

KITUO ON BORDER PROTECTION AND DETENTION MONITORING MISSION ALONG MSA-TAVETA ROAD



Kituo staff with officer in charge women- Patricia Simiyu and deputy officer in charge men-Ibrahim Tari at Wundanyi prison

Kituo Cha Sheria in collaboration with Refugee Affairs Secretariat (RAS) Mombasa conducted a border monitoring exercise along Mombasa-Taita Taveta route on 11th -14th August 2020.

The objective of the exercise was as to collect data from various police stations and detention facilities and monitoring unlawful/unfair arrests and/or detention of persons of concerns along the Mombasa-Taita Taveta migration corridor/border. Establish contact and sensitize government officers along the route on the procedures for handling of persons of concern as well as get contacts for future engagements. Sensitize stakeholder institutions and organizations involved with refugee protection on refugee rights with a view of positively altering mis-informed perceptions towards refugees and asylum and mitigate incidents of harassment, arbitral arrest and extortion.

The mission began in Changamwe Police station in Mombasa County, Mazerus police post, Rabai police post, Kaloleni prison, Kaloleni law courts, Kaloleni police post, Kaloleni probation office, Mariakani law courts in Kilifi County, Taru police station, Mackinon police post in Kwale County and Maungu police post, Voi law courts, Voi prison, ODPP voi, Manyani prison, Voi police station, Wundanyi law courts, Wundanyi prison (men&Women), Wundanyi police station, Taveta law courts, Taveta prison, ODPP Taveta, Taveta immigration office and finally Taveta police station in Taita Taveta County.

The team made presentations on the different types of documents held by refugees and asylum seekers in the offices visited and a contact list of the relevant officers was established and will be

used in future engagements.

After the mission the following general concerns were raised; that there's need for periodic and continuous training of police officers along the highway especially those attached in traffic and OC crime as they are the ones likely to come into close contact with refugees. The budget should be reviewed to cater for more CUC and police officers training in the coastal region. There's need to procure IEC materials such as booklets on refugee law and documentation and the same distributed to officers involved in refugee protection. Concerns were also raised on the increased number of persons of concern engaged in criminality. Finally the financial burden on repatriation of aliens was also raised with the security of police officers put at stake especially when it comes to repatriation to countries such as Somali.

The mission was conducted by Dorcas Akinyi - Kituo Cha Sheria, Mr. Peter Mutuma - (In charge), Clara Juma and Irene Chebet -RAS Mombasa



Kituo staff at Manyani Prison with the officer in charge Mr. Bison Madegwa

KITUO BEFORE THE EAST AFRICAN COURT OF JUSTICE



Some of the flooded homes as a result of of rising waters in Lake Victoria

Kituo Cha Sheria went before the East African Court of Justice seeking to be enjoined in a case in which five Kenyans have taken the Government of Uganda to court over excess water in Lake Victoria. In an application through the Executive Director Annette Mbogoh Kituo not only wants to be enjoined as amicus curiae (Friends of Court) but also be allowed to make submissions. Five Kenyans have sued Uganda for allegedly failing to control floods around the shores of Lake Victoria resulting in displacement of people and damage to their property. In the application dated 24th July 2020 Kituo says they have a solid knowledge base on the case. The intended amicus curiae has an interest in the conduct and outcome of the in as far as the reference seeks to the honourable courts determination as to whether Uganda is in violation of the letter and spirit of the provisions of the EAC treaty and in particular the recognition promotion and protection of human rights in accordance with the provision of the African Charter on Human and property rights

KITUO joins other Civil Society organisation in demanding accountability of Covid-19 funds



Kituo's program officer Zedekiah Adika with a colleague being confronted by Police officers during the demonstration

Kituo Cha Sheria joined other civil society organisations in Mombasa on 25th August 2020 to protest against the alledged misappropriation of funds earmarked for the fight against Covid-19. There have been reports in the media of people in Government who have taken advantage of the pandemic to enrich themselves. The demonstrations were calling for quick investigations and arrest of the culprits to face justice in court.

