



**THE REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAIROBI**

**CONSTITUTIONAL AND HUMAN RIGHTS DIVISION**

**PETITION NO.043 OF 2022**

**IN THE MATTER OF THREATENED CONTRAVENTION OF ARTICLES 1, 2, 3, 4(2), 10,  
12(1)(a), 19, 20, 21, 22, 23, 24, 27, 35, 38, 47, 81, 82, 83, 84, 91, 92, 93, 94, 163, 250,  
258, 259 and 260 OF THE CONSTITUTION OF KENYA, 2010.**

**AND**

**IN THE MATTER OF RULES 23 AND 24 OF THE CONSTITUTION OF KENYA (PROTECTION  
OF RIGHTS AND FUNDAMENTAL FREEDOMS) PRACTICE AND PROCEDURE RULES, 2013.**

**AND**

**IN THE MATTER OF THE POLITICAL PARTIES ACT NUMBER 11 OF 2011**

**AND**

**IN THE MATTER OF THE POLITICAL PARTIES (AMENDMENT) ACT, 2021**

**BETWEEN**

**SALESIO MUTUMA THURANIRA.....1<sup>ST</sup> PETITIONER**

**KATIBA INSTITUTE.....2<sup>ND</sup> PETITIONER**

**AFRICA CENTRE FOR OPEN GOVERNANCE (AFRICAG).....3<sup>RD</sup> PETITIONER**

**KENYA SECTION OF THE INTERNATIONAL COMMUNITY JURISTS.....4<sup>TH</sup> PETITIONER**

**KENYA HUMAN RIGHTS COMMISSION.....5<sup>TH</sup> PETITIONER**

**VERSUS**

**THE HON. ATTORNEY GENERAL.....1<sup>ST</sup> RESPONDENT**

**THE SPEAKER NATIONAL ASSEMBLY.....2<sup>ND</sup> RESPONDENT**

**THE SPEAKER OF SENATE.....3<sup>RD</sup> RESPONDENT**

**AND**

REGISTRAR OF POLITICAL PARTIES.....	1 <sup>ST</sup> INTERESTED PARTY
THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (IEBC).....	2 <sup>ND</sup> INTERESTED PARTY
AZIMIO LA UMOJA COALITION.....	3 <sup>RD</sup> INTERESTED PARTY
JUBILEE PARTY OF KENYA.....	4 <sup>TH</sup> INTERESTED PARTY
JOHN KINYANJUI THEURI.....	5 <sup>TH</sup> INTERESTED PARTY

### **RULING AND DIRECTIONS**

1. We heard all parties on the issue of conservatory orders yesterday. There are notices of motion dated 2.2.2022, 8.2.2022 and 17.3.2022 seeking conservatory orders. The same are pending hearing due to failure by parties to comply with the timelines issued. This court and all the parties herein do acknowledge the fact that this is a very urgent matter which must be treated as such. The conservatory orders being sought have very serious and far reaching repercussions to all the parties herein and the public at large.

2. A decision on the same may only be made upon hearing all parties substantively over the matter. In the circumstances the oral application for interim conservatory orders is declined. The court now gives the following directions:

- (i) All respondents and interested parties in Petition E043 and E057/2022 AND the petitioner and respondents in E109/2022 should have their submissions filed and served by close of business on 28<sup>th</sup> March, 2022.
- (ii) The petitioners shall be at liberty to file and serve a rejoinder if any by close of business on 29<sup>th</sup> March, 2022.
- (iii) Submissions shall be highlighted on 31<sup>st</sup> March, 2022 at 2 p.m. Due to constraints of time, the time allocated to the parties for submissions is as follows:
  - (a) Petitioners are allocated 90 minutes (**1½ hours**) to be shared among themselves.
  - (b) Respondents shall also have a maximum of 90 (**1½ hours**) to be shared among themselves.
  - (c) Interested parties shall have a maximum of 60 minutes (**1 hour**) to be shared among themselves.
  - (d) Petitioners shall have 30 minutes (**½ hour**) for a rejoinder if any.

Orders accordingly.

**Delivered virtually, signed and dated this 25<sup>th</sup> day of March, 2022 in open court at Milimani, Nairobi.**

**H. I. Ong’udi**

**Judge of the High Court**

**E. N. MAINA**

**Judge of the High Court**

**D. O. OGEMBO**

**Judge of the High Court**