

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.....1ST PETITIONER

MARTHA WANGARI KARUA.....2ND PETITIONER

—AND—

INDEPENDENT ELECTORAL AND

BOUNDARIES COMMISSION.....1ST RESPONDENT

WANYONYI WAFULA CHEBUKATI.....2ND RESPONDENT

BOYA MOLU3RD RESPONDENT

PROF. ABDI YAKUB GULIYE.....4TH RESPONDENT

JULIANA WHONGE CHERERA5TH RESPONDENT

JUSTUS NYANG'AYA6TH RESPONDENT

IRENE MASSIT7TH RESPONDENT

WILLIAM SAMOEI RUTO8TH RESPONDENT

JOHN WALUBENGO..... 1ST INTENDED *AMICUS CURIAE*

DR. JOSEPH SEVILLA..... 2ND INTENDED *AMICUS CURIAE*

MARTIN MIRERO..... 3RD INTENDED *AMICUS CURIAE*

*(Being an Application by John Walubengo, Dr. Joseph Sevilla and Martin Mirero for Leave to be admitted as **Amici 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)*

RULING OF THE COURT

[1] This application is dated the 28th of August, 2022 and filed on even date by John Walubengo, Dr. Joseph Sevilla and Martin Mirero, seeking leave to be joined as *amici curiae* in the Presidential Election Petition No. E005 of 2022. It is supported by the Affidavit of John Walubengo, sworn on the 28th of August 2022 and filed on the 28th of August, 2022. It is brought pursuant to Articles 10, 22, 38, 140, 159 and 163 of the Constitution; Sections 3A and 12 of the Supreme Court Act, 2011; and Rule 17A of the Supreme Court (Presidential Election Petition) Rules, 2017. The applicants have annexed an *Amici Brief* to their application for the Court's consideration.

[2] We have considered the application, Affidavit in support thereof, and the *Amici 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.

