

2023



**5<sup>th</sup>**  
**Edition**  
**Newsletter**



**icj**

International  
Commission  
of Jurists

**KENYAN SECTION** | Since 1959

## CHAIRMAN'S NOTE



**Dear ICJ Kenya Members, Partners and Friends,**

I am pleased to share with you the fifth edition of ICJ Kenya's Newsletter, providing you with updates on our recent endeavours in advancing justice, human rights, and the rule of law in Kenya.

During the last quarter of the year, ICJ Kenya has actively participated in various activities aimed at promoting and strengthening judicial independence, advocating for the abolishment of the death penalty, advocating for the decriminalization and reclassification of petty offences and enhancing access to justice and redress for indigenous communities, minority, and marginalized groups.

Notably, we have devoted substantial efforts to generate awareness of our impactful Right to Health report and fact sheet.

I extend my heartfelt appreciation to our devoted team, partners, and ICJ members, whose invaluable contributions have been fundamental in the success of these initiatives. Together, we are effecting positive change and fostering a more equitable and rights oriented Kenya.

Thank you for your unwavering support, and I encourage you to delve into this year's final newsletter to gain further insights into our recent activities and accomplishments.

On behalf of ICJ Kenya, we wish you Happy Holidays and a great 2024!

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Protas Saende'. The signature is fluid and cursive.

Protas Saende,

ICJ Kenya Chairman.

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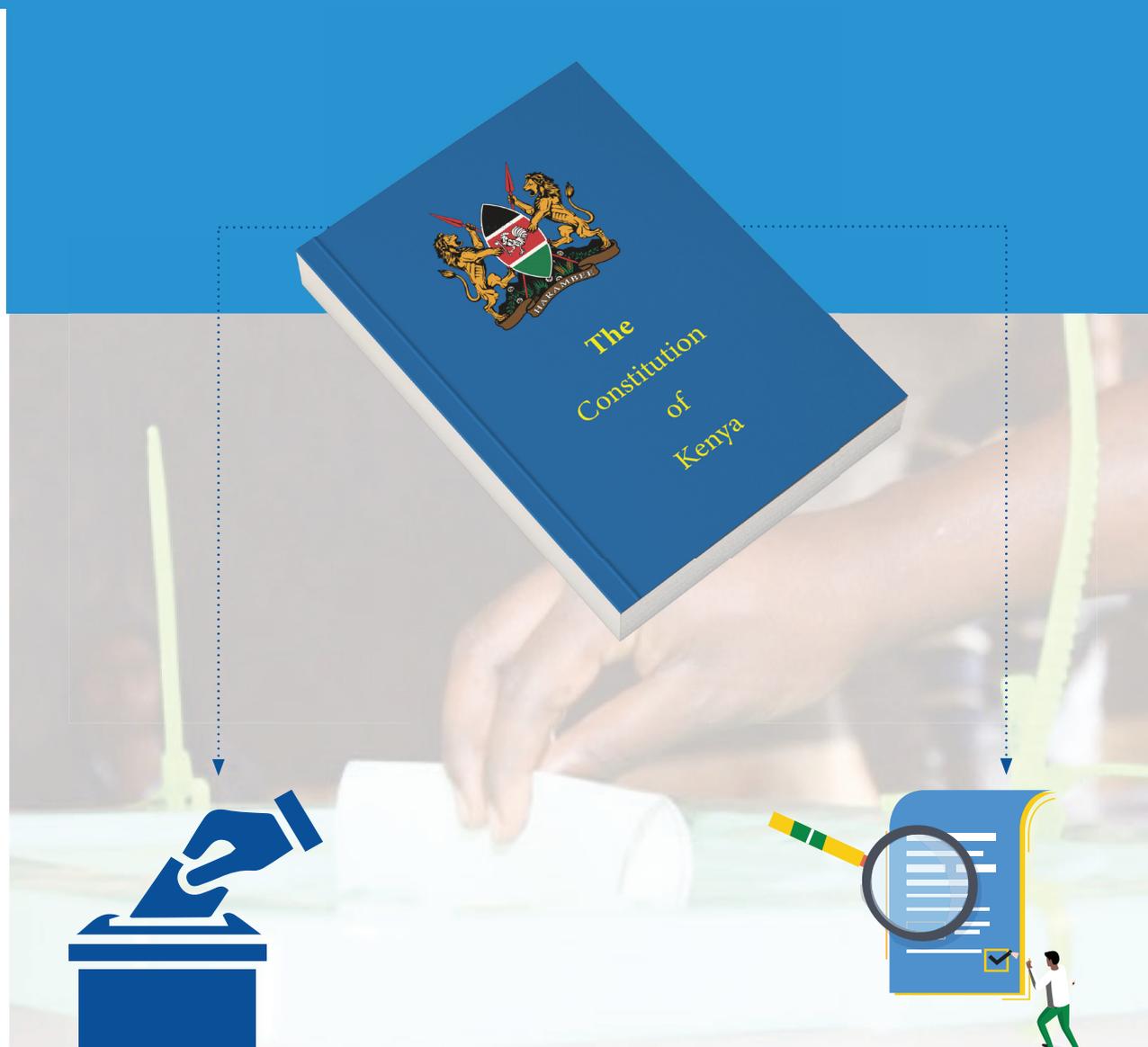
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**DEMOCRATIC  
GOVERNANCE AND  
THE RULE OF LAW**

