

THE REPUBLIC OF KENYA
IN THE SUPREME COURT OF KENYA AT NAIROBI
PRESIDENTIAL ELECTION PETITION No. E007 Of 2022

BETWEEN:

OKIYA OMTATA OKOITI..... 1ST PETITIONER
NYAKINA WYCLIFF GISEBE..... 2ND PETITIONER
VICTOR OKUNA3RD PETITIONER
JOHN MAINA, SUIING AS EXECUTIVE DIRECTOR FOR
CENTER FOR DIASPORA AFFAIRS.....4TH PETITIONER

VERSUS

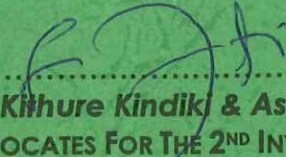
INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION.....1ST RESPONDENT
WAFULA CHEBUKATI (CHAIRMAN)..... 2ND RESPONDENT
JULIANA CHERERA (VICE-CHAIRMAN).....3RD RESPONDENT
FRANCIS WANDERI (COMMISSIONER) 4TH RESPONDENT
JUSTUS NYANG'AYA (COMMISSIONER).....5TH RESPONDENT
IRENE MASIT (COMMISSIONER)..... 7TH RESPONDENT
ABDI YAKUB GULIYE (COMMISSIONER)..... 8TH RESPONDENT
THE HON. ATTORNEY GENERAL.....9TH RESPONDENT

-AND-

ODINGA RAILA.....1ST INTERESTED PARTY
DR. WILLIAM SAMOEI RUTO.....2ND INTERESTED PARTY
WAIHIGA DAVID MWAURE.....3RD INTERESTED PARTY
WAJACKOYAH GEORGE LUCHIRI.....4TH INTERESTED PARTY

2ND INTERESTED PARTY REPLYING AFFIDAVIT

DATED at NAIROBI this26TH.....day of.....August.....2022


.....
Kithure Kindiki & Associates
ADVOCATES FOR THE 2ND INTERESTED PARTY

DRAWN & FILED BY:

Kithure Kindiki & Associates
Advocates
2nd Floor Muthaiga Square
Suite 8 Thika Superhighway
Tel.: +254 707 247 560
P. O. Box 38077-00100
Nairobi

Emails: *kipronock@gmail.com*
 sigeiadvocates@gmail.com
 eliasmutuma@mgadvocates.com
 akithurekindiki@gmail.com
 muthomi@muthomikaranja.com

TO BE SERVED UPON:

Okiya Omtata Okoiti
Nssf Building, Western Wing
Floor B1, Room Four
P.O. Box 60286-00200
okiyaomtatah@gmail.com
Nairobi

Nyakina Wyclife Gisebe
Lotus House, 4th Floor
Haile Selassie Avenue
P.O. Box 1087-00200
Wyclife2022@yahoo.com
Nairobi

Professor Tom Ojienda & Associates
Gold View Office Suites
Opposite Muthaiga Golf Club
4th Floor, Suite No. A4
P.O. Box 14246-00400
info@proftomojiendaandassociates.com
Nairobi

John Maina
Centre for Diaspora Affairs
11 Kirichwa Road
Kilimani
Nairobi

Independent electoral & Boundaries Commission
6th Floor Anniversary Towers
University Way
Email: *info@iebc.or.ke*
Tel.: +254 20 2877 000
P. O. Box 45371-00100
Nairobi

Commissioner Wafula Chebukati
c/o the IEBC
6th Floor Anniversary Towers
University Way
Email: *info@iebc.or.ke*
Tel.: +254 20 2877 000
P. O. Box 45371-00100
Nairobi

Juliana Cherera
c/o the IEBC
6th Floor Anniversary Towers
University Way
Email: *info@iebc.or.ke*
Tel.: +254 20 2877 000
P. O. Box 45371-00100
Nairobi

