

ACCESS TO JUSTICE



CONTENTS

- ABOUT RODI KENYA
- INTRODUCTION TO ACCESS TO JUSTICE
- PROJECT HIGHLIGHTS
- INSIGHTFUL FACTS
- CASE STUDIES
- CONCLUSION

ABOUT RODI KENYA

Resources Oriented Development Initiatives (RODI) Kenya is a Non-Governmental Organization (NGO) registered in 1999 and located at Ruiru Varsity Ville Estate, along the eastern by-pass in Kiambu County, Kenya. RODI's mission is to promote human dignity among communities in Kenya and other Eastern African countries by enhancing food security, health, and crime prevention. Currently, RODI Kenya actively works with 28 schools, 28 prisons, 54 community groups, one refugee camp and 22 police stations across Kenya.

OUR THEMATIC AREAS

Food Security and Agro-ecology:

To promote food security by mainstreaming agro-ecological practices in food production, nutrition, processing and marketing

Health and Wash

To enhance community awareness and interventions strategies on non-communicable diseases (NCDs), communicable diseases, water, hygiene and sanitation (WASH)

Social and Legal Justice

To enhance community capacity and awareness on social and legal justice to facilitate effective prisoner rehabilitation, access to justice, school-based crime prevention and sustainable prisoner reintegration intervention

Institutional Development Strengthening

To enhance community awareness and interventions strategies on non-communicable diseases (NCDs), communicable diseases, water, hygiene and sanitation (WASH)

THEORY OF CHANGE

RODI KENYA | THEORY OF CHANGE



INTRODUCTION TO ACCESS TO JUSTICE



The Access to Justice project provides legal assistance to pre-trial detainees within Kamiti Youth Correctional Training Center (YCTC), Nairobi Children Rescue Centre, and Nairobi Remand and Allocation Prison. These detainees endure prolonged detention due to the backlog of cases, insufficient legal representation and ignorance of court procedures and human rights. This initiative aims to bridge the gap between detainees and the justice system, ensuring that their legal needs are met promptly and effectively. The Access to Justice Project is being implemented with financial and technical support from Mott Foundation through Legal Resources Foundation - LRF.

PROJECT HIGHLIGHTS

Legal Awareness Forums:

These forums are designed to educate detainees about their legal rights, court processes, and how to navigate the justice system. Over the last two years, we have reached 227 pre-trial detainees by enhancing their legal knowledge. As a result, pre-trial detainees have better advocated for themselves and understood the importance of timely legal actions.

Pro Bono Legal Representation:

The project collaborates with a network of pro bono lawyers who represent pre-trial detainees in court. This legal representation ensures that pre-trial detainees have free professional support during their trials, significantly improving their chances of a fair trial and timely resolution of their cases.

Case Follow-Up:

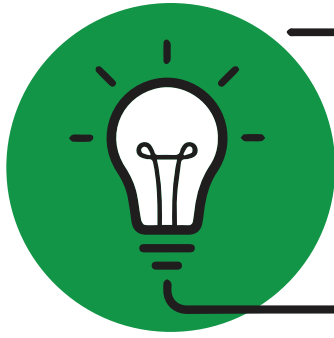
After the legal aid clinics, project officers actively follow up on pre-trial detainees' cases to monitor progress and address any delays or issues that arise. This persistent engagement helps to expedite the legal process and prevent prolonged detention.

Legal Aid Clinics:

Legal aid clinics are conducted with the aim to offer pre-trial detainees legal advice and support. Thus far, we have reached over 500 pre-trial detainees. These clinics are critical in providing immediate legal assistance and addressing the pre-trial detainees' pressing legal concerns. During the same legal aid clinics we identify cases that require further follow-up, linkages to family support, witnesses and legal support.

Interventions during case follow-up:

- Assist pre-trial detainees in preparing for their cases to understand and access the court documents (charge sheets, witness statements, investigation reports, probation reports, etc).
- Linkage to family support for purposes of facilitating bail/bond, legal costs and alternative dispute resolution processes.
- Peruse court files to determine the status of the case and offer the required support.
- Attend court to offer support before and after hearing.
- Facilitate alternative dispute resolution between pre-trial detainees and complainants.



INSIGHTFUL FACTS

Plea Bargaining

The purpose of plea bargaining is to reach an agreement between the prosecution and the defendant where the defendant pleads guilty to the charge against them for a lesser charge, fewer counts and lenient sentence. It is a judicial process used in reducing court backlogs and allowing for quicker case resolutions. An accused persons should seek full disclosure of the evidence against them and be advised by competent legal counsel to make informed decisions.

Domestic Abuse:

Domestic abuse is a pattern of abusive behavior towards an intimate partner or a family member. The abuser exerts power over the victim sexually, financially, emotionally or physically. It remains a widespread issue, often hidden due to fear, stigma, or lack of resources. Victims of domestic abuse should file a report at the police station where a criminal charge will be issued against the abuser.

