the Act) as read together with Standing Order 187. The Committee arises out of the provisions of Article 196 (3). The Committee's mandate amongst others, as outlined under Section 15 of the Act is to:

- a. Inquire into the conduct of a member whose conduct is alleged to constitute a breach of privilege; and
- b. Either of its own motion or a result of a complaint made by any person, inquire into the conduct of a member whose conduct is alleged to constitute a breach of privilege
- c. Investigate, table reports and make recommendations to the floor of the house
- d. Issue summons to witnesses to appear before the committee,
- e. Receive evidence and to request for and receive papers and documents from the Government and the public.

Further, as envisaged under Section 18 of the Act as read with Article 195 of the Constitution of Kenya 2010, the Committee as constituted has the same powers as the High Court in terms of summoning of any person to appear before it for the purposes of giving evidence or providing information.

1.2 Committee Membership

The Committee Membership comprises of:

- | | |
|---|----------------------|
| 1. The Hon. Kennedy O. Ng'ondi, MCA | – Speaker & Chairman |
| 2. The Hon. David Magoba Odhiambo, MCA | – Vice-Chairman |
| 3. The Hon. Asli Muhamud Muhamed, MCA | |
| 4. The Hon. Maurice Ochieng Onyango, MCA | |
| 5. The Hon. Hamisi Suleiman Maleya, MCA | |
| 6. The Hon. Absalom Odhiambo Onyango, MCA | |
| 7. The Hon. Lily Akoth Kidenda, MCA | |
| 8. The Hon. Benter Juma Obiero, MCA | |
| 9. The Hon. Eutychus Mukiri Muriuki, MCA | |
| 10. The Hon. Clement Nganga Kamaru, MCA | |
| 11. The Hon. Kame Omuro Adano, MCA | |
| 12. The Hon. Susan Makungu Kavaya, MCA | |
| 13. The Hon. John Mwaniki Kwenya, MCA | |
| 14. The Hon. Hashim Athaman Kamau, MCA | |

1.3 Secretariat

- | | |
|---------------------|-----------------------------|
| 1. Monicah Muthami | – Principal Clerk Assistant |
| 2. Austin Inyundele | – Snr. Clerk Assistant |
| 3. Kevin Wasike | – Snr. Clerk Assistant |

Hon. Members,

The County Assembly Committees are extensions of the Assembly established under the County Assembly Standing Orders and in accordance with Section 14 of the County Governments Act, 2012. The Committees are supposed to perform functions that the Assembly is not well fitted to consider in plenary.

The Select Committee on Powers and Privileges exercises its mandate by investigating any matter pertaining conduct of Members of the County Assembly and staff of the Assembly within the precincts of the Assembly.

Following allegations of breach of privilege by a Member of the County, Hon. Hashim Kamau, MCA, Member for California Ward, the Committee at its sitting held on 17th April, 2023 of its Motion deliberated on the said allegations. The Committee noted that Hon. Kamau had sued the County Assembly against its resolution made on 5th March, 2023 to reject the nomination for appointment of Dr. Jairus Musumba and the County Assembly. The Committee pursuant to the provisions of Standing Order 187 as read together with Section 15 (5) of the County Assemblies Powers and Privileges Act 2017, deliberated on matter and modalities whether to pursue the matter noting that the said Member was a Member of the Committee.

The Committee at its sitting held on 15th May, 2023 deliberated further on the matter and resolved to inquire on the alleged breach of the privilege by Hon. Hashim Kamau, MCA. The Committee cited Section 16 (c) and (e) of the County Assemblies Powers and Privileges Act, 2017.

During the said meeting, the Committee resolved to invite and Clerk of the County Assembly and the said Hon. Member to shed more light on the alleged breach of the privilege.

The Committee held a total of six (6) Sittings during which evidence was received from witnesses. During the sittings, witnesses were invited to appear and adduce evidence in chief. The Committee held sittings on 20th, 25th 26th and 27th February 2020 and 3rd and 5th March 2020.

The Committee having called witnesses and received documentary evidence of the raised allegations made observations, findings and recommendations in accordance with Chapter four (4) and five (5) of this report.

1.4 Acknowledgement


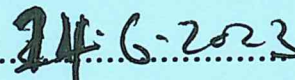
Hon. Members, I wish to acknowledge with gratitude the Members of the Select Committee on Powers and Privileges for the dedication that they have portrayed in

ensuring that the Committee implements its mandate and that the County Assembly upholds its dignity and integrity, while looking into the alleged breach of privilege by Hon. Hashim Kamau, MCA, Member for California Ward.

Hon. Members, my sincere appreciation also goes to the office of the Clerk of the County Assembly and the Secretariat of the Select Committee on Powers and Privileges for offering sound legal advice on the mentioned case.

Hon. Members, it is therefore my pleasant duty and privilege to table this report before the Assembly and recommend it for adoption.

Thank You

Signed Dated..........
Hon. David Magoba Odhiambo, MCA
Vice-Chairperson

2.0 BACKGROUND TO THE INQUIRIES

2.1 Inquiry into the alleged breach of privilege by Hon. Member of the County Assembly

On Monday 17th April, 2023, the Committee on its own Motion noted that there was alleged breach of privilege by a Member of the County Assembly, Hon. Hashim Kamau, MCA, Member for California Ward. It was noted that the said Member had sued the County Assembly against its resolution made on 15th March, 2023 to reject the nomination for appointment of Dr. Jairus Musumba and the County Assembly. The Committee pursuant to the provisions of Standing Order 187 as read together with Section 15 (5) of the County Assemblies Powers and Privileges Act 2017, deliberated on the matter and modalities whether to pursue the matter noting that the said Member was a Member of the Committee.

The Committee at its sitting held on 26th April, 2023 deliberated further on the matter and resolved to inquire into the alleged breach of the privilege by Hon. Hashim Kamau, MCA. The Committee cited Section 16 (c) and (e) of the County Assemblies Powers and Privileges Act, 2017.

During the said meeting, the Committee resolved to invite Clerk of the County Assembly, the County Assembly Legal Counsel and the said Hon. Member to shed more light on the alleged breach of the privilege.

Consequently, the Committee invited the Clerk of the County Assembly and the accused Member to its meetings on different dates to shed more light on the alleged breach of the privilege.

2.2 Committee Inquiry into the Breach of Privilege

a) Legal Framework

- i) The Select Committee on Powers and Privileges (the Committee) draws its mandates and powers from various Constitutional and statutory provisions, as well as parliamentary dictates derived from long standing practice and procedure. Primarily the enabling law to the mandate of the Committee is Section 15 of the County Assemblies Powers and Privileges Act, 2017, the Nairobi County Assembly Standing Orders, which draws its legality and powers from County Governments Act, 2012 and the Constitution of Kenya, 2010, provides for the Powers and privileges of Committees, under Standing Order 187, thus, *Committees shall enjoy and exercise all the powers and privileges bestowed on Parliament by the Constitution and statute, including the power to: Summon any person to appear before it for the purposes of giving evidence or providing information; and request for and receive papers and documents from the Government and the public.*

- ii) Section 15 (1) of the County Assemblies Powers and Privileges Act, 2017 (the Act) establishes the Committee. The Act is enacted pursuant to provisions of Article 196(3) of the Constitution of Kenya, 2010.
- iii) The Committee's powers to summon witnesses for purposes of giving evidence is provided for under Article 196 of the Constitution of Kenya 2010, thus, a *county assembly or any of its committees has power to summon any person to appear before it for the purpose of giving evidence or providing information. For the purposes of clause (1), an assembly has the same powers as the High Court to—*
 - a. *enforce the attendance of witnesses and examining them on oath, affirmation or otherwise;*
 - b) *compel the production of documents; and*
 - c) *Issue a commission or request to examine witnesses abroad.*
- iv) Section 15 of the Act mandates the Committee, on its own Motion, to inquire into conduct of a Member whose conduct is alleged to constitute a breach of privilege in terms of Section 16.
- v) Section 16 of the Act outlines what constitutes to be a breach of privilege and in particular, "*Section 16 (c) provides that a Member can be considered to be in breach of privilege if he/he willfully fails or refuses to obey any rule, order or resolution of a county assembly and in (d), conducts himself or herself in a manner which, in the opinion of the Committee on Powers and Privileges, is intended, or is likely to reflect adversely on the dignity or integrity of a county assembly, or of the Members or to be contrary to the best interests of a county assembly or its Members.*"
- vi) In addition, Section 10 of the Act, prohibits questioning of the proceedings or decisions of this Committee in any court.
- vii) Section 26 of the Act provides for the Prohibited Acts in respect of a County Assembly and its Members.
- viii) In Section 17 (3) of the Act provides for the attendant penalties should the Committee establish culpability for breach of privilege by a Member.

b) Events Occasioning Breaches and the Inquiry

The matter for which the Select Committee on Powers and Privileges undertook inquiry the arose from allegations of breach of privilege by Member of the County Assembly for suing the Assembly on its resolution made on 15th March, 2023 to reject the nomination of Dr. Jairus Musumba for appointment as the County Secretary. In accordance with Section 16 (c) and (e) of the Act, this breach of privilege may likely reflect adversely on the dignity or integrity of the County Assembly and its Members contrary to the best interests of the County Assembly.

The subject under inquiry was the allegation of suing the County Assembly on its resolution made on 15th March, 2023 to reject the nomination for appointment of Dr. Jairus Musumba as the County Secretary

2.3 Witnesses

With regard to the investigations of issues placed before the Committee, the Committee invited various witnesses for purposes of preparing a comprehensive report on; allegations of suing the County Assembly. On behalf of the Committee, and pursuant to Section 18 of the Act, the Clerk, under the direction of the Committee resolutions from its meeting held on 15th May, 2023 wrote and issued invitation letter to Hon. Hashim Kamau, MCA to appear before the Select Committee on Powers and Privileges to answer to the allegations.

The Committee through its Secretariat invited the Clerk of the County Assembly and the County Assembly Legal Counsel to shed more light on the said alleged case and the status of the case.

3.0 INVESTIGATION INTO THE ALLEGATION OF SUING THE COUNTY ASSEMBLY ON ITS RESOLUTION.

3.1 Witnesses from the County Assembly

Statements and oral testimony from witnesses from the County Assembly were reviewed and noted as follows: -

a) The Clerk of the County Assembly

On Tuesday, 16th May, 2023, representative of the Clerk of the County Assembly, Mr. Guyo Sankala – Ag. Principal Clerk Assistant (Committees), appeared before the Committee for purposes of shedding light on the allegations of Hon. Hashim Kamau, MCA suing the County Assembly on its resolution made on 15th March, 2023 to reject the nomination for appointment of Dr. Jairus Musumba as the County Secretary.

The Committee was informed that indeed Hon. Hashim Kamau, MCA had petitioned the Court for a judicial review against the County Assembly on its resolution made on 15th March, 2023 regarding the approval of the nominee for the County Secretary.

b) The County Assembly Legal Counsel

On Tuesday, 16th May, 2023, Mr. Martin Mugendi, Ag. Senior Legal Counsel appeared before the Committee for purposes of shedding light on the allegations of Hon. Hashim Kamau, MCA suing the County Assembly on its resolution made on 15th March, 2023 to reject the nomination for appointment of Dr. Jairus Musumba as the County Secretary.

The Committee was informed that Hon. Hashim Kamau, MCA Petitioned the Court against the County Assembly on 23rd March, 2023. The Officer stated that Hon. Hashim Kamau, MCA was given seven (7) days to file a substantive application of the matter in order for the County Assembly to respond on the same. That Hon. Hashim Kamau, MCA did not file the said application at the expiry of the seven (7) days.

The Committee was further informed that the County Assembly was in receipt of a withdrawal Notice of the Petition dated 4th April, 2023. However, the Committee could

not immediately ascertain the implications of the said Notice on the Petition before the court. That the case was mentioned on 8th May, 2023 but the Member had not filed a substantive application as required by law. That from the failure by the Member to file a substantive application and the filing of a notice of withdrawal, the case may have been naturally terminated.

c) Hon. Hashim Kamau, MCA

On Wednesday, 17th May, 2023, Hon. Hashim Kamau, MCA appeared before the Committee for purposes of shedding light on the allegations of suing the County Assembly on its resolution made on 15th March, 2023 to reject the nomination for appointment of Dr. Jairus Musumba as the County Secretary.

