



icj

International
Commission
of Jurists

KENYAN SECTION | Since 1959

2016 Impact Report

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Abbreviations and Acronyms

ACHPR	African Commission on Human and People's Rights
ADR	Alternative Dispute Resolution
AFRICOG	Africa Centre for Open Governance
AJC	Annual Jurists Conference
AJS	Alternative Justice System
APHR	African Commission on Human and People's rights
ASP	Assembly of State Parties
AU	African Union
AU	African Commission
CAT	Committee Against Torture
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CIC	Commission on Implementation of the Constitution
COVAW	Coalition on Violence Against Women
CSOs	Civil Society Organizations
CUC	Court Users Committee
EACJ	East African Court of Justice
EAJMA	East African Judges and Magistrates Association
ESCR	Economic, Social and Cultural Rights
FIDA Kenya	Federation of Women Lawyers (Kenya)
FOI	Freedom of Information
HRC	Human Rights Council
HRDs	Human Rights Defenders
ICC	International Criminal Court
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ Kenya	The Kenyan Section of the International Commission of Jurists
ICT	Information Communications Technology
ICTR	International Criminal Tribunal for Rwanda
IDPs	Internally Displaced Persons
IEBC-	Independent Electoral and Boundaries Commission
IMLU	Independent Medico-Legal Unit
JMVB	Judges and Magistrates Vetting Board
JTF	Judiciary Transformation Framework
JTI	Judicial Training Institute
KAS	Konrad Adenauer Stiftung
KEWOPA	Kenya Women's Parliamentary Association
KHRC	Kenya Human Rights Commission
KMJA	Kenya Magistrates and Judges Association
KNCHR	Kenya National Commission on Human Rights
KTJN	Kenyan Transitional Justice Network
KWJA	Kenya Women's Judges Association
KYSY	Kura Yangu Sauti Yangu
NALEAP	National Legal Aid and Awareness Programme
NCAJ	National Council on the Administration of Justice
NPSC	National Police Service Commission
NVSN	National Victims and Survivors Network
OGP	Open Governance Partnership
OMCT	Word Organization Against Torture
PEV	Post Election Violence
PHR	Physicians for Human Rights
PIN	Parliamentary Information Network
SGBV	Sex and Gender Based Violence
SOs	Standing Orders
TI-Kenya	Transparency International (Kenya Chapter)
TJRC	Truth, Justice and Reconciliation Commission
UN	United Nations
UN MICT	United Nations Residual Mechanisms for International Criminal Tribunals
UNHRC	United Nations Human Rights Council
UPR	Universal Periodic Review

Acknowledgement

The development of the 2016 Impact Report has been coordinated by Elsy Sainna, Deputy Executive Director, Minnie Mang'eli, Administrative Manager, Moses Okinyi, Communications Officer and Silas Kamanza for the design and layout. We would also like to thank all 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 ICJ Kenya and the membership for their support of our activities and 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 2016.



Samwel Mohochi
Executive Director



Message from the Chairman

It is with great pleasure that ICJ Kenya shares this report of our engagements, results and observations during the programme year 2015/2016. During this period ICJ Kenya worked very productively and consultatively pursuant to its mandate of promoting Human Rights the Rule of Law and Democracy in Kenya and in Africa, working to ensure that every Kenyan is guaranteed equal enjoyment of rights as protected under the Constitution and under provisions of regional and international law.

This year we commenced the journey of implementing ICJ Kenya's new Strategic Plan 2016- 2020. This Plan is built upon the successes and lessons learnt from the previous Strategic Plan 2011-2015.

Civic space has continued to shrink. We all recall the mysterious shooting of businessman Jacob Juma as well as the torture and killing of lawyer and activist Willie Kimani mid this year. These are just a few of the extra judicial killings targeted at human rights defenders and more specifically organizations, groups and individuals working on state accountability. Shrining of civic space has been included as a strategic focus under the current Strategic Plan because ICJ Kenya believes that such attempts to shrink the democratic space must be resisted.

Corruption, including the lack of transparency and accountability in governance remain key challenges facing Kenya's mainstream institutions. This affects the delivery and access to goods and services by citizens. In addition, the limited spaces for public participation have further limited the opportunities for public oversight of governance processes.

As we approach the next electoral process, ICJ Kenya will continue to demand for the implementation of the national values and principles of governance as elaborated in the Constitution.

ICJ Kenya has been on the lead in promoting access to information legislation in Kenya. One significant achievements of the year was the enactment of the Access to Information Act. The Act promotes access to information, government accountability and transparency.

The process of appointing three most crucial positions at the judiciary was under tremendous scrutiny. Kenyans were eager to test the independence and transparency of the JSC in the selection process as well the platforms for public participation on the candidates. ICJ Kenya took keen interest in this area among other judicial reform initiatives.

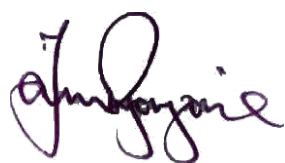
The way human rights are violated has metamorphosed over the years: now we have violence against women and children perpetrated through cyber space, something that was uncommon a few years back. ICJ Kenya is navigating through the waters of ICT, not only to monitor human rights violations on cyber space, but also to see ways that ICT can be used as an enabler of public participation.

With regards to international justice, this year we saw the withdrawal of charges of the Deputy President from the ICC and the threat by African States to withdraw (and in some cases the actual withdrawal) from the Rome Statute. These developments continue to cast doubt on States' commitment to, and accountability for human rights violations; and further leaving doubt as to the future of justice for the victims of the Post-Election Violence in Kenya.

Lastly, ICJ Kenya continues to make significant strides towards the achievement of its mandate and in supporting the realization of the Constitution of Kenya, 2010. This report therefore provides an overview of the work that ICJ Kenya has engaged in over the past year towards the implementation of the Strategic Plan 2016-2020.

ICJ Kenya wishes to take this opportunity to thank its development partners for providing financial and technical assistance towards the implementation of our various programmes.

Allow me to sincerely thank the members of staff at ICJ Kenya led by the Executive Director who worked tirelessly throughout the year. The progress we have made in this last year is proof of their hard work and commitment to work towards a free, just and equitable society.'



Njonjo Mue
ICJ Kenya Chairman



Message from the Executive Director

The work of ICJ Kenya is anchored and implemented through five main strategic themes, namely: Human Rights; Governance; Access to Justice; International Justice and Closing Civic Space. These strategic themes are implemented through the four Programmes in ICJ Kenya, namely: The Human Rights Protection Programme, the Democratization Programme, the Access to Justice Programme, and the International Justice Programme. In addition to these, ICJ Kenya implements broader organizational activities to promote specific issues under the organization's mandate and to increase its visibility.

As the oldest human rights organization in Kenya, we believe that we have a responsibility to help create a more just society where human rights and the rule of law are respected and protected, allowing people to live their lives in freedom and with dignity.

