# THE JUSTICE WATCHERS



MARCH-MAY 2023



Women Human Rights Defenders join hands for collective Advocacy - NiMama Network toddles!

#### **NEWSLETTER**

SAFETY SECURITY WELLBEING
OF HUMAN RIGHTS DEFENDERS

## WHAT WE DO



#### Supportive Policy, Legal and Institutional **Frameworks**

The Defenders Coalition works to position itself as a thought leader and collaborative partner towards (re)formulation and/or enforcement of appropriate policies, laws, institutions and cultural norms that touch on the safety, security and well-being of HRDs



#### **HRD Protection and Safety**

The main aim of this pillar will be to facilitate timely and appropriate responses to all forms of threats or insecurities to HRDs.



#### Socio-economic wellbeing of HRDs

To facilitate HRDs to build their socio-economic resilience and attain an improved quality of life. Such support will also seek to ensure that HRDs are self-sufficient, easily access the basic necessities of life and live in dignity.



#### Institutional excellence

Defenders Coalition will sees to consolidate its position as a dynamic, effective and sustainable organization.

Follow and interact with us on our social media handles

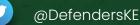
**#DefendersSafety** 





@defenderske







Dear friends and supporter of Human Rights Defenders in Kenya,

The first quarter of 2023 is behind us. We are proud that the Defenders Coalition made steps towards strengthening Human Rights Defenders' (HRDs) networks. Specifically, we are proud that in March, WHRDs across the country assembled in Nairobi where they acknowledged the power in networks for a common cause. This assembly gave birth to a network that we are proud to associate with – The Nimama –Net. The network will work to recognize the work of women human rights defenders: All women and girls who work for human rights, all people who defend the rights of women and girls, and all people who defend the rights to be free from discrimination and violence based on gender and sexuality. This has been made possible by the partnership with the Embassy of Norway in Kenya and extensive work that we have done with (W)HRDs across the various counties in Kenya.

It is concerning that the first half of the year has seen a wave of attacks against minority groups. While misinformation, disinformation and mal-information has taken center stage in sustaining the existing rhetoric, the political elites have had a big role in it. It is paramount to once again say that discriminatory practices on grounds of sex, race, colour, ethnic or social origin, language, religion or belief, political opinion, membership of a national minority organization, age or sexual orientation among others is unacceptable anywhere in the world because it goes against the principles and spirit of human rights and the Constitution of Kenya. We urge all members of the public to be tolerant towards one another with compassion and acceptance.

The economic crisis that is ravaging the country is of concern to us. The levels of unemployment are painstakingly high. Reports indicate that many households can barely afford two meals a day. Climate change is on our door steps. Healthcare is becoming an expensive affair. The mental health of many youth is hanging on a cliff. The question that lingers everytime i reflect on this is whether the government has ever attempted to implement Article 43 of the constitution. And if this situation persists, how long can (W)HRDs stay resilient?

I welcome you to read and share this publication with your friends, members and colleagues. This is the good work that HRDs are doing supported by the Defenders Coalition.

Kamau Ngugi,

Executive Director, Defenders Coalition

Chairperson -East and Horn of Africa Humn Rights Defenders Network

#### **Our Work During The Period**

HRDs Received relocation and family support

15

HRDs received cash bail

9

HRDs were given legal representation

**52** 

HRDs received psychosocial support

6

Organizations received security enhancement

3

HRDs received-Medical support

47

HRDs underwent a security management training





## CONTRIBUTING TOWARDS POSITIVE LASTING CHANGE IN SUPPORTIVE POLICY, LEGAL AND INSTITUTIONAL FRAMEWORKS

Commemorating the International Women's Day 2023. The Defenders Coalition hosted the Annual Women Human Rights Defenders Forum between 8 – 10 March 2023 in Nairobi to commemorate the International Women's Day 2023.

60 WHRDs attended the forum where they were taken through an intensive three-day activities themed safety security and wellbeing of WHRDs in the Digital Day.

The forum was kickstarted by addressed from Defenders Coalition's Executive Director Kamau Ngugi.

