

NAIROBI, □ Kenya September 15 (Infosplusgabon) - □ The fallout in Kenyan elections took a new dimension Thursday when an MP, allied to President Uhuru's Kenyatta's Jubilee Party, went to court demanding the removal of Chief Justice David Maraga over the nullification of the 8 August presidential poll.

Ngunjiri Wambugu, a first-time legislator, filed a petition at the Supreme Court in Nairobi, seeking Magara's ouster, 14 days after the same court nullified the presidential elections.

On 1 September, following a petition filed by Opposition part coalition - National Super Alliance (NASA) - the court nullified the elections, citing irregularities, voter fraud and disparity in results announced at the polling stations, constituencies and the national polling centre.

In a nutshell, the Supreme Court,, under the leadership of president Magara, ruled that the election did not meet the constitutional threshold; did not reflect the will of the Kenyan voters and ordered a fresh presidential poll within the next 60 days.

The Independent Electoral and Boundaries Commission (IEBC) has since set fresh poll for 17 October.

In his petition, Wambugu accused Maraga, also chairman of the Judicial Service Commission, of "gross misconduct" claiming he was held captive by a group of NGOs which are against President Kenyatta.

But the removal of the Chief Justice is a tall order, certainly not a walk in the park.

The office bearer can only be removed on grounds of inability to perform duties due to mental or physical health problems, breach of conduct, bankruptcy, incompetence or gross misconduct.

If the Judicial Service Commission is satisfied with the reasons for demanding the removal of the CJ, it informs the president in writing, leading to the formation of a tribunal to investigate the CJ.

On 11 August, the now-discredited IEBC declared President Uhuru Kenyatta, 55, the winner with 55 percent of the votes cast against chief opposition flagbearer Raila Odinga's 44 percent.

Odinga, 72, is a former prime minister, while Uhuru, an ex-deputy prime minister, was seeking a second term.

Odinga, citing massive irregularities, filed a petition at the Supreme Court, where six out of the seven judges, one was disposed, ruled that the election was not free and fair.

Four of the six judges supported the nullification verdict, two dissented and the majority prevailed.

Again on Wednesday, matters were further complicated when the Judiciary and the Opposition skipped and boycotted the official opening of the 12th parliament by President Kenyatta.

The Judiciary, one of the three arms of government, did not give reasons for giving the event a wide berth.

It's common knowledge that the Judiciary is not happy with recent criticism of its ruling by a section of the political class, including President Kenyatta and his deputy, William Ruto.

The absence of the Judiciary from such an important message sent a loaded message to Kenyans, a reflection of the bad blood between the executive and the Judiciary, an independent entity.

The Opposition skipped the official joint opening of the two houses of parliament, the National Assembly and Senate, saying Kenya is currently lacking a substantive president following the cancellation of the presidential poll.

At any rate, they argued that one becomes president after he or she is sworn in, for now he is a caretaker president and lacks the full presidential powers..

"Kenyatta's term ended on the 8 August election day," Odinga said. Kenyatta and his Jubilee Party argue that there is no vacuum and an incumbent president remains in charge until fresh elections are held.

Further threatening the fluid situation is the recent threat by NASA that it will boycott the fresh poll, unless IEBC officials fingered for the shambolic election, among them CEO Ezra Chiloba, are removed or sidelined.

And when IEBC chairman, Wafula Chebukati, demands that he be told why his password was used, without his consent, thousands of time to access the IEBC election management system, is thrown in, the situation gets murkier.

In a letter to the CEO, Chebukati demanded answers to the 12 questions he asked, among them, the clandestine use of his password.

Earlier, Chebukati had talked of a failed attempt to hack into the IEBC election management system - by unknown people.

And the opposition claimed that the finger prints of the murdered IEBC IT Manager Chris Msando was used to access the election management system.

Yes, dead man's fingers. The body of the late Msando and that of a young woman, believed to be a friend, were found in Kikuyu Forest, 18 km west of Nairobi a few days to the elections.

As per autopsy reports, the late Msando was strangled and parts of his body mutilated.

There were also claims of the existence of 443 'ghost' polling stations.

As Kenyatta and Odinga gear up for the 17 October fresh poll, in spite of boycott threats by the latter, the two must lead from the front, lead by example and cut the sharp rhetorics that polarize the East African country of 44 million.

They must restrain their supporters, sidekicks and handlers. There must be no room for flamethrowers.

The people worst hit by the shambolic election are ordinary Kenyans, not the two combatants, both hailing from extremely rich political families.

Kenyatta is the son of independent Kenya's first president, the Mzee Jomo Kenyatta, while Odinga is son first vice-president, the late Jaramogi Oginga Odinga.

But the IEBC must first put its house in order.

In 2007, a disputed presidential poll sparked a deadly post-election violence that left 1,300 people dead, 600,000 displaced, limbs broken and property destroyed..

Kenyans learned their lesson the hard way, nobody wants to walk that path again.

Afterall, Kenyan voters have conducted themselves extremely well ahead of, during and after the cancelled presidential election.

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