

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

**INFORMATION COMMUNICATION TECHNOLOGY ASSOCIATION
OF KENYA (ICTAK).....APPLICANT/INTENDED AMICUS CURIAE**

(Being an Application by the Information Communication Technology Association of Kenya (ICTAK) for leave to be enjoined as Amicus Curiae)

NOTICE OF MOTION

(Under Rule 54 of the Supreme Court Rules, 2012 and all other enabling provisions of the law).

TAKE NOTICE that the Honourable Court shall be moved on the.....day of2017 at 9.00 O'clock in the forenoon or soon thereafter as the Applicant may be heard on an application for orders:

1. **THAT** this Application be heard and determined before the hearing of the Petition dated 18th August, 2017.

2. **THAT** the Information Communication Technology Association of Kenya (ICTAK), the Applicant here in be granted leave to be enjoined in this Petition as *Amicus Curiae*

WHICH APPLICATION is based on the grounds:

1. **THAT** the intended *Amicus Curiae* has been greatly involved in ICT policy and technical matters in Kenya
2. **THAT** the intended *Amicus Curiae* has a legitimate interest to be enjoined in this Petition to submit on diverse election technology questions which are fundamental to the Petition's determination
3. **THAT** participation of the intended *Amicus Curiae* in the proceedings will substantively contribute towards realizing a decision that is well-informed, professionally sound, and amenable to public interest

AND WHICH APPLICATION is supported by the annexed affidavit of **ADRIAN KAMOTHO NJENGA** and by such other grounds, reasons and arguments as shall be adduced at the hearing hereof

DATED at **NAIROBI** this.....day of.....2017

ADRIAN KAMOTHO NJENGA
FOR THE APPLICANT/INTENDED AMICUS CURIAE

DRAWN AND FILED BY:

INFORMATION COMMUNICATION TECHNOLOGY
ASSOCIATION OF KENYA, (ICTAK)
PSC WING, 9TH FLOOR,
HAZINA TOWERS,
P. O. BOX 17429-00100,
NAIROBI.
E-MAIL: secretarygeneral@ictak.or.ke
PHONE: 0721 411 564

TO BE SERVED UPON:

1. MURUMBA & AWELE ADVOCATES
MIRAGE PLAZA, MEZZANINE 1 - UNIT 7
CHIROMO ROAD, WESTLANDS
P. O. BOX 22255-00505
NAIROBI
2. INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION
ANNIVERSARY TOWERS
6TH FLOOR
UNIVERSITY WAY
P. O. BOX 45371 - 00100
NAIROBI
3. H.E. UHURU MUIGAI KENYATTA
NAIROBI

“If any party served does not appear at the place and time above mentioned such orders will be made and proceedings taken out as the Court will deem just and expedient”

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**INFORMATION COMMUNICATION TECHNOLOGY ASSOCIATION
OF KENYA (ICTAK).....APPLICANT/INTENDED AMICUS CURIAE**

*(Being an Application by the Information Communication Technology
Association of Kenya (ICTAK) for leave to be enjoined as Amicus Curiae)*

SUPPORTING AFFIDAVIT

I, **ADRIAN KAMOTHO NJENGA** an adult Kenyan of sound mind, of Post Office 17249 – 00100 NAIROBI in the Republic of Kenya do hereby make oath and state:-

- 1. THAT** I am the Secretary General of the Information Communication Technology Association of Kenya (ICTAK), and with authority to swear this affidavit. Further, I am an accomplished ICT practitioner, a Certified Cyber Security Associate (CCSA), a Certified Public Accountant of Kenya (CPA-K), a lawyer, and a reputed scholar having served as a lecturer at

various institutions including the Catholic University of Eastern Africa, Kenya Methodist University and the University of Nairobi.

- 2. THAT** the Information Communication Technology Association of Kenya (ICTAK) was registered by the Government of Kenya on the 20th February 2007 as a professional body devoted towards the maximum realization of Kenya's ICT potential. (*Annexed hereto and marked ICTA1 is a copy of ICTAK's Certificate of Registration*).
- 3. THAT** the Information Communication Technology Association of Kenya (ICTAK) has been constantly involved in ICT policy and technical matters in Kenya. Of necessity, ICTAK keeps abreast with the relevant policy formulations and decisions by public entities in relation to ICT.
- 4. THAT** the Information Communication Technology Association of Kenya (ICTAK) has taken due notice of the Petition here in, and seeks to be enjoined in the Proceedings as an *Amicus Curiae*
- 5. THAT** the Information Communication Technology Association of Kenya (ICTAK) has a legitimate interest to be enjoined in this Petition as *Amicus Curiae* to shed light to diverse election technology questions which are fundamental to the Petition's determination
- 6. THAT** it is in the interest of justice that this Application be allowed to enable the intended *Amicus Curiae* to make professional input, with respect to pertinent matters that directly impact on the foregoing Petition.
- 7. THAT** I swear this affidavit in support of the subject Application.
- 8. THAT** what is deposed herein is true to the best of my knowledge, information and belief, save where otherwise stated and sources thereof disclosed.

Sworn at Nairobi by the said

ADRIAN KAMOTHO NJENGA

This.....day of.....2017

BEFORE ME

COMMISSIONER FOR OATHS

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) DEPONENT

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