The Member requested for more time to review the issues raised in the letter. He stated that he received the invitation to the meeting through a WhatsApp in the evening of the previous day, hence he was not adequately prepared to appear. The Committee deliberated on the request and resolved to reschedule the meeting to Wednesday, 24th May, 2023 to enable the Member to prepare a response on the matter under consideration.

The Member appeared before the Committee on Wednesday, 24th May, 2023 in the company of his Legal Counsels. The witness informed the Committee as follows: -

On whether he sued the Clerk and the Speaker with respect to the Assembly resolution passed on 15th March, 2023 rejecting the nomination of Dr. Jairus Musumba for appointment as County Secretary, the witness agreed to have sued the Clerk, the Speaker of the County Assembly and the Governor challenging the procedure followed in reaching the resolution. The case is numbered HCJRMISC/E029 of 2023;

On the status of the case, the witness informed the Committee that the case stood withdrawn vide a withdrawal notice dated 4th April 2023;

On whether action should be taken against the witness in case the Committee established culpability of breach of privilege, the witness said he has every right to proceed to court and should not be sanctioned; and

On any act of atonement to the Committee, the witness did not tender any.

At the said meeting, the County Assembly Legal Counsel confirmed that by dint of the Notice for withdrawal, the matter was considered effectively withdrawn.

4.0 COMMITTEE FINDINGS

- i) The Committee upon reviewing the submissions by the witnesses found that indeed Hon. Hashim Kamau, MCA, Member for California Ward Petitioned the Court for a Judicial Review on County Assembly's resolution made on 15th March, 2023 to

reject the nomination for appointment of Dr. Jairus Musumba as the County Secretary.

- ii) Vide withdrawal Notice dated 4th April 2023, the witness had withdrawn the matter from the court;
- iii) Section 16 of the Powers and Privileges Act, 2017 states that the Committee may find a Member to be in breach of privilege if the Member willfully fails or refuses to obey any rule, order or resolution of the County Assembly; and conducts himself or herself in a manner which, in the opinion of the Committee on Powers and Privileges, is intended, or is likely to reflect adversely on the dignity or integrity of the County Assembly, or of the Members or to be contrary to the best interests of the County Assembly or its Members.

5.0 COMMITTEE RECOMMENDATIONS

Having received evidence in chief from summoned witnesses; having examined primary and secondary documentary evidence tabled before the Committee and; having deliberated and made observations and findings, the Select Committee on Powers and Privileges makes the following recommendations-

5.1 Recommendations on the allegation of breach of privilege

THAT, a reprimand pursuant to Section 17 (3) (b) of the County Assemblies Powers and Privileges Act, 2017 be issued to Hon. Hashim Kamau, MCA, Member for California Ward. Noting that, he willfully challenged the resolution of the County Assembly in court contrary to the provision of Sections 16 (c) and (e) of the County Assemblies Powers and Privileges Act, 2017

MEMBERS PRESENT:

1. The Hon. David Magoba, MCA – Vice-Chairperson
2. The Hon. Hamisi Maleya, MCA
3. The Hon. Benter Obiero, MCA
4. The Hon. Lily Akoth Kidenda, MCA
5. The Hon. Absalom Odhiambo, MCA
6. The Hon. Eutychus Mukiri, MCA
7. The Hon. Mwaniki Kwenya, MCA
8. The Hon. Maurice Ochieng, MCA

MEMBERS ABSENT WITH APOLOGY

1. The Hon. Kennedy Okeyo Ng'ondi, MCA – Speaker (Chairperson)
2. The Hon. Clement Nganga, MCA
3. The Hon. Susan Makungu, MCA
4. The Hon. Asli Muhamed, MCA
5. The Hon. Kame Adano, MCA

IN-ATTENDANCE – COUNTY ASSEMBLY

1. Mr. Francis Kivila- Director for Security Services

SECRETARIAT

1. Mr. Austin Inyundele – Senior Clerk Assistant
2. Mr. Kevin Wasike – Senior Clerk Assistant

AGENDA

1. Preliminaries (prayers & adoption of the Agenda)
2. Meeting the Director for Security Services on investigation into Hon. Robert Alai alleged breach of privilege.
3. Adoption of the Committee's report on investigation into alleged breach of privilege by Hon. Hashim Kamau, MCA
4. Meeting Hon. Peter Imwatok, MCA regarding alleged breach of privilege by Hon. Robert Alai, MCA.
5. Any other business
6. Adjournment

MIN.36/NCCA/P&PC/JUNE/2023: PRELIMINARIES

The Vice-Chairperson called the meeting to order at 10.10 a.m. and welcomed the Members present. The meeting commenced with a word of prayer from the Vice-Chairperson. The agenda was adopted having been proposed by Hon. Absalom Odhiambo, MCA and seconded by Hon. Benter Obiero, MCA.

MIN.37/NCCA/P&PC/JUNE/2023M: MEETING THE DIRECTOR FOR SECURITY SERVICES ON INVESTIGATION INTO HON. ROBERT ALAI ALLEGED BREACH OF PRIVILEGE

The Committee was informed that at its meeting held on 13th June 2023 it was resolved that the Director for Security Services be granted more time to prepare adequately for the

meeting with the Committee on investigation into alleged breach of privilege by Hon. Robert Ala, MCA. Accordingly, the Vice-Chair invited the Director to address the Committee who stated as follows:

- 1) That on the material day, none of the officer in the Directorate witnessed the alleged altercation between Hon. Robert Alai, MCA and Hon. Peter Imwatok, MCA;
- 2) That the CCTV of the day has already been over-ridden to create more space, therefore, he did not have any clip to present to the Committee as requested
- 3) That should the Committee need him to clarify any issue, he would be available to co-operate; and
- 4) That should he come across any information with respect to case under investigation, he would present it to the Committee to assist the investigation.

The Committee was concerned that there was no independent submissions from the Director especially with respect to the CCTV evidence. However, the Committee informed the Director that should the Committee need him, he would be invited again. In addition, the Committee directed the Director to extract and preserve the evident on Members who allegedly fought during a Committee meeting and supply the same on request of the Committee.

MIN.38/NCCA/P&PC/JUNE/2023: ADOPTION OF THE COMMITTEE'S REPORT ON INVESTIGATION INTO ALLEGED BREACH OF PRIVILEGE BY HON. HASHIM KAMAU, MCA

The Committee was informed that at its meeting held on 13th May 2023, the Committee resolved that the adoption of the report be deferred to the subsequent meeting. Therefore, the Committee deliberated on the recommendation (s) that would go into the report and resolved that the Member be reprimanded and the report for subsequently adopted for Tabling in the Assembly.

MIN.39/NCCA/P&PC/JUNE/2023: MEETING HON. PETER IMWATOK, MCA REGARDING ALLEGED BREACH OF PRIVILEGE BY HON. ROBERT ALAI, MCA.


The Committee deliberated on the matter and resolved that the meeting be deferred to the subsequent meeting to be held on 15th June 2023 at 10.00 a.m due to reasons beyond the Committee.

MIN.40/NCCA/P&PC/JUNE/2023: A.O.B & ADJOURNMENT

The Committee having dispensed with the business of the day and the time being Thirty-Two minutes past Ten O' Clock, the Vice-Chairperson adjourned the sitting. The next meeting would be communicated by notice.

CONFIRMED AS A TRUE RECORD OF THE PROCEEDINGS

CHAIRPERSON

SIGN

.....

SECRETARY


.....

DATE

21/6/2023
.....

21.6.2023
.....

*After 11:00
Kindly follow up with
Ashwaga on whether
this has been filed.
The case is filed away.
Please advise if
this matter is
to be - May 2023.
Pls
Su PLC
11/04/2023*

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
JUDICIAL REVIEW DIVISION
JR. APPLICATION NO. HCJRMISC/E029 OF 2023

IN THE MATTER OF ARTICLES 10(2), 23(3) AND 47 OF THE CONSTITUTION OF KENYA 2010
AND

IN THE MATTER OF COUNTY GOVERNMENTS ACT NO. 17 OF 2012

AND

IN THE MATTER OF THE FAIR ADMINISTRATIVE ACTION ACT 2015

AND

IN THE MATTER OF ORDER 53 OF THE CIVIL PROCEDURE RULES, 2010

AND

IN THE MATTER OF NAIROBI CITY COUNTY ASSEMBLY STANDING ORDERS

AND

IN THE MATTER OF THE DOCTRINE OF LEGITIMATE EXPECTATION

AND

IN THE MATTER OF: AN APPLICATION FOR LEAVE FOR JUDICIAL REVIEW ORDERS OF
CERTIORARI, PROHIBITION AND MANDAMUS

BETWEEN

HASHIM KAMAU APPLICANT

VERSUS

THE GOVERNOR NAIROBI CITY COUNTY 1ST RESPONDENT

SPEAKER OF THE COUNTY ASSEMBLY OF NAIROBI 2ND RESPONDENT

CLERK, COUNTY ASSEMBLY OF NAIROBI 3RD RESPONDENT

NOTICE OF WITHDRAWAL OF SUIT

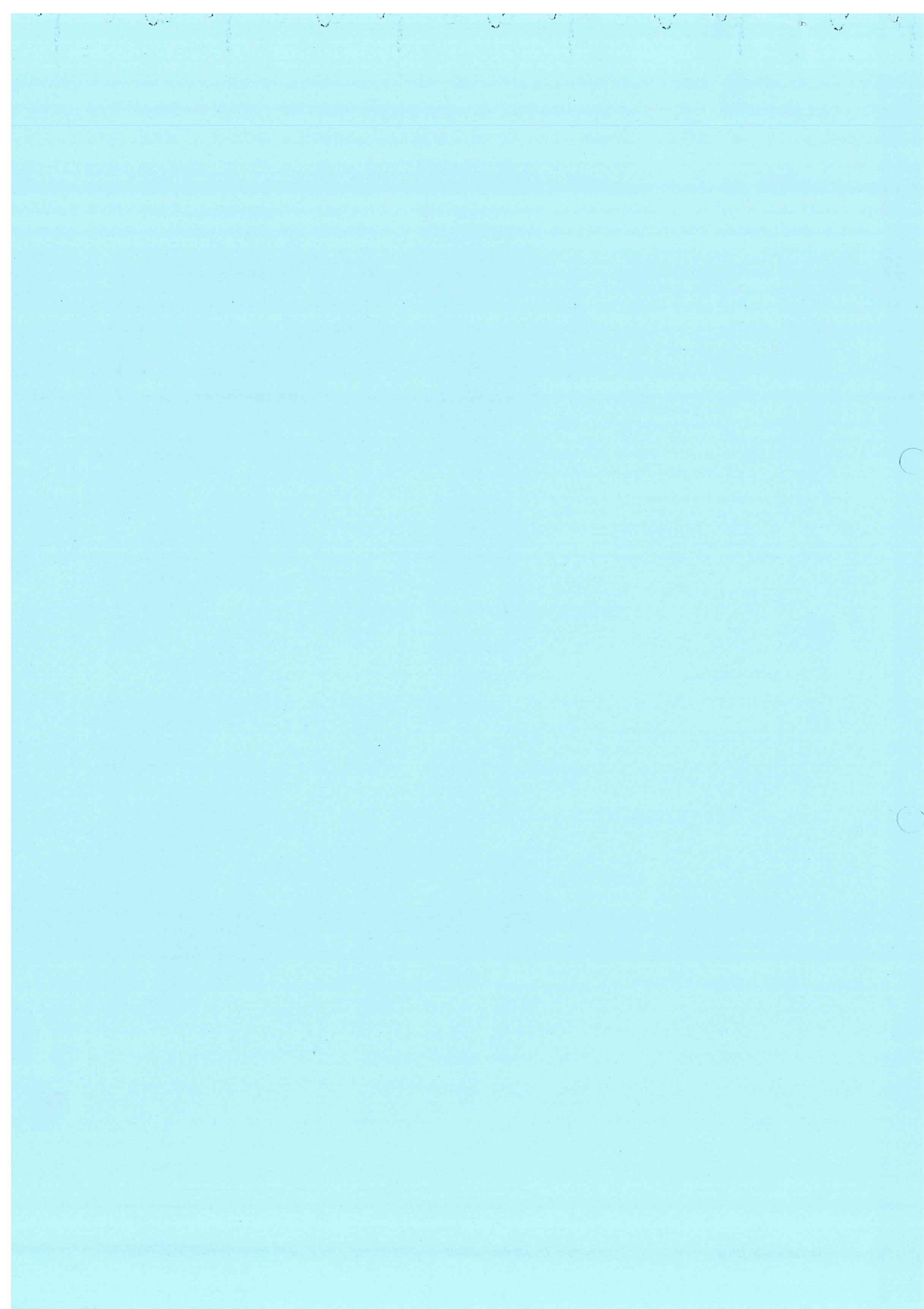
(Under Order 25 rule 1 of the Civil Procedure Rules, 2010)

TAKE NOTICE that the Applicant hereinabove HASHIM KAMAU hereby wholly withdraws the instant
suit between all respondents with no orders as to costs.

