

**REPUBLIC OF KENYA**  
**IN THE POLITICAL PARTIES DISPUTES TRIBUNAL**  
**COMPLAINT NO OF 2025**

ANN THUMBI ..... COMPLAINANT/APPLICANT  
-VERSUS-  
UNITED DEMOCRATIC ALLIANCE PARTY ..... 1<sup>ST</sup> RESPONDENT  
CHARLES NJENGA ..... 2<sup>ND</sup> RESPONDENT  
OFFICE OF THE REGISTRAR  
OF POLITICAL PARTIES ..... INTERESTED PARTY

**CERTIFICATE OF URGENCY**

I, **MABEYA N. MOSES** an Advocate and officer of this Honorable High Court of Kenya practicing in the style and Firm of **MABEYA & MABEYA ADVOCATES, 1<sup>ST</sup> FLOOR, SOUTH PODIUM, NATIONAL BANK BUILDING, HARAMBEE AVENUE, P.O BOX 18627-00100 NAIROBI**; of Email Address [Info@mabeyalaw.co.ke](mailto:Info@mabeyalaw.co.ke) do CERTIFY that the Motion application herein is URGENT and deserving of an expedited process; with consideration of the Motion *ex parte* at the first instance. The ensuing grounds evince the avowed URGENCY of the matter.

1. **THAT** there is extreme exigency and unless this Application is certified urgent and heard forthwith then the 1<sup>st</sup> Respondent disciplinary committee shall render a decision to oust the Complainant herein as a nominated Member of County Assembly and a member of the UDA Party in total contravention and infringement of her Constitutional Rights.
  2. **THAT** the said decision is predetermined and based on the nature and manner of conduct of the 1<sup>st</sup> Respondent's proceedings and the same will be highly prejudicial to the Applicant/Complainant herein.
  3. **THAT** the 1<sup>st</sup> Respondent held a disciplinary hearing on 20<sup>th</sup> June, 2025 that to the Complainant was marred with impropriety and unfair on the face of the record, and is abuse of power that this Honourable Tribunal is mandated to check.
  4. **THAT** the 2<sup>nd</sup> Respondent despite being a Complainant and author of the letter initiating a complaint and moving the 1<sup>st</sup> Respondent's disciplinary committee, he also sat as the chairperson of the disciplinary committee and as such acted as the witness, Complainant and Judge on

his own cause and even declined to entertain the Complainants Preliminary Objections raised on that account.

5. **THAT** the 1<sup>st</sup> Respondent was grossly biased and any decisions out of such a process despite being a fruit of a poison tree will be relied on as the basis to expel the Applicant herein as a member of the UDA Party and a nominated MCA.
6. **THAT** the urgency is rife and the 1<sup>st</sup> Respondent is set to render its decision or will do so upon service of the Complaint herein in a bid to render credibility to a otherwise unlawful and illegal process.
7. **THAT** unless this Application is certified urgent and the Orders sought herein be issued then such drastic actions of the 1<sup>st</sup> and 2<sup>nd</sup> Respondents shall render this Application and Complaint a mere academic exercise this it behooves this Honorable Tribunal to intervene and issue the orders sought herein to alleviate a miscarriage of justice.
8. **THAT** the Applicant herein seeks a stay of proceedings before the 1<sup>st</sup> Respondent pending hearing and determination of the Application and Complaint herein and if this application is not heard forthwith the Complainant runs the risk of being rendered nugatory and the Applicant will be highly prejudiced.

DATED at NAIROBI this.....<sup>14TH</sup>.....day of JULY 2025

**MABEYA & MABEYA  
ADVOCATES FOR THE ~~APPLICANT/COMPLAINANT~~**

**DRAWN & FILED BY:-**

MABEYA & MABEYA ADVOCATES  
NATIONAL BANK BUILDING, 1<sup>ST</sup> FLOOR, SOUTH  
PODIUM HARAMBEE AVENUE  
P.O BOX 18627-00100  
NAIROBI.  
Email: [mabeyalaw@gmail.com](mailto:mabeyalaw@gmail.com)  
Tel: 0713091831

**TO BE SERVED UPON:-**

UNITED DEMOCRATIC ALLIANCE  
HUSTLER CENTRE, MAKINI ROAD, OFF RIARA RD  
P.O.BOX 37500-00100  
NAIROBI-KENYA

**EMAIL: hello@uda.ke**

THE REGISTRAR OF POLITICAL PARTIES (ORPP)  
LION PLACE 1ST 2ND & 4TH FLOORS KARUNA  
CLOSE WAIYAKI WAY, WESTLANDS  
NAIROBI  
TELEPHONE: +254(0)204022000  
EMAIL: info@orpp.or.ke

