



Judicial Performance
Improvement Project

e-newsletter

Issue No. JE05

Judiciary, Tel: 020 222 1221 Email: jpipproject@gmail.com

January - March, 2015

JPIP TO BE RESTRUCTURED By Nicholas Simani



Implementing units at the World Bank Group workshop.

After a period of two (2) years of implementation, the Judicial Performance Improvement Project (JPIP) will undergo a mid-term review and restructuring in May 2015. The mid-term review, which is a common practice for all World Bank Group projects, is to assess the relevance, efficacy and effectiveness of the design of the project and to gauge whether the project is on course in meeting its objective.

This was revealed to the implementing units of JPIP at a workshop conducted by the project Task Team Leader Nicholas Menzies and co-task team leader George Larbi during the supervisory mission visit held from 2nd – 10th March 2015. During the one week period the mission held workshops and meetings with Judiciary top officials, implementing units and other stakeholders to gather information that will assist in laying groundwork for

the mid-term review and restructuring of the project. The data collected will inform the basis for developing the criteria and processes for the exercise. The mission also discussed at length on strategies that would accelerate implementation progress in particular focusing on issues of procurement and undertake a thorough diagnosis of the reasons for procurement delays. The discussions were based on actions agreed upon in the Aide-Memoire of December 2014.

JPIP is a management development project that is supported by the World Bank Group for a period of six years. It is implemented by Judiciary Registrars, Directorates and other stakeholders in the justice sector. It is expected after the restructuring, JPIP will be more effective and efficient in supporting the Judiciary in delivery of service and justice.



Group discussions by implementing units.



Edna Kuria of Kenya Law (c) contributing during the workshop.

CURRICULUM ON RECORDS MANAGEMENT By Ruth Kirigo Kimathi



Curriculum development on Records Management working team pose for a group photo.

A workshop to develop a domesticated competency sector specific Record Management Curriculum for staff handling records in the Judiciary was held in March 2015. The Directorate of Human Resource and Administration (DHRA) in collaboration with the Registrar High Court and Director of Judiciary Training Institute (JTI) conducted the workshop that will contribute towards enabling the Judiciary to conduct structured needs and performance driven training on Management of Judiciary records. It will also standardize the way records are managed at the Judiciary.

The Judiciary's wide mandate relies heavily on good records keeping and information management. Poor records management can be a hindrance in court business and administrative functions.

A survey conducted in December 2014 by DHRA and its partners revealed that multiple and diverse factors impede effective management of records in the Judiciary. The survey established that only 28.9% of staff handling records had undergone any formal training in records management while 71.1% had not. Majority, forming 60.0% were trained on the job.

The survey was done to: identify whether there was a standardized way of managing records in the Judiciary; identify challenges experienced in managing records in the Judiciary; find out the content that



Participants take a health break.

should be covered in the Judiciary Record Management Curriculum; and determine duration of the programme.

The curriculum when finalized will train staff in the areas of: file control and movement; registry management; how to receive, document, store, retrieve, dispatch, classify, index documents; colour code information and records; security of records; use of technology in managing records; accountability and integrity in the management of information and records; basic knowledge of legal requirements governing records management; disaster preparedness and risk management in records; life cycle of Judiciary records; and emerging trends in records management among other areas.



Hon. Wa Kiarie (r) and Ruth Kimathi participating in discussions at the curriculum data analysis workshop.

THE IMPACT OF INFORMATION By Wambui Kamau Waweru



Senior Law Reporter Andrew Halonyere hands over copies of the constitution to the headmaster of Kokwa Island Primary School in Kokwa Island, Baringo.

Kenya Law has published 100,000 friendly pocket size copies of the Constitution that will be disseminated to the public in different forums. The distribution of the Constitution to the members of the public will contribute to better understanding of the law and bridge the knowledge gap. The well packaged compact booklets will be distributed to the Education Sector through the Universities-law faculties in the Country; to the Counties- to aid the members of the county assembly during their debates; Security Agencies such as the Police, Legal aid institutions and the general public. This is in line with the primary objective of JPIP of improving the performance of the Judiciary by informing and educating the public and stakeholders.

Information is the lifeline of democracy and knowledge is power. If people do not know what is happening in their society, if the actions of those who rule them are hidden, then they cannot take a meaningful part in the affairs of the society. Information is not only necessary for people; it is an essential part of good governance.

