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REPUBLIC OF KENYA



STATE OF THE JUDICIARY AND THE ADMINISTRATION OF JUSTICE

Annual Report
2023/2024



Social Transformation
through Access to Justice



A portrait of a woman with dark hair in a braid, wearing glasses and a red and black judicial robe with a white lace collar. She is smiling and looking towards the camera. The background is a dark, paneled door.

I am pleased to present the State of the Judiciary and the Administration of Justice (SOJAR) Report for the Financial Year 2023/24. While the Judiciary is a constitutionally independent institution, we recognise the constitutional obligation to be transparent and accountable in our service to the public. Towards this end, this report offers a comprehensive account of the Judiciary's performance over the past financial year. It provides the public, Parliament, and other stakeholders with valuable insights into our achievements, challenges, and ongoing efforts to ensure that the administration of justice is responsive to the justice needs of Kenyans.



Throughout the past year, we have made significant strides towards embedding a culture of excellence within the Judiciary. Notably, we recorded a Case Clearance Rate of 99%, with 516,121 cases filed compared to 509,664 cases resolved during the financial year. This commendable achievement underscores our sustained efforts to enhance the efficiency and timeliness of case resolution, ensuring that justice is delivered expeditiously.

In our quest to widen the avenues of access to justice, we have made important headway in expanding the Judiciary's footprint across the country. Our target of establishing a High Court and Courts of Equal Status in every county is nearly complete, with the High Court now present in 46 out of 47 counties. We also ended the financial year with 140 Magistrates' Courts operating nationwide. Additionally, the Small Claims Court continues to grow, with 27 courts established during the year. The Small Claims Court's 60-day timeline for determination of cases and simplified procedures have led to a remarkable increase in filings, demonstrating the public's confidence in its efficiency. Further, initiatives such as Mahakama Popote and mobile courts have been crucial in extending our reach to underserved regions, reinforcing our commitment to deepening access to justice.

In line with our multi-door approach to justice, we inaugurated nine Court Annexed Mediation Registries during the year, offering a faster, less adversarial, and often more cost-effective

alternative to traditional court processes. We also established eight Alternative Justice Systems (AJS) *ukumbi* suites and launched AJS County Action Plans in four counties, integrating traditional and community-based conflict resolution mechanisms into the formal justice system. These innovations demonstrate our commitment to delivering justice that is not only timely and efficient but also inclusive and responsive to the diverse needs of Kenyans across the country.

One of our highest priorities remains the digital transformation of court operations. During the past year, we achieved a major milestone by transitioning all court stations to e-filing, a critical step towards optimizing the use of technology in judicial processes and contributing to our environmental sustainability goals. We are also in the process of rolling out transcription services in courts nationwide, as well as implementing an Enterprise Resource Planning (ERP) system to streamline our administrative functions.

Despite these advancements, the Judiciary continues to face significant challenges, particularly with respect to adequate funding. Our current resource allocation does not meet the growing demands of the institution. Emerging issues, such as the security and safety of judicial personnel and court infrastructure, have introduced additional resource needs. Furthermore, the psychological toll on our judicial personnel, who are often required to

adjudicate distressing cases, underscores the urgent need for a comprehensive wellness and stress-management programmes. Given that the security, safety and wellbeing of our personnel is paramount to the effective functioning of the Judiciary, we continue to call for allocation of additional resources necessary to implement these crucial support systems.

The FY2023/24 SOJAR Report highlights that, while we have made considerable progress, there remains much more to be done. The systems we have put in place are yielding positive outcomes, as evidenced by improved performance across the Judiciary. I extend my gratitude to the Judges, Judicial Officers, and staff for their dedication and hard work, which have been instrumental in driving these successes. I also wish to thank the people of Kenya for their continued support as we work tirelessly to deliver justice that is expeditious, effective, and fair.

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



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EXECUTIVE SUMMARY

This report outlines the Judiciary's achievements over the 2023/2024 Financial Year in its commitment to establishing a people-centred justice system. It is the inaugural report focused on the STAJ Blueprint, launched during the year, which aims to create an independent, efficient, accessible and responsive institution that meets the needs of all Kenyans, particularly the vulnerable and marginalised.

Caseload

In the year, **516,121** new cases were filed and **509,664 resolved**, achieving an overall case clearance rate (CCR) of 99 per cent. Criminal cases made up 57 per cent of total filings, showing a **3 per cent decrease** from the previous year. In contrast, civil cases **increased by 3 per cent**, continuing a four-year growth trend. The courts improved efficiency, with a **14 per cent increase in resolved criminal cases and a 32 per cent rise** in civil cases, leading to a reduction in the case backlog. However, pending cases rose by 1.2 per cent from 625,643 to 649,310, particularly affecting the Supreme Court, Court of Appeal, Magistrates' Courts, and Small Claims Courts. Notably, the overall case backlog decreased by 10 per cent, with significant reductions in the backlog for the ELRC, ELC, Tribunals, and Kadhis' Courts.

Leveraging Technology

The Judiciary made significant progress in utilising technology to enhance access to justice and improve service delivery. Key advancements included the nationwide implementation of the e-filing system, the Case Tracking System (CTS) expansion, and the digitisation of court records. Additionally, the Judiciary introduced systems such as the Management Dashboard and Enterprise Resource Planning (ERP) system to improve data-driven decision-making and streamline administrative functions. Investments in ICT infrastructure, including connectivity to the National Optical Fiber Backbone Infrastructure (NOFBI) and upgrades to the Local Area Network (LAN), further strengthened the reliability of the Judiciary's digital platforms.

Access to Justice

The Judiciary made significant improvements in access to justice through the establishment and upgrading of various courts and tribunals nationwide. Five new High Court stations were established, bringing the **total number of counties with a High Court to 46**. Three new divisions of the Employment and Labour Relations Court were established in Nairobi, while 3 additional Environment and Land Court stations were established, increasing the total to 40. Additionally, three new Magistrates Courts were established, raising the total to 137 operational courts across the country. 57 mobile courts were operationalised, reducing the average distance to access these courts to 80 km. A total of 27 Small Claims Courts were established and two tribunals transited from the Executive to Judiciary.

Human Capital Development

The Judiciary promoted 2,290 employees and implemented new staff welfare policies. It operated at 68 per cent of its approved establishment. Gender distribution showed 58 per cent male judges, with greater female representation among magistrates. Persons with disabilities made up only 2 per cent of the workforce, below the 5 per cent institutional target. Judges, Judicial Officers, and staff received professional training, while over 3,000 law students benefited from attachment and pupillage opportunities. The Judiciary also enhanced employee welfare through expanded medical insurance and psychosocial support. Operational efficiency was boosted with the acquisition of 56 vehicles.

Financial Resource Management

From FY 2021/22 to FY 2023/24, the Judiciary faced a persistent funding shortfall, with gaps of 48 per cent , 47 per cent , and 48 per cent each year. It consistently received less than 1% of the National Government Budget, significantly below the recommended 3 per cent , limiting its operations. The allocated KSh22.42 billion, being exceedingly below the required budget of KSh43.17 billion. Budget absorption improved to 96 per cent , but pending bills increased to KSh331.92 million (recurrent) and KSh410.01 million (development). Revenue rose from KSh2.65 billion to KSh2.97 billion, driven by improved case management and automation. Although the Judiciary made significant progress in enhancing access to justice, reducing case backlog and expanding its infrastructure, it requires adequate funding, staffing and further infrastructural development to sustain and enhance these efforts.

Transparency and Accountability

In terms of accountability, the Judiciary received 1,115 complaints, with 93 per cent resolved, mostly related to judicial misconduct. Disciplinary actions were taken against judges, magistrates, and staff, ranging from reinstatements to dismissals. The Judiciary achieved an overall performance rating of 97.26 per cent and 92 per cent of staff were appraised, with an average performance score of 96.1 per cent. Audits were conducted at 26 court stations, 4 tribunals and through 12 system audits and 27 follow-up audits to improve operations and controls. Anti-corruption efforts focused on implementing recommendations from the Corruption Risk Assessment Report, particularly in registry operations and staff capacity building.

Jurisprudence

There was notable emerging social justice jurisprudence from the courts and for the first time, documentation of the growing demosprudence from the Alternative Justice System (AJS).



