



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CONSTITUTIONAL AND HUMAN RIGHTS DIVISION

PETITION NO. 229 OF 2018

GLORIA MUNYIVA MBEVI.....1ST PETITIONER

JONAH KYALO MBEVI.....2ND PETITIONER

VERSUS

AFRICA NAZARENE UNIVERSITY1ST RESPONDENT

COUNCIL OF LEGAL EDUCATION.....2ND RESPONDENT

KENYA SCHOOL OF LAW.....3RD RESPONDENT

JUDGMENT

The Parties

1. The 1st and 2nd petitioners are adults and are daughter and father respectively.
2. The 1st respondent, Africa Nazarene University, is a private higher education institution established in 1993 located in Rongai, an urban setting of Nairobi.
3. The 2nd respondent, the Council of Legal Education, is a statutory entity established under Section 3 of the Council of Legal Education Act, Chapter 16A of the Laws of Kenya whose main object and purpose is to exercise general supervision and control over legal education in Kenya and to advise the government in relation to all aspects thereof.
4. The 3rd respondent, the Kenya School of Law, is an independent statutory body established in 1995 under the Council of Legal Education Act with the mandate of organizing and conducting courses for development of legal professionals among others.

The petitioner's case

5. Through a petition filed on 27th June 2018, the petitioners sued the respondents herein and sought the following orders:

a) Declaration that by virtue of the conduct of the respondents, the 1st petitioner's right of access relevant education and training has been violated.

b) Declaration that by virtue of the conduct of the respondents, the petitioner's right to equality, freedom from discrimination and/or right to human dignity have been violated.

c) Declaration that by virtue of the conduct of the respondents, the petitioner's right to an expeditious, efficient, lawful, and reasonable administrative action has been violated.

d) An order in the nature of mandamus directed to the 2nd respondent to give academic clearance of the 1st petitioner and/or approve the 1st petitioner as an eligible student for the Advocate Training programme offered by the 3rd respondent and or an order directing the 3rd respondent to immediately admit the 1st petitioner to the Advocate Training programme.

e) An order for compensation in the nature of general damages, against the respondents jointly and severally, for loss and damage occasioned by violation of the petitioners' fundamental rights.

f) In addition and/or in the alternative, an order for compensation against the 1st respondent in the nature of special damages respecting tuition fees and other charges.

g) Such other order/s as this Honourable court shall deem just.

6. The petition is supported by the petitioners' affidavits sworn on 22nd June 2018. The petitioners case is that having successfully studied and completed her education for the International General Certificate of Secondary Education Ordinary level (hereinafter "IGCSE" O Level) at Lukenya Academy, the 1st petitioner applied to be enrolled in the 1st respondent's institution in Bachelor of Laws Program (LL.B) which application was accepted after which 1st petitioner commenced her studies on 26th September 2013 and completed the same in May 2017 having paid school fees to the tune of kshs 3,500,000 together with other related expenses and that on 24th October 2017, the 1st respondent conferred upon the 1st petitioner the degree of Bachelor of Laws, Second Class Honours.

7. The petitioners state that upon graduating with an LL.B degree in 2017, the 1st petitioner applied to the 3rd respondent (KSL) for admission into its Advocates Training Programme (ATP) and that vide a letter dated 7th December 2017, the 3rd respondent offered the 1st petitioner a provisional place in its Advocates Training Programme for the academic year 2018/2019 and that upon receipt of the said letter, the 2nd respondent paid to the 3rd respondent tuition fees of kshs 108,000 on 19th January 2018, but that to the petitioner's shock and disbelief, the 1st petitioner received a revocation of her said admission to the Advocates Training Programme from the 3rd respondent.

8. The petitioner's further state that the respondents jointly and severally failed to ensure and/or promote the 1st petitioners right to access education and training which is a fundamental right under the Constitution. They contend that the 1st respondent ought not to have held itself as a legal education provider of an LL.B programme without compliance with the law and that similarly; the 2nd and 3rd respondents had a duty to ensure that the 1st respondent did not engage in provision of legal education without compliance with the law. They further contend that they had legitimate expectation that the 1st petitioner would receive relevant training.

