

**REPUBLIC OF KENYA**

**IN THE SUPREME COURT OF KENYA AT NAIROBI**

**PRESIDENTIAL ELECTION PETITION NO. E005 OF 2022**

RAILA AMOLLO ODINGA .....1<sup>ST</sup> PETITIONER

MARTHA WANGARI KARUA.....2<sup>ND</sup> PETITIONER

**VERSUS**

INDEPENDENT ELECTORAL AND

BOUNDARIES COMMISSION.....1<sup>ST</sup> RESPONDENT

WANYONYI WAFULA CHEBUKATI.....2<sup>ND</sup> RESPONDENT

BOYA MOLU.....3<sup>RD</sup> RESPONDENT

PROF. ABDI YAKUB GULIYE.....4<sup>TH</sup> RESPONDENT

JULIANA WHONGE CHERERA.....5<sup>TH</sup> RESPONDENT

JUSTUS NYANGAYA.....6<sup>TH</sup> RESPONDENT

FRANCIS WANDERI.....7<sup>TH</sup> RESPONDENT

IRENE MASSIT.....8<sup>TH</sup> RESPONDENT

WILLIAM SAMOEI RUTO.....9<sup>TH</sup> RESPONDENT

**FURTHER AFFIDAVIT JOHN MARK GITHONGO IN SUPPORT OF THE PETITION**

**DRAWN & FILED BY:**

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**FURTHER AFFIDAVIT IN SUPPORT OF THE PETITION**

I **JOHN MARK GITHONGO**, a resident of Nairobi and of Identity Card No. **7112561** and of Post Office Box Number **23111 - 00604** Nairobi in the Republic of Kenya, do solemnly make oath and state as follows: -

1. **THAT** I am male adult of sound mind familiar with the matters arising herein and competent to swear this affidavit.
2. **THAT** I have read and understood the replying affidavits sworn by the 9<sup>th</sup> Respondent and on behalf of the 9<sup>th</sup> Respondent by Dennis Itumbi, Davis Chirchir, Eric Mulei, Raymond Kiprotich Bett and Ashif Kasim.
3. **THAT** it is not true that the Petitioner has falsified logs. The logs annexed to my affidavit dated 21<sup>st</sup> August 2022 are the **exact logs** that were given to me by the young man referred to in my affidavit therein and therefore the logs did not originate from myself or the petitioner,



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but from the aforesaid young man. One cannot falsify something that has been availed to them by someone else.

4. **THAT** I have come to learn that the logs furnished to me by the young man were meant to be a DEMO on how the IEBC Server can be accessed and manipulated by external unauthorized parties. The same are screen grabs commonly known as screenshots and are not actual logs and the Affidavit of Benson Wesonga dated 21<sup>st</sup> August 2022 clearly indicates that the said logs are screen shots/screen grabs and not actual logs.
5. **THAT** be as it may, I have looked at the actual logs annexed to the replying affidavit sworn by Justus Nyangaya, the 6<sup>th</sup> Respondent herein and the logs clearly corroborate the information given to me by the young man, whose details will be given on Camera if called upon to do so. — 10
6. **THAT** I have been furnished with the actual logs and forwarded them to our Information Technology Expert, Benson Wesonga who has studied the same and generated a brief analysis on the same. *(the digital logs and the analysis are contained in Benson's Wesonga's Affidavit dated 28<sup>th</sup> August 2022).*
7. **THAT** I reiterate and stand by all the contents of my affidavit dated 21<sup>st</sup> August 2022 save for the clarification that the logs inadvertently produced therein were screenshots to be used as as a demonstration and not the actual logs.
8. **THAT** as per paragraph 92, 93 and 94 of the Petition, the contents of my affidavit dated 21<sup>st</sup> August 2022 are **further** evidence of alteration of forms 34A which the 9<sup>th</sup> Respondent has completely ignored and/or failed to respond to. — 20



9. THAT what is deponed to herein is true to the best of my knowledge where so stated, information and belief.

**SWORN BY THE SAID**

**JOHN MARK GITHONGO**

At Nairobi this 28<sup>th</sup> day of August 2022

**BEFORE ME**



*[Signature]*

**COMMISSIONER FOR OATHS**

) *[Signature]*

) Deponent

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