



REPUBLIC OF KENYA



STATE OF THE JUDICIARY AND THE ADMINISTRATION OF JUSTICE

ANNUAL REPORT 2022/23




Social Transformation
through Access to Justice



Towards People - Centered Justice

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Vision

To be an independent institution of excellence in the delivery of justice to all.

Mission

To dispense justice in a fair, timely, accountable and accessible manner, uphold the rule of law, advance indigenous jurisprudence, protect and promote the Constitution.

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FOREWORD



I am delighted to present the 2022/2023 State of the Judiciary and the Administration of Justice Report. This report, as mandated by law, serves as a testament to our unwavering commitment to transparency and accountability in the Judiciary of Kenya. It is a detailed account of our strides and challenges in the past financial year, reflecting our relentless pursuit of the goal of putting in place a justice system that is people-centered.

This year's report underscores significant advancements in making the Judiciary geographically accessible. We have expanded our reach through the establishment of more courts, registries, and sub-registries, thereby bringing justice closer to our citizens. Special attention has been paid to vulnerable groups, including survivors of sexual and gender-based violence and children, through the operationalization of specialised courts and launching of the Child Justice and Sexual and Gender-Based Violence Court Strategies.

A notable achievement over the reporting period has been the improvement in the timeliness of court proceedings. The increased Case Clearance Rates are a reflection of our commitment to a responsive

judicial system. Furthermore, in line with our multi-door approach to disputes resolution, we have continued to promote the uptake of Court Annexed Mediation (CAM) and Alternative Justice Systems (AJS), thus widening the doorways to justice.

In alignment with our Social Transformation through Access to Justice (STAJ) vision, the Judiciary played a pivotal role in sustaining state stability and fostering peaceful co-existence, during the 2022 General Elections. The Political Parties Disputes Tribunal (PPDT) and our Courts competently and timeously handled pre-electoral and post-electoral disputes, thereby contributing significantly to the deepening and consolidation of Kenyan democracy.

Collaboration with the Judicial Service Commission (JSC) has been instrumental in strengthening our workforce. The recruitment of more Judges and Judiciary Staff, along with promotions of Judicial Officers and Judiciary Staff, reflects our commitment to ensuring optimal service delivery. These steps, aimed at enhancing human capital management, are pivotal for the expedient and efficient disposal of cases.

Our pursuit of 'judicial hygiene' remains steadfast. In collaboration with the JSC, we have undertaken several measures to promote transparency and accountability. These range from comprehensive systems reviews to individual disciplinary processes, addressing complaints from court users and the public, thereby combating corruption and maladministration within our ranks.

Yet another significant milestone during this period has been the development of indigenous social justice jurisprudence, drawing us closer to the aspirations of our transformative Constitution. In support of this endeavour, the Judiciary, in collaboration with the Kenya Judiciary Academy, conducted various training initiatives and workshops. We also hosted a number of regional symposia and welcomed delegations from other judiciaries, eager to learn from our best practices. This not only highlights the relevance of our jurisprudence and innovative work methods to the Kenyan context but also their potential applicability in other jurisdictions.

This report is a reflection of our dedication to the rule of law and our commitment to ensuring that justice is accessible to all within our borders. It is a testament to our resolve to build a Judiciary that is responsive, efficient, and above all, serves the people of Kenya.

I commend the tireless efforts of our Judges, Judicial Officers, and Staff, whose dedication has been the cornerstone of our achievements. As we forge ahead, we remain steadfast in our mission to deliver justice for all Kenyans.

Hon. Justice Martha Koome, EGH
Chief Justice and President of the Supreme Court of Kenya

NOTE FROM THE DEPUTY CHIEF JUSTICE



The State of the Judiciary and Administration of Justice Report (SOJAR) is an important accountability tool. It provides the public with a snapshot of the status of the Judiciary during the reporting period and thematically highlights the various activities of the Institution and its personnel and the outcomes thereof. It is a key performance measurement tool for the Judiciary, enabling the public and justice system stakeholders take stock of the manner in which judicial authority is being exercised vis-à-vis the resources at the Judiciary's disposal. Further, the information and data baseline provided by the SOJAR Report enable the leadership across the Judiciary and all justice system stakeholders make informed policy decisions based on the contextual reality of justice needs and capabilities across the country as presented in the Report.

The Social Transformation Through Access to Justice (STAJ) strategic vision currently being implemented by the Judiciary adopts a people centred justice approach that prioritises the generation of reliable data and implementation of evidence informed practices. Understanding and analysing the data contained in the SOJAR Report is crucial to identifying what works, current and potential challenges, and exploiting opportunities for innovation and game changing access to justice services.

The Judiciary continues to improve and refine its performance management systems through which it promotes accountability for results, tracks progress on areas of focus and key priorities, promotes efficiency and effectiveness of Judiciary processes and systems; and provides accurate and actionable information for more effective policy interventions. The data in the SOJAR Report shows that, despite the significant financial and human resource deficits facing the institution, the Judiciary is working assiduously towards delivering on its mandate and commitments to the public it exists to serve and from whom it derives its judicial authority.

Whilst taking stock of the progress made during the reporting period in serving the public, the Judiciary remains acutely aware of the continued challenges litigants and the public face in accessing justice through our courts and tribunals. The SOJAR Report highlights the substantial areas for improvement and the institution is committed, through the people centred justice approach under STAJ, to developing and implementing durable and impactful solutions to address these shortcomings. The performance of the Judiciary is contingent on its partnerships and effective collaborations especially with institutional actors within the justice sector. The SOJAR Report must therefore be interrogated by the entire justice sector. We must engage constructively in the co-production of interventions that enhance the performance, not just of the Judiciary, but of the multitude of justice system actors, state and non-state; performance, measured not on activities and interventions themselves, but on their resultant people centred justice outcomes.

Hon Lady Justice Philomena Mbete Mwilu, MGH

Deputy Chief Justice and Vice-President of the Supreme Court of Kenya

MESSAGE FROM FROM THE CHIEF REGISTRAR OF THE JUDICIARY



The 2022/23 State of the Judiciary and the Administration of Justice Report is the tenth edition of this annual report published since I came into office as the Chief Registrar of the Judiciary. While the focus of the report is the milestones recorded by the Judiciary between 1st July 2022 and 30th June 2023, it is also an exhibit of the remarkable growth in the Judiciary and the administration of justice during the ten years I have served as Chief Registrar.

A little more than two years before I took office, Retired Chief Justice Dr Willy Mutunga reported that he had found “an institution so frail in its structures; so thin in resources; so low on its confidence; so deficient in integrity; so weak in public support that to have expected it to deliver justice was to be wildly optimistic.” This was in October 2011 when he launched the Judiciary Transformation Framework that set the agenda for far reaching reforms within the Judiciary.

The administration of the Judiciary, which vests in the Office of the Chief Registrar, has a key role to play in this transformation. As the Chief Administrator of the Judiciary and Secretary to the Judicial Service Commission, the Chief Registrar is the bridge between the management and staff of the Judiciary on one hand, and the JSC on the other hand. Most importantly, the Chief Registrar is the Accounting Officer of the Judiciary. With support from various administrative units, the Chief Registrar is responsible for facilitating and coordinating courts to deliver services in consonance with the Judiciary’s Constitutional mandate to deliver justice to all citizens efficiently, effectively and affordably.

As the Secretary to the National Council on the Administration of Justice, the Chief Registrar also provides an important link between the Judiciary and the other players in the justice sector to ensure a coordinated approach in the administration of justice.

I am deeply honoured to have provided the administrative impetus that enabled the institutional transformation that is evidenced in this report. Taking January 2014 as the baseline, the report illustrates the results of the work done in the automation of internal systems and outward-looking processes; expansion of courts to improve our working environment and bring services closer to the people; enhancement of our human resources capacity, welfare and capabilities to run our increasing workload; growth in our financial resources and improvements in fiscal management; mainstreaming a culture of performance for individuals and units; improvements in our operational efficiency; and collaboration with other state and non-state actors to improve the administration of justice.

I am extremely indebted to all the internal and external stakeholders who supported my office in making this transformation possible. These include development partners such as the United Nations Development Programme which funded the Judiciary Transformation Support Project between 2013 and 2016, the World Bank which supported the Judicial Performance Improvement Project between 2014 and 2021, and the European Union which has been funding the Programme for Legal Empowerment and Aid Delivery since 2018. A host of foreign missions, international organizations, the private sector and local civil society organizations have also fuelled this transformation through cash and in kind support to the Judiciary's head office and court stations across the country.

I would also love to express my most heartfelt appreciation to the Judicial Service Commission and the Chief Justices under whose leadership and guidance I have been privileged to serve. I also owe a great debt of gratitude to the members of the Judiciary Leadership Team, Judges of the Superior Courts, Registrars, Judicial Officers', Directors, Heads of Units and all staff with whose support we managed to transform our inner workings and made huge strides in increasing access to justice for the people.

We should all be proud of the work we have done to lay the foundations upon which the Judiciary now embarks on another decade of transformation, this time with a focus on deploying access to justice as a tool for social transformation.

Hon. Anne A. Amadi, CBS
Chief Registrar of the Judiciary

ACRONYMS/ABBREVIATIONS

ADR	Alternative Dispute Resolution
AG	Attorney General
AIA	Appropriations in Aid
AJPMC	Administration of Justice, and Performance Management Committee
AJS	Alternative Justice Systems
BBI	Building Bridges Initiative
BPO	Business Process Outsourcing
BPRT	Business Premises Rent Tribunal
CAJ	Commission on Administrative Justice
CAM	Court Annexed Mediation
CAMAT	Communications and Multimedia Appeals Tribunal
CC	Civil Case
CCR	Case Clearance Rate
CEO	Chief Executive Officer
COA	Court of Appeal
COOP	Cooperatives Tribunal
COVID-19	Coronavirus disease
CR	Criminal Case
CRA	Commission on Revenue Allocation
CRTS	Court Recording and Transcription System
CTS	Case Tracking System
CUCs	Court User Committees
DCJ	Deputy Chief Justice
DCRT	Daily Courts Returns Template
DPP	Director of Public Prosecutions
EACC	Ethics and Anti-Corruption Commission
EACJF	East Africa Chief Justices Forum
EADC	East Africa Data Centre
EAJEC	East African Judicial Education Committee
EDR	Election Dispute Resolution
EFT	Electronic Funds Transfer
ELC	Environment and Land Court
ELRC	Employment and Labour Relations Court
EPT	Energy and Petroleum Tribunal
ERP	Enterprise Resource Planning
FIDA	Federation of Women Lawyers – Kenya
FY	Financial Year
GLA	Group Life Assurance
GOK	Government of Kenya
GPA	Group Personal Accident
HAT	HIV and AIDS Tribunals
HAU	Heads of Administrative Units

HCAC	High Court Advisory Committee
ICMS	Integrated Court Management System
ICT	Information Communication Technology
IDLO	International Development Law Organization
IEBC	Independent Electoral and Boundaries Commission
IPOA	Independent Policing Oversight Authority
IRA	Insurance Regulatory Authority
JA	Judge of Appeal
JCE	Judiciary Committee on Elections
JFA	Judiciary Fund Account
JFMC	Judiciary Fund Management Committee
JFMIS	Judiciary Finance Management Information System
JLT	Judiciary Leadership Team
JMC	Judiciary Management Committee
JPIP	Judicial Performance Improvement Project
JSC	Judicial Service Commission
JTF	Judiciary Transformation Framework
KCB	Kenya Commercial Bank
KJA	Kenya Judiciary Academy
KLR	Kenya Law Report
KNCHR	Kenya National Commission on Human Rights
LEAT	Legal Education Appeals Tribunal
LSK	Law Society of Kenya
MAC	Mediation Accreditation Committee
MCA	Member of County Assembly
MSET	Micro and Small Enterprises Tribunal
NCAART	National Civil Aviation Administrative Review Tribunal
NCAJ	National Council on the Administration of Justice
NCR	Non-Compliance Rate
NET	National Environment Tribunal
NOFBI	National Optic Fibre Backbone Infrastructure
NT	National Treasury
OCJ	Office of the Chief Justice
OCRJ	Office of the Chief Registrar of the Judiciary
ODCJ	Office of the Deputy Chief Justice
OJO	Office of Judiciary Ombudsman
PAC	Public Accounts Committee
PAS	Performance Appraisal Systems
PE	Personnel Emoluments
PFM	Public Finance Management
PLEAD	Program for Legal Empowerment and Aid Delivery in Kenya
PMMUs	Performance Management and Measurement Understandings
PPARB	Public Procurement Administrative Review Board

PPDT	Political Parties Disputes Tribunal
PPPPC	Public Private Partnership Petition Committee
PR	Processing Rate
PSASB	Public Sector Accounting Standards Board
PSC	Parliamentary Service Commission
RRT	Rent Restrictions Tribunal
RTGS	Real Time Gross Settlement
SACJF	Southern African Chief Justices Forum
SADC-PF	Southern African Development Community Parliamentary Forum
SCAT	State Corporations Appeals Tribunal
SCC	Small Claims Court
SCJ	Supreme Court Judge
SCOK	Supreme Court of Kenya
SDT	Sports Dispute Tribunal
SGBV	Sexual and Gender-Based Violence
SJT	Sustaining Judicial Transformation
SOJAR	State of the Judiciary and the Administration of Justice Report
SR	Settlement Rate
STAJ	Social Transformation through Access to Justice
TCOJF	Technical Committee on the Operationalisation of the Judiciary Fund
TLAB	Transport Licensing Appeals Board
UIC	United Insurance Company
VAT	Value Added Tax
VC	Video Conferencing

EXECUTIVE SUMMARY

Chapter 1 gives an overview of the leadership of the Judiciary including the existing governance structures and the system of courts and their leadership. It also provides the strategic direction pursued during the period in review. The Judiciary has put in place two leadership teams and various committees to support the leadership in decision-making and execution of resolutions. The chapter highlights all the activities that were undertaken pursuant to the Social Transformation through Access to Justice (STAJ) vision of the Judiciary whose objectives encompass public welfare and social justice with the aim of transforming society by ensuring access to justice.

The Judiciary played a significant role during both pre-election and post-election dispute resolution electoral cycle of the year 2022. These activities were led by the Judiciary Committee on Elections (JCE) which effectively and efficiently led the preparations that enabled the Judiciary successfully manage the election disputes that emerged during this period. Key actions undertaken to facilitate the election dispute resolution process within the Judiciary included: the gazettelement of 39 judges and 124 magistrates to hear and determine parliamentary and county election petitions; training of 1,077 judiciary personnel on election dispute resolution; decentralization of judicial services; establishment of E-filing for electoral disputes; and the preparation and dissemination of an EDR Bench book that consolidated legislation, processes, and jurisprudence on electoral matters.

The Judiciary continued to expand the doorways of justice through various initiatives including, the successful settlement of 2,242 matters which were valued at 8.5 billion through alternative dispute resolution mechanisms; the promotion of AJS across the country through the development and launch of the AJS Action Plans in the counties of Kajiado and Nakuru; the commencement of the Mahakama Popote initiative which saw judicial officers hear and determine cases utilising virtual courts and thus leveraging on technology to ensure increased efficiency in resolution of cases; the transition of an additional three tribunals to the Judiciary and the operationalization of the Small Claims Court in Meru.

The performance of courts and tribunals is entirely dependent on a committed, motivated and competent workforce that comprises judges, judicial officers and judiciary staff. The Judiciary therefore continued to increase its personnel capacity to cater to for the ever-increasing work load as well as ensure sufficient capacity for the efficient discharge of its functions. Ten new judges were appointed to the Court of Appeal, 20 to the High Court, and two to the Employment and Labour Relations Court.

This chapter also highlights initiatives that were undertaken to promote transparency and accountability within the Judiciary. The Judiciary ensured that complaints of misconduct, including allegations that relate to corruption, were dealt with promptly and satisfactorily so as to continually mainstream the idea of 'judicial hygiene' in the conduct of judges, judicial officers and staff. As part of these initiatives

this part highlights the outcomes of the comprehensive audit of the systems, policies, procedures and practices of registry operations and the management of government funded construction projects that was undertaken by the Ethics and Anti-Corruption Commission (EACC) upon the invitation of the Judiciary.

The increased accountability and productivity of judges, judicial officers and staff continued to be measured utilizing the Performance Management and Measurement Understandings (PMMU) for the overall performance of the judiciary in the FY 2021/22 was 93.71 per cent, up from 89.03 per cent in FY 2020/21.

This chapter further provides details on all the activities that were undertaken by the Judiciary as a regional hub for judicial dialogues and especially for south-south learning and dialogues between judiciaries in Africa. In this regard the 3rd Regional Symposium on Greening Judiciaries in Africa was hosted by the Judiciary of Kenya, the Kenya Judiciary Academy and the Africa Judicial Educators Network on Environmental Law (AJENEL) bringing together Chief Justices and Heads of Judicial Training Institutions from 26 jurisdictions from Africa and beyond. It also highlights the colloquia and symposia that were held by the Judiciary for judges and magistrates including the High Court Leaders Forum and the 10th Annual Heads of Station Forum for all heads of stations and magistrates.

Chapter 1 also gives an overview of the judicial exchanges that were undertaken regionally and internationally as part of the process of benchmarking from jurisdictions of distinction and innovation in order to improve both the efficiency and quality of services. The Judiciary participated in a number of regional and international engagements during the reporting period including: the Executive Board of the Constitutional Jurisdictions of Africa and the Sixth Congress of Constitutional Jurisdictions of Africa (CJCA); Judicial exchange between the Supreme Court of Kenya and the Supreme Court of India; and the 23rd Commonwealth Law Conference.

There were various engagements with judges, justice system actors, partners, government and non-governmental organisations and institutions that were held across the world towards developing and fostering mutually beneficial partnerships in the areas of access to justice and the rule of law. The Chief Justice hosted Her Excellency, Francia Elena Márquez Mina, Vice President of the Republic of Colombia at the Supreme Court. She also held bilateral talks with the Lord Chief Justice of England and Wales, The Right Honourable Lord Burnett of Maldon at the Supreme Court of Kenya. The Judiciary also hosted the Attorney General of Mozambique Beatriz da Consolação Buchili at the Supreme Court.

The Judiciary continued to engage national and county governments so as to promote collaborations that would ensure access to justice for all Kenyans and particularly to ensure that there is a High Court in every County and a Magistrates' court in every sub-county. This part therefore gives an overview of the engagements that were held with the counties of Lamu, Mombasa, Nyandarua, Kilifi, Kisumu which were all held to promote a 'whole of system' approach which emphasises a coordinated approach towards provision of public services.

The initiatives on inclusive and shared leadership are also presented and they focus on the leadership of the various courts within the Judiciary. The High Court Advisory Committee (HiCAC) put in place structures and processes that promote accountability, responsiveness, inclusiveness, and broad-based participation within the court. The High Court also established nine regional clusters to decentralise its governance and administrative procedures for enhanced performance. These regional clusters are: Western, Upper Rift, Lower Rift, Central, Upper Eastern, Lower Eastern, Nairobi and Coast regions.

During the reporting period the Environment and Land Court (ELC) celebrated 10 years since its establishment. This milestone was marked with a raft of activities focused on enhancing environmental and land adjudication which included public engagements and initiatives aimed at raising awareness of the work of the ELC as well as promoting the mandate of the ELC. In line with the wider theme of greening the Judiciary, the ELC led in the planting of over 100,000 trees across the country.

The Employment and Labour Relations Court continued to improve its accessibility and efficiency by establishing additional courts and holding circuit courts. The ELRC in Kakamega was elevated to a fully-fledged court and a judge posted to this station. This court station covers the western circuit including Kakamega, Bungoma, Vihiga and Busia. A sub-registry of the ELRC was also established at Nyamira Law Courts. The ELRC held 18 Circuit Courts and hearings were conducted in four sub registries i.e. Machakos, Meru, Kitale and Kericho where a total of 812 matters were handled. The ELRC also enhanced engagement with its stakeholders and notably held the inaugural Employment and Labour Relations Court Annual Symposium and Exhibition (ELRASE) with a number of thematic areas being identified by delegates for further discussion.

There were two key strategies that were developed and launched during this reporting period. The Child Justice Strategy with four areas of focus: The Rights of Children in Conflict with the Law; Protection of Child Victims and Witnesses and Children in Need of Care and Protection; Children Accompanying Their Mothers or Primary Caregivers to Prison; and the Legal Obligations of the Judiciary as the Lead Collaborator for Ensuring Access to Justice for Children.

The Judiciary also developed an SGBV Strategy to address the challenges in dealing with SGBV cases. This strategy was informed by the challenges identified following a meticulous consultation and analysis process that revealed several deficiencies, including structural obstacles such as inadequate courtrooms and trial chambers ill-equipped to accommodate vulnerable individuals like persons with disabilities and children.

The Judiciary undertook various corporate social responsibility initiatives that were targeted at promoting mentorship for children, supporting inmates in various prisons and offering support to children in hospitals and children's homes.

Chapter 2 highlights the initiatives that were undertaken during the year to enhance access to justice particularly the output of court services. It highlights the initiatives that were undertaken to enhance access to justice such as the operationalisation of courts; establishment of sub-registries by the various courts; the establishment of divisions; and the setting up the specialized courts of Small Claims Courts and SGBV. There were two court constructions that were completed in Embu and Port Victoria Law Courts so as to improve physical access, court infrastructure, and court premises. To ensure continuation of service delivery due to power outages, solar systems were installed in 19 court stations during the reporting period. In addition, there were 57 mobile courts that were operationalized across the country, the majority of which were in the arid and semi-arid areas.

The activities that were undertaken to expand the doorways of justice included the establishment of 17 mediation registries. Overall, a total of 4,708 matters were referred to mediation, out of which 4,450 were settled successfully and the average annual settlement rate for matters referred to CAM was 51.2%. On the side of the Alternative Justice Systems, ukumbi suites were established in Isiolo, Kajiado, Nakuru, and Nyeri to further aid in the resolution of disputes and there were 13 training sessions undertaken in order to equip participants, in their capacities to lead in the implementation of the AJS Policy in their regions.

During the FY 2022/23, a total of 423,394 cases were filed in all courts across the country while 419,262 cases were resolved. This resulted in a Case Clearance Rate (CCR) of 99 per cent, an improvement of 5 percentage points from the last financial year. Criminal cases continue to contribute to a larger proportion of filed cases being 60 per cent of all registered cases. The Magistrates' Courts handled a substantial part of this caseload, with a total of 326,855 cases being filed within this court and 320,143 matters being resolved during the same period.

As compared to the previous year, the number of pending cases in the year rose by 1.2 per cent to 649,310 however the overall case backlog (those cases that have been in the court system for over a year) in the Judiciary went down by 17 per cent from 336,119 cases to 276,678 cases at the end of June 2023. The rate of adjournment across all the courts ranged from less than 1 per cent to the highest adjournment rate being 14 per cent.

The cases that were handled under the CAM increased from 2,445 in the previous year to 4,708 in the reporting period marking a 93 per cent increase in the uptake of CAM. The average settlement rate for CAM matters was 95 per cent demonstrating the effectiveness of this method of dispute resolution mechanism.

This chapter also highlights how the Judiciary has continued to enhance and entrench the use of technology to improve access to justice by building on achievements made in the preceding reporting periods. A number of achievements were made including the launch of E-filing in six counties in addition to Nairobi County, digitisation of court records and rollout of the e-certificates for advocates.

The number of cases registered through the E-Filing portal have continued to rise and have now reached 100,295. Court users are generally satisfied with the system and its capabilities with the overall satisfaction index being 67.5% a majority of who indicated that the system had greatly improved the speed of filing cases as well as the ease of tracking court documents. There are now 450,123 cases registered on the Case Tracking System (CTS). In tandem with this, the digitisation of other court records continued within the reporting period and 37,942 files were scanned bringing the total cumulative number of files scanned to 133,368.

The Judiciary continued to maintain reliable internet using fibre and radio technologies for its courts stations and increased this bandwidth to 5.07 Gbps- the capacity of internet allocated per station was based on the number of users in the station. To ensure the reliability and sustainability of these ICT solutions, 19 court stations with unstable power supply were connected to an alternative source of solar power.

Chapter 3 highlights how the Judiciary continued to deliver on its core mandate of the dispensation of justice through the determination of cases and delivery of rulings and judgments. It comprises a summary on select decisions that were delivered by various courts during the period under review and most importantly how Kenya continues to develop an indigenous social justice jurisprudence.

The Supreme Court made a profound determination on the right to property as a fundamental human right protected under Article 40 of the Constitution. It added a fresh perspective to the longstanding application of the doctrine of bona fide purchaser for value, the *torrens* system of land registration, and the sanctity/indefeasibility of titles in Kenya.

Kenya's general elections were held during the reporting period and as such there are a number of decisions on electoral matters including the determination by the Supreme Court on the propriety of the election of the 5th President of the Republic of Kenya including detailed recommendations on how to improve the electoral process within the country; The clarification by the High Court on the jurisdiction of the Political Parties Disputes Tribunal (PPDT) And The Independent Electoral and Boundaries Commission (IEBC) to Adjudicate Disputes arising from Party Nominations.

The Court of Appeal held that the imposition of mandatory sentences under the Sexual Offences Act conflicted with the principle of separation of powers in view of the fact that the Legislature could not arrogate itself the power to determine what constituted appropriate sentences for specific cases as it did not adjudicate those particular cases. In another case it held that COVID-19 was a force majeure that could lead to the frustration of a contract and as such the the pandemic had caused the appellant undue difficulty so that they could not be expected to continue with the lease agreement or to make the payments as agreed.

The High Court held that the provisions of the Law of Succession Act on intestate succession were unconstitutional for being discriminatory against women & girls. The act was restrictive of the women and female child's right to inherit in equal measure and circumstances as the men and male child as it restricted a widow's life interest in the property of her deceased spouse when she remarried unlike the widower who remarried; it gave priority to the father ahead of mother over the property of a child who died intestate, unmarried and childless. This was in contravention of Article 27(4) of the Constitution which prohibited discrimination of the grounds of sex and marital status among other grounds.

The Environment and Land Court gave directions on the process for alienating land that had been reserved for public use and noted that there was a glaring legal lacuna in the protection of wetlands in Kenya, especially ungazetted wetlands within public land. In another case the court held that the moratorium on logging could not be lifted without public participation as this would be contrary to the constitution. The Constitution imposed an obligation on the State to ensure sustainable exploitation, utilization, management and conservation of the environment and natural resources which included equitable sharing of the accruing benefits. It was also required to encourage public participation in the management, protection and conservation of the environment.

The Employment and Labour Relations Court noted that the breach of covid-19 safety protocols by employees amounted to gross misconduct and that an employer was entitled to dismiss an employee for defying the lawful instructions given to him and to all staff which directed every employee to self-isolate for 10 days if they came into contact with a person who has tested positive for COVID-19. This Court also noted that the power to hire and fire CEOs of State corporations, resided in the boards of State corporations, not with the Cabinet Secretary.

There are also notable decisions from the subordinate courts including on the place of burial of a polygamous man whose wives could not agree and where the court held that he be interred in a grave that straddles across the existing hedge fence which is the boundary of the 2 homes to both his wives in equal dimensions.

The Chapter also carries a list of statutory provisions that were declared unconstitutional during the reporting period to assist Parliament in reviewing these laws to align them with the Constitution.

Chapter 4 outlines the mechanisms the Judiciary put in place during the year to ensure accountability for the exercise of judicial power, and for the resources entrusted by the people of Kenya. It highlights the complaints and feedback that was received from judiciary stakeholders and notes that there were 1,212 that were received with most complaints being on slow and poor services, lost court files and delayed judgements and rulings. The Judiciary successfully resolved 881 of these complaints and 331 were carried forward to the subsequent year.

The chapter also highlights the enforcement of employee values and conduct and presents data on disciplinary processes that were undertaken during the reporting period. There were 118 petitions against judges which were pending processing before the JSC and 77 of these were concluded. Out of the nine disciplinary cases against judicial officers registered during the year, seven were finalized and two were pending before the commission at the close of FY 2022/23. There were 44 disciplinary cases against judicial staff which were received during the reporting period. A total of 20 cases were finalized by the HRMC while 24 cases were pending as at the close of the year.

It also presents the performance of various units during the 8th cycle of Performance Management and Measurement Understandings whose targets are cascaded to individual employees through Performance Appraisal Systems. The overall performance of the Judiciary was 93.71 per cent, which was an improvement from 89.03 per cent in FY 2020/21. The Social Transformation through Access to Justice indicator on the elimination of cases older than 3 years recorded a reduction of cases from 150,897 to 133,775 representing an 11 per cent reduction. Similarly, cases older than 1 year reduced by 7 per cent from 375,671 to 336,426 cases, while overall resolved cases improved from 294,837 to 381,713 during the review period.

Judiciary's resource accountability is also presented indicating all the areas of focus for internal audit which ensured compliance with set internal controls and also with regulatory and policy requirements. Twenty-three court stations and 7 tribunals were also subjected to internal audits. All these were undertaken even as follow ups to ensure compliance with the results of the 32 internal audits that were undertaken in the previous year.

The external audit process saw the Judiciary expenditure, deposits, and projects reports receive a qualified report but with fewer issues mainly relating to prior periods. The reports were tabled before Public Accounts Committee (PAC) where most of the issues were resolved.

The Chapter also highlights all the activities that are being undertaken to all institutional processes and procedures documented so as to promote objective decision making as well as standardized and harmonized across the institution. These include compliance an integrity checks as well as establishment of a quality management system (QMS).

Chapter 5 showcases how the Judiciary has continued to focus on improved human capital management and organizational development to ensure efficient and expeditious delivery of justice. Various initiatives were undertaken to develop, optimize human capital and create a conducive work environment. During the FY 2022/23, the Judiciary put in place strategies to improve the human resource capacity by appointing 32 judges, recruitment of 396 judicial staff, and promotion of 145 judicial officers and 108 staff. Efforts were also focused towards improving the working environment, by providing working tools, equipment, and furniture. Additionally, more vehicles were procured to facilitate service delivery.

Gender is a critical component of organizational inclusivity. Overall, there is near gender parity with the female to male ratio being 51:49. There were 109 employees who are persons with disability (PWD) out of which 64 were male while 45 were female. Persons living with disabilities constitute 1.6 per cent of the Judiciary's human capital.

The Chapter also presents various age and gender demographics of various cadres within the Judiciary and highlights that the Judiciary has attained the two-third gender parity across all levels of superior courts whereby male Judges are at 58 per cent whereas female Judges are at 42 per cent. The average age of judges is 58 years and a majority of Judiciary employees (59 %) are aged 39 years and below, with 43 per cent being in the youth age bracket age of 18-35 years. The majority of magistrates fall within the age bracket of 41-50 years.

This chapter also provides information on the training and capacity development activities conducted within the year to enhance the efficiency and effectiveness of the Judiciary. In preparation for the General Election anticipated in August 2022, the Judiciary prioritized EDR training that was offered by the Kenya Judiciary Academy in collaboration with the Judiciary Committee on Elections.

Chapter 6 gives an overview of the financial performance during the reporting period. It notes that the Judiciary Fund has been in operation and highlights the challenges experience thus far including, inadequate and unpredictable frequency of exchequer issuance, delays in the exchequer requests process and inadequate legal provisions for the implementation of Judiciary Fund. There are proposals made to resolve these challenges.

The chapter presents Judiciary's resource requirements versus allocations and indicates that over the past three financial years, the funding gap has consistently averaged almost 50% each financial year. In the FY 2022/23 the budgetary allocation for the Judiciary was KSh21.13 billion which was a 17 per cent increase from the past financial year. Absorption of the overall budget improved to 95 per cent in the FY 2022/23 from 94 per cent in the FY 2021/22.

Judiciary has made significant efforts to reduce the accumulation of pending bills and all pending bills comprising of development, recurrent and court & arbitration awards have all progressively been cleared over the past three years.

In terms of revenue, the Judiciary collected a total of KSh 2.66 Billion which comprised of 1.4 billion in fines, 1 billion in fees and 197 million in interest on deposit. Court Deposits which are funds held in trust by the Judiciary as a precautionary measure during the pendency of a court case, amounted to KSh8.05 billion being an increase by KSh1.36 billion from the previous financial year.

A summary of the key policy issues and recommendations for various stakeholders are presented in **Chapter 7.**

THE JUDICIARY.

EXPANDING DOORWAYS OF JUSTICE



NEW COURTS

Court of Appeal - 2
 High Court - 1
 ELC Court - 1
 ELRC Court - 3
 New Division ELC- 2
 New Division ELRC- 3
 Magistrates Court - 6
 SGBV Court - 12
 Small Claims Court - 1



NEW SUB-REGISTRIES

Supreme Court - 1
 High Court - 2
 ELC Court - 2
 ELRC Court - 2

ALTERNATIVE JUSTICE SYSTEMS **8** SUITES



COURTS COMPLETED **2**
 COURTS RENOVATED **44**

COURT ANNEXED MEDIATION ROLLED OUT IN **9** COURTS

REDUCING CASE BACKLOG

423,394

Cases Filed

419,262

Cases Resolved

CASE CLEARANCE RATE

94% → 99%

FY 2021/22

FY 2022/23

678,697

Pending Cases

FY 2021/22

649,310

Pending Cases

FY 2022/23

79% of Pending Cases are at the Magistrates' Courts

EXCELLENCE IN SERVICE DELIVERY

89.83% → 93.7%

FY 2021/22

FY 2022/23

Overall Institutional Performance

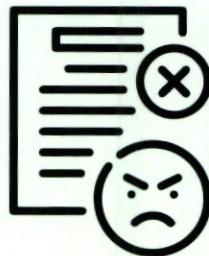
95.2% → 95.4%

FY 2021/22

FY 2022/23

Average Individual Performance

ENHANCED PUBLIC TRUST



1,212

Complaints and Enquiries

73% Concluded

134

Integrity Committees established



Disciplinary Cases Finalised

Judicial Officers - 5

Judicial Staff - 5

1.2 The Leadership and Governance Structure of the Judiciary

1.2.1 The Leadership Structure

The Chief Justice, as the head of the Judiciary, provides general direction and leadership to the Judiciary and acts as a liaison between the institution and other State organs. The Office of the Chief Justice is established under Article 161(2)(a) of the Constitution. The Chief Justice undertakes the constitutional mandate of ensuring fair, efficient, effective, transparent and accountable administration of justice with the support of the Deputy Chief Justice, the Chief Registrar of the Judiciary, the heads of various courts and tribunals, and the standing committees of the Judiciary.

The Chief Justice is also the President of the Supreme Court, the chair of the Judicial Service Commission (JSC), the National Council on the Administration of Justice (NCAJ), and the National Council for Law Reporting (NCLR).



Hon Justice Martha Koome, EGH
Chief Justice and President of
the Supreme Court of Kenya

The Deputy Chief Justice is the Deputy Head of the Judiciary and Vice President of the Supreme Court. The Office of the Deputy Chief Justice (ODCJ) is established under Article 161(2)(b) of the Constitution. The Chief Justice assigns duties to the Deputy Chief Justice, who is responsible and accountable to the Chief Justice in the exercise of the functions and duties of that office.



**Hon Lady Justice
Philomena Mbete Mwilu, MGH
Deputy Chief Justice and
Vice-President of the Supreme
Court of Kenya**

The Chief Registrar of the Judiciary (CRJ) is the chief administrator and accounting officer, responsible for the overall administration and management of the Judiciary, and reports to the Chief Justice. Article 161(2)(c) establishes the Office of the Chief Registrar of the Judiciary (OCRJ). The OCRJ ensures the smooth implementation of policies and strategies aimed at strengthening and improving the efficacy and quality of Kenyans' access to justice. The CRJ is assisted in carrying out this function by the Deputy Chief Registrar of the Judiciary (DCRJ), Registrars, Directors and heads of administrative units.



**Hon Anne Amadi, CBS,
Chief Registrar of the Judiciary**

1.2.2. Leadership Teams

The Judiciary has established leadership teams to ensure that there is an inclusive, coordinated, and cohesive approach to the execution of its mandate. These teams exemplify the 'shared leadership' mantra of the Judiciary and provide a representative and transparent forum through which the leadership can develop strategic goals and monitor their implementation.

The apex leadership team is the Judiciary Leadership Team (JLT) chaired by the Chief Justice and its membership includes the Deputy Chief Justice, President of the Court of Appeal, the Principal Judges of the High Court and Employment and Labour Relations Court, and the Presiding Judge of the Environment and Land Court. The CRJ, DCRJ, Registrar Magistrates Courts, Registrar Tribunals and President of the Kenya Judiciary Staff Association (KJSA) also sit on the committee. The JLT, which receives reports from the Judiciary Management Committee, makes policy prescriptions, provides strategic direction for the entire institution and serves as a link with stakeholders such as the Judicial Service Commission (JSC).

The Judiciary Management Committee (JMC) provides oversight and enhances coordination and effectiveness in the activities of the Judiciary's committees. Chaired by the Deputy Chief Justice, the JMC brings together the chairpersons and secretaries of the various standing committees and provides oversight, enhances coordination and ensures that decision-making is contextual and well informed. Through the JMC, cross-cutting challenges and bottlenecks in the implementation of Judiciary activities and policies are identified and mitigated. It also provides a forum through which progress and performance in administration of justice can be monitored and evaluated. The JMC provides direction and ensures coordination across the Judiciary's leadership structures and committees in order to enhance their efficiency and effectiveness in realising their respective terms of reference.

1.2.3. Judiciary Committees

For the successful and efficient governance of the institution, the Chief Justice is assisted by a structured system of standing and ad-hoc committees. The committees provide the Chief Justice with a holistic, comprehensive, contextual and up-to-date status of all activities across the institution. The standing committees cover all the core aspects of the Judiciary's operations, while the ad hoc committees are task-specific and/or time-bound. To ensure a holistic, inclusive and representative governance approach, the committees consist of judges, judicial officers and judicial staff. The standing committees are:

The Administration of Justice and Court Performance Committee (AJCPC): The Committee is mandated to improve access to courts by ensuring that courts are established in all parts of the country in line with the Social Transformation through Access to Justice (STAJ) vision, undertake the performance review of all courts and administrative units in the Judiciary, encourage the uptake of multi-door access to justice initiatives, capacity building and the overall performance of all courts to enhance jurisprudence.

The Planning and Budget Implementation Committee (BIC): The mandate of this committee is to ensure

the Judiciary Fund is fully operationalised, equitable allocation of resources to all spending units and proper utilisation of the funds to meet fiduciary requirements.

The Human Resource Management and Administration Committee (HRMC): The mandate of this committee is to operationalise the institution's organisation structure, advise on human resource gaps within the institution, oversee the recruitment and promotion of staff, cater for the welfare of all employees, and institutionalise a performance-based culture for efficient operations.

Integrated Case Management Systems Committee (ICMS): The mandate of this committee is to ensure enhanced utilisation of ICT in all judicial and administrative functions, including guiding collaborations with other justice sector actors to enhance the administration of justice.

Building, Infrastructure and Facilities Development Committee (BIDC): The mandate of this committee is to ensure strict adherence to the Judiciary project masterplan, prudent contract management for all construction projects and proper accountability for the institution's physical assets.

Public Affairs and Communication Advisory Committee (PCAC): The mandate of this committee is to develop and implement the Judiciary's Communication Strategy and Policy and manage information gateways within and outside of the institution.

Judiciary Committee on Elections: The mandate of this committee is to advise the Judiciary on administrative arrangements and measures for the efficient processing of election-related disputes and to develop and implement, in conjunction with the Kenya Judiciary Academy, a training programme on management of election disputes for judges, judicial officers and staff.

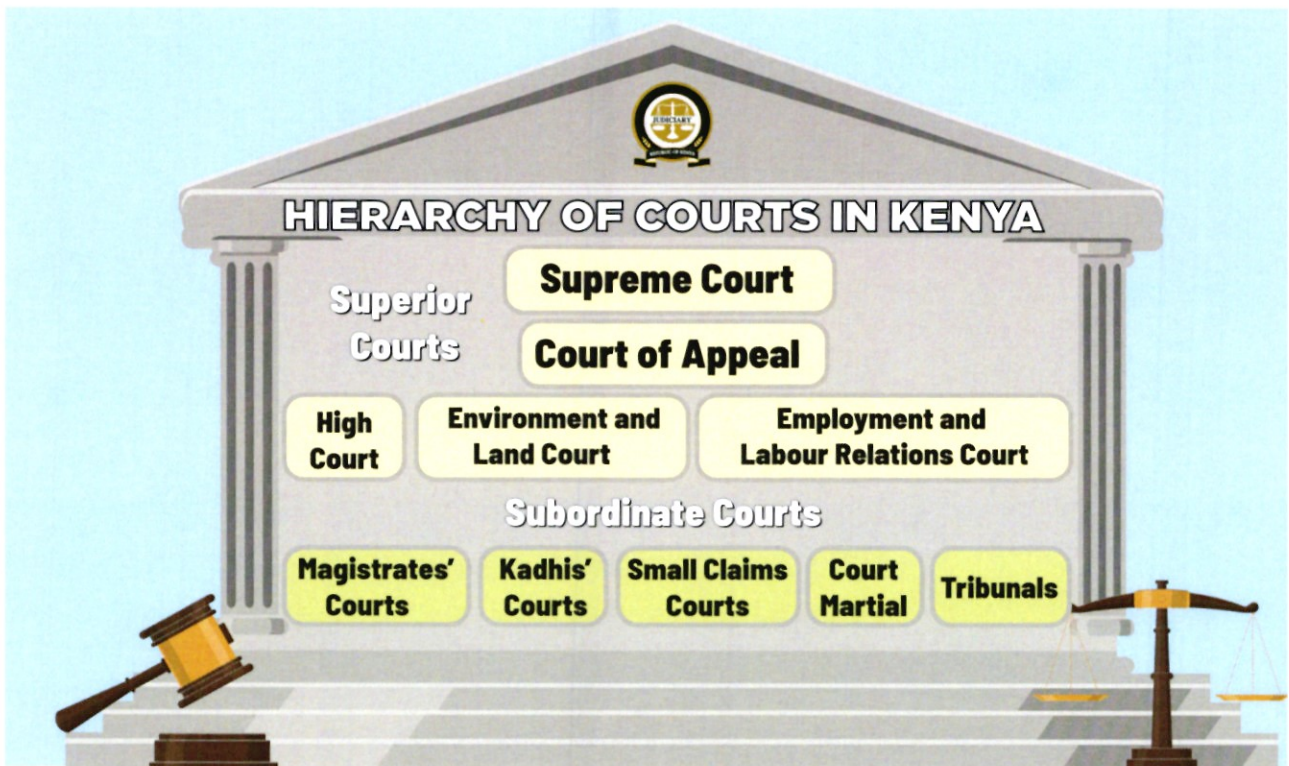
Rules Committee: The mandate of this committee is to develop rules, which complement the Civil Procedure Act (Cap 21) and any other applicable written law, to guide and facilitate efficient procedures before courts and tribunals. This includes making recommendations on issuance of practice notes or directions to resolve procedural difficulties in order to facilitate the just, expeditious, proportionate and affordable resolution of the civil disputes.

Judiciary Security Management Committee: The mandate of this committee is to coordinate, oversee and advise on how the Judiciary can continue to secure all its assets including infrastructure, ICT and personnel.

It coordinates this task in conjunction with the national security apparatus and gives recommendations on how to manage and improve the organisations overall security.

1.2.4. Court Leadership

The Constitution of Kenya provides for the system of courts and indicates that the superior courts are the Supreme Court, the Court of Appeal, the High Court, the Employment and Labour Relations Court and the Environment and Land Court. The subordinate courts are the Magistrates Courts, the Kadhis' Courts, the Courts Martial and local tribunals as established by Acts of Parliament. Parliament has enacted various legislation conferring jurisdiction, functions and powers to these courts.



The Supreme Court is presided over by the Chief Justice, who is also the President of the Court, and is assisted by the Deputy Chief Justice, who is the Vice President of the Court.

The Court of Appeal is led by the President of the Court of Appeal, who is elected by the Court of Appeal judges from amongst themselves.

The High Court and the Employment and Labour Relations Court (ELRC) are led by a Principal Judge, while the Environment and Land Court (ELC) is led by a Presiding Judge, who are all elected from amongst the judges of the respective courts.

The President of the Court of Appeal, the Principal Judges of the High Court and the ELRC, and the Presiding Judge of the ELC are all accountable to the Chief Justice for the general administration and

management of their respective courts. At the station level, all courts are headed by Presiding Judges.

The Registrar of the Magistrates' Courts is the head of the magistracy and provides support services to all Magistrates, Kadhis, Court Martial, and Small Claims Courts. Magistrates, appointed as Heads of Station, assist in the day-to-day management of the courts.

The Registrar of Tribunals is the head of the tribunals and is responsible for overseeing support services to all tribunals, including implementing the Judiciary's strategic and policy guidelines, strengthening capacity development, registry management, standardising processes, administering performance management, and ensuring prudent use of resources.

Strategic Priorities

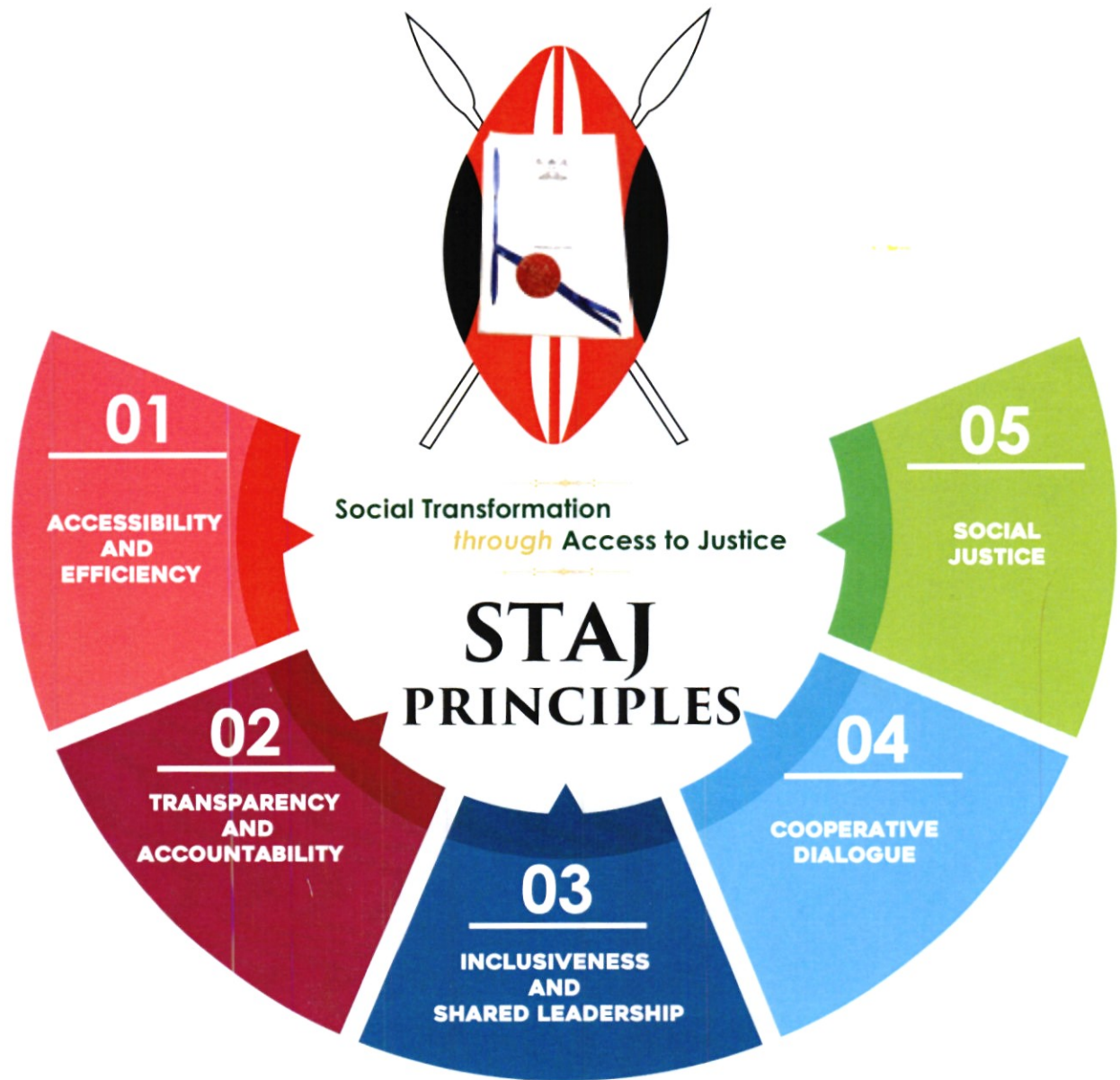
The strategic Social Transformation Through Access to Justice (STAJ) vision of the Judiciary of Kenya forms the roadmap for the future of the institution and seeks to breathe life into the transformative promise of the Constitution of ensuring access to justice for all, especially the most vulnerable in society. The primary intention is for the Judiciary to develop into an independent, vibrant, efficient and accessible institution that is responsive to the aspirations of Kenyans and serves as a true guardian of the rule of law and democracy.

The STAJ vision signals an ideological shift in the administration of justice towards enhancing public welfare and constructing a just society. All activities and interventions in the administration of justice are thus deliberately instrumentalised with the objectives of public welfare and social justice with the aim of transforming society by ensuring access to justice.

1.3.1 STAJ Strategic Outcomes



1.3.2 STAJ Principles



1.3.3 STAJ Objectives



Social Transformation through Access to Justice

OUTCOMES

STRATEGIC OBJECTIVES

01

A Strong Institution that is Independent, Accessible, Efficient and Protects the Rights of all, Especially the Vulnerable

- Improve Access to Court Services
- Adopt and Deploy Versatile Technology
- Expand the Doorways of Justice
- Enhance Access to Legal Information
- Champion Criminal, Civil, and Commercial Justice Reforms
- Entrench People Centred Data and Evidence Informed Justice Services
- Mainstream Green Justice
- Promote Indigenous Social Justice Jurisprudence and Demosprudence

02

An Inspired team of Judges, Judicial Officers, and Judiciary Staff Committed to Excellence in the Delivery of Justice

- Strengthen Human Capital Management and Development
- Strengthen Result-Based Management
- Enhance Training, Talent Management and Capacity Development
- Improve Work Environment
- Foster a Culture of Shared Leadership
- Inculcate a People-centred Performance Culture

03

Strengthened Financial Mechanisms that support the Independence and Integrity of the Judiciary

- Enhance Funding for the Judiciary and the Justice Sector
- Improve Efficiency in Resource Utilisation
- Improve Financial Management Systems

04

Deepened Partnerships that enhance Co-ordination in the Administration of Justice

- Enhance Strategic Partnerships and Collaborative Relationships
- Strengthen People Centred Justice Partnerships
- Strengthen Partnerships with Development Partners, Private Sector and the Media

05

Enhanced Public Trust and Confidence in the Judicial System

- Maintain High Standards of Integrity among Judges, Judicial Officers, and Staff
- Improve Communication and Information Sharing
- Strengthen Community Outreach and Civic Education
- Strengthen Judicial Independence

YEAR IN REVIEW FY 2022/23

Visit by the Vice-President of Colombia

Chief Justice Martha Koome hosted Her Excellency, Francia Elena Márquez Mina, Vice President of the Republic of Colombia at the Supreme Court to discuss avenues for collaboration on gender justice, transitional justice, and implementing justice sector innovations towards enhancing access to justice, especially for the most vulnerable.



Heads of Stations Forum

The 10th Annual Heads of Station Forum brought together all magistrates who head court stations to examine management practices, administrative & leadership roles, and individual & institutional accountability mechanisms at court stations.



ELC@10 Conference in Kilifi

The ELC@10 conference created momentum to enhance environment and land governance aimed at building a more just and sustainable world through strengthening courts towards actualising the right to a clean and healthy environment.



Small Claims Courts Symposium

The Inaugural SCC Annual Symposium convened adjudicators, court users, partners, and stakeholders, providing a platform for discussions on various legal issues pertinent to the court, fostering the exchange of ideas, including benchmarking for optimal standards in court and registry operations aimed at facilitating access to justice.



Tree Planting at the Supreme Court

Chief Justice Martha Koome took part in tree planting organised by the National Council for Law Reporting at the Supreme Court grounds.



Chief Justice's Visit to India

During the International Day of Women Judges, Chief Justice Martha Koome was honoured to hold discussions with H.E Droupadi Murmu, President of the Republic of India to celebrate the gains realised in promoting and securing the inclusion of women in the highest positions of leadership.



Launch of Kapenguria Law Courts

During the opening of the Kapenguria Law Courts complex as part of the Judiciary's strategy to deepen access to justice the County Government of West Pokot pledged to make land available to establish a court in Alale, a centre over 200kms from Kapenguria Town.



Lamu Title Deed Handover

The Governor of Lamu County, H.E Issa Timamy handed over two title deeds for the construction of a High Court station in Mokowe and staff quarters in Hindi and also offered space at new Lamu County HQ annexe to establish a High Court sub-registry.



Launch of Siaya Law Courts

Chief Justice Martha Koome formally launched the Siaya Law Courts and designated the building as the Argwings Kodhek Justice Centre in honour of one of the world's greatest jurists, at the request of the people of Siaya through Governor James Orenge.



Chief Justice visit to Uganda

The Chief Justice delivered the keynote speech during the 17th International Association of Women Judges conference in Munyonyo, Kampala. In her address, she emphasised the Kenya Judiciary's dedication to instigating significant transformation through initiatives like the Gender Mainstreaming Policy and the Sexual Harassment Policy.



Launch of JAMS

JAMS is a one-stop online portal automating the Processing of Advocates Admissions Petitions, Practising Certificates (PCs), Commissioners of Oaths Certificates and Notaries Public Certificates and Verification of Advocates Credentials.



Aspen Security Forum

Chief Justice Martha Koome addressed the Aspen Security Forum in Washington D.C. about the role of judiciaries in enhancing national security and stability. She spoke of the need to support elements of national security by building and nurturing independent institutions.



Tree Planting by ELC

Environment and Land Court Presiding Judge Justice Oscar Angote led judges, judicial officers and staff in a tree planting exercise at Karimenu Dam in Gatundu as part of activities to mark the ELC@10.



Visit by the Lord Chief Justice of England and Wales

Chief Justice Koome held bilateral talks with the Lord Chief Justice of England and Wales, The Right Honourable The Lord Burnett of Maldon at the Supreme Court of Kenya to deliberate modalities of fostering inter-judicial dialogue and cooperation on emerging legal issues such as cybercrime, data protection, artificial intelligence and climate change.



Visit to the Supreme Court of the Islamic Republic of Egypt

Judges of the Supreme Court of Kenya met with the President and Judges of the Supreme Constitutional Court of Egypt to discuss approaches to constitutional jurisprudence and people-centred justice in both countries. The Supreme Constitutional Court of Egypt has played a pivotal role in shaping the constitutional order and jurisprudence of Kenya.



Opening of Lamu AJS Ukumbi Suite

Ukumbi Suites have been opened in Isiolo, Kajiado, Nakuru and Lamu counties to provide a platform where parties can come together to discuss their issues candidly, fostering understanding and providing an avenue to craft mutually beneficial solutions particularly for cases involving family, land and commercial disputes.



Mediation Summit

The Mediation Summit sought to enhance the positive impact of mediation in general and Court Annexed Mediation (CAM) in particular, on the ease of doing business in Kenya recognising that both local and foreign investors are attracted to jurisdictions with efficient systems where disputes are resolved amicably, swiftly, and cost-effectively.



National Alternative Justice Systems Summit

The 2nd National AJS Summit brought together practitioners, justice sector partners, State and non-State institutions, academics, community leaders and students to discuss and build consensus on what is required to realise the constitutional concept of justice and operationalise the multi-door methods of accessing justice in Kenya.

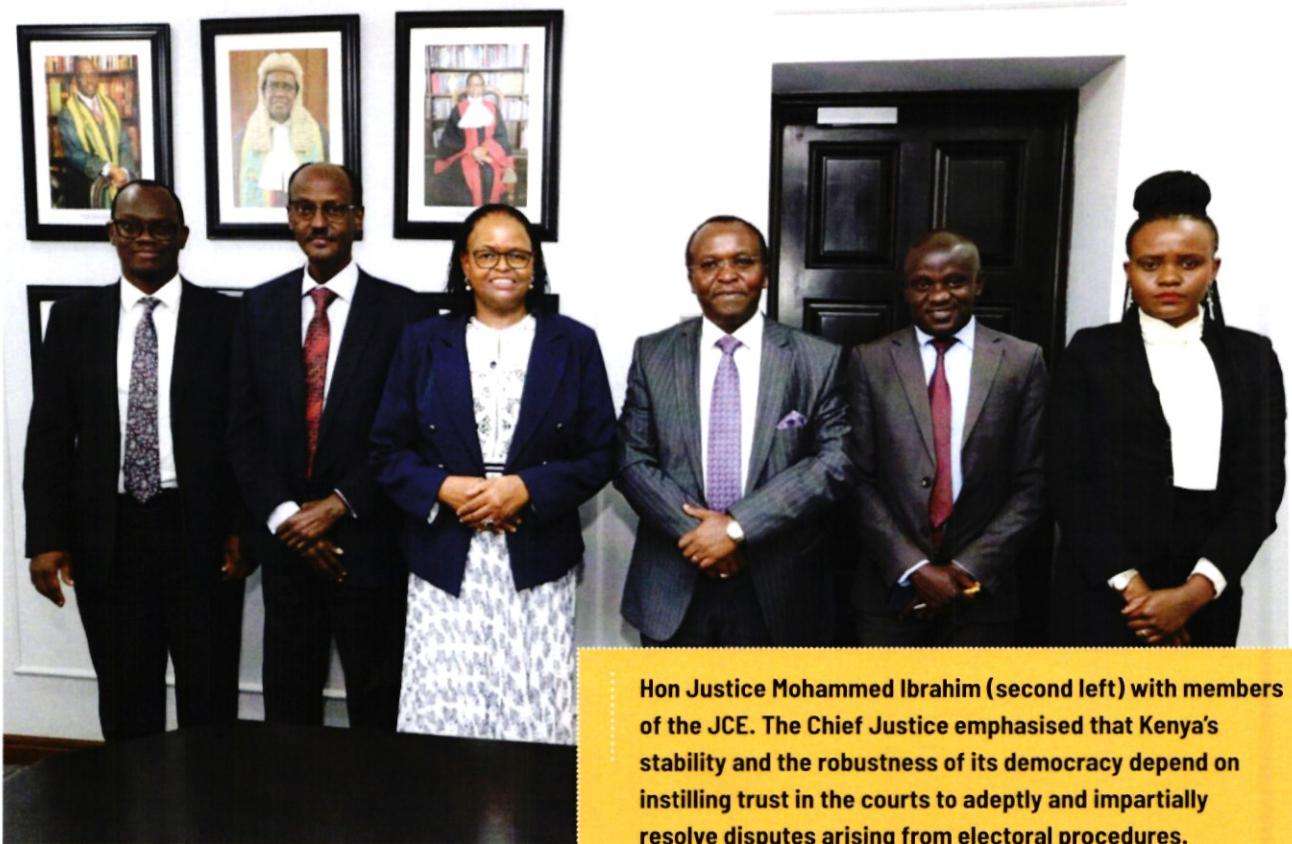


1.4. Highlights of Strategic Activities

1.4.1. Election Management

The Judiciary recognises that elections are not events but are continuous cycles, with the completion of one cycle initiating the next. The role of the Judiciary in both pre-election and post-election dispute resolution is crucial, and the Judiciary must be adequately and constantly prepared to handle any disputes that may emerge during the electoral cycle. Recognising that fair, efficient, timely and effective settlement of electoral disputes is a crucial component of achieving a successful electoral process that preserves national unity and cohesion, the Judiciary enhanced its preparedness to dispose of matters related to the 2022 electoral cycle.

Within the Judiciary, election preparedness is led by the Judiciary Committee on Elections (JCE), a standing committee mandated to ensure that the Judiciary preparations follow the electoral cycle and builds on the previous lessons to continuously improve the election dispute resolution mechanisms. This Committee, chaired by Hon Justice Mohammed Ibrahim and Hon Justice Daniel Musinga, as vice chair, oversaw the Judiciary's election preparations during the period under review.



Hon Justice Mohammed Ibrahim (second left) with members of the JCE. The Chief Justice emphasised that Kenya's stability and the robustness of its democracy depend on instilling trust in the courts to adeptly and impartially resolve disputes arising from electoral procedures.

Recognising that the Judiciary is but one actor within an election institution ecosystem and the need for cooperation and collaboration for effectiveness, the Judiciary was a member of the National Multi-Sectoral Consultative Forum on Election Preparedness. In order to ensure a successful, peaceful, credible free and fair election, the Forum was established to enhance coordination and collaboration among key stakeholders including state and non-state actors. Areas of collaboration included capacity building and training; election security management; political party engagement; peace and cohesion initiatives; resourcing of the elections; ICT infrastructure; electoral dispute resolution; and information sharing and management.

These preparatory activities enabled the Judiciary to effectively and efficiently manage election disputes that emerged during the 2022 electoral cycle. Key actions undertaken to facilitate the election dispute resolution process within the Judiciary included:

Gazettement of Judges and Magistrates: In order to quickly hear and determine election petitions submitted in the High Court and Magistrates' Courts, the Chief Justice gazetted 39 judges and 124 magistrates who were deployed across the country to hear and determine parliamentary and county election petitions.

1.4.2 Training on Election Dispute Resolution

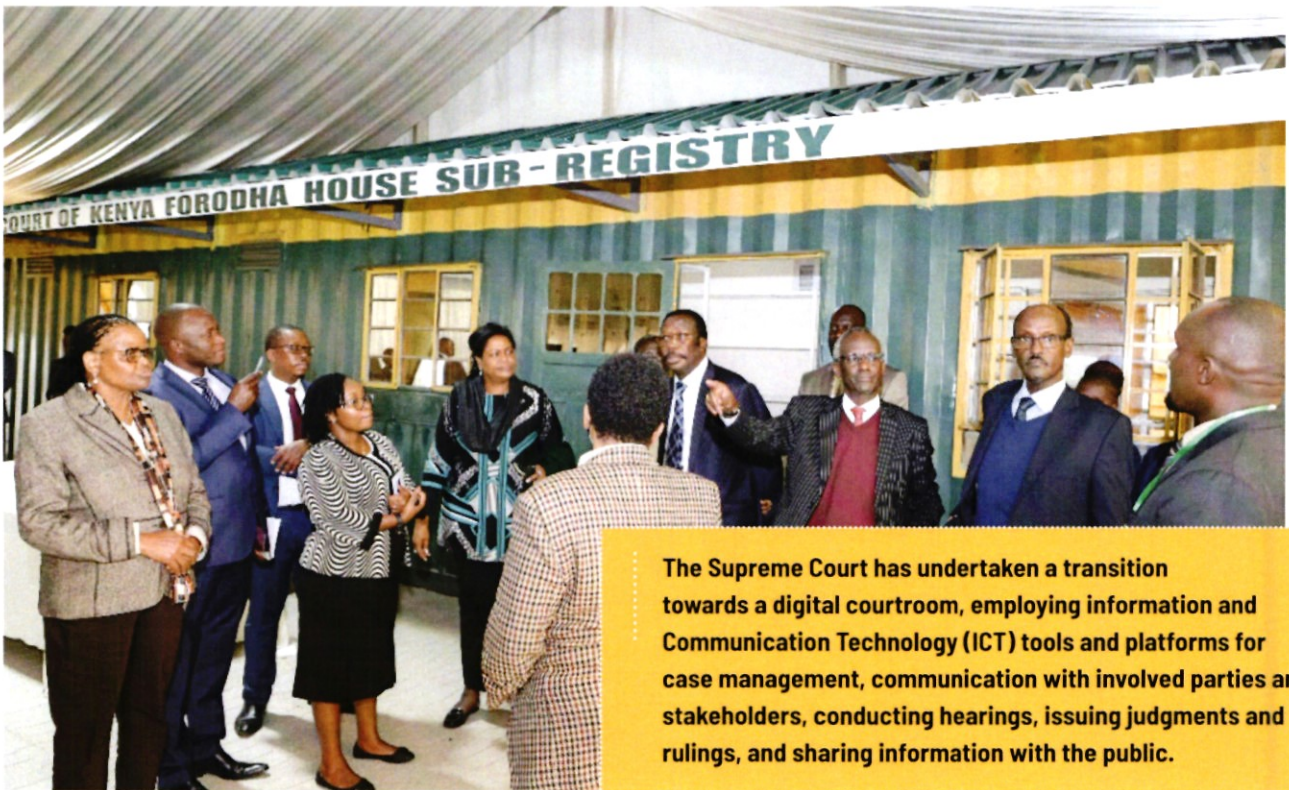
The JCE, in collaboration with the Kenya Judiciary Academy (KJA) and with the support of various stakeholders and development partners, provided in-depth election dispute resolution (EDR) training for judges, magistrates, legal clerks, law researchers, and other staff. These trainings were designed to enhance the capacity of judges, magistrates, legal researchers/law clerks, and other judicial staff in election dispute resolution adjudication and related processes.

Specific training was also conducted for deputy registrars in recognition of the crucial role they play in conducting scrutiny, recount and creating related reports. The training also included personnel from the Office of the Principal Judge (OPJ) of the High Court as well as the Registrar of the Magistrates Court (RMC), the High Court (RHC), and their staff.



Supreme Court Judges undergo EDR training. The Supreme Court's jurisdiction in resolution of disputes arising from presidential elections is a testament to the consequential mandate vested in the apex court to uphold the rule of law, protect constitutional principles and aspirations, and ensure State stability.

Decentralisation of Services: The Supreme Court gazetted a sub-registry at Forodha House so as to handle the presidential election petitions more efficiently. This was in anticipation of the volume of documents to be processed and need for a more conducive space that would be able to accommodate the expected large number of litigants and participants in this petition.



The Supreme Court has undertaken a transition towards a digital courtroom, employing information and Communication Technology (ICT) tools and platforms for case management, communication with involved parties and stakeholders, conducting hearings, issuing judgments and rulings, and sharing information with the public.

The Political Parties Disputes Tribunal established seven sub-registries in Eldoret, Kakamega, Kisumu, Meru, Mombasa, Nakuru and Nyeri to enhance litigants' access to the tribunal as well as increase proficiency in processing of political party disputes.

E-filing of EDR Cases - An electronic system for filing electoral disputes was launched during the period to aid in the electronic filing and handling of electoral matters. A guideline on the filing of EDR matters was shared across the Judiciary, amongst stakeholders, and with the general public to guide the e-filing process and to provide for EDR timelines and procedures. Key stakeholders and court users, including justice system partners, were trained in preparation for the e-filing of EDR matters. A guide for litigants on how to view electronic court proceedings was developed and disseminated.

EDR Bench Book - An EDR Bench book was developed and disseminated for use by judges, judicial officers, legal practitioners, justice system partners and litigants. The EDR Bench book consolidated legislation, processes, and jurisprudence on electoral matters and provided insightful views on the subject from academia. The core purpose of the Bench book was to provide judges and magistrates with a quick-reference tool for handling electoral matters.

Standard Operating Procedures (SOPs) for EDR Cases: During the reporting period, the election-related case-handling procedure was reviewed and disseminated across the Judiciary.

Frequently Asked Questions (FAQs): A hand book containing FAQs was formulated and disseminated to stakeholders. This handbook was instrumental in answering some of the common and recurring inquiries made about the electoral process thus increasing public knowledge and enhancing transparency.

1.4.3 Improving Access to Justice

1.4.3.1 Expansion of Courts and Tribunals

The Judiciary continued to prioritise the expansion of court services across the country. This is in line with the STAJ vision of improving physical access to justice, reducing distances travelled by litigants and decentralising the delivery of justice for all in the society, particularly the marginalised and vulnerable. The year in review saw an increase in the number of Court of Appeal, Environment and Land Court, and Magistrates' Court stations. In addition, more sub-registries were established at the various superior court levels. At Milimani, specialised divisions were created in the Employment and Labour Relations Court and the Environment and Land Court to improve operational efficiency.

Appreciating that trauma-based care is important in Sexual and Gender-Based Violence (SGBV) cases, the Judiciary established specialised SGBV courts and registries equipped to handle these cases with sensitivity, empathy, and efficiency. These courts will utilise progressive case management strategies to expedite SGBV cases in a manner that upholds the dignity and well-being of victims and all persons involved.

Priority hotspot counties were identified (Nairobi, Meru, Nakuru, Kiambu, Machakos, Mombasa, Kisii, Trans-Nzoia, Kakamega, Siaya and Kisumu) and SGBV courts established and operationalized in Shanzu (Mombasa), Siaya, Kisumu, Kibra and Makadara. Special SGBV Registries were also established in Meru, Nakuru, Kiambu, Machakos, Kisii, Kitale and Kakamega Law Courts.

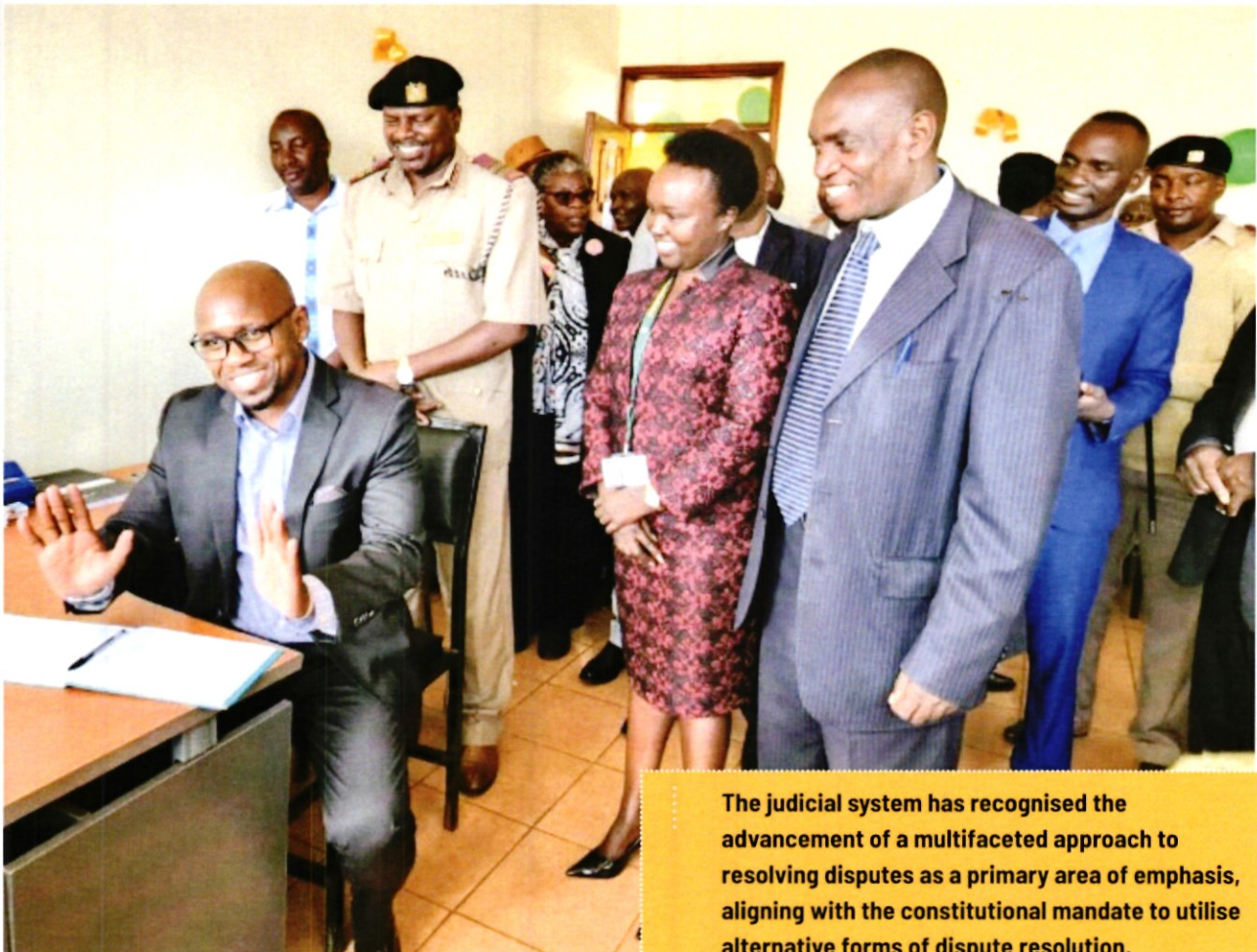


The establishment of the specialised SGBV courts followed the identification of hot spots such as Kibera, as the Judiciary scales up the efficiency and effectiveness of interventions, alongside others agencies in the justice sector, to bridge the gap between survivors' trauma and hope for a better tomorrow.

1.4.3.2. Expanding the Doorways of Justice

Deepening its commitment to the constitutional vision of justice beyond the confines of state institutions, the Judiciary continued to develop and implement the multi-door approach to justice that is at the foundation of the STAJ vision. Under this approach, the institution envisions courts and tribunals as performing the multiple roles not only as adjudicators, but as arbiters, connectors, facilitators and promoters of the range of justice systems in Kenya. The institutional focus on widening and expanding the doorways of justice encourages a people-centred approach to disputes resolution, promoting harmony and understanding within the society.

Alternative Disputes Resolution (ADR): The Judiciary is facilitating the use of Alternative Dispute Resolution mechanisms between parties. Through this mechanism, 4,690 matters were referred to mediation, with a total of 2,242 settled successfully. The total value of matters referred to mediation during the financial year was KSh 33,760,340,720, while the total value of settled matters was KSh 8,488,698,940. In addition, 17 new mediation registries were established across the country.



The judicial system has recognised the advancement of a multifaceted approach to resolving disputes as a primary area of emphasis, aligning with the constitutional mandate to utilise alternative forms of dispute resolution.

Alternative Justice Systems (AJS): Recognising that the formal, informal and systemic barriers Kenyans face in accessing justice institutions undermines the rule of law, erodes public trust and confidence in the justice system and perpetuates inequality and injustice, the Judiciary continued to embrace and promote alternative justice systems as a viable and legitimate option for resolving disputes and enhancing access to justice for all Kenyans. With the potential to reduce the backlog and congestion of cases in the courts by diverting appropriate matters to alternative forums, AJS is more flexible, accessible, affordable, timely, and responsive to the needs and aspirations of the people; and offers solutions that are innovative and adaptable to changing circumstances and contexts.

The Judiciary through the National Steering Committee for the Implementation of the Alternative Justice Systems (NaSci-AJS), continued to promote AJS across the country through the development and implementation of the AJS Action Plans. These plans were launched in Kajiado and Nakuru Counties. They outline the specific activities, responsibilities and timelines for implementing the AJS Policy at the county level; and the establishment of AJS Suites (Ukumbi) to provide physical spaces for alternative justice actors to conduct their dispute resolution processes in a dignified and conducive environment.

Ukumbi Suites were opened in Isiolo, Kajiado, Nakuru and Lamu Counties to provide a platform where parties can come together to discuss their issues candidly, fostering understanding and providing an avenue to craft mutually beneficial solutions particularly for cases involving family, land and commercial disputes.



The inauguration of AJS Suites such as the one in Mpeketoni, Lamu County provides for reconciliation which looks beyond the symptoms and addresses the very roots of conflicts thus ensuring a harmonious society.

In addition to hosting the 2nd National AJS Conference in Nairobi in June 26 – 28, 2023 the Judiciary also promoted the use of AJS by facilitating and participating in training and workshops on AJS, particularly through Court Users Committees (CUCs).



A justice system that is people-centred takes into account the diverse cultural norms and values, ensuring that the legal process is not only just but also culturally sensitive.

Mahakama Popote: This initiative was rolled out during the year whereby judicial officers in less busy court stations are assigned cases from courts with a higher caseload. The judicial officers would hear and determine these cases utilising virtual courts and thus leveraging on technology to ensure increased efficiency in resolution of cases. This not only alleviated backlog in the source stations but also ensured an equitable distribution of workload in the Judiciary. In the year under review, 5,818 files from Milimani Commercial Courts were reassigned to other courts with 3,059 of them being finalised. Another 507 cases were reassigned from the Mombasa Law Courts to other courts in the county, with 219 of the cases determined during the review period.

Tribunals: The Judiciary continued to facilitate the transition of tribunals from the Executive to the Judiciary. Three more tribunals were transferred to the Judiciary during the review period, bringing the total number of tribunals in the Judiciary to 24. The three tribunals that transited to the Judiciary are the Land Acquisition, Financial Centre and Water Tribunals. The Cabinet also approved the Tribunal Bill, which aims to standardise the administration of the tribunals.

Small Claims Courts: The rollout of the Small Claims Court (SCC) continued with the operationalisation of the Meru Small Claims Court. The SCC makes it possible for litigants to quickly and economically settle small disputes. In addition, it has benefited the administration of justice by easing the workload on the regular courts and facilitating expeditious access to justice.



Small Claims Courts resolve cases within a statutory 60-day timeline, which means the historic problem of delay in the delivery of justice is finally being tackled. This has led to enhanced access to justice to small and medium enterprises, which are the backbone of the Kenyan economy and account for over 80% of employment opportunities.

1.4.3.3 Improving Case Management

Case backlog and delays are amongst the major challenges the Judiciary is actively addressing. Case management allows courts and litigants to make the best use of the available judicial and administrative resources including the court's time. During the reporting period, the Judiciary continued to enhance case management techniques across the courts and tribunals towards the expeditious yet judicious determination of cases.

A key intervention was an engagement between Registrars of the Court of Appeal, High Court, Magistrates' Court, and staff to discuss modes of streamlining the appeal process, ensuring accountability, and enhancing the overall efficiency of the judicial system in handling criminal appeals. The key outcomes of the meeting included:

Implementation of an effective communication strategy to ensure that all stakeholders are well-informed. A proposed directive that appeals should be filed to the High Court rather than the Court of Appeal, streamlining the process and avoiding unnecessary delays.

Enhancing transparency and accountability within the office administrators through the development of

a specialised tool to track and manage the various administrative tasks involved in the appeal process. Developing a further specialised tool to gather essential data and feedback from stakeholders; data that will aid in the continuous improvement of the appeal processes and related systems.

A resolution to revive the office administrators grouping, fostering collaboration, knowledge-sharing, and best practices among the administrative personnel.

A training curriculum on appeal processes was crafted and validated. To guide the seamless design and implementation of the appeal system for criminal cases, it was agreed that a dedicated team would be assembled comprising experts with a deep understanding of the judicial processes and criminal appeals. Recognising the importance of collaboration and comprehensive involvement of justice system stakeholders and court users, it was agreed that NCAJ actors would also be incorporated into the team to harness the range of valuable insights and perspectives that will enhance the holistic approach to criminal appeals. Strengthening the Judiciary's Human Resource Complement

Recruitment of Judges and Magistrates



The Judiciary and the Judicial Service Commission are mainstreaming the idea of 'judicial hygiene' meaning the enforcement of a zero tolerance to corruption policy.

The performance of courts and tribunals is entirely dependent on a committed, motivated and competent workforce that comprises judges, judicial officers and judiciary staff. The Judiciary has therefore continued to increase its personnel capacity to cater to for the ever-increasing work load as well as ensure sufficient capacity for the efficient discharge of its functions.

Recruiting more judges and judicial officers ensures the efficiency and quality of the judicial system. Ten new judges were appointed to the Court of Appeal, 20 to the High Court, and two to the Employment and Labour Relations Court.



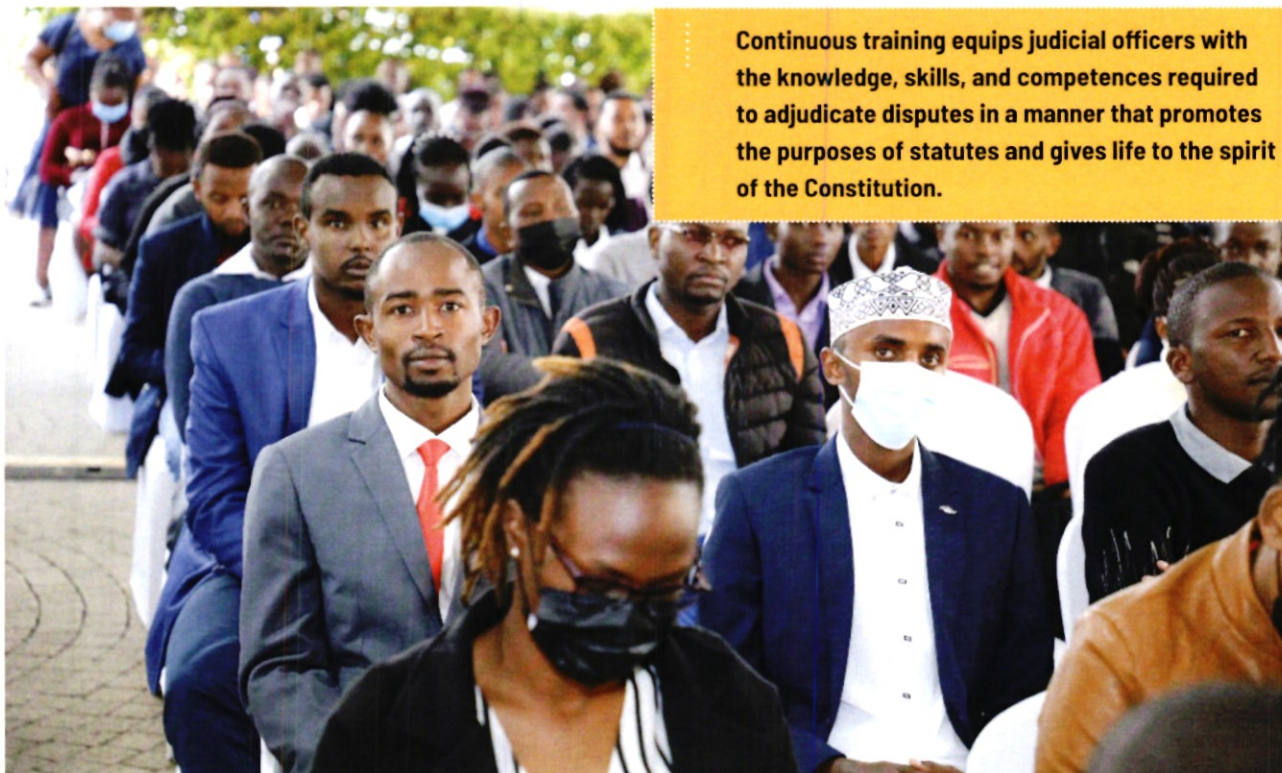
'Emerging jurisprudence shows that law is not a static instrument, but a dynamic force. As custodians of the law, it is our duty to ensure that our interpretation and application of it evolve in tandem with the changing social realities and complexities of our times' – Hon Justice Koome, Chief Justice.





The overall complement of judges increased from 49 per cent to 54 per cent and that of judicial officers decreased from 49 per cent to 43 per cent during the reporting period.

Judiciary staff play a pivotal complementary role to judges and judicial officers in the discharge of their judicial functions and the Judiciary also increased the complement of this cadre from 72 per cent to 74.7 per cent within the reporting period.



Continuous training equips judicial officers with the knowledge, skills, and competences required to adjudicate disputes in a manner that promotes the purposes of statutes and gives life to the spirit of the Constitution.

Promoting the physical and mental well-being of judges, judicial officers and staff is not only a matter of individual concern but also crucial for the stability and effectiveness of the legal system and the wider society.





Judiciary Personnel Wellness

The Judiciary recognises that for courts and tribunals to perform optimally, the wellness of judges, judicial officers and staff is critical. The STAJ vision emphasises that without a healthy, motivated and inspired workforce, performance will be sub-optimal. The Judiciary thus continued to strive towards improving the working environment for its personnel by, amongst others, establishing peer-to-peer mentorship programmes and partnering with service providers across the country to expand the benefits under the Judiciary medical cover for preventative care and psychosocial support.

In furtherance of its commitment to improve the well-being of its employees and their families, the Judiciary in October 2022, executed a Memorandum of Understanding (MoU) with the Kenyatta University Teaching Research and Referral Hospital (KUTRRH) for the provision of a wellness programme for diagnostic, preventive, mental and psychosocial support.

Within the framework of this program, KUTRRH offers wellness examinations, clinical and surgical services, diagnostic and imaging services, as well as mental health assessments. KUTRRH also prepares and delivers health presentations to Judiciary personnel via online platforms, addressing various healthcare subjects encompassing physiotherapy and psychiatry. The Judiciary employee wellness programme is essential for judges, judicial officers and staff for early diagnosis of diseases, identifying risk factors of chronic conditions and receipt of preventive care and guidance.

The Kenya Judges Welfare Association (KJWA) also supports these initiatives and has identified the need for increased awareness on mental health as an essential component of employee wellness. KJWA, which comprises judges from the Supreme Court of Kenya, Court of Appeal, High Court and Courts of equal status, organised a wellness session for judges from June 22-25, 2023 themed, 'Radical Mindshift: My Wellness My Business' which was aimed at providing an opportunity for the judges to focus on their personal wellness both physically, mentally, spiritually and emotionally.

1.4.4 Transparency & Accountability

Enhancing public trust and confidence in the Judiciary through, amongst others, enhancing transparency and accountability in the institution is a key outcome of the STAJ vision.

A central pillar of the STAJ vision, the Judiciary ensured that complaints of misconduct, including allegations that relate to corruption, were dealt with promptly and satisfactorily so as to continually mainstream the idea of 'judicial hygiene' in the conduct of judges, judicial officers and staff.

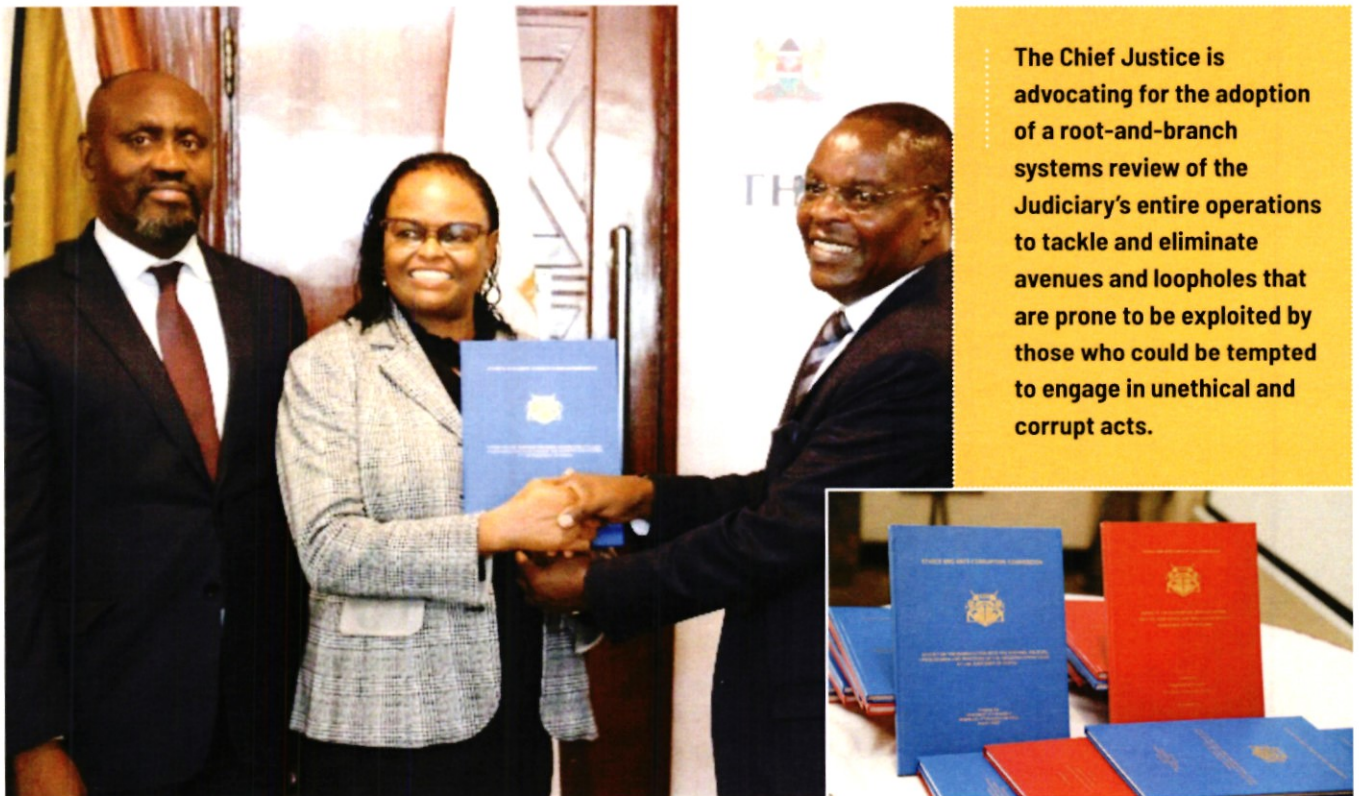
Efforts were made to enhance the efficiency of the processing and resolution of complaints against judges, judicial officers, and staff. This included improving the efficacy of the Judiciary's complaints handling procedures and systems by leveraging technology to improve the complaints lodging, tracking and feedback system in order to enable complainants to lodge their grievances online, track the progress in the investigation and resolution of the complaint, and receive regular updates on the progress in resolving their complaints.

1.4.4.1 Judiciary Systems Audit

A key milestone during the reporting period was the finalisation of the comprehensive audit of the systems, policies, procedures and practices of registry operations and the management of government funded construction projects in the Judiciary by the Ethics and Anti-Corruption Commission (EACC).

In 2021, the Chief Justice invited the EACC to undertake a systems review of the policies, procedures, and practices of the Judiciary with a goal of identifying the avenues and opportunities for unethical and corrupt practices. This preventive approach was informed by the reality that aside from being a function of lack of personal and professional ethics, corruption is also a function of distortion of laws, policies, practices, and processes that are manipulated in order to favour personal or private interests.

The findings and recommendations from the two reports form part of the Judiciary's 'judicial hygiene' strategy as the proposals and recommendations are a guide for creating an institution that reflects the aspirations of Kenyans for a corruption-free Judiciary. The Judiciary is committed to implementing these findings and recommendations noting that they are pivotal towards eliminating corruption, enhancing accountability and building trust in service delivery by the Judiciary. The recommendations will also be integrated into the Judiciary's digitisation strategy as technology presents a unique opportunity to enhance the Judiciary's operational efficiency and accountable service delivery.



The Chief Justice is advocating for the adoption of a root-and-branch systems review of the Judiciary's entire operations to tackle and eliminate avenues and loopholes that are prone to be exploited by those who could be tempted to engage in unethical and corrupt acts.

1.4.4.2 Judiciary Fund, 1 Year On.

Expenditure operations under the Judiciary Fund (JF) took effect from July 1, 2022 after all implementation instruments were actualised and an operational framework established. A year after operationalisation of the Fund, the Judiciary continues to strengthen the processes and procedures of the Fund ensuring that the budget is effectively implemented and the exchequer is aligned with the Judiciary's cash flow plan. Standard Operating Procedures (SOPs) for Judiciary Fund operations and a Monitoring & Evaluation Framework were developed and a Judiciary Fund support desk established to offer technical support on all matters Judiciary Fund.

1.4.4.3 Enhancing Performance Management and Measurement

The continued implementation of performance management enables the Judiciary to focus on results as well as areas of improvement to ensure expeditious delivery of justice. Performance management continues to be institutionalised and its sustained implementation has greatly helped streamline internal processes and systems leading to improved efficiency and effectiveness. It has also led to increased accountability and productivity of judges, judicial officers and staff, and promoted service quality in the courts as well as the standardisation of services across courts by setting targets based on well-defined benchmarks.



The Judiciary continued to strengthen the Directorate of Planning and Organisational Performance to enable the directorate to be more effective in its role of data collection, analysis, and dissemination. The Chief Justice appointed Performance and Data Liaison Officers in all courts to be point persons for performance data collection and submission with the implementation of the Case Tracking System (CTS) and automation further augmenting these efforts.

Performance Management and Measurement Understanding (PMMU) is a tool for recognising and measuring progress, as well as identifying opportunities for continuous development, knowledge and experience sharing. Courts and Administrative Units achieve this by including target setting and performance indicator evaluation into their daily activities.

Performance Contracts: The Judiciary measures its performance on an annual basis, comparing actual outputs or results to targets set at the start of the year. During the review period, an evaluation of the Performance Management and Measurement Understandings (PMMU) for the FY 2021/22 covering 299 courts, tribunals, and administrative units, was carried out. The overall performance of the judiciary was 93.71 per cent, up from 89.03 per cent in FY 2020/21.

Performance Appraisal System (PAS): The PAS tool provides a structured framework for individuals to take ownership of their roles and responsibilities, ultimately contributing to the achievement of the organisation's strategic objectives. A total of 3,922 staff (88.4 per cent) were evaluated, representing an increase of 2.5 per cent from the previous year.

1.4.5 The Judiciary of Kenya: A Centre of Excellence

Under the STAJ vision, each court and tribunal must be a centre of excellence in the delivery of justice. Key to this is enhancing the capacity of judges and judicial officers through learning, knowledge and experience exchanges and capacity building engagements. Judiciary conferences provide judges and judicial officers with invaluable opportunities to re-engage, consult, learn and exchange ideas towards improving the exercise of judicial authority. These engagements build towards an inspired team of Judiciary personnel imbued by a spirit of service, fraternity and collegiality and assist in enhancing judicial efficacy, effectiveness and rectitude.



Awards and Achievements



Hon Justice (Prof) Joel Ngugi was awarded the ICJ-Kenya 2022 Jurist of The Year Award in recognition of his achievements in contributing to Kenya's transformative and innovative legal reforms as a human rights defender, jurist, and scholar and engendering diligence and a robust sense of innovation in judicial and administrative capacities.

**YOU CANNOT
"OUTFAITH"
GOD**

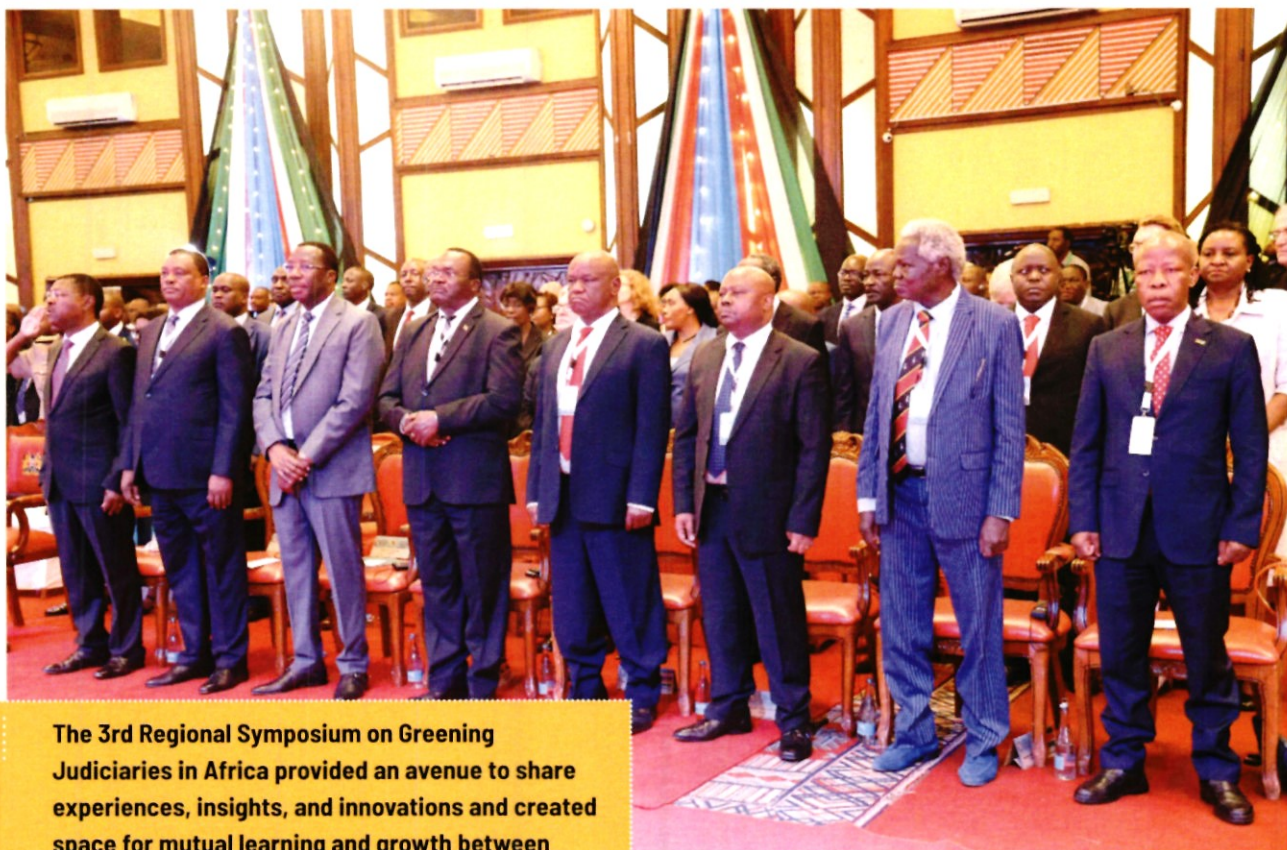
Hon. Paul Ndemo, Deputy Chief Registrar of the Judiciary, at the launch of his two books 'You Cannot Outfaith God' and 'The Undiscovered Power of Giving.'



