

# ANNUAL

# 2016 REPORT AND FINANCIAL STATEMENT



**Independent Medico-Legal Unit**  
A Just World free From Torture



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A Just World free From Torture

# IMLU ANNUAL REPORT 2016 AND FINANCIAL REPORT

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Independent Medico-Legal Unit

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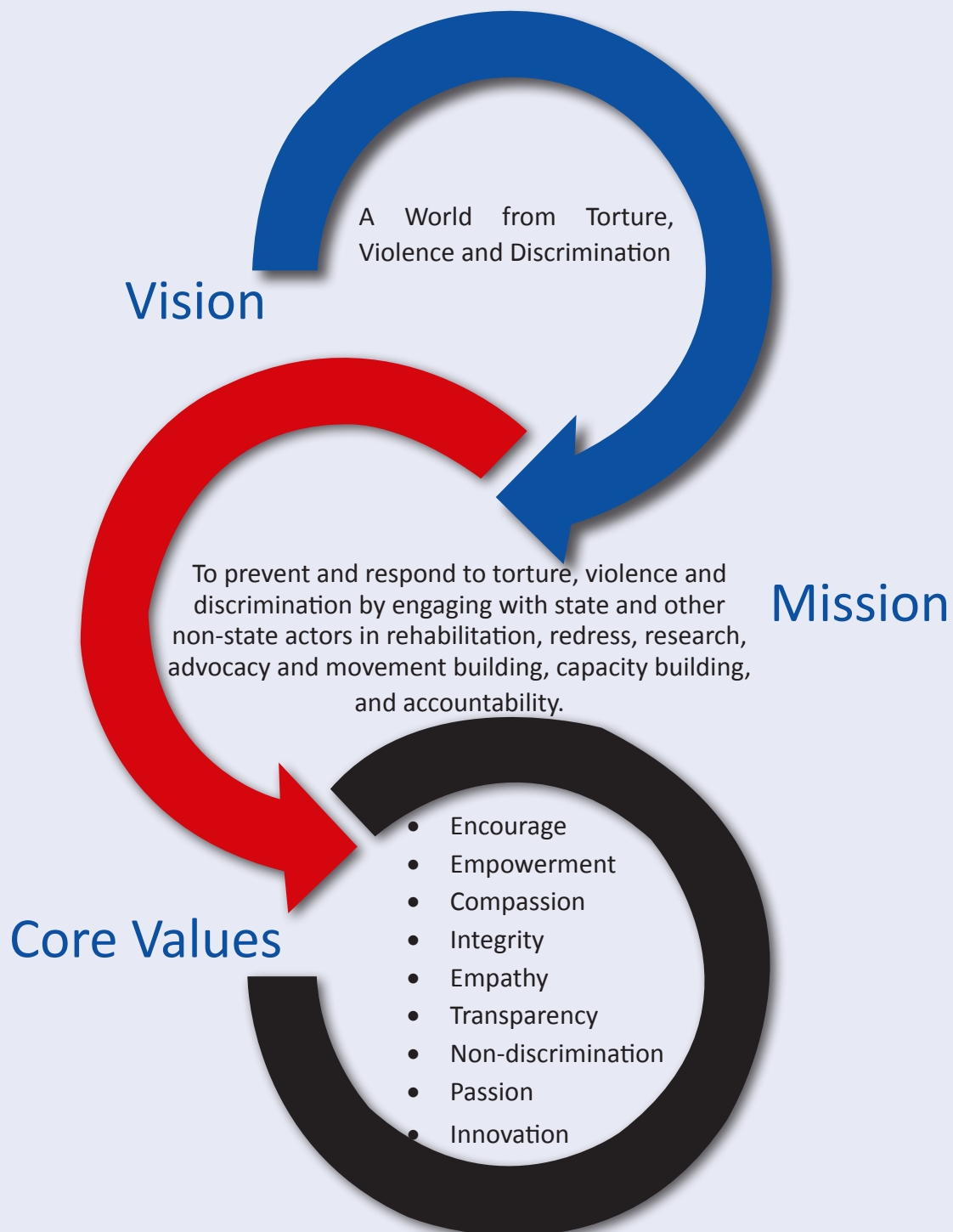


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# ORGANIZATIONAL PROFILE: A REMINDER OF IMLU'S AIMS AND OBJECTIVES

The Independent Medico-Legal Unit (IMLU) is a governance, health and human rights non-profit organization, whose vision is A World Free from Torture, Violence and Discrimination. Our work is underpinned by a holistic approach involving litigation, medical and psychosocial rehabilitation of survivors of torture, monitoring government adherence to its human rights obligations and advocacy for policy, legal and institutional reforms. Over the last two decades we have assisted over 5,000 victims of torture, cruel, degrading and inhuman treatment through the support of our national networks of professionals: doctors, trauma counselors, lawyers, human rights monitors and journalists.





## OUR PROGRAMMES

**Access to Justice:** The program provides legal advice and support to survivors of torture and ill-treatment and their families; engages in public interest litigation, provides cash bail to those under threat of torture and ill-treatment in custody, builds capacity for stakeholders and reviews policies and legislation for the prohibition, prevention and accountability for torture.

**Advocacy and Communications:** The Program entails production of information, communication, education and advocacy materials and messages, dissemination of information and awareness creation on torture and ill-treatment and mobilizing the public against torture. The program also carries out lobbying and advocacy for policy, institutional, legislative and legal reforms at national, regional and international level in relation to prohibition, prevention and accountability for torture.

**Documentation and Rehabilitation:** The program entails provision of medical and psychological rehabilitation for survivors of torture and ill-treatment and their families through a network of doctors and counselors, conducting of post-mortems and forensic documentation for litigation purposes.

## IMLU BOARD MEMBERS

Zahid Rajan	Chairperson
Rosemelle Mutoka	Vice-Chairperson
Dr. Ramadhan Marjan	Member
Dr. Charles Maringo	Member
Ismail Ramadhan	Member

## IMLU STAFF

Peter Kiama	Executive Director
Peter Aduda	Programme Manager
Carolyn Njage	Finance and Administrative Officer
Anne Masika	Programme Officer - Forensic Documentation
Hildah Nyatete	Programme Officer - Psychological Rehabilitation
Ann Kamau	Programme Officer – Access to Justice
Carolyn Tunnen	Programme Officer – Advocacy & Communications
Laban Otieno	Assistant Finance and Administration Officer
Nathan Karugu	Assistant Programme Officer Access to Justice
Caroline Lianza	Assistant Programme Officer Psychological Rehabilitation
Kennedy Kinuthia	Assistant Project Officer Access to Justice
Steve Biko	Assistant Programme Officer Advocacy & Communications
Daniel Wang'ombe	Project Officer – Advocacy and Communications
Alex Yator	IT and Accounts Officer
Rachael Isiaha	Office Assistant
Lilian Atieno	Administrative Assistant

## Associates and Interns

Collins Wafula	Monitoring and Evaluation Associate
Ruth Nzemi	Legal Intern
Antony Lujanje	Legal Associate
Levy Maki	Project Coordinator



## FORWARD FROM THE BOARD CHAIR

Greetings from myself, the Board and staff of the Independent Medico Legal Unit (IMLU).

We bring to you an in-depth reporting of the achievements of our programmes and staff over the past year 2016. In this year, IMLU dedicated itself to bolstering the legal and policy reforms required to support our work. The advocacy and support received from the Kenya Parliamentary Human Rights Association (KEPHRA) has helped push forward the two key pieces of legislation, the Prevention of Torture Bill 2011 and the Coroners' Services Bill 2011, that IMLU believes are necessary to seal the loopholes in the legal framework on torture. As at the time of preparing the report, the bills had been submitted to the National Assembly for reading, as they await to be sent to the Office of the President for assent. We are thankful for all those who have been part of this particular journey up until now.


On the other hand, the publications developed in 2016, that is, the National Torture Prevalence Survey, the Study on Violence Among the Urban Poor, the Compendium on Torture, the East African Litigation Manual, and the handbook on Reporting on Torture have ensured that we continually grow the body of research work on torture, and which can be referenced not only nationally, but globally and regionally. It is what will assist IMLU to have more evidence-based interventions backed by up-to-date data and facts. It is my hope that the National Police Service, especially, will take a keen interest in the NTPS 2016 survey and use it to support the impressive reforms work they began at the advent of the new constitution in 2010. IMLU will continue to be a partner with the government on the reforms work, including building capacities of police officers on human rights issues.

The development of the new strategic plan 2017-2021 was an exciting exercise for IMLU. It comes at a time when a great body of work has been made available over the past few years, that is relevant legal frameworks, relevant institutions, and increased awareness on torture and ill-treatment and related issues. This has necessitated the expansion of IMLU's mandate somewhat to include issues of violence (as discovered from the study on violence among the urban poor), which was a neglected aspect in the whole discussion around torture. The new strategic plan comes into effect in 2017 on the backdrop of an impressive implementation of the 2016-2011 strategic plan.

However, even with these great achievements in 2016, I am sad to note that the challenges around the issue of torture and ill-treatment still abound. According to the IMLU 2016 National Torture Prevalence Survey torture and ill-treatment still exists and the regular police ranked highest at 61.4%, followed by the Administration Police Service at 13%. Local chiefs 4.8% of torture and ill-treatment while County government officials were at 4.9%, the army 4.6%, and prison warders 2.9%.

On the other hand the scourge of misuse of lethal force by law enforcement and security officers remains a big challenge. In 2016, we recorded a total of 144 deaths from police use of lethal force, an increase of 14% from a total of 126 in 2015. The loss of even one life is one too many.

There is need for greater advocacy work with related government departments, institutions and individuals to ensure that there is commitment to shift how the police and associated agencies deal with criminals. The National Police Service (NPS), the Internal Affairs Unit and the Independent Policing and Oversight Authority must support other human rights organizations in putting an end to these acts. We take great comfort in that in the year 2016, the working relations with the NPS has improved greatly, which leads to an improvement in the trust between the police service and the human rights sector.



Finally, the role of the media and other professionals that support our work is one that can never be forgotten. These give 40% of the support that IMLU provides any one of its clients. Their dedication to work under difficult conditions, on often a pro-bono basis shows that they too are walking the talk in the fight against injustices.

To the IMLU staff and other partners in the human rights sector, it is our (the Board's) collective gratitude to them for the hard work they put in to the day to day implementation of an otherwise difficult topic, in a sometimes very difficult environment. We say kudos and keep up the good work! Aluta Continua!

