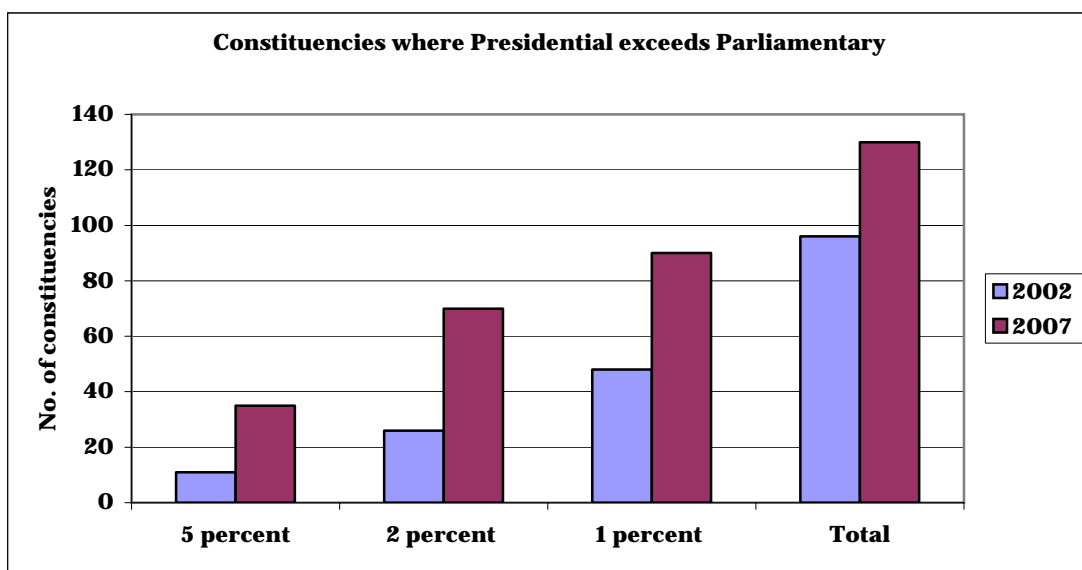
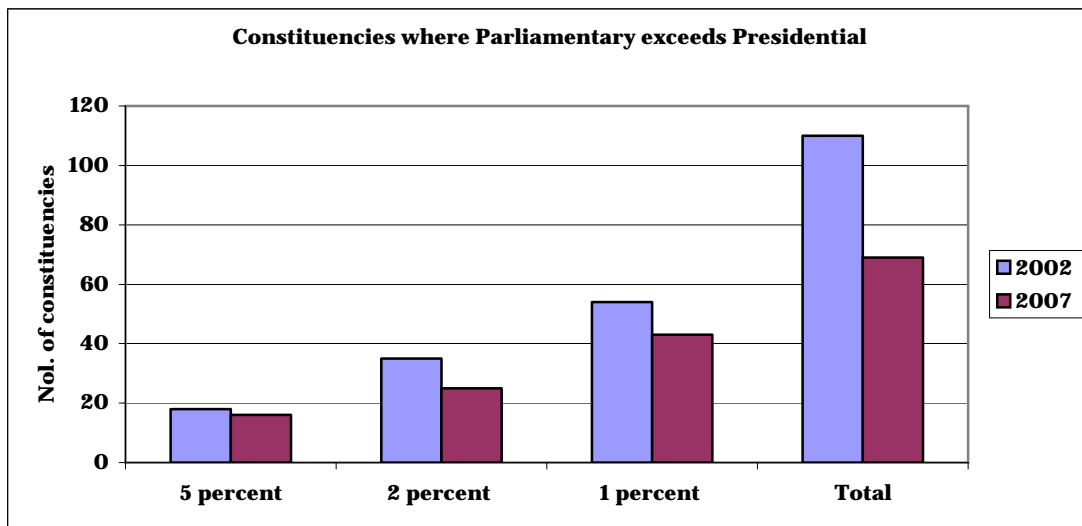


PRELIMINARY FINDINGS FROM THE 2007 PRESIDENTIAL ELECTION RESULTS RELEASED BY THE ELECTORAL COMMISSION OF KENYA

1. Large discrepancies between presidential and parliamentary ballots

The election results released by ECK show inordinately large variances between the parliamentary and presidential ballots. The extent of these irregularities can be discerned by comparing with the 2002 general elections.