9. The petitioners acknowledge, on a without prejudice basis that the 2nd respondent had communicated to all Kenya Legal Education providers, including the 1st respondent, of the minimum admission requirement for the LL.B course but that despite the said communication, the 1st respondent continued to receive fees from the 2nd petitioner and to teach the 1st petitioner without disclosing the fact that the 1st petitioner's education may be adversely affected by the aforesaid communication and further, that the 2nd respondent failed to take action against the 1st respondent for failure to adhere to the legal requirements.

10. The petitioners aver that the respondents' actions did not only amount to violation of their constitutional rights but that it also amount to serious tortious liability and/or contractual liability on the part of the respondents. It is the petitioners' case that the respondents actions amount to a violation of their rights under Articles 27, 28, 47(1), 55 of the Constitution and have resulted in great loss and prejudice to the 1st petitioner's academic journey and legitimate expectation.

11. The 1st petitioner contends that she continues to suffer discrimination as her contemporaries are undertaking the Advocates Training Programme offered by the 3rd respondent.

12. At the hearing of the petition, Mr. Kinyanjui, learned counsel for the petitioner submitted that the 2nd respondent's demand for an IGCSE Advanced Level qualification and/or International Baccalaureate (IB) in order to qualify for an admission to the LLB Degree Programme was a misapplication of the law as the provisions of Rule 54 of the First Schedule to the 2009 Council of Legal Education Rules (hereinafter "the Rules") did not apply to the 1st petitioner.

13. It was therefore the petitioners' submission that the revocation of the 1st petitioner's admission to the Advocates Training Programme has no basis in law and amounts to violation of her right to access relevant education as envisaged under Article 55 of the Constitution.

14. According to the petitioners, the law applicable to the 1st petitioner is Rule 5(b) of the Rules and that by admitting the 1st petitioner to its LL.B degree programme the 1st respondent had properly applied the said Rule 5(b). As regards Rule 5(b), the counsel submitted that having attained 5 credits for the IGCSE as provided for under Clause 7 of the Commission of Higher Education Guidelines 2001 (hereinafter "the Guidelines") the 1st petitioner was eligible to be admitted to the LL.B degree programme.

15. It was submitted that failure to apply Rules 5(b) of the Rules in assessing the 1st petitioner's application for Advocates Training Programme amounts to a denial of the right to equal benefit of the law as provided for under Article 27 of the Constitution. For this argument the petitioners relied on the landmark case of **Associated Provincial Picture House Ltd -vs -Wednesbury Corporation [1948] KB 233** wherein the principle of unreasonableness was summarized as follows;

" The court is entitled to investigate the action of the local authority with a view of seeing whether they have taken into account matters which they ought not to take into account, or conversely, have refused to take account or neglected to take into account matters which they ought to take into account."

16. On the right to fair administrative action, counsel submitted that the 1st respondent's failure to inform the petitioners of the communication from the 2nd respondent on the minimum admission requirements is a violation of the petitioner's right to fair administrative

action that is expeditious, efficient, lawful and reasonable. The petitioners argued that the respondents had a duty to inform the petitioners of any changes in regulations so as to afford them an opportunity to make appropriate decisions regarding the 1st petitioner's education.

The respondents' response

1st respondent

17. The 1st respondent opposed the petition through the replying affidavit of its Dean of Law School, Dr. Duncan Ojwang, dated 13th July 2018, wherein he avers that the University is accredited to offer among other programs, Legal Education in Kenya and is committed to offering excellence in higher education that is firmly grounded in positive moral values while providing students with the opportunity to become leaders in various fields. He attached a copy of the certificate of full Accreditation to the replying affidavit as annexure "DO-1".

18. He confirms that the 1st petitioner was a law student at the university having been admitted on the basis of Clause 7 of the Commissions Guidelines on the minimum admission qualifications in any university for which the 1st petitioner was qualified. He further avers that the Legal Education Act No. 27 of 2012 (hereinafter " the Act") whose Section 47 repealed the Council of Legal Education Act, 1995(Cap 16A), did not provide for the minimum admission qualification into a law programme nor the equation of Secondary School qualification for purposes of admission into a law degree programme and that it was not until 2014 that the 2nd respondent was bestowed with the mandate to recognize, approve and/or equate foreign qualifications for individuals seeking admission to the Law programme and/or to practice law in Kenya through the Statute Law (Miscellaneous Amendments) Act, 2014. He further states that at the time of the petitioner's admission, the university relied on the guidelines from the Commission of Higher Education in determining criteria for admission of its students across the various programmes offered by the university and that several students who graduated from the University's Law School were all subsequently accepted to the Advocates Training Program of the 3rd respondent.

