

# ANNUAL REPORT 2021



**KITUO CHA SHERIA**  
**LEGAL ADVICE CENTRE**  
*we care for justice*

Access to Justice for the  
Poor

# LIST OF ACRONYMS

AGCP	Advocacy, Governance and Community Partnerships Programme	IDRC	International Development and Research Centre
AJS	Alternative Justice System	IEC	Information Education and Communication
AJWS	American Jewish World Service	IRC	International Rescue Committee
BBI	Building Bridges Initiative	KAPA	Kituo's Annual Paralegal Awards
BOD	Board of Directors	KNCHR	Kenya National Commission on Human Rights
BOT	Board of Trustees	KUDHEIHA	Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied Workers
CJ	Chief Justice	LSK	Law Society of Kenya
CJC	Community Justice Centre	MHPSS	Mental Health and Psychosocial Support Services
CS	Cabinet Secretary	NITA	National Industrial Training Authority
CSOs	Civil Society Organizations	NEMA	National Environment Management Authority
CVE	Common Vulnerabilities and Exposures	OSF	Open Society Foundation
CLNSA	Coast Land Non-State Actors	PASUNE	Paralegal Network of Kenya formerly
DRS	Department of Refugee Services	PIL	Public Interest Litigation
EACJ	East African Court of Justice	POCs	Persons of Concern
EPZ	Export Processing Zones	RCKM	Research Communication & Knowledge Management
FMP	Forced Migration Program	RELON	Refugee Led Organisations Network
GA	General Assembly	RLO	Refugee Led Organisations
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit	SGBV	Sexual and Gender-based Violence
GBV	Gender Based Violence	UNDP	United Nations Development Programme
HIV	Human immunodeficiency virus	US	United States
ICT	Information Communication Technology	VA	Volunteer Advocate
IDP	Internally Displaced Persons		

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# FROM THE BOARD CHAIR



**JUSTUS  
MUNYITHYA**

*On behalf of the Board of Directors, I wish to take this opportunity to acknowledge the tireless efforts exhibited by the entire KITUO fraternity in working towards achieving the Kituo's vision. This is the first year of the implementation of the Strategic Plan 2020-2024 and was very successful.*

The year was however sad day for the Kituo Cha Sheria fraternity as senior Steve Adere, a founder member of the organisation, passed on. He had been admitted at Nairobi West Hospital. Mr. Adere was a newly admitted advocate when KITUO was being established. He nurtured and instilled values in the organization and then set it free to soar. He had a heart for KITUO and continued to faithfully nurture, pour into and contribute towards the vision of a just and equitable society for all through KITUO. He was an active member of the General Assembly. May he Rest In Peace

KITUO's governance structure is composed of the General Assembly (GA), the Board of Directors (BOD), Board of Trustees (BOT) and the Secretariat. The General Assembly meets annually to among other things, review the overall performance of the organization and receive the auditor's report. The BOD meets quarterly to receive programme and management reports from the Secretariat. I would like to thank all the Members of the three organs, GA, BOD and Secretariat for committing their time to serve KITUO and also remaining faithful to our vision and mission.

The GA is the highest organ in the Governance structure at Kituo Cha Sheria. The Assembly plays a pivotal role in making critical decisions about Kituo and considers the annual financial reports tabled by the Board and also addresses the matter of external auditors for the next financial year. The Assembly comprises of members drawn from across the Country.

The BOD has been on course in audit and accountability of all the resources of KITUO, by ensuring that all management letter recommendations by auditors are followed with an action plan and compliance.

KITUO wishes to take this opportunity to thank its development partners notably, MISEREOR, GIZ, Netherlands Embassy, AJWS, UNDP-Amkeni, Mott Foundation, Global Human Rights Fund, USAID Julia Taft, Namati, OSF and IDRC for providing financial and technical assistance towards the implementation of our various programmes. We also extend our gratitude and appreciation to the Government of Kenya for providing a conducive environment for our operations and for the collaborations that KITUO has enjoyed through the various Ministries and agencies.

Finally, KITUO would like to laud the efforts of all the stakeholders who remain committed to the vision of access to justice for all.

# FROM THE EXECUTIVE DIRECTOR



**DR. ANNETTE  
MBOGOH**

This year KITUO continued to experience growth as will be enumerated in this report. The year marked the beginning of the implantation of the 2020-2024 Strategic Plan that is themed “Realizing Sustainable Development: Strengthening Access to Justice and Promoting Human Rights!”.

KITUO would like to sincerely appreciate the International Bar Association and AB & David Law Firm in Ghana for their warm hearted support to frontline legal aid providers during the COVID-19 pandemic. Kituo received a donation of GBP 10,000 that was used to setup and equip the ICT centre and purchase equipment for the studio.

KITUO received favourable orders this year from Justice Anthony Mrima following a petition challenging Interior Minister Fred Matiang’i’s announcement on the government’s intention to shut two refugee camps Dadaab and Kakuma. The two host more than 400,000 people mainly from Somalia but also from countries such as South Sudan and Ethiopia. The two camps were established in 1991 and 1992, respectively.

The Secretariat was excited to receive one of Kituo Cha Sheria’s founder member Prof. Shadrack Gutto who paid us a courtesy call at the head office in Nairobi. Webriefed him on the current state of affairs and the many projects and programs that Kituo is currently implementing. He later donated a copy of his book titled “THE REFUGEE AND ASYLUM SEEKER” for our Library. This gesture was highly appreciated

KITUO received support from a number of partners among them MISEREOR, GIZ, Netherlands Embassy, AJWS, UNDP-Amkeni, Mott Foundation, Global Human Rights Fund, USAID Julia Taft, Namati, OSF and IDRC. We greatly appreciate this support that has enabled us implement our programmes.

During the year, KITUO in close collaboration with the Global Legal Empowerment Network and African Centre for Excellence secured funding from the International Development Research Centre (IDRC) and will be implementing a 3-years research project that will evaluate the impact of legal empowerment programming, the use of technology within the justice sector during the COVID- 19 pandemic and formalization of paralegals through recognition, training and accreditation. Comparative research of African countries and international best practices will also be conducted to provide a roadmap for the legal empowerment sector within the region. The scope of the project will be Kenya and the entire East Africa region.

Finally I wish to express my gratitude to the secretariat for working so hard and diligently to realize our vision and mission. Special thanks go to the Board of Directors led by the Chairperson Mr. Justus Munyithya, for continuing to offer the necessary support and strategic directions to the organization.

Going forward, we reiterate our commitment to professionally and zealously advance our vision and mission and defending the rights of the poor and the marginalized in our society.

# ABOUT KITUO CHA SHERIA



*Kituo program Officer Mr. Zedekiah Adika together with officers from Human Rights Agenda after he was awarded with the Pro-boone advocate of the year 2021 Coastal region*

## HISTORY

**K**ituo Cha Sheria (Legal Advice Centre) is a human rights non-governmental organization. It was founded on 9th July 1973 as Kituo cha Mashauri by advocates who were committed to helping the disadvantaged and poor people who could not afford the cost of legal services. It is the first legal aid centre established in Kenya. In 1989, the name was changed to Kituo Cha Sheria, the Legal Advice Centre, and the Secretariat established with full time staff. KITUO is largely supported by development partners. The organization nonetheless gets support from Volunteer Advocate and Community Based Paralegals. KITUO's services are provided to the poor and marginalized through various strategies, which include but not limited to provision of legal advice, legal representation, litigation, community mobilization and organisation, research and others.

KITUO's headquarters is in Nairobi, Kilimani but has a branch office in Pangani Chai road and a Regional office in Tudor, Mombasa.

**VISION** "A society of equity and justice for all"

## MISSION

"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 and research".