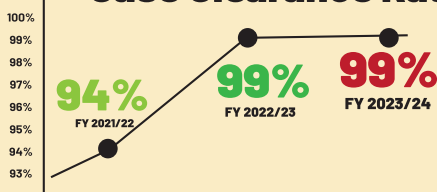


FY 2023/24

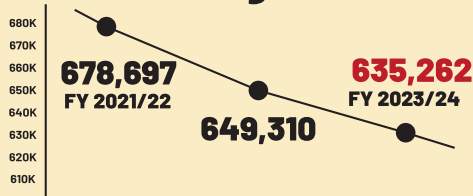
THE JUDICIARY

REDUCING CASE BACKLOG

Case Clearance Rate

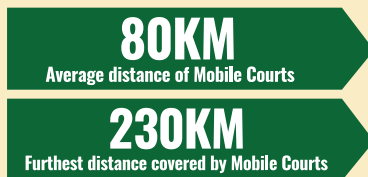
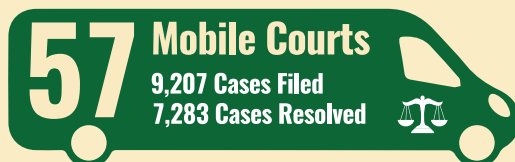


Pending Cases



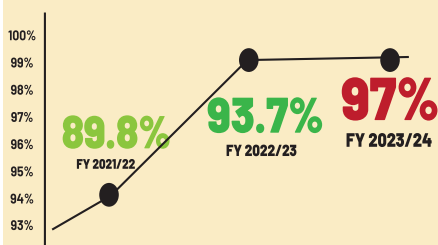
10%
Decrease in
Backlog

EXPANDING DOORWAYS OF JUSTICE

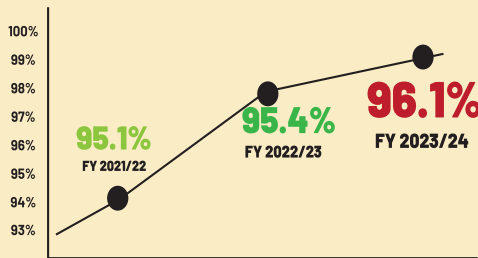


EXCELLENCE IN SERVICE DELIVERY

97% Overall Institutional Performance



96.1% Average Individual Performance

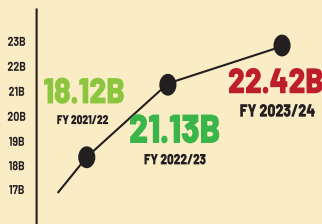


AT A GLANCE

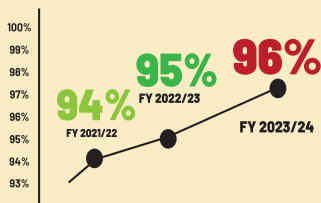


STRENGTHENED FINANCIAL MECHANISMS

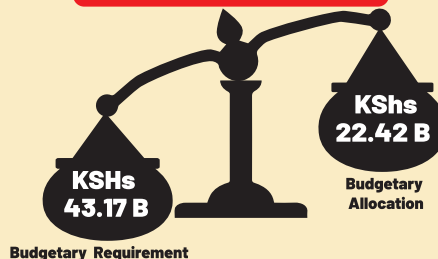
Budgetary Allocation



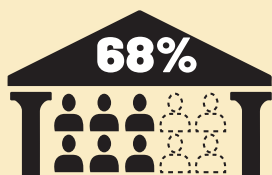
Absorption Rate



Budgetary Deficit
KShs 20.75 B



OPTIMAL STAFFING



Overall Staff Complement

Increase
64% → 68%

FY 2022/23

FY 2023/24

Increase
FY 2022/23
41% → 48%
of approved
establishment
for Judges
& Magistrates

Optimal Establishment 80%

ACCOUNTABILITY IN THE JUDICIARY

1115 → 93%
Complaints & Inquiries Resolved

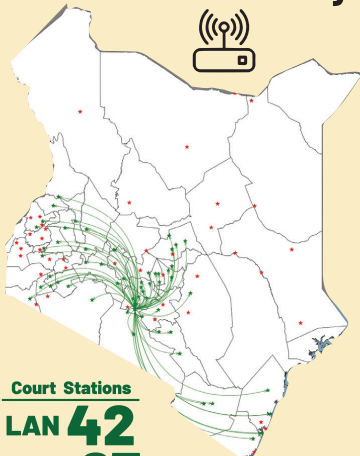
141 → 70
Complaints Against Judges Concluded

7 → 3
Disciplinary Cases Against Judicial Officers Concluded

116 → 51
Disciplinary Cases Against Staff Concluded

LEVERAGING TECHNOLOGY FOR DELIVERY OF JUSTICE

Internet connectivity



E-FILING in all courts

100%

Mahakama Digitisation Programme

325,651 files scanned
1,040 Jobs for Young Kenyans

1,672

records scanned and uploaded
to the Sexual Offender
Electronic Register

GREEN JUSTICE



Social Transformation
through Access to Justice

THE JUDICIARY LEADERSHIP



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



Hon. Lady Justice Philomena Mbete Mwilu, MGH
Deputy Chief Justice & Vice President of the Supreme Court



Hon. Winfridah Boyani Mokaya
Chief Registrar of the Judiciary



GOVERNANCE AND STRATEGY

Court Structure and Leadership

Supreme Court: Kenya's apex court with mandate to handle presidential election petitions and appeals from the Court of Appeal on constitutional issues and matters of general public importance. Headed by the Chief Justice as President and deputised by the Deputy Chief Justice as Vice President.

Court of Appeal: Handles appeals from the High Court, the Employment and Labour Relations Court and the Environment and Land Court. Headed by the President of the Court.

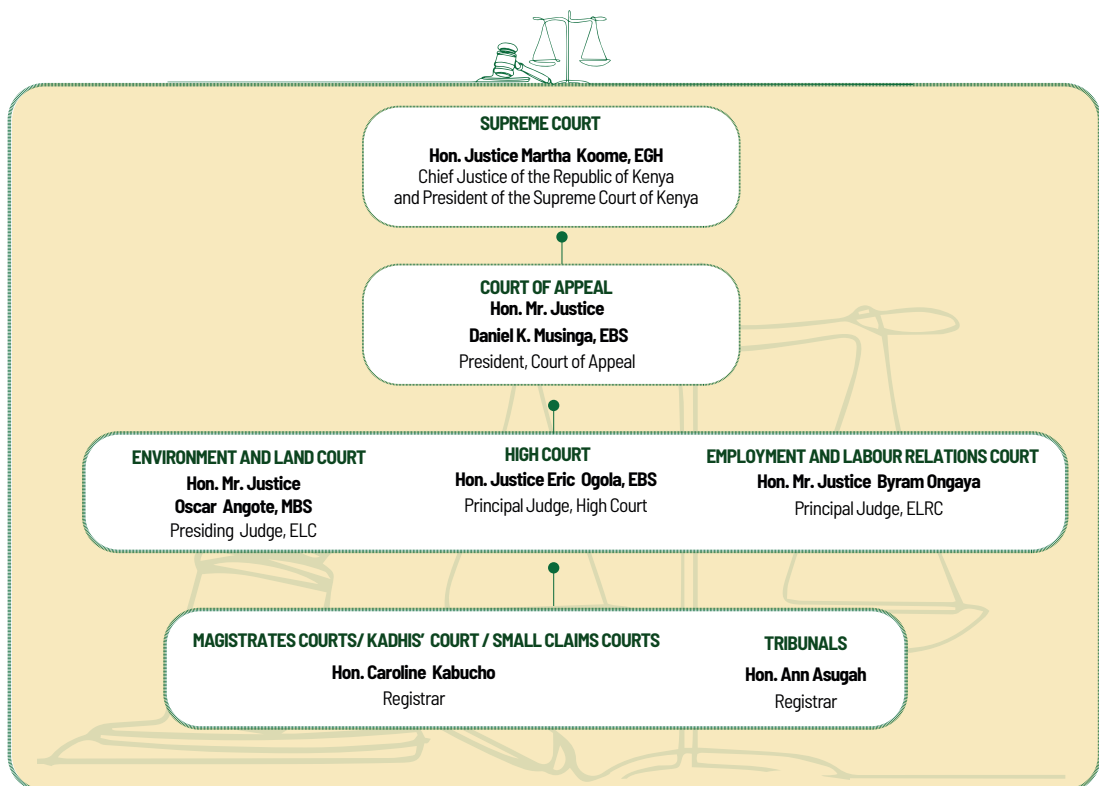
High Court: Possesses unlimited original jurisdiction over civil and criminal matters, and jurisdiction to enforce the Constitution and the

Bill of Rights. Headed by Principal Judge.

Employment and Labour Relations Court (ELRC): Handles employment-related disputes. Headed by Principal Judge.

Environment and Land Court (ELC): Addresses environmental and land issues, with supervisory authority over lower courts. Headed by Presiding Judge.

Subordinate Courts: Includes Magistrates' Courts, Kadhis' Courts, Courts Martial, Small Claims Courts and Tribunals, each with distinct jurisdictional powers. The Registrar Magistrates Court coordinates Magistrates Courts, Small Claims Courts, and Kadhis Courts while the Registrar Tribunals coordinates Tribunals.



