

## Director of Communications and Advocacy, NAMATI visits Kituo Cha Sheria



Paul McCann, Director of Communications and Advocacy, NAMATI (third, left), Marcelino Waitaha, program officer AGCP and Kamukunji Justice Center staff and clients

Kituo Cha Sheria is a member of The Network Guidance Committee which is composed of accomplished legal empowerment practitioners from around the world. The Committee advises Namati on the form, direction, activities, and priorities of the global legal empowerment network. <http://namati.org/people/category/network-guidance-committee/>

On Friday 6, February 2015, Paul McCann, Director of Communications and Advocacy, NAMATI, Innovations in legal empowerment, visited Kituo cha Sheria, legal advice center. He was received by the KCS Executive Director, Ms Gertrude Angote and the KCS Advocacy Governance Community Partnership, AGCP Coordinator, Ms. Aimee Ongeso.

The motive behind his visit was to interview paralegals and clients to get their real stories and the challenges they face at the Community Justice Centers. "My main aim of the visit is to meet real people to tell their real legal life encounters stories," said McCann.

He visited Kamukunji and Korogocho Community Justice Centers where he met various paralegals and clients.

The paralegals shared their stories as to why they were motivated to volunteer as the paralegals to provide legal advice to the clients who visit the Community Justice Centers

almost on daily basis with different issues. They affirmed that they have undergone various proper trainings from Kituo Cha Sheria that enable them to do the work and where they cannot handle appropriately they normally refer them to the Legal Aid main office, where KCS lawyers are based.

McCann also managed to interview about 8 clients whom he found on ground and who were able to tell their stories and their encounter with Kituo Cha Sheria.

He was accompanied by Mr. Marceline Waitaha, AGCP Program officer to the Community Justice Centers where they were received by the respective Justice Center Coordinators. Namati is an international organization that tests the potential of legal empowerment through innovative interventions and research. Through their work, they seek a better understanding of the impacts of legal empowerment and the most effective mechanisms for achieving them. It addresses issues of pressing global significance, including: community land protection, increased access to justice, environmental justice, and accountability of essential services.

"Real People, Real stories, Real life situations"  
Kituo Cha Sheria, Legal Advice Centre, We care for Justice.

## Coast Conflict Intervention and Action (CCIA) Project

In September 2014 Kituo Cha Sheria (KCS) was privileged to receive a grant from USAID to implement a two year project dubbed Coast Conflict Intervention and Action (CCIA). On 13th January 2015, KCS and other Coast USAID partners had a closed door intensive meeting at Serena Hotel Mombasa to deliberate on strategic plans for having a successful cooperation towards achieving the larger goal of transforming lives.

In attendance from USAID – Kenya were Robin Johnson, the Communication Coordinator and Makena Kirima the Agreement Officer Representative. The other partners present were SCOPE, NOPE, AHADI, PHARMA, APHIA plus, and YES YOUTH CAN group. County Public Information Officers from Mombasa and Taita Taveta also graced the occasion. The representatives from KCS were Annette Mbogoh – Program Coordinator, Anastasia Nabukenya - Programme Officer and Kernael Nyawinda – Legal Officer.

Makena led the morning session after introductions and sharing of startup issues where KCS shared their successes of being able to have a successful conflict land mapping and legal clinics in all the six counties in the coast region of Lamu, Kilifi, Mombasa, Kwale, Tana River and Taita Taveta. Some of the challenges faced so far include but not limited to insecurity, ethnicity and political intimidation. Thereafter, Robin briefly discussed Branding and Marking as required by the USAID standards including the need for branding products such as note books, pens and banners.

In the afternoon, Robin discussed communication skills as to what a transforming life write up and a self informative picture should look like. The day ended with an interactive and a networking session amongst the attendees.

The following day Makena visited the KCS offices in Mombasa where she met the entire team implementing the CCIA Project. The KCS Executive Director, Gertrude Angote was also in attendance.