KITUO and Strathmore Law School organise a Webinar Celebrating 10 years of the Constitution

CELEBRATING THE CONSTITUTION @10 WEBINAR SERIES

KITUO CHA SHERIA IN COLLABORATION WITH STRATHMORE LAW SCHOOL WILL HOST A WEBINAR CELEBRATING THE CONSTITUTION OF KENYA 2010 ON 21ST AUGUST 2020 FROM 2-4PM (EAT)

Discussions on the Enforcement of the Constitution thus far with specific focus on chapter 4 on the Bill of Rights

PANELISTS

- Dr. Linda Musumba, Member of Kituo cha Sheria General Assembly
- Allan Nyange, Coordinator Kituo cha Sheria
- Elisha Ogeyo, Advocate and Lecturer Kabarak University School of Law
- Christine Njunge, Executive Director Katiba Institute
- Dr. John Ambani, Senior Lecturer at Strathmore University School of Law

DISCUSSANT

GUIDING QUESTIONS

- Has the 2010 Constitution inspired progressive judicial jurisprudence on matters such as standing, the effect of Chief Justice's rules on the Bill of Rights, the interpretation of the Bill of Rights, the application of limitations and derogations to human rights, and the enforcement of socio-economic and environmental rights?
- What has been the effect of Article 59 institutions (the Kenya National Commission on Human Rights, the Commission on Administrative Justice (CAJ) and the National Gender and Equality Commission on the enforcement and promotion of human rights?

MODERATORS

- Dr. Annette Mbogoh, Executive Director
- Johanna Othman, Lecturer at Kabarak

KITUO in a Video Screening Exercise in Kisauni Mombasa County



Participants during the video screening exercise at Kisauni primary school

Kituo Cha Sheria in collaboration with Kisauni Community Justice centre (KICODI) on 7th and 8th August 2020 carried out a video screening exercise at Kisauni Primary School and Kongowea health center respectively. The discussions were among other matters to do with sexual offences and gender

based violence. They also discussed regulation and parental control and content and the functions of the communications authority of Kenya. Also discussed was constitutional law and Diversion as an alternative dispute resolution tool.

KITUO visits Shimo La Tea prison



Kituo Cha Sheria Executive Director Annette Mbogoh at the Coast regional prisons commander Hassan Bugu's office

Kituo Cha Sheria Executive Director Dr. Annette Mbogoh speaking at the office of Coast regional prisons commander Hamis Bugu said many inmates are wasting away in prison because of lack of legal knowledge. She, however, added that paralegals have ensured such inmates do not unnecessarily pay more than they deserve for their past actions. Paralegals play a key role in promoting access to justice and should be formally recognised by the state. "The AG should give more power to the National Legal Aid Service. We need more funding for the National Legal Aid Service to be able to carry out its role under the Legal Aid Act," Mbogoh

said. Kituo donated stationery and other items essential for paralegal work. They will also donate computers purchased through the UNDP Amkeni Programme to the Shimo la Tewa prison. Through 'Njia za Haki', Mbogoh said they have trained 60 inmates and prison warders as paralegals since the programme started in August last year. Those trained have drafted more than 600 petitions, and around 200 people have been released as a result of their intervention. "We had 23 of our paralegals released last year," Mbogoh said. The Njia za Haki programme is a partnership with the UNDP, through funding from the EU.

KITUO Hosts Community Justice Centre (CJC) Coordinators



Kituo Cha Sheria Staff with Coordinator of Community Justice Centres of Kamukunji and Kibera after the meeting

Kituo Cha Sheria on 31st August, 2020 hosted the Coordinators of Kamukunji and Kibera Community Justice Centres at the Kituo Head office. They were welcomed by the Executive Director Dr. Annette Mbogoh for a meeting and an update on the CJC's operations during the

Covid-19 pandemic. There was also a discussion on the role of paralegals in the Legal Aid Act, 2016. Paralegals will play a major role in the implementation of the Act and the CJC's will have to position themselves strategically. Kituo continues to support the operations of the CJC's.