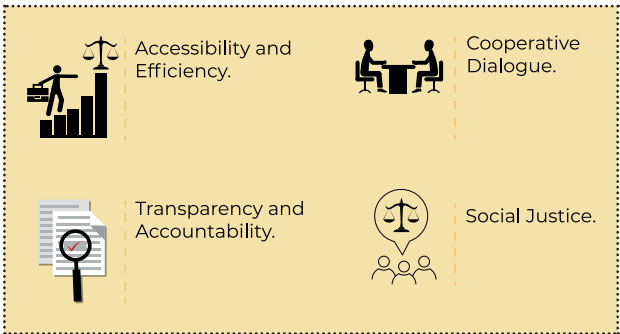
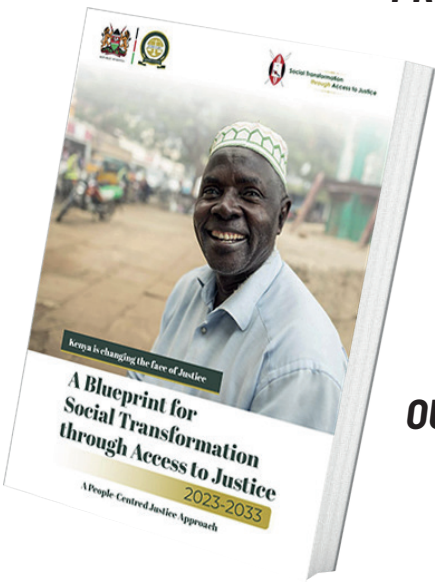
Strategic Framework

Judiciary launched the Social Transformation through Access to Justice (STAJ) Blueprint which aims to strengthen judicial independence and accessibility, focusing on social justice and community engagement. The STAJ Blueprint envisions an independent, efficient, accessible, and responsive Judiciary that serves as a true guardian of the rule of law in Kenya. Beyond adjudicating disputes, the Judiciary promotes social harmony and facilitates community dialogue.

This framework is guided by the principles of **accessibility, transparency, inclusiveness, dialogue**, and social justice and seeks to achieve five key outcomes.

Supporting this vision, the Chief Registrar’s Roadmap for Action (the Road Ahead) serves as a strategic tool to implement the Blueprint, with a focus on institutional efficiency, access to justice, and advocating for full government funding.

STAJ
PRINCIPLES



STAJ
OUTCOMES



Key Strategic Focus Areas

Digital Transformation: As part of its commitment to automation, the Judiciary continues to expand existing technologies and deploy new ones, leveraging on emerging technologies such as Artificial Intelligence for convenience and efficiency in the administration of justice.

E-FILING SYSTEM

- Enables court users to file documents conveniently in any court station from their computers
- Court users can also track the progress of cases
- Piloted in Courts in Nairobi in July 2020
- Rolled out to all courts nationwide in March 2024
- Following this nationwide roll out, number of user accounts increased from 7,152 to 51,729

CASE TRACKING SYSTEM

- An internal system which automated registry operations that include case registration, fee assessments, cause list preparation, court orders generation and performance reports
- The system also aids courts in tracking cases, managing schedules and facilitating communication among court personnel
- System upgraded during the year to enable automatic allocation of mention dates in Magistrates Courts and High Courts
- Another upgrade mandated uploading of court decisions, thus giving court users instant access to decisions

COURT RECORDING SOLUTION

- Enables recording and transcription of court sessions for faster access to proceedings for judgment writing by judges and judicial officers, and appeal by litigants
- 729,775 pages transcribed

VIDEO CONFERENCING SOLUTION

- Television screens and cameras that facilitate better audio-visual interaction between courts and litigants during virtual court sessions
- 29 courts equipped with video conference kits

CAUSE LISTS PORTAL

- Unveiled in March 2024
- A one-stop shop for cause lists, notices and virtual court links for all courts
- Generated automatically from the Case Tracking System the cause list is up to date and accurate

MONTHLY RETURNS PORTAL

- Automates the submission of returns from Judges and Judicial Officers to facilitate performance measurement

MANAGEMENT DASHBOARD

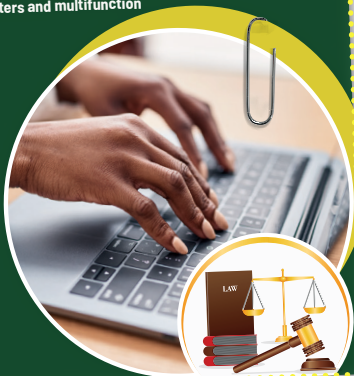
- Unveiled in March 2024
- A centralized interactive tool that provides real-time snapshot of the Judiciary's Key Performance Indicators
- Enables the Judiciary leadership to quickly review performance for data-driven decision-making

ICT EQUIPMENT

- 878 new pieces of ICT equipment procured and distributed to courts during the year to support automation
- These include laptops, desktop computers and multifunction printers

INTERNET CONNECTIVITY

- Local Area Network deployed in 42 stations
- Fibre installation to link 67 courts to the National Optical Fibre Backbone Infrastructure (NOFBI)



Security Enhancements:

The Judiciary has prioritised enhancing security measures following recent incidents that exposed vulnerabilities affecting the safety of judges, judicial officers, staff, and other court users.



Makadara Law Courts staff pay their last respects during the Judiciary National Day of Mourning for the late Hon Monica Kivuti at the Makadara Law Courts on June 18, 2024



Alternative Forms of Dispute Resolution: Continued emphasis on mediation and traditional dispute resolution mechanisms as legitimate and effective methods of settling disputes away from the courts.

Cooperative Dialogue: As a commitment to fostering cooperative dialogue, the Judiciary actively engaged with key stakeholders at national, regional, and global levels.

a. International and Regional Engagements

The Judiciary continued to build knowledge and distil best practices through international and regional engagements. These engagements improve capacity and strengthen judicial partnerships domestically, regionally and internationally.



Judges of the Environment and Land Court in conversation with a delegation from the Supreme People's Court of China who visited the Kenya Judiciary on November 7, 2023.



Court of Appeal President Daniel Musinga and Court of Appeal ICT staff demonstrate the functioning of virtual courts to a delegation from the Somali Judiciary led by Somali Supreme Court Judge Ibrahim Dhiblawe on June 11, 2024.

b. National and County Government Engagements

The primary objective of engagements with the national government involved ensuring sufficient resources for the Judiciary to support initiatives that improve access to justice. Interactions with the County government focused on infrastructural obstacles that have hindered the full realisation of the right to access justice, particularly the provision of necessary facilities and acquisition of land for the construction of court premises.



Chief Justice Martha Koome joined by Court of Appeal Judge Grace Ngenye and Chief Registrar Anne Amadi moments after she presented the Draft Penal Code (Amendment) Bill 2023 and the Draft Criminal Procedure Code (Amendment) Bill 2023 to the Speaker of the National Assembly Moses Wetangula on October 19, 2023.

c. Collaborations with Development Partners and the Civil Society: During the year, collaborations with civil society and development partners reinforced the Judiciary’s commitment to transparency and social justice.

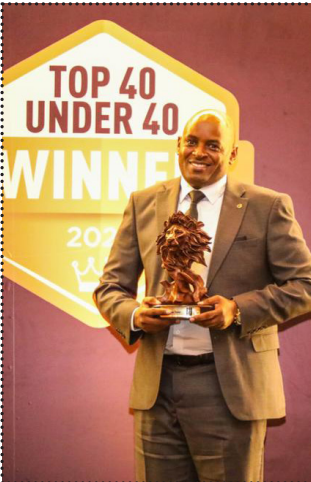


Chief Justice Martha Koome holds discussions with United States Ambassador Meg Whitman on strengthening partnerships between the Judiciary and US-funded Agencies on February 13, 2024.

Recognition and Awards: The Judiciary’s commitment to excellence was underscored by numerous accolades for innovative court operations.



Former President of Tanzania H.E. Jakaya Kikwete presents the African Female Leader of the Year Award 2023 to Chief Justice Martha Koome at the Africa Leadership Magazine Persons of the Year Awards Ceremony in Addis Ababa, Ethiopia, on March 16, 2024.



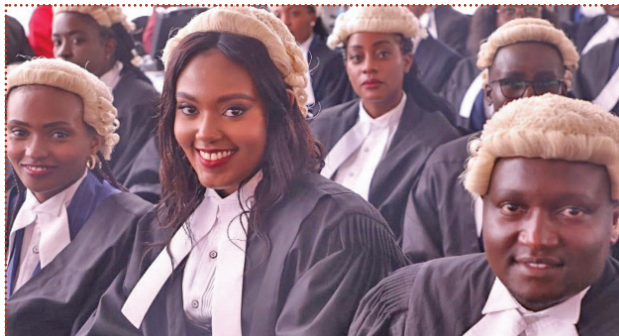
Milimani Children’s Court Resident Magistrate Festus Terer was feted by Business Daily as one of the top 40 men under 40 years on December 13, 2023.



