



 **STRATEGIC PLAN 2020 - 2024**
Realizing Sustainable Development: Strengthening Access to Justice and Promoting Human Rights

ANNUAL REPORT 2020



KITUO CHA SHERIA
LEGAL ADVICE CENTRE

we care for justice

LIST OF ACRONYMS

AGCP	Advocacy, Governance and Community Partnerships Programme	IEC	Information Education and Communication
AIDS	Acquired immunodeficiency syndrome	IRC	International Rescue Committee
AJWS	American Jewish World Service	KAPA	Kituo's Annual Paralegal Awards
BOD	Board of Directors	KNCHR	Kenya National Commission on Human Rights
BOT	Board of Trustees	LRF	Legal Resource Foundation
CJ	Chief Justice	LSK	Law Society of Kenya
CJC	Community Justice Centre	MHPSS	Mental Health and Psychosocial Support Services
CSOs	Civil Society Organizations	MOU	Memorandum of Understanding
CVE	Common Vulnerabilities and Exposures	NCCJR	National Committee on Criminal Justice Reforms
DPS	Diplomatic Protectorate Service	NEAR	Network for Empowered Aid Response
EAC	East African Community	PASUNE	Paralegal Network of Kenya formerly
EU	European Union	PIL	Public Interest Litigation
FMP	Forced Migration Program	POCs	Persons of Concern
GA	General Assembly	RAS	Refugee Affairs Secretariat
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit	SGA	Security Group Africa
HAART	Awareness Against Human Trafficking	SGBV	Sexual and Gender-based Violence
HAPCA	HIV and AIDS Prevention and Control Act	TJRC	Truth, Justice and Reconciliation Commission
HIAS	Hebrew Immigration Aid Society	UNDP	United Nations Development Programme
HIV	Human immunodeficiency virus	UNHCR	United Nations High Commission for Refugees
ICT	Information Communication Technology	US	United States
IG	Inspector General	VA	Volunteer Advocate

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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 year the country was hit hard as was the rest of the world by the Covid-19 pandemic. Despite this Kituo embarked on the development of its Strategic Plan 2020-2024 themed "Realizing Sustainable Development: Strengthening Access to Justice and Promoting Human Rights!" that was completed and launched in December 2020. I wish to thank all the stakeholders including our beneficiaries, CBOs, NGOs, partners, KITUO's General Assembly, Board of Directors and Secretariat who were actively involved at every stage in the formulation process.

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, UNHCR, GIZ, Netherlands Embassy, AJWS, UNDP-Amkeni, EU, Mott Foundation, Global Human Rights Fund, USAID Julia Taft and Ford Foundation 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 however wish to state that one of our longest serving development partner, UNHCR decided to stop funding our forced Migration program as from January 2021. We nonetheless thank them for supporting the program every year without fail since 2008.

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**

*W*ith the onset of the COVID 19 pandemic in the Country, Kituo scaled down its operations and staff were advised to work from the home to contain the spread of the disease. This inevitably had the effect of slowing down Kituo's planned activities for the year. Since we were unable to see our clients physically we directed them to channel their legal questions to our Mhaki platform which was very handy during the period from March to September 2020 when the country was in lockdown.

However despite challenges early in the year we are pleased to report that KITUO continued to experience growth. This year Kituo successfully developed and launched its 2020-2024 Strategic Plan themed "Realizing Sustainable Development: Strengthening Access to Justice and Promoting Human Rights!". We sincerely thank all our development partners and stakeholders for their immense and relentless commitment, support and advice towards the development of this Strategic Plan.

During the year, KITUO went before the East African Court of Justice seeking to be enjoined in a case in which five Kenyans have taken the Government of Uganda to court over excess water in Lake Victoria. In the application Kituo not only wants to be enjoined as amicus curiae (Friends of Court) but also be allowed to make submissions. Five Kenyans have sued Uganda for allegedly failing to control floods around the shores of Lake Victoria resulting in displacement of people and damage

to their property.

Kituo also signed a Memorandum of Understanding (MoU) on 24th June 2020 with the HIV/AIDS Tribunal to promote access to justice for the many indigent litigants frequenting the Tribunal. The HIV/ AIDS Tribunal is a quasi-judicial organization established under section 25 of the HIV and AIDS Prevention and Control Act (HAPCA) No. 14 of 2006.

KITUO received support from a number of partners among them MISEREOR, UNHCR, GIZ, Netherlands Embassy, AJWS, UNDP-Amkeni, EU, Mott Foundation, Global Human Rights Fund, USAID Julia Taft and Ford Foundation

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 Annual General Meeting (AGM) members during the 2020 session held at the Head Office

HISTORY

Kituo 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 Just and Equitable Society"

MISSION

"To provide general legal education to Kenyan people through the delivery of civic education programmes, legal aid and strategic public interest litigation as well as to monitor the implementation by the State of the constitutional provisions on human and peoples' rights through regular research and reporting"

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'

2020 OVERVIEW

KITUO RESULTS IN NUMBERS

KSH. 676,619

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

1,933

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

927

Total number of walk-in clients seen in the Nairobi and Mombasa office

1,649

Number of query SMS received through M-Haki Platform

11

Justice centre offices established in Naivasha women, Naivasha Main, Nakuru Main, Kericho women, Kisii Main, Kibos medium, Kodiaga Prison, Siaya Main and Busia Women

100

Legal representation of cases by Kituo's volunteer advocates.

67

Total number of Court interventions in Nairobi and Mombasa

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

756

Detention Monitoring visits by both Nairobi office, Mombasa and FMP Office

490

Total number of Clients received and offered legal advice at the Mombasa regional office

21

Number of out of court settlements done by the Head Office

80

Probation personnel Training in Mombasa, Kisumu, Machakos, Nakuru

LEGAL AID AND EDUCATION



Kituo staff and residents during a fact finding mission in Marsabit county after residents petitioned the High Court, through Kituo Cha Sheria, to compel the government to intervene quickly to avert further spread of cancer scourge to save the lives of both people and livestock.



KITUO members of staff and the HIV and AIDS Tribunal representatives pose for a group photo after the successful meeting at the Kituo Head Office.

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 and return clients**

Clients were attended to at the offices daily on Mondays to Wednesday. The clients were attended to in person where they were provided with legal advice and coached on self-representation in court.

For the period April to June 2020, clients were not attended to in person i.e. through one on one screening exercises. This was due to the government directives on social distancing and working from home to stop the spread of COVID-19. In order to adopt to the changes, the Legal Aid and Education Department tapped into the M-HAKI platform to attend to clients.

During the period under review the total number of clients attended to at the Head Office was as follows:

• TOTAL NO. OF RETURN CLIENTS	1, 459
• TOTAL NO. OF NEW CLIENTS	474

- **Court attendances**

For the months of January to December, there were a total of 138 for various mentions and hearings. The reduction in number of court cases is attributed to the closure of courts.

