



KITUO CHA SHERIA

LEGAL ADVICE CENTRE

we care for justice

REAL TALK



This can happen to anyone of us...



With support from





ELDOROT BUS STOP.

PATRICIA IS A RETIRED TEACHER AND A REPRESENTATIVE FOR IDPs

SHE IS TRAVELLING TO MOMBASA FOR A MEETING FOR IDPs

HALLO PATRICIA, THIS IS KADOGO, MY GRANDCHILD.

PLEASE TAKE CARE OF HER IN MOMBASA.



BYE, GRANDMA!



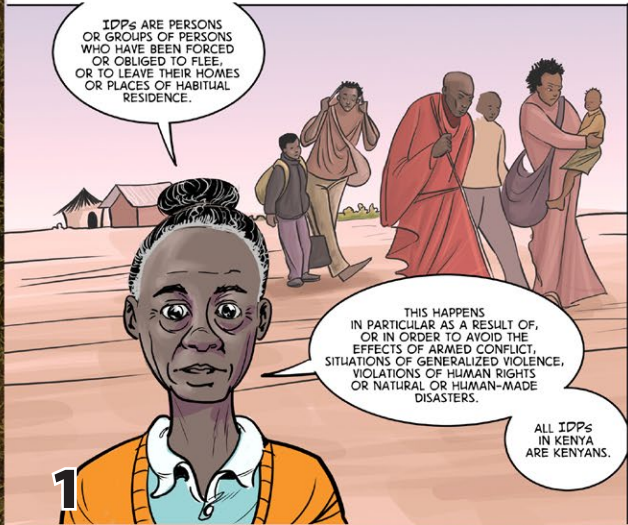
KADOGO HAS MANY QUESTIONS...

WILL THERE BE MANY IDPs AT THE MEETING?

WHERE ARE THEY COMING FROM?

BY THE WAY WHAT EXACTLY IS AN IDP?

UHHH WAIT KADOGO! I WILL EXPLAIN EVERYTHING TO YOU ABOUT DISPLACEMENT.



IDPs ARE PERSONS OR GROUPS OF PERSONS WHO HAVE BEEN FORCED OR OBLIGED TO FLEE, OR TO LEAVE THEIR HOMES OR PLACES OF HABITUAL RESIDENCE.

THIS HAPPENS IN PARTICULAR AS A RESULT OF, OR IN ORDER TO AVOID THE EFFECTS OF ARMED CONFLICT, SITUATIONS OF GENERALIZED VIOLENCE, VIOLATIONS OF HUMAN RIGHTS OR NATURAL OR HUMAN-MADE DISASTERS.

ALL IDPs IN KENYA ARE KENYANS.

1

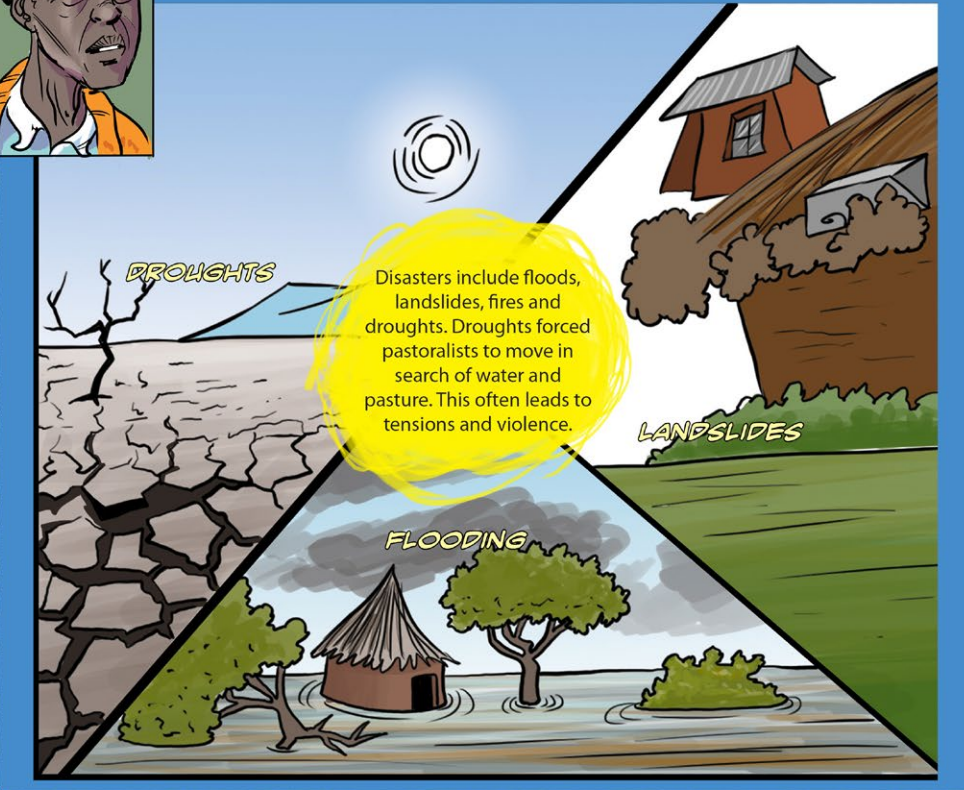


WHAT ABOUT THOSE KENYANS WHO FLED TO UGANDA?

THOSE WHO CROSSED OVER TO UGANDA ARE REFUGEES. THEY CROSSED AN INTERNATIONALLY RECOGNIZED BORDER. OTHER LAWS AND PROTECTION FRAMEWORKS APPLY TO THEM.

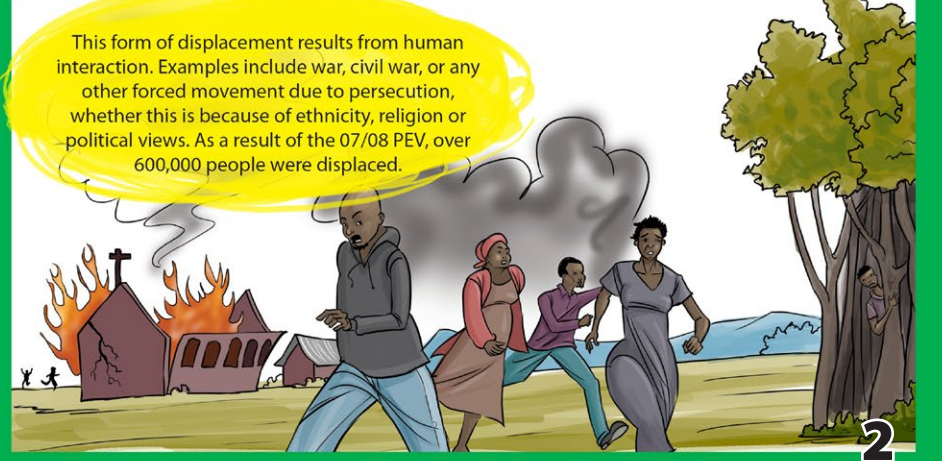
THERE ARE THREE TYPES OF DISPLACEMENTS.

1. Disaster Induced Displacement



Disasters include floods, landslides, fires and droughts. Droughts forced pastoralists to move in search of water and pasture. This often leads to tensions and violence.

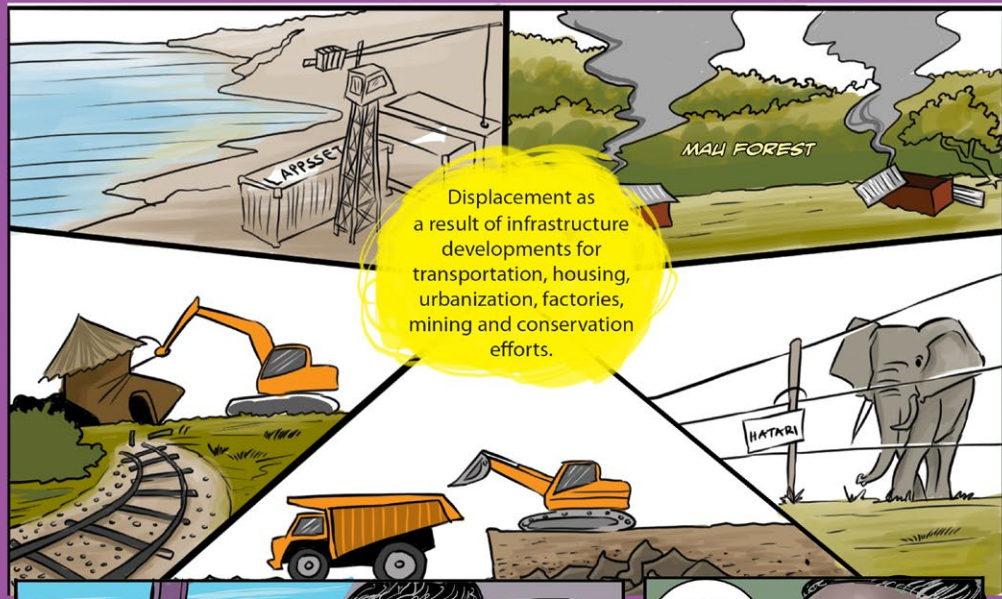
2. Conflict Induced Displacement



This form of displacement results from human interaction. Examples include war, civil war, or any other forced movement due to persecution, whether this is because of ethnicity, religion or political views. As a result of the 07/08 PEV, over 600,000 people were displaced.

