

## Kituo wins Case on Dadaab Refugee Camp Closure



Kituo advocates joined by refugees at the Milimani Law Courts after the High Court judgement

February, 2017 was a very significant month for refugee rights in Kenya as Kituo Cha Sheria was twice on the winning side receiving two positive judgments from the Court of Appeal and the High Court of Kenya.

On the 9th February, 2017 High Court Judge-Justice John M. Mativo declared the repatriation of Dadaab camp refugees a violation of Articles 2(5) and 2(6) of the Constitution of Kenya and Kenya's international obligations. Kituo had filed a petition against the Kenyan government's directive to close the Dadaab refugee camp and disband the Department of Refugee Affairs (DRA) issued on 6th and 11th May 2016.

In another big win, on the 17th February 2017, the Court of Appeal affirmed a 2014 decision of the High Court finding the directive by the Government requiring all urban refugees to report to refugee camps as being unconstitutional.

On 18th December, 2012, the Government of Kenya through the Department of Refugee Affairs had issued a press release communicating the decision by the government to stop the reception, registration of refugees and asylum seekers and close down all registration centers in the urban areas with immediate effect. The effect of this was that all refugees residing in urban areas would be moved to the Daadab and Kakuma refugee camps and ultimately be

repatriated to their home countries.

Appellate Judges Philip Waki, Festus Azangalala and Patrick Kiage dismissed the plea by the state to overturn the High Court ruling.

Kituo founded its cause on the Constitution arguing in Court that the government directives went against the refugee's right to dignity, the principle of non-refoulement and violated state's responsibility towards persons in vulnerable situations. The government's plan particularly to close the camp specifically targeting Somali refugees was an act of group persecution, illegal, discriminatory and therefore unconstitutional.

Kituo through the Forced Migration Program acts as the people's watchdog over the implementation of the Refugee Act, 2006, the Constitution and other international instruments in ensuring refugees' rights are realized.



## KITUO conducts Radio Talk Shows in Mombasa



Kituo's Zedekiah Adika joined by Ayuo Ketta from Pamoja Trust at Pwani FM studios

Kituo cha Sheria in February, 2017 undertook various radio talk-shows on radio stations based in Mombasa County. The talk shows on Radio Salaam and Pwani FM mainly centered on Prisoners' right to vote and general human rights issues that Kituo deals with.

Officers introduced Kituo and their role in ensuring Prisoners exercise their right to vote; explaining the route which the process has taken since the vote on referendum to Petition No 574 of 2012 which allowed prisoners to vote.

Listeners were informed of the work Kituo has done with prison paralegals and their role in ensuring access to Justice within prisons and the Prison Justice Centers across Kenya.

Also elaborated was the rationale and best practice in the world and challenges the process has encountered. The community was encouraged to support the process ensuring that they forward relevant documents to the inmates before 27th February 2017.

## KITUO Hosts Dutch Embassy Visitors



Executive Director Gertrude Angote (2nd left), Ms. Carolyne Abong (3rd right), Ms. Maxi Okumu (4th left) and the Kituo team pose outside the M-Haki hub

Kituo cha Sheria on Thursday, 2nd March, 2017 hosted officials from the Dutch Embassy in Nairobi at the Kituo Head office.

The two visitors - Ms. Carolyne Abong, a Senior Policy Officer under the Embassy's governance programme and Ms. Maxi Okumu, Budget and Grant Administrator were welcomed by Kituo's Executive Director Gertrude Angote appreciating the Dutch Embassy for their support to Kituo. The visit was an opportunity for Kituo to present a status update on the access to justice project supported by the Embassy and especially the innovative M-Haki SMS platform.





## MISEREOR Visits KITUO



Barbara Schirmel, the Africa and Middle East Head for Misereor (in orange top) poses with the Kituo team at the head office

Kituo cha Sheria on Wednesday, 8th February 2017 hosted Barbara Schirmel, the Africa and Middle East Head for Misereor, who visited the Kituo Head office and the Kamiti Prison Justice Center.

Kituo's Executive Director Gertrude Angote welcomed Barbara and appreciated Misereor for their long partnership with Kituo. The visit was an opportunity for Kituo to showcase its programmatic work in promoting access to justice supported by Misereor.