We thank USAID for its continued support and commitment towards transforming lives

REPUBLIC OF KENYA	
IN THE HIGH COURT OF KENYA AT NAIROBI	
CONSTITUTIONAL AND HUMAN RIGHTS DIVISION	
PETITION NO.628 OF 2014	
CONSOLIDATED WITH PETITION NO.630 OF 2014 AND PETITION NO.12 OF 2015	
BETWEEN	
COALITION FOR REFORM AND DEMOCRACY(CORD).....	1 <sup>ST</sup> PETITIONER
KENYA NATIONAL COMMISSION ON HUMAN RIGHTS.....	2 <sup>ND</sup> PETITIONER
SAMUEL NJUGUNA NG'ANG'A.....	3 <sup>RD</sup> PETITIONER
AND	
REPUBLIC OF KENYA.....	1 <sup>ST</sup> RESPONDENT
ATTORNEY GENERAL.....	2 <sup>ND</sup> RESPONDENT
AND	
DIRECTOR OF PUBLIC PROSECUTION.....	1 <sup>ST</sup> INTERESTED PARTY
THE JUBILEE COALITION.....	2 <sup>ND</sup> INTERESTED PARTY
KITUO CHA SHERIA.....	3 <sup>RD</sup> INTERESTED PARTY
KATIBA INSTITUTE.....	4 <sup>TH</sup> INTERESTED PARTY
REFUGEE CONSORTIUM OF KENYA.....	5 <sup>TH</sup> INTERESTED PARTY
ARTICLE 19:GLOBAL CAMPAIGN FOR FREE EXPRESSION.....	6 <sup>TH</sup> INTERESTED PARTY

Petition No. 628 of 2014 consolidated with Petition No. 630 of 2014 and Petition No. 12 of 2015 Page 3

## REFUGEE RIGHTS UPHELD IN SECURITY AMENDMENT ACT JUDGEMENT

The High Court of Kenya delivered a judgment on the Security Laws that had been passed in parliament but challenged. Kituo Cha Sheria (Kituo) became an interested party in the suit after the Refugee Act, was radically amended. Refugee rights is a key mandate area for Kituo.

The Court held that Section 48 of the Security Laws (Amendment) Act (which had introduced section 16A to the Refugee Act) that dealt with limiting the number of refugees in Kenya. The Judges held that this violated the principle of non refoulement that is established under the 1951 convention that Kenya is a party to. Generally, the judgment held that limiting the number of refugees was unconstitutional. However the judgment upheld part of the Act which limited the movements of refugees. This would therefore mean that for refugees to leave the designated areas where they live, they would be required to have a permission slip from a refugee camp officer.

Their other reason for not allowing the limit was because that from other state practice other states had not set a limit for the number of refugees. Secondly the state had failed to demonstrate how they would deal with the extra number of refugees who were not in the 150,000 cap. The State also did not expressly give the criteria for selecting the 150,000 refugees.

## YOUTH AND WOMEN REPRESENTATIVES ACQUIRE LEADERSHIP AND GOVERNANCE SKILLS



*Faith Ochieng, Program officer AGCP conducts training on human rights*

Kituo Cha Sheria (Kituo), Legal Advice Center on February, 19 2015 trained about 50 youth and women representatives at St. Johns ACK Church hall in Kangemi. The training was organized by Kangemi-Kitisuru Youth Development Network (KKYDN), a network that brings together all the youth and women groups in Westlands, Nairobi. The 3 day training was aimed at sensitizing the youth and women representatives from various groups on Leadership and Governance skills.

Kituo tackled topics on human rights which entailed critical analysis of Chapter 4 of the constitution (the Bill of Rights ) and Devolution where the focus was on the meaning of Devolution, Citizen Participation in the County budget formulation process and the Doctrine of separation of power at both National and County levels of governance. The topics were facilitated by Faith Ochieng' and Waithaka Marcelino, Program Officers in the Advocacy, Governance and Community partnerships program (AGCP).

