



20TH SEPTEMBER 2024 | ISSUE 30

THE LEGAL INSIGHT

The Official LSK Weekly Newsletter

LSK CONFIRMS RELEASE OF THE KITENGELA THREE

The Law Society of Kenya President Faith Odhiambo has confirmed the release of three individuals namely; Bob Micheni Njagi, Jamil Longton and Aslam Longton who were abducted in Kitengela, Kajiado County on 19th day of August 2024.

The president on her X platform indicated as follows: At around 1 am Bob Njagi managed find his way to Tigoni police station and for assistance. He is alive and well. The message from Bob and family, 'To family, friends and every Kenyan that has continued to pray for me, I wish to confirm that I am well and with my family. It is now time to quiet the noise, be grateful for life and for everyone to reflect on why Kenya matters.

...I am informed that Jamil Longton and his brother Aslam were dumped at Gachie border of Kiambu and Nairobi by their captors. Every prayer and intervention made a difference. We thank God that they are safe!

The same was accompanied with a video and photo.

The LSK and 4 others had filed a petition No. E436 of 2024 against the IGP and 5 others which is pending before court.



FEATURED

News Segment

Notices

Upcoming Events



STATEMENT ON THE WITHDRAWAL OF THE SECURITY DETAIL OF HON. MR. JUSTICE LAWRENCE MUGAMBI



The LSK Vice President Mwaura Kabata during the Press Briefing

The Law Society of Kenya (LSK) stands at the forefront of upholding the principles of justice, accountability, and the rule of law within our nation. With a deep commitment to safeguarding the rights and welfare of all Kenyans, it is our solemn duty to address the disturbing developments surrounding Hon. Mr. Justice Lawrence Mugambi, a sitting Judge of the High Court, whose security detail was recently withdrawn following his issuance of a habeas corpus order in the case of Law Society of Kenya & 3 Others v. Inspector General of Police & 4

4 Others, Petition No. E436 of 2024, which culminated in contempt of court proceedings, where the Acting Inspector General was subsequently found in contempt and sentenced on the 13th September, 2024.

This action by the National Police Service constitutes an egregious violation of the rule of law and the principle of judicial independence as enshrined in our Constitution. The LSK strongly condemns this retaliatory measure, which undermines not only the authority of the Judiciary but also the constitutional protections granted to all Kenyans.

Article 160 of the Constitution of Kenya guarantees judicial independence, stating that in the exercise of judicial authority, the Judiciary shall be subject only to the Constitution and the law, and shall not be subject to the control or direction of any person or authority. The withdrawal of security for a Judge, especially in response to their lawful execution of judicial duties, is a direct violation of this constitutional provision. Judicial officers must be free to make decisions based on the law, without fear of coercion, intimidation, or interference. Any act that seeks to influence judicial outcomes through intimidation poses a grave threat to the administration of justice.

The National Police Service, as a key state actor, has a constitutional obligation under Article 244 to comply with the law and the decisions of the courts. The continued defiance of the habeas corpus order by failing to produce the individuals named in the case and the contempt of court proceedings that followed reflect a dangerous trend of law enforcement disregarding judicial orders. This is not only unlawful but also sets a dangerous precedent for impunity, where state institutions operate without accountability.

It is important to stress that any party dissatisfied with a court ruling should pursue redress through the appellate jurisdiction, rather than resorting to punitive or retaliatory actions against the Judiciary. Article 165 of the Constitution outlines the procedure for appealing to higher courts, and any grievances with a judicial decision must be addressed within this framework.



CONTD...

The intimidation of a Judge has far-reaching implications beyond the individual involved. It poses a significant risk to the administration of justice, as it suggests that judicial decisions can be influenced by external pressures rather than by the law. The erosion of judicial independence undermines the foundation of our constitutional democracy, where rights are safeguarded by an impartial and independent judiciary.

The Law Society of Kenya calls upon the National Police Service and all relevant state actors to immediately reinstate the security detail of Hon. Mr. Justice Lawrence Mugambi. We also urge them to comply with the orders of the court, including the habeas corpus directive, as failure to do so is not only contemptuous but also indicative of a disregard for constitutional principles.

Further, we call on the Executive and all arms of government to respect the principle of separation of powers and to uphold the rule of law. Judicial independence is not merely a privilege for the Judiciary but a cornerstone of justice for all Kenyans.

