

State of the Judiciary and The Administration of Justice ANNUAL REPORT



2020/2021




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AND
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**ANNUAL REPORT
2020/2021**

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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.

ACKNOWLEDGEMENT

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ABBREVIATIONS

ACA	Anti-Counterfeit Authority
ADR	Alternative Dispute Resolution
AIA	Appropriations in Aid
AJCPC	Administration of Justice and Court Performance Committee
AJS	Alternative Justice Systems
BIC	Planning and Budget implementation Committee
BIDC	Buildings, Infrastructure & Facilities Development Committee
CAM	Court Annexed Mediation
CBD	Convention on Biological Diversity
CCIs	Charitable Children's Institutions
CCR	Case Clearance Rate
CCUC	Child Focused Court Users Committees
CLE	Council of Legal Education
COA	Court of Appeal
CPC	Criminal Procedure Code
CRJ	Chief Registrar of the Judiciary
CRTS	Court Recording and Transcription Services
CTS	Case Tracking System
CUC	Court Users Committee
DCRT	Daily Courts Returns Template
DPOP	Directorate of Planning and Organizational Performance
DRA	Department of Refugee Affairs
EACJF	East Africa Community Chief Justices Forum
EBS	Elder of the Order of the Burning Spear
EDR	Election Dispute Resolution
EGH	Elder of the Order of the Golden Heart
ELC	Environment and Land Court
ELRC	Employment and Labour Relations Court
EMCA	Environmental Management and Co-ordination Act
ERP	Enterprise Resource Planning
EWS	Early Warning Systems
FC	Filed cases
FGM	Female Genital Mutilation
FIDA	Federation of Women Lawyers Kenya Chapter
GAA	Government Advertising Agency
Gbps	Gigabytes per Second
GJLOS	Governance Justice Law and Order Sector
GLA	Group Life Assurance
GOK	Government of Kenya
GPA	Group Personal Accident
HAT	HIV and Aids Tribunal
HIV	Human Immunodeficiency Syndrome
HRD	Human Rights Defenders
HRMAC	Human Resource Management & Administration Committee
IAU	Internal Affairs Unit
ICJ	International Commission of Jurists
ICMS	Integrated Court Management System
ICT	Information Communication and Technology
ICTA	ICT Authority
IEC	Information Education Communication
IFMIS	Integrated Financial Management Information System

IG	Inspector General of Police
IJM	International Justice Mission
IPOA	Independent Policing Oversight Authority
ISCB	Intelligence Service Complaints Board
JFMIS	Judiciary Financial Management Information System
JJS	Juvenile Justice System
JLAC	JUSTICE AND LEGAL AFFAIRS COMMITTEE
JLT	Judiciary Leadership Team
JMC	Judiciary Management Committee
JPIP	Judicial Performance Improvement Project
JSC	Judicial Service Commission
JTF	Judiciary Transformation Framework
CAA	Kenya Airports Authority
KAM	Kenya Association of Manufacturers
KDF	Kenya Defence Forces
KEBS	Kenya Bureau of Standards
KEPSA	Kenya Private Sector Alliance
KHRC	Kenya Human Rights Commission
KIPI	Kenya Industrial Property Institute
KLIF	Kenya Leadership and Integrity Forum
KLRC	Kenya Law Reform Commission
KMJA	Kenya Magistrates and Judges Association
KNCHR	Kenya National Commission on Human Rights
KPS	Kenya Prisons Service
KRA	Kenya Revenue Authority
KSG	Kenya School of Government
KSL	Kenya School of Law
KWS	Kenya Wildlife Services
LAN	Local Area Network
LEAT	Legal Education Appeals Tribunal
LLB	Bachelor of Legislative Law
LLM	Law Masters of Legislative Law
LMT	Leadership and Management Team
LRF	Legal Resources Foundation
LSK	Law Society of Kenya
MAC	Mediation Accreditation Committee
MAT	Multi-Agency Team
MCA	Member of County Assembly
MDAS	Ministries, Departments and Agencies
MP	Member of Parliament
MTEF	Medium Term Expenditure Framework
MTI	Mediation Training International
NCAJ	National Council on the Administration of Justice
NCCJR	National Committee on Criminal Justice Reforms
NCCS	National Council for Children Services
NCLR	National Council for Law Reporting
NCRC	National Crime Research Centre
NEAP	National Ethics and Anti-Corruption Policy
NECS	National Ethics and Corruption Surveys
NEMA	National Environment Management Authority
NET	National Environment Tribunal
NFHR	National Framework on Human Rights
NGOs	Non-Governmental Organisations
NHRI	National Human Rights Institution
NLAS	National Legal Aid Service
NOFBI	National Optic Fibre Backbone

NPA	National Plan of Action
NPS	National Police Service
NPSC	National Police Service Commission
NTSA	National Transport and Safety Authority
O&M	Operations and Maintenance
OCPD	Officer Commanding Police Division
OCS	Officer Commanding Station
ODPP	Office of the Director of Public Prosecutions
ORMS	Offender Records Management System
OVC	Orphans and Vulnerable Children
P&C	Protection and Care
PAC	Public Affairs and Communication Committee
PAS	Performance Appraisal System
PAS	Probation and Aftercare Service
PE	Personnel emoluments
PLC	Public Limited Company
PLEAD	Programme for Legal Empowerment and Aid Delivery in Kenya
PMERL	Planning and Reporting Template
PMMU	Performance Management and Measurement understandings
POEA	Public Officer Ethics Act
POMAC	Power of Mercy Advisory Committee
PRWG	Prison Reform Working Group
PSVs	Public Service Vehicle
RC	Resolved Cases
ROR	Receiver of Revenue
RSD	Research and Statistics Division
RTGS	Real Time Gross Settlement
SCC	Small Claims Court
SIL	Strategic Impact Litigation
SJT	Sustaining Judiciary Transformation
SOJAR	State of the Judiciary and the Administration of Justice Report
SJT	Sustaining Judiciary Transformation
SOPs	Standard Operating Procedures
SPPS	Swedish Prisons and Probation Services
SRC	Salaries and Remuneration Commission
TDRM	Traditional Dispute Resolution Mechanisms
TOCU	Trans- National Organized Crime Unit
TOT	Training of Trainers
UNCAC	United Nations Convention against Corruption
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNSMR	United Nations Standard Minimum Rules for Treatment of Prisoners
USDOJ	United States Department of Justice
VAC	Violence Against Children
VPN	Virtual Private Network
WPA	Witness Protection Agency
WPP	Witness Protection Programme
SP	Strategic Plan
STAJ	Social Transformation through Access to Justice
TB	Terra Byte
TSHC	Technical Sand Harvesting Committee
UNHCR	United Nations High Commissioner for Refugees
UNODC/PLEAD	United Nations Office on Drugs and Crime Programme for Legal Empowerment and Aid Delivery in Kenya

FOREWORD FROM THE CHIEF JUSTICE



The State of the Judiciary and the Administration of Justice Report (SOJAR) is a constitutional and statutory imperative drawn from Article 159 of the Constitution which assigns judicial authority and its exercise. The principles outlined in the Constitution guide judicial operations to do justice to all irrespective of status, to administer justice without undue delay, to explore alternative forms of dispute resolution, to administer justice without undue regard to procedural technicalities and to protect the purpose and principles of the Constitution.

This *10th Edition* of the State of the Judiciary and the Administration of Justice Report presents the outcomes of judicial operations during the 2020/2021 Financial Year, notably the pandemic period. It highlights technological and other innovations employed by the Judiciary to uphold the mandate bestowed by the Constitution to administer justice in every respect. This period was navigated under the stewardship of Hon. Chief Justice David Maraga, emeritus, whose leadership during a tough global period sustained judiciary transformation, especially the use of technology and ICT related interventions as a tool of access to justice. The pandemic altered the modalities of work throughout the world and forced us to rethink governance, the workplace, and approaches to leadership.

During this period, the Judiciary transitioned from the traditional face to face proceedings to online court processes supported by internet technology. This presented an opportunity to bring to fruition previous efforts to automate the Judiciary's processes and accelerated passage to virtual workspaces.

The pandemic placed exceptional strain upon the justice sector. However, as the report reveals, the Kenyan Judiciary and sector in general demonstrated admirable resilience and agility. Jointly, we reviewed bail and bond terms, prison decongestion measures, remand arrangements, registry access and other collaborative ventures that kept the sector ashore.

144,000 cases were heard through the virtual courts, 356,997 new cases were filed, 295, 837 cases were heard and determined. Notably, 1,359,768 cases were processed through the Case Tracking System (CTS). In some instances, the sector experienced a surge in workload while others reported a reduction in demand. Criminal cases rose while civil cases declined signalling the effect of the pandemic on our communities and the economy.

The ICT complement of the Judiciary continues to grow as demonstrated by the development of the Case Tracking System (CTS), Judiciary Finance Management Information System (JFMIS) and the Court Recording and Transcription System (CRTS) which are now being used to file cases, manage our fee collection, and provide transcription services thus ensuring that courts are digitised. We are committed to enhance our services by maximising the use of technology to support e-justice.

As we continue to discharge our mandate, we are also clear that the dispensation of justice ought to serve the wider societal objectives of ensuring that every person is given an opportunity to realise their full potential. This means that the avenues of accessing justice should be open to all citizens wherever they may be in the Republic of Kenya. The geographical spread of our courts continues to increase. We are committed to have a High Court in every County and a Magistrate's Court in every sub-County. The completion of 28 courts during this reporting period is testament to this commitment.

We also recognise that the doorways of justice should be expanded beyond the formal court systems. The Constitution guides that alternative forms of dispute resolution including reconciliation, mediation, arbitration, and traditional dispute resolution mechanisms ought to be promoted. The Judiciary has prioritised alternative forms of dispute resolution bearing in mind that most Kenyans may not be able to submit their disputes to the formal court system for various reasons including challenges in accessing courts, cost of litigation and the complexities and rigidities of the formal justice system. So far, Kshs. 11.89 billion has been ploughed back into the economy through mediation.

I acknowledge that despite the difficulties experienced during this pandemic period, we have received immense support from our partners and stakeholders. The administration of justice involves many players. The coming years will undoubtedly require our continued collaboration to deliver our common mandate. The Judiciary remains committed to discharge its constitutional duty through dialogic and cooperative engagements to meet the justice needs of all Kenyans.

Hon. Justice Martha K. Koome, EBS
Chief Justice and President,
Supreme Court of Kenya.

NOTE FROM THE CHIEF REGISTRAR OF THE JUDICIARY



The harmony and success of any society is predicated on an independent, robust, trusted and effective dispute resolution mechanism. The Judiciary of Kenya continues to evolve and improve so as to meet the standards of adjudication required of a newly industrialising, middle-income country providing a high quality of life to all its citizens in a clean and secure environment.

The financial year 2020/2021 saw the Judiciary prove its resilience and agility during this reporting period. As the COVID-19 pandemic spread and resulted in restrictions to contain the spread, including minimising close physical interactions necessitating the closure of courts and offices, it forced us to rethink the modalities of ensuring continued access to justice for citizens.

The Judiciary thus maximised its ICT portfolio so that court sessions and other attendant administrative activities could be undertaken via various online platforms. All 127-court stations have been connected to high-speed internet connection and facilitated with the necessary software's to dispense justice through virtual court room sessions. All our courtrooms can now operate virtually and they are complimented by an online support service so that court fee assessments, payments and receipting are now fully automated. This transformation was made possible by the dedication and commitment of all our 5,598 staff who, despite limited resources, were able to go beyond the call of duty to ensure that the wheels of justice kept rolling.

Despite the challenges of the reporting period, the Judiciary continued to play its rightful role and dispensed justice in a fair, timely, accountable and accessible manner, upheld the rule of law, developed and advanced indigenous jurisprudence and most importantly protected and promoted the edicts, values and principles of the Constitution.

The justice chain is long and winding and the full discharge of our mandate was made possible by the cooperation and support that we received from all the other actors in this sector and particularly members of the National Council on Administration of Justice. We thank them for their continued support.

Our development partners also played a critical role in facilitating the justice sector from court construction projects to technical support and capacity building and I wish to thank them in a special way for being such dependable partners.

As we look into the future, we do so with optimism and confidence in the fact that the Judiciary has established policies and procedures, a competent and motivated workforce and the goodwill of the Kenyan people to continue to discharge the mandate as delegated to it- to dispense justice without fear or favour and in full compliance with the Constitution and the laws of the land.

Anne A. Amadi, CBS
Chief Registrar of The Judiciary.

EXECUTIVE SUMMARY

The people of Kenya, upon whom all sovereign power resides, have entrusted the noble duty of adjudication of legal disputes to the Courts and Tribunals established under the Constitution and other laws. One of the ways in which the Judiciary accounts for this delegated function is through preparation of an annual report on the State of the Judiciary and Administration of Justice. This report therefore contains all the main activities undertaken to facilitate the dispensation of justice including other complementary activities that buttress the administration of justice mechanisms within the Republic of Kenya.

This report commences in **Chapter 1** by giving an overview of the leadership of the Judiciary including the existing governance structures. The Judiciary consists of various Courts, Registries, Directorates and Departments and each one of them has a robust governance structure that promotes accountable and effective leadership through collaborative engagements and teams. The Judiciary has also put in place various Committees to support the leadership in decision-making and execution of resolutions.

A vacancy arose in the office of the Chief Justice and the Judicial Service Commission (JSC) undertook the recruitment process to fill this position. The Commission nominated Hon Justice Martha K. Koome for the position of the Chief Justice and she was appointed the 15th Chief Justice of the Republic of Kenya on 21st May 2021. The JSC also undertook recruitment for the position of Judge of the Supreme Court and Hon. Justice William Ouko was subsequently appointed on 5th May 2021. Hon Justice Ouko was replaced as President of the Court of Appeal by the Hon. Justice Daniel K. Musinga who took office on 11th June 2021

Chapter 2 highlights the access to justice initiatives that have been undertaken within the period as demonstrated by the number of cases filed and resolved in the courts. This also includes cases filed and resolved by the 17 Tribunals within the Judiciary.

In the FY 2020/21, 356,997 cases were filed in all courts. These comprised 242,457 criminal cases and 114,540 civil cases. In the same period, 294,837 cases were resolved. Among the resolved cases, 207,255 were criminal in nature while 87,582 were civil cases. By the end of the FY 2020/21, there were 649,112 pending cases in the Judiciary comprising 293,605 criminal cases and 355,507 civil cases. Out of all these pending cases 375,671 cases consisted of backlog cases, that is, cases that have been in the court system for more than one year .

In the previous reports, caseload information was only presented using an approach that laid emphasis on court types and while this has been maintained in this report an additional disaggregation of caseload information by counties, the devolved units in Kenya's governance system.

Among the 356,997 cases that were filed in the entire Republic, 64,111 cases were filed in Nairobi County followed by Nakuru County with 21,923 cases. The least cases were filed in Samburu

County with 933 cases and Mandera with 1,288 cases. During the review period 294,837 cases were resolved in Kenya with Nairobi County having the highest share at 47,889 cases, followed by Kiambu with 17,037 cases. The least cases were resolved in Samburu County. The county that had the highest number of pending cases was Nairobi with 140,061 cases followed by Mombasa with 74,664 and Nakuru with 59,022 cases.

A total of 2,185 matters were referred to mediation by various courts during the period under review. This yielded a cumulative figure of 4,561 matters that were to be processed after consolidation with 2,376 matters that were pending at the end of the previous review period. Out of the 4,561 matters, 1,229 were processed successfully leaving a balance of 3,332 pending by the end of FY 2020/21. The cumulative value of matters with settlement agreements has shown a positive growth from KSh6.98 billion in FY 2018/19 to KSh11.51 billion in FY 2019/20 and subsequently to KSh11.89 billion in FY 2020/21.

During this period, the Small Claims Court (SCC) was operationalised and its first station established in Nairobi. At the end of the FY 2020/21, the court had five adjudicators, 14 staff and a Registrar in an acting capacity. In the FY 2020/21, a total of 1,023 cases were filed in the SCC, a high number that signifies the confidence of citizens in this court as well as the pressing need for an avenue to resolve this type of cases. This court is expected to contribute to the reduction of the overall case backlog in mainstream courts as well as entrench timely resolution of disputes and consequent enhancement of access to justice. Out of the total filed matters, 637 cases were resolved translating to a Case Clearance Rate (CCR) of 62 per cent.

There were 5,335 cases that were filed in all 17 Tribunals, which have been transited to the Judiciary. Over the same period 3,056 cases were resolved and at the end of the reporting period the pending cases in all Tribunals were 30,485 cases. The Rent Restrictions Tribunal (RRT) had the highest pending cases with 15,093 cases followed by Business Premises Rent Tribunal with 12,014 pending cases.

As part of promoting access to justice, the Judiciary enhanced court infrastructure by operationalisation of two High Court stations in Vihiga and Kwale and 22 Magistrates' Court stations. The construction and renovation of 11 court buildings comprising seven High Court buildings and four Magistrates' Courts buildings was also finalised.

Chapter 3 gives an overview of the significant judicial decisions that were determined during this period. These decisions were on various topical areas such as right to housing, rights of parties in marriage, the constitutionality of the roles of regulatory commissions, the right to privacy, constitutionality of COVID-19 measures amongst others. All these decisions are significant since they clarify certain legal principles or break new ground in the development of judicial thought and therefore demonstrate the continued development of Kenya's indigenous jurisprudence. This chapter also highlights the sections of legislation that were held as unconstitutional during this period.

Chapter 4 presents the various mechanisms of accountability in the Judiciary. The Judiciary is created by the Constitution as an independent arm of Government that is nevertheless

accountable to the people of Kenya as provided in law. These accountability mechanisms are done through various platforms including: the Office of the Ombudsman; the Directorate of Audit and Risk Management; the Performance Management and Measurement system; and Financial Reporting and Compliance mechanisms.

The Office of the Judiciary Ombudsman received a total of 1,826 complaints and was able to process 1,596 (87%) of the grievances. These complaints are categorised and analysed in the report and tracked through the years.

The Judiciary continued to review the efficiency, effectiveness, adequacy and application of systems of internal controls to mitigate risks and recommend remedial actions. A total of 24 internal audits consisting of both financial and systemic audits were undertaken. Concurrently, there was continuous monitoring of the implementation of the external audit reports and previous Public Accounts Committee Report recommendations.

Internal Accountability was also ensured in the FY 2020/21 by having 283 implementing units comprising Courts, Directorates, Offices of Registrars, Tribunals and semi-autonomous Judiciary Agencies set performance targets and consequently sign Performance Management and Measurement Understandings (PMMUs). From this evaluation, the Judiciary achieved an overall average performance of 89.81%. The PMMUs were cascaded to individual employees using the Performance Appraisal System (PAS). The performance for 4,119 Judiciary staff was evaluated and the average score was 94.7%.

In the FY 2020/21, the JSC received and processed 103 petitions against judges. 87 complaints were concluded, while 16 were pending at the end of the reporting period.

The disciplinary powers of JSC against Judicial Officers are delegated to the Human Resource Management Advisory Committee (HRMAC) which heard and determined 103 cases out of 147 cases that were presented against judicial officers.

Chapter 5 encompasses all the activities that have been undertaken to ensure that the Judiciary is able to continue discharging its mandate efficiently and effectively. These organisational development and sustainability initiatives are presented under three sub-topics as follows; Human Resource Capital Management; Capacity Building and Training ; and ICT Utilisation.

As at the beginning of the FY 2020/21, the Judiciary had a total of 5,277 employees out of an approved optimal establishment of 9,417. There were 174 Judges (3%), 535 Magistrates and Kadhis (10%), 181 Law Clerks and Legal Researchers (3%) and 4,387 Judiciary Staff (84%). Total employee variance was 4,140 representing a 44 per cent deficit. Consequently, the Judiciary is operating at **56 per cent** of its optimum staffing levels.

The Chapter also elaborates the various modalities employed by the Judiciary to build capacity of its human resource capital. During the year under review, various programmes were implemented geared towards improving the work environment including employee wellness programmes, provision of office space, transport and other necessary work facilitation tools.

The Judiciary undertook capacity building for judges and judicial officers utilising a training master calendar that is prepared annually, taking into account the needs and training gaps in the institution.

The Judiciary employed various strategies to enhance training and capacity building. During the reporting period the Judiciary Training Institute developed an e-Learning platform which is expected to automate processes at JTI and ensure efficiency and effectiveness in managing training programmes.

In the financial year under review, the Judiciary offered 7 opportunities for pupillage and 129 opportunities for industrial attachment in various departments. The Judiciary was also able to place 1,229 students from various universities on judicial attachment.

This chapter also highlights the ICT initiatives undertaken within this period. One hundred and seventy courts stations and tribunals countrywide have embraced holding hearings through video and audio conferencing. Judges and Judicial Officers have handled over 144,000 cases through virtual courts and there are approximately 2.1 million hours of recordings of court proceedings. Under the e-filing system, a total of 67,299 matters were filed, 16,980 certificates of urgency lodged, 1,800 orders generated. Some Ksh 939,975,091 was collected as court fees, fines and deposits.

The Judiciary's case tracking system has been in use from the year 2017 and currently almost 90 per cent of all active cases have been captured on the system and can be tracked. Judges and Judicial officers use the system to access documents filed by litigants through the e-filing system. At the end of the reporting period a total of 1,359,768 cases had been captured into the CTS.

The JFMIS has been deployed in all court stations and the system is used for management of court revenue (court fees and fines), court deposits and expenditure. During the FY 2020/21, the JFMIS was integrated with the Case Tracking System which fully automated all the processes from court fees assessment, e-receipting across all court of stations in the Judiciary. This means that all payments in the Judiciary are now being processed electronically.

The CRTS is designed to automate the courtrooms through digital recording of court proceedings and provision of transcription services. During the reporting period, 26 court rooms were installed with the CRTS equipment. The Judiciary has also set-up a transcription unit to provide transcription services using recordings done under the CRTS. So far 4,193 hours have been transcribed, generating 25,445 transcripts.

The Judiciary mobilised and utilised financial resources throughout the year and this report is presented in **Chapter 6** which gives an overview of the financial performance during the reporting period. The budget allocation for the Judiciary in FY 2018/19 was KSh16.095 billion which increased by 5% to KSh16.963 billion in FY 2019/20 and rose by 1% to KSh17.133 billion in

FY 2020/21. The recurrent budget of KSh 14.575 billion was financed entirely by the exchequer while the development budget of KSh2.558 billion was mainly funded by the World Bank through the Judicial Performance Improvement Project (JPIP). The overall absorption rate of this budget in FY 2020/2021 was 93.6%.

During this period, the Judiciary collected KSh2.43 billion comprising: KSh1.26 billion or 52 per cent being fines; KSh1.07 billion or 44 per cent being fees; and KSh0.11 billion or 4 per cent being other income from interest on court deposits and rent from property. Total revenue collection increased by 7 per cent from FY 2019/20 to FY 2020/21. This improvement was attributed to increase in cases filed and commensurate increase in resolved cases. In addition revenue collection was automated and e-receipting adopted in all court stations.

Court deposits held by the Judiciary have progressively increased from KSh4.37 billion in FY 2016/17 to KSh6.8 billion in FY 2020/21.

This period also saw further engagements between Judiciary, the National Treasury, the Ministry of ICT, Controller of Budget, and the Central Bank of Kenya on modalities to fast track the establishment of the Judiciary Fund.

Chapter 7 reports on the activities undertaken by the National Council on the Administration of Justice (NCAJ) whose mandate is to coordinate the administration of justice and reforms in the justice sector in an efficient, effective, and consultative manner. This is achieved through the formulation of policies as well as the implementation and evaluation of various strategies aimed at proper administration of justice.

To enhance access to justice through collaborative engagement with other players in the justice sector, two NCAJ council meetings were held. The meetings primarily focused on service delivery during the COVID-19 pandemic period. The ad hoc committee of NCAJ, mandated to monitor the Pandemic and advice on proper implementation of NCAJ policy directions, held three meetings and guided the efficient administration of justice during the Pandemic.

Court Users Committee (CUC) meetings are an important avenue for continued engagement and coordination amongst justice sector players. During the period under review, a total of 536 CUC meetings were held across all court stations. This chapter highlights the achievements made from these meetings while also noting the challenges that need to be addressed going forward.

The NCAJ also coordinated activities aimed at fostering partnerships among different agencies through the various thematic Technical and Special Working Committees. The work of these committees is presented within the chapter.

Finally, the chapter also gives highlights of the main activities that have been undertaken by NCAJ institutions in the period under review.

89.81%.

Overall Performance of the Judiciary

KSh2.43B

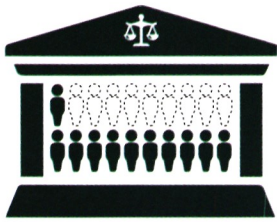
Court fees, Fines and Deposits.

KSh11.89B

Cummulative value of matters settled through mediation

144,000

Cases heard through Virtual Courts



56% Staff Complement



356,997 Cases Filed



2 New High Courts and 22 New Magistrates Courts

2HC + 22MC



Cases captured in the Case Tracking System

1,359,768



Complaints resolved through the Office of the Judiciary Ombudsman

87%



Case Clearance Rate in Magistrates' Court

83%

2020

A RESILIENT AND AGILE JUDICIARY

2021

CHAPTER

1

Leadership & Management

1.1 Leadership and Management

The Constitution of Kenya frames the holistic common vision for the Judiciary. Judicial authority derives from the people and shall not be subject to the control or direction of any person or authority and must be exercised guided by the following principles:00 justice shall be done to all irrespective of status; justice shall not be delayed; alternative forms of dispute resolution shall be promoted; the Judiciary shall administer justice without undue regard to procedural technicalities; and the Judiciary shall protect and promote the purpose and principles of the Constitution. Towards achieving these constitutional principles, leadership in the institution shall adhere to the national values and principles of good governance contained under Article 10 as well as the values and principles of public service under Article 232.

The Constitution establishes three leadership offices in the Judiciary: the Chief Justice, who is the Head of the Judiciary; the Deputy Chief Justice, who is the Deputy Head of the Judiciary; and the Chief Registrar of the Judiciary, who is the chief administrator and accounting officer of the Judiciary.

Pursuant to the Constitution, the Court of Appeal (Organization and Administration)(No. 28 of 2015), the High Court (Organization and Administration)(No. 27 of 2015), the Environment and Land Court (No. 19 of 2011), and the Employment and Labour Relations Court (No. 20 of 2011), and a number of other leadership offices have been established within the Judiciary. These are the President of the Court of Appeal, the Principal Judge of the High Court, the Presiding Judge of the Environment and Land Court (ELC), and the Principal Judge of the Employment and Labour Relations Court (ELRC).

The Heads of the different courts, in consultation with the Chief Registrar, are each responsible for the administration of their respective Court and are accountable to the Chief Justice for the overall administration and management of their court. They also form part of the Judiciary Leadership Team which assists the Chief Justice and the Chief Registrar in the efficient administration of the Judiciary.

Leadership is further cascaded to individual court stations through Leadership and Management Teams (LMTs) and CUCs as well as various committees.

In carrying out their respective mandates, the courts and tribunals are facilitated by administrative services provided through the Office of the Chief Registrar, who is the chief administrator and accounting officer of the Judiciary. The Chief Registrar is responsible to the Chief Justice for the overall administration of the Judiciary and is assisted in this regard by the registrars and deputy registrars of the courts as well as the directors and heads of administrative units who are mandated with various responsibilities that support delivery of judicial services.

1.2 Judiciary Committees

The leadership of the Judiciary is assisted by various committees to oversee certain tasks and advise the leadership on specific sectors.

Arising from the reforms proposed in the Judiciary Blueprint, Sustaining Judiciary Transformation: A Service Delivery Agenda, (2017-2021) launched by Chief Justice Emeritus David Maraga, the retired Chief Justice expanded and renamed the former Judiciary Leadership Advisory Committee (JLAC) to the **Judiciary Leadership Team (JLT)** in January 2021. JLT comprises the following:

- a) The Chief Justice as the Chairperson
- b) Deputy Chief Justice as the Vice Chairperson
- c) President of the Court of Appeal
- d) Principal Judge of the High Court
- e) Presiding Judge of the Environment & Land Court
- f) Principal Judge of the Employment and Labour Relations Court
- g) Chief Registrar of the Judiciary
- h) Registrar, Magistrates' Courts
- i) Any other person that the Chief Justice may co-opt

In addition to the JLT, the following Committees were established to ensure smooth and coordinated operations within the Judiciary.

Judiciary Management Committee (JMC) comprising the following:

- a. Deputy Chief Justice as the Chairperson
- b. Chief Registrar of the Judiciary
- c. Chairpersons of the six standing committees
- d. Secretaries of the six standing committees (ex-officio)
- e. Any other person as may be appointed by the Chief Justice.

Six **standing committees** whose membership represent the breadth of personnel in both judicial and administrative functions in the Judiciary. These standing committees are:

1. Administration of Justice and Court Performance Committee (AJCPC)
2. Planning and Budget Implementation Committee (BIC)
3. Human Resource Management & Administration Committee (HRMAC)
4. ICT & Integrated Case Management Systems Committee (ICMS)
5. Buildings, Infrastructure & Facilities Development Committee (BIDC)
6. Public Affairs and Communication Committee (PAC)

Each committee is required to hold a meeting and prepare a report to the JMT at least once every quarter. The Standing Committees, in reporting to the Chief Justice through the JMT and JLT, provide the Hon. Chief Justice with a holistic, comprehensive, contextual and current status across the institution. They are designed to work within their mandate and not to displace or detract from specific statutory, regulatory and administrative committees such as those established by the Chief Registrar in the execution of the constitutional and statutory mandate of that office. They do however provide oversight, prevent overlap, enhance coordination and ensure that decision-making is well informed and that action areas are monitored and duly accomplished.

1.3 Awards and Recognitions

International Awards

Certificate of Commendation – United Nations Office in Nairobi

Hon. Justice Martha Koome, EBS was awarded the runner-up, United Nations Person of the Year Award (2020)

Jurist of the Year Award – The Center for International Human Rights

Hon. Justice Grace Mumbi Ngugi was honoured with the Fifth Annual Global Jurist of the Year Award on 18th Feb 2021. Justice Ngugi is a long-time advocate of human rights in Kenya and a leading architect of its emerging human rights jurisprudence.

National Honours

Over the years, Judges, Judicial Officers and Staff who offer exemplary service have received national honours conferred by His Excellency the President in terms of Article 132(4)(c) of the Constitution. Pursuant to the provisions of the National Honours Act, 2013, the Judiciary Honours Advisory Committee transmitted its nominees to the National Honours Secretariat for consideration. The following 18 persons were honoured:

Chief of the Order of the Burning Spear (CBS)

Hon. Mr. Justice William Ouko
Hon. Mr. Justice Patrick Kiage

Elder of the Order of the Burning Spear (EBS)

Hon. Mr. Justice Ole Sankale Kantai
Hon. Lady Justice Maureen Odero Akinyi
Hon. Mr. Justice Kimaru Luka Kiplagat
Hon. Lady Justice Aroni Abida Ali
Hon. Lady Justice Muchemi Florence Nyaguthii
Hon. Lady Justice (Rtd.) Sitati Ruth Nekoye
Hon. Mr. Justice Karanja Joseph Raphael
Hon. Mr. Justice Serгон Joseph Kiplagat

Moran of the Order of the Burning Spear (MBS)

Hon. Justice Angote Oscar Amugo
Hon. Were Joseph Maloba

Order of the Grand Warrior of Kenya (OGW)

Hon. Andayi Francis Weche
Hon. Kihara James Muriithi
Mr. Kinuthia Benjamin James

Head of State Commendation (HSC) Civilian Division

Ms. Gacheri Harriet
Mrs. Omari Irene Moraa
Mr. Kanegeni Stephen Kariuki

1.4 Guiding Strategies and Plans

The Sustaining Judiciary Transformation: A Service Delivery Agenda (2017-2021) (SJT) blueprint has guided service delivery and the administration of justice in the Judiciary since it was launched by Hon. Chief Justice Emeritus David Maraga in January 2017. The thrust of the SJT was to build on the gains of the previous blueprint, the Judiciary Transformation Framework (2012-2016) (JTF) that was spearheaded by Hon. Chief Justice Emeritus Dr. Willy Mutunga, by accelerating service delivery using the initial structures and systems that were put in place during the JTF phase.

The **Judiciary Strategic Plan 2019-2023** guides institutional strategies and provides annual targets for implementation. The Strategic Plan carefully identified and evaluated the Judiciary's priorities, internal and external environment, as well as the risks and threats to the performance of its core mandate. An evaluation of the previous Strategic Plan revealed that the Judiciary had an overall success rate of 50 per cent on all the targets that had been set in 2014. The Strategic Plan identified eight areas of emphasis and targeted strategic activities for the Judiciary until 2023. These areas are:

- Enhancing access to justice
- Expeditious delivery of justice
- Growth of jurisprudence and knowledge management
- Improved governance and transformational leadership
- Improved human capital management and organisational performance
- Modernised registry operations for operational efficiency
- Enhanced public confidence and awareness and image of the Judiciary
- Resource mobilisation and utilisation and stakeholder engagement.

These core areas of focus have been cascaded down to the courts and delivery units in the Judiciary and implemented through the policies formulated and incorporated in the annual work plans.

1.5 Legal and Policy Framework

The Judiciary has embraced the use of empirical evidence to inform policy and administrative decisions for better carrying out of its mandate. During the period under review, a research paper titled '*Effect of COVID-19 Pandemic on Resolution of Cases in Courts*' was undertaken and the final paper published and disseminated. The paper provided numerous policy actions and recommendations to guide increased resolution of cases and an access to justice, during and post COVID-19 pandemic period. The policy actions and recommendations are at diverse stages of implementation.

1.6 Impact of COVID-19 Pandemic on the Judiciary

After the first case of COVID-19 in Kenya was announced on 13th March, 2020, a special session of the NCAJ was called and the justice sector collectively decided to scale down operations for the safety of the public and personnel. The Judiciary took a number of measures to curb the spread of the virus. These include:

- All non-essential staff were directed to work from home or take leave.
- All staff above 58 years were also directed to work from home.
- Use of non-contact media to serve clients was prioritised. These included e-filing and enhanced use of virtual courts.

More importantly and in order to entrench and institutionalise adaptability in the event of such cases in future, the Judiciary commenced the development of a Business Continuity and Disaster Recovery Plan (BCDRP). The policy will guide the Judiciary on measures necessary to sustain operations during emergencies and pandemics such as COVID-19.

1.7 Leadership Transition

Upon the retirement of the Chief Justice Emeritus, Justice David K. Maraga on 12th January 2021, the Deputy Chief Justice, Hon. Lady Justice Philomena Mbete Mwilu, assumed the Office of Chief Justice in an acting capacity pending the recruitment and appointment of a new Chief Justice.



Hon. Justice Martha K. Koome, EBS, Chief Justice and President of the Supreme Court of Kenya with Chief Justice Emeritus David K. Maraga during her assumption of office ceremony at the Supreme Court building.

Established leadership and institutional structures within the institution ensured that the transition was seamless and that litigants and the public continued to access judicial services uninterrupted.

As an illustration of this continuity, Deputy Chief Justice, Hon. Lady Justice Philomena Mbete Mwilu presided over the admission of 428 lawyers to the Roll of Advocates during the period she served as Acting Chief Justice. She also opened sub-registries of the High Court and the Environment and Land Court at Kilgoris Law Courts on 21st January 2021, and launched the first Small Claims Courts (SCC) at Milimani Law Courts on 26th April 2021. The SCC in Milimani is the first court established under Section 4 (1) of the Small Claims Act 2016 as a subordinate court pursuant to Article 169 (1)(d) of the Constitution. These courts have significant potential to enhance access to justice as the statutory turn around for the cases filed is 60 days from the date of filing. The Nairobi SCC started its operations immediately. An Acting Registrar of the Court was appointed and an implementation committee chaired by the Hon Justice Alfred Mabeya, Presiding Judge, Commercial & Tax Division was also established.

The Acting Chief Justice also administered the oath of office to the Chairperson and member of the Teacher's Service Commission on 3rd May 2021, and members of the Selection Panel for Commissioners of the Independent Electoral and Boundaries Commission on 28th April 2021. The swearing in of 27 chairs and members of various tribunals facilitated the hearing and determination of 2,700 pending cases.

The Acting Chief Justice also attended the East Africa Community Chief Justices Forum (EACJF) and the inaugural Joint Conference of Chief Justices and the East African Judicial Education Committee, held from the 10th to 12th May 2021 in Kigali, Rwanda during which the Judiciary of Kenya took over as the chair of the regional forum.

