

INSIDE THE JUDICIARY

ALL YOU NEED TO KNOW IN YOUR COURTS

ISSUE NO. 16 JULY - SEPTEMBER 2021



JUDICIARY SCORES A FIRST as *Koome* takes mantle

**34 Judges
Sworn in**

**Musinga Elected
COA President**

Small Claims Court Launched

Know Your Tribunals



Small Claims Court

- **Established under section 4 of the Small Claims Court Act No. 2 of 2016**
- **Jurisdiction over civil claims whose subject matter does not exceed Ksh1,000,000.**
- **Jurisdiction over civil claims relating to;**
 - *a contract for sale and supply of goods and services,*
 - *a contract relating to money held and received,*
 - *liability in tort in respect to loss and damage caused to any property or for movable property*
 - *compensation for personal injuries and set off*
 - *counter claim under any contract, whose subject matter does not exceed **Ksh1 M.***

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Location: The Small Claims Court is currently located at Milimani Commercial Court Building

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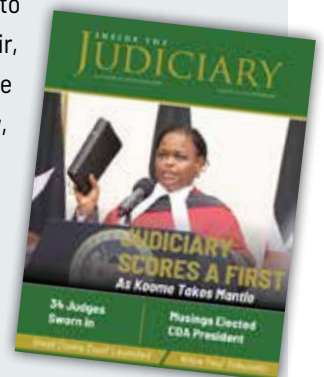
Welcome to this edition of Inside the Judiciary magazine. The team focuses on the exciting new beginning in the Judiciary with Chief Justice Martha Karambu Koome taking over the leadership mantle. The magazine explores the recruitment process of the Chief Justice, her swearing-in and vision and mission for the institution during her salutation speech on assumption of office. Special attention is given to the fact that Chief Justice Martha Koome makes history for being the first ever female Chief Justice in Kenya and also the first ever female head of an arm of government.

The team also delves into the swearing-in of 34 judges from the original list of 41 recommended for appointment by the Judicial Service Commission (JSC). This edition of the Inside the Judiciary Magazine also gives special focus on the leadership changes in the Court of Appeal with the election and assumption of office of Justice Daniel Musinga as president.

The magazine celebrates achievements by judges who include Court of Appeal Judge Mumbi Ngugi who was recognized as an international jurist of the year for championing human rights. The magazine carries opinion articles on various facets of judicial operations that have been published in the local press in a bid to inform and educate the public on innovations and operation procedures that have been put in place to enhance delivery of service.

In this edition, the team show cases court activities by court stations across the country and how they champion delivery of justice, ultimately leading to the fulfilment of the vision and mission of the Judiciary; to be an independent institution of excellence in the delivery of justice to all and; to dispense justice in a fair, timely, accountable, and accessible manner, uphold the rule of law, advance indigenous jurisprudence, protect and promote the Constitution.

Enjoy the read



Judiciary scores a first as Lady Justice Koome takes mantle



Chief Justice Martha Koome receives instruments of power from DCJ Philomena Mwilu on her assumption of office at the Supreme Court.

First **FEMALE** Chief Justice is sworn into office

In a historic beginning at the Judiciary, Justice Martha Karambu Koome took Oath of Office as Chief Justice and president of the Supreme Court ending long tradition of appointing men to the position.

Judge Koome is the first female Chief Justice and the first ever female head of one of the three arms of the government of the Republic of Kenya. She becomes the 15th Chief Justice and the third President of the Supreme Court of Kenya under the Constitution of Kenya 2010.

She succeeds Justice David Maraga who strode the Judiciary like a colossus leaving behind footprints in jurisprudence and striving to sustain reforms started by his predecessor Dr Willy Mutunga, who is largely credited

for the current change in the courts.

"My vision which I have shared repeatedly since I assumed office is that we will continue to build on the firm foundations predicated on the Judiciary Transformation Framework (JTF) and the Sustaining Judicial Transformation (SJT) with an added focus to a bottom-up approach towards improving access to and quality of justice," Chief Justice Koome said.

Justice Martha Koome who cut her teeth in the civil society movement, specifically the Federation of





Chief Justice Martha Koome with DPP Noordin Haji during her assumption of office ceremony.

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Women Lawyers - (FIDA - Kenya) and up until her appointment as a judge of the Court of Appeal, comes into office at a critical time in the geopolitical environment of the country ahead of the 2022 General Election.

It will be interesting to watch how the courts will perform and conduct themselves under Chief Justice Koome especially in the next couple of months leading to the political regime change in the country's leadership in the general elections scheduled for August 2022. However, even before the general elections, Chief Justice Koome is expected to preside over the Judiciary that will handle politically charged cases emanating from the Kenya Constitution Amendment Bill 2020, popularly known as Building Bridges Initiative (BBI) Bill. The Chief Justice

also comes into office as she inherits the inherent Judiciary problems of under-funding, case backlog and the love-hate relationship between the Judiciary and other arms of government.

Justice Koome has already stated her position, underpinning her reservation on the rejection of six out of the 40 judges recommended for appointment by the Judicial Service Commission (JSC). The Chief Justice has stated that the President must appoint the remaining judges, setting the stage for a possible confrontation with the Executive.

"I want to take this opportunity to reiterate my position as the Chief Justice and as the Chairperson of the Judicial Service Commission (JSC) that all persons recommended by the Commission and as directed by the Constitution must be appointed as Judges. That is the

law and I am duty bound to reiterate this position," Chief Justice.

Fashioning herself as a defender of human rights, CJ Koome will be keenly watched on how she will handle situations involving flouting the Constitution and infringing of human rights situation in the country.

The Chief Justice has expressed her wish to follow in the footsteps of her two predecessors, Dr Mutunga and Maraga, stating her gratitude to them for setting and sustaining the current standards for fundamental changes being enjoyed that include many initiatives that focused heavily on service delivery.

"Through the efforts by my predecessors, we now have a Judiciary that is more accessible to the people of Kenya, a corps of judicial officers and staff who are sufficiently equipped to perform their duties with pride and confidence; physical and other infrastructure that is extensively improved, and the necessary structures for cooperation and coordination with our key stakeholders," CJ Koome said.

In her vision, Chief Justice Martha Koome seeks to preside over a Judiciary that is independent, efficient, accessible and responsive to the aspirations of Kenyans and a true guardian of the rule of law. Speaking on the occasion of her assumption of office, Judge Koome said her team will build working

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Justice Martha Koome when she appeared before National Assembly's JLAC following her recommendation for appointment as CJ.

relationships with other actors in the administration of justice; to reach our court users and other parties with a view of building their capacity with knowledge that will empower them to bear their own agency and to become champions for justice.

"When everybody becomes an agent and champion for justice, I believe this country will start looking for our own indigenous solutions that lead to reconciliation and peace," she said.

The Chief Justice is aware of the highly unacceptable levels of case backlog bedeviling the courts despite the efforts of the last 10 years that had significantly reduced the number of old cases. She said that her case backlog reduction efforts will be geared towards ensuring that at any given time, no case should be in the justice system for longer than three years. This is in following up with CJ

Maraga's tenure, which focused on all courts concluding all cases that were five years old and above. Chief Justice Koome is optimistic that the target is possible to achieve if all embraced a case management system and multi-door approaches that are available such as the court users committees, Court Annexed Mediation (CAM), Small Claims Court (SCC) and Alternative Justice Systems (AJS).

She assured that her vision and mission will anchor around constructive engagement with other arms of government for the mutual benefit of Kenyans.

"I see a Judiciary which will be a leader in accountability and integrity. If there are cases to be heard, let us conclude them. If there are problems to be solved, let us resolve them. If there are barriers to overcome, let us overcome them. If there are changes to be made, let us make them," Chief Justice Koome said.

JUSTICE KOOME BIOGRAPHY

- Born in 1960 in Meru County.
- Holds a Master of Laws degree, University of London (2010), Bachelor of Laws, University of Nairobi (1986) Post Graduate Diploma in Law, Kenya School of Law (1987)
- Admitted to the Roll of Advocates in 1987
- 33 years' experience in the legal profession.
- Served as Judge of Court of Appeal from 2012
- Served in the Court of Appeal Nairobi, and previously Nyeri and Malindi
- Served as a High Court Judge (2003 – 2011):
 - a) *Head of Land and Environment Division of the High Court in Nairobi*
 - b) *Resident Judge, High Court, Nakuru and Kitale*
 - c) *High Court, Nairobi (Commercial Division and Family Division)*
- Served as Managing Partner at Martha Koome & Company Advocates (1993-2003)
- Served as Legal Associate at Mathenge & Muchemi Advocates (1988 – 1992)

My task ahead!



01

> ACCESS TO JUSTICE

I will focus on achieving the constitutional commitment of establishing a High Court station in every County, and a magistrate's court in each of the 290 sub-counties.

02

> FUNDING

Judiciary generates almost Ksh3 billion annually in revenue yet the Judiciary Fund is yet to be operationalised, my focus will be to continue building a case for additional funding and a sustainable budget for the Judiciary. I will advocate for resources to ensure that the structures needed are availed at every court station.

03

> INDEPENDENCE

As I undertake to defend and protect our institutional independence, I would prevail upon all parties to respect judicial independence of Judges. It has been said many times and it bears repeating that the independence of the Judiciary will remain a mere illusion as long as it is not secured by its own independent fund that is pegged to a percentage of the national annual budget.

04

> COLLABORATION

There is need for collaboration of justice sector players through the National Council on the Administration of Justice (NCAJ) through a legislation to anchor the NCAJ in a statute that will create a structured mechanism for the cooperation and coordination among inter branch actors in the justice chain.

05

> TECHNOLOGY

Technology is a key focus area of transformation and with the advent of the Covid-19 pandemic and paralyzing of judicial activities across the country, it became necessary to expedite the adoption of technology and my administration will continue to mainstream its use starting with expansion of the electronic filing service and other ICT initiatives.

06

> GRAFT

There are many corruption cases that are pending in the courts and have largely lowered the perception of the Judiciary. I pledge to continue prudence in use of resources and seek greater efficiencies to ensure value for money. With an independent fund in place, Judiciary can leverage resources from partners interested in the administration of justice in response to the needs of Kenyans.

