

## ADVOCATES FOR TRANSFORMATION NATIONAL CONDEMNS PRESIDENT KENYATTA'S STATEMENT



The AFT, an organisation committed to the Rule of law and the independence of the judiciary; is a non-racial, non-sexist voluntary association of advocates committed to the transformation of the advocates profession and the judiciary in the Republic of South Africa; is quite disturbed by what has been reported widely in the media as the reaction of the President of Kenya, His Honourable President Uhuru Kenyatta. In a live media address to his nation---and captured by world-wide media---he said that he disagreed with, but respected, the recent decision of the highest Court in his land, the Kenyan Supreme Court. The decision annulled the outcome of the Presidential election in which he had been elected President. The Court had been persuaded, in a hotly contested Court battle argued by lawyers for the petitioners, principal of whom was Kenyatta's rival, Mr Odinga, and lawyers for the several respondents, of which President Kenyatta was the first Respondent, that there had been glaring irregularities in the way in which the IEBC had conducted the election.

President Kenyatta was well within his rights to disagree with the ruling of the highest Court in his land. He was also Presidential in stating that he nonetheless "respected" the decision.

What however has made that expression of "respect" sound hollow were his very next words, in which he stated that it was unacceptable to him that SIX people [referring to the judges obviously] should purport to go against the wishes of the millions who voted for him.

That qualification of his "respect" for the Rule of Law is what concerns us. It showed there and then that even as he said he respected the ruling, he in fact had no respect for it. In saying what he was saying---let alone his body language---clearly demonstrated that he was cynical in his expression of "respect" for the ruling---and the Rule of Law.

Referring to judges of the highest Court in his land as "6 people" undermined everything he had said up to that point.

His so called "respect" for the decision immediately sounded as hollow as it was disingenuous. It borders on the inflammatory, given the volatility that marked not only these Presidential elections, but also the previous ones, years ago, that saw him arraigned before the ICC on crimes against humanity, a case that was aborted, more because there were no witnesses available to go to the Hague to testify against him.

It is unacceptable that a Head of State should NOT be leading by example, and say what he means, and mean what he says.

President Kenyatta has NOT shown any respect for the decision in the way he expressed himself, and has left the legal fraternity world-wide exceptionally concerned that the Number one citizen should undermine the Rule of Law even as he pretends to signify that he seeks to uphold it.

This cynical attitude towards the tenets of the Rule of Law at a time when lives have been lost in the last few weeks, can only heighten the tensions between rival groups supporting him on the one hand, and Mr Odinga on the other.

Regrettably, those who will suffer in all this will be the ordinary people who will interpret his forked tongued expression of respect as an incitement to disregard the Court Ruling, thereby setting a scene for further deadly conflict between his supporters and those of Mr Odinga, the very reason he ended with charges of crimes against humanity the last time around.

The AFT calls upon all conscientious people who respect the Rule of law to join the AFT in condemning this President's puerile, yet deadly behaviour, in the strongest possible terms. It must be made clear to him that his utterances have put the lives of those six JUDGES---not six people---at risk, and he needs to apologise unreservedly to the judges, and to all those of us who are genuinely respecters of the Rule of Law. Further, the statement itself naively seeks to intimidate the judges, and to dissuade them from making rulings without fear, favour or prejudice. **A**

- AFT Media statement of 5 September 2017