Presidential tallies are higher than parliamentary tally in 130 constituencies. Parliamentary are higher in 69 constituencies. In 2002, the outcome was the reverse, that is, there were more constituencies (110) where the parliamentary tally was higher than the presidential tally (96).



Overall, where the parliamentary tally exceeds the presidential, the variances are comparable. In 2002, 18 constituencies had a variance of 5 percent or higher. In 2007, there are 16. The variance exceeded 2 percent in 35 in 2002, and 1 percent in 54, compared to 25 and 43 in 2007 respectively. Where the presidential tally exceeds the parliamentary, the frequencies are much higher in 2007 than 2002. Variance of more than 5 percent occurs in three times as many constituencies--35 in 2007, 11 in 2002. Variance of 2 percent or more also occurs with close to three times the frequency, 70 constituencies in 2007 compared to 25 in 2002.

In 2002, parliamentary tally exceeded presidential by 50,192. However, most of these were accounted for by two constituencies (Kasarani, and Bomachoge) which had unusually high difference. When these are removed, the difference was an insignificant 9974, less than 0.2 percent of the total votes. The 2007 tally is a totally different picture. The gross presidential tally exceeds the parliamentary tally by 194,584 votes, equivalent to 2 percent of presidential vote. This is excluding five constituencies for which we do not have parliamentary results (Kamukunji, Makadara, Githunguri, Maragwa, Kilgoris).

2. Suspicious votes are sufficient to alter the outcome of the 2007 presidential election

The variance between the presidential and parliamentary ballots in the 2007 election is a total of 455 667. This variance is comprised of 325,000 votes in 130 constituencies where presidential tally exceeds parliamentary tally, equivalent to 3.3 percent of the total valid presidential votes reported and 130 547 votes in 69 constituencies where the reverse is the case, that is parliamentary tally exceeds the presidential tally, equivalent to 1.4 percent.

In 2002, the variances either way were roughly the same, at 1.2 and 1.1 percent of the valid presidential tally. In effect, the variance where parliamentary exceeds presidential in 2007, at 1.4 percent is reasonable. However, the opposite, where presidential exceeds parliamentary, at 3.3 percent of the total total, appears excessive. It is not possible to conclude merely on the existence of the variance that this is evidence of rigging of the presidential election. The variance can result from one or a combination of three fraudulent activities namely (a) inflation of the presidential votes, undercounting of the votes of rival presidential candidate or undercounting of a rival parliamentary candidate. That said, although there are

allegations of parliamentary rigging--it would be unusual if some parliamentary rigging did not occur—the spotlight in this election is in the presidential race.

