

## **Kenyans for Peace with Truth and Justice**

### **Count Down to Deception: 30 Hours that Destroyed Kenya**

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Friday January 18, 2007  
Nairobi, Kenya

Kenya is today on the brink of disintegration. At least 500 people have been killed, 6,100 have fled into exile in Uganda and another 250,000 plus are living as internally displaced persons in their own country.

This is not the end of this sad chapter in our country's history. It appears that Kenya is poised for more confrontation that could result in heavy casualties, loss of property and a general atmosphere of fear. The country is faced with the possible collapse of its economic, social and political systems. Other states that depend on Kenya's stability are also seriously affected.

Kenyans must therefore tackle the root causes of the violence that has characterised the past two weeks. In our view, the handling of the presidential election and the declaration of Mwai Kibaki as winner is the single most important trigger of the current crisis.

We have previously raised concerns about the manner in which the Electoral Commission of Kenya (ECK) concluded the presidential election and declared a winner. We are clear that given what transpired at KICC, it is impossible to know who won the elections.

Today, we unveil some documents that highlight this confusion:

First is an analysis of the differences between the presidential and parliamentary vote in 2007, using the 2002 results as a benchmark. In 2007, presidential tallies are higher than parliamentary ones in 130 constituencies. Parliamentary votes exceed presidential ones in only 69 constituencies. In 2002, conversely, 110 constituencies had a higher parliamentary tally than the presidential tally.

There were 325,131 more votes for the total presidential tally in 2007, compared to the total parliamentary tally, while in 2002; the difference was 50,192, more total presidential votes than parliamentary votes. We note that the ECK places the gap between Kibaki and Raila Odinga at 231,628 votes. It is important to determine the origin and allocation of these extra votes—a determination which, at this point, only an independent investigation into the counting and tallying process for the presidential vote could determine.

Most of the constituencies with large differentials are in regions that were closely contested between Kibaki and Odinga, notably Coast, Nairobi and Nyanza as well as Central and upper Eastern.

How did these differentials occur?

Four Kenyan election observers who witnessed the last phase of the presidential vote tallying, when political parties were verifying the results that had been announced, have recorded their observations in an hour-by-hour log. Their testimonies expose what can only be termed a resolve among electoral officials—including Commissioners and staff—to obtain a pre-determined outcome, whether supported by fact or not.

They detail a series of electoral offences evidenced the night when political parties were verifying the results already announced at the ECK's tallying centre in Kenyatta International Conference Centre. We have already made a complaint against the concerned ECK Commissioners and staff to Kilimani Police Station.

We provide a table of these anomalies, malpractices and illegalities committed in at least 49 constituencies across the country. Instructively, in the constituencies these electoral offences occurred, the presidential election results announced by the ECK do not tally with those released at the constituency tallying centres as reported on Kenya Television Network

(KTN) and/or observed by the Kenyan Election Domestic Observers Forum (KEDOF).

Again, we reiterate that the electoral anomalies, malpractices and illegalities noted were sufficient to alter the outcomes of the Presidential election. To this extent, the counting and tallying process for the Presidential election cannot be called free and fair. And the incumbent cannot be said to be in office legitimately or legally. An independent investigation into this process is necessary to bring the country to closure on this issue. Such an investigation must be a priority for the mediation process.

Signed:

Africa Centre for Open Governance (AfriCOG)

Awaaz

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Centre for Multiparty Democracy (CMD)

Centre for Rights, Education and Awareness for Women (CREAW)  
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Youth Agenda

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