The KKYDN chairperson, Mr. Fredrick Ochieng' Oyugi thanked Kituo for its continued support and guidance in the legal matters. He added that the training was very informative and expects that the trained leaders will disseminate the acquired knowledge to their various group members and manage their groups appropriately in their various capacities.

The KKYDN Secretary, Marion Yashtana also reiterated that their main aim of organizing such a joint training was for general empowerment of the community at large and to know more about the law.

The training was graced by Area Assistant Chief, Mr. Geoffrey Irungu, District Peace Committee chairperson Westlands sub county, Mr. Jack Masika; West lands sub county Youth Officer, Madam Pamela Ombima, District Social Development Officer, Ms Rhoda Odhiambo and many other stakeholders.

The groups were from Mt. view, Gichagi, Kangemi Central and Waruku in Kangemi area and Kaptagat, Kibagare, Dam Village and Gitoka in Kitisuru area, Westlands Sub County.

## CONGRATULATIONS



Kituo Cha Sheria congratulates the immediate former Board of Directors chairperson, Dr. Ken Nyaundi for attainment of a Doctorate degree from Cape Town University in December 2014.

Nyaundi is an advocate of the High Court of Kenya with a wide experience in the areas of Human Rights Law, Constitutional Law, Civil Society work and Private Commercial Arbitration. Mr. Nyaundi remains a Kituo Cha Sheria Board member.

## Key Upcoming Activities

1. Strategic Litigation Meeting- Access to Justice for Police Rape Victims March 10th- 11th 2015
2. Training of Kituo Staff on Trauma Management in March, 16th-20th 2015 in Mombasa
3. Staff participation in training/conduction of workshop for survivors of human rights violations dubbed "Theatre of oppressed"
4. Volunteer Advocate recruitment and Legal Aid clinic in; Kodiaga Prison- Kisumu County, Migori County tentatively on March, 16th-20th 2015, Kakamega GK Prison tentatively April 6th-10th 2015.
5. Official launch of Coast Conflict Intervention and Action (CCIA) on 30th March 2015.
6. Neighborhood conversation in Kwale and Lamu in April
7. Roundtable with National Land Commission on 19th March, 2015.

## MOOT COURT COMPETITION - REFUGEE RIGHTS



*participants of the Moot Court competition*

Kituo Cha Sheria together with other stakeholders conducted the third All Kenyan Moot Court Competition (AKMCC) on Friday, 20 and Saturday, 21 February, 2015. The moot court competitions are law competitions that are based on various themes in law held at university level. Kituo Cha Sheria this year participated in the setting of the 'compromis' (questions) which was based on the Refugee Law. The theme of the year was "The place of refugee rights in the face of national security threats".

All the teams present submitted their memorials, a written submission by both parties that is the applicants and the respondents before a panel of judges.

The team that grabbed an award for the best memorial for the applicants was Kabarak University while the best memorial for the respondents was Strathmore University. The students from various universities also presented their research papers which focused on the theme where Moi University produced the best research paper.

The moot court competition which was officially opened by Professor Yash Pal Ghai was attended to by ten universities with 6 students representatives from each of the universities and lecturers of which 6 of the Universities namely; Strathmore University, Riara University, Moi University, Kenyatta University and Mount Kenya University made it to the semi-finals. Strathmore University and Kenyatta University qualified for the final stage of the competition where Strathmore University carried the day.

Kituo cha Sheria had two judges on the panel up to semi-final level. The judges were Masai Mutune and Julie Matoke, staff from Kituo Cha Sheria. In the finals Kituo cha Sheria was represented by Bemih Kanyonge, Visram J, representatives from Refugee Consortium of Kenya.

Professor Yash Pal Ghai assisted by Honorable Alnasir Visram, the presiding judge issued awards to various Universities who performed exemplary in various categories. Among other stakeholders present were UNHCR, RCK, DRC, KHRC, Kenya Law, Transparency International Kenya, Kaplan & Stratton Advocates, Anjarwalla & Khanna Advocates. The stakeholders unanimously agreed to continue supporting the AKMCC in the coming years.

