

Half of Kenya's judges are corrupt
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An investigation by Kenya's judiciary has found that almost half of the country's judges and close to a third of its magistrates are corrupt, the judge leading the investigation said on Tuesday.

At least 23 out of Kenya's 53 Appeals Court and High Court judges, and 82 out of its more than 200 magistrates take bribes, lawyers and other members of the public nationwide told investigators either in closed-door hearings or in writing, said High Court Judge Aaron Ringera.

"We are, metaphorically speaking, presenting to you a dragon. It is bound to snort, kick and jump and even attack, for corruption always fight back," Ringera told Chief Justice Evans Gicheru as he presented his report. "You have no option but to hold it by the horns and slay it."

Gicheru answered: "This is a battle we're going to fight without looking backward. We are going to mount this beast and wrestle it to the ground."

Bribes were paid in proportion to the gravity of a criminal case or the value being contested in a civil case, and judges of the Appeals Court and High Court received higher bribes than magistrates irrespective of the nature of the cases they were handling, said Ringera.

Under Kenya's Constitution, Gicheru will have to ask President Mwai Kibaki to appoint a tribunal for each of the 23 judges to further investigate them and then recommend the action to be taken against the judges.

As for magistrates, the Constitution gives the powers of hiring or firing to the judicial service commission, which Gicheru chairs.

Soon after Kibaki appointed him chief justice on March 4, Gicheru set up the three-member committee chaired by Ringera to help reform the judiciary, which a five-member panel of judges and lawyers from Canada, South Africa, Tanzania and Uganda said in May 2002 needed "a short, sharp, shock ... to detour" it from a path of corruption.

Gicheru's predecessor, Bernard Chunga, disputed the report wondering how the panel of experts could have reached their conclusions based on a week's work.

Chunga resigned from office in February when Kibaki appointed a tribunal to investigate him over allegations he participated in political repression in the 1980s and 1990s while he was deputy public prosecutor under former President Daniel arap Moi, who ruled Kenya for 24 years until he had to step down constitutionally in December 2002.

Since Gicheru became chief justice, more than 10 magistrates have either been removed for corruption or incompetence, or resigned, and more than 50 court clerks and other judicial staff have been fired for corruption. -- Sapa-AP