

**THE REPUBLIC OF KENYA**  
**IN THE SUPREME COURT OF KENYA AT NAIROBI**  
**PRESIDENTIAL ELECTION PETITION NO.1 OF 2017**

**BETWEEN**

**RAILA AMOLO ODINGA..... 1<sup>ST</sup> PETITIONER**

**STEPHEN KALONZO MUSYOKA.....2<sup>ND</sup> PETITIONER**

**AND**

**INDEPENDENT ELECTORAL AND**

**BOUNDARIES COMMISSION.....1<sup>ST</sup> RESPONDENT**

**THE CHAIRPERSON OF THE INDEPENDENT**

**ELECTORAL AND BOUNDARIES COMMISSION.....2<sup>ND</sup> RESPONDENT**

**H.E UHURU MUIGAI KENYATTA.....3<sup>RD</sup> RESPONDENT**

**3<sup>RD</sup> RESPONDENT'S AFFIDAVIT IN REPLY TO THE AFFIDAVIT OF IBRAHIM**

**MUHAMUD IBRAHIM**

I, **MARYKAREN KIGEN- SOROBIT** of Post Office Box 37544-00100 Nairobi do hereby make an oath and solemnly state as follows:

1. I am a female adult of sound mind and employed by the Jubilee Party as the Deputy Chief Executive Officer and Director of Legal affairs & Compliance. In that capacity I am well versed with the facts of this matter and I am duly authorised to swear this Affidavit on behalf of the Jubilee Party which nominated the 3<sup>rd</sup> Respondent as its Presidential Candidate.
2. I have read and Counsel on record for the 3<sup>rd</sup> Respondent, has explained to me the import and purport of the Affidavit of **IBRAHIM MOHAMUD IBRAHIM** and in response to the same I depone as follows.
3. The Independent Electoral and Boundaries Commission appointed a Presiding Officer at Guticha Primary School in Garissa North Constituency for polling station 2 Stream 2 and its appointed officer was one Mr. **ISAAK ALASOW ABDI**.

**Annexed and marked "MCS 1" is a true copy of the Form 34 A dated 9<sup>th</sup> August, 2017.**

4. Further the Independent Electoral and Boundaries Commission vide their email dated 21<sup>st</sup> July, 2017 forwarded to all Political Parties and Independent Candidates a list of Presiding Officers for Mandera North Constituency which lists the Presiding Officer at Guticha Primary School as **ISAAK ALASOW ABDI**.

**Annexed and marked “MCS 2” is a true copy of the Email from the Independent Electoral and Boundaries Commission and the List of Presiding Officers sent by the Independent Electoral and Boundaries Commission.**

5. That paragraphs 3, 4, 5 and 6 of the affidavit are deliberately deceitful and intended to mislead this Court.
6. With regard to Guticha Primary School there is only one polling station and the registered number of voters is 660 and the total number of Valid Votes was 581 thereby indicating 88% Voter turnout.

**Annexed and marked “MCS 3” is a true copy of Kenya Gazette Notice Number 6396 dated 30<sup>th</sup> June, 2017.**

7. In response to paragraph 7, I verily believe the Decree attached was served in Mandera North on 3<sup>rd</sup> August 2017 (which was a Thursday and Four days to the Elections and the practical execution of the Decree would have been impossible).
8. In reply to paragraph 8 of the said Affidavit I have compared the Voter turnout at Kiatine Primary School in Mbooni Constituency, Makueni County the registered number of Voters was 2 and the Voter turnout was 100% and in Kwataruk Water Point Polling Station in Loima Constituency, Turkana County the registered number of Voters is 5 and the number of Valid votes was 5 which indicates 100% Voter Turnout and therefore it is not unusual to have record 100% Voter turnout.

**Annexed and marked “MCS 4” is a true copy of Form 34A for Kiatine Primary School and Kwataruk Water Point Polling.**

9. Unless otherwise stated and the source of the information clearly identified the facts deponed herein are within my knowledge and are true.



3. ISEME KAMAU & MAEMA ADVOCATES,  
IKM PLACE, 5<sup>TH</sup> FLOOR,  
5<sup>TH</sup> NGONG AVENUE,  
P.O.BOX 11866-00400  
**NAIROBI**