Executive Summary

A presidential election rerun will take place on 26 October following the Supreme Court’s decision earlier in September to declare the 8 August election invalid, stating the electoral commission failed to conduct the election in compliance with relevant electoral laws and the constitution.

The Independent Electoral and Boundaries Commission (IEBC) has emphasized it is in the process of implementing the Supreme Court’s directives in order to ensure the credibility of the election rerun. Nonetheless, the IEBC continues to face challenges, with various stakeholders, including political parties, the international community and the electorate, monitoring its activities.

The National Police Service has said enhanced security measures will be put in place ahead of 26 October to prevent and contain potential violent incidents during the election period. A multi-agency approach will be adopted in order to ensure timely and efficient response to incidents.

The main opposition party, the National Super Alliance (NASA), has thus far made several threats it will boycott the election if the IEBC fails to implement necessary changes to address issues that resulted in misconduct during the 8 August election. NASA is staging countrywide demonstrations twice a week to pressure the IEBC to implement reforms. Meanwhile, the ruling Jubilee party continues to stress that if the election is not held within the 60-day time period set by the Supreme Court, the country will face extensive political instability.

Clients are advised to continue normal business operations ahead of the presidential election rerun but to remain vigilant. Additional security measures should be implemented based on the security conditions discussed in this advisory.

Present political and security conditions

Kenya’s present political and security environment is characterized by continuous changes as a result of the Supreme Court’s order to rerun the 8 August presidential election. In a majority decision, the court ruled that the Independent Electoral and Boundaries Commission (IEBC) failed to comply with relevant electoral laws and the constitution during the last election. Several irregularities were identified in the transmission of the vote count, therefore, jeopardizing the integrity of the entire presidential election. The Director of Public Prosecutions has since the court ruling directed the Directorate of Criminal Investigations and the Ethics and Anti-Corruption Commission to investigate electoral officials alleged to have committed various election-related offences. Meanwhile, the IEBC announced the election rerun will be held on 26 October, with incumbent President Uhuru Kenyatta and the leader of the main opposition party, the National Super Alliance (NASA), the only two candidates to run for the Incumbent President Uhuru Kenyatta running for re-election on 26 Oct
Election Overview

General Election Advisory Note

Despite IEBC’s progress, NASA continues to criticize the commission. The party presented a list of nine requirements it said must be met by the IEBC ahead of the 26 October election rerun. These include the dismissal of top commissioners believed to have been complicit in election fraud, live coverage of vote count transmission from all 290 constituency counting centres, and ICT systems tests. Meanwhile, the ruling Jubilee party continues to assure Kenyans that the election rerun will be held within the 60-day deadline set by the Supreme Court. NASA and the IEBC are holding regular meetings to discuss ongoing developments. Nonetheless, NASA continues its civil action efforts, with countrywide demonstrations that commenced on 26 September to be held every Monday and Friday in the run up to the election. NASA supporters are protesting outside IEBC’s offices in various parts of the country to advance the party’s demands. Since the commencement of the civil action, there has been one reported fatality in addition to several injuries, material damage and traffic disruptions. Supporters of the Jubilee party also recently staged counterdemonstration in Nairobi and Embu, with these expected to continue in various parts of the country, therefore, increasing the risk of violent clashes between the opposing parties’ supporters.

Tensions have also escalated over the Jubilee party’s decision to introduce a number of amendments to electoral laws prior to the 26 October election rerun. As the Jubilee party holds the parliamentary majority, the amendments bill is anticipated to pass on 13 October. The proposed review of extant electoral legislation has been opposed by NASA, the National Council of Churches of Kenya and various civil society groups. Several members of the international community have also warned the Kenyan government that passing amendments this close to the election rerun is a mistake. Additionally, a number of foreign envoys have threatened local...
With respect to security developments, the Inspector General of Police, Joseph Boinnet, reassured Kenyans that security forces are prepared for the 26 October election rerun. A multi-agency approach will be adopted to ensure timely and efficient responses to potential incidents as well as overall enhanced security measures across the country. Additional funding for security forces to be utilized for the implementation of enhanced security measures ahead of the election rerun was also approved last week, with Ksh3.2 billion allocated to the National Intelligence Service and a further Ksh4.6 billion to the National Police Service. While thus far the police has been successful in containing the weekly NASA demonstrations throughout the country, there have been several cases of the use of excessive force, especially in Nairobi and Kisumu. Further clashes between demonstrators and the police prior to 26 October are to be expected. Additionally, despite additional security measures, isolated violent incidents in the aftermath of the election rerun are also anticipated, particularly in major urban centres.

