

KITUO conducts Handover Ceremony for the Alternative Justice System (AJS) Project



Dr. Phoebe Nyawalo, Chairperson, AJS Western Chapter, giving her presentation

Kituo Cha Sheria in partnership with the Public International Law & Policy Group (PILPG) conducted handover ceremonies for the Alternative Justice System (AJS) Baraza La Uwiano (Maridhiano), Eldoret and Western Chapters. Kituo handed over the project to the communities to continue with the great work in promoting access to justice using alternative community based approaches.

Kituo Cha Sheria has been implementing the AJS project since 2015. Through the project, Kituo continues to lead conversations with survivors of the 2007-2008 Post Election Violence (PEV) across the regions that were heavily affected by the 2007-2008 PEV. The aim is to offer redress to crimes against property ownership and molding a safe platform of solving 2007/2008 PEV disputes arising between parties without recourse to the courts to achieve peace, justice and reconciliation amongst the communities. To date Kituo has conducted a series of workshops in order to build the capacity of Commissioners (composed of PEV victims and offenders, village elders, women, youth, persons living with disabilities, religious leaders and community representatives). Adjudicators (respected community members who were selected through a consultative process by the community) have also been trained on the use of negotiation, mediation and non-violent Communication in Conflict Resolution.

After a successful piloting of the project, Kituo Cha Sheria handed over the project to the community living in Uasin Gishu and Kisumu Counties. During the Piloting, the Baraza La Uwiano team offered their time to be trained in negotiation, mediation and non-violent Communication in Conflict Resolution. The team is expected to use the acquired knowledge on these community based approaches in dispute resolution to promote peace, justice

and reconciliation. Mediation has played a big role in ensuring speedy dispute resolutions and creation of an atmosphere of cohabitation and tolerance among the communities that were heavily affected by the 2007/2008 post-election violence in Kenya.

The Eldoret Chapter handover ceremony was held at the Noble Hotel on Thursday 19th July, 2018 and was presided over by Hon. Lady Justice Helen Omondi, the Eldoret High court – Resident Judge. The Western Chapter handover ceremony took place in Kisumu at the Kisumu Social Centre on Tuesday 31st July, 2018.

Speaking in Kisumu, Mr. Matthias Eppe of GIZ-CPS; committed to support the AJS team through continuous capacity building on mediation. Prof. Oketch Owiti, AGM member of Kituo Cha Sheria encouraged the use of AJS for those who feel disenfranchised from the formal court system as a way of overcoming the barriers in accessing justice. Dr. Phoebe Nyawalo, Chairperson, AJS Western Chapter, encouraged the 13 Adjudicators and 9 Commissioners coming from different parts of Western Kenya who were trained on mediation to utilize their skills and knowledge in making alternative justice a reality in Kenya.

The Judiciary has formed an AJS Taskforce who have been going all over the country collecting information on traditional forms of resolving disputes and the work of the Western and Eldoret Chapters will be used to inform the National AJS Policy. The AJS project handover ceremonies in Kisumu and Eldoret also celebrated the role played by the Ker; Luo Council of Elders and the Kalenjin Elders. The first AJS hearing in Eldoret was led by Major John Seii, an eminent Kalenjin elder who is now a member of the Building Bridges Initiative and his counsel and willingness to share has made the AJS project a success.

KITUO trains Court Users Committee members in Mombasa



Kituo FMP, Mombasa office team together with Court Users Committee (CUC) members from Mombasa County

Kituo Cha Sheria through the Forced Migration Programme, Mombasa office conducted two (2) days training on Refugee Law with Court Users Committee (CUC) members on the 23rd and 24th August 2018 at Pride Inn Hotel, Mombasa.

The CUC members were enlightened on basic refugee law; legal framework, relevant refugee institutions/organizations, registration processes and documents for refugees including challenges, solutions and recommendations on improving the legal structures dealing with the refugee community in the country.