The LSK assures all Kenyans that it remains committed to defending judicial independence, the rule of law, and constitutionalism. We will continue to advocate for the protection of human rights and the integrity of our democratic institutions.

UPDATE ON MASQUERADER BRIAN MWENDA CASE

18th September, 2024

LSK NEWS
ALERT

MASQUERADER BRIAN MWENDA CASE
CASE REFERENCE: MAKADARA CMCC E7954/2023 R
REPUBLIC VS BRIAN MWENDA


“The defence has sought an adjournment and the same has been granted, they have equally brought to light that they have filed a stay application because they intend on appealing against the ruling on the application on consolidation.

The court has set the hearing on 27th February 2025 and has given a mention on 2nd October 2024”



COUNCIL DECISIONS TAKEN ON 9TH SEPTEMBER 2024

The Council Decisions on applications taken on 9th September 2024 for admission to the Roll of Advocates, Practicing Certificates, Notary Public and Commissioner for Oaths and Admission petitions can be accessed on the link: https://drive.google.com/drive/folders/1M0IS-1F2bLLchevKW6NT_FdaqfrcU0sq?usp=sharing



LAW SOCIETY OF KENYA

Lavington, Opp. Valley Arcade
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EXTENSION OF DEADLINE-WAIVER ON BACKFEES FOR PRACTICING CERTIFICATE APPLICATIONS

In a bid to encourage members who have ceased to hold a practicing certificate for a period of twelve months or more, renew their practice, the Council of the Law Society of Kenya in its meeting held on 9th September, 2024, resolved to extend the deadline for waiver for payment of backfees for Advocates applying for Practicing Certificates under Section 25(1) (a) of the Advocates Act. The deadline has now been **extended to 30th November 2024.**


In addition, the Council also resolved to extend the waiver to members with outstanding invoices for back fees, subject to taking out 2024 PC. Please note that such applications will be considered on a case-to-case basis.

N/B: Kindly note that the waiver does not extend to the Advocates Benevolent Association (ABA) Back Fees and Continuing Professional Development (CPD) fees, where applicable. Additionally, if an advocate applies for the waiver but does not take out their practicing certificate for the year 2024, the waiver shall cease to be applicable.

We encourage all eligible members to take advantage of the waiver through issuance of a Notice of Intention to practice under Section 25 (1) (a) of the Advocates Act.

For any inquiries or further assistance, please contact the LSK Secretariat on 0111671458 or email address pauline@lsk.or.ke

Dated 12th September 2024



FLORENCE W. MUTURI
SECRETARY/CEO

Faith Odhiambo (President), Mwaura Kabata (Vice-President)
Tom K'opere, Teresia Wavinya, Hosea Manwa, (General Membership Representatives)
Gloria Kimani, Irene Otto, Stephen Mbugua (Nairobi Representatives)
Vincent Githaiga, Lindah Kiome, Hezekiah Aseso, Zulfa Roble (Upcountry Representatives)
Elizabeth Wanjeri (Coast Representative)




LSK CPD SEMINAR

4 CPD UNITS

LAND LAW & PHYSICAL PLANNING

Emerging Areas

5TH & 6TH DECEMBER 2024

SAVE THE DATE

VENUE
**Diamonds Dream of Africa,
Malindi**

**COST: KES 8,500 (ADVOCATES OF 0-3 YEARS IN PRACTICE)
KES 12,000 (ADVOCATES OVER 3 YEARS IN PRACTICE)**

BOOKING DEADLINE: 4TH DECEMBER 2024 (11.59PM)

Contact Us
0111045300

More Information
cpd@lsk.or.ke 



PRACTICE STANDARDS BULLETIN

UNLAWFUL PRACTICE AND MASQUERADERS CASES UPDATES

The LSK through the Practice Standards Directorate has been keen on ensuring compliance with the set laws especially on matters practice by Advocates and thwarting the masqueraders menace.

16TH SEPTEMBER 2024: R. VS RICHARD OMWANGE

The Director Practice standards and program officer communication attended Magistrate Courts- Kwale Law Courts on behalf of the Society in the above quoted case as prosecution witnesses. The case was adjourned due to the accused, Richard Omwange, being indisposed. The next court date has been scheduled for 18th February 2025.