DATED at NAIROBI this 4th DAY OF APRIL 2023

MOHAMED, RAMA & CO.
ADVOCATES
Mohamed Rama & Co. ES
P.O. Box 62718, 00100 NAIROBI
Advocates for the Ex Parte Applicant

*So show 5th
PLC
Kindly deal
For CCA
4/4/23*



Drawn & filed by:-

Mohamed Rama & Co. Advocates,
Ecobank Towers, 11th Floor,
Muindi Mbingu Street,
P.O. Box 10741 – 00100,
NAIROBI

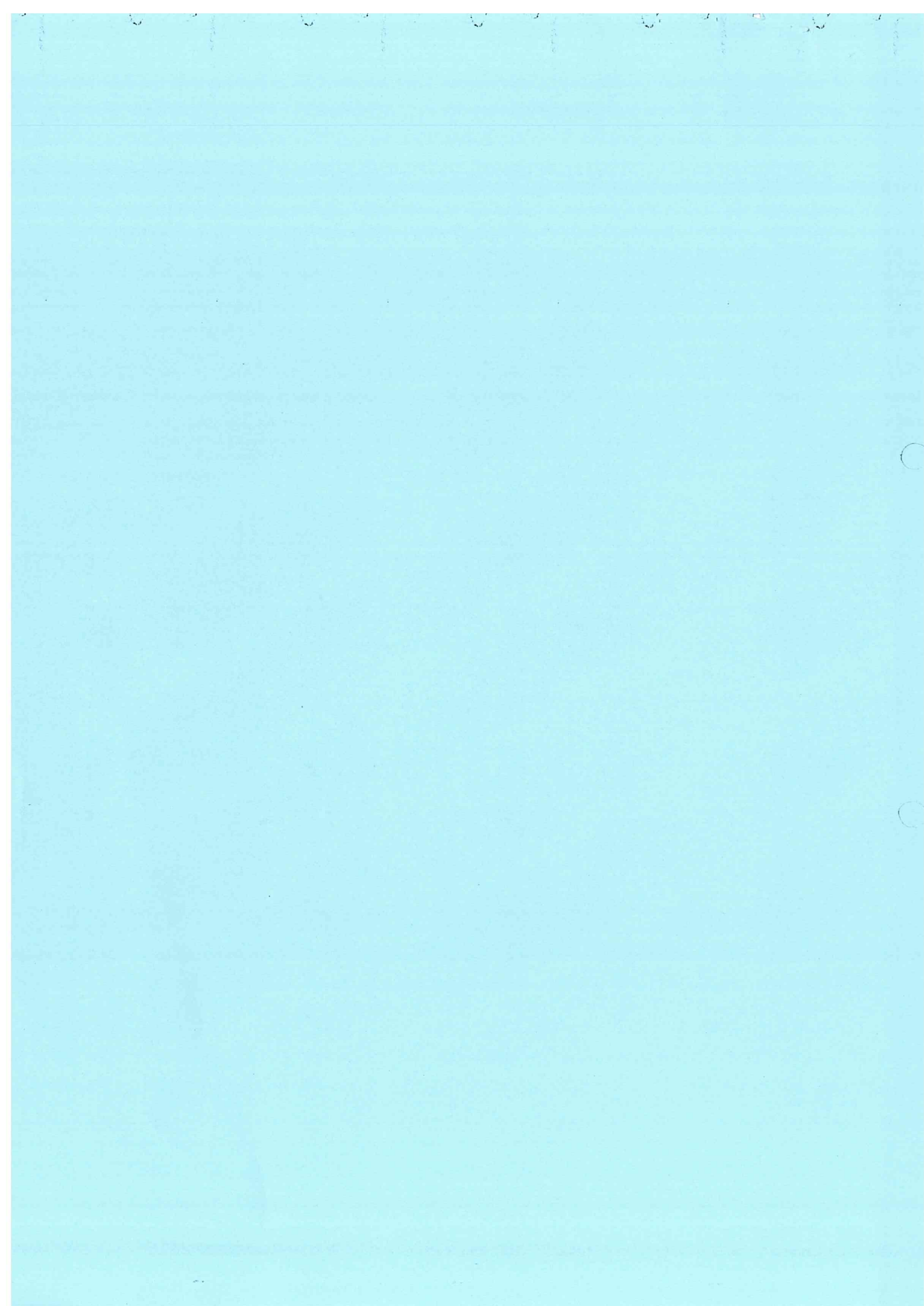
To Be Served Upon:

THE GOVERNOR COUNTY NAIROBI
CITY HALL –NAIROBI
WABERA STREET
PO BOX45844-00100
NAIROBI

SPEAKER OF THE COUNTY ASSEMBLY OF NAIROBI
CITY HALL –NAIROBI
WABERA STREET
PO BOX45844-00100
NAIROBI

ASHIOYA MOGIRE & NKATHA ADVOCATES
MAENDELEO HOUSE, 5TH FLOOR, SUITE 508,
MONROVIA STREET
PO BOX 28636-00100
NAIROBI
ashioyamogireadv@gmail.com

*No substantive response
Notice of Motion*



GOVERNMENT OF NAIROBI CITY COUNTY



NAIROBI CITY COUNTY ASSEMBLY
(THIRD ASSEMBLY - SECOND SESSION)

LEGAL SERVICES DEPARTMENT

INTERNAL MEMO



TO : DIRECTOR LEGISLATIVE SERVICES
FROM : PRINCIPAL LEGAL COUNSEL
THRO' : CLERK TO THE NAIROBI CITY COUNTY ASSEMBLY
DATE : 2ND MAY, 2023
REF : NCCA/ LEGAL/DLS/1/2023

RE: REQUEST FOR INFORMATION REGARDING A CASE ALLEGEDLY FILED IN COURT BY HON. HASHIM KAMAU, MCA.

Reference is made to the above subject matter and your memo dated 27th April 2023.

On 23rd March 2023 the abovementioned member filed a case in court HCJRMISC/E029/2023 in which he sought among other orders, an Order of Certiorari to quash the decision of the Nairobi City County Assembly rejecting the nomination of Dr. Jairus Musumba for appointment as the Nairobi County Secretary by the Governor pending the hearing and determination of this Application.

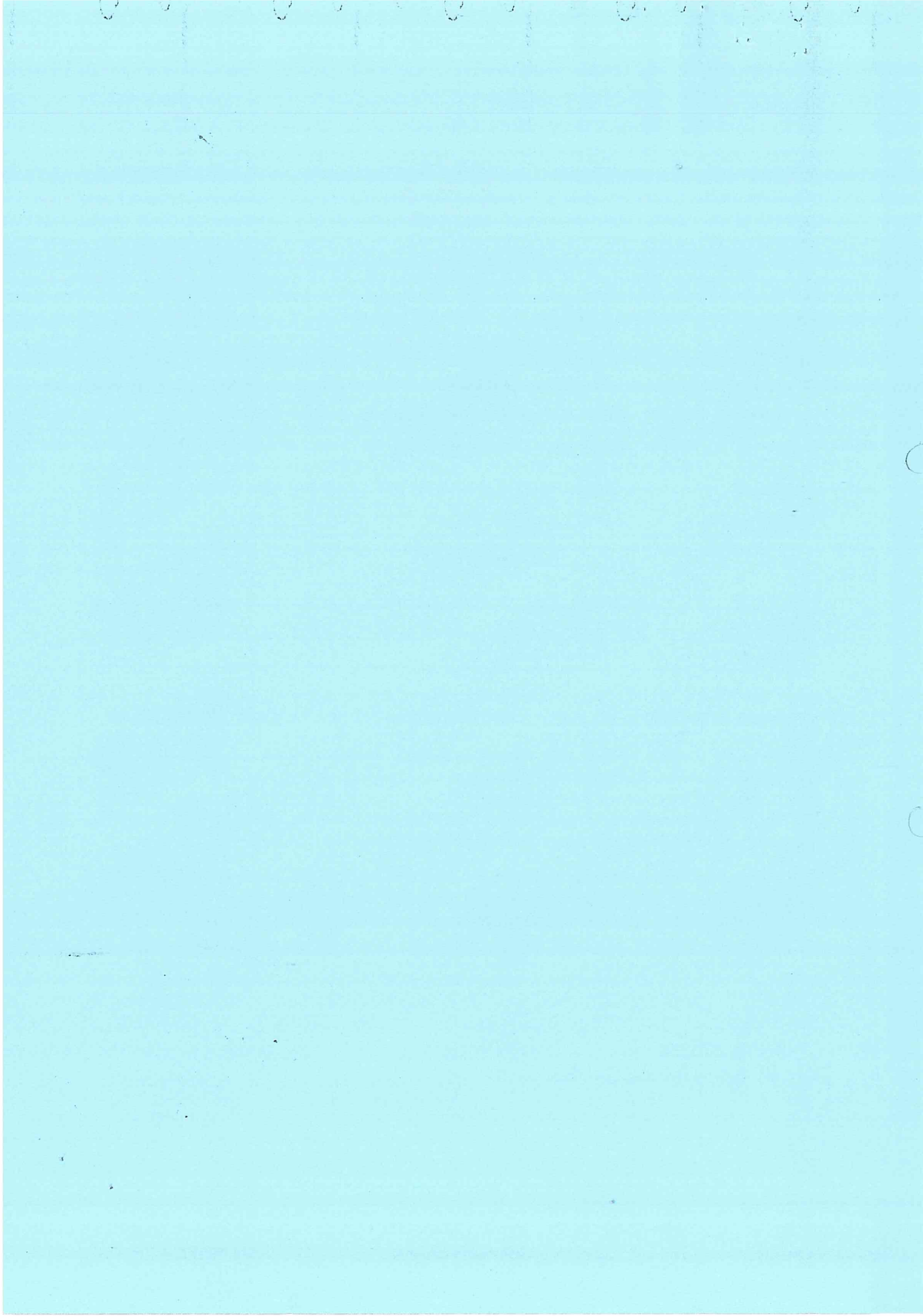
The member has since served us with the notice to withdrawal of the case. The matter is coming up in court on 8th May 2023 in which we shall confirm if the matter has been withdrawn. Find attached the statutory Statement for your further reference.

Regards.


