REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

JUDICIAL REVIEW NO. 5 OF 2021

REPUBLIC.....APPLICANT

-VERSUS-

NON-GOVERNMENTAL ORGANISATIONS

CO-ORDINATIONS BOARD.....RESPONDENT

EX-PARTE: INTERNALLY DISPLACED

PERSONS SUPPORT INITIATIVE (IDIPIS)

STEPHEN MBOGWA MUTHAMA

AND

JOAKIM MWANGI KARURI.....1ST INTERESTED PARTY

JOHN KINGORI MWANIKI.....2ND INTERESTED PARTY

ALICE CHEROBON MUTAI.....3RD INTERESTED PARTY

JOSEPH OTIENO ODARO.....4TH INTERESTED PARTY

YOHANA OSONGO OCHARO.....5TH INTERESTED PARTY

VERONICA JEROBON ONDIEKI.....6TH INTERESTED PARTY

STEPHEN MUIRURI KARIUKI.....7TH INTERESTED PARTY

EUNICE CHEMELI.....8TH INTERESTED PARTY

JOSEPH GATHAMBA MAINA.....9TH INTERESTED PARTY

GEORGE MURIMI GATHIMA.....10TH INTERESTED PARTY

JUDGMENT

1. After duly obtaining the leave of the Court, the *ex-parte* Applicants (hereinafter "the Applicants") brought the instant Judicial Review proceedings *vide* a Notice of Motion Application dated 22/03/2021. The Application seeks the following orders:

> *1. THAT an order of Certiorari do issue removing to the High Court for purposes of quashing and to quash the Non-Governmental Organisations Co-ordinations Board's notification of Change of Officials of Internally Displaced Persons Support Initiative (IDIPIS) contained in a letter dated 16th November 2020*
>
> *2. THAT an order of prohibition be issued prohibiting the Non-Governmental Organizations Co-ordinations Board from effecting*

any changes of officials of Internally Displaced Persons Support Initiative (IDIPIS) unless and until otherwise advised by the bonafide officials of Internally Displaced Persons Support Initiative (IDIPIS) and Joakim Mwangi Karuri, John Kingori Mwaniki, Alice Cherobon Mutai, Joseph Otieno Odaro Yohana Osongo Ocharo , Veronica Jerobon Ondieki, Stephen Muiruri Kariuki, Eunice Chemeli, Joseph Gathamba Maina and George Murimi Gathima, the 2nd to the 11th Respondents from acting as officials of Internally Displaced Persons Support Initiative (IDIPIS)

3. THAT an order of Mandamus do issue compelling the Non-Governmental Organisations Co-ordination Board to reinstate the status of the records of Internally Displaced Persons Support Initiative (IDIPIS) as they were before the changes reflected in the 1st Respondent's letter dated 16th November 2020.

4. THAT the Respondent and the Interested Parties do pay the ex-parte Applicant's costs of this application.

2. The facts of the Applicants' case are contained in the Statutory Statement and Verifying Affidavit of Stephen Mbogwa Muthama, the 2nd Applicant herein dated 08/02/2021. He deposes that the 1st Applicant was registered on 30/01/2013 with himself, Everline Musuya Wanjala and Esther Wanjiru Kamaa as Chairperson, Secretary and Treasurer, respectively.

3. The 2nd Applicant states that on or about 27/03/2017, the 1st Applicant filed *Nakuru High Court Petition No. 11 of 2017: Internally Displaced Persons Support Initiative (IDIPIS) v The Principal Secretary, Ministry of Devolution and Planning, the Principal Secretary, Ministry of Interior and Co-ordination of National Government and the Honourable Attorney General* on behalf of the Internally Displaced Persons.

4. Mr. Muthama also states that sometime in 2019, a group of persons claiming to be Internally Displaced Persons led by Joakim Mwangi Karuri, the 2nd Interested Party herein began a well-orchestrated move to illegally take over the management of the 1st Applicant and thereby Nakuru Petition 11 of 2017.

5. According to the 2nd Applicant, these group of persons gave notice of a meeting of the 1st applicant to be held on 10/02/2019 but purportedly held a meeting on 22/03/2019 and elected Joakim Karuri Mwangi, John Kingori Mwaniki and Teresia Muiruri as Chairman, Secretary and Treasurer respectively, of the 1st Applicant and George Gathima Chui, Veronica Ondieki, Yohana Ocharo, Joseph Maina as Committee (Board) Members and Jospeh Otieno as CEO of the 1st Applicant despite never having been members of the 1st Applicant.