1.4.5.1 Kenya - Regional Hub for Judicial Dialogues

The Judiciary of Kenya has established itself as a regional hub for south-south learning and dialogues between judiciaries in Africa. The Judiciary hosted regional dialogues as a means of fostering the development of African jurisprudence that is responsive to the unique concerns and aspirations of the continent. The Judiciary of Kenya is committed to strengthening the Kenya Judiciary Academy (KJA) as a robust, dynamic and innovative institution for knowledge exchange, capacity building, and collaboration especially between African judiciaries, enabling a better understanding, interpretation, and application of the law in the promotion of social justice and transformation within the continent's diverse jurisdictions.

In this context, the 3rd Regional Symposium on Greening Judiciaries in Africa, hosted by the Judiciary of Kenya, the Kenya Judiciary Academy and the Africa Judicial Educators Network on Environmental Law (AJENEL), was held in Nairobi from April 3-5, 2023 under the theme, 'Strengthening the Role of the Judiciaries in Addressing Climate Change in Africa'.



The 3rd Regional Symposium on Greening Judiciaries in Africa provided an avenue to share experiences, insights, and innovations and created space for mutual learning and growth between Judiciaries from 25 nations.



One of the outcomes of the symposium was a call to AJENEL member states to consider the transboundary nature of climate change factors and develop appropriate regional frameworks to combat climate change.

The symposium was anchored on the role of the courts in combating climate change and its impacts in Africa and provided actionable policy direction from heads of judiciaries and judicial training institutes across Africa on the enhancement of environmental justice, particularly in disputes arising from climate change and its impacts.

The symposium was attended by Chief Justices and Heads of Judicial Training Institutions from South Sudan, Niger, Burkina Faso, Zanzibar, Ghana, Sudan, Zambia, Burundi, Tanzania, Uganda, Zimbabwe, Malawi, Lesotho, Somalia, Togo, Mauritius, South Africa, Mozambique, The Gambia, the Kingdom of Eswatini, Benin, Sierra Leone, Eritrea, Morocco and Brazil. Some of the key commitments that emerged from the AJENEL symposium included:

- A proposal to Executive and Legislative branches of the AJENEL member states to develop progressive policies, laws and reforms aimed at combating climate change, including climate financing, and establishment of courts and tribunals to handle environmental and climate change matters;
- A call to AJENEL member states to consider the transboundary nature of climate change factors and develop appropriate regional frameworks to combat climate change;
- Judiciaries to enhance access to justice in environmental and climate change matters, including embracing Alternative Justice Systems and Alternative Dispute Resolution mechanisms in the resolution of matters related to the environment and climate change;
- Judiciaries to deliberate and develop guidelines to enforce orders given by courts to remedy

- violations that affect the right to a clean and healthy environment, including the climate.
- To encourage the United Nations Environment Programme, the Global Judicial Institute on the Environment, and other partners to continue supporting the development and implementation of programmes designed to improve the knowledge and skills of Judicial officers and staff in climate change law and principles.

1.4.5.2. Courts and Tribunals Symposia and Colloquia

Heads of Station Forum: The 10th Annual Heads of Station Forum was held in March 2023 under the theme, 'Building a Legacy of Excellence in Court Governance and Administration.' The forum which brought together all magistrates that head court stations enabled them to examine management practices, administrative & leadership roles, and individual & institutional accountability mechanisms at court stations. The forum focused on building the capacity of heads of courts to efficiently run their stations.

An important outcome was the launch of the 'Guide for Heads of Station' booklet whose objectives include providing magistrates and kadhis with a general guide on the specific roles of the Head of Station; standardising the roles and responsibilities of Heads of Station across the Judiciary; and ensure that Heads of Stations adopt a shared approach to the governance and administration of court stations in accordance with the STAJ institutional vision.

Magistrates and Kadhis Colloquia: The 2023 Magistrates and Kadhis Colloquia were held between February 1-3, 2023 and February 8-10, 2023 in Naivasha under the theme 'Social Transformation Through Access to Justice: Building Magistrates Courts of Excellence'. The Magistrates' and Kadhis' Courts determine 85 per cent of the cases in the Judiciary and are thus central to the realisation of the vision of optimal service delivery and enhancing institutional performance under STAJ. The colloquia addressed, inter alia, the role of magistrates and kadhis in realising the STAJ vision; recent critical legislative amendments and provisions of the law declared unconstitutional; the review of the Sentencing Policy Guidelines, Penal Code and Criminal Procedure Code; integrity within the magistracy and implementing the Judiciary Code of Conduct and Ethics; and ensuring mental wellness in the workplace.



'A judiciary that is nurtured and cared for is better positioned to render judgments that nurture and care for the nation' – Hon Justice Koome, Chief Justice.

Inaugural Small Claims Courts (SCC) Symposium: The Inaugural SCC Annual Symposium was held in December 2022 and convened adjudicators, court users, partners, and stakeholders. The symposium provided a platform for discussions on various legal issues pertinent to the court, fostered the exchange of ideas including benchmarking for optimal standards in court and registry operations aimed at facilitating access to justice.



The establishment of Small Claims Courts has led to the resolution of many commercial cases with a value below Ksh1 million. This has resulted in the release of colossal sums of money back to the economy, thus increasing public and investor confidence in the country's justice system.

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Under the theme 'Commercial Justice as a Key Driver of Economic Transformation and Development: The Role of the Small Claims Court', the SCC symposium discussed the place of the Judiciary and the SCC in particular in the attainment of the objectives under Vision 2030. Participants also deliberated on the possible review of the legislative framework for SCCs under the Small Claims Court Act, 2016 and its Rules which were enacted in the year 2019.

Towards enhancing capacity amongst adjudicators, presentations were held on evidence analysis and judgment writing; on the Small Claims Code of Conduct for Adjudicators, 2019; on active case management in Small Claims Cases; and an analysis of common mistakes and grounds of appeal from the SCC undertaken. Towards improved efficiency in the SCCs, automation of court and registry systems was deliberated as well as proposals and processes for aligning SCCs processes with the objectives in the Judiciary's STAJ vision. Importantly, participants discussed how SCC procedures could be leveraged to improve efficacy and access to justice in the wider Judiciary. Outcomes from the symposium included the SCC Action Plan 2022-2027; a draft SCC Citizen Service Delivery Charter; and Draft Practice Directions for the SCC.

High Court Leaders Forum: The Annual High Court Leaders' Conference was convened in June 2023 bringing together the Principal Judge and Presiding Judges from various High Court stations and divisions, as well as the registrar and deputy registrars of the courts. Held under the theme, 'Value in Shared Leadership', the primary focus of the conference was the expeditious delivery of judgments, the prompt dissemination of rendered decisions, and reflections on the performance of the High Court over the year and strategies towards the collective realisation of the objectives under the STAJ vision. Particular emphasis was placed on the implementation of effective case management as a proactive measure to prevent the accumulation of backlog of pending determinations. During the forum, judges received a resolute call to foster an environment conducive to continuous learning and professional development within the Judiciary: this encompasses the promotion of mentorship programs and peer review, with the aim of perpetuating innovation and enhancing judicial practices.



The Chief Justice emphasised that judges should be enablers and drivers toward fulfilling the Constitution's promise of a just, inclusive society. This means having a Judiciary that responds empathetically and effectively to the needs of all Kenyans, particularly the most vulnerable and marginalised citizens.

1.4.5.3 ELC, 10 Year Anniversary

The Environment and Land Court (ELC) commemorated 10 years of operation by holding a conference from November 28 to December 2, 2022 under the theme, 'Celebrating Ten Years of the Environmental and Land Justice in Kenya: Reflecting on the ELC Journey and Future Prospects.' In collaboration with state and non-state partners, the conference brought together a wide range of actors in matters environment and land from Kenya, Africa and globally to share experiences and propose judicial strategies that are required to deliver justice and promote, not only the rule of law, but protect the environment and ensure access to land.

The conference created momentum to enhance environment and land governance aimed at building a more just and sustainable world through strengthening courts towards actualising the right to a clean and healthy environment. The conference resolved to enhance inclusiveness in environmental and land justice; deepen partnerships and stakeholder engagement, including public involvement in the work of the ELC; build capacity for the ELC in order to enhance the performance of its functions; uptake technology to enhance the delivery of justice in environmental and land matters; implement legislative, policy, and institutional reforms to enhance the effectiveness of the ELC and the administration of environmental and land justice generally; promote gender responsiveness in land and environment governance and access to justice; and integrate alternative dispute resolution and alternative justice systems in ELC matters.



Since it was operationalised over 10 years ago, the ELC has been at the forefront of developing progressive jurisprudence on environment and land law, that is being positively lauded within and beyond our borders.

1.4.5.4 Mediation Summit

The Judiciary, in collaboration with Kenya Bankers Association, Strathmore University, and the Law Society of Kenya hosted the inaugural Mediation Summit on April 13-14, 2023. The summit, themed 'Banking and Mediation: Leading the Way' brought together actors from the justice and financial services sectors to share and exchange ideas and deliberate how to use mediation as a tool for enhancing the efficiency and effectiveness of the dispute resolution system.

The summit built on the great strides the Judiciary of Kenya has made in institutionalising mediation as an alternative dispute resolution mechanism and in promoting a culture of mediation in the country. This has resulted in enhanced access to justice and the quicker and more effective resolution of disputes. The forum sought to further enhance the positive impact of mediation in general and Court Annexed Mediation (CAM) in particular, on the ease of doing business in Kenya recognising that both local and foreign investors are attracted to jurisdictions with efficient systems where disputes are resolved amicably, swiftly, and cost-effectively. Participants deliberated on the role of the Judiciary in contributing to a conducive environment for banking, commerce and investment.



When the Judiciary speaks of 'Mediation First' it does not diminish the importance of courts or litigation. Instead, it is acknowledging that for many disputes, there are more amicable, more efficient, more context-sensitive, and indeed, more holistic avenues of resolution than traditional litigation.

1.4.5.5 Alternative Justice Systems Annual Conference

Following the successful inaugural conference in 2022, the Judiciary held the second National Alternative Justice System (AJS) Conference in Nairobi on June 26-28, 2023. The conference brought together AJS practitioners, justice sector partners, state and non-state institutions, academics, community leaders and students to discuss and build consensus on what is required to realise the constitutional concept of justice and operationalise the multi-door methods of accessing Justice in Kenya.



The 2nd AJS conference, which was held under theme 'AJS as Culture and Innovation in Accelerating Social Transformation through Access to Justice,' sought to deepen the role of AJS in the sphere of justice, with culture as a centre piece and enabler of this process of adjudication.

The conference, which was opened by the Chief Justice, and graced by H E Joseph Ole Lenku, the Governor, Kajiado County attracted 500 physical participants and over 2,000 online attendees. The 2nd national conference highlighted initiatives aimed at building localised and people-centred justice mechanisms across all of Kenya's counties in line with fundamental rights as enshrined under the Constitution. Some of the key aspects addressed included:

- The nexus between justice and cultural practices impacting access to justice for the majority of the justice seekers in Kenya;
- The types of sustainable alternative justice mechanisms initiatives/ indigenous knowledge/ strategies that exist in building justice communities;
- The lessons and impact of the AJS Policy since its inception; and
- The culture and justice link and its impact on access to justice for vulnerable populations in Kenya.

1.4.5.6 Judicial Exchanges

The Judiciary actively engages in knowledge and experience exchanges with judiciaries and justice sector actors regionally and internationally seeking to learn from jurisdictions of distinction and innovation in order to improve both the efficiency and quality of its services.

The Judiciary leadership encourages this spirit of consultation, cooperation and mutual development and seeks to engage in activities and platforms that foster the sharing of experiences, ideas, and perspectives on the administration of justice and the place of judiciaries as core anchors of the development agenda within their jurisdictions. The Judiciary participated in a number of regional and international engagements during the reporting period including:

- The Deputy Chief Justice (DCJ) attended the meeting of the Executive Board of the Constitutional Jurisdictions of Africa and the Sixth Congress of Constitutional Jurisdictions of Africa (CJCA) held in Rabat, Morocco on November 22-23, 2022 under the theme, "The African Constitutional Courts and International Law." During the Congress, the DCJ made a presentation entitled 'International Law in the Legal System in Kenya.'
- The Justices of the Supreme Court undertook a judicial exchange to the Supreme Court of India between March 6-13, 2023. Key takeaways from the visit were the use of Artificial Intelligence to translate court judgments/ proceedings into vernacular languages; the use of cloud hosting for the court website to enable the court to disseminate information on a real-time basis to all stakeholders; and the use of an electronic Supreme Court reporter (eSCR) that enables decisions/judgments to be online and accessible to all at no cost.
- The Judiciary participated in the 23rd Commonwealth Law Conference in Goa, India, where the Chief Justice made history by participating in a constitutional court hearing at the invitation of Hon Justice Dhananjaya Chandrachud, the Chief Justice of India.



- The Deputy Chief Justice delivered the keynote address at the Zimbabwe Annual Joint Bar-Bench Colloquium held at Kariba, Zimbabwe on November 24-27, 2022. Speaking On 'Building a Strong and Adaptive Digital and Responsive Judicial System', the DCJ shared experiences on Kenya's journey of judicial digitisation and noted the significant progress the justice system in Zimbabwe had made in this regard.
- In November 2022, the Judicial Service Commission signed a Memorandum of Understanding with the University of Iowa College of Law, providing a framework for continued partnership through short-term exchange programs, publications, research, and capacity building aimed at sharing knowledge and experiences. The MoU provides for the development and strengthening of the human and institutional capacity, information exchange and access to information. Areas of cooperation include training of judges and judicial officers; technical support in applied research that will inform policy and find solutions to concerns of the Judiciary; review and publication of selected decisions of judges and judicial officers aimed at building jurisprudence; partnership with the KJA and support for the KJA in curriculum development; and documenting of judicial experiences.

The Judiciary also participated in the following judicial exchanges:

- International Women Transformative & Leadership Conference, Sudan - February 13-15, 2023
- Conference on Africa Regional Intellectual Property Bench Book, South Africa - March 13-19, 2023
- The International Conference to Enhance Cooperation on Cyber Crime and Electronic Evidence in Africa, Morocco - March 3-8, 2023
- The fifth round-table session of the African Judicial Network, South Africa - March 26-29, 2023
- Workshop on intelligence gathering and judicialization to identify and disrupt sources of terrorism financing, Ghana - March 7-9, 2023
- The 25th Annual Family Law Conference, South Africa - March 7-12, 2023
- The 67th session of the commission on status of women, United States March 6-7, 2023

1.4.6 Cooperative Dialogues & Partnerships

The Judiciary's STAJ vision is firmly committed to addressing the structural disparities within the justice system, with a primary focus on broadening access to justice, particularly for the economically disadvantaged and vulnerable segments of society. This commitment necessitates the engagement of expert resources to fortify the justice system while placing individuals and anticipated outcomes at the heart of service delivery.

Over the preceding year, the Judiciary intensified its collaborative efforts with stakeholders and development partners to ensure expeditious and equitable dispensation of justice to all, irrespective of social standing. This aligns with the foundational principles of democratic governance, public participation, human dignity, equity, social justice, inclusiveness, equality, and the protection of marginalised individuals. During the assessment period, the Judiciary expanded its judicial dialogues and international exchanges with a focus on south-south cooperation.

Administration of Oaths of Office

In the past year, at least 251 individuals took their Oaths of Office. These also included judges who were sworn into office in ceremonies witnessed by the President. Among those sworn into office were the Inspector General of the National Police Service and the Deputy Inspector General, the Director of the Directorate of Criminal Investigations (DCI), the Chairperson of the Ethics and Anti-Corruption Commission (EACC), and the National Lands Commission Chief Executive Officer. Others were members of various tribunals, Commissioners of the Kenya Revenue Commission, members of the Judicial Service Commission, members of the Heroes Council, and Governors and their deputies elected in the 2022 General Election. Also sworn into office were the Chairperson and members of the Taskforce on Police and Prison Reforms, the Commission of Inquiry into the Shakahola Tragedy, and the Taskforce on the Regulation of Religious Organisations.

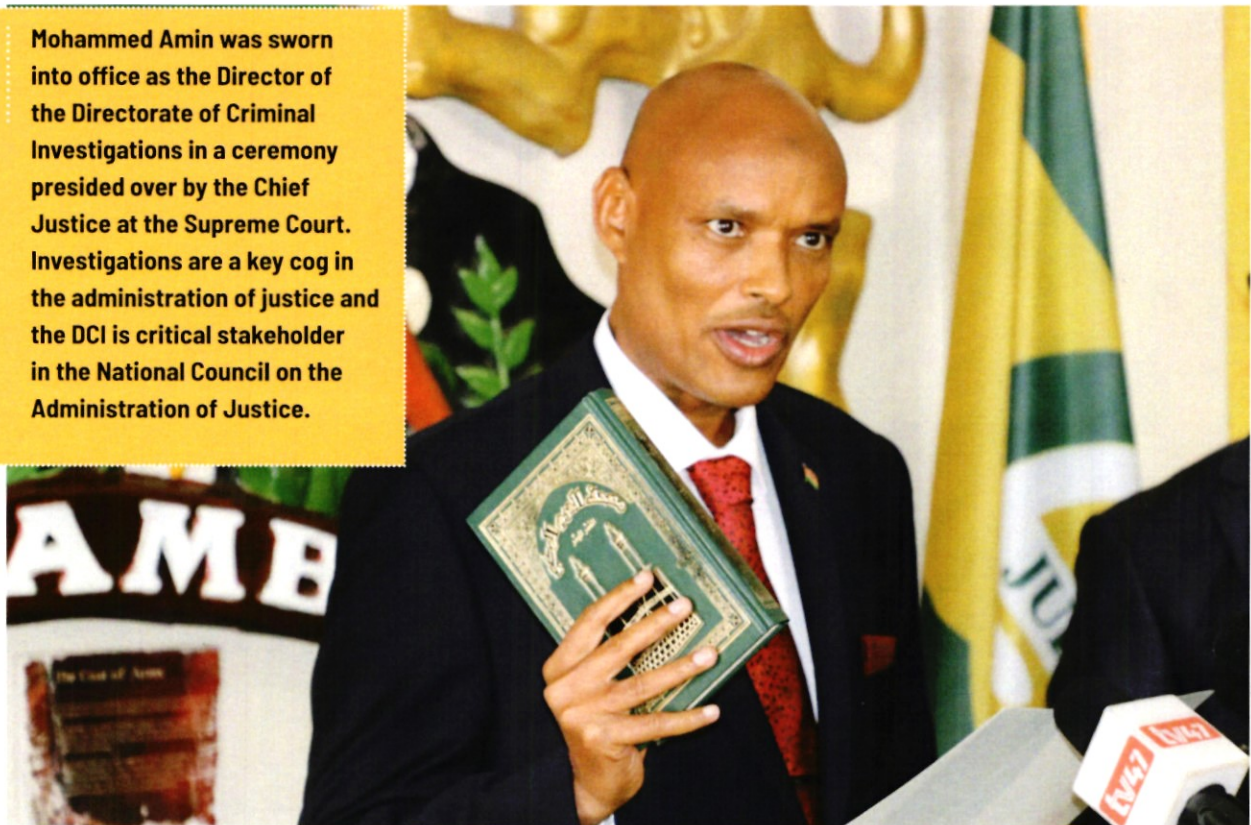


Twenty additional judges of the High Court were appointed by the President, H.E William Ruto through a gazette notice published on December 5, 2022.



Japhet Koome takes his oath of office in a ceremony presided over by Chief Justice Koome at the Supreme Court on November 11, 2022 after his appointment was approved by the National Assembly

Mohammed Amin was sworn into office as the Director of the Directorate of Criminal Investigations in a ceremony presided over by the Chief Justice at the Supreme Court. Investigations are a key cog in the administration of justice and the DCI is critical stakeholder in the National Council on the Administration of Justice.



1.4.6.1 International and Regional Engagements

The Chief Justice and the leadership of the Judiciary undertook regular engagements with judges, justice system actors, partners, government and non-governmental organisations and institutions across the world towards developing and fostering mutually beneficial partnerships in the areas of access to justice and the rule of law.

During these engagements, discussions were held on areas of mutual interest and cooperation and knowledge and experience sharing towards enhancing access to justice within the respective jurisdictions and organisations. Highlights of these engagements during the reporting period included:

The Chief Justice hosted Her Excellency, Francia Elena Márquez Mina, Vice President of the Republic of Colombia at the Supreme Court. They discussed avenues for collaboration on gender justice, transitional justice, and implementing justice sector innovations towards enhancing access to justice especially for the most vulnerable.



Chief Justice Koome and H.E. Francia Márquez agreed to explore ways to deepen collaboration between Kenya and Colombia on gender justice initiatives, with particular emphasis on the specialised Sexual and Gender-Based Violence Courts and use of Alternative Justice Systems.

The Chief Justice held bilateral talks with the Lord Chief Justice of England and Wales, The Right Honourable Lord Burnett of Maldon at the Supreme Court of Kenya. They deliberated modalities of fostering inter-judicial dialogue and cooperation with a commitment to deepen collaboration on emerging legal issues such as cybercrime, data protection, artificial intelligence and climate change; continue to share learning, experiences and strategies and work together with respect to the ongoing digital transformation in Kenya's justice system; and to develop Guidelines to operationalise Offices of Chief Justice's across the Commonwealth.



During the bilateral talks with The Right Honourable Lord Burnett of Maldon, Chief Justice Koome committed that the Kenya Judiciary Academy would foster partnerships with other judicial academies and institutions around the world, to enhance knowledge sharing.

The Chief Justice hosted the Attorney General of Mozambique Beatriz da Consolação Buchili at the Supreme Court. The Chief Justice sought the support of Attorney Generals in Africa to elevate the proposals from the Southern Africa Chief Justices Forum (SACJF), towards strengthening judiciaries and the rule of law in the region, to the Heads of State for adoption by the African Union.



The Chief Justice underscored the need for judiciaries and justice actors across the African continent to collaborate and strengthen judicial independence and build institutions that attract public trust and confidence.

The Chief Justice participated in a high-level panel discussion on 'Equal Access to Justice for All - Achieving Inclusive, Accountable, and People-Centred Criminal Justice' 'Holistic Approach in Crime Prevention and Protection of Children within the Justice Sector' at the 32nd Session of the Commission on Crime Prevention and Criminal Justice (CCPCJ) that was held in May, 2023.



The Chief Justice reaffirmed the importance of equal access to justice in criminal justice systems for sustainable development and creating peaceful and prosperous societies around the world in line with the aspirations of SDG 16.

The Chief Justice held bilateral talks with the Ms Ghada Waly, Executive Director of UNODC on the side-lines of the Commission on Crime Prevention and Criminal Justice (CCPCJ) in Vienna, Austria. Both agreed to open pathways for south-south dialogue on how Judiciaries in the global south can share best practices and learn from each other's experiences on expanding access to justice and improving the efficiency of courts.



The Chief Justice and Ms Waly agreed to open pathways for south-south dialogue on how Judiciaries in the global south can share best practices and learn from each other's experiences on expanding access to justice and improving the efficiency of courts.

The Chief Justice delivered the keynote address at the start of the Africa Regional Colloquium on 'Enhancing the Delivery of Justice by Addressing Pretrial Detention Challenges' that took place at the United Nations Conference Centre in Nairobi. The Chief Justice emphasised the need to embrace the view that justice is not merely punitive, but is also preventive and restorative. It is a mechanism for social change or social transformation.

On the side-lines of this colloquium, the Chief Justice held bilateral talks with the Director for International Narcotics and Law Enforcement Affairs, US Department of State, Kevan Higgins and the Assistant Attorney General, Criminal Division, the US Department of Justice Kenneth Polite Jr. Their discussions focused on support in strengthening the rule of law and access to justice in Kenya, especially in the areas of counter-terrorism and serious crimes. The US Department of Justice has supported the Kahawa and Shanzu Law Courts, which focus on counter-terrorism and related high-risk cases.



Chief Justice Koome held discussions with Mr Kenneth Polite Jr, Assistant Attorney General, Criminal Division, US Department of Justice, on the side-lines of the Africa Regional Colloquium on 'Enhancing the Delivery of Justice by Addressing Pretrial Detention Challenges'

The Chief Justice participated in a panel discussion on 'The Role of the Judiciary in Fostering or Hindering the Inclusion of Women in Economic Activity,' at the World Bank Group's Conference in Cairo, Egypt. She emphasised on the critical role judiciaries play, as guardians and interpreters' of constitutionalism and the law, in ensuring that laws are applied fairly, impartially and in a manner that safeguards the rights and interests of all citizens, including women.



The Chief Justice spoke of the significant strides Kenya has made in promoting women's rights and gender equality. The Constitution enshrines gender equality as a fundamental principle, guaranteeing equal rights and opportunities for men and women in all spheres of life. However, despite these legal protections, women in Kenya still face significant barriers to participating fully in economic activities.

The Chief Justice met with Hon Justice Boulos Fahmy Eskandar, the President of the Supreme Constitutional Court of Egypt to discuss approaches to constitutional jurisprudence and people-centred justice.



The Chief Justice held discussions with Ms Sima Bahous, the Executive Director of UN Women to discuss continued collaboration in enhancing access to justice by ensuring that innovation and technological change are inclusive, accessible, affordable, human rights-based, and responsive to the needs and aspirations of all women and girls, especially those facing multiple and intersecting forms of discrimination.



The Chief Justice delivered the keynote address at the 17th International Association of Woman Judges conference held in Munyonyo, Kampala in October of 2022. Expounding on the theme of “Women in Judicial Leadership; Breaking Barriers; Inspiring All,” the Chief Justice explained that the Kenyan Judiciary is committed to effect substantial change through policies such as the Gender Mainstreaming Policy and the Sexual Harassment Policy towards creating an equitable and supportive workplace environment for women within the Judiciary.



The Chief Justice held a bilateral meeting with H E Yoweri Museveni, the President of Uganda, at the Nakasero State House in Kampala, further fostering partnership and collaboration.

The Deputy Chief Justice met Mr Mark Fenhalls, KC, Chair of the Bar Council of England and Wales and Stephanie Brown, a member of the Bar Council of England and Wales who paid her a courtesy call at the Supreme Court.



The Deputy Chief Justice and the King's Counsel (KC) deliberated on areas of cooperation between the Kenya Judiciary and the Kenyan Bar and the Bar of England and Wales on improving the of delivery of justice.

1.4.6.2 National and County Government Engagements

To ensure that a High Court is established in every county and a Magistrates' Court in every constituency, the Judiciary has consistently engaged County Governments to promote collaborations that will ensure access to justice for all Kenyans. This is in line with the STAJs objective which seeks to guarantee that no Kenyan has to travel more than 100 kilometres to access a courtroom. The Judiciary has received exceptional support, including provision of land and support towards infrastructure development, from various actors, and particularly from Governors and Members of Parliament.

The County Government of West Pokot has pledged to make land available to establish a court in Alale, a centre over 200kms from Kapenguria Town. Other counties which have offered direct land support include: Uasin Gishu, Machakos, Nairobi, and Kajiado.

The Judiciary will continue to engage county governments so as to ensure that the resources required to make justice accessible are availed in the spirit of 'one-government' approach which prioritises people-centric public services.



The Governor of Lamu County, H.E Issa Timamy, hands over title deeds for land in the County HQ to Chief Justice Koome for the establishment of a High Court and official residence for Judiciary personnel.



In April 14, 2022, the Chief Justice paid a courtesy visit on H.E Abdulswamad Nassir, Governor, Mombasa County. The Judiciary resolved to support Mombasa County to realise its full potential by ensuring accessible, affordable and prompt dispensation of justice to promote economic activities. The pledge includes the establishment of a Magistrates Court in every sub-county, establishment of specialised courts, and the promotion of mediation and alternative justice systems.

The Chief Justice paid a courtesy call to the Governor of Laikipia County H.E Joshua Irungu in the continued pursuit of the STAJ principle of deepening partnerships through consultation, collaboration and co-operative engagement with other State organs.



The County Government of Laikipia pledged to allocate land for the construction of a High Court station in the county headquarters in Rumuruti and a mobile court in Dol Dol.



H E Gideon Mung'aro, Governor Kilifi County, agreed to partner with the Judiciary to establish a specialised Sexual and Gender-Based Violence Court in Mtwapa, in addition to setting up sub-county courts in Magarini and Bamba.



Hon Justus Kituku SPM, Kilifi Law Courts, takes Kilifi Governor H E Gideon Mung'aro on a tour of the court premises. The Governor emphasized the need for fast tracking the establishment and operationalisation of a County Court at the court premises.

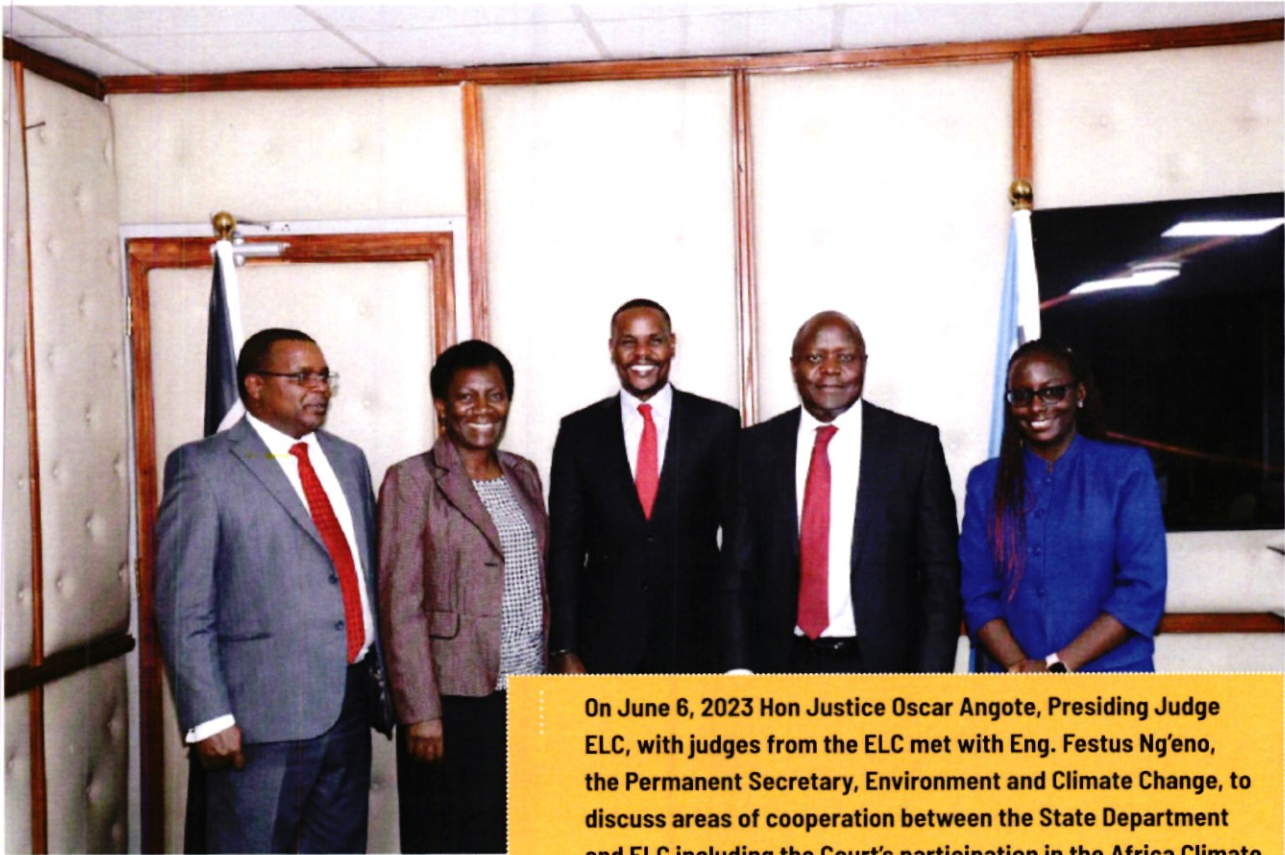
The Chief Justice engaged with Deputy Governor of Kisumu H E (Dr) Mathew Owili at the County HQ where they held discussions on collaboration in efforts to enhance access to justice.



The Chief Justice informed Kisumu Deputy Governor that the Judiciary plans to establish additional courts in Seme and Nyakach within Kisumu County.



Hon Justice Philomena Mwilu, Deputy Chief Justice, engaged with the Council of Governors Legal, Constitutional and Intergovernmental Affairs Committee.



On June 6, 2023 Hon Justice Oscar Angote, Presiding Judge ELC, with judges from the ELC met with Eng. Festus Ng'eno, the Permanent Secretary, Environment and Climate Change, to discuss areas of cooperation between the State Department and ELC including the Court's participation in the Africa Climate Summit scheduled for September 2023.

1.4.6.3. Collaborations with Justice System Stakeholders and Partners

STAJ recognises the importance of a 'whole-of-system' approach to realising a more effective and efficient justice system. This requires extensive engagement and partnership between all the institutional actors in the justice chain. During the reporting period, the Judiciary leadership actively engaged with partner institutions towards enhancing coordination in the administration of justice. The Judiciary strengthened its deliberate outward-looking approach that seeks to dialogue with actors within the justice sector to identify and address the real barriers to access to justice engaging in cooperative dialogue and encouraging multi-actor collaboration. The Judiciary recognises that Court Users Committees, operating at the grassroots level, play a pivotal role in enhancing the efficiency of justice administration and mitigating bottlenecks that hamper the delivery of justice. These issues are also deliberated upon at the national level under the auspices of the National Council on the Administration of Justice (NCAJ), with gradual progress being made towards the seamless dispensation of justice.

The Chief Justice held a Bar-Bench meeting with members of the Law Society of Kenya Mombasa Branch, the oldest Bar Association in East and Central Africa. Continual engagements with the national and branch leadership of the Law Society of Kenya have fostered collaboration and facilitated the resolution of challenges in the courts, ensuring the provision of legal services to all Kenyan citizens, especially the vulnerable.



The Chief Justice told the Mombasa LSK members that the Judiciary seeks robust bar-bench engagements in each court station that can, in a participatory manner, innovate unique interventions that improve efficiency in service delivery.

The Chief Justice met with Dr Joyce Mwikali Mutinda, EBS, Chairperson, National Gender and Equality Commission (NGEC) to discuss efforts in promoting the rights of vulnerable groups, including women, children, the youth, persons living with disabilities and older members of society. The Judiciary is committed to making courts, tribunals and their premises friendlier to the vulnerable in the community.



The Chief Justice assured NGEC of the Judiciary's full support and commitment to work together in the pursuit of justice, fairness, and equality for all Kenyans.



Deputy Chief Justice, Hon Justice Philomena Mbete Mwilu, MGH, meets with Dr Moulay El Hassan Daki, the Attorney General at the Court of Cassation and President of the Public Prosecutor's Office of Morocco. Also present during this meeting was Mr Noordin Haji, the Director of Public Prosecutions. They discussed the prosecution and adjudication of complex transnational organised crimes, highlighting the global nature of judicial cooperation.



Hon Justice Philomena Mbete Mwilu, MGH, Deputy Chief Justice, delivered a keynote address titled 'The Role of Professionals in Facilitating the Justice System Globally' during the 39th ICPAK Annual Seminar.



The Deputy Chief Justice, Hon Justice Philomena Mbete Mwilu, MGH, met with Mr Andy Griffiths, the International Justice Mission's Africa and Europe Regional President, and discussed various international collaborations and initiatives in the field of justice.



Hon. Lady Justice Grace Nzioka confers with Machakos Governor Hon. Wavinya Ndeti at the Kenyatta Stadium after she administered the Oath of Office.



Hon. Lady Justice Hedwig Ong'udi presides over the swearing-in of Kirinyaga Governor H.E Anne Waiguru at Kamiigua Youth Polytechnic.

1.4.9 Ceremonial Duties and Appointments

Ceremonial duties and appointments are an integral part of the Judiciary leadership's constitutional and statutory responsibilities. During the reporting period, the Chief Justice and Chief Registrar presided over various ceremonies where oaths were administered.

Swearing-in of the President and Deputy President

The Judiciary is mandated both under the Constitution and the Assumption of Office of President Act to facilitate the orderly transition from one administration to another. In this regard, following the conclusion of the General Election held in August 2022, the Judiciary successfully facilitated the swearing in of the President-elect and Deputy President-elect on September 13, 2022.

Swearing-In of Governors


The swearing in of Governors and Deputy Governors in the counties is overseen by Judges of the High Court assisted by the respective Heads of Station. The Judiciary facilitated the swearing-in of all the elected Governors and Deputy Governors in 45 counties on August 30, 2022, except in Mombasa and Kakamega where gubernatorial elections were postponed and held after August 9, 2022.





Abdulswamad Nassir was sworn into office as the second Mombasa Governor by High Court Judge George Dulu on September 15, 2023 after the election was delayed to August 29, 2023 by the Independent Electoral and Boundaries Commission.

1.4.8.6 Enhanced Public Communication and Engagement

In the quest to demystify the Judiciary, the institution has ensured continuous engagement with the public through the media particularly the #JusticeThursday conversation on Spice FM, and other media outlets.



HON. JUSTICE ISAAC LENAOLA, SCJ
 CHAIRPERSON, ICT AND COMMUNICATION COMMITTEES
THURSDAY 30TH JUNE | 7AM

LEVERAGING COMMUNICATION AND ICT TO WIDEN ACCESS TO JUSTICE



LIVESTREAM: www.judiciary.or.ke YouTube [Spice FM](#) [f LIVE](#) [Spice FM](#)

NAIROBI 94.4 · NAKURU 96.0 · NYERI 90.9 · KISUMU 102.5 · MALINDI 97.7 · MOMBASA 87.9 · ELDORET 96.7







RUTH JULIET GACHANJA
CHILD JUSTICE ADVISOR, OFFICE OF THE CHIEF JUSTICE
THURSDAY 22ND JUNE | 9AM

STANLEY MUTUMA
IN CHARGE - SEXUAL OFFENDERS REGISTER, JUDICIARY






HON. CATHERINE MBURU
PRINCIPAL MAGISTRATE
THURSDAY 18TH MAY | 7AM

SGBV, CHILD JUSTICE STRATEGIES & CONVICTED SEX OFFENDERS E-REGISTER FOCUS ON THE VULNERABLE



LIVESTREAM: www.judiciary.or.ke YouTube [Spice FM](#) [f LIVE](#) [Spice FM](#)

NAIROBI 94.4 · NAKURU 96.0 · NYERI 90.9 · KISUMU 102.5 · MALINDI 97.7 · MOMBASA 87.9 · ELDORET 96.7

ALL ABOUT BAIL AND BOND



LIVESTREAM: www.judiciary.or.ke YouTube [Spice FM](#) [f LIVE](#) [Spice FM](#)

NAIROBI 94.4 · NAKURU 96.0 · NYERI 90.9 · KISUMU 102.5 · MALINDI 97.7 · MOMBASA 87.9 · ELDORET 96.7



Judges and staff of the Employment and Labour Relations Court led by the Deputy Chief Justice Philomena Mbete Mwilu visited Kenyatta National Hospital Children's Ward on a Corporate Social Responsibility outreach as part of the activities to mark ELRC@10



Nakuru Law Courts Chief Magistrate Edna Nyaloti during the launch of a feeding program at Nakuru Prisons. The project is a Court Users Committee initiative aimed at assisting women inmates cook nutritious meals for their children.



Kisii Court Users Committee members led by High Court Judge, Hon Justice Patricia Gichohi donate assorted food stuff to inmates at Kisii G.K. Prison.



Office of the Registrar Tribunals Visiting Mother Teresa's Home of Mercy for abandoned children with Special needs in Huruma on 9th June, 2023.

1.4.8.5 Corporate Social Responsibility Initiatives



Chief Justice Koome joined the Naromoru Girls High School family for the 2023 Prize Giving Day to celebrate not only the exceptional achievements of the students, but also the importance of education and the boundless potential of every girl.



Chief Justice Koome launched a computer laboratory at Kiamwitari Primary School, which is a gift from her extended family as a way of giving back to the community that nurtured and cared for her.

1.4.8.4 Young Advocates Mentorship Programme

On April 17, 2022 the Chief Justice officially launched the Young Advocates Mentorship Programme, in collaboration with the Law Society of Kenya and the Senior Counsel Bar. Through this initiative the Judiciary seeks to deepen partnership with the Bar in addressing critical justice needs and gaps in the society. The Programme is founded on two major limbs: to enlist young advocates as key players in the revamped Judiciary Pro Bono Legal Aid Scheme; and second, to address the skills and knowledge gap that young lawyers often grapple with as they embark on their career journey. In addition, the initiative seeks to revamp the Judiciary's Pro Bono Legal Aid Scheme, expanding its scope to include capital offenses and children's cases in acknowledgement of the vulnerability of children entangled with the legal system.



The mentorship limb of the programme aims to bridge the skills and knowledge gap experienced by young lawyers as they embark on their professional journey, with the Judiciary partnering closely with the Senior Counsel Bar to achieve this objective.





3rd Regional Symposium on GREENING JUDICIARIES IN AFRICA

NAIROBI 2023

3rd - 5th April, 2023

Theme: Strengthening the Role of Judiciaries in Addressing Climate Change in Africa



Hon. Justice Martha Koome, EGH
Chief Justice and President of the
Supreme Court of Kenya

It is a great honour for the Kenyan Judiciary to host the 3rd Regional Symposium on Greening Judiciaries in Africa, the 3rd Chief Justices Forum on Environmental Law, and the 3rd General Conference of the Africa Judicial Education Network on Environmental Law (AJENEL) to discuss the pressing theme of Climate Change in Africa. Hosting this symposium speaks to our commitment to champion environmental justice and foster regional judicial dialogues.

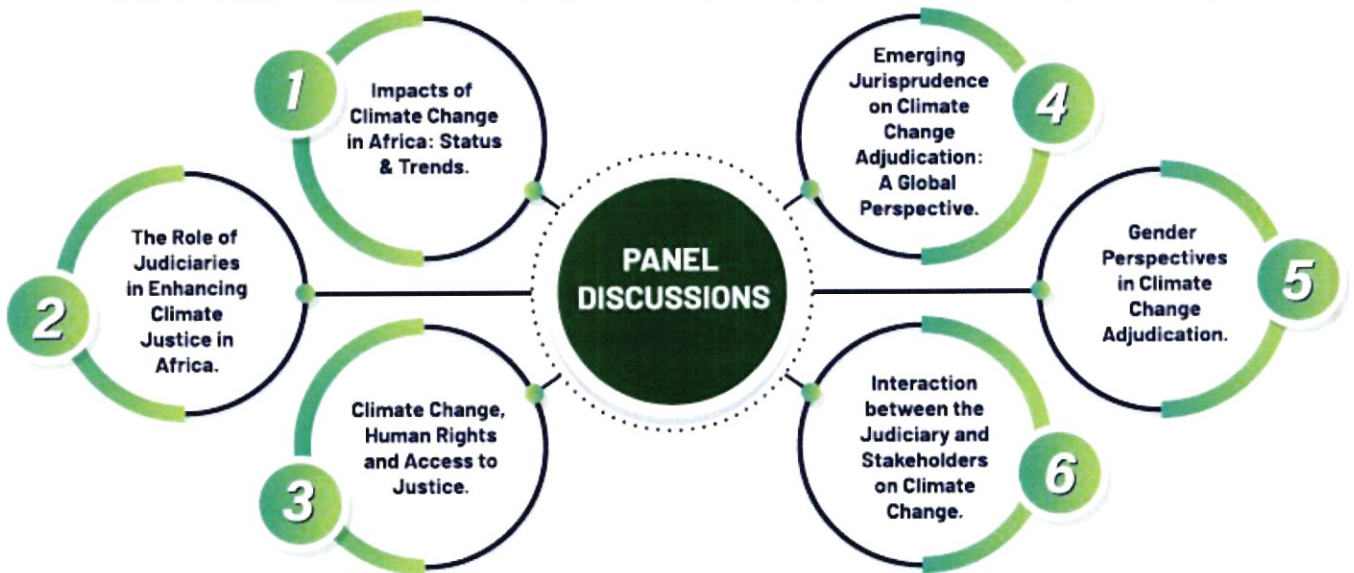
As we face the unprecedented challenges posed by climate change, it is crucial that we unite as one continent, and speak with one voice

in order to protect and preserve the very foundation upon which our societies are built - our environment. I firmly hold the view that Judiciaries should not be left behind in this fight for our sustainable future. Judiciaries have a role to play in ensuring environmental stewardship, justice, and sustainability for the African continent and our people.

I warmly welcome all delegates to this momentous Symposium, and I look forward to fruitful deliberations and the forging of lasting bonds. I urge the delegates to enjoy the warmth of Kenya including taking time to enjoy the scenes, sights and sounds of our magical country.



Social Transformation
through Access to Justice



1.4.8.3 Green Justice

People-Centred Green Justice is one of the quests guiding judicial training and development. The Kenya Judiciary Academy is cognisant that environment and land justice is gaining increasing global recognition, with the right to a safe, clean, healthy, and sustainable environment enshrined in our Constitution.

The impacts of climate and environmental crises, such as climate change, biodiversity loss, soil degradation, air and water pollution, affect the enjoyment of environmental rights and other fundamental human rights, such as the right to food, health, shelter, amongst others, with uneven and disproportionate impacts on vulnerable and marginalised groups.

To address this unfortunate reality, the Kenya Judiciary Academy has ensured environment law principles including climate change have been incorporated into its Training Curriculum and its Annual Training Master Calendar for Judges and Judicial Officers.

This has equipped judges and judicial officers with adequate information and enabled them to deliver well-informed decisions when adjudicating contemporary and emerging climate-related disputes, including litigation on climate change, or the enforcement of the right to a clean and healthy environment.

Judicial education aims at promoting sustainable use, management, and protection of the environment, as well as enhancement of the right to a clean and healthy environment.

Consequently, the Academy has played an important role in ensuring that the whole machinery of law and the Judiciary is brought into line with the purpose of a Green Judiciary, a just transition to a climate resilient and net zero emission economy.

The Kenya Judiciary Academy conducts empirical research and develops policies that examine court operations and proceedings to get informed output that assist the leadership of the Judiciary and other policymakers to evaluate and modify current Judiciary operating procedures to improve the administration of justice.

1.4.8.2 Combatting Labour Trafficking in Persons

In July 2022, the Chief Justice launched the 'Kenya Judicial Bench Book on Labour Trafficking in Persons', whose development was spearheaded by the International Association of Women Judges-Kenya Chapter in collaboration with international partners. The bench book provides a quick and easily accessible reference guide that will enhance the effectiveness of administration of justice with respect to matters relating to labour trafficking in Kenya.



The Bench book enlivens the fight against the exploitation associated with trafficking in persons and given its practical bent, it is of immense utility to not only judges and judicial officers, but also prosecutors, advocates, and other actors in the chain of justice.



Implementation of the CSOER represents a significant step toward monitoring and surveilling convicted sexual offenders, ensuring appropriate interventions, and ensuring that repeat offenders face appropriate sentencing.

To achieve these objectives, the strategy intends to collaborate with various justice agencies, raise awareness within the Judiciary regarding the needs of child victims, and establish a specialised, trauma-informed court. It also recognises the need for enhanced safeguards for child victims of emerging forms of abuse, such as online child abuse and child trafficking. With special attention to children accompanying their incarcerated mothers or primary caregivers to prison, the strategy aims to enhance their identification and protection. Overall, the strategy seeks to fortify the Judiciary, improve the judicial process, and ensure that all decisions made are in the best interests of the child.

The Judiciary has established specialised Sexual Gender-Based Violence (SGBV) courts to enhance the efficiency and efficacy of hearing SGBV matters and to do so in a manner that protects the rights of the vulnerable victims and survivors. The first SGBV court was inaugurated by the Chief Justice in Shanzu, Mombasa. Informed by prevalence of SGBV cases, additional SGBV courts were rolled out in Nairobi (Kibera and Makadara Law Courts), Meru Law Courts, Nakuru Law Courts, Kiambu Law Courts, Machakos Law Courts, Kisii Law Courts, Kitale Law Courts, Kakamega Law Courts, Kisumu Law Courts and Siaya Law Courts.

The Judiciary also developed an SGBV Strategy to address the challenges in dealing with SGBV cases. The strategy was informed by the challenges identified following a meticulous consultation and analysis process that revealed several deficiencies, including structural obstacles such as inadequate courtrooms and trial chambers ill-equipped to accommodate vulnerable individuals like persons with disabilities and children.

Key initiatives to be undertaken under the Strategy involve the expansion of SGBV courts, with a central focus on adopting a victim/survivor-centred approach that prioritises the needs and concerns of victims in judicial responses. The Strategy also recognises the importance of providing legal and psychosocial support to all SGBV victims. The implementation of the strategy began with sensitisation and awareness campaigns to demystify SGBV Courts and increase their visibility. The electronic Convicted Sex Offender Register, was also introduced alongside the SGBV Strategy in June 2023. This electronic register serves as a crucial tool for analysing trends in sexual offences and categorising different types of offences.

1.4.8 Social Justice, Public Engagement & Outreach

1.4.8.1 Child Justice Strategy

Empirical data indicates that a large number of children come into contact with the legal system, either as minors in conflict with the law, victims of child abuse, or children in need of care and protection. It is thus imperative for our justice institutions to demonstrate awareness of the circumstances of children and their well-being as they navigate the intricate path of legal proceedings. Children often face various challenges throughout their interaction with the justice system, such as insufficient legal representation, a lack of access to information, protracted delays in case resolution, prolonged periods of detention in police facilities at the request of the Judiciary during trials, and other hurdles.

Recognising this situational context, the relevant constitutional and statutory provisions and international obligations, the Judiciary developed a Child Justice Strategy with four areas of focus: The Rights of Children in Conflict with the Law; Protection of Child Victims and Witnesses and Children in Need of Care and Protection; Children Accompanying Their Mothers or Primary Caregivers to Prison; and the Legal Obligations of the Judiciary as the Lead Collaborator for Ensuring Access to Justice for Children. The main objectives of this strategy are:

- Preventing children from coming into conflict with the law by expanding the practice of diverting children away from the formal justice system, as provided in the Children Act.
- Emphasising the rehabilitation of children in conflict with the law.
- Prioritising the reintegration of children into a society that addresses their needs.
- Enhancing the protection of child victims, witnesses, and children in need of care and protection.
- Ensuring protection from abuse while in contact with the judiciary and reducing re-victimisation.



The Child Justice Strategy proposes continuous training for judicial officers and staff on the Children Act, the establishment of the Office of the Registrar of the Children's Court, and an increase in the number of specialised children's courts.

Tribunals Chairpersons and Administrators at the Validation of a single registry manual for all Tribunals held in June 15, 2023 in Nairobi.



Awareness creation activities on Tribunals



Ms, Yvonne Buluma, Court Assistant, Co-operative Tribunal, explains the operations of tribunals to Mr Simon Chelugui, EGH, the Cabinet Secretary, Ministry of Co-operatives, Micro and Small Enterprise during the SME exhibition in March 16, 2023 at KICC Nairobi.

Law Society of Kenya
Nairobi Branch

KNOW YOUR TRIBUNALS
SESSION SIX

TOPIC
Tribunal Administration in Kenya: the Role of the Office of the Registrar, Tribunals

SPEAKER
Hon. Ann Asugah
Registrar and Head of Tribunals Secretariat

MODERATOR
Teresia Wavinya

Thursday, 24th November 2022
From 2:30 pm
MEETING LINK
<https://bit.ly/LSKTsession6>

LIVE Nairobi branch

ktn
WELCOME HOME

Space

CAROLYN MBOKU
CHAIRPERSON, HIV AND AIDS TRIBUNAL

PROF WALTER JAOKO
MEMBER, HIV AND AIDS TRIBUNAL

THURSDAY 15th JUNE | 7AM

HIV/AIDS AND THE LAW

the Situation
TODAY

LIVESTREAM - [Watch on YouTube](#) [Facebook](#) [Twitter](#) [LinkedIn](#)

NAIROBI 94.4 NAKURU 96.0 NYERI 90.9 KISUMU 102.5 MALINDI 97.7 MOMBASA 87.9 ELDORET 96.7

Tribunals

The Office of the Registrar of Tribunals coordinates the affairs of tribunals. The office coordinates 23 tribunals which have transited to the Judiciary since the promulgation of the Constitution 2010. Key activities during the reporting period included:

- The development of a single registry manual for all tribunals towards standardising tribunal services.
- The establishment and operationalisation of a shared services boutique for tribunals thus significantly and sustainably enhancing the operations of all tribunals.
- Facilitating the devolution of services of tribunals to the regions outside Nairobi; and
- Stakeholder and media engagements to increase awareness amongst members of the public of the services offered by tribunals.

In order to create a conducive legal environment for tribunals, the Judiciary collaborated with the Office the Attorney General in the development of the Tribunal's Bill which was finalised and transmitted to Parliament for further consideration.



The inaugural Employment and Labour Relations Annual Symposium and Exhibition was held in July 17-19, 2023. The increasing footprint of the court is a testament to the pledge to bring justice closer to the people, to ensure that every Kenyan, no matter where they live, has access to fair and impartial judgement.



The ELRC has interpreted and applied the Constitution, the Employment Act, the Labour Relations Act, the Labour Institutions Act, and other relevant laws in a progressive and purposive manner, taking into account the realities and challenges of our labour market.





HON. JUSTICE (DR) JACOB GAKERI
 EMPLOYMENT AND LABOUR RELATIONS COURT
 THURSDAY 6TH JULY | 7AM

THE PLACE OF ELRC IN PROMOTING SOCIAL JUSTICE & ECONOMIC PROSPERITY



LIVESTREAM: [www.youtube.com](https://www.youtube.com/watch?v=...) [Facebook](https://www.facebook.com/...) [Instagram](https://www.instagram.com/...) [LinkedIn](https://www.linkedin.com/...) [TikTok](https://www.tiktok.com/...) [Snapchat](https://www.snapchat.com/...)

NAIROBI 94.4 NAKURU 96.0 NYERI 90.9 KISUMU 102.5 MALINDI 97.7 MOMBASA 87.9 ELDORET 96.7

ELRC
 WEBINAR
 EMERGING FRONTIERS IN
 LABOUR LAW PRACTICE IN KENYA

DATE 14th July 2023
TIME 3:00 pm - 5:00 pm

USE THE LINK BELOW TO REGISTER FOR THIS MEETING
<https://go2webinars.com/meeting/register?code=7647916754>
Free to attend

MODERATOR:
 Dr Elizabeth Mutua, Executive Director

PANELIST:
 Hon. Justice (Dr) Jacob Gakeri, Chairperson
 Hon. Lady Justice Monica Wanjau, Judge
 Hon. Justice (Dr) Stephen A. Gicheru, Judge
 Hon. Lady Justice Christine Njeri, Judge
 Hon. Lady Justice Gladys Njoroge, Judge
 Dr. Nneke Ogburn, Executive Director

Capital in the morning
 with Fareed From 8 am to 9 am
 #DriveIn

GUEST
17 / 07 2023
JUSTICE NZIOKI MAKAU

www.capitalfm.co.ke

Capital FM

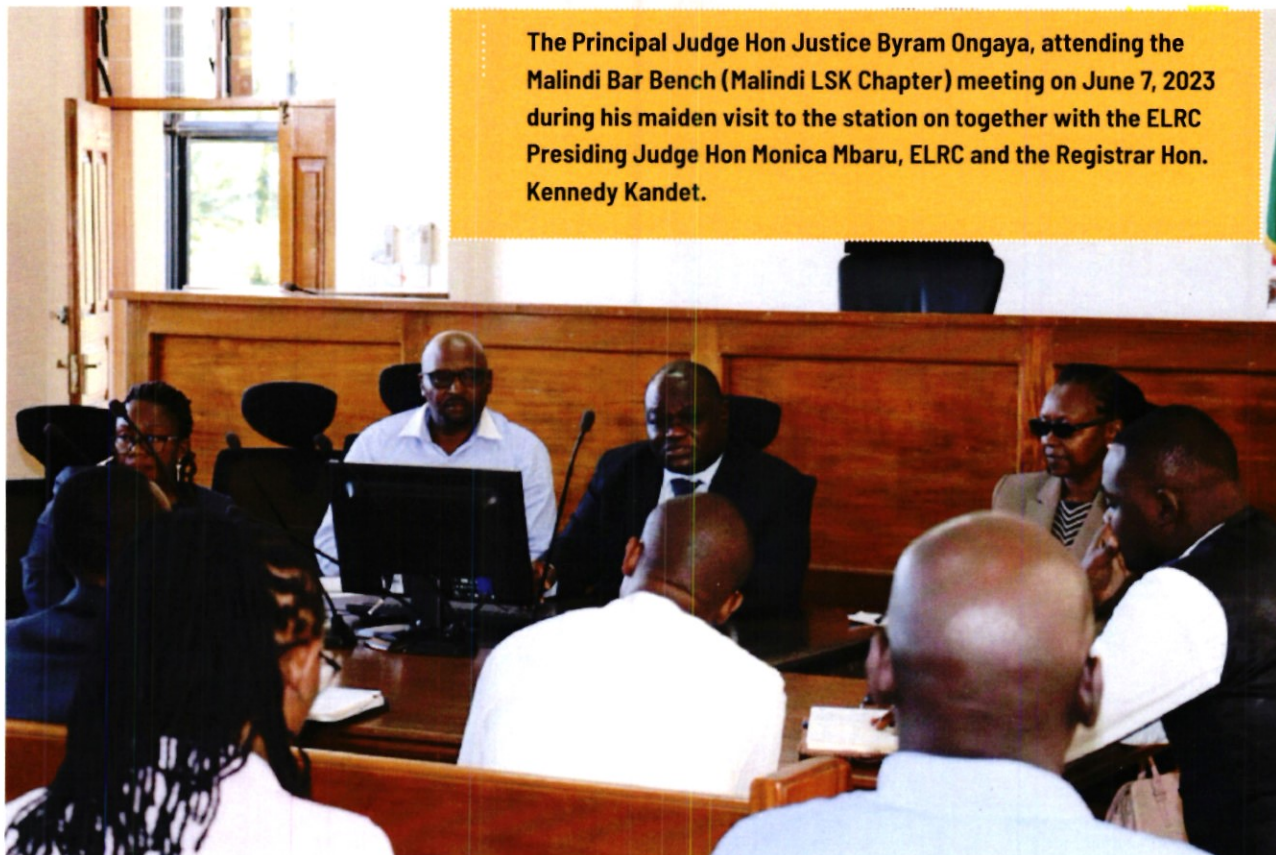
The ELRC organised and held the inaugural Employment and Labour Relations Court Annual Symposium and Exhibition (ELRASE) with a number of thematic areas being identified by delegates for further discussion. These included: Advancement of human dignity at the workplace; harmonising exercise of human resource power and functions by Constitutional Commissions and Independent offices; the role of the County Governments in promoting harmony and common approaches in human resource management; and enhancing access to justice through Alternative Dispute Resolution.



Newly elected ELRC Principal Judge (PJ) Hon Justice Byram Ongaya, outgoing PJ Hon Justice Maureen Onyango & ELRC Deputy Registrar Hon Noelle Mutheu in a candid discussion on access to justice with regard to resolution of labour disputes at Pwani FM.



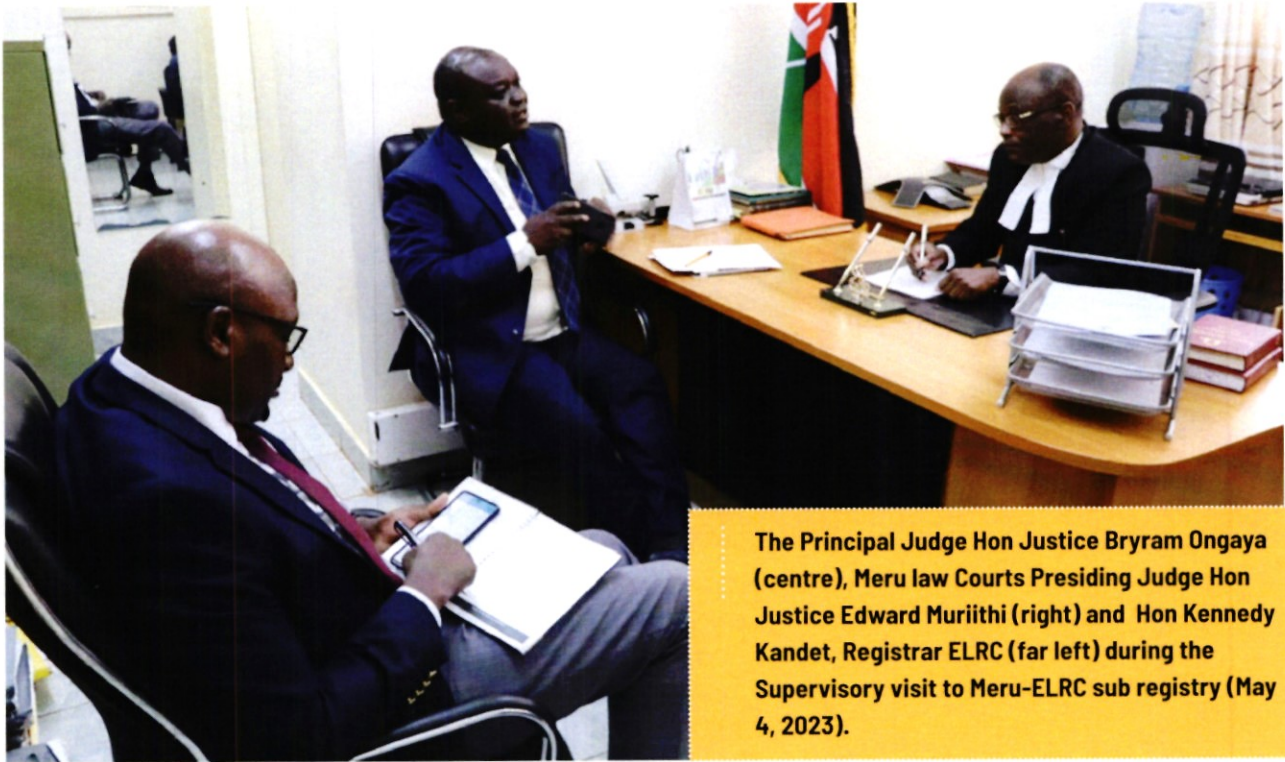
The Principal Judge Hon Justice Byram Ongaya, attending the Malindi Bar Bench (Malindi LSK Chapter) meeting on June 7, 2023 during his maiden visit to the station on together with the ELRC Presiding Judge Hon Monica Mbaru, ELRC and the Registrar Hon. Kennedy Kandet.



As part of outreach and public awareness, the ELRC has engaged and participated in radio and TV talk shows to discuss and sensitise members of the public on various topical issues within the mandate of the court including the place of ELRC in promoting social and economic prosperity and the rights of employees at work.



The Principal Judge undertook supervisory visits to monitor the level of compliance with various targets under the Court's Policy documents, evaluate implementation of the Court's Service Delivery Charter and Court's PMMU while at the same time address emerging challenges at the ELRC courts and sub-registries. These included Eldoret and Kitale April 17-19, 2023; Nyeri and Meru May 2-5, 2023; Nakuru, Kericho, Kisumu and Kakamega May 14-19, 2023; Mombasa and Malindi June 4-8, 2023; and Kisii sub-registry June 18-20, 2023.



The Principal Judge Hon Justice Bryram Ongaya (centre), Meru law Courts Presiding Judge Hon Justice Edward Muriithi (right) and Hon Kennedy Kandet, Registrar ELRC (far left) during the Supervisory visit to Meru-ELRC sub registry (May 4, 2023).

To ensure optimal engagement with its stakeholders, the ELRC organised and held open days in Nairobi, Nakuru, Kisumu, Bungoma, Nyeri, Eldoret and Mombasa under the theme 'The Place of Employment and Labour Relations Court in Social Transformation through Access to Justice in Kenya' to get feedback with regards to court procedures and processes.

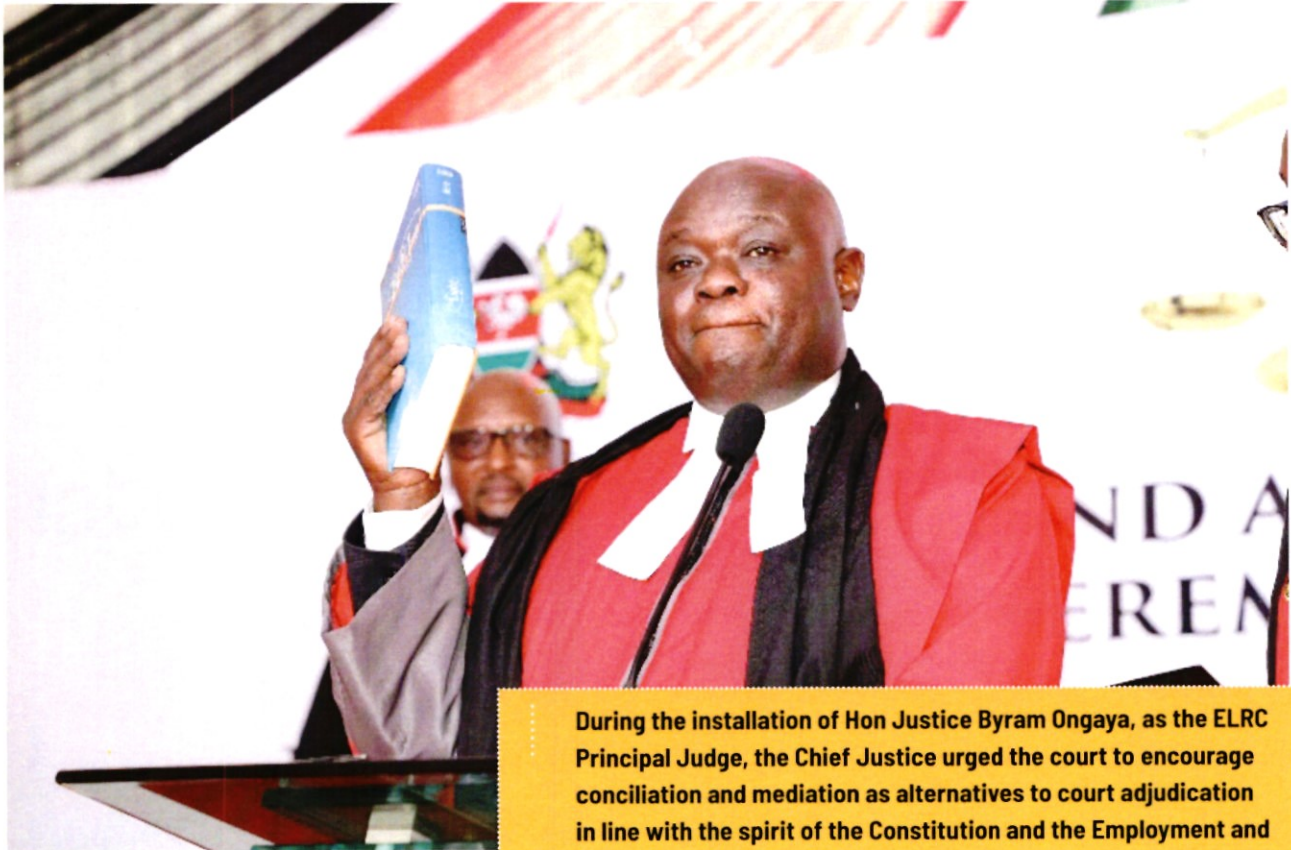


The Court also held a successful Inns of Court at Nairobi on June 27, 2023.

To foster cooperation, and collegiality, the ELRC has held meetings and engagements with key stakeholders to discuss pertinent issues affecting practice in the court and received various recommendations, key among them being:

- Meeting with Milimani Commercial Court Magistrates - November 15, 2022: Key issues arising from the meeting included the need for additional court infrastructure as well as the need for training of judicial officers on employment matters. It was resolved that there is need for the KJA to consider a curriculum for ELRC matters. Further, that judges would offer training to judicial officers during the quarterly meetings.
- Courtesy call by the Labour Commissioner to ELRC - November 21, 2022: The main issue of concern during the meeting was the withdrawal of prosecution powers of the Labour Officers by the Director of Public Prosecution. It was deliberated and resolved that there is need to have a conversation with the ODPP on the subject. Further, that there is need to have a coordinated approach between Labour Office and Court Annexed Mediation in training new labour officers on labour matters.
- Meeting between Principal Judge, Deputy Registrars and Salaries and Remuneration Commission (SRC) - November 24, 2022: The key resolutions arrived at the meeting were that:
 - There is need to develop a consultative relationship and interactive session between SRC and the Court especially during registration of Collective Bargaining Agreements.
 - SRC to provide material of the steps taken and the advice rendered, and on their proposals, to have regulations and guidelines.
 - SRC to share with and to seek the views of the Court on draft rules prepared for presentation to Parliament.
 - SRC to sponsor and be part of the ELRC trainings and the Employment and Labour Relations Annual Symposium and Exhibition (ELRASE).
- Meeting Between Principal Judge and Directorate of Occupational Health and Safety Services (DOSHS) - November 25, 2022: During the meeting it was deliberated and agreed that there is need for a joint meeting with the ODPP and Ministry to deliberate on prosecution of matters under the Work Injuries Benefits Act. Further, that the Secretary, Occupational Safety and Health be invited to membership to the Court's Court Users Committee. It was further noted that in order to resolve issues of backlog of matters, it was proposed that a request be made to the Chief Justice to issue regulation/practice directions that WIBA disputes be resolved within a year of filing.
- Meeting between Judges of the Court of Appeal and the Judges of the ELRC - December 1, 2022: During the meeting, it was resolved that there is need for collegiality between the two courts i.e., the Court of Appeal and the Employment and Labour Relations Court so as to promote efficient and effective judicial service delivery.
- Courtesy call between the ELRC and the Chief Executive Officer, FKE - February 6, 2023: During the meeting the ELRC notified the Federation of developments in terms of the establishment of the ELRC ADR Committee. Further, it was deliberated and agreed that the federation would continue to offer support and more specifically towards realisation of ELRASE.

Employment and Labour Relations Court



During the installation of Hon Justice Byram Ongaya, as the ELRC Principal Judge, the Chief Justice urged the court to encourage conciliation and mediation as alternatives to court adjudication in line with the spirit of the Constitution and the Employment and Labour Relations Court Act.

During the reporting period, to improve accessibility and efficiency of the ELRC, the ELRC in Kakamega was elevated to a fully-fledged court and a judge posted to this station. This court station will cover the western circuit including Kakamega, Bungoma, Vihiga and Busia. A sub-registry of the ELRC was also established at Nyamira Law Courts.

The ELRC held 18 Circuit Courts and hearings were conducted in four sub registries i.e. Machakos, Meru, Kitale and Kericho where a total of 812 matters were handled out of which 65 were concluded. Further, the ELRC held a service week at its Nairobi station on March, 6-10, 2023 where a total of 554 matters were handled out of which 119 were concluded. During the period under review, the ELRC adopted and implemented the Judicial Docket Management System and the Divisions of the Court at the Nairobi station in-order to ensure effective and efficient judicial service delivery. The divisions as approved by the Chief Justice became operational effective March 1, 2023.

The ELRC Rules Committee began to review the Employment and Labour Relations Court (Procedure) Rules, 2016 and a review of the ELRC Service Delivery Charter commenced with one of the objectives being the translation of the Court's Service Delivery Charter into Kiswahili to simplify the ELRC processes for the public. The ELRC also embarked on a review of the ELRC Registry Manual in order to standardise registry operations to incorporate developments such as the use of ICT in court processes.



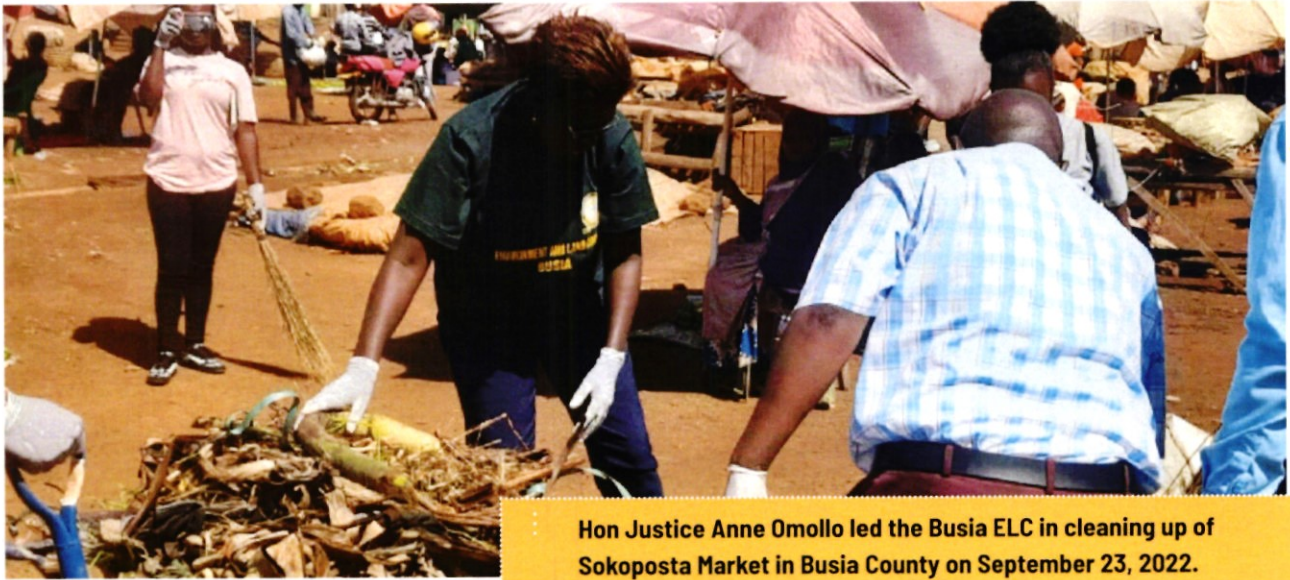
Hon Justice Oscar Angote, Presiding Judge ELC, led Milimani ELC in a tree planting exercise on November 11, 2022 at Ngong Hills Forest.

In order to enhance efficiency in the ELC, the Chief Justice on January 26, 2023 approved the proposal by the ELC Presiding Judge for the separation of the court into two divisions: the Environment and Planning Division and the Land Division. Several activities were undertaken in the 2022/2023 financial year towards the operationalisation of the ELC Divisions including the development of User Operations Guidelines for the purpose of training internal and external stakeholders on the newly established divisions and the reconfiguration of the Case Tracking System (CTS) and performance monitoring systems.



Following the launch of the National ELC Court Users Committee (CUC) in the previous financial year, the ELC successfully established CUCs in all of its 39 court stations. These forums have proved crucial for the court's stakeholders to communicate their grievances and to streamline the function of each individual ELC Station.

The ELC hosted a commemorative conference between 28 November and December 2, 2022 dubbed 'ELC@10 - Looking Back and Moving Forward on Environment and Land Justice in Kenya' at Pwani University in Kilifi County. Pre-conference activities were conducted at ELC stations countrywide between July and October 2022 and they included public engagements and initiatives aimed at raising awareness of the work of the ELC as well as promoting the mandate of the ELC. In line with the wider theme of greening the Judiciary, the ELC led in the planting of over 100,000 trees across the country.



Hon Justice Anne Omollo led the Busia ELC in cleaning up of Sokoposta Market in Busia County on September 23, 2022.

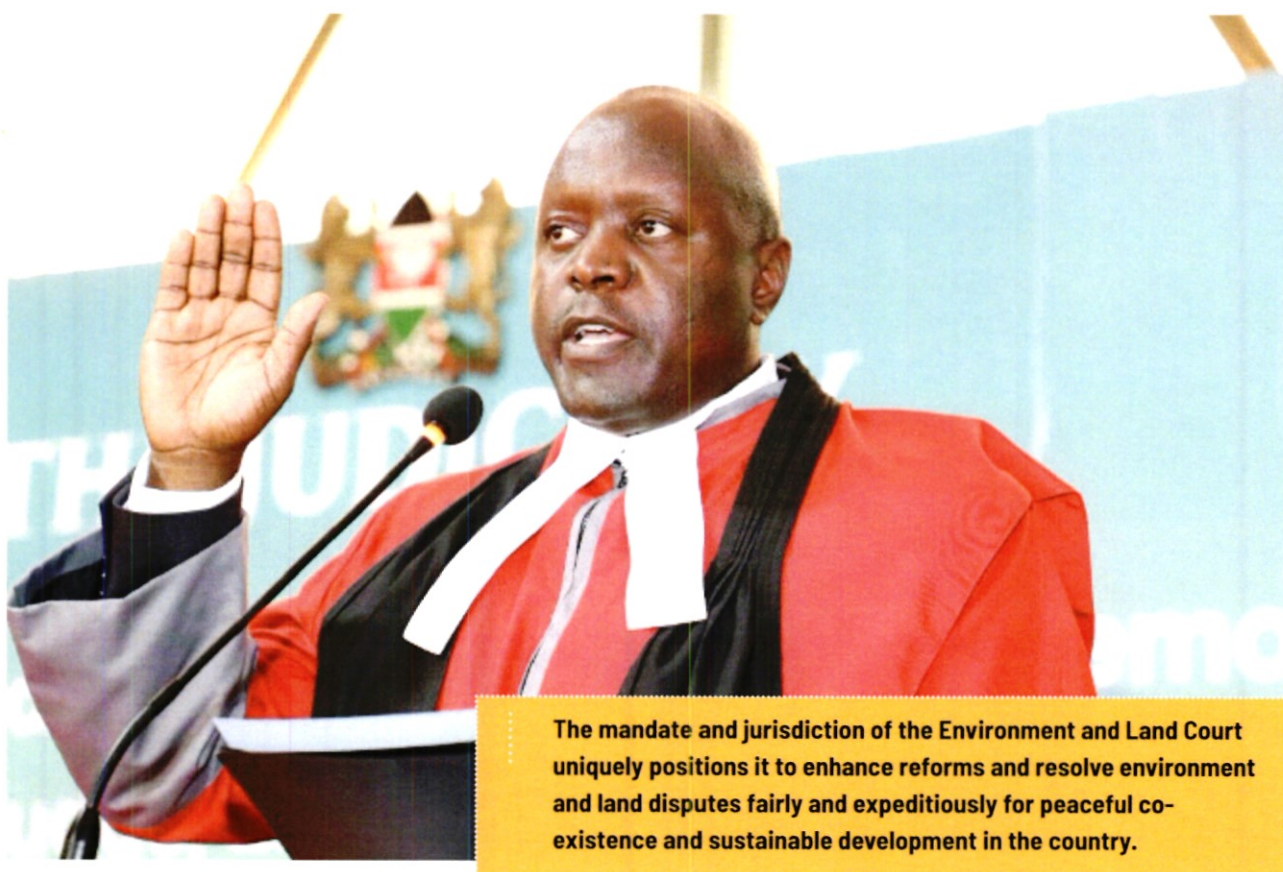


Hon Justice Lucy Gacheru led Murang'a ELC in a tree planting session on October 3, 2022 at Murang'a High School.

The High Court held the High Court Regional Chairpersons and Conveners Meeting between February, 20 - 21, 2023. The meeting brought together the members of the High Court Advisory Committee and the chairpersons and convenors of each Regional Cluster established by the Office of the Principal Judge of the High Court. The outcomes of the meeting were strategies towards achievement of the Principal Judge's vision to complete the backlog in the High Court; promotion of inclusivity in decision making across the High Court; Improved feedback mechanisms on emerging issues from the regions; and better monitoring of performance for peer review.

Environment and Land Court

During the reporting period the Environment and Land Court (ELC) celebrated 10 years since its establishment. This milestone was marked with a raft of activities focused on enhancing environmental and land adjudication. The court elected its second Presiding Judge and conducted its first installation ceremony of a Presiding Judge. Hon Justice Oscar Angote was elected as the ELC's second Presiding Judge on June 17, 2022 and installed taking over from Hon Justice Samson Okong'o.



The mandate and jurisdiction of the Environment and Land Court uniquely positions it to enhance reforms and resolve environment and land disputes fairly and expeditiously for peaceful co-existence and sustainable development in the country.

High Court Advisory Committee (HiCAC): The membership of the High Court Advisory Committee, established pursuant to the High Court (Organisation and Administration) Act (No 27 of 2015), was enhanced and expanded by co-opting more members for shared and effective leadership. The Committee now comprises nine members and during the period under review undertook a number of activities including:

- Induction of the new members of the committees where various policy and administrative directions were given regarding performance of the court; cleaning and reconciliation of High Court data; roll out of trainings and sensitisation for court assistants on the Case Tracking System; development of preparation of Service Weeks Guidelines for enhanced backlog completion; PMMU target setting and review of the performance baseline for the High Court; amendment to the Small Claims Act; development of a policy on diary management to deal with the issue of adjournments; the development of guidelines on constitution of benches; mediation as a standing agenda in all Bar Benches and LMT meetings and the need for continuous sensitisation of the advocates and the public on Court Annexed Mediation (CAM); improved complaints handling; and the welfare of the judges, deputy registrars and judicial staff.
- During the induction of the new High Court Judges, each member of the High Court Advisory Committee led a training session on areas including active case management; the High Court Administration and Organisation Act and the practice directions; highlights of landmark decisions and emerging jurisprudence; principles of constitutional interpretation; and the place of ADR in the dispensation of justice and the role of a judge in promoting ADR.

The High Court established nine regional clusters to decentralise its governance and administrative procedures for enhanced performance. These regional clusters are: Western, Upper Rift, Lower Rift, Central, Upper Eastern, Lower Eastern, Nairobi and Coast regions. The clusters are headed by chairs and conveners elected by the various members of the regions. The objective of the regional High Court clusters is to increase effectiveness and efficiency in communication, quicker response to unanticipated regional challenges, improved ability to deliver services, improved information flow about local conditions and robust support from the leadership of the Judiciary.

A case census exercise was concluded to address the persistent problem of variation in data across the data collection tools. The exercise involved auditing files and updating the CTS to provide updated and verifiable statistics on the court case load. The exercise was commissioned by the Chief Justice, spearheaded by the Principal Judge, with the objective of establishing an accurate and reliable case load baseline.

The Principal Judge continued to implement Rapid Results Initiatives (RRI) to complete case backlog in the High Court. An RRI exercise was undertaken in January 2023 in 32 High Court stations. There were 12,344 matters that were handled constituting 2,737 appeals, 2,214 mentions, 1,482 applications, 2,261 dismissals, and 450 confirmations of grants. The total of 2,735 were determined and finalised during this exercise.

1.4.7 Inclusiveness & Shared Leadership

1.4.7.1 Leadership Committees

The JLT held a meeting and strategic retreat with the JMC from June 11-14, 2023. In addition to considering and providing directions on the reports, recommendations and proposals submitted by the JMC, the JLT discussed issues concerning strengthening and supporting the Kenya Judiciary Academy; security of personnel and infrastructure across courts and tribunals; the well-being, welfare and benefits for judges, judicial officers and staff; peer review proposals for judges and magistrates; the implementation of the Judiciary Child Justice & Sexual and Gender Based Violence strategies; and the development and implementation of the STAJ Blueprint.

The JMC held its working retreat from October 2-8, 2022. The JMC considered reports from its constituent committees. The JMC also discussed and refined the mandates, budgets and work plans of the standing committees; developed policy guidelines on horizontal and vertical coordination reporting procedures, and feedback mechanisms; discussed performance management and measurement frameworks for the Judiciary's standing and administrative committees; and developed an implementation framework for STAJ.

1.4.7.2. Court & Tribunal Leadership

The High Court

Hon Justice Eric Ogola was elected Principal Judge of the High Court on September 15, 2022 and thereafter took oath of office. During the year in review, the Principal Judge with the assistance of the High Court Advisory Committee (HiCAC) put in place structures and processes that promote accountability, responsiveness, inclusiveness, and broad-based participation within the court.



As a court that exercises wide original and appellate jurisdiction, and that has presence in all corners of our country, the High Court and its performance has a significant bearing on how people interact with the justice system.

The Deputy Chief Justice joined Amnesty International Kenya (AIK) for a Legal Freedom Clinic at Aga Khan Walk, Nairobi as part of their 10-year commemoration celebrations.





The Chief Justice emphasised that courts will ensure tailor-made justice for victims of Sexual and Gender-Based Violence.

The Chief Justice held talks with Ms Stephanie Rothenberger, Director of the Rule of Law Programme for Anglophone sub-Saharan Africa at Konrad Adenauer Stiftung to discuss building partnerships to promote the rule of law.



The 'Rule of Law programme' focus areas that include the promotion and protection of the independence of the Judiciary, constitutionalism, human rights, and democracy are a priority in the Judiciary's strategic STAJ vision.

Further, the programme supports a multi-door approach to justice through its focus on Alternative Justice Systems (AJS) as well as the emerging area of 'green justice' and reducing the environmental impact of the justice system, by ensuring that the justice system is sustainable and responsible, a crucial objective under STAJ.



Other key engagements with civil society and development partners during the reporting period included:

In January 30, 2023 the Chief Justice met with ambassadors from Denmark and Sweden to review strategic partnerships supported through the IDLO. The Swedish Ambassador H E Caroline Vicini, committed to continue supporting Kenya's justice system through the Swedish International Development Cooperation Agency. The Danish Ambassador H E Ole Thonke emphasised the necessity for ensuring that victims of SGBV crimes get speedy justice in courts.

1.4.6.4 Engagements with Civil Society and Development Partners

Development Partners Round Table: Throughout the year, the Judiciary sustained its engagement with developmental partners, including roundtable discussions with agencies supporting justice sector reform initiatives, as well as one-on-one meetings with Ambassadors and High Commissioners who provide technical assistance to these agencies.

The Chief Justice's Development Partners Roundtable was convened in February 2023, in Nairobi to explore potential areas of collaboration in the pursuit of the Social Transformation through Access to Justice vision.



The Judiciary welcomed the enhanced collaboration and partnerships with all the development partners towards realising outcomes that ensure that the Judiciary plays its role not only in guaranteeing national stability but also establishing a just and inclusive society.

PLEAD II Launch: On May 10, 2023, the Chief Justice launched the Programme for Legal Empowerment and Aid Delivery in Kenya (PLEAD II). The partnership, with a total investment of €35.3 million, builds on successes achieved during the first phase and will support the Judiciary and its justice system partners in their renewed collective quest to deepen access to justice, enhance inter-agency collaboration and ensure efficiency.

The PLEAD Programme, through the generous contribution of the European Union, has been essential to realisation of the strategic objectives of the justice sector. PLEAD II aligns with the justice sector's renewed focus on technology as an enabler of people-focused justice. The continued thematic focus on digitisation will ensure that the developments in the justice sector continue to be relevant in the current information age.

Hon Justice Kanyi Kimondo, Presiding Judge, Milimani HC Criminal Division and Hon Justice Diana Kavedza, National Chair of the CSO, engaged with the Office of the Director of Public Prosecutions and other criminal justice actors to deliberate on strategies for implementing the 'All for Justice Phase II Project,' which was geared towards decongesting prisons.





Bishop David Oginde was sworn into office as the chairperson of the Ethics and Anti-Corruption Commission (EACC) in a ceremony presided over by Chief Justice Koome following a competitive recruitment process by the Public Service Commission. Fourteen candidates had expressed interest in the position.



National Land Commission Chief Executive Officer Kabale Tache after she was sworn into office in a ceremony presided over by Deputy Chief Justice Philomena Mwilu at the Supreme Court building on June 19, 2023.



Caroline Nzilani takes her Oath of Office as a Commissioner of the Judicial Service Commission in a ceremony presided over by the JSC Chairperson, Chief Justice Martha Koome in Kisumu. Her nomination and that of Isaac Ruto were approved by the National Assembly Justice and Legal Affairs Committee (JLAC) on June 13, 2023.



Retired Chief Justice David Maraga is sworn-in as Chairperson of a taskforce to oversee reforms at the National Police Service and Kenya Prisons Service.

The Office of the Registrar of Tribunals facilitated the swearing-in of 47 members of tribunals, including 12 members of the Tax Appeal Tribunal (TAT), two members of the Political Parties Disputes Tribunal (PPDT), two members of the Competition Tribunal, and four members of the Insurance Tribunal. Also sworn into office were one member of the Rent Restriction Tribunal, four Members of the Capital Markets Tribunal, two Members of the Privatisation Tribunal, two members of the Public Private Partnerships Petition Committee (PPPPC) and five members of the HIV AIDS Tribunal (HAT). One member each of the National Civil Aviation Administrative Review Tribunal (NCAART), Chairperson Transport Licencing Appeals Board (TLAB) and Chairperson Water Tribunals assumed their oath of office, as did four members of the National Environment Tribunal (NET), and five members of the Cooperatives Tribunal (COOP).

1.4.9.1 Admission of Advocates

Admission is the formal permission given by the Chief Justice to a qualified person to become and to practice law as an advocate of the High Court of Kenya. This process is supported and facilitated by the OCRJ Advocates sections whose functions are derived from the Advocates Act, the Notaries Public Act, and the Oaths and Statutory Declarations Act and include:

- Processing of petitions for Admission of Advocates
- Issuance of Advocates' Annual Practicing Certificates
- Processing of applications for appointment of Commissioners for Oaths
- Processing of applications for appointment of Notaries Public
- Annual Renewal of Notary Public Certificates
- Authentication of documents signed by Notaries Public
- Custody & Maintenance of the Roll of Advocates, the Roll of Commissioners for Oaths, the Roll of Notaries Public and the Roll of Senior Counsel
- Custody & Maintenance of Advocates files.



During the reporting period, the Chief Justice admitted 2,413 Advocates to the roll, bringing the total to 3,960 lawyers admitted to the Roll of Advocates since she assumed office in May 2021,

The Advocates Act in Section 12 and 13 provides for the criteria to be met before one applies to be admitted as an Advocate of the High Court of Kenya. The process of Admission involves petitioning, payment of the requisite fee, gazettelement, hearing of the petitions, taking the Oath of Advocates and the signing the Roll of Admission.

During the reporting period, the Chief Justice admitted 2,413 Advocates to the roll, bringing the total to 3,960 lawyers admitted to the Roll of Advocates since she assumed office in May 2021.

Table 1.1: Number of Advocates Admitted to the Roll of Advocates

DATE OF ADMISSION	NUMBER ADMITTED
August 5, 2022	771
December 2, 2022	355
March 2, 2023	465
June 6, 2023	822
TOTAL	2,413

1.4.9.2 Issuance of Annual Practicing Certificates

One of the functions of the Chief Registrar under Part VII of the Advocates Act is to issue annual Practicing Certificates to Advocates. A practicing certificate is a license that allows an advocate to practice law in Kenyan and it is renewed annually. This process involves verification of applications for practicing certificates from advocates and issuance of the certificates. For the period between July 1, 2022 and June 31, 2023, the Chief Registrar has issued a total of 22,000 Practicing Certificates.

1.4.9.3 Appointments of Commissioners for Oaths and Notaries Public

The appointment of Commissioners for Oaths is governed by the Oaths & Statutory Declarations Act, Cap 15, which empowers the Chief Justice to appoint practicing advocates to be commissioners for oaths. The Notaries Public Act, Cap 17, provides that the Chief Justice may, by instrument under her hand, appoint any

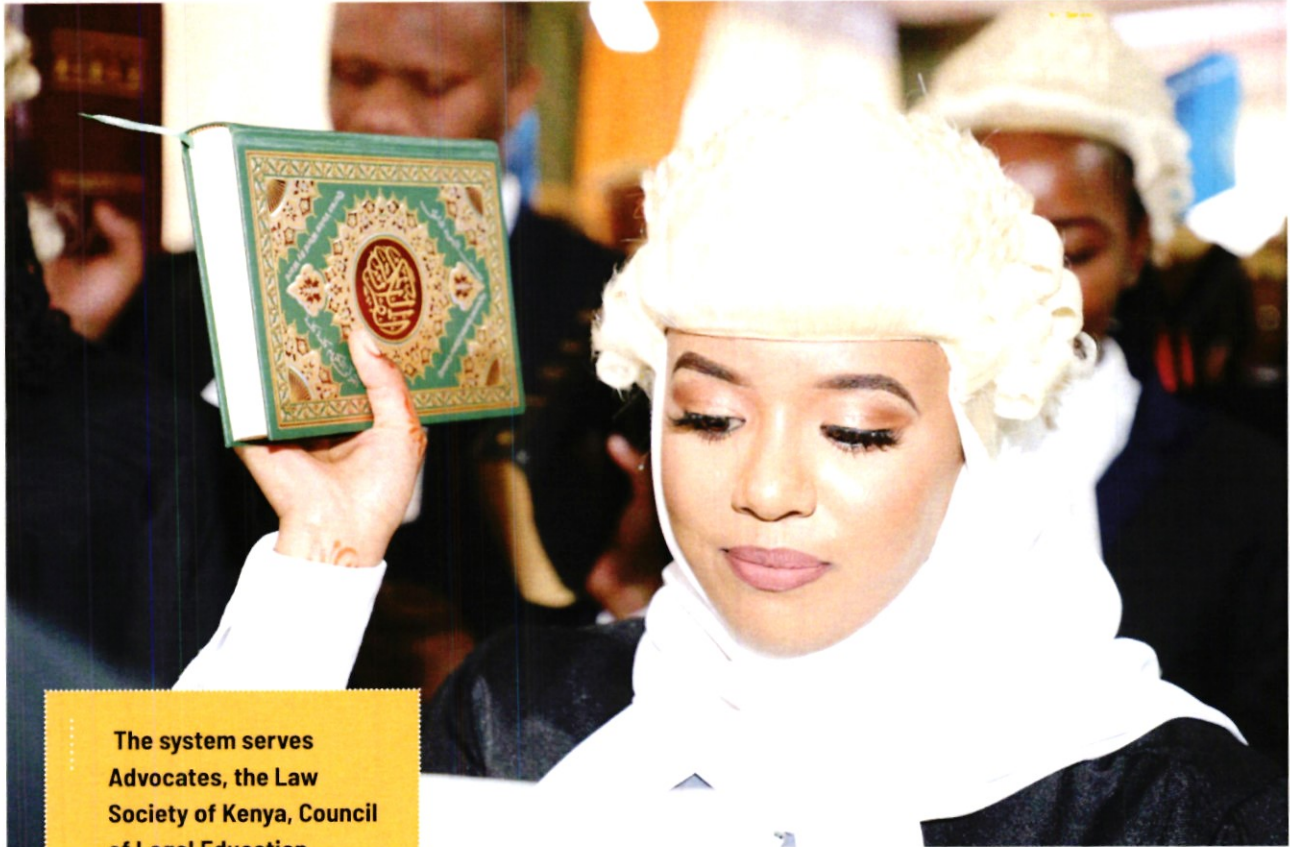


advocate who has actively practiced for the 5 years preceding their application to perform the functions and duties of a notary public. Once appointed, the advocate is issued with a Certificate of Enrolment as a Notary Public.

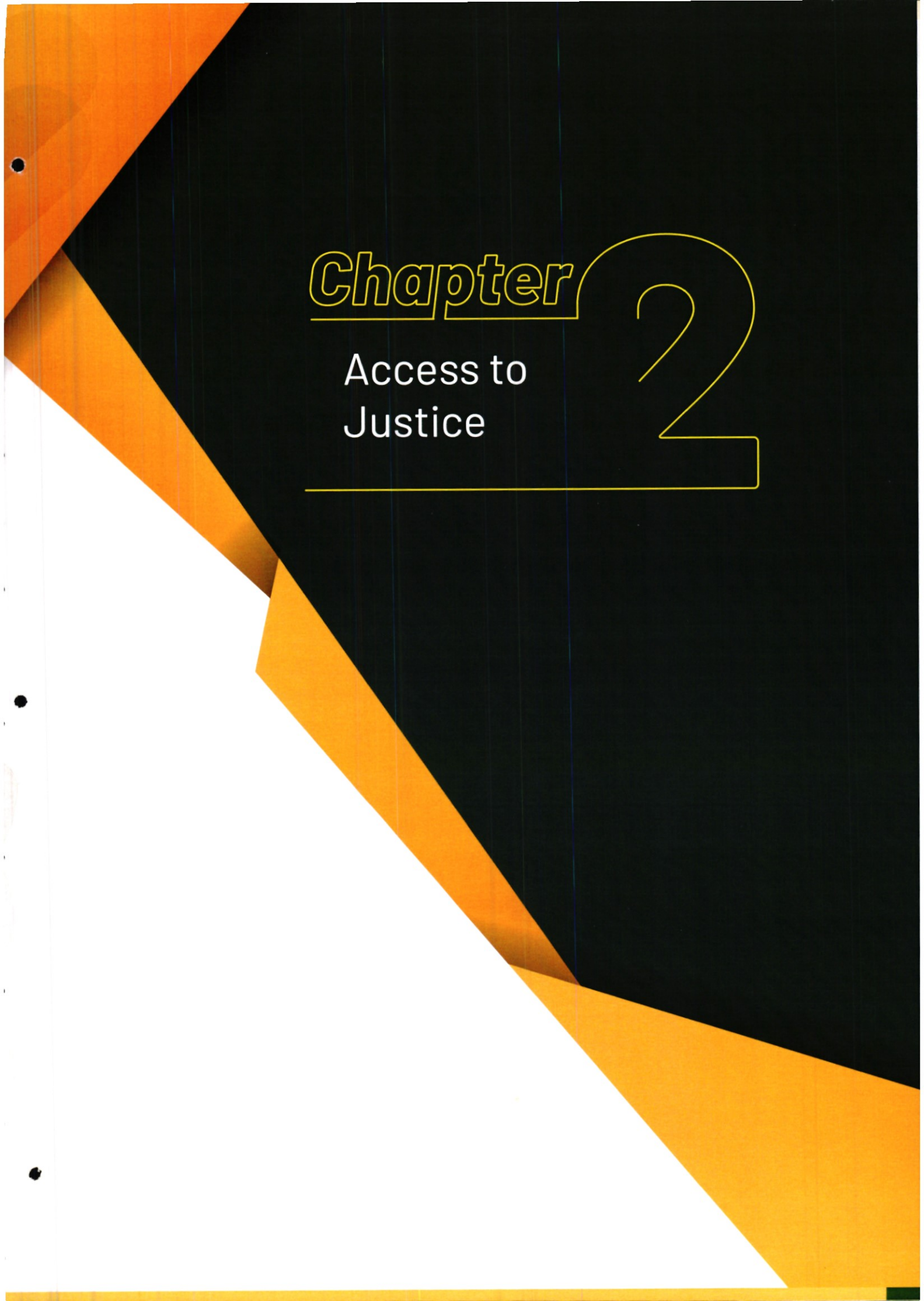
The Notary Public Certificate is renewed annually and during the reporting period 1,500 applications for appointment as Commissioner for Oaths and Notaries Public were processed.

