

THE REPUBLIC OF KENYA
IN THE SUPREME COURT OF KENYA AT NAIROBI
PRESIDENTIAL ELECTION PETITION No. 5 OF 2022

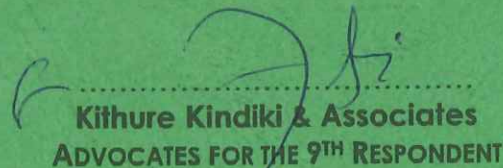
BETWEEN:

RAILA AMOLO ODINGA.....1ST PETITIONER
MARTHA WANGARI KARUA.....2ND PETITIONER

VERSUS

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION.....1ST RESPONDENT
WANYONYI WAFULA CHEBUKATI.....2ND RESPONDENT
BOYA MOLU.....3RD RESPONDENT
PROF. ABDI YAKUB GULIYE.....4TH RESPONDENT
JULIANA WHONGE CHERERA.....5TH RESPONDENT
JUSTUS NYANG'AYA.....6TH RESPONDENT
FRANCIS WANDERI.....7TH RESPONDENT
IRENE MASSIT.....8TH RESPONDENT
WILLIAM SAMOEI RUTO.....9TH RESPONDENT
THE 9TH RESPONDENT'S REPLYING AFFIDAVIT OF DAVIS KIMUTAI CHIRCHIR

DATED at NAIROBI this26TH.....day of.....August.....2022


.....
Kithure Kindiki & Associates
ADVOCATES FOR THE 9TH RESPONDENT

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WANYONYI WAFULA CHEBUKATI.....2ND RESPONDENT
BOYA MOLU.....3RD RESPONDENT —10
PROF. ABDI YAKUB GULIYE.....4TH RESPONDENT
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AFFIDAVIT OF DAVIS KIMUTAI CHIRCHIR

I, **DAVIS KIMUTAI CHIRCHIR**, a male adult ordinarily resident in Nairobi County and of P.O. Box 19200-00501 Nairobi within the Republic of Kenya do hereby make oath and state: —20

1. **THAT** I am a male adult of sound mind and of ID number is 0324076 conversant with the facts herein hence competent to swear this affidavit.
2. **THAT** currently I hold the position as Chief of Staff (CoS) in the Office of the Deputy President, the 9th Respondent herein. —30
3. **THAT** it is within my knowledge that, the 9th Respondent had set up the WSR Presidential Campaign Secretariat which was based at an office located on the 2nd Floor, Soin Arcade in Westlands. The 9th Respondent had engaged personnel to assist him with his campaign.

4. **THAT** while I was not involved in the 9th Respondent's campaigns, I am aware that his Campaign Secretariat was used for political, technical, communications, and strategy meetings during the course of the campaign. I was not involved in the 9th Respondent's campaigns.
5. **THAT** I have been shown an affidavit by John Mark Githongo ('Githongo') in support of the Petition dated 21st August, 2022 and had the same explained to me by the 9th Respondent's advocates. The said Githongo alleges that:
- i) he met with an unnamed whistleblower, who purports to have revealed details of his involvement with a 'large scale, well orchestrated fraudulent scheme that enabled them to interfere with and compromise the IEBC electoral data transmission system and manipulate the presidential election results' in favor of the 9th Respondent. Githongo has termed this "Uchaguzi Tallying" and claims that it involved editing Form 34As which had been electronically transmitted through the IEBC portal, before re-uploading a manipulated version. —10
 - ii) There was a team of 56 people based in Karen with a team of 10 supervisors who could access, enter and manipulate IEBC entries. Further he alleges that I was one of the supervisors. —20
6. **THAT** I wish to confirm that neither I, nor my staff were involved in accessing, entering or manipulating the IEBC entries. To my knowledge there was no such tallying system which received data or images from the KIEMS kits, manipulated it, or uploaded it to the IEBC system. There was no centre referred to as "Uchaguzi Tallying". —30
7. **THAT** in further response to paragraph 9(e) of the Githongo affidavit, which alleges that I was involved in this process alongside DENNIS ITUMBI, KIBYEGON, MORRIS MUTEGLI, BABY SERGE, and JACKSON KANDI. I wish to state that I do not know any of these listed individuals other than Dennis Itumbi, who I have had interactions with over the years. He and I did not work together in any capacity in relation to the Presidential Campaign either pre-election, on election date and/or during the tallying process.

To Be Served Upon:

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