Misereor supports the weakest members of society: the poor, the sick, the hungry and the disadvantaged while Kituo is committed to helping the disadvantaged, poor and marginalized people in Kenya access justice. One of the ways Kituo fulfils its mandate is through the Prison Justice Centers run by Kituo-trained prison paralegals; inmates and prison warders.

The team visited the Kamiti Prison Justice Center, opened in 2012 with 32 trained paralegals who provide legal aid to fellow inmates within the prison facility.

The Center Coordinator and Prison Officer Senior Sergeant Benson Ngui and John Monjo Njenga, an inmate serving a life sentence made a case for the important role the paralegal office plays in the prison system.



The Kituo team and Barbara Schirmel handing over material to the Kamiti Prison Justice Centre

"We have given our fellow inmates hope in a bleak world, this Center supported by Kituo has given people a place to turn to", said Monjo.

The center despite the various challenges has registered huge successes including having 52 inmates acquitted in the last one year alone after successful appeals. During the visit to the Center, Kituo advocate John Mwariri took time to update the prison community present on the Prisoners' right to vote and the ongoing registration of prisoners who'll take part in electing their government.

The team paid a courtesy visit on Mr. Henry Kisingu, Senior Assistant Commissioner of Prisons (SACP) and the Commander Kamiti Maximum Security Prison who appreciated the help Kituo and other organizations play in advancing prison reforms and making the work of prison administration easier. He lauded Misereor through Barbara Schirmel for making initiatives like the prison paralegal project possible and encouraged even more donor support to Kenyan organizations.

Community paralegals from the Kibera, Kamukunji and Korogocho Justice Centres accompanied the team to Kamiti and shared their experiences in making access to justice a reality in their communities.

## Key Upcoming Activities Mar - Apr 2017

1. High Level Dinner with Royal Danish Embassy on CVE SGBV Forum in Kwale County - 9th March
2. Legal Aid Service Week in conjunction with Law Query, University of Nairobi-School of Law Mombasa Campus, FIDA, CLEAR Kenya, NALEAP, Probation Department, Transparency International, KNCHR among others. 13th-18th March
3. Legal Aid Service Week Kongowea Market, Nyali Sub-county 13th March, ACK Guest House, Likoni Sub-County 14th March, Jomvu Social Hall, Jomvu Sub-county 15th March, Free Town Hall, Kisauni Sub-county 16th March, Bangladesh, Changamwe Sub-county 17th March, King'orani Prison, Mvita Sub-county 18th March
4. Perusals of court files on the salt belt in Malindi - March
5. Eldoret Adjudication Team Training - March
6. Eldoret AJS Test Hearing - March
7. Eldoret AJS outreach - March
8. Volunteer advocates recruitment and Legal aid clinic in Narok - March
9. Radio Talk shows on access to justice and other human rights issues - March
10. Establishment of Dhobi Kiosk and Catering services for Dhobi Women - March

## KITUO attends a Countering Violent Extremism (CVE) meeting in Mombasa



The County Commissioner of Mombasa Mr. Evans Achoki chairs the Mombasa Countering Violent Extremism strategy meeting with civil society representatives

Kituo Cha Sheria on 15th of February 2017 took part in a stakeholders meeting with other Mombasa civil society groups working on countering violent extremism. The meeting was held at the Boardroom of the County Commissioner - Uhuru Na Kazi Building, Mombasa. It discussed the Mombasa county strategy on countering violent extremism. The meeting was chaired by the County Commissioner, Mr. Evans Achoki who sought to establish the status of fighting violent extremism. The county commissioner noted that the current state of countering violent extremism is a lull and faces less security threat. However, the speakers were quick to note that

the processes of ensuring resilience should continue in earnest. The team also discussed the election matters especially the measures put in place to avoid clash of venues. Early warning systems and sensitization were mooted as matters that require urgent attention. In attendants were, Coast Education Centre, Haki Africa, MUHURI, Juhudi, and Officers from the office of the County Commissioner and the County Government of Mombasa. The group resolved to discuss the CVE document further and involve other stakeholders in their next meeting scheduled for March 2017 with Haki Africa and office of the County Commissioner playing a leading role in the process.



