

REPUBLIC OF KENYA
IN THE SUPREME COURT OF KENYA AT NAIROBI
ELECTION PETITION NO. OF 2017

BETWEEN

H. E. RAILA AMOLO ODINGA.....1ST PETITIONER
H. E. STEPHEN KALONZO MUSYOKA.....2ND PETITIONER

AND

**INDEPENDENT ELECTORAL AND
BOUNDARIES COMMISSION.....1ST RESPONDENT**
**THE CHAIRPERSON OF INDEPENDENT
ELECTORAL AND BOUNDARIES
COMMISSION.....2ND RESPONDENT**
H. E. UHURU MUIGAI KENYATTA.....3RD RESPONDENT

PETITIONERS' SUPPORTING AFFIDAVIT

I, OLGA KARANI of Post Office Box Number do make oath and state as follows:

1. **THAT I** am a Kenyan Citizen, voter and female adult of sound mind, residing and working for gain in the Republic of Kenya and competent to make this affidavit.
2. **THAT I** was one of the duly accredited agents nominated by the National Super Alliance (NASA) for the 8th August 2017 general elections and therefore well versed with the facts and circumstances relating to the Petition.
3. **THAT** save as otherwise expressly stated herein, the contents of this affidavit are based on my own knowledge acquired in my abovementioned capacity and are true. To extent that any matter in this affidavit is based on information

and/or belief, I have disclosed the source and/or ground (as the case may be) of the same, and I verily believe the same to be true.

4. **THAT** on the 8th of August 2017, the 1st Respondent conducted and supervised general elections that included the Presidential election.
5. **THAT** Kenyan citizens eligible to participate in the said election cast their votes on the said date at various polling stations around the country until about 5pm.
6. **THAT** I have read and understood the affidavit of my colleague Mr. Koitamet Ole Kina and confirm the averments contained therewith save to add the following;
7. **THAT** during the tallying process and upon the declaration of the results by the 2nd Respondent, members of the public, NASA agents and/candidates concerned by the irregularities and anomalies witnessed in the elections pointed out the same in a number of social media platforms which information we analyzed and is annexed to the affidavit of Dr. Nyangasi Oduwo.
8. **THAT** the said analyses based on information freely available from the online public portal maintained by the 1st Respondent for the publication of results from prescribed forms, I received several messages and information from candidates, agents and voters which contradicted the results published.
9. **THAT** indeed as confirmed by the massive irregularities, discrepancies and/or anomalies contained in the affidavit of Dr. Nyangasi Oduwo, it is evident that the 1st Respondent's decision was misinformed and/or based on information

incapable of verification as to their accuracy, transparency and therefore credibility. It is accordingly not possible to independently and accurately confirm that the prescribed forms that were manually transmitted to the national tallying center or otherwise deposited in the IEBC website were infact the forms that were filled in by presiding officers and returning officers in the presence of agents as by law required.

10. **THAT** on inquiry, the IEBC declined to disclose the source of the forms or make clarifications why the forms were not processed in accordance with the procedure provided by the Kenya Integrated Electoral Management System (KIEMS).
11. **THAT** whereas as the Deputy Chief Agent for the Petitioner herein, I noted and brought to the attention of the Commission various concerns and irregularities, the Commission failed to address our concerns and ignored their role to verify to collate results in the presence of political party or candidate agents.
12. **THAT** at the time of declaration and announcement of results by the Chairperson of the First Respondent, the Commission had neither collated or availed any Form 34B and had not addressed any issues relating to the Forms 34A or the results published through its website.
13. **THAT** I was particularly concerned by the lack of transparency on the part of the IEBC.
14. **THAT** in the circumstances, it is just and proper that all the reliefs sought as enumerated in the petition and restated in the supporting affidavits be granted.

15. **THAT** I make this affidavit in support of the Petition.

SWORN at NAIROBI)
By the said)
OLGA KARANI).....
) **DEPONENT**
This day day of 2017)
)
BEFORE ME)
)
COMMISIONER FOR OATHS)

DRAWN & FILED BY:
MURUMBA & AWELE ADVOCATES
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To:
The Supreme Court of Kenya

Copies to be served on

1. INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION
ANNIVERSARY TOWERS
6TH FLOOR
UNIVERSITY WAY
P.O BOX 45371 - 00100
NAIROBI

2. THE CHAIRPERSON OF INDEPENDENT
ELECTORAL AND BOUNDARIES

COMMISSION ANNIVERSARY TOWERS
6TH FLOOR
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P.O BOX 45371 - 00100
NAIROBI

3. H.E. UHURU MUIGAI KENYATTA
HARAMBEE HOUSE,
HARAMBEE AVENUE
NAIROBI.

Lodged in the Registry at Nairobi on theday of August 2017

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Registrar