As demonstrated in this report, our innovative approach to influencing policy makers and educating the public enabled us to contribute to tangible outcomes for the most vulnerable in the society in 2016; and our success is inspiring us to increase our strategic focus in 2017 and beyond. Our work is to continually build public support for future change and create a society where justice thrives.

We worked hard to ensure that we are actively engaged as the lead voice on complex human rights issues and interventions in Kenya and the region – we conducted trainings for paralegals, ICJ Kenya members, Legal Aid Open Days, Community paralegal Awareness Forums, building the capacity of Court User Committees to employing advocacy and litigation tactics for both local and international crimes, international advocacy action amongst other interventions as shown in this report.

This year we had a very high rate of optimization of results from all our implemented projects. This report highlights our progress on priorities articulated in our strategic plan 2016 - 2010, to continue our work related to the promotion of human rights, democracy and good governance.

This success is not a coincidence, but the result of careful planning and this plan would not have been possible without the contribution of our amazing team of people - the staff, volunteers, interns, ICJ Kenya governing council and ICJ Kenya members. Highly qualified and very passionate, the team works together under a common vision, united by a strong set of values.

Effective promotion and protection of human rights in Kenya demands multi-sectoral approaches and collaborative efforts between state and non-state actors. As such, ICJ Kenya continues to consolidate efforts with other networks to successfully achieve our strategic objectives. This is made easy through the support of our partners, donors and all our stakeholders. Each of these partnerships have been vital in increasing our capacity towards the realization of our vision of a premier human rights organization promoting a just, free and equitable society while actively contributing to the achievement of human rights and good governance.

Thank you all for your support.



Samwel Mohochi,
Executive Director

Executive Summary

ICJ Kenya embarks on a journey to implement our new Strategic Plan 2016- 2020. A Plan built upon the successes and lessons learnt from the previous Strategic Plan 2011-2015 whose implementation was largely a big success.

This Annual Report covers progress made by ICJ Kenya while implementing 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 2016-2020 Strategic Plan that commenced this year following a successful implementation of the previous Strategic Plan 2011-2015. The 2016-2020 plan provides broad strategic objectives, and explains the causal linkages between our 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. We contributed to improved human rights protection, access to justice and the quality of justice sector institutions in the region.

We remained active in supporting parliamentary processes. We supported the drafting of the Access to Information Bill and the Legal Aid Bill, which have since been passed into Laws in Kenya. The Access to information Act 2016 a key lever for good governance, transparency, accountability and rule of law. The Legal Aid Act 2016 facilitates access to justice and social justice; establishes the National Legal Aid Service; provides for legal aid, and for the funding of legal aid and for connected purposes. We also drafted a model access to information law for possible uptake by interested county governments. ICJ Kenya also worked to popularize these laws.

The criminal justice system in Kenya has been one of the core areas that require major reforms specifically the laws on Petty offences. Decriminalization of petty offences would be a suitable approach that would make our criminal justice system less punitive and less expensive. Criminalization of petty offences in Kenya has led to a lot of injustice especially to the poor who are affected disproportionately. In this regard, during the period under review, ICJ Kenya has been part of an ongoing regional campaign for decriminalization and reclassification of petty offences in Africa. At the National level, we coordinate the Task Force on Petty Offences in Kenya composed of national and community based organizations each working towards protection and promotion of rights of different vulnerable groups.

In the year under review ICJ Kenya continued its support for accountability of crimes before International Criminal justice mechanisms; you recall our role at the ICC in relation to the 2007/8 post-election violence, and monitoring (on behalf of the United Nations Mechanism on International Tribunals) the trial by the Rwandan national courts of cases that would otherwise have been tried by the International Criminal Tribunal for Rwanda

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).

The following highlights reflect ICJ Kenya's top line achievements during that period. Overall, ICJ Kenya has achieved nearly all milestones during this period with other milestones 'on track' and a very limited set of delays.

Introduction

1.1 Background

1.1.1 Who we are

The Kenyan Section of the International Commission of Jurists (ICJ Kenya) is a non-governmental, non-profit and a member based organization. ICJ Kenya is the only African national section. It is affiliated with International Commission of Jurists (ICJ), Geneva, but operates autonomously. ICJ Kenya is registered as a Society under the Societies Act, Chapter 108, Laws of Kenya.

1.1.2 Our History

Founded in 1959, ICJ Kenya is the oldest human rights organization in Kenya. Its membership is drawn from the Bar as well as the Bench and currently constitutes of over 500 jurists as members. ICJ Kenya is dedicated to the legal protection of human rights in Kenya, and the African region in terms of the general mandate for national sections defined by Article 4 of the ICJ Statute. ICJ Kenya has observer status with the African Commission on Human and Peoples' rights. ICJ Kenya is governed under a constitution through an elected Council of 7 members that serves for two-year fixed terms. ICJ Kenya has its head office in Nairobi, which houses its secretariat that currently comprises of 24 members of staff.

1959: Founded

Established as the local chapter of the British Section of the ICJ 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

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.

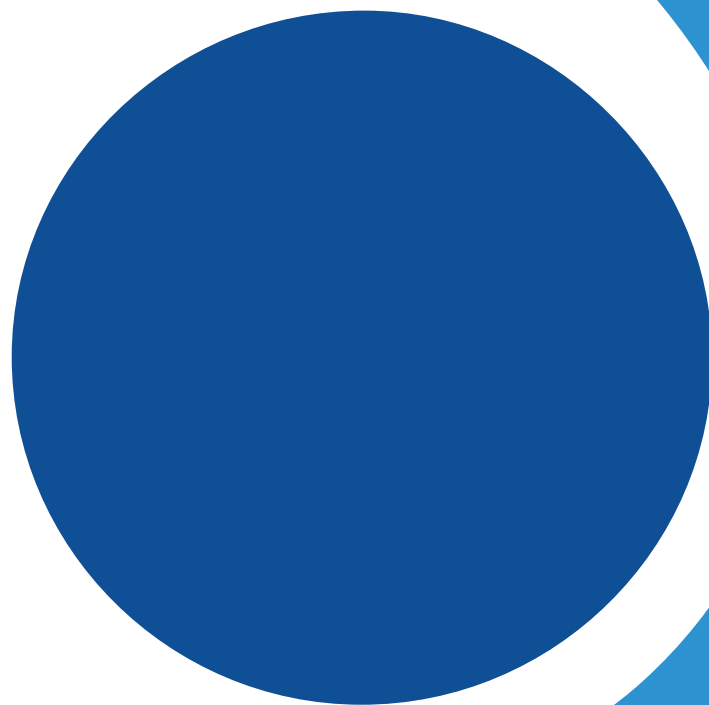
1960: Founded

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

1974: Registration as Society

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

WHO



2009: 50th Anniversary

50 years since the inception of ICI Kenya

2016: Membership

500 members from both the Bench and the Bar

2000: Spearheading FOI campaign

ICI Kenya spearheading campaign for the enactment of the FOI Law

2014: Membership

400 members from both the Bench and the Bar

THE GOVERNING COUNCIL

The organization is regulated by a Constitution and governed by a Council that comprises of seven (7) members who are elected after two (2) years.

