
MEDIA ADVISORY:

PETITION 218 of 2020 ON THE RIGHT OF ACCESS TO INFORMATION

WHAT: The mention of Petition 218 of 2020 on the Right of Access to Information as guaranteed under Article 35 of the Constitution of Kenya, 2010.

The Petition was filed on Thursday, 2nd July 2020 at the Constitutional and Human Rights Division of the High Court in Nairobi. It challenges the failure of various State and public entities to provide timely and accurate information during the Covid-19 health pandemic.

The Court has since certified the matter as urgent and given directions for the Respondents to be served by close of business on Friday 3rd July 2020.

WHO: 13 Petitioners namely; Kenya Legal and Ethical Issues Network on HIV/AIDS (KELIN), Erick Okioma, Esther Nelima, Chris Owalla, CM, FA, KB, MO, EL, who are represented by KELIN; Katiba Institute, Kenya Section of the International Commission of Jurists (ICJ Kenya) Transparency International Kenya (TI-Kenya) and Achieng' Orero, Staff Attorney at Women's Link Worldwide.

The Petitioners will file the case against the Cabinet Secretary for Health, Acting Director General—Ministry of Health, Governor of Siaya County, the Council of Governors, Cabinet Secretary for Interior and Coordination, Inspector General of Police, Cabinet Secretary for Information and Communication, Commission on Administrative Justice (CAJ) and the CEO, Kenya Medical Practitioners' and Dentists Council.

The Kenya National Commission on Human Rights (KNCHR) will be enjoined to the Petition as an interested party.

WHY: The objective of the Petitioners in filing this case is to highlight to the Constitutional Court how the failure and refusal of the respondents in this Petition to provide timely and accurate information violates the right of access to information, right to life, right to health, right to equality and non-discrimination and the right to freedom and security of the person in the Constitution of Kenya, 2010.

The Petitioners will further highlight statutory violations in the Access to Information Act, 2016 and the Health Act, 2017, Laws of Kenya.

WHEN: The case will be mentioned before the Court on **Tuesday 7th July 2020** for further directions and orders.

WHERE: High Court of Kenya, Constitutional and Human Rights Division, Milimani Law Courts.

To contribute to the discussions on access to information, follow ICJ Kenya, KELIN, Katiba Institute, Transparency International and Women's Link Worldwide on our social media platforms, using the hashtags: #RightToInfoKE, and #AccessToInformationKE or #AccessToInfoKE.

Twitter: @ICJKenya

Facebook: www.facebook.com/icj.kenya

Twitter: @KELINKenya

Facebook: <http://www.facebook.com/kelinkenya>

Twitter: @katibainstitute

Facebook: <https://www.facebook.com/KatibaInstituteOfficial/>

Twitter: @womenslink

Facebook: @ <https://www.facebook.com/womenslinkworldwide>

Twitter: @TIKenya

Facebook: <https://www.facebook.com/TransparencyKenya>

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Download Court Documents here:

- i. Notice of Motion: <https://bit.ly/2NUFbW2>
 - ii. Certificate of Urgency: <https://bit.ly/3gneIN1>
 - iii. Petition 218 of 2020: <https://bit.ly/2ApcvBo>
 - iv. Affidavits of the 1st, 2nd and 3rd Petitioners in support of the Petition: <https://bit.ly/2D7LB27>
 - v. Affidavit of the 9th Petitioner, Katiba Institute: <https://bit.ly/3eXpk56>
 - vi. Affidavit of the 10th Petitioner, KELIN: <https://bit.ly/2YT2HZQ>
 - vii. Affidavit of the 11th Petitioner, ICJ-Kenya: <https://bit.ly/38vFL6b>
 - viii. Affidavit of the 12th Petitioner, TI-Kenya: <https://bit.ly/31GRgXd>
 - ix. Affidavit of the 13th Petitioner, Women's Link Worldwide: <https://bit.ly/2NRChkX>
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