



# ANNUAL REPORT

# 2019



**KITUO CHA SHERIA**  
**LEGAL ADVICE CENTRE**

*we care for justice*

# LIST OF ACRONYMS

AG	Attorney General	IEC	Information, Education and Communication
AGCP	Advocacy, Governance and Community Partnerships	KHRC	Kenya Human Rights Commission
AGM	Annual General Meeting	KICODI	Kisauni Constituency Development Initiative
AJS	Alternative Justice Systems	KNCHR	Kenya National Commission on Human Rights
AJWS	American Jewish World Service	KLRC	Kenya Law Reform Commission
BAKE	Bloggers Association of Kenya	KPS	Kenya Prisons Service
BOD	Board of Directors	LAEP	Legal Aid and Education Programme
BOT	Board of Trustees	LRF	Legal Resources Foundation
BMU	Beach Management Unit	MHPSS	Mental Health and Psychosocial Support
CBEF	County Budget and Economic Forum	NCHRD	National Coalition of Human Rights Defenders
CIDP	County Integrated Development Plan	NGEC	National Gender and Equality Commission
CLNSA	Coast Land Non-State Actors	NLAS	National Legal Aid Service
CSO	Civil Society Organizations	NLC	National Lands Commission
CUC	Court Users Committee	PIL	Public Interest Litigation
CVE	Countering Violent Extremism	PILPG	Public International Law & Policy Group
ECOSOC	Economic, Social and Cultural Rights	PEV	Post Election Violence
ELC	Environment and Land Court	RAS	Refugee Affairs Secretariat
ELRC	Employment and Labour Relations Court	RCK	Refugee Consortium of Kenya
EU	European Union	RCKM	Research Communication and Knowledge Management
FAD	Finance and Administration Department	RMCC	Resident Magistrate's Court Case
FMP	Forced Migration Programme	SGBV	Sexual and Gender-based Violence
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit	TDRM	Traditional Dispute Resolution Methods
ICJ	International Commission of Jurists	UNHCR	United Nations High Commission for Refugees
IDP	Internally Displaced Persons		



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# FROM THE BOARD CHAIR



**JUSTUS  
MUNYITHYA**

This year, KITUO marks 46 years since its establishment. 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 Strategic Plan 2015-2019 which embraces legal aid, legal empowerment and social justice. The Board members are well aware that it has been a long journey that started way back in 2015, but with determination and hard work, all our efforts have not been in vain. The Board of KITUO shall provide the necessary support to the Management and the larger family of KITUO to ensure KITUO delivers on its mandate in service delivery to the poor and marginalized and in the establishment of a new strategic plan going forward.

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 47 Counties.

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, UNHCR, GIZ, Netherlands Embassy, AJWS, UNDP-Amkeni and EU among others 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.

I wish to give special thanks to the immediate former Board of Directors led by Mr. Antony Mulekyo who largely oversaw the implementation of programmes this year.

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**

I am pleased to report that KITUO continued to experience growth. This year marked our 46th anniversary as well as the fifth and final year of the Strategic Plan whose theme was “Towards Legal Aid, Legal Empowerment and Social Justice.”

This year, KITUO continued with efforts to expand its income sources. The key priority was not only to restore donor confidence in KITUO’s ability to manage multiple grants but also KITUO’s ability to fully absorb the funds.

During the year, KITUO was recognized and awarded for supporting Community Organization work in Kenya. The award ceremony took place on 23rd May 2019 at the CHAK Retreat Centre, Nairobi during a MISEREOR Partners meeting. The award by Community Organization practitioners Association of Kenya and the Community Organization Training Programme recognized the role that we have played over the last 25 Years of community Organization in Kenya.

Kituo also formalized its membership to the Network for Empowered Aid Response (NEAR) Network. The Network is a movement of Civil Society Organisations (CSOs) from the global south rooted in communities who share a common goal of promoting fair, equitable and dignified partnerships in the current aid system.

In 2019, we participated in the World Justice Challenge. where our “mHAKI - Haki Mkononi” innovation was selected as a finalist and showcased at World Justice Forum VI in The Hague, Netherlands.

KITUO received support from a number of partners among them EU, Misereor, GIZ, UNHCR, Dutch Embassy and AJWS among others. We appreciate the support we have received from our development partners more specifically Misereor, GIZ, UNHCR, UNDP-Amkeni, Netherlands Embassy and American Jewish World Service

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.

# ABOUT KITUO CHA SHERIA



*KITUO's Board of Directors joined by the Executive Director and the Coordinator AGCP, Ms. Valary Angawa during the roundtable meeting with the Dutch Embassy in Nairobi*

## 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 but has a branch office in Jogoo road and a Regional office in 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'



# 2019 OVERVIEW

## KITUO RESULTS IN NUMBERS

**KSH. 2,986,866**

Total amount recovered on behalf of clients through out-of-Court settlements at the Regional office in Mombasa and Head office

**4,894**

Total number of Clients received and offered legal advice and support at the Head Office in Nairobi

**394**

Total number of Clients attended to through legal aid clinics by the Nairobi and Mombasa offices

**1,979**

Total number of Clients attended to at the FMP Office through daily legal aid screenings

**897**

Total number of Detention monitoring visits to police stations and prisons by FMP

**1,016**

Total number of Clients assisted through Justice Centers around the country

**20**

Total number of Pro-bono advocates trained by FMP

**357**

Total number of Court interventions done by FMP

**25**

Total number of Court attendances per month on average by the Mombasa office

**207**

Total number of Court attendances for various matters at the Head Office

**821**

Number of query sms received through M-Haki Platform

**15**

Total number of Legal aid clinics conducted by Nairobi and Mombasa offices

**21**

Number of out of court settlements done by the Head Office

**110**

Total number of Government Officials trained by FMP

# LEGAL AID AND EDUCATION



*Kituo's Legal Aid and Education programme Administrators Mr. Nathan Kivungi speaks to clients as they wait to be served at the Head Office*



*Members of the Community follow proceedings during the County Budget forum at the ABC Church Hall in Kitui town*

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 Programme further engaged in a number of Public Interest Cases that have an impact on a great number of people and their livelihoods.

## Client Management

### New Clients and Return Clients

There were a total of 931 new clients and 3963 return clients attended by KITUO LAEP officers. These clients had cases mainly touching on land, labour and housing. They were in this regard advised, pleadings drafted and some directed on self-representation.

## REGISTRY ACTIVITIES

FILING DOCUMENTS (I.E) Applications affidavits of service, Replying affidavits, Submission decree, etc	100
FIXING DATES FOR , Mentions, Directions, applications etc	36
SERVING Applications, Hearing Notices, Petitions, Affidavits etc	63
BRIEFS For KITUO Matters.	12
PERUSING COURT FILES	12
DRAWINGS:- Affidavit of service, Hearing Notices, etc,	
LANDS OFFICE & OTHERS For official searches, assessment & payments of stamp duty, etc	
LANDS OFFICE & OTHERS For official searches, assessment & payments of stamp duty, etc	15

## COURT ATTENDANCES

There were a total of 207 attendances in court for various matters by KITUO advocates.



# LEGAL AID AND EDUCATION



*Participants keenly follow proceedings during the legal awareness forum on SGBV in Kibra, Nairobi*

## Public Interest Cases

During the period under review the following were the on- going public interest cases handled by KITUO.

*Nairobi Petition No. 104 of 2019 Legal Advice Centre T/A Kituo Cha Sheria & Others V A.G – Garissa terrorist attack case*

Our clients are parents of students who were brutally killed at the Garissa University College during a terrorist attack. The parents are aggrieved by the failure of the state to take adequate steps to prevent the attack and to respond to the attack. The petition argues that because of slowness by the security machinery many students lost their lives. .

The state filed its responses. However when the matter came up in court on the 25th September 2019, we requested for more time to amend our petition to include more parents as petitioners. The matter was mentioned on the 20th November 2019 and a

further date was given in February 2020 when the court will make a determination on the empanelling of a three judge bench.

*Thika ELC Pet 11 of 2018 Peter Kimanyi And 326 Others V A.G- Kilimambogo Squatters Case:*

This is a housing case. The case seeks to determine whether the petitioners have a right to housing; whether they were accorded reasonable participation; and whether they have right to property and the right to information.

We represent about 1200 families who are squatters. Sometimes before the 2017 elections, the President issued titles touching on the Kilimambogo settlement scheme. Unfortunately, due to rampant corruption, the titles were issued to affluent strangers to the exclusion of our clients.

Our clients were hence aggrieved and are seeking the nullification of the titles until a proper vetting of genuine squatters is done. The petition was prompted by the fact that our clients were being evicted by the said strangers

The matter came up in court on the 10th December 2018 when it was confirmed that the Attorney General had not filed their response to the Petition. The court proceeded to issue interim orders stopping any evictions until the Petition is fully heard and determined.

On the 2nd February 2019, the Respondents in total breach of court orders entered into the suit parcel of land and demolished our client's houses.

We filed an urgent application under certificate of urgency seeking contempt of court orders against the respondents. The county government has responded by stating that the demolitions were not intentional as the county bulldozer was merely conducting road maintenance when it accidentally ran into our client's houses.