## KITUO EMPOWERS COHESION CHAMPIONS



Waithaka Marcelino, Program Officer trains Cohesion Champions at Mash Park hotel

There is no greater force for change than people inspired to live a better life. Over 30 cohesion champions/peace agents selected from a variety of informal settlements in Nairobi were intensively trained by Kituo Cha Sheria at the Mash Park Hotel for 5 days. They came from Mathare, Korogocho, Mukuru, Kangemi, Kiambiu, Kibera, Eastleigh, Majengo and Dandora. The training which was purposed to enable Cohesion champions/peace agents from different informal settlements gain basic understanding of legal matters that vastly touches on Land laws and how to handle basic criminal matters was full of life. The trainees affirmed that the training was well planned and would be of massive impact on their work as peace champions. Speaking during the official opening of the training the Advocacy Governance and Community partnerships (AGCP) Program officer, Mr. Waithaka Marcelino who coordinated the training process urged the trainees to seize the rare opportunity to ascertain their worth since they were selected competitively from the various settlements. The training which commenced on Monday, 9, February addressed areas of interest aimed at strengthening the capacities of the cohesion champions in addressing injustices and promoting respect for human rights and providing a practical learning environment through the

Kituo cha Sheria community justice centers for the trained cohesion champions.

The training was attended by 5 Representatives from Mathare, 4 from Korogocho, 2 from Mukuru, 2 from Kangemi, 5 from Kiambiu, 5 from Kibera, 4 from Eastleigh, 2 from Majengo and 3 from Dandora.

The topics covered were: Introduction to Human Rights, Bill of Rights articles 49-51 of the Kenyan Constitution, Paralegalism; Role of a paralegal, Land Laws, National Land Commission (NLC) and its mandate, Introduction to Civil Law, Title Deeds, Law of Succession and inheritance, Land Registration Act and Environment and Land Court Act). Housing and Eviction Rights (landlord-tenant relationships), Labour Laws and Relations (Employment Act, Work Benefit Injury Act), Self-Representation in Criminal Matters, Introduction to Evidence, Alternative Dispute Resolution, ADR, Writing of demand letters – documenting and writing and referral forms. Finally there was a Question and Answers session on Court Procedures. The topics were facilitated by Agnes Kazungu from National Land Commission and Kituo Cha Sheria staff; Ashioya Biko, Faith Ochieng, Waithaka Marcelino, Brenda Dora, Paul Elkington, Dinah Tambo, Barbara Aromo, Jordom Mwebi.

## Germany commends Kituo Cha Sheria for Good working relationship



Kituo Cha Sheria's Executive Director, Ms. Gertrude Angote, and other civil society's representatives on Wednesday, March, 4, 2015 met with the Peer Review Team at German House (GIZ/ KFW Office), Riverside Drive opposite Prime Bank, Nairobi. The meeting which was organized by the Embassy of the Federal Republic of German was geared towards elaborating on the involvement of non-state actors in development cooperation and policy dialogue. The review which was done by Canada, Japan and the Secretariat of the Development Assistance Committee focused

on Kenya and Mozambique.

Kenya plays an important role as a partner country of the German Development Cooperation, whose objectives are to jointly Combat poverty, overcoming hunger and disease, strengthening education, promoting democracy and peace, realising human rights and equal opportunities, preserving our environment and resources.

The German engagement focuses on five areas of activity that cover the different elements of an effective fight against corruption and abuse of power: (1) Strengthening the mechanisms for the prevention of corruption, (2) Strengthening the capacity for detection and investigation of corruption and cases of abuse of power, (3) Improving conditions for non-judicial remedies of corruption and abuse of power, (4) Strengthening the capacity to prosecute and convict cases of corruption and (5) Improving the coordination of anti-corruption initiatives. Principal stakeholders are the independent supervisory institutions, such as the Ethics and Anti-Corruption Commission, the Auditor General, the Ombudsman and the Court of Auditors and the relevant actors in criminal justice and the civil society.

