



**Jubilee Party v Internal Disputes Resolution Committee of the Jubilee Party & 2 others
(Civil Appeal E1016 of 2023) [2025] KEHC 8254 (KLR) (Civ) (12 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 8254 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

CIVIL

CIVIL APPEAL E1016 OF 2023

AC MRIMA, J

JUNE 12, 2025

BETWEEN

THE JUBILEE PARTY APPELLANT

AND

**THE INTERNAL DISPUTES RESOLUTION COMMITTEE OF THE JUBILEE
PARTY 1ST RESPONDENT**

NELSON DZUYA 2ND RESPONDENT

HE UHURU KENYATTA 3RD RESPONDENT

RULING

1. As the title has it, this ruling relates to the legal representation of the Internal Disputes Resolution Committee of the Jubilee Party, the 1st Respondent herein. The contention that resulted to this ruling emanated from a Notice of Change of Advocates for the 1st and 2nd Respondents dated the 5th March 2025 which was filed by the firm of Messrs. Moturi Orwochi Mwendani Advocates replacing the firms of Messrs. Omwanza & Areba Associates Advocates and Messrs. Issa & Company Advocates.
2. According to Mr. Omwanza, Learned Counsel instructed by the firm of Messrs. Omwanza & Areba Associates Advocates, the impugned Notice of change was irregular and did not carry any legal force and effect since the 2nd Respondent who was a party to the dispute could not appoint a Counsel for a Co-party, the 1st Respondent, as in terms of autonomy of parties, the 1st Respondent was distinct from the 2nd Respondent and would ordinarily settle for its own legal representation. Learned Counsel called for the striking out of the said Notice of Change of Advocates such that the firm of Messrs. Omwanza & Areba Associates Advocates remains on record for the 1st Respondent. He also filed an Affidavit of Representation which he swore urging the foregoing.



3. The rest of the parties opposed the 1st Respondent's position and variously posited that the Constitution of Kenya, the political party ideologies and democracy coupled with the Appellant's Constitution placed the 1st Respondent as one of the Appellant's internal organs that remained subject to the Appellant and could not act on its own. To that end, they called for a finding validating the change of representation and an order adopting a Consent executed by Awele Jackson Advocates LLP for the Appellant, Moturi Orwochi Mwendani Advocates for the 1st and 2nd Respondents and Prof. Ben Sihanya & Co. Advocates for the Interested Party/3rd Respondent on 10th March 2025 settling the appeal in its entirety on the basis of the terms therein.
4. On this Court's directions, the issue of representation was to be dealt with by way written submissions. Whereas the 1st Respondent did not comply, the rest of the parties duly filed their respective submissions. This Court, however, accorded the parties an opportunity for further oral submissions where Counsel made appropriate presentations and some referred to decisions in support of their positions. This Court has intently considered the submissions and the decisions referred to therein and their import will be ingrained in the latter part of this ruling.
5. There is no doubt that this appeal relates to the operations and dealings within one of the political parties in Kenya, the Jubilee Party. Political space and democracy in Kenya, is a constitutional imperative anchored within the Constitution and the law. At the heart of politics and democracy lies the autonomy of political parties based on agreed ideologies. Regardless of such ideologies, political parties, just like caged animals, must operate within the Constitution and the law.
6. The 1st Respondent is established as one of the Appellant's organs under Article 7 of the Appellant's Constitution. Its composition and mandate are provided for in Part B of Article 16. In respect to the manner in which the 1st Respondent will conduct its operations, Article 16 Part B. 7 states as follows: -

The Internal Disputes Resolution Committee in shall accordance with Articles 47 and 50 of the Constitution of Kenya make rules to govern procedures and the conduct of its affairs which shall be ratified by the National Executive Committee.
7. The rationale behind the contemplated rules was to enhance constitutionalism within the Party by entrenching Articles 47 and 50 of the Constitution of Kenya into the operations of the 1st Respondent. Such rules were to be, however, ratified by the Appellant's National Executive Committee for the reason that the Appellant must be satisfied that the rules were within the Constitution of Kenya, the law, the Party Constitution and conformed to the Jubilee Party ideology.
8. This Court has carefully perused the record, but did not come across any rules developed by the 1st Respondent governing its procedures and providing for the conduct of its affairs which were duly ratified as required. With such a lacuna, then the operations of the 1st Respondent remained subject to the Appellant's National Executive Committee. In other words, even in the absence of the intended rules still the operational procedures of the 1st Respondent remained subject to the Appellant's National Executive Committee. That is, therefore, to mean that the 1st Respondent's decision to appoint Counsel to represent it in any legal proceedings was subject to the approval of the Appellant's National Executive Committee. Alternatively, the Appellant's National Executive Committee was legally mandated to appoint Counsel to represent the 1st Respondent.
9. Returning to the matter at hand, it is apparent that the Appellant, the 2nd and 3rd Respondents posit that the firm of Messrs. Moturi Orwochi Mwendani Advocates was duly approved of by the Appellant's National Executive Committee to replace the firms of Messrs. Omwanza & Areba Associates Advocates and Messrs. Issa & Company Advocates and to bring the dispute to an end. As



such, this Court finds no fault since the decision was made within the confines of the Appellant's Constitution. Therefore, the contention by Learned Counsel Mr. Omwanza cannot hold and is hereby for rejection. For clarity, it is the firm Moturi Orwochi Mwendani Advocates which is rightfully and legally on record for the 1st and 2nd Respondents.

10. Deriving from the above discussion, this Court hereby makes the following final orders: -
- (a) The Notice of Change of Advocates for the 1st and 2nd Respondents dated the 5th March 2025 filed by the firm of Messrs. Moturi Orwochi Mwendani Advocates is hereby affirmed and this Court finds and hold that the firm of Messrs. Moturi Orwochi Mwendani Advocates has been properly on record for the 1st and 2nd Respondent since the filing of the said Notice of Change.
 - (b) The terms of the consent letter executed by Awele Jackson Advocates LLP for the Appellant, Moturi Orwochi Mwendani Advocates for the 1st and 2nd Respondents and Prof. Ben Sihanya & Co. Advocates for the Interested Party/3rd Respondent on 10th March 2025 and accordingly filed in Court are hereby adopted as orders of this Court.
 - (c) This matter is hereby marked as settled with no order as to costs.

Those are the orders of this Court.

DELIVERED, DATED AND SIGNED AT NAIROBI THIS 12TH DAY OF JUNE, 2025.

A. C. MRIMA

JUDGE

Ruling virtually delivered in the presence of:

Mr. Awele and Mr. Nderitu, Learned Counsel for the Appellant.

Mr. Mwendani, Learned Counsel for the 1st and 2nd Respondents.

Mr. Omwanza, Learned Counsel previously appearing for the 1st Respondent.

Prof. Ben Sihanya, Learned Counsel for the 3rd Respondent.

Amina/Abdirazak – Court Assistants.