1.7.1 Recruitment of the Chief Justice

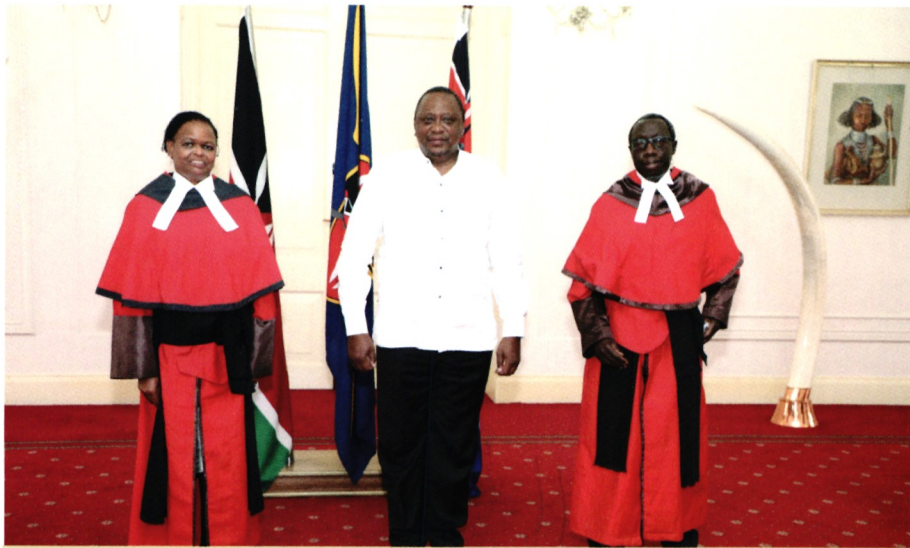
The vacancy of the Office of the Chief Justice was declared on January 18, 2021 vide Gazette notice No 386. On January 20, 2021, the Commission advertised in the local dailies the position of Chief Justice and Judge of the Supreme Court. The advertisement was further posted on the website and circulated to lawyers' professional Bodies. Upon closure of the application period which lasted for 21 days, the Commission received thirteen applications for the position of the Chief Justice and shortlisted ten candidates who met the minimum requirement for appointment of a Chief Justice. The recruitment process was broadcast by all media houses and also on the Judiciary's social media handles. Upon completion of the interview process the Commission nominated Lady Justice Martha Karambu Koome for the position of the Chief Justice on 27th April 2021. Upon receipt of the nominee's name, H.E the President of the Republic of Kenya transmitted it to Parliament who vetted and approved the nominee on 18th May 2021. Lady Justice Martha Karambu Koome was appointed by the President and sworn in as the 15th Chief Justice of the Republic of Kenya on 21st May, 2021.



Hon. Prof. Olive Mugenda, the then interim Vice-Chairperson, accompanied by other Commissioners presenting the result of the interview process for the position of the Chief Justice and President of the Supreme Court of Kenya.



Chief Justice Martha Koome takes the Oath of Office at State House, Nairobi following her appointment as the 15th Chief Justice of Kenya.



His Excellency the President of the Republic of Kenya Hon. Uhuru Kenyatta, Chief Justice Lady Justice Martha Koome and Supreme Court Judge Hon. Justice William Ouko at State House after the swearing-in ceremony.



HON. JUSTICE MARTHA K. KOOME, EBS
CHIEF JUSTICE AND PRESIDENT OF THE SUPREME COURT OF KENYA

1.7.2 Recruitment of Supreme Court Judge

The position of Supreme Court Judge was advertised on January 20, 2021. Upon closure of the application period the JSC shortlisted nine candidates who met the minimum requirement for appointment and commenced the interview process. Hon. Justice William Ouko was nominated by JSC as Supreme Court Judge on 5th May, 2021 and subsequently appointed by the President to the Position on 19th March, 2021. The appointment ensured that the Supreme Court was fully constituted and operating at 100 per cent of its constitutional establishment. Hon Justice Ouko was replaced as President of the Court of Appeal by the Hon. Mr. Justice Daniel K. Musinga who took office on 11th June 2021.



**HON. MR. JUSTICE WILLIAM OUKO, CBS, EBS,
SUPREME COURT JUDGE**



(L - R) Supreme Court Judges Isaac Lenaola, Smokin Wanjala, Philomena Mwilu (DCJ), Martha Koome (CJ), Mohammed Ibrahim, Njoki Ndungu and William Ouko after the Assumption of Office by CJ Koome.



Justice Daniel Musinga (R) takes over as the President of the Court of Appeal from Justice William Ouko who is now a Judge of the Supreme Court



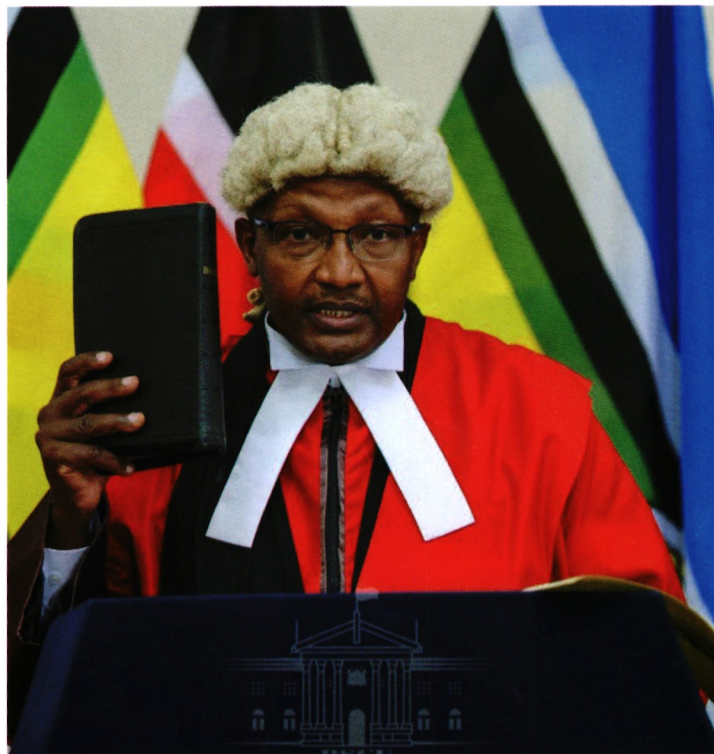
HON. MR. JUSTICE DANIEL K. MUSINGA, EBS
PRESIDENT, COURT OF APPEAL

1.7.3 East African Court of Justice

The East African Court of Justice was established in the year 2001 and its major responsibility is to ensure the adherence to law in the interpretation and application of and compliance with the EAC Treaty. The Court is based in Arusha, Tanzania.

The EAC Summit of Heads of State or Government appoints judges of this Court from among persons of proven integrity, impartiality & independence holding high judicial office or jurists of recognized competence. Recommendations for appointment are made by the EAC partner states and all judges of the court, except the President and the Principal Judge, serve on an ad hoc basis for a term of seven years.

Hon. Mr. Justice Kathurima M'Inoti, Judge Court of Appeal, was appointed a Judge of the East African Court of Justice on 28th February 2021.



HON. MR. JUSTICE KATHURIMA M'INOTI
JUDGE, EAST AFRICAN COURT OF JUSTICE

CHAPTER

2

**ACCESS TO
JUSTICE**

ACCESS TO JUSTICE: STRATEGIC INITIATIVES FOR ENHANCING ACCESS TO JUSTICE

2.1 Introduction

The right of a citizen to access justice is guaranteed under Article 48 of the Constitution and the Judiciary undertook various initiatives, as provided under its mandate, to actualize this right. Primarily, access to justice is rendered through the exercise of judicial authority by courts. The authority, guaranteed under Article 159 of the Constitution, is exercised in a manner that underpins non-discrimination in service delivery, and which strives to minimize delay and procedural technicalities by courts while resolving disputes.

This Chapter, which has been organized into four sections, provides the milestones realized by the Judiciary on enhancement of access to justice. The first section highlights the strategic initiatives for enhancing access to justice while the second section provides the achievements on dispute resolution by courts as the core of access to justice. The third section provides progress on entrenchment of Alternative Dispute Resolution (ADR) mechanisms as envisaged in Article 159 (2) (c) of the Constitution. Lastly, the Chapter accentuates the strides made on improvement of the Judiciary infrastructure as a strategy for strengthening physical access to justice.

2.2 Strategic Initiatives for Enhancing Access to Justice

The strategic initiatives for enhancing access to justice draws inspiration from the Judiciary policy documents namely, Sustaining Judiciary Transformation (SJT) (2017-2021) blueprint and the Strategic Plan (SP) (2019-2023). These initiatives include: operationalisation of Small Claims Court; digitisation of judicial functions; recruitment and retention of adequate and quality workforce; establishment and construction of courts; undertaking of research to inform policy and administrative decisions; entrenchment of ADR mechanisms for expeditious resolution of disputes; and collaborative engagement with other players in the justice sector. The milestones realised in the FY 2020/21 for each of the strategic initiative are expounded in the following subsections.

Institutionalisation of Small Claims Court: A Small Claims Court (SCC) is a subordinate court with jurisdiction to determine cases that involve claims of small amounts of money through a process characterized by procedural simplicity, efficiency and expeditiousness in delivery of decisions. In Kenya, the SCC is established under Section 4 (1) of the SCC Act No. 2 of 2016 as a subordinate court in the structure of courts provided for under Article 169(1) of the Constitution. In the conduct of its operations, the court is guided by provisions of Article 159(2) that require that justice shall not be delayed. The SCC was operationalised on 26th April, 2021 vide gazette notice No. 3791, with the first station located at Milimani commercial court premises. At the end of the FY 2020/21, the court had five adjudicators, 14 staff and a Registrar in an acting capacity. To entrench the SCC and its strategic expansion, the Judiciary plans to devolve the court to other parts of the country.

The establishment and operationalisation of SCC has been earmarked as having a huge potential to entrench timeous resolution of disputes and consequent enhancement of access to justice. As per Section 12 (1) of the SCC Act No. 2 of 2016, the court has a jurisdiction to determine civil claims with a monetary value not exceeding KSh1,000,000 (One million). The jurisdiction further relates to: contracts for sale and supply of goods or services; contracts relating to money held or received; liability in tort and 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 Court is expected to contribute to the reduction of overall case backlog in mainstream courts. This is because the statutory lead time for resolution of disputes in SCC is pegged at a maximum of 60 days from the date of filing of a case. Further, the SCC is expected to reduce the cost and time for hearing and determination of commercial disputes and consequently support the ease of doing business in Kenya. This would be achieved through freeing-up of investment funds and other capital resources otherwise rendered inactive through court injunctions. The timely recirculation of these funds into the economy will bolster economic transactions by optimising limited resources thereby creating a favourable environment for economic growth.

In the FY 2020/21, a total of 1,023 cases were filed in the SCC. The high number of cases filed within a short period of time suggests increasing awareness of SCC services by both advocates and the public. Out of the total filed matters, 637 cases were resolved translating to a Case Clearance Rate (CCR) of 62 per cent. At the end of FY 2020/21, there were 386 matters that were pending before the court. The following activities were undertaken to support the operationalisation of the SCC;

- i) Identification and documentation of registry processes and setting of standards for effective case management.
- ii) Induction training for the adjudicators and staff covering rules and procedures among other training modules.
- iii) Extensive stakeholders' engagement on social media platforms, radio show and CUC meeting with the LSK Nairobi Chapter.
- iv) Submission of decisions to NCLR to enhance accessibility of judicial decisions to the public and legal practitioners.

Entrenchment of Alternative Dispute Resolution Mechanisms: Article 159(2) of the Constitution requires the Judiciary to administer justice in such a manner that entails, *inter alia*, the use of Alternative Dispute Resolutions (ADR) mechanisms. To entrench ADR within the Judiciary and consequently enhance access to justice, Court Annexed Mediation (CAM) was instituted in the year 2016 as a strategic initiative.

In the FY 2020/21, diverse achievements were realized through CAM. A total of 767 matters were settled successfully. From the settled matters, KSh382 million was released back into the economy. This led to the cumulative value of matters with settlement agreements since inception of CAM to stand at KSh11.9 billion at the end of the FY 2020/21 up from at KSh11.5 billion

that was recorded at the end of the FY 2019/20. To enhance the capacity of CAM, Mediation Accreditation Committee (MAC) accredited 126 new mediators yielding a cumulative total of 829 mediators at the end of June 2021. The guidelines for virtual mediation were developed and mediators sensitized. Further, Judiciary initiated the development of the Strategic Plan for CAM.

Collaborative Engagement with Other Players in the Justice Sector: Article 6 (2) of the Constitution recognizes the need for collaboration and cooperation amongst state agencies in service delivery to the citizens. Further, Article 10 (2), underscores the relevance of good governance as a national value. The Judicial Service Act, 2011 establishes NJAJ to spearhead the inter-agency coordination in the justice sector institutions on service delivery. At the court level, the CUCs that mimic the NJAJ at national level reinforce the spirit of cooperation on expeditious service delivery at the grass-root level. In the FY 2020/21, two NJAJ council meetings were held. The meeting focused on enhancement of access to justice during the COVID-19 pandemic.

Digitization of Judicial Functions: The use of Information Communication Technology (ICT) to reinforce judicial functions is critical for enhancing efficiency of case processing and determination, and the overall access to justice. The key technological initiatives adopted and operationalised by the Judiciary were: e-filing, Court Recording and Transcription Services (CRTS), Case Tracking System (CTS), Enterprise Resource Planning (ERP), and continued provision of ICT hardware and Internet.

During the period under review, e-filing was commenced in all courts within Nairobi. A total of 8,314 accounts had been created on the e-filing portal at the end of the FY 2020/21. The accounts comprised 4,826 individual's accounts, 3,085 firm's accounts, 333 organization's accounts and 70 accounts for state organizations. Through the e-filing portal, 67,299 matters were filed including an additional 16,980 matters under certificate of urgency. A total of KSh939,975,091 comprising court fees, fines and deposits was collected using the portal. 1,359,297 cases had been captured into the CTS. Further, 26 court rooms were installed with the CRTS equipment, internet was upgraded from 1.326 Gigabytes per second (Gbps) to 4.215 Gbps, and an audit of ICT systems was undertaken to enhance robustness and security of the systems deployed in the Judiciary.

Recruitment and Retention of Adequate and Quality Workforce: Judges and Judicial Officers are charged with issuing of final judicial decisions in courts. They are assisted by Judicial staff who play the supportive and administrative functions. It therefore follows that, having and maintaining optimal quantity of Judges, Judicial Officers and Staff, is a fundamental ingredient for timely delivery and access to judicial services.

In the FY 2020/21, His Excellency Uhuru Kenyatta, the President of the Republic of Kenya appointed seven COA Judges, 18 ELC Judges and nine ELRC Judges bringing the total number of Judges to 20 in the COA, 21 in the ELRC and 51 in the ELC respectively. The total number of judges in the Supreme Court stood at seven. Further, 191 staff were recruited during the review period.

Establishment and Construction of Courts: The establishment of new courts and the consequent construction of new court buildings serves as an important access to justice initiative that aims at reducing the distance travelled by litigants, and the associated costs, when accessing courts. This also serves to decongest the existing courts enabling them to serve court users expeditiously. The construction and refurbishment of existing courts further supports the work environment for Judiciary employees.

During the review period, 24 courts were gazetted for establishment. This includes establishment of two High Court stations at Vihiga and Kwale and 22 Magistrates' Courts stations at: Ol-Kalou, Etago, Madiany, Zombe, Port Victoria, Borabu, Kendu Bay, Wamunyu, Malaba, Matiliku, Usigu, Kasarani, Masinga, Manga, Tinderet, Kenol, Rumuruti, Garbatulla, Kabiyet, Marigat, Kikima and Kaptumo. Further, five sub-registries for the COA were established at Busia, Meru, Garissa, Kakamega and Kisii. Four High Court Sub-registries were established at Isiolo, Kapsabet, Eldama Ravine and Kilgoris. Additionally, three ELC sub-registries were established at Kilgoris, Isiolo and Vihiga while four ELRC sub-registries were established at Kitui, Kisii, Naivasha and Thika. In the Magistrates' Courts, six mobile Magistrates' Court stations were established at Nambale, Butula, Mutuati, Endau, Konoin and Sereolipi.

In the FY 2020/21 construction of 11 court projects was completed. The completed projects were six High court buildings at Nanyuki, Isiolo, Kakamega, Siaya, Kajiado, Nakuru. Further, four Magistrates' Courts buildings were completed at Oyugis, Iten, Shanzu and Kahawa. There was an overall improvement of seven per cent in completion of Judicial Performance Improvement Projects from an average of 77 per cent reported at the end of FY 2019/20, to 84 per cent at the end of the FY 2020/21. The completion rate of GOK projects grew by 5.6 per cent from 63.8 per cent that was realized at the end of FY 2019/20 to settle at 69.4 per cent.

Caseload statistics presented in this section primarily cover filed, resolved and pending cases. The pending cases are further disaggregated into case backlog. Additionally, select court performance statistics are provided. A new distinct section for the Small Claims Court has been incorporated. Further, a new section on caseload statistics organized by counties has been provided.

2.3.1 Filed and Resolved Cases

Filed cases(FC)are the cases registered or initiated in a court of law by diverse parties requiring their disputes to be resolved. They therefore depict the demand for court services. Once these cases are filed in courts, Judges and Judicial Officers are obligated to determine them. Their actions therefore yield Resolved Cases (RC), a reflection that justice has been delivered by courts, and therefore accessed by citizens. In the FY 2020/21, **356,997** cases were filed in all courts. These comprised **242,457** criminal cases and **114,540** civil cases. In the same period, **294,837** cases were resolved. Among the resolved cases, **207,255** were criminal in nature while **87,582** were civil cases. The filed cases in the Kenyan Judiciary over time is presented in Figure 2.1.

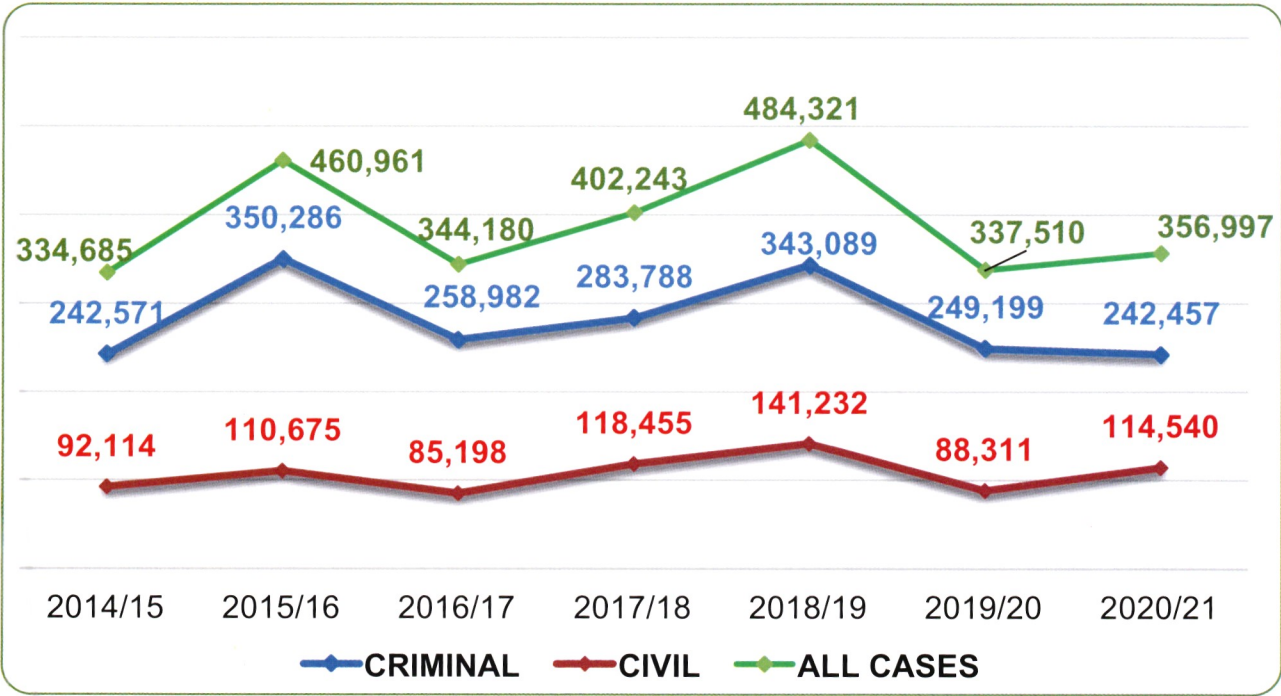


Figure 2.1: Trends of filed criminal and civil cases, All Courts

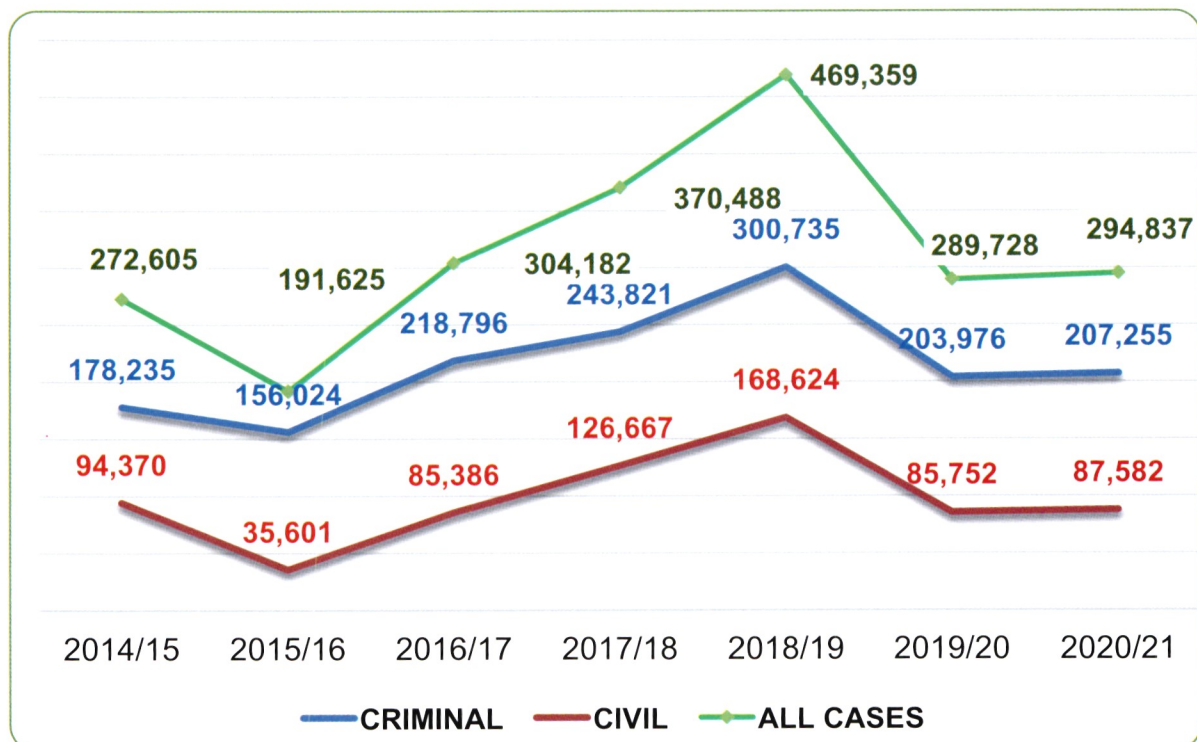


Figure 2.2: Trends of resolved criminal and civil cases, All Courts

The overall filed cases increased from 337,510 that were recorded in the previous period to 356,997 during the period under review. The trend of the resolved cases is shown in Figure 2.2. The bulk of the resolved cases over time are criminal in nature. From the FY 2015/16, there has been a general increase of the resolved cases. Nonetheless, there was a drop in the FY 2019/20, which was attributed to the adverse effects of COVID-19 pandemic. This was followed by a marginal increase in the FY 2020/21, an indication of slight recovery from the initial pandemic shock. Table 2.1 presents filed and resolved cases by court and case type during the period under review.

Table 2.1: Criminal and Civil Cases Filed and Resolved, FY 2020/21

Court Type	Filed cases FY 2020/21			Resolved cases FY 2020/21		
	CR	CC	ALL	CR	CC	ALL
Supreme Court	N/A	47	47	N/A	62	62
Court of Appeal	355	2,150	2,505	271	969	1,240
High Court	8,784	17,440	26,224	6,522	17,692	24,214
ELRC	N/A	2,918	2,918	N/A	2,434	2,434
ELC	N/A	4,856	4,856	N/A	5,748	5,748
Magistrates' Courts	233,318	77,152	310,470	200,462	52,810	253,272
Kadhis' Courts	N/A	8,954	8,954	N/A	7,230	7,230
Small Claims Court	N/A	1,023	1,023	N/A	637	637
All Courts	242,457	114,540	356,997	207,255	87,582	294,837

From Table 2.1, the highest number of filed and resolved cases were in the Magistrates' Courts

totalling 310,470 and 253,272 cases respectively. Further, the least filed and resolved cases were recorded in the Supreme Court at 47 and 62 respectively. The filed and resolved criminal matters were more than the civil matters in courts that handle both criminal and civil cases.

2.3.2 Pending Cases

Ordinarily, not all cases are resolved at the end of a given period. The unresolved cases are referred to as pending cases. By the end of the FY 2020/21, there were **649,112** pending cases in the Judiciary comprising **293,605** criminal cases and **355,507** civil cases. Figure 2.3 illustrates the trend of pending cases over time by broad case type.

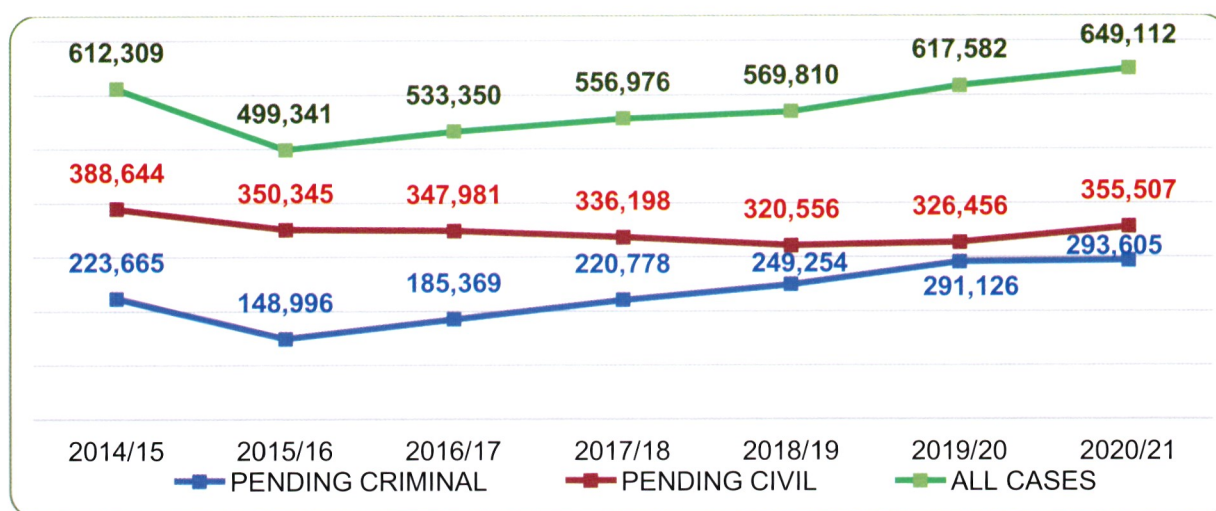


Figure 2.3: Trends of Pending Criminal and Civil Cases, All Courts

As depicted in Figure 2.3, the overall pending cases in the Judiciary has been rising over time. This growth has on average, revolved between five and ten per cent over time. While criminal cases have been on a gradual rise, civil cases steadily but mildly declined over time. Statistics on pending cases by court and case type are elaborated in Table 2.2.

Table 2.2: Pending cases by Court and Case Type, FY 2019/20 & FY 2020/21

Court Type	Pending cases, 30 th June 2020			Pending cases, 30 th June 2021			% change in pendency
	CR	CC	ALL	CR	CC	ALL	
Supreme Court	N/A	89	89	N/A	74	74	-17%
Court of Appeal	2,069	5,529	7,598	2,153	6,637	8,790	16%
High Court	22,458	66,957	89,415	24,307	66,594	90,901	2%
ELRC	N/A	12,907	12,907	N/A	14,040	14,040	9%
ELC	N/A	15,892	15,892	N/A	14,405	14,405	-9%
Magistrates' Courts	266,599	217,265	483,864	267,145	245,309	512,454	6%
Kadhis' Courts	N/A	7,817	7,817	N/A	8,062	8,062	3%
Small Claims Court	N/A	N/A	N/A	N/A	386	386	N/A
All Courts	291,126	326,456	617,582	293,605	355,507	649,112	5%

Table 2.2 shows that pending cases rose by five per cent from 617,582 cases at the end of FY 2019/20 to 649,112 cases at the end of FY 2020/21. The bulk of pending cases were in Magistrates' Courts at 512,454 cases, followed by High Court with 90,901 cases. The least pending cases were recorded at Supreme Court with 74 cases. The percentage distribution of pending cases by court type is presented in Figure 2.4.

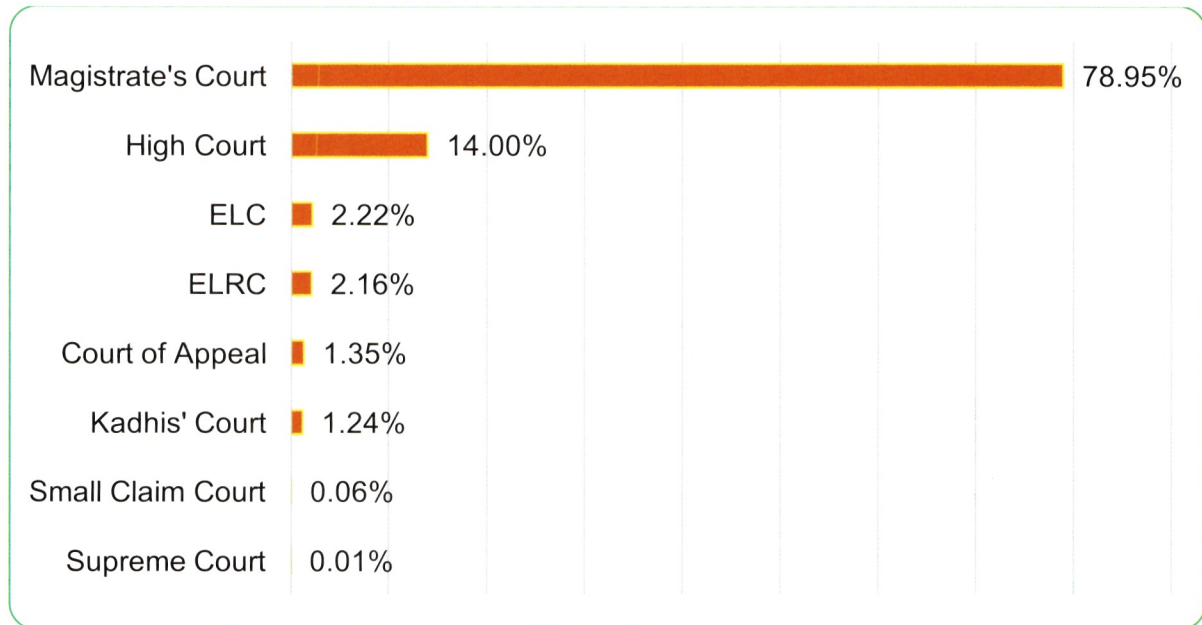


Figure 2.4: Percentage Pending Cases by Court Type

Figure 2.4 shows that the highest percentage of pending cases was in the Magistrates' Courts at 78.95 per cent followed by High Court at 14 per cent. The least pendency was in the Supreme Court at 0.01 per cent.

2.3.3 Case Backlog

Article 159 (2) (b) of the Constitution envisages that justice shall be rendered expeditiously. Delayed justice is manifested through accumulation of unresolved cases that surpasses the minimum set timeline for their conclusion. In the Kenyan Judiciary, the desirable timeline for determination of most case types is pegged at a maximum of 1 year from their date of filing. Consequently, any case that has surpassed 1 year from the date of filing is classified as backlog. At the end of the FY 2020/21, the case backlog in all courts stood at **375,671** cases. The percentage distribution of case backlog by court type is presented in Figure 2.5.

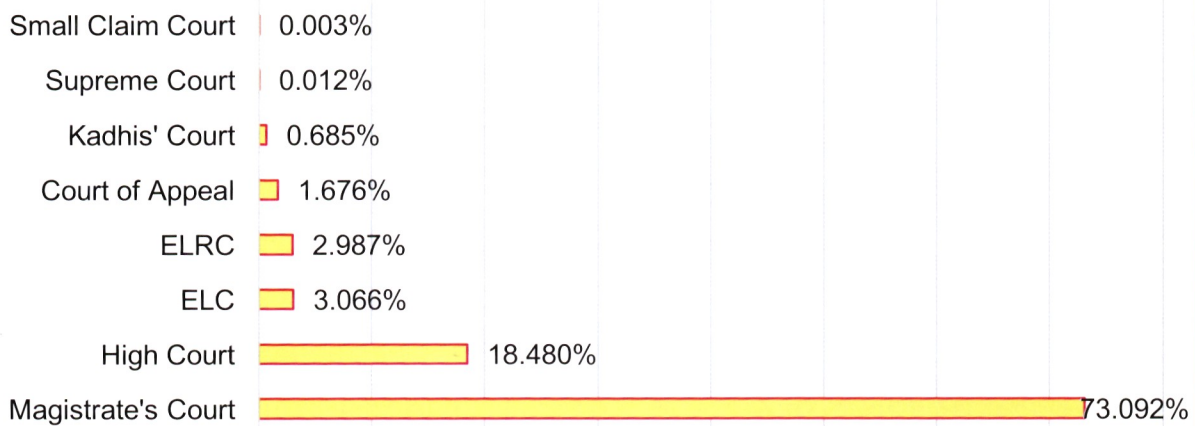


Figure 2.5: Percentage distribution of case backlog by court type

Out of the 375,671 cases, the highest proportion was in the Magistrates' Courts at 73 per cent followed by High Court at 18 per cent. The lowest case backlog was recorded in the Supreme Court and Small Claims Court at 0.012 and 0.003 per cent respectively. The percentage distribution of case backlog by age is shown in Figure 2.6.

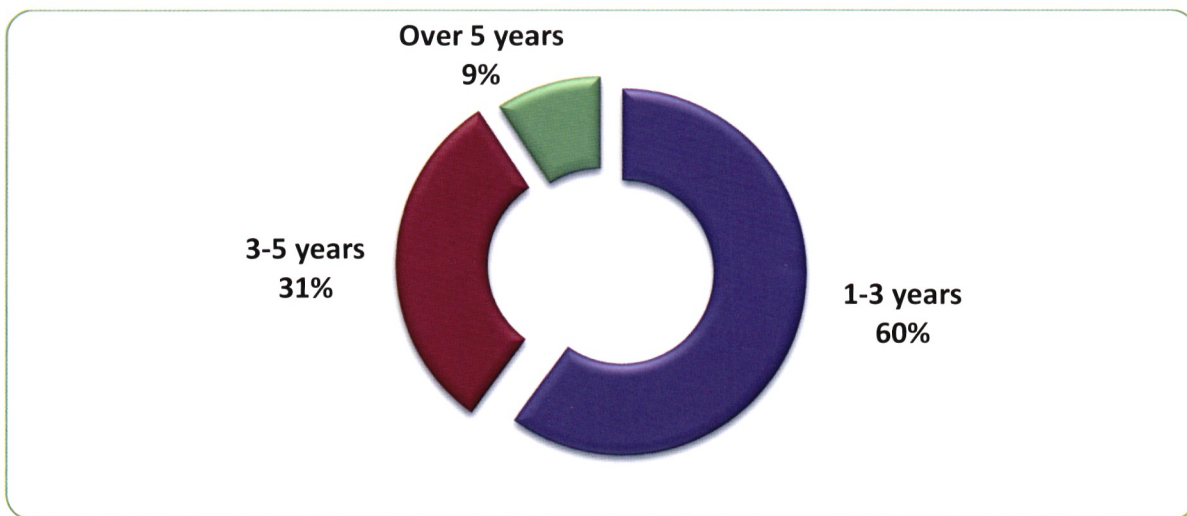


Figure 2.6: Percentage Case Backlog by Age

Out of the total case backlog, 60 per cent was aged between 1 and 3 years (225,422 cases), 31 per cent (115,601 cases) between 3 and 5 years and 9 per cent above 5 years (34,648 cases). Table 2.3 gives trend of case backlog by type of court.

Table 2.3: Trend on case backlog, FYs 2019/20 & 2020/21

Court Type	Case backlog, 30 th June 2020	Case backlog by Age, 30 th June 2021				Change in backlog
		1-3 years	3-5 years	5 years and above	All Ages	
Supreme Court	37	35	9	2	46	24%
Court of Appeal	4,982	3,675	2,449	171	6,295	26%
High Court	69,184	39,099	22,589	7,735	69,423	0%

ELRC	10,928	7,008	3,587	625	11,220	3%
ELC	13,630	4,736	3,706	3,075	11,517	-16%
Magistrates' Courts	259,519	168,577	82,967	23,040	274,584	6%
Kadhis' Courts	1,067	2,282	291	0	2,573	141%
Small Claims Court	0	10	3	0	13	N/A
All Courts	359,347	225,422	115,601	34,648	375,671	5%

The overall case backlog increased by 5 per cent. This is ascribed to the adverse effects of the pandemic which slowed down normal court business. The backlog increased for all courts except in the ELC which reduced its backlog by 16 per cent.

The Supreme Court had two cases of 5 years and above in comparison to the single case that was recorded at the end of previous period. This was occasioned by recusal of Judges that led to lack of quorum to finalize the cases in time. Although Table 2.3 shows the existence of case backlog in SCC of 13 cases despite the court having commenced its operation in April 2021, the number depicts that old cases from other courts were transferred to the SCC.