## CORE VALUES

- Respect for human rights;
- Commitment to justice and equity for all;
- Solidarity with pro-poor individuals and agencies;
- Courage in promoting social transformation and empowerment of the poor and marginalized;
- Service through volunteerism;
- Transparency, reliability and accountability in its relations with its stakeholders;
- Obligation to upholding the rule of law; and
- Professionalism;

**MOTTO** 'We Care for Justice'

# 2021 OVERVIEW

## KITUO RESULTS IN NUMBERS

**5,740**

Total individual Clients screened and given advise. Legal Aid and Education department 3,114, FMP 910 and Mombasa Office 1,716

**660**

Total number of Paralegals trained. AGCP 420 and Mombasa Office 240

**46**

Total number of Interactive Radio Talk Shows. AGCP 12, FMP 2 and Mombasa Office 32

**2,481**

Number of query SMS received through M-Haki Platform and responded to

**5**

New Justice centres established. 3 Community justice centres in Kisii, Taita Taveta and Nakuru. 2 Prison Justice centres in Kisii and Naivasha

**309**

Total Clients reached at Legal Aid Clinics conducte around the country. Legal Aid and Education 164 and FMP 145

**10**

Total Number of Public Interest Litigation Cases filed. 7 in Legal Aid and Education and 3 in FMP

**743**

Total number of Court attendances for various matters. Legal Aid and Education 358 and Mombasa Office 385

**221**

Total number of Refugees and Asylum seekers reached with mental health and Psychosocial support

**100**

Community members sensitized on Mental Health, conflict resolution and Election violence prevention

**107**

Clients supported to access the E-Filing Judicial System from our ICT Centre

**85**

Government Officials trainind on Refugee Law

**20**

Number of State Officials reached with Mental Health and Psychosocial training



# LEGAL AID AND EDUCATION



*The Kibos community houses in ruins after a forceful eviction*



*Bonface Muinde (Kituo) and Eveline Wamboi (Volunteer Advocate) during a radio talk show at Syokiman FM*

The Legal Aid and Education Programme offers legal aid services to the poor and the marginalized in the core mandate areas of Land, Labour, Housing and Succession cases. The programme supports clients with advice for self-representation with the more complex cases being handled by Kituo advocates. Clients with matters outside our mandate areas are referred to partner organizations specialized in the various areas and to volunteer advocates.

The Legal Aid and Education Programme set to continue its direct legal services and provide ICT support to indigent clients needing to access the e-filing platform of the Judiciary. Also, the annual work plan required the Programme to file at least four (4) public interest cases on justice issues.

In the year 2021, LAED received 852 new clients and 2262 return clients. Out of the 3114 clients attended to at the head office 1749 were male, 1163 were female and 202 were group clients. There was an increment in the number of clients attended to in 2021 as compared to 2020 i.e. from 1933 to 3114, an additional 1181 clients.

- 358 court attendances undertaken to ensure access to justice of indigent clients. The number of court attendances in 2020 were 138.
- 3114 individual clients screened and advised at the clinic (852 new clients and 2262 return clients) mainly in the areas of employment and land
- 7 public interest litigation cases filed and being prosecuted in court addressing questions of access to justice and technology, Kibos forced evictions (housing rights), compensation for survivors of the 1998 US Embassy Bombing, police brutality, BBI case, the legality of removal from office of members of independent Commissions, Mutomo mining case as compared to 6 new cases filed in 2020
- 4 fact-finding missions held on potential public interest cases i.e. Mutomo, Kibos, Baringo and Athi River
- 107 clients supported to access the e-filing platform by community based paralegals in the ICT centre
- 164 clients reached through legal aid clinics in Narok, Busia, Isiolo and Kirinyaga, which is an increment from 65 in comparison to those reached in 2020.

During the period under review, the following successful public interest cases



# LEGAL AID AND EDUCATION



*Participants from Organisation that provide Legal Aid in Kenya pose for a group photo after attending a validation workshop*



*Names of victims of the US Embassy bombing on 7th August 1998. Kituo has gone to Court to help survivors seek compensation*

were handled:

Nairobi HCCC Const. Petition E392 of 2020 Kituo Cha Sheria and others -vs- the Chief Justice of the Republic of Kenya

The case highlights the technological barriers to access to justice by the Kenyan public particularly the indigent and self-representing clients. The case was filed on the 27th November 2020. After the outbreak of the COVID-19 pandemic, the Judiciary scaled down its activities, closed open court sessions and integrated the use of ICT in judicial proceedings through electronic filing and virtual court hearings among other measures to curb the spread of the disease. The Petitioners were aggrieved by the fact that there was no public participation when entrenching the electronic system in the judicial system. Most Kenyans cannot access justice through the electronic system because they have no access to internet, electronic devices and electricity. The court delivered a favorable judgment on the 14th October 2021 directing the Chief Justice to come up with initiatives that would provide ICT support for poor and marginalized Kenyans to access justice.

One consequence of the aforesaid judgment was the Chief Justice's plan to provide ICT support through Huduma Centres nationwide. The ICT desks will be important in providing support to indigent self-representing clients with access to online and the Judiciary's e-filing platform. Through the Open Government Partnership, we have begun discussions with the Milimani Employment and Labor Relations Court for mutual ICT support for litigants through KITUO's ICT Centre, the community justice centres, judiciary customer care desks and the soon to be rolled out huduma centers' desks. We intend to follow up on the judgment through stakeholder meetings.

Nairobi HCCC Constitutional and Human Rights Pet. E 275 of 2020 Legal Advice Centre T/A Kituo Cha Sheria & Others V Inspector General of the Police & Others- Police brutality case

Following the first case of the COVID- 19, the government came up with a raft of measures in a bid to stem the spread of the pandemic. One of the measures was through the issuance of the Public Order (State Curfew) 2020 on the 27th March 2020 which curtailed movement from 7pm to 5 am.

On that day, the law enforcement officers meted violence and brutality on members of the public. National and International media documented the various incidents

# LEGAL AID AND EDUCATION



*The LSK Nairobi Branch Legal Aid Committee and Kituo Cha Sheria team pose for a group photo shortly after a hybrid session on the Judgement delivered on BBI*

Kituo Cha Sheria together with LSK Nairobi Branch Legal Aid Committee invites you to

## PUBLIC LEGAL AWARENESS WEBINAR

# Dissecting and Analysing the BBI Judgment

### SPEAKERS



**Mr. Charles Kanjama**

Chair emeritus of LSK Nairobi Branch  
Founding partner of Muma & Kanjama Advocates.



**Hon. Priscilla Nyokabi Kanyua**

Advocate of the High Court of Kenya  
Commissioner at National Gender and Equality Commission



**Prof. John Osogo Ambani**

Dean School of Law,  
Kabarak Law School



**Dr. Victor Lando, MCiArb,**

Advocate, Lecturer, Riara  
Law School



**Grace Okumu**

Advocate and Board Member,  
Kituo cha Sheria

### MODERATORS

of violence, including the Likoni Ferry incident where members of the public were beaten, had tear-gassed and crammed into groups which violated their human rights including the covid-19 health guidelines

Following the acts of violence and brutality, Kituo Cha Sheria filed the case on brutality. The other CSOS in the case include Amnesty International Kenya, International Justice Mission, International Medico- Legal Unit and Haki Africa. The case seeks a declaration that the actions of the police were excessive, un-proportionate, negligent, cruel and inhuman and in complete disregard of the rights and fundamental freedoms of the Petitioners. The Petitioners who are represented by KITUO further seek compensation from the actions of the police. The matter is coming up for mention on the 30th May 2022.

The following is one of the amicus curiae and interested party application; Kisumu ELC Petition No. 1 of 2020 Fatuma Khamis Bilal and 3500 Others V the Attorney General

This case concerns the eviction of the community in Kibos, Kisumu County by Kenya Railways, a state corporation citing that the residents live in railway reserve. Kituo Cha Sheria is the 1st Interested Party in the case. The court delivered a judgment in favour of the squatters upholding their rights over the parcel of land.

Upcoming public interest cases:

- Early campaigns by political parties before the commencement of campaign period and its impact on service delivery to Kenyans
- Access to internet
- Investigation of enforced disappearances cases to be within the mandate of the Independent Police Oversight Authority
- Impact of climate change on rising water levels in Lake Baringo
- Application of the basic structure doctrine in Kenya at the EACJ

The outcome of the activities was the enhanced access to justice for communities and members of the public. In addition, the increment in the number of public interest cases enhanced the visibility of KITUO nationally and regionally.

KITUO established formal partnerships with the following institutions: Kenya School of Law, Strathmore University Legal Aid Clinic, Students Association for Legal Aid and Research, HIV Tribunal, Rent Restriction Tribunal, Sports



# LEGAL AID AND EDUCATION



*Kituo Legal Officer, Tracy Wachira (center) and Kituo's Paralegal Michael Odiambo (in suit) during a radio talk show at Koch FM*

Dispute Tribunal and the Vance Center for International Justice. In addition, the Office of the Deputy President that chairs the Open Government Partnership ratified Kenya's National Action Plan IV that had its inaugural access to justice commitment. KITUO led other civil society organizations in negotiating for inclusion of an access to justice commitment during the co-creation process with Government of Kenya. The performance of the access to justice cluster group was applauded by a global Independent Review Mechanism under the Open Government Partnership. The importance of the Open Government Partnership is its focus around implementation of the AJS policy, operationalization of the Legal Aid Fund and increased financing for access to justice by the national and county governments.