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**CHARLES NJENGA.....2<sup>ND</sup> RESPONDENT**  
**OFFICE OF THE REGISTRAR**  
**OF POLITICAL PARTIES.....INTERESTED PARTY**

**NOTICE OF MOTION**

**(Pursuant to Section 40 of the Political Parties Act, 2011, Rule 6 & 19  
of the PPDT Rules, 2017, and all other enabling provisions of law)**

**TAKE NOTICE** that this Honorable Court will be moved on the..... day of.....2025 at 9.00 O'clock in the forenoon or so soon thereafter for the hearing of an Application by the Counsel for the Petitioners/ Applicants for

**ORDERS:**

1. **THAT** this Application be certified urgent and be admitted to ex parte hearing due to the urgency thereof and service in the first instance be dispensed with for purposes of prayer(s) 2 and 3 herein below.
2. **THAT** pending the hearing and determination of this Application inter parties, a conservatory order do issue staying any further proceedings in UDA Complaint No. E005 of 2025; UDA -Vs- Honorable Ann Thumbi.
3. **THAT** pending the hearing and determination of this Application inter parties, a conservatory order do issue staying the decision or outcome in UDA Complaint No. E005 of 2025; UDA -Vs- Honorable Ann Thumbi.
4. **THAT** pending the hearing and determination of this Application, a conservatory order do issue restraining the 1st Respondent from removing the Complainant from its party list and/or from her position as a nominated Member of County Assembly (MCA) for Nyeri County or de-whipping her from any committees in the Nyeri County Assembly.
5. **THAT** pending the hearing and determination of the Complaint herein, a conservatory order do issue staying any further proceedings in UDA Complaint No. E005 of 2025; UDA -Vs- Honorable Ann Thumbi.

6. **THAT** pending the hearing and determination of the Complaint herein, a conservatory order do issue staying the decision or outcome in UDA Complaint No. E005 of 2025; UDA -Vs- Honorable Ann Thumbi.
7. **THAT** an Order do issued to compel the 1<sup>st</sup> and 2<sup>nd</sup> Respondents to provide typed proceedings of the proceedings of 20<sup>th</sup> June, 2025 in UDA Complaint No. E005 of 2025; UDA -Vs- Honorable Ann Thumbi.
8. **THAT** pending the hearing and determination of the Complaint herein, a conservatory order do issue restraining the 1<sup>st</sup> Respondent from removing the Complainant from its party list and/or from her position as a nominated Member of County Assembly (MCA) for Nyeri County or de-whipping her from any committees in the Nyeri County Assembly.
9. **THAT** this Honourable Tribunal be pleased to issue any other or further orders it deems just and fit in the circumstances.
10. **THAT** costs of this application be in the cause.

**AND WHICH** is supported by the annexed affidavit of Honourable Ann Thumbi and other grounds to be adduced at the hearing thereof.

1. **THAT** this Application will be rendered inefficacious unless the same is heard urgently on priority basis.
2. **THAT** on or about the 7th of June, 2025, the Complainant received a letter from the 1<sup>st</sup> Respondent referenced UDA/8/DISP/25 summoning me to appear before its disciplinary committee on 20th June 2025 to respond to allegations concerning my attendance at a DCP rally and alleged incitement.
3. **THAT** for the removal of a leader from office to materialize there must be specific, clear, cogent and conscious rules that govern such a procedure and the same cannot be left to the whims of a Disciplinary Committee.
4. **THAT** the Complainants efforts to have a Notice of Preliminary objection dated 20<sup>th</sup> June 2025 to be heard first were all thwarted with ignorance, the disciplinary committee still went ahead and proceeded with the biased hearing ignoring the principles of natural justice

5. **THAT** the disciplinary committee of the 1<sup>st</sup> Respondent has heard and determined this matter while acting as both the complainant and judge, which is a gross violation of the rules of natural justice and is yet to render a verdict.
6. **THAT** the entire process lacked impartiality, transparency, and procedural fairness, and was designed to arrive at a predetermined outcome.
7. **THAT** unless this Honorable Tribunal urgently intervenes and issues a conservatory order staying the disciplinary proceedings and or the decision to be rendered, the 1<sup>st</sup> Respondent will violate her rights and set a dangerous precedent that undermines due process.
8. **THAT** the Complainant was not supplied with the rules, procedures, or any evidence the committee relied upon, despite my repeated requests.
9. **THAT** the committee's conduct demonstrates arbitrariness and political persecution intended to unfairly remove me from the party and my MCA position.
10. **THAT** unless this Tribunal intervenes, I risk losing my seat and being denied due process.
11. **THAT** the intended actions of the 1<sup>st</sup> Respondent are likely to render the substantive Complaint nugatory.
12. **THAT** if the execution of the illegal decision is commenced it is without a doubt that the Complainant will suffer irreparable harm.
13. **THAT** no prejudice will be suffered by the Respondents herein if indeed the orders prayed for are granted.