KEVIN KOKEBE
PRINCIPAL LEGAL COUNSEL

*SCA - Austin
Please table before
the committee and
advise.
HKS
PCA (LSP)
04/05/23*

*① DLS
Kindly deal
Clemm
3/5/2023*



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
JUDICIAL REVIEW DIVISION
JR. APPLICATION NO. _____ OF 2023

IN THE MATTER OF ARTICLES 10(2), 23(3) AND 47 OF THE CONSTITUTION
OF KENYA 2010
AND

IN THE MATTER OF COUNTY GOVERNMENTS ACT NO. 17 OF 2012;

AND

IN THE MATTER OF THE FAIR ADMINISTRATIVE ACTION ACT 2015

AND

IN THE MATTER OF ORDER 53 OF THE CIVIL PROCEDURE RULES, 2010

AND

IN THE MATTER OF NAIROBI CITY COUNTY ASSEMBLY STANDING ORDERS

AND

IN THE MATTER OF THE DOCTRINE OF LEGITIMATE EXPECTATION

AND

IN THE MATTER OF: AN APPLICATION FOR LEAVE FOR JUDICIAL REVIEW
ORDERS OF CERTIORARI, PROHIBITION AND MANDAMUS

BETWEEN

HASHIM KAMAU APPLICANT

VERSUS

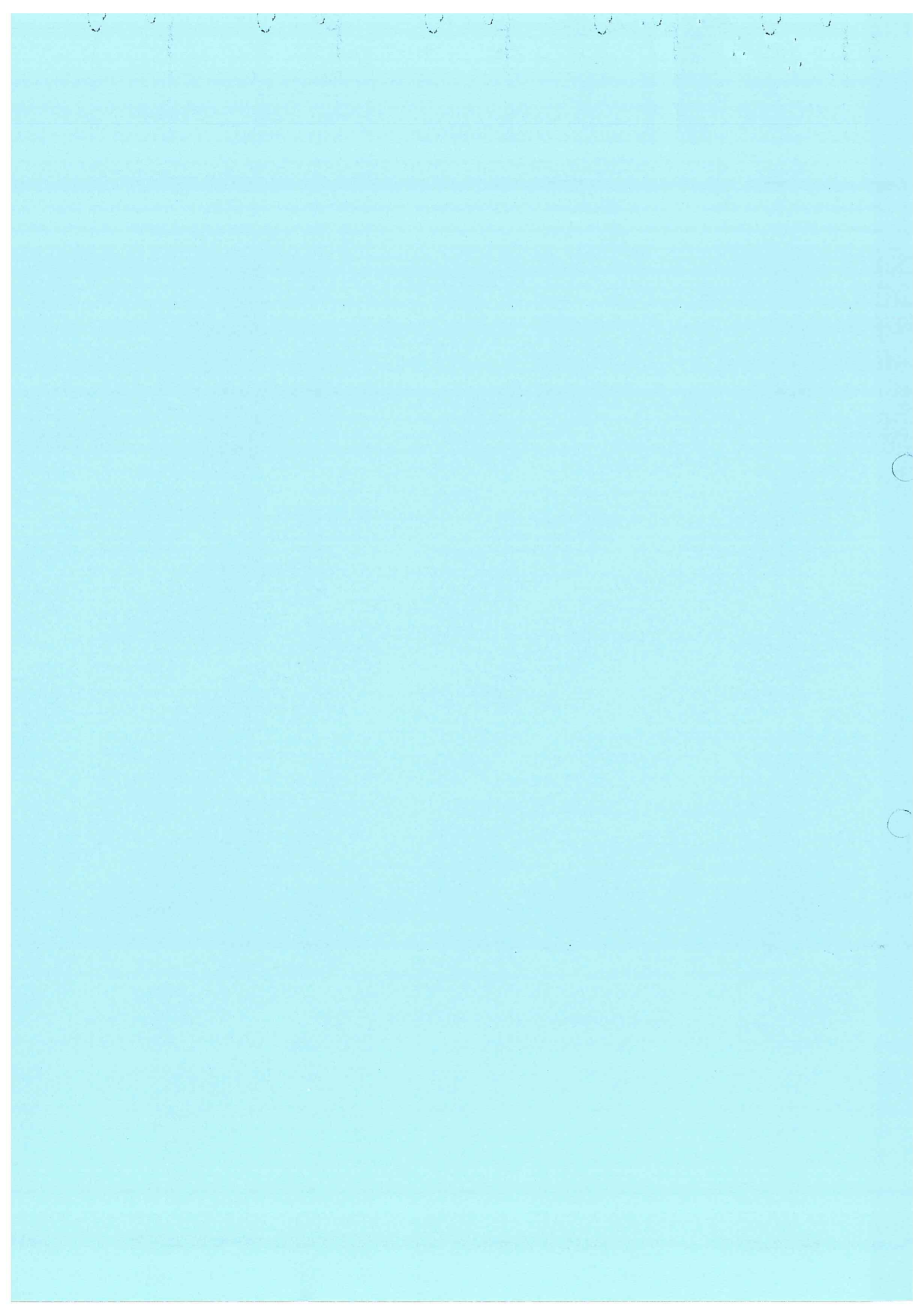
THE GOVERNOR NAIROBI CITY COUNTY..... 1ST RESPONDENT

SPEAKER OF THE COUNTY
ASSEMBLY OF NAIROBI.....2ND
RESPONDENT

CLERK, COUNTY ASSEMBLY
OF NAIROBI3RD RESPONDENT

STATUTORY STATEMENT

NAME AND DESCRIPTION OF THE APPLICANT

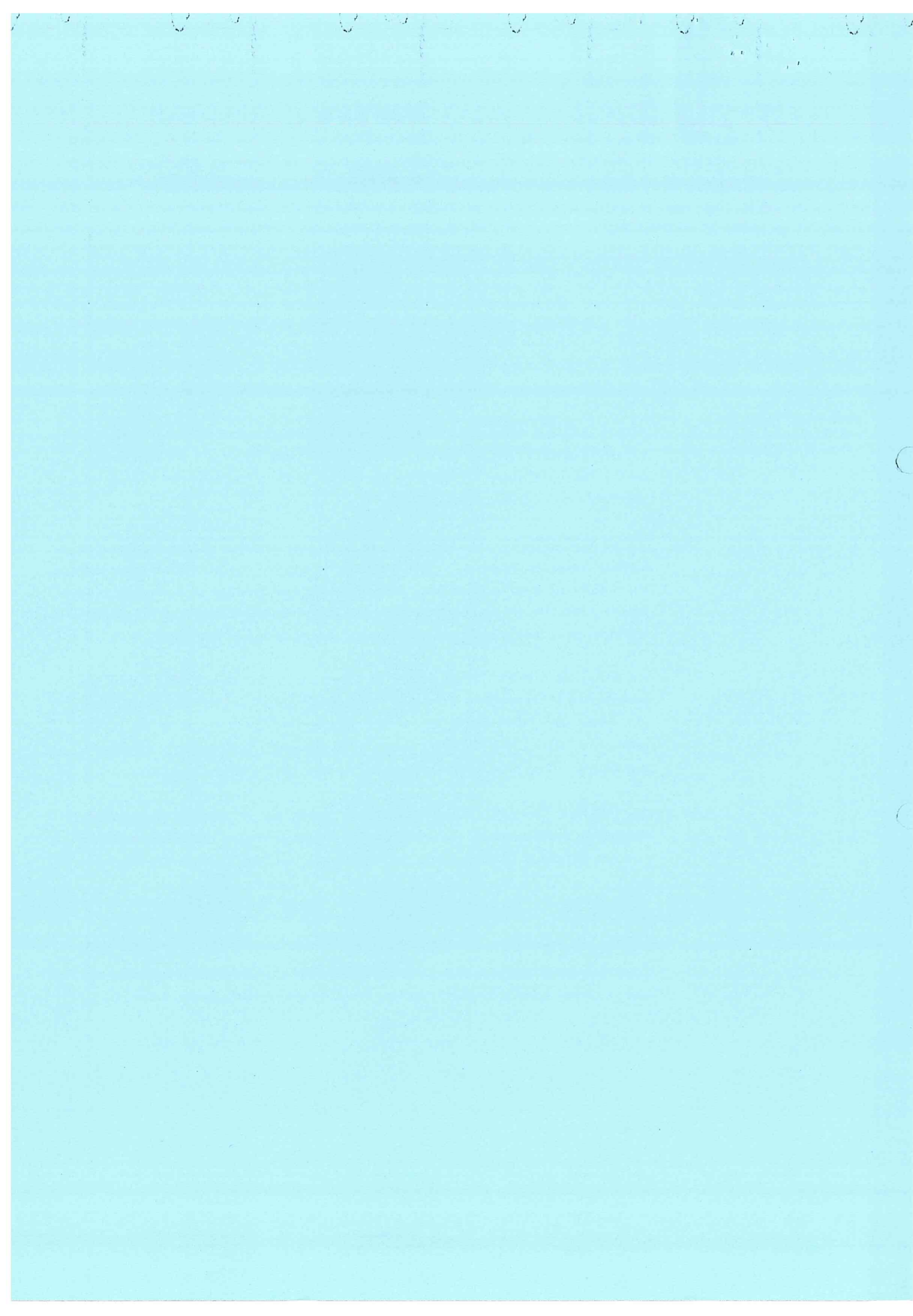


The Applicant is a law abiding Kenyan citizen and a duly elected Member of County Assembly, California Ward, in Nairobi County. The Applicant's address of service for the purpose of this suit shall be care of Mohamed Rama & Co. Advocates, Ecobank Towers, 11th Floor, Muindi Mbingu Street, P.O. Box 10741-00100 Nairobi, email: info@rmcadvocates.co.ke

RELIEFS SOUGHT

The Applicant seeks the following reliefs namely:

1. **THAT** the Application herein be certified as urgent, service of the same upon the Respondents be dispensed with and the same be heard ex-parte in the first instance.
2. **THAT** the Applicant be granted leave to institute legal proceedings and apply for:
 - 2a. An of **ORDER OF CERTIORARI** to quash the decision of the Nairobi City County Assembly rejecting the nomination of Dr. Jairus Musumba for appointment as the Nairobi County Secretary by the 1st Respondent pending the hearing and determination of this Application.
 - 2b. An of **ORDER OF CERTIORARI** to quash the decision of the Nairobi City County Assembly directing the 1st Respondent to appoint another officer other than the nominee (Dr. Jairus Musumba) within seven days of adoption of the report to act on the position of the County Secretary pursuant to applicable laws until the position is substantially filled pending the hearing and determination of this Application.
 - 2c. An **ORDER OF PROHIBITION** to remove into this Honourable Court and prohibit the 1st Respondent from appointing another officer other than the nominee (Dr. Jairus Musumba) within seven days of adoption of the report to act on the position of the County Secretary pursuant to applicable laws until the position is substantially filled pending the hearing and determination of this Application.
 - 2d. An **ORDER OF MANDAMUS** do issue against the 2nd and 3rd Respondents compelling them to retable the second report on the vetting of the nominee for the position of county secretary under strict adherence to the laid down procedures in law.
 - 2e. That pending the hearing and determination of this Application, this Honourable Court be pleased to issue interim **CONSERVATORY ORDERS** suspending the tabling, debating and considering and/or acting upon the report on the vetting of the



nominee for the position of county secretary by members of the Nairobi county Assembly.