*Volunteer advocates who participated in the training in Kajiado*



# FORCED MIGRATION



*Kituo's Alice Kwenda taking participants through the mental health Support session at Kawangware in Nairobi County*



*Group photo of Refugee-led organisations together with Kituo staff after a capacity needs assessment in Kakuma Turkana County*

The Forced Migration Program aims to protect and promote the rights asylum seekers and refugees within urban areas. The program seeks to address policy and legal needs of refugees and asylum seekers with the objective of improving welfare of refugees and asylum seekers and ensuring that they have access to justice.

The Forced Migration Programme (FMP) is committed to enhancing the participation of refugees in matters relating to integration and access to justice. The annual work plan included providing mental health support to refugees and staff, provide legal advice to walk in refugee clients and establish and strengthen refugee justice centres.

In the period of January to December 2021, the Forced Migration Programme made the following achievements:

- 910 refugees and asylum seekers were given legal advice. In the year 2020, the Programme only reached 756 refugee clients.
- 14 clients received Legal Representation of PoCs in Court
- 145 Legal Aid Clinics were conducted in Kangemi, Githurai, Eastleigh and Kabiria
- 221 refugees and asylum seekers reached with mental health and psychosocial support through training, discussions and counselling/therapy sessions.
- 20 state officials reached with mental health and psychosocial training. The training was conducted alongside legal training.
- 85 government officials trained on refugee law in collaboration with the International Rescue Committee.
- 15 Capacity building forums on refugee-led organizations in collaboration with RELON Kenya on paralegals and access to justice.
- 2 interactive radio talk shows in Nairobi and Mombasa awareness on refugee laws, mental health, right to work of refugees and contemporary matters relating the closure of camps.
- 60 Advocacy forums with stakeholder forums, civil society, Government officials and private sector on Refugee Bill

# FORCED MIGRATION



*Kituo officer Alice Kwenda raining refugee community leaders and key stakeholders from Mombasa county on the Mental Health and Psycho-Social Support (MHPSS) issues at Pride Inn Azure, Mombasa.*



*Refugee leaders, refugees in business and representatives from refugee led organization undergoing training on refugee business rights at pride inn Azure Westlands Nairobi.*

- 2 PIL cases on closure of the refugee camps and the safeguarding of asylum of one Nega, an Eritrean refugee.
- 1 PIL caucus involving Legal Aid and Education Programme, stakeholders and CSOs like Amnesty International, volunteer advocates, judicial officers and academia to deliberate on the litigation strategy of Nega case.
- 20 individual counseling sessions

The Programme has strengthened its collaboration with the Department of Refugee Services. KITUO received over 500 new refugee arrivals and referred them to DRS for refugee status determination. Most of the new arrivals were from Ethiopia the Tigray region, Congo and South Sudan. Seventy percent of the new arrivals were women and children. KITUO was the only refugee protection organization for the year 2021 that received walk-in clients, which prompted most of the partner organizations including UNHCR to refer clients to the Programme.

In addition, there were public interest cases handled by KITUO. These were Nairobi HCCC Constitutional Petition No. E123 of 2021 and Nairobi HCCC Constitutional Petition No. E535 of 2021. The former case seeks to challenge the recent government directive on closure of the camps. Interim orders stopping the Government from repatriating and or closing any of the refugee camps have been in place. The matter is at the submission stage. On the other hand, the latter is a test case addressing the question of forceful repatriation against the principle of non-refoulment and non-registration of refugees.

The Programme revamped its intervention strategy by building the capacity of refugee-led organizations (RLOs). In 2021, a capacity assessment of refugee-led organizations was conducted. The assessment analyzed the existence, strengths, weaknesses and gaps in refugee-led organizations. It was noted that most refugee-led organizations were undertaking economic empowerment programmes. However, none of the refugee-led organization had legal empowerment programmes. There were also gaps on advocacy, organizational development, programme management and strategic planning. These assessments were carried out in Nairobi (30 participants), Kakuma more than (15 participants), Mombasa more than (15 participants) and Dadaab more than (15 participants). On the basis of the capacity assessment, KITUO trained selected refugee-led organizations on paralegalism, mental health and advocacy. Four refugee led organizations are



# FORCED MIGRATION



*Stakeholders during a meeting on the Refugee Bill 2019 at pride in aquri in Nairobi*



*Kituo program officer Shem Alubala leading the dialogue session on the effects of the Covid-19 Pandemic on Refugees at Leven House, Mombasa.*

now serving as refugee justice centres in Nairobi, Dadaab and Kakuma. The groups are: Dadaab Response Association from Dadaab, Youth education and development Association in Kakuma, Youth Voices Community of Nairobi and Dwatto Women Self-help of Nairobi. The RLOs receive mobile phones and some financial assistance to support legal empowerment work. Due to the same the said RLOs were able to renovate their offices, pay monthly rent and others conducted training to the refugee community on matters affecting refugees in the society including awareness, sensitization and reporting of SGBV cases.

In addition, the FMP team printed and disseminated 2000 copies of brochures. The brochures were titled 'Refugees in the city'. The information shared on the brochures enabled the refugees in Nairobi to easily identify different actors and seek service easily hence reducing instances of psychosocial distress. The team also conducted a community radio mention in Eastleigh and Kayole with a target audience of 5000 listenership. The mental health and psychosocial support team conducted monthly debriefs and yoga sessions for FMP staff and bi-monthly yoga sessions for head office staff. The team also conducted three team building sessions for Mombasa office, head office and FMP team.



# ADVOCACY, GOVERNANCE AND COMMUNITY PARTNERSHIPS



*The Chair of the BOD Mr. Justus Munyitya, the Executive Director Ms Annette Mbogoh, members of staff and paralegals pose for a group photo after a paralegal refresher training in Nairobi County*



*Kamiti Maximum Security Prison Officer in Charge Senior Sergeant Joseph L. Loktari receives administrative materials for the Prison Justice Centre from Kituo's Program officers Diana Rigba and Steve Biko*

The Advocacy, Governance and Community Partnerships Programme (AGCP) coordinates community outreach and advocacy initiatives by connecting people with the law and instruments of justice. AGCP ensures the involvement of the poor and marginalized in the promotion of good governance, formulation of enactment of pro-poor policies and laws that are in tandem with international standards, and therefore enhances the realization of access to justice for all.

In the year 2021, the programme planned to implement outreach activities i.e. legal aid clinics, civic education and radio talk shows. Further, the programme also set to conduct capacity building trainings for existing community and prison justice centres as well as establish new paralegal centres. The programme also planned to enhance the use of M-Haki platform and the alternative justice systems by the public and community paralegals and strengthen social media advocacy and campaigns on access to justice. In line with the annual work plan of 2021, the AGCP achieved the following:

- 2,481 matters received on the M-Haki platform as compared to the 1, 649 received in 2020
- 360 Community and Prison Paralegals trained in issues to do with Criminal Law and procedure, Land rights, Labour Law, SGBV, Refugee Law and Mental Health. Due to the COVID-19 pandemic, the capacity building programmes for paralegals was not undertaken in 2020.
- 8 newly launched community and prison justice centres.
- 60 paralegals trained on AJS and the launch of 2 AJS justice centres in Trans Nzoia and Uasin Gishu County
- 56 AJS Hearings Conducted
- 40 successful cases handled through AJS
- 60 Adjudicators and Commissioners trained on AJS
- 100 Community members sensitized on Mental Health, Conflict Resolution and Election Violence prevention



# ADVOCACY, GOVERNANCE AND COMMUNITY PARTNERSHIPS



*KITUO team led by the AGCP Programme Coordinator Valary Ang'awa (extreme right) pose for a photo session after the radio talk show held at the Simba FM Studios in Bungoma*



*KITUO's local experts Martha Ogutu (left) and Janet Karulavu (in black jacket) together with local administration at Saboti Constituency Chiefs office in Trans Nzoia County*

- 12 Radio Talk Shows.
- 8 Legal aid clinics and outreach forums in Kwale, Nairobi, Vihiga, Kisumu, Kisii, Nakuru, Kitui and Taita Taveta counties.
- 35 KITUO staff and board members trained on the M-Haki platform
- 2 Public Interest Litigation cases
- Development of 1 AJS V-Log, booklet on KITUO's AJS model and case digest

The numbers reached were commendable considering the restrictions imposed by the government on public gatherings and the limitation on numbers due to the COVID-19 pandemic. There has been increased access to justice and legal aid using many different approaches e.g. technology through online platforms such as Zoom, M-Haki and M-Teams, capacity building of paralegals, direct legal aid services provision, dissemination of legal information through IEC materials and social media platforms. The programme carried out community education on the M-Haki platform through the public transport i.e. matatus, mainstream media and Facebook advertisements. The sustained advertisement of M-Haki on social media and mainstream media resulted in an increased uptake of legal inquiries.

