

**REPUBLIC OF KENYA**  
**IN THE POLITICAL PARTIES DISPUTES TRIBUNAL**  
**COMPLAINT NO. 212 OF 2017**

**EMILY ACHIENG OBILO OMONDI.....CLAIMANT**

**-VERSUS-**

**ORANGE DEMOCRATIC PARTY OF KENYA.....1<sup>ST</sup> RESPONDENT**

**DAN OCHIENG WERE.....INTERESTED PARTY**

**JUDGMENT**

**Summary of the Complaint**

1. This complaint arises out of a judgement of the Special County Appeals Tribunal (**IDRM**) made on 4<sup>th</sup> May 2017. The complainant seeks to enforce the decision of the said judgement of the **IDRM** in which the National Election Board (**NEB**) was ordered to issue the nomination certificate to the complainant. At the same time the provisional certificate given to the Respondent was withdrawn.
2. The Complainant and the Interested party participated in a nomination exercise for the position of member of County Assembly, Kokwanyo Kakelo Ward in Kabondo – Kasipul Constituency. At the end of the nomination exercise, the Respondent issued the provisional nomination certificate to the Interested Party. The Complainant was aggrieved with the process and proceeded to file an appeal to the **IDRM**.
3. The Respondent and the Interested Party did not participate in the proceedings despite having been served. An Affidavit of service sworn by the Claimant was filed on 10<sup>th</sup> May 2017. We have proceeded to consider the claim on the basis of the documents filed.

**Analysis**

4. The only issue for determination is whether the Complainant should be issued with a nomination certificate in view of the **IDRM** judgement. As there has been no rebuttal by the Respondents we do not see any reason to interfere with the **IDRM** decision. Political parties are obligated to uphold their own constitution and party structures including the implementation of decisions of party organs.

**Orders**

5. In the circumstances, the Complainant’s Memorandum of claim dated 8<sup>th</sup> May 2017 is upheld. We issue the following orders.
  - a) **THAT the Orange Democratic Movement Party’s National Election’s Board be and is hereby ordered to forthwith issue a final nomination certificate to the Complainant, Emily Achieng Obila Omondi for the position of Member of County Assembly, Kokwanyo Kakelo Ward in Kabondo Kasipul Constituency.**
  - b) **THAT the provisional and/or final nomination certificate issued to the Interested Party Dan Ochieng be nullified forthwith.**
  - c) **A notification do issue to the Independent Electoral & Boundaries Commission.**
  - d) **No orders as to costs.**

**Orders accordingly.**

**DATED and DELIVERED AT NAIROBI this 10<sup>TH</sup> DAY of MAY 2017**

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

