



REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA AT NAIROBI  
CONSTITUTIONAL AND HUMAN RIGHTS DIVISION  
PETITION NO 606 OF 2014

IN THE MATTER OF THE ENFORCEMENT OF THE BILL OF RIGHTS UNDER ARTICLE  
22(1) OF THE CONSTITUTION OF KENYA (2010)

AND

IN THE MATER OF THE ALEGED CONTRAVENTION OF ARTICLES 19, 20, 21, 25, 27,  
28, 29, 31, 35, 43, 45 AND 46 OF THE CONSTITUTION OF KENYA (2010)

BETWEEN

L.A.W.....1<sup>ST</sup> PETITIONER

KENYA LEGAL AND ETHICAL ISSUES NETWORK  
ON HIV & AIDS (KELIN).....2<sup>ND</sup> PETITIONER

AFRICAN GENDER AND MEDIA INITIATIVE TRUST (GEM).....3<sup>RD</sup> PETITIONER

AND

MARURA MATERNITY & NURSING HOME.....1<sup>ST</sup> RESPONDENT

COUNTY EXECUTIVE COMMITTEE MEMBER IN CHARGE  
OF HEALTH SERVICES- NAIROBI COUNTY .....2<sup>ND</sup> RESPONDENT

CABINET SECRETARY, MINISTRY OF HEALTH .....3<sup>RD</sup> RESPONDENT

THE HON. ATTORNEY GENERAL .....4<sup>TH</sup> RESPONDENT

LIST OF AUTHORITIES OF THE 3<sup>rd</sup> AND 4<sup>TH</sup> RESPONDENTS

1. Martin Nyaga Wambora & 3 others v Speaker of the Senate & 6 others [2014] eKLR.
2. R. -v- Registrar of Societies and 5 others ex parte Kenyatta and 6 others [2007]eKLR
3. National Coalition for Gay and Lesbian Equality v Minister of Home Affairs 2000 (2) SA 1 (CC)

4. Trusted Society of Human Rights vs The Attorney General & 2Others [2012] eKLR
5. Okiya Omtatah Okiiti & another v Attorney General & 6 others [2014] eKLR,
6. Mumo Matemu v Trusted Society of Human Rights Alliance & 5 others [2013] eKLR
7. Royal Media Services Ltd & 2 others v Attorney General & 8 others [2013] eKLR
8. Antony Francis Wareham t/a AF Wareham & 2 others v Kenya Post Office Savings Bank [2004] Eklr

DATED at NAIROBI this 22<sup>nd</sup> day of April 2016.



Mwangi Njoroge  
CHIEF LITIGATION COUNSEL  
FOR: ATTORNEY GENERAL

**DRAWN AND FILED BY:**

The Honourable Attorney General, Attorney General's Chambers, Sheria House  
P.O BOX 40112, NAIROBI

**TO BE SERVED UPON:**

1. Allan Achese Maleche, Kenya Legal and Ethical Issues Network on HIV & AIDS (KELIN), Kindaruma Road off Ngong' Road, PO BOX 112-00200 KNH NAIROBI.
2. Manegene & Partners Advocates, Bruce House, 10<sup>th</sup> Floor, Room 1001 Standard Street, PO BOX 7183-00200 NAIROBI.
3. Rachier & Amollo Advocates, Mayfair Centre 5<sup>th</sup> Floor, Ralph Bunche Road, PO BOX 55645-00200 NAIROBI.
4. Nungo, Oduor & Waigwa Advocates, Masionette No. 1, Court 30 (Next to Riley Group Security), Mombasa Road, off Bunyala Road, PO BOX 70678-00400 NAIROBI.
5. National Gender and Equality Commission, 3<sup>rd</sup> Floor, Solution Tech Place, Longonot Road, Upper Hill, PO BOX 27512-00506 NAIROBI.
6. County Executive Committee Member in Charge of Health Services, Nairobi County Government, NAIROBI

**RECEIVED**

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THE HON. ATTORNEY GENERAL .....4<sup>TH</sup> RESPONDENT


GROUND OF OPPOSITION OF THE 3<sup>RD</sup> AND 4<sup>TH</sup> RESPONDENTS

TAKE NOTICE that the 3<sup>rd</sup> and 4<sup>th</sup> Respondents shall at the hearing of petitioner's petition oppose the same on the following grounds:

1. That the 3<sup>rd</sup> and 4<sup>th</sup> Respondents were not parties to the actions complained of by the petitioners and hence the 3<sup>rd</sup> and 4<sup>th</sup> respondents should not be party to this suit.
2. That the petition does not therefore disclose any Constitutional violation by the 3<sup>rd</sup> and 4<sup>th</sup> Respondents against the 1<sup>st</sup>-3<sup>rd</sup> Petitioners.

3. That the Petitioners have not demonstrated and the manner in which their rights have been violated by the 3<sup>rd</sup> and 4<sup>th</sup> Respondent.
4. That the petition is misconceived, incompetent, and bad in law and the orders sought by the petitioner are not tenable against the 3<sup>rd</sup> and 4<sup>th</sup> Respondents and are not justified and hence cannot be granted by this Honourable Court.
5. That the petition is vexatious and an abuse of the court process.

DATED at NAIROBI this 22<sup>nd</sup> day of April 2016.

  
MWANGI NJOROGE  
CHIEF STATE COUNSEL  
FOR: ATTORNEY GENERAL

**DRAWN AND FILED BY:**

The Honourable Attorney General, Attorney General's Chambers, Sheria House, P.O BOX 40112, NAIROBI

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