



PRESS RELEASE

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The Conference of Constitutional Jurisdictions of Africa (CCJA) and the South African Judiciary, are deeply concerned about the remarks reportedly made by His Excellency President Uhuru Kenyatta about Chief Justice Maraga and other colleagues in the Kenyan Judiciary. They were evidently triggered by the Supreme Court's annulment of his re-election.

His Excellency the President is reported to have said that Kenya has a "problem" with its Judiciary that must be fixed, asked "who even elected you", and said "six people have decided that they will go against the will of the people". He allegedly went so far as to label the Chief Justice and his colleagues as "wakora" or "crooks".

These widely televised and publicized remarks are most unfortunate, ill-advised and disturbing because of their potentially inciteful nature coming from the Head of State. This is especially so when made in an electoral atmosphere that was not completely free of extreme tension and fairly serious incidents of violence. They could be intimidating but could also expose the Kenyan Judiciary to danger. They inadvertently project Judges as enemies of the will of the people who must be "fixed".

The African Union encouraged the establishment of the CCJA so that it could contribute to the realisation of the continental dream of ensuring that all elections are peaceful, free and fair, and that constitutionalism, human rights, the rule of law and judicial independence are promoted and observed. We hereby express our unwavering support to the Chief Justice and the Kenyan Judiciary for their commitment to uphold their oath of

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office which requires of them to act in terms of the Constitution and the law and without fear, favour and prejudice.

We celebrate their ethical conduct, unquestionable commitment to judicial independence and urge them never to betray their obligation to ensure that Kenya continues to function as a constitutional as opposed to a presidential democracy. They have discharged their constitutional mandate in the most exemplary way and should not only be commended but also emulated.

Mogoeng Mogoeng

Chief Justice of the Republic of South Africa

President of the Conference of Constitutional Jurisdictions of Africa