LEGAL AID AND EDUCATION



Mr. John Mwariri, Ms. Janet Kosgei, Ms. Diana Ndashiki and Mr. Ambrose Njagi representing Kituo Cha Sheria (KITUO) during the meeting with Mr. Jakob Christensen and Elizabeth Kabari from Awareness Against Human Trafficking (HAART) Kenya.



Volunteer Advocates attend to clients during the Free legal Aid Clinic held at the Head Office to mark the 47th Anniversary

• Successful court cases

Nairobi Chief Magistrate Case No. 524 of 2019 Reuben Obaigwa –vs- Radar Limited

Our client was employed by the Radar Limited as a day guard. Upon his termination from employment, he claimed that his termination was unfair. He further claimed house allowance, overtime and leave allowance.

In the court judgment delivered on the 5th May 2020, the court awarded the Claimant Kshs. 459, 361. 28. This was a big win for the client who could not represent himself in court.

Some of the cases filed at the HIV Tribunal include:

1. HAT Case number 010 of 2020 Sarah Yusuf Sebit and Khadija Noah –vs- Brenda Mwanisa and Sylvia Atieno
2. HAT Case number 025 of 2019 George Ruhui Gakunyi –vs- OCS Gatundu Police Station.

Key PIL cases attendances from January to December

Nairobi High Court Petition 120 of 2020 Law Society of Kenya –vs- Hillary Mutyambai, Inspector General National Police Service & Others

When Kenya reported its first case of COVID sometimes on the 13th March 2020, it imposed a Curfew Order restricting movement from 7 pm to 5 am.

Upon the government imposing the Curfew Order, the police enforced it the most brutal manner leading to many injuries and loss of lives to citizens.

The Curfew Order was challenged on the basis that it did not expressly provide for written permits and therefore vulnerable persons who venture out to perform essential services, obtain essential goods or services, or who seek emergency, lifesaving or chronic medical attention. It was argued that the curfew order resulted in the arrest or terrorization of persons performing or seeking essential services. To this end it violated the Public Order Act.

LEGAL AID AND EDUCATION



The Chair of the Board Mr. Justus Munyithia visiting the Kituo stand during the Legal Awareness week 2020

KITUO was enjoined by consent of all parties as an interested party in view of its objectives of protection and promotion of the rights of the vulnerable and marginalized individuals and communities in Kenya.

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 the victims of the brutal killing of their children at the Garissa University College on the 2nd April 2015 through a terrorist attack. The parents are aggrieved by the fact that the state did not take adequate steps to prevent the attack and or the effect of the attack (number of students who died) would have been minimized had the state moved rapidly to stop the attack. The matter awaits the empanelling of a 3 judge bench by the CJ.

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

This is a housing case. The case seeks the determination of whether the petitioners have a right to housing, whether they were accorded reasonable participation, whether they have right to property and on the right to information.

We represent the about 1200 families comprising squatters. The gist of the petition is that 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 strangers allegedly rich people to the exclusion of our client who were supposed to benefit from the issuance of the titles.

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 is coming for directions in February 2021.

Nairobi High Court Const. Pet. No. 475 of 2019 HAART- Kenya –vs- The Honourable Attorney General and others

HAART Kenya through this Petition seeks to have the five (5) rescued women of Nepalese and Indian descent who were victims of human trafficking be accorded their rights and protected and also seek a declaration that the rights accorded to them by International and National laws were violated.

The Petitioner states that the immigration status has not been regularized and no support services have been offered to the victims by any Government agency and that no measures have been instituted to observe the right to privacy of the victims or for their protection and wellbeing as witnesses in the course of the rescue, subsequent investigations and criminal trial.

Kituo Cha Sheria made an application on the 21st February 2020 to be enjoined as amicus curiae. A ruling was delivered by Korir J. on the 18th December 2020 admitting Kituo Cha Sheria as an amicus.

LEGAL AID AND EDUCATION



Kituo and volunteer advocates attending to clients during a legal aid clinic held at Nyabururu town in Laikipia County

Nairobi High Court Petition 184 of 2020 Kituo Cha Sheria & 2 Others V Attorney General (Marsabit cancer cases)

This is case on the rampant cases of cancer within the marginalized communities of Marsabit County. The case is based on the fact that in the 1980's the state might have been complacent to the dumping of hazardous waste from European countries. There is also overwhelming evidence from reports that in the 1980's the oil exploration companies left toxic substances which have contaminated the environment. The reports further point to the fact that the waters of Marsabit have high chemical components.

We have argued in the petition that the contamination of the environment and the high chemical levels in water are the triggers to cancer and the resulting increased cancer cases. We are awaiting a mention date.

EACJ at Arusha Ref No. 14 of 2020 Isaac E.N Okero & Others v The Attorney General of

the Republic of Uganda (being sued on behalf of the Republic of Uganda) & others

The case revolves around more than 32, 000 Kenyans on the shores of Lake Victoria who have been rendered homeless due to flooding.

Contrary to popular belief that the flooding is caused by increase in rainfall in the highlands, the flooding is caused by the release of water from power station in Uganda.

The release of too much Water means lake Victoria's depth will decrease, a situation blamed on drought for many years. Releasing less water means the level of the lake.

It has emerged that Uganda has been violating agreements to maintain the natural Lake Victoria outflow even before the Nalubaale dam was built.

KITUO has filed an application to be joined as amicus curiae in order to contribute on state party actions in relation to the environment and fundamental human rights and freedoms in the East African region generally and the effect to the communities.

Nairobi HC PET E392 of 2020 Kituo Cha Sheria and others V The Chief Justice The case highlights the technological barriers to access to justice by the Kenyan public particularly the indigent and self- representing clients. The case has a mention date on the 19th January 2021.

Nairobi HC PET E 275 of 2020 Kituo Cha Sheria and Others V Inspector General of the Police The case touches on compensation for victims as a result of excessive use of force by the police in the enforcement of the curfew order. The case has a mention date in January 2021.

Upcoming PIL cases

- Case on implementation of the Legal Aid Act- NLAS
- PIL on enforced disappearances

LEGAL AID AND EDUCATION



Volunteer Advocates during Volunteer advocates recruitment and training workshop in Kitale Trans Nzoia County

Key ADR Successes

- The family of Juliana Ngina Kaleli approached KITUO over Nairobi Hospital refusal to release her deceased's husband body over a pending medical bill at the hospital. KITUO intervened by writing a demand letter to the hospital over the unlawful detention of the body for close to a year against the Public Health Act and the constitutional provisions. Vide a letter dated 29th February 2020, the hospital agreed to waive the hospital bill and to release the body.
- Our client, Geoffrey Omariba Ongeta was employed as a security guard at SGA Security Limited and he was unfairly terminated. The employer opted for an out of court settlement and upon mediation the employer was willing to settle Kshs. 167, 257.80.

