



14 August, 2017.

SUPPLEMENT TO THE PRELIMINARY STATEMENT OF THE AUEOM.

On 10 August, 2017 we, the AU Election Observer Mission (AUEOM) observing the Kenyan General Elections, issued our Preliminary Statement following the 8 August 2017 Elections as conducted in Kenya.

Among others we said:

“...we can say that the processes we were able to observe, up to and including the counting of the votes at the polling stations and their transmission to the IEBC etc, met the standards set by the Republic of Kenya and the AU for the conduct of democratic elections...”

“The AUEOM will continue with its work as the electoral process has not yet been completed.

“It therefore reserves its right to make such other additional comments as might be necessary.”

In this context, and as of 14 August 2017, the AUEOM notes that the IEBC announced the Presidential Election results on 11 August, 2017.

The AUEOM observed the processes at the then headquarters of the IEBC, ‘the Bomas of Kenya’, according to which the IEBC received reports from the Constituency Tallying Centres, contained in the document 34B, representing a collation of the Presidential votes as cast at the Polling Stations in each of the 47 Constituencies.

The Constituency Tallying Centres prepared their 34B documents by collating the results they had received from the Polling Stations, as

represented in the 34A documents which reported the voting results at each Polling Station.

The AUEOM observed that the IEBC shared these 34B documents with the Agents of the eight (8) Presidential candidates, all of whom were present at *'the Bomas of Kenya'*, the IEBC National Tallying Centre.

The IEBC did this to ensure that the Agents of the Presidential candidates participated in the process of the validation of the 34B documents.

Subsequently, on 11 August, 2017, the AUEOM observed that the IEBC and seven (7) of the Agents of the eight (8) Presidential candidates signed the 34C document, which represents a collation of all the 34B documents.

The signature of the above-mentioned seven (7) Agents of the Presidential candidates was to demonstrate acceptance that the information contained in the 34B documents originating from the Constituency Tallying Centres, correctly represented the voting which had taken place at the Polling Stations, as was reflected in the 34A documents.

The 34C document, as signed by the IEBC and the seven (7) Agents of seven (7) Presidential candidates, minus the NASA Agent, stated that Messrs Uhuru Kenyatta and William Ruto, respectively, and who represent the Jubilee Party, had been elected as President and Vice President of the Republic of Kenya.

As prescribed by the law, the Chairperson of the IEBC then publicly announced the result as contained in the 34C document, and as was observed by the AUEOM, amongst other election observer missions.

The AUEOM observed that according to this 34C document, the Presidential and Vice President candidates of the National Super Alliance (NASA) political formation, Messrs Raila Odinga and Kalonzo Musyoka, President and Vice President respectively, came second to the Jubilee Party candidates in terms of the number of votes cast.

Nevertheless the AUEOM took note that prior to the announcement by the Chairperson of the IEBC of the final official results, NASA had announced

publicly that it would reject any IEBC statement which did not declare the NASA Presidential candidates as the electoral victors.

The AUEOM also took note of the fact that in this regard NASA claimed that, among others, the IEBC processes relating to the collation of the results originating from the Polling Stations had been compromised through the 'hacking' of the IT Server of the IEBC.

The AUEOM was informed by NASA that because of this 'hacking' the IEBC had then corrupted the accurate electoral results emanating from the Polling Stations, thus to favour the Jubilee Party and its candidates.

In its 10 August, 2017 letter to the IEBC, NASA stated that the figures it cited to prove that Raila Odinga had been elected as President, with more votes than Uhuru Kenyatta, were drawn from -

“The actual and complete data contained in IEBC servers (dbo.PRESIDENTIAL_REAL_TIME) ...”

The AUEOM has therefore observed the grounds on which NASA has publicly challenged the Presidential electoral results as announced by the IEBC contain the following allegations:

- The alleged hacking of the IEBC server, resulting in setting the IEBC Database Management System such that it systemically alters the voting patterns to favour the Jubilee Party; and,
- The IEBC server contains unannounced information about votes cast for Presidential candidates Raila Odinga and Uhuru Kenyatta, which allegedly shows that the former has won the Presidential election.

Relating to both these allegations, the AUEOM has taken note of the fact that the IEBC has rejected the allegations made by NASA.

In this regard, the AUEOM noted that the IEBC has asserted, publicly, that:

- Attempts to hack into and compromise its Database Management failed; and,

- The Presidential electoral figures cited by NASA, which NASA claims were derived from the website (***dbo.PRESIDENTIAL_REAL_TIME***), do not derive from the IEBC server.

With regard to the immediate foregoing, the IEBC has stated in writing, in its 10 August, 2017 letter to Hon James Orengo, NASA Chief Agent, as follows:

“The annotation dbo shows that your document shows that it is a print out from Microsoft SQL database. The Commission is on record that its results management platform runs on an Oracle database which is intact and secure.”

Based on its observations as reflected in its Preliminary Statement, and the observations in this Supplement, the AUEOM is therefore of the view that the Presidential election results publicly announced by the Chairperson of the IEBC on August 11, 2017 are a true reflection of the will of the people of Kenya.

The AUEOM is very pleased that this conclusion is shared by all the other International and National Election Observer Missions, including ELOG, the domestic Kenya Election Observation Group.

However, the AUEOM has also observed and been greatly disturbed by the civil disturbances which have taken place since the announcement of the Presidential election results by the IEBC.

The AUEOM has taken note of the fact that these disturbances have been concentrated in some of the strongholds of NASA.

The AUEOM accepts that all those who believe that that they have legitimate reasons to question any results as might be announced by the IEBC have a constitutional and statutory right peacefully to express their views in this regard.

The AUEOM therefore calls on all those who contest the electoral results as announced by the IEBC, especially by Hon Raila Odinga and the rest of the leadership of NASA, to:

- approach the Courts to adjudicate all matters in any dispute relating to any and all electoral matters; and,
- Call on their supporters to express their views peacefully, thus to avoid all violent civil conflict.

The AUEOM also calls on the Government of the Republic of Kenya to do everything necessary and possible to avoid violence during this critical post-election period, including as this relates to restrained response by the security agencies to all public demonstrations.

The AUEOM wishes to confirm to the sister people of Kenya that the African Union wishes for the Republic of Kenya that these concluded elections contribute to the attainment of the objectives of peace, democracy, development and national cohesion and unity.

The AUEOM is very pleased to have observed that the people of Kenya, in all its Counties, share this hope and perspective.

In conclusion, the AUEOM reasserts the view that the 2017 Kenya General Elections met the standards as set by the Republic of Kenya and the AU for the conduct of democratic elections.

Ends