2.3.4 SJT Implementation Status on Reduction of Case Backlog

At the onset of SJT in January 2017, there were **170,186** cases aged 5 years and above. These were the cases that the Judiciary set to clear. The progress made in clearing of these cases by the end June 2021 is illustrated in Figure 2.7.

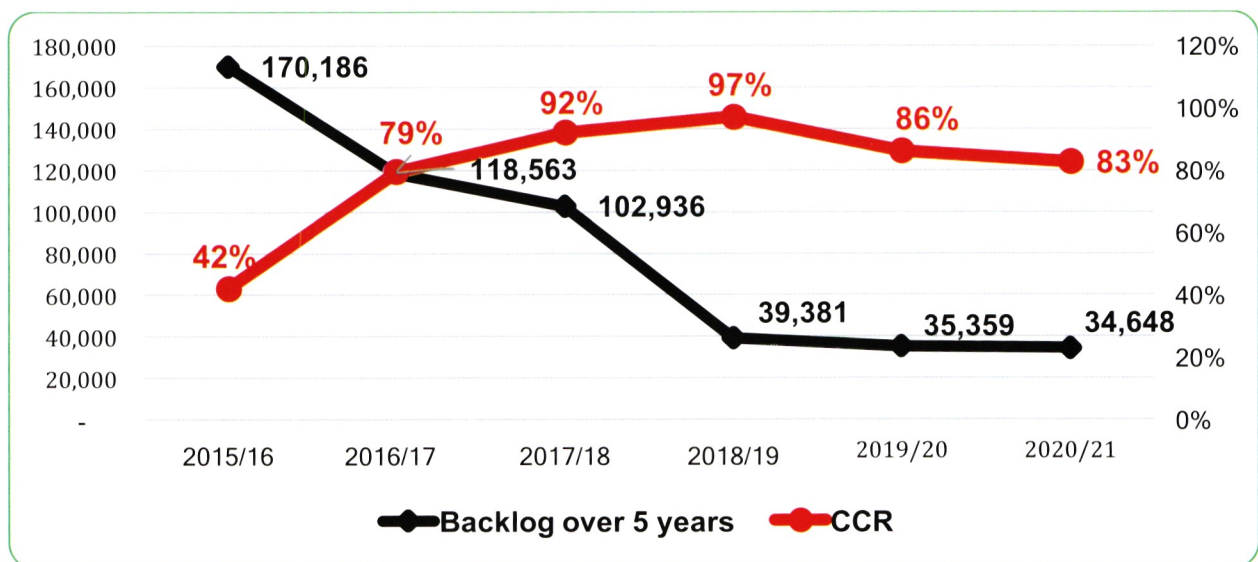


Figure 2.7: Reduction of case backlog aged 5 years and above under SJT

From the 170,186 backlog cases that were above five years in age at the beginning of SJT period, only 34,648 cases remained at the end of the period under reference. This marked a reduction of 80 per cent. This is consistent with a generally rising CCR illustrated in the Figure 2.7. The details on reduction of case backlog above 5 years for each court are highlighted in Table 2.4.

Table 2.4: SJT implementation status on case backlog reduction by court, 30th June 2021

Court Type	SJT target on reduction of case backlog older than 5 years, 1st Jan. 2017	Resolved cases older than 5 years between 1st Jan. 2017 and 30 th June 2021	Case backlog older than 5 years, 30 th June 2021	% change in case backlog older than 5 years between 1st Jan. 2017 and 30 th June 2021
Supreme Court	0	0	2	200%
Court of Appeal	648	1,197	171	-74%
High Court	58,487	74,078	7,735	-87%
ELRC	771	3,537	625	-19%
ELC	4,146	12,671	3,075	-26%
Magistrates' Courts	106,134	125,535	23,040	-78%
Kadhis' Courts	0	0	0	0%
Small Claims Court	-	0	0	-
All Courts	170,186	217,018	34,648	-80%

2.4 Supreme Court

The Supreme Court has exclusive original jurisdiction to hear and determine matters relating to the election of the President, and appellate jurisdiction to hear and determine appeals from the COA. The court also gives advisory opinions upon filing of the requests.

2.4.1 Filed and Resolved Cases in the Supreme Court

In the FY 2020/21, **47** cases were filed in the Supreme Court while **62** were resolved. Figure 2.8 illustrates the nature of filed and resolved cases in the Supreme Court.

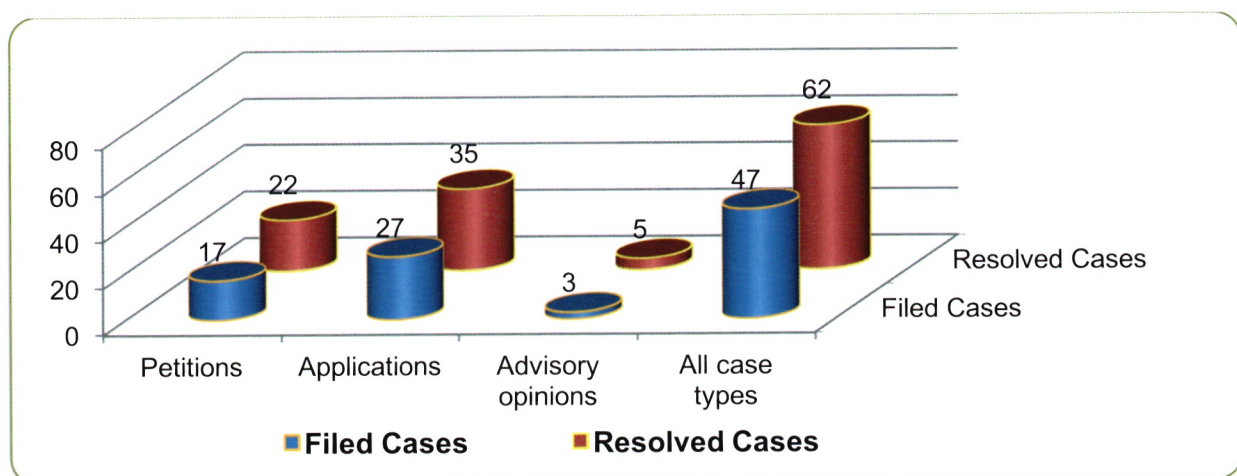


Figure 2.8: Filed and resolved cases in the Supreme Court by case type, FY 2020/21

Applications were the most filed and resolved cases followed by petitions. Advisory opinions were the least filed and resolved cases. The number of cases filed and resolved in the Supreme Court in the FY 2020/21 are detailed in Table 2.5.

Table 2.5: Filed and resolved cases in the Supreme Court by type, FY 2020/21

Month - Year	Filed Cases				Resolved Cases			
	Petitions	Applica-tions	Advisory Opinions	All	Petitions	Applica-tions	Advisory Opinions	All
Jul-2020	3	4	0	7	0	3	0	3
Aug-2020	3	5	0	8	5	2	2	9
Sep-2020	1	4	0	5	9	13	0	22
Oct-2020	1	3	0	4	1	2	0	3
Nov-2020	0	1	2	3	0	1	0	1
Dec-2020	3	2	1	6	3	2	0	5
Jan-2021	2	1	0	3	1	0	0	1
Feb-2021	2	3	0	5	0	0	0	0
Mar-2021	1	2	0	3	3	12	3	18
Apr-2021	0	1	0	1	0	0	0	0
May-2021	0	0	0	0				0
Jun-2021	1	1	0	2	0	0	0	0
Whole FY	17	27	3	47	22	35	5	62

2.4.2 Pending Cases in the Supreme Court

By the end of the FY 2020/21, there were 74 cases pending in the Supreme Court. The trend of pending cases in the Supreme Court is presented in Figure 2.9.

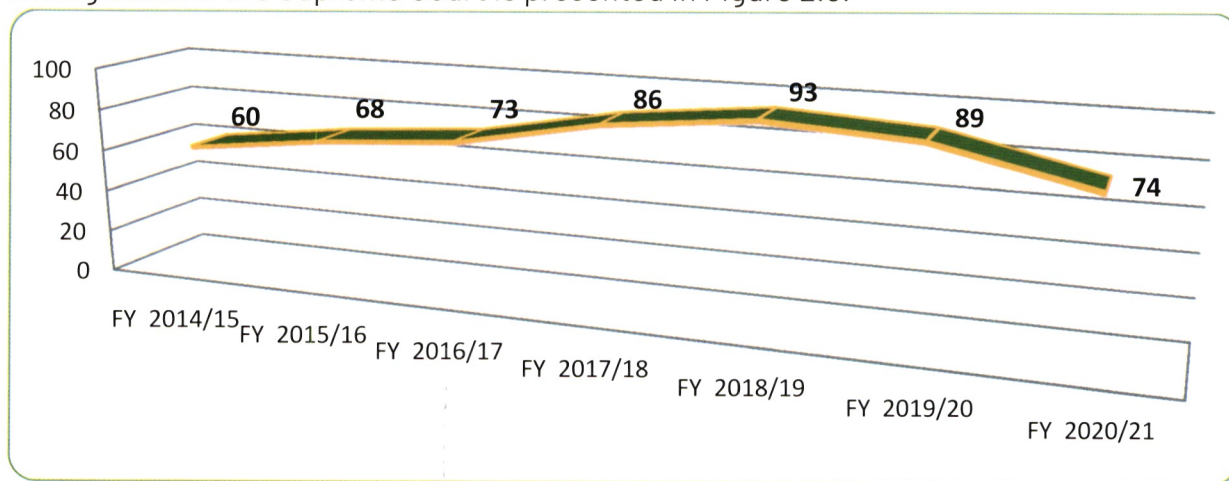


Figure 2.9: Trend of pending Cases, Supreme Court

From FY 2014/15, pending cases in the Supreme Court took an upward growth reaching a high of 93 cases in the FY 2018/19. This was followed by a decline to 89 cases in the FY 2019/20 and a further decline to 74 cases in 2020/21 FY. The types of pending cases over time in the Supreme Court are summarized in Table 2.6.

Table 2.6: Pending cases by type in the Supreme Court

Case Type	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
Petitions	42	44	40	52	53	54	53
Applications	14	18	29	31	33	28	16
Advisory opinions	4	6	4	3	7	7	5
All case types	60	68	73	86	93	89	74

Petitions have comprised the most pending cases over time followed by applications. The advisory opinions have been the least pending cases over time.

2.4.3 Case Backlog in Supreme Court

Out of the 46 pending cases in the Supreme Court, 35 cases were backlog. The trend of case backlog in Supreme Court is elaborated in Table 2.7.

Table 2.7: Trend in case backlog by age, Supreme Court

Age category of case backlog	30th June 2020	30 th June 2021	Change in Backlog
1 - 3 Years	29	35	21%
3 - 5 Years	7	9	29%
Over 5 Years	1	2	100%
All Backlog	37	46	24%

The case backlog aged between 1 and 3 years was 35 cases, representing 21 per cent increase in comparison to the number that was recorded at the end of the previous period. The case backlog aged between 3 and 5 years was nine cases. This was a 29 per cent increase from seven cases that were recorded at the end of the previous period.

2.4.4 SJT Implementation Status on Reduction of Case Backlog in Supreme Court

At the onset of SJT period in January 2017, the Supreme Court had no cases aged 5 years and above. By the end of the review period, two cases were aged 5 years and above. This was attributed to lack of quorum to handle the two cases after some judges recused themselves. The cases were to be finalized in the FY 2021/22 after the court was fully constituted towards the end of the period under review.

2.5 Court of Appeal

The COA had four stations namely Kisumu, Mombasa, Nairobi and Nyeri during the period under review. However, Kisumu and Nyeri COA stations did not operate due to an insufficient number of Judges in the Court. Their matters were handled at Nairobi COA.

2.5.1 Filed and Resolved Cases in Court of Appeal

During the period under review, **2,505** cases were filed in the COA which comprised **355** criminal and **2,150** civil cases. This was a 4 per cent reduction from the 2,620 cases that were filed in the previous period. Over the same period, **1,240** cases, comprising **271** criminal and **969** civil cases were resolved. This was in comparison to 1,074 cases that were resolved in the previous period. The change over time of filed cases in COA is illustrated in Figure 2.9.

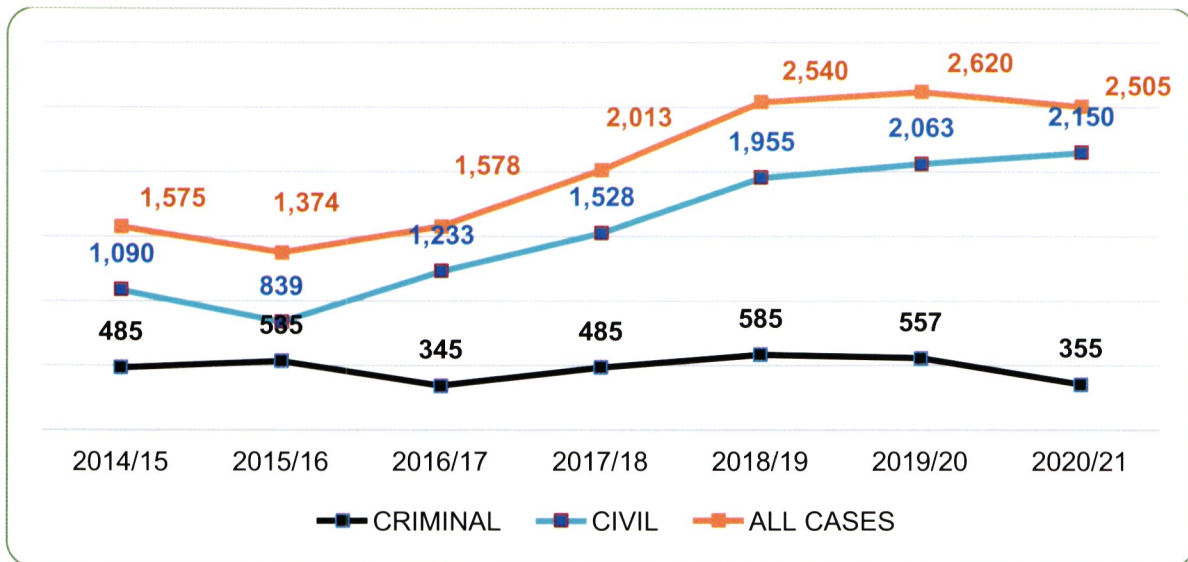


Figure 2.10: Trend in filed cases by type, COA

Figure 2.9 shows that the cases filed in COA have been increasing over time. However, the growth slowed down in the 2019/20 and 2020/21 FYs when the COVID-19 pandemic set-in. The filed cases by broad case type for all COA stations for the FY 2020/21 are given in Table 2.8.

Table 2.8: Filed cases by type and COA station, FY 2020/21

Court of Appeal	Criminal Appeals	Criminal Applications	All Criminal Cases	Civil Appeals	Civil Applications	All Civil Cases	All Cases
Kisumu	122	13	135	224	192	416	551
Mombasa	14	0	14	111	101	212	226
Nairobi	101	2	103	702	546	1,248	1,351
Nyeri	99	4	103	150	124	274	377
All Courts	336	19	355	1,187	963	2,150	2,505

Appeal cases were more than the applications for both criminal and civil cases that were filed. The trend of resolved cases in the COA is shown in Figure 2.11.

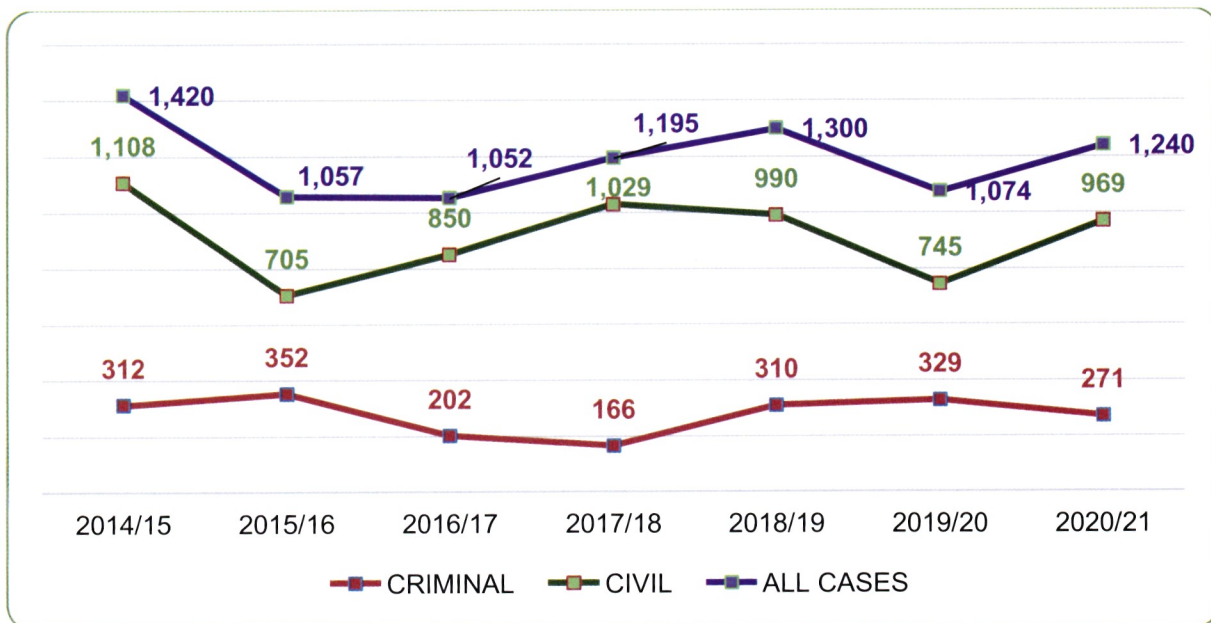


Figure 2.11: Trend in resolved cases by type, COA

Resolved cases increased between FY 2015/16 and 2018/19. This was followed by a reduction in the subsequent year due to adverse effects of the pandemic, followed by a slight increase to 1,240 cases in the FY 2020/21. Table 2.9 provides statistics on the type of cases that were resolved in the COA.

Table 2.9: Resolved cases by type and COA station, FY 2020/21

Court of Appeal	Criminal Appeals	Criminal Applications	All Criminal Cases	Civil Appeals	Civil Applications	All Civil Cases	All Cases
Kisumu	43	0	43	52	3	55	98
Mombasa	6	0	6	24	24	48	54
Nairobi	119	2	121	308	466	774	895
Nyeri	101	0	101	11	81	92	193
All courts	269	2	271	395	574	969	1,240

For both resolved criminal and civil cases, appeal cases were more than the applications. The COA had average time to disposition of 860 days from filing to conclusion of the cases. Specifically, Kisumu registered 1,169 days, Mombasa 679 days, Nyeri 1,127 days while Nairobi registered 663 days.

2.5.2 Pending Cases in Court of Appeal

At the end of the FY 2020/21, **8,790** cases comprising **2,153** criminal and **6,637** civil cases, were pending in the COA. The trend of pending cases over time in COA is presented in Figure 2.12.



Figure 2.12: Trend in pending cases by type, COA

From the FY 2014/15, the pending criminal and civil cases has been steadily increasing. The increase was less steep between the FY 2014/15 to 2016/17, before becoming relatively steeper up to the end of FY 2020/21. This is attributed to the continued decline in the number of judges in the court over time. Nonetheless, the COA has managed to avoid a huge increase of pending criminal cases as depicted by a flatter curve for criminal cases. Figure 2.13 gives the percentage distribution of pending cases by COA stations at the end of the period under review.

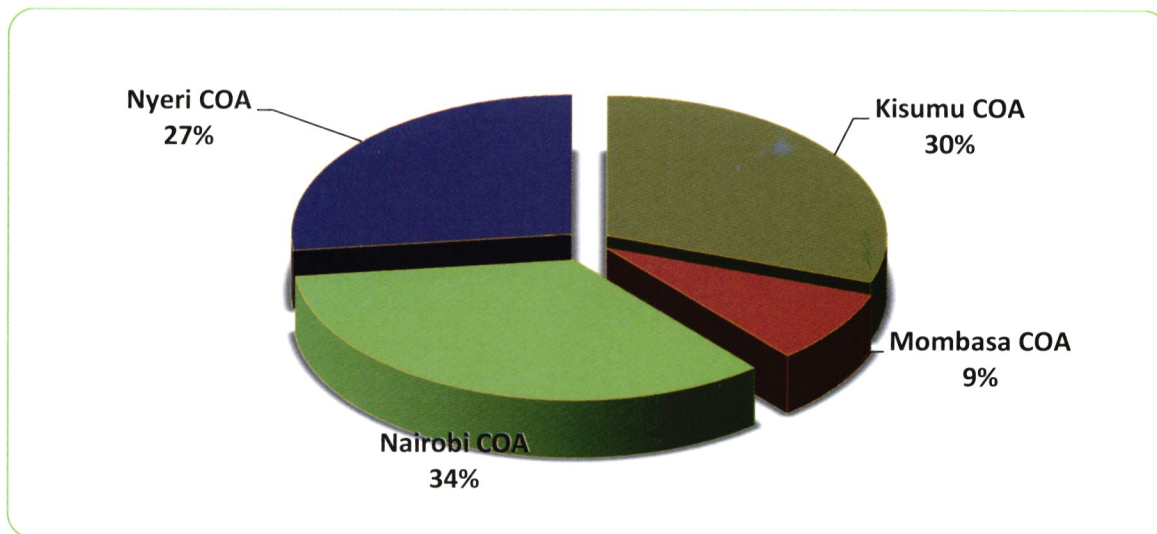


Figure 2.13: Percentage pending cases in COA

At the end of the FY 2020/21, Nairobi COA recorded the highest percentage of pending cases at 34 per cent, followed by Kisumu and Nyeri at 30 per cent and 27 per cent respectively. The least percentage of pending cases was recorded in Mombasa at 7 per cent. The pending cases by case type and COA station is shown in Table 2.10.

Table 2.10: Pending cases by type and COA station, 30th June 2021

Court of Appeal	Criminal Appeals	Criminal Applications	All Criminal Cases	Civil Appeals	Civil Applications	All Civil Cases	All Cases
Kisumu	1,290	84	1374	866	434	1300	2674
Mombasa	9	101	110	209	422	631	741
Nairobi	44	85	129	2150	731	2881	3010
Nyeri	531	9	540	1044	781	1825	2365
All Courts	1,874	279	2,153	4,269	2,368	6,637	8,790

A total of 1,874 criminal appeals and 4,269 civil appeals were pending in all COA stations. Further, 279 criminal applications and 2,368 civil applications remained unresolved at the end of June 2021. This pointed to quite a sizeable workload for the court at the beginning of the FY 2021/22.

2.5.3 Case backlog in Court of Appeal

Out of the 8,790 pending cases in the COA, **6,295** cases had surpassed the set timeline of resolution within 360 days from the date of filing and consequently classified as backlog. Figure 2.14 gives the percentage case backlog by age in the COA.

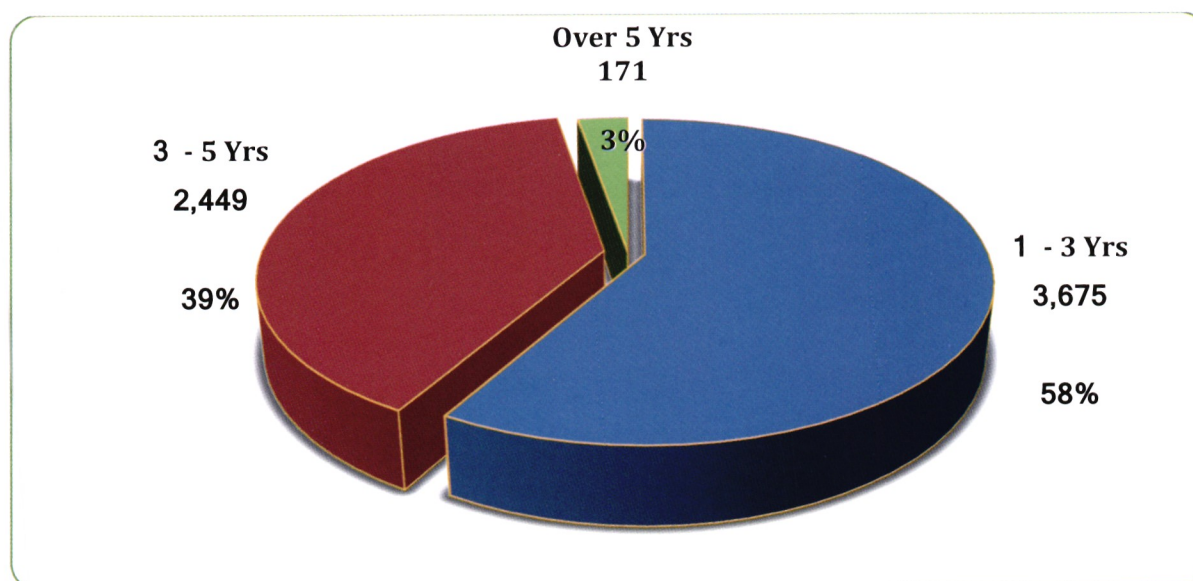


Figure 2.14: Case backlog by age in COA

The highest percentage of case backlog in the COA were cases aged 1-3 years at 58 per cent. The cases aged 3-5 years stood at 39 per cent while those aged above 5 years constituted 3 per cent. The distribution of case backlog by age for the COA is highlighted in Table 2.11.

Table 2.11: Case backlog by age and COA station, 30th June 2021

Court of Appeal	Backlog, 30 th June 2020	Backlog, 30 th June, 2021				All Case Backlog
		All	1 - 3 years	3 - 5 years	Over 5 years	
Kisumu	1,373	1,277	844	4	2,125	
Mombasa	333	376	131	11	518	
Nairobi	1,694	946	649	65	1,660	
Nyeri	1,582	1,076	825	91	1,992	
All Courts	4,982	3,675	2,449	171	6,295	

The Kisumu COA station had the highest case backlog at 2,125 cases up from 1,373 cases that were recorded at the end of the previous period. The least backlog was recorded in Mombasa COA at 518 cases up from 333 cases that were recorded at the end of the previous period. The percentage distribution of case backlog in COA is summarized in Figure 2.15.

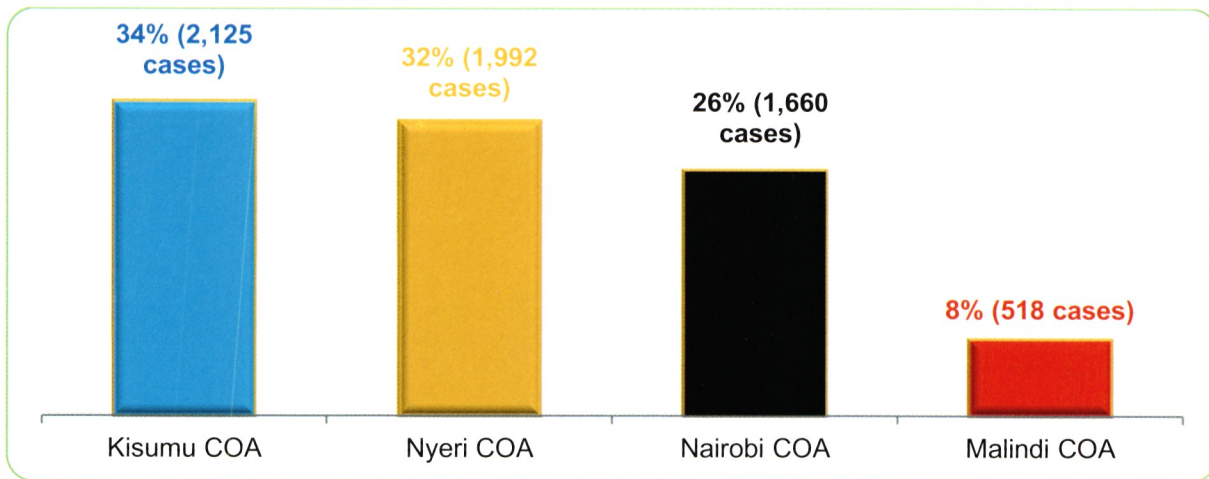


Figure 2.15: Percentage distribution of case backlog in COA stations, 30th June 2021

The highest case backlog at the end of the review period was in Kisumu COA which stood at 34 per cent. This was followed by Nyeri COA at 32 per cent while the least was eight per cent at Malindi COA.

2.5.4 SJT Implementation Status on Reduction of Case Backlog in COA

At the onset of SJT in January 2017, the COA had 648 cases aged five years and above. At the end of June 2021, only 171 cases remained unresolved marking a 74 per cent reduction. Information for each of the COA station is elaborated in Table 2.12.

Table 2.12: SJT Implementation status on reduction of case backlog in COA

Court of Appeal	SJT target on reduction of case backlog older than 5 years, 1st Jan 2017	Resolved backlog cases older than 5 years between 1st Jan 2017 and 30 th June, 2021	Case backlog older than 5 years, 30 th June, 2021
Kisumu	11	158	4
Malindi	12	47	11
Nairobi	619	824	65
Nyeri	6	168	91
All stations	648	1,197	171

From Table 2.12, the highest reduction was in the Nairobi COA at 89 per cent, followed by Kisumu at 64 per cent. Moreover, a total of 1,197 cases aged 5 years and above were cleared between January 2017 and June 2021. This was occasioned by resolution of cases that entered into the category of above 5 years during the SJT period.

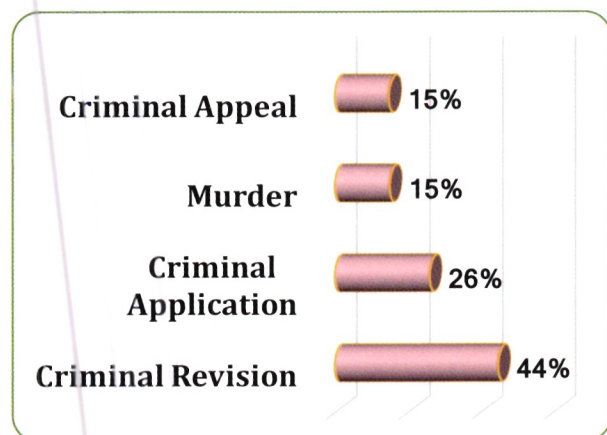
2.6 High Court

During the period under review, there were 40 High Court Stations. However, the presentation in this report captures caseload statistics for Milimani High Court distinctly by the existing seven divisions and not as a single station.

2.6.1 Filed and Resolved Cases in High Court

A total of **26,224** cases were filed in High Court stations during the FY 2020/21 which included **8,784** criminal cases and **17,440** civil cases. In the same period, **24,214** cases were resolved. The resolved cases comprised **6,522** criminal cases and **17,692** civil cases. The disaggregation of the filed and resolved cases by case type is presented in Figures 2.16 & 2.17.

Filed Criminal Cases



Resolved Criminal Cases

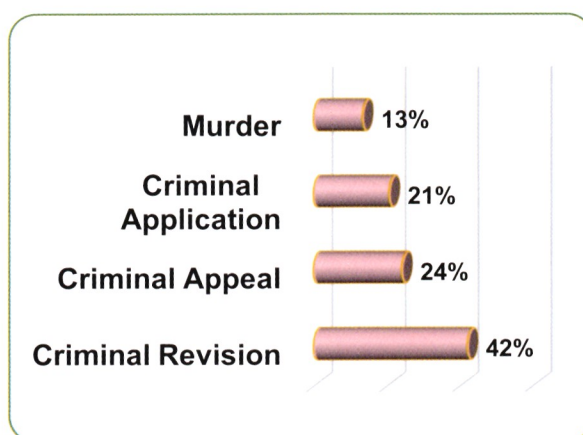
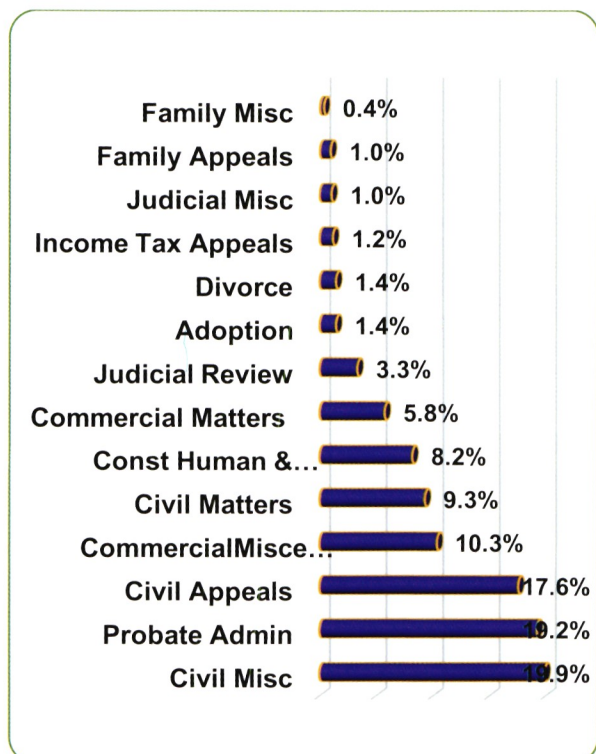


Figure 2.16: Distribution of filed and resolved criminal cases in High Court, FY 2020/21

Criminal revisions were the most filed cases at 45 per cent while murder cases were the least at 15 per cent. Regarding the resolved cases, criminal revisions were the highest at 42 per cent while the least were murder cases at 13 per cent.

Filed Civil Cases



Resolved Civil Cases

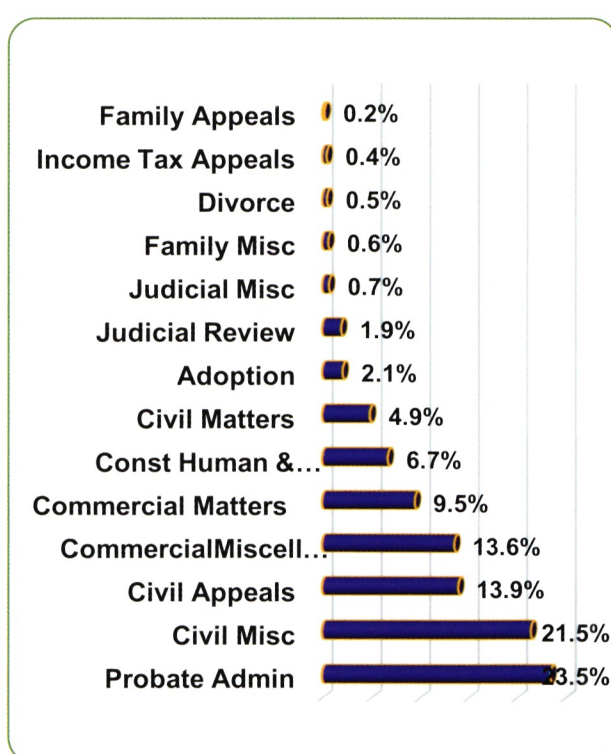


Figure 2.17: Distribution of filed and resolved civil cases in High Court, FY 2020/21

The highest proportion of filed civil cases at 19.9 per cent were ordinary civil matters followed by probate and administration cases at 19.2 per cent. The least filed cases were family miscellaneous cases at 0.4 per cent. Probate and administration cases were the highest resolved cases at 23.5 per cent while family appeals were the least at 0.2 per cent. The breakdown is as provided in Table 2.13.

Table 2.13: Filed and resolved cases by type in the High Court, FY 2020/21

High Court Station	Filed			Resolved		
	Criminal	Civil	All	Criminal	Civil	All
Bomet	97	74	171	30	39	69
Bungoma	329	231	560	141	184	325
Busia	154	286	440	78	214	292
Chuka	137	67	204	115	103	218
Eldoret	207	163	370	315	471	786
Embu	217	180	397	256	328	584
Garissa	128	64	192	127	27	154
Garsen	110	23	133	93	15	108
Homa Bay	190	176	366	189	400	589

High Court Station	Filed			Resolved		
	Criminal	Civil	All	Criminal	Civil	All
Kabarnet	131	48	179	84	66	150
Kajiado	110	229	339	103	172	275
Kakamega	174	451	625	94	223	317
Kapenguria	76	16	92	47	12	59
Kericho	177	216	393	108	104	212
Kerugoya	161	146	307	188	179	367
Kiambu	507	771	1,278	219	501	720
Kisii	66	131	197	135	249	384
Kisumu	214	575	789	155	775	930
Kitale	587	254	841	298	116	414
Kitui	197	176	373	208	155	363
Lodwar	7	8	15	11	1	12
Machakos	363	610	973	222	735	957
Makueni	261	180	441	232	78	310
Malindi	278	362	640	174	260	434
Marsabit	31	88	119	20	9	29
Meru	501	356	857	493	583	1,076
Migori	113	188	301	60	209	269
Milimani Anti-corr. Div.	0	62	62	9	66	75
Milimani Civil Div.	0	1,979	1,979	0	1,869	1,869
Milimani C. & Tax Div.	0	3,251	3,251	0	4,169	4,169
Milimani Const. Div.	0	454	454	0	407	407
Milimani Criminal Div.	918	0	918	397	0	397
Milimani Family Div.	0	2,621	2,621	0	1,556	1,556
Milimani Jud. Rev. Div.	0	342	342	0	276	276
Mombasa	221	836	1,057	136	883	1,019
Muranga	276	193	469	213	112	325
Naivasha	338	147	485	102	307	409
Nakuru	248	555	803	284	925	1,209
Nanyuki	83	49	132	54	37	91
Narok	176	52	228	211	75	286
Nyamira	93	113	206	90	136	226
Nyandarua	12	13	25	20	24	44
Nyeri	236	288	524	368	421	789
Siaya	255	153	408	308	139	447
Vihiga	131	191	322	18	38	56

High Court Station	Filed			Resolved		
	Criminal	Civil	All	Criminal	Civil	All
Voi	274	72	346	117	44	161
All courts	8,784	17,440	26,224	6,522	17,692	24,214

The highest number of cases were filed at Milimani Commercial and Tax Division with 3,251 cases, followed by Milimani Family Division at 2,621 and Milimani Civil Division at 1,979 cases respectively. The least cases were filed at Lodwar with 15 cases. This was followed by Nyandarua at 25 and Milimani Anti-Corruption Division where 62 cases were filed respectively. Milimani Commercial and Tax Division had the highest number of resolved cases at 4,169 cases followed by Milimani Civil Division with 1,869 cases and Milimani Family Division with 1,556 cases. The filed and resolved cases by specific case types for all the High Court stations are detailed in the appendices.

