

REPUBLIC OF KENYA
IN THE SUPREME COURT OF KENYA AT NAIROBI

PETITION NO.5 OF 2013

-BETWEEN-

RAILA ODINGA.....PETITIONER

-AND-

- | | | |
|---|--------------------------|--------------------------|
| 1. THE INDEPENDENT ELECTORAL &
BOUNDARIES COMMISSION | }

} | ----- RESPONDENTS |
| 2. AHMED ISSACK HASSAN | | |
| 3. UHURU KENYATTA | | |
| 4. WILLIAM SAMOEI RUTO | | |

AS CONSOLIDATED WITH PETITION NO. 3 OF 2013

-BETWEEN-

- | | | |
|------------------------------------|--------------------------|--------------------------|
| 1. MOSES KIARIE KURIA | }

} | ----- PETITIONERS |
| 2. DENIS NJUE ITUMBI | | |
| 3. FLORENCE JEMATIAH SERGON | | |

-AND-

- | | | |
|---|--------------------------|--------------------------|
| 1. AHMED ISSACK HASSAN | }

} | ----- RESPONDENTS |
| 2. THE INDEPENDENT ELECTORAL
AND BOUNDARIES COMMISSION | | |

AND AS CONSOLIDATED WITH PETITION NO. 4 OF 2013

RULING

We have considered the explanations given by various Counsel for the Chair of the Law Society of Kenya and the Interested Parties. We are satisfied that in issuing the statement, which triggered the summons, the Chair of the LSK had no intention to undermine the authority of the Court or to vilify the Judges.

It is hereby ordered as follows:

ORDERS

[1] The summons issued by the Registrar dated **22nd July 2013**, are hereby discharged.

We could have stopped here but in reference to the submissions by Counsel regarding the balance between constructive criticism of Court rulings and the need to maintain the authority of the Court and integrity of judicial proceedings, the Court will:

[2] Deliver a detailed ruling/directions on Notice.

SIGNED, DATED and DELIVERED at NAIROBI this 13TH day of March, 2014.

.....
W.M. MUTUNGA,
CHIEF JUSTICE & PRESIDENT
OF THE SUPREME COURT

.....
K.H. RAWAL,
DEPUTY CHIEF JUSTICE &
VICE-PRESIDENT
OF THE SUPREME COURT

.....
P.K. TUNOI
JUSTICE OF THE SUPREME COURT

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

.....
J.B. OJWANG
JUSTICE OF THE SUPREME COURT

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

.....
N. NDUNGU
JUSTICE OF THE SUPREME COURT

I certify that this is a true copy of the original

L.M. NJORA
DEPUTY REGISTRAR
SUPREME COURT OF KENYA