The expansion of KITUO's paralegal network was a critical achievement in the year 2021. It was in line with the annual work plan and the broader Strategic Plan objective 3 of enhancing beneficiary voice on access to justice. The selection of the new centres was done through specific requests from community based organizations. The eight new centres are now receiving financial administrative support through funding from the Netherlands Embassy. It was noted that there was insufficient highlighting of the success stories from the justice centres. Plans are underway to develop webpages for each justice centre and highlight successes and impact from the ground. The capacity building will also be extended to matters relating to governance and financial sustainability and accountability.



# ADVOCACY, GOVERNANCE AND COMMUNITY PARTNERSHIPS



*Mr Oketch Owiti, Board Member - Kituo Cha Sheria, issue certificate of participation to a trained prison paralegal*

The Alternative Justice Systems project expanding to new areas in Trans Nzoia and Uasin Gishu counties following a mapping exercise. The new project areas that were launched in 2021 were Kiminini, Saboti, Kwanza, Ainabkoi and Kesses Constituencies. The expansion of the project demonstrates the increased support from the development partner GIZ-Civil Peace Service in entrenching AJS as a tool for peacebuilding. In the course of 2021, KITUO solidified its partnership with the Judiciary's National Steering Committee on Implementation of AJS. The collaboration will enhance the implementation of the AJS policy and support the Judiciary to roll out county AJS plans in our target counties of Mombasa, Trans Nzoia and Uasin Gishu. It also means that KITUO's AJS practitioners will be formally recognized by the Judiciary and participate actively in co-referencing of cases to AJS. In turn, the Steering Committee were resource persons in our AJS Symposium that brought together practitioners from our target three counties to share lessons, experiences and challenges in promoting peace within their communities.



*Members of AJS Trans Nzoia team with their branded reusable masks, sanitizer and surgical masks after the training organised by Kituo*



# MOMBASA REGIONAL OFFICE



*Members of the non-state actors on land during their consultative meeting at Tudor Pastoral Centre*



*Kittuo's Program Officer Zedekiab Adika and Josephine at the Radio Salaam's studio*

The Mombasa regional office planned to implement activities under its projects funded by the GIZ-Civil Peace Service, AJWS and UNDP Amkeni. In the year 2021, the Programme had set to conduct community paralegal trainings, direct legal services, legal aid clinics and outreaches and collaborate with civil society organizations at the Coast region. The achievements were as follows:

- 1,316 people reached with direct legal services (282 new clients and 1034 return clients)
- 240 paralegals' capacity built on court processes through moot court activities (KICODI and Stretchers)
- 400 people reached through legal aid and education clinics in communities and 180 people within prisons in Mombasa County
- Through regular monitoring visits of paralegals documentation of their work has improved and paralegal support on the ground is more prominent
- 7 interactive radio-talk shows done with the County Government of Mombasa and the Judiciary that have indirectly reached 3.5 million people.
- 35 court attendances every month
- Fact-finding missions for public interest litigation in Vikwatani
- Radio engagement has enable the office reach 500,000 people. In the year 2021, we've conducted over 25 radio talk shows in different stations. We therefore reached 3.5 Million people through the radio.

The Judiciary has referred indigent litigants for assistance a sign of its confidence and partnership in access to justice. The Programme had a success rate of almost 100 percent in employment cases. In 2021, the Programme filed 5 matters in the Court of Appeal. One was decided by close of the year 2021. The Programme is defending 4 appeals filed by losing parties. Two of these have since been decided.

There is a noted development in some of the labour matters where the employers



# MOMBASA REGIONAL OFFICE



*A group photo of the PLWD paralegals, Kituo board member, and kituo staffs at the Mtakuja Adult Centre in Kwale County*



*Members from the Civil Society Organizations light candles as an act of remembrance or as a prayer for the souls of 157 Kenyans who died from excessive use of force by the police in 2020.*

file for winding up proceedings to defeat the award granted by the court. The office has also seen a rise on the landlord and tenant disputes due to the impact of the COVID-19 pandemic on the economy and employment. The courts had a challenging time trying to strike a balance in determining these disputes.

A growing trend in land disputes is the dismissal by courts of clients who claim adverse possession. Applications for stay of these land matters are met within conditions that the client would hardly meet. In the land cases where our clients were successful, it is noted that they would immediately look for a purchaser and dispose of the land. The office is thus robbed of its objective of securing clients' land and housing rights.

The public interest litigation cases being handled in 2021 are as follows:

*Mombasa Civil Appeal Case No 42 of 2020. Johana Ngai & Others Vs Sparkle Properties & Others*

A fact finding visit was conducted in Msambweni area of Voi sub county Taita/Taveta County. The matter was referred to the office by the commission on administration of justice. The suit property is situated in Voi near the Standard Gauge railway station. The dispute is between Sparkle Properties Limited and the occupants of the land. According to the records, the land was allocated to Bata Shoe Company by the state on condition that they set up a shoe factory in Voi.

However, that did not happen. After many years, the Bata Shoe Company opted to sell the suit land to Sparkle Limited while the area was occupied and developed by the clients. The area has an old grave yard, an old mosque schools, churches and other social amenities. Sparkle Limited filed a suit that was determined in their favour and the effect was that all persons in occupation be evicted from the suit property. The office has since taken up the matter and filed an appeal at the Court of Appeal and also secured stay orders from the same court.

*Mombasa ELC Land No. 81 of 2020 Amos Ngozi & Others Vs SBNP Ventures Limited*

The residences of Mdune village Kinango Sub County, Kwale County came complaining that SBNP a company operating in its neighborhood was grossly polluting the environment. The community members had written and petitioned the County Assembly of Kwale and the County Executive but in vain. The Programme moved to the court for an Order restraining/barring the company from operating. NEMA also issued a stop order and enumerated the measures that the company was to put in place. However, the company disobeyed the



# MOMBASA REGIONAL OFFICE



*Zedekiah Adika programme officer at Mombasa regional office in company of Coast Land Non State Actors addressing the Press at the Mombasa Law Court.*



*The leadership of the Coast Civil Society Network for Human Rights together with E.U Ambassador to Kenya, Her Excellency Amb. Katrin Hageman pose for a group photo*

orders.

*Voi ELC Land Case No 28 of 2021 Elijah Mwadime & Others Vs Hon Jones Mloha & Others*

The community members of Manga, Voi sub-county, Taita-Taveta County were issued with eviction notices demanding that they vacate the suit property. They had been in occupation for more than 30 years. The group claiming ownership did not have a title but letters from the area administrators. The area was ear marked for the construction of an Export Processing Zone (EPZ) and the group owners were keen on cashing in on the new development. The client instructed the office and an injunction has been secured. The Defendants later raised a preliminary objection that was dismissed. The clients have since petitioned the County Assembly that has visited the suit property and done a report. The area is to be surveyed and properly demarcated and then allocated to the persons in occupation.

The salt belt case challenging the environmental degradation caused by salt companies in Marereni was filed and the matter came up for pre-trial conferencing in Mombasa High Court. The matter is yet to proceed into hearing.

The Programme has also collaborated with the Coast Land Non-State Actors Network. The CLNSA is the network of non-state actors that operate along the coastal counties with focus on land and the rights of the underprivileged in the area. Over the time, we have attended 30 meetings of CLNSA with several other partners key among them being Haki Yetu, Juhudi, Ujamaa, Pamoja Trust and Haki Jamii. The areas largely discussed included the Buxton Point Houses where the group petitioned the senate and in collaboration toured the site together. We commemorated the world international Human Rights Day, and hosted the vice chair of the national land commission. They handed over a memorandum of land grievances from the region.

The Programme has engaged with KUDHIEA, a union for domestic workers, in partnership with KNCHR to deliberate on the regulatory framework that protects workers who leave the country for the Middle East. The Government has put in place measures that would hold the agents accountable. The Labour Office has to read and sign the employment contract. Those leaving for work must be trained by NITA.

In the year 2021, there was the establishment of two justice centres supported by the Mombasa Office. There was the creation of Taita -Taveta Justice Centre and the Manyani Prison Justice centre. The Programme has also trained special interest groups of persons living with disabilities in Ukunda. The graduation was officiated by the Principal Magistrate in Kwale.



