

ELECTION INQUIRY

Foreign missions put pressure on ECK, probe told

Diplomats accused of pushing Kivuitu by staying at electoral commission's base

By DAVE OPIYO and JAMI MAKAN

Foreign missions put pressure on ECK chairman, Samuel Kivuitu, prior to announcement of presidential results of last year's elections, the Kriegler commission heard yesterday.

ECK commissioner Jack Tumwa told the inquiry that these foreign missions had "pitched tent" at the commission's Nairobi offices.

Mr Tumwa said that although he did not know what was being discussed, the commissioners were "a little uncomfortable with the action."

Pitching tent

"I am not privy to whatever was discussed between them and the chairman, but I believe that by pitching tent on that floor, it seemed as if perhaps they were pushing the chairman towards certain directions," he said.

He did not, however, reveal the identity of those missions.

These are some of the behind-the-scenes events that preceded the announcement of President Kibaki's as winner of last year's General Election.

But Mr Tumwa singled out observers from the European Union who publicly questioned the accuracy of the election results immediately they were announced.

"The action of the EU team issuing a press statement at that time was, in my humble submission, insensitive," he said.

"That statement contributed or added fuel to the burning fire at that time."

At least 1,000 people were killed and 350,000 others displaced following the contest, which many Kenyans believe was flawed.

While making his submissions, Mr Tumwa revealed that ECK made no efforts to ensure that all agents from the political parties were present during the tallying process, something he was criticised for by vice-chair Justice Imani Aboud Daud.

"I accept that perhaps efforts should have been made to confirm that the agents were there... perhaps with so many things happening, we did not give it that vital position," he said.

He went on: "I admit that it is something that needs to be looked at in the future." The vice-chair said this oversight undermined the integrity of the election. Justice Aboud also faulted Mr Tumwa for the poor manner in which election materials were procured.

She stated that ballot papers were delivered late, and equipment such as laptops were not used due to inadequate computer training. "Those are the things

I believe that by pitching tent on that floor it seemed as if they were pushing the chairman towards certain directions — Tumwa



that you need to admit," she said, instead of "giving testimony that there were no omissions," she told Mr Tumwa.

The ECK official was also pressed by Mr Cecil Miller, an assisting counsel for the Kriegler Commission, to explain why entries of the Presidential vote tally were still being made long after the results had been announced.

Asked Mr Miller: "Is it not strange that as of January 9, entries were still being made on the relevant documents on the Presidential result?"

Mr Tumwa, however, refused to comment on the issue, saying tallying ended after the results were announced.

He also defended a press statement he and other commissioners made after the release of the tally, saying it was meant to calm the country.

In the statement, ECK admitted discrepancies in its vote tallies.

Electoral commissioner Jack Tumwa gives evidence to the Kriegler Commission at the Kenyatta International Conference Centre in Nairobi yesterday. Photo/CHRIS OJOW

Kivuitu team accused of misuse of cash

By SAM KIPLAGAT

The Electoral Commission of Kenya yesterday came under fierce criticism for allegedly mismanaging taxpayers money.

Chairman of the Independent Review Commission investigating last year's election, Justice Johann Kriegler questioned the rationale of sending some eight commissioners to oversee printing of ballot papers in the UK.

Mr Justice Kriegler also criticised the move by ECK to take its 22 commissioners, all heads of departments and some district election coordinators to a retreat at Sun N Sand Resort in Mombasa, using public money.

He also asked ECK commissioner Jack Tumwa why the 210 lap tops they purchased worth USD1.4 million (Sh93 million) were not used during the polls.

State resources

The commission chair noted that 51 returning officers had never used computers before and ECK made no steps to train them on how to use them.

He accused Mr Tumwa and fellow commissioners of lacking courage to postpone the elections yet it was clear that the atmosphere was charged.

"You knew of vote-buying, you knew of intimidation, you were aware of use of state resources. What did you do? Instead you proceeded and ran an election that led to the deaths of a thousand-plus people. Wasn't it a tragic error, Mr Tumwa?"

"My lord I don't know," he replied. However, Mr Tumwa said the option of postponing the elections would have been difficult for ECK.

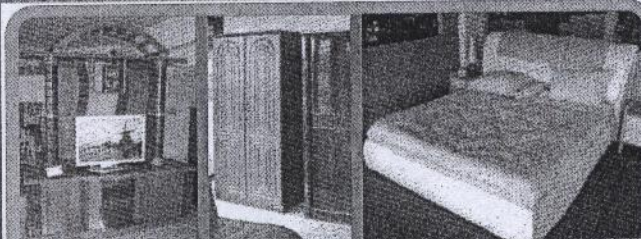
"Am I right to suggest that leadership was lacking at the ECK?" Posed Mr Justice Kriegler.

"My Lord you would be asking me to be a judge in my own court," he answered.

Mr Justice Kriegler went on: "I know what we need. We should have a commission that is prepared from day one and which should not only have the integrity but also the courage to tell politicians to play by the rules or say I am not ready to be your referee."

The hearing was adjourned to Monday.

FAIRDEAL furniture



Office furniture



Home furniture



Sofa sets, Dining tables, Wardrobes, Wall Units, TV Cabinets, Coffee Tables... and Much Much More

Office tables, Executive chairs, Work stations, Visitor's chairs, Bookshelves..... and Much Much More.



NAIROBI: Mombasa Rd. Ramboo Building, Tel: 020-829051/2, E-mail: nbisales@fairdealgroup.org
MOMBASA: Old Kilindini Rd. Off Digo Rd. Tel: 041-2230403/4, E-mail: msasales@fairdealgroup.org
MALINDI: Mombasa - Malindi Rd. Tel: 020-2136587, E-mail: msasales@fairdealgroup.org
(Also available at all Woolmatt and Transmattresses Supermarkets countrywide)

For the widest Range in Home & Office Furniture

Great Deals... @ Fairdeal
www.fairdealgroup.biz



Wishing our sports men and women the Best of Luck during the Beijing 2008 summer Olympics