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Impact Report 2014 2015

ABOUT THIS REPORT

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Abbreviations and Acronyms

ACHPR	African Commission on Human and Peoples’ Rights
AFRICOG	Africa Centre for Open Governance
CAT	Committee Against Torture
CUC	Court Users Committee
EAJMA	East African Judges and Magistrates Association
ESCR	Economic, Social and Cultural Rights
FIDA	Federation of Women Lawyers (Kenya)
ATI	Access to Information
HRC	Human Rights Council
ICJ Kenya	Kenyan Section of the International Commission of Jurists
JMVB	Judges and Magistrates Vetting Board
JTI	Judicial Training Institute
KAS	Konrad Adenauer Stiftung
KEWOPA	Kenya Women Parliamentary Association
KHRC	Kenya Human Rights Commission
KNCHR	Kenya National Commission on Human Rights
KWJA	Kenya Women Judges Association
OMCT	World Organization Against Torture
PIN	Parliamentary Information Network
SOs	Standing Orders
TI-Kenya	Transparency International (Kenya Chapter)
UPR	Universal Periodic Review

Acknowledgements

The development of the 2014 Impact Report has been coordinated by Elsy Sainna, Deputy Executive Director of ICJ Kenya, Minnie Mang’eli, Administrative Manager and Maureen Omondi, Monitoring and Evaluation Officer. We would also like to thank ICJ Kenya’s staff for sharing the information, analysis and documentation that has informed the content of this report. In addition, we sincerely thank the Governing Council of ICJ Kenya for the strategic leadership they provided to the Secretariat during the year.

We would like to warmly thank our funding partners whose support has made the production of this report possible. It is our hope that the report provides some perspective on the organization’s performance during the year 2014.



George Kegoro

Executive Director

MESSAGE FROM THE CHAIRMAN



In 2014, ICJ Kenya made significant contributions to the implementation of the constitution. ICJ Kenya played an important role in defending rights and defining the standards of compliance with international human rights norms. It maintained its voice in demanding compliance with the constitution while also supporting key institutional reforms. ICJ Kenya supported judicial reform programmes designed to ensure access to justice for all, legislative processes both at the national and county levels to ensure timely enactment of laws necessary for the implementation of the constitution, and offered technical assistance to law enforcement agencies to ensure strict observance of human rights and adherence to the rule of law.

As a convener of the Kenya Judicial Reforms Working Group, an umbrella civil society coalition that works on access to justice issues in Kenya, ICJ Kenya contributed to a broadened spectrum of access to justice by isolating and addressing impediments to accessing justice. ICJ Kenya was also instrumental to the emergence of an ascendant judiciary for effective protection of rights, including especially the rights of women and children. ICJ Kenya achieved this through its initiative of national and regional judicial dialogues designed to strengthen the technical capacities of judicial officers in interpreting and applying the Maputo Protocol on the Rights of Women.

ICJ Kenya was instrumental in the promotion of legal awareness and provision of legal services to the indigent. The recognition, protection and promotion of freedoms and liberties begins with a basic understanding of the nature and extent of fundamental rights and freedoms articulated in the constitution. ICJ Kenya also contributed to a strengthened alternative dispute resolution mechanisms through its vast paralegal networks across the country. This had a significant impact not only in the resolution of disputes but also in diversion of cases that would have otherwise been unresolved or referred to courts.

ICJ Kenya was equally relentless in the pursuit for justice for Internally Displaced Persons and victims of gender based violence committed during the 2007/2008 post-election violence. ICJ Kenya initiated impact litigation in the Kenyan courts to seek redress for these victims. ICJ Kenya's work has been bolstered by close partnerships with networks and partners, both regionally and internationally.

ICJ Kenya continued to advocate for enactment of access to information laws to provide the framework for promotion of access to information, government accountability and transparency. The democratic justification for access to information is that of a fundamental right as well as a practical sense issue. The constitution, in terms of governance, presupposes an operational representative democracy where the public is involved in governance and helps to shape public policy and public decision-making through consultation, deliberation and negotiation. To do so, requires information so that participation is informed and meaningful, otherwise an uninformed public participates in governance based on rumors and guesswork.

Despite these strides, fault lines in the protection of freedoms and liberties, and implementation of the constitution persisted. While there is a general acceptance of the constitution's transformative promise of a responsive governance architecture and a broadened human rights protection framework, state actors have not held the constitutional precepts as binding. There is an evolving practice where state actors are systematically discarding the values and value provisions in the constitution.

A perception that that the government is reluctant to conform to the rule of law, values, ideas, ideals and ideologies of the people is gaining momentum. The constitution was thought to be Kenya's salvation, erasing corruption, economic cronyism, anticompetitive and inefficient practices, and removing once and for all the ability for a sitting incumbent to capriciously seize wealth. Yet corruption in the public sector has bounced back with ease aided by the government's reluctance to act against high level officials. In the 2014 Corruption Perception Index, Kenya was ranked in position 145 out of 174 countries, indicating a deeply embedded corruption compared to 2013 when the country was ranked in position 136.

Experience from 2014 demonstrates that respect for human rights cannot be achieved on the basis of a good constitution alone. For instance, the government's aggressive counterterrorism posture has been characterized by widespread and systematic violations of human rights that include arbitrary arrests, extortion, illegal detention, torture, killings and disappearances. This is inconsistent with the constitution's grand design of a strengthened human rights protection framework intended to inspire national renewal, encourage peaceful coexistence, ensure uniform application of the law and promote advancement of the wellbeing of every individual. There is need for a comprehensive, coordinated and coherent approach to combating terrorism and violent extremism through rule of law and where both civil society and the government work together. Similarly, there is an emerging trend of a flagrant disregard to civil liberties and freedoms.

Freedom of assembly and association, freedom of expression and freedom of the media remain under threat due to an increasing trend of gross violations by government functionaries. As a result, journalists, media professionals, human rights defenders, ordinary citizens and civil society organizations are increasingly coming under threat and attack for their work on governance and human rights.

It is also important that the government preserves the civic space as a necessary condition for good governance. The emergence of a vibrant civil society is often viewed as part of the institutional framework to complement and reinforce the protective mandate of the government. Indeed a robust, independent and functional civil society is a key plank for the rule of law.

A handwritten signature in blue ink, reading "Egund".

Dr. Ken Nyaundi
Chairman
ICJ Kenya

MESSAGE FROM THE EXECUTIVE DIRECTOR



The year 2014 was tipped to be the frame of reference for adherence to the rule of law, respect for human rights, promotion of good governance, and entrenchment of the culture of constitutionalism. The contest and controversy following the general elections of 2013 and the subsequent judicial intervention that validated the outcome of the presidential election meant that much of 2013 was dedicated towards ensuring that Kenya emerged from a precarious situation of a possible breakdown of the rule of law as had been witnessed in 2007/2008.

2014 was, however, fraught with challenges that diminished the possibility of setting the country firmly on the path of responsive governance and a recognition of the primacy of the constitution and supremacy of rights and liberties. The shrinking civic space was a major concern for non-state actors. While the country prepared to go to the 2013 general elections, Kenyatta and William Ruto declared their candidature for president and deputy president despite the ongoing cases at the ICC. A section of the civil society sought judicial interpretation as to whether their candidature violated Chapter Six of the constitution. The first indicator of an intended clampdown on the civic space was a terse dismissal of civil society as part of the evil in society that the country needed to overcome.

Following the installation of the new administration, the government heightened negative campaigns against civil society. The narrative propagated by government is that the promulgation of the constitution 2010, effectively drew the curtains on agitation for reforms. In that regard, the government dismissed the civil society as bereft of any legitimate agenda and sought to be left alone to implement the constitution. Similarly, antagonism of the civil society has been exacerbated by the refusal of human rights defenders to acquiescence to human rights violations as an indispensable collateral in the war against terrorism. This is exemplified by a deliberate negative campaign to delegitimize civil society organizations as terrorist sympathizers. Yet human rights violations aggravated by the government's purposive responses to threats and acts of terrorism remains an indisputable fact. Engagements with law enforcement agencies have shown that there is still need to promote universal acceptance of human rights norms and principles in the criminal justice system.

The rushed passage of the Security Laws (Amendment) Act, No 19 of 2014 its immediate operationalization despite public protests about its constitutionality revealed an unresponsive approach to human rights concerns. It took judicial intervention to restore the rights and freedoms clawed by the security laws. In sharp contrast, the government continuously ignores calls to gazette the commencement date for the Public Benefits Organizations enacted in December 2013. Public Benefit Organizations understand the refusal to commence the Act as a clandestine move to discover ways, through amendments, to emasculate the sector.

While legislation remains an important aspect of the implementation of the constitution, the deficit of laws necessary to ensure implementation of the constitution persisted throughout 2014. The implementation of affirmative action provisions of the constitution designed to ensure that women are provided with special opportunities to participate and be represented in governance is a case in point. Efforts by the civil society and the Technical Committee set up by the Attorney General to establish possible mechanisms for the two thirds gender rule did not yield reconcilable proposals.

On its part, Parliament mulled over a possible deletion of the affirmative action provisions from the constitution, but subsequently developed two separate mechanisms for the implementation of affirmative action. Other key legislations necessary to promote transparent and accountable governance that are yet to be enacted include the Access to Information Bill, Public Participation Bill and Legal Aid Bill.

Finally, the withdrawal of the charges against Uhuru Kenyatta raises doubts that victims who suffered tremendously from the horrors of the post-election violence, and who have waited for seven years, will see justice done. ICC prosecutor, Fatou Bensouda, expressed frustrations that several people who may have provided important evidence regarding Mr. Kenyatta's actions, had either died, withdrew their accounts, or too terrified to testify. She also decried the Kenyan government's non-compliance as an impediment that compromised the prosecution's ability to thoroughly investigate the charges.

Back home, the government's partial effort to resettle IDPs has elicited disquiet over discrimination. There have been no efforts to compensate integrated IDPs who suffered loss of property and bodily harm but escaped to their native homes. Similarly, calls to investigate and prosecute cases of police brutality on unarmed civilian protestors have been conveniently forgotten.