**Zahid RAJAN,**

**IMLU Board Chair.**





## FROM THE EXECUTIVE DIRECTOR

2016 marked a transition year from the 2011-2016 Strategic period to Vision 2021, our 2017-2021 Strategic Plan, and a time to reflect on the achievements of the last five years and forge ahead towards recalibrating IMLU's role in the human rights movement.

Which continues to help staff to work in a more structured way and is premised upon two key goals: (1) Contribute to a 30% reduction in torture, violence and discrimination in Kenya by 2021; and (ii) Improve the well-being and dignity of 6,000 survivors of torture, violence and discrimination by 2021. The new programme focus is also expanded to include "violence" and "discrimination"

Just like the completed strategic plan, IMLU's Vision 2021 is anchored on four pillars to drive the desired change, which is premised on building a strong institution that is responsive to programmatic demands in pursuit of its desired reforms. These are:

- **Support to the reforms agenda** which will focus on reduction of torture, emphasises the need for sufficient legislation, institutional reforms, and behaviour change of perpetrators, citizen awareness, and engagement with international mechanisms and public litigations.
- **Redress and rehabilitation** will prioritise redress and rehabilitation of victims of torture, violence and discrimination through a holistic and integrated mix of interventions focused on medical, psychosocial, legal and documentation services.
- **Social capital and strategic alliances** recognizes the importance of the network of professionals and other alliances to IMLU's work in the hope of ultimately creating a mass movement with numerical and comparative strength to influence legislation, support mitigation actions and push for favourable policies, and
- **Strategic information for evidence-based interventions** – decision-making and programme development based on research knowledge is the focus of this pillar. The main activity will be generation of crucial information to inform interventions in each priority area. IMLU hopes to be the lead source of strategic information on torture and ill-treatment and resource reservoir for strategic information for evidence-based interventions; research dissemination for response and advocacy nationally, regionally and internationally.

**Peter KIAMA,**

**Executive Director.**



## EXECUTIVE SUMMARY

This annual report covers IMLU's programme implementation between January and December 2016. IMLU's overall goal is to work towards the elimination of torture and ill-treatment in Kenya. This is achieved through a holistic approach involving litigation, medical and psychological rehabilitation of survivors of torture and ill-treatment, monitoring government adherence to its human rights obligations and advocacy for policy, legal and institutional reforms.

The report also coincides with the end of the Strategic Plan 2011-2016 and sets the stage for the new strategic plan 2017-2021 dubbed **Vision 2021**. The focus in this last year of implementation of the strategic plan, was on generating knowledge based interventions in an effort to enrich IMLU's work. Thus, the year was dedicated to advocacy on a multi-level: with the National Assembly (specifically the Kenya Parliamentarians Human Rights Association - KEPHRA); the media and the communities at large to push for the enactment of two key human rights legislations: The Prevention of Torture Act 2011 and the Coroners' Services Bill 2011. There was also a lot of advocacy on IMLU's flagship project on Operationalizing County Policing Authorities, and with the elections, training of monitors on election monitoring.

While a large part of the year was focused on advocacy, IMLU remained true to its calling, to support victims of torture. In this year, the rehabilitation and legal departments supported 255 and 143 victims of torture and other forms ill-treatment respectively. Worryingly though, it was found that cases of Extra-Judicial Executions (EJEs) were on the increase, and with changing modes of torture. One hundred and forty four (144) people were killed this year, of which one hundred and twenty two (122) were summarily executed, six (6) killed to protect life and sixteen (16) killed in unclear circumstances. Thus, the respective agencies need to put a strong emphasis on efforts to end EJEs in the country.

The research work has yielded valuable documents that will support anti-torture and ill-treatment work not only in Kenya, but globally. These are the National Torture and Prevalence Survey 2016, a Study on Violence among the Urban Poor in Nakuru and Nairobi Titled Urban Violence in Nakuru, Kenya: A research report on root causes, risk factors and preventive strategies (2016), and Violence Amongst the Urban Poor in Nairobi (2016) respectively, and the regular reports on extra judicial executions. IMLU has also finalized publication of several manuals: Forensic Medico-Legal Manual for East Africa: A Reference Manual on Selected Topics (2016) Compendium of Torture Cases(2016); Litigating Torture and Ill-treatment in East Africa: A Manual for Practitioners (2016) and the Reporting on Torture: A handbook for journalists Covering Torture (2016).

A key achievement of 2016 was to conduct an external evaluation of the implementation of the 2011-2016 strategic plan, and to develop a new plan to guide implementation for the 2017-2022 period. The new strategic plan reinforces IMLU's programme approach.

Coupled with the research and advocacy, we are taking advantage of improvements to its technology platforms in an effort to improve service delivery. The development and launch of the database on torture and ill-treatment and the mobile phone app 'RIPOT' for purposes of reporting torture and ill-treatment in real time see a paradigm shift from the previous systems which were largely manual to a digital data entry system. The database, which is web-based, offers the organizational file and data management systems; better data storage, manipulation and retrieval client data, better safety of client files and information, easier and faster access to client files by the simple click of a button, unlimited storage space for the large volumes of client data, easy tracking of services offered to clients, automated report generation and easy appointment scheduling.

Over the year, we are confident that we have substantially worked towards meeting its programme objectives. The continued partnership with the various clients and communities: government agencies, civil society organizations and community members has bolstered our resolve to keep pushing until the dream of a Just World Free from Torture and ill-treatment becomes a reality.



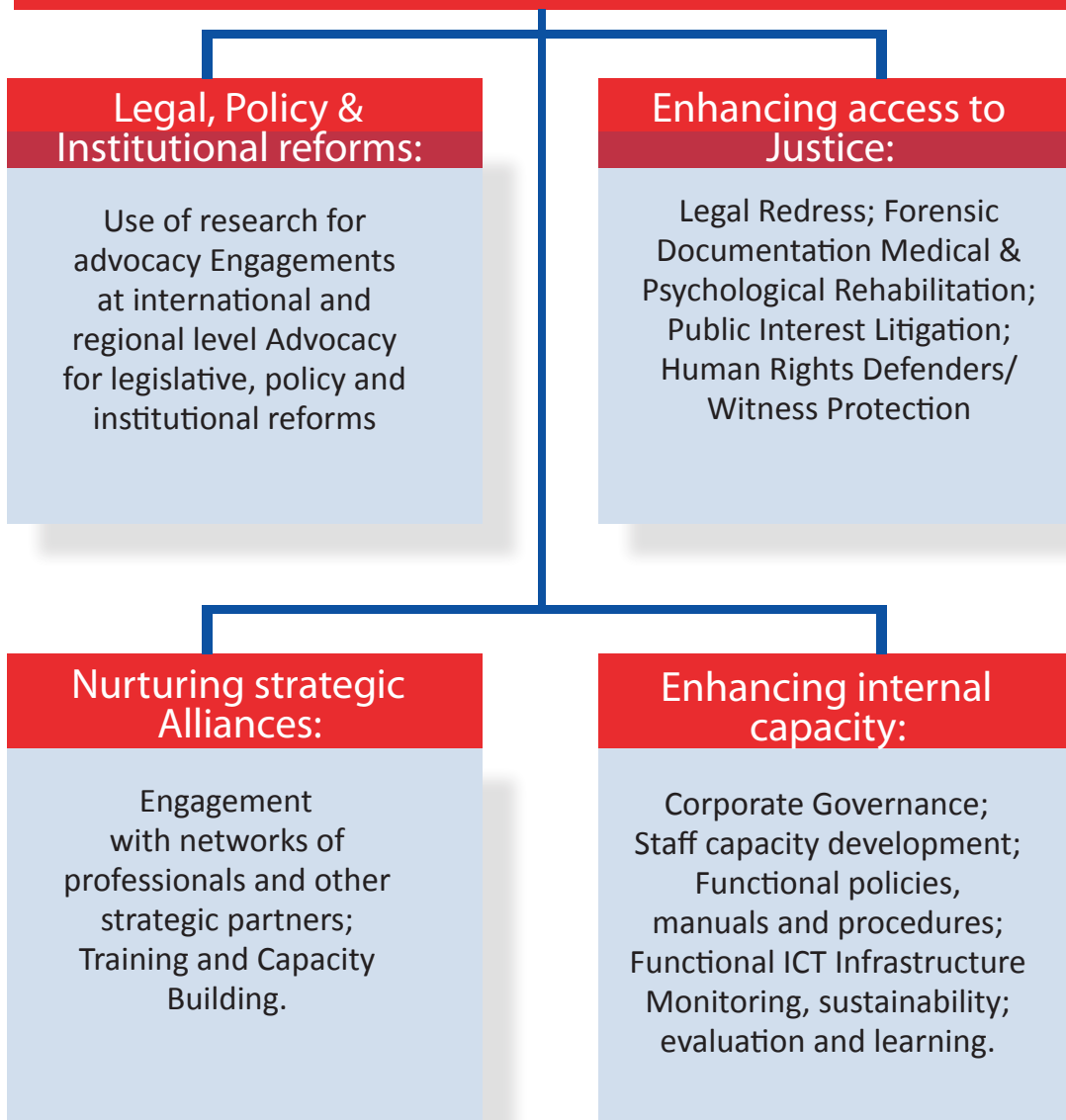
# KEY ACHIEVEMENTS

## 2016

<h3 style="text-align: center;">LEGISLATIVE REFORMS</h3> <p>Successful advocacy through the KEPHRA leading to reading of the Prevention of Torture Bill 2011 and Coroners' Services Bill 2011 in the National Assembly.</p>	<h3 style="text-align: center;">HARNESSED RELATIONSHIPS</h3> <p>Bolstered regional and international partnerships with like-minded organizations.</p>
<h3 style="text-align: center;">SOLIDARITY</h3> <p>Continued solidarity with victims of torture: legal support to 143 clients; medical support to 255 clients and 24 post mortem examinations conducted.</p>	<h3 style="text-align: center;">CAPACITY BUILDING</h3> <p>Induction of 12 new network counselors and psychologists from across Kenya.</p>
<h3 style="text-align: center;">RESEARCH</h3> <p>Production of key manuals and resource materials</p>	<h3 style="text-align: center;">TECHNOLOGY</h3> <p>Launch of the first database on torture in Kenya. mobile app for reporting torture incidents in real-time.</p>
<h2 style="margin: 0;">IMLU'S VISION</h2> <p style="margin: 0;">Development of a new strategic plan 2017-2022 "Vision 2021"</p>	

# INTRODUCTION

The key highlights of the year are presented below in line with the key pillars of the strategic plan as outlined below:



## A) JOURNEY TOWARDS COMPREHENSIVE LEGISLATIVE, POLICY AND INSTITUTIONAL REFORMS ADDRESSING TORTURE AND ILL TREATMENT

Under this objective, we continued with legislative advocacy interventions especially media engagement, public participation, solidarity campaigns engagement with national and county government institutions, awareness campaigns, research and surveys, participation in strategic forums, and development and distribution of relevant information, education and communication materials.