## DEMOCRATIC GOVERNANCE AND THE RULE OF LAW

### *Constitutional Reforms and Implementation*



ICJ Kenya championed for the protection of civil-political and socio-economic rights by strengthening electoral management bodies, electoral processes, and electoral dispute resolution mechanisms.

Furthermore, ICJ Kenya conducted a periodic research on emerging constitutional issues to inform thinking and practice.

## Judicial Strengthening and Reforms

### Strengthening Capacity of Justice Sector Institutions



Towards Promoting adherence to applicable standards/best practices for judicial independence, transparency, integrity, and resourcing, we convened our Annual Jurist Conference (AJC) 2023.



*Delegates during the Annual Jurists Conference 2023, visited the GK Malindi Prison.*

*Delegates posing for a group photo during the Annual Jurists Conference (AJC) 2023.*

The AJC was held from 16th to 20th October in Malindi, and the conference addressed critical topics, among which Judicial Independence and Accountability and trends on human rights in Africa. The discussions on challenges like corruption within the Judiciary reverberated widely, garnering extensive coverage across mainstream media.

#### Media Coverage

**KBC:** <https://youtu.be/SgZOyFFl-WUg?si=LnAeHbws5qpFOcKJ>

**Ktnnews:** <https://www.youtube.com/watch?v=Jp-x1YAwfgo>

**Citizen TV:** <https://youtu.be/aeNcM-Vrn9Hw?si=NS4setftTp6GL0NF>

**KNA:** <https://youtu.be/DZbqclEXi-MI?si=uN6pv23g13AAhID5>

**K24 TV:** <https://www.youtube.com/watch?v=k8cvWIwEF9E>

## Southern and Eastern Africa Chief Justices' Forum (SEACJF) 20th Anniversary

ICJ Kenya supported the 20th anniversary celebration of the Southern and Eastern Africa Chief Justices' Forum (SEACJF) in Arusha, Tanzania, from the 23rd to the 27th of October. The forum convened Chief Justices, and the key area of discussion was the politicization of judiciaries. The organization engaged with the Chief Justice of Kenya on judicial accountability, and a commitment was made for a subsequent follow-up meeting. The concluding ceremony of the conference marked the launch of the Africa Electoral Jurisprudence Network (AEJN).



