



KITUO CHA SHERIA

LEGAL ADVICE CENTRE

we care for justice



ANNUAL REPORT

2023

CONTENTS

About Kituo Cha Sheria	3
Legal Aid and Education Programme (LAEP)	5
Forced Migration Programme (FMP)	8
Advocacy, Governance and Community Partnerships Programme (AGCP)	10
Mombasa Regional Office	14
Research, Communication and Knowledge Management (RCKM)	17
Human Resources and Administration	21
Kituo Cha Sheria marked its Golden Jubilee Anniversary	22
Kituo Cha Sheria launched a Justice Center in Dadaab Garissa County	24
Kituo convened for the 3rd Annual Paralegal Society of Kenya	25
ANNEX	27

ABOUT KITUO CHA SHERIA

INTRODUCTION

Kituo Cha Sheria Kituo Cha Sheria (hereinafter referred to as “KITUO”) is the oldest human rights organisation in Kenya, East, Central and the Horn of Africa. It was established in 1973 to promote access to justice for the poor and marginalised communities. KITUO uses direct legal services, public interest litigation, advocacy and paralegalism as strategies for legal empowerment.

As from January to December 2023, KITUO implemented several activities under the following programmes: Advocacy, Governance, and Community Partnership (AGCP), Legal Aid and Education Programme (LAEP), Forced Migration Programme (FMP), Mombasa Regional Office and Research, Communication and Knowledge Management (RCKM). The report details the interventions undertaken in line with the 2023 annual work plan.

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’*

2023 OVERVIEW

KITUO RESULTS IN NUMBERS

17,672 Total number of individual Clients received advice and support at the Head Office in Nairobi, Mombasa and Justice Centres compared to 7,104 in 2022

781 Number of clients given legal advice through Legal Aid Clinics as compared to 636 in 2022

749 Total number of refugees and asylum seekers received and given legal advice as compared to 910 in 2022

537 Number of paralegal from existing JCs who went through refresher training as compared to 200 in 2022

19 Total number of new Public Interest Litigation cases filed in Court compared to 14 in 2022

90 Total number of refugees and asylum seekers who received psychosocial counseling as compared to 20 in 2022

14,897 Facebook likes on Kituo's fan page as compared to 13,066 in 2022

10,890 Number of Website visits as compared to 9,897 in 2022

4 Total number of radio talk shows as compared to 11 in 2022

449 Total number of clients supported to use the Judiciary E-Filing platform as compared to 125 in 2022

2,177 Number of query SMS received through M-Haki Platform compared to 1,373 in 2022

LEGAL AID AND EDUCATION



KITUO team poses with certificate after clinching 2nd runner-up for the Nairobi Legal Awards, Civil Society Organization of the year 2023.



A group photo after an advocates caucus at Royal Tulip to deliberate on the crucial issue of the right to a clean and healthy environment

The Programme continued to provide direct legal services and ICT support to indigent clients in accessing the e-filing platform of the Judiciary. The number of new clients attended to decreased in 2023 to **934** from **1289** in 2022. The reason for the decline is attributed to a gap in human capital following the resignation of one of the advocates working in the department. On the other hand, **2492** return clients were received by the legal officers and offered legal advice and support in court cases. Therefore, a total of 3,426 people were attended to at the Head Office; of these, 1824 were male, 1580 were female and 22 were group clients. The breakdown of the nature of cases reported by the new clients is outlined hereunder.

Nature of case	Male	Female	Group
Labour	112	96	4
Land	122	104	16
Housing	92	86	-
Succession	104	86	-
Others	56	52	4
Total	486	424	24

LEGAL AID AND EDUCATION



KITUO staff attending to members of the public during the Employment and Labour Relations Annual Symposium and Exhibition



KITUO staff conducting a free legal aid clinic in Vihiga County

The breakdown of the nature of cases reported by the return clients in the Head Office are as follows:

Nature of case	Male	Female	Group
Labour	206	324	34
Land	290	262	38
Housing	268	310	-
Succession	236	304	30
Others	42	46	2
Total	1042	1146	104

Land and housing cases remained the most reported in the year 2023.

The Legal Aid and Education Department also attended to persons with disabilities. A total of 22 clients with disabilities were reached in the year under review.

KITUO advocates ensured access to justice to poor and marginalized clients by representing single welfare cases in courts. Some of the cases were referrals from the courts and partner organizations. The total number of court cases that were attended virtually were as follows:

Month	Number of Virtual cases
January	26
February	53
March	53
April	50

LEGAL AID AND EDUCATION



KITUO staff conducting legal aid clinic in Kitui County



KITUO staff attending to members of the public during the Employment and Labour Relations Annual Symposium and Exhibition in Nairobi County

May	47
June	35
July	57
Aug	41
Sept	48
October	35
November	42
Total number	522

In total, the number of single welfare cases attended by the advocates was 449 in number. On the other hand, the number of virtual court attendances were registered at 522. On the other hand, the Programme filed an additional 19 public interest cases in 2023. The particulars of the public interest cases filed in 2023 are provided in the annex to the report herein.

FORCED MIGRATION



Kituo's Executive Director and Chair of the Board during the launch of the refugee justice centre in Kakuma



Agroun photo after AJS Policy training for refugee community-based paralegals in Kakuma, Turkana County

The Programme has provided legal protection for persons of concern, assessment and referrals for resettlement in collaboration with HIAS Kenya and Refuge Point. In 2023, 1700 persons were reached through screening, legal aid clinics, community sensitization and phone call outreaches. Out of the 1700 persons, 1055 were female and 645 males. In 2022, 1,132 persons of concern were reached. Hence, there was an increase in the number of beneficiaries in 2023. The achievements made were through implementation of short-term projects funded by the Henrich Boll-Stiftung Foundation, Norwegian Refugee Council and the Open Society Foundation.

The programme convened refugee community outreach meetings to raise awareness on the Refugee Act 2021. A total of 150 persons of concern were reached in the areas of Kayole, Kasarani, Eastleigh, Kitengela and Kawangware within Nairobi County. Further, to legally empower refugee justice centres, the programme conducted a 5 days' paralegal training to members of selected refugee-led organizations in Nakuru and Kakuma. The paralegal training was complemented by a 3 days' training on alternative justice systems and five (5) days' training on alternative dispute resolution to build skills amongst the refugee paralegals on conflict resolution. The alternative justice systems training was conducted in partnership with the Steering Committee on Implementation of AJS. Thereafter, refugee justice centres were provided sub-grants to support their work. A total of five (5) refugee justice centres are now under the mentorship of KITUO i.e. Mombasa, Nairobi, Nakuru, Dadaab and Kakuma. We now have seventy-five (75) refugee paralegals that are trained and empowering their respective refugee communities.

The Programme also conducted advocacy roundtable meetings involving refugee-led organizations and the Department of Refugee Services. A total of 30 representatives participated in the discussion that was aimed at improving the implementation of the Refugee Act 2021.

The Programme supported the convening of three (3) days' court users' committees (CUC) in Kakuma Law Courts which targeted 15 participants and members of the CUC. The programme also supported the convening of three days' law enforcement agencies training in Kakuma Law Courts targeting 15 participants.

FORCED MIGRATION



engagement workshop UON Parklands with community leaders from organizations that represent and ally with refugee communities in Kenya



Kituo's Psychosocial team conducting Mental health and psychosocial support series in Mombasa

The Programme continued to provide mental health and psychosocial support services and capacity building to refugees, host communities and governmental officials. A total of 120 refugees and host communities were reached in Kitengela and Changawme. In addition, 90 refugees and host community members engaged in a round table discussion focusing on MHPSS and approaches to community mental health structures that would work in their communities. The mental health team conducted four (4) radio shows in Nairobi where information on mental health was passed to the communities. The shows were interactive, and the public posed questions for guidance. Further, 2000 copies of brochures and posters were printed with information on where to secure mental health and psychosocial support and protection services within Nairobi County. The fliers were distributed to partner organizations.