18TH SEPTEMBER 2024: R VS BRIAN MWENDA- MAKADARA CMCC- E7954 OF 2023

LSK attended Court, where two witnesses from the Secretariat testified. The matter is awaiting further Court directions. The Mention is slated for 2nd October, 2024 in light of the request from the defence to furnish the Court with the appeal application for stay of proceeding. In the meantime, a further hearing date has been set for 27th February, 2025.

18TH SEPTEMBER 2024: R VS FAITH WATHERERO, KENOL LAW COURTS

LSK represented by Council Member- Stephen Mbugua attended Court to testify in the said matter, the court proceeded with recording his testimony, we shall continue to monitor the case for the additional testimonies or court developments and prepare for the next steps in the legal process.

19TH SEPTEMBER 2024: CASE REFERENCE: R V GLADYS RABERA AYUKA - MCCR/E695 OF 2023

This is a case of a masquerader who had been reported to be masquerading in Kitengela town, purporting to offer legal services. The victims had reported the issue to the Directorate of Criminal Investigations (DCI) who requested the LSK to help with the case. The accused person was charged with obtaining by false pretense and masquerading as an advocate of the High Court of Kenya. The matter was coming up for hearing on the said date. The Directorate's representative attended and testified in the matter. The case is set for further hearing on the 7th November, 2024 where the Investigating Officer is set to testify and thereafter, the Prosecution closes its case.



ADR TRAINING



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NOTICES

INVITATION TO PARTICIPATE IN THE 21ST STANDARD CHARTERED NAIROBI MARATHON



Greetings,

We are thrilled to extend an invitation to Law Society of Kenya to participate in the 21st edition of the Standard Chartered Nairobi marathon.

Last year, we celebrated the landmark 20th edition of the marathon. We hosted over 22,000 runners including over 500 corporate teams and held satellite runs in Mombasa, Kisumu and Kakamega. The Standard Chartered Nairobi marathon also attained World Athletics accreditation. Additionally, we raised Kes. 43 million for the Futuremakers initiative.

This year, the marathon will take place on 27th October 2024 on the Southern bypass with Uhuru Gardens as the venue. This day will be a fantastic opportunity for corporates, running clubs, and respective teams to come together, promote fitness and foster a spirit of camaraderie.

Click here for information, <https://www.nairobimarathon.com/>



**LIVE WEBINAR
WEDNESDAY
25/09/2024
2:30 PM**

Legal Battles, Mental Health Scars

Clients and Advocates' Silent Struggle

Join Clarity Counseling Centre and ABA Advocates for a timely webinar addressing the mental health impacts of legal disputes on both clients and advocates. Learn from experts as they explore strategies to protect mental well-being in emotionally charged cases.



Byron Menezes
Moderator
(Chairperson ABA)



Jane Gacheru
Counseling Psychologist &
Mental Health Expert



Gladys Mwangi
Advocate of the High
Court of Kenya



Link: bit.ly/4d1YVQO (Upto 150 people only)



Live link: bit.ly/4d3rY6F

NO CPD POINTS

Legal professionals dedicate a lot of time seeking justice for their clients; which often involves immersing themselves in emotionally charged cases as they represent their clients in legal battles. While their commitment is admirable, it's important to recognize that the emotional weight of these cases can take a toll on their mental health.

Mental health support is therefore essential for advocates to maintain their effectiveness, empathy, and resilience.

Join us on Wednesday 25th September 2024 at 2.30 pm as we engage in this vital discussion.

Link: <https://bit.ly/4d1YVQO>



NOTICE

CONTINUING PROFESSIONAL DEVELOPMENT (CPD) EVENTS FOR THE MONTH OF SEPTEMBER 2024



Lavington, Opp. Valley
Arcade
Gitanga Road
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NAIROBI
Tel. 0111 045 300

