



NATIONAL SUPER ALLIANCE

SEPTEMBER 1, 2017

NASA STATEMENT ON SUPREME COURT RULING

A VICTORY FOR KENYA:

Two weeks ago, we moved to the Supreme Court to challenge the declaration of Mr. Uhuru Kenyatta as the winner of the August 8, 2017 presidential elections.

We moved to the Supreme Court to lay before the world what we believed was compelling evidence of the making of a computer-generated leadership.

Now the Supreme Court of Kenya has spoken. This decision is precedent setting. It will reverberate across Kenya, the African continent and the rest of the world through the generations. Never again will impunity reign in Kenya. It is now clear that no one in Kenya is above the law.

A new Kenya has been born. And Kenya is once again leading Africa, as it so often does with its vibrant democracy (except at election time) and enterprise.

Chief Justice David Maraga will always be remembered for setting this exceptional example for all of Africa. Our judiciary now knows that they have the power, in law and with courage, to challenge the mighty power too many African presidents wield against the will of their people.

We thank the Supreme Court for standing up for the truth and in the process lifting the image and profile of our nation with regard to the rule of law and judicial autonomy.

We also honour the two judges who dissented. We honour them for their courage in standing up for their opinion, which we respect. They have made our justice system stronger and steadied our march towards electoral democracy.

We salute our able legal team. We particularly pay tribute to the young boys and girls who spent countless hours poring over documents and who in the end established the IEBC fraud.

We remain grateful to all those who supported the cause for which we have fought.

With this courageous verdict we put on trial the international observers who moved fast to sanitize fraud. Their role must be re-examined, as it is highly politicized and currently puts



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status quo and "stability" ahead of credible elections. It is credible elections alone which will give us peace and stability.

Of course it wasn't always like this. The US strongly supported Kenyans' push for multiparty politics although it backtracked and quickly congratulated Mwai Kibaki on his "victory" in 2007. But thanks to the EU observers at that time, and some superlative reporting by international media, it quickly shifted course and the then US Secretary of State Condoleezza Rice and British Cabinet Minister Lord Mark Malloch Brown travelled to Nairobi to promote the Kofi Annan led negotiation process. The US, UK, EU then strongly supported the passage of the rights-oriented new Constitution. But after Uhuru Kenyatta's and William Ruto's election, our partners settled for the status quo.

The court's proceedings in this case revealed the utter rot at the heart of our electoral commission and electoral process; it was blatant and third time in a row.

But it revealed the rot at the heart of the Kenyan state as well. There is total impunity. Extrajudicial killings continue. Corruption has reached stratospheric proportions. And there is little room for concern with the lot of the poor for whom life gets harder year after year.

What has transpired today is but the first step in ensuring electoral justice in Kenya. There are more fundamental decisions to be made in the days ahead; including who conducts the next elections.

It is now clear that the entire edifice of IEBC is rotten. Clear evidence shows that the Commission was taken over by criminals who ran the General Elections using the technology system and resulted in a computer generated leadership for the people. It is now also clear that the CEO Ezra Chiloba, Directors Immaculate Kassait, Commissioner in charge of ICT Prof. Abdi Yakub Guliye, Head of Legal affairs Praxidis Tororey, Ms Betty Nyabuto of Operations and John Muhati of IT were co-conspirators in these criminal schemes. They must face criminal prosecution. We urge these IEBC officials who have perpetrated a monumental crime against the people to do the right thing and resign.

It remains clear to us that the real election results were never shared with the people of Kenya despite years of preparations for this election and billions spent on it. Somebody must take responsibility.

We will continue demanding that the servers that the IEBC refused to open despite court orders be opened. The truth is a critical component of justice. Kenyans must know the truth of what



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transpired in this election and that truth is contained in the servers that IEBC is hanging on to. The ruling today shows that when there is justice, peace prevails. Our country still needs a cure for electoral impunity.

As we said about a week ago, the Supreme Court ruling, even as we welcome it, will not bring to justice those who plotted and executed the theft of votes.

It will not bring to justice those who murdered Chris Msando in order to steal votes. It will not hold to account those who sought to cow us into submission by unleashing terror in Mathare, Kibra and Kisumu.

Stealing of elections in Kenya is a manifestation of the culture of political impunity, an impunity that the IEBC willingly and gladly participated in. The perpetrators of 2017 electoral theft were emboldened by the fact that those who stole the 2013 elections have gone unpunished.

As we said earlier, we saw some of them at the Bomas of Kenya; experts in electoral fraud supervising their second electoral fraud which has now been brought to naught. A cure has to be found.

As a country, we urgently need to discuss how we will conduct the upcoming elections. As IEBC itself has said, many changes must be made in the Commission before we hold another election. But this cannot be an assignment to be carried out by the Commission. Political parties and stakeholders must come together and agree on these changes. We call upon parliament to adopt a bipartisan spirit in order to expedite reforms that may be required. It is our hope that this development can help us find common ground going forward.

God Bless Kenya