Kamau highlighted that it was a great moment to reflect on the progress we have made in safeguarding the rights of women and girls. Kamau called on all HRDs to observe the basic principle of human rights work and eliminate biases in human rights activism.



Ambassador Gunnar Andreas of the Embassy of Norway in Kenya Poses for a photo with some of the Women Human Rights Defenders at the Annual WHRD Forum

"#NiMamaNetwork empowers women to stand and defend human rights in their communities. It motivates us to hold hands and become one network of women human rights defenders who are indiscriminate."

Annika Otterstedt, the Head of Section for Kenya Development Cooperation at the Embassy of Sweden in Nairobi said that highlighted the significance of the whole community being part of the creation of a strong supportive structure for holistic advancement of women and girls.

Ambassador Gunnar Andreas of the Embassy of Norway in Kenya delivered a keynote address where he emphasized the need to stand in solidarity to safeguard online spaces for women and WHRDs. Key in the ambassador's was the need to focus on the nature of digital access that women have and the need to address online abuse that women and girls face.

"#NiMamaNetwork empowers women to stand and defend human rights in their communities. It motivates us to hold hands and become one network of women human rights defenders who are indiscriminate."



The Call for nominations for the 2023 Human Rights Defenders Awards is out, nominate someone now!

Click here to nominate someone

# B. Help us identify courageous individuals under the four categories for an opportunity to be publicly honored for their human rights work

For the eighth year in a row, the Defenders Coalition and the Working Group on Human Rights Defenders (HRDs) are organising the Human Rights Defenders Awards to recognize, celebrate and appreciate the hard and vital work of HRDs in the country.

The Working group will recognize the contribution of HRDs who promote and protect human rights in accordance with the Universal Declaration of Human Rights and the Declaration on Human Rights Defenders.

They could be your community leader, family member, friend, neighbour or colleague who deserves recognition for the work they do.

Nominations are open to human rights defenders with demonstrable courage, innovation, and impact of their human rights work on the community. You can self-nominate or nominate an individual that you believe are deserving.

Help us identify these courageous individuals under the four categories using the nomination that is available on this link

https://defenderscoalition.org/call-for-nominations-for-the-2023-human-rights-defenders-awards-is-out-nominate-someone-now/

#HRDAwardKE

#StandUp4HumanRights

04

Upcoming Human Rights Defenders;

Individuals or movements that have been active in the human rights movement ranging between 0-5 years and have shown exemplary courage, overcoming great difficulty and demonstrated courage in championing for the protection and promotion of human rights.

Human Rights Defender of the year; Individuals or movement who have illustrated exemplary courage, difficulty overcoming great and demonstrated courage in taking up and challenging current human rights concerns within the past year

# CATEGORIES OF THE HRD AWARDS

03

Seasoned Individuals or movements whose work illustrates great commitment over an extensive period time in the protection promotion and of human rights with great courage having overcome great difficulty and has demonstrated achievement throughout their work

and life.

Munir Mazrui Lifetime

Achievement Award:

Global Solidarity; Individuals or movements whose actions have stood in solidarity and made tremendous contribution to the advancement of the human rights movement in Kenya. These could be Kenyans or foreigners who in the past have contributed to human rights advancement in Kenya from a regional of global level.



Seasoned investigative journalist John Allan Namu receiving the award for the Human Rights Defender of the year 2023. Giving the award is Ambassador Caroline Vicini (seconf from left) Embassy of Sweden in Kenya and Kamanda Mucheke (Right)



# C. Statement of Solidarity to sexual minorities and advocates of the rights of sexual minorities in Uganda folloeing Anti-Homosexuality Law 2023

30 May 2023, Nairobi, Kenya

The Defenders Coalition joins the SOGIE community in Uganda and the global community of human rights defenders in condemning the enactment of anti-homosexuality law in Uganda that seeks to advance punitive and discriminative criminal penalties against sexual minorities in Uganda.

We believe in respect for human rights for all persons. Any discrimination laws and practices on account of any grounds such as sex, race, colour, ethnic or social origin, language, religion or belief, political opinion, membership of a national minority organization, age or sexual orientation among others is unacceptable anywhere in the world.

