

EAST AFRICAN COURT OF JUSTICE

COMINGUP CASES

Application No. 33 of 2022 (*Arising from Reference No. 17 of 2018*) *Prof. Paul Kiprono
Chepkwony*

Versus

The Attorney General of the Republic of Kenya.

Coming up for hearing on: 10th November 2023

Application filed: 13 October,2022,

Article: 35 of the Treaty for the Establishment of East African
Community and all other enabling provision of the Law,

Rule: 4,123 and 83 of the East African Court of
Justice Rules of procedure 2019.

Subject matter: Review of Judgment.

The Applicant is challenging the Judgement of this Court and seeking review of the Judgement on grounds that there is new and compelling evidence which the Court ought to consider. This compelling evidence is the expert report prepared by the team of experts, Eden therapy comprehensive and has strong probative value to the Applicant`s case. The expert report contains new evidence which the Applicant seeks to introduce.

The Applicant contends that the new evidence could not be adduced by the witnesses lined up in court because they lacked the expertise and it was imperative and in the best interest of justice to bring in experts who are learned in the relevant fields. Applicant further contends that the Rule of the Court and indeed the jurisprudence favors determination and disposal of all issues brought before this Court.

The Respondent contends that the application made is an afterthought and an abuse of court process in that the same is filed post hearing and the applicant seeks to introduce new issues and evidence that the applicants never raised in its pleadings or as part of the evidence that was tendered in support of the Reference or as part of the evidence that was tendered in support of the Reference or as part of the issues for determination during the case determination during the conference.

The Respondent thus prays for the dismissal of this application because it will not add value to the matters as it is not cogent.

It's the prayer of the Applicant that the First Instance Division make this application certified as urgent and be given an early date due to the nature of the issue therein and that the Court review it's judgement upon considering the new and important evidence that is relevant in arriving at the end of justice,

And finally, the Costs of this Application be provided for.

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