**Security Threats**

**Political violence**

- Civil unrest, both at the county and national levels, is likely in the event of another disputed election outcome. Violence may occur with little prior warning, therefore, overwhelming security forces.  
- Any delays in the announcement of the election results may lead to unrest in respective presidential candidates’ county strongholds.  
- Isolated violent incidents may occur at voting centres should there be issues with the biometric system.  
- An underlying risk of both impromptu and organised riots remains.  
- Transportation disruptions anticipated.  
- Potential disruptions to the communications network.  
- Decreases in the emergency services’ capability likely.  
- Potential disruptions to supply chains.  
- Elevated threat of gang-related violence.  
- In the worst case scenario, inter-tribal conflicts may ensue, with businesses, civilians and tribal members perceived to be aligned to particular political parties directly targeted.

**Robbery**

- Increased incidence of violent crime, including muggings, armed robberies and carjackings, particularly in Nairobi, Mombasa and other large cities. Much of the anticipated increased criminal activity is likely to be opportunistic, with culprits exploiting decreased police presence as a result of deployments to voting and counting centres.  
- Higher crime rates in lower and middle income areas of Nairobi, Kisumu and Mombasa.  
- While it is uncommon for foreigners to be directly targeted, a number of violent crime incidents have
resulted in the death of foreign nationals in recent years.

**Inter-communal Clashes**
- Inflammatory rhetoric by a number of politicians is likely to trigger violence in the event of another disputed election outcome.
- Increasing armed incursions by herders on private farms and protected areas in Laikipia County, central Kenya. Some of the recorded incidents have been reportedly isolated and politically-motivated.
- Inflammatory rhetoric may lead to a higher incidence of cattle raids and clashes over both land disputes and pasture and water locations particularly in the North Rift, eastern and northeastern regions.

**Terrorism**
- The threat posed by militant activity remains high especially in Nairobi, coastal and northeastern regions.
- Terror attacks may target political gatherings particularly in counties along the Kenya-Somalia border.
- A high threat of attacks, including landmines and roadside IEDs, targeting security personnel patrolling voting centres and transporting election-related materials remains.
- Radio masts and towers in northeastern Kenya are prone to terror attacks.

**Violence Hotspots**

The number of counties assessed to be prone to politically-motivated violence during the 26 October election rerun has significantly reduced from the number of counties prone to violence estimated ahead of the previous election on 8 August. The focus will be exclusively on the presidency, as local electoral issues were settled on 8 August, with over 1,700 officials having been voted into office. With the devolved government, the positions of the county representatives had attracted many candidates heightening threats of possible violence. Areas which are likely to witness violence during the present election period include Nairobi, Kisumu, Migori, Mombasa, Nakuru, Siaya, Kilifi, Uasin Gishu, Homa Bay, Bungoma, Busia and Kiambu. Nonetheless, the extent of the threat will depend on the outcome of the election rerun.

In Nairobi County, most informal settlements and sections of the Central Business District are assessed to be potential violence hotspots. These include Landhies Road, Umoja, Kariobangi, Ziwani, Dandora, Kayole, Kiambiu,
Githogoro, Kibera, Mathare, Mukuru slums, Dagoretti, Ruaraka, Kawangware, Buruburu, Globe Cinema, Kangemi, Ngara, Marurui, and Korogocho. According to Nairobi Police’s Commander, Japheth Koome, the threat level in the designated areas is marginally higher compared to other areas of Nairobi.

A series of violent incidents have also been reported in various counties in western Kenya, especially in Kisumu, Siaya, Migori and Homa Bay. Most informal sectors in Kisumu County are assessed to be violence hotspots during the election period. Out of all six counties in the coastal region, Mombasa is assessed as the most prone to post-election violence, with incidents highly likely in Kisauni (all areas except Nyali), Likoni (Bomani, Ujamaa), Changamwe (Port Reitz, Magongo, Mikindani), and Mvita. Unrest is also likely to occur in Kilifi County (Malindi and Kaloleni). Additionally, criminality remains a significant security concern in the coastal region. According to the police, there are 13 organized crime groups operating in region, with six of these active in Mombasa County.

**Assessment**

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Potential presidential election rerun developments

