



April 17, 2008

The Honourable Maxime Bernier, P.C., M.P.
Minister of Foreign Affairs
125 Sussex Drive
Ottawa, ON K1A 0G2

[Translation]

Dear Minister:

Re: Rule of Law and Post-Election Crisis in Kenya

On behalf of the Canadian Bar Association, I am writing to express our support for the Canadian Government's assistance to Kenya in restoring democracy and the rule of law in that country. We share the Government's deep concern regarding the irregularities in the December 2007 Kenya elections and subsequent unrest and violence. Kenya remains unstable, despite the recent power-sharing agreement among its political leaders. The CBA urges the Government to continue to work with the international community to ensure that there is lasting peace and stability for Kenyans. The root causes of the violence must be explored, and those who have committed human rights violations in the aftermath of the election brought to justice.

As lawyers and as Canadians, we believe that the well-being of a nation's people depends on its respect for the rule of law and fundamental human rights. Accordingly, the CBA passed a resolution at its recent Council meeting, urging the Canadian government to "call upon the political leaders of Kenya to work expeditiously for a peaceful resolution to the election dispute," and "to support the work of lawyers in Kenya and of the Law Society of Kenya in their efforts to protect the rights of individuals who have been affected in the post-election crisis in Kenya." This resolution is attached. Our International Development Committee, together with the invaluable support from CIDA, is working with the legal profession in Kenya to support the rule of law and democratic governance.

We call upon the Canadian government to continue its concerted efforts towards a stable and peaceful Kenya governed by law. The CBA is prepared to assist the government in achieving this goal.

Yours truly,

(original signed by Bernard Amyot)

Bernard Amyot

cc. The Right Honourable Stephen Harper, P.C., M.P., Prime Minister
The Honourable Beverley Oda, P.C., M.P., Minister of International Cooperation
Erick Okongo O'Mogeni, Chair, Law Society of Kenya

Rule of Law and the Post-Election Crisis in Kenya

WHEREAS the Canadian Bar Association works with the legal profession in Kenya to support the rule of law and to protect human rights;

WHEREAS the results of the December 2007 general elections in Kenya have been disputed due to serious irregularities;

WHEREAS since the announcement of the election results the Government of Kenya has imposed restrictions on the basic freedoms and fundamental rights of the citizens of Kenya and there have been ongoing incidents of political and civil unrest in Kenya, many of them violent;

WHEREAS the Canadian Bar Association has been informed of the serious attacks on the rule of law and restrictions on the fundamental rights of Kenyan citizens;

BE IT RESOLVED THAT the Canadian Bar Association state its support for the citizens of Kenya and for the legal profession of Kenya who strive for democracy, equality and social progress through adherence to the rule of law and participation in the democratic process, and urge the Government of Canada:

La primauté du droit et la crise suivant les élections au Kenya

ATTENDU QUE l'Association du Barreau canadien travaille en concert avec les membres de la profession juridique au Kenya dans le but d'y promouvoir la primauté du droit et le respect des droits de la personne;

ATTENDU QUE les résultats des élections générales au Kenya en décembre 2007 ont été contestés en raison d'irrégularités importantes;

ATTENDU QUE depuis l'annonce des résultats des élections, le gouvernement du Kenya a imposé des restrictions aux libertés et aux droits fondamentaux des citoyens et citoyennes du Kenya et il y a continuellement des incidents liés à l'agitation politique et civile, dont plusieurs de nature violente;

ATTENDU QUE l'Association du Barreau canadien a été informée des atteintes sérieuses à la primauté du droit et des restrictions aux droits fondamentaux des citoyens et citoyennes du Kenya;

QU'IL SOIT RÉSOLU QUE L'Association du Barreau canadien exprime son appui à tous les citoyens et citoyennes du Kenya et aux membres de la profession juridique au Kenya qui luttent en faveur de la démocratie, de l'égalité et du progrès social, par le moyen de l'adhésion à la primauté du droit et la participation au

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processus démocratique et elle exhorte le gouvernement du Canada à :

1. to call upon the political leaders of Kenya to work expeditiously for a peaceful resolution to the election dispute, to appeal to the citizens of Kenya for calm, and to respect the rule of law and the fundamental rights of all Kenyan citizens; and
2. to support the work of lawyers in Kenya and of the Law Society of Kenya in their efforts to protect the rights of individuals who have been affected in the post-election crisis in Kenya.

1. demander aux dirigeants politiques du Kenya de travailler afin d'obtenir, le plus tôt possible, une résolution pacifique du différend relatif aux élections, d'appeler les citoyens et citoyennes du Kenya au calme, et de respecter le principe de la primauté du droit et les droits fondamentaux des citoyens et citoyennes du Kenya; et
2. appuyer le travail des juristes au Kenya et du Barreau du Kenya dans leurs efforts de protection des droits des personnes touchées par la crise à la suite des élections au Kenya.

Certified true copy of a resolution carried by the Council of the Canadian Bar Association at the Mid-Winter Meeting held in Yellowknife, NT, February 23-24, 2008.

Copie certifiée d'une résolution adoptée par le Conseil de l'Association du Barreau canadien, lors de l'Assemblée de la mi-hiver, à Yellowknife (T.N.-O.), du 23 au 24 février 2008.

**John D.V. Hoyles
Executive Director/Directeur exécutif**