

KITUO conducts training of Paralegals at Lang'ata Women Prison



The qualified paralegals and invited guests pose for a group photo during the graduation at Lang'ata Women's Prison

Kituo Cha Sheria on 23rd February, 2018 conducted a colorful graduation ceremony that saw a team of 40 prison paralegals comprising of inmates and prison constables awarded certificates and graduate after a week-long intensive paralegal training at the Lang'ata Women's prison.

The eventful ceremony was presided over by Kituo's Executive Director, Ms Gertrude Angote, Kituo board member John Chigiti, volunteer advocates, probation officer, Lang'ata Women's Prison officers among other dignitaries. One of the goals of Kituo's prison paralegal trainings is to decongest correctional facilities by empowering the prisoners and remandees on self-representation in court, how to adduce evidence if any, how to cross examine witnesses, how to write their submissions, how to make mitigation statements, how to make interim applications such as those for bond, bail, and making applications for Community Service Order.

The graduation followed a week-long refresher training conducted by Kituo Cha Sheria officers led by legal officers Martha Ogutu, Ephraim Kayere and Kituo's volunteer advocates at the Langata Women Maximum Prison-Nairobi. The training which started on 14th February, 2018 came to a close on 23rd February, 2018. Some of the topics the paralegal were trained on included basics of paralegalism, introduction to human rights, Bill of Rights (Chapter 4 of Constitution), Criminal Procedure Code Chapter 75 Laws of Kenya-powers of court, provisions relating to all criminal investigations, mode of taking and recording evidence in trials and procedures in trials before a Subordinate Court and the High Court. Other topics covered included sentences and executions, appeals, self representation (criminal approach), Power of Mercy Act, the Prisons Act and the Community Service Order.

The Lang'ata Women's Prison Justice Centre is

managed and run by trained paralegals to assist other inmates self-represent in court, offer legal advice to the other inmates, educate them on criminal law and guide them on how to confidently represent themselves in court and empower the entire prison community. The Centre has already recorded major milestones since the launch in 2016 and paralegals at the centre have also been able to peruse and write submissions for both convicts and remand prisoners.

We celebrate the qualified prison paralegals and encourage the prison paralegals to use the knowledge acquired to provide legal services to the other inmates and for self representation to ensure justice is accorded. Kudos graduands, Viva KITUO!



Kituo Board Member Mr. John Chigiti(left) presents a certificate to a prison paralegal as the ED, Ms. Gertrude Angote (centre) looks on



Kituo legal officer Valarie Ang'awa takes community paralegals through a session during the training in Kwale

Kituo Attends Refugees Roundtable Workshop in Kakuma



Participants who attended the workshop facilitated by Kituo's FMP during the two-day roundtable workshop at the Kakuma Refugee Camp

Kituo cha Sheria's Forced Migration Programme (FMP) attended and facilitated a two-day roundtable workshop at the Kakuma Refugee Camp.

The workshop that took place on 28th February, 2018 and 1st March 2018 sought to formulate strategies that enhance sustainable business and trade environment in the Kakuma Camp and the Kalobeyei Settlements. FMP officers were especially facilitating on information on the rights of refugees to employment, to engage in business and the process of registration of different types of business.

The workshop was organized by the Norwegian Refugee Council, UNHCR-Kenya and the Refugee Consortium of Kenya (RCK).

Kituo conducts paralegal training in Kwale County



Community paralegals keenly follow proceedings during the training at the Red Cross Centre in Ukunda, Kwale County

Kituo Cha Sheria conducted refresher training for 40 community paralegals in Kwale County. The six days activity which took place at the Red Cross Center in Ukunda, Kwale County, brought together community legal volunteers and human rights defenders from the Lamukani Community Justice Centre in Kwale.

The training covered introduction to paralegalism including qualities and skills of a community paralegal and Sexual, Gender Based Violence, Alternative Dispute Resolution methods in Kenya i.e. Mediation, Negotiation, Arbitration and Conciliation among other topics.

The training was conducted by officers from Kituo's Coast regional office, volunteer advocates and other partners.

KITUO Participates in Mombasa County Action Plan - Countering Violent Extremism workshop



Kituo program officer Zedekiah Adika (right) with Mvita MP Abdulsamad Nassir (centre) and Husssein Khalid (left) of Haki Africa during the MCAP-CVE workshop

Kituo Cha Sheria participated in drawing of the implementation schedule for Mombasa County Action Plan in preventing and Countering Violent Extremism (MCAP-CVE) during a workshop that was held at the Pride Inn Paradise Beach Resort in Mombasa.