Kelvin Mogeni
Vice Chairman



Protas Saende
Treasurer



Charles Mwongela
Council Member



Mandate of

ICJ Kenya is governed under a constitution through an elected Council of 7 members that serves for a two-year fixed term.

The last Council elections were held in 2015, the following members were elected to serve a two year term (2015/2017). 2017 is an election year for council membership



Njonjo Mue
Chairman



Patrick Ngunjiri
Secretary



Brenda Kamau
Council Member

Christopher Gitari
Council Member



the Council

The Council offers strategic leadership and is responsible for the development of ICJ Kenya mission, objectives, strategies, structures and policies.

THE SECRETARIAT

Organisation Development Team

With the able leadership and coordination of the Executive Director, Mr. Samwel Mohochi, the secretariat is comprised of professional and support staff members.

Elsy Sainna
Deputy Executive Director



Margaret Murrigu
Finance Manager



Purity Kirema
Finance Officer



Role of the Secretariat

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



Samwel Mohochi
Executive Director



Minnie Mang'eli
Administrative Manager



Nancy Mwangi
Administrative Officer



John Lilembe
Office Assistant

David Kimani
Logistics Officer



THE PROGRAMMES TEAM



Anne Nderi
Programme Manager
Democratisation Programme



Stella Ndirangu
Programme Manager
International Cooperation



Edigah Kavulavu
Programme Officer
International Cooperation



Nelly Warega
Programme Officer
International Cooperation



Lorraine Ochiel
Programme Officer
Human Rights Protection Programme



Moses Okinyi
Communication Officer



Anita Nyanjong'
Programme Manager
Access to Justice Programme



Victor Kapiyo
Programme Manager
Human Rights Protection Programme



Teresa Mutua
Programme Officer
Access to Justice Programme



Steve Ogolla
Programme Officer
Human Rights Protection Programme



Cecilia Mugo
Programme Officer
Democratisation Programme



Silas Kamanza
Legal Researcher
Human Rights Programme

How We Work

Over the years we have used a combination of approaches and methods to deliver our strategies. Our signature approach is advocacy.

Advocacy

Our advocacy efforts mainly target to influence policies and decisions at different levels including county, national, regional and international levels. We implemented advocacy through a combination of strategies including lobbying, activism, awareness creation and capacity building.

Capacity Building

Our capacity building interventions target government institutions as the providers of services, non-state actors as intermediaries and advocacy partners, and the community as the consumers of services.

Awareness Creation

We recognize the knowledge and information gap in society in a wide range of governance and human rights issues. We strengthened our efforts in bridging this gap by developing a more robust knowledge management plan and that integrates modern and innovative technologies that are more accessible by the public.

Partnerships

We recognize the importance of developing and sustaining strategic partnerships. We continued to identify and strengthen partnerships with a variety of stakeholders ranging from small community support groups, individual human rights defenders, other non-state actors, the private businesses, government institutions and intergovernmental institutions.



We strengthen our advocacy efforts through the application of a number of other approaches including research, coalition building, litigation, partnerships development, capacity building, and awareness creation.

Research

We support and facilitate research to generate new information and knowledge that is used internally to inform advocacy and capacity building. The information is also made available to other stakeholders for use in a variety of ways. The research is conducted by a number of actors including our staff, members, citizenry and consultants that we engage based on need.

Coalition Building

Establishment and development of advocacy coalitions is an effective tool not only for amplifying our voices by drawing on the support of like-minded organizations, but also for mitigating the risks associated with advocacy on contentious issues. We strengthened coalitions that we found beneficial to the causes we care about while at the same time scaled down our participation in coalitions that add no value to our work.

Litigation

We undertake litigation to strengthen achievement of advocacy results. The special constitutional status of the courts and other tribunals, both national and international, provide opportunities for the correct interpretation of laws. Courts can speak with finality on questions regarding the rights of individuals, and can clarify difficult social and political issues. The decisions of the courts bind the executive and legislative branches of government, improving chances of compliance. Litigation catalyses the incorporation of international standards within national legal systems. Further, litigation can also act as a basis for mobilization of actors around issues of common interest.





Strategic Direction

The Strategic direction of ICJ Kenya comprises the vision, mission, values, strategic issues and corresponding strategic objectives.

3.1 Vision, Mission and Values

Vision

A premier human rights organization promoting a just, free and equitable society

Mission

To promote human rights, justice and democracy in Kenya and around Africa through the application of legal expertise and international best practices

Core Values

Professionalism

ICJ Kenya strives to uphold the highest professional standards in service delivery.

Impartiality

ICJ Kenya is non-partisan in its research and advocacy, non-partisan in the promotion and protection of human rights, the rule of law and democracy in Kenya and greater African continent and an impartial approach in reform processes.

Consistency

ICJ Kenya strives to remain focused, persistent, and committed in the promotion and legal protection of human rights, rule of law and democracy

Respectfulness

ICJ Kenya is committed to respect for human dignity and fundamental freedoms. ICJ Kenya respects its constituents and stakeholders.

Responsiveness

ICJ Kenya strives to be continuously receptive and accessible to its stakeholders.

Equity

ICJ Kenya strives to ensure fairness and justice for all.

Probity

ICJ Kenya is committed to regular compliance and openness to audit. ICJ Kenya exercises honesty, integrity, and decency in its advocacy work.

Flexibility and adaptability

ICJ Kenya's approach is conscious of, adaptable to, the changing environment and contexts.





Our Impact in 2016



1. Increasing Public Engagement and Support

In order to enhance our public as we fulfill our mandate of promoting the rule of law and democracy in Kenya and Africa, we upgraded our website to a new modern interactive and user friendly website. Since its launch in May 2016 we have reached approximately 4.5 million people through social media, had over 230,000 people visit our website and were mentioned in 300 media stories. We held an average of 25 events per quarter on topical issues relating to our mandate with an average attendance of 100 individuals per event.