We are deeply concerned that by assenting the Anti Homosexuality Bill, the president of Uganda, Yoweri Museveni has provided the legal and political endorsement for discrimination and violence against

some citizens of Uganda on the basis of sexual orientation and gender identity.

As an organization whose purpose is to advance the rights of those at the frontline defending other people's rights we demand the assurance of safety, security and wellbeing for all HRDs

promoting and protecting human rights for all. We call for reversal of this move of using national legislations to criminalize minority groups within our society.

We also call on the international community be relentless to advancing universal rights codified in the Universal Declaration of Human Rights and other regional international law. We call upon all global citizens to join hands in solidarity with the sexual minorities in Uganda and to demand for a world free of discrimination and violence.

#### D. WHRD Amina Hussein Kullo arbitrarily arrested In Isiolo County

On 10 May 2023, the Defenders Coalition received with deep concern a distress call from Isiolo County, where Amina Hussein Kullo, a Woman Human Rights Defenders (WHRD) had been illegally arrested and detained. At the time of receiving the report, Amina was being detained alongside her 3-year-old baby.

Worryingly, for Amina washanded punitive bail terms of KES.1.5 Million cash bail or a bond of KES.2 Million.

Amina was assaulted, arrested and charged with 7 counts of trumped-up charges ranging from inciting violence, assaulting heavily armed male police officers and stealing 350 bags of cement from Northern Rangelands Trust (NRT) offices. This was after community members in Korbesa protested against the forceful acquisition of community land and construction of NRT offices on unregistered community land without community engagement despite there a petition challenging being acquisition of the community property at the Environment and Lands Court.

Other paralegals are also facing imminent threats of arrest from security agents who are in partnership with NRT and have been issued with summons to appear before the county commissioner office.

The Defender's Coalition is concerned over this atrocious violation of human rights in Merti and the threats and intimidation of Human Rights Defenders within the region nd therefore calls for the following:

- 1. We call upon all Human Rights Defenders and Civil Society Actors to raise awareness of the matter and demand for the immediate release of the WHRD Amina Hussein.
- 2. We call upon the Office of the Director of Public Prosecution to unconditionally drop the malicious and trumped-up charges against WHRD Amina Hussein.
- 3. We also call upon the security officials in Merti sub county, Isiolo, to follow the rule of law and protect the rights and freedoms of the citizens.
- 4. We call upon the Judiciary to dismiss the punitive bail terms of Kenya shillings 1.5 Million or bond of KES 2 Million and cease from being weaponized to intimidate the work of Human Rights Defenders.

The Defenders Coalition has taken the matter by supporting Amina Hussein with legal representation.

Additionally, Defenders Coalition has petitioned the Office of the Director of Public Prosecution, The Judiciary and the Inspector of Police to look drop the seven trumped up charges against Amina.

## D. Past Learnings Must be 'at the heart of implementing a Digital Identity System in Kenya

Civil society organisations in Kenya have noted with concern a number of recent government pronouncements aimed at creating a new digital identity system for all Kenyan citizens. On 13 May 2023, the Principal Secretary the State Department for Immigration and Citizen Services, Ambassador Julius Bitok announced government plans to establish a new digital identity system for all Kenyan citizens referred to as the Unique Personal Identifier (UPI).

The Kenyan government plans to roll out the UPI initiative on 1 July 2023 with an aim to provide citizens with a lifelong identification number starting from birth that will eventually serve as an ID number. According to the government, it will be issued at birth for all newborn children in hospitals and to adults when applying for an ID.

The UPI as formulated is intended to be the main access point for citizens to access government services such as the Kenya Revenue Authority (KRA) and National Social Security Fund (NSSF), according to PS Bitok.

As civil society organisations, we recognise that a digitisation of public and government services is inevitable and has the potential to make citizen more accessible services convenient; we laud government efforts to better serve citizens. It cannot, however, be ignored that a transition of this magnitude comes with pitfalls that must be addressed,especially if the design and implementation process conducted in a transparent, inclusive and human-rights-centred manner.