On documentation and access to service for refugees and asylum seekers, the Programme filed a constitutional petition seeking court orders for access to government services to refugees. Refugee ID as it is now cannot be used to access the online e-citizen platform where state services are provided. The Ministry of Interior gazetted some of the refugee documents for recognition. The legality and validity of the gazette notice is unclear. The matter is coming up for highlighting submissions on 14th May 2024. Further, the case on durable solutions is still pending in court. Applications to join the Global Strategic Litigation Council as amicus and Katiba Institute as Interested Party are pending determination.

Finally, the Programme organized advocacy forums, including on the Comprehensive Refugee Response Forum (CRRF) which involved 30 participants from partner organizations, government agencies, and stakeholders, leading to actionable recommendations.

ADVOCACY, GOVERNANCE AND COMMUNITY PARTNERSHIPS



Dr. Annette address paralegals during 2023 Annual paralegal summit



KITUO has donated equipment Langata Women prison justice centres to facilitate virtual training and virtual court session for inmates

The programme seeks to legally empower the poor and marginalized communities through paralegalism, advocacy, community organizing and awareness raising. The programme implements activities in line with the Strategic Plan 2020-2024. During the reporting period, the programme was supported by projects funded by the Netherlands Embassy, the Danish Institute of Human Rights and GIZ-Civil Peace Service. More specifically, each of these projects sought to do as follows:

- i. The Netherlands Embassy project sought to promote access to justice for the poor and marginalized through the provision of legal aid through the M-HAKI SMS platform, legal aid clinics, capacity building of community and prison-based paralegals, outreaches, advocacy for pro-poor policies and public interest litigation. The year under review marked the final year of the second phase of the project.
- ii. The Danish Institute of Human Rights supported the testing of an online tool to assess national land governance in Kenya. The project leveraged on the role of the organization as Chair of the Land Sector Non-State Actors.
- iii. The GIZ-Civil Peace Service project enhanced conflict transformation using Alternative Justice Systems in Uasin Gishu and Trans Nzoia counties. The outcomes of this activity contributed to increased access to justice, aligning with the strategic objective of strengthening and implementing quality programs.

Legal aid and advice provided through the M-Haki Platform

The M-Haki platform proved to be an effective tool in providing legal assistance. From January to December 2023, the *M-Haki* platform received **2177** enquiries compared to **1373** in the year 2022. The enquiries were matters from groups and persons of both genders through the primary data source-SMS. The numbers of enquiries as per month were as follows:

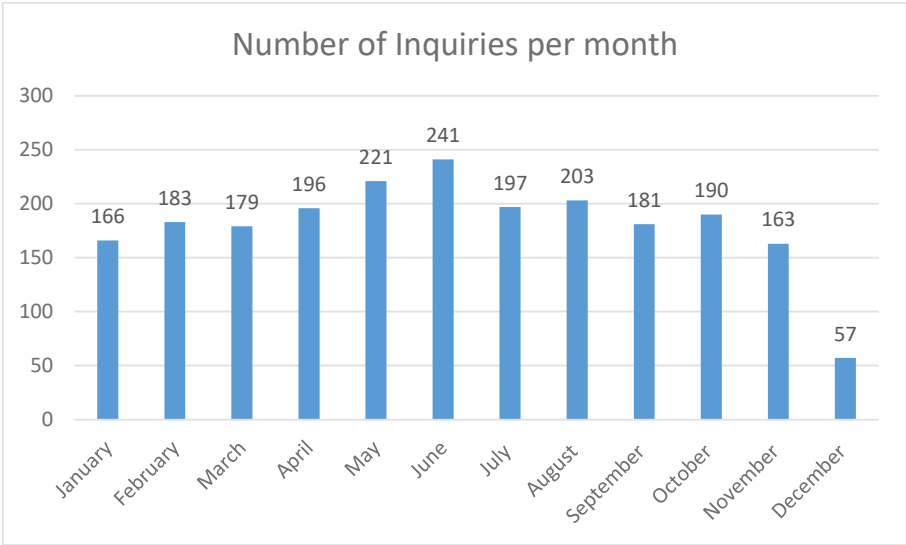
ADVOCACY, GOVERNANCE AND COMMUNITY PARTNERSHIPS



KITUO staff offering free legal aid clinic at Kamkunji grounds during world torture day



KITUO volunteer advocate conducting paralegals' refresher training at the prison justice centre



The increase is attributed to community outreach programs including legal aid clinics and awareness forums that were conducted across the country. During these outreach programs, the field officers and the paralegals distributed M-Haki fliers, stickers and brochures to the general public who in resend their questions to the platform. Radio talk shows and social media also made a significant contribution to the high number of SMS received on the platform.

During the reporting period, the nature of the cases varied with land and succession issues being the highest number followed closely by labour rights and housing and evictions cases. The breakdown of the category of cases is captured in the table below.

ADVOCACY, GOVERNANCE AND COMMUNITY PARTNERSHIPS

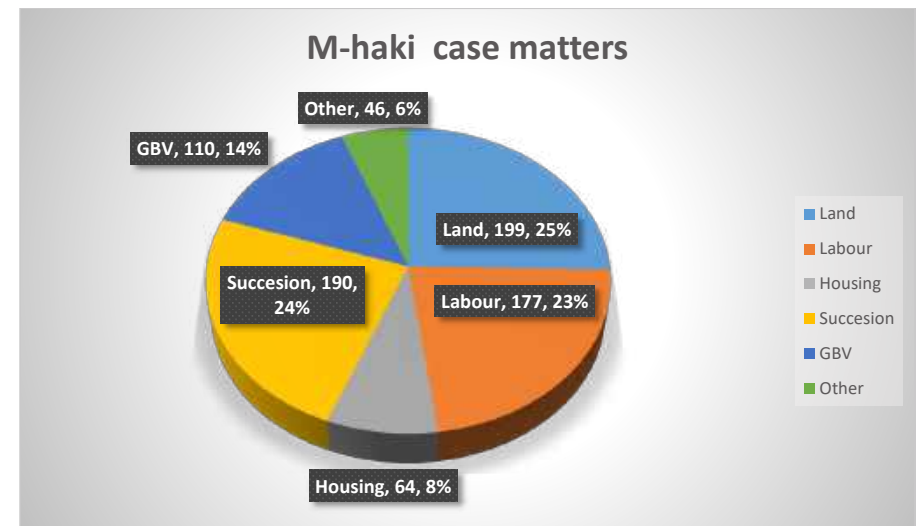


prison paralegals refresher training Kisumu Maximum Security Prison



Paralegals from Turkana, Kituo's Volunteer advocates and Kituo Staff attending to a client during the legal aid clinic

Category of issues	Male	Female	Unspecified	Total
Land Rights and Succession Issues	268	109	64	481
Labour Rights	273	198	61	472
Housing and Evictions	254	158	47	399
General Legal Inquiries	94	188	47	299
Refugee Rights and Forced Migration	73	33	10	107
SGBV	5	26	41	72
Criminal	47	20	60	127
TOTAL	1014	832	329	2177



The pie chart depicts the proportionate nature of cases

ADVOCACY, GOVERNANCE AND COMMUNITY PARTNERSHIPS



Inmates from Kitale Main prison receiving paralegal training from Kituo



Kituo team handing over administrative support material including a laptop, Printer, tonners, printing papers, and other stationeries to Kisumu Maximum Security Prison

We further conducted legal aid clinics in eight regions across Kenya. The legal aid clinics served as a critical initiative to provide on-the-ground assistance, legal awareness and address legal issues faced by the community. This analysis outlines the distribution of cases in different legal domains, gender disaggregation, and connects these activities with KITUO's strategic plan objectives.

Location	Land	Labour	Housing	Succession	GBV	Other	Gender	
							Male	Female
Nairobi	30	23	30	15	19	13	59	61
Mombasa	28	27	8	24	5	4	60	36
Kitui	15	33	0	25	15	12	58	42
Kisumu	18	18	19	37	4	5	49	52
Nakuru	22	27	7	24	15	1	41	55
Vihiga	35	18	0	29	10	5	64	33
Kisii	26	25	0	16	27	6	58	42
Taita Taveta	25	6	0	20	15	5	45	26
Subtotal							434	347
TOTAL							781	

In the year under review, the Programme coordinated the Land Sector Non-State Actors to conduct a national assessment of land governance. A detailed report documented the findings of the assessment. The report was validated and is available online. It is expected that a sharing meeting will be conducted within a multistakeholder forum to disseminate the findings.