High Court Principal Judge Eric Ogola congratulates JSC Commissioner and High Court Judge David Majanja for being awarded Judge of the Year by LSK Nairobi Branch on March 13, 2024.

Ceremonial Duties

The Chief Justice admitted 1,124 new advocates whose entry into the profession will go a long way into expanding legal services and access to justice by the public. The Judiciary also presided over the administration of the Oath of Office to numerous persons who were appointed to constitutional and statutory offices, as well as government task forces.



561 Advocates admitted to the bar on November 23, 2023. A total of 1,124 Advocates joined the bar during the year. The Chief Registrar of the Judiciary also issued 18,291 annual practising certificates to Advocates through the Judiciary Advocates Management System

ACCESS TO JUSTICE

Initiatives to Enhance Access to Justice

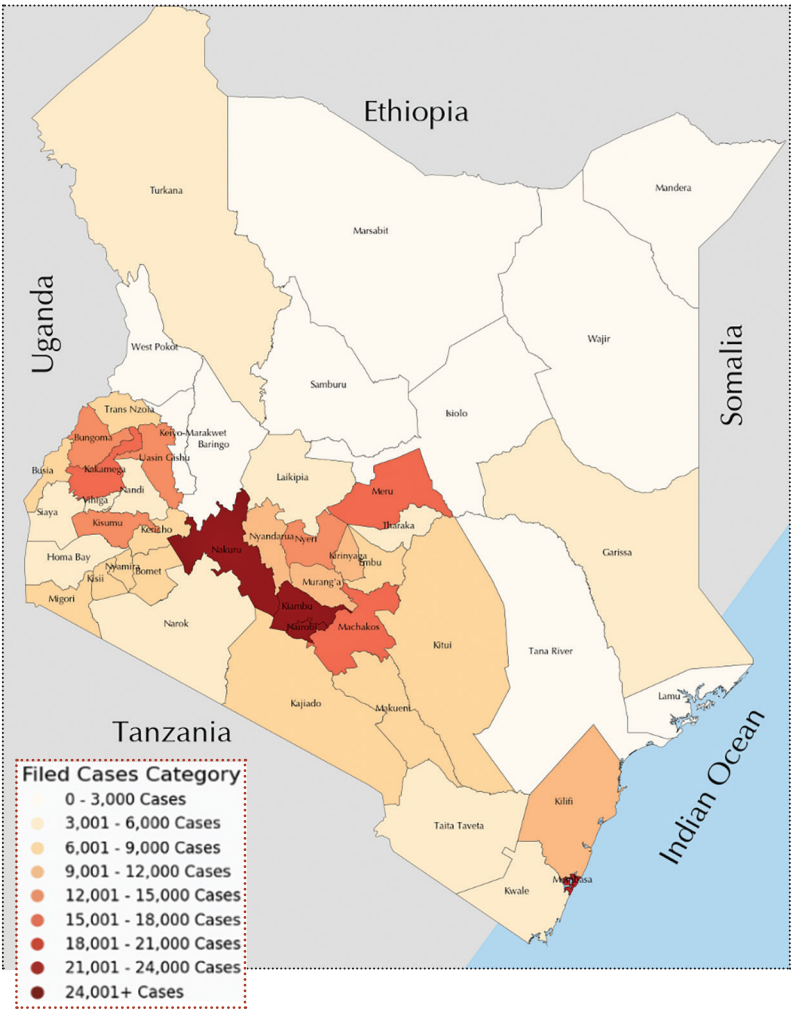
- **High Court:** Five High Court stations were established in Isiolo, Thika, Kibera, Nyandarua and Kwale, raising the number of High Court stations to 46 in 42 Counties. The Counties of Nakuru, Kiambu, Nairobi and Laikipia now have two High Court stations each.
- **Employment and Labour Relations Court:** Three Divisions of the Court were created in Nairobi – Appeals, Claims and Labour Relations and Judicial Review and Labour Rights Division and a Sub-registry in Voi.
- **Environment and Land Court:** Three Stations of the Court were established in Nyandarua, Voi and Naivasha. This brings the total number of ELC stations to 40. A sub-registry was also established in Lodwar.
- **Magistrates Court:** Port Victoria, Malaba and Etago were upgraded from Mobile Courts to fully-fledged courts, raising the total number of Magistrates Courts to 140.
- **Mobile Courts:** 57 mobile courts were operated in areas where litigants have to cover vast distances or difficult terrain to access judicial services. The farthest mobile court was held more than 230 km from its parent station.
- **Small Claims Court:** 27 Small Claims Courts were established in Busia, Chuka, Dadaab, Embu, Garissa, Kakuma, Kericho, Kerugoya, Kisii, Kitale, Kitui, Lamu, Loitoktok, Makindu, Malaba, Malindi, Mandera, Migori, Moyale, Murang'a, Nanyuki, Narok, Ruiru, Siaya, Taveta, Vo, and Wajir. As the list shows, there was deliberate focus on border towns to ensure Small Claims Courts can facilitate cross-border trade in line with the Judiciary's commitment to deploy access to justice as a tool of economic transformation.
- **Tribunals:** The Capital Markets Tribunal and the National Examinations Appeals Tribunal transited to the Judiciary during the year. With this transition, 26 Tribunals now operate under the Judiciary. Additionally, Tribunals sub-registries were established in Embu and Kisumu to provide shared services to Tribunals.

Key Backlog Reduction Initiatives:

Circuits: 107 circuits were held across Courts and Tribunals, where 4,829 cases were resolved.

Mahakama Popote Initiative: An initiative through which Judicial Officers are deployed to resolve cases across the country regardless of the court station in which a case is filed. This is achieved through virtual courts and the e-filing system, and enables the Judiciary to optimise its limited human capital. During the year, 7,665 cases were handled through Mahakama Popote Initiative, with 6,269 cases resolved, translating to a case clearance rate of 79%.

Children National Service Month: In November each year, the Judiciary and other stakeholders in the justice system collaborate to prioritize the resolution of matters concerning children, with special attention to cases that have been in the judicial system for more than one year. In November 2023, some 2,095 cases involving minors were resolved. 478 of these were cases that had been in the judicial system for between 1-3 years while 448 cases had been in the system for more than three years.



Filed Cases Per County: More than 50% of all cases were filed in 11 counties - Nairobi City, Kiambu, Nakuru, Mombasa, Meru, Machakos, Kakamega, Uasin Gishu, Bungoma, Kisumu, and Nyeri with Nairobi leading at 110,374 new cases. Rural Counties registered significantly fewer cases, often due to lower population density.



516,121 cases

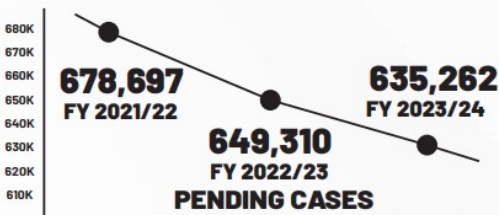
The number of cases that were filed within the financial year.

292,138 were criminal cases while **223,983** were civil cases



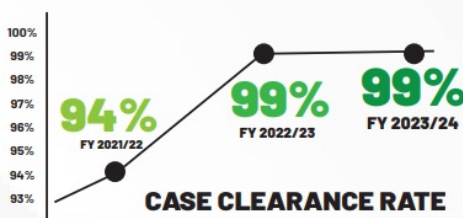
509,664 cases

The number of cases concluded during the financial year comprises **262,918 (52%)** criminal cases and **246,746 (48%)** civil cases



10%

Reduction of Case Backlog



Case backlog reduced from **272,678** at the start of the year to **244,267** cases

Case Backlog are matters that remain unresolved within established timeframes. The timeframes may be established by statutes or performance standards.

Case Clearance Rate is the number of cases resolved during a year as a percentage of the total number of cases filed during the same period.

JURISPRUDENCE

During the year, Kenyan Courts resolved 509,662 cases. Using select cases from each of the courts, the SOJAR Report highlights the manner in which the courts dealt with numerous legal questions that arose during the year. For the first time, the report examines how courts are engaging with traditional dispute resolution mechanisms by highlighting cases in which the courts adopted agreements reached out of court.