07

> ACCOUNTABILITY

Challenges of independence being faced by the Judiciary are age old, judicial independence is guaranteed in the Constitution and it behooves on every judge and judicial officer to decline any invitation to rule on any case based on bias, or ill will. There is need for accountability among judges and magistrates while exercising judicial independence.

Judicial Service Commission (JSC)



Judicial Service Commissioners during the interviews for Chief Justice and Supreme Court judge

Judge Musinga assumes office of PRESIDENT, COURT OF APPEAL



Justice Daniel Musinga receives instruments of power from Justice William Ouko who was promoted to the Supreme Court.

Justice Daniel Musinga assumed office as the third president of the Court of Appeal in a ceremony held at the Supreme Court and presided over by Chief Justice Martha Koome.

Judge Musinga replaces Justice William Ouko who was promoted to the Supreme Court after having served as the President of the Court for three years, since 2018.

Justice Koome commended Judge Musinga on his election as the President of the Court and assumption to the office saying that she has no doubt that, he will sustain the tempo not only in leadership but also in sustaining the collegial team work and commitment, maintained by Judge Ouko.

She said the Court of Appeal, as the court of last resort for the vast majority of legal matters, has an important role to play in terms of providing leadership and influence on

jurisprudence of all courts.

Judge Koome explained that with the appointment of seven judges of the Court, the Court will now revert to sitting in the stations outside of Nairobi that had been inoperative since 2019 due to the shortage of judges.

“I want to reaffirm my support to Justice Musinga as he assumes his leadership role and to all of you brother and sister Judges who are champions and defenders of our independence as an institution,” Justice Koome said.

Judge Musinga on his part said his administration will adopt an open door policy and listen to ideas that will assist in promoting efficient and effective service delivery.

“I wish to assure you all, and particularly my colleagues at the Court of Appeal, who bestowed upon me this honour of serving them, of my commitment to uphold the oath I have taken, maintain the highest standards of probity, and to discharge

my duties to the best of my ability, in a transparent, fair and just manner and to uphold the tenets of the Constitution,” Justice Musinga said.

Judge Musinga was appointed judge of the Court of Appeal in 2012. He chaired the Performance Management and Measurement Steering Committee responsible for introducing and institutionalizing performance management in the Judiciary. Further, early in the year, he was appointed by Chief Justice David Maraga to chair the Judiciary Committee on Elections (JCE) replacing High Court Judge Msagha Mbogholi, who led the committee since 2016. Judge Musinga chairs the Rules Committee.



Court of Appeal Judges join Chief Justice Martha Koome and National Assembly Speaker Justin Muturi in a group photo during the Assumption of Office Ceremony of Justice Daniel Musinga as president of the Court of Appeal

34 Judges sworn in as CJ protests



Newly appointed and elevated judges pose for a group photo with President Uhuru Kenyatta at Statehouse after their swearing-in.

Almost two years after they were recommended for appointment by the Judicial Service Commission (JSC), 34 out of 41 judges slated for various Superior Courts were sworn in at a ceremony presided over by President Uhuru Kenyatta at Statehouse Nairobi. This happened even as Chief Justice Martha Koome made her dissatisfaction clear insisting that all the judges recommended by JSC to be appointed to serve in the Court of Appeal, Employment and Labour Relations Court and the Environment and Land Court be appointed as dictated in the Constitution.

In a statement, Chief Justice Martha Koome called on the President to appoint the remaining 6 Judges because the Judiciary is still in dire need of judges due to increasing case backlog. "We should find a lasting solution so that moving forward, this kind of delay and misunderstanding will be a thing of the past," said CJ Koome.

The ceremony was witnessed by Chief Justice Martha Koome, president of the Court of Appeal Daniel Musinga, Chief Registrar of Judiciary Anne Amadi and a number of judges. Those who took the oath of office were seven judges heading to the Court of

Appeal, ten to the Environment and Land Court and eighteen others to the Employment and Labour Relations Court.

JSC had recommended the appointment of forty-one judges in August 2019, but advocate Harrison Okeche died in a road crash last year before his appointment by the President. The head of state however, appointed thirty-four leaving out justices Joel Ngugi, George Odunga, Weldon Korir and Aggrey Muchelule, all currently serving as High Court judges. Others who were not appointed are High Court Registrar Judith Omange and Mombasa Chief Magistrate Evans Makori.



SWORN-IN JUDGES

Court of Appeal

Msagha Mbogholi, Hellen Omondi, Mumbi Ngugi, Francis Tuiyott, Pauline Nyamweya, Jessie Lesiit, and Imaana Laibuta.

Employment & Labour Relations Court

Baari Christine Noontatua, Gakeri Jacob Kariuki, Keli Jemima Wanza, Mwaure Ann Ngibuini, Matanga Bernard Odongo Manani, Rutto Stella Chemtai, Kebira Ocharo, Kitiku Agnes Mueni-Nzei, and Nderitu David Njagi.

Environment and Land Court.

Mboya Oguttu Joseph, Naikuni Lucas Leperes, Mwanyale Michael Ngolo, Addraya Edda Dena, Kimani Lilian Gathoni, Kamau Joseph Mugo, Wabwoto Karoph Edward, and Koross Anne Yatich Kipingor, Gicheru Maxwell Nduiga, Mogeni Ann Jacqueline Akhalemesi, Ongarora Fred Nyagaka, Christopher Kyania Nzili, Mugo David Mwangi, Omollo Lynette Achieng', Washe Emmanuel Mutwana, Nyukuri Annet, Murigi Theresa Wairimu, Asati Esther.

JUDGES EXCEL

Judge Mumbi Ngugi recognized for championing human rights



Justice Mumbi Ngugi speaks at a past function.

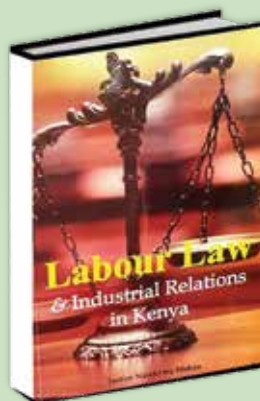
Justice Mumbi Ngugi is the 2021 winner of the Global Jurist of the Year Award. The judge who was recently appointed to the Court of Appeal was singled out for the award for her lifetime commitment to human rights,

marginalized populations, diversity and equality. She received the award from the Northwestern Pritzker School of Law Centre for International Human Rights in a ceremony that was conducted virtually in strict adherence to Covid-19 protocols.

The Jurist of the Year Award is an annual award that seeks to give recognition, acknowledge and encourage jurists for their consistent, fearless and impartial promotion of the rule of law and human rights.

Before her elevation to the Court of Appeal, Judge Ngugi served in various High Court Stations.

Justice Nzioki wa Makau pens book on labour laws



Labour relations law practice now richer following the publication of a book titled **Labour Law and Industrial Relations in Kenya** by Justice Nzioki wa Makau. The 197-page book penned by the Employment and Labour Court (ELRC) judge takes readers

through employee and employer rights, combating discrimination at the workplace, employment of foreign workers, international private labour law and its place in Kenyan employment law.

Other areas of focus are on individual labour contracts, working time and leave, remuneration and outsourcing.

Court at Kenol to **lessen travelling distances for litigants**

Litigants in Kenol area of Maragua can now access court services thanks to the collaboration between the area Member of Parliament, the county government and the Judiciary. The Court building was donated by the County Commissioner's office and refurbished by Maragua Constituency Development Fund at a cost of Ksh 1.5 million. Speaking during a handover ceremony of the court house, Chief Registrar of the Judiciary (CRJ) Anne Amadi lauded the cooperation among various agencies of government in ensuring that justice is taken closer to the people.

"We are grateful to the leadership of the County and the Maragua Constituency Development Fund for delivering this court building barely four months after the court was gazetted by the retired Chief Justice David Maraga," said CRJ Amadi. Muranga Presiding Judge Kanyi Kimondo said the court which was gazetted in September 2020, will be staffed and equipped to make it operational. Judge



CRJ Anne Amadi and Maragua MP Mary Waiithera unveil the plaque during the opening of the Kenol Court.

Kimondo lauded area MP Mary Waiithera for committing funds towards the renovation of the building that will accommodate the courts. "This court is a good example of how the three arms of government can work together to ensure quick and efficient delivery of services," said Justice Kimondo.

She appealed to Kigumo Law Courts to expeditiously hand over files from the constituency to the new court and urged the Judiciary to deal with corrupt court officials and magistrates who make it difficult for Kenyans to access justice.

The Kenol Court brings the number of Magistrates Courts across the country to 128 and five in Murang'a County. The court, is expected to spur the growth of Kenol town as it will inject new visitors who will boost local businesses. The Chief Registrar of the Judiciary Anne Amadi officially received the court building from the county authorities and the area MP on behalf of the Judiciary.

Retired appellate judges **honoured**



Justice Erastus Githinji, Philip Waki and Alnashir Visram are honoured for exemplary service in the Judiciary

The Court of Appeal honoured its judges who retired over the last two years. In an event presided over by the then Acting Chief Justice Philomena Mwili, the Court feted justices Erastus Githinji, Philip Waki and Alnashir Visram for their service to Judiciary and to the people of Kenya.

Justice Mwili said Judges Githinji, Waki and Visram made significant contributions to jurisprudence and development of legal theory, procedure and practice in Kenya adding that their wider contributions to the development of constitutional democracy, are similarly writ large in the history of our young nation.

Court of Appeal President Justice William Ouko said that judges should bear in mind that they are accountable to the Kenyans on whose behalf they exercise judicial power. He added that judges will be accorded great respect by State and citizens if they assert freedom and impartiality to decide disputes fairly and use our skills to protect the rights of individual.

NEW Supreme Court Judges Inducted



(L-R) Supreme Court justices William Ouko, Smokin Wanjala, Philomena Mwili (DCJ), Martha Koome (CJ), Ibrahim Mohammed, Njoki Ndungu and Isaac Lenaola during the induction session.

CRJ lauds stand on Judiciary funding

Chief Registrar of the Judiciary Anne Amadi has lauded the Council of the Institute of Certified Public Accountants of Kenya (ICPAK) for supporting Judiciary with regard its budget allocation by parliament.

