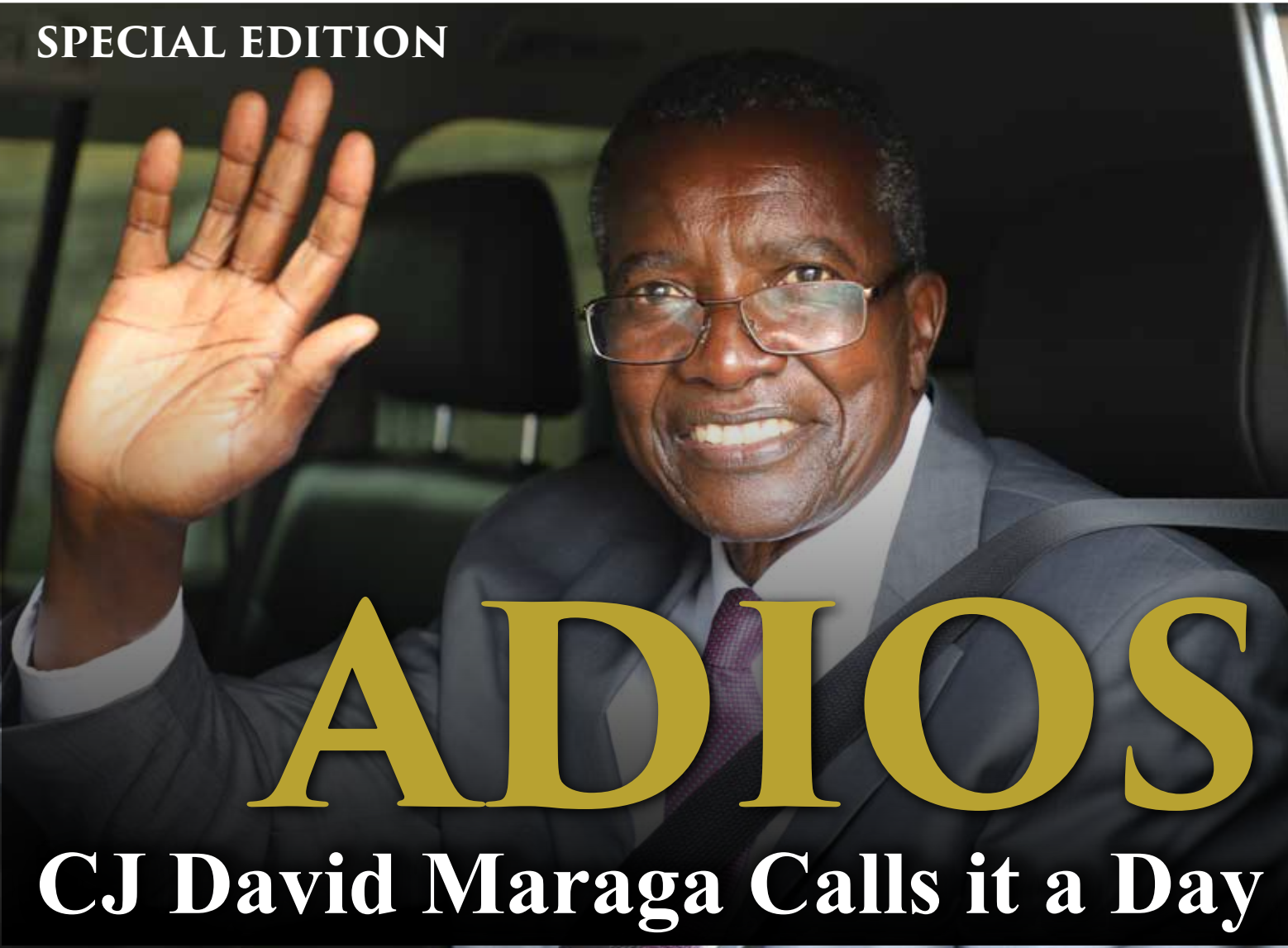


INSIDE THE
JUDICIARY
ALL YOU NEED TO KNOW IN YOUR COURTS

ISSUE NO. 15 DECEMBER - FEBRUARY 2021

SPECIAL EDITION



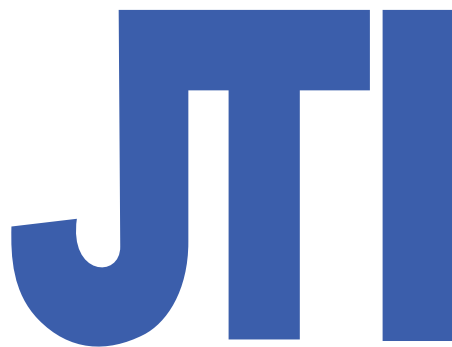
ADIOS

CJ David Maraga Calls it a Day

Covid-19 in
the Judiciary

Courts go Digital
For Efficiency

WELCOME TO A SPECIAL BUMPER ISSUE + CJ PULLOUT



JUDICIARY TRAINING INSTITUTE

CALENDAR *of* EVENTS

Activity	Date
Anti-corruption, Money Laundering and Asset Recovery training for Judges	27-29 Jan
Counter Terrorism training for Judges	4-5 Feb
Counter Terrorism training for Magistrates	11-12 Feb
Human Trafficking training for Magistrates	11 – 12 Feb
Anti-corruption, Money Laundering and Asset Recovery training for Magistrates	24-26 Feb
Tribunals Training on Administrative Law, Case Management, Corporate Governance and Technology Use training for CEOs/Chairs of Tribunals	24-26 Feb

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» p.4



» p. 5



» p. 25



» p. 9

4 CJ RETIRES

CJ David Maraga calls it a day

5 COVID INTERVENTION

COVID - 19: How the pandemic changed the Judiciary.

9 DIGITIZATION

Efiling takes shape in courts

12 STRATEGIC PLAN

Judiciary unveils 5-year road map

15 MEDIATION

Court Annexed Mediation goes Virtual

16 CONSTITUTIONALISM

Uphold constitutionalism for a peaceful society, says DCJ Mwilu

17 OPINION

Collaboration in justice sector should go beyond combating COVID – 19

18 OPINION

Holistic approach to dealing with case backlog

19 ADOPTION

Adoption Booklet launched to guide process

23 JPIP

Eight Years of Judicial Performance Improvement

27 COURT NEWS

Kandara law courts' google calendar steps up case management



» p. 13



» p.12



» p.27



» p.6



» p. 19

IN PICTURES



» p. 38



» p. 32



» p. 22

Welcome to the Chief Justice Special Edition of the Inside the Judiciary Magazine. The team has taken time to profile Chief Justice David Maraga’s legacy since he assumed office in October 2016 until his retirement in 2021 having diligently served the Judiciary for four years.

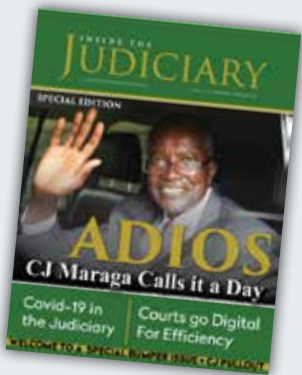
The Inside the Judiciary Magazine editorial team takes you down memory lane from the day the Chief Justice stepped into office, the decisions he made in court as President of the Supreme Court, the implementation of his blueprint, Sustaining Judiciary Transformation, his leadership at the National Council on Administration of Justice (NCAJ), court infrastructure development journey, student mentorship programmes and his engagement with different stakeholders in the justice system, within the country and abroad. The team celebrates Chief Justice David Maraga!

The team also delves into the interventions taken by the Judiciary amid the Covid-19 pandemic and how it changed service delivery into a whole new dimension in the entire justice sector. The magazine documents interventions taken to stem the spread of coronavirus while ensuring that court services are not entirely stopped.

The team gives you pictorial pages of court activities during the pandemic and how members of staff went out of their way to serve the public. The magazine also has individual accounts of members of staff and their encounter with Covid-19.

The team wishes you a safe end of year and a better 2021. Merry Christmas and Happy New Year.

Enjoy the read.



CJ David Maraga *calls it a Day*

As the term of Chief Justice David Kenani Maraga comes to an end in January 2021 after four years at the helm of the Judiciary, the justice sector, which has witnessed enhanced collaboration resulting to improved delivery of justice, is now gearing up for another Chief Justice.

The four years of Justice Maraga have seen the institution seek to retain its independence, consolidate and sustain the transformation process earlier spearheaded by his predecessor Dr Willy Mutunga. Justice

Maraga's focus saw the Judiciary record enhanced access to justice, reduced backlog of cases, enhanced battle against corruption, new court infrastructure and automating of the court processes.

Justice David Maraga is the second Chief Justice to be appointed competitively and publicly under the new Constitution of Kenya 2010 and the 15th to serve as the Chief Justice of the Republic of Kenya. Dr Willy Mutunga was the first to be appointed in the same manner under the current Constitution.

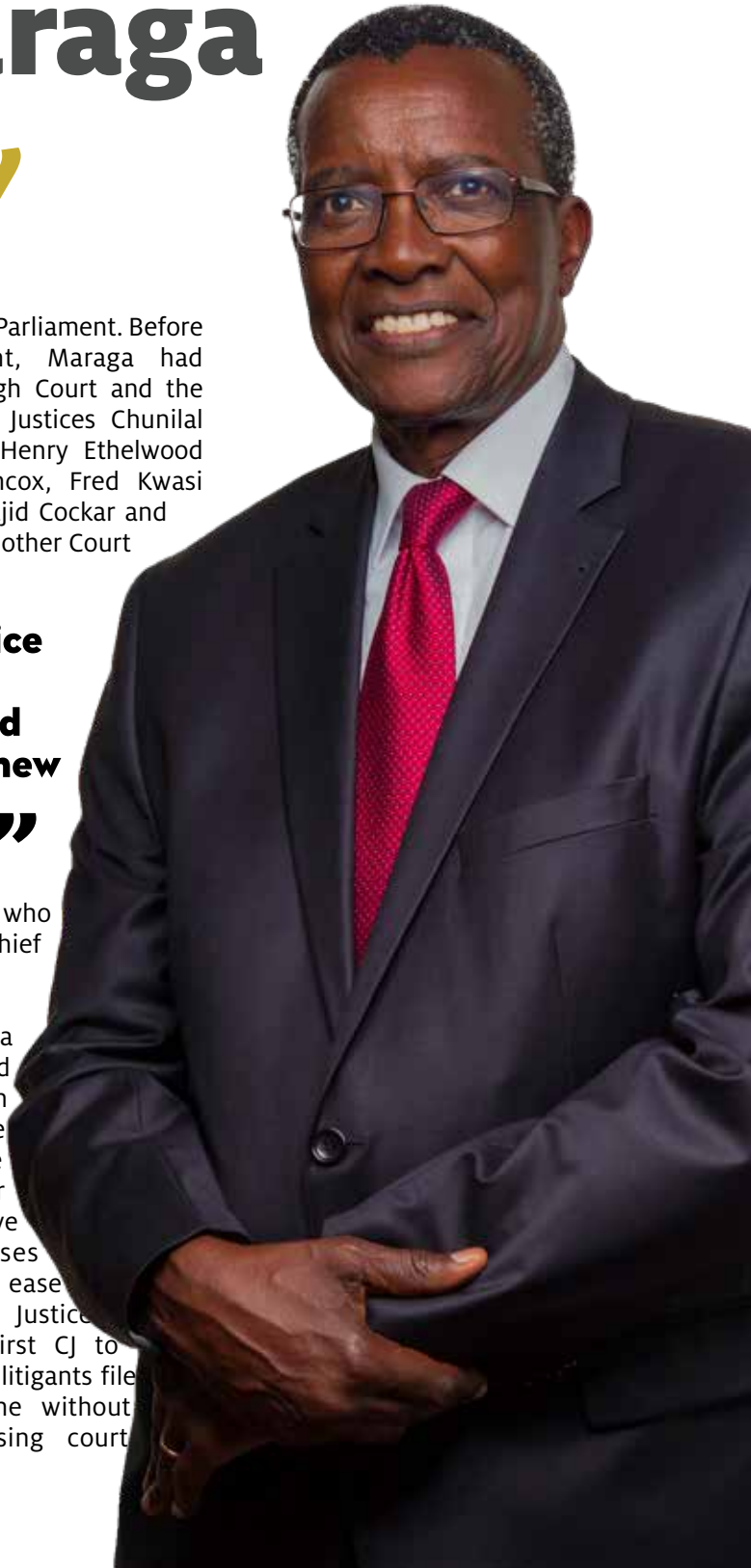
Justice Maraga took the oath of office as the Chief Justice on October, 19, 2016, the Judicial Service Commission recommended him for appointment

upon approval by Parliament. Before this appointment, Maraga had served at the High Court and the Court of Appeal. Justices Chunilal B. Madan, Cecil Henry Ethelwood Miller, Allan Hancox, Fred Kwasi Apaloo, Abdul Majid Cockar and Evans Gicheru are other Court

“ Maraga is the second Chief Justice to be appointed competitively and publicly under the new Constitution of Kenya 2010 ”

of Appeal Judges who rose to become Chief Justices.

Mr Justice Maraga leaves behind a legacy rich in jurisprudence and would be remembered for his efforts to have court processes automated to ease service delivery. Justice Maraga is the first CJ to have lawyers and litigants file their cases online without physically accessing court registries.



COVID-19:

HOW THE PANDEMIC CHANGED THE JUDICIARY



It is said that even the darkest moment in our lives could very well have a positive twist to it. And so it is with the Covid-19 pandemic, which has had a devastating effect on many individuals and institutions but which has also changed the way Judiciary works, with ramifications that will positively impact the justice sector forever.

Take, for instance, the exponential growth in the use of ICT in justice delivery. In ways that

were completely unimaginable only a few months ago, use of various ICT platforms have become widely accepted as the “new normal” in the entire justice sector.

It all started with the gazetting of Practice Directions on Electronic Case Management by the Chief Justice David Maraga in March 2020, which was intended to guide the integration of ICT in judicial proceedings.

This set the way for widespread use of e-filing and its related functions such as electronic payment and receipting, electronic signature and stamping, as well as exchange of electronic documents, including pleadings and statements.

