

Is Impeachment a Political or Judicial Process?

News:

Members of parliament in Kenya have started the process of removing the country's deputy president from office. Those who back the effort accuse Rigathi Gachagua of having a role in June's anti-government demonstrations - which turned deadly - as well as an involvement in corruption, undermining government and promoting ethnically divisive politics. The deputy president has dismissed the allegations.

Comment:

A total of 291 members of parliament signed the motion – far exceeding the one-third threshold required to bring it to a vote. The impeachment drive was initiated by Mwengi Mutuse, an MP from Ruto's own coalition. The Deputy President is accused of accumulating wealth estimated at 5.2 billion shillings (€35.96 million) within two years, despite an annual salary of just €83,520. He faces 11 grounds for impeachment, including allegations he contradicted Ruto in public and likened the government to a company, suggesting those who voted for the coalition had first claim on public sector jobs and development projects. The Deputy claims to have been sidelined by Ruto in recent months and rejects allegations that he was behind violent anti-government protests several months ago.

Political sideshows will never cease under the cunning political framework of Democracy. As in another political twist, Makeni Senator Dan Maanzo has filed a censure motion against President William Ruto at the Senate to discuss the conduct of the Head of State. The lawmaker has accused the President of failing to protect Kenyans for police killings, abductions, torture and enforced disappearances. Political leaders sacrifice for political, economic, and social interest to be secured via regional and tribal bargaining powers which serve as tools for political gains and achievements.

Based on secular creed which believes in separation of religion from politics. No Government in modern world has an ethical way of running it nor politician not being so prone corruption, abuse of power and opportunism. The so-called checks and balances in Democracies are solely designed for elite capture of the ruling apparatus. Since Democracy emanates from the secularism, the ruler is therefore not restrained from tyranny by fearing God or divine accountability. With this fundamental aspect of accountability missing i.e. consciousness of Allah (taqwa) the leader in a democratic system is prone to tyranny if he isn't restrained by the mechanisms of government.

In contrary to Islamic Ruling System, where the Khalifah (Caliph) enjoys zero immunity from the Islamic Shara' and can be summoned by a court of law if any of his actions, personal or governmental, are seen to be suspect. It is worth pointing out the Khalifah is not a saint but a human being who is prone to mistakes. This is why such detailed accountability mechanisms exist within the Islamic ruling system. Although the Caliph is not a holy man, he must be Muslim and 'adl (just) and cannot be a fasiq (transgressor).

Furthermore, under the Khilafah, the Ummah is compelled to view accounting the ruler not only as their right but as their noble duty, failing which they will be sinful. This means all elements of the state work towards achieving Islamic objectives not material objectives nor political mileage.

Written for the Central Media Office of Hizb ut Tahrir by

Shabani Mwalimu

Media Representative of Hizb ut Tahrir in Kenya