Events, Caucuses, And Legal Aid Clinics

Celebration of KITUO Anniversary

Following the opening up of the country, the Legal Aid Department has been receiving a high number of clients. In order to reduce these numbers and enhance access to justice on the 15th September 2020, KITUO held a legal aid clinic at the KITUO grounds. Though the numbers were capped to avoid overcrowding against the government's directive, the activity was a success as a total of 64 clients were attended to.

Kenya School of Law Week - Online clinic celebrating the 10th anniversary of the Constitution on 21st august 2020

The online clinic in the form of a webinar organized by KITUO and Strathmore University. The panelists were Dr. Linda Musumba- a member of Kituo cha Sheria General Assembly, Mr. Allan Nyange- Coordinator at Kituo cha Sheria, Christine Nkonge- Executive Director Katiba Institute, Dr. John Ambani- a senior lecturer at Strathmore University School of Law and Elisha Ongoya- a teacher and practitioner of the Law.

Kitale legal aid clinic and volunteer advocate recruitment-

We had legal aid clinic and V.A recruitment drive in Kitale where 12 VAS were recruited and attended to 20 new clients.

Kajiado County legal aid clinic and volunteer advocate recruitment –

We were able to attend to 26 Clients and to recruit 10 advocates.

Eldoret Legal Aid Clinics-

23 clients were attended to.

LEGAL AID AND EDUCATION



A client receiving legal assistance from a volunteer advocate during a legal aid clinic organised by Kituo in Kitengela, Kajiado County

Nyahururu Free Legal Aid clinic

KITUO conducted a free legal aid clinic outside the Nyahururu law courts on 30th November 2020. A total of 16 Clients were attended to.

During the period under review Public Interest Caucuses were held to discuss the police brutality case, access to justice case and the courts reopening case and the East African Court of Justice Case.

Annual LSK Legal Awareness Week- Kituo Cha Sheria through the Legal Aid Department Partnered with Law Society of Kenya and organized and participated in the annual legal awareness week to help Kenyans offer legal aid services to Kenyan citizens during the week- long event held at Milimani Law Courts. We were successful

in recruiting 139 advocates.

Meetings/ Partnerships

- Kituo Cha Sheria and the HIV/AIDS Tribunal signed a Memorandum of Understanding (MOU) on 24th June 2020 to promote access to justice for the indigent litigants frequenting the Tribunal.
- HAART-Kenya is a non-governmental organization based in Nairobi dedicated to fighting human trafficking in Eastern Africa. It is Misnet partner referred to KITUO by the Misereor DPS in Nairobi. The organization provides shelter to victims of human trafficking, and conducts research and advocacy on human trafficking. A meeting was held on the 22nd January 2020 with the aim of having KITUO partner with HAART- Kenya to promote its mandate in preventing, protection, and prosecution of human trafficking cases. HAART – Kenya is to also benefit from KITUO’s pool of Volunteer Advocates from across the country. The parties further agreed to provide support in any on-going and potential public interests litigation cases touching on the rights of victims of human trafficking including the above mentioned Nairobi High Court Petition No 475 of 2019 HAART-Kenya –vs-. The Honorable Attorney-General.
- KITUO has partnered with the Centre for Strategic Litigation, Tanzania which provides for fellowships under East Africa Emerging Advocates Public Interest Programme for young legal professionals. The programme is aimed at empowering young advocates through rigorous skills-based training and practical experience in public interest litigation. The goal of the programme is to build the next generation of public interest advocates in East Africa who share a commitment to and passion for promoting democratic values.
- Kituo cha Sheria and the Vance Center for International Justice- New York Bar Association had a virtual meeting to discuss how Vance Center can provide technical support to KITUO. Currently, the discussions are focused on filing an international jurisdiction case on the Marsabit cancer cases.

Citizen participation and advocacy on governance initiatives

LEGAL AID AND EDUCATION



Clients waiting to be attended to by Kituo advocates, paralegals and Volunteer advocates during a free legal aid clinic held at the Head Office



Clients being received and registered by Kituo staff as they come in for a free legal aid clinic at the Head Office

- 1) On the 26th May 2020, KITUO issued a press release on the Kariobangi evictions that took place at night rendering many slum dwellers homeless during COVID. In a press release headed, “Call for a Nationwide Moratorium on Forced Eviction During the COVID Pandemic” KITUO urged and recommended to the state to among others immediately cease all forced evictions and demolitions across the country.
- 2) During the period under review KITUO issued a legal opinion on Executive Order No. 1 OF 2020 by the president. The main point of concern by KITUO is the Executive Order’s inclusion of the Judiciary, Commissions and Independent offices in the Executive Order which had the effect of suggesting and or creating the impression that these institutions like government ministries or government departments are under the control or direction of the President.

FORCED MIGRATION



Kituo advocate Yumia Atieno with Mr. Godbless Lema the MP for Arusha, who fled his country Tanzania with his wife and three children outside the Kajiado Police station after his release from custody



Ms. Alice Kwenda of Kituo conducts Court users committee training at the Makadara Law Courts, Nairobi 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.

SERVICES OFFERED

The programme offers various 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 program also helps its target group in litigating on public interests issues touching on refugees; monitoring cases of insecurity and Gender Based Violence; research and training on human rights and refugee law and offering legal services through mobile legal aid clinics.

The Forced Migration Programme carries out activities in Nairobi and Mombasa as well as in other urban areas where refugees reside. The implementation of this year project was possible thanks to the referral and support of partner agencies such as Refugee Affairs Secretariat (RAS), HIAS Refugee Trust, International Rescue Committee (IRC), RefuSHE, GiZ and Refugee Consortium of Kenya (RCK)

ACTIVITIES

With the onset of the COVID 19 pandemic, the staff were advised to work from the home to contain the spread of the disease. We were able to screen clients remotely and follow up on client's individual cases through regular calls and visitation to police stations and other detention facilities other with the exception of the prisons that were closed to the public.

- **POCs given Legal advice at the office (SCREENING OF WALK-IN CLIENTS)**

In the year 2020, a total of 927 clients were seen both in the Nairobi and Mombasa office through the daily legal aid screenings that allow clients to walk in the office without appointments to seek assistance. In Nairobi a total of 756 clients were seen while in Mombasa, a total of 171 clients were seen during the year.

FORCED MIGRATION



Kituo Staff during a YOGA session organised by the Mental Health & Psychosocial Support (MPHSS) team at the Head Office



Refugees with their peace packages immediately after receiving them from Kituo. The package was comprising of masks, sanitizer, washing soap, bathing soap and Covid-19 information brochure

The type of claims that were addressed involved documentation and how to be able to acquire them at the time of pandemic and with the closure of RAS, SGBV, police harassment, Refugee Status Determination, Work permits, birth certificates, access to education and health services, labour issues, insurance claims and security concerns.

