



## **Statement Following the withdrawal of Security for the Chief Justice of Kenya**

The Commonwealth Lawyers Association notes with alarm a communication on 23<sup>rd</sup> January 2025 from the Chief Justice of Kenya, Deputy Chief Justice of Kenya, Chair of the Judicial Security Committee of Kenya and the Chief Registrar of the Judiciary of Kenya. In this communication grave concern is expressed about the withdrawal of security from the Chief Justice of Kenya, Justice Martha K. Koome.

The Chief Justice and her judicial colleagues rightly point out that the withdrawal of security *“undermines judicial independence, threatens institutional independence, and endangers democratic progress”*

Kenya is a member of the Commonwealth and among the fundamental values of commonwealth members are the Commonwealth (Latimer House) Principles on the Three Branches of Government. The Latimer House Principles state at Principle 4:

*“An independent, impartial, honest, and competent judiciary is integral to upholding the rule of law, engendering public confidence and dispensing justice...”*

*Adequate resources should be provided for the judicial system to operate effectively without any undue constraints which may hamper the independence sought;*

*Interaction, if any, between the executive and the judiciary should not compromise judicial independence.”*

The CLA agrees with the Chief Justice of Kenya that the provision of security is a necessity to ensure that the Judiciary can function autonomously and without fear and protects judicial officers from any threats which could impair the administration of justice, or which could affect their impartiality or independence.

The CLA notes that the Constitution of Kenya states in Article 2:

*“This Constitution is the supreme law of the Republic and binds all persons and all State organs at both levels of government.*

*The general rules of international law shall form part of the law of Kenya.”*

Article 160 states:

*“In the exercise of judicial authority, the Judiciary, ... shall be subject only to this Constitution and the law and shall not be subject to the control or direction of any person or authority.”*

The United Nations has promulgated Basic Principles on the Independence of the Judiciary which state:

*1. The independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of the country. It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary.*

*2. The judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason.*

*4. There shall not be any inappropriate or unwarranted interference with the judicial process.*

*7. It is the duty of each Member State to provide adequate resources to enable the judiciary to properly perform its functions.*

**Noting the Constitution of Kenya and the UN Principles, and noting further the Latimer House Principles the CLA:**

- Strongly condemns the removal of security from the Chief Justice Koome and
- joins with her and her colleagues in calling for the immediate restoration of the Chief Justice's security detail.

The CLA supports the call urging the public and civil society to be vigilant in upholding the independence of the judiciary and further calls upon the government of Kenya:

- to uphold the Constitution,
- to adhere to the international obligations of Kenya regarding the security and independence of the Judiciary and
- to strengthen and not weaken the rule of law in Kenya which is the safeguard for the rights and freedoms of the Kenya people.

**The CLA stands in solidarity with the courageous stand taken by the Chief Justice of Kenya in upholding and defending the rule of law.**

**Commonwealth Lawyers Association (CLA)**

**23<sup>rd</sup> January 2025**

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