On the other hand, it allowed judges and magistrates to deliver judgements and rulings through virtual platforms

as well as e-mail; hear cases through video conferencing technology and receive evidence from people in remote locations, including out of the country.

As a result, some of the courts such as the Supreme

Court and the Court of Appeal have not had a physical sitting since March 2020 when the first Covid-19 case was reported in Kenya.

“...courts such as the Supreme Court and the Court of Appeal have not had a physical sitting since March 2020.”

On the other hand, a large number of meetings that would previously have required participants to travel long distances to a central location are now held through video conferencing facilities, saving a lot of time and money for everyone involved.

Indeed, the onset of the Covid-19 crisis will forever be remembered as the turning point in the implementation of the Judiciary’s ICT strategy and integrating it with the other justice sector players.

So, how has the “ICT revolution” affected the different stakeholders in the sector?

Judges and Magistrates

Becoming “technologically savvy” is now an important skills set for all judges and judicial officers. Despite the obvious discomfort for some, there are many advantages of ICT that do not only result in greater efficiency but a lot of convenience at the individual level as well.

Court of Appeal Judge, Justice Martha Koome delivering judgment in a virtual court session



CONTINUE PG 6



CONTINUED FROM PG 5



The chairman of the Inter-Agency Covid-19 National Council on the Administration of Justice (NCAJ) subcommittee, Justice William Ouko, said the adoption of technology in processing court matters will henceforth provide a lasting solution to case backlog and delays.

“It presented an opportunity for us and the Chief Justice seized it to launch e-filing and insisted that from July 1, in Nairobi, everything will be online,” said Justice Ouko.

Speaking about the enhanced use of technology during the special tribute and thanksgiving proceedings during the re-opening of Mombasa Law Courts after it had been closed when some 11 staff members contracted Coronavirus diseases, Mombasa High Court Presiding Judge Eric Ogola lauded the cooperation among justice sector players in embracing technology to ensure that the wheels of justice kept turning.

Judiciary staff

Learning to work from home and the need to be efficient despite not being in the formal office space is necessary to avoid crowding in the office. “It was a good experience that has taught us that we must adopt to the new normal. It impacted on all spheres of life, the way we live and the way we manage our families,” Assistant Director, in the Judiciary’s Directorate of Planning and Organisational Performance (DPOP) Mr Dominic Nyambane said.

Office of the Director of Public Prosecutions

The Office of the Director of Public Prosecutions (ODPP) also followed up on the efforts by the Judiciary to establish and launch an e-filing system which has since been integrated with the Judiciary e-filing system. The system facilitates the ODPP to file cases from their system to that of

the Judiciary. This ensures that there is minimal movement of officers from one office to another while reducing contact with physical files. The integration of the two e-filing systems also guarantees security of files and court documents because it makes it easy for online storage and tracing.

“The e-filing system facilitated officers who were working in shifts to meet the Ministry of Health guidelines on mitigating Covid-19 while working from home. Prosecutors were able to do virtual mentions and hearings from the comfort of their homes and that is the future of conducting court business,” Deputy Director of Public Prosecutions Jacinta Nyamosi said.

Prisons

The prison services have not been left behind in adopting the new normal. The prison authorities contacted donors such as the UNODC and Red Cross among others who donated computers that were supplied to stations. These computers were used to facilitate virtual court hearings and mentions. Inmates and remandees did not have to be moved from their prison cells to physical courts but followed court matters through video conferencing.

“Most prisoners were afraid that their cases will delay but they were relieved that despite the pandemic, their cases went on as scheduled. This

is really the future of handling court cases,” Director of Legal Services at the Prison Services Dr Miriam Nyamwamu said.

Dr Nyamwamu however said that despite the relief occasioned by the use of technology in conducting cases, some prisons did not receive the computers and lacked internet connectivity and therefore did not benefit from the technological interventions.

Lawyers

Kelvin Mogeni, a member of the Law Society of Kenya and Chairman ICJ-Kenya, said that the pandemic has opened the eyes of players in the justice sector that physical movement and manual filing of documents can be a thing of the past.

“Since March, I have been to Milimani Law Courts only three times, everything has been online including my matters at the Court of Appeal. To me, it is the best thing that happened, a very nice platform, it is now a matter of asking which system can be best for involving a lot of people at the same time and for me, Microsoft Teams is the best,” Mr Mogeni said.

He however avers that there are challenges for lawyers because traditionally all their documents were in physical files and therefore they had to invest in scanners to digitize them.



A security guard at Karatina Law Courts conducts a temperature check on a litigant before allowing him to access the court.

Courts closed to contain spread of *Covid-19*



CRJ Anne Amadi inspects Covid-19 preparedness of a courtroom at Milimani Law Courts

As the Covid-19 pandemic ravaged the country, the Judiciary was not spared. Several courts including Mombasa, Milimani, Nakuru, Githongo, Makadara and Nyahururu were hit by the scourge forcing open court operations to be suspended temporarily as officers proceeded on quarantine.

Chief Justice David Maraga suspended open court sessions in the six courts after members of staff, advocates, prosecutors and accused persons contracted Covid – 19. At Mombasa, 11 members of staff tested positive, at Milimani one member, Makadara two and Nyahururu one, while at Nakuru Law Courts several prosecutors and at Githongo Law Courts five accused persons tested positive. The courts were closed for at least two weeks to allow for fumigation, testing, self-quarantine, isolation and treatment of the affected members.

Other courts that were affected by Covid- 19 are Githunguri, Kikuyu, Wang'uru, Rongo, Mukurweini, Homa Bay, Kahawa, JKIA, Gichugu and Kadhi's Court – Nairobi. A total of 24 courts were affected by Covid-19.

However, not all courts were closed except where the risk was high.

Special proceedings for Mombasa Court

Following the upsurge in Covid – 19 cases in courts, the Judiciary was forced to upscale virtual court operations. In Mombasa, during special tribute and thanksgiving proceedings held to mark the re-opening of open court sessions for Mombasa Law Courts, the court marked its transition to digital processes even as it enhanced training for staff and court users as well as putting in place computers and Wi-Fi facilities to facilitate virtual court operations.

Mombasa High Court Presiding Judge Eric Ogola said even though the pandemic immensely affected the world, it was an eye-opener to the Judiciary. He said the pandemic forced institutions to think how to digitise their services adding that virtual proceedings greatly impacted services as they take less time in dealing with cases.

As the court issued new guidelines on how to conduct court proceedings to curb infections, Chief Magistrate Evans Makori said 80 per cent of

the Civil work will be done virtually while the remaining be guided by Ministry of Health guidelines.

“In order not to lock out the poor and the indigent who cannot access our virtual platforms, more Wi-Fi points have been created at the Court Station and a strategic point where litigants will be assisted to join the Courts Virtually,” Makori said.

He said there was a massive drive to have email addresses and phone contacts so that communication in real-time can be relayed to court users to avoid physical contact.

Chief Justice David Maraga virtually addressed the proceedings that were attended by Judicial Service Commission Vice Chair Dr. Mercy Deche, ELC Judge Charles Yano, other judicial officers and LSK, AG, ODPD representatives and Court User Committee members. Others were High Court, ELC and ELRC judges who participated in the proceedings through virtual platforms.

The court was resuming normal open court operations after the sessions were suspended for five weeks due to Covid-19 infections at the station.

OCRJ inspects Judiciary's preparedness to upscale services

Following the Judiciary's implementation of the Ministry of Health guidelines on mitigating Covid-19, the Office of the Chief Registrar of the Judiciary sent out teams from various departments to inspect and review protocols put in place in preparation for upscaling of court services.

The teams that were led by the Chief Registrar of the Judiciary Anne Amadi and Deputy Chief Registrar of the Judiciary Paul Maina toured over 40 courts in the regions. The teams held briefing sessions with heads of stations to ascertain modalities and protocols put in place as the courts planned to upscale services.



DCRJ Paul Ndemo inspects adherence of Covid-19 protocols at Makadara Law Courts

The exercise was also aimed at identifying any gaps in ICT, infrastructural challenges, as well as monitoring the implementations of Ministry of Health guidelines. Further, it was purposed to assess the efficiency and adequacy of the support given to courts.

Supreme Court judges take pay cut to mitigate effects of Covid-19

Supreme Court judges joined the President, Deputy President, Cabinet Ministers and other leaders in taking a pay cut in order to contribute towards efforts put in place to fight the Covid – 19 pandemic.

Making the announcement, Chief Justice David Maraga said the pay cut was part of the contribution towards mitigating the effects of the Coronavirus pandemic.

This came at a time when various government departments opted

to take pay cuts in order to contribute to the national kitty earmarked for efforts to fight the pandemic.

"The Deputy Chief Justice, Lady Justice Philomena Mwilu and myself will take a 30 per cent pay cut for three months," CJ Maraga said.

He said the other four Judges of the Supreme Court – Justices Ibrahim Mohammed, Smokin Wanjala, Njoki Ndung'u and Isaac Lenaola had also agreed to take a

20 per cent pay cut for three months to help Kenyans in their hour of need.





E-FILING

takes shape in courts across the country

The e-filing system is gradually taking root across courts in the country as more lawyers avoid physical access to courts to file their matters online.

Courts in Nairobi, Mombasa, Kisumu, Nakuru, Nyeri, Malindi and Eldoret have so far received and processed over 11,000 matters filed through the new e-filing platform introduced in the Judiciary on July 1. As at September 1, 2020, a total of 11,383 cases had been filed in courts and Tribunals through the e-filing system and over Ksh186,076,356 collected as court fees, fines and bail.

The courts have also uploaded 104,425 files in the Case Tracking System (CTS) to facilitate the new system launched by Chief Justice David Maraga in Nairobi.

Milimani Commercial Magistrates Court had the highest number of cases filed through e-filing system of 4,364 cases followed by Milimani Magistrates Criminal court which received 1,589 matters filed as at September 1.

Through the new system, Milimani Magistrates Court Anti-Corruption collected Ksh65,399,975, Milimani Commercial Magistrates Court Ksh40,139,840, while Milimani High Court Commercial and Tax Division Ksh8,456,827, and Milimani High Court Anti-Corruption collected, Ksh 10,135,026.

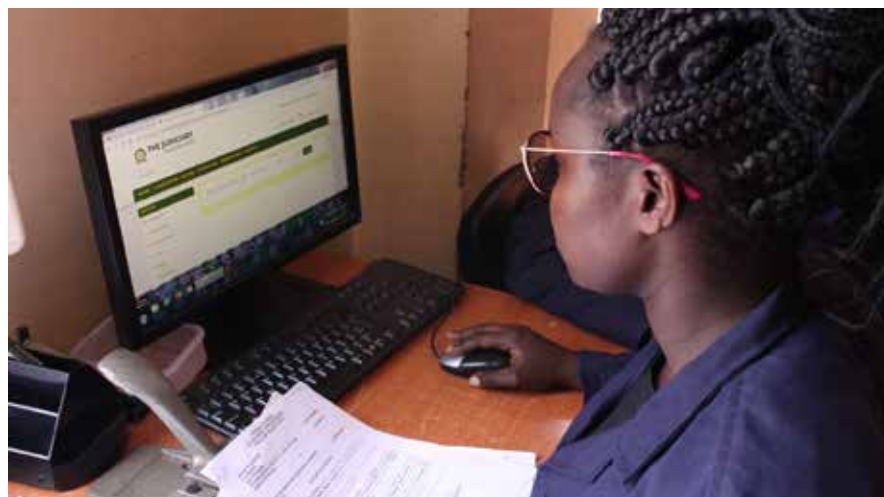
Nairobi Court of Appeal Civil Division has so far uploaded 338 documents in the Case Tracking System while Nyeri Court of Appeal, four files and Kisumu Court of Appeal, 17 files. Others are Malindi and Nakuru Court of Appeal with seven each, while Eldoret Court of Appeal had two files. A total of 31 cases were registered through the system at the Supreme Court during the period, while 62 matters were filed at the Cooperative Tribunal and seven at the Rent Restriction Tribunal.

"We started E-filing because it was dangerous to have documents being filed physically. I want to report that in Nairobi and its environs, clients are now able to file cases electronically. Shortly, we will be moving to other

parts of the country," said Chief Justice David Maraga during the 1st Covid-19 conference in Nairobi.

The system was first introduced at the Supreme Court, Court of Appeal, All High Court Divisions in Nairobi, Environment and Land Court (ELC) Nairobi, Nairobi Anti-Corruption Court, Nairobi Employment and Labour Relations Court (ELRC). Other stations in Nairobi where the system is now in use include Milimani Chief Magistrate Court Commercial, Children Court Milimani Nairobi, Makadara, JKIA and Kibera Law Courts as well as Deputy Kadhis Court and City Court. The e-filing system was launched by Chief Justice David Maraga on July 1, 2020.

Electronic filing (e-filing) is the creation and submission of case documents electronically (online) to Court Registries. It is a web-based application that sits on a server and can be accessed from any location with internet connection. E-filing System provides a platform for Law firms, lawyers and other litigants to initiate and complete the process of filing cases online from their offices /remotely. They do not need to physically visit courts to file cases or banking halls to pay court fees.



A court assistant accesses files on the Judiciary portal following the digitization of all court processes

My encounter and battle with Covid-19



By Anthony Mwicigi

My name is Anthony Mwicigi am a Senior Principal Magistrate at Baricho Law courts in Kirinyaga County, where I have been working since January 2019. I am married to Jax and we have three boys Sean, Phil and Rufus.

I had been feeling tired, fatigued and had lost appetite for a few days. I also ran a fever and had sore throat. The hospital I visited gave me antipyretics and antibiotics to manage the fever, sore throat, epigastric pain and discomfort. The doctor managed my immediate issues and after stabilising me suggested I go home and come back with a stool sample. A sample for covid-19 was taken to be analysed. The diagnosis was Covid-19 Pneumonia positive.

The doctor admitted me to the Covid-19 isolation ward and put

me on oxygen and intravenous (IV) medication. I was moved to the Covid-19 ICU ward and placed on the continuous positive airway pressure (CPAP) machine. I was in the ICU ward for five days and in total spent eight days in hospital.