Irene Masit
c/o the IEBC
6th Floor Anniversary Towers
University Way
Email: *info@iebc.or.ke*
Tel.: +254 20 2877 000
P. O. Box 45371-00100
Nairobi

Francis Wanderi
c/o the IEBC
6th Floor Anniversary Towers
University Way
Email: info@iebc.or.ke
Tel.: +254 20 2877 000
P. O. Box 45371-00100
Nairobi

Justus Nyang'aya
c/o the IEBC
6th Floor Anniversary Towers
University Way
Email: info@iebc.or.ke
Tel.: +254 20 2877 000
P. O. Box 45371-00100
Nairobi

Abdi Yakub Guliye
c/o the IEBC
6th Floor Anniversary Towers
University Way
Email: info@iebc.or.ke
Tel.: +254 20 2877 000
P. O. Box 45371-00100
Nairobi

Boya Molu
c/o the IEBC
6th Floor Anniversary Towers
University Way
Email: info@iebc.or.ke
Tel.: +254 20 2877 000
P. O. Box 45371-00100
Nairobi

The Honourable Attorney General
Attorney General's Chambers
Sheria House
P.O. Box 40112-00100
communications@ag.go.ke
Nairobi

Odinga Raila
Nairobi

Waihiga David Mwaure
Nairobi

Wajackoyah George Luchiri
Nairobi

THE REPUBLIC OF KENYA
IN THE SUPREME COURT OF KENYA
PETITION NO. E007 OF 2022

-BETWEEN-

OKIYA OMTATA OKOITI.....1ST PETITIONER
NYAKINA WYCLIFF GISEBE.....2ND PETITIONER
VICTOR OKUNA.....3RD PETITIONER
JOHN MAINA, *SUING AS EXECUTIVE DIRECTOR FOR*
CENTER FOR DIASPORA AFFAIRS.....4TH PETITIONER

-VERSUS-

INDEPENDENT ELECTORAL AND BOUNDARIES
COMMISSION.....1ST RESPONDENT
WAFULA W. CHEBUKATI (CHAIRMAN).....2ND RESPONDENT
JULIANA CHERERA (VICE-CHAIR).....3RD RESPONDENT
FRANCIS WANDERI (COMMISSIONER).....4TH RESPONDENT
JUSTUS NYANG'AYA (COMMISSIONER).....5TH RESPONDENT
IRENE MASIT (COMMISSIONER).....6TH RESPONDENT
ABDI YAKUB GULIYE (COMMISSIONER).....7TH RESPONDENT
BOYA MOLU (COMMISSIONER).....8TH RESPONDENT
THE HON. ATTORNEY GENERAL.....9TH RESPONDENT

-AND-

ODINGA RAILA.....1ST INTERESTED PARTY
DR. WILLIAM SAMOEI RUTO.....2ND INTERESTED PARTY
WAIHIGA DAVID MWAURE.....3RD INTERESTED PARTY
WAJACKOYAH GEORGE LUCHIRI.....4TH INTERESTED PARTY

REPLYING AFFIDAVIT

I, **DR. WILLIAM SAMOEI RUTO**, a resident of Nairobi City County and of Post Office Box Number 38077-00100 Nairobi in the Republic of Kenya do hereby solemnly make oath and state as follows:

1. Being of sound mind and disposition, I have the capacity to swear this Affidavit in Opposition to the Petition dated 22nd August 2022.
2. I have read the Petition filed herein together with the Affidavit sworn by the 1st Petitioner. It is clear that the Petitioners have **attempted to disguise** that they are instituting this Petition **in their own interest** and in the interest of the public pursuant to Article 258 as read with Article 22 of the Constitution when in essence the Petition is to advance the falsehoods repeatedly peddled by my rival in the recently concluded electoral contest. — 10
3. I swear this affidavit on the strength of facts known directly to me and on the advice of my advocates on record on legal matters whose advice I believe to be true.
4. I the President-elect, and the 3rd Respondent, the Deputy President elect, were duly declared as such by the 1st Respondent on the 15th August 2022. — 20
5. The 9th August 2022 general elections were free, fair and credible and in substantial compliance with constitutional and statutory requirements.

