

COMMENTS ON THE ANALYSIS OF TALLYING AT KICC PREPARED BY THE FIVE NATIONAL OBSERVERS

<p style="text-align: center;">Countdown to deception: 30 hours that destroyed Kenya</p> <p style="text-align: center;">How to steal an election: Kenyan Elections Observers' Log: Dec. 29-30, 2007</p> <p style="text-align: center;">By Kenyans for Peace with Truth and Justice</p>	<p style="text-align: center;">Analysis of the Accuracy of the Countdown</p>
<p>On Sunday, December 30, 2007 at 1830, Mwai Kibaki was sworn in as President of the Republic of Kenya at State House in Nairobi. Three forms of violence immediately broke out across the country: disorganised and spontaneous protests; organised militia activity; and disproportionate use of force by the Kenyan police force and General Service Unit (GSU). As a result, over 500 people were killed, 4,000 exiled in Uganda and over 250,000 people internally displaced. Many more are in hospital nursing injuries. Domestic election observers who monitored the final hours of the presidential ballot tallying and announcements noticed transgressions at once brazen and shocking. The following log captures the critical highlights of Kenya's deviation from democracy.</p>	<p><i>The paper duplicated in the columns to the left is the most influential document written by electoral observers in regard to the 2007 Kenyan elections. It is clearly the source of similar allegations by the EU observation mission, and was reproduced widely by the international press.</i></p> <p><i>The purpose of the comment below is to analyze the accuracy of the comments made by the KPTJ observers and whether the facts observed constitute attempts at rigging or simply incompetent practices by the ECK.</i></p> <p><i>It should be noted that the ECK willingness to open the tallying centre and room to observers is not precisely a symptom of deception.</i></p>
<p>Saturday December 29, 2007</p> <p>1343: Results for 174 constituencies received and the gap narrows While sitting with Institute of Education in Democracy (IED)'s Executive Director, Koki Muli (observer), and journalist Kiss 100's Paul llado (journalist) on the second floor of Kenyatta International Conference Centre (KICC), the ECK's Chair, Samuel Kivuitu, receives results that put the gap between the Party of National Unity (PNU)'s Kibaki about 107,779 votes behind the Orange Democratic Movement (ODM)'s Raila Odinga—Kibaki has 3,697,768 and Odinga 3,805,547 votes, while ODM Kenya's Kalonzo Musyoka has 498,361 votes.</p>	<p><i>The ECK, against the advice of experienced external advisors, had decided against the provision of "partial or progressive" results, that could have started flowing from <u>all</u> 210 constituencies in the morning of 28th December, providing the public with a balanced view of results.</i></p> <p><i>The ECK opted for announcing results by constituency arrived. Furthermore, results were informed to the public without placing them in proper context: for instance indicating that most of the missing constituencies were located in strongholds of the incumbent.</i></p> <p><i>Many of subsequent problems could be attributed to this basic imprudence of ECK.</i></p>
<p>1500: Nail-biting wait</p> <p>Some ECK Commissioners express concerns to Muli about the long delays and remark that, since the gap between the two front-runners is narrowing, the ECK may have to await results from all the constituencies before announcing the final tally. This, it is feared, will heighten tensions and anxiety among political parties, their candidates and supporters. No one seems to understand why the delays were so long, especially as the ECK had been better prepared than in 2002, when such delays were not experienced.</p>	<p><i>It is an obvious concern: if the gap is narrowing, there is no alternative but to count all constituencies before announcing the results. This is a standard procedure.</i></p> <p><i>Delays were greater in 2007 because of the larger number of candidates and of polling stations as well as for requests for recounts in several constituencies.</i></p>
<p>1600: Ballots scrutiny</p> <p>Kivuitu becomes more suspicious of discrepancies and begins to contemplate a re-examination of results. Most results are not available as they have only been telephoned in. Kivuitu yields to pressure from ODM and PNU to scrutinise the tallying of presidential ballots in all the 210 constituencies after party agents point out that votes being announced by the ECK's tallying centre in</p>	<p><i>Results are always telephoned or faxed as soon as available – they are announced as soon as received, and are what ECK calls "provisional results"</i></p> <p><i>Although those discrepancies might have looked suspicious at the time, the later analysis allows the identification of adequate reasons for discrepancies, mostly related to the lack of capacity and</i></p>

