

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
THE CONSTITUTIONAL & HUMAN DIVISION
PETITION NO. 218 OF 2020.

IN THE MATTER OF ARTICLES 1, 2, 3, 10, 19, 20(1)(4) 21, 22, 24, 25, 26(1), 28, 29,35,
47, 165, 232(1), 258 AND 259 OF THE CONSTITUTION.

AND

IN THE MATTER OF SECTION 4 AND 9 OF THE ACCESS TO INFORMATION ACT,
2016.

AND

IN THE MATTER OF SECTION 5, 6 AND 10 OF THE HEALTH ACT,
2017

AND

IN THE MATTER OF SECTION 3 AND 4 OF THE FAIR ADMINISTRATIVE
ACTION ACT, 2015.

BETWEEN

ERICK OKIOMA.....1ST PETITIONER.

ESTHER NELIMA.....2ND PETITIONER.

CHRIS OWALLA.....3RD PETITIONER.

CM.....PETITIONER.

FA.....5TH PETITIONER.

KB.....6TH PETITIONER.

MO.....7TH PETITIONER.

EL.....8TH PETITIONER.

KATIBA NSTITUTE.....9TH PETITIONER.

KENYA LEGAL AND ETHICAL ISSUES NETWORK

ON HIV/ADS (KELIN).....10TH PETITIONER.

THE KENYA SECTION OF THE MTERNATIONAL

COMMISSION OF JURISTS (ICJ KENYA)11TH PETITIONER.

TRANSPARENCY INTERNATIONAL KENYA.....12TH PETITIONER.

ACHIENG ORERO.....13TH PETITIONER.

(9th to 13th petitioners suing on behalf of health and human rights civil society and non-governmental organizations)

VERSUS



MUTAH KAGWE, CABNET SECRETARY
FOR HEALTH.....1ST RESPONDENT
PATRICK AMOTH, AG DIRECTOR GENERAL,
MINISTRY OF HEALTH.....2ND RESPONDENT.
CORNEL RASANGA, GOVERNOR OF
SIAYA COUNTY.....3RD RESPONDENT.
COUNCIL OF GOVERNORS.....4TH RESPONDENT.
FRED OKENGO MATIANGI, CS INTERIOR AND
COORDINATION OF NATIONAL
GOVERNMENT.....5TH RESPONDENT.
HILARY NZIOKI MUTYAMBAI, INSPECTOR GENERAL
OF THE POLICE, KENYA.....6TH RESPONDENT.
JOSEPH WAKABA MUCHERU, CABMRR
SECRETARY FOR INFORMATION
AND COMMUNICATIONS.....7TH RESPONDENT.
THE COMMISSION ON ADMINISTRATIVE
JUSTICE.....8TH RESPONDENT.
DANIEL YUMBYA, CHIEF EXECUTIVE OFFICER,
KENYA MEDICAL PRACTITIONERS' AND
DENTIST COUNCIL.....9TH RESPONDENT.
KENYA NATIONAL COMMISSION.....10TH RESPONDENT.
HUMAN RIGHTS (KNCHR)..... INTERESTED PARTY.

IN COURT ON 2ND DECEMBER, 2020.

BEFORE HON. MR. JUSTICE J. A. MAKAU(ELECTRONICALLY).

ORDER

THIS MATTER coming up for mention on 2nd December, 2020 before Hon. Mr. Justice J. A. Makau
AND UPON HEARING the Counsel for the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10, 11th, 12, and 13th
Petitioners, Counsel for the 1st, 2nd, 3rd, 5th 6th, and 7th Respondents **AND IN THE ABSENCE** of the
Counsel for the 4th, 8th and 9th Respondents and counsel for the Interested Party. **AND WHEREAS**
THIS MATTER coming up for mention in Court electronically:

IT IS HEREBY ORDERED;

1. **THAT** counsel for the 1st, 2nd, 5th, 6th, and 7th Respondents is granted an extension of time by 14(Fourteen) days from today to file responses together with submissions thereto and serve within the same period.
2. **THAT** the Petitioners to file their submissions in response within 14(Fourteen) days from the date of service, the response and submissions to serve the same within the same period.

3. **THAT** highlighting of submissions shall be on 19th January, 2021.
4. **THAT** there shall be no adjournment of the matter.
5. **THAT** parties who are not present to be served with a copy of the extracted order by the petitioners.

GIVEN under my **Hand** and the **Seal** of this Honorable Court this 2nd December, 2020.

ISSUED at Nairobi this.....3rd..... day of.....December.....2020.


DEPUTY REGISTRAR.

CONSTITUTIONAL AND HUMAN RIGHTS DIVISION.

HIGH COURT OF KENYA, NAIROBI.

- Petition
218/2020

DEPUTY REGISTRAR
HIGH COURT OF KENYA
MILIMANI - NAIROBI