The Covid-19 encounter

It is not possible to tell with certainty where I contracted the virus as I strictly observed the safety protocols and always spoke of physical distancing, wearing of face masks in public and washing hands with running water and soap. I prayed to God asking him to spare my life for the sake of my family.

“I prayed to God asking Him to spare my life for the sake of my family.”

Stigma

At the hospital, I was in a room where I could not tell night from day, the doctors, nurses and cleaners spotted protective gear which made one feel like an outcast or plagued. The hospital staff were however very comforting and supportive.

Support mechanisms

The hospital further informed me that no medical insurance covers Covid-19 tests or its related in-patient expenses. They required approval or a down

payment before admission. I asked my wife to contact the Chief Registrar of the Judiciary who was prompt and within no time the hospital attended to me.

Reactions by immediate family and colleagues

What was strange about my ailment is that on the fourth day of my admission, my father-in-law and my sister in law were also admitted with similar prognosis. I had lost a cousin to Covid-19 the week before. It was very hard for the family. My colleagues on various forums offered prayers as part of intercession and sent messages of encouragement.

Message to the Judiciary family and Kenyans in general

We have great leadership and foresight with regard to our medical care. It is imperative however, that we follow the safety protocols as guided by the Ministry of Health.

To Kenyans in general covid-19 virus is real. It is not a sham or scam. This virus is very guileful and kills you softly. I did not labour in my breathing yet the virus had suffocated oxygen in my blood.

Anthony Mwicigi is a Senior Principal Magistrate at Baricho Law Courts

Judiciary ICT officer lives to tell his Covid-19 story



Mr Martin Fundi
ICT Officer, Judiciary

When Covid-19 cases started emerging in the country in early March, 2020, the Judiciary down scaled face-to-face operations while upscaling online services to ensure uninterrupted service delivery to Kenyans.

However, to scale up ICT operations in the Judiciary meant that ICT officers had to be recalled to provide technical support for end users who were now working through online platforms.

One such Judiciary ICT officer is Martin Fundi, who contracted Covid-19 in early July, 2020, but has now fully recovered. He is back to work with his usual high energy and passion for work. Martin Fundi's shares his account of the Covid-19 encounter:

When did you discover that you had contracted the virus?

I was working normally when I started losing my sense of taste and smell. I always wear cologne, but then I would find myself applying more than usual and my colleagues would comment on my strong cologne scent which I couldn't even smell. Apart from loss of sense of smell, I had no other symptoms. I decided to isolate myself at home. After three weeks I decided to get tested to establish if I had contracted the virus.

How was the lab test conducted?

The taking of samples is the most uncomfortable thing I have ever experienced. A cotton swab is inserted in your nose until you almost feel like it is pricking the eye.

How long did you have to wait for the results?

Once the sample was taken, ideally it was supposed to take three days, but mine took a week. After the long wait, I got a call on a Sunday evening from a Ministry of Health official who broke the news that I returned positive results but asymptomatic.

So, where did you choose to isolate yourself? Home or Hospital?

I chose to isolate at home, and the following day a Public Health Officer came to inspect my premises to ensure strict adherence to the laid down protocols.

How was the isolation to you emotionally?

While in isolation I was full of mixed emotions. I am young and very strong at heart, but the many thoughts of life and death would always linger in my mind.

Being a Christian I prayed a lot.

How did your immediate family react to the news of your infection?

I am lucky that my wife who had tested negative stood by me during the difficult time. She ensured the whole house was sanitized. She would ensure that I got everything I needed.

The Health Officer would call me on an agreed schedule to check how I was fairing.

I then went for a second test where I was declared positive again and was told to go into isolation for another one week after which I got a discharge letter after testing negative.

Did you suffer stigmatization after your recovery?

"Watu walinitenga kabisa! (People isolated me completely)." This is what caused me the most suffering, my close friends at home and also at my work place deserted me.

We all need professional counselling on how not to stigmatize others.

Now am totally healed and back to work, the ICT colleagues didn't isolate me but once in while I receive some negative reception from end users who prefer other officers to serve them.

What is your message to other Kenyans?

Keep a positive mind set, eat a balanced diet, lots of water and exercise your body, wear a face mask, wash your hands and sanitize at all time. And one last thing, always remember; Covid - 19 is not necessarily a death sentence, there are more recoveries than deaths.

JUDICIARY UNVEILS FIVE-YEAR ROADMAP



Chief Justice David Maraga launches the Judiciary Strategic Plan 2019-2023 at the Supreme Court

The Judiciary unveiled its plan that will see the institution seek to deliver improved services over the next five years.

The plan which is an implementation and coordination framework aims at expanding access

to justice, enhancing organisational efficiency, safeguarding judicial independence and expeditious delivery of justice.

Chief Justice David Maraga who presided over the launch at the Supreme Court in August 2020, said the Judiciary Strategic Plan 2019-2023 provides an ambitious roadmap for the Judiciary that will guide its programmes and projects for five years.

"I am confident that these projects and programmes listed under each Key Results Area will not only enable us realise our Vision but also to actualize our Mission for the

plan period, which is "to dispense justice in a fair, timely, accountable and accessible manner, uphold the rule of law, advance indigenous jurisprudence and to protect and promote the Constitution," the CJ

said.

The Judiciary Strategic Plan 2019-2023 is developed against a framework of growing public need and expectations on the Judiciary to provide faster and quality services. It builds on the aspirations of the Judiciary Strategic Plan 2014-2018. Further, the Plan responds to the need for concerted efforts and harmonized approach in implementation of programmes, projects and activities.

To enable effective implementation of the plan, the Judiciary will deploy ICT in data management, data

processing and archiving, while guaranteeing more transparency and fairness in the adjudication of cases and facilitation of internal and external communication.

"Evidently, there has been improved access to court services as well as increased demand for the services, owing to the spirited development and expansion of court facilities and entrenchment of technology in the court processes among other measures." Said Chief Justice David Maraga.

During the next five years, the Judiciary will seek to improve physical access to courts, enhance access to court services, enhance capacity of courts for timely resolution of cases, utilise technology to accelerate court proceedings, fast-track hearing and determination of cases in court system and promote active participation of stakeholders in speedy resolution of cases among other targets.

"It builds on the aspirations of the Judiciary Strategic Plan 2014-2018."

Judiciary upbeat on performance despite pandemic

Judiciary unveiled the 2018/19 fourth cycle Performance Management and Measurement Understandings Evaluation Report amid the Covid-19 pandemic that occasioned service disruptions and changed the way the courts delivered justice.

Chief Justice David Maraga said despite the pandemic, the courts continued to provide judicial services and managed to resolve 27,000 cases. They include about 12,000 judgments and rulings that were delivered between April and June 2020.

The overall Judiciary performance for all the 272 implementing units comprising courts, tribunals, registries, directorates and other administrative units was 92.35 per cent while the courts' cumulative performance was 91.95 per cent.

He said the cases resolved by the courts improved from 304,182 in 2016/2017 to 469,359 in 2018/2019, while the courts managed to reduce backlog of cases aged over five years by 77 per cent.

"It is also worth noting that the overall Case Clearance Rate (CCR) for the Judiciary improved from 88 per cent in 2016/17 to 97 per cent in 2018/2019 while we have also managed to reduce backlog of cases aged over five years by 77 per cent; that is, from 170,043 cases to 14 39,428 in 2019," the Chief Justice said.



Deputy CJ Philomena Mwilu presents an award for Kaloleni Law Courts to Hon Leah Wairega during the performance awards ceremony.

The Performance

During the 2018/19 evaluation period, various courts recorded excellent performance under various categories. For instance, Tononoka Children's Court emerged the overall best performing Magistrates' Court in the category of courts handling children's matters only, as Makadara was awarded the overall best performing Magistrates' Court in the category of courts handling criminal matters only.

Further, Mombasa Law Courts emerged the best performing Magistrates' Court on case backlog reduction. The Court reduced case backlog by 30 per cent from 34,929 cases to 25,372.

The Nyeri Employment and Labour Relations Court, emerged the overall best performing Employment and Labour Relations Court after achieving a case clearance rate of 495 per cent and reduced backlog by 66 per cent.

Milimani Family Division was rated the best performing High Court on case backlog reduction after

reducing case backlog by 50 per cent from 5,502 cases to 2,739. Milimani Anti-Corruption and Economic Crimes Division, was awarded the overall best performing High Court Division. The court delivered 95 per cent of all the judgments and rulings within 60 days of conclusion of hearing.

The Malindi Court of Appeal won the overall best performing Court of Appeal. The court heard and determined 90 per cent of all the Criminal Appeals within 180 days from date of receipt of records of appeal under the leadership of Justice Daniel Musinga.

Mombasa Kadhis' Court was recognized as the overall best performing Kadhis' Court in the caseload category of above 300 cases while Elwak Kadhis' Court, the overall best performing Kadhis' Court in the caseload category of 300 cases and below.

CONTINUE PG 14 

STATION	AWARDED	STEWARDSHIP
Mombasa Law Courts	Best performing Magistrates' Court on case backlog reduction. It reduced case backlog by 30% from 34,929 cases to 25,372.	Hon. Evans Makori
Tononoka Children's Court	Overall best performing Magistrates' Court in the category of courts handling children's matters only. It delivered all decisions within 60 days after conclusion of hearing. The court achieved a case clearance rate of 141% - civil cases.	Hon. Viola Jepkorir Yator
Makadara Law Courts	Overall best performing Magistrates' Court in the category of courts handling criminal matters only. The court heard and determined 76% of criminal cases within 360 days and had a magistrate's productivity of 2,407 cases.	Hon. Emily Ominde
Murang'a Magistrates' Court	Overall best performing Magistrates' Court in the caseload category of above 4,000 cases. The court delivered all the decisions within 60 days of conclusion of hearing and reduced case backlog by 19%.	Hon. Margaret Wachira
Malindi Magistrates' Court	Overall best performing Magistrates' Court in the caseload category of between 2,001 and 4,000 cases. The Court achieved a case clearance rate, civil cases of 119% and reduced case backlog by 54%.	Hon. Dr. Julie Oseko
Rongo Magistrates' Court	Overall best performing Magistrates' Court in the caseload category of between 1,001 and 2,000 cases. The Court achieved a case clearance rate, civil cases of 222%.	Hon. Raymond Langat
Kaloleni Magistrates' Court	Overall best performing Magistrates' Court in the caseload category between 501, and 1,000 cases. The Court had a merit productivity of 255 cases – Cases resolved after a trial.	Hon. Leah Njambi Waigera
Kyuso Magistrates' Court.	Overall best performing Magistrates' Court in the caseload category of 500 cases and below. The Court achieved a case clearance rate, civil cases of 220% and reduced case backlog by 39%.	Hon. Mercy Nasimiyu Wanyama
Business Premises Rent Tribunal	Overall best performing Tribunal. The tribunal had a merit productivity of 590 cases.	Mr. Mbichi Mboroki & succeeded by Cyprian Mugambi Ngutari
Mombasa Kadhis' Court	Overall best performing Kadhis' Court in the caseload category of above 300 cases. The Court reduced case backlog by 36% and had judicial officer's productivity of 991 cases.	Hon. AlMuhdhar Hussein, Chief Kadhi
Elwak Kadhis' Court	Overall best performing Kadhis' Court in the caseload category of 300 cases and below. The court achieved 91% on hearing and determination of matrimonial, personal status, divorce, succession matters within 360 days.	Hon. Hussein Mohamed Hassan
Kisii ELC	Overall best performing Environment and Land Court in the caseload category of above 500 cases. The court had a case clearance rate of 336% and reduced case backlog by 63%.	Justice John Mutungi & succeeded by Justice Jane Onyango
Meru ELC	Overall best performing Environment and Land Court in the caseload category of 500 cases and below. The court achieved a merit productivity of 307 cases and reduced case backlog by 50%.	Justice Lucy Mbugua
Nyeri ELRC	Overall best performing Employment & Labour Relations Court. The court achieved a case clearance rate of 495% and reduced backlog by 66%.	Justice Nzioki Makau
Milimani Family Division	Best performing High Court on case backlog reduction. The court reduced case backlog by 50% from 5,502 cases to 2,739 – a total reduction of 2,763 cases.	Justice Aggrey Muchelule
Milimani Anti-Corruption & Economic Crimes Div.	Overall best performing High Court Division. The court delivered 95% of all the decisions (judgments & rulings) within 60 days of conclusion of hearing.	Justice Mumbi Ngugi
Nyamira High Court	Overall best performing High Court in the caseload category of 500 cases and below. The Court achieved a case clearance rate, criminal cases of 255%.	Justice Esther Maina
Siaya High Court	Overall best performing High Court in the caseload category of between 501 and 1,000 cases. The court delivered all the decisions within 60 days of conclusion of hearing. The decisions on the date first scheduled for delivery.	Justice Roselyne Aburili
Machakos High Court	Overall best performing High Court in the caseload category of above 1,000 cases. It achieved a merit productivity of 352 cases – cases resolved after a trial.	Justice George Odunga
Malindi Court of Appeal	Overall best performing Court of Appeal. The court heard and determined 90% of all the Criminal Appeals within 180 days from date of receipt of records of appeal.	Justice Daniel Musinga
BEST PERFORMING DIRECTORATE AND OFFICE OF THE REGISTRAR		
Office of the Registrar, Magistrates' Courts	Overall best performing Registry was the Office of Registrar Magistrates' Courts. It facilitated access to justice by establishing 2 new courts and initiated the process of developing Mobile Court Policy Guidelines. The Office developed and disseminated standard bond approval requirements for public information.	Hon. Peter Mulwa

Court Annexed Mediation goes Virtual

The Covid – 19 pandemic has totally changed the dynamics of operations in the judicial system. The entire justice sector has been compelled to adjust to the use of technology in order to ensure continuity of dispensation of justice.

In the Judiciary, Court Annexed Mediation (CAM) programme that is now operational in 14 court stations has not been left behind in the use of technology in hearing and determining cases. Mediators have embraced electronic mediation to ensure service delivery does not grind to a halt. This is after the Mediation Taskforce established Virtual Dispute Resolution (VDR) in March, 2020 to enable continued operations of the programme amid the pandemic. The initiative enabled accredited mediators to leverage technology to facilitate resolution of disputes between parties without the need for physical appearances.