Concerns in the proposed roll-out of UPI include lack of transparency on the legal basis of UPI, lack of effective, nation-wide public participation on the system, uncertainty about data protection, whether human rights assessments impact will be conducted and made available for public review. including assessment of the risks of exclusion of millions of Kenyans, and the speed which the roll-out is being planned.

While the government is engaging a select few civil society and other stakeholders, there needs to be a broad-based engagement to ensure this initiative moves in the right direction.

Lessons from Huduma Namba rollout that if not done ID systems implementing digital produces further inequalities minority and historically marginalised communities, including the Nubian, Swahili Borana, and Somali communities as well as double registered persons (Kenyans whose biometrics are in the refugee database) who already struggle with systemic discrimination in obtaining registration nationality and documents.

The introduction of UPI could also increase inequities for vulnerable communities who do not have access to birth certificates and IDs due to discrimination, distance, cost, corruption, and other barriers and they may be further excluded from the opportunities provided by UPI.



While it is important for the government to make changes that better the lives of its citizens, digitization of vital and essential processes - such as the identification process - bears an implication on wide swaths of the population.

"While it is important for the government to make changes that better the lives of its citizens, digitization of vital and essential processes - such as the identification process - bears an implication on wide swaths of the population."

We call on the government to slow down and not rush to introduce the new digital identity system (UPI). We ask the government to instead, first engage the public, assess what needs to be done, and institute strong technological, policy and legal frameworks to guard against the long-term problems such a system is likely to bring.

"Having been through a similar but largely flawed and poorly rolled out process with the Huduma Namba, we reiterate that in order for implementation of the digital identity system in Kenya to be inclusive and human rights centred, it is imperative that the government incorporates past learnings in a transparent manner and implements court orders arisina from Huduma Namba litigation. The questions still remain; will these digital identity systems be inclusive or merely a replication of the mistakes made in the implementation of the Huduma Namba project."

conscientiously not done replicating consultatively, past mistakes will almost certainly occur. acknowledging government's recent commitments to issue ID cards within 21 days nationwide and issue birth certificates on the same day, we also seek redress for the lack of implementation of this directive and the administrative hurdles that have effectively denied people access to identification for so Those hurdles include the long. inaccessibility of registration centres, arbitrary and discriminatory practices to deny people identity used documents under the current ID registration process, and the shifting of this burden from communities.

As our courts pointed out before the implementation of Huduma Namba, a 'new' identity system must not replicate 'old' injustices. The government must ensure that the circumstances historically of disadvantaged communities considered and that marginalised groups are included before introducing a new digital identity system.

### E. Police killings dropped in 2022 - Missing Voices Coalition Report

The Defenders Coalition together with the Missing Voices Coalition launched its annual report in Siaya County on the 23rd to 24th of April.

The report was launched on the day when the world was commemorating the International Day for the Right to the Truth Concerning Gross Human Rights Violations and for the Dignity of Victims, to remember many victims of police killingsand enforced disappearances.

Thisyear, Missing Voices Coalition is calling for Accountability Now for perpetrators of violence and justice for victims.

The findings of the monitoring conducted in 2022 indicated the police killed and forcefully disappeared 152 individuals.

130 cases were police killings and 22 were cases of enforced disappearances bringing the total number to 152.

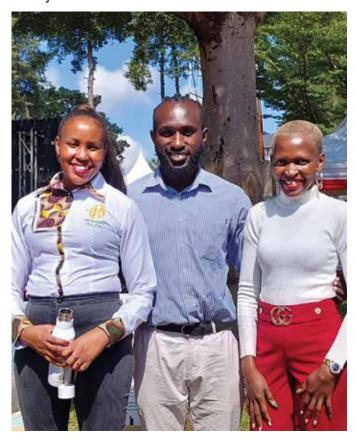
The year 2022 saw a 31.5 percent drop in police killings and enforced disappearances compared to 2021, where Missing Voices documented 219 cases. Police killings dropped by 30.1 percent and disappearances by 38 percent.

This is a positive trend, and we look forward to a Kenya without police violence.