CONTINUING PROFESSIONAL DEVELOPMENT (CPD) EVENTS FOR THE MONTH OF SEPTEMBER 2024

	<i>and consensual dispute resolution.</i>	<ul style="list-style-type: none"> Gordon Ogola, Advocate 				
13 th September 2024	Strategic Criminal Litigation: <i>From Investigation, Decision to Charge, Hearing and Sentencing</i>	Victor Juma Owiti, Principal Prosecution Counsel, Office of the Director of Public Prosecutions (ODPP)	Virtual	1	2.00pm– 3.00pm	1,000
13 th September 2024	Intellectual Property Law: <i>The emerging opportunities for ADR and Valuation of Intellectual Property.</i>	<ul style="list-style-type: none"> Concilia Were, Advocate Assistant Manager Legal Services, KIPi David Opijah, Advocate 	Panari Hotel, Nairobi	2	8.30am-2.30pm	4,500/3,500
18 th September 2024	Broadening Financial Inclusion: <i>The Case of Takaful</i>	Sumayya Hassan, Advocate, CEO, Takaful Insurance of Africa (TIA)	Virtual	1	2.00pm– 3.00pm	1,000
20 th September 2024	The Small Claims Court: <i>An Appraisal</i>	TBA	White Rhino Hotel, Nyeri	2	8.30am-2.30pm	4,500/3,500
20 th September 2024	In-House Practice: <i>The Relationship between In-House and External Practice</i>	<ul style="list-style-type: none"> Faith Basiye, Advocate- Group Chief Risk Officer, KCB Bank Group 	Virtual	1	2.00pm– 3.00pm	1,000
25 th September 2024	Law Firm Taxation: <i>Sole Proprietorships, Partnerships, Limited Liability Partnerships</i>	Janet Lavuna, Advocate, Associate	Virtual	1	2.00pm– 3.00pm	1,000

Faith Odhiambo (President), Mwaura Kabata (Vice-President)
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Vincent Githaiga, Lindah Kiome, Hezekiah Asego, Zulfa Roble (Upcountry Representatives)
Elizabeth Wanjeri (Coast Representative)



NOTICE

LEGAL AWARENESS WEEK 2024

1
CPD
UNIT

LAW SOCIETY OF KENYA

LEGAL AWARENESS WEEK 2024

Promoting the mandate of the Law Society of Kenya by extending legal literacy and awareness to members of the public.

MONDAY, 28TH OCTOBER 2024 TO FRIDAY, 1ST NOVEMBER 2024.

“LAWS FOR THE PEOPLE, BY THE PEOPLE:
Empowering Citizen Participation.”



 LAUNCH 

 LEGAL AID CLINICS 

 PRISON VISITS 

 SEMINAR 

 GALA DINNER 

SCAN FOR PROGRAMME

FOR MORE INFORMATION  wangari.kagai@lsk.or.ke



NOTICE

TCA- LSK ACCREDITED CPD NOTICE SEPTEMBER 2024 TRAINING SCHEDULE



3rd Floor, Chaka Place
Argwings Kodhek Road
P.O. Box 24482-00100
Nairobi - Kenya

Tel: +254 20 2714206/08, 2117477
Cell: +254 722 941694
Fax: +254 20 2714208
Email: training@tca.co.ke

SEPTEMBER 2024 TRAINING SCHEDULE

DATE	TOPIC	CPD	SPEAKER	AMOUNT	TIME	LINK
12.09.24	Opportunities for Lawyers in ESG	1	CS Judy Warui Deborah Momanyi	3,500	2.00-4.00pm	https://us06web.zoom.us/webinar/register/WN_x9_qM1AeQF6lcqY4BUT4-Q
13.09.24	Legal and Compliance Audits	1	CS Dr. Seth Wekesa CS Judy Warui	3,500	2.00-4.00pm	https://us06web.zoom.us/webinar/register/WN_JqLvUwIRTv-RI-9SM6S0LA
18.09.24	Opportunities in the Tech Space: Next Frontier of Practice	1	Janet Othero, CIMP Shaddy Chemos	3,500	2.00-4.00pm	https://us06web.zoom.us/webinar/register/WN_TG2bF987TUeSiEg-FOOL6g
19.09.24	Data Protection: Trends and Developments	1	Nelson Otieno Robert Kioko Shaddy Chemos	3,500	2.00-4.00pm	https://us06web.zoom.us/webinar/register/WN_AkYX_Ht7StaR9MYmR5DNOQ
20.09.24	Wellbeing Series: Maintaining Sanity In a chaotic World (Must for all Professionals)	1	Lynette Etemesi	3,500	2.00-4.00pm	https://us06web.zoom.us/webinar/register/WN_ftYae7d3SVSRjEieCM2OXQ
25.09.24	Governance Audits for In-House Lawyers	1	CS Judy Warui CS Dr. Seth Wekesa	Free for In-House Lawyers	2.00-4.00pm	https://us06web.zoom.us/webinar/register/WN_Ob4hTj9JR8qaYfL30bRIcg
26.09.24	E-Filing and Electronic Case Management	1	Victor Ochieng Otieno Diana Ngei	3,500	2.00-4.00 pm	https://us06web.zoom.us/webinar/register/WN_vnV6tzpSk2-eiPISRha4w
27.09.24	Anti-Money Laundering: Update on the Law and Recent Developments	1	Denis Moroga	3,500	2.00-4.00 pm	https://us06web.zoom.us/webinar/register/WN_q-s9MeNbSD-PONtIOr-4g

