

KITUO encourages Advocates to offer Pro Bono services to the needy



The Executive Director Ms Angote Gertrude addresses advocates on the need for pro bono services in Machakos County

Kituo's volunteer advocates (VA) scheme is an important pillar in the realization of Kituo's mandate and fulfilment of its mission. The scheme has registered advocates from all the major towns in the country. Kituo processes many clients with legal issues during its daily clinics. Clients who are needy but do not fall under the core mandate areas of labour, land, housing and refugee rights are normally referred to volunteer advocates for assistance. Similarly clients coming from far-flung areas are also referred to volunteer advocates near their home areas in order to save them from travelling long distances.

Within the month of February 2016 Kituo embarked on an exercise to enhance its volunteer advocate network by carrying out recruitment drives in various towns across the country. This exercise was done in the Counties of Embu, Meru, Nyeri, Machakos, Kitui, Kakamega and Bungoma.

The recruitment exercises began with the Executive Director, Ms Gertrude Angote giving brief opening remarks about Kituo Cha Sheria, when it was founded, the reason behind Kituo's inception, founders, and our growth to-date and more importantly the need for volunteer advocates. She would also briefly highlight the various cases that Kituo has handled or is still handling ranging from single welfare cases to Public Interest Litigation (PIL) cases.

She would further explain the need for Volunteer Advocates to provide pro bono services to the poor citizens of this country who could not raise legal fee but are in need of justice. She would express the reason behind KITUO's commitment to recruiting volunteer

advocates from across the counties in Kenya.

Officer from the Legal aid and Education department would take the advocates through the recruitment process and thereafter team up with the new VAs to carry out free legal aid clinics.

The endeavour saw a total of over 100 new volunteer advocates joining the scheme. The volunteer advocates expressed gratitude to Kituo Cha Sheria for seeing the essence to engage them in offering pro bono services to the poor and marginalised, they unanimously agreed to support Kituo in carrying out its mandate as guided.



Advocate C. K. Nzili airs his views during the recruitment drive in Kitui county



Kituo advocate John Mwariri addresses advocates during a VA recruitment drive

Kituo Cha Sheria staff training on the use of M-Haki platform



On February 12, 2016 Kituo Members of staff drawn from the Head Office and the Forced Migration Programme-Jogoo Road offices were led through training on M-Haki by Angela and Celestine Kaikai Project Managers from the Ushahidi forum. The afternoon session held at the Eastlands Hotel in Nairobi sought to introduce Kituo members of staff to the M-Haki platform. M-Haki-'Haki Mkononi' is the use of SMS technology to disseminate legal information to clients. M-Haki is an innovative and reliable technology developed by the Ushahidi Forum in collaboration with Kituo Cha Sheria intended to lessen the costs of accessing justice. To make use of this technology, Kituo has a dedicated mobile number-0700777333 where the public can text legal questions to be answered by Kituo lawyers and volunteer advocates. The system is connected to the website www.m-haki.co.ke to enable Kituo lawyers or volunteer advocates access the questions and send answers back to clients. Other stakeholders like paralegals can also interact with the platform.

Kituo members of staff present were Aimee Ongeso, Tobias Mwadime, Nathan Kivungi, John Mwariri, Paul Nandia, Anthony Kinyua, Kizito Ouma, Rhoda Maina, Janet and Samantha Oswago from Head office and Clara Barasa, Joan Nyongesa, Victor Ondieki and Ferd Moyomba from the Forced Migration Programme.



M-HAKI A free SMS Service for legal questions

SMS legal question to 0700777333 and get your response within 24 hours

0700777333

KITUO CHA SHERIA
LEGAL ADVICE CENTRE
we care for justice



Kituo empowers King'ong'o Prison inmates

Kituo Cha Sheria undertook a one day training at the King'ong'o Prison-Nyeri for inmates on 18th of February 2016. The training focused on the new Bail and Bond Guidelines that have been issued by the Judiciary through the Honorable Chief Justice; Article 49, 50 and 51 of the Constitution and a few key aspects of the Evidence Act and the Criminal Procedure Code.

