

Application No. 32 of 2022 (Arising from Reference No. 34 of 2022) The Attorney General of the Republic of Kenya v. Mike Sonko Gideon Kioko Mbuvi

Coming up for hearing: on 27th March, 2023

Application filed: on 7th October, 2022

Articles: 39 of the Treaty

Rules: 4, 32 (1), 47 of the EACJ Rules of Procedure 2019

Subject matter: Application for extension of time

The Application is founded on grounds that, the Reference was lodged in court on the 18th July, 2022 and a Notification thereof served upon the Hon. Attorney General of the Republic of Kenya on 29th July 2022 and that in accordance with the rules of the Court the Respondent in the Reference was required to respond to the Reference within Forty-Five (45) days from the day of service which time lapsed before the Respondent could file his response.

The Applicant in the instant application, the Attorney General of Kenya states that the length and the duration of the delay in lodging and filing a response to the Statement of Reference is neither inordinate nor intentional and that the circumstances were beyond his control making it impossible to adhere to the stipulated time frame for responding to the Reference in question.

The Attorney General further states that among other reasons provided, the service of the Statement of Reference had coincided with the general elections held in the month of August. That since there were disputes being brought to court on the matters of nomination of candidates and the post elections disputes that were all to be handled by his office, the heavy workload related to elections disputes that he had to deal with and where most staff were on work leave, he failed to file his response on time.

The Attorney General prays that this Honorable Court be pleased to extend time for him to file and serve the Response to the Statement of Reference and that the Court be pleased to deem the Response to the statement of reference annexed to the instant application as having been lodged and filed on time.

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