George Kegoro
Executive Director

INTRODUCTION

The Kenyan Section of the International Commission of Jurists (ICJ Kenya) is a non-governmental, non-profit and a member based organisation. ICJ Kenya is the only African national section affiliated with ICJ Geneva, although it operates autonomously. Founded in 1959 ICJ Kenya is the oldest human rights organization in Kenya. The main mandate of the organization is to promote and protect human rights, democracy and the rule of law to ultimately secure all human rights in Kenya. ICJ Kenya has observer status with the African Commission on Human and Peoples' Rights and accredited as an ECOSOC observer by the United Nations.

Our Vision

Our vision is to become a premier organization in the promotion and protection of the rule of law, human rights and democracy for a just, free and equitable society.

Our Mission

As jurists, we shall promote and protect the rule of law and democracy in Kenya and across Africa through the application of legal expertise and international best practices.

1959: Founded

Established as the local chapter of the British Section of the ICJ Kenya in Geneva. Started by John Alexander Couldrey and Francis R. Stephen

1965: Autonomous National Section

ICJ Kenya established as an autonomous National section of the International Commission of Jurists

1960: Founded

First inaugural meeting held. A sub-committee appointed to draft the Constitution Kai Bechgaard Q.C appointed Chairman and Mr. John Alexander Couldley as Secretary

1974: Registration as Society

ICJ Kenya registered as a society under the Societies Act (Cap. 108) in 1974.

1993: First Jurist of the Year Award

Recognition for the contributions of one outstanding jurist to the promotion and protection of human rights and the rule of law.

2009: 50th Anniversary

50 years since the inception of ICJ Kenya

2000: Spearheading ATI campaign

ICJ Kenya spearheading campaign for the enactment of the ATI Law

2014: Membership

400 members from both the Bench and the Bar

Objectives

The objectives of ICJ Kenya as stated in Article 3 of its Constitution are:

- (a) To develop, strengthen and protect the principles of the rule of law in the Republic of Kenya and in particular:
 - Develop, maintain, strengthen, and protect the independence of the judiciary and the legal profession;
 - Protect and promote the enjoyment of human rights as defined in the Universal Declaration of Human Rights, 1948.
- (b) To keep under review all aspects of the rule of law and human rights within the Republic of Kenya and take such action in promoting or ensuring their enjoyment.
- (c) To promote the provision of legal service in rural areas.
- (d) To assist in giving help to peoples in other territories to whom the rule of law and human rights may be denied.
- (e) To cooperate with any national or international body which pursues objects similar to or compatible with the aforesaid objects.

THE GOVERNING COUNCIL

The organization is regulated by a Constitution and governed by a Council that comprises of seven members who are elected every two years. After the successful Council Elections held on 10th December 2013, the following members were elected to serve a two year term (2014/2015).

Njonjo Mue
Vice Chair



Dr. Ken Nyaundi
Chairman



Protas Saende,
Treasurer



Jack Muriuki
Secretary



Brenda Kamau
Council Member



Kelvin Mogeni
Council Member



MEMBERSHIP

ICJ Kenya is a member based organization. Members are drawn from the legal fraternity in Kenya and are required to pay an annual subscription fee of three thousand shillings only. ICJ Kenya currently has over 400 members.

Patrick Ngunjiri
Council Member



THE SECRETARIAT

Organisation Development Team

With the able leadership of the Executive Director, Mr. George Kegoro, the permanent secretariat is comprised of professional and support staff members.

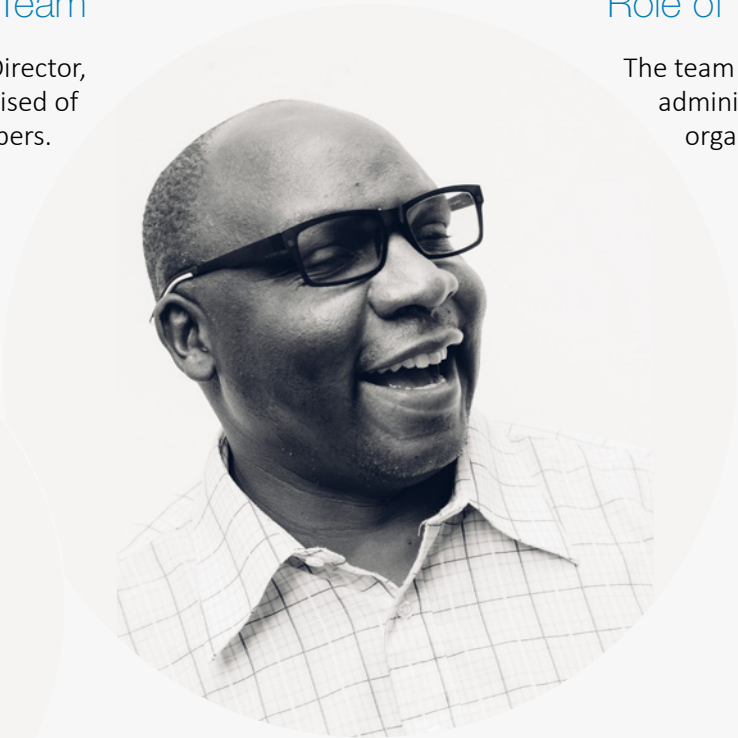
Role of the Secretariat

The team is charged with the daily implementation and administration of programmes and activities of the organization.

Elsy Sainna
Deputy Executive Director



George Kegoro
Executive Director



Minnie Mang'eli
Administrative Manager



Margaret Muriggu
Finance Manager



Nancy Mwangi
Administrative Officer



Purity Kirema
Finance Assistant



John Lilembe
Office Assistant



David Kimani
Logistics Officer



THE PROGRAMMES TEAM



Anne Nderi
Programme Manager
Democratisation Programme



Anita Nyanjong'
Programme Manager
Access to Justice Programme



Stella Ndirangu
Programme Manager
International Cooperation



Victor Kapiyo
Programme Manager
Human Rights Protection Programme



Miriam Bomet
Programme Officer
Democratisation Programme



Steve Ogolla
Programme Officer
Human Rights Protection Programme



Edigar Kavulavu
Programme Officer
International Cooperation



Tabitha Mbei Kimotho
Legal Researcher

OUR IMPACT AT A GLANCE

SPEARHEADING CAMPAIGN
FOR THE ENACTMENT OF
THE ATI LAW SINCE YEAR

2000

1

Representative Suit for Internally
Displaced Persons during the
2007-2008 PEV

ESTABLISHED SINCE YEAR

1959

14

NUMBER OF COUNTRIES IN WHICH ICJ KENYA PROVIDES
LEADERSHIP IN THE PAN-AFRICAN CIVIL SOCIETY NETWORK

Burundi, Central African Republic, Côte D'Ivoire, The Democratic
Republic Of Congo, Kenya, Malawi, Nigeria, Senegal, Sierra
Leone, South Africa, Sudan, Uganda, Tanzania And Zambia

ONGOING STRATEGIC IMPACT
LITIGATION CASES

3

4

The Number of ICJ Kenya
Programmes

LAUNCH

Annual Publication of the ICJ Kenya
Parliamentary Watch Report Series
Volume

5

Number of Counties where social
Audit Trainings were Conducted
Nandi, Uasin Gishu, Baringo,
and Nakuru

1

Representative Suit against
SGBV Atrocities Committed
During the 2007-2008 PEV



5

NUMBER OF TOWNS THAT ICJ IN
COLLABORATION WITH NALEAP
TRAINED/SUPPORTED PARALEGALS
Naivasha, Kisumu, Iten, Mombasa
and Nairobi.

7

NUMBER OF CUC'S SUPPORTED

Kisumu, Eldoret, Voi, Taita Taveta,
Wundanyi, Homabay, Tononoka

14

Annual Publications of the ICJ Kenya
JUDICIARY WATCH REPORT

2

ESTABLISHED REGIONAL
ATI NETWORKS

Laikipia and Nyeri

1

COUNTY - LAIKIPIA
SUPPORTED IN TRANSLATING
STANDING ORDERS TO
KISWAHILI

6

SUPPORTED PARALEGAL NETWORKS

Meru, Laikipia, Transmara, Kwale,
Taita Taveta and Kitui

OVER
2000
LEGAL PUBLICATIONS

OVER
400

NUMBER OF MEMBERS

1993
ICJ ANNUAL JURIST
AWARD SINCE YEAR

EXECUTIVE SUMMARY

In 2014, the [Kenyan Section of the International Commission of Jurists \(ICJ Kenya\)](#) implemented activities under its four programmes: [Democratization Programme](#); [Access to Justice Programme](#); [Human Rights Protection Programme](#); and [International Cooperation Programme](#). ICJ-Kenya's programmes strategic orientation are informed by the organization's 2011-2015 Strategic Plan, which provides broad strategic objectives, and explains the causal linkages between its mission, goals and programmatic approaches and activities.

In the year under review, ICJ Kenya's programmes contributed to the empowerment of citizens to participate in democratic governance, and to the enhancement of the rule of law. They also contributed to improved human rights protection, access to justice and the quality of justice sector institutions in the region. In particular, ICJ Kenya made contributions in the areas of judicial reforms, constitutionalism, open government and international criminal justice. In terms of judicial reforms, ICJ Kenya's Access to Justice Programme provided technical support and developed resources for various criminal justice institutions in Kenya. Specifically, ICJ Kenya supported the Judiciary as well as the strengthening of the capacities of Court Users Committees (CUCs) around the country in an effort to enhance access to justice. ICJ Kenya also worked to popularize access to information laws, in addition to providing technical assistance aimed at enhancing democratic practices in various county assemblies.

ICJ Kenya made technical inputs in the work of key institutions involved in security sector reform in Kenya, with the aim of improving human rights practices. In addition, ICJ Kenya supported ongoing work on transitional justice, particularly advocacy by human rights organizations on the implementation of the recommendations of Kenya's TJRC report. ICJ Kenya convened experts on international criminal justice to discuss the status, challenges and prospects of achieving accountability for international crimes committed on the African continent, and also effectively used litigation to amplify the voices of the victims of the 2007-2008 post-election violence in Kenya.

