

**KONRAD ADENAUER STIFTUNG'S
SUMMARY REPORT ON THE OUTLOOK OF THE KENYAN SITUATION
AFTER THE ELECTIONS 2013**

1. KENYA'S ELECTIONS 2013

- ✚ Kenya held her most critical and complex elections in its 50th year since independence on March 4, 2013. Kenya is implementing a devolved 47-county system of government via these polls -- electing governors, senators, county representatives and other officials to a brand new federated structure of government.
- ✚ A high voter turnout was recorded in almost all polling stations and the process was largely peaceful and orderly.
- ✚ Several challenges were reported especially technological failure of the electronic voter identification machines prompting election officials to revert to manual voter registers; as well as failure of the electronic transmission of results from the polling stations to the tallying centres. These technical glitches caused some public anxiety but nevertheless, the voting went on largely uninterrupted.

2. CREDIBILITY OF KENYA'S ELECTIONS

- ✚ The organization, credibility and transparency of Kenya's recently concluded presidential and general elections have been commended by both international and local observers.
- ✚ International observers from the Commonwealth, EU and Carter Foundation described the initial phase of the election as transparent and credible despite the challenges that caused delays in voting.
- ✚ Similarly, the Elections Observation Group (Elog) and the Africa's civil society were satisfied with the way Kenya conducted its General Election.
- ✚ According to the Coordinator of Civil Society in Africa (CCSA), Jean Marie Ngondjibangante, except for the failure in equipment acquired by the Independent Electoral and Boundaries Commission (IEBC), everything else was in order.

- ✚ However, the Coalition for Reforms and Democracy (CORD), whose candidate the Prime Minister Raila Odinga was a leading contender for the presidency, has claimed that the results of the elections released by the (IEBC) had been doctored.
- ✚ CORD is therefore seeking to contest the outcome of the elections in the Supreme Court and says it will expose fundamental flaws on the election process to prove that the exercise was marred with anomalies.
- ✚ The coalition further alleges that the statutory forms were tampered with to inflate the figures in favor of one candidate and wants the IEBC to explain why it failed to publish the list of registered voters in accordance with Kenya's Electoral laws.

3. IMPLICATIONS FOR THE INTERNATIONAL CRIMINAL COURT (ICC)

- ✚ Kenya's President-elect, Uhuru Kenyatta, and running mate, now Deputy President-elect, William Ruto face trials in the International Criminal Court (ICC) for crimes against humanity for their alleged role in having orchestrated 2007-08 post-election violence.
- ✚ Both have denied the charges and have said they will cooperate with the court to clear their names. However, it remains to be seen to what extent Uhuru Kenyatta will guarantee his continued support to the International Criminal Court.
- ✚ While the political developments in Kenya have no influence, at all, on the judicial process at the ICC, underwhelming support and minimal cooperation by Kenya government may frustrate the successful prosecution of the cases.
- ✚ A case in point is the recent withdrawal of the serious crimes charges leveled against former Head of Civil Service Francis Muthaura.
- ✚ The ICC Chief Prosecutor Fatou Bensouda asked the Trial Chamber to drop the case against Muthaura citing insufficient evidence after a key witness against Muthaura recanted a crucial part of his evidence and admitted to accepting bribes. According to the Prosecutor, other witnesses are either dead, have been killed or refused to testify.