# MOMBASA REGIONAL OFFICE



*Kituo Program Officer Zedekiab Adika with the Senate Committee on Agriculture, Land and Natural Resources in bearing a Petition by Buxton residents against the Mombasa County at the Buxton Estate*

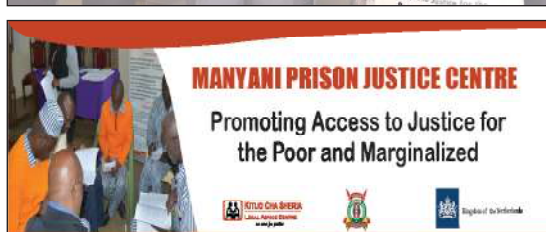
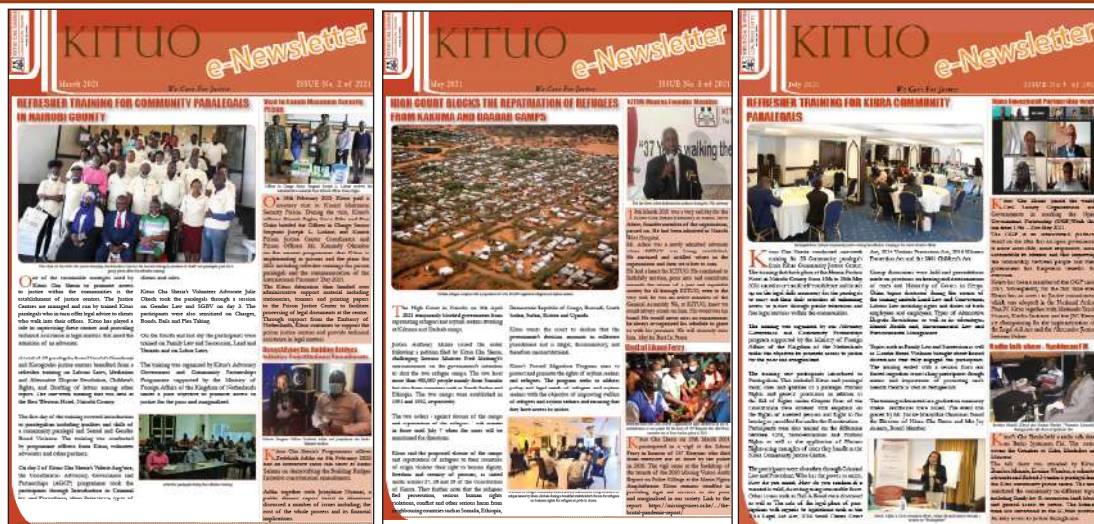


*Members of the Mombasa office with the MHPSS team*

During the period under review, the Programme under GIZ-CPS had engagements with the peace structures already in place in preparations for the coming elections. The project had its initial stakeholder's forum to get views from the different peace actors on their work plans and priorities as a structure. Under the GIZ-CPS, the project has also engaged in capacity building of stakeholders identified with the aim of increasing their knowledge. The project also engaged actors of violence like the boda boda riders with the objective of understanding the triggers of violence. Radio shows was another way the project sought to promote alternative justice systems as another mode of dispute resolution. The program has designed peace messages that were disseminated during the review period.



# RESEARCH, COMMUNICATION AND KNOWLEDGE MANAGEMENT (RCKM)



The Research Communication and Knowledge Management (RCKM) programme is a support programme designed to offer technical support to the core programmes. Its objectives are raising public awareness on KITUO'S thematic areas by documenting Kituo's work and undertaking Information Education and Communication (IEC) materials, enhancing the visibility and profile of Kituo as a premier CSO in its core areas by constantly highlighting its successes and sharing the same to the public, creating an enabling and friendly ICT infrastructure environment with the necessary complimentary assets and empowering and enabling staff to undertake interdisciplinary research to address key issues.

The programme was responsible for covering of Kituo's events and activities by documenting using text, photos and videos thereafter sharing the same to the public. This we achieved through use of social media (Facebook, Twitter, and YouTube) and Website and Haki blog, Publications of e-Newsletters, Quarterly newsletters, fliers, pamphlets etc. RCKM staff performed their usual support functions including; software updates for staff systems including Kaspersky 2021 Anti-Virus license renewal; regular Kituo Website update including posting Kituo vacancy announcements; communication through social media monitoring and responses-Kituo Facebook and Twitter accounts (daily).

This report sets out the activities/tasks undertaken by the RCKM between the months of Jan to Dec 2021.

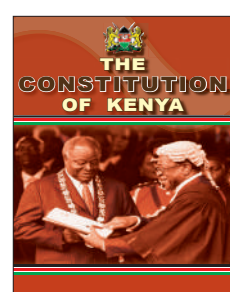
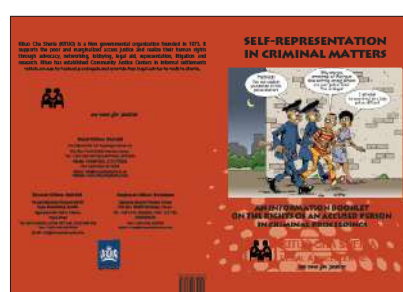
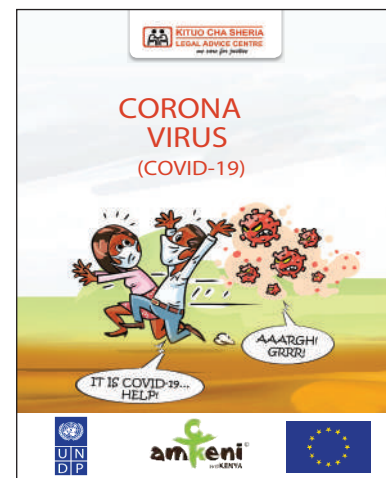
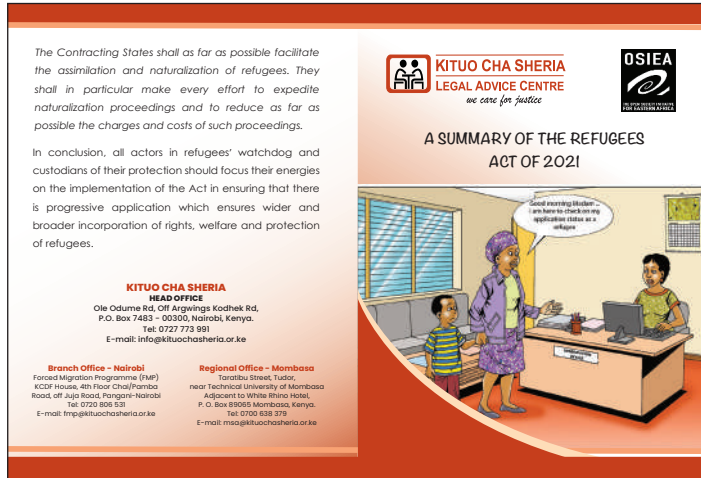
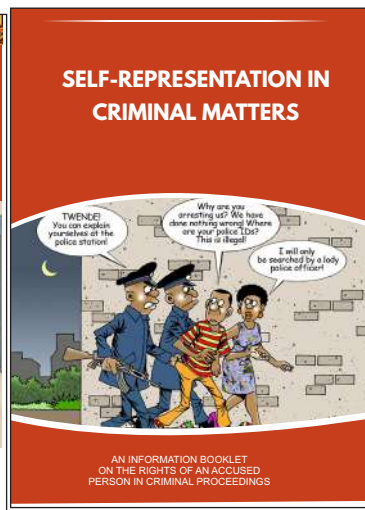
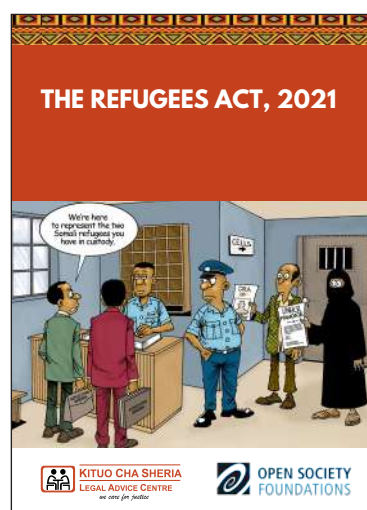
Some other activities covered in this period included: Kituo Cha Sheria's January, March, May, July, Sept and November 2021 e-Newsletters, Boosting of M-Haki post on Facebook to reach wider audience. Blog posts on Haki Blog automatically reflect on Twitter together with other Kituo activities communication.