When the matter came for ruling on the 16th July 2019, the government requested the court to allow the parties to negotiate. Parties have been negotiating an out of court settlement. Mention of the matter is slated for end of 2nd December 2019 to confirm progress of negotiations.

*Nairobi ELRC PET. 1921- 1935 of 2018 Benson Mutuku & Others V Sameer Africa-Sameer Africa Employees*

# LEGAL AID AND EDUCATION



*Kituo's John Mwariri (Advocate) listens to a client during the post-judgment strategy meeting on the Kilimambogo Public Interest Litigation (PIL) case in Thika*

The case seeks to determine whether the employees were discriminated on the basis of age during payment of gratuity. The case is constitutional questions on the discrimination on the basis of age.

The employees above the age of 45 years were paid gratuity at the rate of 45 days for every completed year of service while those below 45 years were paid at the rate of 19 for every completed year of service. This differential payment aggrieved the Petitioners.

The matter still awaits consolidation of this matter with similar suits filed by other advocates. In September 2019, dates for the consolidation were taken for the hearing of the Application on the 11th November 2019. In November 2019, the court gave directions that we file a list of issues.

## *Nairobi Cause NO. 104 of 2017 Juliet Mwangeli Mueema V Smollan Kenya Limited*

This is a single welfare case strategically filed for the protection of the rights of persons with disabilities. The cause seeks a determination of the extent of the obligations of an employer to reasonably accommodate disabled employees.

In this case we represent a blind lady who was demoted at her place of work on the basis of her inability to see. We have further brought the matter for the determination of whether an employer has any legal obligations to provide an employee with equipments to overcome the constraints of her inability.

The Petition is brought under Articles 41(1) and 54(1) of the Constitution of Kenya in which we seek that the court finds that the Articles were not observed in any form or manner by the Respondent. The Articles regard the right of every person to fair labor practices and the right of disabled persons to access materials and devices to overcome constraints arising from disability.

On 29th November 2018 an expert witness, Prof. Mute who is a member of the African Court, a lecturer on Disability and Equality Law at the University of Nairobi was our main witness testified.

This case is a great success to our client and KITUO as the court ruled in our favour on the 29th March 2019 finding that that our client's rights and guarantees for fair labour practice and reasonable working conditions were violated. The court further found that our client was discriminated by the failure of the employer to provide her with facilities to overcome her disability. She was awarded Kshs. 1, 500, 000.

We are currently following on the execution of court orders. The Respondent filed an application for review of court orders which was dismissed in 2019.

## *Nairobi ELRC Cause No. 206 of 2013 Loggin Gimonde and 32 Others V A.G and Kenya Utalii College*

The case concerns the right to fair labour practices. We represent the ex-employees of Kenya Utalii College who were unlawfully declared redundant.

The case is considered a matter of great public interest due to the number of employees involved and the noble questions of law that come out from



# LEGAL AID AND EDUCATION



*Kituo team led by the Executive Director Dr. Annette Mbogoh pose for a photo after a meeting with the Uganda Law Reforms Commission team in Nairobi*

the case. It is important to note that the case has been in court for more than two decades. KITUO intervened in early 2018 to assist the senior citizens.

The respondents filed an application seeking dismissal of the case on grounds of want of prosecution. The court in its ruling on the 28th September 2018 ruled in our favour stating that we had taken adequate steps to prosecute the case from the time we took over. The matter proceeded for hearing on the 20th November 2018. The matter further proceeded in January 2019 and we filed submissions.

The judgment is pending.

## **Intended Public Interest Cases**

### *The Marsabit cancer cases*

This case will seek to challenge the state for the high prevalence of Cancer cases in

Marsabit County. The cancer cases have been traced to dumps of radioactive wastes by a multinational company. KITUO has prepared all the documents and the case shall be filed before end of next year.

## **Single Welfare Cases**

KITUO advocates continue to attend to various single welfare cases. The cases handled are mostly land, labour, housing, succession and criminal cases.

## **Successful Cases in Court**

### *Nairobi ELC 305 of 2012 Joseph Njuguna V Elizabeth Mukubi & the A.G*

We represented the Defendant who is a widow. She had a boundary dispute with her neighbour. As a result the neighbour wanted her house to be demolished in order for it to align with the court records.

We argued that this proposition would lead to our client's house being demolished and it would be better that the parties maintain the existing physical boundaries.

The Land Registrar and the state through the Attorney General supported our case.

On the 18th November 2019, the court dismissed the Plaintiffs case. The court held that the boundaries that existed would remain. As a result our client's house will not be demolished.

### *Kilungu SRM ELC No. 6 of 2019 Veronica Mwikali Ndunda V Peter Ngeke Ndunda & Others*

In Kilungu SRMCC 97 of 2013 John Ngeke Ndunda V Jackson Ndunda our client was the defendant, won the case where the court ordered for a subdivision of the suit parcel of land. The Plaintiff in the case, being dissatisfied by the decision and in an attempt to defeat the fact that our client had succeeded in the case, filed the case arguing that she was entitled to the land by virtue of trust.

We filed a preliminary objection. The court affirmed our position that the matter



# LEGAL AID AND EDUCATION



*The Nainasba Women's Prison officers receive certificates for the trainees from Advocate John Mwariri after the training*

was res judicata. Our client was happy with the outcome and has actually obtained title documents to the document.

Nairobi Employment and Labour Relations Court Cause No. 104 of 2017 Juliet Mwangeli Muema V Smollan Kenya Limited

In the above case, we represented a lady with disability. She has been unfairly terminated due to documentation on grounds of disability. The court had expert testimony from a disability right expert commissioner Lawrence Mute. The court awarded Mute Kshs, 1.5 million inter... benefits.

*Nairobi Employment and Labour Relations Court Cause No. 1502 of 2015 Teresiah Nyaboke v Supafoam Limited*

Our client was unfairly terminated from her place of work. Our client suffers from

a physical disability. On the 5th April 2019, Justice Makau awarded our client Kshs. 185, 250.

*Nairobi Employment and Labour Relations Court Cause No. 1967 & 1968 Samuel Muraya and Another V Victory Construction Company Ltd*

This is a labour dispute in which our clients were awarded Kshs. 287, 202 and Kshs. 253, 414 respectively for unfair termination.

Nairobi High Court Civil Appeal 841 of 2007 Constance Ngina V Bustrack Limited and Anor.

Our client's husband died in a tragic road accident. Our client was awarded Kshs. 740, 000 as compensation. We extracted the court orders and letters to the account department as the money was held in court. We are awaiting the release of the monies to our client.

*Nairobi Chief Magistrate Civil Case 945/ 15 Hoffilms Ltd v Albert Akirapa*

Our client, who hails from Busia on the Kenyan border, was sued for owning a vehicle that was involved in a tragic road accident. He only came to know of the case at the point of the application to have him committed to civil jail.

Our client is extremely poor and has never owned a car. In fact he had never stepped into Nairobi and was a casual labourer at his rural Busia County. The decree holder having nothing to attach sought to have him committed to civil jail.

At the time of visiting our offices he did not even have transport to travel home and accommodation in Nairobi. He was offered a place to sleep for the night by a fellow client as we urgently worked on the papers in court.

We filed the defence and the Plaintiff withdrew his case against our client. Our client was awarded costs of Kshs. 21, 000.

## CELEBRATION OF KEY DAYS IN KITUO'S CALENDAR

### Kituo anniversary legal aid clinic

# LEGAL AID AND EDUCATION



*Participants visiting the Kituo Cha Sheria's stand during the LSK legal awareness week 2019 at the Milimani Law Courts*

In celebration of the 46th anniversary, KITUO conducted a free legal aid clinic on the 5th September 2019 at the KITUO gardens in Nairobi.

The key achievements from the activity is that:

- a) We received, screened and advised a total of 91 new clients with various legal issues ranging from land, labour, housing etc were attended to.
- b) Some of the new clients were referred to volunteer advocates and demand letters were issued to deserving clients.
- c) KITUO partnered with University of Nairobi law students under their association known as SALAR students. This partnership is key in future activities as KITUO cannot attend to all clients due to the overwhelming numbers.

Participation in the Kenya School of Law Week

On the 6th April 2019, KITUO and Kenyatta University School of Law participated in a public interest clinic to sensitize blue collar workers in Nakuru County on labour rights. KITUO legal officers and law students, participated in the sensitization of masses in the blue collar sector in Njoro, Elbugon, Molo and Nakuru town within the Nakuru County on Kenyan labour laws as an advocacy strategy.

## Legal Awareness Week

The legal awareness week took place from the 28th October 2019 to 1st November 2019. The theme of the said Legal awareness week being “Eradicating Gender Based Violence- A focus on Mental Health”.

Throughout the five (5) days KITUO:-

-Showcased its, innovative SMS technology known as M-Haki, that allows members of the public to text legal question and receive a response from Kituo advocates at no fee.

-Recruited Volunteer Advocates into the VA scheme- Fifty (50 new advocates) joined KITUO's scheme with majority of the advocates based in Nairobi County. We also registered advocates from other towns like Nanyuki, Machakos, Kajiado, Ngong, Kiambu and Kilungu.

