

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, SUING 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 RESPONSE TO THE PETITION

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

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Kithure Kindiki & Associates
ADVOCATES FOR THE 2ND INTERESTED PARTY

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RESPONSE TO PETITION

In RESPONSE to the Petition dated 22nd August 2022, the 2nd Interested Party states that:

1. Save what is herein expressly admitted, the 2nd Interested Party denies each and every allegation of fact as set out in the Petition

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as if the same were set out hereafter in verbatim and traversed seriatim.

2. The Petition raises the following issues:
 - a. Alleged discrepancies in voter turnout;
 - b. Alleged errors in rounding-off percentages with regard to the number of votes cast;
 - c. The alleged failure by the 1st Respondent to ensure that the results from the polling stations were openly and accurately collated; -10
 - d. The alleged denial by the 2nd Respondent of the other commissioners of the 1st Respondent an opportunity to participate in the final tallying and verification of the presidential election results.
3. These issues have been comprehensively addressed in the Responses and Affidavits filed on behalf of the 2nd Interested Party in Presidential Election Petitions E001 of 2022, E003 of 2022 and E005 of 2022 which will be relied on in response to this Petition. -20
4. The 2nd Interested Party prays that the Certificate issued to him on 15th August 2022, affirming his election as President, be affirmed by this Honourable Court. -30

REASONS WHEREFORE, the 2nd Interested Party prays that the Petition be dismissed with Costs.

DATED at NAIROBI this 26th day of AUGUST 2022.



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Commissioners Wafula W. Chebukati.
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Abdi Yakub Guliye and Boya Molu,
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