1.4.9.4 Automation of the Judiciary Advocates Section

The operations of the Advocates Section have largely been manual thus resulting in inefficiencies and delays especially considering the increasing number of advocates who have been admitted to practice law. The operations of this section have now been automated through the Judiciary Advocates Management System (JAMS). The JAMS was developed in collaboration with the Law Society of Kenya and was launched by the Chief Justice on August 5, 2022. JAMS is a one-stop online portal automating the Processing of Advocates Admissions Petitions, Practicing Certificates, Commissioners of Oaths Certificates and Notaries Public Certificates and Verification of Advocates Credentials. The system serves Advocates, the Law Society of Kenya, Council of Legal Education, Petitioners as well as the members public.



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Chapter 2

Access to
Justice

ACCESS TO JUSTICE

“

Access to justice fosters peaceful and harmonious co-existence in society.

”

2.1. INTRODUCTION

Article 48 of the Constitution imposes an obligation on the State to ensure access to justice for all. As the custodian of justice, the Judiciary must therefore take deliberate steps to ensure proximity and physical access to courts and simplify its procedures for litigants to clearly understand and effectively participate in court processes. As part of its accountability, the Judiciary must demonstrate efforts to remove barriers to access to justice and put measures in place to ensure that courts are within reasonable range and available to all those who seek justice. This chapter describes the initiatives taken by the Judiciary to meet the demand for court services across the country, the performance of courts and tribunals in the financial year under review, measures taken to reduce the backlog, and the level of technology adoption in the administration of justice.

Section I: Initiatives to Enhance Access to Justice

2.2. Establishment of Courts and Sub-Registries

Access to justice is critical to realising the Social Transformation through Access to Justice (STAJ) vision, particularly for the poor, marginalised, and vulnerable. During the financial year, the Supreme Court established two sub-registries in Mombasa and Kisumu. Litigants who would otherwise have had to travel to Nairobi were able to file matters in the sub-registries, lowering costs of accessing justice.

To improve the efficiency and effectiveness of the presidential petition processes, a sub-registry was gazetted at Forodha House, Milimani. The Court of Appeal also inaugurated two fully fledged court stations in Nakuru and Eldoret.

The High Court gazetted and operationalised the Kapsabet High Court station, alongside sub-registries in Lamu and Iten.

The Employment and Labour Relations Court elevated the status of sub-registries in Kakamega, Bungoma and Malindi, making them fully fledged ELRC stations. Additionally, the court operationalised sub-registries in Kisii and Nyamira.

There were also three divisions established at the ELRC Nairobi namely, the Claims and Labour Relations Division, the Judicial Review and Labour Rights Division, and the Appeals Division.

The Environment and Land Court on the other hand established the Voi ELC station and operationalised sub-registries in Lamu and Kabarnet. Furthermore, two ELC Divisions were established at Milimani: The Environment and Planning Division and the Land Division.

Within the magistracy, six gazetted courts were operationalised in Tinderet, Ol Kalou, Kenol, Rumuruti, Kibiyet and Madiany.

The Meru Small Claims Court (SCC) was gazetted, increasing the number of Small Claims Courts to 12 up from 11 that were rolled out in the FY 2021/22. The other SCC are; Eldoret, Kajjado, Kakamega, Kisumu, Machakos (with a sub-registry at Makueni), Milimani, Mombasa, Naivasha, Nakuru, Nyeri, and Thika.

In line with the STAJ vision of providing dignified and trauma-based care to victims of abuse, Sexual and Gender-Based Violence (SGBV) courts were established at Shanzu, Kibera, Makadara, Meru, Nakuru, Kiambu, Machakos, Kisii, Kitale, Kakamega, Kisumu, and Siaya.

2.2.1. Court Infrastructure

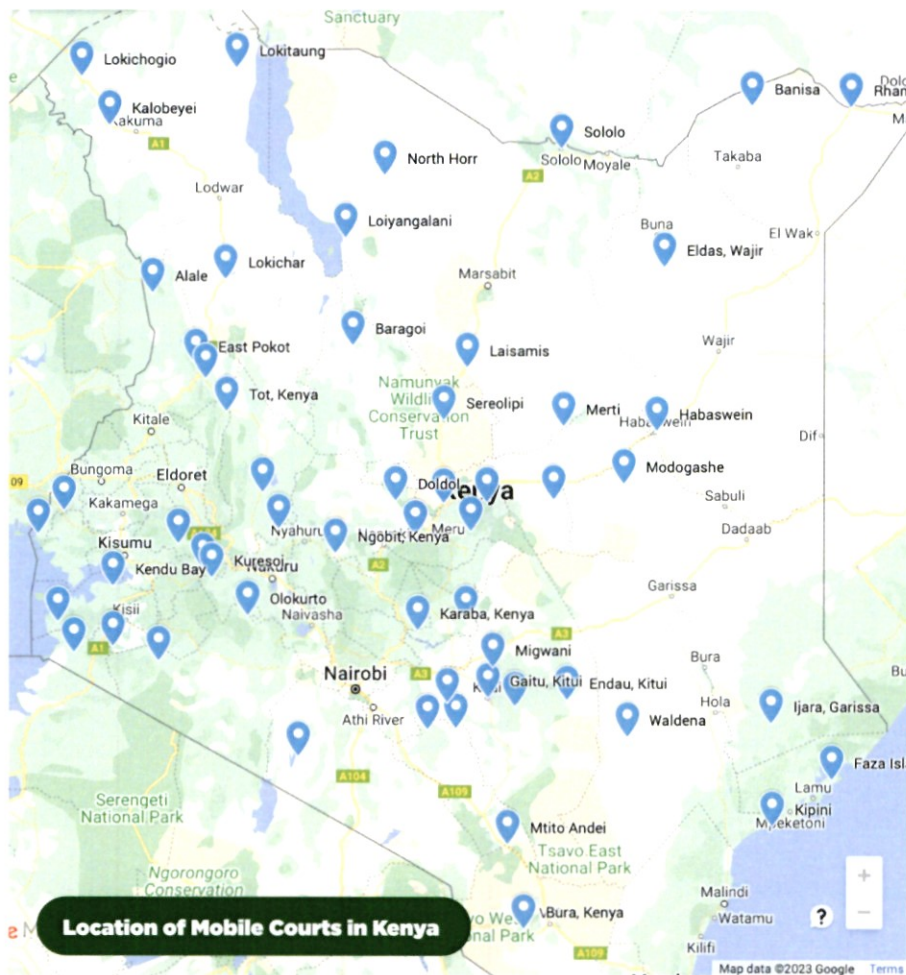
The Judiciary completed court constructions in Embu and Port Victoria Law Courts to improve physical

access, court infrastructure, and court premises. However, at the end of the financial year, court construction was still underway in Eldama Ravine, Eldoret, Habaswein, Kabarnet, Kandara, Mandera, Mavoko, and Meru. Rehabilitation of buildings was undertaken in 44 Magistrates' Courts, namely; Bomet, Busia, Chuka, Gichugu, Githunguri, Kajiado, Kakuma, Kehancha, Kericho, Kibera, Kilgoris, Kilifi, Kilungu, Kisii, Kyuso, Machakos, Madiany, Makueni, Maua, Migori, Msambweni, Murang'a, Mutomo, Mwingi, Mwingi, Nairobi Kadhi, Ndhiwa, Ngong, Nyamira, Othaya, Rumuruti, Siakago, Sirisia, Tamu, Tawa, Thika ELC, Tigania, Wanguru (Asbestos removal) and Winam. Renovation of Forodha House was finalised during the year while works at the Milimani Law Courts were still ongoing.

To ensure minimal disruption of court services due to power outages, solar systems were installed in 19 court stations during the reporting period.

2.2.2. Mobile Courts

Article 48 of the Constitution and Section 3(i) of the Judicial Service Act require the Judiciary to facilitate the accessibility of judicial services to all. Furthermore, the STAJ vision recognises the need to enhance access to justice for marginalised and vulnerable groups. Consequently, the Judiciary operationalised mobile courts in remote areas and as of June 2023, there were 57 operational mobile courts across the country, the majority of which are in arid and semi-arid areas. A total of 7,398 cases were filed and 5,190 cases were resolved, as depicted in Annex 2.1.



2.2.3. Court Circuits

Judicial circuits are court-organised hearings meant to accelerate the determination of disputes and bring justice closer to the people by temporarily deploying judges and judicial officers to specific courts stations with high caseloads. These circuits are necessitated by a shortage of judges and judicial officers in certain parts of the country and constitute a useful tool in enhancing access to justice and the realisation of the social transformation promise of the Constitution. A total of 125 circuits were held across all courts and tribunals, and 2,743 cases were heard and determined, as indicated in Figure 2.1. The High Court had the highest number of circuits while ELRC had the lowest amount at 17 per cent.

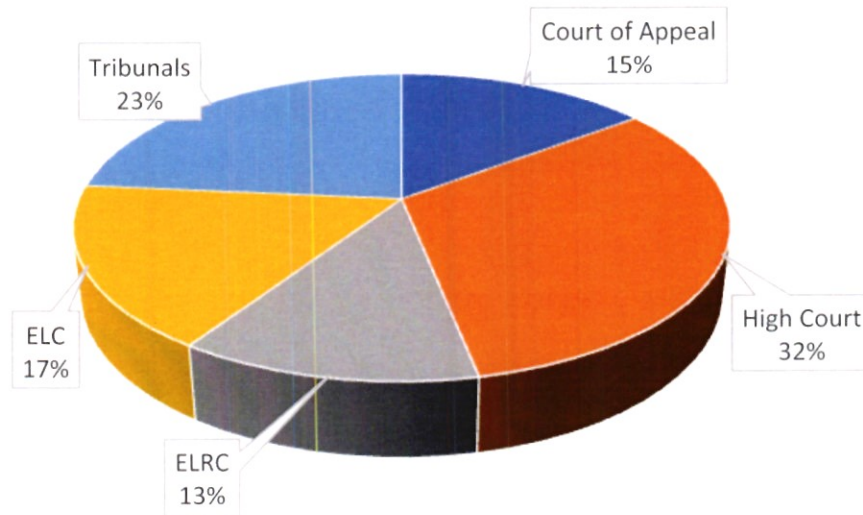


Figure 2.1: Court Circuits Distribution, FY 2022-23

The ELC court attained the highest circuit efficiency rate at 93 per cent having resolved 102 of the 110 cases handled, there were 547 cases heard during the *Court of Appeal Circuits* of which 460 of them were resolved leading to circuit efficiency of 84 per cent. The ELRC court had the lowest efficiency having resolved only 61 cases 8 per cent of the 787 matters handle.

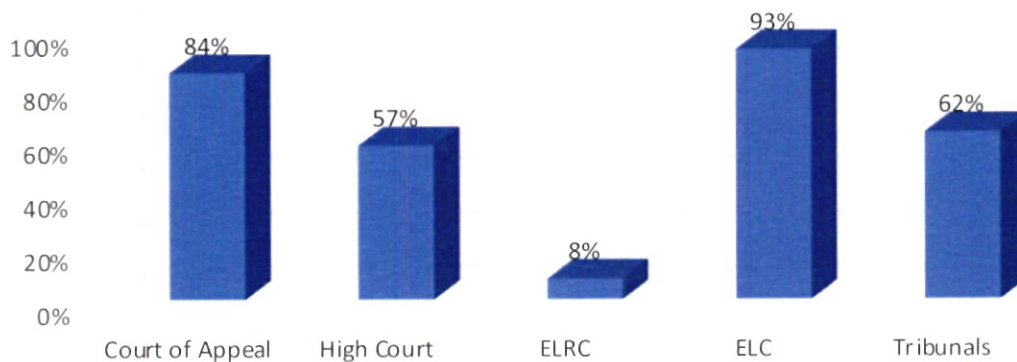


Figure 2.2: Circuit Efficiency of various Court Ranks, FY 2022/23

2.2.4. Backlog reduction through Service Weeks and Rapid Results Initiative

A key pillar of the STAJ blueprint is clearance of case backlog and hearing of matters within three years. The backlog in the Judiciary stood at 336, 119 cases as of June 30, 2022. Through the implementation of service weeks, among other initiatives, the backlog was reduced to 272,678 cases, representing an 18 per cent reduction as at June 30, 2023. During the year, the High Court deployed its newly recruited judges to 32 court stations across the country to handle backlog cases through the Rapid Results Initiative. Through this initiative, 12,609 cases were handled with 2,852 concluded.

Tribunals dealt with case backlog by conducting file appraisals to determine the age of various cases, mapping cases for dismissal for want of prosecution, holding service weeks, listing old matters on cause lists, and scheduling case deliberation conferences. The Rent Restriction Tribunal (RRT) conducted records appraisal and identified cases older than three years and listed and dismissed 1,300 cases for want of prosecution; The Tax Appeals Tribunal held two service weeks and delivered 74 judgments; the Business Premises Rent Tribunal listed old matters as Notice to Show Cause and dismissed 415 cases; the Communication and Multimedia Appeals Tribunal (CAMAT) held three case sessions and delivered two judgments; the Public-Private Partnerships Petition Committee (PPPPC) held four case deliberations and delivered two Judgements; the Legal Education Appeals Tribunal (LEAT) held four case conferences and delivered six judgements, while the Sports Disputes Tribunal finalised 13 cases that were more than three years old.

2.2.5. Sexual and Gender-Based Violence Courts

Sexual and Gender-Based Violence (SGBV) courts were established at Shanzu, Kibera, Makadara, Meru, Nakuru, Kiambu, Machakos, Kisii, Kitale, Kakamega, Kisumu, and Siaya. Since their inception, 255 cases have been filed with 69 resolved.



12 SGBV
Courts established



Filed
Cases



Resolved
Cases

2.2.6. Administration of Pro-Bono Scheme for Indigent Litigants

To enhance access to justice for marginalised people, the Judiciary continued to administer the pro bono scheme through allocation of funds for indigent clients to access legal services. The Judiciary facilitated the payment of KSh39,210,000 for pro bono services to 44 Magistrates' Court stations, and 1,800 cases were determined. The High Court spent KSh31,428,025 to pay pro bono lawyers, and 1,593 cases were heard and determined.

As shown in Table 2.1, the average cost per resolved case was 21,800 In the Magistrates' court and 20,000 in the High Court.

Table 2.1: Average Cost per Resolved Pro Bono Case

Court Rank	Amount (Ksh)	Total Cases	Average Cost/Case
Magistrate's Court	39,210,000	1,800	21,800
High Court	31,428,025	1,593	20,000

The Sports Disputes and the HIV & AIDS Tribunals, in implementing their pro bono MoU's with Kituo Cha Sheria, heard and determined a total of 13 cases among them being the eight anti-doping cases for the Sports Tribunal on a pro bono basis.

2.2.7. Simplification of Court Procedures

To improve functional access to justice, the Judiciary implemented initiatives to bring justice closer to the people by simplifying procedures for accessing judicial services. The Chief Justice gazetted standardised court fees across the Judiciary in order to improve customer experience and remove barriers associated with fee assessment across the Judiciary. In this regard, the revised court fees for the Supreme Court have been incorporated into the Supreme Court service delivery charter, practice directions, and the Supreme Court website. The Court of Appeal created the Court Recording and Transcription Guide 2023 to standardise transcription services and make it easier for litigants to request court transcripts of proceedings.

The Judiciary finalised revision of the Magistrates and Kadhis Courts Registry Manual necessitated by significant policy, legislative, and administrative changes. This has streamlined procedures for handling Kadhis cases and Probate & Administration matters while introducing aspects of automation and records management. The Office of the Registrar Tribunals validated one registry manual for use by all tribunals to ensure standardisation of common registry services across all tribunals.

2.3. EXPANDING THE DOORWAYS OF JUSTICE

2.3.1. Court Annexed Mediation

Mediation is an Alternative Dispute Resolution (ADR) mechanism where an impartial third party encourages and facilitates the resolution of a dispute between parties. During the year, 17 new mediation registries were established in Kikuyu, Limuru, Thika, Mavoko, Kajiado, Murang'a, Bungoma, Iten, Vihiga, Migori, Gatundu, Webuye, Runyenjes, Siakago, Busia, Kangundo and Gichugu. A total of 4,708 matters were referred to mediation, out of which 4,450 were settled successfully. The total value of matters referred to mediation during the financial year was KSh33,785,921,223, while the total value of settled matters was KSh8,690,503,047. The overall annual settlement rate for matters referred to CAM was 51.2%. In tribunals, the Sports Disputes Tribunal resolved six matters through ADR, of which three were resolved through mediation.

The Mediation Policy was developed and is being implemented across all Mediation Registries. Additionally, CAM Rules, Policy on Private Mediation, Google query procedure, and Mediation Payment Guidelines were developed.

2.3.2. Alternative Justice Systems

The Judiciary established Alternative Justice Systems (AJS) suites in Isiolo, Kajiado, Nakuru, and Nyeri to further aid in the resolution of disputes. In addition, engagements to promote alignment of AJS practices with the Constitution of Kenya were held in Kajiado, Narok, Uasin Gishu, Kisumu, Siaya, Taita Taveta, Mombasa and Baringo.

The National Steering Committee for the Implementation of the Alternative Justice Systems (AJS) Policy (NaSCI-AJS) successfully held the first and second AJS conferences at Tangaza University College that were graced by participants drawn from the Judiciary, academia, civil society, AJS practitioners in the country and development partners. The theme of the 2nd AJS conference was '*AJS as Culture and Innovation in Accelerating Social Transformation through Access to Justice*' and its objective was to expand discussions and build consensus on what it means to realise the constitutional concept of justice and operationalise the multi-door methods of accessing justice in Kenya. The theme appreciated the embodiment of AJS in the moral economy of justice.

During the reporting period, the committee held 13 training sessions with the key objective of building the capacity of the participants to: Acknowledge the imperatives of AJS and the reasons for the gap between the practice of AJS between policy, judicial and policy acknowledgement, and pragmatic realities; Familiarise participants with the doctrinal knowledge of AJS and the AJS Policy; Equip participants, in their capacities to lead in the implementation of the AJS Policy in their regions; and to constitute a pool of AJS champions. The trainees included the Judges of the Environment and Land Court, the Deputy Registrars of the Environment and Land Court, the Kikuyu Court Users Committee, The Ruiru Court Users Committee, the Ngong Court Users Committee, the Kibera Court Users Committee, the Western Region

Social Justice Centres, the Nairobi Region Social Justice Centres, the Kenya Judiciary Academy Staff, the Nakuru AJS Practitioners, the National Legal Aid Service staff, the National Legal Aid Board and the Kigotho elders from Kiambu.

Training materials and a training curriculum were developed to standardise the content that is to be used for awareness, sensitisation, and training. The standardisation has enabled quality assurance for other players to effectively cascade AJS to their constituent. Similarly, illustrations on the AJS process to be used by the trainers and facilitators especially when sensitising the public about AJS were developed to enhance training methodology.

Guidelines on operationalisation of the Court Annexed AJS Model, the Third Party AJS Model and the Autonomous AJS Model were developed to serve as reference tools. The guidelines are critical in the operationalisation of the AJS County Action Plans. The development of County CUC AJS action plans was initiated in Kisumu, Siaya, Uasin Gishu, Mombasa, Baringo, Taita Taveta, Narok, Isiolo counties.

The Autonomous AJS Panel in Kajiado resolved 102 land cases during the reporting period. The number of cases referred and resolve through AJS are illustrated in Figure 2.3.

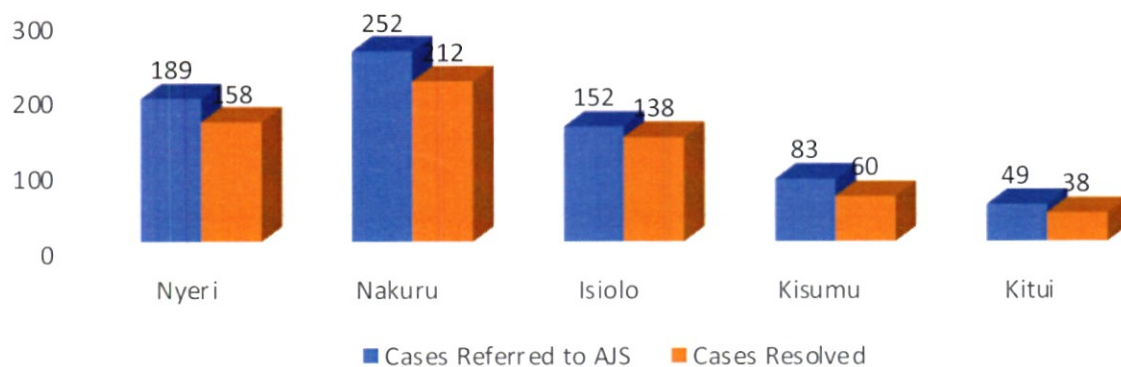


Figure 2.3: AJS Matters Referred and Resolved Per County, FY 2022/23

2.3.3. Mahakama Popote

The Judiciary is committed to ensuring that all citizens have access to courts across the country. The STAJ initiative aims to provide justice that is accessible, efficient, expeditious, and cost-effective. The Mahakama Popote initiative, which seeks to maximise available resources while leveraging ICT, was launched in October 2022, with judicial officers in less busy stations hearing cases from courts with a higher caseload. This initiative mitigates the unequal distribution of work among judicial officers and staff. The operational guidelines were also developed and disseminated for implementation. During the review period, 6,469 cases were referred for Mahakama Popote, and 3,313 cases were heard and determined through this initiative.

2.3.4. Transition of Tribunals

Tribunals are specialised bodies clothed with judicial power to determine disputes between litigating parties on various specialised sectors as provided in their establishing statutes. Kenya has over 38 tribunals, which continue to transit to the Judiciary. In the year under review, the Land Acquisition, Financial Centre, and Water Tribunals transitioned, making a total of 23 tribunals administered under the Judiciary. Further, the Business Premises Rent Tribunal increased its membership from four to 10 members to enhance access to justice. The Tribunals Bill 2023 was approved by the Cabinet in June 2023, and forwarded to the National Assembly for discussion and enactment.

2.3.5. Small Claims Courts

During the review period, a Small Claims Court was established at Meru to improve the administration of justice. As of June 2023, there were 12 Small Claims Courts operational in Milimani, Kajiado, Thika, Eldoret, Machakos (with a sub-registry at Makueni), Naivasha, Nakuru, Nyeri, Kakamega, Mombasa, Kisumu, and Meru. To enhance service delivery in these courts, cases are automatically allocated to adjudicators by the system upon registration of a case thus minimising human interaction.

An inaugural Small Claims Court Symposium was organised by the Small Claims Court in collaboration with the Kenya Judiciary Academy. This brought together all the serving adjudicators presiding over the various SCCs, and was intended to provide a forum for; training and discussions on various topical legal issues related to the court including emerging issues, cross-sharing of ideas on best practices from the various court stations, challenges faced and opportunities for the court in the future, benchmarking on best standards with a view of making access to justice more attainable.

2.3.6 Elections Disputes Resolution

Training of judges, judicial officers, legal researchers, law clerks, and Judiciary staff on electoral offenses and connected matters was done as shown in Table 2.2. These trainings were aimed at enhancing their capacity to effectively discharge the Election Dispute Resolution (EDR) mandate including undertaking scrutiny and preparing the concomitant reports. A booklet of electoral statutes/laws was compiled in addition to an EDR Bench Book. E-filing was also launched and EDR matters were filed online.

Table 2.2 Judges, Judicial Officers, and Staff Trained on EDR in FY 2022/23

Cadre	Number Trained
Judges	93
Magistrates	342
Registrars and Deputy Registrars	66
Law Clerks and Legal Researchers	118
Tribunal Members	40
Court Administrators and Court Assistants	299
ICT Officers	119
Total	1,077

In the run-up to the 2022 General Election, the Political Parties Disputes Tribunal (PPDT) conducted debrief sessions that involved the identification of achievements and challenges from the first phase of pre-EDR, and resolution of disputes arising from party nominations and party lists. The Tribunal received a total of 196 disputes challenging nominations and 118 that rose from the party lists all these 314 disputes were determined within the timelines required by law.

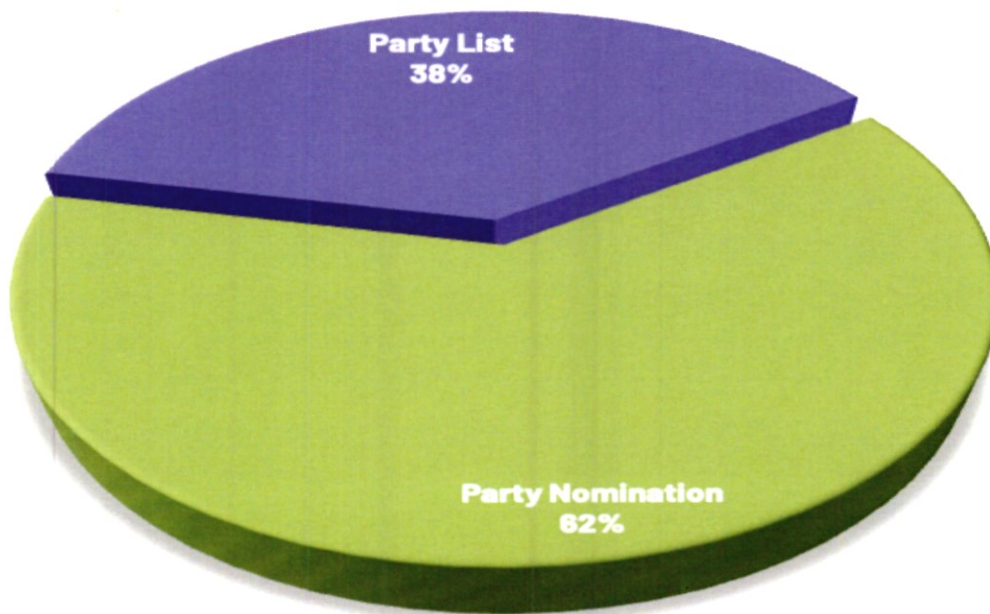


Figure 2.4: Nature of Disputes Filed and Resolved by the PPDT

Section II: Dispute Resolutions through Courts

2.4. Caseload Statistics for All Courts

2.4.1 Filed and Resolved Cases

A filed case is any new matter initiated, commenced, lodged, registered, or filed in a particular court for a decision or direction in a given period. Every filed case has an identification number allocated by the court. During the FY 2022/23, a total of 423,394 cases were filed in all courts across the country while 419,262 cases were resolved. This resulted in a Case Clearance Rate (CCR) of 99 per cent, an improvement of 5 percentage points from the last financial year. However, the trend as shown in Figure 2.5 indicates that the Judiciary has for the sixth consecutive year resolved fewer cases than those filed.

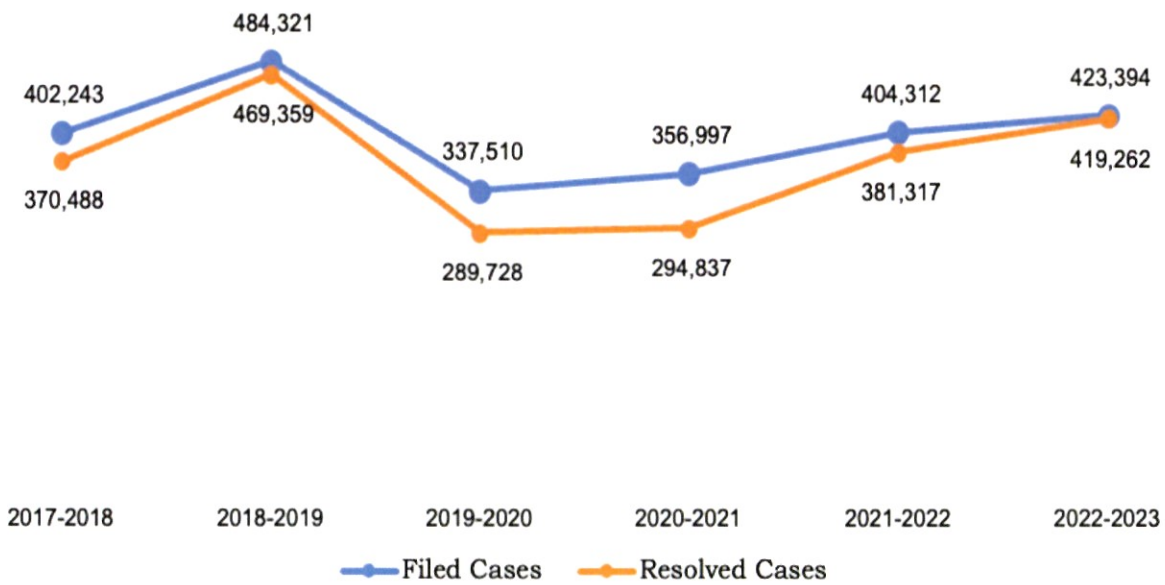
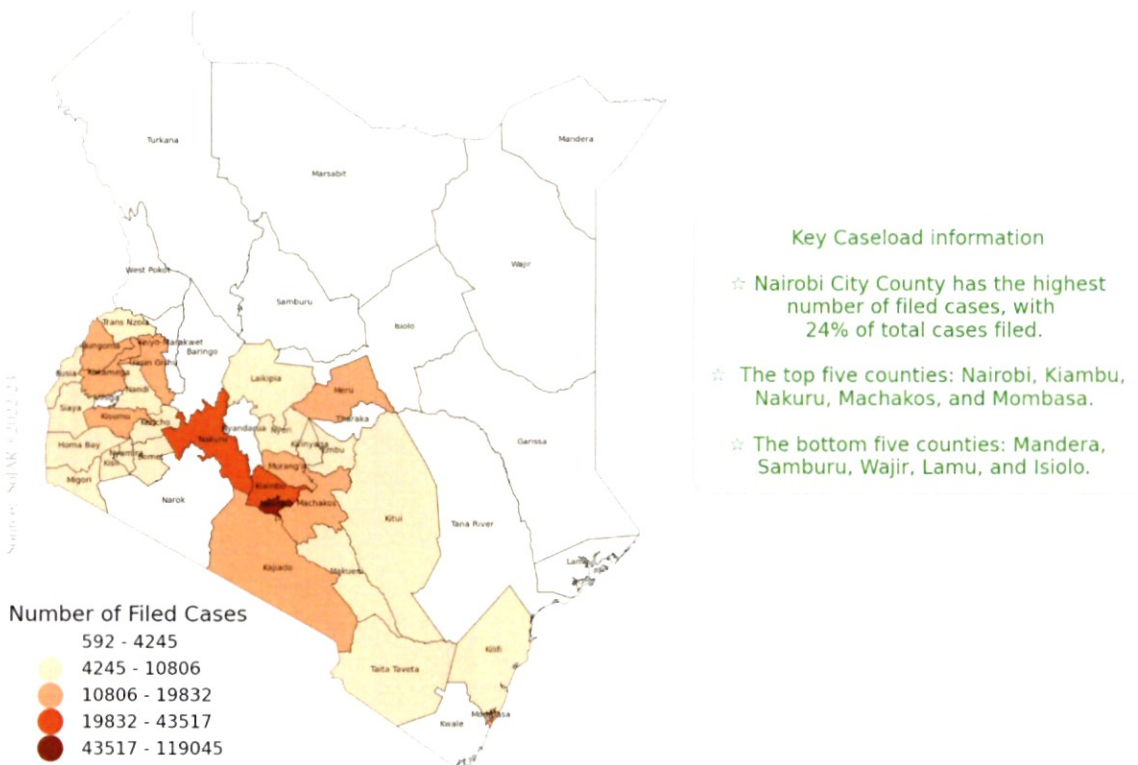


Figure 2.5. Overall Trends in Filed and Resolved Cases.



Criminal cases continue to contribute to a larger proportion of filed cases. Although the number of filed criminal cases made up the majority of registered cases at 60 per cent, they declined marginally by 1.3 per cent compared to the last financial year. The number of filed civil matters registered on the other hand increased by 15.2 per cent continuing with the upward trend which began four years ago. This is shown in Figure 2.6.

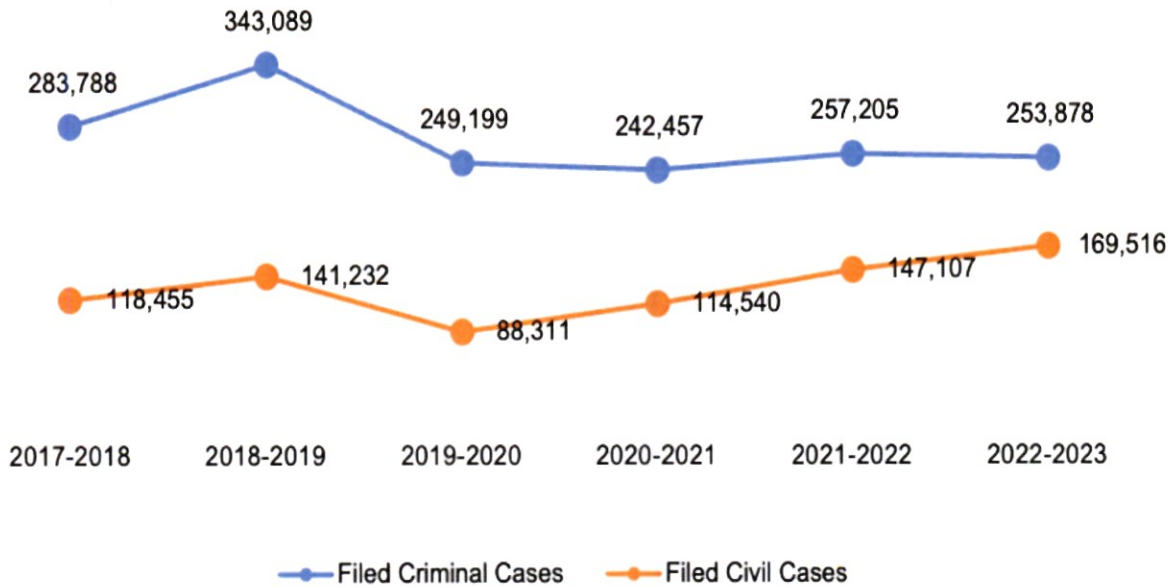


Figure 2.6. Overall Trends in Filed Criminal and Civil Cases

A resolved case also referred to as a finalised case is a matter that is terminated in the court either through a decision of the court or through any other procedural step that concludes the case (e.g., a discontinuance of the case or a settlement) within a defined time period. The termination date therefore will be the date of signing or issuing of the judgment, or date of approval by the court of a settlement, or formal discontinuance. During the reporting period, courts maintained an upward trend in resolution of cases which increased by 10 per cent compared to the last reporting period. There has been a stagnation in the resolution of criminal matters especially compared to civil matters which increased by 25 per cent, as depicted in Figure 2.7.

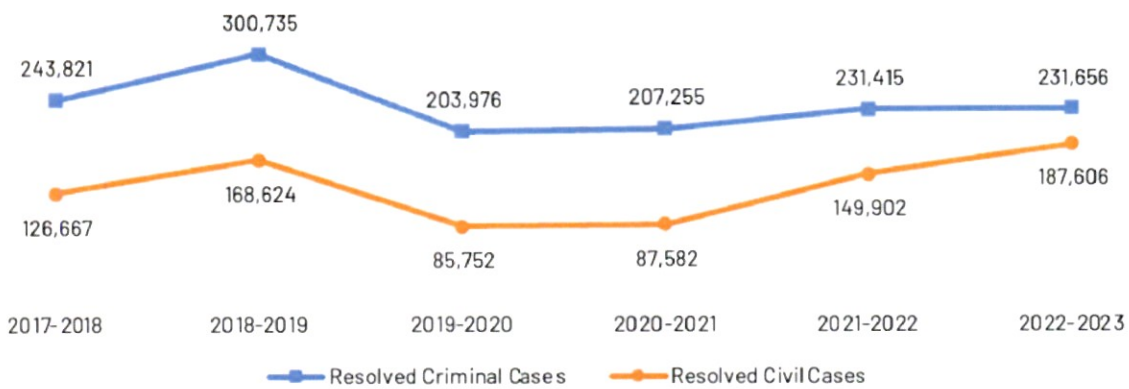


Figure 2.7. Overall Trends in Resolved Criminal and Civil Matters

2.4.2 Pending Cases

A pending case is a matter that remains unresolved in the court at a given point in time. Total cases pending is a sum of active and inactive cases that have not been resolved at a specific time. As compared to the previous year, the number of pending cases in the year rose by 1.2 per cent to **649,310**. As shown in Table 2.3, the increase has been witnessed at the Court of Appeal, Magistrates' Courts, Kadhis' Courts, and Small Claims Courts. These courts have a rising caseload per judge/judicial officer. The Judiciary will continue enhancing the capacity of courts to address rising pendency of cases. The sharp rise in the number of cases pending at SCC is a result of various factors including expansion of the court, which has attracted a large number of filings.

Table 2.3. Overall Pending Cases

Court Rank	FY 2021-2022			FY 2022- 2023			% change
	CR	CC	All	CR	CC	All	
Supreme Court	-	52	52	-	32	32	-38%
Court of Appeal	2,418	7,896	10,314	2,377	9,027	11,404	11%
High Court*	24,952	42,893	67,845	16,168	51,633	67,801	-
ELRC	-	11,943	11,943	-	9,896	9,896	-17%
ELC	-	17,612	17,612	-	14,585	14,585	-17%
Magistrates' Courts	254,685	254,013	508,698	271,377	244,013	515,390	1%
Kadhis' Courts	-	1,457	1,457	-	1,817	1,817	25%
Tribunals	-	22,364	22,364	-	21,181	21,181	-5%
Small Claims Courts	-	1,285	1,285	-	7,236	7,236	463%
All Courts	282,055	359,463	641,518	289,922	359,388	649,310	1.2%

*The High Court undertook a case census and clean-up of CTS in March 2023 which yielded a lower number of pending cases.

2.4.3 Case Backlog

A case backlog is a matter that remains in the court unresolved within timeframes established by either statutes or performance standards¹. During the reporting period, the overall case backlog in the Judiciary went down by 17 per cent from 336,119 cases in June 2022 to 276,678 cases at the end of June 2023. The Supreme Court and Kadhis' Courts had the highest reduction at 86 per cent and 55 per cent respectively. Only the Court of Appeal experienced an increase in backlog. Table 2.4 shows backlog distribution across the court ranks.

¹ Unless specified, case backlog refers to matters that have been in the court system for over a year.

Table 2. 4. Overall Case Backlog

Court Rank	FY 2021-22			FY 2022-23			% change
	1-3 years	Over years	Total Back-log	1-3 years	Over years	Total Back-log	
Supreme Court	28	8	36	5	-	5	-86%
Court of Appeal	3,556	2,313	5,869	3,772	3,170	6,942	18%
High Court	33,576	19,702	53,278	17,367	28,873	46,240	-13%
ELRC	6,962	3,339	10,301	6,250	1,587	7,837	-11%
ELC	4,630	5,992	10,622	3,378	4,782	8,160	-23%
Magistrates' Courts	146,518	86,856	233,374	119,285	66,618	185,903	-20%
Kadhis' Courts	2,022	242	2,264	534	481	1,015	-55%
Tribunals	6,678	13,697	20,375	6,505	10,071	16,576	-19%
All Courts	197,292	118,452	336,119	157,096	115,582	272,678	-18%

2.4.4. Adjudgment Rates

Courts function to uphold the law and disseminate justice through scheduled court sittings. However, there are some instances where scheduled court sittings are adjourned and when this happens it means that the trial or hearing is postponed or deferred to another date. The Judiciary under the STAJ aspires to have a zero-adjudgment policy in the provision of judicial service. Of 2,365,709 case events scheduled for hearings, judgment, and ruling delivery, 210,592 events, representing 9 per cent were adjourned. The Supreme Court had only a single incidence of adjudgment while Court of Appeal had the highest adjudgment rate at 14 per cent.

Table 2. 5. Adjudgment Rates FY 2022/23²

Court Level	Matters Handled	No of Adjudgments	Rate of Adjudgment
Supreme Court	104	1	<1%
Court of Appeal	9,021	1,295	14%
High Court	272,919	18,576	7%
ELRC	45,518	1,186	3%
ELC	99,349	7,247	7%
Magistrates' Courts	1,755,108	175,881	10%
Kadhis' Courts	124,511	2,431	2%
Tribunals	31,062	1,960	6%
Small Claims Courts	28,117	2,015	7%
All Courts	2,365,709	210,592	9%

A detailed review of causes of adjudgment indicates that 67 per cent of the reasons were by agencies outside the Judiciary. These reasons include parties not present/ready (45%), witness (expert)/report not ready (28%), advocate not present/ready (17%) and prosecution not ready/not present (7%). The Judiciary will sustain engagements within NCAJ framework at the national level and through CUCs at court station level to ensure that parties adhere to scheduled dates.

2 This is calculated as the number of adjudgments as a proportion of number of adjudgmentable court events

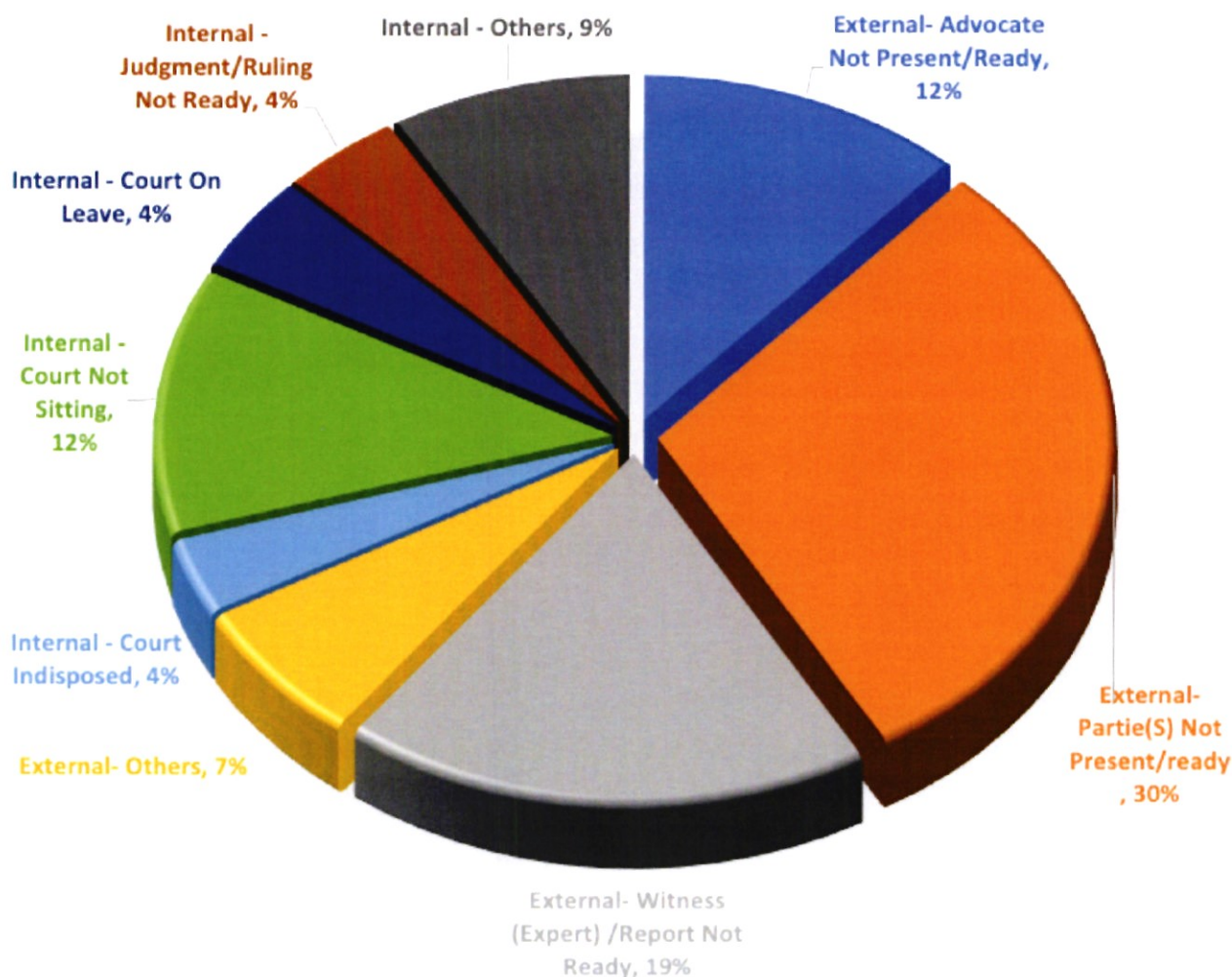


Figure 2. 8. Causes of Adjournment, FY 2022/23

In the year, 33% of reasons for adjournments across courts were internal or court activated and this included reasons such as the court being indisposed, judgement not being ready and court not sitting. The Judiciary has instituted measures to ensure that the court diary is adhered to and that activities that have the potential to disrupt courts are eliminated. Various administrative measures such as early preparation of leave schedules, training calendars, and establishing realistic daily cause lists are being entrenched through the Performance Management and Measurement Understandings (PMMU). These measures will be monitored to ensure compliance.

2.5. Court Specific Statistics

2.5.1. The Supreme Court

The Supreme Court is established by the Constitution of Kenya as the apex court in Kenya's judicial system and was operationalised by the Supreme Court Act (No. 7 of 2011). It has exclusive original jurisdiction to hear and determine disputes relating to the election to the Office of the President; appellate jurisdiction to hear and determine appeals from the Court of Appeal; to give an advisory opinion at the request of the national government, any State organ, or any county government about any matter concerning county government; appeals from tribunals constituted under Article 168(8) to consider the removal of a judge; and to consider applications emanating from a declaration of a state of emergency. The court is based in Nairobi with two sub-registries in Mombasa and Kisumu.

2.5.1.1. Filed and Resolved Cases

During the period under review, 75 cases were filed in the court. These were made up of 34 petitions, 31 applications, nine election petitions, and one advisory opinion. All election petitions were resolved in the year under review in addition to 58 petitions, 26 applications, and three advisory opinions. The court had a single incident of adjournment in the year. Figure 2.9 shows the number of filed and resolved cases per case type.

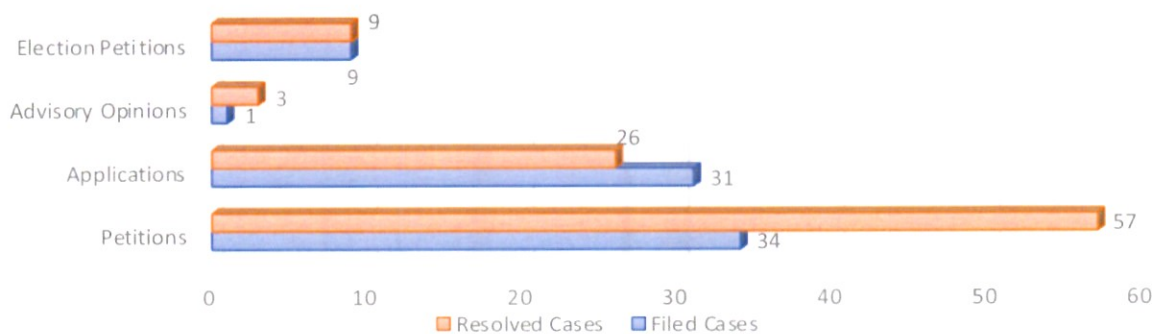


Figure 2. 9. Filed and Resolved Cases, Supreme Court

2.5.1.2. Pending Cases

At the end of the reporting period, the total pending cases before the court was 32. This was a reduction of 11 per cent compared to the last financial year, as shown in Figure 2.10. Petitions comprised 78 per cent of pending cases, applications were 19 per cent, and advisory opinions were 3 per cent.

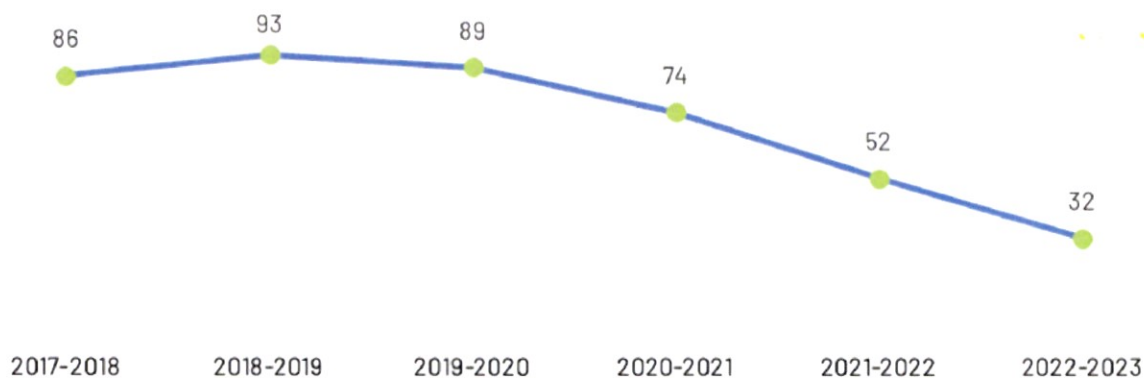


Figure 2. 10. Trends in Pending Cases, Supreme Court

2.5.1.3. Case Backlog

The Supreme Court of Kenya made remarkable progress in clearing its backlog of cases in the past year. The Court reduced its backlog of cases by 86 per cent, from 38 cases to five cases. This achievement was attributed to the court's efforts to expedite the hearing and determination of cases, as well as the adoption of technology.

2.5.2. The Court of Appeal

The Court of Appeal (CoA) derives its jurisdiction from Article 164(3) of the Constitution. The court has the mandate to hear appeals from the High Court and any other court or tribunal prescribed by an Act of Parliament. It is an appellate court presided over by a bench of three judges. The court handles both criminal and civil matters as either an appeal or application. Currently, there are five Court of Appeal stations, namely: Kisumu, Mombasa, Nairobi, Nakuru, and Nyeri. Nairobi station is divided into the Criminal and the Civil Divisions. The court has sub-registries in Busia, Eldoret, Garissa, Kakamega, Kisii, Malindi, and Meru.

2.5.2.1 Filed and Resolved Cases

The court maintained an upward trend in filed cases which increased by 25 per cent compared to the last reporting period. The court attained the highest number of resolved cases during the FY 2022/23 compared to the previous years. The rise in resolution is attributable to the increase in Court of Appeal judges and the upgrading of the Nakuru sub-registry to a substantive COA station. The adjournment rate at the court stood at 14 per cent. Figure 2.11 shows the annual trend on filed and resolved criminal cases across all the COA stations.

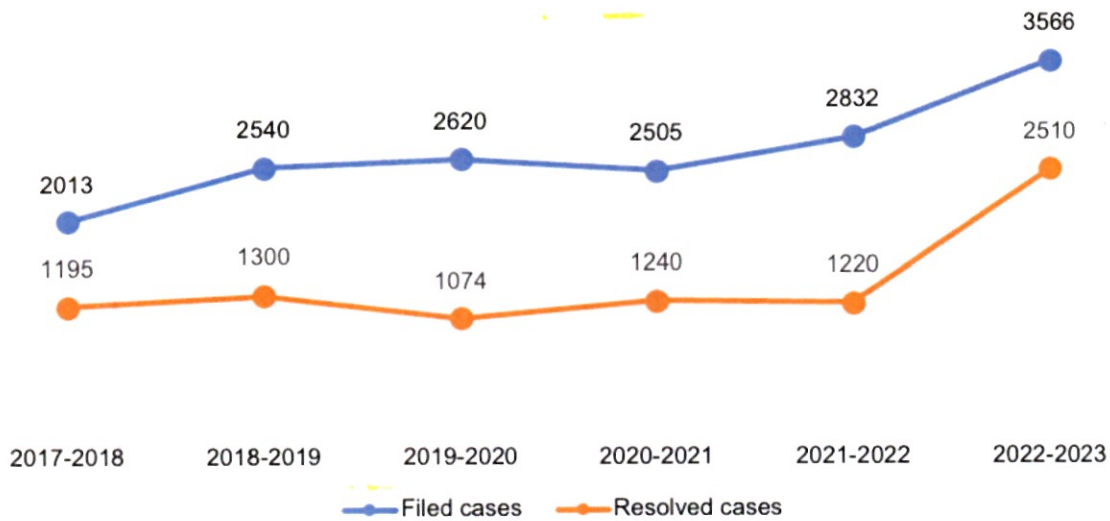


Figure 2. 11. Trend on Filed and Resolved Criminal Cases, COA

2.5.2.2. Pending Cases

As at the end of the reporting period, there were 11,814 pending cases in the Court of Appeal. Civil Appeals constituted 55 per cent of the total pending cases, followed by Criminal Appeals at 24 per cent. Civil Applications and Criminal Applications constituted 19 per cent and 2 per cent respectively of the total pending cases. Figure 2.12 shows the percentage distribution of pending cases by broad case type in COA. The pendency of cases in the Court of Appeal has been on the rise over the last six years. This has been occasioned by various factors including the fact that the court is a collegial court and is currently constituted of only 8 benches, an insufficient number of benches considering the work load of the court. There has also been a reduction in the number of Judges serving in the court over time. The Judiciary has initiated measures towards raising the capacity of the court from 30 to 70 judges.

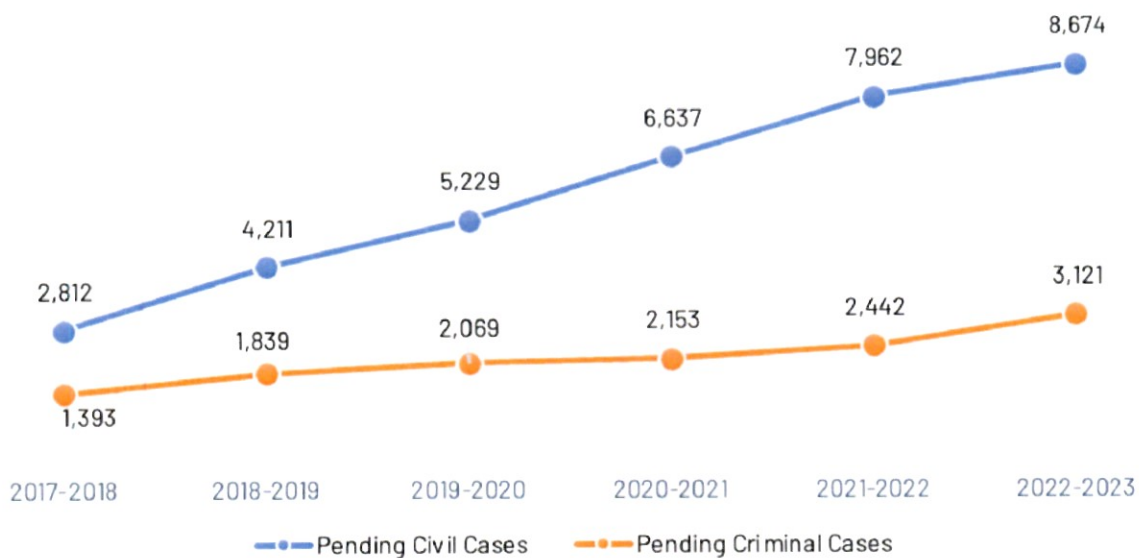


Figure 2. 12. Annual Trend on Pending Cases, COA

Majority of the pending cases were at Nairobi station which contributed 39 per cent of all pending cases in the court. This was followed by Kisumu with 27 per cent. This is shown in Figure 2.13.

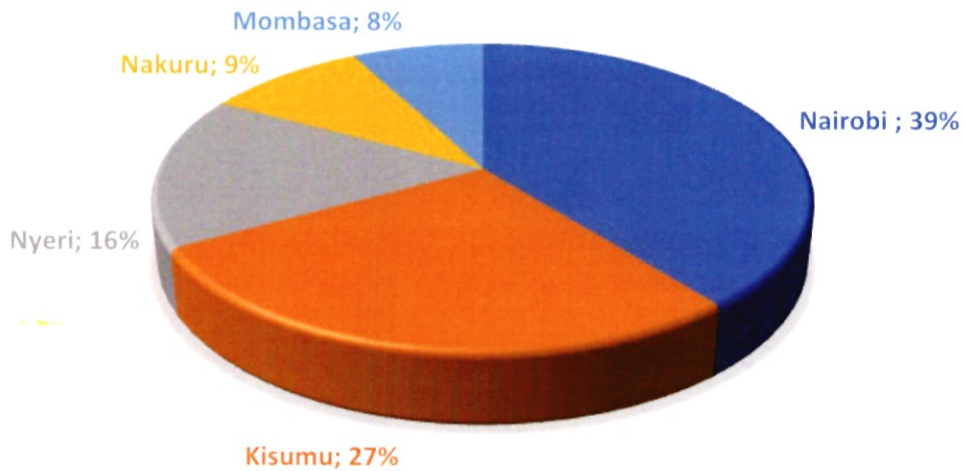


Figure 2. 13. Pending Cases per Court Station, COA

2.5.2.3. Case Backlog

Out of the 11,814 pending cases in the court, 6,942 (59 per cent) were in the case backlog category. The backlog aged between one to three years constituted 54 per cent of the total case backlog in the court. Figure 2.14 show the breakdown of case backlog in COA.

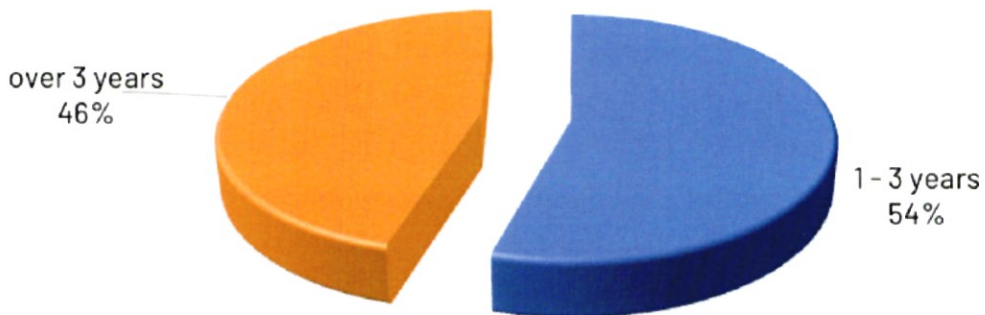


Figure 2. 14. Case Backlog, COA

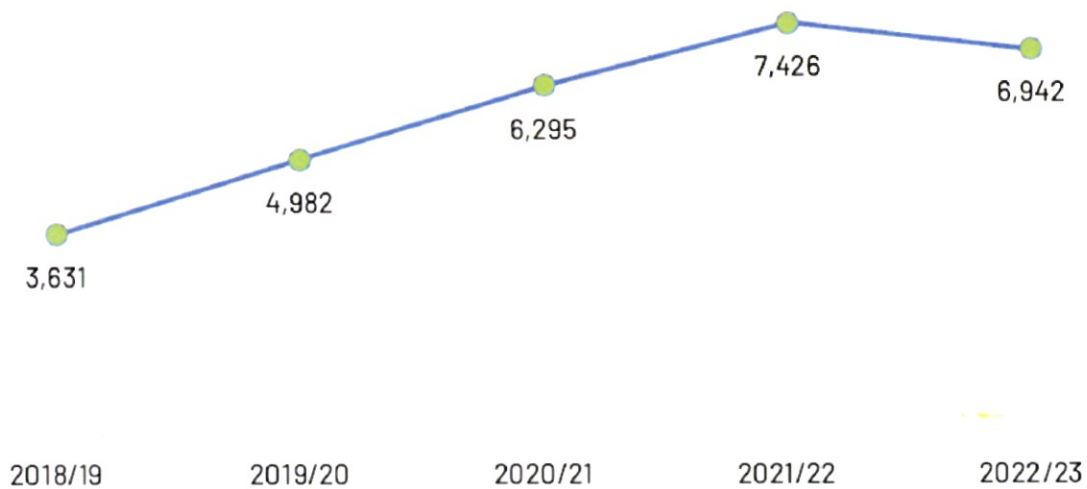


Figure 2. 15. Annual Trend on Case Backlog, COA

2.5.3. The High Court

The High Court is established under Article 165 of the Constitution with unlimited original jurisdiction to determine all criminal and civil matters, appeals emanating from subordinate courts and cases concerning violation and or infringement of the Bill of Rights among others. During the reporting period there were 41 fully operational High Court stations across 40 counties and 6 High Court sub-registries.

2.5.3.1. Filed and Resolved Cases

There has been a consistent upward trend in both filed and resolved cases since the FY 2019/20. During the period under review the number of filed cases rose to 36,476 cases compared to 23,602 in FY 2019/20 reflecting a growing demand for legal recourse. Resolved cases increased from 22,735 to 41,347 cases during the same period, highlighting the court's commitment to addressing this increased caseload.

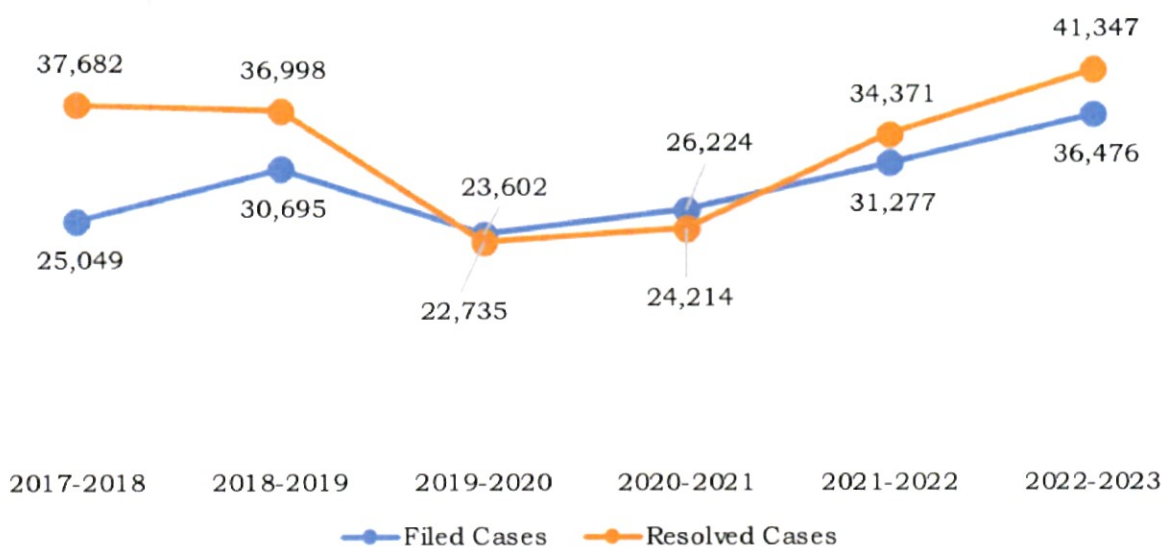
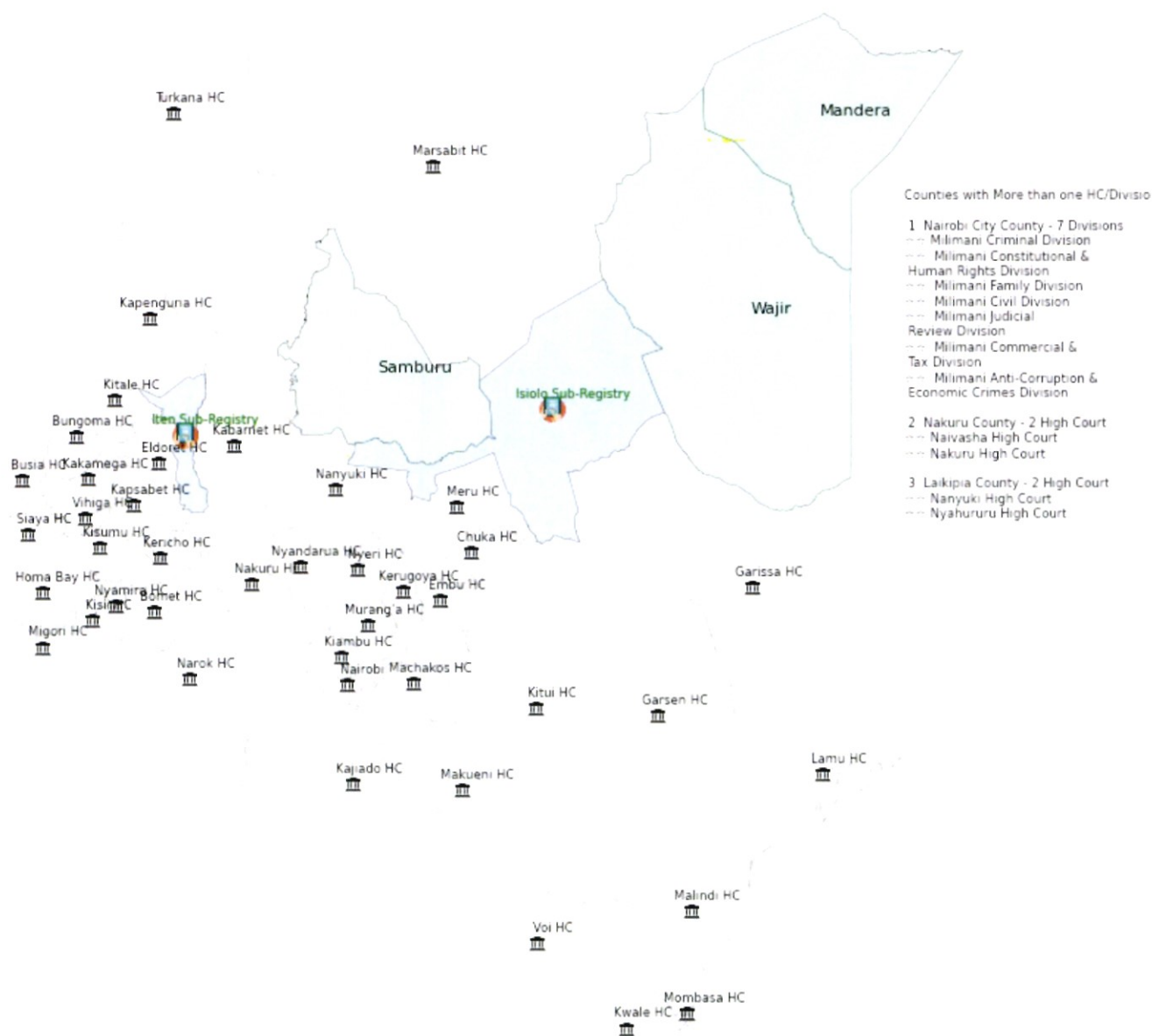


Figure 2. 16. Trends of Filed and Resolved Cases, High Court

Location of High Court Stations

key
 Counties without HC Stat
 Counties with HC Sub-Re



Majority of the matters registered and resolved in the High Court were civil in nature. This resulted to a case clearance rate of civil cases of 145 per cent compared criminal cases which was at 63 per cent. There were more civil cases resolved than those filed as shown in Figure 2.17.

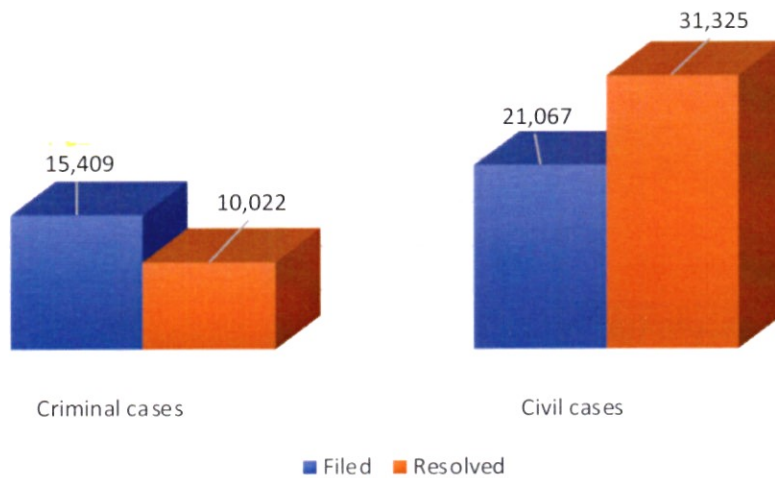


Figure 2. 17. Distribution of Filed and Resolved Cases, High Court

Within the criminal cases category, criminal revisions represented the highest number of both filed and resolved cases at 8,122 and 4,714 (see Figure 2.14) which represented 53 per cent and 47 per cent of filed and resolved cases respectively.

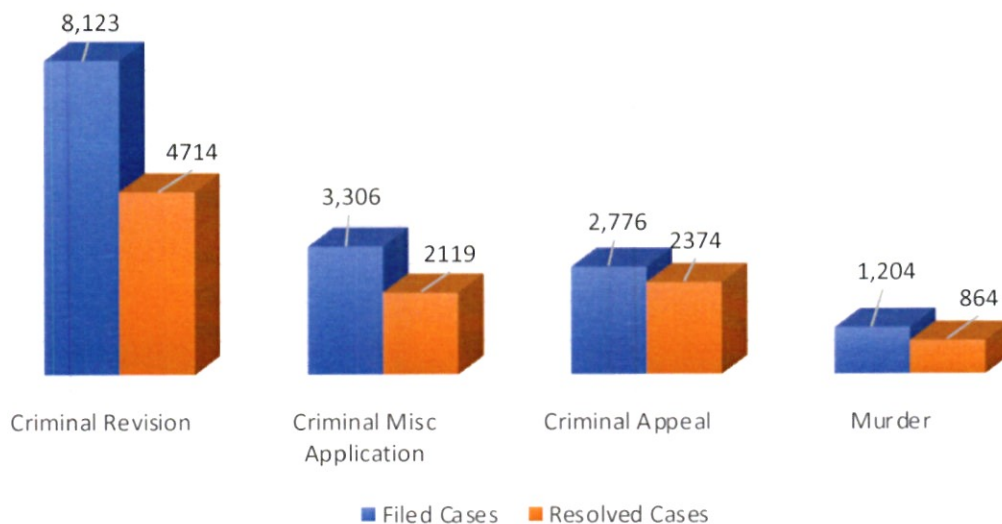


Figure 2. 18. Distribution of Filed and Resolved Criminal Cases, High Court

Under the civil cases category, 30 percent of filed cases were miscellaneous applications while 35 per cent of resolved cases were probate & administration. Only petitions had a CCR of less than 100 per cent. See Figure 2.19

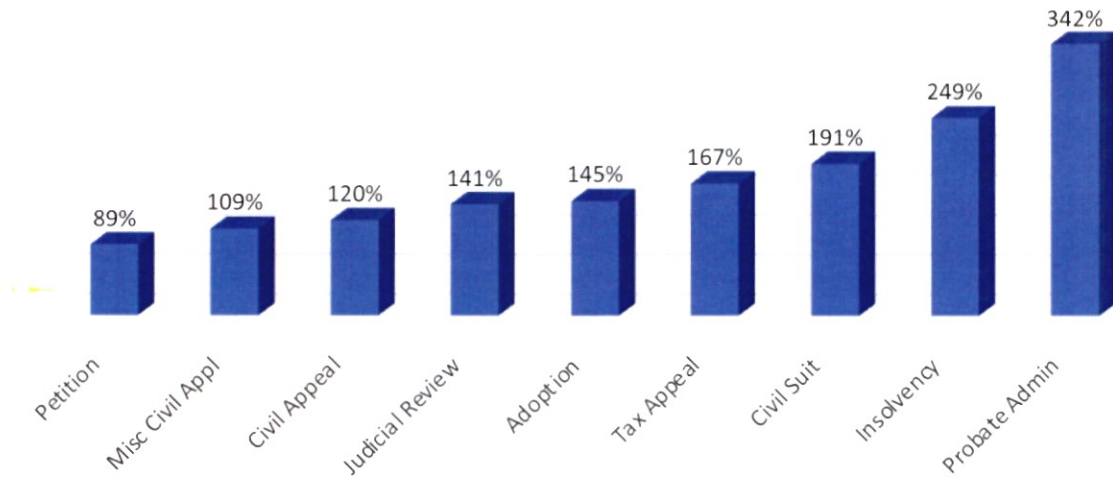


Figure 2. 19. Case Clearance Rate for Civil Cases, High Court

2.5.3.2. Pending Cases

All High Court stations conducted a data cleaning and census of pending cases during the month of March 2023. This led to the revision of the number of unresolved matters was from 86,866 to 68,883 cases as indicated in Figure 2.20

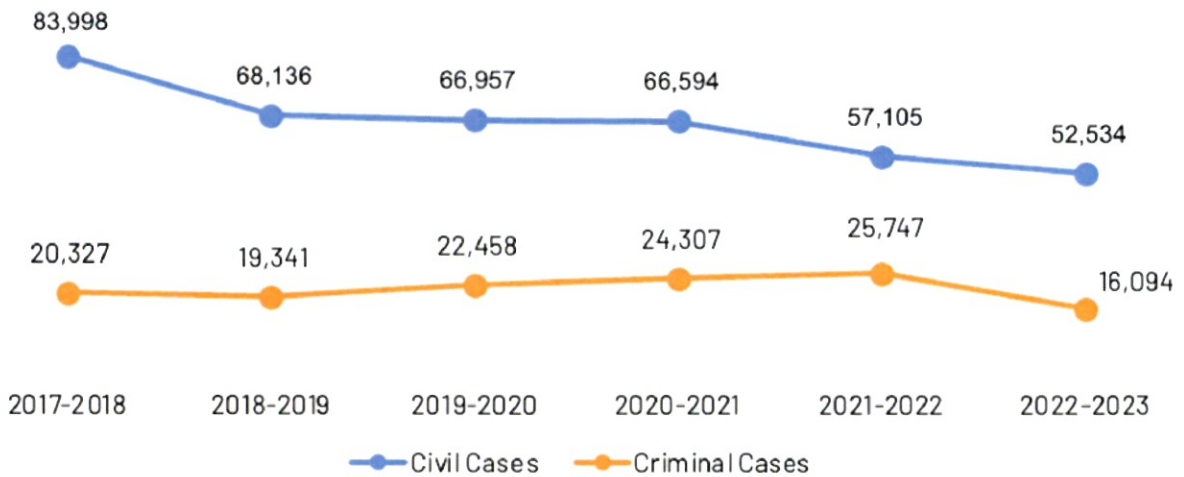


Figure 2. 20. Trends in Pending Criminal and Civil Cases, High Court

2.5.3.3. Case Backlog

As of June 2023, the overall case backlog in the court was 46,240 cases (See Annex 2.4). As shown in Figure 2.21, matters over three years constituted the largest proportion (62%) of case backlog.

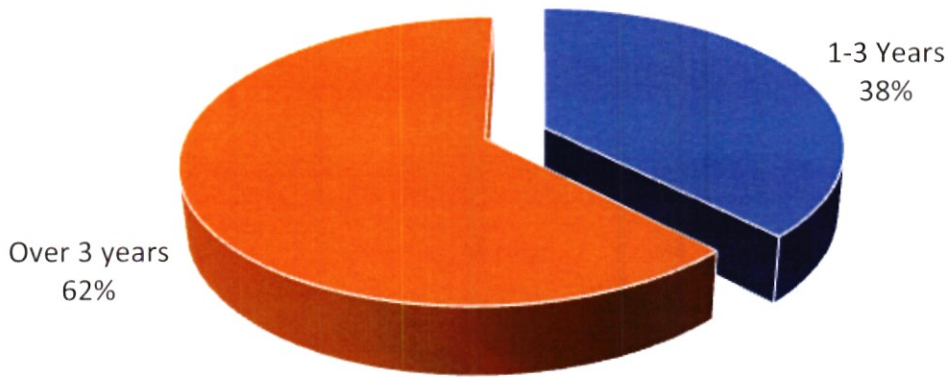


Figure 2. 21. Case Backlog by Age, High Court

Annexes 2.2 to 2.5 present detailed statistics on High Court performance captured across all its court stations.

2.5.4. Employment and Labour Relations Court.

The Employment and Labour Relations Court (ELRC) is established under Article 162 (2) of the Constitution as a specialised superior court with the mandate to settle employment and industrial relations disputes towards securing good employment and labour relations in Kenya. Matters at the court are categorised as Collective Bargaining Agreements (CBA), Cause Disputes, Petitions, Miscellaneous Applications, Appeals, and Reviews.

During the year, the court was present in 10 stations, namely; Bungoma, Eldoret, Kakamega, Kericho, Kisumu, Malindi, Mombasa, Nairobi, Nakuru, and Nyeri. Kakamega ELRC was fully operationalised in April 2023. Kakamega, Kericho, and Malindi ELRC stations are served by visiting judges. Further, to enhance access to justice, there were 10 sub-registries established across the country, to wit: Garissa, Kisii, Kitale, Kitui, Machakos, Meru, Naivasha, Siaya, Thika, and Voi.

2.5.4.1. Filed and Resolved Cases

In the year under review, ELRC resolved more matters than were filed having concluded 5,936 matters compared to 3,776 matters filed. The court thus had a CCR of 157 per cent, a slight decline from 161 per cent recorded the previous year. Figure 2.22 shows trends in case filing and resolutions in the court.

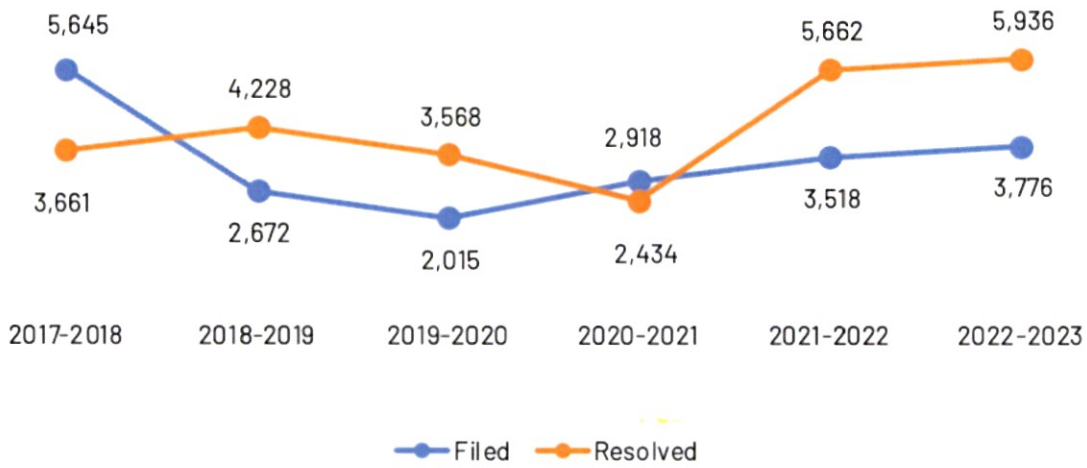


Figure 2. 22. Trends in Filed and Resolved Cases, ELRC

Majority of cases filed and resolved in the court were at Nairobi and Nakuru with the two stations contributing 65 per cent of matters filed and 60 per cent of matters resolved. Individuals were 83 per cent of those who came to the court for dispute resolution, while 17 per cent were organisations. Of the individuals who filed matters in the court, 74 per cent were male.

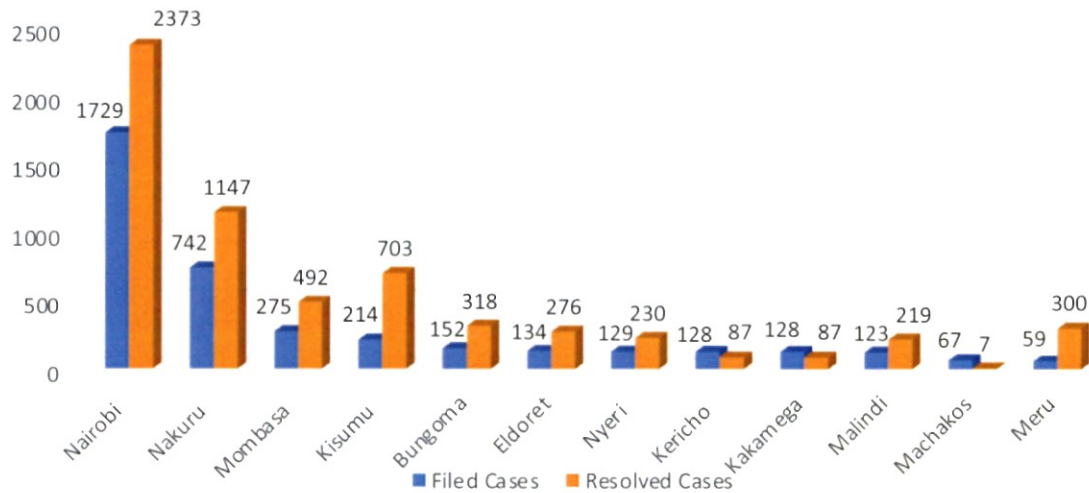


Figure 2. 23. Filed and Resolved Cases, ELRC, FY 2023/22

2.5.4.2. Pending Cases

The court reduced its pending cases by 19 per cent from 11,943 to 9,834 during the period through increased usage of Alternative Dispute Resolution methods, adopting technology, implementing case management strategies, and training of judges.

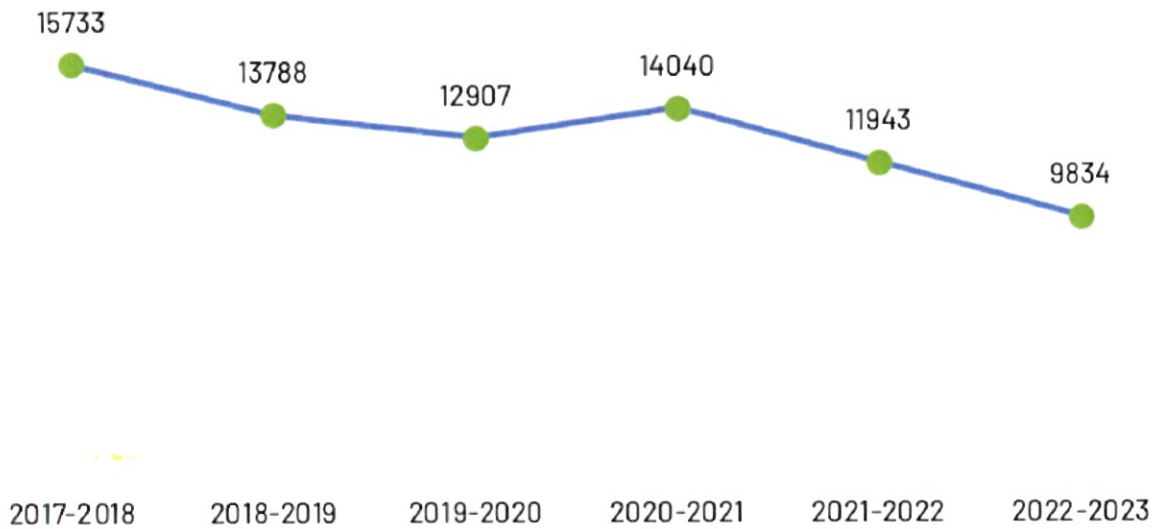


Figure 2. 24. Trend in Pending Cases, ELRC

The Labour disputes causes constituted the largest percentage of all pending cases at 60 per cent, followed by Miscellaneous Applications at 12 per cent. The least was Reviews at two per cent. Figure 2.25 provides details on the proportion of pending cases by specific case types.

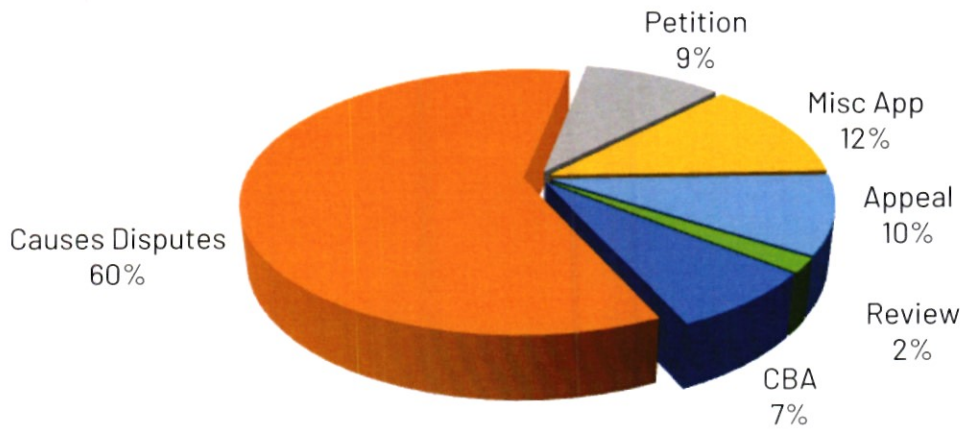


Figure 2. 25. Pending Cases by specific Case Types, ELRC

2.5.4.3. Case Backlog

During the reporting period, case backlog in the ELRC decreased by an encouraging 10 per cent to 9,140 cases. A significant portion of these cases, approximately 87 per cent, falls within the age bracket of 1 to 3 years as shown in Figure 2.26. This reflects the pressing need for continued efforts to expedite the resolution of these older cases before they get older than three years.

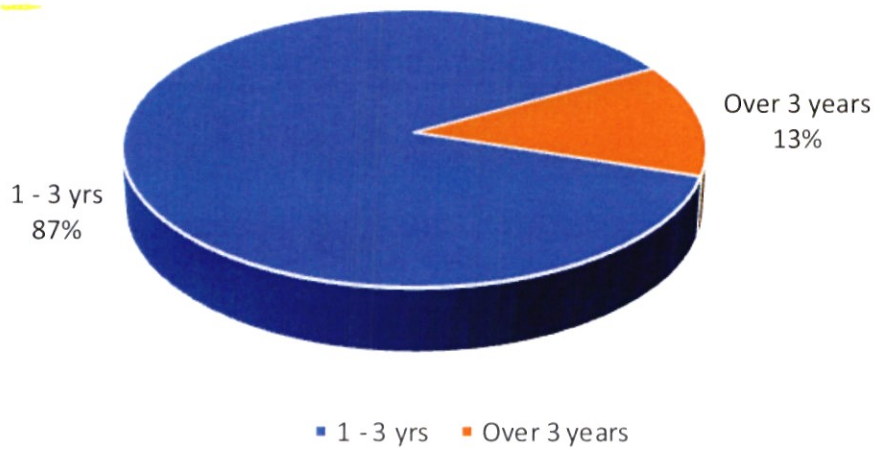


Figure 2. 26. Case Backlog by Category, ELRC

2.5.5. Environment and Land Court

The Environment and Land Court is established by Article 162(2) of the Constitution of Kenya and operationalised by the Environment and Land Court Act (No 19 of 2011). It is established to hear and determine disputes relating to the environment and the use and occupation of, and title to land. The court also exercises appellate jurisdiction over the decisions of subordinate courts and local tribunals in respect to matters falling within its jurisdiction. Matters at the ELC are categorised as General Suits, Miscellaneous Applications or Appeals. In the year under review, there were 53 judges serving in 37 Environment and Land Court (ELC) stations spread across the country.

2.5.5.1. Filed and Resolved Cases

During the reporting period, a total of 6,585 new cases were filed, while 9,612 cases were successfully resolved. This resulted in a Case Clearance Rate (CCR) of 146 per cent. This high CCR indicates not only a substantial reduction in the backlog of cases but also a more proactive approach to addressing the legal needs of Kenyans. In comparison to the preceding reporting period, there was a slight uptake of 3 per cent

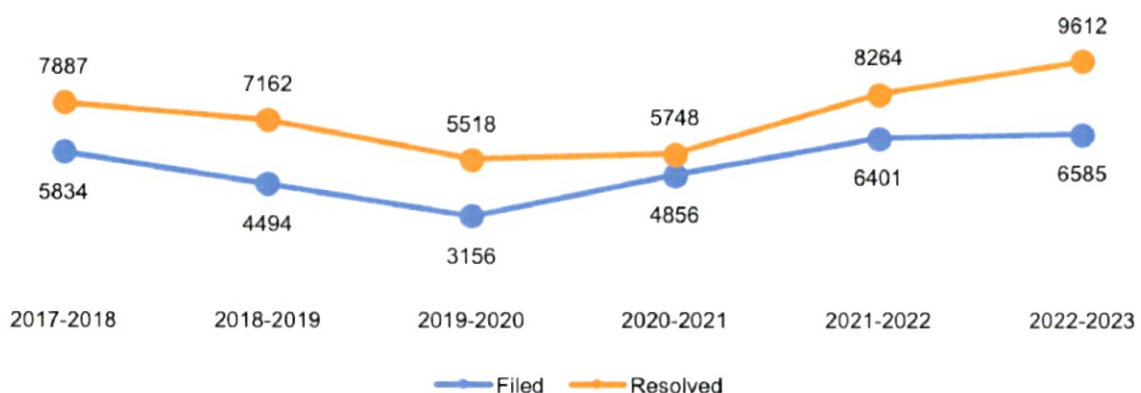


Figure 2. 27. Trends in Filed and Resolved Cases, ELC

2.5.5.2. Pending Cases

Over the span of the past six years, the court has witnessed a commendable trend of diminishing

pending cases, exemplified by a 48 per cent reduction from a peak of 27,242 during the FY 2017-2018 to a significantly improved figure of 14,048 by the conclusion of the FY 2022-2023, as depicted in Figure 2.28. This substantial decrease underscores the concerted efforts and effective strategies implemented by the court system in streamlining case processing and improving efficiency.

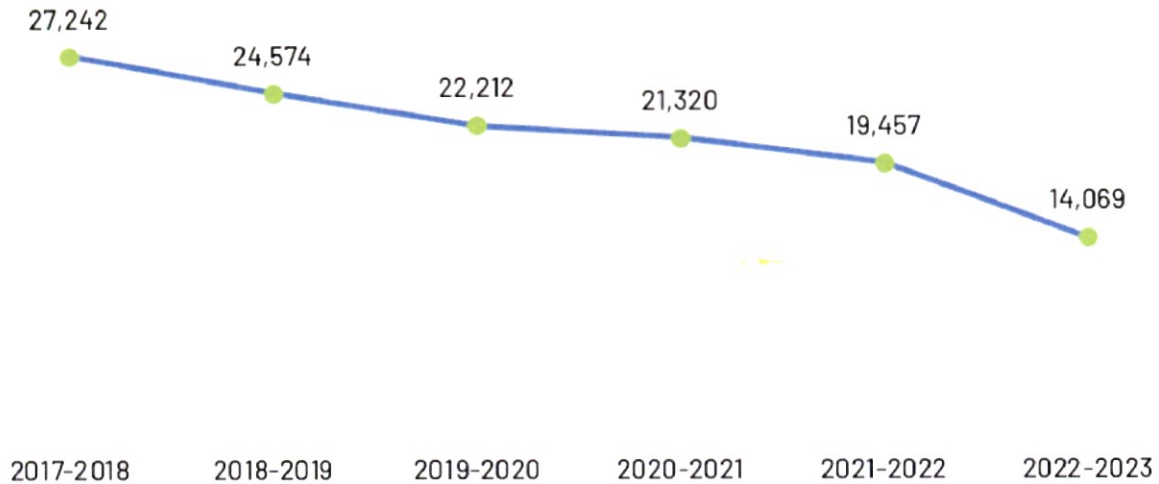


Figure 2. 28. Trend of Pending Cases, ELC

2.5.5.3. ELC Cases Backlog

During the reporting period, there was a significant reduction of 34 per cent in the overall case backlog in the ELC. The backlog decreased from 12,394 cases in the FY 2021-22 to a considerably reduced figure of 8,139 cases in the FY 2022-23. However, a substantial portion of these backlog cases, accounting for 59%, had languished within the court system for over three years since their initial filing, as elucidated in Figure 2.29. This statistic underscores the persistent challenge of prolonged litigation and emphasises the need for targeted strategies to expedite the resolution of long-pending cases, ultimately ensuring a swifter and more accessible justice.

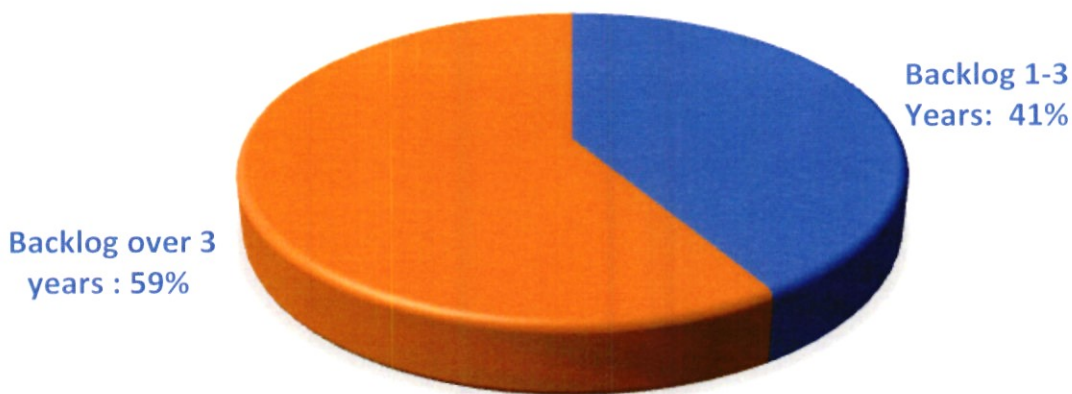


Figure 2. 29. Distribution of Case Backlog, ELC

2.5.6. Magistrates' Courts

The foundation of Magistrates' Courts jurisdiction is Articles 169 and 23 (2) of the Constitution as read with the Magistrates Court Act (No. 26 of 2015). The courts have jurisdiction and powers in proceedings of

a criminal and civil nature as may be conferred by the Criminal Procedure Code, Civil Procedure Act and Rules, or any other written law.

There are seven stations that handle criminal cases only, to wit, JKIA, Kahawa, Kibera, Makadara, Milimani Anti-Corruption, Milimani Chief Magistrates', and Shanzu Magistrates Courts. Milimani Commercial and Milimani Family Courts are the only courts that handle civil matters only. In addition, 12 specialised courts handling Sexual and Gender-Based Violence (SGBV) cases have been established. In the year under review, there were 134 Magistrates' Court stations in Kenya. This included seven Magistrates' Courts in Kibiyet, Kenol, Madiany, Milimani Family, Ol Kalou, Rumuruti, and Tinderet that were established in the period under review. In a bid to enhance access to court services, 56 mobile courts were facilitated in the year.

2.5.6.1. Filed and Resolved Cases

Over the course of the year, the Magistrates' Courts handled a substantial caseload, with a total of 326,855 cases being filed. Among these, 238,160 cases were criminal in nature, while the remaining 88,695 cases fell under the civil category. Remarkably, the courts also managed to effectively address a considerable number of cases, with 320,143 matters being resolved during the same period. Of these resolved cases, 221,468 were criminal cases and 98,675 were civil.

Further, the court has seen a consistent and upward trajectory in the number of both filed and resolved cases over the past few years. Starting from the FY 2019/20, the number of cases filed increased by 9 per cent, rising from 298,838 cases to 326,855 cases in the FY 2022/23. Similarly, the number of cases resolved saw an even more substantial growth of 27 per cent, climbing from 251,496 resolved cases in FY 2019/20 to 320,143 cases in the FY 2022/23. This is illustrated in Figure 2.30.