<table>
<thead>
<tr>
<th>Event</th>
<th>Security Impact</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defeated candidate concedes</td>
<td>No major security impact</td>
<td>Proceed with normal business operations</td>
</tr>
<tr>
<td>Defeated candidate does not concede; petitions the court to contest outcome (petition must be filed within 14 days of result announcement)</td>
<td>Heightened tensions, with isolated incidents of post-election violence anticipated, especially in informal settlements</td>
<td>All non essential travel is advised against, particularly in areas assessed as prone to violence. Follow security recommendations below.</td>
</tr>
<tr>
<td>Defeated candidate neither concedes nor files a petition; likely to call for mass civil action</td>
<td>High threat environment. Heightened tensions, with notable increases in violent incidents countrywide Inter-communal clashes likely</td>
<td>All travel is advised against. In this event, Constellis will provide specific recommendations. Meanwhile, follow security recommendations below.</td>
</tr>
<tr>
<td>Election rerun does not take place within the 60-day deadline ordered by the Supreme Court</td>
<td>Heightened tensions, with notable increases in violent incidents countrywide Inter-communal clashes plausible</td>
<td>Limit essential travel. Follow security recommendations below.</td>
</tr>
</tbody>
</table>
The electoral commission is under significant pressure to ensure the conduct of the 26 October election is compliant with all relevant electoral laws and the constitution. Given the limited time granted to the IEBC to organize the election rerun, projected changes in electoral laws, continuous inflammatory rhetoric as well as various logistical challenges and ongoing weekly countrywide demonstrations by NASA supporters, it is unclear whether the IEBC will be able to meet its operational deadlines. Of particular concern is the proposed introduction of amendments to extant electoral regulations by the ruling Jubilee party. Several stakeholders have warned the government that changing regulations this close to the election rerun will prevent the IEBC from meeting its deadlines, as amendments will impact ongoing operations. This will also serve to exacerbate tensions with NASA, which is strongly opposed to the changes.

In other developments, the opposition party continues to emphasize that it will boycott the election if its demands are not met. These threats are increasing political tensions and causing insecurity across Kenya. A constitutional crisis is feared in the event of another disputed election outcome or failure to conduct the rerun within the 60 days time period ordered by the Supreme Court (the IEBC has until 1 Nov to conduct an election rerun). That being said, the Attorney General claimed a constitutional crisis is highly unlikely, as according to the constitution the incumbent president must remain in office until a new president is elected and sworn in. In this respect, no power vacuums are anticipated.

Despite extant security threats, there is no confirmed intelligence suggesting a suspension of normal business operations throughout Kenya is necessary. Nonetheless, it is advised to avoid travelling to major NASA strongholds on every Monday and Friday in the lead up to the 26 October election rerun, as violence may ensue during the party’s planned protest action. Travel may also be restricted two days prior to the election until the announcement of the election outcome and an assessment of security conditions in the aftermath of the election.

**Advised Security Measures**

**At Home**

- Ensure all family members are familiar with and know how to operate safety and security equipment, including door and window locks, perimeter lighting, alarm systems, fire extinguishers, and smoke detectors. Doors and windows should be locked at all times, with alarm systems, if in place, activated overnight and when the premises are vacant.

- Maintain situational awareness. If you know your neighbours and are familiar with your surroundings, suspicious activities will be easier to identify. Report all such activity to local law enforcement.

- Develop and rehearse a crisis response plan in the event of a fire or a security emergency. Practise using fire extinguishers and evacuation if necessary. Identify a safe place either in your home or at a friend’s/ neighbour’s house where you can hide in an emergency, locking doors and calling the police.

- Prepare non-perishable food and water supply that can last for at least three weeks. Be prepared to remain in your home for extended periods of time during civil unrest that may result in road blocks and disruptions to the supply of basic services, including electricity and water. Ensure you have sufficient medical supplies.
Keep essential documents, including passports, birth certificates and financial records, locked in a secure location, which can be accessed by all adult family members. Ensure all travel documents are valid and make arrangements to renew them, if their expiration is due in the short term.

Driving

- Save local police and hospital numbers on all mobile devices available in the family in addition to storing a record of these numbers in the glove compartment box of your vehicle. Ensure mobile phones are charged and consider carrying a charger. Kenyan police emergency numbers include 999,112 and 911.
- Limit overnight driving through areas identified as potential violence hotspots and major populated areas except in emergency cases.
- Avoid establishing a routine in your daily travel, particularly with respect to routes to and from your work place. If possible, vary arrival and departure times as well as routes so long as doing so will not entail driving in dangerous road conditions.
- Maintain good vehicle condition and ensure fuel tank is at least half full at all times.
- Keep doors locked and windows closed especially when stationary in traffic. Keep valuables out of sight both when the vehicle is being driven and when parked.
- Maintain situational awareness. Look for suspicious behaviour of pedestrians and other vehicles. Exercise vigilance when approaching gates of residential areas.
- Allow maximum possible space between your vehicle and the vehicle in front to enable room for escape if needed. If necessary, your vehicle can be used as a weapon to ram against threat actors, including other vehicles.
- If you are targeted by armed assailants, do not resist and comply with any demands without hesitation. If however, attackers attempt to move you to another location, consider resisting, as your life may be in danger.
- Identify safe locations, including police stations, hotels and hospitals, along daily travel routes. If you are being followed or harassed, drive towards a safe area and call the police. Do not drive to your home or stop and leave your vehicle.
- Driving under the influence of alcohol or prescription drugs is prohibited – use a designated driver or a reliable taxi service.