During the year, the success of ICJ Kenya's work was bolstered by the effective use strategic impact litigation to promote the incorporation of international standards in national legal systems. The litigation was carried out in Kenyan courts, and actions have also been launched before international mechanisms such as the African Commission on Human and Peoples' Rights (ACHPR), the East Africa Court of Justice (EACJ) and the International Criminal Court (ICC). ICJ Kenya's work has also been strengthened by close partnerships with networks and partners, both regionally and internationally. This approach helped ICJ Kenya's programmes to reach actors in places where there was no previous connection. ICJ Kenya will continue to invest in partnerships and networking in the future.

The year, however, was not without challenges. Staff turnover affected the timely implementation of some of the activities. Another cross-cutting challenge for the programmes was the dynamic reform context which made it difficult to synchronize planning and implementation of activities with certain stakeholders, such as members of the National Assembly and the Judiciary. Given this particular challenge, ICJ Kenya plans to improve its advocacy strategy in order to enhance planning and implementation of activities with these critical stakeholders.

At the institutional level, ICJ Kenya plans to strengthen its Monitoring and Evaluation (M&E) capacity, resource mobilization effectiveness, organizational learning and staff development. With respect to M&E capacity, ICJ Kenya has identified the need to improve documentation of programme results, and generally to better integrate M&E in programme work. Several resource mobilization strategies are being evaluated, including identifying more partners and non-grant forms of income generation, in order to enhance and diversify the funding base for the organization and its programmes. In line with its goal to ensure that its programming is even stronger in 2015, ICJ Kenya has also identified the need to continue investing in organizational learning and staff development. Capacity building for programme staff will be prioritized in the areas of research and documentation, knowledge management, proposal writing, programme management, and resource mobilization. Investments will also be made to train staff in the relevant thematic areas of human rights and international criminal justice, among other areas.

In 2015, ICJ Kenya will build on the success of its 2014 interventions. Areas for future programming include:

- Strengthening citizens' capacity to carry out social audits in counties;
- Promoting human rights-based approaches (HRBA) to governance and service delivery in the devolved governments;
- Monitoring and supporting judicial reforms including strengthening Court Users' Committees and expanding the network of ICJ Kenya-affiliated paralegals;
- Enhancing human rights education initiatives for marginalized groups, such as the youth, children and women;
- Providing leadership in the public debate on the linkages between the right to access to information and national security laws;
- Conducting research on various issues in the thematic areas of human rights, the rule of law, and democratic governance;
- Promoting the reform of electoral governance institutions on electoral preparedness ahead of the 2017 general election;
- Providing more support to Human Rights Defenders, particularly in the context of a worsening political environment and closing civic space;
- Expanding participation in the work of human rights treaty monitoring bodies; and
- Exploring the possibilities for running a project focusing on transparency in Kenya's emerging extractive industries sector in line with the Sustainable Development Goals (SDGs).

ICJ KENYA PROGRAMMES

ICJ Kenya Programmes in 2014

In 2014, ICJ Kenya implemented activities under its four programmes: [Democratization Programme](#); [Access to Justice Programme](#); [Human Rights Protection Programme](#); and [International Cooperation Programme](#). Each programme uses a combination of implementation approaches, namely advocacy, partnerships-and-networking, capacity building, strategic litigation and research to carry out its work. As a part of its programming strategy, ICJ Kenya consciously strives to reach both women and men, and therefore gender is a critical consideration in all programme activities.

ICJ-Kenya's programmes obtain strategic orientation from the organization's 2011-2015 Strategic Plan, which provides broad strategic objectives, and explains the causal linkages between its mission, goals and programmatic approaches and activities. For several years now, ICJ Kenya programme staff have gathered at the Annual Planning Retreat (APR) to develop annual operational plans. The APR examines programmatic achievements, challenges, and draws lessons learnt and recommendations for future programming. On the basis of this review and analysis of the operating context ahead, plans are developed for each programme in line with the broad framework provided by the organization's Strategic Plan.



In 2014, the programmes supported the empowerment of citizens to participate in democratic governance, and the enhancement of the rule of law. In addition, ICJ Kenya's work contributed to the improvement of human rights protection, access to justice and the quality of justice sector institutions in the region. ICJ Kenya made key contributions in the areas of supporting judicial reforms, promoting constitutionalism, open government and international criminal justice. In the area of judicial reform, ICJ Kenya provided technical support towards the creation of knowledge products for various criminal justice institutions in Kenya, particularly the Judiciary.



ICJ Kenya also contributed to strengthening of the capacity of Court Users Committees (CUCs) around the country to enhance access to justice. Also ICJ Kenya worked to popularize access to information laws, particularly in Kenya's new counties, in addition to providing technical assistance aimed at enhancing democratic practices in various county assemblies.

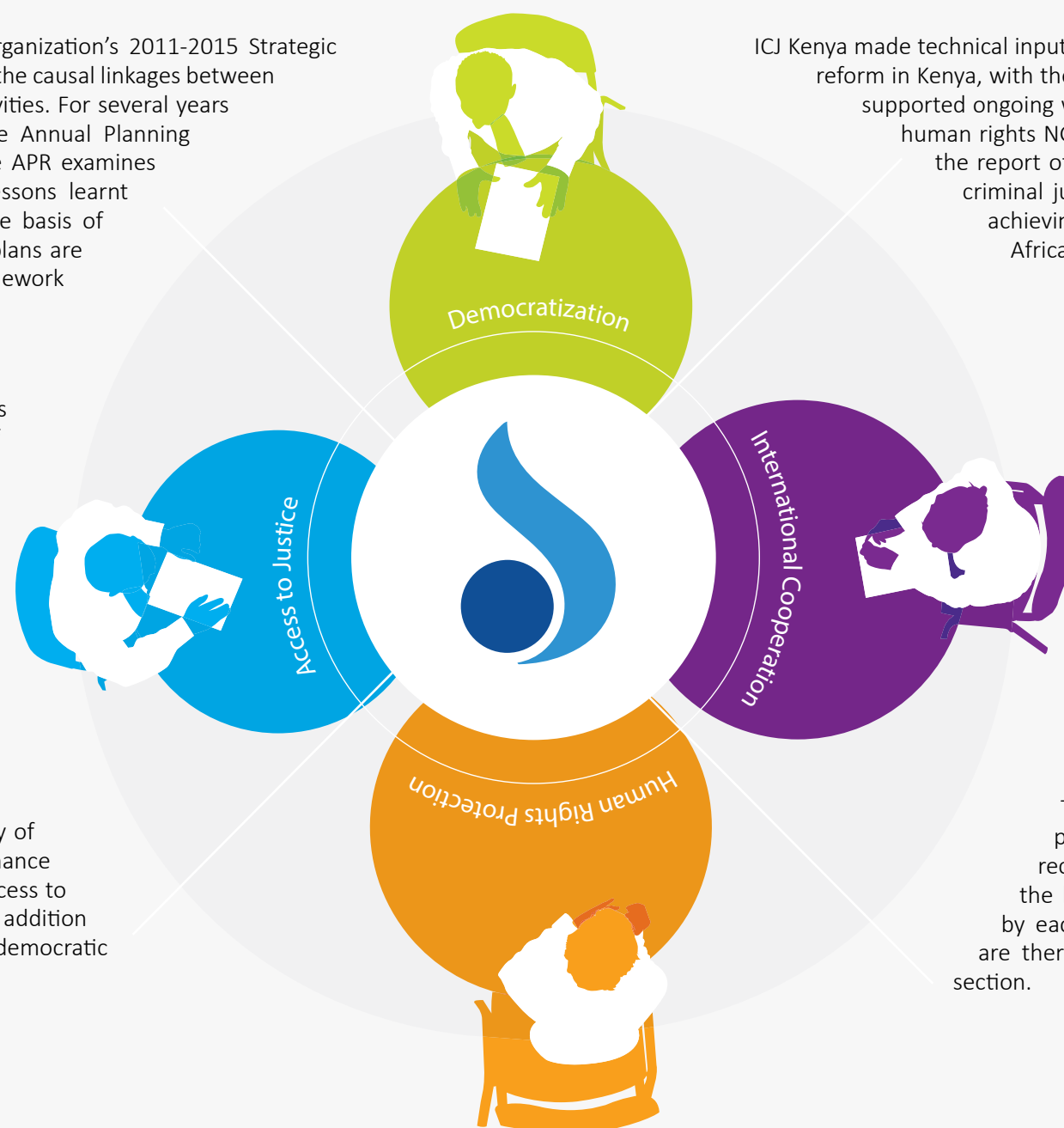
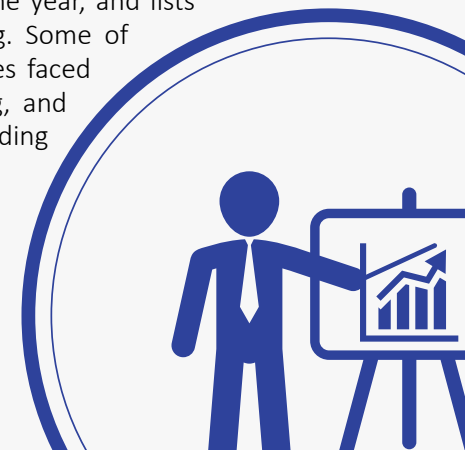
ICJ Kenya made technical inputs in the work of key institutions involved in security sector reform in Kenya, with the aim of improving human rights practices. In addition, it supported ongoing work on transitional justice, particularly the advocacy by human rights NGOs on the implementation of the recommendations of the report of the TJRC. ICJ Kenya convened experts on international criminal justice to discuss the status, challenges and prospects of achieving accountability for international crimes committed on the African continent.



ICJ Kenya also effectively used litigation to amplify the voices of the victims of the 2007-2008 post-election violence in Kenya. Both the Human Rights Protection Programme and the International Cooperation Programme participated in various international justice mechanisms, and contributed significantly to ongoing international debates and discourses on human rights and international criminal justice.