-Attended to Thirty (30 clients) with the legal issues presented including Family/Maintenance, Succession, Labour, Human rights, Divorce/Family, Land, Civil, Business Disputes, General Legal Inquiries, Medical Negligence and Criminal matters.

## VOLUNTEER ADVOCATE RECRUITMENT

During the volunteer advocates recruitment drive and training in Kisii County held from the 29th September to 2nd October 2019 a total of 20 advocates were recruited into the scheme. The recruitment drive took place at Magharibi Hotel, Kisii County and was graced by the Chairman of the Law Society, South Nyanza Branch.

The advocates committed to take up cases from KITUO on pro bono basis.

During this meeting, the volunteer advocates were trained on the Legal Aid

# LEGAL AID AND EDUCATION



*Volunteer Advocates and Kituo cha Sheria Staff pose for a group photo after the recruitment drive and training workshop for advocates in Kisii Town, Kisii County*

Act, (2016) and how legal aid provides can harness the state funds under the Legal Aid ACT, 2016. The key resolutions of the training were to pursue accreditation of legal aid establishment of the fund channellin accredited as service providers and thereafter for the funds to be channeled to the advocates.

## LEGAL AID CLINICS

### Kisii legal aid clinic

KITUO conducted the Kisii legal Aid clinic from the 29th September to the 2nd October 2019. A total of 43 clients were attended to during the clinics. The purpose of the clinic was to provide legal aid and create legal awareness to the public. The Legal Aid clinics were attended by two Volunteer Advocates who had been previously recruited as members of the KITUO's volunteer Advocates' scheme. Most of the matters handled involved land and succession cases.

### Labour day legal aid clinic

Kituo Cha Sheria held a free legal aid clinic on 9th May, 2019 at the Kituo Head Office to mark the Labour Day. During the clinic a total of 139 clients were attended to comprising 85 males and 54 females.

## ACTIVITIES TO INCREASE CITIZEN PARTICIPATION AND ADVOCACY ON GOVERNANCE, LAND, LABOUR AND HOUSING ISSUES

### Annual forum to monitor right to housing

The annual forum was held at Sapphire Hotel in Mombasa on the 24th July 2019. There were 50 participants: 31 Male and 19 Female participants. In attendance were Member of Parliament (MP), Kisauni Constituency, Hon. Ali Mbogo, representatives of the National Land Commission(N.L.C), County Government of Mombasa, members of the Civil Society and Communities representing the four sub-counties of Mombasa. The issues that were covered included the challenge of squatters in Mombasa and the violent evictions that they face.

### Client Briefing meetings to strategize and advocate for implementation of Post Judgment rulings in Nairobi and Mombasa

#### a) In Nairobi

On the 24th June 2019 KITUO held strategy meetings at Cross Tavern Hotel-Thika to strategize implementation of post judgment petitioners in Thika Environment and Land Case Pet 11 Of 2018 Peter Kimanyi And 326 Others V A.G- Kilimambogo Squatters Case. The case touches on the eviction of squatters where as discussed above a ruling was delivered granting them reprieve from being evicted.

#### b) In Mombasa

On the 4th May 2019, KITUO held engagement forums with stakeholders to strategize and advocate for implementation of post judgement rulings in Mombasa. The meeting was held at Tudor Pastoral Centre, Mombasa County, in attendance were 20 participants out of which 9 were men and 11 women. Most



# LEGAL AID AND EDUCATION



*Kituo's Boniface Muinde advices a community members during a free legal aid and awareness clinic in Kitui County*



*Kituo Advocate John Mwariri addresses clients outside the High Court after a Garissa University petition bearing*

of the participants were former employees of HABO Group of Companies which is owned by a former Member of Parliament. The outcome of their matters and next steps were discussed

whereby most of their matters had been concluded and judgment entered in their favour.

Strategy meetings with Coast Land Non State Actors and Labour Rights stakeholders in Mombasa

At the beginning of the year, the CLNSA convened a meeting in Voi to strategize for its annual activities. A memorandum was adopted during this meeting. One of the priority areas related to the governance of the National Land Commission. It was agreed that the Network would monitor the process and a report be shared at the point of exit of the commissioners.

The second meeting was held on 6th March 2019. There were 22 participants comprising; 6 Females and 16 Male participants.

## **Mombasa County Public Participation Act training at Methodist Church**

On 27th August 2019 KITUO facilitated and trained Mombasa women in partnership with FIDA on the right to public participation and the provisions of the Mombasa County Public Participation Act.



# FORCED MIGRATION



*The border monitoring mission team of Kituo's FMP Coordinator Yunia Atieno (Left) and a UNHCR-Kenya officer in Oloitoktok, Kajiado County*



*The Nakuru Court Users Committee (CUC) members pose for a group photo after a training and sensitization workshop at Merica Hotel, Nakuru*

The Forced Migration Programme aims to protect and promote the rights of 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 ensuring that they have access to justice.

## Services Offered

The programme offers legal advice to a number of vulnerable immigrants in all legal issues, legal representation, assists refugees in obtaining work permits, birth and death certificates, identity cards, child custody, referral service to other partners and investigations of systematic human rights violations against refugees. The FMP programme also undertakes to help its target group in litigating on public interests issues touching on refugee rights. The programme monitors cases of insecurity and Gender Based Violence; conducts research and training on human rights and refugee law and offers legal services through mobile legal aid clinics.

Implementation of this year's projects has been successful thanks to the support of UNHCR in partnership with organisations such as Refugee Affairs Secretariat (RAS), HIAS Refugee Trust, International Rescue Committee (IRC), RefuSHE (formerly Heshima Kenya), GiZ and Refugee Consortium of Kenya (RCK)

## Program Activities

The Forced Migration Programme carries out activities in Nairobi and Mombasa as well as in other urban areas where refugees reside.

- **Legal Aid in the Office (Screening of walk-in clients)**

In 2019, a total of 1,979 clients were seen both in the Nairobi and Mombasa office through the daily legal aid screenings that allowed walk-in clients to seek legal assistance. In Nairobi a total of 1,587 clients were attended to seen while in Mombasa, a total of 392 clients were attended to.

The type of claims that were addressed involved documentation, SGBV, police harassment, Refugee Status Determination, Work permits, birth certificates, access to education and health services, employment issues, insurance claims, security concerns among other legal claims.

- **Legal representation and other court interventions**



# FORCED MIGRATION



*Police Officers during a session of the refugee law training at the Pride Inn Hotel-Westlands, Nairobi*



*Kituo's Ojurni Ochalla (in striped coat) attends to a refugee client during a legal awareness forum at Kivuli Centre in Kanangware, Nairobi County*

Legal representation was provided to clients who are charged with unlawful presence, residing outside designated areas, failure to register, possession of expired documents and child custody. The programme also watched brief in cases of sexual gender based violence. In non-asylum related cases, legal advice accordingly to empower clients to understand the legal procedure was given.

A total of 356 court interventions were done, with 303 being handled by Nairobi and 53 in Mombasa.

Through legal representation, the clients were either discharged or acquitted, thereby ensuring that they are not repatriated to their country of origin. In non-asylum related cases, clients were fined and later released by court.

- **Mobile Legal Aid Clinics**

The legal aid clinics serve to provide avenues for information dissemination to the refugee and asylum seekers as well as an opportunity for individual screening of clients unable to reach our offices due to various constraints. Legal aid clinics also serve as a platform to educate clients on their rights and inform them on any new developments.

From January -November, the FMP Nairobi office conducted 10 legal aid clinics reaching a total of 829 POCs. On the other hand the Mombasa office held a total of 5 legal aid clinics. A total of 317 POCs from Mombasa have so far been reached and given free legal representation and Legal advice

- **Pro bono Advocates Training**

The programme in partnership with IRC, UNHCR and RAS conducted a capacity building workshop for pro-bono advocates on matters targeting refugee law and refugee protection.

The workshop that attracted 20 advocates who also joined scheme of Kituo's Volunteer advocates.

- **Sensitization workshops for Government officials**

The sensitization workshops conducted under the programe targets government officials drawn from the various Law enforcement offices e.g National Police Service, Kenya Prisons Service and Immigration officers who interact with



# FORCED MIGRATION



*Nairobi Court Users Committee members pose for a group photo during a training workshop at the Pride Inn Hotel in Nairobi*



*Members of the Refugees community during a yoga training session by Kituo's MHPSS in Ruiru, Kiambu County*

refugees law and asylum seekers within the course of their daily duties.

One of the key objectives of the programme was to reduce detention of POCs and enhance their freedom of movement as well as prevent non-refoulement

With the knowledge on refugee protection in Kenya POCs, the cases of police harassment and arbitrary arrests plus detention will cease.

POCs detention and

Kituo Cha Sheria (FMP) Nairobi office in collaboration with UNHCR and Partner organization such as Refugee Affairs Secretariat (RAS) and (International Rescue Committee (IRC) trained a total of 55 officers within the region.

The Mombasa FMP team conducted a government officials training that targeted 18 participants in Kwale County.

The training targeted law enforcement authorities such as police, immigration and prison officials who interact with refugees when they are in conflict with the law.

A total of 5 trainings have been done in Nairobi and Mombasa with a total of 110 participants.