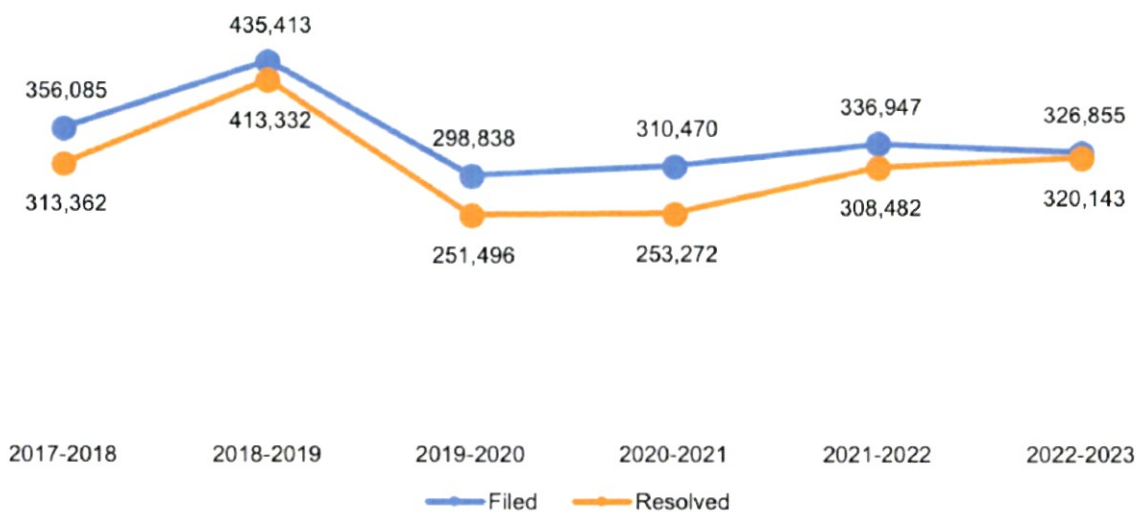


Figure 2. 30. Trends of Filed and Resolved Cases, Magistrates' Courts

2.5.6.2. Pending Cases

At the close of the FY 2022/23, the Magistrates' Courts grappled with an extensive number of pending

cases, totalling 515,390, albeit showing a modest 1 per cent increase from the outset of the period when the cases stood at 508,695 cases. This continues an upward trajectory in number of pending cases which have witnessed a notable increase of 30 per cent over the last six years. This persistent growth in pending cases poses a challenge for the courts, indicating the need for enhanced strategies and resources to address this burgeoning caseload.

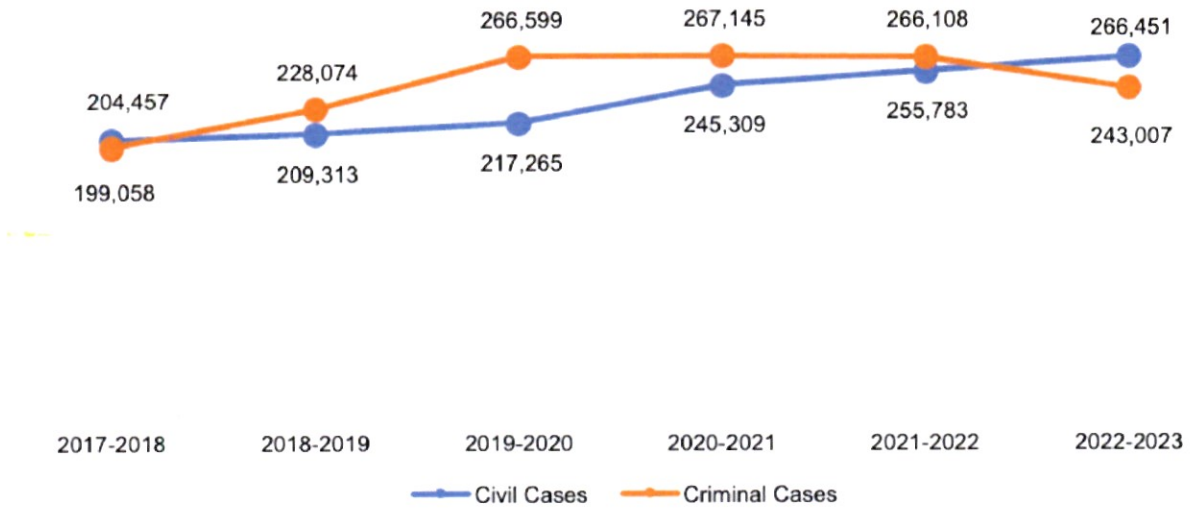


Figure 2. 31. Trends of Pending Cases, Magistrates' Courts

2.5.6.3. Backlog Cases

The magistracy registered a reduction by 20 per cent in its case backlog, dropping from 231,822 cases at the beginning of the period to 185,903 cases. This decrease is a positive sign and signifies progress in addressing the backlog, reflecting the efforts and strategies put in place to manage the caseload more efficiently.

Notably a significant majority, approximately 64 per cent of backlog, consists of cases that have aged between one to three years since their initial filing. Conversely, the remaining 36 per cent of the backlog comprises cases that have lingered for more than three years.

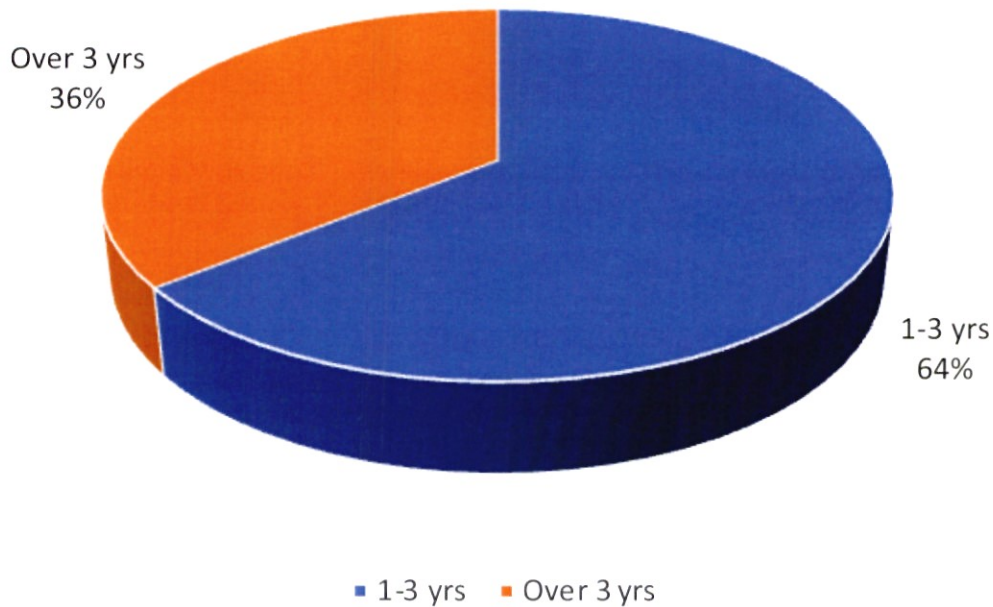


Figure 2. 32. Distribution of Case Backlog, Magistrates' Courts

Additional data on Magistrates' Courts performance captured across all its court stations are presented in Annexes 2.9 to 2.13.

2.5.7. Kadhis Court

Kadhis' Courts are established under Article 170 of the Constitution with jurisdiction to determine questions of Muslim law relating to personal status, marriage, divorce, and inheritance, in proceedings where all parties profess the Muslim faith and submit to the jurisdiction of the court. Matters at the Kadhis' Courts are categorised into divorce, registration of marriage, matrimonial cause, miscellaneous applications, registration of divorce and succession. There were 50 Kadhis serving in 47 Kadhis' courts across the country.

2.5.7.1. Filed and Resolved Cases

During the period under review a total of 11,852 cases were filed in the Kadhis' Courts. In the same period, the courts managed to resolve a significant number of these matters, with a total of 11,526 cases successfully addressed.

Over the past six years, both filed and resolved cases in the Kadhis' courts have been on the rise. The number of filed cases has increased gradually from 7,556 cases in FY 2017/18 to 11,850 cases in FY 2022/23 as depicted in Figure 2.33. This surge may be attributed to increased public awareness of the court's jurisdiction.

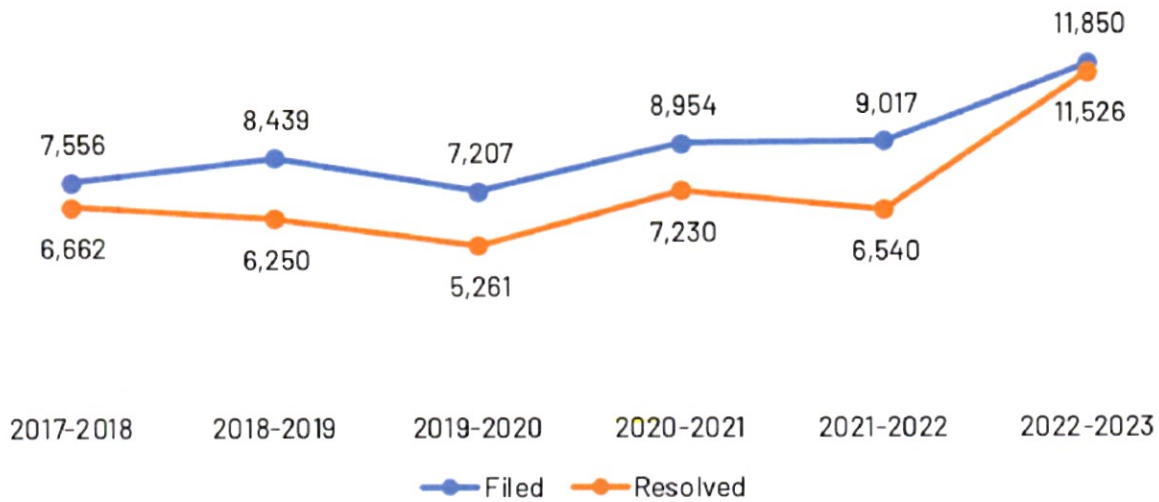


Figure 2. 33. Trends of Filed and Resolved Cases, Kadhis' Court

2.5.7.2. Pending Cases

At the close of the FY 2022-23, there were 3,482 pending cases in the Kadhis' Courts. This is more than double the number pending at the beginning of the year. There was an audit and record clean-up carried out by ORMC across all Kadhis Courts in July 2022 which led to a significant drop in the number of pending cases.

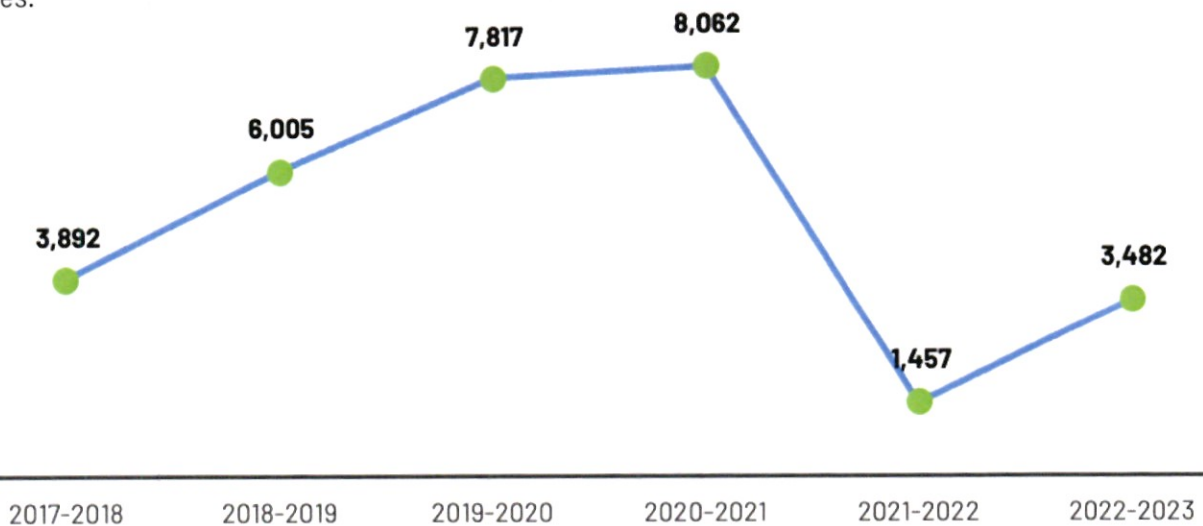


Figure 2. 34. Trend of Pending Cases, Kadhis Courts

2.5.7.3. Case Backlog

During the review period, the Kadhis' Courts reduced their case backlog by 62 per cent, bringing the total number down to just 651 cases. This significant reduction is indicative of effective case management strategies and efforts to ensure timely justice. Additionally, within the remaining backlog, 49 per cent of the cases are older than three years as illustrated in Figure 2.35. On the other hand, 51 per cent of the remaining backlog comprises cases aged between one to three years.

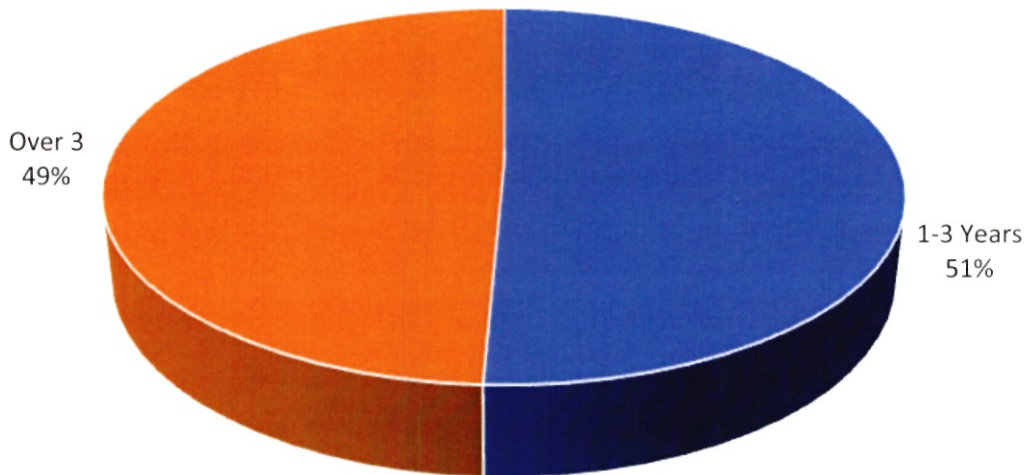


Figure 2. 35. Distribution of Case Backlog , Kadhis' Courts

2.5.8. Tribunals

Tribunals are subordinate courts established pursuant to Article 169 of the Constitution of Kenya and established by legislation to exercise judicial or quasi-judicial functions. They are established to provide an expeditious and affordable forum for resolution of disputes in specialised areas such as tax, civil aviation, and copyright among others.

2.5.8.1. Filed and Resolved Cases

During the period under review, all the tribunals processed a significant caseload, with 8,190 new cases being filed and 9,373 cases successfully resolved. There has been a consistent upward trend observed in both filed and resolved cases over the past five years as shown in Figure 2.36. This trend signifies a growing reliance on the tribunals to handle legal disputes, and it is a testament to their effectiveness in managing and adjudicating cases.

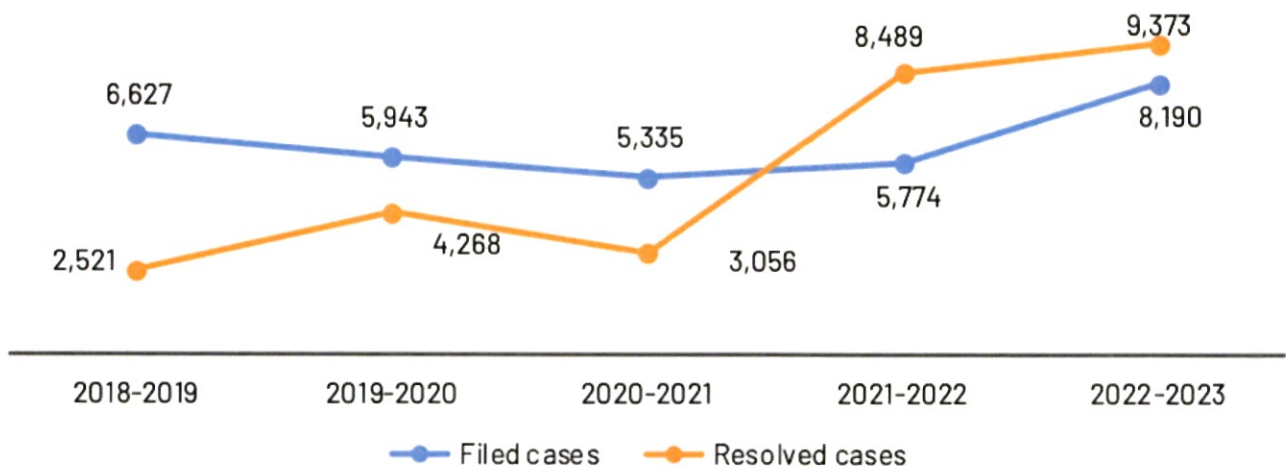


Figure 2. 36. Trends in Filed and Resolved Cases, Tribunals

2.5.8.2. Pending Cases

By end of June 2023, there were 22,557 pending cases in the tribunals, which is a slight increase compared to the beginning of the year. Figure 2.37 highlights the annual trend on pending cases in the tribunals over a period of the last five years.

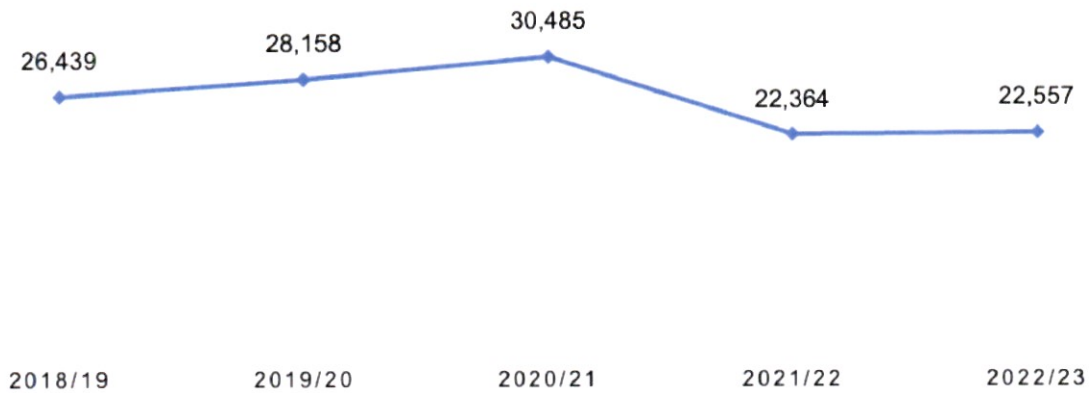


Figure 2. 37. Trend in Pending Cases, Tribunals

2.5.8.3. Case Backlog

A substantial portion of the 22,557 cases pending in the tribunals consisted of cases older than one year. Specifically, 16,576 of these pending cases were over one year old, signifying a persistent issue of prolonged litigation within the system. This backlog, while substantial, did experience a noteworthy reduction of 19 per cent during the review period. This decline can be attributed to several factors, including initiatives such as case audits and service weeks conducted across the tribunals.

It's also significant to note the distribution of the backlog by age shows that approximately 39 per cent of the total backlog consisted of cases aged between one to three years, while a majority, constituting 61 per cent, consisted of cases aged over three years, see Figure 2.38.

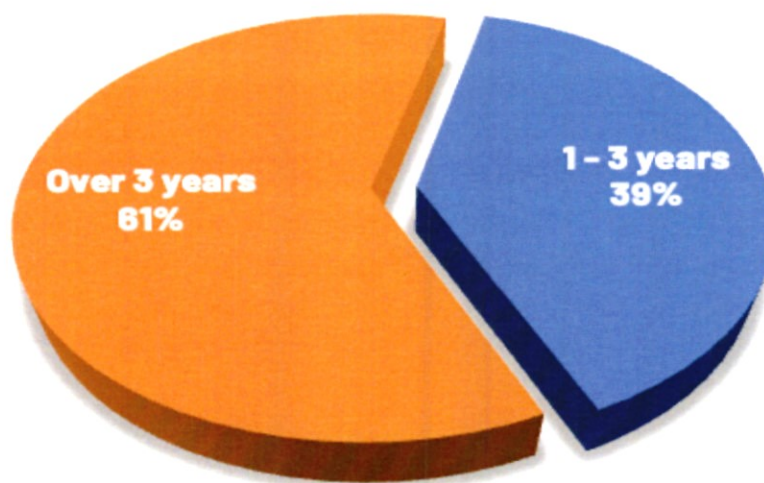


Figure 2. 38. Case Backlog by Age, Tribunals

2.5.9. Small Claims Court

The Small Claims Court (SCC) is established under Section 2 of the Small Claims Court Act, 2016 as a subordinate court with jurisdiction to determine civil claims relating to: contract for sale and supply of good or services; contract relating to money held or received; liability in tort in respect of loss or damage caused to any property or for delivery or recovery of movable property; compensation for personal injuries and set off and counterclaim under any contract. The monetary jurisdiction of the court is KSh 1 million. Matters at the SCC are categorised as either breach of contract, commercial suits, liquidated claims, or personal injury.

2.5.9.1. Filed and Resolved

The SCC has experienced significant growth in caseload since its inception in FY 2020/21. As depicted in Figure 2.39 the number of filed cases has increased from 1,023 to 27,161, and the number of resolved cases has increased from 637 to 21,210 over the same period. This growth reflects the growing demand for accessible and swift dispute resolution, as well as the court's commitment to timely adjudication of disputes.

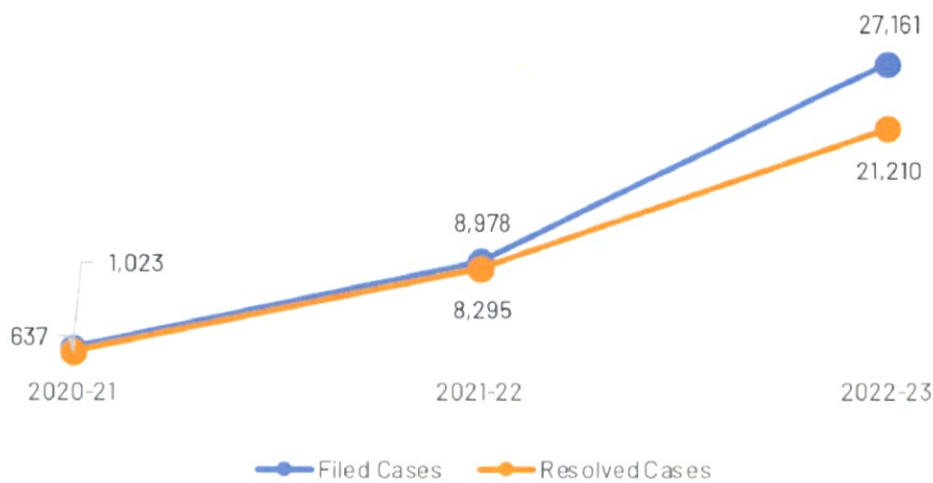


Figure 2. 39. Trends of Filed and Resolved Cases, SCC

During the period, majority of the filed cases (77%) and resolved cases (79%) related to Breach of Contracts, this is illustrated in Figure 2.40

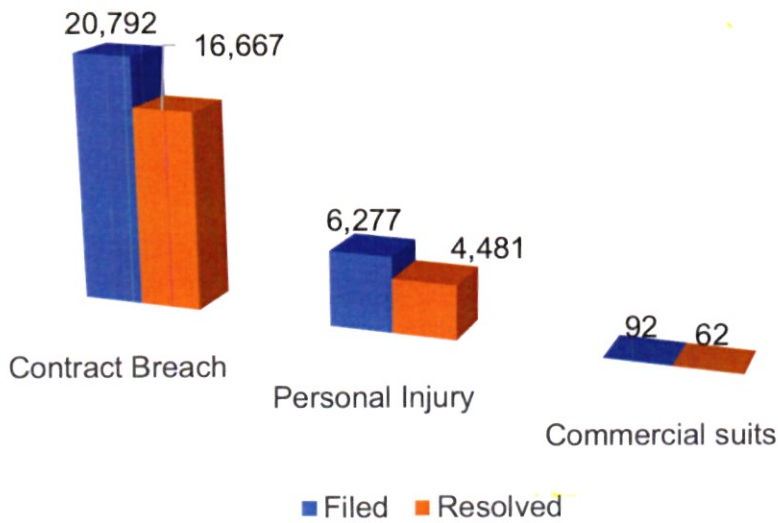


Figure 2.40. Filed and Resolved Cases, SCC

2.5.9.2. Pending Cases

The court has seen a significant surge in pending cases, from 386 cases in FY 2020/21 to 7,264 cases at the close of the reporting period indicating the potential for backlog build-up. This sharp increase in pending cases suggests a high demand for the court services which is exacerbated by the limited number of adjudicators and the strict statutory timelines for conclusion of these cases. This build-up of pending cases has the potential to create delays in case processing and could impact the court’s ability to provide timely justice to litigants. The Judiciary is proactively looking in this matter so as to develop long-term strategies to address this issue.

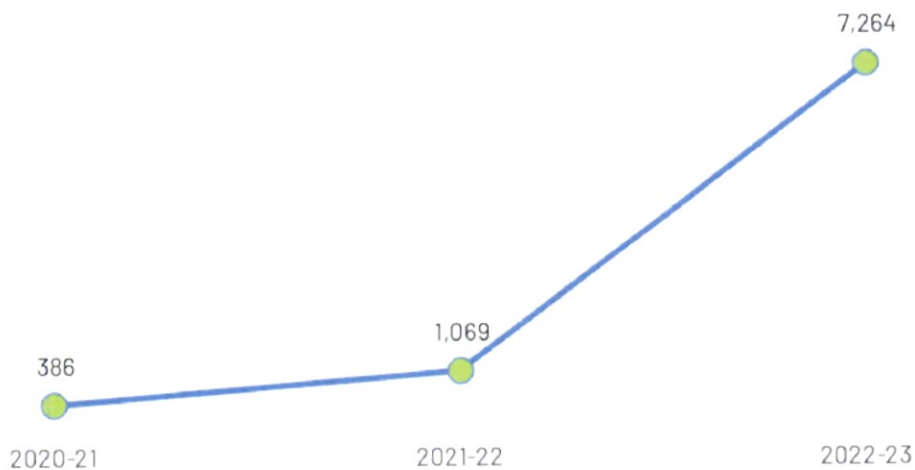


Figure 2. 41. Pending Cases, SCC

2.5.9.3. Pending Cases by Type

The majority of the pending cases in the SCCs were breach of contract cases at 64 per cent followed by personal injury cases which stood at 29 per cent. Figure 2.42 shows the distribution of pending cases by type in the SCCs.

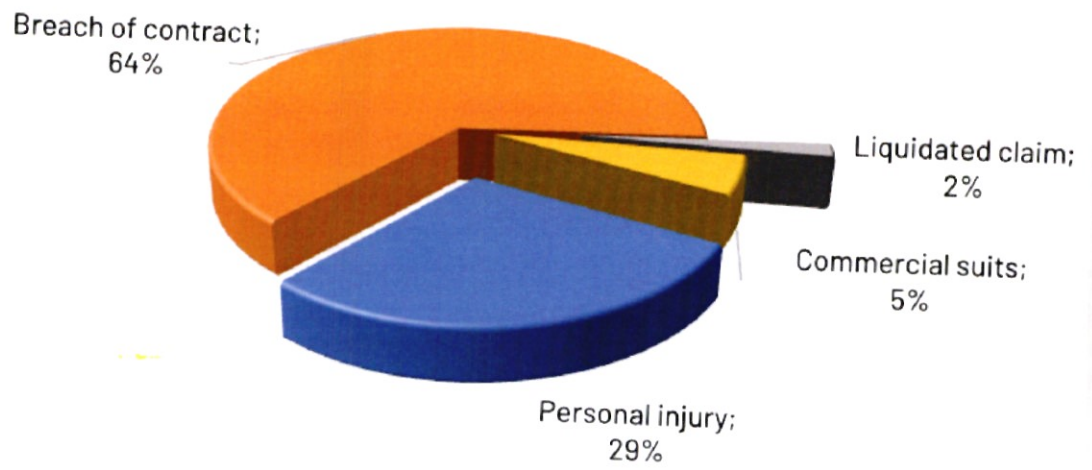


Figure 2. 42. Pending cases by Type, SCC

2.5.10. Court Annexed Mediation

2.5.10.1. Referred and Concluded matters

During the reporting period, there were 4,708 cases referred to Court Annexed Mediation (CAM). This was an increase of 93 per cent compared to the previous year where 2,445 cases were referred. In the same period, 4,451 cases were concluded compared to 1,918 concluded in the FY 2022/23. This represented a conclusion rate of 95 per cent. Table 2.6 shows the distribution of referred and concluded matters across the court types.

Table 2.6 Matters referred, concluded in CAM FY 2022/23

Court Type	Referred matters	Concluded matters	Conclusion rate
Court of Appeal	3	2	67%
High Court	1,095	1,048	96%
Employment and Labour Relations Court	156	146	94%
Environment and Land Court	279	259	93%
Magistrates' Courts	3,131	2,959	95%
Small Claims Courts	39	32	82%
Kadhis' Courts	5	5	100%
All Courts	4,708	4,451	95%

2.5.10.2. Settlement Agreements in CAM

Out of all the concluded matters in CAM, 2,240 cases had settlement agreements. This represented a settlement agreement rate of 51 per cent. Furthermore, 1,791 cases had full agreements and 364 had partial agreements. Figure 2.43 shows the agreements by mode of settlement.

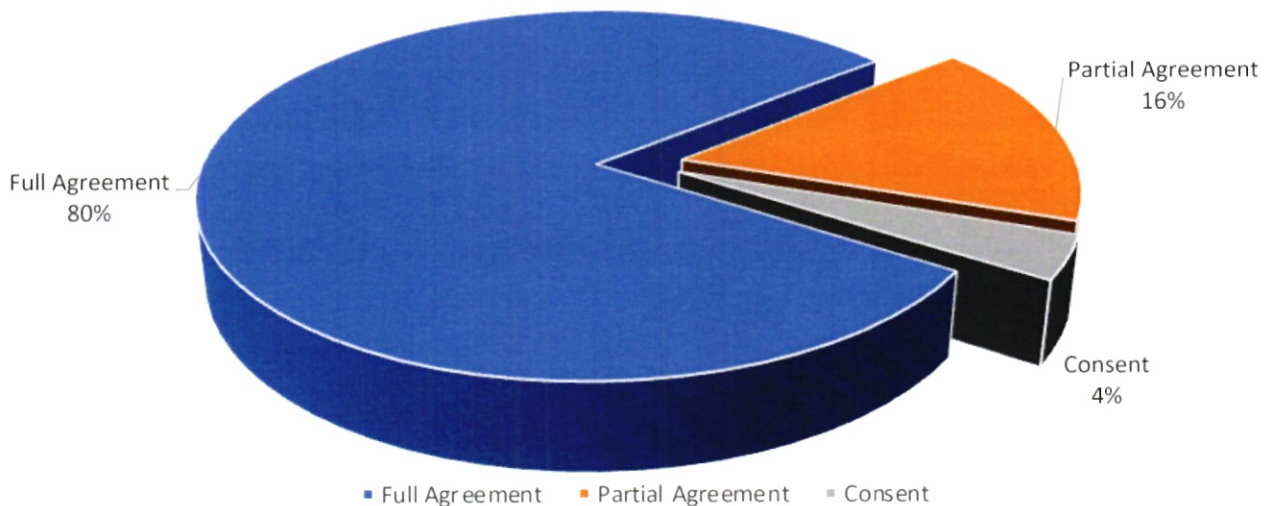


Figure 2.43. Distribution of Settlement Agreements, CAM

2.5.10.3. Non-Settled matters

Non-settlement arises where a party or the party's representative who fails to comply with any of the mediator's directions, consistently fails to attend mediation sessions, or engages in deliberate misconduct; or upon expiry of sixty days from the date that the mediator was notified of his appointment to handle the case or, where the period was extended, upon the expiry of such extended period. (Civil Procedure (Court-Annexed Mediation) Rules, 2022, rule 30). Figure 2.44 shows the distribution of non-settlements in the period under review.

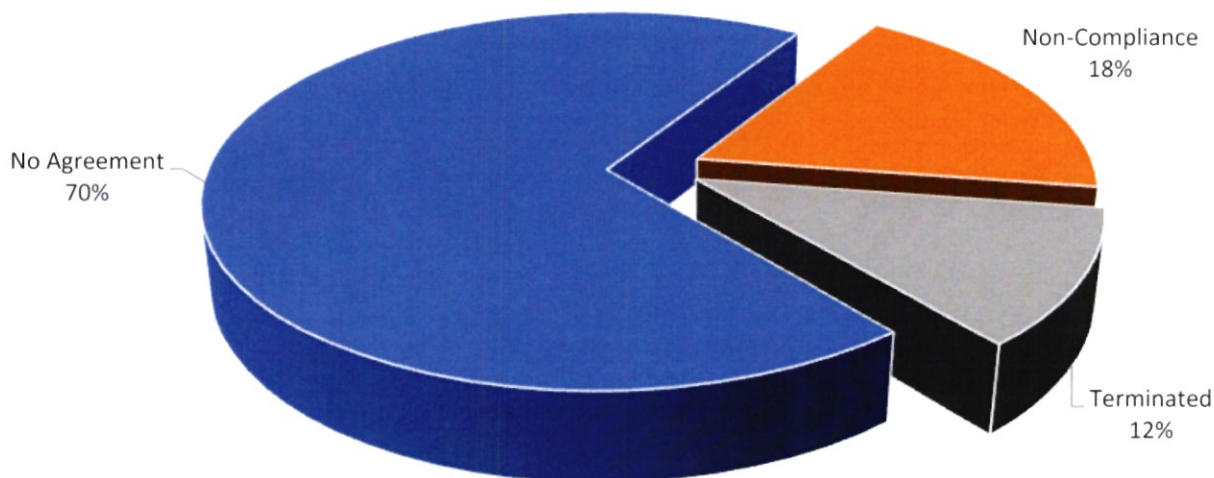


Figure 2. 44. Distribution of Non- Settlements, CAM

2.5.10.4. Monetary value of Cases Referred and Settled in CAM

During the reporting period, the monetary value of the cases that were referred to mediation was KSh33.78 billion. The value of the matters that were settled was approximately KSh8.7 billion. Cumulatively, since the establishment of CAM, a total worth of approximately KSh20 billion of the value of matters has been dispensed back to the economy after the cases had been resolved.

Table 2. 7 Value of Settled Agreements, CAM FY 2022/23

Court Rank	Total Value of Referred matters (KSh)	Total value of settlement agreements (KSh)
Court of Appeal	7,500,000	0*
High Court	29,815,868,379	7,091,030,981
ELRC	1,258,215,684	330,941,631
ELC	409,196,080	108,672,391
Magistrates' Courts	2,280,935,830	1,154,105,108
Small Claims Court	13,205,252	5,752,937
Kadhis' Courts	999,998	999,998
All Courts	33,785,921,223	8,691,503,047

2.6. Gender Statistics in Courts

People's experiences in court services can vary depending on gender. Gender equality and non-discrimination are anchored in the Constitution of Kenya and various legislations, national policies, and international treaties and conventions to which Kenya is a party. In addition, STAJ commits the Judiciary to play a role in the amelioration of the living conditions of the Kenyan people that have been characterized by systemic economic disadvantages, injustice, oppression, stigma, and discrimination of minority and marginalized groups and other citizens in precarious situations. According to Kenya's long-term development blueprint, Vision 2030, gender equality must be addressed by making fundamental changes in four key areas of opportunities; empowerment; capabilities, and; vulnerabilities.

Gender statistics are central to understanding the dynamics and promoting gender equality because they provide relevant information, including indicators and benchmarks for measuring progress and analyzing underlying factors. The Judiciary collects data on the gender of individual litigants in courts as plaintiffs or defendants. There are several reasons why it is important to collect information on the gender of court users. It helps to understand how the court system is being used and who is using it. This information can be used to develop policies and programs that better meet the needs of all court users. For instance, if it is established that a specific gender is more likely to experience certain challenges in the court system, the Judiciary can develop programs to create a more inclusive and equitable court system for all.

The gender distribution of litigants can vary depending on the nature of the case and the legal issues involved. In FY 2022/23, women comprised a third of all individual court users in superior courts as plaintiffs or defendants. However, the proportion of women applicants was higher in ELRC (49%) and ELC (47%). At the High Court, women were 12% of the accused. Women constituted 11 per cent and 35 per cent of all murder and anticorruption cases respectively.

In the Magistracy, 16 per cent of the accused in criminal cases were female. Females were the majority of plaintiffs in civil matters (51%). Men were the majority in traffic offenses (97%), robbery (96%), and anticorruption cases (79%). At the Kadhis Courts, 57 per cent of applicants were male. Females however constituted the majority of Divorce, and Matrimonial Causes applicants at 92 per cent and 56 per cent respectively.

Section III: Leveraging Technology to enhance Access to Justice

The Judiciary has continued to enhance and entrench the use of technology to improve access to justice by building on achievements made in the preceding reporting periods. The increased use of technology has brought forth many benefits including; reduction in numbers of lost files, increased revenue collection, increased access to justice as litigants are served through virtual courts, improved efficiencies of service in the registries, enhanced access to information through information kiosks, allowing litigants to file cases and documents any time from the comfort of their homes and the facilitation of Judges and Judicial Officers to prepare orders, rulings and judgements directly from the system. During the reporting period, a number of achievements were made including the launch of E-filing in six counties in addition to Nairobi County, digitisation of court records and rollout of the e-certificates for advocates as outlined below.

2.7. Electronic Filing (E-filing) System

The E-Filing System is a public facing portal used by advocates and other litigants for filing pleadings and tracking cases. The system was internally developed by the Judiciary and provides a platform for law firms, advocates and the public to initiate and complete the process of filing and payment for cases electronically. Enhancements were made to the system as advised by the feedback from the court users in readiness for scaled up rollout to all court stations in the country.

In July 2020, the E-Filing system was launched to serve all court stations in Nairobi County by the then Chief Justice, Hon Justice David Maraga. Consequently, in July 2022, Hon Justice Martha Koome, Chief Justice, launched the E-Filing System for Election Disputes (EDR) Matters across all stations. This has enabled advocates file election petitions from far and wide without physically visiting the court stations. As part of the national roll-out of the system, the E-Filing has been scaled up to 43 court stations in the following four counties.

Table 2.8 E-Filing Rollout Progress as at June 30, 2023

County	Filed Cases	Documents Uploaded
Mombasa	4126	87,251
Kisumu	607	10,611
Siaya	131	1,591
Homa Bay	144	1,545

2.7.1. Uptake of E-filing

Overall, the uptake of E-filing has continued to experience exponential growth with more court users signing up on the system and filing their matters online. Once a station activates E-filing, a number of advantages are gained as summarised below;

Table 2.9. Summary of Service Access with E-Filing Implementation

Service	Without E-Filing	With E-Filing Implementation
Case Filing	Filing of Civil Cases initiated at the Court Registry	Filing of Civil Cases initiated remotely via E-Filing Platform
Case Filing - Criminal cases	Filing of Criminal Cases initiated at Court Registry	Filing of Criminal Cases initiated from the Uadilifu System
Court Fee Assessment	Court fee assessment for both New cases and existing cases done from CTS by Court Assistant	Court fees assessment on both filing new cases and existing cases will be done remotely by the litigant himself
Documents Presentation	Hardcopy case documents physically presented in Court Registries	Cases documents in soft copy will be electronically be submitted to the Court
Date Stamping	Filed Case Documents were physically date stamped	Electronically filed case documents will be digitally date stamped
Enquiries	Physically coming to court registries to enquire on case status	Case status can be enquired online in the E-Filing platform
Court Orders Preparation	Court orders manually prepared and physically stamped	Court orders electronically prepared and digitally stamped

The number of users registered on the system continues to increase year-on-year, which is reflected in the number of unique accounts created.

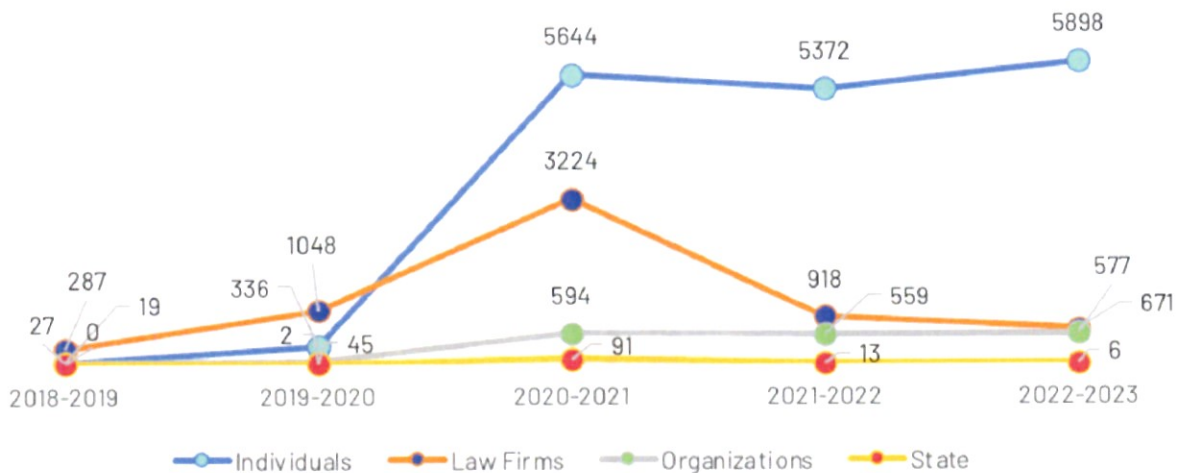


Table 2.45 E-Filing Uptake by Stakeholders as at June 30, 2023

The number of cases registered through the E-Filing portal is on rise especially as more courts get activated on the portal.

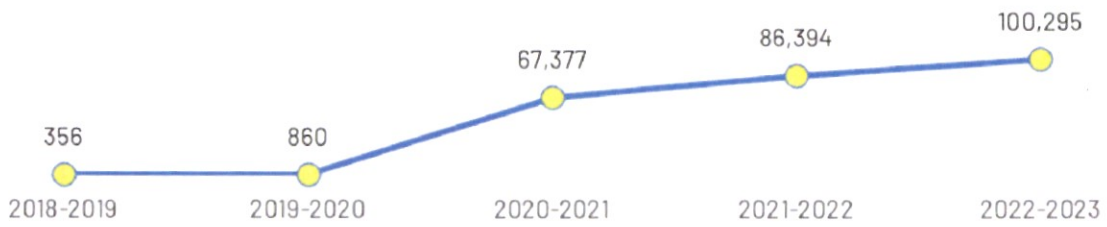


Fig 2. 46. Cases filed through the E-Filing System across All Courts

2.7.1.1. National Survey on E-filing

The Judiciary carried out a user survey on the E-Filing systems and the results were published and launched in April 2023. The survey findings show that overall satisfaction index on E-filing was 67.58 per cent.

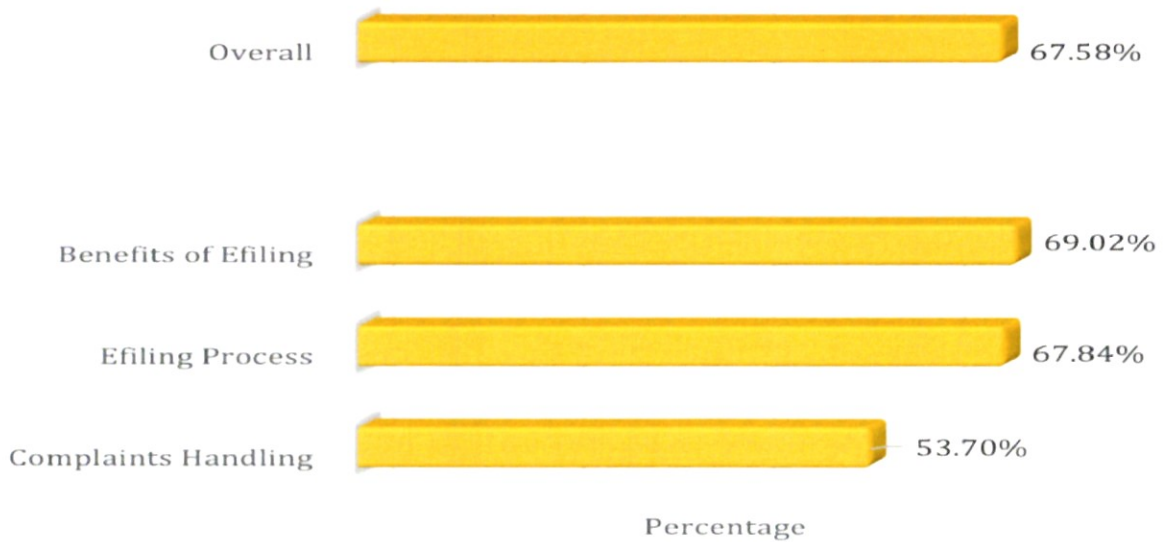


Figure 2. 47. E-Filing Satisfaction Index by Thematic Area

From the survey, 90.21% per cent of the court users used the E-filing system to register cases, 25.97 per cent to confirm dates, 76.72 per cent to make payments and 72.67 per cent to confirm dates.

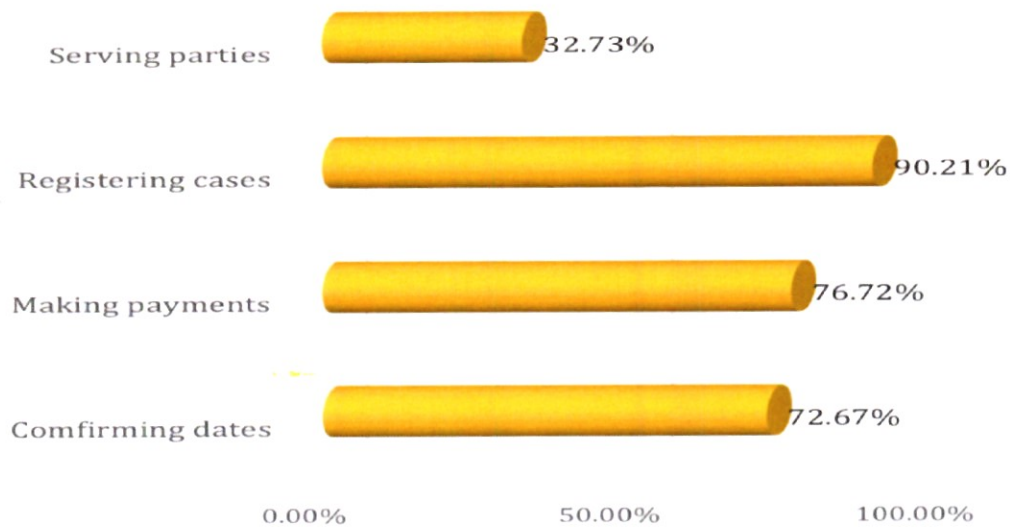


Figure 2. 48. E-Filing Services sought by Court Users

The court users were asked to give their views on the benefits of introduction of the E-filing system in the Judiciary. Ninety-two per cent (92.43%) of the court users strongly agreed that the system had improved the speed of filing cases, 87.71 per cent agreed that the E- filing system had made it easy to track court documents.

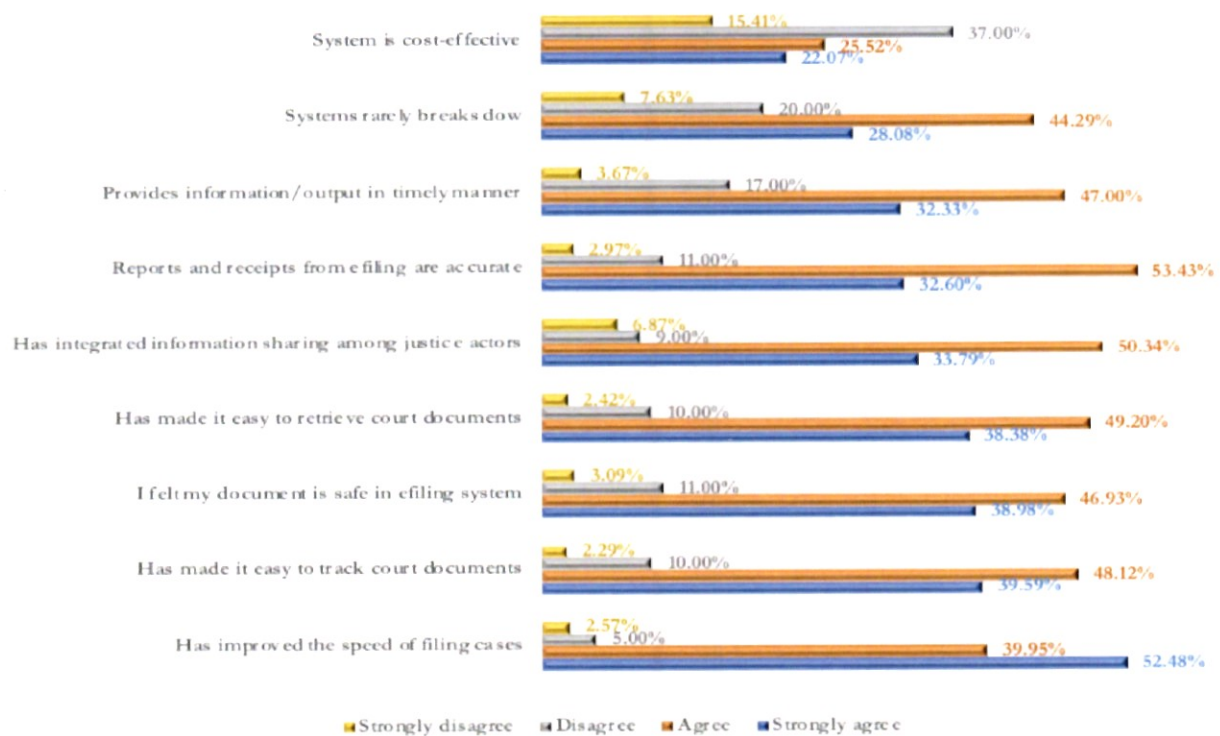
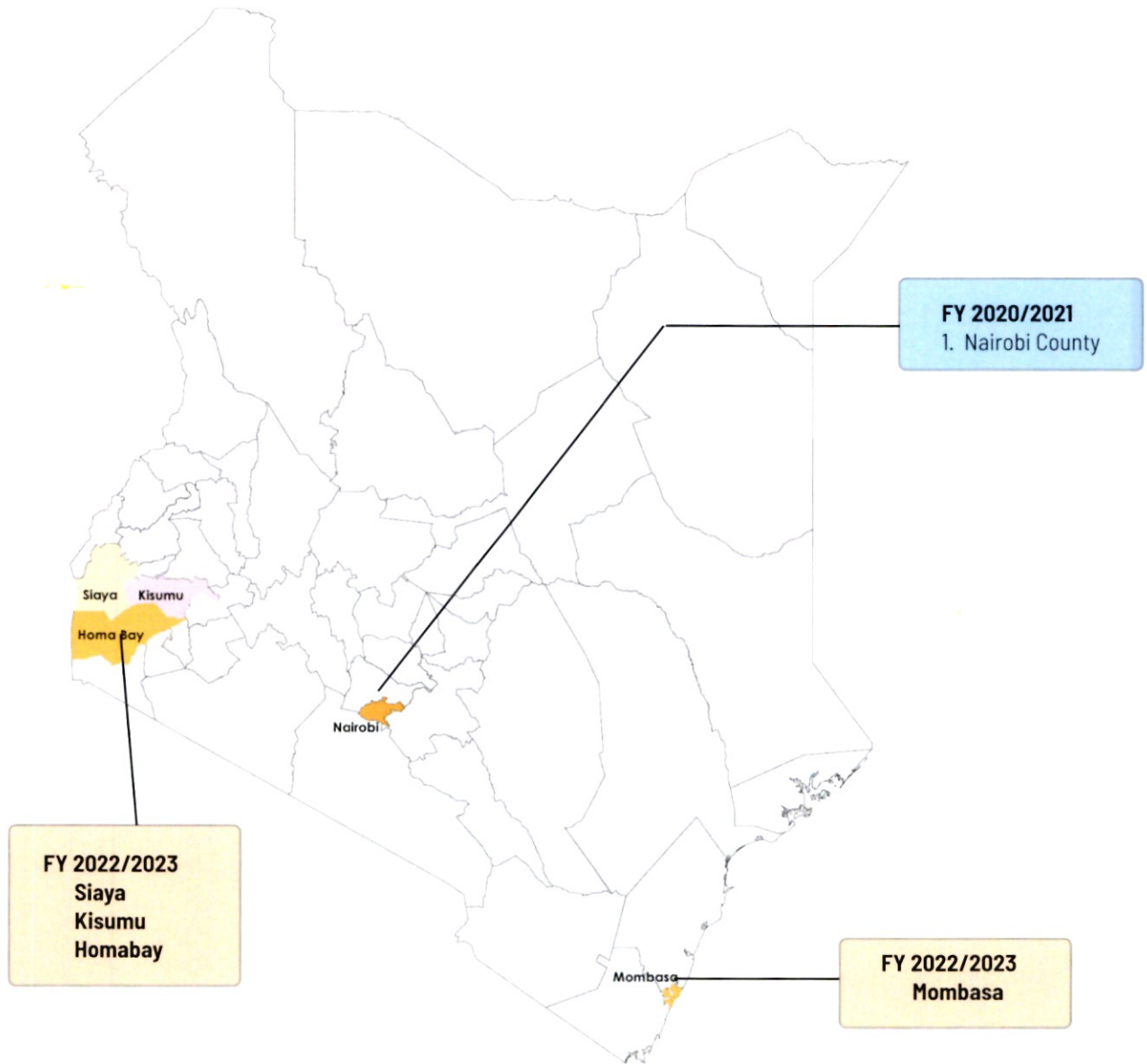


Figure 2. 49. Benefits of E-Filing

2.7.2 Status of E-Filing



Status of National Roll-out of E-Filing



E-filing Launch in the County of Mombasa



E-filing Launch in the County of Samburu



E-filing Launch in the County of Turkana



E-filing Launch in the County of Nyandarua

2.8. Digitisation of Court Records

In 2020, the Judiciary, through the Ministry of ICT and in partnership with the private sector (KEPSA), adopted the Ajira Digital Program for digitisation of court records to be implemented in three phases. The final phase of the project kicked off on April 4, 2022 and was completed in October 2022.

Table 2. 10. Overall Performance on Scanning

Court Station	Division	Actual Files Scanned	
Milimani High Court	Commercial	1,692	116,746
	Civil	5,836	
	Judicial Review	1,766	
	Family	4,552	
Milimani ELC Court	ELC	980	
CM Commercial Court	Civil Suit	34,430	
	Commercial Cases	24,507	
Mombasa Law Courts	Mombasa High Court	6,333	38,949
	ELC	418	
	ELRC	3,102	
	Magistrate	18,921	
Thika	Thika Law Court	13,815	3,000
	Thika ELC	1,104	
Limuru	Limuru Law Court	3,665	3,000
Kiambu	Kiambu Law Court	10,095	12,000
Ruiru	Ruiru Law Court	1,691	3,000
Kahawa	Kahawa Law Court	461	60
	Cumulative Total	133,368	176,755

During the financial year, the Judiciary took up the project with internal budgetary support. In June 2023, a total of **397** agents were engaged to support digitisation in 34 court stations and **37,942** files were scanned.

Table 2. 11. Files Scanned under the Ajira Project

SN	Court Stations	Files Scanned	Targeted Files
1	Kiambu Law Court	3,520	3,446
2	Machakos Law Court	2,039	2,780
3	Ndhiwa Law Court	588	482
4	Garissa Law Court	2,241	2,162
5	Kikuyu Law Court	1,253	1,294
6	Thika Law Court	3,061	3,025
7	Ukwala Law Court	501	530
8	Mbita Law Court	958	1,142
9	Bungoma Law Court	3,165	2,835
10	Gatundu Law Court	635	645

SN	Court Stations	Files Scanned	Targeted Files
11	Kangundo Law Court	774	1,115
12	Mavoko Law Court	1,891	1,848
13	Mandera Law Court	448	448
14	Maralal Law Court	1,221	1,529
15	Oyugis Law Court	815	1,714
16	Webuye Law Court	1,212	1,477
17	Homabay Law Court	1,521	1,409
18	Bondo Law Court	791	791
19	Ruiru Law Court	655	4,441
20	Winam Law Court	574	830
21	Nyando Law Court	435	664
22	Habaswein Kadhi Court	17	17
23	Wajir Law Court	372	372
24	Sirisia Law Court	830	1,387
25	Githunguri Law Court	284	297
26	Maseno Law Court	626	1,660
27	Tamu Law Court	1,019	1,061
28	Elwak Kadhi Court	68	80
29	Kisumu Law Court	2,982	5,037
30	Siaya Law Court	2,157	2,157
31	Kithimani Law Court	1,269	1,879
32	Kimilili Law Court	304	1,061
Total		38,226	49,615*

*Note the scanning continued into the new financial year.

2.9. Case Tracking System

The Case Tracking System (CTS) continues to be enhanced and improved with an aim of optimising the systems performance and providing an improved user experience. The following key updates were done during the financial year of 2022/23: A dashboard which mirrors the daily cause-list was implemented to facilitate update of case outcomes and all users were enabled to independently reset their passwords without intervention of the technical teams.

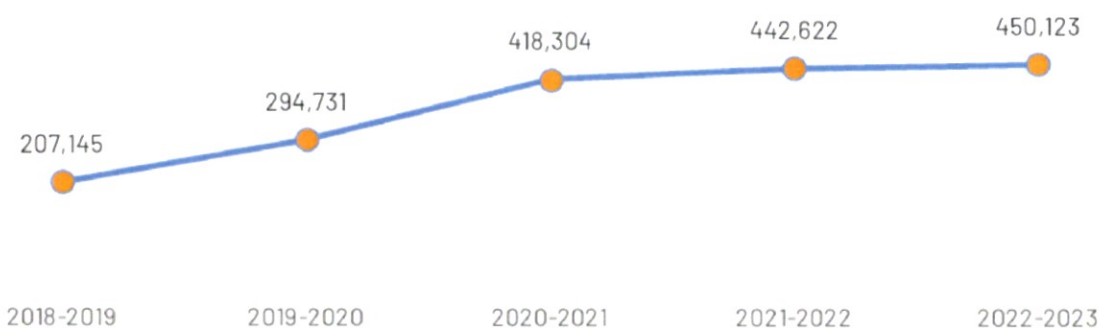


Fig 2. 50. Annual Trend in Case Registration on CTS

2.10. Enterprise Resource Planning System

The Judiciary is in the process of implementing a robust and scalable integrated ERP system that supports the institution in expeditious delivery of justice. The ERP system will automate all administrative functions' processes.

During the year, the Judiciary undertook the procurement process which culminated in the signing of a contract with a system vendor to implement the system. The Judiciary ERP system implementation shall cover the following functional areas; Financial Management, Supply Chain Management, Human Resource Management, Project Management Performance Management and Collaboration within the Judiciary. The project will be implemented in two phases over a period of 36 months starting September 2023.

2.11. Judiciary Complaints Management System (JCMS)

The Judiciary Complaints Management System (JCMS) was initially developed in 2012. The purpose of the system was to expedite resolution of complaints received by the Judiciary. Over time, the functionality of system has declined as some functions have ceased operation while some have become obsolete. Some of the challenges of the old system included: ticket number not being issued to email clients, no notification after sending an email, lack of an auto-response for clients, unresponsive search options, duplication of tickets amongst others. This has necessitated upgrading of the system.

2.11.1. Communication and Feedback Module

Both clients and agents receive email and SMS notifications from the system. The system delivers notifications When a ticket is created and an automated response is sent to the client confirming receipt, when communication is made to the client, when a ticket is closed with a closing remark, when an agent has been assigned a complaint ticket to work on and when a ticket has been queued to a particular station, the Liaison-person is notified to review and respond within the specified timeline (SLA).

2.11.2. Ticket Processing Module

Ticket processing entails adding internal notes update, communicating with the client, changing the ticket status at various stages of processing i.e., open, resolved and closed, and directing the ticket to the appropriate station or department for more information. Additionally, the system allows them to perform the following actions for efficient tracking and management: Ticket merging – involves combining two complaint tickets from the same complainant on a similar issue; Ticket Locking – involves locking a ticket to a particular agent to restrict other agents from working on it as instructed by OJO management; Changing ticket ownership – this involves changing the complainant of a particular complaint whenever necessary; Marking – this involves marking a complaint ticket for follow-up. The agent sets the deadline for the follow-up and once it expires, the ticket will pop up on the follow-up tickets pane on the dashboard.

2.11.3. User Management Module

The system has a user management module that allows the system administrator to manage various users. It has the following features: agent creation and group assignment, agent update page, group creation and permissions assignment, agent password resetting feature, mass user import through a spreadsheet file, user search by names, queues, emails, PJ numbers etc, and integration with CTS

The system is also integrated with the CTS to allow viewing of case details and activities directly through API calls. It allows the fetching of case parties, activities, case summaries, payment invoices, and receipts. The module is fully developed and awaiting deployment into production. During the period under review, the system was revamped and upgraded to align with the new requirements. The new system went live on July 26, 2023.

2.12. The Court Recording and Transcription System

The Judiciary has deployed a number of technologies for use in courtrooms and chambers to support court proceedings.

2.12.1. Virtual Courts

The Judiciary has continued to embrace the use of various solutions including Microsoft TEAMS, Zoom, and GoToMeeting to provide virtual court services. During the year under review, all election petitions were heard and determined through the use of virtual courts.

The Chief Justice gazetted the Practice Directions on Virtual Court Sessions on June 2, 2023. These directions standardise the operations of virtual courts across all courts and gives guidance on all aspects of virtual court including; conduct of virtual court proceedings, notification of parties attending virtual proceedings, virtual attendance, dress code and virtual court etiquette, documentation, confidentiality and privacy.

2.12.2. Video Conferencing Services.

Video conferencing facilities have become popular and reliable tools to support virtual court sessions that involve a bench and in criminal cases where the accused persons do not need to be brought physically to court. Additionally, there's an increasing use of Video Conferencing solutions in the projection of digital evidence. In the year under review, 59 video conferencing kits were distributed to 55 court stations across 13 counties.

2.12.3. In-Court Recording Solution

The Judiciary continues to equip various courtrooms with recording equipment. During the reporting period, 11 portable recorders were procured and installed in 11 court stations. Similarly, five courtrooms were installed and the VIQ court recording solution were commissioned for use. This equipment was utilized during the hearing of election disputes. In total, 78 magistrates and 48

judges were supported with various court recordings told during the hearing of election disputes.

2.12.4. Transcription Services

The Judiciary continued to engage the services of the young people under the Ajira programme to prepare transcripts of court proceedings and during the reporting period, a total of 96,646 transcripts were finalized from various judges and judicial officers.

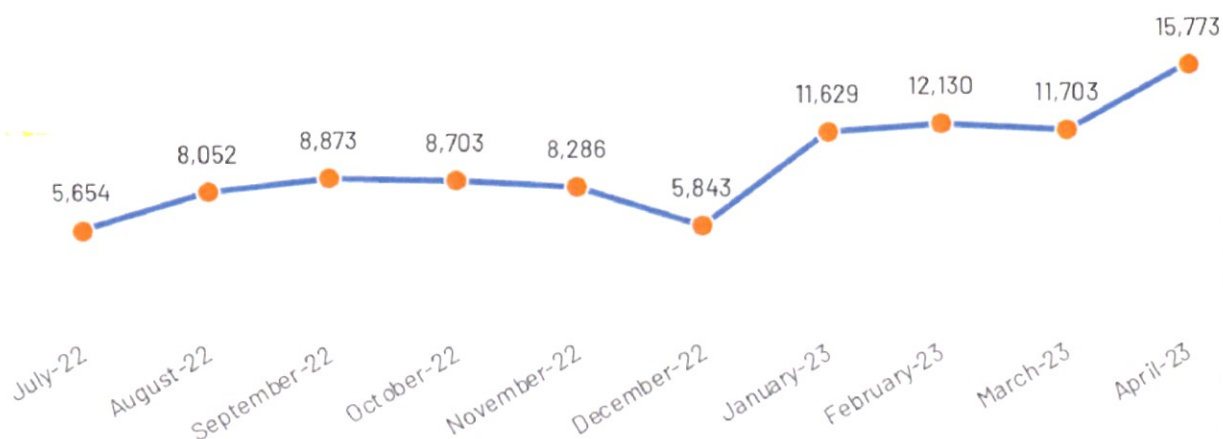


Fig 2. 51. Monthly Trends in Transcriptions, FY 2022-23

2.13. Judiciary Advocates Management System

The Judiciary automated the functions undertaken by the Advocates' Section of the Office of the Chief Registrar of the Judiciary. The office is responsible for: Processing of applications for Admission of Advocates, Issuance of Advocates' Annual Practicing Certificates, Processing of applications for appointment of Commissioners for Oaths, Processing of applications for appointment and annual renewal of Notaries Public, Processing of applications for appointment and annual renewal of Notaries Public, Custody and Maintenance of the Roll of Advocates, the Roll of Commissioners for Oaths and the Roll of Notaries Public, and Roll of Senior Counsel, Custody and Maintenance of Advocates files and Processing Disciplinary Committee Cases by making entries on the Roll and publishing a notice in the Kenya Gazette where an Advocate is struck off the Roll, reinstated, suspended. The system was internally developed and was successfully launched on August 5, 2022. In the reporting period the following have been achieved through operationalisation of the system.

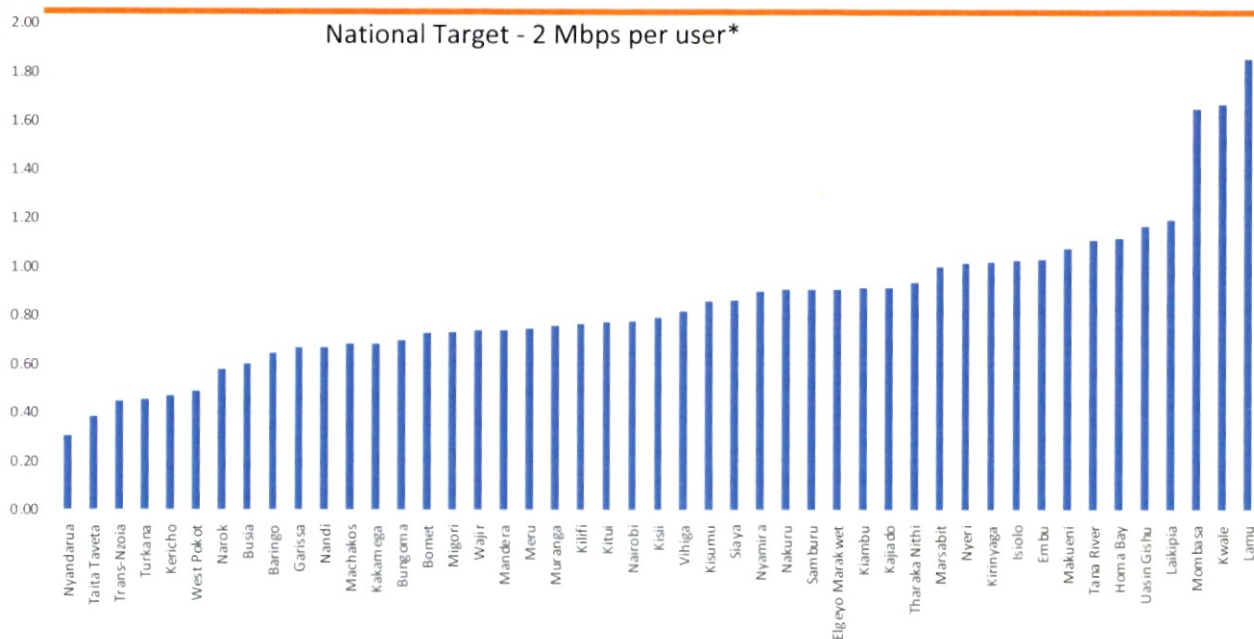
Table 2. 12 Utilisation of the Judiciary Advocates Management System

SN	Item	Number
1.	Number of advocates admitted	2,647
2.	Practicing Certificates issued	14,686
3.	Commissioner for Oaths appointed	924
4.	Notaries Public appointed	512
5.	Annual renewal of Notaries Public	2,119

2.14. ICT Infrastructure

The Judiciary has connected all court stations to reliable internet using fibre and radio technologies. The capacity of internet allocated per station is based on the number of users in the station. Additionally, the Judiciary managed to complete the installation of primary and secondary data centres using virtualisation technology.

In the FY 2022/23 Judiciary was able to increase internet connections to a total of 167 stations while at the same time increasing bandwidth to 5.07 Gbps. There were 15 stations with a secondary/back up internet link. Thirteen remote stations, namely; Witu Kadhis Courts, Balambala Kadhis Courts, Bura Kadhis Courts, Bute Kadhis Court, Kakuma Law Court, Modogashe Kadhis Courts, Takaba Kadhis Courts, Dadaab Kadhis Court, Eldas Kadhis Court, Elwak Kadhis Courts, Ijara Kadhis Court, Faza, and Habaswein Kadhis' Courts, were connected to the internet through mobile broadband.



*The National Broadband Policy (2018-2023) recommends an allocation of 2Mbps of bandwidth per user.

Fig 2. 52. Internet Distribution across various Courts vs National Broadband recommendation, FY 2022-23

The Ministry of ICT, through the Google Fund, finalised the laying of fibre to connect 67 Law Courts to the Government Network (NOFBI). An additional 10 stations were connected by the ICT Authority and through the County Connectivity Project.

The Judiciary continued to equip the staff with working tools through purchase of 743 pieces of ICT equipment, including desktops and laptops. A total of 884 lease printers were also commissioned.

2.15. Provision of Renewable Alternative Power Source

During the implementation of ICT solutions, as highlighted above, the Judiciary has encountered significant challenges, particularly frequent power outages. To ensure the reliability and sustainability of these ICT solutions, it is vital that the Judiciary takes appropriate measures and invests in reliable alternative power solutions for all court stations. During the reporting period, 19 court stations, namely Tononoka, Shanzu, Maseno, Garsen, Hola, Githunguri, Winam, Mwingi, Tawa, Kyuso, Kilgoris, Sirisia, Siakago, Kangema, Mpeketoni, Tamu, Narok, Kakuma, and Kwale Law Courts, were installed with solar power.

Chapter

Jurisprudence

3

JURISPRUDENCE

“

**Developing indigenous social
justice jurisprudence.**

”

3.1 INTRODUCTION

In the reporting period, the Judiciary continued to deliver on its core mandate of the dispensation of justice through the determination of cases and delivery of rulings and judgments. The courts at all levels made decisions on various areas of law that affected or restated the rights of Kenyans. Some of the decisions were precedent-setting while others touched on issues that were of public interest.

This chapter comprises a summary on select decisions that were delivered by various courts during the period under review. The cases reported in this chapter were carefully selected to ensure the diversity of the topics and to guarantee that as many areas as possible of the practice of law are covered.

It is worth noting that the cases have been presented in brief summaries to relay the essential content to the reader without reproducing the entire text. Appropriate citations have however been provided as a guide for those who wish to access the entire judgment for research or other purposes. The reported cases covered a wide range of legal topics ranging from electoral jurisprudence, employment, land, protection of the environment and natural resources, and criminal matters, among others. The chapter provides an insight into how courts are developing Kenya's indigenous jurisprudence.

DECISIONS FROM THE SUPERIOR COURTS

3.2 SUPREME COURT

3.2.1 *Whether the Doctrine of Bona Fide Purchaser for Value could be upheld in the face of Illegalities and Failure to follow Due Process in Acquisition of Land.*

Dina Management Limited v County Government of Mombasa & 5 others (Petition 8 (E010) of 2021) [2023] KESC 30 (KLR) (21 April 2023)

Brief Facts

The County Government of Mombasa forcefully entered the appellant's property situated in Nyali Beach, Mombasa County, demolished the entire perimeter wall facing the beachfront and flattened the whole property. It was alleged by the said County Government that the entry and demolition was an enforcement action to create a thoroughfare to the beach as the suit property was public land and not private land, despite the fact that the appellant had a lease title to the property. Prior to this incident, a suit had been filed and determined at the High Court in favor of the appellant, which they insisted settled issues concerning ownership and validity of title over the suit property, as well as conclusively addressing whether there was a public road through the said property.

Aggrieved by the actions of the County Government, the appellant filed a suit at the Environment and Land Court in Mombasa seeking the following orders: a declaration that the 1st respondent's actions violated their constitutional rights, a permanent injunction to prevent further interference, cost reimbursement, compensation for property damage and trespass, interest, and costs. The 1st respondent filed a separate petition claiming that the property was public land and that the appellant's acquisition was null and void. They sought orders to revoke the title, cancel all related documents, evict the appellant, and for damages for trespass and costs. The appellant opposed the 1st respondent's petition claiming that the suit property was previously government land lawfully converted to private property in 1989. They argued that regulations establishing the land as being public were not in force at that time, and that no evidence was presented to prove that it was a road reserve. Additionally, they argued that the suit was time-barred, *res judicata*, and that they were not involved in any illegalities.

For purposes of trial, the two cases were consolidated. The issues before the ELC were: whether the suit property was a public utility and there was a public access road through it to the beach; were illegalities or faults committed by those responsible for alienating the suit property and whether the appellant should suffer the faults of those third parties, if any; whether the 1st respondent's suit was *res judicata* and/or an abuse of the court process; whether the suit was time barred and/or whether the 1st respondent was guilty of laches and indolence; whether the appellant was the lawful owner of the suit property and entitled to the order sought.

The trial court dismissed the appellant's case and partially granted the 1st respondent's petition. The court ruled that the alienation of the suit property was unprocedural and unlawful due to lack of proper approvals and failure to follow due process. The court affirmed that the access road to the open sea had been blocked by the allotment and that the respondent had acted within the law in removing the wall which had blocked the said road. Further, the court determined that the suit was neither *res judicata* nor

time barred as it related to violations of human rights of a continuing nature. Finally, the court stated that since the appellant had failed to demonstrate due diligence as an innocent purchaser for value, there was therefore no violation of their rights and no entitlement to the reliefs sought.

Aggrieved by the decision of the ELC, the appellant lodged an appeal at the Court of Appeal premised on 22 grounds. The 2nd to 6th petitioners filed a cross appeal challenging the jurisdiction of the court stating that the dispute was inter-governmental in nature and hence violated Articles 6, 159(c), 189(3) and (4) of the Constitution as read with Sections 30 to 35 of the Inter-Governmental Relations Act. The County Government filed a notice of grounds for affirming the decision and argued that the suit property was trust land, and such land was not government land available for alienation.

The Court of Appeal determined the issues in contention as follows: First, that the appeal did not involve an inter-governmental dispute, as the introduction of additional respondents did not change the nature of the original property ownership dispute. Second, that the claim of *res judicata* was baseless since the heart of the case concerned the root of ownership of the title which had not been determined other than by the ELC. As regards the third issue, the court determined that since the suit was a constitutional petition to enforce ongoing violations of fundamental rights, it was not statute-barred under the Limitation of Actions Act. The court additionally held that Sections 41 and 42 of that Act exempted government land disputes from its application, including proceedings for the recovery of government land. On the fourth issue, the court ruled that the land in dispute was not trust land and hence the applicable legislation was the Government Land Act and therefore under the realm of the 2nd to 6th respondents duties. The court found that since the property was in the municipality of Mombasa, it was to be allocated as per Section 10 of the Government Land Act which allowed leases of town plots to be granted for any term, not more than 100 years.

With regards to the fifth issue on whether the title to the suit property was lawfully acquired and whether the appellant was an innocent purchaser for value without notice, the appellate court agreed with the trial court, holding that the appellant could not enjoy protection under the doctrine of innocent purchaser for value. The court asserted that where property was acquired through a procedure that was against the law, the title could not qualify for indefeasibility. The court therefore held that the title that had subsequently been issued was invalid having been acquired illegally and irregularly. The appellate court held that the suit property was public land reserved for a public utility and that there was a road leading to the beach through the open space that was the suit property. Therefore, it remained a public utility, incapable of giving rise to a private proprietary interest capable of being protected by a court of law.

Aggrieved with the decision of the appellate court, the Appellant filed an appeal at the Supreme Court.

Issues:

- i) Whether the appeal met the constitutional threshold under Article 163(4)(a) of the Constitution;
- ii) Whether the appellant's rights under Articles 27(1) and 50(1) of the Constitution were violated by the appellate court's application of the doctrine of *res judicata* and/or the doctrine of estoppel;
- iii) Whether the suit amounted to an inter-governmental dispute under Article 189(3) of the Constitution and the Intergovernmental Relations Act No.2 of 2012;
- iv) Whether the appellate court's interpretation of bona fide purchaser amounted to unjustifiable and

unreasonable limitation of the right to property under Article 40 in violation of Articles 19(3)(c), 20(1), 21(3) and 23 of the Constitution.

Holding

- i) The court had jurisdiction as all the issues brought before it were issues of weighty constitutional interpretation and therefore fell under the ambit of Article 163(4) of the Constitution.
- ii) The matters were not *res judicata*. The court held that for a matter to be *res judicata* it must have been given a merited, final determination by a court of competent jurisdiction, where the first and second suit share identical parties, subject matter and cause of action. The court stated that the issues for determination in this matter were different and that the 2nd to 6th respondents were not enjoined in the initial suit at the High Court causing the court's findings to be inconclusive.
- iii) The court agreed with the Court of Appeal that the question of the dispute being one of intergovernmental bodies, fell on the periphery and was incidental to the main issue in dispute. The issues and challenges to the ownership of the suit property would have still been introduced in response to the petition, even if by way of cross petition.
- iv) The allocation of unalienated government land ought to have followed due process. The original title holder did not follow due process while acquiring the land before selling it to a third party, who subsequently sold it to the appellant. The court could not sanction irregularities and illegalities in the allocation of public land on the basis of indefeasibility of title. The court held that it was not enough for a party to state that they had a lease or title to the property because a title or lease was an end product of a process. If due process was not followed prior to the issuance of the title, and it did not comply with the law, then such a title could not be held as indefeasible. Since the 1st registered owner did not acquire the title regularly, the ownership of the suit property by the appellant thereafter could not be protected under Article 40 of the Constitution. The land in dispute automatically vested to the County Government of Mombasa pursuant to Article 62(2) of the Constitution.

3.2.2 The Supreme Court Upholds the Election of the Fifth President of the Republic of Kenya.

Raila Odinga & 16 Others v William Ruto & 10 Others

Presidential Election Petition No. E005 of 2022

(Consolidated with Presidential Election Nos. E001, E002, E003, E004, E007 & E008 OF 2022), [2022] KESC 54 (KLR), September 26, 2022

Brief Facts

On August 9, 2022 Kenya held the third general election under the Constitution of Kenya, 2010 (Constitution). Transmission of the results of the general election was done via the Kenya Integrated Electoral Management System (KIEMS); a technology used in the biometric voter registration, and, on the election day, for voter identification as well as the transmission of election results from polling stations to the National Tallying Centre.

The 1st petitioners, who were the presidential and deputy presidential candidates, filed this petition challenging the declared result of that presidential election on amongst other grounds, that technology that was deployed and utilized fell short of the prescribed constitutional and statutory standards; that the results of the presidential election had been intercepted and manipulated; They contended that the IEBC had no jurisdiction to postpone elections in certain electoral areas; that the formula used by the IEBC to declare that the threshold of 50% + 1 of the votes cast in the presidential election was incorrect and in particular the rounding off of votes cast.

Issues

- i. Whether the technology deployed by IEBC for the conduct of the 2022 General Elections met the standards of integrity, verifiability, security, and transparency to guarantee accurate and verifiable results.
- ii. Whether there was interference with the uploading and transmission of Forms 34A from the polling stations to the IEBC's public portal.
- iii. Whether there was a difference between Forms 34A uploaded on IEBC's public portal, Forms 34A received at the National Tallying Centre, and Forms 34A issued to agents at the polling stations.
- iv. Whether the postponement of Gubernatorial Elections in Kakamega and Mombasa counties, Parliamentary elections in Kitui Rural, Kacheliba, Rongai and Pokot South Constituencies and electoral wards in Nyaki West in North Imenti Constituency and Kwa Njenga in Embakasi South Constituency resulted in voter suppression to the detriment of the petitioners in Petition no. E005 of 2022.
- v. Whether there were unexplainable discrepancies between the votes cast for Presidential candidates and other elective positions.
- vi. Whether IEBC carried out the verification, tallying, and declaration of results in accordance with Article 138(3)(c) and 138(10) of the Constitution.
- vii. Whether the declared President-elect attained 50%+1 of all the votes cast in accordance with Article 138(4) of the Constitution.
- viii. Whether there were irregularities and illegalities of such magnitude as to affect the final result of the Presidential Election.
- ix. What reliefs and orders could the Court grant?

Holding

- i) The Court was not persuaded that the technology deployed by IEBC failed the test of integrity, verifiability, security, and transparency as set out under Article 86(a) of the Constitution.
- ii) The Court held that the petitioners failed to establish to the required standard that there was interference with the uploading and transmission of Forms 34A from the polling stations to IEBC's public portal.
- iii) The Court established that there was no difference between Forms 34A uploaded on IEBC's public portal, those received at the National Tallying Centre, and those issued to the candidates' agents at the polling stations. The court made this finding for reasons, among others, that there was no credible evidence presented to support the allegation that Forms 34A presented to the agents of Azimio La Umoja One Kenya Coalition Party differed from those uploaded to the public portal.
- iv) There was no proof to the Court's satisfaction that the postponement of Gubernatorial elections

in Kakamega and Mombasa Counties, as well as Parliamentary elections in certain electoral areas resulted in voter suppression to the detriment of the 1st petitioner. The Court observed that in any case, IEBC had the requisite constitutional and legal authority to postpone elections in the Counties, Constituencies, and Wards in question.

- v) The Court found that IEBC's explanation for discrepancies between the votes cast for Presidential candidates and other elective positions was satisfactory as they related to those voters who, by law could only vote for the President and no other candidate in an election, namely, prisoners and Kenyans in the diaspora. The Court also found that the number of stray votes was insignificant.
- vi) On the sixth issue, the Court was persuaded that despite the apparent divisions between the Chairperson and the four Commissioners, IEBC carried out the verification, tallying, and declaration of results in accordance with Article 138 (3) (c) and (10) of the Constitution. The Court stated that the mandate of tallying and verification of votes is vested in the Commission collectively and the Chairperson could not exclude any member or members of the Commission. However, the declaration of the Presidential Election result vested exclusively in the Chairperson.
- vii) The Court found that the declared President-elect attained 50%+1 of all the valid votes cast in accordance with Article 138(4) of the Constitution. The Court further pointed out that in calculating whether a Presidential candidate had attained 50% +1 of votes cast in accordance with Article 138 (4) of the Constitution, only valid votes cast could be considered and that rejected ballot papers were void and incapable of conferring upon any candidate a numerical advantage.
- viii) There was no cogent evidence to support the general allegations of illegalities and irregularities raised by the petitioners.
- ix) The Court's jurisdiction in a Presidential Election Petition was quite circumscribed in terms of the orders or reliefs that it could grant under Article 140 of the Constitution. The Court could either make a determination that the election of the President-elect was invalid which would then lead to an order of nullification of that election with the consequence that a fresh election must be held within sixty (60) days after that determination. In the alternative, the Court could determine that the election of the President-elect was valid and issue a declaration to that effect.
- x) The prayer to declare the Chairperson of IEBC in breach of Article 73 of the Constitution could not be made in a Presidential Election petition.
- xi) Similarly, the Court could not make any definitive findings on the Attorney General's plea to dismiss the Chairperson's allegation that the National Security Advisory Council (NSAC) attempted to subvert the will of the people.
- xii) The Court nonetheless made recommendations, observations, and/or structural interdicts besides giving advisory opinion under Article 163(6) of the Constitution.

3.2.3 Whether the NGO Coordination Board could decline to register an NGO whose Objective was to champion the interests of LGBTQ Persons

NGOs Coordination Board v Eric Gitari & 5 Others

Petition No. 16 of 2019, [2023] KESC 17 (KLR), February 24, 2023

Brief Facts

In March 2015, the NGO Coordination Board declined to reserve any of the 1st respondent's names for a

proposed Non-Governmental Organization (NGO) seeking to champion the rights of Lesbian, Gay, Bisexual, Transgender, Queer or Questioning (LGBTQ) persons in Kenya. The Board's Executive Director declined to approve any of the proposed names on the grounds that Sections 162, 163 and 165 of the Penal Code criminalizes gay and lesbian liaisons. The 1st respondent's efforts to request for a review of the decision from the NGO Coordination Board bore no fruit.

Aggrieved by the appellant's decision, the 1st respondent filed a petition in the High Court contending that the Board's refusal to register the intended NGO contravened the provisions of Articles 20(2), 31(3), 27(4), 28 and 36 of the Constitution, as well as those of the Non-Governmental Organizations Coordination Act (the NGO Coordination Act). One of the issues that arose in the High Court was whether the petition was premature because the 1st respondent had not exhausted the internal remedies under the NGO Coordination Act.

The petition succeeded and the High Court issued an order of Mandamus directing the Board to strictly comply with its constitutional duty under Article 27 and 36 of the Constitution, and the relevant provisions of the NGO Coordination Act. On first appeal by the Board, the Court of Appeal on 22nd March 2019, by a majority of 3-2, dismissed the appeal, affirming the judgment of the High Court. Dissatisfied with the Court of Appeal's decision, the appellant filed an appeal before the Supreme Court.

Issues

- i) Whether the 1st respondent was required to exhaust internal remedies under the NGO Coordination Act;
- ii) Whether the decision of the Executive Directive of the NGO Coordination Board violated Article 36 of the Constitution; and
- iii) Whether the decision of the NGO Coordination Board was discriminatory and contravened Article 27 of the Constitution.

Holding

- i) Neither the NGO Coordination Act nor the NGO Regulations provide for any internal dispute resolution mechanism for the administrative action concerned. An Act of Parliament must clearly provide for an internal dispute resolution mechanism before an aggrieved party can be bound by such a mechanism.
- ii) The appellant violated the 1st respondent's right to freedom of association under Article 36 of the Constitution. The appellant's decision was also discriminatory. It was unconstitutional to limit the right to associate, through denial of registration of an association, purely on the basis of the sexual orientation of the applicants. By refusing to register the NGO, the persons were convicted before they contravened the law. However, all persons, whether heterosexual, lesbian, gay, intersex or otherwise, will be subject to sanctions if they contravene existing laws, including Sections 162, 163 and 165 of the Penal Code.
- iii) The use of the word "sex" under Article 27(4) did not connote the act of sex per se but refers to the sexual orientation of any gender, whether heterosexual, lesbian, gay, intersex, or otherwise.

The word “including” under the same Article is not exhaustive, but only illustrative and would also comprise “freedom from discrimination based on a person’s sexual orientation.” Therefore, the appellant’s action of refusing to reserve the name of the 1st respondent’s intended NGO on the ground that “Sections 162, 163 and 165 of the Penal Code criminalizes Gay and Lesbian liaisons” was discriminatory in light of Article 27(4) of the Constitution.

3.2.4 Term of office of MCAs and Salary for MCAs for Period not Served

County Assemblies Forum v AG & Others; Parliamentary Service Commission (interested party) Petition No 22 of 2017, [2022] KESC 66 (KLR) October 28, 2022

Brief Facts

County Assemblies Forum filed an appeal before the Supreme Court against the Attorney General, IEBC and 3 others challenging the Court of Appeal decision which set aside the High Court decision that found the date of the elections, 8th August 2017, unconstitutionally reduced the Members of the County Assemblies term in office by eight months. The Appellant also challenged the finding by the Court of Appeal that there was no conflict between Articles 177(1)(a) and 177(4) of the Constitution; the finding that there was no legitimate expectation to hold public or elective office to the end of its term; and the finding that the award of damages for the unexpired term of office of MCAs was based on a misapplication of the law.

Issues

- i. Whether this Court was clothed with the requisite jurisdiction to determine the appeal?
- ii. The interpretation of Article 177(1) and 177(4) of the Constitution; and whether there was a conflict between the said provisions vis-à-vis the date of the second General Election of MCAs under the Constitution.
- iii. Whether there was a reduction of the term of office of MCAs elected in the first General Election under the Constitution by virtue of the second General Election being held on 8th August, 2017
- iv. Whether the MCAs in question had proprietary rights and/or legitimate expectation of holding their offices to the end of the elective term; and what reliefs, if any, are they entitled to.

Holding

- i) The Court had jurisdiction considering the context of the issues raised in the petition being constitutional in nature and based on the interpretation and application of Articles 177(1) and Article 177(4) of the Constitution.
- ii) There is no constitutional provision more superior to the other. They all rank equally and must all be interpreted and applied together to give them their full tenor and meaning. There does not exist a conflict between Articles 177(4) and 177(1) of the Constitution, apparent or otherwise. If the two

were to be put side by side, they can both be given effect at the same time as demonstrated by the continued election cycle.

- iii) There was an eight-month gap created by holding the second General Election on 8th August, 2017.
- iv) Public office exercised for the benefit of the public, does not vest in the holder of the office the right to property of the office. The holders of elective office vie and hold office, not for their private benefit but for the benefit of their constituents on whose behalf they act. The MCAs term in office ended by operation of the Constitution, thereby their claim for legitimate expectation lacked merit.

The Appeal was dismissed with each party bearing its own costs.

3.2.5 Whether the Constitution required that Spouses be entitled to Equal Division of Matrimonial Property upon dissolution of Marriage.

JOO v MBO; Federation of Women Lawyers (FIDA Kenya) & another (Amicus Curiae) Petition 11 of 2020, [2023] KESC 4 (KLR), January 27, 2023

Brief Facts

The appellant and respondent's union was formalized under the repealed Marriage Act, Cap 150. The appellant and the respondent later moved into their matrimonial home on their matrimonial property located at Tassia Estate within Embakasi in Nairobi. The respondent claimed that the appellant and herself proceeded to construct rental units on the property. The respondent added that during the construction of the rental units, she successfully applied for a loan of Kshs 200,000 which she gave to the appellant to enable him complete construction of the units. The respondent further claimed that, during the subsistence of their marriage, the appellant proceeded to acquire more assets.

In 2008, the marriage irrevocably broke down and the appellant applied for its dissolution. A decree absolute was subsequently issued on October 15, 2015. It was the irrevocable breakdown of the marriage that led to the respondent commencing division of matrimonial property proceedings at the High Court. The High Court found that the only property that amounted to matrimonial property was the matrimonial property located at Tassia Estate. The court also held that the respondent had failed to prove her case on the claim that she directly contributed to the acquisition of that property which was registered in the appellant's name. The court however recognized that the respondent made indirect non-monetary contribution towards the family's welfare in the form of upkeep and welfare. The court for that reason proceeded to award the respondent 30% of the share in the matrimonial property and a 20% share of the rental units constructed within that property.

Aggrieved by the decision of the High Court, the respondent filed an appeal at the Court of Appeal while the appellant filed a cross-appeal. The Court of Appeal found that the respondent, having been married to the appellant for 18 years, 15 years of which were spent in gainful employment, constantly took loans and helped acquire the matrimonial home jointly with the appellant. The court also found that, the respondent thus acquired beneficial interest in the matrimonial property and further that, the High Court erred in awarding the respondent a 30% share of the house and 20% share in the rental units. The Court of Appeal proceeded to set aside the High Court's findings and ordered that the matrimonial property and the rental units built were to be shared equally between the appellant and respondent at the ratio of 50:50.

Dissatisfied by the Court of Appeal judgment, the appellant filed the instant appeal.

Issues

- i. Whether spouses were automatically entitled to a 50% share after dissolution of marriage.
- ii. Whether the Matrimonial Property Act (No 49 of 2013) could be applied retrospectively to claims filed before the commencement of the Act.
- iii. Whether Article 45(3) of the Constitution which provided that parties to a marriage are entitled to equal rights at the time of marriage, during marriage and at the dissolution of marriage applied retrospectively.

Holding

- i. The appeal was certified as one involving a matter of general public importance. The Matrimonial Property Act (No 49 of 2013) came into being in 2013, with the Act giving its date of commencement as January 16, 2014, while the instant matter was filed in 2010, four years before the commencement of the Act. For legislation to have retrospective effect, the intention had to be clear and unambiguous from the words of such statute or legislation. There was no retrospective application of the Matrimonial Property Act and the applicable law to claims filed before the commencement of that Act was the Married Women's Property Act, 1882.
- ii. Article 45(3) of the Constitution provided that parties to a marriage were entitled to equal rights at the time of marriage, during the marriage and at the dissolution of the marriage. The language used in the Article by itself resolved the question of retrospectivity. The right to equality was one of the fundamental rights and freedoms that were protected by the Constitution, a right that was inherent and indefeasible to all human beings. Only the language of the Constitution could act as a guide as to whether a provision in the Constitution applied retrospectively or not.
- iii. The language of Article 45(3) of the Constitution did not connote that it could not be applied retrospectively. The language plainly provided for the right to equality to all parties of a marriage during the subsistence of such marriage, as well as at the dissolution of such a marriage. The Constitution could not be subjected to the same principles of interpretation applied to statutes on retrospective application of the law. Therefore, a reading of Article 45(3) could only lead to the conclusion that there was nothing that barred its provisions from being applied retrospectively.
- iv. The principles in *Peter Mburu Echaria v Priscilla Njeri Echaria* [2007] eKLR (Echaria) were good law and remained the basis within which matrimonial property should be distributed for matters filed before the commencement of the Matrimonial Property Act, 2013. The finding in Echaria, was essentially that a spouse did not acquire any beneficial interest in matrimonial property by fact of being married only and that specific contribution had to be ascertained to entitle such a spouse to a specific share of the property.
- v. The position taken by Kenyan courts following Echaria case was that as much as section 17 of the Married Women's Property Act, 1882 gave courts discretion to do what was just and fair under the varying circumstances before them, it did not entitle a court to make an order which was contrary to any well-established principle of law on proprietary interests or ownership of property. The court

in Echaria also noted that for one to be entitled to a share of the property, the court should consider the circumstances of each arising case independently in assessing contribution further noting that what amounted to contribution could either be direct and monetary and indirect and non-monetary.

- vi. The equality provision in Article 45(3) of the Constitution did not entitle any court to vary existing proprietary rights of parties and take away what belonged to one spouse and award half of it to another spouse that had contributed nothing to its acquisition merely because they were married to each other. To do so would mean that Article 40(1) and (2) of the Constitution which protects the right to property would have no meaning and that would not have been the intention of the drafters.
- vii. Article 45(3) of the Constitution acted as a means of providing for equality as at the time of dissolution of marriage but such equality could only mean that each party was entitled to their fair share of matrimonial property and no more. Nowhere in the Constitution was there any suggestion that a marriage between parties automatically resulted in common ownership or co-ownership of property (hence vesting of property rights) and Article 45(3) was not designed for the purpose of enabling the court to pass property rights from one spouse to another by fact of marriage only.
- viii. The guiding principle should be that apportionment and division of matrimonial property could only be done where parties fulfilled their obligation of proving what they were entitled to by way of contribution. The respondent provided evidence to prove direct financial contribution during the subsistence of the marriage and that aligned with the finding that a party had to prove contribution to enable a court determine the percentage available to it at distribution and furthermore safeguarded against a blanket expectation that the principle of equality would be applied generally in the division of matrimonial property irrespective of contribution. The test to be applied to determine the extent of contribution was ultimately one of a case to case basis.
- ix. Equality of parties to a marriage had largely been interpreted and construed in two ways. On the one hand, an interpretation of Article 45(3) of the Constitution had been construed to mean a division of matrimonial property down the middle through the literal application of the 50:50 division ratio. Proponents of that argument largely opined that since non-monetary contribution could not be quantified but was equally important, a split right in the middle would be more appropriate. The second approach was that 'equal' as provided for under Article 45(3), meant that a party obtained an equivalent of what one contributed, monetarily or otherwise.
- x. Article 45(3) of the Constitution underscored the concept of equality as one that ensured that there was equality and fairness to both spouses. Equality and fairness were therefore one and intertwined. Equality also underscored the concept that all parties should have the same rights at the dissolution of a marriage based on their contribution, each party's contribution to the acquisition of matrimonial property could not have been done in an equal basis as a party could have contributed significantly more in acquiring property financially as opposed to the other party.
- xi. Equity denoted that the other party, though having not contributed more resources to acquiring the property, could have nonetheless, in one way or another, through their actions or their deeds, provided an environment that enabled the other party to have more resources to acquire the

property. That was what amounted to indirect contribution. Equity therefore advocated for such a party who could seem disadvantaged for failing to have the means to prove direct financial contribution not to be stopped from getting a share of the matrimonial property.

- xii. The maxim 'equality is equity' had never been truer. Equity was an important principle when it came to matrimonial property since what was fair as it related to equity was not a question of the quantitative contribution by each party but rather the contribution by any party in any form, whether direct or indirect. Any substantial contribution by a party to a marriage that led to acquisition of matrimonial property, even though such contribution was indirect, but nevertheless had in one way or another, enabled the acquisition of such property amounted to significant contribution. Such direct or indirect acts could include:
 - a. Paying part of the purchase price of the matrimonial property.
 - b. Contributing regularly to the monthly payments in the acquisition of such property.
 - c. Making a substantial financial contribution to the family expenses so as to enable the mortgage instalments to be paid.
 - d. Contributing to the running of and welfare of the home and easing the burden of the spouse paying for the property.
 - e. Caring for children and the family at large as the other spouse worked to earn money to pay for the property.
- xiii. While Article 45(3) of the Constitution dealt with equality of the fundamental rights of spouses during and after dissolution of marriage, equality did not mean the re-distribution of proprietary rights at the dissolution of a marriage. Neither did the reading of that provision lead to the assumption that spouses were automatically entitled to a 50% share by fact of being married.
- xiv. The stated equality under Article 45(3) of the Constitution meant that the courts were to ensure that at the dissolution of a marriage, each party to a marriage got a fair share of the matrimonial property based on their contribution. That was best done by considering the respective contribution of each party to ensure no party was unfairly denied what they deserved as well as ensuring that no party was unfairly given more than what he or she contributed.
- xv. In a marriage, the general assumption was that both spouses shared everything and on the face of it, both parties contributed towards the home or family in one way or another, to whichever extent, however big or small. Both spouses could also work and earn income, which inevitably, at most instances, always ended up being spent on the family unit. It could be the whole income or a substantial part of it, but ultimately, a percentage of it went into the family. That was the essence of section 14 of the Matrimonial Property Act, 2013.
- xvi. In the event that a marriage broke down, the function of any court was to make a fair and equitable division of the acquired matrimonial property guided by the provisions of Article 45(3) of the Constitution. To hold that Article 45(3) had the meaning of declaring that property should be automatically shared at the ratio of 50:50 would bring huge difficulties within marriages. Noting the changing times and the norms in the society, such a finding would encourage some parties to only enter into marriages, comfortably subsist in the marriage without making any monetary or

non-monetary contribution, proceed to have the marriage dissolved then wait to be automatically given 50% of the matrimonial property. That could not have been the intention of Kenya's law on the subject.