The Pangani police station in Nairobi County continued to be the most notorious when it comes to cases of police killings, with 11 cases attributed to the station; however, this is a significant drop from 32 cases reported at the station in 2021. This could be explained by the transfer of 19 police officers from Pangani Police Station on November 25, 2021, following sustained campaigns by Missing Voices coalition and other partners.

We are encouraged that in 2022 we saw tremendous strides made in holding police accountable for murder with the conviction of three police officers and a police informer for the murder of human rights lawyer Willie Kimani, client Josephat Mwenda and driver Joseph Muiruri in 2016.

We still have more cases in the pipeline like that of Baby Pendo who was killed by police in 2017 during election related violence that is coming up in court next week, we have seen good progress in the Kianjokoma brothers' case.



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#### E. Police killings dropped in 2022 - Missing Voices Coalition Report

Defenders Coalition together with Centre for Enhancing Democracy and Good Governance. and Baringo County Civil Society Network held a round table conversation in Kabarnet, Baringo County to consolidate partnership and linkages between HRDS and the state.

The meeting brought together Baringo County Commissioner's office led by Naftali Kojo, State Department of Social Services, The Judiciary, Department on Civil **Education County Director Youth** Affairs. Correctional Services. Directorate of Children Services, County Planning Department, media among others for coming together to ensure that Baringo County strengthens interventions in line with human rights based approaches.

While we involve ourselves in ensuring our girls and women are safe in thsi county, we must keep asking ourselves whether our personal safety and security is guranteed, not only from Defenders Coalition but also from you the duty bearers in the room. We must be assured.

Alice Charem, Tiaty



# 2.

#### TOWARDS THE SAFETY AND PROTECTION OF HUMAN RIGHTS DEFENDERS IN KENYA

The main aim of this pillar will be to facilitate timely and appropriate responses to all forms of threats or insecurities to HRDs. This will be achieved by strengthening the capacities of HRDs and other service providers, more so, duty bearers, lawyers, medical personnel and counsellors among others.

Defenders Coalition intervenes in a timely way whenever HRDs are at risk and deliberately establishes strategic partnerships with complementary referral systems in order to ensure a systems approach to HRD support.

#### Our Work During The Period



## A. From the Courts: Updates Regarding ongoing Matters in courts across the country.

#### 1. PROSECUTION OF THE MURDER OF ELIZABETH EKARU IN MERU HIGH COURT

On the 25th of April ,Defenders Coalition accompanied WHRDS from Isiolo to give solidarity for the hearing of Elizabeth Ekarus murder's at the Meru law courts.On 25 th April, the High Court sitting in Meru heard from two crucial witnesses in the hearing of matter in which Patrick Naweet is accused of stabbing to death of Isiolo-based seasoned woman human rights defender and peace crusade Ms Elizabeth Ekaru in January 2022.

The local assistant chief and a police officer narrated in court how they responded to the incident. The matter shall proceed on 19th June 2023 when three remaining witnesses including a doctor and the investigation Officer are expected to Testify.

Defenders Coalition has condemned ongoing attacks on human rights defenders in Kenya that is on the rise and called for the development of a law for the protection of human rights defenders.