2

3. Development/ Resource Induced Displacement

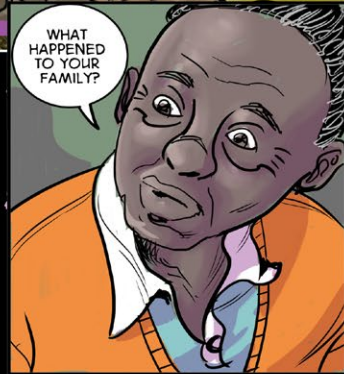


Displacement as a result of infrastructure developments for transportation, housing, urbanization, factories, mining and conservation efforts.



NOW I UNDERSTAND.

I AM A VICTIM OF CONFLICT INDUCED DISPLACEMENT.

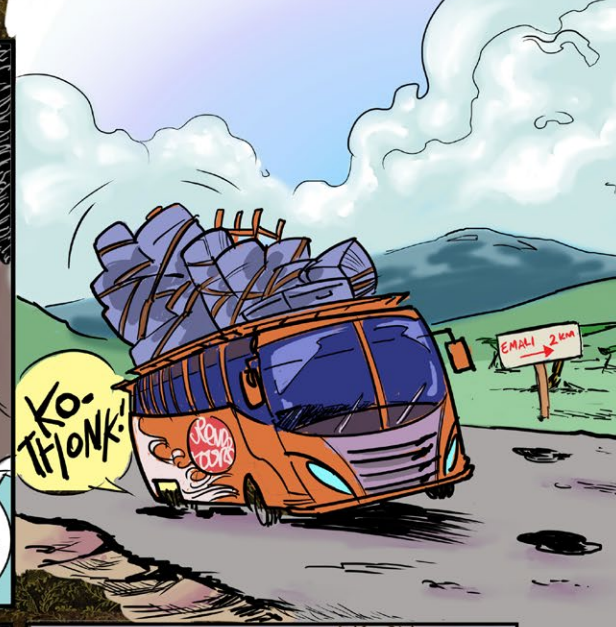


WHAT HAPPENED TO YOUR FAMILY?



I AM NOT SURE IF I WILL GO TO FORM 2 BECAUSE MY GRANDMOTHER CANNOT GET THE FEES.

I AM WORRIED MY ASPIRATION TO BECOME A DOCTOR WILL NOT BE REACHED.

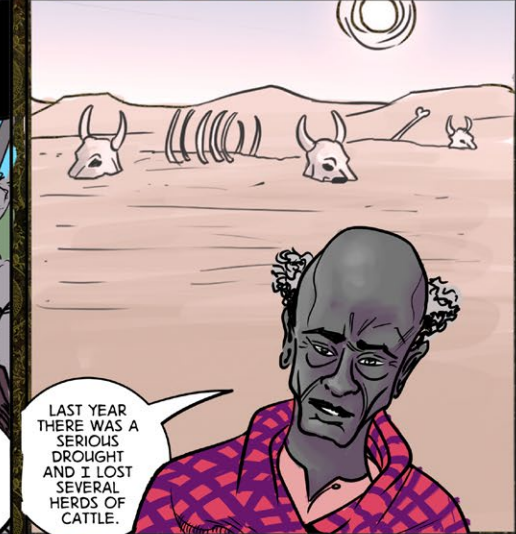


HELLO, MZEE LODYANG. HABARI GANI? HOW IS OLOITOKTOK?

MEET KADOGO.

HI, MZEE LODYANG!

GOOD AFTERNOON, PATRICIA AND KADOGO. I'VE BEEN HAVING A HARD TIME.



LAST YEAR THERE WAS A SERIOUS DROUGHT AND I LOST SEVERAL HERDS OF CATTLE.

THEY BURNT OUR HOUSE IN HURUMA.

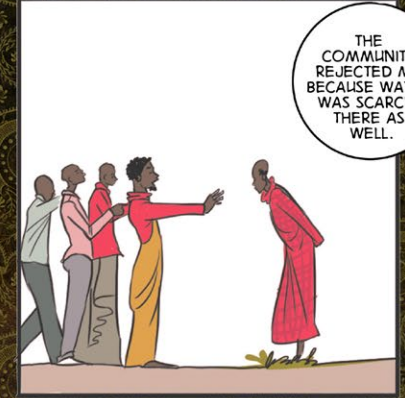
I LOST MY PARENTS AND MY SISTER DURING THE 2007/08 PEV.

I WAS LUCKY, MY GRANDMOTHER AND I STAYED AT THE SHOWGROUND IN ELDORET AND THEN WE WENT BACK TO HURUMA.

IT HAS BEEN DIFFICULT BECAUSE WE HAVE LITTLE TO SURVIVE ON - EVEN THOUGH WE GOT SOME MONEY FROM THE GOVERNMENT.



AS A RESULT, I HAD TO MOVE TO A NEIGHBOURING VILLAGE IN SEARCH OF WATER AND PASTURE.



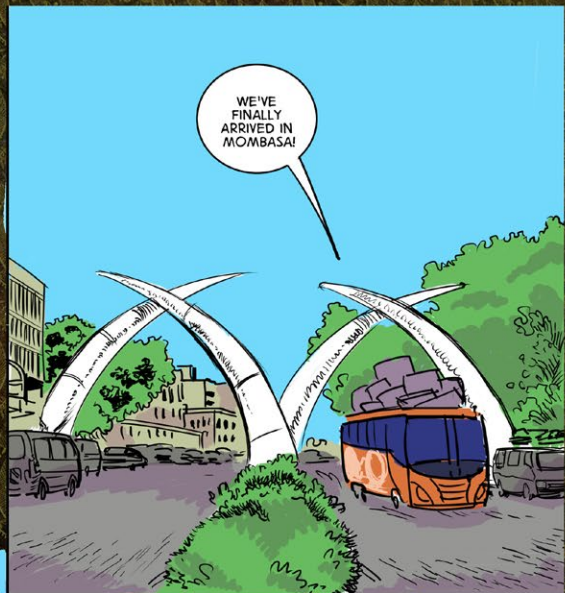
THE COMMUNITY REJECTED ME BECAUSE WATER WAS SCARCE THERE AS WELL.



SOME OF MY CATTLE ALSO GOT STOLEN BY CATTLE RUSTLERS.

AND I MISS MY FAMILY.

BUT I STILL HAVE HOPE.



WE'VE FINALLY ARRIVED IN MOMBASA!



PATRICIA!

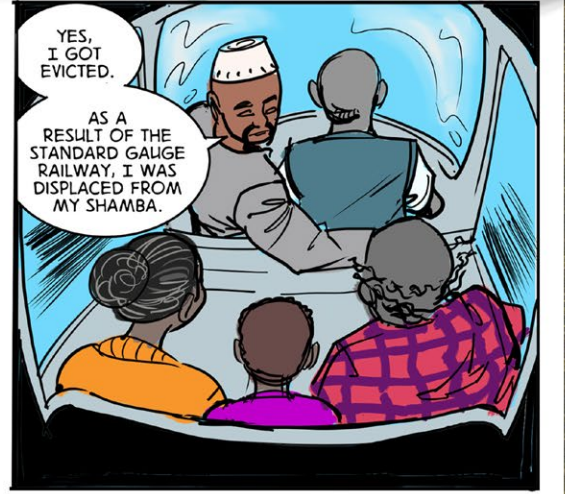
KARIBUNI SANA MOMBASA!

SWALEH! ASANTE SANA. PLEASE MEET KADOGO AND MZEE LODYANG!