Teen Sex Relationships and Related Offenses:

Underage teen sexual relationships present complex legal and ethical challenges. This is due to the conflict between cultural practices and the legal authority of the sexual offenses act. It is crucial to differentiate between consensual activities among peers and exploitative relationships. Protecting minors from exploitation remains a priority, requiring strict enforcement against predators and clear age-of-consent laws.

CASE STUDIES

EMPOWERING COMMUNITIES, TRANSFORMING LIVES

Documenting individual cases, highlights the project's impact and identifies areas for improvement. These case studies provide valuable insights into the challenges faced by detainees and the effectiveness of the interventions provided by the project.

CASE STUDY 1

The accused person was a minor in conflict with the law and he was charged with sexual assault. He had been detained for six months. The accused person, while out of custody, could not be traced by the investigating officer, delaying the court proceedings.

Additionally, the victim was not found due to family interference, further delaying the case. A project officer from Rodi-Kenya intervened by contacting the accused person's family members, leading to the identification of the accused's whereabouts. Legal aid clinic support provided crucial legal advice and facilitated the accused's release on bail.

With the accused person located, the trial progressed swiftly. Guided by the project officer, the accused effectively presented his case, resulting in a probationary sentence due to being a school-going child.

The intervention of the project officer, along with legal aid support, expedited the trial process and ensured fair representation for the accused, ultimately resulting in a probationary sentence.

CASE STUDY 2

A juvenile offender, charged with theft within a family context, faced legal repercussions initiated by his grandmother due to repeat offenses. He had been in remand for 4 months. The juvenile's recurrent criminal behavior within the family setup resulted in legal action by his grandmother, who was unwilling to support his release from custody.

A project officer from RODI intervened, facilitating a reconciliation meeting between the juvenile, his grandmother, and prison officers. The focus of the meeting was to address underlying issues, foster understanding, and encourage the juvenile to reform.

Following the successful family conference, the grandmother chose to withdraw the charges, leading to the juvenile's release from custody. This outcome signifies the efficacy of family involvement and reconciliation in addressing juvenile delinquency, promoting long-term behavioral change and family cohesion.

The case underscores the value of a supportive approach in juvenile justice, emphasizing the importance of addressing underlying family dynamics and fostering understanding to mitigate the negative impacts of the judicial process.

CASE STUDY 3

In this case study, the accused person was charged with theft and detained in a remand center awaiting trial. The accused person had been in remand for over 8 months due to missing court dates, despite the complainant's willingness to withdraw the case.

A RODI project officer through a legal aid clinic intervened, coordinated with prison officers to ensure the accused person's transportation to court and facilitated communication between the accused and the complainant. As a result of the project officer's intervention, the accused person appeared in court on the scheduled date, and the complainant formally withdrew the charges. This prevented further prolonged detention and led to the accused person's release from custody.

This case highlights the importance of mediation and effective communication in the criminal justice system. The proactive intervention of the project officer resolved the issue satisfactorily for both parties, upheld the accused person's right to a timely court appearance, and ultimately resulted in the successful withdrawal of charges and release of the accused.

CASE STUDY 4

The accused person in this case was charged with robbery with violence. He had been in remand for 15 months.

The complainant's reluctance to appear before the court caused delays in the legal proceedings. The accused needed more time to arrange for bail, but the complainant's absence hindered progress.

The RODI project officer consulted with the advocate of the complainant to ascertain the complainant's position. Subsequently, the prosecution advised the court to issue summons against the complainant, who was out of the country. A meeting was arranged between the project officer, the prosecutor, and the complainant's advocate to address the issue.

The complainant's advocate wrote a letter to the court, requesting the withdrawal of the matter. The court considered this withdrawal letter, leading to the acquittal of the accused person.

The case highlights the importance of effective communication and collaboration among all parties involved in legal proceedings. Despite challenges, the intervention ultimately resulted in a favorable outcome for the accused person.

CONCLUSION

Your financial support helps us expand our reach and impact. Help us raise awareness about the plight of pretrial detainees and our efforts to support them.

As we pursue our mission, we remain committed to advocate that every pretrial detainee has access to justice. Our future plans include expanding our legal awareness forums and clinics to more remand centers and increasing our network of pro bono advocates. We believe that with continued support and dedication, we can create a more just and equitable legal system for all.



Get Involved

Your financial support helps us expand our reach and impact. Help us raise awareness about the plight of pretrial detainees and our efforts to support them.

VOLUNTEER

DONATE

**SPREAD THE
WORD**

STAY CONNECTED

Follow us on social media for updates on our projects and events:

@RODIKENYA



For more information about our Access to Justice project or to find out how you can help, please visit our website at www.rodikenya.org or email us at rodikenya@rodikenya.org

Visit us

Ruiru, Varsity Ville Estate
along Eastern bypass