2. A CASE PERTAINING CRIMINALIZATION OF THE RIGHT TO ASSEMBLY FOR FIVE (5) HRDS IN TURKANA DROPPED ON APRIL 5

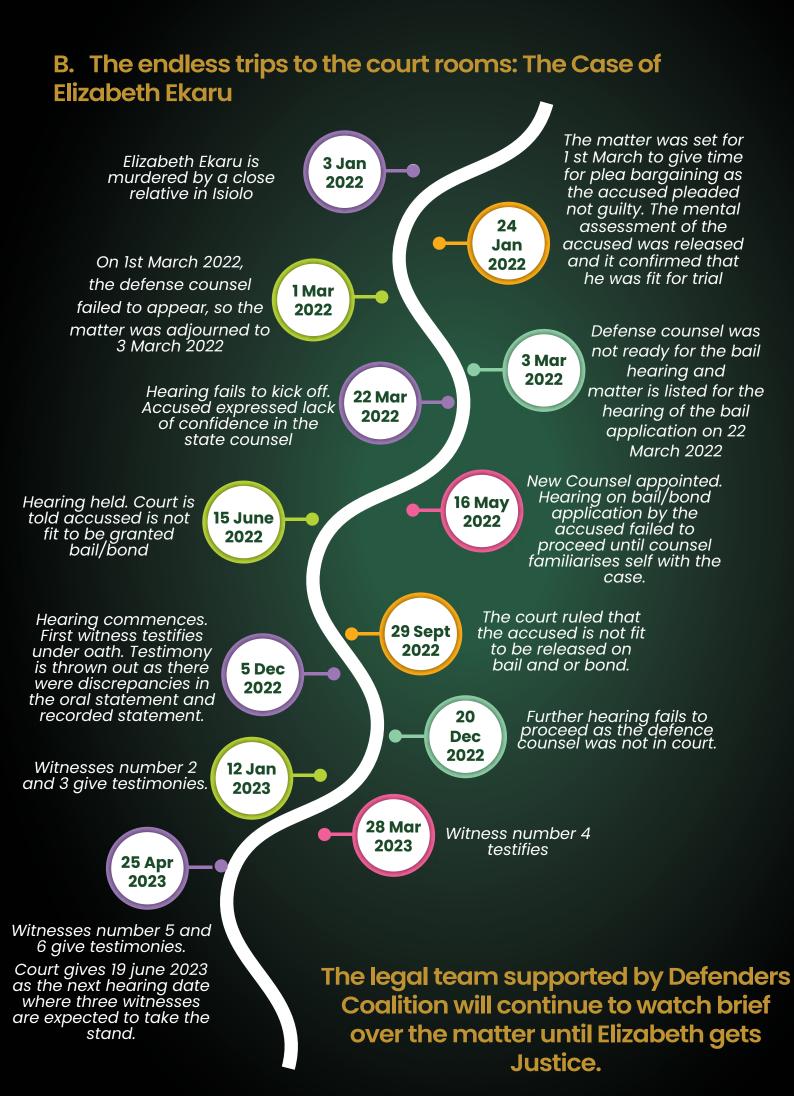
#HRDs David Ekidor, Mark Emase, Elipan Ekai, Benard Kerio and Emeri Lowos have been acquitted of trumped up charges by a Lodwar Magistrate. The 5 were arrested in Nov 2021 for protesting against harsh working conditions in a firm in Lokichar.

Defenders Coalition, through advocate Ekusi Lore has walked with the brave HRDs since arrest until the day of acquittal.

The importance of timely determination of these matters cannot be underscored. Victims- who are human rights defenders- their families and friends are subjected to untold anguish due to the malicious prosecution and how lengthy the processes can be.

Moreover, even after successful completion with eventual acquiital of any wrong doing by the courts, HRDs still carry a criminal tag in their records with the national security agencies. Defenders Coalition believes that no one should be subjected to judicial prosecution for being brave enough to stand up for what is right.

No one should be persecuted for helping others.







HRDs in Lodwar Law Courts pose for a photo after five HRDs David Ekidor, Mark Emase, Elipan Ekai, Benard Kerio and Emeri Lowos were acquiited of various criminal charges against them on 5 Apil 2023

## C. Five HRDs from Turkana County are free of judicial persecution!

Five worker rights activists in Lokichar were on 5 April 2023 acquitted of unlawful assembly charges following a one-half year battle to prof their innocence in court.

The five include the Union chief Shop Steward Elipan Ekai, David Ekidor, Benard Kerio, Mark Emase and Emeri Lowos who were arrested and detained at Lokichar Police Station on 22nd November 2021. Defenders Coalition ensured their immediate release byposting cash bail of Kshs. 30,000 for each HRD.

Ever since their arrest, the Defenders Coalition had been supporting the group by providing legal support and ensuring that they appear in court when required.

They were arrested while taking part in a peaceful procession to petition their employer following rampant violation of workers' labour rights.