6. Mr. Muthama states further that this group of persons also hatched a plan to take over the conduct of Nakuru High Court Petition No. 11 of 2017. He depones that at the purported meeting held on 20/04/2019, the said group of persons resolved to appoint Joakim Mwangi Karuri as the 1st Applicant's Chairman in place of the 2nd Applicant, appoint the said Joakim Mwangi Karuri to represent IDPS in Nakuru High Court Petition No. 11 of 2017 and to have the said Joakim Mwangi Karuri engage another advocate to represent the interests of the IDPS in Nakuru High Court Petition No. 11 of 2017 in place of the advocates on record for the 1st Applicant.

7. Subsequently, and pursuant to the said resolutions, the 2nd Applicant depones that the said Joakim Mwangi Karuri and John Mwangi purported to file a Notice of Intention to Act in Person in Nakuru High Court Petition 11 of 2017 and attached a list of persons who are said to have attended the said meeting held on 22/03/2019 and who according to the 2nd Applicant, were not members of the 1st Applicant. These persons also purported to change the Constitution of the 1st Applicant.

8. He deposes further that on on 19/07/2019, the said group of persons also purported to appoint Njoki Muchiri & Company Advocates to act for the 1st Applicant in Nakuru High Court Petition 11 of 2017 and in the circumstances of the contested representation, the Court directed that the 1st Respondent file in Court a document evidencing the bona fide officials of the 1st Applicant.

9. The 2nd Applicant depones that by letters dated 07/08/2019, 29/07/2018 and 19/02/2020, the 1st Respondent confirmed that Stephen Mbogwa Muthama, Everline Musuya Wanjala and Esther Wanjiru Kamaa were the Chairperson, Secretary and Treasurer, respectively of the 1st Applicant. On 11/10/2019, the Applicants' advocates were served with minutes purporting to be those of the 1st Applicant, of a meeting purportedly held on 15/01/2017.

10. He depones that on 30/01/2020, the firm of Njoki Muchiri & Company Advocates filed an application in ***Nakuru High Court Petition No. 11 of 2017*** seeking stay of intended action based on certification supplied by the Respondent, which was dismissed. Again on 12/02/2020 when the 1st Applicant's advocates wrote to the Respondent informing it of the filing of a Notice of Change of officials, the Respondent confirmed that Stephen Mbogwa Muthama, Everline Musuya Wanjala and Esther Wanjiru Kamaa were the Chairperson, Secretary and Treasurer respectively of the 1st Applicant

11. The 2nd Applicant also says that on 2nd March 2020, he filed an annual report of the 1st Applicant for the year 2019 but subsequently the aforesaid group of persons filed a notification of change of officials which change was confirmed by the Respondent *vide* its letter dated 16/11/2020.

12. He contends that after this illegal change of officials, the said group purported to instruct the firm of Shaban & Company Advocates to act for the 1st Applicant in ***Nakuru High Court Petition 11 of 2017*** which firm purported to file a Notice of Change of Advocates on 27/11/2020.

13. The 2nd Applicant refutes that there has ever been any meeting of the 1st Applicant at which elections were held and new officials elected and that the persons who have been purportedly elected as officials of the 1st Applicant have never been members of the 1st Applicant. He

accuses the Respondent of effecting changes to the officials of the 1st Applicant without giving the Applicants any hearing and contends that the Respondent's actions are therefore illegal, null and void and have completely stalled the operations of the 1st Applicant and the hearing and determination of ***Petition 11 of 2017***.

14. The Application is opposed through the Affidavit of John Kingori Mwaniki dated 30/04/2021, sworn on behalf of the Interested Parties. He confirms the date and objectives of registration of the 1st Applicant. He deposes that the objectives of filing ***Petition 11 of 2017*** was to seek compensation for IDPs who have not been compensated. According to him, the initiative has over 60,000 members and the actions of the 2nd Applicant is what necessitated the members to stand up against him after allegations of criminal actions arose. He refers to ***Criminal Case No 2877 of 2019*** which he says is still pending before Eldoret Chief Magistrates Court.

