Claimant Affidavit Identifying Historical Mistreatment and the Filing Delay Record

Educational sample 132 | 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 [claimant reference] and identify my evidence in the trial record. I do not give one generic account as a substitute for each claimant’s experience.

2. H1 identifies the protest events and the treatment I described in my trial affidavit and oral testimony. I distinguish events I personally experienced from information received from others.

3. H2 identifies any available contemporaneous records, photographs and medical evidence. If no medical record exists, I state that limitation rather than fabricate a diagnosis or an injury certificate.

4. H3 contains my explanation for the period before filing and the steps taken once proceedings became feasible. The explanation must address the individual history and dates relied on below.

5. H4 identifies the judgments and relevant transcript pages. This affidavit does not introduce a new claim of judicial bias or new harm at the Supreme Court stage.

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

Six claimants challenged police treatment during a historical protest and related events. The High Court dismissed their petitions and the Court of Appeal upheld dismissal. The Supreme Court considered delayed filing, proof of inhuman treatment and the appropriate individual remedy.

The consolidated appeals succeeded in part. The Court found inhuman treatment under section 74(1) of the repealed Constitution and awarded KES 2,500,000 to each appellant, with costs at all three levels. It accepted the explanation for delay in the historical context; it did not create a universal damages tariff.

Historical events must be assessed against the rights regime applicable when they occurred. Distinguish torture from inhuman or degrading treatment, and physical from psychological harm. Explain filing delay with an individual chronology. A bias allegation raised only in oral argument was not entertained.

[2023] KESC 3 (KLR) — 27 January 2023. Original judgment: https://supremecourt.judiciary.go.ke/wp-content/uploads/2025/01/Supreme-Court-Law-Reports-2023-Vol-1.pdf#page=590

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.