### (i) Police Reforms

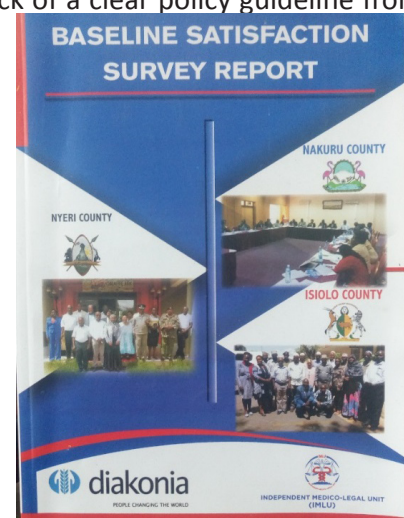
We continued with our flagship project to support police reforms and national and county level. This intervention is focused mainly on enhancing citizen/police partnership through establishment of human rights responsive County Policing Authorities (CPA) and other related structures, through supporting and collaborating with the National Police Service, County and National governments. In the year under review this work covered 6 counties namely Isiolo, Nakuru, Nyeri, Bungoma, Kisumu and Baringo.



*Legal Advisor to the governor (Nakuru County) giving the status of the CPA formation in the County during the meeting with the Justice and Legal Affairs and the Security Committees.*

Though the operationalization of CPAs has been hampered by a lack of a clear policy guideline from the ministry of interior and inadequate political will, several milestones were achieved in the year under review, namely:

- The completion and launching of Citizen Satisfaction Surveys in Nyeri, Baringo and Isiolo Counties. These survey have provided a solid basis for commencement of dialogue between the national and county government and between the police and citizens the key security and safety concerns, and appropriate strategies for addressing such in each of the counties.



*The cover-page of the baseline survey report*

- In August 2016 during the inter-governmental relations meeting, H.E. President Uhuru Kenyatta and the Council of Governors (CoG) led by the then Chairman, Governor Peter Munya declared their joint commitment and announced the need to fast-track the establishment of the County Policing Authorities (CPA) in all Counties;



- Gazettement of the **Community Policing: The Inspector General Guidelines to police officers (First Edition May 2016)**, which offered a solid bases for us to immediately begin liaising with the IGs office on training of police officers on these guidelines to ensure increase awareness, understanding and commitment to their implementation;

### (iii) Legislative reforms

During the year continued lobbying for the two flagship bills: Prevention of Torture 2016 and National Coroners Service Bill 2016. The lobbying was done on a multi-level: with the National Assembly through the Kenya Parliamentary Human Rights Association (KEPHRA); with the media through a session of awareness raising with journalists, and with the community, through five community forums during the UN International Day In Support of Victims of Torture (from where an open letter to the President on the need to pass the two bills was prepared on behalf of these communities). KEPHRA specifically was instrumental in ensuring that the parliamentary readings/hearings benefited from critical facts about torture and ill treatment in Kenya. Key progress was made towards the end of the last quarter in the legislative advocacy for the bills when they were taken over by the Office of the Attorney General, reviewed, approved by Cabinet and presented to the National Assembly in December 2016.



Anne Kamau – IMLU Programme Officer Access to Justice taking Members of the Kenya Parliamentarian Human Rights Caucus (KEPHRA) through the Prevention of Torture Bill 2016 and the National Coroner’s Service Bill 2016.

## International and regional advocacy

We have continued to maintain our regional and international commitments through our membership of the Coalition for the Effective Operation of the African Court, the East Africa Civil Society Organizations Forum (EACSOF), Pan African Reparations Initiative (PARI), International Rehabilitation Council for Torture Victims (IRCT), World Organization Against Torture (OMCT), International Federation of Health and Human Rights Organizations (IFHHRO), and partnerships with Danish Institute Against Torture (Dignity) and Physicians for Human Rights.

Some of the achievements from these engagements and partnerships are as follows:

*Draft General Comment on the Redress of Victims of Torture and other forms of ill treatment in Africa* was developed and submitted to the Committee on the Prevention of Torture in Africa in June 2016. The memorandum was developed under the auspices of Pan African Reparations Initiative (PARI) where we are a member. We convened Kenyan CSOs to generate relevant input to the continental draft as well as a session in Kenya to validate the initial draft. The General Comment is meant to provide clear guidelines to African states on how to implement the right to redress as envisioned in Article 5 of the African Charter on Human and Peoples Rights.

- In September, we hosted the **Redress International Partners** meeting from 8<sup>th</sup> to 9<sup>th</sup> September, 2016 at the Monarch Hotel in Nairobi. The meeting explored remedies available to victims of torture and ill treatment at the national, regional and international level and the opportunities and challenges that the different partners had encountered at the three levels; the challenges and opportunities in capacity building for various state actors; possibilities of creating synergies between the different country actors/programmes, and discussions on sexual violence as a form of torture and ill-treatment and the mechanisms to enhance redress for this group of victims. Countries represented were Columbia, Kenya, Chile, Libya, Pakistan, Israel, Uganda, Nigeria, Myanmar, Zambia, Egypt, Britain and a representative from the EU office in Brussels.



*Participants attending the International Partners meeting, Nairobi, on 8th to 9th September 2016.*



*Ms. Muthoni Wanyeki Regional Director of Amnesty International in East Africa (Left) making her opening remarks during the public forum on Sexual Violence as a Form of Torture and ill treatment that was held in the course of the REDRESS partners meeting, Nairobi, September 2016.*

## **B) IN SOLIDARITY WITH VICTIMS OF TORTURE**



*IMLU Network Lawyer Recording Statement from a victim of torture and ill treatment in Liboi town in Garissa County.*





*IMLU Network Lawyer Peter Chege (Right) with a victim of police torture and ill treatment showing the location where the incident happened in Longonot, Nakuru County. Police arrested and tortured him and took him to the Station and later released him after a public outcry with no preferred charges.*

## C) COMPREHENSIVE MEDICO-LEGAL SUPPORT

In this area, our multi-pronged approach to supporting victims of torture and ill treatment, as well as witnesses to torture and ill treatment remains unique. Enhancing access to justice involves the combination of legal services, forensic and medical services, psychological rehabilitation and protection of human rights defenders, i.e witnesses to these crimes committed. We have thus succeeded in developing a well-integrated approach through the convergence of the above services.

We continue to hold the state accountable to acts of torture and ill treatment, mainly through litigation of security agents some of whom have been convicted.

### i. **Community legal aid and pre-trial detention monitoring:**

To strengthen community legal aid, we continued to support the work of paralegals and Court Users Committee (CUCs) through training and field support. Pre-trial detention interventions with CUCs were provided in Maralal, Kikuyu and Isiolo. In the Isiolo Court Users Committee, we presented a petition to the CUC raising concern on cases of injuries from shooting (11 cases), extra judicial killings (1 case), torture and ill treatment (5 cases) and enforced disappearance (4 cases) that were taking place in the county. All the victims were male and the perpetrators were officers from the Kenya Wildlife Service. After discussion of the petition, the Office of the Director of Public Prosecution has since recommended four (4) Kenya Wildlife Service Officers to be charged.

### ii. **Protection of human rights defenders and witnesses at risk:**

In an effort to improve the protection of our clients, we have established linkages with the Shield for Justice Foundation and the government-run Witness Protection Agency where several victim and witness cases were referred and supported.



### iii. Urgent action/advocacy interventions:

Forty (40) urgent actions were undertaken during this period including those undertaken during the opposition-led anti-IEBC demonstrations in July 2016. 83 cases were identified for documentation which is ongoing. 13 of these victims are receiving holistic care from us. Siaya County led in the number of cases identified and a total of 27 cases were documented.

### iv. Public Interest Litigation

We undertake Public Interest Litigation (PIL) as a means of changing policy or practices within the judicial system that have an impact on victims of torture, their families and the general public. Below is a summary of some of the PIL cases that we are currently following-up on:

#### a. Nairobi High Court Constitutional Petition No. 91 of 2014, W.O & Others vs. The Director of Public Prosecutions & Others:

This case was filed by IMLU, the Kenya National Commission on Human Rights and four human rights defenders. The human rights defenders were arrested after a lawful and peaceful demonstration was violently dispersed by police officers on 13<sup>th</sup> February 2014. The demonstration was protesting the increased corruption in government amongst other issues. The HRDs were charged with *‘Rioting after proclamation contrary to Section 83 of the Penal Code*. When one is convicted the offence carries life imprisonment. They were released on a Kshs 200,000.00 bond each.

In the case we have used the Attorney General and the Director of Public Prosecution. The case is challenging the exorbitant bail terms which the human rights defenders could not raise and had to be facilitated by human rights organizations such as IMLU. It is also seeking to protect the right to assemble and picket as provided for in Article 37 of the Constitution. Our network lawyer is representing the four human rights defenders in the case.

The case has been making progress though slowly and the petitioners and other key witnesses have testified. On 11<sup>th</sup> November 2016 the case was coming up for highlighting of submissions by the parties. However this did not proceed and the case was given a date for directions on 6<sup>th</sup> February 2017.

#### b. Nairobi High Court Constitutional Petition No. 122 of 2013, Coalition on Violence against Women & 11 Others vs. The Hon. Attorney General & 5 Others:

The case was brought to Court by IMLU, ICJ-Kenya, Physicians for Human Rights, Coalition on Violence against Women (COVAW) and eight (8) individual petitioners who are victims of sexual gender based violence perpetrated against them during the post-election violence in 2007/8. The case has sued the Attorney General, the Director of Public Prosecution, the Independent Policing Oversight Authority, The Inspector General, and The Minister for Medical Services and the Minister for Public Health and Sanitary Services. The petitioners in this cases are seeking the court to declare that the State failed to protect the victims prior to and during the post-election violence, that the state has failed to investigate and bring the perpetrators to book for the violations committed against the victims, failure to provide redress to the victims and they are also seeking compensation in the matter.

In the course of the reporting period the petitioners had closed their case and were awaiting response from the respondents if they were bring any witnesses to testify.