MOMBASA REGIONAL OFFICE



Interior CS Kithure Kindiki and Zedekiah Adika in Shikabola to follow up on the rescue and exhumation process.



A group photo with Mombasa governor after discussing governance issues in Mombasa

The year 2023 saw the Mombasa Regional Office continue engaging with the different justice actors and partners. The period under this report saw the conclusion of elections and the beginning of new County Integrated Development Plans (CIDP) by most counties for the next five (5) years. It is also the year that the office attracted new partners keen in addressing issues of the refugee communities within the region.

The Mombasa office was implementing three (3) major projects most of which were coming to an end in December 2023 i.e. the Netherlands Embassy, UNDP Amkeni and Misereor funded projects.

The Legal Aid department received a total of approximately **791** clients comprising **232** new clients and **524** return clients. These clients received legal advice and representation on land, refugees, employment, succession, landlord and tenant, children matter and criminal issues.

There was an increase in the number of small claims. A registry in Taveta manned with diligent paralegals assisted members of the public in the quick realization of their claims. In partnership with UNDP the office has been engaging the court and the judge in Mombasa in creating awareness.

The Environment & Land Court has also designed practice directions for adverse possession claims that require the claim to be accompanied with a valuation report, surveyors report this in essences will increase the costs of litigation and may hinder access to justice.

The Mombasa Office continued litigating single welfare and public interest cases. Actors in the justice sector continue to refer clients for assistance, a sign of their confidence and partnership in access to justice. On average, the Legal Aid Department carried out 52 court attendances every month. The department in 2023 filed about 5 Court of Appeal matters and is defending another 7 cases before the said Court.

On public interest litigation, the Department conducted a number of fact-finding missions including update meetings with communities involved in public interest litigation. The fact-finding missions and public interest cases conducted are enlisted in annex.

MOMBASA REGIONAL OFFICE



Zedekiab Adika, Programmes Officer leading paralegals training in Marereni, Kilifi County



KITUO team in Shakahola to follow up on the rescue and exhumation process.

Regarding advocacy, governance and community partnerships, the Mombasa Programme partnered and collaborated with key stakeholders. The office took active measures in addressing community concerns arising from the decision by the Government to set up a nuclear plant in Uyombo Village, Mastangoni, Kilifi County. The relevant Government agents have been clandestine in their operations and information has been limited. Nuclear Power and Energy Agency (NUPEA) invited CSO for a briefing at the Governor's office and their Strategic Environmental and Social Assessment Report (SESA) had glaring gaps especially on mitigation.

Shakahola Mission: KITUO in collaboration with the Network has been monitoring the developments from Shakahola in the Chakama Ranch. The Mombasa office has been following on the developments to ensure the victims get justice.

In the year 2023, Mombasa office participated in various engagements with the County of Mombasa. The key organizations under the Governance Network include Haki Yetu, Kwacha Africa, Lenngo, Transparency International, Pamoja Trust, Juhudi. Our efforts have also been complemented by the Kenya National Commission on Human Rights.

KITUO also signed Memorandum of understanding (MOU) with HIAS on matter to do with Refugee protection. HIAS has been supporting localization programs at the Coast tailored for Refugee communities. The key areas of interest were on social welfare of refugees where HIAS would facilitate payments of medical care for the refugee community by identifying and paying for the National Health Insurance Fund (NHIF) of needy refugees.

The other area was on Gender Based Violence (GBV) the interest is to take up and follow up cases of GBV affecting the target community and following up with the relevant state bodies to ensure that justice.

The office did a refresher training for Manyani GK prison and addressed the issue of stationary by facilitating supply. The two (2) justice centres i.e. Taveta and Manyani are still being monitored and supported by the

MOMBASA REGIONAL OFFICE



KITUO team with Dzitengezere Community after successful representation in the Environment and Land Court of Kenya at Mombasa in Land case.



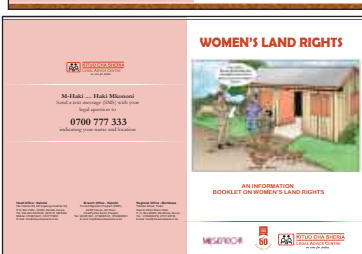
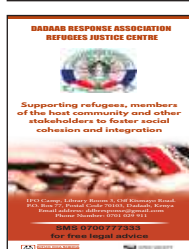
KITUO team with Dzitengezere Community after successful representation in the Environment and Land Court of Kenya at Mombasa in Land case. 5.9

office with regular visits and material assistance. There was a fresher training for 40 community paralegals from the Manyani, Taveta, Stretchers, Malindi Rights Forum, Lamukani and KICODI Community Justice Centre in Kilifi, Kwale and Mombasa counties respectively. The activities were carried out for five days each.

Overall, the achievements of the Mombasa Regional Office are:

- Construction and launch of of Shimo la Tewa Women Justice Centre Office
- Office perimeter wall has been renovated.
- Stationary problem has been solved.
- Office acquired a fifty (50) seater tent and twenty (20) plastic seats for clients.

RESEARCH, COMMUNICATION AND KNOWLEDGE MANAGEMENT



The The department activities are in line with the Strategic Objective 2 – Build evidence grounded in research to inform better policies and practices on access to justice and human rights. The department conducts research that informs KITUO's work. RCKM carries out independent pieces of research aligned to different thematic areas. This is done either as an organization or in collaboration with other partner organization. The findings are published and disseminated to other stakeholders in the access to justice and human rights cause.

With support from the International Development Research Centre (IDRC), Kituo cha Sheria embarked on a three-year research project to evaluate the impact of legal empowerment. This was done in collaboration with the Grassroots Justice Networks and African Centre of Excellence for Access to Justice (ACE-AJ). KITUO engaged three consultants to lead the data collection, analysis and validation of findings. The consultants recruited were as follows:

- 1) Sauti East Africa Limited – leading the comparative qualitative study on the impact of technology in the justice sector during and after Covid 19 in Kenya and Rwanda.
- 2) Dancan Ochieng and James Gondi – leading the study on the impact of legal empowerment programmes in Kenya.
- 3) MOCCS Consultancy – leading the comparative qualitative study on legal recognition, formalization, training and financing of community-based paralegals in Kenya and Zambia

In the month of August, data collection for the three project strands were finalized. A virtual validation workshop for the three research projects was conducted on different days acting like a precursor to the in- person conference.

KITUO was privileged to host the new President of the IDRC in the month of September 2023. During the visit, the President interacted with the partners and community-based paralegals on the experiences of evidence-based research, organizing and learning.

RESEARCH, COMMUNICATION AND KNOWLEDGE MANAGEMENT



A group photo during the research validation workshop



Kituo staff on 16th June 2023 undergoing capacity building training on social enterprise and resource mobilization.

In the period under review, the research team finalized data collection for the three research projects. The research team also conducted the monitoring site visits for the multi-country research project in Rwanda and Zambia in the month of July. This was in partnership with Legal Aid Forum and Paralegal Alliance Network.

On 25th to 27th of October 2023, the Programme organized the validation workshop of the three research projects. Participants were drawn from across the continent. The event was attended by international experts, partner organizations, state actors and community-based paralegals. Due to the resource gap, we took this opportunity to also mark the 50th anniversary of KITUO in a networking event held alongside the validation workshop. The Communication team also conducted video interviews with founder members and friends of KITUO who shared the gains, lessons learnt, and the challenges. The history of the organization was documented into a timeline of strategic events, murals and portraits.

Engagement with the media

KITUO featured in various mainstream media stations in the year 2023. The media coverages have increased visibility. Stories were covered both in Print media including the Star newspaper, Standard and Nation as well as TV stations i.e. KTN, KBC, NTV and Citizen TV.