*ICJ Kenya Programme Officer Thuku Mburu (left), Executive Director Elsy Sainna, Chief Justice Martha Koome and Programme Manager Julie Wayua Matheka at the Southern and Eastern Africa Chief Justices' Forum in Arusha, Tanzania.*

## East African Magistrates' and Judges Association (EAMJA) Conference

“ ICJ Kenya supported the 20th EAMJA conference convened in Kampala, Uganda where delegates sought to harmonize best practices of judiciaries in East Africa. Our ED in her presentation noted the pivotal role judicial associations play in advancing and bolstering accountability in the administration of justice further noting its significance in fostering transparency, ethical standards and overall integrity of the judicial system. ”



*ICJ Kenya Programme Officer Thuku Mburu (left), Executive Director Elsy Sainna, Deputy Chief Justice Philomena Mwili and Programme Manager Julie Wayua Matheka at the East African Magistrates' and Judges (EAMJA) conference in Kampala, Uganda.*

## Election Dispute Resolution Debrief

ICJ Kenya participated in the election dispute resolution debrief (EDR) for High Court judges where delegates deliberated on emerging jurisprudence on pre-election EDR from the 2022 general election cycle.



*ICJ Kenya Deputy Executive Director Demas Kiprono making a keynote speech during the Election Dispute Resolution Debrief for High Court judges.*

## Establishment, Strengthening, and Expansion of Justice Institutions and Actors

The Kenya Judiciary Academy (KJA) held a technical committee working retreat from the 16th to the 20th of October in Machakos. The committee crafted an Access to Justice Toolkit that offers step-by-step guidance for seeking justice in Kenya and provides insights addressing challenges within the justice system.



## Establishment, Strengthening, and Expansion of Justice Institutions and Actors

On December, 11, 2023, ICJ Kenya participated in the induction of new members for the National Steering Committee for the Implementation of the Alternative Justice System (NaSCI-AJS)



By embracing alternative approaches, the Committee aims to enhance access to justice, reduce backlog and promote a system that is fair inclusive and adaptive to the ever-evolving needs of our society. ICJ Kenya has been privileged to walk with the AJS team from its inception as a task-force and now as a steering committee.



## Security Sector Strengthening and Reforms

### Police Reforms



ICJ Kenya supported the development, reform, and implementation of security laws and policies.

We further strengthened capacities of security sector agencies, institutions, and supporting structures (e.g., Police reform working groups).



## Access to Legal Aid

ICJ Kenya participated in the 1st regional conference on access to legal aid in New Delhi India. Discussions at the conference further centered around strengthening access to justice in the global south.



At the same time ICJ Kenya made a presentation on litigating and advocating against the decriminalization of poverty and status in Kenya and across Africa.



## Criminal Justice

### Decriminalization and Reclassification of Petty Offences

From 17th to 21st October, ICJ Kenya participated in the Regional Conference on the Rights of Women in the Criminal Justice Sector held in Kampala, Uganda. The conference drew together state and non-state actors and development partners.

ICJ Kenya shared comparative jurisprudence and lessons from Kenya on why it is imperative to decriminalize petty offences and draw the link between petty offences and gender.



*Programme Manager Julie Wayua Matheka giving a keynote address during the Regional Conference on the Rights of Women in the Criminal Justice sector in Kampala, Uganda.*

## Abolishment of the Death Penalty in Kenya



ICJ Kenya held a conference on 9th October 2023 to commemorate the 21st World Day Against the Death Penalty under the theme, 'Death Penalty: An Irreversible Torture.'



*Delegates posing for a group photo during ICJ Kenya's commemoration of the World Day against the Death Penalty Conference.*



### Media Coverage

**The Standard:** <https://www.standardmedia.co.ke/opinion/article/2001483305/abolish-outdated-death-penalty-to-align-with-constitutional-right-to-life>

