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The Chairperson  
Judicial Service Commission  
C/o the Registrar of the High Court  
Nairobi, Kenya

13<sup>th</sup> May 2011

Dear Sir/Madam,

**RE: CONGRATULATIONS ON THE NOMINATION OF CHIEF JUSTICE  
AND DEPUTY CHIEF JUSTICE**

We are writing to commend you on your nomination of Dr. Willy Mutunga to the position of Chief Justice of Kenya. We also support the nomination of Nancy Baraza to Deputy Chief Justice.

With this step, you have made a great contribution to creating the preconditions for a sustainable end to the corruption which has marred Kenya's judiciary for so long. Your decision will also be of fundamental significance in the process of faithful implementation of the new constitution.

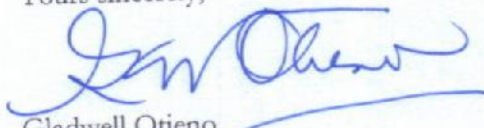
We congratulate you on conducting a process which was open, transparent and innovative. While there may be complaints that the rigours of the process might have alienated some who were qualified, but shied away from the feared attendant exposure and possible indignity, we feel that strong measures are necessary to break away from Kenya's common practice of cronyism and secrecy in the granting of such posts. The process is also salutary in that, in its openness and rigour, it was diametrically opposed to the unfortunate recent attempt to nominate heads of the judicial institutions. You have presented Kenyans with an object lesson in the level of scrutiny that those who present themselves for public office must be prepared to undergo. We hope that your example will be instructive as we move forward to fill key posts created by the new constitution while adhering to its spirit.

Given the sometimes ignominious past of Kenya's judiciary as documented in many reports, we feel that the nomination of people who could be considered inexperienced in the judiciary sends the right signals. Dr. Mutunga is no outsider to the struggle for constitutionalism and political reform, as Ms. Baraza is no stranger to the struggle for gender equality and reform. There are many examples of people who were considered

inexperienced for the posts they applied to who have done an excellent job; Chief Justice Warren of the US Supreme Court is one such example. Indeed, one Senator Barack Obama was often criticised as being too inexperienced for the post of President of the United States of America. We believe this courageous nomination opens the door to real chances of a badly needed fresh start for the Kenyan judiciary and will hopefully provide new impetus to the long struggle against impunity and bad governance in Kenya.

We congratulate the nominees and assure them of all our support in their work.

Yours sincerely,



Gladwell Otieno  
Executive Director

Cc: Ms. Nancy Baraza  
Vice-Chairperson  
Kenya Law Reform Commission  
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Executive Director  
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The Editor  
Daily Nation

The Editor  
The Standard group

The Editor  
The Star

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