## KITUO Introduces M-HAKI in Turkana County



Kituo's Boniface Muinde leads a community forum in Lokichar, Turkana County

Kituo cha Sheria was in Turkana County to introduce the M-Haki service to residents in promoting access to legal information. M-Haki- 'Haki Mkononi' is the use of SMS technology to disseminate legal information to clients. The week-long activities took place from the 23rd to the 28th January 2017 in Lokichar, Kainuk and Lodwar-Turkana County. Apart from introducing M-Haki to residents in the expansive county; Kituo had the opportunity to offer free legal advice by conducting legal aid clinics on location with Lodwar-based Kituo Volunteer Advocate Daniel Ondabu.

While in Turkana County, Kituo also carried out advocacy work with the Community Land Act 2016 forming the basis of Kituo's engagement with community members. This was done during public forums and radio talk-shows on Radio Akicha, a community radio station in Lodwar.

The Community Land Act which

commenced in September, 2016 provides for the recognition, protection and registration of community land rights administration and management of community land. The Act was especially appropriate for the community in Turkana and while it provided the basis for the legal awareness and education forums the discussions drew sharp reactions among the participants in all the locations Kituo visited.

The participants at the various forums were unanimous that M-Haki was a good initiative that would ultimately help them access justice. They promised to spread word about the service to others who were not reached within the region while also giving the various challenges unique to the county. Kituo officers in the field led by AGCP's Marcelino Waithaka, Boniface Muinde, Jairo Sila and Anthony Kinyua also met with paralegals at the Turkana Community Justice Centre in Lokichar.

## KITUO plans Legal Aid Clinic Activities in Mombasa



Kituo's Zedekiah Adika at the LawQuery offices in Mombasa after a planning meeting

On Friday, 10th February 2017, Kituo Cha Sheria together with Lawquery, University of Nairobi, NALEAT, FIDA-Kenya, CLEAR Kenya, Boston and the Mombasa Law Society held a meeting at the UoN Mombasa campus to plan for joint legal aid activities in all sub counties in Mombasa scheduled from 13th-18th March 2017.

Kituo and UoN were tasked to do a fact finding mission in Jomvu, Mombasa

which involved picking up issues of challenge in the area that requires legal intervention. The matters included land, water challenges, inclusion in Public Participation and development, employment issues and other legal challenges.

The team plans to call on radio stations and engage ward representatives as a way of mobilization ahead of the legal aid activities.

## KITUO at the National Victims and Survivors Network Convention



Wachira Waihire, Coordinator NVSN leads a session during the convention

Kituo cha Sheria through the Advocacy, Governance and Community Partnerships Programmes was represented as a co-convenor of the National Victims and Survivors Network (NVSN) at the Kenya Comfort Hotel in Nairobi. The two-day event held from the 27th-28th of February, 2017 was the 7th Convention of the NVSN and acted as a consultative forum on the Regulations to guide disbursement of the Restorative Justice Fund. The forum brought together victims and survivors representatives and was jointly co-convened with other Kenya Transitional Justice Network partners.

This forum sought to get input and comments from the victims on eligibility determinations and reparations awards process as well as guide stakeholders on the draft regulations.

The National Victims and Survivors Network (NVSN) represents persons from all parts of Kenya and across various gross human rights violations/injustices.

The main objective of forming the Network was to enhance the capacity of the victims and survivors to effectively engage with the Truth justice and Reconciliation process. The groups of Victims of various human rights violations and historical injustices that engaged with the TJRC process included but are not limited to networks such as the National IDPs Network, the Mau Mau War Veterans Association, Truth Be Told Network and Wagalla Resource and Advocacy Centre, Victims of Gender based Sexual Violence, Torture Survivors and Victims of the Nyayo House Torture chambers, among others.

At the end of the two-day forum victims and survivors representatives were updated on progress of the Restorative Justice Fund; an open letter written to the President calling on his office to give an update on the Restorative Justice Fund during the upcoming State of the Nation Address in March 2017 and the victims and survivors endorsed draft regulations to the Attorney General.



Attentive participants follow proceedings at the convention



## KITUO at "BROWN BAG" UN HABITAT Meeting



Kituo's Executive Director Gertrude Angote explaining a point to participants at the 'Brown Bag' meeting

On Thursday 19th January, 2017 Kituo took part in a meeting at the UN Habitat offices in Gigiri, Nairobi dubbed "Brown Bag". The meeting centered around the plight of Internally Displaced Persons and how they can be assisted.