**c. Kisumu High Court Constitutional Petition number 122 of 2013 Citizens against Violence, the Independent Medico-Legal Unit and 11 others vs the Attorney General and 3 others**

The case has been brought to Court by IMLU, Citizens against Violence in the High Court in Kisumu and 11 individual petitioners suing on their own behalf and on behalf of their kin who died as a result of police shooting during the 2008 post-election violence. The individual petitioners are mainly from Kisumu and Migori however others come from Bomet and Kericho Counties. The Petitioners have sued the Attorney General, The Director of Public Prosecution, the Independent Policing Oversight Authority and the Inspector General. The petitioners are asking the court to hold the state accountable *for failure by the state to protect citizens from state perpetrated violence; failure to investigate and prosecute perpetrators; failure to provide redress to the victims; lack of policy on the use of lethal force; failure to provide emergency medical care and ongoing access to medical services to victims of unlawful shooting by police during the post-election violence.*

The case has taken a long time to start off having been filed in 2013 and has never been heard. The delay has been occasioned by the fact that the respondents filed their responses to the petition mid-last year. We hope that the hearing and conclusion of the case will be done in 2017.


**d. Nairobi High Court Constitutional Petition 575 of 2015 A.W N. vs Nairobi City County Government and 4 others -**

The petitioner in this case is a widow whose husband one I.K was murdered by four (4) Nairobi City County Inspectorate Officers in September 2013. At the time of his death the deceased was working as a hawker in the streets of Nairobi but on the fateful day, he was on his way to a colleague's funeral preparation meeting. We commissioned a network pathologist who undertook the postmortem examination and later on testified in court. We also provided the petitioner with psychological support and the psychologists report was part of the documents that were presented in court. Through our network lawyer, the petitioner brought the case before the High Court in Nairobi seeking that the Nairobi City County, be held liable for the torture and ill treatment and eventual death of her husband and compensation for the loss. Owing to the fact that the petitioner had received threats from the responsible officers, the case was heard in camera. It is the first case where a Nairobi City County law enforcement officer will be held liable for human rights violations.

The case was concluded in November 2016 and we are awaiting for the judge to give notice as to when the judgment will be read.

**e. Nairobi High Court Constitutional Petition 347 of 2015 M.K and another vs the Attorney General & 4 others.**

We enjoined in this case as an interested party. The petitioner in this case who was a minor at the time of the violations was arrested on 5<sup>th</sup> August 2015 together with other students in Sagana after the public service vehicle they had boarded was stopped by police officers. The police officers searched the vehicle and found that the students were consuming alcohol, smoking cigarettes and taking other narcotic drugs. The passengers including petitioner was arrested and taken to Sagana Police Station. At the police station a female



police officer went ahead to undertake a search on the person of the petitioner in the full view of other police officers including male officers. Further to this one of the officers went ahead to take a video of the search and uploaded it on social media platforms including Facebook. The video went viral. The Petitioner has sued the Attorney General, The Director of Public Prosecution and the Inspector General and is asking the court to declare that the conduct of the police officers violated her rights and also compel the inspector general compelled to open criminal charges against the respective police officers. IMLUs interest in the case is on the conduct of the search which was in dignifying and the conduct of the police.

The case is progressing and so far the petitioners have testified other witnesses are yet to be called to give testimony. We will continue to monitor the case.

**f. V.K and I.M vs. the Republic (Criminal Appeal case number 23 of 2016)**

The appellants in this case are police officers who were charged with the murder of a young girl-Kwekwe Mwandaza in August 2014. The High Court in Mombasa had found them guilty of manslaughter and sentenced them to seven (7) years imprisonment hence the appeal. At the inception of the case the family through IMLU network lawyer made an application at the High Court in Mombasa to have the body of the deceased exhumed and an independent post mortem examination undertaken after there were attempts by the police to cover up the cause of death. We provided network pathologists who undertook the independent postmortem one of the network pathologist testified in court and produced the independent report in court. We also provided our network lawyer who represented the family at the High Court and in the course of the appeal hearing at the Court of Appeal. The judgment on the appeal will be delivered on 17<sup>th</sup> February 2017.

This is one of the few cases where police officers have been held accountable for extrajudicial executions

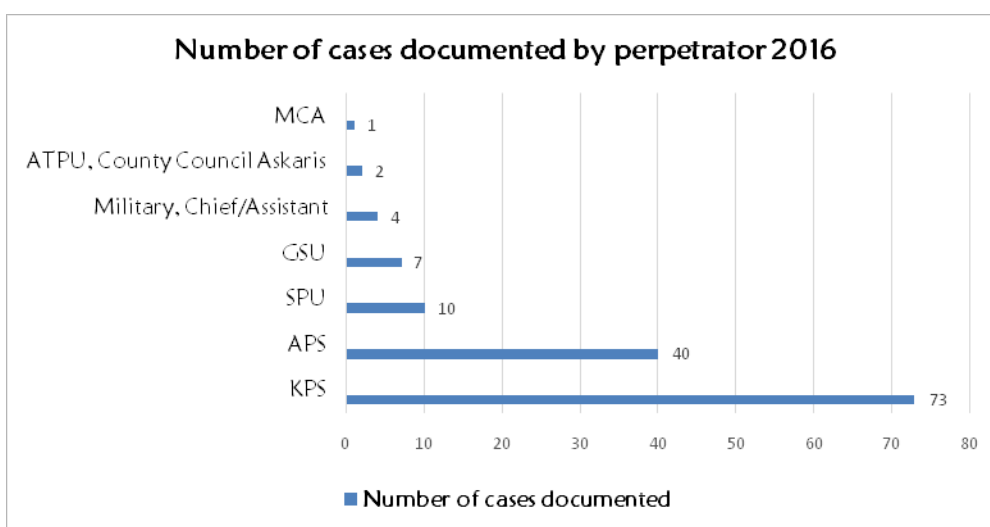
**g. Nairobi Civil Appeal No. 218 of 2016, J.N vs. the Attorney General.**

The appellant in this case is a young man who was assaulted by a police officer in 2011. IMLU through the network lawyer supported him to file a petition at the High Court in Nairobi in 2013. As a result of the litigation the High Court awarded him damages of Kshs 200,000.00 only. This was in spite of the fact that the court acknowledged that as a result of the injuries he suffered from the assault he would require future medical expenses. The case therefore seeks to challenge the amount of damages awarded to the petitioner.

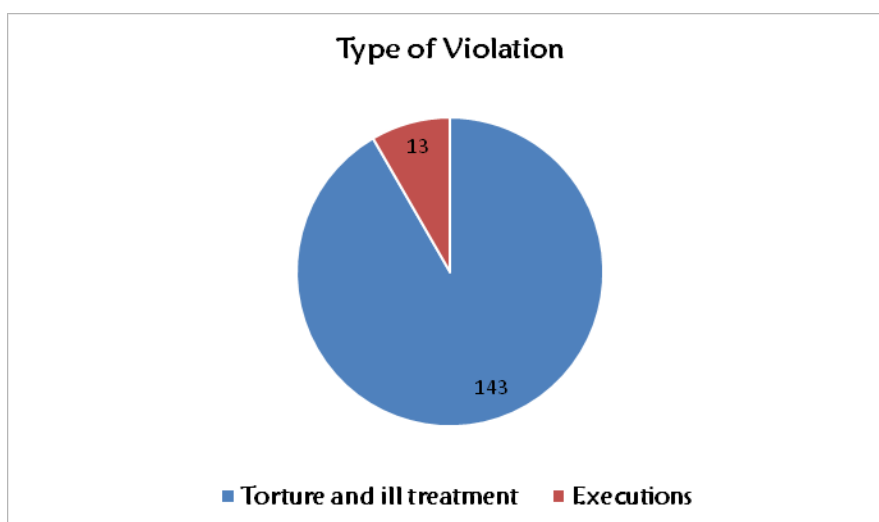
# SUMMARY OF CLIENT SERVICE RECORD- ACCESS TO JUSTICE - JANUARY TO DECEMBER 2016

Table 1: Total number of cases by perpetrator 2016 (Male 107 female 36)

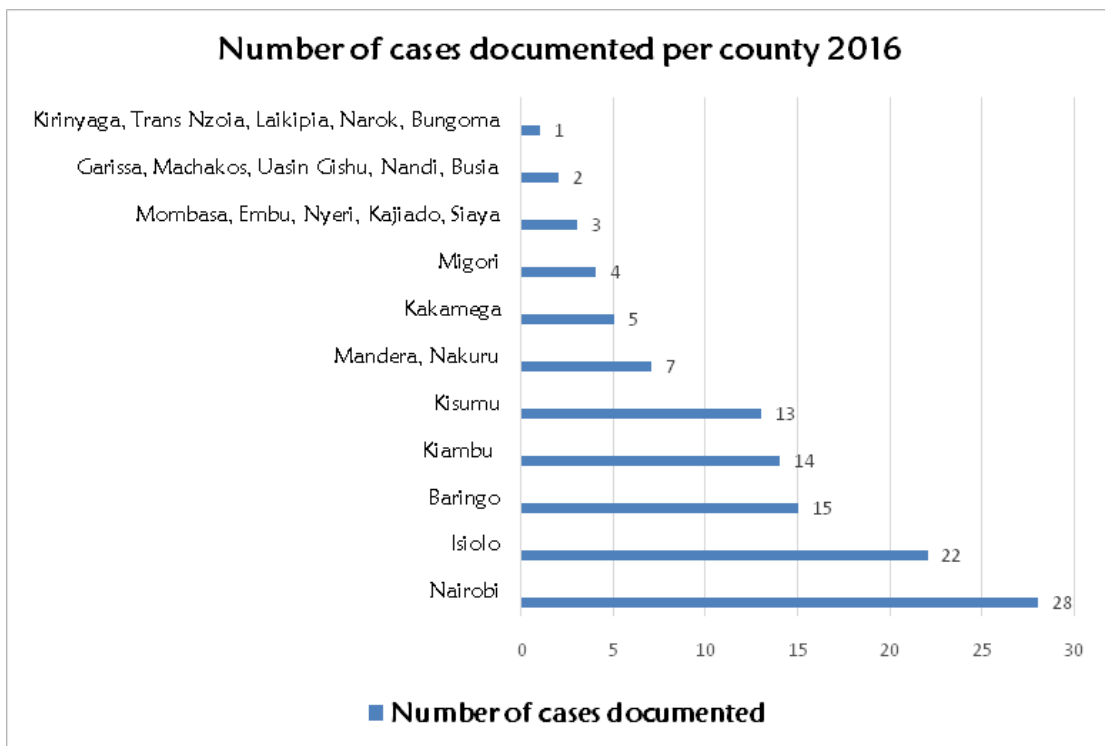
Number of cases documented	Perpetrator
73	Kenya police
40	AP
2	ATPU
10	Special Crime Unit
2	County council
4	Military Army
4	Chief /assistant
1	MCA
7	GSU
<b>Total</b>	<b>143</b>



Type of Violation	Total number of cases documented
Torture and ill-treatment	143
Executions	13
<b>Total</b>	<b>156</b>



County	Total number of cases documented
Mombasa	3
Garissa	2
Mandera	7
Isiolo	22
Embu	3
Machakos	2
Nyeri	3
Kirinyaga	1
Kiambu	14
Uasin Gishu	2
Trans Nzoia	1
Nandi	2
Baringo	15
Laikipia	1
Nakuru	7
Narok	1
Kajiado	3
Kakamega	5
Bungoma	1
Busia	2
Siaya	3
Kisumu	13
Migori	4
Nairobi	28
<b>Total</b>	<b>143</b>



## v. Forensic medical documentation for legal redress

During the reporting period, the department supported a total of **255 survivors** of torture and ill treatment: **177 male, 78 female**. This number includes both primary and secondary survivors of torture and ill treatment (Primary-male 110, female 45. Secondary- male 67, female 33). This number included 3 male minors, one of whom sadly succumbed to gunshot wounds by police officers in Embu County. The provision of these services was conducted in various counties where our network of professionals are located. This allows for easy access of our services to the survivors of torture.