2.6.2 Pending Cases in the High Court

At the end of the FY 2020/21, a total of 90,901 cases were pending in the High Court. The cases comprised 24,307 criminal cases and 66,594 civil cases. This was an increase from the 22,458 criminal cases and a decline from 66,957 civil cases that were recorded at the end of the previous period. The trend of pending cases is shown in Figure 2.18.

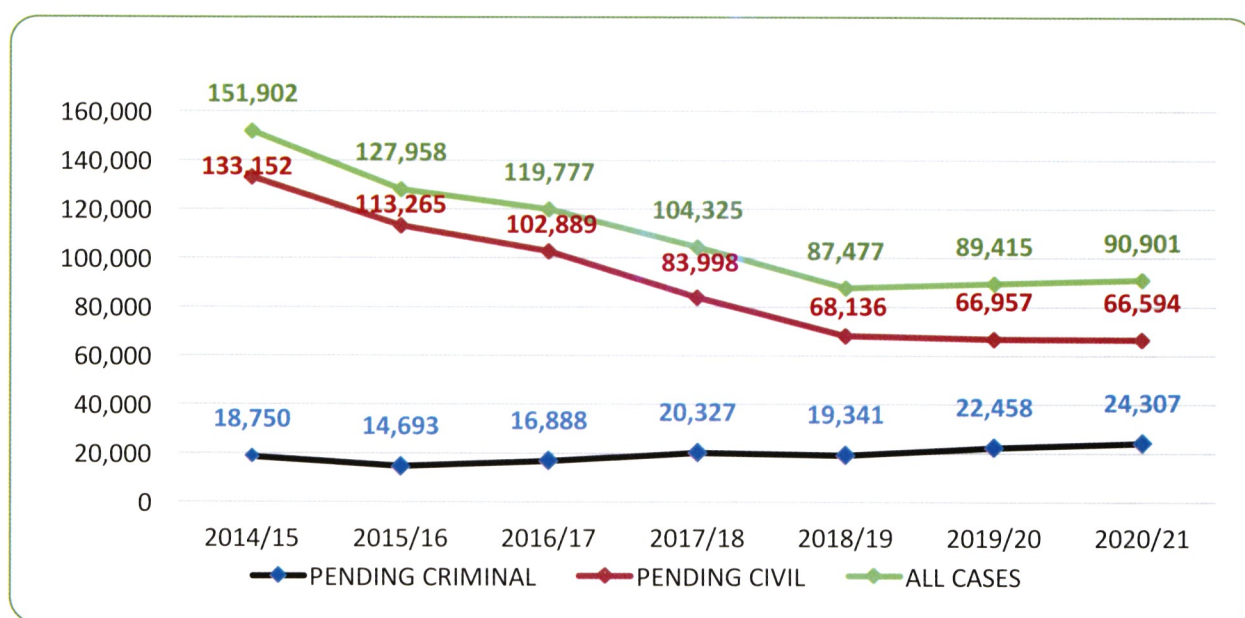
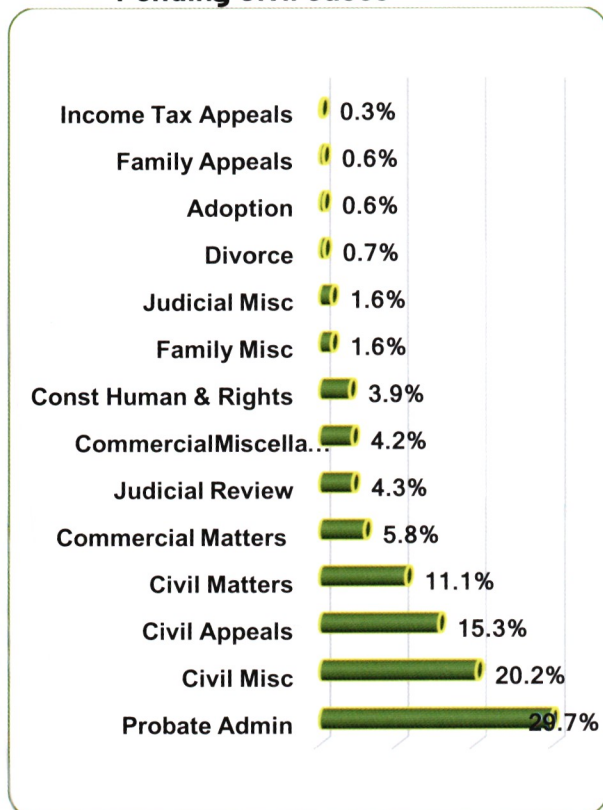


Figure 2.18: Trend of Pending Cases by Type in High Court

The overall pending cases in the High Court has been declining over time. The declining trend is also manifested in civil cases, an indication that there have been deliberate efforts targeting the reduction of civil matters that had predominantly over-accumulated in the court. However, there has been minimal changes in criminal cases minimal change. This implies that the Court has on average managed to react to the incoming demand for criminal matters by supplying an almost equivalent resolution rate. The percentage distribution of pending cases by type is shown in Figure 2.19.

Pending Civil Cases



Pending Criminal Cases

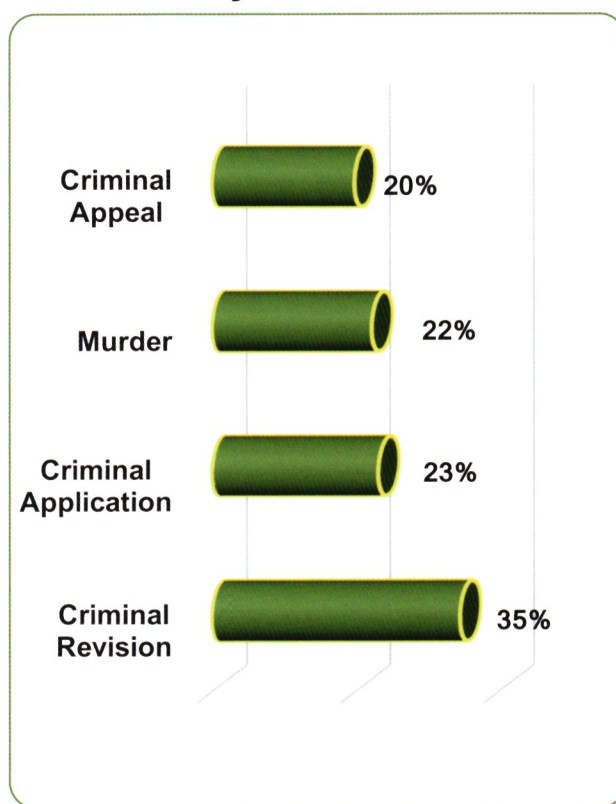


Figure 2.19: Percentage Distribution of Pending Cases in High Court

Criminal revisions constituted the highest pending criminal cases at 35 per cent, followed by criminal applications at 23 per cent. Criminal appeals were the least pending at 20 per cent. Probate and administration cases were the highest pending civil cases at 29.7 per cent followed by civil applications at 20.2 per cent. The pending cases by case type for the High Court at the end of FY 2020/21 are presented in Table 2.14.

Table 2.14: Pending Cases by Type in High Court, FY 2019/20 & 2020/21

High Court Station	Pending June 2020			Pending June 2021		
	Criminal	Civil	All	Criminal	Civil	All
Bomet	243	361	604	310	396	706
Bungoma	590	2,312	2,902	778	2,359	3,137
Busia	106	2,017	2,123	182	2,089	2,271
Chuka	193	489	682	215	473	688
Eldoret	1,128	1,385	2,513	1,020	1,087	2,107
Embu	573	2,427	3,000	534	2,279	2,813
Garissa	449	220	669	450	257	707
Garsen	96	74	170	113	82	195
Homa Bay	294	663	957	299	479	778
Kabarnet	338	166	504	385	150	535
Kajiado	269	229	498	284	286	570

High Court Station	Pending June 2020			Pending June 2021		
	Criminal	Civil	All	Criminal	Civil	All
Kakamega	667	2,318	2,985	747	2,546	3,293
Kapenguria	114	31	145	143	37	180
Kericho	565	1,028	1,593	634	1,140	1,774
Kerugoya	301	2,128	2,429	282	2,111	2,393
Kiambu	1,262	1,199	2,461	1,550	1,469	3,019
Kisii	259	270	529	190	160	350
Kisumu	601	917	1,518	660	887	1,547
Kitale	1,773	1,030	2,803	2,062	1,168	3,230
Kitui	392	234	626	381	259	640
Lodwar	83	27	110	79	34	113
Machakos	1,021	2,335	3,356	1,162	2,210	3,372
Makueni	195	283	478	232	385	617
Malindi	421	743	1,164	525	847	1,372
Marsabit	14	8	22	29	87	116
Meru	1,549	2,928	4,477	1,557	2,701	4,258
Migori	191	467	658	244	446	690
Milimani Anti-corr. Div.	74	116	190	65	142	207
Milimani Civil Div.	0	6,867	6,867	0	6,985	6,985
Milimani C. & Tax Div.	0	7,497	7,497	0	6,579	6,579
Milimani Const. Div.	0	1,016	1,016	0	643	643
Milimani Criminal Div.	1,628	0	1,628	2,149	0	2,149
Milimani Family Div.	0	4,519	4,519	0	5,584	5,584
Milimani Jud. Rev. Div.	0	1,153	1,153	0	1,219	1,219
Mombasa	2,235	7,392	9,627	2,320	7,345	9,665
Muranga	1,327	2,644	3,971	1,390	2,725	4,115
Naivasha	172	469	641	408	315	723
Nakuru	821	5,723	6,544	817	5,353	6,170
Nanyuki	681	126	807	710	138	848
Narok	162	266	428	127	243	370
Nyamira	41	97	138	44	172	216
Nyandarua	200	230	430	192	231	423
Nyeri	660	2,183	2,843	528	2,054	2,582
Siaya	587	199	786	75	88	163
Vihiga	0	0	0	95	155	250
Voi	183	171	354	340	199	539
All courts	22,458	66,957	89,415	24,307	66,594	90,901

At the end of the FY 2020/21, the highest number of pending criminal cases were at Mombasa High Court with 2,320 cases, followed by Milimani Criminal Division with 2,149 and Kitale High Court with 2,062 cases respectively. Mombasa High Court had the highest number of pending civil cases at 7,345 followed by Milimani Civil Division at 6,985 and Milimani Commercial & Tax Division 6,579 cases respectively. Figure 2.20 highlights the cases that were pending in each High Court Station.

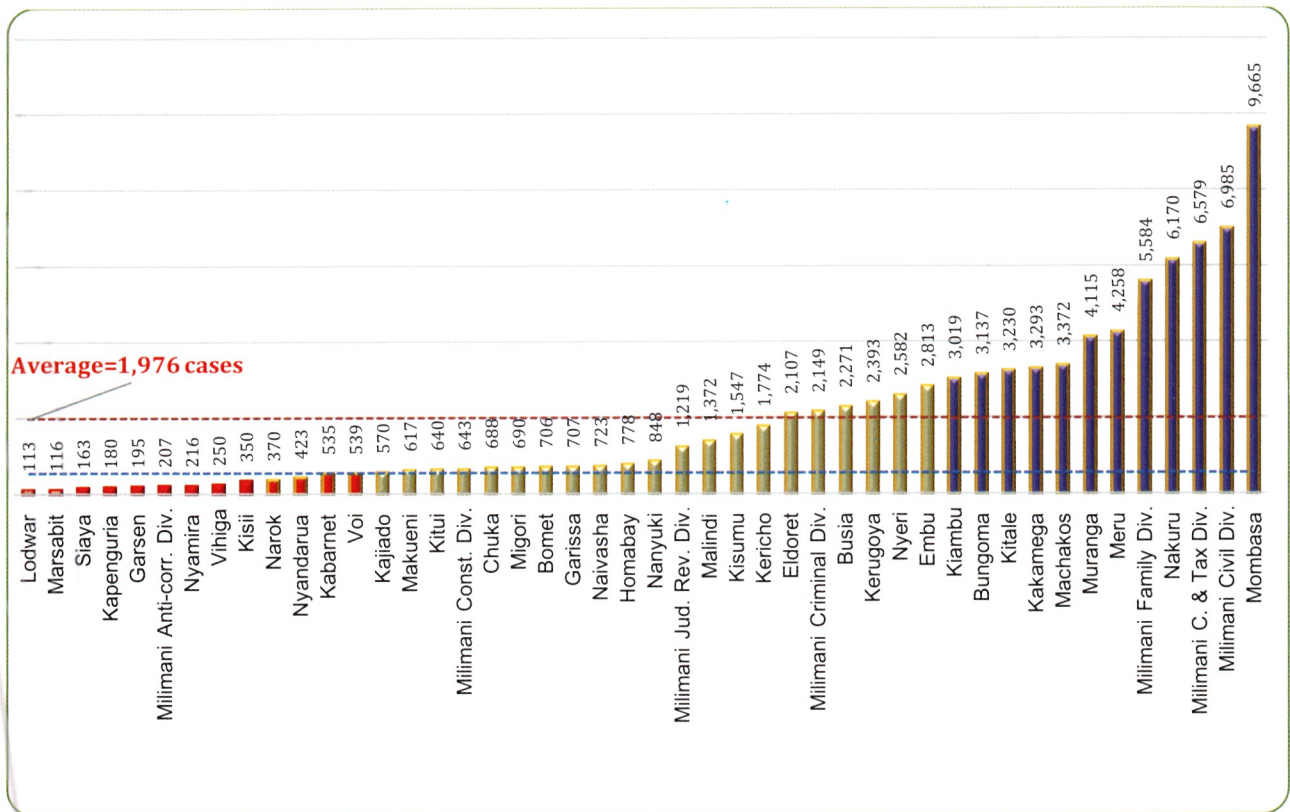


Figure 2.20: Pending Cases by High Court as at 30th June, 2021

Overall, Mombasa High Court had the highest pending cases with 9,665 cases while Lodwar had the least pending cases at 113 cases. The pending cases by specific case types for each High Court station are provided in the appendices.

2.6.3 Case Backlog in High Court

At the end of the FY 2020/21, **69,423** cases out of the **90,901** pending cases were backlog. The case backlog by age for the high court is illustrated in Figure 2.21.

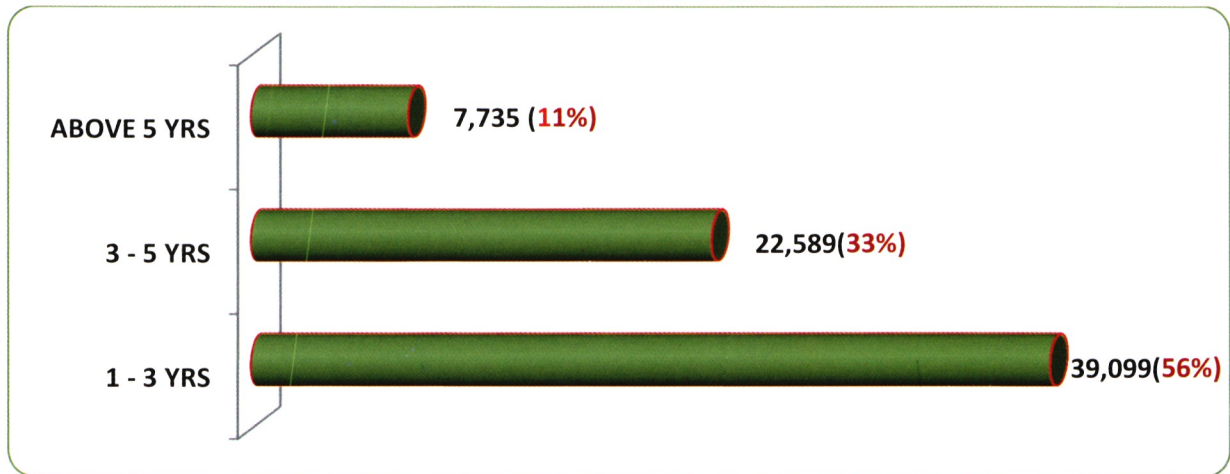


Figure 2.21: Case backlog in High Court

The highest percentage of backlog at 56 per cent was for cases aged between 1 and 3 years followed by Backlog cases aged 3-5 years at 33 per cent. There were 7,735 backlog cases aged 5 years and above translating to 11 per cent. The case backlog for each of the High Court station is detailed in Table 2.15.

Table 2.15: Case backlog by age in High Court

High Court Station	Backlog 1-3 years	Backlog 3-5 years	Backlog Over 5 years	All Backlog
Bomet	289	246	2	537
Bungoma	1,185	935	459	2,579
Busia	645	645	622	1,912
Chuka	432	39	14	485
Eldoret	989	698	167	1,854
Embu	1,352	1,069	63	2,484
Garissa	349	151	53	553
Garsen	41	16	6	63
Homa Bay	384	189	12	585
Kabarnet	216	142	0	358
Kajiado	225	5	3	233
Kakamega	931	784	954	2,669
Kapenguria	53	36	1	90
Kericho	716	453	214	1,383
Kerugoya	765	903	420	2,088
Kiambu	812	924	9	1,745
Kisii	246	19	31	296
Kisumu	631	155	502	1,288
Kitale	1,476	900	16	2,392
Kitui	173	140	14	327
Lodwar	66	33	0	99
Machakos	1,797	793	158	2,748
Makueni	130	64	0	194
Malindi	415	279	40	734

High Court Station	Backlog 1-3 years	Backlog 3-5 years	Backlog Over 5 years	All Backlog
Marsabit	15	1	1	17
Meru	2,159	1,246	127	3,532
Migori	73	68	295	436
Milimani Anti-corr. Div.	92	55	0	147
Milimani Civil Div.	2,939	1,714	355	5,008
Milimani C. & Tax Di.	2,387	1,617	1,205	5,209
Milimani Const. Div	256	89	37	382
Milimani Criminal Div.	757	465	11	1,233
Milimani Family Div.	1,633	820	512	2,965
Milimani Jud. Rev. Div.	579	284	16	879
Mombasa	6,402	1,915	293	8,610
Murang'a	1,607	1,467	574	3,648
Naivasha	149	72	19	240
Nakuru	3,391	1,692	285	5,368
Nanyuki	407	298	13	718
Narok	91	50	3	144
Nyamira	139	13	1	153
Nyandarua	179	115	106	400
Nyeri	1,237	938	28	2,203
Siaya	42	2	0	44
Vihiga	0	0	93	93
Voi	247	50	1	298
All courts	39,099	22,589	7,735	69,423

The Mombasa High Court had the highest case backlog with 8,610 cases followed by Nakuru with 5,368, and Milimani Commercial & Tax Division at 5,209. The least case backlog was recorded at Marsabit High Court with 17 Cases.

2.6.4 SJT Implementation Status on Reduction of Case Backlog in High Court

The backlog aged 5 years and above at the beginning of the SJT period in January 2017 stood at 58,487 cases for the High Court. These are the cases that were targeted to be cleared by the end of the SJT period. By June 2021, the case backlog aged 5 years and above in all the High Court stations stood at 7,735 cases, a reduction of 87 per cent. Nonetheless, and owing to new cases entering the age category of 5 years and above, the High Court has resolved 74,078 cases aged 5 years and above since January 2017. The achievements are provided in Table 2.16.

Table 2.16: SJT implementation status on reduction of case backlog in High Court

High Court Station	Case backlog of over 5 years, January 2017	Case backlog of over 5 years, 30 th June, 2021	Resolved cases of over 5 years between January 2017 to June 2021
Bomet	2	2	6
Bungoma	1,664	459	1,243
Busia	728	622	373
Chuka	0	14	140

High Court Station	Case backlog of over 5 years, January 2017	Case backlog of over 5 years, 30 th June, 2021	Resolved cases of over 5 years between January 2017 to June 2021
Eldoret	1,404	167	2,184
Embu	1,295	63	771
Garissa	109	53	164
Garsen	6	6	28
Homa Bay	345	12	248
Kabarnet	0	0	0
Kajiado	7	3	16
Kakamega	1,739	954	832
Kapenguria	1	1	2
Kericho	1,232	214	1,802
Kerugoya	355	420	459
Kiambu	0	9	4
Kisii	634	31	2,108
Kisumu	1,193	502	2,754
Kitale	1,381	16	1,983
Kitui	0	14	152
Lodwar	0	0	0
Machakos	5,480	158	3,774
Makueni	0	0	48
Malindi	160	40	455
Marsabit	0	1	1
Meru	2,415	127	4,313
Migori	304	295	142
Milimani Anti-corr. Div.	0	0	7
Milimani Civil Div.	9,071	355	6,657
Milimani C. & Tax Div.	2,747	1,205	4,882
Milimani Const. DiV	28	37	339
Milimani Criminal Div.	867	11	892
Milimani Family Div.	15,593	512	19,982
Milimani Jud. Rev. Div.	119	16	269
Mombasa	2,480	293	10,372
Muranga	161	574	500
Naivasha	0	19	44
Nakuru	3,631	285	4,165
Nanyuki	11	13	5
Narok	0	3	6
Nyamira	17	1	7
Nyandarua	0	106	3
Nyeri	3,307	28	1,894
Siaya	0	0	5
Vihiga	0	93	41
Voi	1	1	6
All courts	58,487	7,735	74,078

2.7 Employment and Labour Relations Court

There were seven ELRC stations during the review period based in Nairobi, Kericho, Kisumu, Mombasa, Nakuru, Eldoret and Nyeri.

2.7.1 Filed and Resolved Cases in ELRC

In the FY 2020/21, 2,918 cases were filed in the ELRC. This was a 45 per cent increase from 2,015 cases that were registered in the FY 2019/20. Over the same period, the resolved cases were 2,434 cases down from 3,568 cases that were resolved in the FY 2019/20. Figure 2.22 shows the trend of filed and resolved cases in ELRC.

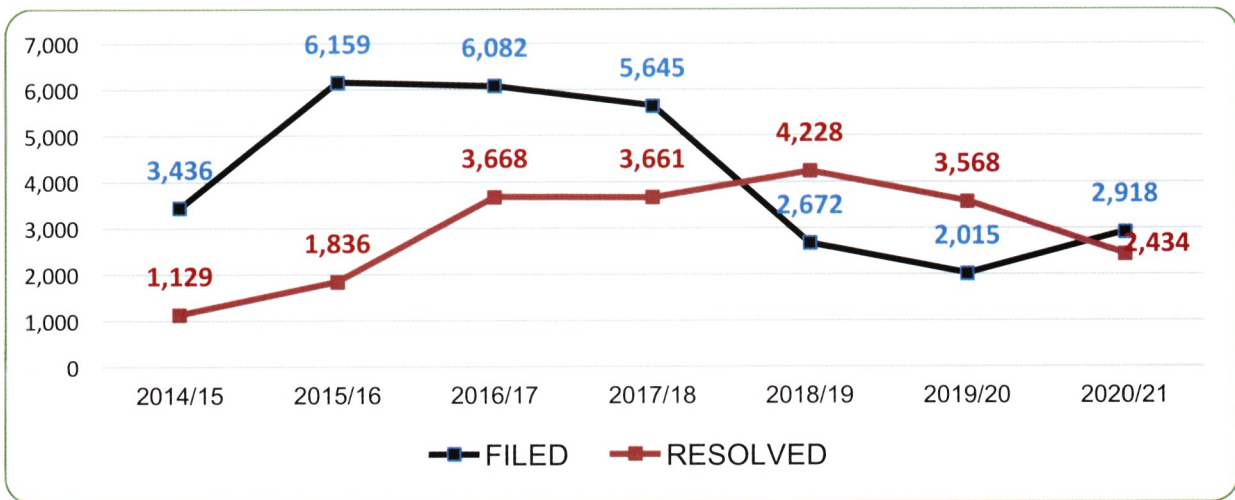


Figure 2.22: Trend of filed and resolved cases, ELRC

The filed cases rose from 3,436 in FY 2014/15 to 6,159 cases in FY 2015/16. This was followed by a decline leading to 2,672 cases in the FY 2018/19. Thereafter there was a gradual decline to 2,015 cases in FY 2019/20 followed by a rise to 2,918 in FY 2020/21. The trend of resolved cases declined gently rose between the FY 2014/15 up to the FY 2018/19. Thereafter, the number of resolved cases declined to 3,568 cases in 2019/20 and further to 2,434 in FY 2020/21, a decline attributed to the adverse effect of the pandemic. Detailed statistics on filed and resolved cases for the ELRC over time are provided in Table 2.17.

Table 2.17: Trends of filed and resolved cases in ELRC

Station	2016/17		2017/18		2018/19		2019/20		2020/21	
	FC	RC	FC	RC	FC	RC	FC	RC	FC	RC
Eldoret	-	-	-	-	-	-	29	122	30	82
Kericho	116	105	124	180	96	32	28	25	34	49
Kisumu	499	179	581	227	360	367	277	438	333	580
Mombasa	1,045	646	861	455	155	397	177	469	274	438
Nairobi	3,631	1,980	3,114	2,324	1,801	2,593	1,314	1,527	1,935	986
Nakuru	391	285	360	182	169	389	87	590	132	166
Nyeri	400	473	605	293	91	450	103	397	180	133
All ELRC stations	6,082	3,668	5,645	3,661	2,672	4,228	2,015	3,568	2,918	2,434

During the period under reference, Nairobi ELRC had the highest filed cases at 1,935, followed by Kisumu with 333 and Mombasa with 274 cases. Regarding the resolved cases, Nairobi was leading at 986 followed by Kisumu with 580 cases. The types of disputes that were handled by the court in the FY 2020/21 are illustrated in Figure 2.23.

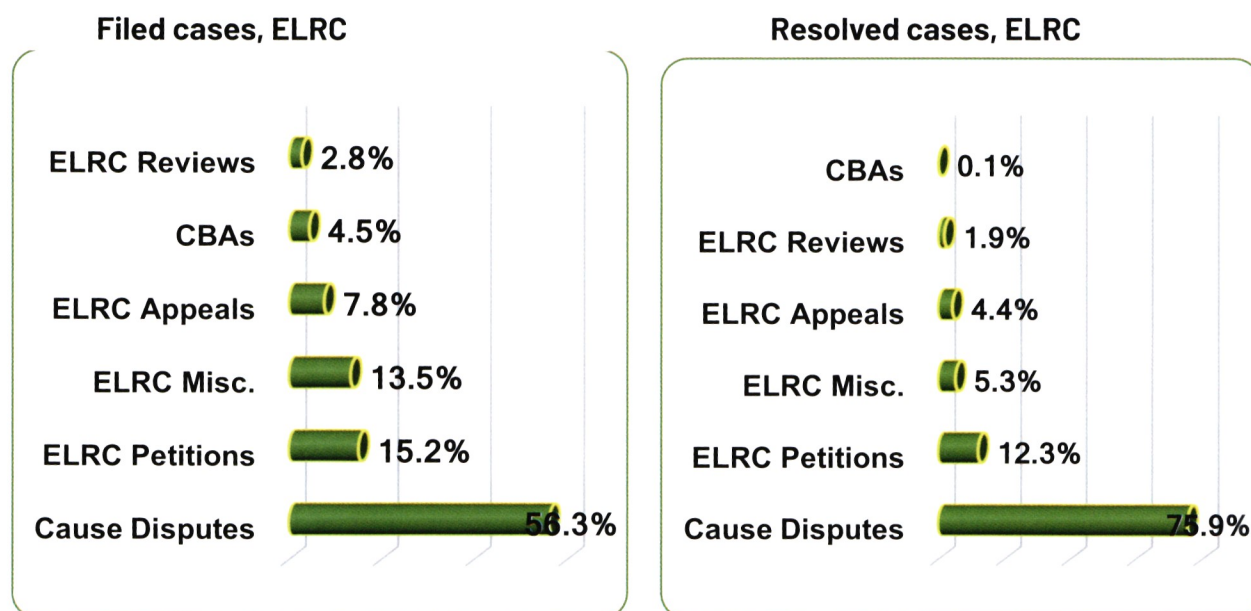


Figure 2.23: Percentage distribution of filed & resolved cases in ELRC, FY 2020/21

In regard to the filed cases, cause disputes remained the bulk of cases at 56.3 per cent followed by petitions at 15.2 per cent. Majority of the resolved cases were cause disputes at 75.9 per cent followed by petitions at 12.3 per cent and miscellaneous application at 5.3 per cent respectively. Table 2.18 elucidates the types of cases that were filed in each of the ELRC station.

Table 2.18: Filed cases by type in ELRC, FY 2020/21

ELRC Station	CBAs	Cause Disputes	ELRC Petitions	ELRC Misc.	ELRC Appeals	ELRC Reviews	All filed cases
Eldoret	0	13	10	7	0	0	30
Kericho	0	14	11	8	0	1	34
Kisumu	0	123	94	66	31	19	333
Mombasa	0	143	14	50	61	6	274
Nairobi	130	1,177	249	217	118	44	1,935
Nakuru	0	67	29	24	5	7	132
Nyeri	0	105	36	22	12	5	180
All Courts	130	1,642	443	394	227	82	2,918

Cause disputes were the most filed cases at 1,672 followed by petitions at 443. The reviews were the least filed cases at 82. Table 2.19 elaborates the types of cases that were resolved in ELRC.

Table 2.19: Resolved cases by type in ELRC, FY 2020/21

ELRC Station	CBAs	Cause Disputes	ELRC Petitions	ELRC Misc.	ELRC Appeals	ELRC Reviews	All resolved cases
Eldoret	0	68	8	2	2	2	82
Kericho	0	35	10	3	1	0	49
Kisumu	0	365	95	41	56	23	580
Mombasa	0	373	10	31	23	1	438
Nairobi	2	783	144	25	17	15	986
Nakuru	0	139	11	8	7	1	166
Nyeri	1	85	21	20	1	5	133
All Courts	3	1,848	299	130	107	47	2,434

Most of the resolved cases were at Nairobi ELRC with 986 cases followed by Kisumu with 580 cases. Kericho had the least resolutions at 49 cases.

2.7.2 Pending Cases in ELRC

At the end of the FY 2020/21, there were 14,040 pending cases in ELRC. This signified an increase from the 12,907 cases that were pending at the end of the FY 2019/20. Over time, the pending cases in ELRC has not drastically changed as shown in Figure 2.24.

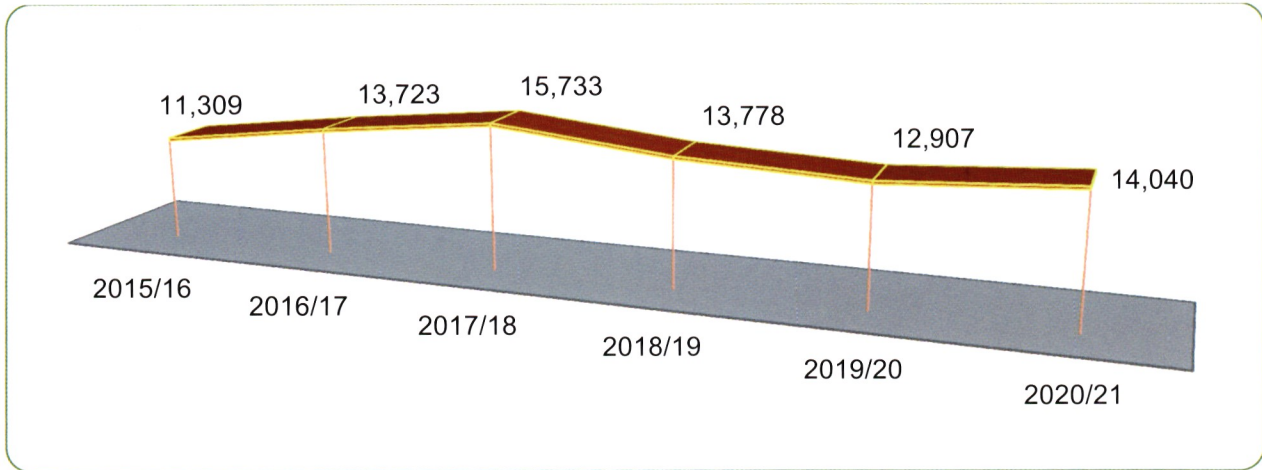


Figure 2.24: Trend of pending cases, ELRC

From the FY 2015/16, the pending cases in ELRC rose to 15,733 cases at the end of FY 2017/18. This was followed by a slight decline to 13,788 cases in FY 2018/19 at 12,907 cases at the end of FY 2019/20, which grew to 14,040 cases FY 2020/21. This is attributed to challenges of accessing courts that were posed by COVID-19 pandemic. The percentage distribution of pending cases by type is shown in Figure 2.25.

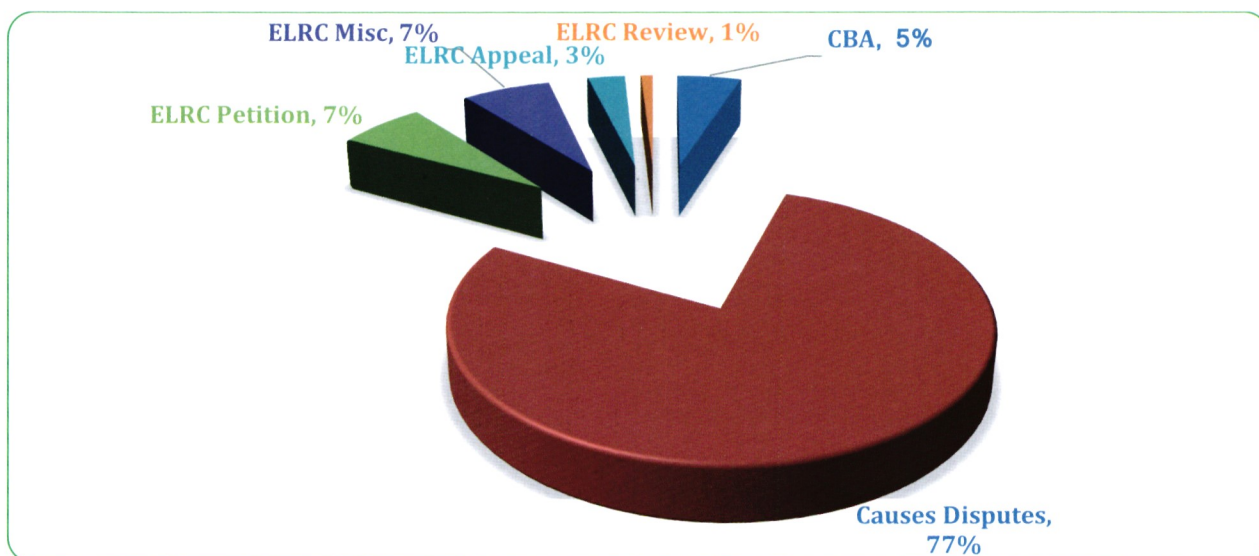


Figure 2.25: Distribution of pending cases by case type in ELRC

Figure 2.25 shows that majority of the pending cases were cause disputes at 77 per cent, followed by miscellaneous application at 7 per cent. The least pending cases were judicial review which stood at one per cent. The change over time of pending cases in the ELRC is elaborated in Table 2.20.

Table 2.20: Trend of pending cases in ELRC

ELRC Station	FY 2016/17	FY 2017/18	FY 2018/19	FY2019/20	FY2020/21
Eldoret	-	-	0	103	698
Kericho	310	254	318	321	306
Kisumu	1,182	1,544	1,132	971	724
Mombasa	1,817	2,233	1,991	1,699	1,535
Nairobi	9,067	9,857	9,065	8,852	9,801
Nakuru	1,152	1,338	1,124	691	657
Nyeri	195	507	148	270	319
All	13,723	15,733	13,778	12,907	14,040

The highest number of pending cases were in Nairobi ELRC at 9,801 cases followed by Mombasa and Kisumu at 1,535 and 724 cases respectively. The specific types of pending cases for each of the ELRC station at the end of the period under review are detailed in Table 2.21.