She commended the institute for advising Parliament to allocate at least three per cent of the national budget to the Judiciary, saying that the Judiciary is a key arm of the government that deserves to be well-funded.


The CRJ was speaking when she held consultative meeting with the Council, convened to explore areas of cooperation between the two institutions in discharging their respective mandates.

She said the Judiciary was open to working with ICPAK on areas of mutual interest, such as training.

The ICPAK delegation was led by Council Chairperson FCPA Rose Mwaura commended the Judiciary's support to its Accountants through the payment of their subscriptions and facilitation to participate in the Institute's activities and Continuous Professional Development sessions.

The body pledged to participate in the recruitment of accountants for the Judiciary through ascertaining their suitability with regard to integrity and professional standing. It urged Judiciary to refer to the institute, disciplinary cases involving accountants saying that this will enable it to update other employers of errant members.

Judiciary's Acting Director of Finance, CPA Susan Oyatsi, Director of Internal Audit, CPA Ronald Wanyama, Chief Accounts Controller, CPA Wycliffe Wanga, Assistant Director of Finance, CPA Philip Kakai, and other Judiciary members of ICPAK, attended the meeting.



CPA Philip Kakai Elected as ICPAK Vice Chairman

This is to inform you that the Council during its 69th Special Council meeting held today 2nd July 2021, elected CPA Philip Kakai as the Vice Chairman for the period July 2021 to June 2022.

CPA Philip Kakai is a Certified Public Accountant of Kenya and a member of the Institute in good standing. He has over 20 year's extensive experience in Leadership, Financial Accounting and Management, Budget Management, Audit and Project management gained from both the public and private sector.

CPA Kakai is currently an Assistant Director of Finance at the Judiciary in charge of Revenue and Deposits. He previously served as an Ag. Director Finance and an Ag. Deputy Director Accounts at the same Institution. Prior to joining the judiciary in 2013, he served as the Finance Manager of Asea Brown Boveri (ABB) Limited for over 8 years having risen from a Senior Accountant. He started his career as an Accountant at Parklands Sports Club.

He is currently an elected ICPAK Council Member and serves in the Public Policy and Governance Committee, the Legislative affairs sub-committee and has served in other ICPAK council committees for over 8 years.

CPA Philip Kakai holds a Bachelor of Commerce (Accounting) and a Master of Business administration degree from Moi University. CPA Kakai has undertaken various courses and holds a Certificate in Strategic Leadership Development Programme (SLDP) from the Kenya school of Government; a Certificate in Public Sector Financial Management Programme from ESAMI, Arusha, Tanzania, a Certificate in Project Risk Management from ABB and a certificate in Corporate Governance from the Center for Corporate Governance in Kenya.

CPA Kakai served as the pioneer Chairman of the Alumni Association of KCA University for the period 2013-2017 and he is a full member of the Friends Church (Quakers), at the Friends International Center, Ngong road, Nairobi.

He is married to Dr. Everlyne Nantikoye Samita a Lecturer of Entomology at Kenyatta University and they are blessed with four children Allan, Christabel, Mitchel and Nicole.

Kindly join us in congratulating CPA Philip Kakai in his new role in the service to the accountancy profession and the public at large.

FCPA GEORGE MOKUA
ICPAK CHAIRMAN

We need to do more for Gender Based Violence survivors



Court of Appeal judge Agnes Murgor addressing participants at a past workshop.

A lot needs to be done towards protecting the rights of the survivors of Gender Based Violence (GBV) during the Covid – 19 pandemic.

The Court of Appeal Judge Agnes Murgor who is the President of the International Association of Women Judges – Kenya Chapter (IAWJ – KC) said that during the pandemic, cases of domestic violence and

the survivors of GBV that went on behind closed doors and places obscured from sight, and that complicated the efforts and the gains made in the fight against Gender Based Violence,” Justice Murgor said.

Justice Murgor said the survivors and their cases face numerous challenges including lack of protective shelters, risk of the survivors being coerced to withdraw the case, disappearances

Sexual and Gender Based Violence (SGBV) increased drastically due to the containment measures that were put in place to curb the spread of the disease, and that limited movement of girls and women.

“We will never know the extent of the violence and damage that was meted out to

of the complainants or their witnesses, negotiations and localized arrangements of compensation through the “kangaroo courts”, and any possible intervention that can be brought to stop witnesses giving evidence.

“The Association’s Membership has noted with deep concern that many cases arising from first reports made to Wazee ya Mtaa, relatives, and the police though brought to court never got far due to interferences by the perpetrators or their families,” Judge Murgor said.

She said there was need for the entire justice chain to work together, seamlessly, to bring about any meaningful change to this incessant problem.

Justice Murgor commended Nairobi Metropolitan Services (NMS) for partnering with MSF to put up a SGBV facility at Mama Lucy Kibaki Hospital which is close to the people. The facility, she noted, ensures that their vulnerabilities are not further exploited, while providing access to urgent medical care in the 12 aftermath of the violations. Judge Murgor was speaking at Mama Lucy Hospital Grounds when she joined other stakeholders to celebrate this year’s International Women’s Day, themed: Access to Justice in a COVID-19 World.



Members of the International Association of Women Judges (IAWJ) Kenya Chapter led by its President Judge Agnes Murgor and Nairobi Metropolitan Services Director Mohammed Badi launch a GBV clinic at Mama Lucy Kibaki Hospital to mark the International Women’s Day.

Court correspondents trained in Mombasa



Judiciary correspondents listen to DPAC Deputy Director Catherine Wambui in a training session conducted by the Directorate.

Public Affairs and Communication in conjunction with International Development Law Organization (IDLO) trained court officers on information gathering and dissemination. The training involved equipping officers

with skills on corporate reporting as well as feature writing and photography. The training is intended to improve their capacity to provide credible and diverse content for Judiciary stakeholders and the public.

The officers manage communication by collecting and collating news content at the court level.

DPAC trains media correspondents in Nyeri



Journalists drawn from media houses in the larger Nyeri region in a group photo with DPAC staff members and training facilitator former NTV Managing Editor Emmanuel Juma and Nyeri Law Courts Chief Magistrate Wendy Kagendo during the Media Engagement Forum in Nyeri.

INNOVATIONS



Kabarnet Law Courts Deputy Registrar Nerolyne Idagwa, live on Radio Umoja 105.1 (Baringo) discussing court operations during Covid 19 pandemic.



Deputy Registrar Malindi Law Courts Ivy Wasike and Court Users County Secretary Mr Conrad Masinde at Radio Jahazi discuss an innovation by Malindi Law Courts aimed at ensuring all causelists are detailed and send to the concerned parties in advance. They also educated the public on measures taken by the court to ensure justice is served during the Covid-19 pandemic period.



Nyahururu Chief Magistrate Charles Obulutsa during an interview with Thayu FM where he discussed how the court is facilitating vulnerable litigants in accessing services on priority basis. He also explained measures taken by the court in handling matters during the pandemic.



Bungoma Law Courts Chief Magistrate John King'ori and Deputy Registrar Elias Mwenda live on West FM Radio - 94.9 - 104.9 - 102.0. The duo discussed the innovation of a Repeat Offenders Registry that assists magistrates in making determinations.

High Court activities



A section of judges during the Annual High Court Judges workshop themed *Performance improvement; navigating the new normal in dispute resolution*. The Judges discussed the impact and experiences of the Covid-19 Pandemic on the operations of the Courts process



High Court Registrar Judith Omange addresses Deputy Registrars during a workshop themed "Transformative leadership and accountability in the administration of the High Court."



The Office of the Registrar High Court paid impromptu visits to stations to inspect operations during the pandemic period and key innovations made to expedite access to justice. The team visited Garsen, Kwale, Mombasa, Malindi, Machakos, Nyahururu, Isiolo, Meru, Chuka and Kitale

Reach the Court Registries **by a click of a button**



You now need not travel to a court Registry to know the status of your case. This is thanks to the digital revolution in the Judiciary that has now enabled the public to access their case status through their phones or online platforms. These

digital platforms now enable the litigants prepare and plan for their court cases.

Public Information Kiosk (PIK)

This is an electronic Information platform that allows the member of public to search information on their cases. The PIK avails case information on; all historical case activities, corresponding case outcomes and the upcoming activities.

SMS Platform



Litigants can now conveniently retrieve information on their cases using their mobile phones by dialing *508#. The code enables litigants to access information on: - latest case outcomes, case status and the upcoming case activities.

Employment and Labour Relations Court



Employment and Labour Relations Court Principal Judge Maureen Onyango on a visit to Kisumu ELRC to assess compliance to performance targets. Justice Onyango who was accompanied by ELRC Registrar Kennedy Kandet was received by Kisumu ELRC Judge Stephen Radido, Chief Magistrate Peter Gesora & ELRC Deputy Registrar Beryl Omollo.

Environment and Land Court



Narok Law Courts staff bid farewell to ELC judge Mohamed Kullow who has been transferred to Migori High Court. Justice Kullow has served in that capacity at the court since 2017. During his tenure at Narok High Court in the ELC, he emerged the best judge in the country in the Judiciary performance index of 2019.

Olwande Sworn in as JSC Commissioner



Chief Magistrate Everlyne Olwande when she took oath of office as a JSC member.

Limuru Chief Magistrate Everlyne Olwande was sworn in as Judicial Service Commission (JSC) member replacing Emily Ominde who left the Commission having served for two terms from 2011.

Olwande joined the JSC as a representative of the Magistrates, following her election by the Kenya Magistrates and Judges Association (KMJA).

Ag. Chief Justice Philomena Mwili who presided over the ceremony at the Supreme Court called on her

to be steadfast in her service to the Judiciary and to the people of Kenya.

"I pray that you do not encounter roadblocks in the execution of your duties... You are joining a team of rigid professionals and therefore you will need to engage your persuasive and teamwork gear because you cannot succeed alone," Mwili said.

JSC vice chairman Commissioner Dr Mercy Deche termed Olwande as a person of great content and welcomed her to the Commission saying she was joining the body at a crucial time when it was looking forward to recruiting a Chief Justice and a Supreme Court Judge.

On her part, Olwande said she is committed to ensuring that Judiciary is strong and independent and thanked fellow magistrates for having trust in her and electing her to represent them. She said she will endeavor to ensure that issues of remuneration, career progression, security and mental health and welfare among judicial officers are taken care of.