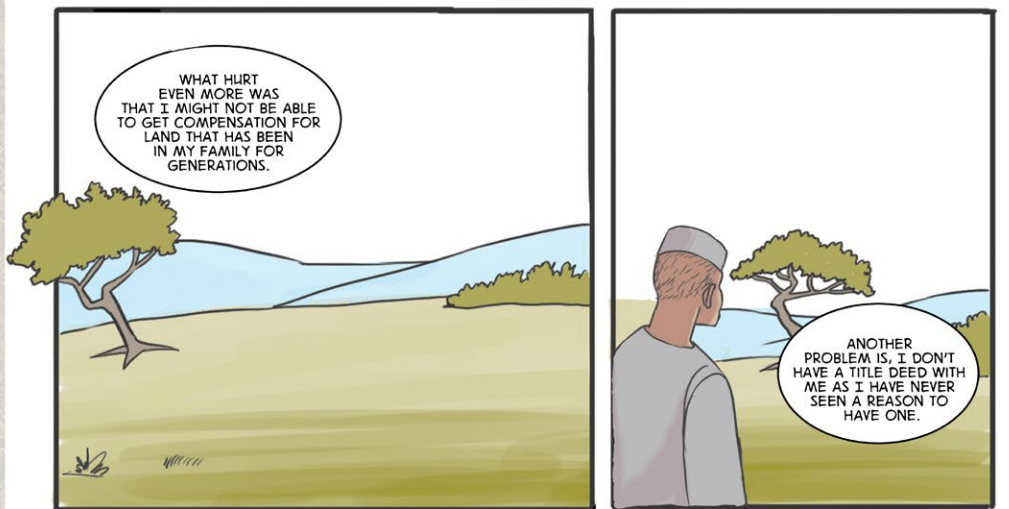
MR SWALEH, ARE YOU ALSO AN IDP?

tok tok tok tok

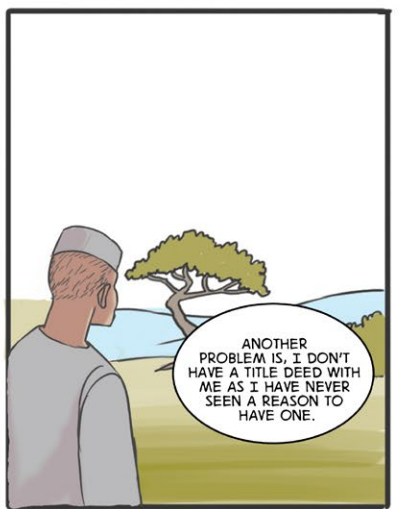


YES, I GOT EVICTED.

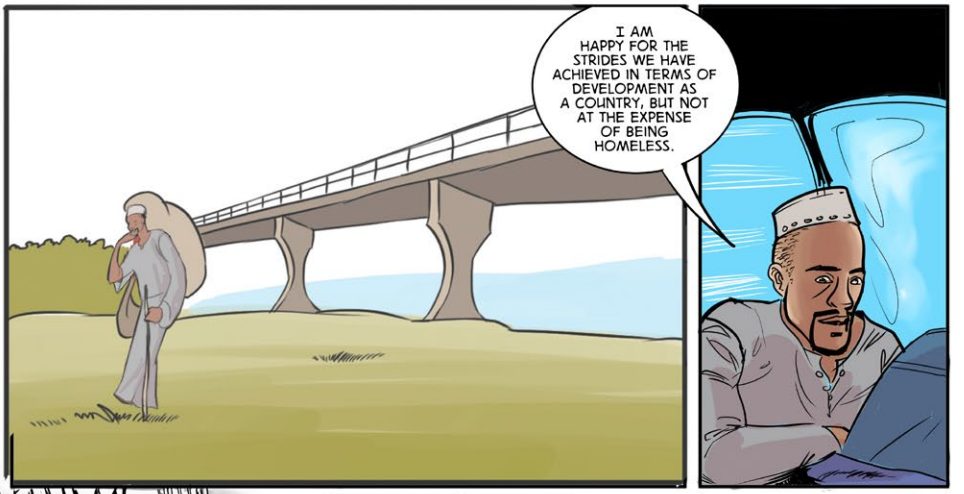
AS A RESULT OF THE STANDARD GAUGE RAILWAY, I WAS DISPLACED FROM MY SHAMBA.



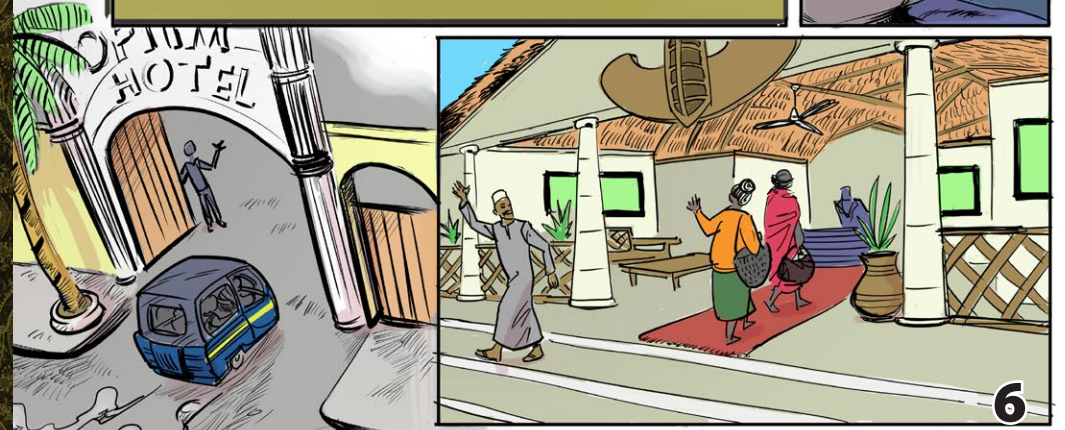
WHAT HURT EVEN MORE WAS THAT I MIGHT NOT BE ABLE TO GET COMPENSATION FOR LAND THAT HAS BEEN IN MY FAMILY FOR GENERATIONS.



ANOTHER PROBLEM IS, I DON'T HAVE A TITLE DEED WITH ME AS I HAVE NEVER SEEN A REASON TO HAVE ONE.



I AM HAPPY FOR THE STRIDES WE HAVE ACHIEVED IN TERMS OF DEVELOPMENT AS A COUNTRY, BUT NOT AT THE EXPENSE OF BEING HOMELESS.



OPINUM HOTEL

THE NEXT DAY...

PATRICIA, KADOGO, MZEE LODYANG' AND SWALEH ALL PARTICIPATE IN A WORKSHOP OF IDPs FROM ALL OVER THE COUNTRY.

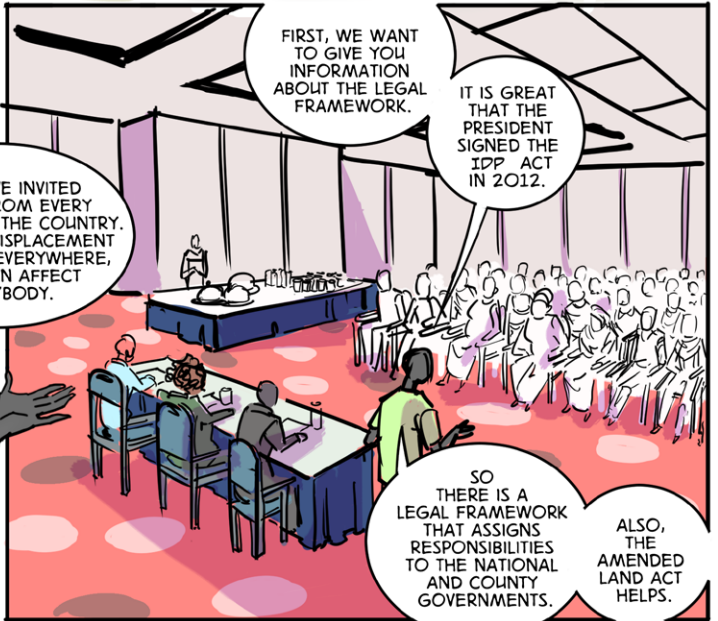
IT IS ORGANIZED BY KITUO CHA SHERIA IN COOPERATION WITH NCCC AND THE NATIONAL LAND COMMISSION (NLC).

TODAY WE'RE HERE TO TALK ABOUT PREVENTION OF DISPLACEMENT, ASSISTANCE AND PROTECTION FOR IDPs AND DURABLE SOLUTIONS.



KARIBU SANA!
KITUO CHA SHERIA IS HAPPY TO HOST THIS WORKSHOP ON INTERNAL DISPLACEMENT.

WE HAVE INVITED IDPs FROM EVERY CORNER OF THE COUNTRY. INTERNAL DISPLACEMENT HAPPENS EVERYWHERE, AND CAN AFFECT ANYBODY.



FIRST, WE WANT TO GIVE YOU INFORMATION ABOUT THE LEGAL FRAMEWORK.

IT IS GREAT THAT THE PRESIDENT SIGNED THE IDP ACT IN 2012.