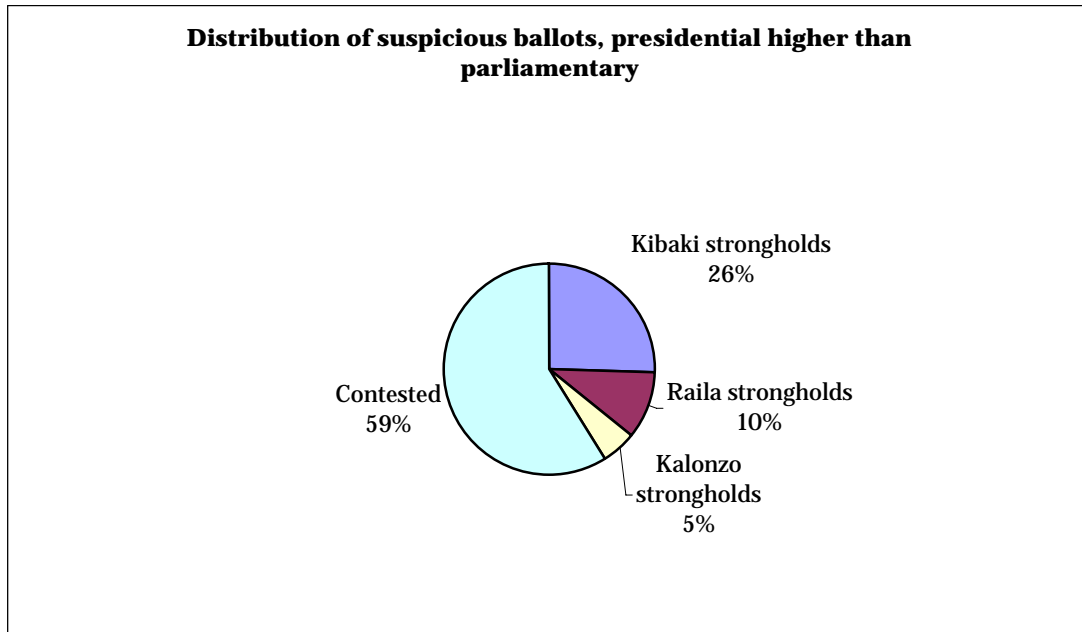
We have made what is in our view a reasonable assumption that 1.2 percent variance either way would have been the normal—this being the higher of the two variances in 2002. By netting this out the total variance, we arrive at an estimate of 365,622 suspicious votes. This is made up of a 106,000 votes variance where the parliamentary exceeds the presidential tally, and a 256,227 votes variance where the presidential exceeds the parliamentary. In view of the fact that the gap between Kibaki and Raila in ECK results is 231, 628, it is self-evident that the suspicious votes are sufficient to have altered the outcome of the election. This implication obtains even if only we consider only the cases where the presidential exceeded the parliamentary tally.

3. Pattern of irregularities consistent with allegations of rigging in favour of Kibaki

The allegations of rigging that have been made to the effect that presidential vote count announced by presiding officers at the polling stations were subsequently altered in favour of Kibaki at the constituency tallying stage and at the national tallying stage at KICC. The constituencies that have been cited in these allegations—Molo, Nithi, Juja, Maragwa—are all in Kibaki strongholds.

We have analysed the variances by stronghold of the main candidates, Kibaki, Raila and Kalonzo, and contested areas. We have categorized Central province, upper Eastern (Meru and Embu) and predominantly Kikuyu constituencies in Rift Valley as Kibaki strongholds, Luo Nyanza and Kalenjin constituencies in Rift Valley as Raila strongholds, and Ukambani constituencies as Kalonzo strongholds. All other regions including Western Province, Kisii in Nyanza, non-Kalenjin Rift Valley, North Eastern and the Coast are categorized as contested.

Thirty-three constituencies in the contested regions with 150,000 suspicious presidential votes, account for 60 percent of the total, followed by 17 constituencies in Kibaki strongholds with 65,700 equivalent to 26 percent of the total. Kalonzo and Raila strongholds account for 10 and 5 percent respectively.



Virtually all—98 percent—of the suspicious votes where parliamentary tally exceeds presidential are evenly distributed between Kibaki, Kalonzo, with Raila strongholds accounting for the remaining 2 percent.

In view of the fact that election officials are local people, it is a reasonable presumption that election officials in Raila strongholds are unlikely to have cooperated with tampering with votes in favour of Kibaki. Conceivably, election officials in Raila strongholds could have tampered with the results by wasting (i.e. undercounting) Kibaki votes. However, this would translate into a higher incidence of variances where parliamentary votes exceed the presidential. But as noted above, Raila strongholds also register the lowest incidence of this discrepancy. This finding is therefore consistent with the allegations that have been made that presidential tallies were inflated in favour of Kibaki.