VDR ran as a pilot until August, 2020 at Milimani, Nairobi. Guided by the Virtual Dispute Resolution guidelines CAM has so far heard 103 matters concluded with 57 reaching settlement, bringing the settlement rate to 51.5 per cent. Since August 2020, the VDR process has been replicated to other regions outside Nairobi. Officers drawn from the Mediation Accreditation Committee (MAC) and the Mediation Secretariat visited Kisii, Nyamira, Kisumu, Nyeri, Embu, Eldoret, Kakamega, Machakos, Malindi, Mombasa, Tononoka and Nakuru to gauge the court stations' preparedness in regards to VDR.



Mediation Accreditation Committee Chairman, Hon Justice George Odunga, at Kisii Law Courts to assess capacity of implementation of virtual court annexed mediation.

“
**Ksh4.5b
 released
 into the
 economy**
 ”

Further, Virtual trainings of mediators and staff at Nakuru, Embu, Eldoret, Kisumu, Mombasa, Tononoka, Malindi, Garissa, Machakos, Kakamega, Nyeri. Kisii and Nyamira have been conducted

in readiness for VDR.

So far seven court stations have implemented VDR. They include Tononoka, Mombasa, Eldoret, Kisii, Kisumu, Nyeri and Machakos.

Ksh4.5b – the amount of money released into the economy

So far, Court Annexed Mediation (CAM) has been rolled out to **21** Court stations/Divisions. In the 2019/2020 financial year CAM referred **3,589** matters, with **2,239** reaching conclusion. A total of **1,111** matters were settled successful thereby releasing **Ksh4.5 billion** back into the economy. CAM was established in 2016 as a pilot in the Family and Commercial and Tax Divisions of the High Court at Milimani and later rolled out to other divisions and stations.

Uphold constitutionalism for a peaceful society, says DCJ Mwilu



Deputy Chief Justice
Philomena Mwilu

Deputy Chief Justice Philomena Mwilu urged religious groups to be the conscience of the society and wants them to continuously speak for constitutionalism in the country.

Speaking during the commemoration of the promulgation of the Constitution of Kenya 2010 at the Holy Family Basilica, Deputy Chief

Justice said that the Constitution is not only for politicians, lawyers, judges and pundits but it is for all and sundry.

She added that just as our faith is about striving to be like Our Saviour Jesus Christ, constitutionalism is about striving to constantly mirror the principles and ideals framed in our constituting charter.

“For me the two are two sides of the same coin; constitutionalism and a living faith....Ask yourselves, have we continuously and tangibly spoken for constitutionalism since 2010? Is the Constitution only for politicians, lawyers, judges, pundits...or isn't it for all of us?

The DCJ said that it is no coincidence that judges draw inspiration from constitutionalists like Archbishop Ndingi Mwana a’Nzeki, Bishop Muge, Archbishops Gitari and Manasses Kuria, which constitute their struggle

for constitutionalism and against injustice.

Justice Mwilu said the 2010 Constitution emboldened judges and magistrates and gave them the belief and courage they never had before adding that the certainty and confidence in the contents of Constitution gave them the courage to do even what might have been unpopular but was constitutional and right.

Justice Mwilu explained that Kenyans gave the Constitution unto themselves and to their posterity 10 years ago and therefore must be true to its ideals.

“Our failure to realize the constitutional imperatives for a society and government based on the essential values of human rights, equality, freedom, democracy, social justice and the rule of law, we fail ourselves, our children, our future generations, and most importantly, our God,” the DCJ said.

ELC COURT NEWS

Environment and Land Bench Book launched

Service delivery in the Environment and Land Court (ELC) court is expected to improve considerably following the launch of the Environment and Land Bench Book in August 2020.

The Bench Book is a quick reference guide for judges, magistrates and other judicial and quasi – judicial officers; on legal, procedural and administrative issues that frequently arise



in environment and land matters. The Bench Book is a great milestone as its use will enhance predictability, certainty, consistency, uniformity and stability in the adjudication of ELC matters.

Service Weeks by ELC to reduce backlog

In an effort to reduce case backlog, the Environment and Land Court (ELC) held Service Weeks in various courts and conducted court circuits to fast-track justice in matters related to land and the environment in the country.

The court conducted the service weeks in Mombasa, Thika, Kisumu and Meru from August 31 – September 11, 2020, where over 300 cases were handled. Judges involved in the service week exercise used the virtual platform as well as physical

appearances in courtrooms to ensure that the matters were heard and justice served expeditiously.

ELC Judges trained on biodiversity

Elsewhere, Judges of the Environment and Land Court were trained on biodiversity and environmental constitutionalism. The judges were also exposed to international and domestic legal framework on protection of biological diversity and application in Kenya and the emerging jurisprudence on biodiversity protection in the country.

The exercise organized by the Judiciary Training Institute (JTI) in collaboration with IDLO was held through a virtual platform in September 2020.

COLLABORATION IN JUSTICE SECTOR SHOULD GO BEYOND COMBATING COVID-19



By Farel Nalimae

On Sunday March 15, 2020, Chief Justice David Maraga called a meeting of the justice sector heads under the auspices of the National Council on the Administration of Justice (NCAJ) which he chairs. The Chief Justice has always chaired the council and has in the past called for meetings to iron out issues arising and affecting the delivery of justice in the country. At a full council meeting in Naivasha in 2018, Chief Justice David Maraga urged council members to take the meetings seriously and always purpose to attend in person. That meeting was attended by most of the council members who made clear resolutions on how to deal with corruption cases in the system. They resolved to among other measures, form a 12-member committee to identify challenges faced in anti-corruption matters and make recommendations on inter-agency collaboration and measures to address the challenges. The Director of Public Prosecutions Noordin Haji was tasked to chair the committee. Fast forward to March 15, 2020, Coronavirus is announced to have made its sojourn in Kenya. The justice sector works in a way that is

akin to a conveyor belt. Police arrest suspects, they are processed by the prosecution, probation, advocates, children services, human rights organizations and others before they are arraigned in court. In the courts, the suspects are handled by police, judicial officers and staff, members of the public and prison officers. They are finally, if convicted handed over to the prisons where they interact with fellow prisoners and prison staff. This would form a perfect conveyor belt to spread the coronavirus.

Chief Justice David Maraga called a meeting of all justice sector players to deliberate on ways to combat the spread of the virus. As a show of unity of purpose, the Director of Public Prosecutions Noordin Haji, Inspector General of Police Hilary Mutyambai, Ethics and Anti-Corruption Commission's CEO Twalib Mbarak, then LSK President Allen Waiyaki and Correctional Services Principal Secretary Zainab Hussein joined the Chief Justice to find ways stop the spread of the Coronavirus in the justice system.

The meeting among other deliberations directed that there shall be a scale down of court activities throughout the country over the next two weeks in order to allow further consultations and design appropriate measures to prevent the spread of the virus. It directed that during the period, prisoners and remandees will not be presented to court while new arrests and all cases, except serious ones to be dealt with at the police stations in accordance with guidelines to be issued by the Inspector General of Police.

Judges in all stations were instructed

to review deserving cases already identified by prison authorities and issue appropriate revision orders in an effort to decongest the prisons as Magistrate Courts were directed to review bail terms for those in remand.

All the players in the justice sector appended their signatures to the resolutions without any reservations. Owing to these measures plus those announced internally by the various organizations as part of the efforts to combat the spread of the coronavirus, we witnessed scaled down activities at the court stations across the country. During this period of the pandemic, there was been no finger pointing among the justice sector players and a common purpose was achieved. Suppose all cases were tackled with the same unity of purpose? Case backlog in the court system is largely occasioned by lack of cooperation among the justice sector players. If the DPP, DCI, the LSK, the Prisons Services, the Executive, the Judiciary and Human Rights Organizations will only pull together as they were forced to do to combat the coronavirus, the justice system will run smoothly. It will be in the interest of Wanjiku to see the collaboration exhibited by the justice sector players on March 15, go beyond the efforts to combat coronavirus and be replicated in every effort to deliver justice to Kenyans. If they do so, there will be no case backlog, congested police cells, remands and prisons, disobedience of court orders and most importantly, there will be no miscarriage of justice.

The writer is a Public Communication Officer at the Judiciary.

HOLISTIC APPROACH TO DEALING WITH CASE BACKLOG



By **Shikhutuli Namusyule**

The responsibility of the Judiciary is to administer justice in a fair, timely and accessible manner as well as promote alternative forms of dispute resolution. The Judiciary is expected to fulfil this special role in the State under the rule of law irrespective of status and without delay in accordance with Article 159 of the Constitution.

However, for it to be successful in carrying out its duties, it must enjoy some level of public confidence and trust which it ought to strive and retain even when some factors may not be in its favour. It is evident that the Judiciary of today is on track as far as building public confidence is concerned, which goes a long way in enhancing its position as a custodian of justice in the country. Trust in courts has been rising steadily due to the increasing number of people who believe in the institution as well as those who find it worth to seek service in the corridors of justice, a situation that has led to an ever growing number of cases filed in our courts.

However, whereas court users ordinarily expect that their cases are heard and finalized within the shortest period possible after they have been filed in court, one of the most persistent issues that justice actors still grapple with today and

which negatively impacts on public confidence in the Judiciary is the accumulation of case backlog in courts. This is because case backlog depicts delayed justice and some degree of ineffectiveness in the justice chain.

To deal with case backlog in our courts, the Judiciary has adopted holistic approaches that focus on reforming the entire justice system to ensure that everyone accesses justice expeditiously irrespective of who they are and where they are. Over the last eight years, it has undertaken wholesome transformation that involve development of policy instruments, reorientation of institutional structures and change in way it does business, in order to offer world class services. This has happened on the backdrop of a Judiciary that quickly emerged from a state characterized by institutional failures.

As a result, the institution has become more responsive to the needs of court users, embraced accountability, transparency, integrity and professionalism, adopted technology to facilitate service delivery and expanded court facilities across the country.

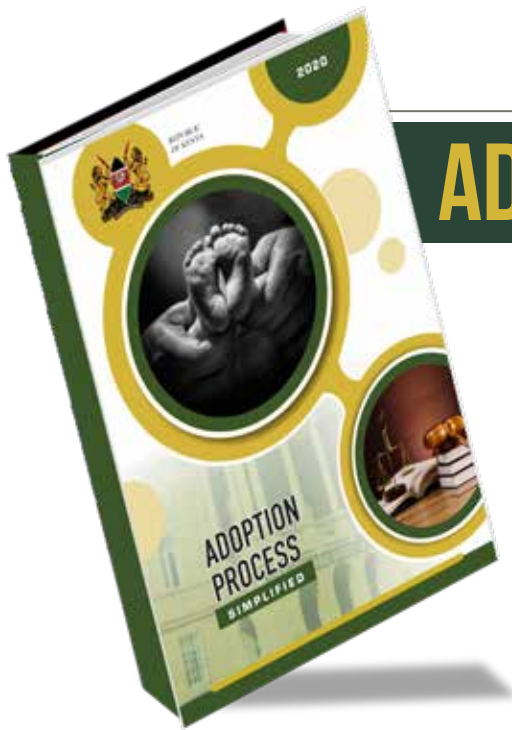
Therefore, from time to time, the Judiciary has implemented programmes such as service weeks to clear cases that have taken long in the court system. This and other measures have resulted in over 180,000 cases cleared from the court system since 2017. Overall, during the FY 2018/2019, the rate at which the court resolved cases rose to 97 per cent effectively easing the growth rate of case backlog. During the same year, the case reduction rate was nine per cent.

The use of mobile courts and circuit courts as well as back-to-back hearing of cases and entrenched performance management and measurement across the Judiciary to monitor productivity of each court are some of the other measures that the Judiciary has focused on to reduce case backlog from our courts. Further, the Judiciary has scaled up alternative disputes resolution mechanisms such as court-annexed mediation, reconciliation, arbitration as well as traditional dispute resolution to provide an alternative for cases that would have otherwise increased the caseload in formal courts. It has also paid a keen interest on establishing and supporting tribunals in a move meant to supplement the courts in the administration of justice. For instance, during the FY 2018/19, the tribunals resolved over 2,500 cases, effectively contributing to reduction of the case backlog in the Judiciary. Further, the institution has focused on automating its processes under the digital strategy in order to fast-track court process such as filing and managing cases. These and other measures such as strengthening Leadership Management Teams (LMTs) which are composed of the leadership at court stations, Court User Committees (CUC) which bring together justice actors at the court level, seek to enhance effective leadership to address factors that hamper expeditious delivery of justice at the court level.

The Judiciary continues to undertake measures that aim at ensuring that the number of cases in the system reduce drastically and the same time inspire confidence in the judicial system.

The writer is a Public Communication Officer at the Judiciary

ADOPTION BOOKLET LAUNCHED



The basic underlying reason why people choose to adopt is the desire to build or expand an existing family. This is especially most common among couples who are medically unable to bear their own children. Each adoption process shares the same ultimate purpose: to unite children who need supportive families with those that want children. Yet, despite this common goal, many people who desire to adopt children are encumbered or discouraged by what is often regarded as the complexity of adopting a child.

To address these and other concerns, the Family Division of the High Court of Kenya has come up with a booklet titled "Adoption Process Simplified," which provides a step-by-step guide to prospective foster parents on adoption. The booklet which was co-authored by the bar-bench members in the Division was published with the support of the International Development Law Organisation (IDLO)

According to information contained in the booklet, anyone applying to adopt must be aged between 25 to 65 years. However, under special circumstances, the court may allow

persons above 65 years old to adopt. The adoptive parents must be at least 21 years older than the child. It is important to note that the Children's Act prohibits an adoption process before the child has been declared free of adoption by a registered adoption society.

Under the law, a child's relative is eligible to adopt a child if biological parents have passed on or if the parents are unable to take care of the child's needs.

Single parents who wish to start a family can also adopt a child on condition that the child is of the same sex with the adopting parent, unless the (the single parent) is able to convince the court the need to change the rule.

Joint applicants can adopt a child provided they have been married for at least three years.

Foreigners have been barred from adopting children until a time when

the Ministry of Labour and Social Protection formulates regulations for adoption of children by foreign nationals in Kenya. However, courts can allow foreign nationals to adopt children provided they (the foreign national) are married to a Kenyan.