19. He avers that the university admitted the petitioner into the Bachelor of Laws Programme in full and honest belief that she was duly qualified for the same having attained a minimum requirements according to the criteria aforementioned and urges the court to find that the university did not act in violation of the petitioner's rights as alleged. He reiterates that the university's recognizes the petitioner's Bachelor of Law Degree as a valid degree duly acquired upon satisfaction of both admission and course requirements.

2nd respondent's response.

20. The 2nd respondent filed a statement of grounds of opposition and skeleton arguments on 9th October 2018 in which it raised the following grounds:

1. The 2nd petitioner is not a proper party to this petition since he has no locus/standi to institute the present petition. The statement of the law is the oft quoted case of Anarita Karimi Njeru v Republic [1979] e KLR wherein the court stated thus:

"We would, however, again stress that if a person is seeking redress from the High Court on a matter which involves a reference to the Constitution, it is important (if only to ensure that justice is done to his case) that he should set out with a reasonable degree of precision that of which the complains, the provisions said to be infringed, and the manner in which they are alleged to be infringed."

2. The second respondent in making its decision was guided by inter alia the provisions of the Kenya School of Law Act, 2012, the Legal Education Act, 2012 and the Council of Legal Education (Kenya School of Law) Regulations, 2009.

3. The second respondent strictly followed the law in making its decision as a regulator and in line with the objective of the Legal Education Act, 2012 set out under Section 3 of promoting the maintenance of the highest possible standards of legal education.

4. Honourable court has no jurisdiction to issue a writ of mandamus against the 2nd respondent to violate the law, see the Court of Appeal in Kenya National Examinations Council vs Republic Exparte Kemunto Regina Ouro [2010] e KLR. In the judgment the Court of Appeal held:

'...In view of the above rule mandamus could not properly issue. It is against the law to require an authority to do what is contrary to the law.....Mandamus issues to compel performance of a public duty imposed by law. The law does not mandate the council o act against it rules'

3rd respondent's response

21. The 3rd respondent opposed the petition through the replying affidavit of its Academic Manager, Mr. Fredrick Muhia, dated 3rd December 2018, who avers that the 2nd respondent wrote to the 3rd respondent informing it that an 'O' level in IGSE without an "A" level qualification is not a qualification for purposes of entry into an undergraduate law degree programme. He states that as the regulator of legal education in Kenya, the 3rd respondent had to comply with the guidance provided by the 2nd respondent and that it was enjoined to withdraw a provisional admission letter or deregister unqualified persons at any point during the programme including after registration if the registration is found to have been erroneous.

Determination

22. I have considered this petition, the responses filed by the respondents, the submissions by counsel for the parties and the authorities that they cited. The main question for determination is whether the petitioners have established that their rights and fundamental freedoms have been violated. There was also the question of whether the 2nd petitioner had the locus standi to institute this petition.

23. In order to determine the question of whether the 2nd petitioner has locus standi, I find it necessary to outline the provisions of Articles 22 and 258 of the Constitution of Kenya:-

“22(1) Every person has the right to institute court proceedings claiming that a right or fundamental freedom in the Bill of Rights has been denied, violated or infringed, or is threatened.

(2) In addition to a person acting on their own interest, court proceedings under clause (1) may be instituted by –

(a) a person acting on behalf of another person who cannot act on their own name;

(b) a person acting as a member of, or in the interest of, a group or class of persons.

(c) a person acting in the public interest; or

(d) an association acting in the interest of one or more of its members.” (emphasis added).

24. Article 258 of the Constitution on the other hand provides as follows:-

“1. Every person has the right to institute court proceedings claiming that this constitution has been contravened, or is threatened with contravention.

