



Independent Electoral and Boundaries Commission

PRESS RELEASE

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SUBJECT: HIGH COURT DISMISSES HON. DAVID GIKARIA'S JUDICIAL REVIEW APPLICATION

Nairobi, Kenya: 8th October 2026

The Independent Electoral and Boundaries Commission (IEBC) wishes to inform the public that the High Court at Milimani, Nairobi, has today delivered its judgment in **High Court Judicial Review Application No. HCJR/E244/2026 – David Gikaria v. Independent Electoral and Boundaries Commission & Electoral Code of Conduct Enforcement Committee**.

The Court, presided over by Hon. Justice W. Musyoka, dismissed the application filed by Hon. David Gikaria challenging the proceedings and determination of the Electoral Code of Conduct Enforcement Committee in Electoral Code of Conduct Enforcement Committee Case No. 2 of 2026.

The Court expressly found that the application had not met the threshold for the grant of the judicial review orders sought and consequently dismissed the application, with no orders as to costs. The Court further discharged the temporary orders that had been issued on 15th July 2026.

The Commission welcomes the determination of the Court and reiterates that the enforcement of the Electoral Code of Conduct is an integral part of the Commission's constitutional and statutory mandate to safeguard the integrity of elections and electoral processes.

The Court, in its judgment, reaffirmed the constitutional and statutory framework underpinning the Commission's mandate to enforce the Electoral Code of Conduct. In particular, the Court noted that the Commission, through the Electoral Code of Conduct Enforcement Committee, has jurisdiction to summon persons, hear complaints and make findings on breaches of the Electoral Code of Conduct.

The Court further observed that the Electoral Code of Conduct provides for sanctions including financial penalties, restrictions on campaigning, formal warnings and apologies, and disqualification, and recognized that the enforcement framework is distinct from criminal proceedings.



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Of particular significance, the Court noted that voter bribery and schemes intended to promote the suppression of voter turnout are critically serious electoral wrongs, and emphasized the importance of effective sanctions in deterring conduct that undermines electoral democracy.

COMPLIANCE WITH THE COMMITTEE'S DETERMINATION

Following the discharge of the temporary orders by the High Court and the dismissal of the judicial review application, the Commission calls upon Hon. David Gikaria to comply with the directions and sanctions contained in the determination of the Electoral Code of Conduct Enforcement Committee dated 14th July 2026, within the timelines stipulated therein.

The said determination, among other directions, required Hon. Gikaria to pay the prescribed fine of KES. 2,500,000/- and to issue a public apology and retraction in accordance with the terms of the Committee's determination. The Committee had also directed that the matter be referred to the Office of the Director of Public Prosecutions for investigations into possible election offences.

The Commission expects Hon. Gikaria to comply with the said directions within the timelines prescribed by the Committee.

The Commission emphasizes that compliance with the Electoral Code of Conduct is not optional. All persons participating in electoral processes, irrespective of their status or position, are required to observe the law and the applicable electoral standards.

The Commission remains committed to the impartial, independent and consistent enforcement of the Electoral Code of Conduct and to protecting the integrity of Kenya's electoral processes.

The Commission further calls upon all political actors, candidates and other participants in electoral processes to conduct themselves in accordance with the Constitution, the Elections Act and the Electoral Code of Conduct.

ERASTUS EDUNG ETHEKON, HSC
CHAIRPERSON, INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (IEBC)