**Nation:** <https://nation.africa/kenya/news/-number-of-death-row-convicts-rises-as-debate--4395906>

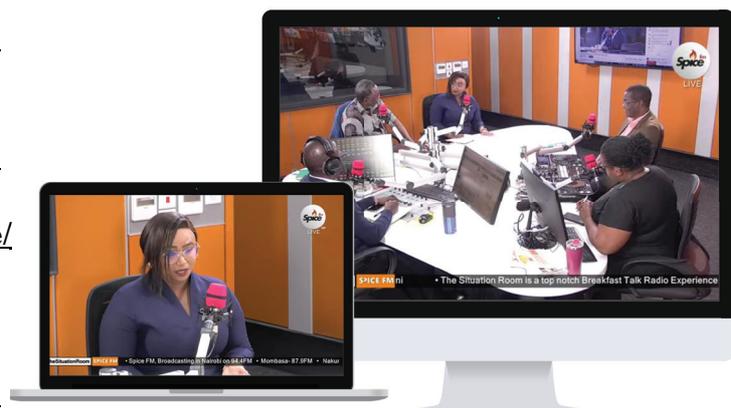
**The Star:** <https://www.the-star.co.ke/news/realtime/2023-10-09-pressure-mounts-for-kenya-to-abolish-death-penalty/>

**ICJ Kenya YouTube:** <https://youtu.be/S8UcNib6voA?si=vNlz-q11CTdpCe-fA>

**NTV Kenya:** <https://youtu.be/SJ0EZ4bKds?si=3IzYqX680hKGI5su>

**KBC:** <https://youtu.be/2zT69Z3Thf-c?si=dlbLRgck5OEP-Y8w>

The Key highlights were that the death penalty violates various rights and contributes to the psychological distress of those sentenced to death. The conference was featured on different national TV stations and in print and digital media. It is worth noting that Hon. Opiyo Wandayi acknowledged that the gains made are because of the work the organization has done to abolish the death penalty.





**HUMAN  
RIGHTS**

## HUMAN RIGHTS

### Accountability for Human Rights Violations and Atrocity Crimes

ICJ Kenya has continued to monitor genocide cases referred to Rwanda for domestic trial. During the visits, the monitors met with interlocutors and conducted prison visits to get a general feeling of the trial's progress.

The monitors also paid courtesy calls to the Netherlands Embassy in Rwanda for quick updates on the case's progress. The monitors also submitted quarterly reports to the relevant embassy.



*ICJ Kenya Executive Director Elsy C. Sainna and Human Rights Programme Manager Vincent Kimathi paid a courtesy visit to the Netherlands Embassy in Rwanda.*

### Promotion of Due Process and Fair Trial Rights

ICJ Kenya continued to promote fair trial rights of the accused, victims, and witnesses by engaging and commenting on the draft Policy on Complementarity and Cooperation of the ICC Office of the Prosecutor with respect to ways in which dialogue and engagement can be deepened to accelerate efforts towards more effective implementation of the Rome Statute, and in particular the principles of cooperation and complementarity.



## Equality Rights and Inclusion

### Reforms and Adherence to Progressive Laws

During the Annual Jurists Conference (AJC), ICJ Kenya held a panel discussion to interrogate emerging human rights concerns on sexual minorities in Africa. It was appreciated that most African countries continue to formulate and pass legislation that limits the human rights of sexual and gender minorities, thus providing a platform for further violation of their rights; hence, there is a need to ensure that the human rights of sexual and gender minorities in Africa are safeguarded.

### Access to Justice for Indigenous Communities, Minority, and Marginalized Groups

ICJ Kenya conducted a social media campaign during the 21st World Day Against the Death Penalty with a particular focus on the intersectional discrimination faced by women in the criminal justice system leading to the death penalty. It was noted that there is a need to enrich the jurisprudence on women and the death penalty through strategic litigation.

During the AJC, panelists interrogated access to justice for the poor and marginalized communities.

In addition, the panel referred to the Chief Justice's blueprint vision for the Judiciary, dubbed Social Transformation Through Access to Justice, which recognizes a multi-door approach to accessing justice. Consequently, the panelists implored that utilizing Alternative Access to Justice models is imperative.