SUCCESS STORY - Teressia Waithira Wainaina



A jubilant Mr. Wainaina (Middle) receives the Court documents from Kituo Legal Aid staff at the Kituo offices

Kituo Cha Sheria was able to successfully defend its Clients Teressia Waithira Wainaina and Peter Muigai Wainaina (widow and son of the deceased) who were administrators of the Estate of the Late Joseph Wainaina Kariuki. The issue in dispute was a parcel of land in the name of the deceased. This parcel of land has been the subject to several cases since 1997.

The brothers of the deceased sued our Clients claiming they had lived on the parcel of land in issue for over 30 years without interference and claimed adverse possession. However, we were able to put forth an argument that the brothers of the Deceased were mere licensees, who lived on the parcel of the land with the permission of the Deceased until they were able to get their own parcels of land. In fact three of the four Plaintiffs had already moved out of the parcel of land in dispute.

We cited the following cases in our submissions to prove their claim did not meet the threshold for adverse possession:

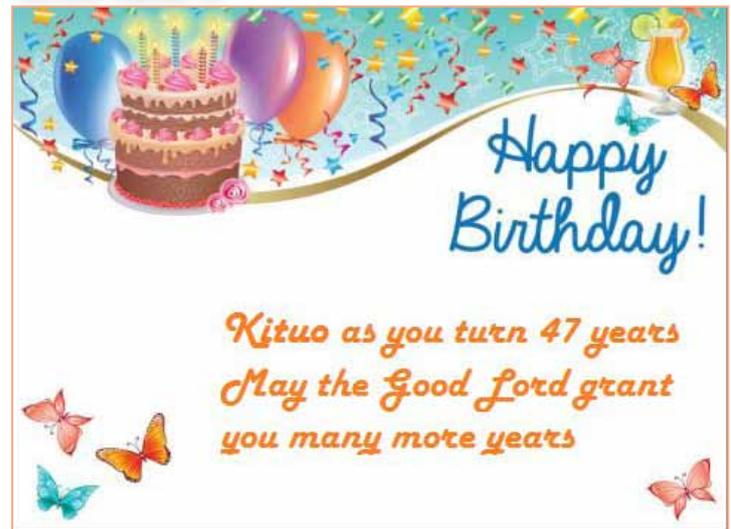
- Nairobi Civil Appeal No 64 of 2004
- Malindi ELC No.124 of 2010
- Wambu v Njuguna (1983) eKLR

Furthermore, we brought it to the Court's attention that these suits had delayed the administration of the estate of the deceased.

The Court in its judgment agreed with us that the Plaintiffs occupied the suit property with permission of the owner and therefore, time could not run in their favour under the Limitation of Actions Act until the permission was withdrawn.

In his judgment on the 30th of July 2020, Justice S. Okongo held that the Plaintiffs had failed to prove on a balance of probabilities and dismissed the suit with costs to the Defendants. Our Clients were relieved and pleased with this judgement and the dedication we had in making sure our Clients got back the parcel of land rightfully owned by the deceased so that they could commence with the succession cause.

KITUO Turns 47



On 9th July 2020, Kituo Cha Sheria turned 47! We continue to stay true to our vision to ensure that poor and marginalized communities are able to get access to justice through legal aid, legal education, legal representation, advocacy, community partnerships, networking and research.

Kituo Cha Sheria was established in 1973 by a group of young lawyers who saw the need for the poor to access legal advice and justice. Having been in existence for forty-seven years, KITUO stands as the oldest and most experienced legal aid and empowerment organization in Kenya.

As such, KITUO has, for over forty years, implemented projects funded by diverse development partners that involve direct legal assistance, policy, advocacy,

lobbying, legal empowerment of communities through paralegalism, capacity building, development and dissemination of legal information manuals and booklets, legal awareness raising through innovation (for example, M-Haki platform) and media engagement, public interest litigation, volunteer advocates recruitment and referral system and justice stakeholder networking and engagement.

In the past year, we have been fortunate to have Dr. Annette Mbogoh, who has worked with us from the year 2009 in the position of Executive Director. Through her input and collaborative efforts by all the stakeholders, we have been able to carry out our mandate to Kenyans effectively despite the Covid-19 Pandemic.

KITUO CONDUCTS A SERIES OF RADIO TALKSHOWS



Kituo program officer Zedekiah Adika during one of the Radio shows at Radio Salaam

Kituo Cha Sheria held a series of radio talk shows on access to justice and human rights violations touching on SGBV, land, housing and labour rights in Mombasa and especially during the Covid-19 pandemic.