In the booklet, you will learn that the adoption process begins when the applicant visits a registered and accredited adoption society (also legally known as an Agency) for introduction and orientation.

The adoption process which takes place in the High Court Family Division ensures that all adoption applicants are heard in Chambers and the identity of the child and applicants is kept confidential.

The formal adoption process ensures that the biological parents cannot make claim of the adopted child.

The booklet is downloadable from the Judiciary website - www.judiciary.go.ke



High Court Principal Judge Lydia Achode (C), when she presided over the unveiling of the Adoption Process Simplified booklet at Milimani Law Courts

Employment Court changes tact to deliver justice



ELRC Principal Judge Maureen Onyango.

To ensure court services are not interrupted during the Covid - 19 pandemic period, the Employment and Labour Relations Court (ELRC) relied heavily on technology to render services.

The court embraced the use of technology in its operations in order to offer continuous service even as

judicial officers and staff adhered to the Ministry of Health (MoH) guidelines to curb the spread of the pandemic. Some of the MoH guidelines that guide the operations of the court are; undertaking regular fumigation of premises, providing hand sanitizers and using thermoguns to ascertain temperature of staff. The court also ensures that staff wear face masks and practice social distancing during court operations.

Although the court is exploring the viability of holding open court proceedings, it currently handles all matters as well as engagements with internal and external stakeholders of the court through virtual platforms such as Microsoft Teams.

Additionally, the court has rolled out an e-filing system throughout its stations to enable lawyers and litigants file their cases online.

The electronic filing system was operationalized for all courts in Nairobi on July 1, 2020. The electronic filing entails the creation and submission of case documents electronically (online) to the Judiciary. When case documents are uploaded online, they are assessed and payment of court fees done online.

The Judiciary e-filing system is a web-based application that sits on a server and can be accessed from any location where there is internet connection. The system improves operational efficiency for the law firms, enables greater convenience and flexibility to the law firms filing documents at the convenience of their offices, leads to easier and faster retrieval of required case documents while reducing paperwork and resolving issues of non-filing and misfiling of documents.

COURT INNOVATION

New features in Cause List to Fast-track justice

In a bid to improve service delivery, Malindi Law Courts has developed a schedule of cases document with new features that will eliminate delays and fast-track the movement of cases in the justice system.

The document, popularly known as the 'Cause List,' that is displayed in the precincts of a court or sent out to parties in a case to inform them of the matters listed for trial, is an improved version of the ordinary Cause List. To conduct court business efficiently, the court sends out a list of matters to be handled during any given court session.

Unlike the old format of the Cause List, which comprises of the case number, parties, date and the court in which the case would be handled, the new Cause List indicates whether the accused is out on bond, cash bail, in custody or warrants of arrest are in force.

Further, it shows the purpose the matter is coming up for as well as the police file number and the name of the investigating officer.

The Criminal Cause List for instance, captures the important details that enable the Office of the Director of Prosecutions (ODPP), Prisons, Police, Probation Officers, Advocates and litigants to play their roles effectively in the justice chain.

"There was need to deal with some of these issues and oil the wheels of justice so that they would move faster and what was needed was information to all stakeholders," Malindi High Court Deputy Registrar,

Ivy Wasike explained.

In the case of probation reports, the new format of the Cause List informs the Department of Probation and Aftercare Services on the case so that a Probation Officer gets directly in touch with the Investigating Officer in order to access the victims.

Further, it ensures that Prisons easily avail inmates to court, who may include those transferred to other prisons.

She says that it eventually solves the issues of unnecessary adjournments due to missing police files or unavailability of witnesses and eliminates confusion in the justice chain.

The new Cause List eases the work of all the stakeholders in the justice system, eliminates causes of delays, addresses congestion in police cells and remand facilities and in turn speeds up the wheels of justice.

Mukurweini Court: Colonial relic still serving in dispensing justice



By Wendy Micheni

Mukurweini Law Courts is an old Colonial Court established at Tambaya Market. The market got its name 'Tambaya' from 'Saa Mbaya' which the white man would always use to admonish late comers at the court. The actual

Court building located next to the District Commissioners' Office was constructed around 1930 and used as a residential house by the colonialists.

In 1948, the building was commissioned to operate as a court house by the then colonial District Commissioner. Former Ugandan President, Idi Amin Dada also used the premises as a residence when he served in the King's African Rifles of the British colonial army.

The court housed the first four lay magistrates who discharged duty on criminal and civil cases where traditional dispute mechanism was applied. It has also served more than three District Magistrate III. After Independence, the building continued serving as a court premises until 1999 when it was condemned by the government after it was found to be inhabitable and closed.

The court temporarily relocated to the County Council building in 1999 and this is where it carries its functions to date. It is also a colonial building that used to serve as a mess for the colonial officers. The same building had a small side kitchen that was converted into a registry following the demolition of its chimney to create more space for 16 members of staff who use it to date. The building was partitioned into two small court rooms to accommodate court I and court 2.

The court operates from one small registry which accommodates all sections, such as criminal, civil, traffic, children matters, typing pool, and cash office, which is not an ideal situation. This means all sections must serve over a common counter. An ultra-modern building is however under construction.

Wendy K. Micheni is a Chief Magistrate at Nyeri Law Courts



New members of Accreditation Appeals Tribunal, Micro and Small Enterprises Tribunals and Sports Disputes Tribunal, during an induction training in Naivasha.

Justice Ruth Sitati exits after 44 years on the Bar and Bench

Q: When did you join the Judiciary?

A: Growing up as a young girl in the village, I always dreamt of working among the legal fraternity to defend the weak and oppressed in society. However, my headmaster in High School told me off on my ambition to study Law. He said I was just a woman and could not make it in the then male dominated legal field. I joined the Judiciary in September 1976 as a District Magistrate two. I however resigned in 1979 to join the Kenya External Telecommunication the then Kenya Post and Telecommunication Corporation where I worked for three years as a Principal Legal Officer and later as the Corporation Secretary. My heart was however still in the Judiciary, so in 2004 I applied to be a judge. I have served in many stations including Meru, Machakos, Nairobi, Kisii, Kakamega, the last one being Kapenguria where I was until my retirement.

Q: What is your most memorable Judgment?

A: The *Mutiso case on Transgender Rights*. I was among three judges who heard the matter which was on transgender issues. It opened doors for other parties such as the Audrey Mbugua case.

Q: Tell us about your family life

A: I left my family behind wherever I was posted to work in a new station because I did not want to disrupt their lives. This was very challenging. But I always remembered during my swearing-in joking with a colleague, that even if they send us to the moon to work, we would still go there as long as we have a supportive family.

Q: What do you regard as your greatest achievements?

A: Kisii is one of the most memorable work stations where I faced many challenges, but through diligent efforts I managed to put up an additional court room, where soon after, the Court of Appeal started having sittings in Kisii.

Q: What occupies your time when not on Judiciary matters?

A: When am not at work, I spend time looking after my family. I am a great cook and always make a point of cooking for my family whenever I can. Church life is also at the center of my heart. Community work in support of the less fortunate has occupied my life since I was in High School. I serve in various school boards such as Lugulu Girls, Mitua Friends Girls, Kamusinga, and Inter-Christian Fellowship Mission, to mention just a few.

Q: What can you say about your research work and writing?

A: I have researched and written books on family life surrounding my community. I authored *The Stalker* and later *The Predator* which raise awareness in the community about sexual violence which in most cases arise subtly among family members. The two books call upon the church and parents to take action for the protection of both boys and girls.

Q: Where do you draw your strength?

A: The Bible is my sustaining power. My stronghold is my faith in God, without God you cannot manage on your own no matter who you are.

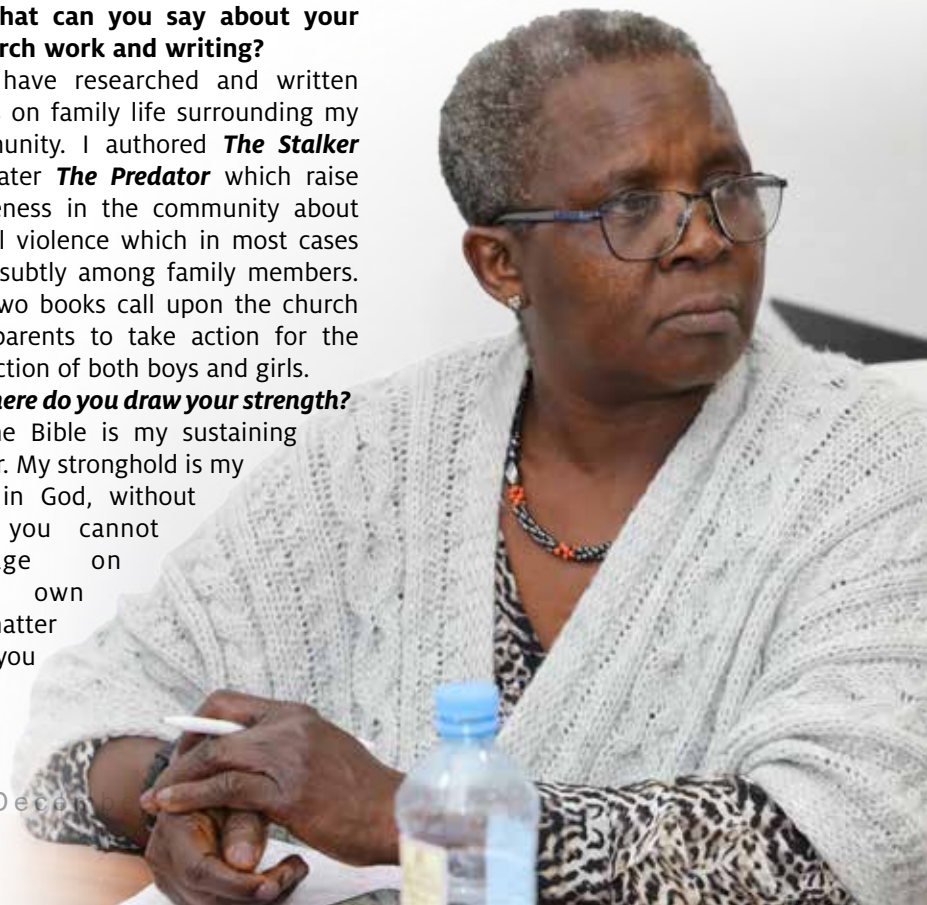
Q: What do you advice those wishing to join the Judiciary?

A: They should not be tempted to amass wealth, they should try to live within their means. Be honest in your work, then you don't have to keep on looking behind your back.

Q: What's next for you after the Judiciary?

A: I already have my plate full. I want to enjoy my retirement first by giving back to my family especially my husband Eng. Richard Sitati who has always stood by my family when I was working away from home. I will continue writing books and serving my church and community. A pilgrimage to Israel, the holy land is also top on my agenda.

Justice Ruth Sitati,
Retired High Court Judge





CJ David Maraga launches the AJS Framework and Policy document at the Supreme Court

ALTERNATIVE JUSTICE SYSTEMS (AJS) AS A STRATEGY FOR ADVANCING JUDICIARY TRANSFORMATION



By Steve Ouma Akoth

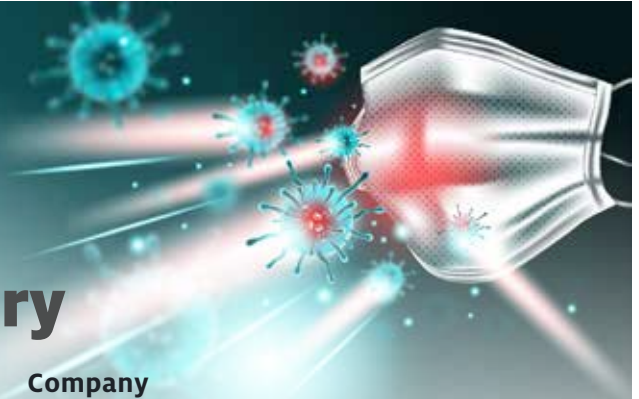
On August 27, 2020, Chief Justice David Maraga hosted stakeholders from various interest groups and government agencies at the Supreme Court. The occasion was the launch of the Baseline and Framework Alternative Justice System (AJS) policies that are useful in unbundling the meanings of Article 159(2) c of the Constitution of Kenya. This article, as is the case with various other provisions of the Constitution, obligates the Judiciary to promote traditional dispute resolution mechanisms. In its reading, the taskforce understands the notion of ‘Traditional’ as an expression for the diversity and plural nature of our

country. This diversity has variations such as gender, ethnicity, occupation, geographies, generations and so on. The policy itself is developed within the tradition of pluralism. Thus, rather than suggest a single national model of AJS, it has documented three types of AJS mechanisms. The first is the Autonomous AJS mechanism that operates in their own motions and practices which mainly respond to questions of personhood and rites of passages. In most occasions, Councils of elders preside over these forums. The second refers to circumstances where state and non-state institutions partner with the Autonomous Institutions to undertake AJS interventions. This has been called the 3rd party Autonomous Institutions. Quasi-judicial institutions such the National Land Commission and non-government organizations such as the FIDA- Kenya have had a long tradition of working with such mechanisms in advancing access to justice. The third type is the Court Annexed AJS Mechanisms. These have become common in personal and family related cases and are used by most courts in advancing access to justice. AJS’s contribution to Judiciary transformation is seen to recruit many agents of social transformation, such

as individual actors, community, and institutions within and outside the Judiciary. It is these stakeholders of national and importantly large AJS actors who shall have the potential to take AJS forward. What the policy has done is to offer clarity and define the duties of the Judiciary and AJS mechanism in advancing the requirements of the Constitution. There is need to popularize and mainstream AJS in judicial practice and reasoning at the Judiciary and all our institutions with quasi-judicial mandate. Equally, the existing AJS practices whether by the autonomous institutions, third party collaborations with the AJS Institutions or court annexed AJS institutions need to be encouraged and accelerated to their competency and practice, and perform their functions at a heightened scale. The AJS policy offers broad clarification and road map. But there is need for standard setting and control mechanisms to ensure that all AJS actors adhere to the requirements of the Constitution and the broader vision of preserving and advancing human dignity for all. **Dr. Steve Ouma Akoth is an Anthropologist and served as the Vice-chair, AJS Taskforce**

Facts

on the Covid-19 situation in the Judiciary



How many judicial officers and staff have been infected by Covid-19?