The MCAP-CVE Workshop aimed at creating a networking and learning platform which will hopefully result in the formulation of new methodologies of addressing the dynamic manifestations of violent extremism within the county. The 3 Day MCAP-PCVE implementation workshop was organised by Haki Africa in partnership with other

civil society groups. MCAP focuses on preventing and countering violent extremism. The Mombasa County Action Plan has been formulated alongside the nine pillars of the National Countering Violent Extremism strategy.

The action plan has further incorporated the economic and women pillars to respond to the unique issues arising from Mombasa County. The event incorporated the national government, county government and various Mombasa Civil Society Organizations. Kituo was represented by Zedekiah Adika, Kituo Programme officer at the coast regional office.

Key Upcoming Activities Mar - Apr 2018

1. Kamiti paralegal refresher training , access to justice day celebration and documentation of successes-March
2. Nyando paralegal refresher training, radio talk show, legal aid clinic and documentation of successes - March/April.
3. Kitui paralegal refresher training, radio talk show, legal aid clinic and documentation of successes.
4. Turkana paralegal refresher training, radio talk show, legal aid clinics and documentation of successes - April.
5. Conducting of mobile legal aid clinics in 10 counties - Nyahururu, Kitale, Makeni, Kerugoya, Kitui, Isiolo, Narok, Kajiado, Nyeri ,Busia - March-July
6. 4 day dialogue forums with the communities in Endebess and Cherangany together with the commissioners under the Alternative Justice Systems project- April
7. Nyeri paralegal refresher training, access to justice day celebration and documentation of success stories-April.
8. End-Term Evaluation of the Dutch Promoting Access to Justice project- April.

Kituo live on Radio Rahma and Radio Salaam in Mombasa



Kituo officer Zedekiah Adika is joined in studio by an officer from the Kenya National Commission on Human Rights (KNCHR) during a radio talk show on Radio Salaam

Kituo Cha Sheria through the Mombasa regional office continues to enlighten the public on their human rights through a series of radio talk shows on Radio Rahma 91.5FM in Mombasa and Radio Salaam, 90.7 FM also in Mombasa.

The radio talk shows have been conducted in conjunction with officers from the Kenya National Commission on Human Rights (KNCHR), Haki Africa and other civil society groups in the coastal region in the months of January and February 2018. Some of the discussions have revolved around the role of women representatives in promoting women's right and the general state of human rights in the Coastal

region. Other topics discussed ranged from security matters including the strategies in countering violence and extremism in the coastal region, labour related matters, property ownership especially land that has been characterized by unlawful evictions, displacement of locals from indigenous lands and issuance of invalid title deeds in the region. These radio programs are part of a continuing series of radio shows highlighting the state of human rights in the Coastal region spearheaded by Zedekiah Adika, Kituo programme officer. The series of radio programs to discuss the state of human rights in the region are set to continue in the coming months.

Kituo's Regional and Branch Offices moved



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M-HAKI 'Haki Mkononi'

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For frequently asked questions on land, labour, housing and refugee rights go to www.m-haki.or.ke

Kituo Cha Sheria's Forced Migration Programme (FMP) has migrated from Jogoo Road, Nairobi at the Jogoo Road Plaza - Hashi Energy building at Maziwa stage along Jogoo Road to Pangani - KCDF House, 4 th Floor on Chai/ Pamba Road, Off Juja Road, Nairobi.

Also on the move was the Kituo Cha Sheria Mombasa Regional Office previously located in Ganjoni opposite Ganjoni Primary School which has since moved to Kizingo on Hatimy Talyani Road, Opposite the Mombasa Law Courts.

Kituo conducts a Community Public Forum in Marereni, Kilifi



Participants who attended the community public forum in Marereni, Kilifi County that deliberated on the Magarini Salt Base Public Interest Litigation Case

On 18th of January, 2018 Kituo Cha Sheria conducted a community public forum in Marereni, Kilifi County that deliberated on the Magarini Salt Base Public Interest Litigation Case.

The Magarini Salt Base case is a forced eviction case where Magarini community members accuse the salt firms along the salt mining belt of evicting them with utmost cruelty and without observing standards of human rights to pave way for the building of the salt firms.

