



Independent Medico-Legal Unit
A Just World Free From Torture



JOINT PRESS STATEMENT

On the 15th March 2012, the East African Court of Justice (EACJ) Appellate Division passed its first-ever judgment on a substantive matter, in the case of **The Attorney General of Kenya vs. Independent Medico-Legal Unit, Appeal No. 1 of 2011.**

This Appeal came as a result of a case filed by the **Independent Medico-Legal Unit vs. the Attorney General of the Republic of Kenya, Reference No. 3 of 2010.** The Kenyan Section of the International Commission of Jurists (ICJ-Kenya) was on record as *Amicus Curie*. The Case concerned the failure of the Kenyan Government to take legal or administrative action against human rights violations perpetrated by the Kenyan Army against the residents of Mount Elgon District in an operation called *Okoa Maisha* that targeted a militia group in the area.

The Kenyan Government appealed against the First Instance Division's finding that it had jurisdiction to hear the case and that the matter was not time barred. Article 30(2) of the EAC Treaty provides that proceedings before the EACJ may only be instituted within two months of the alleged violation. The Appellate Division ruled in favour of the Government of Kenya, in essence reversing the Decision of the First Instance Division on the question of computation of time and matters relating to rule of law, human rights and good governance.

The implications of this decision to the general public, in our view, shuts out potential litigant from viewing the court as an option for seeking justice on matters relating to human rights, rule of law, and good governance within the East African Region.

We will be critically reviewing the substance of the Court's reasoning and shall revert with our full analysis which we hope will aid our advocacy on human rights issues within the East African Region.

This case was significant as it was the first substantive ruling of the Appellate Division on whether the EACJ could adjudicate on issues that touched on allegations of human rights violations.