So far the Judiciary has 53 confirmed Covid-19 cases reported, among them 13 Judicial Officers and 40 staff across the country with two fatalities being recorded.

How is the Judiciary re-integrating those who have healed back to their work stations without stigmatization?

The Directorate of Human Resource Management and Development has established a psychosocial support unit which reaches out and supports those infected and affected by Covid-19 and other distresses.

Is the insurance Company contracted to cater for the workers' medical welfare paying for Covid-19 cases?

The medical insurance company is covering the testing for Covid-19, outpatient and inpatient expenses.

How did the pandemic affect dispensation of justice?

Since the Covid-19 outbreak, the Judiciary up scaled and embraced digital delivery of justice.

How many court stations were closed because of Covid-19?

Twenty-four courts were affected by Covid-19.

The Ministry of Health requires that public facilities such as courtrooms are fumigated every so often, what is the cost implication?

The Judiciary has engaged a service provider who is ensuring all the 131 courts and 10 Tribunals are fumigated at least once per month.

The National Treasury approved Ksh50 million to be used by the Judiciary to mitigate Covid-19.

NUGGETS

QUOTES FROM JUDGEMENTS



JUDGES WAKI, NAMBUYE AND KIAGE

"The (Judicial) officer presiding is not to be a mere umpire aloofly observing the proceedings. He is the protector, guarantor and educator of the process ensuring that an unrepresented accused person is not lost at sea in the maze of the often- intimidating judicial process."

JUSTICE PATRICK KIAGE

"I do think that it would be unrealistic to presume that marriage per se always engenders a blissful, convivial and idyllic existence of mutual support and synergistic exploits. I suppose it does in many marriages. It is true, however, that the marital state may sometimes be a trap where creativity is by slow degrees chilled out of existence and parties may feel entombed in sterility..."

I think that it would be surreal to suppose that the Constitution somehow converts the state of coverture into some sort of laissez-passer, a passport to fifty percent wealth regardless of what one does in that marriage. I cannot think of a more pernicious doctrine designed to convert otherwise honest people into gold-digging, sponsor-seeking, pleasure-loving and divorce-hoping brides and, alas, grooms. Industry, economy, effort, frugality, investment and all those principles that lead spouses to work together to improve the family fortunes stand in peril of abandonment were we to say the Constitution gives automatic half-share to a spouse whether or not he or she earns it. I do not think that getting married gives a spouse a free to cash cheque bearing the words "50 per cent."



The imposing Nanyuki Law Courts building constructed with the support from the World Bank under the JPIP Project

The World Bank funded Judicial Performance Improvement Project (JPIP) has been supporting the Judiciary for the last eight years, to improve services in the project areas to be more effective and accountable. Judiciary now boasts of increased access to courts and legal information, improved timeliness of Judiciary services and enhanced performance and quality of decision making. To deliver on these aspects, the project focused on reducing knowledge barriers, improving links to court users and reducing blockages in the registries. Further, it focused on increasing the speed of resolution of cases, increasing the use of data and standards in decision making, improving consistency and clarity in decision making and strengthening the integrity in decision making.

The project funded to the tune of Ksh.12 billion, saw 16 courts built across the country, over 5,000 volumes of Commonwealth Law Reports, all England Law Reports, Halbury's Law Reports and East Africa Law Reports and a host of other titles procured for the courts, while 10,000 friendly pocket size copies of the Constitution were printed. At the end of the project, 83 per cent of the funding had been efficiently utilized to meet the outcomes and objectives. For instance, JPIP supported the printing of 4,500 copies of Kenya Law Reports

8 Years of Judicial Performance Improvement



A shelf in one of the court stations procured under JPIP

of 2013, 2014 and 1997 to enhance its resource and 620 Grey Books printed for use by judicial officers for their quick reference. Further, under the project, nine mobile courts across the country benefited from the JPIP, making it possible for judicial officers, staff and police officers to travel long distances to take court services closer to the people. All court buildings constructed by JPIP were installed with ICT infrastructure including Local Area Network (LAN) and Wide Area Network (WAN) connectivity to enable the Judiciary

fully take off its ambitious plan to leverage technology across all its services. The new courts comprise court rooms, secure registries, separate cells for men, women and juveniles, customer service bays, consultation rooms for advocates and clients, lactating rooms, ramps for physically challenged persons amongst other facilities. JPIP supported 124 Court Users Committee (CUCs) to improve service delivery and make their work more

CONTINUE PG 26 >>



A mobile court session in Lamu under the JPIP Project

CONTINUED FROM PG 25 ➤

efficient and accountable. Some initiatives included purchase of ICT equipment and installation of solar panels, training, furniture and toilets. To reduce blockages in the registries and increase the speed of resolution of cases and improve digital retrieval of court information, the project supported the development of registry operation manuals for the different courts and furnished registries with more shelves.

The manual, file folders, registry shelving aimed at reducing incidences of missing or misfiling of court files, securing integrity of the court record and ensuring standard operating procedures. This enables faster tracing and retrieval of the court file.

For courts that were not earmarked for new court construction, 16 shipping containers were procured, refurbished and converted into courtrooms, chambers, holding cells, registries, archives, and offices. The facilities eased congestion at the registries, provided adequate courtroom space, created room for file archiving and offices for Judiciary staff in a bid to improve service delivery.

JPIP procured over 1,300 computers for distribution to 128 court stations. The facilities are handy in facilitating e-filing, case tracking and daily collection of court data. This has

improved efficiency and accountability. Further, the project supported Service Weeks, Court Annexed Mediation, training of staff on Daily Court Returns Template (DCRT) and Case Tracking system (CTS), registry operation manuals, Continuous Judicial Education (CJE), stakeholder trainings on alternative justice systems and staff induction.

JPIP supported the use of data and standards in decision making; improving consistency and clarity of decision making and strengthening integrity of decision making through the implementation of Performance

Management and Measurement Understandings (PMMUs).

As a measure to ensure standard reference guides for practice across the entire Judiciary, the project supported development of various policy documents and manuals. These included the Judiciary Financial Policy and Procedures Manual (2014), the Human Resource Manual, the Procurement, Asset Disposal and Inventory Manual, Registry Operational Manual and ICT Policy and Master Plan.

The Court Recording and Transcription equipment contributes towards increasing efficiency of court processes by enabling Judges, Court Administrators, lawyers and parties save time and money. The bank supported the installation of the equipment in 26 court rooms. It allows parties and adjudicators to focus on the proceedings rather than taking notes. It helps in preventing procedural abuse or corruption by use of digital record keeping.

The bank's support has seen public confidence in the Judiciary improve steadily and transparency in its activities enhanced even as the institution, continued to transform to offer improved services.



Law Books and Reports in a court library provided under the Project

KANDARA LAW COURTS' GOOGLE CALENDAR STEPS UP CASE MANAGEMENT

By Margaret Kurumbu

One of the pillars of the Judiciary's blueprint, Sustaining Judiciary Transformation-(SJT) is to harness the use of technology for efficient and effective delivery of service. Therefore, use of Information Communication Technology (ICT) as an enabler of justice has been at the center of the Judiciary's transformation journey. So in 2017, when Chief Justice David Maraga called on all courts to come up with innovations to enhance service delivery, Kandara Law Courts took it seriously.

We set out to seek ways of using existing technology to help in

automation, digitization and improvement of our work. Though the court is located in a small town with internet challenges and few people are techno savvy, we did not shy away from the task. One of the magistrates suggested the use of an existing google application – google calendar, to manage events, tasks and engage with stakeholders.

We initially fed our court activities on the system and started using the calendar with advocates and the court administration. The initiative was welcomed by the advocates practicing in the court and was heralded as a game changer in managing the courts diary and events. The innovation has enabled us to conveniently get real time reminders of upcoming tasks, eliminated and or reduced need for physical diaries.

The application is also an easy tap-on-the-go system, that coordinates events and manages diaries among teams and stakeholders.

It generates an activity plan, that is an equivalent of a printable cause list. It can manage multiple calendars, for example in a station with 3 courts, the



court administrator or court assistant can simultaneously have access to all court calendars.

A master calendar to be accessed by all users from their phones and computers can be generated and synchronized with other useful apps such as Google Meet, Go To Meeting, SMS reminder, Cisco Webex, Contact Manager and Google Maps. The application allows the management of events and activities from the convenience of one's phone from any location.

Once put in use, it easily complements the Judiciary Case Tracking System (CTS). When we started using Google Calendar, there were challenges with internet connectivity, however, the Judiciary leadership has now provided Wi-Fi connection in most court stations and resolved the challenge. At the same time, COVID 19 has taught us that enhancing technology is the future of effective service delivery. The legal profession and the country at large has now become more receptive to the use of technology. With this initiative, the Judiciary is able make use of the Google Calendar which is readily available on google workspace to improve service delivery while keeping court users, staff and judicial officers safe from the coronavirus. It works well in places where clients and stakeholders are technologically enabled and have access to internet services.

Margaret Kurumbu is an SRM at Kandara Law Courts



Kandara SRM Margaret Kurumbu demonstrates how to use the court's google calendar innovation



Justice Eric Ogola is honored by Mombasa LSK as a beacon of Judicial virtue.



Justice Eric Ogola receives a certificate of excellence for exemplary performance during the Covid-19 pandemic



Chief Magistrate Hon. Evans Makori receives his award of excellence



Resident Magistrate Christine Atieno Ogweno is honored by Mombasa LSK for her efficiency in delivery of justice.



ICT Officer Collins Ayodo is recognised by Mombasa LSK for his exemplary work at Mombasa Law Courts during the Covid 19 pandemic period.



Court Assistant Mercy Miyare (R) and Secretary Faith Buyekane file the Daily Court Return for Rongo Law Courts after Senior Resident Magistrate Raymond Langat heard 16 matters that had been listed before him.



Progressive Welfare Association based in Malindi donates a disinfection booth, a thermo-gun and 300 face masks to Malindi Law courts to help curb the spread of Covid-19. Malindi High Court Presiding Judge Reuben Nyakundi received the donation on behalf of the court.

Kwale Law Courts Principal Magistrate Joe Omido delivering an 82-page ruling via video conference. Zoom link was set up between Kwale Law Courts and Nakuru High Court. Hon Omido was concluding a matter that was before him while serving at Nakuru but could not conclude it because High Court had stayed it.



Homa Bay Law Courts Senior Resident Magistrate Tom Olando when he delivered judgments and rulings via video conference linked to Homa Bay GK Prison.



Senior Resident Magistrate Celesa Okore at Oyugis Law Courts when she delivered judgments via video link.



Chief Registrar of the Judiciary Anne Amadi when she visited Kisii Law Courts to meet with judicial officers and staff and check on the delivery of services.



Ndhiwa Law Courts Principal Magistrate M. A. Ochieng when she delivered judgments via Skype Conference for remandees at Homa Bay GK Prison.



Environment and Land Court (ELC) Presiding Judge Samson Okong'o, when he visited Eldoret ELC to inspect service delivery and hold meeting with the court's CUC members. The team was hosted by Judges Hellen Omondi, Stephen Kibunja and Millicent Odeny. Justice Okong'o was accompanied by the Court's acting Registrar, Hon Rose Makungu.



The Judiciary ICT and Finance team conducts training for the Kisumu Law Courts staff on Case Tracking System(CTS) and Judiciary Financial Management Information Systems (JFMIS).



Kisumu Law Courts ICT Officer Edna Aturi conducts a Microsoft Teams training session for Court Assistants.



Mediation Task force chairman Justice Fred Ochieng in a meeting with Mediation Accreditation Committee chairman Justice George Odunga when the Committee visited Kisumu Law Courts to assess capacity of implementation of virtual court annexed mediation.



Vihiga Law Courts Resident Magistrate Mary Makena Gituma presides over matters via video conference linked to Kodiaga GK Prison.



Kakamega Law Courts Judicial Officers and staff when they met to discuss measures and protocols to be observed at the court as the station upscaled operations.



Bomet Law Courts Principal Magistrate Lilian Kiniale presides over cases via video conference linked to Kericho Medium and Women Prisons.



Law Society of Kenya North Rift Chairman Mr. Joshua Maritim presents a Tent and handwashing facilities to Eldoret Law Courts. Senior Principal Magistrate Richard Odenyo and Resident Magistrate D. Milimu received the facilities on the behalf of the station.



Kehancha Law Courts Principal Magistrate Linus Mesa (L) examines the court's Case Tracking System with Hon. Judith Alambo (C) and Court Administrator Enock Chiboli (R).



Mombasa Law Courts Chief Magistrate Evans Makori Chairs a Court User Committee (CUC) meeting convened to discuss improvement of the virtual court. Advocates and Judicial Officers from Mombasa, Totonoka, Shanzu, Mariakani and Kwale Law Courts participated.



A security guard at Nakuru Law Courts takes the mandatory temperature of clients before they access the court's premises to curb the spread of Covid-19.



Hon. Patrick Wambugu of Kwale Law Courts handles mentions via video conference linked between Kwale Law Courts and Shimo La Tewa Prison in Mombasa.



Eldoret Law Courts Senior Resident Magistrate Emily Kigen presides over cases via video conference linked to Eldoret Police Station, ODPP and Advocates.



Bungoma High Court Presiding Judge Stephen Riechi presides over applications and plea taking for Bungoma Court from the Milimani Law Courts through a virtual platform.



Ms Mercy Mwirigi of the Communication and Multimedia Appeals Tribunal (CAMAT) speaks during a public participation forum at Bungoma Law Courts held to collect views on draft CAMAT Rules. The rules are meant to guide operations of the Tribunal.



Eldoret High Court Presiding Judge Hellen Omondi presides over a virtual court session linked to Advocates, ODPP and the Eldoret Main Prison.



Ruth Kyengo, Deputy Director Talent Management conducts staff sensitization on Organisation Review in Isiolo Law Courts



Eldoret Law Courts Resident Magistrate Rosemary Onkoba presides over a Virtual Court session linked to Eldoret Police Station, Eldoret Main Prison, ODPP and Advocates. Present is Court Assistant Elianto Tamar (L)



Ogembo Law Courts Senior Principal Magistrate Denis Mikoyan presides over cases in an open area at Kisii Main Prison in line with MoH guidelines.

