



Frequently Asked Questions

1. What is the Political Parties Disputes Tribunal?

The Political Parties Disputes Tribunal (PPDT) is a Kenyan quasi-judicial body established under section 39 of the Political Parties 2011 to fairly and expeditiously resolve disputes arising from political parties' activities. The PPDT is an independent tribunal pursuant to Article 169 (1)(d) of the Constitution and falls under the ambit of the Judiciary.

2. What is the importance of the PPDT in the political context of Kenya?

One of the intentions of the Constitution of Kenya 2010, is to emphasize on building the nation as a democracy with clear participatory processes that includes and involves communities and the leadership so as to promote national unity and cohesion. PPDT promotes and protects the space for this democratic growth within the scope of political party engagement by acting as an independent arbiter that promotes and protects the rights and interests of all. The PPDT is the first port of call in hearing and determining political parties' disputes. The PPDT is designed to be speedy without undue technicalities in the discharge of its core mandate to afford Kenyans efficient, expeditious and fair delivery of justice.

3. What is the composition of the PPDT?

The Tribunal consists of a Chairperson and six other Members, all appointed by the Judicial Service Commission. The Chairperson should have the same qualifications as a Judge of the High Court while three of the other six members should be Advocates of the High Court of seven years standing. The other Members of the Tribunal may be any other professionals with outstanding governance, administrative, social, political, economic and other record for at least seven (7) years.

The Chairperson and members of the Tribunal serve on part-time basis and hold office for a non-renewable term of six years.

The quorum for the Tribunal's sittings is any three members, provided that one of them is an Advocate of the High Court. However, urgent applications may be heard by one Member who is an Advocate of the High Court.

4. Which kind of disputes does the PPDT determine?

The types of disputes the Tribunal can hear and determine are set out in section 40 of the Political Parties Act, 2011. These are:

- a. disputes between the members of a political party;
- b. disputes between a member of a political party and a political party;
- c. disputes between political parties;
- d. disputes between an independent candidate and a political party;
- e. disputes between coalition partners;
- f. appeals from decisions of the Registrar under the Political Parties Act 2011; and
- g. disputes arising out of party primaries.

5. Who can lodge a complaint with the PPDT?

Any member of a political party, a political party, an independent candidate or a coalition partner may lodge a complaint with the PPDT. An appeal can also be lodged by any person who is aggrieved by a decision of the Registrar of Political Parties.

6. When can one lodge a complaint with the PPDT?

The law limits the jurisdiction of the PPDT to the extent that the Tribunal may not hear a dispute which has not been taken before a political party's internal dispute resolution mechanism. As such, a complaint may be lodged with the PPDT only after the dispute has been heard and determined by the concerned political party's internal dispute resolution mechanism. However, there may be instances where the Tribunal may assume jurisdiction where a complainant has satisfied the Tribunal that they attempted to comply with this provision.

However, this limitation only applies to disputes between the members of a political party, disputes between a member of a political party and a political party and disputes arising out of party primaries.

7. How can one lodge a complaint with the PPDT?

A Complaint is lodged by presenting to the PPDT Registry a Memorandum of Claim setting out the details of the parties to the dispute, the details of the dispute and the relief the complainant is seeking from the Tribunal. The complainant should also file a sworn Affidavit verifying the contents of the Memorandum of Claim.

Where the case concerns a violation of a provision of a party Constitution or a Coalition Agreement, please include a copy of the party Constitution or the Coalition Agreement for ease of reference.

8. How much does it cost to file a complaint at the PPDT?

There are fees that are charged on the filing of complaints or appeals at the Tribunal. These are:

NO	NATURE OF DOCUMENTS	FEES IN KSH
1.	Filing of complaint/statement of claim	Kshs. 1,500
2.	Declaratory orders	Kshs. 6,000
3.	Notice of motion or chamber summons	Kshs. 250
4.	Order in each prayer therein i.e. in the notice of motion	Kshs. 150 per prayer
5.	Affidavits	Kshs. 100
6.	Annexures	Kshs. 10 per annexure
7.	Submissions	Kshs. 250
8.	Preliminary Objection	Kshs. 250
9.	Hearing Notice	Kshs. 100
10.	Mention Notice	Kshs. 100
11.	Proceedings original (certified)	Kshs. 60 per page
12.	Uncertified proceedings	Kshs. 30 per page
13.	Making copies of records other than proceedings in the Tribunal's file (copying fees)	Kshs. 10 per page and the party to bear their own copying charges

These fees guidelines are applicable as per the Judiciary's Guide to Assessment of Court Fees 1995 and are subject to change by the Judiciary of Kenya.

When you present your Complaint or other documents for filing, the Registry will assess how much you are required to pay (based on the above table) then issue you a form which you will present to the bank (Kenya Commercial Bank) to make the payment. Once you make the payment at the Bank you will present the bank slip to the court registry which will issue you with a receipt. You will then present the court receipt together with the document you are filing at the Registry.

Parties need to pay their own costs in relation to matters such as hiring a legal representative and travel costs to attend a hearing in person; however, there is no requirement to have a legal representative.

9. What happens after a complaint is received at the PPDT?

Once you present your complaint and it has been assessed by the Registry:

- the documents will be stamped to signify that they have been received by the Tribunal;
- you will then serve the stamped copies of the complaint to all the persons you are complaining against (the Respondents);
- after the Respondents receive the complaint, they will come to the Registry to file their responses to your complaint; and
- the Tribunal will then invite all parties to the dispute to a hearing during which both sides will present their respective cases.

At the conclusion of these hearings the Tribunal will issue its decision in the form of ruling or judgment.

10. How long will it take for the PPDT to determine the dispute once a complaint is lodged?

The PPDT will handle all matters under its jurisdiction expeditiously and all disputes shall be determined within three (3) months from the date the dispute is lodged. With regard to party primaries, the PPDT will handle all matters expeditiously within the timelines provided under the law and relevant regulations relating to hearing and determination of disputes arising from party primaries.

11. Where do hearings take place?

The PPDT conducts its hearings at the Milimani Law Courts or as may otherwise be directed by the Tribunal.

12. How does the PPDT enforce its orders?

The decisions of the Tribunal are enforced in the same manner as a decision of a Magistrate's Court. At the conclusion of a case a party can get an Order or Decree extracted from the Tribunal's Ruling/Judgment, and the Order/Decree is then served on the persons who are required to comply.

If someone upon whom an Order or Decree is served does not comply, the Decree holder can file a Contempt of Court Application before the High Court.

13. What can one do if not happy with the decision of the PPDT?

Anyone who is not satisfied with a decision of the PPDT can file an Appeal against that decision at the High Court. You can also file a Judicial Review application at the High Court if you want to complain about the process used by the Tribunal in arriving at its decision.

14. What other roles does the PPDT play?

In addition to the resolution of disputes, the PPDT has an important role in building national Electoral and Political Disputes Resolution mechanisms including enabling political parties to enhance internal dispute resolution mechanisms.

The PPDT is working closely with other key stakeholders to transform the legal administrative frameworks and processes to facilitate efficient resolution of political parties' disputes.