

PRESS STATEMENT BY CIVIL SOCIETY ORGANISATIONS ON THE JUDGMENT IN PETITION NO. E317 OF 2025 (PRESIDENTIAL ADVISORS CASE)

NAIROBI, 26 January 2026: We, Civil Society Organisations, welcome the judgment delivered in *Petition No. E317 of 2025*, in which the High Court ruled that the establishment of presidential advisors' offices and their appointments lacked a constitutional or statutory basis, bypassing the Public Service Commission's mandate.

The decision upholds core constitutional principles, reaffirming that executive authority under **Article 131** of the Constitution must be exercised with transparency, accountability, merit-based recruitment, fiscal responsibility, and meaningful public participation. It also condemns the improper use of public funds, without the necessary legal and institutional oversight. We call upon the State and all relevant authorities to comply fully and promptly with the Court's decision and the orders issued therein. Compliance with court decisions is non-negotiable in a constitutional democracy, and failure to do so undermines the rule of law and public trust. We also warn against appealing the decision, as such an act would cost millions of shillings in taxpayers' money through the State's defence—money that we are fighting to save after the positions and offices were declared unconstitutional.

We note, with deep concern, the recent reactions by some presidential advisors, including social media threats and direct attacks on the judiciary's independence, following this progressive ruling. Such conduct imperils judicial autonomy, erodes constitutionalism, and threatens citizens' rights. We urge all parties to cease these assaults and reaffirm their commitment to an independent judiciary.

Signed

Defenders Coalition, Haki Yetu Organisation, Kenya Human Rights Commission (KHRC), Kenyan Section of the International Commission of Jurists (ICJ Kenya), Transparency International Kenya