2. In addition to a person acting in their own interest, court proceedings under clause (1) may be instituted by –

(a) A person acting on behalf of another person who cannot act in their own name;

(b) A person acting as a member of, or in the interest of, a group or class of persons;

(c) A person acting in the public interest; or

(d) An association acting in the interest of one or more of its members.” (emphasis added).

25. In article 260 of the Constitution, ***the word person is interpreted to include a company, association or other body of persons whether incorporated or unincorporated.***” (emphasis added).

26. In the case of ***Mining Temoi & Another vs Governor of County of Bungoma & 17 Others [2014] eKLR***, Mabeya J. held thus:-

“I am of the view that article 22(1) and (2) of the Constitution has expanded the horizons of locus standi in matters of enforcement of fundamental rights and freedoms. A literal interpretation of articles 22 and 258 in my view confers upon any person a right to bring action in more than two instances firstly in the public interest, and secondly, where breach of the Constitution is threatened in relation to a right of fundamental freedom. Where one purports to enforce the rights of another, it is my view that there must be a nexus between the parties”

27. Having regard to the above cited provisions of the Constitution and authority, I find that the law is now settled that any person can bring an action claiming breach of the constitution and I therefore find that the 2nd petitioner was therefore well within his rights to file this petition.

28. Turning to the claim on violation of rights, the petitioners’ case was that their rights under Articles 27, 28, 47 and 55 of the Constitution were infringed by the respondents. The said Articles stipulate as follows:

29.

27 Equality and freedom from discrimination

(1) Every person is equal before the law and has the right to equal protection and equal benefit of the law.

(2) Equality includes the full and equal enjoyment of all rights and fundamental freedoms.

(3) Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.

(4) The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.

(5) A person shall not discriminate directly or indirectly against another person on any of the grounds specified or contemplated in clause (4).

(6) To give full effect to the realisation of the rights guaranteed under this Article, the State shall take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination.

(7) Any measure taken under clause (6) shall adequately provide for any benefits to be on the basis of genuine need.

(8) In addition to the measures contemplated in clause (6), the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.

28 Human dignity

Every person has inherent dignity and the right to have that dignity respected and protected.

Youth

55 The State shall take measures, including affirmative action programmes, to ensure that the youth—

(a) access relevant education and training;

(b) have opportunities to associate, be represented and participate in political, social, economic and other spheres of life;

(c) access employment; and

(d) are protected from harmful cultural practices and exploitation.

30. In the instant case, it was not in dispute that the 1st petitioner was admitted to the 1st respondent's university for an LL.B Degree program in September 2013 which course she successfully completed in May 2017. It was further not in dispute that the 1st respondent was, at the time it offered the law degree course to the 1st petitioner, duly and fully accredited by the 2nd respondent to offer such training as was shown in the accreditation certificate attached to the 1st respondent's replying affidavit as annexure "DO1". I note that the accreditation certificate is worded as follows:

Council of Legal Education

Certificate of full accreditation

This is to certify that

AFRICA NAZARENE UNIVERSITY, MAIN CAMPUS

Has on this day 29th May 2014 been granted full accreditation for a period of 5 years and is licensed under the Legal Education Act No. 27 of 2012, the Council of Legal Education (Accreditation of Legal Education Institutions) Regulations, 2009 and the accompanying Quality Standards and Guidelines and is HEREBY authorized to offer legal education and training leading to award of the Bachelor of Laws (LL.B) Degree in Kenya.

31. The 1st petitioner's case was that upon graduating from the 1st respondent's institution, she applied to the 3rd respondent to be admitted to the Advocates Training Program (ATP) which application received an initial positive response only for her hopes to be dashed soon thereafter when through a letter dated 15th February 2018 her earlier admission was revoked on the basis that she was not qualified to undertake the LL.B course in the first place thereby precipitating the filing of this petition.

32. This court takes judicial notice of the fact that admission to the ATP has in the recent past been the subject of many court cases in which many LL.B graduates from various universities have had their applications to the 3rd respondent rejected on account of failure to meet the minimum university entry requirements for the said course. To my mind, the numerous controversies point to the fact that there is a disconnect between the universities and 2nd respondent on the guidelines, requirements or qualifications for admission to the LL.B course. The lack of clear guidelines or changes in the said requirements has led to many students graduating with LL.B degrees only to come to the cruel realization that they are not able to pursue their career of choice further on the basis that their pre-university qualifications did not meet the standards set by the 2nd respondent. This was the position in the case of **Kevin K. Mwiti & Others vs Kenya School of Law and 2 Others 2015 eKLR** wherein the court held that the students who had been admitted to the LL.B Degree course ought to be treated in accordance with the law that was in existence at the time that they joined the University.

