

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**CONSTITUTIONAL PETITION NUMBER 47 OF 2020**

**IN THE MATTER OF ARTICLES 2, 3, 10, 12, 14, (1)(3)16; 19, 21, 22, 23,  
24, 28,29, 47, 159, 165(3), 238, 244, 245, 258 & 259 OF THE  
CONSTITUTION OF KENYA 2010**

**AND**

**IN THE MATTER OF IMMINENT THREATENED CONTRAVENTION OF  
FUNDAMENTAL RIGHTS AND FRREDOMS UNDER THE CONSTITUTION**

**AND**

**IN THE MATTER OF VIOLATION OF THE RIGHT TO CITIZENSHIP AND ALL  
OTHER ATTENDANT RIGHTS UNDER THE CONSTITUTION AND INTERNATIONAL  
LAW**

**AND**

**IN THE MATTER OF THE KENYA CIVIL AVIATION ACT, 2013**

**AND**

**IN THE MATTER OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION  
1944**

**AND**

**IN THE MATTER OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS 1948**

**AND**

**IN THE MATTER OF THE AFRICAN CHARTER ON HUMAN PEOPLES' RIGHTS  
1981**

**AND**

**IN THE MATTER OF AIR TRAVEL RED ALERTS TRAVEL ADVISORIES**

**AND**

**IN THE MATTER OF THE FAIR ADMINISTRATIVE ACTION ACT 2015**

**-BETWEEN-**

MIGUNA MIGUNA.....PETITIONER

**-VERSUS-**

THE LUFTHANSA GROUP operating as LUFTHANSA  
GERMAN AIRLINES.....1<sup>ST</sup> RESPONDENT  
AIR FRANCE.....2<sup>ND</sup> RESPONDENT  
THE HONOURABLE ATTORNEY GENERAL.....3<sup>RD</sup> RESPONDENT  
RAYCHELLE OMAMO, THE S CABINET SECRETARY  
MINISTRY OF FOREIGN AFFAIRS .....4<sup>TH</sup> RESPONDENT  
CAPTAIN GILBERT M. KIBE, DIRECTOR GENERAL.....5<sup>TH</sup> RESPONDENT  
KENYA CIVIL AVIATION AUTHORITY (KCAA).....5<sup>TH</sup> RESPONDENT  
ALEX GITARI, ACTING MANAGING DIRECTOR,  
KENYA AIRPORTS AUTHORITY.....6<sup>TH</sup> RESPONDENT  
FRED MATIANG'I, CABINET SECRETARY, MINISTRY OF  
INTERIOR AND COORDINATION OF  
NATIONAL GOVERNMENT.....7<sup>TH</sup> RESPONDENT

**-AND-**

KENYA NATIONAL COMMISSION ON  
HUMAN RIGHTS .....1<sup>ST</sup> INTERESTED PARTY  
THE LAW SOCIETY OF KENYA ..... 2<sup>ND</sup> INTERESTED PARTY

**IN COURT ON 12<sup>th</sup> NOVEMBER, 2021**  
**BEFORE HON. LADY JUSTICE H.I ONG'UDI**

**ORDER**

**UPON** this matter coming up for ruling of the Notice of Motion dated 4<sup>th</sup> November, 2021 on 12<sup>th</sup> November, 2021 before **HON. Lady JUSTICE H.I Ong'udi AND UPON** considering the counsel's oral submissions as well as the submissions on record; the upshot is that the Notice of Motion was filed prematurely and without the support of the necessary evidence. As such;

**IT IS HEREBY ORDERED: -**

**a) THAT** the application is hereby dismissed.

**b) THAT** there shall be no orders as to costs.

**FURTHER ORDERS:**

**c) THAT** the matter before this court is not for execution of the orders previously issued in other related matters.

*Njiru -DR-CHR*  
*Petition 47/2020*  
*12.11.2021*

**d) THAT** as clearly stated in the ruling, the Respondents must adhere to the principles set out in the Constitution with regards to the Petitioners. Such principles which include obedience of court orders.

**GIVEN** under my hand and the seal of this court this **12<sup>th</sup>** day of **November 2021**

**ISSUED** at Nairobi this.....*12<sup>th</sup>*.....day of.....*November*.....2021

*Dhuku*

**DEPUTY REGISTRAR**

**HIGH COURT OF KENYA AT NAIROBI** - *Petition*

*47/2020*

DEPUTY REGISTRAR  
HIGH COURT OF KENYA  
MILIMANI - NAIROBI