- **Legal Representation and other Court Interventions**

The Forced Migration Programme gives free legal representation and advice to clients who are charged in court with unlawful presence, residing outside designated areas, failure to register, possession of expired documents and child custody.

We offer representation in cases such as sexual gender based violence (SGBV) by watching brief in the matters. In non-asylum related cases, legal advice has been given accordingly to empower clients to understand the legal procedure. Through legal representation, the clients were either discharged or acquitted, thereby ensuring that they do not face repatriation back to their country of origin. In non-asylum related cases, clients were fined and later released by court.

At the end of December 2020, we had a total of 67 court interventions were done, with 60 being handled by Nairobi and 7 by Mombasa office. The number was low due to the closure of courts such as Makadara and Milimani Law courts.

We had two child custody cases that were handled during this period inherited from the resettlement department

Court interventions have been done in Milimani, Nakuru, Kibera, Makadara, Kericho, Thika, Kiambu, Shanzu and Mombasa Law Courts.

- **Border Monitoring**

The programme conducted (3) three border monitoring missions for both the Nairobi and Mombasa office between the month of August to December 2020. The visit was conducted along the Nairobi- Isebania, Nairobi- Malaba- Busia and the Mombasa- Taita Ttaveta route by RAS and Kituo Cha Sheria. The

FORCED MIGRATION



Kituo staff with officer in charge women- Patricia Simiyu and deputy officer in charge men-Ibrahim Tari at Wundanyi prison, Taita-Taveta County. This was during a border monitoring exercise along Mombasa-Taita Taveta route



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

mission saw the team visit the various police stations, Law courts and prisons to ascertain if there were any POC who were arrested and detained and also to introduce Kituo Cha Sheria and other partner agencies and share with them our roles in refugee protection.

- **Detention Monitoring**

Regular detention visits were conducted by Nairobi and Mombasa office to respond to cases of arrests as well as build a good relationship with police, immigration deportation and prison officers.

During this period, a total of 756 visits were done. The Nairobi office conducted 312 visits while the Mombasa office conducted 171 visits.

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

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

The pandemic caused a lot of uncertainty amongst refugees as well as the staff. The MHPSS team conducted regular debriefing session through telephone interventions.

The team also took part in the distribution of peace package to the refugees and asylum seekers during these difficult times. The peace package had information on Covid-19 and mental health and psychosocial well-being. The packages contained a sanitizer, anti-bacterial bathing soap and washing soap, masks, Kituo brochures giving information on health standards and contacts of all organizations supporting refugees.

The team conducted a Refugee Leaders training CUC and Government trainings by providing trauma related topics, to help participants understand trauma and stress that refugees and asylum seekers go through while fleeing their country of origin, and how the effects are manifested.

FORCED MIGRATION



Kituo staff with the officer in charge of Manyani Prison Mr. Bison Madegwa during a border monitoring exercise along Mombasa-Taita Taveta route

SUCCESS STORIES

The Forced Migration program was able to secure a grant from the US embassy, under the Julia Taft project on refugee protection. The project was aimed at empowering the refugee communities on their business rights and the requirements in starting a business.

The program was also able to intervene against the deportation of Mr. Goodbless Lewa, A former member of parliament for Tanzania who was seeking asylum in the country and assisted him in getting asylum status in Kenya



Kituo Staff, Jean Paul and Shem Alnbala give out the peace packages to members of the refugee community at the Forced Migration Offices in Pangani Nairobi

ADVOCACY, GOVERNANCE AND COMMUNITY PARTNERSHIPS



Ms Valariey Ang'awa a program Manager in Kituo addresses paralegal participants during the Kituo Annual Paralegal Awards 2020 gala dinner



**Step Up, Speak Out
Against Gender Based Violence**

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 2020, the program handled the following grants from which activities were drawn and implemented;

- Access to Justice for the Poor and Marginalized Project Phase II

In the period 1st January to 31st December 2020, Kituo continued with the implementation of the following activities:

- Use of M-Haki, an SMS technology whereby Kituo clients access justice at a reduced cost. Kituo, through the support of the Netherlands Embassy has a dedicated mobile number-0700777333-through which members of the public send text messages with legal questions to be answered by its in-house lawyers and pro bono advocates within 48 hours. The question is categorized and published on <https://m-haki.co.ke/views/map>. Questions and answers on the platform creates a repository of FAQs and gradually develops a catalogue of frequent legal questions and answers. In the period 1st January, 2020 to 19th December 2020; the M-Haki platform received 1649 matters from groups and persons of both genders through the primary data source-SMS.

ADVOCACY, GOVERNANCE AND COMMUNITY PARTNERSHIPS



Kituo Cha Sheria Executive Director Annette Mbogoh, AGCP coordinator Valary Angava, Finance Coordinator Brenda kemunto and Ms. Carolyn Abong from the Dutch Embassy during the meeting



Michael Odhiambo, paralegal and the coordinator Korogocho justice centre contributing to the discussion during ta paralegal summit.

Month	SMS Messages Received
January	57
February	72
March	98
April	118
May	149
June	160
July	155
August	163
September	170
October	154
November	181
December	172
TOTAL	1649

Table 1: Monthly summary of matters received on M-Haki.

ADVOCACY, GOVERNANCE AND COMMUNITY PARTNERSHIPS



Kituo staff distribute stationery to Kamiti prison justice centre



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

- Support to the Community and prison Justice centers. Kituo managed to offer monthly administrative support to the community centers in form of Kshs. 15000 per month, this amount has gone to sustain the centers paying rent and buying stationery for the centers. We supported a total of 8 CJC, and 7 Prison centers with stationery for the drafting and client representation.
- Celebration of the International Human Rights day. Kituo engaged in several activities during the 16 days of activism. We conducted 2 webinars on the HIV/ AIDs and Persons with Disability days. We also created daily polls and facts on our online platforms, developed mood boards and selfie booths which allowed our clients to interact with the 16 days of activism.
- Kituo decided to mark the last day of the 16 days being the international human rights day by offering free legal advice through the legal aid clinics which were conducted at Kituo grounds.
- Inaugural Paralegal summit. This activity brought all Kituo trained paralegals to a forum of learning sharing experiences and motivating each other. We took the paralegals through available opportunities in the Legal aid Act and the Paralegal Network of Kenya formerly PASUNE. We also invited Mr. Okiya Omtata who is a paralegal with a lot of experience in litigation. The summit was culminated by the Gala dinner awards dubbed KAPA awards which recognized the Paralegal of the year for outstanding work and the justice centers for the great work done in 2020.

Imarisha Haki project

In the period under review we undertook the following activities under the project funded by the EU.