BOOK NOW! TEL:+254725223300/71077752 Email: training@tca.co.ke www.tca.co.ke



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CALL FOR ARTICLES FOR THE DECEMBER ISSUE OF THE ADVOCATE MAGAZINE 2024

The Law Society of Kenya invites members to submit articles for consideration for publication in the December 2024 issue of The Advocate Magazine - *Democracy in Action*.

The submitted articles should:

- a) Be in line with this Edition's Theme - "*Laws for the people by the people: Empowering citizen participation*"
- b) Not exceed 1000 words (footnotes are not required).
- c) Attach passport-sized photos of the author to be published together with the submitted article.

The magazine also offers an opportunity for members of the Law Society of Kenya and non-members to place advertisements (at subsidized rates) as highlighted below:

- | | |
|----------------------|---------------|
| • Double page spread | Kshs. 250,000 |
| • Full page | Kshs. 150,000 |
| • Strip front page | Kshs. 75,000 |
| • Half Page | Kshs. 50,000 |
| • Quarter page | Kshs. 25,000 |

NB: The advertising rates are exclusive of the 16% rate of VAT.

The submitted articles shall be reviewed and the Society reserves the right to delete, edit, or alter in any manner it sees fit the submitted articles for publication.

The submission of articles and requests to advertise/partner should be sent to a.rodil@lsk.or.ke and copied to scott.ian@lsk.or.ke to reach us not later than 18th October 2024.

Dated 19th September 2024

FLORENCE W. MUTURI
SECRETARY/CEO

Eric Theuri (President), Faith Odhiambo (Vice-President)
Chrysostom Akhaabi, Kabata Mwaura, Tom K'opere (General Membership Representatives)
Cohen Amany (Treasurer), Njoki Mboce, Ochieng Gor (Nairobi Representatives)
Byron Menezes, Lindah Kiome, Michael Wabwile, Vincent Gitthaiga (Upcountry Representatives)
Riziki Emukule (Coast Representative)



NOTICE



SUPREME COURT @12 CONFERENCE CALL FOR PAPERS

The Supreme Court of Kenya is established under Article 163(1) of the Constitution as the apex Court in Kenya. The inaugural bench of the Supreme Court was appointed on 16th June, 2011 and assumed office on 26th August, 2011. Since its establishment, the Court has been instrumental in asserting the supremacy of the Constitution and sovereignty of the people of Kenya; developing rich jurisprudence which not only settles legal issues but also guides the courts below it; and enhancing access to justice in line with its objectives.

In commemorating its 12th year anniversary, the Supreme Court will hold a conference whose main objective is to demystify the Court as well as introspect and reflect on its performance since inception. In line with the Judiciary's blueprint of 'Social Transformation through Access to Justice' (STAJ), and the Court's Strategic Plan 2020-2024, the Court recognises the integral role that its stakeholders play in the achievement of its mandate. Consequently, the Supreme Court calls for papers anchored on the theme '**Introspecting and Reflecting on the Supreme Court's Jurisprudence: 12 Years of Defending the Constitution.**'

The papers submitted may include any of the following sub-themes of the said conference:

- The Jurisprudence of the Supreme Court of Kenya*
- The Milestones, challenges and opportunities in the evolution of the Supreme Court of Kenya*
- Judicial independence, accountability and the Supreme Court of Kenya.*
- Global Traditions, Practice and Comparative experiences of apex Courts*
- Technology and the Supreme Court.*

Submission Guidelines

- Authors:** Interested authors within and without the Kenyan Judiciary
- Word count:** The paper should be between 1500 - 2000 words inclusive of footnotes.
- Referencing Style:** OSCOLA referencing guidelines
- Email:** The Registrar of the Supreme Court @ rsupremecourt2018@gmail.com
- Deadline:** All papers should be submitted through the email provided by 30th September, 2024 at 1700 EST.

