

ODM APPEALS TRIBUNAL

FREQUENTLY ASKED QUESTIONS ON APPEALS BEFORE THE TRIBUNAL

What is the ODM Appeals Tribunal?

The ODM Appeals Tribunal ("the Tribunal") is the Party's Internal Dispute Resolution Mechanism appointed by the National Executive Committee. It hears appeals arising out of Party Primary elections for County Governor, Senator, County Woman Representative to the National Assembly, Member of the National Assembly and Member of County Assembly.

Is there a document governing the Tribunal's work?

The Tribunal is governed by **Appeals Tribunal (Practice and Procedure) Rules, 2022** a copy of which is posted on our website **www.odm.co.ke**

Who can file an appeal before the Tribunal?

Only an ODM Party aspirant at a Party Primary election can file an appeal before the Tribunal. It is clarified that a Party member or a registered voter in an electoral area cannot file an appeal before the Tribunal.

How does one file an appeal?

All filing at the Tribunal are made online through the Tribunal's email **tribunal@odm.co.ke**

Is there a format for appeal documents?

There are standard formats of Statement of Appeal, Statement of Response and Notice of Appointment of Advocate which can be downloaded from our website **www.odm.co.ke** or collected from our offices at Chungwa House and respective County Offices.

Service of Documents

The Tribunal shall serve all appeal documents on all affected parties.

What filing fees are payable?

- a) County Governor **Kshs.100,000.00.**
- b) Senator, County Woman Representative to the National Assembly and Member of the National Assembly **Kshs.70,000.00.**
- c) Member of County Assembly **Kshs.30,000.00.**
- d) Statement of Response is filed **free of charge.**

How is the filing fees paid?

The filing fees are paid through the Party's Pay Bill 985900. The account name is APPEALS FEES. The payment message is to be forwarded to the call centre number.

What are the time lines for filing, hearing and determination of an appeal?

- a) A Statement of Appeal is filed within 36 hours of the results being declared.
- b) A Statement of Response is filed within 24 hours of receipt of the appeal.
- c) The Decision of the Tribunal is delivered within 24 hours of hearing.

Where does the Tribunal sit?

The Tribunal has devolved its sittings to the counties and shall communicate the dates and venues for its sittings. The Tribunal shall sit as near as practicable to the electoral area to which the appeal relate.

Can one appear through an Advocate?

Yes. A Party is at liberty to file a Statement of Appeal or Statement of Response through an Advocate but all parties to the dispute must appear before the Tribunal in person at the hearing.

Can one bring a witness?

Yes. A party to an appeal is allowed to bring a witness but the witness must first have filed a witness affidavit. A witness who has not filed an affidavit will not be granted an audience by the Tribunal.

Who can attend the Tribunal's hearings?

The appellant, respondent and their witnesses who have filed witness affidavits are entitled to attend.

Call Centre Number

For any enquiries call **0115-821036.**