- Training of Police and law enforcement agencies: Kituo partnered with LRF and the NCCJR committee to meet and train the Investigating Officers in various regions of the country. Kituo together with the committee held a meeting with the Deputy IG and got approval to conduct said meetings.
- Training of 80 probation personnel: Kituo partnered with the department of probation and after care to conduct trainings to probation officers in the hostels, these were conducted in Mombasa, Kisumu, Machakos, Nakuru.

ADVOCACY, GOVERNANCE AND COMMUNITY PARTNERSHIPS



Kituo lawyer Martha Ogutu conducts a training on Gender Based Violence and Human Rights Monitoring in Kitale, Trans Nzoia County



Ushabidi's Ms. Monica Nthiga, Director of Implementation and Ms. Stacy Gitau, Engagement and Support Officer from Ushabidi and Kituo staff after an M-Haki training at the Head office, Nairobi.

- Review and dissemination on the hand-book on Guidelines for law enforcement officers in arrests and pre-detention: Kituo developed guidelines together with LRF. The first review meeting was conducted together with the stakeholders and validation meetings conducted to launch the guidelines in Naivasha with the NCCJR.
- Trainings for pro bono lawyers and health staff on documenting torture and case work: KITUO trained a total of 375 lawyers and health workers countrywide.
- Legal representation of 100 cases: Kituo's volunteer advocates supported Kituo in offering free legal advice and representation to selected cases in the criminal justice system.
- Provision of equipment and improvement of infrastructure in detention facilities: Kituo together with the Kenya prison service offered support to 11 institutions in building justice centre offices for Naivasha women, Naivasha Main, Nakuru Main, Kericho women, Kisii Main, Kibos medium, Kodiaga Prison, Siaya Main and Busia Women.
- Advocate for regulations of Reparation Fund and supporting CSO agenda for identification of victims: A consultant was engaged to review and give recommendations to be tabled in Parliament on the best practices for reparations, identification of victims and a review of the TJRC report.
- Advocate for the Implementation of delayed Legislation (Prevention of Torture Act, 2014 and The National Coroners Service Act, 2015, Regulations for Legal Aid Act 2016, Human Rights Defenders' Policy): Kituo together with the consortium on Imarisha Haki ensured the enactment of the above legislations and have engaged in public participation meetings to review the legal Aid Act, we also prepared petitions through KNCHR on the status of the POTA and Coroners Act. These were tabled in the 5th Parliamentary session.
- Convening inter-agency dialogue and submission of community consultations Memorandum on CVE, Bail and Bond Guidelines and Sentencing Policy: Kituo implemented this activity by engaging in a media month in June where Kituo worked with Print, Mainstream and social media to engage the public in conversations around Bail/bond and sentencing.

ADVOCACY, GOVERNANCE AND COMMUNITY PARTNERSHIPS



Kituo staff during a team building session at Elmentaita mountain lodge, Nakuru County



Jamia Abdulrahim (left) the Kituo Annual Paralegal Award winner receiving her award from Mr. Justus Munyithya, Chair of the Kituo Board of Directorss at the Pelican Hotel in Nakuru county.

Emerging Issues

- In the months of March, April and May 2020 the platform received questions from the informal settlements especially on labour rights issues and housing issues.
- As indicated in Diagram 2 above, we have received an increase in the questions coming in for assistance in Housing & eviction claims. We have also received an increase in the general questions which include SGBV in the regions indicated.
- With this increase, Kituo undertook a refresher training for the in-house legal team in Kituo which took place virtually. The M-haki team was able to register 6 more advocates and Lawyers on the platform to address the increased number of questions coming in through the platform. 12 staff members were trained 5 female and 7 male participants were present for the meeting.
- M-Haki publicity initiatives were markedly improved with Kituo's participation in KTN's Front Row event, KTN adverts on Prime Time, K24 show with the Kituo's Board chairman, Virtual online webinars on various topics where Kituo's representatives have highlighted the M-haki platform, officers highlighting the platform in the mass media- television stations and print newspapers- this was coupled with online media platforms campaigns.
- M-HAKI APP is currently up and running which makes work easier for the Mhaki team as they can respond to questions at the comfort of their homes with an android phone.

MOMBASA REGIONAL OFFICE



Justice PJ Otieno, a Kituo AGM member and Allan Nyange Coordinator, Mombasa regional Office during a farewell ceremony as he left Mombasa for a new postin. The ceremony took place at the LSK organized Legal Awareness week event at the GPO Mombasa grounds



Kituo Cha Sheria Executive Director Annette Mbogob at the Coast regional prisons commander Hassan Bugu's office, Shimo la Tewa Prison

The Mombasa regional office in the year 2020 just like any other was faced by the challenges of COVID 19. On the 13th of March 2020 the first case was announced and soon thereafter the Chief Justice directed that operations of the Court would be scaled down. These happenings had a major impact on KITUO Mombasa programmatic work. It meant the immediate shifting of plans and re programming of activities. All Mombasa Staff were tested for COVID 19 and the office fumigated before resumption of normal office operations on 15th July 2020. Despite these challenges the Office was successful in the implementation of year one activities funded by UNDP Njia za Haki project. The office was also successful in transiting to year two whose implementation began in earnest in September 2020.

FINANCE AND ADMINISTRATION.

This program was able to recruit a new program officer in the forced migration department after the previous officer resigned. The office administrative assistant Naomi Ndunge also resigned and would be replaced hopefully in the beginning of next year, 2021. There was a recruitment of an intern who would assist in the implementation of AJWS program and another who would be in finance. The program was able to relocate the office from Hatimy Talyani Road opposite the law court to Tudor near Technical University of Mombasa. Due to the COVID 19 pandemic the program with the support of the County Government of Mombasa arranged for all staff to take the COVID 19 test and also fumigate the office.

In the review period, the Mombasa office was informed of the unfortunate decision by UNHCR not to continue funding the office because of budget cuts and as a result, two staff members engaged in the program in Mombasa have had to leave by end of the year. There is however positive news, the Office has signed a memorandum of understanding with GIZ for the period 2021 to 2022 to implement alternative justice systems program.

LEGAL AID & EDUCATION

Client management

There was a significant decline in the number of new clients generally due to COVID 19. The restrictions on travel across counties reduced the number of clients visiting the office from Kwale, Kilifi and Taita/Taveta. New clients

MOMBASA REGIONAL OFFICE



Kituo program Officer Hezekiah Adika with visiting former Shimo La Tewa Paralegals. The paralegals are former inmates who were trained by Kituo, and released on account of their knowledge and ability to file and argue their petitions.



Kituo's program officer Zedekiah Adika with a colleague being confronted by Police officers during a demonstration in Mombasa County demanding accountability of Covid-19 funds

were approximately 188 down from 284 in 2019, return clients were 302 down from 404 in 2019. The number of labor cases increased due to the prevailing economic hardships and so were the landlord and tenants cases.