4. Abnormally high voter turnouts in Nyanza

Five constituencies in Raila's Nyanza stronghold registered voter turnouts in excess of 90 percent, and were the only constituencies in the country to register turnouts exceeding 90 percent. However, on average, both Kibaki's central province and Raila's Nyanza strongholds registered similar turnouts, 83 percent and 84 percent respectively. The additional votes that could have been gained by Raila from the higher are in the order of 35,300 (assuming 85 percent turnout) to 47,000 (assuming 80 percent turnout)

Comparison of Presidential-Parliamentary vote tally differences, 2002 and 2007 elections				
Parliamentary higher than presidential, 2002 General Elections				
Threshold	Variance	as % of parl.	as % of pres.	No. of const.
5 percent	86,492	1.4	1.4	18
2 percent	101,397	1.7	1.7	35
1 percent	108,093	1.8	1.8	54
Total	114,377	1.9	1.9	110
<i>Excluding outliers (Bomachoge & Kasarani)</i>				
5 percent	46,274	0.8	0.8	
2 percent	61,179	1.0	1.0	
1 percent	67,875	1.1	1.1	
Total	74,159	1.2	1.2	
Presidential higher than parliamentary, 2002 General Elections				
Threshold	Variance	as % of parl.	as % of pres.	No. of const.
5 percent	34,066	0.6	0.6	11
2 percent	50,448	0.8	0.8	26
1 percent	59,723	1.0	1.0	48
Total	64,185	1.1	1.1	96
Parliamentary exceeds presidential, 2007 General Elections				
Threshold	Variance	as % of parl.	as % of pres.	No. of const.
5 percent	105,727	1.1	1.1	16
2 percent	115,469	1.2	1.2	25
1 percent	126,936	1.3	1.3	43
Total	130,547	1.4	1.3	69
Presidential higher than parliamentary, 2007 General Elections				
Threshold	Variance	as % of parl.	as % of pres.	No. of const.
5 percent	237,572	2.5	2.4	35
2 percent	304,963	3.2	3.1	70
1 percent	318,176	3.3	3.2	90
Total	325,131	3.4	3.3	130

Analysis of variance between presidential and parliamentary vote tally by presidential candidate stronghold					
	Valid Pres. votes	Suspicious votes	% of valid presidential	% of suspicious votes	No. of const.
Presidential exceeding parliamentary					
Coast	164,064	13,124	8.0	12.3	3
North Eastern	110,773	6,261	5.7	5.9	5
Eastern	-	-	-	-	-
contested	39,193	1,336	3.4	1.3	1
Kibaki strongholds	161,703	15,059	9.3	14.2	1
Kalonzo strongholds	440,381	31,392	7.1	29.5	7
Central	511,723	9,749	1.9	9.2	5
Rift Valley	-	-	-	-	-
contested	294,849	13,110	4.4	12.3	6
Kibaki strongholds	78,621	4,098	5.2	3.9	1
Raila strongholds	397,700	2,127	0.5	2.0	3
Western	338,600	8,088	2.4	7.6	4
Nyanza					
contested	76,146	2,051	2.7	1.9	1
Summary					
Kibaki strongholds	752,047	28,905	3.8	27.2	7
Raila strongholds	397,700	2,127	0.5	2.0	3
Kalonzo strongholds	440,381	31,392	7.1	29.5	7
Contested	574,252	29,620	5.2	27.8	11
Parliamentary exceeding presidential					
Nairobi	522,301	66,786	12.8	26.1	5
Coast	325,610	42,609	13.1	16.6	9
North eastern	94,838	2,115	2.2	0.8	4
Eastern					
Kibaki strongholds	425,173	22,491	5.3	8.8	6
Kalonzo	277,668	12,916	4.7	5.0	5
Central	499,565	29,128	5.8	11.4	7
Rift Valley					
contested	189,300	17,287	9.1	6.7	3
Raila strongholds	332,210	8,159	2.5	3.2	6
Kibaki strongholds	301,667	14,073	4.7	5.5	4
Western	151,978	6,891	4.5	2.7	5
Nyanza					
contested	315,691	15,475	4.9	6.0	7
Raila strongholds	520,124	18,296	3.5	7.1	9
Summary					
Kibaki strongholds	1,226,405	65,692	5.4	25.6	17
Raila strongholds	852,334	26,455	3.1	10.3	15
Kalonzo strongholds	277,668	12,916	4.7	5.0	5
Contested	1,599,718	151,163	9.4	59.0	33