In attendance were Magistrates and Judiciary staff from the Mombasa Law Court, Tononoka Children's Court; Officers from the Immigration Department, the ODPP and Police. Other participants included Probation officers, Children's Department officers, Representatives from the Mombasa LSK, KNCHR and Kenya Prisons Services.

KITUO conducts Prison paralegal training in Busia Women's Prison



Paralegals and prison officers undergoing the refresher training

Kituo Cha Sheria on 4th, to 7th August conducted an intensive training for prison paralegals and prison officers from Busia Men and Women Prisons on Prevention against Torture Act among other human rights related topics.

The aim of the training under the Imarisha Haki project is to increase the understanding of human rights, Countering Violence Extremism and torture related laws among Law Enforcement Agencies.

The prison paralegals have played a key role in providing legal services within the prisons. They empower their fellow inmates with legal information, raising legal awareness and advocate for their interests.

KITUO conducts Mombasa Sub-County and Ward Administrators' training



Kituo Cha Sheria officers together with a team of Sub-County and Ward Administrators from Mombasa County

Kituo Cha Sheria through the Coast Regional Office - Mombasa held a successful four day legal training to the first batch of Sub-County and Ward Administrators in Mombasa County. The legal training exercise was a collaborative initiative between the County Government through the Office of the County Attorney and Kituo Cha Sheria.

The training which was held from the 22nd to 25th August 2018 covered the following topics; Administrative Law, the Law on Public Participation, Leadership & Integrity, Labour Law & Labour Relations, Policy Making and Project Formulation. Other training areas were on Constitutional Law, Human Rights Law, Gender Based Violence, Environmental Law, Budget Making Process, and Introduction to Law, Refugee Law and Alternative Dispute Resolution.

The training sought to empower County officials on their legal obligations with a basis on how they should implement various laws governing residents and the County as well as handling community issues.

Mombasa Deputy Governor H.E Dr. William Kingi graced the closing ceremony of the four day training with encouragement to the Administrators and appreciated the partners who made the exercise a success. The Deputy Governor also awarded certificates to the officers and urged them to apply the knowledge they received throughout the training to offer wananchi better services at the Wards and discharge their duties in tandem with the law.

Kituo Cha Sheria was represented at the training and closing ceremony by the Coast Regional office Coordinator Dr. Annette Mbogoh and Zedekiah Adika a program officer. The Mombasa County Attorney, Mtalaki Mwashimba joined in officiating the closing ceremony.

The collaboration between Kituo Cha Sheria, the Mombasa County government and other partners is a continuous endeavor to improve services to Mombasa residents, capacity build county staff on applicable laws to minimize litigations.

KITUO staff undergo Fundraising Training



Kituo cha Sheria staff representing all programmes and management attended a 2-day fundraising training at the Forced Migration programme offices in Pangani on 10th and 11th July 2018. The training was facilitated by Mr. Sammy Keter, a fundraising consultant, and was also attended by the Chair of the Board, Antony Mulekyo and Board member Hannah Kamau. The training began with presentations from Annette

Mbogoh on The Internal context and Priorities of Kituo cha Sheria, Clara Barasa on External Donor Analysis, Trends and Priorities and Tobias Mwadime on KITUO products, services and coverage.

Staff led by the facilitator discussed various issues touching on Kituo Internal Context and Priorities and verses the donor context and opportunities together with the Kenyan context and the external issues.

The training equipped the staffs with fundraising skills to design and develop concept notes and proposals that meet both the organizations context and priority areas plus the donors' needs as well as addressing the external issues affecting the people.