Social media

KITUO's Facebook friends and the Kituo Cha Sheria-Legal Advice Centre page likes combined has grown from 12,300 in 2022 to 14,897 people in 2023. Kituo's Twitter handle followers has also increased from 10,600 in 2022 to 11,975 as at December 2023; Instagram stands at 438 while LinkedIn hit 586.

KITUO's participation in the 16 days of activism campaign

The 25th November 2023 kicked off the 16 days of activism against Sexual Gender-Based Violence. Kituo actively conducted a social media campaign to raise awareness on Gender-Based Violence and human rights. Kituo's social media platforms featured informative posts, infographics and videos on Sexual



Our Research project team conducting an Interview with the area chief from Lokichar location in Turkana county

Gender Based Violence and human rights. The 16 days of activism campaign posts reached a total of 10,880 people and 8,231 engagements on Facebook while on Twitter 6,790 post reach and 3,044 engagements. These are number of people who either sent messages, commented, liked or shared the campaign posts.

Haki blog

Articles posted on Haki blog in the year 2023

1. Types of violence against women – Samfelix Randa
2. 16 facts about Gender Based Violence (GBV) – Samfelix Randa
3. What the Metaverse portends for Kenya's Criminal Justice System – Steve Biko
4. Prevention of violence against women and girls with disabilities: towards inclusivity and equity – Janet Kavulavu

5. Is there recourse for clients where advocates are in breach of their professional code of conduct? – Tracy Wachira
6. Who gets the ventilator first? a case for human rights-based guidelines in Kenya - article by John Mwariri
7. Sex between two minors: adherence to the law vis a vis protecting the child - Diana Righa;
8. Advocate of the High Court of Kenya - Ignorance to Law is No Excuse: The Place of Legal Aid Services within the Kenyan Legal System - Ouma Kizito Ajuong'
9. Used and Abused: A Case for a Paradigm Shift in GBV reporting, Article by Nelius Njuguna – KITUO's Volunteer Advocate.
10. Advocate of the High Court of Kenya - To Do or Not Do: A Critical Look into the Welfare of Persons with Disabilities in the Legal Profession - Ouma Kizito Ajuong'

Website

The website recorded up to **9,879** visitors per month and a hit rate of over **10,890**. This is compared to **10,599** in the year 2022. The numbers reflect people who visited the website and navigated through various updated content, shared the content, commented or sent inquiries as well as those who visited but made no action.

Virtual meeting support

The online meetings enabled the organization to carry out with its activities remotely. The meetings had various objectives. The Department provided support to partners and staff to conduct engagements nationally, regionally and internationally on the online Zoom platform.

Documentation

The following publications were done during the reporting period:

1. Reflection on the Alternative Justice Systems (AJS) Policy and Practice – A booklet highlighting the journey of AJS and development of the

RESEARCH, COMMUNICATION AND KNOWLEDGE MANAGEMENT



A group photo after validation workshop on the human rights-based land monitoring tool between human rights and land governance

policy.

2. Finding Durable Solutions: Refugees' Access to Citizenship and Permanent Residence in Kenya; Research report on durable solutions for refugees' access to citizenship and permanent residence in Kenya. The research and publication was supported by OSF
3. Know Your Land Rights: An information booklet on Land Rights. This publication was supported by Dutch Embassy
4. The Kenyan Worker and the Law: An information booklet on Labour laws. This is a publication supported by Dutch Embassy
5. Women Land Rights – An information booklet on women's land rights.

This is a publication supported by Misereor

6. MHPSS Brochure: A brochure on services for refugees and Asylum seekers in Nairobi

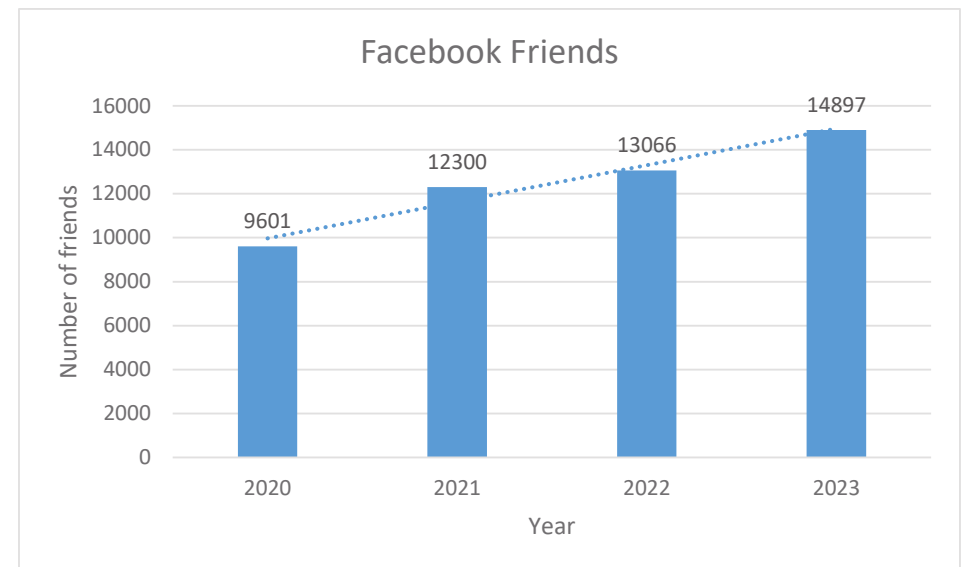
7. Annual Report 2022

Other IEC Materials

Certificates for various activities, Branded T-shirts, Branded Hoodies, Branded Water Bottles, Branded Thermal Mugs, Branded Lessos, Conference Bags, Notebooks, Pens and various Banners.

Hardware & Software

Management of the IT infrastructure including provision of internet connections, computers, laptops and printers with Supplies like Toners etc. Renewed the license for the Kaspersky Antivirus for one year. Also renewed the license for the Quickbooks online software for one year. Also renewed our Adobe Suite online software and the Zoom subscription.



HUMAN RESOURCES AND ADMINISTRATION



KITUO team poses with certificate after clinching 2nd runner-up for the Nairobi Legal Awards, Civil Society Organization of the year 2023. 3.11



KITUO at 50 celebration at the Kituo Head Office

During the period January to November 2023, the following staff resigned from the organization:

1. Tracy Wachira - Legal officer - LAEP
2. Immatruth Kanini - Programme officer – RCKM

As at the end of 2023, due to the closure of certain projects, the organization could not renew contracts in 2024. The following staff were issued with notices of non-renewal of contract:

1. Leah Wangui – Legal Officer - FMP
2. Robert Ouko – Legal Officer - AGCP
3. Jacquelyn Jepchirchir – Programme Officer – AGCP
4. James Muthoka – Legal Assistant – FMP
5. Mary Juma – Caretaker – FMP
6. Sarah Luta – Administrative Assistant – FMP
7. Joy Isigi – Security – FMP
8. Charles Sande – Security – FMP

Staff Numbers as at the end of December 2023

Office	Legal	Programme Officers	Admin/ Finance & ICT	Volunteers	Legal Assistants	Interns	Total
Nairobi	3	7	13	0	2	3	28
Mombasa	2	0	4	0	1	0	7
FMP Pangani	1	3	5	0	1	0	10
Total	6	10	22	0	4	3	45

KITUO CELEBRATES 50 YEARS



Members of the AGM and founder members pause for a photo during kituo at 50th celebration

Kituo Cha Sheria (Legal Advice Centre) on Friday, October 27, 2023 marked its golden jubilee anniversary, in a colourful event that brought together both founder members, present members, alumni, stakeholders and development partners to reflect on Kituo's milestone for the last 50 years.

Kituo Golden Jubilee event was marred with storytelling and inspirational speeches with individual speakers sharing the lessons, successes and challenges that the Legal Advice Centre has experienced while promoting legal empowerment and access to justice to the indigent communities.

The Honorable Chief Justice Martha K. Koome, in remarks delivered by Justice Wendy Micheni lauded Kituo Cha Sheria for being a movement in protecting Human Rights laws that have brought tremendous changes in the legal sector. "The

impact of KITUO's work for the last 5 decades shows that it's been more than just an institution. It has been a movement that has challenged conventions, bridged gaps and provided a voice for the voiceless." Said Hon. Wendy.