Kenya Law aims at equipping the public with ability to access knowledge which can assist in promoting the realization of the rights of persons to participate fully in their social life. The law has to be known and made available to assist the society develop and grow politically and

economically. Knowledge enables one also enjoy the opportunities that are available. Laws are public in nature. Its purpose is to provide that which is necessary to guarantee access of all persons to the information held by the State. Article 35 of the Constitution of Kenya, 2010 reiterates this by providing for the right to access to information held by the State. Access to Information held by the government is vital in so far as it enables better participation in the democratic processes, helps to promote trust in governance and also enables government to be held accountable.

Ignorance of the law excuses no man. According to the World Governance Indicators - 2010, Kenya scored weak on the rule of law. What is the rule of law, one would ask? The easiest way to define it would be that the rule of law cannot be entirely separate from the people who make up the government and the society.

This rule of law does not merely exist for those who have the means to fight for their rights and very often do so for the perpetuation of the status quo, which protects and preserves their dominance and permits them to exploit a large section of the community. The rule of law has to extend to the poor and downtrodden, the ignorant and the illiterate who constitute the bulk of the public.



Kenya Law Staff issuing out copies of the Constitution.



Members of the public receiving copies of the Constitution.

DESIGNS FOR NEW COURTS UNVEILED By Arch. John Okello & Nicholas Simani

Designs for the new courts to be constructed in Siaya, Nakuru, Nanyuki, and Garissa Law Courts were unveiled by two architectural firms, Otieno & Kungu Associates and Skair Associates. The designs were presented to Judicial officers and staff of the courts, Court Users Committees members, the media and members of the public. The unveiling of the designs to stakeholders and users of the courts gives every stakeholder an opportunity to appreciate the design concept of how the courts would look like and also incorporate suggestions on areas to be improved or included that are essential and will contribute towards the improvement of service delivery. All designs of courts to be constructed under the Judicial Performance Improvement Project (JPIP) are expected to be deliberated on before construction commences. This concept of involving stakeholders is in line with Article 10 of the Constitution which calls for public participation as a national principal of governance. The Project Appraisal Document (PAD) requires

that for purpose of accountability and transparency throughout the construction process, JPIP will involve stakeholders at various stages in the construction of the courts. The Judiciary Transformation Framework (JTF) which the Judiciary adheres to recognizes the importance of public and stakeholder engagement under Pillar One of Key Result Area. Otieno & Kungu Associates architects are to undertake the design and supervision of the construction process for the extension of the Nakuru law courts which is have a Court of Appeal and a High Court. The consultants are also expected to design and supervise the construction of a new Siaya law court. Otieno & Kungu Associates architects are to design a court that will be less intimidating and have an appealing physical structure that will provide accessibility to justice for all in a dignified manner. Skair Associates architects are to undertake the design and supervision of the construction process for Nanyuki and Garissa law courts with the aim of ensuring that the high court facilities are cost effective in terms of

design, procurement regulations and that the construction is of high standards. The building will reflect and encompass Best Industry Practice in the use of modern construction methods and technology. All the four courts are expected to have ICT facilities that will contribute towards the acceleration of Judiciary performance; spacious chambers, adequate court rooms, spacious file registry's; offices for lawyers and prosecutors; witness protection rooms; Children protection rooms and playing facilities; counseling room; and appropriate ramps for the physically challenged among other many facilities. All the new modern courts to be constructed under JPIP will immensely contribute towards Judiciary transformation process of improving service delivery.

GARISSA LAW COURT



TRAINING OF TRAINERS ON THE FINANCE POLICY AND PROCEDURES MANUAL

By Hellen Musyoki

The Chief Registrar of the Judiciary has called upon the use of the Judiciary Financial Policy and Procedures Manual (2014) as a key reference guide for the practices, policies and procedures of finance and accounting in the Judiciary. Speaking on behalf of the CRJ during the closing ceremony of a 2 day residential training of Training of Trainers workshop, the Registrar of the Court of Appeal, Hon Moses Serem, reiterated that the manual which would provide a standardized and official document for judicial officers and staff on financial management and accounting will also form an invaluable guide to accounting and finance staff as they go about their day to day duties.

The Training of Trainers workshop held in Nakuru from 27th – 28th January 2015, was to equip a core group of judicial officers/ staff to sensitize them on the manual contents and applicability. The Training of Trainers (TOT) which was facilitated by Deloitte, was attended by all the Regional Assistance Directors of Finance and select staff from the headquarters Directorates including Finance, Accounts, Supply Chain Management and Internal Risk & Audit. The accounting and finance staff of the National Council for Law Reporting (NCLR), Auctioneers Licensing Board (ALB), Political Parties & Disputes Tribunal (PPDT), the Judicial Service Commission (JSC) and Judiciary Training Institute (JTI) were also included.