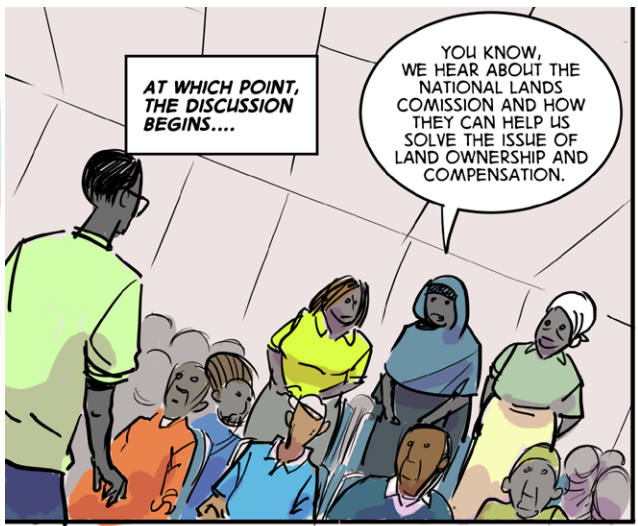
SO THERE IS A LEGAL FRAMEWORK THAT ASSIGNS RESPONSIBILITIES TO THE NATIONAL AND COUNTY GOVERNMENTS.

ALSO, THE AMENDED LAND ACT HELPS.



WE ARE GLAD TO COOPERATE WITH NCCC AND THE NATIONAL LAND COMMISSION TO HELP IDPs

I WOULD LIKE TO INTRODUCE, IN ADDITION, A REPRESENTATIVE FROM THE COUNTY GOVERNMENT OF MOMBASA.



AT WHICH POINT, THE DISCUSSION BEGINS....

YOU KNOW, WE HEAR ABOUT THE NATIONAL LANDS COMMISSION AND HOW THEY CAN HELP US SOLVE THE ISSUE OF LAND OWNERSHIP AND COMPENSATION.

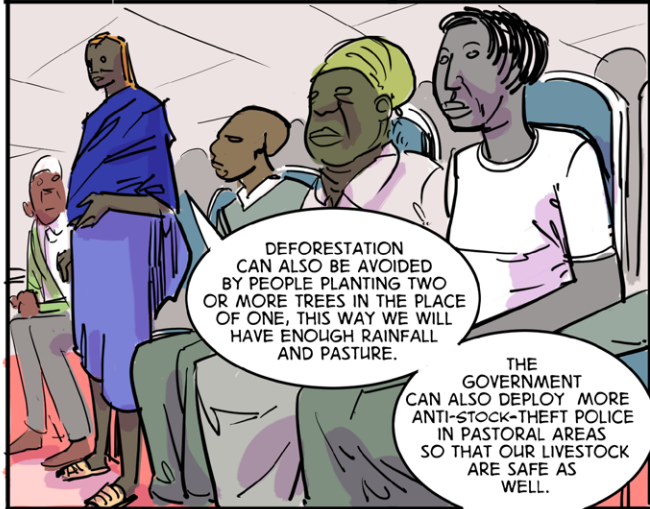


OUR PROBLEM IS WATER SCARCITY.

WE NEED MORE WELLS FOR OUR CATTLE. WE NEED THE GOVERNMENT OR DONORS TO ASSIST US.

THERE IS ANOTHER THING:

COMPETITIVE MARKETS FOR OUR ANIMALS WILL ALLOW US TO SELL AS OPPOSED TO THEM DYING.



DEFORESTATION CAN ALSO BE AVOIDED BY PEOPLE PLANTING TWO OR MORE TREES IN THE PLACE OF ONE, THIS WAY WE WILL HAVE ENOUGH RAINFALL AND PASTURE.

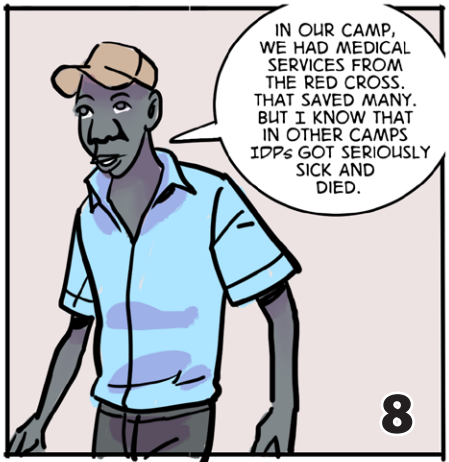
THE GOVERNMENT CAN ALSO DEPLOY MORE ANTI-STOCK-THEFT POLICE IN PASTORAL AREAS SO THAT OUR LIVESTOCK ARE SAFE AS WELL.



THE GOVERNMENT SHOULD GIVE MY NEIGHBOURS AND I AN ALTERNATIVE LAND.



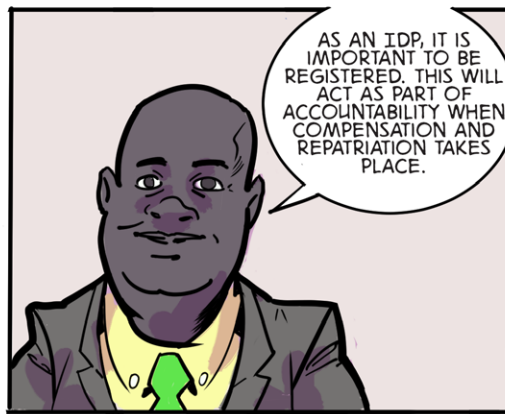
THE BIGGEST PROBLEM IS, WE DIDN'T HAVE TITLE DEEDS. THAT'S WHY THEY COULD EVICT US EASILY.



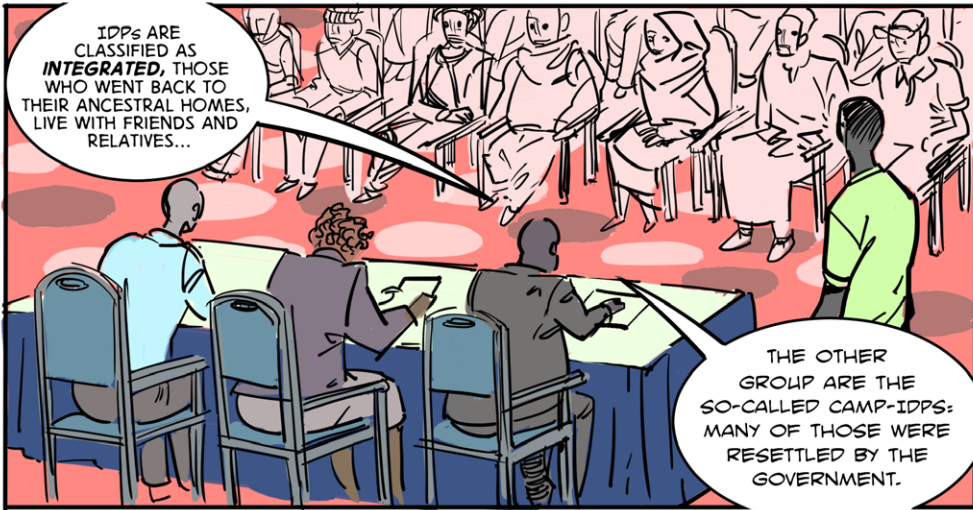
IN OUR CAMP, WE HAD MEDICAL SERVICES FROM THE RED CROSS. THAT SAVED MANY. BUT I KNOW THAT IN OTHER CAMPS IDPs GOT SERIOUSLY SICK AND DIED.



THE GOVERNMENT AND OTHER RELEVANT INSTITUTIONS SHOULD ENSURE THOSE WHO ARE DISPLACED ARE RECOGNIZED AND EQUALLY COMPENSATED.

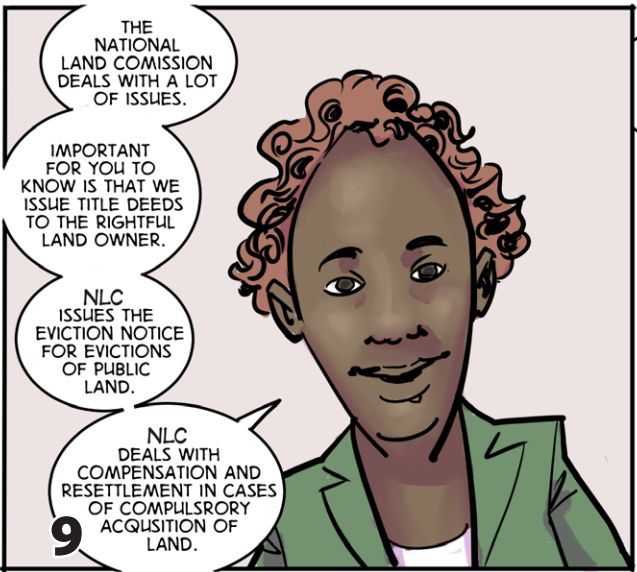


AS AN IDP, IT IS IMPORTANT TO BE REGISTERED. THIS WILL ACT AS PART OF ACCOUNTABILITY WHEN COMPENSATION AND REPATRIATION TAKES PLACE.