The Honorable Chief Justice Martha K. Koome acknowledged that Kituo's landmark cases have shaped the jurisprudence of law in Kenya, such as those relating to the rights to housing, refugee rights, and prisoners' rights, among others. "The tireless dedication of KITUO over the years has not just been representing those who could not afford legal representation, it has been about changing narratives, breaking the chains of systematic oppression and continually reminding us of the sanity of human rights" read part of CJ's speech.

Speaking of Kituo's partnership with the Judiciary, Hon. Wendy stated that Kituo has been a key partner and ally of the judiciary in advancing access to justice for all Kenyans. She added that Kituo has supported the judiciary in championing for the adoption of the Alternative Justice System, collaborated with the judiciary in conducting public awareness campaigns, training judicial officers and staff, developing manuals, guidelines on various aspects of the law.

The office of the Attorney General celebrated Kituo for the legal empowerment work it is doing with both the community, refugees and the prisons and opening up justice centres where people are armed with legal knowledge to help them in their daily lives.

The Law Society of Kenya President Eric Theuri celebrated Kituo for being a valued member in the justice sector that stands for a noble cause and urged the advocates to volunteer their services especially by providing pro bono services to the poor and marginalized. "In my younger life, I had the privilege of offering pro bono services under Kituo Cha Sheria. I feel like a member of the family. I'm proud of the work Kituo has done over the years and the footprints it has left in the quest to ensure access to justice for the vulnerable in the society. There is no any greater reward for any advocate than to be able to be of service to humanity where payment is gratitude and eternal gratitude" said Eric Theuri. Theuri's sentiments were echoed by senior council John Khaminwa who urged



Chief Magistrate Hon. Wendy Micheni delivering the congratulations sent by CJ Martha Koome



The then LSK President Eric Theuri giving his remarks during the Golden Jubilee celebration

stakeholders to help advance Kituo's goal. "We leave in a world where access to justice is still hampered by poverty, ignorance, corruption, discrimination, violence impunity and other social ills. We therefore need stakeholders to support Kituo Cha Sheria to continue providing legal aid and education to those who cannot afford it" Said senior council John Khaminwa

Senior council John Khaminwa giving his remarks during Kituo Cha Sheria's 50th Anniversary at Ole Dume Road, Nairobi. Khaminwa added, "We leave in a time when democracy is still threatened by authoritarianism, populism, and other forces that undermine the rule of law. We need Kituo to continue its courageous work of challenging injustice and impunities through public interest litigation" senior council John Khaminwa said.

Kituo's Executive Director, Dr. Annette Mbogoh expressed confidence and hope that Kituo will stand firm for the next 50 years and outlined the strategies Kituo intends to adopt in the next five to ten years. These include championing for Climate Justice, land, labour and housing, organizational capacity building which she said will focus on transforming the center and strengthening its communication.

Kituo's BOD chairperson Mr. Justus Muniyithya added that Kituo also plans to focus on the use of innovation and technology to promote justice.

The African Centre of Excellence for Access to Justice through their chairperson Clifford W. Msiska acknowledged Kituo was one of the founder members of the network and the contributions Kituo has made in promoting access to justice.

Two of our founder members present Lady Justice Mary Ang'awa and Rtd. Judge J. Vitalis O. Juma shared the vision they had and the rich history of the legal advice centre and their experience during the early stages of Kituo's formation, touching on the challenges and how they overcame them. Tributes of the late founder members were read and a moment of silence observed in their honor.

KITUO LAUNCHES A JUSTICE CENTRE IN DAADAB REFUGEE CAMP



Paralegals from Dadaab Refugee Justice centre receiving a printer from Kituo team



Kituo team when they paid a courtesy visit to the offices of the Refugee Affairs Secretariat (RAS) in Dadaab

Kituo Cha Sheria on 13th Feb 2023 launched a justice center in Dadaab Garissa County in order to decentralize legal empowerment and peace-building initiatives. 25 Kituo-trained refugee paralegals from the Dadaab Refugee Camp graduated prior to the opening of the Refugees Justice Center

KITUO's BOD chair, Mr. Justus Munyithya, who presided over the graduation ceremony, welcomed this timely collaboration that will foster intercultural diversity for cooperative engagement in conflict situations between the refugee and host communities.

Dr. Annette Mbogoh, Kituo's Executive Director, on the other hand, encouraged the refugee paralegals to use their newfound knowledge to empower their fellow refugees and asylum seekers by offering advice on their cases, making referrals, and following up on cases.

Dadaab Refugees Justice Centre received administrative support material from Kituo, including office furniture, a laptop, printer, toners, and IEC material, to help with the processing of legal paperwork and research work.

The Kituo Cha Sheria team on 14th February 2023 paid a courtesy visit to the offices of the Refugee Affairs Secretariat (RAS) in Dadaab. They were welcomed by MR. NGULI, (RAS), the camp manager of Dadaab Refugee Camp. The team held mutually beneficial discussions aimed at strengthening partnerships and referrals with all major refugee protection agencies, including the Court Users' Committee (CUC) in Dadaab. This will enhance access to justice for refugee community members through improved access to services at the opened Refugee Justice Centres in Dadaab Refugee Camp

ANNUAL PARALEGAL SUMMIT



The Executive Director with some of the awarded paralegals



Advocate Mosongo Maosa, who is also a Kituo Board member, with his volunteer advocate of the year award

Kituo convened for the 3rd annual paralegal society of Kenya. The Summit bringing together paralegals from all parts of Kenya for a two-day event that will saw exchange of best practices, challenges and possible avenues of collaboration.

The summit was held at Kenya club Nairobi from 3rd to 5th December 2023. PSK summit contributes to fostering a stronger legal community and improving the overall legal landscape by acknowledging the efforts of paralegals who often work on the front lines, assisting people with legal issues.

Paralegal awards

Honoring Excellence in [SGVB](#) Advocacy!

Congratulations to Joseph Mwaura, our community paralegal from Eldoret Justice Centre who was awarded the Best Paralegal in Special Interest Group – SGBV. Mr. Mwaura has shown exceptional commitment in combating gender-based violence, creating awareness and fostering a safer and more compassionate community. Join us in celebrating his impactful work.

Proud to announce the winner of the Public Interest Group Award, Jamia Abdulrahim from Kibera community justice centre. Jamia has been an inspiring individual committed to positive change and the public good. Her dedication to social justice is truly commendable. Let's celebrate her impactful contributions to a better, more equitable community

Honoring Dedication: Volunteer Advocate of the Year!

Kituo were delighted to recognize Mosongo Maosa as our Volunteer Advocate of the Year. Advocate Mosongo has represented a number of pro bono clients and made key contributions to cases filed on behalf of Kituo. He has worked with a team of Kituo lawyers in various public interest litigation cases. We celebrate your selfless commitment, passion, and tireless efforts. You have truly made a difference in the lives of those we serve.

Kituo congratulate Lamukani (Kwale) Community-Justice-Centre for being the best social justice centre of the year. The centre has focused on promoting



Paralegals from Dadaab Refugee Justice centre receiving a printer from Kituo team



Paralegals from Dadaab Refugee Justice centre receiving a printer from Kituo team

holistic and integrated community-driven development with all human rights for all people in Kwale. The Justice centre has been instrumental in identifying community legal needs and addressing them. The paralegals at Lamukani have shown selfless dedication to serving the community in matters of governance, the promotion and protection of human rights and access to justice

ANNEX - PUBLIC INTEREST LITIGATION CASES FROM NAIROBI



Kituo Legal team conducting a free legal aid clinic in Turkana County

Nairobi H.C PET E. 166 of 2021 Kituo Cha Sheria and Others V A.G 1998 US bombing attack cases in Nairobi

This is a case of access to justice for over 400 victims of the 1998 US bomb blast attack that took place 22 years ago. The victims approached KITUO after pursuing justice from different institutions. An estimated 200 Kenyan civilians were killed and 4,000 were injured by the blast in the vicinity of the Embassy.