**The Rehabilitation team** conducted a total of **27** home visits for survivors of torture and ill treatment in various towns. The home visits are a strategy by the department to ensure that clients receive holistic rehabilitative support that encompasses the use of social and community support. These home visits were necessitated by the extrajudicial killings, torture and inhuman treatment of individuals in Nakuru, Olenguruone, Kisumu, Kakamega, Bungoma, Nairobi, Laikipia, Etago, and Kapsokwony among others. Notably, majority of the perpetrators were Administration Police (AP) with the incidents taking place between 2014 and 2016.



*A torture and ill treatment victim during a home visit. The old man was clobbered with sticks and police batons in Mt. Elgon.*



*The stick which was used by police to beat an old man and blood stained clothes.*

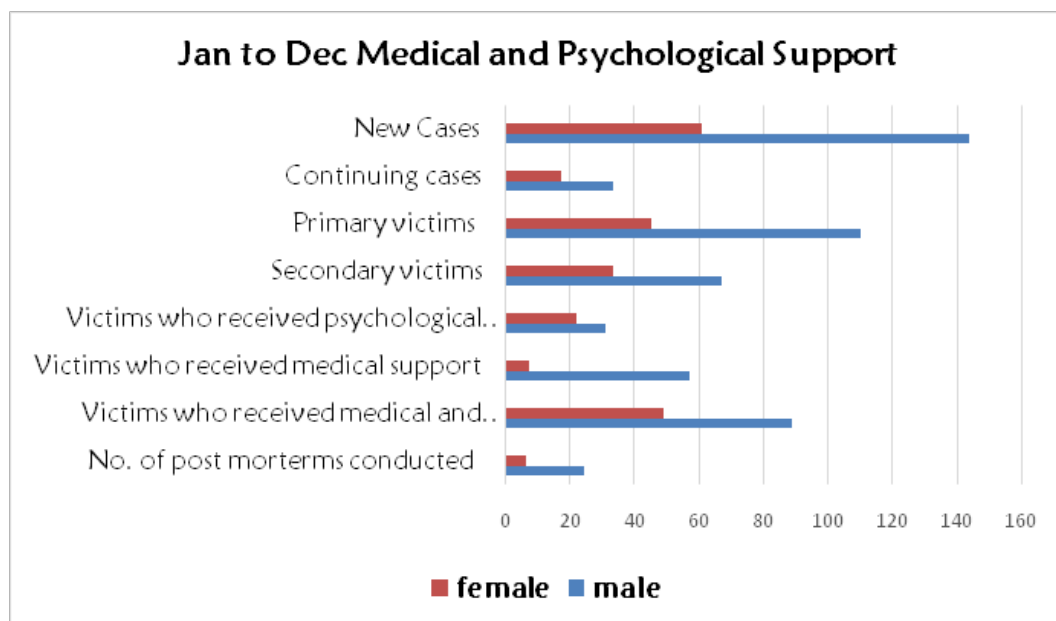
## Psychological documentation for legal redress

Psychological assessments for both new and continuing clients preceded documentation for treatment and legal redress. A total of **53 (31 male, 22 female)** survivors of torture and ill treatment received psychological support.

*Additionally we conducted 24 post mortem examinations. A summary of the medical and psychological support provided to clients is shown in the table below:*

## SUMMARY OF MEDICAL AND PSYCHOLOGICAL JANUARY-DECEMBER 2016

	Male	Female	TOTAL
Total Number of Victims Seen	177	78	255
New victims cases 2016	144	61	205
Continuing Victims' cases	33	17	50
Primary victims	110	45	155
Secondary victims	67	33	100
Total Number of victims who received Psychological Support	31	22	53
Total Number of victims who received Medical Support	57	7	64
Total Number of victims who received both Psychological and Medical support	89	49	138
Total Number of Postmortems conducted	24	6	30



*Victim support Record for January- December 2016-Medical and Psychological Support.*



## I. **UN International Day IN Support of Victims of Torture and ill treatment**

The theme for 2016, *Supporting Life after Torture*, aimed to remind the world that torture and ill treatment goes beyond a single or isolated event, and can be transmitted through several generations, and that victims of torture and ill treatment require support long after the incident, in order to rebuild their lives. Indeed in his message for 2016, the UN Secretary General, Ban Ki Moon, urged UN member states to: “stand by victims of torture and ill treatment by supporting the UN Voluntary Fund For Victims of Torture”, a fund that supports organizations that provide legal, social, psychological and medical assistance to victims of torture and ill-treatment globally.

To observe the day, IMLU, in collaboration with the Police Reforms Working Group-Kenya (PRWG-K) organized a series of 4 community forums in Rongai, Mukuru, Eastleigh, and culminating in the observance of June 26<sup>th</sup> in Kariobangi. The aim of the forums was to continue to reaffirm the PRWG-K members’ commitment to supporting primary and secondary victims of torture and ill-treatment and extra-judicial executions by providing awareness on their rights, documenting cases, giving legal advice.



A total of 150 persons participated in the forum who included youths, community leaders, and persons with disabilities, police officers and victims of torture, ill-treatment and families of victims of extra-judicial executions.

During the forums, a total of 13 cases of torture, ill treatment and extra judicial execution were documented. Out of the 13, 7 were victims of torture, ill treatment and 6 were family members of victims of extra judicial executions. All the 13 received psychological support from our network of counsellors. One was assessed by our medical doctor who recommended for medical support. The participations also prepared a memorandum to the President to form a commission of inquiry into extra-judicial killings and the enactment of key pieces of legislation, the Prevention of Torture and the Coroners Services Bills. This was published in the Daily Nation of Sunday June 26<sup>th</sup> 2016.

## II. **Willy Kimani Murder**

On 25<sup>th</sup> June 2016, a day before the international Day in Support of victims of torture, lawyer Willie Kimani, his client Josphat Mwenda and a taxi driver Joseph Muiruri were abducted by police officers. Willy was representing Mwenda, a boda boda (motorcycle) rider in a case against police harassment. On the fateful day of their disappearance, they had attended a court session in Mavoko, Machakos County together with their taxi driver.

The post-mortem report revealed that the trio’s subsequent death was a result of being hit in the head. The report further revealed Willie had 14 injuries to various parts of his body before being strangled to death. His skull and genitals had been crushed and he died from blunt force trauma to his head. When his body was found, he was still tied with a rope. On the other hand, the taxi driver was first strangled

and then beaten on the head with the same blunt object. Mwenda incurred severe bleeding on the neck, chest and a fracture on his head. The bodies were stuffed in sacks and dumped at Ol Donyo River.

The murders sparked national and international outrage with nationwide protests, with complaints that extrajudicial killings are widespread and called for resignation of the Inspector General of police Joseph Boinett and the Ministry of Interior and Coordination of National Government Cabinet Secretary Joseph Nkaissery. The police were hard pressed to investigate and explain circumstances under which Willie and his colleagues were abducted, tortured and executed.

Four officers have since been charged with killing the three. The trial of the murder is on-going.



*Civil Society Organizations during a demo to condemn the killing of a Human Rights Lawyer, his client and their taxi driver, in June 2016.*

### III. **International Human Rights Day 2016, 10 December 2016**

On 10<sup>th</sup> December 2016 we collaborated with the Police Reform Working Group-Kenya (PRWG-K) held a breakfast meeting to commemorate the **International Human Rights Day 2016**. A total of 120 people attended the meeting including grass-root human rights defenders, CSOs and development partners. The group noted that the Human Rights Day was an opportune time for deliberations with Human Rights Defenders (HRDs) on their perspective on human rights in Kenya, in particular, the role of the police in human rights. This came in the wake of six months after the brutal murder of Lawyer Willie Kimani, his client Josephat Mwenda and taxi driver Joseph Muiruri. HRDs recognized the magnitude of the challenge they face in fighting for the protection and realization of human rights, when confronted by an unreceptive government and iniquitous police force. Despite these challenges, they were receptive of the clarion call to forge forward. Collaborations with State and non-state actors; public and private sector; regional and international partners; organizations at the center and grassroots level, and other stakeholders were encouraged to amplify the voices of HRDs.



*ICTJ-Kenya Chris Gitari giving his remarks during the International Human Rights Day celebrations at the Intercontinental Hotel, Nairobi on 10th December 2016.*

As a buildup activity to the International Human Rights Day, two community forums were held in Rongai and Kibra. More than 600 people attended the forums. In Rongai two cases of extra judicial executions were documented and the families provided with psychological support. One case of torture and ill treatment was also documented and IMLU network doctor assessed the victim medical need. The victim also received psychological support.