Squeeze Back advert with congratulatory messages for Chief Justice Marther Koome and key messages profiling. The squeeze back ran for 8 days at 7pm and 9pm during news time. M-Haki number was also included in the advisement.

KITUO's work was also undertaken. We also produced two success story videos. The stories have increased the visibility of Kituo cha Sheria projects. The reception was positive with majority of the audience giving positive feedback and thanking Kituo for their great work. This has made the public trust our services and the organization as a brand.



# RESEARCH, COMMUNICATION AND KNOWLEDGE MANAGEMENT



## Social Media

Kituo's Facebook friends and the Kituo Cha Sheria-Legal Advice Centre page likes combined has grown from 9,601 in 2020 to 12,300 people in 2021. It is one of the key communication avenues for program activities as they happen. Kituo's Twitter handle followers has also increased from 9,112 in 2022 to 10,600 in December 2021, while our website is currently doing over 10,599 visitors per month as compared to last year's 9,780.

## Facebook Boosting

Kituo began Facebook boosting on 15th February. Since then, the system has consistently received high number of questions as seen in table 1.

The boosted M-Haki advert has been performing well with a lot of engagement and reaching wider number of people from across Kenya. Through the ad, the system has recorded a conversion rate of between 50 – 65 clients sending their legal questions to dedicated M-Haki number each day. Clients that comment on the ad with their legal questions or send their questions via Facebook inbox/messenger are advised to channel their questions to M-Haki number.

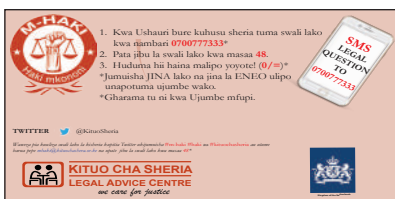
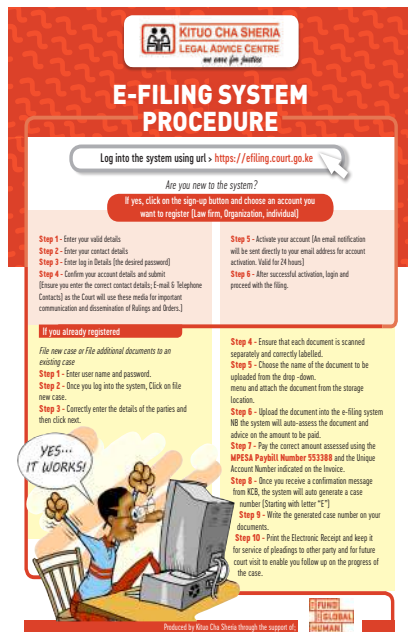
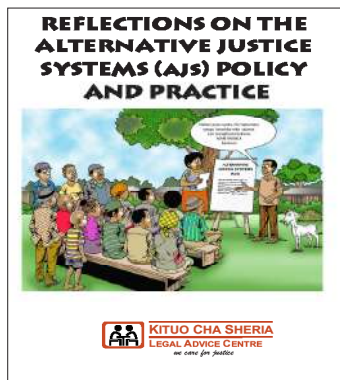
## M-Haki Facebook ad analytics

During this reporting period the M-Haki boosted ad has reported high engagement progressively. In 2021, the ad had an engagement of 11,097, with a post reach of 72,680 as shown in figure 4. More men (68.8%) interacted with our ad as opposed to women (31.2%). Nairobi region recorded high number of people interacting with M-Haki ad followed by Coastal region and Rift Valley as show on figure 5.

## Strategies

- Daily posting on land, labour, succession and refugees right with hashtags #KnowYourLabourRights, #KnowYourLandRights. The objective is to educate Kitu's online audience on their rights. This has increased engagement and following on our social media platforms by up to 30%. The posts include M-Haki number as contact number for seeking legal advice. As a result, there mhaki platform has recorded a constant increment of messages received on the platform by up to 70%.
- Documenting all Kituo's programmes to reflect the organizational face.

# RCKM CONT.



- Online streaming of Kituo's strategic events and Webinars. This has increased online engagement, increased the number of clients seeking for legal advice online and M-Haki platform as well as partners inquiring about our outreach programs.
- Boosting kituo's page for more following
- Production of more success story videos. The stories have increased the visibility of Kituo cha Sheria projects. The reception was positive with majority of the audience giving positive feedback and thanking Kituo for their great work. This has made the public trust our services and the organization as a brand.

## Kituo's Participation in the 16 Days of Activism Campaign

The 25th November 2021 kicked off the 16 days of activism against Sexual Gender-Based Violence. Kituo actively conducted a social media campaign to raise awareness on Gender-Based Violence and human rights. Kituo's social media platforms featured informative posts, infographics and videos on Sexual Gender Based Violence and human rights. The 16 days of activism campaign posts reached a total of 11,890 people and 7,902 engagements on Facebook while on Twitter 6,790 post reach and 2,044 engagements. These are number of people who either sent messages, commented, liked or shared the campaign posts.

## Haki Blog

### Articles posted on Haki blog in the year 2021.

1. Types of violence against women – Samfelix Randa
2. 16 facts about Gender Based Violence (GBV) – Samfelix Randa
3. What the Metaverse portends for Kenya's Criminal Justice System – Steve Biko
4. Prevention of violence against women and girls with disabilities: towards inclusivity and equity – Janet Kavulavu
5. Is there recourse for clients where advocates are in breach of their professional code of conduct? – Tracy Wachira
6. Who gets the ventilator first? a case for human rights-based guidelines in Kenya - article by John Mwariri
7. Sex between two minors: adherence to the law vis a vis protecting the child - diana rigah;
8. Advocate of the High Court of Kenya - Ignorance to Law is No Excuse: The Place of Legal Aid Services within the Kenyan Legal System - Ouma Kizito



# RCKM CONT.



*Kituo staffs Tobias Mvudime, (left) Jairo Sila and John Mwariri (in suit) together with the Sauti East Africa team comprising of Edith Aoko and Sylvia Kitua*

## Ajuong'

9. Used and Abused: A Case for a Paradigm Shift in GBV reporting, Article by Nelius Njuguna – KITUO's Volunteer Advocate.
10. Advocate of the High Court of Kenya - To Do or Not Do: A Critical Look into the Welfare of Persons with Disabilities in the Legal Profession - Ouma Kizito Ajuong'

There was a tremendous increase in the number of articles submitted in the Haki blog from 1 posted in 2020 to 10 in 2021.

## Website:

The Kituo Cha Sheria Website ([www.kituoachasheria.or.ke](http://www.kituoachasheria.or.ke)) was updated regularly with new content. Including updates on project activities and documentations of the projects, vacancies, call for registration of webinars among others. This kept Kituo Staff, Partners

and beneficiaries informed of the latest happenings. There were a number of enquiries made through the website by partners and beneficiaries on ways of partnerships for outreach programs. The website recorded up to 10,599 visitors per month as compared to 2020's 9,780 per month. The numbers reflect people who visited the website and navigated through various updated content, shared the content, commented or sent inquiries as well as those who visited but made no action.

## Publications

The following publications were done in the year 2021:

1. E-Newsletters – We Did Jan, March, May, July, Sept And November 2021 Editions.
2. Annual Report 2020
3. MHPSS Booklet (GIZ)
4. Business Rights For Refugees (Julia Taft)
5. Land Rights Booklet – Updated Version
6. Labour Rights Booklet – Updated Version
7. Case Digest
8. Refugee Rights
9. Printing Of E-Filing Procedure
10. AJS Policy
11. Printed Ajs Banners And Other IEC Material
12. Design E-Filing Procedure
13. Information Booklet On Covid-19
14. Printed Prison And Community Banners,

Other IEC Materials T-shirts, Diaries and Carrying bags by Dutch Embassy and UNDP Amkeni

Studio and Online resource Centre are one of KITUO's innovations. Kituo Cha

# RCKM CONT.



*Kituo's Communication Officer Samfelix Orimba takes participants through the M-Haki training in Mombasa County*

THANK  
YOU!

FOR YOUR GENEROUS  
DONATION  
OF

GBP10,000

Kituo Cha Sheria sincerely appreciates  
the **International Bar Association and AB & David Law Firm**  
in Ghana for their warm hearted support to frontline legal aid  
providers during **COVID-19** pandemic

Sheria purchased a 40 feet container that will host the online resource centres and Studio. This purchase was supported by the donation that Kituo received from the International Bar Association and AB David and Law firm in Ghana. The container now awaits fabrication and branding.

