

## 2023 JURIST OF THE YEAR AWARD CITATION

Since 1993, the Kenyan Section of the International Commission of Jurists (ICJ Kenya) has recognized the achievements of one outstanding Jurist dedicated to promoting and protecting human rights each year. The award was introduced both to commemorate International Human Rights Day and to recognize and honor the contributions of an exceptional Jurist.

This year, our Jurist has made tremendous efforts in the advancement of Constitutionalism, the respect for the rule of Law, the promotion of good governance, and respect and protection of human rights through innovative thinking, boldness, and courage in pushing the boundaries of the Law through strategic and public interest litigation on diverse and important public policy and interest matters nationally and in the region.

This year's Jurist is well accomplished in various areas of legal expertise, including regional and public international Law, human rights, good governance, litigating matters of public interests, and using strategic litigation to push the boundaries of public policy and has a proven track record to reinforce these facts.

Our Jurist has demonstrated his academic prowess, being an 'A' student in high school, and he proceeded on to the University of Nairobi School of Law to pursue a Bachelor of Laws (LLB), where he graduated in 2010. Thereafter, our Jurist joined the Kenya School of Law for the Advocates Training Programme, successfully completing the course and being admitted to the Bar as an Advocate of the High Court of Kenya in 2012.

Our Jurist did not stop there and proceeded to obtain a Master of Laws (LLM) from the University of Nairobi in 2017, specialising in Law Governance and Democracy (including International Commercial Arbitration). The Jurist's thesis was titled ***'Transformation of Judicial Review in Kenya under the 2010 Constitution.'***

With a keen interest in litigation and desirous of growing and sharpening his advocacy skills, our Jurist went on to practice Law within different law firms in the country, including Wasuna and Partners, Muthoga Gaturu & Co, and Hellen Ngesa and Partners. In diversifying his career and expertise, our Jurist joined the National Council for Law Reporting as an Assistant Law Reporter and Legal Researcher until 2017. In the same year, through the International Law Development Organisation (IDLO), our Jurist was seconded to the Political Parties Disputes Tribunal (PPDT) and as an expert in matters of elections. Our Jurist successfully helped establish systems and processes that significantly assisted the Tribunal in clearing over 200 matters in less than four months.

In 2018, our Jurist's passion for defending the Constitution, respect for the rule of Law, and protection of human rights and freedoms continued to flourish when he joined Katiba Institute as the Senior Litigation and Research Counsel.

Presently, our Jurist is a partner at Bond Advocates LLP. Interesting to note is that our Jurist would later return to the National Council for Law Reporting in the capacity of a board member.

As we have witnessed in the country, different governments have made attempts to subvert the Constitution and the Law in a quest to achieve and advance their interests of the day. In doing so, they violated numerous rights and freedoms of the Kenyan citizenry, being a clear violation of our Constitution. These matters touched on freedom of the media and expression, freedom of religion, digital rights, electoral democracy, and data protection. In addition, freedom from forced evictions, independence of the judiciary, and devolution. Our Jurist of this year, with like-minded individuals and organisations would lead and proceed to challenge such shortcomings before our courts, making our Jurist a regular before the High Court, Court of Appeal, and the Supreme Court of Kenya.

Some of the notable public interest cases our Jurist has handled include the recent 'Maisha Namba' case. With the failed Huduma Number, the same having been declared illegal by the High Court, the present government proposed the Maisha Namba, which, in essence, mirrored the previous Huduma number. Our Jurist, through Katiba Institute, lodged a case before the High Court challenging the said Maisha Namba. It was argued that the state had no basis for implementing the number and that the government proceeded without requiring state protection impact assessment, violating Section 31 of the Data Protection Act. In the matter, the Jurist was quoted stating, ***"the government is still determined to build the Maisha Namba on the shaky foundation of data illegally collected and processed during the Huduma Namba exercise."*** The High

Court issued orders suspending the entire process and issuance of new IDs until the matter is heard and determined.

Our Jurist's involvement in this case demonstrated that it is only prudent that the citizenry's personal data must be protected and their privacy safeguarded as enshrined in the Constitution. Our Jurist deeply appreciated that we are presently living in times where the abuse and misuse of personal data is rife, hence the need to have it jealously protected.

The mention of BBI in the country first takes us back to the 'handshake' moment that surprised most Kenyans, if not all of us in totality. Secondly, what we recall are the very unconstitutional proposals that had been floated, being a true reflection of the selfish interests of the political class and all those involved. As will be recalled, the entire process was flawed from the onset and was actually dead on arrival, the Courts only confirming this.

