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REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
CONSTITUTIONAL AND HUMAN RIGHTS DIVISION
PETITION NO. 206 OF 2018

IN THE MATTER OF: ARTICLE 2, 3, 20, 22, 23, 116, 165, 258 & 259 OF THE
CONSTITUTION OF KENYA.

AND

IN THE MATTER OF: THE ALLEGED CONTRAVENTION OF RIGHTS AND
FUNDAMENTAL FREEDOMS UNDER ARTICLES 19, 21, 24, 25,
27, 28, 31, 33, 34, 35, 40 & 50 OF THE CONSTITUTION OF
KENYA.

AND

IN THE MATTER OF: THE ALLEGED CONTRAVENTION OF ARTICLES 1, 10, 118 & 238
OF THE CONSTITUTION OF KENYA, 2010.

AND

IN THE MATTER OF SECTIONS 3, 5, 16, 17, 22, 23, 24, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38,
39, 40, 41, 48, 49, 50, 51, 52 & 53 OF THE COMPUTER MISUSE
AND CYBERCRIMES ACT, 2018.

AND

IN THE MATTER OF STANDING ORDERS 119, 127, 130, 131 & 133 OF THE NATIONAL
ASSEMBLY STANDING ORDERS.

BETWEEN

THE BLOGGERS ASSOCIATION KENYA (BAKE).....PETITIONER.

VERSUS

THE HONOURABLE ATTORNEY GENERAL.....1ST RESPONDENT.
THE SPEAKER, NATIONAL ASSEMBLY.....2ND RESPONDENT.
THE INSPECTOR GENERAL OF NATIONAL POLICE SERVICE.....3RD RESPONDENT.
THE DIRECTOR OF PUBLIC PROSECUTIONS.....4TH RESPONDENT.
ARTICLE 19 EAST AFRICA.....1ST INTERESTED PARTY.
KENYA UNION OF JOURNALISTS.....2ND INTERESTED PARTY.

IN OPEN COURT EX-PARTE ON 29TH MAY, 2018
BEFORE HON. MR. JUSTICE E.C. MWITA.

ORDER

UPON HEARING the counsel for the Applicant Ex-parte on 29th May 2018 **AND UPON READING** the application dated 29th May 2018 filed in court on 29th May 2018 by counsel for the Applicant **AND UPON READING** the supporting Affidavit of **JAMES WAMATHAI** sworn on 29th May 2018 and annexures thereto **AND WHEREAS** this matter coming up in chambers;-

IT IS HEREBY ORDERED:

1. **THAT** the Application and Petition are hereby certified urgent.
2. **THAT** the Application and Petition be served on the Respondents immediately.
3. **THAT** the Respondents do file and serve Responses to the Petition within 7 days after service of the Petition.
4. **THAT** once served the Petitioners will have 7 days to file and serve a supplementary affidavit, if need be, together with written submissions to the Petition.
5. **THAT** the Respondents will thereafter have 7 days to file and serve written submissions to the Petition.
6. **THAT** directions on the hearing of the Petition on 18/07/2018.
7. **THAT** A conservatory order be and is hereby issued suspending the coming into force of the Computer Misuse and Cybercrimes Act, 2018 and in particular the coming into force of Sections 5, 16, 17, 22, 23, 24, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 48, 49, 50, 51, 52, & 53 of the Computer Misuse and Cybercrimes Act, 2018 until 18/07/2018.

GIVEN under my Hand and Seal of this Honorable Court this 29th day of May, 2018.

ISSUED at Nairobi this.....^{30th}.....day of.....^{May}.....2018.


DEPUTY REGISTRAR
HIGH COURT OF KENYA, NAIROBI