"I will work to ensure that the Judiciary relates well with other

arms of the government in a fruitful interdependence," Olwande said.

The oath was administered by Chief Registrar of the Judiciary Anne Amadi, who is also the Secretary to the Commission.

Profile of JSC Commissioner Everlyne Sylvia Achieng Olwande

Chief Magistrate Everlyne S. A. Olwande is an advocate of the High Court, having been admitted to the Roll of Advocates in 2001.

Olwande whose judicial experience spans 16 years, joined the judicial service in 2005 as a Senior Resident Magistrate. She rose through the ranks to become a Chief Magistrate. She has served in various stations including Kisii, Bondo, Butere, Milimani, Makadara and Limuru, where she is currently the Head of Station.

She holds a Bachelors of Law degree from South Gujarat University and a Postgraduate Diploma from Kenya School of Law.



KJSA president
Boru Wako

KJSA ushers in fresh leadership

Wako Boru is the new president of the Kenya Judiciary Staff Association KJSA. Boru and the new Executive Committee that will run the affairs of the welfare body for Judiciary staff were sworn in following their victory in an election conducted on May 15, 2021. The various positions fell vacant after the term of their predecessors under Sango Maewa came to an end. The new officials will serve for a period of three years as per the Constitution of the Association.

Association’s president Boru Wako pledged to focus his efforts to developing internal policies and procedures of the association, strengthening of existing structures, developing a strategic plan, reviewing the Association’s Constitution, creating standing election rules and having a functional and accessible secretariat.

The new KJSA leadership:

- President**
Wako Boru
- Deputy President**
Kimani Emily Wambui
- Secretary General**
Atieno Owino
Millicent Doreen
- Deputy Secretary General**
Mulwa Gedion
- Treasurer**
Mwangangi Linet Murugi
- Deputy Treasurer**
Miruka Micah
- Organising Secretary**
Omwenga Motari Andrew
- Deputy Organising Secretary**
Chemjor Edwin
- Trustees**
Mwanake Victor Mjomba
Wanyoike Sammy Njoroge
Wafula Mickey Mukunda.



Deputy President
Kimani Emily Wambui



Deputy Secretary
Mulwa Gedion



Organising Secretary
Omwenga Motari Andrew



Deputy Organising Secretary
Chemjor Edwin



Trustee
Wanyoike Sammy Njoroge

Due to the challenges posed by the Covid-19 pandemic it was not possible to conduct physical elections, as a result members elected their preferred candidates through online voting system.

The hotly contested elections were conducted by the Association’s Elections Board and the winners sworn in on June 7, 2021. The

KMJA leadership meets DCJ



DCJ Philomena Mbete Mwilu in a meeting with the leadership of the Kenya Magistrates and Judges Association (KMJA) led by the president, Lady Justice Jacqueline Kamau. They discussed a range of issues affecting judges, magistrates and kadhis across the institution.

NCAJ activities



NCAJ's National Committee on Criminal Justice Reforms (NCCJR) sub-committee on Police and Policing Powers paid the Coast Police Regional Commander, Paul Ndambuki (Assistant Inspector General of Police), a courtesy call in his Mombasa office. The Committee was in the region to meet, collect views and sensitize Police Investigating Officers regarding reforms in petty offences. The views collected will be included in a final report alongside a bill aimed at decriminalizing some of the identified petty offences.

Legal Researchers tipped on improving quality of legal research

Legal Researchers from the High Court and courts of equal status met in Mombasa for training to enhance quality and quantity of legal research in the Judiciary.

The workshop themed: “Progressive jurisprudence; Enhancing the quality and quantity of legal research”, and that brought together Legal Researchers from the High Court (HC), Employment and Labour Relations Court and Environment and Land Court was aimed at enlightening the researchers on what is expected of them towards enhancing service delivery in the Judiciary.

The induction exposed officers to the jurisdiction, rules of practice, administration and processes and working of the three superior courts as well as insights into various directorates and departments of the Judiciary.

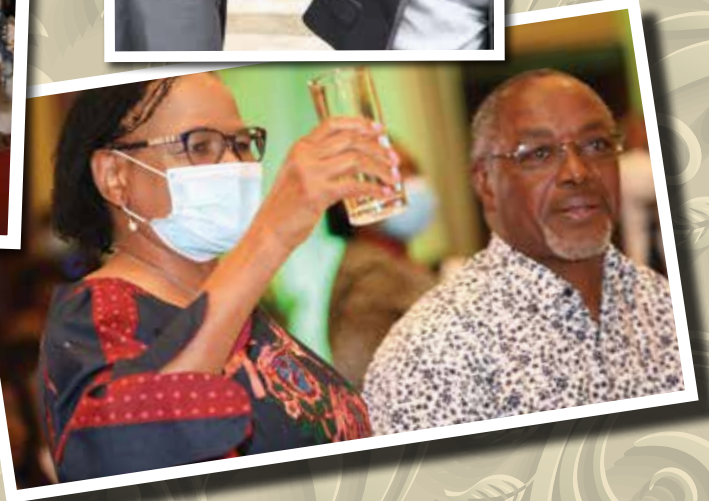
Further, the researchers were inducted on the nuts and bolts of legal research, Case Tracking System

(CTS), performance management and Principles of legal research and legal writing, focusing on categories of legal research, role of a Legal Researcher in

the Judiciary; expectations from judges of the courts.



Legal Researchers from the High Court, Environment & Land Court and Employment and Labour Relations Court during their induction themed: “Progressive jurisprudence; Enhancing the quality and quantity of legal research,” in Mombasa.





Sustaining Resolution of Cases during the Pandemic

By Dr. Maranga Moses, Dr. Kimalu Paul & Margaret Ochieng

With the advent of the Covid-19 in the country, a scale down of operations across the justice sector institutions to allow monitoring of the emerging situation in relation to the pandemic was resolved.

Judiciary undertook a rigorous study that sought to determine the effects of the pandemic on resolution of cases in courts. It was established that the pandemic had adversely affected resolution of cases and that courts did not manage to appropriately cope with incoming caseload during the pandemic period. For instance, the rate of resolution of cases by courts dropped from a high of 89 per cent in the period prior to the pandemic, to 63 per cent during the pandemic. Further, the matters handled by courts reduced from a mean of 772 that was recorded prior to the pandemic, to 524 matters during the period. Additionally, increase in court's budget, labour force and technology were found to positively influence resolution of cases.

To sustain high resolution of cases during and beyond the pandemic, diverse interventions are therefore crucial. First, to move the courts back to the pre-existing rate of resolution

of cases, there is need to increase the number of matters handled by judges and judicial officers in a single day to reach the pre-pandemic numbers. This can be reinforced by formulating strategies to handle workload of absentee employees due to COVID-19 related reasons and thus reduce adjournments of cases.

It is also important to develop practice guidelines on legal issues related to COVID-19 pandemic. For instance, the rules of procedure in both criminal and civil matters ought to incorporate digital procedures. Legislation on electronic case management to cover the operations of virtual courts would be ideal. Third, upgrading the existing technological system and also venturing into new technological fronts to effectively support expeditious resolution of cases is crucial. The advancement in ICT system ought to be coupled with provision of adequate ICT hardware, having a stable internet connectivity and provision of power back-up in all courts. The ICT system ought to allow wider accessibility of video conferencing to the public. Additionally, equipping of courts with adequate ICT equipment like computers, printers, scanners,

projectors, power generators, and enhanced display screens among others to allow ease of holding of virtual courts.

Fourth, close collaboration amongst the institutions in the justice sector during the pandemic period is important. There is need to adequately equip key court stakeholders like the police, prosecution and prisons with desktop computers, laptops, smart phones, scanners and printers, within a work environment characterized by uninterrupted internet. To support reduction of infections in prisons through crowding, courts could apply the law in a way that renders increased use of non-custodial sentences like probation, fines, suspended sentences, community service orders and discharges, and give affordable bail terms.

Further, there is need to increase financial resources allocated to the Judiciary. Adequate finances would support. With increase in the number of employees, courts would be able to handle more matters, and consequently resolve more cases. . Lastly, there is need to revitalize the use of ADR mechanisms as a strategy for enhancing efficiency in resolution of cases.



Know Your Tribunal

RENT RESTRICTION TRIBUNAL

The Rent Restriction Tribunal is established under section 4 of the Rent Restriction Act Cap 296.

Jurisdiction

- To determine disputes between landlords and tenants for dwelling houses which have standard rent not exceeding Kshs 2,500
- To make provisions for regulating the increase of rent, the right to possession, the exaction of premiums and fixing of standard rents in relation to controlled residential premises and for other purposes incidental thereto or connected with the relationship of landlord and tenant of a dwelling house.
- To resolve disputes between landlords and tenants of controlled residential tenancies in relation to service charge, repairs of house,

recovery of rent arrears, refund of deposits, eviction, and recovery of possession.

- Assessment and determination of standard rents of residential premises.
- Investigation of complaints where the provisions of the Rent Restriction Act have been flouted.

Contacts

Email; rrtrtr@court.go.ke;
rentrestrictiontribunal@gmail.com
Website: www.judiciary.go.ke

BUSINESS PREMISES RENT TRIBUNAL

Business Premises Rent Tribunal is established under Section 11 of the Landlord and Tenants (Shops, Hotels and Catering Establishments) Act, Cap.301 Laws of Kenya.

Jurisdiction

- To protect the Tenant from arbitrary eviction and exploitation.
- To ensure that the Landlord gets

returns for his investment.

- Timely hearing and determination of tenancy disputes in controlled tenancies.
- To create a conducive environment for business to thrive.
- To handle termination of tenancies in business premises under controlled tenancies.
- To issue orders for levying distress in business premises under controlled tenancies.
- To undertake rent assessment/ re-assessment in business premises under controlled tenancies.

Contacts

View Park Towers -7th & 8th floor
Registry : 0730181991
CEO: 0730181990

SPORTS DISPUTES TRIBUNAL

The Sports Tribunal is established under Section 55 of the Sports Act No 25 of 2013.

