

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

**Between**

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

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

**AND**

**INDEPENDENT ELECTORAL AND BOUNDARIES**

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

**THE CHAIRPERSON OF INDEPENDENT**

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

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

**AND**

**EKURU AUKOT .....APPLICANT/ INTERESTED PARTY**

**SUPPORTING AFFIDAVIT.**

I, MIRURU WAWERU, a resident of Nairobi within the Republic of Kenya and of P.O. Box 6294-00200 NAIROBI do hereby make oath and solemnly swear as follows:

1. THAT I am an adult male of sound mind and disposition and I am the Chairman of Thirdway Alliance Kenya which is Registered as Political party of Kenya in Accordance to the Political Parties Act 2011 under certificate No. 76.(Annexed and marked " MW1" is a copy of certificate ) .

2. THAT I am aware of the Presidential Petition 1 of 2017 filed by Right Honorable Raila Amollo Odinga and Hon. Stephen Kalonzo Musyoka challenging the declaration of results of the just concluded Presidential election in which IEBC pronounced Hon. Uhuru Muigai Kenyatta as the duly elected President of the Republic of Kenya.
3. THAT the National Executive Council of Thirdway Alliance Kenya, did hold a special NEC meeting on the 17/08/2017 to respond to the important emerging issues of national concern after the just concluded 2017 General elections. The NEC arrived at a resolution that seeks to have the party through our flag bearer Dr. Ekuru Aukot be enjoined in the current Presidential petition 1 Of 2017. I have received the authority of party in accordance to the Party Constitution to swear the same on my behalf and the party's behalf, hence I am duly authorized to state as follows.
4. THAT Thirdway Alliance Kenya, is a pragmatic and progressive political party that believes in the rule of law and the spirit of constitutionalism. Our founding compulsion as a party is derived from our six key pillars of which the rule of law is very critical and fundamental in anchoring the nation towards actualization of civil liberties and institutional democracy.
5. THAT Thirdway Alliance Kenya, seeks to be enjoined through our Presidential candidate in this Presidential Petition, based on our experience as a party during the national tallying process at BOMAS and the emerging issues that have arisen owing to the declaration of the presidential results. Our decision to be enjoined is also guided by Article 38 & 140 of the Kenyan constitution, as we seek to strengthen the existing democratic space for posterity.
6. THAT Thirdway Alliance Kenya did participate in the just concluded General Elections. Thirdway Alliance Kenya, fielded a Presidential candidate in the person of Dr. Ekuru Aukot and whose running mate was Mr. Emmanuel Kombe Nzai.
7. THAT Dr Ekuru Aukot's Presidential chief agents were Mr. Bildad Kagai and myself
8. THAT I was at the tallying center on various occasions between 9<sup>th</sup> and 11<sup>th</sup> August 2017
9. That I participated in reviewing most of the presidential results data that was availed to us by IEBC.
10. THAT I have compiled a report on our review of the various IEBC reports and processes and the report is attached herewith ( Marked MW 2)

11. THAT we have further information in form of a comprehensive report which we shall avail the same in court once we are enjoined in the case and we are certain that the same is relevant and of great use in the determination of the issues at hand.

12. THAT what is stated herein is true to the best of my Knowledge, information and belief

SWORN at NAIROBI this day of 2017

By MIRURU WAWERU )  
BEFORE ME ).....  
)  
)  
COMMISSIONER FOR OATHS )

**DRAWN & FILED BY:-**

MUTUMA GICHURU & ASSOCIATES ADVOCATES  
CHAKA APARTMENTS, SUITE NO 2  
CHAKA ROAD, OFF ARGWINGS KODHEK ROAD  
P.O. BOX 4781-00100

[NAIROBI. \(emutuma@ealawconsulting.com\)](mailto:emutuma@ealawconsulting.com)

**TO BE SERVED UPON**

MURUMBA & AWELE  
ADVOCATES  
MEZZ. 1, UNIT 7  
MIRAGE TOWER  
CHIROMO ROAD

**NAIROBI** ([legal@maadvocates.co.ke](mailto:legal@maadvocates.co.ke))

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

ANNIVERSARY TOWERS

6TH FLOOR

UNIVERSITY WAY

P.O BOX 45371 - 00100

**NAIROBI**

H.E UHURU MUIGAI KENYATTA

NAIROBI

Lodged in the Registry on the .....day of.....,2017

.....

Registrar