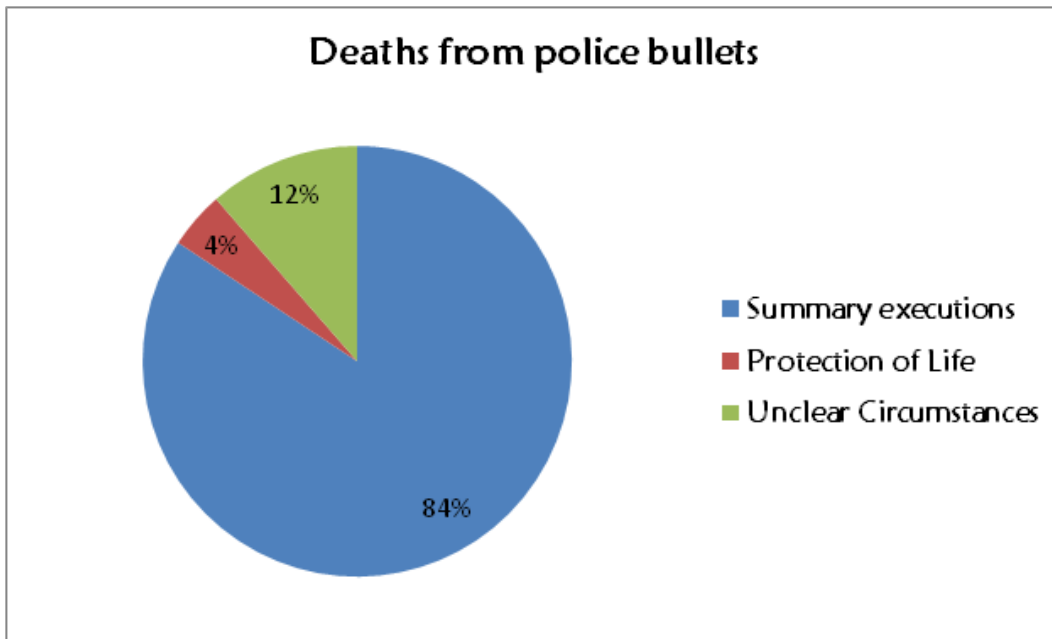


*IMLU's Collins Wafula taking participants through the mobile application, Ripoti, during the Ongata Rongai International Human Rights Day forum held on 10th December 2016.*

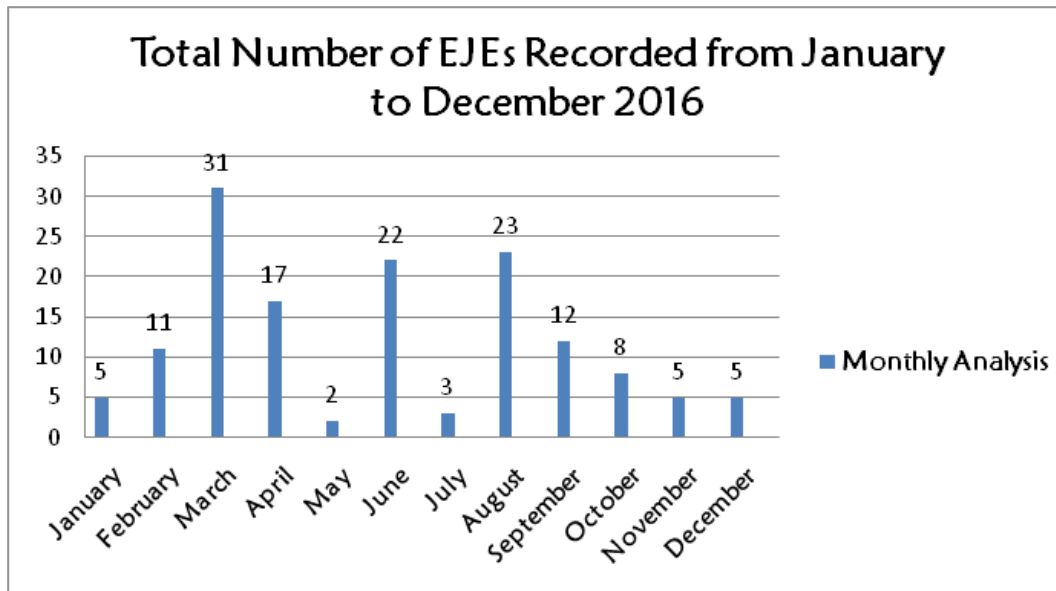
#### **IV. Addressing Extra Judicial Executions (EJEs)**

The total number of people killed by police from January to December 2016 was one hundred and forty four (144); of which one hundred and twenty two (122) were summarily executed, six (6) killed to protect life and sixteen (16) killed in unclear circumstances. Of these, one hundred and thirty five (135) were male while females were nine (9). The **122 summary executions** put into question the commitment of the National Police Service to respect the right to life prescribed under Article 26 of the constitution and the assumption of innocence until proven guilty by an impartial judicial process.

We remain concerned, about the continued misuse of firearms by police officers, and the low level of reporting, investigations, and prosecution of these cases and support to victims and their families.



*Total number of extra judicial executions recorded per month*



*Extra judicial executions per county for the period between January and December 2016.*

## C) INVESTING IN NETWORKS OF PROFESSIONALS TO ADDRESS TORTURE

The bulk of our interventions is conducted through the networks of professionals that it has developed over the years. These include doctors, lawyers, pathologists, psychologists and journalists. These support the day to day staff at IMLU and provide up to 40% of the support to clients. Thus IMLU continually strives to build their capacities to enable them keep abreast of recent developments in their various fields of work.

### ***(i) Pre-trial detention monitoring***

During 2016, we commissioned nine (9) community paralegals to continue monitoring incidences of torture and ill treatment for pretrial detainees in pretrial detention centers and also to report cases of torture and ill treatment within the communities within which they live. The paralegals are situated

in 6 counties, namely; Kilifi, Mombasa, Kakamega, Isiolo, Nairobi and Kiambu counties. During the period, the paralegals attended to two hundred and twenty eight (228) persons within the pretrial detention process (prisons, police stations, law courts) of which 15 cases were identified as torture and ill treatment cases.

### ***(ii) Knowledge and skills training to doctors***



The doctors' network forms an important pillar of our operations. The accreditation of our doctors' training courses by the Kenya Medical Practitioners and Dentists Board was a considerable achievement as it has placed us in a position to offer recognized courses to the medical professionals. In 2016 we collaborated with the Kenya Medical Association to provide continuous medical education (CME) to 40 doctors (18 male, 22 female), most of them from medical facilities that act as our referral centres for victims of torture and ill-treatment.

*IMLU's In-house doctor Dr. Ann Masika addressing doctors during the CME*

### ***(iii) Knowledge and skills training for psychologists***

Skills enhancement for psychologists is conducted routinely, including refresher courses and supervisory support. To this end, 3 group supervision and training sessions were carried out with network counsellors in Kisumu, Nairobi and Mombasa in May and June 2016. In Mombasa there were 6 participants – 1 male and 5 females, Kisumu 17 participants – 5 male and 13 female, Nairobi 21 participants – 8 males and 13 females. The counsellors were also taken through sessions on self-care, leading onto the group supervision sessions, which focused on client and personal issues impacting the work around supporting survivors of torture and ill treatment and their families.

We also organized an Induction Training of Counsellors and psychologists on building psychological counselling skills when managing torture and ill treatment survivors. A total of 12 new counsellors from Meru, Kericho, Kisii, Kilifi, Garissa, Nakuru, Chuka, and Eldoret were inducted into the network in November 2016 where 4 were male and 8 were female. Two out of the 12 trained have actively attended to our clients successfully. The new trauma counsellors now bring the total of counsellors in our national network to 67.

### ***(iv) Knowledge and skill training for lawyers***

A Lawyers Colloquium and training took place on 25th-29th July 2016 at the Owoods Annex Hotel, Embu where 18 lawyers attended; 7 male and 11 female. The theme of the colloquium was *Victim Support: The Role of the Legal Profession*. This had been informed by the fact that in a good number of the cases where the lawyers have been involved in making interventions issues of victim/witness intimidation have arisen and in certain instances the victims/witnesses have declined or are reluctant to have their statements taken which makes the legal process challenging. Towards this end, several key pieces of legislation have been enacted by the government to alleviate this problem. These are:

the Chief Justice rules on the Sexual Offences Act, the Witness Protection Rules, the Persons Deprived of Liberty Act, the Legal Aid Act 2015 and the Victims Protection Act. The colloquium also provided a platform for the lawyers to share their experiences of engaging with us and our clients over the years. It was an opportunity to validate the proposed IMLU network lawyers' guidelines and the East African Manual being developed in partnership with REDRESS.



*Participants being taken through a debrief session*



*Joseph Ngigi one of our network lawyers sharing his experience with participants*

Additionally, a one (1) day meeting with lawyers was held on 24<sup>th</sup> November 2016. The lawyers were taken through the latest legislations such as the Victim's Protection Act and the Legal Aid Act that provide for victim support and have impact in the support they provide to victims of torture and ill treatment and their families. 13 lawyers were in attendance, 11 male and 2 female.

***(v) Enhancing knowledge and training for journalists' network against torture:***

We continued to build its pool of journalists and provided trainings. The journalists trained on human rights and torture and ill treatment have improved on their reporting cases of torture, particularly in previously under-reported areas.

A total of 25 journalists (20 male and 5 female) from 20 Counties (Nairobi, Kisumu, Migori, Bungoma, Vihiga, Narok, Bomet, Kericho, Mombasa, Kilifi, Embu, Meru, Isiolo, Nyeri, Laikipia, Nakuru, Tharaka Nithi, Kajiado, Kitui) (both from print and local media) benefited from a refresher training. The training was linked to the Prevention of Torture Bill 2016 and the National Coroner's Service Bill 2016, the 2017 General Elections (monitoring and reporting of police behavior or any torture-related incidents/cases), their safety as Human Rights defenders and the collaboration of the National and County Governments in policing through the Community Policing Authority.




*Deputy CEO Media Council of Kenya, Victor Bwire takes journalists through a session on Journalists' Role in Communications, Media, and Human Rights during the training, Embu, 2016*

Four major investigative stories were broadcast on local and international media, including Al Jazeera. One such piece was titled the "Kanjo Kingdom", (Part One: (<https://www.youtube.com/watch?v=IGMnFQTiWNg> Part Two: <https://www.youtube.com/watch?v=IGMnFQTiWNg>) which focused on human rights violations meted out on hawkers by County Council askaris.

Media remains a key strategic partner in producing evidence and sharing it with the public. As we continue engaging the media, we are considering establishing awards for journalists reporting on torture, as well as the formation of a Journalists Network against Torture.

**(vii) Structured cooperation with professional bodies:** We continue to maintain cordial working ties with professional bodies such as the Kenya Medical Association (KMA), KMPDU, LSK, Kenya Counsellors Association (KCA) and the Kenya Clinical Officers Association (KCOA) in anti-torture and ill treatment work and training activities. We are recognized as a center for continuous medical and legal education by Kenya Medical Practitioners and Dentists Union (KMPDU) and the Law Society of Kenya (LSK).