Jurisdiction

- Appeals against decisions made by national sports organizations or umbrella national sports organizations, whose rules specifically allow for appeals to be made to the Tribunal in relation to that issue including:
- Appeals against disciplinary decisions and ii. Appeals against not being selected for a Kenyan team or squad;
- Other sports-related disputes that all parties to the dispute agree to refer to the Tribunal and that the Tribunal agrees to hear; and
- Appeals from decisions of the Registrar under the Act.
- The Tribunal may, in determining disputes apply alternative dispute resolution methods for sports disputes and provide expertise and assistance regarding alternative dispute resolution to the parties to a dispute.
- In doping cases, the Tribunal hears and determines:
- All cases on anti-doping rule violations on the part of athletes and athlete support personnel and matters of compliance of sports

organizations as per the Anti-doping Act.

Contact and Location

The Secretary/CEO,
Sports Disputes Tribunal,
National Social Security Fund (NSSF)
Building, Bishops Road, Block A,
Western Wing; 24th Floor Nairobi.

P.O. Box 37530 - 000100/ 30041 -
00100, Nairobi

Tel: 0202710610

Email: sportstribunal@court.go.ke
sportstribunal@gmail.com

Website: sportstribunal.go.ke

TRANSPORT LICENSING APPEALS BOARD

The tribunal is established under the national transport and safety authority, 2012. (Section 2)

Jurisdiction

It hears and determines disputes arising from the decisions of the National Transport and Safety Authority. The board may on any appeal, affirm, or reverse the decisions of the licensing authority, or, make such other order as to the tribunal appears necessary and just.

Contact

The tribunal is located at the Ministry of Transport and Infrastructure, Transcom House 2nd floor Ngong road.

POLITICAL PARTIES DISPUTES TRIBUNAL

The Political Parties Disputes Tribunal (PPDT) is established under Section 39 of the Political Parties Act.

Jurisdiction

PPDT hear and determine disputes between:

- members of a political party;
- a member of a political party and a political party;
- political parties;
- an independent candidate and a political party;
- coalition partners;
- appeals from the decisions of the Registrar of Political Parties under the Act
- disputes arising out of party primaries.

Contacts

Milimani Law Courts, ground Floor,

Room 31, Tel: 0734 010731.

Email: ppdtke@court.go.ke and copy to ppdtke@gmail.com



Participatory Budgeting Key to Judicial Accountability



By Anne Amadi

Justice through an independent Judiciary remains the foundation upon which democracy, rule of law and socio-economic development depend in our increasingly diverse society. As we focus on the issue of an independent and adequately funded Judiciary, the conversation on our accountability is equally important. Judiciary independence and Judiciary accountability are mutually-reinforcing values which, if well applied can advance the establishment of a modern, responsive, and effective institution of justice. We therefore assign equal weight to the twin issues of independence and accountability in our daily engagements, including the budgeting process.

The Judiciary budgeting process

has significantly departed from the past and it involves undertaking of public hearings on the institution's budget proposals. The Judiciary is the first arm of government to conduct such public hearings outside Nairobi, recognizing that different people in different parts of the country experience justice differently. These regional hearings have enriched our budgeting process with perspectives from multiple stakeholders thus enhancing accountability.

Other than the budget public hearings, we continue to employ other mechanisms of guaranteeing financial and judicial accountability as we implement the budget. These include strict implementation of the recommendations of the Auditor General and those of the Internal Audit Directorate. Other accountability tool for the Judiciary includes the annual State of the Judiciary and the Administration of Justice Report (SOJAR) which the Judiciary has been publishing and publicizing since 2012.

Additionally, the Judiciary has a robust Performance Management

and Measurement Understanding Framework through which individual officers, court stations and administrative units are held accountable within the institution and to the public.

Even as we budget within the current legal framework, the Judiciary reiterates its calls for constitutional reforms to guarantee the institution a minimum of 2.5 per cent of the national budget in accordance with international standards. Coupled with a fully operational Judiciary Fund, this allocation will go a long way towards ensuring the financial and decisional independence of the Judiciary, and – more importantly, that the institution is able to deliver on its constitutional mandate and the above priorities which are in line with the justice needs of the Kenyan people and their submissions during the regional budget hearings.

We appreciate the progress made so far towards the operationalization of the Judiciary Fund. These include the enactment of the Judiciary Fund Act 2016 and the Gazettement of the Judiciary Fund Regulations, 2019. The Judiciary is also engaged in ongoing consultations with the relevant agencies with a view to firming up the mechanisms for the roll out of the fund.

**Anne Amadi is the Chief Registrar
of the Judiciary**



Judiciary realizes gains through **CAM**



By Jerusha Gichohi

The Judiciary has made remarkable strides in the Alternative Justice System, particularly in Court Annexed Mediation (CAM), established in the Country's Justice System five years ago.

Following the launch of Court CAM in 2016, the Judiciary has established mediation in twelve regions in the country. Litigants seeking Court Annexed Mediation to resolve long-standing matters can now get assistance at CAM Registries in Mombasa, Tononoka, Eldoret, Kisumu, Nakuru, Nyeri, Machakos, Garissa, Embu, Kakamega, Malindi, Nyamira and Kisii Law Courts.

The Mediation Taskforce chaired by Justice Fred Ochieng has embarked on rolling out Mediation to other stations in the country. Soon, litigants in Kerugoya, Siakago,

Kitale and Kapsabet will have CAM Registries where they can have their matters resolved fast and amicably. Besides speeding the wheels of justice, the biggest achievement of the Court Annexed Mediation has been in helping unlock resources to the economy in terms of billions of shillings.

It is conservatively estimated that since its inception, CAM has unlocked over KShs10 billion which had been held back in the economy due to adversarial court litigations. Mediation is less emotionally draining compared to court cases. This has assisted to restore many broken relationships as it provides parties with the opportunity to settle their disputes in a reconciliatory manner.

The Presiding Judge of the Family Division Justice Aggrey Muchelule, affirms that the Judiciary is in the process of ensuring that all Family cases across the Courts implement CAM, thereby ensuring amicable resolutions

Additionally, Mediation saves on time of resolving disputes by improving on the timelines for resolving civil matters.

Under the adversarial Court trials, it takes an average of 673 days (which translates to close to two years) to settle simple civil matters and longer for complex matters. But with the adoption of Court Annexed Mediation (CAM), matters are settled within an average of 69 days.

The speedy settlement of cases through Mediation has contributed to Kenya's improved ranking in the 2020 World Bank Ease of Doing Business Index at 56 out of 190 countries. In the overly competitive world of international business; this kind of ranking is a big deal and is worth billions of dollars in the business world.

Furthermore, in a study conducted by Law Development Partnership (LDP), it is estimated that 100% roll out of Court Annexed Mediation will help clear case back log in record time.

There has also been significant achievement in developing policies, rules, practice directions and now the conversations on the legislations that govern ADR are in process.

Jerusha Gichohi is an Assistant Director at the Judiciary



Small Claims Court a changer in Justice Delivery



By Lilian Mueni

The Judiciary is committed to enhance capacity of the newly launched Small Claims Courts by posting additional adjudicators. Speaking during a visit to the courts that are located at the Nairobi Commercial Courts, Chief Justice Martha Koome said there was need to have a different set of adjudicators to hear personal injury claims while those of a commercial nature are handled by others. The Chief Justice said that this will also enhance the court's efficiency and output as it dispenses justice. "This plan is aimed at enhancing efficiency of justice delivery at the court which has already received over nine hundred cases since its establishment two months ago with fifty percent of cases being personal injury claims," said the Chief Justice.

The Small Claims Court is a subordinate institution in the structure of the court system in Kenya under Article 169 (1) of the Constitution and established under Section 4 of the Small Claims Court Act, 2016 to determine civil claims with a monetary value limited to Ksh1 million. It is expected to be a crucial cog in the plans to enhance access to and expeditious delivery of justice. The court is expected to further reduce the backlog in the mainstream courts given the strict timelines for hearing and determination of cases filed with the court which has been fixed at sixty days.

The courts are unique; procedures are informal, simple and straightforward. Parties can proceed entirely on the basis of documents presented to the court without having to make oral representations. Additionally, the courts can allow the use of indigenous 13 languages by the parties during the proceedings, as opposed to only English and Kiswahili as is the case in other courts.

For enhanced efficiency, adjournments are highly discouraged and limited to three, to be allowed only in exceptional circumstances. Matters filed in the court are to be heard on a day to day and judgment delivered on the same day or within three days of completion of hearings. The court also embraces Alternative Dispute Resolution (ADR) mechanisms which are effective in producing better settlements and increase litigants' satisfaction with the outcomes.

The courts have jurisdiction to determine any civil claim relating to a contract for sale and supply of goods or services; a contract relating to money held and received; liability in tort in respect of loss or damage caused to any property or for the delivery or recovery of movable property; compensation for personal injuries; and set-off and counterclaim under any contract. Since the operationalization of Small Claims Court Milimani, a total of 909 new cases have been filed and 212 cases heard and determined. The local jurisdiction of the court is limited to Nairobi but the Judiciary will progressively ensure that the courts are accessible in every sub-county and eventually in other decentralized units of judicial service delivery.

Lilian Mueni is a Communication Officer at the Judiciary



E-filing, the solution to lost files in court



By Farel Nalimae

There is now no reason for case delays in courts due to lost or missing files thanks to the electronic filing system being rolled out by the Judiciary across all court stations in the country. Many litigants complain of being asked for a bribe to access a file or for the file to be traced. This will now be a thing of the past as the courts go paperless in terms of filing of cases. Filing of cases in court and accessing the files to monitor the progress of a case is now just a click away.

Nine months into the journey since the e-filing system was launched in July 2020, more than Ksh50 million has been collected through the system over the period. Litigants can now access the e-filing system via the Judiciary website -www.judiciary.go.ke or the e-filing application, just by typing the url, <https://efiling.court.go.ke> in the

search engine.

There are plenty of new features on the e-filing platform including an information kiosk which enables one to search for information on cases from any part of the country in real time. It is connected to the e-filing system and the Case Tracking System (CTS) platform to create a complete cycle of movement of a file from its filing to the point of access by the Registry staff. When one files from the e-filing system, the cases land on the internal CTS where a modification has been done for court assistants to be able to see the cases filed. The officers are then able to access and process the cases. The e-filing system then notifies advocates on the progress of their cases.

