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RESS RELEASE

EMINATED AFRICAN JURISTS TO OBSERVE THE PRESIDENTIAL ELECTION PETITION IN KENYA

The Africa Judges and Jurists Forum has commissioned a High-Level Panel of African Jurists to observe the 2022 Presidential Election Petition in Kenya. The Mission is to monitor the respect for the right to fair hearing in compliance with regional and international human rights standards in the process of determining the petition.

Trial Observation Mission is headed by the Rtd Chief Justice of the Republic of Tanzania, Hon. Justice Mohammed Chande Othman, a member of the Judicial Elders' Council (JEC) of AJJF.

Justice Boissie Henry Mbha, the immediate past President/Chairperson of the Electoral Court of South Africa who part of the team, is expected to bring his vast experience in election dispute resolution from South Africa to bear on the election observation process.

Hon. Lady Justice Lillian Tibatemwa-Ekirikubinza of the Supreme Court of Uganda; and Hon. Lady Justice Ivy Kamanga from the Supreme Court of Appeal of Malawi are a boon to the Mission. They both have considerable wealth of experience in determining electoral dispute resolutions, including the handling of presidential election petitions. Both judges have been involved in the provision of judicial training on electoral dispute resolution in the region. Justice Tibatemwa has also authored a number of materials on contemporary electoral jurisprudence in Africa. Justice Moses Chinhengo of the Court of Appeal of Lesotho, has a wealth of judicial experience spanning a number of countries in the region including Zimbabwe, Lesotho and Namibia; and helped to draft the 2010 Constitution of Zimbabwe. He has previously been involved in the monitoring of the 2013 and 2017, presidential election petitions in Kenya.

The eminent jurists will attend all Supreme Court hearings, monitor and document the presidential election petition based on International human rights standards of fair trial standards, analyse the role and independence of the Judiciary in examining the electoral disputes and review the socio-political climate in the run-up to the Petition. At the end of the trial observation, the observers will

develop a comprehensive report aiming at contributing to a more professional, independent, impartial, and accountable Judiciary, a more independent legal profession, and better adherence to the rule of law and international legal standards concerning the resolution of electoral disputes.

The Observation Mission will include bilateral meetings before the hearings with the Parties to the Petition, including the Independent Electoral and Boundaries Commission (IEBC), the Office of the Director of Public Prosecution (ODPP) and the Attorney General. The meetings aim to introduce the eminent jurists to the stakeholders of the Petition and make them aware of the process and its modalities. The Eminent African jurists will also meet with the Law Society of Kenya, the Council of the Kenyan Chapter of the International Commission of Jurists and the retired Chief Justices of Kenya.

The Africa Judges and Jurists Forum (AJJF), is a pan African network of judges and jurists who are committed to promoting the rule of law and development in Africa. It accomplishes this goal by providing legal expertise to governments, inter-governmental organizations, donor agencies, private sector and civil society organizations. The forum works to enhance rule of law, good governance and economic growth through standards setting, judicial and legal reform support & rule of law related to capacity development initiatives for the effective realization of the benefits of democratization to Africa peoples. The AJJF is registered under South African law and it draws its membership from all the geographic regions recognized by the African Union.

For more information, on behalf of the Africa Judges and Jurists Forum (AJJF), please contact: okumu-masiga@africanjurists.org