Kituo rescues Halima from imminent deportation



Halima guyo (C) with Kituo staff, a warder and Senator Fatuma Adan outside the detention facility

Halima Guyo, a Kenyan residing in Huruma Estate, Nairobi County was held behind bars for two months. Her predicament started in November 2015 when she found herself in the hands of an officer of the Kenya Police on patrol who demanded for her national identification card which incidentally she had misplaced a while ago.

She found herself bundled together with around 400 other people who allegedly came from Ethiopia and hence the only viable option available to them was deportation back to Ethiopia. Halima Guyo tried every means possible to explain to the officers that she was indeed a Kenyan, a mother of two and has never even been to Ethiopia. The officers however, insisted that they were Ethiopians and are in Kenya illegally and should be deported back with immediate effect.

Sen. Fatuma Adan Dullo, Vice Chairperson, National Security and Foreign Relations Committee in the

country who hails from her area witnessed Halima being harassed and forced into the deportation bus together with the others strove to seek justice from all corners but to no avail.

The matter came to Kituo's attention in December 2015 and advocate Clara Barasa and Gloria Dzuya of the Forced Migration Program took up the matter immediately pursuing it in court to ensure Halima was accorded Justice.

Through various hurdles Clara Baraza argued her case, provided all the relevant documents to ascertain her credibility as a Kenyan and the court finally gave orders on 20th January, 2016. On Thursday, 21st January, 2016, Halima who happens to speak Kiswahili and Kikuyu language was all joyful as she reunited with her family after two trying months behind the bars.



Halima guyo (C) with Kituo lawyer Clara Barasa, a warder and Senator Fatuma Adan inside the warders office

Key Upcoming Activities MAR - APR 2016

1. USIU - Africa Students lecture on Categories of forced migrants, statelessness, UNHCR Mandate in refugee's protection, trafficking and smuggling of persons on 3rd March 2016.
2. M-haki paralegal training on 7th March 2016.
3. Community Sensitization on voluntary repatriation, documentation and address of general challenges facing refugees between Mondays 7th to Thursday 10th March 2016.
4. Langata women prison paralegal training from 14th to 25th.
5. Assessment visit to Nyando Community Justice Center.
6. M-haki piloting and Community training; Kamukunji Community Justice Center on 5th April 2016
7. M-haki piloting and Community training; Kibera Community Justice Center on 7th April 2016
8. M-haki piloting and Community training; Korogocho Community Justice Center on 12th April 2016
9. M-haki piloting and Community training; Forced Migrants on 14th April 2016
10. M-haki piloting and Community training; Kitui, Nyando and Turkana Community Justice Centres Between 25th to 29th April 2016.

Kituo pays courtesy call to Kitui Community Justice Center



Coordinator Mutinda, Robert and Kituo staff Boniface outside the Community Justice center

Kituo Cha Sheria staff John Mwariri, Boniface Muinde, Paul Nandia and Benard Ouko on Friday, 19th 2016 paid a courtesy call to the Kitui Community Justice Center (KCJC) in Kitui County.

The Kituo officers had a meeting with the Centre's Coordinator, Mr Isaac Mutinda who expressed his gratitude and assurance that the center has been of great help and has changed lives of many people within the community for the better. Mr. Mutinda, who is a Kituo trained paralegal explained that the center receives many legal issues and expressed the need for refresher training to Kitui Paralegals and need to organise public forums to address issues like Gender Based Violence, family disputes and defilement of minors. He reported that they attend to new clients almost every day with these issues.

The Kituo team was headed for a volunteer advocates recruitment drive in Kitui County and found it necessary to pay a courtesy call to the Justice centre and get an opportunity to listen to the Coordinator and interact with clients.

Kituo undertakes Fact Finding Mission in Meru G.K. Prison



Kituo staff Nasibo Abagaro with a volunteer advocate from Meru and Warders during the mission at the prison

Prison paralegal training and establishing of prison justice centres has been one of the sustainable ways through which Kituo promotes access to justice. To realize this goal, inmates and warders are trained on criminal law/procedure and self representation to enable them offer legal aid services to other inmates to facilitate freedom. This will also help in decongesting prisons in the long run.