- xvii. The respondent took out loans and contributed substantially to the purchase of the matrimonial property and rental units. The 50-50 division was therefore reasonable in the specific circumstances of the instant case.

Appeal dismissed. Appellant to bear the respondents' costs.

3.2.6 There was no Limitation of Time for matters Founded on Violation of Fundamental Rights and Freedoms.

Wamwere & 5 others v Attorney General (Petition 26, 34 & 35 of 2019 (Consolidated)) [2023] KESC 3 (KLR) (Constitutional and Human Rights) (27 January 2023)

Brief Facts

On February 28, 1992 a group of women, most of whom were related to persons incarcerated for politically instigated offences together with their supporters congregated and camped at a section of Uhuru Park, freedom corner in Nairobi. The mothers and their supporters participated in a demonstration by going on a hunger strike to urge for the release of the then political prisoners. The appellants contended that they were amongst the demonstrators. They further alleged that on March 3, 1992 while going on with their peaceful demonstration, they were brutally attacked and assaulted by over 100 police officers and General Service Unit (GSU) officers. the appellant sort legal redress before the High court.

The High Court found that the appellants had not given any reasonable explanation or justification for the delay in filing their petitions and that they had not established their allegations of torture; and more so, since there were no medical records or treatment notes to substantiate their claim of being tortured over a long period of time. The court also held that the 1st appellant had not proved ownership of the properties she claimed had been demolished. Aggrieved, the appellants filed appeals in the Court of Appeal. The Court of Appeal dismissed the appeals and held that the appellants had not adduced any tangible evidence to support the allegations of torture or violation of the 1st appellant's right to property. Further aggrieved the appellants filed the instant consolidated appeals.

Issues

- i. Whether there was limitation of time in matters relating to violation of rights under the Constitution.
- ii. Whether the Constitution of Kenya, 2010 was applicable to claims of violation of rights and freedoms before it came into force.

Holding

- i. The two superior courts below did not impose the limitation alluded to by the appellants. In point of fact, the two superior courts affirmed the position that the Limitation of Actions Act, cap 22 Laws of Kenya did not apply to causes founded on violation of rights and freedoms. There was no limitation

of time in matters relating to violation of rights under the Constitution which were evaluated and decided on a case-by-case basis.

- ii. Transitional justice claims were context sensitive. Courts ought to be particularly sensitive to the reasons adduced for the delay. At the same time, courts should balance the reasons for delay with the likely prejudice a respondent could face in defending the claim in line with the right to fair trial.
- iii. There was a public interest element in allowing victims of alleged past gross human rights violations to access courts; that was, serving justice was the most effective insurance against future repression.
- iv. The Constitution explicitly envisaged redress for historical injustices that occurred during the repressive era. In light of the dictate of Article 27(1) of the Constitution on equal protection and equal benefit of the law, all victims of historical injustices had to be treated equally and afforded an equal opportunity for redress. That chimed with the demands for harmonious interpretation of the Constitution.

Consolidated appeal partly allowed. A declaration issued that the appellants rights and freedom from inhuman treatment were violated and damages awarded.

3.3 COURT OF APPEAL

3.3.1 Application of the Two-Thirds Gender Rule in the Composition of the Supreme Court **Adrian Kamotho Njenga v Judicial Service Commission & 9 Others** Civil Appeal No 234 Of 2017, [2022] KECA 1429 (KLR), December 2, 2022.

Brief Facts

This was an appeal from the decision of the High Court in Petition No 446 of 2016 as consolidated with Petition No 456 of 2016. The question before the court was the interpretation of Article 27(8) of the Constitution which required the State to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.

In the consolidated petitions before the High Court, it had been argued that the 1st respondent had acted in violation of the Constitution by making recommendations that led to the appointment of more than two-thirds of judges of the Supreme Court being of the male gender. The petitioners argued that the 1st respondent had violated its constitutional obligation to ensure equality and freedom from discrimination as enshrined in Article 27 by failing to appoint the requisite proportion of members of the female gender to the Supreme Court.

After consideration of the issues raised, the High Court held that the Supreme Court as then constituted did not violate the Constitution.

Issues

- i) Whether the trial court failed to take into account sections 3, 13, 47 and section 14 of the First Schedule to the Judicial Service Act and section 10(2)(b) of the Public Service (Values and Principles) Act 2015 and eventually adopted an appointment criterion that is alien to Article 166(3) of the Constitution. Related to that issue were the questions of;
 - a) whether the appointment criteria resulted in the violation of Articles 27 and 172 of the Constitution;
 - b) whether the recruitment process complied with the decision of the Supreme Court Advisory Opinion No 2 of 2012; and
 - c) whether the recruitment of the 4th respondent was unconstitutional.
- ii) Whether the trial court failed to take into consideration that the maximum period to realize the principles set out in Article 27 of the Constitution was five years, and whether its decision unlawfully departed from the Supreme Court precedent in the Advisory Opinion No 2 of 2012 that required the Constitution to be implemented progressively up to the year 2015;
- iii) Whether an advisory opinion by the National Gender and Equality Commission detailing the manner in which vacancies at the Supreme Court ought to be filled was binding on the Judicial Service Commission.

Holding

1. The two thirds gender principle was a constitutional directive. It was framed in imperative terms, and was a mandatory factor that the 1st respondent should take in to consideration when recruiting for the office of vacancy of judge.
2. The question of gender was as important as the one of competency. Every State organ, the 1st respondent included, was enjoined to ensure that the two thirds gender principle set out in article

- 27(8) of the Constitution was complied with. When undertaking recruitments, it was bound by law to inculcate that constitutional edict in the recruitment process.
3. Every State organ was enjoined to ensure that the two thirds gender principle set out in article 27(8) of the Constitution was complied with. When undertaking recruitments, it was bound by law to inculcate that constitutional edict in the recruitment process.
 4. The 1st respondent had to ensure that measures were introduced to incorporate the gender imperative, alongside merit, fairness, good judgment and overall competence. To hold otherwise, would in every instance result in a recruitment process that did not accord with the responsibility placed on organs such as the 1st respondent and would ultimately lead to appointments that were contrary to the dictates of the Constitution.
 5. There had to be no more than 4 members of one gender in the Supreme Court for it to be compliant with the gender principle set out in article 27 of the Constitution.
 6. The Constitution required that the two-thirds gender rule be implemented by the State, and all State organs, including the 1st respondent through the introduction of measures to address disadvantaged groups who had experienced and continued to experience discrimination.
 7. There was no evidence that the 1st respondent acted in a discriminatory manner by deliberately excluding women in the recruitment process but they had a duty to ensure that the two thirds gender principle was adhered to when undertaking recruitment in 2016. By that time, it failed to introduce appropriate measures that would ensure that the configuration of the judges in the Supreme Court adhered to the constitutional imperatives.
 8. The appointment of the 4th respondent to the Supreme Court was not unconstitutional. The 4th respondent was appointed in accordance with the procedure set out in the Judicial Service Act and the First Schedule thereto, as well as the aspirations contained in section 10 of the Public Service (Values and Principles) Act, 2015.
 9. The 1st respondent was an independent commission created under article 248 of the Constitution. As independent commissions, they were not subject to the direction or control of any other person or authority. The structures within which each of those commissions operated was set out in statute, and nothing in those laws or in the Constitution suggested that the 3rd respondent could give binding advice to the 1st respondent. The 3rd respondent's advisory opinion was not binding on the 1st respondent.
 10. In 2016, the 1st respondent was required to take progressive steps to ensure that the two-thirds gender principle be attained in accordance with the decision of the Supreme Court Advisory Opinion No 2 of 2012.

3.3.2 Constitutionality of Mandatory Minimum Sentences in the Sexual Offences Act Joshua Gichuki Mwangi v Republic

Criminal Appeal No 84 Of 2015, [2022] eKLR, October 7, 2022

Brief Facts

Joshua Gichuki Mwangi was arraigned before the SPM Court at Karatina in 2011 and charged with the offence of defilement. He was found guilty and sentenced to 20 years imprisonment. Being aggrieved by the conviction and sentence, he appealed to the High Court at Nyeri where the High Court upheld both the

conviction and sentence.

He was dissatisfied with the judgment of the High Court and lodged an appeal to the Court of Appeal. One of his arguments was that the mandatory nature of the sentence provided for in section 8(3) of the Sexual Offences Act deprived the courts of their legitimate jurisdiction to exercise their judicial discretion in sentencing. The appellant cited the cases of Christopher Ochieng vs R (2018) eKLR, Jared Koita Njiri vs R (2019) eKLR, and Evans Wanyonyi vs R (2019) eKLR where in each instance, the Court of Appeal had interfered with the mandatory sentences imposed on the basis that the mandatory nature of the sentences was unconstitutional. He suggested that his 20-year jail term be substituted with a 10-year sentence which he had already served since being placed in custody.

Issue

Whether the appellant's mandatory 20-year sentence meted out against him by the trial court and affirmed by the High Court was excessive and unconstitutional.

Holding

- (i) The ratio decidendi in Francis Karioko Muruatetu & Another vs R (2017) eKLR (Muruatetu 1) relating to the unconstitutionality of mandatory sentences applied to the mandatory nature of sentences provided for in the Sexual Offences Act.
- (ii) The mandatory minimum sentences provided for in the Sexual Offences Act were unconstitutional.
- (iii) The imposition of mandatory sentences by the Legislature conflicted with the principle of separation of powers in view of the fact that the Legislature could not arrogate itself the power to determine what constituted appropriate sentences for specific cases as it did not adjudicate those particular cases and hence it did not appreciate the intricacies faced by judges in their mandate to dispense justice.
- (iv) The circumstances and facts of cases are diverse. Charging them under a particular provision of the law did not homogenize them and justify a general sentence.
- (v) Sentencing was a judicial function. It was impermissible for the Legislature to eliminate judicial discretion and seek to compel judges to mete out sentences that may, in some instances be grossly disproportionate to what would otherwise be an appropriate sentence.
- (vi) Elimination of judicial discretion in sentencing went against the independence of the judiciary.

Appeal allowed. The 20-year sentence set aside and substituted with a 15-year sentence to run from the date the trial court imposed the sentence.

3.3.3 Man loses claim for Damages against a Hospital after his Wife and Child left the Hospital with another man upon being Discharged.

Sylvanus Manuel Walutsachi v St. Mary's Hospital Civil Appeal No 50 Of 2021, [2022] eKLR, September 23, 2022

Brief Facts

This was a second appeal from the judgment of the trial court in Butere PMCC No 52 of 2018 where the appellant had sought damages against the respondent for releasing his wife to another person after she

delivered a child. The appellant had argued in the trial court that he suffered from ulcers and was unable to concentrate on his business as a result of the respondents' said action and wanted to be compensated for the loss suffered.

The genesis of the dispute was that on October 19, 2017, the appellant took his wife, Mwanaisha Nanzala Mblinjiro who was in labor to the respondent hospital. On October 21, 2017, the respondent discharged the appellant's wife and handed her over to a Mr Echesa whom the appellant considered a stranger. The day before her discharge, the appellant's wife, aged 21 years, had informed the appellant that she had not yet been discharged. To the chagrin of the appellant, the respondent, based on the declaration of the appellant's wife, issued a notification of birth that indicated that Mr Echesa was the father of the boy child that had been delivered. The appellant blamed the respondent for the loss of his wife and hence sought for compensation in damages.

The respondent argued before the trial court that only patients who were minors or of unsound mind were released to guardians upon discharge. It denied any wrongdoing submitting that patients who were adults of sound mind did not have to be released to a guardian or next of kin and that the appellant's wife fell within that category. The trial court dismissed the case holding that it had no merit and was a waste of judicial time. In the first appeal before the High Court, the issue was whether the trial court erred in finding that the appellant's claim in damages was unmerited. The appellate court agreed with the trial court's decision and dismissed the appeal on May 8, 2020. The appellant then preferred this appeal raising ten grounds.

Issues

- (i) Whether the respondent had a duty of care to 'detain' the appellant's wife and her child until the appellant went for her.
- (ii) Whether the High Court erred by failing to 'protect' the appellant and subjecting him to the loss of the minor and the patient.
- (iii) Whether the High Court failed to analyze the factual and legal issues that were canvassed before it.

Holding

- (i) As an adult, the appellant's wife was a free moral agent in a free country and could make any decision on who to associate with, whether to leave the hospital or not, and to be discharged from the hospital in the company of whomever she pleased.
- (ii) The Court, though not without some sympathy for the appellant as a deceived man, had no remedy for him in law. The choice of a woman to stay with a particular man, or of a man to stay or not to stay with a particular woman had no resolution in law.
- (iii) Even though the emotional anguish that the appellant had to endure by reason of the events in this case evoked sympathy, courts of law did not deal in that currency.
- (iv) It was not possible to hold the respondent liable for any loss that the appellant felt that he had suffered.

Appeal dismissed with no orders as to costs.

3.3.4 COVID-19 was a Force Majeure that could lead to the Frustration of a Contract

Jomo Kenyatta University of Agriculture and Technology v Kwanza Estates Ltd Civil Appeal No 64 Of 2022, [2023] KECA 700 (KLR), June 16, 2023

Brief Facts

This was an appeal from the Environment and Land Court at Nakuru in which the appellant had sued the respondent claiming that the respondent was unjustifiably and unlawfully intending to auction its movable property. The appellant also complained that the respondent was preventing it from leaving the property known as Kwanza House Building Block 9/90 even though the lease between them had been frustrated.

The appellant had entered into a lease agreement with the respondent for a term of 6 years running from May 1, 2016 to April 30, 2022. A term of the agreement provided that rent was to increase annually starting at Kshs 45,543,000 for the period between May 1, 2016 and April 30, 2017; and ending with Kshs 58,125,689 for the period between May 1, 2021 and April 30, 2022.

At the ELC, the appellant sought a declaration that the lease agreement had been rendered commercially impossible/frustrated due to a change in circumstances and/or by operation of the law, thereby discharging both parties from their lease obligations.

Issues

- (i) Whether the learned judge erred in finding that the lease agreement did not contain a break clause.
- (ii) Whether the learned judge erred in finding that the lease agreement had not been frustrated by operation of the law and circumstances beyond control.

Holding

- (i) A break clause in a tenancy agreement allows a party to terminate the contract before the end of its term. The lease agreement herein was for a fixed term of 6 years. The inclusion of the clause 'or sooner determination' in the contract made it apparent that parties agreed to give themselves an exit window out of the agreed terms before the expiry of the lease term.
- (ii) The appellant was aware of the change in law and policy in place and even the implementation of the directive prior to signing the lease agreement. Its Nakuru CBD campus was maintained without a hitch until the year 2020 when it ran out of funds following the closure of universities by government directive due to Covid-19 pandemic. The pandemic was a force majeure that caused the appellant undue difficulty in continuing with the lease agreement in accordance with its purpose and making the agreed payments.
- (iii) To require the performance of the lease agreement in the face of unforeseen and unavoidable circumstances not caused by any act and/or omission on the part of the appellant was absurd, unfair, and unjust.
- (iv) The trial court fell in error in condemning the appellant to make rental payments for the entire

duration of the lease when it was no longer benefitting from the premises due to forces beyond its control.

● Appeal allowed.

3.4 HIGH COURT

3.4.1 Small Claims Court does not have Jurisdiction to Hear or Determine Disputes related to Rent or Rental Arrears.

Lisa Kristine Christoffersen v Kavneet Kaur Sehmi t/a The Random Shop, Civil Appeal No. E036 of 2022, Commercial and Tax Division of the High Court, October 2022

Brief Facts

The Appeal is from The Judgement of a Small Claim Court that dismissed the appellant's claim of Kshs 100,000.00 against the respondent on account of outstanding rent. The adjudicator stated that the appellant had failed to prove that there was a contract for rental services between her and the respondent as the correspondence did not prove the case.

Issues

- i. Whether the Appellate court can relook at the issue of Jurisdiction.
- ii. Whether the Small Claims Court has Jurisdiction to handle dispute relating to rent and rental areas.

Holding

- i. Jurisdiction is so fundamental that it can be raised at any time including on appeal as was held by the Court of Appeal in Kenya Ports Authority v Modern Holding (EA) Limited MSA CA Civil Appeal No 108 of 2016.
- ii. The issue of Jurisdiction can be raised at any time, in any manner, even for the first time on appeal, or even viva voce and indeed, even by the court itself provided that where the court raises it *suo motu* parties are to be accorded the opportunity to be heard.
- iii. The High Court has the jurisdiction to handle Appeals from the Small Claims Court
- iv. The claim for rent does not fall within the sphere of "money held and received" as the landlord in a claim for rent arrears does not hold any money that is due to a tenant. Nor does a claim for rent give rise to tortious liability or a claim for compensation for injuries.
- v. The claim of rental arrears does not fall within the jurisdiction of the Small Claims Court as provided for under Section 12 (1) of the Small Claims Court Act.
- vi. The claim for rent or rent arrears is outside the jurisdiction of the Small Claims Court and ought not to have been entertained.

3.4.2 Provisions of the Law of Succession Act on Intestate Succession were Unconstitutional for being Discriminatory Against Women & Girls.

Ripples International v Attorney General & another; FIDA (Interested Party), Constitutional Petition E017 of 2021, [2022] KEHC 13210 (KLR), High Court of Kenya at Meru, September 29, 2022

Brief Facts

The petitioner contended that various provisions to wit sections 32, 33, 35(1), 36(1) and 39(a) and (b) of the Law of Succession Act (the Act) had brought inequalities based on gender and violated the rights of

women, girls and vulnerable members of the society, preventing them from enjoying the fruits borne by the progressive Constitution of Kenya. The petitioner challenged the constitutionality of sections 32, 35(1)(b), 36(1)(b) and 39(1)(a) and (b) of the Act. The petitioner further contended that the exceptions created by sections 32 and 33 of the Act were problematic since they denied the people of Kenya, especially women and the girl child of Kenya the right to property, food, shelter and the much-needed gender equality and even equal protection from adverse customary practices. Section 39 of the Act was discriminatory against women, in that it gave exclusive rights, in intestacy to a father of a deceased girl who left no surviving spouse or children to inherit all the property of the deceased.

Issues

- i. Whether sections 35(1)(b), 36(1)(b) and 39(1)(a) and (b) of the Law of Succession Act were restrictive of the women and female child's right to inherit in equal measure as their male counterparts and thus unconstitutional.
- ii. Whether the High Court could compel the Attorney General to ensure that legislation had been enacted.

Holding

- i. Article 27 of the Constitution provided for equality and freedom from discrimination. Article 45 of the Constitution provided for equal rights to the parties to a marriage. A petitioner in a constitutional petition was required to not only cite the provisions of the Constitution which had been violated, but the manner in which they had been violated.
- ii. The text of sections 35(1)(b), 36(1)(b) and 39(1)(a) and (b) of the Act were restrictive of the women and female child's right to inherit in equal measure and circumstances as the men and male child. Sections 35(1)(b) and 36(1)(b) restricted a widow's life interest in the property of her deceased spouse when she remarried unlike the widower who remarried. Section 39(1)(a) and (b) gave priority to the father ahead of mother over the property of a child who died intestate, unmarried and childless. Article 27(4) of the Constitution prohibited discrimination on the grounds of sex and marital status among other grounds.
- iii. The differential treatment of the female as against their male counterparts was indefensible, and the Act which predated the Constitution, had no explanation for the latent discrimination and restriction. Article 45(3) of the Constitution recognized the equality of men and women in marriage set up.
- iv. The power to make laws including amendment lay with Parliament under Article 109(1) of the Constitution.

3.4.3 Legislation should be Developed to Guide the Expungement of Criminal Records.

Ibrahim Kingori Njoki v DCI and Others, Constitution and Human Rights Petition No 05 of 2020, Constitutional and Human Rights Division at Milimani, May, 2023

Brief Facts

The petition was to compel the respondent, to expunge the past criminal records and issue clearance certificate to the petitioner having been convicted with the offence of creating disturbance. The Petitioner averred that he was in possession of two (2) police clearance certificates dated 19th March 2019

and 9th December 2019 respectively. Both certificates refer to a previous conviction for the offence of creating disturbance. Petitioner questioned the repeated appearance of this conviction in his clearance certificates, twenty (20) years after the occurrence.

Issues

- i. Whether it is fair to maintain the alleged twenty-year period as provided for under the Data Protection Act for conviction whose maximum sentence is six (6) months as the petitioner's.
- ii. Whether the discretion applies to both misdemeanour and felonies

Holding

- i. That there is no legal provision or basis for the expungement of criminal records in Kenya within the key criminal statutes in Kenya namely; The Penal Code Cap 63, the Criminal Procedure Code, Cap 75 and the National Police Service Act No 11A.
- ii. That there is a need for the Legislature to enact provisions to address the lacuna in the law relating to expungement of criminal records in the interest of justice.
- iii. That there be a distinction between misdemeanours and felonies as related to the period the criminal records should be kept

3.4.4 Law requiring Candidates vying for the Position of County Governor to have an Academic Degree declared Unconstitutional.

Buoga v Attorney General & Another, Constitutional and Human Rights Petition E290 of 2022, Constitutional and Human Rights Division, September 30, 2022

Brief Facts

The Petitioner's contention was that the qualifications set by the Constitution must be reflected by the Elections Act and that the impugned section ought not to be applied by the IEBC as it stifles the peoples' political rights, freedom of expression and is discriminatory. The Petitioner referred to the dispute in IEBC's Dispute Resolution Committee referenced as IEBC/DRC/CRG/56/2022 where the issue was the eligibility of a Gubernatorial candidate one Wavinya Ndeti where it was contended that she was ineligible since as she did not possess a genuine degree from a recognized university. The Petitioner further contended that there is no provision in the Constitution that candidates vying for election of County Governor must have an academic degree. The Petitioner submitted that by invoking the impugned section to oust persons aspiring to stand for the position of Governors and who have no degree qualifications, the IEBC was in contravention of Articles 2(2), 24(1), 27, 33 and 38(2) of the Constitution.

Issues

- i. Whether this Court has jurisdiction over the dispute and if so, whether the Petition meets the precision requirement;
 - a. "First, is the contention that the instant Petition ought to have been lodged before Parliament instead of this Court pursuant to Article 119 of the Constitution. It was, therefore, claimed that the Petition was caught up by the exhaustion doctrine.
 - b. Second, it was contended that since Section 22 of the Elections Act derives its mandate from

Articles 180(2) and 193(1)(b) of the Constitution (a normative derivative), then the statutory provision is part of the Constitution and as such it cannot be challenged courtesy of Article 2(3) of the Constitution”.

- ii. The constitutionality of section 22(2) of the Election Act
 - a. Firstly, the Petitioner contended that the impugned section makes an additional academic requirement upon persons seeking to contest the seat of County Governor over and above the qualifications set by the Constitution in Article 180(2).
 - b. Secondly, the Petitioner challenged the constitutionality of the impugned section on the basis that, since the Court in *County Assembly Forum & 6 Others vs Attorney General & 2 Others* (2021) eKLR declared Section 22(1)(b)(ii) of the Elections Act unconstitutional for failure to conduct public participation, it then follows that the Section 22(2) is equally unconstitutional.

Holding

- i. The power of Parliament under Article 119 of the Constitution to enact, amend or repeal any legislation is not in any way curtailed by the High Court’s exercise of its jurisdiction under Article 165(3) of the Constitution
- ii. Courts have the duty to ensure that Parliament inter alia keeps within the constitutional borders while discharging its mandate.
- iii. Section 22(2) of the Elections Act, No. 24 of 2011 contravenes Article 180(2) of the Constitution by creating an avenue for differentiation between the eligibility requirements between Members of County Assembly and County Governors, hence, unconstitutional.

3.4.5 University to pay a Student for Publishing his Photo without his Consent.

Wanjiru v Machakos University, Constitutional and Human Rights Petition E021 of 2021, High Court of Kenya at Machakos, August, 2022

Brief Facts

The dispute involves the infringement of the petitioner’s image rights, right to privacy and breach of human dignity. The Petitioner discovered a picture on the 10th April 2021, depicting her, being used by the Respondent in advertising and marketing computer packages courses. The photograph depicting the petitioner was taken by an unauthorized servant, agent and/or employee of the Respondent without her knowledge or consent. The main motive of using the photograph was to give the said course visibility which would in turn yield more profits in terms of the many applicants who were being targeted for the said course, the Petitioner avers.

Issues

- i. Whether the use of the Petitioner’s photograph without her consent amounted to infringement of her right to human dignity and privacy,
- ii. Whether public interest outweighs an individual’s right to privacy in image rights,
- iii. Whether the Respondent’s offensive publication and/or advertisement using the Petitioner’s images

for their future use violates the petitioner's data rights,

- iv. Whether the Petitioner is entitled to general damages for the violation of her image rights and data rights by the Respondent and lastly is the issue of costs.

Holding

- i. That a person's image constitutes one of the chief attributes of his or her personality, as it reveals the person's unique characteristics and distinguishes the person from his or her peers.
- ii. That the right to the protection of one's image is thus one of the essential components of personal development.
- iii. That the individual's right to control the use of that image, includes the right to refuse publication

3.5 ENVIRONMENT AND LAND COURT

3.5.1 Procedure to be followed when converting Trust Land into a National Reserve

Kitelo & 2 others v County Government of Bungoma & another (Environment & Land Case 10 of 2020) [2022] KEELC 4901 (KLR), September 26, 2022.

Brief Facts

The plaintiffs moved to the court and described themselves as suing as representatives of the Ogiek/Ndorobo Community of Mt Elgon (the Community). They impleaded the County Government of Bungoma and the Attorney General (the 1st and 2nd defendants respectively) seeking various remedies with regard to the conversion of trust land which they occupied and which they alleged was converted into Chepkitale National Reserve without following the procedure set out in the law.

It was the plaintiffs' case that vide a Gazette Notice dated June 6, 2000, the 2nd defendant on the instructions of the 1st defendant through Legal Notice No. 88 of 2000 converted their ancestral land to a national wildlife reserve to wit Chepkitale National Reserve without having it set apart as provided in section 117 of the repealed Constitution as read with section 13(1) of the Trust Land Act.

Accordingly, the plaintiffs argued that the order issued on June 6, 2000 was of no legal effect. The plaintiffs also claimed that there was failure on the part of the defendants to comply with the Environmental Management and Co-ordination Act since no report was submitted to the National Environment Management Authority. The plaintiffs therefore sought among others a declaration that the conversion was unlawful and without any legal effect

Issues

- i. Whether the Environment and Land Court had jurisdiction to determine a dispute on the conversion of trust land into a national reserve where the conversion was prior to the promulgation of the Constitution of Kenya, 2010.
- ii. What were the factors to consider in determining whether the law was followed in the conversion of trust land into a national reserve?
- iii. Under what circumstances was an environmental impact assessment report required in the conversion of trust land into a national reserve?

Holding

- i. The suit was first filed at the High Court in Kitale on December 17, 2008, some 4 years before the commencement of the National Land Commission Act on May 2, 2012. The declaratory orders sought by the plaintiffs in the suit did not fall within the functions of the National Land Commission as set out in section 5 of the Act. The remedies sought by the plaintiffs fell within the jurisdiction of the court as set out in section 13(2) of the Environment and Land Court Act as well as section 150 of the Land Act. There was no provision in the National Land Commission Act 2012, and none had been pointed out by the defendants, that ousted the jurisdiction of the court to determine the issues raised.
- ii. The conversion of the land in dispute from trust land to a national reserve was done through the

Legal Notice No 88 dated June 6, 2000. That was during the regime of the repealed Constitution. The relevant law which was enacted under sections 114(2), 115(1) and (2), and 117(1), (3) and (4) of the repealed Constitution was the repealed Trust Lands Act Cap 288 Laws of Kenya. The competent authority was the Mt Elgon County Council and since the land in dispute was previously trust land, it was mandatory that the relevant constitutional and other legal provisions cited were adhered to before any such authority could be given.

- iii. Mt Elgon County Council did not comply with the Constitution and other relevant laws in converting the land in dispute from trust land to a national reserve. If it had done so, nothing would have been easier than availing those notices and other documentary evidence during the trial. The plaintiffs discharged the burden cast on them when they testified that in fact there was no compliance with the law and the evidential burden shifted to the defendants to prove the contrary because it was never easy to prove the negative. However, the defendants elected not to call any witnesses to rebut the plaintiffs' testimony.
- iv. There was nothing to suggest that the Second Schedule to the Environmental Management and Co-ordination Act was applicable since there was no urban development being proposed in the national reserve as per paragraph 2(d). However, in so far as what was being proposed was the establishment of protected areas, buffer zones and wilderness areas as provided for under paragraph 13(a) of the Second Schedule, then an environmental impact assessment report (EIA) was necessary. There was no evidence that such a report was carried out. The purpose of an EIA report was to assess the likely significant impact of a proposed project on the environment and in preparing such a report, account had to be taken of the status of the environment in which the proposed project was being undertaken.

3.5.2 The Process for Alienating Land that had been Reserved for Public Use

Muthaiga North Residents Association v Nyari House Limited; National Land Commission & another (Interested Parties) (Environment & Land Petition 115 of 2015) [2022] KEELC 2578 (KLR), July 12, 2022

Brief Facts

The petitioner's case was that the suit premises was public land and was not available for re-allocation and or appropriation for private use. Further, that the suit premises was a wetland. It was stated that the circumstances under which the suit premises became public land were that one of the residential courts in Muthaiga North Estate was initially owned by the respondent who then caused the subdivision of the land into residential plots. The plots were disposed of by way of sale to 3rd party purchasers who built their homes on their respective plots.

One of the conditions for the sub-division undertaken by the respondent was that it was to provide and apportion a part of the land for public amenities and use. That was done by way of surrender of the designated portion of land to the Government. The petitioner averred that the respondent indeed surrendered the suit premises and upon surrender, it was the petitioner's position that, that parcel of land then became public land. The petitioner's complaint was that the respondent had unlawfully re-acquired the suit premises purportedly by way of an allocation from the Commissioner of Lands.

The petitioner sought for among others a declaration that the suit premises was public land for purposes of Article 162 of the Constitution of Kenya, 2010 (Constitution) and an order of mandamus directing the 1st interested party, the National Land Commission (NLC) to cancel the grant registered.

Issues

- i. What was the nature of locus standi in environmental matters?
- ii. Whether public land reserved for public utility was available for further alienation?
- iii. Whether the Commissioner of Lands had the authority to alienate unalienated Government Land.
- iv. What was the nature of wetlands?
- v. What was the process to be followed by the National Environmental Management Authority before issuing licences?

Holding

- i. Locus standi was the right to bring an action before a court of law or another adjudicatory forum. The landscape of locus standi had been fundamentally transformed by the enactment of the Constitution by the people themselves. The hitherto stringent locus standi requirements of consent of the Attorney General or demonstration of some specific interest by a private citizen seeking to enforce a public right had been buried in the annals of history. By dint of Articles 22 and 258 of the Constitution, any person could institute proceedings under the Bill of Rights, on behalf of another person who could not act in their own name, or as a member of, or in the interest of a group or class of persons, or in the public interest.
- ii. In enforcement of environmental rights in Kenya, Article 70 of the Constitution was emphatic that an applicant did not have to demonstrate that he/she or any other person had incurred loss or suffered injury. Any person could institute proceedings under Article 70. The petitioner had the locus standi to institute the petition whether on its own behalf or on behalf of its members. In fact, any other person who was not even a member or resident of Muthaiga North Estate could as well have filed the petition. The petitioner was not a busy body.
- iii. From the evidence before the court, the suit premises was surrendered to the Government on November 2, 2006. The law governing Government land in the year 2006 was the repealed Government Land Act (GLA). The respondent made the application for allocation of the suit premises in the year 2010. Public land was held in trust for the people of Kenya. Land reserved for public utility was not available for further alienation.
- iv. The respondent was allocated the suit premises by the Commissioner of Lands. Section 3 of the GLA reserved the right to allocate un-alienated Government land to the President of the Republic of Kenya. So even presuming that the suit premises was un-alienated Government land, it was only the President who could alienate it. The power of the President under section 3 was delegated to the Commissioner of Lands in cases, only for religious, charitable, education or sports purposes.
- v. The Commissioner of Lands had no authority to alienate the suit premises to the respondent. The allocation of the suit premises to the respondent was therefore not only irregular but unlawful as well. Sanctity of title was never intended or understood to be a vehicle for fraud and illegalities or an avenue for unjust enrichment at public expense. The court would not hesitate to cancel the respondent's title and revoke the grant issued thereof. The law, section 26 of the Land Registration Act was clear that a title obtained by illegal/irregular means could be cancelled. That would be so in the instant case.

- vi. The Land Use and Physical Planning Act made provisions for open spaces in land planning. Kenyans should take pride in having open green spaces within the estates. An open space was not a waste land. The avarice for public land and open spaces in Kenya had to come to end.
- vii. Under the Environment Management and Co-ordination Act (EMCA) and the Regulations made thereunder, wetlands meant areas permanently or seasonally flooded by water where plants and animals had become adapted; and included swamps, areas of marsh, peat land, mountain bogs, bank of rivers, vegetation, areas of impeded drainage or brackish, salt or alkaline; including areas of marine water the depth of which at low tide did not exceed 6 meters. It also incorporated riparian and coastal zones adjacent to the wetlands.
- viii. The Ramsar Convention on Wetlands to which Kenya was a state party defined wetlands as areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that was static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide did not exceed six metres. Article 4 of the Convention enjoined each state party (contracting party) to promote the conservation of wetlands and waterfowl by establishing nature reserves on wetlands, whether they were included in the list of wetlands of international importance or not, and provided adequately for their wardening.
- ix. The Nairobi County Director of the 2nd interested party; the National Environmental Management Authority (NEMA) merely told the court that they had identified the suit premises as a wetland. They had not taken any other action to preserve the same not even pegging to demarcate the boundaries of the wetland. NEMA as one of the concerned authorities had to be pro-active in executing the mandate under the EMCA and the Ramsar Convention to protect wetlands. NEMA should never lose sight of the fact that it was bound by the public trust doctrine to preserve those environmental resources on behalf of the people of Kenya.
- x. The evidence adduced by the petitioner and the 2nd defendant was not sufficient to enable the court make a conclusive finding that the suit premises was a wetland. The petitioner's prayer for an order restraining NEMA from issuing a licence to the respondent to proceed with the proposed project and further from undertaking any process including public hearings and meetings relating thereto was too presumptive.
- xi. NEMA was empowered under statute to issue the kind of licence sought by the respondent. Before issuing the licence, NEMA was obligated to conduct public hearings and consult all stakeholders or otherwise undertake the process referred to as public participation. Public participation was entrenched in the Constitution. It was indeed one of the national values and principles of governance under Article 10 of the Constitution.
- xii. NEMA had a duty to hold public hearings before making a decision whether to issue the licence or not. NEMA was in the process of conducting public hearings and had not made a decision or given any indication that it was about to issue a licence to the respondent. That was why the prayer by the petitioner was presumptive. The court would therefore not issue the order sought against NEMA.
- xiii. [Obiter] There seems, however to be a glaring legal lacuna in the protection of wetlands in Kenya, especially so, the ungazetted wetlands within public land. Exactly whose mandate is it to protect those wetlands since public land is vested in County Governments and the National Government? The laws need to be harmonized to facilitate their seamless enforcement in order to conserve the endangered wetlands and other environmental resources in Kenya.

3.5.3 Whether Moratorium on Logging Could be Lifted Without Public Participation

Chega (Suing on their Own Behalf and as the Registered Official of Active Environment Team) v Kenya Forest Service & another; Kiambu Sawmillers & 10 others (Interested Parties) (Constitutional Petition E053 of 2021) [2022] KEELC 13738 (KLR), October 21, 2022

Brief Facts

The Kenya Forest Service and the Kenya Forest Board (1st and 2nd respondents) issued public notices that invited eligible forest industry investors to bid for the sale of forest materials. The petitioner contended that the notices were in violation of the law as new projects, according to Regulation 4 of EMCA and the Environmental (Impact Assessment and Audit) Regulation, 2003, had to be subjected to an environmental impact assessment (EIA). The petitioner also contended that the notices and actions of the 1st and 2nd respondent were not subjected to public participation and were a violation of the petitioner's right to a clean and healthy environment.

Issues

- i. Whether the Public Procurement Administrative Review Board had the jurisdiction to handle disputes on the invitation to tender to bid for forest plantation materials.
- ii. Whether the decision by the Kenya Forest Service and the Kenya Forest Board to lift the logging moratorium of 2018 was subjected to public participation.
- iii. Whether the decision by the Kenya Forest Service and the Kenya Forest Board to lift the logging moratorium of 2018 violated the petitioner's right to a clean and healthy environment.
- iv. Whether the decision by the Kenya Forest Service and the Kenya Forest Board to lift the logging moratorium of 2018 was subjected to an environmental impact assessment.

Holding

- i. Article 162(2)(b) of the Constitution and section 13 of the Environment and Land Court Act vested the Environment and Land Court (ELC) with jurisdiction over disputes relating to the environment and the use and occupation of and title to land. While the court's jurisprudential policy was to encourage parties to exhaust and honour alternative forums of dispute resolution where they were provided for by statute, the exhaustion doctrine was only applicable where the alternative forum was accessible, affordable, timely and effective.
- ii. The gravamen of the petition related to the extension of the moratorium on logging activities in public and community forests and the alleged violations of the provisions of the Constitution and the Forest Conservation and Management Act. The Public Procurement Administrative Review Board (the Board) had no jurisdiction to enforce those provisions. The Board was not a suitable forum for the purpose of settling environmental disputes as disclosed in the instant petition. The ELC had powers to hear and determine applications for redress of a denial, violation or infringement of, or threat to, rights or fundamental freedom relating to a clean and healthy environment under articles 42, 69 and 70 of the Constitution. Only the ELC was clothed with the jurisdiction to hear and determine the issues that were raised in the instant petition.
- iii. Section 58(1) and (2) of the Environmental Management and Coordination Act, the second schedule to

the Environmental Management and Coordination Act (EMCA) and regulation 17 of the Environmental (Impact Assessment and Audit) Regulations, 2003 (EMCA Regulations) all provided that the activities of timber harvesting in plantation forest required the undertaking of an Environmental Impact Assessment (EIA) prior to its commencement. The position that no fresh EIA was to be undertaken prior to the harvesting of forest materials since there already existed one that had been done was not palatable. Assuming an EIA had been conducted, an EIA licence once issued was only valid for 24 months prior to the commencement of the proposed project. No EIA was conducted prior to the commencement of the tenders for sale of the forest material. An EIA ought to have been conducted prior to the commencement of the impugned tenders.

- iv. The principle of public participation is not new and did not come with the promulgation of the Constitution. It was always recognized as an element of the common law doctrine of natural justice. The Constitution and statute law had imposed the obligation of public participation in most spheres of governance. It would be contrary to the Constitution to be denied public participation. The respondents ought to take on board the views and values on environmental management held by communities likely to be affected by decisions affecting environmental resources that were close to them or in which they live such as decisions on forest issues.
- v. A notice calling for public participation for persons affected by the 2018 Moratorium on logging in public and community forest issued on the November 30, 2021 in Standard Newspaper appeared in the press on the same day when the invitation to tender was published. That contention did not justify that public participation had been undertaken prior to the invitation for the bidders. The respondents contravened the Constitution and various statute laws for want of public participation prior to invitation of the impugned tenders.
- vi. The Constitution embodied elaborate provisions with considerable implications for sustainable development. Article 42 of the Constitution provided that every person had the right to a clean and healthy environment. That right included the right to have the environment protected for the benefit of present and future generations through legislative and other measures.
- vii. Article 69 of the Constitution imposes obligations on the State in respect of the environment. Among other obligations imposed on the State include the duty to ensure sustainable exploitation, utilization, management and conservation of the environment and natural resources. The State was also obligated to ensure equitable sharing of the accruing benefits. It was also required to encourage public participation in the management, protection and conservation of the environment. Courts have a solemn duty to enforce the right to a clean and healthy environment.
- viii. The impugned tenders could not be undertaken unless an Environmental Impact Assessment had been concluded and approved in accordance with the provisions of Environmental Management and Coordination Act No 9 of 1999 (EMCA) and the Regulations made thereunder. There was uncontroverted evidence that the same was to commence without the undertaking of an environmental impact assessment.
- ix. Although EMCA predated the Constitution, EMCA gave effect to the constitutional provisions in respect to environmental rights. Section 3 of EMCA directed that the High Court was to be guided by the principles of sustainable development. The principle of sustainable development had both substantive and procedural elements. From the substantive perspective one way of ensuring that

development decisions did not disregard environmental considerations was for the legislature to provide for EIA for all development projects.

- x. An EIA was a systematic examination conducted to determine whether or not a programme, activity or project would have any adverse impacts on the environment. Considering the lack of public participation in commencement of the impugned tender, the petitioner's rights to a clean and healthy environment was under threat and at risk of being violated.

3.6 EMPLOYMENT AND LABOUR RELATIONS COURT

2.6.1 Breach of COVID-19 Safety Protocols by Employees amounted to Gross Misconduct

Langat v Uniliver Tea Kenya Limited, (Cause No. E004 of 2021)[2022] KEELRC 1238 (KLR) July 21, 2022

Brief Facts

The claimant was an employee of the defendant as a field manager. He had been instructed and directed by his supervisor to self-isolate for 14 days at home and awaiting sample collection on allegation that he was a primary contact with a person who had tested positive for COVID-19. He tested positive within the said period that he was to be in isolation. Upon contact tracing it was discovered that he had visited another employee and attended a virtual meeting contrary to the directive issued by his supervisor. The claimant, after receiving a warning, was dismissed from service for breaching COVID-19 safety protocols that had been put in place by the respondent and the Government of Kenya.

The claim was for discrimination by dismissal for health status contrary to the provision of Article 27 of the constitution.

Issues

Whether the claimant was discriminated by dismissal for health status by breach of the COVID-19 guidelines.

Holding

1. The Court held that the respondent had put in place guidelines and preventive measures on COVID-19 and communicated to all its staff including the claimant.
2. That the guidelines required in mandatory terms that an employee must self-isolate and monitor his health for 10 days if he comes into contact with anyone who has tested positive for COVID-19 or lives with a person who exhibits COVID-19 symptoms.
3. That the employer was entitled to dismiss the claimant for defying the lawful instructions given to him by his line manager and the Guidelines emailed to all staff which directed every employee to self-isolate for 10 days if they come into contact with a person who has tested positive for COVID-19.
4. The guidelines by the employer were meant to prevent the spreading of a deadly disease which was very contagious and threatened the overall business of the company.

Claim dismissed

2.6.2 The Role of Cabinet Secretaries in the Appointment of Chief Executive Officers of State Corporations

Okoti v The Board, Export Processing Zones Authority & 3 others; Otieno (Interested Party), (Petition E133 of 2021), [2022] KEELRC 3771 (KLR), July 29, 2022

Brief Facts

The tenure of the last substantive Chief Executive Officer (CEO) of the Export Processing Zones Authority ended. There had been no substantive CEO appointed since. The Cabinet Secretary under whose docket the Authority resided had been tinkering with the Authority for about 4 years by seconding various officers from her ministry to act as the CEO. The 4th respondent was appointed as CEO in an acting capacity, in that manner. The board of the Authority undertook a recruitment exercise for the CEO position and recommended the appointment of the interested party. The Cabinet Secretary faulted the recruitment exercise and stated that at the time the interview was conducted, she had constituted an audit team which unearthed irregularities in the exercise. The Cabinet Secretary claimed that the Board usurped and subjugated her role in appointment of the CEO and declined the recommendation of the Board and extended the term of the 4th respondent. The petitioner moved to court and sought among others a declaration that the extension of the tenure of the 4th respondent's service as the acting CEO of the Authority was invalid; a declaration that the Cabinet Secretary could not overrule the Board on appointment of the CEO; and an order compelling the Cabinet Secretary to appoint the interested party as CEO of the Authority, in accordance with the recommendation of the Board.

Issues

- i) What was the role of cabinet secretaries in the appointment of chief executive officers of State corporations?
- ii) Whether a person could act as an acting chief executive officer in a state corporation for a period of over 30 days.

Holding

- i) The power to hire and fire the CEOs of State corporations, resided in the boards of State corporations, not with the Cabinet Secretary. The Cabinet Secretary should endorse the appointment of the interested party as the CEO of the Authority.
- ii) Section 34(3) of the Public Service Commission Act, placed minimum period in an acting capacity at 30 days and the ceiling at 6 months. Extension of the 4th respondent's acting role as the CEO was expressly in contravention of that law and therefore void ab initio.

Petition allowed

2.6.3 Public Prosecutors have a Right to Form their own Trade Union

Mugambi & 4 others v Registrar of Trade Unions, (Appeal E145 of 2021), [2022] KEELRC 4151 (KLR), September 29, 2022

Brief Facts

The appellants were Kenyan lawyers employed as public prosecutors by the Office of the Director of Public Prosecutions (ODPP). They resolved to register a trade union in the name Kenya National Union

of Public Prosecutors (KNUPP). They lodged their documents with the Registrar of Trade Unions who declined to register the trade union following advice from the National Labour Board. The Board's advice was as a result of an objection from the Secretary-General of the Central Organization of Trade Unions (COTU[K]) claiming that public prosecutors were their own managers/ leaders, in their respective stations and therefore their level of seniority did not justify them to have a trade union.

Issues

- i) Whether the refusal to register a trade union for public prosecutors amounted to a violation of their freedom of association, right to fair labour practices and the right to fair administrative action.
- ii) Whether it was necessary for a trade union's constitution to restate the guiding principles on who was management staff and who was unionisable staff.
- iii) What was the role of the Registrar of Trade Unions vis a vis the National Labour Board in the registration of trade unions?

Holding

- i) The appellants' constitutional rights and freedoms, under Article 36 on the freedom of association, Article 41 on labour relations and Article 47 of the Constitution of Kenya, 2010 on fair administrative action were abused. They were denied their rights and freedoms under section 4 of the Labour Relations Act. There was no reason why the appellants, who were professionals in the public service with an identifiable community of interests should be denied the right and freedom to associate.
- ii) The ODPP had an organogram. It had a management team, led by the Director of Public Prosecutions (DPP), Secretary Prosecution Services and other deputy directors in different directorates. It had an executive secretariat, manned by various managers. KNUPP did not propose to recruit the DPP, or any of his deputy. It did not propose to recruit any management staff. The law did not require that the constitution of a trade union goes into drawing the line between who was unionisable and who was in management.
- iii) The role of registration and regulation of trade unions vested with the respondent. She owned the decision to register or not to register. That was why proceedings on refusal to register were initiated in court against her, and not the National Labour Board. She was not an agent of the National Labour Board. She had to exercise her discretion judiciously as she did, when she advised the appellants to amend their constitution. The law did not intend that registration of trade unions was to be done by the National Labour Board.

Appeal allowed

2.6.4 Contractual Employees and Permanent Employees with similar Job Descriptions are Entitled to Equal Pay.

Omondi Justus Rang'ang'a & 28 others v KCB Bank Ltd and Another, (Cause No E618 of 2021)

Brief Facts

The claimants were former employees of the respondent Bank who had been engaged on contractual

terms and were not entitled to join the staff union. Permanent employees were entitled to better terms and conditions as had been negotiated through the staff union. They filed this matter seeking to secure employment terms and conditions that were not discriminatory compared to permanent employees. In a nutshell, the claim by the claimants was that there was discrimination in their pay as they were not entitled to equal pay for equal work.

Issues

- i) Whether the claimant's rights and fair labour practices were violated by the respondent;
- ii) Whether there was discrimination against the Claimant;
- iii) What were the remedies that the claimants was entitled to?

Holding

- i) On whether the claims made with regard to constitutional violations were proper and ought to have satisfied the threshold outlined in *Anarita Karimi Njeru v R* in employment and labour relations and claims filed in this court, the applicable rules of procedure were the Employment and Labour Relations Court) Rules, 2016 and under Rule 7(3), the claimant was allowed a leeway to file a memorandum of claim and seek the enforcement of any constitutional rights and freedoms or any constitutional provisions in such a statement.
- ii) Employment under fixed term contract is legitimate and lawful pursuant to section 10(3) of the Employment Act. However, an employer is not allowed to apply unfavourable employment terms and conditions on an employee where the basic minimum terms and conditions have been negotiated for unionisable cadre. The conduct of the Respondent to underpay the claimant for equal pay for work of equal value amounted to discrimination
- iii) The redress where the employer engages in unfair labour practices is the payment of damages. General damages were due to the claimant for loss and damages suffered for being placed under terms and conditions less favourable and contrary to the ones applicable to unionisable employees of the Respondent and contrary to provisions of section 26 of the Employment Act 2007 and

Judgment entered for the Claimant against the Respondents.

NOTABLE DECISIONS FROM THE SUBORDINATE COURTS

3.7 MAGISTRATES' COURTS

3.7.1 Burial Dispute between First and Second Wife under the Kikuyu Cultural Practice

Ann Njeri Mbote v Margaret Waithera Mbote, Chief Magistrate Court at Thika, Civil Suit No 16 of 2023 (February, 2023)

Brief Facts

This was an application relating to burial dispute of the late Christopher Mbote Chege, between the applicant (first wife) and respondent (second wife) for the right to bury her husband. The application was opposed by the respondent on the ground that that prior to his death he had directed where his final burial place would be. The court guided by the principle laid down in Article 159(2)(c) on alternative dispute resolution referred this case to mediation so as to preserve relations among family members and promote the smooth succession and administration of the estate of the deceased.

The Kikuyu Council of Elders, through their representative, attended the trial proceedings to shed light on the cultural practices relating to the final rites for a polygamous man in an attempt to broker a resolution between the parties and foster reconciliation.

Issues

Where the remains of a polygamous man should be buried when both wives lay claim to the right to bury him.

Holding

- i) On burial disputes the wishes of the deceased, though not binding, must so far as is possible, be given effect, as long those wishes are not contrary to custom or to the general law or policy.
- ii) The trial court has jurisdiction to examine the balance between the wishes of the deceased and the rights of both the defendant and the applicant in burying the deceased who is their husband.
- iii) The grave site to straddle across the existing hedge fence which is the boundary of the 2 homes to both parties (the applicant and defendant) in equal dimensions.
- iv) The place of burial shall be excised from the mother title and a separate title thereof shall be issued in the joint names of Margaret Waithera Mbote (respondent) and Ann Njeri Mbote (applicant) to hold in trust to themselves and all the children of the deceased.

3.8 KADHIS COURT

2.8.1 The effects of Re-marrying in relation to Custody Orders for the Best Interest of the Child

SAB v HMM

Kadhi's Court at Isiolo, Divorce Cause No 30 of 2018 (September, 2022)

Brief Facts

The applicant made an application for review of the orders of the Court on custody and control of minors under the custody of the respondent as she had remarried and the children's academic performance had been negatively affected.

Issues

- i) Whether there were grounds for the court to grant an order for review in the best interest of the child.

Holding

- i) The rules for review of orders and judgment under the Civil Procedure Rules do not strictly bind the Children's matters before Kadhis' courts.
- ii) The Kadhis' Courts Rules 2020, Order 162(1) gives the Kadhi's court lawful and wide discretion to make and vary orders in the best interest of the child.
- iii) The law presumes that the quality of maternal bond and care may reduce due to the mother's commitment to a new husband but the remarriage does not give the presumption mandatory effect.

3.9 TRIBUNALS

2.9.1 Sole Applicants for Nominee Slots under Political Parties ought to be duly Nominated

John Boiywo Kipchirchir v Returning Officer, Baringo Central & 2 Others, (PPDT E009 of 2022)

Brief Facts

When KANU invited applications from its Members' for nominations for several elective positions, the complainant submitted his name and it emerged that he was the sole applicant for consideration for the Baringo Central Parliamentary seat.

The complainant alleged that KANU erroneously submitted the name of the interested party to the IEBC in its final list of Parliamentary candidates of the General Elections slated for 9th August 2022. In effect, the interested party was listed as KANU's Baringo Central candidate in the final list of Parliamentary Nominees. The complainant was aggrieved and lodged an official complaint with the IEBC's Dispute Resolution Committee seeking for his clearance and recognition as the bona-fide nominee. The IEBC's Dispute Resolution Committee acknowledged the error and unanimously resolved to uphold his nomination.

However, the complainant's efforts to be cleared by the 1st respondent were unsuccessful as he was told that the submission of his nomination papers were considered late for reasons beyond his control. The

complainant then lodged a complaint, DRC 158 OF 2022-John Boiywo Kipchirchir-Vs-Returning Officer Baringo Central. In its ruling dated 15th June 2022, the IEBC's Dispute Resolution Committee ruled that it lacked jurisdiction to handle the dispute.

The claimant expressed the fear that due to the actions of the Returning Officer and IEBC, his political rights would be infringed and result in subversion of justice.

Issues

- i) Whether the Tribunal would consider an extension of time for the filing of this dispute.
- ii) Whether the Tribunal is clothed with Jurisdiction to determine the complaint.
- iii) Whether the complainant was the duly nominated candidate for KANU for the Baringo Central Parliamentary seat.
- iv) What are the resultant remedies.

Holding

- i) The Tribunal guided by the Regulation 8.1 and Regulation 8.2 on limitation of time was mindful that allowing disputes to be on a never-ending cycle will impede the purpose of the regulation which is to promote the principle that litigation needs to end. However, the Tribunal was equally mindful of exceptions to this regulation as such the Tribunal's powers under Regulation 37 empowers the Tribunal to extend time towards the ends of Justice. The Tribunal found it proper to exercise its discretion under the Regulations 35 and allow the filing of the dispute deeming it duly filed in compliance with the law.
- ii) In determining jurisdiction of the Tribunal, the Tribunal evaluated if the dispute falls within the provisions of Section 40 and if the claimant showed evidence of an attempt to have the dispute resolved through the political party's IDRM in accordance with the political party's constitution.
- iii) The Tribunal found that the evidence on record shows that the use of the IDRM was necessary however there was no dispute between the complainant and the party. Nevertheless when the dispute arose during the forwarding of names to the IEBC the complainant wrote to KANU's National Elections Board chair who in turn addressed the issue and made a finding that the complainant was the party's duly nominated candidate for the Baringo Central Parliamentary seat. Therefore, the Tribunal was rightly seized of jurisdiction in the matter.
- iv) The timelines by the IEBC, contrary to belief by the commission, was not cast in stone and as such certain amendments, variation and deletions ought to be considered where genuine errors and mistake occur during the registration of candidates. KANU had admitted its erroneous actions and attributed it to technology and strict deadlines and not malice on their part. The Interested Party was not fighting to benefit from this error. This error was not attributed to the complainant as a candidate.
- v) The Tribunal found that the complainant was duly nominated as KANU's nominee to vie for the Baringo Central Parliamentary Seat.
- vi) The Tribunal observed that the Disputes Resolution Committee of the IEBC's downing their tools in determining the matter was an act contrary to the concurrent jurisdiction enjoyed by the PPDT and the DRC. Both institutions ought to give a chance to a complementary relationship to ensure substantive justice is met.
- vii) The Tribunal issued an order that the IEBC Gazettes the complainant as the candidate of KANU for

the Baringo Central Parliamentary seat.

3.9.2 The Legality of a Political Party Entering into a Pre-Election Coalition Agreement and The Appointment of a Leader of The Political Party

Wambugu Nyamu & 2 Others, v Justin B. Muturi & 4 Others, (PPDT No. E010 of 2022)

Brief Facts

The complainants alleged that on 20th February 2022, a Special National Delegates Convention (SNDC) of the Democratic Party of Kenya was held where one of the resolutions passed was the appointment of the 1st respondent as Party Leader of the Democratic Party. It was also resolved that he would contest for presidency on the party's ticket and that the Party would not get into any form of pre-election coalition agreements before the August 2022 General Elections but would only consider a post-election agreement. Contrary to this, the 1st respondent had led the party into entering a pre-election coalition agreement with the Kenya Kwanza coalition.

The complainants challenged the legality of the coalition agreement between the Democratic Party and the Kenya Kwanza Coalition, and the appointment of the 1st respondent as Party Leader of the Democratic Party was null and void. They also asked the Tribunal to direct the Director of Criminal Investigations and Ethics and Anti-Corruption Commission investigate the source of undisclosed funds used to organize and host the Party's National Delegates Convention (NDC) of February 20th with the view to charging and prosecuting culprits thereof.

Issues

- i) Whether the PPDT had Jurisdiction to hear and determine the complaint;
- ii) Whether the Democratic Party (DP) coalition agreement with Kenya Kwanza was entered into in accordance with the party's constitution;
- iii) Whether the 1st Respondent was validly nominated and elected as the Party Leader of the Democratic Party;
- iv) Whether the donation of funds for the Special NDC held on 20th February 2022 was contrary to Section 28 of the Political Parties Act and the Constitution of the 2nd Interested Party; and
- v) What orders lend themselves for the PPDT to issue?

Holding

- i) The complainants were correct in arguing that all that is required of them before filing a dispute with the Tribunal is to adduce evidence of an attempt to subject the matter to Internal Political Party Dispute Resolution Mechanism (IDRM). The complainants had produced 3 letters addressed to the secretary General of the Party complaining of the issues presently before the PPDT. The Secretary General is the only person under the Party Constitution who was required to be notified and then he would take up the complaint from there. The letters produced by the complainants were sufficient demonstration of an attempt to internally resolve the issues raised.
- ii) It was clear that not only must a complainant attempt IDRM but then the IDRM organ within the party must be functional which is to say that it should be available, operative, without conflict of interests,

- not obstructive and not delaying the matters in dispute.
- iii) The Constitution of the Democratic Party provided at Article 12 (a) that the National Delegates Convention (NDC) is the highest organ of the party and some of its powers, duties and obligations include determining, reviewing, formulating and approving all party policies. The interface therefore between the Party Leader and the NDC is that the NDC makes the policies and the Party Leader provides leadership in articulating those policies. The Party Leader is therefore the spokesperson or agent of the NDC which is the principal. In that symmetry then, the agent can only speak on behalf of the principal and cannot say or do things that are not sanctioned by the principal. If the agent were to do such things that are not sanctioned, then the deeds of the agent will not bind the principal unless the principal thereafter ratifies such deeds.
 - iv) To that end then, it is not the Party Leader's position that carries the day when it comes to what the party position on coalitions before the August 2022 General Elections were, but rather the policy and declarations of the governing bodies of the political party sanctioning such agreements. In the current dispute, this position is succinctly clear from the Democratic Party's Constitution and Regulation 12 above. Therefore, the resolutions of NDC regarding the party joining coalitions remain in full force until another NDC is convened.
 - v) It was the finding of the Tribunal that until another NDC is convened to either vary the resolutions of 20th February 2022 or ratify the acts of the 1st respondent in having the Democratic Party join a coalition, any coalition agreement entered into in the name of the Democratic Party of Kenya with any party or political outfit, before the 2022 General Elections, was null and void.
 - vi) The NEC and the NDC could only elect the 1st respondent as the Party leader while maintaining fidelity to the Party's Constitution. In the present set of circumstances, the Democratic Party of Kenya, did not uphold nor was it guided by the party's constitution in the election of the 1st Respondent as their Party Leader. It was therefore, the finding of the Tribunal that the 1st respondent was not validly nominated and elected as the party leader of the Democratic Party in the Special National Delegates Convention of 20th February 2022.
 - vii) The complainants bore the burden of proving the existence of any fact that they allege. The Tribunal noted that the source of the funds to the party were known and disclosed not only to the complainants in the minutes they themselves have produced but also that there was no basis laid by them in taking the tangent that the 1st respondent could have donated proceeds of crime to the party. The complainants therefore ought to table cogent evidence to lay a basis for their 'well-founded fear' that the money donated by the 1st respondent could be proceeds of crime.

The Tribunal granted the following reliefs:

- a) *That the purported coalition agreement entered into with the Kenya Kwanza Coalition by the 1st respondent on behalf of the Democratic Party of Kenya was done without the authority of the Democratic Party of Kenya and was null and void.*
- b) *That the appointment of the 1st respondent as the Party Leader of the Democratic Party of Kenya by the Special National Delegates Convention on 20th February 2022 was un-procedural and declared null and void.*

2.9.3 The Unlawful Disclosure of a Person's HIV Status on social media Warrants Monetary Compensation.

P M M v E A (HIV & AIDS Tribunal Case No 047 of 2022)

Brief Facts

The claimant and respondent were members of the same social media platform called Matugu Youth Forum in Kakamega which had a WhatsApp group with not less than 344 members. The WhatsApp group comprised of relatives, friends, neighbours and acquaintances to the claimant who came from Matugu Sub-County in Kakamega County. On 12th August 2022, members of the group were engaged in a political discussion on the said WhatsApp group where the respondent through his phone number publicly posted a comment on the WhatsApp group which the claimant was offended with. The claimant requested the respondent to apologize for his comments privately but he was adamant and refused to apologize. A demand and intention to sue was sent to the respondent elicited no response which necessitated filing of the suit.

The claimant instituted a statement of claim primarily seeking the following reliefs:

- i) An order against the respondent restraining him from disclosing the claimant's status, discriminating, stigmatizing and/or harassing the claimant;
- ii) A declaration that the Respondent violated the rights of the claimant under section 22 and 23 of the HIV & AIDS Prevention and Control Act;
- iii) Damages for the impairment of dignity, emotional, physical and psychological suffering;
- iv) Special damages of Kes. 3,000 for counselling;
- v) Costs of the suit.

Issues

- i) Whether there was unlawful disclosure of the claimant's HIV status to third parties by the respondent.
- ii) Whether as a result of the unlawful disclosure the claimant suffered stigmatization and/or discrimination.
- iii) Whether the claimant was entitled to the reliefs sought.

Holding

- i) The respondent disclosed the HIV status of the claimant without his consent contrary to the provisions of Section 22 and 23 of the HIV and AIDS Prevention and Control Act.
- ii) As a result of the respondents' messages on the WhatsApp group, the claimant suffered stigma and loss of dignity. The claimant also faced discrimination in the group and other groups where other people had also resorted to mockery and talking about the claimant's status.
- iii) The claimant's reputation and dignity were injured as a result of the respondent's actions. The said actions infringed the rights of the claimant under Section 22 and 23 of the HIV and AIDS Prevention and Control Act.

The respondent to pay damages for unlawful disclosure of the claimant's HIV status at Ksh. 350,000. As well as damages for the impairment of dignity, emotional, physical and psychological suffering at Ksh. 500,000. Respondent was also restrained from disclosing the claimant's status, discriminating, stigmatizing and/or harassing the claimant.

2.9.4 The Right to be Forgotten - Whether NTSA can Deny an Applicant a PSV Badge on Grounds that he has a Criminal Record in Outdated DCI Records

Josephat Ngugi Muongoya Githahu v National Transport and Safety Authority, (Transport Licensing Appeals Board Case No E007/2022)

Brief Facts

In this case the appellant was aggrieved by the decision of NTSA not to issue him with a Public Service Vehicle (PSV) Badge citing that his Police Clearance Certificate (PCC) had an outstanding remark with regards to a criminal matter he had been acquitted of. The Tribunal through the secretariat wrote a letter to Kericho Law Court Archives to provide court proceedings of the matter and another letter to the Directorate of Criminal Investigations (DCI) with evidence under law of General Data Protection Regulation, Article 17, which gives the data subject the right for his personal data to be erased ('right to be forgotten').

The reply from the DCI stated that; "...all the enabling provisions of the Law have not provided for avenues and/or mechanisms for the disposal of these records thus, the same continues to be stored in our databases. However, as a result of numerous concerns, the Principal Criminal Registrar is engaging the Attorney General for policy direction."

The case set the grounds for the Directorate of Criminal Investigation (DCI) to enable them formulate regulations and policies on how long an individual's criminal record stays in their system before it is updated. Alternatively, it set precedent on how cases relating to Police Clearance Certificates and issuance of PSV badges are handled. All a client has to do is adduce evidence that the criminal case was concluded either through an acquittal or service of the imposed sentence term. This yielded a 62% increase of drivers that got their PSV badge and in turn their employment in different Saccos helped contribute to the matatu sector which has a turnover of KSHS. 400 Billion Per annum. – general discussion – proposed to be deleted

Issues

- i) Whether the respondent had a right to refuse to grant a PSV Badge to the Appellant on grounds that he had a criminal record?
- ii) Whether notwithstanding the remarks on the appellant's Police Clearance Certificate (PCC) the appellants' application for a PSV Badge should be approved?

Holding

- i) The appellant did not have a pending criminal matter in court rather the case was dismissed, therefore, the appellant should not be burdened with administrative punishment unless the respondent can come up with a policy or regulation showing that he should.
- ii) Denying the appellant a PSV Badge based on automated information is a violation of his rights under the Data Protection Act, 2019. The respondent did not accord the appellant an efficient and fair administrative action contrary to Article 47 of the Constitution.
- iii) The use of the information in the Police Clearance Certificate (PCC) that is generated from the DCI system that is not up to date, to determine the appellant's application is a violation of his rights.
- iv) The appellant had proved that he did not have an outstanding criminal matter and the remarks on his PCC were incorrect. Based on those facts the Appellant should be issued with a PSV Badge notwithstanding the remarks on his Police Clearance Certificate.

The Tribunal ordered the NTSA to issue the applicant with a PSV badge.

3.10 SMALL CLAIMS COURT

3.10.1 Liability of the Kenya Wildlife Service for Crop Damage Caused by Elephants Where the Crops are Cultivated along a Known Migratory Route for Elephants and are not Secured **Joseph Muriungi v Kenya Wildlife Services, (Meru SCCC E053 of 2023)**

Brief Facts

The claimant claimed that on 12th January, 2023, a herd of rogue elephants managed by the Respondent invaded his property causing damage. The claimant adduced evidence of ownership of his property and a compensation and crop damage report and argued that liability should wholly fall on the respondent and that the Court ought to award him damages. The respondent, on its part, argued that the claimant was negligent given that the crops were exposed and unattended and planted along a known route for migration of elephants. Further, they argued that Kenya was experiencing severe drought forcing the elephants to leave their normal habitat and as such the actions in dispute were an act of God.

Issue

- i) Who was liable for the damage to crops that were unsecured and grown on a known migratory route for elephants?

Holding

- i) The Court followed the Supreme Court's judgment in *Kenya Wildlife Service v Rift Valley Agricultural Contractors Limited* [2018] eKLR to find that drought and migration are reasonably foreseeable, therefore, the respondent's claim of 'act of God,' inevitably, fails.
- ii) However, the claimant cannot evade some extent of liability given that the claimant was aware that elephants reside close to his property and he ought to have taken some measures to avoid the incident. The Court was of the opinion that the elephants wandered into the claimants property based on its proximity to their migratory route and he ought to have taken reasonable measures to safeguard and secure his crops which measures had not been adduced in Court.

The court apportioned liability at 80/20 in favour of the claimant. The claimant was awarded a sum of (Kshs 193,590/= less 20% liability) =Kshs 154,872/=.

3.10.2 Whether an Agreement to Pay Facilitation Fees to Secure a Job, being an Illegal Contract, can be Enforced

Joseph Kirui v Japhath Towett, Nairobi (Milimani) SCCOM No E7833 of 2023,

Brief Facts

The claimant pleads that the respondent being an officer of the Kenya Prisons Service approached him and sought to know if the claimant was interested in a job at the Kenya Prisons which was yet to be advertised. Upon the claimant expressing interest, the respondent asked for Kshs 300,000/= facilitation fees, which he gave to his daughter to deliver to the respondent. The respondent is pleaded to have failed to deliver and secure the claimant the position and agreed to reimburse the whole amount but only refunded Kshs 200,000/=. The claim before the court was for the balance of Kshs 100,000/=. The respondent denied this claim.

Issue

- i) Whether the Court could enforce an illegal contract?

Holding

- i) By his own admission, the claimant indicated that at the time of exchange of the money, the position had not been advertised. Even if it had been, the clear picture painted is that the money was intended as a bribe. The sole purpose of the same being given to the respondent was to get the claimant's daughter into the Kenya Prisons Service.
- ii) The Court took judicial notice of the procedures in place for intending applicants to secure employment in Government Departments, the Prisons included. This being a court of justice, it cannot enforce an illegal agreement.
- iii) As a general rule, a contract would be considered illegal at its formation when it is outrightly based on an illegal act. Contracts falling under this category cannot be enforced. Where a contract is illegal at formation, neither party will acquire rights under that contract regardless of whether there was any intention to break the law. The contract would be void ab initio and it will be treated as if it was never entered into.
- iv) It was the court's finding that it cannot be expected to enforce such a contract.

3.11 EMERGING TRENDS IN ELECTION DISPUTES RESOLUTION BY COURTS

The general elections for the country were held during this reporting period and as such, issues relating to the conduct of elections and the disputes that arose after the announcement of the results were articulated in the courts. This section highlights some of the issues that courts had occasion to determine and gives prominence to the progressive development of electoral jurisprudence in the country.

3.11.1 Aspirants in Party Primaries allowed to join other Political Parties after the closure of the Party Membership List

Prior to the enactment of the Political Parties Amendment Act of 2022, the opportunity to be nominated by other political parties for aspirants who had lost at a Party primary became extinguished once a party membership list had been closed. The Political Parties Amendment Act, 2022 made provisions that allowed such aspirants to shift political parties and to seek nomination under the new party, after the closure of the membership list but before nomination. The constitutionality of this Act was questioned in the cases of Salesi Mutuma Thurania & 4 Others v Attorney General & 2 Others; and Registrar of Political Parties & 4 Others (Interested Parties) (Petition E043, E057 & E109 of 2022). The court held that the amendments that had been introduced by that Act were constitutional.

3.11.2 Courts clarify the Jurisdiction of the Political Parties Disputes Tribunal (PPDT) And The Independent Electoral and Boundaries Commission (IEBC) to Adjudicate Disputes arising from Party Nominations.

Prior to the 2017 election, there was no clarity on the jurisdiction of the IEBC and the PPDT on adjudicating disputes that arose from the process of nominating candidates by political parties. Some of the disputes filed before the PPDT relating to party nominations could take long and be determined after the IEBC

had already cleared and gazetted the aspirants. This made it difficult to execute such decisions as the concerned candidate had already been gazetted by the time the decision was rendered.

The cases of Joseph Ibrahim Musyoki v Wiper Democratic Movement- Kenya & Another, Civil Appeal 203 of 2017 CoA; and Eric Kyalo Mutua v Wiper Democratic Movement Kenya & another (Election Petition Appeal No 93 of 2017) HC clarified the jurisdiction of the Tribunal and that of the Commission in relation to disputes arising out of a nomination process. In both cases, the Court held that the nature of the dispute shifted from a party list dispute, which fell under the jurisdiction of the Tribunal, to a nomination list dispute, which fell within the ambit of the Commission, upon submission of the candidate's nomination by the relevant political party. Even though there was no decision from the Superior Courts on that issue within the reporting period, the Commission and the Tribunal heavily relied on the holding of the court in these decisions on issues of jurisdiction in the determination of nomination disputes.

3.11.3 Enforcement of the PPDT decisions made after the submission of the Party Nomination List to the IEBC but before Gazettement

In the period under review, courts made various pronouncements relating to the enforcement of a decision of the Political Parties Disputes Tribunal rendered after a Political Party had already submitted a nomination list to the IEBC, but before gazettement by the commission.

In the cases of Peter Kipkorir Lang'at v Zadock Kibet Kulel & 2 Others Nairobi B Complaint E012 of 2022 and Samuel Kagwanja Muchunga v Nevil Chemuku Napwori & Tijubebe Wakenya Party Nairobi, Complaint E061 of 2022, the court held that whilst Section 13(2) of the Elections Act barred a political Party from changing the Party list once it had been submitted to IEBC, the section did not bar the Tribunal from directing a party to change the list after adjudicating a dispute and arriving at a determination that such orders were required.

In the case of Jubilee Party of Kenya v Ouma; Gichangi & another (Interested Parties) (Election Petition Appeal E327 of 2022) [2022] KEHC 10490 (KLR) the Court held that the PPDT did not have jurisdiction once IEBC had gazetted the nomination list. In this case, the court found that there was no evidence that the list had been gazetted by the IEBC by the time the Tribunal delivered its decision, and as such, the appellant was obliged to comply with its orders and decree.

However, in the case of Ochola v Odhiambo & 2 Others; IEBC (Interested Party) Civil Appeal E389 of 2022, [2022] eKLR, July 8, 2022, Court of Appeal, the court found that the PPDT lacked jurisdiction where it had knowledge that the list had been submitted to IEBC. In this case, the court noted that the record before the PPDT had evidence of submission of the nominee's name to the IEBC. Its decision was therefore an error in law as it had unlawfully entertained the dispute by clothing itself with jurisdiction.

3.11.4 Parties to be enjoined to an Election Petition

In the case of Abdullahi v IEBC & 3 Others, Garissa High Court Election Petition No E006 of 2022 [2002] eKLR, November 2, 2002, the issue before the court was whether the Deputy Governor was a necessary party to an election petition challenging the election of a Governor and whether his nonjoinder violated the Election Petition Act and Rules. The Court held that every person of whom it is known constitutionally

that he/she will be affected by the outcome of the election petition as envisaged under Art 87 (2) of the constitution ought to be enjoined. In an election petition for the removal of a governor, the deputy governor would likely be adversely affected by the decision of the court and must be enjoined as a party otherwise, the petition would be defective for denying him/her the right to be heard. The court agreed with the decision in *Joel Makori Onsando v IEBC and 4 others* [2017] eKLR and proceeded to strike out the petition.

3.11.5 Nullification of Election Results by the Courts on the basis of Irregularities and Illegality in the Election Process

In the case of *Garama v Karisa & 3 others Malindi Election Petition Appeal No. 1 of 2023*, the Court had occasion to consider the principles for nullification of election results as laid down by the Supreme Court Presidential Petition No. 1 of 2017, *Raila Amolo Odinga and others v IEBC and others*. Even though this decision was made outside the reporting period, it affirmed the decision of the trial court which had been rendered in the reporting period.

The court considered several issues that had been raised by the parties regarding the regularity and/or legality of the election process and its effect on the outcome of that election and made the following findings:

- i. The court cannot nullify results simply because the margin between the winner and the loser was small. A win is a win even if by only one ballot and in the absence of irregularities and illegalities, the Court will not nullify the results declared simply because the petitioner lost by a small margin.
- ii. A court will not hesitate to nullify the outcome of an election process that is fraught with irregularities and illegalities that are likely to affect the actual results or integrity of the election, merely because it would be costly to conduct a by-election.
- iii. An election process marred with several irregularities though minor on their own coupled with a major one is a basis for nullifying the results.

3.11.6 Recommendations of the Supreme Court on Electoral Law Reforms

While delivering its decision in *Raila Odinga & 6 Others v William Ruto & 10 Others* in the Presidential Election Petition No. E005 of 2022 (Consolidated with Presidential Election Nos. E001, E002, E003, E004, E007 & E008 OF 2022) the Supreme Court made the following recommendations to improve the electoral process in the country: -

a) On corporate governance issues:

- i. Parliament should consider enhancing the statutory and regulatory framework on the separate policy and administrative remit of IEBC.
- ii. IEBC ought to effect formal internal guidelines that clearly delineate the policy, strategy, and oversight responsibility of the Chairperson and the Commissioners; and develop institutionalized guidelines on how to manage the separation of administrative and policy domains.
- iii. The roles of the Chairperson, Commissioners, and the Chief Executive Officer, other staff and third parties should be clearly set out in both the legislative and administrative edicts as stipulated above.

b) **On election technology:**

- i. To avoid suspicion from stakeholders, unless where and when it is absolutely necessary, access to the servers supporting the transmission and storage of Forms 34A, 34B and 34C should be restricted to IEBC staff during the election period.
- ii. IEBC should ensure that the servers supporting the elections and those serving their internal administrative work are distinct and separate. This would then allow the Court, should the need arise, to carry out forensic imaging of the same without compromising and/or infringing any third-party agreements.

c) **On Statutory Forms:**

- i) IEBC should consider simplifying and restructuring Form 34A and include a column that accounts for stray ballots. In addition, it may consider having only one section for total valid votes. The independent body may also find it prudent to thoroughly train its Returning Officers as to what constitutes valid votes per this Court's decision.
- ii) IEBC ought to put in place specific mechanisms to allow for special voting as contemplated under Regulation 90 of the Elections (General) Regulations 2012.

d) **Constitutional Reforms:**

- i. The Court reiterated what it has stated in the past on the fourteen-day limit within which it has to hear and determine a Presidential Election Petition.

Table 3.1 Legislation Declared Unconstitutional FY 2022/23

S/N	CASE CITATION & DATE OF DECISION	SUMMARY OF AFFECTED LAW	REASON
1	Judicial Review Application 032 & 41 of 2021 (Consolidated) (2022) KEELRC 4872 (KLR) (Mathenge & 4 others vs Inspector General of Police & 3 others; KHRC (Interested party) September 29, 2022	Basing their argument on the contention that the Police Act and Regulations made thereunder; as well as the Constitution granted them power and mandate to demote police officers, the 1 st and 2 nd respondents demoted the applicants to Job group 'F' from 'J' and their remuneration accordingly reduced.	The Respondent's unilateral decision to reduce graduate officers recruited on diverse dates pay from Job group 'J' to 'F' offended the provisions of articles 10, 27, 41, and 47 of the Constitution as read together with Sections 4 and 7 of the Fair Administrative Actions Act of 2015.
2	Petition E242 of 2022 (2022) KEHC 11630 (KLR) (Ombati vs Chief Justice & another; Kenya National Human Rights & Equality Commission & 2 others (Interested parties) August 17, 2022	The procedure that was used to enact the Supreme Court (Presidential Election Petition) (Amendment) Rules, 2022 faulted for want for of public participation	Failure to conduct public participation violated Article 10 of the Constitution on national values and principles and public participation; as well as section 31 of the Supreme Court Act No.7 of 2011.
3	Presidential Election Petition E005, E001, E002, E003, E004, E007, & E008 of 2022 (Consolidated) (2022) KESC 54(KLR) (Odinga & 16 Others vs Ruto & 10 others; LSK & 4 Others (Amicus Curiae) September 15, 2022	Regulation 87(3) of the Elections(General)Regulations violates the Constitution to the extent that it purports to vest the power of verifying and tallying Presidential Election results, as received at the National Tallying Centre, solely on the Chairperson of IEBC to the exclusion of other members of the Commission.	The regulation violated article 10 and 138(3)(c) of the constitution.
4	Petition E002 of 2021 (2022) KEHC 11951 (KLR) (Mugure & 2 others vs Higher Education Loans Board) August 19, 2022	Section 15(2) of the HELB Act is unconstitutional to the extent that it leads to interest rates and fines becoming more than the principal amount advanced.	Said Section violates article 43(1)(e) and (f) on socioeconomic rights and article 27 of the Constitution
5	Judicial Review Application E004 of 2022 (2022) KEHC 9818 (KLR) (Republic vs IEBC & 4 Others; Mongare (exparte) July 18, 2022		A suggestion by the court that all stakeholders need to take stock, after the 2022 General Elections, to discuss and formulate rules or regulations, or even statutory amendments that will strike an appropriate balance between the need to grant hearings and the need to bring to an end any cases, early enough, so that IEBC can have sufficient time to make proper preparations for the elections.

S/N	CASE CITATION & DATE OF DECISION	SUMMARY OF AFFECTED LAW	REASON
9	Petition 38,34,35,49 & 50 of 2014 (Consolidated) (2022) KEELRC 4124 (KLR) Kenya Tea Growers Association & 97 others vs AG & 8 others; COTU & another (Interested parties) September 19, 2022	Sections 13 of NSSF Act, 2013 that required the payment of allowances and fees to be approved by the Cabinet Secretary for Labor Social Security and Services; Section 19(2) of the NSSF Act, 2013 that required access to public services upon membership of NSSF; Section 20 of the NSSF Act, 2013 that made it mandatory to register and contribute to the pension fund by employees; and Section 49(2) of the same Act that required that the fund should invest any of its funds which were not for the time being required to be applied for the purposes of the fund were in conflict with the constitution and the provisions of the Retirement Benefits Act.	Section 13 violated article 230(4) that set out the mandate of SRC. Section 19(2) was in conflict with articles 21(1), 47(1), and 232(1) of the constitution; Section 20 of the Act violated the employee's and employer's free choice contrary to article 49; Section 49(2) of the Act was in conflict with Section 38 of the Retirement Benefits Act. Provisions of the NSSF Act, 2013 were inconsistent with the provisions of article 10(1)(b) and (c) of the constitution as read with Section 3 of the Competition Act. The NSSF Act, 2013 was null and void for the reason that it had implications on County Finances yet during its enactment, the Bill thereof was not tabled before the Senate prior to its passage as was required under articles 205(1) and 110 of the constitution.
10	Constitutional Petition E297 of 2022 (2022) KEHC 13341 (KLR) Imanyara vs IEBC; Orange Democratic Movement (Interested party) September 30, 2022	Exclusion of photographs of deputy presidential and deputy gubernatorial candidates from the ballot papers for presidential and gubernatorial elections was a derogation of political rights under the constitution	It amounted to a derogation of political rights under article 38 and an affront to article 27 of the Constitution for want of equal application and benefit of the law
11	Petition 1 of 2018 (2022) KESC 39 (KLR) Institute of Social Accountability & another vs National Assembly & 5 others, August 8, 2022	Failure to involve the Senate during the enactment of the CDF (Amendment) Act, 2013 was a procedural lapse that rendered the CDF Act, 2013 unconstitutional since the Act contained matters concerning counties. The Act violated the division of functions between the national and county levels of government and the constitutional principles of public finance. The Act offended constitutional principles on the public finance and separation of powers.	Articles 202(1), 206(2)(c) and 218(1) (a)

S/N	CASE CITATION & DATE OF DECISION	SUMMARY OF AFFECTED LAW	REASON
6	Environment & Land Petition 115 of 2015 (2022) KEELC 2578 (KLR) (Muthaiga North Residents Association vs Nyari House Ltd; NLC & Another (Interested Parties) July 12, 2022		There is a glaring lacuna in the protection of wetlands in Kenya, especially the ungazetted wetlands within public land. There is need to harmonize the laws to facilitate their seamless enforcement in order to conserve the endangered wetlands and other environmental resources in Kenya.
7	Constitutional Petition E160 of 2022 & Petitions E219, E225 & 12 OF 2022 (Consolidated) (2022) KEHC 10217 (KLR) Free Kenya Initiative & 17 others vs IEBC & 5 others; KNCHR & another (Interested Parties) July 5, 2022	Regulations 18(2)(c), 24(2)(c), 28(2)(c) and 36(2)(c) of the Elections (General) Regulations, 2012 (as amended in 2017) that required independent candidates to supply copies of the identification documents of their supporters violated the right to be a candidate for public office without any reasonable restrictions and the right to privacy of the supporters of independent candidates. That the said regulations were discriminatory and were enacted without public participation.	The impugned regulations contravened articles 2(4), 10, 27, 31, 38(3), 83(3), 99(1)(c), 137(1)(d), and 193(1)(c) of the Constitution and the Data Protection Act.
8	Constitutional Petition E017 of 2021 (2022) KEHC 13210 (KLR) Ripples International vs AG & another; FIDA (Interested party) September 29, 2022	Sections 35(1)(b), 36(1)(b), and 39(1)(a) and (b) of the Law of Succession Act were restrictive of women and female child's right to inherit in equal measure as the men and male child as they failed to give both father and mother equal priority in inheritance the property of their child who dies intestate and has no surviving wife or children.	

ACCOUNTABILITY IN THE JUDICIARY

“

Mainstreaming accountability, transparency, integrity, and good governance in the administration of justice.

”

4.1 Introduction

The Constitution has placed safeguards for all State organs to ensure accountability to the citizens to whom ultimate authority belongs. Article 10 (2) (c) demands good governance, integrity, transparency, and accountability from all state organs, state officers, and public officers. The Judiciary is accountable through its decisions which must be impartial, judicious, clear, and well-reasoned. Its processes should also be open, simple, and efficient. This chapter reports on each of the four areas of accountability in the Judiciary namely;

- i. Public feedback mechanisms
- ii. Employees' values and conduct
- iii. Performance management
- iv. Resource accountability.
- v. Robust Internal Mechanisms and Procedures

4.2 Public Feedback Mechanisms

Public feedback mechanisms refer to structured and accessible systems through which members of the public can submit their complaints, compliments, concerns, or feedback regarding the operations and services received from the Judiciary as well as its units and employees. These mechanism serves as a channel to voice grievances, seek redress for issues encountered, and provide input on the better functioning of the Judiciary. This is an important aspect of accountability as it contributes to trust and confidence building between government and citizens and facilitates the enhancement of the quality of services offered by the Judiciary.

Chapter

Accountability
in the Judiciary



Complaints Handling Process



1.
Receive a
complaint



2.
Integrate the
complaint to the
JCMS



3.
Identify service
category such
as delayed
orders rulings
or judgments,
adjournments and
delayed trial



4.
Select ticket source;
this could be a
walk-in client, a
letter or referral
from the different
stakeholders



5.
Move the complaint
to the respective
queue: this refers to
the court station in
which the case has
been filed.



6.
Await response from
the liaison persons
or make a follow-up
through calls and
emails



7.
Analyze the
response to
ensure the issues
raised have been
addressed



8.
Make
recommendation(s)
to the relevant
authority/
directorate



9.
Respond to the
client



10.
Close
ticket

The Office of Judiciary Ombudsman (OJO) is mandated to receive complaints, monitor and evaluate integrity of staff, monitor complaints on court processes as well as propose improvements for effective judicial services and ease of access to justice. OJO is established in fulfilment of Section 8(e) of the Commission on Administrative of Justice Act, 2013 which requires each public entity to establish and build the capacity of a complaint-handling system.

The OJO serves as a grievance management mechanism, responsible for receiving and processing complaints and grievances from the public, judiciary staff, courts, and units against the Judiciary and its employees. Additionally, it monitors significant complaint trends, ensuring compliance with service charters in court stations, registries and directorates. It also undertakes continuous monitoring and evaluation so as to address administrative bottlenecks. This vital role is guided by key principles, including neutrality, confidentiality, independence, informality, transparency, accountability, and fairness.

Principles of the OJO



4.2.1. Feedback on Judiciary Services

The Judiciary continues to put in place mechanisms to improve service delivery and ensure that it meets the expectations of justice seekers in line with the mandate it has been given by the Constitution. Part of this system is a robust complaints' handling mechanism which enables all stakeholders, including advocates, litigants, judiciary staff, courts and units, to communicate their concerns, complaints, compliments or issues to the institution. This includes processes for recording, investigating, and resolving these complaints.

The Judiciary was therefore able to document, track and resolve feedback on its service provision from across 134 court stations which are spread across the country. All complaints received were registered, assigned ticket numbers and the clients notified on the commencement of resolution of their complaints. Once a complaint has been resolved, the system notifies the client of the closure of the ticket and the outcome of the complaints handling process.

During the reporting period, a total of 1,212 complaints were received on diverse issues. The areas with the most complaints were slow and poor services, lost court files and delayed judgements and rulings. The Judiciary successfully resolved 881 of these complaints and 331 were carried forward to the subsequent year. Table 4.1 shows the complaints received, resolved and pending at the close of the review period.

Table 4.1: Types of Complaints Received

No	Complaint	Reported	Resolved	Pending
1	Lost court files	143	95	48
2	Tampered court files	7	6	1
3	Integrity and Corruption related issues	63	58	5
4	Delayed judgments and rulings	79	64	15
5	Delayed cash bail refunds	17	14	3
6	Slow and poor services	826	581	245
7	Internal Judiciary complaints	10	6	4
8	Delayed Proceedings	59	49	10
9	Referral Cases to Stakeholders	6	6	0
10	Sexual Harassment	2	2	0
	Totals	1,212	881	331

4.2.2 Complaints on Slow and Poor Service

In the year under review, 826 complaints of poor and slow services were registered. These complaints were mainly with regards to date allocation, file retrieval, and delayed typing of proceedings. The Judiciary was able to resolve 70 per cent of these complaints and continues to put in place measures to increase efficiency in the internal administrative procedures which support the judicial function. The use of virtual courts and the continued automation of administrative and judicial functions is transforming service delivery within the Judiciary by ensuring efficiency and timeliness in all processes.

In addition to this, there is increased compliance audits to ensure that courts, registries, directorates and implementing units are in compliance with their service charters. Trainings and sensitization forums continue to be held to ensure that each implementing is focussed on being a centre of excellence.

4.2.3 Lost Court Files

The Judiciary had 1,065,912 active case files within all its courts registries. During the reporting period there were 143 complaints on lost or misplaced court files. Ninety-five of these files were successfully traced thus enabling the onward processing of these cases. Where files remain untraceable for extended periods the court mandates the opening of skeleton files which then enables judicial service delivery to continue to be offered even as the original file is being traced.

The main cause of missing files are the large volumes of physical files, limited filing space and the challenges that arise from the need to move these physical files from the registries to the court rooms and back.

The Judiciary is committed to digitizing all active court files so as to not only ensure ease of access to these files but also as a method to guarantee the integrity and security of all court records. The roll-out of E-Filing also means that, going forward, all newly filed cases will be digitised upon filing.



4.2.4. Delayed Judgements and Rulings

There were 79 reports lodged with the Judiciary complaining of delayed judgements/rulings and 64 of these complaints had been resolved by the end of the reporting period.

Judgements are required to be issued within specified statutory timelines after the close of hearings. The performance standards that are signed annually by each court also provide for commitments from judges and judicial officers to issue judgements and rulings within certain service delivery timelines.

4.2.5. Trends Analysis on Complaints Received

The Judiciary continues to track the type of complaints received with a view to understanding the trends so as to develop informed mitigating measures that can resolve the underlying issues causing inefficiencies in the judicial and administrative processes. Figure 4.1 presents the trends on services/ types of complaints over the past 3 years.

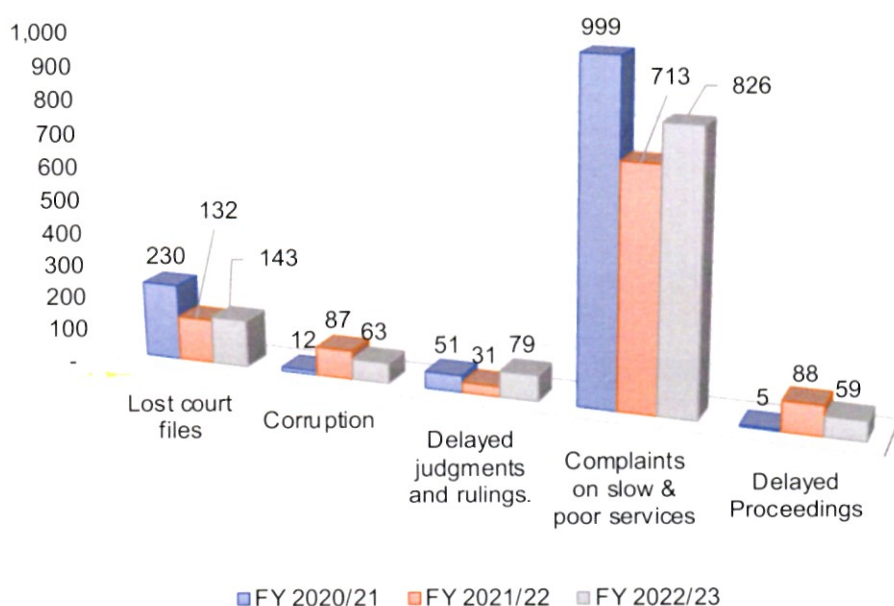


Fig 4.1 Trends on types of Complaints, FY 2022/23

From the trends, the complaints on poor and slow services continue to be of concern even as the Judiciary puts in interventions to ensure that there is increased efficiency with regards to the main areas of this complaint, that is, date allocation, file retrieval, and delayed typing of proceedings. The automation of court processes has begun to address these concerns.

The number of complaints on corruption reduced during the FY 2022/23. This can be attributed to proactive measures taken by the Judiciary to address these complaints and working towards strengthening its ICT infrastructure in order to maintain the trust of its stakeholders.

Complaints on delayed proceedings reduced by a margin of 32 per cent during the reporting year in comparison to FY 2021/2022. The decrease can be attributed to deployment of staff and adoption of stenographers in the court proceedings.

4.3 Employee Values and Conduct

Employee discipline has a great impact on the image and credibility of the Judiciary. Employees therefore are expected to maintain high standards of performance, integrity and professionalism in line with Judiciary's Code of Conduct.

To manage expected conduct and performance, fair and just management of discipline matters is essential. Disciplinary procedures and processes are based primarily on the provisions of the Constitution of Kenya, and in particular the provisions of Chapter Six of the Constitution on Leadership and Integrity

and Articles 10 and 232 of the Constitution; Judicial Service Act, 2011; The Employment Act, 2007; Labour Relations Act, 2007; Fair Administrative Action Act, 2015; Leadership and Integrity Act, 2012; Judicial Service (Code of Conduct and Ethics) Regulations, 2020; Anti-Corruption and Economic Crimes Act, 2003 and other relevant legislation.

The expeditious determination and disposal of disciplinary cases is a key aspect in fair and just administration of justice. The JSC has the responsibility, either on its own motion or upon application by a third party, to review and make recommendations on petitions that are submitted against judges. The JSC also has the mandate to discipline judicial officers and judicial staff. These powers are provided for under Article 168,172 of the Constitution of Kenya and as prescribed under the Judicial Service Act, 2011. In the year 2019, the JSC delegated the mandate of disciplining judicial staff to the Human Resource Management and Advisory Committee (HRMC) as a way of streamlining management of discipline in the Judiciary.

4.3.1 Petitions Against Judges

The JSC is mandated to initiate on its own motion or upon receipt of a petition from a third party, to review and make recommendations for the commencement of removal procedures for judges. These petitions against judges are expected to demonstrate either of the following grounds;

- Inability to perform the functions of office arising from mental or physical incapacity;
- A breach of the code of conduct for judges;
- Bankruptcy;
- Incompetence; or
- Gross misconduct or misbehaviour.

During the year under review the JSC processed and concluded 77 petitions which were filed against judges. There were 43 petitions which were submitted within the financial year and another 75 which had been carried over from the previous year thus making a total of 118 petitions for this reporting period. Table 4.2 indicates the number of petitions filed against judges during this period.

Table 4.2 Petitions against Judges, FY 2022/23

No	Details	FY 2022/2023	FY 2021/2022
1.	Petitions brought forward	75	7
2.	Petitions received during the year	43	143
3.	Total Petitions	118	150
4.	Petitions concluded.	77	75
5.	Petitions Carried Forward.	41	75

The nature of the petitions against judges were on various grounds including claims on misconduct, delay in delivery of judgment/ruling, bias, conflict of interest, lacking jurisdiction among others. The breakdown of the nature of the petitions against judges is presented in Table 4.3

Table 4.3 Nature of Petitions against Judges, FY 2022/2023

S/No	Nature of Disciplinary Cases	No. of Cases
1.	Misconduct/ misbehaviour	47
2.	Incompetence	-
3.	Grant of mandatory /final orders ex parte and at the interlocutory stage.	8
4.	Delay in delivery of ruling/ judgment.	15
5.	Withholding/retaining court files in chambers after judgment/ruling.	5
6.	Bias/malice/partiality/unjust/impropriety/ineptitude	20
7.	Abuse of office/soliciting for bribe/corruption/compromise	7
8.	Conflict of interest	
9.	Use of intemperate language & hostility towards litigants	3
10.	Selective keeping of the court record	3
11.	Unnecessary recusal	2
12.	Delivering paper judgment/ruling	1
13.	Overturning orders of judges of concurrent jurisdiction and of higher courts	3
14.	Entertaining matters while lacking jurisdiction	4
	Total	118

4.3.2 Disciplinary Cases against Judicial Officers

Under Article 172 (1)(c) of the Constitution, the JSC is mandated to receive complaints against, investigate and remove from office or otherwise discipline registrars, magistrates', other judicial officers and staff of the judiciary. This function has been delegated to the Chief Justice by legislation and the Chief Justice is supported in undertaking this mandate by the Office of the Judiciary Ombudsman as well as the Human Resources Management and Administration Committee (HRMC). The Ombudsman receives complaints, undertakes investigations and makes recommendations to the Chief Justice on complaints that have been lodged against employees.

HRMC is also empowered to receive and process complaints against judicial staff but for practical purposes, complaints that require further investigations are handled by the Judiciary Ombudsman's Office.

Out of the nine disciplinary cases against judicial officers registered during the year, seven were finalized and two were pending before the commission at the close of FY 2022/23.

Table 4.4 Disciplinary cases against Judicial Officers, FY 2022/2023

S/No	Particulars	No. of case
1	No. of cases escalated by the Hon. Chief Justice to the Commission	9
2	No. of cases determined and concluded	7
3	No. of cases pending at the closure of the financial year	2

The natures of the complaints against judicial officers were on various grounds including claims on misconduct, delay in delivery of judgment/ruling, financial malpractices, among others. The breakdown of the nature of the complaints against judicial officers is presented in Table 4.5.

