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STATEMENT BY THE EAST AFRICA LAW SOCIETY ON INDEPENDENCE OF THE JUDICIARY AND DETERIORATION OF RULE OF LAW IN KENYA.

12TH JANUARY 2024.

In recent weeks, we have witnessed an escalation of attacks on Kenya's judiciary through utterances by various leaders including the President of the Republic of Kenya, H.E. Dr. William Ruto. These concerning utterances erode confidence in the judiciary as well as its independence and paint as evil those who legally use courts to challenge government excesses.

The East Africa Law Society is deeply concerned about these persistent attacks which also violate the principle of separation of powers as enshrined in Kenya's Constitution as well as in various international instruments including the United Nations Basic Principles on the Independence of the Judiciary, the Bangalore Principles of Judicial Conduct, the Universal Declaration of Human Rights, the African Charter and the Commonwealth (Latimer House) Principles of the three Arms of Government.

We join the Law Society of Kenya, the Judicial Service Commission and the Kenyan people in condemning the attacks and urge government officials to refrain from interfering with judicial independence by engaging in needless confrontations. It is our position that the rule of law is essential for the progress and prosperity of any constitutional democracy, Kenya included. Where grievances are raised against any official in the judicial system, we urge that the same be addressed fairly, procedurally and within existing legal frameworks.

In solidarity with our sister Bar, the Law Society of Kenya, we urge all our members from Kenya to participate in the peaceful protests organised by the Society. We shall as a Regional Bar continue to champion and defend the rule of law, human rights, good governance, accountability and independence of the judiciary in Kenya and across the East African region.

HON. JUSTICE DR. FAUZ TWAIB
PRESIDENT - EAST AFRICA LAW SOCIETY

Note to Editors:

The East Africa Law Society, is the umbrella Regional Bar Association of respective national law societies in East Africa (the Law Society of Kenya, Tanganyika Law Society, Uganda Law Society, Zanzibar Law Society, Rwanda Bar Association, Burundi Bar Association and the South Sudan Bar Association) together with their individual members. It is among the apex bodies of the East African Community and has Observer Status officially conferred upon it by the East African Community and the African Commission on Human and People's Rights. Established in 1995, EALS has contributed immensely to the development of EAC through strategic litigation and advocacy, building capacity of lawyers and assisting cross-border traders in dealing with bottlenecks at border points.

East Africa Community is the union of the Republics of Kenya, Uganda, Tanzania, Rwanda, Burundi, South Sudan, Democratic Republic of Congo and Somalia. It has its headquarters in Arusha, and aims at achieving a common Customs Union, Common Market, Common Monetary Union and Political Confederation.

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