

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT ELDORET
PETITION NO. E001 OF 2024

**IN THE MATTER OF ENFORCEMENT OF THE BILL OF RIGHTS
UNDER ARTICLE 19, 20, 21(1), 22 AND 165 OF THE CONSTITUTION OF
KENYA, 2010**

AND

**IN THE MATTER OF THE ALLEGED VIOLATION OF RIGHTS AND
FUNDAMENTAL FREEDOMS UNDER ARTICLES 10, 25, 27, 28, 29(a),
(b), (c), (d), (e) & (f). 31, 39,47,48,51 OF THE CONSTITUTION OF KENYA
2010**

AND

**IN THE MATTER OF THE INTERPRETATION OF 186 & SCHEDULE IV
OF THE CONSTITUTION**

BETWEEN

JOHN CHEGE.....1STPETITIONER
DAVID NJENGA2NDPETITIONER
ANN MUTHONI3RDPETITIONER
BENSON MWANGI4THPETITIONER
JOHN GITAU
(as next of friend and guardian of IW, a minor)5th PETITIONER

AND

COUNTY GOVERNMENT OF UASIN GISHU1ST
RESPONDENT
COUNTY CRIMINAL INVESTIGATION OFFICE,
UASIN GISHU.....2ND RESPONDENT
ESTHER SEREM.....3RD RESPONDENT
ROBERT NYANARO.....4TH RESPONDENT
ISAAC BARMASI5TH RESPONDENT

DIRECTIONS

1. Vide petition dated 25/01/2024, the Petitioners seek the following reliefs from the court;

- 1) **A declaration that the arrests and detentions of the Petitioners were unlawful unconstitutional and not justified at all.**

- 2) **A declaration that the Petitioners' rights were violated in the manner enumerated in paragraph 5 above.**

- 3) **A declaration that Eldoret Rescue Centre is an illegal detention Centre and a location where human rights violations have occurred and that the same should be shut down IMMEDIATELY. ALTERNATIVELY, an order that the 1st and 3rd Respondents cease using the Eldoret Rescue Centre as a detention Centre forthwith and report to court within 7 days of this judgment the progress made towards that end.**

- 4) **A mandatory injunction compelling the 1st and 3rd Respondent to release forthwith any persons detained in the Eldoret Rescue Centre.**

- 5) **An order compelling the 2nd Respondent to undertake investigations on the complaints lodged by the Petitioners herein with a view to establishing whether offences were committed by the 4th and 5th Respondents and other enforcement officers of the 1st Respondent.**

- 6) **An order that the Petitioners are entitled to damages payable by the Respondents jointly and severally for violation of the Petitioners' constitutional rights.**
 - 7) **An order that costs of this Petition be paid by the Respondents jointly and severally.**
 - 8) **Any such further orders as the Court may deem fit to grant.**
2. Whereas this matter was coming up for judgement premised on the directions of the court that the Petition be disposed of by way of written submissions, the court in perusing the Petition, the Affidavits in support together with the annexures thereto, as well as the various responses filed by the Respondents, and having ruminated upon all these pleadings at great length, I have come to the conclusion that the justice of this case can only be best served by way of the parties adducing viva voce evidence as had been proposed by Counsel Mr. Oduor for the Petitioners at the pre-trial conference. For this reason, the judgement that was due for delivery today is now hereby deferred so that the matter can proceed to full hearing by way of viva voce evidence.

Read Dated and Signed at ELDORET on 20th February 2026

E. OMINDE
JUDGE