Key Upcoming Activities Sept - Oct 2018

1. M-Haki Regional conference on 'The Use of ICT in Making Access to Justice a Reality'- Oct
2. Access to Justice Day events /Death Penalty Conference in Shimo La Tewa Men, Shimo La Tewa Women , Kamiti Maximum and Kodiaga Maximum prisons)-Sept-Oct
3. Dutch Embassy project End-term evaluation.-Oct
4. Imarisha Haki project trainings: Sept-Oct
5. Legal Aid clinics with CJs in informal settlements - Sept-Oct
6. Kitui paralegal refresher training, radio talk show, legal aid clinic and documentation of successes- Sept-Oct
7. Meru prison paralegal refresher training, access to justice day celebration and documentation of successes- Sept
8. Mobile legal aid clinics in 10 counties: Nyahururu, Kitale, Makueni, Kerugoya, Kitui, Isiolo, Narok, Kajiado, Nyeri, Busia- Sept-Oct
9. Alternative Justice Systems Project in Trans Nzoia, Kisumu and Eldoret - Sept-Oct
10. Nyeri prison paralegal refresher training, access to justice day celebration and documentation of successes - Oct
11. Court Users' Committee (CUC) meeting for Milimani, Makadara and Kibera Law Courts - Sept-Oct
12. Law Society of Kenya Legal Awareness Week: 24th - 28th Sept.
13. Monthly visit to Shimo la Tewa Men's and Women's Prison Sept-Oct
14. Border monitoring in Taita-Taveta, Kilifi, Kwale and Mombasa counties - Oct
15. Legal Aid clinics with the Refugee Community in urban settlements - Nairobi and Mombasa - Sept-Oct
16. Police training on protection of Refugees and asylum seekers - Sept
17. Mental Health and Psychosocial Support (MHPSS) group session with Head Office Staff - Sept

KITUO celebrates 45th Anniversary



Kituo Cha Sheria staffs take position for the cake cutting ceremony

Kituo cha Sheria turned 45 on 9th July, 2018. This makes it the oldest legal aid institution in the Republic, boasting a nationwide presence and a significant contribution to the development of law. It's a remarkable status few could have predicted; not least the five young law students, who first carried its vision.

Kituo Cha Sheria's vision is towards a society of equity and justice for all. Similarly, the mission of the organisation is to empower the poor and marginalized people to effectively access justice and enjoy their peoples and human rights in Kenya through advocacy, networking, lobbying, legal aid education and representation, research and innovation.

Kituo Cha Sheria staff came

together at the Head Office Gardens and the Coast Regional office-Mombasa to mark the occasion on Thursday, 2nd August, 2018. Staff were joined by community paralegals and friends of Kituo including members of the public who attended a Free Legal Aid Clinic on the day. The day's event was conducted in celebration of Kituo at 45 and to join in with the community we serve as we continue to provide legal empowerment to the poor and marginalized.



Kituo Justice centers coordinators Judith Adhiambo (Left) and Ezekiel Jenga (Right) attends to clients during the legal aid clinic

KITUO celebrates The International Prisoners Justice Day 2018

Success Story of Harun G. Mwangi



Guests together with the inmates following the proceedings of the day

Kituo Cha Sheria joined the world in commemorating the International Prisoners Justice Day marked on 10th August every year. The day that was celebrated at the Kamiti Maximum Prison brought together global citizens from all walks of life including inmates from various detention facilities, Human Rights organizations, law enforcement agencies and other non-state actors.

They all came together in solidarity and action to reflect on the current state of prisoners' rights and also to celebrate, recognize and appreciate the efforts of prison paralegals.

The paralegals struggle to ensure that fellow prisoners access justice and are part of the tremendous reforms that detention facilities have made towards ensuring access to justice and humane prisons.

During the celebration each speaker who took to the podium emphasized on calls for further penal reforms and a more humane correctional system as well as matters related to access to justice within the detention facilities as a right guaranteed by the Constitution of Kenya 2010.

The rights groups also emphasized on the need for courts to have humane and alternative ways of sentencing petty offenders rather than sending them to jail leading to congestions in the detention facilities.

