

Application No. 25 of 2022 (Arising from Reference No. 34 of 2022) Mike Sonko Gideon Kioko Mbuvi v. The Attorney General of the Republic of Kenya

Coming up for hearing: on 27th March, 2023

Application filed: on 18th July 2022

Articles: 39 of The Treaty

Rules: 52 and 84 of the EACJ Rules of Procedure 2019

Subject matter: Application seeking Conservatory orders.

The Application is made on the grounds that, the Applicant was at all material times the governor of Nairobi newly elected as such in the year 2017 pursuant to Article 180 of the Constitution of Kenya, 2010 until the 26th November, 2020 when a motion was lodged at the County assembly of Nairobi for his removal/impeachment.

The Applicant, Mike Sonko Gideon Kioko Mbuvi claims that he was ultimately impeached from office as a Governor in the year 2020 and the same prompted him to seek judicial protection and intervention wherein he filed a petition at the High Court of Kenya being NAIROBI HIGH COURT PETITION NO. E425 OF 2020 (as consolidated with petition No E 014 of 2021) and NAIROBI HIGH COURT PETITION NO. E005 of 2021 (as consolidated with petition No. E433 of 2020; E007 of 2020; E009 of 2020; E011 of 2021; E012 of 2021; E013 of 2021; E015 of 2021; E019 of 20 21 and E021 of 2021)

The Applicant alleges that the actions by the judiciary are in breach of Article 6(d) and 7(2) of the Treaty of the Establishment of East African Community in that the he has been discriminated against and has been selectively persecuted. He alleges that his fundamental political rights and freedoms were illegally, unlawfully and unjustifiably curtailed over a flawed judicial process tainted, marred by illegalities, lack of transparency, lack of accountability and failure to adhere to the rule of law.

The Applicant also alleges that the decision by the Supreme Court of Kenya was arrived at in unjust manner contrary to the principles of and the effect of the said decision is to curtail the Applicant's political rights including the right to contest for elective position and participate in elections as a contestant.

The Applicant, seeks orders amongst others that the Honourable able Court be pleased to issue interim conservatory orders staying the execution and/or enforcement of the judgement rendered by the Respondent's judicial organ, The Supreme Court of Kenya on the 15th July, 2022 in SUPREME PETITION NO. 11 (E008) OF 2022; HON. MIKE MBUVI SONKO Vs THE CLERCK, COUNTY ASSEMBLY OF NAIROBI CITY AND OTHERS, pending the hearing and determination of this Application and Reference thereto.

The Applicant further seeks that this Honorable Court be pleased to issue an order compelling the Respondent's Judicial organ- the Supreme Court of Kenya lodge in this Court a certified copy of the final Judgement, rulings and proceedings of the Respondents Judicial organ- the Supreme Court of Kenya in SUPREME PETITION NO. 11 (E008) OF 2022; HON. MIKE MBUVI SONKO Vs THE CLERCK, COUNTY ASSEMBLY OF NAIROBI CITY AND OTHERS, the same be served on the learned Counsel for the Applicant.

Furthermore, the Applicant in his Application seeks that leave be granted to him to amend his pleadings in the Reference upon receipt from the Respondents Judicial organ- the Supreme Court of Kenya final detailed judgement, certified copies of proceedings, Rulings and any such further additional documentations pertaining to the proceedings at the Supreme Court, as and when the same is availed to the Applicant.

Finally, the Applicant also prays for cost of the application.

*This is a document produced by the Registry to assist in understanding forthcoming matters before the Court. It does not bind the Court. For authoritative Decisions, Judgments and general information about the Court please visit <https://www.eacj.org>
Contact: Registrar, East African Court of Justice, P.O. Box 1096 Arusha, Tanzania Tel: +255 27 2506093 Fax: +255 27 27 2509493 Email: eacj@eachq.org*