Table 2.21: Pending cases by case type in ELRC, 30th June 2021

ELRC Station	CBAs	Cause Disputes	ELRC Petitions	ELRC Misc.	ELRC Appeals	ELRC Reviews	All cases
Eldoret	0	540	125	14	7	12	698
Kericho	0	278	11	11	2	4	306
Kisumu	0	513	95	73	28	15	724
Mombasa	3	1,259	29	154	76	14	1,535
Nairobi	676	7,631	584	599	238	73	9,801

Nakuru	1	534	29	54	29	10	657
Nyeri	1	228	40	29	18	3	319
All Courts	681	10,983	913	934	398	131	14,040

The station that closed the year with the highest number of pending cases was Nairobi at 9,801 followed by Mombasa with 1,535. Kericho had the least at 306 cases. Across most of the stations, 'cause disputes' were the bulk of the pending cases.

2.7.3 Case Backlog in ELRC

Out of the 14,040 cases that were pending in ELRC at the end of the review period, 11,220 cases were backlog. This was a 3 per cent increase from the 10,928 backlog cases that were recorded at the end of the previous financial year. The percentage distribution of case backlog by age in ELRC at the end of FY 2020/21 is illustrated in Figure 2.26.

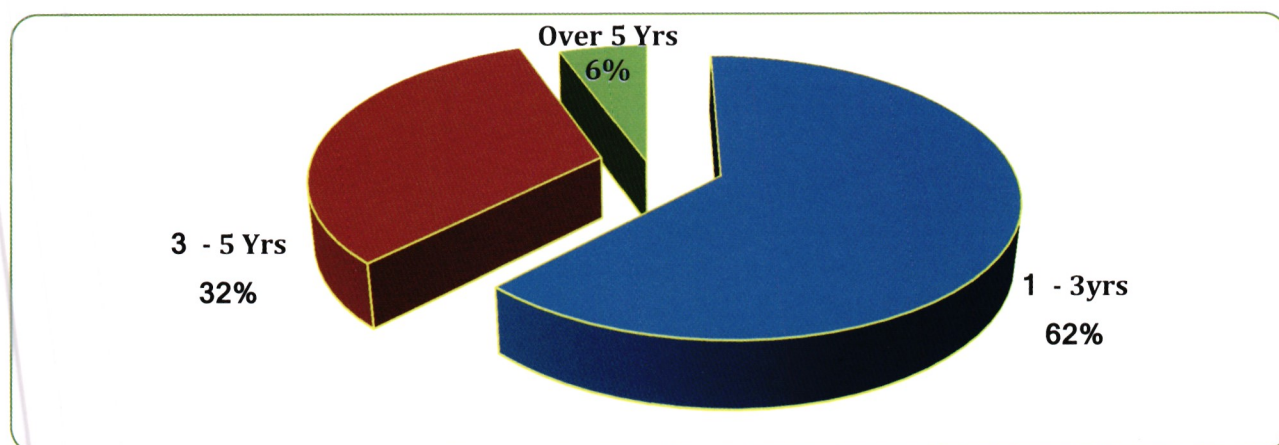


Figure 2.26: Percentage distribution of case backlog in ELRC

Figure 2.26 reveals that 62 per cent of case backlog was aged between 1 and 3 years while 32 per cent of the cases were aged between 3 and 5 years. The category with the least backlog was that of above 5 years at 6 per cent. The case backlog for each ELRC stations is illustrated in Table 2.22.

Table 2.22: Case backlog by age in ELRC

ELRC Station	1-3 years	3-5 years	Over 5 years	ALL
Eldoret	275	393	1	669
Kericho	190	101	3	294
Kisumu	223	82	87	392
Mombasa	713	444	90	1,247
Nairobi	5,140	2,349	379	7,868
Nakuru	269	200	59	528
Nyeri	198	18	6	222
All Courts	7,008	3,587	625	11,220

The highest backlog at the end of the review period was recorded at Nairobi ELRC with 7,868

cases followed by Mombasa with 1,247 and Eldoret with 669 cases respectively. Nyeri station had the least case backlog with 222 cases.

2.7.4 SJT Implementation Status on Reduction of Case Backlog in ELRC

At the beginning of the SJT period in January 2017, there were 771 cases in ELRC aged 5 years and above. The progress in clearing these cases by June 2021 is given in Table 2.23.

Table 2.23: SJT implementation status on reduction of case backlog in ELRC

ELRC Station	SJT target on reduction of cases older than 5 years, 1 st January, 2017	Resolved cases older than 5 years between 1 st January, 2017 and 30 th June, 2021	Case backlog older than 5 years as at 30 th June, 2021
Eldoret	0	54	1
Kericho	0	13	3
Kisumu	43	364	87
Mombasa	1	292	90
Nairobi	717	2,537	379
Nakuru	10	248	59
Nyeri	0	29	6
All Courts	771	3,537	625

Between January 2017 and the end of June 2021, ELRC managed to reduce case backlog aged 5 years and above by 19 per cent from the 771 cases to 625 cases. Though the court had not managed to clear all the cases as envisaged under SJT, the court resolved a total of 3,537 cases aged 5 years and above over the entire SJT period. The higher than target resolution of the cases is attributed to cases entering the age category of 5 years and above.

2.8 The Environment and Land Court (ELC)

2.8.1 Filed and Resolved Cases in Environment and Land Court

In the FY 2020/21, there were 26 ELC stations spread across the country. During this period, 4,856 were filed and 5,748 cases were resolved. This translated into a CCR of 118 per cent, the highest in comparison to all other courts. The trend of filed and resolved cases in ELC since the FY 2014/15 is as depicted in Figure 2.27.

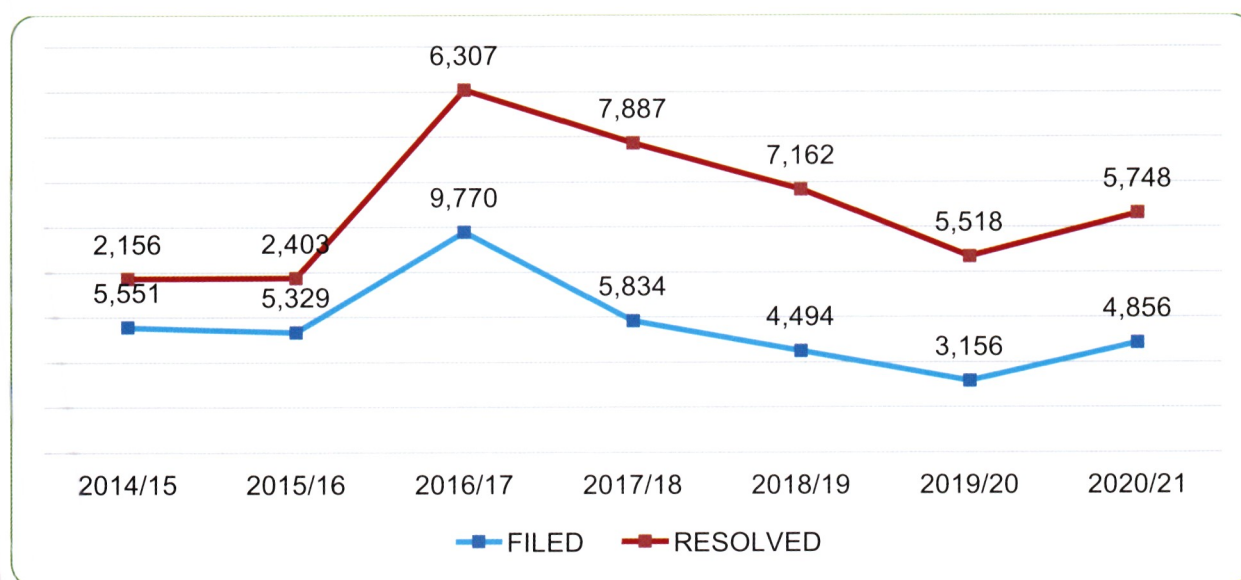


Figure 2.27: Trend of Filed and Resolved Cases in ELC

Figure 2.27 shows that both filed and resolved cases rose between the FYs 2015/16 and 2016/17. Thereafter, it took a downward trend up to the FY 2019/20. There was a rise in both filed and resolved cases between the FYs 2019/20 and FY 2020/21. Information on filing and resolution of cases in ELC stations since the FY 2015/16 as presented in the Table 2.24.

Table 2.24: Trends of Filed and Resolved Cases, ELC

ELC Station	FY 2015/16		FY 2016/17		FY 2017/18		FY 2018/19		FY 2019/20		FY 2020/21	
	FC	RC	FC	RC	FC	RC	FC	RC	FC	RC	FC	RC
Bungoma	112	144	263	436	107	195	111	83	70	135	70	163
Busia	144	14	267	209	140	65	85	195	63	104	134	167
Chuka	-	-	464	78	85	311	45	86	42	58	44	66
Eldoret	521	68	473	234	232	270	193	421	127	401	148	325
Embu	130	9	54	15	282	136	94	96	93	142	117	190
Garissa	-	-	62	32	68	24	27	31	12	12	28	25
Kajiado	-	-	201	18	88	177	112	317	124	192	236	158
Kakamega	262	10	117	16	294	600	221	444	172	341	111	251
Kericho	332	10	116	38	84	360	54	223	17	31	54	39
Kerugoya	875	217	308	190	125	154	60	38	44	117	75	42

ELC Station	FY 2015/16		FY 2016/17		FY 2017/18		FY 2018/19		FY 2019/20		FY 2020/21	
	FC	RC	FC	RC	FC	RC	FC	RC	FC	RC		
Kisii	601	462	563	975	212	223	92	309	87	163	63	160
Kisumu	174	33	483	422	154	626	125	229	147	150	290	115
Kitale	193	98	388	307	89	175	118	129	48	80	107	95
Machakos	-	-	149	1,502	374	526	334	462	226	250	377	227
Makueni	-	-	327	2	92	167	52	96	59	155	66	67
Malindi	295	170	552	292	278	240	174	321	157	172	207	303
Meru	155	50	512	322	233	694	296	448	242	335	269	285
Migori	-	-	793	7	190	164	138	216	100	223	147	132
Milimani	1,437	141	936	428	991	963	806	1,811	441	1,497	1,043	1,519
Mombasa	408	250	445	474	494	521	467	387	338	156	432	371
Muranga	-	-	145	14	185	204	99	194	40	153	84	121
Nakuru	191	31	199	10	259	226	206	227	154	417	197	379
Narok	-	-	526	28	85	76	74	44	68	43	77	84
Nyandarua	-	-	418	22	107	59	68	157	20	39	25	58
Nyeri	329	129	318	220	163	587	99	108	103	26	105	66
Thika	-	-	691	16	423	144	344	90	162	126	350	340
All stations	6,159	1,836	9,770	6,307	5,834	7,887	4,494	7,162	3,156	5,518	4,856	5,748

“**” ELC station was not operational

Suits were the most of the cases handled by the ELC followed by miscellaneous while appeals were the least. The breakdown of filed cases by case type in ELC stations is highlighted in Table 2.25.

Table 2.25: Filed cases in ELC by type, FY 2020/21

ELC Station	ELC matters	ELC Reviews	ELC Misc.	ELC Appeals	ELC Petitions	Total Filed cases
Bungoma	32	0	10	23	5	70
Busia	93	5	14	20	2	134
Chuka	15	7	12	8	2	44
Eldoret	96	7	21	16	8	148
Embu	74	7	15	18	3	117
Garissa	10	0	7	6	5	28
Kajiado	111	6	68	36	15	236
Kakamega	30	4	35	35	7	
Kericho	37	1	8	4	4	54
Kerugoya	35	7	15	13	5	75
Kisii	35	1	5	13	9	63
Kisumu	134	14	42	73	27	290
Kitale	72	0	21	9	5	107
Machakos	198	27	66	52	34	377

ELC Station	ELC matters	ELC Reviews	ELC Misc.	ELC Appeals	ELC Petitions	Total Filed cases
Makueni	36	7	9	7	7	66
Malindi	142	3	33	6	23	207
Meru	86	19	41	90	33	269
Migori	51	2	22	40	32	147
Milimani	583	43	274	81	62	1,043
Mombasa	277	8	85	31	31	432
Muranga	53	1	10	18	2	84
Nakuru	119	8	28	26	16	197
Narok	43	8	11	9	6	77
Nyandarua	13	2	4	4	2	25
Nyeri	41	3	18	37	6	105
Thika	173	9	57	84	27	350
All Courts	2,589	199	931	759	378	4,856

Milimani ELC had the highest filed cases at 1,043 followed by Murang'a with 432 cases. Details on resolved cases for the ELC stations are provided in Table 2.26.

Table 2.26: Resolved cases in ELC by type, FY 2020/21

ELC Station	ELC matters	ELC Reviews	ELC Misc.	ELC Appeals	ELC Petitions	Total Cases
Bungoma	118	0	32	12	1	163
Busia	146	3	8	6	4	167
Chuka	29	3	16	15	3	66
Eldoret	242	12	38	13	20	325
Embu	141	9	15	15	10	190
Garissa	18	0	1	2	4	25
Kajiado	95	2	43	12	6	158
Kakamega	167	5	28	38	13	251
Kericho	30	1	5	2	1	39
Kerugoya	33	1	3	4	1	42
Kisii	114	5	17	17	7	160
Kisumu	72	3	19	16	5	115
Kitale	78	0	5	6	6	95
Machakos	142	15	24	35	11	227
Makueni	46	3	5	4	9	67
Malindi	220	7	32	12	32	303
Meru	93	33	44	92	23	285
Migori	98	3	15	12	4	132
Milimani	1,036	62	293	82	46	1,519
Mombasa	253	12	34	44	28	371

ELC Station	ELC matters	ELC Reviews	ELC Misc.	ELC Appeals	ELC Petitions	Total Cases
Murang'a	83	3	14	19	2	121
Nakuru	315	14	16	14	20	379
Narok	60	3	13	2	6	84
Nyandarua	22	2	5	23	6	58
Nyeri	34	4	15	10	3	66
Thika	239	7	40	36	18	340
All Courts	3,924	212	780	543	289	5,748

The highest number of resolutions was recorded at Milimani ELC with 1,519 resolved cases followed by Thika with 340 resolved cases.

2.8.2 Pending Cases in the ELC

At the end of the FY 2020/21, the pending cases in ELC stood at 14,405 cases. This was a decline by nine per cent from the 15,892 cases that were pending at the end of the previous year. The change in pendency of cases in the ELC over time is shown in Figure 2.28.

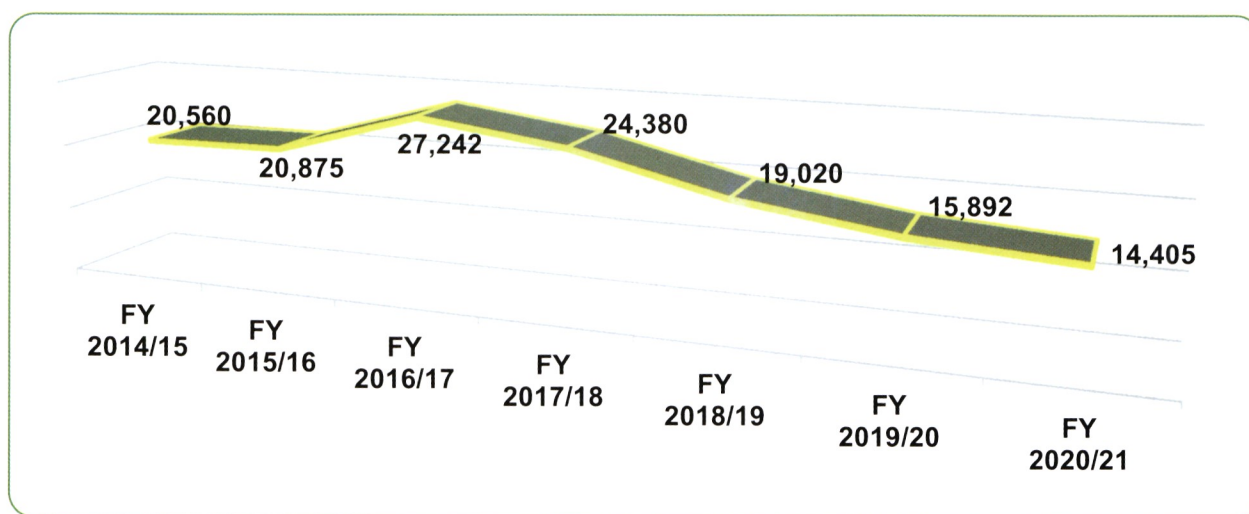


Figure 2.28: Trend of pending cases in ELC

After a period characterized by increasing pendency between FY 2014/15 and FY 2016/17, a gradual reduction followed culminating in 14,405 cases by the end of June 2021. The reduction attests to the court managing to reduce its load of cases by resolving more cases than the number that is filed annually. The percentage distribution of pending cases by type at the end of the period under review is illustrated in Figure 2.29.

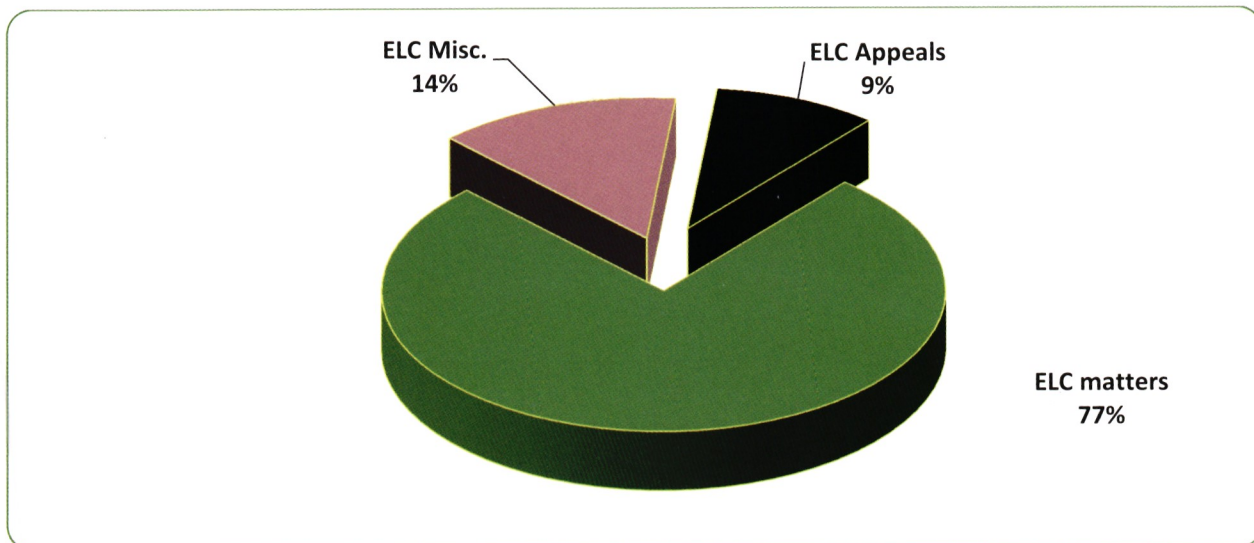


Figure 2.29: Percentage distribution of pending cases in ELC by type

The highest percentage of pending cases were the general ELC suits at 77 per cent followed by miscellaneous matters at 14 per cent. From Table 2.27, Mombasa had the most pending cases at 2,132 followed by Milimani with 1,370 and Eldoret with 1,129 cases. The breakdown of pending cases for each of the ELC station is presented in Table 2.27.

Table 2.27: Pending cases by type in ELC, 30th June 2021

ELC Station	ELC General Suits	ELC Misc.	ELC Appeals	All case types
Bungoma	58	68	68	194
Busia	308	12	20	340
Chuka	5	0	3	8
Eldoret	1,037	44	48	1,129
Embu	279	23	57	359
Garissa	33	19	14	66
Kajiado	199	29	27	255
Kakamega	123	25	27	175
Kericho	175	10	9	194
Kerugoya	591	116	168	875
Kisii	405	31	21	457
Kisumu	512	59	111	682
Kitale	610	21	5	636
Machakos	710	197	84	991
Makueni	37	8	11	56
Malindi	823	6	4	833
Meru	2	108	193	303
Migori	35	34	37	106
Milimani	801	494	75	1,370
Mombasa	1,538	488	106	2,132

ELC Station	ELC General Suits	ELC Misc.	ELC Appeals	All case types
Muranga	38	14	18	70
Nakuru	829	22	24	875
Narok	181	39	22	242
Nyandarua	190	2	3	195
Nyeri	634	68	77	779
Thika	882	75	126	1,083
All Courts	10,955	2,012	1,346	14,405

The least pending cases at the end of the review period were recorded at Chuka at eight and Makueni at 56 respectively. Figure 2.30 presents the pending cases by ELC station.

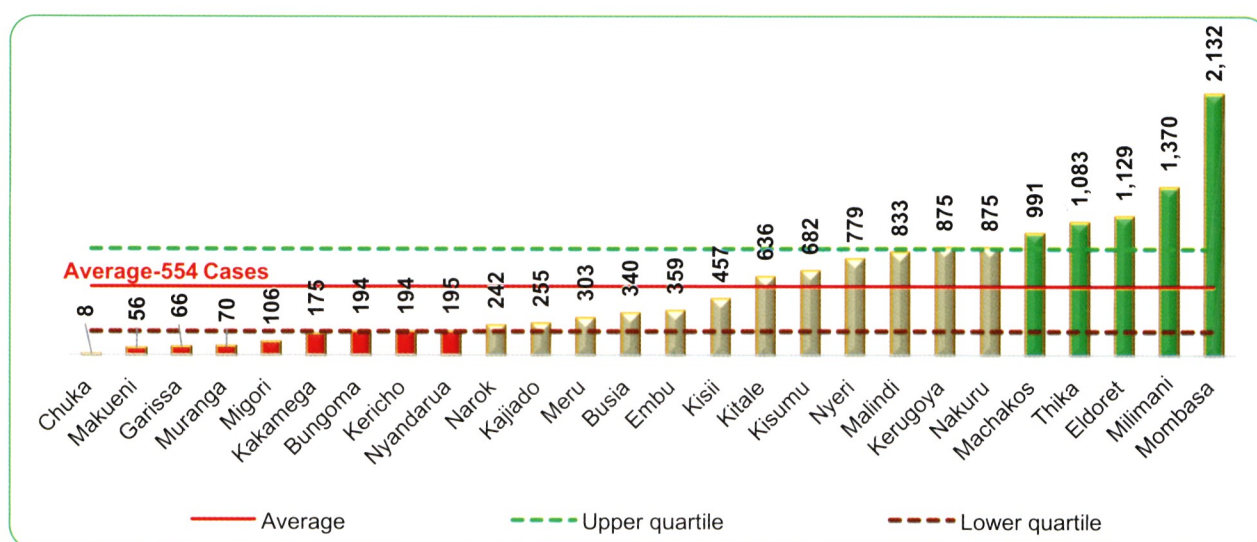


Figure 2.30: Distribution of Pending Case by Courts in ELC, 30th June 2021

The average pending cases by ELC station stood at 544 cases at the end of review period. The courts with highest pending cases and appearing above the upper quartile line were Machakos, Thika, Eldoret, Milimani and Mombasa. The courts with the least pendency, and appearing below the lower quartile line were Chuka, Makueni, Garissa, Murang’a, Migori, Kakamega, Bungoma, Kericho and Nyandarua ELC.

2.8.3 Case Backlog in ELC

The case backlog in ELC stood at 11,517 cases in FY 2020/21. The distribution of case backlog by age is shown in Figure 2.31.

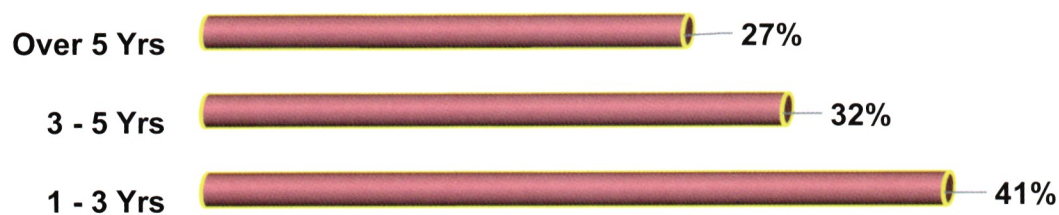


Figure 2.31: Distribution of case backlog by age in ELC

The highest chunk of case backlog in ELC was aged between 1 and 3 years at 41 per cent. Twenty-seven per cent of backlog cases were aged above five years. Detailed analysis of case backlog by ELC station is provided in Table 2.28.

Table 2.28: Case backlog by age in ELC, 30th June 2021

ELC Station	1-3 years	3-5 years	Over 5 years	All backlog
Bungoma	37	98	58	193
Busia	144	39	28	211
Chuka	4	2	0	6
Eldoret	369	306	307	982
Embu	128	97	18	243
Garissa	14	24	1	39
Kajiado	11	103	3	117
Kakamega	48	39	39	126
Kericho	83	54	8	145
Kerugoya	418	316	67	801
Kisii	134	78	226	438
Kisumu	145	75	173	393
Kitale	342	219	63	624
Machakos	344	195	76	615
Makueni	19	32	4	55
Malindi	397	152	79	628
Meru	16	50	58	124
Migori	49	21	8	78
Milimani	383	129	857	1,369
Mombasa	798	622	282	1,702
Muranga	18	35	17	70
Nakuru	24	292	408	724
Narok	88	72	7	167
Nyandarua	42	60	89	191
Nyeri	300	193	183	676
Thika	381	403	16	800
All Courts	4,736	3,706	3,075	11,517

At the end of the FY 2020/21, the highest case backlog was recorded at Mombasa with 1,702 cases followed by Milimani ELC with 1,369 cases. The least backlog was recorded at Chuka ELC station with six cases.

2.8.4 SJT Implementation Status on Reduction of Case Backlog in ELC

In January 2017, there were 4,146 cases aged five years and above in ELC. This number formed the target for reduction to zero cases during the SJT period. Table 2.29 gives the performance of ELC regarding the reduction of case backlog of 5 years and above between January 2017 and June 2021.

Table 2.29: SJT implementation status on reduction of case backlog in ELC

ELC Station	SJT target on reduction of cases older than 5 years, 1 st January, 2017	Resolved cases older than 5 years between 1 st January, 2017 and 30 th June, 2021	Case Backlog older than 5 years as at 30 th June, 2021
Bungoma	372	422	58
Busia	34	238	28
Chuka	0	246	0
Eldoret	611	809	307
Embu	11	248	18
Garissa	0	31	1
Kajiado	0	8	3
Kakamega	67	495	39
Kericho	199	288	8
Kerugoya	55	141	67
Kisii	150	659	226
Kisumu	144	484	173
Kitale	208	301	63
Machakos	0	1,374	76
Makueni	0	10	4
Malindi	158	461	79
Meru	145	1,218	58
Migori	0	108	8
Milimani	988	3,540	857
Mombasa	452	1,017	282
Muranga	0	0	17
Nakuru	547	455	408
Narok	0	0	7
Nyandarua	0	10	89
Nyeri	5	81	183
Thika	0	27	16
All Courts	4,146	12,671	3,075

By the end of June 2021, there were 3,075 backlog cases aged 5 years and above in the ELC. This marked a 26 per cent reduction in comparison to the baseline of 4,146 cases. Although these cases never reduced to zero as targeted, ELC resolved a total of 12,671 cases aged 5 years and above. This translated into 206 per cent performance in comparison to the baseline number.

2.9 Magistrates' Courts

2.9.1 Filed and Resolved Cases in Magistrates' Courts

There were 310,470 cases that were filed in 127 Magistrates' Courts stations spread across the country in the FY 2020/21. This was an increase from the 298,838 cases that were filed in the FY 2019/20. Over the same period, 253,272 cases were resolved yielding a case clearance rate of 82 per cent. The trend of filed cases in the Magistrates' Courts is illustrated in Figures 2.32.

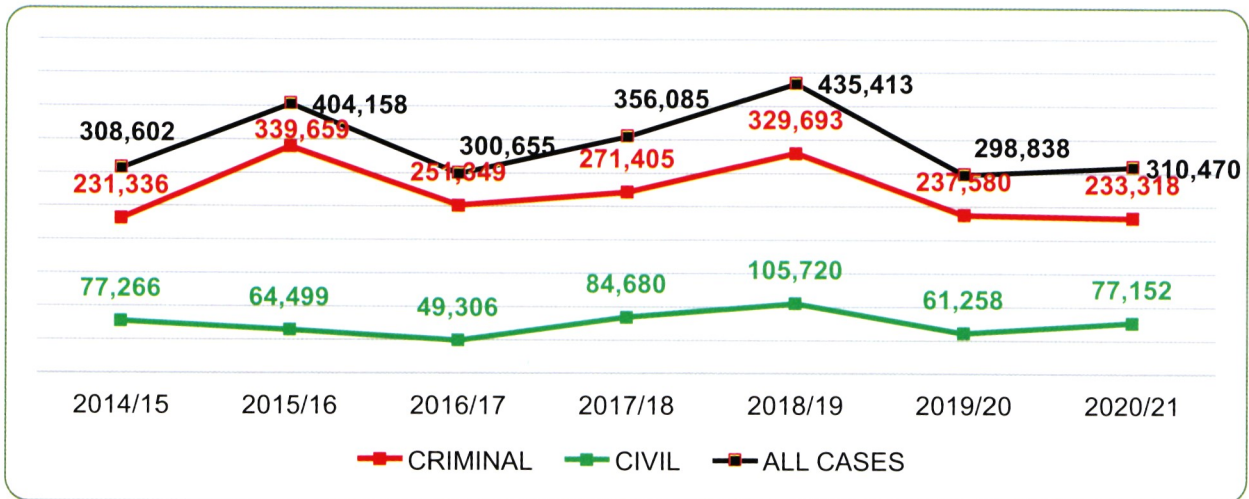


Figure 2.32: Trend of Filed Cases by Case Type, Magistrates' Courts

Filed cases increased by four per cent from 298,838 cases to 310,470 cases in comparison to the previous reporting period. Over time, filed criminal cases remained predominantly more than the civil cases. The curve for the criminal cases and that for the total cases are similar suggesting that the demand for justice in the Magistrates' Courts is mainly driven by criminal matters. Figure 2.33 shows the change over time for the cases resolved.

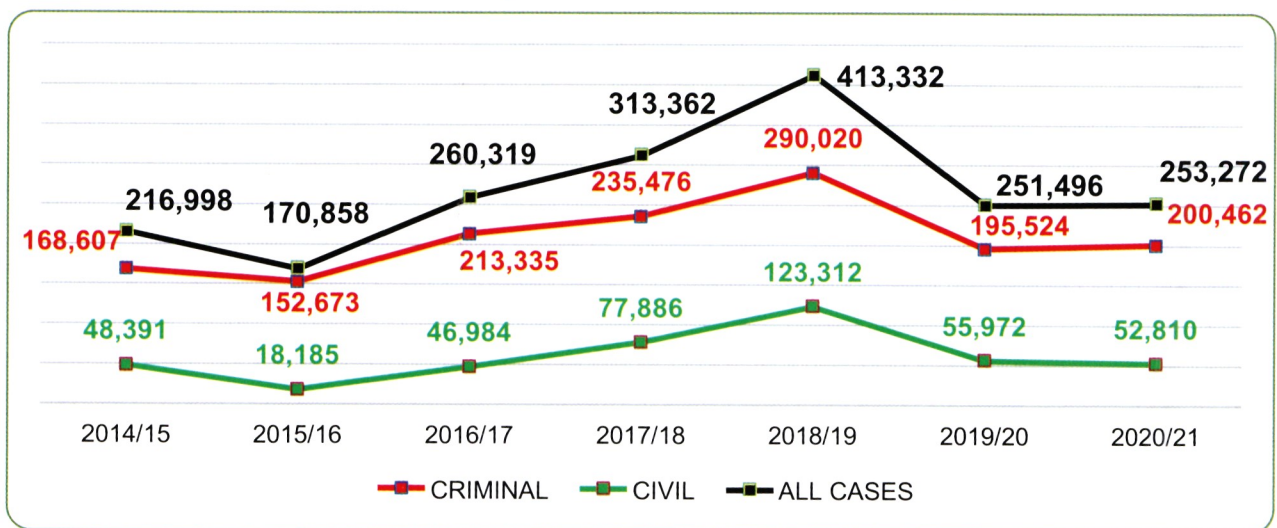
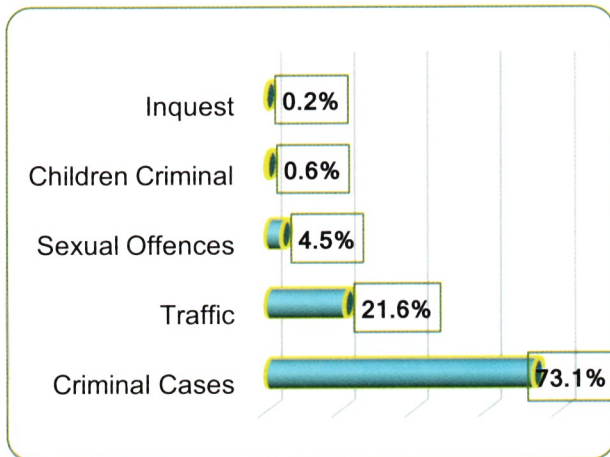


Figure 2.33: Trend of Resolved Cases by Case type, Magistrates' Courts

The resolved cases, both criminal and civil matters, rose steadily from the FY 2015/16 up to the FY 2018/19. This was followed by a drop in the FY 2019/20, attributed to the adverse effects of the COVID-19 pandemic. This was followed by a slight increase in the FY 2020/21. Figures 2.34 shows the percentage distribution of filed and resolved criminal cases in the Magistrates' Courts.

Filed Criminal Cases



Resolved Criminal Cases

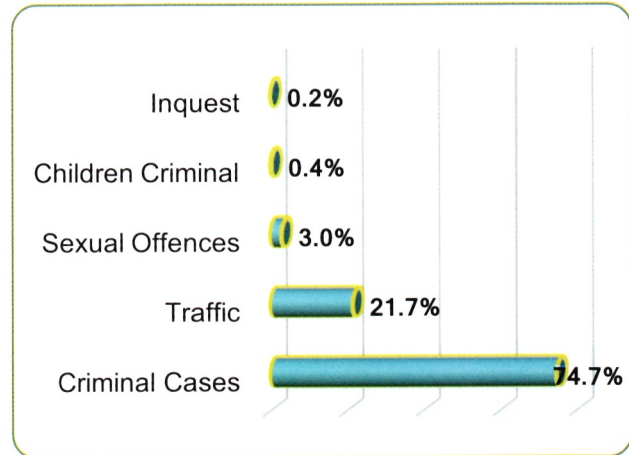
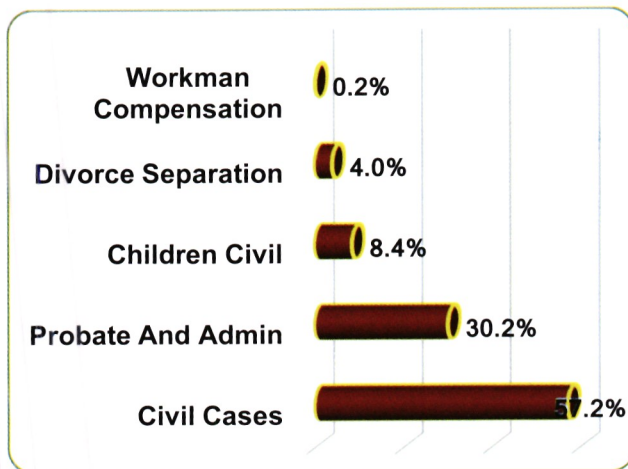


Figure 2.34: Percentage Filed & Resolved Criminal Cases in Magistrates' Courts, FY 2020/21

Figure 2.34 shows that the broad sub-classification of criminal matters had the highest share of both filed and resolved cases at 73.1 and 74.7 per cent respectively. Traffic cases accounting for 21.6 and 21.7 per cent respectively. Sexual offences accounted for 4.5 and 3 per cent of filed and resolved cases respectively. The percentage distribution of filed and resolved civil cases in the Magistrates' Courts is shown in Figure 2.35.

Filed Civil Cases



Resolved Civil Cases

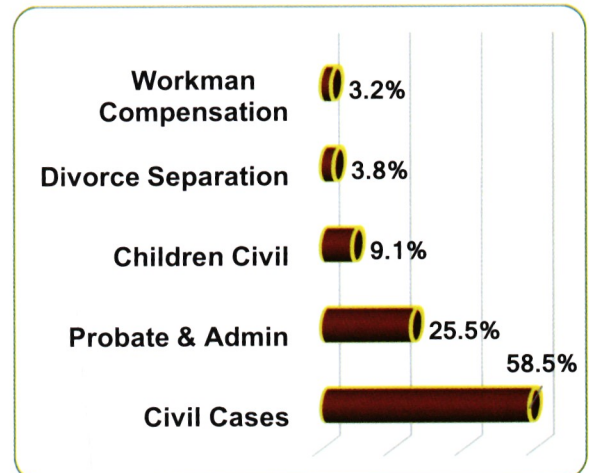


Figure 2.35: Percentage Filed & Resolved Civil Cases in Magistrates' Courts, FY 2020/21

The general civil cases had the highest proportion for filed and resolved cases at 57.2 and 58.5 per cent respectively. They were followed by probate and administration cases at 30.2 per cent.

cent for filed and 25.5 per cent for resolved cases. Detailed information regarding the filed and resolved cases for all the stations of the Magistrates' Courts are presented in the appendices.