Machakos Environment and Land Court Case No. 14 of 2021 James Muthusi & 750 Others V The County Government of Machakos

The case touches on 751 squatters of Kasuitu Settlement Scheme. The said squatters have been occupying land as squatters from the year 1974. They made several attempts to be allocated the land they occupy but to no avail. The squatters were under the threat of eviction from their mud houses hence our intervention.

Supreme Court Advisory Opinion 001 of 2023

This is an application by Kituo Cha Sheria for an advisory opinion under Article 163 (6) of the Constitution of Kenya. Kenya has experienced violent civil protests in the recent past which have resulted in numerous loss of lives and massive loss

of property.

While the Constitution guarantees the right to protest; the exercise of the right has resulted in violations of other rights like the right to life and the right to property.

The opinion hence seeks an opinion on among others the following:

- a) Whether there is a limitation to the right to protest and assemble.
- b) Whether states can interfere with the right to assemble.
- c) Whether there is need to balance the interests of the public and the interest of protestors.
- d) Whether in the event of exercising the right to protest and assemble, an individual suffers loss and damage of property, who should be held accountable.

Court attendance for the Shakahola Criminal Cases

During the period under review, KITUO on behalf of victims of the Shakahola massacre are representing the victims are representing the victims. The organization has engaged a senior counsel to take lead in the case.

During the period under review the following were the successful and on- going public interest cases handled by KITUO during the period under review:

Nairobi High Court Petition 224 of 2023 Kituo Cha Sheria V Attorney General

The nation has been shocked by over 100 killings in Shakahola, Malindi Kilifi County linked to a religious cult. Some of the bodies were recovered from shallow mass graves.

Questions have been raised on how the religious formation, Good Life International Church under the leadership of the Paul Mackenzie succeeded in the killings as its activities escaped the eye of the state and or continued quietly and undetected by the village.

ANNEX - PUBLIC INTEREST LITIGATION CASES FROM NAIROBI



Kituo lawyer Esther Nekesa with a client during a free legal aid clinic at Korogocho, Nairobi County

The mass killings happened in the expansive Shakahola Forest said to be owned by Paul Mackenzie. It is an issue of concern on how the killings escaped the eye of the government with the said religious leader owning such a vast parcel of land.

The mass killings are matters of great public interest that touch on the right to life and freedom and security of a person as guaranteed under Article 26 and 29 c) and f) of the Constitution. The victims and the families require legal aid to be able to access justice.

We have filed the case seeking for the court to find that the government failed to prevent the needless deaths and violations and there is hence need for accountability from the state.

Further, we have sought for compensation for the victims and families.

Nakuru High Court Constitutional Petition No. 9 Of 2022 Kituo Cha Sheria Vs Independent Electoral and Boundaries Commission & Others

This is a case filed to stop early campaigns in Kenya. The matter is based on the fact that the campaign period for purposes of the 9th August 2022 General Election was to commence on 29th May 2022 and cease on 6th August 2022. However, a number of candidates and political parties began promoting themselves for purposes of the 9th August 2022 General Election way before the commencement of the campaign period. The Petition was therefore filed to stop such early campaigns. The case was coming up for highlighting of submissions on 13th October 2022. However, one of the judges presiding over the matter was promoted to the Court of Appeal hence the Chief Justice needed to appointing another judge to preside over the matter.

The matter will be mentioned on the 30th January 2024 to confirm the empanelment of a 3 judge bench.

Malindi Elc Petition 2 Of 2023 Kituo Cha Sheria V National Environment Management Authority & Others

This is a case that involves the uprooting of baobab trees in Kilifi County for exportation to Georgia. Baobabs can live for thousands of years, are drought-resistant and provide habitats for a number of species.

Nairobi High Court Constitutional Petition E353 of 2022 Kituo Cha Sheria & 14 Others Vs Cabinet Secretary Ministry of Interior And Coordination Of National Government And Others

This is a case filed on behalf of the students injured during the Garissa University terror attack on 2nd April 2015.

Nairobi High Court Constitutional Petition E464 of 2022 Kituo Cha Sheria & 2 Others Vs Directorate of Criminal Investigations and Others

This is a case filed to seek expunging criminal records from the Police Clearance Certificate. The Petitioners are person who had been convicted and sentenced to probation and community service. They served their sentence but to date the Police Clearance Certificate still disclosed previous offences. This made it difficult for the Petitioners to get Public Service Vehicles driver's

ANNEX - PUBLIC INTEREST LITIGATION CASES FROM NAIROBI



An advocates caucus at Royal Tulip to deliberate on the crucial issue of the right to a clean and healthy environment

and conductor's badges since the National Transport and Safety Authority required a clean Police Clearance Certificate to issue the badges. The matter was mentioned on 3rd October 2022. The Respondents were not present and were to file their responses. The matter was therefore adjourned to 26th January 2023. The matter is now scheduled for 9th November 2023 for highlighting of submissions.

Iten ELC Const. Petition No. 007 of 2022 Kituo Cha Sheria & Anor –vs- Attorney General and others

The case touches on the impact of climate change on the residents of Baringo County. The case is brought by the Njemps and Tugen communities who are categorized as marginalized communities.

The residents are aggrieved that the state has made no efforts to address and minimize the loss and damage that they have experienced as a result of the adverse effects of climate change.

On or about May 2020, the water levels in Lake Baringo rose to unprecedented

levels after prolonged rainfall submerging large swathes of land as a result they lost their farmlands. Several schools, hospitals, hotels and recreational facilities were submerged. The rising waters further led to loss of livestock and lives due to wild animals coming closer to the people.

The case seeks among others a declaration that the state failed to take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects and address loss and damage to the Petitioners.

Law Society of Kenya and Kenya Human Rights Commission were enjoined as Interested Parties.

It is notable that the Attorney General and the National Environment Management Authority have all filed their responses.

The court gave the Petitioners time to respond to the responses mentioned above and the case will be mentioned on the 14th December 2023.

Nyahururu HC Pet. 043 of 2022 Kituo Cha Sheria & Another –vs- Attorney General and Another

Following the 2007 post- election violence, approximately 1133 people died, 3561 people were injured, 117,216 private properties and 491 Government owned properties destroyed, and approximately 350,000 persons displaced from their homes and or businesses.

Nairobi H.C PET. 254 of 2022 John Nganga Muigai and others –vs- Attorney General

The case is based on the various aired and documented reports by international and Kenyan media on alleged violation of human rights for immigrant domestic and other workers in the Middle East Countries which include Bahrain, Bangladesh, Belarus, Iraq, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia and United Arab Emirates among others.

The case is also informed by individual narrations by survivors and their families

ANNEX - PUBLIC INTEREST LITIGATION CASES FROM NAIROBI



A right to health caucus meeting

of violations of human rights in the Middle East which range from confiscation of travel documents by employers, communication restrictions, minimum pay, contract substitution— replacing agreed pacts with harsh conditions, modern-day slavery, torture, denial of meals, sexual abuse, rape, murder, deportation and imprisonment over cooked up charges among others.

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

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

On that very day, hours before the effective time of the curfew, the law enforcement officers meted violence and brutality on members of the public. National and

International media documented the various incidents of violence, including the Likoni Ferry incident where young men and women, children and people living with disabilities were beaten, had tear gas thrown at them and crammed into groups which violated their human rights including the health guidelines that were in place to stop the spread of Covid-19.

Following the acts of violence and brutality, Kituo Cha Sheria filed the case seeking accountability. The other CSOS in the case include Amnesty International Kenya, International Justice Mission, International Medico-Legal Unit and Haki Africa.

The case seeks a declaration that of the actions of the police were excessive, un-proportionate, negligent, cruel and inhuman and in complete disregard of the rights and fundamental freedoms of the Petitioners. The Petitioners who are represented by KITUO further seek compensation from the actions of the police.

A hearing date was given on the 6th March 2024.

Nairobi Petition No. 104 of 2019 Legal Advice Centre T/A Kituo Cha Sheria & Others –vs- 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.