CASE TRACKING SYSTEM (CTS) WHAT YOU NEED TO KNOW



1. CTS is an acronym of Case Tracking System.

Case tracking System maintains and tracks the entire details of a case from case initiation to case disposition.

2. What are the modules in CTS?

E-registration, E-Assessment, E-reporting, E-Case Activity management, E- document Management.

3. What technology do I need to access CTS?

- i. Computer with internet connection
- ii. Virtual Private Network (VPN)
- iii. A user account to access CTS
- iv. Login page 10.66.112.11:8080/cts

4. What happens if VPN is not working?

Exit Open VPN and relaunch then connect.

5. How do I register a new case?

- i. Click on register new case menu
- ii. Select the Case type, case sub-type and click start.
- iii. Thereafter follow the four simple steps.

6. How do I register an old case?

- i. Click on register old case menu
- ii. Select the Case type, case sub-type and click on start.
- iii. Select the Case type, case sub-type, year then input the case number and date of filing and click start.
- iv. Thereafter follow the four simple steps.

7. Can I delete an activity or outcome in an active case?

No. For an activity with an outcome, there is no delete button. For an activity without an outcome, the delete button is active but when used flags the activity.

8. What are the parameters used to search a case in CTS?

Case Number, Tracking Number, Mediation Number, Payment reference, Parties, Citation, Presentation, Prayers, Outcomes and Last activity.

9. How do we initiate refund or cash bail in the CTS?

The refund icon is available for Court Assistant, Court Administrators and Judicial Officers.

- i. Upload the duly signed court order for refund by the Court Assistant.
- ii. Approval of the same by the Court Administrator.
- iii. Update the CTS with Bank details of the beneficiaries.

11. Who will assess the court fees and fines?

The system will automatically assess the fees and will be reviewed by the court.

10. Which payment methods are available for fines and fees?

The options available are MPESA, KCB Teller and Mtaani.

11. How does the CTS handle Under-assessment and Over-assessment?

Under-assessment is through generating a new invoice and over-assessment is through requesting for refund.

12. How do I generate an order?

- i. Click the court document icon next to the activity you intend to raise an order for.
- ii. Select the type of court document
- iii. Type or paste the orders
- iv. Click on save for signing by the DR or Magistrate

13. How to access a signed order?

- i. Search the case you intend to extract the order.
- ii. Click on court documents and then click see signed order.
- iii. On clicking see signed order the order is downloaded.

14. What happens when the system does not generate a case number after payment?

In the event that a case number is not generated after payment. This should be considered as a system bug that requires escalation to technical team.

15. How do I upload hard copy documents into the system?

Hard copy documents can be scanned and uploaded as pdf.

- i. Search the case number
- ii. Click on Activities button, then the upload button.
- iii. Select from the dropdown and the document (should be in pdf).

16. Do we have a helpdesk portal for assistance?

Yes. For Support:
Email:
ictsupportdesk@court.go.ke



JUDICIARY STRATEGIC PLAN 2019 - 2023

THE FIVE - YEAR ROADMAP

STRATEGIC OBJECTIVES

KRA 1

Enhanced Access to Justice



- Improve physical access to courts
- Enhance access to court services

KRA 4

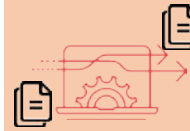
Improved Governance and Transformative Leadership



- Combat corruption and unethical practises
- Strengthen performance management systems
- Promote a culture change for transformative leadership and management
- Mainstream national values, gender and diversity

KRA 6

Modernized Registry Operations for Operational Efficiency



- Adopt effective information, records and archives management practices
- Streamline and modernize file management and disposal procedures
- Automate all court processes

KRA 2

Expeditious Delivery of Justice



- Enhance capacity of courts for timely resolution of cases
- Utilise technology to accelerate court proceedings
- Fast-track hearing and determination of cases in court system
- Promote active participation of stakeholders in speedy resolution of cases

KRA 7

Enhanced Public Confidence, Awareness and Image of Judiciary



- Enhancing participatory interactive engagement with the public
- Promote the Judiciary brand
- Automate communication and collaboration processes

KRA 3

Growth of Jurisprudence and Knowledge Management



- Promote skills acquisition, mentorship, peer review and exchange Programs in judicial function
- Strengthen Library information services
- Promote knowledge management
- Promote research on emerging thematic areas of jurisprudence and judicial practice

KRA 5

Improved Human Capital Management and Organizational Development



- Establish optimal staffing levels
- Enhance skills and competence
- Attract, retain and motivate employees
- Provide safe and conducive work environment
- Modernise human resource management and development
- Provide reliable ICT infrastructure and applications

KRA 8

Resource Mobilization, Utilization and Stakeholder Engagement



- Enhance funding for Judiciary programmes
- Promote prudent utilization of Judiciary resources
- Strengthen financial management systems

The Implementation of Strategic Plan 2019 – 2023 to be supported by the Judiciary's New Digital Strategy

Judicial Operations Support Systems

Court Management Systems

Enterprise Resource Planning

Document & Archive Management

ICT Infrastructure

Plan Anchored on Integrated Court Management System (ICMS)

Automated Court Function

By Implementing Case Management System (CMS) in registries & courtrooms

Automated Administrative Function

By implementing an Enterprise Resource Planning (ERP) System

ICT SOLUTIONS FOR JUSTICE DELIVERY

E-Filing

Speech to Text Solution

E-Case statistics

E-Court proceedings

E-Payment

Video Conferencing System

E-Notifications

E-Diary

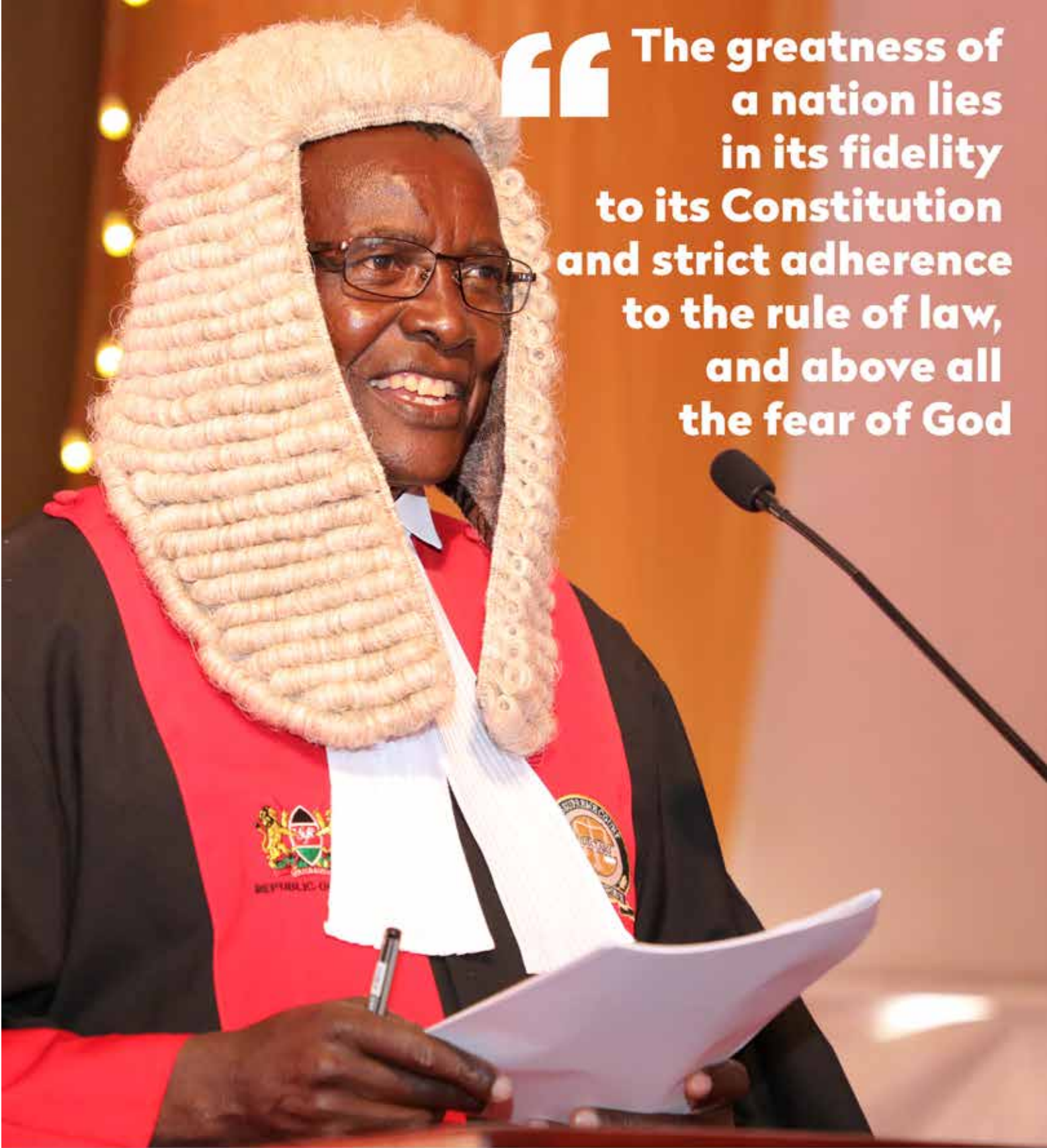
E-Service

Court Recording & Transcription System

E-Causelist

Case File Digitization

Case Tracking



**The greatness of
a nation lies
in its fidelity
to its Constitution
and strict adherence
to the rule of law,
and above all
the fear of God**

CJ SPECIAL

INSIDE»»

**SUSTAINING JUDICIARY
TRANSFORMATION:
4 YEARS OF MARAGA**



**PERFORMANCE
MANAGEMENT**



**CASE
TRACKING
SYSTEM**



**CASE
CLEARANCE**



**COURT
ANNEXED
MEDIATION**



INFRASTRUCTURE





what OTHERS said...

“ For a besieged and unsupported Chief Justice, David Maraga has performed exceedingly well. He leaves behind more Court rooms than he found and an exhausted but resolute Judiciary. It is fulfilling when a leader has something tangible to launch in his sunset days in office.
- **Nelson Havi** ”

“ You have a clean conscience and you are a man of integrity. We know all get justice when they appear before you
- **Dr Mercy Deche, JSC Commissioner** ”

“ You have left a great legacy of digitization and e-filing and we assure you that we shall soldier on and carry on with the automation mission
- **Justice William Ouko, President of the Court of Appeal** ”

“ CJ @dkmaraga’s advice to the President is neither rushed nor inappropriate. It has been a decade in the making.Parliament has had all the time & repeatedly ignored the advice from courts, thus displaying the highest level of impunity.
- **@MarthaKarua** ”

“ Nairobi Courts go DIGITAL: e-Case Registration & other e-services benefiting entire Justice. Thank you @dkmaraga for ur leadership. @NLIKenya proud contributor to this big achievement.
- **F Makken, Netherlands Ambassador** ”

“ Digital transformation of Judiciary e-filings under CJ David Maraga is a game changer. Court files will no longer be hidden. Biggest beneficiary is DPP who is now allowed to e-file expert evidence without calling them as witnesses. Thieves, Murderers & Corrupt have no room to hide.
- **Donald Kipkorir** ”

“ I welcome the inevitable impetus that yesterday’s constitutional advisory by @dkmaraga will give to enhanced political participation for Kenyan women. Gender equality in political life is a challenge for us in much of Europe as well and far from a reality.
- **Simon Mordue, EU Ambassador to Kenya** ”

“ You have been a walking sermon, a man who cannot be bought or sold. You have always called sin by its name
- **Mombasa LSK Branch Chairman, Martin Nyabena** ”

Reflections From Maraga

“

I thank Kenyans who have upheld me in prayers. It is because of you that God has held my hand. You know for us judges, if we endeavour to please everyone we will not do justice. We decide cases based on evidence and the law

- during the opening of Borabu Court.

”

“

Narok has many land cases & I encourage you to use Alternative Dispute Resolution to resolve them. ADR leaves families intact. Court decisions on land sometimes even become difficult to implement & tear families apart

”

“

“Don't be scared when you are doing the right thing. When the court stands neutral and firm, the citizens respect the institution

-to Judges & Magistrates during opening of Kakamega Court

”

“

Kenyans say we are too steeped in procedure. They want justice expeditiously & are getting restless. We must have a paradigm shift. A succession matter has only 2 issues-beneficiaries & distribution of estate. Why should it take 5yrs in court?

-while opening Narok Court

”

“

We have many children cases esp FGM, defilement & early marriages. I assure you the Judiciary will deal with them firmly so that our girls live in a safe environment

”

“

We started E-filing because it was dangerous to have documents being filed physically. I want to report that in Nairobi & its environs, clients are now able to file cases electronically. Shortly, we will be moving to other parts of the country

”

“

It was 4pm and I was a High Court Judge in Mombasa. The prosecutor asked me to hear some witnesses who'd spent the previous night outdoors at the police station. I sat up to 8pm. That demonstrates how crucial it is to take justice close to Wananchi

”

“

When I assumed office there were over 170,000 cases over 5yrs. Now we only have 39,000. Even that is because of the ones that have turned 5yrs during that period. That is 79% success

-opening of Isiolo Law Court

”



The Process of recruiting a Chief justice



To be appointed as Chief Justice, one must have served as a superior court judge for at least 15 years or have at least 15 years' experience as a distinguished academic, judicial officer, legal practitioner or such experience in other relevant legal field or held the qualifications specified above for a period amounting, in the aggregate, to 15 years.

The Chief Justice is appointed in accordance with the recommendation of the Judicial Service Commission (JSC), and subject to the approval of the National Assembly.

The process of recruiting a Chief Justice under the current constitutional dispensation requires the participation by members of the public, demonstration of fairness

and transparency as well as strict adherence to constitutional principles and best practices.

The process starts by formally declaring in the Kenya Gazette, a vacancy, in the Office of the Chief Justice followed by advertising for qualified and interested candidates to apply for the position. The Judicial Service Commission then constitutes a selection panel as required by law and then shortlists persons for nomination by the Commission in accordance with the First Schedule of the JSC Act.

