

26<sup>TH</sup> JANUARY 2017

REMARKS OF THE PRESIDENT OF THE LAW SOCIETY OF KENYA

AT THE UNVEILING OF THE CJ'S BLUEPRINT TO KENYANS

PROTOCOLS

It gives me great pleasure to be present today to witness the launch by the Chief Justice of Kenya of his Blueprint to Kenyans.

The invitation to the Law Society of Kenya to this event and my presence and participation here today is an affirmation of the active partnership between the bar and the bench on the administration of justice. It is an important partnership borne first from the common and professional DNA members of the bench and the bar share: we are lawyers and we have all commenced our professional careers with the statement of the same oath to protect the rule of law and the administration of justice.

It is a partnership that sees the regular exchange of respective members between the two careers. The Law Society of Kenya is the inevitable pool from which is drawn new magistrates and judges and remains the natural home for the honourable members of the bench who wish to return to the bar upon completion of the tours of duty.

It is a partnership that frequently sees combinations of members of the bench and of the bar work together in various fora towards improvements in the administration of justice: on the judicial service commission, on court-users committees, on bar-bench committees and on committees for the development of bench books to give a few examples.

The strengthening of this partnership is crucial. It enhances the professional experience both on the bench and at the bar and encourages us to aspire to the highest standards. It enables us to remain true to our common oath. It is a catalyst for the entrenchment of the rule of law and the strengthening of democratic freedom within our society. It is for all these reasons that I am confident that this partnership will feature in the plans the Chief Justice will shortly be unveiling.

Just this week I was privileged to witness the launch by the Chief Justice of a Report commissioned by the National Council on the Administration of Justice of the Audit of the Criminal Justice System in Kenya. The report is a comprehensive study of the Criminal Justice System and a trove of invaluable empirical data that has never been compiled in this way before. The report notes with concern the insufficiency of oversight by various independent offices and makes particular reference to the Independent Policing Oversight Authority as one such independent office whose supervisory function is critical for the improvement of the National Police Service.

This is why I must sound a warning with regard to the proposed amendments to the Independent Policing Oversight Authority Act contained in the Statute Law (Miscellaneous Amendments) Bill, 2016 now being considered by the National Assembly. The amendments give the National Police Service the power and absolute discretion to invoke privilege to decline the production of documents including

ministerial directives that may be unlawful, operational orders for actions that may violate the constitution, arms movement registers that may reveal the misuse of firearms. The passage of the amendments will undermine the ability of IPOA to hold the police accountable and runs contrary to the recommendations made by the audit report of the National Commission on the Administration of Justice. Such a development is not encouraging especially in an election year with its unique challenges.

I shall conclude my remarks with a commendation to the honourable chief justice on the launch of his Blueprint and on the progress made in the first 100 days of the Maraga Courts. The Law Society of Kenya remains committed to our mandate to advance the rule of law and the administration of justice and our continued support for the independence of the judiciary.