Successful authors will be notified of the selection of their papers. Selected papers will be considered for publication in a special edition publication focused on the SC @12 Conference. For further details or inquiries, please contact the Registrar of the Supreme Court through the email provided herein.

Hon. Letizia Wachira
Registrar, Supreme Court of Kenya



Introspecting and Reflecting
on the Supreme Court's Jurisprudence:
**12 Years of Defending
the Constitution.**





NOTICE

EAST AFRICA LAW SOCIETY ANNUAL CONFERENCE 2024

2024
**29TH EAST AFRICA
 LAW SOCIETY ANNUAL
 CONFERENCE**

THEME:
 "LEVERAGING THE LEGAL
 PROFESSION FOR SUSTAINABLE
 GROWTH AND DEVELOPMENT IN
 THE EAST AFRICAN COMMUNITY"

SPEKE RESORT & CONFERENCE CENTRE - MUNYONYO KAMPALA - UGANDA

27TH - 30TH NOVEMBER, 2024

H.E. Yoweri Kaguta Museveni
 President of the Republic of Uganda
Chief Guest

Hon. Justice Dr. Fauz Twaib
 President,
 East Africa Law Society

Bernard Oundo
 President,
 Uganda Law Society



NOTICE





INSTITUTE OF
CHARTERED
MEDIATORS AND
CONCILIATORS

2024

31st
Oct
2024

**AFRICA MEDIATION
SYMPOSIUM**



Nairobi Safari Club, Lilian Towers,
University Way, Nairobi





AFRICA MEDIATION ASSOCIATION
Together for change

icmc.or.ke/mediation-symposium/



WOMEN EDUCATIONAL RESEARCHERS OF KENYA
Linking Research to Advocacy and Action

TERMS OF REFERENCE FOR PROVISION OF LEGAL SERVICES

1. Organization Background

Women Educational Researchers of Kenya (WERK) is a not-for-profit professional membership association founded in 1994 as an ad hoc group of women researchers in education and the social sciences. WERK strives to contribute towards the entrenchment of the principles of equity, justice & peace in Kenya for the betterment of the lives of girls and women, boys and men in Kenya by linking research to advocacy and action. Our activities are two prong: through our membership, we have established a track record in conducting rigorous, large scale, innovative & cutting edge research & applying it to advocacy & policy reform; and through our Secretariat, we are engaged in the implementation of evidence-based multi-year education action research projects which address access to education, equity in education, transition and completion strategies, learning outcomes, life skills and mentorship.

2. Objective

WERK seeks to hire the services of a lawyer/legal firm (on a retainer basis) to provide legal services to the organization on an ad hoc basis. Suitable firms and individuals of legal practitioners are hereby required to submit their intent to offer legal services for consideration.

3. Scope of work

The successful firms and/ or individuals scope of the assignment shall include but not limited to the following areas:

- a) Rendering legal advice and legal opinion on the instructions issued;
- b) Drafting of legal opinions, memoranda, and other legal documents and agreements.
- c) Be actively involved in preparing and reviewing of policies and legal submissions and draft the authoritative legal opinions as well.
- d) Advising on regulatory matters (incl. the applicable regulatory instruments), and regular updates on changes in relevant laws and regulations.
- e) Represent WERK in court proceedings for any legal disputes, alternative dispute resolution forums i.e arbitration, Mediation, Negotiations etc. and in government agencies whether instituted by or against WERK.
- f) Draw up formalities regarding the settlement of disputes and monitor the implementation of the legal clauses.
- g) Provision of regulatory support and legal advice relating to either or collectively with regard to emphasis to Skills Development, Labour Relations, Employment

For more information, please click here

https://drive.google.com/file/d/1egw2lct80SUvZcigNxKCnBmMqwVQjFBB/view?usp=drive_link



NOTICE

COMMONWEALTH LAW CONFERENCE 2025



**COMMONWEALTH
LAW CONFERENCE 2025**

**SAVE
THE DATE
6th-10th April
2025**





LAW SOCIETY OF KENYA

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