Table 4.5 Nature of Disciplinary Cases against Judicial Officers, FY 2022/2023

S/No	Nature of Disciplinary Cases	No. of Cases
1.	Gross misconduct	1
2.	Financial Malpractices	1
3.	Impropriety/Dereliction of duty	2
4.	Soliciting for bribe/corruption	2
5.	Delay in delivery of Ruling/Judgements and Not providing pronounced judgements	2
6.	Substance abuse/drunkenness	1
	Total	9

The commission finalized seven disciplinary cases in the financial year. The outcomes of the Judicial Service Commission disciplinary processes are summarized in Table 4.6.

Table 4.6 Outcomes of Disciplinary Cases against Judicial Officers.

S/No	Decision	No. of cases
1.	Reinstatement to service	5
2.	Dismissal from service	2
	Total	7

4.3.3 Disciplinary Cases against Judicial Staff

The JSC has delegated disciplinary control over judicial staff to the Human Resource Management and Advisory Committee (HRMC). HRMC therefore receives complaints, undertakes investigations and eventually makes its recommendations to the JSC for review and ratification.

There were 44 disciplinary cases against judicial staff which were received during the reporting period. A total of 20 cases were finalized by the HRMC representing 45 per cent of the total cases while 24 cases representing 55 per cent were pending as at the close of the year. The disaggregation of this data on gender basis indicates that out of the 44 cases, 71 per cent were against men while 30 per cent were against women.

4.3.4 Nature of Offences in Disciplinary Cases against Judicial Staff

During the period under review, the most prevalent charges/offences amongst judicial staff was absenteeism and desertion of duty representing 39 per cent. Forgery of documents and fraud was second with 16 per cent followed by financial malpractice, soliciting and receiving of bribes at 9 per cent each as shown in Table.4.7.

Table 4.7 Nature of Offences in Disciplinary Cases against Judicial Staff, FY 2022/23

No.	Nature of Offences	Number of Staff	Percentage
1	Absence/Desertion of duty	17	39%
2	Forgery of Documents/Fraud	7	16%
3	Financial Malpractices	4	9%
4	Soliciting and receiving of Bribes	4	9%
5	Involvement in loss of file/Exhibits/Improper handling of Exhibits	2	4.5%
6	Insubordination/Failure to adhere to instructions	2	4.5%
7	Sexual Harassment	2	4.5%
8	Intoxication	2	4.5%
9	Abuse of Office	2	4.5%
10	Gross Misconduct	1	2%
11	Arrest and Confinement	1	2%
Total		44	100

4.3.5. Disciplinary Matters Registered Per Cadre for Judicial Staff

The court assistants constituted the majority of staff facing disciplinary process at 59 per cent followed by office assistants at 14 per cent. Accountants and court administrators each stood at 5 per cent as presented in Table 4.8.

Table 4.8 Disciplinary Matters per Cadre for Judicial Staff, FY 2022/23

No.	Cadre	Number	Percentage
1	Court Assistants	26	59%
2	Office Assistants	6	14%
3	Drivers	1	2%
4	Accountants	2	5%
5	Human Resource Officers/Assistants	1	2%
6	Supply Chain Management Assistants	1	2%
7	Court Administrators	2	5%
8	Security Guards	1	2%
9	Assistant Director - Finance	1	2%
10	Assistant Director- Building Services	1	2%
11	ICT Officers/Assistants	1	2%
12	Office Administrators	1	2%
Total		44	100

4.3.6. Disciplinary Outcomes for Judicial Staff

HRMC finalized 20 disciplinary cases, and with the concurrence of the JSC, dismissed eight staff, lifted interdiction for three staff and issued cautions and warnings respectively to two staff each. Three judicial staff opted to resign from their positions pursuant to disciplinary processes that had been commenced against them. The outcomes of the HRMC disciplinary processes are summarized in Table 4.9.

Table 4.9 Disciplinary Outcomes for Judicial Staff, FY 2022/2023

S/No.	Disciplinary Outcome	No. of Staff
1.	Caution	2
2.	Warning	2
3.	Lifting of Interdiction	3
4.	Absolved of charges	2
5.	Dismissal	8
6.	Resignation	3
Total		20

4.4 Performance Management

The Judiciary sustained implementation of performance management and measurement as a strategy to ensure judicial services are rendered in a timely manner, and in line with the standards and targets set by the respective implementing units. This accountability measure, which the Judiciary pioneered in the year 2015, requires all court stations and all judiciary personnel to set annual performance targets and to avail themselves to annual reviews to determine their performance.

Performance Management and Measurement Understandings (PMMUs) are based upon the institutions strategic plan, the STAJ vision, annual work plans, service delivery charters and specific implementing units' objectives. The PMMU targets are cascaded to individual employees through the use of Performance Appraisal Systems (PAS).

4.4.1 Overall Performance of Courts and Administrative Units

In the year under review, results of the 8th cycle of the Judiciary's Performance Management and Measurement Understandings for the FY 2021/22 covering 299 units were released. The units comprised 266 courts, 12 Tribunals, 8 Registrars, 10 Directorates, the Judiciary Ombudsman, the Office of the Chief Registrar of the Judiciary and the Kenya Judiciary Academy.

The overall performance of the Judiciary was 93.71 per cent, which was an improvement from 89.03 per cent in FY 2020/21.

The performance of most courts and administrative units improved with significant achievements recorded in the Environment and Land Court which moved from 85.65 per cent in FY 2020/21 to 97.08 per cent in FY 2021/22. Other notable indicators that recorded improvements were case clearance rates where overall performance improved from 83 per cent in FY 2020/21 to 95 per cent in FY 2021/22. The Social Transformation through Access to Justice indicator on the elimination of cases older than 3 years recorded a reduction of cases from 150,897 to 133,775 representing an 11 per cent reduction. Similarly, cases older than 1 year reduced by 7 per cent from 375,671 to 336,426 cases, while overall resolved cases improved from 294,837 to 381,713 during the review period.

4.4.2 Performance Statistics for Courts

The overall performance of courts is depicted using various indicators which include Case Clearance Rate (CCR), productivity, and time to disposition. The CCR refers to the rate of resolution of cases. A court with a CCR greater than 100 percent shows that it was able to resolve more cases than those filed and thus reduce the backlog and pending cases. Time to disposition refers to the average time it takes (from filing to determination) to resolve a matter in a court. Productivity on the other hand refers to the average number of resolved cases by judges and/or judicial officers in a court.

Table 4.10 Performance Statistics by Court Type, FY 2021/2022

Court Rank	CCR (%)	Average Time to Disposition (Days)	Productivity
Supreme Court	127%	374	68
Court of Appeal	68%	1,330	324
High Court	114%	1,052	388
ELRC	154%	922	322
ELC	146%	1,366	188
Magistrates' Court	98%	385	656
Kadhis' Court	97%	87	231
Tribunals	114%	415	426
Small Claims Courts	78%	66	731

The overall CCR for the Judiciary was 99 per cent, hence an increase in the pendency of cases in the Judiciary as discussed in the 'Access to Justice' chapter above. For the broad case types, namely criminal and civil cases, the CCR was 91 and 111 per cent respectively. The Supreme Court, High Court, ELRC, ELC, and Tribunals each achieved a CCR of above 100 per cent.

On average, cases in ELC took the longest time to resolve at 1,366 days. The shortest time to disposition was recorded in the Small Claims Court at 66 days. On productivity, the highest productivity among the superior courts was recorded in the High Court at 388 cases per judge. In the subordinate courts, the highest productivity was recorded in the Small Claims Courts at 731 cases per adjudicator.

4.4.3 Performance of Judicial Staff

Performance Appraisal System (PAS) is the tool used for monitoring individual and institutional accountability and entrenching performance measurement. The tool seeks to measure the individual employee's performance and attainment of the targets set during the review period. The evaluation outcome informs various human resource processes including career advancement and development and capacity building interventions.

4.4.4. Judicial Staff Target Setting

All courts and administrative units signed PMMUs for the review period which were then cascaded to individual judicial staff, to set individual performance targets. Four thousand, eight hundred and fifty-six (4,856) that is, 96.9 per cent of judiciary personnel out of 5,011 negotiated for and set their individual

targets for the financial year. These personnel were drawn from 180 individual courts and implementing units from across the country.

4.4.5 Judicial Staff Evaluation

Performance appraisals for individual Judicial staff are undertaken by the Heads of Units in which they serve. A total of 3,922 staff out of 4,439 (88.4%) were appraised, representing a 1.8 per cent improvement compared to the previous year. According to the Report, disaggregated performance data indicates that, female staff scored 96.1% against male staff at 94.6%. A total of 84 personnel (2.1%) living with disability had an average performance of 95.3% while 1,230 personnel (31.4%) were youth aged between 18 to 35 years and had an average performance of 95.4%.

The Evaluation Report indicates that, overall staff performance for the FY 2021/22 improved by 0.2 per cent to a mean score of 95.4 per cent compared to 95.2 per cent in the previous financial year.

4.5. Resource Accountability

During the reporting period the Judiciary advertised 72 tenders which resulted in the award of 42 contracts and the shortlisting of 2 service providers for Requests for Expression of Interest (REOIs). These processes were undertaken in strict compliance with the procurement laws including publication of all relevant information on the Public Procurement Information Portal.

To expedite procurement, supply chain functions were devolved to court stations. These procurement processes were standardized across court stations and all procurement committees were reviewed and appointments made as required.

In order to ensure value for money during procurement, the Judiciary carried out extensive market surveys including seeking guidance from the Public Procurement Regulatory Authority Market Index so as to ensure that prices that were quoted in tenders were within the market range. In addition, the Judiciary in conjunction with the National Treasury, sensitised suppliers on the advance delivery note and online invoice-tracking module so as to ease processing of their claims.

4.5.1. Internal Audit and Risk Management

During the 2022/2023 financial year, the following areas were subjected to internal audit to ensure compliance with set internal controls and also with regulatory and policy requirements:

- i. Payroll Management
- ii. Mortgage and Car Loan Scheme
- iii. Medical Scheme, Group Life and Group Personal Accident Covers
- iv. Procurement Management at the Judiciary Headquarters
- v. Expenditure Management at the Judiciary Headquarters
- vi. Deposits Management at the Judiciary Headquarters
- vii. Revenue Management at the Judiciary Headquarters

- viii. Information Communication Technology
- ix. Imprest Management at the Judiciary Headquarters
- x. Judicial Service Commission and Kenya Judiciary Academy

Twenty-three court stations were also subjected to internal audit namely; Kapsabet, Ogembo, Kibera, Kwale, Thika, Keroka, Baricho, Molo, Busia, Nyahururu, Kitale, Marimanti, Malindi, Kitui, Machakos, Makueni, Naivasha, Nakuru, Milimani, Makadara, Nanyuki, Nyeri, and Mombasa Law Courts

Seven Tribunals, namely; Industrial Property Tribunal, Communication and Multimedia Appeals Tribunal, Education Appeals Tribunal, Legal Education Appeals Tribunal, Energy Tribunal, Political Parties Disputes Tribunal, and Transport Licensing Appeals Board were also audited.

There were 32 internal audits undertaken in the previous year and in this year follow up actions were undertaken to review the implementation of the Internal Audit report recommendations that had been issued. These follow up reviews were undertaken in the following court stations; Kapsabet, Ogembo, Kibera, Kwale, Marimanti, Keroka, Baricho, Kapenguria, Bomet, Kajiado, Othaya, Kigumo, Mwingi, Kyuso, Milimani, Nakuru, Naivasha, Molo, Busia, Nyahururu, Kitale, Malindi, Kitui, Machakos and Makueni. These internal audit reviews were also undertaken for Payroll Management, Imprest Management, Expenditure Management, the Political Parties Disputes Tribunal and the Judicial Service Commission.

The Directorate of Internal Audit and Risk Management developed a three-year internal audit strategy covering 2023/2024 to 2025/2026 financial year, based on risk assessment, and out of which the 2023/2024 financial year annual internal audit work plan was prepared and submitted to JSC for approval. Further, audit processes were automated through an Audit Management Software, TeamMate+.

4.5.2. Financial Reporting and Compliance

Under Article 161 (2)(c) of the Constitution the Chief Registrar of the Judiciary is the chief administrator and accounting officer of the Judiciary. Section 2(1)(c) of the Public Finance Management Act, 2012 (PFM Act) also designates the Chief Registrar of the Judiciary as the accounting officer. The CRJ complied with Section 81(2)(f) of the PFM Act that requires, at the end of each financial year, the Accounting Officer to prepare financial statements of a National Government entity. Section 82 (1) of the Act also requires that at the end of each financial year, a receiver of revenue for the national government shall prepare and submit an account in respect of the revenue received and collected by the receiver during that financial year.

The Judiciary complied with Section 83 (1) of the PFM that requires an accounting officer for a national government entity to prepare a report for each quarter of the financial year in respect of the entity. The reports contain information on the financial and nonfinancial performance of the entity. The reports were prepared in conformity with the standards prescribed and published by the Accounting Standards Board (PSASB) that include a statement of the National Government entity's performance against predetermined

objectives. The reports were submitted to the National Treasury after every quarter of the financial year as required by legislation.

4.5.3. External Audit

The financial statements of the Judiciary for each financial year are subject to audit by the Auditor-General under the provisions of Article 229(4) of the Constitution and Section 35 of the Public Audit Act, 2015. Further, Article 229(6) requires the Auditor-General to perform a compliance audit to confirm whether public funds have been applied lawfully and effectively. In addition, Section 7(1(a)) of the Public Audit Act, 2015 requires the Auditor-General to give an assurance on the effectiveness of internal controls, risk management and overall governance in the Judiciary.

The Judiciary has continued to enhance its financial systems through automation and enhanced supervision leading to improved revenue management and accountability. This has led to the Judiciary's Receiver of Revenue report obtaining an unqualified audit opinion for the past three financial years.

The Judiciary expenditure, deposits, and projects reports got a qualified report with fewer issues mainly relating to prior periods. The reports were tabled before Public Accounts Committee (PAC) where most of the issues were resolved.

The implementation of recommendations contained in the PAC Reports on the financial statements of the Judiciary for the 2017/18, 2018/19 and 2019/20 financial years contains the following as the key areas under follow up;

- i. Delay in completion of projects: The issue is being addressed by seeking additional funds and streamlining internal procurement procedures and strengthening overall project supervision and management;
- ii. Court deposits reconciliations after de-linking from National Sub-County Treasuries: The Judiciary and the National Treasury carried out a joint reconciliation and there are continued engagements to address the matter;
- iii. Contingent liabilities that arose from court awards to contractors for delayed payments due to stalled projects and other delays: These have been complicated by contract periods that have expired before the settlement of bills and insufficient budgetary allocations;
- iv. Management of tribunals: The issues will be addressed by passage of the enabling Legislation.

4.6 Robust Internal Procedures and Processes

The Judiciary has numerous internal processes that support the provision of judiciary services. These judicial and administrative services are all regulated by various regulations, policies, manuals and service standards. The Judiciary therefore continuously reviews its internal processes to ensure that they are facilitative, accessible and promote the provision of services to the satisfaction of justice seekers. The overall objective is to have all processes and procedures documented so as to promote objective decision

making as well as standardized and harmonized services across the institution.

4.6.1. Compliance, Integrity, and Quality Assurance.

The Judiciary is committed to actualizing its vision of 'judicial hygiene' and the creation of centres of excellence in service delivery across all courts, tribunals, registries, directorates and units. In this regard, Office of the Judiciary Ombudsman (OJO) has been mandated to ensure that all Judiciary operations are in strict compliance with laws, regulations, and established procedures, while maintaining transparency and integrity. By actively monitoring and investigating potential issues, it preemptively identifies instances of non-compliance, unethical behavior, or service shortcomings. This not only helps prevent misconduct and uphold ethical conduct but also continuously assesses and improves the quality of judicial processes and services.

4.6.2. Compliance and Integrity Checks

In the year under review, OJO has conducted a total of 25 compliance and integrity checks in our courts to ensure that the judicial system operates in accordance with legal and ethical standards, thereby upholding the integrity of the judicial process, maintaining the highest level of transparency, accountability, and public trust. These checks serve to proactively identify and address issues related to compliance with policies, laws and regulations, ethical conduct, and the quality of judicial services. This exercise plays a pivotal role in preventing misconduct, and promoting a justice system that is responsive, just, and accountable to all citizens.

4.6.3. Integrity Assurance Officers

The Judiciary appointed 187 Integrity Assurance Officers from various court stations and units. These officers undertook a training programme prepared by the Judiciary in collaboration with the Ethics and Anti-corruption Commission's (EACC) National Integrity Academy (NIAca). The training equipped the integrity officers with the necessary skills to detect, investigate, report and close loopholes that provide opportunities for Judiciary staff to compromise their integrity. These officers are also responsible for undertaking corruption sensitisation programmes at the court stations.

In order to enhance support for preventative corruption initiatives, 10 officers from OJO were also trained on methodologies of handling complaints as well as compliance audits. These officers now form part of the trainers who are expected to train and sensitize all staff on issues touching on integrity and compliance issues.

4.6.4. Establishment of Quality Management System (QMS)

During the reporting period, the Judiciary commenced the second phase of institutionalizing a quality management system with the objective of streamlining judicial processes, case management, and administrative procedures so as to enhance overall efficiency, and reduce delays in court proceedings and case backlog. The second phase lays emphasis on creating a culture change through training and awareness creation for all Judicial personnel commencing with the court station leadership. In this

regard, there was a training and sensitization forum that was held for Heads of Court Stations in May 2023 where they were sensitized on the objectives of QMS, their role in the QMS certification process as well as the timelines for the roll out of activities.

Chapter

Human Capital
Management
and Development

5

HUMAN CAPITAL MANAGEMENT AND DEVELOPMENT

“

An inspired team of judges, judicial officers, and judiciary staff committed to excellence in the delivery of justice.

”

5.1 Introduction

The Judiciary has continued to focus on improved human capital management and organizational development to ensure efficient and expeditious delivery of justice. Various initiatives were undertaken to develop, optimize human capital and create a conducive work environment. This is in line with the STAJ vision, which envisions an “inspired team of judges, judicial officers, and judicial staff committed to excellence in the delivery of justice”.

During the FY 2022/23, the Judiciary put in place strategies to improve the human resource capacity by appointing 32 judges, recruitment of 396 judicial staff, and promotion of 145 judicial officers and 108 staff. Efforts were also focused towards improving the working environment, by providing working tools, equipment, and furniture. Additionally, more vehicles were procured to facilitate service delivery.

5.2 Strategic Human Capital Plans

A number of strategic initiatives were undertaken to improve terms of service and various administrative policies. These are discussed below.

5.2.1 Alignment of Salary Structure

Pursuant to Article 172 (1)(b) of the Constitution, JSC is mandated to review and make recommendations into conditions of service of the staff of the Judiciary. To address inconsistencies, the JSC aligned the salary structure for judicial staff across all job grades. The number of allowances were also revised to a maximum of four and capped at 40 percent of the gross salary. The JSC also engaged robustly with other state organs on the remuneration and benefits of judges and judicial officers.

5.2.2 Approval of Policies

The Judiciary developed and secured JSC approval of policies on the training and skills development, as well as the student internship and attachment.

5.3 Employee Establishment

The Judiciary has an approved establishment of 10,325 employees, which include, 348 Judges, 1,200 Magistrates, 65 Kadhis, 155 Tribunal Members, 421 Registrars, 666 Law Clerks and Legal Researchers, and 7,470 Judicial staff. As at June 30, 2023, the Judiciary had a total complement of 6,643 employees, which was a 36 per cent under-establishment as indicated in Table.5.1.

Table 5.1: Employee Approved Establishment vs In Post

S. No.	Designation	Approved Establishment	In post - FY 2021/2022	In Post FY 2022/2023			% of Optimal Staffing
				Male	Female	Total	
1	Supreme Court Judges	7	7	4	3	7	100%
2	Court of Appeal Judges	30	19	17	12	29	97%
3	High Court Judges	200	72	45	34	79	40%
4	ELC Judges	63	51	31	22	53	84%
5	ELRC Judges	48	21	12	9	21	44%
	Total	348	170	109	80	189	54%
7	Chief Magistrate	80	69	35	23	58	73%
8	Senior Principal Magistrate	160	73	48	23	71	44%
9	Principal Magistrate	240	139	98	128	226	94%
10	Senior Resident Magistrate	400	108	34	69	103	26%
11	Resident Magistrate	320	153	20	45	65	20%
	Total	1,200	542	235	288	523	44%
13	Chief Kadhi	1	0	0	0	0	0%
14	Senior Principal Kadhi	8	8	8	0	8	100%
15	Principal Kadhi	22	22	22	0	22	100%
16	Senior Resident Kadhi	19	19	19	0	19	100%
17	Resident Kadhi	15	0	0	0	0	0%
	Total	65	49	49	0	49	75%
19	Registrars	9	7	2	7	9	100%
20	Senior Principal Deputy Registrar	8	0	0	0	0	0%
21	Principal Deputy Registrar	17	0	0	0	0	0%
22	Senior Deputy Registrar	96	0	0	0	0	0%
23	Deputy Registrar	141	0	0	0	0	0%
24	Assistant Registrar	150	0	0	0	0	0%
	Total	421	7	2	7	9	2%
26	Tribunal Members	155	104	77	48	125	81%
	Total	155	104	77	48	125	81%

S. No.	Designation	Approved Establishment	In post - FY 2021/2022	In Post FY 2022/2023			% of Optimal Staffing
				Male	Female	Total	
28	Law Clerks/Legal Researchers	666	169	33	136	169	25%
29	Judicial Staff	7,470	5,251	2,742	2,837	5,579	75%
	GRAND TOTAL	10,325	6,292	3,247	3,396	6,643	64%

The Judiciary is currently functioning at 64 per cent of its optimal staffing levels, as shown in Figure 5.1.

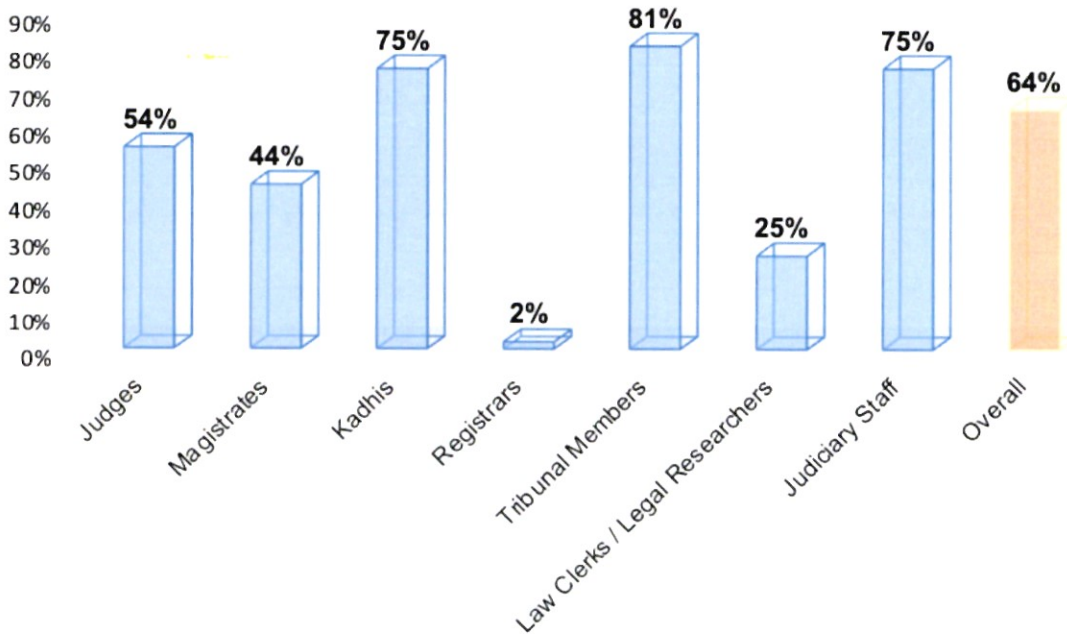


Figure 5.1: Judiciary Staffing Levels as at June 30, 2023

5.3.1 Judges Establishment

The overall judges' establishment is 348, with the Supreme Court being 7 judges, the Court of Appeal 30, the High Court 200, ELRC 48, and ELC 63. As at June 30, 2023, there were 7 Supreme Court Judges, 29 Courts of Appeal judges, 79 High Court judges, 21 ELRC judges, and 53 ELC judges. There was improvement in establishment in the Court of Appeal, the High Court and the ELC during the FY 2022/23. The Supreme Court had full establishment in the last two reporting periods, while the other courts operated below their approved establishment as indicated in Figure 5.2.

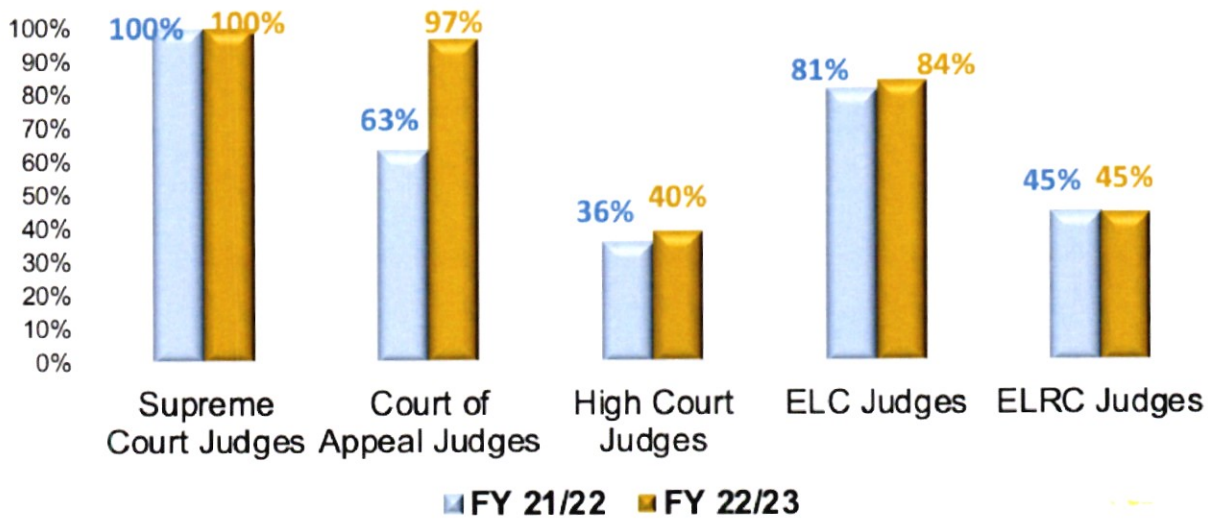


Figure 5.2: Judges in Post Levels, FY 2021/22 and FY 2022/23

5.3.2 Magistrates Establishment

The establishment for the magistracy cadre is below the approved levels, currently operating at 44 percent. There was no recruitment of magistrates in the year under review however, internal promotions and natural attrition led to a decline in the number of magistrates in each cadre except the principal magistrates as shown in Figure 5.3

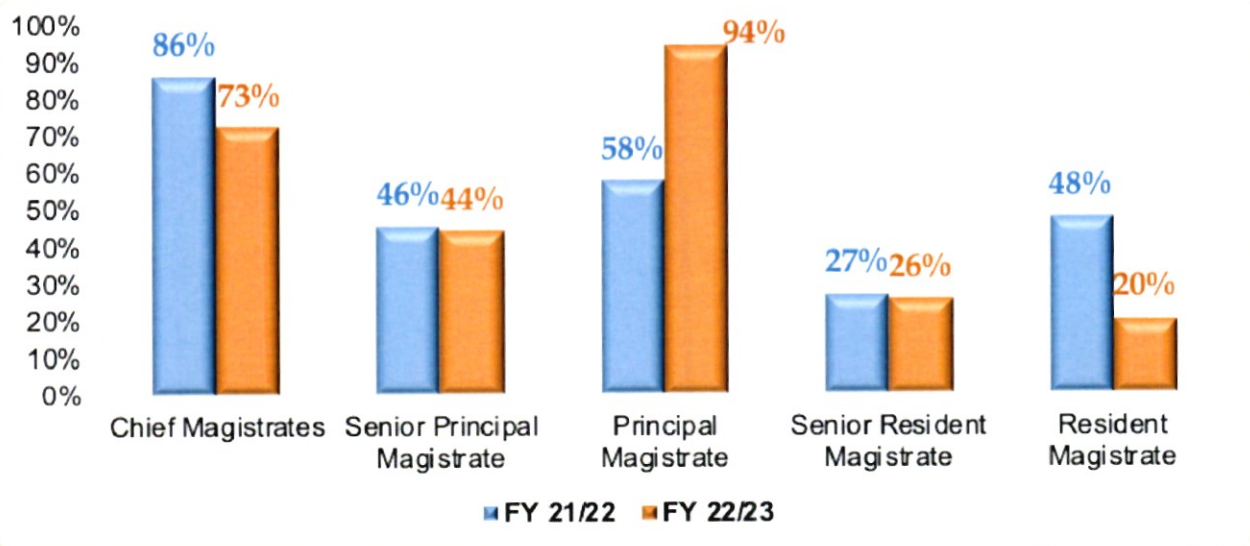


Figure 5.3: Magistrates in Post Levels, FY 2021/22 and FY 2022/23

5.3.3 Kadhis Establishment

As a result of the promotion of Kadhis that took place in the FY 2022/23, these cadres were functioning at optimal staffing levels as shown in Figure 5.4 The cadre of Resident Kadhis remained vacant for the last two reporting periods.

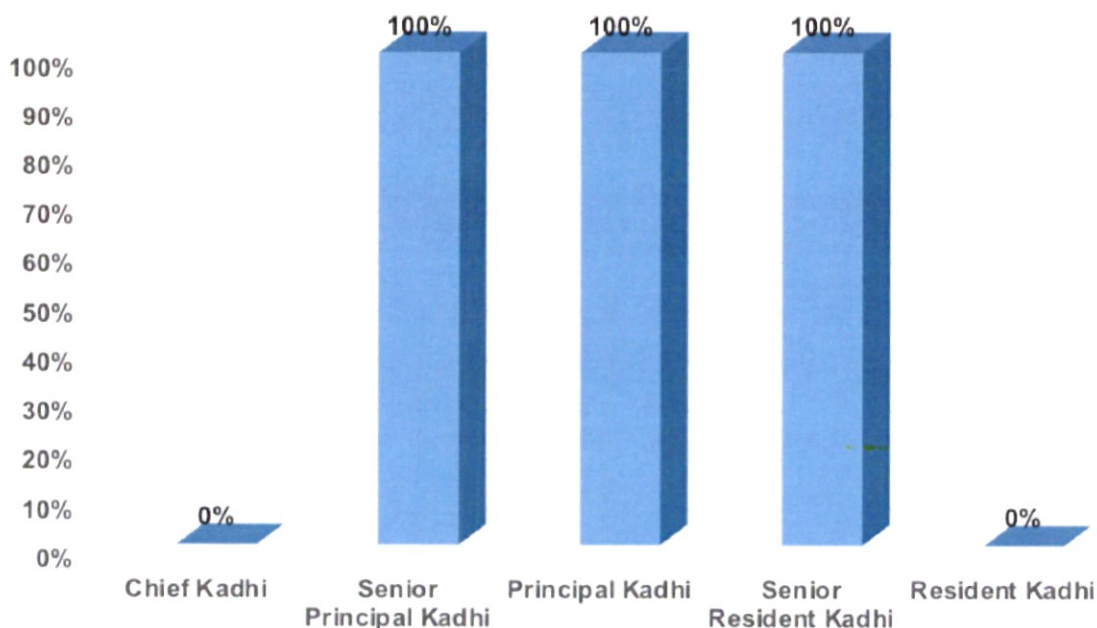


Figure 5.4: Kadhis in Post Levels, FY 2021/22 and FY 2022/23

5.3.4 Tribunal Members Establishment

There are 23 Tribunals which have transited into the Judiciary, of which the Judicial Service Commission nominated and/or appointed members for 13 of them whereby a total of 21 members were appointed bringing the total number of members to 125 in FY 2022/23 from 104 in FY 2021/22. As at June 30, 2023, majority of the Tribunals had full establishment as indicated in Table 5.2, except for the National and Civil Aviation Administrative Review operated below the approved establishment. The Tribunal secretariat has a shared service model which provides common administrative support to majority of the tribunals.

Table 5.2: Tribunals Members and Gender Spread

No	Tribunal	Approved Establishment	In Post	Variance	Male	Female
1	Business Premises Rent	10	10	0	7	3
2	Co-operative	7	7	0	3	4
3	Competition	5	5	0	4	1
4	Copyright	5	5	0	2	3
5	Communication & Multimedia Appeals	7	5	2	2	3
6	HIV & AIDS	7	7	0	4	3
7	Micro & Small Enterprises	7	6	1	5	1
8	Legal Education Appeals	5	4	1	2	2
9	National Civil Aviation Administrative Review	5	1	4	1	0
10	National Environment	5	5	0	4	1
11	Transport Licensing Appeals Board	5	5	0	3	2
12	Sports Disputes	9	9	0	6	3
13	Standards	5	4	1	3	1
14	Industrial Property	5	5	0	3	2

No	Tribunal	Approved Establishment	In Post	Variance	Male	Female
15	Political Parties Disputes	7	7	0	4	3
16	Public Private Partnerships Petition Committee	7	6	1	3	3
17	Rent Restriction	10	5	5	3	2
18	Education Appeals	7	0	7	0	0
19	Energy & Petroleum	7	2	5	1	1
20	Land Acquisition Tribunal	3	1	2	1	0
21	Tax Appeals Tribunal	21	21	0	14	7
22	Water Appeals	1	1	0	1	0
23	The Financial Centre Tribunal	5	4	1	1	3
TOTAL		155	125	30	77	48

5.3.5 Registrars Establishment

The approved establishment for the registrars' cadre is 421. Currently, only the registrars' cadre is substantively filled as per the approved establishment as indicated in Figure 5.5. The substantive position of the Deputy Registrars who are currently deployed in the High Courts are Magistrates. The positions of Deputy Registrars are vacant.

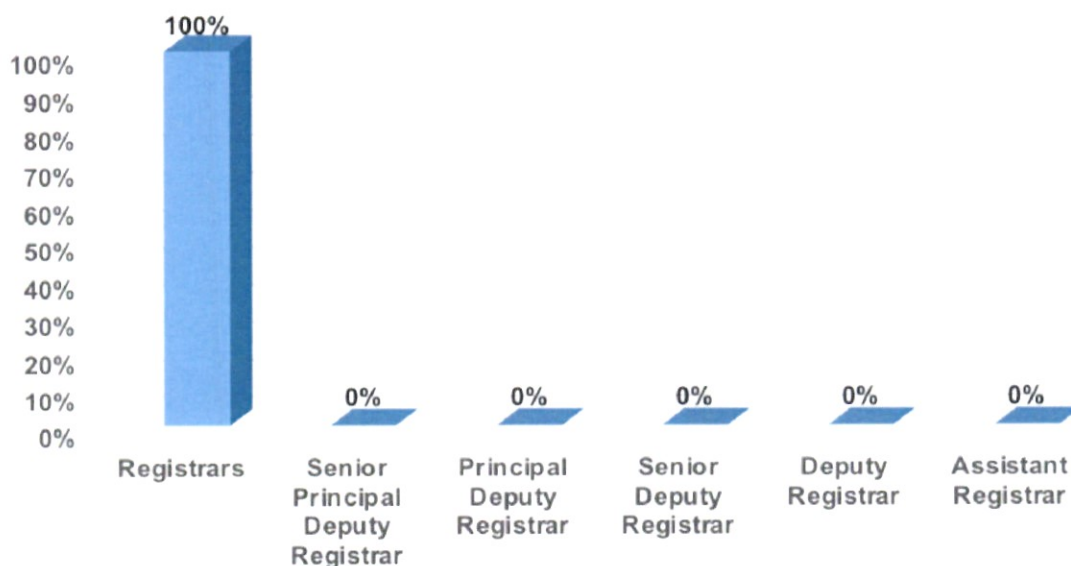


Figure 5.5: Registrars in Post Levels, FY 2021/22 and FY 2022/23

5.3.6 Law Clerks and Legal Researchers Establishment

Law clerks and legal researchers provide a critical role in supporting legal research for judges. There were 169 law Clerks and legal researchers out of which 33 were males and 136 females. There were no recruitments of these cadres during the review period. However, the current in post is 25 per cent of its approved establishment.

5.3.7 Judicial Staff Establishment

There were 5,579 staff of various cadres during the reporting period, which is 75 percent of the approved establishment of 7,470 judicial staff, as indicated Figure 5.6

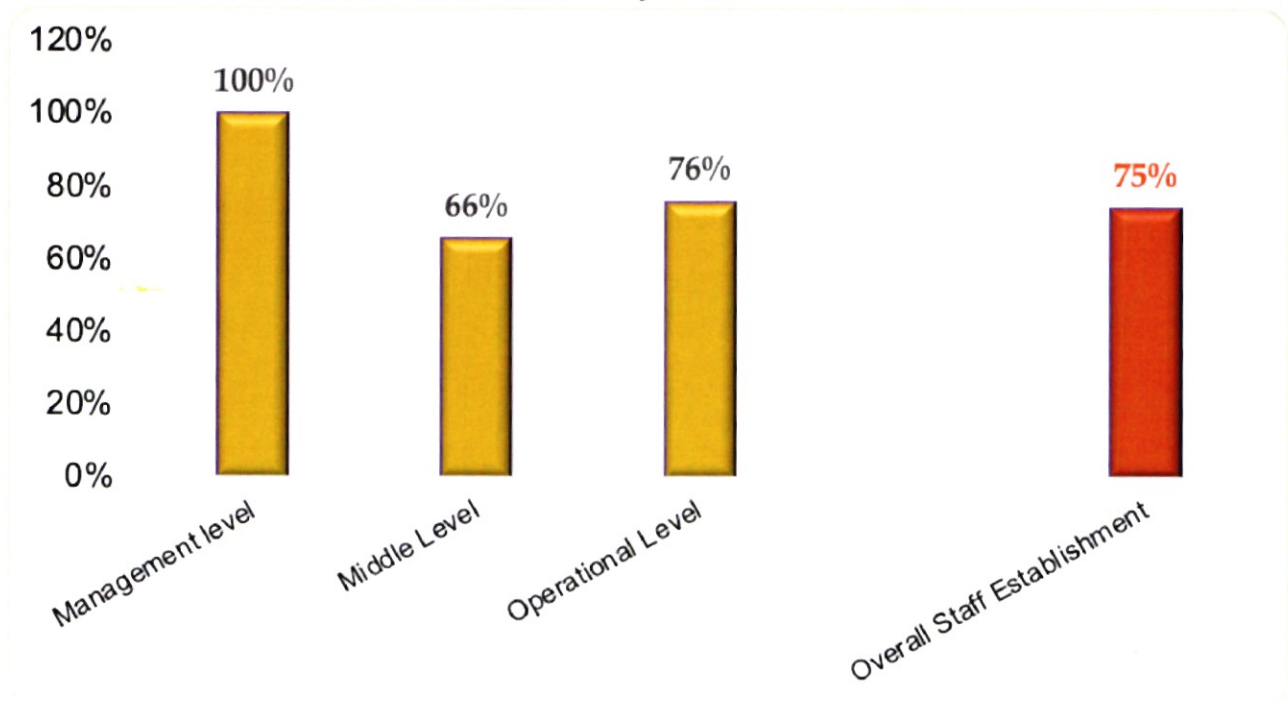


Figure 5.6: Staff in Post levels as at June 30, 2023

5.3.8 Directorates' Staff Establishment

There are 10 functional areas that provide administrative support in the Judiciary. These are:

- Directorate of Accounts (DA)
- Directorate of Finance (DF)
- Directorate of Supply Chain Management (DSCM)
- Directorate of Information Communication and Technology (DICT)
- Information and Records Management Unit (IRM)
- Directorate of Human Resource Management and Development (DHRMD)
- Directorate of Administration and Security Services (DASS)
- Directorate of Building Services (DBS)
- Directorate of Planning and Organisational Performance (DPOP)
- Directorate of Public Affairs and Communication (DPAC)

The majority of these directorates are operating below 34 per cent of the approved levels as illustrated in Figure 5.7.

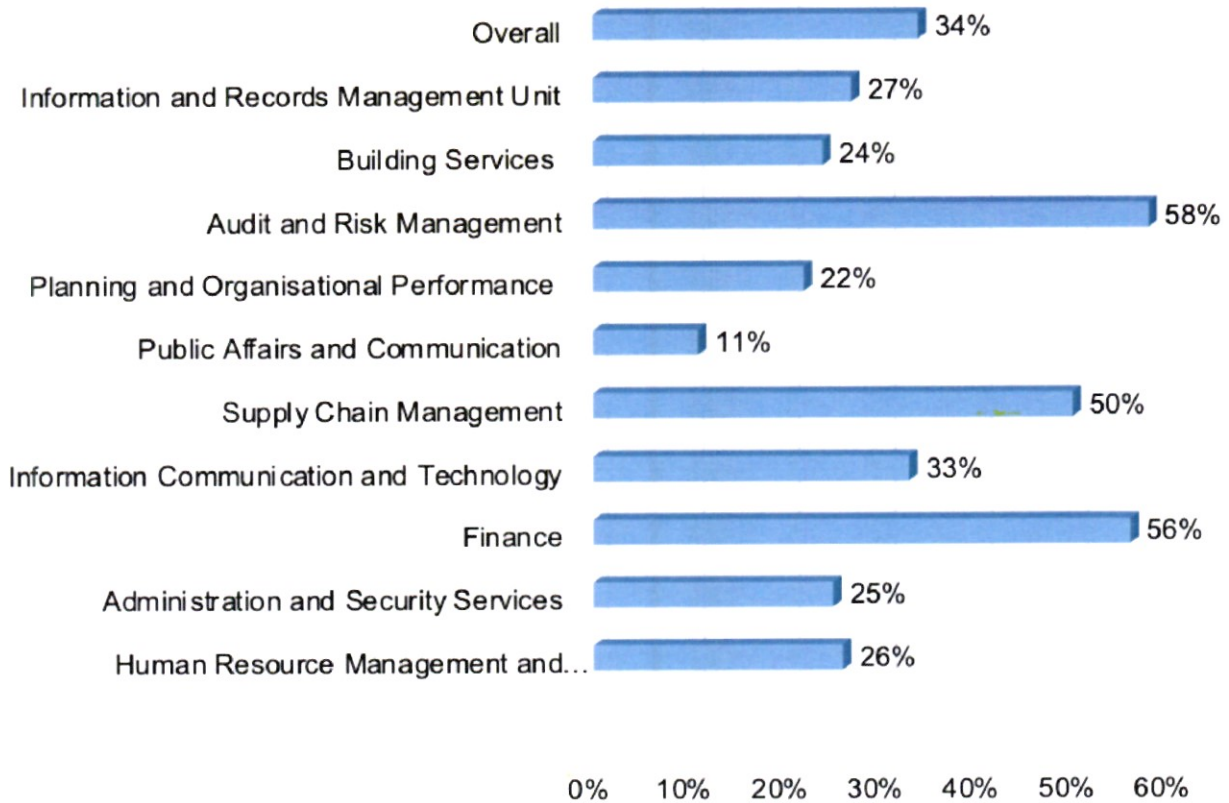


Figure 5.7: Directorates & Unit in Post Levels as June 30, 2023

5.4 Diversity and Inclusivity

5.4.1 Persons Living with Disability

The Judiciary is working towards mainstreaming disability and ensuring inclusivity within the ranks of its personnel. There were 109 employees who are persons with disability (PWD) out of which 64 were male while 45 were female. Persons living with disabilities constitute 1.6 percent of the Judiciary's human capital. The percentage representation of PWDs in Judiciary is as indicated in Figure 5.8.

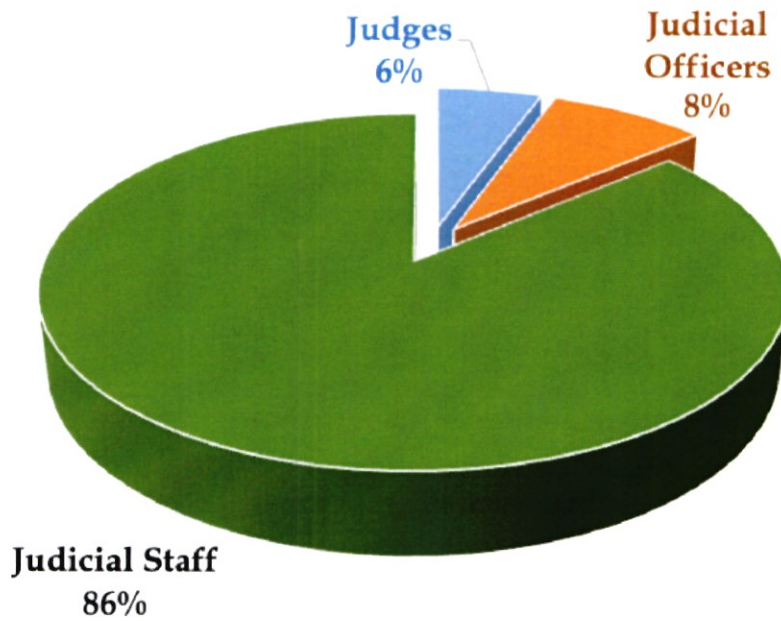


Figure 5.8: Breakdown of PWDs Judiciary Employees as at June 30, 2023

5.4.2 Gender Diversity

Gender is a critical component of organizational inclusivity. Overall, there is near gender parity with the female to male ratio being 51:49 of the employee complement as shown in Figure 5.9.

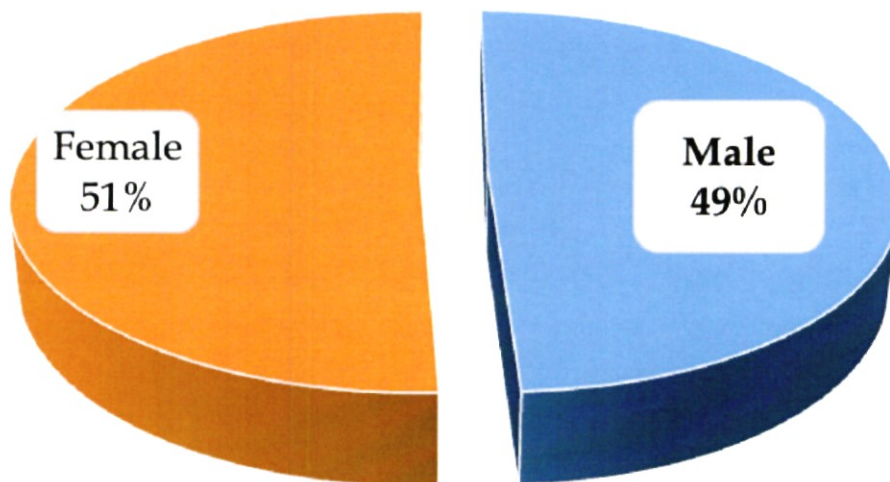


Figure 5.9: Employee Gender Distribution as at June 30, 2023

5.4.3 Gender Demographics, Judges

The Judiciary has attained the two-third gender parity across all levels of superior courts whereby male Judges are at 58 per cent whereas female Judges are at 42 per cent. Analysis of the gender composition per court indicates that the Court of Appeal has a slightly higher variance. The ratio of male to female is as indicated in Figure 5.10.

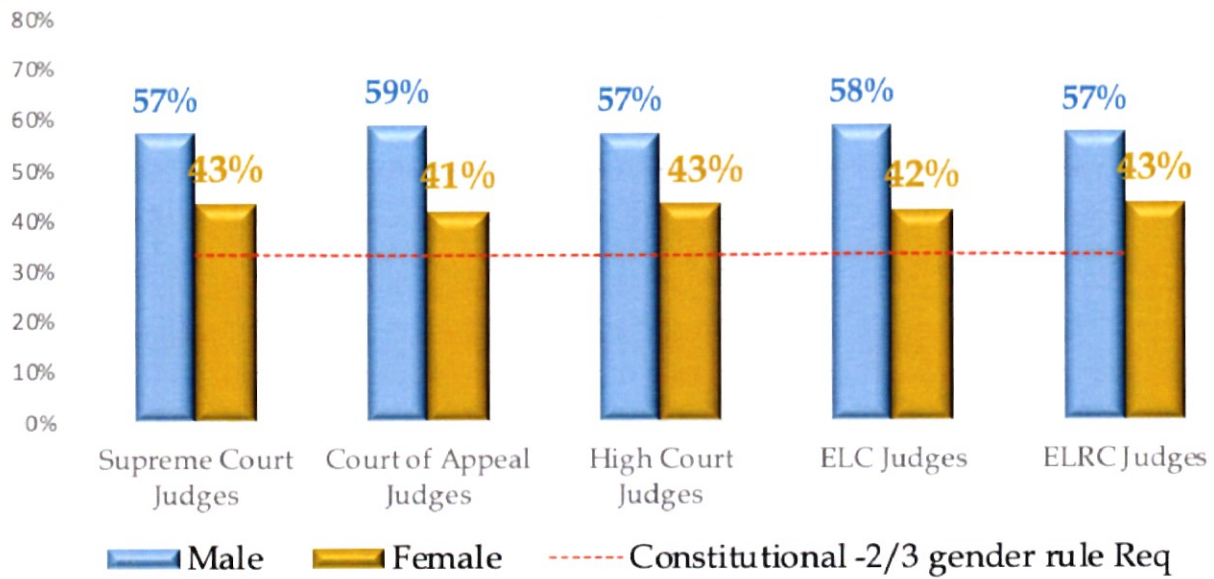


Figure 5.10: Judges Gender Demographics as at June 30, 2023

5.4.4 Age Demographics for Judiciary Personnel

The majority of Judiciary employees (59 %) are aged 39 years and below, with 43 per cent being in the youth age bracket age of 18-35 years as indicated in Table 5.3.

Table 5.3: Judiciary Age Demographics for all Employees

S. No	Age Bracket	Number	%
1	19-29	1,239	18.65%
2	30-35	1,618	24.36%
3	36-39	1,069	16.09%
4	40-49	1,854	27.91%
5	50-55	575	8.66%
6	56-59	269	4.05%
7	60+	19	0.29%
Total		6,643	100.00%

The distribution on age cohort is further presented in Figure 5.11.

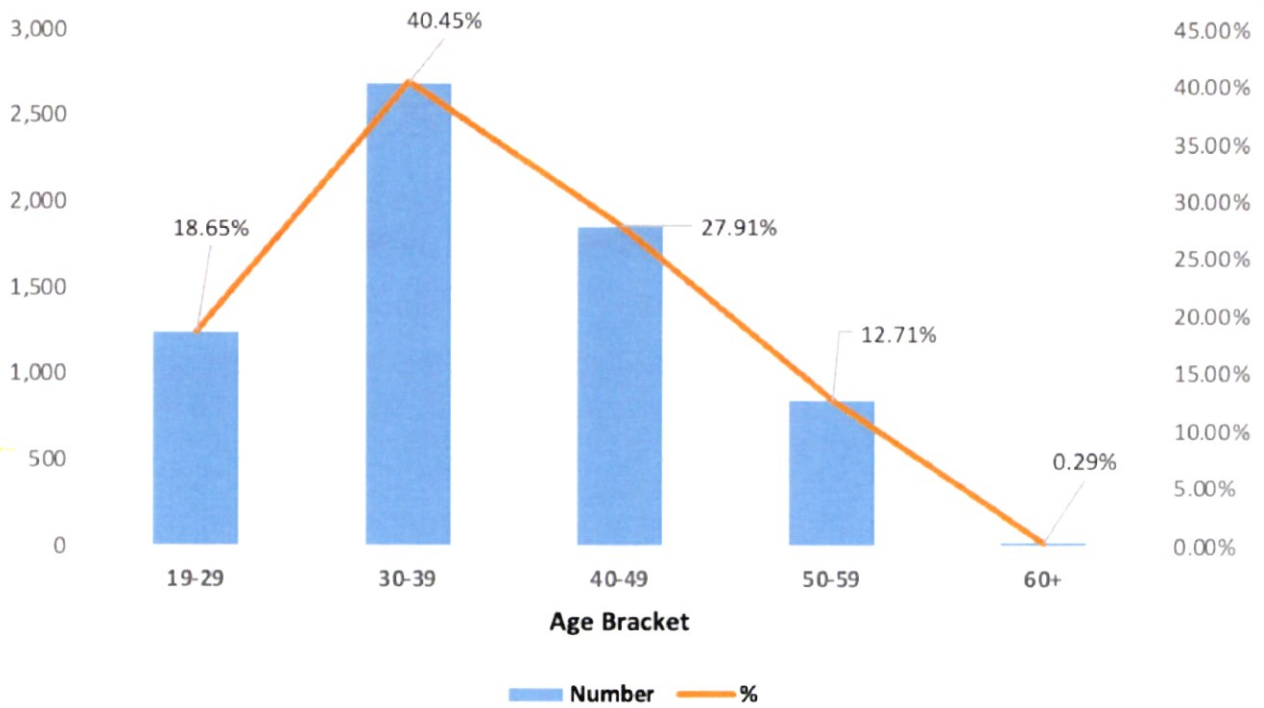


Figure 5.11: Age Demographics for all Judiciary Employees

5.4.5 Age Demographics, Judges

The retirement age for judges is 70 years with the current average age being 58 years. Figure 5.12 depicts age distribution curve for judges.

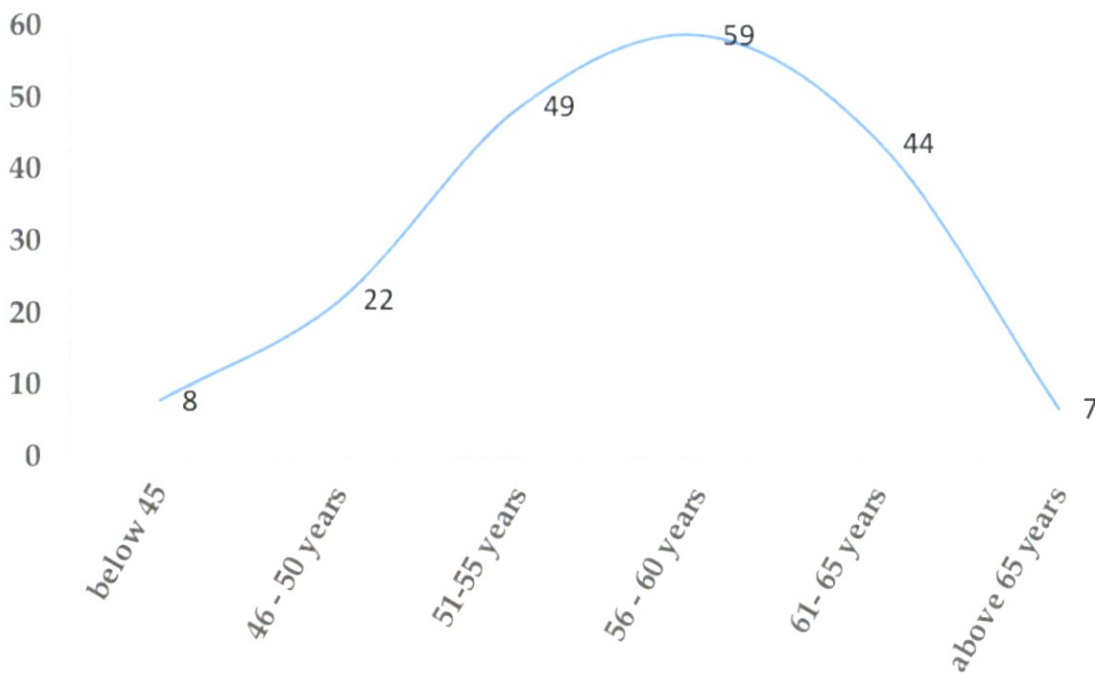


Figure 5.12: Judges Age Demographics as at June 30, 2023

5.4.6 Gender Demographics, Magistrates

The ration of female judicial officers stands at 55 per cent of the complement which is at least 10 per centage points higher than the number of male judicial officers. The biggest variance is recorded in the Resident Magistrates level where females are 70 per cent of the establishment as shown in Figure 5.13.

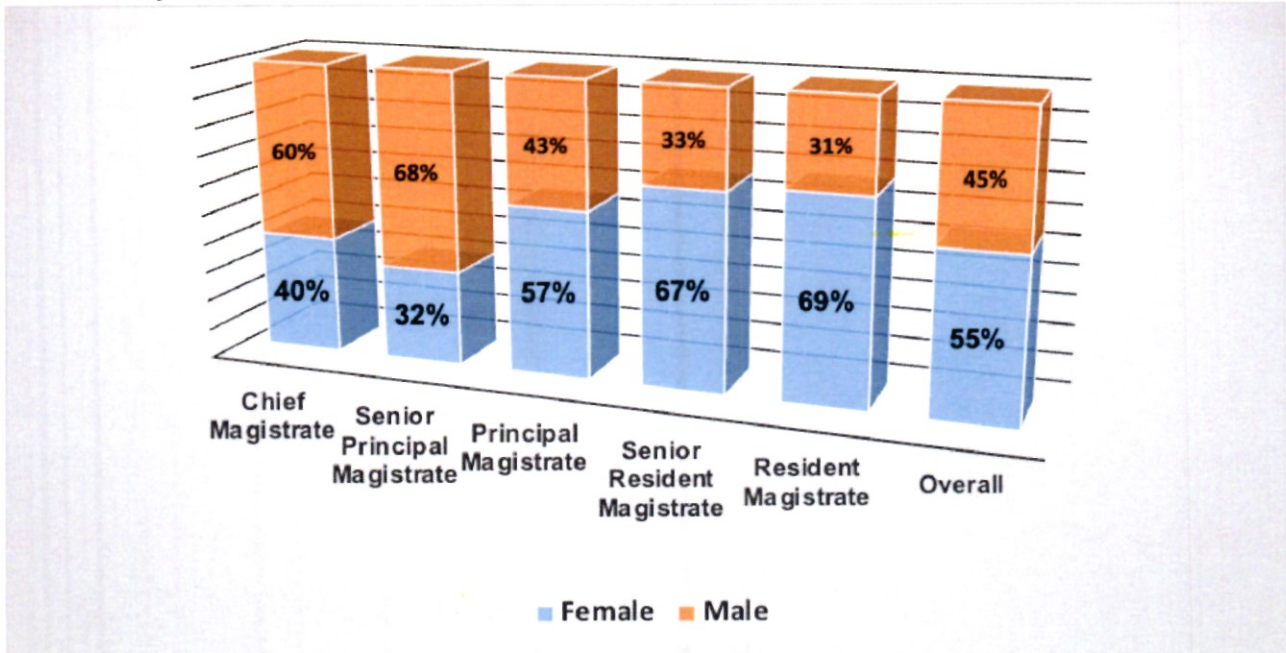


Figure 5.13: Magistrates Gender Demographics as at June 30, 2023

5.4.7 Age Demographics, Magistrates

The majority of magistrates fall within the age bracket of 41-50 as illustrated in figure 5.14.

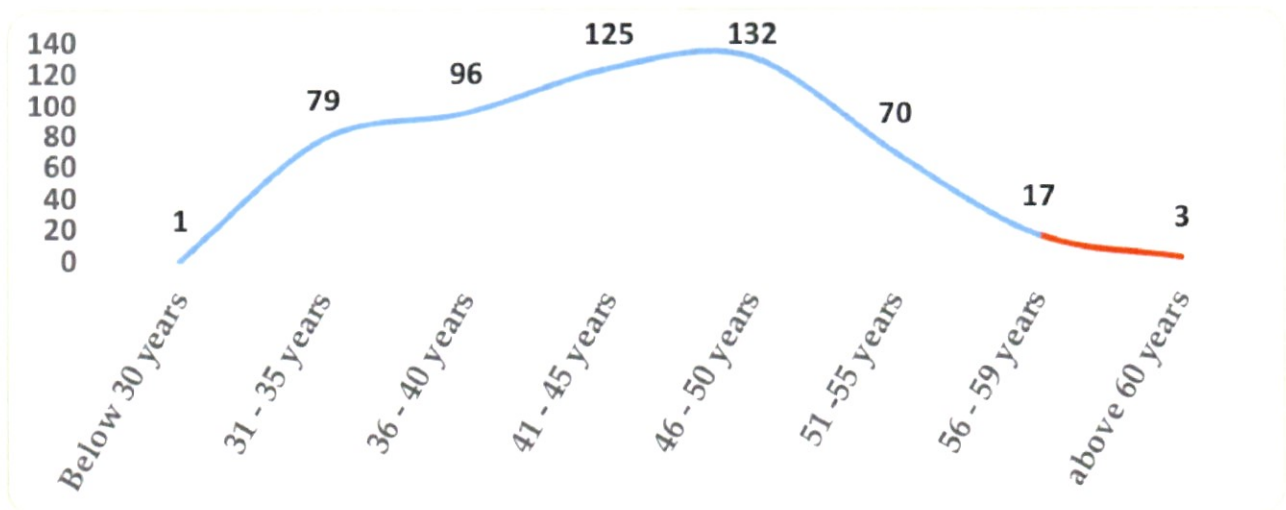


Figure 5.14: Age Demographics for Judicial Officers as at June 30, 2023

5.5 Talent Acquisition, Growth, Rationalisation

Talent management strategies are the processes and practices that organizations use to attract, develop, retain, and engage their top talent. These strategies are designed to help organizations achieve their goals by having a workforce that is skilled, motivated, and aligned with the organization's values.

5.5.1 Talent Acquisition

During the reporting period, recruitments were undertaken to address existing staffing gaps within the Judiciary. In addition, the human resource capacity was bolstered by utilising 463 short term contractual employees under the *Ajira* programme. This programme, which was undertaken in 49 court stations, entailed the transcription of court proceedings, as well as scanning and uploading of court records.

5.5.1.1 Recruitment of Court of Appeal Judges

Ten Judges were appointed to the Court of Appeal being eight males and two females. The appointment enhanced the Court's establishment to 29 Judges and at the end of the reporting period the Court of Appeal was operating at 97 percent of its approved establishment of 30 Judges.



Judicial Service Commission conducting Interviews for Judges

5.5.1.2 Recruitment of High Court Judges

At the beginning of the reporting period there were 72 judges in the High Court. Seven judges exited the service while others were appointed to Superior Court, to bridge the existing shortfall, 20 High Court Judges were appointed, 12 being males and eight females. The judges complement for the High Court therefore stood at 79 as at June 30, 2023.

5.5.1.3 Recruitment of Employment and Labour Relations Court Judges

The Judiciary enhanced the establishment of ELRC from 51 to 53 judges as two judges were appointed to the Court, being one male and one female.

5.5.1.4 Recruitment of Tribunals Members and Judicial Staff

In order to increase the human resource complement with the objective of enhancing service delivery, the Judiciary appointed 396 new personnel constituting tribunal members, secretaries and staff for the secretariat and tribunals as shown in Table 5.4.

Table 5.4: Tribunals, Recruitment and Appointments, FY 2022/23

S. No.	Designation	Number Recruited		
		M	F	Total
1.	Tribunal Members and Secretary	14	7	21
2.	Law Clerks and Legal Researchers	8	33	41
3.	Senior Civil/Structural Engineer	1	0	1
4.	Senior Draughtsman	1	0	1
5.	Senior Electrical Engineer	1	0	1
6.	Senior Quantity Surveyor	1	2	3
7.	superintendent of Works	2	1	3
8.	Chargehand	1	0	1
	Senior Protocol & Public Relations Officer	0	1	1
9.	Court Administrator	5	4	9
10.	Court Assistants	116	101	217
11.	Communication Officer	1	0	1
12.	Statistician II	1	0	1
13.	Senior ICT Officer	2	0	2
14.	ICT Officer I	2	1	3
15.	ICT Officer II	4	2	6
16.	ICT Assistant I	0	1	1
17.	ICT Assistant	22	7	29
18.	Office Administrator	0	1	1
19.	Risk Management officer	1	0	1
20.	Office Assistant	2	0	2
21.	Drivers	49	1	50
	Total	234	162	396

5.5.2 Talent Growth

Talent growth is the process of developing and enhancing the skills, knowledge, and abilities of employees. The Judiciary prioritizes investing in talent growth for it to maintain a competitive advantage and achieve its mandate with efficacy.

5.5.2.1 Talent Growth for Judicial Officers

A total of 145 judicial officers were promoted in the year as indicated in Table 5.5

Table 5.5: Promotions for Judicial Officers, FY 2022/23

S. No	Previous Designation	Promoted to	Number
1.	Principal Magistrates	Senior Principal Magistrates	50
2.	Principal Kadhi	Senior Principal Kadhi	1
3.	Senior Resident Magistrates	Principal Magistrates	91
4.	Senior Resident Kadhis	Principal Kadhis	3
Total			145

5.5.2.2 Talent Growth for Judicial Staff

In order to enhance delivery of service in courts and motivate judicial staff, a total of 108 internal appointments were conducted as indicated in Table 5.6.

Table 5.6: Appointments for Judicial Staff, FY 2022/23

S. No.	Designation	JSG	No. of Staff		
			M	F	Total
1.	Director, ICT	1	1	0	1
2.	Deputy Director, ICT	2	2	0	2
3.	Senior ICT Officer	4	1	0	1
4.	ICT officer I	5	1	1	2
5.	Senior Accounts Assistants	7	34	27	61
6.	ICT Assistant	8	1	0	1
7.	Accounts Assistants	8	15	25	40
		Total	55	53	108

5.5.3 Staff Rationalization

The Judiciary undertook staff rationalization which involved evaluating and restructuring the workforce. This was to ensure equitable distribution of the core staff which would address the right size and skills mix that meets the needs of various courts, directorates and units. A total of 642 staff were equitably shared in courts, directorates and units in order to address the staff imbalances as indicated in Table 5.7.

Table 5.7: Staff Rationalization, FY 2022/23

No.	Designation	Number
1.	Assistant Director, HRMD	5
2.	Assistant Director, Finance	2
3.	Assistant Director, Office Administration	3
4.	Accountants	47
5.	Communication Assistants	4
6.	Court Administrators	46
7.	Court Assistants	274
8.	Court Bailiffs	3
9.	Drivers	24
10.	HRMDOs	4
11.	Legal Researchers	35
12.	Librarians	6
13.	Office Management	107
14.	Process Server	1
15.	Records Management	12
16.	Security	16
17.	Supply Chain Management	53
Total		642

5.6 Employee Exits

As at June 30, 2023, a total of 100 employees exited from judicial service, of which 16 passed away in service, while 84 retired from service as indicated in Table 5.8.

Table 5.8: Employee Retirements, FY 2022/23

S. No.	Designation	Number
1.	Judges	4
2.	Magistrates	3
3.	Kadhis	2
4.	Judicial Staff	75
Total		84

5.7 Training and Development

To effectively exercise its mandate, the Judiciary has been committed to ensuring that judges, judicial officers and judicial staff were trained and exposed to the emerging jurisprudence and development in their professional fields.

5.7.1 Judiciary Overall Academic Qualifications

The overall staff establishment in the Judiciary comprises employees with various levels of academic qualifications. Majority of staff in the Judiciary have the minimum qualification of 'O' Level at 40.6% as indicated in Table 5.9.

Table 5.9: Highest Level of Academic Qualifications

Education Level	Number of Staff	%
PhD	15	0.23%
Master's Degree	307	4.62%
Bachelor's Degree	2,135	32.14%
Diploma	1,321	19.89%
O' Level	2,696	40.60%
Primary	99	1.49%
Informal Education	69	1.04%
Total	6,643	100.0%

The breakdown on the level of education in the Judiciary is presented in Figure 5.15.

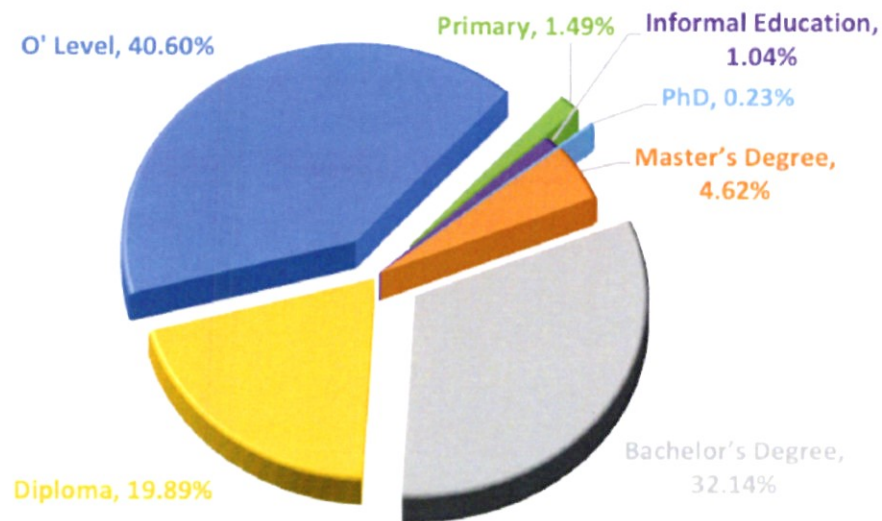


Figure 5.15: Proportion of Academic Qualification of the employees, FY 2022/23

5.7.2 Academic Qualifications per Job Level

The minimum academic qualification for all judges and judicial officers is a bachelor's degree while the minimum qualification for the lower level judicial staff is O'-Level certificate. The employees' skills per cadre is as illustrated in Table 5.10.

Table 5.10: Highest Level of Qualification per Job Level

Qualification	Judges	Judicial Officers	JSG 1-3	JSG 4	JSG 5	JSG 6	JSG 7	JSG 8	JSG 9	JSG 10	JSG 11	Total	%
PhD	8	1	6									15	0.23%
Master's Degree	36	83	50	47	42	29	11	9	0	0	0	307	4.62%
Bachelor's Degree	145	488	152	81	126	222	166	119	631	5	0	2,135	32.14%
Diploma				9	35	98	233	136	764	40	6	1,321	19.89%
O' Level				21	36	152	305	385	1,161	488	149	2,697	40.60%
Primary							1	9	4	46	39	99	1.49%
Informal Education				1	0	0	9	3	9	38	9	69	1.04%
TOTAL	189	572	208	159	239	501	725	661	2,569	617	203	6,643	100%

This is further illustrated in Figure 5.16 per cadre of employment

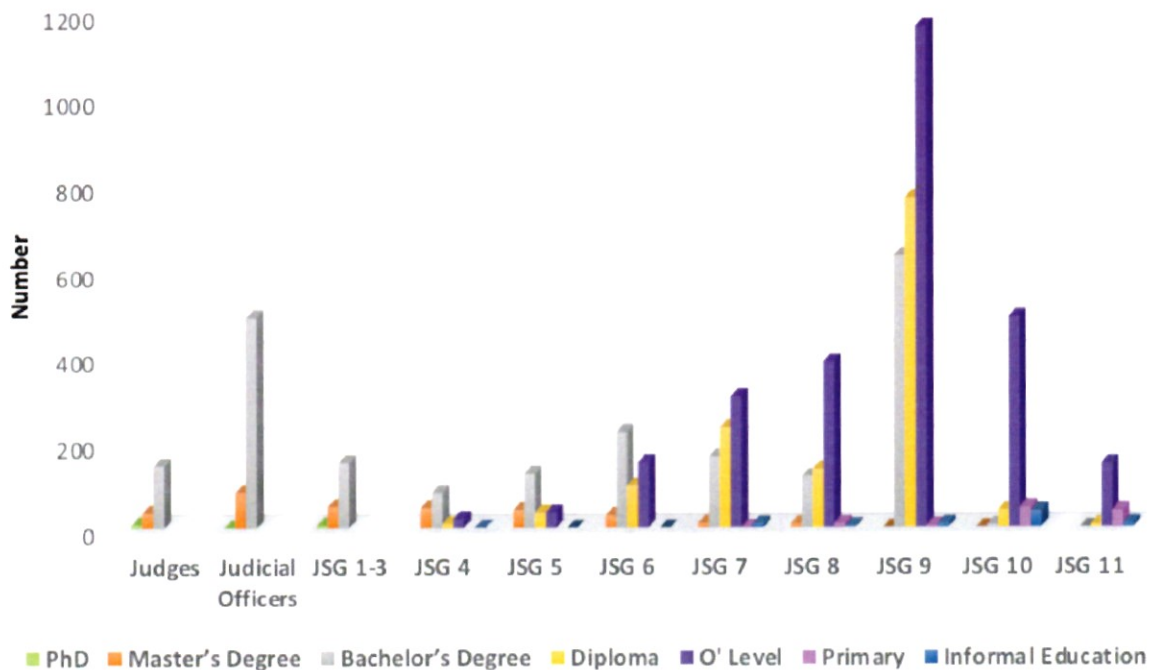


Figure 5.16: Distribution of Employee Academic Qualifications, FY 2022/23

5.7.3 Training and Development for Judges and Judicial Officers

During the financial year 2022/23, the Judiciary in collaboration with Kenya Judiciary Academy (KJA) organized various capacity building programs including trainings, inductions, symposiums, conferences, seminars and public lectures.

5.7.3.1 Development and Implementation Training Master Calendar

The Judiciary developed Annual Training Calendar for the FY 2022/23, which was approved by the Judicial Service Commission. The training calendar for the financial year was aligned to the strategic goals and policy guidelines of the Judiciary and JSC as well as feedback from training evaluation reports, performance management reports, customer satisfaction reports, employee satisfaction reports, management reports and emerging issues.

5.7.3.2 Program Design and Content

To equip participants with skills knowledge and competencies in emerging areas of law, Continuous Judicial Education (CJEs) training programs were designed covering the following areas; information technology, criminal justice, counter-terrorism, intellectual property, data protection, digital and technology justice, Sexual and Gender-Based Violence (SGBV), environmental and land, employment and labour relations, international law, insolvency and company law, Alternative Dispute Resolution (ADR) and Alternative Justice Systems (AJS), mediation, children's law, and maritime crimes.

These programs incorporated emerging jurisprudence, best practices, leadership and management, judicial skills, and judge craft. There were deliberate efforts to adopt various approaches to enhance judges' and judicial officers' awareness of social contexts in which they adjudicate based on emerging trends.

5.7.3.3 Training on Election Disputes Resolution

To equip judges and judicial officers with skills and competencies required to handle election disputes, the Judiciary trained 65 Judges and 103 Magistrates who had been gazetted to handle election disputes.

The training programs covered key areas including; Evidentiary Issues in EDR; Burden of proof and standard of proof in election petitions; Emerging trends in the 2022 petitions; Interlocutory applications and remedies and; Scrutiny and recount encompassing purpose, principles and applications. In addition, debrief sessions for Judges and Magistrates were organized upon the conclusion of the petitions. The Political Parties Disputes Tribunal held a debrief to review its performance, identify challenges and areas of improvement.

5.7.3.4 Training on Alternative Justice Systems (AJS)

During the period under review, the National Steering Committee on Implementation of Alternative Justice System (NaSCI-AJS) coordinated sensitization workshops targeting Judges, Magistrates, state and non-state actors on the AJS policy. The programs undertaken included:

- Launch of County Action Plan (CAPs) for Nakuru County,
- Uasin Gishu CAP Process training on AJS and human rights,
- Training of Baringo AJS Practitioners
- Training of Nakuru AJS Practitioners, and
- AJS training for various teams in Mombasa.

Other capacity building programs and sensitizations were conducted for Kiambu Elders and Kigotho Elders. The Committee also held sensitisation engagements to discuss areas of collaboration between Kituo cha Sheria and Mombasa Court User Committee (CUC) with regards to AJS.

The Steering Committee also convened the 2nd Annual National Conference on Alternative Justice systems in Kenya on June 26- 28 2023. The conference whose theme was '*AJS as Culture and Innovation in Accelerating Social Transformation through Access to Justice*' brought together justice actors, practitioners, judicial officers, academia, policy makers, civil society actors, development partners and all stakeholders in the Access to Justice Ecosystem.

5.7.4 Induction Programs

Ten Court of Appeal Judges, were taken through an induction program which covered both Judicial and administrative modules including ICT and automation in the courts, concepts of collegiality in a multi-member bench, core values and emotional intelligence.

In addition, 20 Judges of the High Court and two Judges of the Environment and Land Court were also inducted. The induction program covered the following areas; The vision of the Judiciary (STAJ) and the role of the courts in realization of the vision, the court's strategic direction, structure and administration, emerging jurisprudence, principles of Constitutional interpretation and land mark decisions, Active case management, ADR, judgement writing, Ethics and Integrity, Judicial Code of Conduct, performance management, ICT and automation in the courts and Stress Management. In addition, 22 law Clerks were also inducted.



Newly Appointed High Court Judges during their induction held in December 12-16, 2022 with the Justice Eric Ogolla, Principal Judge (5th from left) and Justice (Dr.) Joseph Serگون (4th from left).

5.7.5 Capacity and Skill development Programs for Judges and Judicial Officers

To enhance the capacity of judges and judicial officers various training programs were developed and implemented as tabulated in Table 5.11.

Table 5.11: Capacity Building Programs for Judges and Judicial Officers

SN	Training Program	Number
1.	Workshop for ELRC Judges	20
2.	Enabling Environment for Existing Digital & Emerging Technologies; Opportunities and Challenges	30
3.	Training on Remote Judging	15
4.	Pre-Training Webinar: Initial Findings on Resentencing Post Muruatetu	25
5.	Judgment Writing Clinic (virtual session) for Judges	30
6.	Emerging Issues in Tax Law	40
7.	Judgment Writing Clinic (virtual session) for Judges	30
8.	CJE for ELRC Judges	33
9.	Uniformity in Resentencing Post <i>Muruatetu</i> : Emerging Jurisprudence and Best Practices for Judges	25
10.	Contemporary issues in Criminal Justice Procedure Reforms for Magistrates	30
11.	Contemporary issues in Criminal Justice Procedures & Reforms for Magistrates	30
12.	Training on Remote Judging	38
13.	Emerging Issues in Tax Law	40
14.	Training of Judicial Officers on Adjudication of Counter Terrorism Cases	80
15.	Training of Judicial officers on emerging issues in Environmental and Land Law	40
16.	Legal Researchers' Training on the Maputo Protocol	73
17.	Training of Judicial Officers on Adjudication of Counter Terrorism Cases	40
18.	Training of Judicial Officers on Adjudication of Counter Terrorism Cases	40
19.	Training of Judicial officers on emerging issues in Environmental and Land Law	40
20.	Legal Researchers' Training on the Maputo Protocol	73
Total		772

5.7.6 Training and Development of Judicial Staff

The Judiciary Staff Training Committee (JSTC) approved various training programs in leadership and management, public relations and customer care, records management, and pre-retirement training. This data is presented in Table 5.12.

Table 5.12: Training Programs for Judicial Staff, FY 2022/23

S.No	Course Name	No of Participants		
		Female	Male	Total
1	Strategic Leadership Development Programme (SLDP)	7	8	15
2	Senior Management Course (SMC)	21	16	37
3	Management Skills Course (MSC)	25	25	50
4	Supervisory Skills Development Course (SSDC)	29	24	53
5	Management Course for Office Administrators (MCOA)	30	0	30

S.No	Course Name	No of Participants		
		Female	Male	Total
6	Performance Management Systems	0	1	1
7	Public Relations & Customer Care (Customized group Training)	20	13	33
8	Records Management Course (Customized group training)	41	24	65
9	Pre-retirement	13	9	22
Total		186	120	306

All the 900 newly appointed court assistants were taken through a comprehensive induction programme to prepare them for their duties. The court assistants and legal researchers were also taken through an orientation programme as indicated in the Table 5.13.

Table 5.13: Induction Programs undertaken FY 2022/23

	Program	No of Participants
1	Induction of Newly Appointed Court Assistants	900
2	Orientation of Newly Appointed Court Assistants and Legal Researchers	241
Total		1,141

In total, the Judiciary trained and inducted 1,447 Judicial Staff out of 5,579 representing 26 per cent of judicial staff that benefited from capacity building within the reporting period.

5.7.7 Judicial Attachments and Pupillage

The Judiciary provides attachment and internship opportunities to students in learning institutions to gain practical experience in their areas of study under the guidance of experienced employees. A total of 5,590 persons were placed under judicial attachment, 1,035 in various directorates and units, 66 on pupillage, 4 on mentorship, 7 on internship as indicated in Table.5.14.

Table 5.14: Judicial Attachments and Pupillage, FY 2022/23

S. No	Item	Number
1	Judicial Attachments	4,478
2	General Attachments	1,035
3	Pupillage	66
4	Mentorship	4
5	Internship	7
Total		5,590

5.7.8 Annual Colloquia, Symposiums and Conferences

Annual colloquia, symposiums, and conferences provide opportunities for deliberations and introspections by judges and judicial officers of various court levels on pertinent matters relevant to the delivery of justice. The periodic events are significant in entrenching a culture of continuous improvement based on experience sharing, learning and strategic alignment. They also serve as opportunities for strengthening

collaborations with stakeholders and addressing challenges in service delivery. During the financial year the inaugural Small Claims Court Symposium and the Annual Colloquium for Magistrates and Kadhis were carried out.

The inaugural Annual Symposium for Small Claims Courts was held on December 1-3, 2022. The program coverage included; reflecting on the journey and the mandate of the Courts, Legislative framework, Small Claims Courts Action Plan, Automation, and Case Management. The SCC Symposium had 26 participants 7 male and 19 female.

The Annual Colloquium for Magistrates and Kadhis was held in two sessions on February 1-3, 2023 and February 8-10, 2023 after a break of three years due to the COVID-19 pandemic. The colloquium provided an opportunity for judicial officers from all over the country to share experiences and tackle emerging challenges on access to justice following the COVID-19 pandemic. The participants reflected on the STAJ vision, strategies for the achievement of the vision, and the role of judicial officers. The colloquium was attended by 531 participants.

5.7.9 Deepening collaborations with other State Organs

The Judiciary designed and conducted training for the clerks and committee members of various Committees of the National Assembly between January 29 and February 4, 2023. Participants were drawn from; Audit and Appropriation Committee, Departmental Committees and the Legal and Compliance Committee. The training was facilitated by judges and judicial officers who took participants through a range of topics to enable them discharge their mandate. The unique training provided an opportunity for the two Arms of Government to enhance the existing cordial and working relationship within the confines of the constitution and the respective mandates of each arm.

Recommendations arising from the training included; broadening the scope of training opportunities to include chairpersons; training Judicial Officers and Judicial Staff on parliamentary and legislative procedures; holding joint forums such as seminars and symposiums on emerging legal issues affecting both arms of Government; and benchmarking with other jurisdictions on best practices for courts and parliament.

Government Internship Program (GIPro) is a government initiative for young graduates undertaken for a period of 12 months of internship, in various government ministries, departments, agencies, counties, and constituencies. The aim of the program is to expose the interns to public service through training, mentorship, and coaching by experienced public officers. The Judiciary in collaboration with *Hesabika* Trust conducted the induction of 17 interns on various areas of law and the Kenya judicial system.



Government Interns Program (GiPRO) organized by the Judiciary and Hesabika trust at the KCB Leadership Center on November 9-12, 2022

5.7.10 Kenya Judiciary Academy as a Centre of Regional Dialogues

The Judiciary through the Kenya Judiciary Academy hosted several regional and international conferences as follows:

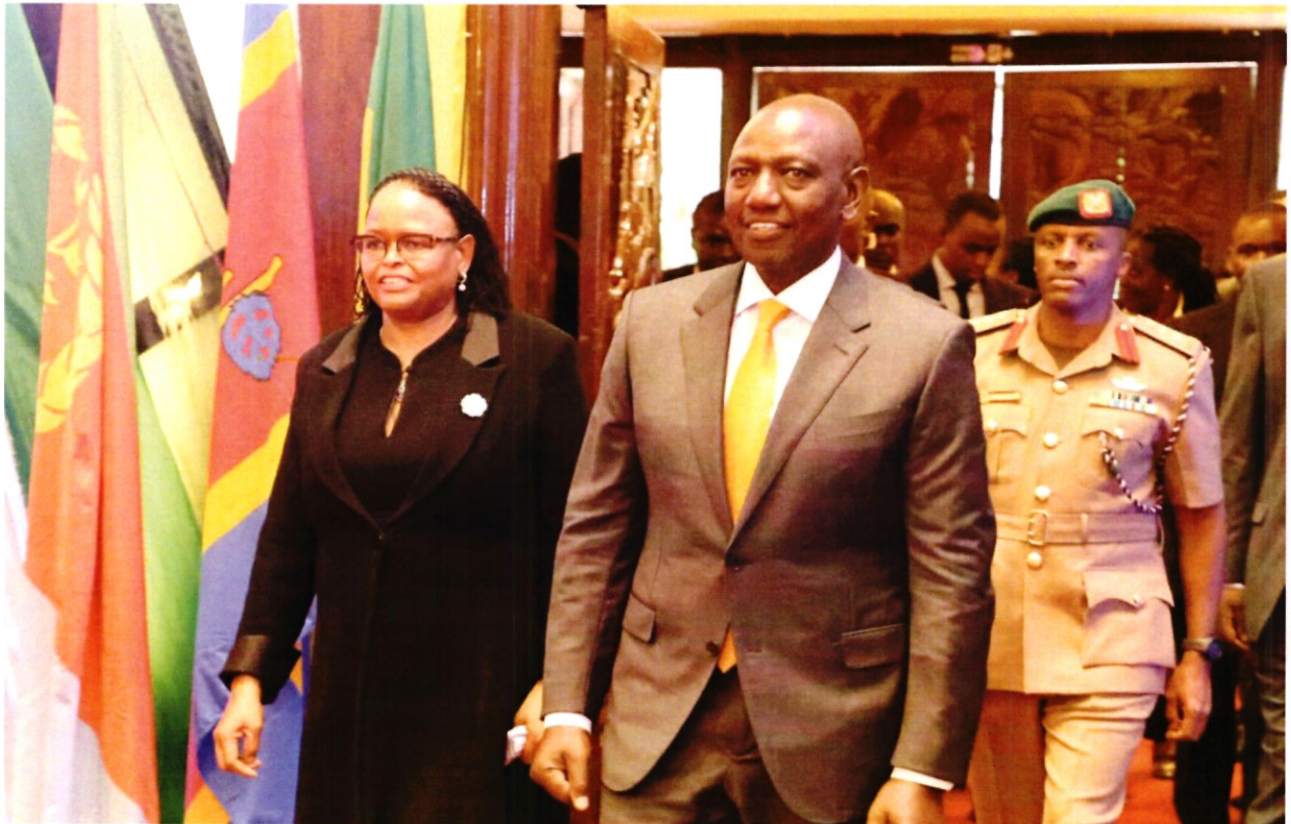
5.7.10.1 Africa Judicial Education Network on Environmental Law Board (AJENEL) Regional Symposium

The Judiciary in collaboration with the Africa Judicial Education Network on Environmental Law Board (AJENEL) hosted the 3rd Regional Symposium on Greening Judiciaries in Africa Incorporating the 3rd Chief Justices' Forum on Environmental Law and the 3rd General Conference of the Africa Judicial Education Network on Environmental Law (AJENEL). The regional conference whose theme was 'Strengthening the Role of Judiciaries in Addressing Climate Change in Africa' was held from April 3-5, 2023 in Nairobi.

The conference provided an opportunity for sharing experiences, best practices and jurisprudence and forging a collective path towards a more sustainable future. The high-level presentations and panel discussions held were intended at exploring innovative jurisprudential, legal and policy approaches, examining emerging best practices on climate change adjudication and foster partnerships for driving lasting change.

The symposium was officially opened by H E the President of the Republic of Kenya and attended by 26 countries from Africa, regional Heads of Judiciary Training Institutes and over 500 participants. The conference delegates included; Chief Justices and Deputy Chief Justices (or their representatives) from the participating countries across the Continent; Presidents and Judges of Apex and Regional Courts; Magistrates and Heads of Tribunals; Directors of Judiciary Training Institutes; authorized representatives and judicial delegations of the 32 judiciary member states of the AJENEL; The academia represented by

select professors from across the African continent; The Law Society of Kenya; Representatives from the office of Director Public Prosecutions; Judiciary staff; Law Clerks and Civil society representatives.



His Excellency Dr William Samoei Ruto is welcomed by Hon Justice Martha Koome to officially open the Greening Judiciaries Symposium



His Excellency Dr William Samoei Ruto plants a tree during the Greening Judiciaries Symposium

5.7.10.2 Study Tour by Judges of South Sudan

The Judiciary hosted a delegation of seven members from the Judiciary in South Sudan who visited to benchmark on best practices on case management, sentencing systems, and operations of Court Users Committees in Kenya. This delegation, whose visit was held January 31 - February 3, 2023, comprised five judges and two court officials from South Sudan's Gender Based Violence and Juvenile Courts. The delegation had engagements with the Registrars of various courts, the State Department for Gender and Affirmative Action, Kenya National Commission on Human Rights and the Office of the Director Public Prosecution.



The delegation from South Sudan paid a courtesy call to Hon Justice Martha Koome, EGH, Chief Justice, in Nairobi

5.8 Health, Safety and Wellbeing

A safe and conducive work environment enhances employee motivation and increases work productivity. The Judiciary is committed to developing and improving the work environment for judges, judicial officers, staff and all court users. There were various wellness and benefits programmes implemented during the financial year under review. The programmes included medical scheme cover for employees and their dependents, car loans and mortgage scheme as indicated in Table 5.15.

Table 5.15: Employees Welfare Benefits

No	Welfare Benefits	Number of Employees
1	Ex-gratia Assistance	35
2	Group Personal Accident	8
3	Pension benefits processed	85
4	Group Life Assurance processed	23
5	Car Loan	24
6	Mortgage facilities	18

5.8.1 Medical Insurance Cover and Wellness

The Judiciary has put in place various employee wellness programs geared towards promoting and improving physical, mental, and emotional health and well-being of employees. This includes a Medical Insurance cover, Group Life Assurance and Group Personal Accident cover.

The Judiciary processed benefits for 24 employees and their dependants who passed on, and further processed compensation for 23 employees who were involved in accidents. A total of KSh1.3 billion was spent for medical expenses during the review period.

Further, KSh20 million was allocated for ex-gratia assistance to support employees with various medical challenges and 35 employees benefited from the fund.

The Judiciary Out-patient and In-patient medical schemes were enhanced within the financial year to cater for the various focus areas as had been indicated by the judiciary employees in the past. These schemes were complemented by the Group Personal Accident Cover which was renewed from February 1, 2023. The Judiciary ensured to provide all the necessary statutory employee benefits as required by law including those provided for constitutional office holders.

The Judiciary continued to organize employee wellness activities including sporting and team building events. The activities were institutionalized to enhance the Judiciary culture which encompasses team work and collegiality which enhanced employee motivation and engagement.

5.8.2 Judiciary Pension

The Judiciary runs an established Defined Benefits (DB) pension scheme administered by the Judicial Service Staff Superannuation Scheme (JSSSS). The scheme ensures smooth exit of employees on attainment of retirement age. During the year under review 84 employees retired from service and their dues processed and paid.

5.8.3 Car and Mortgage Facilities

The Judiciary continues to implement initiatives geared towards motivating its employees. The car and mortgage facilities were established to ensure a caring and supportive working environment for all employees and improve employees' well-being. In the financial year under review 18 employees benefited from the mortgage facility and a total of KSh272million was utilised for mortgages and car loans during the reporting period.

5.8.4 Psychosocial Social Support

The Judiciary offered mental health support for all its employees. The assistance includes counselling services, and mental health awareness campaigns. Rehabilitation services in collaboration with specialized health providers for employees facing addiction challenges such as drinking, smoking and drug addiction were undertaken. There were workshops and seminars held where information was provided on various health topics including work-life balance and financial wellness. During the review period, 23 sensitizations sessions were conducted.

5.9 Facilities Management and Work Environment

The Judiciary continued to provide a safe, conducive, secure, and clean work environment through provision and maintenance of office facilities, security, cleaning services, and transport services. To effectively dispense justice, the Judiciary has various facilities comprising of courtrooms, chambers, registries and offices across the country. The Judiciary acquired additional office space at the Kenya Reinsurance Plaza.

To secure its premises, security services contracts for outsourced security were implemented for all court stations. Further, uniformed police officers were deployed to the new Judges while cleaning services were outsourced from seven firms with effect from March 1, 2023.

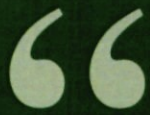
To facilitate the movement of judges, judicial officers and judicial staff while on official duty, the Judiciary acquired 17 vehicles at a cost of KSh84.5 million. The Judiciary utilized KSh128.9 million in fuel and KSh175.6 million in repairs and maintenance.

Chapter

Resource
Mobilisation
and Utilisation

5

RESOURCE MOBILISATION AND UTILISATION



Strengthened financial mechanisms that support the independence and integrity of the Judiciary.



6.1 INTRODUCTION

The Judiciary continues to implement its strategic focus that is primarily guided by the Strategic Plan 2019-2023 and the Judiciary's blueprint on Social Transformation through Access to Justice (STAJ) among other policy documents. This chapter is anchored on outcome No 3 of STAJ, "Strengthened Financial Mechanisms that Support the Independence and Integrity of the Judiciary" under the various interventions.

6.2 THE JUDICIARY FUND

Expenditure operations under the Judiciary Fund (JF) took effect from July 1, 2022, after all implementation instruments were actualized and the establishment of an operational framework. Implementation of the JF has allowed the Judiciary flexibility to reallocate funds under the recurrent vote when the need arises. In line with Article 173(1) of the Constitution, the Judiciary Fund is administered by the Chief Registrar. The Judiciary Fund Management Committee (JFMC) has been constituted to support the CRJ by overseeing budget implementation and regularly advising the Accounting Officer on the operations and performance of the Fund. The JFMC also ensures that the exchequer is aligned with the Judiciary's cash flow plan. The JFMC is mandated by Circular to review and recommend reallocation of expenditures in adherence to Section 43 of the Public Finance Management Act (PFMA), 2012. The process is further guided by regulation

48 (1) & (2) of the PFM Regulations (PFMR), 2015 and regulation 7 of the Judiciary Fund Regulation (JFR), 2019.

Standard Operating Procedures (SOPs) for Judiciary Fund operations and M&E Framework were developed to ensure financial accountability in adherence to the Public Financial Management requirements. The JF Support desk was also established and continued to offer technical support. The support desk liaises with the IFMIS department to ensure that the Judiciary's budget module (Hyperion) and General Ledger systems under the JF run smoothly.

6.2.1 Judiciary Fund Challenges

Some challenges have been experienced in the course of implementing the Judiciary Fund are as follows:

- i. *Inadequate and unpredictable frequency of exchequer issuance:* Exchequer amounts received are often not only inadequate to settle pending payments but also not aligned to the Cash Flow Plan as required by the Circular on the Operationalisation of the Judiciary Fund.
- ii. *Delays in the exchequer requests process:* The two-stage exchequer request has slowed down transfer of funds from the Consolidated Fund to the Judiciary Fund and from the Judiciary Fund to the Operational Accounts. The second level is riddled with manual and laborious processes involving population of templates with data/information that is already available in IFMIS.
- iii. *In-flexible payment process:* This affects the facilitation of urgent activities that may emerge along the way as they cannot be processed as soon as possible as the requirement is on a first-in-first-out (FIFO) basis.
- iv. *Inadequate legal provisions for the implementation of Judiciary the Fund:* These include, among others, how to utilise the unspent funds after the lapse of an appropriation period and levels of withdrawal of funds from the Consolidated Fund Services (CFS).

6.2.2 Proposed Way Forward

A number of solutions were proposed to address the challenges by the Technical Committee on the Operationalization of the Judiciary Fund (TCOJF) under the leadership of the Judiciary Fund Steering Committee. These include;

- i. The National Treasury to provide adequate and predictable exchequer funding aligned to the Judiciary's Cash Flow Plan to address exchequer challenge.
- ii. Review of the Circular on the Operationalization of the Fund.
- iii. Review the payment process due to the uniqueness of the Fund. This can be through automation of the documents required by the Controller of Budget (CoB) and provision of read only access of the documents to the CoB in the IFMIS.
- iv. Legal Amendments – review guiding legislation especially the PFM Act, 2012; the Judiciary Fund Act, 2016; JF Regulations, 2019 and Judicial Service Act, 2011 will be necessary so as to enable full operationalization of the Fund.

6.3 Automation of Financial Management through Enterprise Resource Planning (ERP)

The Judiciary has continued to employ technology in various aspects of service delivery. To increase organizational efficiency by managing and improving how resources are utilized. During the period under review a supplier for an ERP was competitively sourced.

The Case Tracking System (CTS) and Judiciary Financial Management Information System (JFMIS) that are integrated with Kenya Commercial Bank's systems continue to offer a platform to achieve seamless financial invoicing, receipting and payment management. These systems have undergone continued improvement and have links with CTS in all court registries. A pilot enhancement on integrating of JFMIS and Q-Pay to ensure seamless transmission of payments was concluded and implementation is ongoing.

The automation of revenue collection and use of Judiciary Financial management Information System (JFMIS) saw the Judiciary revenue collection consistently grow over the past three financial years from KSh2.43 billion in FY 2020/2021 to KSh2.65 billion in FY 2021/2022 and KSh2.66 billion in FY 2022/2023. In addition, a total of KSh 2.64 billion in expenditure was managed through JFMIS while over KSh6.88 billion was transacted through CTS and JFMIS as court deposits.