To date, Kituo has established 3 prison justice centers; Shimo La Tewa men and women in Mombasa, Kamiti Maximum in Nairobi, and recently Kisumu Main also known as 'Kodiaga'. Training in each of the prisons mentioned was necessitated by different needs some of which cut across all prison facilities.

On 10th and 11th of February 2016 Kituo embarked on a fact finding mission at Meru GK Prison in order to establish the specific areas of needs before a paralegal training to inmates and warders is conducted. Nasibo Abagaro, a program officer, held a consultative meeting with the prison stakeholders to discuss Court related challenges that inmates face in accessing justice.

Among the finding were; delay in appeals leading to more remandees in the prison; appeal fees are a challenge to many making them stay in prison longer than necessary. According to the warders, cases of lost files is common and this leads to most cases not being heard hence a challenge to accessing justice. They also noted that most inmates are ignorant when it comes to their rights. Most of them plead guilty even for offences they would be not guilty of not knowing they could defend themselves and their entitlement to a fair hearing. Witnesses do not appear in Court, this results to matters being adjourned and the more adjournments, the further the delays thus hindering access to justice. There are no advocates trained as mediators hence petty offences still proceed to court instead of applying alternative dispute resolution. According to the warders, if an advocate has been trained on mediation, not all petty cases will end up in court and this

will in turn reduce the number of inmates and justice accessed earlier without courts intervention. Most inmates complained that they are arrested without explanations and when at the police station, they are charged with crimes they are not even fully aware of. Most State counsels are unwilling to represent clients and some don't even appear in court leaving them stranded. Some inmates complained of staying for many years in remand. Some explained that they have been in remand for up to 8 years and even more. Some of them find themselves there as a result of lost files and need external intervention in order for them to access justice.

The Prison facility has 1250 inmates in total, out of these 900 are in remand and 350 convicted.



Attentive Warders during the consultative meeting



One of the remandees participate in the discussions



A prisoner airs his views during the fact finding mission

Coalition of Coast Land Non State Actors Meeting in Kilifi County



A section of the members of the Coast Land Non-State Actors at the forum

On 26th January 2016, members of the Coalition of Coast Land Non State actors held a meeting in Kilifi County, Malindi Sub County, Marereni Location. Kituo Cha Sheria attended the meeting also attended by several Non-Governmental Organizations including Transparency International-Kenya, Hurria, Haki Yetu and Action Aid while the Kenya National Commission on Human Rights represented the Government. Also joining the group were two County leaders who confirmed their participation and enlisted the support of the County Government. They also presented their documents for further perusal and beefing up.

Members of public in the area have had outstanding land grievances against salt companies operating along the ocean. Companies at loggerheads with the locals includes Kensalt, Mombasa Salt, Krystaline, Kemu Salt, Malindi Salt and Kurawa salt manufacturing Companies.

The residents had prepared a document containing their complaints and claims to be presented to the National Land Commission scheduled but needed professional assistance aimed at improving the same including proper presentation techniques.

The meeting was therefore meant to look into the issues documented for presentation to the NLC and also to guide the witnesses to state the matters at hand confidently. It was noteworthy that once the witnesses were properly guided, they would raise the issues more formally with focus on substance. The session concentrated on perennial land injustices, how they have affected the community and their prayers to the Commission and saw all major complaints raised by the public noted including the residents prayers to the Commission.

Amongst the major complaints enlisted for consideration were that their land was irregularly acquired by the salt companies; that in cases where land was properly allocated, there have been continuous encroachments (extensions) by the salt companies of the lands towards where they live; that public institutions like Primary and Secondary schools in the area have lost parcels of their land to the companies; that ministry of land officials in the area have allegedly been colluding with land grabbers in the area and have been adamant in the process of correcting these ills; the ministry of interior and coordination of National Government which constitutes the structure of chiefs and assistant chiefs were accused of encouraging land injustices against the locals in Malindi; there have been human rights abuses which resulted to unfortunate cases of miscarriages by women living along the salt belt. There were sad tales where some agents of the companies immersed bags of salt into their fresh water, cases of inadequate compensation and eye problems amongst other challenges. A select number of witnesses were advised and guided on how to go about their presentation before the meeting came to close with a thanksgiving statement from the members of the community present.