Public Places

- Maintain situational awareness. If suspicious behaviour and/or items are identified, alert the police immediately and leave the area.
- Trust your instincts. Exercise vigilance especially in and around large crowds. Gatherings may turn violent with little prior warning.
- Identify nearby exit points and safe places where you can hide if unable to escape in the event of a threat. In an emergency, alert local law enforcement as soon as possible and be prepared to provide your exact location to facilitate a rapid response.
Upon the arrival of security personnel in an emergency, keep your hands in plain sight and avoid sudden movements as well as yelling. It is advised to lie on the ground with your hands visible.

Ensure a low profile when in public areas and avoid walking alone especially overnight. Do not wear excessive jewellery and carry valuable electronic items and/or large sums of cash. Monitor your surroundings and be aware of any individuals watching you or approaching your area in a suspicious manner.

Be prepared to get inside your vehicle quickly when walking through car parks. Avoid areas where threats may be concealed. Check both the exterior and interior of your vehicle before getting in.

In the event of a robbery, comply with any demands without hesitation. If, however, assailants attempt to move you to another location, consider resisting, as your life may be in danger.

Do not leave food or drinks unattended, as they may be spiked, particularly in bars and nightclubs.

Recommendations

Client personnel are advised to avoid all political gatherings, with those on the electoral roll encouraged to cast their vote and return to their homes or go to another secure locations. Do not remain in the immediate surroundings of voting centres.

All non-essential travel to Nairobi’s CBD and other areas where the electoral commission’s offices are located countrywide is advised against during NASA’s weekly planned demonstrations.

Cross-country travel should be limited starting from 24 October up to a reassessment of the security conditions following the announcement of the election result.

Travel to Lamu, Garissa, Wajir and Mandera is advised against owing to a heightened terrorism threat.

The Olive Group Nairobi Operations Centre will remain open around-the-clock and will provide updates on emerging threats and changes in the security environment via SMS and email. The centre can be contacted on 0705 188155.
Kenya Politically-motivated Violence Hotspot Map: April—September 2017
# Heat Map Key

<table>
<thead>
<tr>
<th>Rating</th>
<th>Threat Status</th>
<th>Threat Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2</td>
<td>Negligible</td>
<td>There is little to no capability and/or intent of political violence. Hostile acts are extremely unlikely.</td>
</tr>
<tr>
<td>3-4</td>
<td>Low</td>
<td>There is some capability and/or intent political violence. Hostile acts and/or collateral damage are possible but unlikely.</td>
</tr>
<tr>
<td>5-6</td>
<td>Medium</td>
<td>There is a general capability and/or intent of political violence. Hostile acts and/or collateral damage are possible.</td>
</tr>
<tr>
<td>7-8</td>
<td>High</td>
<td>There is an identified capability and/or intent of political violence. Hostile acts and/or collateral damage are highly likely.</td>
</tr>
</tbody>
</table>

# Key Political Events

<table>
<thead>
<tr>
<th>DATE</th>
<th>EVENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>26 October</td>
<td>Presidential Election Rerun</td>
</tr>
</tbody>
</table>

**In the event of no challenges to election outcome:**

- 14 days after the announcement of the election rerun outcome: Presidential oath-taking ceremony

**If court petition challenging the election outcome is filed: Court dismisses petition**

- Within 7 days of the announcement of the election result: Appeal election result
- Within 2 days of filing the petition: Petitioner serves respondent
- Within 4 days of serving the respondent: Response to petition
- Within a day of filing the response: Interlocutory applications
- 8 days after filing the petition: Pre-trial Conference
- Immediately after pre-trial conference: Petition hearing
- Within 14 days after filing the petition: Court ruling
- Within seven days of the dismissal of the petition: Presidential oath-taking ceremony

**If court petition challenging the election outcome is filed: Court rules in favour of plaintiff**

- To be announced by the electoral commission in accordance with court directives: Presidential election
About Constellis

General Election Advisory Note

Constellis is a leading provider of risk management, protective security, crisis management and enabling support services to governments, international organisations and major corporations across the globe. We specialize in serving the energy, construction, extractives, critical infrastructure, development and national security sectors—assisting our clients in understanding risk and in conducting their operations safely and securely, no matter their location. Constellis takes pride in our strict adherence to an exacting code of ethics and rigorous focus on standards and compliance—reinforcing the pioneering role we play in fostering stability, efficiency and sustainable economic development.

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Ultimately, our commitment is to prioritize local talent and local suppliers and to develop a profound understanding of the societal, legislative and operational situation ‘on the ground’. This affords us and our clients a unique freedom of movement and enables us to create safe and secure environments in a discrete and sustainable manner.

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Constellis’ intelligence analysts and security consultants produce bespoke political and security reports, threat assessments and security risk assessments to inform decisions and to protect people and assets across Kenya and Africa.

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