This section discusses the key achievements of ICJ Kenya's four programmes, the lessons learned over the year, and lists recommendations for future programming. Some of the lessons learned as well as the challenges faced by each of the programmes are cross-cutting, and are therefore discussed together in the concluding section.



DEMOCRATIZATION PROGRAMME

Introduction

Major changes have occurred in the legislative framework of the national and county governments in Kenya since 2010. The National Assembly's policy-making and oversight roles were greatly enhanced following the passage of the new constitution in August 2010. In addition, some 47 county legislative assemblies were created, and came into operation in March 2013. This changed context, and the inherent challenges it creates for democratic accountability, has compelled the Democratization Programme to invest in advocacy for good laws, technical support to legislative bodies, and to broaden its research on legislative practice and good governance.

Advocacy

Promoting the Enactment of Access to Information (ATI) Laws at the National and County Levels

In 2014, the Democratization Programme continued supporting the enactment of Access to Information (ATI) laws at both the national and county levels, and the creation of awareness around the need for citizens' to play a greater oversight role at the county level through strengthening of local ATI networks. Part of its advocacy initiatives during 2014 involved supporting Member of Parliament, Priscilla Nyokabi, to develop and introduce an ATI bill as a private member's bill in the National Assembly.

The Democratization Programme also facilitated stakeholder reviews of the bill through consultations with various caucuses in parliament. The bill has been cleared by the Speaker of the National Assembly and is scheduled for tabling in 2015. ICJ Kenya has successfully partnered with different parliamentary groups, including the Kenya Women Parliamentary Association (KEWOPA) and the Human Rights Caucus, to build broad support for the Bill.

At the county level, ICJ Kenya has spearheaded development and debate on a model ATI Bill for county governments. Laikipia and Nyeri county assemblies have participated in validating the model bill, and committed to ensuring that it is published, debated and enacted in 2015. In Laikipia in particular, there have been high level discussions on the adoption of the bill, and there are strong prospects that it will become law at some point in 2015, making it the first of its kind in the country. ICJ Kenya's successful popularization of this bill among the two counties has drawn the attention of other organizations, in particular Transparency International (TI)-Kenya, which is campaigning for passage of a similar bill in the Kwale county assembly.

Overall Objective
Increased citizens empowerment

Specific Objectives

- Promote and protect Kenya's democratic processes
- Enhance open and accountable governance and election processes through policy analysis, governmental monitoring and civic engagement



World Press Freedom Day

Andrew Greste (left), brother to the now freed Aljazeera journalists together with exiled Ethiopian Journalists living in Kenya to mark the world press freedom day for journalist's in conflict organised by ICJ Kenya

Research and Publications

Publication and Launch of Parliamentary Watch Report Series Volume #1

In 2014, the Democratization Programme published and launched its flagship publication: the Parliamentary Watch Report Series (Vol. 1). This volume contained comparative research and analysis on different parliamentary standing orders and the impact of a bicameral legislature. The Programme also developed a document, Policy Brief on the Kenya Ethics and Integrity Framework, with recommendations and options for enhancing ethics and integrity in public service institutions in Kenya. This will become an annual publication, in parity with the Judiciary Watch Report which has been published annually for more than 14 years.

Other Research Initiatives of the Democratization Programme

Women's participation in public affairs in Kenya has long been a priority area for ICJ Kenya, as well as for some of its partners such as the Federation of Women Lawyers (FIDA)-Kenya. Consequently, as part of its efforts to enhance the quality of women's participation in politics and public affairs, the Democratization Programme commissioned research on the factors that drive and/or hinder women's participation in the county assemblies of Kisii and Kisumu. The findings and recommendations that were derived from the research contributed to national debate on how Kenya should practically implement the constitutional two thirds gender principle which provides that no more than two thirds of either gender shall hold elective or appointive positions.



Capacity Building

Support to County Assemblies on Review of Standing Orders

In 2014, the interaction of ICJ Kenya with the National Assembly and County Assemblies demonstrated that there is space to develop technical assistance partnerships with legislatures in Kenya. ICJ Kenya has therefore taken advantage of the process of implementation of devolution, which is underway, to influence county governments' processes in ways that promote effective governance, accountability, and transparency.

Drawing from the research and analysis contained in the Parliamentary Watch Report Series (Vol. I), the Democratization Programme supported county assemblies to address the gaps in the generic interim Standing Orders (SOs), provided by the Transitional Authority, that they were required to use when they came into operation in March 2013. Consequently, ICJ Kenya designed and implemented a project aimed at providing technical advice and inputs in the revision of the Standing Orders (SOs) of the Laikipia and Nyeri county assemblies, which were both relying on interim SOs. Capacity building trainings facilitated by ICJ Kenya in early 2014 contributed to strengthening county legislators understanding of parliamentary procedure, and enabled the assemblies to identify the gaps in their operating procedures, and make recommendations on how to address them.

Through the support of ICJ Kenya, the revised SOs are now customized to meet the unique needs of the two county assemblies. In early 2014, the Laikipia County Assembly reviewed and adopted its SOs. The assembly later delivered a letter to ICJ Kenya acknowledging the critical support it offered. Because county assemblies act as an important bridge between county governments and citizens, ICJ Kenya encouraged and supported the Laikipia County Assembly to translate its SOs into Kiswahili in order to improve the potential for public participation in local governance. Laikipia is so far the only county in Kenya that has translated its SOs into Kiswahili.

The SOs developed incorporate international best practices for parliamentary practice and procedure, and therefore, have immense potential to promote robust and effective policy dialogue in county assemblies. There is room for ICJ Kenya to replicate this success in other county assemblies in 2015.

Support to Citizens' Empowerment through Access to Information (ATI) Networks

Given that county governments are the new arena of resource allocation in the Kenya, citizens' oversight over the use of resources has become a major priority for ensuring that resources are applied for the intended purpose. In line with this priority, the ICJ Kenya made investments in 2014 to build the capacity of citizens to carry out social audits on their own at the county level. Deliberate steps were taken to expand regional ATI networks, with networks being established in Laikipia and Nyeri.

The Democratization Programme conducted social audit trainings and shared social auditing tools with local civil society actors, county government officials and selected county assembly legislators from the counties of Nandi, Uasin Gishu, Baringo and Nakuru. Through the trainings, county public health and education officials from the Nandi, Uasin Gishu and Nakuru counties had the opportunity to strengthen their understanding on the linkages between access to information and improved public service delivery.

Overall, the trainings succeeded in demonstrating to the target groups the critical role that the right to access to information plays in the evaluation of public service delivery, and the promotion of accountability in county institutions. The ATI networks are now empowered to carry out social audits in the health and education sector in their localities.

input at various points in the implementation of projects, campaigns and other initiatives. When working with counties it is particularly efficient and cheaper to develop and popularize generic legislation, rather than to create tailor-made legislation.

Despite foregoing successes and achievements, the Programme encountered challenges during the year. For instance, the question of the right to access to information continues to be a low priority to the national government and national leaders generally. In fact, the schedule for implementing the 2010 Constitution did not have any specific timelines within which constitutional provisions on access to information were to be legislated and operationalized. Moreover, the Ministry of Information, which is a critical target partner for ICJ Kenya's work on access to information, did not appear comfortable to be partnering with civil society groups.

In 2015, the Democratization Programme will build on the success of its 2014 interventions. Specifically, the Programme will:

- Continue working with citizens at the county level to strengthen their capacity to carry out social audits;
- Follow up on the passage of the private member's bill on ATI that is pending before the National Assembly;
- Provide leadership in the public debate on the linkages between the right to access to information and national security laws;
- Conduct research on democratic practice in parliament, with a view to publishing a second volume of the Parliamentary Watch Series Report;
- Inform the public discourse on the two-thirds affirmative action rule;
- Commission an annual transparency index in conjunction with the Ministry of Information, Communications and Technology;
- Lobby electoral governance institutions on electoral preparedness ahead of the 2017 election general; and
- Explore the possibilities for running a project focusing on transparency in Kenya's emerging extractive industries sector.

Partnerships

In 2014, ICJ Kenya, in partnership with TI-Kenya and the African Centre for Open Governance (AFRICOG), continued its advocacy for the enactment of the pending Leadership and Integrity Bill. Their partnership facilitated the revision of various aspects of the bill, which is now being discussed in the National Assembly, as well as the development of a brief on and the policy options for an ethics and integrity policy framework.

Reflecting on 2014 and Planning for 2015

In 2014, the Democratization Programme harnessed important lessons that it will apply in the design and roll-out of its 2015 interventions. For instance, it is useful to involve partners and stakeholders at the planning and at the implementation stages of the initiatives to get buy-in, especially for initiatives that touch on political institutions, such as county governments. There will be need to hold smaller, more frequent consultative meetings with partners and stakeholders to get their



George Kegoro ED ICJ Kenya, having a conversation with officials from the Paralegal network from Meru, Laikipia and Transmara.

ACCESS TO JUSTICE PROGRAMME

Introduction

Access to justice in Kenya is differential depending on background factors such as gender, socio-economic status, legal literacy levels and the presence of judicial infrastructure. Apart from inadequate court infrastructure in many places, lack of finances, weak legal and rights awareness and corruption inhibit the large majority of poor people from accessing justice. Despite this context, the ongoing implementation of the access to justice provisions of 2010 Constitution now provides hitherto unavailable opportunities for improving the reach and quality of both formal and informal judicial services. Consequently, in 2014 ICJ Kenya aligned its Access to Justice Programme to the Kenya's Judiciary's Transformation Framework (2012-16) and Article 48 of the constitution, which both promote access to justice.

In 2014, key initiatives of the Programme included campaigning for penal reforms, international human rights advocacy, production of policy-relevant research publications and the provision of technical assistance and strengthening partnerships with various actors and entities in Kenya's justice sector.