33. Applying the finding in the **Kevin K. Mwiti case** (supra) to the instant case, I will now turn to consider the law that was in existence at the time the 1st petitioner joined the 1st respondent university. The 1st respondent submitted that the applicable law was Regulation 5(b) of the Council of Legal Education (Kenya School of Law) Regulations 2009 and paragraph (a) 1 (b) of the Second Schedule of Kenya School of Law Act, 2012 before the amendment brought by Legal Notice No. 48 of 2014 and the Statute Law (Miscellaneous Amendments) Act 2014 to the Kenya School of Law Act. Section 16 of the **Kenya School of Law Act** provides:

A person shall not qualify for admission to a course of study at the School, unless that person has met the admission requirements set out in the Second Schedule for that course.

34. Before the amendment the Second Schedule to the Act at section 1 and 2 thereof provided:

(1) A person shall be admitted to the School if:

(a) having passed the relevant examination of any recognized university in Kenya holds, or has become eligible for the conferment of the Bachelor of Laws Degree (LL.B) of that university; or

(b) having passed the relevant examinations of a university, university college or other institutions prescribed by the Council of Legal Education, holds or has become eligible for the conferment of the Bachelor of Laws Degree (LL.B) in the grant of that university, university college or other institution:

(i) attained a minimum entry requirements for admission to a university in Kenya; and

(ii) obtained a minimum grade B (plain) in English Language or Kiswahili and a mean grade of C (plus) in the Kenya Certificate of Secondary Education or its equivalent; or

(2) has sat and passed the Pre-Bar examination set by the School.

35. In the instant case, the 1st respondent maintained that it considered the 1st petitioner's application for admission to the university based on the applicable regulations at the time being the Commission for Higher Education Standards and Guidelines for the Academic Degree Programmes, 2011 made pursuant to the Universities Act which was attached to its replying affidavit as annexure "DO-2". Clause 7 of the said guidelines stipulate as follows on admission qualifications:

The minimum admission qualifications to any university shall be:

a. Undergraduate

i. C+ for Kenya Certificate of Secondary Education (KCSE) holders;

ii. 5 credits for International General Certificate of Secondary Education (IGCSE) holders;

iii. A minimum of 24 out of 45 points for International Baccalaureate (IB) holders;

iv. C in KCSE for recognized pre-university qualification holders or recognized diploma holders with a minimum of credit C (of 2.50 on a scale of 4.00) from a recognized institution; and

v. Any other equivalence as determined by the Kenya National Examination Council.

36. According to the 1st respondent, it was on the basis of Clause 7(ii) of the aforesaid Commission for Higher Education Standards and Guidelines that the 1st petitioner was admitted to the LL.B degree course at their institution. It was the 1st respondent's contention that apart from meeting the requirements of the above guidelines, the 1st petitioner also obtained a minimum grade B in English/ grade A in Kiswahili in IGCSE and the equivalent of mean grade of C (plus). From the foregoing it is clear that the Second Schedule of the Act, which I have highlighted hereinabove, allows those who have alternative qualifications other than KCSE to be eligible for admission to the ATP. What is however required is that whatever qualification an applicant possesses it must be equivalent to a mean grade of C+ in the Kenya Certificate of Secondary Education. In the instant case, it was not in dispute that the petitioner's IGCSE qualification was equivalent to mean grade C (plus).