Our Facebook page is linked to our YouTube, twitter and LinkedIn pages with about 6,000 likes. Twitter has about 18,000 followers with an average of over 60,000 monthly tweet impressions



6,500,000

Social Media Reach



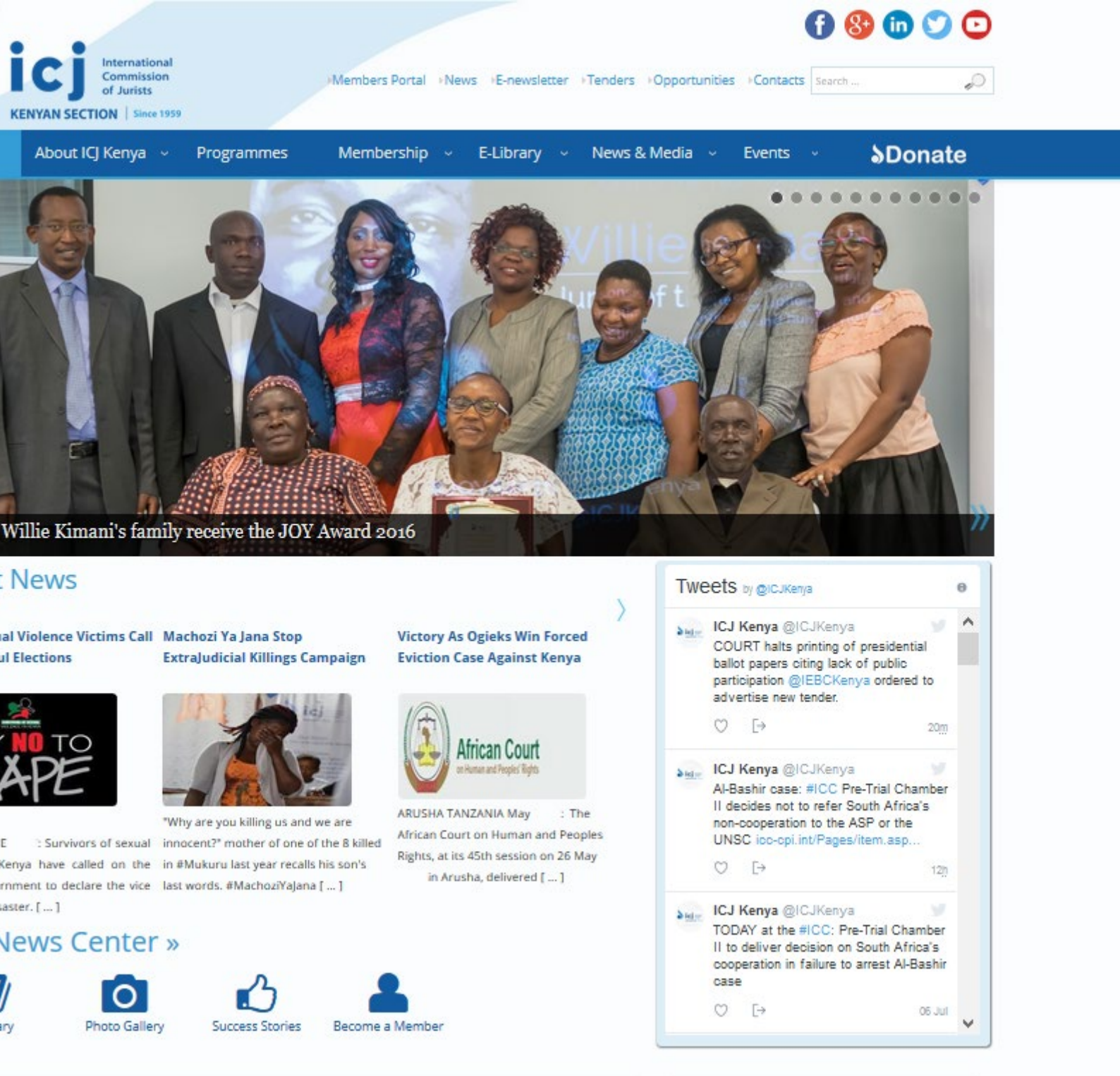
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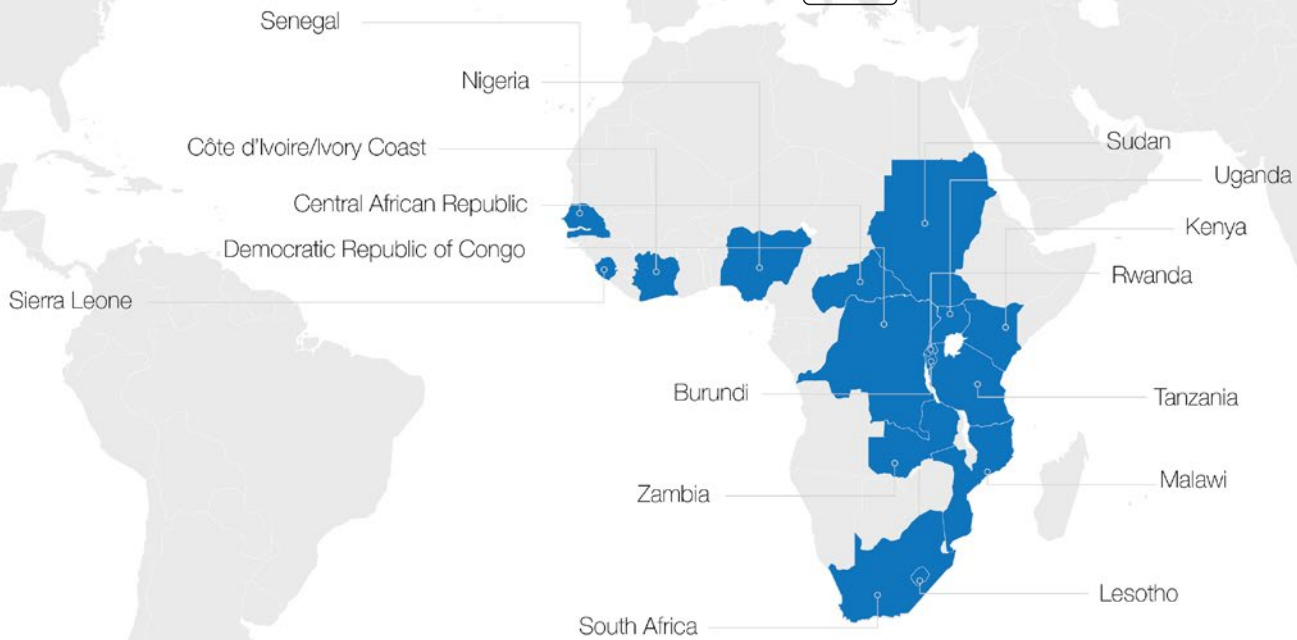
230,000
Website visits



300
Media Mentions



The Pan-African Civil Society Network



INTERNATIONAL JUSTICE PROGRAMME

The key objective of the International Justice Program is to promote justice for international crimes and gross human rights violations in Kenya and across Africa.

Key achievements

a) Advocacy

Engaging on the legacy of the ICC after the collapse of the Kenyan cases

The fight against impunity for International crimes committed in Kenya during the 2007-2008 Post Election violence continues even after the collapse of the Kenya cases at the International Criminal Court. ICJ Kenya's engagements with the court through the umbrella body Kenyans for Peace with Truth and Justice Coalition (KPTJ), led to the commencement of a reform process of the Court beginning with the commissioning of a lessons learnt introspection on the handling of the Kenyan cases targeting all organs of the Court.



The International Criminal Court
Headquarters at the Hague, Netherlands

ICJ Kenya continues to use its various platforms to share its experiences for the benefit of current and future situation countries, on early detection of the possible challenges to look out for, so that timely action can be employed, so as to avoid negative outcomes similar to those that had been obtained in the Kenya cases.