<p>KICC do not agree with those announced at the constituency tallying centres. He agrees to have two political party agents each for every presidential candidate and five domestic election observers verify the results. Kivuitu says he wants the findings in a report to be discussed by all ECK Commissioners the following morning.</p>	<p><i>of adequate training of the ROs.</i> <i>Again, the acceptance of the verification and the allowing of observers to be present during the process seem to be another symptom of transparency.</i></p>
<p>1800: The night shift begins</p>	
<p>The atmosphere inside the ECK is tense. The day teams leave without properly handing over to the night teams. Kipkemoi Kirui, deputy leader for Team II (night), notes that although results for Lamu East, Lamu West, Wundanyi and Dujis have come in, they do not have the statutory documents, Forms 16A, 16 and 17A, accompanying them. The day team leaders responsible have therefore not signed for them. Kirui also refuses to receive them without the necessary documents because there are doubts about the verity of the data. Word goes round that his team is not accepting results without the accompanying Form 16As. For most of the night, he and his team repeatedly call the returning officers for results together with statutory documents. Statutory documents for Ijara, Galole, Wundanyi and Dujis are not received even though the results are phoned in.</p>	<p><i>According to the regulations, the only <u>statutory</u> document is Form 16. The other statutory document is Form 16A, but for tallying at constituency level. Form 17A is a tally sheet from which the results of Form 16 are derived. In order to tally the results for the presidential election, only the Form 16 is necessary. As the Secretary of the ECK has testified, Forms 16A and 17A are required essentially for administrative purposes – for verification if problems arise in relation to a specific constituency.</i> <i>While normally it is –and should be – expected that ROs bring the full set of forms with them, this may have not happened in several cases, for reasons explained a posteriori. Still, the duty of the verification tables was to receive the Form 16 and compare it with the faxed/telephoned results. Mr. Kirui was not proceeding according to instructions when he refused to receive results unless all the forms were submitted.</i></p>
<p>1900: Setting up for verification</p>	
<p>The tallying centre at KICC is set up for ten teams, each sitting around a table to receive, verify and forward constituency results to the internet technology (IT) team to prepare for announcement. The teams are managed by a team leader and a deputy leader. Most of the teams consist of returning officers and ECK staff. Each team is working on about 21 constituencies shared according to ECK’s own plan so that, for example, Team I deals with Mombasa and Nairobi.</p>	<p><i>This statement is incorrect. No RO is - or can be – member of a verification team. Only the Team leaders were, in all cases, ECK staff. Overall, between 90 and 95% of the staff at the verification tables were temporary staff contracted for such purpose.</i></p>
<p>In addition to tables for the ten teams, more are reserved for use by ECK Commissioners and senior staff as well as filing clerks, spread out strategically in the room to enable any of the above mentioned people to operate from a station. There are also waiting chairs reserved for returning officers, security staff and other people allowed inside the rooms.</p>	<p><i>No comments. Description is adequate.</i></p>
<p>2000-2100: Initial hitches</p>	
<p>Observers are denied access to the tallying room at KICC. They get the ECK Chair and Secretary to intervene and are finally let in. ECK Deputy Secretary, Suleiman Chege, who receives them congenially, insists that they be accorded all the help they need. Observers are conducted on a tour of ECK’s offices enthusiastically.</p>	<p><i>While it is true that the observers were initially denied access because they were not included in the lists of the security staff, the fact that they were allowed as soon as they requested access, and were received “congenially and enthusiastically” speaks by itself. If there was something to hide, such openness would have not existed.</i></p>
<p>2237: Verification begins</p>	
<p>After arguments about how and where to begin the verification, work finally begins. James Orengo for ODM insists that results for all 210 constituencies be reviewed while Martha Karua for PNU wants scrutiny to be limited to Forms 16A of only contested constituencies, which she insists they have to identify and agree on since the discrepancies and problems associated with tallying are not only in constituencies that the ODM identified in the afternoon, mostly in Central and central Eastern</p>	<p><i>I can’t see any wrong doing in this description of events, although I would certainly agree that Mr. Melli should have been received with smiles.</i></p>