Our Jurist took part in litigating the matter. The successful outcomes from the High Court, Court of Appeal, and Supreme Court were a testament to the fact that we are a country governed by the rule of Law, and unconstitutional shortcuts feeding into political and personal interests must be shunned. Our Jurist, in litigating what we consider a landmark case, demonstrated his unwavering commitment to safeguarding the Constitution and respect for the rule of Law. We were all challenged by his tenacity and attitude and equally play our part in securing our democracy and promoting Constitutionalism.

Our Jurist, desirous that rights and freedoms guaranteed in the Constitution are protected and respected, litigated in the matter touching on freedom of religion, especially in schools. The Court of Appeal, in a landmark decision, unequivocally held that compelling students to participate in interfaith activities that contradict their faith is a direct violation of their freedom of religion under Article 32 of the Kenyan Constitution. In addition, our Jurist would go on to litigate election matters and, more specifically, the presidential election at the Supreme Court of Kenya, representing the *amicus curie* and rendering the brief the justice it deserved.

Although the public interest litigation cases highlighted are not exhaustive, they only demonstrate the zeal our Jurists possess to safeguard the Constitution, respect for the rule of Law, and safeguard of human rights and fundamental freedoms. Those who know our Jurist will bear witness that the Jurist has been involved in numerous public interest and strategic litigation cases, with the citizenry at the core of it.

Our Jurist is equally known for his *pro bono* services. It is stated that to give is divine, and our Jurist has indeed demonstrated this through offering *pro bono* legal services to those who need and require them. Indeed, *pro bono* services, in their very nature, demonstrate selflessness, humility, and humanness. Our Jurist, through the Thompson Reuters Foundation and the Law Society of Kenya PIL Committee between July and August 2023, represented tens of minors who were arrested and arraigned in court for unlawful assembly.

Our Jurist, and as many here will attest, has demonstrated that the Constitution is not mere words on paper but the aspirations of people, that in their existence in a democratic setting, their rights and freedoms are deeply anchored being the cornerstone of their existence and the bedrock of human dignity. In litigating such weighty matters, our Jurist paints a very clear picture that, indeed, there is a need to stand firm in what one believes in, especially in safeguarding of the Constitution. He equally showed that the courts are a stone in the sling to help take down the giant that is an attempt to subvert the Constitution or any law in Kenya. It is commendable to the Jurist that he has the best interest of the country at heart.

Our Jurist has a cool and calm demeanor, soft-spoken and humble, but beneath all these lies a phenomenal legal mind and wholesome legal acumen, as witnessed in the work done and continues to be done. In giving back to society, often one does not do so for the accolades, as can be stated in the case of this year's Jurist. However, such efforts will largely be noticed by those who rally behind you, like this year's Jurist. This came in the form of the numerous other awards achieved, a testament to the brilliant work done.

In 2018, our Jurist won the Law Society of Kenya's Public Interest Litigation Jurist of the Year Award, and in 2022 awarded by the International Commission of Jurists the Volunteer Advocate of the Year Award. In November 2023, our Jurist was recognised as a Litigation Practitioner of the Year (2nd Runner-up) at the Nairobi Legal Awards. It is indeed our pleasure to add to our Jurist's accolades by awarding this year's JOYA award.

In May 2023, The Lawyer Africa ranked the Jurist among the **Top 100 Litigation Lawyers in Kenya**. Leaders in Law also ranks the Jurist as the 2023 Litigation Lawyer of the Year in Kenya. Our Jurist, an alumnus National Institute of Trial Advocacy (USA) and the Inns of Court College of Advocacy (UK) and also a Trainer of Trainers in Trial Advocacy (Justice Advocacy Africa), has ensured to enlighten others to sharpen their skills and has achieved not only through his work but also through CDP programmes contacted with the Law Society of Kenya and the East Africa Law Society. In addition, the jurist recipient is an active member of ICJ Kenya.

We are delighted to award **Ochiel J. Dudley** this year's Jurist of the Year Award. He has indeed confirmed that he is deserving of this award and resonates with the spirit and ideals of ICJ Kenya. We hope that this recognition will continue

to ignite the fire that burns within to ensure that the Constitution is safeguarded, the respect for the rule of Law, and the protection of human rights and fundamental freedoms upheld. The late Prof. Wangari Mathaai stated that her little thing was planting trees; for **Mr. Dudley Ochiel**, it is clear that his little thing is championing Constitutionalism through public interest and strategic litigation. Through this award, we hope that you will inspire young advocates even more to take on the button and carry on the amazing work you do and continue to do. May you continue to effectively utilise strategic litigation consistently, fearlessly, and impartially to promote the rule of Law and human rights in Kenya.

With this award, ICJ Kenya tips a hat to Mr. Dudley Ochiel for his zeal and tremendous work, and may it serve as a guiding light to achieve even more.

**On behalf of the ICJ Kenya fraternity, hearty congratulations, Mr. Dudley Ochiel!! For being recognised as our 30<sup>th</sup> Jurist of the Year recipient!**