

**CIVIL SOCIETY RESPONSE TO JUDICIARY PRESS STATEMENT OF 25<sup>TH</sup> MARCH 2022.**

We, the undersigned organizations, are concerned that Kenya is slowly sliding down a dangerous path where the Executive increasingly engages in illegalities and defies the rule of law. In light of this, we publicly decried the swearing-in of Chief Administrative Secretaries (CAS) against a litany of cases filed in court to challenge the proposed office of CAS.

We have read the statement by the Judiciary issued on the 25th March 2023 stating that it did not facilitate the swearing-in of the 50 illegal CAS at Statehouse, Nairobi and is never engaged in swearing in the Executive save for the Presidency. We appreciate this clarification. **In light of the clarification, we retract our statement regarding a top Judiciary official facilitating the swearing-in of CAS on 23<sup>rd</sup> March 2023 and apologize unreservedly for that error.**

We wish to clarify and draw the attention of the Judiciary to the fact that our initial statement was issued by 14 civil society organisations rather than an individual or one institution as highlighted by the Judiciary statement.

Since we issued our joint statement, many Kenyans celebrated the two conservatory orders issued on 24th March 2023 by the Judiciary against the actions of this government, the first in a long time. The Judiciary stopped, through interim orders, the 50 CAS from assuming or continuing in office or from earning any remuneration, benefit, or salary in the interim. The Judiciary also upheld media freedom by suspending the Communication Authority of Kenya's censure of the six TV stations for factual reporting on the recent demonstrations through conservatory orders. However, we reiterate that the Judiciary had many opportunities to stop the swearing-in of the CASs by issuing conservatory orders but delayed causing Kenyans injustice.

Given how the Executive has numerous times refused to adhere to the rule of law, the Judiciary remains Kenyans' anchor and must remain independent, firm and true. It must always act above suspicion by fiercely upholding the rule of the law and the Constitution.

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Signed this 25th Day of March 2023 in Nairobi by:

1. Inuka Ni Sisi Ltd
2. Transparency International Kenya
3. The Institute for Social Accountability
4. Constitution and Reform Education Consortium
5. Siasa Place
6. Inform Action
7. Muslims for Human Rights
8. Haki Yetu Organisation
9. CSO Network
10. Kenya Human Rights Commission
11. Midrift Human Rights Network
12. Defenders Coalition

13. Centre for Enhancing Democracy and Good Governance
14. Mazingira Institute
15. Community Advocacy and Awareness Trust
16. Tribeless Youth
17. Mambo Leo Information and Justice Centre