This year, Kituo, the Kenya Prisons Service and CEFA within the framework of the EU funded project Strengthening Human Rights within Correctional Facilities in Kenya; a project dubbed Imarisha Haki seeks to ensure the eradication of all forms of violence and torture within the detention facilities.

Kituo donated a desktop computer, tonners and stationery to the

Kamiti Maximum Prison Justice Center to facilitate processing of legal documents.

Participants were welcomed to Kamiti Maximum Prison by Mr. Naderia Isaac, OIC Kamiti Maximum Prison who lauded Kituo and other organizations saying that the paralegal training conducted by the human rights organizations have not only enhanced access to justice within the detention facilities but have also helped eradicate cases of indiscipline.

Speakers at the event included Ms. Zeinab Hussein, CBS Principal Secretary State Department of Correctional & Rehabilitation Services who noted that the day's celebrations served as a reminder of the pivotal role that the Kenya Prisons Service (KPS) has continued to play in the regional corrections arena. This year's theme also resonated well with the reform agenda within KPS geared toward embracing correctional strategies based on humane treatment of offenders.

Guests at the event included Mr. Hubert Perr (Head of Cooperation at the EU Delegation in Kenya), Vittoria Azarello-CEFA, KNCHR Commissioner Suzanne Shatikha Chivusia, Kituo's programme manager Ms. Faith Ochieng', among others.



Faith Ochieng acting Coordinator AGCP presents the donated desktop computer to the coordinator of the Kamiti Maximum Prison Justice Center



Harun Mwangi receiving a copy of judgment from Kituo advocates

ELC CASE No. 510 of 2012

Harun Mwangi breathed a sigh of relief after receiving a positive judgment from the Environment and Land Court at Milimani, Nairobi issuing an order of eviction and a permanent injunction barring one Zacharia Karega who grabbed his plot from entering or interfering in any manner with the property that rightfully belongs to him.

The 73 years old, silver haired father of three from Kiambu County claimed that the parcel of land was allocated to him by the defunct City Council of Nairobi on 21st October, 1992 and he took possession but could not commence development due to lack of capital. As a result the 'stranger' entered into his land located in Kariobangi South sector VI, Nairobi in 2005, fenced it and put up temporary structures.

His efforts to have the issues resolved amicably using mediation came to naught as Zacharia the "land grabber" turned his back every time Harun made an effort of reaching him. "I was then forced to look for justice in courts but getting a lawyer was a challenge since I could not afford to pay for the legal fees" said Harun.

Harun got referred to Kituo Cha Sheria by a friend and a close family member who had previously been assisted with labour matters. With a lot of excitement, he narrates how Kituo played a big role in ensuring he got justice.

"I can't fail to be grateful to Mr. John Mwariri (Kituo Legal

Officer), who after explaining my situation to him, picked up the matter. He helped me file this case back in 2012. He has been patient with the whole process that took six years." In reply to this, Zacharia filed a statement of defense on 4th October 2012 claiming that he has been in possession of the land which he has developed and occupied since 1999.

Mr. Mwariri (Kituo Legal Officer) who was handling the matter filed a reply on 25th February 2013 reinstating that Harun was the owner of the land. The case came for hearing on 21st March 2017. Zacharia did not appear. Harun presented his evidence and closed the case.

Judgement

Hon. Justice Okong'o on 21st June 2018 ruled in favor of our client in the absence of the defendant. He issued an order of eviction against the defendant, his family members, servants or agents, a permanent injunction against the defendant, his family members, servants or agents barring them from entering or interfering in any manner with the plot and that the plot rightfully belongs to Harun Mwangi. The judgment also stated that the defendants has up to 60 days to vacate and handover possession of the plot to Harun failure to which he will be subjected to forceful eviction.

This is yet another small victory for a Kenyan who had nowhere to turn but Kituo Cha Sheria- the people who care for justice for the poor and marginalized in society.