**(viii) Structured collaboration with academic institutions:** We are pursuing structured collaborations with academic institutions. We had short-term engagements with the University of Nairobi in the development of a Forensic Pathology curriculum, which is awaiting approval. There have also been partnerships with REDRESS of the UK, Dignity-Danish Institute against Torture and ill treatment and the University of Cape Town. Such collaborative support of renowned institutions will promote the credibility of our research and publications.




**(ix) Knowledge and skills training to establish a strong ‘Torture Watch’ network at county level:** We have established a human rights monitors’ torture watch network comprised of 102 monitors across 45 counties. The monitors are instrumental in documenting human rights violations in the counties. We invest in training the monitors to apprise them of the changing modes of torture, and to help them improve their skills at documenting the cases. The network was instrumental during the 2013 general elections, and a fairly large pool of monitors is available for deployment during the 2017 general elections.

## D) SCALING UP EVIDENCE BASED INTERVENTIONS

### **(i) Improving service delivery through technology**

We are also adapting technologically in an effort to improve service delivery. Early in the year, we launched the first ever database on torture and ill treatment in Kenya. This saw a paradigm shift from the previous systems which were largely manual to a digital data entry system. The database, which is web-based, offers the organizational file and data management systems; better data storage, manipulation and retrieval client data, better safety of client files and information, easier and faster access to client files by the simple click of a button, unlimited storage space for the large volumes of client data, easy tracking of services offered to clients, automated report generation and easy appointment scheduling. A mobile-based app (RIPOTI) was created to enable citizens report real time cases of torture and ill treatment from different parts of the country, and which will complement the database.



*“This will be instrumental in generating reports based on accurate data that is system generated” ~ David Jourdan, Royal Norwegian Embassy”*

### **ii) Research Work and Reporting**

We have also raised its profile as an important source of national data on torture and ill treatment through the development of knowledge-based interventions to enhance use of research in torture and ill treatment response, and which has been a key focus of our 2016 activities.

**iii) Thematic research to deepen understanding of selected areas of work:** We surpassed the envisioned targets for case digests and publications on torture. In the past year, IMLU has released three key publications: The National Torture Prevalence Survey 2016, a Study on Violence among the Urban Poor in Nairobi and Nakuru, and the reports on extra judicial executions. These publications allow for targeted actions and interventions by concerned agencies and actors. The NTPS survey 2016 for example, was designed to provide current data which will be used to guide, shape or re-define our strategies and inform the development of the next strategic plan. A comprehensive report on the same has been prepared, validated and disseminated to relevant actors, including the NPS.





*Claris Ogangah- Onyango, Office of the High Commissioner for Human Rights (far R) with IMLU board members, staff and other partners during the launch of the National Torture Prevalence Survey Report in 2016.*

**iv) Newsletter:** To keep the stakeholders abreast on our work, three journals were produced in the reporting period.

**v) Forensic Manual Review:** The international review of the draft forensic manual was initiated and completed. 3 International reviewers from South Africa, and Scotland were contracted for this task to ensure that our work is internationally accredited. This will also go a long way in validating our work in supporting survivors of torture and ill treatment worldwide, not just in East Africa. The initial launch will be done in the major universities in Kenya, teaching medicine and forensic sciences. The idea is to leverage on the existing platform with the students and lecturers within these universities, to market the manual, and later scale up on the marketing to reach other audiences beyond the universities/institutions of higher learning.

**vi) A Compendium on Torture and ill-treatment Jurisprudence** was developed and submitted by Commissioner of the African Commission on People's and Human Rights Lawrence Mute and the Chair of the Committee of the Prevention of Torture and ill treatment in Africa, in July. The compendium will come in handy as a key reference point for us and human rights human rights practitioners on the various torture and ill treatment cases that have been heard and decided by the various Kenyan Courts. This compendium is complete and will be disseminated to various actors in the human rights sector in the coming year. The same can also be accessed from our resource center by interested individuals.

**vii) The East African Litigation Manual:** This manual is designed specifically on the six countries in the East African Community as torture and ill-treatment is still rife here, with very little investigations and accountability. It targets legal practitioners and organizations who are involved or are interested in litigating torture and ill-treatment cases nationally, regionally and internationally on behalf of victims. The manual is based on our vast experience in providing legal, psychological and medical support to victims of torture and ill-treatment as well as the experience of REDRESS in assisting victims of torture and ill-treatment including those in East Africa access justice.

**viii) Reporting on Torture Media Handbook:** On 26th June, 2016, a new handbook to support journalists who report on torture and ill-treatment was launched on the United Nations International Day in Support of Victims of Torture. The 'Reporting on Torture' handbook provides accurate, up-to-date information and guidance in four languages (English, Arabic, Spanish and Nepalese) to help journalists cover the subject in detail, regardless of their experience.

The handbook is authored jointly by five human rights organizations working to address the scourge of torture and ill-treatment in a range of countries around the world: Advocacy Forum-Nepal (AF), la Coordinadora Nacional de Derechos Humanos in Peru (CNDDHH), IMLU, Lawyers for Justice in Libya (LFJL), and REDRESS in the UK. The handbook is the product of more than two decades of experience that the five organizations have in interviewing and assisting thousands of torture and ill-treatment survivors in the areas of litigation, rehabilitation, advocacy and training.

With the help of the handbook, the authors seek to encourage increased reporting on this grave international crime, and offer ongoing support to journalists in the vital role they play in breaking the silence and raising awareness about torture, a crime that thrives behind the scenes. While torture and ill-treatment is universally prohibited in international law, it remains highly prevalent today. Torture and ill-treatment at the hands of state officials have been recently recorded in 141 countries in every region of the world.

Through accurate reporting, journalists can increase awareness of the universal prohibition of torture and ill-treatment and of the challenges that may be preventing survivors from obtaining justice. Journalists can also provide important insights into the impact of torture and ill-treatment on the survivors and their communities.

## E) MONITORING AND EVALUATION

### i. Evaluation of the 2011-2016 Strategic Plan

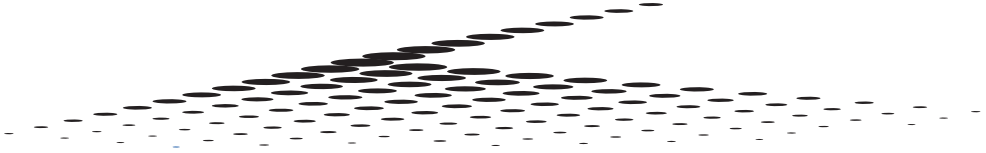
We commissioned Base mark Consultants to conduct an evaluation of the Strategic Plan 2011-2016. The purpose of the strategy evaluation was to assess the performance of the strategic plan and determine the extent to which it had achieved its desired results and to draw lessons that would inform the development of the next strategic plan. The evaluation looked at four parameters: **Factors Affecting Strategy Effectiveness; Innovations and Good Practices; Emerging Trends, Issues and Opportunities; and Lesson Learnt.**

The findings from the evaluation as well as the NTPS 2016 revealed the need to expand the organizational vision so that it is able to address issues of EJs, violence and discrimination. The evaluation also recommended the need to adjust the organizational mission and core values so as to reflect this expanded scope of work.

Based on this evaluation, our board and staff members, through the able leadership of Base mark Consultants developed **IMLU's Vision 2021** (Strategic Plan 2017-2021). The vision identifies the strategic priorities, provides key strategies and well as a detailed Theory of Change (ToC) that will propel the organization to greater heights.



*IMLU Board members and staff during the retreat at Sentrim Elementaita Hotel to develop the Vision 2021*



During the December 2016 annual reflection and planning meeting, our board and staff members retreated to analyze and internalize the new Vision and develop an annual work plan for the year 2017. In addition, we were able to develop a 3 year institutional work plan (2017-2019) which is a very critical tool for resource mobilization.

## F) MEDIA ENGAGEMENT

We continued to engage with the media. This is evident through press conferences held in this first half of the year. A press release “**Verdict on the Killing of Kwekwe Mwandaza: Justice At Last!**” was sent to media houses in the first quarter. In addition, press releases on police brutality on University students and findings of the postmortem examination of the Mukuru 8 were shared with media houses during the second quarter. The PRWG-K also prepared an open letter to the President requesting for the approval of the two key bills: Prevention of Torture and Coroners’ Services Bill.

In October, we engaged its network of journalists to interview four governors on the challenges they face in the operationalization of the CPA structures. The Governors; (Kisumu), (Bungoma), (Kericho) and (Siaya) all stated that the main challenge they experienced in setting up the CPAs structures in the counties was the lack of the policy guidelines from the Ministry of Interior and Coordination of National Government.

Numerous talk shows were conducted in the reporting period both at the national and the community levels. This includes NTV and radio stations – Jambo Radio, Radio Pamoja, Radio Amani, Radio Heroes, and Radio Ithaga. Target speakers at the shows were Members of the County Assembly (represented by the Chair of the Security Committee); the County Secretary; CSO representatives, representatives of the religious communities, representatives of the youth and women, business people from all industries, including the matatus and boda boda; representatives from the Kenya Police Service and other relevant speakers. The talk shows were on the operationalization of the County Policing Authorities in the counties and solidarity campaigns on torture. The listenership for the radio talk talks was between 2 million to 2.5 million Kenyans.

Further, through our network of journalists, our work/interventions have been extensively highlighted in the media.

## G) ENHANCING INTERNAL CAPACITY TO DELIVER ON IMLU’S MANDATE

We continue to enhance its institutional capacity to deliver its mission. It has successfully developed and implemented two institutional proposals. First, the development of a strategic plan towards having a programme approach, which continues to help staff to work in a more structured way towards pre-determined milestones, fundraise and design clear project proposals.

The new strategic plan 2017-2021 plan dubbed **IMLU VISION 2021’s** overarching goals are:

- Contribute to a 30% reduction in torture, violence and discrimination in Kenya by 2021; and
- Improve the well-being and dignity of 6,000 survivors of torture, violence and discrimination by 2021.

Just like the completed strategic plan, our Vision 2021 is anchored on four pillars to drive the desired change, which is premised on building a strong institution that is responsive to programmatic demands in pursuit of its desired reforms. These are:

- **Support to the reforms agenda** which will focus on reduction of torture, emphasises the need for sufficient legislation, institutional reforms, and behaviour change of perpetrators, citizen awareness, and engagement with international mechanisms and public litigations.
- **Redress and rehabilitation** will prioritise redress and rehabilitation of victims of torture, violence and discrimination through a holistic and integrated mix of interventions focused on medical, psychosocial, legal and documentation services.
- **Social capital and strategic alliances** recognizes the importance of the network of professionals and other alliances to our work in the hope of ultimately creating a mass movement with numerical and comparative strength to influence legislation, support mitigation actions and push for favourable policies, and
- **Strategic information for evidence-based interventions** – decision-making and programme development based on research knowledge is the focus of this pillar. The main activity will be generation of crucial information to inform interventions in each priority area. We hope to be the lead source of strategic information on torture and ill-treatment and resource reservoir for strategic information for evidence-based interventions; research dissemination for response and advocacy nationally, regionally and internationally.

