



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
CONSTITUTIONAL & HUMAN RIGHTS DIVISION

PETITION 131 (COVID 128) OF 2020

DON MUTUGI MANJAU.....1ST PETITIONER/APPLICANT
JOAN MIRITI.....2ND PETITIONER/APPLICANT
ALEX GICHUNGE.....3RD PETITIONER/APPLICANT

VERSUS

ATTORNEY GENERAL.....1ST RESPONDENT
CABINET SECRETARY FOR INTERIOR & COORDINATION.....2ND RESPONDENT
CABINET SECRETARY FOR HEALTH.....3RD RESPONDENT
INSPECTOR GENERAL OF POLICE.....4TH RESPONDENT
CABINET SECRETARY FOR INFORMATION & TECHNOLOGY.....5TH RESPONDENT

IN CHAMBERS ON 23RD APRIL 2020

BEFORE HON. MR. JUSTICE J. A. MAKAU

ORDER

FOR ORDERS THAT: -

1. **THAT** this Application be certified urgent; service be dispensed with and it be heard ex-parte in the first instance due to its urgency.
2. **THAT** pending the hearing and determination of this Application the courts be pleased to order that the alternative forms of worship such as broadcasting of church service be allowed on specific days to allow the various churches to broadcast to their faithful congregants without victimization and harassment of the broadcasting crew, church elders and leaders and congregants who will be part of the church service, by the 2nd and 3rd Respondents or their agents and representatives.
3. **THAT** pending the hearing and determination of this Application the court be pleased to order the 2nd & 3rd Respondent give directives on social distance conditions that the church elders, representatives as well as leaders must observe to curb the spread of the pandemic.
4. **THAT** pending the hearing and the determination of this Application, Churches be allowed to resume, with the Respondents issuing guidelines and directives that the Church community should adhere to, to curb the spread of the Covid 19.
5. Any other orders that the court deems just and expedient in the interest of Justice.

This matter coming up before Hon. Mr. Justice J. A. Makau in chambers Electronically under certificate of Urgency on the Application dated 8th April 2020 brought Under Article 53 of the Constitution, Order 51 of the Civil Procedure Rules Cap 21 Laws of Kenya and all other enabling provisions of the law, UPON READING the application and the supporting affidavit AND UPON HEARING counsel for the Applicant electronically in the absence of the respondents, it is hereby ordered as follows: -

1. **THAT** pending the hearing and determination of the application interpartes I direct alternative forms of worship such as

broadcasting the church service without breach of the government directives or regulations currently in force do proceed through online or social media or any other form of social platform the petitioner may access.

This order should not in any way be taken as allowing the petitioners or any party to hold church gatherings or act contrary to the directives or regulations given currently by the government.

2. **THAT** the respondents be served with this court order and to file their responses within 7 days from today

3 **THAT** matter be mentioned on 5th May 2020 to confirm compliance and for further orders.

Given under my Hand and the Seal of this Court this 23rd Day of April 2020.

Issued at Nairobi on this 24th Day of April 2020.

Deputy Registrar

Judicial Review & Human Rights Division