Provinces, but were in Nyanza and the Rift Valley. Julius Melli, Association of Professional Societies in East Africa (APSEA) (observer) encounters a hostile reception at the verifying tables. Karua complains about there being too many observers, prompting a domestic observer to move from the table where agents of political parties are seated to another table where he is not noticeable.	<i>I can't see any wrong doing in this description of events, although I would certainly agree that Mr. Melli should have been received with smiles.</i>
2247: Extent of the problem	
All results for the presidential election are in except for 14 constituencies. Observers immediately notice discrepancies in the results transmitted from the constituencies to the ECK's headquarters at KICC. They also notice that a number of the statutory documents for the constituencies' returns have serious anomalies:	<i>As mentioned above, there were discrepancies between provisional results faxed/telephoned and those in the Form 16 brought by the ROs. The tallying at constituency level was characterized by multiple arithmetical and other errors, detected by IREC analysis in all cases analyzed. In some cases, the difference was identified by the ROs before travelling to KICC with the original Form 16. In a few others, ROs had announced "partial" results, even if they were not supposed to do such thing. But some ROs were not well qualified, and were subjected to pressures to deliver results.</i>
a) they are not signed by the returning officers;	<i>All Forms 16 we have seen were signed by the ROs. Why wouldn't they sign it?</i>
b) they are not countersigned by agents;	<i>Forms 16 are not supposed to be countersigned by agents. There is no place in the form for it.</i>
c) in some cases, only photocopies of these forms are available even though the law requires that the originals be filed;	<i>As far as we know, all Forms 16 brought in by the ROs were originals. Even if there might have been a few photocopies, all Forms 16 are signed by the ROs.</i>
d) although all these forms (Form 16A, 16 and 17A) require an ECK stamp to stamp to validate them, those that have a stamp are the exception rather than the rule;	<i>The reverse is true. Almost all have the stamp, although there might be a few exceptions. It should be also pointed out that the ECK stamps are extremely easy to counterfeit, if need be.</i>
e) ECK Commissioners have thus announced constituency results without verifying their authenticity with the necessary statutory documentation. For example, provisional results were telephoned in and even though the ECK called back the returning officers to ensure the results indeed came from them, most returning officers phoned in different results from what they delivered in person to KICC. Yet the ECK Commissioners accepted and included these results in the final tally;	<i>These two paragraphs indicate the limited knowledge of the observers concerning the procedures to be followed at KICC. ECK commissioners announced provisional results on the basis of the faxes/telephone calls from the constituencies. In most cases, final legal results as contained in the Form 16 brought in by the ROs were identical to those faxes. If that was not the case, the changed results should have been announced, and this was done in practically all cases (IREC has identified only one exception). The final legal results as in Form 16 were those incorporated in the final tally.</i>
f) Although the ECK Regulations (Parliamentary and Presidential Elections Act, Cap 7 of 2007) clearly states that the ECK shall not accept for results that showed voter turnout of 100 per cent and above, the ECK Commissioners allowed returning officers who had returns over 100 per cent to "correct them." They subsequently accepted and included such results for tallying without any explanation, for example, Maragwa constituency had given results amounting to a 115 per cent voter turnout but the returning officer was allowed to reduce them to 85.24 per cent at KICC and these results were accepted for the final tally!	<i>Maragwa was the only case in which this happened, apparently because one or more polling stations have been added twice. IREC is paying particular attention to this case and has retallied the forms 16A and reconstructed table 17A.</i>