*ICJ Kenya Vice Chairperson Tina Alai (left), Programmes Officer Wallace Nderu, Sheila Lulu from NGLHRC and Gilbert Mitullah during a panel discussion on Queer Minority Rights at the Annual Jurists Conference.*



## Paralegal Society of Kenya Summit and Awards

ICJ Kenya represented by our ED officially opened the 3rd annual PSK Summit on December, 4, 2023, hailing paralegal for enhancing grassroots justice systems. As the first point of contact for their communities' justice needs, paralegals enjoy trusting community connections and have proved reliable in offering legal advice to their community members.



*ICJ Kenya Executive Director, Elsy C. Sainna gives her keynote address during the 3rd annual PSK Summit.*



Notably during the PSK Awards our ED Elsy Sainna was feted for her exemplary service towards paralegal work as president of the society. Our paralegal Josephat Kasina also clinched the best overall community paralegal of the year award and the overall ICJ Kenya community paralegal, under the council member category.





## Civic Space, Digital Rights, and Independent Media

### Media Freedoms and Independence



ICJ Kenya held a consultative engagement with the Media Council of Kenya (MCK) to explore mutual areas of partnership to enhance media freedoms in Kenya.



*David Omwoyo, Media Council of Kenya (MCK) Chief Executive Officer during media engagement forum.*



In addition, ICJ Kenya, through its social media platforms, popularized the Jurists Take Podcast on Media Laws in Kenya. The podcast highlights the legal policy and the gaps inherent to achieving a free press in Kenya



A golden scale of justice stands on a wooden surface, with a wooden gavel resting to its left. The scale is ornate, with a central pillar and two pans hanging from a horizontal beam. The background is a warm, blurred bokeh of light and dark spots. A blue rectangular box is overlaid on the right side of the image, containing the text "ECONOMIC JUSTICE" in white, bold, uppercase letters.

**ECONOMIC  
JUSTICE**

## ECONOMIC JUSTICE

### Corporate and Public Sector Accountability

#### Right of Access to Information

ICJ Kenya has been nominated by the Commission on Administrative Justice (CAJ) as a member of the Steering Committee to assess the implementation of the right to access information in Kenya. The organization will use the platform to provide insightful discussions, work with other partners to identify procedural gaps, and advocate for transparent frameworks.



#### ECOSOC Rights

##### Right to Health

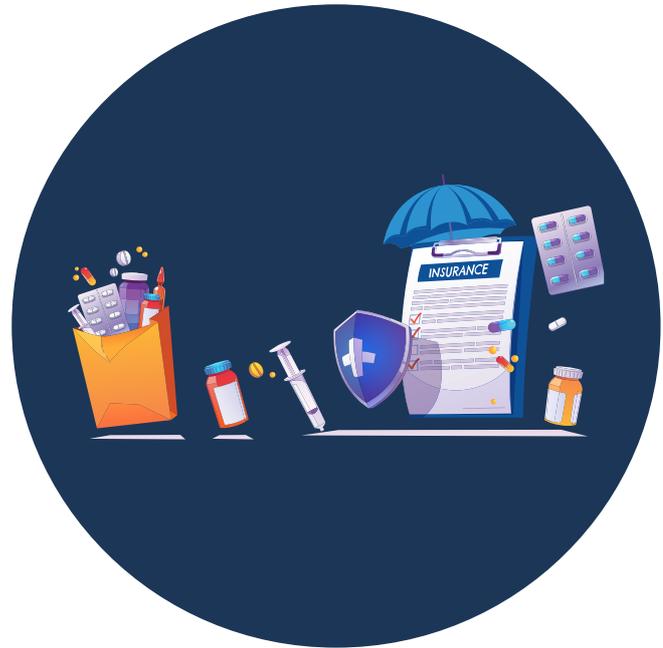


ICJ Kenya undertook online dissemination of the Kiswahili Fact Sheet, “Taarifa Muhimu Kuhusu Hali ya Sheria ya Haki ya Afya Nchini Kenya,” on its website and the short video, “Haki ya Afya,” on YouTube, garnering five thousand one hundred and eight-four (5,184) views. The dissemination led to an increase in public awareness of the right to health.



