

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
JR CASE NO 215 OF 2013

REPUBLICAPPLICANT

VERSUS

INDEPENDENT ELECTORAL &

BOUNDARIES COMMISSION1ST RESPONDENT

MUSLIMA DIDA2ND RESPONDENT

AND

**UNITED DEMOCRATIC FORUMINTERESTED
PARTY**

BEATRICE NYABOKE OISEBE.....Ex-parte

JUDGMENT

1. The applicant is aggrieved by the nomination of the 2nd respondent as the special interest (minorities) nominee for Kisii County. She asserts that the nominee does not come from Kisii and should not have been the nominee for the United Democratic Forum party in Kisii. The applicant states that she was no 1. On the UDF Party list for Kisii and should have been the party's nominee. The lodged complaint No IEBC/DRC/PL/130/2013 which was dismissed.
2. The respondent's position is that it heard the applicant's complaint, in which the applicant sought the removal of Muslima Dida as the UDF nominee. The respondent dismissed the complaint as the nominee was placed at No. 1 in the gender top up list.
3. The interested party supported the position of the IEBC that she has properly nominated.

Determination

4. Having read the pleadings by the applicant and the respondent, and heard their submissions, we take the view that there is no basis for impugning the decision of the respondent. The nominee was in the party's list as number 1 a fact that was confirmed by the Advocate for the party according to the decision of the IEBC dated 7th June 2013. The list was submitted by the party which had the core mandate to prepare the lists for party nominations. In the circumstances, this application must fail. It is hereby dismissed with no order as to costs.

Dated, Delivered and Signed at Nairobi this 12th day of July 2013

MUMBI NGUGI

D. S. MAJANJA

WELDON KORIR

JUDGE

JUDGE

JUDGE