

REPUBLIC OF KENYA  
IN THE SUPREME COURT OF KENYA AT NAIROBI  
PRESIDENTIAL ELECTION PETITION NO.                      OF 2022

RAILA ODINGA .....1<sup>ST</sup> PETITIONER  
MARTHA WANGARI KARUA .....2<sup>ND</sup> PETITIONER

-VERSUS-

INDEPENDENT ELECTORAL  
AND BOUNDARIES COMMISSION.....1<sup>ST</sup> RESPONDENT  
WANYONYI WAFULA CHEBUKATI ..... 2<sup>ND</sup> RESPONDENT  
BOYA MOLU .....3<sup>RD</sup> RESPONDENT  
PROF. ABDI YAKUB GULIYE .....4<sup>TH</sup> RESPONDENT  
JULIANA WHONGE CHERERA .....5<sup>TH</sup> RESPONDENT  
JUSTUS NYANGAYA .....6<sup>TH</sup> RESPONDENT  
FRANCIS WANDERI .....7<sup>TH</sup> RESPONDENT  
IRENE MASSIT .....8<sup>TH</sup> RESPONDENT  
WILLIAM SAMOEI RUTO.....9<sup>TH</sup> RESPONDENT

WITNESS AFFIDAVIT IN SUPPORT OF PETITION

I, **DR. NYANGASI ODUWO** of Post Office Box Number 7411-00100 Nairobi and resident of the Nairobi County within the Republic of Kenya do make oath and state as follows:

1.     **THAT** I am a Kenyan Citizen and a medical doctor by Profession. I have a Post-Graduate Diploma in Research Methods, a Masters in Project Management and Planning and a Second Masters in Economic Policy and Analysis.
  
2.     **THAT** I am duly conversant with the subject matter of this Petition and therefore competent to swear this Affidavit in support of the Petition herein and wish to state as follows;

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3. **THAT** I was part of the verification team/agents appointed by the Petitioners to verify Forms 34A, 34B and 34C at the Bomas of Kenya following the 9<sup>th</sup> August, 2022 general elections.
4. **THAT** I have read the Petition filed herewith and understand the same. I swear this Affidavit in support of the grounds therein that the IEBC deliberately set out to manipulate the 2022 general elections by inter-alia compromising the qualitative aspects of the statutory forms used for the election in order to facilitate and perpetuate fraud for a pre-determined outcome.
5. **THAT** I have painstakingly reviewed the statutory forms used in the election including the forms supplied to us at the Bomas of Kenya auditorium, forms supplied to us by our agents in various polling stations and from the public portal maintained by the IEBC and have noted substantial and pervasive irregularities that impugn the integrity, transparency, accuracy and verifiability of the presidential elections and affects its outcome. **I wish to produce herewith marked 'A' a signed copy of the said report.**
6. **I wish to produce herewith marked 'B' copies of the relevant forms 34A on basis of which my report was prepared.**
7. **I wish to produce herewith marked 'C' copies of the relevant forms 34B on basis of which my report was prepared.**
8. **I wish to produce herewith marked 'D' copies of the relevant forms 34C on basis of which my report was prepared.**
9. My report demonstrates that not only was the election so badly manipulated, the manipulation occurred with the wilful connivance of the chairperson of the commission and some its senior employees for the benefit of the 9<sup>th</sup> Respondent.

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10. I wish to produce the said report in evidence.
11. In the event, the 2022 presidential election result declared by the chairperson of the IEBC is unconstitutional, invalid, null and void and ought to be invalidated and set aside.
12. In the circumstances, it is just and proper that the court grants such reliefs sought in the Petition as the court deems fit in the interest of justice.

SWORN at NAIROBI )

By the said )

DR. NYANGASI ODUWO )

This 21st Day of August 2022 )

DEPONENT

BEFORE ME )

COMMISSIONER FOR OATHS )

DRAWN & FILED BY:

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