



REPUBLIC OF KENYA
IN THE POLITICAL PARTIES DISPUTES TRIBUNAL AT NAIROBI
COMPLAINT NO. 230 OF 2017

HILLARY WASONGA SORO.....CLAIMANT

VERSUS

ORANGE DEMOCRATIC MOVEMENT.....1ST RESPONDENT

NATIONAL ELECTIONS BOARD ODM PARTY.....2ND RESPONDENT

JUDGMENT

Summary of complaint

1. The complaint relates to the nomination exercise undertaken on 24th April, 2017 for the position of Member of County Assembly on 24th April, 2017 for Wiga Ward, Suna West Constituency. The Complainant avers that he won and was not issued with the Certificate prompting him to petition the 1st Respondent's Appeals Tribunal (IDRM).
2. The IDRM decision issued on 29th April, 2017 ordered that the final Nomination Certificate be issued to the Complainant. The Complainant now seeks this Tribunal's intervention to enable the 1st Respondent issue him with the Nomination Certificate. The Tribunal has considered the complainant's supporting affidavit. The Complainant also filed written submissions on 11th May 2017., which have also been taken into consideration.
3. The Respondents neither appeared nor participated in the proceedings despite having been served and an affidavit of service filed.

Issue for determination

4. The only issue for determination is whether the Complainant should be issued with the Certificate of Nomination.

Analysis

5. From the evidence before us, we are persuaded that the Claimant participated in the party nomination and the party IDRMM found this to be the rightful nominee from the process. We do not have any evidence that centers or questions why the Certificate of Nomination should not be issued to the Complainant as sought.

Orders

6. In the circumstances, the statement of claim dated 10th May, 2017 succeeds and the Political Parties Disputes Tribunal orders as follows:
- a) The 1st Respondent be and is hereby ordered to forthwith issue a final nomination Certificate to the Complainant as its nominee for the position of member of County Assembly Wiga Ward, Suna West Constituency Migori County, in line with the findings of the Migori County Elections Appeal Tribunal Appeal No. 36 of 2017.
 - b) Any nomination certificate issued by the 1st Respondent to any person other than the Complainant arising out of the nomination exercise held on 24th April 2017 be and is hereby nullified.
 - c) A notification of this decision be sent to Independent Electoral and Boundaries Commission.
 - d) No order as to costs.

DATED IN NAIROBI THIS 9TH DAY OF MAY, 2017.

1. M. O. Lwanga (Presiding Member)

2. Desma Nungo (Member)

3. Dr. Adelaide Mbithi (Member)