Name Applicant Affidavit Identifying Reservation Requests and Refusal Letters

Educational sample 117 | Nairobi

Educational reconstruction from a reported Kenyan judgment. This is newly drafted text, not an original court filing and not a matter handled by our team. Identifying details are replaced with bracketed fields. Verify the facts, current law, jurisdiction and court directions before signing, swearing or filing.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE SUPREME COURT OF KENYA

PETITION OR APPLICATION NO [reference]

[APPELLANT OR APPLICANT] v [RESPONDENT]

AFFIDAVIT

1. I am [applicant reference] and identify the name reservation correspondence in the appellate record. No private membership list or identifying details of vulnerable persons are included in this public specimen.

2. A1 contains the proposed names and the stated rights advocacy objects of the association. The sample preserves their procedural role while replacing identifiable particulars with bracketed fields.

3. A2 is the regulator’s written refusal. I identify the reasons actually given, separating the name decision from a completed registration decision or a determination of criminal liability.

4. A3 contains my request for reconsideration and the response received. I do not assert that an internal appeal existed or was exhausted unless the applicable provision and filed record support that statement.

5. A4 contains the earlier judgments and constitutional pleadings. I identify existing evidence only; confidential member information must not be introduced as fresh appellate material without permission.

SWORN by [deponent] at [place] on [date]. Signature [ ]. BEFORE ME [Commissioner for Oaths]. This sample has not been sworn.

Use and evidence notes

This is an illustrative affidavit identifying existing records, not permission to add fresh appellate evidence. State the deponent’s authority, personal knowledge and source of information. Verify each exhibit and page reference. Obtain leave or directions where an additional affidavit is required; new evidence requires the applicable admission procedure. Complete the jurat before a competent Commissioner for Oaths. The public sample is unsworn and contains no exhibits. An affidavit is not legal submissions.

Exhibit schedule: [label]; [document date]; [description]; [existing record pages or basis of admission]. Do not append invented or missing records.

Source and procedural limits

An applicant proposed names for an organisation advocating the rights of sexual minorities. The regulator refused name reservation by relying on criminal law provisions. The High Court and Court of Appeal found violations of association and equality rights. The regulator appealed to the Supreme Court.

The Supreme Court dismissed the appeal by majority and awarded costs to the first respondent. The decision concerned association and discriminatory name refusal; it did not decriminalise offences or legalise same sex marriage. The dissents were not the binding disposition.

Constitution Articles 27, 36 and 163(4)(a); applicable limitation analysis; availability of an actual internal remedy. The source dealt with the historical NGO regime. For a new filing, verify the Public Benefit Organisations Act framework and current regulator and appeal provisions rather than reuse an obsolete agency name.

[2023] KESC 17 (KLR) — 24 February 2023. Original judgment: https://supremecourt.judiciary.go.ke/wp-content/uploads/2025/01/Supreme-Court-Law-Reports-2023-Vol-1.pdf#page=401

The original decision may identify participants. The specimen replaces their identifying details. A source decision is not proof that a draft was filed, that an allegation succeeded, or that the same result will follow in another case.