Single welfare case form the bulk of Legal Aid work. This year there has been an average of not less than 10 court attendances in a month, mostly conducted virtually. The reduction in attendances is as a result of up grade of systems by the judiciary that kept filing and adoption of technology that had numerous challenges. There has been delays in hearing of cases e.g the Environment and land court has only one tent which the judges share by alternating.

On public interest cases we have finally filed suit on behalf of communities is the salt belt farms of Magarini with the support of AJWS. KITUO, Action Aid, Malindi Rights Forum & Kubuka Farmers have petitioner for violation of right to a clean and healthy environment.

We have also successfully sued SOS Villages Kenya for illegally suspending all their teaching and non teaching staff without pay for 6 months while citing COVID 19 as a defense. The directed that they pay the salary arrears.

ADVOCACY GOVERNANCE & COMMUNITY PARTNERSHIPS

The program was successful in implementation of year one of the UNDP funded Njia za Haki and has transition to year in September 2020 after close of year one activities. The project had to swiftly adopt technology and re program most of its activities as a result of COVID 19. By the use of innovations like face book live the program was able to reach a wider population of young people.

The status of UNDP implementation is as follows;

Activities Planned to be conducted:

- a. Monthly visits to Justice Centres;
- b. Training of 2 justice centres;
- c. Radio Talkshows
- d. Legal Aid;
- e. Civil Society Meetings;

MOMBASA REGIONAL OFFICE



Kituo cha Sheria staff and the delegation of the European Union (EU), Kingdom of the Netherlands Embassy and Amkeni waKenya - UNDP at our regional office in Mombasa.



Kituo program officer Zedekiah Adika during a Radio talk shows at Radio Salaam, Mombasa County

Those conducted:

- a. Visits to Justice Centres;
- b. 3 sets of Legal Aid; - Nyali/Mvita/Mwakirunge
- c. Civil Society Meetings; - 3 virtual meetings and one review meeting physically
- d. Radio Talk shows; Pwani FM ongoing
- e. Celebration of International Human Rights Day;

Plan:

We are working on a data base of trained paralegals and also working on solutions to issues raised during visits to Justice Centres and financials. We intend to recruit and intern and have a Picture gallery.

Issues raised at Shimo La Tewa:

- a. The need to visit and discuss with paralegals on monthly basis on topical issues;
- b. They requested for materials;
- c. There are delayed judgments; - and late dates for appearance before court;
- d. Besides– tooth paste and soap – Rice and Unga Ngano – as a result of non visitation by families;
- e. They need medical attention at an isolation centre;
- f. Justice centres recorded more numbers of employment cases;
- g. They have raised issues with the need to continue sensitization of communities on basic legal information;
- h. Medical stretch because of Covid 19;

Progress:

- Paralegals write good reports;

MOMBASA REGIONAL OFFICE



Participants during a video screening exercise at Kisumu primary School, Mombasa County



Dr. Annette Mbogob, Executive Director addresses participants during the bi-annual conference at Pride Inn Hotel, Mombasa County

- There is supervision of the work they do and progress of cases being done at Kituo Cha Sheria;

Key areas to train on:

- a. How to write submissions;
- b. How to mitigate;
- c. How to draft appeal documents;
- d. Murua Tetu case;
- e. How to do reports;
- f. Writing of success stories

RESEARCH, COMMUNICATION AND KNOWLEDGE MANAGEMENT

KITUI COMMUNITY JUSTICE CENTER
Bringing Legal Empowerment Closer to the People

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 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 2020 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).

Recruitment of a Communications Officer

In October we did an advert for the position of Communication Officer through funding from the Netherlands Embassy. Interviews were carried out and Mr. Samfelix Orimba was recruited into the Programme and reported to work on 16th November 2020.

Virtual Meetings

Kituo registered with ZOOM VIDEO COMMUNICATIONS to facilitate virtual meetings especially during this time of the Covid-19 pandemic where physical interactions are discouraged. We have since renewed the license monthly. This account is managed in the programme and we are responsible for scheduling online meetings and some that are of public nature are shared through social media sites like Facebook.

RESEARCH, COMMUNICATION AND KNOWLEDGE MANAGEMENT

LEGAL AID ACT, 2016

Date of Assent: 22nd April, 2016
Date of Commencement: 10th May, 2016



Legal Aid Act, 2016

Kituo Cha Sheria is a non governmental organisation founded in 1978. It supports the poor and marginalized access justice and realise their human rights through advocacy, networking, lobbying, legal aid, representation, litigation and research. Kituo has established Community Justice Centres in informal settlements which are run by trained paralegals and provide free legal advice to walk in clients.

KNOW YOUR LAND RIGHTS



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AN INFORMATION BOOKLET ON LAND RIGHTS



ISBN: 978-9966-083-34-0

Kituo's Facebook friends and the Kituo Cha Sheria-Legal Advice Centre page likes combined total is about 10,613 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 9,831 in December 2020, while our website is currently doing over 10,120 visitors per month and a hit rate of over 14,000.

Kituo and 16 Days of activism campaign

25th November kicked off the 16 days of activism against sexual gender based violence. Kituo actively took part in 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 10,600 people and 6, 800 engagements on Facebook while on twitter 7,900 post reach and 3,044 engagements.

Haki Blog, Twitter and Facebook updates for the period Jan – Dec 2020

Blog posts on Haki Blog automatically reflect on Twitter together with other Kituo activities communication. **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 2020 the Blog published 12 articles with a total of 10,456 views and 5,327 visitors.

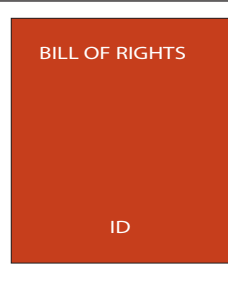
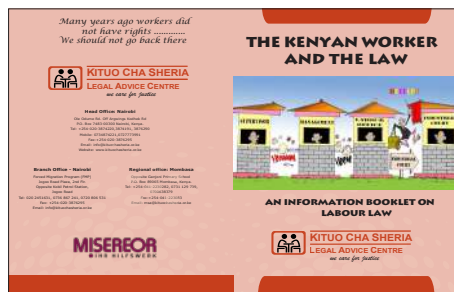
Twitter

Kituo's Twitter followers count stands at 9,582 in December 2020. Blog posts on Haki Blog automatically reflect on Twitter.