## Internet Connection Upgrade

Through the Global Human Rights fund the internet connection at the Head office was upgraded. First, we moved from our previous provider Simbanet who were giving us a 3mbps to Safaricom who gave us 5mbps. We also improved our WIFI connection by purchasing 5 routers to serve the whole compound.

## IDRC Project

KITUO in close collaboration with the Global Legal Empowerment Network and African Centre for Excellence and with funding from the International Development Research Centre (IDRC) will be implementing a 3-years research project that will evaluate the impact of legal empowerment programming, the use of technology within the justice sector during the COVID- 19 pandemic and formalization of paralegals through recognition, training and accreditation. Comparative research of African countries and international best practices will also be conducted to provide a roadmap for the legal empowerment sector within the region. The scope of the project will be Kenya and the entire East Africa region. Lessons from other parts of Africa on these three questions will be shared as best practices. The research findings will not inspire change in attitudes and practices among the public, state and non-state actors but also inform future Programme design, innovation and strategy on legal empowerment. The project also seeks to enhance learning in the East Africa region on legal empowerment. The research project will develop policy briefs and outcome documents that will be used by KITUO and regional partners such as the African Centre for Excellence and NAMATI for advocacy around legal empowerment in the Africa region.

The research team has started the data collection on the research question 3 that seeks to address the confusions surrounding state and community recognition of paralegal, state regulations of paralegals services, financing and training.



# EVICTED OF THE KIBOS COMMUNITY DECLARED ILLEGAL



**JUSTICE HAS FINALLY BEEN SERVED FOR KIBOS COMMUNITY**

*Kibos Nubian community celebrates after the court ruled in their favour*



*Justice Anthony Ombwayo of Kisumu Environment & Land Court when Human Rights Agenda pose for a photo shortly after being awarded he visited Kibos Nubian community to inspect the demolition site together with Kituo officers represented by John Mwariri*

The Environmental and Land Court of Kisumu gave their judgement on Friday, 27 August 2021, where they found the Kenya Railways Corporation and the Ministry of Interior and Coordination of National Government guilty of gross human rights violations in the forced evictions of 3,000 Kibos residents on 5 February 2021.

In the ruling, Justice Antony Ombayo highlighted that ‘the court has a duty to protect every individual against the state from the violation of their fundamental rights and guard against state brutality on its citizens and to ensure that each state organ and its officers practice the national values as enshrined in chapter 10 of the constitution of Kenya.’

The ruling agrees with the prayers for the petitioners representing over 3,000 residents who had been homeless for the last six months. One of the strongest rulings yet on forced eviction, the Court found that forcible and brutal evictions of the Kibos residents without alternative shelter and compensation was a vagrant violation of the right to life, security of the person and the right to human dignity, national values and principles of the constitution.

Kituo Cha Sheria and seven other human rights organizations had filed a claim for compensation on behalf of the 3000 Kibos residents who had been forcefully evicted by the Kenya Railways Corporation in early February that year.

Kituo Cha Sheria Advocate, Tracy Wachira, helped the Kibos community in the petition where Kituo wa enjoined as an interested party in the case where the community has been living as squatters in IDP Camps in Kibos Village in Kisumu County after being illegally evicted to pave way for the rehabilitation of the old railway line from Nakuru to Kisumu. They were forcefully evicted by Kenya Railways despite the conservatory order that was issued by the court.

On 21st July 2021 Justice Anthony Ombwayo of Kisumu Environment & Land Court visited Kibos Nubian community to inspect the demolition site. Kituo’s Legal Aid Programme Coordinator, Advocate John Mwariri was also part of the team that visited the site. The judge also presided over an event where surveyors submitted 100 acres of ownership documents for the over 3,000 evicted Kibos residents during the visit.



# HIGH COURT BLOCKS THE REPATRIATION OF REFUGEES



*Dadaab refugee complex with a population of over 200,000 registered refugees and asylum seekers*

The High Court in Nairobi temporarily blocked government from repatriating refugees and asylum seekers dwelling at Kakuma and Dadaab camps. Justice Anthony Muma issued the order following a petition filed by Kituo Cha Sheria, challenging Interior minister Fred Matiang'i's announcement on the government's intention to shut the two refugee camps.

The two host more than 400,000 people mainly from Somalia but also from countries such as South Sudan and Ethiopia. The judge directed consolidation of the petition with another one filed earlier by former presidential aspirant Peter Gichira on April 8, and in which a court suspended the closure of the camps. The two orders - against closure of the camps and repatriation of the refugees - will remain in force until July 7 when the cases will be mentioned for directions.

Kituo Cha Sheria says the proposed closure of the camps and repatriation of refugees to

their countries of origin violates their right to human dignity, freedom and security of persons, as stated under articles 27, 28 and 29 of the Constitution of Kenya. The group further notes that the refugees fled persecution, serious human rights violations, conflict and other serious harm from neighbouring countries such as Somalia, Ethiopia, Democratic Republic of Congo, Burundi, South Sudan, Sudan, Eritrea and Uganda. The refugees and asylum seekers have predominantly been hosted at Dadaab and Kakuma camps which were established in 1991 and 1992, respectively.

Kituo wanted the court to declare that the government's decision amounts to collective punishment and is illegal, discriminatory, and therefore unconstitutional. The case has been supported by Ms Debrah Thomas Kashindi, a refugee from South Kivu Congo, who says in an affidavit that her country has been stifled by a non-international armed conflict for several years. She sought asylum in Kenya in February 2014 after fleeing the conflict in her country and has been residing at Kakuma, where she depends on humanitarian agencies for protection and assistance as she does not have any means or source of livelihood.

"There has been fighting in the eastern area of the Democratic Republic of Congo between forces of rebel groups and those of other African countries, including Rwanda and Uganda," she says. "Over time, the government of the Democratic Republic of Congo has lost control over most of the areas in eastern parts of the Democratic Republic of Congo which are controlled by rebel groups."

She adds that the Refugee Affairs Secretariat has neither cancelled nor revoked her refugee status and also hasn't voluntarily taken any action to bring her refugee status to an end.

On March 24, Cabinet Secretary Matiang'i announced the closure of the refugee camps, giving the United Nations refugee agency (UNHCR) two weeks to present a plan to do so. Citing terror threats planned from the two camps, the minister said there was no room for further negotiations. The government first announced its intention to shut the Dadaab camp, which is closer to the border with Somalia, back in 2016 following national security concerns. The move was informed by intelligence reports, which showed two terror attacks in 2013 and 2015 took place with the involvement of elements within the camps.



# SUCCESS STORIES - ALICE WAIRIMU KINYAGIA



*Alice Wairimu Kinyagia (right), Francis Muingai (Middle) and Kituo officer Imoli Shivega pose for a photo at Wairimu's homestead*

It was a huge reprieve for Alice Wairimu Kinyagia after getting back her piece of land that she has fought for over 40 years. The 78 years old granny who hails from Tinganga village, Ndumberi in Kiambu county had been living on a piece of land 0.35 acres for over 60 years since she got married to her late husband in 1947.

The land was however registered in the name of the brother to her diseased husband. At the time of registration, he was to hold it in trust for his brother (our client's husband) who was in detention. When her husband was released from detention, he had no problem with the arrangement as the land was registered in his elder brother's name and that was the normal practice then.

Alice's husband died before the land was subdivided and title deed issued. Her husband's brother Benson Muroki Thiong'o took advantage of the situation and

sought to have the land registered under his name and issued with title deed.

According to Alice, the two families co-existed peacefully for a long time and there was no reason to suspect that Benson would defraud, lie or take advantage of her. Alice approached the village elders to try and settle the case through mediation. The village elders subdivided the land equally for Alice and Benson. However, the land title was still in the custody of Benson. When Benson died, her wife Joyce Wanjiku Muroki filed a succession case. A certificate of confirmation of grant was issued to her. The parcel of land was then granted to the daughter, Gathoni Muroki. Alice claims that she did not know about the succession case until Wanjiku Muroki and Gathoni Muroki invaded her land. They cut napier grass, started threatening and continued threatening her with eviction while at the same time hurling insults at her for occupation of the suit land.

Alice visited Kituo on 31st January 2011 to seek for legal advice. She was referred to Kituo by the local administration. According to Joseph Njihia Wangai the senior chief Tinganga location, the two families failed to agree on the issue. He therefore referred Alice to seek for legal advice from Kituo after mediation failed.

