

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 MUTYAMBAI, INSPECTOR GENERAL

NATIONAL POLICE SERVICE.....1ST RESPONDENT

FRED MATIANGI, CABINET SECRETARY FOR INTERIOR AND COORDINATION OF
NATIONAL GOVERNMENT.....2ND RESPONDENT

ATTORNEY GENERAL.....3RD RESPONDENT

THE HON. CHIEF JUSTICE.....4TH RESPONDENT

MUTAHI KAGWE, CABINET SECRETARY FOR
HEALTH.....5TH RESPONDENT

-AND-

KENYA NATIONAL COMMISSION ON HUMAN RIGHTS.....1ST INTERESTED PARTY

FIDA-KENYA.....2ND INTERESTED PARTY

INDEPENDENT POLICE OVERSIGHT AUTHORITY (IPOA).....3RD 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 1st 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 1st Respondent is prohibited from using unreasonable force in enforcing the Curfew Order; and
 - (iii) The 1st 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 2nd April, 2020 at 10:30 a.m.

Dated and delivered at Nairobi this 30th day of March, 2020

**W. Korir,
Judge of the High Court**