The shows with Kisauni paralegals, prison officers and Cort officials were supported by UNDP and EU under Amkeni Wakenya program and took place at Radio Salaam, Mombasa

MHAKI "Haki Mkononi"

KITUO clients and members of the public can access legal advice and information simply by sending an SMS to 0700777333. Send your legal question and include your name and location.



SMS

LEGAL QUESTION TO
0700777333

GET A REPLY IN 48 HOURS



OUR LEGAL SERVICES ARE
FREE !!!



STANDARD SMS CHARGES APPLY

KITUO Hosts Amnesty International



Kituo Staff and Amnesty international representatives pose for a photo after the meeting

On 17th July 2020 Kituo Cha Sheria hosted Amnesty International Kenya at the Head Office for a meeting to discuss the Operationalization of the Legal Aid Act, Coroners Act, the Torture Act and the Access to Justice and compensation for victims of offences under these Acts. Kituo was represented by John Mwariri, the Programme Manager-Legal Aid and Education, Janet Kosgei, a programme officer at the Advocacy, Governance and Community Partnerships program and Tracy Wanjiku Wachira a volunteer Advocate at the Legal Aid and Education Programme. Amnesty International Kenya was represented by Ramadhan Rajab, the Safety and Dignity Officer and Ignatius Yambase

Mr. Rajab introduced the Kituo team to The Missing Voices, a Network of organizations whose mission is to end enforced disappearances and extrajudicial killings in Kenya. The network of about 21 organizations works together with different organizations on data collection, advocacy, communication and legal aid and awareness.

It was stated that the three Acts, are to be enforced by the Minister of Justice but the Ministry is currently under the Attorney General's Office and according to the decision in *George Bala v Attorney General* [2017] eKLR Constitutional and Human Rights Division Petition No. 238 of 2016, it was Determined that the Attorney General is not to carry out the duties of a Cabinet Secretary. This position has not been effected in law and any judgment made by a Court in reference to these Acts cannot be enforced.

Amnesty International suggested that we should have a human face behind the issue and this would

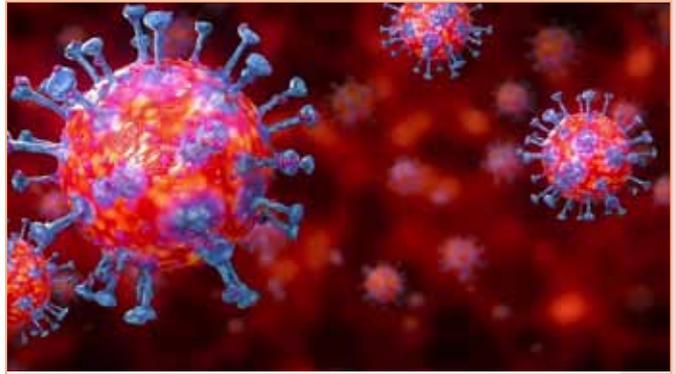
involve sourcing for victims, getting consent from them and their families to pursue these matters and proceed to make an application in court.

Mr. Mwariri stated that Kituo contributed to the development of the Paralegal Support Network PASUNE a network of leading human rights organizations involved in paralegal training has been working towards standardizing the content and methods of training paralegals in Kenya. Kituo is pursuing a case that would be linked to Torture, The Garissa University Attack in 2015.

On access to justice and compensation for victims of offences under these Acts it was stated by the representatives from Amnesty that a huge barrier was the lack of trust in organizations and fear of suing the police. Mr. Mwariri gave a background on Kituo's involvement in the Police Brutality case during the enforcement of the Nationwide Curfew through the help of the Community Justice Centers. It was stated that a challenge was lack of proper documentation. Some of them did not have critical documents like a death certificate among other forms. Mr. Yambase stated that the Criminal Procedure Act and the Victim Protection Act which both speak on compensation could be looked into.

