

Kenyan Supreme Court voids presidential election, ordering new poll

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The Kenyan Supreme Court on Friday invalidated the August 8 presidential poll which named incumbent president Uhuru Kenyatta the winner over his rival, Raila Odinga. In an unprecedented decision, the court, led by Chief Justice David Maraga, overturned the poll citing that “balloting had been tainted by irregularities.” The court ordered a new poll to be conducted within 60 days.

The ruling contradicts claims made by Western election observers that no misconduct occurred during the poll, including the findings of the Carter Center’s team led by former US Secretary of State John Kerry, which certified the election to be “free and fair.”

The unprecedented ruling was the first instance in which a high court anywhere in Africa overturned a presidential election result.

The court, in declaring last month’s poll “invalid, null, and void,” stated that the Independent Elections and Boundaries Commission (IEBC), the body charged with counting the vote in Kenya, “failed, neglected, or refused to conduct the presidential election in a manner consistent with the dictates of the Constitution.”

The six-judge panel, after absolving the Kenyatta government of any criminality or misconduct, stated the IEBC “committed irregularities and illegalities in the transmission of results,” speaking to the widely held suspicion that ballot rigging occurred in the electronic tallying of the vote.

Speaking to the media after the court decision, Odinga remarked that “it is a precedent-setting ruling” and the first time in Africa’s history “a ruling has been made by a court nullifying irregular presidential elections.”

After the court’s decision, American and European investors went into panic mode, anticipating a bloody crackdown by the Kenyatta government. The Kenyan

stock exchange, NSE 20, dropped 3.5 percent Friday and trading was halted briefly on the news of the court’s ruling. Kenya’s sovereign bonds took a dive, before recovering somewhat at the end of the trading day.

President Kenyatta, attempting to reassure international capitalists, stated that he accepted the court’s decision. At the same time Kenyatta proceeded to call the six judges “crooks and thugs,” and said ominously, “the judges should know they are dealing with an incumbent president.”

From a president who has demonstrated his willingness to silence opponents, including by the use of murder, Kenyatta’s words are nothing less than a threat.

The Carter Center, the organization known for its election observer teams sent around the globe to monitor polls, released a statement after the court’s ruling reaffirming its conclusion that the Kenyan election was conducted in a free and fair manner, and asserted that the “irregularities” which the court cited in its ruling occurred in the electronic tallying by the IEBC, data which the organization was waiting for the IEBC to compile in order to provide an analysis.

Speaking to the *New York Times*, Walter Mebane, a professor of statistics and political science at the University of Michigan who studies elections worldwide, conducted an in-depth computer analysis of the Kenyan election with software he developed to detect fraud. Based on his team’s statistical analysis, Mebane found massive patterns of fraud and manipulation.

“It was unlike any data set I had ever seen. Every single indicator came up signaling anomalies. It’s a huge red flag that something weird is going on,” the professor concluded.

Virtually none of the election observers have spoken a word regarding the extremely suspicious events which occurred before and after the poll, or given any indication that these figured into their analysis. The remarkable circumstances prior to the election raise further serious questions about the integrity of the poll.

In the week preceding the poll, Christopher Musando, a senior official with the IEBC, was found dead, his body bearing the marks of severe beating and torture before he was killed.

The offices of National Super Alliance (NASA), the political party to which Odinga belongs, were burgled the month before the poll. Several items were taken, including computers, lists of party members and other documents related to party strategy. NASA has accused the Kenyan National Police Service of the break-in, an accusation the police have denied.

Reports of intimidation and arrest of journalists also were made in the lead up to the election, including the detention of journalists employed by media outlets known to be critical of the Kenyatta government.

Two foreign consultants employed by the Odinga campaign were kidnapped in early July by unidentified Kenyan police and held for several hours before being forced onto a plane and out of the country.

Regarding the alleged tampering of the poll, the IEBC has admitted that an attempted hack of their computer servers took place, but claimed that it was not successful and resulted in no disruption to the tally.

An official with the IEBC, Orenge Nyabicha, committed suicide the day after the election, leaving a note behind which indicated he was distraught with the IEBC's conduct during the vote tally.

Further exposing the Western claims that the Kenyatta government had acted in a free and fair manner during the election as fraudulent is the Kenyatta government's shutting down of two human rights organizations, Kenyan Human Rights Commission (KHCR) and African Centre for Open Governance (AfriCOG), on bogus charges of tax avoidance after the two organizations announced their intention to pursue legal action in the courts over the irregularities of the election.

The unanimous declaration by Western observers that the election was free and fair is the clearest indication of American and European imperialism's support for the Kenyatta regime. The quick denial of any election

irregularities exposes their fear of economic and military operations in Kenya coming to an abrupt halt in the event a disputed election was followed by a bloody crackdown similar to what occurred after the 2007 election, in which 1,200 people were killed.

A strong fear haunts the Kenyan ruling elite and its Western capitalist patrons that any further investigation into election fraud will provoke a massive social explosion. The Kenyan ruling class is keenly aware that it presides over a social powder keg already riven by widening social inequality and deep social misery.

For nearly a decade, first as deputy prime minister then as president, Kenyatta has carried out the dictates of Western capitalism, bleeding Kenya's vast economic resources and its working class for massive profits.

Regardless of the outcome of a new poll, the new government will preside over the apparatus of capitalist exploitation set up by Western corporations and banks which tolerate no obstacles to their bottom line.

Kenyatta and Odinga are multimillionaires who represent competing factions within the Kenyan ruling elite. They are both ruthless defenders of the capitalist system responsible for their own enrichment and the social catastrophe experienced by the majority of Kenyans.



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