Advocacy

Campaign for Penal Reforms

The death penalty remains in the statute books in Kenya, even though there have been no executions in the country since 1984. ICJ Kenya has over the years been concerned that the continued handing down of death sentences by courts amounts to cruel, inhuman and degrading treatment, and is at odds with Kenya's unofficial moratorium on the punishment. Consequently, the Access to Justice Programme spearheaded the creation of the Coalition for the Abolition of Death Penalty to carry out advocacy on the abolition of capital punishment. Going forward, this will be an important campaign given that the Office of the Attorney General has indicated that Kenya is considering adopting the Optional Protocol of the Covenant on Civil and Political Rights, which outlaws the practice.

International Human Rights Advocacy

ICJ Kenya has traditionally provided leadership to Kenyan human rights NGOs reporting to UN human rights monitoring mechanisms. In 2014, the Access to Justice Programme coordinated the development of the access to justice component of the alternative report on Kenya that was submitted to the Universal Periodic Review (UPR) mechanisms of the Human Rights Council (HRC).

Being a signatory to the International Convention Against Torture, Kenya is obligated to prevent all forms of torture. Consequently, ICJ Kenya, in partnership with Kenya Human Rights Commission (KHRC) and Kenya National Commission on Human Rights (KNCHR), lobbied the Government of Kenya to pass and enact the Prevention of Torture Bill. This advocacy also received the support of the International Committee Against Torture and the HRC, which both encouraged Kenya to pass anti-torture legislation. On ICJ Kenya's recommendation, the World Organization Against Torture (OMCT) carried out a mission to Kenya to lobby the Office of the Attorney General on the urgency for enacting this



legislation. Overall, these efforts have been successful as there is a now an acknowledgement from the Attorney General that anti-torture legislation can reinforce the existing Victims' Protection Act.

Research and Publications

ICJ-Kenya's Access to Justice Programme developed research-oriented technical assistance methods. Among them was, *The Legal Profession and The New Constitutional Order In Kenya*, which reflects on the role of the legal profession after the enactment of the 2010 Constitution. Given that economic, social and cultural (ESCR) rights are now enshrined in the constitution, ICJ Kenya took the proactive step to develop a compendium of jurisprudence on socio-economic rights to aid the adjudication of cases touching on this category of rights. ICJ Kenya's Case Digest on Enforcement of Economic, Social and Cultural Rights is the first of its kind in Kenya, and has been complemented with training for lawyers on the constitutional provisions and jurisprudence on socio-economic rights.

Several judicial officers have in fact acknowledged the usefulness of the two publications in broadening their understanding on jurisprudence on socio-economic rights, and placing them on a stronger footing to deliver good judgments.

The Programme also produced IEC materials on the Judiciary Transformation Framework in both Kiswahili and English languages.

Capacity Building

Technical Assistance to Court Users Committees (CUCs)

Strengthening of the capacity of Court Users Committees (CUCs) stands to enhance access to justice at the local levels. ICJ Kenya provided support to CUCs in Eldoret, Kisumu and Mombasa to develop operating guidelines and work plans to improve coordination of the operations of justice sector institutions in the three towns, and facilitated understanding of the Judicial Transformative Framework.

There is now also greater awareness among members of the CUCs of their role in expanding access to justice, and improving the administration of justice. Through the CUCs, court users have new opportunities to shape the nature of judicial services (and justice sector services broadly) that are offered to them, in ways that are more likely to meet their needs. ICJ Kenya can attest to the fact that the three CUCs have improved functionality and inclusiveness in their operations, and there is greater community interest in their work. This is partly the outcome of the public information campaign that ICJ Kenya undertook to create awareness on the existence and role of CUCs.



By the end of 2014, the Eldoret CUC was able to carry out its own fundraising, and its members had inspired the courts in Kapsabet in Uasin Gishu County to establish their own CUC. The Eldoret CUC has become an important model for improved administration of justice, and CUCs from other parts of the country have visited it to learn about its practices.

Support to Other Judicial Organs and Mechanisms

Through various capacity building workshops convened in partnership with the Judicial Training Institute (JTI), ICJ Kenya continued to leverage its technical expertise on judicial reform issues in Kenya and the region. Its capacity strengthening activities also targeted judicial institutions and officials in the region through the East African Judges and Magistrates Association (EAJMA).

ICJ Kenya provided critical technical support to the Judges and Magistrates Vetting Board (JMVB) set up, and in the early phase of its work. During the year, the Access to Justice Programme continued during the year to closely monitor the vetting process and provide critical advice and inputs.

Reflecting on 2014 and Planning for 2015

In recent years, the Judicial Training Institute (JTI) has been ICJ Kenya's key partner on judicial reforms. While the JTI continues to play a critical role in providing direction and coordinating judicial reforms, ICJ Kenya believes that

it must work with other judicial organs to help hasten reforms.

There is a room to provide capacity strengthening to Kenyan women judges who have approached ICJ Kenya for support, particularly by providing opportunities to them to share experiences with women judges from other regions. In this regard, a key partner in the coming year will be the Kenya Women Judges Association (KWJA). This partnership stands to strengthen gender mainstreaming in the ongoing judiciary transformation, which is necessary for expanding access to justice to more women and girls in Kenya, and ensuring they enjoy equal protection before the law.

Besides focusing on building partnerships with KWJA and other judicial organs, in 2015 the Access to Justice Programme will build on the success of its 2014 interventions by:

- Deepening its support to CUCs across the country;
- Continuing to monitor the pace and quality of judicial reforms;
- Broadening advocacy on the abolition of the death penalty, and exploring options to support ICJ Kenya's work on international and regional human rights reporting; and
- Building staff's capacity in programme management, documentation and research.

Legal Advice

ICJ Kenya Paralegals giving legal advice to in an inmate.



THE HUMAN RIGHTS PROGRAMME

Advocacy

Advocacy for Police Reforms in Kenya

Police accountability has been central to the struggle for change and democratization in Kenya, and informs the new architecture of security in the new Kenyan constitution. With the enactment of the 2010 Constitution, far-reaching reforms are supposed to be undertaken to improve accountability, professionalism, and enhance public trust in policing agencies in Kenya.

The Human Rights Programme continued to profile and seek accountability for human rights violations committed by Kenyan and regional police institutions in the context of counter-terrorism operations. In this respect, the Programme continuously monitored and publicized its findings on the implementation of Kenya's Prevention of Terrorism Act, in particular the treatment of seven Kenyan terrorism suspects who were renditioned to Uganda in 2011, and are yet to be tried. ICJ Kenya also continued to engage the Africa Commission on Human and Peoples' Rights (ACHPR) on the progress it has made in addressing a communication ICJ Kenya made to it on the police abuses that were committed during the 2008 security operation against the rebel Sabaot Land Defence Force in the Mount Elgon region of Kenya.

The Programme continued to monitor and publicize aspects of the police reforms process, including the integrity of the police recruitment process that took place in late 2014.

Campaigning for Transitional Justice in Kenya

In 2014, ICJ Kenya continued to partner with members of the Kenya Transitional Justice Network (KTJN) to advocate for the implementation of the recommendations of the report of the Truth, Justice and Reconciliation Commission (TJRC). This work has promoted public understanding on the TJRC report's findings and recommendations through the dissemination of a simplified version of the report, which was developed by KTJN.

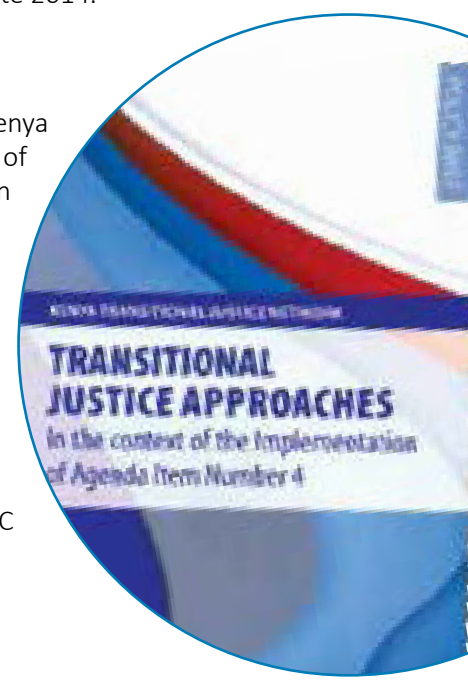
In 2014, the Programme led ICJ Kenya's engagement with the Committee for the Implementation of the TJRC, which is mandated to advise the government on the implementation of the report's recommendations. ICJ Kenya also contributed to the development of KTJN's Policy Brief on Transitional Justice, which was disseminated to policy actors who are concerned with the implementation of the recommendations of the TJRC report.

Overall Objective

Improved human rights protection

Specific Objectives

- Monitor the implementation of the recommendations accepted by Kenya during the Universal Periodic Review
- Advocate for ratification of selected international human rights instruments
- Support litigation initiatives on the realization of economic and social rights
- Retain an educational approach with regard to enforcement of human rights
- Advocate and lobby for institutional reform that is inclusive of human rights



Support to Criminal Justice Sector Institutions

In 2014, the Human Rights Protection Programme convened dialogues with various agencies of Kenya's criminal justice system working at the national and county levels, which have been successful in highlighting the need for these institutions to mainstream human rights in their work and processes. This work involved bringing attention to pieces of legislation that infringed on human rights, and advising on how they could be amended to be human rights-compliant.

International and Regional Human Rights Advocacy

In 2014, the Human Rights Protection Programme worked with the Access to Justice Programme to contribute to the work of various international human rights monitoring bodies. Specifically, the Programme developed and submitted reports on Kenya's human rights performance to the UPR process of the HRC as well as the ACHPR.

The Programme, in partnership with Equality Now, convened 'Judicial Dialogues' with regional judiciaries on the implementation of the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol). A Case Digest focusing on various women's rights cases was also produced to support reflection and analysis on the options for the implementation of the provisions of the Maputo Protocol.

Another publication developed by the Programme in 2014 was Human Rights Report: Impact of County By-Laws on Prisons and Pre-Trial Remand Facilities in Nairobi and Nakuru Counties. This publication provided key analysis and recommendations on human rights standards relating to arrest, prosecution and sentencing, prison conditions, among other areas.



