



**REPUBLIC OF KENYA**

**IN THE HIGH OF KENYA AT NAIROBI**

**MILIMANI LAW COURTS**

**Petition 326 of 2012**

**AFRICAN CENTRE FOR INTERNATIONAL YOUTH EXCHANGE  
(ACIYE).....1<sup>ST</sup> PETITIONER**

**JOHN ABOK GARANG.....2<sup>ND</sup>  
PETITIONER**

**CALEB OKECH.....3<sup>RD</sup>  
PETITIONER**

**AND**

**THE JUDGES AND MAGISTRATE'S VETTING  
BOARD.....RESPONDENT**

**RULING**

The application dated 30<sup>th</sup> July 2012 seeks an order that pending the hearing of this matter inter-parties, this court be pleased to issue a conservatory order staying operation of **section 22(2)** of the ***Vetting of the Judges and Magistrate's Act***.

In the petition dated 30<sup>th</sup> July 2012, the petitioners seek declaration that Justices Mohamed Ibrahim and Lady Justice Nambuye have been subjected to discriminatory and differential treatment. The two judges who have been subject of determination are yet to exercise their right of review and it would be improper for this matter to proceed as suggested in the petition. The petition is therefore stayed until the judges right of review is exhausted by delivery of a decision by the Board.

In the meantime, I wish to draw counsel's attention to the three judge decision in the case of ***Denis Mogambi Mong'are v the Attorney General and Others Nairobi Petition 146 of 2011 (Unreported)*** which dealt with the constitutionality of the ***Vetting of the Judges and Magistrates Act***.

**DATED and DELIVERED at NAIROBI this 31<sup>st</sup> day of July 2012**

**D.S. MAJANJA  
JUDGE**