- **Border Monitoring**

The forced Migration programme conducted 3 border monitoring missions.

The team conducted one border- monitoring along the Nairobi- Mlolongo- Athi river- Mavoko- Isinya- Kajiado- Namanga- Oloitoktok route, Nairobi- Moyale route and along the Mombasa-Lunga lunga border.

The missions were conducted in conjunction with staff from UNHCR and RAS. The team paid courtesy visits to police stations, prisons, county commissioners. The purpose of the mission was to inquire of the presence of refugees and asylum seekers in the stations and to offer legal advice and assistance to them.



# FORCED MIGRATION



*Participants pose for a group photo after the two-day training of government officials in Kajiado on Refugee Laws and Protection at the Enchula Resort, Kajiado*



*A speaker at the World Mental Health Day event focusing on suicide prevention and the role of the community in identifying and preventing suicide*

We also managed to sensitize the officers in the various stations on refugee rights and refugee protection in Kenya and the different partner organizations providing the services and their contact information.

- **Detention Monitoring Interventions**

The programme conducted regular monitoring and visits to police stations and prisons on a weekly basis or in case of an emergency intervention. The visits are done to establish whether there are any persons of concern within the detention facilities who need the team to intervene.

The visit also serves as a platform to create awareness among the officers at the stations of our mandate and to explain the different identification registration documents that refugees and asylum seekers possess as well as their legal rights.

In the year 2019, the Nairobi office conducted 622 visits while the Mombasa conducted 275 visits to various police stations and prison facilities.

- **Mental Health and Psychosocial Support Services (MHPSS)**

With support from GiZ- Civil Peace Service, MHPSS has continuously provided mental health services to refugees and asylum seekers through individual counseling, group therapy and yoga sessions.

MHPSS has also participated in the sensitization forum for government officials by training on trauma and stress that refugees and asylum seekers ordinarily face when fleeing their countries of origin.



# ADVOCACY, GOVERNANCE AND COMMUNITY PARTNERSHIPS



*Prison paralegal attending a refresher training conducted by Kituo at the Nyeri GK Prison*

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.

## Alternative Justice System Project

The team set out to implement the 3rd phase of the project which began in 2017. The project was created to bring peace and reconciliation during the 2007/2008 post-election violence (PEV). The pilot project was in Trans Nzoia County. During this period, the team conducted the following activities:

- i. Refresher Trainings for the Adjudicators and commissioners in Trans Nzoia.  
45 participants were trained on the Alternative Justice Systems, Property Rights, Family Law, Gender-Based Violence, Land and Environmental Law, Alternative Dispute Resolution, Governance, Accountability and Security.

- ii. Training workshop for government officials in Trans Nzoia.  
30 government officials including Chiefs, Police, Assistant County Commissioners, Deputy County Commissioners and County Commissioner were trained on AJS processes and collaborative strategies identified.
- iii. Sensitization workshop for the court users committees and Judiciary Officials  
More than 30 officials were trained on the AJS mechanism and were open to adopting it. Majority of the participants preferred it to the formal court system.
- iv. Conduct AJS outreach in Saboti and Kwanza and oversee 10 AJS hearings for PEV cases  
The team conducted 10 outreach sessions in various parts of Endebess and Cheranganyi with the support of the Chiefs sharing information about alternative justice systems and peace justice and reconciliation.  
The team successfully conducted 17 hearings on the PEV cases

## Success

1. 15 adjudicators and 25 commissioners trained and empowered to handle PEV land and property cases to promote forgiveness and reconciliation. The team also facilitated the achievement of justice.
2. 34 victims and offenders recorded their statements and participated in medication processes governed by the AJS mechanism.
3. 17 disputes concerning land and property that occurred during the 2007/2008 post election violence period were handled and parties were successfully reconciled.
4. We experienced more confidence in the adjudicators and commissioners in terms of how the mediation sessions were handled
5. The AJS paralegals were introduced to the Deputy registrar and made part of the Court Users Committee in Kitale.

# ADVOCACY, GOVERNANCE AND COMMUNITY PARTNERSHIPS



*A Kituo Volunteer Advocate screens a client during the Legal Aid Clinics and Community outreach in Kisumu County*



*Participants following proceedings at the Undugu Society Hall in Mathare, Nairobi during the International Women's Day*

## Promoting Access to Justice for the Poor and Marginalized Project

This project has been implemented from the year 2015 to 2019 and its focus has been in implementing activities on access to justice. During this period, the team conducted the following activities:

### i. Refresher training for paralegals in Turkana

30 community paralegals were trained on paralegalism, property rights, Family Law, Gender Based Violence, Land and Environmental Law, Introduction to Alternative Dispute Resolution, Governance, Accountability and Security.

The community Justice Centre was revived and members encouraged to continue providing paralegal support to the communities.

### ii. Legal Awareness forums in Kibera

The team conducted a legal sensitization forum on Human Rights and rapid responses on SGBV cases. We reached 500 people during the 3 days of legal awareness. The team created partnerships with the GBV networks in Kibera.

### iii. Legal aid clinics in Kibera

The team was able to successfully screen and assist 100 clients during these forums. Most of the clients were given referrals to our Legal Aid team and volunteer advocates.

### iv. Langata Women Prison Refresher training and Access to justice day celebrations

We trained 30 prison paralegals on Criminal justice and procedures equipping them with the necessary skills to offer legal advice to fellow inmates. The Justice Day celebrations culminated in graduation of the paralegals. The impact of a paralegal team in Langata women's prison was evident due to the over 50 release of inmates this year.

### v. Enhancements of M-haki and continued use.

The team has continued to use M-Haki as a means of promoting access to justice. The site had experienced delays. With the enhancements done, the site is up and running smoothly.



# ADVOCACY, GOVERNANCE AND COMMUNITY PARTNERSHIPS



*Kituo officers Mr. John Mwariri and Ms. Samantha Oswago (center) receiving an award and certificate on behalf of Kituo cha Sheria, Kituo was awarded for supporting Community Organization work in Kenya.*



*Participants keenly follow proceedings during the legal awareness forum on SGBV in Kibra, Nairobi organised by Kituo Cha Sheria*

## Global Data Justice Project

Kituo assisted in research of this Project which was conducted in informal settlements in Nairobi, Kiambu, Mombasa and Kisumu. This project entailed creation of awareness on the use of personal data and information when interacting with Mobile lending Apps such as Tala, Okash, Mshwari, Branch and KCB mpesa. It also involved biometric collection of data using Methadone and Huduma Number.

The methodology used was focussed group discussions and individual interviews with stakeholders and the staff in Kituo as well.

## Imarisha Haki Project

During this period, the team conducted the following activities;

### i. Naivasha Prison paralegal training

25 paralegals and 5 officers were trained on Paralegalism, Human Rights and basics of Criminal Procedure. The team created presence in Naivasha which is one of the new areas of implementation. We intend to put up a functioning Prison Justice Centre in Naivasha.

### ii. Garissa UNSMR training for officers

The team successfully conducted a training on the Universal Principles of Detention popularly known as the Mandela Rules. From this training 25 officers were sensitized on the rights of prisoners and the use of violence in course of duty. We partnered with the Kenya Prison Service in this training.

### iii. Provision of Legal awareness in YCTC, Kamiti and Kamae prisons

As part of Kituo's goal to ensure access to justice for the poor and marginalised, the team embarked on legal aid and screening of clients within the above prisons which are juvenile stations. The target was to screen for cases which do not have legal representation and connect the accused persons to our volunteer advocates' scheme. We successfully screened 10 cases and identified 3 cases worthy of assistance.

# ADVOCACY, GOVERNANCE AND COMMUNITY PARTNERSHIPS



*Participants of the Global Data Justice project focus group in Kamukunji, Nairobi pose for a group photo*



*Kituo's Advocacy Governance & Community Partnerships Program Ms. Valerie Angawa presents a certificate to a community paralegal at the end of the refresher training in Kitui County*

## M-Haki Project

M-Haki uses the SMS technology to disseminate legal information to clients. This is an innovative and reliable technology developed by Kituo with support from the Netherlands Embassy aimed at reducing the costs of access to justice. Kituo has a dedicated mobile number-0700777333- through which the public texts legal questions to be answered by its in-house lawyers and pro bono advocates within 48 hours. The question is categorized and published on [www.m-haki.com](http://www.m-haki.com). Questions and answers are anonymised so the platform creates a repository of FAQs and gradually develops a catalogue of frequent legal questions and answers.

Questions relayed on to the M-Haki platform were from different regions of Kenya. The platform received questions from Nairobi, Kiambu, Yatta, Homa Bay, Kilifi, Mombasa, Voi, Nakuru, Kisumu, Homa Bay, Turkana, Kilifi among other areas around Kenya. Some matters were also handled on the platform from persons who did not specify where they were sending their questions from especially in refugee and forced migration matters.