IDPs ARE CLASSIFIED AS **INTEGRATED**, THOSE WHO WENT BACK TO THEIR ANCESTRAL HOMES, LIVE WITH FRIENDS AND RELATIVES...

THE OTHER GROUP ARE THE SO-CALLED **CAMP-IDPs**. MANY OF THOSE WERE RESETTLED BY THE GOVERNMENT.



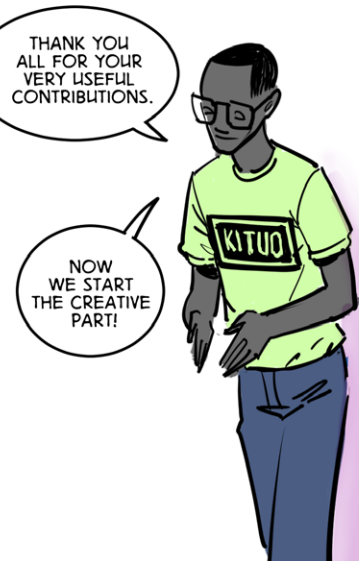
THE NATIONAL LAND COMMISSION DEALS WITH A LOT OF ISSUES.

IMPORTANT FOR YOU TO KNOW IS THAT WE ISSUE TITLE DEEDS TO THE RIGHTFUL LAND OWNER.

NLC ISSUES THE EVICTION NOTICE FOR EVICTIONS OF PUBLIC LAND.

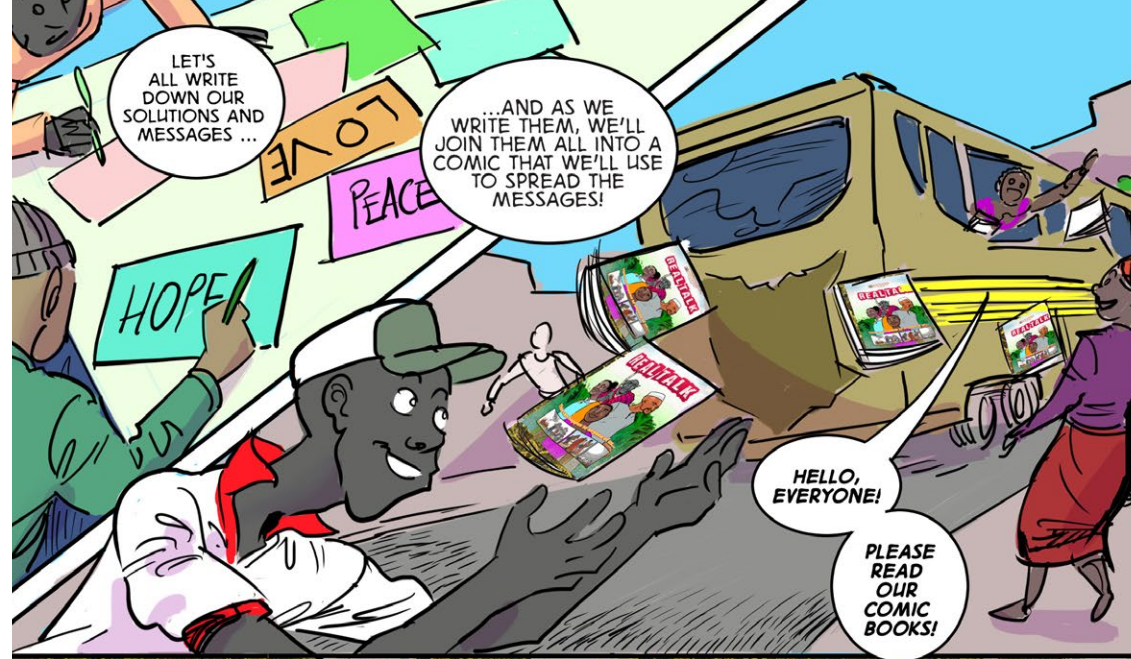
NLC DEALS WITH COMPENSATION AND RESETTLEMENT IN CASES OF COMPULSORY ACQUISITION OF LAND.

9



THANK YOU ALL FOR YOUR VERY USEFUL CONTRIBUTIONS.

NOW WE START THE CREATIVE PART!



LET'S ALL WRITE DOWN OUR SOLUTIONS AND MESSAGES ...

...AND AS WE WRITE THEM, WE'LL JOIN THEM ALL INTO A COMIC THAT WE'LL USE TO SPREAD THE MESSAGES!

HOPE

PEACE

HELLO, EVERYONE!

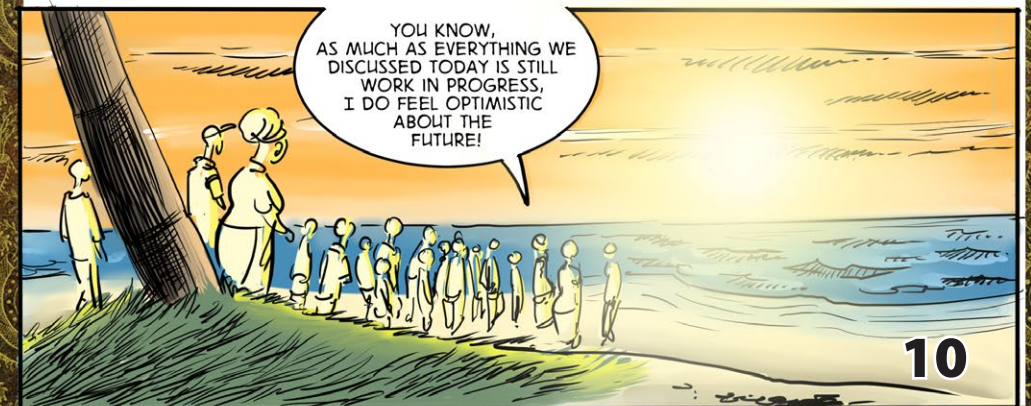
PLEASE READ OUR COMIC BOOKS!



WHAT A FRUITFUL AND EXHAUSTING DAY OF WORK THAT WAS!

yaayw!!!

NOW WE CAN UNWIND!



YOU KNOW, AS MUCH AS EVERYTHING WE DISCUSSED TODAY IS STILL WORK IN PROGRESS, I DO FEEL OPTIMISTIC ABOUT THE FUTURE!

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IDP RIGHTS

Relevant law: Constitution of Kenya, Land Acts and the IDP Act.

Content of the IDP Act: Prevention of displacement; protection during displacement; humanitarian assistance; and return, resettlement and reintegration of the internally displaced persons.

Who is in charge: National government through the National Consultative and Coordination Committee (NCCC) and county governments.

Examples for national government obligations: Protecting people from arbitrary displacement; need based assistance; ensuring equality and consultation with IDPs; designating resettlement areas; ensuring provision of social and health services to IDPs and ensuring order and security.

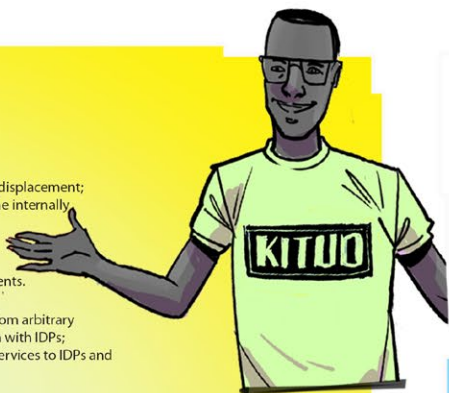
Examples for county government obligations: Sensitization of public and assistance to IDPs in the area.

NCCC's functions include: Creating a data base of IDPs and registration; oversee management and the use of the National Humanitarian Fund.

Development projects induced displacement should be abstained unless authorized and lawful, unless there are compelling and overriding public interests and there are no feasible alternatives than to displace.

Procedure for development projects induced displacement must include: The free and informed consent of persons affected; public hearings during planning; justification demonstrating unavoidability and no feasible alternatives; reasonable chances to review and challenge decision to displace; availability of remedy; independent monitoring, and government official's presence during displacement and relocation.

Offences attracting a punishment of 5 million Kenyan Shilling or/and imprisonment for 10 years. Punishable acts include causing, aiding or abetting unlawful internal displacement, impeding access and work of humanitarian personnel; obstructing assistance; giving false information (fake IDPs).



COMPULSORY ACQUISITION

The government may acquire land for public purposes, including for development or utilization:

1. National Land Commission (NLC) receives a request from the institution that wants the land (acquiring body),
2. Acquiring bod provides NLC with details of the land(s) for consideration,
3. If the request is certified in writing, NLC publishes the intention to acquire in a gazette notice and delivers copies to interested parties,
4. The land's suitability for the public purpose is ascertained, through the authority of NLC, and consent of or notice to the occupier,
5. NLC sets a date of inquiry, notifies interested parties, receives claims of compensation before date of inquiry and hear the claims,
6. NLC prepares written and separate award of compensation and serves the offer of compensation to every person NLC has determined to have an interest in the land,
7. If the award is accepted, NLC pays promptly,
8. If award is not accepted, the amount of compensation is put in a special compensation account held by NLC were it earns interest till time of payment,
9. Land may be given instead of receiving compensation award upon agreeing with NLC,
10. NLC takes possession of the land after payment of the amount of the first offer and after notifying interested person(s).