Publications

The following publications were done during the reporting period:

1. E-Newsletters; Issue No. 1 Jan 2020, Issue No. 2 July 2020, Issue No. 3 Sept 2020 and Issue No. 4 Nov 2020



KNOWLEDGE MANAGEMENT



2. Printed the THE CONSTITUTION OF KENYA 2010, Pocket size.
3. LEGAL AID ACT, 2016 – A summary of the Legal Aid Act 2016
4. Strategic Plan 2020 - 2024

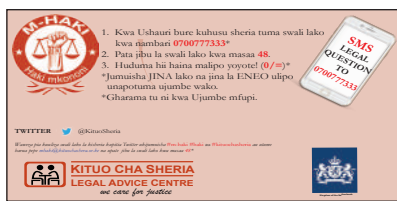
Other IEC Materials T-shirts, Banners, Stickers, Posters, Fliers, Hand bags and Diaries were branded under several grants

HAKI BLOG

Article by Zedekiah Adika on Prison Reforms posted on the Haki Blog

Website:

The Kituo Cha Sheria Website (www.kituoachasheria.or.ke) was updated regularly with new content. Some of the article reported on the website in this period included:- KITUO INKS MOU WITH THE HIV/AIDS TRIBUNAL, KITUO AT 47, STATE SUED OVER DEATHS CAUSED BY TOXIC WASTE IN MARSABIT COUNTY



SUCCESS STORIES - JOHN JOSEPH MUKOMA



John Mukoma receives a copy of the Court Judgment from the Executive Director while Legal Aid staff John Mwariri and Boniface Mutie look on

THIKA ELC CASE NO. 149 OF 2017 JOHN JOSEPH MUKOMA VERSUS MICHAEL KARANJA KABITI AND OTHERS

Our client being the eldest son was given 12.2 acres by his grandfather while his father and the other brothers shared the remaining parcel of land owned by his grandfather. During demarcation, the Plaintiff's land was surveyed and in 1959 he was given a green card registration No. Gatamaiyu/ Kamburu/ 183. The parcel of land was separate and distinct from that of his father and his brothers. He thereafter sold 6 acres to his cousin and was left with approximately 6.6 acres. He was given a title to the portion of land and which title is known as Gatamaiyo/ Kamburu/ 714.

Our client used to work in Eldoret and upon his return he was surprised to find that, three of his brothers (the people he has sued) had illegally encroached into his parcel of land and were carrying out different activities including farming. Sometimes in 1997, he found out that his brothers, the Defendants had put a caution on the parcel of land and therefore he could not quietly enjoy the parcel of land due to restrictions caused by the caution. He could not even sell the parcel of land. He filed the case in the year 1998, he has been in court trying to vindicate his proprietary rights. In his court documents, he prayed that the court does: a) Remove the caution put by his brothers to enable him enjoy his parcel of land b) Pay him damages for trespass by his brothers In December 2019, the court delivered a judgment in his favour ordering for the removal of the caution to enable him enjoy his proprietary rights. He was also awarded Kshs. 500, 000 as compensation for the actions of the brothers in preventing him from enjoying quiet possession of his land. Kituo has been following to ensure that the orders had been complied. On the 3rd September 2020 our client visited our offices to appreciate the assistance that he was offered by Kituo Cha Sheria. He stated that the judgment had been perfected as the caution that had been put by the brothers had been removed by the Land Registrar. Despite the case having dragged for very long, from 1998, in court the client was so elated that his proprietary rights were upheld.

SUCCESS STORIES - RAMADHAN SAIDI



Ramadhan Saidi receiving cheque from former employer at the Kamukunji Community Justice centre offices as the Coordinator Ezekiel Njenga looks on

Ramadhan Saidi, receiving a cheque of Kshs. 50,000/- from his former employer Kasim Abedi, at Kamukunji Community Justice Center offices. Ramadhan Saidi is a foreigner, from the neighboring Tanzania. He is a tailor by profession. He was doing tailoring job in Tanzania when he first met Kasim who is also a tailor and after a short discussion, he agreed to come to Kenya to work for Kasim who promised to pay him salary of Kshs. 9000/- per month.

Our Client stated that he then agreed and they travelled to Kenya in the year 2017. On 15/7/2017, after having entered into oral agreement, they proceeded to his new work station to take up his new assignment in Shaurimoyo in Nairobi. It came to our knowledge that Kasim had offered to provide lunch and supper for Ramadhan in his hotel at a subsidised cost of Kshs. 100/- per day. They also agreed that his employer would provide accommodation.

However, on 15/3/2020, Kasim terminated Ramadhan's services without pay. He thereafter stopped giving Ramadhan lunch and supper and subjecting him to a lot of suffering because he did not have a place to sleep in. This prompted Ramadhan to lodge a complaint at Kamukunji Community Justice Center to seek assistance. When we intervened, we issued a demand letter and/or summoned client's employer to the office for mediation meeting over payment of dues owing after which he agreed to pay Kshs. 240,000/- in four instalments of Kshs. 60,000/- . On 6/7/2020 Kasim came to the Community Justice Center and paid Ramadhan a sum of Kshs.50,000/- in the presence of the Center Coordinator, Ezekiel Njenga.

SUCCESS STORIES - TERESSIA WAITHIRA WAINAINA



A jubilant Mr. Wainaina (Middle) receives the Court documents from Kituo Legal Aid staff at the Kituo offices

Kituo Cha Sheria was able to successfully defend its Clients Teressia Waithira Wainaina and Peter Muigai Wainaina (widow and son of the deceased) who were administrators of the Estate of the Late Joseph Wainaina Kariuki. The issue in dispute was a parcel of land in the name of the deceased. This parcel of land has been the subject to several cases since 1997.

The brothers of the deceased sued our Clients claiming they had lived on the

parcel of land in issue for over 30 years without interference and claimed adverse possession. However, we were able to put forth an argument that the brothers of the Deceased were mere licensees, who lived on the parcel of the land with the permission of the Deceased until they were able to get their own parcels of land. In fact three of the four Plaintiffs had already moved out of the parcel of land in dispute.

We cited the following cases in our submissions to prove their claim did not meet the threshold for adverse possession:

- Nairobi Civil Appeal No 64 of 2004
- Malindi ELC No.124 of 2010
- Wambu v Njuguna (1983) eKLR

Furthermore, we brought it to the Court's attention that these suits had delayed the administration of the estate of the deceased.

The Court in its judgment agreed with us that the Plaintiffs occupied the suit property with permission of the owner and therefore, time could not run in their favour under the Limitation of Actions Act until the permission was withdrawn.

In his judgment on the 30th of July 2020, Justice S. Okongo held that the Plaintiffs had failed to prove on a balance of probabilities and dismissed the suit with costs to the Defendants.

Our Clients were relieved and pleased with this judgement and the dedication we had in making sure our Clients got back the parcel of land rightfully owned by the deceased so that they could commence with the succession cause.