15. According to Mr. Mwaniki, since the charges were preferred against the 2nd Applicant, a fallout ensued between him and the members which led to lack of communication between him -the 2nd Interested Party and the current advocates on record in the Petition since according to the said Advocate, all communication was done through the chair. The members of the initiative feeling dissatisfied with the communication reached a decision to exercise their right by electing new leaders to defend them and to forge forward for their best interests.

16. Mr. Mwaniki contends that it was the Initiative's view that the 2nd Applicant should first clear his name since the members having lost faith in him elected a new set of leaders to lead them, more particularly in the conduct of ***Petition 11 of 2017***.

17. Although he admits that they held elections in August 2019, he says the same was not effected when presented to the Respondent. He deposes that another election was subsequently held on 02/08/2020 in compliance with the Initiative's Constitution and that the Former Vice Chairperson Lucy notified Mr. Muthama of the elections *vide* his telephone number.

18. He says that after the elections were done, they presented the new list of officials to the Respondent for changes, which were done in accordance with Article 3.1 and 3.3 of the 1st Applicant's Constitution. According to him, the change of officials was in full compliance with the procedures laid down by the Respondent.

19. He denies that it is the duty of the Respondent to reconcile parties and that even prior to his removal, the 2nd Applicant had shown lack of interest in representing the rights of the Initiative since he had already been compensated. He refers to a letter dated 11/12/2020 from the Respondent authorizing the new officials to open a new Bank account for the 1st Applicant.

20. He depones that due to a rocky relationship with the advocates representing the 1st Applicant, the new officials decided *vide* a resolution made on 24/11/2020 to appoint another law firm. He insists that the Interested Parties are member of the 1st Applicant and that they shall be greatly prejudiced should the Court grant the orders sought and that the same will derail the conclusion of Petition 11 of 2017.

21. The Respondent also opposed the Application through the Affidavit dated 26/04/2021 sworn by Mercy Cherutoh Soy, the Respondent's Legal Officer. She refers to the 2nd Applicant as "the Former Chairman of the 1st Applicant who was relieved of his duties at the Extra-Ordinary General Meeting held on 02/08/2020 by the members for being dysfunctional and unable to carry out his duties due to his unbecoming conduct that has tainted the image of the organization".

22. Ms. Soy depones that at the application for registration, the 1st Applicant presented a list of members, minutes of their first meeting dated 09/09/20 as well as its Constitution, which provides that the members have the Highest level of governance and a well as the procedure for removal of members.

23. According to the Respondent, the challenges facing the 1st Applicant were centred on leadership whereby the members and Board Members indicated that the chairperson could not avail himself for any meetings or take up his role as the chairperson. Thus, she states, the Respondent scrutinized the documents presented and satisfied itself that the bona fide member of the 1st Applicant had resolved to remove the Chairperson by invoking the provisions of their Constitution, which required a two thirds majority.

24. It is Ms. Soy's deposition that the Respondent has since recognized the newly elected Board Members of the 1st Applicant and has written to the it to take note of the new office bearers to facilitate the operations of the 1st Applicant.

25. Ms. Soy maintains that the Respondent considered the documents presented to it and its role as a regulator and acted in a just and fair manner and that under the Fair Administrative Actions Act, the Respondent cannot neglect and/ or refuse to accommodate valid grievances and concerns from members.

26. Ms. Soy avers that the Regulator's mandate includes recognition, regulation and facilitation and coordination of the activities of Non-Governmental Organisations and the Respondent acted swiftly to enable the new Board Members continue the Organisation's operations and ensure programs were running smoothly and therefore acted with rationality and with due regard to the law and principles of the Constitution. She denies that the Respondent acted in bad faith and deems the present application an abuse of the Court process.

27. The application was canvassed by way of written submissions. The Applicants' submissions are dated 18/09/2021.

28. The Applicants submit that the process which led to the change of the 1st Applicant's officials ought to be interrogated. First, because there was no Notice of General Meeting as required under Article 4:7 of the 1st Applicant's Constitution. Secondly, because according to the Applicant, the persons who attended the meeting were not bona fide members of the 1st Applicant. The Applicants maintain that the persons who were purportedly elected as officials at that meeting were not in the list of initial members of the 1st Applicant and are therefore not

members of the 1st Applicant.