Pursuing Reparations for victims domestically

In March 2015, while delivering his state of the nation address President Uhuru Kenyatta issued a general apology to victims of historical injustices and pledged that a 10 billion shillings restorative justice fund would be established over the next three years to provide reparations for victims. However, 2 years on, the fund is yet to be established and implemented.

ICJ Kenya together with other partners under the Kenyan Transitional Justice Network (KTJN), a network established to collaborate towards the realization of transitional justice programmes in Kenya, continued pushing for the operationalization of the restorative justice fund by convening dialogue meetings with relevant stakeholders in government tasked with the implementation of the fund. As a result, the Office of the Attorney General in partnership with KTJN began the process of drafting regulations for the implementation of the fund. After completion, the regulations will be reviewed and approved by the stakeholders, including victims, after which they will be tabled before cabinet by the AG's office and subsequently to Parliament for adoption. The ICJ Kenya and KTJN continue to lobby the government to speed up the process of adopting the regulations to enable the commencement of the fund.

Empowering victims to be at the forefront of advocating for their rights

ICJ Kenya believes that victims led initiatives that advance the call for accountability and justice have the effect of amplifying advocacy greatly. Over the years ICJ Kenya has been supporting victims who have been taken through the requisite healing process and are comfortable to speak publicly to the duty bearers on their needs.

ICJ Kenya in partnership with the Open Society Justice Initiative, FIDA Uganda, Redress and representatives of the sexual violence movement from Kenya and Uganda was able to highlight the plight of victims before the African Commission on Human and People's rights and at the Assembly of State Parties to the Rome Statute. The survivors, who were represented by Grace Agenda Foundation, articulated their needs leading to positive responses by government representatives present to reparate victims and address their needs with the priority they deserved.

Opening ceremony at the 59th African Commission on Human and People's rights in Banjul Gambia



Partnership with Burundian Human Rights Activists who come under attack for their advocacy work on accountability

The documentation and reporting of human rights violations in Burundi continues despite the exiling and harassment of human rights defenders. ICJ Kenya has been supporting Burundian HRDs living in exile and their local networks to document these human rights violations that continue unabated in Burundi and to publicize and disseminate the information beyond media.

ICJ Kenya also monitored and supported civil society in the Democratic Republic of Congo to publicize increased government repression as the population's frustrations over the unconstitutional interruption in conducting the much delayed elections.

b) Capacity Building and Research

Pan-African CSO network engagement at the regional level

The civil society in Africa is increasingly organizing and spreading uniformly common positions in the wake of the renewed threats for withdrawal from the ICC by African governments.

As a lead convener for a Pan-African group of civil society organisations working for accountability against atrocity crimes committed in the continent, ICJ Kenya continued supporting the participation and advocacy work of these organizations in key meetings where important decisions are made relating to Africa's engagement with the ICC and the states support for accountability for serious crimes.

One of the key interventions was the civil society advocacy initiative urging the South African government to reconsider its decision to withdraw its membership to the Rome Statute. South African High Court ruled the withdrawal bid unconstitutional. Consequently South Africa remains a full member of the international court.

Strategic sessions convened on the margins of the Annual Assembly of State Parties provided a platform for Kenyan CSO's to partner with civil society from the pan-African network to highlight key concerns that needed to be addressed in the ICC situation countries, particularly in Africa. Sessions were also used to galvanize support and commitments for improved support for accountability measures and redress for victims.



ICC member states gather at the Hague for the 2016 annual session of the ASP

Strategic Impact Litigation

ICJ Kenya in partnership with other civil society organisations and victim groups has been pursuing redress for victims of the 2007/8 post-election violence, through two strategic impact cases relating to sexual and gender based violence and internal displacement.

The case filed together with SGBV victims, saw four high level experts appear before court to assist the court in understanding how sexual violence committed in conflict has been redressed in the past through investigations, prosecutions as well as other measures. Most notable of these was the former UN special rapporteur on violence against women, Ms. Rashida Manjoo who testified before the High Court and proceeded to hold several public sessions to discuss her experiences as the special rapporteur, including some of her findings. The cases are still ongoing and ICJ Kenya continues to monitor and offer strategic directions on the cases.

ICJ Kenya continued to monitor government led initiative to provide compensation to IDPs and notes that the compensation has been implemented haphazardly and is discriminatory. We continued calling out to the government to ensure fairness and in an equitable manner. In addition, the government was also urged to consider all other categories of victims.

SGBV Victims and Survivors follow proceedings at the High Court in Nairobi



Support to the National Victims and Survivors Network

ICJ Kenya strengthened its partnership with the National Victims and Survivors Network (NVSN) which was set up to push for the implementation of the TJRC Report and address other challenges faced by all victims of past historical injustices in Kenya.

Through this network, victims have been able to speak to their own issues and interact with relevant stakeholders particularly state agents tasked with the responsibility of addressing these challenges.

With the support of ICJ Kenya and other like minded organizations most of whom are members of the Kenya Transitional Justice Network (KTJN), victims began to push parliament to adopt and implement the TJRC Report. This had more impact and as a result the report was tabled on the floor of the house for debate. Even though the report is yet to be adopted, great strides have been made by ensuring the process is victim centered and is consultative.

SGBV survivors at the filing of a public interest litigation case against the Kenyan government



Trial Monitoring

Doubts about fairness and impartiality of the Rwandan Judiciary on the trial of two genocide suspects transferred for trial following transition of functions from the International Criminal Tribunal for Rwanda (ICTR) to United Nations Residual Mechanisms for International Criminal Tribunals, (UN MICT) led the MICT to engage ICJ Kenya to monitor these trials on its behalf.

ICJ Kenya's successful monitoring was recognized at the UN Security Council leading to the MICT adding one new case on its monitoring list. Due to this experience, the Dutch government approached ICJ Kenya to monitor two additional cases transferred for trial in Rwanda from the Netherlands. The monitoring of these trials has become a reference point for work on complementarity in Africa.



ACCESS TO JUSTICE PROGRAMME

The key objective of the access to justice program is to improve access to justice in Kenya and the Africa region.

Capacity Building

Enhancing effective participation of Court Users Committees (CUCs) in judicial reform processes

Litigants, advocates, prosecutors, magistrates, judges, members of the CUC and the public are talking to each other about the problems and challenges that they face at the courts. This is after ICJ Kenya initiated a project at the Eldoret and Kitui law courts using ICT as an enabler.

Some of our key interventions towards this include:-

- a) Eldoret, Kitui Court Users Committee Exchange program; addressed weak or deficient operational, capacity and feedback mechanisms within the two CUC's



Members of the Kitui Court Users Committee visit the Eldoret law Courts.

b) Haki Case Tracking System and the CUC websites; enhanced access to justice to the public through increasing the efficiency and effectiveness of the services they receive at the court registries.

"I am happy of the assistance I have received. I had a serious case in court. I met the Judge and lawyers who have helped me, it's like ICJ Kenya brought the whole court to the community. I am so happy I have never seen such a thing."