KITUO CELEBRATES 47TH ANNIVERSARY WITH FREE LEGAL AID CLINIC AT THE HEAD OFFICE



Kituo Chair Mr. Justus Munyithya, Founder member Mr. Steve Adere, Board member Fatuma Dubow and Executive Director Dr. Annette Mbogoh cut a cake to mark the 47th anniversary as staff members cheer on



Kituo founder member the late Steve Adere plants a commemorative tree assisted by members of staff and paralegals during the anniversary

On Tuesday 15th September 2020, Kituo Cha Sheria (KITUO) held a one day FREE LEGAL AID CLINIC at the head office. The objective was to reach out to many poor Kenyans with legal problems but cannot afford the high fees charged by legal professionals. Kituo has mapped out core areas in which her mandate extends and this includes land, housing, labour, succession and forced migration.

The noble endeavor presented an opportunity to interact with poor and deserving Kenyans who find justice expensive to attain. The event also created a platform for Kituo advocates, volunteer advocates, paralegals and clients to celebrate the 47th Anniversary of the organisation in a unique way, offering Legal advice to the poor ‘common mwananchi’ and planting trees within the compound.

The Clinic assisted a total of 64 clients, 49 men and 15 women. Of these 27 had labour related matters, 1 had a housing related matter, 13 land and succession and 23 had Legal issues on human rights violations.

During such events Kituo welcomes volunteer advocates and various practicing lawyers as well as paralegals from the Community Justice centers to assist. The lawyers and paralegals interview the clients and offer appropriate advice. If need be a follow up process is initiated through appointments.

The occasion was also graced by the Kituo Cha Sheria founder member Steve Adere and the Chair of the Board of Directors Mr. Justus Munyithya who were welcomed by the Executive Director Dr. Annette Mbogoh. A birthday cake was also cut and shared between the participants. Finally the invited guests together with members of staff participated in a tree planting exercise to mark the occasion. 5 seedlings were planted by Kituo founder member, Board members, Clients, Paralegals and the secretariat.

We continue to provide legal empowerment to the poor and marginalized to realize our vision of a society of Justice and equity for all.

KITUO AND OTHER CIVIL SOCIETY ORGANISATIONS SUE THE GOVERNMENT OVER POLICE BRUTALITY DURING CURFEW HOURS



A Police officer with a pedestrian at night during the curfew



PRESS STATEMENT

CLASS SUIT - POLICE BRUTALITY

23rd September 2020

Kituo cha Sheria together with three other rights groups in Kenya sued the government over alleged killings and human rights violations by members of Kenya's police force as they enforced a curfew to stop the spread of the coronavirus. The rights groups are seeking legal reforms and monetary compensation on behalf of victims. The rights groups, Amnesty International Kenya, International Justice Mission Kenya, Haki Africa and the Kituo cha Sheria, say police used the night-time curfew to violate the rights of victims at a critical time. Annette Mbogoh, Executive Director of Kituo cha Sheria, also known as the Legal Advice Center, explained the decision to sue the government. "Within the pandemic is when government responsibility towards its people should be even higher than when things are just as normal," she said. "During this time, there was a much higher responsibility of the police to ensure that they protect as opposed to meting [out] violence against the citizenry, so we feel the issues brought in this petition are unique in that respect."

The petition included demands for long-term legislative reform aimed at addressing cases of alleged police brutality in the country.

KITUO BEFORE THE EAST AFRICAN COURT OF JUSTICE



Some of the flooded homes as a result of rising waters in Lake Victoria

Kituo Cha Sheria went before the East African Court of Justice seeking to be enjoined in a case in which five Kenyans have taken the Government of Uganda to court over excess water in Lake Victoria. In an application through the Executive Director Annette Mbogoh Kituo not only wants to be enjoined as amicus curiae (Friends of Court) but also be allowed to make submissions.

Five Kenyans have sued Uganda for allegedly failing to control floods around the shores of Lake Victoria resulting in displacement of people and damage to their property. In the application dated 24th July 2020 Kituo says they have a solid knowledge base on the case. The intended amicus curiae has an interest in the conduct and outcome of the in as far as the reference seeks to the honourable courts determination as to whether Uganda is in violation of the letter and spirit of the provisions of the EAC treaty and in particular the recognition promotion and protection of human rights in accordance with the provision of the African Charter on Human and property rights

KITUO SIGNS MOU WITH HIV/AIDS TRIBUNAL



KITUO Board of Directors Chair Mr. Justus Munyithya and the HIV/AIDS Tribunal Chair Ms. Helene Namisi after the Memorandum of Understanding was signed at the Kituo Cha Sheria Head Office in Nairobi.

Kituo Cha Sheria and the HIV/AIDS Tribunal signed a Memorandum of Understanding (MoU) on 24th June 2020 to promote access to justice for the many indigent litigants frequenting the Tribunal. The HIV/AIDS Tribunal is a quasi-judicial organization established under section 25 of the HIV and AIDS Prevention and Control Act (HAPCA) No. 14 of 2006. Its mandate is to hear and determine complaints arising out of any breach of the provisions of the HAPCA. The Tribunal's specific objectives are to ensure justice and restore rights and dignity for persons living with HIV and to eliminate all forms of discrimination, stigmatization and rights violations that result either directly or indirectly to one's HIV status or perceived status.

On the other hand, KITUO is a human rights non-governmental organization whose objective is to empower the poor and marginalized people to effectively access justice and realize human and people's rights. KITUO employs among others single welfare and public interest litigation cases for indigent and marginalized clients such as people living with HIV with the aim of safeguarding and enforcing the Constitution of Kenya 2010.

The Memorandum of Understanding was signed at the Kituo Cha Sheria Head Office in Nairobi by the KITUO Board of Directors Chair Mr. Justus Munyithya and the HIV/AIDS Tribunal Chair Ms. Helene Namisi. Through this collaboration, KITUO in-house counsel and volunteer advocates will provide legal aid services such as court representation, drafting of pleadings, coaching for self-representation and legal advice and awareness to indigent litigants in the HIV/AIDS Tribunal. In return, the Tribunal will refer needy litigants and enhance the capacity of Kituo staff and volunteer advocates on matters relating to its mandate, practice in the Tribunal and emerging issues around discrimination on grounds of HIV/AIDS status.

The MoU signing was witnessed by a KITUO General Assembly and founding member Mr. Steve Adere, the Tribunal's CEO Ms. Annerita Murungi and volunteer advocate Mr. John Chigiti. Also present at the short ceremony were community paralegals Mr. Ezekiel Njenga, Jamia Abdulrahim and Mr. Michael Odhiambo together with the team representing Kituo led by programme manager Mr. John Mwariri and Dianah Ndashiki. Speakers at the signing ceremony emphasized the necessity of this move noting that litigants at the Tribunal have for far too long suffered due to lack of legal representation and a myriad of challenges to access justice. The COVID-19 pandemic situation has also made an already bad situation worse with poor and marginalized persons facing multiplicity of problems including forced evictions, SGBV, job losses, among others.

KITUO welcomes this partnership and re-commits to continue to pursue social transformation of indigent Kenyans through legal aid and empowerment, advocacy and lobbying for pro-poor policies and commitment to respect for human rights.

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