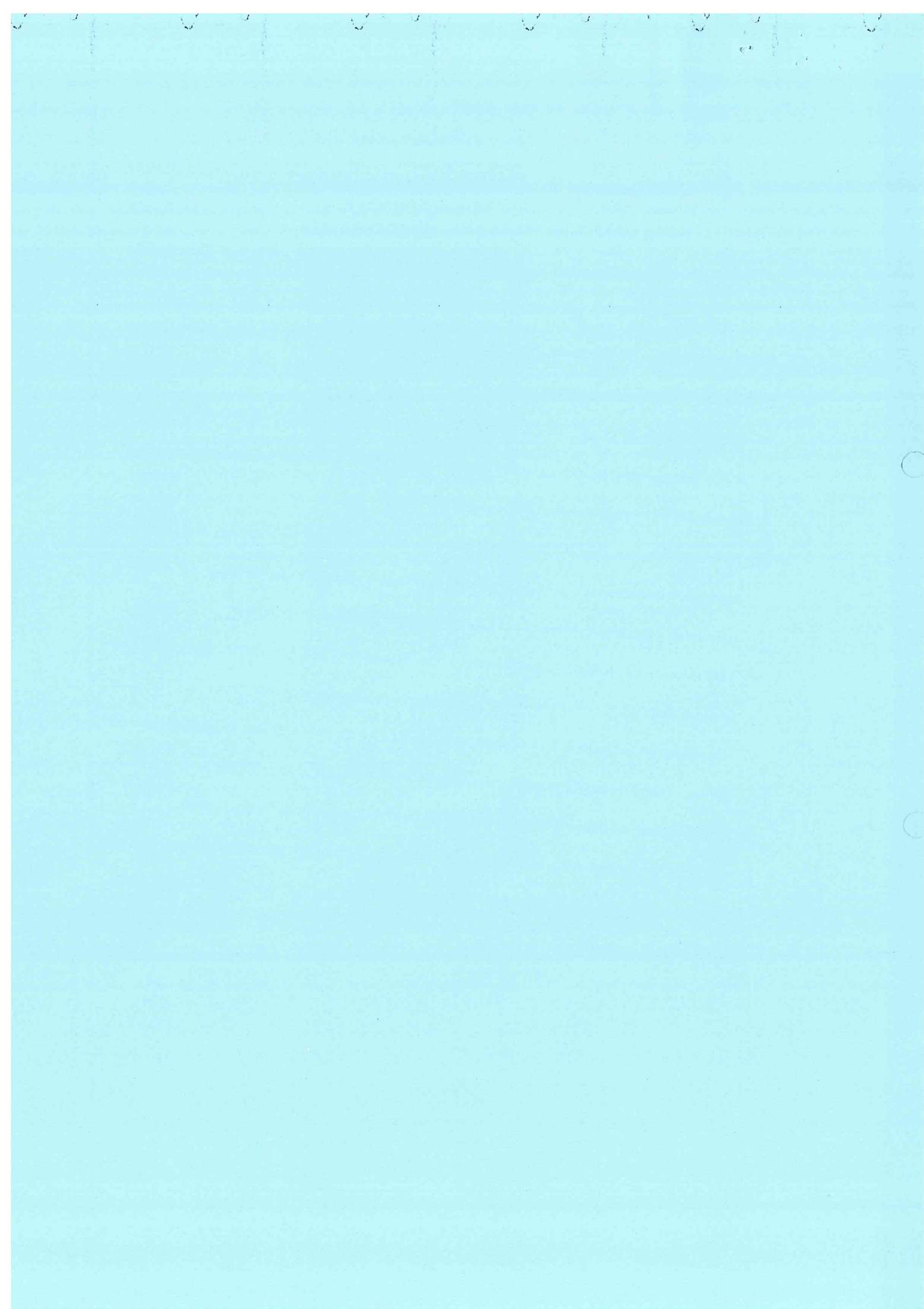
3. THAT the grant of leave to institute proceedings as aforesaid do operate as a stay of the tabling, debating and considering and/or acting upon the report on the vetting of the nominee for the position of county secretary by members of the Nairobi county Assembly.
4. THAT costs of this Application be awarded to the Applicant.
5. THAT such further and other reliefs that this Honourable Court may deem just and expedient to grant.

THE GROUNDS UPON WHICH THE RELIEFS ARE SOUGHT:

6. On 15th March 2023, the 2nd Respondent unprocedurally approved a motion that rejected the nomination of Dr. Jairus Musumba for appointment as the Nairobi County Secretary by the 1st Respondent.
7. This was done under the glaring breach of the fair administrative action act and the Nairobi County Assembly standing orders Nos 41(2) and 62(2) on the part of the 2nd and 3rd Respondents.
8. The laid down procedures and the requisite notices that need to be given and/or adhered in terms of the assembly business committee sittings, orders of the day, papers, notice of motions and amendments to notice of motions were not adhered to hence rendering any decisions thereto a nullity.
9. That the Nairobi City County Assembly Standing Orders under Order No 54(1) provides that notice of any motion which a member or committee proposes to move shall be given by a member to the 3rd Respondent (the Clerk herein).



10. Order 54(2) further states that before giving notice, the member shall deliver to the 3rd Respondent a copy of the proposed Motion and the 3rd Respondent shall submit the proposed Motion to the 2nd Respondent (the Speaker herein) for approval.
11. Once approved by the 2nd Respondent, the motion is tabled before the assembly and referred to the assembly Business Committee who shall allot the time and sequence of the publication in the order paper for debate as encapsulated under order 57 of the Nairobi City County Assembly Standing Orders.
12. At no time is a Notice of motion debated before being referred to the assembly business committee for time and date of debate.
13. On 15th March 2023 at 2; 21PM, the *Ex-parte* Applicant herein received vide WhatsApp a notice for meeting of the assembly business committee scheduled for the same day 15th March 2023 at 2; 20PM in the 2nd Respondents office.
14. As is stated in the Nairobi City County standing orders, during such meetings, the assembly business committee allots the date and time when petitions and notices of motions previously presented to floor of the County assembly shall be debated upon.
15. The Notice of motion which rejected the nomination of Dr. Jairus Musumba for appointment as the Nairobi County Secretary was illegally, unprocedurally and in clear contravention of Nairobi City County standing orders Nos. 54(1) (2) and 57 allotted time for debate in the Nairobi City county Assembly on 15th March 2023 at 2; 30PM.
16. The allotment was done under the supplementary order paper of 15th March 2023.
17. At 2; 30PM on the same day 15th March 2023, the Notice of motion which rejected the nomination of Dr. Jairus Musumba for appointment as the Nairobi County Secretary was tabled in the assembly.



6. As encapsulated under orders 57 of Nairobi City County standing orders the said notice of motion should have been referred to the assembly business committee to deliberate on the day and time when the motion was to be tabled for debate.

19. The same was not referred to the assembly business committee, instead the assembly went ahead to illegally, uprocedurally and unlawfully debate the motion immediately after tabling it.

20. Also, the Nairobi City County Assembly Standing Order No 41(2) provides that a supplementary order paper shall be made available by the 3rd Respondent to members of the county assembly at least one hour before the County Assembly meets to allow members familiarize themselves with the orders of the day was not availed.

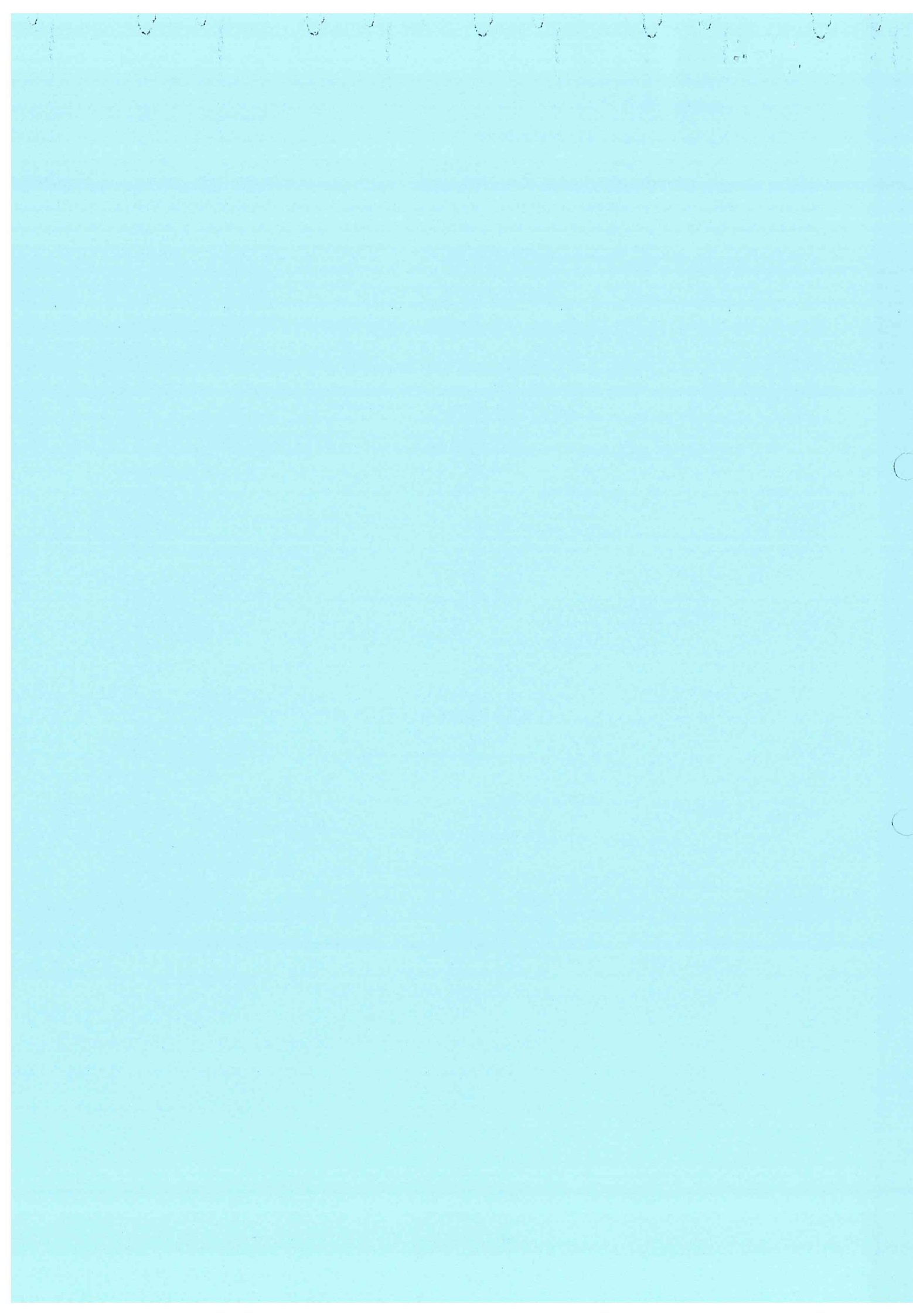
21. However, in clear contravention to the provisions of Nairobi City County Standing Order No 41(2), the supplementary order paper was made available by the 3rd Respondent to members of the county assembly during the session instead of at least one hour before.

22. The same can only be construed as an illegality and an ambush engineered to deny the members of the county assembly an opportunity to familiarize themselves beforehand with the order of business and any decision realized from an illegal supplementary order paper is therefore null and void ab initio.

23. Order 62 of the Nairobi City County Standing Orders provides for amendments to motions presented to the county assembly for debate wherein the amendment among other requirements have to be in writing.