Mary Wambui (right) - Resident, Eldoret Town with Teresa Mutua, Programme Officer, Access to Justice Programme



c) Judiciary Open Days; enhanced public knowledge of the CUCs and general court operations as well as provide free legal aid to residents

ICJ Kenya Access to Justice Program Manager Anita Nyanjong' hands over ICT equipment to High Court Judge Kanyi Kimondo.



East African Magistrates and Judges Association

Kenyan and East African magistrates and judges capacity on the use of the Maputo Protocol to advance the rights of women and enhance their access to justice has been increased. This is after ICJ Kenya, in partnership with Equality Now, the Kenya Magistrates and Judges Association (KMJA) and the East African Magistrates and Judges Association (EAMJA) held a conference seeking to increase the capacity of regional judicial officers to the use of the Maputo Protocol.

The EAMJA Council passed a resolution to inculcate into their country training curriculum for judicial officers, a course on women rights while our proposal on application of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Maputo Protocol in women rights led to a resolution to use international and regional instruments, including the Maputo Protocol in decision making to advance the rights of women in Africa.

EAMJA Annual Conference in Kampala, Uganda



Awareness Creation

a. Campaign to Abolish the Death Penalty

Kenya has been featured amongst countries to have commuted large number of prisoners on death row to life imprisonment. ICJ Kenya continued its advocacy for the abolition of the death penalty. To create awareness on this we organized an event to mark the World Day against the Death Penalty at Kamiti Maximum Prison led by prisoners on death row.

The event highlighted the plight of prisoners and the need for the abolition of the death penalty in Kenya and was covered by all major media houses in the country. We attribute the President commuting of all death sentences to life jail terms a few days later to this campaign. Some 2,747 death-row convicts will now serve life imprisonment. The number includes 2,655 men and 92 women.



Research and Publications

a. 2013 Election Petition Case Digest

The 2013 General Election in Kenya generated one of the highest number of election petitions. Case law from the litigations provides important jurisprudence as captured in the ICJ Kenya's case digest. This digest provides a quick and clear reference to all the 2013 election petitions, as well as highlighting and analyzing some of the emerging issues in the jurisprudence therefrom and election law generally, this compendium provides a foundational text for this much needed intellectual discourse.



ICJ Kenya Compendium of 2013 Elections
Petitions available from the www.icj-kenya.org
website downloads.

b. Judiciary Watch Series

In keeping with its tradition, ICJ Kenya, in partnership with GIZ and the National Council on the Administration of Justice (NCAJ), developed and successfully launched its 12th series of the Judiciary Watch Report titled, "Judicial Accountability in the New Constitutional Order". The publication documented the current trends, opportunities and challenges with regard to the judiciary in a bid to educate and inform the public, but also challenge the judiciary to adhere to the rule of law and justice.

(L-R) ICJ Kenya Executive Director Mr. Samwel Mohochi, Chairperson Njonjo Mue, Supreme Court Judge Justice Mohamed Ibrahim, NCAJ Executive Director Duncan Okello and ICJ K Program Officer Teresa Mutua officially launch the series.



c. Alternative Justice Systems Task Force

The Kenyan Constitution provides for alternative forms of dispute resolution mechanisms, including traditional approaches, as long as they do not contravene the Bill of Rights, are not repugnant to justice or morality or inconsistent with the Constitution or any written law.

ICJ Kenya conducted research on civil society perspectives on Alternative Justice Systems (AJS) and was appointed and gazetted as a member of the Alternative Justice Systems Taskforce by the Chief Justice to conduct research into other forms of alternative dispute resolution and recommend to the Judiciary guidelines for incorporating them into the mainstream justice system.

d. Judicial Code of Conduct

Kenya has formally adopted a new Judiciary Code of Conduct and Ethics, which will govern the comportment of the judiciary, in terms of integrity, impartiality and professional independence, and aims to boost public confidence in the justice system. ICJ Kenya developed and submitted a memoranda on this code whose content has been captured in the adopted code of conduct.



A section of participants following the Legal Awareness Forum at Kibra CDF Hall

Human Rights Programme

The key objective of the Human Rights Protection Program is to promote and protect the observance of human rights in Kenya and around Africa.

Advocacy for the enactment of laws and policies that promote human rights

Kenya recently enacted new laws that enhances the protections for human rights both at the national and county levels. ICJ Kenya's joint advocacy initiatives led to the enactment of the Legal Aid Bill 2016, the National Coroners Service Bill 2016 and the Prevention of Torture Bill. The new Legal Aid Act now regulates the provision of free legal aid services to persons who cannot afford such services and facilitates access to justice for victims of human rights violations.

ICJ Kenya boasts of its preceding lobbying and advocacy efforts for the enforcement of the Act. Consequently ICJ Kenya has been co-opted into the task force set up to operationalize the Act and develop guidelines to this effect.

Regional and National Campaign for Decriminalization and Reclassification of Petty Offences in Africa

The enforcement of laws that provide for petty offences often target specific groups such as women, young men, the poor and the disadvantaged. Further, mass arrests especially of street families, low-income people, minority groups and refugees, are common.

ICJ Kenya has been part of an ongoing regional campaign for decriminalization and reclassification of petty offences in Africa. As a result of the regional campaign efforts, the Mayeso Gwanda case http://www.southernafricalitigationcentre.org/1/wp-content/uploads/2017/03/Gwanda-v-S_Malawi_2017.pdf filed by Southern Africa Litigation Center (SALC) and Center for Human Rights, Education, Advice and Assistance (CHREAA) resulted in a successful judgment where the court declared the rogue and vagabond laws unconstitutional in Malawi, this set precedence in the enforcement of rogue and vagabond laws in Malawi and the constitutionality of petty offences across the region.

Further, the African Commission on Human and People's Rights (ACHPR) received the draft principles for decriminalization and reclassification of petty offences in Africa as developed by the regional partners in the campaign, for consideration and adoption.

At the National level, ICJ Kenya coordinates the Task Force on Petty Offences in Kenya composed of 8 national and community based organizations each working towards protection and promotion of rights of different vulnerable groups. ICJ Kenya was subsequently appointed to the National Council on Administration of Justice, (NCAJ) Committee on Criminal Justice Reform (NCCJR).

Petty Offences Website

The Petty Offences network led by ICJ Kenya deepened its engagement with the public and its different stakeholders following the development and activation of the petty offences website www.pettyoffences.org. There is now an increase in public awareness on petty offences and an avenue for the victims to speak on human rights violations arising from the enforcement of petty offences in Kenya and the African region.

The Petty Offences Website available on www.pettyoffences.org. The website provides resources and highlights events as well as milestones towards decriminalization and re-classification of petty offences in Africa.



a) Research

Research on Laws and Policies on Petty Offences and Practices Affecting Populations at National Level and in Kisumu, Mombasa and Nairobi counties

There has been increased awareness on petty offences in Kenya at the county and national levels (amongst human rights defenders/community paralegals, Court User Committees) as well as regional platforms such as the African Commission on Human and People's Rights.