Nairobi High Court Constitutional Petition E353 of 2022 Kituo Cha Sheria & 14 Others Vs Cabinet Secretary Ministry of Interior and Coordination Of National Government And Others which are similar cases the matter did not take off due to the insecurities as a result of protests.

The matters now have a hearing on the 24th and 25th January 2024.

ANNEX - PUBLIC INTEREST LITIGATION CASES FROM NAIROBI



A group photo after an advocate caucus at Royal Tulip to deliberate on the crucial issue of the right to a clean and healthy environment

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 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 clients 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

A hearing date was given for 13th February 2024.

Machakos ELC PET No. 21 of 2021 Solomon Mulwa & 11 others Vs Athi River Mining and 9 Others

The matter regards the mining activities by multinationals that have affected the livelihoods of the residents. This is in view of the adverse effects the mining activities have had on the environment.

KITUO sought leave of the court to amend its pleadings following a site visit we had carried out on the ground. The amendments sought to include images of the mining activities that had taken place despite the court ordering that status quo be maintained. The application was heard on 6th December 2022 and the Court granted us leave.

We are pursuing a hearing date.

Nairobi ELC Pet. 415 of 2022 Kenya Peasants League, Paul Mwangi & Others V AG and Others

The case challenges the government directive allowing the consumption of GMOs in Kenya through the lifting of a ban that was in existence.

Justice Mugure Thande, barred the government from gazetting any directives regarding GMOs or acting on the Cabinet dispatch that announced the lifting of the ban on GMOs.

KITUO has been enjoined in the case as an Interested Party stating that GMO products pose a health risk to Kenyans, particularly the poor and those with low incomes. KITUO also alleges that the government lifted the ban without involving Kenyans through public participation as required by the Constitution.

There are currently temporary orders suspending the government's plan to

ANNEX - PUBLIC INTEREST LITIGATION CASES FROM NAIROBI



Capacity strengthening session for law enforcement agencies based in Kakuma

allow importation and distribution of genetically modified organisms (GMOs) pending determination of a lawsuit against the lifting of the ban.

The matter has a mention on the 23rd April 2024 to confirm filing of responses.

Nairobi ELRC PET 052 of 2023 Diana Monique Arendse & Others V Meta Platforms INC & Others

The case was filed by Facebook content moderators hired by Facebook's subcontractor Sama alleging that they had been exposed to graphic and traumatic content at work, without adequate prior knowledge or proper psychosocial support – which they say left them with post-traumatic stress disorder. They also claimed that they were unfairly dismissed after trying to unionise their co-workers to fight for better conditions.

Facebook's parent company, Meta, contested its involvement in the case, saying that Sama was their employer, and Meta could not be subjected to a hearing in Kenyan courts because it was not registered, and did not operate, in the country.

The ELRC held that Facebook could be sued in Kenyan Courts. This triggered an appeal which is before the Court of Appeal.

KITUO is enjoined as the 3rd Interested Party.

Nairobi HCC PET E 541 of 2022 Abrham Meareg & 2 Others V Meta Platforms, INC

The brief facts are that on 3 November 2021, Prof Meareg Amare Abrha was followed home from his university by armed men on motorbikes and shot at close range trying to enter the family home.

Threats from his attackers prevented witnesses coming to his aid as he lay bleeding, his son says. He died lying on the ground seven hours later.

Before the attack, Facebook posts slandered and revealed identifying information about him.

Despite repeated complaints using Facebook's reporting tool, the platform "left these posts up until it was far too late".

The case seeks among others a declaration that the failure by the Respondent to adequately staff content moderators has violated the Petitioners' rights.

KITUO is enjoined as the 8th Interested Party.

Malindi ELC PET. 6 of 2022 Malindi Residents Development Group & Others V NEMA

The case touches on the dumping of toxic and harmful waste at the Malindi dump site that poses not only a risk to the environment but to the health of the residents.

KITUO filed an application to be enjoined in the matter as an Interested Party due to the grave public concern and the need to protect the community in Malindi.

KITUO was enjoined in the matter. We further filed our Replying Affidavit.

The parties failed to settle the matter and a ruling date is slated for 29th January 2024.

ANNEX - PUBLIC INTEREST LITIGATION CASES FROM NAIROBI



launch of a study report on durable solutions for refugees at UON parklands

Kituo's memorandum to parliament on criminalization of the crime of enforced disappearance in Kenya

KITUO on the 19th March 2023 appeared before the National Assembly Public Petitions Committee for consideration of a petition proposing enactment of legislation on enforced disappearances.

KITUO's prayer to the Committee is to criminalize and prescribe penalties for the act of forced disappearances as there is a high trend of extra-judicial killings. Currently, there are no laws holding suspects accountable even as people continue disappearing while in Police custody.

The Committee noted that the Courts shared that there's a distinct lack of enthusiasm by the police to investigate cases of disappearance.

Members queried why only four countries in Africa have ratified the criminalization of enforced disappearances in line with Article 4 of the Declaration on the

Protection of all Persons from Enforced Disappearance.

We await the next steps on the issue from Parliament.

KITUO appeared before the Senate Ad hoc Committee on the compensation of 1998 bomb blast victims

On the 19th August 2023, KITUO together with victims of the 1998 bomb blast whom KITUO represents in a constitutional petition appeared before the senate ad hoc committee pushing for their compensation.

KITUO informed the Committee that the US Government has extended the reach of the compensation to non-US citizen victims through the Foreign Sovereign Immunity Act (FSIA) but the Kenyan victims aren't included in the Act.

KITUO, Senate and the Vance Center are engaged in international advocacy in the United States to push for compensation of the victims.

Public Hearing before the Justice and Legal Affairs Committee at County Hall on 22nd August 2023

On 22nd August 2023, KITUO attended the public hearing to the Justice and Legal Affairs Committee (JLAC) at County Hall. JLAC is a Committee under the National Assembly of Kenya which deals with law reforms. The public hearing was for JLAC to hear the views of various stakeholders on the Anti-corruption and Economic Crimes (Amendment) Bill. The Bill seeks to amend the Anti-corruption and Economic Crimes Act by deleting Section 64 of the Act which provides that a person convicted of a corruption or economic crime is disqualified from holding a public office for 10 years after the conviction. The proposers of the Bill argued that Section 64 of the Act amounted to punishing a person twice since the Act also prescribes for a punishment of a fine, imprisonment and/or restitution. However, all the stakeholders present including Kituo cha Sheria opposed the amendment on the basis that integrity is a core part of leadership. The Bill will now be tabled before Parliament and it will be interesting to see if the Bill is passed as is.

ANNEX - PUBLIC INTEREST LITIGATION CASES FROM NAIROBI



US government delegation from the Bureau of Population, Refugees and Migration visits FMP office

Public participation meeting on the Kibos Land issue held on the 21st August 2023

KITUO was an interested party in the Kibos land matter where in the Nubian community was successful.

A multi institutional high level governmental meeting was held at the Kibos ground to discuss among other things the issuance of the title to the community.

The meeting drew attendance from senior government officers from the National Land Commission and Ministry of Lands.

The community was represented by the lawyers representing them and civil society organisations like KITUO and Haki Jamii.

The community agreed to have a block title to prevent individuals from selling the

parcels of land.

This was a good step towards the clients who were facing evictions as they got an assurance that they would get land.

Some of the key successes for single welfare cases:

Nairobi ELRC 619- 638 of 2018 Samuel Wanyahora and others V Sameer Africa Limited

This is a case of discrimination on the basis of age. Where the Claimants were paid gratuity on the basis of age. The judge in a judgment delivered a judgment on the 21st July 2023 found that the victims had been discriminated.

DOSH Reference 20 of 2018 Doreen Akinyi V Chiromo Mental Health Limited

Our client's husband was employed in a mental hospital as nurse. A mentally unstable client's husband killed our client with a gun. Reference with Directorate of Occupational Safety and Health was filed (DOSH). The client was awarded Kshs. 1, 500, 000. The hospital has appealed, the matter is being pursued with the Employment and Labour Relations Court.