37. The 2nd respondent's case on the other hand was that the applicable law in the 1st petitioner's admission to the ATP was Regulation 5(c) of the First Schedule to the Council of Legal Education (Kenya School of Law) Regulations 2009 which sets out the requirements as follows:

"5. A person shall not be eligible for admission for the Post Graduate Diploma (Advocate Training Program) unless that person has-

(a) passed the relevant examination of any recognized university in Kenya, he holds or has become eligible for the conferment of the Bachelor of Laws Degree (LL.B) of that university;

(b) passed the relevant examinations of a university, university college or other institutions prescribed by the Council, he holds or

has become eligible for the conferment of the Bachelor of Laws Degree (LL.B) in the grant of that university, university college or other institution, had prior to enrolling at that university, university college or other institution–

(i) attained a minimum entry requirements for admission to a university in Kenya; and

(ii) a minimum grade B (plain) in English Language and a mean grade of C (plus) in the Kenya Certificate of Secondary Examination or its equivalent;

(c) a Bachelor of Laws Degree (LL.B) from a recognized university and attained a minimum grade of C+ (C plus) in English and a minimum aggregate grade of C (plain) in the Kenya Certificate of Secondary Examination, holds a higher qualification e.g. “A” levels, “IB”, relevant “Diploma”, other “undergraduate degree” or has attained a higher degree in Law after the undergraduate studies in the Bachelor of Laws Program; or

(d) a Bachelor of Laws Degree (LL.B) from recognized university and attained a minimum grade of C- (C minus) in English and a minimum of an aggregate grade of C- (C minus) in the Kenya Certificate of Secondary Examination sits and passes the Pre-Bar Examination set by the Council of Legal Education as a pre-condition for admission.”

38. It was the 2nd respondent’s case that since the 1st petitioner had a foreign qualification christened as IGCSE which was not equated by the Kenya National Examination Council (KNEC), the applicable regulation in her case was 5(c) hereinabove that requires her to have obtained a higher qualification to enable her enter into the LL.B Programme.

39. My finding is that the 2nd respondent’s position that the IGCSE is a foreign qualification not equated by KNEC is erroneous and unfounded as IGCSE is a system of education that is accepted, practiced and recognized under our system of education and this explains the reason why, as already noted in this judgment, the Commission for Higher Education Standards and Guidelines for the Academic Degree Programmes, 2011 made pursuant to the Universities Act at Clause 7 (ii) provides the minimum qualifications for IGCSE holders entry to the university as **“5 credits for International General Certificate of Secondary Education (IGCSE) holders;”**

40. My finding is that the 1st petitioner met the minimum university entry requirements as at the time she joined the university and is therefore eligible for admission to the ATP. I further find that the 2nd respondent’s argument that the Regulation 5(c) of the Regulations is applicable in the 1st petitioner’s case is not supported by any evidence as it was not disputed that contrary to the provisions of the said regulations, the 1st petitioner obtained minimum grade B in English/ grade A in Kiswahili in IGCSE and the equivalent of a mean grade of above C (plus) in which case, she qualified to be admitted to the LL.B Degree course.

41. In my view and having regard to the totality of the circumstances surrounding this case, the 1st petitioner deserves to be admitted to the ATP having obtained an LL.B degree from a university that was duly accredited by the 2nd respondent. I further find that the petitioner’s right to access education and training has been violated by the 2nd and 3rd respondents. Similarly, her right to an expeditious, efficient, lawful and reasonable administrative action has also been violated considering the delay in her admission to the ATP which was supposed to commence in January 2018.

42. In the premises and having regard to the findings and observations that I have made in this judgment I issue the following orders:

a) Declaration that by virtue of the conduct of the respondents, the 1st petitioner’s right of access relevant education and training has been violated.

b) Declaration that by virtue of the conduct of the respondents, the petitioner’s right to an expeditious, efficient, lawful, and reasonable administrative action has been violated.

c) An order in the nature of mandamus directed to the 2nd respondent to give academic clearance of the 1st petitioner and/or approve the 1st petitioner as an eligible student for the Advocate Training programme offered by the 3rd respondent and or an order directing the 3rd respondent to immediately admit the 1st petitioner to the Advocate Training programme.

d) An order of certiorari removing into this court and quashing the decision of the 3rd Respondent contained in the letters of 15th February, 2018 revoking the 1st petitioner’s admission to the ATP.

e) In light of the relationship between the 1st petitioner and the respondents, there will be no order as to costs.

Orders accordingly.

Dated, signed and delivered in open court at Nairobi this 30th day of April 2019.

W. A. OKWANY

JUDGE

In the presence of:

Mr Masika for Miss Kinyanjui for the petitioner

Court Assistant – Ali