



PRESS RELEASE

FOR IMMEDIATE RELEASE

NAIROBI, KENYA: SEPTEMBER 5TH, 2022

SUBJECT: VERDICT OF THE SUPREME COURT ON THE PRESIDENTIAL ELECTION

The Commission appreciates Kenyans for peacefully exercising their democratic right to vote on 9th of August in accordance with Article 38 of the Constitution of Kenya 2010. In fulfilment of the Constitution, the Commission put in place a robust and transparent election infrastructure to ensure that votes cast were counted, electronically transmitted, verified, tallied, announced and declared in line with Articles 81 and 86 of the Constitution.

The General Election was conducted by about 1,000 dedicated permanent employees of the Commission, assisted by over 400,000 temporary staff countrywide. The Commission is grateful to these staff, for a job well done. Additionally, the Commission recognizes the support by stakeholders including Judiciary, National Police Service and service providers who participated in the electoral process. The Commission gives special recognition to development partners who provided support that bridged financial gaps in the election budget.

In the course of discharging our constitutional duty, the Commission and its staff endured harassment, intimidation, abduction, arrests and some lost their lives. It is tragic that Mr. Daniel Musyoka, a Returning Officer for Embakasi East Constituency, was abducted and tortured to death in the line of duty. In addition, Mr. Geoffrey Gitobu, a Returning Officer for Gichugu Constituency,

died in what could be election related stress upon completion of elections in his Constituency.

In this General Election, the abuse of IEBC staff reached an unimaginable scale. Apart from the two deaths, the Commission and staff suffered other atrocities including:

- a) Assault and injury of the Chairman, Commissioners Prof. Abdi Guliye and Boya Molu, and the Commission Secretary/CEO Marjan Hussein at the National Tallying Centre during the declaration of election results.
- b) Unwarranted arrest of a Voter Education Coordinator by Anti-Terrorist Police Unit on the floor of the National Tallying Centre, who was detained for three (3) days.
- c) Abduction, torturing and holding incommunicado for nine (9) hours of the Manager Election Operations and a support staff by persons believed to be security agencies.
- d) Attempted arrest of three (3) staff members who were lawfully verifying election results on the floor of the National Tallying Centre.
- e) Abduction of a staff of a service provider working at the National Election Communication Centre.
- f) Harassment and physical assault of staff of service providers manning heavy duty printing and photocopying machines at the National Election Communication Centre.
- g) Physical assault of Election Officials in parts of Narok, Kakamega, Kirinyaga, Wajir, Nairobi, among others. In one instance, a Presiding Officer in Eldas Constituency was shot in the leg resulting to its amputation.
- h) Physical assault of Returning Officers bringing results to the National Tallying Centre.
- i) Breaking into the offices of Senior Commission staff at the National Tallying Centre with the intention of accessing sensitive data.

j) Ethnic profiling, targeting and cyberbullying of Members of the Commission and its staff.

To date, no one has been arrested for these crimes committed against Members of the Commission and its staff. As it stands, no human rights and civil society organisation have condemned these heinous acts meted on the Commission and its staff. Working for IEBC should not be a death sentence.

The Commission reiterates that Election is a process and not an event. This process started immediately after the 2017 General Election and the Commission tested its systems and processes in over 40 by-elections in the last five years. Therefore, the Supreme Court Judgment today, is a testimony that the Commission conducted a free, fair, transparent and credible General Election that met the democratic aspirations of the people of Kenya.

The Independent Electoral and Boundaries Commission is finally vindicated. We look forward to the full judgement of the Supreme Court as well as feedback from our stakeholders during the post-election evaluation exercise which will inform areas of improvement in the electoral process.

Finally, the Commission wishes to immensely thank its legal team in not only defending it, but also ensuring that the sovereign will of the people of Kenya is protected.

God Bless Kenya.

God Bless the Commission.


W. W. CHEBUKATI
CHAIRMAN