# MOMBASA REGIONAL OFFICE



*Kituo' Mombasa regional office coordinator Allan Nyange stresses a point during the community land and housing forum at the Two Oceans Hotel Voi, Taita Taveta County*



*Jubilant community members in Taita Taveta County celebrate outside the Wundanyi Law Courts after the victory over Kenya Wildlife Service in a case they were represented by Kituo Cha Sberia*

The Mombasa regional office in the year 2019 reports and continues to make progress in the realization of KITUO core mandate. The year in general was successful, this can be attributed to the hardworking and dedicated staff who went beyond the usual call of duty to execute their functions despite persisting challenges. It is this year that KITUO Mombasa office received funding from UNDP to implement Njia za Haki. The project was key in the achievement of KITUO mandate to the poor and marginalized. This was a major achievement for Mombasa Office.

## FINANCE AND ADMINISTRATION.

The program was successful in its human resource function. In the period under review, a legal assistant was recruited to support the work of the Forced Migration Programme in Mombasa. Further, the programme officer under the AGCP was promoted and transferred to the Head Office as the Coordinator of the programme. The office has one volunteer intern. Despite this the office remains understaffed. The legal aid department has only one litigating counsel, the one intern is engaged fully by AGCP. The office is hence in need of additional staff including promotion of the Assistant Programme Officer in AGCP to fill in the vacant position. Thereafter, an additional assistant programme officer can be recruited. This year also saw one of our staff arrested and detained while in the cause of duty. The office intervened and the charges withdrawn. This exposed the office to unexpected occupational hazards that needs to be mitigated to prevent a recurrence.

In the review period, the Mombasa office was informed of their successful application to receive funding under PLEAD through the UNDP. The three year grant is for Kshs 30,000,000. The project on legal aid and access to justice will be implemented in Mombasa County.

The office still experiences transport challenges due to the lack of a functioning motor vehicle. This causes difficulties in implementation of activities that are especially outside Mombasa County. The costs of implementation has risen because of high costs for transportation. As the office is increasingly receiving request for legal aid from distant counties like Tana River and Taita/Taveta it has been impossible to reach these needy and deserving clients due to transport challenges.

There consistent and persist hindrances that have been experienced during the entire period under review. Delays in paying suppliers which leads to



# MOMBASA REGIONAL OFFICE



*Community paralegals following proceedings during the Bi-annual Stakeholders Conference at the City Blue Hotel, Mombasa*



*Kituo's Zedekiah Adika presents a petition by the Civil Society Reference Group (CSRG) to the Director, Kenya Ferry Services*

disruptions of key services like internet and electricity. Poor coordination between the regional office and head office remains a challenge. It takes too long for a requisition to be approved and finance to release money for timely implementation of activities. The proposal to have the Mombasa bank account activated has never been implemented to date. This in our view is the major obstacle that the regional office faces which makes implementation a challenge. The program has been able to make purchases for office furniture and equipment under UNDP funding that has greatly impacted positively the productivity of staff and implementation of activities.

## **LEGAL AID & EDUCATION**

### **Client management**

The program has over the year served the poor and marginalized clients in the core areas of land and labour. In the year 2019, the program attended to approximately 688 clients. 284 were new clients while 404 were return clients. The majority of our clients continue to be those with labor disputes mostly men. Interestingly we have started receiving request to take up matters before the Kadhis Court. The number of succession matters is also increasing because succession is often linked to land. There has been requests to take up cases from emerging area of environmental protection and health.

The program was successful in implementing legal aid activities across the 6 counties of the Coast region. In Kibao, Kurawa, Marafa, Shomela, Adu and Marereni. There were more than 140 women trained on succession, SGBV, custody and maintenance issues. The program also partnered with FIDA Kenya in building the capacity of Mombasa Women on leadership and good governance. The core subject being the Mombasa Public Participation Act 2017.

Legal Aid program in its partnership projects was engaged by UNCIF, Children Department and the judiciary in Kwale in their annual judicial legal aid week whose focus was expeditious hearing and determination of matters involving minor in Kwale County. In Tana River County. We in partnership with the Court Users HOLA, visited HOLA Police Station and HOLA GK Prison. We also engaged the Public in a forum in Majengo. It was observed that alternative justice was a preferred mode of dispute resolution, however public concern was the refusal to have criminal matters withdrawn and referred to alternative justice.

Single welfare case form the bulk of Legal Aid work. This year there has been an average of not less than 20 court attendances in a month. The office has represented clients from the tribunals to the court of Appeal. The is a



# MOMBASA REGIONAL OFFICE



*Kitno's Zedekeah Adika (in white shirt) with other participants during the Housing Forum at Hotel Sapphire, Mombasa*

huge success reported in the labor matters which my nature are concluded faster. The challenges experienced is with execution where the employer employed illegal methods to avoid paying the sum awarded. Some of these case are;

Kadzo Kahindi Vs Furaha Katana Dyeka & Others the court dismissed an injunction against our client who is related to the Plaintiffs by blood.

Tailor & Textile Workers Union Vs Milbrook Garments. The Claimant was finally paid a sum of Kshs 267,000 after the Defendants application for stay of execution was disallowed.

Furaha Menza Vs Bombolulu Diagnosis Center the Claimant was eventually paid Kshs 300,000 after the Respondent property were attached by auctioneers.

Public interest ligation and caucuses have been undertaken by the program. The staff have been engaged in caucusing the salt farms Magarini public interest case with members of other CSO organizations in Mombasa like the Kenya national Human Rights Commission. Some of the public interest litigation cases are;

Basil Criticos Vs AIC Makutano & 40 others. The Plaintiff who is one of the biggest land owners in Taveta has sued our clients for vacant possession and also sought Orders of injunction against them. The application for injunction was abandoned. The Plaintiff wants Orders nullify the entire Lake jipe Settlement Scheme. He claim to have title to the suit property which was illegally according to him converted into a settlement scheme.

Kinnock Trading Ltd Vs Evans Mangi Dogo & 131 Others The Plaintiff a limited liability company owned by the Doshi family claims over 100 acres of land in Kilifi township. They sought evictions orders against over 140 individuals some of whom are dead. The suit property has permanent buildings, a school, church and other social amenities. The Defendants who we represent were successful is dismissing the Suit.

Konde Karisa & Others Vs Trustees of African Inland Church Our Clients are second hand cloth dealers trading in Kongowea the largest open air market in Mombasa County. The Church had commenced a project where they were building stalls which they intended to let out. This would result in evicting our clients from the spaces of work. Our clients could not afford the rent proposed and they feared loss of live hood as a result. We filed and secured an injunction. Parties then negotiated and resolved to allocate space to our clients.

Republic Vs Rashid Msomali & 39 others. The accused persons, most of them being senior citizens were arrested in Likoni and charged for taking part in illegal oath taking. The accused who were elderly had convened a cultural meeting where KITUO had also been invited. They were arrested and accused of being part of the outlawed MRC group. The suit was dismissed for want of evidence.

Mark Kazungu Mramba Vs ODPP & AG. Through our client we Petitioned the Court challenging the constitutionality of the Offence of Forcible detainer under the penal code. That where there exist a civil remedy it was inappropriate to employ a remedy that will threaten the right to liberty. The Petition was disallowed.

International and regional partnerships. The program in partnership with trade unions, ministry of labor, Office of the DPP and KNHRC met with a delegation from Somaliland to discuss challenges poised by economic migrants with the region. The focus was on the human rights violations faced and related labor malpractices that these groups face.

# MOMBASA REGIONAL OFFICE



*KITUO's Zedekiah Adika (right) and a representative from HURLA during a radio talk show on the Huduma Number Bill at Boss FM*



*The coast regional office coordinator, Advocate Allan Nyange leads a session at the right to housing training and awareness forum in Likoni, Mombasa*

## ADVOCACY GOVERNANCE & COMMUNITY PARTNERSHIPS

The receipt of funding from UNDP for 3 years was the major success for the department. Under the project Njia za Haki UNDP will fund Mombasa office for 3 years. The funds will not only benefit the target communities but also build the capacity of staff and meet administrative cost. The program has been able to undertake many activities. These include radio shows, paralegal trainings, video screening and visits to the justice centers in Shimo la Tew GK prison and KICODI.

The program was engaged in stakeholders briefing and strategy building together with other members of CSO in Mombasa convened to discuss governance issues in particular access to information from the County Government of Mombasa, Public Participation and the need for community involvement in strategies by CSO. On housing the program organized a housing colloquium where the Member of Parliament Kisauni who sits in the National Assembly select committee on land & natural resource was present together with staff from National land commission. Matters that were discussed included squatter issue in Mombasa, Absentee landlords, review of valuation and valuation roll by the County Government of Mombasa, land rates and rent and the urban housing redevelopment project.

On capacity building staff members were trained by Institute of Economic Affairs and Kwacha Africa on how to study the Auditor General Report. Through INEND a staff member was trained on sexual and gender diversity. The program was part of the team selected for a round table meeting with the Cabinet Secretary interior Dr Fred Matiangi and Inspector General of Police to discuss counter violent extremism.

The team organized and participated in the validation of the Marereni Public interest litigation report. They were invited and participated in the validation of a CSO strategic plan. They assisted communities draft and present Petitions and memorandum to both County Assembly of Mombasa, controller of budgets and Senate on the Mombasa County Budget making process.