The public facing calendar has been replaced by the Cause list since it slows down the system. This has reduced the downtime on the e-filing system. The Cause list provides more information than the calendar. The case system is live and active and its unlikely to miss cases in the system once they are registered.

The dashboard flags out cases and documents filed on a particular day

but should you need all other cases, then click the search button. The dashboard is only limited to cases filed on that day of the search. Summons are issued online via the system unless the advocate has not asked for them to be issued.

File perusal is another feature on the e-filing platform. One is able to log on to the system and peruse their files that have been scanned and uploaded.

Upgrade of bandwidth at a number of court stations including Milimani Chief Magistrates Commercial court is now able to support more users. The e-filing system has been optimized to support more users. The system developers have made numerous changes to the system which have improved stability.

Setting up of a customer care centre at Milimani Law Courts that receives and processes feedback on the use and challenges experienced by users of the e-filing platforms, are just among many interventions put in place to ensure that the movement of files remains electronic and is traceable at a click of a button. This will eventually boost the efforts to reduce case backlog in the courts.

Farel Nalimae is a Communication Officer at the Judiciary



Judiciary Ombudsman in commendable job so far



By **Connie Baraza**

The Judiciary is charged with administration of justice. Before the promulgation of the 2010 Constitution, the institution was largely regarded as accessible only to a privileged few. The poor had it rough in the corridors of justice. There was no specified complaint handling mechanism to turn to. The institution was closed to the public in terms of sharing information, raising concerns and generally getting the all-important public participation and feedback on service delivery.

Judiciary's accountability is enhanced through a range of institutional mechanisms such as the Office of the Judiciary Ombudsman, which exists to promote independence, enhance service delivery and the ability to dispense justice effectively and efficiently, thereby increasing

public confidence in the institution.

This was intended to enhance integrity and the fight against corruption as well as address injustices occasioned to litigants and to ensure expeditious delivery of justice.

The office receives complaints of all kinds from justice consumers that are broadly categorised into missing files, delayed judgements/rulings, corruption/integrity concerns, adjournments without notice, delayed orders, cannibalised files, poor service, slow service, delays in cash bail refunds, delayed proceeding and complaints from private sector actors doing business with the Judiciary such as contractors and suppliers. These complaints are summarised and recorded in an online real time system (OTRS) and issued with a unique reference number.

The office, however, does not handle complaints concerning a substantive legal or evidentiary issue, otherwise known as merit-based issues (court proceedings); an issue that is subject to appeal by law for example on unfair judgements/rulings; complaints requesting court orders to be given or done away with; complaints regarding matters that are subject of

police investigation and complaints against judges. The latter are the sole preserve of the Judicial Service Commission (JSC).

The office upon investigation of complaints, refers those meriting action to the JSC, which takes disciplinary action against offending judicial officers and Judiciary staff on lack of integrity issues and other malpractices.

The Judiciary Ombudsman has received and processed over 10,000 complaints since its inception with an average success resolution rate of 85 per cent.

Like all other institutions, the Judiciary Ombudsman's operations have been adversely affected by the coronavirus pandemic, curtailing in-person visits.

However, it has instituted measures such as online complaints forms easily accessible through servicedesk@court.go.ke, a physical complaints box at the entrance gate for dropping off complaints, telephone numbers, virtual interviews and e-mail statements.

Connie Baraza is a Communication Officer at the Judiciary

Heads of Station Forum - Kisumu



Deputy Chief Justice Philomena Mwilu when she officially opened the 8th Heads of Stations Forum in Kisumu.

The forum was themed: Performance improvement through enhanced ethics and discipline.



A section of Heads of Stations during the forum that also saw them participate in CSR activities.



ADR Taskforce on Court Annexed Mediation Chairman Justice Fred Ochieng (seated 3rd R) is joined by participants during the official opening of the 1st Nairobi Centre for International Arbitration - Mediation Moot Competition at the Kenya School of Law.



Taveta Law Courts Principal Magistrate Benson Khapoya during a meeting with members of staff to discuss ways of improving services to Wananchi.



Naivasha Law Court Pro Bono committee led by the chair Yussuf Barasa during a meeting to deliberate on pro bono matters at the court.



LSK Chairperson Thika Chapter Daniel Gachau presents computers to Thika Law Courts for use in its registries to facilitate online operations. The Computers were received by Chief Magistrate Julius Nangeya.



Busia Law Courts Chief Magistrate Lucy Ambasi donates a laptop to Busia Women Prison to enhance virtual hearings and facilitate administration of justice.



Bomet Law Courts team led by Principal Magistrates Lilian Kinale and Kipkurui Kibelion donate foodstuff and other items to Umoja Children's Home in Bomet to mark the Day of the African Child.



DCJ Philomena Mwilu when she officially opened at Sub-Registries of the High Court and Environment and Land Court at Kilgoris Law Courts in Narok County.



The Chief Kadhi Muhdhar Hussein together with Human Rights Agenda Huria members sensitised the public on Islamic Law and Court Annexed Mediation at the Kadhis Court in Mombasa.



Former Court of Appeal President William Ouko (L) receives a final report from the Chair, Court of Appeal Committee on Electronic Case Management Practice Directions, Justice Gatembu Kairu (R).



Special Court Users Committee (CUC) Working Group Chair Abdul Lorot

makes a presentation during a joint induction meeting of National Council on the Administration of Justice (NCAJ), Members of Sports Disputes Tribunal and Court Users, convened to operationalise the Sports Disputes Tribunal CUC.



President Court of Appeal Justice Musinga when he joined DPP Haji, CS Matiangi & other actors in the justice chain during the launch of the ODPP Excellence Charter; and Standard Operating Procedures (SOPs) on Investigation and Prosecution of Serious Human Rights Violations Committed by Police Officers.



Eldoret High Court and ELC Judges Olga Sewe, Stephen Githinji and Dr Millicent Odeny with Uasin Gishu Governor Jackson Mandago when they paid him a courtesy call to discuss issues affecting access to Justice. Present also was Eldoret Chief Magistrate Linus Poghon Kassan and Eldoret High Court Deputy Registrar Grace Sitati.



Records Management officers from Supreme Court, Nairobi, led by Beatrice Mburu during a records appraisal exercise at Kapenguria Law Courts.



Narok High Court and ELC judges conduct their first sittings at Kilgoris Law Courts where High Court and ELC Sub-registries were established.



Kitui High Court during a Leadership and Management Team (LMT) meeting chaired by High Court Judge Robert Limo. The meeting attended by judicial officers and representatives of staff was convened to appraise on the station's service delivery targets.



Principal Magistrate Judicaster Nthuku conducts a court session at Hope Beyond Foundation in Loitoktok to hear children's cases.



Marsabit High Court Presiding Judge Jesse Nyagah with Moyale Law Courts CUC members when he visited the court on a supervisory tour.



Ministry of ICT's Department of Film Services documents digitisation of court records exercise at Kisumu Law Courts.



Siaya High Court Presiding Judge Roseline Aburili presents certificate of recognition to Jemima Ogutu for emerging the best female employee of the year at the station. The best employees are voted in by their colleagues based on outstanding performance.



High Court Family Division's Bar-Bench Committee led by the Division's Presiding Judge, Justice Aggrey Muchelule inspects the Tononoka Children's Court. The team which was accompanied by a representative from IDLO discussed how they can partner to support juvenile justice.



Egerton University jointly with Faculty of Law Legal Aid Project (FOLLAP) offer free legal aid to litigants at Nakuru Law Courts. The clinic covered family disputes, land rights, children cases, matters of public interest, criminal cases, governance and public administration issues.



Chair of the Judiciary ADR Taskforce on Court Annexed Mediation Judge Fred Ochieng and Chartered Institute of Arbitrators(K) team led by the chairperson Dr Willy Mutubwa are joined by members of the taskforce in a photo moment when they met to review the Draft Mediation Action Plan.



Eldoret Law Courts fraternity bid farewell to Justice Hellen Omondi following her promotion to the Court of Appeal. The occasion was graced by the county leadership led by Uasin Gishu Governor Jackson Mandago.



Narok High Court Presiding Judge Francis Gikonyo (2ND R) chairs the Narok County CUC meeting attended by ELC Judge Mohamed Kullow. Others who attended are George Wakahiu, Deputy Registrar Adelaide Sisenda, County Commissioner Evans Achoki, County Commander and Commissioner of Police Kizito Mutoro and representatives from the ODPP, Narok County Referral Hospital, Inter-faith agencies and LSK.



Ms. Eunice Lumallas takes Oath of Office as a member of the Public Private Partnerships Petition Committee (PPPPC).



Kitale High Court Presiding Judge Luka Kimaru chairs his first CUC meeting in Kitale after his transfer from Milimani, Nairobi.



Kapenguria High Court Presiding Judge Justus Bwonwonga conducts an open outdoor court session at the station.



Nyeri High Court Presiding Judge Florence Muchemi when she paid a courtesy call on Nyeri Governor Mutahi Kahiga. The Judge commended the good working relations between the two institutions. She was accompanied by Nyeri Law Courts Head of Station Chief Magistrate Wendy Micheni, Deputy Registrar Ruth Kefa & Court Administrator Kepha Achuka.



Chief Justice Martha Koome is joined by DCJ Philomena Mwilu, CRJ Anne Amadi, Principal Judges Lydia Achode and Maureen Onyango, DCRJ Paul Maina and the Judiciary Management Team during an induction retreat for the CJ.



Kadhi at Eldas Law Courts Mohamed Sheikh Wehliye chairs Court Users Committee (CUC) meeting convened quarterly to discuss court operations.



Nairobi's Employment and Labour Relations Court (ELRC) consisting of judicial officers and staff led by Principal Judge Maureen Onyango follow proceedings during a training workshop in Machakos held to enhance efficiency and performance in service delivery.



Kakamega High Court Presiding Judge William Musyoka chairs a Court Users Committee (CUC) meeting. Present are Justice Farah Amin, Judicial Officers and stakeholders in the justice chain.



Newly appointed officers are inducted during a workshop held at the Judiciary Training Institute (JTI), organised by Judiciary's Directorate of Human Resource.



