

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

PETITIONERS' SUPPORTING AFFIDAVIT

I, STEPHEN KALONZO MUSYOKA of Post Office Box Number 10311-00100
Nairobi do make oath and state as follows: **THAT**

1. I am a Kenyan Citizen, voter and adult of sound mind, residing and working for gain in the Republic of Kenya and were duly nominated by the National Super Alliance (NASA) to contest the general elections on the 8th August 2017 for the position of Deputy President to H.E. Raila Amolo Odinga. I am therefore well versed with the facts and circumstances relating to the Petition.
2. Save as otherwise expressly stated herein, the contents of this affidavit are based on my own knowledge acquired in my abovementioned capacity and are true. To extent that any matter in this affidavit is based on information

and/or belief, I have disclosed the source and/or ground (as the case may be) of the same, and verily believe the same to be true.

3. On the 8th of August 2017, the 1st Respondent conducted and supervised general elections that included the Presidential election.
4. Kenyan citizens eligible to participate in the said election cast their votes on the said date at various polling stations around the country until 5pm or thereabouts.
5. So soon thereafter, the 2nd Respondent acting through presiding officers appointed for that purpose commenced the process of ballot counting at various polling stations around the country culminating in the declaration by the 2nd Respondent on 11th August 2017 of results as follows.

| | |
|------------------------------------|-----------|
| i. Abduba Dida | 38,093 |
| ii. Ekuru Aukot | 27,311 |
| iii. Japheth Kavinga | 16,482 |
| iv. Jirongo Shakhalaga Khwa | 11,705 |
| v. Joseph Nyaga | 42,259 |
| vi. Michael Wainaina | 13,257 |
| vii. Raila Odinga | 6,762,224 |
| viii. Uhuru Kenyatta | 8,203,290 |

6. For the reasons enumerated in the affidavit of H.E Raila Amolo Odinga, I am aggrieved by the said declaration and believe that the Presidential

election was riddled with grave breaches of the Constitution of Kenya 2010 and applicable Electoral laws long before the 8th of August 2017 and during tallying and transmission of results which affected the legitimacy and/or credibility of the process and the final outcome as declared.

7. As a result, the credibility of the outcome of the presidential election has been gravely compromised and is, on available evidence, not representative of the will of the people.
8. I confirm that I have read the Affidavit sworn by H.E. Raila Amolo Odinga in support of the petition. I understand the same and where necessary have had the same explained to me. I support and adopt the same *in toto* as my testimony in support of the Petition.
9. I swear this affidavit in support of the petition and to confirm that H.E Raila Amolo Odinga has my full authority to swear his affidavit on my behalf.
10. It is just and proper that all the reliefs sought as enumerated above be granted.

SWORN at NAIROBI)
By the said)
STEPHEN KALONZO MUSYOKA).....
) **DEPONENT**
This day day of 2017)
)
BEFORE ME)
COMMISIONER FOR OATHS)

DRAWN & FILED BY:

MURUMBA & AWELE ADVOCATES
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NAIROBI.

To:

The Supreme Court of Kenya

Copies to be served on

1. INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION
ANNIVERSARY TOWERS
6TH FLOOR
UNIVERSITY WAY
P.O BOX 45371 - 00100
NAIROBI

2. THE CHAIRPERSON OF INDEPENDENT
ELECTORAL AND BOUNDARIES
COMMISSION ANNIVERSARY TOWERS
6TH FLOOR
UNIVERSITY WAY
P.O BOX 45371 - 00100
NAIROBI

3. H.E. UHURU MUIGAI KENYATTA
HARAMBEE HOUSE,
HARAMBEE AVENUE
NAIROBI.

Lodged in the Registry at Nairobi on theday of August 2017

.....

Registrar