Katiba Institute agreed to collaborate with Amnesty and other organizations to ensure the victims that Amnesty is able to source from The Missing Voices Kenya are able to get access to justice and compensated for their harm and loss. Katiba Institute had committed to work on the pleadings and Mr. Mwariri was agreeable to collaborate with them as legal representation.

KITUO Continued Support to beneficiaries during Covid-19 Pandemic



At the onset of the Coronavirus crisis in Kenya Kituo Cha Sheria issued notice to clients, partners, service providers, community members and the general public at large that management had taken the decision to close KITUO offices starting Monday, 16 March 2020. This decision was taken in response to the safety measures outlined by H.E. the President of the Republic of Kenya and our commitment and obligation to support the government's effort in safeguarding the nation against the COVID-19 pandemic.

Despite the scale down all its activities that relate to serving large number of beneficiaries in our offices and in the field have gone on albeit at a lower scale, we have taken on all urgent or fixed court matters (subject to direction of the Judiciary), pre-planned donor engagements and all essential services e.g security.

KITUO Legal Officers have been attending virtual court sessions and have successfully filed a public interest (PIL) petition on behalf of inhabitants of Marereni, Magarini constituency, Malindi district (Salt Belt area).

KITUO has used the HAKI blog website as well as all its social media streams to share general information about COVID-19 including information on how the disease is spread, symptoms, how to protect oneself and important contact information for the public during the pandemic. We have also used our online spaces to share on some of

the emerging issues during this period. Furthermore, we issued a press release to call for a nationwide moratorium on forced evictions during the pandemic including mental health awareness material. We have also organized and participated in several Webinars and virtual meetings discussing issues touching on the impact of Covid-19 on the poor and vulnerable in society and access to justice.

We have a dedicated mobile number-0700777333 where the public can text legal questions at the normal SMS charges to be answered by KITUO lawyers and volunteer advocates through the M-Haki platform. Moreover, we are in the process of setting up a Toll free number to serve KITUO's poor and marginalized clients and complement M-Haki during this period and in future.

Through our Mental Health and Psychosocial Support Programme, we have continued to offer local/ outside support aimed at protecting or promoting psychosocial well-being and/ or prevent or treat mental disorders. This activity is ongoing through regular virtual- Zoom sessions.

Lastly, we continue to monitor the human rights situation at the grassroots and within communities where we work through our community paralegals and have been able to employ alternative dispute resolution mechanisms such as negotiation and mediation to help prevent Gender based violence (GBV) which has been highlighted to be on the rise during this time.

KITUO Hosts Dutch Embassy official



Kituo Cha Sheria Executive Director Annette Mbogoh, AGCP coordinator Valary Angawa, Finance Coordinator Brenda kemunto and Ms. Carolyn Abong from the Dutch Embassy during the meeting

Kituo Cha Sheria on 11th August, 2020 hosted Ms. Carolyn Abong the Senior Policy Advisor - Political Affairs/ Human Rights/ Rule of Law from the Netherlands Embassy, Nairobi at the Kituo Head office.

She was welcomed by the Executive Director Dr. Annette Mbogoh, the Coordinator Advocacy Governance and Community partnerships program Valary Angawa and

the Finance and Administration coordinator Brenda Kemunto. The Director appreciated the Dutch Embassy for their continued 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 implementation during the Covid-19 pandemic.

Success Story from Kamukunji Community Justice Centre - Ramadhan Saidi



Ramadhan Saidi receiving cheque from former employer at the Kamukunji Community Justice Centre offices as the Coordinator Ezekiel Njenga looks on

Ramadhan Saidi, receiving a cheque of Kshs. 50,000/- from his former employer Kasim Abedi, at Kamukunji Community Justice Center offices. Ramadhan Saidi is a foreigner, from the neighboring Tanzania. He is a tailor by profession. He was doing tailoring job in Tanzania when he first met Kasim who is also a tailor and after a short discussion, he agreed to come to Kenya to work for Kasim who promised to pay him salary of Kshs. 9000/- per month.

Our Client stated that he then agreed and they travelled to Kenya in the year 2017. On 15/7/2017, after having entered into oral agreement, they proceeded to his new work station to take up his new assignment in Shaurimoyo in Nairobi. It came to our knowledge that Kasim had offered to provide lunch and supper for Ramadhan in his hotel at a subsidised cost

of Kshs. 100/- per day. They also agreed that his employer would provide accommodation.