This is after ICJ Kenya commissioned research on laws and policies on petty offences and practices and developed a policy brief from the research findings that has consistently been used as an advocacy tool to create awareness, develop public interest litigation strategies and to influence ongoing deliberations with duty bearers within the justice chain.

Research on Ending Technology Assisted Violence against Women (ETAVAW)

The journey to improving the policy environment and putting systems in place to end technology assisted violence against women in Kenya has begun.

ICJ Kenya released a new policy brief revealing that the rise of internet and mobile technologies has created yet another arena for continued violence against women in Kenya. The policy paper urges government and the ICT sector to work together to adequately provide redress measures and mechanisms to counter these forms of violence and indicates the existing limits within the legal framework in the country.



Ms Elsy Sainna, the ICJ Kenya deputy executive director, making a speech during the launch of the policy brief on Ending Technology Assisted Violence against Women.

b) Capacity building/Training

Community Paralegals and Human Rights Defenders Trainings on the Legal Aid Act, 2016

A section of community paralegals and human rights defenders increased their knowledge of the Act after ICJ Kenya trained them on the requirements of legal aid providers and subsequently on the provision of free legal aid services to community members.

Bar Bench Forums on the Legal Aid Act

ICJ Kenya convened select Members of Parliament and held Bar and Bench Forums to unpack the prospect of the Act to facilitate its judicial implementation at different levels thereby enhancing access to justice for those who cannot afford legal services.



A section of MPs (back left- right: Hon. Wafula Wamunyinyi, Hon. Agostinho Neto, Hon. Dorcas Kedogo and Hon Ken Okoth) with ICJ Kenya staff during the discussion on the Legal Aid Act.

Media Engagement on Legal Aid Act 2016

ICJ Kenya organized a media advocacy campaign that engaged members of the public focusing on the benefits of the Legal Aid Act to the person. Members of the public were afforded opportunity to ask questions through the different media channels used which were addressed.



“

The unemployed youth, the poor, those who earn less than one dollar a day, you'll find that those are the people who are more prone to suffer from torture.

Samwel Mohochi,
Executive Director, ICJ Kenya

”



ICJ Kenya Governance Program Officer Cecilia Mugo (left), and consultant Beverline Ongaro (right) held a meeting with the Majority Leader of the National Assembly of Kenya Hon. Aden Duale to share reform proposals in our policy brief on the implementation of affirmative action.

GOVERNANCE PROGRAMME

Advocacy

Enactment of the Freedom of Information Act

The recent enactment of the Access to Information Act 2016 ushers in a new era of openness, transparency and accountability in Kenya. This follows a campaign initiated in the year 2000 spearheaded by ICJ Kenya in consultation with various stakeholders, members of the Freedom of Information Network, and supported by many Kenyans countrywide.



Public Forum on the newly enacted Access to Information Act of 2016.

Report on FOI in Health and Education in the counties

ICJ Kenya developed a report on the status of FOI implementation in the counties following a research project initiated to assess the level of compliance with FOI principles in the health and education sector. The findings have been used for advocacy in counties across the country to influence new policy development.

Freedom of Information awareness forum in Bomet County.



Open Governance Partnership

Implementation of Kenya's second National Open Governance Partnership (OGP) Action Plan 2016 led to continuous transition of government information from analogue to digital platforms thereby creating new opportunities for records management though much of government still relies on outdated systems and policies. This follows ICJ Kenya's continued support and monitoring of the (OGP) processes in Kenya. ICJ Kenya is a member of the National OGP steering committee and participated in the development of this action plan.

Henry Maina, Regional Director, ARTICLE 19 Eastern Africa makes a point at an ICJ Kenya OGP forum.



Elections

ICJ Kenya is part of the Civil Society Initiative "Kura Yangu Sauti Yangu" (KYSY), a citizen movement whose aim is to ensure that the country minimizes the risks related to dysfunctional electoral systems and practices. KYSY is also committed to promoting political dialogue across the country.

ICJ Kenya issued a press release on the removal of the IEBC Commissioners and also participated in discussions seeking to mediate the IEBC impasse on the preparation of the 2017 General Election. Some of the gains made through this initiatives include reconstitution of the IEBC, and the enactment of the Elections Offences Act 2016.

Kura Yangu Sauti Yangu press conference calling for the removal of IEBC Commissioners over integrity issues.





Former LRA Commander Dominic Ongwen facing trial at the ICC for crimes against humanity and war crimes



JOURNALISTS FOR JUSTICE (JFJ)

The JFJ strategy of deploying both traditional and new media through the use of live-tweeting of videos through the innovative use of Periscope interrupted entrenched informational power structures in accessing and using information.

In deepening voices in the Dominic Ongwen trial; the impact of the initiative, was evident in the increase of public engagement and quality of discussions on justice by the local population. For instance, victim communities called in to local radio stations to share their experiences and views on the Ongwen trial. Journalists for Justice successfully influenced debates by providing plural voices and creating greater understanding of fair trial rights under the Rome Statute. Misconceptions that arose were clarified in subsequent reports

Victims of sexual and gender-based crimes occurring in the context of the post-election violence in Kenya are more visible than they were before. The project successfully advanced the fight against impunity for SGBV crimes nationally by supplying consistent reportage of the ongoing national public interest litigation case, publishing news, analyses and opinion on it and sustaining debate through its website and social media platforms. Through collaborative efforts with different national players, the project harnessed its communication expertise to provide visibility to the plight of post-election violence victims of crime.



Sustaining A Justice Supernarrative

Distortion, disinformation and political propaganda that has been the stock-in-trade of critics of international criminal justice and human rights was vigorously countered by more inclusive and balanced media reportage in authoritative publications in the East African region. Journalists for Justice's attendance and coverage of important justice forums such as the 15th Assembly of States Parties in The Hague, the African Union Summit in Addis, the annual NGO-ICC Roundtable at The Hague and the ICJ Kenya Annual Jurists Conference provided credible and authoritative reportage that balanced media narratives of justice. The JFJ strategy of deploying both traditional and new media through the use of live-tweeting of videos through the innovative use of Periscope interrupted entrenched informational power structures in accessing and using information.

Kenyans for Peace with Truth and Justice, the civil society coalition, articulated its positions at the ASP, constructing critical alliances that halted the throwback against international criminal justice. JFJustice contributed to developing KPTJ's communication strategy and provided tactical communication support to the coalition during the meeting by strategically linking individual independent journalists to victims groups and technical experts, to respond to distortions, disinformation and propaganda.

An exclusive interview with ICC prosecutor Fatou Bensouda co-published in Kenya's leading daily newspaper and JFJustice's website clarified misinformation about the collapse of the Kenya cases and sparked public discussion of gaps in international criminal justice.

An interview with Ugandan Opposition Chief and Leader of Forum for Democratic Change Kizza Besigye on the sidelines of the ICJ Kenya Annual Jurists Conference in Durban, South Africa, amplified the voices of those demanding truth-telling, accountability, justice and reconciliation in his country.

