

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

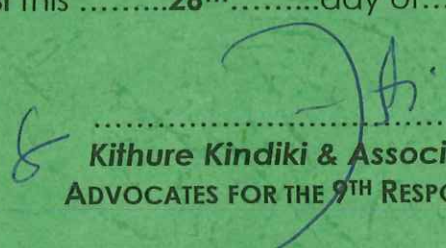
INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION..... 1ST RESPONDENT
WANYONYI WAFULA CHEBUKATI..... 2ND RESPONDENT
BOYA MOLU..... 3RD RESPONDENT
PROF. ABDI YAKUB GULIYE..... 4TH RESPONDENT
JULIANA WHONGE CHERERA..... 5TH RESPONDENT
JUSTUS NYANG'AYA..... 6TH RESPONDENT
FRANCIS WANDERI..... 7TH RESPONDENT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

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AFFIDAVIT OF KOECH GEOFFREY KIPNGOSOS

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

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ADVOCATES FOR THE 9TH RESPONDENT

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AFFIDAVIT OF KOECH GEOFFREY KIPNGOSOS

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I KOECH GEOFFREY KIPNGOSOS a resident of Nairobi and of P.O. 90-00200
Nairobi within the Republic of Kenya **DO MAKE OATH AND STATE AS
FOLLOWS:**

- 1. **THAT** I am a male adult of sound mind conversant with the facts herein and therefore competent to swear this Affidavit.
- 2. **THAT** I have been shown and explained to me by the 9th Respondent's advocates the Petition and affidavits in support thereof.

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3. **THAT** it is untrue that the external IP address <http://173.249.40.177/> was used for the purposes of downloading Form 34As for purposes of staging and re-uploading to the IEBC portal through the Microsoft Sharepoint application. The correct position is set out below:
4. **THAT** I am a holder of Bachelor degree in Computer Technology, First Class Honors from Meru University of Science and Technology. After completion of my studies. I was engaged in private sector during which I gained 5 Years' experience in software engineering. -10
5. **THAT** towards the end of June 2022, I met with a friend Raymond Bett who requested me to join the IT team for Kenya Kwanza Alliance (KKA) on voluntary basis which I agreed to. -20
6. **THAT** when I joined the IT team, which was headed by Raymond Bett, I became aware that KKA was in the process of developing systems which would be used to collect results from our polling stations agents deployed countrywide and transmission of the results to KKA's collation centre -30

7. **THAT** I was tasked to build a WhatsApp Bot for KKA agents to collect and transmit presidential election results from the polling stations. I successfully managed to build the said WhatsApp bot.
8. **THAT** I am aware that the 9th Respondent's Chief Agent supplied Raymond Bett with details of all the polling stations agents and Constituency ICT consultants' agents who had been engaged by the 9th Respondent. -10
9. **THAT** the IT team including myself were involved in training KKA's polling station agents on how to use the said WhatsApp bot. The bot could only be used by the pre-validated agents using their respective phone numbers. -20
10. **THAT** the system used by the KKA agents was facilitated by three modes of transmission of polling stations results namely:
 - a) Short Messaging System (SMS);
 - b) WhatsApp bot (which I developed); and -30
 - c) Android mobile application
11. **THAT** using this platform all our validated agents could transmit presidential election results for a particular polling station by sending the declared figures for all the four

presidential candidates and/or an image of Form 34A issued to our agents. The agents were instructed to take a photo of the original Form 34A.

12. **THAT** using the same system, the constituency ICT consultant agents could transmit the constituency presidential results on Form 34B through an *online web portal*. The online web portal is hosted on Microsoft Sharepoint. -10
13. **THAT** I am aware that this system enables you to collect, store, view, arrange and/or sort the data which has been uploaded into the system.
14. **THAT** the pre-validated KKA's polling stations agents were able to enter data capturing the results for each presidential candidate declared at the polling station. They would then take a photo of the Form 34A and upload it to the system through the WhatsApp bot or the android mobile application. -20
15. **THAT** the presidential election numeric data and/or the Form 34A image uploaded by the agents was stored in the system in a database on a cloud server. The forms were available on Microsoft SharePoint for access and retrieval by a user. The -30

idea was to allow KKA to compare, verify and collate the presidential election results for each candidate.

16. **THAT** my colleagues and I were available on the election day, to assist the agents to use the system.

17. **THAT** on Thursday, 11 August 2022, our team leader Raymond Bett asked me to join our team that was taking turns at the National Tallying Center at Bomas of Kenya; where the 1st Respondent had provided space for every presidential candidate's agent to participate in the ongoing verification and tallying of all the Forms 34As. -10

18. **THAT** the KKA's agents required ICT support in the verification of the Form 34As as they were being brought to Bomas by the respective Constituency Returning Officers. -20

19. **THAT** on Friday morning, 12 August 2022 at around 7am, I went to Bomas and collected my card authorizing my access to the National Tallying Centre. I then went to the main auditorium hall and reported to Hon Gladys Shollei who was in charge of that shift. -30

20. **THAT** as the ICT agent, I was using my laptop to compare the electronic Forms 34As downloaded from the IEBC public

online portal with the original Form 34As presented by the respective Constituency Returning Officers.

21. **THAT** the verification entailed comparing results for each candidate, confirming the security features on the forms including the serial number and the IEBC watermark.

