



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MILIMANI LAW COURTS
CONSTITUTIONAL AND HUMAN RIGHTS DIVISION

JR NO. 198 OF 2013

BETWEEN

REPUBLIC APPLICANT

AND

THE INDEPENDENT ELECTORAL AND

BOUNDARIES COMMISSION RESPONDENT

AND

UNITED REPUBLICAN PARTY 1ST INTERESTED PARTY

THE SPEAKER,

BARINGO COUNTY ASSEMBLY ... 2ND INTERESTED PARTY

JULIUS L. LEKOSEK LAISOI 3RD INTERESTED PARTY

***EXPARTE* RODGERS KIPTOO MUTAI**

CONSOLIDATED WITH JR NO. 199 OF 2013

BETWEEN

REPUBLIC APPLICANT

AND

INDEPENDENT ELECTORAL AND

BOUNDARIES COMMISSION 1ST RESPONDENT

AND

UNITED REPUBLICAN PARTY 1ST INTERESTED PARTY

THE SPEAKER,

BARINGO COUNTY ASSEMBLY ... 2ND INTERESTED PARTY

JENNIFER NARIAMUT KOIPIRI3RD INTERESTED PARTY

JULIANA SIAYON LETANGULE 4TH INTERESTED PARTY

STELLA KALEGENO..... 5TH INTERESTED PARTY

EX PARTE RISPER KIMAIYO JEBICHI

JUDGMENT

1. In the matter before us, the applicant raised the issue that the Commissioner presiding over the IEBC Dispute Resolution Committee was related to one of the parties interested in nomination to the Baringo County Assembly through the United Republican Party.
2. Although the respondent stated that the Commissioner recused himself from the proceedings and did not take part in the deliberations, we do not see any indication of this in the record of proceedings or the decision before us.
3. In the circumstances we hereby order as follows;
 - a. We hereby set aside the decisions in **Complaint No. IEBC/NDRC/PL/215/2013 (*Rodgers Kiptoo v URP*) and IEBC/NDRC/PL/216/2013 (*Risper Kimaiyo v URP*)**
 - b. We direct that the Complaints shall be heard before a differently constituted Committee of the IEBC excluding Commissioner Letangule.
 - c. The determination shall be made within 14 days from the date hereof.

DATED and DELIVERED at NAIROBI this 12th July 2013

MUMBI NGUGI

D.S. MAJANJA

W.K. KORIR

JUDGE

JUDGE

JUDGE