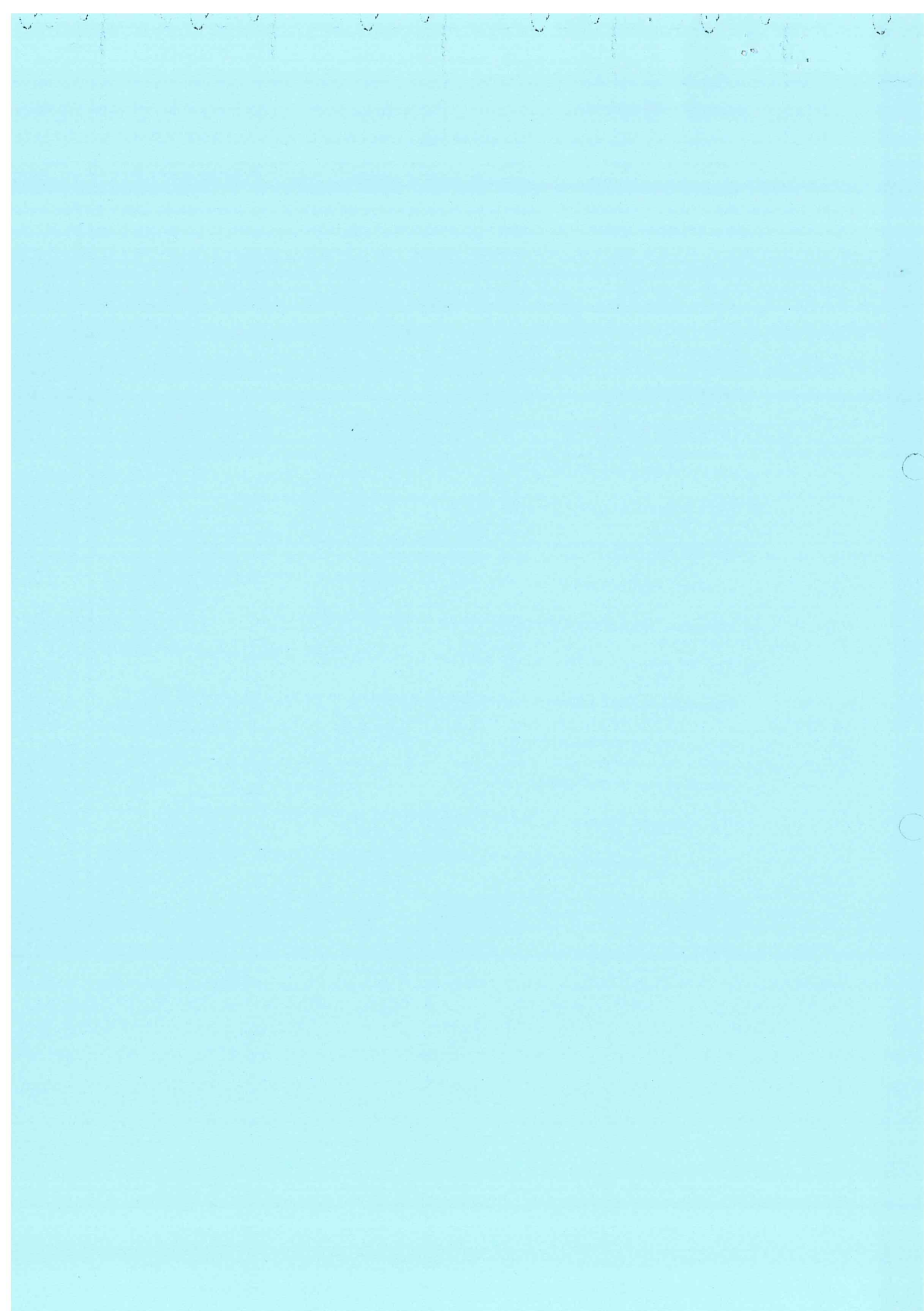
24. Order 62(2) further envisions exceptional circumstances wherein a member is allowed to move an amendment to a motion before the assembly at any time during consideration of that motion.

25. The Applicant herein sought leave to amend the notice of motion order 62(2) of the of the Nairobi City County Standing Orders but the 2nd Respondent refused any such amendments



without taking into consideration the exceptional circumstances as provided for under the assembly standing orders.

26. The 3rd Respondent willfully failed and/or refused to advise both the Assembly and the Assembly business committee on the laid down procedures in law specifically under the Nairobi County Assembly standing orders Nos 41(2) and 62(2); and instead led them on an illegality.
27. The instant debate of a matter on a supplementary order paper that had failed to adhere to at least one hour service to members of the county assembly and/or devoid of the notice being referred to the assembly business committee can only be construed as optimum malice.
28. The entire proceedings right from the inception to the conclusion were grounded on flagrant and willful breach of the laid down procedure in law.
29. The unwarranted urgency in having the Assembly business committee sit to discuss a matter that had not been tabled in court, sneak it into a supplementary order paper and ambush members of the County assembly with the supplementary order paper can only be interpreted as a malicious attempt to advance ulterior motives.
30. The 3rd Respondent intentionally failed to appreciate and/or adhere to the laid down procedures under the Nairobi County Assembly standing orders 62(2) by arbitrarily refusing to approve an amendment to a notice of motion under exceptional circumstances; and instead approved an illegality.
31. The abnormal pressure by the 3rd Respondent to approve the rejection of Dr. Jairus Musumba for appointment as the Nairobi County Secretary at the expense of breaching laid down procedures in law is tantamount to mischief.



2. The impunity and arrogance shown by the 2nd and 3rd Respondents and their contemptuous disregard to the law during the entire process pose a danger to the rule of law and gave the Applicant the distinct impression that they simple law unto themselves.
33. That unless this Honourable court certify this matter as urgent and address the plea of the Applicant herein the decision made by the 2nd Respondent will crystalize and the rights of the Applicant will be greatly compromised.
34. That the procedure adopted by the 2nd and 3rd Respondents had no basis in law and the Applicant was denied his right as is laid down in law.
35. It is in the interest of justice that this Application be allowed as prayed.

DATED at NAIROBI this 23rd DAY OF MARCH 2023

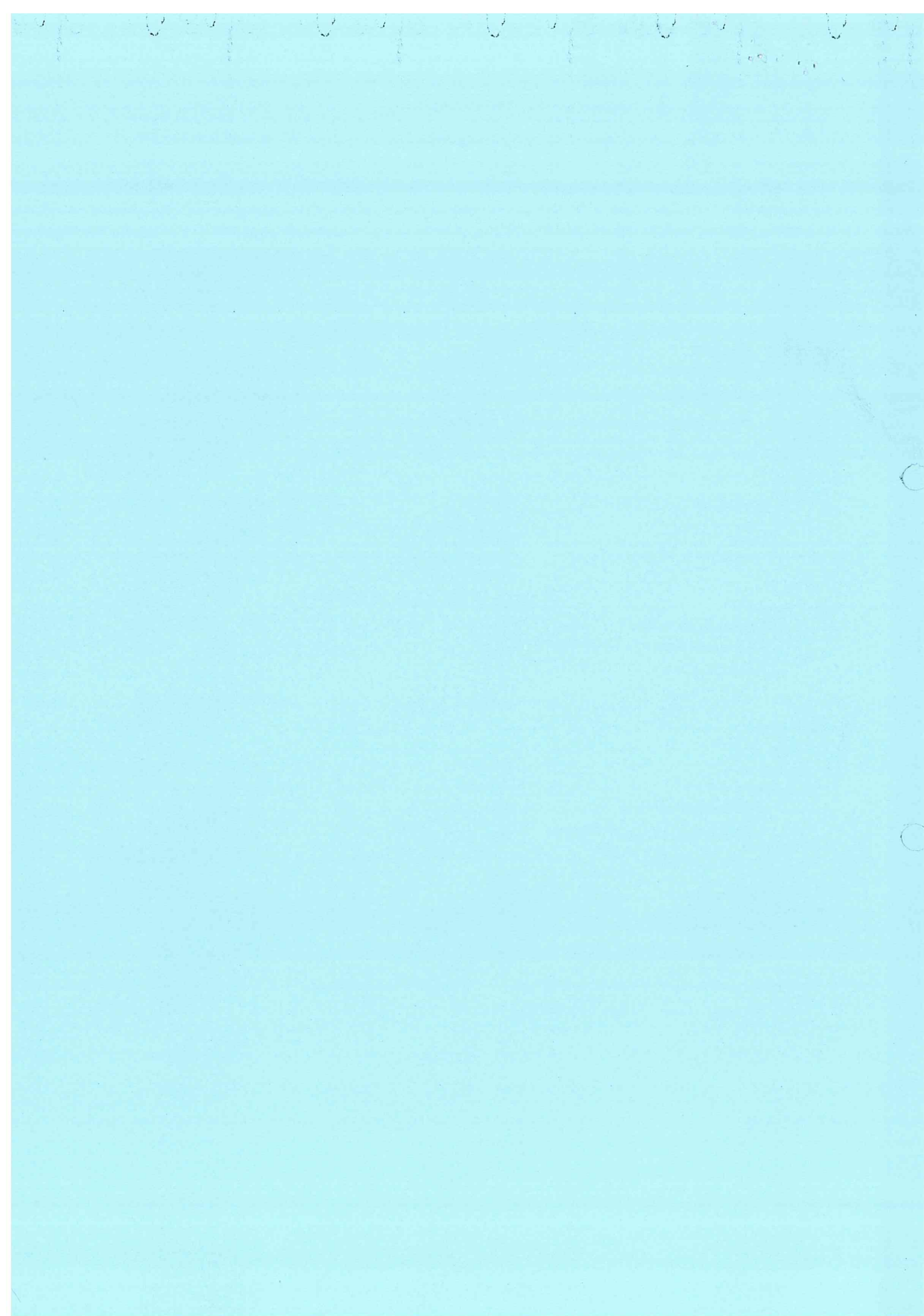
MOHAMED, RAMA & CO.
ADVOCATES

~~P.O. Box 67718-00100 NAIROBI~~
~~Mohamed Rama & Co.~~
Advocates for the Ex Parte Applicant....

Drawn & filed by:-
Mohamed Rama & Co. Advocates,
Ecobank Towers, 11th Floor,
Muindi Mbingu Street,
P.O. Box 10741 – 00100,
NAIROBI

To Be Served Upon:
The Governor County Nairobi
City Hall –Nairobi
Wabera Street
Po Box 45844-00100
NAIROBI

Speaker of the County Assembly of Nairobi



NAIROBI CITY COUNTY ASSEMBLY

Telegraphic Address
Mobile: 0722833547
Email: hashimkamau@gmail.com
Web: nrbcountyassembly.go.ke



California Ward
County Assembly
City Hall Buildings
Box 45844-00100
Nairobi Kenya

Hon. Hashim Kamau

Member of County Assembly California Ward

CHAIR: Public Investments Committee

Member: Planning and Housing, Trade, Agriculture and Fisheries

REF; HK/GEN/37/23

YOUR REF; NCC/P&PC/CORR/2023/ (04)

DATE: 25TH MAY 2023

POWERS AND PRIVILEGES COMMITTEE
NAIROBI CITY COUNTY ASSEMBLY
PO BOX 45844-00100
NAIROBI.

Thru

OFFICE OF THE CLERK
NAIROBI CITY COUNTY ASSEMBLY
PO BOX 45844-00100
NAIROBI.



Dear Sir,

RE: WRITTEN RESPONSE IN REGARD TO THE INQUIRY OF THE SELECT COMMITTEE ON POWERS AND PRIVILEGES HELD ON 24TH MAY 2023

The above matter refers.

Note that a meeting of the Nairobi City County Assembly Select Committee on Powers and Privileges ("hereinafter the Select Committee") was held on 24th May 2023 to inquire into my conduct. (Details wherewith are within your knowledge)

Further note that at the said meeting, upon request the Chair allowed that I be at liberty to provide my substantive response to the questions in writing.

For the purpose of conducting their inquiry, the Select Committee posed the following questions.

1. Did I sue the County Assembly?
2. What is the current status of the case?
3. Can I show cause why action shouldn't be taken against me? and
4. Optionally have I demonstrated any act of atonement?