2.9.2 Pending Cases in Magistrates' Courts

The number of pending cases in the Magistrates' Courts rose from 483,864 at the end of the FY 2019/20 to 512,454 cases at the end of the FY 2020/21. Out of these pending cases, the pending criminal cases stood at 267,145 while civil cases were 245,309 cases. Figure 2.36 illustrates the change of pending cases in Magistrates' Courts over time.

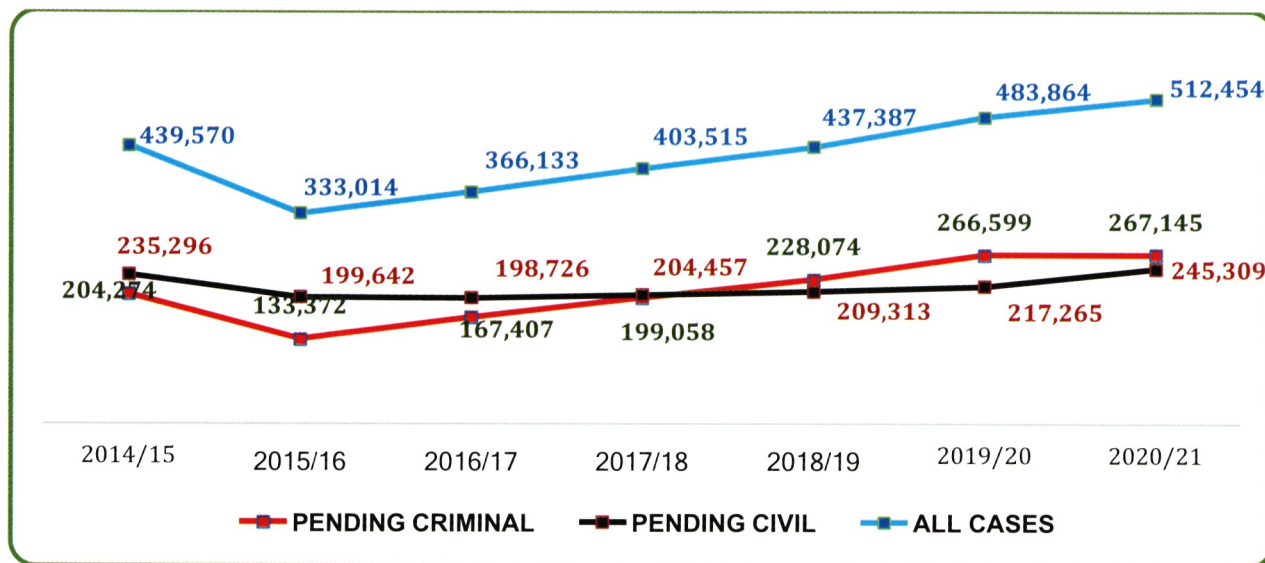


Figure 2.36: Trend of pending cases, Magistrates' Courts

From Figure 2.36, there has been a steady increase in pending criminal cases in Magistrates' Courts has steadily been rising since the FY 2015/16 to settle at 512,454 cases at the end FY 2020/21. From the FY 2017/18, the trend on pending criminal cases remained above that of civil cases signifying that the civil matters that had previously characterized the registries have been drastically reduced. The percentage distribution of pending criminal and civil matters are shown in Figure 2.37.

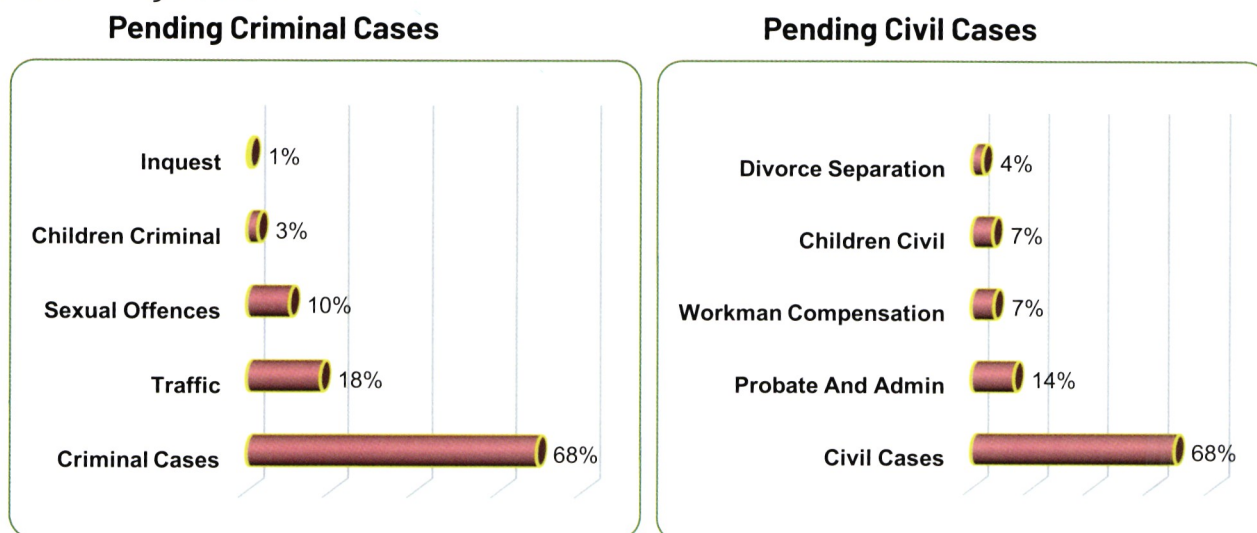


Figure 2.37: Distribution of Pending Cases by Type in Magistrates' Courts, 30th June 2021

The general criminal matters were the bulk of pending case at 69 per cent. The percentage pending sexual offences and children criminal matters stood at ten and three per cent respectively. The general civil matters comprised the majority of pending civil cases at 68 per cent. They were followed by probate and administration cases at 14 per cent. The least pending cases were divorce and separation at four per cent. The caseload statistics on pending criminal and civil cases for all Magistrates' Courts stations are provided in appendices.

2.9.3 Case Backlog in Magistrates' Courts

Out of the **512,454** cases that were pending cases in the Magistrates' Courts at the end of FY 2020/21 the backlog cases amounted to 274,584. This marked a **six** per cent increase from **259,519** backlog cases that were recorded at the end of the previous year. The distribution of case backlog in Magistrates' Courts by age is shown in Figure 2.38.

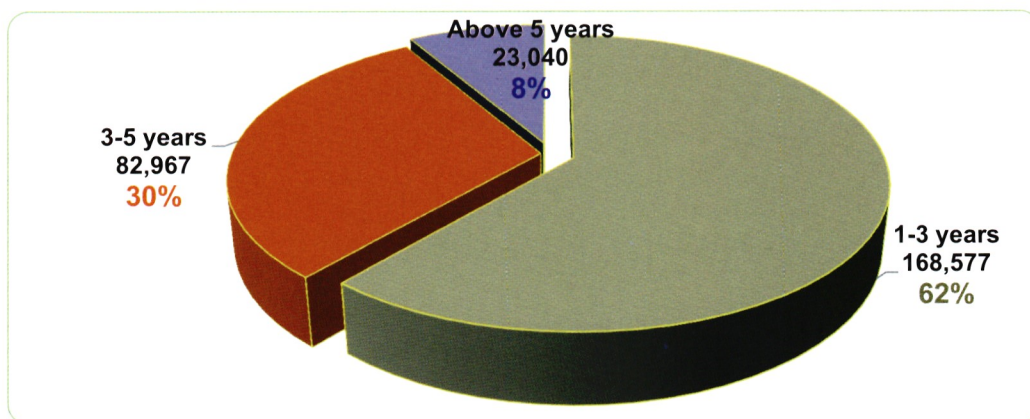


Figure 2.38: Distribution of case backlog by age in Magistrates' Courts, 30th June 2021

The case backlog aged between 1 and 3 years in Magistrates' Courts was 168,577 cases accounting for 62 per cent of the entire case backlog. A total 82,967 cases accounting for 30 per cent of case backlog was aged 3-5 years while 8 per cent (23,040 cases) was aged 5 years and above. The case backlog for each of the Magistrates' Courts station is provided in the Appendices.

2.9.4 SJT Implementation Status on Reduction of Case Backlog, Magistrates' Courts

At the commencement of SJT period in January 2017 there were 106,134 cases aged 5 years and above in the Magistrates' Courts. By the end of FY 2020/21, these cases were 23,040 marking a 78 per cent reduction. The reduction of these cases to zero could not be realized owing to cases continuously entering into to the category of 5 years and above. The status on reduction for each of the Magistrates' Court station is provided in the Appendices.

2.10 Kadhis' Courts

During the FY 2020/21, there were 47 Kadhis' Court stations. The jurisdiction of the Kadhis' Courts is limited to the determination of questions of Muslim law relating to personal status, marriage, divorce or inheritance.

2.10.1 Filed and Resolved Cases in Kadhis' Courts

In the FY 2020/21, a total of 8,954 cases were filed in the Kadhis' Courts. This was an increase of 1,747 cases from the 7,207 cases that were filed in the previous year. A total of 7,230 cases were resolved in the FY 2020/21 rising from 5,261 cases that were resolved in the previous period. The trends of filed and resolved cases in Kadhis' Courts are illustrated in Figure 2.39.

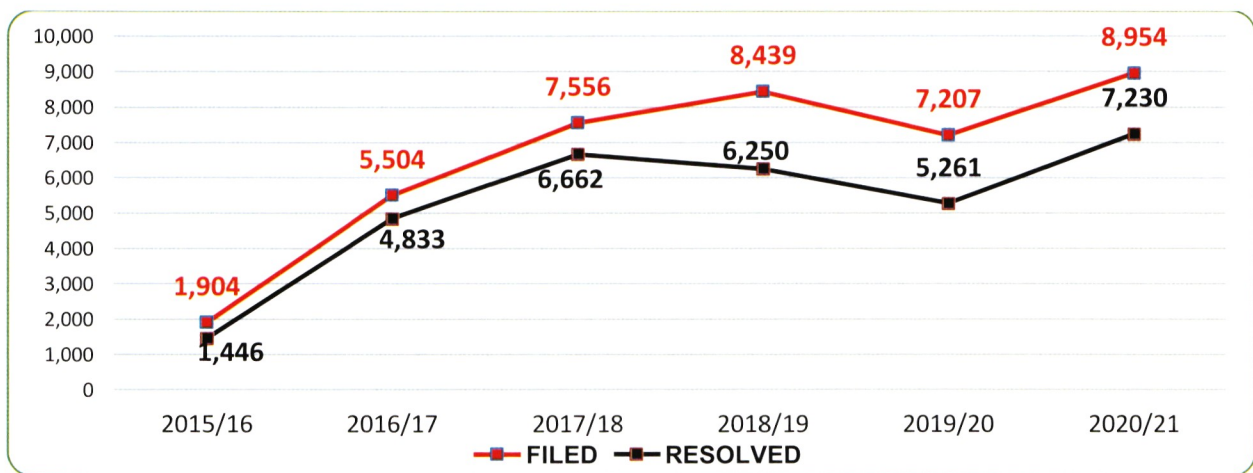


Figure 2.39: Trends of filed and Resolved cases, Kadhis' Courts

From the FY 2015/16, there has been a gradual rise of the matters handled by the Kadhis' Courts, Trends for the filed cases has remained above that for the resolved cases signifying a rise in the number of pending cases for the court. The specific types of cases filed in Kadhis' Courts is provided in Table 2.30.

Table 2.30: Filed cases in Kadhis' Courts, FY 2020/21

Kadhis' Courts Station	Divorce	Registration of Marriage	Matrimonial Cause	Misc Application	Registration of Divorce	Marriages	Succession	Other Matters	All Cases
Balambala	14	13	0	0	2	13	0	0	42
Bungoma	9	18	17	11	1	6	1	0	63
Bura/Fafi	4	13	9	0	1	20	0	1	48
Busia	2	17	7	2	1	0	0	0	29
Bute	17	24	32	1	1	3	2	0	80
Dadaab	66	10	5	2	8	18	1	0	110
Eldas	16	18	0	2	3	2	0	0	41
Eldoret	9	5	21	20	3	2	4	0	64
Elwak	84	10	33	6	26	33	6	0	198
Garbatulla	18	10	26	15	1	0	8	0	78

Kadhis' Courts Station	Divorce	Registration of Marriage	Matrimonial Cause	Misc Application	Registration of Divorce	Marriages	Succession	Other Matters	All Cases
Garissa	201	57	147	2	35	0	127	0	569
Garsen	32	14	26	3	9	11	2	0	97
Habaswein	18	14	7	2	0	3	0	0	44
Hola	30	2	10	17	7	6	10	0	82
Homa Bay	2	7	5	0	1	0	0	0	15
Ijara	33	30	1	0	18	11	0	0	93
Isiolo	51	126	52	53	33	0	30	0	345
Kajiado	8	2	19	1	6	0	18	0	54
Kakamega	4	12	2	2	2	1	2	0	25
Kakuma	80	120	24	25	32	0	2	0	283
Kericho	2	8	10	7	0	0	3	0	30
Kibera	4	2	0	6	1	1	15	0	29
Kilifi	13	17	68	76	10	4	61	0	249
Kisumu	11	21	0	9	3	0	11	0	55
Kitui	0	6	2	5	1	0	16	0	30
Kwale	4	51	4	11	0	0	402	0	472
Lamu	14	33	6	28	10	0	15	0	106
Machakos	7	81	0	5	6	83	5	0	187
Malindi	3	4	15	9	11	4	35	0	81
Mandera	55	12	30	25	5	5	58	0	190
Mariakani	9	30	0	2	6	157	19	0	223
Marsabit	26	6	20	1	0	0	18	0	71
Maua	0	0	0	0	0	0	0	0	0
Merti	11	20	105	40	8	6	7	0	197
Modogashe	25	2	4	0	1	8	0	0	40
Mombasa	296	422	253	379	180	513	492	0	2535
Moyale	52	22	56	25	13	0	41	0	209
Msambweni	16	8	18	1	1	0	58	0	102
Nairobi	256	89	255	255	40	0	149	0	1044
Nakuru	8	4	22	2	6	0	4	0	46
Nyeri	4	4	5	0	1	0	14	0	28
Takaba	32	20	14	3	21	50	3	0	143
Thika	1	1	0	0	2	2	3	0	9
Vihiga	0	0	0	0	0	0	0	0	0
Voi	15	8	40	2	6	0	13	0	84
Wajir	58	27	95	47	35	4	7	0	273
Witu	34	37	5	27	13	31	13	1	161

Details on resolved cases in Kadhis' Courts are provided in Table 2.31.

Table 2.31: Resolved cases in Kadhis' Courts, FY 2020/21

Kadhis' Courts Station	Divorce	Registration of Marriage	Matrimonial Cause	Misc Application	Registration of Divorce	Marriages	Succession	Other Matters	All Cases
Balambala	10	8	1	0	1	5	0	0	25
Bungoma	0	0	0	0	0	6	0	0	6
Bura/Fafi	5	13	1	0	1	20	0	0	40
Busia	2	17	2	1	1	0	0	0	23
Bute	15	24	33	1	1	3	5	0	82
Dadaab	60	4	3	0	3	12	0	0	82
Eldas	17	18	0	2	3	2	0	0	42
Eldoret	5	5	20	19	4	4	6	0	63
Elwak	77	12	35	6	24	30	5	0	189
Garbatulla	22	11	35	14	1	0	11	0	94
Garissa	279	52	219	5	21	0	94	0	670
Garsen	32	14	32	1	7	9	3	0	98
Habaswein	19	17	16	1	10	2	0	0	65
Hola	39	2	20	15	3	1	18	0	98
Homa Bay	0	4	2	0	0	0	1	0	7
Ijara	18	30	1	0	18	11	0	0	78
Isiolo	58	129	51	54	41	0	39	0	372
Kajiado	2	1	11	1	2	0	5	0	22
Kakamega	3	12	3	5	2	1	3	0	29
Kakuma	44	95	14	15	25	0	0	0	193
Kericho	1	14	6	3	0	0	3	0	27
Kibera	5	2	1	2	1	1	11	0	23
Kilifi	13	7	42	58	8	4	65	0	197
Kisumu	8	19	0	9	3	0	11	0	50
Kitui	1	8	3	5	1	1	27	0	46
Kwale	9	48	1	3	0	0	382	0	443
Lamu	34	0	3	17	0	0	23	0	77
Machakos	4	36	0	0	6	90	10	0	146
Malindi	16	0	11	2	0	0	34	0	63
Mandera	55	11	29	26	4	4	55	0	184
Mariakani	9	15	0	1	4	121	12	0	162
Marsabit	26	1	16	1	0	0	11	0	55
Maua	2	0	0	0	2	1	4	0	9
Merti	15	21	117	37	6	4	6	0	206
Modogashe	23	0	4	2	0	6	0	0	35
Mombasa	275	164	7	200	31	304	436	0	1,417
Moyale	54	18	55	24	10	0	46	0	207
Msambweni	11	7	16	1	1	0	34	0	70

Kadhis' Courts Station	Divorce	Registration of Marriage	Matrimonial Cause	Misc Application	Registration of Divorce	Marriages	Succession	Other Matters	All Cases
Nairobi	227	70	206	145	22	0	116	0	786
Nakuru	4	4	21	1	6	0	2	0	38
Nyeri	3	3	1	0	0	0	15	0	22
Takaba	37	20	16	3	18	43	3	0	140
Thika	1	0	0	0	0	0	1	0	2
Vihiga	0	0	0	0	0	0	0	0	0
Voi	18	3	42	2	6	0	15	0	86
Wajir	60	18	164	48	16	0	6	1	313
Witu	34	35	6	19	11	30	12	1	148
All courts	1,652	992	1,266	749	324	715	1,530	2	7,230

The Mombasa Kadhis' Courts station resolved a total of 1,417 cases which was the highest across the country. This was followed by Nairobi station where 786 cases were resolved.

2.10.2 Pending Cases in Kadhis' Courts

By the end of the period under review, the pending cases in the Kadhis' Courts were 8,062. This was an increase by 245 cases in comparison to the 7,817 cases that were pending at the end of the 2019/20 FY. The growth of pending cases in Kadhis' Courts over time is shown in Figure 2.40.

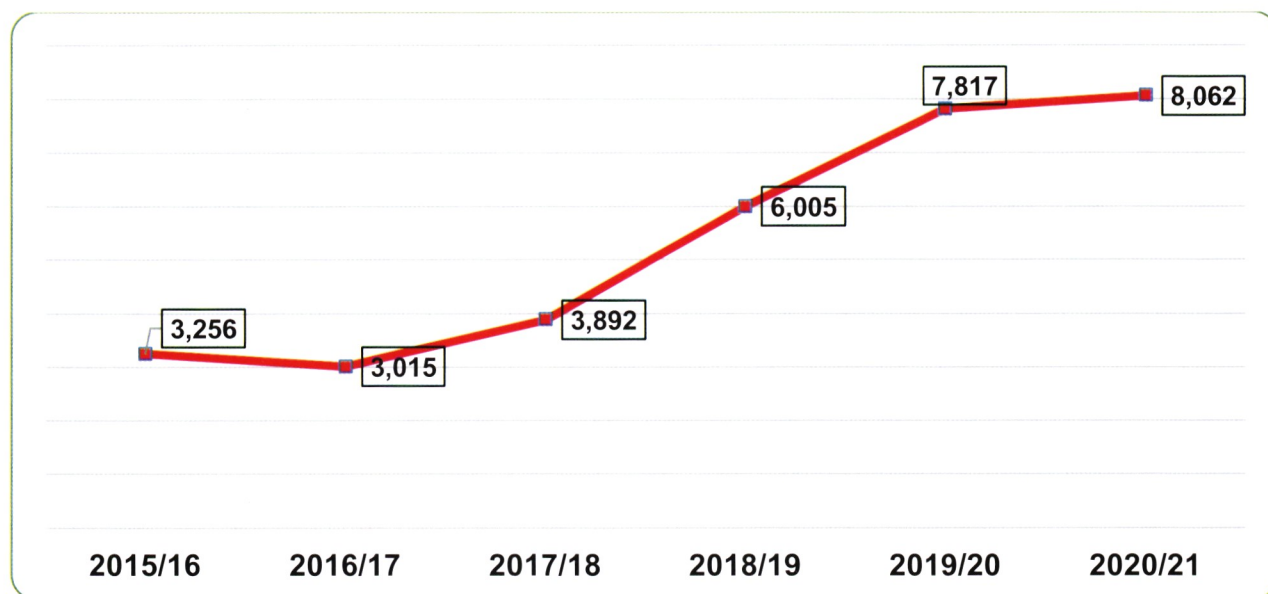


Figure 2.40: Trends of Filed and Resolved Cases, Kadhis' Courts

The specific information on pending cases over time for the Kadhis' Courts is provided in Table 2.32.

Table 2.32: Trend in pending cases, Kadhis' Courts

Kadhis' Courts Station	Pending cases 2013/14	Pending cases 2014/15	Pending cases 2015/16	Pending cases 2016/17	Pending cases 2017/18	Pending cases 2018/19	Pending cases 2019/20	Pending cases 2020/21
Balambala	-	-	-	4	5	24	37	6
Bungoma	28	25	38	3	14	33	53	0
Bura/Fafi							3	11
Busia	-	-	-	13	16	51	63	69
Bute	-	-	32	1	9	30	10	8
Dadaab	-	-	102	157	118	30	76	104
Eldas	-	-	-	32	50	43	44	43
Eldoret	-	-	55	5	6	15	3	3
Elwak	-	-	-	15	1	21	35	16
Garbatulla	-	-	-	14	31	109	108	10
Garissa	-	-	252	206	280	459	543	442
Garsen	31	40	67	73	111	135	163	26
Habaswein	-	-	23	57	33	52	76	17
Hola	28	50	54	33	7	7	30	14
Homa Bay	-	12	34	50	65	94	93	0
Ijara	-	-	20	28	26	33	33	32
Isiolo	29	29	138	54	33	64	61	34
Kajiado	8	8	5	15	16	38	47	79
Kakamega	-	0	32	127	98	140	150	146
Kakuma	-	-	26	11	25	29	59	149
Kericho	-	0	39	27	8	72	75	78
Kibera	22	26	23	10	18	31	40	46
Kilifi	-	-	55	102	28	74	58	110
Kisumu	-	7	5	9	34	143	154	27
Kitui	312	434	154	60	12	17	7	9
Kwale	79	90	120	34	40	143	91	120
Lamu	-	0	140	18	25	63	95	124
Machakos	3	10	14	7	33	51	63	104
Malindi	107	104	126	80	36	125	159	33
Mandera	68	73	117	110	122	147	162	44
Mariakani	-	-	15	3	37	151	159	6
Marsabit	121	121	96	21	78	93	114	130
Maua	-	-	-	2	7	3	4	5
Merti	-	-	-	3	37	85	101	22
Modogashe							64	6
Mombasa	1,246	1,106	894	1,081	1,271	1,357	1,948	3,066
Moyale	61	61	48	86	67	63	71	56
Msambweni	-	-	-	30	40	79	70	102

Kadhis' Courts Station	Pending cases 2013/14	Pending cases 2014/15	Pending cases 2015/16	Pending cases 2016/17	Pending cases 2017/18	Pending cases 2018/19	Pending cases 2019/20	Pending cases 2020/21
Nairobi	185	219	192	57	663	1441	2,129	2,387
Nakuru	-	-	41	152	12	13	35	12
Nyeri	20	20	25	9	35	44	48	54
Takaba	-	-	-	13	9	90	152	9
Thika	6	7	8	18	29	46	21	28
Vihiga						43	0	0
Voi	6	12	51	5	5	3	12	6
Wajir	4	4	213	131	165	218	282	242
Witu				4	12	20	16	27
All courts	2,364	2,458	3,254	2,970	3,767	6,022	7,817	8,062

The highest number of pending cases at the end of the FY 2020/21 was recorded at Mombasa Kadhis' courts station with 3,066 pending cases. This was followed by Nairobi at 2,387 and Garissa with 442 pending cases respectively.

2.10.3 Case Backlog in Kadhis' Courts

At the end of the FY 2020/21, the case backlog in Kadhis' Courts stood at **2,573** cases. The case backlog for each of the Kadhis' Courts station is detailed in Table 2.33.

Table 2.33: Case backlog in Kadhis' Courts, FY 2020/21

Kadhis' Courts Station	Backlog, 30 th June, 2020	1-3 years	3-5 years	over 5 years	All backlog, 30 th June, 2021
Balambala		3	0	0	0
Bungoma		5	0	0	0
Bura/Fafi		1	1	0	1
Busia		15	19	0	19
Bute		2	0	0	0
Dadaab		13	4	26	30
Eldas		29	37	0	37
Eldoret		0	0	0	0
Elwak		6	0	0	0
Garbatulla		20	1	0	1
Garissa		69	244	195	439
Garsen		0	0	0	0
Habaswein		20	5	0	5
Hola		6	12	1	13
Homa Bay		48	0	0	0
Ijara		7	5	0	5
Isiolo		25	30	3	33
Kajiado		5	21	0	21

Kadhis' Courts Station	Backlog, 30 th June, 2020	1-3 years	3-5 years	over 5 years	All backlog, 30 th June, 2021
Kakamega	72	78	0	0	78
Kakuma	7	89	0	0	89
Kericho	5	15	0	0	15
Kibera	6	13	3	0	16
Kilifi	9	97	6	0	103
Kisumu	33	21	0	0	21
Kitui	6	0	0	0	0
Kwale	24	90	0	0	90
Lamu	17	49	4	0	53
Machakos	13	100	3	0	103
Malindi	8	4	1	0	5
Mandera	94	13	1	0	14
Mariakani	2	6	0	0	6
Marsabit	31	62	1	0	63
Maua	0	0	0	0	0
Merti	12	0	0	0	0
Modogashe	4	2	0	0	2
Mombasa	184	673	11	0	684
Moyale	23	7	0	0	7
Msambweni	15	58	0	0	58
Nairobi	161	385	11	0	396
Nakuru	7	4	0	0	4
Nyeri	10	15	0	0	15
Takaba	9	0	0	0	0
Thika	6	8	0	0	8
Vihiga	0	0	0	0	0
Voi	0	1	0	0	1
Wajir	35	113	25	0	138
Witu	0	0	0	0	0
All courts	1,067	2,282	291	0	2,573

2.10.4 SJT Implementation Status on Reduction of Case Backlog in Kadhis' Courts

At the beginning of the SJT period in January 2017, there was no case backlog aged 5 years and above in Kadhis' Courts. At the end of the review period, this status had been maintained.

2.11 Small Claims Court

2.11.1 Background on Small Claims Court

The Small Claims Court (SCC) is established as a subordinate court pursuant to Article 169(1)(d) & (2) of the Constitution. SCC Act No. 2 of 2016 further spells out the jurisdiction and procedures of the SCC. The court began its operations in late April 2021, having a single station located at



The Hon. Lady Philomena Mwilu, Deputy Chief Justice of the Republic of Kenya opens the Small Claims Court on the 26th April, 2021

2.11.2 Filed and Resolved Cases in the Small Claims Court (April 2021-June 2021)

During the FY 2020/21, 1,023 cases were filed. Over the same period, 637 cases were resolved. The percentage distribution of the filed and resolved cases by type is illustrated in Figure 2.41.

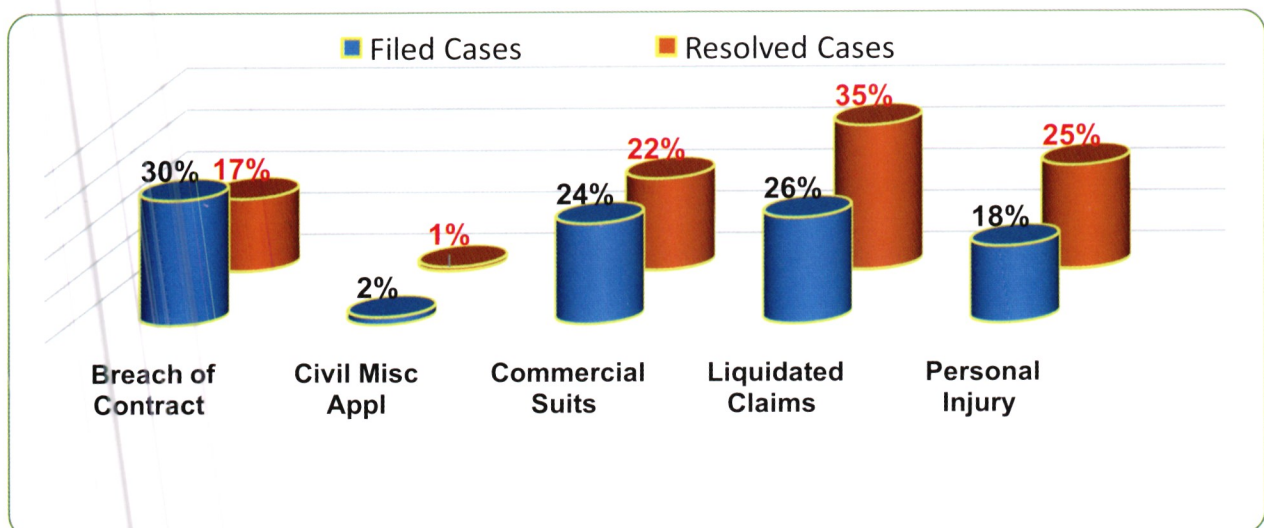


Figure 2.41: Percentage Filed and Resolved Cases by Type in SCC, April 2021-June 2021

The breach of contract cases were the highest proportion of filed cases at 30 per cent followed by liquidated claims at 26 per cent. The least filed cases were civil miscellaneous applications at 2 per cent. Regarding the resolved cases, liquidated claims were the bulk at 35 per cent followed by personal injury cases at 25 per cent. The filed and resolved cases in the SCC are presented in Table 2.34.

Table 2.34: Filed and resolved cases in Small Claims Court, FY 2020/21

Case type	Filed cases	Resolved cases
Breach of Contract	307	111
Civil Misc. Applications	19	6
Commercial Suits	247	140
Liquidated Claims	261	221
Non-Liquidated Claims	0	0
Personal Injury	189	159
All Case Types	1,023	637

The breach of contract cases were the highest filed cases at 307 followed by liquidated claims at 261 cases. Of the total resolved cases, liquidated claims were the highest at 221 followed by personal injury cases at 159 cases. The time taken to resolve cases in the SCC was 53 days, a figure lower than the minimum statutory requirement of 60 days in line with the SCC Act No. 2 of 2016.

2.11.3 Pending Cases in Small Claims Court

The pending cases in the SCC stood at 386 cases at the end of the FY 2020/21. Most pending cases were breach of contracts at 51 per cent followed by commercial suits at 28 per cent. The percentage pending cases are summarized in Figure 2.42.

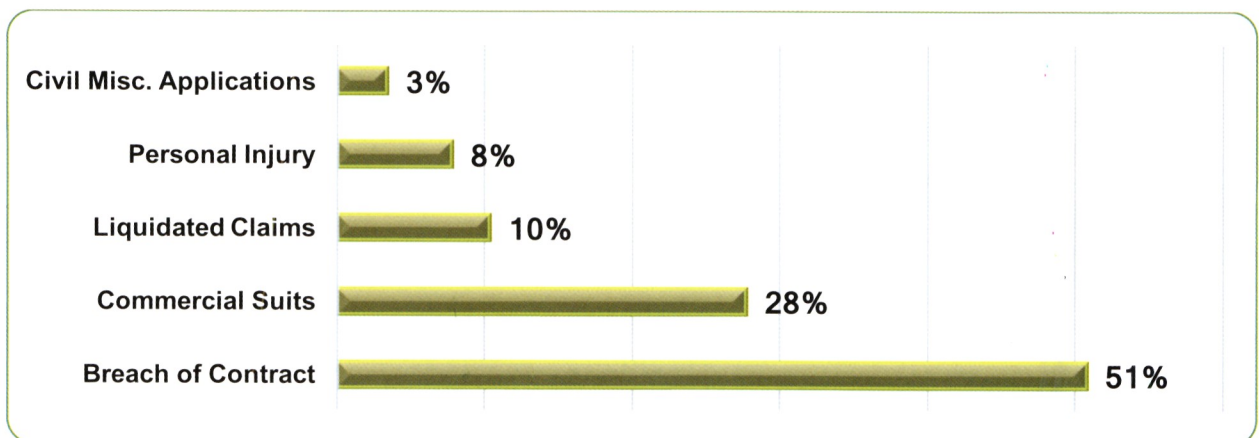


Figure 2.42: Percentage Pending Cases by Type in SCC, April 2021–June 2021

The specific number of pending cases by case type are highlighted in Table 2.35.

Table 2.35: Pending cases in Small Claims Court

Case type	Number of cases
Breach of Contract	196
Civil Misc. Applications	13
Commercial Suits	107
Liquidated Claims	40
Non-Liquidated Claims	0
Personal Injury	30
All Case Types	386

By the end of the review period, 196 breach of contract cases were pending followed by 107 commercial suits. There were no liquidated claims that were pending by the end of June 2021.

2.11.4 Case Backlog in Small Claims Court

At the end of the period under review, 13 of the pending cases in SCC were backlog. The percentage distribution of case backlog by age categories is demonstrated in Figure 2.43.

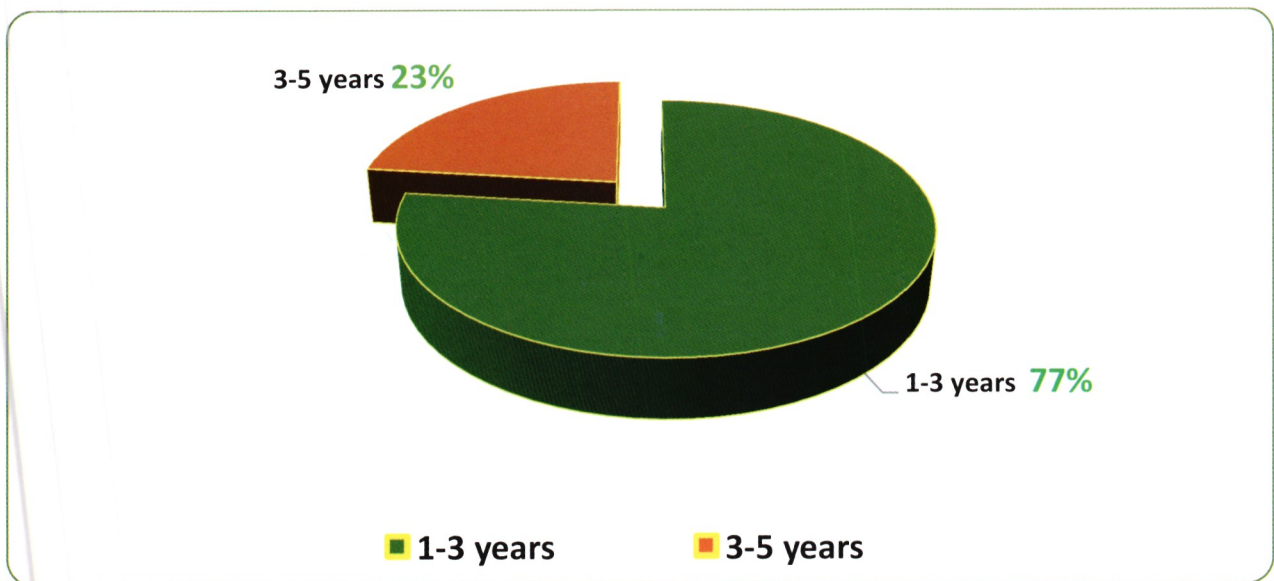


Figure 2.43: Percentage case backlog by age in SCC, April 2021-June 2021

The backlog cases aged between 1 and 3 years were 77 per cent while those aged between 3 and 5 years were 23 per cent. The number of backlog cases in SCC is provided in Table 2.36.

Table 2.36: Case backlog in Small Claims Court by age

Age category	Number of cases
1-3 years	10
3-5 years	3
Over 5 years	0
All backlog	13

Though the SCC was established in April 2021, the case backlog of 13 cases was occasioned by transfer of old cases from other courts.

2.12 Tribunals

2.12.1 Filed and Resolved Cases in Tribunals

In the FY 2020/21, 5,335 cases were filed in Tribunals. Over the same period, **3,056** cases were resolved. The trend of filed and resolved cases in Tribunals for the last three years is illustrated in Figure 2.44.

