# Applicant Submissions on Proportionality and Peaceful Picketing Under Article 24

Educational sample 150 | Nairobi

Educational reconstruction from a reported Kenyan judgment. This is newly drafted text, not an original court filing and not a matter handled by our team. Identifying details are replaced with bracketed fields. Verify the facts, current law, jurisdiction and court directions before signing, swearing or filing.

## Reconstructed formal document

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI JUDICIAL REVIEW DIVISION

PETITION OR APPLICATION NO [reference]

REPUBLIC v [RESPONDENT AUTHORITY] EX PARTE [APPLICANTS]

INTERESTED PARTIES [as admitted in the actual file]

WRITTEN SUBMISSIONS

1. The challenged directive should be examined against Articles 36, 37 and 41 and the limitation criteria in Article 24. Police powers must be exercised consistently with those protections.

2. The Respondent must identify a lawful basis and justify the extent of the restriction. A description of peaceful picketing as inconvenient does not alone establish a constitutionally sufficient limitation.

3. Illegality, irrationality and procedural fairness should be addressed as separate grounds. The actual directive and the verified circumstances must determine the analysis, rather than general allegations about all police operations.

4. Personal responsibility and good faith protection under the National Police Service Act require careful attention to their statutory and constitutional limits. A declaration of possible liability is not a criminal conviction.

5. The Applicants request the identified quashing and prohibitory relief and an express costs disposition. The source granted that relief and responsibility declarations but declined the other prayers; compensation and supervisory relief must not be described as granted.

DATED at [place] on [date]. Signed [party or advocate]. DRAWN AND FILED BY [name and address for service]. TO BE SERVED UPON [each affected party and address].

## Use and evidence notes

Link each review ground to the directive, the verified facts and the applicable legal power. Address proportionality and procedure separately. A respondent’s failure to answer does not remove the applicant’s obligation to establish relief. Distinguish requested orders from those actually granted, and judicial declarations from criminal conviction or a damages award.

Authorities and record references: [authority and proposition]; [relevant admitted document and page]; [court direction governing this filing].

## Source and procedural limits

Rights organisations challenged a police directive issued during medical workers’ industrial action. They relied on an earlier Nairobi picket at which a union officer was injured and sought review relief concerning peaceful assembly. The respondent did not answer the application; an interested professional body supported it.

The High Court granted prohibition, certiorari, declarations on personal responsibility and costs payable personally by the respondent. It declined the other requested relief. It did not award the requested personal compensation, supervisory investigation order or apology, and did not convict anyone of a criminal offence.

Constitution Articles 24, 36, 37, 41 and 47; Fair Administrative Action Act; Law Reform Act and Civil Procedure Rules Order 53 for the source route; National Police Service Act sections 10 and 66. A current applicant must verify leave, time, service and the competent respondent, and distinguish public law relief from a criminal conviction.

[2024] KEHC 16607 (KLR) — 31 December 2024. Original judgment: https://katibainstitute.org/wp-content/uploads/2025/05/Kenya-Human-Rights-Commission-8-others-v-Nchebere-Law-Society-of-Kenya-2-others-Interested-Parties-Application-E082of2024-2024KEHC16607KLR-Judicial-Review-31December2024-Judgment.pdf

The original decision may identify participants. The specimen replaces their identifying details. A source decision is not proof that a draft was filed, that an allegation succeeded, or that the same result will follow in another case.