<p>g) It is unusual for ECK senior staff and Commissioners to accept results from constituencies without proper documentation and to allow returning officers to prepare the documentation at the ECK headquarters as they did at KICC. Most returning officers did not arrive with proper documentation yet were allowed to prepare their documents at KICC. This was the case for Kipipiri, Starehe, Kinangop, Garsen, Turkana Central and Turkana North and Kajiado North.</p>	<p><i>Effectively, this is not the normal procedure. ROs who completed their forms at KICC have provided different explanations for this, which do not seem particularly suspicious.</i></p>
<p>Observer inquiries establish that agents were unable to sign Form 16A in areas of Central and Eastern provinces because they were not allowed to do so or they were sent out of the counting halls altogether. In some areas, the returning officers inform the observers that agents did not feel secure enough to stay through the counting. This apparently happened in the Meru districts, in Central, Nyanza and parts of the Rift Valley. The agents of PNU, ODM and ODM-K settle on 44 constituencies found to have filed results, already announced by ECK Commissioners, without any primary or original evidence for example, original signed, countersigned and stamped Forms 16A, 16 and 17A.</p>	<p><i>The first point is correct, and party agents were denied access in certain areas, mostly by youths from the other side. We do not have information of Presiding Officers denying access to agents unless there was no place at the polling station, which might have happened in some cases.</i></p> <p><i>The second point is also correct, although the discussion and the revision was mostly an issue between PNU and ODM. However, as it was mentioned above, results were announced on the basis of faxes or telephone calls, before any form arrived to ECK.</i></p>
<p>These constituencies include: Gatundu South, Makadara, Likoni, Kaloleni, Galole, Lamu East, Ijara, Wundanyi, Malindi, Voi, Dujis, Igembe South, South Imenti, Nithi, Kitui West, Kitui South, Mwala, Kinangop, Ol Kalou, Mukurweini, Juja, Githunguri, Kiambaa, Lari, Eldoret East, Baringo East, Baringo Central, Laikipia West, Nakuru Town, Naivasha, Kuresoi, Rongai, Kimilili, Bumula, Alego, Bondo, Kisumu Rural, Kasipul-Kabondo, Ndhiwa, Migori, Kuria, Bomachoge, Bobasi, Nyaribaru Chache and Kitutu Masaba. Results for these constituencies were thus announced in contravention of the law.</p>	<p><i>These were in effect the 47 constituencies analyzed.</i></p> <p><i>The second part of the statement is incorrect. The law only requires the Form 16 duly signed and stamped by ROs. As mentioned several times before, the Commissioners announced provisional results of the constituencies on the basis of the faxes/telephone calls made by the ROs which was the standard procedure.</i></p>
<p>In addition, results for Dagoretti constituency were found to have been announced while vote tallying was still in progress. Documents for Kinangop, Kipipiri, Ol Kalou, Ndaragwa, Tetu, Kieni, Mathira, Othaya and Ndaragwa had no ECK stamp. Many constituency results were received and announced by Commissioners without the signatures of ECK officials and all party agents. Indeed, some of the documents conveying the results contained only the results without the presiding officers' signature, ECK stamp or any agent's signature. For example, there were no signatures and stamps in most Forms 16A, 16, and 17 A from Nithi, Kitui West, Kitui South, Mwala, Kinangop, Ol Kalou, Mukurweini, Gichugu, Lari, Mathioya, Eldoret East, Mosop, Aldai, Baringo East, Baringo Central, Laikipia West, Naivasha, Nakuru, Kuresoi, Kajiado North, and Kajiado South yet the Commissioners had already announced the results from these constituencies.</p>	<p><i>Results were announced at KICC while tallying was going on in all constituencies that submitted by mistake partial results which were interpreted at KICC as complete provisional results. This appears to be the consequence of incompetence by ROs and ECK selection and training of ROs, but IREC have not received factual information indicating that it was due to fraud or deception.</i></p> <p><i>As mentioned so many times before, results were announced on the basis of faxes/telephone calls, and the absence of agents' signature does not convert Forms 16A or 17A in invalid.</i></p> <p><i>Form 16 is not to be signed by agents, and there is no space in the form for it. However, it would be quite unusual for a Form 16 not to be signed by the RO. We are not aware of such cases.</i></p>
