



# Kenya National Commission on Human Rights

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## **PRESS STATEMENT ON KNCHR's MONITORING OF THE POLITICAL PARTIES NOMINATIONS**

The Kenya National Commission on Human Rights (KNCHR) monitored the just ended political parties' nominations to assess the level of participation by members of the public as well as transparency and accountability in the nomination process. KNCHR monitored both the political parties' pre-nominations activities as well as the actual nominations exercise to ensure they were within the law, the political parties' regulations and in consonance with free and fair elections.

KNCHR witnessed a number of malpractices and serious offences in various parts of the country during the exercise. One of the main concerns is incidences of civilians arming themselves with crude weapons. In Kisumu for instance, a supporter of one of the aspirants was arrested for allegedly having purchased some 100 machetes. A follow-up with the Kisumu OCPD did not reveal any information. We urge the security agencies to take up such matters with the seriousness they deserve so as to avoid a reoccurrence of the 2007 post-election violence. The police should investigate any incident or civilian armament and should activate their intelligence machinery to determine the financiers of these actions. We also call upon commercial enterprises to be cautious and where large purchases of items like machetes are made, they should immediately make a report to the police for further investigations. Members of the public should also be vigilant and report any sighting of weapons or arms.

The second concern was the manner in which the parties conducted the exercise. KNCHR notes that in many areas, the parties were ill-prepared for the exercise. In many centers, ballot papers did not arrive on time, leading to anxiety amongst members of the public. In some instances, ballot papers were insufficient and the presiding officers were asked to improvise, casting doubt to the integrity of the process. Parties are not disciplined enough to register their members, issue them, with membership cards and maintain a list of their members as required by the Political Parties Act. In most cases, parties used only the identity card to allow one to vote; the result was multiple voting at various polling centers.

The third concern was the conduct of the aspirants for various positions. KNCHR recorded a number of incidences where aspirants engaged in unlawful activities that had the danger of affecting the outcome of the vote. Incidences of incitement, destruction of ballot papers, voter bribery and transportation of voters were recorded. KNCHR has forwarded the following incidence to the relevant offices for further actions:

**a) Incitement to Violence**

We have forwarded to the IEBC and to the Inspector General, a recording of an aspirant for Member of Parliament position in Rongai Constituency who uttered words which could have incited members of the public against the area DC.

**b) Destruction of Ballot papers and uncivil conduct**

In Mbita Constituency, an aspirant vying for the position of Member of Parliament was alleged to have destroyed ballot papers on 18<sup>th</sup> January 2013, occasioning the party to send in new ballot papers. The aspirant is also alleged to have lain across the ballot papers to prevent their movement from one station to another. The evidence of the destroyed ballot papers as well as statements recorded to the police have been submitted to the Inspector General, the Party concerned and the IEBC for further investigation.

### **c) Transportation of Voters**

In Kuresoi North Constituency, an aspirant for the Governor position was alleged to have transported voters to polling stations in Moto Primary School, Sirikwa. Two vehicles associated with the aspirant, KBL-346D Toyota DMAX and a Lorry KAW-959Y were moving round Sirikwa until 2pm on 17<sup>th</sup> January.

### **d) Voter Bribery**

We have also forwarded to the IEBC and Inspector-General incidents of massive voter bribery and transportation of voters from various EPZ factories to polling stations in Kitengela Township. KNCHR witnessed three aspirants for County Assembly Ward from TNA and ODM parties engaging in open vote buying at the EPZ premises exit gates. They had stationed at the premises exit gate with hired buses where they induced hundreds of EPZ employees to the waiting buses with Kshs. 100 – 200 shillings upon proof that they were registered voters at certain primary schools. KNCHR obtained, and has forwarded for further investigations, documented evidence of people boarding the buses and being given money.

It is KNCHR's position that aspirants who engaged in these offences should be barred from contesting, even if they have already been nominated by their respective parties. KNCHR will continue to monitor the campaigns and ensure candidates who engage in mal practices are held accountable.

As the country prepares for the General elections in March 4<sup>th</sup>, KNCHR recommends that:

- IEBC should exercise its mandate as expected under the constitution and should not be complacent in the face of numerous malpractices by the aspirants and political parties.
- IEBC should also learn from the experience of the political parties and develop a clear and effective communications strategy, conveying

information in a timely manner so that the public does not have any feeling of disenfranchisement.

- The security personnel should put in place all measures to ensure there is no security lapse between now and March 4<sup>th</sup>. Incidents of civilians arming themselves should be investigated and the persons prosecuted. Members of the public should work together and co-operate with the security personnel to ensure their own safety and prevent the outbreak of violence.
- Lastly, the media should be conscious of the fact that between now and March 4<sup>th</sup>, the role it plays is critical. It is extremely important that they adhere to their professional code of conduct and avoid broadcasting messages which may spur animosity.

Anne M. Ngugi – Ag. Chair,

**Kenya National Commission on Human Rights.**