- **The Supreme Court** provided key guidelines on safeguarding the best interests of children facing criminal charges and compensation for violations of fundamental rights. It also ruled that a letter of allotment does not confer a transferable title to land, thereby offering guidance to those involved in land transactions.
- In settling a burial dispute that reached the Court during the year, the **Court of Appeal** held that customs and religious practices do not override the burial rights of the person with the closest legal and familial ties to the deceased. It also set out standards for hospitals to respect maternal healthcare rights, affirming that every woman is entitled to dignified maternal care during childbirth as part of her socio-economic rights under Article 43 of the Constitution. This aspect of the right to health is immediately realisable and not subject to progressive implementation. Furthermore, the Court held that in Kenya, life imprisonment means imprisonment for 30 years, not the convict's natural life.
- **The High Court** established the "last seen alive" doctrine as an exception to the presumption of innocence. It held that hotels owe a duty of care to visitors by providing adequate security to prevent third-party attacks. Additionally, it ruled that prisoners and detainees have a right to attend the burials of close family members when possible. The Court also declared out-of-court settlements in sexual violence cases unconstitutional and affirmed cultural rights by holding that "*Muratina*" is not an illicit brew, permitting the *Agikuyu* to prepare and consume it as part of their traditions. Moreover, it upheld the need for diversity in public office recruitment in compliance with constitutional mandates on regional and ethnic balance.
- **The Employment and Labour Relations Court** held that resignation due to workplace sexual harassment amounts to constructive dismissal. It further held that termination of employment based on HIV status constitutes unlawful discrimination. Additionally, the Court determined that an employer cannot use the same allegations for further disciplinary action after surcharging an employee.
- **The Environment and Land Court** held that a leasehold title acquired through a corrupt scheme is impeachable. It also held that a Land Adjudication Officer cannot cancel a declaration of an adjudication section once it has been published.



- Select cases from Subordinate Courts include one in which a **Magistrate's Courts** reached a finding in an inquest that the last person to inflict a fatal injury is responsible for the death, regardless of the victim's actions.
- A **Kadhi's Court** ruled that land ownership must first be determined by the Magistrates' Court before the Kadhi's Court distributes the estate among the rightful beneficiaries.
- **The HIV and AIDS Tribunal** held that HIV testing without informed consent, as well as pre-and post-test counselling, violates the law. The Standards Tribunal held that the Kenya Bureau of Standards retains the

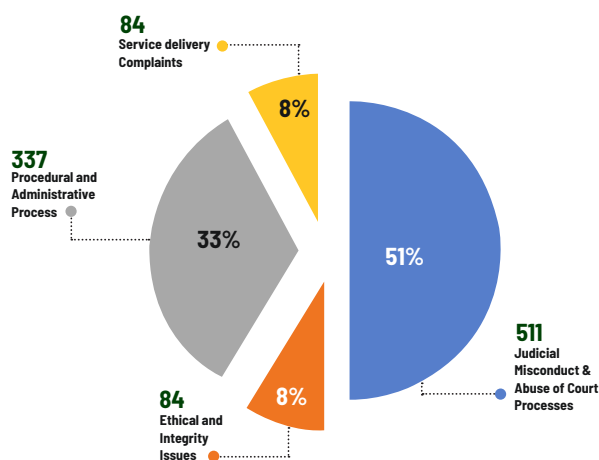
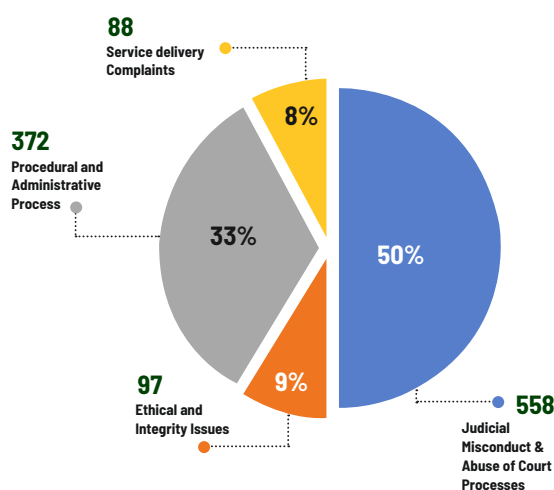
authority to test goods for compliance, even after a certificate of compliance is issued at the port of origin. The Tax Appeals Tribunal held that income from the offshore disposal of a stake is subject to corporation tax in Kenya.

- Courts increasingly adopted decisions made through traditional justice mechanisms and implemented them as court judgments. In one case, a Magistrate's Court directed the Probation and Aftercare Service to collaborate with traditional dispute resolution mechanisms to promote peaceful neighbourly relations and prevent further conflict when sentencing individuals to probation.

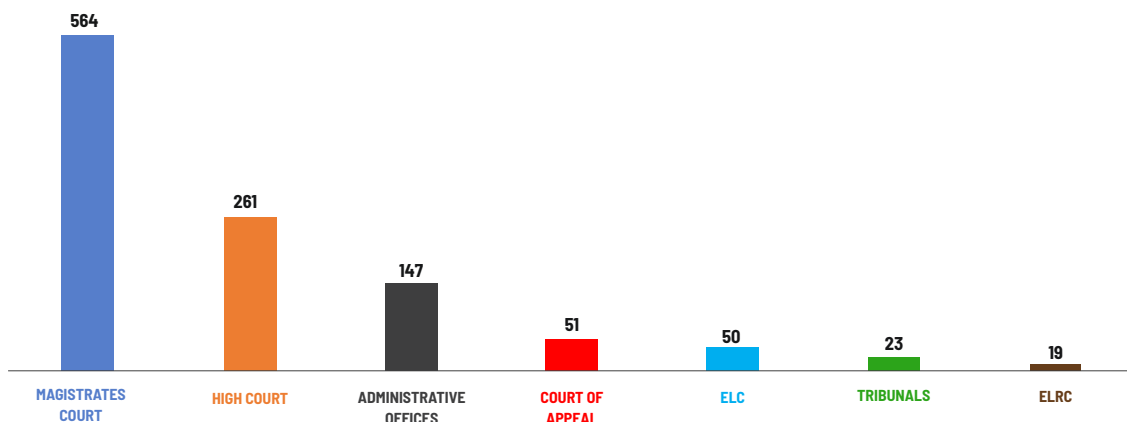
ACCOUNTABILITY IN THE JUDICIARY

Complaints Management

- 1,115 complaints were received, which was a decline from the 1,212 complaints that were received in the previous year. Additionally, 331 complaints were carried forward from the previous year, bringing the total number of complaints during the year to 1,446.
- Of these, 1,347 complaints were determined, resulting in a resolution rate of 93 per cent.



Classification of Complaints by Respondent



Petitions against Judges

PARTICULARS	NO OF PETITIONS
Petitions brought forward from FY2022/23	41
Petitions received during the year	100
Total petitions handled	141
Petitions concluded	70
Petitions carried forward	71

Disciplinary Cases against Magistrates and Kadhis

PARTICULARS	FY 2023/24
Number of discipline cases processed	10
Number concluded by JSC	3
Number concluded by the CJ	2
Number pending	5

Disciplinary Cases against Staff

A total of 51 cases were finalised, accounting for 43.9 per cent; while 65 remained pending, representing 56.03 per cent of the overall cases.

S/NO	DISCIPLINARY OFFENCE	NUMBER OF STAFF INVOLVED	PERCENTAGE
1	Absence from Duty	58	49.6%
2	Soliciting and receiving a bribe	11	9.6%
3	Arraigned in Court for Criminal Charges	9	7.8%
4	Financial Malpractice	7	6.1%