22. **THAT** at the verification table where I was stationed, I was -10
working alongside Hon Wilson Sossion of KKA. There were also
present an Azimio Coalition Party agent; an Agano Party
agent; an IEBC constituency Returning Officer and other IEBC
staff. Everyone, including the Azimio Coalition Party agent,
was aware of how the verification process was being -20
conducted at the National Tallying Centre. The process went
on smoothly until Azimio Coalition Party changed its agent, at
about 10.00 am.

23. **THAT** upon the said change, the new Azimio Coalition Party -30
agent, raised issues, created a confrontation and caused
chaos about me using my laptop during the verification
process. Other Azimio coalition party agents and leaders
including Hon. Charity Ngilu who came over alongside almost
15 other Azimio Party supporters joined in the confrontation.

24. **THAT** they argued with Hon Gladys Shollei asking why I was using my laptop and yet their Azimio agents were not using laptops. They were about to destroy my laptop in the fracas and I acted quickly by putting the laptop into my laptop bag which I then promptly gave to Hon. Gladys Shollei for safe keeping.

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25. **THAT** the said laptop is a black Think Pad Lenovo E14. In the laptop bag, there were also my driving license, headphones, a laptop charger, a phone charger and a notebook.

26. **THAT** I continued with the verification process by accessing IEBC Portal using my mobile phone.

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27. **THAT** after the said incident, the 1st Respondent's CEO, while flanked by Commissioners including the Vice Chairman of the Commission Juliana Cherera, publicly announced that it was appropriate for laptops to be used in the verification process, to download forms from the IEBC online public portal. The said public announcement is on youtube accessible via the link <https://www.youtube.com/watch?v=EXAwlfzDxaA&t=91s>

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28. **THAT** after handing over my laptop to Hon Gladys Shollei I am unaware what happened to it. Upon close of my shift, I tried

to follow up about the whereabouts of my laptop and it is at this point I was informed that my laptop was with the Police.

29. **THAT** on Saturday early morning, I followed up with the Police and was informed that a complaint had already been lodged against my laptop and that there was an OB that had already been registered to that effect. As such, the complaint had to be resolved before I could pick up my laptop and that I could return in the afternoon for further follow up. -10

30. **THAT** however before I could return in the afternoon, I was shocked to see information about my laptop on social media. They were also sharing photos of my driving license and some pages from my notebook. I was afraid to go to the police to pick the laptop up, I was unaware what the police were up to. -20

31. **THAT** I wish to state that the laptop has many confidential files related to my work; personal projects and details of agents engaged by KKA. It was password protected, but I assume that whoever shared the information on social media and/or -30

now has custody of the laptop, removed the hard disk to access the information on it.

32. **THAT** on Thursday, 18 August 2022, I returned to Bomas to follow up about my laptop and I was told to go to Jogoo House to see the police officer dealing with the matter. Owing to the political temperatures at the moment, I was too scared to go the police and as such I did not go. For clarity purposes, to date I have not gotten my laptop back or been called by any police officers concerning the same. That I am unaware of any investigations being conducted by the National Police Service regarding the laptop or myself.

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33. **THAT** I have been shown the Petition dated 21st August 2022. In relation to paragraphs 62, 63 and 64, I wish to state as follows:

a) there was no rule that laptops were not permitted to be used in the auditorium for purposes of verification. Even after my laptop was taken, the IEBC actually said a laptop is required in order to review forms on the portal; one agent could have a laptop at the desk at a time.

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b) confirm that the mentioned IP address <http://173.249.40.177/> was the KKA's IP address for our system testing platform for data collection (mentioned above) on Microsoft Windows server. The said IP address was acquired for purposes of development, testing and training. This was done before deploying the platform to an actual live server environment for actual use.

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c) am also aware that we eventually settled substantively on another IP addresses for actual use. This IP addresses was a composition and combination of up to four IP addresses lumped together including IP addresses <http://20.13.160.204>; <http://20.123.48.0> and <http://20.13.160.155>. These composite IP addresses changed automatically from time to time to secure the site. The public address of the site was URL link <https://nyumbanibiz.sharepoint.com>

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d) The allegations that the external IP address (<http://173.249.40.177/> was being used to download Form 34As for purposes of staging and re-uploading to the IEBC portal through the Microsoft SharePoint application is wild

and false. As explained, Microsoft SharePoint contained Form 34As which had been transmitted directly by our agents from the polling stations following the election. In any event, the Petitioners do not explain how I was supposed to access the IEBC portal in order to upload my copies of the alleged altered forms. Nor did I ever do so. I am not even aware of what storage platform or IP address IEBC was using as I was never connected to it.

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e) I would also wish to state that the Forms 34A in the said laptop were downloaded from the IEBC online public portal for verification purposes with the forms received from our agents and/or at the National Tallying Centre;

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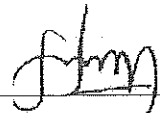
f) None of these Forms had been uploaded to our testing platform at IP address <http://173.249.40.177/> as the same was only used for testing as explained above.

34. **THAT** in response to paragraphs 66 of the Petition, I can unequivocally plead that I never manipulated any Form 34As nor did I re-upload any Form 34As or upload different Form 34As to the IEBC portal. In fact, I do not have the capability to do so.

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35. THAT the facts deponed to herein are true to the best of my knowledge information and belief save for facts deponed to on information, sources whereof I have disclosed.

SWORN at Nairobi by the said)
KOECH GEOFFREY KIPNGOSOS26TH.....)
day of.....August.....2022)



Deponent

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BEFORE ME)

REBECCA WANYAMA
ADVOCATE &
COMMISSIONER FOR OATHS
P. O. Box 3695 - 00200, NAIROBI
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26/08/2022

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