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PRESS RELEASE

EMERGING ISSUES ON KENYA'S FRESH PRESIDENTIAL
ELECTION: OUR CONCERNS

The Centre for Democracy and Development (CDD), a think tank organization working towards enhancing sustainability of democracy and development in West Africa, has been painstakingly observing the electoral process in Kenya in the lead up to the 8 August 2017 and unfolding events after the Supreme Court judgement of 1 September 2017. The Supreme Court decision on the results of the presidential election, which saw the people of Kenya voting in their fifth presidential election since the end of the one-party state in 1991, is a watershed in the history of elections in Kenya and Africa at large and worth emulating by all countries committed to deepening electoral process and democratic governance in the continent.

Since the annulment of the presidential election results by the Chief Justice David Maraga-led judicial team on 1st September 2017, we have observed a series of fiery speeches by groups of politicians, especially the incumbent president, Uhuru Kenyatta, against the judiciary. While we commend Mr Uhuru Kenyatta's call on loyalists and supporters of Jubilee Alliance Party to conduct themselves in a peaceful manner in the wake of the Supreme Court judgement, we absolutely condemn his unwarranted attacks against the judges; referring to them as *Wakora* (meaning "crooks/thugs" in Swahili). This is entirely unacceptable, especially coming from a presidential candidate of a respected nation like Kenya.

The judiciary has an important role to play in protecting the sanctity of democracy; its core principles and fundamentals. Effective performance

of this responsibility predicates on its independence from the executive and the uprightness of the occupants of the office. This judgement is apparently unprecedented in Africa and is a beacon of hope for the continent on the role of the judiciary in reclaiming the people's stolen mandate. This exceptional decision should be applauded and taken as a step towards rebuilding failing institutions for better democratic outcomes. We stand by the judgement of the Supreme Court and implore all concerned parties including the candidates, the electoral body, security institutions, citizens and other stakeholders to respect the institution and independence of the judiciary and work towards peaceful fresh election on 17th October 2017.

What is also worrying for us is that politicians are over heating the political system with the recent condemnations. A lawmaker was quoted as referring to the head of the opposition, Raila Odinga, as 'a demon...[who] needs to be whipped by a man and whipped by a woman...' More so, according to a news report, the opposition leader also called the President a drunk. Such unacceptable language may heavily deepen ethnic divides that have characterised elections in Kenya and, if politicians continue to toll this line, it may be counter-productive to the conduct of peaceful fresh election. Hate and dangerous speech must be avoided in the build-up to the election.

More so, the ability of IEBC to learn from experience of earlier conducted presidential elections and put in place corrective measures ahead of the fresh election would go a long way in building trust of different parties in the electoral process. NASA and Jubilee Alliance Party have raised several concerns about preparedness of the electoral umpire for the fresh election. Recently, the media is replete with reports on internal squabbles among IEBC Commissioners. A confidential internal memo allegedly written by IEBC Chairman, Mr Wafula Chebukati, to CS/CEO Ezra Chiloba demanding answers to why some forms printed by Al Ghurair had no security features, among others, has generated concerns to institute necessary measures for a free, fair and transparent poll ahead of the fresh election.

While we applaud efforts by IEBC to strengthen the process such as the decision to include members of the two political parties in its IT team, it is important that it does more to ensure that adequate measures are put in place to address and avoid the alleged irregularities and malpractices emerging from the last election. The members of the electoral body who allegedly perpetuate irregularities and illegalities in the transmission of the election results should be thoroughly investigated and, if found

wanting, held accountable for such acts and abuse of trust. We also call on the electoral body to adhere strictly to the letters of the law in the conduct of the election.

We also call on people of Kenya, regardless of who they support, to harness the opportunities the recent happenings created; particularly the supreme court ruling on the last presidential election, to further support the consolidation and sustainability of democracy in Kenya. They should continue to shun acts of violence and strongly exercise their civic responsibility by voting for the candidate of their choice on 17 October 2017.

Signed:

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Director