6. The petition is devoid of merit and based on speculation and misinterpretation of law, and facts, and it ought to be dismissed.
7. I have read the following documents prepared by my advocates and produced in Presidential Election Petitions **E001 of 2022, E003 of 2022** and **E005 of 2022**, and which I now also rely upon in this Petition as hereunder:-
 - a) The 2nd and 3rd Respondents Response to the Petition Number 5 of 2022.
 - b) The affidavit of my deputy chief agent Veronica Wangui Maina. — 10
 - c) The affidavit of Raymond Bett.

I also rely on all affidavits prepared on my behalf and their annexures filed in Petition E005 of 2022.

8. I confirm that these documents which I endorse constitute my response to the Petition.
9. I have read, viewed and perused the documents, videos and statements my advocates have annexed, produced and marked in **Presidential Petition 5 of 2022**, which I rely on as my evidence in support of my Response to this Petition. — 20
10. I pray that this Honourable Court dismisses the Petition with costs for lack of merit.

11. What is deponed herein is true to my knowledge, save where based on information and the source identified.

SWORN AT NAIROBI

By the said
DR. WILLIAM SAMOEI RUTO

]
] *William Samoei Ruto*
]

] DEPONENT

This 26th day of AUGUST 2022

BEFORE ME

A. M. MACHARIA
ADVOCATE
COMMISSIONER FOR OATHS
COMMISSIONER FOR OATHS
NAIROBI.

]
]
]
]
]
]
]

DRAWN & FILED BY:

Kithure Kindiki & Associates
Advocates
2nd Floor Muthaiga Square
Suite 8
Thika Superhighway
EMAIL: akithurekindiki@gmail.com
muthomi@muthomikaranja.com
eliasmutama@mgadvocates.com
kipronock@gmail.com
TEL.: +254 707 247 560
P. O. Box 38077-00100
Nairobi

— 10

TO BE SERVED UPON:

Okiya Omtata Okoiti,
Nssf Building, Western Wing,
Floor B1, Room Four,
P.O Box 60286-00200.
Okiyaomtatah@gmail.com
Nairobi

Nyakina Wyclife Gisebe,
Lotus House, 4th Floor,
Haile Selassie Avenue,
P.O. Box 1087-00200.
Wyclife2002@Yahoo.Com
Nairobi

- 10

Professor Tom Ojienda & Associates,
Golf View Office Suites,
Opposite Muthaiga Golf Club,
4th Floor, Suite No. A4,
P.O. Box 14246-00400.
Info@Proftomojiendaandassociates.Com
Nairobi

- 20

John Maina,
Centre for Diaspora Affairs,
11 Kirichwa Road,
Kilimani
Nairobi

Independent Electoral & Boundaries Commission,
Anniversary Towers, 6th Floor,
University Way,
P.O. Box 45371-00100.
info@iebc.or.ke
Nairobi

Commissioners Wafula W. Chebukati.
Juliana Cherera, Irene Masit,
Francis Wanderi, Justus Nyang'aya,
Abdi Yakub Guliye and Boya Molu,
All Through
The Independent Electoral &
Boundaries Commission,
Anniversary Towers, 6th Floor,
University Way,
P.O. Box 45371-00100.
info@iebc.or.ke
Nairobi

- 10

The Honourable Attorney General,
Ag's Chambers,
Sheria House,
Harambee Avenue,
P.O. Box 40112-00100.
communications@ag.go.ke
Nairobi

Paul Mwangi & Company
Advocates
Vision Plaza
3rd Floor, Room 16
pmlawchambers@gmail.com
P.O.Box 55903-00200
Nairobi

- 20

Waihiga David Mwaure

Wajackoyah George Luchiri

