

Rerun of Kenyan Election

Written by Administrator
Sunday, 03 September 2017 11:05 -

<https://www.thetimes.co.uk/article/kenya-s-top-court-orders-rerun-of-presidential-poll-rnc8mnvq0>

Kenya's top court orders rerun of presidential poll

Aislinn Laing, Johannesburg 02/09/2017

President Kenyatta called Kenya's Supreme Court judges "crooks" last night after they declared his election win a sham and ordered a rerun of last month's tense contest.

Mr Kenyatta appeared to threaten the six-man bench with vengeance, warning: "They will know we are also men . . . let them wait for us after elections."

While the judges' decision was praised as a pivotal moment for African democracy, the president's unscripted comments raised the spectre of the tribal violence that caused 1,500 deaths in unrest after the 2007 election.

In a ruling that stunned the country, the court said that last month's count was marred by "irregularities and illegalities" and that the election should be rerun within 60 days. Raila Odinga, who lost with 44 per cent of the vote to Mr Kenyatta's 54 per cent, called it a "historic" decision that he said would reverberate across Africa and strengthen democracy on the continent.

Mr Kenyatta, 55, initially appeared to accept yesterday's 4-2 majority verdict and urged his countrymen to keep the peace. During a televised address to the nation, he said: "Millions of Kenyans queued and made their choice and six people have decided that they will go against the will of the people.

"To Kenyans, I urge peace. The fault is not yours. Your neighbour remains your neighbour and

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that is the person that is most important to you. We are not at war with our brothers and sisters in the opposition because we are all Kenyans.”

However, within hours his tone changed when he visited a Nairobi market that is a stronghold of his Jubilee coalition with William Ruto, the deputy president with whom he was tried and acquitted by the International Criminal Court on a charge of stirring the 2007 election violence.

Mr Kenyatta told supporters that “whites and other trash” had paid the judges to throw out his victory. However, yesterday’s ruling blamed the Independent Electoral and Boundaries Commission (IEBC) rather than Mr Kenyatta and said that a new vote should be held by November 1.

“The court was satisfied that the [electoral body] committed irregularities and illegalities in the transmission of results,” David Maraga, the chief justice, said. “As to whether the illegalities and irregularities affected the integrity of the election, the court was satisfied that they did.”

Ahmednasir Abdullahi, Mr Kenyatta’s lawyer, described the ruling as “very political” and took to Twitter to accuse the judges of launching a “judicial coup d’etat” in a “third world court”.

The judgment represents an astonishing twist in a dynastic battle between Mr Kenyatta and Mr Odinga, whose fathers served as president and vice-president in Kenya’s first post-colonial government in the 1960s.

The recent election was fought on issues of corruption and a failing economy but it also represented a renewed clash between two of Kenya’s largest and historically opposed ethnic groups: Mr Kenyatta’s Kikuyu and Mr Odinga’s Luo. All but one of Kenya’s post- independence presidents have been Kikuyu and it had been hoped by the Luo and other tribes that Mr Odinga’s fourth tilt at the presidency might bring them greater representation and state resources. Instead he lost and in the ensuing protests 21 people were killed, including a nine-year-old girl and a baby.

Mr Odinga’s jubilant supporters thronged the streets of Nairobi and his stronghold of Kisumu, in

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west Kenya. Mr Odinga, 72, praised the determination of his supporters, called for “rotten” electoral officials to face criminal prosecution and condemned the international teams of election observers from the European Union, African Union and United States, who rubberstamped the poll as a largely free and fair. They included John Kerry, the former US secretary of state, and Thabo Mbeki, the former president of South Africa.

Mr Odinga’s lawyers claimed that Mr Kenyatta’s team had been behind the torture and murder of the IEBC’s technical chief days before the election and used information obtained from him to hack into its new database to rig the result. The opposition claimed that it had seen enough to suggest that the votes of up to five million people, a third of those who voted, had been manipulated. Dennis Onyango, Mr Odinga’s spokesman, said of the verdict: “Nobody believed it would happen but it has and it shows that sometimes there are moments in history that we can make.”

Raphael Tuju, secretary-general of Mr Kenyatta’s Jubilee coalition, predicted that when polls were rerun more of his supporters would turn out, giving them a 64 per cent share of the vote, adding: “There’s a silver lining to this.”

<https://www.thetimes.co.uk/article/a-triumph-for-the-rule-of-law-in-africa-fgl8gg3l7>

A triumph for the rule of law in Africa

Michael Binyon – September 2 2017

The Kenyan Supreme Court decision is a victory for the rule of law that will resonate throughout the continent.

It will be especially keenly felt in other Commonwealth countries such as South Africa, Uganda

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and Rwanda where democracy is under threat. It is also a slap in the face for the international observers — led by John Kerry, a former US secretary of state — who declared that the last election had been largely fair.

The rebuff will force the new observers to focus on the computer system used to tally the votes. This was identified by the judges as the point where hackers were able to break in and falsify the results.

The court's verdict is being hailed by Raila Odinga, the opposition leader, as vindication of its accusations of vote-tampering. The danger now is that the opposition will refuse to accept anything other than victory in the next vote, while the apparent margin of victory by the government in the last election means it is quite possible that President Kenyatta will win the rerun.

Many Kenyans will applaud the court's political courage, but their neighbours will be aghast. President Museveni in Uganda has held several elections marred by accusations of vote-rigging. In Rwanda, President Kagame has just won an unlikely 99 per cent of the vote and in South Africa, President Zuma may still fear accusations of ANC vote-rigging.