

THE REPUBLIC OF KENYA

IN THE SUPREME COURT OF KENYA AT NAIROBI

ELECTION PETITION NO.1 OF 2017

BETWEEN

RAILA AMOLO ODINGA..... 1ST PETITIONER

STEPHEN KALONZO MUSYOKA.....2ND PETITIONER

AND

INDEPENDENT ELECTORAL AND BOUNDARIES

COMMISSION.....1ST RESPONDENT

THE CHAIRPERSON OF THE INDEPENDENT ELECTORAL AND BOUNDARIES

COMMISSION.....2ND RESPONDENT

H.E UHURU MUIGAI KENYATTA.....3RD RESPONDENT

3RD RESPONDENT'S AFFIDAVIT IN REPLY TO THE AFFIDAVIT OF MOHAMED

NOOR BARRE

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 3rd Respondent as its Presidential Candidate.
2. I have read and Counsel on record for the 3rd Respondent, has explained to me the import and purport of the Affidavit of **MOHAMED NOOR BARRE** and in response to the same I depone as follows.

3. The Independent Electoral and Boundaries Commission appointed a Presiding Officer at Kalicha Primary School in Garissa North Constituency for polling station 2 of 2 and its appointed officer was one Mr. **MOHAMED ABASS**.

Annexed and marked “MKS 1” is a true copy of the Form 34 A dated 8th August, 2017.

4. Further the Independent Electoral and Boundaries Commission vide their email dated 21st July 2017 forwarded to all Political Parties and Independent Candidates a list of Presiding Officers for Mandera North Constituency which indicates the Presiding Officer North as **MOHAMED ABASS**.

Annexed and marked “MKS 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 Kalicha Primary School there were Two polling Stations and the registered number of Voters at polling station 2 is 594 and the Voter turnout was 100%.

Annexed and marked “MKS 1 as above” is a true copy of Form 34A indicating the registered number of Voters in polling station 2.

7. In response to paragraph 7, I verily believe the Decree attached was served in Mandera North on 3rd 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 “MKS 3” 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.

SWORN at NAIROBI)
By the said)
MARYKAREN KIGEN- SOROBIT) **DEPONENT**
This day Day of 2017)
BEFORE ME)
COMMISSIONER FOR OATHS)

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