However, on 15/3/2020, Kasim terminated Ramadhan's services without pay. He thereafter stopped giving Ramadhan lunch and supper and subjecting him to a lot of suffering because he did not have a place to sleep in. This prompted Ramadhan to lodge a complaint at Kamukunji Community Justice Center to seek assistance. When we intervened, we issued a demand letter and or summoned client's employer to the office for mediation meeting over payment of dues owing after which he agreed to pay Kshs. 240,000/- in four instalments of Kshs. 60,000/-. On 6/7/2020 Kasim came to the Community Justice Center and paid Ramadhan a sum of Kshs.50,000/- in the presence of the Center Coordinator, Ezekiel Njenga.

SUCCESS STORY - JOHN JOSEPH MUKOMA



John Mukoma receives a copy of the Court Judgement from the Executive Director Dr. Annette Mbogoh while Legal Aid staff John Mwariri and Boniface Mutie look on

THIKA ELC CASE NO. 149 OF 2017

JOHN JOSEPH MUKOMA VERSUS MICHAEL KARANJA KABITI AND OTHERS

Our client being the eldest son was given 12.2 acres by his grandfather while his father and the other brothers shared the remaining parcel of land owned by his grandfather.

During demarcation, the Plaintiff's land was surveyed and in 1959 he was given a green card registration No. Gatamaiyu/ Kamburu/ 183. The parcel of land was separate and distinct from that of his father and his brothers. He thereafter sold 6 acres to his cousin and was left with approximately 6.6 acres. He was given a title to the portion of land and which title is known as Gatamaiyu/ Kamburu/ 714.

Our client used to work in Eldoret and upon his return he was surprised to find that, three of his brothers (the people he has sued) had illegally encroached into his parcel of land and were carrying out different activities including farming.

Sometimes in 1997, he found out that his brothers, the Defendants had put a caution on the parcel of land and therefore he could not quietly enjoy the parcel of land due to restrictions caused by the

caution. He could not even sell the parcel of land.

He filed the case in the year 1998, he has been in court trying to vindicate his proprietary rights. In his court documents, he prayed that the court does:

- Remove the caution put by his brothers to enable him enjoy his parcel of land
- Pay him damages for trespass by his brothers

In December 2019, the court delivered a judgment in his favour ordering for the removal of the caution to enable him enjoy his proprietary rights. He was also awarded Kshs. 500, 000 as compensation for the actions of the brothers in preventing him from enjoying quiet possession of his land. Kituo has been following to ensure that the orders had been complied.

On the 3rd September 2020 our client visited our offices to appreciate the assistance that he was offered by Kituo Cha Sheria. He stated that the judgment had been perfected as the caution that had been put by the brothers had been removed by the Land Registrar.

Despite the case having dragged for very long, from 1998, in court the client was so elated that his proprietary rights were upheld.

KITUO Host Bi-Annual Conference on the Legal Aid Act



Dr. Annette Mbogoh addresses participants during the bi-annual conference at Pride Inn Hotel, Mombasa County

Kituo Cha Sheria hosted a Bi-annual conference on implementation of Legal Aid Act, 2016 at Pride Inn Hotel Mombasa. The conference was on extra-judicial executions and police excesses in the coast region. The conversations were mainly centered on the following;

1. What measures are in place to hold the police and security actors accountable?
2. How can victims of extra-judicial executions and police excesses access justice?
3. What role do various institutions along the justice chain play in ensuring justice for the victims?

KITUO JOINS THE AFRICAN CENTRE OF EXCELLENCE FOR ACCESS TO JUSTICE IN CELEBRATING 3 YEARS

African Centre of Excellence FOR ACCESS TO JUSTICE

ACE-AJ 3rd ANNIVERSARY CELEBRATION: INVITATION

The Africa Centre of Excellence for Access to Justice (ACE-AJ) is celebrating three(3) years since its official launch in Kigali-Rwanda. ACE-AJ thanks you for your partnership and support during these years! In celebrating the three years of existence, the African Centre of Excellence for Access to Justice (ACE-AJ) invites you to attend a series of virtual events which will involve distinguished personalities in Africa and beyond.