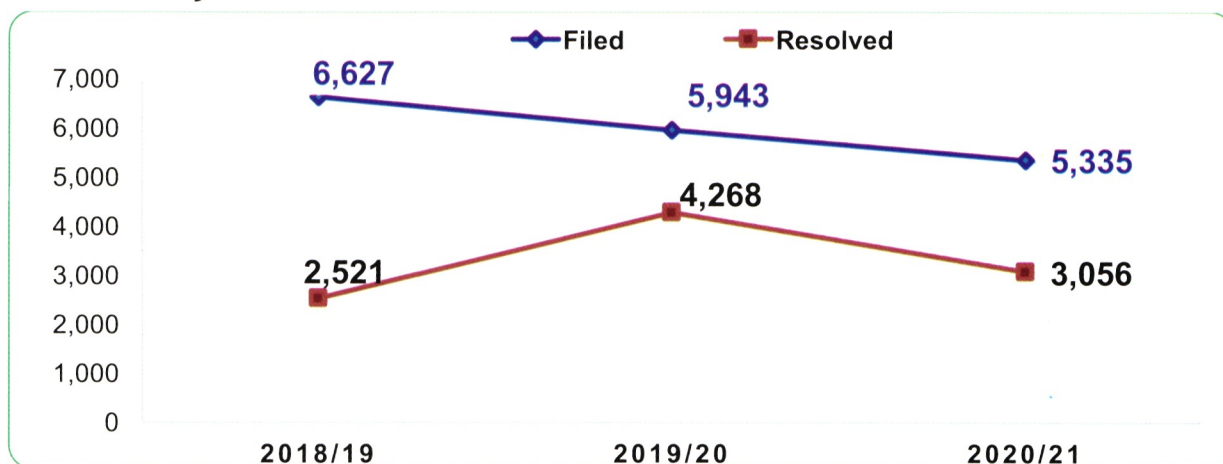


Figure 2.44: Trends of filed and resolved cases in Tribunals, FY 2018/19-2020/21

Figure 2.44 shows that the trend for the filed cases has remained above that of the resolved cases depicting that pending cases has been on a rise. Although, the resolved cases increased in FY 2019/20 to settle at 4,268 cases as compared with 2,521 in the previous year, there was a decrease in the subsequent period to 3,056, owing to the adverse effects of the COVID-19 pandemic. The details on filed and resolved cases is as presented in Table 2.37.

Table 2.37: Filed and resolved cases by tribunals, FY 2020/21

	Tribunal Name	Filed cases			Resolved cases		
		FY 2018-19	FY 2019-20	FY 2020/21	FY 2018/19	FY 2019/20	FY 2020/21
1.	Business Premises Rent Tribunal	2246	2,261	2,077	1,065	1627	1039
2.	Communication And Multimedia Appeals Tribunal	6	4	5	2	1	3
3.	Competition Tribunal	0	6	2	0	2	3
4.	Cooperatives Tribunal	1112	1149	631	570	1772	984
5.	Copyright Tribunal	1	0	0	0	1	0
6.	Education Appeals Tribunal	4	4	1	0	25	9
7.	Energy & Petroleum Tribunal	0	1	54	0	0	10
8.	HIV Aids Tribunal	28	28	20	0	28	27
9.	Industrial Property Tribunal	5	4	10	0	8	8
10.	Legal Education Appeals Tribunal	3	1	6	2	1	11
11.	Micro And Small Enterprises Tribunal	0	22	14	0	21	6
12.	National Civil Aviation Administrative Review Tribunal	3	10	9	1	9	4
13.	National Environment Tribunal	30	40	26	25	63	58

Tribunal Name	Filed cases			Resolved cases		
	FY 2018-19	FY 2019-20	FY 2020/21	FY 2018/19	FY 2019/20	FY 2020/21
14. Political Parties Disputes Tribunal	20	29	21	18	28	27
15. Public Private Partnerships Petition Committee	2	0	2	2	0	1
16. Rent Restrictions Tribunal	3052	2,306	2,397	810	593	779
17. Sports Disputes Tribunal	66	47	32	22	53	51
18. Standards Tribunal	10	5	4	4	2	3
19. State Corporations Appeals Tribunal				0	0	0
20. Transport Licensing Appeals Board	39	26	24	0	34	33
Total	6,627	5,943	5,335	2521	4268	3056

The Rent Restrictions Tribunal registered the highest filed cases at 2,397 cases followed by Business Premises Rent Tribunal with 2,077 cases. Over the same period, Business Premises Rent Tribunal resolved most cases at 1,039 followed by Cooperatives Tribunal at 984.

2.12.2 Pending Cases in Tribunals

The pending cases in Tribunals have been increasing over time. This is illustrated in Figure 2.45.

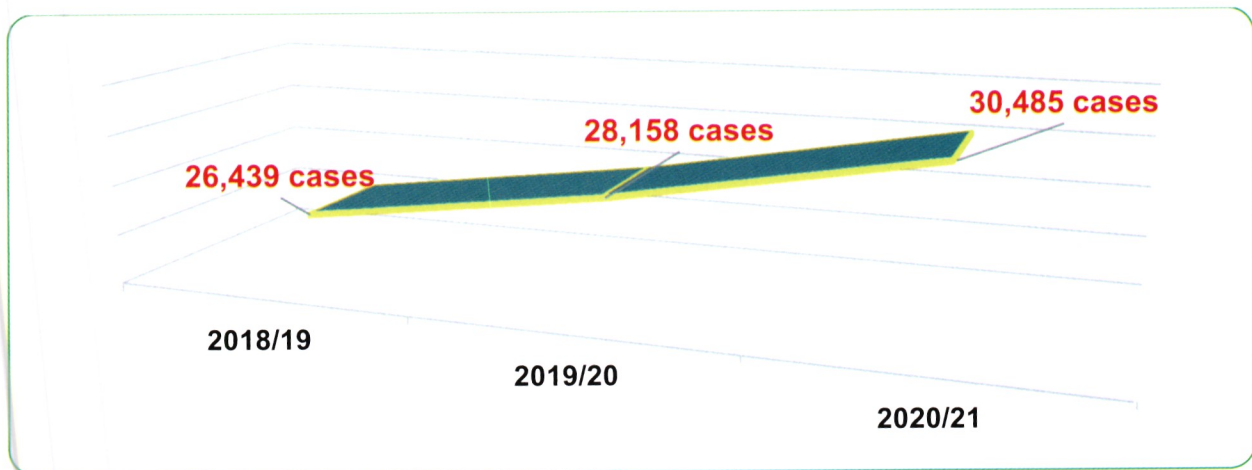


Figure 2.45: Trend on Pending cases in Tribunals

Figure 2.45 shows an increasing trend of pending cases over time from 26,349 cases at the end of the FY 2018/19 to 30,485 cases at the end of review period. The pending cases by tribunal are provided in Table 2.38.

Table 2.38: Pending cases by Tribunal Stations

Tribunal Name	FY 2018-19	FY 2019-20	FY 2020/21
Business Premises Rent Tribunal	10342	10,976	12,014
Communication And Multimedia Appeals Tribunal	5	8	10
Competition Tribunal	0	4	3
Cooperatives Tribunal	4109	3,486	3,133
Copyright Tribunal	0	1	1
Education Appeals Tribunal	0	21	13
Energy & Petroleum Tribunal	0	1	45
HIV Aids Tribunal	48	48	41
Industrial Property Tribunal	13	9	11
Legal Education Appeals Tribunal	2	2	3
Micro And Small Enterprises Tribunal	0	4	12
National Civil Aviation Administrative Review Tribunal	2	3	8
National Environment Tribunal	35	12	20
Political Parties Disputes Tribunal	4	5	1
Public Private Partnerships Petition Committee	1	1	2
Rent Restrictions Tribunal	11765	13,475	15,093
Sports Disputes Tribunal	70	64	45
Standards Tribunal	4	7	8
State Corporations Appeals Tribunal	13	13	13
Transport Licensing Appeals Board	26	18	9
Total	26,439	28,158	30,485

At the end of the reporting period, the Rent Restrictions Tribunal (RRT) had the highest pending cases of 15,093 cases followed by Business Premises Rent Tribunal with 12,014 pending cases. The Cooperatives Tribunal had 3,133 pending cases.

2.13 Caseload Statistics Organised by Counties

2.13.1 Background on Caseload Reporting for Counties

Wide sharing of information by public institutions is a key tenet of the Kenyan Constitution as espoused under Article 35. In the previous reports, caseload information was only presented using an approach that laid emphasis on court types. Though this has been maintained as a keyway of presenting caseload information even among other jurisdictions, the Judiciary recognizes that further disaggregation of caseload information by counties, the Kenyan symbol of devolved units, is important in creating wide sharing and awareness of access to justice through courts. This subsection therefore presents caseload information covering filed, resolved and pending cases in all the 47 Counties in Kenya.

Though the structure of the Kenyan courts is not devolved, court stations are widely spread across the Kenyan territory with representation in each county. For instance, the caseload statistics for the Supreme Court, though placed under Nairobi County in this report, do not

in any way depict that they originate from Nairobi County only. Also, caseload statistics for the COA, whose stations are located at Nairobi, Kisumu, Mombasa and Nyeri counties, do not indicate that the cases handled by these stations are only from those counties. They nonetheless generally depict the status of demand and supply of justice of the surrounding geographical regions. For courts with relatively high representation of stations across counties for instance the High Court and Magistrates' Courts, caseload information closely represents what emanated in the respective counties.

2.13.2 Filed Cases by County

Among the 356,997 cases that were filed in the entire republic, 64,111 cases were filed in Nairobi County at the top followed by Nakuru County with 21,923 cases. The least cases were filed at Samburu County with 933 cases and Mandera with 1,288 cases. The distribution of filed cases in all the counties is illustrated in in Figures 2.46 and 2.47.

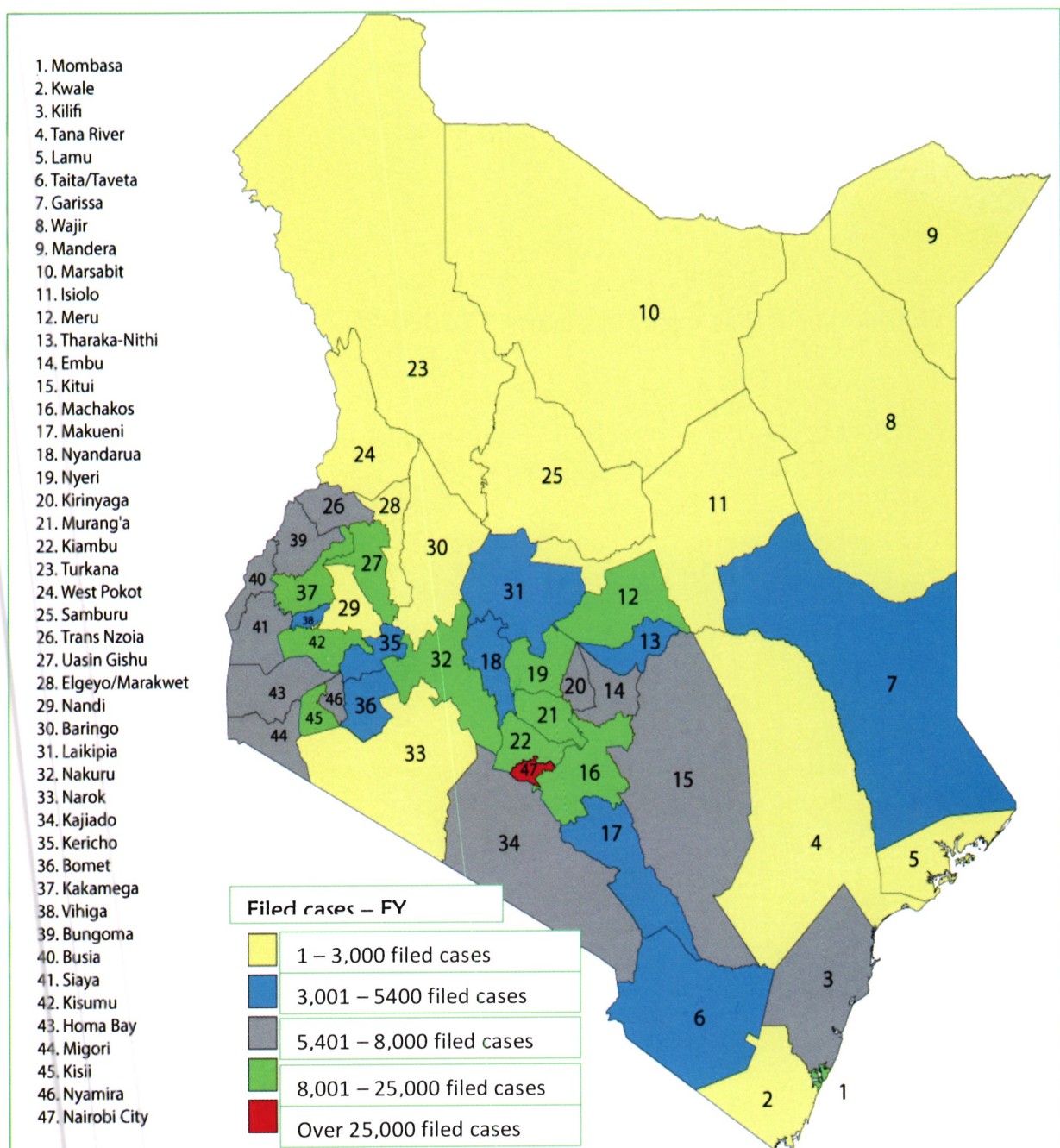


Figure 2.46: Map of filed cases across Kenyan counties, FY 2020/21

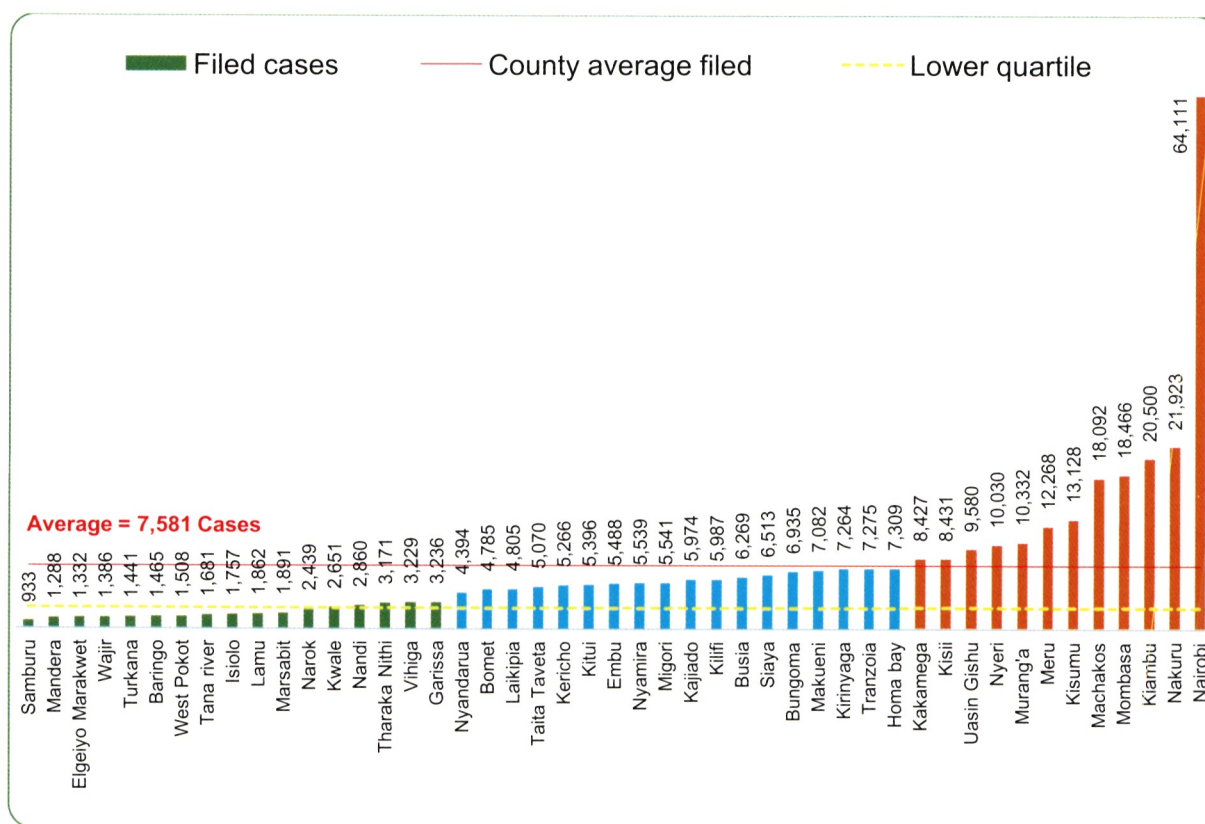


Figure 2.47: Distribution of filed cases by county, FY 2020/21

Figure 2.47 shows that a total of 35 counties were below the average of 7,596 filed cases. Other 12 counties were further below the lower quartile. Detailed statistics for the filed criminal and civil cases in each county and by court is provided in Table 2.39.

Table 2.39: Filed cases by County, Court and Case type, FY 2020/21

County	SC	COA -CR	COA -CC	COA All	HC- CR	HC-CC	HC-All	ELRC	ELC	MC-CR	MC-CC	MC-All	SCC	Kadhis	All CR	All CC	All Cases
Baringo	-	-	-	-	131	48	179	-	-	1,174	112	1,286	-	-	1,305	160	1,465
Bomet	-	-	-	-	97	74	171	-	-	4,107	507	4,614	-	-	4,204	581	4,785
Bungoma	-	-	-	-	329	231	560	-	70	4,532	1,710	6,242	-	63	4,861	2,074	6,935
Busia	-	-	-	-	154	286	440	-	134	4,423	1,243	5,666	-	29	4,577	1,692	6,269
Elgeyo Marakwet	-	-	-	-	-	-	-	-	-	1,115	217	1,332	-	-	1,115	217	1,332
Embu	-	-	-	-	217	180	397	-	117	3,836	1,138	4,974	-	-	4,053	1,435	5,488
Garissa	-	-	-	-	128	64	192	-	28	2,037	150	2,187	-	902	2,165	1,144	3,309
Homa Bay	-	-	-	-	190	176	366	-	-	4,909	2,019	6,928	-	15	5,099	2,210	7,309
Isiolo	-	-	-	-	-	-	-	-	-	968	169	1,137	-	620	968	789	1,757
Kajiado	-	-	-	-	110	229	339	-	236	3,855	1,490	5,345	-	54	3,965	2,009	5,974
Kakamega	-	-	-	-	174	451	625	-	111	5,005	2,661	7,666	-	25	5,179	3,248	8,427
Kericho	-	-	-	-	177	216	393	34	54	4,183	572	4,755	-	30	4,360	906	5,266
Kiambu	-	-	-	-	507	771	1,278	-	350	12,996	5,867	18,863	-	9	13,503	6,997	20,500
Kilifi	-	-	-	-	278	362	640	-	207	2,916	1,894	4,810	-	330	3,194	2,793	5,987
Kirinyaga	-	-	-	-	161	146	307	-	75	4,990	1,892	6,882	-	-	5,151	2,113	7,264
Kisii	-	-	-	-	66	131	197	-	63	5,565	2,606	8,171	-	-	5,631	2,800	8,431
Kisumu	-	135	416	551	214	575	789	333	290	6,937	4,187	11,124	-	55	7,286	5,856	13,142
Kitui	-	-	-	-	197	176	373	-	-	3,517	1,476	4,993	-	30	3,714	1,682	5,396
Kwale	-	-	-	-	-	-	-	-	-	1,595	745	2,340	-	574	1,595	1,319	2,914
Laikipia	-	-	-	-	83	49	132	-	-	4,187	486	4,673	-	-	4,270	535	4,805
Lamu	-	-	-	-	-	-	-	-	-	1,680	99	1,779	-	106	1,680	205	1,885
Machakos	-	-	-	-	363	610	973	-	377	12,186	4,369	16,555	-	187	12,549	5,543	18,092
Makueni	-	-	-	-	261	180	441	-	66	5,003	1,572	6,575	-	-	5,264	1,818	7,082

Mandera	-	-	-	-	-	-	-	-	-	711	46	757	-	531	711	577	1,288
Marsabit	-	-	-	-	31	88	119	-	-	1,363	129	1,492	-	280	1,394	497	1,891
Meru	-	-	-	-	501	356	857	-	269	9,094	2,048	11,142	-	-	9,595	2,673	12,268
Migori	-	-	-	-	113	188	301	-	147	4,183	910	5,093	-	-	4,296	1,245	5,541
Mombasa	-	14	212	226	221	836	1,057	274	432	10,287	3,432	13,719	-	2,758	10,522	7,944	18,466
Murang'a	-	-	-	-	276	193	469	-	84	6,873	2,906	9,779	-	-	7,149	3,183	10,332
Nairobi	47	103	1,248	1,351	918	8,709	9,627	1,935	1,043	33,804	14,273	48,077	1,023	1,073	34,825	29,351	64,176
Nakuru	-	-	-	-	586	702	1,288	132	197	15,115	5,145	20,260	-	46	15,701	6,222	21,923
Nandi	-	-	-	-	-	-	-	-	-	2,162	698	2,860	-	-	2,162	698	2,860
Narok	-	-	-	-	176	52	228	-	77	1,652	482	2,134	-	-	1,828	611	2,439
Nyamira	-	-	-	-	93	113	206	-	-	4,438	895	5,333	-	-	4,531	1,008	5,539
Nyandarua	-	-	-	-	12	13	25	-	25	4,174	378	4,552	-	-	4,186	416	4,602
Nyeri	-	103	274	377	236	288	524	180	105	6,849	1,967	8,816	-	28	7,188	2,842	10,030
Samburu	-	-	-	-	-	-	-	-	-	834	99	933	-	-	834	99	933
Siaya	-	-	-	-	255	153	408	-	-	4,252	1,853	6,105	-	-	4,507	2,006	6,513
Taita Taveta	-	-	-	-	274	72	346	-	-	4,322	318	4,640	-	84	4,596	474	5,070
Tana River	-	-	-	-	110	23	133	-	-	1,113	95	1,208	-	340	1,223	458	1,681
Tharaka Nithi	-	-	-	-	137	67	204	-	44	2,282	641	2,923	-	-	2,419	752	3,171
Trans Nzoia	-	-	-	-	587	254	841	-	107	5,748	579	6,327	-	-	6,335	940	7,275
Turkana	-	-	-	-	7	8	15	-	-	1,122	62	1,184	-	283	1,129	353	1,482
Uasin Gishu	-	-	-	-	207	163	370	30	148	6,255	2,713	8,968	-	64	6,462	3,118	9,580
Vihiga	-	-	-	-	131	191	322	-	-	2,668	239	2,907	-	-	2,799	430	3,229
Wajir	-	-	-	-	-	-	-	-	-	939	9	948	-	438	939	447	1,386
West Pokot	-	-	-	-	76	16	92	-	-	1,362	54	1,416	-	-	1,438	70	1,508
Grand Total	47	355	2,150	2,505	8,784	17,440	26,224	2,918	4,856	233,318	77,152	310,470	1,023	8,954	242,457	114,540	356,997

2.13.3 Resolved Cases by County

During the review period, 294,837 cases were resolved in Kenya. Nairobi County had the highest share at 47,889 cases, followed by Kiambu with 17,037 cases. The least cases were resolved at Samburu County. The distribution of resolved cases by county is provided in Figure 2.48.

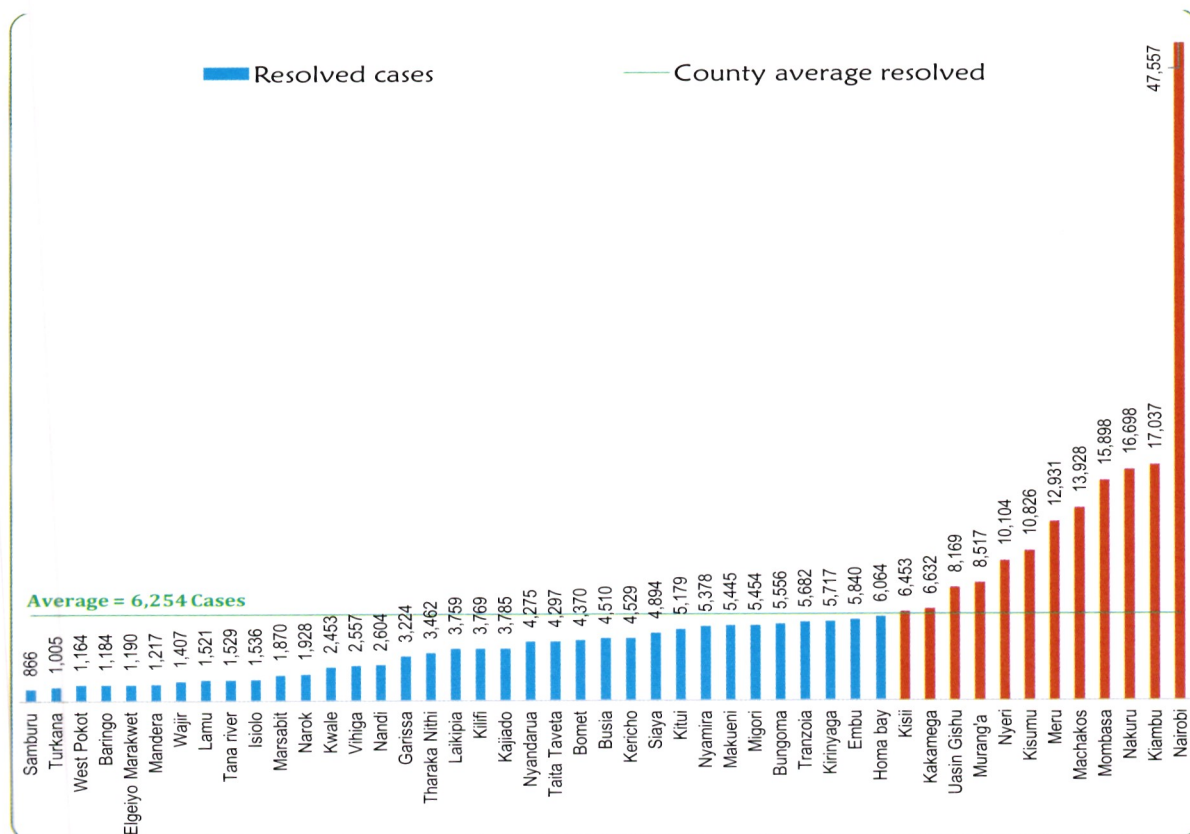


Figure 2.48: Distribution of resolved cases by county, FY 2020/21

Figure 2.48 shows that 12 counties had above average resolution of cases with the average resolved cases being 6,254 cases. Details on resolved cases are provided in Table 2.40.

Table 2.40: Resolved cases by county, court and case type, FY 2020/21

County	SC	COA -CR	COA -CC	COA All	HC- CR	HC- CC	HC- All	ELRC	ELC	MC-CR	MC- CC	MC- All	SCC	Kadhis	All CR	All CC	All Cas- es
Baringo	-	-	-	-	84	66	150	-	-	978	56	1,034	-	-	1,062	122	1,184
Bomet	-	-	-	-	30	39	69	-	-	3,932	369	4,301	-	-	3,962	408	4,370
Bungoma	-	-	-	-	141	184	325	-	163	4,296	766	5,062	-	6	4,437	1,119	5,556
Busia	-	-	-	-	78	214	292	-	167	3,331	697	4,028	-	23	3,409	1,101	4,510
Elg. Marak- wet	-	-	-	-	-	-	-	-	-	1,074	116	1,190	-	-	1,074	116	1,190
Embu	-	-	-	-	256	328	584	-	190	3,709	1,357	5,066	-	-	3,965	1,875	5,840
Garissa	-	-	-	-	127	27	154	-	25	2,077	61	2,138	-	930	2,204	1,043	3,247
Homa Bay	-	-	-	-	189	400	589	-	-	4,209	1,259	5,468	-	7	4,398	1,666	6,064
Isiolo	-	-	-	-	-	-	-	-	-	731	133	864	-	672	731	805	1,536
Kajiado	-	-	-	-	103	172	275	-	158	2,629	701	3,330	-	22	2,732	1,053	3,785
Kakamega	-	-	-	-	94	223	317	-	251	4,327	1,708	6,035	-	29	4,421	2,211	6,632
Kericho	-	-	-	-	108	104	212	49	39	3,862	340	4,202	-	27	3,970	559	4,529
Kiambu	-	-	-	-	219	501	720	-	340	11,777	4,198	15,975	-	2	11,996	5,041	17,037
Kilifi	-	-	-	-	174	260	434	-	303	1,888	884	2,772	-	260	2,062	1,707	3,769
Kirinyaga	-	-	-	-	188	179	367	-	42	4,107	1,201	5,308	-	-	4,295	1,422	5,717
Kisii	-	-	-	-	135	249	384	-	160	4,420	1,489	5,909	-	-	4,555	1,898	6,453
Kisumu	-	43	55	98	155	775	930	580	115	6,270	2,804	9,074	-	50	6,468	4,379	10,847
Kitui	-	-	-	-	208	155	363	-	-	3,481	1,289	4,770	-	46	3,689	1,490	5,179
Kwale	-	-	-	-	-	-	-	-	-	1,765	411	2,176	-	513	1,765	924	2,689
Laikipia	-	-	-	-	54	37	91	-	-	3,193	475	3,668	-	-	3,247	512	3,759
Lamu	-	-	-	-	-	-	-	-	-	1,400	75	1,475	-	77	1,400	152	1,552
Machakos	-	-	-	-	222	735	957	-	227	9,711	2,887	12,598	-	146	9,933	3,995	13,928
Makueni	-	-	-	-	232	78	310	-	67	4,287	781	5,068	-	-	4,519	926	5,445
Mandera	-	-	-	-	-	-	-	-	-	658	46	704	-	513	658	559	1,217
Marsabit	-	-	-	-	20	9	29	-	-	1,426	153	1,579	-	262	1,446	424	1,870
Meru	-	-	-	-	493	583	1,076	-	285	9,700	1,870	11,570	-	9	10,193	2,747	12,940
Migori	-	-	-	-	60	209	269	-	132	3,882	1,171	5,053	-	-	3,942	1,512	5,454
Mombasa	-	6	48	54	136	883	1,019	438	371	8,824	3,622	12,446	-	1,579	8,966	6,941	15,907
Murang'a	-	-	-	-	213	112	325	0	121	6,019	2,052	8,071	-	-	6,232	2,285	8,517
Nairobi	62	121	774	895	406	8,343	8,749	986	1,519	26,042	8,190	34,232	637	809	26,569	21,320	47,889
Nakuru	-	-	-	-	386	1,232	1,618	166	379	11,657	2,840	14,497	-	38	12,043	4,655	16,698
Nandi	-	-	-	-	-	-	-	-	-	2,028	576	2,604	-	-	2,028	576	2,604
Narok	-	-	-	-	211	75	286	-	84	1,227	331	1,558	-	-	1,438	490	1,928
Nyamira	-	-	-	-	90	136	226	-	-	4,232	920	5,152	-	-	4,322	1,056	5,378
Nyandarua	-	-	-	-	20	24	44	-	58	4,025	329	4,354	-	-	4,045	411	4,456
Nyeri	-	101	92	193	368	421	789	133	66	7,214	1,687	8,901	-	22	7,683	2,421	10,104
Samburu	-	-	-	-	-	-	-	-	-	799	67	866	-	-	799	67	866
Siaya	-	-	-	-	308	139	447	-	-	3,543	904	4,447	-	-	3,851	1,043	4,894
Taita Taveta	-	-	-	-	117	44	161	-	-	3,537	513	4,050	-	86	3,654	643	4,297
Tana river	-	-	-	-	93	15	108	-	-	1,007	70	1,077	-	344	1,100	429	1,529
Tharaka Nithi	-	-	-	-	115	103	218	-	66	2,657	521	3,178	-	-	2,772	690	3,462
Tranzoia	-	-	-	-	298	116	414	-	95	4,412	761	5,173	-	-	4,710	972	5,682
Turkana	-	-	-	-	11	1	12	-	-	801	24	825	-	193	812	218	1,030
Uasin Gishu	-	-	-	-	315	471	786	82	325	5,177	1,736	6,913	-	63	5,492	2,677	8,169
Vihiga	-	-	-	-	18	38	56	-	-	2,219	282	2,501	-	-	2,237	320	2,557
Wajir	-	-	-	-	-	-	-	-	-	875	30	905	-	502	875	532	1,407
West Pokot	-	-	-	-	47	12	59	-	-	1,047	58	1,105	-	-	1,094	70	1,164
Grand	62	271	969	1,240	6,522	17,692	24,214	2,434	5,748	200,462	52,810	253,272	637	7,230	207,255	87,582	294,837

2.13.4 Pending Cases by County

At the end of the period under reference, a total of 649,112 cases remained unresolved in the entire country. Figure 2.49 shows the distribution of pending cases in Counties by the end of June 2021.

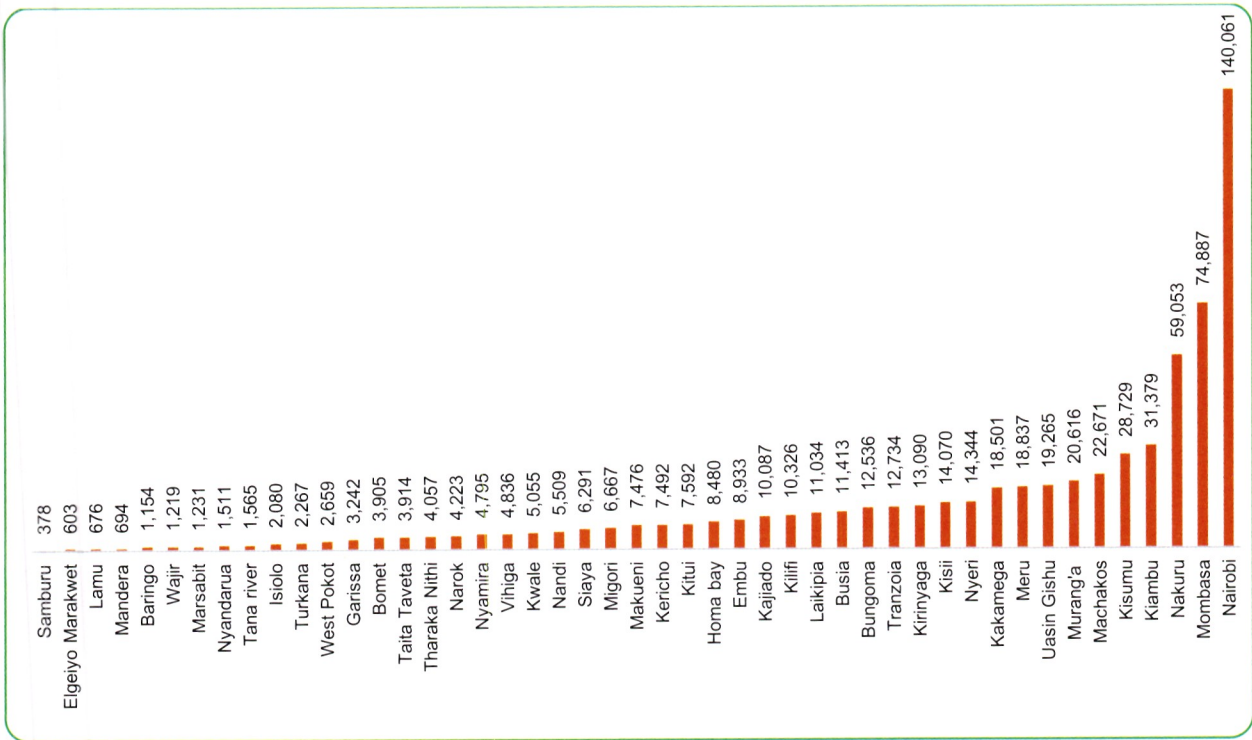


Figure 2.49: Distribution of pending cases by county, FY 2020/21

The county that had the highest number of pending cases was Nairobi with 140,061 cases followed by Mombasa with 74,664 and Nakuru with 59,022 cases. Statistics on the pending cases in each county, organized by court and case types is provided in Table 2.41.