<p>Some constituencies had only a few statutory forms, but their total votes were still announced. These included Ndaragwa, which had 25 Forms 16A not signed by party agents. There were 34 Forms 16A not signed for Mathira. There was one Form 16A that had a double entry, and two returns for parliamentary results were entered in the presidential file. The total presidential tally of 16A returns was actually 77,442 votes after additions were verified by a Commissioner, ECK Deputy Secretary and observers against the 80,024 announced by the ECK.</p>	<p><i>As mentioned before, the results were announced on the basis of faxes/telephone calls, and the Form 16 does not lose validity even if the Forms 16A and 17A are not enclosed. The signature by party agents is not a requisite for validity of forms 16A</i></p> <p><i>IREC has identified arithmetical mistakes in all the 19 constituencies it has analyzed. However, the verification teams had not instructions to verify the additions. If discrepancies were noticed, the correct procedure would have been to inform the RO of the fact and have him correcting them.</i></p>
<p>The ECK's legal officer, Jemimah Keli, is notified of these discrepancies by Melli, but she takes away the file and hands it to the ECK's head of research, [...] Laichena, for storage. She says rechecking numbers would slow everyone down. The focus of the scrutiny, she adds, should be limited to whether or not there are Forms 16 and 16A, and not stretch to calculations or checking for consistency in the figures. She says that she and other ECK staff had not slept for many days and</p>	<p><i>ECK legal officer was correct, and she properly identified what should had been the focus of the verification team. The ECK procedures for tallying are quite inadequate and IREC will recommend significant changes, but they were the legally valid procedures at the time.</i></p>

<p>wished they could do voluntary work like the observers. She asks if Melli is being paid to observe the elections. When answers in the negative, she asks why he is paying so much attention to detail. She is taking notes but seems more preoccupied with justifying every concern raised than addressing it. There are questions about the accuracy of her record of the goings-on.</p>	<p><i>The rest of the verbal exchanges is irrelevant, unless we are judging the politeness of Ms. Keli.</i></p>
<p>16 Forms 16A for Othaya have not been signed by party agents. Results for the following constituencies were announced without some statutory documents including Forms 16A, 16 and 17A Makadara, Starehe, Likoni, Malindi, Galole, Wundanyi, Ijara, Lamu East, Voi, Dujis and Igembe South. Some results were also faxed as provisional tallies, as in Kirinyaga Central. In other cases, results were announced when there was no documentation to support the announcement, for example, Kimilili, Bumula Alego, Kitutu Masaba, Nyaribari Chache, Bomachoge and Kuria constituencies. In some cases, the returning officers' files available at ECK's tallying centre are in duplicate and ECK senior staff claim they cannot find the original files for scrutiny. Examples include Kieni, OI Kalou and North Imenti.</p>	<p><i>Once again, there is no requirement for Form 16A to be signed by agents, and Form 16 is not supposed to be signed by agents.</i></p> <p><i>All the other issues did exist, and are evidence of the incompetence of ECK, but not of deception or fraud, as KPTJ alleges.</i></p>
<p>Indeed, most photocopies of Forms 16A were neither signed by the presiding officers nor by party agents, yet the results on such forms were included in the tally of results. In some cases there were disparities between the total votes cast for parliamentary and civic elections on one part and those cast for the presidential election on the other.</p>	<p><i>Practically all forms 16A we have seen have been signed by the POs, and the signature of agents is not a requisite for validity.</i></p> <p><i>Disparities are significant, but in the constituencies IREC has analyzed the disparities disappear once the arithmetic errors are eliminated.</i></p>
<p>2300: Results without documents</p>	
<p>Work slows to a near-stop until around midnight when a sleepy-looking fellow is ushered in. He is the returning officer from Moyale. He does not have Forms 16A, 16, 17 or 17A. He slips into a doze as Kirui consults. Hours later, Kivuitu announces the Moyale results—without any documentation. After Moyale, results for Saku and Laisamis follow. They are not supported by any of the statutory documents and Kirui refuses to receive them. His Team Leader goes ahead to receive them nonetheless. The ECK Chair announces the results.</p>	<p><i>While it might be true that the RO from Moyale did not bring Forms 16A or 17A (Form 17 has nothing to do in KICC), it can be seriously doubted that he did not bring Form 16.</i></p> <p><i>Once again, it should be remembered that the Commissioners announced the provisional results on the basis of faxes/telephone calls. It is clear that KPTJ observers have no idea that this is what was happening. Moyale results should have been announced well before the RO arrived to KICC.</i></p>
