

Statement on the Threats Issued Against the Kenyan Judiciary following the Decision of the Supreme Court to annul the Presidential elections

The Commonwealth Legal Education Association (CLEA), the Commonwealth Lawyers Association (CLA) and the Commonwealth Magistrates' and Judges' Association (CMJA) are extremely concerned by reports attributed in the media to His Excellency President Uhuru Kenyatta and senior members of his party in relation to the Judiciary following the decision of the Supreme Court to annul the Presidential elections on 1 September 2017

By virtue of its membership of the Commonwealth, Kenya is committed to the shared fundamental values and principles of the Commonwealth, at the core of which is a shared belief in, and adherence to, democratic principles including respect for the authority of an independent and impartial judiciary and *"the individual's inalienable right to participate by means of free and democratic political processes in framing the society in which he or she lives"* (Harare Declaration 1991).

The Commonwealth (Latimer House) Principles on the Accountability of and the Relationship between the Three Branches of Government (2003) state: *"Each Commonwealth Country's Parliaments, Executives and Judiciaries are the guarantors of their respective spheres of the rule of law, the protection of fundamental human rights and the entrenchment of good governance based on the highest standards of honesty, probity and accountability...Judges are accountable to the Constitution and to the law which they must apply honestly, independently and with integrity."* The Commonwealth Charter reaffirms both the political rights and a citizen's rights to an independent judiciary.

The principles of judicial accountability and independence underpin public confidence in the judicial system and the importance of the judiciary as one of the three pillars upon which a responsible government relies. Any public threats or measures taken against the judiciary or individual judges which erode the authority and independence of the judiciary, are a matter of extremely grave concern.

The CLA, the CLEA and the CMJA urge all those involved in leadership roles to respect the independence of the judiciary in accordance with the Constitution of Kenya and by Kenya's obligations as a member of the Commonwealth and to desist from undermining the authority of the judiciary and the courts whose decisions are binding on all persons and organs of the state.

**Commonwealth Legal Education Association (CLEA), Commonwealth Lawyers Association (CLA)
Commonwealth Magistrates' and Judges' Association (CMJA)**

11 September 2017

NOTE TO EDITORS:

The **Commonwealth Lawyers Association** is an international non-profit organisation which exists to promote and maintain the rule of law throughout the Commonwealth by ensuring that an independent and efficient legal profession, with the highest standards of ethics and integrity, serves the people of the Commonwealth.
www.commonwealthlawyers.com

The **Commonwealth Legal Education Association** is an international non-profit organisation which fosters and promotes high standards of legal education in the Commonwealth. Founded in 1971, it is a Commonwealth-wide body with regional Chapters and Committees in South Asia, Southern Africa, West Africa, the Caribbean and the UK.
www.clea-web.com

The **Commonwealth Magistrates' and Judges' Association** is a not for profit organisation, registered in the UK, whose aims are to promote judicial independence, advance education in the law, the administration of justice the treatment of offenders and the prevention of crime in the Commonwealth. It brings together judicial officers of all ranks from all parts of Commonwealth and provides a forum for the promotion of the highest judicial standards at all levels. www.cmja.org