KEY NOTE SPEAKER
His Honourable Judge President Dunstan Mlambo
 ACE-AJ Patron and CAOSA Chairperson

PANELISTS

1. **Mr. Clifford Msiska:**
 National Director PEGI, Malawi, current host of ACE-AJ secretary and chairperson of ACE-AJ (founding member)
2. **Mr Seth Mnguni:**
 Deputy President of CAOSA
3. **Dr. Annette Mbogoh:**
 Executive Director of Kituo cha Sheria-Kenya | Founding member

Webinar 1

DATE | 1 September 2020

TIME | 3:00 PM South African Time

PLATFORM | ZOOM

MODERATOR | Simeon Koroma

Theme One:
 "The African Centre of Excellence for Access to Justice: Where are we and where are we going?"

Kituo Cha Sheria joined the African Centre of Excellence for Access to Justice (ACE-AJ) in celebrating three years since its official launch in Kigali Rwanda. The Centre invited the public to

attend two webinars on 01/09/2020 and 07/09/2020. Kituo Cha Sheria Executive Director Dr. Annette Mbogoh was one of the panelists during Webinar 1 to mark the event.

Head Office - Ole Odume Rd, Off Argwings Kodhek Rd, P.O. Box 7483 - 00300, Nairobi, Kenya. 254-020-3874220, 387419, 3876290, Mobile: 0734874221, 0727773991, E-mail: info@kituochasheria.or.ke

Branch Office - Nairobi, Forced Migration Program (FMP), Pangani - KCDF House, 4th Floor on Chai/ Pamba Road, Off Juja Road, Nairobi, Tel: 202451631, 0736867241, 0720806531 E-mail: fmp@kituochasheria.or.ke

Regional Office - Mombasa, Kulyani Hatimy Road, Opposite Mombasa Law Courts, Mombasa P. O. Box 89065, Mombasa, Kenya. Tel. : 254-041-2230282, 0731129739 E-mail: msa@kituochasheria.or.ke

KITUO Sues State over Deaths in Marsabit County



Kituo staff and residents during a fact finding mission in Marsabit county

Residents of Marsabit County petitioned the High Court, through Kituo Cha Sheria, to compel the government to intervene quickly to avert further spread of the cancer scourge to save the lives of both people and livestock.

used in their activities were neither destroyed nor buried. They include toxic chemicals, general equipment and scrap metal. The poisonous material was left on the ground and is suspected to be the cause of the numerous cancer deaths among residents. Livestock are also affected.

It is the first time in Kenya that a community is suing the State seeking to have it compelled to provide a clean and healthy environment, which is a constitutional right. The matter was filed before the deputy registrar of the Constitutional and Human Rights division at the High Court in Nairobi by senior counsel John Khaminwa and Kituo Cha Sheria lawyers John Mwariri and Valarie Ang'awa.

Kargi Location in southern Chalbi is worst hit by cancer. The disease has, however, spread to other parts of the county. The petitioners are blaming a cache of carcinogenic, hazardous waste they say was dumped in the desert around Kargi location in the 1980s by global companies.

The petitioners are asking the government to ensure the residents have access to clean and safe water. The underground water the communities in the desert, who are pastoralists, use has been found to contain toxins. Residents claim the poisonous substances were dumped in the desert by multinational corporations.

In a report, Persistent Water Poisoning in Marsabit District, the government notes that Western multinational companies are known to have dumped hazardous waste in third world countries. It goes further to say that allegations that such waste might have been discarded in Kenya should not be dismissed. Residents of Kargi witnessed the dumping of the toxic waste. It took place at the same time with the oil exploration by Amoco Petroleum.

First, there was Amoco Petroleum, which explored for oil in the 1980s and, after drilling oil wells in Kargi and Dukana locations, they abandoned the project but did not properly decommission the wells. The chemicals they

Apart from Kituo Cha Sheria, the community is also suing through Asunnta Galgitele, David Kiwambile and Mark Bulu — the second third and fourth petitioners. They are all from Kargi location and conversant with the matter.