

PRESS RELEASE

KENYA: 2017 Presidential election petition: AFRICA JUDGES AND JURISTS FORUM & INTERNATIONAL COMMISSION OF JURISTS TRIAL OBSERVATION MISSION TO KENYA

Geneva-Nairobi, August 23, 2017 – A high-level international mission has arrived in Kenya to observe the proceedings during the presidential election petition in Kenya. The Africa Judges and Jurists Forum (AJJF) in partnership with the International Commission of Jurists (ICJ Geneva) has sent a mission of eminent jurists to observe the proceedings during the presidential petition.

The Trial Observation Mission, (TOM) is a mission of the ICJ, undertaken in collaboration with the AJJF, to look generally at matters related to the independence of the judiciary and the role of the Supreme Court in the adjudication of the presidential electoral dispute following the 2017 elections. The mission will be more than just a trial (petition) observation but will look at broader socio-political environment in the run up to the petition. The mission will be hosted by the Kenyan Chapter of the International Commission of Jurists (ICJ Kenya).

The mission will be headed by the **immediate Former Chief Justice of the Republic of Zambia Justice Earnest Sakala**. Other members of the delegation are Retired Justice Moses Chinhengo of Zimbabwe, Justice Key Oagile Dingake from Botswana, human rights lawyers Martin Masiga from Uganda and Brian Penduka from Zimbabwe, to observe and monitor the presidential petition trial in relation to the observance of African human rights standards through court processes. The eminent jurists will also review the socio political climate in the country prior to the petition and will attend all the hearings of the presidential petition.

The trial observation will include bilateral meetings before commencement of the trial, with the President of the Supreme Court and the Chief Justice of the Republic of Kenya Justice David Maraga, the petitioners NASA presidential candidate Raila Amolo Odinga and his running mate Kalonzo Musyoka and the respondents Jubilee presidential candidate Uhuru Kenyatta and his running mate William Ruto and the Independent Electoral and Boundaries Commission (IEBC). The purposes of the meetings is to introduce the trial observation process to the parties and make them aware of the process and its modalities. This action alone will make the Judiciary, the parties to this electoral dispute and the public at large, aware that they are under scrutiny in order to encourage adherence to human rights standards and the rule of law in the entire process.

At the end of the trial observation, the Observers will develop a comprehensive report on the whole process with an aim to contribute to a more professional, independent, impartial and accountable judiciary; a more independent legal profession; and, a better adherence to the rule of law and separation of powers and international law and standards concerning the resolution of electoral disputes.

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Kind regards,