<p>The figures are, in a number of instances, overstated. Kirui feels perturbed because there is no reason for the returning officers' failure to bring in the statutory documents three days after the vote tallying at the constituency level. Disparities between provisional results phoned in earlier and those relayed to KICC were also noted for Kipipiri, Kieni, Maragua, Juja and Dagoretti constituencies</p>	<p><i>Kirui did not seem to understand well the rules that were followed at KICC. The disparities in results had been explained and IREC is carefully evaluating those cases.</i></p>
<p>2300: Slippery returning officers</p>	
<p>Observers Melli and Muli meet the returning officer for Starehe and ask about the constituency. He says the people who had been causing trouble wanted to disrupt the electoral process. They had wanted him to announce results that favoured their candidate and had been threatening him and pushing him forward but he says he had insisted on doing what the ECK had sent him to do. He says that he first called for police reinforcements and then announced the winner because they had recounted the vote twice. There had been an anomaly in one of the stations, he says, and when it was rectified, the winner was known. He does not, however, let observers examine the file for the constituency.</p>	<p><i>We have no reasons to doubt the description of events by the RO.</i></p> <p><i>It is a pity he did not show the file to the observers.</i></p>

Observers never got to examine the file. The Kipipiri results reported on the telephone give 36,470 votes to Kibaki against the 37,315 announced by the ECK. The final tally on file shows 37,279 votes.	<i>Discrepancies as such existed in practically all constituencies. This proves the incompetence of the ECK and the system used, but not fraud or deception.</i>
Sunday, December 30, 2007	
0100: Insider information	
One ECK senior staff member calls Muli outside the hall and asks her if she is aware that something terrible is happening. The ECK senior staff member points out that it is important for observers to scrutinise all returning officers' returns especially of Mombasa, Central, Eastern, North Eastern, Rift Valley and Nyanza. The senior staff member also cautions her that the discrepancies have been planned systematically and are not accidental. She says the scheme involves most Commissioners, who have organised how the tallying will be carried out. There is also the concern that Commissioners were in charge of their regions—which had not been the practice in the past—and most of the Commissioners engaged returning officers who owed them loyalty, in some cases, replacing returning officers who had experience, having worked with the ECK in the past.	<i>IREC had not been informed by Ms. Muli of the name of the ECK senior staff member, nor provided with further details of such conspiracy, like the naming of the involved commissioners.</i> <i>It is true that the Commissioners have been put in charge of regions, and have a last say in the appointing of RO and other staff. The ECK itself has indicated that there were anomalies, but has not identified the regions or the commissioners involved. These are one of the many anomalies that IREC has detected during the electoral process, but they do not seem to be related to the events at KICC.</i>
0200: Missing returns	
The only constituencies without results are Kibwezi and Emuhaya. In the case of Kibwezi, the returning officer had reportedly been threatened with dire consequences by one of the candidates if he released the results. Although he was assured of transport by helicopter and additional paramilitary police escort, he still would not come in. Emuhaya was bogged down by logistical problems. The ECK Chair announced the results the following day.	<i>As mentioned before, the Eck announced results on the basis of faxes/telephone calls.</i>
Electoral official quits	
Kirui's colleagues tell him that results are being reduced or suppressed for certain constituencies. He raises the alarm. He takes his Team Leader, [...] Njuguna, aside and starts saying: "My brother, this is an important national exercise. I am concerned that we are not following the law and we are letting down Kenyans ..." Njuguna tells him he would be recommending Kirui's removal because he was proving difficult. He goes ahead to report him to Daniel Koech, who asks Njuguna to cooperate with Kirui. Njuguna goes back to their work station. Kirui follows him and tells the team that he regards their work as an important national exercise that demands patriotism and neutrality. Kirui also demands respect and cooperation from Njuguna, who says that if he wishes to, he could leave. Kirui leaves the ECK offices for the last time.	<i>We are fully aware of Mr. Kirui allegations. In most cases, they are due to his erroneous interpretation of the requirements for the validity of a constituency result.</i>
0400: Fatigue and irritation set in	