The forum brought together the Magarini Community Members, Kubuka Farmers, representatives from the American Jewish World Service (AJWS) and Kituo Cha Sheria. The main objective of the

meeting was to brief the Magarini community members on Kituo's intention to file the case regarding environmental and land issues in the Magarini salt belt in Court. The meeting also provided an opportunity for AJWS to conduct a photo shoot of the community work done by the Malindi Rights Forum (MRF).

Kituo briefed the forum on the details of the case and also explained to the community the basic contents of the case including how to manage expectations, from prayers made and timelines.

Finally there was also discussion on an audit report by Kenya National Commission on Human Rights (KNCHR) on human rights violations.

Nomination of Kituo's Executive Director



Kituo Cha Sheria Executive Director Ms Gertrude Angote has been nominated to be part of a panel of judges that consist of leaders and visionaries in the field of legal empowerment set to spearhead and select the best award winner of the 2017/2018 NAMATI Grassroots Justice Prizes.

NAMATI is a Global Legal Empowerment Network consisting of 4,000+ lawyers, community paralegals, human rights activists and grassroots organizers, researchers, journalists, and public servants who are working together to make justice a reality for the 4 billion global citizens who live outside the law.

The NAMATI Grassroots Justice Prize competition recognizes grassroots organizations and institutions, large and small, across the globe, that are working to put the power of law in people's hands.

The panel of judges will select the winners under the two Categories; the Achmed Sesay Memorial Prize for Innovation and the -- Nomboniso Nangu Maqubela Memorial Prize for Scalability and Sustainability while The #WalkTogether Prize for Courage which is the third category will be determined by a public vote.

Each of the three winners will receive \$10,000 USD and will be honored at a high-profile ceremony in Argentina on World Justice Day (20 February 2018).

Viva Kituo!

Success Story of DOUGLAS MUTHAURA NTORIBI, Meru County

MERU MAIN GK PRISON JUSTICE CENTER

Bringing Legal Empowerment Closer to the People



Case background

Douglas Muthaura Ntoribi was charged with the offence of robbery with violence contrary to Section 296 (2) of the Penal Code. The action saw the attacked victim sustain a head injury from a cut and loss of Ksh. 500. He was convicted by the trial court sitting at Nkubu in 2005 and sentenced to suffer death. He lodged an appeal (Criminal appeal number 118 of 2005) before Meru High Court, and on 29th July 2008, the same was dismissed. He soldiered on and filed Criminal Appeal No. 317 of 2008 before the court of appeal. That appeal suffered the same fate as the initial one at the High Court on 30th April 2014 with both judges citing that the applications did not meet the required threshold.

Douglas undergoes Kituo paralegal training...

Back In 2016, Kituo cha Sheria conducted paralegal training at Meru Main Prison, thirty (30) inmates underwent the paralegal training and were awarded certificates upon successful completion. Douglas Muthaura who was among the trainees testified how the knowledge he gained from the training helped him write a comprehensive appeal that saw the judge finally

rule in his favor.

Case Determination

The court ruled that the circumstances of the case did not call for death sentence or life imprisonment. In that regard death sentence was replaced by a 15 years imprisonment, sentencing running from the date of conviction dated 8th July 2005.

The Court's decision was arrived at given that he had already spent almost twelve years in prison and yet, the victim of crime was treated of his head injury and immediately discharged from the hospital.

The Court in its ruling posed a question or rather wondered why such an applicant cannot reform and challenged the prison system to come up with effective rehabilitation models for convicts falling in the bracket of the applicant.

Justice Said Chitembwe cited the Supreme Court decision in MURUATETU v REP (2017) where mandatory death sentence was declared unconstitutional. He further opined that, High Courts are duty bound to consider cases where litigants have already been sentenced to suffer death and that, the consideration should not be limited to murder cases only.

Success Story on M-HAKI - Oluoch Omondi Jacob



M-HAKI A free SMS Service for legal questions

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0700777333



Oluoch Omondi Jacob a resident of Eastleigh, Nairobi bought a parcel of land from a willing seller who is now since deceased. The conveyance process went as far as reaching land gazettment. However the land title wasn't transferred to his name. Omondi sought for advice through M-Haki platform on what steps to take next after the deceased's wife began to claim that she was not aware of the existence of our client. He was referred to a volunteer advocate and advised by Kituo advocate to issue any relevant documents related to that transaction to his counsel as Kituo advocate maintains contact with the counsel in question to be abreast of any progress.