Valuation for compensation includes;

1. Market value of the land and improvements,
 2. Damage sustained or likely to be sustained,
 3. Expenses incurred due to change of residence or business,
 4. Expenses incurred due to decreased or loss of business,
 5. 15% statutory disturbance allowance,
- Other expenses incurred, including professional fees, due to acquisition.



KITUO CHA SHERIA
LEGAL ADVICE CENTRE
we care for justice

NOW YOU KNOW

Displacement can happen to anyone of us

EVICTIION PROCEDURES

The eviction procedures under sec. 152A-I of the (amended) Land Act read as follows:

152 B - An unlawful occupant of private, community or public land shall be evicted in accordance with this Act.

Eviction -Notice: No matter if evictions from public land (sec 152C notice by National Land Commission) or unregistered community land (152 D notice by County Executive Committee Member) or registered community land (sec 152 D (2) notice by person in charge) or private land (sec 152 E notice by the owner), all affected persons have to be notified in advance in one or the other way: in writing and/or by notice in the Gazette and in one newspaper with nationwide circulation and by radio announcement, in a local language, where appropriate, at least three months before the eviction (pls see for particulars of notification also the respective section in the Land Act).

Rule of Law: Any person or persons served with a notice in terms of sections 152C, 152D and 152E may apply to Court for relief against the notice (152F - (1)). The Court may order for compensation.

All evictions shall be carried out in strict accordance with the following procedures-

- (a) be preceded by the proper identification of those taking part in the eviction or demolitions;
- (b) be preceded by the presentation of the formal authorizations for the action;
- (c) where groups of people are involved, government officials or their representatives to be present during an eviction;
- (d) be carried out in a manner that respects the dignity, right to life and security of those affected;
- (e) include special measures to ensure effective protection to groups and people who are vulnerable such as women, children, the elderly, and persons with disabilities;
- (f) include special measures to ensure that there is no arbitrary deprivation of property or possessions as a result of the eviction;
- (g) include mechanisms to protect property and possessions left behind involuntarily from destruction;
- (h) respect the principles of necessity and proportionality during the use of force; and
- (i) give the affected persons the first priority to demolish and salvage their property.

FREE BASIC EDUCATION

Every person has the right to education -
Article 43 (1) (f) of the Constitution.

Every child has the right to free and compulsory basic education - Article 53 (1) (b) of the Constitution. The Basic Education Act explicitly prohibits tuition and admission fees in public schools (section 29 and 32).

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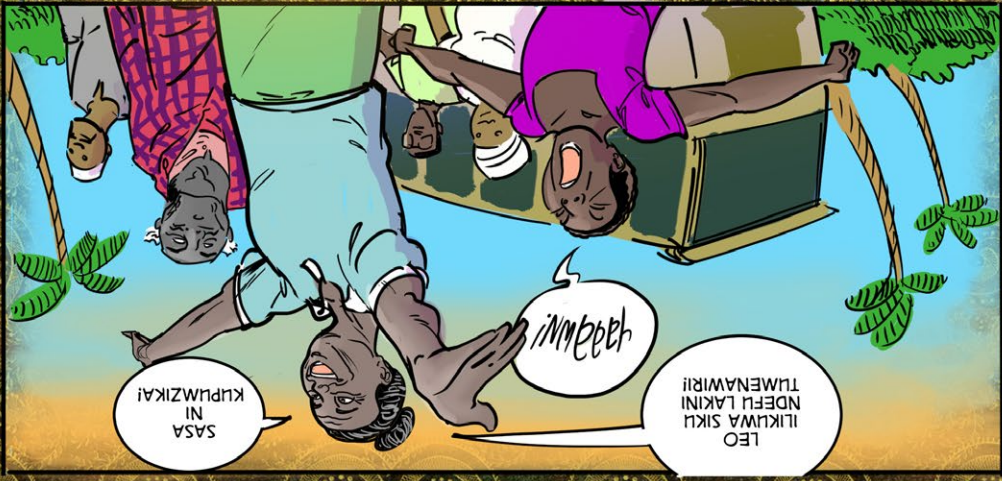
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joebarasa@gmail.com



BAADA YA YOTE TULIOAZUNGUMZIA LEO, NINA MATUMAINI UUU YA WAKATI UJAO.



hahaha

LEO ILIKUWA SIKU TUMENAWIRI!

SASA NI KUPUMWZIKAI!



SOMENI KITABU CHETU!

TWENDENI BAHARINI!

...WISHOWE TUTAZUNGUMSHA TUNGENEZE COMIC BOOK YA KUENZA UJUMBE!

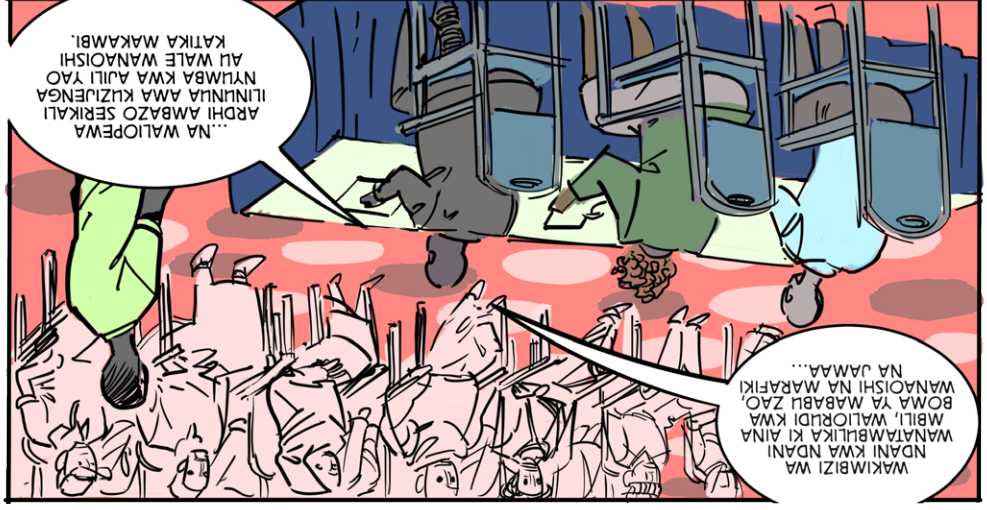
ANDIKENI UJUMBUZI NA UJUMBE...



KAMA AKIMBIZI WA NDANI KWA NDANI NI MHIWU KUANDIKISHWA NI KWASABU MALEZO HAYA YATATUMIKA KWA LWAJIBIKAJI WAKATI WAPORUJESHA MAKWAO, AU WAKATI WA KUPANA FIDA.



TAASISI ZENGINE ZINAHUSIKA ZINAPASWA AMBAO WAMEPITA LHAMISHAJI WAMETAMBULIKA NA KUPIDWA.



...NA WALIOPWA ARDHI AMBAZO SERIKALI LINUNUA AMA KUZIENGA NYUMBA AMA AJILI YAO AU WALE WANAOSHI KATIKA WAKAMBI.

WAKIMBIZI WA NDANI KWA NDANI WANATAMBULIKA KI AINA MBILI, WALIORUHI KWA BOMA YA WABABU ZAO. WANAOSHI NA MARAFIKI NA JAMA...



NAWASHUKURU NYOTE KWA MICHANGO MLIZOTOA.

SASA NI WAKATI WA UBNINFI!



TUME YA KITAFI YA ARDHI INASHUHULIKA MAMBO TOFAUTI.

LA MHIWU KVENU KUJUA NI KWAMBA SISI HUITO HATI MLIKI KWA WA ARDHI.

TUME YA KITAFI YA ARDHI INAPANA ILANI ZA KUFUJWA KWA ARDHI YA UMWA.

TUME YA KITAFI YA ARDHI INAKABILIANA NA FIDA NA KESI ZA WAKILAZIMA.



8

KATIKA KAMBI
YETU, TULIKUWA NA
HUDUMA ZA MATIBABU
KUTOKA MSALABA
MWEKUNDI. HII
LIWEZA KUOKOA WENGI.
ZINGINE ZINA WAKIMBIZI
WA NDANI KWA NDANI
WALIOGOMBEKA NA
WENGINE WALIFARIKI!



TATZO
KUBWA NI,
HATUKUWA NA HATI
MILIKI. NDIO
MAANA WAIWEZA
KUTIFUKUZA KWA
URAHISI.



