

## STATEMENT ON THE PRESIDENT’S UTTERANCES CONCERNING THE JUDICIARY AND INDIVIDUALS SUSPECTED OF CORRUPTION.

5<sup>TH</sup> SEPTEMBER 2023

As a commission of Jurists, our attention has been drawn to the recent utterances by the Head of State, His. Excellency Dr. William Samoei Ruto concerning the Judiciary and individuals suspected of corruption.

In his inaugural address, we noted and observed that the President made unwavering commitments to uphold the rule of law and ensure that court decisions are respected and obeyed. In particular, he demonstrated this commitment by swiftly appointing the six judges to the Court of Appeal and the High Court. He also bolstered the allocation to the Judiciary by an impressive Kshs 4 billion, promising to increase the Judiciary’s annual budget by Kshs 3 billion annually.

However, we have recently noted with great concern the shift in the narrative of the Executive when the courts issued conservatory orders related to implementing the Finance Act. In response, the President publicly criticized the Judiciary, accusing it of obstructing the Executive’s development agenda. This critique served as a catalyst, prompting Kenya Kwanza legislators to launch blistering attacks on social media against the Chief Justice and the entire Judiciary.

More recently, His. Excellency President William Ruto pivoted his anti-corruption campaign toward the Judiciary, warning certain Judicial officers he accused, without specifying names, of being complicit in a broader corruption network. This stance contrasts sharply with his prior pardon of an individual facing serious corruption charges, potentially undermining the Nation’s anti-corruption efforts.

As Jurists, we opine that these fluctuating and mixed reactions toward the Judiciary pose a significant threat to the rule of law and undermine the principles of separation of powers. It creates an atmosphere of uncertainty and inconsistency, potentially eroding public trust in the legal system. As a body of Jurists, we implore the President to maintain respect for the independence of the Judiciary, which is essential for the Executive and legislature to ensure consistency in adherence to court decisions and address any concerns through proper appeals channels and mechanisms such as the Judicial Service Commission.

Further, we observe the aggressive and dangerous approach towards the fight against corruption by resorting to threats against suspects and pressuring litigants to withdraw cases from the courts to combat corruption. The President recently issued a stark ultimatum to what he called “corrupt individuals,” giving them three choices: ***leave the country, face imprisonment, or embark on a metaphorical journey to heaven.*** This warning was initially pronounced on Sunday, 27 August 2023, and despite drawing criticism, the President reiterated it on Wednesday, 30 August 2023.

As a body of Jurists, we opine that this shift in approach, from emphasizing due process to issuing threats and ultimatums, has raised concerns about preserving the rule of law and the integrity of the Judicial system. It is imperative to balance combating corruption effectively and upholding the principles of justice and fairness, ensuring that individuals accused of wrongdoing are afforded their rights and treated within the bounds of the law.

In conclusion, as a collective of jurists, we are acutely aware of the arduous journey that has brought us to our present state of governance. We are a Nation that has strived to consciously embrace the rule of law, prioritizing it over other authoritarian modes of governance. As an embodiment of unity, the Presidency bears a profound responsibility, and its occupant should refrain from making statements that could foment discord or undermine the rule of law in Kenya.

Signed,



Protas Saende

Chairman

ICJ Kenya

## About ICJ Kenya.

The Kenyan Section of the International Commission of Jurists (ICJ Kenya) is a non-governmental, non-profit, and member-based organization. Established in 1959, ICJ Kenya is a premier Human Rights organization whose Vision is to promote a just, free, and equitable society.<sup>1</sup>

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