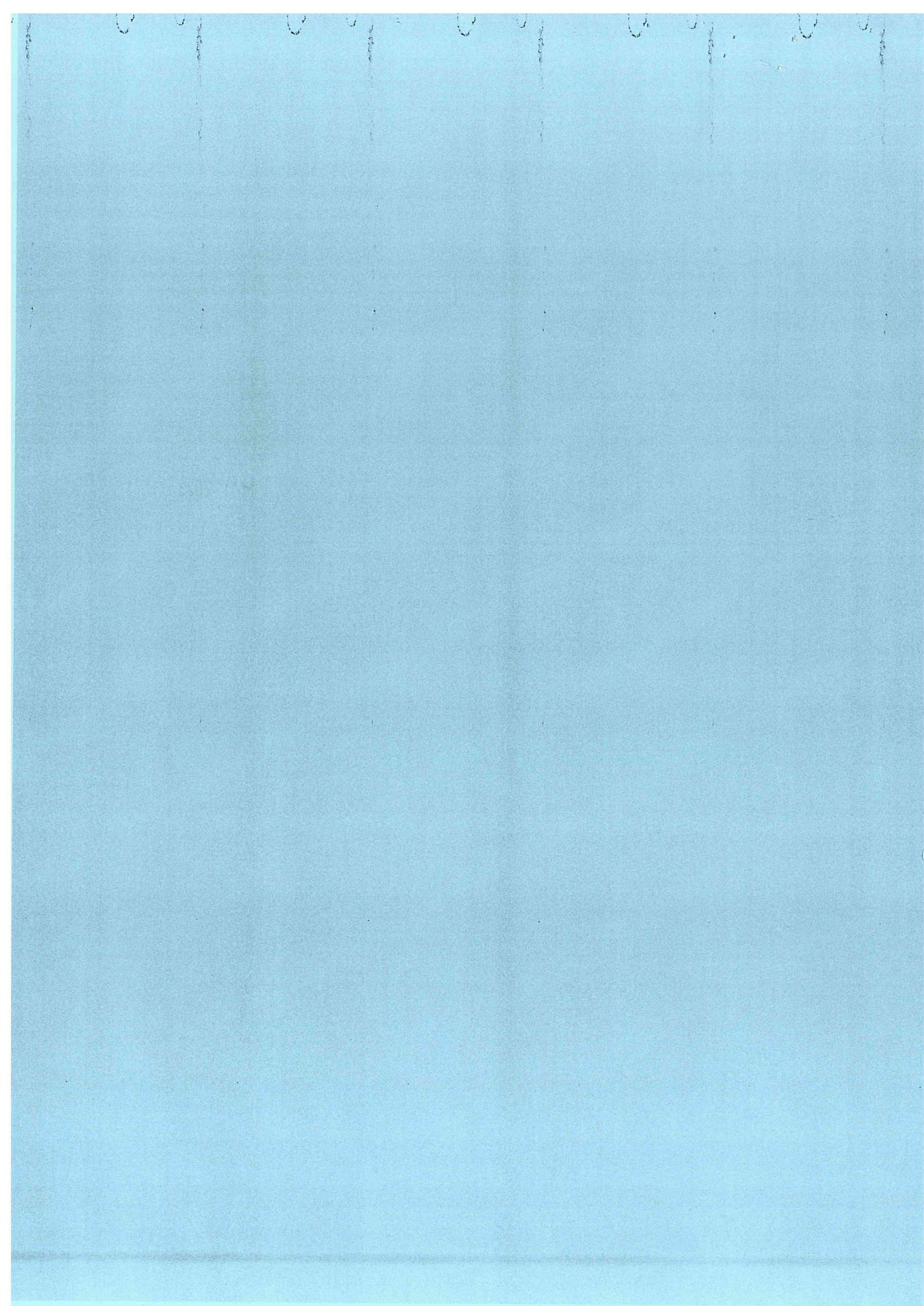
DLG:
Kindly have the response tabled before the Committee for their consideration. Also advise on the need to observe statutory timelines at all times.
Atty
dlc/w
5/6/2023.

DDCh

Kindly note and inform the Committee Head

CA LSP
Have note of the response & comm by DCL
5/6/23

5/6/2023



It is important to note that at the meeting held on 24th May 2023, I raised a preliminary objection that the Select Committee was time-barred and no longer had jurisdiction to conduct this inquiry.

Section 15(5) of the County Assemblies Powers and Privileges Act states:

“The Committee of Powers and Privileges shall, either of its own motion or as a result of a complaint made by any person, inquire into the conduct of a Member whose conduct is alleged to constitute a breach of privilege in terms of section 16, within fourteen days of receipt of a complaint.”

The Select Committee received the report on 16th April 2023 and commenced the inquiry proceedings via invitation letter dated 15th May 2023. This was exactly 30 days after receipt of the report, which is in violation of Section 15(5) of the CAPPa.

In **Abdi Hassan Guyo v Speaker Nairobi City County Assembly & 3 others [2020] eKLR**, the Petitioner objected to the Select Committee’s investigation based on Section 15 (5) of the CAPPa. The Court held that the Petitioner established a prima facie case by showing that the Committee dealt with his case outside the maximum fourteen days fixed by both the Act and Standing Order No. 242. The court held that it was a matter that called for interrogation during the hearing of the petition and granted the Petitioner conservatory orders staying the decision of the Select Committee.

To allow the inquiry after this egregious time lapse is highly prejudicial to myself and would set a bad precedent allowing for the Select Committee’s powers to be abused.

My answers to the aforementioned questions are as hereinafter.

1. Did I sue the Nairobi City County Assembly?

On **23rd March 2023**, I instituted court proceedings in the High Court, Judicial Review Division vide JR Application No. HCJRMISC/E029/2023.

The suit was against the Governor of Nairobi City County, the Speaker of the County Assembly of Nairobi and the Clerk of the County Assembly Nairobi who were the 1st, 2nd and 3rd Respondents respectively.

There was no 4th Respondent and at no part of my pleadings did I make a case against the Nairobi City County Assembly.

2. What is the current status of the case?

Vide several meetings held between myself and the Leadership of the Assembly, it was unanimously agreed that I withdraw the suit.

I promptly instructed my advocates on record who prepared filed and served a notice of withdrawal of suit on 4th April 2023.

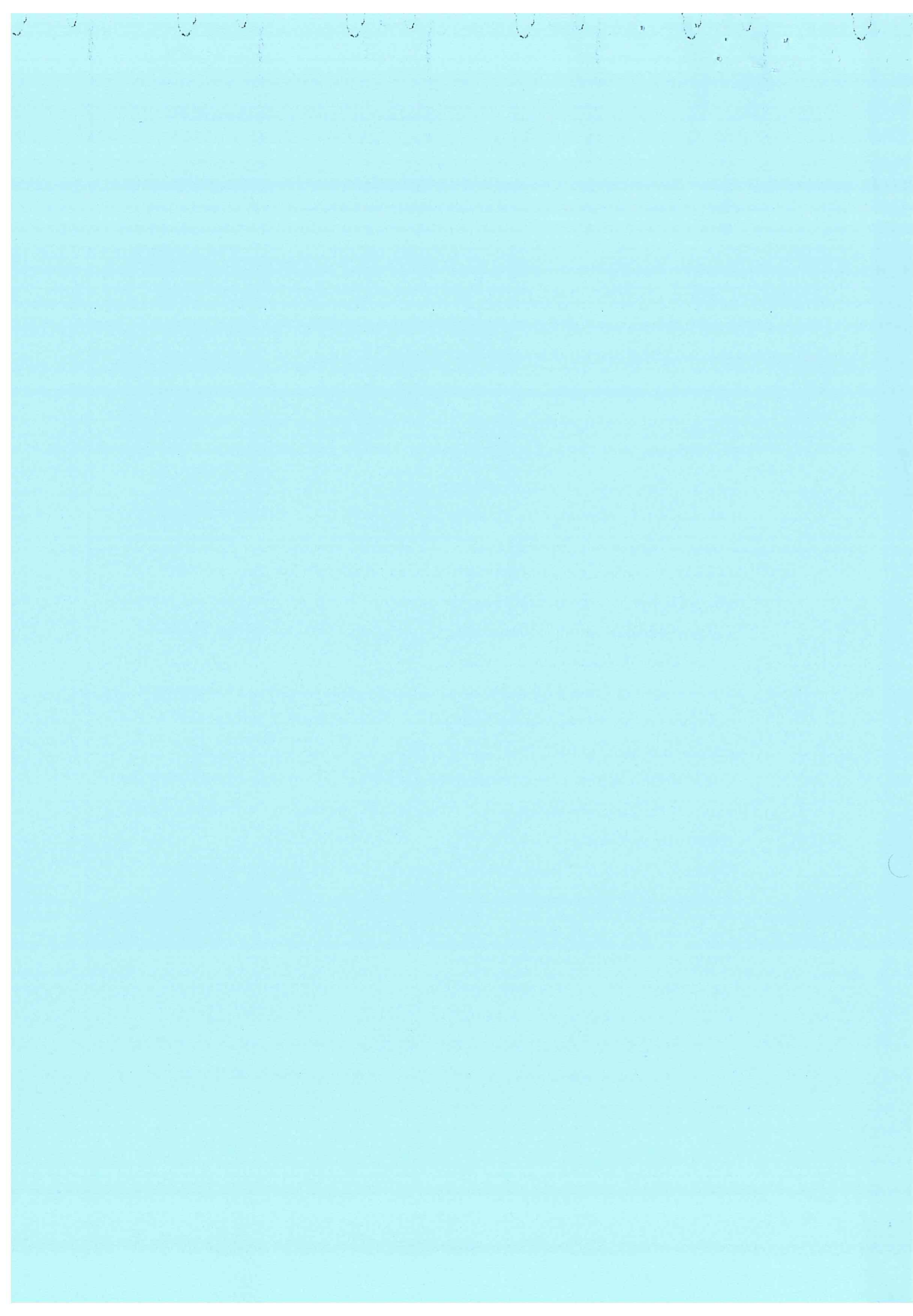
Neither of the Respondents objected the suit's withdrawal when the matter came up on 8th May 2023 and the court marked the matter as withdrawn with no order as to costs.

3. Can I show cause why action shouldn't be taken against me?

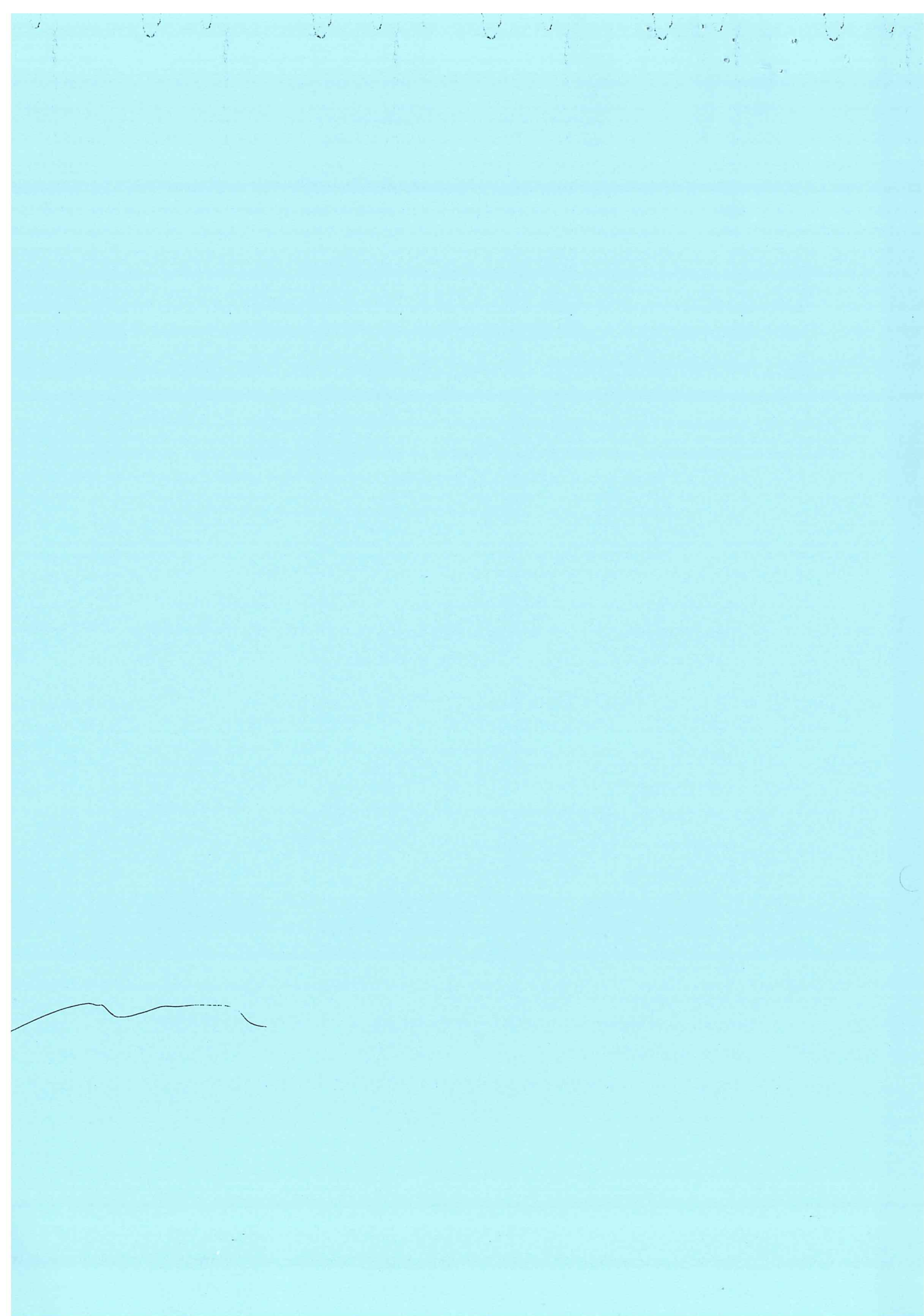
The county assembly can only invoke Section 17(3) of the County Assemblies Powers and Privileges Act (No.6 of 2017) once it is established that my conduct constitutes breach of privilege as per Section 16 of the County Assemblies Powers and Privileges Act (No.6 of 2017).

