



**Okoiti v Speaker of the National Assembly & 3 others; Article 19 Eastern Africa
(Interested Party) (Constitutional Petition 454 of 2019) [2023] KEHC 26883 (KLR)
(Constitutional and Human Rights) (15 December 2023) (Directions)**

Neutral citation: [2023] KEHC 26883 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CONSTITUTIONAL AND HUMAN RIGHTS
CONSTITUTIONAL PETITION 454 OF 2019
AC MRIMA, J
DECEMBER 15, 2023**

BETWEEN

OKIYA OMTATAH OKOITI PETITIONER

AND

THE SPEAKER OF THE NATIONAL ASSEMBLY 1ST RESPONDENT

THE SPEAKER OF THE SENATE 2ND RESPONDENT

THE HON. ATTORNEY GENERAL 3RD RESPONDENT

**THE CABINET SECRETARY,MINISTRY OF
INFORMATION,COMMUNICATION AND TECHNOLOGY 4TH
RESPONDENT**

AND

ARTICLE 19 EASTERN AFRICA INTERESTED PARTY

DIRECTIONS

1. In the course writing the judgment in this matter, my attention was drawn to a submission by the 1st Respondent herein that the issues raised in the instant Petition were so raised, and probably determined, in several other Petitions.
2. The Petitions include Constitutional Petition No. 277 of 2019 *Wanjiru Gikonyo v National Assembly & Others*, Constitutional Petition No. 284 of 2019 *The Senate v The National Assembly & Others*) and Constitutional Petition No. 363 of 2019 *The Council of Governors v The National Assembly & Others*.



3. In the spirit of upholding the legal doctrines of sub-judice and res judicata, it is imperative that the related Petitions be availed before Court to enable the Court determine the best way forward in this matter which may include calling upon the parties herein to address the Court on whether the instant Petition is either sub-judice and/or res judicata.
4. To that end, the following orders do hereby issue: -
 - a. Constitutional Petition No. 277 of 2019 *Wanjiru Gikonyo v National Assembly & Others*, Constitutional Petition No. 284 of 2019 *The Senate v The National Assembly & Others* and Constitutional Petition No. 363 of 2019 *The Council of Governors v The National Assembly & Others* be availed before the Presiding Judge of the Division.
 - b. The Presiding Judge of the Division shall, on consideration of the said Petitions, issue directions on the way forward including whether there is need for parties to address the issue of whether the instant Petition is either sub-judice and/or res judicata.

Orders accordingly.

DELIVERED, DATED AND SIGNED AT KITALE THIS 15TH DAY OF DECEMBER, 2023.

A. C. MRIMA

JUDGE

Orders issued Virtually in presence of:

Miss Kavala learned Counsel for the Petitioner