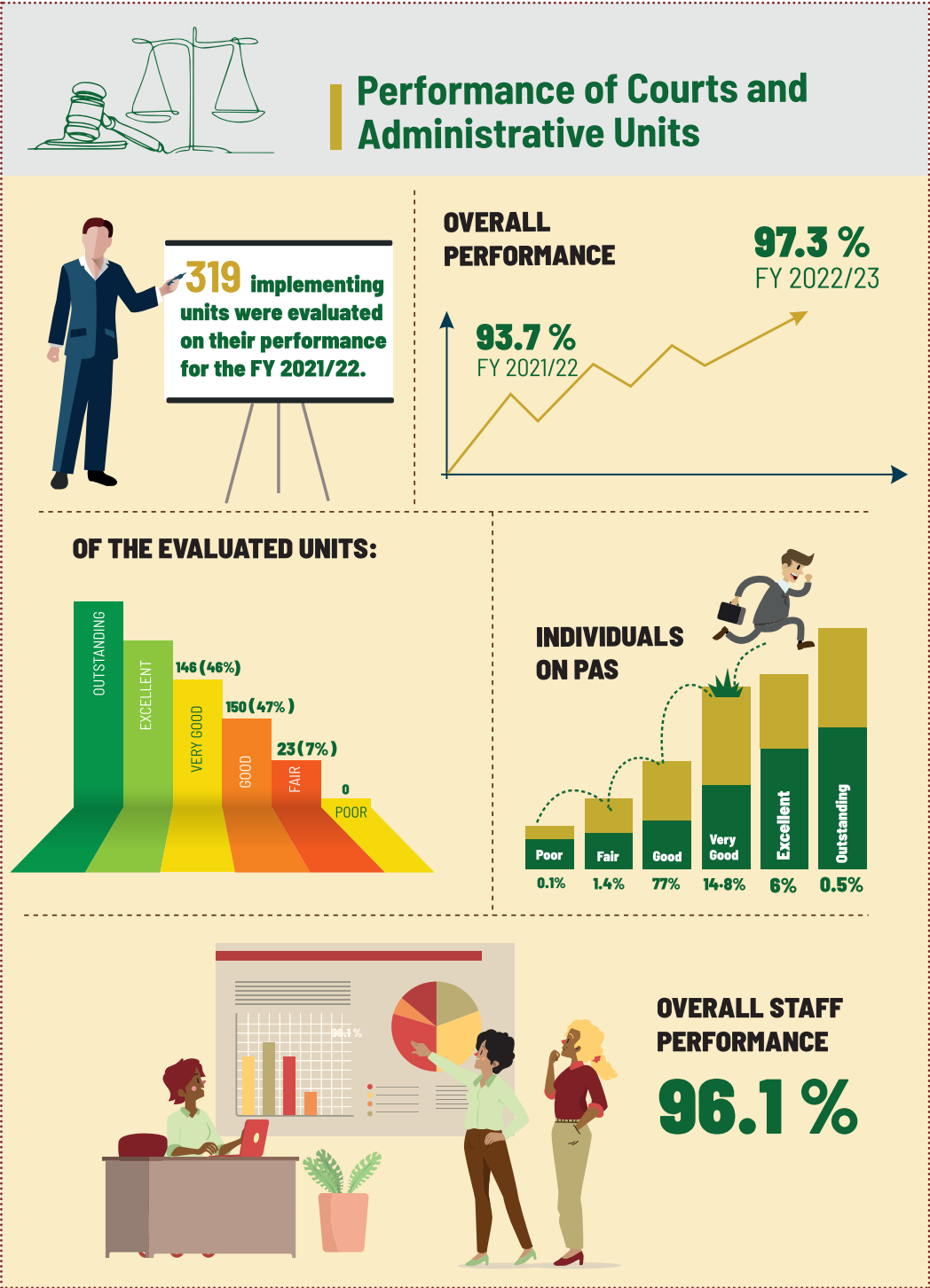
S/NO	DISCIPLINARY OFFENCE	NUMBER OF STAFF INVOLVED	PERCENTAGE
5	Negligence of duty	6	5.2%
6	Sexual Harassment	6	5.2%
7	Improper handling of matters relating to Judiciary & work negligence	3	2.6%
8	Loss of exhibits	3	2.6%
9	Abuse of Office	2	1.7%
10	Falsifying of Judicial Documents	2	1.7%
11	Fraud	2	1.7%
12	Intoxication during working hours	2	1.7%
13	Loss of File	2	1.7%
14	Use of Abusive Language	2	1.7%
15	Insubordination	1	0.9%
Total		116	100%

Performance of Courts and Administrative Units

The Judiciary implements a robust performance contracting system to promote efficient service delivery and accountability of its workforce. Performance contracts signed by courts and administrative units are known as Performance

Management and Measurement Understandings (PMMUs) while those signed by individuals are known as Performance Appraisal System (PAS). The individual Performance Appraisal System PAS seeks to cascade the PMMUs and measure the individual's contribution towards the attainment of the Judiciary's goals.

A detailed report on the performance of the Judiciary was unveiled by the Chief Justice on 26th July 2024. Some highlights of the report are presented below.



Financial Reporting and Compliance Mechanisms

- *Internal Audit and Risk Management:* The Judiciary Internal Audit & Risk Management Directorate conducted audits in 26 court stations and four Tribunals. The Directorate also audited 12 system audits. These audits
- **External Audit:** In keeping with the Public Finance Management Act, the Judiciary's financial statements were audited by the Auditor General.

HUMAN CAPITAL DEVELOPMENT



His Excellency President William Ruto with the Judiciary Leadership Team led by Chief Justice Martha Koome during the swearing in of 20 Judges of the High Court who joined the Judiciary on May 14, 2024 at State House, Nairobi

Staffing:

- The Judiciary recruited 957 employees during the year. 469 of the new employees were male, with 488 females.
- Those appointed include 20 High Court Judges, 4 Tribunal Members, 119 Judicial Officers and 814 Judicial Staff.
- The Judiciary had **7,077** employees which translates to **68%** of the approved establishment of 10,388.
- **Gender:** out of the 7,077 staff members, 3,487 (49%) are male while 3,560 (50%) are females, complying with Constitutional gender requirements.
- **Disability:** 2% of the Judiciary's total workforce comprises persons living with disabilities. This percentage is reflected across the Judges, Judicial Officers and Staff.
- **Age:** The largest proportion of judges, 33.82%, falls within the 55-59 age group, while the Magistracy age concentration is in the 40-44 age category. Most staff are under the age of 40, with a significant number below 30 years.

Human Capital

DESIGNATION	APPROVED ESTABLISHMENT	IN POST - FY2022 2023/	IN POST - FY 2023 / 2024			OF OPTIMAL % STAFFING
			MALE	FEMALE	TOTAL	
Supreme Court Judges	7	7	4	3	7	100%
Court of Appeal Judges	70	29	19	10	29	41%
High Court Judges	200	79	54	44	98	49%
ELC Judges	63	53	31	21	52	83%
ELRC Judges	48	21	13	8	21	44%
Sub-total (Judges)	388	189	121	86	207	53%
Chief Magistrate	80	58	46	27	73	91%
Senior Principal Magistrate	160	71	55	36	91	57%
Principal Magistrate	240	226	74	106	180	75%
Senior Resident Magistrate	400	103	28	64	92	23%
Resident Magistrate	320	65	39	95	134	42%
Sub-total (Magistrates)	1200	523	242	328	570	48%
Chief Kadhi	1	0	1	0	1	100%
Senior Principal Kadhi	8	8	6		6	75%
Principal Kadhi	22	22	22		22	100%
Senior Resident Kadhi	19	19	18		18	95%
Resident Kadhi	15	0	0	0	0	0%
Sub-total (Kadhis)	65	49	47	0	47	72%
CRJ & DCRJ	2	2	1	1	2	100%
Registrars	14	9	2	7	9	64%
Senior Principal Deputy Registrar	8	1	1	0	1	13%
Principal Deputy Registrar	17	0	0	0	0	0%
Senior Deputy Registrar	96	0	0	0	0	0%
Deputy Registrar	141	0	0	0	0	0%
Assistant Registrar	150	0	8	8	16	11%
Sub-total (Registrars)	428	12	12	16	28	7%
Law Clerks/Legal Researchers	666	169	30	140	170	26%
Tribunal Members	155	125	103	49	152	98%
Advisory Services	16	16	9	4	13	81%
Judicial Staff	7,470	5,579	2,953	2,937	5890	79%
GRAND TOTAL	10,388	6,662	3,517	3,560	7,077	68%

Continuous Judiciary Education:

Information and Communications Technology:

20 judges, 7 judicial officers, and 3 tribunal members completed a cybercrime and electronic evidence course. Additionally, 19 judges and 38 judicial officers received training on mobile technology and emerging digital issues, while 51 judicial officers underwent cybercrime and electronic evidence training.

Anti-Money Laundering: 30 Judges and 41 Judicial Officers received training on combating money laundering, corruption and economic crimes.

Alternative Justice Systems (AJS): 7 Supreme Court judges, 22 Court of Appeal judges, 18 judges from the Employment and Labour Relations Court, and 43 Kadhis received training on Alternative Justice Systems.

Children and Gender Matters: 74 Magistrates received training in Online Child Sexual Exploitation and Abuse (OCSEA), Child-Centred Approach, Victim-Centred Approach and Self-Care for Magistrates Handling Children and SGBV Matters.

Judgement Writing and Active Case Management: 50 Kadhis were trained on Judgement writing skills, active case management and management of courts.

Tax: 26 Judges and 8 Registrars from the Commercial and Tax Division of the High Court received training on adjudicating tax-related disputes.

Counter-Terrorism: 28 judges and 27 judicial officers participated in Counter-Terrorism training.

Company Law and Insolvency: 24 judges from the Court of Appeal, 9 judges from the Commercial and Tax Division, 11 judicial officers, and 6 legal researchers participated in insolvency and company law training to enhance their understanding and application of consumer protection measures and update them on emerging issues within the sector.

Human Rights Instruments: 77 legal researchers were trained on utilising regional and international human rights instruments to promote and protect the rights of women and girls.