Kituo together with GIZ presented their experiences and in particular the Kinamba case; an extraordinary example of solidarity and kindness in Kenya in the aftermath of the 2007/08 post-election violence

where Kinamba residents led by their chief from Laikipia County rescued 800 IDPs offered them shelter and food disregarding their ethnic affiliation while fighting was happening elsewhere on the basis of ethnicity.

'Just How Long' - a short film about Internally Displaced Persons (IDPs) in Kinamba, Laikipia County-Kenya was also played to a captivated audience during the meeting.

## SUCCESS STORY: Myathsu Chae Jessica



Kituo's John Mwariri and Myathsu Chae Jessica joined by Nathan Kivungu (far left) and Sylvia Wetta (far right) at Kituo Head office

On 19th of October 2016, Myathsu Chae Jessica entered into an employment contract with E-GO Business Company Limited working as a secretary. The 25 years old lady from Mynmar worked for the Chinese company based in Kenya for three months before her cordial relationship with her employer ended. In their contract, the Chinese company was to pay her a salary of one thousand two hundred dollars and the sum was to increase to one thousand five hundred dollars after three months. She was to receive other benefits including accommodation, lodging, food, travel expenses, visa renewal costs or residency all which the company failed to fulfill. "My employer adhered to the contract terms until 11th of December 2016 when the employer neglected and/or refused to provide me with food allowance and December salary for a reason best known to them" said Jessica. On 4th of December, Jessica

was evicted from the rented company house in Karen by the landlord living her homeless. On the same day, the employer's agent went to the said house and collected all goods contained therein including Jessica's clothes, passport, Ipad, bank ATM Cards, Mac book, Canon camera and other valuables. Jessica reported her case to the police to seek for justice. "The culprit was never brought to book since the police failed to make follow ups on her case." She shared her story with her lawyer friend who referred her to Kituo Cha Sheria for legal assistance. After going through screening at Kituo, John Mwariri, Kituo advocate did a demand letter instructing the employer to pay the employee all her terminal dues. E-GO Business Company Limited responded to the letter through their firm of Advocates and agreed to pay the sum of money. The parties negotiated and the Chinese company agreed to pay Jessica a check of Ksh.120,000 as compensation fee.

## National Land Commission (NLC) pays a Courtesy call to KITUO Coast Regional office



The National Land Commission officers and Kituo staff pose for a group photo outside the Coast Regional office

Officers from the National Land Commission on 14th February 2017 paid a courtesy call to Kituo Cha Sheria office in Mombasa.

The two parties held a meeting at Kituo boardroom in Mombasa to discuss on the ways to strengthen their partnership. Kituo Cha Sheria suggested to the Commission to consider establishing a proper complaint and feedback mechanism to handle numerous complaints that they receive.

Kituo also suggested to the National Land Commission to avail themselves during public sensitization forums to address and engage the ordinary citizens on the ground. The Commission

admitted that it can enhance their advocacy strategy to realise its goals and protection of human dignity. Both parties picked up advocacy as a point of convergence in their quest to handle land matters at the Coast.

The commission promised to cooperate with Kituo by facilitating access to information and working closely with them in proceeding cases. The Commission also plans to make every effort to determine specific areas of intervention on issues of eviction; historical land injustices and the quandary of houses without land in coast especially Mombasa.

## DHOBI Women visit Kituo



On 15th February, 2017 the Dhobi Women Network Group visited the Kituo Head office where they were presented with certificates after successfully completing training and qualifying in catering and culinary skills and housekeeping. Kituo has worked with this group of women since 2010 training them on labour laws and doing advocacy around labour rights and continue to partner and empower them on sustainability.



## SUCCESS STORY: BENARD NABWOGA NYANG'AU



Benard Nabwoga Nyang'au joined by Kituo's Legal Aid and Education program officers at Kituo Head office

“There is no substitute under the heavens for productive labour. It is the process by which dreams become realities. It is the process by which idle visions become dynamic achievements.”-Gordon B. Hinckley.

In 2003 Benard Nabwoga Nyang'au moved to Nairobi from Nyamira County with dreams and idle visions ready to be turned into reality; the city in the sun offered greater opportunities to a young energetic man seeking to be productive.

Working out of Nairobi's low-income settlements of Baba Dogo and later Kibera, Benard did all manner of odd jobs to make ends meet fully aware there is no substitute under the heavens for productive labour. It finally all came together for Benard when he was formally employed as security guard by Ismax Security Limited based in South B, Nairobi. This 6am-6pm job offered Benard the stability he'd craved all those years he came to the city and he diligently went about his work despite of all the everyday challenges involved. He was shuffled to various stations around the city by his employer as is the nature with security guard postings.