SERIKALI
INAPASWA KUTOEA
MIMI NA MAURANI
MBADALA.



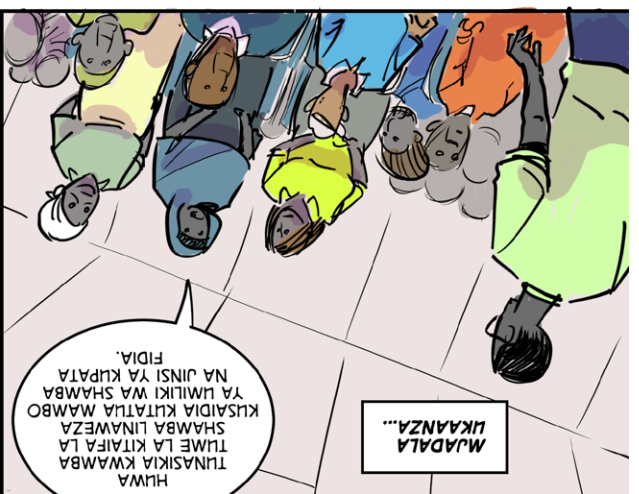
UKATAJI MITI PIA
INAWAZA KUEPKWA WATU
WAKIPANDA MITI MBILI AU
ZAIKI BADALA YA MOJA,
KWA NJIA HII TUTUKUWA
NA MWA YA KUTOSHA
NA MALISHO.

SERIKALI
INWEZA PIA
KUPELEKA POLISI ZAIKI
ILIKUPAMBANA NA WIZI
WA MIFUGO YETU NA
KULINDA MAENDELEO
YACHUNG'AJI.



TATZO
LETU NI
UHABA WA
MAJI.
TUNAHITAJI
VISIMA ZAIKI ILI
WANYAMA WETU WAPATE
MAJI. TUNAHITAJI
USAIKIZI KUTOKA KWA
SERIKALI AU WAFADHILI
ILIKUSAIDIKE.

TUNGEPATA
MASOCO AJILI YA
KUNZAZIA WANYAMA
TUNGEZIZUA KINYUME
NA WAOKUPA.



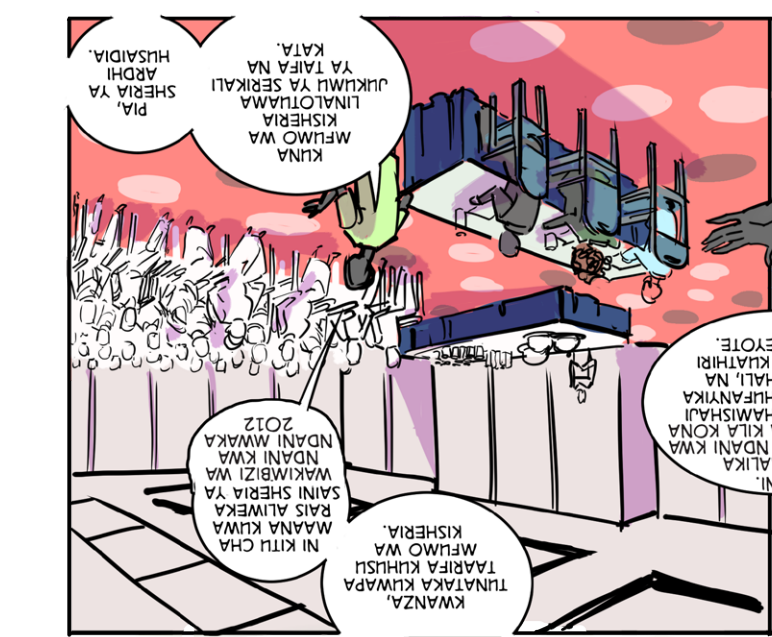
HUWA
TUNASIKIA KWAMBA
TUME LA KITAFI LA
SHAMBA LINAWAZA
KUSADIA KUTITUA MAMBO
YA MLIKIKI WA SHAMBA
NA JINZI YA KUPATA
FIDA.

**UWAANDA...
MADALA**



NINGEPENDA
KUMKARIBISHA MWAKILISHI
KUTOKA SERIKALI
YA JIMBO LA
MOMBASA.

TUNAFURAHIA
KUSHIRIKIANA NA
NCCC NA TUME YA
TAIFA YA ARDHI ILI
KUSADIA WAKIMBIZI
WA NDANI.



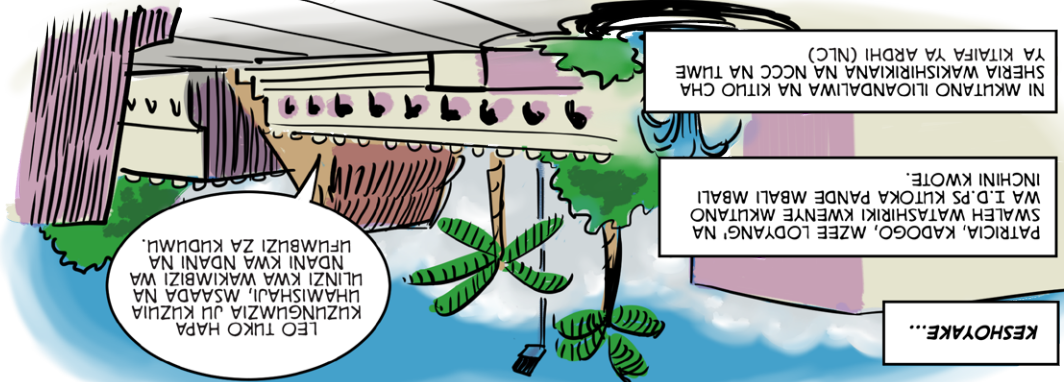
KUNA
MFIUMO WA
KISHERIA
LINALOTUMAMA
JUKUMU YA SERIKALI
YA TAIFA NA
HUSADIA.

PIA,
SHERIA YA
ARDHI

NI KITU CHA
MAANA KUWA
RAIS ALIWEKA
WAKIMBIZI WA
NDANI KWA
NDANI MWAKA
2012

KWANZA,
TUNATAKA KUWAPA
TARIFA KIHUSU
MFIUMO WA
KISHERIA.

NDANIKWA NDANI,
TUMEWALIKA
WAKIMBIZI WA
SHERIA HII KIHUSU
KAMA KITUO CHA
FURAHIA YETU
KARIBI
SHERIA KUWANDALIA
SHERIA KUWANDALIA
WA NDANI HUFANYIKA
YA NCHI, UHAMISHAJI
WAKIMBIZI WA NDANI KWA
NDANI KUTOKA KILA KONA
KILA MAHALI, NA
INAWAZA KUATHIRI
MITU YEYOTE.



LEO TUKO HAPA
KUZUNGUWAZIA JU KUZUNJA
ILINZI KWA WAKIMBIZI WA
UHAMISHAJI, MSADDA NA
NDANI KWA NDANI NA
MFIUMBUZI ZA KUDUMI.

KESHONYAKE...

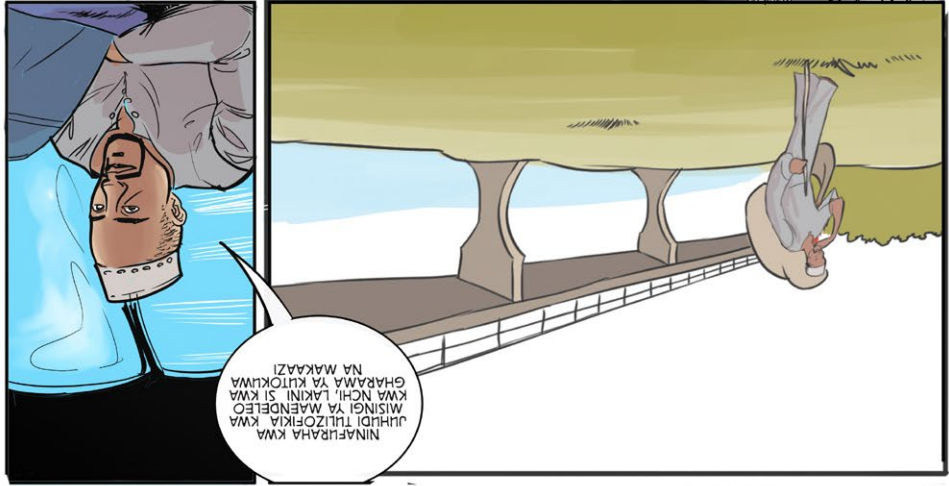
PATRICIA, KADOGO, MZEE LODYANG' NA
SWALEH WATASHIRIKI KWENYE UKITANO
WA I.D.P.S KUTOKA PANDE MBALI MBALI
INCHINI KWOTE.

