

Application No. 12 of 2022 (Arising from Reference No. 25 of 2021) Jacob Njenga Muiruri V. The Attorney General of The Republic of Kenya.

Coming up for hearing: on 20th March, 2023
Application filed: on 20th May, 2022.
Articles: 39 of the Treaty for the Establishment of the East Africa Community
Rules: 4, 32 (1), 47 of the East African Court of Justice Rules of Procedure, 2019.
Subject matter: Application for extension of time.

The application is made on grounds that the Applicant's Communication No. 570 of 2015 among others were arbitrarily and unlawfully declared inadmissible by the African Commission on Human and Peoples Rights on account of inter-alia non-exhaustion of Local Judicial Remedies and which decision is now the subject matter of reference No. 25 of 2021 which is still pending before this Honorable Court.

The application is also based on the ground that following a judgment delivered by the Supreme Court of Kenya in Petition of Appeal No. 10 of 2018 the Applicant immediately petitioned the African Commission on Human & Peoples Rights.

That to date, the said African Commission on Human and Peoples Rights has neither acknowledged receipt of the Applicants said additional Communication/correspondence nor seized it to the detriment of the Applicant herein and thereby deliberately denying the Applicant herein access to Justice Contrary to Articles 10 and 48 of the Constitution of Kenya 2010 and in contravention of Articles 6(d) and 7(2) of the East African Treaty.

The Applicant Jacob Njenga Muiruri seeks orders that the Application be certified extremely urgent and be heard electronically via video conference forthwith in the first instance and on priority to any other matter in the Reference.

Additionally, the Applicant prays that the Honorable court be pleased to extend the time limited by the East African Treaty for the Applicant to lodge a Statement of Reference challenging the legality of the judgment rendered by the Supreme Court of Kenya on the 4th day of Kenya of August 2020 in Petition of Appeal No. 20 of 2018 vis-à-vis the Treaty for the Establishment of the East African Community.

Finally, the Applicant also seeks an order that the cost of this Application be in the cause.

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