Melli says, "I started noticing general irritation and resistance from ECK officials. I asked for the Nithi constituency file, but the returning officer grabbed it and held it close to his chest. The same was the case for the Starehe constituency file. The returning officer for Nithi went outside and carried all his documents with him wherever he went." ECK Commissioners who are asked to intervene defend their staff, saying they had not completed work on the files.	<i>The description might well be correct, but it does not point to fraud or deception.</i>

0500: Invented figures show up	
Molo constituency returning officer provides results showing that Kibaki has 50,145 votes at completion of counting but ECK prepares to announce 75,261 votes for him and provides a computer print out of the increased results. ECK Commission staff deny observers the opportunity to verify information on file, saying the result had not been announced. Observers at the ECK tallying centre at KICC who take a break from the tallying room to freshen up are denied re-entry. Those who come in to relieve their colleagues on night duty are also barred from entering. Police presence is strong and the atmosphere tense.	<i>The Molo case has been exhaustively analyzed, and the reasons for the difference are reasonable. If the ECK did not allow the re-entry of the observers, it was a big mistake.</i>
0930: Agents ordered out	
A message goes out on the public address system asking all agents to leave the premises. Observers are also ordered out and evicted.	<i>Another big mistake of ECK.</i>
1000: ECK goes underground	
A media briefing scheduled for 1000 to announce presidential results is put off indefinitely.	<i>Results were not yet ready.</i>
1100: Odinga press conference	
The ODM presidential candidate claims he has won the election according to results from his call centre.	<i>IREC has never been shown results from the ODM call centre</i>
1300: Trial balloon	
Word goes round that the ECK could announce the results of the presidential election at any time.	<i>Why would that be a trial balloon?</i>
1421: ODM press conference	
ODM holds a press briefing at KICC and discloses rigging by the ECK in 48 constituencies after a joint parties and ECK audit of all the 210 constituencies. William Ruto discloses that all 48 constituencies lacked supporting documents and inflated Kibaki's figures. The ECK does not provide any evidence to the contrary.	<i>ODM did not provide evidence either. The argument in most cases is that when there are more votes at the presidential than at the parliamentary elections, the difference between the two are votes added to Hon. Kibaki. In the 19 constituencies analyzed in detail by IREC the difference derives from massive arithmetical errors by the ROs.</i>
1620: Protests on the floor	
The ECK Chair attempts to announce the final results of the presidential election. He, however, begun with announcing the results of Molo which were inflated, 75,261 instead of the 50,145 votes announced at the constituency tallying centre. Kivuitu is shouted down by ODM which insists that the contested results need to be resolved, including those of Molo, and also insist the delayed results from Eastern and Central provinces had been inflated. The ECK Commissioners leave the briefing centre under police escort.	<i>The mistake in Molo is the beginning of the chaos. KPTJ does not mention the 90+ percent of turnout throughout Nyanza.</i>
1642: Bombshell	
An ECK staff member, Kipkemoi Kirui, tells an ODM-convened press conference that the poll results and documents are being manipulated at the KICC, and that he and many other people had deserted	<i>Mr. Kirui arguments derive, as those of KPTJ, from an incorrect interpretation of the regulations in</i>

their work stations in frustration.	<i>place.</i>
1700: Dogged determination	
A signal goes out to the diplomatic corps that the ECK is about to announce the results.	<i>Accurate description.</i>
1739: The Final announcement	
Paramilitary police clear KICC as the ECK Chair announces Kibaki winner of the presidential election in a sealed room. The news is relayed via the public Kenya Broadcasting Corporation (KBC) and picked up by other networks.	<i>Accurate description.</i>
1824: Swift swearing-in	
Kibaki is sworn in as President at State House in Nairobi as protests erupt all over Kenya. A live press conference by ODM is pulled off air as the Minister for Internal Security suspends live broadcasts.	<i>Accurate description.</i>

When properly analyzed, the description of events provided by KTPJ confirms the impression of a tallying process inadequately designed, and of a system of counting and tallying that lacks proper controls and checks. It makes quite evident the incompetence and lack of foresight of the ECK, but it does not come close to prove wrongdoings, fraud and deception – as the title of the paper suggests.