# RESEARCH, COMMUNICATION AND KNOWLEDGE MANAGEMENT

**KITUO Attends the East African Legal Aid Networks Conference in Nairobi**

The East African Legal Aid Networks, organized by International Development Law Association (IDA) of the East Africa Community (EAC) Secretariat and National Legal Aid Service (NLAS), held its 10th annual meeting in Nairobi, Kenya from the 14th to 16th November 2018. KITUO was represented by its Executive Director, Mr. John Mwangi, and other staff members. The conference was held at the Safari Park Hotel in Nairobi, Kenya from the 14th to 16th November 2018. The meeting was held at the Safari Park Hotel in Nairobi, Kenya from the 14th to 16th November 2018. The meeting was held at the Safari Park Hotel in Nairobi, Kenya from the 14th to 16th November 2018.

**KITUO Conducts Paralegal Refresher Training in Nyeri GK Prison**

The training was held at the Nyeri Correctional Centre, Nyeri, Kenya. The training was held at the Nyeri Correctional Centre, Nyeri, Kenya. The training was held at the Nyeri Correctional Centre, Nyeri, Kenya. The training was held at the Nyeri Correctional Centre, Nyeri, Kenya.

**KITUO Conducts a meeting on Public Participation in Governance**

The meeting was held at the National Law Centre, Nairobi, Kenya. The meeting was held at the National Law Centre, Nairobi, Kenya. The meeting was held at the National Law Centre, Nairobi, Kenya. The meeting was held at the National Law Centre, Nairobi, Kenya.

**ANNUAL REPORT 2018**

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

**KITUO's Haki Project at the World Justice Forum, 2019**

The project was presented at the World Justice Forum, Nairobi, Kenya. The project was presented at the World Justice Forum, Nairobi, Kenya. The project was presented at the World Justice Forum, Nairobi, Kenya. The project was presented at the World Justice Forum, Nairobi, Kenya.

**DIALOGUE FOR JUSTICE AND PEACE**  
Forgiveness, Peace, Justice, Reconciliation and Avoiding the Cycle of Revictimization

**PRISON ACCESS TO JUSTICE DAY**  
Promoting Access to Justice for the poor and Marginalized

## Introduction

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 was 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 2019 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).

Kituo's Facebook friends and the Kituo Cha Sheria-Legal Advice Centre page likes combined total is about 10,423 people and growing and it is one of the key communication avenue for program activities as they happen. Kituo's Twitter handle followers count stands at over 9,087 in June 2019, while our website is currently doing over 9,320 visitors per month and a hit rate of over 14,000.

## HAKI Blog

Haki Blog is an interactive and creative blog that focuses on access to justice and other human rights issues. The Blog publishes articles from Kituo staff and other interested contributors. In 2019 the Blog published 12 articles with a total of 10,456 views and 5,327 visitors.

## Twitter

Kituo's Twitter followers count stands at 9,582 in December 2019. Blog posts on Haki Blog automatically reflect on Twitter.

# RESEARCH, COMMUNICATION AND KNOWLEDGE MANAGEMENT

## YouTube

The following videos were compiled and channeled on our YouTube Channel over the reporting period;

- KITUO CHA SHERIA- May 2019 Legal Aid Clinic (picture story)
- KITUO CHA SHERIA- May 2019 Legal Aid Clinic (video story)
- KITUO CHA SHERIA- Kituo's M-Haki at the World Justice Challenge 2019
- KITUO CHA SHERIA- Kituo Cha Sheria's May, 2019 e-Newsletter

## Website

The Kituo Cha Sheria Website ([www.kituochasheria.or.ke](http://www.kituochasheria.or.ke)) was updated regularly with new content. Some of the article reported on the website in this period included:-

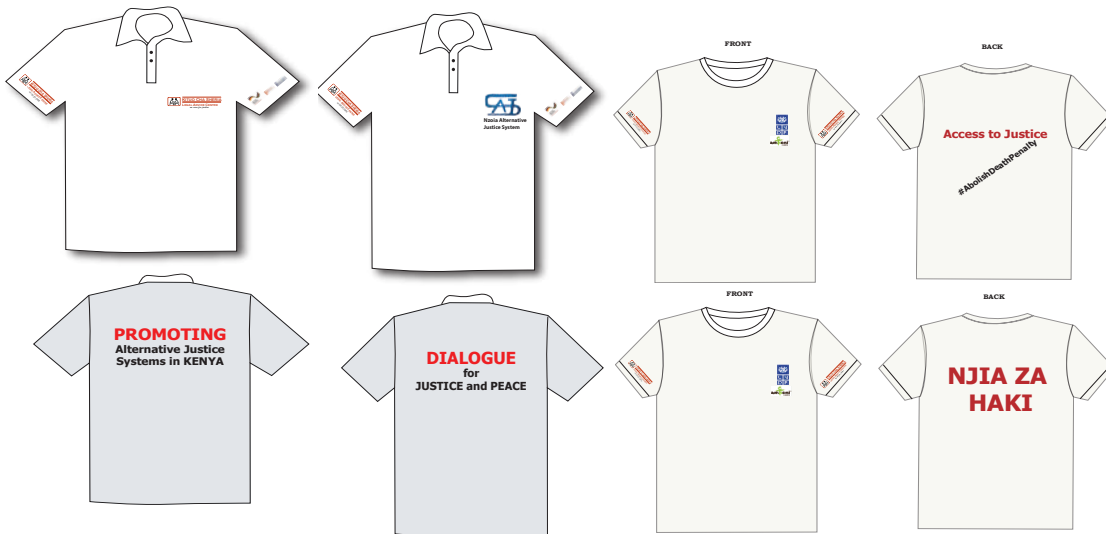
- Kituo Cha Sheria celebrates International Women's Day 2019
- Kituo trains youth champions in Magarini, Kilifi County
- Kituo holds community forums on citizen participation in the county budget in Kitui & Nairobi Counties
- Kituo conducts legal aid clinics in Kisumu County
- Kituo attends 'this can happen to anyone of us...' IDP radio drama launch & World Radio Day 2019 celebration
- Kituo conducts the Nyeri prison paralegals refresher training
- Success story from Kamukunji Community Justice Centre – Joseph Onyango
- Success story from Kamukunji Community Justice Centre – Vincent Onano Ondego

The following publications were done during the year:

1. E-Newsletter (Bi-monthly); 6 issues were released in 2019. Issue No. 1 January 2019 covering November and December 2018; Issue No. 2 March 2019 covering January and February 2019 events; the 3rd Issue-May 2019; covering March and April 2019 activities and the 4th Issue-July 2019; covering May and June 2019



# KNOWLEDGE MANAGEMENT



activities, 5th Issue covering July and August 2019 and the 6th Issue covering September and October 2019.

2. Printed the Psychosocial Brochure and Offering Holistic Services (Linking Legal and psychological assistance to Asylum seekers and Refugees. This is a publication is supported by GIZ\_CPS.
3. Annual Report 2018
4. Kituo Brochure
5. Legal Aid Act 2016 - A summary and popular version of the Legal Aid Act 2016. This was supported by UNDP - Amkeni
6. Bill of Rights Passport Booklet. This is a summary of the Bill of Rights chapter in the constitution. This was supported by the European Union

Updated Kituo Brochures, Printed Certificates for prison paralegal trainings, T-shirts and Imarisha Haki Project Banners.




## AWARDS

Kituo presented applications for various awards including the Africa Innovator of the Year, the NAMATI 2019 Grassroots Justice Prize and the World Justice Challenge 2019 where they received over 250 applications in total. After review of the applications by the World Justice Project, our project “M-Haki-Haki Mkononi” has been selected as a finalist and one of 30 projects to be showcased at World Justice Forum VI in The Hague, Netherlands.

Kituo Cha Sheria was recognized and awarded for supporting Community Organization work in Kenya at a ceremony that took place on 23rd May 2019 at the CHAK Retreat Centre, Nairobi during a Misereor Partners meeting. The award by Community Organization practitioners Association of Kenya and the Community Organization Training Programme recognized the role played by Kituo Cha Sheria over the last 25 Years of community Organization in Kenya.

Kituo Cha Sheria formalized its membership to the NEAR Network. The Network is a movement of Civil Society Organisations (CSOs) from the global south rooted in communities who share a common goal of promoting fair, equitable and dignified partnerships in the current aid system.



# SUCCESS STORIES - MOSES NDEGWA NGUGI



*A jubilant Moses Ndegwa Ngugi (in white t-shirt) with Kituo officers at the Kituo Head Office in Nairobi*

## Republic vs. Moses Ndegwa Ngugi – Crim. Case No.602/17

Moses Ndegwa Ngugi heaved a sigh of relief and shed tears of joy after receiving a positive judgment from the Chief Magistrates' Court at Gatundu, Kiambu; the Chief Magistrate L. M. Wachira found that Moses had no case to answer and acquitted him under Section 210 of the Criminal Procedure Code. Moses Ndegwa Ngugi was charged with the offence of robbery with violence contrary to Section 296 (2) of the Penal Code.

The facts of the case being that the prosecution alleged that on 1st June 2017, at around 1.15am, the accused person with others not before the court armed with crude weapons namely axes, pangas and crow bars invaded the house of one Lucy Wanja Waiganjo and gained entry into her sitting room after cutting the window grills with an axe and robbed her of her wedding ring, mobile phone make infnix and Kshs.3, 000/- all valued at Kshs.22,700.