The committee highly commended Kituo Cha Sheria as the most effective legal advice centre and its drive towards Justice for all and for its continued good working relationships on governance and legal matters.

## IDI JUMA RECEIVES HIS DUES, THANKS TO KAMUKUNJI COMMUNITY JUSTICE CENTRE



Idi Juma, was employed on 10th May, 2000 as a company driver by Towfiq Distributors Limited and worked on probation for six months. The appointment letter stipulated that he could only be employed permanently and his salary reviewed after a probation period of six Months. After the lapse of the period in the letter, he was later confirmed and permanently employed. This he claimed was done without any problem and he continued to work upto 31st August 2014.

During this time he served the company with diligence and reliability thus ensuring smooth running of company duties in his area of work and operations to the success and goals of the firm. There was no complaint against his integrity during this time. His complaint is that on 31st August 2014, Towfiq Distributors Company terminated his services on grounds that the Company was closing down and was not given the requisite notice or accorded audience to defend himself as is required under the rules of natural justice.

The client states that during the period, he did not go on annual leave, and the company never remitted his NSSF and NHIF contributions as the law stipulates. Prior to the said Termination, he sought help from office for a lasting solution with his employer but in vain.

On September,9, 2014, he approached Kamukunji Community Justice Centre (KCJC) with his predicaments. He was advised accordingly by the Coordinator of the centre. A demand letter was written to the Company asking the management to pay Idi Juma, his dues owed. On receiving the demand letter from Kamukunji community Justice Centre, the general manager called Mr. Idi Juma asking him to report to work on 11th September 2014. His dues amounting Kshs. 350,467/- were dully paid. He has since been reinstated and still works with the company.

He is now a very happy man and thanked KITUO CHA SHERIA and Kamukunji Community Justice Centre for the good work they do.

## CERTIFICATE OF APPRECIATION



Nairobi Remand and Allocation Prison appreciate Kituo Cha Sheria for its continuous engagement in ensuring inmates is enlightened.

Kituo Cha Sheria cherishes its Vision "A society of Justice and Equity for All" and is committed to its attainment.

## KITUO PARTICIPATES IN EMPOWERING INMATES



*Kituo Legal Team respond to issues from the inmates inside the prison facility*

Kituo Cha Sheria on Friday, February, 27, 2015 conducted legal aid to various inmates during the Milimani Court Users Open Day at the G.K Prison Industrial Area Remand and Allocation home.

The open day that was organized by the Milimani Court Users Committee (MCUC) was themed “Demystifying the Criminal Trial Process and Procedures”.

The aim of the forum was to have the remand prisoners interact with various stakeholders in the Criminal Justice chain, especially the Judges, Magistrates and Prosecutors with the purpose of explaining to them the criminal trial process and enhance access to Justice.

The remand prisoners through their representatives highlighted major concerns which included corruption by the investigation officers who sometimes ask for money to facilitate the same, too many adjournments due to lack of police files and police officers unable to provide witnesses, the need to understand the bond setting procedure. The inmates also pleaded the need to ensure the suspects are provided with lawyers so as to ease their understanding of the litigation process.

“We urge the police officers to enforce the law in the right way, they should remember that justice should be our shield and defender not opportunity to harass and arrest people without proper reason,” said one of the remand prisoners representative.

In her speech, Lady Justice Pauline Nyamweya, the chairperson of the Milimani CUC, urged all those who advocate for Justice to do it diligently and give citizens first priority. “This forum comprises of all those who advocate for Justice, I want to urge them to ensure they consider citizens very important and enlighten them accordingly,” said Lady Justice Nyamweya.

The probation Case Committee representative urged those concerned with the legal process to ensure all the inmates are prepared psychologically and their issues addressed amicably before they are released to the society so as to avoid any form of stigmatization by the community.

