

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

BETWEEN

H. E. RAILA AMOLO ODINGA.....1ST PETITIONER
H. E. STEPHEN KALONZO MUSYOKA.....2ND PETITIONER

AND

INDEPENDENT ELECTORAL AND
BOUNDARIES COMMISSION.....1ST RESPONDENT
THE CHAIRPERSON OF INDEPENDENT
ELECTORAL AND BOUNDARIES
COMMISSION.....2ND RESPONDENT
H. E. UHURU MUIGAI KENYATTA.....3RD RESPONDENT

AND

MICHAEL WAINAINA MWAURA.....INTENDED RESPONDENT / AMICUS CURIAE

CERTIFICATE OF URGENCY

**(UNDER RULE 22 OF THE SUPREME COURT (PRESIDENTIAL ELECTION PETITION) RULES, 2017
& THE INHERENT POWER OF THE COURT)**

I, J. HARRISON KINYANJUI an Advocate of the Supreme Court of Kenya and of all Courts Subordinate to this Honorable Court and with instructions from **MICHAEL WAINAINA MWAURA** the Applicant herein, do hereby certify that the Motion annexed is extremely urgent and ought to be heard at the earliest instance on the grounds that:-

1. Very thin timelines are afforded by the Constitution and the law to the Court and parties to adjudicate on interlocutory applications hence it is imperative to deal with the annexed Motion urgently.
2. MICHAEL WAINAINA MWAURA the Applicant herein was **an Independent Candidate** in the August 8th 2017 Presidential election and thus seeks to be forthwith enjoined as a Respondent/amicus Curiae, or in such capacity as this Honourable court may direct.
3. He has already drawn up a response to the Petition in opposition thereto and hence he has sought that upon being so enjoined, his Replying Affidavit sworn on August 23rd

2017 and lodged herein be deemed as properly filed and service thereof be effected on the Respondents forthwith under such terms and directions as this Honourable Supreme Court shall make.

4. The Applicant is a relevant party having been an Independent Presidential candidate in the August 8th 2017 Presidential Poll, and having garnered 13,257 votes as declared by the IEBC on August 11th 2017.
5. As such an independent Candidate it is imperative for the Supreme Court to afford the Applicant an opportunity to table material that brings to bear objectivity in the process of adjudicating the issues.
6. The fact that the Applicant is not affiliated to any Political party unlike the Petitioners and the 3rd Respondent main protagonists herein, entitles this Court to open up the forum for such Independent candidates to equally articulate their faith in the IEBC to conduct credible elections, otherwise the Kenyan democratic experience will continue being dominated by Political Parties in spite of our Constitution affording independent candidates an opportunity to express political ideas outside the sphere of political parties.
7. The enjoinder sought will aid and assist this Court view the involvement of such an independent candidate in the general conduct and process of the Presidential election sought to be impugned, hence the plea is based on meritorious grounds.
8. In the circumstances I certify that this Honourable Supreme Court's urgent intervention is imperative.

DATED AT NAIROBI THIS 23rd DAY OF AUGUST 2017

J. HARRISON KINYANJUI ADVOCATE
FOR THE APPLICANT

DRAWN & FILED BY:

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