### Senate Health Committee on Reforms

ICJ Kenya submitted a Memorandum on the SHIF Bill 2023 intending to influence the proposed law seeking to put in place a legislative framework to regulate the provision of social health insurance. The memorandum was informed by the findings arising from ICJ Kenya’s review of policy and legislative frameworks that inhibit access to health rights.



### Right to Health Bench Book

In collaboration with the Kenya Judiciary Academy (KJA) and Center for Reproductive Rights (CRR), ICJ Kenya developed a Right to Health Bench Book: Select Decisions, Issues and Themes to guide judicial officers in adjudicating the right to health. The bench book provides a valuable guide for judicial officers on the legal policy frameworks and authorities relevant to matters arising from the right to health.



Land, Environment & Climate Justice

**Engagements with KCCWG**

On 6th November 2023, ICJ Kenya participated in a brainstorming meeting attended by diverse stakeholders and members of the Kenya Climate Change Working Group – Gender and Capacity Building Thematic Group. One of the key action points was a proposed series of podcasts on climate change issues, demystifying climate change and gender, peace and security, and e-mobility.



ICJ Kenya Council members during the 2023 Annual General Meeting (AGM).

**Annual General Meeting (AGM) 2023**

ICJ Kenya conducted its Annual General Meeting (AGM) on November 24, 2023 at ICJ Kenya House off Silanga road, in Karen where members attended physically and also virtually.

During the AGM, ICJ members were brought to speed on the organization’s activities including the anticipated Jurist of the Year Award (JOYA) 2023 while also being briefed on the organization’s annual reports.

Further, ICJ Kenya members participated in elections that saw new council members elected as well as JOYA committee members.

**ICJ Kenya Council Members (2023-2025)**

- Protas Saende, Chairperson
- Christine Alai, Vice Chairperson
- Grace Maingi, Treasurer
- Purity Makori, Secretary
- James Gichuru, Council Member
- Fred Athuok, Council Member
- Stella Ndirangu, Council Member

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## Jurist of the Year Award (JOYA) 2023

On December,9,2023 at the French Embassy in Nairobi, ICJ Kenya was delighted to unveil Dudley Ochiel, as the Jurist of the Year Award (JOYA) recipient in a ceremony graced by our chief guest, French Ambassador to Kenya Arnaud Suquet alongside other notable guests Hon. Kalonzo Musyoka and former JOYA recipient Hon. Martha Karua.



*Dudley Ochiel being feted during the Jurist of the Year Award (JOYA) 2023 at the French Embassy in Nairobi.*



### Media Coverage

**Ktnnews:** [https://www.youtube.com/watch?v=RDG-72b1\\_EM](https://www.youtube.com/watch?v=RDG-72b1_EM)

**K24 TV:** <https://www.youtube.com/watch?v=1THM-DCkbXE&t=19s>

**TV47:** <https://www.youtube.com/watch?v=daQHFfi-9uIo&t=2s>

**ICJ Kenya:** [https://www.youtube.com/watch?v=ZKBYRnF0\\_74&t=8s](https://www.youtube.com/watch?v=ZKBYRnF0_74&t=8s)

**Access Citation Here:** <https://icj-kenya.org/news/dudley-ochiel-jurist-of-the-year-joya-2023/>

“Dudley Ochiel was recognized for his tremendous efforts in the advancement of constitutionalism, the respect for the rule of law, the promotion of good governance and respect and protection of human rights through innovative thinking, boldness, courage in pushing the boundaries of the law through strategic and public interest litigation on diverse an important public policy and interest matters nationally and in the region.”



## ICJ Kenya Secretariat Team Building



Every year, ICJ Kenya conducts its team building exercise as part of its efforts to promote stronger communication, enhances collaboration, boosts morale, and develops a cohesive and motivated workforce.



This fosters a positive work environment and ultimately contributes to increased productivity and overall success.

This year, the team held its team building exercise in Jangwani Camp, in Sagana, Murang'a county.

*ICJ Kenya Secretariat team building at Jangwani Camp in Sagana, Murang'a county.*



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