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INDEPENDENT ELECTORAL & BOUNDARIES COMMISSION



INDEPENDENT ELECTORAL
& BOUNDARIES COMMISSION
05 SEP 2017
CHIEF EXECUTIVE OFFICER'S
OFFICE
RECEIVED

INTERNAL MEMO

TO: COMMISSION SECRETARY/CEO FROM: CHAIRMAN

REF: IEBC/CP/CON/1/2/VOL.1(51) DATE: September, 5th 2017

RE: SC ELECTION PET 1 OF 2017
RAILA ODINGA & ANOTHER VS IEBC & 2 OTHERS

The above subject matter and the press statement released by the Chairperson on behalf of the Commission on Friday the 1st of September, 2017 refer.

In executing the preparations for the fresh elections as directed by the Supreme Court, I write in respect thereof as follows:

1. First, you issued a Memo to the Commission's staff dated 1st September, 2017 referenced IEBC/CEO/1/1/09/2017; In the said Memo you appear to contradict the position adopted by the Commission and communicated by the Chairperson on behalf of the Commission vide a Press Statement on the 1st of September, 2017. Further the Memo also fails to appreciate the grave indictment by the Supreme Court in the above subject Petition, with regard to the manner in which the Commission conducted the impugned presidential elections. Respond and explain the basis for your contradiction;
2. The Commission contracted Messer Al Ghurair, to print the Country's ballot papers and various statutory forms to be used in the Presidential election; under defined contractual terms and obligations. Respond and explain what happened to the printed forms that were meant to have various approved security features and names of candidates printed in accordance with the ballot proofs and as verified by the due diligence teams the Commission sent to Dubai;

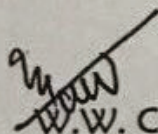
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3. The Commission had contracted Messer MFI to avail printing and scanning machines across the Country, for use in the 8th August, 2017 polls. Respond and explain on whether these machines were supplied - fit for purpose - as contracted, and where they were availed and failed to work, explain the failure;
4. The Commission spent about KES 848 Million to purchase satellite phones: the phones were to be distributed to each constituency and county tallying centre. Additionally areas with no network were specifically supplied with these devices, however none of these ever worked. Respond and explain what occasioned the massive failure in the devices that would have been used in transmitting the results;
5. Mr Paul Mugo and Mr Boniface Wamae – under instructions from the Director, ICT Mr James Muhati, availed a Memo dated 31st August, 2017, to the Chairman's office through your office: which Memo confirmed the creation of a username account and a password in the name of the Chairperson of IEBC – without my knowledge or consent, and subsequently this account was used to undertake over 9,934 transactions. I direct that you take immediate action against these officers and report back by close of business [CoB] today;
6. Respond and explain what went wrong with KIEMS results transmission, where over 10,366 out of 40,883 polling stations sent text results without the accompanying Forms 34A. Noting that these polling stations had 4,636,556 voters registered therein. The failure is contrary to the plenary decision directing that where a presiding officer was unable to transmit the results [text and forms] from their polling station, they were required to move to the constituency tallying centre or use the satellite devices where the same was available;
7. Respond and avail an explanation as to why 595 polling stations failed and/or otherwise refused to send any results for the presidential election;
8. Respond explain why the Commission adopted and used a porous file server system to transmit Forms 34B; in the stead of creating and using a secure IP address: which made it easy for individuals to manage accounts on each other's behalf-a clear security risk. Further respond and explain why the Commission used the subject server for day to day operations prior to the elections; and also, why the staff in the ICT directorate used passwords different from their IEBC passwords;
9. Some of the KIEMS Kits were assigned Orange and Airtel as their service providers whereas these two [2] operators did not have coverage in those assigned areas: worse still, Safaricom [a contracted operator] had the required coverage for these areas but were not considered. Respond and explain why mapping out was not undertaken and these issues addressed and/or otherwise mitigated;

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10. Additionally respond and explain why the Commission experienced non-validation of individuals/voters after the KIEMS identification, essentially obfuscating the logs on voters cleared per polling station to vote. Respond on how many voters were subsequently allowed to vote by manual identification and why;
11. Further respond and explain why 682 polling stations had an equal number of rejected votes vis-à-vis the number of registered voters in those polling stations; and,
12. Lastly, respond and explain why KIEMS GPRS and Geo-fencing features were switched off from the 5th August, 2017.


W.W. CHEBUKATI
CHAIRMAN