Success story of Samuel Nzuki Mutisya



Samuel Nzuki Mutisya receiving a copy of judgment from Kituo advocates

Samuel Nzuki Mutisya 38, from Matungulu, Machakos County served his employer with diligence and loyalty until 25th May 2015 when his employer wrongfully and unlawfully terminated his services.

For 11 years he worked at Sunrise Textile Mills Limited as a Machine operator before his boss accused him of sleeping on duty and chased him away from work. According to Samuel, his employer never issued him an appointment letter and even dismissed him verbally for no reason and failed to pay him his terminal benefits as well.

In September 2015 Samuel visited Kituo Cha Sheria office in Nairobi to seek legal assistance. John Mwariri, Kituo advocate picked up his case. He did a demand notice to Sunrise Textile Mills Limited to have the matter solved amicably out of court but they never responded.

Kituo Cha Sheria then filed the evidence and submissions at the Employment and Labour Relations Court in Nairobi on behalf of Sameul. For close to three years Kituo followed on this matter through responding to the respondents submissions until 18th May 2018 when the case was ruled in favor of our client.

Judgement

In her judgement delivered on 18th May, 2018, Hon. Justice Hellen S. Wasilwa cited that the reasons if any for which Mr. Samuel was dismissed are unknown and contravenes the provision of Section 43 of Employment Act.

She went further and explained, "I have considered the evidence

and submissions filed by both parties. The Applicant has indicated he was an employee of the Respondent until he was dismissed. Nevertheless, there is proof that the Claimant served the Respondent over a period of time. The Respondent was obliged to issue him with an appointment letter spelling out the terms of the engagement. This was never done"

According to Hon. Justice Hellen, the respondent failed many tests. The respondent issued the Claimant with a letter stating his duties but which never spelt out the detailed terms expected in an employment contract including leave, separation, discipline etc. Their claim that the Claimant absconded duty was hearsay. They also failed to subject the Claimant to a disciplinary process before terminating his contract as envisaged under Section 41 of Employer Act.

"It is my finding that the Claimant was dismissed without any valid reasons and without due process. I therefore find the dismissal unfair and unjustified" Hon. Justice Hellen concluded. A very thankful Samuel who is yet to find employment elsewhere was grateful to all Kituo officers who assisted him in his pursuit of justice.

"I'm so grateful to Kituo Cha Sheria for taking up this matter on my behalf. I'm happy that finally I have emerged victorious and I'm satisfied with the ruling since it has incorporated all the compensation that I had asked for the damages caused." said Samuel.

KITUO conducts a refresher training in Marereni, Kilifi County



Paralegals from Kilifi County, Magarini Sub County undergoing the refresher training at the Marereni Community Justice Centre

Kituo through the Coast regional office - Mombasa, conducted three days intensive paralegal refresher training at the Marereni Community Justice Centre, Magarini Sub County, Kilifi County.

The training that was conducted on 16th, 17th and 18th July 2018 saw a total of 35 paralegals trained on basic definition of law, the structure of the court, criminal law, land and environment, GBV among others.

In 2016, Kituo Cha Sheria trained 30 paralegals in Kilifi County, Magarini Sub County. With support from AJWS, they established a Community Justice Centre which is in the area, operating from Marereni town. The action was necessitated by the injustices meted to locals by salt mining firms and the increasing need to redress GBV and related challenges

in the area. Since then the paralegals had not undergone any other training. It is in line with this that Kituo found it necessary to enhance the capacity of the paralegals by conducting the refresher training.

To date Kituo Cha Sheria has built a scheme of Community Paralegals in most remote regions of Kenya. These paralegals are often among the first public spirited individuals to come into contact with the poor and marginalized community who cannot afford legal services. Kituo Community Paralegals have been instrumental in creating legal awareness, giving legal advice, drafting legal documents, watchdog advocacy on land and human rights abuses, counselling and referring matters to relevant agencies including, if necessary, to Kituo offices.

MHAKI "haki mkononi"



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