Success Story from the Nyando Community Justice Centre

NYANDO COMMUNITY JUSTICE CENTER

Bringing Legal Empowerment Closer to the People



Shadrack Ayange Ogendo a resident of Kisumu North Location in Kisumu County has a reason to smile once again after the Kisumu High Court ordered for the issuance of the title deed of the 3.2 hectares of land that her step mother had acquired unlawfully.

Mr. Ogendo who comes from a polygamous family of four wives filed a complaint against his step mother Sarah Omolo Ogendo the first wife to his deceased father Samson Ogendo Ayange for transferring the entire 3.2 hectares land belonging to the family under her name without consulting other family members.

After a series of efforts without any tangible outcomes in pursuit of justice, Mr. Ogendo approached Kituo cha Sheria's Nyando Community Justice Center where the community paralegals attended to him, screened and referred him to a Kituo Volunteer Advocate (VA)

in Kisumu. The advocate advised him on the next legal action.

VA Erick Otieno, assisted Mr. Ogendo in filing the matter in 2015. He then represented our client in all the Court proceedings until the conclusion of the matter in 2018. The matter that was at Kisumu High Court before Justice Manjanja was ruled in our clients' favor. The court gave an order to the lands office to remove the restriction that was put in the land Kisumu/Bar/633 by his stepmother and that the said land title deed under the step mother's name be revoked.

The judge also granted the family members the permission to engage the lands surveyors to spearhead the process of partitioning of the land equally to each of the four wives and another portion for Mr. Ogendo as the eldest son and each of them issued with the title deeds for their respective portions.

Success Story - Samuel Kimutai Bor, Kodiaga Justice Centre, Kisumu

K'ODIAGA PRISON JUSTICE CENTER

Bringing Legal Empowerment Closer to the People



Samuel Kimtai Bor a resident of Kisumu was arrested in March 2016 and arraigned in Kisumu Law Courts where he was charged with handling stolen property. He stayed in remand for a period of seven and a half months awaiting hearing. Neither he nor his family could afford to hire a lawyer to represent him in his case.

However, the prison paralegals at the Kodiaga Justice centre were instrumental in assisting by way

of training Mr. Bor on how to speak up confidently in court, how to ask questions during cross examination, re-examination and examination in chief.

Subsequent to this coaching and with tips from the paralegals Mr. Bor's case was heard and judgment made on 23rd March 2017 in his favor. He was acquitted and he is no longer at the Maximum Prison Facility.

Success Story from Kodiaga Prison Justice Centre, Kisumu

K'ODIAGA PRISON JUSTICE CENTER

Bringing Legal Empowerment Closer to the People



Atieli Shikunyi Ofira, 87 years of age was sentenced to five years imprisonment for defiling a five year old girl. Ofira a resident of Kisumu could not afford to hire a lawyer to represent him in his case.

His family members too could not afford to pay for his legal services. However, his case could not be proved beyond doubt as there had been no medical examination of the minor to ascertain these claims and there were no witnesses to attest to this crime being committed.

The Kituo trained prison paralegals were instrumental in identifying the gaps and loopholes present in his case file. They trained Ofira, on how to conduct himself in court, the relevant questions to ask during cross examination, examination in chief and re-examination.

He was acquitted on 23rd February, 2017 after the Kisumu Law Court ruled in his favor. He is no longer at the Maximum Prison Facility.

Success Story from M-HAKI platform - Brian Gicheru



M-HAKI A free SMS Service for legal questions

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

0700777333



Brian Gicheru a resident of Nyeri County on behalf of his father wrote in to the platform to enquire on a labour matter.

In his query, Brian stated that his father's contract of service was terminated on 19th September 2017, by a Company named Hippora Business Solutions on account of redundancy. His father's terminal dues didn't follow the termination up to date as required by law.

Furthermore, he had worked for the company for over five years. Numerous visits to the Nairobi county labour office

bore no fruit. Kituo Cha Sheria was able to assist by referring Brian Gicheru to bring his father to our head office with all relevant documents to support his claim.

A demand letter was drafted by the legal aid team upon the visit and further along the client was referred to a volunteer advocate in Nyeri County where the cause of action arose. Kituo is following up on the matter to ensure that justice prevails.