The CTS and JFMIS are used for revenue and deposit collection, and payment at court stations. The outputs from these systems are relayed to the headquarters and consolidated to create reports on the financial status of the Judiciary. Further, the automation of the Judiciary's financial systems has increased operational efficiency and made it easier and quicker to provide real time reports on all financial transactions. The automation of registry operations and accounting processes has also reduced instances of misappropriation of revenue, deposits, and expenditure thus ensuring enhanced integrity in financial transactions.

6.4 Budget Requirement and Allocation

The Judiciary's Estimates of Expenditure are premised on Article 173 of the Constitution. Sub-article 2 stipulates that the Judiciary Fund shall be used for administrative expenses of the Judiciary and such other purposes as may be necessary for the discharge of the functions of the Judiciary; Sub-article 3 further states that each financial year, the CRJ shall prepare estimates of expenditure for the following year, and submit them to the National Assembly for approval and finally Sub-article 4 states that upon approval of the estimates by the National Assembly, the expenditure of the Judiciary shall be a charge on the Consolidated Fund and the funds shall be paid directly into the Judiciary Fund.

Section 36 of the Public Finance Management (PFM) Act, 2012 provides for the issuance of national guidelines on the budget process to be adhered to. In compliance with this, the Judiciary engaged in a consultative and participatory budget preparation process. This included interactions with various spending units including court registrars, Heads of court stations, Directors and Heads of administrative units.

6.4.1 Judiciary Budget Requirements versus Allocation (2020/21 – 2022/23)

The key priority areas for the Judiciary where the budget was allocated included, Access to Justice and the General Administration of the Judiciary. This was achieved by supporting the Judiciary digital strategy, capital projects (construction and refurbishments), Election Dispute Resolution (EDR), Operationalisation of additional Small Claims Courts, transition and operationalization of tribunals, AJS and implementation of the Organizational Review. Moreover, allocation of the budget went into operationalization of new courts namely Kabiyet, Tinderet, Ol'kalou, Madiany, Rumururi and Kenol.

Some of the identified priority areas in the FY 2022/23 remained underfunded by 51% as shown in Table 6.1. The deficit areas included; expenses for Electoral Dispute Resolution (EDR), recruitment of additional Judges, Judicial Officers and Staff, facilitation of new Judges including purchase of ICT equipment, official motor vehicles, growth and development of Jurisprudence, enhancement of staff welfare (mortgage allocation, provision of medical and GPA Insurance), establishment of Huduma Desks, expansion of the Alternative Dispute System (AJS), establishment of Small Claims Courts and Court Annexed Mediation. The resource requirement for the FY 2022/23 was KSh 43.17 Billion of which 83% (KSh 35.81 billion) represented recurrent and 17% (KSh.7.36 billion) represented development requirements.

Table 6.1: Resource Requirements vs Budget Allocation in FY 2022/23

	Requirements KSh (Billion)	Allocation KSh (Billion)	Funding Gap (%)
Recurrent	35.81	19.23	46%
Development	7.36	1.9	74%
Total	43.17	21.13	51%

The resource gap for the past Medium-Term Expenditure Framework (MTEF) is as illustrated in Figure 6.1.

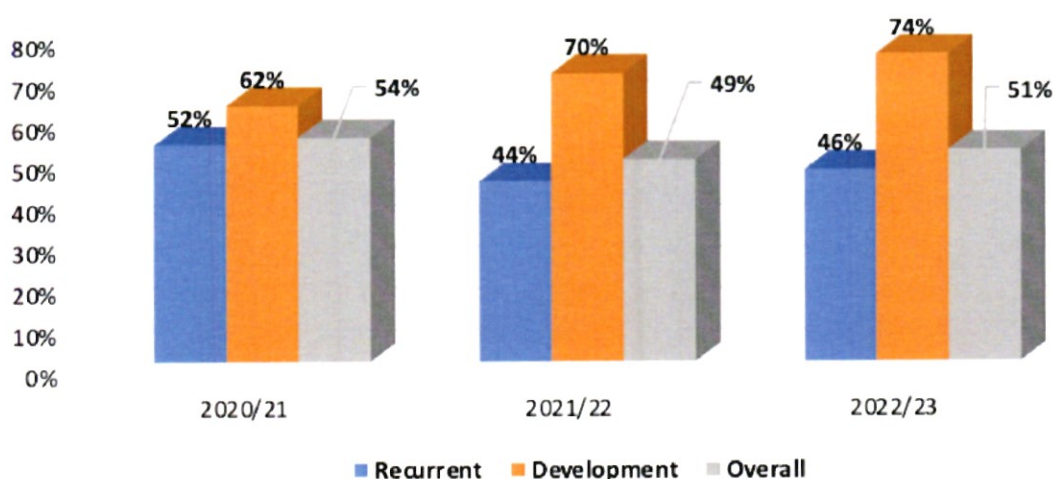


Figure 6.1: Funding Gap (%) of Appropriated Budget vs Resource Requirement

Figure 6.1 shows that over the past three financial years, the funding gap has consistently averaged

almost 50% each financial year. Whereas the Judiciary's budget allocation has been increasing over the MTEF period as shown in Table 6.2, the budget allocation has consistently fallen short of the resource requirements by half.

Table 6.2: Resource Requirements vs Allocation in KSh. Billion

Financial Year	2020/21			2021/22			2022/23		
	Requirements	Allocation	Funding Gap	Requirements	Allocation	Funding Gap	Requirements	Allocation	Funding Gap
Recurrent	30.68	14.58	16.11	28.29	15.97	12.33	35.81	19.23	16.58
Development	6.73	2.56	4.17	7.09	2.15	4.93	7.36	1.90	5.46
Overall	37.42	17.13	20.28	35.38	18.12	17.26	43.17	21.13	22.04

Table 6.2 shows that the Judiciary's budget allocation increased from KSh18.12 billion in FY 2021/22 to KSh21.13 billion in FY 2022/23. This was a 17 per cent increase in budget allocation unlike the previous growth of 5.8 per cent from FY 2020/21 to FY 2021/22. This is attributed to the Government's Bottom-up Economic Transformation Agenda (BETA), whereby the Government took note of the continued resource gap and committed to upscale the Judiciary's budget by KSh3 Billion annually over the next five years. The Judiciary's budget allocation for FY 2022/23 increased by KSh2.7 Billion during supplementary budget. This amounted to KSh21.132 Billion of which KSh19.232 Billion was for the recurrent vote and at KSh1.9 Billion for the development vote. The recurrent budget accounted for 91% while development allocation was only 9%.

Table 6.3: Proportion of Resource Requirements vs Allocation for FY 2022/23 (KSh Million)

Expenditure Classification	Allocation (M)	Proportion of Allocated Resource Sharing (%)
Compensation of Employees	12,438	64.7%
Use of Goods and Services	6,032	31.4%
Social Benefits	17	0.1%
Non-Financial Assets	746	3.9%
Current Expenditure	19,233	100%
Use of Goods and Services	933	49.1%
Non-Financial Assets	967	50.9%
Capital Expenditure	1,900	100%
TOTAL	21,132	100%

The Judiciary is largely a service-based institution and the highest resource allocation goes to

compensation of employees. This took the largest share in the FY 2022/23 at 64.7% of the recurrent budget and the remaining resources were shared among use of goods and services, social benefits, and acquisition of non-financial assets as presented in Table 6.3.

6.5 Budget Preparation Process for FY 2022/23

Pursuant to Article 173 (3) of the Constitution, the Public Finance Management (PFM) Act, 2012 Section 37 (4), the Judicial Service Act, 2011, Section 29 and the Judiciary Fund Regulations 2019 Section 6, the Chief Registrar of the Judiciary is required to prepare budget proposals and submit to the National Assembly, by April 30 of every financial year. The budget cycle is illustrated in Figure 6.2.

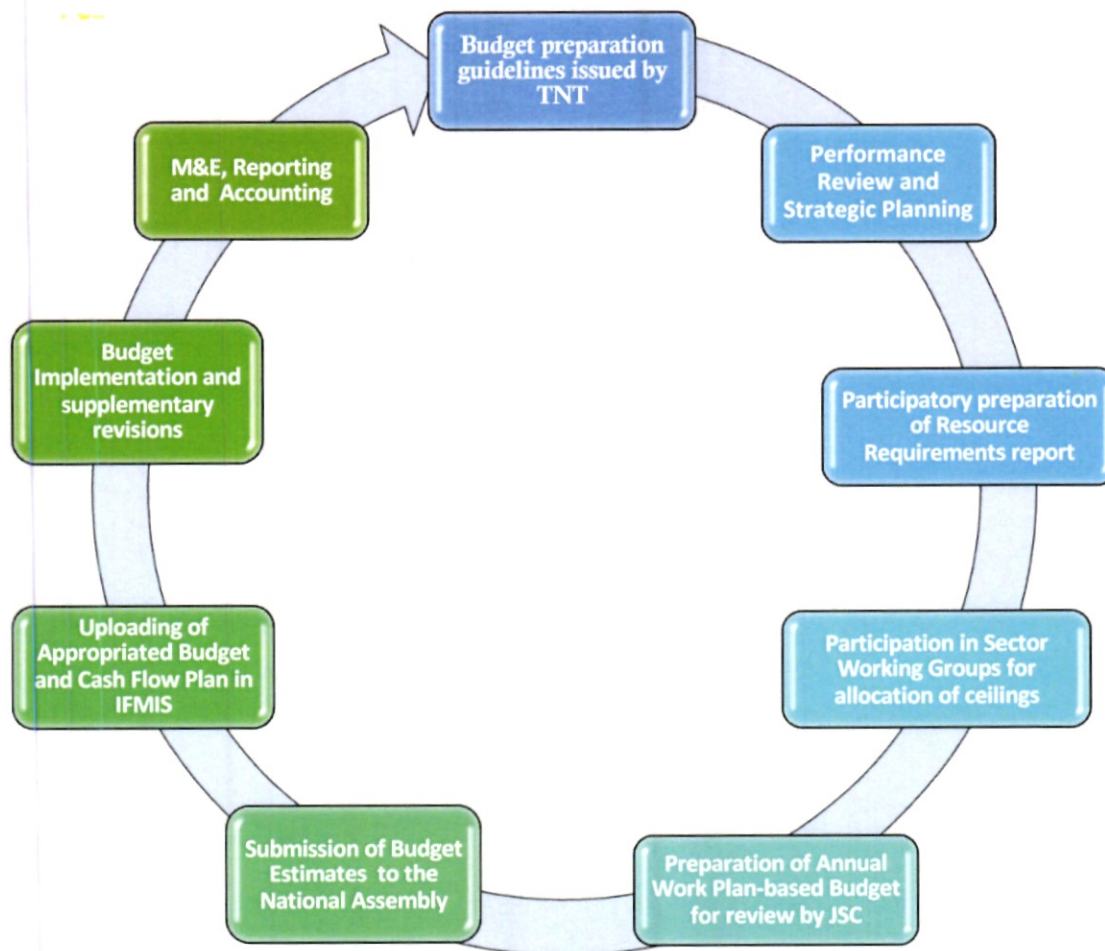


Figure 6.2 Budget Cycle

In line with the provisions of Article 201 of the Constitution and Section 37(5) (a) of the PFM Act, 2012, the budget must be prepared through a participatory process. Regulation 43 of the Judiciary Fund Regulations, 2019 provides that the CRJ should issue guidelines on the processes and procedures to be followed by the spending units in preparation of the Medium-Term Budget. The process and procedures guides preparation of the Program Performance Review (PPR), Medium Term Expenditure Framework (MTEF) and the Programme Based Budgeting (PBB) reports. Resource requirements for all Spending Units informs the MTEF report on the overall resource requirements for the Judiciary for the next FY. Moreover, planned outputs, targets and activities are also identified.

Further, the Judiciary holds public hearings every year during preparation of the budget. This presents an opportunity for the public and other stakeholders to participate and provide feedback on performance, accountability and proposed plans and priorities for consideration in the Judiciary budget. The budget proposals are thereafter reviewed by the Judicial Service Commission before they are submitted to the National Assembly for approval.

In the financial year under review, public hearings were conducted in four counties namely; Uasin Gishu (Eldoret Law Courts), Mombasa (Mombasa Law Courts), Kisumu (Kisumu Law Courts) and Nairobi (Kenyatta International Convention Centre).

Salient issues raised during the public hearings included:

- i. The public noted the huge budget deficit of KSh19 billion and congratulated the Judiciary for delivering services despite the financial constraints. The Judiciary promised to bridge the budget deficit through sourcing for funds externally from development partners and other stakeholders.
- ii. The public was informed that the reason for the Judiciary not establishing High Court Stations in all the Counties was due to lack of funds. Nevertheless, the Judiciary was in the process of fast-tracking establishment of the High Court Stations in the remaining eight counties.
- iii. The Judiciary informed the public that the concern of low absorption on development vote was being addressed and strategies had been put in place to increase absorption through completion of the stalled projects and refurbishment of courts through issuance of Authority to Incur Expenditure (AIE) directly to the stations rather than this being processed at the headquarters.
- iv. The public's concern on plans put in place to improve capacity building of employees, especially the lower cadre was clarified by the Judiciary whereby they were notified that there has been ongoing trainings and capacity building to the judicial staff at all levels.
- v. Members of the public proposed establishment of new courts in Moiben, Moi's Bridge and Burnt Forest as there is only one court in Eldoret serving 6 sub-counties. The Judiciary informed them that the proposal will be considered once funds are availed for establishment of the proposed courts.
- vi. Concerns on reviewing of the *Pro bono* rates upwards was discussed whereby the Judiciary informed the public that review of the rates will be considered in future.
- vii. Allocation of budget for payment of mediators was proposed to be increased bearing in mind the important role Alternative Dispute Resolution (ADR) was playing in reduction of case backlog. The public was informed that this will be considered before the budget is finalized for submission to Parliament.



Public Hearings for Coast Region at Mombasa Law Courts and Western/Nyanza Region at Kisumu Law Courts

6.6 The National Government Budget versus the Judiciary Budget

The Judiciary has consistently received less than one per cent of the National Government budget for the past six years falling far short of the desired 2.5 per cent that is echoed in the July 2010 Report of the Task force on Judicial Reforms which observed that:

“To enhance the independence, operational autonomy, efficiency and effectiveness in the governance and management of the Judiciary, it is recommended the annual budgetary allocation to the Judiciary be augmented to a minimum of 2.5 per cent of the national budget, provided that this percentage may be increased in future to cater for the Judiciary’s needs.”

The shortfall is depicted in Table 6.4 which shows that even though there has been a continuous increment in the budget of the Judiciary this cumulative increase has never surpassed one per cent of the national budget.

Table 6.4: Comparative Budget Allocation Shares of the National Government Budget (KSh Billions)

	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Executive	1,947.87	1,816.34	1,886.21	2,050.15
Parliament	39.89	37.31	37.88	50.22
Judiciary	19.2	18	17.92	21.13
Total	2,006.96	1,871.65	1,942.01	2,121.50

The proportionality of the allocations of the National Government Budget between the three Arms of Government for FY 2022/23 is as illustrated in Figure 6.3.

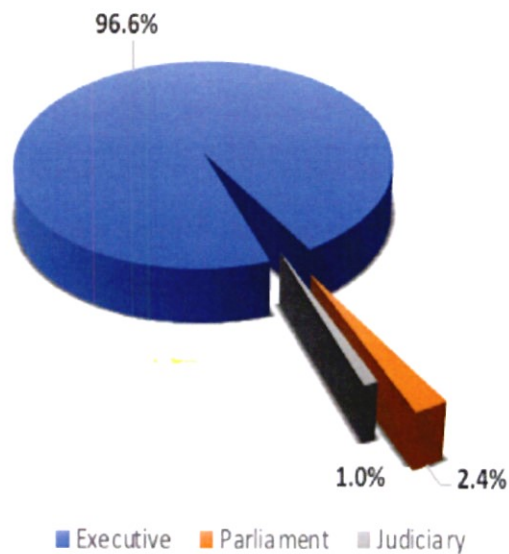


Figure 6.3: Proportion of Budget Allocation within the Three Arms of Government

6.7 CRITERIA FOR SHARING RESOURCES

The funds allocated to the Judiciary are shared among various units and courts using an objective criterion that takes into account parameters such as the contribution to jurisprudence, number of judges, judicial officers and staff per court, the type and number of courts, and caseload statistics. These resources are shared between the core function and support/administrative functions after providing for discretionary and non-discretionary budget items.

In the FY 2022/23 non-discretionary personnel emoluments (PE) took 65 per cent of the recurrent allocation. The balance of 35 per cent catered for court operations, administrative units as well as contractual obligations which are prioritized and ring-fenced under the recurrent vote. These included security and cleaning services, lease of ICT equipment, internet services, medical insurance, general insurance (Group Personal Accident and Group Life Assurance), and utilities (water and electricity).

The budget share for court operations amounting to KSh2.63 billion was shared to the various courts and tribunals. The Magistrates courts had the highest share at 55.4 per cent followed by Tribunals at 18.7 per cent and High Courts at 11.3 per cent respectively. The tribunal share included allowances paid to members who are not part of the Judiciary PE cost and rent. Figure 6.4 depicts the allocation of budget per court level from the operations and maintenance (O&M) budget for the courts.

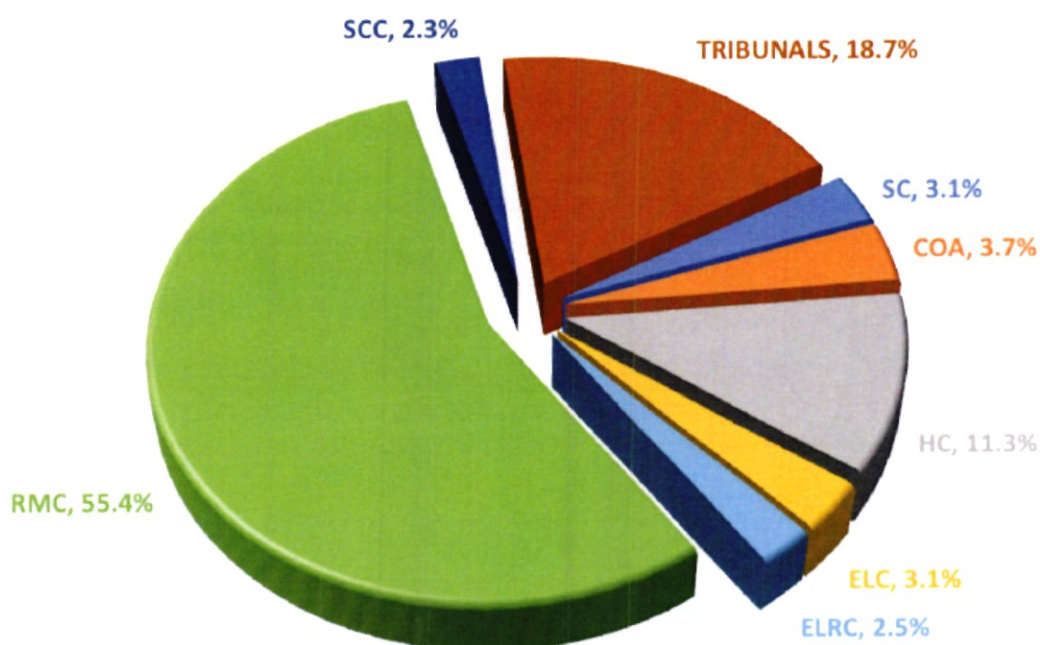


Figure 6.4: Percentage of Budget Allocation per Court

The Magistrates' Courts received the highest budget allocation in order to defray shared/cross cutting costs at the stations including expenses such as maintenance of all buildings, payment of utilities (water and electricity), cleaning services, and security services across all court stations.

6.8 ABSORPTION AND UTILISATION OF JUDICIARY BUDGET

Absorption of the overall budget improved to 95 per cent in the FY 2022/23 from 94 per cent in the FY 2021/22. Figure 6.5 is an illustration of the overall budget absorption showing the recurrent and development votes performance.

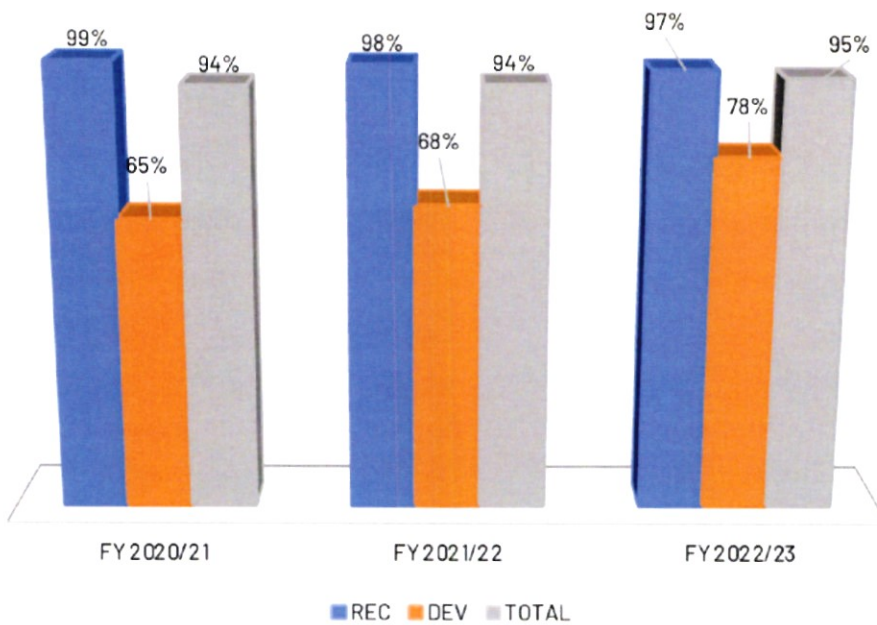


Figure 6.5: Budget Absorption for FY 2020/21 – FY 2022/23

The Figure 6.5. shows that there was improvement on budget absorption by 10 per cent for the Development vote from 68 per cent in FY 2021/22 to 78 per cent in FY 2022/23. Budget absorption for the recurrent vote for the FY 2022/23 reduced to 97 per cent from 98 per cent absorption recorded in the previous year.

6.8.1 Analysis of Recurrent Expenditure

Recurrent expenditure is presented under the key economic classifications of compensation for employees; transfers; Appropriation in Aid (AIA); and Operations and Maintenance (O&M). In addition, the Accounting Officer is appointed as a collector of revenue and therefore, there is no AIA in the Judiciary. Table 6.5 shows the approved estimates versus actual expenditure for the past three fiscal years.

Table 6.5: Analysis of Recurrent Budget Expenditure (KSh Million)

Economic Classification	Approved Budget Allocation			Actual Expenditure		
	2020/21	2021/22	2022/23	2020/21	2021/22	2022/23
Compensation to Employees	9,402	10,081	12,438	9,398	10,049	12,356
Other Recurrent	5,173	5,887	6,794	4,979	5,590	6,307
Total	14,575	15,968	19,232	14,377	15,639	18,663

The recurrent budget increased by KSh3.244 billion (9.6%) from KSh15.968 billion in FY 2021/22 to KSh19.232 billion in FY 2022/23 as indicated in Table 6.5.

6.8.2 Analysis of Development Expenditure

Table 6.6: Analysis of Development Budget Expenditure (KSh Million)

Economic Classification	Approved Allocation				Actual Expenditure			
	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
GOK	971	292	1,595	1,900	651	269	946	1,490
Loans	2,195	2,266	997	-	1748	1202	814	-
Totals	3,166	2,558	2,592	1,900	2,399	1,471	1,760	1,490

Development expenditure is classified based on the source of funding which is largely from Government of Kenya (GOK). These are Loans, Grants, and Appropriations in Aid (AIA). There were no Loans, Grants and AIA during the reporting period. Table 6.6 provides an analysis of the approved vis a vis actual development expenditure. The overall allocation for the Development Vote in the FY 2022/23 decreased by KSh692 million to KSh1.9 billion from KSh2.592 billion in FY 2021/22. This reduction was mainly attributed to the winding up of the World Bank funded Judicial Performance Improvement Project (JPIP) in FY 2021/22.

6.8.3 Analysis of Programme Expenditure

The Judiciary has only one program, 'Dispensation of Justice' and two sub-programs. Table 6.7 shows the approved budget and the actual expenditure under both subprograms; Access to Justice; and General Administration Planning and Support Services.

Table 6.7: Analysis of Sub-programmes Expenditure (KSh Billion)

	Approved Budget			Actual Expenditure		
	2020/21	2021/22	2022/23	2020/21	2021/22	2022/23
Programme: Dispensation of Justice	17.13	18.56	21.13	16.03	17.42	20.13
Sub-Prog. I: Access to Justice	11.99	12.99	14.79	11.22	12.19	14.09
Sub-Prog. II: Administration and Support Services	5.14	5.57	6.34	4.81	5.23	6.04
Total Vote	17.13	18.56	21.13	16.03	17.42	20.13

The achievements under the 'Access to Justice' program include improved case clearance rate, recruitment of Judges, Judicial officers and staff, establishment and operationalization of courts, improved court operations through e-filing and virtual courts; EDR, AJS and the administration and support services cost include use of goods and services and payment of non-financial assets.

6.9 MANAGEMENT OF PENDING BILLS

Pending bills consist of unpaid liabilities at the end of the financial year arising from contracted goods or services during the year or in past years. Judiciary has made significant efforts to reduce the accumulation of pending bills. Pending bills affect subsequent financial years' programme implementation as they form the first charge to the budget. Table 6.8 shows the level of pending bills held over the past three financial years.

Table 6.8: Pending Bills FY 2020/21 – FY 2022/23

	FY 2020/21	FY2021/22	FY2022/23
Description	KSh'M	KSh'M	KSh'M
Development Pending Bills	332.48	113.10	76.23
Recurrent Pending Bills	206.94	98.12	259.11
Recurrent & Development	539.42	211.22	335.34
Court & Arbitration- Awards	1,138.71	1,088.02	272.73
Total	1,678.14	1,299.24	608.07

The development vote pending bills have reduced progressively from KSh 332.48 million in FY 2021/22 to KSh113.10 million in FY 2021/2022 due to enhanced budgetary allocation and improved availability of the exchequer. The enhanced allocation continued coupled with improved project management led to development pending bill reducing further to KSh76.23 in the period FY2022/2023. These were mostly unpaid JPIP bills that were transferred to the Judiciary after the JPIP funding lapsed.

The recurrent vote pending bills reduced from KSh206.94 million in FY 2020/21 to KSh98.12 million in FY 2021/22. This reduction was by ensuring that pending bills were the first charge in subsequent year and strict compliance with work plans and budgets. However, in FY 2022/2023 the recurrent pending bill went up to KSh259.11 due to late deliveries of goods and submission of invoices by suppliers.

Court and arbitration awards pending bills were KSh1.14 billion at the close of FY2020/21 a year when there was no budgetary provision. KSh50 million of the awards was settled in FY 2021/2022 due to Limited funds. However in FY2022/2023 there was enhanced budgetary allocation for legal dues that enabled settlement of the bills reducing the pending bills to KSh272.73 million.

6.10 COURT REVENUE

The CRJ is an appointed Receiver of Revenue (ROR) designated to receive revenue on behalf of the National Treasury under Section 75 of the Public Finance Management (PFM) Act, 2012 and according to Article 209(1)(2) and (4) of the Constitution of Kenya.

To achieve the above mandate, and in line with Section 76 (1) of the PFM Act, the Chief Registrar of the Judiciary delegates the authority to Heads of Court Stations to be Collectors of Revenue at the court stations. Heads of Stations collect and remit every month all revenues levied or generated at their respective court stations to the Chief Registrar. The funds collected are thereafter transferred to the exchequer Central Bank Account. Court revenues consist of fees, fines, penalties, forfeitures, and other charges including revenue from disposal of stores. Other revenue categories include interest earned on court deposit accounts and rents from leasing of government property. Court fines are penalties imposed by courts upon the determination of court cases. Fines also arise from forfeiture of legal deposits due to non-adherence to bail and bond terms/conditions. The court fines may at times be reinstated and refunded to litigant upon a successful appeal.

Court fees collected from users of court services include application fees, cost of orders, service fees, and fees related to exhibits, affidavits, and copies among other services. It also arises from the sale of tender documents, exhibits, revenue from rent of government property, and interest income on deposits among other sources.

6.10.1 Revenue Targets from The National Treasury

The National Treasury allocates on an annual basis a revenue target to be received by the Judiciary. During the period under review the Judiciary Receiver of Revenue had a total target of KSh 2,427,359,609. Table 6.9 shows the revenue targets for the past three financial years.

Table 6.9: Revenue Targets

Details	FY2020/21	FY2021/22	FY2022/23
	KSh '000	KSh '000	KSh '000
Fines, Penalties & Forfeiture and other charges	1,033,286	1,247,145	1,349,210
Sale of goods and Fees for services	778,510	958,059	1,078,149
TOTAL	1,811,796	2,205,204	2,427,359

6.10.2 Judiciary Revenue Collection

The Judiciary collected a total of KSh 2.66 Billion for the Financial Year 2022/23 from four key sources as outlined in the Table 6.10.

Table 6.10: Revenue Collection for FY 2022/2023

Fines	Fees	Interest on deposit	Other Income (Rent, payroll commissions and sundry revenue)	Total
KSh'000	KSh'000	KSh'000	KSh'000	KSh'000
1,419,039	1,027,999	197,281	16,391	2,660,709

Figure 6.6 illustrates revenue collected during the reporting period from the four categories of revenue in the Judiciary.

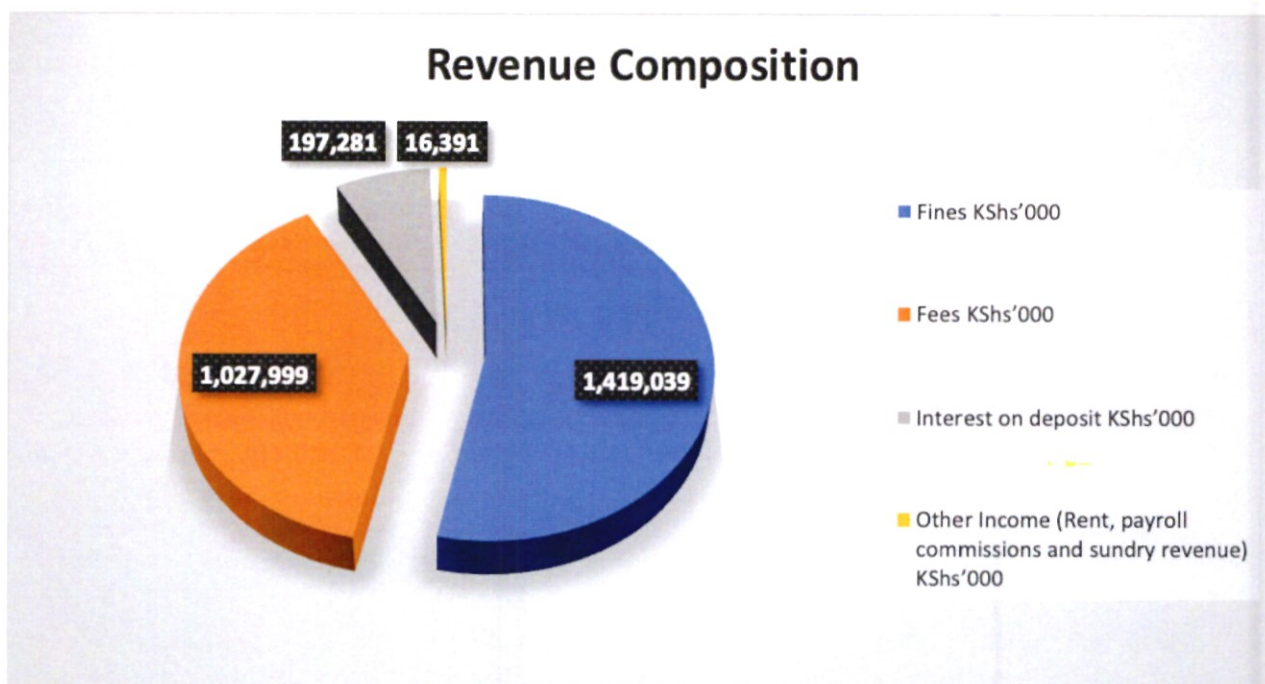


Figure 6.6: Revenue composition for FY2022/23

The court fines were the major revenue component for the Judiciary revenue at KSh1.42 billion which was an equivalent of 53.33%. Fees collected amounted to KSh1.03 billion, equivalent to 38.64% while other income from interest on court deposits amounted to KSh197 million equivalent to 7.41% of the total revenue. Interest on deposits accrues on deposit bank balances at a rate of 6% per annum. Commissions, rent from property and miscellaneous income amounted to KSh16.39 million being 0.62% of the total revenue.

6.10.3 Revenue Collection vis-à-vis Targets

The total revenues collected for FY2022/23, FY2021/22 and FY 2020/21 exceeded the targets set by 1%, 13% and 28% respectively. Table 6.11 provides comparative figures for revenue collections and estimates over the last three financial years.

Table 6.11: Revenue Collections vis-à-vis Targets

Financial Year	Details	Targets	Actual	Realisation
		KSh'000	KSh'000	%
FY2020/2021	Fines	1,033,286	1,258,757	122%
	Fees	778,510	1,065,105	137%
	TOTAL	1,811,796	2,323,862	128%
FY2021/2022	Fines	1,247,146	1,460,387	117%
	Fees	958,059	1,030,670	108%
	TOTAL	2,205,205	2,491,056	113%

Financial Year	Details	Targets	Actual	Realisation
		KSh'000	KSh'000	%
FY2022/2023	Fines	1,349,210	1,434,517	106%
	Fees	1,078,149	1,027,999	95%
	TOTAL	2,427,360	2,462,516	101%

There was an increase in revenue from a total of KSh2.32 billion in FY2020/21 to KSh2.49 billion in FY 2021/22 with a slight dip in FY2022/23.

Figure 6.7 is an illustration of the set revenue target against the actual revenue collection.



Figure 6.7: Revenue Targets against Realization for FY 2020/21 - FY 2022/23

6.10.4 Total Revenue trends

There has been a progressive increase in revenue collected over the past three financial years. The revenue has grown from KSh2.43 billion in FY 2020/2021 to KSh2.68 billion in FY 2022/2023 being a KSh245.55 million increase an equivalent of 10.10% growth. The growth from FY2020/2021 to FY 2021/2022 was KSh217.57 million while from FY2021/2022 to FY 2022/2023 was KSh27.98 million an equivalent to 8.95% and 1.06% growth respectively. This is illustrated in Table 6.12.

Table 6.12: Revenue collections trends for the last three Financial Years

	FY 2020/21	FY 2021/22	FY 2022/23
	KSh' M	KSh' M	KSh' M
Fines	1,258.76	1,460.39	1,434.52
Fees	1,065.11	1,030.67	1,028.00
Interest on Deposit	92.38	139.00	197.28

	FY 2020/21 KSh' M	FY 2021/22 KSh' M	FY 2022/23 KSh' M
Other Income	14.39	18.15	16.39
Total	2,430.64	2,648.21	2,676.19

This increase in revenue collection was enabled by more cases being registered with the adoption of technology. The Judiciary implemented Case Management System (CTS), electronic filing and the Judiciary Financial Management Information System (JFMIS) in revenue collection. The use of online case registration and a cashless payment platform eliminated opportunities for revenue loss. There has been a progressive use of virtual courts that enabled speedy clearance of cases. These coupled with the use electronic fees assessment led to progressive increase in revenue collection. The cases filed increased steadily in the past three financial years from 356,997 in FY2020/21, 404,312 cases in FY2021/22 and 423,394 cases in FY2022/23.

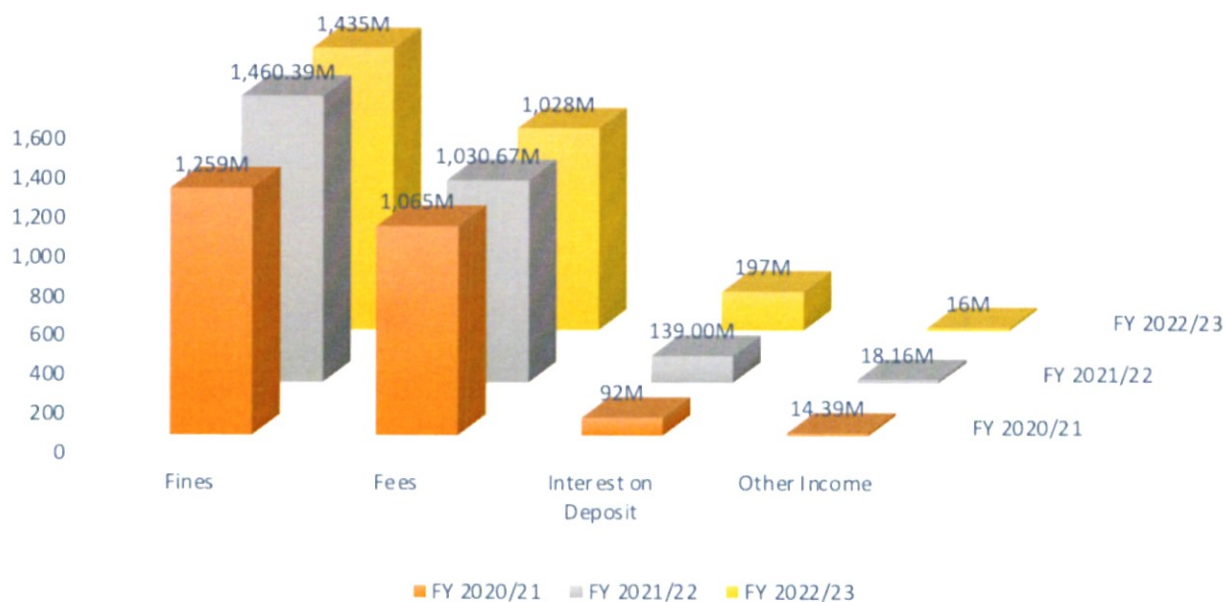


Figure 6.8: Revenue composition and Trends for FY2020/2021 - FY2022/23

Figure 6.8 shows an overall steady rise in revenue collections from the different categories from FY 2020/2021 to FY 2021/2022. However, all the categories registered a decline in FY 2022/2023 except interest on deposit which continued to register a continued increase. Interest on deposits is earned based on deposit balances held at various commercial banks. There was an enhancement of interest rate from 2% to 4% effective September 2021 and subsequently increased to 6% in 2023.

6.11 COURT DEPOSITS

Court Deposits are funds held in trust by the Judiciary as a precautionary measure during the pendency

of a court case. Deposits may be refunded at the conclusion of court proceedings and issuance of a court order to that effect. Cash bail, bond (security), land title deeds, vehicle log books, fixed deposit certificates, travel documents, and pay slips are all forms of court deposits.

Deposits paid in form of cash do not represent revenue to the Judiciary or the government as long as the case has not been concluded. However, the bond or bail may be utilized towards payment of fines when the depositor makes a request and could also be forfeited to the state when the accused fails to comply with their bail or bond terms.

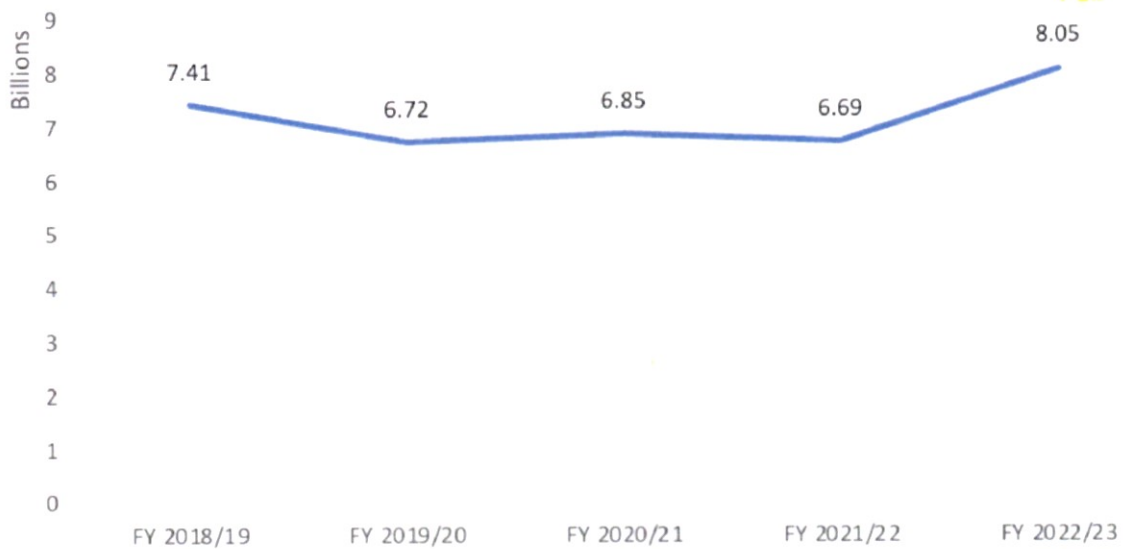


Figure 6.9: Deposits Trend Analysis from FY 2017/18 - FY 2022/23

The court deposits held at close of FY2022/23 amounted to KSh8.05 billion being an increase by KSh1.36 billion from the previous financial year. The increase was majorly noted in ELRC - KSh82.6 million, Judiciary headquarters - KSh147 million, Makadara Law Courts - KSh55 million, Meru Law Courts - KSh 100 million, Mombasa Law Courts 67 million. The larger amount however, related to Milimani Law Courts - KSh 853 million being recognition of deposits for cases which were initially at Judiciary headquarters transferred to Milimani and now recorded in Milimani Law Courts Books. .

The breakdown per court station on revenue collected is provided in Annex 6.1 for fines, Annex 6.2 for fees, Annex 6.3 for interest on deposits and Annex 6.4 for other income. Annex 6.5 provides details on deposits held as cash bails in various court station as at the end of the FY 2022-2023.

6.12 UNCLAIMED FINANCIAL ASSETS - COURT DEPOSITS

The Judiciary established a joint team between the Judiciary and Unclaimed Financial Assets Authority in August 2022 to develop mechanisms for the Judiciary to comply with the Unclaimed Financial Assets Act, identify assets that are under the ambits of the Act, and pursue reunification of the unclaimed financial assets with the rightful owners as well as sensitize the internal stakeholders on the Act.

Following the team's recommendations, court stations were directed to appraise the deposits ledgers against the case files to identify the files with orders for refund of deposits older than one year, and make efforts to unify the assets with the owners. This will ensure unclaimed deposits are refunded to depositors or dealt with in compliance with UFA Act.

Chapter

Emerging
Issues and Key Policy
Recommendations

7

CHAPTER 7 - EMERGING ISSUES AND RECOMMENDATIONS

	Emerging Issue	Recommendation	Actor
1.	Utilization of Technology for Justice Administration: Enhance utilisation of technology for administration of justice, including for virtual courts, digitization of records and all judicial and administrative processes. This will also entail ICT system upgrades and optimization.	<ol style="list-style-type: none"> i. Prioritise and enhance resourcing for ICT initiatives vis-à-vis other capital and development expenditures. ii. Full implementation of ERP to enhance efficiency in administrative and judicial processes and therefore improve service delivery. iii. Improvement to the administration of justice chain by automation, digitisation and interlinkage of all processes that support the administration of justice across all justice sector actors. iv. Extend Judicial Services through utilisation of Huduma Centres and other national government structures 	<ul style="list-style-type: none"> • Judiciary • Office of the Attorney General • Office of the Director of Public Prosecutions • National Police Service • Kenya Prisons Service • Other NCAJ Actors • National Treasury & • NCAJ
2.	Safeguarding the gains made by the Subordinate and Specialised Courts: Undertake legal and administrative reforms to streamline the entire justice chain for subordinate courts and specialised courts.	<ol style="list-style-type: none"> i. Review and update the Magistrates Courts Act and the Kadhis Court Act to align with the current legal and administrative framework of the Judiciary, in particular, provide a legal anchor to the Office of the Registrar Magistrates Court and streamline the organisation of Kadhis Courts. ii. Facilitate the timely resolution of matters appealed from the specialised courts (Small Claims Courts, Tribunals etc) by providing a dedicated and timebound appellate court process for appeals from these courts. iii. Providing for a robust legal framework for collection of fees by Tribunals and other specialised courts. iv. There is need to establish a framework that tracks the implementation of directives made in judicial decisions for legal, policy and institutional reforms. 	<ul style="list-style-type: none"> • Judiciary • National Assembly • National Treasury
3.	Judicial services should be consolidated, harmonised and decentralised across the country.	<ol style="list-style-type: none"> i. Establish a High Court in every County and a Magistrates' Court in every sub-county. ii. Decentralise tribunal services across regions and counties. iii. Transition county courts to the Judiciary and streamline their operations in line with the 2015 MoU, involving the Judiciary, County Governments, and the Council of Governors. iv. Resource the Small Claims Court and expedite their roll out across the country to curb the increasing case backlog and enhance access to justice. 	<ul style="list-style-type: none"> • Judiciary • County Governments • National Treasury

	Emerging Issue	Recommendation	Actor
4.	Optimizing Judiciary's Organizational Structure: Fully implement the Judiciary's organizational structure and enhance its human capital capacity for increased efficiency and effectiveness.	<ol style="list-style-type: none"> i. Fully implement the organisational structure of the Judiciary by undertaking recruitments and establishing optimal number of judges, judicial officers and judicial staff to support the mandate of the Judiciary. ii. Enhance Judiciary's human capital development initiatives to focus on new and emerging frontiers that support the operations of a modern Judiciary. 	<ul style="list-style-type: none"> • Judiciary • National Assembly • National Treasury
5.	Implementing Judiciary's Infrastructure Master Plan and prioritising security for all judiciary infrastructure and assets.	<ol style="list-style-type: none"> i. Develop strategies for the construction of: The Supreme Court, The Court of Appeal, Judiciary Training Academy, Tribunals Plaza, and Judiciary Administration Plaza. ii. Enhance the security of judiciary infrastructure, assets and personnel. This includes security awareness training, purchase of security equipment, and the provision of security guards across the institution. iii. Streamlining and standardising the naming of Courts, Tribunals and Judiciary Infrastructure. 	<ul style="list-style-type: none"> • Judiciary • National Government • National Police Service • Development Partners
6.	Utilizing Data and Qualitative Analysis: Increase utilisation of data and qualitative analysis tools for evidence-based decision-making	<ol style="list-style-type: none"> i. Improve data collection tools and ensure consistent collection of data across all judiciary systems and processes. ii. Undertake training of personnel on data collection, mining and reporting. iii. Generate reports for evidence-based decision making. 	<ul style="list-style-type: none"> • Judiciary
7.	Strengthening Regional Judicial Cooperation and the South-South Cooperation: Robust engagements with regional judiciaries by holding colloquia to continuously promote collegiality and common perspectives and action.	<ol style="list-style-type: none"> i. Empower the Kenya Judiciary Academy as a centre of excellence in judicial craft and a hub for regional dialogues. ii. Position the Judiciary of Kenya as regional destination for judicial conversations. iii. Proactively engage regional and international judiciaries. 	<ul style="list-style-type: none"> • Judiciary of Kenya • Regional Judiciaries • National Government
8.	Promoting access to justice for the vulnerable: Proactively undertake initiatives to ensure access to justice for the vulnerable and marginalized.	<ol style="list-style-type: none"> i. Increase the budgetary allocation for pro bono legal services. ii. Empower the National Legal Aid Service to undertake its mandate. iii. Review Judiciary processes to ensure access to justice for all. 	<ul style="list-style-type: none"> • Judiciary • Office of the Attorney General • National Assembly • National Treasury

	Emerging Issue	Recommendation	Actor
9.	Enhancing the exchequer autonomy of the Judiciary: Standardize the budget allocation formula for the Judiciary, grant of full access to its annual budgetary allocation and streamlining its income, revenue, and collections platforms	<ul style="list-style-type: none"> i. Ring fence and allocate at least 2.5% of the national budget to the Judiciary. ii. Review the national budgeting process to complement the financial independence of the Judiciary. iii. Review the Public Finance Management Act to facilitate the full implementation and operationalisation of the Judiciary Fund. iv. Secure the financial autonomy of the Judiciary by establishing unified and streamlined payment platform for its income, revenues and fines/collections. v. Develop guidelines to support the utilisation of unspent funds from the Judiciary Fund. 	<ul style="list-style-type: none"> • Judiciary • National Assembly • National Treasury



Annexures

Chapter Two: Access to Justice - Annexes

Annex 2. 1: Filed, Resolved and Pending Cases per Mobile Court

Mobile Courts	Pending June 2022	Filed	Concluded	Pending Jun 2023
1. Alale	45	18	28	35
2. Banisa	2	41	26	17
3. Baragoi	10	39	21	28
4. Bumala	-	12	6	6
5. Bura	7	91	58	40
6. Bute	-	33	18	15
7. Doldol	57	10	24	43
8. East Pokot	62	191	180	73
9. Eldas	8	19	12	15
10. Endau	9	15	6	18
11. Etago	596	162	146	612
12. Faza Island	23	126	108	41
13. Gaitu	70	348	229	189
14. Garbatulla	44	91	27	108
15. Habaswein	19	93	81	31
16. Ijara	12	78	42	48
17. Kalawa	-	5	5	-
18. Kalobeyei	7	223	210	20
19. Karaba	85	272	167	190
20. Kendu Bay	179	353	199	333
21. Kiambere	54	12	11	55
22. Kikima	1	116	71	46
23. Kipini	12	47	31	28
24. Kipkelion	179	422	237	364
25. Kuresoi	141	48	56	133
26. Laisamis	43	172	187	28
27. Loiyangalani	9	25	13	21
28. Lokichar	40	177	111	106
29. Lokichogio	12	105	80	37
30. Lokitaung	26	35	23	38
31. Magadi	11	29	8	32
32. Magunga	-	49	32	17
33. Marigat	77	511	377	211
34. Merti	94	137	118	113
35. Migwani	192	250	196	246
36. Mikinduri	545	779	677	647
37. Modogashe	3	14	12	5
38. Mtito Andei	-	106	82	24
39. Murkan	38	9	6	41
40. Mutuati	-	498	119	379
41. Ngobit	39	37	15	61
42. North Horr	20	35	36	19

Mobile Courts	Pending June 2022	Filed	Concluded	Pending Jun 2023
43. Nyatike	56	113	69	100
44. OIkokwe	12	80	54	38
45. Olokurto	14	130	46	98
46. Port Victoria	-	21	15	6
47. Rhamu	-	40	31	9
48. Sereolipi	101	210	134	177
49. Sigor	52	9	15	46
50. Sololo	-	107	85	22
51. Songhor	70	43	22	91
52. Timau	18	83	46	55
53. Tot	37	67	80	24
54. Waldena	-	4	4	-
55. Wamba	16	53	43	26
56. Wamunyu	285	526	382	429
57. Zombe	262	79	73	268
58. Total	3,694	7,398	5,190	5,902

Annex 2.2: High Court Filed Cases

High Court Station	Criminal					Civil											Total Filed
	Murder	Cr Appeal	Cr Appl	Cr Revision	Total	Suit	Appeal	Appl	Const Pet	JR	Insolv	Tax Appeal	Fam Adop	Prob Misc	Prob Appl	Total	
Bomet	25	71	55	55	206	6	52	54	4	-	1	-	1	-	59	177	383
Bungoma	41	77	60	447	625	10	163	82	23	8	4	-	1	3	13	307	932
Busia	27	32	23	117	199	5	43	66	16	2	-	-	-	6	138	337	
Chuka	31	28	31	191	281	5	35	33	23	1	-	-	-	14	-	111	392
Eldoret	28	101	90	272	491	39	242	267	73	6	-	-	9	27	104	767	1,258
Embu	24	41	40	106	211	12	66	61	17	4	1	-	1	17	13	192	403
Garissa	14	61	24	156	255	3	19	6	32	5	-	-	-	3	4	72	327
Garsen	19	43	22	127	211	-	39	17	30	-	-	-	-	-	1	87	298
Homabay	23	62	65	92	242	3	101	92	5	5	-	-	2	-	8	216	458
Kabarnet	26	41	31	34	132	1	17	10	3	1	-	-	-	1	8	41	173
Kajiado	19	54	63	72	208	20	85	126	13	11	1	-	6	3	85	350	558
Kakamega	50	94	57	485	686	11	198	147	31	10	-	-	-	3	30	430	1,116
Kapenguria	8	16	32	19	75	1	6	2	21	1	-	-	-	-	12	43	118
Kapsabet	20	27	13	8	68	-	17	11	2	2	-	-	-	2	39	73	141
Kericho	23	41	73	125	262	15	59	63	40	2	6	-	5	5	34	229	491
Kerugoya	16	44	41	178	279	7	118	81	64	3	-	-	1	1	9	284	563
Kiambu	44	92	108	677	921	100	409	216	59	24	2	-	41	15	127	993	1,914
Kisii	55	68	56	418	597	9	132	199	19	7	2	-	5	1	14	388	985
Kisumu	34	67	94	121	316	24	177	177	53	45	5	3	11	4	22	521	837
Kitale	31	99	388	207	725	12	64	49	41	13	2	-	1	6	48	236	961
Kitui	26	44	49	121	240	10	132	198	19	7	2	-	5	-	14	387	627
Lodwar	15	23	103	5	146	-	8	3	3	2	-	-	-	-	1	17	163
Machakos	35	45	84	102	266	40	265	223	52	7	3	-	24	17	54	685	951
Makueni	19	78	56	280	433	9	103	68	24	2	4	-	2	6	21	239	672
Malindi	22	44	74	231	371	21	158	131	20	6	27	-	3	9	20	395	766
Marsabit	7	26	16	58	107	-	4	9	9	3	-	-	-	-	4	29	136
Meru	95	208	72	226	601	18	218	146	148	9	4	-	5	-	26	574	1,175
Migori	32	105	67	165	369	4	115	253	21	14	1	1	2	2	10	423	792
Mil ACEC	-	19	-	14	33	34	-	50	9	2	-	-	-	-	-	95	128
Mil Civil	-	-	-	-	-	240	950	735	-	-	-	-	-	-	-	1,925	1,925
Mil Comm	-	-	-	-	-	630	378	977	11	-	281	124	-	-	-	2,401	2,401
Mil Constitut	-	-	-	-	-	4	-	538	-	-	-	-	-	-	-	542	542
Mil Criminal	90	328	452	946	1,816	-	-	-	-	-	-	-	-	-	-	-	1,816
Mil Family	-	-	-	-	-	154	170	394	0	0	0	0	325	761	1,849	3,653	3,653
Mil Judicial Rev	-	-	-	-	-	-	-	126	2	183	-	-	-	-	-	311	311
Mombasa	30	63	131	139	363	92	201	282	65	19	2	-	11	7	34	713	1,076
Muranga	38	136	50	192	416	17	105	77	17	2	-	-	5	7	30	260	676
Naivasha	17	88	69	197	371	19	123	155	7	3	2	-	2	-	16	327	698
Nakuru	49	73	158	377	657	47	268	392	32	14	13	-	16	27	159	968	1,625
Nanyuki	9	81	41	15	146	7	20	34	8	7	1	-	3	2	9	91	237
Narok	16	10	13	192	231	4	31	61	13	1	-	1	1	5	12	129	360
Nyamira	26	33	36	146	241	6	56	15	12	17	-	-	-	-	8	114	355
Nyandarua	23	22	55	179	279	13	57	37	10	7	-	-	1	8	26	159	438
Nyeri	23	71	71	173	338	20	112	73	13	8	1	-	1	1	30	259	597
Siaya	31	40	219	146	436	5	57	74	53	4	1	-	3	3	155	355	791
Vihiga	35	26	41	61	163	5	39	18	19	7	-	-	5	-	26	119	282
Voi	8	54	83	251	396	4	62	59	112	4	-	-	-	-	1	242	638
Total	1,204	2,776	3,306	8,123	15,409	1,682	5,678	6,349	1,786	478	366	129	498	960	3,141	21,067	36,476

Annex 2. 3: High Court Resolved Cases

Station	Criminal					Civil											Total Resolved	
	Murder	Cr Appeal	Cr Appl	Cr Revision	Total	Suit	Appeal	Appl	Const Pet	JR	Insolv	Tax Appeal	Fam Adop	Divorce	Prob Misc	Prob Appl		Total
Bomet	22	25	19	27	93	11	50	44	2	1	-	-	-	-	-	74	182	275
Bungoma	48	130	89	202	469	20	246	109	44	9	6	-	4	-	18	92	548	1,017
Busia	12	10	6	108	136	7	43	104	6	7	1	-	-	-	2	48	218	354
Chuka	22	24	14	5	65	5	24	49	19	4	-	-	-	-	16	22	139	204
Eldoret	15	114	129	172	430	42	149	150	83	7	1	-	5	-	7	160	604	1,034
Embu	35	52	27	64	178	27	127	96	25	6	-	-	1	-	10	111	403	581
Garissa	1	12	8	120	141	5	19	9	30	3	-	-	-	-	2	1	69	210
Garsen	8	13	1	32	54	3	5	12	15	2	2	-	-	-	-	9	48	102
Homabay	69	58	14	15	156	4	95	37	3	3	-	-	1	-	8	12	163	319
Kabarnet	26	59	16	27	128	2	37	14	5	5	-	-	1	-	2	3	69	197
Kajiado	7	17	5	3	32	12	32	20	14	4	1	-	1	-	3	36	123	155
Kakamega	82	71	51	163	367	33	225	181	46	12	1	-	-	3	5	400	906	1,273
Kapenguria	3	22	24	16	65	-	7	1	14	2	-	-	-	-	-	10	34	99
Kapsabet	3	17	3	-	23	3	3	3	1	-	-	-	-	-	-	11	21	44
Kericho	18	30	17	34	99	25	92	45	8	3	-	-	7	-	7	298	485	584
Kerugoya	13	49	16	91	169	5	81	57	30	5	-	-	2	-	4	41	225	394
Kiambu	15	47	47	146	255	41	291	230	41	8	-	-	43	-	14	173	841	1,096
Kisii	37	17	377	55	486	9	132	195	19	8	2	-	5	-	-	14	384	870
Kisumu	12	70	149	117	348	41	158	200	95	38	3	2	3	-	2	183	725	1,073
Kitale	53	345	383	392	1,173	26	145	110	104	27	2	-	1	-	24	449	888	2,061
Kitui	14	59	32	109	214	19	113	114	21	15	-	-	4	-	2	26	314	528
Lodwar	16	58	45	76	195	3	7	1	3	3	-	-	-	-	-	1	18	213
Machakos	9	26	18	19	72	36	403	202	39	1	1	-	26	1	3	120	832	904
Makueni	6	76	9	13	104	11	87	138	14	3	7	-	5	1	3	53	322	426
Malindi	3	37	25	107	172	20	66	85	20	1	14	-	-	-	2	32	240	412
Marsabit	6	18	-	2	26	2	7	8	4	2	-	-	-	-	-	4	27	53
Meru	54	122	32	139	347	22	183	97	74	13	-	-	5	-	-	281	675	1,022
Migori	12	97	12	74	195	7	126	90	25	16	1	-	-	-	15	32	312	507
Mil ACEC	-	49	-	16	65	48	-	71	19	3	-	-	-	-	-	-	141	206
Mil Civil	-	-	-	-	-	941	1,582	857	-	-	-	-	-	-	-	-	3,380	3,380
Mil Comm	-	-	-	-	-	968	301	1,125	23	-	862	213	-	-	-	-	3,492	3,492
Mil Constit	-	-	-	-	-	-	4	2	485	-	-	-	-	-	-	-	491	491
Mil Criminal	33	173	294	607	1,107	-	-	-	-	-	-	-	-	-	-	-	-	1,107
Mil Family	-	-	-	-	-	234	283	562	1	-	-	-	550	36	1,799	4,247	7,712	7,712
Mil Jud Rev	-	-	-	-	-	-	-	186	1	291	-	-	-	-	-	-	478	478
Mombasa	43	41	50	68	202	149	481	512	50	30	4	-	30	13	32	187	1,488	1,690
Muranga	8	76	29	73	186	31	159	159	27	23	-	-	18	-	89	129	635	821
Naivasha	6	31	105	280	422	34	173	198	10	22	-	-	-	-	6	58	501	923
Nakuru	87	35	114	327	563	179	457	443	62	57	3	-	26	4	26	499	1,756	2,319
Nanyuki	1	49	11	16	77	7	14	25	12	3	-	-	2	1	2	13	79	156
Narok	3	53	28	13	97	13	24	13	16	17	-	-	5	1	5	25	119	216
Nyamira	7	15	8	106	136	4	82	19	12	4	-	-	1	-	-	9	131	267
Nyandarua	20	19	11	43	93	5	45	43	9	2	-	-	3	-	12	37	156	249
Nyeri	6	35	22	123	186	16	80	136	20	7	-	-	10	3	5	117	394	580
Siaya	23	24	143	140	330	8	43	60	29	2	-	-	2	-	3	150	297	627
Vihiga	7	2	4	15	28	2	6	5	3	1	-	-	2	-	-	23	42	70
Voi	5	55	50	228	338	5	76	70	12	3	-	-	-	1	4	47	218	556
Total	870	2,332	2,437	4,383	10,022	3,085	6,763	6,887	1,595	673	911	215	763	64	2,132	8,237	31,325	41,347

Annex 2. 4: High Court Pending Cases and Case Backlog

Station	Criminal					Civil											All Pending	Backlog		
	Murder	CrAppeal	CrAppl	CrRevision	Total	Suit	Appeal	Appl	ConstPet	JR	Insolv	TaxAppeal	Adopt	Divorce	ProbAdm	Total		1-3Years	Over3years	Total
Bomet	118	137	86	75	416	28	120	178	21	4	1	-	3	-	364	719	1,135	338	544	882
Bungoma	82	175	32	84	373	42	315	79	57	5	14	-	-	-	178	690	1,063	273	401	674
Busia	27	84	23	29	163	20	93	75	27	4	1	-	-	-	66	286	449	187	97	284
Chuka	58	30	5	21	114	11	49	39	13	1	-	-	-	-	25	138	252	77	40	117
Eldoret	255	308	219	156	938	252	831	857	223	25	10	-	23	13	963	3,197	4,135	1,015	2,181	3,196
Embu	63	27	8	7	105	23	59	35	12	2	1	-	1	-	111	244	349	50	134	184
Garissa	49	130	54	42	275	8	30	18	31	10	1	-	-	-	15	113	388	161	68	229
Garsen	46	121	7	38	212	5	60	38	23	1	12	-	1	-	14	154	366	118	102	220
Homabay	59	69	15	1	144	12	205	94	13	15	-	-	-	-	89	428	572	142	196	338
Kabarnet	117	76	28	11	232	4	43	13	3	1	-	-	-	-	18	82	314	108	84	192
Kajiado	88	120	93	57	358	105	197	153	33	21	4	-	12	1	222	748	1,106	474	153	627
Kakamega	334	180	87	269	870	63	289	212	72	14	1	-	10	9	793	1,463	2,333	350	1,259	1,609
Kapenguria	40	34	17	9	100	1	12	2	13	1	-	-	-	-	32	61	161	64	28	92
Kapsabet	124	112	95	38	369	19	72	42	3	11	-	-	-	-	139	286	655	404	9	413
Kericho	104	105	89	140	438	32	129	108	48	3	3	-	23	-	271	617	1,055	273	395	668
Kerugoya	147	109	32	46	334	39	416	250	87	12	-	-	8	1	205	1,018	1,352	331	673	1,004
Kiambu	296	255	92	170	813	288	894	353	107	58	8	-	39	-	379	2,126	2,939	1,028	744	1,772
Kisii	109	69	33	58	269	42	203	288	31	8	-	-	9	-	135	716	985	321	198	519
Kisumu	119	71	9	9	208	105	299	183	27	28	9	4	17	-	203	875	1,083	319	327	646
Kitale	111	119	116	132	478	50	246	91	48	17	3	-	1	-	245	701	1,179	296	377	673
Kitui	142	64	31	11	248	16	114	42	11	4	-	-	15	-	22	224	472	141	117	258
Lodwar	27	39	92	10	168	2	10	6	2	3	-	-	-	-	1	24	192	50	23	73
Machakos	209	71	50	36	366	122	500	217	77	9	4	1	21	1	464	1,416	1,782	460	633	1,093
Makueni	114	167	19	118	418	25	204	52	24	2	-	-	2	-	88	397	815	275	152	427
Malindi	110	117	34	210	471	76	254	85	60	12	35	-	5	1	82	610	1,081	393	171	564
Marsabit	26	14	-	1	41	2	6	2	5	2	-	-	-	-	5	22	63	24	6	30
Meru	384	264	23	95	766	78	307	104	139	8	4	-	8	1	494	1,143	1,909	389	770	1,159
Migori	57	117	20	37	231	16	251	264	28	15	1	-	4	-	83	662	893	245	126	371
Mil ACEC	-	11	-	15	26	118	-	70	4	2	-	-	-	-	-	194	220	34	125	159
Mil Civil	-	-	-	-	-	1,719	2,646	1,277	-	-	-	-	-	-	-	5,642	5,642	1,168	2,844	4,012
Mil Comm	-	-	-	-	-	3,188	455	1,701	43	-	772	313	-	-	-	6,472	6,472	1,602	3,202	4,804
Mil Constit	-	-	-	-	-	-	-	48	1,053	-	-	-	-	-	-	1,101	1,101	387	457	844
Mil Criminal	408	485	302	477	1,672	-	-	-	-	-	-	-	-	-	-	-	1,672	408	397	805
Mil Family	-	-	-	-	-	1,026	427	440	-	-	-	-	537	116	8,201	10,747	10,747	1,839	6,821	8,660
Mil JudRev	-	-	-	-	-	-	-	149	-	361	-	-	-	-	-	510	510	83	258	341
Mombasa	225	323	115	27	690	635	913	632	120	54	73	2	25	1	313	2,768	3,458	892	1,536	2,428
Muranga	222	323	57	126	728	85	339	167	51	13	-	-	8	3	387	1,053	1,781	399	883	1,282
Naivasha	93	119	29	23	264	27	182	71	6	6	1	-	2	-	40	335	599	183	100	283
Nakuru	293	200	339	159	991	302	563	798	96	42	25	-	22	2	525	2,375	3,366	785	1,472	2,257
Nanyuki	56	222	20	7	305	18	72	35	18	8	1	-	6	-	43	201	506	161	175	336
Narok	62	44	44	10	160	16	45	54	29	3	-	-	1	2	46	196	356	126	80	206
Nyamira	89	94	63	42	288	19	88	35	5	5	2	-	1	-	72	227	515	164	125	289
Nyandarua	39	53	25	38	155	11	70	3	8	7	-	-	-	-	18	117	272	78	6	84
Nyeri	70	134	45	47	296	74	295	152	27	13	1	-	14	-	196	772	1,068	352	328	680
Siaya	29	45	44	4	122	4	42	20	20	2	-	-	1	-	10	99	221	26	2	28
Vihiga	92	81	46	7	226	21	116	19	29	12	-	-	3	-	79	279	505	289	9	298
Voi	26	71	31	21	149	6	99	32	58	2	-	-	-	-	18	215	364	85	45	130
Total	5,143	5,425	2,607	2,919	16,094	8,760	12,577	9,603	2,821	826	988	320	822	151	15,666	52,534	68,628	17,367	28,873	46,240

Annex 2. 5: High Court Performance

Station	Filled	Resolved	Pending	Backlog	CCR Crim	CCR Civ	Av time to disposition Crim (Days)	Av time to disposition Civ (Days)	Overall Average time to disposition (Days)	% of Misc App resolved within 180 days of filing	% of Murder resolved within 360 days	% of Suit resolved within 360 days	% of Petitions resolved within 180 days	% of Jud Revsolved within 180 days	Merit Productivity	Other Productivity	Change in backlog	Returns (%)
Bomet	383	275	1,136	882	45%	103%	608	873	784	20%	10%	10%	50%	0%	121	154	94%	30%
Bungoma	932	1,017	1,067	674	75%	179%	512	1,826	1,220	50%	10%	10%	20%	80%	251	258	-4%	28%
Busia	337	354	450	284	68%	158%	71	1,918	1,208	50%	80%	10%	30%	0%	193	161	-84%	25%
Chuka	392	204	251	117	23%	125%	406	897	741	40%	30%	20%	90%	30%	145	59	-75%	25%
Eldoret	1,258	1,034	4,170	3,196	88%	79%	1,134	1,839	1,546	30%	10%	20%	10%	10%	158	187	135%	28%
Embu	403	581	348	184	84%	210%	586	1,753	1,395	40%	0%	10%	40%	50%	353	228	-44%	25%
Garissa	327	210	399	229	55%	96%	113	515	245	80%	100%	0%	40%	100%	146	64	-57%	28%
Garsen	298	102	366	220	26%	55%	384	560	467	80%	10%	30%	70%	0%	34	68	100%	20%
Homabay	458	319	577	338	64%	75%	614	713	665	50%	10%	30%	70%	30%	220	99	-10%	15%
Kabarnet	173	197	315	192	97%	168%	784	948	842	50%	0%	0%	0%	0%	116	81	-45%	30%
Kajiado	558	155	1,108	627	15%	35%	1,017	622	704	20%	10%	20%	10%	30%	70	85	225%	20%
Kakamega	1,116	1,273	2,346	1,609	53%	211%	797	2,940	2,322	10%	0%	10%	30%	20%	366	271	-20%	30%
Kapenguria	118	99	161	92	87%	79%	622	608	617	30%	30%	-	90%	0%	31	68	18%	28%
Kapsabet	141	44	655	413	34%	29%	529	988	748	20%	0%	30%	0%	-	9	35	100%	30%
Kericho	491	584	1,051	668	38%	212%	583	2,436	2,122	30%	10%	10%	30%	30%	211	373	-49%	15%
Kerugoya	563	394	1,353	1,004	61%	79%	591	1,617	1,177	50%	20%	20%	30%	60%	228	166	-49%	30%
Kiambu	1,914	1,096	2,939	1,772	28%	85%	519	868	787	30%	10%	40%	30%	30%	280	269	-1%	20%
Kisii	985	870	988	519	81%	99%	129	1,142	752	50%	30%	50%	30%	0%	629	173	124%	20%
Kisumu	837	1,073	1,077	646	110%	139%	361	1,720	1,279	30%	0%	20%	20%	40%	400	137	-47%	28%
Kitale	961	2,061	1,184	673	162%	376%	804	2,713	1,627	30%	20%	10%	10%	20%	579	1,482	-70%	23%
Kitui	627	528	471	258	89%	81%	404	888	692	20%	10%	20%	10%	0%	378	150	122%	20%
Lodwar	163	213	192	73	134%	106%	408	779	439	60%	10%	0%	70%	30%	181	32	-39%	28%
Machakos	951	904	1,785	1,093	27%	121%	558	1,567	1,487	20%	0%	30%	20%	0%	139	313	39%	28%
Makueni	672	426	815	427	24%	135%	453	836	742	20%	20%	20%	30%	70%	194	232	345%	25%
Malindi	766	412	1,079	564	46%	61%	254	735	534	50%	30%	20%	40%	0%	115	91	-13%	20%
Marsabit	136	53	65	30	24%	93%	356	624	493	40%	50%	0%	100%	0%	31	22	0%	28%
Meru	1,175	1,022	1,909	1,159	58%	118%	428	2,370	1,711	70%	10%	10%	60%	20%	224	116	-63%	28%
Migori	792	507	893	371	53%	74%	358	969	734	40%	20%	10%	30%	40%	341	166	38%	28%
Mil ACEC	128	206	220	159	197%	148%	586	502	528	20%	-	40%	30%	30%	91	115	24%	25%
Mil Civil	1,925	3,380	5,640	4,012	-	176%	-	2,548	2,548	10%	-	0%	-	-	235	610	39%	30%
Mil Comm	2,401	3,492	6,499	4,804	-	145%	-	2,228	2,228	20%	-	20%	40%	-	168	330	25%	28%
Mil Constit	542	491	1,114	844	-	91%	-	785	785	0%	-	-	30%	-	69	94	474%	18%
Mil Crimina	1,816	1,107	1,672	805	61%	-	352	-	352	50%	10%	-	-	-	286	83	-19%	23%
Mil Family	3,653	7,712	10,745	8,660	-	211%	-	2,401	2,401	10%	-	10%	-	-	157	1,771	784%	30%
Mil Jud Rev	311	478	510	341	-	154%	-	875	875	20%	-	-	100%	30%	132	107	-53%	25%
Mombasa	1,076	1,690	3,477	2,428	56%	209%	642	1,634	1,604	20%	0%	20%	20%	10%	104	234	-70%	8%
Muranga	676	821	1,781	1,282	45%	244%	853	1,957	1,707	10%	30%	10%	10%	10%	238	583	-58%	23%
Naivasha	698	923	599	283	114%	153%	223	968	627	40%	0%	20%	0%	0%	629	294	157%	23%
Nakuru	1,625	2,319	3,364	2,257	86%	181%	461	2,148	1,739	30%	10%	10%	10%	10%	498	82	-52%	30%
Nanyuki	237	156	511	336	53%	87%	667	833	751	40%	0%	40%	20%	0%	64	92	-47%	25%
Narok	360	216	358	206	42%	92%	1,377	1,070	1,208	20%	30%	10%	10%	0%	66	150	320%	20%
Nyamira	355	267	515	289	56%	115%	97	470	280	80%	70%	30%	70%	80%	210	57	48%	30%
Nyandarua	438	249	277	84	33%	98%	586	1,033	866	40%	20%	40%	40%	100%	129	120	-79%	18%
Nyeri	597	580	1,073	680	55%	152%	358	2,547	1,845	30%	0%	10%	20%	30%	148	142	-65%	25%
Siaya	791	627	221	28	76%	84%	57	154	103	90%	70%	40%	90%	100%	573	55	-68%	30%
Vihiga	282	70	505	298	17%	35%	247	378	325	60%	0%	50%	30%	100%	29	41	187%	20%
Voi	638	556	365	130	85%	90%	189	1,190	581	70%	40%	20%	10%	70%	350	206	-56%	23%
High Court	36,476	41,347	68,596	46,240	65%	146%	502	1,304	1,052	40%	20%	20%	40%	30%	220	275	-11%	24%

Annex 2. 6: ELRC Filed and Resolved Cases

ELRC Station	Filed							Resolved						
	CBA	Causes Disputes	Petition	Misc	Appeal	Review	Total	CBA	Causes Disputes	Petition	Misc	Appeal	Review	Total
Bungoma	0	33	25	28	58	8	152	0	160	30	42	79	7	318
Eldoret	0	32	12	46	40	4	134	0	193	25	40	18	0	276
Kakamega	0	45	8	7	27	0	87	0	5	0	1	3	0	9
Kericho	0	20	14	12	3	3	52	0	62	7	12	0	2	83
Kisumu	0	73	54	71	66	31	295	0	536	84	162	83	13	878
Malindi	0	10	10	10	18	0	48	0	12	7	18	7	1	45
Mombasa	0	133	37	63	106	5	344	0	458	21	67	102	2	650
Nairobi	323	1038	268	265	291	40	2,225	344	1891	291	237	209	56	3,028
Nakuru	0	52	31	87	37	9	216	0	320	26	49	10	8	413
Nyeri	0	37	15	20	23	2	97	0	99	29	19	22	10	179
Machakos (subreg)	0	8	7	23	24	5	67	0	4	1	0	2	0	7
Meru (subreg)	0	22	12	11	10	4	59	0	32	5	8	1	4	50
Total	323	1,503	493	643	703	111	3,776	344	3,772	526	655	536	103	5,936

Annex 2. 7: ELRC Pending Cases and Case Backlog

ELRC Station	Pending							Backlog			Backlog as at June 2023	
	CBA	Causes Disputes	Petition	Misc	Appeal	Review	Total	June 2022	June 2023	% change	1 - 3 yrs	Over 3 years
Bungoma	-	36	14	4	33	3	90	140	70	-50%	53	17
Eldoret	-	299	118	23	53	19	512	625	489	-22%	248	241
Kakamega	-	40	8	6	24	-	78					
Kericho	-	11	3	5	10	2	31	19	11	-42%	7	4
Kisumu	-	187	36	5	21	35	284	223	224	0%	74	150
Malindi	-	4	5	9	20	-	38	19	34	79%	34	-
Mombasa	4	275	46	183	117	18	643	878	629	-28%	629	-
Nairobi	92	5,513	617	819	479	84	7,604	7,732	6,014	-22%	4,920	1,094
Nakuru	1	39	22	95	62	9	228	252	180	-29%	104	76
Nyeri	1	171	23	33	64	3	295	232	186	-20%	181	5
Machakos (Sub reg)	-	12	1	20	28	3	64					
Meru (Sub reg)	-	10	7	3	9	-	29					
Total	98	6,597	900	1,205	920	176	9,896	10,120	7,837	-134%	6,250	1,587

Annex 2. 8: ELC Caseload Performance Statistics

ELC Station	Filed cases		CCR	Backlog as at 30 JUN 2023			PENDING AS AT 30 JUN 2023						Merit productivity	Other productivity	Overall productivity	Average time to disposition (days)		Average time to disposition (years)		% of ELC application resolved within 90 days	% of ELC Suits cases resolved within 360 days	% of ELC appeals resolved within 360 days	% of ELC petitions resolved within 180 days	% of ELC Judicial reviews resolved within 360 days
	All resolved cases			Backlog 1 to 3 years	Backlog over 3 years	All Backlog	Suits	Misc	Appeals	Total	Backlog as at June 2022	Change in Backlog												
Bungoma	118	131	111%	51	71	122	99	15	107	221	183	122	69	62	131	897	2	23	8	15	0	100		
Busia	103	204	198%	118	182	300	298	50	34	382	436	300	88	116	204	2113	6	13	3	30	50	80		
Chuka	45	49	109%	11	(6)	5	9	10	14	33	10	5	33	16	49	232	1	61	7	80		67		
Eldoret	199	365	183%	290	590	880	1,041	49	102	1,192	1,105	880	102	81	183	1589	4	19	7	24	11	38		
Homabay	125	138	110%	102	180	282	316	9	77	402	330	282	63	75	138	1190	3	20	8	7	0	25		
Garissa	35	42	120%	7	(1)	6	25	20	12	57	27	6	11	31	42	1207	3	0	0	40	0	0		
Homabay	135	158	117%	22	-	22	79	3	109	191	-	22	158	3	161	365	1	23	39	45	11	75		
Isiolo	47	24	51%	41	1	42	32	19	39	90	1	42	4	20	24	313	1	40	75	64	0	0		
Iten	86	125	145%	32	1	33	54	57	(4)	107	-	33	69	56	125	233	1	36	79	81	37	94		
Kajiado	261	294	113%	195	292	487	592	86	121	799	611	487	83	65	147	1289	4	2	7	23	0	60		
Kakamega	131	269	205%	28	21	49	132	(8)	82	206	201	49	166	103	269	1121	3	26	10	25	0	50		
Kapsabet	90	103	114%	50	-	50	113	7	28	148	-	50	52	51	103	353	1	38	45	56	0	67		
Kericho	97	152	157%	35	113	148	215	23	13	251	263	148	80	72	152	1514	4	14	2	0	0	50		
Kerugoya	126	197	156%	50	54	104	129	5	104	238	256	104	40	157	197	1961	5	9	5	14	0			
Kilgoris	71	74	104%	17	-	17	47	16	17	80	22	17	53	21	74	376	1	25	37	17	0	75		
Kisii	93	155	167%	53	190	243	242	11	98	351	341	243	78	77	155	2209	6	38	3	33	0	40		
Kisumu	170	313	184%	136	198	334	331	43	131	505	519	334	58	99	157	846	2	14	7	14	0	67		
Kitale	110	171	155%	49	37	86	135	11	43	189	193	86	91	80	171	1559	4	13	11	36	14	0		
Kitui	83	105	127%	109	334	443	340	81	50	471	413	443	61	44	105	375	1	43	18	48	0	38		
Kwale	144	128	89%	165	-	165	358	30	57	445	1	165	59	69	128	338	1	18	59	0	8	20		
Machakos	303	427	141%	138	127	265	205	86	224	515	499	265	98	116	214	979	3	8	8	14	0	36		
Makueni	168	112	67%	258	385	643	666	67	186	919	689	643	45	67	112	1240	3	0	12	9	0	33		
Malindi	287	404	141%	329	-	329	489	-	43	532	372	329	103	99	202	1526	4	15	8	29	4	24		
Meru	217	388	179%	123	75	198	154	34	206	394	419	198	136	60	196	957	3	37	8	17	6	43		
Migori	187	315	168%	5	(107)	(102)	(65)	18	109	62	149	(102)	298	17	315	1407	4	23	5	15	0			
Milimani	1,255	2,003	160%	172	799	971	1,309	281	186	1,776	2,138	971	133	117	249	1097	3	21	16	45	29	47		
Mombasa	455	770	169%	384	300	684	474	183	151	808	934	684	123	134	257	1514	4	6	7	12	1	29		
Muranga	151	135	89%	14	12	26	97	6	47	150	62	26	78	57	135	391	1	33	23	56	33	100		
Nakuru	257	535	208%	159	314	473	525	92	132	749	890	473	116	63	179	1665	5	38	9	16	6	31		
Nanyuki	60	78	130%	5	-	5	40	3	33	76	-	5	48	30	78	381	1	35	24	42	0	100		
Narok	81	123	152%	25	73	98	195	10	(20)	185	189	98	67	57	124	843	2	18	10	6	10	0		
Nyamira	78	100	128%	12	-	12	67	3	7	77	-	12	61	39	100	324	1	90	41	81	0	100		
Nyandarua	124	138	111%	42	60	102	128	13	81	222	180	102	72	66	138	1097	3	33	10	12	0	50		
Nyeri	118	135	114%	68	281	349	317	89	62	468	425	349	113	22	135	2271	6	16	1	0	0	0		
Siaya	117	184	157%	(37)	-	(37)	55	9	9	73	5	(37)	106	78	184	318	1	27	40	63	0	71		
Thika	423	562	133%	97	188	285	476	(3)	162	635	526	285	150	132	281	685	2	7	24	34	26	25		
Vihiga	35	27	77%	20	-	20	23	6	20	49	5	20	19	8	27	315	1	50	50	60	67			
ELC court	6,585	9,633	146%	3,375	4,764	8,139	9,742	1,434	2,872	14,048	12,394	8,139	104	85	189	1002	3	25	20	31	9	48		

Annex 2.9: Magistrates Courts Key Statistics

Magistrate Court Station	Pending Cases June 2023				Filed Cases			Resolved Cases			CCR (%)			Pending Cases June 2023			Case Backlog			
	CR	CV	All	Case Backlog	CR	CV	All	CR	CV	All	CR	CV	All	CR	CV	All	1-3 yrs	Over 3 yrs	All backlog	% change
Baricho	1,816	1,126	2,942	1,265	1,539	483	2,022	985	516	1,501	64	107	74	2,370	1,093	3,463	955	27	982	-22%
Bomet	1,316	571	1,887	595	1,920	495	2,415	1,766	272	2,038	92	55	84	1,478	794	2,272	556	20	576	-3%
Bondo	732	590	1,322	614	944	504	1,448	1,059	662	1,721	112	131	119	621	446	1,067	406	17	423	-31%
Bungoma	719	3,060	3,779	1,201	3,181	1,757	4,938	2,468	909	3,377	78	52	68	1,432	3,963	5,395	856	37	893	-26%
Busia	5,959	2,852	8,811	2,418	2,746	1,504	4,250	1,093	899	1,992	40	60	47	7,612	3,494	11,106	1,464	965	2,429	0%
Butali	1,816	1,746	3,562	1,362	1,796	582	2,378	1,517	604	2,121	84	104	89	2,095	1,724	3,819	773	90	863	-37%
Butere	1,004	498	1,502	359	723	432	1,155	736	649	1,385	102	150	120	991	403	1,394	119	130	249	-31%
Chuka	1,252	995	2,247	958	1,027	641	1,668	1,047	463	1,510	102	72	91	1,232	1,173	2,405	745	77	822	-14%
Dadaab	117	2	119	30	110	41	151	80	3	83	73	7	55	147	40	187	33	4	37	23%
Eldama Ravine	1,329	333	1,662	490	1,326	240	1,566	1,193	227	1,420	90	95	91	1,462	346	1,808	410	58	468	-4%
Eldoret	10,297	5,030	15,327	5,817	4,483	3,802	8,285	4,596	4,788	9,384	103	126	113	10,184	4,486	14,670	2,960	263	3,223	-45%
Embu	1,826	207	2,033	382	1,109	620	1,729	1,057	1,218	2,275	95	196	132	1,878	637	2,515	70	458	528	38%
Engineer	689	229	918	313	928	447	1,375	1,208	767	1,975	130	172	144	409	111	520	210	39	249	-20%
Garissa	1,366	392	1,758	1,195	1,954	139	2,093	1,753	366	2,119	90	263	101	1,567	165	1,732	1,099	78	1,177	-2%
Garsen	561	165	726	359	361	169	530	307	159	466	85	94	88	615	175	790	262	5	267	-26%
Gatundu	1,073	1,390	2,463	154	1,893	1,284	3,177	1,102	1,121	2,223	58	87	70	1,864	1,553	3,417	249	20	269	75%
Gichugu	749	485	1,234	604	1,030	226	1,256	861	347	1,208	84	154	96	918	364	1,282	364	65	429	-29%
Githongo	615	200	815	358	911	271	1,182	833	292	1,125	91	108	95	693	179	872	273	16	289	-19%
Githunguri	802	565	1,367	355	1,642	331	1,973	1,177	332	1,509	72	100	76	1,267	564	1,831	346	61	407	15%
Hamisi	1,142	168	1,310	790	912	253	1,165	938	191	1,129	103	75	97	1,116	230	1,346	560	73	633	-20%
Hola	363	77	440	239	275	128	403	244	120	364	89	94	90	394	85	479	168	14	182	-24%
Homabay	1,552	1,102	2,654	497	778	621	1,399	651	550	1,201	84	89	86	1,679	1,174	2,853	157	166	323	-35%
Isiolo	1,491	135	1,626	630	989	132	1,121	975	206	1,181	99	156	105	1,505	70	1,575	486	74	560	-11%
Iten	444	59	503	281	1,564	270	1,834	1,417	399	1,816	91	148	99	591	8	599	5	95	100	-64%
JKIA	114	-	114	54	90	1	91	141	1	142	157	100	156	69	-	69	33	2	35	-35%
Kabarnet	711	122	833	253	1,358	171	1,529	1,255	183	1,438	92	107	94	816	110	926	151	12	163	-36%
Kabiyet	-	-	-	1	681	83	764	369	54	423	54	65	55	312	29	341	48	-	48	4700%
Kahawa	154	-	154	10	465	-	465	381	-	381	82	-	82	238	-	238	16	-	16	60%
Kajiado	3,616	2,399	6,015	2,451	2,717	791	3,508	2,109	1,001	3,110	78	127	89	4,224	2,189	6,413	1,592	360	1,952	-20%
Kakamega	1,194	4,788	5,982	3,769	2,303	1,355	3,658	2,131	2,599	4,730	93	192	129	1,366	3,544	4,910	1,146	382	1,528	-59%
Kakuma	352	21	373	294	809	30	839	823	24	847	102	80	101	358	31	389	309	11	320	9%
Kaloleni	269	529	798	143	291	265	556	348	568	916	120	214	165	212	326	538	104	11	115	-20%
Kandara	2,090	1,726	3,816	713	2,581	821	3,402	2,567	552	3,119	99	67	92	2,104	1,995	4,099	656	69	725	2%
Kangema	477	441	918	75	922	288	1,210	941	201	1,142	102	70	94	458	528	986	9	17	26	-65%
Kangundo	2,022	774	2,796	496	1,684	534	2,218	1,923	631	2,554	114	118	115	1,783	677	2,460	266	52	318	-36%
Kapenguria	2,283	403	2,686	1,234	1,401	129	1,530	1,413	90	1,503	101	70	98	2,271	442	2,713	1,180	23	1,203	-3%
Kapsabet	2,044	1,119	3,163	1,563	2,677	742	3,419	2,520	571	3,091	94	77	90	2,201	1,290	3,491	724	256	980	-37%
Karatina	1,045	1,513	2,558	970	799	585	1,384	736	546	1,282	92	93	93	1,108	1,552	2,660	499	311	810	-16%
Kehancha	536	302	838	419	1,341	200	1,541	1,261	282	1,543	94	141	100	616	234	850	321	5	326	-22%
Kenol	-	-	-	-	2,061	537	2,598	1,684	62	1,746	82	12	67	377	475	852	-	-	-	0%
Kericho	3,647	1,493	5,140	2,754	4,868	947	5,815	3,553	855	4,408	73	90	76	4,962	1,585	6,547	2,191	56	2,247	-18%
Keroka	1,164	525	1,689	13	1,594	422	2,016	1,386	167	1,553	87	40	77	1,372	780	2,152	92	32	124	854%
Kerugoya	1,284	1,814	3,098	856	952	1,146	2,098	882	1,504	2,386	93	131	114	1,354	1,796	3,150	472	348	820	-4%
Kiambu	1,545	2,153	3,698	233	4,439	1,527	5,966	4,046	1,170	5,216	91	77	87	1,940	2,510	4,450	283	135	418	79%
Kibera	3,119	-	3,119	1,265	6,273	2	6,275	6,977	2	6,979	111	100	111	2,415	-	2,415	1,575	133	1,708	35%
Kigumo	3,071	748	3,819	1,875	1,003	456	1,459	1,378	837	2,215	137	184	152	2,696	380	3,076	684	504	1,188	-37%
Kikuyu	2,498	2,858	5,356	2,961	1,806	1,431	3,237	1,528	1,758	3,286	85	123	102	2,776	2,531	5,307	1,375	741	2,116	-29%
Kilgoris	1,081	263	1,344	83	1,323	358	1,681	1,164	253	1,417	88	71	84	1,240	370	1,610	288	126	414	399%
Kilifi	2,846	1,436	4,282	744	1,100	1,184	2,284	901	1,080	1,981	82	91	87	3,045	1,540	4,585	600	108	708	-5%
Kilungu	1,273	754	2,027	442	1,341	459	1,800	1,120	402	1,522	84	88	85	1,494	811	2,305	300	45	345	-22%
Kimilili	1,805	1,221	3,026	967	1,330	364	1,694	1,026	508	1,534	77	140	91	2,109	1,077	3,186	469	329	798	-17%
Kisii	4,066	4,491	8,557	2,421	2,104	1,982	4,086	1,947	2,050	3,997	93	103	98	4,223	4,423	8,646	116	1,104	1,220	-50%
Kisumu	8,415	6,246	14,661	8,127	1,541	1,722	3,263	1,637	2,796	4,433	106	162	136	1,017	3,721	4,738	1,092	953	2,045	-75%
Kitale	8,388	1,063	9,451	1,995	5,296	993	6,289	5,229	1,019	6,248	99	103	99	8,455	1,037	9,492	1,740	231	1,971	-1%
Kithimani	2,342	517	2,859	550	1,702	575	2,277	1,463	379	1,842	86	66	81	2,581	713	3,294	364	53	417	-24%
Kitui	1,416	2,632	4,048	1,211	2,031	966	2,997	1,570	1,265	2,835	77	131	95	1,877	2,333	4,210	156	151	307	-75%
Kwale	1,800	2,287	4,087	2,483	1,017	456	1,473	888	622	1,510	87	136	103	1,929	2,279	4,208	1,110	807	1,917	-23%
Kyuso	131	88	219	53	318	79	397	363	106	469	114	134	118	95	52	147	45	8	53	0%
Lamu	137	85	222	97	476	55	531	399	100	499	84	182	94	214	52	266	98	3	101	4%
Limuru	1,074	2,700	3,774	949	2,265	1,084	3,349	1,664	854	2,518	73	79	75	1,675	2,930	4,605	524	196	720	-24%
Lodwar	1,354	136	1,490	719	994	78	1,072	973	85	1,058	98	109	99	1,375	139	1,514	566	174	740	3%
Loitoktok	87	92	179	15	599	156	755	567	226	793	95	145	105	133	118	251	132	1	133	787%
Machakos	3,964	3,096	7,060	655	3,183	1,260	4,443	2,684	1,762	4,446	84	140	100	4,463	2,594	7,057	587	151	738	13%
Madiany	-	-	-	-	298	248	546	235	48	283	79	19	52	63	204	267	6	1	7	0%
Makadara	16,615	-	16,615	3,565	20,309	12	20,321	17,975	107	18,082	89	892	89	19,198	-	19,198	2,835	64	2,899	-19%
Makindu	1,219	1,862	3,081	674	1,930	376	2,306	1,648	679	2,327	85	181	101	1,501	1,559	3,060	300	170	470	-30%
Makueni	544	1,068	1,612	289	690	465														