29. The Applicants submit that the Respondent did not act as it ought to and cite the case of ***Pastoli v Kabale District Local Government Council and Others [2008] 2 EA 300***. They submit that the Respondent did not act rationally and with procedural propriety and contravened Section 7 of the Non -Governmental Organizations Co-ordination Act.

30. The Applicants also cite the case of ***Republic v National Employment Authority & 3 Others Ex-parte Middle East Consultancy Services Limited [2018] eKLR*** and urge that the Court exercise its discretion in their favour. They also pray for costs of the Application.

31. The Respondent's submissions are dated 26/10/2021. The Respondent maintains that it acted in good faith and was guided by Article 47 of the Constitution. It argues that given the 2nd Applicant's conduct, it was only purposeful for the Respondent to exhaust any other available avenues to salvage the 1st Applicant and its beneficiaries.

32. The Respondent submits that it merely invoked the 1st Applicant's Constitution and the NGOs Act in effecting the change of officials.

33. It is also the Respondent's submission that the Applicants are hoodwinking the Court into deciding a membership driven process and further by failing to disclose to the Court the circumstances that led to the Respondent's participation in the change of officials. The Respondent relies on the case of ***Republic v Judicial Service Commission Ex-Parte Pareno [2004] eKLR***

34. The Respondent argues that Judicial Review applications are only meant to determine whether the decision makers had the jurisdiction, whether the persons affected by the decision were heard before it was made and whether in making the decision the decision maker considered relevant matters or did consider irrelevant matters.

35. It is also the Respondent's submission that the Applicants have failed to disclose the Respondent's impartial role and the factors necessitating the Respondent's mandate as a regulator. It cites the case of ***Owners of the Motor Vessel "Lillian S" v Caltex Oil (Kenya) Ltd [1989] eKLR*** to the effect that an E*x-parte* Applicant has the obligation to make the fullest disclosure to Court. The Respondent prays that the application be dismissed.

36. The Interested Parties' submissions are dated 06/10/2021. It is submitted for the Interested Parties that the Applicants have not met the ground for grant of Judicial Review orders. They submit that the purpose of Judicial Review is as set out in the case of ***Municipal Council of Mombasa v Republic & another [2002] eKLR*** while the circumstances under which orders of Judicial Review can be issued are as set out in ***Pastoli vs Kabale District Local Government Council And Others (2008) 2 EA 300.*** They also cite the case of ***Kenya National Examination Council v Republic Ex Parte Geoffrey Gathenji Njoroge & 9 others [1997] eKLR.*** They contend that the changes being challenged by the 2nd Applicant did not emanate from the meeting held in 2019, but the Extra Ordinary meeting held in 2020. They also contend that the minutes relied upon by the Respondent in effecting the changes are those dated 21/08/2020 and not the 2019 minutes. They argue that their appointment was given life vide the Board Resolution dated 24/11/2020 and that the Respondent acted justly.

37. Lastly, the Interested Parties submit that as per the 1st Applicant's Constitution, the Applicant was to hold elections every 3 years but had failed to do so and the 2nd Applicant's tenure had expired yet the 2nd Applicant continued to run the affairs of the 1st Applicant.

38. From the foregoing, the single issue for determination is whether the Applicants have met the threshold for the grant of the Judicial Review remedies sought.

39. The Applicants seek the three Judicial Review Remedies i.e. *Certiorari, Prohibition and Mandamus*. The case of ***Kenya National Examination Council Vs Republic Ex parte Geoffrey Gathenji Njoroge & Others CA 266/1996 [1997] eKLR*** cited by both the Applicants and the Interested Parties elaborates when the three remedies may be granted as follows:

