

**REPUBLIC OF KENYA**

**IN THE SUPREME COURT OF KENYA AT NAIROBI**

*(Coram: Koome; CJ & P, Mwilu; DCJ & V-P, Ibrahim, Wanjala, Njoki, Lenaola & Ouko, SCJJ)*

**PRESIDENTIAL ELECTION PETITION NO. E005 OF 2022**

**—BETWEEN—**

**RAILA AMOLO ODINGA.....1<sup>ST</sup> PETITIONER**

**MARTHA WANGARI KARUA.....2<sup>ND</sup> PETITIONER**

**—AND—**

**INDEPENDENT ELECTORAL AND**

**BOUNDARIES COMMISSION.....1<sup>ST</sup> RESPONDENT**

**WANYONYI WAFULA CHEBUKATI.....2<sup>ND</sup> RESPONDENT**

**BOYA MOLU .....3<sup>RD</sup> RESPONDENT**

**PROF. ABDI YAKUB GULIYE.....4<sup>TH</sup> RESPONDENT**

**JULIANA WHONGE CHERERA .....5<sup>TH</sup> RESPONDENT**

**JUSTUS NYANG'AYA .....6<sup>TH</sup> RESPONDENT**

**IRENE MASSIT .....7<sup>TH</sup> RESPONDENT**

**WILLIAM SAMOEI RUTO .....8<sup>TH</sup> RESPONDENT**

**LAW SOCIETY OF KENYA.....INTENDED *AMICUS CURIAE***

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*(Being an Application by the Law Society of Kenya for Leave to be admitted as **Amicus Curiae** pursuant to Rule 17A (1) and (2) of the Supreme Court (Presidential Election Petition) Rules, 2017 and Rule 19 of the Supreme Court Rules, 2020)*

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## **RULING OF THE COURT**

[1] This application is dated the 27<sup>th</sup> of August, 2022 and filed on the 28<sup>th</sup> of August, 2022 by the Law Society of Kenya, seeking leave to be joined as *amicus curiae* in the Presidential Election Petition No. E005 of 2022. It is supported by the Affidavit of Florence Wairimu Muturi, sworn on the 27<sup>th</sup> of August 2022 and filed on the 28<sup>th</sup> of August, 2022. It is brought pursuant to Rule 17A (1) and (2) of the Supreme Court (Presidential Election Petition Rules, 2017 and Rule 19 of the Supreme Court Rules, 2020). The applicant has annexed an *Amicus Brief* to its application for the Court's consideration.

[2] We have considered the application, Affidavit in support thereof, and the *Amicus Brief* thereto. On the basis of the contents of the said *Brief*, we are satisfied that the application satisfies the test established by this Court in ***Trusted Society of Human Rights Alliance v. Mumo Matemo & 5 Others***, SC Petition No. 12 of 2013; [2015] eKLR and ***Francis Muruatetu & Another v. Republic and 5 Others***, SC Petition No. 15 &16 of 2015 (Consolidated): [2016] eKLR for admission of *Amici Curiae*; and the requirements of Rule 17 A (1) and (2) of the Supreme Court (Presidential Election Petition) Rules, 2017 and Rule 19 of the Supreme Court Rules, 2020.

[3] Consequently, the applicant is hereby admitted as an *Amicus Curiae* in Petition No. E005 of 2022. **The *Amicus* will not make oral submissions and shall rely solely on its written *Brief*.**

**DATED and DELIVERED at NAIROBI this 29<sup>th</sup> Day of August, 2022.**

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**M. K. KOOME**  
**CHIEF JUSTICE & PRESIDENT**  
**OF THE SUPREME COURT**

.....  
**P. M. MWILU**  
**DEPUTY CHIEF JUSTICE &**  
**VICE-PRESIDENT OF THE**  
**SUPREME COURT**

.....  
**M. K. IBRAHIM**  
**JUSTICE OF THE SUPREME COURT**

.....  
**S. C. WANJALA**  
**JUSTICE OF THE SUPREME COURT**

.....  
**NJOKI NDUNGU**  
**JUSTICE OF THE SUPREME COURT**

.....  
**I. LENAOLA**  
**JUSTICE OF THE SUPREME COURT**

.....  
**W. OUKO**  
**JUSTICE OF THE SUPREME COURT**

I certify that this is a true copy  
of the original

**REGISTRAR,**  
**SUPREME COURT OF KENYA**