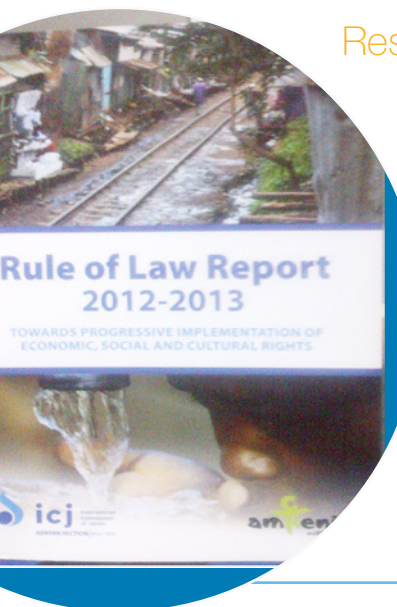
Capacity Building

In 2014, ICJ Kenya provided critical leadership to members of the civil society Police Reforms Working Group (PRWG). In this work, the Human Rights Programme provided support to the National Police Service Commission (NPSC), which provided a stronger framework for future police recruitment processes, discipline and management. In particular, ICJ Kenya provided technical assistance to the NPSC on the ongoing police vetting process, which seeks to ensure that only officers with good integrity and human rights records are retained. In this regard, ICJ Kenya's Human Rights Programme, in partnership with members of the Police Reforms Working Group, provided advice in the design of the vetting guidelines and tools being used by the NPSC. The resulting guideline and tools were adopted by the NPSC, and enjoy the broad support and cooperation of officers who are being vetted.

ICJ Kenya also provided valuable technical support on the revision of the draft Police Service Standing Orders (SSOs), and advice on subsidiary legislation on policing and amendments to existing policing laws. In addition, ICJ Kenya supported the development of the NPSC's website, which has essential in profiling the Commission and its reform work.

Research and Publications

In 2014, the Programme developed the Rule of Law Report (2012-2013), which provided data and analyses on the status of the respect for the rule of law by key enforcement institutions. This publication was key in informing the technical assistance provided to agencies of Kenya's criminal justice system.



Human Rights Report

Hon. Priscilla Nyokabi, Women Representative Nyeri County, Mr. George Kegoro, ICJ Kenya Executive Director, and Hon. Esther Wanjale, Nakuru County during the launch of the Human Rights Report September 2014.



Mr. Victor Kapiyo, the Human Rights Programme Manager advising Laikipia Paralegal Network members during the legal aid clinic at Iten in Elegeyo Marakwet County.



Legal Awareness

A team of lawyers drawn from ICJ Kenya, NALEAP and pro bono lawyers, and supported by Taita Taveta Kinago Paralegal Network visited Shimo La Tewa Maximum Prison in Mombasa County to promote legal awareness on the effectiveness of the National Legal Aid Bill once enacted.

Strengthening the Infrastructure for Legal Aid

In 2014, the Human Rights Programme contributed to improved human rights protection by promoting the right of access to justice and human rights education. The Programme supported local engagement on human rights and governance through a network of paralegals in Meru, Laikipia, Transmara, Kwale, Taita Taveta and Kitui. Paralegals trained and/or supported by ICJ Kenya provided legal aid, in partnership with the National Legal Aid and Awareness Programme (NALEAP), to citizens in Naivasha, Kisumu, Iten, Mombasa and Nairobi.

The network of paralegals also carried out human rights education, and created awareness on the use of informal justice systems and non-adversarial alternatives to legal justice, such as alternative dispute resolution (ADR), to expand equal access to legal services. In addition, the paralegals partnered with ICJ Kenya's ATI networks to support social auditing and public participation in local governance.

The Human Rights Programme made critical technical inputs into the Legal Aid Policy and Legal Aid Bill (2014), and advocated for their adoption. Partly because of their high-level engagement with the Office of the Attorney General and the National Legal Aid and Awareness Programme (NALEAP), substantial progress was made in 2014 towards the adoption of the Legal Aid Bill, which is now awaiting tabling before the Cabinet. Once enacted, the Legal Aid Bill will provide a framework for substantially enhancing access to justice countrywide.

Human Rights Training for Kenya Prisons Service

In 2014, the Programme continued to cultivate its partnership with the Kenya Prisons Service. Capacity strengthening workshops on human rights protection were held for prisons officials.

Reflecting on 2014 and Planning for 2015

A key lesson learned by the Programme in 2014 is that government commitment is key for human rights enforcement to be a reality. Secondly, a particularly effective way of promoting human rights enforcement is to simultaneously focus on, and support human rights enforcement activities and processes at the local, national and international levels. In 2015, the Human Rights Programme will build on the success of its 2014 interventions. Specifically, the Programme will:

- Continue its work on community empowerment by expanding its paralegal network to cover more counties, and having better targeted human rights education initiatives for marginalized groups, such as youth and women;
- Promote human rights-based approaches (HRBA) to governance and service delivery in the devolved governments (the social auditing work of paralegals will be a key entry point);
- Provide more support Human Rights Defenders;
- Invest more resources in pursuing accountability for human rights violations, especially police abuses;
- Expand its participation in the work of human rights treaty monitoring bodies;
- Explore other areas HR themes, namely Business and Human Rights as well as Equality and Non-Discrimination; and
- Continue to deepen its work in the areas of police reforms, transitional justice, and criminal justice sector reforms.

INTERNATIONAL COOPERATION PROGRAMME

Advocacy

International Criminal Justice

In 2014, the International Cooperation Programme convened experts on international criminal justice, and generated recommendations and practical guidance on how to address the challenges of achieving accountability for international crimes committed on the African continent. These included regular meetings with networks working on victims' rights such as Kenyans for Peace with Truth and Justice (KPTJ). In addition, ICJ Kenya organized the 3rd International Criminal Justice Civil Society Network Meeting in late 2014 in Cape Town, South Africa.

Under the coordination of ICJ Kenya, the Pan-African Network of Civil Society Organizations working for accountability for grave crimes committed in Africa remained active and visible. Network members from Burundi, Central African Republic, Côte d'Ivoire, the Democratic Republic of Congo, Kenya, Malawi, Nigeria, Senegal, Sierra Leone, South Africa, Sudan, Uganda, Tanzania and Zambia made critical contributions at the 13th Assembly of States Parties in New York. Moreover, the effectiveness of the civil society groups at the 13th Assembly of the State Parties was demonstrated through the independent media commentary and analyses they gave on the proceedings in the Assembly. The commentaries were carried in dailies, blogs and TV broadcasts in Kenya, Burundi, Malawi and Tanzania.

The effectiveness of the advocacy by network was also demonstrated by the statements issued by Kenya. In late 2014, Kenya issued a statement at, and prior to the Assembly, protesting a media briefing that the Coalition for the ICC had organized at UN headquarters in New York. Kenya civil society representatives spoke on the proposed amendments to the Rome Statute. At the end of 2014, the Kenyan mission to the UN issued yet another note verbale, protesting the non-inclusion of its requested agenda item in the Assembly's main agenda.

As a sign of the recognition that the work of ICJ Kenya and the network has achieved, the UN Residual Mechanism for International Criminal Tribunals requested ICJ-Kenya to monitor the ongoing trials referred by the International Criminal Tribunal for Rwanda and the Residual Mechanism to Rwanda. A Memorandum of Understanding, governing this relationship has already been signed and the monitoring arrangement has commenced. The monitoring of the trials will become a key reference point for work on complementarity within the continent.

Overall Objective

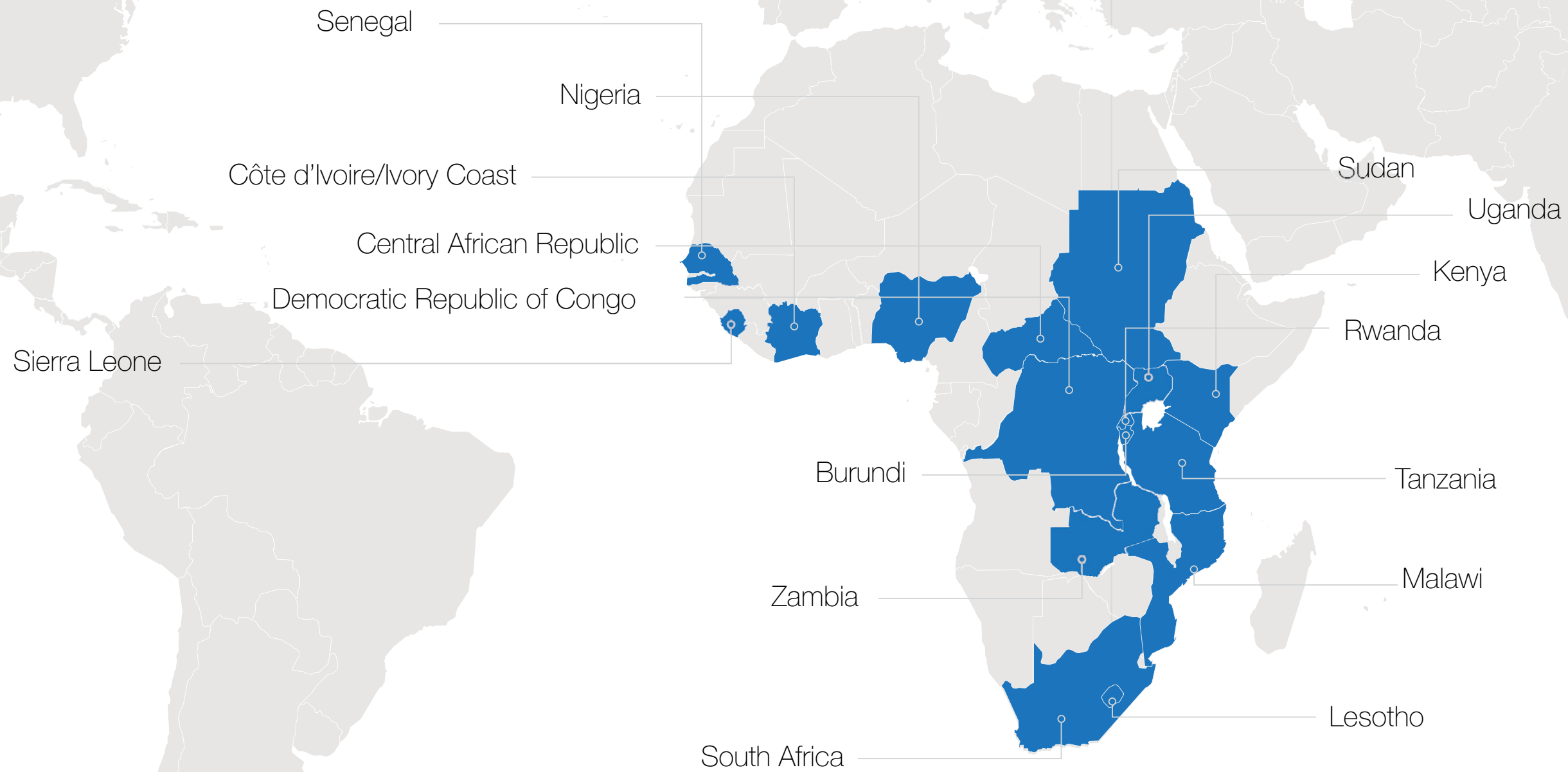
- Improved justice systems and institutions across Africa