Table 2.41: Pending Cases by County, Court and Case Type

County	SC	COA -CR	COA -CC	COA All	HC- CR	HC- CC	HC- All	ELRC	ELC	MC- CR	MC- CC	MC- All	SCC	Kadhis'	All CR	All CC	All Cas- es
Baringo	-	-	-	-	385	150	535	-	-	536	83	619	-	-	921	233	1,154
Bomet	-	-	-	-	310	396	706	-	-	2,011	1,188	3,199	-	-	2,321	1,584	3,905
Bungoma	-	-	-	-	778	2,359	3,137	-	194	5,571	3,524	9,095	-	-	6,349	6,077	12,426
Busia	-	-	-	-	182	2,089	2,271	-	340	6,455	2,278	8,733	-	69	6,637	4,776	11,413
Elgeyo Marakwet	-	-	-	-	-	-	-	-	-	433	170	603	-	-	433	170	603
Embu	-	-	-	-	534	2,279	2,813	-	359	3,607	1,794	5,401	-	-	4,141	4,432	8,573
Garissa	-	-	-	-	450	257	707	-	66	1,443	392	1,835	-	601	1,893	1,316	3,209
Homa Bay	-	-	-	-	299	479	778	-	-	5,089	2,512	7,601	-	-	5,388	2,991	8,379
Isiolo	-	-	-	-	-	-	-	-	-	1,694	168	1,862	-	66	1,694	234	1,928
Kajiado	-	-	-	-	284	286	570	-	255	5,765	3,418	9,183	-	79	6,049	4,038	10,087
Kakamega	-	-	-	-	747	2,546	3,293	-	175	6,405	8,482	14,887	-	146	7,152	11,349	18,501
Kericho	-	-	-	-	634	1,140	1,774	306	194	3,647	1,493	5,140	-	78	4,281	3,211	7,492
Kiambu	-	-	-	-	1,550	1,469	3,019	-	1,083	11,507	15,742	27,249	-	28	13,057	18,322	31,379
Kilifi	-	-	-	-	525	847	1,372	-	833	5,938	1,896	7,834	-	143	6,463	3,719	10,182
Kirinyaga	-	-	-	-	282	2,111	2,393	-	875	5,360	4,462	9,822	-	-	5,642	7,448	13,090
Kisii	-	-	-	-	190	160	350	-	457	6,754	6,509	13,263	-	-	6,944	7,126	14,070
Kisumu	-	1,374	1,300	2,674	660	887	1,547	724	682	13,725	9,211	22,936	-	27	15,759	12,831	28,590
Kitui	-	-	-	-	381	259	640	-	-	3,575	3,368	6,943	-	9	3,956	3,636	7,592
Kwale	-	-	-	-	-	-	-	-	-	2,202	2,658	4,860	-	222	2,202	2,880	5,082
Laikipia	-	-	-	-	710	138	848	-	-	5,930	4,256	10,186	-	-	6,640	4,394	11,034
Lamu	-	-	-	-	0	0	0	-	-	365	179	544	-	124	365	303	668
Machakos	-	-	-	-	1,162	2,210	3,372	-	991	9,570	8,634	18,204	-	104	10,732	11,939	22,671
Makueni	-	-	-	-	232	385	617	-	56	3,449	3,354	6,803	-	-	3,681	3,795	7,476
Mandera	-	-	-	-	-	-	-	-	-	290	37	327	-	69	290	106	396
Marsabit	-	-	-	-	29	87	116	-	-	854	58	912	-	186	883	331	1,214
Meru	-	-	-	-	1,557	2,701	4,258	-	303	8,537	5,735	14,272	-	5	10,094	8,744	18,838
Migori	-	-	-	-	244	446	690	-	106	2,331	3,540	5,871	-	-	2,575	4,092	6,667
Mombasa	-	110	631	741	2,320	7,345	9,665	1,535	2,132	26,359	31,160	57,519	-	3,072	28,789	45,875	74,664
Murang'a	-	-	-	-	1,390	2,725	4,115	-	70	9,316	7,115	16,431	-	-	10,706	9,910	20,616
Nairobi	74	129	2,881	3,010	2,214	21,152	23,366	9,801	1,370	36,066	62,850	98,916	386	2,433	38,409	100,947	139,356
Nakuru	-	-	-	-	1,225	5,668	6,893	657	875	24,638	25,947	50,585	-	12	25,863	33,159	59,022
Nandi	-	-	-	-	-	-	-	-	-	4,019	1,490	5,509	-	-	4,019	1,490	5,509
Narok	-	-	-	-	127	243	370	-	242	1,540	2,071	3,611	-	-	1,667	2,556	4,223
Nyamira	-	-	-	-	44	172	216	-	-	3,167	1,412	4,579	-	-	3,211	1,584	4,795
Nyandarua	-	-	-	-	192	231	423	-	195	689	229	918	-	-	881	655	1,536
Nyeri	-	540	1,825	2,365	528	2,054	2,582	319	779	3,300	4,945	8,245	-	54	4,368	9,976	14,344
Samburu	-	-	-	-	0	0	0	-	-	309	69	378	-	-	309	69	378
Siaya	-	-	-	-	75	88	163	-	-	2,867	2,669	5,536	-	-	2,942	2,757	5,699
Taita Taveta	-	-	-	-	340	199	539	-	-	2,431	934	3,365	-	6	2,771	1,139	3,910
Tana River	-	-	-	-	113	82	195	-	-	969	196	1,165	-	67	1,082	345	1,427
Tharaka Nithi	-	-	-	-	215	473	688	-	8	2,190	1,171	3,361	-	-	2,405	1,652	4,057
Trans Nzoia	-	-	-	-	2,062	1,168	3,230	-	636	7,877	991	8,868	-	-	9,939	2,795	12,734
Turkana	-	-	-	-	79	34	113	-	-	1,821	200	2,021	-	149	1,900	383	2,283
Uasin Gishu	-	-	-	-	1,020	1,087	2,107	698	1,129	10,297	5,030	15,327	-	3	11,317	7,947	19,264
Vihiga	-	-	-	-	95	155	250	-	-	3,192	1,394	4,586	-	-	3,287	1,549	4,836
Wajir	-	-	-	-	-	-	-	-	-	813	58	871	-	310	813	368	1,181
West Pokot	-	-	-	-	143	37	180	-	-	2,242	237	2,479	-	-	2,385	274	2,659
Grand Total	74	2,153	6,637	8,790	24,307	66,594	90,901	14,040	14,405	267,145	245,309	512,454	386	8,062	293,605	355,507	649,112

ACCESS TO JUSTICE: INSTITUTIONALISATION OF ALTERNATIVE DISPUTES RESOLUTION MECHANISMS

2.14 Background on Institutionalisation of Alternative Forms of Dispute Resolution

The Constitution of Kenya under Article 159 (2) (c) promotes the use of alternative forms of dispute resolution by courts and tribunals in exercise of judicial authority. The mechanisms includes mediation, reconciliation, arbitration and the use of traditional methods. During the period under review, the Alternative Justice Systems (AJS) Baseline Policy and the AJS Framework Policy were finalized and launched. To oversee the implementation of the AJS Policy, the National Steering Committee was formed and mandated to **cascade it to county level and develop guidelines**.

To give effect to the Constitution dictates, and as a strategic initiative, the Judiciary also prioritized Court Annexed Mediation (CAM), a mechanism with a huge potential of enhancing access to justice. The following sub-sections provides details on access to justice through CAM for the FY 2020/21. The referral of matters to CAM, settling of matters through CAM, including their monetary value and efficacy has been covered. By the end of the FY 2020/21, CAM had been operationalised in 50 court stations across the High Court, ELRC, ELC and Magistrates' Courts. Out of the 50 court stations, 16 were High Court stations, 5 ELRC stations, 12 ELC stations and 17 Magistrates' Courts stations.

2.15 Caseload Statistics for Court Annexed Mediation

2.15.1 Matters Referred, Processed and Pending under Court Annexed Mediation

A total of **2,185** matters were referred to mediation by various courts during the period under review. This yielded a cumulative figure of **4,561** matters that were to be processed after consolidation with **2,376** matters that were pending at the end of the previous review period. Out of the **4,561** matters, **1,229** matters were processed successfully leaving a balance of **3,332** as pending by the end of FY 2020/21. Information on referral and processing of matters through CAM is provided in Table 2.42.

Table 2.42: Matters Referred, Processed and Pending under CAM, FY 2020/21

	Court name	Matters Pending, 30th June 2020	Matters referred, July 2020 to June 2021	Matters Processed, July 2020 to June 2021	Matters Pending, 30th June 2021
	HIGH COURT				
1	Eldoret HC	129	99	51	177
2	Embu HC	61	17	15	63
3	Garissa HC	23	8	1	30
4	Kakamega HC	270	209	145	334
5	Kerugoya HC	0	6	5	1
6	Kisii HC	10	12	12	10
7	Kisumu HC	89	122	43	168

	Court name	Matters Pending, 30th June 2020	Matters referred, July 2020 to June 2021	Matters Processed, July 2020 to June 2021	Matters Pending, 30th June 2021
8	Machakos HC non-	54	29	11	72
9	Malindi HC settlement	4	26	17	13
10	Milimani Civil Div	62	11	0	73
11	Milimani Commercial Div	166	110	39	237
12	Milimani Family Div	139	50	31	158
13	Mombasa HC	20	18	2	36
14	Nakuru HC	28	42	16	54
15	Nyamira HC	3	10	13	0
16	Nyeri HC	132	122	101	153
	All High Courts	1190	891	502	1,579
	ELRC				
1	Eldoret ELRC	16			16
2	Kisumu ELRC	13	34	0	47
3	Milimani ELRC	102	117	66	153
4	Mombasa ELRC	55	3	0	58
5	Nyeri ELRC	3	5	1	7
	All ELRC	189	159	67	281
	ELC				
1	Eldoret ELC	26			26
2	Embu ELC	12	21	10	23
3	Garissa ELC	0			0
4	Kakamega ELC	49	38	29	58
5	Kerugoya ELC	0	1	1	0
6	Kisii ELC	2	34	31	5
7	Kisumu ELC	80	27	8	99
8	Machakos ELC	26	8	2	32
9	Malindi ELC	3			3
10	Milimani ELC	54	62	15	101
11	Mombasa ELC	1	8	0	9
12	Nyeri ELC	58	11	1	68
	All ELC	311	210	97	424
	Magistrates' Courts				
1	Eldoret MC	42	78	44	76
2	Embu MC	26	35	30	31
3	Garissa MC	20			20
4	Kakamega MC	75	58	43	90
5	Kerugoya MC	0	10	3	7
6	Kisii MC	4	77	67	14
7	Kisumu MC	18	38	24	32
8	Machakos MC				
9	Malindi MC	4	56	45	15
10	Milimani Children's	103	190	110	183
11	Milimani Commercial	94	3	0	97

	Court name	Matters Pending, 30th June 2020	Matters referred, July 2020 to June 2021	Matters Processed, July 2020 to June 2021	Matters Pending, 30th June 2021
12	Mombasa MC	172	104	16	260
13	Nakuru MC	77	38	31	84
14	Nyamira MC	3	118	71	50
15	Nyeri MC	31	34	13	52
16	Siakago MC	0	29	11	18
17	Tononoka MC	17	57	55	19
	All Magistrates' Courts	686	925	563	1,048
	All Courts	2376	2,185	1,229	3,332

The CAM achieved a 30 per cent processing rate in the matters that were dealt with. This was calculated through division of processed matters with the total matters (1,229) that were placed before the mediation process (4,561).

2.15.2 Uptake of Court Annexed Mediation by Courts

The uptake of CAM, measured using the percentage of matters referred to mediation to total workload in a court, was below two per cent. This is illustrated in Figure 2.50.

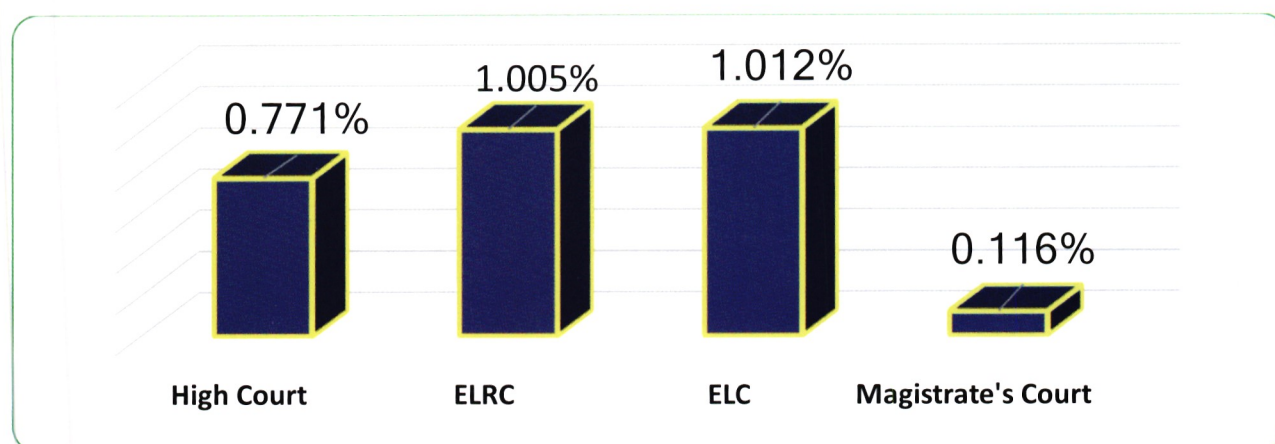


Figure 2.50: Percentage uptake of CAM matters by courts, FY 2020/21

The highest uptake of CAM was in ELC at 1.012 per cent followed by ELRC at 1.005 per cent. The least uptake was recorded in the Magistrates' Courts at 0.116 per cent.

2.15.3 Matters Settled through Court Annexed Mediation

Out of 1,229 matters that were processed through CAM, **767** matters had settlement agreements. This implied that **462** matters were not settled. Figure 2.51 shows the percentage distribution of matters with and without settlement agreements.

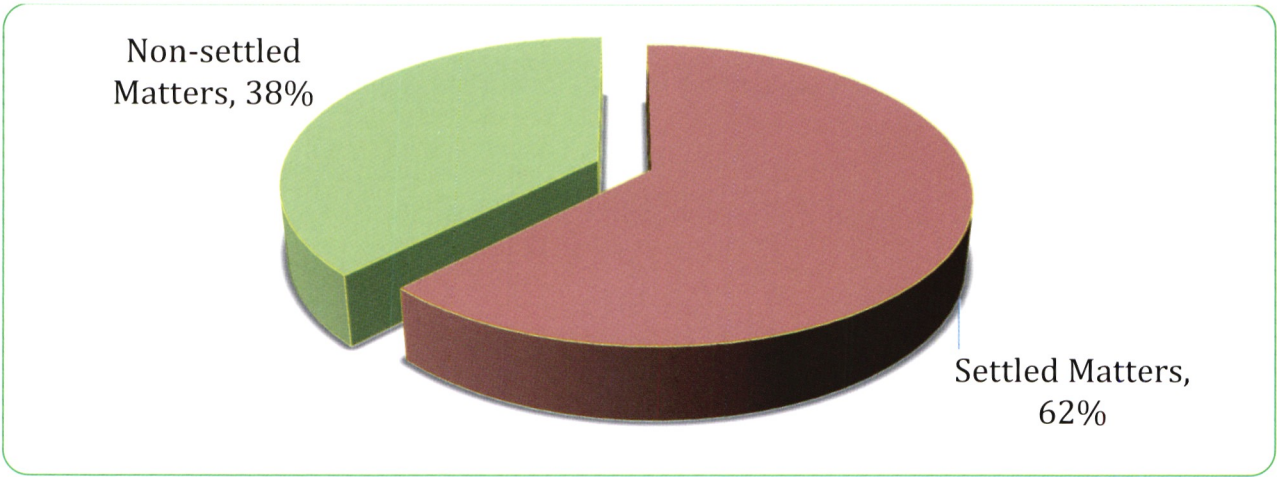


Figure 2.51: Distribution of settled and non-settled matters under CAM, FY 2020/21

The matters that had settlements stood at 62 per cent while those without stood at 38 per cent. The distribution of settlement and non-settlement of matters in different courts is demonstrated in Figure 2.52.

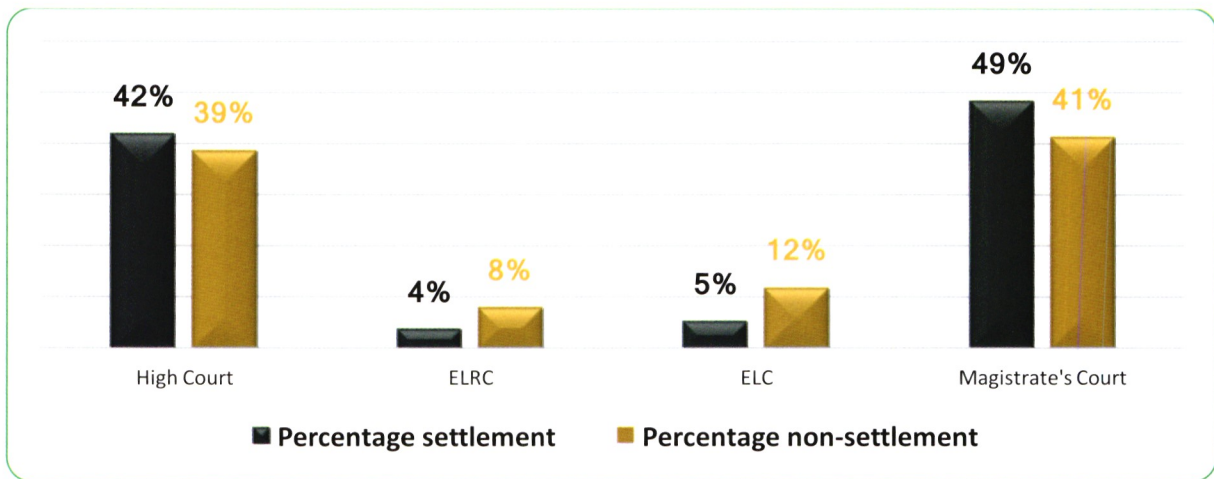


Figure 2.52: Distribution of Settled and Non-settled CAM matters by court type, FY 2020/21

The Magistrates' Courts had the highest proportion of settled matters at 49 per cent followed by the High Court at 42 per cent. The least proportion of settlement was in the ELRC at four per cent. A similar trend was observed for the non-settlements across various courts. The overall percentage distribution of matters with settlement agreements is shown in Figure 2.53.

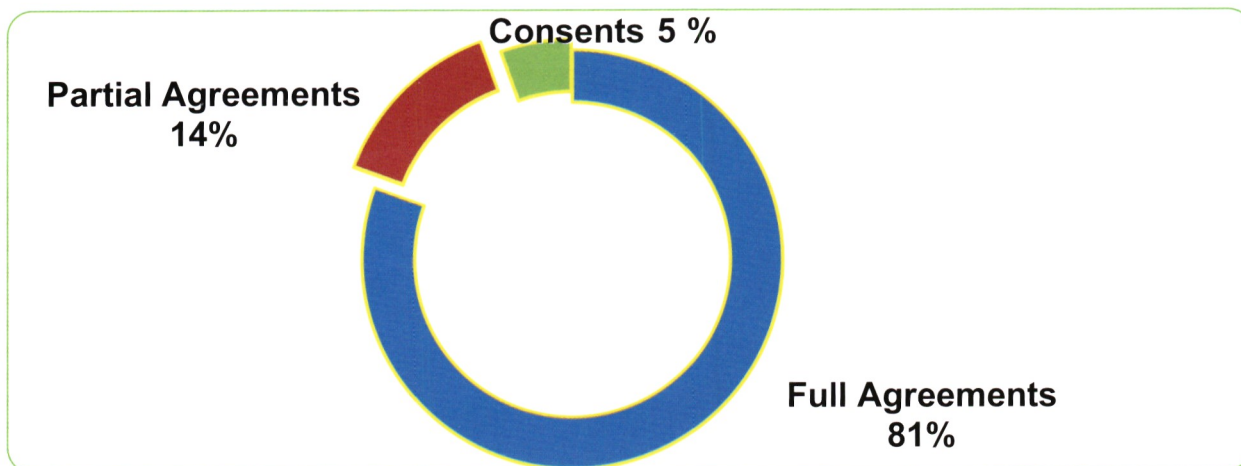


Figure 2.53: Distribution of Settled Matters under CAM by Mode of Settlement, FY 2020/21

The matters that had full agreements were 81 per cent followed by partial agreements at 14 per cent and consents at five per cent. Table 2.43 provides a breakdown of cases with settlement agreements across courts.

Table 2.43: Matters settled through CAM by Mode of Settlement, FY 2020/21

	Court name	Full agreements	Partial agreements	Consents	All settled matters
	HIGH COURT				
1	Eldoret HC	22	4	0	26
2	Embu HC	4	1	0	5
3	Garissa HC	1	0	0	1
4	Kakamega HC	81	12	18	111
5	Kerugoya HC	4	0	0	4
6	Kisii HC	6	2	0	8
7	Kisumu HC	14	3	0	17
8	Machakos HC	6	0	0	6
9	Malindi HC	7	1	1	9
10	Milimani Civil Division	0	0	0	0
11	Milimani Commercial Div	9	3	0	12
12	Milimani Family Division	12	8	0	20
13	Mombasa HC	0	0	0	0
14	Nakuru HC	4	2	0	6
15	Nyamira HC	0	7	0	7
16	Nyeri HC	87	4	0	91
	All High Courts	257	47	19	323
	ELRC				
1	Eldoret ELRC				
2	Kisumu ELRC	0	0	0	0
3	Milimani ELRC	14	3	12	29
4	Mombasa ELRC	0	0	0	0
5	Nyeri ELRC	1	0	0	1
	All ELRC	15	3	12	30
	ELC				
1	Eldoret ELC				
2	Embu ELC	3	1	1	5
3	Garissa ELC				
4	Kakamega ELC	14	1	0	15
5	Kerugoya ELC	0	0	0	0
6	Kisii ELC	8	4	0	12
7	Kisumu ELC	3	0	0	3
8	Machakos ELC	0	0	0	0
9	Malindi ELC				
10	Milimani ELC	6	0	0	6

	Court name	Full agreements	Partial agreements	Consents	All settled matters
11	Mombasa ELC	0	0	0	0
12	Nyeri ELC	1	0	0	1
	All ELC	35	6	1	42
	Magistrates' Courts				
1	Eldoret MC	13	7	0	20
2	Embu MC	17	3	0	20
3	Garissa MC				
4	Kakamega MC	27	6	0	33
5	Kerugoya MC	1	0	0	1
6	Kisii MC	26	3	0	29
7	Kisumu MC	13	6	0	19
8	Machakos MC				
9	Malindi MC	23	8	1	32
10	Milimani Childrens	66	8	8	82
11	Milimani Commercial	0	0	0	0
12	Mombasa MC	9	3	0	12
13	Nakuru MC	17	0	1	18
14	Nyamira MC	50	6	0	56
15	Nyeri MC	13	0	0	13
16	Siakago MC	6	1	0	7
17	Tononoka MC	30	0	0	30
	All Magistrates' Courts	311	51	10	372
50	All Courts	618	107	42	767

Table 2.43 shows that 618 matters were fully settled, 107 matters were partially settled while 42 were concluded by way of consents. The fully settled matters marked a 33 per cent decrease from the 919 matters that were settled in the previous reporting period. The partially settled matters declined by 12 per cent in comparison to the 121 matters that finalized in the previous reporting period. The consents grew by 14 per cent from 37 in the FY 2019/20 to 42 in the FY 2020/21.

2.15.4 Matters Not Settled through Court Annexed Mediation (CAM)

A total of 462 matters were not settled. This was occasioned by parties failing to reach an agreement, others failing to comply and the rest terminating the matters. The percentage breakdown of these reasons is presented in Figure 2.54.



Figure 2.54: Distribution of Non-settled Matters under CAM by Mode of Non-settlement, FY 2020/21

Matters without agreements were at **58** per cent, followed by those that were terminated at **23** per cent. Table 2.44 shows the distribution of the non-settled matters for each of court station.

Table 2.44: Categories of Non-settled Matters in CAM

Court name	No agreements	Non compliance	Terminated	All non-settled matters
HIGH COURT				
1 Eldoret HC	18	2	5	25
2 Embu HC	9	0	1	10
3 Garissa HC	0	0	0	0
4 Kakamega HC	28	3	3	34
5 Kerugoya HC	1	0	0	1
6 Kisii HC	1	2	1	4
7 Kisumu HC	19	2	5	26
8 Machakos HC	0	0	5	5
9 Malindi HC	6	2	0	8
10 Milimani Civil Division	0	0	0	0
11 Milimani Commercial Division	14	5	8	27
12 Milimani Family Division	6	2	3	11
13 Mombasa HC	2	0	0	2
14 Nakuru HC	6	4	0	10
15 Nyamira HC	5	1	0	6
16 Nyeri HC	9	1	0	10
All High Courts	124	24	31	179
ELRC				
1 Eldoret ELRC	-	-	-	-
2 Kisumu ELRC	0	0	0	0
3 Milimani ELRC	25	6	6	37
4 Mombasa ELRC	0	0	0	0
5 Nyeri ELRC	0	0	0	0
All ELRC	25	6	6	37
ELC				
1 Eldoret ELC	-	-	-	-
2 Embu ELC	2	1	2	5
3 Garissa ELC	-	-	-	-
4 Kakamega ELC	11	1	2	14
5 Kerugoya ELC	1	0	0	1
6 Kisii ELC	8	6	5	19
7 Kisumu ELC	5	0	0	5
8 Machakos ELC	0	0	2	2
9 Malindi ELC				
10 Milimani ELC	3	6	0	9
11 Mombasa ELC	0	0	0	0
12 Nyeri ELC	0	0	0	0
All ELC	30	14	11	55
MAGISTRATE COURT				
1 Eldoret MC	5	2	17	24
2 Embu MC	4	2	4	10
3 Garissa MC	-	-	-	-
4 Kakamega MC	10	0	0	10
5 Kerugoya MC	1	1	0	2
6 Kisii MC	12	16	10	38
7 Kisumu MC	5	0	0	5
8 Machakos MC	-	-	-	-
9 Malindi MC	4	1	8	13
10 Milimani Childrens	19	3	6	28
11 Milimani Commercial	0	0	0	0
12 Mombasa MC	2	0	2	4
13 Nakuru MC	7	5	1	13
14 Nyamira MC	11	4	0	15
15 Nyeri MC	0	0	0	0
16 Siakago MC	4	0	0	4
17 Tononoka MC	6	8	11	25
All Magistrates' Courts	90	42	59	191
50 All Courts	269	86	107	462

Out of the 462 matters that were not settled through CAM, 269 had no agreements, representing a 58 percent decrease in comparison to the 646 matters that had no agreements in the previous period. In 86 matters, parties failed to comply with mediation rules, representing a decline by 221 of such matters in comparison with 307 that were recorded in the previous period. The matters that were terminated reduced from 160 that were recorded in the FY 2019/20 to 107 matters during the year under review.

2.16. Monetary Value of Cases Handled Through Court Annexed Mediation

The monetary value of the cases that were referred to mediation in the FY 2020/21 was KSh7.1 billion. The value of the matters that were settled was KSh382 million down from KSh4.5 billion that was recorded in the FY 2019/20. The reduction was attributed to difficulties experienced in holding mediation sessions during the pandemic. The growth of the value of matters settled through CAM over time is shown in Figure 2.55.

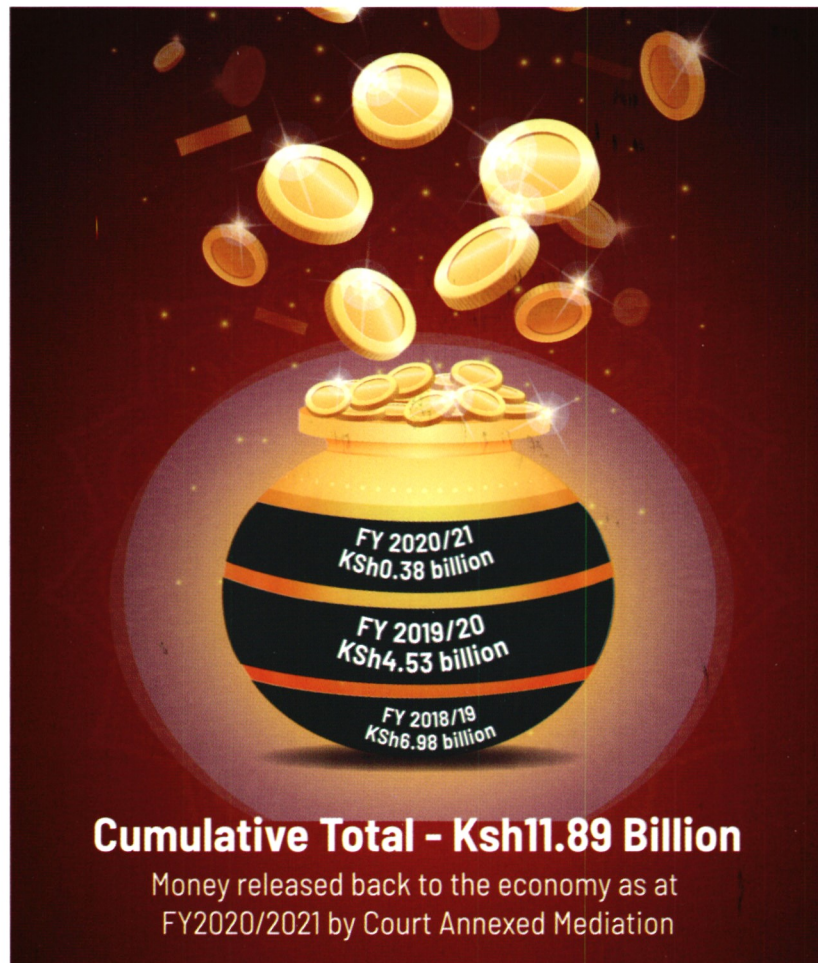


Figure 2.55: Trend of monetary value of matters settled through mediation

The above trend shows the monetary amount in billions Kenya shillings that has been released back to the economy over time. There has been a positive growth from KSh6.98 billion in FY 2018/19 to KSh11.51 billion in 2019/20 before a mild growth was witnessed in 2020/21 of KSh11.89 billion. The mild growth is attributed to the reduced settlements of matters during the pandemic. Detailed statistics on monetary value of matters handled under CAM are presented in Table 2.45.

Table 2.45: Monetary value of matters referred to mediation, FY 2020/21

Court name	Cumulative value of matters referred to mediation, 30th June 2020	Value of matters referred to mediation, FY 2020/21	Cumulative value of matters referred to mediation as at 30th June 2021	Cumulative value of matters with settlement agreements, 30th June 2020	Value of matters with settlement agreements, FY 2020/21	Cumulative value of matters with settlement agreements, 30th June 2021
HIGH COURT						
1 Eldoret HC	1,685,114,162	434,090,000	2,119,204,162	719,317,282	24,700,000	744,017,282
2 Embu HC	747,867	3,100,000	3,847,867	40,167	2,100,000	2,140,167
3 Garissa HC	731,419	0	731,419	556,000	0	556,000
4 Kakamega HC	327,163,048	102,500,000	429,663,048	70,574,219	32,441,902	103,016,121
5 Kerugoya HC	0	26,000,000	26,000,000	0	4,000,000	4,000,000
6 Kisii HC	380,488	12,459,400	12,839,888	0	18,107,108	18,107,108
7 Kisumu HC	265,864,884	344,000,000	609,864,884	13,261,353	0	13,261,353
8 Machakos HC	187,309,123	158,300,000	345,609,123	66,879,006	0	66,879,006
9 Malindi HC	15,669,663	20,000,000	35,669,663	0	0	0
10 Milimani Civil Division	995,254,234	195,300,000	1,190,554,234	1,509,150	0	1,509,150
11 Milimani Commercial Division	24,347,675,688	1,367,000,000	25,714,675,688	3,531,243,120	216,530,836	3,747,773,956
12 Milimani Family Division	12,910,945,835	503,300,000	13,414,245,835	4,936,821,914	10,562,480	4,947,384,394
13 Mombasa HC	59,953,326	16,649,288	76,602,614	0	0	0
14 Nakuru HC	135,989,981	1,844,278	137,834,259	3,894,123	0	3,894,123
15 Nyamira HC	4,687,500	0	4,687,500	2,222,222	0	2,222,222
16 Nyeri HC	1,006,585,018	3,108,000,000	4,114,585,018	1,061,944,436	17,352,645	1,079,297,081
All High Courts	41,944,072,236	6,292,542,966	48,236,615,202	10,408,262,992	325,794,971	10,734,057,963
ELRC						
1 Eldoret ELRC						
2 Kisumu ELRC	74,093,492	0	74,093,492	0	0	0
3 Milimani ELRC	1,805,124,869	170,400,000	1,975,524,869	242,684,818	39,293,890	281,978,708
4 Mombasa ELRC	9,992,221	150,000	10,142,221	0	0	0
5 Nyeri ELRC	41,253,484	314,814	41,568,298	11,669,719	0	11,669,719
All ELRC	1,930,464,066	170,864,814	2,101,328,880	254,354,537	39,293,890	293,648,427
ELC						
1 Eldoret ELC						
2 Embu ELC	923,836	0	923,836	40,167	0	40,167
3 Garissa ELC						
4 Kakamega ELC	59,484,191	12,500,000	71,984,191	9,537,057	5,733,918	15,270,975
5 Kerugoya ELC	0	1,000,000	1,000,000	0	0	0
6 Kisii ELC	1,078,048	0	1,078,048	0	0	0
7 Kisumu ELC	58,838,950	0	58,838,950	2,340,239	0	2,340,239
8 Machakos ELC	51,671,482	0	51,671,482	0	0	0
9 Malindi ELC						
10 Milimani ELC	768,454,645	585,100,000	1,353,554,645	0	0	0
11 Mombasa ELC	26,645,923	0	26,645,923	0	0	0
12 Nyeri ELC	90,757,666	0	90,757,666	11,669,719	0	11,669,719
All ELC	1,057,854,741	598,600,000	1,656,454,741	23,587,182	5,733,918	29,321,100
MAGISTRATE COURT						
1 Eldoret MC	1,327,665,703	10,160,265	1,337,825,968	553,320,987	4,922,000	558,242,987
2 Embu MC	1,539,727	2,802,205	4,341,932	160,667	2,471,600	2,632,267
3 Garissa MC						
4 Kakamega MC	90,791,659	335,000	91,126,659	20,981,525	452,678	21,434,203
5 Kerugoya MC	0	4,000,000	4,000,000	0	1,000,000	1,000,000
6 Kisii MC	2,441,463	0	2,441,463	0	0	0

Court name	Cumulative value of matters referred to mediation, 30th June 2020	Value of matters referred to mediation, FY 2020/21	Cumulative value of matters referred to mediation as at 30th June 2021	Cumulative value of matters with settlement agreements, 30th June 2020	Value of matters with settlement agreements, FY 2020/21	Cumulative value of matters with settlement agreements, 30th June 2021
7 Kisumu MC	82,810,374	0	82,810,374	14,821,512	0	14,821,512
8 Machakos MC						
9 Malindi MC	33,750,044	445,078	34,195,122	0	0	0
10 Milimani Children's	66,264,697	0	66,264,697	8,833,262	0	8,833,262
11 Milimani Commercial	103,184,618	2,227,059	105,411,677	23,762,645	0	23,762,645
12 Mombasa MC	346,396,997	24,250,547	370,647,544	22,507,726	0	22,507,726
13 Nakuru MC	123,038,555	789,888	123,828,443	11,682,368	750,000	12,432,368
14 Nyamira MC	55,312,500	0	55,312,500	17,777,778	0	17,777,778
15 Nyeri MC	280,523,693	250,000	280,773,693	151,706,348	377,231	152,083,579
16 Siakago MC	0	4,000,000	4,000,000	0	1,000,000	1,000,000
17 Tononoka MC	0	0	0	0	0	0
All Magistrates' Courts	2,513,720,030	49,260,042	2,562,980,072	825,554,818	10,973,509	836,528,327
50 All Courts	47,446,111,073	7,111,267,822	54,557,378,895	11,511,759,529	381,796,288	11,893,555,817

The cumulative value of matters that has so far been referred to mediation stood at KSh54.6 billion at the end of the FY 2019/20. The cumulative value of matters with settlement agreements stood at KSh11.9 billion at the end of the FY 2020/21 up from KSh11.5 billion that was recorded at the end of the FY 2019/20.

2.17 Efficacy of Court Annexed Mediation

Determination and tracking of efficiency and performance of CAM is of paramount importance in continuously assessing whether CAM is realizing its envisaged goals or not. Some efficiency measures for CAM programme include, *inter alia*, Case Processing Rate (CPR), settlement rate (SR) and non-compliance rate (NPR). The CPR refers to the percentage of processed matters against the matters referred to CAM. The SR is the percentage of matters whose parties reached an agreement against the total processed matters. The NPR, which arises when parties fail to conform to mediation directions, refers to the percentage of non-compliance matters against the concluded matters. The efficiency of CAM is presented in Figure 2.56.

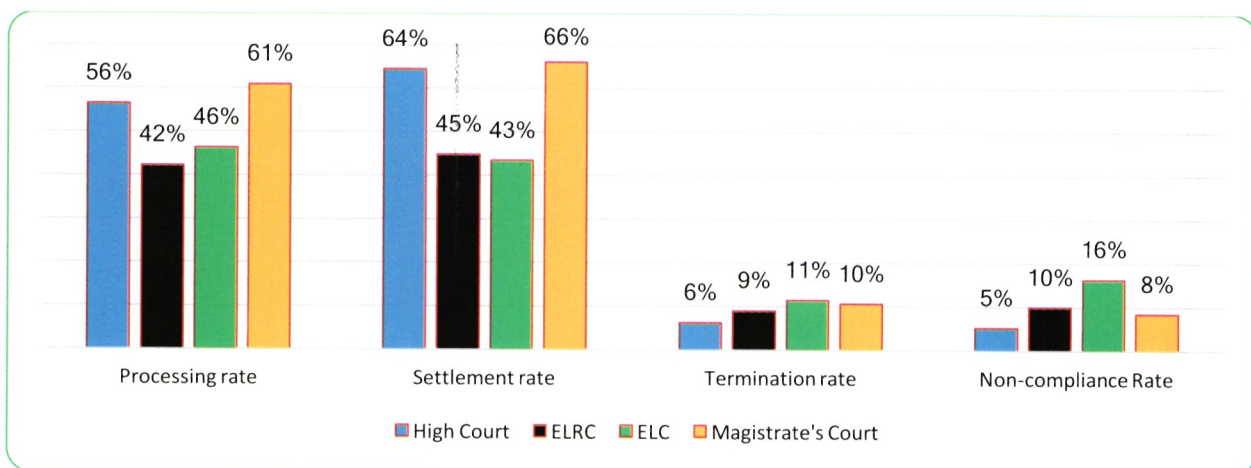


Figure 2.56: Efficiency of CAM across Courts, FY 2020/21