

**PROTECTION OF VICTIMS OF VIOLENT CRIME WITHIN THE CRIMINAL  
JUSTICE SYSTEM: A STUDY.**

**A THESIS SUBMITTED IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR  
THE AWARD OF MASTER OF LAWS DEGREE AT THE UNIVERSITY OF NAIROBI.**

**BY**

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**NAIROBI**

**OCTOBER 2009**

## DECLARATION

This thesis is my original idea and has not been submitted or presented to this or any other University for registration for the award of a Master of Laws degree.

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*Mary Wambui Njogu*

DATE *23<sup>rd</sup> October 2009*

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(G62/70967/2007)

This thesis has been submitted to the School of Law, University of Nairobi with my approval as the University supervisor.

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*October 23, 2009*

DATE

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## ACKNOWLEDGMENTS

### Special thanks to:

**God Almighty:** Your mercies have been new every morning

**Oketch Owiti**, my supervisor, and the late **Prof Okoth Ogendo**, my reader thank you for your guidance.

**Mumbi**, my sister and **Nyokabi** my daughter, thank you for being instrumental in shaping this thesis

**Nyambugi**, my mother, thank you for your prayers

**Mbaire**, my sister, thank you for your constant encouragement

**Anne Wachira**, thank you for your patience in typing this thesis

**Emily Kamau**, thank you for your support

**Njenga**, my son, thank you for urging me on

**Joy, Shiro, Ngugi and Kevin:** Thank you for your moral support.

## **DEDICATION**

This work is dedicated to my children

**Nyokabi and Njenga**



## LIST OF ABBREVIATIONS

ACHPR	-	African Charter on Human and People's Rights
ACRWC	-	African Charter on the Rights and Welfare of the Child
AG	-	Attorney General
AIDS	-	Acquired Immune Deficiency Syndrome
CEDAW	-	Convention on the Elimination of all Forms of Discrimination against Women
CIPEV	-	Commission of Inquiry into Post Election Violence
COVAW	-	Coalition on Violence Against Women
CRC	-	Convention on the Rights of the Child
CRCVC	-	Canadian Resource Centre for Victims of crime
FIDH	-	International Federation for Human Rights
GBVRC	-	Gender Based Violence Recovery Centre
GVRC	-	Gender Violence Recovery Centre
IACHR	-	Inter-American Commission on Human Rights
ICAT	-	International Convention against Torture and other Cruel, Inhuman and Degrading Treatment
ICC	-	International Criminal Court
ICCPR	-	International Covenant on Civil and Political Rights
ICESCR	-	International Covenant on Economic, Social and Cultural Rights

ICJ-K	-	International Commission of Jurists – Kenya
ICTR	-	International Criminal Tribunal for Rwanda
ICTY	-	International Criminal Tribunal for the former Yugoslavia
IED	-	Institute for Education in Democracy
KHRC	-	Kenya Human Rights Commission
KNCHR	-	Kenya National Commission on Human Rights
KNH	-	Kenyatta National Hospital
KPPP	-	Kenya Prisons Paralegal Project
KPS	-	Kenya Prison Service
LAHI	-	Law and Health Initiative
LRF	-	Legal Resource Foundation Trust
NGO	-	Non Governmental Organization
OVC	-	Office for Victims of Crime
UDHR	-	Universal Declaration of Human Rights
UN	-	United Nations
US	-	United States
VOCA	-	Victims of Crime Act
VWS	-	Victim and Witness Section
WG	-	Working Group
WPP	-	Witness Protection Programme



## LIST OF CASES

1. *Clifford Derrick Otieno versus H. E. Mrs. Lucy Muthoni Kibaki* Chief Magistrate's Misc. Criminal Application No. 5 of 2005. (unreported).
2. *Elirama and Another versus Republic* (2003 KLR) 537.
3. *Fuad Dumila Muhamed versus Republic*, Court of Appeal Criminal Appeal No. 210 of 2003(unreported).
4. *George Ngodhe Juma, and 2 others versus the Attorney General*, High Court Misc. Criminal Application No. 345 of 2001(unreported).
5. *Gouriet v Union of Post Office Workers* [1978] AC 435, 477.
6. *Gulec v. Turkey*, 28 *Eur. H.R. Rep.* 121 (1998); *Kurt v. Turkey*, 27 *Eur. H. R Rep.* 373 (1998), *Aksoy v. Turkey*, 23 *Eur. H.R. Rep.* 553 (1996).
7. *Mukungu versus Republic* (2002) 2 E.A 482.
8. *Myers v Daley* 521 *ne 2d* 98 (1987).
9. *Republic versus Maine* (1970) E. A. 370.

10. *Republic versus Sandstrom* (1980) (unreported).
11. *Republic versus Thomas Patrick Gilbert Cholmondeley* High Court Criminal Case No.55 of 2006 (Pending before court).
12. *Richard Kimani versus Nathan Kahara*, High Court Criminal (Revision) No. 11 of 1983. (unreported).
13. *Thomas Patrick Gilbert Cholmondeley versus Republic*, Court of Appeal Criminal Appeal Number 116 of 2007 (unreported).
14. *Washington versus Devin* <http://www.co.washington.pa.us/generalpage>.

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1. Statute Law (Miscellaneous Amendment Act) (No. 5 of 2003.)
2. The Constitution of Kenya.
3. The Criminal Procedure Code (Chapter 75 Laws of Kenya.)
4. The Evidence Act (Chapter 80 Laws of Kenya.)
5. The Penal Code (Chapter 63 Laws of Kenya.)
6. The Sexual Offences (Act No. 6 of 2006.)
7. The Witness Protection Act (No. 16 of 2006.)