Kituo did a demand letter to Gathoni Muroki (the defendant) opening for further negotiation. The defendant was adamant which forced Kituo to seek court intervention for and on behalf of Alice (our client). The case was filed in Nairobi high court in 2013. However, Gathoni Muroki, the defendant at some point changed her mind and opted to have the issue solved out of court as the case determination was taking too long and she too could not afford the cost of hiring an advocate to represent her in court.

Kituo officers called both parties for mediation. The defendant agreed to sign a consent letter on 30th September 2020 before Hon. S. Atambo, Senior Principal Magistrate at the chief Magistrate court in Kiambu where the case had been transferred to. She consented that the title of the parcel of land known as LR. NO NDUMBERI/TINGANGA/1689 that was under her name be cancelled and transferred to Alice. The filled consent was adopted as agreement of court. The transfers were duly signed and the defendant has released the original land title deed to Alice Wairimu.



# LAUNCH OF KISII COMMUNITY JUSTICE CENTRE



*KITUO Board Member Mr. Okech Awiti (green shirt) together with KITUO Program Coordinator, Ms. Valarie Ang'awa (centre) and Kisii community paralegals after the launch of the Kisii community justice centre*



*Paralegals from Kisii Community justice centre pose with their certificates and gift hampers after their graduation following a 5-days intensive paralegal training in Kisii*

KITUO Cha Sheria is delighted to welcome the Kisii Community Justice Centre to the family of legal empowerment centers spread across the country. The center was launched on 11th June 2021 after intensive training of the paralegals from the 7th to 11th of June 2021 at the Ufanisi Resort.

The training saw participants introduced to Paralegalism. This included being trained on definition, role, qualities and essential skills of a paralegal. Participants were also taken through Gender Law and SGBV discussing matters such as what is the difference between Gender and sex as well as the reporting process of SGBV, Human Rights and its Principles as well as Mental Health.

KITUO Program Coordinator, Ms. Valarie Ang'awa took the participants through Criminal Law and Procedures, principles governing Criminal Law, Land Law, Labor Law and Succession matters. Participants were particularly active in sessions pertaining to Land Law, Succession matters and SGBV which are rampant issues in the Kisii community.

Following the successful training, participants graduated on Friday 11th June, 2021. The Kisii Community Justice Centre located at Nyatero Plaza in Kisii town was also officially launched by KITUO Board Member Mr. Okech Awiti.

The Justice Centre will be managed by the trained community paralegals who will offer free legal services to community members.

KITUO also equipped the centre with a desktop computer, printer and stationery so that the trained paralegals can begin work immediately.

The whole exercise was made possible by the generous support from the Kingdom of the Netherlands.



# KITUO IN COURT OVER THE VIRTUAL COURT SYSTEM



**KITUO CHA SHERIA**  
**LEGAL ADVICE CENTRE**  
*we care for justice*

## E-FILING SYSTEM PROCEDURE

Log into the system using url > <https://efiling.court.go.ke>

*Are you new to the system?*

If yes, click on the sign-up button and choose an account you want to register [Law firm, Organization, individual]

**Step 1** - Enter your valid details

**Step 2** - Enter your contact details

**Step 3** - Enter log in Details (the desired password)

**Step 4** - Confirm your account details and submit  
(Ensure you enter the correct contact details; E-mail & Telephone Contacts) as the Court will use these media for important communication and dissemination of Rulings and Orders.)

**Step 5** - Activate your account (An email notification will be sent directly to your email address for account activation. Valid for 24 hours)

**Step 6** - After successful activation, login and proceed with the filing.

### If you already registered

*File new case or File additional documents to an existing case*

**Step 1** - Enter user name and password.

**Step 2** - Once you log into the system, Click on file new case.

**Step 3** - Correctly enter the details of the parties and then click next.

**Step 4** - Ensure that each document is scanned separately and correctly labelled.

**Step 5** - Choose the name of the document to be uploaded from the drop -down menu and attach the document from the storage location.

**Step 6** - Upload the document into the e-filing system  
NB the system will auto-assess the document and advice on the amount to be paid.

**Step 7** - Pay the correct amount assessed using the **MPESA Paybill Number 553388** and the Unique Account Number indicated on the Invoice.

**Step 8** - Once you receive a confirmation message from KCB, the system will auto generate a case number [Starting with letter "E"]

**Step 9** - Write the generated case number on your documents.

**Step 10** - Print the Electronic Receipt and keep it

On 14th August 2021, the Attorney General was given 21 days to get Health CS Mutahi Kagwe to file an affidavit in a case seeking to compel the Judiciary to resume physical court hearings. The affidavit by the CS is meant to confirm whether courts should be open for public hearings.

Judge James Makau told the parties in the matter that he will give his judgment on October 14. In the case filed by Kituo cha Sheria, the court heard that many Kenyans are suffering from lack of access to justice as they cannot access the virtual court hearing and the e-filing system. This is because most Kenyans cannot afford mobile phones, computers and they lack technological skills to access the virtual court system.

Through lawyers John Khaminwa and John Mwariri, the lobby group stressed that the court needs to rule on the matter as the Chief Justice and the state had failed to show the initiatives and the programmes they had put in place to ensure poor Kenyans access justice.

"In this regard justice was only being served by the court to a few rich Kenyans and advocates. Justice therefore is perceived as elitist," the lobby group said. The Law Society of Kenya which is also a party to the matter, told the court that its members have complained that the e-filing portal is at times unresponsive and takes a lot of time, sometimes even a fortnight to get help from the court assistants or officials at the registry.

The society also says advocates have faced challenges when paying filing fees auto generated by the e-filing system as at times the payment do not reflect and or the monies sent bounce back and receive an error message that Judiciary account is not capable of receiving funds. "These results in late filing and service of the documents, hence occasioning an unnecessary hardship to the advocates," an affidavit sworn by Mercy Wambua reads in part.

Also raised by LSK is the fact that sometimes the links provided by the courts get changed without members being notified in good time. "...

It takes time for members to be allowed in the virtual session, sometimes even getting their matters have already been called and adverse orders made against them despite the court having notice of the challenges."

YES...  
IT WORKS!



# THE 2021 KITUO ANNUAL PARALEGAL SUMMIT



*Paralegals from 47 counties in Kenya together with partners from the Paralegal Society of Kenya (PSK), Legal Resources Foundation, and International Community of Jurists- Kenyan Chapter and Ecumenical Centre for Peace and Justice*



*Kituo Board Members and the executive director together with the feteed paralegals and volunteer advocates*

**K**ituo Cha Sheria Over 100 paralegals from 47 counties in Kenya and human rights defenders convened to celebrate the critical role and contribution that paralegal support networks play in raising legal awareness and supporting access to justice for all, at a regional forum held in Nairobi. The two-day summit which was held from 20th-21st September, 2021 at Kenya School of Monetary Studies underscored the need to recognize the crucial role paralegals play in providing community based legal services to the indigent in order to access justice. It was also anchored on the need to draw up a roadmap for the operations of paralegals with a view to maximize the benefits derived from the services they render in justice administration especially in rural communities.

The 2021 Annual Paralegal Summit was organized by Kituo Cha Sheria in conjunction with the Paralegal Society of Kenya (PSK), Legal Resources Foundation, and International Community of Jurists- Kenyan Chapter and Ecumenical Centre for Peace and Justice. The event was supported by the Ministry of Foreign Affairs of the Kingdom of Netherlands, Mott Foundation and UNDP under a joint objective to strengthen the rule of law and promoting access to justice. The summit addressed pertinent issues affecting paralegals key among them: Para legalism amidst the Covid-19 Pandemic, accreditation of paralegals and qualification to be a paralegal, clarifications on the Legal Aid Act, 2016, accreditation of paralegals, development of a syllabus for paralegal training by the PSK and clear outline of the duties of a Paralegal and their work ethics.

Held at a time when the Kenya government is being called upon to develop appropriate policies and legislation to guarantee effective access to justice for all, the highly interactive forum provided a platform for collaboration with expert-led discussions to help identify and expose different views, peer-to-peer learning and exchange of best practices.

Despite the increasing recognition of their role, paralegals face numerous challenges such as a lack of standardized training and professional standards, and an inability to fully exercise their mandate because of limited recognition of their role from formal justice actors. The learning forum culminated with Kituo Annual Paralegal Awards (KAPA awards). Over 100 people attended from the paralegal and legal sector. KAPA awards aimed at celebrating the achievements of paralegals and volunteer advocates from across Kenya. The glamorous KAPA awards saw Kituo award Paralegals and Advocates/Lawyers who have done commendable work in promotion of access to justice in Kenya.



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