Specific Objectives

- Support, preserve and strengthen the legal protection and enforcement of human rights in sub-Saharan Africa under the rule of law
- Strengthen legal institutions and structures that will guarantee impartial and effective protection and enforcement of Human Rights in the long term

**DISTRIBUTION OF NETWORK MEMBERS BY COUNTRIES ;
PAN-AFRICAN CIVIL SOCIETY NETWORK**

17





Accountability for International Crimes

George Kegoro welcomes Hon. Justice Augustino S.L. Ramadhan to the 1st Colloquium of the Coalition for an Effective African Court on Human and Peoples' Rights

Several factors that contributed to the success of ICJ Kenya's work on international criminal justice. For one, the media's profiling of civil society's work on accountability for international crimes ensured that the issue remained in the public limelight. Secondly, collective advocacy by the Pan-African Civil Society Organizations' Network in support of accountability greatly amplified provided a more balanced voice from African civil society, as well as a more representative and coordinated advocacy approach.

Capacity Building

Technical Assistance to the Development of Kenya's Witness Protection Framework

In 2014, ICJ Kenya supported Kenya's Witness Protection Agency to draft rules for the Witness Protection Act. In 2012, the Chief Justice tasked the Witness Protection Agency, under its mandate of mainstreaming witness protection in the country, to draw up requisite Draft Rules of Court as envisaged under the Act, for his consideration. The Agency, working closely with ICJ Kenya commissioned a lesson learning exercise that included visits to different jurisdictions with effective witness protection frameworks.

The draft rules were developed thereafter, and formally presented to the National Council on Administration of Justice in mid-2014. It is expected that rules will be formally adopted in 2015.

Research and Publications

ICJ Kenya documented efforts by civil society actors towards achieving justice for victims of international crimes. A book titled, International Criminal Justice: The International Criminal Court and Complementarity, was published and distributed widely.



Policy and Advocacy Deliberations

Stephen Lamony, Head of Advocacy and Policy, UN and Africa, James Gondo of KPTJ and Stella Ndirangu of ICJ Kenya conversing during the 13 Session of the ASP in New York. Credits: CICC Gabriella Chamberland



The Pan-African Civil Society Network members brainstorming on developing aspects and sidelines of the 13th Assembly of State Parties in New York

Litigation

Pursuing Victim-Centered Justice

In 2014, the International Cooperation Programme effectively used litigation to amplify the voices of the victims of the 2007-2008 post-election violence in Kenya. Two representative suits were filed in partnership with other civil society organizations working in Kenya for the rights of victims. These cases champion the rights of Kenyan citizens who were forcefully evicted from their homes, as well as victims of sexual and gender based violence. ICJ Kenya and its partners also reached out to the victims in order to update them on the cases. Through regular publication opinion pieces in local dailies, the Programme not only highlighted the victims’ plight, but also exerted pressure on the government to respond to the claims raised in the petitions.

Petitioners in the Kenyan IDP post-election violence case being briefed after a court hearing

The victims were taken through psychosocial therapy which enabled them to stand before the court and articulate their cases during testimony. The cases are ongoing in the High Court of Kenya and the petitioners are winding up their evidence and testimony in court.

There were several factors that contributed to the success of ICJ Kenya’s promotion of victims’ centred justice. To begin with, the victims of the post-election violence in Kenya participated in the litigation process. They were supported to attend court hearings. This was important as it demonstrated the public interest nature of the cases. The victims were also updated regularly on the proceedings and their views were incorporated in the advocacy strategy for the case.

Reflecting on the 2014 and Planning for 2015

The International Cooperation Programme experienced several challenges that hindered its work. Travel advisories as a result of the Ebola outbreak limited the movement of network members into West Africa and some meetings had to be rescheduled. In other instances, partners from West Africa found it difficult to attend crucial meetings held in some parts of the continent because of the restrictive travel requirements that were established in response to Ebola.

There was also restricted access to some of the crucial meetings where there were discussions focusing on accountability for serious crimes. For instance, in 2014 the African Union Commission refused to accredit civil society to participate in the African Union Heads of States and Governments Summit in Malabo, Equatorial Guinea.

In 2015, the Programme will build on the success of its 2014 interventions. Specifically, the Programme will:

- Continue advocacy on the adoption of the protocol for an African Court of Justice and Human Rights with jurisdiction for international crimes;
- Engage with the Dominic Ongw’en case (Uganda ICC Situation case) that is currently before the ICC;
- Monitor the ongoing trials of Jean Uwinkindi and Bernard Munyagishari referred to Rwanda as these cases are likely to be a model for complementarity for African countries, a cornerstone principle under the Rome Statute; and
- Continue coordinating members of the Pan-African Network of Civil Society Organizations’ participation in convening on accountability for serious crimes.

Partnerships	T
Networks	
Dynamic Reform Context	
Planning	
implementation	
Improve M&E Capacity	
Organizational learning	
Invest	
Staff Training	
Capacity Building	
Documentation	
Knowledge Management	
Proposal Writing	
Programme Management	
Resource Mobilization	
	1

OPTIONS FOR IMPROVING ICJ KENYA'S PROGRAMMES

ICJ Kenya cannot overstate the value of working with and through partners and networks as well as the importance of listening to these partners. This approach helped ICJ Kenya’s programmes to reach actors and places where it did not previously have a reach. Moreover, different partners have better legitimacy in different contexts and working with a diversity of such actors has helped ICJ Kenya to amplify its influence, and thereby improve effectiveness of its interventions. Partnerships and networking is therefore an area that ICJ Kenya will continue investing in in the future.

Another cross-cutting challenge for the programmes was the dynamic reform context which made it difficult to synchronize planning and implementation of activities with certain stakeholders, such as members of the National Assembly and the Judiciary. This has also affected the smooth-running and timely implementation of some of the planned activities under the organization’s four programmes. Given this challenge, ICJ Kenya plans to improve its advocacy strategy in order to enhance planning and implementation of activities with these critical stakeholders in 2015. An improved advocacy strategy will also enhance programme synergy.

In general, the dynamic reform context in the country has made it particularly challenging for ICJ Kenya’s programmes to identify risks and adjust to them. One of the key risks has been the challenge of ensuring that ICJ Kenya’s programmes have consistent access to programme partners in governmental agencies. This is an area that ICJ Kenya is going to pay more attention to in the future. Programmes will feature clear risk management plans, with corresponding risk mitigation responses. Once in place, ICJ Kenya’s programmes risk management plans will be regularly reviewed during programme implementation, and will be aligned to changes in the operating context.

ICJ Kenya seeks to improve its M&E capacity, and has invested considerably in strengthening M&E systems and practices. In 2015 and beyond, ICJ Kenya will continue to build M&E capacity in the institution, improve documentation of programme results, and generally to better integrate monitoring and evaluation in programme work. More investment will be made in ensuring that programme staff internalize and own the organization’s M&E strategy.

ICJ Kenya has identified the need to continue investing in organizational learning and staff development. Therefore, capacity building for programme staff will be prioritized in the areas of research and documentation, knowledge management, proposal writing, programme management, and resource mobilization. ICJ Kenya will continue to place special emphasis on results-based management, and ensure that its programme update reports emphasize more on results and less on activities and processes. ICJ Kenya will continue to invest in the training of its staff in the relevant thematic areas that relate to the programmes their area implementing, including human rights and international criminal justice, among other areas.

For ICJ Kenya’s programmes to continue delivering the impact they have had, it will be necessary for the organization to ensure that it has access to reliable streams of funding and resources. Consequently, during its 2015 Annual Planning Retreat, ICJ Kenya identified several resource mobilization strategies, including identifying more donor partners and non-grant forms of income generation, which it will pursue in the current operation year in order to enhance and diversify the funding base for the organization and its programmes.



STRATEGIC IMPACT LITIGATION

Strategic impact litigation is one of the approaches that ICJ Kenya has adopted to complement its advocacy on rule of law, human rights and democratization issues during the lifetime of its current strategic plan (2011-2015). ICJ Kenya uses strategic impact litigation to promote the incorporation of international standards in national legal systems as it believes that courts have a critical role to play in developing and interpreting law in ways that can contribute to positive changes in governance. Courts have the final say on questions of individual rights, and are a platform for providing neutral, balanced evaluations of pressing social, political and cultural issues. Moreover, court decisions tend to be binding on state agencies, and therefore enhance of state compliance to rule of law, human rights and democratic governance.