**DATED at NAIROBI this...14<sup>TH</sup> day of JULY.....2025**

**MABEYA & MABEYA**

**ADVOCATES FOR THE COMPLAINANT.**

**DRAWN AND FILED BY:** -

Mabeya & Mabéya Advocates,

1<sup>st</sup> Floor, South Podium,  
National Bank Building,  
Harambee Avenue  
P.O BOX 18627-00100

**NAIROBI.**

Email: Mabeyalaw@gmail.com

**TO BE SERVED UPON:**

United Democratic Party,  
Hustler Centre, Makindi Road Off Riara Road,  
P.O Box 37500-00100,  
**NAIROBI**

Charles Njenga

The Registrar of Political Parties

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-VERSUS-  
**UNITED DEMOCRATIC ALLIANCE PARTY**..... **1<sup>ST</sup> RESPONDENT**  
**CHARLES NJENGA**..... **2<sup>ND</sup> RESPONDENT**  
**OFFICE OF THE REGISTRAR**  
**OF POLITICAL PARTIES**..... **INTERESTED PARTY**

**SUPPORTING AFFIDAVIT**

I, **HON. ANN THUMBI**, of P.O. Box Number 18627-00100, Nairobi, within the Republic of Kenya, do hereby make oath and state as follows:

1. **THAT** I am the Complainant herein, a nominated Member of the County Assembly (MCA) of Nyeri under the 1st Respondent's political party United Democratic Alliance (UDA), and therefore competent to swear this affidavit.
2. **THAT** on or about the 7<sup>th</sup> of June, 2025, I received a letter from the 1st Respondent referenced UDA/8/DISP/25 summoning me to appear before its disciplinary committee on 20th June 2025 to respond to allegations concerning my attendance at a DCP rally and alleged incitement. (***Annexed herewith and marked as "AT-1" is a copy of the letter dated 7<sup>th</sup> June, 2025.***)
3. **THAT** for the removal of a leader from office to materialize there must be specific, clear, cogent and conscious rules that govern such a procedure and the same cannot be left to the whims of a Disciplinary Committee.  
.
4. **THAT** my efforts to even serve a Notice of Preliminary objection dated 20<sup>th</sup> June 2025 were all thwarted with ignorance, the disciplinary committee still went ahead and proceeded with the biased hearing ignoring the principles of natural justice. (***Annexed and marked "AT-2" is a copy of the Notice of Preliminary objection.***)
5. **THAT** the disciplinary committee of the 1st Respondent heard and determined this matter while acting as both the complainant and judge, which is a gross violation of the rules of natural justice.

6. **THAT** the entire process lacked impartiality, transparency, and procedural fairness, and was designed to arrive at a predetermined outcome.
7. **THAT** unless this Honorable Tribunal urgently intervenes and issues a conservatory order staying the disciplinary proceedings and or the decision to be rendered, the 1st Respondent will violate my rights and set a dangerous precedent that undermines due process.
8. **THAT** I was not supplied with the rules, procedures, or any evidence the committee relied upon, despite my repeated requests.
9. **THAT** the committee's conduct demonstrates arbitrariness and political persecution intended to unfairly remove me from the party and my MCA position.
10. **THAT** unless this Tribunal intervenes, I risk losing my seat and being denied due process.
11. **THAT** I swear this affidavit in support of my Complaint and urge this Honorable Tribunal to grant the orders sought.
12. **THAT** the contents of this affidavit are true to the best of my knowledge, information, and belief.

SWORN at NAIROBI )

)  
By the said **HON. ANN THUMBI** )

This .....15<sup>th</sup> day of JULY..... 2025  
BEFORE ME:

COMMISSIONER FOR OATHS )

**DRAWN BY:** -

Mabey & Mabey Advocates,  
1<sup>st</sup> Floor, South Podium,  
National Bank Building,  
Harambee Avenue  
P.O BOX 18627-00100  
NAIROBI.

Email: Mabeyalaw@gmail.com  
Phone: +254 713 091 831

  
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**DEPONENT**



**TO BE SERVED UPON:**

United Democratic Party,  
Hustler Centre, Makindi Road ,  
Off Riara Road,  
P.O Box 37500-00100,  
**NAIROBI.**

Office of the Registrar  
of Political Parties  
**NAIROBI**