Wundanyi Law Courts team during a public sensitization forum at Masumbenyi dubbed "The Men Empowerment Program," aimed at enlightening the public on provisions of the Sexual Offences Act.



Garissa High Court Presiding Judge, Abida Aroni addresses the public during the court's Open Day. Court Users Committee members who had set up information stands fielded questions from members of public.



Garsen Law Courts Court Users' Committee members and staff led by the Head of Station Paul Rotich plant trees at the court.



The Judiciary Management Team led by Deputy CRJ Paul Maina presents foodstuff and other items to Okoa Sasa Centre, a rescue centre in Mombasa that offers support to children who have encountered different forms of GBV and abuse.



Sotik Law Courts Principal Magistrate Evans Muleka presides over the relaunch of Konoin mobile court at Koivo, Konoin Sub-county, Bomet. The magistrate was accompanied by a prosecutor & a Probation officer, among other court officials.

Practice directions for anti-terrorism court to be launched



DPP Noordin Haji confers with IG Hillary Mutyambai when they visited Kahawa Law Courts.

Operations of the Anti-terrorism court at Kahawa will be properly guided and streamlined once policy guidelines and practice directions are put in place. Director of Public Prosecutions (DPP) Noordin Haji said the guidelines have already been formulated and only await validation. Speaking during a visit to the court, Haji said the policies are adopted from the

best international practice and are expected to take the operations of the court to the desired standards in managing anti-terrorism cases.

"Coordination and collaboration is important, we pledge that all serious organized crimes will come here to Kahawa Law Courts, I assure you that we will work together and ensure this place succeed," said DPP

Haji. On his part, Inspector General of Police Hillary Mutyambai proposed the establishment of anti-terrorism courts in other regions especially the North Eastern and the Rift Valley where related crimes occur. "I appeal to donors to have such a court regionally and especially in North Eastern. I am available to give support in the justice system," said IG Mutyambai.

Kiambu presiding judge Mary Kasango expressed her gratitude to all stakeholders for supporting Kahawa Law Courts as the model court for handling transnational and organized crimes matters in the country, while Kahawa Law Courts Chief Magistrate Diana Mochache lauded the development of the practice guidelines saying they will ensure effective and efficient delivery of justice at the court.



Kahawa Law Courts Chief Magistrate Diana Mochache addresses the inaugural court's Court Users Committee. CUC members present included representatives from the DPP, LSK, Prison Service, Witness Protection Unit, Anti-Narcotics Unit, Anti-terror police unit, the Kenya Police Service, Probation Services among others.



Deputy Chief Registrar of the Judiciary Paul Ndemo presides over the swearing-in ceremony of Dr Evanson Gichuki as the chairperson of the National Civil Aviation Administrative Tribunal.



Senior Principal Magistrate Joseph Were presides over the administration of Oath of Office & Secrecy for Ms. Anne Eriksson as Member of the Presidential Task Force on the Review of Power Purchase Agreements.



The Small Claims Court at Milimani now has five adjudicators after Keyne Odhiambo Gweno and Martin Njeru Mutua were sworn into office. Operationalisation of court will enhance access to justice by expanding the reach of the formal justice system to unserved areas.



Maria Mbeneka and Collins Wanderi Munyiri took Oath of Office as members of the Cooperative Tribunal and Communications and Multimedia Appeals Tribunal, respectively, before Chief Registrar of the Judiciary Anne Amadi at the Supreme Court, Nairobi.

Deputy Chief Justice Philomena Mwilu presided over the swearing-in ceremony of the selection panel team for the recruitment of IEBC Commissioners.



Four new members joined the former Attorney General Prof Githu Muigai to handle petitions and complaints arising from tendering processes for public private partnerships.



Chief Registrar of Judiciary Anne Amadi presided over the swearing-in ceremony of Dr. Jamleck Mutur as the Chairman of Teachers Service Commission (TSC) at the Supreme Court.



Dr Lydia Muriuki was sworn in as the Secretary of the Advisory Committee on the Power of Mercy at the Supreme Court.



DCJ Philomena Mwilu presided over several advocates admission ceremonies in the capacity of acting Chief Justice.

Mediation frees billions into economy



ADR Taskforce on Court Annexed Mediation chairman, Justice Fred Ochieng (seated 3rd right) with other members during the official opening of the 1st Nairobi Centre for International Arbitration - Mediation Moot Competition at the Kenya School of Law.

The Judiciary has made great strides in Alternative justice system especially in court-annexed mediation (CAM) since its establishment in 2016.

While opening the first Nairobi Centre for International Arbitration (NCIA) mediation moot competition held at the Kenya School of Law, the chairman of the National Taskforce on Mediation, Justice Fred Ochieng who was the chief guest noted that besides speeding the wheels of justice, the biggest achievement had been in helping free resources to the economy amounting to

billions of shillings. He noted that litigants seeking mediation to resolve long-standing matters were able to get assistance at registries across the country.

**“
...upcoming legal
practitioners to
embrace alternative
forms of dispute
resolution...**

He thanked NCIA whose core mandate is to promote the use of alternative forms of dispute resolution including mediation, arbitration and negotiation.

He encouraged upcoming legal practitioners to embrace alternative forms of dispute resolution when they commence their practice noting that the suspicion that had initially existed amongst legal practitioners had reduced upon the realisation that there were great opportunities for them.

He encouraged upcoming practitioners to continue participating in moot competitions, as it provided them with an opportunity to understand the mediation process and their role as mediators, to think critically about important issues, and to speak confidently. He added that such competition provided them with an opportunity to understand complex commercial disputes while expanding their personal worldview and at the same time refine their research, writing and oral advocacy skills.

He thanked NCIA for being at the forefront in supporting moot competitions that have helped build capacity of upcoming legal practitioners by providing a platform that allows participants to take part in simulated mediation and arbitration discussions that provide a broad range of opportunity for their future professional development and growth.

6000 prisoners reprieve as sentences reviewed

The National Committee on Community Service Orders (CSO) led by Justice Cecilia Githua undertook sentence reviews targeting about 6,000 prisoners who had been convicted of offences falling within the threshold of Section 3 of The Community Service Orders Act.

These are offences which attract a penalty of a maximum of three years imprisonment.

The targeted prisoners were identified by the Commissioner of Prisons as persons who had reformed and were ready for reintegration into the society.

The two-week exercise kicked off at the Kerugoya High Court and continued in other High Court Stations namely, Nyeri, Nanyuki, Nyahururu, Muranga, Garissa, Kitui, Voi, Malindi, Meru, Embu, Naivasha, Narok, Bomet, Kericho, Machakos, Bungoma, Migori, Eldoret and Mombasa.

Guided by Social inquiry reports, prepared by Probation Officers, the judges involved in the sentence reviews decongested prisons by revising sentences imposed by the lower courts. In appropriate cases



Justice Hilary Chemitei undertaking a prison review exercise at Eldoret High Court.

imposed non-custodial sentences or reduced the sentences to the period already served.

**“
The targeted prisoners ... had reformed and were ready for reintegration into the society**

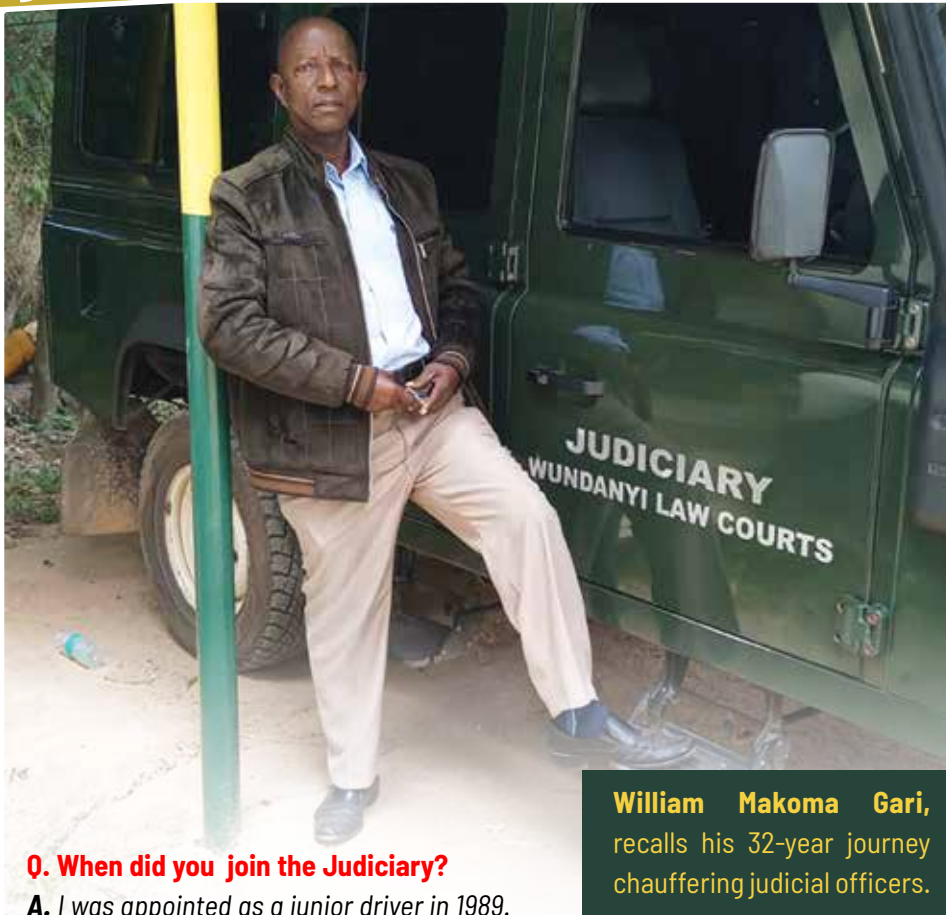
Deputy Registrars in the courts concerned were instrumental in coordinating retrieval of the lower

court files and registering revision files in readiness for the exercise.

The National Committee on Community Service Orders is a Multi Agency Committee constituted by Key stakeholders in the criminal justice chain. The Committee is charged with the responsibility of managing and ensuring effective and efficient implementation of the Community Service Orders programme in accordance with the Community Service Orders Act of 1998 (the Act).

