



REPUBLIC OF KENYA
IN THE POLITICAL PARTIES DISPUTES TRIBUNAL AT NAIROBI
COMPLAINT. NO. 100 OF 2017

STEPHEN HABERT HOLANYERE MATO.....CLAIMANT

VERSUS

ORANGE DEMOCRATIC MOVEMENT PARTY.....1ST RESPONDENT

CAMLUS ORIDA OVADA.....2ND RESPONDENT

JUDGMENT

1. The dispute arises out of nomination exercise for Member of County Assembly for Agenga Nanguba Ward, Busia County held on 13th April 2017. The exercise was disrupted and marred by irregularities. The Claimant successfully appealed through the 1st Respondent's party dispute resolution and appeals tribunal (IDRM) for nullification of the said nomination process.
2. The IDRM decision ordered for the nullification of the nomination exercise and ordered a fresh nomination owing to irregularities noted.
3. The Claimant has since the said IDRM decision became apprehensive that the 1st Respondent may irregularly and unjustly issue a certificate to the 2nd Respondent who was a fellow aspirant in the nominations in issue.

4. The Respondents did not appear or participate in the proceedings before this Tribunal despite having been duly served as shown by the Affidavit of Service on record.
5. Having considered the circumstances of this case, we do hereby uphold the decision of the Busia County ODM Party Dispute Resolution and Appeals Tribunal delivered on 17th April 2017.
6. We direct that a fresh nomination be held for Agenga Nanguba Ward forthwith.
7. Each party to bear its own costs.

DATED and DELIVERED AT NAIROBI this 9TH DAY of MAY 2017

1. **M. O. Lwanga (Presiding Member)**
2. **Paul Ngotho (Member)**
3. **Dr. Adelaide Mbithi (Member)**
4. **Desma Nungo (Member)**