Benard's life was altered on a rainy Nairobi evening, the 22nd November, 2016 as he walked home after another day at work. Walking on a wet Kibera alley, earphones plugged in as the rain came down; Benard was waylaid by a gang of 7 gun-toting thugs he'd thought were fellow pedestrians rushing home from work. At the end of his encounter with the gangsters, he'd lost Ksh. 2,700 in cash and his mobile phone but no gunshot was fired so he was free to go home. This was an acceptable outcome to many in the alley ways of Kibera and Benard was happy to be well.

However, this soon changed as once he got to his humble shack; Bernard started experiencing abdominal spasms only to realize that the near death experience with the thugs had an effect on his stomach. Having been operated on previously, the shock from seeing a gun pointed meant he had to endure a night of pain and self treatment with drinking water. On realization that he'd not make it to his work station the next morning, he called his supervisor and the manager at Ismax Security

informing them he'd need to see a doctor early morning therefore they needed to make arrangements for a temporary replacement.

On 6th December, 2016 after visiting up to 3 health facilities for treatment, Benard was strong enough to report to his work station where he was told to visit the head office for re-assignment. Once at the office he was dismissed on arrival and ordered to hand in his uniform and leave the premises-his idle visions were no longer valid, Benard was distraught.

Benard was no longer employed; he had been dismissed without any pay for seeking emergency treatment. He had nowhere to turn and no one was interested in his story.

This was until he was told of Kituo cha Sheria-the place where they care for justice. Benard is the classic Kituo client, the reason why Kituo cha Mashauri started all those years ago- a place of last resort for the poor who cannot afford legal services.

On 8th December, 2016 during Kituo's end-of year free legal aid clinic; Benard was among the first people to walk into our offices. He presented his matter to a Kituo advocate and was given a 1st February, 2017 date to report back to the office after the December holidays. It was a long festive season back in Nyamira for Benard but at least he had something to look forward to in the New Year. On the long awaited day he got a demand letter which he took to his former employer seeking Ksh. 94,675 owed to him by Ismax Security Limited.

After the lapse of the notice period for Benard to get his dues and countless attempts to trick, coerce and cheat him out of his dues by agents of his former employer; he finally received the call to come to our office on the 28th February, 2017.

On this Tuesday-the last day of February, 2017; Benard and the manager of Ismax Security Limited in the presence of Kituo lawyer Elizabeth Molly settled the matter as a disbelieving Benard Nyang'au received all dues owed to him. “Kituo cha Sheria was god-sent, these amazing people have proven even the down-trodden have rights worth defending, thank you!” said an ecstatic Benard.

## KITUO FMP STAFF TRAINED ON FRAUD



Kituo Forced Migration Program staff during the training at the Jogoo Road Office

In a stepped up bid to combat fraud, the UN refugee agency, UNHCR-Kenya conducted a special training course for Kituo members of staff at the Forced Migration Programme (FMP) office, Jogoo Road, Nairobi. The training was conducted by Richard Grindell, a Refugee Status Determination (RSD) Officer at UNHCR-Kenya on 28th February, 2017. The ongoing series of training is meant for frontline staff working in the resettlement programmes for various agencies who work with the UN refugee agency and was attended by all Kituo FMP members of staff.

The participants from the programme took part in the important training and were taken through a wide range of practices to watch out for, including identity and document fraud, accounts of phony security incidents or events, fake medical reports and bribery.

The staff were urged to remain vigilant for “red flags” or signs of possible fraud or corruption; they also prepared a list of situations which could create opportunity for fraud and corruption in the work environment.

“If your systems are weak and the management oversight in resettlement is modest or inadequate, it all comes together to create an opportunity for fraud,” said Mr. Grindell.

Kimani Rucuiya, the Acting FMP Coordinator thanked the UNHCR officer for taking Kituo staff through the training and were in agreement on its importance in handling everyday work situations.

## Kituo Lawyer Kimani Rucuiya on NTV



Kituo Advocate Kimani Rucuiya of the Forced Migration Program on NTV - Kenya explaining the implications of the Dadaab Refugee camp closure judgement.