The then Ag. Director of Finance, Mrs. Beatrice Kamau emphasized that the trainers must ensure that the knowledge acquired trickles down to all other staff for efficiency and effective implementation of the manual. The facilitators (Deloitte) used a paced lecture method to present the whole document to the participants covering each item in interactive discussions which encouraged the participants to internalize the manual by doing group exercises on proposed policy and procedures for random items. The manual does not introduce new policies but documents and customizes the existing laws and regulations of the Judiciary.

“

The manual would provide a standardized and official document for judicial officers and staff on financial management and accounting.”



TOT members during plenary presentations and discussions on the Judiciary Finance Policy and Procedures Manual, 2014.



Members attending the Training of Trainers (TOT) Workshop on Finance Policy and Procedures Manual, 2014 at Merica Hotel on 27th and 28th January 2015.

FACE LIFT FOR KIBERA AND MAKINDU COURTS By Hon. Gerald Mutiso and Joel Njoroge



The Registrar of Magistrate courts (fifth from right) and Chief Magistrate of Kibera Courts pose for a group photograph with members of CUC's during the handing over of the Site.

Kibera and Makindu law courts are to be rehabilitated to ultra-modern courts with state of the art facilities. The Registrar of the Magistrate Court presided over the handing over of the two separate sites to the design and supervisory architects, M/s Wambugu Mathews & Associates. The function was witnessed by JPIP Project Coordinator among other officials.

The design and supervisory architects were briefed on the expected spatial allocation of the rehabilitations while judicial officers & staff, Court Users Committee (CUC) members provided their views and suggestions on the architectural requirements that the architects can consider as they make the designs.

The Chief Magistrate of Kibera law court, Hon. Anne Onginjo, observed that there is need to rehabilitate the courts to have enough office space to adequately accommodate the 55 judicial officers and staff at the court. Kibera law court was built in 1984 to occupy four (4) magistrates. Currently it occupies nine (9) magistrates, one (1) kadhi and has six (6) chambers and four (4) prefab chambers. It has a heavy workload with an average of one hundred and ninety five (195) cases dealt with daily. The number of cases registered in the year 2014 was sixteen

thousand eight hundred and ninety (16,890) consisting of five thousand eight hundred and eighty five (5885) criminal cases and eleven thousand and five (11,005) traffic offences cases. The court also handles anti-narcotic, anti-terror and banking fraud cases.

The Senior Resident Magistrate of Makindu law court, Hon. Gerald Mutiso, proposed that the architects should consider upgrading the chambers, court rooms and offices for staff as current situation at the court is not adequate and some courts are in dilapidated state. Makindu law court was opened in 1998. It was constructed by members of the public through the "food for work" programme. The bricks used to build the court came from residents who were affected by drought and resultant famine in the area. They made bricks in exchange for maize. The court serves several districts and a number of police stations handling criminal cases, wildlife crime, robbery with violence, road traffic offences among others. Civil cases include land cases, defamation etc.

A representative from the Prisons Department requested that the cells be built closer to the courts and have two separate cells one for police inmates and another for prison inmates. A CUC member proposed that the architects should borrow a leaf from the Milimani law courts when incorporating ICT technology. A witness protection area especially for children should be considered. There is need

to also have a library and reading area for advocates stocked with adequate law books and other materials.

The JPIP Architect informed the meeting that it is hoped that in October 2015 a contractor will be on site for both courts to commence the rehabilitation of the courts. Local contractors were encouraged to apply when the tenders will be floated in the daily newspapers.



Kibera Law Court



Makindu Law Court

SOME OF THE DESIGNS FOR NEW COURTS UNVEILED

CHUKA LAW COURT DESIGN



NYANDO LAW COURT DESIGN



NYAMIRA LAW COURT DESIGN



MOLO LAW COURT DESIGN



NYAMIRA LAW COURT DESIGN



VIHIGA LAW COURT DESIGN



EDITORIAL

To restore public confidence and improve transparency and accountability within the Judiciary, the Judicial Performance Improvement Project (JPIP) will under go a mid-term review and restructuring. The mid-term review and restructuring is meant to assess the impact, efficacy and effectiveness of the design of the project, review whether the project is on course in meeting its objective, look at lessons learnt, identifying new priority areas of activities and identify ways of improving the implementation of the project. The E-newsletter will in the upcoming editions capture the transformation process and highlight them in consequent issues. For more information, kindly contact us on jpipproject@gmail.com or on Tel: +254 0730181865.