A Community Service Order is a non-custodial sentence in which the convict provides free and unpaid labour for the benefit of the community. The convict is ordered to work in an identified work agency under the supervision of a supervisor for a term imposed by the court.

Retired Driver recalls his journey in Judiciary



William Makoma Gari, recalls his 32-year journey chauffeuring judicial officers.

Q. When did you join the Judiciary?

A. I was appointed as a junior driver in 1989.

Q. Which Court stations have you worked in?

A. My first appointment was in Kilifi, in 1996, I was posted to Mombasa, and in 2015, to Wundanyi Law Courts where I worked until retirement.

Q. What are some of the memorable moments as a driver?

A. During former Chief Justice Willy Mutunga's transformation period which motivated us as drivers in terms of salary increment.

Q. Which judicial officers were you assigned to?

A. I served Hon. Paul Mwangi Ndung'u judges; Aggrey Muchelule, Boaz Olao, Hannah Okwengu, Uniter Kidula, Lilian Mutende, Stephen Riechi and Rosemary Mutoka. Others are Isaack Orenge, Gerald Gitonga, Nicholas Njagi, David Ndungi and Emily Nyakundi.

Although I was not directly assigned to the late Chief Justice Evans Gicheru, I was his designated driver every time he visited Mombasa.

Q. What were your achievements and challenges?

A. I have raised a wonderful family and educated them to higher levels.

Q. How did you manage to balance between work and family?

A. As a driver, I would work long hours and sometimes in difficult circumstances away from my family. Luckily, my family is very understanding and learnt to cope with the nature of my work.

Q. What advice do you give to other drivers?

A. Discipline is of essence and must be upheld at all time. You must also be dedicated to your work and treat the vehicle assigned to you as though it's your personal property.

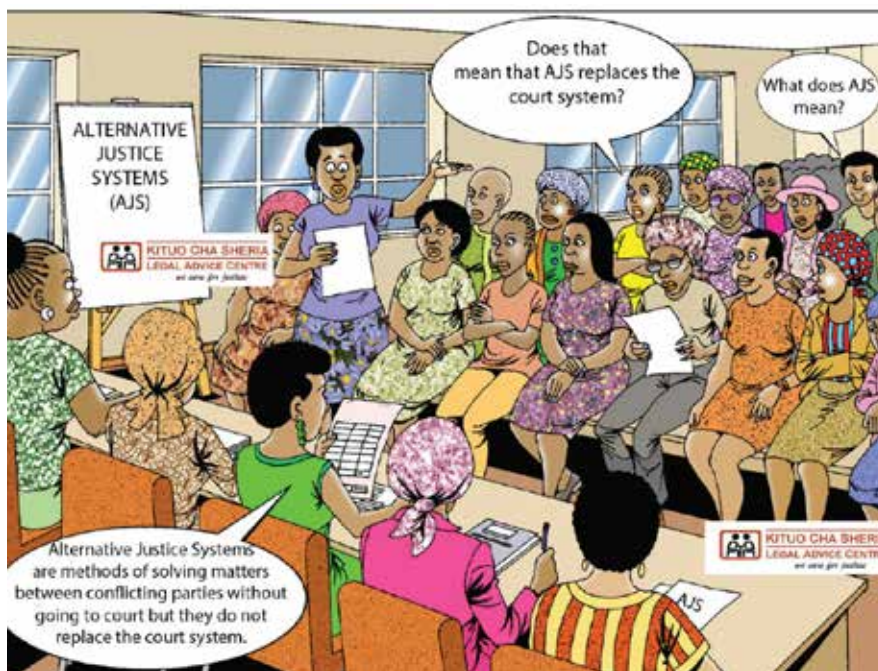
Q. What are your plans now that you have retired?

A. I have all the time to farm and expand my business.

WHAT IS AJS?

“Alternative Justice Systems (AJS) are the comprehensive organic, non-state mechanisms of laws, norms, customs, social and legal systems which govern and regulate the entire spectrum of activities and lives of individuals from birth to death. They are constituted, applied and enforced by the people themselves in their own communities. They include dispute resolution mechanisms which we call AJS mechanism which does not usually involve using state courts.”

**Hon. Justice (Prof)
Joel Ngugi
(2021)**





Chief Justice Martha Koome when she met ambassador Maarten Brouwer of the Kingdom of the Netherlands who paid her a courtesy call at the Supreme Court.



Chief Justice Martha Koome hosted a delegation from the United Nations Office in Nairobi led by the UN Director General Ms. Zainab Hawa Bangura and the UN Resident Coordinator Dr. Stephen Jackson, when they paid her a courtesy call at the Supreme Court.



Chief Justice Martha Koome with NMS Director General Mohammed Badi during a courtesy call he made at the Supreme Court.



Chief Justice Martha Koome addresses a delegation from the ODPP led by DPP Noordin Haji who paid her a courtesy call at the Supreme Court.



UK High Commissioner to Kenya Jane Marriott hosted Chief Justice Martha Koome for dinner. They discussed the UK's continued partnership with the Judiciary.



Chief Justice Martha Koome with former MP and publisher Gitobu Imanyara in her chambers.



NCIC's Rev. Samuel Kobia hands a commemorative plaque to Chief Justice Martha Koome when he paid her a courtesy call.

CJ Koome Visits Kisumu Courts

Chief Justice Martha Koome made her first tour to the Kisumu Law Courts on 2nd June, 2021, where she inspected the Registries and held meetings with the leadership and the staff at the court station.

She received a report on the status of court, case backlog and compliance of the Sustaining Judiciary Transformation.

The staff also presented her with a report on staff welfare.

The CJ later visited the Kisumu Children's Remand Home where she was received by the Permanent Secretary in the Ministry of Labour and Social Protection, Nelson Marwa.

She toured the children home which currently hosts 30 children in need of care and protection and who are in conflict with the law.

In her speech the CJ said her vision for the Judiciary will not be different from the former CJs, Dr Willy Mutunga and David Maraga.



CJ Martha Koome plants a commemorative tree when she visited Kisumu Law Courts.

"I will carry on their vision of focusing on delivery of justice. I will however, focus on the bottom-up approach by ensuring that the work done in the Magistrate court reflects up to the Supreme Court," said CJ Koome.

On matters of children, the CJ said she was honoured to start her work as CJ by visiting a children's home.

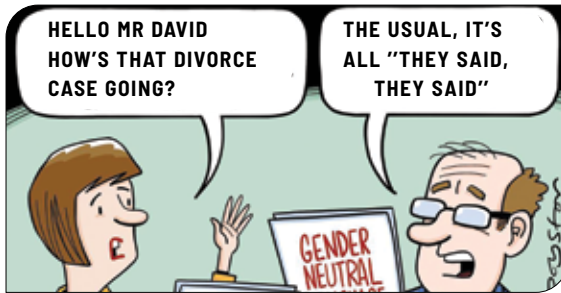
"I am very proud and protective of children, and as your Chief Justice, my prayer is that children should not be in the justice system but in proper homes and in the care of the community"

The Home serves 11 courts in Kisumu, Siaya and Vihiga counties

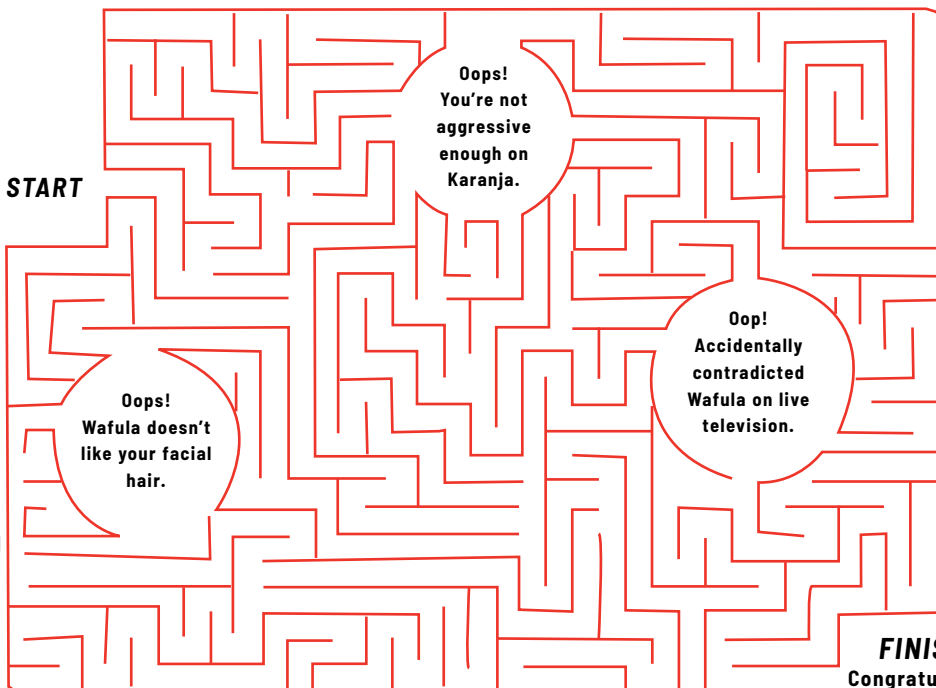
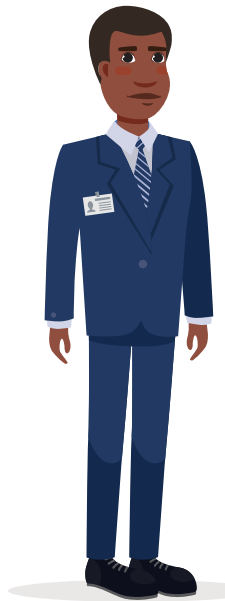
by providing custody for children in conflict with the law.

The children home also acts as a temporary holding unit for children pending placement and those destined to rehabilitation.

The CJ was accompanied by the Chief Registrar of the Judiciary Anne Amadi, Kisumu Presiding Judge Fred Ochieng, chair of Kenya Magistrates and Judges Association Judge Jacqueline Kamau, Chief Magistrate Peter Gesora among others. Also present were representatives from the Department of Children Services.



HELP WAFULA'S LAWYER NAVIGATE HIS LEGAL DEFENSE AND WIN JUDICIARY MERCHANDISE



Chief Justice **Martha Koome**



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