The accused was identified in a police parade allegedly based on his voice. Kituo Cha Sheria advocate, Rhoda Maina was on record on behalf of the accused person. During the hearing, the prosecution called 5 witnesses. After closing the prosecution's, Ndegwa's advocate filed her submissions. The Court strongly considered the circumstances of identification as narrated by the witness. In its considered view circumstances on the night were stressful and not suitable for positive identification of any assailant. The Court further found serious doubts on the evidence on identification of the suspect who had been arrested in a police swoop. The Court concluded that the evidence on record did not put forward a proper case of robbery with violence. If the accused was to be placed on defence and chose to remain silent; the evidence would not sustain a conviction. Accordingly, the accused was set at liberty and accordingly acquitted under section 210 of the Criminal Procedure Code in a ruling delivered on 12th April 2019.

Mr. Ndegwa, a young man who was staring at a future despair, was ultimately very grateful for the assistance offered to him by Kituo Cha Sheria throughout his journey in the justice system.

This is yet another victory for access to justice of a Kenyan who had nowhere to turn to but recovered legal assistance from Kituo Cha Sheria, the people who care for justice for the poor and marginalized people in society.



# SUCCESS STORIES - EVERLYNE AGUTU NYAGWA



*Everlyne Agutu joined by her former employer and Kituo staff at the Head office after the mediation agreement signing in Nairobi*

The story of Evelyne Agutu reads like that of any other middle-aged domestic worker living in Nairobi's informal settlements. She contributes to the country's economy performing menial jobs to fend for her family of five; doing laundry, landscaping and other household jobs in city estates neighbouring her Kawangware home. This was the routine for the five years Ms. Agutu lived and worked in Nairobi until January 2008 when she entered into an oral contract of service with a gentleman to work in his Lavington residence. Based on the oral contract, the salary of Ksh. 4,000 was a major milestone for Ms. Agutu.

She was comfortable with the certainty of monthly income and diligently performed all tasks expected of her with utmost loyalty. Ms. Agutu went about her work without fuss and her monthly salary was progressively revised upwards, first

to Ksh. 7,000 and up to Ksh. 13,000 in 2013. This source of income was regular, predictable and good enough to sustain Ms. Agutu and her family for all these years.

The domestic work sector in the Kenyan economy is not properly regulated yet it plays a key role in economic growth and development. It is a major source of employment in urban and peri-urban areas. Domestic workers perform a range of services and tasks including cooking, cleaning, laundry, child care, elderly care and others as assigned. But despite performing these essential services for the well-being of families and the smooth functioning of the national economy, they have long been ignored in labour legislation and social policy.

Kituo Cha Sheria is dedicated to the welfare of persons like Ms. Agutu and we recognize that the law on domestic staff is clear, and simple! Yet the breaches of it are abundant. After working for over 11 years in one household, Ms. Agutu was unlawfully terminated on 16th June 2019. Sadly, in Kenya this is the fate of a majority of domestic workers especially in Nairobi, Kisumu and Mombasa. Employers quote all manner of reasons for unfair termination- including poor performance, misconduct, petty theft, etc.

Luckily Ms. Agutu was aware of an organization that exists to take care for justice for the poor and marginalized people in society. She approached Kituo Cha Sheria for legal advice and possible instructions in August 2019. Our officer Odera Ramdhan took up the matter and computed terminal dues for Ms. Agutu for the 11 years and 7 months that she had worked; the employer was served with the demand letter for the same.

On 7th November, 2019 Evelyne Agutu and her former employer entered into an agreement on the mode of payment of her full terminal dues in monthly installments. This matter was resolved without recourse to the legal system- through negotiation and all parties were satisfied with the outcome. Ms. Agutu is back to working menial jobs but with the satisfaction that her labour rights were not violated.

# SUCCESS STORIES - JOHN MUKOMA



*Mr. John Mukoma receives his judgement from Advocate John Mwariri at the Head office, Nairobi joined by other members of staff*

**M** John Mukoma had decided to be generous enough to donate 2 acres of his land to his brothers as part of the inheritance share his late father was to divide among his sons. Mr. Mukoma had already acquired some land next to his father's land. He saw it fair to contribute a share of land to his brothers, who had none. His generosity was however abused by his brothers who decided to turn against him and demand for more after the demise of their father.

Things got worse when his brothers turned to violence against Mr. Mukoma and got beaten to near death prompting him to seek legal redress to solve the issue. Mr. Mukoma looked for a city lawyer to help him file a criminal suit in 1998. The lawyers however abandoned the case mid-way

Mr. Mukoma would later hear of Kituo Cha Sheria on radio in 2001 and sought the organization's help. After visiting Kituo, his case was taken up. The plaintiff sought orders from the court barring his brothers Michael Kabiti, Josiah Mburu

and Patrick Njebu as 1st, 2nd and 3rd defendants from laying claim to the parcel of land and stop the encroachment. He was able to prove to the court that he was the rightful owner of the suit parcel of land No. Gatamaiyu/Kamburu/714. The defendants claimed that Mr. John Mukoma was only holding the land in trust. The claim that was challenged by the Plaintiff.

After a long court case characterized with notable no-shows from the defendants, John Mukoma would later breathe a sigh of relief after the court granted his wishes. On 7th April 2003, court declared that the plaintiff had proven that he owns the land and does not hold the suit property in trust. The magistrate also questioned why the Defendants would wait for the death of their father to claim the land.

However, the defendants would later file an appeal seeking to set aside the judgment of April 2003. The application was canvassed before Justice Nambuye J (as she was then) and a ruling was delivered on 24th April 2008 where the initial judgment of 2003 was set aside and the defendants were granted an opportunity to appear in court and present their evidence. However, the matter came up severally in court and the Defendants together with their advocates were always absent even after being served with court papers. In view of this, the Plaintiff's evidence was not challenged and the court asked for further supporting documents.

The case was therefore heard in the absence of the Defendants and the court upheld that Mr. Mukoma was the rightful owner of the parcel of land. The court also found the Defendants guilty of trespass and awarded the Plaintiff KSH. 500,000 in damages. The judgment was delivered at the Environment and Land Court at Thika by Judge L. Gacheru on 24th May 2019.

Mr. Mukoma expressed his gratitude to Kituo and particularly to Mr. Kivungi, Mr. Mwariri Advocate and Boniface Muinde for walking with him throughout the matter. Indeed, justice is the tolerable accommodation of the conflicting interests of society, and I don't believe there is any royal road to attain such accommodation concretely- Judge Learned Hand.



# KITUO JOINS THE CIVIL PEACE SERVICE-KENYA TO CELEBRATE 10TH ANNIVERSARY



*GIZ-CPS Kenya's Carolin Herzog at the Kituo Cha Sheria stand during the 10th Anniversary celebration at the Desmond Tutu conference centre, Nairobi*



*Mr. Justus Maithya Munyithya, Advocate and the Chairman of Kituo's Board of Directors speaking at the 10th Anniversary celebration*

On Friday, 20th September 2019, Kituo Cha Sheria and GIZ-CPS Kenya celebrated a 10-year partnership in promoting access to justice for the most vulnerable people in Kenya. The colourful evening event took place at the Desmond Tutu Conference Centre, Nairobi. The Civil Peace Service (CPS) has been supporting civil society partner organizations in Kenya since 2009 – and in recent years increasingly also governmental partner organizations.

KITUO is a long-term partner of GIZ-CPS Kenya; we are honoured to be among the initial partners GIZ-CPS Kenya engaged with in 2009. Together, Kituo has implemented 3 projects- the Peace Justice and Reconciliation Project (PJRP); the Alternative Justice Systems (AJS) Project and the Mental Health and Psycho-Social Support (MHPSS) Project with great successes.

Kituo Cha Sheria's partnership with GIZ began in 2010 with the Peace Justice and Reconciliation Project which was informed by the need to review the structures of governance as they relate to security, human rights, the rule of law and democracy after the 2007/2008 Kenyan post-election crisis. The project was to ensure many Kenyans. Participate in the Transitional Justice Mechanisms, by facilitating effective community representation and participation. KITUO and GIZ-CPS have since collaborated in the implementation of Alternative Justice Systems which are mechanisms of solving disputes or/and conflicts between parties without recourse to the courts.

The methods used in the AJS processes include mediation, negotiation and where ever possible reconciliation. Through AJS, the conflicting parties are brought together to dialogue and agree on a voluntary basis in order to forge a way forward. Kituo Cha Sheria and GIZ have worked together since 2017 in providing mental health and psychosocial support to refugees in urban areas through the Mental Health and Psycho-Social support Services (MHPSS) which is under the Forced Migration Program.

Speaking at the 10th Anniversary celebration, Mr. Justus Maithya Munyithya, Advocate and the Chairman of Kituo's Board of Directors, lauded CPS-Kenya for their support and the focus on peace journalism, alternative dispute settlement and on establishing dialogue structures that encourage people to resolve conflicts without violence. The event began with a market expo... where partners displayed their successes. Kituo was represented by the project officers namely. Tobias Mwadime, Martha Ogutu, Jane Corazon, Charity Wangui, Roy Kiarie and Shem Alubala.