Madam Wanini Kireri, the Head of Kenya Prisons said that the prison’s department is committed to empowering inmates and ensuring criminal justice through proper sensitization about their basic rights. “Prison is committed in playing key role in offering relevant correctional programmes that will ensure they become productive and self reliant members of the society and this we exploit through justice,” said Madam Kireri.

Hon. Justice Fred Ochieng’, the President of the Kenya Magistrates and Judges Association in his keynote address reassured the inmates of the Judiciary’s commitment to exercise justice. He urged the law societies to represent the inmates with their full heart without any unnecessary demands. “Perform your duty like you are paid millions of shilling and do it without complain just for the sake of these people who largely depend on us for their justice attainment,” said Hon. Justice Ochieng’.

Kituo Cha Sheria was represented by the Legal team of Brenda Dora, Glenn Ong’uti Mongare, Paul Elkington and Kimani Rucuiya who offered legal aid to various inmates depending on their Cases.

## KITUO STRENGTHENS THE BID TO PROTECT REFUGEE RIGHTS



*Serab Esendi of Kituo and Fridah Mauna of Department of Refugee hand over a certificate to a participant*

Kituo Cha Sheria, Mombasa regional office trained members of the Coastal Urban Refugee Protection Network (CURPN) at the Bliss Hotel.

The two day training was aimed at strengthening protection of refugees and asylum seekers in urban areas by capacity building stakeholders and strengthening linkages to institutionalize the CURPN. They focused on emerging issues of refugee protection and rights and more specifically on the gaps within the Coast region that require redress.

The training that commenced on January,21, 2015 had various topics such as; Introduction to Human Rights, Refugee Rights, Historical Background of Refugee Law, Refugee Status Determination (RSD), Functions of the Department of Refugee Affairs(DRA), Encampment Policies and Movement of Refugees/ Urban Refugees – who they are, Protection of the Refugee as depicted in the Security Amendment Act 2014 which was presented, Current Status of Refugees and their Registration, Refugee Documents and Authentication and Durable solutions and Cessation of Refugee Status.

The topics were facilitated by Eva Kahiti – Volunteer Advocate, Kituo Cha Sheria, Khamisi Mwangemi and Clara Juma both from DRA and Kipkoech Sang from Immigration Department.

Partners who attended were; The National Police Service, Office of the Department of Public Prosecutions, The County commissioner’s office, FIDA, CLEAR, National Legal Aid Project (NALEAP), National Hospital Insurance Fund (NHIF), Coast Women in Development(CWID), Gender Based Violence Recovery Centre (GBRC), The Chief’s representative – Old Town, a Village elder – Old Town, Haki Yetu, The Immigration Department, Department of Refugee Affairs, Miller and Co Advocates, Chief’s Representative - Bamburi, Village Elder - Bamburi, Refugee Leader Somali Bantu Refugees, Refugee Leader Somali Barawa Refugees, Refugee Leader Congolese Refugees, Refugee Leader Ethiopian Refugees.

The training ended with a Consultative Forum for the stakeholders on January 23, 2015 which provided an opportunity for partners to share their organisational profiles and more specifically the services offered to refugees. There was also a discussion on the background of the Julia Taft Grant which is the donor, it delved particularly on the activities that were to be undertaken during the span of the Grant and what was required by the same in implementation of the grant to enable us work as a team to ensure that the network is strengthened and more specifically refugee protection is enhanced through the lifespan of the grant and even after. The way forward was deliberated on the subsequent upcoming activities which were unanimously agreed upon by the organizations pegged on the previous comprehensive 2 day training.

Members however, suggested the necessity of other organizations such as National Registration Bureau, Kenyan National Commission on Human Rights(KNCHR), Probation Office, Red Cross, Judiciary, Childrens Department, Prisons Department and Religious Leaders joining the network. The Childrens department was invited but could not attend because of understaffing. The next meeting is scheduled for April 2015.