Electoral Dispute Resolution (EDR) Debriefs: 29 Court of Appeal Judges, 40 High Court Judges and 40 Magistrates and Deputy Registrars who were gazetted to handle election petitions held debrief sessions on the adjudication of election petitions.

Colloquiums, Conferences and Symposiums

Some of the conferences held during the year include the Annual Judges' Colloquium, the Employment and Labour Relations Court Conference, the 3rd Annual Alternative Justice Systems Conference, the Small Claims Court Symposium and Africa Regional Dialogue on Adjudicating Transnational Organised Crime (TOC) and Illicit Financial Flows (IFF).



Conducive Work Environment: An Employee Protection Unit (EPU) was established within the Office of the Chief Justice to ensure confidential handling of sexual harassment complaints.

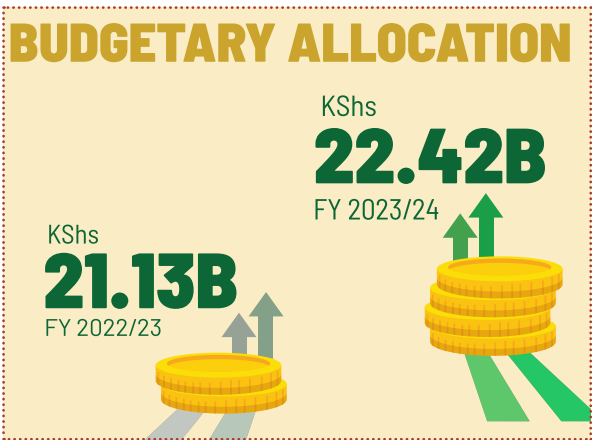
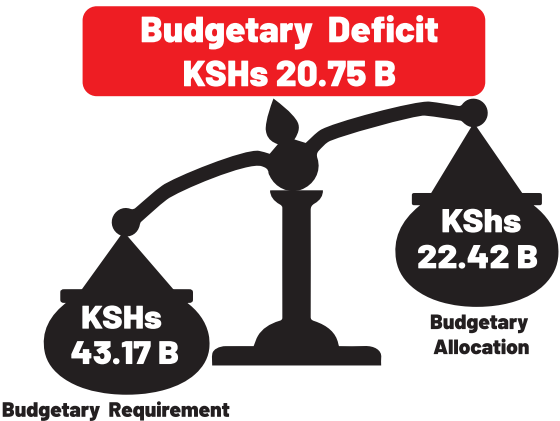
RESOURCE MOBILISATION AND UTILISATION

In its second year operations, The National Treasury provided the Judiciary with access to the budget on a half-year basis through the Judiciary Fund, allowing for better prioritisation of financial resources.

The Judiciary received an allocation of KSh22.42 billion in FY 2023/24. This is an increase from KSh18.56 billion in FY 2021/22 to KSh21.13 billion in FY 2022/23 and further to KSh22.42 billion in FY 2023/24.

For the past three financial years, the Judiciary has consistently received less than 0.92% of the National Government Budget—significantly below the recommended 3%. This perennial underfunding, especially when compared to the allocations for other co-equal arms of government, has substantially undermined the Judiciary’s efficiency, financial independence, and operational autonomy.

Resource Requirement, Allocation and Expenditure/Absorption



Category	Resource Requirements	Allocation		Gap%	Budget Expenditure	Budget % Arbsoption
		Allocation	Funding Gap			
Recurrent	35.81	21.02	14.79	41%	20.70	98%
Development	7.36	1.40	5.96	81%	0.93	66%
Overall	43.17	22.42	20.75	48%	21.63	96%

- The overall budget absorption was 96%, with the recurrent budget at 98% and the development budget at 66%.
- Comparatively, the Judiciary received 0.92% of the National Government Budget, while Parliament was allocated 1.7%, and the Executive received 97.38%.
- Pending bills at the end of the year amounted to KSh821.63 million.

Revenue and Deposits

- Revenue collection amounted to KSh2.94 billion, comprising fines and fees of KSh1.46 billion and KSh1.19 billion, respectively.
- The Court deposits held at the close of the year amounted to KSh8.43 billion.

Partnerships

During the reporting period, the Judiciary received critical support from development

partners towards enhancing access to justice and the realisation of the people centred justice objectives under the STAJ Blueprint.

The Judiciary partnered with the European Union through the Programme for Legal Empowerment and Aid Delivery (PLEAD) implemented by the United Nations Office on Drugs and Crime (UNODC); Konrad Adenauer Stiftung (KAS), Food and Agriculture Organisation (FAO) of the United Nations, International Development Law Organisation (IDLO); and the United Nations Development Programme (UNDP).

Areas supported are the development of guidelines and operation manuals, automation and technology support, training and capacity building, facilitation of conferences and symposiums and supporting greening Justice initiatives in the Judiciary.

EMERGING ISSUES AND KEY POLICY RECOMMENDATIONS

S/N	THEMATIC AREA	EMERGING ISSUE	KEY POLICY RECOMMENDATIONS	ACTORS
1.	Resourcing	Inadequate financing to support the realisation of a people-centered justice system envisioned in the STAJ Blueprint	Provide sufficient financing for the implementation and cascading of a people-centered justice culture change programme Authorise the Judiciary to spend revenue at source through Appropriations in Aid	Judicial Service Commission Judiciary The National Treasury and Economic Planning The National Assembly
		Rising case backlog occasioned by, among other things, low Judicial Officer to caseload ratio, and steady growth in the number of filed cases from 402,243 in FY2017/18 to 516,121 in FY2023/24	Allocate resources for the recruitment of Judges, Judicial Officers and critical cadres of judicial staff to increase the human resource complement to at least 80 per cent of the approved establishment	
		Inability to optimise use of ICT to enhance access to justice, caused by low internet connectivity in Courts in marginalised areas, and lack of training of Judiciary personnel on use of ICT	Enhance budget allocation to cater for internet connectivity for Courts in marginalised and far-flung areas, and for training of Judicial Officers and staff on ICT	

S/N	THEMATIC AREA	EMERGING ISSUE	KEY POLICY RECOMMENDATIONS	ACTORS
2.	County Government revenue arising from court fines	Delay to fully implement the objectives of the Special Purpose Account created by The National Treasury for the collection of court fines emanating from contravention of County Government legislation	Judiciary to configure its revenue collection systems to isolate fines emanating from county matters for ease of accounting and submission to the Special Purpose Account at the Central Bank of Kenya	Judiciary
3.	Security of Judiciary infrastructure and safety of personnel	Rise in the frequency and severity of physical attacks on Judiciary personnel Increased incidences of intrusion in court premises, vandalism and theft of Judiciary property	Implement the report and recommendations of the Judiciary Security Committee	Judiciary National Assembly Ministry of Interior and Coordination of National Government The National Treasury and Economic Planning Kenya Judiciary Academy
4.	Access to Justice	High and rising caseload per adjudicator at the Small Claims Court leading to burnout and non-compliance with Statutory timelines High number of appeals at the High Court from Small Claims Courts Non-compliance with the Children Act on establishment of Children's Court Lack of specialised courts in marginalised and far-flung areas Low uptake and use of ADR in dispute resolution Rising case backlog at the Court of Appeal	Hire adjudicators commensurate with the current caseload at the Small Claims Court, and matching with the rapidly rising caseload Enhance the capacity of Judiciary HRMD to provide psycho-social support to Judiciary personnel Law reform on the resolution of small claims and appeals emanating from Small Claims Courts Recruit a Registrar of the Children Court in accordance with the provisions of the Children Act Establish child friendly court infrastructure for the Children Court Train and build capacity for judicial officers and staff to be deployed to the Children Court Allocate resources for establishment of specialised courts in marginalised and far-flung areas Create awareness and sensitization to encourage uptake of ADR Allocate resources for payment of mediator fees Allocate resource to facilitate AJS programs Allocate resources for establishment of mediation suites and <i>Ukumbi</i> AJS suites Allocate resources for to hire additional Court of Appeal Judges to raise the number to at least 70% of the statutory establishment	Judiciary National Assembly The National Treasury and Economic Planning Kenya Judiciary Academy