Nairobi High Court Petition E481 of 2022 Bernard Muriuki Munyi Christine Njeri -Vs- Minet Kenya Insurance Brokers Limited & Kenyatta National Hospital

Kituo's client he matter is yet to fully settled. Bernard Muriuki child had been detained by Kenyatta National Hospital for over 5 months over unpaid hospital bills. A petition and an application was filed seeking the release of the minor. The application came up in court on 31st October 2022. The client was successfully represented. The minor was released ordering the client was to pay Kshs. 6,000 every month towards the outstanding bill.

ANNEX - PUBLIC INTEREST LITIGATION CASES FROM MOMBASA



KITUO team holding a press brief at KITUO offices in Mombasa

Public Interest Cases From Mombasa Regional Office

Malindi ELC No. 30 of 2016 Salim Mwaropha Maneno & Others V Iddi Ibrahim, Tudor Logistics Ltd & Land Registrar

- Our clients instructed us to secure Orders for revocation of titles that were acquired as a result of a fake decree. The first Defendant colluded with the Land registry and the 3rd Defendant by subdividing and selling land while the community members were not aware and in occupation of the same.
- We filed an application restraining the 4th Defendant from transferring, subdividing, alienating or dealing with the suit property which Orders were granted in our clients' favor. The Plaintiffs have testified and closed their case and that of the Defense. The Defendants filed a motion for setting aside of proceedings and hearing of the Defense case. The application was disallowed in part. The court found that the Order of setting aside is not merited and went ahead to dismiss it. The suit

property is approximately 190 acres along Mariakani in Kilifi County. Hearing of the suit has been set for 13th May 2024

Malindi Petition No. 11 of 2020 Malindi Rights Forum & Kubuka Farmers Association V National Land Commission, Land Registrar, AG, NEMA, Kurawa Salt, Kensalt, Krystaline Salt, Kemu Salt, Mombasa Salt, Malindi Salt & Solar Salt Ltd

- The petitioners are from Kilifi County occupying the salt bet area within Magarini Sub County. Their land was leased by the Government of Kenya to the Respondents No. 5 to 11. They use the Land for purposes of salt mining.
- Violations: Unjustly, forcefully, illegal divesting of ancestral land, unconstitutional allocation of land to 5th to 11 respondents, no public participation prior to leasing, environment was polluted, failure by state to compensate locals at the point of acquisition of their land rights and evictions were conducted against petitioners wish and without notice.
- Matter is still on going.

Voi ELC No E003 of 2024 formerly Mombasa ELC No 143 of 2022. Basil Criticos & Another Vs AIC Makutano & Others

- This is land dispute that was brought to the office by one of the leaders of Taveta paralegals over the suit land that is situate in Taveta sub county. The ministry of lands had created lake jipe settlement scheme after acquiring and compensating the Plaintiff who is a former member of parliament Taveta constituency. Sometimes in 2022, the Plaintiff sued the church and members of the community for eviction and cancellation of their titles.
- After filing of suit, the Plaintiffs filed numerous applications to add parties whom he insists are in occupation of the suit land that belongs to him. The suit has since been transferred to Voi ELC and is now pending an application for contempt against our client that is coming up on the 23rd April 2024.

ANNEX - PUBLIC INTEREST LITIGATION CASES FROM MOMBASA



Meeting with Hon. John Lekakany Ololtnaa, PS Tourism in a bid to seek Justice for employees of the Industry in Kwale County.

Mombasa ELC No 91 of 2020 Catherine Aluvisia Vs Spina Bifida Hydrocephalus

- The Defendant who is our client, is a charitable entity on donor funding. The community runs the Defendants facility in Likoni where they cater for the needs of children that suffer from Spina Bifida these are children with an abnormal large head. They are physically disable children coming from as far as Lamu for medical support and medical consultations.
- In an attempt to settle the case a meet was convened by the area member parliament. After deliberations it was agreed we get in touch with the commissioner at the national land commission to identify the geniuses of the complainants documents. After much deliberations, parties agreed to settle this dispute by way of an out of court settlement. It was agreed that the Defendant conducts a survey and hives out the portion occupied and buy the same while leaving the other portion of land vacate.

- All the parties have since signed and filed a consent save for the AG who now claims that the Plaintiffs according to their records is not the registered owner of the suit property. Accordingly he sought more time to confer with the lands registrar to make a determination of the status of the registered owners before we finally purchase the suit land. The case has a mention on 3rd May 2024 to confirm settlement.

Malindi ELC No. 48 of 2023 Chivasti Kabani Vs Pastor Ezekiel t/a Newlife International & Others

- The Plaintiff our client claims that the father now deceased did not participate in the sale and transfer of the suit land to the Defendant. That fake succession proceedings took place in cohorts with his nephews that resulted in the transfer of the suit land to the Defendant. Upon filing, the Defendant has made an offer to compensate the Plaintiff which compensation the Plaintiff is yet to consider and revert back. The case will be mentioned on 2nd May 2024 to confirm settlement.

Mombasa Civil Appeal No E061 of 2021. Prudence Wakio & 101 Others Vs Registered Trustees of Arch Diocese of Mombasa

- The Appellants our clients are all members of Kiilio Cha Haki and occupants of Plot No LR No 15031/169 Taita. The Defendants sought and secured eviction Orders in ELC No 500 of 2011. On instructions we filed an appeal and an application of stay of execution. The appeal was heard and is awaiting determination by the court of appeal.
- In the meantime, we have had a meeting with the Bishop in an attempt to settle this matter. We have approached the County Government of Taita to intervene and assist the community negotiate a settlement with the Church. The church has declined to negotiate while insisting that parties await the decision from the court of appeal before commencing discussions. The judgment of the court of appeal is expected to be delivered on 22nd March

ANNEX - PUBLIC INTEREST LITIGATION CASES FROM MOMBASA



KITUO team holding a press brief at KITUO offices in Mombasa

2024.

Mombasa ELC No 194 of 2020 Saulo Odhiambo & Others Vs Mvita Oils Limited

The community members were referred to the office by Kenya national human rights commission. The office visited the site where the complainants were complaining of air, noise and water pollution by Mvia Oils limited which is an edible oils and soap making plant. The defendant denied liability. The was referred to mediation. Parties did not agree. The Plaintiff sought Orders that NEMA visits the suit property and establish the extent of violations. A report was prepared and filed in court. Parties entered another round of negotiations and settled all issues save for the source of energy of the plant. The suit will be heard on the 5th June 2024.

Kwale ELC No.130 of 2021 Diani Tourism & Handicraft –vs- Josephat Mbiti

- Our client who is the Plaintiff is a community of small scale Akamba artisans engaged in the businesses of making artifacts for sale. As a group they mobilized resources and acquired the suit land. Meanwhile the Defendant who was invited to join as a member manufactured fake documents making him chair and proceeded to advertise the suit land for sale. It is the claim of the Plaintiff that the Defendant is not an official and can thus never engaged in any business of the Plaintiff.

- Although records from the registrar of societies confirm that Plaintiffs as the registered officials, the members list has not been availed by the registrar. Attempts to settle the dispute has not bore fruits. The case will be heard on 6th June 2021.

Voi ELC No E005 of 2024 formerly Msa ELC 309 of 2021 Sagalla Ranchers Limited Vs Amos Makalo & Others

- The Plaintiff claims that the Defendants who are ninety one (91) have invaded their land and engaged in all manner of activities that are destroying the environment and their property. The dispute according to the community is on the boundary. According to the community, the Plaintiff has been extended their boundary and have resisted all attempts to have the suit land boundaries be re established again. Meeting by the Deputy Community Commissioner to resolve the dispute by having a join re survey was defeated by Sagalla Ranchers who proceeded and conducted a private survey without public involvement.

- The Defendants have since filed a preliminary objection. The court has set the ruling on the 16th May 2024.

The programme participated in the Legal Awareness Week organised by the Mombasa Law Society in the 2023. The awareness week gave more visibility for Kituo cha Sheria including for recruitment of Advocates into the volunteer advocates' scheme.

