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PRESS STATEMENT

Judge Koome should recuse herself from BBI judgement appeal

Muslims for Human Rights (MUHURI) strongly express its apprehension on the lightning speed of vetting and approval of Lady Justice Martha Koome by the National Assembly for the post of Chief Justice (CJ).

The holder of the CJ office must be beyond reproach. The Judge has a cloud of ethical and integrity questions still hovering over her head, yet the Judicial Service Commission (JSC) recommended her. Unless these issues are fully and satisfactorily resolved, the public trust and legitimacy of Judge Koome will drastically be dented.

There is a court action seeking to compel the JSC to make public the “marking scheme” and scores of each candidate for the position of CJ. Curiously, JSC flatly refused to disclose any information, despite a petition to that effect.

The hurried convening of a special session by the National Assembly to approve Judge Koome as the CJ is highly suspect. MUHURI urges Kenyans to be very wary and alert.

This approval process is being done hurriedly when the Attorney General (AG), Paul Kihara, is desperately trying to appeal the BBI judgment by the Constitutional Court. Kihara is doing so knowing very well he is a state officer barred by the Constitution from initiating and promoting any constitutional amendment—and the Constitutional Court has affirmed this fact.

It must not be forgotten that the AG filed an appeal at High Court to stay the BBI judgement. However, he quickly withdrew it hours after the Court had certified it urgent and set the hearing on May 26.

This hurried and suspicious approval and the subsequent appointment of Justice Koome to be the CJ is not mutually exclusive to the actions of the AG. A CJ has the mandate to empanel the Court of Appeal bench to hear the BBI judgement appeal.
Therefore, the recent events by the AG and the National Assembly—the former appealing the BBI judgment and the latter’s fast vetting of Judge Koome for the post of CJ—are linked to the BBI.

The only honourable thing for Judge Koome to do is to recuse herself from any matter relating to the BBI judgement.

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Chairman of the Board of Directors