Upon receiving applications from interested candidates, the JSC publishes in the local dailies the names of applicants, including the shortlisted candidates. Since the

process requires public participation, the Commission then invites any member of the public to avail, in writing, any information of interest to the Commission in relation to any of the applicants. To review, verify and supplement information provided by applicants, the Commission is expected to conduct reference checks on the candidate.

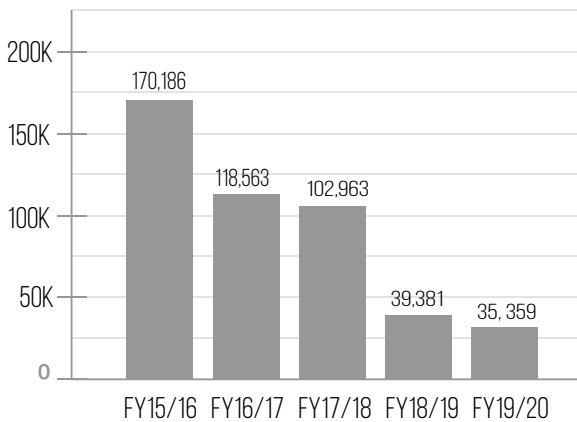
The recruitment process takes about four months to have a new Chief Justice in office, given the statutory timelines that guide the process.

The Chief Justice is the Head of the Judiciary and the President of the Supreme Court of Kenya and at the same time chairs the National Council on the Administration of Justice (NCAJ).

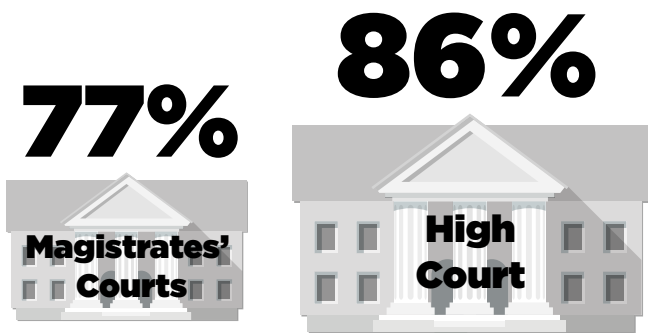
BACKLOG CLEARANCE

79%

The cases older than five years reduced from 170,186 in FY 2015/16 to 118,563 in 2016/17, 102,963 in 2017/18, 39,381 in 2018/19 to 35,359 cases at end of June 2020. A 79 % reduction.



Case Backlog Reduction since FY 2015/16

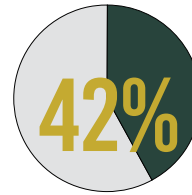


Case backlog reduction of cases older than 5 years between January 2017 and June 2020 in Magistrates' Court and High Court.

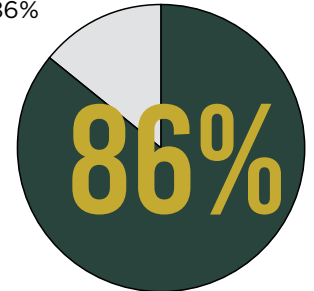
CASE CLEARANCE RATE



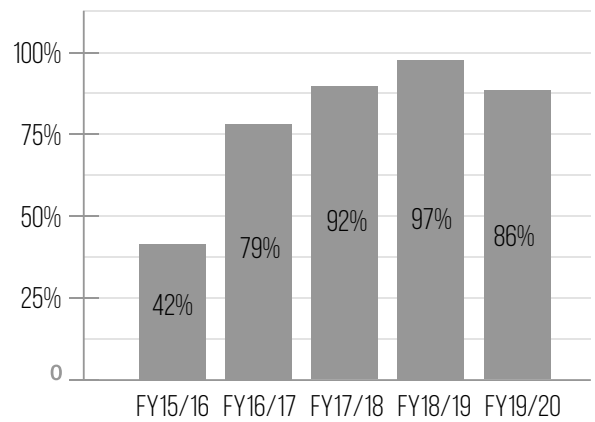
Doubled Case Clearance rate from 42% in 2015 to 86% in 2020



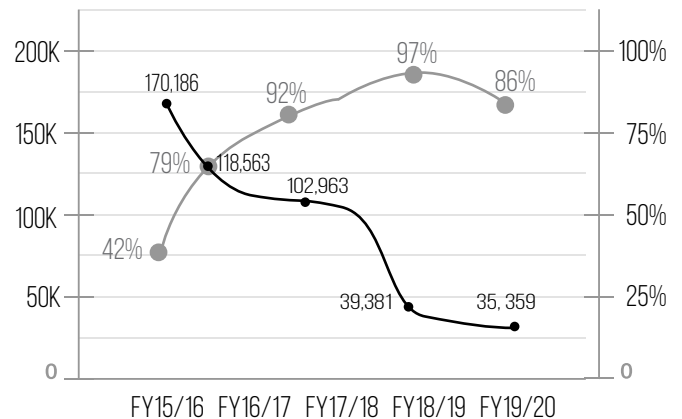
FY 2015/16



FY 2019/20



Trend in case clearance rate since 2015/16



Trend of Case Clearance rate and reduction of case aged 5 years and above

January 2017

201,206
cases over 5 years cleared

June 2020

PRODUCTIVITY

Highest productivity at the magistrate courts with an average of 750 resolved cases resolved by each magistrate every year from the FY 2016/17 to FY 2019/20.



750

CASES PER JUDICIAL OFFICER

PRODUCTIVITY



Development of Case Tracking System (CTS), a key feature of Judiciary's digital strategy. As at June 30, 2020, Case Tracking System in 61 of courts had been operationalised.

E-FILING SYSTEM.



The e-filing system initially piloted at the Commercial Division of the High Court in Nairobi.

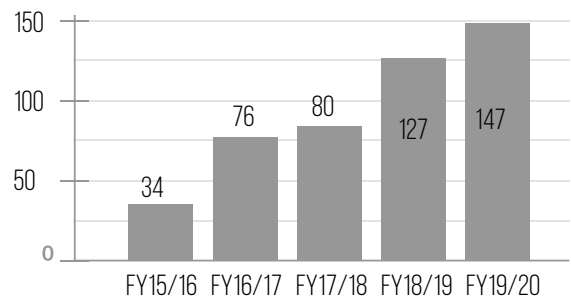
KSh250 Million

Court fees & Fines collected by E-filing system

20,000+

Cases Filed as at September

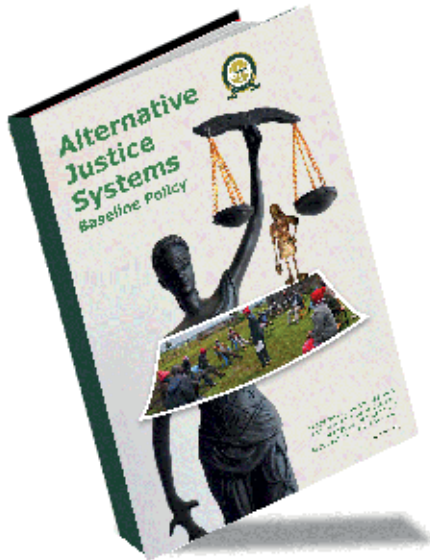
INTERNET CONNECTIVITY



Trend in growth of internet connectivity in court stations

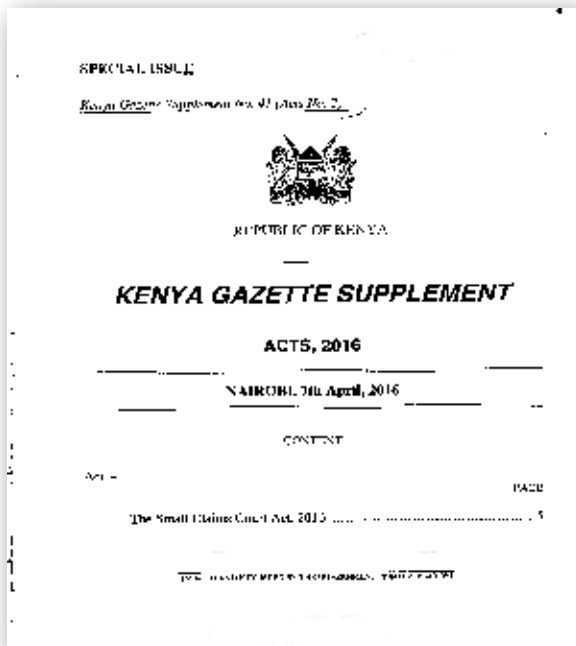
AJS POLICY

Developed Policy on Alternative Justice Systems (AJS) after completion of a multi-stakeholder process that led to the adoption of an institutional policy on alternative justice systems.



SMALL CLAIMS COURT

Regulations to guide the operations of the Small Claims Courts, and the code of conduct for adjudicators who will preside over the courts, were completed and gazetted.



COURT ANNEXED MEDIATION.

Court Annexed Mediation (CAM) was introduced as a further strategy to enhance access to justice.

KSh4.5 Billion
released to the economy



DURATION FOR CASE SETTLEMENT IN CAM

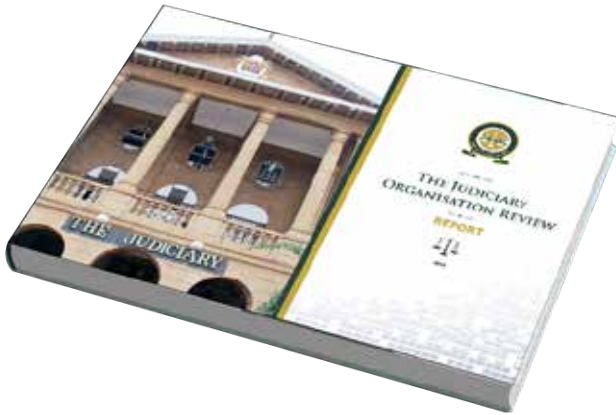
3,589 Matters referred to CAM



Virtual Court Annexed Mediation (CAM) rolled out to (7) seven court stations

ORGANISATIONAL REVIEW

The Judiciary completed a comprehensive review of its institutional and organisational structures. The implementation of the review is already underway.



**Optimum staffing levels
now stand at 8,657**



**Career Progression
Guideline Framework in
place for all staff**

PERFORMANCE MANAGEMENT

92%

**Overall
Judiciary
performance
for courts'
was 91.95%**



**469,359
CASES RESOLVED**

**REVENUE COLLECTED
KSh2.19
Billion
IN THE FY2019/20**

67%

**The overall satisfaction
index for the Judiciary
stood at 67 % in 2019**

Improving Access To Justice:



Isiolo Law Courts



Vihiga Law Courts



Nakuru Law Courts



Ol Kalou Law Courts



Chuka Law Courts



Kigumo Law Courts



Kangema Law Courts

New Court Buildings Opened



Oyugis Law Courts



Makueni Law Courts



Kahawa Law Courts



Molo Law Courts



Tamu Law Courts



Kakamega Law Courts



Narok Law Courts

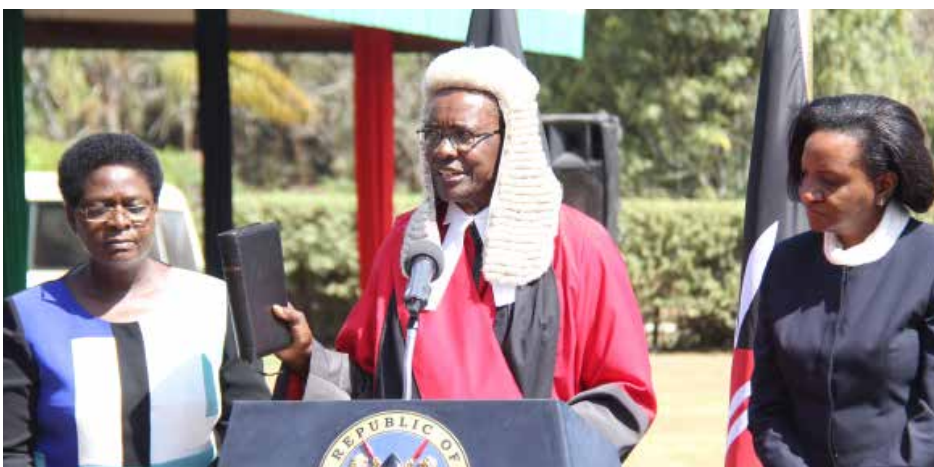
Chief Justice David Maraga's Recruitment



Justice David Maraga appearing before JSC for interview for the position of Chief Justice



Justice David Maraga when he appeared before National Assembly JLAC for vetting for the position of Chief Justice



Justice David Maraga before National Assembly JLAC

Justice David Maraga being sworn in as Chief Justice at State House Nairobi

Chief Justice David Maraga's Early Days



1. **SC Judge Ibrahim Mohammed welcomes him into office**
2. **In his office moments after assuming office**
3. **Inspection of a registry at Milimani Law Courts**
4. **Interacting with members of judiciary staff.**
5. **At the ground breaking ceremony of a court building**



Chief Justice: Jurisprudence



Chief Justice David Maraga who was also the President of the Supreme Court led the bench in hearing and determining cases.

With him are Hon Lady Justice Njoki Ndungu, Hon Justice Prof J.B. Ojwang, Hon Lady Justice Philomena Mwilu, Hon Justice Mohammed K. Ibrahim, Hon Justice Dr Smokin C. Wanjala and Hon Justice Isaac Lenaola.



Chief Justice: Outreach



Chief Justice David Maraga met and conferred with many leaders during his tenure

JSC & NCAJ ACTIVITIES



Chief Justice David Maraga chaired the JSC and NCAJ during his tenure of office

SWEARINGS-IN & ADMISSIONS



Chief Justice David Maraga presided over swearing-in ceremonies and Admission of advocates to the Bar

MENTORSHIP & CHURCH ACTIVITIES



Chief Justice David Maraga was involved in numerous mentorship and church activities

MEETING THE PEOPLE



Chief Justice David Maraga interacted with members of the public and staff at various levels

**Chief Justice David
Kenani Maraga served
the Judiciary as
Chief Justice between
Oct 2016 - Jan 2021**