> *Prohibition looks to the future so that if a tribunal were to announce in advance that it would consider itself not bound by the rules of natural justice the High Court would be obliged to prohibit it from acting contrary to the rules of natural justice. However, where a decision has been made, whether in excess or lack of jurisdiction or whether in violation of the rules of natural justice, an order of prohibition would not be efficacious against the decision so made. Prohibition cannot quash a decision which has already been made; it can only prevent the making of a contemplated decision…Prohibition is an order from the High Court directed to an inferior tribunal or body which forbids that tribunal or body to continue proceedings therein in excess of its jurisdiction or in contravention of the laws of the land. It lies, not only for excess of jurisdiction or absence of it but also for a departure from the rules of natural justice. It does not, however, lie to correct the course, practice or procedure of an inferior tribunal, or a wrong decision on the merits of the proceedings…The order of mandamus is of a most extensive remedial nature, and is, in form, a command issuing from the High Court of Justice, directed to any person, corporation or inferior tribunal, requiring him or them to do some particular thing therein specified which appertains to his or their office and is in the nature of a public duty. Its purpose is to remedy the defects of justice and accordingly it will issue, to the end that justice may be done, in all cases where there is a specific legal right or no specific legal remedy for enforcing that right; and it may issue in cases where, although there is an alternative legal remedy, yet that mode of redress is less convenient, beneficial and effectual. The order must command no more than the party against whom the application is legally bound to perform. Where a general duty is imposed, a mandamus cannot require it to be done at once. Where a statute, which imposes a duty, leaves discretion as to the mode of performing the duty in the hands of the party on whom the obligation is laid, a mandamus cannot command the duty in question to be carried out in a specific way… These principles mean that an order of mandamus compels the performance of a public duty which is imposed on a person or body of persons by a statute and where that person or body of persons has failed to perform the duty to the detriment of a party who has a legal right to expect the duty to be performed. An order of mandamus compels the performance of a duty imposed by statute where the person or body on whom the duty is imposed fails or refuses to perform the same but if the complaint is that the duty has been wrongfully performed i.e. that the duty has not been performed according to the law, then mandamus is wrong remedy to apply for because, like an order of prohibition, an order of mandamus cannot quash what has already been done…Only an order of*

certiorari can quash a decision already made and an order of certiorari will issue if the decision is without jurisdiction or in excess of jurisdiction, or where the rules of natural justice are not complied with or for such like reasons. In the present appeal the respondents did not apply for an order of certiorari and that is all the court wants to say on that aspect of the matter.

40. The upshot from the above decision is that an order of *Certiorari* is issued for past action, an order of *Prohibition* is ordered for some contemplated or future action while an order of *Mandamus* is applied to compel an action by a public body.

41. The Applicants insist that the change of officials effected by the Respondent and communicated in the Respondent's letter dated 16/11/2020 was illegal, null and void for two reasons:

a. First, the Applicants argue that the meeting where the purported elections of new elections was done was called in contravention of the 1st Applicant's Constitution. In particular, the Applicants say that the purported meeting was in contravention of Article XIX of the 1st Applicant's Constitution.

b. Second, the Applicants contend that the persons who attended and allegedly voted at the meeting held on 2nd August, 2020 were not bona fide members of the 1st Applicant.

42. The Applicants argue that the Respondent was expected to have acted in accordance with the powers and authority donated to it by section 7 of the Non-Governmental Organizations Coordination Act and had she done that by utilizing those powers rationally and with due procedural propriety, the Respondent would have rejected the application by the Interested Parties for the change of names.

43. In response, the Interested Parties maintain that they are bona fide members, and that the election/ replacement of new officials was done procedurally.

44. The specific issue for determination is whether the Respondent acted irrationally in effecting the changes as advised by the Interested Parties. The Respondents insists that it did; and that it acted in good faith and as per the law. The Respondent argues that in effecting the changes it paid attention to the 1st Applicant's Constitution on file with it. That Constitution, the Respondent argues, provides for incorporation and admission of new members under Article IV. Further, the Respondent reasons, under Article 3.3., the 1st Applicant is structured in such a way that it has members who inform the AGM and the Board of directors whose powers are donated by the general members. The Respondent says that the bona fide membership of the 1st Applicant is the register of members annexed to the 1st Interested Party's affidavit and not the list of founding Board of Directors in Form 3 on file with the Respondent.

45. The Respondent's interpretation of the 1st Applicant's Constitution and its appraisal of the facts *might* be wrong. But it is purely within its province to so interpret and appraise the facts. The only kind of error of interpretation and appraisal of facts which would properly trigger the Judicial Review jurisdiction of this Court is one which amounts to manifest error amounting to irrationality or *Wednesbury* unreasonableness. A Judicial Review Court will not substitute its own appraisal of the law and assessment of facts for that of a competent statutory body or agency clothed with authority to act in a particular field. Differently put, for one to succeed in Judicial Review in such a case, the challenge to the impugned factual assessment by the statutory body can only be on the basis that the factual conclusion was *Wednesbury* unreasonable. Or, as a UK Court has stated it, the case must be one in which "the issues to be decided required a measure of professional knowledge or experience and the exercise of discretion pursuant to wider policy aims." ***Bryan v United Kingdom (1996) 21 EHRR 342***.

