

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
IN THE CONSTITUTIONAL AND HUMAN RIGHTS DIVISION
CONSTITUTIONAL PETITION NO. 250 OF 2015

IN THE MATTER OF ARTICLES 19, 20, 21, 22, 258 AND 259(1) OF THE CONSTITUTION OF
KENYA

AND

IN THE MATTER OF ALLEGED CONTRAVENTION OF FUNDAMENTAL RIGHTS AND
FREEDOMS UNDER ARTICLES 10(1) (a), (b), (c) & (2) (a), (b), 20, 21, 24, 27, 28, 29(1), 31 and
(b), 43(1)(a), 46(c), 47(2) AND 53(2) OF THE CONSTITUTION OF KENYA

AND

IN THE MATTER OF THE CONSTITUTION OF KENYA (SUPERVISORY JURISDICTION
AND PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS OF THE
INDIVIDUAL) HIGH COURT PRACTICE RULES, 2006

BETWEEN

KENYA LEGAL AND ETHICAL ISSUES NETWORK ON
HIV & AIDS (KELIN).....1ST PETITIONER/APPLICANT
CHILDREN OF GOD RELIEF INSTITUTE (NYUMBANI).....2ND PETITIONER/APPLICANT
JAMES NJENGA KAMAU3RD PETITIONER/APPLICANT
MILLICENT KIPSANG.....4TH PETITIONER/APPLICANT

AND

CABINET SECRETARY, MINISTRY OF HEALTH.....1ST RESPONDENT
THE NATIONAL AIDS CONTROL COUNCIL.....2ND RESPONDENT
CABINET SECRETARY, MINISTRY OF EDUCATION, SCIENCE AND
TECHNOLOGY.....3RD RESPONDENT
CABINET SECRETARY, MINISTRY OF INTERIOR AND
CO-ORDINATION OF NATIONAL GOVERNMENT.....4TH RESPONDENT
THE ATTORNEY GENERAL.....5TH RESPONDENT

IN COURT ON 15TH JUNE 2015
BEFORE THE HON. LADY JUSTICE M. NGUGI

ORDER

UPON READING the Application presented this Court on 15th June, 2015 by the Counsel for the Petitioners/Applicants Pursuant to Articles 50 of the Constitution, Rules 11, 12, 20, 21 of the (Protection of Fundamental Rights and Freedoms of the Individual) High Court Practice and Procedure Rules 2006 and Sections 1A, 1B and 3A of the Civil procedure Act and all enabling provisions of law;

AND UPON READING the 1st Petitioners Affidavit in Support of the Petition of ALLAN ACHESA MALECHE sworn on 9th June, 2015 together with the annexures thereto AND UPON HEARING Counsel for the Petitioners/Applicants;

IT IS HEREBY ORDERED:

1. **THAT** the Application be and is hereby certified as urgent.
2. **THAT** the Application be served on the Respondents forthwith for inter partes hearing/directions on 17th June 2015.

GIVEN under my Hand and the Seal of this Court at Nairobi this 15th day of June 2015.

ISSUED at Nairobi this15th.....day ofJune..... 2015.

I CERTIFY THIS IS TRUE
COPY OF THE ORIGINAL.
DATED.....15/6/15.....
.....
DEPUTY REGISTRAR
HIGH COURT OF KENYA
NAIROBI

J. Mwangi
15/6/15
DEPUTY REGISTRAR
HIGH COURT OF KENYA, NAIROBI