



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**CONSTITUTIONAL AND HUMAN RIGHTS DIVISION**

**PETITION NO. 120 OF 2020 (COVID 025)**

**LAW SOCIETY OF KENYA.....APPLICANT/PETITIONER**

**VERSUS**

**HILLARY MUTYAMBAL, INSPECTOR GENERAL**

**NATIONAL POLICE SERVICE.....1<sup>ST</sup> RESPONDENT**

**FRED MATIANGI, CABINET SECRETARY FOR**

**INTERIOR AND**

**COORDINATION OF NATIONAL GOVERNMENT.....2<sup>ND</sup> RESPONDENT**

**ATTORNEY GENERAL.....3<sup>RD</sup> RESPONDENT**

**THE HON. CHIEF JUSTICE.....4<sup>TH</sup> RESPONDENT**

**MUTAHI KAGWE,**

**CABINET SECRETARY FOR HEALTH.....5<sup>TH</sup> RESPONDENT**

**AND**

**KENYA NATIONAL COMMISSION**

**ON HUMAN RIGHTS.....1<sup>ST</sup> INTERESTED PARTY**

**FIDA-KENYA.....2<sup>ND</sup> INTERESTED PARTY**

**INDEPENDENT POLICE**

**OVERSIGHT AUTHORITY (IPOA).....3<sup>RD</sup> INTERESTED PARTY**

### **ORDERS AND DIRECTIONS OF THE COURT**

Upon perusal of the pleadings filed herein I certify the matter urgent. Orders and directions shall issue as follows:-

a) The Applicant/Petitioner, the Law Society of Kenya has through the pleadings filed in court established a *prima facie* case with a likelihood of success and demonstrated that unless certain orders are granted *ex-parte*, members of the public will suffer prejudice. In the circumstances, orders are issued as follows:-

(i) An order is hereby issued compelling the 1<sup>st</sup> Respondent, Hillary Mutyambai, Inspector General of the National Police Service, to within 48 hours herewith, publicize in newspapers of national circulation, and concurrently file in court for scrutiny, guidelines on the conduct of police officers enforcing the Public Order (State Curfew) Order 2020;

(ii) The 1<sup>st</sup> Respondent is prohibited from using unreasonable force in enforcing the Curfew Order; and

(iii) The 1<sup>st</sup> Respondent is prohibited from interfering with media coverage of the curfew;

b) Directions are issued as follows:-

(i) The Applicant/Petitioner to forthwith effect service of the pleadings for the purpose of *inter partes* hearing of the other prayers in the notice of motion;

(ii) In order to hasten the hearing and determination of the application, the Applicant/Petitioner is directed to file and serve skeletal submissions on the said notice of motion application before midday on 31/3/2020;

(iii) The respondents and interested parties are directed to file and serve their responses to the notice of motion, together with skeletal submissions, before 2.00pm on 1/4/2020;

(iv) The service of the orders issued herein, the application and the rest of the pleadings to be effected through the official email addresses of the respondents and the interested parties;

(v) The advocates for the parties to provide their email addresses to the Deputy Registrar of the Constitutional and Human Rights Division for purposes of arranging for the matter to be heard using the Zoom application on 2<sup>nd</sup> April, 2020 at 10:30 a.m.

**Dated and delivered at Nairobi this 30<sup>th</sup> day of March, 2020**

**W. Korir,**

**Judge of the High Court**



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