46. In this case, there are intensely contested issues of facts and appraisal of the 1st Applicant's Constitution followed by the Respondent's assessment of both which informed its decision. For the Court to fault the Respondent for doing so, it would have to reach the conclusion that the factual findings and legal interpretation are so manifestly erroneous that they are Wednesbury unreasonable. That is the only permissible scope of judicial review of an administrative agency's appraisal of the law and findings of facts.

47. This is what the Court of Appeal had in mind when it warned against in ***OJSC Power Machines Limited, TransCentury Limited, and Civicon Limited (Consortium) v Public Procurement Administrative Review Board Kenya & 2 others [2017] eKLR*** that:

Save for a limited scope, which we shall return to later, the court, considering a judicial review application, must never consider its role as appellate court and must avoid any temptation to go into the substance of the impugned decision itself or to ask questions, whether there was or there was no sufficient evidence to support the decision of the public body concerned. It is not for the court or individual judges to substitute their opinion for that of the public body constituted by law to decide the matter in question.

48. What then is the purpose of Judicial Review proceedings? Still in the case of ***OJSC Power Machines Limited (supra)*** the Court of Appeal answered this as follows:

That the purpose of judicial review is to ensure that a party receives fair treatment in the hands of public bodies; that it is the purpose of judicial review to ensure that the public body, after according fair treatment to a party, reaches on a matter which it is authorized by law to decide for itself, a conclusion which is correct in the eyes of the court in a judicial review proceedings. Put another way, judicial review is concerned with the decision making process, not with the merits of the decision itself. In that regard, the court will concern itself with such issues as to whether the public body in making the decision being challenged had the jurisdiction, whether the persons affected by the decision were heard before the decision was made and whether in making the decision, the public body took into account irrelevant matters or did not take into account relevant matters.

49. In the present case, the Respondent's role was to receive the notification of change of officials and determine if, in its opinion, the change was done in accordance with the 1st Applicant's Constitution. The Respondent took the view that it did. That view is *not* so manifestly erroneous as to be termed *Wednesbury* unreasonable. Consequently, it denies this Court the "jurisdictional fact" needed to review the

decision of the Respondent.

50. Additionally, it is clear from the record that the leadership of the 1st Applicant as constituted before the changes communicated on 16/11/2020 was already in contravention of its Constitution. In particular, by the 2nd Applicant's own admission, no elections had been conducted and no Annual General Meeting had been held since the founding of the organization despite the 1st Applicant's Constitution requiring that the same be carried out. In ***Otieno & Another v Council of Legal Education (Civil Appeal 38 of 2018) [2021] KECA 349 (KLR) (17 December 2021) (Judgment)*** the Court, despite finding that the impugned Legal Education (Accreditation and Quality Assurance) Regulations, 2016 were inapplicable for want of legality, the Court of Appeal declined to give an order of *Mandamus* to compel the Respondent to recognise and approve the Appellants' professional qualifications for the reason that the same would perpetuate an illegality. The Court of Appeal stated thus:

> *So, having found as we have above, are the appellants entitled to an order of mandamus to compel the respondent to recognise and approve their professional qualifications under the amended section 13 of the Advocates Act? Put another way, notwithstanding the findings above, can the respondent be compelled to admit the appellants and to disregard this Court's decision? The answer to this would be in the negative. This would be tantamount to ordering the respondent to disregard the law and worse still, to perpetuate an illegality.*

51. Similarly, in this case, to reinstate the previous leadership of the 1st Applicant as was would be to aid it in contravening the very Constitution that establishes and binds it. The 2nd Applicant is seeking to invoke the Constitution he chose to live by ignoring for more than ten years.

52. Accordingly, the Notice of Motion Application dated 22/03/2021 is wholly without merit. It is hereby dismissed.

53. **In the circumstances of this case, each party will bear its own costs**.

54. Orders Accordingly

DATED AND DELIVERED AT NAKURU THIS 24TH DAY OF FEBRUARY, 2022

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JOEL NGUGI

JUDGE

NOTE: This judgment was delivered by video-conference pursuant to various Practice Directives by the Honourable Chief Justice authorizing the appropriate use of technology to conduct proceedings and deliver judgments in response to the COVID-19 Pandemic.