



REPUBLIC OF KENYA  
IN THE POLITICAL PARTIES DISPUTES TRIBUNAL  
COMPLAINT NO. 239 OF 2017

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WYCLIFFE BOB OGETO.....COMPLAINANT

-VERSUS -

ORANGE DEMOCRATIC MOVEMENT..... 1<sup>ST</sup> RESPONDENT

PATRICK ONYANGO OKELO.....2<sup>ND</sup> RESPONDENT

JUDGMENT

*Summary of the Case*

1. The complainant is an aspirant for the position of Member of County Assembly Riruta Ward, Nairobi County. The Complainant states that the 1<sup>st</sup> Respondent's nomination process was held on the 30<sup>th</sup> April, 2017 whereby he was declared the winner having garnered 471 votes against the 2<sup>nd</sup> Respondent 386 votes. Following this, on the 2<sup>nd</sup> May, 2017 he was issued with a nomination certificate by the 1<sup>st</sup> Respondent.
2. Subsequently, on the 10<sup>th</sup> May 2017 the Complainant alleges that he was made aware that the 2<sup>nd</sup> Respondent had been issued with a nomination certificate by the 1<sup>st</sup> Respondent purporting to be the lawfully elected nominee for Member of County Assembly Riruta Ward.
3. He is aggrieved by the 1<sup>st</sup> Respondent decision to grant the 2<sup>nd</sup> Respondent the nomination certificate.
4. To prove his case, the Complainant relies upon the provisional nomination certificate dated 30<sup>th</sup> April 2017 issued by Thomas Odoyo the Returning Officer of Dagoreti South, a tally sheet showing the Complainant had 471 votes against the 2<sup>nd</sup>

Respondent 386 votes and a letter dated 10<sup>th</sup> May addressed to the chairperson ODM National Elections Board. Also produced as evidence was the nomination certificate dated 3<sup>rd</sup> May 2017.

5. This Complaint is unopposed despite evidence of service upon the Respondents sworn by Akhenda O Patrick dated 13<sup>th</sup> May 2017.
6. We have perused the documents presented by the Complainant and find that the Complainant has established a prima facie case. He has demonstrated that he was declared the winner and was issued with a provisional nomination certificate. No explanation has been provided on how the 2<sup>nd</sup> Respondent was issued with a nomination certificate. This leaves us with only one conclusion that the Complainant ought to be granted, the nomination certificate for Kiruta Ward.
7. In light of the above and in the interest of justice we proceed to direct that;
  - a. *The Complaint dated 12<sup>th</sup> May 2017 is hereby allowed.*
  - b. *The nomination certificate issued to the 2<sup>nd</sup> Respondent is hereby revoked.*
  - c. *The Orange Democratic Movement Party, National Election Board is hereby directed to issue Wycliffe Bob Ogeto the Complainant herein with the nomination certificate for Kiruta Ward, Nairobi County within the next 24 hours.*
  - d. *No orders as to costs.*
8. Orders accordingly.

**DATED AT NAIROBI THIS 18<sup>TH</sup> DAY OF MAY 2017.**

**1. Kyalo Mbobu ..... (Chairman)**

**2. James Atema ..... (Member)**

**3. Hassan Abdi ..... (Member)**