ICJ Kenya's litigation work was carried out by its Human Rights Protection and International Cooperation programmes. The litigation has been done in the Kenyan courts, and actions have also been launched before international mechanisms such as the African Commission on Human and Peoples' Rights (ACHPR), the East Africa Court of Justice (EACJ), the International Criminal Court (ICC) and quasi-judicial institutions such as the United Nations (UN) human rights treaty bodies. Some of these actions are described below:

Mumo Matemu v Trusted Society of Human Rights Alliance and 5 Others CA Civil Appeal No. 290 of 2012:

Respondents in this case moved to the High Court of Kenya seeking a declaration that, among other things, the process and the manner in which the appellant – Mumo Matemo – had been appointed to head the Ethics and Anti-Corruption Commission, was unconstitutional. While the court ruled in favor of the appellant, the action demonstrated that litigation has the potential to influence political appointments to positions of public trust.

The Kenyan Section of the International Commission of Jurists (ICJ Kenya) – vs – The Attorney General & The Minister of State for Provincial Administration and Internal Security Nairobi High Court Misc. Crim. Appl. No. 685 of 2010:

In November 2010, ICJ Kenya filed a successful application in the High Court of Kenya against the Attorney General and the Ministry of State for Internal Security and Provincial Administration in which the court issued a provisional warrant of arrest against ICC fugitive President Hassan Al Bashir of Sudan. President Bashir had travelled to Kenya on the invitation of the Kenyan government.

ICJ Kenya Communication No 385 of 2010:

ICJ K Brought before the African Commission on Human and Peoples' Rights in 2010, this communication alleged that there were serious human rights violations committed during the implementation of Operation Okoa Maisha in Mount Elgon in 2008. The violations including the displacement of up to 200,000 people, deaths, torture and forced disappearances.



2014 JURISTS OF THE YEAR AWARD

Each year since 1993, ICJ Kenya has recognized the contributions of one outstanding jurist to the promotion and protection of human rights and the rule of law. This award is given on December 10th to commemorate the International Human Rights Day. In 2014, ICJ Kenya awarded the Jurist of the Year Award to Mbugua Mureithi for his tireless efforts to advance human rights and the rule of law in Kenya and the wider region. Mbugua is a senior advocate of the High Court of Kenya with a specialized practice in human rights and legal criminal defense for the past two decades.



Jurist of the Year Award - 2014

Mr Mbugua Mureithi is an advocate who has worked in the area of counter-terrorism as a human rights, rule of law/legal consultant, defence lawyer and constitutional law litigator. In the course of his work in this area, he has represented individuals charged with terror related cases.

In the past, he worked for human rights organizations, including the Litigation Fund Against Torture (a project of the Kenya Human Rights Commission) and Kituo Cha Sheria. He has contributed immensely to the development of jurisprudence on excessive use of force by police and counterterrorism and human rights. In recent years, he has made critical contributions to the development of jurisprudence on the socio-economic rights provisions in Kenya's new constitution, in particular the right to adequate housing and freedom from forced evictions.

Previously: Jurist of the Year Award - 2013

Lady Justice Mumbi Ngugi receiving the ICJ Kenya's 2013 Jurist Of the Year Award from Mr Borstan Ambassador of Sweden



2014 ANNUAL JURISTS CONFERENCE

ICJ Kenya, in partnership with [Kenya Human Rights Commission](#) and the [Konrad Adenauer Stiftung \(KAS\)](#) convened the 2014 Annual Jurists Conference in Cape Town, South Africa, bringing together jurists, academics, policy makers and civil society partners from all regions of the continent. The conference focused on the idea of ‘Implementing Africa’s New Constitutions: Opportunities, Prospects and Challenges’.



Learning Forum

The conference sought to be a learning forum on the progress constitutions have made play in enhancing human rights, democracy and the rule of law in Africa. It also presented a platform to advance a regional discourse on constitutionalism and to examine ways of improving the implementation of democratic constitutions.



Professionalism

Conference participants resolved that African jurists ought to be professional and play a stronger role in defending the continent’s new, democratic constitutions and the rule of law by undertaking progressive public interest litigation actions. Judges, on the other hand, should carefully

interpret constitutions in line with international standards in order to build confidence in the judiciary and ultimately, to promote the realization of justice, democracy, good governance and the rule of law. Conference participants also affirmed that there is need to appreciate the existence of the multiple legal systems in Africa, and the importance and effectiveness of informal systems in promoting access to justice for people across the continent.



Constitutional Reform and Rule of Law

The conference focused on constitutional reforms in the countries of South Africa, Kenya Zimbabwe and Egypt, and other recent examples, assessing how transformative they have been in terms of improving governmental accountability, respect the rule of law and human rights. Key themes addressed at the conference included: Access to Information, electoral governance and justice, the rights of marginalized groups and responses to international criminal justice in Africa. These themes were informed not only by their centrality to most post-conflict situations, but also because they represented ICJ Kenya’s and KHRC’s programmatic focus areas.



ICJ KENYA FUNDING PARTNERS

During the year 2014, ICJ Kenya programmes benefited greatly from the generous support of the following funding partners. Their contribution to the work of ICJ Kenya is highly appreciated.

- American Jewish World Service
- Canadian International Development Agency (CIDA)
- Drivers of Accountability Programme (DAP)/Danish International Development Agency (DANIDA)
- Drivers of Accountability Programme (DAP)/Department for International Development (DFID)-UK
- Embassy of Finland
- European Union
- Gesellschaft für Internationale Zusammenarbeit (GIZ)
- Humanity United
- Open Society Institute
- State University of New York (SUNY) Kenya
- Trust Africa
- United Nations Development Programme (UNDP) Amkeni Wakenya
- Uraia Trust

ICJ KENYA 2014 AUDITED ACCOUNTS

REPORT OF THE INDEPENDENT AUDITOR



RSM Ashvir
Audit • Tax • Advisory

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**REPORT OF THE INDEPENDENT AUDITOR
TO THE MEMBERS OF KENYAN SECTION OF THE INTERNATIONAL COMMISSION OF JURISTS**

We have audited the accompanying financial statements of the Kenyan Section of the International Commission of Jurists, set out on pages 4 to 13 which comprises the balance sheet as at 31st December 2014, and the income statement, statement of changes in fund balances and statement of cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

Council's responsibility for the financial statements

The Council is responsible for the preparation and fair presentation of these financial statements in accordance with the International Financial Reporting Standards for Small and Medium-sized Entities, and for such internal control as the Council determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with International Standards on Auditing. These standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance as to whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on our professional judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making these risk assessments, we considered the internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that were appropriate in the circumstances, but not for the purpose of expressing an opinion on the Commission's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Council, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion the accompanying financial statements give a true and fair view of the financial position of the Commission as at 31st December 2014 and of its results and cash flows for the year then ended in accordance with the International Financial Reporting Standards for Small and Medium-sized Entities.

The engagement partner responsible for the audit resulting in this independent auditor's report was KCPA Ashif Karim, Practising Certificate No. 11126.

Rashid Ashraf
Certified Public Accountant
Nairobi

5th August 2015
24/08/2015



INCOME STATEMENT FOR THE YEAR ENDED 31ST DECEMBER 2014

Kenyan Section of the International Commission of Jurists
Financial Statements
For the year ended 31st December 2014

INCOME STATEMENT FOR THE YEAR ENDED 31ST DECEMBER 2014



	Note	2014 Shs	2013 Shs
Project grants	4	139,840,107	134,214,026
Miscellaneous income	5	9,136,343	8,683,543
Subscriptions		285,500	380,500
Property fund raising		-	322,000
Total income		169,261,950	143,600,069
Project expenses	4	159,840,107	134,214,026
Secretarial expenses		2,898,883	1,271,109
Membership expenses		5,955,876	8,568,084
Total expenditure		168,694,866	144,053,219
Surplus/(deficit) for the year		567,084	(453,150)

STATEMENT OF FINANCIAL POSITION (BALANCE SHEET)
AS AT 31ST DECEMBER 2014

Keryun Section of the International Commission of Jurists
Financial Statements
For the year ended 31st December 2014

STATEMENT OF FINANCIAL POSITION (BALANCE SHEET) AS AT 31ST DECEMBER 2014			
	Note	2014 Shs	2013 Shs
General fund		12,091,193	11,524,109
Non Current liabilities			
Borrowings	11	-	5,679,210
Capital grant	13	4,162,541	3,091,050
		4,162,541	8,770,260
		16,253,734	20,294,369
REPRESENTED BY			
Non current assets			
Property, plant and equipment	6	6,178,408	5,087,355
Investments	7	241,542	228,071
Prepaid operating lease	8	15,460,675	15,640,450
		21,880,625	20,955,876
Current assets			
Receivables	9	5,726,081	6,422,197
Bank and cash balances	10	81,694,849	73,178,540
		87,420,930	79,600,737
Current Liabilities			
Unexpended grants	4	85,098,123	75,558,058
Borrowings	11	5,214,071	2,461,631
Other payables	12	2,715,627	2,282,553
		93,047,821	80,302,244
Net current liabilities		(5,626,891)	(701,507)
		16,253,734	20,294,369

The financial statements on pages 4 to 13 were approved for issue by the Council on 2015
and were signed on its behalf by:


Chairman

Treasurer


Executive Director

STATEMENT OF CHANGES IN FUND BALANCES FOR
THE YEAR ENDED 31ST DECEMBER 2014

Keryun Section of the International Commission of Jurists
Financial Statements
For the year ended 31st December 2014

STATEMENT OF CHANGES IN FUND BALANCES FOR THE YEAR ENDED 31ST DECEMBER 2014		
	Accumulated Funds Shs	Total Shs
At 1st January 2013	11,977,259	11,977,259
Deficit for the year	(453,150)	(453,150)
At 31st December 2013	11,524,109	11,524,109
At 1st January 2014	11,524,109	11,524,109
Surplus for the year	967,084	967,084
At 31st December 2014	12,091,193	12,091,193

Kenyan Section of the International Commission of Jurists
Financial Statements
For the year ended 31st December 2014

STATEMENT OF CASH FLOW FOR THE YEAR ENDED 31ST DECEMBER 2014

[illegible]



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