



**PRESS RELEASE**

**NAIROBI, KENYA: THURSDAY, 4<sup>TH</sup> JULY 2024**

**FOR IMMEDIATE RELEASE**

**SUBJECT: ELECTION OF MR. JOHN CHEBOCHOK AS DIRECTOR OF TEGAT/TOROR  
TEA FACTORY COMPANY, AINAMOI AREA, KERICHO COUNTY**

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Our attention is drawn to various reports circulating in the social media claiming that the Independent Electoral and Boundaries Commission (IEBC) is responsible for the wrongful election of Mr. John Chebochok as Director of Tegat/Toror Tea Factory Company, Ainamoi Area, Kericho County.

On this, therefore, the IEBC makes the following clarifications:

1. The IEBC signed a Memorandum of Understanding (MoU) with the Tea Board of Kenya (TBK) to undertake elections for 54 Small-holder Tea factories across the country. Consequently, IEBC signed MoU with each of the 54 Small-holder Tea Factory. The elections were held, by secret ballot, on 28<sup>th</sup> and 29<sup>th</sup> June, 2024.
2. In preparation for the said elections, the IEBC was guided by the Constitution of Kenya 2010, the Manual for Elections of Directors of June 2024, and the Memoranda and Articles of Association of individual Tea Factory that were in existence in October, 2020 as was directed by a court decree dated, 22<sup>nd</sup> April, 2024.
3. In undertaking the shortlisting, each Returning Officer strictly applied the provisions of the Manual for Election of Directors provided by the Tea Board of Kenya and the Checklist contained in the Articles of Association of individual tea factories detailing the criteria for qualifications and disqualifications of a candidate.
4. Relevant to the case at hand is the qualification that a person was required to satisfy that “s/he is of good standing in the society.” The Checklist provided that a valid certificate of good conduct issued by the National Police Service’ Department of Criminal Investigations would suffice as proof of good standing of a candidate. In the present case, Mr. John Chebochok presented a valid certificate of good conduct, and therefore, qualified as a person of good standing in terms of the provisions of the Articles of Association of Tegat/Toror Tea Factory Company.

5. The Manual for Election of the Directors of Small-holder Tea Factories, at clause 7, creates a pre-election Dispute Resolution Committee (DRC). The Committee has the mandate to hear and determine any complaint filed contesting the shortlisting of any candidate. The filing and hearing of the disputes were carried out between 14<sup>th</sup> and 19<sup>th</sup> June, 2024. A party filing a complaint was expected to pay a fee of Kshs. 5,000 with the respective factory within 24 hours after shortlisting of candidates that ended on 14<sup>th</sup> June 2024. There was no formal record of any complaint raised against the candidature of Mr. John Chebochok during the prescribed period.
6. Further, Clause 8 of the Manual for Election of the Directors of Small-holder Tea Factories, presents a post-election dispute resolution mechanism where any dispute arising from the elections in an electoral area is addressed in writing to the Chairman of the Election Dispute Resolution Committee within forty-eight (48) hours from the date of declaration of the elections results. The aggrieved party is expected to provide proof of evidence, serve the other party (ies) and pay a non-refundable fee of Kshs. 10,000 to the respective factory bank account. To date, no aggrieved party (ies) has complied with these requirements.
7. It is noteworthy that the DRC, in determining the disputes, is mandated to adhere to the provisions of Article 50 of the Constitution of Kenya, 2010 on the “Right to Fair Hearing”. On the day of conduct of the said election, there was no order either from the Dispute Resolution Committee or a Court of Law barring Mr. John Chebochok from contesting for election as a Director of the said Tea Factory Company.
8. In conducting the election, the appointed Returning Officer remained impartial, neutral and transparent in keeping with the prescription of the Constitution of Kenya 2010, the Manual for Election of Directors of June 2024, Articles of Association of Tegat/Toror Tea Factory Company, and the applicable legal instruments as decreed by the Court.
9. We reiterate that IEBC is a Constitutional Commission that abides by the Rule of Law, and therefore, the Returning Officer could not on his own motion import restrictions not provided for by the Manual for Election of Directors and the Articles of Association of Tegat/Toror Tea Factory Company to bar Mr. John Chebochok or any other candidate from participating in the said election.



**Marjan Hussein Marjan, MBS**  
**Commission Secretary/CEO**