

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

**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 8<sup>th</sup> 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 8<sup>th</sup> of August 2017, the 1<sup>st</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> Respondent on 11<sup>th</sup> August 2017 of results as follows.

<b>i.</b> Abduba Dida	38,093
<b>ii.</b> Ekuru Aukot	27,311
<b>iii.</b> Japheth Kavinga	16,482
<b>iv.</b> Jirongo Shakhhalaga Khwa	11,705
<b>v.</b> Joseph Nyaga	42,259
<b>vi.</b> Michael Wainaina	13,257
<b>vii.</b> Raila Odinga	6,762,224
<b>viii.</b> 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 8<sup>th</sup> 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  
MIRAGE PLAZA, MEZZANINE 1 - UNIT 7  
WESTLANDS, CHIROMO ROAD  
P.O. BOX 22255-00505  
**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 the .....day of August 2017

.....

Registrar