My conduct that is under scrutiny is as itemised hereinafter.

- 3.1 On 15th March 2023, the Speaker of the County Assembly of Nairobi unprocedurally approved a motion that rejected the nomination of Dr. Jairus Musumba for appointment as the Nairobi County Secretary by the Governor of Nairobi City County.
- 3.2 This was done under the glaring breach of the fair administrative action act and the Nairobi County Assembly standing orders Nos 41(2) and 62(2) on the part of the Speaker of the County Assembly of Nairobi and Clerk of the County Assembly Nairobi.
- 3.3 The laid down procedures and the requisite notices that need to be given and/or adhered in terms of the assembly business committee sittings, orders of the day, papers, notice of motions and amendments to notice of motions were not adhered to hence rendering any decisions thereto a nullity.
- 3.4 The Nairobi City County Assembly Standing Orders under Order No 54(1) provides that notice of any motion which a member or committee proposes to move shall be given by a member to the Clerk.
- 3.5 Order 54(2) further states that before giving notice, the member shall deliver to the Clerk a copy of the proposed Motion and the Clerk shall submit the proposed Motion to the Speaker for approval.
- 3.6 Once approved by the Speaker, the motion is tabled before the assembly and referred to the assembly Business Committee who shall allot the time and sequence of the publication in the order paper for debate as encapsulated under order 57 of the Nairobi City County Assembly Standing Orders.
- 3.7 At no time is a Notice of motion debated before being referred to the assembly business committee for time and date of debate.
- 3.8 On 15th March 2023 at 2; 21PM, I received vide WhatsApp a notice for meeting of the assembly business committee scheduled for the same day 15th March 2023 at 2; 21PM in the Speaker's office.



- 3.9 As is stated in the Nairobi City County standing orders, during such meetings, the assembly business committee allots the date and time when petitions and notices of motions previously presented to floor of the County assembly shall be debated upon.
- 3.10 The Notice of motion which rejected the nomination of Dr. Jairus Musumba for appointment as the Nairobi County Secretary was illegally, unprocedurally and in clear contravention of Nairobi City County standing orders Nos. 54(1) (2) and 57 allotted time for debate in the Nairobi City county Assembly on 15th March 2023 at 2; 30PM.
- 3.11 The allotment was done under the supplementary order paper of 15th March 2023.
- 3.12 At 2; 30PM on the same day 15th March 2023, the Notice of motion which rejected the nomination of Dr. Jairus Musumba for appointment as the Nairobi County Secretary was tabled in the assembly.
- 3.13 As encapsulated under orders 57 of Nairobi City County standing orders the said notice of motion should have been referred to the assembly business committee to deliberate on the day and time when the motion was to be tabled for debate.
- 3.14 The same was not referred to the assembly business committee, instead the assembly went ahead to illegally, unprocedurally and unlawfully debate the motion immediately after tabling it.
- 3.15 Also, the Nairobi City County Assembly Standing Order No 41(2) provides that a supplementary order paper shall be made available by the Clerk to members of the county assembly at least one hour before the County Assembly meets to allow members familiarize themselves with the orders of the day was not availed.
- 3.16 However, in clear contravention to the provisions of Nairobi City County Standing Order No 41(2), the supplementary order paper was made available by the Clerk to members of the county assembly during the session instead of at least one hour before.
- 3.17 The same can only be construed as an illegality and an ambush engineered to deny the members of the county assembly an opportunity to familiarize themselves beforehand with the order of business and any decision realized from an illegal supplementary order paper is therefore null and void ab initio.
- 3.18 Order 62 of the Nairobi City County Standing Orders provides for amendments to motions presented to the county assembly for debate wherein the amendment among other requirements have to be in writing.
- 3.19 Order 62(2) further envisions exceptional circumstances wherein a member is allowed to move an amendment to a motion before the assembly at any time during consideration of that motion.
- 3.20 I sought leave to amend the notice of motion order 62(2) of the of the Nairobi City County Standing Orders but the Speaker refused any such amendments without taking



into consideration the exceptional circumstances as provided for under the assembly standing orders.

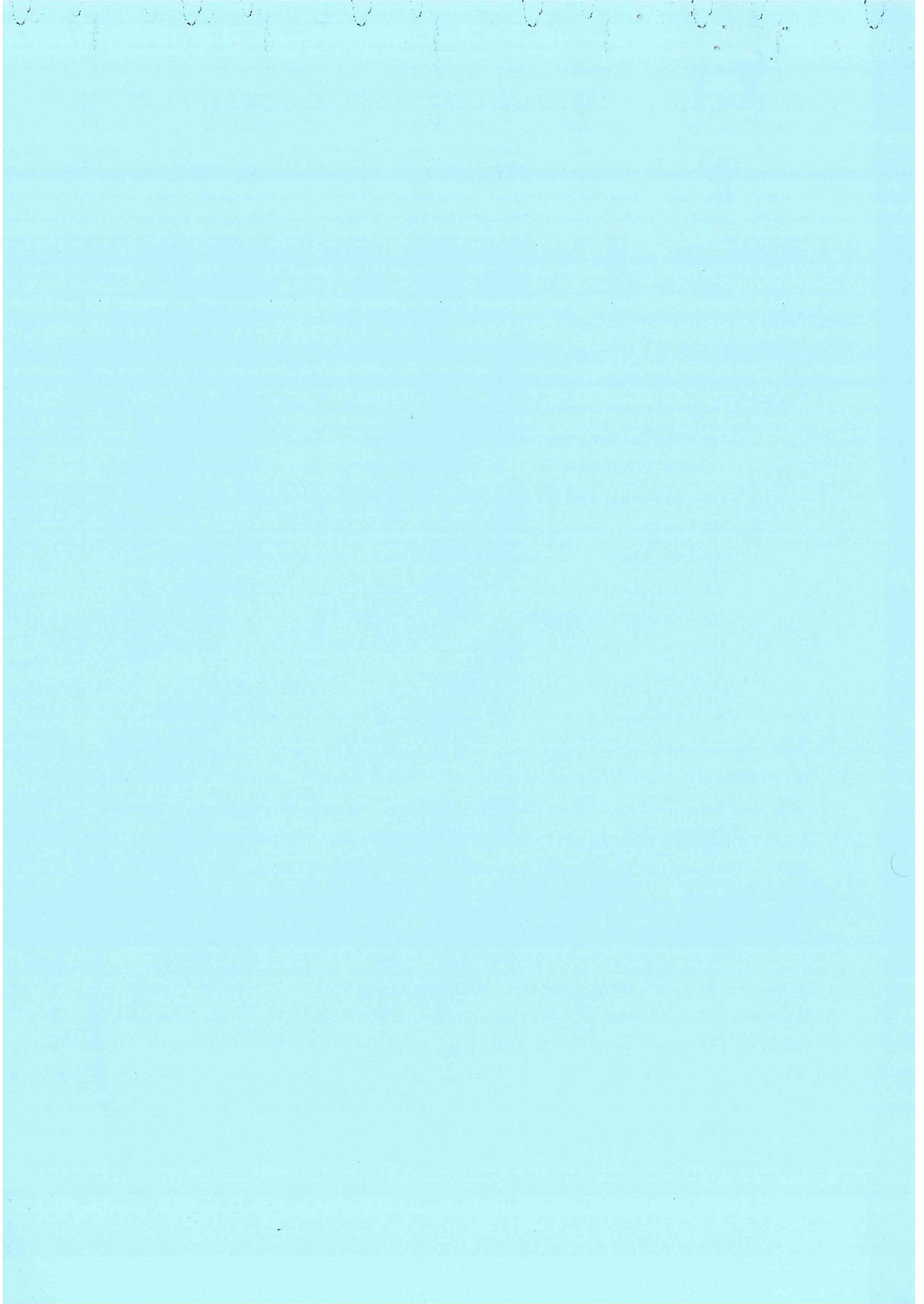
- 3.21 The Clerk willfully failed and/or refused to advise both the Assembly and the Assembly business committee on the laid down procedures in law specifically under the Nairobi County Assembly standing orders Nos 41(2) and 62(2); and instead led them on an illegality.
- 3.22 The instant debate of a matter on a supplementary order paper that had failed to adhere to at least one hour service to members of the county assembly and/or devoid of the notice being referred to the assembly business committee can only be construed as optimum malice.
- 3.23 The entire proceedings right from the inception to the conclusion were grounded on flagrant and willful breach of the laid down procedure in law.
- 3.24 The unwarranted urgency in having the Assembly business committee sit to discuss a matter that had not been tabled in the Assembly, sneak it into a supplementary order paper and ambush members of the County assembly with the supplementary order paper can only be interpreted as a malicious attempt to advance ulterior motives.
- 3.25 The Speaker intentionally failed to appreciate and/or adhere to the laid down procedures under the Nairobi County Assembly standing orders 62(2) by arbitrarily refusing to approve an amendment to a notice of motion under exceptional circumstances; and instead approved an illegality.
- 3.26 The procedure adopted by the Speaker and the Clerk had no basis in law and I was denied his right as is laid down in law prompting me to institute a suit in court.

Judicial Review is but a review of the decision making process and the legality of the decision making process itself.

The mandate of the Select Committee is to determine whether my conduct constitutes a breach of privilege in terms of section 16 of the CAPP. Specifically, it was outlined in the Select Committee's letter dated 15th May 2023, that their inquiry would focus on Section 16 (c) and 16 (e) of the CAPP. The issues those two sections present for determination are as follows: -

Section 16 (c) Wilfully fail to obey any rule, order or resolution of a county assembly.

The resolution adopted required the Governor of the Nairobi City County to appoint another officer other than the nominee within seven days of the report's adoption. I am the duly elected Member of County Assembly in Nairobi County and not the Governor of the Nairobi City County thus not in a position to honour the resolution in question.



I am a law abiding citizen and a champion of the rule of law. As a legislature, I should at all times be the custodian of the laws we make. Laws are not made in vain or as an intellectual exercise to be disregarded by anyone. Laws don't go on leave and the rule of the law is there to bring sanity in our society.

The assembly occurrences of 15th March 2023 should not be an exception to the application of the rule of law.

My decision to move to court was clearly aimed at upholding the law that we swore on oath to uphold.

It's my sincere opinion that my action when viewed under fair and just lenses do not reflect adversely on the dignity and integrity of the county assembly and is in fact in the best interest of the assembly and its members.

4. Have I demonstrated any act of atonement?

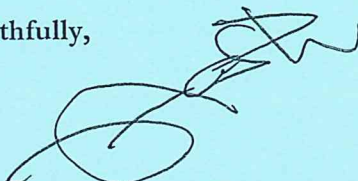
Atonement is defined as "the action of making amends for a wrong or injury".

As answered in question 3 above, have not breached any privilege through my actions nor have I caused any injury to the County Assembly or any other person for which amends would be required.

Nonetheless I took action to withdraw the case after engaging with deliberations with the relevant parties; it is after the case has been withdrawn that am now being put under scrutiny by the same parties that were part of my deliberations to withdraw the suit.

I am not the villain, on the contrary, I am being a champion of the Assembly house rules and the laws of our great Republic by ensuring that no one should be condemned unheard.

Yours faithfully,



HON. HASHIM KAMAU

MCA CALIFORNIA WARD

- NB:**
- *I filled an application for leave and not a substantive motion*
 - *Article 258 of CoK entrenches the right of every person to institute court proceedings.*
 - *There are numerous court cases against the Assembly by Hon members which have not been referred to the Powers and Privileges Committee.*