# D. Enhancing physical security component of grassroot community-based organizations

Defenders Coalition handed over security enhancement equipment to Kamkunji Social Justice Centre to support security strengthening of their office.

Security enhancement is key for #HRDs, CBOs and CSOs to feel and have confidence on the situation of their safety while doing human rights work. We keep reminding all that human rights work has its own risks that otherwise shouldn't be there if we would collectively support the work of #HRDs.

#### D. FEEDBACK FROM BENEFICIARIES OF OUR WORK DURING THE PERIOD



Viva! Great work!

Thanks for always being supportive to HRDs and there work!

~~ MaryAnne Kasina

"

This is great, supporting HRDs means easing their work. Viva.

~~ Kiriro Samwel



That is a tremendous milestone to all Hrds.

Pongezi team for the good networking and moreso putting Hrds first before anything else.

~~ Nicholas Bii

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## A. New members of the Coast CSO Network undergo training on security management.

In March, 25 HRDs from the six coastal counties in Kenya (Lamu, Kilifi, Taita Taveta, Mombasa, Tana River and Kwale) were taken through safety and security tips in a shrinking civic space.

The team is part of the larger Coast Civil Society Network that aims to collectively safeguard the fundamental rights and freedoms, especially for the coastal community.

The training was supported by Muslims for Human Rights and Civic Freedoms Forum

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The opportunity to attend the annual HRD academy is priceless. I am excited because I have acquired skills from the training that I am positive can help me serve my community better.

Edwin Shamir, HRD Academy 2022 Cohort



### B. World Bipolar Day Commemorated on 30 March in Uasin Gishu County

Defenders Coalition was on 30 March 2023 honoured to join in Bipolar Heroes Foundation, Moi Teaching and Referral Hospital, Ampath Plus Medical Services, Moi University and Reale Hospital in marking the World Bipolar Day 2023.

The event's aim was to raise awareness on bipolar as a manageable mental illness and mobilize the government and Kenyans to intensify efforts towards the provision and access of quality mental healthcare services.

Defenders Coalition realizes that HRDs also need quality mental healthcare services to effectively defend the constitution of Kenya, promote and protect rights for all.



## C. Women Human Rights Defenders from Nairobi and Isiolo Counties receive a group debrief session in April and May

On the 20th of April, Defenders Coalition organized a group debrief session with Women Human Rights Defenders working in the Feminist For Peace, Rights, and Justice Center and its network members with a professional therapist.

The debriefing session was much needed as the kind of work they do can be heavy and mentally draining and without regular debriefing at some point one gets discouraged and tempted to quit. The WHRDs were from activism backgrounds that various is;Governance, Sex Workers, Young Mentorship, Feminism, Women Empowerment, Economic Gender Based Violence within SOGIEs, Environment, Survivors of SGBV, Sexual Reproductive Health and Rights, Survivors Economic Empowerment and Safe House for Young Girls who are Survivors of GBV.

From the debrief the WHRDs got to to learn the following:how to deal with triggers, healthy coping mechanisms.,how to resist without causing trouble and how to deal with their mental wellness in general

From the sessions, it was noted that there is a difference between Being a strong woman and Being a woman of strength. A strong woman means that one has the energy and capacity to be a WHRD without needing a break but being a Woman of Strength means that there are days that one can't do the work and they might need a day or two to recharge which is recommended and very much needed as we are only productive if well rested and no one can pour from an empty cup and that was the current situation with the WHRDS.



- 1. Sigrid Rausing Trust
- 2. Ford Foundation
- 3. Royal Norwegian Embassy in Nairobi
- 4. American Jewish World Service
- 5. Fund for Global Human Rights
- 6. The Embassy of Sweden in Nairobi, Kenya

- 7. Open Society Foundations
- 8. Defend Defenders.
- 9. United Nations Office of the High Commisioner on Human Rights
- 10. ASTREA Foundation
- 11. Urgent Action Fund
- 12. JASS Associates

**CONTACT US** 

Defenders Coalition
P. O. Box 26309- 00100
Nairobi
info@defenderscoalition.org
+254 716 200 100