Journalists for Justice's in discourses on conflict in South Sudan continue after its engagement with critical stakeholders at the AJC conference on low intensity conflicts in Africa.

Deepening Voices in the Dominic Ongwen Trial

Widespread public discussion of justice was sparked among victim communities in Uganda during the opening of the Dominic Ongwen trial at the ICC. JFJustice collaborated with the Uganda's ICC Field Office to send two Ugandan journalists to the trial opening in The Hague. The effort produced 16 full pages of prime press coverage in two wide circulation newspapers (the New Vision Group and the Daily Monitor), which then discussions on justice on radio and online beyond the victim communities in Gulu, northern Uganda.

The reportage sought to put forward a new, more balanced narrative that supports accountability and gives victims greater, national voice. The impact of the initiative was evident in the increase of public engagement and quality of discussions on justice by the local population. For instance, victim communities called in to local radio stations to share their experiences and views on the Ongwen trial. Journalists for Justice successfully influenced debates by providing plural voices and creating greater understanding of fair trial rights under the Rome Statute. Misconceptions that arose were clarified in subsequent reports. The reports, which coincided with the visit of the Registrar of the ICC to Gulu in Northern Uganda, drew attention to the plight of the victims and the Court's activities within the affected communities.

Creation and Sustenance of Communication Communities

Victims of sexual and gender-based crimes occurring in the context of the post-election violence in Kenya are more visible than they were before. The project successfully advanced the fight against impunity for SGBV crimes nationally by supplying consistent reportage of the ongoing national public interest litigation case, publishing news, analyses and opinion on it and sustaining debate through its website and social media platforms. Through collaborative efforts with different national players, the project harnessed its communication expertise to provide visibility to the plight of post-election violence victims of crime. The project has consistently provided reports on the constitutional petition filed by eight (8) survivors of Kenya's 2007/8 post-election violence.

Digital Presence

Media ownership and control by entrenched interests sometimes frustrates the ventilation of critical issues. The growth in online audience increased JFJustice's content reach. Social media and JFJustice websites continue to be strategic platforms for content dissemination. JFJustice Facebook and Twitter audience steadily grew in 2016. The Radio Netherlands World Service (RNW) handed over The Hague Trials Kenya digital platform to JFJustice bringing with it over 290,000 followers. The handover included training of JFJustice's staff on engaging online media. This platform is a critical space for debating emerging accountability issues in the country around power, elections and justice.

Partnerships

Important civil society and media actors such as media in Kenya, Uganda, the Netherlands and Cote d'Ivoire are reaching out to JFJustice for collaboration. Notable among these are Let's Talk Uganda, the ICC Outreach Office in Uganda and Cote d'Ivoire, the ICC advocacy group on Africa, the Radio Netherlands Worldservice, among others.



JOYA²⁰¹⁶
Award
Jurist of the Year Award

Willie Kimani
Jurist of the Year, 2016

For consistently, fearlessly and impartially
promoting and fighting for upholding and
respecting the rule of law and human rights



#JOYA2016 @ICJKenya

Organizational Development

1. Jurist of the Year Award (JOYA) 2016

Each year since 1993, the Kenyan ICJ Kenya has recognized the achievements of one outstanding jurist dedicated to promoting and protecting human rights. The award was introduced both to commemorate International Human Rights Day and to recognize and honor the contributions of an exceptional jurist.

This year, our distinguished jurist has been recognized locally and internationally for his lifetime dedication to human rights for which he fought until the very end. The late human rights lawyer Willie Kimani was named the 2016 Jurist of the Year. Lawyer Willie Kimani spent his entire career investigating and exposing bad police officers and brought some of them to justice before his brutal killing. His clients were victims of police brutality and Kimani died alongside one of them, Mr Josephat Mwenda, and their taxi driver Joseph Muiruri.

It is the work his widow Hannah Kimani, while receiving the award said: "I never thought it will cost his life. No amount of words can explain who Willy was. He was one of a kind... with this award, it shows that his work was not in vain." She described Kimani, "as the best father my two boys would ever have."



Willie Kimani's widow, Mrs Hannah Kimani, pose for a photo with family and AJM staff after receiving the the 2016 JOY Award.

ICJ Kenya annually convenes an Annual Jurists Conference (AJC) whose main objective is to deliberate on emerging legal and human rights trends affecting the Continent. The 2016 conference was held in Durban South Africa under the theme “State of Democracy and Transitions in Africa: Addressing the Regression.” The final communique from the conference contains new strategies of countering challenges, which increasingly pose a threat to democratic transitions across the continent. This has been shared widely.

ICJ Kenya 2016 Annual Jurists Conference Group Photo.



3. Uwazi Cup 2016 (Social Networking and dialogue influencing)

ICJ Kenya's Uwazi football tournament is held annually to raise awareness and advance the campaign to promote the right to freedom of information. The tournament, the seventh in its series was successfully held at the Safaricom Stadium Kasarani. It brought together more than 20 teams from civil society, government, media, private sector and the public. The theme of this year's tournament was, “Transparency and accountability: fighting corruption through access to information”

Teams playing during the ICJ Kenya Uwazi 7 aside football tournament 2016



ICJ Kenya team member Brian Osoro calling for the ball during a match at the ICJ Kenya Uwazi 7 aside football tournament 2016.



3. Lewa Marathon 2016 (Te
ICJ Kenya proudly co-sponsored and p

event held at the Lewa Conservancy in order to raise funds for numerous community development and wildlife conservation efforts. The impact of the Lewa Marathon on the local Kenyan community has become stronger each year with the amount raised supporting various charitable organizations in support of education, health, community development, and wildlife conservation throughout the country.



ICJ Kenya Team at the 2016 Safaricom Lewa Marathon celebrating after finishing the marathon.



Edigar Kavulavu on his way to finishing the Lewa Marathon Team. Mr Kavulavu ranked first among the ICJ Kenya team to finish.

Our Partners

During the year, 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)
- Embassy of Finland
- European Union
- Gesellschaft für Internationale Zusammenarbeit (GIZ)
- Open Society Institute
- Uraia Trust
- Konrad Adenauer Stiftung
- Humanity United
- Security and Justice Ministry, Netherlands
- HIVOS



ICJ Kenya 2016 Financial Statements

STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR ENDED 31ST DECEMBER 2016

2015

2016

Ksh

Ksh

170,518,149

Income

↓ 160,270,076

157,901,854



↓ 141,978,580

Project grants

12,181,295



↑ 17,508,386

Miscellaneous income

435,000



↑ 783,110

Subscriptions

162,777,659

Expenditure

157,491,384

157,901,854



↓ 141,978,580

Project Expenses

727,306



↓ 2,947,270

Secretariat Expenses

4,148,499



↑ 12,565,534

Membership Expenses

2016 - Ksh. 141,978,580

2015 - Ksh. 157,901,854