## H) STRIVING FOR ORGANIZATIONAL EXCELLENCE

- i. **Board of Directors development and corporate governance:** Our board remains active and fully committed over the strategy period. Directors whose two terms have expired join the Advisory Council of the organization to continue playing an important oversight role.
- ii. **Review and or introduction of clear systems and structures:** Both the HR and finance manuals have been reviewed and updated to firm up the internal control and fiduciary arrangements within the organization and to assure that donor resources are utilized well. The organization's structure is clear on the chain of command and line management.
- iii. **Human resource management and capacity strengthening:** We have an effective performance management system with performance appraisal tools used to appraise staff annually.
- iv. **IMLU as a resource center for professionals:** Our boardroom houses a physical resource centre with an archival system of hard copy resources and electronic materials. The centre is accessible not only to staff but also to other service providers, NGOs, students and the general public.
- v. **Reviewing and updating IMLU website and social media presence:** Our website is up and running. It is an important platform for information sharing, advocacy and resource mobilization. We also has an active social media platform (Facebook and Twitter) that keeps the public abreast on issues related to torture and ill-treatment and also serves as an avenue for forwarding cases of torture and ill-treatment to us. During the reporting period, the Twitter account registered 2957 followers, while Facebook had 4032.
- vi. **Institutional sustainability in the medium and long term:** We consistently develops and submits good quality donor reports. It has strengthened its internal systems, structures and processes. It successfully strengthened its fundraising capacity and more than doubled its funding from the 2010 baseline. It is pursuing its plan of becoming a regional (East Africa) Torture and ill-treatment Rehabilitation, Research, Training and Advocacy Centre.

# FINANCIAL STATEMENTS

## INDEPENDENT MEDICO-LEGAL UNIT

Annual report and financial statements  
For the year ended 31 December 2016

## ORGANISATION INFORMATION

BOARD OF DIRECTORS	:	Mr. Zahid Rajan (Board Chair)
	:	Mr. Peter Kiama (Executive Director)
	:	Ms. Rosemelle Mutoka
	:	Dr. Charles Maringo
	:	Dr. Ramadhan Marjaan
	:	Mr. Ismail Ramadhan
REGISTERED OFFICE	:	69 Mokoyeti West Road,
	:	Off Lang'ata Road,
	:	Near Galleria Shopping Mall, Karen Estate
	:	P.O BOX 16035-00509 Galleria
	:	Nairobi
	:	Phone: +254 (0) 20 4450598 / 4441833
	:	Mob: 0724 - 256800
	:	E-mail: <a href="mailto:medico@imlu.org">medico@imlu.org</a>
	:	Website: <a href="http://www.imlu.org">www.imlu.org</a>
INDEPENDENT AUDITOR	:	PKF Kenya
	:	Certified Public Accountants
	:	Kalamu House, Waiyaki Way
	:	P.O. Box 14077, 00800
	:	NAIROBI
PRINCIPAL BANKER	:	NIC Bank Limited
	:	NAIROBI

# INDEPENDENT MEDICO-LEGAL UNIT

Annual report and financial statements  
For the year ended 31 December 2016

## REPORT OF THE DIRECTORS

The directors submit their report and the audited financial statements for the year ended 31 December 2016, which disclose the state of affairs of the organisation.

### PRINCIPAL ACTIVITIES

The principal activity of the organisation is to offer holistic approach involving litigation, medical support and psychosocial rehabilitation of survivors of torture, monitoring government adherence to its human rights obligations and advocacy for policy, legal and institutional reforms.

RESULTS	2016 Shs	2015 Shs
(Deficit) for the year	<u>(3,429,696)</u>	<u>(3,063,635)</u>

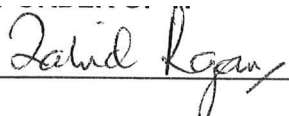
### DIRECTORS

The directors who held office during the year and to the date of this report are shown on page 1.

### INDEPENDENT AUDITOR

The organisation's auditor, PKF Kenya, has indicated willingness to continue in office.

### BY ORDER OF THE BOARD

  
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CHAIRPERSON

\_\_\_\_\_ 31/07 2017

# REPORT OF THE INDEPENDENT AUDITOR

## TO THE MEMBERS OF THE INDEPENDENT MEDICO-LEGAL UNIT

### Opinion

We have audited the accompanying financial statements of the Independent-Medico Legal Unit set out on pages 7 to 17 which comprise the statement of financial position as at 31 December 2016, statement of income and expenditure and fund balance and statement of cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

In our opinion, the accompanying financial statements give a true and fair view of the financial position of Independent Medico-Legal Unit as at 31 December 2016, and of its financial performance and cash flows for the year then ended in accordance with International Financial Reporting Standard for Small and Medium-sized Entities.

### Basis for opinion

We conducted our audit in accordance with International Standards on Auditing (ISAs). Our responsibilities under those standards are further described in the auditor's responsibilities for the audit of the financial statements section of our report. We are independent of the organisation in accordance with the International Ethics Standards Board for Accountants' Code of Ethics for professional accountants (IESBA Code) together with the ethical requirements that are relevant to our audit of the financial statements in Kenya, and we have fulfilled our other ethical responsibilities in accordance with these requirements and the IESBA Code. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### Emphasis of matter

Without qualifying our opinion, we draw attention to Note 14 of these financial statements which indicates that provision for income tax has not been made in the financial statements, since the organisation is in the process of obtaining an exemption certificate from the Kenya Revenue Authority.

### Other information

The directors are responsible for the other information. The other information comprises the report of directors and statement of directors' responsibilities that comprise the annual report but does not include the financial statements and our auditor's report thereon.

Our opinion on the financial statements does not cover the other information and we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the audit, or otherwise appears to be materially misstated. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

## INDEPENDENT MEDICO-LEGAL UNIT

Annual report and financial statements  
For the year ended 31 December 2016

### STATEMENT OF FINANCIAL POSITION

		As at 31 December	
		2016 Shs	2015 Shs
	Notes		
<b>Non-current assets</b>			
Property and equipment	7	6,638,460	7,796,792
Intangible assets	8	<u>468,769</u>	<u>937,537</u>
		<b>7,107,229</b>	<b>8,734,329</b>
<b>Current assets</b>			
Receivables	9	34,000	31,555
Cash and cash equivalents	10	25,463,005	41,470,801
		<u>25,497,005</u>	<u>41,502,356</u>
<b>Total assets</b>		<b><u>32,604,234</u></b>	<b><u>50,236,685</u></b>
<b>Fund balance</b>			
General funds		27,181,338	30,611,034
<b>Current liabilities</b>			
Payables	11	3,045,868	835,000
Deferred grants	12	-	18,790,651
Borrowings	13	2,377,028	-
		<u>5,422,896</u>	<u>19,625,651</u>
<b>Total fund and liabilities</b>		<b><u>32,604,234</u></b>	<b><u>50,236,685</u></b>

Board of directors on 31/7 2017 and were signed on its behalf by:

  
CHAIRPERSON

  
EXECUTIVE DIRECTOR



## INDEPENDENT MEDICO-LEGAL UNIT

Annual report and financial statements  
For the year ended 31 December 2016

### STATEMENT OF INCOME AND EXPENDITURE AND FUND BALANCE

	Notes	2016	2015
		Shs	Shs
Income			
Donor income	4	118,275,857	110,062,779
Other income	5	2,576,628	2,702,899
<b>Total income</b>		<b>120,852,485</b>	<b>112,765,678</b>
<b>Expenditure</b>			
Projects management costs	6	9,937,266	9,353,412
Inform, influence policy and legislation on prevention of torture	6	12,259,482	16,989,282
Improve access to justice for torture victims	6	24,367,363	16,707,601
Nurture strategic alliances for the prevention of torture	6	14,198,424	19,898,592
Enhance the use of research to prevent and respond to torture	6	8,159,981	2,256,471
Programme coordination costs	6	21,680,404	26,141,655
Enhance institutional capacity	6	15,257,767	6,525,883
Administrative costs	6	10,613,113	12,876,995
Dignity	6	7,808,381	5,079,422
<b>Total expenditure</b>		<b>124,282,181</b>	<b>115,829,313</b>
<b>(Deficit) for the year</b>		<b>(3,429,696)</b>	<b>(3,063,635)</b>
<b>Fund balance at start of year</b>		<b>30,611,034</b>	<b>33,674,669</b>
<b>Fund balance at end of year</b>		<b>27,181,338</b>	<b>30,611,034</b>

## INDEPENDENT MEDICO-LEGAL UNIT

Annual report and financial statements  
For the year ended 31 December 2016

### STATEMENT OF DIRECTORS' RESPONSIBILITIES

It is the responsibility of the directors to prepare financial statements for each financial year which give a true and fair view of the state of affairs of the organisation as at the end of the financial year and of the surplus or (deficit) for that year. The directors also required to ensure that the organisation maintains proper accounting records that disclose, with reasonable accuracy, the financial position of the organisation. The directors are also responsible for safeguarding the assets of the organisation. The directors accept responsibility for the preparation and fair presentation of financial statements that are free from material misstatement whether due to fraud or error. The directors also accept responsibility for:

- i. Designing, implementing and maintaining such internal control as they determine is necessary to enable the preparation of financial statements that are free from material misstatement, whether  
  
due to fraud or error;
- ii. Selecting and applying appropriate accounting policies; and
- iii. Making accounting estimates and judgements that are reasonable in the circumstance.

The directors are of the opinion that the financial statements give a true and fair view of the financial position of the organisation as at 31 December 2016 and of the organisation's financial performance and cash flows for the year then ended in accordance with International Financial Reporting Standard for Small and Medium-Sized Entities.

Nothing has come to the attention of the directors to indicate that the organisation will not remain a going concern for at least the next twelve months from the date of this statement

Approved by the board of directors on \_\_\_\_\_ 2017 signed on its behalf by:



## **Independent Medico-Legal Unit**

A Just World free From Torture

### **INDEPENDENT MEDICO-LEGAL UNIT**

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