NI UKITANO LILIOANDALIWA NA KITUO CHA
SHERIA WAKISHIRIKIANA NA NCCC NA TUME
YA KITAFI YA ARDHI (NLCC)



7

KARIBI
SHERIA KUWANDALIA
SHERIA KUWANDALIA
KAMA KITUO CHA
FURAHIA YETU
KARIBI
SHERIA KUWANDALIA
SHERIA KUWANDALIA
WA NDANI HUFANYIKA
YA NCHI, UHAMISHAJI
WAKIMBIZI WA NDANI KWA
NDANI KUTOKA KILA KONA
KILA MAHALI, NA
INAWAZA KUATHIRI
MITU YEYOTE.

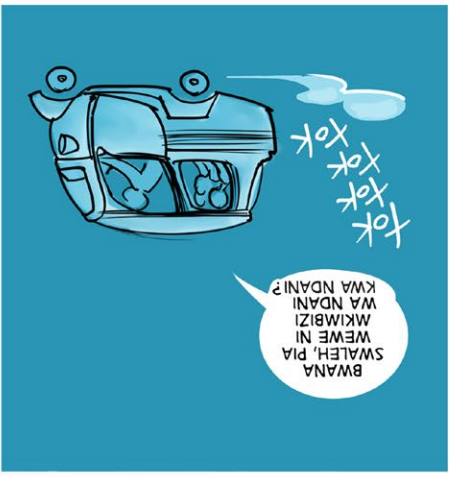
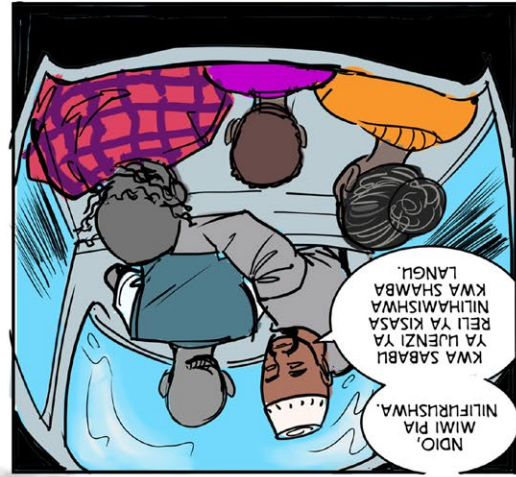
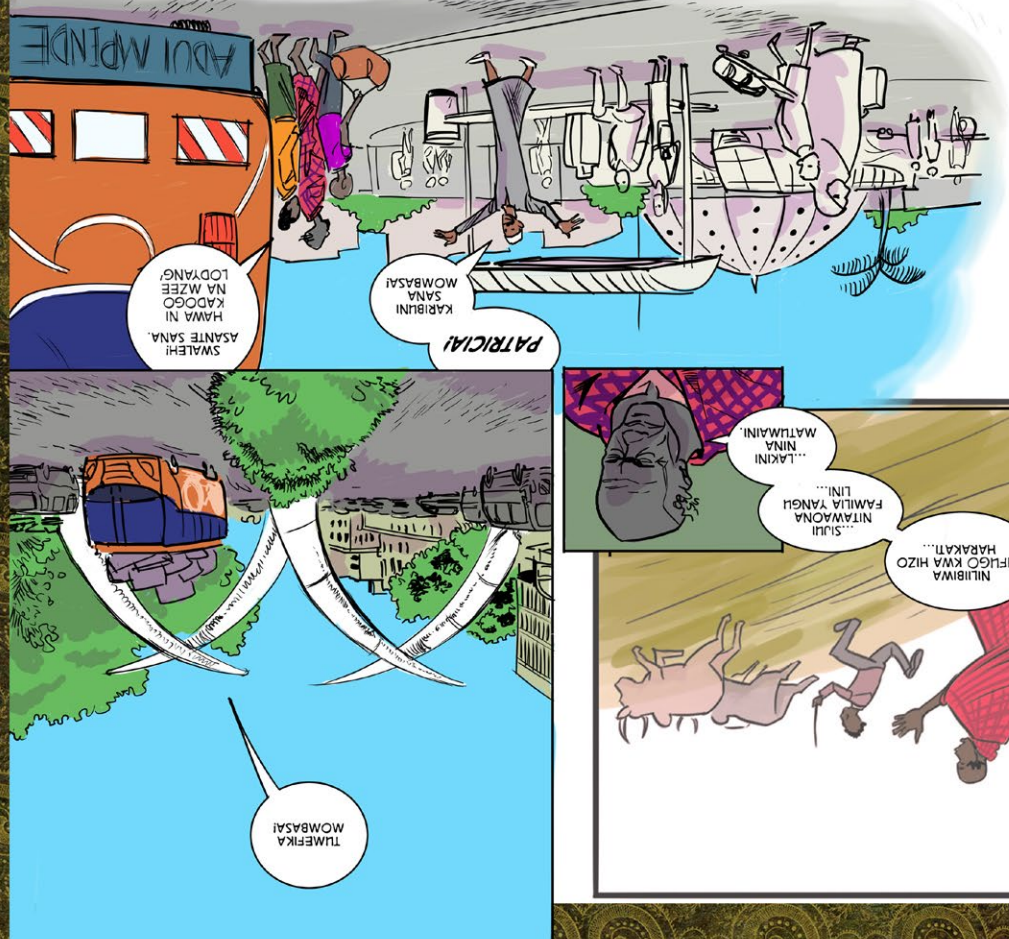


NINAFURAHA KWA
JUHUDI TUJIZOFIKA KWA
MISINGI YA MAENDELEO
KWA NCHI, LAKINI SI KWA
GHARAMA YA KITOKUWA
NA MAKAZI

TATIZO LINGINE
NI KWAMBA SINJA CHETTI
SABABU SIJAWAI ONA
MAANA YA KUA NA
MOJA.

KINACHONHIZUNISHA
NI KWAMBA NAMEZA KOSA
FIJIA, INGAWA SHAMBA
HILO LIMEKUWA KATIKA
KIZAZI CHANGU KWA MIKA
KADHAA

CHOLEWA
HOTEL



SWALEHI
ASANTE SANA,
KADODO
NA MZEE
LODYANG'

PATRICIA!
KABIBINI
SANA
MOMBASAI

TUMEFIKA
MOMBASAI

NIJIBWA
MIFIGO KWA HIZO
HARAKATI...
SIJUI
NITAJAOMA
FAMILIA YANGU
LINI...
LAKINI
NINA
MATUWAINI.

tok
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BWANA
SWALEHI, PIA
MWENZI NI
MKIMBIZI
WA NDANI?
KWA NDANI?



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giz

Deutsche Gesellschaft
für Internationale
Zusammenarbeit (GIZ) GmbH

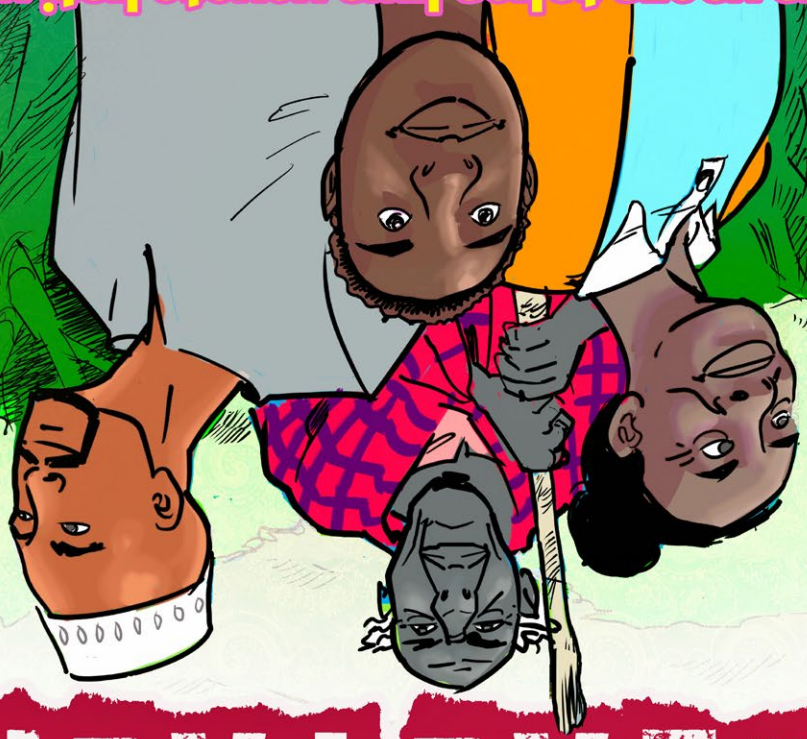
zfd

Ziviler Friedensdienst
Civil Peace Service

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Haya yaeza tokea kwa yeyote kati yetu



REAL TALK



KITUO CHA SHERIA
LEGAL ADVICE CENTRE
we care for justice