

IN THE REPUBLIC OF KENYA
IN THE SUPREME COURT OF KENYA AT NAIROBI
PETITION NO. OF 2017

BETWEEN

RAILA AMOLO ODINGA.....1ST PETITIONER

STEPHEN KALONZO MUSYOKA.....2ND PETITIONER

AND

INDEPENDENT ELECTORAL AND BOUNDARIES

COMMISSION..... 1ST RESPONDENT

THE CHAIRPERSON OF THE INDEPENDENT ELECTORAL AND BOUNDARIES

COMMISSION..... 2ND RESPONDENT

H.E. UHURU MUIGAI KENYATTA.....3RD RESPONDENT

AFFIDAVIT

I, **BENSON WASONGA** of Post Office Box Number 74452-00200 Nairobi and resident of the Nairobi County within the Republic of Kenya do make oath and state as follows:

1. **THAT** I am a Kenyan Citizen and an adult of sound mind hence competent to swear this affidavit.
2. **THAT** I am duly conversant with the subject matter at hand and therefore competent to swear this Affidavit and I hereby wish to state as follows;
3. **THAT** I have analyzed the declaration of the Presidential results by the Chairperson of the Independent Electoral and Boundaries Commission (IEBC) vis a vis the Form 34Cs

and has thus discovered startling anomalies in the aforesaid declaration as deponed hereunder.

4. **THAT** the actual summation of the total valid votes from the IEBC portal is **15,179,717**.
5. **THAT** the actual summations shows that Raila Odinga has **6,821,505** votes while Uhuru Kenyatta has **8,222,861** votes, and the Total rejected votes as per the IEBC portal amounts to **477,195** votes.
6. **THAT** the IEBC portal displays the summations as follows; the total valid votes are **15,180,381**, Raila Odinga's votes amounts to **6,821,877** while Uhuru Kenyatta's votes are at **8,223,163** and the Total rejected votes amounts to **403,495**.
7. **THAT** the declaration of results for the election of the President at the National Tallying Centre as per the Form 34C is as follows; the total valid votes are **15, 114,622**, Raila Odinga **6,762,224**, Uhuru Kenyatta **8,203,290** and the total rejected votes amounts to **81,685** votes.
8. **THAT** the actual variation of rejected votes between the actual summation of results and those displayed at the IEBC portal amounts to **73,700** votes.

ANNEXED HERETO AND MARKED AS "BW -1" IS A TRUE COPY OF THE ANALYSIS.

9. **THAT** I am advised by the Advocates for the Petitioners on record, which advice we believe is true that the aforesaid were blatant violations of clear provisions of electoral laws to the disadvantage of the other presidential candidates.
10. **THAT** what is deponed to herein is true to the best of my knowledge save for facts and deposition to which sources I have disclosed.

SWORN at **NAIROBI**)

By the said)

.....

BENSON WASONGA)

DEPONENT

This day **18TH** Day of **AUGUST** 2017)

)

BEFORE ME)

COMMISSIONER FOR OATHS)

DRAWN & FILED BY:

Murumba & Awele Advocates

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NAIROBI