Magistrate Court Station	Pending Cases June 2023				Filed Cases			Resolved Cases			CCR (%)			Pending Cases June 2023			Case Backlog				
	CR	CV	All	Case Backlog	CR	CV	All	CR	CV	All	CR	CV	All	CR	CV	All	1-3 yrs	Over 3 yrs	All backlog	% change	
Maralal	131	92	223	122	502	92	594	523	99	622	104	108	105	111	85	196	70	10	80	-34%	
Mariakani	1,324	853	2,177	359	1,016	528	1,544	1,266	613	1,879	125	116	122	1,084	781	1,865	54	170	224	-38%	
Marimanti	743	153	896	414	940	151	1,091	742	106	848	79	70	78	941	198	1,139	329	3	332	-20%	
Marsabit	623	8	631	317	411	82	493	409	114	523	100	139	106	625	16	641	254	2	256	-19%	
Maseno	943	195	1,138	704	882	375	1,257	897	538	1,435	102	143	114	931	217	1,148	494	210	704	0%	
Maua	2,857	305	3,162	1,196	2,403	807	3,210	2,607	697	3,304	108	86	103	2,653	415	3,068	833	218	1,051	-12%	
Mavoko	3,108	5,034	8,142	1,821	2,945	1,769	4,714	2,814	2,477	5,291	96	140	112	3,239	4,358	7,597	1,018	230	1,248	-31%	
Mbita	922	242	1,164	579	403	234	637	367	259	626	91	111	98	958	217	1,175	482	22	504	-13%	
Meru	2,118	4,710	6,828	2,587	2,469	903	3,372	2,245	1,028	3,273	91	114	97	2,342	4,585	6,927	602	1,590	2,192	-15%	
Migori	1,814	2,740	4,554	2,900	965	851	1,816	738	1,219	1,957	76	143	108	2,041	2,372	4,413	1,206	937	2,143	-26%	
Millimani	5,537	-	5,537	4,572	15,557	4	15,561	16,421	-	16,421	106	0	106	4,675	4	4,679	3,468	457	3,925	-14%	
Mil ACEC	255	-	255	130	158	-	158	180	-	180	114	-	114	233	-	233	102	36	138	6%	
Mil Childrens	563	6,804	7,367	3,735	659	2,043	2,702	2,028	2,162	4,190	308	106	155	968	6,685	7,653	2,357	155	2,512	-33%	
Mil Comm	-	54,743	54,743	36,329	-	10,496	10,496	-	9,123	9,123	-	87	87	-	56,150	56,150	15,957	14,138	30,095	-17%	
Mil Fam	-	-	-	-	515	515	-	319	319	-	62	62	-	196	196	34	17	51	-	0%	
Molo	3,208	977	4,185	1,922	3,861	517	4,378	5,292	742	6,034	137	144	138	1,777	752	2,529	1,074	385	1,459	-24%	
Mombasa	20,591	28,792	49,383	39,169	3,816	2,141	5,957	4,024	4,056	8,080	105	189	136	20,383	26,883	47,266	19,455	16,410	35,865	-8%	
Moyale	85	17	102	54	533	51	584	491	44	535	92	86	92	129	24	153	88	5	93	72%	
Mpeketoni	228	94	322	134	206	83	289	202	109	311	98	131	108	232	68	300	103	10	113	-16%	
Msambweni	402	371	773	170	555	172	727	780	189	969	141	110	133	231	354	585	77	20	97	-43%	
Mukurwe-ini	196	795	991	109	660	251	911	501	255	756	76	102	83	355	793	1,148	75	32	107	-2%	
Mumias	1,242	536	1,778	286	1,426	524	1,950	1,114	626	1,740	78	119	89	1,562	444	2,006	172	12	184	-36%	
Muranga	2,993	4,889	7,882	4,177	1,404	1,197	2,601	1,296	1,937	3,233	92	162	124	3,101	4,149	7,250	1,918	1,147	3,065	-27%	
Mutomo	634	166	800	363	633	122	755	589	144	733	93	118	97	678	152	830	298	5	303	-17%	
Mwingi	1,435	680	2,115	568	1,219	287	1,506	1,184	279	1,463	97	97	97	1,470	698	2,168	84	277	361	-36%	
Nairobi City	298	196	494	328	1	7	8	28	-	28	2800	0	350	206	4	210	85	71	156	-52%	
Naivasha	4,757	3,291	8,048	3,049	3,268	1,077	4,345	2,867	1,800	4,667	88	167	107	5,158	2,568	7,726	1,415	222	1,637	-46%	
Nakuru	16,465	22,767	39,232	25,624	5,861	2,571	8,432	5,220	3,371	8,591	89	131	102	17,106	21,967	39,073	12,779	11,595	24,374	-5%	
Nanyuki	2,144	1,780	3,924	2,350	2,993	364	3,357	2,418	436	2,854	81	120	85	2,719	1,708	4,427	2,041	21	2,062	-12%	
Narok	1,540	2,071	3,611	1,378	2,552	538	3,090	2,309	403	2,712	90	75	88	1,783	2,206	3,989	881	176	1,057	-23%	
Ndhiwa	416	414	830	426	451	364	815	550	575	1,125	122	158	138	325	221	546	55	138	193	-55%	
Ngong	3,436	949	4,385	800	3,512	696	4,208	3,265	409	3,674	93	59	87	3,683	1,237	4,920	349	113	462	-42%	
Nkubu	195	191	386	95	1,294	488	1,782	1,298	620	1,918	100	127	108	191	133	324	236	128	364	283%	
Nyahururu	4,498	2,958	7,456	3,397	2,896	953	3,849	2,780	1,065	3,845	96	112	100	4,614	2,846	7,460	1,506	1,186	2,692	-21%	
Nyamira	1,050	327	1,377	406	1,444	501	1,945	1,552	852	2,404	107	170	124	115	1,578	2,236	3,814	916	944	1,860	-26%
Nyando	1,589	2,476	4,065	2,523	850	873	1,723	861	1,113	1,974	101	127	115	1,578	2,236	3,814	916	944	1,860	-26%	
Nyeri	1,785	2,958	4,743	398	2,052	1,178	3,230	1,856	1,418	3,274	90	120	101	1,981	2,718	4,699	25	64	89	-78%	
Ogembo	2,618	2,234	4,852	1,602	2,723	788	3,511	2,335	348	2,683	86	44	76	3,006	2,674	5,680	871	519	1,390	-13%	
Oi Kalou	-	-	-	1	771	125	896	405	10	415	53	8	46	366	115	481	-	-	-	0%	
Othaya	107	370	477	157	907	255	1,162	619	169	788	68	66	68	395	456	851	175	5	180	15%	
Dyugis	1,956	1,974	3,930	377	1,108	1,124	2,232	887	953	1,840	80	85	82	2,177	2,145	4,322	29	99	128	-66%	
Rongo	631	952	1,583	316	817	436	1,253	834	645	1,479	102	148	118	614	753	1,367	131	141	272	-14%	
Ruiru	2,476	88	2,564	401	4,735	1,327	6,062	4,221	1,743	5,964	89	131	98	2,990	30	3,020	216	4	220	-45%	
Rumuruti	-	-	-	1	586	49	635	389	11	400	66	22	63	197	38	235	-	-	-	0%	
Runyenjes	230	520	750	537	703	437	1,140	691	568	1,259	98	130	110	244	391	635	522	26	548	2%	
Shanzu	3,641	-	3,641	1,538	2,585	9	2,594	2,481	-	2,481	96	0	96	3,745	9	3,754	1,011	433	1,444	-6%	
Siakago	709	693	1,402	254	1,263	585	1,848	1,188	601	1,789	94	103	97	784	695	1,479	94	16	110	-57%	
Siaya	1,214	1,971	3,185	731	858	624	1,482	732	703	1,435	85	113	97	1,340	1,892	3,232	29	345	374	-49%	
Sirisia	1,337	364	1,701	537	646	203	849	626	157	783	97	77	92	1,357	410	1,767	116	245	361	-33%	
Sotik	1,009	908	1,917	337	1,342	329	1,671	1,264	169	1,433	94	51	86	1,087	1,068	2,155	194	60	254	-25%	
Tamu	95	260	355	107	530	252	782	492	227	719	93	90	92	137	295	432	70	5	75	-30%	
Taveta	607	119	726	274	1,233	68	1,301	1,037	83	1,120	84	122	86	803	108	911	293	22	315	15%	
Tawa	775	109	884	377	399	282	681	457	197	654	115	70	96	717	196	913	277	19	296	-21%	
Thika	1,226	2,516	3,742	2,341	6,936	1,285	8,221	6,130	1,835	7,965	88	143	97	2,032	1,966	3,998	1,280	165	1,445	-38%	
Tigania	1,464	238	1,702	1,138	2,143	546	2,689	1,509	309	1,818	70	57	68	2,098	619	2,717	914	173	1,087	-4%	
Tinderet	-	-	-	1	366	37	403	207	22	229	57	59	57	159	15	174	4	-	4	300%	
Tononoka	405	916	1,321	425	170	929	1,099	178	1,020	1,198	105	110	109	400	825	1,225	136	55	191	-55%	
Ukwala	1,013	731	1,744	66	298	621	919	283	366	649	95	59	71	1,028	986	2,014	25	41	66	0%	
Vihiga	2,246	1,667	3,913	1,472	1,033	972	2,005	861	524	1,385	83	54	69	2,418	2,115	4,533	718	627	1,345	-9%	
Voi	1,606	173	1,779	734	1,376	403	1,779	1,254	940	2,194	91	233	123	1,728	13	1,741	461	256	717	-2%	
Wajir	994	60	1,054	379	770	52	822	746	69	815	97	133	99	1,018	43	1,061	430	12	442	17%	
Wanguru	1,505	1,202	2,707	572	1,361	485	1,846	1,216	488	1,704	89	101	92	1,650	1,199	2,849	88	72	160	-72%	
Webuye	1,265	702	1,967	968	859	324	1,183	890	378	1,268	104	117	107	1,234	648	1,882	510	111	621	-36%	
Winam	615	762	1,377	585	846	583	1,429	1,442	1,118	2,560	170	192	179	61	369	430	118	39	157	-73%	
Wundanyi	447	131	578	360	678	162	840	583	204	787	86	126	94	542	149	691	362	28	390	8%	
All Mag Courts	254,899	249,988	504,887	231,822	238,160	88,695	326,855	221,468	98,675	320,143	93	111	98	266,451	243,007	509,458	119,285	66,618	185,903	-20%	

Annex 2. 10: Magistrates Courts Registered Cases

Court Name	Criminal Cases						Civil Cases						All Filed Cases
	Criminal Cases	Sexual Offences	Inquest	Children Criminal	Traffic	All Criminal Cases	Civil Cases	Probate & Admin	Divorce Separation	Workman Compensation	Children Civil	All Civil Cases	
Baricho	1,382	46	12	16	83	1,539	299	158	7	0	19	483	2,022
Bomet	1,679	59	3	46	133	1,920	341	121	19	0	14	495	2,415
Bondo	783	65	0	9	87	944	211	270	15	1	7	504	1,448
Bungoma	2,657	133	1	31	359	3,181	1,286	367	44	0	60	1,757	4,938
Busia	2,082	154	13	0	497	2,746	671	704	20	0	109	1,504	4,250
Butali	1,287	108	4	10	387	1,796	384	173	7	0	18	582	2,378
Butere	585	64	4	22	48	723	137	284	4	0	7	432	1,155
Chuka	877	37	3	0	110	1,027	355	233	22	0	31	641	1,668
Dadaab	102	8	0	0	0	110	4	0	0	0	37	41	151
Eldama Ravine	1,085	58	7	20	156	1,326	103	116	4	0	17	240	1,566
Eldoret	3,323	206	11	54	889	4,483	2,956	396	160	0	290	3,802	8,285
Embu	861	37	3	66	142	1,109	323	217	26	0	54	620	1,729
Engineer	737	51	5	78	57	928	258	154	22	0	13	447	1,375
Garissa	1,023	46	6	11	868	1,954	77	0	1	0	61	139	2,093
Garsen	261	33	0	28	39	361	152	2	1	0	14	169	530
Gatundu	1,084	48	6	73	682	1,893	716	526	18	0	24	1,284	3,177
Gichugu	924	44	2	7	53	1,030	98	113	10	0	5	226	1,256
Githongo	828	28	1	38	16	911	76	182	11	0	2	271	1,182
Githunguri	1,456	32	0	88	66	1,642	130	170	14	1	16	331	1,973
Hamisi	726	75	3	43	65	912	78	168	3	1	3	253	1,165
Hola	231	24	4	12	4	275	112	0	4	0	12	128	403
Homabay	574	62	1	11	130	778	231	336	10	0	44	621	1,399
Isiolo	909	25	6	4	45	989	110	10	3	0	9	132	1,121
Iten	1,347	69	5	8	135	1,564	147	98	4	0	21	270	1,834
JKIA	78	3	0	5	4	90	0	0	0	0	1	1	91
Kabarnet	1,200	50	2	8	98	1,358	107	41	2	0	21	171	1,529
Kabiyet	546	120	5	7	3	681	31	43	5	1	3	83	764
Kahawa	464	0	0	1	0	465	0	0	0	0	0	0	465
Kajiado	1,720	77	10	0	910	2,717	537	108	36	0	110	791	3,508
Kakamega	1,781	120	0	0	402	2,303	567	706	32	0	50	1,355	3,658
Kakuma	657	43	1	4	104	809	15	1	3	1	10	30	839
Kaloleni	205	42	0	10	34	291	217	47	0	0	1	265	556
Kandara	2,128	74	2	22	355	2,581	367	430	6	1	17	821	3,402
Kangema	707	28	4	7	176	922	79	191	5	0	13	288	1,210
Kangundo	1,368	62	3	9	242	1,684	299	213	11	0	11	534	2,218
Kapenguria	1,179	58	1	30	133	1,401	83	29	9	0	8	129	1,530
Kapsabet	2,308	164	2	27	176	2,677	337	346	30	0	29	742	3,419
Karatina	643	23	1	20	112	799	208	334	7	0	36	585	1,384
Kehancha	1,129	77	1	34	100	1,341	113	74	7	0	6	200	1,541
Kenol	1,740	37	27	58	199	2,061	452	66	7	0	12	537	2,598
Kericho	4,120	105	5	218	420	4,868	510	312	57	0	68	947	5,815
Keroka	916	85	5	56	532	1,594	316	75	18	0	13	422	2,016
Kerugoya	812	29	10	15	86	952	529	558	21	0	38	1,146	2,098
Kiambu	3,270	66	11	11	1,081	4,439	674	721	66	0	66	1,527	5,966
Kibera	2,778	165	47	0	3,283	6,273	2	0	0	0	0	2	6,275
Kigumo	842	62	2	11	86	1,003	248	189	1	0	18	456	1,459
Kikuyu	1,419	57	11	8	311	1,806	960	337	51	0	83	1,431	3,237
Kilgoris	989	73	5	7	249	1,323	162	97	2	0	97	358	1,681
Kilifi	811	102	2	0	185	1,100	846	218	20	0	100	1,184	2,284
Kilungu	739	54	1	9	538	1,341	363	69	6	1	20	459	1,800
Kimilili	1,068	118	2	57	85	1,330	248	69	13	0	34	364	1,694
Kisii	1,867	111	5	0	121	2,104	1,339	472	70	0	101	1,982	4,086
Kisumu	1,160	27	2	210	142	1,541	819	752	62	0	89	1,722	3,263
Kitale	4,119	217	9	443	508	5,296	666	209	54	0	64	993	6,289
Kithimani	1,369	61	5	23	244	1,702	362	190	8	0	15	575	2,277
Kitui	1,525	112	7	14	373	2,031	534	374	27	0	31	966	2,997
Kwale	480	74	8	31	424	1,017	364	54	15	0	23	456	1,473
Kyuso	291	8	3	6	10	318	64	7	5	0	3	79	397
Lamu	410	19	3	27	17	476	39	0	0	0	16	55	531
Limuru	1,759	42	6	30	428	2,265	669	323	26	0	66	1,084	3,349

Court Name	Criminal Cases						Civil Cases						All Filed Cases
	Criminal Cases	Sexual Offences	Inquest	Children Criminal	Traffic	All Criminal Cases	Civil Cases	Probate & Admin	Divorce Separation	Workman Compensation	Children Civil	All Civil Cases	
Lodwar	760	70	1	49	114	994	43	19	6	0	10	78	1,072
Loitoktok	412	26	0	18	143	599	88	43	3	0	22	156	755
Machakos	2,493	117	16	0	557	3,183	800	286	42	0	132	1,260	4,443
Madiany	268	24	1	5	0	298	36	209	1	0	2	248	546
Makadara	13,577	412	66	6	6,248	20,309	1	0	0	0	11	12	20,321
Makindu	1,222	90	3	15	600	1,930	299	44	12	3	18	376	2,306
Makueni	584	37	8	9	52	690	206	208	15	16	20	465	1,155
Malindi	1,052	131	5	0	478	1,666	579	158	37	0	77	851	2,517
Mandera	432	22	1	6	91	552	22	0	0	0	18	40	592
Maralal	452	14	0	4	32	502	34	10	3	0	45	92	594
Mariakani	468	42	5	5	496	1,016	424	70	5	0	29	528	1,544
Marimanti	830	35	1	0	74	940	61	51	8	0	31	151	1,091
Marsabit	363	20	1	2	25	411	44	7	1	0	30	82	493
Maseno	563	55	1	12	251	882	156	191	12	0	16	375	1,257
Maua	2,133	55	6	84	125	2,403	536	231	6	0	34	807	3,210
Mavoko	1,635	95	14	62	1,139	2,945	1,623	45	43	0	58	1,769	4,714
Mbita	341	36	1	2	23	403	76	155	1	0	2	234	637
Meru	2,002	61	5	53	348	2,469	488	345	35	0	35	903	3,372
Migori	757	92	2	13	101	965	405	387	46	0	13	851	1,816
Milimani	4,873	6	18	0	10,660	15,557	4	0	0	0	0	4	15,561
Milimani Anticorr	158	0	0	0	0	158	0	0	0	0	0	0	158
Milimani Childrens	3	27	0	629	0	659	0	0	0	0	2,043	2,043	2,702
Milimani Commercial	0	0	0	0	0	0	9,189	48	1,220	25	14	10,496	10,496
Milimani Family	0	0	0	0	0	0	0	103	412	0	0	515	515
Molo	3,016	158	3	88	596	3,861	376	95	10	0	36	517	4,378
Mombasa	1,802	106	10	0	1,898	3,816	1,955	99	85	0	2	2,141	5,957
Moyale	436	23	1	2	71	533	22	2	0	0	27	51	584
Mpeketoni	170	23	1	7	5	206	38	34	2	0	9	83	289
Msambweni	401	65	0	65	24	555	136	16	12	0	8	172	727
Mukurwe-ini	539	19	4	24	74	660	88	156	2	0	5	251	911
Mumias	1,150	64	2	105	105	1,426	279	222	6	2	15	524	1,950
Muranga	1,095	38	17	27	227	1,404	408	763	13	0	13	1,197	2,601
Mutomo	516	23	2	0	92	633	98	12	8	0	4	122	755
Mwingi	889	47	7	8	268	1,219	207	61	10	0	9	287	1,506
Nairobi City	1	0	0	0	0	1	7	0	0	0	0	7	8
Naivasha	1,896	92	23	334	923	3,268	783	234	34	0	26	1,077	4,345
Nakuru	4,097	165	22	81	1,496	5,861	1,348	640	193	0	390	2,571	8,432
Nanyuki	2,391	60	16	124	402	2,993	190	113	22	0	39	364	3,357
Narok	1,396	84	15	102	955	2,552	461	61	7	0	9	538	3,090
Ndhiwa	364	29	4	3	51	451	132	202	10	6	14	364	815
Ngong	1,957	82	8	8	1,457	3,512	399	130	60	0	107	696	4,208
Nkubu	951	32	1	6	304	1,294	190	213	12	0	73	488	1,782
Nyahururu	2,220	101	33	1	541	2,896	359	500	18	0	76	953	3,849
Nyamira	1,231	77	14	3	119	1,444	255	170	16	0	60	501	1,945
Nyando	694	69	4	13	70	850	301	499	11	1	61	873	1,723
Nyeri	1,761	54	23	0	214	2,052	440	555	49	0	134	1,178	3,230
Ogembo	2,279	154	15	18	257	2,723	498	201	12	2	75	788	3,511
Oi Kalou	591	41	0	41	98	771	92	26	3	0	4	125	896
Othaya	778	12	4	25	88	907	59	184	5	1	6	255	1,162
Oyugis	895	45	3	4	161	1,108	332	766	12	0	14	1,124	2,232
Rongo	565	34	2	5	211	817	248	165	15	0	8	436	1,253
Ruiru	3,549	68	14	12	1,092	4,735	938	169	118	0	102	1,327	6,062
Rumuruti	476	20	2	5	83	586	26	20	1	0	2	49	635
Runyenjes	524	24	2	12	141	703	193	225	11	0	8	437	1,140
Shanzu	1,274	164	5	0	1,142	2,585	9	0	0	0	0	9	2,594
Siakago	1,134	69	9	6	45	1,263	244	327	10	0	4	585	1,848
Siaya	741	70	0	0	47	858	201	388	11	0	24	624	1,482
Sirisia	538	47	0	9	52	646	175	17	5	0	6	203	849
Sotik	1,160	71	5	17	89	1,342	193	89	12	1	34	329	1,671
Tamu	409	30	1	40	50	530	198	43	1	0	10	252	782
Taveta	1,032	43	3	78	77	1,233	52	7	3	0	6	68	1,301
Tawa	349	27	0	0	23	399	216	57	8	1	0	282	681

Court Name	Criminal Cases						Civil Cases						All Filed Cases
	Criminal Cases	Sexual Offences	Inquest	Children Criminal	Traffic	All Criminal Cases	Civil Cases	Probate & Admin	Divorce Separation	Workman Compensation	Children Civil	All Civil Cases	
Thika	4,930	108	18	231	1,649	6,936	906	166	85	0	128	1,285	8,221
Tigania	1,949	58	3	45	88	2,143	302	218	6	0	20	546	2,689
Tinderet	283	79	2	2	0	366	15	17	1	0	4	37	403
Tononoka	8	48	0	114	0	170	0	0	0	0	929	929	1,099
Ukwala	210	20	5	8	55	298	196	386	7	9	23	621	919
Vihiga	720	44	1	1	267	1,033	466	442	16	0	48	972	2,005
Voi	1,087	37	7	0	245	1,376	295	40	23	0	45	403	1,779
Wajir	508	20	0	3	239	770	15	1	0	0	36	52	822
Wanguru	921	37	16	89	298	1,361	309	132	20	1	23	485	1,846
Webuye	614	38	5	46	156	859	238	63	9	0	14	324	1,183
Winam	579	42	1	95	129	846	340	179	13	1	50	583	1,429
Wundanyi	568	39	3	9	59	678	69	72	4	0	17	162	840
All Courts	168,422	8,444	799	4,983	55,512	238,160	52,792	24,240	4,010	76	7,577	88,695	326,855

Annex 2. 11: Magistrates Courts Resolved Cases

Court Station	Criminal Cases						Civil Cases						All Resolved Cases	Productivity		
	Criminal Cases	Sexual Offences	Inquest	Children Crimi	Traffic	All Criminal Cases	Civil Cases	Probate And Admin	Divorce Separation	Workman Compensation	Children Civil	All Civil Cases		Merit	Other	Total
Baricho	833	58	16	4	74	985	352	145	9	1	9	516	1,501	222	529	751
Bomet	1,499	112	10	38	107	1,766	174	72	10	0	16	272	2,038	128	552	679
Bondo	879	86	3	6	85	1,059	269	354	13	6	20	662	1,721	251	610	861
Bungoma	2,014	102	9	19	324	2,468	555	174	33	0	147	909	3,377	108	455	563
Busia	850	48	5	0	190	1,093	240	496	7	0	156	899	1,992	95	404	498
Butali	1,134	99	1	1	282	1,517	426	107	8	18	45	604	2,121	134	927	1061
Butere	592	68	3	21	52	736	259	371	2	3	14	649	1,385	140	553	693
Chuka	909	43	5	0	90	1,047	203	218	19	1	22	463	1,510	73	305	378
Dadaab	75	5	0	0	0	80	0	0	0	0	3	3	83	11	72	83
Eldama Ravine	972	70	0	5	146	1,193	89	122	5	0	11	227	1,420	81	630	710
Eldoret	3,252	398	23	92	831	4,596	3,465	390	112	0	821	4,788	9,384	223	715	938
Embu	794	50	10	70	133	1,057	504	584	38	0	92	1,218	2,275	142	427	569
Engineer	923	126	7	81	71	1,208	412	310	20	3	22	767	1,975	331	327	658
Garissa	886	44	0	6	817	1,753	178	0	0	0	188	366	2,119	198	508	706
Garsen	208	28	1	33	37	307	143	5	1	0	10	159	466	135	98	233
Gatundu	577	46	5	4	470	1,102	649	382	18	38	34	1,121	2,223	120	621	741
Gichugu	748	43	5	13	52	861	117	204	7	0	19	347	1,208	106	499	604
Githongo	768	24	1	29	11	833	78	185	6	0	23	292	1,125	140	423	563
Githunguri	1,075	46	1	1	54	1,177	129	181	10	1	11	332	1,509	68	687	755
Hamisi	732	109	7	39	51	938	62	114	5	1	9	191	1,129	97	468	565
Hola	214	18	3	7	2	244	103	0	2	0	15	120	364	63	119	182
Homabay	484	56	1	1	109	651	228	281	14	0	27	550	1,201	92	148	240
Isiolo	877	54	2	0	42	975	172	11	4	0	19	206	1,181	222	369	591
Iten	1,202	73	8	1	133	1,417	201	156	5	0	37	399	1,816	82	827	908
JKIA	125	1	0	11	4	141	0	0	0	0	1	1	142	18	53	71
Kabarnet	1,073	72	4	5	101	1,255	104	43	3	0	33	183	1,438	67	412	479
Kabiyet	325	39	2	1	2	369	10	43	0	0	1	54	423	50	373	423
Kahawa	381	0	0	0	0	381	0	0	0	0	0	0	381	131	60	191
Kajiado	1,304	53	4	0	748	2,109	814	135	20	1	31	1,001	3,110	163	459	622
Kakamega	1,597	142	6	0	386	2,131	711	1,779	21	0	88	2,599	4,730	115	477	591
Kakuma	668	53	1	4	97	823	8	1	3	0	12	24	847	129	718	847
Kaloleni	241	60	0	9	38	348	521	45	1	1	0	568	916	562	354	916
Kandara	2,092	106	4	18	347	2,567	231	293	4	1	23	552	3,119	139	1421	1560
Kangema	720	53	0	2	166	941	50	141	4	0	6	201	1,142	89	482	571
Kangundo	1,602	73	3	7	238	1,923	385	213	12	0	21	631	2,554	299	552	851
Kapenguria	1,192	55	1	27	138	1,413	48	27	7	0	8	90	1,503	58	443	501
Kapsabet	2,160	211	5	4	140	2,520	221	300	24	0	26	571	3,091	104	669	773
Karatina	574	43	1	15	103	736	206	309	8	1	22	546	1,282	171	471	641
Kehancha	1,056	88	0	32	85	1,261	123	141	16	0	2	282	1,543	145	627	772
Kenol	1,472	2	0	34	176	1,684	58	0	2	0	2	62	1,746	155	1591	1746
Kericho	3,094	127	4	69	259	3,553	498	230	53	0	74	855	4,408	89	540	630
Keroka	824	53	8	36	465	1,386	134	10	11	0	12	167	1,553	127	650	777
Kerugoya	745	37	16	10	74	882	575	661	40	0	228	1,504	2,386	118	359	477
Kiambu	2,937	93	28	1	987	4,046	772	303	57	1	37	1,170	5,216	111	759	869
Kibera	3,031	263	23	0	3,660	6,977	2	0	0	0	0	2	6,979	132	566	698
Kigumo	1,135	122	17	1	103	1,378	534	268	7	1	27	837	2,215	184	924	1108
Kikuyu	1,159	74	9	0	286	1,528	1,131	388	63	11	165	1,758	3,286	261	834	1095
Kilgoris	880	60	0	2	222	1,164	114	75	4	2	58	253	1,417	81	392	472
Kilifi	598	105	10	1	187	901	793	215	19	0	53	1,080	1,981	237	423	660
Kilungu	595	33	1	3	488	1,120	348	37	3	0	14	402	1,522	290	471	761
Kimilili	828	81	3	33	81	1,026	360	83	13	2	50	508	1,534	112	399	511
Kisii	1,670	164	11	0	102	1,947	1,167	708	51	0	124	2,050	3,997	226	441	666
Kisumu	1,329	49	5	137	117	1,637	1,528	1,062	94	0	112	2,796	4,433	126	318	443
Kitale	4,082	400	13	252	482	5,229	718	212	47	0	42	1,019	6,248	145	636	781
Kithimani	1,220	36	0	6	201	1,463	185	152	5	1	36	379	1,842	92	829	921
Kitui	1,145	100	3	3	319	1,570	490	729	26	0	20	1,265	2,835	197	370	567
Kwale	390	121	1	14	362	888	469	19	12	115	7	622	1,510	111	267	378
Kyuso	308	30	1	8	16	363	77	8	9	0	12	106	469	71	164	235
Lamu	325	37	0	21	16	399	45	6	0	0	49	100	499	72	178	250
Limuru	1,128	63	7	11	455	1,664	426	335	20	5	68	854	2,518	138	701	839
Lodwar	726	86	3	50	108	973	57	18	3	1	6	85	1,058	56	297	353
Loitoktok	350	48	0	25	144	567	144	55	3	0	24	226	793	126	271	397
Machakos	2,013	135	2	22	512	2,684	1,063	565	44	0	90	1,762	4,446	156	400	556
Madiany	218	17	0	0	0	235	7	36	3	0	2	48	283	46	237	283
Makadara	11,454	436	14	316	5,755	17,975	2	0	0	0	105	107	18,082	346	1462	1808
Makindu	966	124	1	9	548	1,648	442	82	6	112	37	679	2,327	131	645	776
Makueni	514	29	1	3	49	596	250	295	11	5	26	587	1,183	66	230	296
Malindi	1,160	202	9	0	439	1,810	760	101	32	0	44	937	2,747	169	381	549

Court Station	Criminal Cases						Civil Cases						All Resolved Cases	Productivity		
	Criminal Cases	Sexual Offences	Inquest	Children Crimi	Traffic	All Criminal Cases	Civil Cases	Probate And Admin	Divorce Separation	Workman Compensation	Children Civil	All Civil Cases		Herit	Other	Total
Mandera	389	45	1	3	85	523	21	0	0	0	17	38	561	33	248	281
Maralal	470	17	0	0	36	523	51	6	4	0	38	99	622	56	255	311
Mariakani	640	102	15	3	506	1,266	521	51	11	12	18	613	1,879	212	414	626
Marimanti	639	48	0	0	55	742	55	44	2	0	5	106	848	52	372	424
Marsabit	362	20	2	3	22	409	81	7	4	0	22	114	523	39	223	262
Maseno	565	107	5	0	220	897	341	172	6	6	13	538	1,435	59	659	718
Maua	2,370	87	7	41	102	2,607	382	266	5	0	44	697	3,304	128	533	661
Mavoko	1,579	85	24	31	1,095	2,814	2,237	91	56	13	80	2,477	5,291	359	699	1058
Mbita	314	26	3	1	23	367	100	152	5	0	2	259	626	36	278	313
Meru	1,835	51	23	37	299	2,245	589	384	23	0	32	1,028	3,273	123	286	409
Migori	580	75	4	3	76	738	699	474	38	0	8	1,219	1,957	145	344	489
Millimani	4,387	26	25	0	11,983	16,421	0	0	0	0	0	0	16,421	293	1076	1368
Mil ACEC	180	0	0	0	0	180	0	0	0	0	0	0	180	11	15	26
Mil Childrens	235	29	0	1,764	0	2,028	0	0	0	0	2,162	2,162	4,190	532	166	698
Mil Commercial	0	0	0	0	0	0	7,634	7	953	476	53	9,123	9,123	328	179	507
Mil Family	0	0	0	0	0	0	0	23	296	0	0	319	319	91	15	106
Molo	4,118	288	59	117	710	5,292	520	181	8	0	33	742	6,034	140	1067	1207
Mombasa	1,743	96	3	0	2,182	4,024	3,313	376	142	218	7	4,056	8,080	207	370	577
Moyale	394	21	1	3	72	491	18	0	0	0	26	44	535	45	223	268
Mpeketoni	166	21	0	7	8	202	59	32	3	1	14	109	311	50	106	156
Msambweni	599	126	2	28	25	780	164	11	8	0	6	189	969	174	311	485
Mukurwe-ini	383	33	2	21	62	501	69	174	4	0	8	255	756	60	319	378
Mumias	883	63	7	76	85	1,114	296	286	13	7	24	626	1,740	139	296	435
Muranga	974	70	29	20	203	1,296	642	1,240	29	0	26	1,937	3,233	133	406	539
Mutomo	479	19	0	0	91	589	100	27	8	0	9	144	733	54	313	367
Mwingi	865	49	1	4	265	1,184	164	92	8	0	15	279	1,463	131	601	732
Nairobi City	28	0	0	0	0	28	0	0	0	0	0	0	28	4	3	7
Naivasha	1,772	100	25	108	862	2,867	1,263	427	22	28	60	1,800	4,667	194	473	667
Nakuru	3,430	198	22	68	1,502	5,220	1,914	699	139	0	619	3,371	8,591	308	473	781
Nanyuki	1,900	108	13	82	315	2,418	271	124	19	0	22	436	2,854	156	558	714
Narok	1,263	98	3	38	907	2,309	348	37	7	3	8	403	2,712	75	604	678
Ndhiwa	414	73	3	1	59	550	234	285	26	11	19	575	1,125	153	410	563
Ngong	1,790	93	3	0	1,379	3,265	237	102	28	1	41	409	3,674	151	1074	1225
Nkubu	946	55	1	1	295	1,298	210	287	10	1	112	620	1,918	187	772	959
Nyahururu	2,100	220	31	0	429	2,780	400	557	22	0	86	1,065	3,845	94	547	641
Nyamira	1,299	116	19	0	118	1,552	352	432	16	0	52	852	2,404	155	447	601
Nyando	652	102	3	1	103	861	525	527	18	5	38	1,113	1,974	131	527	658
Nyeri	1,551	61	33	0	211	1,856	628	682	33	0	75	1,418	3,274	148	320	468
Ogembo	1,978	122	20	5	210	2,335	241	43	15	2	47	348	2,683	161	734	894
Oi Kalou	317	7	0	18	63	405	9	0	1	0	0	10	415	20	395	415
Othaya	534	9	0	9	67	619	38	121	5	0	5	169	788	60	335	394
Oyugis	718	61	4	3	101	887	251	672	14	3	13	953	1,840	94	519	613
Rongo	572	49	6	3	204	834	471	136	22	1	15	645	1,479	200	540	740
Ruiru	3,048	76	19	4	1,074	4,221	1,260	231	153	1	98	1,743	5,964	259	1233	1491
Rumuruti	317	2	0	2	68	389	9	0	0	0	2	11	400	54	346	400
Runyenjes	500	27	2	13	149	691	250	292	14	0	12	568	1,259	154	476	630
Shanzu	1,341	122	0	3	1,015	2,481	0	0	0	0	0	0	2,481	82	539	620
Siakago	1,082	54	3	5	44	1,188	248	323	8	0	22	601	1,789	191	704	895
Siaya	623	76	0	0	33	732	214	468	9	0	12	703	1,435	104	374	478
Sirisia	527	43	2	6	48	626	82	59	3	0	13	157	783	89	303	392
Sotik	1,104	62	1	17	80	1,264	105	32	4	1	27	169	1,433	86	631	717
Tamu	385	25	0	42	40	492	164	44	7	3	9	227	719	130	230	360
Taveta	868	22	1	71	75	1,037	62	14	0	1	6	83	1,120	57	503	560
Tawa	379	56	2	0	20	457	176	15	4	2	0	197	654	99	228	327
Thika	4,337	108	14	200	1,471	6,130	1,096	534	94	0	111	1,835	7,965	195	801	996
Tigania	1,338	54	8	25	84	1,509	186	99	4	0	20	309	1,818	161	445	606
Tinderet	187	19	0	1	0	207	3	16	1	0	2	22	229	36	193	229
Tononoka	11	54	0	113	0	178	9	0	0	0	1,011	1,020	1,198	183	417	599
Ukwala	188	37	2	1	55	283	132	210	3	0	21	366	649	66	259	325
Vihiga	582	76	2	0	201	861	196	289	12	0	27	524	1,385	102	360	462
Voi	1,012	26	11	0	205	1,254	713	121	23	1	82	940	2,194	198	533	731
Wajir	476	28	0	4	238	746	26	1	0	0	42	69	815	66	342	408
Wanguru	851	42	5	55	263	1,216	221	248	10	1	8	488	1,704	145	707	852
Webuye	657	50	16	20	147	890	223	121	7	2	25	378	1,268	169	465	634
Winam	1,022	179	6	101	134	1,442	701	249	32	16	120	1,118	2,560	322	531	853
Wundanyi	490	26	1	11	55	583	61	107	7	0	29	204	787	86	701	787
All Courts	151,641	10,222	841	4,866	53,898	221,468	57,174	27,685	3,527	1,148	9,141	98,675	320,143	161	495	656

Annex 2. 12: Magistrates Courts Pending Cases

Court Station	Criminal Cases						Civil Cases						All Pending Cases
	Criminal Cases	Sexual Offences	Inquest	Children Criminal	Traffic	All Criminal Cases	Civil Cases	Probate & Admin	Divorce Separation	Workman Compensation	Children Civil	All Civil Cases	
Baricho	1,610	189	3	50	518	2,370	962	46	0	2	83	1,093	3,463
Bomet	1,229	135	4	11	99	1,478	479	221	17	4	73	794	2,272
Bondo	466	104	2	4	45	621	108	327	4	5	2	446	1,067
Bungoma	969	311	8	30	114	1,432	2,653	1,239	46	25	0	3,963	5,395
Busia	5,249	828	102	112	1,321	7,612	1,421	2,018	34	21	0	3,494	11,106
Butali	1,486	307	21	37	244	2,095	854	598	9	209	54	1,724	3,819
Butere	735	132	9	75	40	991	207	61	3	91	41	403	1,394
Chuka	540	218	8	28	438	1,232	989	116	33	1	34	1,173	2,405
Dadaab	107	36	2	2	0	147	6	0	0	0	34	40	187
Eldama Ravine	1,138	38	14	63	209	1,462	180	96	8	15	47	346	1,808
Eldoret	7,124	1,233	45	34	1,748	10,184	3,386	706	112	61	221	4,486	14,670
Embu	1,347	106	3	57	365	1,878	148	366	16	2	105	637	2,515
Engineer	332	2	1	9	65	409	83	14	7	3	4	111	520
Garissa	1,096	154	12	24	281	1,567	83	0	3	1	78	165	1,732
Garsen	464	84	2	11	54	615	163	1	3	0	8	175	790
Gatundu	1,367	95	2	89	311	1,864	915	585	17	26	10	1,553	3,417
Gichugu	771	47	5	13	82	918	336	13	5	2	8	364	1,282
Githongo	414	160	2	20	97	693	107	46	18	2	6	179	872
Githunguri	972	147	7	98	43	1,267	337	149	11	18	49	564	1,831
Hamisi	950	98	6	9	53	1,116	53	159	0	1	17	230	1,346
Hola	287	54	6	26	21	394	59	8	7	1	10	85	479
Homabay	925	190	18	36	510	1,679	377	617	0	2	178	1,174	2,853
Isiolo	1,216	79	19	32	159	1,505	49	17	0	4	0	70	1,575
Iten	515	13	5	20	38	591	0	0	7	1	0	8	599
JKIA	58	4	0	0	7	69	0	0	0	0	0	0	69
Kabarnet	669	91	0	31	25	816	62	40	6	1	1	110	926
Kabiyet	221	81	3	6	1	312	21	0	5	1	2	29	341
Kahawa	237	0	0	1	0	238	0	0	0	0	0	0	238
Kajiado	2,826	214	28	119	1,037	4,224	1,309	85	49	628	118	2,189	6,413
Kakamega	563	423	5	110	265	1,366	1,994	1,356	85	1	108	3,544	4,910
Kakuma	305	10	3	2	38	358	13	15	0	1	2	31	389
Kaloleni	139	21	1	12	39	212	49	91	1	183	2	326	538
Kandara	1,676	165	13	51	199	2,104	797	1,112	16	68	2	1,995	4,099
Kangema	340	49	7	6	56	458	116	366	8	1	37	528	986
Kangundo	1,397	218	24	27	117	1,783	400	226	28	1	22	677	2,460
Kapenguria	1,907	184	1	102	77	2,271	327	41	13	5	56	442	2,713
Kapsabet	1,534	546	21	44	56	2,201	708	473	64	0	45	1,290	3,491
Karatina	843	67	2	37	159	1,108	791	603	3	116	39	1,552	2,660
Kehancha	452	106	2	9	47	616	163	52	7	1	11	234	850
Kenol	268	35	27	24	23	377	394	66	5	0	10	475	852
Kericho	3,730	391	23	255	563	4,962	1,015	458	68	19	25	1,585	6,547
Keroka	873	211	14	46	228	1,372	523	209	15	6	27	780	2,152
Kerugoya	1,096	64	15	9	170	1,354	1,199	422	3	2	170	1,796	3,150
Kiambu	1,531	141	0	107	161	1,940	1,196	1,216	39	4	55	2,510	4,450
Kibera	853	64	29	0	1,469	2,415	0	0	0	0	0	0	2,415
Kigumo	1,735	291	35	49	586	2,696	194	184	0	2	0	380	3,076
Kikuyu	1,797	198	40	129	612	2,776	1,843	414	77	103	94	2,531	5,307
Kilgoris	1,003	122	8	33	74	1,240	118	71	0	0	181	370	1,610
Kilifi	2,086	557	15	87	300	3,045	834	570	34	2	100	1,540	4,585
Kilungu Nunguni	995	208	6	60	225	1,494	435	293	4	12	67	811	2,305
Kimilili	1,830	176	4	64	35	2,109	593	420	15	1	48	1,077	3,186
Kisii	3,539	305	7	301	71	4,223	3,171	1,008	75	29	140	4,423	8,646
Kisumu	847	44	5	32	89	1,017	1,541	2,003	36	45	96	3,721	4,738
Kitale	6,914	579	43	407	512	8,455	140	357	8	40	492	1,037	9,492
Kitimani	2,033	225	12	102	209	2,581	354	297	23	2	37	713	3,294
Kitui	1,502	179	15	12	169	1,877	1,406	805	63	1	58	2,333	4,210
Kwale	1,125	399	8	108	289	1,929	1,703	349	27	79	121	2,279	4,208
Kyuso	81	7	4	0	3	95	44	6	1	0	1	52	147
Lamu	191	6	3	7	7	214	46	2	0	0	4	52	266
Limuru	1,365	79	18	48	165	1,675	1,851	692	62	170	155	2,930	4,605
Lodwar	993	266	7	44	65	1,375	5	6	4	0	124	139	1,514

Court Station	Criminal Cases						Civil Cases						All Pending Cases
	Criminal Cases	Sexual Offences	Inquest	Children Criminal	Traffic	All Criminal Cases	Civil Cases	Probate & Admin	Divorce Separation	Workman Compensation	Children Civil	All Civil Cases	
Loitoktok	110	6	0	7	10	133	46	30	0	40	2	118	251
Machakos	3,218	484	38	186	537	4,463	1,884	372	72	121	145	2,594	7,057
Madiany	50	7	1	5	0	63	29	173	2	0	0	204	267
Makadara	14,325	992	104	0	3,777	19,198	0	0	0	0	0	0	19,198
Makindu	1,242	108	8	11	132	1,501	1,330	175	31	2	21	1,559	3,060
Makueni	447	97	29	19	46	638	218	669	31	22	6	946	1,584
Malindi	2,344	385	46	71	684	3,530	230	531	12	12	137	922	4,452
Mandera	78	16	0	4	18	116	3	1	1	0	1	6	122
Maralal	27	0	0	35	49	111	34	20	1	0	30	85	196
Mariakani	634	122	0	33	295	1,084	610	104	0	0	67	781	1,865
Marimanti	668	102	1	56	114	941	37	44	7	1	109	198	1,139
Marsabit	473	77	1	6	68	625	0	8	0	0	8	16	641
Maseno	668	173	0	23	67	931	0	181	9	24	3	217	1,148
Maua	1,861	186	5	219	382	2,653	186	74	28	10	117	415	3,068
Mavoko	2,016	144	66	83	930	3,239	2,235	298	17	1,792	16	4,358	7,597
Mbita	700	149	7	9	93	958	76	126	10	1	4	217	1,175
Meru	1,787	88	29	146	292	2,342	2,601	522	67	578	817	4,585	6,927
Migori	1,567	269	17	44	144	2,041	1,445	836	43	8	40	2,372	4,413
Milimani	4,577	49	48	0	1	4,675	4	0	0	0	0	4	4,679
Milimani ACEC	199	0	0	34	0	233	0	0	0	0	0	0	233
Milimani Childrens Court	30	51	0	887	0	968	613	0	2	41	6,029	6,685	7,653
Milimani Commercial	0	0	0	0	0	0	45,271	125	6,468	4,269	17	56,150	56,150
Milimani Family	0	0	0	0	0	0	0	80	116	0	0	196	196
Molo	886	239	2	18	632	1,777	535	125	2	3	87	752	2,529
Mombasa	11,304	673	105	31	8,270	20,383	21,307	399	242	4,932	3	26,883	47,266
Moyale	108	13	2	1	5	129	18	3	0	0	3	24	153
Mpeketoni	163	62	1	1	5	232	22	42	1	0	3	68	300
Msambweni	25	140	2	63	1	231	289	32	7	2	24	354	585
Mukurwe-ini	274	28	5	13	35	355	192	599	1	0	1	793	1,148
Mumias	1,189	138	4	128	103	1,562	58	361	1	5	19	444	2,006
Murang'a	2,500	82	25	61	433	3,101	2,921	1,106	3	4	115	4,149	7,250
Mutomo	556	82	5	6	29	678	71	66	5	6	4	152	830
Mwingi	954	300	16	25	175	1,470	484	199	8	2	5	698	2,168
Nairobi City	204	1	0	0	1	206	4	0	0	0	0	4	210
Naivasha	2,609	386	28	525	1,610	5,158	1,298	214	79	889	88	2,568	7,726
Nakuru	11,469	1,000	109	616	3,912	17,106	16,774	1,602	527	1,513	1,551	21,967	39,073
Nanyuki	2,150	215	27	115	212	2,719	1,481	107	41	16	63	1,708	4,427
Narok	1,080	397	48	106	152	1,783	1,667	327	39	79	94	2,206	3,989
Ndhiwa	191	99	9	26	0	325	75	143	0	3	0	221	546
Ngong	2,456	389	22	165	651	3,683	900	140	66	0	131	1,237	4,920
Nkubu	5	58	6	49	73	191	91	0	25	7	10	133	324
Nyahururu	2,979	229	69	549	788	4,614	2,214	279	49	46	258	2,846	7,460
Nyamira	679	103	4	17	139	942	203	0	12	10	13	238	1,180
Nyando	725	254	6	99	494	1,578	1,463	424	5	289	55	2,236	3,814
Nyeri	1,207	177	14	307	276	1,981	1,274	970	121	13	340	2,718	4,699
Ogembo	2,384	429	5	33	155	3,006	1,862	639	35	0	138	2,674	5,680
Oi Kalou	274	34	0	23	35	366	83	26	2	0	4	115	481
Othaya	329	14	4	19	29	395	74	369	6	1	6	456	851
Oyugis	1,681	172	12	23	289	2,177	528	1,565	30	10	12	2,145	4,322
Rong'o	417	106	15	15	61	614	474	252	22	0	5	753	1,367
Ruiru	2,277	112	27	43	531	2,990	0	26	0	0	4	30	3,020
Rumuruti	159	18	2	3	15	197	17	20	1	0	0	38	235
Runyenjes	194	22	4	1	23	244	226	162	2	0	1	391	635
Shanzu	1,968	686	33	61	997	3,745	9	0	0	0	0	9	3,754
Siakago	658	64	7	32	23	784	445	111	4	126	9	695	1,479
Siaya	1,108	150	6	3	73	1,340	853	983	10	34	12	1,892	3,232
Sirisia	1,082	210	5	30	30	1,357	333	44	12	4	17	410	1,767
Sotik	782	188	6	18	93	1,087	554	298	30	2	184	1,068	2,155
Tamu	101	22	1	2	11	137	200	84	2	3	6	295	432
Taveta	629	91	14	46	23	803	78	1	9	1	19	108	911
Tawa	466	143	4	4	100	717	123	59	8	1	5	196	913
Thika	1,596	123	24	31	258	2,032	1,801	122	26	0	17	1,966	3,998

Court Station	Criminal Cases							Civil Cases						All Pending Cases
	Criminal Cases	Sexual Offences	Inquest	Children Criminal	Traffic	All Criminal Cases	Civil Cases	Probate & Admin	Divorce Separation	Workman Compensation	Children Civil	All Civil Cases		
Tigania	1,864	68	0	72	94	2,098	331	214	2	0	72	619	2,717	
Tinderet	96	60	2	1	0	159	12	1	0	0	2	15	174	
Tononoka	0	19	0	381	0	400	415	0	0	0	410	825	1,225	
Ukwala	795	72	5	46	110	1,028	260	660	10	15	41	986	2,014	
Vihiga	1,610	216	1	54	537	2,418	1,425	525	13	15	137	2,115	4,533	
Voi	1,402	127	9	59	131	1,728	0	0	0	6	7	13	1,741	
Wajir	810	58	1	13	136	1,018	24	3	0	1	15	43	1,061	
Wanguru	1,068	160	36	167	219	1,650	645	273	27	8	246	1,199	2,849	
Webuye	782	118	19	82	233	1,234	567	25	15	25	16	648	1,882	
Winam	18	17	3	3	20	61	250	48	4	15	52	369	430	
Wundanyi	385	60	5	41	51	542	66	30	0	1	52	149	691	
All Courts	186,532	23,615	1,913	9,476	44,915	266,451	161,158	39,758	9,625	17,029	15,437	243,007	509,458	

Annex 2. 13: Magistrates Court Case Backlog and Performance

Magistrate Court Station	Case Backlog				% of Applications concluded within 180 days	% of Criminal cases concluded within 360 days	% of Civil cases concluded within 360 days	% Judgments delivered when 1st Scheduled	% Judgments delivered within 60 days
	1-3 yrs	Over 3 yrs	All backlog	% change					
Baricho	955	27	982	-22	113	79	34	99	84
Bomet	556	20	576	-3	92	90	51	88	85
Bondo	406	17	423	-31	95	89	55	83	80
Bungoma	856	37	893	-26	96	88	48	85	65
Busia	1,464	965	2,429	0	78	78	26	68	35
Butali	773	90	863	-37	73	60	32	82	61
Butere	119	130	249	-31	80	81	24	86	75
Chuka	745	77	822	-14	75	71	56	71	71
Dadaab	33	4	37	23	0	82	50	100	61
Eldama Ravine	410	58	468	-4	95	86	32	77	64
Eldoret	2,960	263	3,223	-45	106	61	54	87	69
Embu	70	458	528	38	91	77	29	83	71
Engineer	210	39	249	-20	94	90	52	74	80
Garissa	1,099	78	1,177	-2	90	81	72	76	44
Garsen	262	5	267	-26	77	89	62	96	69
Gatundu	249	20	269	75	93	88	51	79	80
Gichugu	364	65	429	-29	97	81	20	79	59
Githongo	273	16	289	-19	150	84	54	95	67
Githunguri	346	61	407	15	92	88	35	96	73
Hamisi	560	73	633	-20	80	77	44	88	65
Hola	168	14	182	-24	87	87	67	96	83
Homabay	157	166	323	-35	89	84	58	84	53
Isiolo	486	74	560	-11	93	67	50	97	69
Iten	5	95	100	-64	98	93	54	87	65
JKIA	33	2	35	-35	100	55	85	92	73
Kabarnet	151	12	163	-36	100	86	49	86	53
Kabiyet	48	-	48	-	100	98	86	96	42
Kahawa	16	-	16	60	100	89	100	72	87
Kajiado	1,592	360	1,952	-20	95	73	38	89	53
Kakamega	1,146	382	1,528	-59	82	75	34	78	54
Kakuma	309	11	320	9	100	96	88	94	76
Kaloleni	104	11	115	-20	100	79	49	87	94
Kandara	656	69	725	2	98	85	41	89	74
Kangema	9	17	26	-65	100	82	27	94	76
Kangundo	266	52	318	-36	79	83	44	85	88
Kapenguria	1,180	23	1,203	-3	99	87	69	84	74
Kapsabet	724	256	980	-37	78	73	25	78	60
Karatina	499	311	810	-16	87	80	38	93	79
Kehancha	321	5	326	-22	83	79	50	90	90
Kenol	-	-	-	-	100	100	100	100	83
Kericho	2,191	56	2,247	-18	94	91	42	91	56
Keroka	92	32	124	854	92	84	55	92	90
Kerugoya	472	348	820	-4	101	78	43	92	77
Kiambu	283	135	418	79	95	79	45	86	65
Kibera	1,575	133	1,708	35	100	62	96	86	58
Kigumo	684	504	1,188	-37	90	58	37	75	76
Kikuyu	1,375	741	2,116	-29	89	63	44	93	79
Kilgoris	288	126	414	399	93	81	55	67	33
Kilifi	600	108	708	-5	100	60	53	74	65
Kilungu	300	45	345	-22	100	93	41	95	75

Magistrate Court Station	Case Backlog				% of Applications concluded within 180 days	% of Criminal cases concluded within 360 days	% of Civil cases concluded within 360 days	% Judgments delivered when 1st Scheduled	% Judgments delivered within 60 days
	1-3 yrs	Over 3 yrs	All backlog	% change					
Kimilili	469	329	798	-17	94	88	33	93	85
Kisii	116	1,104	1,220	-50	85	68	24	92	76
Kisumu	1,092	953	2,045	-75	82	68	31	82	67
Kitale	1,740	231	1,971	-1	94	83	44	94	77
Kithimani	364	53	417	-24	97	85	29	87	73
Kitui	156	151	307	-75	89	68	27	89	78
Kwale	1,110	807	1,917	-23	85	59	35	71	52
Kyuso	45	8	53	0	88	84	55	92	67
Lamu	98	3	101	4	80	88	55	96	66
Limuru	524	196	720	-24	91	78	33	82	78
Lodwar	566	174	740	3	106	86	78	76	76
Loitoktok	132	1	133	787	92	96	89	100	93
Machakos	587	151	738	13	93	67	43	76	56
Madiany	6	1	7	-	100	100	79	99	82
Makadara	2,835	64	2,899	-19	98	60	90	86	68
Makindu	300	170	470	-30	83	72	26	60	62
Makueni	73	53	126	-56	100	95	49	93	74
Malindi	479	602	1,081	-44	94	56	36	79	69
Mandera	81	2	83	-20	100	88	83	99	75
Maralal	70	10	80	-34	70	88	58	92	71
Mariakani	54	170	224	-38	97	55	49	90	80
Marimanti	329	3	332	-20	100	80	45	77	67
Marsabit	254	2	256	-19	95	87	64	96	74
Maseno	494	210	704	0	98	60	34	93	62
Maua	833	218	1,051	-12	92	58	53	79	49
Mavoko	1,018	230	1,248	-31	91	77	36	90	87
Mbita	482	22	504	-13	93	73	50	75	80
Meru	602	1,590	2,192	-15	94	78	36	73	71
Migori	1,206	937	2,143	-26	95	80	28	92	86
Milimani	3,468	457	3,925	-14	96	38	93	91	83
Mil ACEC	102	36	138	6	100	21	100	72	79
Mil Childrens	2,357	155	2,512	-33	0	17	60	96	73
Mil Comm	15,957	14,138	30,095	-17	87	90	22	69	67
Mil Fam	34	17	51	-	100	0	60	84	60
Molo	1,074	385	1,459	-24	95	90	50	94	80
Mombasa	19,455	16,410	35,865	-8	83	70	31	85	73
Moyale	88	5	93	72	94	92	78	89	46
Mpeketoni	103	10	113	-16	71	88	54	93	64
Msambweni	77	20	97	-43	83	65	55	97	73
Mukurwe-ini	75	32	107	-2	93	93	45	70	51
Mumias	172	12	184	-36	94	84	34	89	79
Muranga	1,918	1,147	3,065	-27	110	87	37	88	87
Mutomo	298	5	303	-17	80	82	47	73	46
Mwingi	84	277	361	-36	93	77	32	92	73
Nairobi City	85	71	156	-52	0	0	0	83	44
Naivasha	1,415	222	1,637	-46	80	78	28	93	73
Nakuru	12,779	11,595	24,374	-5	88	65	41	74	54
Nanyuki	2,041	21	2,062	-12	84	84	50	91	73
Narok	881	176	1,057	-23	90	75	48	87	79
Ndhiwa	55	138	193	-55	96	59	38	89	87
Ngong	349	113	462	-42	99	64	59	90	54

Magistrate Court Station	Case Backlog				% of Applications concluded within 180 days	% of Criminal cases concluded within 360 days	% of Civil cases concluded within 360 days	% Judgments delivered when 1st Scheduled	% Judgments delivered within 60 days
	1-3 yrs	Over 3 yrs	All backlog	% change					
Nkubu	236	128	364	283	93	74	43	64	67
Nyahururu	1,506	1,186	2,692	-21	86	72	41	86	61
Nyamira	106	300	406	0	94	80	55	91	67
Nyando	916	944	1,860	-26	90	68	37	87	75
Nyeri	25	64	89	-78	88	83	41	90	71
Ogembo	871	519	1,390	-13	91	82	41	89	51
Oi Kalou	-	-	-	-	86	100	100	100	76
Othaya	175	5	180	15	100	97	51	96	78
Oyugis	29	99	128	-66	84	75	46	92	96
Rongo	131	141	272	-14	76	76	34	90	86
Ruiru	216	4	220	-45	96	93	59	91	87
Rumuruti	-	-	-	-	100	100	100	100	100
Runyenjes	522	26	548	2	100	89	57	88	84
Shanzu	1,011	433	1,444	-6	95	58	90	97	80
Siakago	94	16	110	-57	92	82	46	71	89
Siaya	29	345	374	-49	94	64	42	92	68
Sirisia	116	245	361	-33	100	73	27	70	71
Sotik	194	60	254	-25	100	81	54	78	61
Tamu	70	5	75	-30	90	92	57	99	76
Taveta	293	22	315	15	84	97	67	94	63
Tawa	277	19	296	-21	100	72	52	90	75
Thika	1,280	165	1,445	-38	82	88	34	91	65
Tigania	914	173	1,087	-4	104	92	52	86	69
Tinderet	4	-	4	-	100	97	71	95	34
Tononoka	136	55	191	-55	0	41	69	89	82
Ukwala	25	41	66	0	83	68	45	86	68
Vihiga	718	627	1,345	-9	86	82	35	76	37
Voi	461	256	717	-2	83	91	36	87	67
Wajir	430	12	442	17	100	97	75	97	90
Wanguru	88	72	160	-72	94	75	31	91	62
Webuye	510	111	621	-36	93	65	27	91	75
Winam	118	39	157	-73	85	60	42	92	89
Wundanyi	362	28	390	8	100	95	54	96	93
All Magistrate Courts	119,285	66,618	185,903	254,899	93	78	50	87	71

Annex 2.14: Kadhis' Courts Caseload Statistics

Court Name	Pending			Filed Cases							Resolved Cases							Case Backlog					
	Pending	Backlog	Over 3 yrs	Divorce	Registration of Marriage	Matrimonial Cause	Misc Application	Registration of Divorce	Succession	Total	Divorce	Registration of Marriage	Matrimonial Cause	Misc Application	Registration of Divorce	Succession	Total	Pending Cases	1-3 years	Over 3 years	Total	% Change	Time to Disposition
Balambala	7	1	0	11	52	5	0	2	2	72	15	52	1	0	2	2	72	7	1	0	1	0%	1
Bungoma	96	4	0	5	84	0	6	1	0	96	4	13	0	2	1	0	20	96	8	0	8	100%	65
Bura/Fafi	14	0	0	4	20	7	0	3	3	37	2	17	3	0	2	2	26	14	0	0	0	0	1
Busia	5	1	0	4	17	0	22	3	2	48	4	19	0	23	4	3	53	5	1	-1	0	-100%	5
Bute	11	3	0	12	23	10	0	0	2	47	13	22	11	0	0	3	49	11	1	0	1	-67%	70
Daadab	102	26	0	88	91	11	2	5	3	200	67	81	5	1	2	0	156	102	-7	0	-7	-127%	45
Eldas	12	1	0	5	34	0	0	4	0	43	3	33	0	0	2	0	38	12	3	0	3	200%	1
Eldoret	69	0	0	10	49	2	1	43	12	117	9	23	0	0	19	7	58	69	4	0	4	100%	2
Elwak	25	0	0	72	44	17	5	29	9	176	70	44	16	5	27	9	171	25	-2	0	-2	0	7
Garbatulla	19	0	0	7	60	15	7	7	3	99	9	56	21	6	3	3	98	19	-1	1	0	0	16
Garissa	583	340	137	142	118	25	4	15	84	388	125	96	23	5	5	76	330	583	149	115	264	-22%	86
Garsen	38	1	0	33	43	16	10	5	6	113	31	38	14	11	2	5	101	38	-14	0	-14	-1500%	19
Habaswein	19	0	0	25	74	12	2	8	7	128	23	67	11	2	7	5	115	19	0	0	0	0	1
Hola	26	6	0	33	25	5	0	19	13	95	44	20	5	0	15	10	94	26	-5	0	-5	-183%	117
Homabay	2	0	0	1	10	0	2	0	0	13	1	9	1	0	0	0	11	2	0	-1	-1	0	1
Ijara	33	3	0	55	89	3	1	22	6	176	36	88	3	0	18	3	148	33	0	0	0	-100%	3
Isiolo	9	20	5	26	94	19	8	9	34	190	51	90	45	9	8	47	250	9	-25	-5	-30	-250%	42
Kajiado	16	4	1	3	22	0	2	3	4	34	1	19	0	0	2	3	25	16	2	1	3	-25%	1
Kakamega	5	0	0	5	12	0	4	4	3	28	5	10	0	2	3	5	25	5	-5	-2	-7	-100%	69
Kakuma	50	3	0	67	275	17	50	128	0	537	78	250	16	46	110	2	502	50	-2	0	-2	-167%	2
Kericho	8	2	1	4	27	0	6	0	5	42	3	24	0	3	0	7	37	8	-2	-1	-3	-250%	63
Kibera	9	1	1	17	123	1	244	23	8	416	16	122	0	243	18	10	409	9	-2	-1	-1	-200%	276
Kilifi	16	12	7	18	74	5	80	3	55	235	23	72	1	75	2	71	244	16	-4	-1	-5	-142%	6
Kisumu	34	16	8	8	23	5	2	4	15	57	12	21	2	2	2	11	50	34	4	6	10	-38%	17
Kitui	6	1	1	1	23	1	2	1	9	37	2	21	1	3	1	14	42	6	-6	0	-6	-700%	9
Kwale	242	94	27	11	109	0	81	8	360	569	6	61	0	48	6	359	480	242	64	16	80	-15%	44
Lamu	67	5	4	18	161	3	82	32	39	335	13	137	2	81	26	32	291	67	-2	0	-2	-140%	4
Machakos	17	10	7	5	66	0	3	5	7	86	14	50	0	4	5	14	87	17	-5	-3	-8	-180%	1
Malindi	22	5	0	0	29	29	14	8	50	130	1	13	33	14	2	61	124	22	2	-5	-3	-160%	61
Mandera	94	12	0	87	182	4	22	8	53	356	82	161	7	19	6	59	334	94	6	1	7	-42%	33
Mariakani	0	2	0	6	255	0	7	11	14	293	13	256	0	7	10	19	305	0	2	-1	1	-50%	1
Marsabit	107	12	0	31	55	25	1	0	45	157	16	23	12	0	0	15	66	107	31	0	31	158%	38
Maua	18	3	0	7	43	64	24	5	6	149	7	43	54	22	5	7	138	18	-5	0	-5	-267%	34
Merti	43	9	1	3	18	0	0	0	7	28	6	17	0	0	0	7	30	43	3	1	4	-56%	16
Modogashe	20	0	0	31	10	7	1	2	0	51	20	9	4	0	2	0	35	20	0	0	0	0	81
Mombasa	161	157	24	261	700	2	76	297	358	1,694	286	664	0	52	291	478	1,771	161	74	-138	-64	-141%	4
Moyale	33	18	3	41	132	16	0	3	31	223	53	135	17	0	3	37	245	33	-10	2	-8	-144%	22
Msambweni	750	438	271	16	135	1	7	3	377	539	35	142	4	6	1	358	546	750	149	257	406	-7%	23
Nairobi	299	429	333	174	729	14	1,715	111	108	2,851	393	715	25	1,733	99	196	3,161	299	-93	75	-18	-104%	3
Nakuru	91	32	4	11	76	1	3	13	6	110	12	76	0	3	13	8	112	91	25	2	27	-16%	1
Nyeri	20	10	8	5	3	1	4	1	10	24	3	2	0	3	1	12	21	20	2	1	3	-70%	1768
Takaba	23	1	0	54	51	14	3	6	3	131	54	50	14	3	4	3	128	23	2	0	2	100%	24
Thika	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	5	5	0	0	-1	-1	-125%	910
Vihiga	22	0	0	0	39	0	0	1	1	41	0	19	0	0	0	0	19	22	1	1	2	100%	0
Voi	8	4	1	4	69	4	1	47	17	142	7	69	4	1	46	16	143	8	0	-1	-1	-125%	16
Wajir	194	5	0	129	132	11	45	70	4	391	97	78	11	38	24	1	249	194	-3	0	-3	-160%	8
Witu	37	2	1	6	61	0	47	5	7	126	8	61	0	32	7	4	112	37	-11	1	-10	-600%	1
All courts	3,482	1,697	845	1,556	4,561	372	2,596	977	1,788	11,850	1,773	4,088	366	2,504	806	1,989	11,526	3,482	330	321	651	-62%	87

Annex 2. 15: Tribunals Caseload Statistics

Tribunal	Pending 2022	Backlog June 2022	Filed Cases	Resolved Cases	Transited			Resolved Backlog			Backlog June 2023		
					1-3 yrs	Over 3 yrs	Transited	1-3 yrs	Over 3 yrs	Total Resolved	Backlog 1-3 years	Over 3 yrs	Total Backlog
BPRT	6,311	5,662	2,488	3,506	384	110	494	413	1,754	2,167	1,039	2,840	3,879
CAMAT	4	2	3	5	1	0	1	1	0	1	2	0	2
Competition	2	0	1	1	0	0	0	0	0	0	0	0	0
Cooperatives	1,886	1,413	1,153	1,394	186	87	273	281	691	972	350	277	627
Copyright	0	0	1	-	0	0	0	0	0	0	0	0	0
EAT	2	2	-	-	0	0	0	0	0	0	0	2	2
Energy	8	1	38	29	7	0	7	0	0	0	8	0	8
HAT	38	0	54	11	3	0	3	3	0	3	0	0	0
IPT	14	11	7	15	0	1	1	12	0	12	1	1	2
LEAT	9	0	29	34	10	0	10	0	0	0	10	0	10
MSET	6	0	5	15	3	0	3	1	0	1	2	0	2
NCAART	3	0	10	5	3	0	3	0	0	0	3	0	3
NET	79	41	31	72	13	8	21	27	11	38	8	8	16
PPDT	4	0	151	147	1	0	1	0	0	0	1	0	1
PPPC	0	0	-	-	0	0	0	0	0	0	0	0	0
RRT	13,942	13,232	2,905	2,903	225	79	304	261	1,459	1,720	4,801	6,936	11,737
SDT	27	3	86	76	25	1	26	5	2	7	20	1	21
Standards	7	7	7	5	0	0	0	1	1	2	5	0	5
TAT	0	0	1,199	1,133	287	5	292	195	6	201	248	6	254
TLB	22	1	22	22	9	0	9	3	0	3	7	0	7
All	22,364	20,375	8,190	9,373	1,157	291	1,448	1,203	3,924	5,127	6,505	10,071	16,576

Annex 2. 16: Court Annexed Mediation Statistics

Court Type	Matters in CAM			Settlement agreements in CAM				Non-Settled matters in CAM				Monetary value (KSh)			
	Referred	Concluded	Conclusion rate	Full Agreement	Partial Agreement	Consent	All settlements	Settlement rate	No Agreement	Non-Compliance	Terminated	Total	Non-settlement rate	Value of Referred matters	Value of settlements
Court of Appeal	3	2	67%	2	0	0	2	100%	0	0	0	0	0%	7,500,000	0
High Court	1,095	1,048	96%	328	92	17	429	41%	442	105	64	611	58%	29,815,868,379	7,091,030,981
ELRC	156	146	94%	36	10	4	48	33%	74	15	7	96	66%	1,258,215,684	330,941,631
ELC	279	259	93%	82	20	6	102	39%	112	28	11	151	58%	409,196,080	108,672,391
Magistrates Courts	3,131	2,959	95%	1,353	246	58	1,635	55%	882	254	166	1,302	44%	2,280,935,830	1,154,105,108
Small Claims Courts	39	32	82%	19	2	1	22	69%	10	0	0	10	31%	13,205,252	5,752,937
Kadhis Courts	5	5	100%	2	0	0	2	40%	3	0	0	3	60%	999,998	999,998
All Courts	4,708	4,451	95%	1,822	370	86	2,240	50%	1,523	402	248	2,173	49%	33,785,921,223	8,691,503,047

Chapter Six: Resource Mobilisation and Utilisation Annexes

S/No	Court Station	FY 2020/21	FY 2021/22	FY 2022/23
1	Baricho	4,721,467	5,189,549	3,781,095
2	Bomet	9,893,228	11,058,246	7,863,433
3	Bondo	7,293,451	6,636,027	3,600,319
4	Bungoma	8,166,610	11,576,708	7,187,654
5	Busia	17,692,724	14,613,247	9,723,946
6	Butali	1,430,699	3,558,944	4,446,692
7	Butere	2,532,326	3,258,610	2,452,765
8	Court of Appeal	-	-	-
9	Chuka	12,029,074	10,049,418	5,856,996
10	Dadaab Law Courts	190,000	337,000	124,301
11	EldamaRavine	12,480,552	7,177,525	6,374,452
12	Eldoret	25,866,397	26,100,912	22,405,656
13	Embu	6,830,811	8,919,778	6,134,148
14	Engineer	14,821,833	17,727,307	9,611,863
15	Garissa - Chief Magistrate	12,585,613	14,772,216	9,484,926
	Garissa - Mbalambala Kadhi	-	-	-
	Garissa - Dadaab Kadhi	-	-	-
	Garissa - Ijara Kadhi	-	-	-
	Garissa - Modogashe Kadhis	-	-	-
	Garissa - Bura/Fafi Kadhi	-	-	-
16	Garsen	3,016,309	2,824,059	1,199,748
17	Gatundu	14,566,859	13,640,169	31,172,846
18	Gichugu	4,819,135	3,849,666	3,913,810
19	Githongo	4,189,726	4,470,514	2,492,748
20	Githunguri	5,786,467	5,252,169	4,591,158
21	Hamisi	3,383,148	3,751,611	1,804,395
22	Hola	2,216,598	1,667,523	879,126
23	HomaBay	7,767,707	4,115,403	35,778,575
24	Isiolo - Chief Magistrate	12,738,008	12,951,331	16,869,627
	Isiolo - Garbatullah Kadhi	-	-	-
	Isiolo - Merti Kadhi	-	-	-
25	Iten	5,248,642	5,299,670	8,473,840
26	JKIA	3,789,210	2,417,447	7,733,228
27	Kabarnet	2,916,584	4,646,307	5,719,036
28	Kajiado	5,511,835	27,125,926	13,328,371
29	Kahawa	100,000	469,062	4,475,735
30	Kakamega	6,367,548	8,883,021	9,411,797
31	Kakuma	1,350,028	4,194,411	3,279,537
32	Kaloleni	1,567,538	682,134	2,084,256
33	Kandara	11,236,015	9,921,275	18,699,526
34	Kangema	5,819,522	4,223,104	6,206,740
35	Kangundo	12,064,864	11,743,850	8,921,257
36	Kapenguria	7,125,333	5,909,132	4,762,705
37	Kapsabet	7,099,684	12,798,899	9,823,623
38	Karatina	5,747,649	3,655,414	3,870,875

S/No	Court Station	FY 2020/21	FY 2021/22	FY 2022/23
39	Kehancha	6,243,448	4,325,561	6,008,169
40	Kericho	12,344,424	19,711,295	17,049,066
41	Keroka	8,734,151	11,153,856	11,069,425
42	Kerugoya	3,852,387	4,317,129	6,960,863
43	Kiambu	34,311,121	24,287,615	22,118,451
44	Kibera	50,779,939	56,977,348	53,964,476
45	Kigumo	4,812,017	11,083,409	8,699,825
46	Kikuyu	7,248,446	17,129,417	12,161,521
47	Kilgoris	6,470,283	8,147,730	6,509,673
48	Kilifi	4,136,158	1,947,652	2,092,319
49	Kilungu	15,461,892	9,700,566	10,088,269
50	Kimilili	2,045,674	3,600,548	2,756,370
51	kisii	6,321,498	7,695,169	7,250,879
52	Kisumu	14,851,711	13,640,195	5,075,024
53	Kitale	19,598,314	16,796,139	13,315,320
54	Kithimani	5,548,683	8,533,124	7,303,889
55	Kitui	7,582,253	6,417,728	8,660,261
56	Kwale	4,583,639	5,689,585	5,284,593
57	Kyuso	915,773	1,127,793	1,916,992
58	Lamu - Magistrate	5,104,510	3,441,020	3,201,792
	Lamu - Faza Kadhi Court	-	-	-
59	Limuru	9,236,190	8,770,287	13,100,848
60	Lodwar	3,263,603	4,770,213	3,764,347
61	Loitokitok	1,544,717	3,359,741	3,628,591
62	Machakos	18,133,979	8,601,581	9,507,472
63	Makadara	75,950,529	108,397,910	107,118,119
64	Makindu	16,620,241	11,384,204	14,928,781
65	Makueni	6,781,775	6,006,746	4,893,358
66	Malindi	6,354,588	5,587,340	6,313,454
67	Mandera - Chief Magistrate	6,839,339	5,281,324	4,514,089
	Mandera - Elwak Kadhi Court	-	-	-
	Mandera - Tabaka Kadhi Court	-	-	-
68	Maralal	3,239,055	4,067,159	2,235,273
69	Mariakani	8,055,611	13,632,732	8,426,564
70	Marimanti	1,663,961	755,248	1,364,476
71	Marsabit	2,753,396	2,226,008	2,568,787
72	Maseno	6,203,131	6,526,843	4,300,950
73	Maua	9,368,462	8,192,831	7,194,028
74	Mavoko	30,417,086	51,652,807	28,407,296
75	Mbita	3,730,548	2,683,205	1,516,610
76	Meru	7,958,572	12,992,051	16,135,004
77	Migori	6,453,017	7,265,319	4,015,692
78	Milimani Commercial	-	-	100,000
79	Milimani E.L.R.C.	-	7,160,000	-
80	Milimani Law	130,098,423	171,344,525	206,631,069
81	Molo	19,358,247	18,104,685	16,114,509

S/No	Court Station	FY 2020/21	FY 2021/22	FY 2022/23
82	Mombasa	39,269,979	39,466,804	28,247,737
83	Moyale	5,212,879	5,097,277	4,816,373
84	Mpeketoni - Magistrate	763,202	660,000	703,544
	Mpeketoni-Witu Kadhis crt	-	-	-
85	Msambweni	3,722,830	1,750,186	1,613,731
86	Mukurwe-ini	2,576,564	1,619,947	1,266,639
87	Mumias	2,895,779	2,859,705	4,548,940
88	Muranga	6,899,915	4,925,887	8,056,248
89	Mutomo	2,676,706	2,707,803	2,514,600
90	Mwingi	11,378,278	17,719,882	9,880,822
91	Naivasha	11,360,898	29,617,105	32,307,381
92	Nakuru	29,984,296	55,283,797	29,236,337
93	Nanyuki	13,799,503	14,007,469	15,370,195
94	Narok	8,888,119	7,928,231	6,642,471
95	Ndhiwa	1,414,999	1,537,426	1,351,877
96	Ngong	13,400,486	18,439,397	27,807,781
97	Nkubu	6,080,205	5,538,556	6,656,511
98	Nyahururu	11,085,197	17,869,173	19,724,380
99	Nyamira	12,967,640	7,497,307	4,594,433
100	Nyando	3,213,349	2,940,191	2,592,371
101	Nyeri	14,547,750	14,078,349	16,883,650
102	Ogembo	4,856,223	7,733,848	10,800,627
103	Othaya	1,783,164	1,706,050	1,888,503
104	Oyugis	6,419,774	6,308,626	3,705,347
105	Rongo	3,692,345	4,593,381	5,051,131
106	Ruiru	27,105,099	36,446,361	37,208,651
107	Runyenjes	13,299,903	3,856,898	3,697,512
108	Shanzu	13,253,928	14,499,534	16,945,319
109	Siakago	4,976,405	5,474,850	5,915,646
110	Siaya	4,845,904	2,577,852	3,003,201
111	Sirisia	1,829,193	1,565,436	1,341,413
112	Sotik	5,348,504	6,485,330	4,108,190
113	Tamu	1,897,079	1,787,681	1,644,561
114	Taveta	5,706,744	20,594,481	19,120,875
115	Tawa	1,289,420	381,664	699,806
116	Thika	40,094,273	49,890,262	49,334,421
117	Tigania	5,200,465	3,876,373	6,594,241
118	Tononoka	60,000	25,000	25,000
119	Tribunals	-	400,000	-
120	Ukwala	5,139,844	2,954,311	761,997
121	Vihiga	3,114,579	3,105,293	2,553,560
122	Voi	10,702,282	7,011,749	6,589,037
123	Wajir - Magistrate	7,281,501	6,578,822	3,948,969
	Wajir - Eldas Kadhi Court	-	-	-
	Wajir -Bute Kadhi Court	-	-	-
	Wajir - Habaswein Kadhi's Court	-	-	-

S/No	Court Station	FY 2020/21	FY 2021/22	FY 2022/23
124	Wanguru	6,115,895	3,949,131	7,037,700
125	Webuye	5,358,793	7,426,059	5,775,498
126	Winam	6,858,879	6,716,972	7,675,715
127	Wundanyi	4,036,493	2,942,957	3,895,630
128	Kenol			7,033,807
129	Madiany			1,006,442
130	OI-Kalou			2,978,848
131	Rumuruti			3,920,468
132	Kabiyet			1,221,439
133	Tinderet			1,410,541
	Total Collections	1,258,339,248	1,460,386,635	1,434,517,415

ANNEX 6.2 – FEES COLLECTED

S/No	Court Station	FY 2020/21	FY 2021/22	FY 2022/23
1	Baricho	3,184,307	2,953,079	3,757,034
2	Bomet	3,279,676	3,567,117	4,123,818
3	Bondo	4,348,176	3,486,192	3,122,295
4	Bungoma	11,011,589	10,842,020	12,318,236
5	Busia	11,053,680	10,205,579	9,056,058
6	Butali	3,178,874	2,961,875	3,311,977
7	Butere	2,625,491	2,323,785	2,448,920
8	Court of Appeal	13,122,503	20,068,097	16,374,126
	Court of Appeal – Supreme Building	329,565	508,166	9,545,370
9	Chuka	5,974,590	7,130,607	5,774,147
10	Dadaab Law Court	37,665	201,025	246,450
11	Eldama Ravine	1,969,647	1,637,883	1,643,578
12	Eldoret	32,646,382	26,571,923	22,913,781
13	Embu	8,216,170	6,834,337	6,472,231
14	Engineer	4,268,150	3,919,604	4,419,393
15	Garissa - Chief Magistrate	4,737,958	2,806,991	2,825,611
	Garissa - Balambala Kadhi	58,075	48,115	69,900
	Garissa - Ijara Kadhi	124,330	118,810	152,100
	Garissa - Modogashe Kadhis	54,995	24,500	60,300
	Garissa - Bura/Fafi Kadhi	51,450	32,425	34,500
16	Garsen	1,365,325	1,639,242	2,018,515
17	Gatundu	7,185,079	6,227,275	5,612,919
18	Gichugu	2,167,779	1,707,653	1,560,415
19	Githongo	2,035,422	1,834,693	1,906,940
20	Githunguri	2,719,248	3,017,253	2,959,500
21	Hamisi	822,667	891,825	1,149,768
22	Hola	633,783	755,994	845,350
23	HomaBay	4,839,660	5,074,601	5,836,267
24	Isiolo - Chief Magistrate	2,504,251	1,956,128	1,991,782
	Isiolo - Garbatulla Kadhi	110,465	77,630	84,725
	Isiolo - Merti Kadhi	282,525	168,155	169,500
25	Iten	1,942,649	2,421,468	2,947,181
26	JKIA	158,285	77,260	106,100
27	Kabarnet	1,280,505	1,556,181	1,525,250
28	Kajiado	12,766,769	13,454,312	12,497,383
29	Kahawa	4,490	38,500	50,700
30	Kakamega	10,429,153	11,735,418	12,319,635
31	Kakuma	221,565	505,460	678,590
32	Kaloleni	2,503,210	1,734,631	2,226,533
33	Kandara	5,699,245	5,126,595	4,597,515
34	Kangema	1,563,906	1,529,787	1,590,372
35	Kangundo	5,565,301	4,015,991	4,912,223
36	Kapenguria	1,693,562	1,161,231	947,936

S/No	Court Station	FY 2020/21	FY 2021/22	FY 2022/23
37	Kapsabet	4,888,060	5,545,665	5,228,177
38	Karatina	3,811,224	3,602,165	3,908,176
39	Kehancha	739,933	944,385	1,001,985
40	Kericho	8,544,796	6,608,372	8,490,489
41	Keroka	2,524,373	2,045,197	1,834,400
42	Kerugoya	8,119,691	8,276,217	8,970,420
43	Kiambu	16,504,353	16,321,546	17,905,084
44	Kibera	695,285	543,015	800,785
45	Kigumo	4,507,903	4,264,371	3,948,115
46	Kikuyu	8,933,058	8,204,453	9,247,114
47	Kilgoris	1,660,042	1,849,390	2,897,377
48	Kilifi	8,369,178	7,089,819	7,846,017
49	Kilungu	4,747,675	4,467,792	3,847,875
50	Kimilili	2,783,402	2,655,150	2,448,032
51	kisii	15,661,583	15,041,943	13,794,653
52	Kisumu	27,963,810	24,875,374	21,188,430
53	Kitale	9,740,072	11,343,585	10,900,321
54	Kithimani	3,562,136	3,841,735	3,329,701
55	Kitui	7,936,819	8,061,243	9,209,246
56	Kwale	5,994,497	6,252,609	7,216,815
57	Kyuso	426,427	502,974	629,003
58	Lamu - Magistrate	779,195	950,065	727,700
59	Limuru	10,448,965	7,571,916	9,020,347
60	Lodwar	676,672	1,292,032	787,458
61	Loitokitok	966,263	913,261	1,458,307
62	Machakos	24,398,678	19,559,250	18,909,984
63	Makadara	209,117	390,110	634,496
64	Makindu	6,827,180	4,420,575	3,991,244
65	Makueni	5,943,332	6,928,061	5,818,369
66	Malindi	14,153,857	16,628,660	14,388,290
67	Mandera - Chief Magistrate	562,108	450,965	864,420
	Mandera - Elwak Kadhi Court	334,250	244,295	196,400
	Mandera - Tabaka Kadhi Court	14,350	118,135	171,500
68	Maralal	593,752	970,354	584,783
69	Mariakani	4,389,799	3,714,502	3,847,170
70	Marimanti	1,282,962	605,082	555,225
71	Marsabit	981,494	1,166,297	938,506
72	Maseno	2,590,655	1,837,819	1,728,250
73	Maua	5,956,019	7,806,880	5,298,158
74	Mavoko	15,226,423	14,282,257	14,628,443
75	Mbita	1,184,846	855,241	920,550
76	Meru	14,200,267	14,274,179	14,019,400
77	Migori	6,838,836	8,278,949	7,181,299
78	Milimani Commercial	202,186,594	179,659,722	173,373,874

S/No	Court Station	FY 2020/21	FY 2021/22	FY 2022/23
79	Milimani E.L.R.C.	9,343,546	9,591,765	9,884,293
80	Milimani Law	90,136,115	107,065,189	100,567,728
81	Molo	6,723,758	6,372,646	6,179,507
82	Mombasa	67,507,598	61,180,777	54,697,252
83	Moyale	607,728	581,855	540,050
84	Mpeketoni - Magistrate	474,991	603,533	300,550
	Mpeketoni-Witu Kadhis	198,055	150,125	64,000
85	Msambweni	1,932,926	1,872,422	2,180,498
86	Mukurwe-ini	903,294	1,246,769	1,578,748
87	Mumias	2,868,868	3,086,045	3,466,371
88	Muranga	12,746,176	11,673,288	12,395,659
89	Mutomo	785,349	1,102,752	782,190
90	Mwingi	3,502,705	3,033,349	2,987,686
91	Naivasha	17,110,070	14,557,451	12,808,760
92	Nakuru	33,628,982	32,173,876	31,863,553
93	Nanyuki	5,499,102	4,209,103	6,083,448
94	Narok	6,674,970	5,330,352	6,272,895
95	Ndhiwa	1,383,807	1,280,980	1,806,120
96	Ngong	6,908,574	6,066,489	5,966,310
97	Nkubu	3,608,927	3,148,388	3,463,317
98	Nyahururu	9,936,316	9,225,111	8,857,695
99	Nyamira	4,452,859	4,359,441	5,646,245
100	Nyando	4,074,964	4,326,752	3,682,984
101	Nyeri	15,914,862	16,245,605	15,535,581
102	Ogembo	4,195,546	3,456,011	3,665,583
103	Othaya	1,825,352	1,338,116	1,592,215
104	Oyugis	5,525,770	4,890,660	4,677,876
105	Rongo	2,499,333	2,775,635	2,938,874
106	Ruiru	12,325,531	12,254,452	11,974,982
107	Runyenjes	2,191,605	3,082,502	2,758,131
108	Shanzu	51,445	108,520	166,500
109	Siakago	3,549,304	3,748,871	3,601,383
110	Siaya	4,651,393	4,480,901	4,767,392
111	Sirisia	993,347	865,673	1,139,867
112	Sotik	2,461,316	1,709,452	1,682,310
113	Tamu	1,287,416	1,338,917	1,443,550
114	Taveta	836,824	865,838	634,350
115	Tawa	1,870,247	1,618,956	2,033,385
116	Thika	21,421,155	18,977,993	18,937,541
117	Tigania	3,681,983	2,741,516	2,994,213
118	Tononoka	967,681	204,130	20,450
119	Tribunals	17,177,162	28,430,033	36,498,146
120	Ukwala	1,724,725	2,467,958	2,323,307
121	Vihiga	3,932,044	3,847,411	4,558,425

S/No	Court Station	FY 2020/21	FY 2021/22	FY 2022/23
122	Voi	5,856,421	4,203,711	5,547,502
123	Wajir - Magistrate	1,604,431	739,638	647,800
	Wajir - Eldas Kadhi Court	27,975	16,530	26,500
	Wajir -Bute Kadhi Court	89,420	65,525	42,600
	Wajir - Habaswein Kadhi's Court	52,300	52,725	115,900
124	Wanguru	3,811,361	4,248,210	4,082,106
125	Webuye	2,463,814	1,666,399	2,012,736
126	Winam	2,216,124	2,383,951	3,436,865
127	Wundanyi	866,601	940,782	687,665
128	Kenol			2,015,813
129	Madiany			419,500
130	Ol-Kalou			413,538
131	Rumuruti			142,700
132	Kabiyet			359,100
133	Tinderet			137,350
	Total Collections	1,064,710,216	1,030,210,099	1,027,998,907

ANNEX 6.3 – INTEREST ON DEPOSITS

S/No	Court Station	FY 2020-2021	FY 2021-2022	FY 2022-2023
1.	Baricho	229,300	403,438	414,208
2.	Bomet	398,412	634,246	524,854
3.	Bondo	-	-	5,987
4.	Bungoma	396,902	679,665	731,887
5.	Busia	389,842	162,915	518,860
6.	Butali	-	-	11,796
7.	Butere	-	-	6,106
8.	Court of Appeal	-	-	54,162
9.	Chuka	212,165	463,928	464,852
10.	Dadaab Law Court	-	-	2,176
11.	Eldama Ravine	342,262	485,355	564,872
12.	Eldoret	1,283,208	2,181,643	3,363,673
13.	Embu	564,331	773,847	991,682
14.	Engineer	159,629	439,269	194,318
15.	Garissa - Chief Magistrate	304,746	392,463	474,050
16.	Garsen	-	-	-
17.	Gatundu	463,418	473,316	489,398
18.	Gichugu	-	140,636	102,036
19.	Githongo	-	-	9,533
20.	Githunguri	-	-	21,406
21.	Hamisi	-	-	-
22.	Hola	-	-	3,422
23.	HomaBay	218,203	389,997	240,101
24.	Isiolo - Chief Magistrate	302,541	548,836	628,309
25.	Iten	-	-	-
26.	JKIA	418,061	407,377	527,711
27.	Kabarnet	-	-	-
28.	Kajiado	2,818,554	4,444,374	1,159,474
29.	Kahawa	-	-	512,734
30.	Kakamega	447,591	506,175	810,280
31.	Kaloleni	-	-	9,363
32.	Kandara	326,101	535,492	796,441
33.	Kangema	-	-	11,573
34.	Kangundo	185,951	488,982	815,902
35.	Kapenguria	-	-	17,351
36.	Kapsabet	197,537	639,767	767,947
37.	Karatina	188,600	63,126	-
38.	Kehancha	-	-	-
39.	Kericho	594,652	812,990	988,676
40.	Keroka	-	-	5,156
41.	Kerugoya	275,736	656,890	872,533
42.	Kiambu	3,012,361	3,417,693	8,576,400
43.	Kibera	3,408,828	5,246,783	6,070,202
44.	Kigumo	408,992	732,876	1,001,094

S/No	Court Station	FY 2020-2021	FY 2021-2022	FY 2022-2023
45.	Kikuyu	559,660	825,687	2,212,773
46.	Kilgoris	186,659	323,277	368,812
47.	Kilifi	-	1,323,203	780,827
48.	Kimilili	-	-	11,162
49.	Kilungu	-	-	-
50.	kisii	366,003	616,010	1,039,132
51.	Kisumu	959,365	2,105,659	3,485,552
52.	Kitale	311,594	590,986	839,840
53.	Kithimani	286,261	321,186	473,438
54.	Kitui	-	1,416,135	964,797
55.	Kwale	608,089	627,470	727,372
56.	Kyuso	-	-	2,947
57.	Lamu - Magistrate	-	530,773	344,063
58.	Limuru	413,575	923,696	903,114
59.	Lodwar	-	-	17,336
60.	Loitokitok	-	-	2,146
61.	Machakos	1,076,688	1,238,923	1,971,214
62.	Makadara	4,619,061	7,774,447	11,191,946
63.	Makindu	251,105	385,588	290,941
64.	Makueni	-	-	70,891
65.	Malindi	1,503,887	2,094,164	1,810,084
66.	Mandera - Chief Magistrate	-	-	15,294
67.	Maralal	-	-	4,303
68.	Mariakani	89,914	412,700	923,286
69.	Marimanti	-	-	4,379
70.	Marsabit	91,828	180,333	42,159
71.	Maseno	-	-	16,247
72.	Maua	352,428	507,295	540,940
73.	Mavoko	605,744	2,089,749	2,628,602
74.	Mbita	-	-	-
75.	Meru	810,694	1,523,010	3,724,334
76.	Migori	296,535	512,928	701,665
77.	Milimani Commercial	3,050,730	3,793,618	5,551,866
78.	Milimani Law	37,639,642	45,382,362	69,667,435
79.	Molo	380,410	702,792	1,083,945
80.	Mombasa	6,897,446	9,148,271	14,172,088
81.	Moyale	-	-	-
82.	Mpeketoni	-	-	-
83.	Msambweni	-	93,106	129,810
84.	Mukurweini	-	-	2,478
85.	Mumias	-	-	7,880
86.	Muranga	758,083	1,355,715	1,672,301
87.	Mutomo	-	-	4,278
88.	Mwingi	173,752	454,238	454,235
89.	Naivasha	947,874	2,953,374	4,099,089

S/No	Court Station	FY 2020-2021	FY 2021-2022	FY 2022-2023
90.	Nakuru	4,151,477	5,227,305	6,940,206
91.	Nanyuki	-	1,569,209	1,460,783
92.	Narok	324,346	799,348	1,086,794
93.	Ndhiwa	-	-	4,823
94.	Ngong	609,352	1,335,280	1,907,950
95.	Nkubu	-	232,661	295,501
96.	Nyahururu	683,007	1,183,805	1,306,974
97.	Nyamira	263,989	390,930	675,560
98.	Nyando	-	-	3,582
99.	Nyeri	1,107,796	1,819,885	2,537,619
100.	Ogembo	-	-	-
101.	Othaya	-	-	3,930
102.	Oyugis	-	-	10,255
103.	Rongo	-	-	-
104.	Ruiru	64,994	502,797	819,274
105.	Runyenjes	-	-	6,584
106.	Shanzu	1,742,311	2,944,452	4,146,168
107.	Siakago	-	132,108	534,387
108.	Siaya	210,251	407,131	502,699
109.	Sirisia	-	-	8,465
110.	Sotik	-	-	9,163
111.	Tamu	-	-	-
112.	Taveta	-	-	55,151
113.	Tawa	-	-	8,762
114.	Thika	1,887,146	3,018,967	4,113,486
115.	Tinderet	-	-	-
116.	Tigania	-	624,643	421,964
117.	Tononoka	-	-	1,982
118.	Tribunals	-	1,213,939	3,350,910
119.	Ukwala	-	-	-
120.	Vihiga	-	-	-
121.	Voi	302,313	310,285	394,945
122.	Wajir	-	-	-
123.	Wanguru	-	-	46,346
124.	Webuye	-	572,947	434,040
125.	Winam	246,053	388,782	462,367
126.	Wundanyi	-	-	3,757
127.	Kenol	-	-	3,891
128.	Madiany	-	-	939
129.	Ol-Kalou	-	-	3,083
130.	Rumuruti	-	-	1,604
131.	Kabiyet	-	-	1,475
	<u>Total Collections</u>	<u>92,377,985</u>	<u>139,003,248</u>	<u>197,280,945</u>
	Less transfers	-	-	18,998
	Net Collections	92,377,985	139,003,245	197,261,945

ANNEX 6.4 – OTHER INCOME

S/No	Court Station	FY 2020-2021	FY 2021-2022	FY 2022-2023
1.	Bomet	-	-	7,300
2.	Court of Appeal	4,944,682	2,595,300	6,714,338
3.	Engineer	-	119,365	-
4.	Gatundu	-	49,687	36,055
5.	Hamisi	-	-	100
6.	Kabarnet	58,702	-	-
7.	Kakuma	-	77,336	-
8.	Kaloleni	-	6,980	-
9.	Kandara	2,366	400	-
10.	Kangundo	-	-	1,000
11.	Keroka	-	-	70,585
12.	Kiambu	-	716,731	-
13.	Kibera	3,825	-	-
14.	Kigumo	10,474	-	-
15.	Kilungu	94,092	-	-
16.	Kithimani	14,097	-	-
17.	Limuru	-	7,490	-
18.	Machakos	-	-	1,139,058
19.	Makadara	-	16,320	-
20.	Makueni	-	-	39,100
21.	Maralal	9,516	-	-
22.	Marimanti	33,174	-	3,000
23.	Maua	-	53,499	25,075
24.	Milimani Commercial	4,537,462	4,315,700	-
25.	Mombasa	-	-	1,627,007
26.	Mpeketoni - Magistrate	-	-	62,076
27.	Mukurweini	57,647	-	1,610
28.	Mumias	500	-	-
29.	Muranga	62,051	-	-
30.	Mutomo	-	-	9,635
31.	Mwingi	-	-	-
32.	Naivasha	187,505	7,110	8,050
33.	Nakuru	-	2,566,301	-
34.	Ngong	-	-	257,410
35.	Nyando	-	-	1,000
36.	Nyeri	98,007	8,570	8,815
37.	Ruiru	-	29,031	1,000
38.	Siaya	-	226,236	93,965
39.	Sotik	-	-	21,210
40.	Wanguru	-	-	-
41.	Webuye	-	-	1,950
	Commission	3,758,596	3,235,920	3,301,712

S/No	Court Station	FY 2020-2021	FY 2021-2022	FY 2022-2023
Property Income:		-	-	-
	Sheria Sacco	477,360	477,360	238,680
	KCB Mombasa	44,280	412,296	1,088,309
	KCB Milimani	-	3,199,997	1,599,998
	KCB Agent Kilifi	-	25,000	32,500
Total Collections		14,394,336	18,146,629	16,390,538

ANNEX 6.5 – COURT DEPOSITS

S.No	Station Name	FY2018/19	FY2019/20	FY2020/21	FY2021/22	FY2022/23
		KShs	KShs	KShs	KShs	KShs
1	Baricho	7,759,220	12,436,912	14,940,775	12,833,895	11,552,395
2	Bomet	13,890,002	17,195,854	19,370,265	18,693,053	16,207,105
3	Bondo	2,743,050	2,967,321	3,481,321	3,803,321	3,669,121
4	Bungoma	29,714,602	26,672,811	24,683,325	26,528,745	37,516,434
5	Busia	24,356,061	16,873,176	26,813,416	21,727,506	30,109,013
6	Butali	1,710,927	7,683,138	9,476,632	10,833,473	12,596,385
7	Butere	2,317,810	3,073,810	2,367,309	2,581,309	4,056,539
8	Chuka	14,356,075	17,046,151	18,212,494	17,789,392	20,620,436
9	Dadaab			195,000	668,000	818,000
10	Eldama Ravine	19,580,605	19,546,105	17,814,657	17,697,812	15,403,346
11	Eldoret	81,084,070	92,132,719	119,254,991	129,787,601	122,195,739
12	Embu	70,918,774	33,678,307	29,313,675	33,509,388	33,410,174
13	Employment & LRC	-	-	-	-	82,851,930
14	Engineer	14,904,587	11,807,112	12,939,512	12,279,912	5,502,227
15	Garissa	17,187,834	19,822,559	21,007,841	17,426,386	19,107,523
16	Garsen	3,470,567	3,819,641	2,810,335	5,867,095	4,463,320
17	Gatundu	12,739,637	17,065,433	19,508,993	16,820,705	12,564,978
18	Gichugu	4,703,350	6,095,508	9,701,308	9,390,571	12,697,608
19	Githongo	3,439,300	3,423,529	4,305,290	4,659,030	4,977,790
20	Githunguri	4,837,572	5,693,436	7,648,556	9,186,556	10,582,556
21	Hamisi	2,200,500	2,740,878	3,536,010	5,390,310	5,166,810
22	Headquarters	624,361,565	585,984,121	580,994,216	581,300,657	728,449,399
23	Hola	619,000	1,135,060	1,755,985	1,687,585	2,514,585
24	Homa Bay	14,181,322	13,272,391	13,168,391	13,120,881	9,046,381
25	Isiolo	22,497,282	22,649,745	22,441,089	19,440,390	22,236,944
26	Iten	5,351,468	4,842,624	4,357,624	6,064,480	8,875,480
27	JKIA	13,368,500	10,628,400	15,926,400	15,841,400	25,339,400
28	Kabarnet	1,999,511	3,089,669	3,640,585	4,520,105	6,302,105
29	Kabiyet	-	-	-	-	1,419,000
30	Kahawa	-	-	1,885,000	9,900,000	21,670,000
31	Kajiado	940,291,218	161,990,014	170,731,500	39,043,922	38,404,606
32	Kakamega	32,768,594	27,198,258	28,933,776	27,173,712	30,390,323
33	Kakuma	1,582,000	1,743,000	2,288,000	1,802,000	1,221,548
34	Kaloleni	3,705,135	3,165,457	4,706,737	4,719,234	3,289,893
35	Kandara	17,418,666	17,861,441	19,049,797	23,346,076	24,719,900
36	Kangema	5,144,299	7,448,334	8,147,554	7,267,554	6,548,956
37	Kangundo	9,921,173	12,120,726	18,968,086	24,338,612	23,720,878
38	Kapenguria	2,949,800	4,707,915	6,435,693	6,949,693	9,209,304
39	Kapsabet	11,615,501	18,106,395	23,360,030	25,342,402	28,375,558
40	Karatina	11,078,891	10,555,311	10,198,811	8,424,006	8,797,406
41	Kehancha	3,573,140	3,708,664	5,087,916	5,497,916	4,770,916
42	Kenol	-	-	-	-	4,112,000

S.No	Station Name	FY2018/19	FY2019/20	FY2020/21	FY2021/22	FY2022/23
		KShs	KShs	KShs	KShs	KShs
129	Wajir	3,040,500	3,343,540	3,544,000	3,182,500	3,723,500
130	Wanguru	10,134,446	7,679,152	5,720,497	8,422,347	13,052,538
131	Webuye	10,921,527	10,966,648	12,477,185	12,427,845	14,292,212
132	Winam	11,903,944	14,637,156	13,977,366	15,146,665	8,894,778
133	Wundanyi	3,072,100	2,588,740	1,939,682	1,971,700	4,072,362
	Total Court Stations	7,410,138,140	6,715,511,638	6,849,172,293	6,694,868,940	8,050,498,131

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