# KITUO TRAINS PERSONS LIVING WITH DISABILITIES (PWDS) PARALEGALS



*Participants of the paralegals for disabilities training workshop pose for a group photo with their certificates at Pompeo Place in Embakasi, Nairobi*

Kituo Cha Sheria trained a group of 24 persons living with disabilities (PLwDs) in Nairobi. The paralegals for disabilities training workshop in partnership with the Kenya Union of the Blind (KUB) took place from the 3rd to 7th June, 2019 at Pompeo Place in Embakasi, Nairobi.

Participants at the training workshop covered the following topics: introduction to disability rights and fundamental freedoms. Introduction to legal instruments on disability (International, National and County Based); legal implications of violations of disability rights; abuse of rights: definition, causes, manifestation and prevention; responding to cases of abuse of rights and case management.

Kituo officers also took participants through introduction to paralegalism and guiding principles for paralegals; community based response systems of rights abuse and facilitating access to justice; information on related critical agencies that monitor and report on violations of disability rights which include KNCHR, NGECC, ICJ, and LSK.

Kituo undertook the 5-days training together with the Kenya Union of the Blind (KUB) which is the national organization of the blind and partially sighted established in 1960 under the Societies' Ordinance Act of 1952 of the Colony and Protectorate of Kenya. KUB works to promote the social inclusion of persons with visual impairments through uniting and empowering them as well as advocating for their rights, it has a vision of creating a barrier free society in which persons with visual impairments enjoy full and equal opportunities.

Kituo committed to pursue further partnerships aimed at empowering persons living with disabilities in Kenya in pursuit of access to justice and equity for all.



# NYERI PRISON PARALEGALS REFRESHER TRAINING



*Nyeri Prison paralegals joined by the Chief Guest Nyeri High Court Judge Teresia Mumbua Matheka (centre), Kituo Board Chair Antony Mulekyo (2nd left) and other guests pose for a group photo after the graduation.*



*Kituo BoD Chair Advocate Antony Mulekyo presents a certificate to a prison paralegal*

Kituo Cha Sheria conducted a paralegal refresher training in Nyeri GK prison. The training sought to empower the prisoners to enable them access justice with emphasis on fundamental human rights, legal representation and the judicial procedures.

The facility also houses a Kituo supported Prison Justice Centre managed and run by trained paralegals to assist other inmates in self-representation in court, offer legal advice to the other inmates, educate them on criminal law, give guidance on how to confidently represent themselves in court and empower the entire prison community. Kituo has played a big role in supervising the centre and provides technical assistance on legal matters that need the attention of an advocate. The prison justice centre has recorded major milestones since its launch in 2016. Many petitions of appeal have been lodged in various High Courts within the Central Kenya region pending hearing and determination. Kituo trained both inmates and prison officers.

The refresher training was an activity in support of promoting access to justice for the poor and marginalized in detention centres through establishment of prison justice centers the trainings was supported by the Netherlands Embassy.

On Friday, 25th January, 2019 Kituo joined the Nyeri Maximum Prison - King'ong'o Prison Justice Center to commemorate Access to Justice Day and graduation of 30 prison paralegals. The prison paralegals that undertook the week-long legal training included 20 inmates and 10 prison officers. The main activity was a moot court skit meant to aid the prisoners in learning about bail and bond, community service order, legal representation and other judicial procedures.

In attendance at the celebrations were Kituo's board Chair Mr. Anthony Mulekyo, Officer-in-Charge (OIC) - Nyeri Maximum Prison, Mr. Bison Madegwa, the Deputy OIC among others. The Nyeri High Court Judge Teresia Mumbua Matheka graced the occasion as the chief guest and lauded Kituo for the noble project which seeks to ensure that Justice is not only accessible to the prisoners but that it is also realized at the Prisons. Kituo also donated law materials and equipment including a computer, printer and stationeries to support the prison justice centre.



# PUBLIC AWARENESS AND DIALOGUE FORUM



*The Mombasa Chief Magistrate Edna Nyaloti speaking to participants of the public forum at Ziwa La Ng'ombe Social Hall in Nyali Sub County, Mombasa*



*Kituo Program Officer Zedekiah Adika speaks to participants of the public forum at Ziwa La Ng'ombe Social Hall in Nyali Sub County, Mombasa*

Kituo cha Sheria's Coast Regional office- Mombasa joined over 120 community members at the Ziwa La Ng'ombe Social Hall (KICODEP) in Nyali Sub County, Mombasa for a Public Forum.

The public awareness and dialogue forum was held on Saturday, 14th December 2019, spearheaded by Collaboration of Women In Development (CWID) and CSOs partners working around security issues and human rights at the Coast.

The forum brought together the Legal Aid Service Providers, Magistrates and Advocates based in Mombasa, the Kenya Community Support Centre (KECOSCE), Nyumba Kumi Initiative representatives, community paralegals, women groups, Community Health Volunteers, Youth groups and the community members from Nyali Constituency and its environs.

Participants sought to dialogue on issues affecting the community and offer possible solutions to peace and security, parenting, P3 filling, addressing SGBV issues, among others. Participants at the day-long forum also discussed issues around women rights and youth involvement in preventing Violent Extremism.

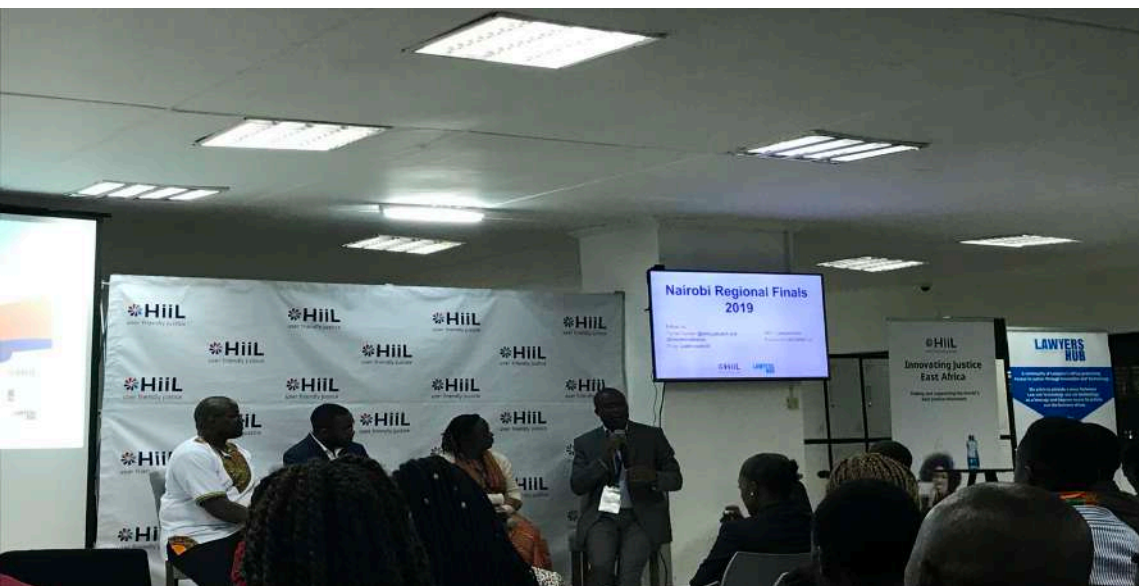
Kituo offered free legal aid and advice services to participants during the activity led by legal officer Zedekiah Adika. The Mombasa Chief Magistrate Edna Nyaloti graced the event.



# KITUO ATTENDS THE HiiL CHALLENGE 2019



*Kituo's ED Dr. Annette Mbogoh speaks during the HiiL Innovating Justice Challenge 2019 Regional finals in Nairobi*



*Participants during the HiiL Innovating Justice Challenge 2019 Regional finals in Nairobi*

Kituo Cha Sheria joined the Hague Institute for Innovation of Law (HiiL) Innovating Justice Challenge 2019 for Startups from Africa Regional Finals in Nairobi on 14th November 2019. Noting 2019 as the year of justice innovation and the mission to improve access to justice for poor people; Kituo's Executive Director, Dr. Annette Mbogoh was a panelist at the Challenge Finals.

At the Nairobi Regional Finals, justice innovators and entrepreneurs pitched their work to an international jury of experts. The very best was selected for a place in HiiL's Justice Accelerator program and a 20,000 Euros in grant funding, potential third party investment, mentorship and tailored business development support, and access to HiiL's international network of experts and global exposure. The Nairobi Regional Final presented an opportunity to innovators to be at the cutting-edge of new justice innovations and startups in East Africa.

The event brought together key players, judges, investors, government officials, justice innovators and civil society members. Speaking at the event, Dr. Mbogoh shared Kituo's M-Haki innovation (a Challenge finalist in 2017) and emphasized on the need to look for alternative ways for access to justice. She said it was encouraging to see the inclusion of technology in judicial systems, particularly commending the Kenyan Judiciary for embracing ICT in their day to day operations. She stressed on the challenges around financing innovations and identified possible solutions to ensure their sustainability.

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