S/N	THEMATIC AREA	EMERGING ISSUE	KEY POLICY RECOMMENDATIONS	ACTORS
5.	Automation and ICT	Lack of interoperability and integration of information systems of actors across the justice chain	Revitalise discussions by actors in the justice chain to ensure the interoperability and integration of the various information systems run by the different actors Prioritise automation of justice sector agencies Develop policy and legal framework for e-justice	The Judiciary NCAJ The National Treasury and Economic Planning The National Assembly
6.	Legal and Policy Reform	Delay in enactment of the Tribunals Bill	Expedite enactment of a legal framework to facilitate transition of Tribunals to the Judiciary and their management within the institution	Judiciary The National Assembly The National Treasury and Economic Planning
		Insufficient legal framework to address the unique features of the Judiciary Fund to enable full implementation and safeguard the financial autonomy of the Judiciary as envisaged in the Constitution	Fast Track the amendment of relevant laws, including the PFM Act, Judiciary Fund Act and Regulations, and the Judicial Service Act to enhance efficiency and effectiveness of the Judiciary Fund.	Office of the Hon Attorney General Kenya Law Reform Commission
		Need to review the Judiciary Organisational Structure to address emerging needs in courts and administrative offices	Review the Judiciary Organisational Structure and establishment to address the identified and emerging needs in courts and administrative offices with priority being given to the development and approval of ELRC and ELC establishments, review of Magistrates courts and Kadhis courts establishments as well as Office of the Chief Justice structure and establishment	
7.	Leadership and Governance within the Judiciary	Lack of a clear structure for communication and coordination between various units Insufficient structures to fully support the principle of shared leadership	Amend the Judicial Service Act to align with the Constitution on the mandate of the Judiciary vis-a-vis the Judicial Service Commission. Establish a clear structure for communication, coordination, reporting and accountability across all Judiciary governance structures from CUCs, LMTs, Standing Committees, the Judiciary Management Team, the Judiciary Management Committee and the Judiciary Leadership Team. Update the Judiciary's Organisation Review Report to reflect the principle of shared leadership. Develop mechanisms for command and control during times of emergency and crises.	The Judiciary Judicial Service Commission The National Assembly

Ripoti hii inaelezea maendeleo ya Idara ya Mahakama katika mwaka wa kifedha wa 2023/2024 na mipango mbalimbali kuelekea watu inayolenga haki. Hii ni ripoti ya kwanza inayolenga mpango wa Mabadiliko ya Kijamii kupitia Upatikanaji wa Haki (Social Transformation through Access to Justice - STAJ) uliozinduliwa Novemba mwaka wa 2023 na ambao unalenga kuendeleza kazi ya kuunda taasisi huru, yenye ufanisi na yenye kuzingatia mahitaji ya Wakenya wote hasa wale walio katika mazingira magumu na waliotengwa.

Takwimu za Kesi

Mwaka huu, kesi mpya 516,121 zilifunguliwa na 509,664 kutatuliwa, kufikia kiwango cha jumla cha kumaliza kesi cha asilimia 99. Kesi za jinai zilihesabu asilimia 57 ya jumla ya kesi zilizofunguliwa, zikionyesha kupungua kidogo kwa asilimia 3 kulingana na mwaka uliopita.

Juhudi za Kutumia Teknolojia

Mahakama ilifanya maendeleo makubwa katika utumizi wa teknolojia kuboresha upatikanaji wa haki na kuimarisha huduma. Maendeleo muhimu yalijumuisha utekelezaji wa mfumo wa kufungua kesi kielektroniki (e-filing) kote nchini, upanuzi wa mfumo wa ufuatiliaji wa kesi (CTS), na uwekaji tarakimu ya rekodi za mahakama (transcription).

Aidha, Mahakama ilianzisha mifumo kama vile Dashibodi ya Usimamizi (Management Dashboard) na Mfumo wa Usimamizi wa Rasilimali (ERP) ili kuboresha maamuzi yanayotegemea takwimu na kurahisisha kazi na uwajibikaji. Uwekezaji katika miundombinu ya teknolojia, ikiwa ni pamoja na uunganisho wa Miundombinu ya Nyuzi za Mwangaza ya Kitaifa (NOFBI) na maboresho ya Mtandao wa Eneo (LAN), uliongeza uaminifu wa majukwaa ya kidijitali ya Mahakama.

Kupanua Milango ya Haki

Kuboresha upatikanaji wa haki, Mahakama ilianzisha na kuendeleza mahakama mbalimbali kote nchini. Vituo vitano vipya vya Mahakama Kuu vilianzishwa, na kufanya kaunti zilizo na Mahakama Kuu kufikia 46. Idara tatu mpya za Mahakama ya Ajira na Mahusiano ya Kazi ziliundwa jijini Nairobi, huku vituo vingine vitatu vya Mahakama ya Mazingira na Ardhi vikianzishwa, na kuongeza idadi kufikia 40. Zaidi ya hayo, Mahakama tatu mpya za Hakimu zilianzishwa, na kufikisha jumla ya mahakama zinazofanya kazi kufikia 137. Mahakama 57 za kutembelea maeneo ya mbali na yaliyotengwa zilianzishwa, na kupunguza umbali wa wastani wa kufikia mahakama hizi hadi kilomita 80. Jumla ya Mahakama za Madai Madogo 27 ziliundwa na mpito wa mahakama mbili maalum za utawala kutoka kwa mkono wa utendaji wa serikali kadi kwenye mkono wa idara ya mahakama kukamilika.



Maendeleo ya Rasilimali ya Wafanyakazi kwenye Idara ya Mahakama

Mahakama ilipandisha vyeo wafanyakazi 2,290 na kutekeleza sera mpya za ustawi wa wafanyakazi. Usambazaji wa jinsia ulionyesha asilimia 58 ya majaji wa kiume, huku uwakilishi wa wanawake ukiwa mkubwa zaidi kati ya mahakimu. Watu wenye ulemavu walihesabu asilimia 2 tu ya wafanyakazi, chini ya lengo la kisheria la asilimia 5. Majaji, Maafisa wa Mahakama, na wafanyakazi walipata mafunzo ya kitaaluma, huku zaidi ya wanafunzi 3,000 wa sheria wakinufaika na fursa za mafunzo ya utenda kazi. Mahakama pia iliboresha ustawi wa wafanyakazi kupitia bima ya afya iliyopanuliwa na msaada wa kisaikolojia. Ufanisi wa utenda kazi uliongezeka kupitia ununuzi wa magari 56 kuimarisha usafiri.

Usimamizi wa Rasilimali za Kifedha

Kuanzia mwaka wa fedha 2021/22 hadi 2023/24, Mahakama ilikabiliwa na upungufu wa fedha wa asilimia 48, asilimia 47, na asilimia 48 miaka mitatu mfululizo. Idara ya Mahakama ilipokea chini ya asilimia 0.92 ya Bajeti ya Serikali Kuu, ambayo ni chini ya asilimia inayopendekezwa ya asilimia 3. Upungufu huu uliathiri shughuli za Mahakama. Bajeti inayohitajika ya shilingi 43.17 bilioni inazidi kwa kiasi kikubwa ile iliyotengwa ya shilingi 22.42 bilioni, ikiacha upungufu wa fedha wa shilingi 20.75 bilioni.

Utumizi wa bajeti umeimarika hadi asilimia 96. Mapato yameongezeka kutoka shilingi 2.65 bilioni hadi 2.97 bilioni, kutokana na uboreshaji wa usimamizi wa kesi kutumia teknolojia. Ingawa Mahakama imefanya maendeleo makubwa katika kuimarisha upatikanaji wa haki, kupunguza mrundikano wa kesi na kupanua miundombinu yake, inahitaji ufadhili wa kutosha, wafanyakazi na maendeleo zaidi ya ujenzi ili kudumisha na kuimarisha juhudi hizi.

Uwazi na Uwajibikaji

Katika suala la uwajibikaji, Mahakama ilipokea malalamiko 1,115, ambapo asilimia 93 yalitathminiwa, hasa yanayohusiana utovu wa nidhamu kazini. Mahakama ilipata kiwango cha jumla cha asilimia 97.26 katika tathmini ya utendaji na wastani wa asilimia 96.1 kulingana na wafanyakazi waliotathminiwa. Juhudi za kupambana na ufisadi zililenga kutekeleza mapendekezo kutoka kwa Ripoti ya Tathmini ya Hatari ya Ufisadi, hasa katika operesheni za usajili na usimamizi wa wafanyakazi.

Sheria

Ripoti hii inaonyesha jinsi mahakama mbali mbali zilivyoindua sheria mpya za kulinda haki za kijamii. Kwa mara ya kwanza, tume ya mahakama imeripoti hati za kuongezeka kwa maafikiano kutoka kwa Mifumo Mbadala za Haki.



“

I recognize the efforts by the Judiciary in making this system a reality. I recall when I joined JSC 5 years ago, the subject of digitization was difficult to have, but now we gather here to mark the countrywide launch of Efiling.”

**Macharia Njeru,
Former JSC VC Person**



“

Technology has made distant court stations seem closer, bridging the gap on the Judiciary's plan to upscale access to justice and effectively transforming our societies.”

**Mwaura Kabata,
LSK Vice President**



“

I congratulate the Judiciary for the e-filing system particularly applauding your ICT team for developing a custom-made system that meets the unique needs of court users.”

**H.E. Abdulswamad Nassir,
Governor of Mombasa**



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